From Foreign Relations to Foreign Policy: Transformation of the Kurdish de Facto State into an Independent Foreign Policy Actor

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Abstract

In 1991, following its defeat in the Second Gulf War and as a response to the international humanitarian protectionist umbrella provided to the three Kurdish-population governorates in Northern Iraq, the Government of Iraq (GOI) under Saddam Hussein centrally seceded from the area. The vacuum that ensued was soon filled by the leadership of the Iraqi Kurdistan Front (KNA) and soon a de facto state resurrected from the ashes of destruction besieging Iraqi Kurdistan for many decades.

Hence, the precarious existence of what came to be known as the Kurdistan Region of Iraq (KRI) in a highly challenging geopolitical environment and the strategic imperative of preserving the de facto independence of the entity forced the Kurdish leadership to give high priority to building foreign relations and pursuit of foreign policy. Foreign policy as a political activity is of paramount importance to all actors including sovereign states to preserve and promote their national interests. The practice of foreign policy, however, is particularly acute for de facto states. As internationally non-recognized entities, the international system of sovereign states is often skeptical if not hostile to engage in foreign relations with de facto states. Yet, projection of foreign policy and building foreign relations is extremely vital for the continued survival and consolidation of de facto states.

By exploring the case of the KRI as a case of de facto statehood, this research argues that, *mutatis mutandis*, de facto states can pursue independent foreign policies. By identifying major transitions in the KRI, this thesis seeks to better explain

foreign policy determinants, objectives and instruments of implementation of foreign policies of the KRI. In doing so, this thesis further seeks to contribute to the analysis of de facto statehood in general, and to contribute to the study of the KRI as the case of de facto statehood in the Middle East region.

Acknowledgment

This research could not have been completed without the generous support of numerous people, to whom I owe a great debt. First and foremost, I would like to thank my supervisor, Professor Gareth Stansfield, for his support throughout the process of writing this thesis. It has been an honour for me to work under the guidance and supervision of a world-renowned authority on the politics of Kurdistan, Iraq and the Middle East region. His guidance, insights and comments, as well as his dedication and openness, have been crucial in turning my thoughts and findings into this thesis. I would also like to thank Ms Zoe Humble for her consistent and friendly administrative assistance throughout this long and solitary journey.

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List of Acronyms

ADM	Assyrian Democratic Movement
AKP	Adalet ve Kalkınma Partisi: Justice and Development Party (Turkey)
AKSA	Association of Kurdish Student abroad
BCM	Billion Cubic Meter
COR	Council of Representatives of Iraq
CPA	Coalition Provincial Authority
DFR	KRG Department of Foreign Relations
ECHO	European Community Humanitarian Organization
ERS	Electoral Reform Society
FAO	UN Food and Agriculture Organization
FDI	Foreign Direct Investment
FGM	Female Genital Mutilation
GOI	Government of Iraq
IGC	Iraqi Governing Council
IIG	Iraq Interim Government
IKF	Iraqi Kurdistan Front
IMIK	The Islamic Movement of Iraqi Kurdistan
INA	Iraqi National Accord

INC	Iraqi National Congress
INSI	Iraqi National Intelligence Service
IO	International Organizations
IOM	International Office of Migration
IRI	International Republican Institute
ISF	Iraqi Security Forces
KDP	Kurdistan Democratic Party
KDP-I	Kurdistan Democratic Party-Iran
KNA	Kurdistan National Assembly
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq
KSSE	Kurdish Student Society Europe
OFFP	Oil-For-Food Programme
OIF	Operation Iraqi Freedom
OPC	Operation Provide Comfort
ORHA	Office of Reconstruction and Humanitarian Assistance
PJAK	Kurdistan Free Life Party- Iran
PKK	Kurdistan’s Workers Party
PMF	Peace Monitoring Force

PUK	Patriotic Union of Kurdistan
SCIRI	Supreme Council for the Islamic Revolution in Iraq
SOFA	Status of Forces Agreement
TCM	Trillion Cubic Meter
UAE	United Arab Emirates
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNOCHI	UN Office of the Humanitarian Coordinator in Iraq
UNSC	United Nations Security Council
USA	United States of America
USSR	Union of Socialist Soviet Republics

Map

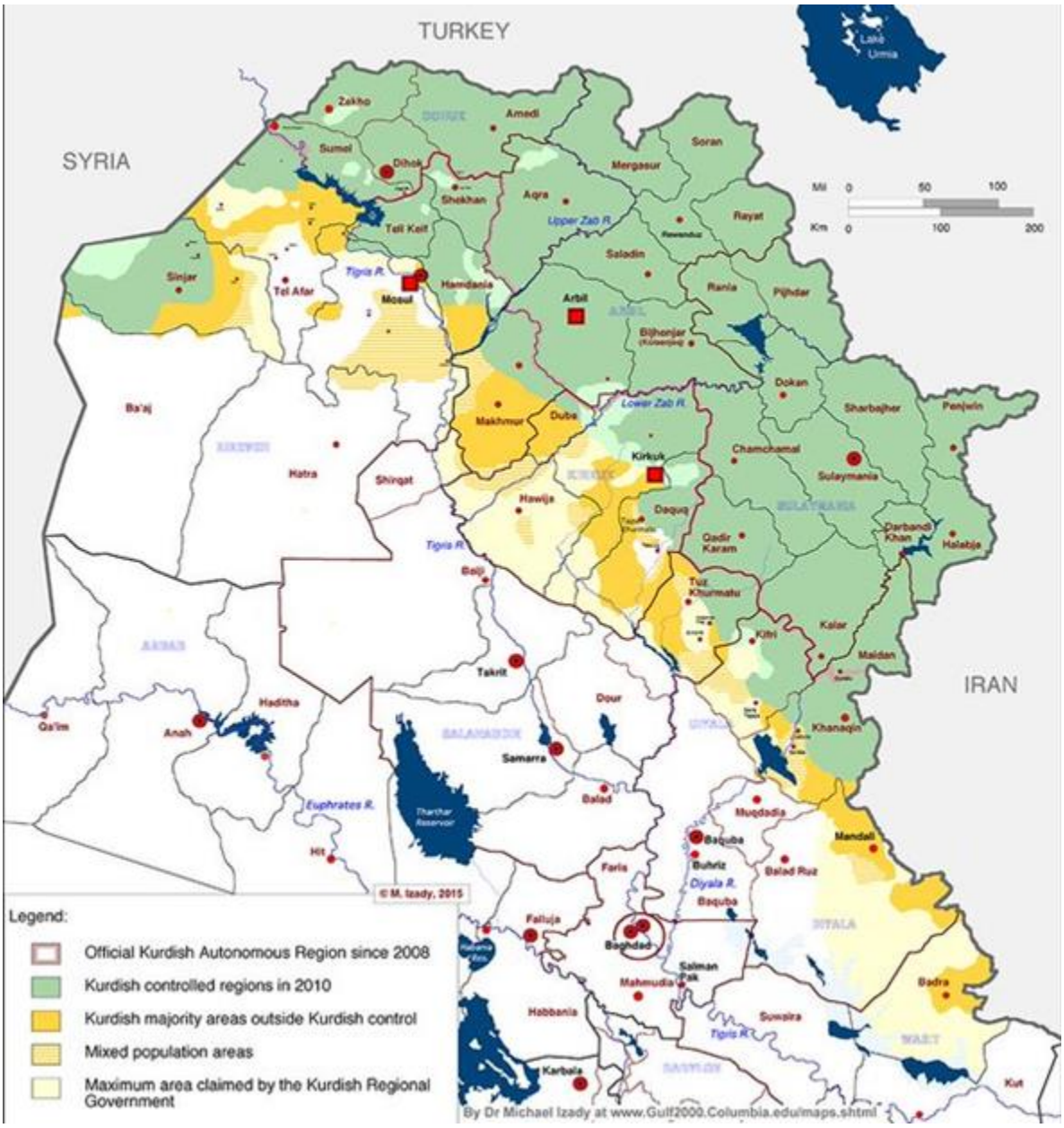

Figure 1: Map of the Kurdish De Facto state in Iraq including the disputed areas with its parent state-Iraq. Source: http://pbs.twimg.com/media/CAjK-jgWEAADVaa.jpg

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1 Introduction

Were any proof required of the presence of the Kurdistan Region of Iraq (hereafter the KRI)[1] as an actor in foreign policy and its status on the international stage, the paradiplomatic activities of its highest-ranking officials, including its president and prime minister, would give some indication. For the first time, in October 2005, Masoud Barzani[2] was received in his capacity as President of the KRI rather than as leader of the Kurdistan Democratic Party (hereafter the KDP) at the White House by the President of the United States, George W. Bush.[3] Until the end of his term in office in 2008, President Bush had invited President Barzani to the

[1] The official name of the Kurdish de facto state as recognized in the 2005 constitution of Iraq is 'the Kurdistan Region of Iraq'. For the purposes of this study, the term KRI is used as a shorthand for the Kurdistan Region of Iraq, i.e. the Kurdish de facto state in Iraq. The term KRI is also useful to distinguish between the Kurdish political entity in Iraq and the entirety of 'Kurdistan' across Iraq, Iran, Turkey, and Syria. Furthermore, some analysts equate the KRI with northern Iraq. For examples of this, see: Nathalie Tocci, "Turkey's Kurdish Gamble," *Istituto Affari Internazionali*, IAI Working Papers 1310 (2013), http://www.iai.it/sites/default/files/iaiwp1310.pdf. 'Northern Iraq' however as a geographical area with its own unique socio-religious and ethnic composition should be distinguished from the KRI which is only a part of the overall matrix of Northern Iraq. For a good analysis of Iraq's distinct geographical regions with their unique socio-ethnic composition, see: Reidar Visser and Gareth Stansfield. (eds.). *An Iraq of Its Regions: Cornerstones of a Federal Democracy?* (London: Hurst and Company, 2007).

[2] Since 2005, Masoud Barzani has served as the President of the KRI in two successive terms. However, many analysists and contributors to the Kurdish politics in Iraq intentionally or unintentionally name Masoud Barzani as the president of the Kurdistan Regional Government (KRG). However, the KRG is only one branch of the KRI's executive authority consisting of a ministerial cabinet and headed by a prime minister (the current prime minister is Nechirvan Barzani of the KDP) tasked with the day-to-day administration of the KRI. For instance, see: Michael M. Gunter, "Arab–Kurdish Relations and the Future of Iraq," *Third World Quarterly*, Vol. 32, No. 9 (2011), pp. 1623-1635; David Pollack, "To Kurdistan and Back: Iran's Forgotten Front," *The Washington Institute for Near East Policy*, 28 February 2017, accessed: 4 March 2017, http://www.washingtoninstitute.org/fikraforum/view/to-kurdistan-and-back-irans-forgotten-front; Denise Natali, "The Kurdish Quasi-State: Leveraging Political Limbo," *The Washington Quarterly*, Vol. 38, No. 2 (2015), pp. 145-164.

[3] "President Bush Meets with President Barzani of Kurdistan Regional Government of Iraq," *The White House*, 25 October 2005, accessed: 21 November 2016, https://georgewbush-whitehouse.archives.gov/news/releases/2005/10/20051025-7.html.

White House on four more occasions,[4] while his successor, President Barack Obama, continued the tradition of receiving the President of the KRI.[5] Also in 2010, for the first time, Masoud Barzani was officially received as President of the KRI by Prime Minister Recep Tayyip Erdogan of Turkey;[6] the leader of what was once the staunchest opponent state to Kurdish autonomy or independence in Iraq. In addition, Masoud Barzani and other high-ranking officials of the KRI, including the prime minister of the Kurdistan Regional Government (hereafter the KRG),[7] have met, either in Kurdistan or abroad, countless world leaders, heads of multinational corporations, religious leaders, etc. These formal diplomatic activities by officials of the KRI, and the high international profile of the Kurdish de facto state, were the culmination of two decades of transition that took place in the KRI, a testament to Iraqi Kurdistan's ability to build positive foreign relations and success in the projection of *foreign policy,* which is often thought to be the sole preserve of states.

In the years since the end of the Cold War, the emergence of several political entities, usually called de facto states, has presented somewhat of a challenge to

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[4] See: Hemin Hawrami, "President Barzani and Kurdistan's Advancement and Success during the Past Eight Years," *Gulan Media*, 28 June 2013, accessed: 2 October 2010, http://www.gulanmedia.com/english/articles.php?id=142&eid=27.

[5] Michael Knights, "A big win for Kurds at the White House," *Aljazeera*, 15 May 2015, accessed: 21 November 2016, http://www.aljazeera.com/indepth/opinion/2015/05/kurds-obama-barzani-iraq-isil-150512051306148.html.

[6] Michael Gunter, "Between Baghdad and Ankara: The Kurdistan Regional Government's Delicate Balance," *Terrorism Monitor*, Vol. VIII, No. 41 (2010), p. 3.

[7] Even though Kurdish politicians attempt to construct a non-ethnic Kurdistani nationalism and promote the KRI as a non- ethnic geographical construct, many academics, observers and politicians, whether by accident and choice, continue to promote the ethnically Kurdish exclusive construct of the Kurdish region of Iraq. For an example, see: Ufuk Ulutas, "Turkish Foreign Policy in 2009: A Year of Pro-activity," *Insight Turkey*, Vol. 12, No. 1 (2010), pp. 1-12. For an informative analysis of the Kurdish attempt to forge civic or territorial nationalism in the KRI, see: Gareth Stansfield and Hashem Ahmadzadeh, "Kurdish or Kurdistanis? Conceptualising Regionalism in the North of Iraq," in Visser and Stansfield (ed.), Op. Cit., pp. 123-149.

foreign policy-makers, foreign policy analysts and political scientists who were accustomed to the state-centric structuring of the international system of sovereign states. This is because de facto states do not fit neatly into the clear divide between state and non-state entities, for many years a prevalent feature of international politics. In the simplest terms, the de facto state is a political entity that by design or default has achieved domestic sovereignty, territorial control and de facto independence. The de facto state views itself capable of performing functions of statehood and pursues independent domestic and foreign policies, often in contradiction to its internationally-recognized parent state, and seeks a place at the exclusive table of sovereign states.

However, despite the growing literature on the position and impact of non-state actors in international and transnational relations,[8] de facto states have not received sufficient attention as important foreign policy players in current international relations. Indeed, recent literature has also failed to provide a systematic analysis of the foreign policy component of de facto states.

De facto states are often depicted as isolated entities unable to project their own foreign policies and not receiving attention from foreign policy-makers of recognized states. Most de facto states are small in terms of their territory and population and are often engaged in territorial disputes with their parent states. The official territorial areas of the KRI, for instance, include the three governorates of

[8] For an early account on the role of non-state actors, see: Richard Mansbach, Yale Ferguson and Donald Lampert, *The Web of World Politics: Non-State Actors in World Politics* (New Jersey: Prentice Hall, 1976).

Dohuk, Erbil, and Sulaimani as well as parts of Kirkuk, Diyala, and Mosul governorates that have been controlled by Kurdish parties since October 1991. KRI's territory thus includes areas that are constitutionally defined, de facto controlled, and some proclaimed territory which is the source of intense contention between the KRI and the GOI (Figure 1: Map of the Kurdish De Facto state in Iraq including the disputed areas with its parent state-Iraq. Source: http://pbs.twimg.com/media/CAjK-jgWEAADVaa.jpg

).[9] De facto states are also considered a rare phenomenon in the international system. Contemporary examples include: the three entities in the Caucasus, namely Nagorno Karabakh (Azerbaijan), Abkhazia and South Ossetia (Georgia); Transnistria (Moldova)[10]; Somaliland (Somalia), the Turkish Republic of Northern Cyprus, TRNC (Cyprus), Taiwan (China)[11], and the KRI (Iraq)[12], while Kosovo, that has seceded from Serbia, falls into its own category as a partially recognized state.[13] Biafra (in Nigeria), Tamil Eelam (Sri Lanka), Chechnya (Russia), Republika Srpska Krajina (Croatia), Republika Srpska (Bosnia and Herzegovina) constitute historical cases which have been forcibly reintegrated into their parent states, while Eritrea

[9] See: Larry Hanauer, Jeffrey Martini, and Omar Al-Shahery, "Managing Arab-Kurd Tensions in Northern Iraq After the Withdrawal of U.S. Troops," *RAND Corporation* (2011), p. 3.
[10] Rick Fawn, "The Kosovo—and Montenegro—effect," *International Affairs*, Vol. 84, No. 2 (2008), pp. 269–294.
[11] Deon Geldenhuys, *Contested States in World Politics* (New York: Palgrave MacMillan, 2009).
[12] Nina Caspersen and Gareth Stansfield (eds.), *Unrecognized States in the International System* (Oxon, NY: Routledge, 2011), p. 3.
[13] Ibid., p. 3.

(seceded from Ethiopia) is a case of successful ascension toward independent statehood.[14]

Yet, despite their smallness and rarity in the international system, de facto states carry sufficient weight in international politics to command the attention of policy-makers. It is almost impossible to completely isolate de facto states and their leaders, because most of today's de facto states exist in and around highly significant geo-economic, geopolitical and geostrategic regions. Their existence in these vital regions consistently draws attention of states with entangled and interactive foreign policy interests. The process of globalization, aided by information technology, has resulted in the world progressively shrinking into one global space, so it is almost impossible to think of a political entity existing in total isolation, unconnected with other international dynamics and processes. Thus, while in most cases sovereign states strongly uphold the principle of territorial integrity, they have found other means to socialize de facto states into the international system.

Foreign policy as a political activity has been present since the very beginning of bodies representing different human groups. In a broad sense, it refers to how organized groups of humans, who are partially separate from each other, interact, negotiate, and attempt to influence each other to achieve their desired outcomes. Foreign policy as a written subject was for a long time the preserve of retired diplomats, historians, ministers, and journalists who sought to provide an account of

[14] Nina Caspersen, "Playing the Recognition Game: External Actors and De Facto States," *The International Spectator,* Vol. 44, No. 4 (2009), pp. 47.

specific foreign policy events. More recently and broadly, foreign policy has been defined as "the totality of a country's policies toward and interactions with the environment beyond its borders."[15] However, foreign policy as a distinct field of study within the field of International Relations (hereafter IR), known as Foreign Policy Analysis (hereafter FPA), emerged in the 1950s and flourished following the end of the Cold-War.[16] But the analysis of foreign policy has traditionally focused on the state as the primary foreign policy actor. However, the end of the Cold-War had the dual effect of refocusing attention on the importance of non-state actors and the relevance of foreign policy to the study of world politics.[17] Therefore, the very traditional focus of foreign policy-making as the sole privilege of states has become the subject of questioning, and state entities no longer monopolize foreign policy-making as perhaps they did previously. Interestingly, contrary to IR with its near-total focus on states as the main units in the international system, FPA has advanced a broader view focusing on actors other than states while recognizing the centrality of the role of states.

While foreign policy is not a determining factor in the initial creation of de facto states, it plays an increasingly important role in the subsequent stages of their existence. For de facto states, the ability to conduct foreign policy independently of

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[15] Marijke Breuning, *Foreign Policy Analysis: A Comparative Introduction* (NY, Hampshire: Palgrave MacMillan, 2007), p. 5.
[16] Valerie Hudson, "Foreign Policy Analysis: Actor-Specific Theory and the Ground of International Relations," in *Foreign Policy Analysis*, Vol. 1 (2005): p. 5.
[17] Walter Carlsnaes, "Actors, structures, and foreign policy analysis," in *Foreign Policy: Theories, Actors, Cases* (eds.), Steve Smith, Amelia Hadfield, and Tim Dunne (Oxford: Oxford University Press, 2012), p. 113.

their parent states constitutes one of the primary tools for nation-building and state-building. Article One of the 1933 Montevideo Convention on the Rights and Duties of States stipulates that the capacity to build foreign relations with other states is one of the primary qualifications of statehood as a person of international law.[18] Hence, building foreign relations with a variety of actors, however limited, represents one of the primary objectives of de facto states, and therefore they spend a considerable amount of time, energy and resource on the conduct of foreign policy and relations. De facto states exist in an existential limbo and their existence is, in most cases, often precarious. Therefore, foreign policy as a political activity directed towards other actors in the international system, particularly states, is extremely vital for the continuous maintenance of de facto independence, survival and consolidation of de facto states.

In recent years, the study of de facto statehood has gained further attention. Scholars from different branches of political science have put de facto states under closer investigation and analysis. A group of prominent scholars has directly focused on examining the position of de facto states in international law, the ever-perennial question of recognition and non-recognition, speculation on the future of de facto states and prospects of conflict resolution through various innovative, alternative political mechanisms.[19] More recent works have diverged from these perspectives,

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[18] Alison K. Eggers, "When is a State a State? The Case for Recognition of Somaliland," *Boston College International and Comparative Law Review*, Vol. 30, Issue 1 (2007), p. 214.

[19] Most notable examples of that are: Scott Pegg, *International Society and the De Facto State* (Brookfield: Ashgate, 1998); Geldenhuys, Op. Cit.; Pal Kolsto, “The Sustainability and Future of Unrecognized Quasi-states,” *Journal of Peace Research*, Vol. 46, No. 3 (2006), 723-740; Dov Lynch, *Engaging Eurasia’s Separatist States: Unresolved Conflicts and De Facto states* (Washington: United States Institute of Peace Press, 2004); Marc Weller, *Contested Statehood: Kosovo’s Struggle for*

providing instead a valuable focus on the emergence, operation, policies and strategies of de facto states to maintain their de facto independence.[20]

This study falls into the second group, but with the intention of highlighting one neglected dimension: analysis of the foreign policies of the Kurdish de facto state in Iraq. In so doing, this thesis makes two important arguments which have the potential to contribute to the continuing debate on the field of de facto statehood as well as a significant contribution to the subfield of FPA. Firstly, this thesis argues that the KRI can undeniably be incorporated into the analysis of de facto statehood. Secondly, this thesis argues that after two decades of existence and undergoing four different stages of transition, the KRI now pursues and projects its own independent foreign policies.

The KRI is indeed a de facto state par excellence since the entity possesses all the attributes and characteristics associated with de facto statehood. While it is tempting to immediately dismiss the KRI as a case of de facto statehood due to its official status as an autonomous region of Iraq, a closer look reveals that its actions and strategies resemble those de facto states seeking independent statehood. The KRI has achieved de facto independence and territorial control over a significant

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Independence (Oxford: Oxford University Press, 2009); James Ker-Lindsay, *The Foreign Policy of Counter Secession: Preventing the Recognition of Contested States* (Oxford: Oxford University Press, 2012); Mikulas Fabry, *Recognizing States: International Society & the Establishment of New States Since 1776* (Oxford: Oxford University Press, 2010).

[20] For most comprehensive projects see: Nina Caspersen, *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (Cambridge: Polity, 2012); Caspersen and Stansfield (eds.), Op. Cit., Yaniv Voller, “From Rebellion to De Facto Statehood: International and Transnational Sources of the Transformation of the Kurdish National Liberation Movement in Iraq into the Kurdistan Regional Government” (PhD diss., London School of Economics, 2012).

portion of its claimed territory, and it has maintained this control for almost 26 years without disruption. More importantly, the desire to achieve independent statehood is clearly manifested in the KRI. Attainment of independent statehood has been at the core of the Kurdish nationalist liberation movement since its inception in the early twentieth century. The transition into de facto statehood, however, dramatically alters the strategies adopted by de facto states, while the goal of eventual independence remains intact. As is the case with other de facto states on today's international platform, the KRI demonstrates a clear aspiration for independence as evidenced by the 25 September 2017 independence referendum held in the entity.[21] The simple fact that an overwhelming majority of the KRI's population voted in favour of independence in the referendum distinguishes the KRI from other autonomous regions, states-within-states or various semi-dependencies found in the current international system. Following the conduct of the unilateral referendum, what the entity now lacks is an official declaration of independence. De facto states are not satisfied with their status and transition into de jure statehood remains an unachieved but aspired goal. In this regard, the KRI is no exception. De facto states have been relatively successful in state- and institution-building; in other words, they have achieved several elements of sovereignty as defined by Stephen Krasner.[22] De facto states therefore seek visibility not invisibility. Hence, foreign policy becomes

[21] Bethan McKernan, "Kurdistan referendum results: 93% of Iraqi Kurds vote for independence, say reports," *Independent*, 27 September 2017, accessed: 19 December 2017, http://www.independent.co.uk/news/world/middle-east/kurdistan-referendum-results-vote-yes-iraqi-kurds-independence-iran-syria-a7970241.html.

[22] Stephen Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999), p. 9. Also, see: Stephen Krasner, "Abiding Sovereignty," *International Political Science Review*, Vol. 22, No. 3 (2001), pp. 229-251.

particularly significant when consolidation is achieved by de facto states, i.e., when they pass the initial stages of establishment and survival.

Indeed, many autonomous regions and regional governments, particularly those in liberal Western democracies, pursue foreign policy and utilize paradiplomacy to promote their values, identities and interests whether they be economic, societal or cultural. Arguing that regional and autonomous governments have emerged as new international actors, Andre Lecours argues that regional governments "… are negotiating and signing international agreements, developing representation abroad, conducting trade missions, seeking foreign investment, and entering into bilateral and multilateral relations with states. Their action is no longer limited to the 'internal.'"[23] However, as this thesis illustrates, foreign policy for de facto states like the KRI is a much more serious exercise. Although the KRI is officially an autonomous region of Iraq, the power of Kurdish nationalism and the desire for independence and statehood means that the KRI utilizes foreign policy for purposes wider than economic or cultural issues. De facto states like the KRI have utilized foreign policy for several purposes:

1- Ensuring the survival and consolidation of the entity
2- Acquiring material resources in the form of aid, investment or trade
3- As an important tool of nation- and state-building

[23] Andre Lecours, "Paradiplomacy: Reflections on the Foreign Policy and International Relations of Regions," International Negotiation, Vol. 7, No. 91-114, (2002), p. 92. (A. Lecours 2002)

4- Demonstrating capacity to function as a state by proving its capacity to engage in foreign relations with other entities, as per point four of the Montevideo Declaration

5- Increasing engagement or recognition by recognized states

At the heart of the foreign policies of de facto states is the need for recognition and consolidation as a state. Thus, any kind of engagement, even of an economic kind, assists the de facto state in enhancing its consolidation, politically and economically. Autonomous regions desiring statehood, within their foreign policy agenda include gaining support for secession and eventual recognition by the international community. These entities are eager to sign international agreements, open offices abroad and engage in negotiations with foreign actors to increase their chance of recognition by sovereign states.

Thus, from the outset this thesis emphasizes that the KRI has exerted a high profile in projecting foreign policies and building foreign relations since 1992, but even more strongly since 2003. Here, the concept of *transition* is important to this study in two major ways. The term transition often denotes passage or movement from one state, position or stage to another. The de facto state, it could be argued, is an entity that has already undergone several transitions from a form of ambiguous status to one that is more state-like within the parameters of ethnic conflict and nationalism. De facto states have already experienced transition from an armed nationalist liberation struggle to some form of territorial control and *stateness,*[24] which

[24] Caspersen and Stansfield (eds.), Op. Cit., p. 3.

is often viewed as a step toward other greater transitions within which evolution toward de jure statehood remains a primary, if distant, aim. Within the scope of this study, the concept of transition is used to analyse the changes that have occurred in the KRI from 1992 to 2011. The concept of transition is also useful in analysing transformations in the foreign policy aims and objectives of the KRI as a de facto independent entity. Since 1992 the leading political parties in the Kurdish de facto state have built relations horizontally with the most geographically proximate state and non-state actors. Particularly since 2003, the KRI has pursued moderate foreign policies aiming to reassure its neighbouring states, and the international community at large, that the KRI is an entity that not only can they live with, but also that it can act as a factor of stability and moderation in the wider regional system. Furthermore, to ensure its longevity and strengthen its survival prospects, the leadership of the KRI has paid significant attention to building foreign relations with the United States and the West in general. The West has been acting as the main source of support and sympathy for Iraqi Kurdish aspirations, albeit so far one within the confines of the Iraqi state. Lacking official diplomatic relations (particularly before 2003), Iraqi Kurds have constantly pursued paradiplomatic activities and capitalized on public diplomacy to convey their messages, values, ideas and aspirations to foreign audiences, particularly those in the most powerful Western liberal states. In short, the leadership of the Kurdish de facto state has been eager to improve Kurdistan's image: 'nation-branding'[25] in today's parlance. Particularly important in this regard

[25] Wally Olins "Making a National Brand," in *The New Public Diplomacy: Soft Power in International Relations* (eds.), Jan Melissen (Hampshire: Palgrave MacMillan, 2005), p. 3.

has been the cultivation of relations with foreign policy think tanks, institutes of international affairs, and powerful lobbying firms, particularly those in the influential Western capitals of London or Washington. Realizing the importance of these institutions in informing and influencing foreign policy-makers, the leadership of the KRI has been eager to open a door in those capitals through their advocacy and support. This thesis asserts that after two decades of transition and semi-detachment from Baghdad, the KRI now pursues independent foreign policies. Since its foundation, building foreign relations with foreign actors was of utmost importance for the KRI. The KRI, this thesis argues, has undergone four substantial transitions. During the first five years of its existence, after 1992, the foreign relations of the KRI were aimed toward ensuring the *survival* of the entity. After 1997, however, the foreign relations objectives of the KRI were upgraded toward assuring the *consolidation* of the de facto state. During both these periods, as will be outlined in chapters four and five of this thesis, Kurdish foreign relations were the preserve of Kurdish political parties. Each party, particularly the KDP and the PUK, enjoyed their own independent foreign relations with regional countries and the international community at large, although after 1997 both parties moved towards a coordinated approach to foreign relations.

The 2003 U.S. intervention in Iraq, however, can be marked as a watershed in the transformation of the KRI. Not only did the KRI remained territorially intact, Kurdish politicians also succeeded in stipulating the de facto independence of the KRI in the 2005 Iraqi constitution – in other words, the KRI was transformed into a

recognized de facto state. The thesis argues that after 2003 the KRI gradually developed into a unitary foreign policy actor, pursuing *image-building* foreign policies to counter the negative images usually associated with de facto states. Central to the image-building foreign policy was the pursuit of legitimacy and recognition; or what has been termed 'foreign policy of self-justification'[26] by Barry Bartmann. The KRI showed respect for, or adopted democratizing measures based on, human rights and fundamental freedoms. It also sought to highlight its effective statehood, at least compared with its Iraqi parent state. By showing these credentials the KRI sought to gain not only the sympathy of the West, but also protection and legitimacy for the continued existence of the KRI, or even eventual recognition as an independent state. In this regard, every development in the domestic sphere was incorporated into the foreign policy strategy of the KRI, in its interactions with the environment beyond its borders, and particularly in its relations with the Western world. The intention of this foreign policy strategy was to increase the legitimacy and prospects of recognition for any potential future drive toward de jure statehood.

However, it is contended that the most important transition in the KRI's foreign policy-making occurred in 2007, when the KRI transformed into an independent foreign policy actor with weight and agency in regional and international relations. The newly reinvigorated institutions of the KRI - the presidency and the KRG - began to communicate with the outside world on behalf of the KRI. The KRG negotiated

[26] Barry Bartmann, "Political Realities and Legal Anomalies: Revisiting the Politics of International Recognition" in *De Facto States: The Quest for Sovereignty* (eds.), Tozun Bahcheli, Barry Bartmann, and Henry Srebrnik (New York: Routledge, 2004), p. 12

and signed contracts with many oil/gas companies worldwide, despite fierce opposition from the federal government in Baghdad which claimed that, according to the Constitution of Iraq, managing hydrocarbon resources was wholly its responsibility. The KRI furthermore built independent foreign relations with a variety of states which, on the one hand, it deemed particularly vital to ensuring the survival and consolidation of the entity, but on the other hand, were potentially detrimental to the prospects of Kurdish statehood in the future. Within this sphere, foreign relations with certain actors were given additional priority and weight. For instance, for the KRI, building positive and strategic foreign relations with Turkey is of utmost importance. The KRI is landlocked and possesses a long border with Turkey, which represents the KRI's sole reasonably close outlet to the Mediterranean Sea, as well as having importance as a NATO member. The foreign policy-makers of the KRI, this thesis asserts, in effect aimed to turn Turkey into a sort of patron state of the KRI. While before 2003 the KRI enjoyed relatively positive relations with Turkey, the coalescing of several factors after 2007, including strategic, religious, ideological, economic, security and political issues, helped in the success of the KRI's foreign policy of rapprochement with Turkey.

Keeping trade open with regional countries like Iran, Turkey, Syria and indeed the rest of Iraq, is, and has been, a major KRI foreign policy objective. But, this basic aim has not been without complications. The geopolitical position of the KRI in a dangerous regional zone facing constant threats from neighbouring Turkey, Iran, and, until recently, Syria, as well as the rest of Arab Iraq, creates immense

complications for the KRI's foreign policy. To keep its borders open and trade continuing, the KRI must always balance its relations between the competing interests of those states and the nationalist aspirations of Kurds inside or outside the KRI. Regional countries have been greatly discomforted by the notion that the KRI could serve as the nucleus of an independent Kurdish state, or an aspiring model for the Kurds in their respective countries. Thus, while before 2003 the KRI refrained from making overtly secessionist overtures, the regional countries, and for that matter the rest of the international community, still refused to grant the KRI any sort of recognition, even of a de facto kind; any sort of dealings with the KRG would have implied recognizing its legitimacy or even its sovereignty over the Kurdistan Region. This lack of recognition therefore resulted in a policy of non-engagement with the official institutions of the KRI. However, to preserve their strategic, political and economic interests, states still socialized with the KRI by dealing directly with its major political parties. This policy, in effect, allowed the KRI to interact with regional countries and the international community through the KDP and PUK, as well as party representatives stationed in various regional and Western capitals. More importantly, the foreign policy of survival and consolidation necessitated containing armed actions against Iran and Turkey emanating from Kurdish oppositionist groups based in the mountainous areas of the KRI, and cooperating with those states in maintaining security of the border areas. These measures were internally costly because of the power of pan-Kurdish nationalism and its utilization by Kurdish oppositionist groups against the governing parties of the KRI - the KDP and PUK - in the intra-Kurdish political competition.

Not only did the KRI establish independent foreign relations with foreign actors, but it also began to view the rest of Iraq or indeed the government in Baghdad as a foreign entity or as an environment that lay beyond its borders, and therefore interactions with the rest of Iraq were viewed as matters of foreign policy. Kurdish leaders engaged intensively and extensively with the rest of the Iraqi political groupings during and after the 2003 U.S. intervention in Iraq, and presented a united front in the constitutional negotiations in Baghdad. They participated actively in the writing of the Constitution of Iraq, lobbied coalition powers, particularly the United States and Britain, for enshrinement of the KRI's de facto independence within the Constitution, and eventually lobbied their constituents to ratify the Constitution in the October 2005 constitution referendum. Instead of pushing for an independent state, the Kurdish leadership, in the words of one Chatham House Report, planned to 'defend Kurdistan from Baghdad.'[27]

Contrary to the pre-2003 divided nature of Kurdish politics, Kurdish parties presented a unified electoral list in the three successive Iraqi parliamentary elections of January and December 2005, and 2010. The Kurdish leadership believed that maintaining absolute unity within the Kurdish camp, in relation to Arab Iraq, was indispensable for the continued security of the Kurdish de facto state. Moreover, with the aim of securing the KRI's de facto independence, Kurdish parties explicitly disregarded presenting Iraqi-wide political agendas to appease or appeal to voters

[27] Jane Kinninmont, Gareth Stansfield and Omar Sirri, "The Institutions, Actors and Interests of the Kurdistan Region," in *Iraq on the International Stage Foreign Policy and National Identity in Transition*, Chatham House (July 2013), p. 20.

beyond the KRI; Iraqi Kurds viewed the rest of Iraq as a foreign entity like Iran, Turkey or Syria. Therefore, gaining votes in areas beyond the KRI and the disputed territories was never too appealing for Kurdish political parties. Kurdish politicians also occupied important positions within the hierarchy of the Iraqi political system with several Kurdish leaders such as Jalal Talabani, Barham Salih and Hoshyar Zebari occupying the positions of president, deputy prime minister and foreign minister respectively. It is not unusual for components of a federal region to hold positions proportionate to their numbers in the institutions of the federal government. However, for the Kurds, active engagement and remaining relevant in Baghdad was seen as one of the best ways to secure the KRI and maintain its de facto independence. In turn Kurdish representatives holding important positions in Baghdad constantly lobbied for the interests and policies of the KRI. They lobbied hard for Kurdish foreign policy interests, namely those issues that are external to the KRI and need intensive negotiations to be resolved between the KRI and Baghdad. For example, these matters included the speedy implementation of the Iraqi Constitution's Article 140, which laid out a three-step plan to resolve the status of the disputed territories between the KRI and Baghdad. Kurdish representatives also lobbied for a decentralized oil/gas law giving the regions the authority to manage their own hydrocarbon resources. And when Iraq sought to develop its air force, Kurdish representatives expressly stated their fears and sought guarantees that its weapons would not be used against the KRI at any time in the future.[28] Through

[28] For instance, see: Wladimir van Wilgenburg, "Barzani Suggests Baghdad Might Use F-16s Against Kurds," *Rudaw*, 09 April 2012, accessed: 01 January 2013, http://www.rudaw.net/english/kurds/4608.html.

these policies, the Kurdish leadership aimed to safeguard the economic, military and political survival of the KRI until such a time as the ground is prepared for eventual secession or independence from Iraq. So, in this manner, while the pre-2003 relationship between Baghdad and the KRI can be characterized as state-to-political party relations (KDP and PUK), after 2003, the relationship was transformed into state-to-state, or state-to-government relations.

So far, neither the analysis of de facto statehood as a theoretical framework in IR nor the literature of FPA have paid sufficient systematic attention to the foreign policy component of de facto states, the exception being Francis Owtram's article in an edited volume titled *The Foreign policies of unrecognized states.*[29] The article as the author admits, only aims to advance some initial lines of inquiry into the subject matter. Despite this, the author regrettably omits to mention the Kurdish de facto state admittedly based on the fact the KRI has not officially declared independence from its Iraqi parent state. There is little theoretical and empirical literature that addresses foreign policies of de facto states, particularly more so regarding foreign policies of the Kurdish de facto state in Iraq.

Therefore, by analysing the foreign policies and relations of the KRI in Iraq as a case study of de facto statehood from 1991 to 2011, this research aims to fill an important gap in the empirical analysis of de facto statehood as well as in the literature of FPA regarding foreign policies of de facto states. Its primary intention is

[29] Francis Owtram, "The foreign policies of unrecognized states," in Caspersen and Stansfield (eds.), Op. Cit., pp. 128-145.

to pose two central questions which it will attempt to answer within the course of this thesis. The questions to be explored are: how do de facto states project foreign policy, and how does the international system of sovereign states respond to the foreign policies and interactions of these anomalous but important political entities in the geopolitics of their regions. Through posing these questions, this thesis aims to identify the major transitions that have taken place in the KRI and how these transitions have influenced its capacity to project foreign policy and build foreign relations, in the process identifying major trends in KRI's foreign policy-making as a de facto state. It is also important to note that this thesis is mainly concerned with understanding and describing foreign policy action rather than the processes of foreign policy decision-making.

Conceptually and theoretically, this thesis is placed within the theoretical framework of de facto statehood, which has been defined as a legitimate IR model, as well as the sub-field of IR known as FPA which is tasked with analysing, understanding and predicting the foreign policies of units, the most important of which are usually sovereign states. After introducing the issues in this section, the next sub-section contains a discussion on the choice of the term de facto state instead of other terminologies prevalent in the analysis of de facto statehood. The following section conducts a review of the literature. It is noticeable that despite the large volume of literature with a focus on the Kurds in Iraq, what is missing is a deeper analysis of the emerging trends of the foreign policies of the KRI, and how the status of de facto statehood effects the entity's foreign relations and policies.

Chapter Two is divided into two sections. Section one elaborates on the nascent theory of de facto statehood within the framework of IR. This section discusses the emergence, operation and policies of de facto states, rather than engaging too deeply with issues related to their position in international law or the debate over recognition/non-recognition of de facto states. The main rationale of this section is to theoretically establish the place of the KRI as a case of de facto statehood.

The second section elaborates on the literature of FPA. The section defines various meanings of foreign policy and highlights different FPA approaches to studying foreign policy. More importantly, the section aims to elaborate on the various domestic and external determinants that generically influence foreign policy of political entities of which states constitute the most important unit in the international system. This section also briefly elaborates on the new issues that have been brought to the agenda of FPA, such as the role of energy resources and the media in influencing foreign policy. Also, as implementation of foreign policy is equally important in pursuing foreign policy objectives, this section also briefly aims to highlight the elements necessary for a successful foreign policy implementation and the various implementation instruments at the disposal of foreign policy-makers.

Chapter Three has also been divided into two sections. Section one primarily aims to provide a brief synopsis of the political history, physical geography and human geography of the KRI. Thus, although wider discussion of Kurdistan in Syria, Turkey, and Iran is of supplementary relevance because of trans-border Kurdish

nationalism, this section focuses on the relations between the Kurds of Iraq and the GOI to provide an elaborate account of developments before the onset of the Kurdish de facto state in Iraq. It is also important to note that physical geography, Kurdish cross-border nationalism and Kurdish movements across greater Kurdistan constitute significant determining factors on foreign policies and relations of the KRI and its ruling political parties. Section two of the chapter provides a brief history of the Kurdish national liberation movement in Iraq since 1958 as the precursor to the emergence of the Kurdish de facto state. This section especially focuses on the foreign relations of the Kurdish national liberation movement with the regional and international powers prior to the establishment of the de facto state in 1992. The purpose of this section is to argue that the Kurdish political elite had, early on, recognized the importance of soliciting outside support for the achievement of its desired goals.

Chapter Four concerns the second part of analysis, namely the empirical analysis, which is the major focus of this research, i.e. foreign relations of the KRI during the first decade of its existence after its establishment in 1992. This chapter will discuss the survival strategies employed by the leadership of the Kurdish political parties. The major components of this chapter are the initial state-building project in the KRI, and the use of the perceived Iraqi Kurdish success as a self-justification strategy. In addition, this chapter examines the dynamics of relations between Kurdish political parties, the Iraqi Opposition, the governments of Turkey and the wider world. It argues that from 1992 to 1997, the KRI was not a unitary actor

pursuing official foreign policies. Rather, the Kurdish political parties followed their own distinct foreign relations that were heavily coloured by partisan interests. Moreover, despite the setback of warfare between various Kurdish political parties, this period constituted formative years in the existence of the KRI and its foreign relations.

Chapter Five discusses developments that occurred in the KRI in the second half of the 1990s, specifically from 1997 to 2003. The chapter particularly focuses on the dynamics of the OFFP, the U.S. sponsored Washington Agreement which represented the first decisive U.S. involvement in the intra-Kurdish conflict, and the Iraq Liberation Act which acted as a catalyst for the building of official and overt relations between the U.S. and the major parties of the KRI. In addition, it discusses developments in the post 9/11 era and their influence on the KRI's foreign relations. All in all, this chapter argues that although the KRI's foreign relations were controlled by its major political parties, renewed peace, relative harmony and stability in the KRI expanded Iraqi Kurdish foreign relations enabling further consolidation of the KRI.

Chapter Six starts the empirical analysis of the second decade of the KRI. The chapter illustrates the dynamics that enabled the KRI to transform into a recognized de facto state. Additionally, it examines the processes of accelerated state-building in the KRI. The chapter concludes by observing that, after 2003, the KRI gradually transformed into a unitary and rational foreign policy actor – rather than only possessing foreign relations – which initially aimed at creating and

enhancing a positive image for the KRI as a de facto state: a policy that continues to this day.

Chapter Seven, which is the crux of this research, is concerned with analysing the transformation of the KRI into an independent foreign policy actor. The chapter describes the nature of relations and interactions between the KRI and the GOI, which are increasingly viewed as matters of foreign policy by the elite of the KRI, rather than internal Iraqi issues. More importantly, the chapter describes the KRI's independent external economic relations, perceived as a tool to guarantee the survival, consolidation and autonomy of the Kurdish de facto state in Iraq. Of importance in the chapter is the KRI-Turkey relationship which was instrumental not only in implementing KRI's energy policies, but also in providing the KRI with a sort of patron-state to ensure the future survival of the KRI.

Chapter Eight contains further discussions and conclusions. It first highlights the KRI's expanding foreign relations with various other states, mainly those in the Western world. It is noticeable that the leadership of the KRI, aware of the importance of the West as possibly the strongest source of support and legitimacy for the Kurdish de facto state, is keen to open and maintain official and independent foreign relations with the West, particularly the U.S. and western European states. The opening of consulates in the KRI's capital therefore has been a key objective in ensuring the long-term survival of the Kurdish de facto state in Iraq. Finally, taking note of the transformations in the KRI's foreign relations and foreign policy aims, the chapter concludes by asserting that after four different phases of transition, over

almost two decades, the KRI has emerged as an independent foreign policy actor pursuing foreign policies that aim at ensuring the de facto independence of the KRI.

1.1 A note on Terminology and the Use of the Term 'De Facto State'

It is important to highlight the reason why this thesis has chosen to use the term *de facto state* about the unit of analysis under discussion, i.e. the Kurdistan Region of Iraq. Since the evolution of this field of study in the late 1990s, a plethora of terminologies and concepts have been produced to analyse de facto states as anomalous theoretical objects and analytical subjects. While seemingly an issue of semantics, the choice of terminology has implications over how one approaches the subject.

It was Scott Pegg who first introduced the subject and coined the term *de facto state* to refer to those secessionist entities that have achieved de facto autonomy, and thereafter seek a place at the exclusive table of sovereign states, but have largely been unable to gain any substantive international legal recognition.[30] However, while accepting the basic elements of Pegg's definition for such an entity, subsequent literature preferred to refer to them as separatist,[31] contested,[32]

[30] Scott Pegg, "De Facto States in the International System," *The University of British Columbia,* Working Paper No. 21 (February 1998), http://www.sirag.org.uk/defactostates-somaliland.pdf.
[31] Charles King, "The Benefits of Ethnic War: Understanding Eurasia's Unrecognized States," *World Politics*, Vol. 53, No. 4 (2001), p. 525.
[32] Geldenhuys, Op. Cit.; Weller, Op. Cit.

unrecognized,[33] pseudo,[34] almost [35] or quasi unrecognized states.[36] Deon Geldenhuys, for instance, in explaining his preference for the use of the term *contested states* notes that in reality some of these entities such as Taiwan, Kosovo, Abkhazia, South Ossetia or TRNC have actually managed to gain recognition by one or more sovereign states, but their existence is contested as they have not been accepted by all states.[37] Kolsto insisted on adding the prefix *quasi* to the term 'unrecognized states' arguing that if and when recognized as *de jure states*, many of these entities would resemble failed *quasi-states* of the Jacksonian type.[38]

While this thesis recognizes arguments made by Kolsto and Geldenhuys, this researcher chooses to use Pegg's initial terminology of the de facto state. This is because, as Yaniv Voller argues, terms such as 'contested' and 'unrecognized' states approach the subject matter from an essentially *structural* perspective focusing on the international community's refusal to recognize these entities. On the other hand, the term *de facto state* focuses more on the *agency* of de facto states, namely the de facto independence they have achieved through their own actions and strategies, and it makes "the actor and its development… a focal point of analysis."[39] The term de facto state also seems to be the most neutral and widely

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[33] Caspersen, *Unrecognized States*, Op. Cit*.;* Caspersen and Stansfield (eds.), Op. Cit.
[34] Vladimir Kolossov and John O'Loughlin, "Pseudo-States as Harbingers of a new geopolitics: The example of the trans-dniester Moldovan republic (TMR)," *Geopolitics,* Vol. 3, No. 1 (1998), pp. 151-176.
[35] Bartosz Stanislawski, "Para-States, Quasi-States, and Black Spots: Perhaps Not States, But Not ''Ungoverned Territories,'' Either," *International Studies Review*, Vol. 10 (2008), pp. 366–396
[36] Kolsto, Op. Cit.
[37] Geldenhuys, Op. cit., p. 27
[38] Kolsto, Op. Cit.,
[39] Voller, Op. Cit., p. 12.

used term referring to de facto independent entities existing in today's international structure.[40]

More recently, James Harvey has introduced an important observation which again merits careful attention from students of de facto statehood. Harvey challenges the use of the term *state* in reference to *de facto states*. This terminology, Harvey suggests, not only depicts these entities as "singular, fixed and coherent unit[s]"[41] but it also places heavy burdens on the analytical concept quite simply because these entities are not *states* and sovereign statehood is not going to be the next natural stage in their political evolution. Instead, Harvey proposes use of the term *unrecognized entity* as perhaps the best term to refer to these entities.[42]

Harvey brings up an important point which should be taken into consideration in future research. However, it seems that Harvey clings to the structure-level at the expense of the agent. While variations exist, most de facto states strive to highlight their agency, namely by demonstrating their successes in state-building, democratization and contribution to regional stability, security and prosperity. Furthermore, actors who fall into this category draw continuous aspiration from the model of nation-state as the basis of their future relations with their parent states. This is also true for actors who have never officially declared independence, such as the KRI, for example. Although the Kurdish leadership has constantly strived to

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[40] Scott Pegg and Pal Kolsto, "Somaliland: Dynamics of internal legitimacy and (lack of) external Sovereignty," *Geoforum,* 2014, http://dx.doi.org/10.1016/j.geoforum.2014.09.001.
[41] James Harvey, "Over-Stating the Unrecognised State? Reconsidering De Facto Independent Entities in the International System" (PhD diss., University of Exeter, 2010), p. 8.
[42]

distance the Kurdish de facto state from unilateral secession, as soon as it gained autonomy from Baghdad under international protection, it began to perceive the KRI in terms of statehood by gradually building institutions closely associated with independent statehood, such as parliament, government, army, etc., and strove to highlight its agency through building independent foreign relations, even of an asymmetrical nature, with key regional and international powers.

1.2 Literature Review

Since the end of the Cold War, in part due to the emergence of several de facto states in the regions formerly controlled by the Soviet Union and Yugoslavia, a body of literature dedicated to the analysis of de facto statehood has emerged. However, despite the emergence of several book-length volumes dedicated to the study of de facto states, literature tackling the subject of the KRI in Iraq as a de facto state per se remains very limited. Studies on the foreign policy component of de facto states are even more limited, notwithstanding that some de facto states, for example Taiwan and the KRI, enjoy official external relations and assert a high profile in foreign policy and diplomatic activities.

However, interestingly, the attention the KRI has received in recent years has probably been unparalleled in modern Kurdish history and probably unmatched by any other de facto state. There are major factors for this increased attention: the end of the Cold War, the alignment of geopolitical and strategic interests of great powers with those of Iraqi Kurds, the two U.S.-led wars on the regime of Saddam Hussein

in Iraq (1991 and 2003), international public awareness of the crimes committed against Iraqi Kurds by Saddam Hussein's regime, and lastly the Iraqi Kurds agency, namely the ability of the KRI to make its case known to the outside world through diverse means, including the increasing interaction of the KRI with the outside world, particularly after 2003, will be covered in this thesis.

Indeed, several studies have been conducted about the expanding KRI's foreign relations with sovereign states (Turkey has become a focus of attention within this context), but they have mostly failed to take note of the impact of the KRI's foreign policies on regional geopolitics, and have continued with the assumption that the KRI is still an 'object' of other states' foreign policies.

Thus, part one of this section intends to review those seminal works that have specifically applied the framework of de facto statehood on the KRI. It should be noted that while many previous studies have applied the same framework, many of them have used the term without giving careful attention to the tenets of the theory of de facto statehood as a legitimate theoretical framework within IR. Part two of this section then elaborates on the rich literature that has focused on the Kurds of Iraq within various fields of academic studies.

1.2.1 Literature Review on the Kurdistan Region of Iraq as a De Facto State

This research, as outlined earlier, applies the framework of de facto statehood on the Kurdish de facto state in Iraq. Despite the scarcity of literature focusing on the KRI as a case of de facto statehood, a small body of work can be identified that has applied this framework.

Notable examples are present in the field of area studies, which have applied terminologies and frameworks undoubtedly belonging to the field of de facto statehood. The first is an article by Chorev, which is unique because of his early attempt to apply theoretical frameworks developed by Scott Pegg and Pal Kolsto on Iraqi Kurdistan, and to establish the position of Iraqi Kurdistan within the framework of de facto statehood.[43] *Terminologically,* Chorev adopts the term 'semistate' to define his subject of study, adding yet another word to the confused terminological entrepreneurship in the analysis of de facto statehood. A great part of Chorev's analysis is concerned with an examination of political and economic issues in Iraqi Kurdistan during the two stages of the development of the Kurdish de facto state: between 1991-2003 and 2003-2007. More importantly, Chorev identifies external drivers that have contributed to the survivability of the Kurdish de facto state, referring specifically to "transnational space," "external patron," "global economy," and "technological and information revolution."[44] He also underlines initiatives taken by the Kurdish de facto state in the realm of image-building arguing that the KRI launched 'a massive public relations campaign called "The Other Iraq", which aimed to frame the Kurdistan Region as a "second Dubai."'[45] However, Chorev's paper, despite discussing external dimensions of Kurdish self-rule, does not discuss how the foreign policy objectives of the Kurdish semi-state relate to the advancement and perpetuation of the external drivers that allow the Kurdish de facto state to survive.

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[43] Matan Chorev, "Iraqi Kurdistan: The Internal Dynamics and Statecraft of a Semistate," *Al Nakhlah* Online Journal (2007), pp. 1-11.
[44] Ibid., pp. 5-6.
[45] Ibid., p. 8.

Another work, by Dahlman, is an excellent survey of the complex historical, ethno-political and physical geography of the stateless region of Kurdistan as a homeland residing with the territorial borders of Iraq, Turkey, Iran, and Syria.[46] Dahlman's analysis is unique because the author early on explicitly refers to Iraqi Kurdistan as a 'pseudo-state',[47] with all characteristics of statehood but without international recognition. While Dahlman's paper is not concerned with the foreign policy component of the entity, it mentions some of the diplomatic initiatives undertaken by the Kurdish leadership, just prior to the 2003 U.S. intervention in Iraq, to reassure regional states of the Kurdish commitment to a 'federal resolution within a united and democratic Iraq.'[48]

In the field of political science and IR, two excellent works have emerged that have specifically applied the concept of de facto statehood on the KRI. The first is Harvey's PhD thesis which is the first work that explicitly utilized the KRI as a case of de facto statehood, which he terms *unrecognized entity*.[49] The work is also a re-examination of the theoretical and conceptual parameters, developed and applied in earlier studies, to study these anomalous but existing political entities usually called de facto states. These studies, according to Harvey, are problematic since IR scholars and political scientists incorporated de facto states "into the existing frameworks rather than attempting the creation of a new field of theoretical

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[46] Carl Dahlman, "The Political Geography of Kurdistan," *Eurasian Geography and Economics*, Vol. 43, No. 4 (2002), pp. 271-299
[47] Ibid., p. 29. This terminology was first used by Kolossov and O'Loughlin in reference to de facto states, see: Kolossov and O' Loughlin, Op. Cit.
[48] Ibid., p. 295.
[49] Harvey, Op. Cit., pp. 7-235.

frameworks and new analytical frameworks."[50] Harvey rejects the view of the de facto state as a unitary actor having a "singular purpose, existence, or categorical meaning"[51] and instead posits the view that de facto states are significantly shaped by "variables of geopolitical location; the localized interpretation of identity, sovereignty, historical experience, ethno-politics, and the contracts of political power which surround it."[52] Moreover, Harvey conducts a detailed examination of the concept of *de facto independence* as a causal dynamic enabling de facto states to survive and thrive in the current international system of sovereign states. Harvey argues that the possession of *de facto independence* gives de facto states a self-installed geopolitical and geo-economic significance, which then explains the reason why some de facto states can negotiate from unorthodox positions of strength and influence with state governments.[53] The dynamic of de facto independence is also very important for the purposes of this research, focusing as it does on analysis and description of the foreign policy component of the Kurdish de facto state. It can be argued precisely because the KRI possesses de facto independence, state governments seek to build foreign relations with the entity, and in turn allows the KRI to project its own foreign policies.

In another work, Harvey and Stansfield discuss the concept and dynamics of *secession,* so often advanced as the central driving force behind the emergence and subsequent survival of de facto states, which they term as *unrecognized states*. They

[50] Ibid., p. 8.
[51] Ibid., p. 10.
[52] Ibid., p. 10.
[53] Ibid., pp. 191-227.

note that while many secessionist impulses exist, secession is very difficult for ethno-national movements to achieve, and that the act of secession should not be given a primary theoretical value in theorizing on de facto states.[54] Instead, they suggest taking into consideration other dynamics such as 'state fragmentation,'[55] that may explain the initial emergence and development of de facto states. However, although formal secession might prove difficult for de facto states, the concept and the model of state, its institutions, and aspirations of attaining sovereignty, still provide a powerful incentive for the way de facto states view themselves and their future aspirations.

The other work which is conducted by Yaniv Voller, as a PhD thesis, is a detailed survey of the evolution and transformation of the Kurdish national liberation movement in Iraq into the KRI. Voller takes the Kurdish de facto state as his main case study and specifically applies the framework of de facto statehood on the entity. Utilizing the case of the KRI as a case of de facto statehood, Voller identifies the pursuit of international legitimacy as the primary causal dynamic driving policies and strategies of de facto states, which then runs parallel with his analysis of the performance of the Kurdish de facto state in this regard. Voller notes that in their search for international legitimacy, de facto states quite often endeavour to demonstrate to the international community their relative success in achieving domestic sovereignty, signs of successful state-building, democratization, security

[54] James Harvey and Gareth Stansfield, "Theorizing unrecognized states: sovereignty, secessionism, and political economy" in Caspersen and Stansfield (eds.), Op. Cit., pp. 11-27.
[55] Ibid., p. 225.

of the region under their control, their contribution to the global war on terror, economic viability and their contribution to regional peace and security. Thus, demonstration of these elements becomes central to the foreign policies of de facto states and in their interactions with the international community.[56]

The work by Voller is not specifically concerned with a systemic analysis of the foreign policy component of the Kurdish de facto state. Yet he allocates a large part of his thesis (chapters four, five, six, and seven) to argue that the pursuit of international legitimacy and its links with domestic politics constitute a primary dynamic in the foreign policy-making, foreign policy actions, and foreign policy objectives of the Kurdish de facto state. Voller's work with his focus on the Kurdish de facto state is an excellent addition to the literature of de facto statehood and it is referenced and consulted through this thesis. The bibliography is also of value for scholars researching issues surrounding the Kurdish de facto state from 1991 up to 2010.

The literature on the foreign policy component of de facto states, as mentioned previously, is far more limited. Only one article by Francis Owtram in an edited volume entitled the *Foreign Policies of Unrecognized States*[57] is specifically concerned with the foreign policy component of de facto states. Owtram bases his analysis of five case studies: The Republic of China (Taiwan), the Palestinian National Authority, the Turkish Republic of Northern Cyprus, the Republic of South

[56] Voller, Op. Cit.
[57] Owtram, Op. Cit.

Ossetia, and Somaliland. The author admittedly states that the article represents only an initial inquiry into this issue, and serves as a guideline for future analysis and further research. Despite the fact after Taiwan which enjoys some diplomatic recognition the KRI enjoys the widest range of foreign relations and very clearly pursues foreign policy as a de facto state, Owtram excludes the KRI from his case analysis because of a lack of declaration of independence. Still, the article by Owtram represents a base for this research as it contains important insights into the foreign policy component of de facto states.

Lastly, a plethora of academic journals have recently emerged analysing the relationship between non-recognition, the desire for international legitimacy and the foreign policies of de facto states. These journals provide an addition to the study of the Kurdish de facto state, particularly as they relate to the argument that one of the major foreign policy aims of the Kurdish de facto state is related to the pursuit of international legitimacy, through demonstrating its earned sovereignty and its democratization.[58]

[58] For examples, see: Yaniv Voller, "Contested sovereignty as an opportunity: understanding democratic transitions in unrecognized states," *Democratization* (2013), http://dx.doi.org/10.1080/13510347.2013.856418. Yet, Benjamin MacQueen argues that the pursuit of democratization is less to do with the pursuit of international legitimacy and is more related to elite accommodation and elite's endeavour to establish firm control over their fiefdoms, see: Benjamin MacQueen, "Democratization, elections and the 'de facto state dilemma': Iraq's Kurdistan Regional Government," *Cooperation and Conflict*, Vol. 50, No. 4 (2015), pp. 423-439.

1.2.2 Literature on the Political Evolution and Development of the Kurdistan Region of Iraq

Even though scholarly works specifically applying the framework of de facto statehood to the case of the KRI are limited, Kurdish studies have started to flourish in recent years. Ofra Bengio, for instance, notes that significant changes at the international level at the turn of the twenty-first century manifested in the dissolution of Soviet Union, and the resultant emergence of new states in Europe and Central Asia, gave greater legitimacy to the Kurdish ethnic voices in the Middle East region. Moreover, political developments in Iraq itself, most importantly the two U.S.-led wards against Iraq (1991-2003), and the resulting establishment of the KRI, significantly increased the attention paid by scholars to Kurdish issues in Iraq. These developments, coupled with significant developments at the domestic level in the KRI and the growing involvement of the U.S. and other Western countries in Iraqi affairs, prompted a new generation of scholars to take a greater interest in Kurdish affairs.[59]

Gareth Stansfield is a widely recognized authority who has contributed significantly to the analysis of Kurdish politics in Iraq. Stansfield's doctoral thesis *Iraqi Kurdistan: Political Development and Emergent Democracy*[60] represents a milestone and a significant contribution to the analysis of internal politics of the

[59] Ofra Bengio, *The Kurds of Iraq: Building a State Within a State* (London: Lynne Rienner Publishers, 2012).
[60] Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy* (London and New York: Routledge Curzon, 2003).

Kurdish de facto state from its inception in 1991 until just before the 2003 U.S.-led Operation Iraqi Freedom (hereafter OIF) which toppled the regime of Saddam Hussein in Baghdad. From the beginning, Stansfield treats the liberated Kurdish territories controlled by the KRI as a *de facto state*[61] existing in a difficult geopolitical region, surrounded by neighbours either covertly or overtly hostile to any Kurdish political entity. Stansfield traces the modern origins, ideologies, leadership, organizational structure and decision-making processes of, until very recently, the two most powerful political parties in Iraqi Kurdistan, the KDP and the PUK. He also analyses the organizational structure and decision-making within the newly created KRG and traces its evolution from 1992 to 2003, in the process analysing the dynamics and operations of the KRG under four successive cabinets, from 1992 until 2002.

Taking note of the deep divisions and rivalries between the KDP and PUK that resulted in the virtual divide of the KRI into two de facto states (due to the division of the KRI following the civil war), Stansfield argues that "the current divided political and administrative system is a direct manifestation of the historical development and characteristics of the political system of Iraqi Kurdistan. The current division of Iraqi Kurdistan between two separate administrations dominated by the KDP and PUK is, in effect, a function of party dynamics."[62] What is striking is that Stansfield, while noting the challenges facing the Kurdish de facto state, recognized early on the durability of the Kurdish de facto state despite pessimistic predictions by many

[61] Ibid., p. 2.
[62] Ibid., p. 5.

observers who envisaged the end of the de facto state. Indeed, Stansfield warned against attempting too quickly to unite the divided KRI. In the realm of foreign affairs, Stansfield remarks that the divided KRI "can also be seen as a geopolitical safety valve, as the ability of each party to interact with neighbouring countries is enhanced without overtly threatening the status of the other party."[63] Stansfield also notes the dual party-administration approach characterizing the Kurdish parties' foreign relations observing that some Kurdish officials have dual complementary positions in the political party and in one of the Kurdish administrations.[64] Stansfield's assertions are important for the purpose of this research. On one hand, the dual party-governmental foreign policy machine in the KRI is perhaps even evident to this date; on the other hand, despite further cohesiveness within the KRI, political parties in the KRI still preserve their own distinct foreign relations – issues which will be discussed further in this thesis.

Stansfield has also contributed to the analysis of the Iraqi and Kurdish politics in Iraq through authoring or editing several other books, and journal articles in edited volumes. Most prominent of these are: *The Future of Iraq: Dictatorship, Democracy, or Division?* Co-written with Liam Anderson,[65] *Iraq,*[66] *and the Kurdish Policy Imperative* Co-written with Robert Lowe.[67] But perhaps the most important recent

[63] Ibid., p. 6.
[64] Ibid., p. 164.
[65] Liam Anderson and Gareth Stansfield, *The Future of Iraq: Dictatorship, Democracy, or Division?* (New York: Palgrave Macmillan, 2005).
[66] Gareth Stansfield, *Iraq* (Cambridge: Polity Press, 2007).
[67] Robert Lowe and Gareth Stansfield (eds.), *The Kurdish Policy Imperative* (London: Chatham House, 2010).

contribution is a journal article in which Stansfield argues that the KRI has emerged as a state-like entity that has begun to influence the international relations of the Middle East.[68]

Last, but not least, Ofra Bengio in *The Kurds of Iraq: Building a State Within a State*[69] produces a detailed historical narrative of Kurdish politics in Iraq, dating from at least 1968 with the commencement of the Baathist rule in Iraq, until 2010. What is interesting about this book is that Bengio strongly asserts that the KRI has transformed into a state within the Iraqi state after 2003 through the "juxtaposition of different domestic, regional, and international factors [that] have made possible the Kurds' leap forward into post-Saddam Iraq."[70] Bengio's book is an excellent addition to the analysis of the Iraqi Kurdish and Iraqi state dynamics, the impact of the geostrategic map on the Kurdish region, the evolution of Kurdish nationalism in Iraq and the complex and perplexing dynamics of the Kurdish national liberation movement of Iraq. More interesting, in terms of this research, is that Bengio dedicates a chapter to the evolution of the foreign relations of the Kurdish de facto state from 1991 until 2003. She notes that the ability to conduct foreign relations independently of the state is an important tool for nation and state building processes. She further comments that in the Kurdish case, the entity received a tremendous boost from outside forces enabling the KRI to build and conduct foreign

[68] Gareth Stansfield, "The unravelling of the post-First World War state system? The Kurdistan Region of Iraq and the transformation of the Middle East," *International Affairs*, Vol. 89, No. 2 (2013), pp. 259-282.
[69] Bengio, Op. Cit.
[70] Ibid., p. 319.

relations independently of the state, in turn assisting the Kurds of Iraq in the processes of nation and state building.[71] Overall, this book is an important source and will be referenced and consulted throughout this research.

Published in 1996, Robert Olson's edited volume, *The Kurdish Nationalist Movement in the 1990s,* represented an early attempt to analyse and illustrate the impact of the Kurdish national movement(s) on the Middle East region and on regional geopolitics, particularly on Turkey's foreign policies after the end of the Cold War and the creation of a semi-autonomous entity in the KRI. The book conducts a timely analysis of how the Kurdish question influenced respective foreign policies of regional states toward their respective Kurdish communities.[72] The article by Michael Gunter, *Kurdish Infighting: The PKK-KDP Conflict,* in this volume is particularly illuminating in illustrating the entangled relationship between the KDP, PUK, and PKK in the early 1990s and the forming of alliances between the Kurdish political parties prevalent in the KRI and regional states, particularly Iran and Turkey.[73] However, what the analysis lacks is a detailed examination of how the transformation of the Kurdish national liberation movement in Iraq into a de facto state impacted on the foreign policies of regional states.

[71] Ibid., pp. 245-273.
[72] Robert Olson (eds.), The Kurdish Nationalist Movement in the 1990s: Its Impact on Turkey and the Middle East (Kentucky: The University Press of Kentucky, 1996).
[73] Michael Gunter, "Kurdish Infighting: The PKK-KDP Conflict," in Ibid., pp. 50-65.

The Goat and the Butcher written by Robert Olson in 2005[74] is another contribution to the analysis of the Kurdish politics in Iraq. Grounded in historical studies, the book is essentially a historical narrative of a relatively short time-span between 19 March 2003. when the U.S. and its allies removed Saddam Hussein from power until mid-February 2005 when the first Iraqi national elections took place to elect members of the COR. The book mostly examines Turkey's relations with the Kurdish political parties. The author argues that. prior to 2003. the relationship between Turkey and Kurdistan-Iraq characterized those of a 'state (Turkey)-to-territory'[75] relationship. However, by June 2003, the author argues that relations were upgraded to a 'state-to-government(s) (KDP and PUK) relationship.'[76] While this book by Olson considers the transformation of the Kurdistan national liberation movement into a de facto state, it does so regarding Turkey's foreign policy-making toward the entity, without considering the KRI's agency and its ability to influence events and project its own foreign policies.

For his part, Michael Gunter has contributed to the literature of the KRI through publication of three major books. All three books are markedly descriptive narratives of the evolution of the KRI following the First Gulf War. In first book,[77] using a descriptive research method, Gunter surveys developments in the Kurdish national liberation movement from 1975, when the first Kurdish experience in

[74] Robert Olson, The Goat and The Butcher: Nationalism and State Formation in Kurdistan-Iraq since the Iraqi War (California: Mazda Publishers, 2005).
[75] Ibid., p. 3.
[76] Ibid., p. 3.
[77] Michael Gunter, *The Kurds of Iraq: Tragedy and Hope* (New York: Palgrave Macmillan, 1993).

autonomy collapsed under the leadership of the late Mustafa Barzani, until the creation of the KRI. Gunter dedicates two chapters to describing the position of the Kurds of Iraq during the First Gulf War (1980-1988), and another chapter to cover developments during the Second Gulf War in 1991. He then allocates three chapters to focus on internal developments in the KRI. Although Gunter uses the concept of *de facto state* to describe the KRI in 1992, his use of the term is problematic and he omits to define it within his book. Perhaps one reason for this failure is that the concept of *de facto statehood* was first introduced into political science and IR studies, as a legitimate theoretical framework, in 1998 i.e. five years after the book by Gunter was published. In general, Gunter's book is useful for students of Kurdish studies and for those following the political developments in the KRI.

The second book by Gunter[78] again adopts a descriptive analysis of developments in the KRI from 1992 till the end of 1997. He dedicates chapter three of his book to the Kurdish involvement in the Iraqi opposition that was activated following the closure of the Second Gulf War in 1991. The involvement of Iraqi Kurdish political parties, as will be demonstrated in chapter four, was crucial in the survival prospects of the Kurdish de facto state. Gunter then describes the nascent internal war between the KDP and PUK that erupted in 1994, and the rounds of negotiation and peace initiatives sponsored and encouraged by several states culminating in the Washington Agreement that effectively put an end to the civil war in the KRI. The main argument of the book seems to be that by October 1996 the

[78] Michael Gunter, *The Kurdish Predicament in Iraq: A Political Analysis* (Hampshire: Macmillan Press, 1999).

KRI was engulfed in a 'power vacuum',[79] into which the neighbouring states and the U.S. have been drawn. According to Gunter, this scenario of vacuum in power is attributable to the nascent civil war between the KDP and the PUK, the presence of Kurdish armed groups opposing the governments of Turkey and Iran inside the KRI, as well as to several Turkish and Iranian military incursions inside the KRI to root-out Kurdish oppositionist groups. Overall, while the book is not concerned with foreign relations of the KRI, it sheds some light on the political, geopolitical and military complexities facing the leadership of the KRI during one of the most sensitive periods in the history of the KRI.

The third book by Gunter[80] is mainly a brief comparative study of the status of the Kurds in Iraq after OIF, Kurdish politics in Turkey after the capture and detention of the PKK leader Abdullah Ocalan in 1999 and developments pertaining to the Kurds in Iran and Syria. As far as the KRI is concerned, Gunter argues that the two U.S. wars against Saddam Hussein have helped to build the foundations of the KRI. Moreover, and very relevant to the discussion contained in Chapter Six of this thesis, Gunter notes that the KRI after 2003 has become an "island of democratic stability, peace, and burgeoning economic progress."[81] Gunter also looks at the three delicate relationships the Kurdish de facto state needs to manage to secure its continued survival and strength: relations with the GOI, relations with Turkey and lastly relations with the United States of America. Overall, while the book is not

[79] Ibid., p. 111.
[80] Michael Gunter, The Kurds Ascending: The Evolving Solution to the Kurdish Problem in Iraq and Turkey (New York: St. Martin Press, 2011).
[81] Ibid., p. xi.

concerned with a systematic analysis of the foreign policy component of the Kurdish de facto state, it is an essential read for scholars of the Kurdish de facto state and it contains important insight on developments in the post-Saddam era.

Denise Natali has also contributed to the analysis of Kurdish politics in Iraq through publication of two books and several journal articles. The first book is a comparative analysis of the nature of Kurdayeti – the Kurdish national identity – and its similarities and variations across space and time in Iraq, Iran, and Turkey.[82] Natali provides significant insight into the nature and scope of political space available in each state and its direct link to the formation of Kurdish identity, arguing that "Political space matters in creating sets of motives, ideas, and mobilization potential for Kurdish communities. It shapes the nature of the nationalist elite, organizations, sentiment, and relationship between Kurds and central governments."[83] Natali's book is not specifically concerned with analysis of the foreign policy component of the KRI. However, she provides valuable insight on the external sources or the external factors that have enabled the Kurdish de facto state to survive in the modern international system. Natali specifically discusses 'transnational space', arguing that "In Iraq, the large transnational space has helped create a legitimate and democratized sense of"[84] Kurdish National Identity. Overall, she notices that

[82] Denise Natali, The Kurds and the State: Evolving National Identity in Iraq, Turkey, and Iran (Syracuse: Syracuse University Press, 2005).
[83] Ibid., p. 180.
[84] Ibid., p. 162.

historically in Iraq the Kurds have enjoyed a larger and freer political space to articulate their national identity.

The second book by Natali examines the influence of international humanitarian aid in creating and sustaining what she calls the Kurdish 'quasi-state'.[85] Natali examines the impact of foreign aid on the KRI since its inception, specifically focusing on the changing nature of the external aid directed to the entity. She notes that, since the inception of the Kurdish entity in Iraq, external aid programmes have undergone three significant transitions: (1) emergency relief phase (1991-96); (2) OFFP phase (1996-2003); and democracy mission phase (2003-2011). Natali's arguments are important for this research, as strangely it is the dynamics of international aid that assured the survival of the Kurdish de facto state from at least 1992 until 2003. Natali notes that in an open political context external aid can have the positive affect of establishing "long-term relationships between foreign governments and non-state actors."[86] From the perspective of the KRI, Natali notes that in contrast with the first relief phase, the commencement of the OFFP encouraged political engagements from foreign governments to establish peace between the warring Kurdish political parties and to create an effective Iraqi opposition movement. Moreover, international aid helped the KRI in gaining some form of international legitimacy and domestic sovereignty. This contribution by Natali is an important piece of work as it sketches out the limitations imposed and

[85] Denise Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq (Syracuse: Syracuse University Press, 2010).
[86] Ibid., p. xxv.

opportunities offered to the Kurdish de facto state, through external aid in the form of material resources and security protection by the international community. Although this book is not specifically concerned with Kurdish foreign policy, it provides a significant insight into how external aid assisted the KRI to build semi-official foreign relations with several state and non-state actors, in the process helping to consolidate the nascent Kurdish political entity in Iraq through provision of aid and further engagement with states and international organizations such as the UN.

2 Theoretical Framework and Methodology

This thesis conceptualizes the Kurdistan Region of Iraq as a de facto state. Therefore, this chapter examines the emergence, operation, identity and policies (including foreign policies) of such de facto states. It also assesses why it is appropriate to apply the theoretical framework of de facto statehood on the KRI. After the first section, section two is concerned with providing an in-depth analysis of the literature of FPA. This section elaborates the various definitions and different approaches to FPA. It examines the foreign policy aims of de facto states, as well as examining the various determinants which influence foreign policy actions of actors, including de facto states. The section primarily aims to the make the case that mutatis mutandis de facto states can project foreign policy to pursue their own specific policy interests and aims and can be significant actors in the politics of their region.

2.1 Introduction

It is not easy to place the KRI in a theoretical framework. The region is constantly at flux and the future of its political direction is uncertain. Since the 1960s, the predominantly ethnic Kurdish areas of the north have experienced a continuous transformation through multiple forms of territorial and political organization. Kurdish majority areas in Iraq transformed, at one time or another, from being an ‘insurgent state’, to an ‘autonomous region’, to an ‘insurgent/proxy state’, and then after the

1990s a Western-protected Safe Haven.[87] Yet this thesis argues that after 1992, and under international protection, the Kurdish majority areas in Iraq were transformed into a de facto state with the establishment of the KRI, which continues to this day. While it is true that after 2003 the KRI was yet again reintegrated into the state of Iraq, this reintegration has not caused the collapse of the de facto independent Kurdish entity. Ironically it strengthened the KRI by formally recognizing its existence as a de facto independent entity. The central argument to support the contention that the KRI is indeed a de facto state is that it has achieved a large degree of de facto independence with a consolidated territorial control, and several elements of sovereignty, with perhaps the exception of international diplomatic recognition as an independent state. The KRI has also been engaging in processes of state- and nation-building similar to other de facto states existing in today's international system and the desire for outright independence is strongly visible amongst Iraqi Kurds.

2.2 Defining the De Facto State: The Emergence, Operation and Policies

After the end of the Cold War, for the first time, attention began to be dedicated to the analysis of ethno-nationalist conflicts in the territories formerly controlled by the Soviet Union that had newly created de facto independent states from their erstwhile parent states. Initially, to most observers, these conflicts had

[87] Harvey and Stanfield, Op. Cit., p. 19.

seemed to be 'frozen conflicts'[88] existing in a state of 'no war, no peace',[89] while for others these self-proclaimed political entities were 'places that don't exist',[90] and 'informational black holes',[91] that did not merit careful analysis.

However, the economic, political, security and humanitarian challenges resulting from these conflicts, and the creation of self-declared independent states, soon captured the attention of scholars and policy-makers alike. In the realm of academia, Pegg was the first to introduce the concept of de facto statehood as a worthy subject of theoretical analysis within the framework of IR. To differentiate his unit of analysis from other forms of statelessness, namely bandits, territories controlled by warlords, peaceful secessionist movements or even puppet-states established by imperialist powers, Pegg defines the de facto state based on the following criteria:

> First, there is an organized political leadership which receives some form of popular support. Second, this leadership has achieved sufficient capacity to provide governance or governmental services to a defined population. Third, the *de facto* state effectively controls its territory or the large majority of it for at least two years. Two years is a somewhat arbitrary figure but what I am trying to get at here is that these entities

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[88] Peter Rutland, "Frozen Conflicts, Frozen Analysis" (paper presented at the International Studies Association, Chicago, IL, 1 March 2007), accessed: 9 August 2015,
[89] Edward Walker, "No Peace, No War in the Caucasus: Secessionist Conflicts in Chechnya, Abkhazia and Nagorno-Karabakh" *Belfer Centre for Science and International Affairs*, February 1998, accessed: 8 September 2015, http://www.belfercenter.org/publication/no-peace-no-war-caucasus-secessionist-conflicts-chechnya-abkhazia-and-nagorno-karabakh,.
[90] Caspersen and Stansfield (eds.), Op. Cit., p. 2.
[91] King, Op. Cit., p. 550.

have some degree of permanence. They are not here today and gone tomorrow. Rather, they have staying power. Fourth, the *de facto* state views itself as capable of entering into relations with other states. Fifth, the *de facto* state actively seeks widespread international recognition of its sovereignty. Finally, the *de facto* state is, however, unable to achieve widespread recognition of its sovereignty and remains largely or totally unrecognized by the international society of sovereign states.[92]

To further support his proposition, Pegg draws on Robert Jackson's distinction between positive and negative sovereignty. The former refers to the

> "…capabilities which enable governments to be their own masters. It is a substantive rather than a formal condition. A positively sovereign government is one… which possesses the wherewithal to provide political goods for its citizens. Positive sovereignty… is not a legal but a political attribute if by political is understood the sociological, economic, technological and psychological wherewithal to declare, implement and enforce public policy both domestically and internationally."[93]

Negative sovereignty, however, refers to the theoretical right of non-intervention in the domestic affairs of other states and involves the 'act of general

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[92] Scott Pegg, The Impact of De Facto States on International Law and the International Community," *European Parliament*, Brussels, Belgium, 15 May

[93] Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990), pp. 29.

recognition' attributed to a state by the international society.[94] Thus, according to Jackson, despite retaining their negative sovereignty, most states that have emerged following the decolonialization process, or what he calls 'quasi-states', have mostly failed to provide governmental services, in other words, they lack positive sovereignty.[95] Yet, as Pegg notes, despite the fact both quasi-states and de facto states are the resultants of the outcome of the decolonialization process, "The quasi-state is legitimate no matter how ineffective it is. Conversely, the de facto state is illegitimate no matter how effective it is."[96] This is because the international system of sovereign states strongly adheres to the principle of respecting the territorial integrity of existing states, which in most cases by default means denying international recognition to de facto states.

However, since Pegg's first introduction of the subject, an abundance of new studies has emerged which have enriched the analysis of de facto statehood. Yet while most writers have accepted the basic elements of the definition advanced by Pegg, later studies have objected or refined the edges of his definition. One source of disagreement has been Pegg's insistence on a formal declaration of independence as a criterion for defining an entity as a de facto state. It remains the case that some de facto states have not formally declared independence for several reasons, that will be outlined later in this chapter, while maintaining their de facto independence.

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[94] Ibid., p. 30.
[95] Ibid., p. 529.
[96] Scott Pegg, "The 'Taiwan of the Balkans'? The De Facto State Option for Kosova," *Southeast European Politics*, Vol. 1, No. 2 (2000), p. 91.

Nina Caspersen and Gareth Stansfield, for instance, provide a more flexible definition of the de facto state. This study fully concurs with this definition as it enables the inclusion of the KRI as a case of de facto statehood. As such it is worth recalling the whole definition provided by them. While agreeing with the basic tenets of Pegg's criteria, they have articulated three major principles for defining a de facto state as follows:

> "First, they have achieved de facto independence, including territorial control, and have managed to maintain this for at least two years. Unrecognized States control most of the territory they lay claim to, including the territory's 'capital' and key regions, and this distinguishes them from other separatist movements. But the territorial control is not necessarily absolute; they may aspire to more territory than they currently control and the extent of their control is likely to vary over time; second, they have not gained international recognition, or even if they have been recognized by some states, they are still not full members of the international system of sovereign states; third, they have demonstrated an aspiration for full, *de jure*, independence, either through a formal declaration of independence, through the holding of a referendum, or through other actions or declarations that show a clear desire for a separate existence."[97]

[97] Caspersen and Stansfield (eds.), Op. Cit., pp. 3-4.

The third criterion is critical for the purposes of this research. On the one hand, it allows the categorization of the KRI and Taiwan as two important cases of de facto statehood who have never formally declared independence, yet variously function as highly independent entities and show great tendencies toward independence. One the other hand, perhaps, these two entities project foreign policies and enjoy official foreign relations with variety of state and international organizations possibly unmatched by any other de facto state existing in the current international system. It is also clear that it is precisely because of a lack of declaration of independence, these entities can assert a high profile in foreign policy. It is also the same dynamic that enables or encourages other state and non-state actors to engage with them. These entities are cases of 'incremental secession'[98] to borrow a term from Caspersen, and the lack of declaration of independence is a strategic decision by the leadership of these entities to 'increase room for manoeuvre and the prospect for international support'.[99]

It is also plausible to argue that another reason for the lack of declaration of independence by the leader of some de facto states relates to the fact that de facto autonomy, without de jure sovereignty, allows other sovereign actors to interfere in the internal affairs of de facto states without much concern for the viewpoint of their leaders. Harvey here notes, "Because of the apparent devaluation of de facto autonomy in the case of unrecognized entities, the ability of a proximate regional sovereign to interfere in the internal affairs of the metropolitan state in which the

[98] Caspersen, *Unrecognized States,* Op. Cit., p. 9.
[99] Ibid; Caspersen and Stansfield (eds.), Op. Cit., p. 4.

unrecognized entity is situated is greatly enfranchised."[100] This simple fact is illustrative of the reason why the KRI and Taiwan have not declared independence. While both entities possess high levels of de facto independence and foreign relations, they both exist in highly challenging geopolitical environments with Taiwan facing its great power Chinese parent state, and the KRI being surrounded as it is by powers such as Turkey and Iran. Therefore, any movement toward a non-negotiated independence would jeopardize the very existence and security of these de facto states.

Indeed, to understand the position of de facto states, it is useful to borrow Stephen Krasner's definition of sovereignty as a multidimensional and complex institution. Krasner identifies four different meanings of sovereignty. Domestic sovereignty, referring to "the organization of public authority within a state and to the level of effective control exercised by those holding authority."[101] Interdependence sovereignty, referring to "the ability of public authorities to control trans-border movements."[102] Westphalian sovereignty, referring to "the exclusion of external actors from domestic authority configurations,"[103] and international legal sovereignty referring to "the mutual recognition of states or other entities."[104] De facto states claim they enjoy all but international legal sovereignty. They further claim despite the lack of international recognition, they have been successful at establishing positive

[100] Harvey, Op. Cit., p. 32.
[101] Krasner, Op. Cit., p. 9. Also, see: Stephen Krasner, "Abiding Sovereignty," Op. Cit., pp. 229-251.
[102] Ibid., p. 9.
[103] Ibid., p. 9.
[104] Ibid., p. 9.

sovereignty in their de facto states. This is perhaps because recognition in such cases is not utterly necessary due to the existence of other dynamics that sustain the de facto independence of these entities. Harvey, for instance, in this regard notes:

> "It is the possession of *de facto autonomy* which enables the maintenance of political community and security in a state of equilibrium despite a lack of external recognition. This implies that whilst unrecognised entities are excluded from the dialogue of non-intervention attributed to sovereignty, their presence within the spheres of influence created by dialogue and interaction between sovereign actors affords them a great deal of protection from the use of force. The implication here is that there is a stark difference between de jure sovereignty and de facto autonomy – the sovereign state possesses both (in times of peace) whereas the unrecognised autonomous entity subsists quite effectively on the maintenance of de facto autonomy by any means."[105]

The fact that de facto states enjoy de facto autonomy/independence also sets them apart from other anomalous entities in the international system. De facto states are different from 'shadow states'[106], black spots[107], insurgent states,[108] autonomous

[105] Harvey, Op. Cit., p. 31.
[106] William Reno, "Clandestine Economies, Violence and States in Africa," *Journal of International Affairs,* Vol. 53, No. 2 (2000): p. 443.
[107] Stanislawski, Op. Cit., pp. 336-396.
[108] Robert McColl, "The Insurgent State: Territorial Bases of Revolution," *Annals of the Association of American Geographers,* Vol. 59, No. 4 (1969), pp. 613-631.

regions, associated territories,[109] and states-within-states.[110] De facto states are also different from the recognized quasi-states of the third world which possess international recognition (negative sovereignty) but mostly lack domestic or positive sovereignty. De facto states have achieved de facto independence and domestic sovereignty and have built relatively successful state-like institutions capable of providing public services to the general population. Charles King, noting this dynamic, has argued that, "the territorial separatists of the early 1990s have become the state builders of the early 2000s, creating de facto countries whose ability to field armed forces, control their own territory, educate their children, and maintain local economies is about as well developed as that of the recognized states of which they are still notionally a part."[111] As such they aspire to independent statehood and therefore seek visibility to demonstrate their achievements to the outside world in pursuit of international legitimacy and recognition.

Yet, despite their visibility and the attempt to demonstrate their successes in state-building, most de facto states tend to possess negative images, which have significant implications for their survivability and their future recognition bids. De facto states are usually seen as grave threats to the sacred principle of territorial integrity, regional and international security and the cause of peace. Caspersen, for instance notes, "De facto states tend to be ethnically-defined and born out of

[109] Caspersen and Stansfield (eds.), Op. Cit., p. 3; Caspersen, Op. Cit., p. 4
[110] Paul Kingston and Ian Spears (eds.), *States-Within-States: Incipient Political Entities in the Post-Cold War Era* (New York: Palgrave Macmillan, 2004).
[111] King, Op. Cit., p. 525.

violence and the image that dominates in the media, in foreign ministries and in the limited academic literature is very much a negative one".[112]

However, the issue is not solely related to the fear of opening the frozen international map of sovereign states to create new political cartographies. De facto states are often viewed as "anarchical badlands"[113], providing fertile grounds for criminal and illegal organizations and illicit trade activities, and as such constitute grave security threats that need to be eradicated, in most cases as soon as possible. Kolossov and O'Loughlin have described de facto states as entities "with fungible territorial control, which are predicated on criminal or quasi-criminal organizations; frequently specializing in the production and sale of drugs; as well as the illegal traffic of weapons and in the laundering of 'dirty money'."[114] An ad hoc European Parliamentary delegation in one instance described Transnistria as a "black hole"[115] in Europe and a "base for arms smuggling and trafficking in people, tobacco and drugs."[116] Other scholars have doubted whether the elites of de facto states truly represent their local populations' will and determination, and the utility of self-determination movements in the twenty-first century. Amitai Etzioni, for instance, in

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[112] Nina Caspersen, "From Kosovo to Karabakh: International Responses to De Facto States," *SÜDOSTEUROPA*, Vol. 56, No. 1 (2008).
[113] Nina Caspersen, "Separatism and Democracy in the Caucasus," *Survival*, Vol. 50, No. 4 (2008), p. 118.
[114] Kolossov and O'Loughlin, Op. Cit., p. 152.
[115] "European Parliament Ad Hoc Delegation to Moldova*," European Parliament,* 5-6, June 2002, accessed: 6 January 2015, http://www.europarl.europa.eu/meetdocs/committees/afet/20021007/473437EN.pdf.
[116] "Delegation to the EU-Moldova Parliamentary Cooperation Committee," *European Parliament* ,1 July 2009, accessed: 6 January 2015, http://www.europarl.europa.eu/document/activities/cont/200908/20090811ATT59528/20090811ATT59528EN.pd.

a much praised article notes that "a bunch of local autocrats hardly constitutes progress toward genuine self-determination".[117] As such, de facto states are usually ignored; and if they are ever discussed, they are merely dismissed as "criminal stripes of no-man's-land or as the puppets of external states,"[118] while in other cases, de facto statehood has been closely associated with 'foreign aggression'.[119] Moreover, as Deon Geldenhuys notes, unrecognized de facto states face 'double non-recognition': not only does the international community reject secession of de facto states, but it also rejects the claim made by de facto states that they have achieved positive sovereignty or have earned their sovereignty.[120] In other words, de facto states are often seen as 'failing states,' or 'racketeer states'.[121]

Therefore, considering the fact most de facto states have a negative image, there must surely be other factors assisting de facto states in their initial emergence and subsequent survival. In this regard, several dynamics can be discerned straightaway. In most cases, the most important factor enabling the initial emergence and subsequent survival of de facto states is the existence of a proximate 'external patron',[122] or a far distant geopolitical guarantor.[123] Indeed, most scholars of de facto statehood have recognized the importance of patron states in enabling ethno-national groups to create de facto independent entities. Kolsto and Paukovic have

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[117] Amitai Etzioni, "The evils of Self-Determination," *Foreign Policy*, Vol. 21, No. 35 (1992-1993): p. 24.
[118] Lynch, Op. Cit., p. 4.
[119] Caspersen, "Playing the Recognition Game," Op. Cit., p. 48.
[120] Geldenhuys, Op. Cit., p. 3.
[121] Scott Pegg and Helge Blakkisrud, "De facto states and democracy: The case of Nagorno-Karabakh," *Communist and Post-Communist Studies,* Vol. 45 (2012), p. 142.
[122] Kolsto, Op. Cit., p. 733
[123] Caspersen, "From Kosovo to Karabakh," Op. Cit., p. 13.

noted “in order to survive de facto states must have a patron that will protect them and supply them with financial and other resources,”[124] while Caspersen notes, “It is impossible to understand the creation and survival of de facto states without reference to external actors.”[125]

The motivation of patron states to enable the emergence and continuity of de facto states is often driven by the existence of ethnic links[126] or strategic interests.[127] Patron states act as important sources of diplomatic, political, economic, and military assistance for de facto states. De facto states often rely on military support from patron states to achieve territorial control and to exert control on the legitimate means of violence; while economic support is required to build governmental institutions, infrastructure and provide basic public services to the general population.[128] Thus, Abkhazia, South Ossetia and Transnistria have drawn support from Russia, TRNC from Turkey, while Nagorno Karabakh has drawn support from Armenia in their initial victory and subsequent creation of their de facto independent entities.[129] In other cases, a far more distant power can act as a patron state for a de facto state. For instance, the U.S. acts or has acted as a form of patron state for several de facto states, including Taiwan,[130] the KRI, Kosovo, and Somaliland, which

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[124] Pal Kolsto and Davor Paukovic, “The Short and Brutish Life of Republika Srpska Krajina: Failure of a De Facto State,” *Ethnopolitics*, 2013.
[125] Caspersen, *Unrecognized States*, Op. Cit., 54.
[126] Nina Caspersen, “Between Puppets and Independent Actors: Kin-state Involvement in the Conflicts in Bosnia, Croatia and Nagorno Karabakh,” *Ethnopolitics, Vol.* 7, No. 4 (2008): pp. 357-372.
[127] Caspersen, “Playing the Recognition Game,” Op. Cit., p. 51.
[128] Caspersen, *Unrecognized States,* Op. Cit.
[129] Kolsto, “The Sustainability and Future of Unrecognized Quasi-States,” Op. Cit.
[130] Michael Mangelson, “Taiwan Re-Recognized: A Model for Taiwan's Future Global Status,” *BYU Law Review*, Vol. 1992, No. 1 (1992).

has enabled either their first creation or their endurance as entities with a high level of de facto independence.[131] The U.S. functioning as a patron state to these entities also explains their lack of isolation and their wider engagement with the international community.[132] However, the impact of patron states is not just in the initial creation, they can also influence the eventual outcomes of the conflict between de facto states and their parent states. Graham and Horne remark that patron states can influence the eventual outcomes of equilibrium, as by providing military and economic aid to de facto states, they can minimize the possibility of renewal of warfare and make the secessionist elite's payoff from the status quo high enough to prevent a negotiated settlement.[133] In contrast, by withdrawing military, economic and political support they can force a different conflict outcome. This is evident in the case of the Serb Republic of Krajina (in Croatia) where the de facto state's leaders fell out with the Milosevic regime in Serbia, lost Serbian support, and thereby the entity ceased to exist thereafter.[134]

Moving forward, many writers, including Pegg, have depicted secession as the primary causal dynamic driving the policies of de facto states. In a general term, secession has been defined as "the creation of a new state by the withdrawal of a territory and its population where that territory was previously the part of an existing

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[131] Kolsto, "The Sustainability and Future of Unrecognized Quasi-States," Op. Cit., p. 733
[132] Nina Caspersen, "States Without Sovereignty," in Caspersen and Stansfield (eds.), Op. Cit., p. 83.
[133] Kristina Buzard, Benjamin Graham and Ben Horne, "Unrecognized States: A Theory of Self-Determination and Foreign Influence," *Economics Faculty Scholarship*, Paper 157 (2014), accessed: 12 October 2016.
[134] For more info on the Serb Republic of Krajina, see: Kolsto and Paukovic, Op. Cit.

state."[135] The de facto state has been portrayed as a secessionist entity and the logical outcome of secessionist struggles, representing an interim period between the armed national liberation struggle and independent statehood. For liberation movements, Voller notes, de facto statehood necessitates modification of strategy, although the ultimate aim of creating independent statehood remains unchanged.[136] As Caspersen comments, "however much we talk about globalization, erosion of the state and the increasing irrelevance of territory, statehood remains the top prize; it legitimizes the struggle, guarantees protection for the inhabitants and prestige and power for the leaders,"[137] or as King observes, in a similar vein, 'Why be mayor of a small city if you can be president of a country? Why be a lieutenant in someone else's army if you can be a general in your own?".[138]

However, this picture of secessionist or national liberation movements able, with the help of patron states, to carve out spaces in sovereign states and embark on the processes of separation and creation of new states must be balanced against increasing evidence that secession, in most cases is not the major dynamic prompting creation of de facto states. For example, in most cases, sovereign states refrain from supporting overtly secessionist outcomes in ethno-national conflicts. In this regard, Hechter presents two geopolitical factors that induce states to refrain from supporting secession elsewhere. First, he notes, most states are themselves

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[135] Matthew Webb, "The importance of predecessor centers of sovereignty and processes of state formation in explaining secession," *Defense & Security Analysis*, Vol. 31, No. 1 (2015), p. 22
[136] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 58.
[137] Caspersen, "From Kosovo to Karabakh," Op. Cit.
[138] King, Op. Cit., p. 551.

‘multinational’ spaces, and therefore the possibility of potential secessionist movements arising from their own territory means that supporting secession elsewhere could result in unpleasant precedents at home. Second, support for secession would harm relations with larger parent states which may have implications in other arenas.[139] Therefore, secession for de facto states remains difficult because they face opposition not only from their parent states, but also from the wider international system of sovereign states which is primed toward preserving the sanctity of international borders. In short, the classical international system as Weller notes, is underwritten by sovereign states preserving their own interests in the international arena, the most important of which is the endurance of their territorial integrity.[140]

Bearing the difficulties of secession, the most recent literature has articulated other dynamics that might be at play in the creation of de facto states. Stansfield and Harvey, for instance, argue that a significant, but hitherto understudied, factor that can lead to creation of de facto independent entities are the processes of ‘state fragmentation’.[141] Indeed, as Stansfield and Harvey contend, the dynamic of secession in relation to the creation of de facto states becomes even more important when “understood as a phase in the creation of de facto independence when combined with processes of fragmentation and rupture in the fabric of the state system itself.”[142] According to this very plausible argument, the processes of state

[139] Michael Hechter, “The Dynamics of Secession,” *Acta Sociologica* 35, 4 (1992): p. 278.
[140] Weller, *Contested Statehood*, Op. Cit., p. 17.
[141] Harvey and Stansfield, Op. Cit., p. 17.
[142] Ibid., p. 17.

fragmentation enable the already existing national movements to benefit from the weakness of the state and achieve territorial control, rather than the liberation movement itself having power to capture territory from the sovereign state and create a de facto independent territory. They further note:

> "[T]he processes of 'state weakness and instability in the parent unions and sovereign arrangements both pave the way for conflict and provide the necessary openings for secessionist movements to secure territory and engage in the process of separation – the formation of new political institutions, identities, ideologies, and methodologies of state-building – rather than the secessionist movement itself taking the risk of making the first move and being represented as a belligerent force."[143]

Stansfield and Harvey also note that a significant determining factor in the creation of new states is the collapse of imperial centres of power, overarching hegemonic political and economic systems, and defeat in war which then prompts victorious powers to enable secession and creation of new states.[144] Hence, the recent establishment of new states in the spaces formerly controlled by the Soviet Union and Yugoslavia, and the creation of the Kurdish de facto state following the defeat of the Baathist state of Iraq in the Second Gulf war "underscore the historical contingency of the role of geopolitical factors in state formation. [Because] In certain

[143] Ibid., p. 18.
[144] Ibid., p. 18.

historical conditions, geopolitical forces promote the fragmentation of states"[145] particularly after defeat in a war.

It is, then, plausible to argue that the creation of Kosovo[146] and the Kurdish de facto state[147] were the direct result of the punitive actions of great powers and the international community against Serbia and Iraq after their defeat in wars, in 1999 and 1991 respectively. There can also be other factors which may ultimately lead to the secession of regions or peoples from the confines of already-established states. Daniele Conversi, in the context of creation of new states in the spaces formerly controlled by Yugoslavia, argues that the leadership of central governments can also, at times, play a major role in the secession of its constituent parts. Indeed, Conversi develops the concept of 'central secession' or 'secessionism by the centre.'[148] Depicting the Serbian elites in Belgrade as secessionist, he argues that "after realising the impossibility of imposing their hegemony on a re-centralised Yugoslavia, Slobodan Milosevic and his circle opted for a project which, though cautiously disguised, in practice amounted to secessionism."[149] The implication here is that in certain historical circumstances-which is certainly applicable to the case of the Kurdish de facto state as will be outlined later – central state authorities

[145] Hechter, Op. Cit., p. 279.
[146] For more on Kosovo's secession, see: Ker-Lindsay, *Kosovo,* Op. Cit.
[147] Nicholas Wheeler, Saving Strangers: Humanitarian Intervention in International Society (Oxford: Oxford University Press, 2000).
[148] Daniele Conversi, "Central secession: Towards a new analytical concept? The case of former Yugoslavia," *Journal of Ethnic and Migration Studies*, Vol. 26, No. 2 (2000), pp. 333-355.
[149] Ibid., p. *333.*

deliberately pursue policies pushing a certain part of its peripheral territory toward secession, for the achievement of other tangible aims.

However, regardless of the factors that enable the creation of de facto states, the question remains on as to how these entities can interact with the international system of sovereign states, and preserve de facto independence in a state of non-recognition. For many observers, the fact that de facto states do not possess de jure sovereignty, and constitute security threats, condemns them to total isolation on the margins of the international system. Based on this view, de facto states are delegated to the status of "pariahs, excluded from the mainstream channels of international diplomacy, existing in conditions beyond the pale of normal international intercourse,"[150] and therefore 'non-engagement'[151] is the default international response to these entities.

Yet, as Charles King notes, "Seeing ethnoterritorial confrontations as mainly a security problem can blind researchers to the deep political and economic incentives that sustain disputes and fossilize networks of war into institutions of de facto states.''[152] Therefore, it may then be the case that de facto independent territories are able to survive for a prolonged period without actually being accepted to the exclusive club of sovereign states. It is also plausible that de facto states are

[150] Bartmann, Op. Cit., p. 12.
[151] Nina Caspersen, "Democracy, nationalism and (lack of) sovereignty: the complex dynamics of democratisation in unrecognised states," *Nations and Nationalism,* Vol. 17, No. 2 (2011): p. 346.
[152] King, Op. Cit., p. 552.

indeed able to interact with sovereign states due to the existence of other factors. Harvey and Stansfield, in this regard, note:

> "It is meaningless to discuss a political entity such as an unrecognized state as though it operated in isolation, unconnected to other international dynamics and processes. Through political ties and interactions with governments and international actors, unrecognized states are often politically and economically socialized through means which reconcile abstractions of legal non-recognition with the needs of states, markets; and a range of commercial interests."[153]

Harvey and Stansfield further argue that dynamics of de facto independence in de facto states are greatly influenced by two variables: "strategic importance and resource importance."[154] Thence, despite the fact these entities are not legally recognized, the dynamics of de facto independence enables actors within these entities to interact with sovereign states from unorthodox positions of strength. This is because, as Harvey suggests, "Their position along longstanding political fault lines, their proximity to territories of resource importance and their geographic locations often mean that regional and international actors *have* to, or want to deal with them."[155] Indeed, Harvey and Stansfield, focusing on the geopolitics of natural resources, argue that more specific general economic and trade matters, specifically

[153] Harvey and Stansfield, Op. Cit., p. 21.
[154] Ibid., p. 23.
[155] Harvey, Op. Cit., pp. 226-227.

the politics of natural resources, ought to be considered as a unique 'geo-economic paradigm' when considering international relations of de facto states.[156]

Many de facto states are thus either endowed with vital natural resources or are located alongside regions with political, strategic and logistical importance in the business of resource and its transportation. The existence of commercially significant natural resources in or around de facto states is a highly placed issue on the agenda of foreign policy-makers concerned with issues of energy security, job creation and economic diplomacy. For instance, while Pegg, in his analysis of the impact of de facto states on international trade, states that de facto states suffer from the 'economic cost of non-recognition',[157] he concludes that de facto states can also be focal points in the trade of precious natural resources, stating:

> "Charles Taylor's "Greater Liberia" earned an estimated US$8-10,000,000 a month in the early 1990s from various forms of timber and mineral extraction. The non-governmental organization Global Witness estimates that the Angolan rebel group UNITA earned nearly US$4 billion from diamond sales during the Angolan civil war."[158]

The role of natural resources in instigating civil wars has already been recognized in the literature.[159] More important is the politics of third parties, including

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[156] Harvey and Stansfield, Op. Cit., p. 22.
[157] Pegg, International Society and the De Facto State, Op. Cit., p. 43.
[158] Pegg, The Impact of De Facto States on International Law and the International Community," Op. Cit.
[159] For instance, see: Paul Collier and Anke Hoeffler, "Resource Rents, Governance, and Conflict," *Journal of Conflict Resolution*, Vol 49, No. 2 (2005), p. 629.

neighbouring states, in regard to civil conflicts. In most cases, their policies may depend on the "optimal benefits they can expect to achieve during wartime relative to those they could gain in a negotiated settlement, a feature that can often depend on the resource endowments of their neighbors."[160] Thus, considering that most de facto states exist due to dependence on a proximate patron state, the possession of natural resources gives important leverages to governments of de facto states, which then allow them to maintain de facto independence in the face of strong support for the territorial integrity of states. Many stakeholders, therefore, come to benefit from business in and around de facto states and any lasting settlement would have important repercussions for all involved. This situation can evolve into what King has described as a "dark version of pareto efficiency: as the general welfare cannot be improved by reaching a genuine peace accord allowing for real reintegration without at the same time making key interest groups in both camps worse off. Even if a settlement is reached, it is unlikely to do more than recognize this basic logic and its attendant benefits."[161]

Somaliland and Taiwan are two prominent examples of how strategic interests and geopolitical position allow de facto states to build foreign relations with sovereign states. Taiwan, off course, in a special case. By 1979, the process of Taiwan's derecognition was completed when, on 1 January 1979, the United States switched its diplomatic recognition from the Republic of China (otherwise known as

[160] Macartan Humphreys, "Natural Resources, Conflict, and Conflict Resolution: Uncovering the Mechanisms," *Journal of Conflict Resolution*, Vol. 49, No. 4 (2005), p. 517.
[161] King, Op. Cit., pp. 525-526.

Taiwan) to the People's Republic of China (PRC) as the sole government of the Chinese state.[162] The U.S. policy was motivated by the U.S.-Soviet competition and the desire to limit Soviet expansion in China. However, the United States and its allies had significant strategic, commercial and security interests in relation to Taiwan.[163] Therefore, on 10 April 1979, the U.S. Congress adopted the Taiwan Relations Act (TRA) that has governed the U.S.-Taiwanese relationship ever since.[164] The TRA has provided for the establishment of a U.S. 'de facto embassy' in Taiwan – the American Institute in Taiwan (AIT) – which is technically a non-profit corporation with a contract with the U.S. State Department. Under Section 7 of the TRA, the AIT is authorized to carry out most of the services and duties performed by other U.S. Consular offices. The AIT performs most of the functions that were carried out by the former U.S. Embassy in Taipei (the capital of Taiwan) before its de-recognition by the United States. The TRA also allowed Taiwan to establish representation offices in Washington D.C and twelve other U.S. cities, known as the Taipei Economic and Cultural Representative Office (TECRO). These offices are tasked with performing most of the functions that had previously been undertaken by the Taiwan Embassy in Washington D.C. and Consulate Generals in other cities.[165]

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[162] Victor Li, "The Law of Non-Recognition: The Case of Taiwan," *Northwestern Journal of International Law & Business*, Vol. 1, No. 1 (1979), pp.134-162.
[163] Leonard Unger, "Derecognition Worked," *Foreign Policy*, No. 36 (1979), pp. 105-121.
[164] Stephen Yates, "The Taiwan Relations Act After 20 Years: Keys to Past and Future Success," *The Heritage Foundation*, No. 1272 (1999), p. 1.
[165] Pegg, "De Facto States in the International System," Op. Cit.

Taiwan, on the other hand, which had previously proclaimed itself as the sole legitimate government of the whole of China, switched its course in 1996 by revoking all claims to the PRC and announcing its intention to create an independent Taiwan, side-by-side with the PRC. Since then, Taiwan has pursued a 'proactive foreign policy'[166] underpinned by a 'pragmatic diplomacy.'[167] Taiwan currently possesses diplomatic recognition as an independent state from at least 29 states, in Asia, Europe, Africa and the Americas; and has substantial non-diplomatic ties with other states in South-East Asia, West Asia and many other places. Taiwan also enjoys official membership in 16 inter-governmental international organizations and 970 INGOs.[168]

On the other hand, Somaliland's strategic position on the Horn of Africa, and fear of general instability coupled with the wretchedness of its failed parent state-Somalia, has allowed Somaliland to build 'functional relationships'[169] with several states and international organizations. Somaliland conducts international relations through the Ministry of Foreign Affairs and liaison offices functioning in several African and Western states, including the UK and the U.S. Somaliland's highest officials regularly travel on official visits abroad; and Somaliland passports are accepted by some African states, as well as European states such as Great Britain,

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[166] C. Jie, Foreign Policy of the New Taiwan: Pragmatic Diplomacy in Southeast Asia (Cheltenham: Edward Elgar Publication, 2002): p. 1.
[167] Ibid., p. 1.
[168] "Taiwan: Foreign policy report to the Legislative Yuan Hung-mao Tien," Speech of the Minister of Foreign Affairs of the Republic of China (Taiwan) Dr. Hung-mao Tien before the Foreign and Overseas Chinese Affairs Committee, Legislative Yuan," *Unrepresented Nations and People's Organization*, June 5, 2000, http://www.unpo.org/article/539, accessed: 26 November 2014. Also, see: "US and Taiwan Relations," 10 May 2012, accessed: 10 January 2015, http://www.taiwanembassy.org/US/ct.asp?xItem=266456&CtNode=2297&mp=12&xp1=12.
[169] Mark Bradbury, *Becoming Somaliland* (London: Progressio, 2008), p. 255.

France and Belgium. Somaliland also possesses diplomatic relations with the Republic of South Africa, and has special relations, as its key partner, with Ethiopia in the field of security and unofficial political and economic relations,[170] as well as functional relations with several international and regional organizations such as the EU, the UN, and the World Bank among others.[171]

More interestingly, in addition to the above-mentioned factors that can prompt states to engage with de facto states, one can discern other dynamics at play that rule the level of engagement experienced by de facto states. In a recent study on U.S. foreign policy towards four de facto states (Abkhazia, Somaliland, TRNC and Nagorno Karabakh), Pegg and Berg ascertain the importance of Realism's emphasis on great-power relations in articulation of U.S. foreign policy toward these de facto states. Basically, they suggest that U.S. foreign policy toward de facto states is determined by its relations with the patron states supporting these entities. Therefore, since the United States does not enjoy problem-free relations with Russia and Armenia, U.S. foreign policy-makers either oppose, or at best ignore, Abkhazia and Nagorno Karabakh which are supported by those states respectively. Conversely, since the United States possesses alliance-based relations with Turkey and enjoys good relations with Ethiopia – a strong U.S. ally in the Horn of Africa and a key partner for Somaliland – this translates into a greater and broader U.S.

[170] Tomáš Hoch and Katerina Rudincova, "Legitimization of Statehood in De facto States: A case study of Somaliland," *AUC Geographica*, Vol. 50, No. 1 (2015), pp. 42- 43.
[171] Alexis Arieff, "De Facto Statehood? The Strange Case of Somaliland," *Yale Journal of International Affairs* (2008), 60-79.

engagement with TRNC and Somaliland.[172] This also may help to explain the reason why Taiwan, Somaliland, and the KRI enjoy a greater level of foreign relations with the international community, since the United States has acted, at one time or another, as their primary patron state and it has had antipathetic, non-existent, or hostile relations with China, Somalia, and Saddam's Iraq at one time or another.

Yet, the existence of de facto states remains precarious. They are mostly seen as illegitimate entities that, in the best of cases, need to be reintegrated into their parent states through innovative peaceful means, such as federalism or confederation, or else, "the threat of renewed warfare is constant in almost all unrecognized states."[173] Moreover, "they are not protected by norms of non-intervention and most parent states reserve the option of forceful reintegration."[174] Likewise, illegitimacy and non-recognition have significant implications not only for their external survival strategy, but also for their most precious commodity: internal or domestic sovereignty. Even partial recognition is not enough to ensure that these entities function as normal entities in the international system. De facto states are usually barred from entry into formal multilateral and bilateral trade agreements and incorporation into the international legal frameworks that are vital for attracting foreign investment everywhere. In brief, what has been referred to as 'rents of sovereignty'[175] – basically foreign aid and loans – are not conferred on de facto

[172] Scott Pegg and Eiki Berg, "Lost and Found: The WikiLeaks of De Facto State–Great Power Relations," *International Studies Perspectives* (2015), 1–20.
[173] Nina Caspersen, "Degrees of legitimacy: Ensuring internal and external support in the absence of recognition," *Geoforum* (2014), p. 4.
[174] Ibid., p. 4.
[175] Collier and Hoeffler, Op. Cit., 629.

states. Consequently, de facto states could suffer from economic difficulties which would then have negative consequences on maintaining a supportive population willing to defend the de facto state.

De facto states, therefore, must continuously legitimize their existence, actions and aspirations. Barry Bartmann is one of the first scholars to highlight the issue of illegitimacy in de facto states. Bartmann notes that de facto states suffer from a deep crisis of international legitimacy, and for all types of states that face such a crisis of legitimacy "self-justification becomes a foreign-policy priority reflecting both the lack of confidence in the state itself and the perceived skepticism or indifference of the outside world."[176] In discussing strategies of self-justification employed by de facto states, Bartmann highlights two important methods: *moral* and *practical* legitimacy. By employing *moral legitimacy* de facto states refer to their historical rights over their claimed territories, their right to self-determination, past promises of statehood, and violation of their human rights by their parent states. By employing *practical legitimacy*, however, they refer to their success in building state-like institutions that can fulfil functions required of statehood.[177]

Commenting on the de facto states legitimation campaigns in pursuit of international legitimacy, Caspersen notes that, in the last decade, de facto states have undergone a significant transition in terms of their claims for independence. In justifying their claims for independence, de facto states usually focus initially on their

[176] Bartmann, Op. Cit. pp. 15-16.
[177] Bartmann, Op. Cit., p. 16.

right to self-determination and historical claims to their land, combined with a 'remedial' right to secession based on the violation of their human rights by the parent state.[178] However, the leaders of de facto states have finally realized that arguments for recognition based on national self-determination, at a time of territorial integrity, stand to lose; "The right to self-determination runs up against the principle of territorial integrity and it usually loses out; sovereignty trumps self-determination,"[179] or they may have realized, as Weller notes, that "the classical doctrine of self-determination serves to disenfranchise populations, instead of enfranchising them."[180]

By the mid-1990s, de facto states began to supplement the self-determination argument with a new discourse, in their pursuit of international legitimacy, that started emphasizing their *earned sovereignty*;[181] namely their alleged success in building state-like institutions, capable of functioning relatively well despite the lack of recognition – in other words, their practical legitimacy. Noting that de facto states essentially 'play the recognition game' Caspersen states: "by emphasizing such credentials, the unrecognized states are attempting to shed their associations with instability, shadow economies, ethnic cleansing and external puppeteers, and create entities that are deemed acceptable and therefore 'worthy' of recognition. De facto

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[178] Caspersen, "Separatism and Democracy in the Caucasus," Op. Cit., p. 147.
[179] Caspersen, "From Kosovo to Karabakh," Op. Cit.
[180] Marc Weller, "The Self-determination Trap," *Ethnopolitics*, Vol. 4, No. 1 (2005), p. 3.
[181] Caspersen, "Playing the Recognition Game," p. 51. For more on the concept of earned sovereignty, se: Paul Williams and Francesca Pecci, "Earned Sovereignty: Bridging the Gap Between Sovereignty and Self-Determination," *Stanford Journal of International Law* (2004), http://www.tamilnation.co/conflictresolution/earnedsovereignty1.pdf.

states are consequently trying to imitate what good, recognized states should look like."[182] This general focus on effective statehood by de facto states, however, is not accidental. By imitating effective statehood, leaders of de facto states attempt to demonstrate that they have built relatively successful entities that possess positive sovereignty and can provide governmental services; services that the quasi-states of the Jacksonian type have failed to provide.

Yet, Pegg underestimates the importance of this legitimation strategy, arguing that these entities are 'playing yesterday's game,'[183] implying that the game of state-building in the twenty-first century differs from previous periods with no attention being given to the conditions of positive sovereignty. But, as Caspersen notes, what is more innovative in the approach is the increased emphasis on norms and values. De facto states, in other words, have increasingly begun making claims to democratic statehood. Caspersen states: "recently… these aspiring states have caught on to what they perceive as a normative change in the international arena… These entities now argue that they have proven their viability as democratic states and thereby *earned* their sovereignty.''[184] And elsewhere she notes:

> "[T]he statehood proclaimed in these entities has therefore been significantly influenced by international developments; or rather by *perceived* changes in international norms and practices of recognition… In their bid for international support the entities are often engaged in what

[182] Caspersen, "Playing the Recognition Game," Op. Cit., p. 52.
[183] Caspersen, "Separatism and Democracy," Op. Cit., p. 114.
[184] Ibid., p. 114.

has been termed a process of 'competitive democratization': not only are they trying to demonstrate their own democratic credentials, they are also claiming to be more democratic than their parent states and they frequently describe themselves as 'islands of democracy' in otherwise authoritarian waters."[185]

De facto states, moreover, attempt to reframe the conflicts not as one between a metropolitan centre and a secessionist region, but as one over democratic values, portraying themselves as defenders of hegemonic international values: "not only are we the victims; we are the good guys, we are like you… we do not constitute a security threat,"[186] and we share "hegemonic international values."[187]

The imitation of democratic and effective statehood, therefore, is significant for de facto states because it serves to achieve two of their primary objectives: "preserving their de facto independence and gaining international recognition."[188] Elaborating on the new strategy, Voller notes that ethno-national liberation movements often initially base their claims for statehood or wider autonomy on moral legitimacy. However, when territorial control, or de facto statehood, is established, practical legitimacy takes the primary position. The attainment of de facto independence drives de facto states to view themselves in a different manner and therefore go through an ideational transformation. While the main security threats

[185] Caspersen, *Unrecognized States,* Op. Cit., p. 71.
[186] Ibid., p. 70.
[187] Caspersen "Democracy, nationalism and (lack of) sovereignty," Op. Cit., p. 338.
[188] Caspersen, "States Without Sovereignty," Op. Cit., p. 77.

during an ethno-national conflict are to the well-being of the population and the movement's personnel, with the attainment of de facto statehood, the threat to de facto independence, territorial control, sovereignty and state institutions take primary place.[189] Indeed, the leaders of de facto states carefully watch international developments regarding the changing basis of international recognition. They have carefully observed the conditions outlined by the EU to recognize breakaway former Yugoslav republics and the recognition of new states in Eastern Europe and the Soviet Union; the general emphasis on democratization in U.S. foreign policy; the EU accession criteria which emphasize the rule of law, democratization, human rights and respect and protection of minorities; and the conditions often attached to international aid, democracy and good governance.[190] Furthermore, de facto states have monitored Kosovo's Standards before Status,[191] and have hailed its subsequent accession to partial recognition as an independent state as a case of 'secession moment' in international practice.[192] From this, the leaders of de facto states have concluded that the international community is ready to trump territorial integrity in favour self-determination if they build democratic and effective states on their territories.[193]

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[189] Voller, "From Rebellion to De Facto Statehood," Op. Cit.
[190] Caspersen "Democracy, nationalism and (lack of) sovereignty," Op. Cit. p. 345; Ker-Lindsay, *The Foreign Policy of Counter Secession*, Op. Cit., pp. 34-35.
[191] "Standards for Kosovo," United Nations Security Council, Presented in Pristina, 10 December 2003, accessed: 25 October 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20Standards.pdf.
[192] Stefan Wolff and Annemarie Peen Rodt, "Self-Determination After Kosovo," *Europe-Asia Studies*, Vol. 65, No. 5 (2013), p. 8136.
[193] On consequences of the partial recognition of Kosovo, see: Fawn, "The Kosovo—and Montenegro—effect," Op. Cit.

Yet, proving worthiness or domestic sovereignty goes beyond building effective statehood and democratization. Many de facto states have reached the conclusion that they may have been denied recognition because the international community, in consideration of other unstable, and poor, recognized states that have failed, may fear the creation of another state resulting in more instability, famine and war. Noting the failure of Biafra[194] in convincing the international community of its independence, a confidential memorandum from the Biafran ministry of foreign affairs, for instance concluded "the humanitarian approach has backfired. Ours now is the picture of a piteous starving sickly people non-viable and incapable of defending themselves from hunger and war."[195] Therefore, as Voller recently notes, demonstrating economic viability and contribution to security and stability, both regionally and perhaps even internationally, have become two important aspects in the discourse of earned sovereignty employed by de facto states.[196] Somaliland, for instance, has been striving to highlight not only its democratic credentials, but also its ability to contribute to global and regional security and stability, namely through the U.S. global war on terror. Referring to Somaliland's fight against terrorism and piracy, a former foreign minister of Somaliland, stated: "Somaliland has been attacked by terrorists not only because they hate us, when I think what they are attacking is the principles and values we stand for, which is democracy,"[197] while, a

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[194] The unrecognized Republic of Biafra was a de facto state that existed from 1967 to January 1970. For more details on this extinguished de facto state, see: Frederick Forsyth, *The Biafra Story: The Making of an African Legend* (Barnsley: Pen and Sword Military, 2015).
[195] Caspersen, *Unrecognized States*, Op. Cit., p. 69.
[196] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 74.
[197] "More American diplomats and aid workers will travel to Somaliland (AP)," *Somaliland Hargeisa City*, 16 October 2010, accessed: 22 January 2017,

former president of Somaliland stated: “The United States and United Kingdom should include Somaliland and other small nations in the fight against terrorism.”[198]

The position of de facto states along significant geopolitical, strategic and geo-economic regions, in subtle ways, enables them to interact with the international community of sovereign states. Usually, this positioning has a significant influence on the policies and strategies of de facto states. The existence of de facto states in a status of non-recognition has significant implications for them. Seeking recognition, and a place in the international system as a sovereign state, remains the top priority for de facto states. However, the leadership of de facto states, most certainly of the Kurdish de facto state, has realized that international recognition may be contingent on other factors, that may lie beyond the ability of de facto states and national liberation movements to influence. The case of de facto states, is in a sense, the reverse of what Harvey and Stansfield note about the impact of state fragmentation and the collapse of hegemonic imperial economic, political and ideological spheres of authority on the creation of new states. This theme was taken up by the late Fred Halliday when he highlights the impact of international politics on political and ethnic disputes, which he labels as ‘the syndrome of post-colonial sequestration’ stating that certain “countries and peoples have – at a decisive moment of international change, amid the retreat of imperial or hegemonic powers – failed through bad timing

https://somaliland1991.wordpress.com/2010/10/16/more-american-diplomats-and-aid-workers-will-travel-to-somaliland-ap/.

[198] “Police Hold Somaliland al-Qaida Suspects,” *Radio Somaliland*, 25 September 2005, 26 November 2014, http://www.radiosomaliland.com/index.php?itemid=170.

and or bad leadership to establish their independence."[199] Thus, while certain groups of people were granted independent statehood during post-colonial arrangements, nations making up most of today's de facto states have been, for one reason or another, deprived of de jure statehood. Yet, as Halliday notes, establishment of new states is contingent upon "international system, great power politics, and political geography;"[200] factors in most cases beyond the capability of de facto states to influence. But these very same factors provide incentives to the leadership of de facto states to wait patiently for the peak time, when one or more of these factors is in favour, to achieve independent statehood.

Therefore, as secession, particularly opposed secession, is difficult to achieve and international realities in most cases militate against the creation of new states, the maintenance of de facto independence becomes the primary aim of de facto states, and the key principle guiding their actions, strategies and policies, including their foreign policies. In this regard, Harvey states, "a primary concern of political movements in unrecognised entities is the maintenance of autonomy over the long-term under adverse political, geopolitical and intrastate circumstances."[201] And, interestingly, de facto states are able rather successfully to maintain de facto independence under adverse circumstances. Here, Harvey notes, "an important facilitator of autonomy in the case of unrecognised entities is their enhanced ability

[199] Fred Halliday, "Tibet, Palestine and the politics of failure," *Open Democracy*, 13 May 2008, accessed: 20 October 2016, https://www.opendemocracy.net/article/tibet-palestine-and-the-politics-of-failure.
[200] Owtram, Op., Cit., p. 128.
[201] Harvey, Op. Cit., p. 42.

to subvert the rubric of statecraft in international society, a strategy often involving the support of a proximate ethno-political or geo-political guarantor, claims of remedial ethno-political rights to secession, and the *post-facto* development of parallel institutional systems which accommodate a range of interest groups and actors emerging out of the post-conflict division of power within these political enclaves."[202]

The above discussions in the external legitimizing strategies of de facto states in the form of imitating democratic and effective statehood, economic viability, contribution to regional and international stability, dependence on external patrons, and political ties that de facto states can build through possession and trade in natural resources, are important for the subject matter of this research. These processes essentially link the achievements of de facto states in the sphere of establishing effective statehood, democratization[203] and the politics of natural resources, with the foreign policy and foreign interactions of other members of the international community, be they state or non-state actors. Also important is that these discussions divert attention from the so-firmly entrenched structural perspectives in the literature of de facto statehood, focusing attention instead on the agency that de facto states can possess and exercise.

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[202] Harvey, Op. Cit., p. 32

[203] Others writers have also paid attention to democratization in the analysis of state-building and earned sovereignty, see for example: Oisı´n Tansey, "Democratization without a State: Democratic Regime-building in Kosovo," *Democratization,* Vol. 14, No. 1 (2007): pp. 129-150; Oleh Protsyk, "Representation and Democracy in Eurasia's Unrecognized States: The Case of Transnistria," *Post-Soviet Affairs,* Vol. 25, No. 3 (2009): pp. 257-281.

However, the nascent literature on de facto statehood has rarely given appropriate attention to the foreign policy component of de facto states. This is despite the fact de facto states spend considerable time, energy, and resources on conducting foreign policy. De facto states often establish ministries of foreign affairs, or other departments tasked with the same functions, to assist in the processes of foreign policy-making; implementation of foreign policy; and building, maintaining, and strengthening foreign relations with a variety of state and non-state actors. They also establish foreign representation offices in countries they deem significant for their political, economic, and security interests.

Francis Owtram can be identified as the only scholar who has begun work on the foreign policy component of de facto states. Owtram observes that foreign policy is not relevant in the explanation of the initial emergence of de facto states; it is also irrelevant when expounding whether de facto states are reintegrated into their parent states on a federal or a confederal basis, or whether they gain recognition in the international system of sovereign states. However, Owtram argues that foreign policy becomes very important in the second stage of de facto statehood, which he terms as the phase of 'consolidation.'[204] Noting the importance of foreign policy during this stage, Owtram writes that "having achieved some kind of recognition that enables the entity to survive, the practice of foreign policy will be a significant factor

[204] Owtram, Op. Cit., p. 128.

both as indication that it fulfils the criteria for a state and also in practical terms in ensuring survival, militarily, politically, and economically."[205]

Moreover, Owtram notes that de facto states in general have four key goals when pursuing foreign policy. Their first and the foremost goal is 'survival – politically, militarily, and economically.'[206] The second aim of foreign policy, which is related to the first aim, is to obtain material resources in the form aid, trade or foreign investment[207] which are crucial for the continued survival, prosperity and maintenance of the state-building project. The third aim, which is very important for de facto states, is to demonstrate their capacity to engage in foreign relations with other states,[208] and hence to demonstrate that the entity satisfies one of the conditions of statehood as specified by the Montevideo Convention of Rights and Duties of states. The fourth and the final aim as specified by Owtram is "to increase the degree of recognition by recognized states, either of a de facto or a formal kind."[209] Hence, Owtram notes, the only difference in the foreign policy aims of recognized states with those of de facto states is that the latter strive to use foreign policy as a mean to increase their de facto – if not *de jure* – recognition and consolidation as a state through economic engagement.[210]

[205] Ibid., p. 128.
[206] Ibid., p. 136.
[207] Ibid., p. 136.
[208] Ibid., p. 136.
[209] Ibid., p. 136.
[210] Ibid., p. 136.

Moreover, to demonstrate their capacity in building foreign relations with other states, as stated by the fourth point of the Montevideo Convention on Rights and Duties of the State, de facto states usually establish ministries of foreign affairs or similarly named departments and representation offices abroad to highlight this aspect of their stateness. These offices are often tasked with building and managing foreign relations with other states, promoting engagement, and encouraging foreign investment, trade, and acquiring aid.[211]

Moreover, in their foreign policy, de facto states give considerable attention to building foreign relations with three sets of actors. The main priority for de facto states is usually 'relations with patron state'.[212] Most de facto states, as Kolsto observes, even those that face weak parent states, are dependent on an external patron to ensure their survival;[213] therefore, the maintenance of relations with their patron states becomes a top priority for foreign policies of de facto states. The second set of important relations is with 'great powers.' Owtram notes that the views and policies of great powers in relation to de facto states have important consequences on their prospects and durability.[214] Therefore, de facto states pursue vigorously any bilateral contact, either directly or indirectly, with the great powers of the day. The third and the last set of important relations is those with 'international organizations.'[215] To emphasize their stateness and aim to eventually join

[211] Ibid., p. 137.
[212] Ibid., p. 137.
[213] Kolsto, "The Sustainability and Future of Unrecognized Quasi-States," Op. Cit.
[214] Owtram, Op. Cit., p. 137.
[215] Ibid., p. 137.

international organizations when statehood is achieved, de facto states also robustly pursue relations with important political, economic, and security organizations such as the UN, EU, IMF and WTO, among others.[216] It could also be said that collaboration with a variety of organizations, be they regional, international, governmental or non-governmental, enables de facto states to enhance their de facto independence and domestic sovereignty, by acquiring the assistance needed to provide essential public goods, or at least being seen to be operating in the diplomatic field – a point covered neither by Owtram nor the wider literature. Moreover, the literature of de facto statehood still lacks a comprehensive analysis on the alterations in foreign policy or foreign relations interactions when consolidation is achieved by de facto states. The strategic decision by the KRI leadership to refrain from declaring immediate independent statehood helped in shifting the regional and international reaction from open hostility to some acceptance and legitimacy by the international community. Yet what is still missing in the literature of de facto statehood is a comprehensive analysis of what changes occur in the conduct of de facto states' foreign policies when a certain degree of consolidation is achieved, and how the international system of sovereign states responds to or socializes de facto states due to their geostrategic, geoeconomic or geopolitical positions.

Harvey, for instance, recognizes the fact that de facto states are usually not so isolated in regional and international relations in terms of geoeconomic and

[216] Ibid., p. 137.

geostrategic locations, which then enables the governments of de facto states to engage in regional and international relations. He also recognizes the role of natural resources in influencing international relations of de facto states. However, he fails to provide an elaborate account of how the Kurdish de facto state - his case study - utilized hydrocarbon resources in foreign policy and diplomacy. Utilizing hydrocarbon resources, as chapter 7 of this thesis illustrates, played an important role in achieving economic independency and demonstrating economic viability - two primary foreign policy objectives of the KRI after 2007 which have been highlighted by Yaniv Voller. However, in addition to having an economic dimension, hydrocarbon resources possess a political dimension and serve as an important foreign policy instrument for de facto states such as the KRI.

As this thesis sets out, hydrocarbon resources also serve as an important foreign policy instrument for the KRI. Indeed, this thesis argues that economic statecraft was an important instrument used by Kurdish foreign policy-makers. Lacking a proximate committed patron state willing to guarantee its survival, and not wholly trusting the intentions of any one actor, the KRI employed hydrocarbon resources as an *insurance policy*. The reasoning behind this policy is that investment opportunities in hydrocarbon resources play an important role in the foreign policy of states. As part of economic diplomacy, states endeavour to acquire investment opportunities for their companies abroad. Thus, the foreign policy decision-makers of the KRI believed that attracting multinational corporations from a variety of states would firstly open the door for direct foreign relations with those states and,

subsequently, incentivize those states to protect the Kurdish de facto state from threats and destruction in the future. To attract oil/gas multinational corporations, the KRI offered more lucrative deals than Baghdad, granting Production Sharing Contracts which in essence entitled companies to a larger share of the revenues accrued from oil/gas fields. As in the rest of Iraq, hydrocarbon resources have the potential to garner easily recoverable revenues for the KRI. The KRI possesses mostly untapped oil/gas reserves in need of significant investment, and the KRI's oil/gas policies have been a subject of contention between Baghdad and the KRI at least since 2005. Yet, despite these facts, multinational corporations have been eager to build ties with the KRI and have invested significant amounts of resources. The politics of natural resources has helped the KRI to form alliances and lobby politicians abroad. In this regard, attracting the U.S.-based ExxonMobil in 2011 as one of the early oil companies to enter the Kurdish energy market was seen as a major foreign policy success by the KRI, and helping to put the KRI on the world energy market. President Masoud Barzani clearly stressed that the presence of ExxonMobile in the KRI equals the presence of 10 American military divisions,[217] meaning that a major oil firm representing U.S. interest will act as a security buffer for the KRI. The success of this foreign policy instrument was put to test when militants associated with the Islamic State of Iraq and Levant, commonly known as ISIS, appeared to be threatening the core areas of the KRI in early August 2014.

[217] See: Dmitry Zhdannikov and Isabel Coles, "Special Report: How Exxon helped make Iraqi Kurdistan," *Reuters*, 3 December 2014, accessed: 4 December 2014, http://www.reuters.com/article/us-mideast-crisis-kurdistan-specialrepor-idUSKCN0JH18720141203.

Within days, President Barack Obama, who had refused calls from the government in Baghdad to help fight the ISIS menace which had overrun several major Iraqi provinces, ordered military strikes on ISIS militants approaching the capital of the KRI and started what became a global coalition to counter ISIS.[218] While the motivations behind the U.S. move were multi-dimensional, the presence of leading U.S. corporations certainly played a significant role. Oil/gas resources also had a weighty impact on the rapprochement between the KRI and Turkey, an important regional state, as will be outlined in chapter 7.[219]

It can also be observed from the above argument that de facto states often change or adopt new foreign policy positions when the entity gains further consolidation. Consolidation often precipitates a significant change in the foreign policy aims and external strategies of de facto states beyond the issue of international legitimacy, and often leads them to adopt more independent foreign polices serving their own interests. During the first decade of the KRI's existence (1992-2003), for instance, Kurdish political parties felt compelled to cooperate with the governments of Turkey and Iran, sometimes alone or jointly by using force, to contain the threat posed to these governments by their Kurdish opposition movements, mostly located on the mountainous border areas of the KRI. However, a major change can be seen after the 2003 U.S. intervention in Iraq. The further consolidation of the KRI, and presence of U.S. forces, meant that it pursued more

[218] "Statement by the President on Iraq," *The White House*, 9 August 2014, accessed: 14 August 2014, http://www.whitehouse.gov/the-press-office/2014/08/09/statement-president-iraq.
[219] "Turkey, Kurdistan sign 50-year oil deal," *World Tribune*, 13 June 2014, accessed: 5 August 2015, http://www.worldtribune.com/2014/06/13/turkey-kurdistan-sign-50-year-oil-deal/.

independent foreign policies towards these states. Instead of assisting in the fight against Kurdish groups such as the PKK (Turkey) or the KDPI (Iran), the KRI refused to engage in armed confrontations against these groups, repeatedly stressing its belief that fighting would not solve the Kurdish issues in those states, and emphasizing, in the meantime, that it wished and was willing to play a constructive role in the peace processes in Turkey and Iran.

Indeed, the actions of the KRI post-2003 reveal the emergence of a unitary, rational foreign policy actor. KRI leaders could have bolstered their domestic popularity and legitimacy by adopting a pan-Kurdish platform or using aggressive rhetoric against the states oppressing neighbouring Kurdish communities. However, the KRI leaders refrained from using such hostile language. Geographic location and geopolitics obligates the KRI to pursue good relations with surrounding states and the wider regional system. As such, similar to many Arab states allied to the United States, such as Egypt and Jordan, which must pursue domestically unpopular foreign policies with regard to the Palestinian cause, the KRI has been subject to criticism and contempt internally for refusing to adopt pan-Kurdish policies. Moreover, as a region or a nation interested in sovereignty, power and security, adopting such pan-Kurdish political platforms would immediately mark the KRI as a revisionist or an excessively destabilizing power, thereby endangering the very security and existence of the KRI. Therefore, as a second point of consideration, the consolidation of the KRI has enabled its leaders to consistently and reliably pursue foreign policies of rapprochement and engagement with neighbouring states, despite

the fact that these policies are not overtly popular within the Kurdish communities throughout the region.

Furthermore, geostrategic position plays an instrumental role in enabling the projection of foreign policy by de facto states. For instance, the strategic position of the KRI in the north-eastern part of the Middle East and its location between Turkey, Iran, Iraq and Syria means that the entity can play a pivotal role in the complex international relations of the Middle East. Indeed an argument can be made to the effect that despite the weaknesses of, and constant threats directed to, the existence of the KRI, the Kurdish leadership has successfully employed the geostrategic position of the KRI to achieve foreign policy goals. After 1997, for example, its strategic position enabled the KRI to play an important role in the anti-Saddam coalition engineered and led by the United States. Indeed, this clearly illustrates how the geopolitical importance of the KRI, both for the anti-Saddam coalition and the wider Iraqi opposition, enabled Kurdish political parties to advance their foreign relations of consolidation. The vitality of the KRI for the anti-Saddam efforts encouraged the United States to include the KDP and PUK as essential components of the Iraqi opposition. These parties had territorial control over a portion of Iraqi territory - the KRI - which could then be used not only as a launch pad against the regime of Saddam Hussein, but also presented as a democratic experiment that could be replicated throughout the rest of Iraq. This process extended and provided much-needed financial, political and military support to Kurdish political parties; in the process further assisting consolidation of the KRI. In addition, the KRI is located

in the trade routes between Iraq, Turkey, Syria and Iran as well as being the territory where a significant amount of Iraqi oil is exported by pipelines running through Kurdish territory. The KRI has very successfully used its strategic geopolitical location to achieve its foreign policy of rapprochement with Turkey. As Ofra Bengio notes, the friendly KRI acts as a buffer zone between Turkey and the rest of Iraq which is marred by instability, terrorism and insurgency; as a bulwark against the expansion of Iranian influence and Shiism in Northern Iraq and Turkey; a well as being an important security partner since the entity controls the whole of the Turkish border with Iraq.[220] These examples and others reveal that de facto states such as the KRI can be focal points or territories of importance for foreign policy-makers.

This thesis conceptually places the KRI within the framework of de facto statehood. Thus, it has been necessary to illustrate how the concepts or definitions used to analyse other cases of de facto statehood apply, or deviate, in the case of the KRI. Within this in mind, the next section discusses the position of the KRI as a significant case of de facto statehood.

2.2.1 Application on the Kurdish De Facto State

The case of the KRI as a case of de facto statehood has mostly been neglected in a literature focused mainly on the cases emerging from the Caucasian

[220] Ofra Bengio, "Ankara, Erbil, Baghdad: Relations Fraught with Dilemmas," in *Conflict, Democratization, and the Kurds in the Middle East* (eds.), Mehmet Gurses and David Romano (New York: Palgrave Macmillan, 2014), p. 275.

and Balkan regions after the break-up of the former Soviet Union and Yugoslavia. Furthermore, the case of the KRI has either been treated as a *borderline case*[221] or, when it has been labelled as a de facto state, the term is often borrowed without significant attention being paid to how the position of de facto statehood influences the policies and strategies of the entity, at least regarding the subject areas under investigation by those studies.

However, this thesis argues the KRI is a de facto state *par excellence*. Firstly, almost from the moment the KRI achieved autonomy from Iraq after 1991, it has focused its agency on state-nation building processes creating institutions reminiscent to those of sovereign states such as presidency, government, parliament, security apparatus, army and, for the subject matter of this thesis, a gradually growing foreign relations service. Secondly, excluding Taiwan which is a special case by all standards, the level of development and visibility of the KRI in the international system is probably unmatched by any other de facto state. Harvey, for instance, in this regard argues, "the *de facto* independent Kurdish enclave in northern Iraq has experienced significant political, economic and infrastructural development and regeneration on a scale unmatched by many other disputed territories. The trajectory of its political and economic development, its longevity in the international system, and the region's high level of *de facto* independence makes Iraqi Kurdistan an important addition to the study of unrecognized entities."[222]

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[221] Kolsto, "The Sustainability and Future of Unrecognized Quasi-States," Op. Cit., p. 728.
[222] Harvey, Op. Cit., p. 11.

However, it is true that the Kurdish de facto state deviates from the major assumptions and conceptual frameworks used to analyse de facto statehood in other regional contexts. Most often, the rationale to not include the KRI as a case of de facto statehood has been predicated on the premise of a lack of declaration of independence by the leadership of the KRI – which is presented as a definitional criteria by early pioneers of de facto statehood theory, such as Scott Pegg – and the KRI's inclusion as a legally approbated federal entity within the body politic of its Iraqi parent state, following the constitutional negotiations of the second Iraqi state-building formation after 2003.[223]

The lack of a declaration of independence, this thesis argues, is a deliberate, conscious and strategically calculated choice undertaken by the KRI for several reasons. First, non-recognition has significant costs for a nascent entity. As is the situation with most other de facto states, the KRI has emerged after long years of Kurdish national liberation struggle in Iraq. The many years of military struggle between the Kurdish minority and its political masters in Baghdad was devastating in terms of public infrastructure and humanitarian, economic and psychological destruction. Thus, processes of regeneration in the region require substantive amounts of aid and investment from outside parties, the most important of which are multinational corporations and international financial and trade institutions. Hence, the problem essentially lies here. Unrecognized de facto states which have declared independence often suffer from what Pegg has called "the economic cost of non-

[223] Caspersen, *Unrecognized States*, Op. Cit., p. 12.

recognition."[224] Entities such as South Ossetia (Georgia) and Nogorno Karabakh (Azerbaijan), among others, exist in a kind of limbo and bear the cost of non-recognition. Unrecognized de facto states cannot obtain the much-needed international financial loans so urgently needed for their economic restoration and subsequent development. Companies are also reluctant to invest capital in these entities as they are not covered under relevant international financial and trade laws so crucial for financial protection.

Secondly, and probably differently from many other de facto states, the KRI lacks the external support of a proximate ethno-politically allied patron state. Patron states often play vital roles in the emergence and subsequent survival of de facto states to the extent that, without a patron state, one cannot think of a de facto state able to withstand the pressures emanating from the parent state, and with an international system supportive of the parent state, based on the principle of respect for the territorial integrity of states. The KRI is a typical in this regard. Despite the fact the United States, the UK and some other Western states have essentially acted as a semi-patron for the KRI since its establishment in 1992, these states while being supportive of wide Kurdish autonomy, have prioritized territorial integrity over self-determination, and have constantly urged the KRI to remain within the confines of the Iraqi state. The KRI is also located in an extremely tough geopolitical environment, as it is both a landlocked territory and surrounded by states with sizeable Kurdish populations, which places any nascent Kurdistan secessionist

[224] Pegg, International Society and the De Facto State, Op. Cit., p. 43.

entity in an existential paradox. The KRI's geopolitical constraints, in terms of moving the de facto independent entity toward a more ambitious political construct such as independent statehood, as other nations existing within similar geopolitical constraints attest – e.g. Israel – requires more forceful and direct support from established powerful states such as the United States, Russia, the UK and powerful states in the EU.

In the absence of a dedicated patron state(s) overtly committed to a Kurdish separatist agenda and willing to provide necessary physical protection, the KRI has opted for a strategy that is not only highly innovative but is also very effective. After existing for a decade under international protection and semi-detached from its Iraqi patron state, in the 2005 constitutional negotiations the KRI enshrined its de facto independence and its semi-detachment from Baghdad in an effective manner. Harvey, for instance, notes,

> "By remaining a legally approbated constitutional component of Iraq, Iraqi Kurdistan remains an internal Iraqi affair. Since the war of 2003, this counterintuitive integration into the sovereign space of Iraq provides a political buffer against external actors altering the physical parameters of Kurdish de facto independence in the north. Despite regular military actions by Iran and Turkey against militant factions in the mountainous border areas, the region has experienced no significant attempt by an external authority to alter the geopolitics of Kurdish self-rule in northern Iraq. With the absence of internal interference from the government of

> Iraq and external actors, Kurdish political parties have been able to bargain from a remarkably strong position with the governments of sovereign states considering the lack of juridical and diplomatic recognition attributed to Iraqi Kurdistan."[225]

This innovative political arrangement also circumvents the need for an immediate patron state and allowed the KRI to interact with sovereign actors from a relatively strong position of strength, rather than the self-isolation experienced by many unrecognized de facto states.

Thus, this thesis argues, it is precisely because of Iraqi Kurdistan's increasing de facto independence, that the KRI must pursue its own foreign policies. First, Iraqi Kurdistan's lack of declaration of independence, and its incorporation as a federal entity within Iraq, theoretically places certain constraints on the KRI's pursuit of foreign policy. However, as will be explored throughout this thesis, the KRI's nominal place with the sovereign state of Iraq means the KRI is less isolated, because sovereign states are willing to engage with the KRI as a recognized de facto state, and because of its important geopolitical, geo-economic and geostrategic position. Secondly, its high level of de facto independence from Iraq means that the KRI must continually justify its existence, actions and policies and to protect its constantly contested achievements. Therefore, an essential part of the KRI's foreign policies is concerned with the pursuit of international legitimacy, by highlighting the KRI's achievements and its domestic sovereignty. Moreover, the need of the KRI to attract

[225] Harvey, Op. Cit., pp. 90-91.

aid, trade and investment means that the KRI places a high value on external economic relations which is also linked to its survival strategies, internally and externally.

2.3 Foreign Policy Analysis: Theory and Practice

Foreign policy has been around since the existence of organized political groups who are strangers to each other in many ways. These different organized political groups, be they tribes, city-states, empires, or nation-states have always needed some form of strategy to deal with their external environment, in peace or in war. For a long time, foreign policy as a written subject was the realm of retired diplomats, politicians, journalists, and historians who were looking for a place in history. Thus, FPA-style work, Valerie Hudson remarks, "has been around as long as there have been historians and others who have sought to understand why national governments have made the choices they did regarding international relations."[226]

However, over the last fifty years or so, under the rubric of FPA, a new literature has emerged in the academic world, dealing specifically with foreign policy in the field of IR. Noting that the emergence of FPA within IR dates back to the 1950s and early 1960s, Hudson argues that three major works built the foundation of FPA:

[226] Valerie Hudson, "The History and evolution of foreign policy analysis," in Smith, Amelia Hadfield, and Tim Dunne (eds.), Op. Cit., p.13.

1. Decision Making as an Approach to the study of international politics by Richard C. Snyder, H.W. Bruck, and Burton Sapin.
2. Pre-Theories and Theories of Foreign Policy by James N. Rosenau.
3. Man-Milieu Relationship Hypotheses in the context of International Politics by Harold and Margaret Sprout.[227]

These major works have left an imprint on the literature of FPA in different ways. Snyder and his colleagues, for instance, have urged researchers, when trying to find answers to why a certain state has taken a certain action, to look inside the state to the actors involved. In taking this approach, Snyder and his colleagues emphasized foreign policy *decision-making* (FPDM) as the main approach to FPA. They further viewed decision-making as an 'organizational behaviour,'[228] by which the basic determinants of foreign policy would be "spheres of competence of the actors involved, communication and information flow, and motivations of the various players. Desirable explanations would thus be both multicausal and interdisciplinary."[229]

James Rosenau, on the other hand, in his pre-theorizing, encouraged scholars to come up with systematic and scientific generalizations that are applicable across national cases. For Rosenau, middle-range theory that can mediate between grand principles and the complexity of reality was of paramount importance. Rosenau also noted that the best way to understand foreign policy is to draw on

[227] Valerie Hudson and Christopher Vore, "Foreign Policy Analysis: Yesterday, Today and Tomorrow," *Mershon International Studies Review*, Vol. 39, No. 2 (1995), p. 212.
[228] Hudson, Op. Cit., p. 16.
[229] Ibid., p. 16.

knowledge and information from the most micro level – individual leaders – to the most macro level –the international system. As with Snyder, Rosenau advocated that the best explanations would be multilevel and multicausal.[230]

Harold and Margaret Sprout, however, significantly contributed to the field of FPA by focusing attention on foreign policy undertakings. They essentially associated undertakings with strategies, decisions, and intentions, and argued that it is almost impossible to understand foreign policy outputs, which they linked with power capabilities, without reference to undertakings.[231] Moreover, to explain undertakings, Harold and Margaret Sprout argued that, "one needs to look at the *psycho-milieu* of the individuals and groups making the foreign policy decision. The psycho-milieu is the international and operational environment or context as it is perceived and interpreted by these decision makers."[232]

In the decade following the end of the Cold War, and particularly after the terrorist attacks of 9/11, interest in foreign policy increased. The events of 9/11 had wide-ranging implications on world politics. One ramification of 9/11 was the understanding that independent actors, other than states, can now influence foreign policy and generate their own foreign polices with visible consequences on world politics. Steve Smith *et al*. for instance, insists that foreign policy is usually about explaining the behaviour of states, and analysis of foreign policy has traditionally considered the state as the central foreign policy actor. However, it is now widely recognized that other actors such as companies, regional government, supra-

[230] Ibid., 16.
[231] Ibid., p. 17.
[232] Ibid., p. 17.

national regional bodies, and other non-state actors can pursue their own foreign policies and can act as significant players with agency and weight in a range of regional and international issues.[233]

Yet, as it is the case with most political concepts, it has not been easy to provide a single definition of what is, by all measures, an important political action. Since the beginning of interest in foreign policy, multiple, varied, and sometimes overlapping definitions of foreign policy have appeared. Walter Carlsnaes, for instance, defines foreign policy as "those actions which, expressed in the form of explicitly stated goals, commitments and/or directives, and pursued by governmental representatives acting on behalf of their sovereign communities, are directed towards objectives, conditions and actors – both governmental and non-governmental–which they want to affect and which lie beyond their territorial legitimacy."[234]

Christopher Hill, on the other hand, has provided a broader definition that allows the inclusion of actors other than states as entities pursuing foreign policy. Hill defines foreign policy as "the sum of official external relations conducted by an independent actor (usually a state) in international relations."[235] Hill further elaborates on the components of his definition noting that:

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[233] Steve Smith, Amelia Hadfield and Tim Dunne (eds.), *Foreign Policy: Theories, Actors, Cases* (Oxford: Oxford University Press, 2012): pp. 2-3.
[234] Ibid., p. 2.
[235] Christopher Hill, *The Changing Politics of Foreign Policy* (Basingstoke: Palgrave MacMillan, 2003): p. 3.

> "[T]he phrase 'an independent actor' enables the inclusion of phenomena such as the European Union; external relations are 'official' to allow the inclusion of outputs from all parts of the governing mechanism of the state or enterprise while also maintaining parsimony with respect to the vast number of international transactions now being conducted; policy is the 'sum' of these official relations because otherwise every particular action could be seen as a separate foreign policy-whereas actors usually seek some degree of coherence towards the outside world. Lastly, the policy is 'foreign' because the world is still more separated into distinctive communities that it is a single, homogenizing entity. These communities therefore need strategies for coping with foreigners (or strangers) in their various aspects. Hill notes that the word 'foreign' is equivalent to the latin 'foris' meaning 'outside'."[236]

However, the above definition raises the question of what is the relationship, or in other words, whether foreign policy and foreign relations are simply two sides of the same coin. Hill here notes that the idea of foreign policy implies both politics and coherence. Foreign policy is essentially a political action that manifests itself through actions, statements and values an actor undertakes to advance its interests by influencing the outside world. Foreign policy also should enjoy a degree of coherence in the sense that it should be based on a clear strategy, whereby objectives, time-frames, and instruments for implementing foreign policy should be

[236] Ibid., p. 3.

taken into consideration. Hill makes an important assertion in regard of the link between *foreign policy* and *foreign relations,* noting that, "foreign policy is… both more and less than the 'external relations' which states [and other independent actors] generate continually on all fronts. It attempts to coordinate, and it is the way in which – at least in principle – priorities are established between competing externally-projected interests… It is in short, the focal point of an actor's external relations."[237]

Interestingly, FPA has also recognized the ability of de facto states to generate foreign policy, or at least partial foreign policy. Hill, for instance, in commenting on foreign policies of de facto states notes that:

> "States and foreign policies are nearly Siamese twins, but not quite. There are other actors which generate activities resembling foreign policies, and this complicates the conventional domestic/foreign divide further. It is not always clear who is representing whom in international relations. Some *unrecognized states* effectively conduct independent external strategies, even if the lack of normal representative facilities and/or dependence on what is often an overbearing supporter makes them difficult to implement. Taiwan and Northern Cyprus since 1974 are prominent examples. Hong Kong has maintained extensive external relations in the sphere of political economy since becoming a Special Administrative Region of the People's Republic of China in 1997, including becoming a member of the WTO

[237] Ibid., p. 5.

before China itself. It does not assert a profile on traditional foreign policy issues, but civil society's views on human rights and democratic governance seep out into the world through the still relatively free media. It thus has something like a partial foreign policy, even if it would never dare to use the term."[238]

Moreover, it is noticeable that the literature of FPA has not solely associated foreign policy with possession of international-legal sovereignty. In fact, FPA asserts that the lack of external sovereignty does not necessarily preclude de facto states from having foreign policy. Hill, for instance, in this regard argues that "foreign policy exists in the space created by states' existence and by their very lack of omnipotence… It depends on sovereignty bot being extinguished where it already exists… The formal possession of sovereignty makes it highly likely that a state will have a foreign policy. Conversely, where sovereignty is denied or the capacity to exercise it severely impeded, foreign policy becomes *particularly difficult – but not impossible*."[239] Moreover, the literature of FPA has recognized the utility or suitability of using FPA methods to study and examine foreign policies of actors other than states. Hill comments that "It is true that states remain important to FPA, but its methods may be used to study all types of actors in international relations."[240]

Moreover, the study of foreign policy has, since its inception, been remarkably complicated not only because of the existence of various actors and structures, but

[238] Hill, Op. Cit., p. 40.
[239] Ibid., p. 31.
[240] Ibid., p. 7.

also because foreign policy always looks two ways: looking inward to the domestic environment and looking outward to the international environment. Many scholars in the field of FPA have taken note of this issue. Carlsnaes, for instance argues that "foreign policy is neither fish nor fowl in the study of politics, but an empirical subject matter straddling the boundary between the internal and the external spheres of a state."[241] Such foreign policy, Laura Neack notes, "is made and conducted in complex domestic and international environments; it often results from the work of coalitions of interested domestic and international actors and groups; its issues are often linked and delinked, reflecting the strength of various parties and their particular concerns; the stuff of foreign policy derives from issues of domestic politics as well as foreign relations; [thus] foreign policy analysis needs to be multilevel and multifaceted in order to confront the complicated sources and nature of foreign policy."[242] "As a crucial form of agency in international relations,"[243] Hill remarks, foreign policy, is "at the hinge of domestic politics and international relations;"[244] and subsequently it influences equally domestic and foreign environments. Thus, to pursue their domestic interests abroad and attempt to mediate the impact of the external on the domestic, foreign policy-makers must be cognizant of the inter-relations between the inside and outside of the actor. In his analysis of states in the Middle East, Hinnebusch notes that "foreign policy making elites are 'Janus faced',

[241] Carlsnaes, "Actors, structures, and foreign policy analysis," in Smith, Hadfield, and Dunne (eds.), Op. Cit., p. 113.
[242] Laura Neack, *The New Foreign Policy: Complex Interactions, Competing Interests*, Third edition, (Maryland: Rowman and Littlefield, 2014): p. 6.
[243] Hill, Op. Cit., p. 23.
[244] Ibid., p. 23.

looking both inward and outward, attempting to reconcile demands from domestic actors with threats or constraints from external powers."[245] Indeed, Robert Putnam has famously suggested conceiving of foreign policy as a 'two-level game' where "domestic groups pursue their interests by pressuring the government to adopt favourable policies" at the national level while "national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments at the international level."[246] Arguments such as the one proposed by Putnam refutes single-factor explanations that relate determinants of foreign policy solely to either domestic politics or international politics. Based on the 'two-level' game, central foreign policy-makers must always be 'Janus-faced', or in Putnam's words "the two-level approach recognizes that central decision-makers strive to reconcile domestic and international imperatives simultaneously."[247]

The very existence and influence of foreign policy on both domestic and international politics has also significantly complicated the analysis of the role of actors and structures in foreign policy analysis. Indeed, the relationship between agency and structure has been one of the most intense debates, in social sciences in general, and in FPA. Actors – also called agency – and structures are important elements in foreign policy making, thus these two factors need to be taken into

[245] Raymond Hinnebusch, *The International Politics of the Middle East* (Manchester: Manchester University Press, 2003), p. 93.
[246] Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization, Vol.* 42, No. 3 (1988), pp. 433-434.
[247] Ibid., p. 460.

consideration by any foreign policy analyst. In stressing the link between actors and structures and its influence on foreign policy making, Hill notes that "Foreign policy-making is a complex process of interaction between many actors, differentially embedded in a wide range of different structures. Their interaction is a dynamic process, leading to the constant revolution of both actors and structures."[248]

Put simply, the debate has revolved around whether actors or agents shape structures or vice versa. Hill defines actors as "individual human beings taking decisions and implementing them on behalf of entities which possess varying degrees of coherence, organization and power – of which the most effective are generally states."[249] These actors are not "conceived as abstract entities but as the decision-makers who are formally responsible for making decisions for the units which interact internationally – that is, mainly but not exclusively states."[250] Moreover, "they may be single individuals or collectives, and they may be characterized by conscious intentions or by patterns of behavior which at least in part do not result from deliberation."[251] Hill also states that despite the prevalence of 'agency-structure' debate in the academic literature, he prefers the use of the term 'actor'. This is because the term 'agent' connotates subordination to a higher authority in the English language, and thus it is better to use the term 'agent' to refer to the bureaucratic entities that are under the control of the primary political actors.[252]

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[248] Hill, Op. Cit., p. 28.
[249] Ibid., p. 51.
[250] Ibid., p. 20.
[251] Ibid., p. 27.
[252] Ibid., p. 27.

Thus, based on the above argument, one can identify that heads of state, prime ministers, foreign ministers or secretaries of states, politburos, parliaments, parliamentary committees, and political parties are the primary foreign policy actors. These individuals enjoy the position of authority in foreign policy-making apparatus regardless of how they originally achieved positions of power and authority, and they are furthermore in constant contact with their counterparts in other countries, and with other governmental and non-governmental organizations inside the entity and abroad. Moreover, these actors ought also to be clearly distinguished from a wide array of agents operating in the ministries of foreign affairs, as well as other ministries and institutions, such as military establishments, economic ministries, intelligence services, think tanks, lobbying firms, research institutions, and the media.[253]

There are also structural factors influencing foreign policy-making. Hill defines structures as "the set of factors which make up the multiple environments in which actors operate, and they shape the nature of choices, by setting limits to the possible but also, more profoundly, by determining the nature of the problems which occur there, by shaping our very life – worlds."[254] In the Realist theory of IR, as well as in most IR theories, the international system is seen as the main structure constraining foreign policy-makers. However, the FPA has taken into consideration a wider range of structures that influences foreign policy. Structures, whether "political, cultural, psychological, economic, national, regional, global, technological, ideational, cognitive, and normative are omnipresent in societies everywhere, existing in various

[253] Carlsnaes, Op. Cit., p. 114.
[254] Hill, Op. Cit., p. 26.

degrees on all levels from the most isolated tribal groupings to the global system as a whole."[255] Broadly speaking, then, the position of foreign policy between domestic politics and international politics, as well as the influence of both actors and structures on foreign policy-making complicates the matter for foreign policy analysts. In view of this complexity, Carlsnaes notes it has been essential for scholars of foreign policy to apply analytical frameworks or approaches to unravel the complexities of foreign policy as an empirical subject of study. However, while this is exactly what scholars have done, there remain disagreements over the best approach to rationalize the complex world of foreign policy-making.[256]

In approaching this complexity, the literature of FPA has approached the academic subject of foreign policy based on two fundamentally different explananda. In general, the varying approaches the scholars of foreign policy have adopted have their roots in the building periods of FPA and to the three aforementioned major works that have built the foundations of the subject. Reflecting on these two approaches in the field, Carlsnaes notes that the first approach emphasizes decision-making processes in a broad sense (borrowing from Snyder and his colleagues), while the second approach emphasizes foreign policy undertakings, i.e. the choice of action in pursuit of a foreign policy goal .[257] The articulation of these different explananda is essential as they emphasize two different sets of

[255] Carlsnaes, Op. Cit., p. 114.
[256] Ibid., p. 116-118
[257] Ibid., p. 116-118.

‘explanandum’ (object of analysis) and ‘explanants’ (explanatory factors) with having known consequences for the roles both of actors and structures.

As noted above, a decision-making approach is one of the main explananda currently in use in FPA. Valerie Hudson has become the primary articulator of this approach in FPA through publication of several influential articles over the past decade or so. Hudson argues that ‘the explanandum of foreign policy analysis’ – that which is to be explained or understood – includes “the process and resultants of human decision making with reference to or having known consequences for foreign entities.”[258] Elaborating on her conceptualization, she further notes:

> “One may be examining not a single decision, but a constellation of decisions taken with reference to a particular situation. Furthermore, decisions may be modified overtime, requiring an examination of sequences of decisions. Also, the stages of decisionmaking may be the focus of inquiry, from problem recognition, framing, and perception to more advanced stages of goal prioritization, contingency planning, and option assessment.”[259]

Moreover, Hudson states that “every theoretical discipline has a ground. A ‘ground’ means the conceptualization of the fundamental or foundational level at which phenomena in the field of study to occur… International Relations (IR) as a

[258] Hudson, “Foreign Policy Analysis: Actor-Specific Theory and the Ground of International Relations,” Op. Cit., p. 2.
[259] Valerie Hudson, *Foreign Policy Analysis: Classic and Contemporary Theory* (Maryland: Rowman and Littlefield, 2007): p. 4.

field of study has a ground, as well. All that occurs between nations and across nations is grounded in human decision makers acting singly or in groups."[260] Thus, based on this approach, the object of analysis, or what is to be explained or understood in foreign policy, is what foreign policy decision-makers are thinking and doing. i.e. 'their purposive behaviour,'[261] and the complex and dynamic processes through which the decision-makers reach the decisions they have made on behalf of the polities they represent.

Moreover, according to this tradition – the decision-making approach – Hudson notes, "the explanants of FPA are those factors that influence foreign policy decision-making and foreign policy decision makers."[262] The emphasis on explaining and understanding the whole process of foreign policy decision-making, or what Carlsnaes describes as 'human decisional behaviour', instead of focusing on a specific policy *per se*, makes this approach "the most ambitious and multifaceted subfield of international relations."[263] Thus, 'foreign policy analysis theory' according to this approach, Hudson notes, "is rich, detailed, multilevel, multidisciplinary, and centered on foreign policy decisionmaking (FPDM) as it is performed by human beings."[264]

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[260] Valerie Hudson, Foreign Policy Analysis: Classic and Contemporary Theory, 2nd edition, (Maryland: Rowman and Littlefield, 2014), p. 3.
[261] Carlsnaes, Op. Cit., p. 116.
[262] Hudson, *Foreign Policy Analysis* (2007), Op. Cit., p. 6.
[263] Carlsnaes, Op. Cit., p. 116.
[264] Hudson, *Foreign Policy Analysis (*2014*)*, Op. Cit., p. 185.

Looking at the role of actors and structures within the approach that emphasizes FPDM, a clear trend is discernible. In other words, does this approach consider the state in realist terms as the sole foreign policy actor, or does it view foreign policy actors as the central decision-makers, making decisions and implementing them on behalf of entities, the most important of which are usually states? Hudson is clear in this regard. She notes that "states are not agents because states are abstractions and thus have no agency. Only human beings can be true agents."[265] She further notes "the single most important contribution of FPA to IR theory is to identify the point of theoretical intersection between the most important determinants of state behavior: material and ideational factors. The point of intersection is *not* the state, it is human decisionmakers."[266]

Moreover, to analyse the factors influencing foreign policy, FPDM prefers to approach the subject based on several levels of analysis. Hudson notes that one of the hallmarks of FPA scholarship – being the second hallmark – is that it is 'multilevel'[267]: "explanatory variables from all levels of analysis from the most micro to the most macro are of interest to the analyst to the extent that they affect decisionmaking."[268] Commenting about the level of analysis approach, Laura Neack states that levels of analysis are 'tools-heuristic devices'[269] that can help analysts to focus on one level at a time; help manage the study in a more effective way; and

[265] Ibid., p. 6.
[266] Ibid., p. 8.
[267] Ibid., p. 7.
[268] Ibid., p. 7.
[269] Neack, Op. Cit., p. 11.

help provide better explanations for questions about which we are intrigued. Using a level of analysis approach, the FPDM has considered the analysis through the lenses of individual, state and international levels of analysis,[270] with additional levels or lenses of analysis developed over the years, including group decisionmaking – focusing on small group dynamics – organizational process, bureaucratic politics, and one focusing on national self-image and culture.[271] Hence, the levels of analysis prevalent in FPDM examine the effects of actors and structures on the decision making process on a level by level basis. Thus, actors usually dominate individual and group decision levels of analysis, precisely because actors can usually have more input and exercise more influence into these levels, while structures gradually come to define state, cultural, and international levels of analysis when analysis becomes more general and abstract.[272]

The second explananda as mentioned above focuses on exploring specific foreign policy actions or undertakings as opposed to explaining the whole process of foreign policy decision making. Consequently, this strand of FPA makes use of a different set of explanandum and explanants. Charles Hermann, one of the main spokespersons of this tradition argues that explanandum, or that which is to be explained in foreign policy "is the discrete purposeful action that results from the political level decision of an individual or group of individuals," and as such it is "not

[270] Ibid., pp. 10-11.
[271] For the major levels of analysis in FPDM approach, see: Hudson, *Foreign Policy Analysis (2014),* Op. Cit.; Neack, Op. Cit.
[272] Carlsnaes, Op. Cit., p. 117.

the decision, but a product of the decision."[273] Scholars within this tradition tend to concur that the explanandum of foreign policy should emphasize "the *purposive* nature of foreign policy actions, the centrality of *policy*, and the crucial role of *state boundaries."*[274] Graham Allison and Philip Zelikov have further elaborated on this conceptualization, noting that:

> "When we are puzzled by a happening in foreign affairs, the source of our puzzlement is typically a particular government action or set of actions… These occurrences raise obvious question: *Why* did the Soviet Union place missiles in Cuba? *Why* were 500,000 soldiers in the Persian Gulf? *Why* did Germany give up the Deutsche-Mark? *Why* did the United Nations do so little to defend Srebrenica in July 1995? In pursuing the answers to these questions, the serious analyst seeks to discover why one specific state of the world came about-rather than some other."[275]

The crux of Allison and Zelikov's argument is that analysts could explain foreign policy choices or actions undertaken by governments in different ways depending on the conceptual model or lens used by the analyst. In their study on the 'Cuban Missile Crisis', Allison and Zelikov, for instance, use three conceptual models – rational actor, organizational behaviour, and governmental politics – to explain and

[273] Ibid., p. 118.
[274] Carlsnaes, Op. Cit., p. 118.
[275] Graham Allison and Philip Zelikov, *Essence of Decision: Explaining the Cuban Missile Crisis*, Second ed. (New York: Longman, 1999): p. 2.

assess foreign policy choices or actions of the U.S. administration of John F. Kennedy in October 1962.[276]

In explaining the implications of the role of actors and structures in this strand of FPA, Carlsnaes notes that this approach "does not a priori view either actors or structures in any particular way, since the focus here is on 'policy undertakings', 'not the behavior of any particular entity within a specific structural environment' (such as 'decision making')."[277] Carlsnaes highlights that in the explanandum that focuses on foreign policy undertakings or actions there are approaches that either favour actors or structures as basic forms of their explanations. In general, Carlsnaes argues that approaches that are based on a structural perspective include: realism with its variants, neoliberal institutionalism, and social constructivism,[278] whereas, approaches from an actor-based perspective include: cognitive and psychological approaches, bureaucratic politics approach, new liberalism, and interpretative actor perspective.[279]

However, regardless of which approach a foreign policy analyst adopts in explaining and understanding a foreign policy decision, foreign policy is influenced by other factors or determinants that must be taken into consideration. In other words, beyond recognizing that individual leaders and the decision they make constitute a major determinant of foreign policy, there are other sets of determinants

[276] Ibid., pp. 3-4-5.
[277] Carlsnaes, Op. Cit., p. 118.
[278] Ibid., pp. 119-122.
[279] Ibid., pp. 122-124.

that influence foreign policy in states or other entities for that matter.

Although, there is a great deal of overlap, the determinants of foreign policy are usually divided into domestic and external determinants. The first, and possibly the most important determinant is what Hudson calls 'national attributes'[280] which are also considered to be the power of the nation-state. Under the heading of 'national attributes' lie elements such as: geographic size and population size, economic capability, geography, natural resources, political system, and military capabilities.[281] As elaborating on each element requires much space, this thesis only elaborates on those elements that are thought to have more direct influences on the foreign policy of de facto states.

In the first place, foreign policy is strongly influenced by a state's geographic and population size. Being a large or a small state has consequences on the foreign policy goals of any state. Hudson notes that small states tend to align themselves with a neighbouring larger state. However, if a small state finds itself surrounded by two large states which are in conflict, *neutrality* might be more logical, given the dangers associated with aligning with one state against the other. Moreover, Hudson notes that small states usually do not possess sufficient power to either reward or punish other states.[282] Population demographics, however, has its own complications in influencing foreign policy. Under the heading of demographics, students of foreign policy should examine factors belonging to the population that

[280] Hudson, *Foreign Policy Analysis* (2014), p.162.
[281] Ibid., pp. 162-173.
[282] Ibid., p.

prompt states to undertake certain foreign policy actions. Some of these factors for instance include: size of the population, high and low population growth rates, age and gender distribution, ethnic/linguistic, religious fractionalization of the population, education, and health and disease burden of the population, among many others.[283] States with large territories and population, taking variations in consideration, traditionally play or pursue more assertive foreign policies. Thus, terms such as hyperpower, superpower, emerging power and developing country all reflect in a way to the geographic and population size of a state and the ability to pursue foreign policy.[284] Moreover, the geographic and population size of states is directly entwined with the resultant economic and military capabilities and how leaders can turn these capabilities into foreign policy resources.[285] Of course, wider geographical and geopolitical features, or what have generally been called external or international determinants, also play an important role in influencing foreign policy. Access to ports and the sea, waterways, landmasses, fertility, climate, and the location and borders of states have serious foreign policy implications.[286] For instance, landlocked countries and those surrounded by larger states or a superpower may pursue moderate foreign policies to maintain their access to the sea, particularly if their economy relies on the access to the sea, or to please their larger neighbours for defense and security.

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[283] Ibid., p. 167.
[284] Breuning, Op. Cit., pp. 143-145.
[285] Ibid., p. 145.
[286] Anthony M. Wanjohi, "State's Foreign Policy: Determinants and Constraints," *KENPRO Online Papers Portal* (2011), accessed: 28 March 2017, http://www.kenpro.org/papers/foreign-policy-determinants-constraints.htm.

Natural resources have many features and possession or dispossession of these resources plays an important role in foreign policy. Amelia Hadfield has developed a fine-grained analysis on natural resources, energy security, and their impact on foreign policy. She notes that energy is a 'strategic resource' *par excellence* for three main reasons. First, energy resources are underpinned by 'geographical, historic, and even social attributes' that play important roles in shaping social attitudes in peace and war. Therefore, societies place unique values upon a resource such as oil, based on shared social underpinnings and understandings. Secondly, material issues of access, combined with perceptions of insecurity of access to energy resources, determine the politics of natural resources. Additionally, the fact that some states possess energy reserves and some do not, makes natural resources a 'strategic resource.'[287] Moreover, energy resources are essentially 'territorialized'[288] meaning that they constitute the very strategic 'national assets'[289] of any given actor, thereby they consolidate and enhance the domestic and foreign position of a given actor.

It is important to note that energy as a 'sovereign stake'[290] regarding its 'ownership, access, transport, and sale'[291] brings new foreign policy actors of both a public and private nature to the complex matrix of foreign policy. In the public sector, the responsibility is shared mostly between state actors – themselves divided

[287] Amelia Hadfield. "Energy and Foreign Policy: EU-Russia Energy Dynamics." in Smith, Hadfield, and Dunne (eds.), Op. Cit., pp. 441-462.
[288] Ibid., p. 442.
[289] Ibid., p. 442.
[290] Ibid., p. 442.
[291] Ibid., p. 442.

between exporter, importer, and transit states – and state-owned or controlled institutions or companies that are charged with management of energy resources for the state. The private sector includes large, medium-sized, and small oil companies such as BP, Royal Dutch Shell, Total, Q8, Exxon Mobile, Texaco, and Chevron.[292] Taken together, Hadfield argues, "the foreign energy policies of states are a complex mix of 'national interest' of the public sector and 'business interests' which many not always sit easily within the national goals of a given state."[293]

Energy security, in its most fundamental sense, indicates "assurance of the ability to access the energy resources required for the continued development of national power"[294]… and the "adequate infrastructure to deliver these supplies to market."[295] In today's world, attainment of energy security constitutes a major foreign policy aim of many states alongside attainment of military and economic security, as energy helps to promote national prosperity, and in many ways it is also imperative to national security. Hadfield moreover notes that energy security has two components depending on the actor or context: 'security of supply' and 'security of demand.' Security of supply applies mostly to importer states which strive to guarantee continuous access to affordable, trustworthy and diverse supplies of energy with minimum sudden shocks in prices and supplies. Security of demand, however, means the ability to have a reliable and continues market to sell energy

[292] Ibid., p. 442.
[293] Ibid., p. 443.
[294] Jan Kalicki and David Goldwin, *Energy and Security: Towards A New Foreign Policy Strategy* (Washington: Woodrow Wilson Centre Press, 2005): p. 9.
[295] Ibid., p. 9.

products in the long term.[296]

Energy resources also serve as a foreign policy tool or instrument for foreign policy-makers. Exporter countries can use energy resources as a foreign policy instrument of diplomacy (OPEC), embargos (Organization for Arab Petroleum Exporting Countries in 1973), and coercion (Russia). Importer countries generally lack the leverage that is associated with possessing large amounts of oil and gas. However, they do possess large markets that exporter countries need to access. Importer countries can also utilize energy to influence the behaviour of other states as a means of soft power (the Commonwealth of Independent States), political sanction (Iraq), economic embargos (Iran). Energy can also prompt states to establish military presence to defend their security of supply as the case of the United States and its historic activities in the Middle East and the Gulf indicates.[297]

It is important to note that natural resources important to states include resources beside oil and gas. The possession – and dispossession – of minerals (e.g. natural uranium, phosphate, yellowcake, rare earth metals), water, arable land, and agricultural capability represent important issues for foreign policy-makers and are important tools in themselves for the achievement of foreign policy goals. To take only one example, during the 1980s and 1990s, Turkey constantly exerted control over the distribution of the downflow of the Euphrates, from Turkey to Syria and Iraq, by building a series of dams and irrigation projects as a major foreign policy

[296] Hadfield, Op. Cit., p 444.
[297] Ibid.

instrument to exercise pressure on the Syria and Iraq. This, in turn, partially resulted to Damascus's support for the Kurdish PKK in its fight against Turkey beginning in 1984.[298]

Another set of factors which is usually grouped together under the rubric of domestic determinants looks at inside the political organization of states. Under this category, foreign policy analysts examine the nature of the regime, the institutional framework of the state, i.e. the role of the legislative branch and its relationship with the executive branch in foreign policy-making, the foreign policy bureaucracy, and the political system or organization of the state – whether it is a democracy or pursues other forms of political organization. However, beside the regime and its political institutions, there are other actors in the domestic constituency that can influence foreign policy. These actors include: political parties, business coalitions, powerful individuals in the state, political action groups, domestic interest groups, ethnic groups, the media, public opinion, religious groups, and even terrorist groups.[299] In short, as Hill notes, the domestic constituency in foreign policy can be epitomized as the four Ps: parliaments, public opinion, pressure groups and the press.[300]

However, there are diverging viewpoints with regard to the influence of each of the above-mentioned domestic determinants. To take just one example, the role

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[298] For more info on this, see: Robert Olson, "Turkey-Syria Relations Since the Gulf War: Kurds and Water," *Middle East Policy*, Vol. V, No. 2 (1997), pp. 168-193.
[299] Breuning, Op. Cit., pp. 12-13. For more detailed info, see: Hudson, *Foreign Policy Analysis* (2014), Op. Cit., pp. 141-153.
[300] Hill, Op. Cit., p. 223.

of the media and public opinion in influencing foreign policy is illustrative of this fact. The role of both media and public opinion as two domestic determinants of foreign policy is long being discussed in the individual level explanations, so prominent within the decisionmaking approach.

In general, analysis of the influence of the media and public opinion on foreign policy-making revert to two basic perspectives: 'the pluralist model' and 'the elite model.'[301] The first model is essentially a 'bottom-up'[302] approach that assumes societies (including the media and the public) can wield powerful influences on foreign policy decision-makers, and that no single group has total monopoly over means of power. It further argues that the views of the public and the media can act as instances of significant constraint upon foreign policy-makers.[303] In sum, they argue that 'leaders follow masses.'[304] Scholars of this ilk usually cite the so-called 'CNN effect'[305] to demonstrate evidence that global real-time news coverage, particularly in cases of massive human rights violations, as witnessed in case of the Kurds of Iraq in 1991, pressures foreign policy-makers, particularly western governments, to intervene militarily to prevent gross violations of human rights. Conversely, the elite model defends the proposition that power rests with the political elite. Consequently, the public and the media are less independent and are merely

[301] Piers Robinson, "The role of media and public opinion," in Smith, Hadfield, and Dunne (eds.), Op. Cit., p. 169.
[302] Neack, Op. Cit., p. 129.
[303] Robinson, Op. Cit., p. 169.
[304] Neack, Op. Cit., p. 129.
[305] Piers Robinson, The CNN Effect: The myth of news, foreign policy and intervention (London: Routledge, 2002).

tools in the hands of political elites who use them to generate support for their foreign policy decisions.[306] Hence, this model is a 'top-down'[307] process that defends the view that public consensus over an issue is relational to the elite consensus. However, regardless of whichever argument in more accurate, as will be touched upon in this thesis, the media has in fact become an important tool of *public diplomacy* which many actors, including the governments of de facto states, use as a tool through which they convey their messages, ideals, values, and interests.

Indeed, public diplomacy is of particular interest to the subject matter of this thesis. Recently, the FPA has taken a new interest in investigating the importance and influence of *public diplomacy* and *citizen diplomacy* in foreign policy of states. Public diplomacy according to Hans Tuch is "a government's process of communicating with foreign publics to bring about understanding for its nation's ideas and ideals, its institutions and culture, as well as its national goals and policies,"[308] whereas Breuning defines public diplomacy as "a government's diplomatic efforts that target citizens, the press, and other constituencies in other countries rather than their governments."[309] Citizen diplomacy on the other hand has been defined as "the efforts and effects abroad of actions by actors who are not official representatives of the state or its government."[310] More interestingly, Melissen observes that not only states conduct public diplomacy for attainment of their foreign

[306] Robinson, "The role of media and public opinion," Op. Cit.
[307] Neack, Op. Cit., p. 129.
[308] see: Jan Melissen, "The New Public Diplomacy: Between Theory and Practice," in (eds.), Melissen, Op. Cit., pp. 11-12.
[309] Breuning, Op. Cit., p. 6.
[310] Ibid., p. 6.

policy objectives; a range of non-state actors also conducts public diplomacy, including subnational and supranational bodies, for attainment of their foreign policies.[311] Lacking official diplomatic relations, many de facto states or national liberation movements – as the case of the Kurdish de facto state attests – use these tools to convey their grievances, values, ideals and to protect their interests, as will be focused upon further in this research.

Another area of interest to this research is what is called the 'implementation phase' of foreign policy, focusing particularly on instruments available at the hand of foreign policy-makers. Luckily, the literature of FPA has given sufficient attention to the phase of implementation both in theoretical and practical terms, perhaps due to the fact it is essentially within this phase that actors meet challenges to their foreign policy goals. Hill and Brighi state that "the phase of implementation is that in which actors confront their environment and in which, in turn, the environment confronts them."[312] Reflecting on the significance of implementation in attainment of foreign policy goals, Bright and Hill note that "hardly a technicality, implementation is in fact a fully political activity, not least in the sense of reflecting a clash of wills between different actors, or between actors and their often intractable environment."[313] But more important from the point of view of this thesis is the issue of instruments at the disposal of foreign policy-makers, since it directly relates to the question of what instruments leaders in de facto states possess to implement their foreign policies.

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[311] Melissen, Op. Cit., pp. 12-13.
[312] Elisabetta Brighi and Christopher Hill, "Implementation and Behaviour," in Smith, Hadfield, and Dunne (eds.), Op. Cit., p. 147.
[313] Ibid., p. 148.

Two caveats need to be made here in discussion of instruments of foreign policy implementation. Instruments usable by foreign policy-makers are "the combined result of resources, capabilities, and varying levels of power and influence available at a given time. These instruments can be ranked on a continuum of power, a spectrum denoting the actual 'means' that a state [or any other independent actor] can use to achieve its desired ends."[314] Secondly, foreign policy choices and actions are also influenced by the nature of available instruments;[315] in other words, foreign policy goals are constrained by the level of available resources and capabilities.

The actual instruments at the disposal of foreign policy-makers can be located on a spectrum from soft to hard power. In general, there are four major instruments employed by foreign policy-makers: diplomacy, cultural diplomacy, economic statecraft, and deterrence and military intervention.[316]

However, when it comes to implementing foreign policy, de facto states usually have fewer resources and capabilities than many recognized states to pursue foreign policy goals. Like many micro-weak states existing in the current international system, de facto states lack the economic wherewithal, military strength or cultural influence possessed by large or middle nations. For this kind of actor, diplomacy becomes particularly vital to pursue national interests, which is usually interpreted as ensuring survival of the entity. Diplomacy, in the most general terms, has been defined as "the human face of getting your own way in international

[314] See: Hadfield, Op. Cit., p. 445.
[315] Brighi and Hill, Op. Cit., p. 162.
[316] See: Ibid., pp. 163-165. Hill, Op. Cit., pp. 138-154;

politics,"[317] and it intends to "enable states to secure the objectives of their foreign policies without resort to force, propaganda, or law. It follows that diplomacy consists of communication between officials designed to promote foreign policy either by formal agreement or tacit adjustment."[318] Commenting on the role of diplomacy for weak states as a means of negotiation, communication, participation in multilateral institutions, and the promotion of economic prosperity, Hill notes "As a means of implementing policy, diplomacy is particularly important to weak states. With few resources, they have little choice but to play a poor hand as skillfully as possible."[319]

But, it remains the case that most de facto states lack official diplomatic relations to pursue foreign policy objectives. However, in recent years, a new and vibrant research agenda has emerged focusing as it does on the international activities of sub-national governments. Put simply, the increasing involvement of regional governments in international affairs; a phenomenon usually called 'paradiplomacy',[320] 'constituent diplomacy',[321] or 'protodiplomacy';[322] has refocused attention on the underlying dynamics, factors or motivations behind a non-state region's international activities. There are various economic, cultural and political factors intimately related to economic and technological globalization that prompt

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[317] Hill, 138.
[318] G. R. Berridge, *Diplomacy: Theory and Practice* (Hampshire: Palgrave Macmillan, 2010), p. 1.
[319] Hill, Op. Cit., pp. 139.
[320] Francis Aldecoa and Michael Keating, *Paradiplomacy in Action: The Foreign Relations of subnational Governments* (London: Frank Cass Publishers, 1999).
[321] J. Kincaid, "Comparative Observations on the International Activities of Constituent Governments," in *Foreign Policy of Constituents Units at the beginning of 21st century* (eds.), F. Requejo, (Barcelona, Institut d'Estudis Autonòmics, 2010).
[322] See: Theodore Cohn and Patrick Smith, "Subnational Governments as International actors: Constituent Diplomacy in British Columbia and the Pacific Northwest," *BC Studies*, No. 110 (1996), p. 32.

regional governments to engage in paradiplomacy to secure and defend their interests, values, and identities, as well as promoting some global values such as pluralism, solidarity, peace and development.

However, protodiplomacy[323] is more intense in regions endowed with nationalist sovereign aspirations. Regions seeking achievement of sovereign statehood endeavour to obtain international personality or agency through protodiplomacy. Noting that protodiplomacy is primarily a 'function of stateless nationalism',[324] André Lecours and Luis Moreno state that protodiplomacy serves as "a means for identity/nation-building; that it sustains and promotes specific interest definitions such as cultural preservation; and that the intergovernmental conflicts it involves provides opportunities for political-territorial mobilization."[325] Moreover, Ferran Requejo notes that regions aspiring statehood actively pursue independent foreign policies, show a clear tendency to become parties to international treaties with other actors, as well as a definite inclination to pursue foreign policies in distinct contradiction or conflict with the foreign policies of their parent states.[326]

However, even though foreign policies of de facto states can be grouped within this umbrella, there is a distinct lack of attention towards de facto states and

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[323] There is not agreement on the precise terminology to describe international activities of regional governments. However, Cohen and Smith note, Paradiplomacy is primarily concerned with socio-economic and cultural issues within sub-state regional governments, while protodiplomacy should be used to refer to "the conduct of international relations by a noncentral government that aims at establishing a fully sovereign state," see: Ibid., p. 38.
[324] André Lecours and Luis Moreno, "Paradiplomacy and stateless nations: a reference to the Basque Country" (Paper presented at the Conference of The Institutional Accommodation of Diversity, Saint Marc-sur-le Richelieu, Québec, 20-22 September 2001).
[325] Ibid.
[326] Ferran Requejo, "Foreign Policy of Constituents Units in a Globalised World," in Requejo et al (eds.), Op. Cit., pp. 11-15.

their paradiplomatic activities, both in FPA and in the study of paradiplomacy. One reason for this deficiency is the exclusive focus of paradiplomacy study on examples drawn from sub-state regions located in Western decentralized liberal states, such as Catalonia and Basque Country in Spain, Quebec in Canada, German Landers, etc. Overall, three factors seem to enable Western sub-state regions to pursue foreign policy and paradiplomatic activities: "the degree of democratization and federalization, the degree of socio-economic development and the increasing internationalisation of markets," experienced both domestically and internationally.[327] However, as Viyan Rahman notes, the increasing importance in paradiplomatic activities and foreign policies of the Kurdish de facto state raises the suggestion that "paradiplomacy should be developed as a field of study that can encompass sub-state regions located outside Western, decentralised liberal systems and that can still take advantage of global changes to operate as diplomats that claim to legitimately represent the interests of a sub-state group."[328]

2.4 Methodology

It is important to note that this research is essentially a descriptive study of the foreign policies of a single political entity: which is the Kurdish de facto state in Iraq. Despite the advantages of a comparative analysis of two or more cases, this

[327] Ibid., p. 11.
[328] Vian Rahman, "Seeming like a State: Kurds as Diplomats" (MA diss., University of London, 2005), p.11

research has opted for a single case study. A single case study enables a researcher to conduct a more in-depth analysis of a political entity under constant transformation. A singular focus on the KRI as a case study is also useful given the relatively small number of such studies in the literature of de facto statehood, and the virtual negligence of the KRI as a case of de facto statehood. This is compounded with the fact that the analysis of de facto statehood, in general, has been increasingly neglected in a mostly state-centric analysis of FPA. On the other hand, de facto states experience unique trajectories in terms of their path to creation, policies, strategies and their level of engagement with the international community that resists simplistic generalizations across cases. Therefore, comparisons between two or more cases is rife with fluidity and it requires much more space than is available here. As possibly the only case of de facto statehood in the Middle East region, the transformation of the Kurdish national liberation movement into the Kurdish de facto state possesses many unique attributes and dynamics that are better captured in a single case-study method.

While conducting interviews with relevant actors in charge of the KRI's foreign policies would have been extremely useful, it poses significant problems of its own. On the one hand, as Valerie Hudson notes, analysts of foreign policy face immense difficulties as many foreign policy decisions are either not immediately observable to the analyst, or they may be secret and may remain so for an incredibly long amount of time for national security concerns. Indeed, the issue of secrecy is double in de facto states as there is a heightened sense of fear towards the present and future survivability of the de facto state. For de facto states, foreign relations with other

actors in the international system is either condemned or viewed suspiciously by their parent states. Moreover, they frequently face immense pressure and hostility from their erstwhile parent states or other actors in the international system and, therefore, an element of secrecy is often present in the de facto states' conduct of foreign policy. This may mean that the analyst, especially someone from a Kurdish background, may either not so easily be granted face-to-face interviews with high-ranking Kurdish officials in charge of foreign policy, or even if s/he is, officials may be reluctant to share sensitive details or reveal true motivations behind foreign policy decisions. Moreover, according to the Constitution of Iraq, foreign policy is the exclusive responsibility of the federal government in Baghdad. Therefore, Kurdish officials can be reluctant to explicitly acknowledge projection of foreign policy, let alone independent foreign policies.

Similarly, due to the reasons of secrecy, international agreements signed by the KRI are not publicly accessible or available. For instance, the oil/gas contracts and agreements signed between the KRG, oil/gas corporations and states such as Turkey remain secret, and may remain so for a considerable amount of time.

Therefore, in many cases the analyst finds himself/herself working with historical or contemporary data available in secondary sources, which may not be completely true or it may even be false. Secondly, as this thesis stops at the year 2011, which ushered in yet another transition in the KRI, this researcher has refrained from conducting interviews with relevant KRI officials in charge of foreign policy. This is because most politicians naturally focus on current issue areas and events happening around them. In many cases, the nature of policies or alliances

have changed and politicians do not want to recall or to justify their earlier foreign policy decisions.

Consequently, this researcher has opted to primarily depend on secondary sources as the main source of data. Despite the limitation of the lack of interviews, secondary resources in the case of the KRI provide a wealth of insight and knowledge, probably unmatched by any other de facto independent entity in the current international system, for several reasons. The two U.S.-led wars on Iraq (1991 and 2003), establishment of the KRI in 1991 and the geopolitical and geostrategic position of the KRI significantly increased the amount of attention dedicated to the KRI. Furthermore, the KRI's need to garner international support, particularly from the West, to legitimize and guarantee its existence, prompted Kurdish officials to provide open access to Western politicians, academics, researchers, journalists or for that matter anyone interested. In turn, these individuals have written and published a considerable amount of material on various aspects of political development in the KRI. Having access to these secondary sources, then, enable students of Kurdish politics to discern motivations of foreign policy or the effects of foreign policy decisions on the domestic and external environments.

Another major methodological problem faced when studying foreign policies of the Kurdish de facto state is that of bias. The sensitiveness of foreign policy in the KRI due to national security concerns, and partisan competition in an environment of heightened insecurity, has two significant results. One, most media outlets, research papers, publications and even single officials in the KRI are sympathetic to the viewpoint of one party against the other. Two, it results in secondary published

data being circumvented in provision of data on foreign policy issues in general because of fears of creating complications either internally or externally.

While these publications still constitute important sources of data, for the sake of objectivity and balance, this researcher has strived to use internationally accredited secondary sources as the primary sources of analysis. Apart from the literature review which is acceptingly short, this researcher has extensively used published data by prominent academics in the ever-expanding field of Kurdish studies. This published date includes books, articles in journals, periodicals or magazines published by knowledgeable academics on the affairs of Iraqi Kurdistan. Therefore, paper or online articles in well-known newspapers and magazines constitute excellent sources of data for this research. Furthermore, research articles, policy papers, reports, events' summaries and publications by various think tanks, research institutions and governmental and non-governmental organizations have been extensively used for the purposes of this research.

Lastly, relating to the issue of bias, this researcher identifies as a Kurd, a member of the KDP and a citizen of Britain. Therefore, despite the sincere efforts at objectivity and endeavoring to maintain some distance in analysing the Kurdish de facto state's foreign policies, this researcher cannot proclaim full objectivity as a degree of subjectivity might have influenced the analysis.

3 The Contextual and Historical Analysis of the Kurdistan Region of Iraq

This chapter provides a contextualization of the de facto independent Kurdish entity in Iraq. Its primary task is to set the scene for providing an elaborate account of the Kurdish de facto state. Although concise and brief, section one examines the human and physical geography and the geopolitics of the KRI which represent significant determinants on foreign policies of the KRI. Section two briefly examines the history and foreign relations of the Kurdish nationalist liberation movement in Iraq. It primarily aims to make the case that even before the onset of the de facto state, the Kurdish national movement had already enjoyed foreign relations with variety of actors regionally and internationally.

3.1 Introduction

Any serious analysis requires a comprehensive contextual analysis of the internal and external factors which influence the foreign policies of the KRI. While the list of applicable factors can be long, section one of this chapter provides a brief analysis of those factors which have an immediate impact upon the KRI's foreign policies, namely the physical and human geography of the KRI. It is important to note that this chapter focuses only on the KRI, rather than discussing the physical and human geography of the Kurds in the wider Middle East.

This thesis has also found it necessary to provide an elaborate but brief historical account of the Kurdish national liberation movement in Iraq, in its earlier format as a movement struggling to press for Kurdish autonomous rights within the compact Iraqi state. This is because, as with most other de facto states, the KRI finds its origins in the preceding national liberation movement in Iraq, with ethnically-based grievances that sporadically engaged militarily and/or politically through dialogue with successive Iraqi governments, to press for Kurdish national rights within the body politic of Iraq. Writing a narrative of the Kurdish national liberation movement is also useful in other ways. The leadership of the Kurdish national liberation movement employed various tools and strategies to build foreign relations with many key regional and international actors. For the Kurds in Iraq, these relations were indispensable to sustain their struggle in pressing their national rights within the framework of Iraq. Therefore, section two of this chapter, as well as providing a brief historical analysis, is dedicated to discussing foreign relations of the Kurdish national liberation movement in Iraq. The section notes that prior to the establishment of the de facto state, Kurdish political parties had already embarked on the road to building secretive foreign relations with a variety of actors. It notes the secretiveness built into Kurdish foreign relations. This secretiveness can be attributed to the Iraqi-Kurdish conflict, regional hostility to the Kurdish cause, international ignorance of the Kurdish plight partly due to the importance of Iraq as a strategic prize during the Cold-War and the tough geopolitical position of the Kurds of Iraq. It also observes the pattern of using public diplomacy, citizen diplomacy, and utilizing the media as means of conducting foreign relations– not only to influence

public opinion, but also to send messages to key international powers in order to build foreign relations through unofficial channels and to attract enough international support to sustain their struggle in Iraq.

3.2 The Human and Physical Geography of the Kurdistan Region of Iraq

No serious study of the recent formation of the Kurdish de facto state in Iraq can be undertaken without briefly introducing the Kurds. In retrospect, every study on Kurdish politics in Iraq starts with the ever-perennial questions: who are the Kurds? what is their origin? do the Kurds constitute a nation based on various standards of nationality making? and as such do they deserve independent statehood? It is noticeable that, with the emergence of the KRI, many if not most studies have focused on Kurdish nationalism and political developments in Iraq. These debates and the multiple answers around modern Kurdish nationalist identity have been long and painful. However, perhaps the best answer and the simplest one, is that a Kurd is "a person who identifies himself or herself as a Kurd,"[329] speaks one of the Kurdish dialects prevalent in Iraqi Kurdistan (Sorani, Bahdinani, Gurani and Hawrami),[330] and who shares feelings of Kurdish nationalism as an important personal ethnic identity. Most Kurds in Iraq are Sunni Muslims living alongside Kurdish Twelver Shiites (known as Faili Kurds), Yezidi, Ahl-I Haqq (also known as

[329] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 93.
[330] For more on Kurdish dialects, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., pp. 37-38. Also, see: Joyce Blau, "Refinement and Oppression of Kurdish Language," in *The Kurds: Nationalism and Politics* (eds.) Faleh Jabar and Hosham Dawod (London: SAQI, 2006), pp. 103-113.

Kakai) and Christian Kurds.[331] There are also Jewish Kurds who have mostly migrated to Israel following its establishment in 1948.[332] The KRI is heterogenous in terms of its ethnic and religious composition, as the KRI contains many ethnic and religious minority groups such as Assyrians, Chaldeans and Turkomans with their own self-identity.[333] The KRI is small in terms of its population comprising between 5.2[334] to 6 million people, representing 20 percent of Iraq's overall population.[335]

The geopolitics of the KRI obviously constitutes a significant determinant on its foreign policies. It is not easy to pinpoint the KRI on a map as the territory does not possess internationally recognized borders, and even its internal boundaries are strongly contested. From the aspect of physical geography, the KRI is a landlocked territory with no access to seaports, and this geopolitical consideration significantly shapes, or influences, the KRI's foreign policies. As Stansfield notes, "In a land-locked area such as Iraqi Kurdistan, physical geographical influences and geopolitical considerations are omnipresent within political actions."[336] The KRI is

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[331] For more detailed info, see: G. R. Driver, "The Religion of the Kurds," *Bulletin of the School of Oriental Studies*, Vol. 2, No. 2 (1922), pp. 197-213; Nader Entessar, "The Kurds in Post-Revolutionary Iran and Iraq," *Third World Quarterly*, Vol. 6, No. 4 (1984), pp. 911-933; Kerim Yildiz, *The Kurds In Iraq: the Past, Present and Future* (London: Pluto Press, 2007), pp. 7-10; David McDowall, *A Modern History of the Kurds* (London: I. B. Tauris, 1997), pp. 18; Stansfield, Ir*aqi Kurdistan,* pp. 26-59; Martin Van Bruinessen, *Agha, Shaikh and State: The Social and Political Structures of Kurdistan* (London and New Jersey: Zed Bools Ltd, 1992), pp. 11-25; Michiel Leezenberg, "Political Islam Among the Kurds" in Jabar and Dawod (eds.), Op. Cit., pp. 203-231.

[332] Ofra Bengio, "Surprising Ties between Israel and the Kurds," *Middle East Quarterly*, Vol. 21, No. 3 (2014) http://www.meforum.org/3838/israel-kurds.

[333] See: Stansfield, *Iraq*, Op. Cit.

[334] "Kurdistan at a glance," *KRG website,* accessed: 28 August 2015, http://cabinet.gov.krd/p/page.aspx?l=12&s=050000&r=303&p=213.

[335] Ofra Bengio, "Meet the Kurds, A Historically Oppressed People Who Will Get Their Own States," *Tablet*, 14 August 2014, accessed: 26 July 2015, http://www.tabletmag.com/jewish-news-and-politics/182042/kurdish-independence.

[336] Stansfield, *Iraqi Kurdistan*, Op. Cit., 26.

surrounded by the two largest, and potentially strongest, states in the Middle East: Turkey from the northwest,[337] and Iran from the southeast. Also, Syria surrounds the entity from the west and remnants of Iraq's territory surround the entity from the south.[338] Furthermore, the KRI is small in terms of its geographical size with its territory measuring 40,643 square kilometers of territory.[339]

From the aspect of physical geography, the territorial borders of the KRI are confusing and subject to a great deal of flux and change. While defining the contours of greater Kurdistan is an anthropological guess, the issue of defining the borders of the KRI turned into an issue of academic and practical interest following the creation of the Kurdish de facto state in 1992. The KRI enjoys territorial control over a significant piece of its claimed territory in Iraq. For the purposes of this research, the KRI territory includes those areas evacuated by the GOI in 1992, and subsequently controlled by the Kurdish parties. This territory was later recognized in the interim Transitional Administrative Law of Iraq (hereafter TAL) in March 2004,[340] and in the subsequent 2005 Constitution of Iraq, as the legally recognized territory of the KRI. This territory includes the whole of Dohuk Governorate, most of Erbil Governorate, all of Sulaimani Governorate, and portions of Kirkuk, Diyala, and Mosul

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[337] Turkey shares a 400-kilometer mountainous border with the KRI, see: "War in Iraq: What's Next for the Kurds?" *International Crisis Group*, 19 March 2003, accessed: 13 January 2013, https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/war-iraq-whats-next-kurds.

[338] "Kurdistan at a glance," Op. Cit.

[339] Ibid.

[340] See: Article 53 (section 1) of Iraqi Interim Constitution (TAL), "*Law of Administration for the State of Iraq for the Transitional Period",* Ratified on 8 March 2004, accessed: 26 December 2012, http://www.servat.unibe.ch/icl/iz00000_.html.

Governorates.[341] However, while the KRI is in control of most of the territory it claims, including its capital – Erbil, the contours of its physical geography and territorial space is still in flux due to the ongoing territorial disputes between the KRI and its Iraqi parent state, with significant complications arising from the existence of several ethnic and religious groups existing in the *trigger line* between the two entities. As such, the borders of the KRI with its Iraqi parent state in the south are still unsettled because the KRI possesses constitutionally stipulated and de facto controlled territories, as well as claiming more territories.

Also, significant in terms of determining the KRI's foreign policies, and its influence on the foreign policies of other states, is the geopolitics of natural resources. The KRI is rich is natural resources, including primarily hydrocarbon resources, various kinds of minerals, arable lands, agricultural capability as well as water resources. In recent years, the availability of vast hydrocarbon resources has been salient in the KRI's projection of foreign policy and its utilization of energy resources as a means of influencing the foreign policies of other states. According to a recent U.S. geological survey, the KRI's hydrocarbon reserves are estimated to be 45 billion barrels of crude oil and 1 to 3 TCM of gas (for hydrocarbon resources of KRI see Appendix B);[342] reserves larger than those available in Azerbaijan or Ecuador, two influential members of OPEC. While there are other factors that may be taken into account, it is understood that the greatest influences on KRI foreign

[341] see: "The Constitution of Iraq," adopted on 15 October 2005, accessed: 26 December 2012, http://www.presidency.krd/uploadedforms/_IraqiConstitution_en.pdf.
[342] Matthew Bryza, "Turkey's Dramatic Shift Toward Iraqi Kurdistan: Politics before Peace Pipelines," *Turkish Policy Quarterly*, Vol. 11, No. 2 (2012), p. 56.

policies are the human and physical geography of the KRI which interact with the political history of the Kurds in general, and in Iraq in particular, and the political history of the Kurdish national liberation movement that influenced the foreign policies and relations of the Kurdish political entity that emerged after 1992.

Therefore, the next section aims to provide a brief synthesis of the history of the Kurds and the Kurdish nationalist liberation movement and its foreign relations prior to the establishment of the Kurdish de facto state.

3.3 History of Foreign Relations of Kurdish National Liberation Movement in Iraq, 1958-1991

The end of the World War I and the subsequent creation of successor states of Turkey, Iraq and Syria dashed the Kurds' hope for independent statehood. While during the Ottoman era, the Kurds were considered part of the *Millet System*[343] of Muslims, with rights and responsibilities like other constituent Muslims, in the newly established nations-states the Kurds became peripheral ethnic minorities struggling against their respective political centres. Initially the Kurds were promised their own independent state in the Treaty of Sevres of 1920. However, later developments rendered the idea of a Kurdish state, in the former Ottoman territories of Kurdistan obsolete. This culminated in the Treaty of Lausanne, which officially divided the

[343] Natali, *The Kurds and the State*, Op. Cit., pp. 1-4.

Kurdish-inhabited Ottoman lands between Iraq, Turkey and Syria.[344] However, contrary to other Kurdish regions in Turkey, Syria and Iran, which became part of the dominant ethnic groups' state-building projects and discourses, Kurdish nationalism in Iraq was boosted with promises of autonomy, increased opportunity structures and political space (Appendix A). For one, Britain as the Mandate authority over the newly-established state of Iraq, intentionally or unintentionally invited, or indeed encouraged, Kurdish nationalism and/or independence, at least as a threat card towards Iraq and other states with Kurdish minorities, to advance British interests. The Kurds in Robert Olson's words, "were to be the cudgel that made Baghdad bow to London."[345] Certainly, encouraged by British colonial officers and the indecisive policies of Great Britain, and the struggle between Turkey and Iraq over the inclusion of the Mosul province in their respective states, the Kurds had some sort of de facto autonomy until the end of 1925.[346] Thereafter, a great deal of legitimacy was bestowed on the national rights of the Kurds in Iraq for the following reasons:

- the League of Nations' recommendation to link the Mosul Province to the newly British-created state of Iraq;[347]

[344] For a brief analysis on the circumstances leading to the Treaty of Lausanne, see: Othman Ali, "The Kurds and the Lausanne Peace Negotiations, 1922-23," *Middle Eastern Studies*, Vol. 33, No. 3 (1997), pp. 521-534.
[345] Robert Olson, "The Kurdish Question in the Aftermath of the Gulf War: Geopolitical and Geostrategic Changes in the Middle East," *Third World Quarterly*, Vol. 13, No. 3 (1992), p. 476.
[346] Ofra Bengio, "Autonomy in Kurdistan in Historical Perspective," in *The Future of Kurdistan in Iraq*, (eds.), Brendan O'Leary, John McGarry and Khaled Salih (Philadelphia: University of Pennsylvania Press, 2005), p. 173.
[347] McDowall, Op. Cit., pp. 145-146

- the1922 joint Anglo-Iraqi statement of intent regarding the Kurds, promising appointment of Kurdish officials to administer government functions in the Kurdish territory of Iraq;[348]
- the passing of a 1926 Local Languages Law recognizing Kurdish as the language of education and print books in the Kurdish areas of Iraq,[349]
- as well as a 1932 Iraqi statement in regard of the national right of the Kurds upon its admission into the League of Nation as an independent state[350]

As David Romano notes, the result of these promises was that "politicized Kurdish ethnicity was officially accepted as one of the founding principles of the Iraqi state… Kurds did not have to be convinced that they should demand group rights from the state since they had already been promised by state authorities."[351]

Hence, as the Iraqi state authorities gradually began to renege on their earlier promises of cultural autonomy, or at times denied the existence of a separate Kurdish ethnic group in Iraq, the seeds of a Kurdish nationalist liberation movement with an ethnically-based grievance were sown. The Kurdish nationalist hopes for recognition too often clashed with the ever-insecure Iraqi state formation processes that conceived of any meaningful concession to the Kurds, in the form of autonomy, as a prelude to secession and dismantling of the state of Iraq. It seems as Stansfield

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[348] David Romano, *The Kurdish Nationalist Movement: Opportunity, Mobilization and Identity* (Cambridge: Cambridge University Press, 2006), p. 187.
[349] Helena Cook, *The Safe Haven in Northern Iraq: International Responsibility for Iraqi Kurdistan* (London: Human Rights Centre, University of Essex and the Kurdistan Human Rights Project, 1995), p. 17.
[350] Michael Gunter, "Federalism and the Kurds of Iraq: The Solution or the Problem?", in Jabar and Dawod (eds.), Op. Cit., p. 235.
[351] Romano, Op. Cit., p. 187.

suggests, that the domestic Kurdish conflict became entangled with the real and/or perceived geopolitical insecurity experienced and felt by Iraqi state leaders.[352] This geopolitical insecurity resulted at times, particularly under Saddam, in Iraq adopting belligerent or hostile stances towards its neighbours, most notably Iran and Kuwait, over boundary issues. In analysing Iraq's belligerency, particularly regarding its boundary disputes with neighbours, Tripp notes, "the defiant rhetoric of Iraqi governments often conceals a deeper fear that what the great powers created, they may one day decide to dismantle, indicating an awareness of the vulnerability of Iraq in a world not of its own making".[353] The Kurdish nationalist liberation movement was, then, enabled from the beginning to capitalize on the antipathy and support of neighbouring states to advance its struggle against successive Iraqi governments.

By 1958, the Kurds of Iraq had an established a Kurdish political party in the form of the KDP with an overtly Kurdish nationalist orientation.[354] The Kurdish nationalist liberation movement intensified following the overthrow of the Monarchical regime in 1958. Initially, the new Iraqi leader, General Abd al-Karim Qasim, who turned Iraq into a republic, promoted an Iraq-first nationalism based on Kurdish-Arab fraternity in Iraq, by promulgating a provisional constitution which stipulated that Kurds and Arabs are partners within the Republic of Iraq. General Qasim also made symbolic gestures such as placing the Kurdish sun and dagger on

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[352] For an excellent analysis on the influences of Iraq's domestic communal and ethnic contestations on foreign policy, see: Gareth Stansfield, "The reformation of Iraq's foreign relations: new elites and enduring legacies," *International Affairs*, Vol. 86, No. 6 (2010), pp. 1395-1409.
[353] See: Ibid., p. 1399.
[354] For an excellent analysis on the formation, political ideology and structure of the KDP, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., pp. 60-79.

the new Iraqi national flag and coat of arms. He furthermore legalized the KDP, welcomed Mulla Mustafa Barzani from the former Soviet Union and authorized the publication of Kurdish literature and advancement of the Kurdish language. However, soon the hopes for the recognition of a distinct Kurdish national identity with territorial prerogatives was buried into the ground.[355] Consequently, the seeds were sown for a prolonged on/off Kurdish nationalist revolution in Iraq that continues to this day, albeit under different dynamics.

The 1960s, 1970s and 1980s represented formative years in the emergence and consolidation of the Kurdish nationalist movement in Iraq; the precursor phase to the KRI. While the MENA region underwent cumulative changes due to the increasing influences of pan-Arab nationalism, anti-colonialism and the global-level bipolar competition, the governments of Iraq were unstable, weak, fragmented and constantly deposed. All in all, between 1958 to 1968, there were at least five military-led coup d'états in Iraq.[356] As Arab governments in Baghdad increasingly Arab-ethnicized the political space by employing the rhetoric of pan-Arab nationalism, the Kurdish political identity also reacted by being more Kurdish-ethnicized and gradually became estranged from the wider Iraqi political domain. This also coincided with the return of the charismatic Kurdish leader Mustafa Barzani from the former Soviet Union, in which he had sought refuge since the collapse of the Kurdish

[355] Natali, *The Kurds and the State*, Op. Cit., pp. 48-51; Ozum Yesiltas, "Iraq, Arab Nationalism, and Obstacles to Democratic Transition," in Mehmet and Romano (eds.), Op. Cit., p. 47.
[356] For a comprehensive analysis of Iraq's history and its early formation, see: Charles Tripp, *A History of Iraq* (Cambridge: Cambridge University Press, 2007); Stansfield, *Iraq*, Op. Cit.; Anderson and Stansfield, *The Future of Iraq*, Op. Cit.; Gareth Stansfield, "Divide and heal," *Prospect Magazine*, 20 May 2006, accessed: 20 August 2016, http://www.prospectmagazine.co.uk/features/divideandheal.

republic of Mahabad in Iranian Kurdistan.[357] For these reasons, the resulting political stalemate and the contracting views of an Arab-ethnicizing central government in Baghdad, and a Kurdish-ethnicizing KDP-led movement, set the scene in 1961 for internecine armed conflict between Baghdad and the Kurds of Iraq which is marked in Kurdish historiography as the 11 September Revolution.

Yet to all intent and purposes, the KDP understood that, without meaningful external assistance, the Kurds did not stand a chance of winning a war against a relatively well-armed Baghdad government. Therefore, the KDP began its first actions to lobby foreign governments who might be willing to assist the Kurdish revolution in Iraq: in other words, the pursuit of foreign allies became a primary aim of Kurdish foreign relations. However, the fact that, geopolitically, Iraqi Kurdistan is surrounded by three states with similar internal dynamics to those in Iraq constituted a complicating determinant on Iraqi Kurds' foreign relations. In its efforts, the KDP looked beyond the immediate Kurdistan border to states such as Egypt, Israel, the United States, and the Soviet Union, among others, for support. In retrospect, this thesis argues that the KDP had a twofold aim in its foreign relations. From one side, the KDP aimed to obtain immediate military and financial aid to sustain its revolution in Iraq. On the other, the KDP sought to legitimize the Kurdish revolution and gain international recognition. To this end, the KDP relied persistently on highlighting the Kurds' right to self-determination, their historical claim to the land, past promises of

[357] Mustafa Barzani played a great role in defending the Kurdish Republic in Mahabad. For an early analysis on Barzani's role, see: Archie Roosevelt, Jr., "The Kurdish Republic of Mahabad," *Middle East Institute*, Vol. 1, No. 3 (1947), pp. 247-269.

statehood and grievances based on Baghdad's discrimination and persecution of the Kurdish people. However, these aims were difficult to achieve for several reasons. The Kurds faced a conundrum in pursuing and building foreign relations because, as Rahman notes, they were isolated geographically and politically, lacked enough (if any) personnel with fluency in any foreign languages, the Kurdish diaspora was very small and above all the KDP lacked any representations abroad.[358] Moreover, the Cold War had cast an iron wall around Kurdistan; the interests of major powers were influenced by keeping Baghdad pleased rather than Kurdish interests, and regional powers were all the more determined to keep the Kurds at bay.

So, to achieve its ends, the KDP had to use all the tools at its disposal, however limited. Interestingly, early Kurdish attempts to build foreign relations with states resulted in the crystallization of patterns in foreign relations that have continued even after creation of the de facto state in 1992. These patterns include the use of citizen and public diplomacy, including the media, and utilization of think tanks – particularly after establishment of the de facto state. The Kurds also went through an educational process to adopt secrecy in foreign relations and to constantly diversify their sources of foreign support, where possible, to prevent falling victim to the perils of one power. The Kurds were geographically and psychologically isolated and they urgently needed to solicit support from outside sources. In addition to that, the refusal of states to build *overt* relations with the Kurdish movement ultimately resulted in the building of *covert* relations

[358] Rahman, Op. Cit., pp. 22-41.

intermediated by intelligence services of the states concerned. Naturally, for these covert relations to be effective, the element of secrecy had to be preserved.

Interesting, in the absence of official diplomatic relations, the KDP as a political party came increasingly to rely upon *public diplomacy* and *citizen diplomacy* as initial methods of achieving its aims. In analysing the Kurds' paradiplomacy during this sensitive period of Kurdish history, Vian Rahman notes that the KDP sought to disseminate its message, gain international legitimacy and advance the cause of the Kurdish movement in Iraq. In the absence of official diplomatic relations, lack of funds and large scale foreign representation, the KDP came to rely upon unofficial roving ambassadors and overseas representatives, both Kurds and foreigners; the media, particularly the Western media[359]; and Kurdish diaspora organizations like KSSE and AKSA which effectively acted as foreign branches of the KDP, and their members as its unofficial 'diplomatic representatives'[360] abroad. Over the years, the KDP dispatched several roving emissaries such as Ismet Sharif Vanly, Kamiran Bedir Khan, Jalal Talabani to solicit support from states as diverse as the Soviet Union, Israel,[361] Egypt[362], Iran, and the United States, among others.[363] In Cairo, Kurdish roving emissary Jalal Talabani met with the Egyptian president Jamal Abdel Nasser in 1963 and described the Kurdish revolt to him as an anticolonial struggle,

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[359] Ibid., pp. 22-41.
[360] Ibid., p. 44.
[361] Sargis Mamikonian, "Israel and the Kurds (1949-1990)," *Iran and the Caucasus,* Vol. 9, No 2 (2005), 381-399.
[362] Edmund Ghareeb, *The Kurdish Question in Iraq* (New York: Syracuse University Press, 1981), p. 61.
[363] "The Kurds of Iraq: Renewed Insurgency?" *Bureau of Intelligence and Research*, 31 May 1972, http://history.state.gov/historicaldocuments/frus1969-76ve04/d310, accessed: 20 January 2013.

“part of an overall nationalist movement,” and as a “just war conducted by an oppressed people against a chauvinistic dictator.”[364] Moreover, illustrating the element of citizen or public diplomacy, Kurdish roving emissaries attempted to internationalize the Kurdish cause and obtain the support of the international community by appealing to the United Nations. For instance, Bedirkhan who served as the Kurds’ unofficial representative in New York City, sent several letters to U Thant, the Secretary General of the UN, to advance the Kurdish cause.[365]

Sovereign states, however, were wary of any sort of overt relationship with the KDP. Many states feared that by overtly making contacts or establishing relations with the KDP and Iraqi Kurds they would enrage the GOI whose cooperation was needed to contain or counter the Soviet domination of the Gulf region. The fact that Iraq also possessed abundant hydrocarbon resources also came to play an important role in the global geostrategic and geopolitical rivalry between the United States and the former USSR. The GOI thus could act as a major strategic asset, a major weapon consumer and an energy supplier. However, any sort of relationship, even a covert one, could help the KDP in its battles against the central government. To achieve this end, the KDP extensively used the Western media to send signals to foreign governments. The KDP desperately sought to cultivate contacts with media persons and journalists writing on the affairs of the Middle East region. From the early 1960s unofficial Kurdish representatives abroad regularly circulated official communiqués to the media on the war in Iraq and its consequences on the Kurdish

[364] Voller, “From Rebellion to De Facto Statehood,” Op. Cit., pp. 111-112.
[365] Ibid., p. 112.

people.[366] Mustafa Barzani, the leader of the KDP (19461979), gave priority to visiting journalists and on most occasions received them personally: "KDP leader Barzani was desperate to internationalize the Kurdish issue for the first time, and therefore paid personal attention to visiting journalists. No country would receive him, he could not travel, and the Kurds had very limited secret contacts with Western states. Barzani understood the media as a means to conduct diplomacy and encouraged journalists to come to the region, report on the Kurds' military successes and hear his claim that the movement had the support of all classes of Kurdish society."[367]

Interestingly, the KDP's tactical use of the media achieved some success in attracting foreign journalists and reporting on Kurds' situation in Iraq. Several journalists, such as Richard Anderegg and Dana Schmidt[368] visited Barzani and several major newspaper editorials such as *Le Monde* and *the Daily Telegraph* published sympathetic reports on the Kurdish revolt in Iraq.[369] In one such report, a *Le Monde* editorial wrote that "The most striking achievement of the Kurdish rebellion is in the international arena. At last, the world is taking an interest in a problem that has existed for forty years."[370] The articles published by these journalists were vital in sending messages to the West, particularly to the U.S. government. Barzani realized very well that the Cold War had divided the world into two camps, and he strived enthusiastically to position the Kurds within the U.S. camp. According to Sami

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[366] Rahman, Op. Cit., p. 24.
[367] Ibid., p. 24.
[368] Schmidt wrote a book on Kurds which is still circulating, see: Dana Adams Schmidt, *Journey Among Brave Man* (Boston, Toronto: Little, Brown and Company, 1964).
[369] Rahman, Op. Cit., p. 24.
[370] Ibid., p. 24.

Abdul Rahman, a veteran Kurdish politician, "in his heart of hearts Barzani loved Americans… It was a relationship spanning three decades, starting with his encounter in Tehran on New Year's day of 1947 with Archie Roosevelt, then the assistant U.S. military attaché there."[371] In describing the importance of the reports on Kurds and Barzani and the attempt to dispel misunderstanding about the Kurdish revolution in the United States, Brya Gibson notes, "The articles portrayed Barzani as a freedom fighter desperately seeking American assistance to protect his people from a brutal war imposed on them by a Soviet-backed military dictator," and that Barzani "was not a communist but rather a Kurdish nationalist, seeking to establish Iraq as the West's strongest ally in the Middle East."[372] It is interesting that Barzani also sought to highlight to Americans Kurdistan's geopolitical importance within the overall U.S.-Soviet competition in the Middle East, stating in on instance, "Look at our strategic location on the flank of any possible Soviet advance into the Middle East through the Caucasus and remember that, whether as guerrillas or as regulars, we are the best soldiers in the Middle East."[373]

Astonishingly, the Kurdish national liberation movement was quite successful in building and maintaining secretive relations with several states. It seems that these early media encounters with KDP leaders eventually resulted in building secretive relations between the KDP and several states with interests in Iraq and the

[371] Jonatan Randal, Kurdistan: After Such Knowledge, what Forgiveness? My Encounters with Kurdistan (London: Bloomsbury, 1998), p. 162.
[372] Bryan R. Gibson, Sold Out? US Foreign Policy, Iraq, the Kurds, and the Cold War (New York: St. Martin Press, 2015), p. 51
[373] Ibid., p. 51.

Middle East region. Being wary of overt relations with the Kurdish movement, states thus resorted to the building secretive relations through their covert intelligence services. Over the years, the KDP built ties with key states such as Israel,[374] Iran, the Soviet Union, and the United States among others.[375] Indeed there was also a certain overlap between the media and building relations with intelligence services, as the KDP also considered the possibility that some of the journalists visiting Kurdistan might be hidden spies or agents discreetly reporting to their intelligence services on the Kurdish war.[376] It is noticeable that the KDP not only used the media to press foreign governments to adopt more favourable policies towards the Kurds, but it also employed the media to send messages to foreign governments. Hoshyar Zebari, who for many years acted as head of KDP's foreign relations, summed up the KDP's aim in using the media as 'politicising the intelligence' that the KPD had on Iraqi military apparatus and movements. By disseminating information on Iraq's military apparatus, Zebari states, "We wanted to send the message: we're not just a tribal fratricidal bunch, we are a good source of information."[377]

Hence, this thesis argues that the Kurdish movement, despite its weakness, economic destitution and its geographical isolation, was quite successful in building secret ties which could bring increasing leverage on the Iraqi state to satisfy Kurdish

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[374] Michael Bar-Zohar and Nissim Mishal*, The Greatest Missions of the Israeli Secret Service Mossad* (New York: HarperCollins Books, 2012), pp. 160-163; Yossi Alpher, *Periphery: Israel's Search for Middle East Allies* (New York: Rowman & Littlefield, 2015), pp. 51-61.
[375] For a detailed recent analysis of Kurdish discreet ties, see: Gibson, Op. Cit.
[376] Michael Gunter argues that Israel had planted an operative in Baghdad even before its establishment in 1948. Posing as a journalist, Reuven Shiloah, who later founded the Israeli Mossad, travelled through Kurdistan and built relations with Kurds, see: Michael Gunter, "The Foreign Policy of the Iraqi Kurds," *Journal of South Asian and Middle Eastern Studies*, Vol. 20, No. 3 (1997), p. 4.
[377] Rahman, Op. Cit., p. 25.

political demands. The element of secrecy was perceived as fundamentally important in the tough geopolitical environment in which the Kurds operated. The way the KDP leadership organized its different teams is indicative of the high premium given to the secret relations. While several Kurdish organizations and unofficial foreign representatives in the West participated in unofficial Kurdish public diplomacy, the secret KDP relations with foreign states were placed under the tight control of a few in the top KDP echelon in Barzani's headquarters. Furthermore, as Bengio notes, while the KDP leadership put its full weight behind covert relations with states through their secret agencies, Barzani tactically maintained a separation between Kurdish delegations negotiating with different actors such as Baghdad, Iran and the United States among others.[378]

Moreover, as the KDP did not fully trust the intentions of any one actor: it strived to maintain a diversification of the sources of support. Despite the fact the leadership of the KDP managed to establish secretive relations with officials of regional states such as Iran, Syria, Egypt, Saudi Arabia, Jordan or Lebanon, it did not trust the intentions of these governments with regard to the Kurds of Iraq, so the KDP looked to the West and its ally in the Middle East, Israel, as the main possible source of sincere support. For instance, regarding the KDP-Israeli relationship, Bengio comments that, as the KDP did not fully trust the intentions of the Shah of Iran, it sought to diversify its sources of support by building relations with Israel, and through Israel it sought to build relations with the U.S. government.[379] Indeed,

[378] Bengio, "Surprising Ties Between Israel and the Kurds," Op. Cit.
[379] Bengio, *The Kurds of Iraq*, Op. Cit., pp. 73-76.

illuminating the element of secrecy, the Kurds' secret relations with Israel were only publicly revealed by the Israelis, not the Kurds, and that almost five years after their closure. In 1980, Menachem Begin, the then prime minister of Israel, disclosed that Israel had assisted the Kurds in their revolution against the GOI from 1965-1975 with "money, arms, and instructors."[380]

The tradition of building discreet ties with intelligence services was expanded after the 1968 coup in Baghdad which brought the Baath party to power. Although, since 1961, the Kurdish movement had appealed to the United States for assistance, only after the Baath party's accession to power did the United States begin to respond positively to Kurdish appeals. Specifically, following the first contacts by Mustafa Barzani with William Rogers, the then U.S. Secretary of State (1969), the first aid payment of US$ 14 million was made to the Kurdish movement in Iraq. The aid, however, which constituted the first direct U.S. contact with the KDP, aimed to encourage Kurdish relations with the Shah of Iran, in exchange for the U.S. commitment to help the Kurds overthrow the Baathi regime in Iraq.[381] In retrospect, it is also evident that not only was the Iranian intelligence service (SAVAK) the main mediator between the KDP and the United States, it was indeed in control of the relationship. However, as Bengio notes, Barzani never trusted the Shah believing firmly "The Shah wants the Kurds with their heads over the water, with him holding

[380] Jason Morris, "Begin airs secret Israeli aid to Kurds as reminder for Iraqis," *The Christian Science Monitor*, 6 October 1980, accessed: 19 January 2013, http://www.csmonitor.com/1980/1006/100649.html.
[381] Marianna Charountaki, The Kurds and US Foreign Policy: International relations in the Middle East since 1945 (Oxon and NY: Routledge, 2011), p. 135.

their forelocks."[382] Thus, the Shah asked the United States to act as the Shah's guarantor vis-a-vis the Kurds, which the U.S. gladly endorsed.[383] Although the KDP had endeavoured to use its relations with Israel as a means to get a hearing in Washington D.C., it was ultimately through the Shah of Iran that the KDP managed to build its secret ties with the United States.

In what is described as the second stage of U.S. foreign policy toward the Kurds of Iraq, which saw transformation of KDP-U.S. contact into an official, direct but secret relationship, in 1972 a top-level KDP delegation travelled to the United States to discreetly meet with CIA, Pentagon and National Security Council officials to plead for U.S. assistance.[384] However, the U.S. side requested secrecy and indicated all aid sent to the KDP would be channeled either via Iran or Israel.[385] The KDP, from its side, requested support for Kurdish autonomy stressing that Kurdistan "albeit small, could exploit its strategic location and fighting potential as an effective tool in a free world effort to reverse the trend of Soviet expansion in the Middle East."[386] However, later events makes it clear that the United States did not have any specific foreign policy towards the Kurds of Iraq as U.S. policies were motivated

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[382] Bengio, *The Kurds of Iraq*, Op. Cit., p. 69.
[383] See: "Memorandum of Conversation," Foreign Relations of the United States, 1969-1976, Vol. E-4, *Office of the Historian,* Tehran, 30 May 1972, accessed: 20 January 2013, http://history.state.gov/historicaldocuments/frus1969-76ve04/d200.
[384] Charountaki, Op. Cit., pp. 137-138.
[385] Bengio, *The Kurds of Iraq*, Op. Cit., pp. 76-78.
[386] see: "Washington Meetings with Kurdish Representatives," Foreign Relations of the United States, 1969-1976, Volume E-4, *Office of the Historian,* Washington, 5 July 1972, accessed: 20 January 2013, http://history.state.gov/historicaldocuments/frus1969-76ve04/d319.

by the global Soviet-U.S. competition, scrutinizing Soviet influence in Iraq and the Middle East region and, as a favour to its ally, the Shah of Iran.[387]

Meanwhile, not fully trusting the intentions of the Shah and being constantly pressurized by Soviet representatives, as well as some leftist cadres within its own ranks, Barzani reached an agreement with the Baath party on Kurdish autonomy. The 11 March 1970 Agreement, as it came to be known, envisioned far-reaching autonomous powers for the Kurdish areas in Iraq and gave the KDP four years of breathing space.[388] Indeed, the Agreement reflected a recurring theme in Iraqi-Kurdish relations. As Gibson notes, Iraq gradually became a battleground of Cold War rivalry and, as such, the United States and the Soviet Union alternated between supporting the Kurds or the Iraqi government, based on the Cold War orientation of the regime in Baghdad. So, during the Qasim regime, the Soviets advocated greater rights for the Kurds, based on the belief that the Kurds had the potential to destabilize Qasim's pro-Soviet regime. When the Qasim regime was overthrown in February 1963 by a junta of the so-called Free Offices under the leadership of Colonel Abdul Salam Aref, with Baath Party involvement, the Kennedy Administration supported the new regime, while the Soviet Union supported the Kurdish revolution to disrupt the pro-American regime. Subsequently, when the pro-Soviet Baathist Party regained power in Baghdad in 1968, Moscow again attempted to consolidate the

[387] See: Michael Gunter, "The Five Stages of American Foreign Policy towards the Kurds," *Insight Turkey*, Vol. 13, No. 2 (2011), 96.
[388] For a text of the 11 March 1970 Agreement between the KDP and GOI, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., Appendix 2.

Baathists in Bagdad by solving the Kurdish problem.[389] The 1970 agreement Between the KDP and Iraq was very much the result of the rapprochement between the Baath and the Soviet Union which resulted in intense pressure being exercised by the Soviet Union on the KDP to reach an agreement with Baghdad.

One of the side-effects of the Autonomy Agreement was that the Kurdish national liberation movement benefited by gaining administrative experience and a degree of territorial control. Indicating the element of transition in territorial control and assumption of governmental functions by national liberation movements, at least since 1961, the KDP had established a form of statehood in the shape of an 'insurgent state'[390] or a 'de facto self-rule'[391] in the Kurdish majority areas of Iraq by controlling most of the countryside, leaving only major urban centres in the hands of the GOI. The Autonomy Agreement, however, transformed the Kurdish region into an autonomous province with its own internal administration and de facto autonomy. Labelling the autonomous period as a 'golden period', Sami abdul-Rahman, who served as the Kurdish minister in the post-Agreement Iraqi government, commented in an interview with Gareth Stansfield that:

> "During 1970–4 the Kurds gained] four years [experience] of direct governance and administration in Erbil, Dohuk and Suleimaniyah

[389] Gibson, Op. Cit., pp. XIV-XVIII
[390] See: Gareth Stansfield, "Iraqi Kurdistan: an analysis and assessment of the development and operation of the political system" (PhD diss., University of Durham, 2001), pp. 39-42.
[391] Aram Rafaat, "The Kurdish and Iraqi counter-quests for nationhood and the transformation of Iraqi Kurdistan into a quasi-state" (PhD Diss., University of Adelaide, 2013), p. 1.

governorates . . . During this period, the KDP had a strong military force, and Kurdistan was peaceful."[392]

However, in the end, the agreement which had envisioned a Kurdish autonomous region by 1974 failed to materialize due to domestic, regional and international pressures including highly contentious issues, such as the power and authority of the autonomous government in the Kurdish areas and delimitation of the Kurdish autonomous territory including the oil-rich city of Kirkuk.[393]

In 1974, the Baath party issued its own version of autonomy for the Kurdish region of Iraq which fell well below clauses agreed upon in 1970 and, therefore, the Baathi version was rejected by Mustafa Barzani. Consequently, another round of warfare erupted. In the ensuing war, the KDP relied heavily on American, Israeli, Jordanian and Iranian support which were channeled via Iran. However, by 1975, aware that without cutting sources of support to the Kurds, Iraq would be unable to defeat the Kurdish revolution, Saddam Hussein signed the Algiers Agreement with the Shah of Iran. The Agreement effectively marked Iraq's concession to Iranian claims over parts of Shatt al 'Arab in return for Iran ceasing all support for the Kurdish movement in Iraq.[394] While the KDP attempted to lobby Henri Kissinger, the then U.S. Secretary of State who had secretly initiated and directed with U.S. President Richard Nixon the U.S. secret relations with the KDP, and the wider U.S. government

[392] Stansfield, *Iraqi Kurdistan*, Op. Cit., p. 75.
[393] "Iraq and Kurdish Autonomy," *MERIP Reports*, No. 27 (1974), pp. 26-27+30.
[394] Trip, Op. Cit., pp. 203-206.

over their previous promises to the KDP,[395] the fate of the Kurdish revolution was sealed. Barzani never heard from Washington D.C. and the Shah of Iran fulfilled his promise to Saddam of halting all aid to the land-locked Kurdish region and the KDP, leaving Kurds at the mercy of Baghdad[396], which by default also meant halting all aid, including Israeli and American support, for the Kurdish movement.[397] Within days, possibly the first Kurdish movement with clear nationalist aspirations, and the biggest Kurdish national revolt against a central government, collapsed. Many KDP fighters accepted the offer of amnesty from Baghdad while Mustafa Barzani and many in the KDP leadership, alongside an estimated 150,000 Kurdish refugees, crossed the border to Iran.[398]

Narrating this episode is more than just about recounting a phase in the Kurdish national liberation movement which is full of narratives of revolution and subjugation. While it would be by no means the first failed test of U.S.-Kurdish relationship, the abandoning of Iraqi Kurds in 1975 had wider implications on Kurdish foreign policy toward the United States which made itself evident during the later phases of U.S.-Kurdish relations. Put simply, the episode of 1975, which is referred

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[395] For the lobbying efforts of Mustafa Barzani before and after the 1975 collapse of the Kurdish movement, see: David Korn, "The Last Years of Mustafa Barzani," *Middle East Quarterly* (1994), accessed: 16 January 2013, http://www.meforum.org/220/the-last-years-of-mustafa-barzani; Randal, Op. Cit., p. 175.

[396] See: John Bulloch and Harvey Morris, *No Friends but The Mountains: The Tragic History of the Kurds* (London: Viking, 1992), pp. 119-142.

[397] Andrew Scott Cooper, "Bad Romance: The Curious Case of the Shah and the Neocons," *PBS*, 12 July 2012, accessed: 18 January 2013, http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2012/07/comment-bad-romance-the-curious-case-of-the-shah-and-the-neocons.html.

[398] Trip, Op. Cit., pp. 203-206.

to by Kurds as the 'betrayal of 1975',[399] had a deep psychological affect and ingrained a deep sense of distrust toward the United States in the collective political memory of Kurds everywhere. To those KRI leaders who lived through to see the collapse of the Kurdish autonomous project, the betrayal of 1975 was very real and catastrophic. Masoud Barzani, the son of Barzani, stated, "had it not been for the US support, the way of negotiating [with Saddam] might have been different,"[400] and that while Mustafa Barzani admitted that he should have been more wary of the Shah, he "didn't think the Americans would cheat us."[401] Although it is true that the United States was instrumental in creating the Kurdish de facto state through its actions in 1991-1992 and after 2003, Iraqi Kurdish foreign policy-makers have been constantly worried over the U.S. intentions and rhetoric of maintaining the territorial integrity of Iraq. The KRI leaders simply fear the possibility of being sold-out when U.S. interests require rapprochement with regional states at the expense of the KRI.

After 1975, Kurdish fortunes worsened. The Baath regime razed thousands of Kurdish villages, and displaced and deported many of their inhabitants to the government-controlled resettlement towns across Iraq. As part of an ongoing 'Arabization' programme, symbols of Kurdish identity and culture were subjugated.[402] While the destruction of Kurdistan was extensive and far-reaching, Kurds in Kirkuk and other mixed Kurdish-Arab areas received particularly harsh treatments. After the

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[399] Ramzy Mardini, "Relations with Iraq's Kurds: Toward a Working Partnership," *Institute for the Study of War* (2012), accessed: 9 August 2015, p. 2.
[400] Charountaki, Op. Cit., p. 135.
[401] Mardini, Op. cit.
[402] McDowall, Op. Cit., p. 339.

discovery of oil in 1927, Kirkuk had become a cornerstone of Iraq's oil-dependent economy. As such, successive Iraqi governments attempted to change the demographic composition of Kirkuk to an Arab-majority province, at the expense of Kurdish and Turkoman communities. However, during the 1970s Kirkuk became the epicenter of the state's Arabization programme and a major point of contention between the Kurdish national liberation movement and the GOI. Efforts at gerrymandering the ethnic composition and administrative structure of the province of Kirkuk intensified after the 1972 nationalization of Iraq's petroleum industry, and the consolidation of the Baath party in Baghdad, which undertook extensive measures to Arabize Kirkuk by repopulating whole districts with Arab newcomers from Southern Iraq.[403] In reaction, Kirkuk, as well as its economic, political and strategic importance, came to hold a symbolic significance in the Kurdish nationalist liberation movement. For the Kurds, Kirkuk became the 'the Jerusalem of Kurdistan.'[404] Kirkuk and other disputed areas would come to represent a major focus of territorial dispute between the Kurdish de facto state and its Iraqi parent state as will be illustrated in chapter seven.[405]

In 1980, Saddam Hussein revoked the terms of the 1975 Algiers Agreement, which he had signed with Iran, to break the Kurdish revolution. Saddam's Iraq then

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[403] See: Denise Natali, "The Kirkuk Conundrum," *Ethnopolitics,* Vol. 7, No. 4 (2008), pp. 434-436.
[404] Michael Rubin, "Are Kurds a Pariah Minority?" *Social Research*, Vol. 70, No. 1 (Spring 2003), p. 301.
[405] For more on the conflicting narratives of each component community of Kirkuk, see: "Iraq and the Kurds: The Brewing Battle over Kirkuk," *International Crisis Group*, Middle East Report No. 56, 18 July 2006, accessed: 28 August 2016, http://www.aina.org/reports/icgkirkuk.pdf.

initiated the First Gulf War against the Islamic Republic of Iran.[406] In the war, after some wavering and changing alliances, the Kurdish national liberation movement including the KDP and the newly established PUK under the leadership of Jalal Talabani, allied with Iran, based on an agreement which stipulated that both sides would refrain from making any unilateral deals with Iraq until such a time as the regime of Saddam is toppled in Baghdad.[407] The alliance of major Iraqi Kurdish political parties with Iran later paved the way in 1987 for the formation of an all-Kurdish umbrella group called the Iraqi Kurdistan Front (IKF) that consisted of all major Iraqi Kurdish nationalist groups.[408]

The Kurdish alliance with Iran in the war against Iraq by default placed the Kurds in the category of enemies of the United States and the West and its allies in the Gulf and the Arab world.[409] As Samantha Power notes, "Not only did some [Kurds] take up arms and rebel against the Iraqi regime which was supported by the United States, but some also teamed up with Iran, a U.S. foe. As "guerillas," the Kurds thus appeared to be inviting repression. And as temporary allies of Iran, they were easily lumped with the very forces responsible for hostage-taking and "Great

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[406] Claudia Wright, "Implications of the Iraq-Iran War," *Foreign Affairs* (1980/1981), accessed: 31 January 2013, http://www.foreignaffairs.com/articles/34582/claudia-wright/implications-of-the-iraq-iran-war?page=show.

[407] For more on Iranian-Iraqi Kurdish alliance during the First Gulf War, see: Bengio, *The Kurds of Iraq*, Op. Cit., pp. 169-196.

[408] Nader Entessar, "The Kurdish Mosaic of Discord," *Third World Quarterly*, Vol. 11, No. 4 (1989), p. 93.

[409] See: CIA, "Iraq-Turkey-Iran: the Kurdish Insurgencies, an Intelligence Assessment," *National Intelligence Daily*, March 1988, accessed: 23 October 2013, www.foia.cia.gov/docs/DOC_0000469140/DOC_0000469140.pdf.

Satan" berating."[410] Consequently, in revenge, and without much care for the views of the international community, Saddam embarked on a ruthless and systematic genocidal campaign against Kurdish civilian populations, including the 1983 genocide of 8000 Barzani civilians (only men),[411]culminating in the 1988 chemical bombardment against noncombatants in the Kurdish town of Halabja[412] and the murder of around 180,000 Kurdish civilians between February and late September 1988, in the so-called Anfal Campaign.

The chemical bombardment which has come to be known by the Kurds as the 'Hiroshima of the Kurds'[413] and the subsequent genocidal campaign, as one observer concluded, represented the 'birth of an unwanted nation'.[414] The Anfal campaign renewed the Kurdish attempt at informal diplomacy and the attempt to publicize it through their foreign relations, albeit limited. Integrating the Anfal campaign, and the wider destruction and suppression of Kurds in Iraq, into their discourse of self-determination and their remedial right to secession, the Kurdish leadership sought foreign support in protesting and halting the war of genocide in Kurdistan and tried to enhance their cause regionally and internationally, however, with virtually little success. Once again, the Kurds came to rely heavily on their private contacts with foreign officials and journalists. Although limited and late, these

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[410] Power, Op. Cit., p. 191.
[411] Martin Van Bruinessen, "The Kurds Between Iran and Iraq*," Middle East Report*, No. 141, 1986, p. 19.
[412] Frank Barnaby, "Iran-Iraq War: The Use of Chemical Weapons against the Kurds," *Ambio,* Vol. 17, No. 6 (1988), pp. 407-408.
[413] Bengio, *The Kurds of Iraq*, Op. Cit., p. 181.
[414] See: Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 132.

contacts were instrumental in publicising the Kurdish sufferings immediately following the Anfal campaign. With help from Peter Galbraith, a long-time friend of the Kurds,[415] dignitaries of the IKF, including Jalal Talabani[416] and Dr. Mahmoud Othman[417] visited Washington and tried to enlist Western support in halting the Iraqi war of genocide against the Kurds. Talabani declared "It's the first time in history a government has used chemical weapons against its own citizens who are not at the battlefront."[418] Kurdish friends in the media, mostly right-wing American journalists such as William Safire and Jim Hoagland,[419] wrote sympathetic pieces highlighting Saddam's genocidal campaign against Kurdish civilians and demanded action from the U.S. government. Galbraith, aided by the U.S. Senator Claiborne Pell, the then Chairman of the Senate Committee on Foreign Relations, drafted "the Prevention of Genocide Act of 1988"[420] to punish Iraq's use of forbidden weapons against Kurdish non-combatants. However, the plight of the Kurds remained muted. The United States had extensive trade, business and geopolitical interests in Iraq. Saddam was a central pillar of U.S. foreign policy in the Gulf region and the U.S. placed a high value on its relationship with Iraq. As Marianna Charountaki notes, "the United States needed to find a regional satellite to replace Khomeini's Iran as the base from which

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[415] Peter Galbraith was a professional staff at the U.S. Foreign Relations Committee from 1979 to 1993. He later wrote several books and articles on Kurds and the politics of Iraq. For instance, see: Peter Galbraith, *The End of Iraq: How American Incompetence Created a War Without End* (London: Simon and Schuster, 2006); Peter Galbraith, *Unintended Consequences: How War in Iraq Strengthened America's Enemies* (London: Simon& Schuster, 2008*).*

[416] Galbraith*, The End of Iraq,* Op. Cit., pp. 45-46*.*

[417] "An Interview with Dr. Makhmoud Othman," *Frontline*, accessed: January 18, 2013, http://www.pbs.org/wgbh/pages/frontline/shows/saddam/interviews/othman.html

[418] Samantha Power, *A Problem from Hill: American and the Age of Genocide* (London: Flamingo, 2003), p. 199.

[419] Ibid., p. 218.

[420] Galbraith, *The End of Iraq*, Op. Cit., p. 30.

to facilitate its regional interests."[421] But, more importantly, the Kurds did not exist in the Washington officialdom. As Latif Rashid, once PUK's representative in London states, "Because we [the Kurds] had no representatives based in Washington, it was easy for American leaders to pretend the Kurds didn't exist."[422] The Kurds also did not wield any lobbying pressure either through influence-buying firms or through ethnic lobbying comparable to the influence that Jewish-American or Armenian-American groups possess in Washington – a situation that would gradually change after 1992 and 2003 as will be illustrated in this thesis.

In a less-noticed historical event, on 20 August 1988, Iran finally and formally endorsed the UNSC Resolution 598 that called for the end of the First Gulf War and return to the status quo.[423] The unilateral Iranian deal with Baghdad marked yet another episode where the Kurdish movement was betrayed and left to its own devices by its one-time staunch ally and the intricacies of the international system of sovereign states. Once again, the Kurds were victims of realpolitik and geopolitical interests. By signing the ceasefire agreement with Iraq, Iran gave no care to the views or plight of the Kurds. In summing up the Kurdish conundrum, Shlomo Avineri notes that "the Kurds are not only a small people, they also do not have powerful friends. They are a nation without many cousins abroad or fraternal allies." [424]

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[421] Charountaki, Op. Cit., p. 150.
[422] Power, Op. Cit., p. 230.
[423] see: Robert Pear, "Khomeini Accepts 'Poison' of Ending the War with Iraq; U.N. Sending Mission," *The New York Times*, 21 July 1988, accessed: 25 October 2015, http://www.nytimes.com/1988/07/21/us/khomeini-accepts-poison-of-ending-the-war-with-iraq-un-sending-mission.html.
[424] Shlomo Avineri, "Self-Determination and Realpolitik: Reflections on Kurds and Palestinians," *Dissent* (2005), p. 33.

3.4 Conclusion

Rather than being an extensive historical analysis and examination of the history of the Kurdish nationalist liberation movement, this chapter has aimed to highlight those factors that have had widest consequences on early Kurdish foreign relations. It aims to make the argument that foreign relations are not solely the preserve of sovereign states. As the Kurdish case shows, political parties, liberation movements and a range of other non-state actors can also engage in foreign relations in pursuit of their interests.

In the twentieth century, the Kurds of the Ottoman Empire turned into minorities in the newly established states of Syria, Iraq (see
and Turkey. In Iraq, several, political, geopolitical and geographical factors contributed to the early rise and intensity of the Kurdish national liberation movement compared with other parts of the divided Kurdistan. However, since its inception, it was clear to the Kurdish leadership that without outside support it was difficult to achieve meaningful autonomy. Thus, the Kurdish leadership, represented by its political parties, strived to build foreign relations with states, international organizations as well as non-state actors. Lacking the ability to build official and overt foreign relations, the Kurdish political parties resorted to other means. These means included the use of public diplomacy through the media and journalists; and citizen diplomacy using roving emissaries, private individuals and the Kurdish diaspora internationally.

The Kurdish movement represented by the KDP, later joined by the PUK in 1975 and other smaller parties, successfully built secretive foreign relations with several Middle Eastern states such as the Arab states of Syria, Jordan, Egypt, Libya, and Saudi Arabia among others; non-Arab regional states like Iran and Israel, as well as world superpowers, the United States and the former USSR. During the 1960s and early 1970s, the KDP built official, direct, but secret relations with the United States and Israel as well as overt relations with Iran. After 1975, both the KDP and PUK revived their relations with Iran and Syria, while at times they negotiated with the GOI.

However, the Baathist genocidal campaign of terror and use of chemical weapons put Kurdistan in a black hole. The Kurdish movement was by default on the wrong side of alliances. Despite this, the genocidal campaign prompted the Kurdish leadership to combine arguments based on the Kurdish right to self-determination with a remedial right to secession based on the massive violations of Kurdish human rights, historical persecution and discrimination.

Yet, a distinctive feature of this phase of Kurdish relations with state actors was that the Kurds were constantly used as a tool in the foreign policies of other states, in other words, Iraqi Kurds were the objects of other's foreign policies. After 1992 Kurdish fortunes changed with the creation of an internationally protected de facto state. Instead of warfare and adaptation of maximalist policies, the Kurds changed their focus on state-and nation-building processes. The de facto state also

widened Kurdish foreign relations horizons with the outside world, issues that will be covered in the next chapter of this thesis.

4 The First Decade of De Facto Existence: Foreign Relations of Survival

This chapter starts the empirical analysis of what is in effect the first decade of the existence of the Kurdish de facto state. It examines the circumstances leading to the creation of the KRI, the initial processes of de facto state-building and the impact of this newly found status on foreign interactions and strategies of the Kurdish political parties. Furthermore, it examines the nature of relations between Kurdish political parties, the Iraqi opposition and neighbouring states, particularly Turkey, and the wider international community. It also covers the civil war in Kurdistan (1994-1997), which shattered the already weak international legitimacy and seriously endangered the survival prospects of the Kurdish de facto state. The chapter also highlights the early foreign policies of self-justification utilized by Kurdish leaders to ensure the continuous survival of the Kurdish de facto state in Iraq. This chapter argues that between 1992 and 1997, survival constituted the major aim of Iraqi Kurdish foreign relations.

4.1 Introduction

The Kurdish de facto state emerged at the weakest point of the Kurdish national liberation movement in Iraq. This chapter starts the second part of analysis, namely the empirical part, which focuses on the transition of the Kurdish national liberation movement into the governing body of a de facto state. It does so against

the background of the discussion provided in chapter two about the formation, operation, policies, including foreign strategies, of de facto states. It analyses the impact of the status of de facto statehood on the foreign policy strategies of de facto states, and the nature of relations between de facto states and the rest of the international community.

Overall, this chapter argues that transition into de facto statehood in a context of non-recognition made *survival* or, in other words, the maintenance of the newly acquired territorial control and de facto independence, the main aim of Iraqi Kurdish foreign relations. The chapter also shows that during this period the KRI was not a unitary actor pursuing foreign policy. Iraqi Kurds merely enjoyed foreign relations with the outside world. Moreover, the newly established institutions of the KRI, for instance, the KRG, did not constitute the primary actor in Iraqi Kurdish foreign relations with other state and non-state actors as foreign relations remained the sole business of the major parties of the KRI in an environment of threats, weakness and economic deprivation. This is perhaps because while it was not totally ostracized, neighbouring states and the international community at large were careful not to grant extensive legitimacy and recognition to the Kurdish de facto state by dealing with its official institutions. Yet, to preserve their interests in the KRI, sovereign states had or even forced to build relations with Kurdish political parties, which in turn granted a degree of indirect recognition or legitimacy to the Kurdish de facto state.

4.2 Emergence of the Kurdish De Facto State: The Second Gulf War, Kurdish Uprising, the Safe Haven, and Centrally Propelled Secession

The defeat and expulsion of the Iraqi army in Kuwait sparked instability in Iraq. Immediately after Iraq's invasion of Kuwait, the leadership of the IKF realized that a golden opportunity had arisen, unparalleled in the 100 years of Kurdish struggle in Iraq. It grasped that Saddam's invasion of Kuwait was a geopolitical game-changer that would alter the political and geopolitical landscape in Iraq and the Middle East region.[425] Once again, the IKF leadership resorted to the use of unofficial diplomacy to approach the U.S. administration to gauge its views with regard to any possible Kurdish role in the war.[426] Meanwhile, despite the policy of no-contact with the Kurdish opposition, the United States still sought to capitalize on Saddam's genocidal campaign against the Kurdish people in its coercive diplomacy against Iraq, and therefore the CIA-run *Voice of Free Iraq* constantly highlighted Saddam's brutal policies against the Kurds and the wider people of Iraq.[427]

In the meantime, the new geopolitical landscape acted as a catalyst for the reinvigoration of the much weakened and dispirited IKF. The survivability of Saddam's regime looked bleak following Iraq's expulsion from Kuwait, and President

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[425] Elaine Sciolino, **"**After the War; The Kurds: A Stateless People with a 70-Year-long grudge," *The New York Times*, 27 March 1991, accessed: 30 December 2012, www.nytimes.com/1991/03/27/world/after-the-war-the-kurds-a-stateless-people-with-a-70-year-long-grudge.html.
[426] For some of IKF's paradiplomatic activities, see: Galbraith, *The End of Iraq*, Op. Cit., pp.40-46.
[427] David Romano, "Safe Havens as Political Projects: The Case of Iraqi Kurdistan," in Kingston and Spears (eds.), Op. Cit., pp. 156-157.

George H. W. Bush's call on the Iraqi people "to take matters into their own hands and force Saddam Hussein, the dictator, to step aside" seemed to suggest U.S. support for regime change in Iraq.[428] Encouraged by the turn of events, a popular uprising erupted in Kurdistan culminating in the liberation of most of Iraqi Kurdistan, including the city of Kirkuk, by 19 March 1991. The triumph, however, was short-lived. As soon as Saddam moved his powerful Republican Guards to the North, Kurdish cities fell one-by-one to the GOI forces.[429] Fearing chemical bombardment, like those experienced during the 1980s, nearly two million Kurdish civilians fled in panic towards the Turkish and Iranian frontiers. While Iran allowed entry to some refugees, Turkey refused them entry, causing a severe humanitarian catastrophe and much suffering. Refugees were trapped on mountain hills, stopped and harassed by Turkish soldiers, and it was estimated that between 400 and 1,000 people were dying every day from hypothermia, exhaustion and disease.[430]

It was a bitter defeat. It endangered the total displacement of Kurds from Iraq. Once again, the Kurdish leadership tried to lobby Western governments through the traditional means employed by the Kurds. An IKF delegation visited Washington, but to no avail.[431] Both Presidents Barzani and Talabani accused Washington of washing its hands of the catastrophe that Washington was partly responsible for

[428] Stansfield, *Iraq*, Op. Cit., p. 131.
[429] Romano, The Kurdish Nationalist Movement, Op. Cit., p. 205.
[430] Wheeler, Op. Cit., p. 141.
[431] "An Interview with Dr. Makhmoud Othman," Op. Cit.

creating by stating: “You personally called upon the Iraqi people to rise up against Saddam Hussein’s brutal dictatorship.”[432]

However, the presence of thousands of TV crews and journalists covering the Second Gulf War, and the transmission of live pictures to Western audiences of the catastrophe unfolding on the mountain steeps between the Turkish-Iraqi border, created an immense pressure on Western leaders to save the Kurds. As Nick Gowing notes, the overwhelming pictures “from the mountain quagmire in southern Turkey of Kurds fleeing Saddam Hussein's troops after the Gulf war forced first Europe and then the United States to create 'Safe Havens'” for the Kurds of Iraq.[433] Galbraith, being in Kurdistan on the eve of uprising’s success and its rapid collapse, had taken footage of the fleeing Kurdish civilians in dismal situations, and thereafter Galbraith conducted a well-orchestrated public diplomacy campaign on behalf of the Kurds, accusing the West of abandoning the Kurds to the hands of genocidal Saddam Hussein. [434] The *CNN* effect was created.[435]

In reaction to an international public outcry, the UNSC adopted Resolution 688, and eventually adopted a British proposal to create a safe haven for the Kurds. Under the judicial cover of UNSC Resolution 688, Allied forces initiated the “OPC” and a “no-fly” zone was declared north of the 36th parallel line. The United States, Britain and France also stationed a protectionist force at the Incirlik military base in

[432] McDowall, Op. Cit., p. 372.
[433] Nick Gowing, “Instant TV and Foreign Policy,” *The World Today*, Vol. 50, No. 10 (1994), p. 187.
[434] Galbraith, *The End of Iraq*, Op. Cit., pp. 54-55.
[435] See: Robinson, *The CNN Effect*, Op. Cit.

Turkey to prevent Saddam's army from attacking or bombarding the 'safe haven'.[436] The Incirlik base continued its protectionist role up to the removal of Saddam Hussein's regime in 2003.

The provision of international protection saved the Kurds of Iraq from imminent obliteration. Moreover, the importance of international protection to the Kurds was not lost on both belligerent sides in the conflict. Masoud Barzani, for instance, welcomed the international protection as "a great humanitarian gesture and a big step forward," while the GOI considered the international intervention as a "Flagrant interference in the internal affairs of Iraq, an independent country and a member of the United Nations."[437] Once back inside Kurdistan, the IKF Peshmerga and GOI forces had an uneasy co-existence. Unsure of the length and depth of the international protection, and encouraged by the U.S.-led coalition forces to 'make your arrangements with Saddam',[438] the leadership of the IKF negotiated with Saddam Hussein. In the negotiations, Masoud Barzani of the KDP, realizing the scale of destruction wrought upon Kurdistan, adopted a softer approach to the PUK and declared to reporters that "There will be an agreement by the 15th of June, or

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[436] For a detailed examination on the legality and legitimacy of the humanitarian intervention in support of the Kurds in Iraq, see: Wheeler, Op. Cit., pp. 139-171; Peter Malanczuk, "The Kurdish Crisis and Allied Intervention in the Aftermath of the Second Gulf War," *EJIL*, Vol. 2, pp. 114-131, 1991.
[437] Michael Gunter, "Foreign Influences on the Kurdish Insurgency in Iraq," *Conflict Quarterly*, Fall 1992, 19.
[438] Ronald Ofteringer and Ralf Baker, "A Republic of Statelessness: Three Years of Humanitarian Intervention in Iraqi Kurdistan," *Middle East Report,* No. 187/188 (1994), p. 41.

maybe the 20th of June," based on "democracy for Iraq and autonomy for the Kurds."[439]

However, by October 1991 the negotiations stalled and unexpectedly a new development crystallized in the birth of a Kurdish de facto state. In a case amounting to 'central secession' or 'secessionism by the centre',[440] Saddam withdrew all the central government's military, security and civilian apparatus from Kurdistan. In addition to the UN sanction imposed on Iraq, Saddam further placed the KRI under an internal economic embargo cutting off the KRI from the rest of Iraq. In explaining Saddam's motives, Stansfield notes:

> "Saddam, content that the Kurds had been stopped from threatening to secede from the state and aware that the international community at large, and Turkey and the US in particular had no desire to see them independent of Iraq, withdrew his forces from Kurdistan. His motives were pragmatic as he recognized that his forces would be needed to ensure that his regime remained well defended in Baghdad in critical months to come, and he also needed to have them available in case the Shiite rebelled again."[441]

Adding to that, Harvey notes:

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[439] "Kurdish Leader Predicts Iraq Accord," *Los Angeles Times*, 8 June 1991, accessed: 15 May 2015, http://articles.latimes.com/1991-06-08/news/mn-110_1_kurdish-leader.
[440] Conversi, Op. Cit., p. 333.
[441] Stansfield, *Iraq*, Op. Cit., p. 135.

> "Unable to impose its hegemony over the entire country in the wake of defeat and coalition military intervention following the Second Gulf War, the government of Iraq effectively *seceded* from component parts of its own territory. In this way, the government of Iraq, it can be argued, set the precedent for the establishment of an autonomous Kurdish enclave (secessionist or not) in the north of the country."[442]

Faced with the new situation, the IKF formally withdrew from the negotiations and announced its intention to hold free regional elections to elect a Kurdistan National Assembly (hereafter KNA).

The Kurdish de facto state was born.

4.3 De Facto Statehood: Establishment of the KRI, Initial Steps of Institution-Building and the Democratic Experiment

The IKF leadership was eager to fill the vacuum deliberately created by the withdrawal of the state from the Kurdish region. However, despite achievement of autonomy and de facto statehood under international protection, the KRI faced immense challenges and difficulties. For one, the region was placed under double embargo and, as is the case with most de facto states, the infrastructure of the region

[442] Harvey, Op. Cit., p. 181.

was devastated following years of destructive wars which took place mostly in KRI territory. The crisis was further intensified with the return of refugees to the major cities and towns in search of jobs, services and resources, privileges mostly lacking in the countryside due to the GOI's deliberate policy of destroying villages.

However, the task of running civilian affairs and establishing a central structure of governance proved daunting for the IKF. A New York Times report of the time, noted that "the remnants of Iraqi civil authority in this region, deprived of leadership and money from Baghdad but lacking direction from any central Kurdish authority, are nearly paralysed.'[443] Interestingly, the IKF leadership did not hide its inexperience in running civilian affairs. In an interview with Gareth Stansfield, Jalal Talabani articulated vividly the obstacles facing the IKF when he stated that "we came from the mountains, we were trained as fighters, and now we had to run cities."[444] Masoud Barzani reiterated similar sentiments reporting that in meetings with Kurdish technocrats he stated that "his experience, and the experiences of the *peshmerga*, were in destroying bridges, cutting electricity and destroying roads."[445] The desperate economic situations also led to increased political tensions within the Kurdish camp, particularly between Kurdish nationalist parties and some tribal leaders. A CIA report from the period demonstrates the atmosphere in the Kurdish zone at the time, noting that "Frustrated by the deep rift between Masoud Barzani

[443] Chris Hedges, "Kurds' Dream of Freedom Slipping Away," *The New York Times*, 6 February 1992, accessed: 2 March 2013, www.nytimes.com/1992/02/06/world/kurds-dream-of-freedom-slipping-away.html?pagewanted=all&src=pm.
[444] Stansfield, *Iraqi Kurdistan*, Op. Cit., p. 122.
[445] Ibid., p. 122.

and Jalal Talabani, Iraqi repression, and the dwindling prospects for an autonomy agreement with Baghdad, local Kurdish tribal leaders and small rebel groups are taking more independent or extreme measures to oppose Iraqi government and gain a say in Kurdish politics."[446]

Therefore, the IKF leadership soon realized the necessity of conducting free regional elections and putting in place central structures of governance. The Kurdish leadership had several motives for holding regional elections. For one, as Barry Bartmann illustrates, in the current international system, the legitimacy of states is composed of two aspects: "on the one hand, viability and survivability, that is, the capacity to fulfil the functions of statehood; on the other, the 'right' to a separate destiny."[447] Therefore, having established territorial control under international protection, the leadership of the IKF now sought to establish and portray its domestic legitimacy not only by establishing monopoly over legitimate means of violence, provision of public services and security, but also by demonstrating the domestic legitimacy enjoyed by Kurdish political parties, in other words, its right to govern the region. Secondly, although the Kurdish leadership persistently refrained from making any secessionist proclamations and, contrary to the wishes of Iraqi Kurds, never formally declared independence, it nevertheless had to justify the autonomous existence of the region in a context of non-recognition. Perhaps, bearing in mind that the IKF leadership enjoyed a high degree of domestic legitimacy at this moment of

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[446] CIA, "Special Analysis, Iraq: Kurdish Radicalism on Rise," *National Intelligence Daily*, 27 September 1991, accessed: 25 December 2012, http://www.foia.cia.gov/docs/DOC_0000498212/DOC_0000498212.pdf.
[447] Bartmann, Op. Cit., p. 15.

Kurdish history, it can be deduced that the need to garner international legitimacy for the continued existence of the Kurdish de facto state was more prevalent in the thinking of the IKF leadership. As Yaniv Voller notes, "Amid Baghdad's constant accusation of the Kurds of undermining Iraq's territorial integrity, and facing their usual portrayal as a backward element in the region, conducting democratic elections was seen as a means to legitimise the unpopular Kurdish autonomy."[448] However, the IKF leadership had to tread very carefully; the conduct of regional general elections was bound to raise the sensitivities of regional states fearful of any Kurdish movement toward independent statehood. Indeed, the voluntary central secession of Iraq from the KRI was perceived by many in the Kurdish leadership as a trap by Saddam Hussein, intended to provoke the region into clashes or conflict with neighbouring regional states.[449]

In these sensitive circumstances, the direction taken by the IKF leadership was to form a Kurdistan National Assembly (KNA), and an executive branch modelled on the 11th March 1970 Agreement between the GOI and the KDP which, in theory, provided the Kurds with legislative and executive powers in the Kurdish north.[450] However, the IKF also realized that a government in the land-locked Kurdish de facto state could not fulfil even the minimum functions of statehood without a certain degree of regional and international engagement and legitimacy. Therefore, IKF leaders began their first paradiplomatic interactions with the outside

[448] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 142.
[449] Stansfield, *Iraqi Kurdistan*, Op. Cit., p. 124; McDowall, Op. Cit., p. 379.
[450] Bengio, *The Kurds of Iraq*, Op. Cit.

world to gather support, or at least ease opposition, for the upcoming regional elections in the KRI. Thus, in February and March 1992, Masoud Barzani visited many European states to inform them of the Kurdish point of view and Kurdish plans to hold a regional election. In France, he held talks with Bernard Kouchner, the French secretary of state for humanitarian action and Foreign Minister Ronald Dumas. He also visited Turkey where he was received by the highest echelon of Turkish political establishment, including its president, Turgut Ozal.[451] However, in addition to government officials, the election campaign provided an incentive for the IKF leadership to interact in different ways and with different members of the international community. Election monitoring and the Kurdish diaspora abroad are two prominent examples. As is the case with most de facto states, concern about conveying a positive international image of the Kurdish de facto state led the IKF leadership to search for internationally-accredited observers to monitor, and thus legitimize, its regional elections. Therefore, playing their role in the election campaign, members of the Kurdish diaspora approached prominent organizations such as the British Electoral Reform Society (ERS), the Washington-based National Democratic Institute (NDI) and the American International Human Rights Law Group.[452]

Meanwhile, the IKF as the de facto ruling authority in the KRI issued its first rules, designated as Law No. 1 and Law No. 2, detailing procedures and principles

[451] Michael Gunter, "A De Facto Kurdish State in Northern Iraq," *Third World Quarterly*, Vol. 14, No. 2 (1993), 295.
[452] For more on these activities, see: Voller, "From Rebellion to De Facto Statehood," Op. Cit., pp. 144-145.

for the election of a KNA and a leader of the Kurdistan national liberation movement respectively. Based on these laws, the first free regional elections in the history of the KRI, and indeed the history of the independent Iraq, took place in May 1992 to elect a 105-member KNA and concurrently the leader of the KRI.[453] The huge popular participation in the election signaled the unambiguous domestic legitimacy enjoyed by the Kurdish de facto state. Reports published by observers following the election highlighted the democratic nature of the election, depicted as the first of its kind in the Middle East. A publication issued by the ERS described it as a "full and free expression of the wishes of the Iraqi Kurdish electorate."[454] These views were echoed by other independent observers present. Commenting on the popular incentive to participate in the election, Hoff, et al., for instance, state that "practically the entire electorate, both men and women turned up," and that "the turnout was an unambiguous sign of the population's awareness of the importance of democratic principles, and of protest against Saddam's regime."[455] David McDowall, a leading western historian on Kurds and Kurdistan, has a more nuanced assessment of the Kurdish elections, stating that: "The Kurdistan election was, for all the haste in its preparation and the occasional cases of fraud or malpractice, an historic moment. Externally, it demonstrated almost uniquely outside Israel and Turkey, the ability of a Middle Eastern electorate to conduct a peaceful, multi-party election. Its example

[453] For a detailed examination of the election, mechanism and results, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., pp. 124-131.
[454] Voller, "From rebellion to De Facto Statehood," Op. Cit., p. 145.
[455] R. Hoff, M Leezenberg and P. Miller, *Elections in Kurdistan: An Experiment in Democracy*, (Brussels: Pax Christi International, 1992), p. 26.

was a symbolic threat not only to Saddam but to all un-elected regimes in the region."[456]

Meanwhile, the election results reaffirmed the strong popular support enjoyed by the KDP and the PUK. Each party won 50 seats in the KNA, while the five-remaining seats which were reserved for the Christian community in the KRI were taken up by the Christian Assyrian party, ADM.[457] However, none of the candidates contesting the position of leadership won a clear majority. Disappointed with the outcome, and aiming to achieve unity in the face of the tremendous challenges facing the KRI, Presidents Barzani and Talabani agreed to retain outside official organs of governance, and tacitly agreed to lead the Kurdish de facto state on a joint basis.[458]

With the conduct of elections, the Kurds initiated their first steps in institution-building in the KRI. While no leader of the KRI was elected, one of the first actions of the KNA was to appoint a regional government (KRG) tasked with administration of the KRI. The KRG that emerged reflected the neat popular parity between the KDP and the PUK as ministerial and vice-ministerial positions were divided equally between both parties, in what was called the 50:50 system.[459] Moreover, in a significant move, and taking into consideration the new conditions, the leadership of the KRI reformulated Kurdish nationalist goals and now sought to organize its

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[456] McDowall, Op. Cit., p. 381.
[457] For full details of the 1992 KNA election results, see: Stansfield, *Iraqi Kurdistan*, Appendix 4.
[458] McDowall, Op. Cit., p. 381.
[459] For more detailed info on the emergent KRG, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., pp. 121-144.

relations with Baghdad based on federalism – not autonomy, as was envisioned in the 1970 agreement. In October 1992, the KNA passed a resolution expressing the unanimous commitment of the KRI "to determine its fate and define its legal relationship with the central government at this stage of history on the basis of the federation (*al-ittihad al-fidirali*) within a democratic parliamentary Iraq."[460]

The nascent institution-building in the KRI immediately raised the fears of neighbouring states, Baghdad, as well as the international community. Although not totally hostile, paying lip service to the territorial integrity of Iraq, the international community did not lend any considerable support to the Kurdish elections. The United States, for instance, adopted an ambiguous stance. On the day of the elections, Margaret Tutwiler, the White House spokesperson, repeated U.S. support for the territorial integrity of Iraq by stating that "the elections could not be a step towards political independence."[461] The United States also refused to send official observers to the elections, and made it hard for U.S. private citizens to travel to the Kurdish region. Yet, the U.S. unofficially welcomed the elections as a major blow against Saddam's one-man rule and as a way to strengthen the Iraqi opposition.[462]

Despite this fact, the GOI came out against the Kurds, describing the elections as a 'farce,' 'illegitimate,' and an 'unconstitutional'[463] move designed by Western imperialism to split up Iraq. Whereas in the past, the Baathist regime either

[460] Bengio, *The Kurds of Iraq*, Op. Cit., p. 203.
[461] Hoff *et al*., Op. Cit., p. 18.
[462] Ibid., p. 19.
[463] Ibid., p. 202.

constantly depicted the Kurds as agents of external powers or as traitors enabling the interference of other states in Iraqi affairs, following the elections it launched a vicious propaganda attack against the KRI and its leaders aimed at shaking the confidence of the Kurdish citizenry towards their elected government and the long-time leadership of the IKF. A report published in a newspaper run and controlled by Uday Hussein, Saddam's elder son, alleged clashes between the people of the KRI and the forces loyal to the KDP and PUK, stating:

> "The angry protest demonstrations against what is known as the Kurdistan Front continued in the regions of Sulaymaniyah, Bdhinan and Chamchamal. The demonstrators protested against the actions of this front against the citizens of the autonomous Kurdistan region... [observers] added that the feelings of the protestors reveal the depth of the tragedy which this front has caused."[464]

Regional states, particularly Iran, Turkey and Syria showed a great degree of nervousness after the elections and establishment of the KNA and the KRG. To put it simply, the fact that humanitarian protection was turning into a de facto state caused a great deal of anxiety and fear for these states. Despite constant assurances by the Iraqi Kurdish leadership that they were committed to the territorial integrity of Iraq based on federalism, and that they did want to interfere in the affairs of other states, these states feared that the Kurdish de facto state would have a dangerous effect on their own Kurdish people. Indeed, their fear was not totally

[464] See: Voller, "From Rebellion to De Facto Statehood," op. Cit., p. 148.

baseless, as establishment of the Kurdish de facto state was considered an achievement for Kurds everywhere. A CIA report issued in September 1992 noted:

> "The recent achievements of Kurds in northern Iraq have reinforced the commitment of politically active Kurds in Turkey to change their own status. Hoping to emulate the May elections in Iraq, some Turkish Kurdish activists… speak of holding unofficial "elections" in the southeast to form a local Kurdish parliament. Iranian Kurds have also become more active this summer, although not on a scale of their Iraqi and Turkish counterparts."[465]

The establishment of the Kurdish de facto state in time led Iran, Turkey and Syria to coordinate their policies in relation to Iraqi Kurds regardless of any differences they might have had on other issues. Thus, in November 1992, the foreign ministers of Turkey, Iran, and Syria held a tripartite meeting in Ankara to discuss and coordinate their policies toward the KRI. Press statements made after the meeting are clearly indicative of the extent of the threat perceived by these states. Farouq al-Sharaa, the Foreign Minister of Syria, declared: 'There is currently a de facto situation in the form of a Kurdish federal state. This must be prevented. This is, in fact, the main goal of this meeting."[466] He further explained that "We are concerned about the transfer of this de facto partition of Iraq into a permanent

[465] CIA, "The Kurds: Rising Expectations, Old Frustrations," *National Intelligence Estimate*, NIE 92-27, September 1002, accessed: 25 December 2012, https://www.cia.gov/library/readingroom/docs/DOC_0000469140.pdf.
[466] Gunter, A de facto Kurdish State in Northern Iraq," Op. Cit., p. 312.

reality… We want to avoid a situation where this partition is inevitable."[467] Citing the situation in northern Iraq as 'chaotic', the Iranian foreign minister, Ali Akbar Velayati, expressed concern that the creation of the Kurdish de facto state could "affect the national security of all our three countries," while Hikmet Cetin, the Foreign Minister of Turkey explained that "'it was necessary for the countries of the region to consult with one another in connection with the region's status quo and developments in northern Iraq in particular."[468]

In these circumstance, a foreign policy of self-justification became a primary aim of the KRI leadership. Although, as stated before, the KRI leadership constantly reaffirmed its support for the territorial integrity of Iraq, the establishment of the KRI was seen by its antagonistic neighbours, and indeed the rest of the international community, as the foundation for a future independent Kurdish state. As Voller notes, "the existence of the KRG was contested from its establishment… This objection has constantly threatened its already precarious existence. The lack of international legitimacy meant that the KRG faced a constant threat of destruction and forced reintegration into Iraq."[469] Now, the Kurdish leadership was not just concerned with protecting its personnel and fighters, more importantly, it needed to protect its domestic sovereignty and its newly-found territorial control in the shape of a de facto state. Thus, aware of the international normative changes following the

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[467] Chris Hedges, "Kurds in Iraq Warned by Turkey, Iran and Syria," *The New York Times*, 15 November 1992, accessed: 30 December 2012, HTTP://WWW.NYTIMES.COM/1992/11/15/WORLD/KURDS-IN-IRAQ-WARNED-BY-TURKEY-IRAN-AND-SYRIA.HTML.
[468] Gunter, "A de facto Kurdish State in Northern Iraq," Op. Cit., p. 312.
[469] Yaniv Voller, "Kurdish Oil Politics in Iraq: Contested Sovereignty and Unilateralism," *Middle East Policy*, Vol. XX, No. 1 (2013), p. 77.

end of the Cold-War and the increased focus on democratization, the leading Kurdish nationalist political parties – the KDP and the PUK – attempted to convey a different international image of the Kurdish nationalist project, from one of being a nationalist project to one that is ostensibly a democratic project. In this context, the KRI leadership started to use a new discourse, describing their de facto state as "Free Kurdistan."[470] The apparent success of the Kurdish leadership to conduct free elections and set up a regional administration then prompted it to frequently use the discourse of "earned sovereignty,"[471] stressing primarily its democratizing drive and its nascent state-building in free Kurdistan, as it came to be called by Kurdish nationalist elite and the Kurdish diaspora.

Therefore, earned sovereignty entailing democratization and apparent successes in state-building, became central principles in the KRI's construction of its "alternative legitimacy"[472], to borrow a term from Madsen. The KRI leadership, instead of referring to the KRI as the nucleus of a future Kurdish state, began to denote the region as a democratic experiment in the heart of the Middle East worthy of Western protection and support. As Natali contends:

> "Taking advantage of the democratization efforts across the globe, and hoping to attract the political support of the West, former diasporic Kurds and the Kurdish nationalist elite redefined their government as an experiment in democracy. Kurdish nationalist organizations and

[470] Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq, Op. Cit., p. 34.
[471] See Page 75.
[472] Robert Madsen, "The Struggle for Sovereignty between China and Taiwan," in *Contested Rules and Political Possibilities* (eds.), Stephen Krasner (*Columbia University Press*, 2000), p. 142.

> sentiment have become tied to Western liberal ideology, norms, and institutions… Since 1992 the KRG has transformed from a quasi-legal entity to a legitimate model of democracy in the Middle East"[473]

Indeed, coming up with a new self-legitimizing strategy was not accidental. With the continual tensions between Saddam Hussein's regime and the West, and the continuous protection offered by U.S. and British air forces stationed in Turkey, the KRI received a great deal of attention. The Kurdish leadership, primarily Barzani and Talabani, gained broad access to the international media. But still, lacking official diplomatic relations, the KDP and the PUK had to capitalize on any opportunity presented to inform the Western and international public opinion of their aspirations, goals and general developments in the region.

Like the previous phase of the Kurdish national liberation movement, both Presidents Barzani and Talabani allowed easy access to journalists, academics, observers and indeed any civil society group visiting the KRI. As such, in the absence of official foreign relations, both presidents strived to use these means to legitimate the already precarious existence of the KRI. In this period of Kurdish history, legitimizing federalism in the eyes of the international community became the most vital goal of the KRI. Therefore, both presidents sent strong signals to the international community that federalism was not intended to be the foundation of a new and independent Kurdish state. In this regard, Barzani declared that: "a federation is a more advanced concept than autonomy but is not outside the

[473] Natali, *The Kurds and the State*, Op. Cit., p. 166.

framework of Iraq"[474] and that "We wish to maintain the unity of the state and build a democratic, parliamentary, and multiparty federation capable of strengthening rather than splitting Iraq... The decision is to stay in Iraq and keep it united."[475] Talabani, on the other hand, in a similar vein, declared that: "We will not set up a state in northern Iraq...This will be a new federal state.... For example, Germany is a federal state. Canada is . . . a federation."[476]

In addition, in order to extend its voice to Western governments, the Kurdish leadership successfully and skillfully benefited from access to influential think tanks based in Washington, London or other European capitals. Being unable to obtain accredited information from inside Iraq, due to the black-out imposed by Saddam Hussein's regime, the Kurdish leadership was allowed a welcome entrée to many think tanks with interest in the issues of Iraq and the Middle East. If think tanks were to function as institutions that perform research and study aimed at "seeking to inform and influence"[477] foreign policy-makers, then the input provided by the KRI leadership as the only pro-West governing force within Iraq was of utmost importance.

In its early interactions with the rest of the international community through think tanks, the KRI leadership increasingly began to employ the discourse of earned sovereignty, referring specifically to the Kurdistan Region as a democratic

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[474] Gunter, "A de facto Kurdish State in Northern Iraq," Op. Cit., p. 309.
[475] Ibid., p. 311.
[476] Ibid., p.
[477] Richard Higgott and Diane Stone, "The Limits of Influence: Foreign Policy Think Tanks in Britain and the USA," *Review of International Studies*, Vol. 20, No. 1 (1994), p. 15.

experiment. For instance, in July 1992, the same month that the KRG was formed, President Talabani was invited to speak at a meeting held at the Washington-based Carnegie Endowment for International Peace. Before the enactment of the de facto state, in Washington or other capitals, the IKF leadership used to highlight Saddam Hussein's violations of fundamental human rights and general suppression practiced against the Kurds in Iraq, i.e. focusing mostly on moral legitimacy.[478] However, intending to self-legitimate and justify the existence of the KRI, Talabani on this occasion chose to focus on highlighting the KRI's democratization incentives, referring 11 times to the democratic experiment in the KRI and the general democratic aspirations of the Kurdish people in Iraq.[479]

Meanwhile, the association of democratization with the foreign policy of self-justification becomes apparent in the statements made by Kurdish leaders to the media prior or after the elections. When launching the election campaign, for instance, Masoud Barzani, declared:

> "These elections should demonstrate to the entire world that when our people are given the chance, we can run our own affairs. The world should see that we know how to practice and entrench democracy, and how to live with the freedom and dignity which we have lacked so far because we have not been given a chance to exercise these rights."[480]

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[478] See Page 74.
[479] See: Voller, "From Rebellion to De Facto Statehood," Op. Cit., 158.
[480] Ibid., p. 147.

That the elections and the practice of democracy became associated with the right to self-determination and Kurdish self-rule also becomes evident in Talabani's post-election statements. In one instance, he insisted that he "'personally believe[d] that the elections proved that the Kurdish people are worthy of freedom and capable of engaging in democracy and the electoral process, despite the lack of experience," and that "this people can exercise government in their region and that they deserve to enjoy the right to self-determination within a unified democratic Iraq."[481]

The strategy of utilizing the democratic experiment argument also became widespread in Kurdish responses to regional challenges. When regional neighbours convened repeatedly to coordinate their policies regarding the KRI, the Kurdish leadership, while not hiding its fears, constantly attempted to legitimize its existence, if not in the eyes of those states per se, then at least in the eyes of the powerful Western states. When Turkey, Iran and Syria convened in 1992, Hoshyar Zebari of the KDP, stated: "we fear regional collusion designed to suppress the Kurdish experiment.

It is also remarkable that even during this early stage of the existence of the Kurdish de facto state, the KRI leadership sought to portray itself as a factor of stability, not instability, in the region. Most de facto states possess a negative image based on their territory becoming a heaven for illicit activities or sources of regional instability. Aware of this, the KRI sought early on to reassure regional states of its intention to be a source of stability. In a statement delivered by the KNA and

[481] Gunter, "A de facto Kurdish State in Northern Iraq," Op. Cit., p. 300.

addressed to the parliaments of Turkey, Iran and Syria, the KNA stated that, "'we do not conceal our desire for these states to solve their problems with our Kurdish brothers in the spirit of the age, with a civilised, democratic mentality."[482] It also added that "We do not interfere and will not permit interference in the internal affairs of the neighbouring states in any way. The relations of these states with members of the Kurdish people in their territories are their affair."[483]

However, highlighting its democratization, successes in institution-building, and countering its image as a source of regional instability, were not guarantees for the continued existence of the Kurdish de facto state. The KRI was located in a tough geopolitical environment and it faced immense and complicating challenges from states that viewed the KRI as a security threat. Meanwhile, the KRI also suffered from the strong impulse of pan-Kurdism practiced as part of a bigger competition and rivalry with other Kurds in Greater Kurdistan. As relations with Turkey were the most fundamental for the continued survival of the KRI, the next section will examine relations with Turkey during this sensitive period of the KRI's existence.

4.4 Turkey and the Kurdistan Region of Iraq: Complexities and Opportunities

During the long years of the Kurdish national struggle in Iraq, the Kurdish political parties established covert and overt relationships with Iran. Iran provided a

[482] Ibid., p. 312.
[483] Ibid., p., 312.

life-line and a sanctuary to the personnel and leadership of the Kurdish national liberation movement. Parties of the IKF, particularly the KDP and PUK, made alliances with Iran at different times to gain material, financial, political, military, and logistical support in their fight against the regime of Saddam Hussein.

With the inception of the Kurdish de facto state in 1992, however, building foreign relations with Turkey gained a unique status for Kurdish political parties and the newly established KRG. Turkey instantly became a very important factor in the survival prospects of the Kurdish de facto state. There were several determinants prompting the Kurdish leadership to give primary importance to building foreign relations with Turkey:

1- Given the political and geostrategic tensions between Iran and the West, especially the United States, Iran took the second position in terms of its importance for the KRI.
2- The geopolitics of the KRI, specifically its landlocked position with the entity being surrounded by the two largest powers in the Middle East region.
3- Turkey is a U.S.-ally and the only member of NATO in the Middle East region.
4- The fact that the U.S. acted as a semi-patron for the continuous survival of the KRI, and the continuous presence of the Western protectionist force on Turkish soil under the name Operation Poised Hammer.

5- International sanctions on Iraq, and Baghdad's embargo against the KRI, enabled Turkey to be the KRI's only supply route for goods and other commodities being provided to the local market.

However, relations with Turkey was not free from complications. Turkey has a sizeable Kurdish minority and, since 1984, the Kurdistan Worker Party (PKK) has launched an insurgency against Turkish armed forces in southeast Turkey. The PKK has also benefited from the largely mountainous uninhabited areas between the Turkish-Iraqi (KRI) border to station its forces and launch cross-border attacks against the Turkish state.[484] As one Turkish observer stated, "in Turkish security perceptions . . . northern Iraq and southeastern Turkey are the geographic and ethno-cultural extensions of each other."[485] Therefore, the Kurdish question in Turkey is not only a matter of domestic politics. On the contrary, for many years the domestic Kurdish issue has had far reaching implications on Turkey's foreign policy both regionally and internationally. Put simply, as many Turkish observers have stated, since the founding of the Turkish republic the Kurdish question has occupied "a significant place in Turkish foreign policy,"[486] which has led to the Kurdish question turning Turkish foreign policy "to security dominated policy preferences with international actors and neighboring countries."

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[484] For more on the PKK's conflict with successive governments of Turkey since 1984, see: "Turkey: The PKK and a Kurdish Settlement," *International Crisis Group*, Europe Report No. 219 (September 2012), https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkey-pkk-and-kurdish-settlement.

[485] Murat Somer, "Failures of the Discourse of Ethnicity: Turkey, Kurds, and the Emerging Iraq," *SAGE Publications,* Vol. 36, No. 1 (2005), pp. 113-114.

[486] Ofra Bengio, "Turkey and the Kurdish conundrum: Implications for Turkey's foreign relations," *Tel Aviv Notes*, Vol. 7, No. 15 (2013), p. 1.

The creation of the KRI, on the southern Turkish border on a delimited territory semi cut-off from the rest of the country, created a dilemma for Turkish foreign policy-makers. Turkey had highly significant economic, security, and political interests in Iraq that were affected by the creation of the Kurdish entity. In one sense, while President Ozal supported the idea of the 'Safe Haven', or even spearheaded its creation, he was caught off-guard when the Iraqi state withdrew from the region and the KRI was established. The establishment of the KRI was sure to have significant political ramifications on Turkey's domestic politics. The first sign of this emerged when, during the Kurdish new year (Nawroz) celebrations on 21 March 1992 in Turkey, violent clashes erupted between Turkish Kurds and Turkish security forces, perhaps due to the rising tide of Kurdish nationalism in Turkey and the attempt by Turkish Kurds to emulate the success of the Iraqi Kurdistan national liberation movement in self-governance.[487]

Historically speaking, Turkey and Iraq had enjoyed relatively good relations since their formation in the aftermath of the First World War. At least during the 1980s both states enjoyed good relations on the basis of identical domestic and foreign policy objectives. Indeed, Iraq enjoyed smoother relations with Turkey than most of its immediate neighbours such as Iran and Syria. There were economic, geopolitical, political and ideological factors prompting Turkey and Iraq to maintain positive foreign relations with each other. Domestically, both states faced the strong impulse of Kurdish nationalism. Externally, both viewed the Shiite Iran and the Alvei-

[487] Philip Robins, "The Overlord State: Turkish Policy and the Kurdish Issue," *International Affairs*, Vol. 69, No. 4 (Oct. 1993), p. 667.

controlled state of Syria as enemy states.[488] Thus foreign policy objectives of both countries coincided to a large extent. During the twenty-century, the Saadabad Pact of 1937 and the Baghdad Pact of 1955 represented two early regional security alliances further consolidating the regional alliance of Iraq and Turkey under British tutelage. Moreover, during the 1980s, Iraq allowed Turkey to conduct hot pursuit military operations inside Iraq against PKK militants.[489] Iraq and Turkey also had deep economic interests. During the war with Iran, Iraq relied completely on the Turkish outlet for its energy transportation from Kirkuk to Yumurtalik, on the Turkish Mediterranean coast, that delivered half of Iraq's oil to international markets.[490] Indeed, following the severance of Iraqi relations with Syria and the closure of Iraqi-Syrian pipeline by Damascus in 1982, and the insecure nature of oil transportation through Shatt al-Arab for Iraq due to its proximity to Iran, Turkey remained Iraq's only secure oil outlet to the international markets. Politically and ideologically, while both governments in Iraq and Turkey claimed secular credentials and opposed political Islam, and the fact that both governments belonged to the Sunni branch of Islam created a certain bond between both regimes.[491]

The invasion of Kuwait by the forces of GOI, and the subsequent creation of the Kurdish de facto state, resulted in the gradual dismantling of the essential pillars

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[488] Ofra Bengio, "Ankara, Erbil, Baghdad: Relations Fraught with Dilemmas," in Mehmet and Romano (eds.), Op. Cit., pp. 267-282.
[489] Michael Gunter, "Transnational Sources of Support for the Kurdish Insurgency in Turkey," *Conflict Quarterly*, 1991, p. 9.
[490] William Hale, "Turkey, the Middle East and the Gulf Crisis," *International Affairs*, Vol. 68, No. 4(1992), p. 682.
[491] Bengio, "Ankara, Erbil, Baghdad: Relations Fraught with Dilemmas," Op. Cit., pp. 267-282

of Turkey-Iraqi relations. This dismantlement gradually forced Turkey to build close foreign relations with Kurdish political parties. The economic component of the relations between Iraq and Turkey was the first to suffer as the result of the First Gulf War. Morton Abramowitz, a former American Ambassador in Turkey, claims that despite Turkey's immense loss of dividends from the oil transportation fees, on 8 August 1990, President Ozal ordered the closing down of the strategic Iraqi-Yumurtalik oil pipeline, even before President Bush Sr had asked, thereby causing a major blow to the Turkish economy, but a warming of relations with the United States.[492] Losing a lucrative export market in Iraq and Syria, invisible exports and pipeline royalties, it is estimated that Turkey incurred around $2.0 billion to $2.5 billion of lost revenue per year.[493] After the war, as the consequence of sanctions on Iraq, Turkey aimed to recover some of its losses by allowing smuggled Iraqi oil, emanating from the KRI, to reach Turkey through the Ibrahim-Khalil-Habur border crossing between Iraq (the border controlled by the KRI) and Turkey. While the oil business was not compensating for Turkey's huge revenue loss, it benefited the KRI politically as it forced Turkey to initiate direct ties with the KRI, granting the latter a degree of much-needed legitimacy,[494] and foreign ties. Secondly, and perhaps most importantly for the development of relations between Turkey and the Kurdish de facto state, the Kurdish uprising, and the withdrawal of the Iraqi state from a portion of its territory in the north meant that Iraq was no longer the master of the common

[492] Morton Abramowitz, "Remembering Turgut Ozal: Some Personal Recollections," *Insight Turkey*, Vol. 15, No 2 (2013), pp. 37-46.
[493] Hale, Op. Cit., p. 684
[494] Bengio, "Ankara, Erbil, Baghdad: Relations Fraught with Dilemmas," Op. Cit.

borders between the two countries. This new reality thereby tacitly prompted or even forced Ankara to initiate ties with Kurdish political parties for the attainment of several foreign policy interests Turkey had in the region.[495]

Turkey had two parallel or even conflicting interests following creation of the KRI. One the one hand, as Asa Lundgren notes, Ankara had to interact with the KRI to preserve its vital interests in the region, most importantly, the prevention of transformation of the de facto state into a *de jure* independent state, which it was thought would have destabilizing ramifications on Turkey's own Kurds. On the other hand, while Turkey withheld granting de facto recognition to the KRI and its official institutions, it still had to interact regularly with Kurdish political leadership. Turkey's formal and regular relations with the KRI and its political parties indeed produced a different outcome from the one Turkey's foreign policy-makers had intended. If Turkey's intention was to prevent the existence of a Kurdish de facto state on its border, it policies and interactions not only helped the creation of a de facto state, but also in effect strengthened its survival prospects.[496]

For the KRI leadership, relations with Turkey were probably the single most important foreign relations with an outside entity after the West. Indeed, the very survivability of the KRI to a large degree depended on Turkey's good will. In consequence, if, prior to 1991, the Kurdish political parties relied on Iran to acquire logistical, military, and political support, then after the establishment of the KRI,

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[495] Ibid.
[496] Asa Lundgren, *The Unwelcome Neighbour: Turkey's Kurdish Policy* (London & New York: I. B. Tauris, 2007).

Turkey replaced Iran as the most important country for the KRI. Statements by Kurdish leaders vividly reflect this fact. Barzani, for instance, stated, "We consider relations with Turkey to be extremely vital."[497] Hoshyar Zebari, the head of Foreign Relations Office of the KDP, further explained that:

> "Turkey is our lifeline to the West and the whole world in our fight against Saddam Hussein. We are able to secure allied air protection and international aid through Turkey's cooperation. If Poised Hammer (OPC) is withdrawn, Saddam's units will again reign in this region and we will lose everything.[498]

Interestingly, prior to the establishment of the KRI, Turkey lifted its long-time policy of no contact with Iraqi Kurdish parties. During the hectic period of the Kurdish uprising, President Ozal played an important role in shifting Turkey's foreign policy towards engagement with the Kurds in Iraq. Ozal's rapprochement with Iraqi Kurds was the result of geopolitical, political and strategic alterations following the end of the Cold-War. The collapse of the Soviet Union, the destruction of the military and economic power of Iran and Iraq after eight years of war raised Turkey to the level of an eminent regional power and President Ozal of Turkey was determined to make use of this newly emerged international context.[499]

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[497] Aliza Marcus, *Blood and Belief: The PKK and the Kurdish Fight for Independence* (NY and London: New York University Press, 2007), p. 201.
[498] Gunter, "The Foreign Policy of the Iraqi Kurds," Op. Cit., p. 10.
[499] Eric Rouleau, "The Challenges to Turkey," *Foreign Affairs*, (1993), accessed: 31 January 2013, http://www.foreignaffairs.com/articles/49412/eric-rouleau/the-challenges-to-turkey?page=show.

Moreover, according to Cengiz Candar, President Ozal was a visionary man who foresaw the great geopolitical transformations occurring in the Middle East region, particularly in Iraq. He realized that the central government in Iraq would not be able to reimpose its hegemony or revert to the pre-war *status quo* following its defeat in the Gulf War. He also realized that Iraq would either descend toward fragmentation or, even if Iraq remained as a territorial whole, it would be divided into several autonomous units. In these circumstances, Ozal thought that Turkey would have to engage with the powers on the ground in order to prevent states hostile to Turkey gaining a foothold in Iraq and Iraqi Kurdistan; an area bordering Turkey. Ozal also predicted that if Saddam Hussein's regime fell, the Iraqi Arab Shiite community, who are religiously and ideologically closer to Iraq, would assume power in Bagdad based on their numerical majority. Thus, in Ozal's thinking, geopolitical and political imperatives dictated that Turkey should get closer not only to Turkomans in Iraq, but also with the Kurds in Iraq.[500] Former President Ozal, who was nicknamed as 'the Sultan' for his Ottomanist orientations, also contemplated the idea of decentralization measures for Turkey's Kurds as the best possible means to preserve the unity of the Turkish republic.[501]

The first sign of policy change towards the Kurds of Iraq began appearing on the eve of the March uprising in Iraqi Kurdistan in 1991. After intensive back-door diplomacy, President Ozal met both Kurdish leaders, Barzani and Talabani, in

[500] Cengiz Candar, "Turgut Özal Twenty Years After: The Man and the Politician," *Insight Turkey*, Vol. 15, No. 2, (2013), pp. 27-36.
[501] Rouleau, Op. Cit.

Ankara in March 1991. In the meetings, Turkey aimed to deliver two messages to the Kurdish leadership. First, the preservation of Iraq's territorial integrity was a top priority for Turkey even in the event of the downfall of Saddam Hussein's regime. Second, Turkey did not object to the idea of an Iraqi federation with self-government for the Kurds of Iraq.[502]

However, given the fact that Turkish domestic politics were very strongly entwined with its foreign policies, President Ozal faced intense internal criticism from the military establishment as well opposition parties. President Ozal had to carefully balance his foreign policy goals with Turkish domestic considerations. In view of this, Ozal promptly affirmed Turkish opposition towards the dismemberment of Iraq, while emphasizing the importance of the Kurds in the new geopolitical landscape. Ozal clearly recognized that times had changed: "Everyone meets with these leaders, if we don't meet, we won't be able to control what is happening, we will be left off the stage"[503] was his response to a country used to seeing all Kurdish leaders as enemies of the Turkish state. For this reason, Ozal stated that "There is nothing to be afraid of talking… We must be friends with them [the Kurds of Iraq]. If we become enemies, others can use them against us."[504] Moreover, Ozal declared that "it must be made clear that those in the Iraqi Kurdish area are relatives of Turkish citizens. So the borders are to some extent artificial, dividing people into two sections."[505] To

[502] Sam Cohen, "Turks Talk to Iraqi Kurdish Rebels," *The Christian Science Monitor*, 15 March1991, accessed: 12 June 2015, http://www.csmonitor.com/1991/0315/okurd.html.
[503] Marcus, Op. Cit., p. 201.
[504] Ibid.
[505] Gunter, "A de facto Kurdish State in Northern Iraq," Op. Cit., p. 302.

show Turkish good-will and to buy Iraqi Kurdish cooperation, in one instance Turkey even provided the sum of US$13.5 million in aid to the KRI.[506] On the other hand, the Kurdish leadership viewed with favour and reacted favorably to President Ozal's change in its foreign policies toward the Kurds of Iraq. The Kurdish delegation believed that it had scored a great victory when Turkey lifted its no-contact policy with the Iraqi Kurds, showed flexibility in regard to the Kurdish objective of creating a federation in Iraq and that, with time, Turkey would adopt more favourable policies towards the KRI. Talabani, in this regard, stated that "a new page had been turned in relations between Turkey and the Kurds of Iraq."[507] For the Kurds, Talabani declared, "the most significant result… was Turkey's lifting its objection to the establishment of direct relations between the Kurdish front in Iraq and the United States…Turkey has for years been putting forth effective and significant obstacles to the struggle we have been waging in northern Iraq… I believe that we were able to convince them that we do not pose a threat to Turkey… Our goal is to establish a federation of Arabs, Turkomans, and Kurds."[508]

However, despite President Ozal's open policy and contacts with Iraqi Kurds, the establishment of the KRI and the declaration of federation caused much anxiety and fear in Turkey. Turkey's foreign policy-makers saw the Kurdish parties' resolve to upgrade Kurds' demands to that of federation as going 'one step further'[509] beyond

[506] McDowall, Op. Cit., p. 384.
[507] Cohen, Op. Cit.
[508] Gunter, "The Foreign Policy of the Iraqi Kurds," Op. Cit., p. 8.
[509] Mahmut Ali Baykan, "Turkey's Policy in Northern Iraq, 1991-95," *Middle Eastern Studies*, Vol. 32, No. 4 (Oct. 1996), p. 351.

the 1970 Autonomy Agreement between the GOI and the people of northern Iraq and Turkey opposed it on the ground that it "may result in the division and partition of Iraq."[510] Moreover, when discussing the issue of recognizing, or at least, de facto recognition of the KRI, one Turkish official stated, "we are not recognizing the so-called government they established."[511] For Turkish foreign policy-makers, the three Kurdish provinces in Iraq now under the territorial control of the KRI were part and parcel of the Iraqi territory, and hence not necessitating a different arrangement outside the framework of Iraq's consensus. As one Turkish official commented:

> "If Iraq cannot exercise its sovereignty there, it is a temporary situation which unfolded after 1991. But as far as we are concerned, that part of Iraq is a territory of the Republic of Iraq and it should remain so."[512]

Moreover, from the Turkish perspective, there were no legal impediments to the central GOI providing essential services to the three Kurdish provinces in the north of Iraq, as the area was still under Iraqi sovereignty and the GOI was obligated to provide services to its population in the north. The Turkish perspective stemmed from the realization that the continued survival of the KRI and absence of the GOI was an essential element that would, with time, accrue further legitimacy to the KRI. Therefore, as Asa Lundgren notes, Turkish foreign policy-makers constantly looked at the KRI as a sui generis situation and a power vacuum. One Turkish official stated "we see the situation in northern Iraq as an extraordinary situation and every

[510] Ibid., p. 351.
[511] Lundgren, Op. Cit., p. 76.
[512] Ibid., p. 75.

arrangement realized in northern Iraq as temporary."[513] More interestingly, Turkey did not wholeheartedly accept the Kurdish strategy of labelling the KRI as a democratic experiment in its pursuit of international legitimacy. A Turkish foreign ministry official said:

> "You can not declare a democratic Iraq by dividing your country. And democracy is not something that can be transplanted into one corner of the country and isolated there…So by saying that you have democratic institutions in your area, in the final analysis, does not mean too much. The goal is to have similar institutions, similar approach, similar understanding in all of Iraq."[514]

Despite all this, Turkey seemed to show understanding and a degree of tolerance towards the KRI. When the KNA announced federation as a mechanism of relations between the KRI and the GOI, Suleyman Demirel, then the prime minister of Turkey, announced that "'We do not approve of such an action that may result in the division and partition of Iraq."[515] Demirel further elaborated that "A federated state is a stage ... on the way to an independent state."[516] However, Demirel also had a conciliatory statement when further discussing the issue of federation implying an implicit acceptance of the Kurdish de facto state: "Actually,

[513] Ibid., p. 83.
[514] Ibid., p. 77.
[515] Gunter, "The Foreign Policy of the Iraqi Kurds," Op. Cit., p. 309
[516] Ibid., p. 309.

there is a very complicated situation here with the people of North Iraq that does not fit into the black-white synthesis… Shouldn't we prefer their being called federated to being called dead? ... Okay, I'm not comfortable calling them federal, but I would have felt worse if they had died."[517]

Therefore, Turkey periodically extended the mandate of the Western military forces based in Turkey under the rubric of the OPC. The maintenance of Western military protection in Turkey was crucial to the continued survival of the KRI. However, after 1992, the issue of extension of the OPC became hotly debated within the Turkish political establishment. Primarily because the Kurdish entity could survive due to the Western protective force in Turkey, the Turkish political establishment was wary of extending its mandate. Many Opposition figures such as Kenan Evren, journalists, the military establishment and several political parties objected to the extension of the OPC. Many in the Turkish political establishment feared that the KRI might acquire state attributes and the continued provision of protection would enable the Kurdish region to secede from Iraq.[518]

However, Turkey's top leadership and the foreign ministry understood the importance of the presence of OPC on Turkish soil. Turkish Prime Minister Demirel in explaining his acceptance for the extension of the OPC (under the title of Operation Poised Hammer in June 1992) stated "This ... is a force which says, 'I am here' in order to prevent the people who have been subjected to Saddam Hussein's

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[517] Ibid, p. 310.
[518] Henri Barkey, "Under the Gun: Turkish Foreign Policy and the Kurdish Question," in *The Kurdish Nationalist Movement in the 1990s* (eds.), Olson, Op. Cit.

tyranny in the past from falling into new difficulties… We cannot watch another Halabja [the site of one of Saddam's most notorious chemical gas attacks against the Kurds in August 1988]."[519] However, under the guise of moral reasons there were very practical reasons why Turkey allowed the presence of OPC on its soil. While in fact the no-fly zone was reinforcing the KRI, its expulsion from Turkey would have simply led to its relocation somewhere else in the region, thereby causing Turkey to lose any influence it had over political developments in the Kurdish entity. Moreover, as Henri Barkey explains, Turkey's top decision-makers were careful not to jeopardize its strategic relationship with the United States, particularly if Saddam's forces moved against the Kurds in northern Iraq and the consequences of that in terms of generating a new wave of Kurdish refugees towards the Turkish border.[520] In return, the U.S. also appreciated its strategic relations with Turkey, the help Turkey afforded in the Second Gulf War, Turkish continued cooperation in maintaining the 'no-fly' zone and the economic losses incurred by Turkey during the War.[521]

Perhaps unintentionally, Turkey more than any other state, contributed to strengthening the survival prospects of the KRI, both politically and economically. Through Turkish cooperation, both Presidents Talabani and Barzani travelled and began meeting and negotiating with foreign governments without any control or

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[519] Gunter, "A De Facto Kurdish State in Northern Iraq," Op. Cit., p. 303.
[520] Barkey, Op. Cit., p. 72.
[521] "The President's News Conference with Prime Minister Tansu Ciller of Turkey," *William J. Clinton*, *XLII President of the United States: 1993-2001*, *The American Presidency Project*, 15 October 1993, accessed: 18 January 2013, http://www.presidency.ucsb.edu/ws/index.php?pid=47209.

influence from Baghdad. Meanwhile, the Turkish foreign ministry acknowledged the role Turkey played in the political and economic survival of the KRI. A Turkish official stated that: “one must remember that the level of security, democracy, freedom and economic prosperity the Iraqis are enjoying in the north today are largely due to Turkey's protective umbrella.”[522]

Indeed, this thesis argues that during this period, relations between Turkey and the KRI can be characterized as state-to-political party, or government-to-political party relations. Turkey did not officially extend any sort of recognition to the KRI, seeing the situation in Iraq as temporary. Still, Turkey had to preserve its interests and therefore establishing relations with Kurdish political leaders was perceived as significant to Turkish foreign policy-makers. Therefore, Turkey maintained separated relations or contacts with Iraqi Kurdish political parties, principally the KDP and the PUK. A Chatham House report vividly demonstrates the constraints on the KRI’s foreign relations and opportunities presented to Kurdish parties by stating that during this period:

> “The KRG did not constitute the principal foreign policy voice of the Kurdistan Region…Instead, the foreign relations of the Kurdistan Region were the preserve of the KDP and PUK, each of which maintained its own set of relationships with regional and international actors. This made sense in the 1990s: the Kurdistan Region and the KRG had only de facto standing in the international community, with the region being an

[522] Lundgren, Op. Cit., p. 77.

> ‘unrecognised state’ or ‘de facto state’, existing outside the international state system, and thus constituting a challenge, or even threat, to other states whose internal dynamics and conditions were similar to those inside Iraq. For other states, dealing with the KRG would have implied recognizing its legitimacy, and even sovereignty, over the autonomous region; dealing with the representatives of the KDP and PUK, even if they were the same as KRG representatives, was quite acceptable.'[523]

Thus, in one of its first acts after the initiation of the relations, Turkey invited both parties to open representative offices in Ankara. Saffen Dizayee, who was appointed as the KDP representative, played a key role in strengthening the emerging relations with Turkey. Dizayye was frequently in contact with the Turkish political establishment responding to enquiries and delivering messages between the two sides.[524] He noted that President Ozal was a visionary in predicting the great geopolitical changes in the region and the Kurds of Iraq responded in kind, attempting to blossom their relations with Turkey. Turkey, Saffen Dizayee notes, granted increasing freedom to the KDP representative, allowing him to meet Turkish foreign ministry officials and foreign diplomats in Ankara, as well as providing police protection and special (though not diplomatic) registration plates. However, intending to counter its image of being a source of instability in the region, Saffen Dizayee stressed that “the KDP representation made sure not to take advantage of Turkish hospitability; for example, on the Kurdish issue in Turkey, the KDP said the

[523] See: Kinninmont, Stansfield and Sirri, Op. Cit., pp. 19-20.
[524] Lundgren, Op. Cit., p. 86.

solution must be democratic and non-violent.'[525]

Meanwhile, as stated before, the power of Kurdish transnationalism represented a significant complicating factor for Kurdish leaders. On the one hand, the survival prospects of the KRI, at least partly, depended on Turkish good will. The need to preserve the newly-acquired territorial control, de facto independence under international protection and, indeed, the domestic sovereignty of the KRI, was forcing KRI leaders to distance themselves from the idealist and unrealistic concepts of pan-Kurdism, which thought of Greater Kurdistan as the Kurdish homeland requiring the assistance of all Kurds for its liberation. For KRI leaders, having established domestic sovereignty over a big portion of their claimed territory, state- and institution-building had replaced warfare, and thus fighting the surrounding large states was not an option. On the other hand, Iraqi Kurdish political leaders became the subject of a vicious propaganda campaign emanating from the PKK or indeed other parties in Greater Kurdistan or abroad. This propaganda depicted these leaders as traitors that had sold the cause of Kurdish nationalism in favour of gaining material and financial rewards.

In time, intra-Kurdish disputes led to the intensification of relations with the Turkey-based PKK. Prior to 1991, the leading Iraqi Kurdish political parties had experienced fluctuating relations with the PKK.[526] The establishment of the KRI, however, had brought forward new issues that ultimately led to confrontation

[525] Rahman, Op. Cit., pp. 33-34.
[526] For more detailed information on KDP, PUK and PKK relations during the 1980s, see: Gunter, "Kurdish Infighting: The PKK-KDP Conflict," Op. Cit.

between Iraqi Kurdish political parties and the PKK. After 1991, and the establishment of the KRI, the PKK sought to exploit the vacuum left by the withdrawal of the Iraqi army and set up new bases in the mountainous border areas between Turkey, Iraq, and Iran; areas which Iraqi Kurds lacked the manpower to control, or were so remote that no large Iraqi Kurdish settlements existed. The PKK started increasingly to use its bases inside Iraqi Kurdistan to launch cross-border attacks against Turkish security forces, in response to which Turkey's military either bombarded or conducted military incursions in pursuit of PKK fighters inside Iraqi Kurdistan. Turkey also placed increasing pressure on the Iraqi Kurdish leadership to help stop the PKK's attacks against Turkish forces.[527]

Further complicating matters, the PKK directly encroached on the newly-acquired Kurdish domestic sovereignty and conceivably threatened its experiment in democracy. Fuad Masum, the prime minister of the KRG, claimed that "the PKK is collaborating with Iraqi officials" to destroy the nascent Kurdish de facto state.[528] He further claimed that "the Iraqi, Iranian, and Syrian governments help the PKK against the Iraqi Kurdish movement… because they do not want our parliamentary and governmental experiment to be successful."[529] To remedy the threat emanating from the PKK, Kurdish political parties requested suspension of the PKK's activity against Turkey or withdrawal from Iraqi Kurdistan. In these tense circumstances, and to avoid the shadow of a costly war, Talabani tried to act as a mediator between the

[527] Aliza, Op. Cit., p. 202.
[528] Gunter, "A de facto Kurdish State," Op. Cit., p. 307.
[529] Ibid., p. 307.

PKK and Turkey by arguing that “PKK must respond positively to Ozal's statement [on implementing Kurdish rights in Turkey] by halting its armed activities and by looking for a dialogue with the Turkish government.”[530]

The PKK, however, refused to neither halt its attacks nor withdraw its fighters from the region, and a series of accusations and counter-accusations ensued between Iraqi Kurdish parties and the PKK.[531] The desire to maintain Turkish cooperation in protection of the Kurdish de facto state prompted the KRI to issue a warning to the PKK to the effect that “if it failed to cease activities against Turkey, it would be purged from the region."[532] As tensions escalated, the PKK in July 1992 enforced another economic blockade on the region by blocking the only road from Turkey into the KRI, thus exacerbating the effects of the double economic embargos on the Kurdish region.

Statements issued by KRI leaders clearly marked the increasing sense of fear felt toward the perceived threat to domestic sovereignty, state-building prospects and international legitimacy of the KRI. Reiterating the threat posed by the PKK to the sovereignty and government of the KRI, Barzani declared that:

> “Ocalan's men acted as if they were the authorities and started to control roads and collect taxes… Ocalan's men threated to expel the government and parliament from Irbil. They said they would hang all those 'who sold

[530] Ibid., p. 307.
[531] See: Svante E. Cornell, “The Land of Many Crossroads: The Kurdish Question in Turkish Politics,” *Orbis*, Vol. 45, No. 1 (Winter 2001), p. 40.
[532] Gunter, “A de facto Kurdish State in Northern Iraq,” Op. Cit., p. 306.

out the homeland'. They even threatened to expel us from Dahuk and al-Sulimaniyah and started to from espionage, terrorism, and sabotage networks inside cities. It has unequivocally been proven that they are conspiring and planning to undermine the existing situation in Kurdistan and its experiment [the de facto Kurdish government and state in northern Iraq]."[533]

Talabani echoed Barzani's comments stating that:

"The PKK members claimed that they intended to establish a revolutionary authority and described the Kurdistan Front as a treacherous establishment… They also said that they themselves would establish a state to replace the front. They failed to establish a government in Botan [southeastern Turkey] Turkey. Therefore, they planned to establish a government on our behalf in Bahdinan [northern Iraq]."[534]

Meanwhile, Jawhar Namiq, the Speaker of the KNA, declared at a Paris Conference in November 1992 that the leadership of the KRI was not prepared to sacrifice "a free Kurdistan, with freely elected political institutions… for the death of two Turkish gendarmes that does not bring much."[535]

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[533] Ibid., p. 307.
[534] Ibid., p. 307.
[535] Chris Kutschera, "Mad Dreams of Independence: The Kurds of Turkey and the PKK," *Middle East Report*, No. 189 (1994), p.14.

The PKK, however, refused to cooperate with regional leaders in any meaningful way. Thus, on 4 October 1992, KDP and PUK Peshmerga fighters launched a major attack against the PKK. Iraqi Kurds also quietly allowed an estimated 20,000 Turkish troops into the KRI to assist, or join in, the fight against PKK fighters.[536] Launching the attacks occurred on the same day that federalism was announced as the present Kurdish nationalist goal in Iraq. This Iraqi Kurdish tactic was noticed by the Turkish government and observers following developments in the region. Turkish Prime Minister in 1992, Suleyman Demirel, believed that "it was no coincidence that the war begun by the peshmerga against the PKK coincided with proclamation of this state."[537] Bengio, a long-time observer of Kurdish politics, noted "the Iraqi Kurds, probably hoping to gain Turkey's tacit support for their autonomy – an idea that frightened Turkey as much as it did Iraq, if no more so – were willing to pay the only price that might appease the Turkish government; namely, cooperation in combating the PKK."[538] Journalist William Safire, an American conservative and a long-time supporter of Kurds, in a similar vein argued that:

> "Cooperating with Turkey to the north, where 10 million Kurds live, Peshmerga fighters behind Masoud Barzani successfully took on the Marxist terrorist Kurds. This help removes Turkish fears of a territorial threat from an autonomous region that might turn into an independent

[536] Lundgren, Op. Cit., 79.
[537] Gunter, "A De Facto Kurdish State in Northern Iraq," Op. Cit., p. 308.
[538] Bengio, *The Kurds of Iraq*, Op. Cit., p. 206

country called Kurdistan."[539]

The Iraqi Kurds were provided with additional tools to ensure the survival of their entity and to expand their foreign relations. One of the most important tools during this sensitive period was the involvement of the major KRI parties in the framework and politics of opposition to Iraq. The next section thus examines Iraqi Kurdish involvement under the umbrella of Iraqi opposition.

4.5 Iraqi Kurdish Foreign Relations and Iraqi Opposition

In the aftermath of the creation of the KRI, Iraqi Kurdish involvement in the framework of Iraqi opposition was seen vital by the KRI leadership for continued survival of the Kurdish de facto state. Although the emergence of the KRI was a direct consequence of international humanitarian protection, its existence was contested from its establishment. The KRI leadership constantly expressed its respect of the territorial integrity of Iraq, and yet the KRI was still seen by its antagonistic neighbours and the international community as at least the first step toward an independent state. Therefore, the involvement of Iraqi Kurdish parties within the framework of Iraqi opposition served multiple purposes. On the one hand, Iraqi Kurdish involvement in the opposition of Iraq could send a signal to hostile neighbours and the international community that the KRI intended to remain part of

[539] William Safire, "The Kurdish Example," *The Baltimore Sun*, 14 May 1993, accessed: 25 December 2012, http://articles.baltimoresun.com/1993-05-14/news/1993134171_1_kurds-Masoudbarzani-saddam.

Iraq, and it did not entertain any secessionist tendencies. On the other hand, the opposition of Iraq could serve as a vehicle for the KRI leadership to build and strengthen its foreign relations, in the process assisting the continued survival of the Kurdish de facto state.

However, like foreign relations with Turkey, the Kurdish political parties – not the KRG – became formal participants in the different groupings of Iraqi opposition. Still, the important geopolitical position of the KRI, in the foreign policy strategies of states hostile to the regime of Saddam Hussein, served the KRI in its survival policies. Kurdish political leaders had territorial control over a portion of Iraqi territory in the north which could then act as a base for various activities against the regime of Saddam Hussein. The KRI also could serve as an alternative political system, threatening the authoritarian one-man rule practiced in the rest of Iraq, and an ally in the U.S.-led initiatives to counter or remove the regime in Baghdad.

Despite the overwhelming defeat of Iraq in the Second Gulf War, the regime of Saddam Hussein remained intact. While the Bush Sr administration remained committed to the territorial integrity of Iraq, it sought to destabilize, and eventually replace, the regime of Saddam Hussein. Indeed, President Bush Sr's declarations that "normal Iraqi relations with the US will be difficult, in fact impossible with Saddam Hussein still in power", and that the U.S. seeks an alternative regime that would be "compatible with the Western powers",[540] are indicative of the U.S resolve to replace the regime of Saddam Hussein. Moreover, many high-ranking officials in the Bush

[540] Charountaki, Op. Cit., p. 171.

Sr administration believed that “Saddam saw the end of the Cold War as an opportunity to pursue his own expansionism.”[541] The U.S. suspicions of Iraq's WMD and Iraq's hostility towards Israel led U.S. officials to be convinced of “Saddam’s inability to be used [any longer] as a stability card for American interests.”[542]

The KDP and PUK had already become active members of the Iraqi opposition when, in March 1991, they participated in a conference in Beirut that culminated in the forming of the Free Iraqi Council. Following this conference, a second conference was held in Vienna, Austria, between 16th and 19th June 1992 that set the foundation for the creation of an Iraqi National Congress (INC). The conference chose a national assembly of 87 members that allocated 23 seats for the Kurdish political parties and personalities. During this conference, the Kurds demanded recognition of both their right of self-determination and stipulation of the view that the unity of Iraq is voluntary. in return for the Kurds’ participation within the opposition.[543] However, the real foundations of the INC were created in October 1992, at the third opposition conference, which took place in the KRI in the town of Salahaddin, just north of the Kurdish regional capital in Erbil, and the location of the headquarters of the KDP. As well as expanding the membership of the opposition national assembly to 234 people, the conference established a three-man presidential council in charge of international relations that gave the Kurdish seat to Masoud Barzani, the leader of the KDP, as well as establishing a 26-member

[541] Ibid., pp. 170-171
[542] Ibid., p. 171.
[543] Michael M. Gunter, “The Iraqi Opposition and the Failure of U.S. Intelligence*,” International Journal of Intelligence and Counterintelligence*, Vol. 12, No 2 (1999).

executive council that allocated 6 seats to the Kurds.[544] On the question of federalism, the Kurds took a great step forward when both Talabani and Barzani publicly advocated federalism as the basis of their future relations with any new government in Baghdad. Given the relative strength of the Kurds ,due to their territorial control under international auspices, most of the attendees at the Salahaddin conference came to accept the view that the Kurds "have special national and ethnic characteristics… and approved the right of the Kurds to determine their future without secession and within the framework of the single Iraqi homeland."[545] Moreover, the Salahaddin conference "fixed Vienna's conclusions, organized the Iraqi opposition and set the Kurdish status in the post-Saddam era ... [it also] ratified the Resolution on Federal Law passed by the Kurdish parliament."[546] The conference also ratified a resolution stating "The [INC] respects the methods of the Kurdish people to determine their future relations with the other partners of the motherland."[547]

Peter Galbraith managed to transfer to the U.S. captured Iraqi documents chronicling atrocities committed against the Kurdish people in Iraq. The documents became the legislative files of the U.S. Congress Foreign Relations Committee. Galbraith authorized the Human Rights Watch to conduct research on the documents. as well as on captured videotapes, coupled with personal interviews and

[544] Ibid.
[545] Ibid., p. 141.
[546] Charountaki, Op. Cit., p. 173.
[547] Gunter, "A de facto Kurdish State in Northern Iraq," Op. Cit., p. 310.

forensic reports.[548] In 1994, the Human Rights Watch produced an authoritative report in which the crimes perpetuated against the Kurdish people in Iraq were recognized as a crime of genocide.[549] The formal publication of genocide details by a reputable international organization gave further legitimacy to the existence of the KRI. These public and official revelations also enhanced U.S. claims about the need to change the regime in Baghdad. The revelations also enhanced the ability of the Kurdish leadership to promote its remedial right to secession and self-determination, which was expressed in the form of a Kurdish right to possess a federal unit within the parameters of the Iraqi state.

Indeed, the fact that Kurdish involvement in the Iraqi opposition was recognized as significant in strengthening the survival prospects of the KRI was reflected in the new political discourse of Kurdish political parties. The Kurds aligned their policies with those of the Iraqi opposition: based on Federalism for Kurdistan, Democracy for Iraq. Michael Gunter, an academic and frequent writer on Kurdish issues, noted the slogans pronounced at the KDP's 11th congress held in Erbil in 1993. Among the slogans read on the banners were 'Peace, Freedom, Democracy', 'The INC is a Viable Alternative to Dictatorship.'[550] These slogans clearly reflected that the Kurds hoped to achieve meaningful autonomy and, in the process, ensure the survival of the KRI through portraying the Kurdistan Region as an experiment in

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[548] Galbraith, *The End of Iraq*, Op. Cit., p. 66.
[549] Judith Miller, "Iraq Accused: A Case of Genocide," *The New York Times*, 3 January 1993, accessed: 2 March 2001, http://www.nytimes.com/1993/01/03/magazine/iraq-accused-a-case-of-genocide.html?pagewanted=all&src=pm.
[550] Michael Gunter, "A Trip to Free Kurdistan," *Political Science and Politics*, Vol. 27, No. 1 (1994), 147.

democracy, and the desire to remain a part of a democratic Iraq through cooperating with Iraqi opposition.

As part of the INC, and actively cooperating with efforts to remove the regime of Saddam Hussein, Kurdish political parties also received much-needed financial aid, necessary to run the governance affairs in the KRI. The first direct meeting between the U.S. State Department and the Kurdish leadership took place on 25 April 1991, followed by another in May 1991, when the Kurdish delegation met with the Assistant Secretary of the Middle East Department.[551] Initially the U.S. administration of Bush Sr hoped to topple the regime of Saddam via a coup strategy. Indeed, just two months after the collapse of the Kurdish and Shiite uprisings, the U.S. administration forwarded an intelligence finding to the U.S. Congress, justifying the allocation of $15-$20 million dollars to clandestinely cultivate ties with military and security officials in Iraq.[552] However, according to Kenneth Katzman, in the last months of his presidency, the Bush Sr administration decided to shift policy in favour of supporting diverse opposition groups in Iraq, instead of the coup strategy the administration had previously adopted in Iraq.[553] The CIA revelations about Saddam's attempt to assassinate President Bush Sr during his visit to Kuwait, and the overall U.S. belief that Saddam was not a reliable partner in its Middle East policy, prompted the U.S. to seek other methods, including enabling the Iraqi

[551] Charountaki, Op. Cit. p. 173.
[552] Patrick E. Tayler, "Congress Notified of Iraqi Coup Plan," *The New York Times*, 9 February 1992, accessed: 12 April 2015, http://www.nytimes.com/1992/02/09/world/congress-notified-of-iraq-coup-plan.html.
[553] Kenneth Katzman, "Iraq's Opposition Movements, *Congressional Research Service*, Report 98-179 F, 27 June 2000, accessed: 9 August 2015, http://www.au.af.mil/au/awc/awcgate/crs/98-179.pdf.

opposition to oust the regime of Saddam Hussein. Therefore, in July 1992, the US Congress allocated US$40 million to the Kurds as part of a strategy to empower the Iraqi opposition and to run an anti-Saddam radio station.[554]

Yet, despite that, the Kurdish de facto state had to operate under extremely difficult geopolitical conditions. Regardless of their overt differences on practically every other matter, Iran, Turkey, Syria, and Iraq staunchly agreed to prevent the consolidation of the nascent Kurdish entity in Iraq. Perhaps Talabani's statement that 'we are an island surrounded by hostile countries'[555] best summarizes the geopolitical constraints placed upon the Kurds.

The INC served as a vehicle for U.S. support and Kurdish involvement within the Iraqi opposition proved to be instrumental in enhancing Kurdish foreign relations and the de facto state's chances of survival. As members of the Iraqi opposition, Barzani, Talabani and other Kurdish officials had become personae gratae in several Western and regional capitals. Jalal Talabani met in London with the late King Hussein of Jordan, in an apparent move by the late King to distance himself from Saddam, whom he had supported during the Second Gulf War.[556] Moreover, after the defection to Jordan of Hussein Kamil, Saddam's cousin and son-in-law, and the person in charge of Iraq's secret armaments, King Hussein publicly declared his

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[554] Ibid.
[555] Bengio, *The Kurds of Iraq*, Op. Cit., p. 219.
[556] "King Hussein Meets Saddam's Foes, Distances Himself From Iraqi Leader," *Associated Press,* 19 September 1992, accessed: 25 December 2012, http://www.apnewsarchive.com/1992/King-Hussein-Meets-Saddam-s-Foes-Distances-Himself-From-Iraqi-Leader/id-71ab26485140a1c462bc657940f819fd.

willingness to convene a meeting of the Iraqi opposition in Amman – and to play "a decisive role to rid the Iraqi people of Saddam and the likes of Hussein Kamel."[557] Saudi Arabia, the strongest Arab regional ally of the U.S., also became involved in organizing the opposition. Saudi officials invited leaders of the Kurdish political parties to their capital to discuss the broadening of Iraqi opposition and coordinating anti-Saddam activities between Kurds, Turkey, and Syria.[558]

Hence, the Kurds also attempted to break out of their geopolitical conundrum by searching for allies in the wider region and in international arenas. The leadership of the KRI tried to build foreign relations with as many states as possible, with a particular focus on those regional states with no Kurdish minorities. Thus, on 8 March 1993, Talabani visited Kuwait, and from there he declared that "the two fraternal people of Iraq and Kuwait," who were both suffering from Saddam's "despicable dictatorship," continued to be major allies against him. Afterwards, when a Kuwaiti delegation visited both Barzani and Talabani in Kurdistan, Kuwait pledged to provide the sum of $3 million in humanitarian aid to the KRI.[559] Talabani also tried to enlist the support of world Jewry and Israel through an article published in *Yedi' ot Ahranot* by a reporter who had visited Kurdistan. In the meantime, fearing being labelled as traitors, or attempting to create a second Israel in the Middle East, Talabani refuted

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[557] Kamran Karadaghi, "King Hussein's Iraqi Gambit and the Iraqi Opposition," *The Washington Institute for Near East Policy*, 2 January 1996, accessed: 23 July 2016, http://www.washingtoninstitute.org/policy-analysis/view/king-husseins-iraqi-gambit-and-the-iraqi-opposition.
[558] Tayler, Op. Cit.
[559] Ibid., p. 224.

claims of the presence of Israeli experts in Kurdistan, but stressing Kurdish legitimate rights to have relations with Israel, just as Egypt or Palestinians did.[560]

Realizing that the regional states would not be so supportive of the Kurds of Iraq, if indeed at all sincere, given the domestic constrain of popular Arab fraternity and unity, the Kurdish leadership attempted to rally the support of the international community, particularly Western great powers. The West was a major source of support and legitimacy for the KRI and building and enhancing relations with the United States, Britain and France, the three Western permanent members of the UNSC, and other Western governments, was essential to the survival of the KRI. In London, Barzani and Talabani met with Prime Minister John Major in February 1992 and, in Washington, they with met the US Secretary of State James Baker.[561] Talabani and Barzani also visited the Netherlands, Belgium, and France, where they were received by President Francois Mitterrand. In the meeting, Mitterrand reaffirmed "the Kurdish people's rights within the framework of a federation in a united and democratic Iraq."[562] Kurdish political parties have had historical relations with the Socialist Party of France, and the wider Socialist International,[563] since the early days of the KDP's formation in 1946.[564] The PUK is an official member of the

[560] Bengio, *The Kurds of Iraq*, Op. Cit., p. 224.
[561] Ibid., p. 204.
[562] Ibid., p. 204
[563] Socialist International is a world-wide association of political parties promoting some form of democratic socialism.
[564] "Christopher Cambadelis, the Head of International Relations Department of the France Socialist Party Receives Hemen Hawrami, the Head of KDP Foreign Relations Office," 16 October 2012, accessed: 25 October 2016, http://www.fr.kdp.info/a/d.aspx?l=12&a=36421.

Socialist International.[565] Historically, relations between Mitterrand's socialist party and the Kurds of Iraq were apparent when Mustafa Barzani sent Kurdish delegations to Paris in search of support during the 1960s.[566] France had played an important role in initiating the UNSC Resolution 688 and establishment of the no-fly zone and Safe Haven for the Kurds in Iraq.[567]

However, for all their political aspirations, the West remained ambivalent toward the Kurds. The Western allies, as Bengio notes, had two conflicting foreign policy objectives with regard to the KRI. On the one hand, they sought to use the Kurdish card as a tool for maintaining pressure on, and destabilizing, the regime of Saddam Hussein. Thus, the official receptions afforded to Barzani and Talabani were designed to send a signal and exert pressure on the regime of Saddam Hussein. On the other hand, fearing partition of Iraq and paying lip-service to the territorial integrity of Iraq, the West continued to see the KRI through aa traditional lens, of a humanitarian intervention in support of the Kurds. Western governments sought to limit the effect of Kurdish autonomy and refused to interact with the official institutions of the KRI, fearing that it would give a certain degree of legitimacy or recognition to the Kurdish de facto state.[568] When Madame Danielle Mitterrand, President Mitterrand's wife, who had long taken an interest in Kurdish issues in Iraq, attended

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[565] "SOCIALIST INTERNATIONAL in Northern Iraq examines Kurdish Question," Socialist International, 28-30 May 2008, accessed: 26 May 2017, http://www.socialistinternational.org/viewArticle.cfm?ArticleID=990.
[566] Charountaki, Op. Cit., p. 177.
[567] For more detail on the role of France in the provision of protection to the Kurds of Iraq, see: Wheeler, Op. Cit., pp. 139-171.
[568] Bengio, *The Kurds of Iraq*, Op. Cit., p. 204.

the first session of the KNA in Erbil (4 October 1992),[569] the French government immediately issued a statement depicting Madame Mitterrand's visit as a "humanitarian move"[570] and a "personal initiative",[571] not to be interpreted as representing an official French political position. However, the personal support and dedication of Madame Mitterrand to the Kurdish cause in Iraq and the wider region, and her long-time lobbying on behalf of the Kurds, with the support of organizations such as the Kurdish Institute of Paris, earned her the title of 'Mother of the Kurds' amongst the Kurds.[572]

Nonetheless, Kurdish participation within the framework of the Iraqi opposition played a fundamental role in ensuring the survival of the Kurdish entity which was almost wholly dependent on the protection provided by the three Western allies, USA, UK and France. In April 1993, Barzani and Talabani visited Washington and met with the US Vice President Al Gore, Secretary of State Warren Christopher, and National Security Adviser Anthony Lake. So important for the survival of Kurdish autonomy in Iraq, in those meetings, the Kurdish leadership was able to secure a promise of continued air cover from allied forces based in Turkey. The Kurds also, in those meetings, clearly aimed to align their policies with U.S. policies by reassuring the U.S. that the Kurds would not secede from Iraq unilaterally, and that the Kurds did not aim to drag the West into another battle by deliberating starting a

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[569] "Death of Danielle Mitterrand, 'Mother of the Kurds,'" *The Kurdish Institute of Paris*, 23 November 2011, accessed: 16 February 2016, http://www.institutkurde.org/en/info/death-of-danielle-mitterrand-quot-mother-of-the-kurds-quot-1232550645.html.
[570] Bengio, *The Kurds of Iraq*, Op. Cit., p. 204.
[571] Charountaki, Op. Cit., p. 177.
[572] "Death of Danielle Mitterrand," Op. Cit.

war with the GOI and thus dragging the West into another Bosnian-style nightmare.[573]

4.6 The Descent into the Civil War: Implications for Foreign Relations

By 1994, the Kurdish de facto state began to descend into a civil war that lasted intermittently until 1997. The eruption of the civil war inside the Kurdish-controlled zone no doubt had negative repercussions on the Kurds' international standing. Following the inception of the KRI, with the dissemination of information about Baghdad's genocidal campaign, the Kurds of Iraq gained much sympathy and good will. The civil war in Kurdistan shattered much of the Kurds' hard won international sympathy. Yet, for all its negative consequences, it did not destroy the Kurdish de facto state. In the realm of foreign relations, the result of the civil war, ironically, had some conflicting consequences. As a result of the civil war and the territorial division of the Kurdish de facto state into two administrative territories, each warring party built its own distinctive foreign relations and alliances with outside powers, which were not always compatible with the interests of the KRI. Conversely, the civil war relieved the fears of those regional powers who were apprehensive that the KRI would serve as the foundation of an independent state, in the process further relieving the fears of regional states and prolonging the survival of the Kurdish de facto state in Iraq, albeit in a divided form.

[573] Ibid., p. 224.

The Kurdish leadership was cognizant of the negative consequences of the civil war on Kurds' international legitimacy and the survivability of the KRI. Barzani once stated that "the fighting harms everybody and undermines the credibility of the burgeoning Kurdish administration and erodes the world's understanding of our cause."[574] Yet by 1994, the KRI became enmeshed in a serious internal war between the principal powers – the KDP and the PUK.

Several arguments have been promulgated as to why the region was marred in the civil war. One of the reasons was clearly related to the complexities of foreign relations. Stansfield, for instance notes that at least one of the primary reasons was the complexities arising from the position of each party-the KDP and the PUK–in relation to the West, Baghdad, and the Iraqi opposition.[575] In time, the war took a dangerous turn with the intervention of other local, national, regional and even international powers. Small squabbles between parties soon triggered a large-scale civil war that engulfed almost the whole of the KRI. More than 6,000 peshmerga fighters of the KDP, PUK and IMIK were mobilized for the war effort, and fighting took place in most cities and towns in Iraqi Kurdistan. By early 1995, the PUK forces took over Erbil, the seat of the KNA and KRG. The occupation of Erbil by PUK forces, which was described by Masoud Barzani as a "military coup d'état", had serious implications for the nascent KRI as, for the first time since the outbreak of hostilities

[574] Michael Gunter, "The KDP-PUK Conflict in Northern Iraq," *Middle East Journal*, Vol. 50, No 2 (Spring 1996), 232.
[575] Stansfield, *Iraqi Kurdistan*, Op. Cit., p. 5.

between Kurdish parties, it paralyzed the working of the official institution of the KRI.[576]

By 1996, with the continuation of hostilities and the interference of other local and regional powers, the political and military situation in the KRI became very complicated. Broadly speaking, two conflicting camps had emerged in the KRI. In retrospect, it seems, political geography and trade had the strongest influence on the KDP's and the PUK's alliance formations and foreign relations. The KDP aligned itself with Turkey, the Kurdistan Democratic Party-Iran (KDP-I) and, temporarily, with Iraq – while the PUK allied with Iran, the INC and the PKK.[577] The territory controlled by the KDP shares a long border with Turkey, and therefore, dictated by political geography, the KPD maintained cooperative relations with Turkey. The KDP also controlled the only internationally-recognized border crossing between Iraq (KRI) and Turkey and, as a consequence, both parties benefited from the cross-border trade including trucked oil sold by Baghdad through the KDP-controlled territory. Similarly, the territory controlled by the PUK shares a border with Iran. Facing the same constraints of political geography, the PUK established close relations with Iran [578] It is also very clear that another major element in this complex matrix of alliances was based on the simple dictum, "my enemy's enemy is my friend". As the PKK was encroaching on KDP territory, Turkey supported the KDP to fight its enemy, the PKK; and increased its power in the KRI by checking Iran's influence. Iran, on

[576] Bengio, *The Kurds of Iraq*, Op. Cit. p. 221.
[577] Ibid., p. 234.
[578] See: Tozun Bahcheli and Peter Fragiskatos, "Iraqi Kurdistan: Fending off uneasy neighbours," *International Journal of Contemporary Iraqi Studies*, Vol. 2, No. 1 (2008), p. 70.

the other hand, through its alliance with the PUK, sought to fight its enemy, the Iranian KDPI; weaken Baghdad; and increase its sphere of influence by limiting Turkish and U.S. sway in the region in the KRI, while Baghdad sought to contain the INC, the Iranian ally PUK, and challenge the U.S in the KRI.[579]

However, a decisive development in the ongoing warfare happened on 31 March 1996. Assisted by Iraqi elite forces, KDP forces retook Erbil and expelled the PUK and INC forces from the capital. Following some other minor skirmishes, the KRI was divided between two zones, controlled by the KDP and the PUK respectively, with the capital Erbil remaining in the KDP's hands. Each party established a new cabinet in partnership with smaller parties and other minorities in the KRI.[580]

The relations that surfaced between the KDP and Baghdad were not a sudden or random development. Indeed, as Caspersen argues, limited relations can emerge between de facto states and their erstwhile parent states for a variety of economic, technical and political reasons.[581] The rationale or motivation for the emergent limited relations between the KDP and the GOI was rooted in multiple economic and political interests. Politically, Masoud Barzani, realizing the limits of international support, maintained a line of communications with Baghdad. Economically, the KDP

[579] Bengio, *The Kurds of Iraq*, Op. Cit., p. 234.
[580] For detailed info, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., pp. 153-165.
[581] Caspersen*, Unrecognized States,* Op. Cit., pp. 65-68.

stood to benefit greatly from the proposed OFFP, with its control over the area connecting Iraq's oil pipeline to Turkey.[582]

The KRI at that time was in a dire economic situation, and the proposed OFFP was the basic tool through which the international community sought to relieve the hardship of the Iraqi people – as will be discussed in detail in the next chapter. Therefore, The KDP officially supported Baghdad's agreement of the OFFP and expressed its willingness to provide all the assistance necessary to implement it, "especially repairing and operating the pumping station in the Zakho area and repairing and operating the part of the pipeline that runs through the areas under our control."[583] Moreover, Barzani expressed his desire to reach a political settlement with Baghdad and even meeting with Saddam, should talks be held on "the Kurdish people's future."[584] From its side, the PUK also held relations with Baghdad and negotiated with Baghdad over political matters of autonomy, and technical matters of interest to both sides such water, transportation, electricity and other issues related to OFFP.[585]

One rather destructive consequence of the civil war was its negative effect in the realm of foreign relations, and the Kurds' international campaign for legitimacy and support. The civil war shattered the hard-won positive international image of the

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[582] Bengio, *The Kurds of Iraq*, Op. Cit., p. 233.
[583] Ibid., 233.
[584] Ibid., p. 233.
[585] Jalal Talabani, "No Grounds for a Relationship with Baghdad," *Middle East Quarterly,* Vol. 9, No. 1 (2002), pp. 19-24, accessed: 20 January 2013, http://www.meforum.org/126/jalal-talabani-no-grounds-for-a-relationship-with.

Kurds and strengthened the arguments, or voices, of the Kurds' enemies. Reports that emerged during and following the civil war painted a dire picture of the KRI. One report described the KRI as "the Kurdish mess in Northern Iraq;"[586] another report proclaimed "The Destruction of Iraqi Kurdistan;"[587] while another report proclaimed the "undeclared demise" of the two-year Kurdish experiment in local governance by which, the scenario goes, the Western protectors of the KRI might turn a blind eye to military intervention by Saddam in the Kurdish, to restore order and stability.[588] Indeed, in January 1995, U.S. President Bill Clinton sent a letter to both Barzani and Talabani stating that: "We will no longer cooperate with the other countries to maintain security in the region if the clashes continue."[589]

Academic scholars mirrored such criticism. Analysing the aims of the warring Kurdish parties during the civil war, Bengio noted that "the aim of the KDP and PUK was not to establish a united Kurdistan but for each to enlarge its respective sphere of influence and ultimately become the sole power in the region."[590] Indeed, partly as a result of the civil war, other observers cast doubt on the claims of the leadership about the KRI being a democratic experiment and a successful case of state-

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[586] "Iraqi Kurds dismayed by internecine strife as efforts get under way to enforce fresh cease-fire deal," *Mideast Mirror*, 23 May 1994, accessed: 25 December 2012, http://mailman-new.greennet.org.uk/pipermail/old-apc-conference.mideast.kurds/1994-May/000314.html.

[587] Isam al-Khafaji, The Destruction of Iraqi Kurdistan," *Middle East Report*, No. 201 (1996), accessed: December 28, 2012.

[588] "'Undeclared demise' of the local Kurdish administration," *Mideast Mirror*, 27 May 1994, accessed: 25 December 2012, http://mailman-new.greennet.org.uk/pipermail/old-apc-conference.mideast.kurds/1994-May/000315.html.

[589] Charountaki, Op. Cit., p. 185.

[590] Bengio, *The Kurds of Iraq*, Op. Cit., p. 232.

building. Volker Perthes when analyzing the KRI, stated that "the Kurdish parties ... have not been able to put in place even the slightest element of any structure designed to create a better, democratic Iraq in the northern part of the country."[591]

The multiple military incursions of Iran, Turkey and limited military intervention by Baghdad, clearly demonstrated the reluctance of the Western powers to protect the KRI. In this regard, Ofteringer and Backer, two international humanitarian workers observed that "The safe haven project has been a cover for refugee containment. The Kurds have not been safe from Iraqi, Turkish or Iranian attack."[592] As such, some observers portrayed the KRI a "power vacuum."[593] The government of Turkey particularly was a great exponent of this argument thereby justifying its incursions into the KRI in pursuit of PKK fighters. However, as Stansfield argues, the concept of a power vacuum envisaging a scenario of political instability is difficult to apprehend. It was more correct to talk about a "defense vacuum"[594] indicating that the KRI was unable, politically and militarily, to prevent military incursions by neighbouring states.

The civil war and the division of the KRI by the Kurds themselves marked a self-inflicted damage on the very survivability of the KRI. It reinforced the Kurds' perceived inability to sustain statehood and statesmanship. Gunter, for instance, at

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[591] Volker Perthes, "Iraq Under Sanctions: A Regime Defiant," Middle East Programme Briefing No. 40, *Chatham House*, London (1998), http://www.casi.org.uk/discuss/1999/msg00571.html.
[592] Ofteringer and Backer, Op. Cit., p. 40.
[593] Indeed, Gunter named a chapter of his book on the Kurdish politics in Iraq as power vacuum, see: Ibid., pp. 111-127.
[594] Stansfield, *Iraqi Kurdistan*, Op. Cit., p. 3.

the conclusion of a 1997 article, opined that "Unfortunately for them, the Kurds' internecine internal fighting has often vitiated their opportunities…They remain divided as were the Germans before 1871 and the Italians before 1861. They also lack a Bismarch or Garibaldi."[595]

However, despite weakening and division of the political and administrative structure of the KRI, the Kurdish de facto state remained geographically intact. After 1997, the accumulation of several factors, some related to the Kurds, some not, enabled further consolidation of the Kurdish de facto state, or indeed the two Kurdish de facto states, as argued by Gareth Stansfield.[596]

4.7 Conclusion

In 1992, at a decisive moment of change following the defeat of the Baathist state in the Second Gulf War, the GOI decided to withdraw state institutions from a large part of the Kurdish north. This central secession, in time, enabled the leadership of the IKF to establish an unrecognized de facto state on a portion of its claimed territory.

The newly-established KRI initially went through relatively successful processes of state- and institution-building. As it was not recognized internationally, the existence of the KRI was precarious from the beginning, as it raised the worst

[595] Gunter, "The Foreign Policy of the Iraqi Kurds," Op. Cit., p. 19.
[596] See: Gareth Stansfield, "Governing Kurdistan: The Strengths of Division," in O'Leary, McGarry and Salih (eds.), Op. Cit., pp. 195-219.

fears of neighbouring regional states and the international community that it might eventually cause the partition of Iraq. Therefore, despite the lack of a declaration of independence, the KRI leadership still had constantly to legitimize and justify its existence. As the entity was not recognized, Kurdish political leaders and parties became the main actors in the realm of foreign relations. One of the first aims of the KRI focused on the foreign policies of self-justification. By transforming their discourses and rhetoric, and portraying the KRI as a democratic experiment, Kurdish political leaders embraced a strategy which at its heart sought to prove that the KRI has earned its sovereignty.

While the strategy of portraying the KRI was mostly aimed at Western audiences, the KRI still had to exist in a tough geopolitical environment. Unsure of the extent of Western commitment to the survival of the KRI, Kurdish political leaders cooperated with the governments of Iran and Turkey. Given the role Turkey played in ensuring the military, political and economic survival of the KRI, Kurdish political parties strived very hard to ease Turkish fears and cooperate with its government. The power of pan-Kurdism represented a complicating factor on Kurdish foreign relations. Fighting, or containing the threat of the PKK insurgency, has been one of the tools to ensure Turkish cooperation. Indeed, early on in its existence, the KRI rather unsuccessfully sought to depict the KRI as a factor of stability in the region.

The involvement of Iraqi Kurdish leaders in the framework of the Iraqi opposition was also crucial to the survival prospects of the KRI. It ensured a degree of interaction with regional and international powers, and a means to reassure the

international community that the KRI intended to remain a part of a democratic and federal Iraq. Indeed, the geopolitical importance of the KRI in the foreign policy strategies of Western powers ensured the continued protection accorded to the KRI.

The civil war in the KRI, however, practically divided it into two statelets run by two different parties. To ensure party survival and their territorial control, each party allied with a different grouping of state and non-state actors. Moreover, the civil war shattered the hard-won limited international legitimacy it had managed to acquire through its own actions. While not overtly criticized for the civil war, as that would have implied a certain degree of international recognition, Kurdish friends in the West, and observers following the developments in the KRI, heavily criticized the Kurdish political parties and leaders. Still, by 1997, a range of new factors enabled further consolidation of KRI issues that will be covered in the next chapter.

5 The First Decade of De Facto Existence: Foreign Relations of Consolidation

This chapter essentially continues the examination of the first decade of the existence of the Kurdish de facto state between 1997 and 2003. It focuses on the dynamics of the OFFP, the dynamics of the intra-Kurdish peace process culminating eventually to the U.S.-brokered Washington Agreement of September 1998 and the Kurdish participation and role in the U.S.-sponsored Iraqi opposition activities, particularly after initiation of the Iraq Liberation Act. The chapter argues that these factors enabled the economic, military and political survival as well the further consolidation of the Kurdish de facto state.

5.1 Introduction

In early 1997, the situation in Iraqi Kurdistan looked bleak and bitter. The Kurdish de facto state was a weakened and divided entity. The double economic embargo had taken its toll on all sectors in the KRI. Perhaps the most serious consequence of the civil war was on the Kurdish nationalist cause with the division of the Kurdish de facto state. The KRI was geographically, politically and administratively divided into two distinct regions. The PUK secured its stronghold of the Sulaimani governorate and the remains of the Kirkuk governorate and established its own new cabinet of the KRG. The KDP consolidated its hold on Erbil and all the Dohuk governorate and established a new cabinet for the KRG. The safe

haven was endangered when the United States evacuated all Americans operating in the KRI for the U.S. government or the variety of U.S.-based relief organizations, as well as CIA-funded Arab opposition groupings operating in Iraqi Kurdistan. The neighbouring states had significantly increased their influence in the KRI by aligning with one or other of the Kurdish parties. Many Kurdish nationalist intellectuals, journalist and politicians tolled the death bell for the democratic experiment in the KRI. Burhan Jaf, a Kurdish intellectual (later to become KRG's representative in the EU after 2003), argued that "the Kurdish democratic experiment has failed,"[597] while Fawzi al-Atroushi, a Kurdish nationalist politician and intellectual, sadly noted "the outcome of what gathered today has tainted all the songs of praise which we composed for the right of this experiment, referred to as democracy, in Iraqi Kurdistan."[598]

Yet, the Kurdish de facto state remained geographically intact. Neither the GOI nor any other regional state moved to wipe out the KRI, and the U.S. and its allies continued to provide air cover. Indeed, after 1997, the two Kurdish political parties were further empowered to consolidate the existence of the KRI, hence the title of this chapter. This consolidation assisted the Iraqi Kurdish leaders to increase and enlarge their foreign relations with state and non-state actors as well a variety of international organizations.

[597] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 168.
[598] Ibid.

Nevertheless, this chapter argues that, as in the previous period, the KRI was not a unitary actor pursuing specific foreign policies. Rather, the Kurdish political leaders and parties enjoyed and widened their foreign relations with the outside world. Principally, the KDP and the PUK increased their diplomatic missions abroad and allowed their officials to articulate Kurdistan's interests, which although reflected Kurdistan's interests, still tilted toward the interests of one party and its administration. Yet despite the geographical division of the KRI into two de facto states, several opportunities presented themselves which eventually allowed both leading parties to consolidate the existence of the KRI, cooperate in the realm of foreign relations and present a somewhat united diplomatic front in their interactions with the outside world.

5.2 Consolidation of the Kurdistan Region of Iraq: International Aid and OFFP

After the Gulf War and establishment of the KRI, the Kurdish region faced a daunting economic situation. The agricultural basis of the Kurdish economy was destroyed. During the 1970s and 1980s, in order to cut the livelihood of Kurdish guerilla forces, the GOI evacuated and destroyed villages located between 5-30 kilometers along the border with Turkey and Iran and declared the area a forbidden zone. The displaced population was relocated to the infamous collective towns and was forced to rely on government subsidies. The predominance of the oil sector in Iraq, as a whole, during the 1980s impacted upon the economic production and

socio-economic structure of Kurdish society. For instance, the abundant revenues from the oil sector enabled the GOI to become the largest employee in the state, hiring an unlimited number of people to serve in both the armed and civilian public services. This meant that contrary to the previous period, when people engaged in extensive agricultural production, the state replaced cultivated land as the sole guarantor of economic goods. In short, by the early 1990s, the Iraqi Kurdish economy had been devastated. Coupled with that, the two sanctions imposed on Iraqi Kurdistan, first by the UN and then by the GOI, had a profound impact on the economic and socio-economic status of the region.[599] The most significant effect of the international sanctions on Iraq was the near-complete blockade of Iraqi oil sales. As Dreze and Gazdar noted, with proceeds from oil generating over 90% of Iraqi revenues, "The termination of oil revenues…undermined the extensive involvement of the government in the economy through public employment, public subsidies, public infrastructure and public services."[600] The double embargo inhibited the ability of the KRG to reconstruct destroyed villages, obtain much-needed international financial loans or import the machinery and spare parts necessary for economic regeneration in the region.

The socio-economic situation in the Kurdish region after the creation of the KRI was as worse than the Kurdish flight towards international borders in early 1992. As the result of the sanctions food prices increased, salaries stagnated, and the Iraqi

[599] For more detailed info on the economic consequences of the warfare between the Kurdish national liberation movement and the GOI, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., pp. 40-50.
[600] Jean Dreze and Haris Gazdar, "Hunger and Poverty in Iraq, 1991," *World Development*, Vol. 20, No. 1 (1992), p. 937

dinar lost its value. For instance, prior to the Second Gulf War, the sum of 100 ID (Iraqi Dinar) per month could cover the expenses of an average family; the same family after 1992 needed almost ID 2,000 to 3,000 per month to cover the cost of food items. While the Kurdish administration had an annual budget of 1.37 billion-dinar, mostly generated from the Ibrahim Khalil border crossing, one third of the budget was allocated to government employees, averaging nearly one million people who each received roughly 250 dinars per month.[601] Moreover, the Iraqi dinar lost its value; it plunged from 50 per $1 in 1993 to about 550 to 700 dinars per $1 in late 1994; and monthly food rations supplied by the GOI were cut by an average of 40 percent, significantly reducing the already under-provided food.[602] This situation prompted an observer to conclude that "the humanitarian crisis in northern Iraq in April and May 1991 had drama, pathos and media appeal. Its messy and protracted aftermath attracted less public attention and sympathy,"[603] and a report published by the FAO in 1994, described the humanitarian situation in the country (Iraq) as "suffering from the pre-famine conditions."[604]

With the establishment of the KRG in 1992, the regional administration tried several methods to ease the economic hardships. For example, in order to ensure its partial monetary independence and to prevent hyperinflation, the KRG decided to

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[601] Ofteringer and Backer, Op. Cit., pp. 40-45.
[602] Sarah Graham-Brown, "Intervention, Sovereignty and Responsibility," *Middle East Report*, No. 193 (1995), pp. 2-12+32.
[603] Sarah Graham-Brown, *Sanctioning Saddam: The Politics of Intervention in Iraq* (London: IB Taurus, 1999), p. 261.
[604] Graham-Brown, "Intervention, Sovereignty and Responsibility," Op. Cit., p. 3.

rely on the old 'swiss print' Iraqi dinar in the Kurdish region.[605] Furthermore, the KRG demanded access to frozen Iraqi assets, exemption from the terms of the international sanctions regime, and demanded the exercise of pressure against Iraq to lift the internal embargo against the KRI.[606] Moreover, in 1992, *Jordan Times* reported that the KRG had set up a national oil company named, KurdOil. The company never became operative, and the UN, ever-mindful of Iraq's sovereignty, only agreed to set up an escrow account with the frozen Iraqi assets to cover the external costs of humanitarian assistance in the whole of Iraq. Thus, the KRG did not have any control over the escrow account.[607] However, the fact that the KRG tried to set up an oil company early on in establishment indicated the KRG's desire to show its economic viability, but only if given the chance to administer its affairs freely.

In May 1996, the GOI and the UN signed a Memorandum of Understanding (MOU) specifying the details of the OFFP. The introduction of the OFFP under UNSC Resolution 986 served as a mechanism to reduce the hardships of the Iraqi population while maintaining pressure on the regime of Saddam Hussein. Resolution 986 allowed Iraq initially to sell up to two billion dollars worth of oil every 180 days, which were increased gradually to an estimated US$10 billion by 2000.[608] The proceeds from the sale were then used to buy foodstuffs and other humanitarian

[605] Michiel Leezenberg, "Economy and Society in Iraqi Kurdistan: Fragile Institutions and Enduring Trends," *The Adelphi Papers*, Vol. 43, Issue, 354 (2003), p. 154.
[606] Ofteringer and Backer, Op. Cit., pp. 40-45.
[607] Ibid., pp. 40 -45.
[608] For further details, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., pp.54-55.

needs, except materials prohibited under UNSC resolutions, such as resources related to the production of conventional and unconventional weapons.

The OFFP programme, which was implemented in 13 six-month phases, allocated 13% of the oil proceeds to the KRI, divided proportionally to the three northern Kurdish governorates. It was probably the first time in the history of the Kurds that income from Iraq's oil money was allocated to the Kurdish region without too much control from Baghdad. The OFFP infused a copious amount of money into the Kurdish economy. The early international aid given to the KRI centered on providing immediate basic relief to ease the consequences of displacement. The OFFP, however, transformed the focus of international aid to rehabilitating the region's infrastructure. While during the early international relief period, from 1991 to 1996, the Kurdish north received over US$1 billion in foreign aid, by the early 2000s, the OFFP was allocating about $520 million to the KRI every six months.[609]

Indeed, introduction of the OFFP had a paradoxical consequence on the domestic sovereignty of the now two, divided, Kurdish administrations. Not recognizing the legitimacy of the KRI's offices, the GOI transferred administration of the programme to the UNOCHI for procuring, transporting and distributing humanitarian aid to the Kurdistan region.[610] On the one hand, despite shortcomings, the UN administration of the OFFP in the KRI was much more efficient than in the

[609] Denise Natali, "The Spoils of Peace in Iraqi Kurdistan," *Third World Quarterly*, Vol. 28, no. 6 (2007), p. 1116.
[610] Ibid., p. 1117.

regime-controlled territories, which eventually ushered in a period of relative economic and political stability. On the other hand, despite the fact that the UN agencies running the OFFP cooperated with regional and governorate-level authorities, the reality was that the UN agencies had the final decision-making power over allocation of money, which somewhat weakened the authority and sovereignty of the Kurdish administrations.[611] In essence, the UN acted as the government of the KRI with its agencies effectively operating as KRG ministries: "UNOCHI as a council of ministers, HABITAT as a ministry of housing and reconstruction, and UNICEF as a ministry of water and sanitation."[612] Indeed, the OFFP programme was required to limit the KRG from developing independent governance policies. It focused primarily on relief and rehabilitation; not capacity-building or altering the economic and political structure of the KRI. As Natali documents, "Aid allocations increased over time; however, the KRG still could not purchase the necessary equipment to make investments, build technology, stir local production, engage in legal import-export activities, or develop taxation programs."[613]

However, the OFFP ushered a new era of economic activity into the region. The large infusion of cash created a new private sector engaged in small-scale food processing projects, industrial projects and construction contracting. While overtly bureaucratic, the new private sector learned the UN contracting and bidding

[611] The same idea is relayed by Yaniv Voller, see: Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 171
[612] Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq, Op. Cit., 70-71.
[613] Ibid., pp. 58-59.

procedures which encouraged the development of a liberal economy based on the principles of a free and competitive market. In short, as Natali states, the OFFP unintentionally created a class of nouveau riche which included local entrepreneurs, tribal leaders, and political officials. [614]

While there are disagreements over the extent to which the people in the rest of Iraq benefited from the OFFP, its implementation was a success in the KRI. Improvements were evident in literally every socio-economic denominator. Reviewing the situation in Iraq in 2003, Kenneth Katzman noted that food in the three Kurdish provinces has become "relatively abundant," and child mortality rates had dropped in the Kurdish north.[615] David Hirst, an acknowledged British journalist on the affairs of Iraq and the Middle East, noted:

> "It can't be said that prosperity has come to Iraqi Kurdistan-it would take three months of a teacher's salary to buy the pair of Italian women's shoes on display-but it's obvious that these northern provinces, which until 1990 were the most backward, deprived and oppressed of President Saddam Hussein's domains, are now much better off than those where his writ still runs. There are Mercedes, even an occasional BMW, on newly paved highways. Hotels are opening, and open-air restaurants flourish beside mountain streams. There's a tourist industry too, mainly summer visitors

[614] Natali, "The Spoils of Peace," Op. Cit., pp. 1117-1118.
[615] Kenneth Katzman, "Iraq: Oil-For-Food Program, International Sanctions, and Illicit Trade," *Congressional Research Service,* Report RL30472, 16 April 2003, accessed: 7 July 2015, http://fpc.state.gov/documents/organization/19851.pdf.

from the Kurdish diaspora, or Iranians who cross the border for a weekend's dancing, drinking and veil-free relaxation."[616]

Hirst's views were echoed by prominent academics with a research focus on Iraqi Kurdistan, and indeed by KRG officials themselves. Michiel Leezenberg, a scholar and a long-time activist in the reconstruction of the Kurdistan Region, for instance, held that "At first blush, Iraqi Kurdistan seems the neoliberal success story of post-Saddam Iraq. For decades a poor, underdeveloped and conflict-ridden part of the country, it has emerged as by far the most stable, secure and prosperous region… especially since the start of the UN oil-for-food programme in 1997."[617]

KRI officials also realized the vitality of the OFFP in relieving Kurdish double hardships. In one instance, Shafiq Qazzaz, then the Minister of Humanitarian Affairs in the KDP-KRG, stated that "it was 986 that saved us."[618] Sami abdul-Rahman, the Deputy Prime Minister of the KDP-KRG, recognized that, "For all its shortcomings, oil-for-food rescued our people. Everyone now gets a food basket for a whole month every month. It's often worth more than the income of a family… With that oil income, we've built schools and clinics, developed agriculture, paved roads and planted some 3 million trees. Kurds now have a sense of security,"[619] while Barham Salih, the Prime Minister of the PUK-KRG, similarly called the OFFP a 'fantastic concept,'

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[616] See: Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 172.
[617] Michiel Leezenberg, "Iraqi Kurdistan: Contours of a Post-Civil War Society," *Third World Quarterly,* 26, 4 (2005), p. 631.
[618] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 172.
[619] Robin Wright, "Kurdish Enclave Shows How Iraq Could Prosper*," Los Angeles Time*, 1 December 2002, accessed: November 8, 2015, http://articles.latimes.com/2002/dec/01/world/fg-kurds1.

stating further that "for the first time in our history, Iraqi citizens—all citizens—are insured a portion of the country's oil wealth. The north is a testament to the success of the program. Oil is sold and food is bought."[620]

The OFFP enabled the two KRGs to further consolidate the existence of the KRI. While the OFFP did not directly fund the two KRGs, theoretically to prevent the self-governance capacity of the KRI, the OFFP indirectly assisted the KRI. The infusion of OFFP funds to cover the relief and rehabilitation necessities of the KRIO meant that revenues generated independently could increasingly be used by the two KRGs for strengthening the governance of the KRI. Both ruling parties generated significant revenue by the imposition of customs tax and other revenues on the lucrative trade from and into Iran and Turkey, which included trade in oil and other luxury goods.[621] The increasing revenues accrued to both parties strengthened the operation, institutionalization and consolidation of the two KRGs. It allowed them to more positively assert their authority and enhance their domestic sovereignty. In addition to that, the division of the KRG into two distinct administrations, each controlled by a different party, eased or relieved the sociopolitical tensions generated by having both parties simultaneously ruling the KRI. As Gareth Stansfield has noted, ironically the divided government improved the effectiveness of both parties; "they focused on being governments rather than parties."[622] In the realm of security,

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[620] Jeffrey Goldberg, "The Great Terror," *The New Yorker*, 25 March 2002, accessed: 4 July 2016, http://www.newyorker.com/magazine/2002/03/25/the-great-terror.
[621] For more details info, see: Stansfield, *Iraqi Kurdistan*, Op. Cit.
[622] Stansfield, "Governing Kurdistan: The Strengths of Division," Op. Cit., pp. 202-203.

for instance, Fazel Merani, who after 1996 served as the Minister of the Interior in the KDP-led KRG, declared in an interview with Stansfield that:

> "After the separation of 1996, security was much improved, even in Sulaimania [the stronghold and the seat of PUK's KRG], because of the recognition of one executive power in both places. Each party and administration had less need to worry about the internal party situation within their respective areas; each was also trying to show that they were legal, powerful, and had an operating security and justice system."[623]

The OFFP and the new rehabilitation phase also ushered in a new era of political engagement between foreign governments, and international organizations, both governmental and non-governmental, with the two KRGs. From the outset, being insistent on paying lip-service to the sovereignty of Iraq, the UN avoided formal interaction with the two KRGs, and instead preferred to work through the local governorates. This arrangement, while short of Kurdish aspirations, was still accepted by the two KRGs. In a paper essentially predicting the end of Abkhazia and South Ossetia as two de facto states, Nicu Popescu writes that Abkhazia and South Ossetia are contributing "to their own self-isolation by refusing many international contacts for symbolic reasons (such as refusing to let the EU Monitoring Mission on their territories, or refusing to meet EU ambassadors to Georgia because

[623] Ibid., p. 203.

they are ambassadors "to Georgia")."[624] It was in effect this realization that prompted the two KRGs to adopt a wise and realistic policy and to avoid self-isolation by accepting realities, cooperating with the UN agencies and attempting to benefit from the UN and its related agencies as much as possible. One outcome was that the two KRGs became increasing institutionalized, with stronger relations with a variety of stakeholders in the OFFP. This point is succinctly articulated by Stansfield when he writes:

> "The oil-for-food programme has acted as a catalyst in the institutionalization of the Kurdish Regional Government (KRGs) in Arbil and Sulimaniyah. The Kurdish authorities collaborate closely with the UN agencies administrating the programme and have a significant responsibility in constructing the distribution plans for each phase. Kurdish civil servants have also been consistently exposed to UN operating procedures and benefited from a range of training programmes designed by UN agencies and NGOs."[625]

Moreover, the OFFP further contributed to the political stabilization of the two KRGs as important elements in any possible anti-Saddam venture. Noting the importance of the political dimensions of the OFFP, Natali noted "after 1996 external actors became increasingly involved in stabilizing the Kurdish north as a means of

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[624] Nicu Popescu, "The End of "De Facto States"," *EU Observer Blog*, 13 July 2009, accessed: 15 October 2014, http://ecfr.eu/content/entry/commentary_the_end_of_de_facto_states/.
[625] Gareth Stansfield, "The Kurdish Dilemma: The Golden Era Threatened," *The Adelphi Papers*, Vol. 43, No. 354 (2003), pp. 131-148.

checking the influence of Saddam Hussein… even after the civil war ended, UN officials negotiated ongoing disputes between the parties and quelled potential conflicts. They taught principles of good governance, negotiation, and administration by conducting regular meetings with KRG representatives and incorporating local personnel into legitimate bodies. KRG representatives and local populations that liaised with the UN gained professional experience and language skills, while learning about the policies and protocols of international organizations."[626]

However, relations between the UN and the two KRGs was not always without constraints and hostilities. The UN firmly observed its framework of understanding with Saddam's regime, presumably to deny the KRI any form of legitimacy and preserve the unity and territorial integrity of Iraq. Thus, on many occasions, whilst the Kurdish leaders applauded the OFFP, they also voiced their frustration with UN mechanisms and the UN's refusal to implement projects in the KRI without explicit authorization from Baghdad. In one instance, Nechirvan Barzani the Prime Minister of the KDP-KRG in Erbil, stated: "We've been asking for a four-hundred-bed hospital for Sulaimaniya for three years… It's our money, but we need the approval of the Iraqis. They get to decide. The World Health Organization is taking its orders from the Iraqis. It's crazy."[627] One more source of frustration for the KRI was that it was barred from being heard at the UN level. Unlike the Palestinians, who were granted official observer status due to PLO's higher degree of international legitimacy

[626] Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq, Op. Cit., p. 53
[627] see: Goldberg, Op. Cit.

conferred by the Oslo Accord – however with less territorial control and contiguity compared with the KRI – the KRI did not have observer status at the UN and thus it was institutionally disadvantaged. The UN, as Matan Chorev observes, would not "transition from an emergency humanitarian mission to a more sustainable, long-term development program, principally because it did not want to grant Iraqi Kurdistan [any] degree of acceptance."[628] This frustration was emphatically expressed by Barham Salih when he stated:

> "Compare us to other liberation movements around the world. We are very mature. We don't engage in terror. We don't condone extremist nationalist notions that can only burden our people. Please compare what we have achieved in the Kurdistan national-authority areas to the Palestinian national authority of Mr. Arafat. We have spent the last ten years building a secular, democratic society, a civil society. What has he built?"[629]

The OFFP, with all its limitations and institutional bias toward the KRI, was essential for the economic survival of the KRI. It increasing improved the living conditions as well infrastructural renovation in the KRI. This economic improvement was matched by normalization of political relations between the parties following the U.S.-brokered Washington Agreement which marked the first decisive U.S. intervention in the KRI in preparation for a post-Saddam political order in Iraq.

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[628] Matan Chorev, "Complex terrains: unrecognized states and globalization," in Caspersen and Stansfield (eds.), Op. Cit., p. 33.
[629] Goldberg, Op. Cit.

5.3 The Road to Washington Agreement

One of the consequences of the OFFP, as stated, was the expansion of political engagements and relations between foreign governments and the two KRGs. One result of the Iraqi Kurdish engagement with foreign actors was the signing of the Washington Agreement in September 1998. Indeed, since the start of the civil war between the KDP and the PUK in 1994, several attempts at mediation were made both inside and outside the KRI.[630] Quite ironically, the civil war served as a prelude for the improvement of foreign relations between Kurdish political parties and outside actors. Bengio, in this regard, notes that "[it] was… only through intracommunal fighting, so detrimental to their national cause, could the KDP and PUK maintain a measure of international interest in the Kurdish cause."[631] With each flare-up of hostilities, the mediators, whether, Turkey, the United States, Iran, or even Baghdad, would rush to the Kurdish region, sending representatives and inviting both parties to attend negotiations in their respective capitals. In general, the mediators had several common goals, while they differed on the specifics: "all sought to use the Kurdish card for political gains; contain the situation in Kurdistan; strengthening their influence over the Kurdish parties, check the influence of rival

[630] Throughout the period between 1994 and September 1998, several states and non-state actors intervened to mediate between the warring Kurdish parties: Turkey, France, INC, Iran, the U.S., the UK, and even ironically Baghdad just to name a few, had all tried their hand at mediation between the parties. For further details on these mediation efforts, see: Gunter, *The Kurdish Predicament in Iraq*, Op. Cit., pp. 76-109,

[631] Bengio, *The Kurds of Iraq*, Op. Cit., p. 247.

states in the region; and finally, to prevent the establishment of an independent Iraqi Kurdistan."[632]

In time, 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. One manifestation of this was that secret talks were held between the Kurds and Saddam's regime for a possible reconciliation between them. The U.S. had already left the Kurds to their own devices on two occasions, in 1975 and 1991, and moreover the Kurdish leader, Barzani, believed that the U.S. did not have any concrete policies toward the KRI apart from weak gestures of humanitarian concerns. Hence rapprochement with Baghdad was necessary, from Barzani's point of view, to at least maintain a channel of communication with Baghdad in the hope of achieving a level of autonomy for the Kurds of Iraq.[633]

Moreover, an indigenous peace process had been started between the warring Kurdish parties without so much as any input from the U.S. government. The Kurdish meetings mostly dealt with technical outstanding issues between the parties related to the implementation of the OFFP programme, and aimed at confidence-building measures between the parties. Much to the Kurds' credit, the Shaqlawa-Koysanjaq meetings between the KDP and the PUK, in time, set the foundation upon

[632] Ibid., p. 262.
[633] Ibid.

which the U.S. sought to build, to bring about reconciliation between the Kurdish parties.[634]

The U.S. political initiative, as a preliminary move, was initiated on 18 July 1998 with the visit of David Welch, the U.S. Deputy Assistant Secretary of State for Near Eastern Affairs, along with a Turkish observer for separate talks with Kurdish leaders. After four days of negotiations, the U.S. representative invited both leaders to Washington to continue discussions.[635]

The Washington summit opened on 14 September 1998 with the direct involvement of the U.S. Secretary of State, Madeleine Albright, and her team. The venue and the details were signs of changing times. The meetings involved personal diplomacy from Madeleine Albright at the State Department to bridge the differences between the two leaders. Eventually, on 17 September 1998, the tripartite meetings concluded with the signing of what became known as the 'Washington Agreement'.[636], in the Ornate Treaty Room of the State Department. In the brief press conference afterwards, Albright declared that they [Barzani and Talabani] had "opened a new and hopeful chapter in their efforts to work together on behalf of their people,"[637] adding that "the renewed spirit of reconciliation between Mr. Barzani and

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[634] For more details on the indigenous Kurdish peace process, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., pp. 100-103.
[635] Bengio, *The Kurds of Iraq*, Op. Cit.
[636] For a full text of the Washington Agreement, see: Gunter, *The Kurdish Predicament in Iraq*, Op. Cit., pp. 101-107.
[637] Philip Shenon, "Two Kurd Groups Unite Against Baghdad in Pact Brokered by U.S.," *The New York Times*, 18 September 1998, accessed: 29 December 2012, http://www.nytimes.com/1998/09/18/world/two-kurd-groups-unite-against-baghdad-in-pact-brokered-by-us.html.

Mr. Talabani exemplified by their joint meeting and join statement today will make it easier for the United States and others to help their people."[638] The Washington Agreement contained important clauses relating to the continuous survival of the KRI. While the Washington Agreement reaffirmed U.S. respect for the territorial integrity and unity of Iraq, it also included a clause that demonstrated U.S. respect for the inspiration of the Kurdish people, declaring that "Iraq be reformed on a federative basis."[639]

Indeed, regardless of the formalities citied in the text of the Agreement, the Washington Agreement represented a major diplomatic victory for the KRI and its political leaders. Apart from formally ending the military conflict between the warring Kurdish parties, the Washington Agreement marked the first decisive U.S. involvement in Iraqi Kurdish affairs. Up until 1998, the U.S. had always striven to deal with the Iraqi Kurdish parties and its leaders within the framework of Iraq's opposition, such as INC. Therefore, the direct U.S. diplomacy in the Washington Agreement was a major shift in U.S foreign policy towards the Kurds, at least within the framework of the U.S.'s Iraq policy. Remembering those days when an IKF delegation was ushered out of the State Department building to meet with a few junior officials in a coffee shop,[640] the personal reception accorded to both Barzani and Talabani by the U.S. Secretary of State, Madeleine Albright, and other high-raking US officials, was evidence of the increasing importance of the KRI for U.S.

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[638] Gil Butler, "Kurds Agree," *Global Security*, No. 2-238848, 17 September 1998, accessed: 13 April 2015, http://www.globalsecurity.org/military/library/news/1998/09/980917-kurd.htm.
[639] Bengio, *The Kurds of Iraq*, Op. Cit., p. 264.
[640] See: Bulloch and Morris, Op. Cit., p. 13.

geopolitical and geostrategic interests in Iraq and the Middle East region. Kurdish political leaders had control over a specific territory and population, representing a distinct, although not perfect, political system which was a source of irritation to the regime of Saddam Hussein. The Washington Agreement, in short, as Marianna Charountaki states, indicated a major transformation in the U.S. relationship with the Iraqi Kurds. During the late 1960s and early 1970s, the Kurds only possessed direct, official but covert, relations with the United States which was transformed into a relationship based on humanitarian concerns following the Cold War. The Washington Agreement, however, indicated the initiation of a direct, official and overt relationship between the United States and political parties of the KRI.[641] One major manifestation of the U.S. commitment came in the form of it renewing its security commitment to the KRI when both Talabani and Barzani asserted that "the United States promised to deter Iraqi intervention, should it take place, and to remain committed to the Kurdish people's security."[642] In private though, Kurdish officials observed that Albright's words were stronger, noting that the U.S. would "protect you [the Kurds] as we protect Kuwait," provided that the two parties upheld the agreement, kept Saddam out of the Kurdish areas and did not provoke Saddam to attack the Kurdish north just to drag the U.S. into the battlefield.[643]

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[641] Charountaki, Op. Cit., pp. 167-168.
[642] Bengio, *The Kurds of Iraq*, Op. Cit., p. 264.
[643] See: Alan Makovsky, "Kurdish Agreement Signals New U.S. Commitment," *Washington Institute for Near East Policy*, Policy Watch 341, 29 September 1998, accessed: 12 July 2016, http://www.washingtoninstitute.org/policy-analysis/view/kurdish-agreement-signals-new-u.s.-commitment.

However, the importance of the direct relations between the United States and the political leaders of the KRI, and the possibility of further consolidation of the KRI, rang alarm bells in regional capitals. The direct diplomacy from the U.S. administration towards the KRI was perceived as a dangerous precedent that could afford more international legitimacy to Iraqi Kurdish aspirations and further consolidate the KRI in Iraq. Nevertheless, Kurdish leaders had reaffirmed their commitment to a unified Iraq and described their actions as serving the interests of Iraq and the region.[644] Masoud Barzani had committed the KDP to fight the PKK, regardless of the Washington Agreement[645] and he paid a three-day visit to Turkey en route to the Washington summit where he announced that the he would fight the PKK even without help from Turkey.[646] Notwithstanding, Ankara was still fearful and outraged by the US mediation and of its significant political consequences. A Turkish foreign ministry spokesperson, in addition to reaffirming Turkey's support for the territorial integrity of Iraq, stated that Turkey opposes "a permanent Kurdish administration in Northern Iraq."[647] Likewise, Mesut Yilmaz, the then Prime Minister of Turkey, referred to the Washington Agreement as a 'diplomatic blunder', and expressed Turkey's sensitivities towards terms such as 'Kurdistan', 'Iraqi Kurdistan',

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[644] Butler, Op. Cit.
[645] Harun Kazaz, "Next meeting between KDP and PUK set for November in Ankara," *Hurriyet Daily News*, 24 September 1998, accessed: 12 July 2016, http://www.hurriyetdailynews.com/next-meeting-between-kdp-and-puk-set-for-november-in-ankara.aspx?pageID=438&n=next-meeting-between-kdp-and-puk-set-for-november-in-ankara-1998-09-24.
[646] Bengio, *The Kurds of Iraq*, Op. Cit.
[647] Amberin Zaman, "Turkey/Kurds," *Voice of America*, 16 September 1998, accessed: 13 April 2015, http://www.globalsecurity.org/military/library/news/1998/09/980916-kurd.htm.

‘autonomy’, or ‘federalism,’[648] all referring to the degree of acceptance of territorial dimensions for Kurdish self-rule. This Turkish protest led the U.S. bluntly to remind them that federalism and democracy are the twin foundations of the U.S. political system, and it was unfair to deny them to Iraqi Kurdistan.[649]

The Washington Agreement formalized the end of warfare and normalized political relations between the warring Kurdish parties. Joint committees of both their parties began to engage in high-level meetings over several issues, both political and technical, with the aim of holding multi-party elections to unify the two administrations.

In time, the achievements of the Kurds in pacifying their relations was enhanced by their formal inclusion in the U.S.-sponsored umbrella designed to unseat the regime of Saddam Hussein.

5.4 Iraq Liberation Act

The Operation Desert Storm had not settled the storm between the United States and Saddam in Iraq. Although the U.S.-led coalition did score a major and quick victory for its short-term aim to evict the Iraqi forces from Kuwait and restore its sovereignty, the longer-term objective of removing the regime of Saddam proved more problematic. Gradually, during the late 1990s, international support for the continued maintenance of international sanctions on Saddam’s Iraq lessoned. Iraq’s

[648] “Peace Agreement Between the KDP and the PUK,” *The Kurdish Institute of Paris*, No. 162&163, September 1998, accessed: 19 January 2013, http://www.institutkurde.org/en/publications/bulletins/162.html#bul0.
[649] Ibid.

regional neighbours, such as Jordan, Syria, Iran and Turkey began to ignore the terms of the sanctions by engaging in oil trade with Iraq. The international community, particularly the three permanent members of the UNSC – Russia, China and France – seemed more eager to advance their economic self-interest by defying the international sanctions regime. In 2001, Russian companies negotiated contracts with Iraq worth $2.3 billion dollars; China by 2001 had already completed construction of a fibre-optic communications system for Iraq that could have endangered the safety of American and British pilots monitoring the no-fly zone, while France had negotiated supply contracts estimated to be worth billions of dollars. For the United States and Britain, however, the maintenance of the sanctions regime was the primary strategy to prevent Iraq's rearmament and to bring about Iraq's complete disarmament from its unconventional weapons. As Kenneth Pollack, a member of President Clinton's National Security Council staff, noted, "the sanctions were always the greatest impediment to Iraqi military reconstitution, particularly to rapid progress on Iraq's nuclear weapons program," and as such for the United States and Britain "were always more important than the inspections."[650] Moreover, Saddam Hussein skillfully manipulated the issue of sanctions and the sufferings of the Iraqi people, for which he himself was totally responsible by diverting resources from the OFFP to enrich his or his followers' coffers, to exercise pressure on the United States and Britain. Despite the visible and clear diversion of the OFFP resources and other revenues by Saddam and his inner circle, the

[650] Allison Ehlert, "Iraq: At the Apex of Evil," *Berkeley Journal of International Law*, Vol. 21, Issue 3 (2003), p. 735.

international community continued to demand the lifting of sanctions based on the sufferings of the people of Iraq.[651]

After the end of the Second Gulf War, there was a prevalent assumption in Washington that, given the huge military defeat in the Second Gulf War and the delegitimatisation of Saddam's regime internationally and internally, Saddam could not survive in power much longer.[652] However, that did not materialize on the ground, as not only did Saddam's regime remain intact in Baghdad, but it also regained some of its lost international legitimacy. Overall, during this period, the United States had four foreign policy objectives in Iraq: "preventing any Iraqi regional aggression, stopping Iraq's nuclear, biological, chemical and missile programs, removing Saddam from power and preventing the spread of regional instability."[653] To meet its objectives, Daniel Byman maintains that successive U.S. administrations had employed five instruments with varying degrees of emphasis: "economic sanctions; weapons inspections; a strong regional military presence; limited military strikes and support for the Iraqi opposition."[654] However, the implementation of these instruments faced significant challenges and hurdles, and even failures, due both to divisions within the U.S. bureaucracy and changing viewpoints in the larger

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[651] In an opinion piece by Samuel Burger, President Clinton's National Security advisor, notes that since the end of the Second Gulf War, Saddam has built 48 grand palaces by reselling the humanitarian goods purchased under the OFFP to cover the needs of the Iraqi people, see: Samuel, R. Burger, "The Iraqis Are Victims of Saddam, Not of the Outside World," *The New York Times*, 20 October 1999, accessed: 27 April 2017, http://www.nytimes.com/1999/10/20/opinion/the-iraqis-are-victims-of-saddam-not-of-the-outside-world.html.

[652] See: "Interview: Richard Haass," *Frontline*, accessed: 14 June 2016, http://www.pbs.org/wgbh/pages/frontline/shows/unscom/interviews/haass.html.

[653] Daniel Byman, "After the Storm: U.S. Policy toward Iraq since 1991," *Political Science Quarterly*, Vol. 115, No. 4 (2000-2001), p. 495.

[654] Ibid., p. 500.

international community, particularly within the permanent members of the UNSC: France, Russia, and China. In one instance, expressing Russia's disagreement with the continuation of the economic sanctions on Iraq, Yevgeny Primakov had told Madeleine Albright that "without sanctions, the Iraqis would sell oil and pay us; with sanctions, they sell oil and use the sanctions as an excuse not to pay us."[655]

Moreover, Kurdish leaders also had reservations about the Iraqi opposition. They had the responsibility to run a population of nearly 4 million people and administer a region with stumbling difficulties, never mind the ever-watchful eye of the surrounding states concerned about further consolidation of the KRI. Maintaining the hard-won de facto independence of the KRI and its survival – political, economic, and military – was the most important aim of the Kurdish political leaders in both their domestic policies and foreign relations. After 1991, several Kurdish parties, principally the KDP and PUK, engaged with several Iraqi oppositionist groupings, including the INC, INA and SCIRI.[656] However, the Kurdish leadership viewed the Iraqi opposition as a weak entity not capable of removing the regime of Saddam Hussein from power. The Kurds also looked suspiciously at the views and actions of the different groupings of the Iraqi opposition. By early 1998, the KDP and the PUK had reached the conclusion that the Arab opposition of Iraq was not sincere in its promises of granting the Kurds' political inspirations in any post-Saddam setting. Not only this, the multiple tensions within the Iraqi opposition, coupled with the perceived

[655] Madeleine Albright, *Madam Secretary* (New York: HarperCollins Publishers, 2013), p. 277.
[656] For a list of the different group of the Iraqi opposition, see: Kenneth Katzman, "Iraq: U.S. Efforts to change the regime," *Congressional Research Service,* Report RL31339, 3 October 2002, accessed: 18 June 2016, http://fpc.state.gov/documents/organization/14391.pdf.

indecisiveness of the U.S. administration to topple the regime of Saddam Hussein, convinced the Kurdish leadership of the unreliability and untrustworthiness of the efforts to oust Saddam Hussein and his regime. Therefore, by early 1998, both Kurdish parties maintained distance from the opposition of Iraq. It is interesting that in an interview with the London-based Arabic newspaper, *Al-Hayat*, Barzani cast doubt on the ability of the Iraqi opposition to guarantee the Kurds' political aspirations, as well as reiterating that the Kurdish parties had a secured territorial control with responsibility towards a population which they do not want to endanger by engaging in adventurous projects against Iraqi's regime, stating:

> "Our view is that any opposition abroad will not achieve anything. . . . Our situation differs from that of the opposition abroad. . . . If we are not sure the alternative will be democratic and achieves a peaceful solution for the Kurdish People on the bases of Federalism, then it will be very difficult for us to be part of any plan. . . . This project is not ripe. . . ."[657]

while Talabani in an interview with the London-based Arabic newspaper, *Al-Quds Al-Arabi* stated that:

> "We are not part of any foreign plan to topple the current regime in Baghdad. . . . Regrettably, the INC has been frozen and . . . only Dr. Jalabi [Chalabi] and his two deputies . . . remain. . . . We do not believe that the opposition abroad can carry out any serious actions"[658]

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[657] Gunter, "The Iraqi Opposition and the Failure of U.S. Intelligence, Op. Cit., p. 160.
[658] Ibid., p. 160.

However, one more factor, combined with the list of other threats emanating from Iraq, further worried the U.S. administration of Bill Clinton: the threat of WMD in the hands of terrorists and Saddam's link with terrorist groups. On 21 June1995, the Clinton Administration announced a Presidential Directive (PDD 39), which for the first time set "the domestic guidelines to address the threat of terrorist attacks within the United States utilizing use of chemical and biological weapons."[659] Moreover, Saddam's belligerent actions inside and outside Iraq further aggravated the relations. The FBI's revelations that Saddam's intelligence services were behind the assassination attempt against former President George Bush Sr is indicative in this regard.[660] From 1993 onwards, the U.S. administration, according to Charountaki, was influenced by CIA reports asserting that Saddam would not comply with the relevant UN resolutions requesting Iraq to destroy its unconventional weapons, and that Saddam would not alter its domestic aggressive policies and its foreign policy goals of "making Iraq a dominant regional power', and would attempt to "rebuild Iraq's military might and maintain his power."[661] Certain powerful think tanks, as well as influential non-state actors and individuals linked to various interest groups, also played a major role in altering the traditional process of U.S. foreign policy-making. Among such think tanks, the 'Project for New American Century',

[659] Charountaki, Op. Cit., p. 183.
[660] See: Albright, Op. Cit., p. 275.
[661] Charountaki, Op. Cit., pp. 183-184.

which is mainly composed of pro-Israeli and neoconservative individuals, was most vociferous with regard to Iraq and Saddam's danger to the Middle East Region.[662]

It was within this context, Madeleine Albright claims, that the Clinton Administration upgraded its policy towards Saddam's Iraq from containment with inspections to an approach called 'containment plus.'[663] The containment plus approach originated from Saddam's failure to grant full access to UNSCOM to verify Iraq's compliance with UNSC resolutions,[664] Iraq's continuing threatening rhetoric in regard of lifting of economic sanctions,[665] and the UN declaration (UNSC Resolution 1205, November 5, 1998) that Iraq was in violation of its earlier agreement (23 February 1998).[666] Indeed, Iraq's violation of its previous international agreements and its expulsion of UN inspectors prompted the United States and Britain to conduct a series of military air strikes against Iraqi military, code-named Operation Desert Fox, conducted between 16 and 19 December 1998.[667]

Part of the containment plus approach entailed increasing U.S. assistance to Iraqi opposition groups. The Clinton Administration had reservations in regard to the Iraqi opposition's unity and its inability to unseat the regime of Saddam, as indicated by Secretary Albright's testimony before a U.S. Congress committee to the effect that it would be "wrong to create false or unsustainable expectations" about the

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[662] See: Charountaki, Op. Cit., 80.
[663] Albright, Op. Cit., p. 288.
[664] Ibid.
[665] Charountaki, Op. Cit., p. 184.
[666] Albright, Op. Cit.
[667] Kenneth Katzman, "Iraq: U.S. Efforts to Change the Regime," *Congressional Research Service,* Report RL31339, 8 January 2003, accessed: 16 June 2016, http://fpc.state.gov/documents/organization/16801.pdf.

opposition's ability or what the U.S. support to the Iraqi opposition can accomplish.[668] However, several influential U.S. senators viewed assisting the opposition of Iraq as a viable means to oust Saddam Hussein from power, and began to exercise pressure on the U.S. administration to provide further financial, political and military assistance to the Iraqi opposition and, to manifest its commitment, on 1 May 1998, the U.S. Congress signed FY1998 supplemental appropriation (P.L. 105-174) which allocated $US 10 million to support and organize anti-Saddam opposition groups. Of this sum, $2 million was allocated to translate and publicize crimes of the Saddam Hussein regime, including those perpetuated against the Kurdish people in Iraq.[669]

These pressures by the U.S. Congress, and indeed by many other institutions and individuals with input into U.S. foreign policy, eventually resulted in a change in the official U.S. foreign policy toward Iraq. In 1998, regime change, at least theoretically, through the Iraqi opposition, became the official U.S. policy in Iraq,[670] despite skepticism from a large section of the U.S. political and military establishment.[671] From then on, Clinton's National Security Advisor, Samuel ("Sandy") Berger, claimed that the U.S. administration sought to "strengthen the Iraqi opposition because containment might not be sustainable and because

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[668] Ibid., p. 5.
[669] Ibid., p. 5.
[670] Michael Eisenstadt and Kenneth Pollack, "The Crisis with Iraq: Options for U.S. Policy," *The Washington Institute for Near East Policy*, Policy Watch 280, 18 November 1997, accessed: 25 June 2016, http://www.washingtoninstitute.org/policy-analysis/view/the-crisis-with-iraq-options-for-u.s.-policy.
[671] Paul Richter, "Military Questions Plan to Topple Hussein," *Los Angeles Times*, 22 October 1998, accessed: 21 July 2015, http://articles.latimes.com/1998/oct/22/news/mn-35115.

Saddam Hussein's continuation in power is detrimental to U.S. interests."[672] The change in policy was encapsulated in a congressional bill introduced as the 'Iraq Liberation Act' (H.R. 4655, P.L. 105-338), which was ratified into a law on 31 October 1998. Enlisting Iraq's atrocities against its neighbours (Iran and Kuwait), and Saddam's systematic process of annihilation against the Kurds during the 1980s, the Iraq Liberation Act stated:

> "It should be the policy of the United States to support efforts to remove the regime headed by Saddam from power in Iraq and to promote the emergence of a democratic government to replace that regime."[673]

As well as declaring the official U.S. policy of regime change in Iraq, the Iraq Liberation Act had other stipulations that brought the U.S. closer to the Kurdish political parties in Iraq. The Iraq Liberation Act authorized the U.S. president to provide up to $97 million in defense articles and services and another $2 million in broadcasting funds to the Iraqi opposition. In addition, in January 1999, the U.S. appointed a career diplomat, Francis J. Ricciardone, as the State Department "Coordinator for the Transition in Iraq," and the chief liaison with the opposition. But, more significantly, in regard to relations between the KRI and the U.S., was the designation of eligible parties and groups of the Iraqi opposition to receive U.S. military and financial assistance. The list of eligible parties was issued with the U.S.

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[672] Daniel Byman, "Proceed with caution: U.S. support for the Iraqi opposition," *The Washington Quarterly*, Vol. 22, No. 3 (1999), p. 23.
[673] See: Public Law 105–338, *Iraq Liberation Act of 1998*, HR 4655 (31 October 1998), accessed: 6 December 2012, http://thomas.loc.gov/cgi-bin/query/z?c105:H.R.4655.ENR.

Presidential Determination (P.D. 99-13). The Presidential Determination registered seven Iraqi groups eligible for the U.S. assistance. The list included four Arab Iraqi groupings: the INC, the INA, SCIRI, and MCM; and three Kurdish groupings: the KDP, PUK, and IMIK. However, after 2001, only the KDP and PUK remained the prime beneficiaries of the Iraq Liberation Act as the U.S. stopped financing the IMIK because of its suspicious links with Al-Qaeda related groups.[674]

5.5 Foreign Relations After the Civil War

If the OFFP assisted in ensuring the economic survival of the KRI, the U.S. involvement in the Iraqi Kurdish affair marked by the Washington Agreement and the inclusion of the KDP and PUK in the U.S.-sponsored efforts to oust the regime of Saddam Hussein, ensured political and military survival of the KRI. The thee aforementioned factors gave a new impetus and legitimacy to the Kurdish parties and an incentive to widen their foreign relations. The civil war had shattered the Kurds' international image and legitimacy. If, previously, the Kurds were viewed as victims of outside forces, the civil war affirmed the view that the Kurds were victims of their own limitations and betrayal. Separately, but in a more coordinated way, the two parties renewed their campaign of international legitimacy by attempting to repair the self-inflicted damage through reinvigorating and widening their informal

[674] Kenneth Katzman, "Iraq: U.S. Regime Change Efforts and Post-Saddam Governance," *Congressional Research Service,* Report RL31339, 23 February 2004, accessed: 20 June 2016, http://www.policyalmanac.org/world/archive/iraq_post_saddam.pdf.

diplomatic ties with other actors in the international system, and bringing about more understanding to their cause and aspirations in Iraq. Interestingly, the new foreign policy of self-justification started to be supplemented by other ingredients. During the previous period, the Kurdish leaders had emphasized that the KRI was an experiment in democracy and self-governance. However, reflecting on progression in the argument that they had earned their sovereignty, the Kurdish leadership started to embrace a strategy of emphasizing the KRI as a model for the rest of Iraq.

As in the preceding periods, the Kurdish leadership made a conscious decision to welcome all media outlets, particularly the most prestigious Western media, principally as a tool to convey their messages to the outside world and influence Western public opinion, which in turn, they hoped would influence foreign policy-making in states such as the U.S. and the UK. Indeed, the media still played an important role in the Kurds' public diplomacy efforts since, despite their increased international legitimacy and official meetings, both Kurdish parties were still largely seen as Iraqi opposition parties. Thus, it seems, the Kurdish leadership had mastered the use of international media as a means of diplomacy. Bengio, in this regard, notes "for all their disunity, they [the Kurds] did learn how to avail themselves of the international media and make their cause known to the outside world."[675] Thus, in an interview, Barham Salih, the Prime Minister of the PUK-held territory, commenting on Kurdish achievements in the realm of rehabilitation, reconstruction and delivery of public services to the inhabitants of the KRI after the initiation of

[675] Bengio, *The Kurds of Iraq*, Op. Cit., p. 246.

OFFP, stated: “Kurdistan has traditionally been the least developed part of Iraq, economically, politically and socially. If we could achieve this in Kurdistan, we could easily achieve it in the rest of Iraq.”[676]

Indeed, in a new move, the increasing consolidation and power of the two KRGs within the KRI, and the heightened tense relationship between the U.S., UK and Iraq, allowed Kurdish officials to publish their own views in opinion pieces. In these, the Kurdish officials aimed to highlight the entity’s earned sovereignty and its unique achievements in the realm of democratization and state-building. An article published by Barham Salih named ‘A Kurdish Model for Iraq,’ highlights the Kurdish experiment in democracy, stating: “Peace and stability in the strategically vital gulf area will come only from fundamental political change in Iraq and by building on the democratic experiment that has taken root in Iraqi Kurdistan.”[677]

Similar sentiments were echoed by leaders of the KDP reflecting both parties’ common stand and policies regarding the image of the KRI within the international system. Focusing on the same theme of democratic experiment, Masoud Barzani stated in an interview that “I cannot claim that the democratic experiment in Iraqi Kurdistan is ideal and without defects. However, when we compare it with what exists around us and in Iraq itself, I think that it was a unique experience and can be applied in all Iraq.”[678] Nechirvan Barzani on the other hand, justified the need for the

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[676] Wright, “Kurdish Enclave Shows How Iraq Could Prosper,” Op. Cit.,
[677] Barham Salih, “A Kurdish Model for Iraq,” *The Washington Post*, 9 December 2002, accessed: 25 June 2012, https://www.washingtonpost.com/archive/opinions/2002/12/09/a-kurdish-model-for-iraq/eead162a-3f56-45d6-9045-432046f2cb61/.
[678] Voller, “From Rebellion to De Facto Statehood,” Op. Cit., pp. 177-178.

continuation of the U.S. protection of the KRI in a similar theme, arguing, "as a result of the protection of the US and its allies, a fledgling democracy has taken root in Iraqi Kurdistan that has the potential to serve as a model for a future Iraq."[679] Meanwhile, Sami abdul-Rahman, the deputy PM in the KDP-controlled administration held "We are a picture of the future of Iraq. We're now a fledgling democracy by Mideast standards."[680]

Moreover, as a conscious decision to further disseminate their message and influence thinking within academia and think tanks – a tool continuously used by the Kurdish leadership to this day – the Kurdish leadership welcomed with open arms individual academics and observers covering issues related to Kurdistan and the wider Middle East hoping that they would publish favourable views on the KRI. One such observer was Carole O'Leary, a Professor at the American University in Washington. In an article she published in the *Washington Post* titled 'A No-Fly, Yes-Democracy Zone,'[681] she clearly makes the argument for the benefits of U.S. protection of the KRI. O' Leary argues that "this crucible of democracy is a welcome byproduct of the military arrangements that followed the Gulf War,"[682] and she further notes "Should the Iraqi army ever violate this safe haven, no part of which is any farther from Republican Guard positions than Washington is from Richmond, it would

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[679] Michael Rubin, Interview: Nechirvan Idris Barzani, Prime Minister of the Kurdistan Regional Government in Irbil (KDP), *Middle East Intelligence Bulletin*, Vol. 4, No. 10 (2002), accessed: 23 June 2015, http://www.meforum.org/meib/articles/0210_iri.htm.
[680] Wright, "Kurdish Enclave Shows How Iraq Could Prosper," Op. Cit.
[681] Carole O'Leary, "A No-Fly, Yes-Democracy Zone," *The Washington Post*, 15 July 2001, accessed: 8 November 2015, http://www.krg.org/a/d.aspx?a=60&l=12&r=73&s=010000.
[682] Ibid.

not only crush this experiment in democracy, but destabilize the entire region, sending as many as 3 million refugees into Iran and Turkey."[683] In another essay, again in the *Washington Post*, she described the KRI as a '10-year-old experiment in democracy and pluralism,' and a 'golden age' not only for Kurds, but also for 'people in the minority Turkoman, Assyrian and Chaldean communities.'[684]

Indeed, the Kurdish foreign policy of self-justification was enlarged to encompass the protection of minority rights as a strategy for increasing its international legitimacy as well as emphasizing its earned sovereignty. In this regard, despite a lack of a declaration of independence, the KRI employed the same methods as many other de facto states. As both Caspersen and Voller note, inspired by the developments in the post-Cold War era, the protection of minority rights has become an essential ingredient in the international campaign for legitimacy conducted by de facto states.[685] Since the establishment of the KRI, particularly after 1997, Kurdish leaders have shown great sympathy and sensitivity towards the rights of minorities in the KRI. Nechirvan Barzani stated in an interview that "The rights of the Turkoman and Assyrians are protected by laws passed by the KNA. As a result of our own history, we are very sensitive to the issues of the minorities living in our region and have made it a point to recognize and uphold their rights. The KDP has

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[683] Ibid.

[684] Carole O'Leary, "Extremists in a Moderate Land," *The Washington Post*, 11 August 2002, accessed: 26 December 2012, https://www.washingtonpost.com/archive/opinions/2002/08/11/extremists-in-a-moderate-land/a6ff1d48-de47-45d3-8509-9db6649f431e/.

[685] See: Voller, "Kurdish Oil Politics in Iraq," Op. Cit., p. 77; Caspersen, "Democracy, nationalism and (lack of) sovereignty," Op. Cit., p. 349.

always enshrined minority rights in their policies throughout its 56-year history."[686] Moreover, the law No. 1 of the Iraqi KNA allocated five seats to the Christian community in Kurdistan.[687] To enhance their image as tolerant towards other religions, ethnicities and sects in Kurdistan, the two KRGs rebuilt churches and Christian villages destroyed during the 1980s.[688] In 2001, the KRG in Erbil, following legislative changes, created two new directorates within the Ministry of Education to oversee the administration of educational programmes for Turkoman and Syriac Christian children. In addition, special religious programmes were authorized for Christian and Yezidi children attending school. The KRG Ministry of Culture also established two special departments staffed by Turkoman and Syriac civil servants to showcase and promote their culture.[689] The KRG's efforts were instrumental in restoring the Assyrian language, a modern version of the Aramaic used by Jesus, according to a Christian leader.[690]

These achievements and the Kurdish protection of the rights of minorities were also recognized in the statements by minority leaders in the KRI. One Catholic leader, Archbishop Yacoub Scher of St. Joseph's Church in Irbil, representing the Chaldeans – one of the major Christian denominations in Iraqi Kurdistan – stated

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[686] Rubin, "Interview: Nechirvan Idris Barzani," Op. Cit.
[687] This allocation was embodied in Section 8, Article 36.3 of the Law No. 1 of the Iraqi Kurdistan National Assembly, see: Stansfield, *Iraqi Kurdistan*, Op. Cit., p. 125.
[688] see: "The status of Christians in the Kurdistan Region in Iraq," *Kurdistan Regional Government UK Representation*, December 2009, accessed: 29 December 2012, http://cabinet.gov.krd/uploads/documents/Status_Christians_Kurdistan_Region_Dec_09__2009_12_22_h16m26s16.pdf.
[689] Rubin, "Interview: Nechirvan Idris Barzani," Op. Cit.
[690] Robin Wright, Op. Cit.

that his group are “protected and respected in the North,” adding that “In Baghdad, we have no rights, and relations are strained among the religions.”[691]

The continued survival and the increasing consolidation of the KRI drew the attention of other states in the wider Middle East region. Realizing that the KRI had now become a permanent feature in the geopolitics of the region, many Middle Eastern states sought to open channels of communication with the Kurdish political parties. From their side, the Kurds also were enthusiastic to widen their foreign relations to reach or communicate with as many states as possible. Ideologically, the Kurdish national liberation movement in Iraq had not only battled with the regime of Saddam Hussein, but also with its Arab brethren in other states. For long, the power of pan-Arab ideology and the resultant aim of establishing one large unified Arab state had clashed with the Kurdish insistence on national self-determination.[692] The Kurds were fearful that the unity of Arab states would transform the Kurds in Iraq into an insignificant minority group on the periphery of the pan-Arab state.[693] As a result of the continuous warfare, the Kurdish nationalist liberation movement was constantly accused of betrayal and treachery, being proxies or clients of the imperial West or sometimes even the East – the Soviet bloc. The Kurds were also accused of attempting to create a ‘second Israel’ in the northern part of the Arab homeland.[694]

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[691] Ibid.
[692] For various pan-Arab nationalist projects, see: Trip, Op. Cit.; Stansfield, *Iraq*, Op. Cit.
[693] Bengio, *The Kurds Of Iraq*, Op. Cit., p. 175.
[694] Bengio, “Surprising Ties between Israel and the Kurds,” Op. Cit.

Thus, the Kurdish leadership was keen to approach Arab states in a campaign to change the Arabs' point of view and dispel the misunderstandings that had long existed between the Kurds and Arabs in the wider Middle East region. Iraqi Kurds seized any opportunity available to them in the realm of public diplomacy to influence the Arab decision-makers. Within this context, influencing the viewpoints of Arab intellectuals, academics, and those close to the foreign policy establishment, constituted an important part of their strategy. One such opportunity presented itself when the KDP and the PUK were invited to Cairo, the capital of Egypt, to meet with Arab politicians and intellectuals for a conference called *The Arab-Kurdish Dialogue*. The conference, which was endorsed by the former Egyptian leader, President Housni Mubarak, was organized by Ahmed Hamroush: "an author, newspaper man, a committed communist, an army officer, a theatre director and a major figure in the anti-imperialism movements of the 1950s and 1960s"[695] who also directed 'the Egyptian committee for solidarity.'[696] In the conference, taking a cautious approach reflecting the sensitivity and misunderstanding that for years had coloured Arab-Kurdish relations, both parties reaffirmed their parties' commitment to the territorial integrity of Iraq, while also strongly affirming the Kurds' right to self-determination, albeit one within the confines of the Iraqi state. Talabani, representing the PUK, stressed that the Kurds did not wish to secede from Iraq. However, he also stressed the voluntary nature of the Kurdish union with Iraq within the framework of an

[695] Mahmoud Murad, "Ahmed Hamroush: an Officer and a Gentlemen," *al-Ahram Weekly Online*, No. 1071, 3-9 November 2011, accessed: 26 December 2012, http://weekly.ahram.org.eg/2011/1071/eg17.htm.
[696] Rasha Saad, "Promoting Arab-Kurdish understanding," *Al-Ahram Weekly On-line,* 380, 4-10 June 1998, accessed: December 26, 2012, http://weekly.ahram.org.eg/1998/380/re7.htm.

independent Iraqi union.[697] Meanwhile, Sami abdul-Rahman, representing the KDP, adopted a similar approach, while trying to promote federalism as a solution to the Kurdish question in Iraq, when he stated:

> "In this era, following the liberation of peoples and the reconfiguration of nations, the era of democratization and human rights, the Kurdish people in Iraq are fighting for benefiting from their national and democratic right to run their own affairs… At this moment, our people are in need of Iraqi unity and its consolidation and the solution is to be found in federalism within Iraq."[698]

What the Kurdish leaders reiterated was not of significance by itself, as it contained the same elements of rapprochement with the Arab nation, repeating commitment to the territorial integrity of Iraq and restating Kurdish right to self-determination within a unified Iraq. What distinguished the conference, however, was that for the first time since the establishment of the KRI, Kurdish leaders were invited to an Arab capital to present their case publicly. Highlighting this, *al-Ahram* weekly online stated that this conference was "the first discussion of its kind between Arab and Kurdish intellectuals and politicians centering on the relations and misunderstandings that have existed between the two communities for decades."[699] Naturally, the conference received fierce criticism from Baghdad, claiming the conference represented "interference in Iraq's internal affairs. Iraq also claimed that

[697] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 80.
[698] Ibid., p.80.
[699] Saad, Op. Cit.

the meeting gave the United States exactly what it needed to pressure Iraq by highlighting the Kurdish claims of mistreatment by Baghdad."[700]

The economic consolidation and opportunities present in the KRI allowed the Kurdish leadership to increasingly use the economic card as a tool in diplomacy and foreign relations. Indeed, as FPA literature has shown, as well as its negative dimensions, economic statecraft can also have positive aspects. As Michael Mastanduno notes, "Just as trade denial can be used to change behavior, weaken capabilities, or induce regime change, so trade promotion-the promise or actuality of expanded trade-can be a means to influence a government's domestic or foreign policies or to strengthen its capabilities."[701] This thesis argues that de facto states are no exception, and in the case of the KRI, the economic tools – as will be outlined in chapter seven – have been one of the primary means used in diplomacy and foreign policy.

After the United States and Britain, which provided protection to the KRI, Turkey represented the most important state capable of influencing the present and future of the KRI. Turkey represented the main outlet through which the goods and commodities purchased under the OFFP reached the region, through the Habur-Ibrahim Khalil gate – on the Iraqi side, controlled by the KDP. This gate not only controlled the humanitarian needs of the KRI, but also delivered much of the

[700] Ibid.
[701] Michael Mastanduno, "Economic Statecraft," in Smith, Hadfield, and Dunne (eds.), Op. Cit., p. 208.

commodities earmarked for the rest of Iraq. Moreover, as mentioned previously, since the end of the Second Gulf War, Turkey allowed U.S. and British planes to station in the Incerlik base in Turkey to enforce and monitor the no-fly zone over Iraqi Kurdistan. Thus, in three successive terms, Operation Provide Comfort, Operation Poised Hammer, and finally Operation Northern Watch in 1997 respectively, Turkey renewed its authorization for the continued presence of the Allied forces and military warplanes in Turkey. Hence, in his visit to Ankara, Masoud Barzani skillfully used the economic card by urging Turkish companies to actively engage in trade, economic and construction opportunities present in the KRI, declaring that: ‘‘We prefer Turkish contractors because of Turkey's proximity and maintenance facilities.”[702] Perhaps, more importantly, the Kurds began to develop discreet economic ties with certain elite figures in the Turkish establishment,[703] possibly to ensure their continued support for the KRI and the presence of U.S. and British military facilities in Turkey. Meanwhile, the Turkish civilian and military bureaucracy, noting the increased trade and commercial activities of its rival, Iran, began to encourage Turkish businesses to explore business and construction opportunities fueled by the OFFP, particularly in the KDP-held territory.[704]

Moreover, to guarantee Turkish cooperation, the Kurdish political parties, particularly the KDP, developed a modus vivendi with the Turkish government,

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[702] Voller, “From Rebellion to De Facto Statehood,” Op. Cit., pp. 173-174.
[703] see: Ibid., p. 174.
[704] Lale Sariibrahimoglu, “Though controlled, business flourishes in northern Iraq,” *Hurriyet Daily News*, 15 August 2001, accessed: 9 March 2015, http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=though-controlled-business-flourishes-in-northern-iraq-2001-08-15.

particularly its military wing. During the 1990s, the Kurdish parties allowed or cooperated with several Turkish military incursions inside the KRI in pursuit of PKK fighters.[705] Virtually at every peace effort between the KDP and PUK, 'Legitimate Security Concerns of Turkey', interpreted as the security threat presented by the PKK, were taken into consideration.[706] As a bonus, to allow the Operation Northern Watch to continue, and eager to guarantee the military survival of the Kurdish de facto state, Turkey was granted permission to place a small but permanent military base inside the KRI. Years later, in March 2003, one week after OIF had started, the Turkish Ambassador at the UN declared: "it is a common knowledge that elements of Turkish Armed Forces are stationed in northern Iraq. And they were sent there not yesterday but years before in the context of "Operation Northern Watch."[707]

In Ankara, the KDP and PUK representatives who had been stationed back in 1992, during the presidency of Turgut Ozal, had continued to carry out paradiplomatic tasks. Safeen Dizayee, the KDP representative, was in constant contact with the Turkish foreign ministry; discussing security matters, political developments in the region, relations with neighbouring countries and with Europe.[708] Sharing the lucrative border with Turkey and possessing interactions in several economic, military and economic matters, the KDP built the closest relations with Turkey. Reflecting the existence of strong relations with Turkey and the further

[705] Bengio, *The Kurds of Iraq*, Op. Cit.
[706] See: Eric Avebury, "Turkey's Kurdish Policy in the Nineties," (paper presented at the Middle East Studies Association, Washington, December 1995), accessed: 13 December 2012, http://kurdistan.org/work/commentary/turkeys-kurdish-policy-in-the-nineties/.
[707] Lundgren, Op. Cit., p. 81.
[708] Ibid., p. 86.

consolidation of the KRI, in 2000, the KDP representation office held a Nawroz (the Kurdish New Year) celebration event in the Ankara Sheraton inviting many Turkish and foreign officials, as well as business people, with the Turkish foreign ministry providing security for the event.[709]. Furthermore, the fact that between 1992 to 2001, Masoud Barzani paid six official visits to Ankara is indicative of the close relations between Ankara and the KDP.[710]

The further consolidation of the KRI prompted both parties – the KDP and PUK – to restructure or create more effective foreign representation offices abroad. Continuing the tradition of having unofficial foreign representatives, after the creation of the KRI, both Kurdish nationalist parties sent and empowered their officials to represent their interests abroad. Relations with the West were considered the most important by both parties. The consolidation of the two Kurdish administrations prompted the parties to hire new KRG officials to represent their respective governments in foreign capitals. Initially, the task of these new KRG officials overlapped with the political party representatives. They both advocated the interests of Kurdistan with an emphasis on the interests and viewpoints of their respective parties. This overlap leads Vian Rahman to argue that "The Kurdish case shows that it may be misleading to demarcate 'official' from 'unofficial' diplomacy; multiple and varied actors are involved, overlapping and interacting with each other in their efforts to project 'Kurdishness' and Kurdish demands."[711] Over time, the

[709] Rahman, Op. Cit., 34.
[710] Lundgren, Op. Cit., p. 86.
[711] Rahman, Op. Cit., p. 4.

representatives of the two KRGs became more concerned with issues of diplomacy: negotiating over issues related to the Iraqi opposition, the OFFP and the peace process between the KDP and PUK; communicating between foreign governments and their respective KRGs; and promotion of economic interactions and highlighting economic opportunities in their respective territories. The representatives of the political parties, however, mostly concerned themselves with promoting their parties within the Kurdish diaspora and, in conjunction with the Kurdish diaspora, promoting or highlighting Kurdish national symbols, culture and identity as well as the sufferings of the Kurds, in the liberal and open atmosphere that is available in the West. Interestingly, the new political environment, and the serious issues relating to the survival and consolidation of the KRI, encouraged both parties to hire and nurture effective and skillful diplomats in the West. Thus, many of those appointed to fill the positions of KRG representatives were those who had lived for many years in the West or who had left Iraq at an early age either as exiles or asylum-seekers. They were educated in Western academic institutions and universities, and fluently spoke the language of the state where they were based. This was advantageous in many ways. The new KRG representatives were self-trained in the language and methods of Western politics, and they realized the importance of incorporating cosmopolitan democratic norms into their language of paradiplomacy and public diplomacy.[712] Barham Salih, for instance, escaped from Iraq to Britain at a young age. In 1987, he received a PhD degree in Statistics and Computer Applications in Engineering from

[712] For an overview of this, see: Rahman, Op. Cit., pp. 27-34.

the University of Liverpool. After the establishment of the KRI, Salih was dispatched to Washington to represent the KRG and, after the division of the KRG into two governments, Salih represented the PUK-KRG.[713] Barham Salih played an important role in introducing Kurdistan and the PUK to Washington. As Michael Rubin notes, "For many in Washington, be they congressmen, academics, or journalists, the face of the Kurdish struggle was Barham Salih, the U.S.-based representative of the Patriotic Union of Kurdistan (PUK) throughout much of the 1990s… Much of the positive perception of Kurdistan in the United States remains directly attributable to Barham."[714] Somewhere else, noting the personal diplomatic skills of Barham Salih, Rubin writes:

> "Barham Salih cultivated not only congressmen, but also their junior staffs. He sought relationships not only with star columnists, but also with young writers just out-of-college. When Democrats were in power, he cultivated relationships with Republicans, and vice versa. He understood what many autocrats do not: the key to building relationships was not opportunistic engagement with a single party or those in power, but rather cultivating the next generations of those who might be. Hundreds of people seek meetings with senators, congressmen, National

[713] For a personal biography of Barham Salih, see: "Biography and Profile, *Barham Salih Official Website, accessed:* 28 April 2017, http://www.barhamsalih.net/pages/16.
[714] Michael Rubin, "Why won't Washington support Kurdish Independence?" *The Kurdistan Tribune*, 9 May 2013, accessed: 28 April 2017, http://www.michaelrubin.org/13267/us-support-kurdish-independence.

Security Council figures, and editorial writers; few have pre-existing relationships upon which they could fall back."[715]

Likewise, when Taha Barwari, who had migrated to Sweden in the early 1980s, was appointed to represent the KDP-KRG in Sweden, he raised the profile of Kurdistan in Sweden and mobilized the Swedish establishment in support of the Kurds.[716]

Indeed, the focus on individuals is reflective of a wider trend in Kurdish foreign relations and foreign policy-making. Individual leaders and officials exercise great influence on Kurdish foreign relations and policies. Lacking sufficient financial resources, personnel, or even permission to operate large foreign policy establishment, individuals play an important role in Kurdish diplomacy. Bayan Sami abdul-Rahman – who since 2015 has served as the KRG representative in Washington[717], in explaining the role of individuals in Kurdish foreign relations, states, "the KRG is a small operation, so individuals matter a lot. For autonomous regions like ours, you learn diplomacy on the job and as you go, there is no civil service behind you and you have a small budget and a small team of staff. So each person has a disproportionate impact."[718] Moreover, Nechirvan Barzani, the current Prime Minister of the KRG, has acknowledged the profound influence of individuals

[715] Michael Rubin, "Kurds Failing Representation Jeopardizes US Support," *The American Enterprise Institute*, 19 August 2015, accessed: 28 April 2017, https://www.aei.org/publication/kurds-failing-representation-jeopardizes-us-support/.
[716] Rahman, Op. Cit., p. 27.
[717] Bayan moved to Britain in 1976 and, was raised and educated in Britain. For a brief biography of Bayan, see: Gunter, *The Kurds Ascending*, p. 37.
[718] Rahman, Op. Cit., p. 28.

in Kurdish diplomacy and foreign relations by stating "if you have the right person in the right job, they can take a negative situation and turn it around."[719]

In retrospect, it seems that the Kurdish democratic experiment, and what it achieved, was endorsed by members of the international community, a sign that Iraqi Kurds made striking achievements in the realm of foreign relations. For instance, on 16 May 2002, the European Parliament endorsed the Kurdish democratic experiment when it passed a resolution in regard to Iraq/Kurdistan. The resolution welcomed "the improvements already achieved in the three [Kurdish-administered] governorates in the North of Iraq as regards the development of civil society, which prove the potential of the Iraqi people," and called on the European Commission and the Council to take measure for "supporting the democratic experience of the Kurdish administration in northern Iraq and projects for the development of civil society in this autonomous region."[720]

Such endorsements were significant as they recognized the difficult journey the Kurds had undertaken on the road towards democracy, the consolidation of their Kurdish de facto state under the prolonged impact of U.S. and U.K protection, and the OFFP and their inclusion in the U.S.-led anti-Saddam coalition. However, while the international position remained the most important factor in the survivability of the KRI, mention should also be made of the skills of the Kurdish leadership in manoeuvring and relaying the sensitivities of international and regional powers.

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[719] Rahman, Op. Cit., p. 28.

[720] "In a Resolution on Iraq, The European Parliament Calls for 'support to the Democratic Experience' in Kurdistan," *The Kurdish Institute of Paris,* No. 206, (May 2002), Accessed: 19 January 2013, http://www.institutkurde.org/en/publications/bulletins/206.html#bul0.

Navigating the complex and uncharted territory of international relations, by 2001, the Kurdish leadership had achieved much success in the realm of foreign relations. This point in clearly illustrated in a speech by Francis J. Ricciardone, the US State Department Coordinator for Transition in Iraq, who, in a speech at the American University Centre for Global Peace, referring to the Kurds stated that:

> "It is remarkable that Iraqi Kurds, formerly among the most culturally and geographically isolated people on the planet, have embraced overt, broad engagement with the outside world with both spirit and skill. Their budding success in the world arena has been hard won, through an epic and painful learning process… as non-state practitioners in international relations, in many respects the various Kurdish organizations now enjoy greater influence, access, credibility, and meaningful international relationships than does the regime which purports to speak for them and for all Iraqis from Iraq's seat at the United Nations."[721]

As non-state actors representing the Kurdish de facto state and the realization that the Kurds are the strongest and the most reliable in the anti-Saddam coalition, and the only group with territorial control inside Iraq, the U.S strived to finalize the implementation of the U.S.-brokered Washington Agreement between the two parties. The United States also strove to get closer to the Kurds of Iraq through symbolic gestures and provision of much-craved for security assurances. So when

[721] "Remarks by Francis J. Ricciardone: An American Diplomats Perspectives on Kurds in the Global Arena," at *American University*, Washington, *KurdishMedia.com*, 17 April 2000, accessed: 19 January 2013, Source: http://www.kurdmedia.com/article.aspx?id=7678.

Al Gore, the former U.S. Vice President, received Nechirvan Barzani and Jalal Talabani in 2000, he reiterated the U.S. commitment to "the protection of the people of Iraqi Kurdistan" (and not the people of "the north," as Albright had stated).[722] In time, the Iraqi Kurds would move even closer to the U.S., particularly after the events of 9/11, the war on terror, and the resultant removal of the regime of Saddam Hussein.

Still, despite the expanding foreign relations between Kurdish political parties, neighbouring states and the international community at large and the consolidation of the KRI, sovereign states were careful not to grant explicit legitimacy or recognition to the KRI. For instance, despite the closeness of relations between Turkey, the KDP and PUK, Ankara never gave any indication of explicitly or implicitly recognizing the KRI as a de facto independent entity. When, for instance, Masoud Barzani visited Turkey in May 2001, several concerns were raised by Ankara during preparations for the visit. The first issue concerned how Mr. Barzani would be treated in Turkey; the second concerned Ankara's repeat of its commitment to the territorial integrity of Iraq. A Turkish foreign ministry official is quoted as saying: "We told them that he is seen as a political party leader in Iraq, in order not to create a misunderstanding on his title and mission."[723] Another Turkish official is quoted as saying:

> "We tell them and we treat them as – Mr. Barzani is the chairman of the Kurdish Democratic Party of Iraq. Mr. Talabani is the chairman or the

[722] Bengio, *The Kurds of Iraq*, Op. Cit., p. 265.
[723] Lundgren, Op. Cit., p. 87.

president of the Patriotic Union of Kurdistan… we repeat to them and to everybody, Erbil, Sulemanya, and Dohuk are integral part of Iraq. There is a power vacuum there. There are problems there. These problems need to be resolved within Iraq, by the Iraqis […] We want to encourage Baghdad and them to solve this problem among themselves."[724]

Yet, however Turkey attempted to interpret its relations with the Kurdish political leaders, the results or the impressions remained fruitful to the Kurdish parties: building independent relations with both Kurdish parties meant that the Kurdish north was actually a separate entity requiring Turkish engagement to pursue its interests. As David McDowall notes: "While Ankara withheld *de jure* recognition of the Kurdish government, its reliance on Iraqi Kurds implied de facto acceptance of realities."[725] Moreover, as Bengio argues "the KDP and later the PUK managed to turn Turkey into a springboard for forging relations with the outside world and thus reinforce their national project."[726]

5.6 From 9/11 to Operation Iraqi Freedom

The events of 9/11 were monumental in the recent history of international politics. Only once before had the United States come under such a surprise attack, Pearl Harbor, during the Second World War. But, that was an attack by the conventional army of a warring state. Now, for the first time, the American homeland

[724] Ibid., p. 88.
[725] McDowall, Op. Cit., p. 384.
[726] Bengio, *The Kurds of Iraq*, Op. Cit., p. 258.

was attacked by a non-state actor operating from caves high in the mountains of Afghanistan. The administration of President George W. Bush quickly identified Al-Qaeda as the sole perpetrator of the attack.[727] As the Americans recovered from the immediate shock of the terrorist attacks of 9/11, George W. Bush delivered his first State of the Union address to the joint session of the Congress. After making clear and explicit demands on the Taliban, as the sovereign authority in the land were Al-Qaeda operated and its leaders were harboured, Bush stated that: "Every nation in every region now has a decision to make. Either you are with us or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime."[728]

The Kurds of Iraq immediately chose the U.S. side. Indeed, the response of the Iraqi Kurdish leadership is interesting and telling. Very quickly, the Kurdish political leaders realized the great opportunities and challenges lying ahead. Grasping the importance of the U.S.-led war on terror on their positions and prospects, Iraqi Kurds not only sought to associate themselves with the United States, but also redefined their struggle against successive Iraqi regimes as battles against terrorism. Indeed, the U.S.-led war on terror provided an opportunity for the Iraqi Kurds to reiterate the message that they share the same values as the liberal West: "not only are we the

[727] George W. Bush, *Decision Points* (Croydon: Virgin Books, 2010), p. 134.
[728] "A Nation Challenged; President Bush's Address on Terrorism Before a Joint Meeting of Congress," *International New York Times*, 21 September 2001, accessed: 15 January 2013, http://www.nytimes.com/2001/09/21/us/nation-challenged-president-bush-s-address-terrorism-before-joint-meeting.html?pagewanted=all.

victims; we are the good guys, we are like you… we do not constitute a security threat,"[729] and we share your "hegemonic international values."[730]

This is clearly reflected in a speech delivered by Masoud Barzani before the members of the KNA in Erbil a few days after 9/11, when he declared:

> "The 11th of September has become a very important day in the history of the world…We express our condolences to the [US] government and the families of the victims. This does not mean that we are adopting a new position. The KDP has always been against terrorism. The Kurds and the KDP have so often been victims of terrorism. It is of utmost necessity that all of us follow the events very carefully and wait and see how things develop. Similar to the aftermath of the Gulf War, I think that a new situation will emerge."[731]

Soon the U.S. military with aid from groups of Afghan fighters, known as Northern Alliance, knocked out the Taliban and Al-Qaeda bases in Afghanistan. However, even during early discussions on Afghanistan involving high-level U.S. officials, the issue of toppling Saddam had been discussed. The idea was initially suggested by Paul Wolfowitz, the then Deputy Defense Secretary, backed by Donald

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[729] Caspersen, *Unrecognized States*, Op. Cit., p. 70.
[730] Caspersen "Democracy, nationalism and (lack of) sovereignty," Op. Cit., p. 338.
[731] "All the Kurdish Parties Condemn the 11 September Terrorist Attacks," *The Kurdish Institute of Paris*, no: 198/199 (September 2001), accessed: 19 January 2013, http://www.institutkurde.org/en/publications/bulletins/198.html#bul1.

Rumsfeld, the then Defense Secretary, who suggested "dealing with Iraq would show a major commitment to anti-terrorism."[732]

The two KRGs, moreover, sought to align their policies with those of the United States and to even unofficially participate in the global war on terrorism. The continuous survival or indeed the consolidation of the KRI required quickly building rapprochements with the George W. Bush administration. The Kurds soon found tangible means to associate the KRI with the United States. Some years before 9/11, small groups with more rigid and fundamentalist interpretations of Islam were being established in the KRI, more visibly within the PUK sphere of influence. The IMIK, the primary Islamic grouping in Kurdistan, had been splintering for a number of years and some of the offshoots of the IMIK seemed to have formed the foundations of more radical Islamic groups.[733] Their division from the IMIK eventually led to the formation of Ansar al-Islam (Supporters of Islam),[734] on 1 September 2001, just ten days before the attacks on America.[735]

More importantly, from the point of view of the leadership of the two KRGs, was the link between Ansar al-Islam and Al-Qaeda. Ansar al-Islam was a local

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[732] Condoleezza Rice, *No Higher Honour: A Memoir of my Years in Washington* (UK: Simon and Schuster, 2011), pp. 86-87.
[733] see: "Radical Islam in Iraqi Kurdistan: The Mouse that Roared?" *International Crisis Group*, 7 February 2003, accessed: 29 December 2012, https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/radical-islam-iraqi-kurdistan-mouse-roared.
[734] Michael Rubin, "The Islamist Threat in Iraqi Kurdistan," *Middle East Intelligence Bulletin*, Vol. 3, No. 12, December 2001, accessed: 5 July 2016, https://www.meforum.org/meib/articles/0112_ir1.htm.
[735] Jonathan Schanzer, "Ansar al-Islam: Back in Iraq," *The Middle East Quarterly*, Vol. 11, No. 1 (Winter 2004), accessed: 8 November 2014, http://www.meforum.org/579/ansar-al-islam-back-in-iraq.

radical islamist threat to the two, secular and nationalist Kurdish parties. Moreover, it was essential for the Kurdish leadership to highlight the threat of the group to the U.S. administration and those influencing decision-making in the United States for several reasons: establishing the two leading Kurdish parties as partners in the U.S.-led global coalition to combat terror with all its political, financial and military benefits; to destroy the locally grown groups affiliated with Al-Qaeda and to enhance the consolidation of the KRI. Even before 11th September 2001, the Kurdish parties had grappled with the threat of Islamic radical terrorism emanating from the no-man's-land near the Iranian border.[736] Franso Hariri, the Christian Governor of Erbil and a highly-regarded member of the KDP leadership council, was assassinated by one of the components of Ansar al-Islam in February 2001.[737] Indeed, Barham Salih, who returned to Kurdistan to take the position of Prime Minister of the PUK-KRG, was the target of another such attack by radical groups thought to be affiliated with Al-Qaeda.[738]

Although the KDP was at the receiving end of Ansar's extremism, as illustrated by the fact that it agreed to establish a 'joint operation room'[739] with the PUK to combat terrorism, Ansar al-Islam represented a particularly graver danger to the PUK as its area of activities encroached on those of the PUK. Thus, the PUK

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[736] See: C. J. Chivers, "Kurds Face a Second Enemy: Islamic Fighters on Iraq Flank*," International New York Times*, 13 January 2003, accessed: 2 July 2016, http://www.nytimes.com/2003/01/13/international/middleeast/13KURD.html?pagewanted=all.
[737] "Radica Islam in Iraqi Kurdistan," Op. Cit., p. 4.
[738] "Suleimaniah: An Unsuccessful Attempt to Assassinate the Kurdish Prime Minister Barham Salih," *Kurdish Institute of Paris*, No, 205, April 2002, accessed: 19 January 2013, http://www.institutkurde.org/en/publications/bulletins/205.html#bul2.
[739] Bengio, *The Kurds of Iraq*, Op. Cit., p. 276.

attempted harder to publicise the connection between the small Kurdish radical groups with al-Qaeda. Referring to the PUK attempts to 'bandwagon' on the U.S. war on terror, an article by the *Economist* stated, "Within hours of the September 11th attacks on America, the group's [PUK] websites accused the IMIK and its hardline offshoot, Jund al-Islam (Army of Islam), of receiving training and money from Al-Qaeda and, for good measure, Iraqi intelligence agents. They were planning, says the PUK, to create a haven within a haven for Osama bin Laden."[740]

The Kurdish leadership was quick to highlight the threat posed by the radical Islamist groupings. Indeed, the fight against terrorism became an important ingredient in underlining Kurdistan's democratization and possession of liberal, secular and democratic values. The fight against terrorists also served as a strategy in stressing the KRI's ability to contribute to the regional and indeed international security and stability. Bringing up the theme of the Kurdish experiment in democracy, Barham Salih, in a special meeting held at the Washington Institute for Near East Policy, stated that "Out of the ashes of tyranny, the Iraqi Kurds have built something tangible: a free, liberal society by Middle Eastern standards."[741] He then continued by saying that, "In their declaration, they cite two reasons for setting up this organization and for choosing Iraqi Kurdistan as a site for jihad. First, the terrain of Iraqi Kurdistan is conducive to jihad. Second, the "seculars," referring to the

[740] "Bandwagon: The Kurds Climb on It," *The Economist*, 27 September 2001, accessed: 2 July 2016, http://www.economist.com/node/800787.
[741] Barham Salih, "Iraq and Counterterrorism: The Role of the Kurdistan Regional Government," *The Washington Institute for Near East Policy*, Policy Watch 575, 18 October 2001, accessed: 3 July 2016 http://www.washingtoninstitute.org/policy-analysis/view/iraq-and-counterterrorism-the-role-of-the-kurdistan-regional-government.

mainstream Iraqi Kurdish leadership, have turned Iraqi Kurdistan into a haven for Jews, Christians, and American influence."[742] Moreover, to achieve better understanding on the nature of Ansar al-Islam in the United States and the West in general, Jalal Talabani skillfully employed what in the FPA literature has referred to as 'analogical reasoning'.[743] Realizing the increasing awareness about the Taliban in the West, perhaps due to the recent increase in media coverage, Talabani's analogy sought to associate Ansar al-Islam with the Taliban and point to potential solutions along the line of destruction which was wreaked on the Taliban in Afghanistan. Thus, in several journalistic interviews, Jalal Talabani branded Ansar 'as a kind of Taliban,'[744] contending that "they are terrorists who have declared war against all Kurdish political parties."[745] In a similar vein, Karim Sinjari, the Interior Minister in the KDP-led KRG, citing the link between Al-Qaeda and Ansar, contended that "Osama bin Laden believes that the infidels should be beaten in the head, meaning the United States. Zawahiri's philosophy is that you should fight the infidel even in the smallest village, that you should try to form Islamic armies everywhere. The Kurdish fundamentalists were influenced by Zawahiri."[746]

Soon after the supposed success of the US forces in removing the Taliban and Al-Qaeda from Afghanistan, Saddam's Iraq became the next target of the United States which, in U.S. thinking, represented a particularly grave danger to world

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[742] Ibid.
[743] See: Breuning, Op. Cit., p. 71.
[744] Catherine Taylor, "Taliban-style group grows in Iraq," *The Christian Science Monitor*, 15 March 2002, accessed: 2 July 2016, http://www.csmonitor.com/2002/0315/p01s04-wome.html.
[745] Ibid.
[746] Goldberg, Op. Cit.

security, particularly with regards to its alleged possession of Weapons of Mass Destruction. In time, the Iraqi Kurds would become a major ally in the U.S.-led coalition to remove the regime of Saddam and combat Ansar's threat to the Kurdish de facto state, thereby ushering in a new era in the development of the Kurdish de facto state.

5.7 Conclusion

Despite challenges, the second half of the 1990s represented an important period in the transition of the Kurdish de facto state. The end of the uncivil civil war, the initiation of the OFFP, the Washington Agreement and inclusion of the KDP and PUK into the list of the U.S.-sponsored anti-Saddam opposition groups provided a massive boost to the KRI. It represented a major transitory period for the Kurdish political parties and their elite, as well as, more importantly, a significant formative period for Kurdish foreign relations. The Kurdish de facto state enjoyed a prolonged period of stability, relative prosperity and peace, which, in time, allowed the Kurdish leadership space to reflect on the future of the nascent entity and decide on the best possible strategy in the ever-changing political environment.

Indeed, after 1997, in their foreign policy of self-justification, the Kurdish parties began to move beyond a focus on democratization to encompass arguments portraying the KRI as a model for the future of Iraq. This argument became even more important in anticipation of a regime change in Iraq advocated and later executed by the George W. Bush administration. Moreover, the geopolitical position

and the geographic location of the KRI along long-standing fault lines, i.e. the significant role it could play in the efforts to oust the regime of Saddam Hussein, prompted the United States to build official, direct and overt relations with the Kurdish political entities.

After 1997, the domestic institutions of the two KRGs were further consolidated. This consolidation enabled the continued strengthening of the domestic sovereignty and autonomy of the KRI. It also empowered the two KRGs to increase their presence internationally, mainly in the capitals of those Western states deemed vital for the continued survival of the KRI. However, like the preceding phase of survival, the KDP and PUK remained the primary actors in the realm of foreign relations. Reflecting on the increasing consolidation of the two KRGs and the complex nature of the issues arising, the two KRGs, each led by a different party, incorporated and nurtured a more skillful and younger generation of foreign representatives that emphasized the language of democratization, civil and human rights. These representatives became the face of the two KRGs in foreign capitals and came to play an increasingly important role in the implementation of Kurdish foreign policy following the fall of the regime in Baghdad and transformation of the KRI into a recognized de facto state after 2003, which is the focus of the next chapter of this thesis.

6 The Second Decade of De Facto Independence: Foreign Policies of Image-Building

This chapter starts the empirical analysis of what is in effect the second decade of the existence of the Kurdish de facto state between 2003 and 2007. It examines the legalization of the KRI within the state of Iraq, reunification of the two KRGs, as well as the significant transformation of the KRI into a recognized de facto state. The chapter also extensively examines the foreign policies of image-building initiated by the Kurdish leadership. Overall, the chapter argues that during this period, image- or brand-building constituted the primary foreign policy aim of the KRI

6.1 Introduction

The political development of the post-2003 Iraq can be divided into two phases: occupation and state reformation between 2003 and 2005; and civil war, terrorism and insurgency between 2005 and 2007. Both developments assisted the KRI in significant ways. Contrary to many expectations, the U.S. intervention in Iraq and the second state-building processes in Iraq did not lead to the demise of the de facto state. Indeed, this thesis argues that during this period the Kurdish de facto state underwent a major transition from being an unrecognized de facto state into becoming a recognized de facto state. This chapter has been named the foreign policy of image-building since, immediately after 2003, the Kurds in Iraq had two primary foreign policy objectives. First, to ensure the de facto independence of the KRI; second, to counter the negative images surrounding the de facto state by

engaging in foreign policies designed to create a positive image of the Kurdish de facto state in Iraq. This transformation had several cumulative effects on the position, actions and policies of the Kurdish de facto state. Firstly, the transition enabled the KRI to emerge eventually as a unitary actor pursuing rational foreign policies in pursuit of the national interests of the Kurdish de facto state. After 2003, the official and unified institutions of the KRI gradually emerged as foreign policy actors with weight and agency in regional and international affairs. On a more fundamental level, during the first decade of the KRI, the relationship between the KRI and the regime in Baghdad was characterized, where it existed, by central government-to-political party relations. The transition after 2003, however, transformed relations between the KRI and its parent Iraqi state in Baghdad into a state-to-state, or state-to-government relationship, to borrow a term used by Robert Olson to categorize relations between the KRI and Ankara after 2003.[747]

Gradually, after 2003, the KRI began to see its interactions with Baghdad as a matter of foreign policy and not an internal affair of Iraq. Despite that, this chapter argues that between 2003 and 2007 the KRI's foreign relations and policies were in tandem with the overall outlook and foreign policies of the federal government in Baghdad. All in all, the chapter contends that this period, which lasted up to 2007, was subsequently foundational in enabling or even forcing the Kurdish de facto state to pursue its own independent foreign policies.

[747] Olson, The Goat and The Butcher, Op. Cit., p. 3.

6.2 The Kurdish de Facto State in Transition

For a thorough analysis of the numerous transitions that the KRI experienced after Operation Iraqi Freedom (OIF), a cursory analysis of the pre-war stage is required, as many formative events took place then that enabled the KRI later to transform into a recognized de facto state.

As mentioned earlier, after the Taliban were removed from power and Al-Qaeda was temporarily denied a sanctuary in Afghanistan, the U.S. started to think of the next target in its self-declared global war on terror; and Iraq soon came into view as that target. In the aftermath of 9/11, as Toby Dodge notes, the George W. Bush administration identified the threat of terrorism as emanating from the most ungovernable creations of the decolonialization processes. That is to say, states in the developing world that existed on the margins of the international system, and the possession of weapons of mass destruction in the hands of rogue states, posed the gravest danger to the security of the United States and world security. This new doctrine was reflected in the 2002 National Security Strategy of the United States.[748] More specifically, on 29 January 2002, in his State of the Union address to a Joint Session of Congress, President Bush as well as identifying the threat of Iran and North Korea, also singled out Saddam's Iraq as constituting an 'axis of evil' intent on

[748] Toby Dodge, "Iraqi Transitions: From Regime Change to State Collapse," *Third World Quarterly*, Vol. 26, No. 4/5 (2005), pp. 705-721.

endangering the security of America and the world.[749] As such, as Galbraith notes, the war rhetoric against the regime in Iraq started during this session of congress.[750]

Simultaneously, while pursuing a political track through the UNSC to disarm Iraq from its alleged WMD, the U.S. also worked on military planning,[751] reorganizing the Iraqi opposition[752] and getting the support of local allies, including Iraqi Kurds[753] and Turkey. As early as November 2001, Barham Salih was invited to Washington to meet with the U.S. Secretary of Defense to discuss possible Kurdish participation in the U.S.-led war to remove the regime of Saddam Hussein.[754]

The U.S.'s resolve to remove the regime of Saddam Hussein presented challenges as well as opportunities to the KRI. One the one hand, Kurdish opposition to the regime of Saddam was unparalleled as the Kurds had been on the receiving end of Saddam's brutality for years. On the other hand, as Stansfield notes, "as the geopolitical gaze of George W Bush turned towards Iraq, the KDP and PUK were well aware that the political gains made since 1991, the economic benefits made available to them and the fragile but real security they enjoyed, were threatened by a possible change in the status quo."[755] Therefore, anticipating the changes and seeking to ensure the survival and further consolidation of their de facto state, the

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[749] George W. Bush, "Address Before a Joint Session of the Congress on the State of the Union," 29 January 2002, accessed: 12 July 2016, http://www.presidency.ucsb.edu/ws/index.php?pid=29644.
[750] Galbraith, *The End of Iraq,* Op. Cit., p. 71.
[751] Esther Schrader, "U.S. Asks NATO for Assistance in Iraq War," *Los Angeles Times*, 16 January 2003, accessed: 23 July 2015, http://articles.latimes.com/2003/jan/16/world/fg-iraq16.
[752] See: Karen DeYoung, "Training of Iraqi Exiles Authorized," *The Washington Post*, 19 October 19 2002, accessed: 23 July 2015, https://www.washingtonpost.com/archive/politics/2002/10/19/training-of-iraqi-exiles-authorized/bad8f0cc-3e17-440d-ae0e-8504c531e259/.
[753] Paul Richter, "U.S. Scrambles to Get Commitments in Iraq War," *Los Angeles Times*, 18 March 2003, accessed: 20 January 2013, http://articles.latimes.com/2003/mar/18/world/fg-loosends.
[754] Bengio, *The Kurds of Iraq*, Op. Cit., p. 266.
[755] Stansfield, "The Kurdish Dilemma," Op. Cit., p. 132.

leadership of the KRI embarked upon a thoughtful strategy to maximize its gains and reduce its loses. The Kurdish strategy, moreover, had intertwined internal and external dimensions. Thus, this thesis argues that while the KRI was still not a coherent actor, in the sense of having one central government administrating the whole of its territory, the actions of the two KRGs and their leading parties resembled the pursuit of foreign policies which embodied 'goals, values and decisions.'[756] If foreign policy refers to the design and formation of policies which are directed towards external 'targets,'[757] then certainly, an argument can be made to the effect that the two KRGs designed strategies and tools for implementation directed towards external actors, aimed at ensuring the national interest of the KRI. This thesis argues that during this period the national interest of the KRI was articulated in three interrelated objectives. First, the immediate survival of the KRI during the OIF; second, the long-term survival and consolidation of the KRI in any post-Saddam setting; and finally guaranteeing the continuous economic prosperity and security of the KRI. While these aims are all domestically focused, they still had foreign policy dimensions as many foreign actors did, and could have, a determining influence on the future and sustainability of the KRI.

Facing the new challenges, the KDP and PUK immediately initiated the process of reunifying the two governments. Domestically, Iraqi Kurds started with

[756] Mark Webber and Michael Smith (eds.), *Foreign Policy in A Transformed World* (Essex: Pearson Education Limited, 2002), p. 3.
[757] Ibid, p. 3.

what Stansfield has called the process of 'calculated compromise,'[758] which included among other things reunifying the KNA. This was necessary because, as Hoshyar Zebari stated, "We are feeling the pressure, we are sensing the danger, and both leaderships ... recognise that this is the time to get our house in order."[759] Thus, the two parties were eager to show substantial progress in the realm of reconciliation amid intense political and military uncertainty. These efforts received a great boost when on 4 October 2002, the KDP and PUK reconvened the KNA, with all its original 105 members in attendance, at its building in Erbil amid statements and remarks anticipating great hopes as well as challenges.[760] The reconvening of the KNA was a significant step in preparation for the regime change in Baghdad and the possibility of a new political order. Indeed, as Hoshyar Zebari stated, the reunification of the KNA was intended to "send a very powerful message to Baghdad and to our neighbors that the Kurdish front is solid, is unified, and that we will move forward."[761] The United States was also keen to present a united anti-Saddam front so it provided $3.1 million dollars in aid to the Kurdish parties to show the U.S resolve to push the reconciliation process in Iraqi Kurdistan.[762]

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[758] Gareth Stansfield, "From civil war to calculated compromise: the unification of the Kurdistan Regional Government in Iraq," in Lowe and Stansfield, (eds.), Op. Cit., p. 130.
[759] Scot Peterson, "Kurdish groups unite as Turkey watches, warily," *The Christian Science Monitor*, 4 October 2002, accessed: 19 July 2014, http://www.csmonitor.com/2002/1004/p07s01-wosc.html.
[760] See: "The Kurdish Parliament, Meeting in Plenary Session, Ratifies the Washington Agreement, Turkey Multiplies its Threats," *The Kurdish Institute of Paris*, No 211, October 2002, accessed: 7 July 2016, http://www.institutkurde.org/en/publications/bulletins/211.html#bul0.
[761] Peterson, Op. Cit.
[762] Kenneth Katzman, "Iraq: U.S. Regime Change Efforts and Post-Saddam Governance," *Congressional Research Service,* Report RL31339, 7 January 2004, accessed: 19 January 2013, http://www.iwar.org.uk/news-archive/crs/28648.pdf.

Moreover, realizing their weak position vis-a-vis Baghdad, the Kurdish policy-makers demanded concrete guarantees of military protection from the U.S. and its allies. Carefully but quietly announcing their support for political transformation in Iraq, the Kurds also made no secret of their fear of a tactical attack by Saddam Hussein. Commenting on this Kurdish conundrum, Masoud Barzani stated: "It is not enough to tell us the U.S. will respond at a certain time and place of its choosing… We're in artillery range. Iraq's Army is weak, but it is still strong enough to crush us. We don't make assumptions about the American response."[763] His views were echoed by experts on the Kurds such as Carole O'Leary who stated, "The bottom line is that it's easier for Saddam to hit the Kurds than Saudi Arabia, Kuwait or Israel."[764] Therefore, not seeing US pledges of protection as utterly convincing, Barzani on several occasions refused to attend meetings orchestrated to show Iraqi opposition unity behind US plans.[765]

More importantly, from the Kurds' perspective, was ensuring the political and economic future of the KRI. Economic, political and military survival, as Francis Owtram argues, are the primary objectives of the foreign policies of de facto states.[766] Economically, the OFFP had led in a new era of relative economic prosperity, and political and security stabilization for the two KRGs, since 13 per cent

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[763] Goldberg, Op. Cit.
[764] Barbara Slavin, "Kurds push U.S. for a promise of protection," *USA Today*, accessed: 11 August 2015, http://usatoday30.usatoday.com/news/world/2002-10-22-kurds-usat_x.htm.
[765] Patrick E. Tayler, "Anti-Baghdad Talks Shunned by Top Kurd," *International New York Times*, 15 August 2002, accessed: 16 April 2015, http://www.nytimes.com/2002/08/15/world/anti-baghdad-talks-shunned-by-top-kurd.html.
[766] Owtram, Op. Cit., pp. 128-143.

of Iraq's oil revenue was allocated to the three governorates of the KRI. And the Kurds had to guarantee the flow of these revenues, in one way or another, to maintain their continued economic prosperity and development. In an interview Nechirvan Barzani very clearly linked future political arrangements with economic security, stating: "If a new federal system of government is agreed among Iraqis, Kurdistan region must be guaranteed an equitable share of the country's resources, similar to that which is currently guaranteed by the UNSCR-986 Oil-for-Food program, which has proved to be a success in Iraqi Kurdistan. This is a necessity for the future viability and sustainability of the region. Without such guarantees, the stability of the state could once again be threatened."[767]

Politically, uncertainty arose with regard of the future survival of the KRI. The Kurds feared that the U.S. and its allies would either replace the regime of Saddam with another Sunni strongman, or, even if democracy were installed in Iraq, the United States would create a strong central government in Baghdad to which the KRI would be forced to succumb.[768] Thus as Stansfield notes, realizing the weakening of their influence after the regime change in Baghdad, the Kurds adopted a dangerous strategy by trying to secure their objectives while Saddam was still in power.[769] The two Kurdish parties publicly but cautiously refused to become involved in any form of U.S.-sponsored covert action lest the previous tragedies and betrayals

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[767] Rubin, "Interview: Nechirvan Idris Barzani," Op. Cit.
[768] Amberin Zaman, "Thriving Kurdish enclave fears Saddam strike," *The Telegraph*, 25 May 2002, accessed: 20 January 2013, http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/1395322/Thriving-Kurdish-enclave-fears-Saddam-strike.html.
[769] Stansfield, "The Kurdish Dilemma," Op. Cit., p. 138.

of 1975 and 1991 be repeated. This is evident from the statements of Kurdish leaders. Masoud Barzani said in an interview: “The Iraqi issue won't be solved by military action or covert action… We cannot stop the US [from taking covert action], but we would like there to be transparency and clarity, and for there to be no covers or curtains to hide behind.”[770] Moreover, from the outset, Kurdish leaders publicly linked their participation in any U.S-led effort to topple the regime of Saddam with certain guarantees. In outlining Kurdish conditions in joining the U.S. venture in Iraq, Barzani stated “If a federal solution for the Kurdish issue within a democratic, pluralistic and parliamentary Iraq is guaranteed, a dictatorial and military alternative is not imposed on us and regional interference is not allowed-then the Kurds will play a major role."[771]

The strategy also involved promoting the idea of federalism as a suitable mechanism for post-Saddam political arrangements in Iraq. To gain the upper hand, Kurdish politicians, like Barham Salih, began arguing that the KRI was virtually independent, but they were voluntarily “asking for reunification. [And therefore] Federation is the only solution.”[772] Agreeing with Salih, likewise, Dr. Roj Shawees, the then Speaker of the KNA in Erbil, laid down some conditions on the Kurdish voluntary reunion with the rest of Iraq, stating: “We cannot give up what we have-near independence-without guarantees... We are a "region" but we are ready to join

[770] Michael Howard, “Kurdish leader shuns US move to oust Saddam,” *the guardian*, 19 June 2002, accessed: 16 April 2015, http://www.theguardian.com/world/2002/jun/19/iraq.usa.
[771] Hiwa Osman, “Kurdish leader wary of US plans,” *BBC*, 18 June 2002, accessed: 19 January 2013, http://news.bbc.co.uk/2/hi/middle_east/2052202.stm.
[772] Chris Kutschera, “The Kurds' Secret Scenarios,” *MERIP*, Vol. 32 (2002), accessed: 26 February 2015.

together again on certain conditions. However, the Kurdish people are not ready to accept being ruled as we were ruled before. We will ask for a federal system with international guarantees."[773] Indeed, racing against time and to best prepare for the post-Saddam arrangements, the KDP and PUK drafted several legal documents outlining their vision of a future Iraq as well as a constitutional chapter proposal envisioning the nature of their relations with the future Iraqi state. The first document named the "General Principles of Federalism for Iraq'', in effect outlined a political system for the future Iraq, while Kurdistan's constitutional chapter, which at that time was under preparation and review, reflected the Kurds' view of their future relations with Baghdad.[774]

Thereafter, to achieve approval for federalism and the draft constitution, the Kurds adopted a two-track policy. The first track involved influencing the U.S. policy-makers by using every tool at their disposal. The Kurds were lucky. In this regard, as Judith Yaphe remarks, the Kurds, along the Shiite forces, were the backbone of an Iraqi liberation army in any move to oust the regime of Saddam Hussein.[775] Furthermore, as Stansfield notes, the Kurds provided the Iraqi opposition with territorial legitimacy and the moral high ground, given the atrocities committed by Saddam Hussein against the Kurds. The KDP and PUK jointly possessed almost

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[773] Chris Kutschera, "Kurdistan Iraq: KDP and PUK have reached an agreement which would assure them prominence in any new federal Iraq*," The Middle East magazine,* December 2002, accessed: 12 July 2016, http://www.chris-kutschera.com/A/reconciliation.htm.

[774] For a text of Kurdistan's constitutional chapter, see: Brendan O'Leary, John McGarry and Khaled Salih (eds.), *The Future of Kurdistan in Iraq* (Philadelphia: University of Pennsylvania Press, 2005), pp. 309-313.

[775] Judith Yaphe, "America's War on Iraq: Myths and Opportunities," *The Adelphi Papers*, Vol. 43, No. 354 (2003), p. 34.

80,000 fighters as well as enjoying territorial control over a large portion of Iraq. Therefore, in order to strengthen their position with the U.S. in anticipation of regime change, the Iraqi Kurds began to promote themselves as something akin to the Northern Alliance in Afghanistan throughout the pre-war wrangling.[776] In addition to direct meetings with U.S. officials, the Kurds also conducted a relatively well-orchestrated public diplomacy campaign through the Western media, think tanks, research institutions, and sympathetic individuals[777] to guarantee their position in the post-Saddam political system of Iraq. The second track, on the other hand, involved strengthening their position within the opposition of Iraq. At least, since 1998, both Kurdish parties had avoided serious contact with the INC as the main vehicle of the Iraqi opposition. However, anticipating regime change, the Kurds strengthened their contacts with several Iraqi opposition groupings (whether it be the INC, the 'Gang of Four' or the 'Group of Six').[778] Thus, as Stansfield argues, in addition to assuming positions of authority within the Iraqi opposition, the KDP and the PUK "had to ensure that their opposition partners were sincere in their support for the Kurdish vision of a federal Iraq with a clearly defined Kurdistan Region within it."[779]

However vague, the Kurds managed to an extent to gain approval for their vision of a future Iraq. The final statements of the latest meetings of the Iraqi

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[776] Stansfield, "The Kurdish Dilemma," Op. Cit., p. 136.
[777] See: Carole O'Leary, "The Kurds of Iraq: recent History, Future Prospects," *Middle East Review of International Affairs*, Vol. 6, No. 4 (December 2002); Carole O'Leary, "A blueprint for Iraqi federalism," *Asia Times*, 21 January 2003, accessed: 21 July 2016, http://www.atimes.com/atimes/Middle_East/EA21Ak03.html.
[778] For more on the different groupings of the Iraqi opposition, see: Hamid al-Bayati, *From dictatorship to democracy: An Insider's Account of the Iraqi Opposition to Saddam* (Philadelphia, Oxford: University of Pennsylvania Press, 2011).
[779] Stansfield, "From Civil War to Calculated Compromise," Op. Cit., pp. 136-137.

opposition, in London between 13 and 16 December 2002[780] and in Salahaddin (the headquarters of the KDP in the KRI) between 26 February and 1 March 2003 – before the run-up to OIF – were vital achievements for the Kurds. These statements, as well as saluting the democratic experiment in the KRI, concluded that Iraq should be reconstructed on the basis of "democratic, parliamentary, federal and equal citizenship to all Iraqis, be they Arabs, Kurds, Turkomans, Assyrians, or Chaldeans."[781] Moreover, under the heading of "federalism and the resolution of the Kurdish question," the London conference statement reaffirmed: "its respect for the Kurdish people and the free will of the people of Kurdistan to choose suitable and appropriate methods in their partnership with the people of the country."[782] These two conferences, particularly the conference in London, as Masoud Barzani states, set the ground "for the preparation of the 2003 War and Iraq's democratic identity' along with 'the principles of federalism.'"[783]

Despite the doubts of the Kurdish leaders and the increasing threat to the security of the KRI, on 15 February 2003, in a joint statement, the KDP and PUK declared their readiness to participate in the U.S.-led OIF to topple the regime of

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[780] See: "Iraqi exiles plan path to power," *BBC News*, 17 December 2002, accessed: 24 July 2016, http://news.bbc.co.uk/2/hi/middle_east/2583603.stm.

[781] "Iraqi Opposition Conference: Final Statement of the meeting of the Coordination and Follow-Up Committee," *Relief web*, 3 March 2003, accessed: 23 July 2016, http://reliefweb.int/report/iraq/iraqi-opposition-conference-final-statement-meeting-coordination-and-follow-committee.

[782] "The Meeting of the Iraqi Opposition in London Declares for 'A Democratic, Pluralistic and Federal Iraq,'" *The Kurdish Institute of Paris*, No. 213, December 2002, accessed: 19 January 2013, http://www.institutkurde.org/en/publications/bulletins/213.html#bul0.

[783] Charountaki, Op. Cit., p. 201.

Saddam Hussein.[784] Bengio notes that what assured the Kurdish leaders, Barzani and Talabani, to make such a declaration was a secret meeting between them and President George W. Bush in April 2002.[785] Other reports, however, pointed to a secret meeting at the CIA's headquarters in Langley, Virginia, between the Kurdish leaders and the U.S., for the first time detailing with specific arenas of cooperation between Iraqi Kurds and the U.S. military to overthrow Saddam Hussein, rather than focusing just on consultations.[786] President Bush gave a further boost to Kurdish confidence when he stated at a press conference that he favoured an Iraq that was "a federation of Shi'a, Sunnis, and Kurds."[787]

However, ironically, from the Kurdish point of view, Turkey represented the greatest challenge to the continuous existence of the KRI. While it is true that Turkey had developed a modus vivendi with the Kurdish parties after 1991, Turkey had always conceived of the situation in Northern Iraq as a temporary situation. Turkey, furthermore, being a unitary state built on a rigid interpretation of territorial integrity and a vision of 'state-founding nationalism',[788] found the existence of a territorially autonomous entity for the Kurds in Iraq extremely discomforting. Turkey is a key NATO ally of the United States with borders to Iraq (the KRI). The United States, on

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[784] See: Patrick Cockburn, "Saddam Deploys Tanks to Avert Kurdish Uprising," *The Independent*, 15 May 2002, accessed: 16 April 2015, http://news.independent.co.uk/world/middle_east/story.jsp?story=295198.
[785] Bengio, *The Kurds of Iraq*, Op. Cit., p. 266.
[786] See: Kamal Qubaysi, "Private Plane Took Barzani and Talabani to Washington to Discuss 'Anticipated Strike' on Saddam," *Al-Sharq al-Awsat*, 1 June 2002, accessed: 19 January 2013, https://groups.yahoo.com/neo/groups/MESN/conversations/topics/4831.
[787] Peter Galbraith, "Kurdistan in a Federal Iraq," in O'Leary, McGarry, and Salih (eds.), Op. Cit., 27.
[788] Lundgren, Op. Cit., p. 30.

the other hand, wanted Turkey to play a key role in the OIF. This in turn presented a key dilemma to all concerned – Turkey, Iraqi Kurds, and the United States.

From their side, the participation of Turkey in the OIF was a major challenge to the KRI. First, the Kurdish parties realized that if Turkey, with the second largest army in NATO, participated in the war, the role of the Kurdish parties would be minimal during the fighting phase. Second, the Kurdish leadership believed that Turkish influence over the political processes of the second Iraqi state-building phase would most certainly be antithetical to Kurdish interests. Thus, in their negotiations with other actors, particularly Turkey, the Kurdish parties sought to reassure Turkey of their intentions in the hope that a Turkish military incursion inside the KRI might be averted. Expressing Kurdish aims and objectives, Barham Salih, wrote that:

> "Although the Kurds have had the opportunity to enjoy total independence, they could not secede from the rest of the country in the past, and they do not expect to be able to do so in the future… Turkey is particularly concerned about stability in a post-Saddam Iraq. Yet, Ankara need not worry about the country's territorial integrity following regime change. The only reason that the Kurds of Iraq enjoy de facto independence today is because the current Iraqi regime has forced this separation on them. Although Turkey often views the Kurds as the likely

agents of Iraq's dismemberment, it is the Kurds who are calling for the unification of Iraq."[789]

Yet despite Kurdish assurances of their intention to participate in the creation of a democratic, peaceful and federal Iraqi state, Turkey feared that destabilization caused by the U.S. intervention would create a vacuum eventually enabling the KRI to make the transition to *de jure* independence. It also feared that any such vacuum would be seized upon by the PKK to further entrench its position in Northern Iraq and launch more attacks against Turkey.[790] This is evident in a statement made by the then Prime Minister of Turkey, Bulent Ecevit, when he stated: "There is already a de facto state (Kurdish state) in northern Iraq. We cannot allow that to go any further than what it is now."[791] What agitated Turkey particularly, was the proposed Kurdish draft constitution fiercely defended by Masoud Barzani because it called for inclusion of the oil-rich province of Kirkuk, as the aspired capital of a federal region of Iraqi Kurdistan. A Turkish journalist stated, in this regard: "Barzani's draft of a federal-practically independent-status for Iraqi Kurdistan...has deeply disturbed

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[789] Barham Salih, "Iraqi Regime Change and the Kurdistan Regional Government," *The Washington Institute for Near East Policy*, Policy Watch 656, 17 September 2002, accessed: 3 July 2016, http://www.washingtoninstitute.org/policy-analysis/view/iraqi-regime-change-and-the-kurdistan-regional-government.

[790] Nihat Ali Ozcan and Ersel Aydinli, "Sealing the U.S.-Turkish Strategic Partnership through Cooperation in Iraq? A View from Ankara," *The Washington Institute for Near East Policy*, Policy Watch 651, 22 August 2002, accessed: 19 July 2016, http://www.washingtoninstitute.org/policy-analysis/view/sealing-the-u.s.-turkish-strategicpartnership-through-cooperation-in-iraq-.

[791] Mete Belovacikli and Ilnur Cevik, "Ecevit: We are unhappy with US activity in northern Iraq," *Hurriyet Daily News*, 2 August 2002, accessed: 25 July 2015, http://www.hurriyetdailynews.com/ecevit-we-are-unhappy-with-us-activity-in-northern-iraq.aspx?pageID=438&n=ecevit-we-are-unhappy-with-us-activity-in-northern-iraq-2002-08-02.

Turkish officials… Whether or not the United States attacks Iraq...[northern Iraq] will continue to occupy Ankara."[792]

The fate of Kirkuk, moreover, was closely linked with the issue of Turkomans who are ethnic/linguistic relatives of the Turks. For years, Turkey had presented itself as the protector of its ethnic and linguistic brethren, the Turkoman community in Iraq and, particularly, in the KRI.[793] Kirkuk and its oil wealth, as viewed by Turkish foreign policy-makers, was vital to the establishment of an economically viable Kurdish federal region of Iraq or indeed an independent Kurdish state, which Turkey sought to avoid at any cost. Therefore, as Iraqi Kurds pushed for federalism, and to counter the Kurdish demands, Turkey and the ITF called for the establishment of a Turkoman federal unit to include the two vital provinces of Mosul and Kirkuk.[794]

From the U.S. side, military planners hoped to open a second front against Iraq from the north, and thus required access to the Turkish territory for transportation of troops and equipment into northern Iraq as well as the use of Turkish military bases by the American military. The Turkish access would allow the U.S. to open a northern front so as to force Saddam to distribute his forces between a southern and a northern front, thus making it easier for the United States to finish

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[792] Charles Recknagel, "Turkey: Ankara and KDP Battle Over Shape of Post-Saddam Iraq," *Radio Free Europe*, 29 August 2002, accessed: 25 July 2015, http://www.rferl.org/content/article/1100652.html.

[793] For more on the concentration of the Turkoman community in Iraq, see: Vahram Petrosian, "The Iraqi Turkomans and Turkey," *Iran and the Caucasus*, Vol. 7, No. 1/2 (2003), pp. 279-308.

[794] O'Leary, "*The Kurds of Iraq*, "Op. Cit..; For more analysis on the role of Turkomans in Iraq as a factor in Turkish foreign policy, see: H. Tarık Oğuzlu, "The Turkomans of Iraq as A Factor in Turkish Foreign Policy: Socio-Political and Demographic Perspectives," *Foreign Policy Institute* (2001), http://www.foreignpolicy.org.tr/documents/books/turkomans.pdf.

the war in a shorter time and with less casualties.[795] Likewise, to protect its interests, Turkey was in negotiation with U.S. officials to deploy as many as 65,000 to 70,000 Turkish troops inside the KRI. [796]

Despite U.S. assurances to the Kurds that the Turkish military deployment would be confined to a 'limited area, close to the border,' and explicitly designed for 'humanitarian purposes,'[797] the leadership of the KRI, particularly Masoud Barzani, was adamant in rejecting Turkish military deployment to the region. Several factors promoted Barzani to take such a stance. He feared that Turkey would take advantage of the chaos in Iraq to destroy the nascent Kurdish de facto state and the regional administration. He also feared that deployment of any Turkish force could prompt Iran – the other regional power – to intervene militarily, thereby causing the collapse of Kurdish self-rule.[798] Stansfield succinctly sums up the KDP and Barzani's position, writing:

> "The KDP, which has nurtured its position, particularly since 1997, and become perhaps the most powerful entity in Iraqi Kurdistan, has more to

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[795] "Paul Wolfowitz, the Pentagon's N°2, Asks the Turks to calm their Enthusiasm for Grabbing Iraqi Kurdistan," *The Kurdish Institute of Paris*, No. 213, December 2002, accessed: 19 January 2013, http://www.institutkurde.org/en/publications/bulletins/213.html#bul2; Dexter Filkins and Eric Schmitt, "Turkey Demands $32 Billion U.S. Aid Package if It Is to Take Part in a War on Iraq," *International New York Times*, 19 February 2003, accessed: 17 April 2015 http://www.nytimes.com/2003/02/19/international/europe/19TURK.html.

[796] "HDN, "General Staff denies reports of extraordinary build-up on Iraq border,'" *Hurriyet Daily News*, 19 December 2002, accessed: 25 July 2015, http://www.hurriyetdailynews.com/general-staff-denies-reports-of-extraordinary-build-up-on-iraq-border.aspx?pageID=438&n=general-staff-denies-reports-of-extraordinary-build-up-on-iraq-border-2002-12-19.

[797] Michael Howard and Luke Harding, "US Troops deal alarms Kurds," *the guardian*, 10 February 2003, accessed: 25 July 2015, http://www.theguardian.com/world/2003/feb/10/turkey.iraq.

[798] See: Dexter Filkins and C. J. Chivers, "U.S. in Talks on Allowing Turkey to Occupy a Kurdish Area in Iraq," *International New York Times*, 7 February 2003, accessed: 25 July 2015, http://www.nytimes.com/2003/02/07/international/europe/07TURK.html.

lose in a post-Saddam Iraq than the PUK. The KDP, therefore, is aggressively pursuing a federal Kurdish entity within a new Iraq in an attempt to preserve its pre-eminence. Virtually all calls for 'federalism' have originated from the KDP, as have recent attempts to unify the political system. The KDP's relations with Turkey have deteriorated as KDP rhetoric has become increasingly nationalistic particularly when the issue of the Turkoman population is brought up by Ankara as a means to allow proxy intervention."[799]

Therefore, these new factors resulted in the deterioration of relations and a war of words between the KDP and Turkey. The Turkish Defense Minister, Sabahattin Cakmakoglu, a member of the right-wing Nationalist Action Party, raised the stakes by stating that "Turkey considers northern Iraq to be under its direct care and Ankara would not tolerate the region being subjugated to the interests of others."[800] He also claimed that because of the presence of Turkic-speaking Turkoman people, he considered Kirkuk and Mosul to be 'Turkish soil'.[801] Referring to a potential Turkish military participation in the war as 'invasion,' the KDP official newspaper *Brayeti* (brotherhood) wrote Turkish troops "will see that we are ready to sacrifice ourselves and they will see we are ready to make this land a graveyard for the attackers."[802] Barzani also personally insisted that "even if the Turks came as

[799] Stansfield, "The Kurdish Dilemma," Op. Cit., p. 138.
[800] Recknagel, Op. Cit.
[801] Ibid.
[802] Ibid.

part of a US-led coalition, the KDP would object and would view the Turks as invaders, not liberators like the US and the UK."[803]

Finally, after much negotiation with the U.S., the AKP government submitted a resolution to the Turkish parliament demanding authorization for the use of Turkish territory by US military forces as well as authorization for cross-border operations by the Turkish military forces in northern Iraq. However, fortunately for the Kurds, on 1 March 2003, the resolution was rejected by the AKP-led Turkish parliament.[804]

The refusal by the Turkish Parliament presented a golden opportunity to the KRI to enhance its position in the U.S.-led coalition and to achieve a greater voice in the post-Saddam political arrangements. Western Individuals, writers and journalists sympathetic to Kurdish interests lobbied the U.S. administration to rely instead on Kurdish Peshmerga forces and leaders.[805] The Turkish refusal presented a significant blow to Turkish-U.S. relations. While Turkey tried to cast the parliamentary decision as the result of the democratic process,[806] and both sides – Turkey and the U.S. –reaffirmed their strong bilateral relations,[807] the administration of President George W. Bush was offended and shifted its strategy towards

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[803] "Northern Iraq: Masoud Barzani in Ankara: Despite Improvement in "Tone" of Relations W/GO, Turkish Military Presence in NIRAQ Unacceptable," *WikiLeaks*, 03ANKARA278_a, 10 January 2003, accessed: 30 July 2016, https://wikileaks.org/plusd/cables/03ANKARA278_a.html.

[804] Dexter Filkins, "Turkish Deputies Refuse to Accept American Troops," *International New York Times*, 2 March 2003, accessed: 17 April 2015, HTTP://WWW.NYTIMES.COM/2003/03/02/INTERNATIONAL/EUROPE/02TURK.HTML.

[805] For instance, see: William Safire, "The Kurdish Ghost," *International New York Times*, 3 March 2003, accessed: 20 August 2015, http://www.nytimes.com/2003/03/03/opinion/the-kurdish-ghost.html.

[806] See: Amberin Zaman and Paul Richter, "Turkish Demand Risks Impeding War Strategy," *Los Angeles Times*, 19 February 2003, accessed: 1 August 2016, http://articles.latimes.com/2003/feb/19/world/fg-turkey19.

[807] See: Filkins, Op. Cit.

favouring and protecting the interests of the Kurds within the framework of the U.S. Iraqi policy. At this juncture, the KDP and PUK, as David Romano notes, made a strategic decision to reframe their actions as Iraqi movements fighting for democracy for the whole of Iraq, rather than being Kurdish movements wanting to dismember Iraq. And in this manner, the Kurds fitted themselves into the overall American framing of the war and avoided massive outside state intervention from their neighbouring, often hostile, states.[808] In short, as Romano argues, the Kurds of Iraq avoided 'the "S" word (separation) in the grievance framing they produced."[809]

So, failing to open a northern front against Saddam's army via Turkish territory, the U.S. established a command centre in northern Iraq to open a modified northern front. Furthermore, on 18 March 2003, Zalmay Khalilzad, the U.S. Special Envoy to the Iraqi opposition, conveyed the Kurds' agreement for their 70,000-strong force to operate "under the command and control of coalition commanders."[810] The U.S.-led OIF to remove the regime of Saddam from power began in earnest on 19 March 2003, based on the U.S. Congressional Resolution (HJR 114, PL 107–243, 16 October 2002).[811]

As U.S. and British forces swept north and Baghdad fell on 9 April 2003, the KDP and PUK forces, assisted by U.S. Special forces, secured the northern front,

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[808] Romano, The Kurdish Nationalist Movement, Op. Cit., p. 212.
[809] Ibid., p. 217.
[810] "Iraqi Kurds agree to place their forces under US command: American envoy," *Agence France-Presse,* 18 March 2003, accessed: 1 August 2016, http://www.freerepublic.com/focus/news/867918/posts.
[811] "Authorization for use of military force against Iraq Resolution of 2002," HJ Res.114 (Public Law 107–243), 116 Stat.1498 (16 October 2002), accessed: 2 August 2016, https://www.congress.gov/bill/107th-congress/house-joint-resolution/114.

tied down Iraqi divisions and then wrestled control of Kirkuk and Mosul from Saddam's forces against the explicit wishes of the Turkish government.[812]

The KDP and PUK also scored a major achievement by strengthening their territorial control and domestic sovereignty. The U.S., the PUK and the KDP had labelled Ansar al-Islam as an organization that had links with Al-Qaeda and possibly even with Saddam's intelligence services. Thus, on 23 March 2003 when the war was fully underway, PUK forces, assisted by U.S. Special forces and U.S. aerial bombing, destroyed much of Ansar's infrastructure in their fortified mountain stronghold along the Iran-Iraq border known as "Little Tora Bora" (PUK-controlled territory).[813]

The Kurdish informal military alliance with the U.S., and participation of its forces alongside U.S. forces to remove a regime that the Kurds had fought for years, was seen as watershed in the modern history of Iraqi Kurds. Iraqi Kurds now, in the words of the first post-invasion U.S. Administrator of Iraq, Jay Garner, were part of the "coalition of the Willing."[814] For most of the 20th century, U.S. foreign policy towards Iraqi Kurds was influenced by Turkish hostilities towards any manifestation of Kurdish nationalism, in or outside Turkey. However, Turkish refusal to allow the crossing of U.S. military forces angered the neoconservatives influential in the

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[812] Daniel Williams, "Kurds Seize Oil Hub in Northern Iraq," *todays' zaman*, 11 April 2003, accessed: 31 January 2013, http://www.todayszaman.com/news-1373-kurds-seize-oil-hub-in-northern-iraq.html.

[813] See: Jonathan Schanzer, "Ansar al-Islam: Iraq's al-Qaeda Connection," *The Washington Institute for Near East Policy*, Policy Watch 699, 15 January 2003, accessed: 3 July 2016.

[814] Elizabeth Dickinson, "even Questions: Gay Garner," *Foreign Policy*, 15 July 2009, accessed: 18 April 2015, http://foreignpolicy.com/2009/07/15/seven-questions-jay-garner/.

Pentagon, the U.S. National Security Council and the wider U.S. administration. Thereafter, it became more difficult for U.S. officials to sacrifice Kurdish interests in favour of Turkey or any other regional state. So, for instance, when Turkey requested permission to deploy its forces inside the KRI, based on its agreement to allow the U.S. access to Turkish airspace, U.S. officials reiterated their unawareness of such a commitment, while requesting Turkey to avoid creating a war within a war which would be negative to Turkish interests.[815] It was quite simply, as one observer stated, Iraqi Kurds' "Hour of Power",[816] as "The 2003 Iraq war solidified the Kurds' international visibility".[817]

Indeed, the U.S. ousting of the regime of Saddam Hussein, the presence of the world's superpower in Iraq, the Turks' inability to project force inside the KRI, and the participation of Kurdish forces alongside U.S. forces prompted the Kurdish genie to step out of the bottle. Describing the Kurdish position following the removal of the regime of Saddam Hussein, one anonymous Kurdish politician stated: "We Kurds have always been kept at bay by four dogs -Iraq, Iran, Syria, and Turkey. The Iraq dog is dead. The Turkish dog is in the doghouse. The Iranian and Syrian dogs cower in their corners."[818]

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[815] See: Oliver Burkeman and Michael Howard, "Turkish troops enter northern Iraq," *the Guardian*, 22 March 2003, accessed: 1 January 2013, http://www.guardian.co.uk/world/2003/mar/22/turkey.iraq.
[816] Ofra Bengio, "Iraqi Kurds: Hour of Power?" *Middle East Quarterly*, Vol. X, No. 3 (2003), pp. 39-48, http://www.meforum.org/554/iraqi-kurds-hour-of-power.
[817] Henri J. Barkey, "Preventing Conflict Over Kurdistan," *Carnegie Endowment for International Peace*, Washington DC (2009), p. 7.
[818] Galbraith, *The End of Iraq*, Op. Cit., p. 159.

6.3 Legalization and Reunification of the Kurdish De Facto State within the Iraqi Quasi-State

The fall of Saddam's regime was greeted with jubilation and celebrations across Iraqi Kurdistan. However, despite extreme pressure from the Kurdish people for secession and declaration of an independent state, the Kurdish leadership made realistic decisions. The KRI was unable to secede from Iraq due to intense regional and international opposition to secession and the extremely disadvantageous geopolitical position of the KRI. Therefore, the Kurds opted for semi-total de facto independence with the framework of Iraq. Peter Galbraith reflecting on one of his meetings with Nechirvan Barzani states that the Kurds had essentially one clear goal, "to preserve the de facto independence of Kurdistan."[819] The Kurds also realized that safeguarding their de facto independence required active participation in the upcoming Iraqi state-building processes launched by the U.S. administration. In this regard, Barham Salih stated: "the dominant view among Kurds is that they must be represented in Baghdad if they are to avoid the genocidal horrors of the past."[820] The Kurdish de facto state opted nominally to rejoin the state of Iraq, while virtually endeavouring to maintain its extensive regional autonomy and de facto

[819] On 30 April 2003, Nechirvan Barzani referring to negotiations with Baghdad told Galbraith, "We Want the Maximum," Galbraith, *The End of Iraq*, Op. Cit., p. 160.
[820] Barham Salih, "Iraqi Kurdistan and the Transition, Post–Coalition Provisional Authority," *The Washington Institute for Near East Policy*, Policy Watch 829, 29 January 2004, accessed: 3 July 2016, http://www.washingtoninstitute.org/policy-analysis/view/iraqi-kurdistan-and-the-transition-postcoalition-provisional-authority.

independence. As Brendan O'Leary notes, "Kurds sought the practicalities of maximum feasible statehood within Iraq rather than formal independence."[821]

From the outset, Kurdish political parties realized their best chance of preserving their de facto independence was by maintaining good foreign relations with the United States as the ultimate authority in Iraq. Throughout the first decade of their de facto statehood, the U.S. and the UK had acted as a sort of patron state for the KRI. Without the military security and protection provided by the U.S., and the UK, the KRI would not have been able to maintain its survival in its tough geopolitical environment in the Middle East region.

The task of preserving Kurdistan's de facto independence or enshrining Kurdistan's near-complete autonomy was facilitated by coalescing several factors in favour of Iraqi Kurds. Firstly, as Masoud Barzani noted, U.S.-Iraqi Kurdish relations after 9/11 had become more solidified "since the Kurds had become, for the United States, a major part of the liberation of Iraq and a front against terror, whilst their role [was] important for the democratic rebuilding of Iraq as well as for Iraq's political processes."[822] Moreover, Barzani argued that Kurdistan and the U.S. shared common strategic goals including "the fight against terrorism, the rebuilding of Iraq's democratic base, and the common agreement on Iraq's Constitution."[823] Kurdish politicians realized that the U.S. was firmly supporting the territorial integrity of Iraq and its prospects for democratization, which in U.S. thinking would have had wide

[821] Brendan O'Leary, "The Federalization of Iraq and the Break-up of Sudan," *Government and Opposition*, Vol. 47, No. 4 (2012), p. 506.
[822] Charountaki, Op. Cit., p. 222.
[823] Ibid., p. 51.

positive repercussions in the Middle East region – long a mantle of influential neoconservatives in the U.S. political establishment.[824] As such, the Kurdish leadership avoided making overtly secessionist claims and instead focused on preserving the KRI's near-total de facto independence. Secondly, the fact that Turkey was distanced from bearing any influence over the future of Iraq helped the Kurdish leadership to focus on negotiating with its Arab partners in the former Iraqi opposition over issues relating to the future of the KRI.

Thirdly, and perhaps, more importantly, as later events proved, the U. S's toppling of Saddam's regime in the first week of April 2003 did not merely represent substitution of one regime with another, more democratic, regime. It constituted, as Toby Dodge argues, the complete collapse of the administrative and coercive capacity of the Iraqi state.[825] The above fact combined with the absence of an Arab Iraqi elite united around a common platform or ideology further eased the task of the Iraqi Kurdish leadership. Harvey also focuses on this point, when he states:

> "In the wake of the United States led war on Iraq in 2003, the absence of a strong and politically antagonistic central regime in Baghdad enabled Kurdish politicians and political parties to exert a profound influence on the future trajectory of Iraqi politics."[826]

The second Iraqi state-building process was vital for the continued survival of the KRI. For this reason, from the outset, the Iraqi Kurdish leadership was keen to

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[824] Neoconservatives viewed Iraq as a 'strategic prize.' "Once liberated, they say, Iraq will provide the spark to transform the region- the Palestinians, Iran, Syria, Saudi Arabia, and ultimately even Egypt- from Autocracy to democracy," see: Yaphe, Op. Cit., p. 25.
[825] Toby Dodge, "The Causes of US Failure in Iraq," *Survival*, Vol. 49, No. 1 (2007), pp. 85- 106.
[826] Harvey, Op. Cit., p. 12.

join the U.S.-sponsored Iraqi political institutions.[827] The Kurds, as Henri Barkey notes, "were the only ones to regard the U.S. occupation of Iraq as liberation. The Kurdish-controlled areas became Iraq's most stable and prosperous regions. Kurds also took an active political role in Baghdad."[828] The first U.S. attempt to administer post-Saddam Iraq materialized when the White House announced the creation of the Office for Reconstruction and Humanitarian Assistance (ORHA) on 20 January 2003 and dispatched on 21 April 2003 the retired U.S. general, Jay Garner, to lead it in Iraq.[829] But, in mid-May 2003, ORHA tenure came to an abrupt end when the White House dispatched Ambassador L. Paul Bremer III to lead the newly established Coalition Provisional Authority (CPA). As the head of CPA, Bremer was effectively Iraq's occupation governor and exercised supreme executive, judicial and legislative authority in Iraq until June 2004, when sovereignty was transferred to an interim Iraqi government (IIG).[830] In mid-July 2003, Bremer appointed a twenty-five-member Iraqi Governing Council (IGC) with advisory powers that comprised five Kurds including Masoud Barzani and Jalal Talabani.[831] Moreover, Hoshyar Zebari, of the KDP leadership, served as a 'foreign minister' in the cabinet that was appointed by the IGC from September 2003 until the IIG was formed to assume

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[827] See: Dickinson, Op. Cit.
[828] Barkey, "Preventing Conflict Over Kurdistan," Op. Cit., p. 7.
[829] "The Visit to Kurdistan of Jay Garner, The Provincial Civil Administrator of Iraq," *The Kurdish Institute of Paris*, No. 217, April 2003, accessed: 19 January 2013, http://www.institutkurde.org/en/publications/bulletins/217.html#bul1.
[830] For a more detailed account on the events during the first year of U.S. occupation, see: L Paul Bremer, *My Year in Iraq* (New York: Simon and Schuster, 2006).
[831] Kenneth Katzman and Alfred B. Prados, "The Kurds in Post-Saddam Iraq*," Congressional Research Service,* Report RS22079*, 12* December 2006, accessed: 18 May 2015, http://fpc.state.gov/documents/organization/79340.pdf.

sovereignty on 28 June 2004.[832] Kurds were given eight prominent positions within the new IIG, including Hoshyar Zebari as the Foreign Minister and Barham Salih as the Deputy Prime Minister of Iraq, as well as a myriad of pivotal, if less visible positions throughout the institutions of government. However, the Kurds, as the second nationality or ethnic group in Iraq, believed that they deserved one of the top executive positions, either the presidency and premiership.[833]

Nevertheless, the future of Kurdistan could not be secured merely by Kurdish participation in executive posts in Baghdad. During many periods of Kurdish existence in Iraq, Kurds had possessed posts in Baghdad, particularly when the central government was weak and seeking compromise and consensus with the Kurds, only to revert to violence one it was stronger and more secure. For this reason, as Liam Anderson argues, Kurdish leaders approached the negotiations over the TAL and the permanent constitution with three strategic goals: "first, to preserve the autonomy of governance of the Kurdistan Region at or near pre-2003 levels; second, to secure the constitutional guarantees necessary to defend Kurdish autonomy against future, resurgent Arab majority governments in Baghdad; and third, to define the boundaries of the Kurdistan Region and, specifically, to reclaim as Kurdish disputed territories such as Kirkuk."[834]

It is important to reiterate that the Kurds saw their interactions with Baghdad on matters of foreign policy as another distinct entity. As the KRI could not declare

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[832] Ibid.
[833] Aram Rafaat, "U.S. -Kurdish Relations in Post-Invasion Iraq," *Middle East Review of International Affairs*, Vol. 11, No. 4 (December 2007), p. 80.
[834] Liam Anderson, "Internationalizing Iraq's constitutional Dilemma," in Lowe and Stansfield (eds.), Op. Cit., p. 147.

independence, Kurdish negotiators viewed their participation in the processes of second Iraqi state formation as a matter of defending Kurdistan from Baghdad. Galbraith notes this point when he wrote that, "The Kurds saw the writing of Iraq's interim constitution not as an opportunity to build a new Iraq (as Bremer believed) but as a purely defensive exercise."[835]Thus, the constitutional process was viewed as a means to achieve Kurdish national interests. Up to this date, Kurdish negotiations in the TAL had been considered a major victory for the Kurdish leaders. Sensing history being made and realizing the opportunity to stipulate the legalization of Kurdish de facto independence, Barzani and Talabani jointly strived and negotiated very hard. Michael Kelly, an American constitutional adviser to the KRG, states that the Arab leaders were deeply divided over several issues, such as the role of religion, women rights and overall definition of the identity of the Iraqi state, "The Kurds, on the other hand, presented a united Barzani-Talabani front backed by a team of Western constitutional law experts led by Peter Galbraith and Brenden O'Leary. Comparatively, it was no surprise that Kurdish positions should have advanced over the split Sunni/Shia Arab positions as the TAL came together."[836]

The TAL, which was introduced on 8 March 2004, represented a temporary but important text since it constituted the basic outlines of the political shape of the future Iraqi state. Being better prepared to deal with constitutional issues, KRI leaders submitted Kurdistan's draft Constitutional Proposal to the CPA and the Arab

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[835] Galbraith, *The End of Iraq*, Op. Cit., p. 162.
[836] Michael Kelly, "The Kurdish Regional Constitution within the Framework of the Iraqi Federal Constitution: A Struggle for Sovereignty, Oil, Ethnic Identity, and the Prospects for a Reverse Supremacy Clause," *Penn State Law Review* 114, 3 (2010), 727.

political leaders on 13 February 2004 as the most basic Kurdish demands for eventual incorporation into the TAL.[837] Although Kurdistan did not secure all its demands, the TAL, however, represented a milestone for the achievement of Kurdish goals. The TAL recognized the KRG as the official government of territories controlled by the KRI on and before 19 March 2003 (Article 53 A), recognized the supremacy of the laws of KNA (Article 54 B), recognized the Kurdish language as one of the two official languages of Iraq (Article 9) and enshrined a mechanism to resolve the issue of disputed areas including Kirkuk in Article 58.[838] Thereafter, for the Kurds, TAL became almost a sacred text as it could serve as the basis of Kurdish federalism in Iraq, which for the Kurds had become "the sine qua non of [their] participation in a post-2003 Iraq."[839]

However, the Kurdish success in enshrining their de facto independence in the TAL was not an easy and straightforward process. Kurdish leaders faced mounting opposition and pressure from most of their erstwhile Arab opposition partners, and even the U.S. administration, in the form of CPA. In one instance, Barzani and Talabani complained to President Bush that "It was rare for the U.S. government or the CPA to refer to Kurdistan or the Kurdish people."[840] Moreover, the head of CPA, Bremer, informed Barzani that the White House wished to omit any references to the KRI and its institutions in the TAL.[841] Indeed, high-level Kurdish

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[837] see: Appendix 1, O'Leary, McGarry and Salih (eds.), Op. Cit., pp. 309-313.
[838] See: "TAL," Op. Cit.
[839] Sean Kane, "Iraq's Oil Politics: Where Agreement might be found," *United States Institute of Peace*, No. 64, January 2010, p. 6.
[840] Rafaat, "U.S.-Kurdish Relations in Post-Invasion Iraq," Op. Cit., p. 80.
[841] Galbraith, *The End of Iraq*, Op. Cit., p. 165

officials such as Nechirvan Barzani demonstrated their frustration by stating that the principles of federalism were ignored by the United States in the post-Saddam political arrangements.[842] Moreover, the Kurds were furious that the United States failed to incorporate the TAL into the U.S.-sponsored UNSC resolution 1546 that formally ended the U.S. tenure in Iraq. Expressing his frustration, Nechirvan Barzani described the omission as "This is a negative sign," stating further that "It is very disappointing for the Kurdish people not to have the [interim constitution] and federalism mentioned in the resolution"[843] and led some observers to conclude that the Kurds have been 'sold out' by the U.S.[844]

The Kurds presented a united foreign policy front in the upcoming nationwide elections to elect an Iraqi transitional national assembly, which was mainly responsible for drafting a permanent Iraqi constitution to be put to a referendum of the people of Iraq, and appointing a caretaker government. In the elections that took place on 30 January 2005, all the Kurdish parties ran on a single block called the 'Kurdistan Alliance', and succeeded in gaining about 26 per cent of the votes which translated into 75 Assembly seats.[845] Having emerged as the second strongest grouping in the Iraqi COR after the Shiite 'United Iraqi Alliance', and as the second nationality in Iraq, the Kurds managed to promote Jalal Talabani to the presidency

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[842] Charountaki, Op. Cit., p. 201.
[843] "Kurds challenge U.N. proposal," *The Washington Post*, 26 May 2004, accessed: 30 November 2014, http://www.washingtontimes.com/news/2004/may/26/20040526-094508-5825r/.
[844] Bernard Gwertzman, "Phillips: 'The Kurds Have Been Sold Out by the United States'," *Council of Foreign Relations*, 1 July 2004, accessed: 13 April 2015, http://www.cfr.org/world/phillips-kurds-have-been-sold-out-united-states/p7170.
[845] For a list of the political blocks competing in the elections and the results, see: Stansfield, *Iraq*, Op. Cit., p. 183.

of Iraq, which he kept following the December 2005 nationwide elections and the establishment of a government headed by Prime Minister Nouri Kamil al-Maliki

However, despite the strong Kurdish representation in the Iraqi COR, the Kurds faced mounting challenges to enshrine their de facto independence from Bagdad. Therefore, lobbying foreign governments and attempting to influence public opinion became a primary tool used by the Kurdish leadership. Despite the reservations of Western governments, the West still constituted the primary source of support and sympathy for Kurdish aspirations. The Kurds thus initiated a well-orchestrated public diplomacy campaign aimed at influencing public opinion in the West. The increasing visibility of the KRI, its legitimacy gained through its participation in the OIF, and the wide contacts it had built, allowed the Kurdish leadership more latitude to present its views and press for the achievement of its interests. Nechirvan Barzani, used an opinion piece in the *Financial Times* to send a message to Britain regarding the negotiations on the Iraqi constitution writing:

> "We must keep the autonomy with which we have been able to safeguard our region's security, ensure relative prosperity and educate our people so that women as well as men play an equal role in society and politics. We have and shall maintain the highest standards of protections for national and religious minorities."[846]

[846] Nechirvan Barzani, "Why Kurdistan insists on Kirkuk," *Financial Times*, 15 August 2005, accessed: 3 May 2015, http://www.ft.com/cms/s/2/11f5b994-0db7-11da-aa67-00000e2511c8.html#axzz3Z6Zs5RAp.

He further drew some red lines that if not met, the people of Kurdistan would reject the constitution, stating:

> "If Kurdistan's red lines are not met – a fair referendum in Kirkuk, control of our natural resources, recognition of our lawful army and meaningful law-making powers – our people will reject any new Iraqi constitution."[847]

In another opinion piece, targeted at Americans, Qubad Talabani, the PUK's U.S. representative, wrote that:

> "The danger is that some US officials, desperate to meet the final deadline, will ask us to concede on core principles…This would be an injustice to Iraq's Kurds, who have fought steadfastly to defend values of the kind Americans and other citizens of the free world take for granted." He adds "while some may have abandoned their struggle for democracy in Iraq, the US should not. We the Kurds certainly have not."[848]

The Permanent Iraqi Constitution that was ratified in a popular referendum in October 2005 marked a considerable victory for the people of Iraqi Kurdistan. Article 1 established Iraq as a federal entity.[849] Article 117, recognized the existence of the Kurdistan Region along with its existing authorities, as a federal region. Article 120 gave the region the right to adopt a constitution. Article 121, section one, designated to regional powers the right to exercise executive, legislative and judicial control in

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[847] Ibid.
[848] Qubad Talabani "What the Kurds Want", *Wall Street Journal*, 22 August 2005, accessed: 10 May 2013, available from PUK website; http://www.puk.org/web/htm/news/nws/qubad050822.html.
[849] CONST. OF IRAQ, Op. Cit.

their regions; section three allocated the regions a share of the national revenue; and section five empowered the regional authorities to organize and maintain internal security forces for the region such as police, security services and guards,[850] in effect a code word legalizing the Kurdish Peshmerga forces. Article 141 recognized and validated all legislation enacted by the KNA and governmental decisions including court orders and contracts enacted in the KRI since 1992.[851] Article 115, however, can be considered as one of the most important clauses in the Constitution stipulating consolidation of the KRI, stating:

> "All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region. With regard to other powers shared between the federal government and the regional government, priority shall be given to the law of the regions and governorates not organized in a region in case of dispute."[852]

Furthermore, Article 121 (section two), further specified that:

> "In case of a contradiction between regional and national legislation in respect to a matter outside the exclusive authorities of the federal government, the regional power shall have the right to amend the application of the national legislation within that region."[853]

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[850] CONST. OF IRAQ, Articles 120 and 121.
[851] CONST. OF IRAQ, Article 141.
[852] CONST. OF IRAQ, Article 115.
[853] CONST. OF IRAQ, Article 121.

These two articles represented the primary safety valves set by the Kurdish negotiators to protect the Kurdish de facto independent territory from the rest of Iraq. As Sean Kane notes, “the critical point is that, with the exception of a set of exclusive powers explicitly given to the federal government, the Iraqi Constitution gives regional law “priority” over national law (in article 115) and regional legislatures the ability to amend the application of national law within their region (article 121.2) on most matters.”[854]

Many Kurdish politicians, academics, intellectuals, as well as foreign friends and supporters contributed to protecting Kurdistan’s powers in the Constitution of Iraq. However, as James Glanz notes, Masoud Barzani, backed by a team of Western constitutional law experts led by Peter Galbraith and Brendan O’Leary,[855] played the major role in preserving and consolidating Kurdistan’s de facto independence from Baghdad; a de facto independence encompassing almost all dimensions of sovereignty except international legal sovereignty. Noting that the Constitution of Iraq essentially stipulated the quasi-independence of the Kurdish de facto state, one observer concluded:

> “The old Kurdish guerrilla leader is savoring his most recent victory, won not on the field of battle but in the arid drawing rooms of Baghdad's constitutional convention. In three weeks of talks here, Masoud Barzani,

[854] Kane, Op. Cit., p. 12.

[855] Both O’Leary and Galbraith served as advisors to President Masoud Barzani during the constitutional negotiations on a personal capacity, see: James Glanz, “U.S. Adviser to Kurds Stands to Reap Oil Profits,” *The New York Times*, 11 November 2009, accessed: 2 June 2015, http://www.nytimes.com/2009/11/12/world/middleeast/12galbraith.html?pagewanted=2&_r=0.

> the former guerrilla leader, quietly secured in the new Iraqi constitution virtually everything the Kurds were asking for, enshrining powers of autonomy that approach those of a sovereign state."[856]

While another observer concluded:

> "Barzani . . . dominated the process of making the final constitution. And it is true: the Kurds kept everything the TAL gave them, made new gains with respect to a further weakening of the jurisdiction of the federal government and the ultimate disposition of Kirkuk as well, and even managed to gain a kind of mediating position with respect to some issues such as the question of Islam and the state."[857]

In the processes of government formation, the Kurds maintained their strong position. In the four-year government that was formed in April-May 2006, the Kurds occupied several important positions of authority with Talabani serving as President, Hoshyar Zebari as Foreign Minister and Barham Salih serving as one of the two Deputy Prime Ministers.[858] The Kurds also received a share of positions in the civil and military services, including high-ranking positions in the ministries, the military or even Iraqi security and intelligence services. The Kurdish leadership made sure

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[856] Dexter Filkins, "Ex-Rebel Kurd Savoring Victory in Iraq's Politics," *The New York Times,* 2 September 2005, accessed: 18 April 2015, http://www.nytimes.com/2005/09/02/international/middleeast/02kurds.html?pagewanted=print.
[857] Andrew Arato, Constitution Making Under Occupation: The Politics of Imposed Revolution in Iraq (New York: Columbia University Press, 2009), p. 232.
[858] Kenneth Katzman, "The Kurds in Post-Saddam Iraq," *Congressional Research Service*, Report No. RS22079, 1 October 2010, accessed: 9 August 2015, https://fas.org/sgp/crs/mideast/RS22079.pdf.

to put across the message that as the second nationality in Iraq, they deserved these positions. Commenting on his assumption of the position of the President of the Iraqi Republic, Jalal Talabani stated in an interview: “I think it is normal that our struggle started and developed and reached this stage of success. With the collapse of the dictatorship, a new Iraq is going to be reshaped, and the Kurds must have their share in the main posts of this country, because we are the second nationality of Iraq.”[859]

Notwithstanding its ability to stipulate its virtual independence in the Constitution of Iraq by maintaining unity and good negotiating skills, the KRI had a negative image and suffered from a major public relations fiasco. Despite the legalization of the KRI within the new Iraqi state, the continuing division of the KRG soon emerged as a major foreign policy problem for the Kurdish leadership. The legalization of the Kurdish de facto state in Iraq meant expanding interaction between members of the international community and the KRI. If during the first decade of the KRI’s existence interaction was minimal, now states, international organizations, NGOs, multinational corporations as well as a myriad of other actors communicated with the KRI over matters directly related to the KRI and its people. The division of the KRG also was detrimental to Kurdistan’s foreign policy of image-building. The Kurds quite simply could not demand autonomy from Baghdad within a territorially compact federal region while they were divided into two distinct regions, particularly given the fact that during the early stages of the U.S. occupation of Iraq,

[859] ” see: Jim Muir, “Talabani: Iraq's pragmatic new leader,” *BBC*, 7 April 2005, accessed: 19 January 2013, http://news.bbc.co.uk/2/hi/middle_east/4421261.stm.

the CPA and many Iraqi-Arab political groups had envisioned basing Iraq's federal structure on the country's 18 existing structures.[860]

The Kurds also realized that the consolidation of the KRI would not go unchallenged from the rest of Arab population of Iraq, powerful neighbouring states, the larger Arab world and indeed supporters of the principle of territorial integrity in the larger international community. Hence it became imperative for the Kurdish leadership to strengthen the KRI by unifying and reactivating its political institutions. As one anonymous Kurdish official asserted "the leadership planned to 'defend Kurdistan from Baghdad', rather than from the 'green line' separating the Kurdistan Region from the rest of Iraq."[861] And defending Kurdistan from Baghdad required a unitary de facto state both at the level of domestic politics and foreign policy.

The Kurdish leadership also feared that initiation of the nascent democratic processes in Iraq might lead to invalidation of the claims long being made by the Kurdish leadership about the KRI being an experiment in democracy. The first direct and public meeting between the KDP and PUK with regard to the unification of the two KRGs had taken place on 12 June 2003 – around two months after the removal of the regime of Saddam Hussein. The names of the participants reflect the weight given to the issue of reunification: President Masoud Barzani of the KDP, Nechirvan

[860] Rafaat, "U.S.-Kurdish Relations in Post-Invasion Iraq," Op. Cit., p. 81.
[861] Kinninmont, Stansfield and Sirri, Op. Cit., p. 20.

Barzani of the KPD-KRG, President Jalal Talabani of the PUK as well as PM Barham Salih of the PUK-KRG.[862]

To highlight the maturity and the democratic credibility of the KRI, the reunification process started with an election campaign. The election for a new KNA in the KRI took place on 30 January – the same date as the first Iraq-wide elections – 2005. The Kurdistan Alliance, which consisted of the KDP and PUK as well as countless smaller Kurdish parties, ran on a unified list and managed to gain 104 out of 111 seats (five other seats were reserved for Christians, as in the 1992 elections).[863] This time, however, the elections were observed and monitored by various individuals and agencies, including the UN. On 12 June 2005, the newly elected KNA selected Masoud Barzani as "President of Kurdistan".[864] The processes of reunification were given a further boost when both parties signed the Unification Agreement on 21 January 2006 which represented a road-map to reunify the KRG,[865] and subsequently formed a new KRG under the premiership of PM Nechirvan Barzani.[866]

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[862] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 201.
[863] Katzman, The Kurds in Post-Saddam Iraq (2006), p. 5.
[864] Kathleen Ridolfo, "Iraq: Kurds Agree to Unify Administrations," *Radio Free Europe*, 12 January 2016, accessed: 18 November 2016, http://www.rferl.org/a/1064623.html.
[865] "Kurdistan Regional Government Unification Agreement," *KRG website*, 23 January 2006, accessed: 29 December 2012, http://cabinet.gov.krd/a/d.aspx?s=&l=12&r=24&a=8891&s=010000.
[866] "Single government for Iraqi Kurds," *BBC*, 7 May 2006, accessed: 15 January 2013, http://news.bbc.co.uk/2/hi/middle_east/4982546.stm.

While the reunification was at a most critical stage, and the KRI faced significant internal fissures and problems,[867] the Kurdish leadership still attempted to portray the elections and the reunification of the KRG as a strong indication of its democratic credentials and proof of its endeavour to build an effective statehood. Following the formation of the unified KRG, during a speech delivered before members of the KNA, Nechirvan Barzani said:

> "We are determined to establish strong constitutional institutions to further support the democratic process. Our main task is forming a system of good governance through the participation of all groups, with transparency and accountability, which means a modern, professional government."[868]

Moreover, a KRG website article specifically referring to the need to protect the de facto independence of the KRI stated:

> "We must secure and guarantee the historic achievements of our people and the realization of our full and just rights… and developing and growing the democratic experience in the Kurdistan Region with further strengthening of stability and liberty through the creation of a lasting unification of the KRG."[869]

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[867] See: Gareth Stansfield, "Can the Unified Kurdistan Regional Government Work?" *Carnegie Endowment*, 18 June 2006, accessed: 13 January 2013, http://carnegieendowment.org/2008/08/18/can-unified-kurdistan-regional-government-work/6d3w.
[868] "Unified cabinet's program: A bright future for all," *KRG website*, 7 May 2006, accessed: 30 April 2017, http://cabinet.gov.krd/a/d.aspx?r=95&l=12&a=10934&s=&s=010000.
[869] "Kurdistan Regional Government Unification Agreement," Op. Cit.

In short, by mid-2006, the KRI emerged as a much more consolidated, unitary actor on the domestic scene as well as a unitary actor pursuing strategically rational foreign policies.

6.4 Foreign Policy of Image-Building at Full Gear

At first glance, it seems that according to the Constitution of Iraq the KRI was deprived of the power to formulate and pursue its own foreign policies. Article 110 (1) of the Constitution of Iraq clearly stipulated that the federal government shall have exclusive authority over:

> "Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; negotiating, signing, and ratifying debt policies and formulating foreign sovereign economic and trade policy."[870]

Moreover, article 121 (4) stipulated:

> "Offices for the regions and governorates shall be established in embassies and diplomatic missions, in order to follow cultural, social, and developmental affairs."[871]

However, the KRI officials realized very well that the continued survival of the KRI, militarily, politically, and economically did not depend on the clauses written in the Iraqi Constitution. Although it had not seceded from Iraq, the KRI still realized that to maintain its wide de facto independence, legitimize it, and demonstrate its autonomy and ability to function like a state, it must ensure positive engagement with the international community and adhere to international standards on democratization and good governance. The task of building a positive image for the

[870] CONST. OF IRAQ, art. 110.
[871] CONST. OF IRAQ, art. 121.

KRI or 'nation-branding'[872] therefore became a priority for the leadership of the KRI. The literature of FPA has analyzed the role of 'national self-image' as a determinant of foreign policy at the state-level. Laura Neack, for example, defines national self-image as "the story people in a country tell about who they are as a people, who their country "is" in the world, and what their country does in the world." Moreover, Neack argues that there may exist a subnational self-image which basically "promulgates different stories and narratives."[873] The KRI leadership set about redefining the Kurds in the international arena. The story, however, now differed. If during the first decade of the KRI's existence the story had focused on the KRI as an experiment in democracy, after 2003, the story was expanded to include other elements, such as the KRI's successful state-building, signs of security and stability, protection of minority rights, contribution to the war on terror and insurgency, as well as its potential economic viability. All the stories endeavoured to set Kurdistan as an entity apart from the rest of Iraq. In other words, the KRI leaders started a process of identity formation which was distinct from the rest of Iraq.

The partial reunification of the KRG, Kurdistan's legalization within the framework of Iraq, its rising international visibility as the result of the OIF and its close relationship with the U.S., allowed the KRI to embark on a conscious foreign policy to build and enhance a positive image for Kurdistan. The task was ever more essential since despite all the Kurds' sufferings and achievements, the international community had little understanding of the KRI compared with, for instance, Palestine

[872] See: Olins, Op. Cit., p. 3.
[873] Neack, Op. Cit., p. 97.

or Taiwan. Moreover, the Kurds possessed values such as tolerance, openness towards other cultures, sects, religions and ethnicities which needed to be highlighted. Foreign policy is essentially the link between domestic politics and international relations. Therefore, each development at domestic level became a primary tool in the hand of Kurdish policy-makers and officials to achieve the foreign policy objective of the KRI: image-building. This combination of national interest and national self-image created an interesting domestic political consensus to which the major parties of the KRI, particularly the KDP and the PUK, subscribed. In short, to protect its existence, the KRI sought international visibility.

Perhaps the best indicator of the KRI's early attempt at further visibility, and its efforts to highlight its achievements in the realm of political consolidation and democratization, was made right after the unification of the KRG. When a 2005 EU report failed to mention the 2005 KNA elections and establishment of the reunified KRG, the KRG's representation office in Brussels issued a public statement, in which it protested what it called a 'dangerous omission', stating:

> "The report makes no reference to the elections in Kurdistan in Iraq to the Kurdistan National Assembly (KNA), the formation of a new Government and the appointment of a President of the Kurdistan federal region. KRG expresses its concern, not so much because the report fails to recognise institutions foreseen by the Transitional Administrative Law (TAL), but because the report makes no reference to the positive democratic example that the people of Kurdistan and these institutions have offered

to the federal republic of Iraq and their important contribution to the stability of the whole region…"[874]

Indeed, the need to widen the interactions of the KRI with the international community required a new approach. Aiming to highlight the KRI as a unitary foreign policy actor, the KRG rationalized the organization of its foreign policy machine both inside the KRI as well as abroad. However, the KRG had to be careful not to antagonize the federal government in Baghdad, the ever-watchful neighbouring states, and possibly its U.S. patron. Therefore, instead of establishing a Ministry of Foreign Affairs, which would send a signal of Kurdistan's intention to formulate and pursue foreign policy, the KRG in September 2006 opted for a Department of Foreign Relations (hereafter DFR), under a director with ministerial rank.[875] Moreover, the KRG streamlined the process of formation of the DFR and confirmed its representatives abroad. The United States and the UK were on the top of the list, where Qubad Talabani and Bayan Sami abdul-Rahman were confirmed as the KRG representatives respectively. Moreover, aiming to show the KRI as an effective actor and its ability to engage in foreign relations with other states on an independent basis, none of the KRG foreign representation offices resided inside Iraq's embassies as stipulated in the Iraqi constitution.

There were also more strategic calculations that benefited the KRI. The U.S. intervention in 2003 culminated in a strategic alteration in the relationship between

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[874] "Damaging omissions in the Report on the European Union and Iraq-a framework for engagement," *KRG website*, 8 July 2005, accessed: 29 December 2012, http://www.krg.org/a/d.aspx?s=&l=12&r=95&a=4169&s=010000.
[875] Kinninmont, Stansfield and Sirri, Op. Cit., p.19.

Iraq and Iran. While prior to 2003, the Baathi regime had acted as a bulwark against Persian ambitions to dominate the Gulf Region, the removal of the Baathi regime gradually opened Iraq to Iranian influence. The decisive victory of Islamic-oriented Shiite parties such as the Islamic Dawa party, the Islamic Supreme Council of Iraq (ISCI)[876] and al-Sadr in two successive Iraqi-wide national elections, in January and December 2005, and their accession to power, intensified the Iranian cloud over the politics of Iraq. The United States, as Bayram Sinkaya notes, played a major role in this transformation "simply by its intervention in Iraq in 2003 that destroyed the Baath rule and built a new federal and 'democratic' regime. Iran effectively utilized the structural change and new circumstances in the neighboring country, and elevated Baghdad-Tehran relations to a 'strategic' level."[877] In these circumstances and following the weak electoral showing of an array of Arab secular and liberal groupings whom the U.S. previously had counted on, Kurds emerged as the largest pro-U.S. and pro-secularism force in the new Iraqi state. Faced with this new situation the initial U.S. strategy, which had sought to weaken the Kurds for fear of separatism, gave way to a new approach favouring the Kurds as defendants of secularism and the most pro-U.S. force in Iraq. Hence, a visit to Kurdistan by the Secretary of State, Condoleezza Rice, in 2005 symbolized this shift in U.S. foreign policy. Before going to Baghdad, as the capital of Iraq, and meeting with Iraqi officials, Rice stopped in Kurdistan and met Barzani. As Michael Rubin writes, "By

[876] SCIRI was renamed to Islamic Supreme Council of Iraq (ISCI) after 2003.
[877] Bayram Sinkaya, "The 'Deepening' of Strategic Partnership between Iraq and Iran," *ORSAM,* No. 19, December 2014, accessed: 9 August 2016, http://www.orsam.org.tr/index.php/Content/Assessments/12?c=su%7Cenglish.

going first to Barzani's headquarters rather than to Baghdad, she bolstered the Kurdish leader's position in the eyes of his constituents and among the other Iraqi political leaders negotiating in the nation's capital."[878]

The importance of the KRI as a fundamental part of America's Iraqi foreign policy became visible when for the first time in October 2005 President George W. Bush received Masoud Barzani as the President of the KRI – not as the leader of an Iraqi opposition party – at the White House. In the meeting, the first of its kind, Bush assured Barzani that "America will stand with the people that desire a free and democratic Iraq,"[879] and he commended the Kurds' tolerance towards other religions and ethnic backgrounds.[880] However, for the Kurds and their leaders, the importance of the meeting lay in the 'official declaration of a US Kurdish policy,'[881] and what that meant for the survival and de facto independence of the KRI. For the Kurds, Barzani's visit to the White House and the formal reception accorded to him was a major victory, particularly given the fact that Barzani was not the leader of an independent state. Commenting that Barzani's visit "is recognition of identity of Iraqi Kurdistan," Talabani stated that:

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[878] Michael Rubin, "The Arafat Model", *Middle East Forum*, 12 September 2005, accessed: 9 August 2016, http://www.meforum.org/749/the-arafat-model.

[879] "Remarks Following Discussions with President Masoud Barzani of the Iraqi Kurdistan Regional Government," George W. Bush: XLIII President of the United States: 2001-2009, *The American Presidency Project*, 25 October 2005, accessed: 1 August 2016, http://www.presidency.ucsb.edu/ws/index.php?pid=62701.

[880] "Bush assures Iraqi Kurdish leader of continued support," *Arabic News*, 26 October 2005, accessed: 15 January 2013, http://www.arabicnews.com/ansub/Daily/Day/051026/2005102632.html.

[881] Charountaki, Op. Cit., p. 222.

> "This is the first time in history that the president of the United States is inviting the president of the Kurdistan region. This is the first that that such a kind of contact on this high level will happen between the U.S. and Iraqi Kurdistan. The visit is also important because the Kurdistan delegation will be received by the president and high personalities in the name of Iraqi Kurdistan. This is a kind of recognition for the identity of Iraqi Kurdistan by the U.S. within the framework of Iraq."[882]

Soon the KRI began to promote itself as a heaven of stability, security and tolerance in an otherwise ocean of violence, instability and religious fundamentalism. Several factors helped the KRI in this foreign policy of image-building. The George W. Bush administration had initially hoped that the removal of Saddam Hussein's regime would not only usher in the evolution of democracy in Iraq, but also the wider Middle East region.[883] However, these hopes were soon dashed. The U.S. occupation of Iraq resulted not only in the replacement of one regime with another, but also fundamentally destroyed the state of Iraq, which led to the eruption of multiple forms of violence and wars. As Toby Dodge argues, "In the space of two years, because of invasion and then state collapse, Iraq went from rogue, the first category of problematic state, to the second, collapsed."[884] A number of violent and

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[882] Ýlnur Çevik, "Talabani: Visit of Barzani to White House is recognition of identity of Iraqi Kurdistan," *Ekurd Daily*, 24 October 2005, accessed: 25 July 2016, http://ekurd.net/mismas/articles/misc2005/10/independentstate412.htm.

[883] For an analysis on pro and cons of a US intervention in Iraq, see: Daniel Byman, "Constructing a Democratic Iraq: Challenges and Opportunities," *International Security*, Vol. 28, No.1 (2003): pp. 47-78.

[884] Dodge, "Iraqi Transitions, Op. Cit., p. 706.

armed insurgent and terrorist groups emerged with varying ideologies and aims that hampered the processes of state-building in Iraq and deprived it of security and stability.[885] In the space of two years, after the U.S. intervention in Iraq, 380 terrorist attacks were carried out throughout Iraq,[886] except in the territories under the control of the KRI. By March 2008, the IOM estimated that 2.4 million Iraqis (outside the boundaries of the KRI) had fled the country, mainly to Jordan and Syria, and 2.7 million were displaced inside Iraq as IDPs.[887] By comparison, between 2003 and 2010, only 7 to 16 terrorist attacks were carried out in territories under the control of the KRI;[888] with the most significant being the suicide bombing of the KDP and PUK headquarters in Erbil on February 2004.[889]

However, the KRI's depiction of itself as an oasis of stability did not remain only at the level of rhetoric or verbal proclamation. The KRI suffered from few security threats emanating from terrorism: the threat of Ansar al-Islam was long removed from the region; the KRI was isolated from the rest of Iraq for a long time and thus the chaos in the rest of Iraq did not reach the KRI and the professionalism and

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[885] For many different types of violent groups in Iraq, see: Ivan Eland, et al. "Occupied Iraq: One Country, Many Wars," *Middle East Policy,* Vol. XII, No. 3 (Fall 2005), p. 1.
[886] Allan Hennessy, "Donald Trump wasn't so far off the mark when he called Barack Obama 'the founder of Isis'," *The Independent*, 11 August 2016, accessed: 12 August 2016, http://www.independent.co.uk/voices/donald-trump-barack-obama-founder-of-isis-hillary-clinton-tony-blair-iraq-war-george-w-bush-a7185446.html?cmpid=facebook-post.
[887] Sarah Kenyon Lischer, "Security and Displacement in Iraq: Responding to the Forced Migration Crisis," *International Security*, Vol. 33, No. 2 (2008), p. 95.
[888] See: Voller, "From Rebellion to De Facto Statehood," p. 219.
[889] For a detailed account of violence in Iraq and its casualties up to 2015, see: Anthony H. Cordesman, "Trends in Iraqi Violence, Casualties and Impact of War: 2003-2015*," Centre for Strategic and International Studies*, 5 October 2015, accessed: 20 November 2016, https://csis-prod.s3.amazonaws.com/s3fspublic/legacy_files/files/publication/150914_Trends_in_Iraqi_Violence_Casualties.pdf.

vigilance of Kurdish security services prevented the infiltration of insurgents and terrorists from the rest of Iraq to the KRI.

Even though the threat of Ansar al-Islam was removed from the region and few terrorist activities targeted Iraqi Kurdistan, the KRI still sought to promote itself at the front in the global war on terror. By promoting the KRI as a front against international terrorism, the Kurdish authorities sought to convey the image that not only was the KRI not a threat to anyone, but it could indeed contribute to regional and international security and stability as well as any responsible and peace-loving state. In other words, maintaining and contributing to regional and international security played an important part in the image-building foreign policies of the KRI and its efforts to highlight the entity's earned sovereignty. Moreover, the signs of security and stability in the KRI were used to emphasize the effectiveness of the unrecognized entity in comparison to its recognized parent state (Iraq), where the state had failed to provide minimum security to its citizens. These claims also conveyed implicitly the idea that the KRI was capable of statehood, thus deserving statehood, whereas Iraq which enjoyed international recognition was indeed a failed state.

To achieve this aim, the KRI officials used several tools. They sought to highlight the tolerant culture of the Kurdish people as well as stressing the professionalism of the Kurdish security services. In an interview, Masrour Barzani, who is currently the Chancellor of the Kurdistan Region Security Council, an institution that oversees Kurdistan's security policy, stated that the security of Kurdistan was due to the "collective work of all people involved in providing security

for this area. But the main reason is the culture of our people and our region. The people in the Kurdistan region do not support radicals or extremism. There is very good cooperation between our agency and our people. The support we get from our people is the key."[890] Barzani in other places promoted the idea of the capability of Kurdish security services in combating violent Islamic fundamentalist groups in the region and elsewhere in Iraq, stating: "Yes, there is [a terrorist threat to the region], but it is much lower than to other parts of Iraq. And it would have been great had we not fought Islamist movements in the region and outside of it."[891]

To promote the KRI as a contributor to stability and security and to enhance its alliance and friendship with the United States, the Kurdish leadership allowed the deployment of Kurdish Peshmerga forces in other Iraqi provinces to help combat insurgency.[892] The contribution of the Peshmerge forces in the OIF had already brought the Kurds a great deal of appreciation and support from the United States. In the 2003-era, the U.S. commanders formed strong bonds with the Kurdish leadership, which in turn allowed the Kurds to have much more influence over the course of the counter-insurgency and indeed the whole political and military affairs of Iraq. An article in the *Wall Street Journal*, wrote:

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[890] Wladimir van Wilgenburg, "Iraq's Security is Kurdistan's Security: An Interview with KRG Intelligence Chief Masrour Barzani," *The Jamestown Foundation*, 7 January 2010, accessed: 20 November 2016, https://jamestown.org/program/iraqs-security-is-kurdistans-security-an-interview-with-krg-intelligence-chief-masrour-barzani/.

[891] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 219.

[892] See: Michael Knights, "Northern Iraq faces increased instability in 2005," *The Washington Institute for Near East Policy*, 20 February 2005, accessed: 3 July 2016, http://www.washingtoninstitute.org/html/pdf/JIR02p30-33T_Iraq.pdf; Hugh Collins, "Kurds on the way to Baghdad," *Foreign Policy*, 9 February 2007, accessed: 18 January 2013, http://blog.foreignpolicy.com/posts/2007/02/09/kurds_on_the_way_to_baghdad.

"In 2003, then-Maj. Gen. David Petraeus's 101st Airborne Division took responsibility for security in Iraq's three Kurdish provinces and formed a strong bond with Mr. Barzani, said a former senior U.S. officer. Every month or so, the two met for lunch in a field tent on a Kurdish mountain to discuss military strategy and battles Mr. Barzani had fought against Mr. Hussein's forces. The Army division began building the region's two largest landing strips—now used in part for arms deliveries and U.S.-Kurdish joint collection of intelligence on the jihadists. Mr. Barzani also forged ties to a generation of U.S. diplomats. Among other things, he went hiking with Mr. Jeffrey, a former ambassador both to Iraq and Turkey."[893]

The commitment of the KRI to portray itself as a heaven of security and stability. and as a key partner in the counter-insurgency efforts. went beyond maintenance and contribution to the security of the region and the whole of Iraq. In 2006, the KNA passed a regional counter-terrorism bill, Law No. 3 (2006): Anti-Terror Law in the Kurdistan Region.[894] The fact that the KRI anti-terror legislation was almost identical with the Iraqi counter-terrorism legislation that was passed in 2005 raised questions about the intentions of Kurdish authorities in passing a specific KRI anti-terror legislation. Some insisted that there was no need to pass such legislation, given the fact that under Article 110 of the Iraqi constitution, national security

[893] Joe Parkinson and Adam Entous "How Kurds Came to Play Key Role in U.S. Plans to Combat Islamic State," *The Wall Street Journal*, 8 September 2014, accessed: 7 July 2016, http://www.wsj.com/articles/in-iraq-kurds-are-key-part-of-u-s-strategy-against-islamic-state-1410229982.

[894] An online copy of the law is available only in Arabic and Kurdish, see: "Counterterrorism legislation in Kurdistan-Iraq," *Kurdistan National Assembly*, law No. 3, 16 July 2006, accessed: 17 May 2015, http://www.perlemanikurdistan.com/files/articles/101207113257.pdf.

remained the exclusive authority of the federal government in Baghdad. Instead others focused on the desire of the KRG to suppress political opposition, abuse and torture of prisoners detained in the regional detention facilities.

However, a better explanation for the KRI's Anti-Terror law, as well as other aspects of its counter-insurgency policies, lay in its foreign policies of image-building and self-justification. De facto states, as stated in Chapter Two of this thesis, are usually portrayed as an attractive territory for a multitude of criminal, illicit groups and terrorist groups, as well as sources of danger to regional and international security. Thus, the KRI's actions could be viewed within this context. As Voller notes, "If the KRG was aspiring to portray itself as an oasis of stability, then the Anti-Terror Law added a legal (statist) dimension into that;" it also "demonstrated the KRG's independence of the government in Baghdad" and "as yet another way for the KRG as a de facto state to prove its sovereignty"[895] In short, the Kurdish leadership was trying to disassociate the KRI from the image of an ungovernable territory, so often called black spots in the literature of de facto statehood.

This aspect of the KRI's earned sovereignty came to the attention of U.S. political and military officials as well as many foreign observers. Lieutenant Dennis Chapman of the U.S. National Army Guard, who authored a report on Kurdistan's security institutions, states:

> "The Peshmerga and their colleagues in the other Kurdish security services have successfully established security in the Kurdistan Region,

[895] Voller, "From Rebellion to De Facto Statehood," Op. Cit., 221.

clearly the safest and most stable region of the country. The Kurds are justifiably proud of the fact that not a single American soldier has been killed due to enemy action in the Kurdistan Region since 2003. What's more, they have done what few governments in the Middle East have been able to do: They have helped to create a polity capable of conducting free elections and that, with certain important exceptions, protects the rights and security of its citizens."[896]

The relatively secure environment of the KRI thus allowed Kurdish officials to add other elements to their foreign policy of image-building and self-justification. By the mid-2000s, Kurdish officials increasingly began to label the KRI as the only 'success story' of the U.S. intervention in Iraq. Dr. Fuad Hussein, Chief of Staff to the President of the Kurdistan Region, stated in an interview that "The Kurdistan Region is a success story, not only in comparison to the rest of the country but to the rest of the region as well. Certainly, it is a success story in terms of security…" [897]

Although in a sense all of Iraq's diverse groups were and are legitimate targets for violence and coercion based on their ethnicity, sectarian or religious affiliations, religious minorities such as Christians, Yezidis and Mandaeans were more vulnerable because of their small numbers, dispersion through Iraq, or their

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[896] Dennis Chapman, "Security Forces of the Kurdistan Regional Government," U*.S. Army War College* (2008), pp. 5-6.

[897] "Diplomacy in Action," The Review, Kurdistan Region of Iraq, *INVEST IN GROUP*, September 2013, accessed: 3 December 2013, http://investingroup.org/files/the_review-kurdistan_region_of_iraq-september_2013.pdf. For a journalistic account of KRI's success story, see: Luke Harding, "Revisiting Kurdistan: 'If there is a success story in Iraq, it's here,'" *the guardian*, 16 July 2014, accessed: 20 November 2016, https://www.theguardian.com/world/2014/jul/16/arrived-in-kurdistan-with-chemical-weapon-suit-iraq-saddam-hussein.

location in the hotbed of extremism and terrorism. Of these groups, the Christians were more vulnerable because of their association with the West and the Western occupation of Iraq.

Beginning with the U.S. intervention in Iraq, al-Qaeda and other insurgent groups bombed and destroyed dozens of Christian churches, kidnapped and killed several priests and bishops and continuously harassed and killed ordinary Christian citizens.[898] Faced with this situation, the KRI immediately adopted an open-gate policy to Christian IDPs, and for that matter IDPs from other ethnicities and sects in Iraq. Moreover, Nechirvan Barzani instructed Sarkis Agajan, the Finance Minister of the KRG, and himself a Christian Kurd, to use the KRG's funds to build several houses, apartments, churches and community halls in the KRI to offer them as an alternative to leaving Iraq.[899]

This thesis argues that the KRI came to associate protection of the rights of minorities as a central element in its foreign policy of image-building. The fact that protection of minority rights as well other democratic principles had been given significant emphasis by U.S. foreign policy, actions of the EU in regard of guaranteeing recognition to the former Yugoslav republics, as well as the EU's accession criteria, prompted the Kurdish leadership to pay great attention to welcoming and protecting minorities fleeing from the rest of Iraq. Statements and actions of the Kurdish leadership reflect the fact that the KRI aimed to present to the

[898] Shak Hanish, "Autonomy for Ethnic Minorities in Iraq: The Chaldo-Assyrian Case," *Digest of Middle East Studies,* Vol. 20, No. 2 (2011), p. 173.
[899] Ibid., p. 166.

West, and the international community at large, Kurdistan's secular, tolerant and democratic values and its effective statehood. Thus, in an interview, Masrour Barzani, employing a form of competitive democratization stated:

> "Kurdistan has opened her arms to accommodate all those who seek protection and flee violence…Kurdistan has always been a very tolerant and friendly place for all ethnicities and religions. People in Kurdistan have historically been free in practicing their religions and different ethnicities have been freely living together. More recently, Kurdistan has become a shelter and sanctuary for other religious and ethnic groups who have fled other violent parts of Iraq."[900]

Indeed, welcoming minorities also served as an opportunity for the KRG to showcase its positive sovereignty. In other words, the KRI did not only engage in competitive democratization, it also engaged in competitive statehood in comparison with its Iraqi parent state. Nechirvan Barzani in this regard stated:

> "The Kurdistan Region has offered its full support at a time when it has been chiefly the federal government's responsibility to do so… This assistance has included employing them within the KRG, rebuild some 100 villages and helping around 10,000 families with monthly stipends…

[900] Roni Alasor, "Masrour Barzani: 'The elections in Iraq are a good indication of the practice of democracy,'" *World Security Network*, 31 March 2010, accessed: 13 September 2015, http://www.worldsecuritynetwork.com/showArticle3.cfm?article_id=18256&topicID=26.

When the exodus of Christians became known, the KRG allocated 250,000 Iraqi Dinars to each family to help them."[901]

These sentiments were also shared by the leaders of the Christian community who expressed thanks to the KRG. Ninos Mishu of the St. John Baptism Church, for instance, said, "We are free here in Kurdistan to use our church here to pray, to make a holy mass… Thanks for God, and for our government [the KRG] that love the Christian people… We was attacked as Christians [in Baghdad]. We spent Christmas in big fear. Our church was bombed by the terrorism."[902] Another Christian citizen stated, "Life isn't possible in Baghdad for us at the moment… The government [Baghdad Government] doesn't seem to be serious about protecting us here… the Kurds have offered us shelter and we will go. I couldn't stay in Baghdad even if it was built of gold."[903]

The fact that the KRI associated the protection of minorities to its foreign policy of image-building is clearly illustrated in a report published by the KRG representation office in London in 2012. The report, as well as highlighting the KRI's actions in responding to the needs of the minorities fleeing to the KRI, states, "The Kurdistan Region has become a safe haven for internally displaced Iraqis of all

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[901] "KRG.org interview with Prime Minister Barzani on attacks against Iraqi Christian community," *KRG website*, 5 November 2008, accessed: 13 August 2015, http://cabinet.gov.krd/a/d.aspx?s=02010100&l=12&asnr=&a=26340&r=223&s=010000.

[902] "Radio France Internationale, 'Christians in Iraq celebrate Christmas in Kurdistan,'" *KRG website*, 27 December 2012, accessed: 30 December 2012, http://www.krg.org/a/d.aspx?s=010000&l=12&a=46210.

[903] Nizar Latif, "Iraqi Christians flee to Kurdish north for safety," *The National*, 24 November 2010, accessed: 29 December 2012, http://www.thenational.ae/news/world/middle-east/iraqi-christians-flee-to-kurdish-north-for-safety.

ethnicities, religions and sects. According to the International Organization for Migration 39% of the IDP families that it has assessed in the Kurdistan Region belong to religious or ethnic minorities… Not only Christians but also Sunni and Shia Arabs and Yazidis from different social classes have found refuge in the Kurdistan Region."[904]

Interestingly, the practices of the Kurdish leadership in welcoming and protecting IDPs in Iraq was noted by the international community. In 2009, President Masoud Barzani was received at the Vatican by Pope Benedict XVI. In the meeting, the Pope praised the KRI as an "example of tolerance and peaceful co-existence of different communities."[905] As Hemen Hawrami, an aide to President Masoud Barzani, remarks, presidents of recognized states usually have a time limit of 15 to 20 minutes in their meetings with the Pope. However, the meeting of the Pope with President Barzani lasted 45 minutes as the Pope wished to enquire about the tolerant nature of the Kurdish people and its government.[906] Previous to that, in 2006, Sarkis Agajan was knighted by Pope Benedict for his care and humanitarian gestures to the Christian community in Iraq.[907]

Not only did the KRI seek to enhance its image in regard to the protection of minorities and IDPs, but also other civil rights indexes, including freedom of the

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[904] "The status of Christians in the Kurdistan Region in Iraq," Op. Cit.
[905] Ibid.
[906] Hawrami, "President Barzani and Kurdistan's Advancement," Op. Cit.
[907] "President Barzani arrives in Germany to meet Chancellor Angela Merkel after Italy visit," *KRG website,* 4 March 2009, accessed: 13 August 2015, http://cabinet.gov.krd/a/d.aspx?l=12&s=02010100&r=223&a=28236&s=010000.

press, protest, and women rights, among others. Enshrining equal institutional representation and democratization was a big part of this effort. During the January 2005 elections, the KNA passed a law increasing the number of seats for minority groups from five to eleven seats, including and extending seats to the Turkoman community in the KRI[908] who willfully did not participate in the 1992 KRI elections.[909] Moreover, as a sort of competitive democratization, the KRI increased the minimum number of seats for women in the KNA from 25 per cent as set in 1992 to 30 per cent in 2005, in an effort to overshadow the 25 per cent quota the Iraqi COR set for the share of women in Baghdad. Moreover, reflecting the increasing influence of transnational activism and KRI's young population, a local NGO, funded by American NGOs such as IRI, successfully campaigned for the minimum age requirement of parliamentary candidates to be reduced from 30 to 25, thus increasing the amount of youth participation in the democratic process.

During much of the 1990s, the two KRGs remained relatively indifferent to the plight of women and gender-based violence was somehow tolerated. However, after 2003, the KRI's image imperative impressed it to be more responsive to transnational activism with regard to women's rights. The KRI followed carefully reports published by state governments, INGOs, NGOs, UNAMI, the media and others regarding human rights and civil liberties. For example, it monitored reports

[908] Five seats were allocated to the Turkoman community, five seats for the Christians, and one seat for the Armenian community in Kurdistan, See: "*Mejuy Helbejardeni Khuli Duwem 2005* [The History of the Election of the Second Term in 2005," *Kurdistan Parliament*, accessed: 14 August 2016, http://www.perleman.org/Default.aspx?page=page&c=Parliament-History2005.
[909] See: Gunter, "A De Facto Kurdish State in Northern Iraq," p. 298.

published by the German WADI foundation[910] and Human Rights Watch[911] about the practice of FGM in parts of Kurdistan. Women's organizations also raised the issue of honour-killing in the KRI.[912] The fact that these reports associated the KRI's actions in combating violence, the inhuman treatment of women, and other of human rights, with good governance and international acceptance prompted the KRG to take suitable legislative and enforcement action against these practices. It is also true that the KRG was aware that the alliance of transnational coalitions of major NGOs, International organizations and individuals in defense of civil rights would have an important influence on the image of the KRI. For instance, UNAMI supported the publication of several reports highlighting these matters. In 2009, a local NGO, Asuda, based in Sulaimania, published a report on violence against women.[913] It is interesting that the report associated the KRI with statehood in terms of its responsibilities, reminding the KRI of the responsibilities of states under the United Nations General Assembly resolution 'Working Towards *the Elimination of Crimes*

[910] Nicholas Birch, "Ancient Practice Still a Threat to Iraqi Women," *Washington Times*, 21 August 2005, accessed: 14 August 2016, http://www.washingtontimes.com/news/2005/aug/21/20050821-112112-4145r/.

[911] "They Took Me and Told Me Nothing: Female Genital Mutilation in Iraqi Kurdistan," *Human Rights Watch*, 16 June 2010, accessed: 14 August 2016, https://www.hrw.org/report/2010/06/16/they-took-me-and-told-me-nothing/female-genital-mutilation-iraqi-kurdistan.

[912] Begikhani et al., "Final Report: Honour-based violence (HBV) and Honour-based killing in Iraqi Kurdistan and in the Kurdish diaspora in the UK," *Centre for Gender and Violence Research*, November 2010, accessed: 14 August 2016, http://www.roehampton.ac.uk/uploadedFiles/Pages_Assets/PDFs_and_Word_Docs/Staff_Profiles/Aisha-Gill/Report_HBV_IK_UK_KurdishDiaspora_MCopy_December_webcirculationonly.pdf.

[913] Tanyel Taysi, "Eliminating Violence Against Women: Perspectives on Honour-Related Violence in the Iraqi Kurdistan Region," *UN Assistance Mission for Iraq (UNAMI),* February 2009, accessed: 14 August 2016, http://www.refworld.org/docid/49d07d5a2.html.

*Committed in the Name of Honour', according to which, "*states have an obligation to prevent, investigate and punish perpetrators."[914]

Against this backdrop, and being ever careful about its image abroad, the KRG acted to remedy these practices and to find reasonable solutions which could balance the competing views of different local domestic groups and outside actors. Thus in 2008, the KNA passed a legislation prohibiting forced marriage and restricted, but not completely eliminated, polygamy among other legal requirements.[915] The KNA also passed legislation in 2011 listing various types of legally-punishable forms of domestic violence which among other issues criminalized the practice of FGM.[916] Moreover, the KRG published a five-year national strategy to combat violence against women,[917] as well as establishing several governmental bodies to monitor the implementation of the legislation and to bring perpetrators to justice.[918] In addition, the KRG established several government-sponsored shelters for women escaping domestic violence, the only place in Iraq where such shelters existed.[919]

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[914] *Ibid*., p. 45.
[915] "The Act to Amend the Amended Law (188) of the year 1959, Personal Status Law, in Iraq Kurdistan Region," Act No. 15, *Kurdistan National Assembly,* 13 November 2008, accessed: 16 August 2016, http://www.ekrg.org/files/pdf/personal_status_law.pdf.
[916] "The Act of Combating Violence Against Women in Kurdistan-Region Iraq," *Kurdistan Parliament,* Act No. 8, 21 June 2011, accessed: 16 August 2016, http://www.ekrg.org/files/pdf/combat_domestic_violence_english.pdf.
[917] "National Strategy To Confront Violence against Women: In Kurdistan 2012-2016 (Five Years Plan)," *KRG website*, 19 September 2012, accessed: 16 August 2016, http://www.ekrg.org/files/pdf/strategy_combat%20violence_against_women.
[918] "Women's Rights," *KRG website*, accessed: 16 August 2016, http://cabinet.gov.krd/p/page.aspx?l=12&p=400&h=1&t=405.
[919] "U.S. Representative Highlights KRG's Efforts on Women's Rights," *KRG US Representation*, 28 March 2012, accessed: 17 August 2016, http://new.krg.us/u-s-representative-highlights-krgs-efforts-on-womens-rights/.

These domestic developments were soon integrated into the rhetoric and actions of Kurdish politicians in their foreign policy of image-building. For instance, when Qubad Talabani, the KRG representative in the United States, attended an Ambassador's roundtable on women issues in Washington, he sought to highlight each of KRG's achievements in criminalizing honour-based killings increasing the number of female parliamentarians, as well as the KRG's shelters for women, to name just a few.[920]

KRG practices in regard to abuse of prisoners, particularly political prisoners, as well as terrorists captured and detained by the KRG security services, received primary attention from human rights groups. Amnesty International and several other groups published reports criticizing the KRG for its violations against certain human liberties. These violations referred to the KRG's internal security services – Asayish – and their alleged unlawful practices such as torture, prolonged and extralegal detentions and forceful disappearances. It also referred to dangers in freedom of expression, including media freedom and slow and sluggish implementation of legislation protecting women in the KRI.[921] However, instead of ignoring these reports, as most Middle Eastern states usually do, the KRG embraced the criticism and engaged in dialogue with the relevant organizations to discuss possible misconceptions and areas of cooperation to correct KRG practices. Being concerned about the image of the KRI, Nechirvan Barzani personally received the

[920] Ibid.
[921] "Hope and Fear: Human Rights in the Kurdistan Region of Iraq," *Amnesty International* (2009), accessed: 17 August 2016, https://www.amnesty.org/en/documents/MDE14/006/2009/en/.

representatives of Amnesty International – the only regional leader to do so at the time – and discussed the KRG's determination to abide by international human rights standards, outlining actions the KRG had taken and would be taking to address the alleged human rights violations.[922]

Media freedom was also marked as a significant issue in the KRI foreign policy of image-building. In 2007, the KNA passed a law that was criticized by most journalists as restricting freedom of their activities and reporting.[923] However, being ever-concerned about the image of the KRI, President Barzani met with the syndicate of journalists and other stakeholders and made sure that necessary amendments were made in the draft law, which he then later signed into a *press law* on 11 October 2008.[924] Meanwhile, statements made by both President Masoud Barzani and PM Nechirvan Barzani underlined the KRG's association of respect for media freedom with the KRI's foreign policy of image-building. President Barzani for instance, insisted "Kurds have sacrificed their lives for freedom, and I fully support the media's right to criticise the government. I reject any law that is against the journalists' fundamental rights,"[925] while the PM stated, "I have said earlier that the measures of our success are not construction or other more cosmetic projects. In

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[922] See: "Kurdistan Region: Prime Minister makes encouraging promises to Amnesty International," *KRG website*, 24 April 2009, accessed: 17 August 2016, http://cabinet.gov.krd/a/d.aspx?a=29063&l=12&r=73&s=010000.

[923] "KRG President Barzani opposes new press bill," *Ekurd Daily*, 18 December 2007, accessed: 1 May 2017, http://ekurd.net/mismas/articles/misc2007/12/independentstate1841.htm.

[924] Wrya Hama-Tahir, "Kurdish Press Law Draws Mixed Response," *Global Voices,* 28 October 2008, accessed: 17 August 2016, https://iwpr.net/global-voices/kurdish-press-law-draws-mixed-response.

[925] "President Barzani to ask parliament to reconsider media law," *KRG website*, 20 December 2007, accessed: 17 August 2016, http://cabinet.gov.krd/a/d.aspx?l=12&s=02010100&r=223&a=22047&s=010000.

fact, the genuine measurement of our progress is our respect for the principles of democracy and human rights. We have to be honest with the principles that we have declared."[926] Consequently, according to a Freedom House report, the new legislation granted "unprecedented freedoms" to journalists, eliminating imprisonment penalties for defamation. It was implemented rather successfully, leading to a "numerical improvement" in the general statistics."[927]

This is not to suggest, however, that there were no impending challenges facing Kurdistan's transition to democracy, or in its endeavour to have a positive image internationally: "We remind the Kurdistan Regional Government (KRG) that media freedom constitutes one of the foundations of democracy and we therefore urge the KRG authorities to deploy the necessary means to protect journalists' work," the *Reporters Without Borders* stated in 2016.[928] Kurdish politicians, particularly after 2003, have been very sensitive to criticism on human and civil rights violations. This is not only because of the KRI's foreign image. It is also related to KRI's "popular legitimacy".[929] The leadership of most de facto states, if not all, claim to represent the democratic will of the *people,* which has been an integral part of their rhetoric from the outset, and they often base their right to secession on democratic principles

[926] "PM's speech at 60th anniversary of Universal Declaration of Human Rights," *KRG website*, 2 December 2008, accessed: 17 August 2016, http://cabinet.gov.krd/a/d.aspx?l=12&s=02040100&r=268&a=26847&s=010000.
[927] Voller, "Contested sovereignty as an opportunity," Op. Cit., p. 14.
[928] See for instance a report by Reporters Without Borders, "Between Freedom and Abuses: The Media Paradox in Iraqi Kurdistan," *Reporters without Borders,* November 2010, accessed: 17 August 2016, https://rsf.org/sites/default/files/rsf_rapport_kurdistan_irakien_nov_2010_gb.pdf.
[929] Caspersen, *Unrecognized States*, p. 83.

of the people's right to self-determination.[930] Likewise, in the KRI, as Nicole Watts argues, "an important part of Kurdish national identity as articulated by Kurdish political elites for at least two decades has been the idea that Kurdish politics is democratic politics and that the "will of the people" matters."[931] So when faced with criticism, KRI politicians in most cases did not deny their shortcomings, but often responded by focusing on Kurdistan's 'democratic-ness',[932] arguing that despite challenges, Kurdistan was on the road to democracy, and that democracy is a journey, not a destination, with the implication that even the most-established democracies are still on the same journey as Kurdistan.

Before 2003, the KRI benefited from relatively generous international humanitarian aid that provided the Kurdish region with immediate relief assistance, and later the OFFP infused funds for rehabilitation purposes. However, with the initiation of the 'democracy mission'[933] after 2003, the politics of aid changed considerably from a focus on delivery of goods and services to prioritizing capacity building and encouragement of free-market oriented policies which concentrated on direct investment, the private sector and good governance. During government formation negotiations in Baghdad, 17 per cent of the Iraqi national budget was

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[930] For an analysis on how Kurds have adopted alterations in international norms in regard of the right of self-determination, see: Zeynep N. Kaya, "When sovereignty and self-determination overlap in claims to statehood: The case of Iraqi Kurdistan," *Project on Middle East Political Science*, accessed: 4 September 2015, http://pomeps.org/2015/08/17/when-sovereignty-and-self-determination-overlap-in-claims-to-statehood-the-case-of-iraqi-kurdistan/.
[931] Nicole F. Watts, "Democracy and Self-Determination in the Kurdistan Region of Iraq," in Gurses and Romano (eds.), Op. Cit. p. 148.
[932] Ibid., p. 148.
[933] Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq, Op. Cit., p. 75.

allocated to the KRI. The KRI's budget in 2004-2005 surpassed $2226 million.[934] The allocation was the first in history that the government in Baghdad directly, and willingly, assigned to the Kurdish region. Moreover, in contrast to the early relief period, the U.S. government and its agencies assumed the leading role in reconstruction of Iraq with an initial Congressional allocation of US$18.6 billion.[935]

Contrary to the early periods of aid which imposed conditions on the UN's engagement with KRI authorities, the democracy mission enabled the UN's reengagement with the KRI as a federal region of Iraq.[936] Following the transfer of sovereignty to Iraq by UNSC resolution 1546, once again, the UN agencies and several humanitarian aid organizations became active in the socio-economic development of Iraq and the KRI.[937] Of the new Iraqi reconstruction budget earmarked for the KRI, $602 million was allocated to construction which helped create an "industrial zone, hydropower stations, road rehabilitation, private-sector development, and microwave links connecting cities such as Sulaimani, Arbil, and Kirkuk to the rest of Iraq."[938]

Indeed, the KRI was about to embark on a new road in its economic policies which was closely related to its image-building foreign policy. After 2003, the KRI

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[934] Natali, "The Spoils of Peace," Op. Cit., p. 1120.
[935] Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq, Op. Cit., p. 76.
[936] Natali, "The Spoils of Peace," Op. Cit.
[937] For a list of U.N. agencies and humanitarian aid organizations active in Iraq after 2004, see: Tom Coipuram, Jr., "Iraq: United Nations and Humanitarian Aid Organizations," *Congressional Research Service,* Report RL31766, 6 November 2006, accessed: 25 February 2015, https://www.fas.org/sgp/crs/mideast/RL31766.pdf.
[938] Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq, Op. Cit., p. 83.

received $1.5 billion from the UN's unspent OFFP fund.[939] The procurement of OFFP money represented the beginning of the development of a sophisticated foreign policy strategy, utilizing lobbying as an instrument to influence the foreign policy of other actors, in this case the United States. Lobbying is generally defined as a "deliberate attempt to influence political decision through various forms of advocacy directed at policymakers on behalf of another person, organization or group."[940] The U.S. democratic system, as Mearsheimer *et al,* note, is particularly receptive to the activities of interest groups and lobbying groups. This is because these groups "are committed to an issue to which the bulk of the population is indifferent, [and the] policymaker will tend to accommodate those who care about the issue, even if their numbers are small, confident that the rest of the population will not penalize them for doing so."[941]

In contrast to the previous aid periods, the United States and UN agencies were less enthusiastic in channeling funds to the KRI. This was based on two calculations. Firstly, the United States sought to limit Kurdish autonomy and, secondly, it felt that funds were more needed in central and southern Iraq. The U.S. CPA administration in Iraq, as Natali argues, "Instead of using the Kurdistan region as a model for the rest of Iraq… challenged the Kurdish autonomy project and

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[939] Natali, "The Spoils of Peace," Op. Cit., p. 1120.
[940] See: Rafiga Gurbanzade, "The Influence of Ethnic Lobbying on US Foreign Policy," *Turkish weekly*, 8 August 2012, accessed: 14 July 2015, http://www.turkishweekly.net/2012/08/08/op-ed/the-influence-of-ethnic-lobbying-on-us-foreign-policy/.
[941] John Mearsheimer et al., "The Israeli Lobby," *Journal of Palestine Studies*, Vol. 35, No. 3 (Spring, 2006), p. 90.

antagonized the Kurds."[942] After 2003, the U.S. State Department maintained that the KRI had benefited from huge external aid in the form of goods and services, as well as being a safe haven with a 'no fly zone' and, therefore, the much more unstable regions of southern and central Iraq needed and deserved more money than the Kurdish north.[943] Observers covering the region voiced similar views. Michiel Leezenberg, in one instance, argued that, "At present Iraqi Kurdistan is long past the reconstruction stage. The rehabilitation of basic infrastructural facilities, which in Iraq as a whole has yet to get off the ground, has made considerable progress in the Kurdish-held north since the establishment of a de facto independent entity there in 1991."[944] These views strongly influenced U.S. decision-making. Of the United States Congress reconstruction funds earmarked for Iraq, that accounted to $18.6 billion dollars, the KRI received only about US$1 billion, despite the fact the KRI requested 17 per cent of the funds, based on the percentage of its budget allocation from Iraq.[945]

In mid-2005, the Kurdish leadership realized that the remaining unspent OFFP money was held in a trust fund in the United States. Thereafter, the task of procuring funding fell to Farhad Barzani, the then KDP representative in the United States. Appreciating the difficulties in navigating the U.S. political system, the representative turned to Danny Yatom, a former director of the Mossad, for

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[942] Natali, "The Spoils of Peace," Op. Cit., p. 1119.
[943] Rajiv Chandrasekaran, "Kurds Cultivating Their Own Bonds With U.S.," *The Washington Post*, 23 April 2007, accessed: 15 January 2013, http://www.washingtonpost.com/wpdyn/content/article/2007/04/22/AR2007042201568_pf.html.
[944] Leezenberg, "Iraqi Kurdistan: Contours of a Post-Civil War Society," Op. Cit., p. 632.
[945] Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq, p. 78.

assistance. Yatom eventually hired the lobbying firm Barbour Griffith & Rogers, which agreed on 3 June 2004 to represent the KDP for $29,000 a month. Only after lobbying the White House, did the Kurds manage, on 23 June 2004, to receive $1.5 billion of the original $4 billion of the OFFP money.[946] This successful lobbying was hailed as the first and a major victory for the Kurds in the United States, and was evidence of the increasing ability of the KRI to influence U.S. foreign policy in the post-2003 era. Commenting on this victory, Qubad Talabani stated: "The firm's lobbying was very helpful in getting us the oil-for-food money… It was a tangible victory for the Kurds."[947]

This situation, however, heralded in a new strategy in the thinking of the KRI leadership, which partly aimed to change the image of the KRI and its people from poor willing aid recipients to an entity that possessed a huge potential of economic viability. The experience of other de facto states also might have convinced the KRI of the desirability of achieving economic prosperity and lessening reliance on international aid. The de facto state of Biafra (Nigeria, from 1967-1970) provides a good example in this regard. As Caspersen, in a confidential memorandum the Biafran ministry of foreign affairs, concluded, "the humanitarian approach has backfired. Ours now is the picture of a piteous starving sickly people non-viable and incapable of defending themselves from hunger and war."[948] Moreover, as Caspersen notes, de facto states are often viewed as 'criminal badlands,'[949] whose

[946] Chandrasekaran, Op. Cit.
[947] Ibid.
[948] Caspersen, *Unrecognized States*, Op. Cit., p. 69.
[949] Caspersen, "Separatism and Democracy in the Caucasus," Op. Cit., p. 115.

economies, insofar as they exist, often rely on smuggling or other forms of war profiting.

This negative image could also be applied to the KRI in the early stages of its existence. A *New York Times* report back in 1994 stated, "Kurdistan is a major hub for cigarette smuggling into Saddam-controlled areas Iraq, Iran, and Turkey with the KRG gaining funds from customs collected at the border point with Turkey."[950] Moreover, with tacit U.S. approval Kurdistan had become a major transit point for Iraq's smuggled oil to Turkey in contravention to UNSC resolution 661 (August 6, 1990) which imposed sanctions on Iraq.[951]

Then a new strategy evolved. Instead lobbying for aid, the principle focus would be on investment or, to be more precise, attracting foreign direct investment (hereafter FDI) into the KRI. Indeed, there was a domestic rationale for this policy. Although the KRI was partially resurrected during the two initial phases of international aid, it was still badly damaged due to long years of destruction and negligence. As Caspersen argues, "A legacy of war is common to most de facto states and the reality facing these entities, following the cessation of hostilities, is often very far from the stated nationalist goals of security and prosperity. There is an acute lack of resources and many of the entities almost have to start from scratch;

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[950] Chris Hedges, "Kurdish Smugglers Blow Smoke Rings Over Northern Iraq," *International New York Times*, 17 August 1994, accessed: 26 August 2014, http://www.nytimes.com/1994/08/17/world/kurdish-smugglers-blow-smoke-rings-over-northern-iraq.html.
[951] Katzman, "Iraq: Oil-For-Food Program," Op. Cit., pp. 12-13.

their infrastructure having been destroyed, agricultural land littered with landmines, and no functioning economy."[952]

The KRI had to act quickly to preserve its internal legitimacy. Therefore, FDI was crucial to initiate the rebuilding of the KRI and to satisfy the demands of an increasingly demanding population. This is evident in a speech delivered by the head of DFR, Minister Falah Mustafa, stating, "We believe that the private sector is the true engine of growth and that foreign direct investment is a key component… This foreign direct investment is crucially helpful. It will help us to rebuild our inadequate infrastructure. We are in need of better roads, communications systems, water treatment plants, hospitals and many other necessities."[953]

One can argue that advancing the KRI economically was also part of a wider political-ideological project that sought to offset the negative consequences of being unable to secede from Iraq. This point is succinctly articulated by Harvey, stating:

> "At the formal level, the transition occurring in Iraqi Kurdistan can be articulated in terms of KRG attempts at moving the region toward the creation of a commercial entrepôt as part of a wider political and economic agenda; as well as being part of a highly considered ideological project by the KRG – one in which transition to statehood has not been fully ruled

[952] Caspersen, "Playing the Recognition Game," Op. Cit., pp. 48-49.
[953] "Falah Mustafa Bakir," Speech at the Middle East Institute, *Columbia University*, 11 October 2007, accessed: 7 August 2016, http://cabinet.gov.krd/uploads/documents/FalahMustafaBakir_ColumbiaUniversity__2007_10_16_h12m2s18.pdf.

> out. What is surprising is how this form of political and institutional development may, in the short term, allow the Kurdish administration to offset the negative effects of ambiguous status by adopting a model which, as other examples in the international system attest, provides leverage in more sophisticated economic and political terms.[954]

To achieve this objective, the reunified KRG, once again, began to promote the KRI as an island of stability and security in an otherwise unstable Iraq. For that matter, the KRG, in addition to highlighting its democratic experiment, began to focus further on its domestic sovereignty, namely its ability to provide security and stability in the KRI. However, in its strive to attract FDI, the KRI faced a major difficulty. It was still part of Iraq, and due to Iraq's worsening security situation and its negative image in the international arena, investors were reluctant to commit their capital to the KRI, or indeed the rest of Iraq.

To remedy this situation, the KRG started a fierce public relations campaign that, among other things, aimed to create an image for the KRI distinct from that of the rest of Iraq. The Kurdish leadership and the Kurds in general were frustrated that their region had to suffer because of Arab Iraqis. So, before long, with the help of American friends, and a lobbying firm closely associated with the U.S. Republican Party, named Russo Marsh & Rogers, the KRG began a public relations campaign which essentially sought to manufacture a nation brand for Kurdistan as *the Other*

[954] Harvey, Op. Cit., p. 15.

Iraq.[955] In fact, this term appeared in the title of a KRG campaign documentary that aimed to attract investment, and also to highlight Kurdistan's security and stability, its positive attitude towards the West, and Kurdistan's secularism and democratization amid sectarianism and religiously-inspired terrorism in Iraq. In one of the chapters, the narrator argues that "the Kurds have proven that they are, indeed, a committed force for freedom and democracy in a part of the world that desperately needs it… For the first time in history the Kurds set up their own civil democratic structures, and further developed their judiciary, police and security forces."[956] Then the narrator continues, "So strong has Kurdish security become, fewer than two hundred coalition troops are currently stationed throughout the entire Kurdistan Autonomous Region. And as of the spring of 2005, not a single coalition soldier has lost his life on Kurdish soil."[957] Then an interviewee is quoted as saying, "The Kurdish people in general are secular. They're less attached to religion than, let's say, the Shiites [sic] of the south or the rest of Iraq."[958] Indeed, it was interesting that the company which organized this brand-building project for the KRI also referred to the shared values between the Kurds and the West. In response to why the firm had agreed to help Kurdistan, Joe Wierzbicki, a representative of the firm stated, "of all the different groups in Iraq that have a vision for the future, the vision

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[955] Bill Berkowitz, "The Selling of Brand Kurdistan," *anti-war.com*, 3 August 2005, accessed: 27 June 2014, http://www.antiwar.com/ips/berkowitz.php?articleid=6856. Also, see: David Axe, "Selling Kurdistan," *Village Voice*, 13 December 2005, accessed: 6 January 2013, http://www.villagevoice.com/news/selling-kurdistan-6400891.
[956] "Chapter Two: The Kurds' Relationship with the West," in *Kurdistan: The Other Iraq*, 2006, accessed: 29 December 2012, http://www.theotheriraq.com/images/chapter2.pdf.
[957] Ibid.
[958] Ibid.

of the Kurds is closest to ours. It's important to recognize that the Kurds are not hostile to the West."[959] Moreover, to promote Kurdistan, the campaigners decided to broadcast the documentary on prime-time U.S. TV networks. Bill Garaway, who had filmed the documentary, enlisted lobbying firms such as Russo Marsh & Rogers, to help promote the commercials.[960] Within a short amount of time, the commercials were aired on major U.S. TV networks, such as CBS's-60 minutes among others.[961]

However, the legacy of Iraq's centrally-controlled economic system hampered FDI. There were no institutional and legal frameworks to regulate FDI in Kurdistan. Realizing this shortcoming, in 2006 the KNA passed a law entitled "Investment Law in the Iraqi Kurdistan Region."[962] The Investment Law, which until that time was one of the few laws translated into English, was described as one of the most progressive, liberal and investor-friendly laws in the Middle East Region. To attract FDI, the law provided several generous incentives and concessions to potential investors in Kurdistan that included "the possibility of owning land, up to 10-year tax holidays and the removal of tariffs on exports and imports related to investment projects."[963] The fact that the Law was passed just three months after the KRG became unified shows the urgency with which Kurdish politicians dealt with the issue

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[959] Berkowitz, Op. Cit.
[960] Chandrasekaran, Op. Cit.
[961] For a list of programs and articles inspired by the Other Iraq campaign, see: "Kurdistan in the News," *Kurdistan, The Other Iraq*, accessed: 11 August 2016, http://www.theotheriraq.com/press.html; Bob Simon, "Kurdistan: The Other Iraq," 60 Minutes, *CBS,* 5 August 2007, available at: http://www.cbsnews.com/news/kurdistan-the-other-iraq/.
[962] For a text of the Investment Law, see: "Law of Investment in Kurdistan Region – Iraq," Law No. 4, *Kurdistan Region Presidency,* 2006, accessed: 11 August 2016, http://presidency.krd/uploadedforms/_InvestmentLaw_en.pdf.
[963] Herish Muharam, "Record year forecast for foreign investment in Kurdistan," *United World Ltd*, 15 October 2012, accessed: 11 August 2016, http://www.theworldfolio.com/files/old/1349362681.pdf.

of enhancing Kurdistan's image as a commercial hub. Moreover, even at that early stage of Kurdistan's rise, the KRG began to promote the KRI as a tourist destination. The KRG, as they had done previously, adopted an open-arms policy towards Western journalists reporting on the KRI. In one such article, Harry Schute, a retired U.S. military general who served in Iraq after 2003 and later chose to remain in the KRI, was interviewed and said that "I feel safer in Arbil or Suleimaniyah than in Camden, New Jersey."[964]

One of the images the Kurdish elite, and indeed the wider general population, was eager to promote was of comparing Kurdistan to small and wealthy nations such as South Korea and Singapore, but more so with small and oil-wealthy Arab nations like the UAE. These states are relatively small and surrounded by more powerful and often hostile neighbours, yet they have managed to preserve their political independence and sovereignty. The KRI had stronger incentives for its rapprochement with the UAE. Politically, the UAE is a federal state, and its financial hub, Dubai, is an emirate within the union. Therefore, by aspiring to be compared with Dubai, the Kurdish elite sought to portray that the existence of wealthy, prosperous and federal regions in the Middle East region is not a curse. During a visit from a UK parliamentary fact-finding mission to the KRI, Fazel Merani, the

[964] Bernd Debusmann, "Tourists and investors to Iraq? Why not, say Kurds," *Reuters*, 8 August 2007, accessed: 17 August 2016, http://www.reuters.com/article/us-iraq-kurdistan-idUSN0239955720070808. Also, see: "Kurdish resort an oasis of peace in Iraq," *The Washington Times, 29* May 2007, accessed: 31 August 2016, http://www.washingtontimes.com/news/2007/may/29/20070529-095433-1498r/.

Secretary of the Political Bureau of the KDP is quoted as saying, "The United Arab Emirates is a good Middle Eastern example of the success of federalism."[965]

The KRG clearly had incentives to associate the KRI with the small, wealthy and rich nations of the Gulf. By comparing and associating itself with these states, the KRI relayed the image that, if given opportunity, it could be a prosperous and viable state that could not only provide economic goods to its citizens, but also contribute to regional and international economic prosperity. As Voller argues, by trying to associate the KRI with oil-wealthy hubs such as Dubai, the KRI not only strived to attract investors, but also to "signal to the international community its potential for self-sufficiency."[966] Thus, soon after the reunification, the KRG began to send government officials to Dubai to meet business leaders and organizations. One such meeting took place in June 2006 when a large KRG delegation visited Dubai. The fact that the delegation was composed of many civilian officials, including economic advisers, but was headed by Karim Sinjari, the KRG Minister of Interior, was telling. In Dubai, Sinjari declared, "Although, the hardships and difficulties Iraq has always been undergoing, we, in Kurdistan, succeeded in surpassing those difficulties and have worked on developing the region economically, commercially, industrially and on the tourism level and we are in need of Dubai's leading experience

[965] "The Kurdistan Region: Future Prospects," UK parliamentary fact-finding visit to the Kurdistan Region in Iraq 9-15 February 2008, *KRG website*, June 2008, http://cabinet.gov.krd/a/d.aspx?r=223&l=12&s=02010100&a=24588&s=010000, accessed: 12 September 2008.
[966] Voller, "From Rebellion to De Facto Statehood," Op. Cit., p. 211.

on all front."[967] In 2007, Nechirvan Barzani visited Dubai to meet with Sheikh Hamdan bin Mohammed Rashid Al Maktoum, the Crown Prince of Dubai and the Chairman of the Executive Council of Dubai, and other officials to discuss arenas of economic cooperation between the two nations.[968] Soon after this meeting, the KRG Minister of Planning stated, "the Kurdistan region will draw on the successful models of cities like Dubai and Singapore with the ultimate goal of creating 'the Kurdish model'."[969] Furthermore, the Dubai-based English-language *Gulf News* reported, 'Kurdistan adopts Dubai plan to boost development,'[970] stating that the KRI had found the Dubai model to be the most appropriate for Kurdistan and that the KRG aimed to encourage potential investors from Dubai, as well as encouraging companies and financial institutions with experience in Dubai and the Gulf region to operate in the KRI.[971] In 2010, the UAE reported that it would increase its investment in the KRI to over $6 billion by 2013.[972]

With an Investment Law in place and benefiting from the generally secure atmosphere in the KRI, the KRG began to promote the de facto state as a 'gateway' to Iraq and indeed, the rest of the Middle East region. Being a landlocked territory

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[967] "Senior Delegation from Iraqi Kurdistan Visits DCCI," *Middle East Company News Wire,* 28 June 2006, accessed: 11 August 2016, http://ekurd.net/mismas/articles/misc2006/6/investkurdistan111.htm.
[968] "Nechirvan Barzani visits Dubai to strengthen economic ties," *KRG website*, 3 February 2007, accessed: 11 August 2012, http://cabinet.gov.krd/a/d.aspx?s=010000&l=12&a=16065.
[969] Lara Fatah, "When a Plan Comes Together," *Soma Digest*, 1 July 2006, accessed: 29 December 2012, http://www.krg.org/a/d.aspx?r=95&l=12&a=12025&s=&s=010000.
[970] Duraid Al Baik, "Kurdistan adopts Dubai plan to boost development," *Gulf News*, 17 March 2007, accessed: 24 December 2012, http://gulfnews.com/business/construction/kurdistan-adopts-dubai-plan-to-boost-development-1.166994.
[971] Ibid.
[972] "UAE to double investment in Kurdistan to $6bn," *The National Business*, 19 May 2010, accessed: 6 August 2015, http://www.thenational.ae/business/energy/uae-to-double-investment-in-kurdistan-to-6bn.

with no access to the sea, the KRG early on realized the importance of building airports to serve the political and economic needs of the KRI. As Bengio notes, the building of airports was necessary to ensure a degree of freedom in communicating with the outside world, in other words, to assure the survival of the KRI.[973] Constructing airports was also necessary to maintain constant communication and interaction with the rest of the international community. Throughout the early decade of the KRI's existence, the Kurdish leaders relied on the good-will of Iran, Syria but mostly Turkey, for their travel to the outside world, particularly to the West. However, a new approach was needed to build independent foreign relations with a range of actors. Thus, major construction for building an airport in Erbil – the capital of the KRI – to international standards began in 2004 at a cost of $400 million. The airport, which can accommodate 300 million passengers a year, can handle the largest aircraft, such as Airbus A 380,[974] as it has the fifth largest runway in the world.[975]

The KRG succeeded in attracting large amounts of investment from Turkish and Iranian companies, firms from Arab states such as Lebanon, Jordan and Egypt, and significant investment from Gulf countries. Western firms were still reluctant to commit investment to the KRI, although it was increasingly vital for the KRI to attract them. The desire to attract Western companies, particularly U.S. companies, had economic and political dimensions. Economically, Western companies possessed

[973] Ofra Bengio, "The Kurds in a Volatile Middle East," *The Begin-Sadat Centre for Strategic Studies*, Mideast Security and Policy Studies, No. 130 (2017), https://besacentre.org/mideast-security-and-policy-studies/kurds-volatile-middle-east/.
[974] "Kurdistan: Invest in Democracy," *Newsdesk Communications* (2011), p. 97.
[975] "The Kurdistan Region: Future Prospects," Op. Cit.,

the most sophisticated technology, expertise and capital that could accelerate the processes of economic rejuvenation in the region. However, this thesis argues that the political reason was more dominant in the thinking of the leadership of the KRI. As Caspersen argues, for de facto states the renewal of warfare with their parent states is an ever-present possibility.[976] Most de facto states are established following secessionist warfare or state breakdown at some point, and therefore, parent states are primed to re-establish central control over the territory when their resources and circumstances permit. Kurdish leaders seem to have realized that "U.S. foreign policy is most heavily and consistently influenced by internationally-oriented business leaders, followed by experts who, however, may themselves be influenced by business."[977] Again, although the KRI was not the result of an explicit secessionist warfare, it still had to protect its near-total de facto independence from Baghdad. Therefore, the KRI's foreign policy entailed granting contracts in various sectors – reconstruction, communications, electricity production, aviation, oil/gas projects among others – to companies belonging to Western states, particularly those seen as bearing significant influence on the direction of foreign policy. As some Kurdish officials put it, the KRI should distribute its eggs in multiple baskets.[978] The rationale behind this thinking was that, in times of need, when the KRI was possibly under

[976] Caspersen, "Degrees of legitimacy," Op. Cit., p. 4.
[977] US foreign policy seems to be first influenced by internationally oriented business leaders, followed by experts, labor leaders, and then lastly public opinion, see: Lawrence Jacobs and Benjamin Page, "Who Influences U.S. Foreign Policy?" *American Political Science Review,* Vol. 99, No. 1 (2005), pp. 107-123.
[978] In an article written in 2013, a Kurdish writer criticizes the KRI for putting all its eggs in Ankara's basket, see: Niyaz Barzani, "Is Erbil Putting All Its Eggs in Ankara's Basket?", *Rudaw*, 1 December 2013, accessed: 16 May 2015, http://rudaw.net/NewsDetails.aspx?pageid=27840.

military attack or political assault by its parent state or its neighbours to reduce or diminish its de facto independence, those states with solid economic interests inside the KRI would help defend Kurdistan, particularly given the fact that the KRI could not fully trust the surrounding states no matter how much investment they had in the KRI.

Consequently, the KRG made concerted efforts to attract Western companies. The KRI used several tools to this end. One of the tools was to inform Western companies about developments taking place in the KRI. To do this, the KRG began publishing high-quality, and probably costly, brochures and magazines about the KRI. The fact that some of the first brochures were little more than an introduction to the KRI is testament that the KRI was little known internationally.[979] Subsequently, when the KRI managed to attract some investment, these magazines began to showcase Kurdistan's advancement in some sectors and highlighted potential investment opportunities. The topics covered in these magazines emphasized Kurdistan's security and stability, its tolerant nature toward minorities, law and order, women and community relations, media and religious diversity, in addition to business, construction and economic opportunities; proven and potential oil and gas reserves in the KRI; electricity, health and universities projects; environmental friendliness of the Kurds; and tourism plans, just to mention a few.[980]

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[979] See: "Welcome to the Kurdistan Region," *Kurdistan Board of Investment*, Unknown date of publication, accessed: 9 September 2016, http://www.kurdistaninvestment.org/docs/kri_publication.pdf.

[980] "The Kurdistan Region: Invest in the Future," *KRG website*, 2008, accessed: 13 August 2016, http://cabinet.gov.krd/uploads/documents/Invest_in_the_Future_2008.pdf.

The coverage of these topics clearly reflects the KRI's desire to build its foreign image based on its earned sovereignty and democratization, and also portraying the KRI as a major business and economic hub in the Middle East Region. Indeed, in 2007, the KRG's lobbying efforts paid off when Franklin L. Lavin, the U.S. Under Secretary of Commerce for International Trade visited Erbil to promote Kurdistan as a 'gateway' for U.S. businesses in Iraq.[981] This visit clearly underlined the success of the lobbying efforts of the KRG representation in the United States, and possibly the success of the lobbying firm hired by the KRG to promote its interests in Washington.

6.5 Conclusion

One of the consequences of Saddam Hussein's central secession was that the authorities in Bagdad never regained de facto political control of the KRI, even during the second state-building processes in Iraq. Indeed, if between 1991 and 2003 the Kurdish entity was an unrecognized de facto state, after 2003, the KRI transformed into a recognized de facto state. This transformation has had a significant impact on the domestic and foreign policies of the KRI. Domestically, the KRI consolidated its territorial control and control over the legitimate tools of violence. It also consolidated its official institutions by reactivating the KNA, establishing the office of president and reunifying the two KRGs. Internationally, the interactions of the KRI began to take the shape of a unitary foreign policy actor, pursuing strategically defined foreign policies and presenting one diplomatic face to the outside world. While Kurdish political parties maintained their foreign relations,

[981] Chandrasekaran, Op. Cit.

the executive branches of the KRI, particularly the presidency and the offices of the prime minister of the KRG, gradually and increasingly emerged as the primary foreign policy-makers. The KRI quickly organized the institution with the foremost responsibility for the day-to-day implementation of foreign policy, the DFR, developed a capable body of diplomatic representatives and opened foreign representation offices in capitals deemed vital for the continuous survival of the de facto state.

This chapter argues that between 2003 and 2007, the national interest of the Kurdish de facto state was defined in terms of achieving two objectives: consolidating its de facto independence through political and legal processes, such as negotiation over the constitution of Iraq; and pursuing a foreign policy with the aim of creating a positive image for the KRI in the international arena. The Kurdish elite sought to create and enhance a positive image of the KRI, i.e. nation-branding, that not only sought to create an identity for the KRI, but also sought to distinguish the KRI from the rest of Iraq.

Diplomacy was a major instrument employed by the KRI leadership in pursuit of its foreign policy objectives. The KRI sought international visibility, not invisibility. For this reason, each development at the domestic level became part and parcel of the foreign policy of image-building. Kurdish officials repeatedly focused on highlighting the KRI's achievements in several arenas: signs of security and stability, its contribution to the war on terror and counterinsurgency, law and order in the region, respect for the right of minorities and the general human rights situation in

the KRI. The Kurdish leadership also continued its extensive interactions with the media, research institutions, think tanks and other observers covering the region, to assure further engagement with the international community.

In short, during this phase of its existence, the KRI emerged as a "second *de facto* foreign policy centre in Iraq."[982] Between 2003 and 2007, foreign relations between Baghdad and the KRI was marked by relative harmony and cooperation as Kurdish leaders cooperated closely with their Arab counterparts in Baghdad and the U.S.-led coalition in the second state-building processes in Iraq. Thus, the foreign policy component of the KRI was still, to a large degree, in line with the overall outlook of Iraq's foreign policy.

After 2007, the KRI transformed into an independent actor pursuing an independent foreign policy in all but name. Moreover, this foreign policy was aimed at ensuring the survival of the de facto independent Kurdish entity and was, on most issues, contrary to the foreign policy strategy and objectives of its parent state-Iraq.

[982] Kinninmont, Stansfield and Sirri, Op. Cit., p. 18.

7 The Second Decade of De Facto Independence: Independency in Foreign Policy-Making

This chapter continues the examination of the second decade of the existence of the Kurdish de facto state. It examines the nature of relations between the KRI and Baghdad between 2007 and 2011. It also examines the utilization of economic statecraft by the KRI as a vital instrument of foreign policy. It examines the determinants of the KRI's foreign policy towards Turkey. The chapter also examines other aspects of KRI's independency in foreign policy notably the expansion of KRI's foreign relations offices, opening of foreign consulates in Erbil and signing of independent agreements with several states and sub-state regions. It argues that on the one hand the pursuit of independent foreign policies reflected the increasing consolidation, visibility and legitimacy of the Kurdish entity. However, on the other hand, it reflected the need to ensure and affirm the de facto independence and continuous survival of the Kurdish de facto state in a context of the lack of international recognition.

7.1 Introduction

The year 2007 can be marked as formative in the transformation of the KRI into an independent foreign policy actor. If already now known, beginning in 2007/2008, the Kurdish leadership reached the conclusion that its once Arab Shiite partners in the Iraqi opposition can not to be fully trusted. This concern was

aggravated following the start of the negotiations between Iraq and the United States over the withdrawal of the U.S. military from Iraq and the nature of future relations between the two states. Amid the rising tensions with PM al-Maliki's government, the leadership of the KRI began to articulate independent foreign policy goals which its heart aimed at ensuring the survival and de facto independence of the KRI.

7.2 Frustrations with Baghdad, Disputed Areas, and Confrontations along the Trigger Line

The passing of the Iraqi Constitution had brought great hope to the leadership of the KRI. The Kurds had become 'kingmakers' in the post-Saddam processes of state-building, largely due to the potential ability of their COR representatives to alter the balance of power between one faction or the other in the government-formation negotiations.[983] The period between 2003 and 2007 can be marked as a relatively peaceful phase in the relationship between the KRI and the GOI. The presence of Kurdish politicians in influential positions in Baghdad helped to solve some of simmering disputes between the Kurds and Arabs. Indeed, while in office, Kurdish politicians in Baghdad constantly lobbied powerful factions in Baghdad in defense of Kurdish issues.[984]

[983] For instance, see: Michael Howard, "Iraqi power blocs fail to agree on government," *the guardian*, 14 March 2005, accessed: 4 May 2017, https://www.theguardian.com/world/2005/mar/14/iraq.michaelhoward.
[984] Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq, Op. Cit., p. 105.

After 2007, serious tensions began to engulf the KRI-Baghdad relations over several highly sensitive issues. The Kurdish leadership hoped, that by utilizing the constitutional provisions they had negotiated with their Arab-Iraqi partners, the Kurds would be able to secure all the territories to which they had laid claim outside the official boundaries of the KRI. As Natali argues, "In contrast to previous periods, whereby the Kirkuk issue was part of backdoor discussions conducted between Iraqi presidents and Kurdish leaders during sporadic ceasefires, it has become part of constitutional processes within a decentralized political system."[985] Article 58 of the TAL, later incorporated into article 140 of the 2005 Constitution of Iraq, had enshrined stipulations to resolve legally and officially conflicts in the status of disputed territories between the KRI and Baghdad. The disputed territories are a swath of land stretching from Sinjar in the northwest, next to the Iraq-Syria border, down to Baladruz, next to the Iraq-Iran border, and contain a mixed group of ethnicities and religions including Arab, Turkoman, Kurdish, Christian, Yezidi, and Shabak communities. In the middle of the argument lay the dispute over the jewel in the crown –Kirkuk with its super-giant oilfield containing an estimated15 billion barrels of oil. Kirkuk is a typical case of a very protracted and complicated situation.[986] The disputed areas, particularly Kirkuk, fall into the category of territorial disputes between entities within a sovereign state – between the Iraqi parent state and the Kurdish de facto state. Moreover, the dispute is being fought on three levels and has

[985] Natali, "The Kirkuk Conundrum," Op. Cit., 436.
[986] For an excellent analysis of the disputed territories between the KRI, Iraq, and regional intervention into the matter, see: Liam Anderson and Gareth Stansfield, *Crisis in Kirkuk: the ethnopolitics of conflict and compromise* (Philadelphia: University of Pennsylvania Press, 2009).

two dimensions. It is an intra- and inter-dispute among different communities in Northern Iraq (principally Arabs, Kurds and Turkoman), a dispute between Baghdad and the KRI and a dispute that draws in regional powers such Turkey and Iran.[987]

Largely due to the sheer complexity of the dispute and the dangerous possibility of invoking regional intervention, on the insistence of the Kurds, the TAL and the Constitution of Iraq enshrined mechanisms to provide a permanent legal resolution to the issue of the disputed territories. Article 58 of the TAL and Article 140 of the Iraqi constitution stipulated that by the end of 2007 a process of normalization (i.e. reversal of Arabization), a census and a referendum should take place in the disputed territories, including Kirkuk, to determine the will of their citizens concerning the status of these territories; in other words, whether these regions should join the KRI or remain under the auspices of the federal government in Baghdad.[988] However, by 2008, not only had the constitutional articles in regard to disputed territories not been implemented, but voices began to be heard in Baghdad arguing that the constitutional mechanism on the disputed territories was vague, invalid and void because the deadline for its implementation has effectively passed. But despite certain opinions in Baghdad, the KRI was adamant and insistent on the legality of the constitutional articles, and was resolute on its implementation.[989]

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[987] Stefan Wolf, "Governing (in) Kirkuk: resolving the status of a disputed territory in post-American Iraq," *International Affairs, Vol.* 86, No. 6 (2010) 1361–1379.
[988] See: Article 58 of the TAL and Article 140 of the Constitution of Iraq, Op. Cit.
[989] Lydia Khalil, "Stability in Iraqi Kurdistan: Reality or Mirage?" *The Saban Center at The Brookings Institution*, Working Paper No. 2 (2009), https://www.brookings.edu/research/stability-in-iraqi-kurdistan-reality-or-mirage/.

In 2009, several developments further intensified the question of the disputed territories. In the KNA and presidential elections, a new opposition party called Gorran (the Movement of Change) won 25 out of 111 seats in the KNA, effectively become the second largest block after the Kurdistan Alliance, which was composed of the KDP and PUK. The emergence of Gorran thus created further pressures on the leadership of the established Kurdish parties to deliver the foreign policy objectives of the Kurds – foreign policy was the most important matter for consideration between Bagdad and the KRI. Furthermore, Gorran viewed the inability of the Kurdish leadership to deliver Kirkuk and other disputed territories to the fold of the KRI as a sign of failure of the KDP and PUK leadership, and used it as a significant ingredient in its political discourses. As David Romano notes, "Increased competition between the KDP, PUK and a new, more vigorous Kurdish opposition in the form of Gorran will probably make it much more risky for any Kurdish leader to appear 'soft' on Kurdish claims to disputed territories or other 'Kurdish rights' relating to oil, Peshmerga and autonomy."[990]

The signs of this became apparent when in late 2009 UNAMI published a non-binding report that outlined four options for resolving the issue of disputed territories, specifically Kirkuk.[991] However, Masoud Barzani, who was directly elected by the people of Kurdistan in the 2009 presidential elections, winning nearly 70 per cent of the votes, refused to comply with the recommendation of the UNAMI,

[990] David Romano, "Iraqi Kurdistan: challenges of autonomy in the wake of US withdrawal," International Affairs, Vol. 86, No. 6 (2010), p. 1352.
[991] See: Wolf, "Governing (in) Kirkuk," Op. Cit.

insisting on implementation of article 140 of the constitution.[992] Moreover, the Kurdish leaders had prepared a draft constitution for the Kurdistan Region to be put to a referendum simultaneously with the 2009 elections. The draft constitution enshrined Kurdish claims to the disputed territories as well as the oil and gas available in the area. The draft constitution alarmed Iraqi and indeed American officials such as Vice President Joe Biden and other Obama administration officials.[993]

For the Kurds, article 140, which promised territorial reintegration into Kurdistan of a land seen by most Kurds as their ancestral land, was of utmost importance. The KRI also viewed its continued attachment with Iraq as dependent upon the implementation of the constitutional provisions drafted and ratified in 2005, specifically provisions of article 140. During a question and answer session at the Brookings Institution, president Barzani explicitly stated: "In fact, during the time of the drafting of the Constitution [in 2005] that was the main provision for us to continue participating in the political process for a solution to be found for Kirkuk on the basis of Article 140."[994] Without this happening, as Stansfield notes, "the rhetoric of Kurdish leaders moved notably from a discourse about their future within a federal Iraqi state to one about their future as an independent entity."[995] This was indeed evident when

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[992] Sam Dagher, "New Kurdish Leader Asserts Agenda," *The New York Times*, 28 July 2009, accessed: 29 June 2015, http://www.nytimes.com/2009/07/29/world/middleeast/29kurds.html?scp=&_r=0.

[993] Sam Dagher, "Kurds Defy Baghdad, Laying Claim to Land and Oil," *The New York Times*, 9 July 2009, accessed: 7 May 2017, http://www.nytimes.com/2009/07/10/world/middleeast/10kurds.html?_r=2&ref=todayspaper.

[994] "Assessing Iraq's Future with H.E. President Barzani, President of the Kurdistan Region of Iraq," *The Brookings Institution*, Washington DC, 27 January 2010, accessed: 8 September 2015, https://www.brookings.edu/events/assessing-iraqs-future-the-path-to-the-march-elections-and-beyond/.

[995] Stansfield, "The unravelling of the post-First World War state system?" Op. Cit., p. 271.

in response to a question, Nechirvan Barzani stated, "We have a constitution in this country. We will not take any other step until we lose hope in that constitution. There is no doubt if and when we lose hope that the constitution is not adhered to, certainly there are other options."[996]

The status of the disputed territories became part of a large game of political manoeuvering by several Iraqi politicians, which further alarmed the Kurdish leadership, over the possibility of military confrontation with Iraq. Soon after the intensification of the Sunni insurgency and terrorism in the mixed Sunni-Shiite areas in Iraq, the US military requested Kurdish leaders to deploy Kurdish Peshmerga forces to most parts of the disputed territories to enforce security and stability.[997] As well as assisting the U.S. military and Iraqi security forces (ISF) in the so-called Sunni triangle – the hotbed of the Sunni insurgency after 2003 – the Kurdish leaders also supported the inclusion of some Kurdish personnel in the early formation of the Iraqi army.[998] At a seminar held at the Center for Strategic and International Studies in Washington D.C., Masoud Barzani argued that after 2003, the Kurds constituted the backbone of the Iraqi army "because, at that time, neither the Shiites nor the Sunnis were ready and willing to join the Iraqi army."[999]

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[996] Jay Newton-Small, "An Interview with Nechirvan Barzani: Will There be an Independent Kurdistan?", *Time*, 21 December 2012, accessed: 7 August 2015, www.world.time.com/2012/12/21/an-interview-with-nechirvan-barzani-will-there-be-an-independent-kurdistan/.

[997] Quil Lawrence, "A Precarious Peace in Northern Iraq," *MERIP*, 1 October 2009, accessed: 26 December 2012, http://www.merip.org/mero/mero100109.

[998] Chapman, Op. Cit., pp 162-176.

[999] "The Kurdistan Region and the Future of Iraq," *Centre for Strategic and International Studies (CSIS)*, 31 October 2008, accessed: 3 November 2008, https://www.csis.org/events/kurdistan-region-and-future-iraq.

However, by 2008, there was a military stand-off between the KRI and Baghdad, under PM al-Maliki. The first clash took place in and around the disputed city of Khanaqin in the Diyala Province, which is located some 150 kilometers north-east of Baghdad just outside the southern border of the KRI. The conflict, which was triggered by al-Maliki's decision in 2008 to deploy ISF, apparently to drive al-Qaeda out of the area, was seen by the Kurdish leadership as an attempt to force an outcome on the KRI, as it ordered Kurdish Peshmerga forces to withdraw from the town and its environs within 24 hours.[1000] In addition, several other intense near-confrontations occurred in other parts of the disputed territories, including in the Altun Kupri district of Kirkuk in 2009,[1001] and in the environs of Mosul in 2009 and 2010.[1002] The intensity and the factors underlying these near-confrontations led many regional and international observers to conclude that the disputed territories resembled a 'trigger line',[1003] responsible for precipitating a territorial war in Iraq.

Although these immediate tensions were defused by American mediation in the form of U.S.-sponsored confidence-building measures, that included establishment of a joint Security Architecture,[1004] it nevertheless sent a clear message to the Kurdish leadership. In essence what Stansfield and Anderson name

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[1000] Gunter, "Arab–Kurdish Relations and the Future of Iraq," Op. Cit., p. 1628.
[1001] Ibid., p. 1628.
[1002] Emma Sky, "Preventing Arab-Kurd Conflict in Iraq after the Withdrawal of U.S. Forces," *United States Institute of Peace*, 22 March 2011, accessed: 26 December 2011, https://www.usip.org/sites/default/files/PB%2086.pdf.
[1003] "Iraq and the Kurds: Trouble Along the Trigger Line," *International Crisis Group*, Middle East Report 88, 8 July 2009, accessed: 13 January 2013, https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/iraq-and-kurds-trouble-along-trigger-line.
[1004] For more on U.S. efforts to prevent outbreak of hostilities between the KRI and the GOI, see: Hanauer, Martini and Al-Shahery, "Managing Arab-Kurd Tensions in Northern Iraq After the Withdrawal of U.S. Troops," Op. Cit.

as 'The Khanaqin Effect'[1005] reverberated through Kurdistan and reignited historical antipathies and fears, arousing a strong emotional reaction from the Kurds especially given the fact that Khanaqin had been subjected to a harsh policy of Arabization and genocide during the Baathist state. As Stansfield and Liam Anderson observe, the above-mentioned events led the Kurdish leadership to reach several serious conclusions: 1. while ISF may be weak now, this may change as the ISF was provided with weaponry and training by the United States; 2. neither PM al-Maliki nor any other Iraqi leader can fully be trusted; 3. the event repeats a historical pattern by which when Baghdad is weak it accepts the Kurds' demands, and vice versa when Baghdad is strong, it tries to reimpose its preeminence, or at worst crush the Kurdish people.[1006]

Moreover, the Constitution of Iraq clearly and strongly empowered federal regions over the central government, in part to prevent the excessive centralization that had previously led to oppression and suffering for the people of Iraq. As Michael Kelly notes, the Constitution severely constrained the federal authority's powers in autonomous regions.[1007] However, two new sources of tension were added to the complexity of Iraqi politics, both revolving around PM al-Maliki. A new camp, coalesced around PM al-Maliki, was beginning to make demands on recentralizing power to the hands of the central government. This situation saw the emergence of two camps: one roughly comprised of Kurds and ISCI promoting federalism and

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[1005] Gareth Stansfield and Liam Anderson, "Kurds in Iraq: The Struggle Between Baghdad and Erbil," *Middle East Policy,* Vol. XVI, No.1, 2009, p. 136.
[1006] Ibid., pp. 134-145.
[1007] Kelly, Op. Cit., 727.

decentralization, and another camp led by PM al-Maliki comprising Sadrists, Sunni tribal Arabs, independent and secular Arab groups promoting strong centralism. While on the surface neither ethnic nor sectarian, as Stansfield and Anderson note, this new struggle pitted "centralists against "regionalists" in a defining struggle to determine how power is to be structured in Iraq."[1008]

This new alignment was particularly frustrating for the leadership of the KRI. As Reidar Visser argues, "Maliki [had] rediscovered an ideological superstructure that is making him increasingly immune against criticism at home: using the language of centralism, Iraqi nationalism and at times anti-federalism, he has become independent enough to challenge even some of his longstanding coalition partners such as the Kurds and the Islamic Supreme Council of Iraq (ISCI)."[1009] Moreover, PM al-Maliki was beginning to accumulate more and more executive and patronage powers in his office. As an INSI officer told a *Guardian* journalist, "Maliki is running a dictatorship-everything is run by his office and advisers, he is surrounded by his party and clan members. They form a tight knot that is running Iraq now. He is not building a country; he is building a state for his own party and his own people."[1010] Al-Maliki's decision in 2008 to support the formation of Isnad councils directly tied to his office- rather than any official Iraqi institution- in the disputed territories further aggravated the tensions between the KRI and Baghdad.

[1008] Stansfield and Anderson, Op. Cit., p. 136.
[1009] Reidar Visser, "The Obama Administration, Iraq, and the Question of Leverage," 7 November 2008, accessed: 22 August 2016, http://www.historiae.org/leverage.asp.
[1010] See: Ghaith Abdul-Ahad "Six years after Saddam Hussein, Nouri al-Maliki tightens his grip on Iraq," *the guardian*, 30 April 2009, accessed: 18 September 2014, http://www.theguardian.com/world/2009/apr/30/iraqi-prime-minister-maliki.

Isnad councils were essentially para-military militias composed mainly of some Arab Sunnis and Shiites, as well as Turkomans, opposed to the implementation of Article 140 of the Constitution.[1011] Kurdish leaders viewed these formations as an attempt by al-Maliki to force an outcome on the KRI in regard of disputed territories and, an alarm-bill or a threat to the future existence of the Kurdish de facto state. this became clearer when PM al-Maliki emerged as the prime strategist and leader of the fragmented Iraqi groups demanding changes to the articles in the Constitution that guaranteed extensive powers to the regions over the powers of the central government.[1012] As the KRI constituted the only constitutionally defined region in Iraq, the move was understandably interpreted as targeting the de facto independence of the KRI.

These few examples clearly illustrate the tense political and military relationship in 2008 and 2009. Following these tensions, personal relations between Masoud Barzani and PM al-Maliki reached their lowest point since 2003, with Masoud Barzani telling PM al-Maliki to his face that "You smell like a dictator."[1013] The fear of a military confrontation prompted the KRI to engage in a military build-up of its forces, with reports claiming that it received three planeloads of arms and ammunition from Bulgaria,[1014] and possibly some from Russia.[1015] Baghdad also

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[1011] See: Stansfield and Anderson, "Kurds in Iraq," Op. Cit., pp. 140-141.
[1012] Ibid., pp. 141-143.
[1013] "Is it really coming right?", *The Economist*, 27 November 2008, accessed: 23 August 2016, http://www.economist.com/node/12678343.
[1014] Ernesto Londoño, "Kurds in N. Iraq Receive Arms from Bulgaria," *The Washington Post*, 23 November 2008, accessed: 2 June 2015, http://www.washingtonpost.com/wp-dyn/content/article/2008/11/22/AR2008112202297.html.
[1015] Ahmed Hussein, "Barzani informs Russia about Kurdistan Region's inability to purchase weapons without CG's approval," *Iraqi News*, 25 February 2013, accessed: 16 August 2015,

engaged in a military build-up with reports claiming multi-billion dollars' worth of arms contracts with the United States[1016] and Russia.[1017] The details of the U.S. arms deals with Iraq, which included 18 M-16 fighter jets, greatly worried the Kurdish leadership. Masoud Barzani directly lobbied the White House not to sell M-16 fighter jets to Iraq, stating that "The F-16 must not reach the hand of this man… We must either prevent him [al-Maliki] from having these weapons, or if he has them, he should not stay in his position."[1018]

These new tensions, and the perceived indifference of PM al-Maliki's camp towards the constitutional mechanism, eventually prompted the KRI leadership to set the constitution as the benchmark of Iraq's unity, and conversely its violation as the point of Kurdish departure or formal secession from Iraq. Without adherence to Iraq's constitution, the KRI gradually began to raise the spectre of unilateral secession from Iraq. In a session held at the Brookings Institution, Masoud Barzani stated, "So long as Iraq is governed by this Constitution, we will move accordingly based on the decision that was taken by the Parliament of Kurdistan in order to

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http://www.iraqinews.com/baghdad-politics/barzani-informs-russia-about-kr-s-inability-to-purchase-weapons-without-cg-s-approval/.

[1016] "U.S. plans $4.2 billion arms sale to Iraq," *UPI*, 1 October 2010, accessed: 9 May 2015, http://www.upi.com/Defense-News/2010/10/01/US-plans-42-billion-arms-sale-to-Iraq/31991285953914/.

[1017] Ilya Arkhipov and Henry Meyer, "Russia Gets $4.2 Billion Arms Deals with Iraq, Rivals U.S," *Bloomberg*, 9 October 2012, accessed: 5 September 2015, http://www.bloomberg.com/news/articles/2012-10-09/russia-gets-4-2-billion-arms-deals-with-iraq-rivals-u-s-1-.

[1018] Abdel Hamid Zebari, "Barzani: Maliki may think of using F-16s to attack Kurdistan," *Middle East Online*, 23 April 2012, accessed; 13 September 2015, http://www.middle-east-online.com/english/?id=51867; "Kurd President Urges No F-16s for Iraq," Agence France-Presse, 23 April 2012, accessed: 9 September 2015, http://archive.defensenews.com/article/20120423/DEFREG04/304230001/Kurd-President-Urges-No-F-16s-Iraq.

remain within the boundaries of Iraq, and also work and cooperate with Baghdad and the political forces and the rest of Iraq to build a Federal Democratic Iraq."[1019]

While the above-mentioned issues increased Kurdish fears of confrontation and eventually a military showdown with Baghdad's forces, another development further incensed Kurdish leadership on the peculiarity of their situation and the eventual loss of de facto independence. Throughout these episodes of 2007-2008, the United States had played a stabilizing and mediating role in calming the tensions between Iraqi Arabs and Kurds. However, the approaching expiration of the UNSC Resolution 1790, which authorized and mandated the activities of the multinational forces under U.S. command in Iraq until 31 December 2008, extremely worried the Kurdish leadership.[1020]

As Baghdad and Washington engaged in intense negotiations to sign up a new SOFA and a border strategic framework agreement,[1021] the leadership of the KRI was anxious over the withdrawal of its U.S. semi-patron from Iraq. The worries seemed to have stemmed from the distinctive geopolitical position of the KRI and the fear that withdrawal of U.S. forces from Iraq would allow the often-hostile regional states, as well as the Shiite-dominated Arab government in Baghdad, to weaken its domestic sovereignty and de facto independence, or even worse at some point move

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[1019] "Assessing Iraq's Future with H.E. President Barzani, President of the Kurdistan Region of Iraq," Op. Cit.

[1020] For more on UNSC resolutions and the U.S. presence in Iraq, see: Kenneth, "Iraq: Post-Saddam Governance and Security," *Congressional Research Service*, Report RL31339, 28 October 2009, accessed: 5 May 2017, https://fas.org/sgp/crs/mideast/RL31339.pdf.

[1021] For more info on the SOFA and the strategic framework agreement negotiations, see: Greg Bruno, "U.S. Security Agreements and Iraq," *Council on Foreign Relations*, 23 December 2008, accessed: 23 August 2016, http://www.cfr.org/iraq/us-security-agreements-iraq/p16448.

to destroy the Kurdish de facto state. The KRI officials also feared that the Kurds would be sold-out in favour of Iraqi and regional stability at a time when several sensitive political, economic and territorial disagreements remained outstanding between the KRI and its parent state in Baghdad, as well as between the KRI and the regional states. To be precise, the KRI leadership wondered if the withdrawal of US forces would mean the end of U.S. engagement in Iraq.

Already in 2007, privy to back-door negotiations between Baghdad and Washington, alarm bells rang among KRI officials over their future position in Iraq and the region. One article, possibly engineered by Kurdish lobbying, stated, “Talabani, the son of Iraq's president, is lobbying Congress and the Bush administration not to withdraw U.S. forces. He says that it's a matter of survival for Iraq's 5 million ethnic Kurds, most of whom live in the northern provinces that make up the semi-autonomous Kurdistan regional government.”[1022] Indeed, Qubad Talabani himself stated, “In the Middle East, we're seen as being allied with the United States… That makes us unpopular in the Arab world, but we're proud of it. We hope that alliance, that friendship, will be reciprocated."[1023] It is also interesting that the Kurds, being aware of their precarious geopolitical position, were envisioning the sort of relationship with the United States enjoyed by Taiwan and Israel. Qubad Talabani in this regard stated, “Kurds want the sort of 'strategic and institutional

[1022] Matt Kelley, “Kurds bank on friendship with U.S. in Iraq,” *USA Today*, 28 June 2007, accessed: 4 May 2017, http://usatoday30.usatoday.com/news/world/iraq/2007-06-27-kurds-lobbying_N.htm.

[1023] “Qubad Talabani: The Kurds are allies to the United States and we're proud of it,” *Ekurd Daily*, 28 June 2007, accessed: 13 August 2016, http://ekurd.net/mismas/articles/misc2007/6/independentstate1439.htm.

relationship' that Israel and Taiwan have with the United States ... We are seeking the same protection."[1024] To ensure the future survival of the Kurdish de facto state, the Kurdish leadership quietly, and Kurdish supporters in the West more loudly, promoted the idea of stationing a segment of US forces in KRI territory. In a speech at the Centre for Strategic and International Studies (CSIS) in 2008, Masoud Barzani, replying to a question, stated: "if the United States requests for its forces to be based in Kurdistan region, I am confident that the Kurdistan regional parliament and the people of Kurdistan region and the Kurdistan regional government would welcome that."[1025] While Masoud Barzani's comments were cautiously reflecting the myriad threats and limitations of non-recognition experienced by the KRI, Kurdish friends in the West were more forward-looking and explicit in their arguments for the presence of U.S. forces in the KRI. John Hannah, for instance, published several articles in the influential *Foreign Policy* magazine arguing for the establishment of a more institutional relationship between the US and the KRI. In one such article, he writes:

> "Properly nourished, Iraqi Kurdistan has all the makings of a U.S. strategic asset. Iraq's Arabs… have been profoundly ambivalent about a continued role for American troops. But not the Kurds, whose leaders loudly proclaimed their desire for a permanent U.S. presence, and whose population of some 5 million is overwhelmingly pro-American…Kurdish

[1024] "The Turks are coming," *World Bulletin*, 29 October 2007, accessed: 23 August 2016, http://www.worldbulletin.net/author/pepe-escobar/1181/the-turks-are-coming.
[1025] "The Kurdistan Region and the Future of Iraq," *CSIS,* Op. Cit.

security and intelligence forces are competent and battle-hardened, and after years of cooperation have built up excellent working relations with their U.S. counterparts, including in fighting Al Qaeda."[1026]

While, in another article, which again argued in favour of a stronger US-KRI relationship, Hannah touches upon the psychological implications of the 1975 betrayal – see Chapter Three – in explaining the Kurdish desire for a permanent U.S. presence in Iraq and the KRI, stating:

> "U.S. policymakers must understand the psychological the Kurds have toward America. Today, the Kurds seek to retain a bilateral relationship with the United States because of their Kurdish fears of abandonment and a lack of trust, not from mutual interests and partnership. These sentiments are ingrained in the thinking of the KRG's leaders, who lived through a time when Kurds were a casualty of the Cold War's great game in the Middle East."[1027]

Indeed, revealing the level of anxiety and concern felt by the Kurdish leadership over the planned U.S. military withdrawal from Iraq, in 2010, the President of the KRI personally visited President Obama at the White House to enquire about the state of U.S. commitment toward the KRI. According to Qubad Talabani:

[1026] John Hannah, "America needs a Kurdish policy," *Foreign Policy*, 22 March 2012, accessed: 20 April 2012, http://shadow.foreignpolicy.com/posts/2012/03/22/america_needs_a_kurdish_policy. Other articles include: John Hannah, "Good friends are hard to find: Why the U.S. should support Mithal Alusi and Kurdistan," *Foreign Policy*, 14 September 2012, accessed: 18 January 2013, http://shadow.foreignpolicy.com/posts/2012/09/14/you_gotta_have_friends_in_praise_of_alusiand_the_kurds.

[1027] Mardini, Op. Cit., p. 2.

> "President Barzani came to the U.S. to have one question answered: Will a withdrawal of U.S. military forces from Iraq mean a withdrawal of U.S. commitment and engagement with Iraq and Kurdistan? During our meetings, we heard an emphatic "No." We were continuously told that the U.S. will remain engaged and help the political forces in Iraq overcome their differences. The administration also expressed interest in seeing the Kurdistan Region continue to develop and prosper, while at the same time continuing to play a leading role in Iraq's democratization."[1028]

In the end, Iraq, with strong Kurdish participation in Baghdad, and the U.S. reached an agreement on the SOFA[1029] and a strategic framework agreement between Iraq and the U.S.[1030] was ratified by the COR in November 2008.[1031] The agreement envisioned the complete withdrawal of the U.S. combat forces from Iraq by the end of 2011. In this way, the leadership of the KRI had at least three years to resolve its outstanding issues with Baghdad and design ways to ensure the survival of the Kurdish de facto independence of the KRI.

[1028] Qubad Talabani, "A region and a superpower: a special relationship," *Qubad's blog*, 1 February 2010, accessed: 26 November 2016, http://qubadsblog.com/2010/02/a-region-and-a-superpower-a-special-relationship-2/.

[1029] For a text of the SOFA, see: "Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq," signed 17 November 2008, accessed: 13 September 2015, http://www.state.gov/documents/organization/122074.pdf.

[1030] "Strategic Framework Agreement for a Relationship of Friendship and Cooperation between the United States of America and the Republic of Iraq," Signed on 17 September 2008, accessed: 13 September 2015, http://www.usf-iraq.com/wp-content/uploads/2012/12/security-agreement-2.pdf.

[1031] "Iraq and US sign forces agreement," *Al. Jazeera*, 18 November 2008, accessed: 24 December 2012, http://www.aljazeera.com/news/middleeast/2008/11/20081117172494037 75.html.

7.3 External Economic Relations and the Kurdish de Facto State: Putting Hydrocarbon Resources at the Centre

The question of the future survival of the Kurdish de facto state and the planned withdrawal of U.S. forces from Iraq is intimately intertwined with the KRI's unilateral policies regarding oil/gas reserves in the KRI. The question of oil had for long been a bone of contention between the Kurdish nationalist liberation movement and successive Iraqi governments in Baghdad, and played a major role in the Kurdish leadership's framing of grievances. In fact, President Barzani himself authored a paper in the *Wall Street Journal* stating:

> "ever since the discovery of oil in Iraq in the 1920s, successive Iraqi governments have sought to keep oil out of Kurdish hands, blocking exploration and development of fields in Kurdistan. Saddam Hussein's government went even further, using Iraqi oil revenues to finance the military campaigns that destroyed more than 4,500 Kurdish villages and to pay for the poison gas used to kill thousands of Kurdish civilians."[1032]

With this in mind, the Kurdish negotiators managed to insert a clause in the 2005 Constitution of Iraq which was later interpreted by KRI's leaders as giving them the authority and power to manage Kurdistan's hydrocarbon resources. Interestingly, the question of the management of oil/gas resources was not included in Article 110,

[1032] Masoud Barzani, "Kurdistan Is a Model for Iraq: Our path to a secular, federal democracy is inspired by the U.S.," *The Wall Street Journal*, 12 November 2008, accessed: 23 August 2016, http://www.wsj.com/articles/SB122645258001119425.

which referred to the exclusive powers of the federal government, nor in Article 114 on shared powers between the federal and regional governments. Oil and gas matters were mentioned in separate constitutional articles – 111 and 112. Article 111 states, "Oil and gas are owned by all the people of Iraq in all the regions and governorates," while Article 112 (section A), more important from the perspective of the KRI's leaders, states:

> "The federal government, with the producing governorates and regional governments, shall undertake the management of oil and gas extracted from *present* fields, provided that it distributes its revenues in a fair manner in proportion to the population distribution in all parts of the country…"[1033]

The term *present fields* constituted the bone of contention between Baghdad and Erbil when negotiations were underway to pass an Iraqi oil legislation package which included a hydrocarbon law and a revenue-sharing law in 2007. As with the centralist/federalist debate, the question of oil/gas management, which during the Saddam era was managed by a highly centralized and state-led oil sector, received varied interpretations by the different stakeholders in Baghdad and Erbil.[1034] Whether inserted deliberately or not, reference to present fields later empowered the KRI's officials to argue that the KRI has a constitutional right to manage oil/gas fields

[1033] See: CONST. OF IRAQ, articles 110, 111, 112, and 114.
[1034] For a good analysis of the two different visions of the centralist/federalist debate on the management of the hydrocarbon sector in Iraq, see: see: Raad Alkadiri, "Oil and the question of federalism in Iraq," *International Affairs*, Vol. 86, No. 6 (2010) 1315–1328.

found or explored after the passing of the Constitution. As Sean Kane, notes, "the Kurds were successful in creating a constitutional framework for Iraq where the main question was not what control regions should have over oil but rather what role was left for the national government."[1035]

Soon after its reunification, the KRI began to assert its preeminence in the management of its oil and gas reserves. Since the constitution was notoriously, and perhaps intentionally, silent on the question of *undeveloped fields* or any new fields as opposed to *present* fields, the KRI declared its right to manage untapped oil/gas reserves in the KRI. Based on this interpretation, Ashti Hawrami, the KRG Minister of Natural Resources, envisaged that 'the regions and governorates will have all the controls,' in other words, the KRI had an exclusive constitutionally-defined right to manage all aspects of oil/gas policy in the KRI.[1036] This entailed Kurdistan's unilateral right to control and manage newly found oil/gas reserves including signing contracts with international oil companies (IOC).

Meanwhile, as part of the U.S. surge in Iraq,[1037] the Bush Administration had set a list of political milestones by which to monitor the political progress in Iraq. One of them pertained to the passage of a comprehensive national oil law in Iraq.[1038] Mostly as a favour to the U.S. government, and a Kurdish interest to share the larger

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[1035] Kane, Op. Cit., p. 6.
[1036] Michael Gunter, "Economic Opportunities in Iraqi Kurdistan," *Middle East Policy*, Vol. XVIII, No. 2, Summer 2011.
[1037] David Petraeus, "How we Won in Iraq," *Foreign Policy*, 29 October 2003, accessed: 3 May 2017, http://foreignpolicy.com/2013/10/29/how-we-won-in-iraq/.
[1038] See: Kane, Op. Cit., p. 9.

pot of Iraqi oil revenues generated from Iraq's south oilfields, the KRI negotiators participated in deliberations over the passage of a national Iraqi oil law.[1039]

Soon negotiations stalled, partly due to Kurdistan's insistence on Production Sharing Contracts (PSC) visa-a-vis Service Contracts preferred by the federal government.[1040] Quite simply, the companies operating under the PSCs become stakeholders in the development of oil fields. As Stanley Reed notes, "Under Kurdistan's terms, oil companies can earn $US3 to $US5 a barrel, compare with a $US1 a barrel under Baghdad's contracts."[1041] Interestingly, Kurdistan's negotiators had sought a side political agreement to the effect that if a national hydrocarbon law was not passed by the Iraqi COR by May 2007, then each side could pursue its own independent contracting arrangements.[1042] With no Iraq-wide agreement in sight and relying on Kurdistan's specific interpretation of the constitution, in August 2007, the KNA passed a draft oil and gas law for the KRI,[1043] later ratified as a hydrocarbon law in 2009. Among other stipulations, the regional law empowered the KRI to sign oil contracts with IOCs and, in general, enacted the supremacy of the regional law

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[1039] The KRG announced its agreement to a draft Iraqi oil law in 2007 "if it is accompanied by an agreed Revenue Sharing Law for submission as a package to the Council of Representatives, see: "KRG publishes draft Federal Oil and Gas Law of Iraq in English and Arabic," *KRG website*, 9 March 2007, accessed: 23 August 2016, http://cabinet.gov.krd/a/d.aspx?s=02010100&l=12&asnr=&a=16644&r=223&s=010000.

[1040] Peter Cameron, "Contracts and constitutions: The Kurdish factor in the development of oil in Iraq," *International Journal of Contemporary Iraqi Studies,* Vol. 5, No. 1 (2010), pp. 81- 99.

[1041] Stanley Reed, "Iraqi Government and Kurdistan at Odds Over Oil Production," *International New York Times*, 14 November 2012, accessed: 2 January 2013, http://www.nytimes.com/2012/11/15/business/global/delicate-balancing-act-for-western-oil-firms-in-iraq.html?_r=0.

[1042] "The Kurdistan Region and the Future of Iraq," *CSIS,* Op. Cit.

[1043] For a text of the oil/gas law, see: "Oil and Gas Law of the Kurdistan Region-Iraq," *Presidency of the Region*, 2007, accessed: 23 August 2016, http://presidency.krd/uploadedforms/_OilGasLaw_en.pdf.

and powers visa-a-vis the laws of the central government of Baghdad. On the basis of this law, which adopted the free-market liberal marketing strategy of PSCs, in late 2007 and early 2008 the KRG signed a plethora of independent oil exploration contracts with a wide variety of international companies,[1044] despite apparent objections from circles of the U.S. administration.[1045]

The Baghdad government, however, persistently refused to acknowledge the legitimacy and legality of PSCs with IOCs.[1046] Al-Shahristani, Iraq's Oil Minister, who had become PM al-Maliki's voice in opposing the KRI's contracts with IOCs, adopted several aggressive policies that included excluding from bidding rounds any company that had previously entered into a contract with the KRI. Al-Shahristani later described KRI/IOC deals as "null and void,"[1047] while in countering the KRI oil deals, Al-Shahristani threatened to resume working under the old Saddam-era legislation.[1048] He further specified that until a new national oil law was passed, the Ministry of Oil and the State Oil Marketing Organization (Somo) were to be the sole governmental bodies responsible for the management of all aspects of petroleum resources, and as such any KRI contract signed without explicit approval of the

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[1044] For a list of companies which signed PSCs with the KRG, see: "Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds," *International Crisis Group*, Middle East Report, No. 80 (October 2008), p. 17.
[1045] Alissa Rubin and Andrew Kramer, "Official Calls Kurd Oil Deal at Odds with Baghdad," The New York Times, 28 September 2007, accessed: 26 May 2017, http://www.nytimes.com/2007/09/28/world/middleeast/28iraq.html?ref=middleeast.
[1046] "Iraq nullifies Kurdish oil contracts," *Al Arabiya News*, 24 November 2007, accessed: 24 August 2016, https://www.alarabiya.net/articles/2007/11/24/42056.html/.
[1047] "Baghdad-KRG Oil Rift Deepening," *The New Anatolian*, 15 October 2007, accessed: 26 August 2016, http://uslaboragainstwar.org/Article/14062/baghdad-krg-oil-rift-deepening.
[1048] Sumedha Senanayake, "Iraq: Baghdad, Kurds At Odds Over Oil Deals," *Radio Free Europe*, 30 November 2007, accessed: 26 August 2016, http://www.rferl.org/content/article/1079217.html.

federal government would not be considered a contract.[1049] Moreover, as the KRI did not possess an independent pipeline for trade purposes, and could only rely on overland exportation to possibly Iran and Turkey, Al-Shahristani declared any such export of oil would be considered "smuggled" by the central government.[1050] Minister Al-Shahristani fulfilled his promise of blacklisting companies with deals with the KRI such as SK Energy of South Korea, OMV of Austria and Reliance Industries of India.[1051] In Short as, Lydia Khalil argues, "Their [Kurds] insistence on a decentralized oil regulation system, which would allow the KRG and any other future federal region control over new-found resources, has helped awaken the sleeping giant of Iraqi nationalism."[1052]

When faced with challenges to their independent foreign oil contracting, the KRI fiercely legitimized its contracts within the framework of the Constitution of Iraq and the draft Iraqi hydrocarbon law, and continually highlighted Minister al-Shahristani's words as 'unconstitutional threats'.[1053] In one statement, while confirming KRI's right to unilaterally sign PSCs with IOCs, the KRI also rebuked the federal government's reversion to the Saddam-era legislation as unconstitutional, stating, "our contracts with the IOCs are both constitutional and legal within the

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[1049] "Iraqi Oil minister authorized to ban Kurdistan oil exports," *Ekurd Daily*, 24 November 2007, accessed: 26 August 2016, http://ekurd.net/mismas/articles/misc2007/11/government1277.htm.
[1050] Kathleen Ridolfo, "Iraq: Kurds Push Ahead with Oil Contracts," *Radio Free Europe*, 12 November 2007, accessed: 26 August 2016, http://www.rferl.mobi/a/1079118.html.
[1051] "Iraq makes good on Kurd oil blacklist," *UPI*, 21 January 2008, accessed: 27 August 2016, http://www.upi.com/Iraq-makes-good-on-Kurd-oil-blacklist/92691200950192/.
[1052] Khalil, "Stability in Iraqi Kurdistan: Reality or Mirage?" Op. Cit., p. 1.
[1053] "Kurdistan government responds to Iraqi Oil Minister's threats to international oil companies," *Ekurd Daily*, 21 November 2007, accessed: 26 August 2016, http://ekurd.net/mismas/articles/misc2007/11/independentstate1785.htm.

framework of the Kurdistan Oil and Gas Law. Dr. Shahristani keeps saying that Iraqi law does not allow this or that. People around the world wonder which law he is talking about because they know that since most of Saddam's laws contradict the new Constitution, they are now null and void."[1054]

Besides its fights with the Bagdad government, the KRI paid great attention to the issue of gaining legitimacy and legalization for its unilateral contracts with IOCs in the eyes of the international community. Therefore, the KRI sought the opinion of prominent international legal experts on the constitutionality and legitimacy of its PSCs. In one instance, Prof. James Crawford, a renowned authority on international law from the University of Cambridge, was commissioned by the KRG to extend a legal opinion on the matter. After deliberations, Prof. Crawford confirmed that the KRI's oil and gas law was in conformity with the Constitution of Iraq and Iraq's hydrocarbon law.[1055]

Ever since the passage of the hydrocarbon law, there has been intense debate over the KRI's objectives. Distinct from the obvious Kurdish grievances over the role of oil in their subjugation since the establishment of Iraq as an independent state, there were other tangible factors behind the KRI's unilateralism with respect to the control and management of oil/gas reserves in the KRI. Some observers, if

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[1054] "Iraqi Oil minister authorized to ban Kurdistan oil exports," Op. Cit.

[1055] Crawford, James, "The authority of the Kurdistan regional government over oil and gas under the constitution of Iraq," *KRG website*, 29 January 2008, accessed: 23 August 2016, http://cabinet.gov.krd/uploads/documents/James_R_Crawford_Kurdistan_Oil_Legal_Opinion_English__2008_07_09_h11m23s26.pdf. It seems, the Government of Baghdad also sought legal opinions. One was provided by Prof. Cheryl Saunders of Melbourne University, who confirmed the centrality of the authority of the Iraqi COR over the oil sector, see: Cameron, Op. Cit., p. 85.

not most, have argued that the KRI's actions were driven by the desire to obtain economic independence in preparation for unilateral secession from Iraq or independent statehood.[1056] Some have noted that as with most other Middle Eastern states, the KRI was on the path to becoming a rentier state;[1057] while others have observed the KRI's domestic imperatives, namely sustainment of the large network of patronage gathered around the leadership of the KDP and PUK.[1058]

While the above statements might hold some elements of truth, a better understanding of the KRI's independent, external, economic relations with IOCs can be found in its position of de facto statehood in the international system and its foreign policy objectives. The now extensive literature on de facto statehood makes it clear that international responses to de facto states range from isolation and non-engagement, to limited engagement because of security concerns or strategic interests of sovereign states.[1059] The importance of resources and the strategic location of de facto states have already been noted in Chapter Two of this thesis, pushing governments and an array of commercial interests to build relations with them. The practice of foreign policy for de facto states is aimed at survival and attracting aid, trade, and investment which enables them to engage in foreign

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[1056] Ofra Bengio, "Will the Kurds Get Their Way," *The American Interest*, Vol. 8, No. 2 (2012), accessed: 25 August 2016, http://www.the-american-interest.com/2012/10/10/will-the-kurds-get-their-way/; Alexander Dawoody, "The Kurdish Quest for Autonomy and Iraq's Statehood," *Journal of Asian and African Studies*, Vol. 41, No. 5/6 (2006), 488.

[1057] "Denise Natali: Kurdistan seems to be following rentier states' path," *The Kurdistan Tribune*, 21 December 2013, accessed: 23 August 2016, http://kurdistantribune.com/2013/denise-natali-kurdistan-seems-be-following-rentier-states-path/.

[1058] Michael Rubin, "Is Iraqi Kurdistan a Good Ally?", *Middle East Forum*, January 2008, accessed: 23 August 2016, http://www.meforum.org/1822/is-iraqi-kurdistan-a-good-ally.

[1059] For a latest review of international engagement with de facto states, see: Caspersen, "Degrees of legitimacy," Op. Cit.

economic relations to maintain their internal legitimacy in the eyes of a war-torn citizenry, who might have experienced years of destruction, war, and discrimination.

The KRI's foreign policy of survival dictated that it demonstrates its domestic sovereignty and economic viability as a de facto independent entity. Indeed, the control of hydrocarbon resources indicated a progression of arguments deployed by the KRI in its legitimation campaign, or in other words in its foreign policy of self-justification. While initially the KRI highlighted its democratization and successful state-building, the control over hydrocarbon resources enabled it to incorporate economic viability as an important element in its argument of earned sovereignty. In a study of the three de facto states in the Caucasus, Pal Kolsto and Helge Blakkisrud note that in their interactions with the international community, unrecognized de facto states have come to highlight their economic viability and prospects for economic survival.[1060] This is often based on the belief that recognition might be withheld from entities that lack reasonable economic perspectives. A text on an Abkhazian governmental website, for instance, reads:

> "Given its natural wealth, important strategic position, and active and enterprising population, one can positively assess the perspectives for dynamic economic development. The numerous Abkhazian diaspora

[1060] Pal Kolsto and Helge Blakkisrud, "Living with Non-recognition: State- and Nation-building in South Caucasian Quasi-states," *Europe-Asia Studies*, Vol. 60, No. 3 (2008), 483 – 509.

communities all over the world will undoubtedly also contribute to the economic recovery and prosperity of Abkhazia.[1061]

The KRI in this regard is no different to many other de facto states. The position of de facto statehood, and the resulting imperative of foreign policy self-justification, had led the KRI to view control over oil/gas resources as a fundamental part in highlighting the viability of its economic sovereignty. In other words, as Voller notes, the KRI's efforts at unilaterally exerting its control over hydrocarbon resources "lies in the concept of sovereignty — more precisely, contested sovereignty — and the resultant pursuit of international legitimacy… Kurdish unilateralism indicates that the KRG associates control over oil reserves, even if theoretical, with sovereignty. By taking one-sided steps with regard to the control and use of oil reserves in the Kurdistan Region and the disputed territories, the KRG has signaled to Baghdad, Ankara and the other parties involved that it has control, or domestic sovereignty, over its region. More than anything, independent legislation helped the KRG to validate its autonomy from Baghdad."[1062]

Moreover, for the KRI, its control over hydrocarbon resources was of utmost importance as part of its foreign policy. Without this control, the strategic interests and economic diplomacy of states would have dictated that they ignore the KRI in favour of Baghdad as the sole guarantor of economic privileges. The KRI leadership seemed also to have understood the importance of having powerful friends, both in

[1061] Viacheslav Chirikba, "Abkhazia: Economic and Political Situation and Perspectives," accessed: 7 June 2017, http://www.kapba.de/EconAndPolSit.html
[1062] Voller, "Kurdish Oil Politics in Iraq," Op. Cit., p. 78.

maintaining its de facto independence and in advancing the eventual goal of recognition, if and when it declared *de jure* statehood. Therefore, control over oil/gas resources had been interpreted by the Kurdish leadership as an insurance policy against isolation and the guarantor of extensive engagement with the international system of sovereign states and powerful actors such as multinational oil companies.

Thus, this research argues that, in addition to the the entity's strategy to stress earned sovereignty and economic viability, oil and gas have been instrumental in achieving the KRI's foreign policy objectives. After 2007, Kurdish officials consistently utilized oil in the conduct of its diplomacy. The hydrocarbon policies and deals of the KRI were important in several regards: 1. ensuring the survival of the KRI-economically, politically and militarily; 2. obtaining the much-needed foreign investment and trade, which is partly related ensuring continued domestic legitimacy by the people of the KRI in the form of provision economic goods; 3. demonstrating the entity's ability to engage in foreign relations with other actors as per the fourth point of the Montevideo Convention on the rights and duties of states; and 4. increasing foreign recognition of the entity by sovereign states, even if of a de facto kind. In other words, the KRI aimed to use its hydrocarbon resources as a tool or instrument of economic statecraft which has been defined by Michael Mastanduno as "the use of economic tools and relationships to achieve foreign policy objectives."[1063] Moreover, it was not only building economic external relations with IOCs, through signing unilateral oil/gas deals, that was important for the KRI. The

[1063] Mastanduno, "Economic Statecraft," in Smith, Hadfield and Dunne (eds.), Op. Cit., pp. 204-205.

very fact that the KRI engaged in a variety of foreign interactions to convince IOCs to invest in the KRI, over Baghdad's constant legal objections, demonstrates the Kurds' skillful diplomacy and success in achieving foreign policy goals.

The use of economic statecraft, i.e. the utilization of economic means to guarantee interaction with members of the international community, becomes evident in the statements of KRI officials. Falah Mustafa, the head of the DFR, for instance, states, "When businesses come and companies come, it means you have more and more interaction with the outside world. Sometimes there are international companies, which are giant, and the moment those companies come the others follow."[1064] Sarbaz Hawrami, a senior adviser to the Prime Minister of the KRG, in a similar vein, emphasizing the importance of the presence of oil and gas companies in ensuring the survival prospects of the KRI and maintaining its de facto independence, states "The most important point is that the interests of the Region will be linked with the interests of those companies and their governments."[1065]

An Article published in the *Wall Street Journal* succinctly sums up the KRI's foreign policy objectives, stating:

> "Kurdish officials look at the flurry of oil contracts they're signing as a two-pronged insurance policy. By cutting deals with companies from countries as diverse as Australia, Britain, France, India, Russia, South Korea,

[1064] Hemin Akram Akreyi, "The Iraqi Kurdistan in the Post-Saddam Era: Security, Natural Resources and Foreign Policy Activism," *Iran and the Caucasus, Vol.* 21 (2017), p. 92.
[1065] Ibid., p. 93.

> Turkey and the U.S., the Kurds say they hope to win international political support in case things go awry with Baghdad. And in case Iraq were to break up, the Kurds would have their own abundant revenue stream. "Has this been deliberate? It certainly has," says a beaming Mr. Hawrami, the Kurdish natural-resources minister, who has crafted the bulk of the contracts awarded so far. "We want a balance. We want friends on all sides," Hawrami had declared."[1066]

The KRG's use of energy resources as a foreign policy instrument becomes clear when considering the progression of developments with regard to the KRG's oil deals. Feeling a sense of foreboding apropos the gradual empowerment of the Baghdad government over the KRI, and the lack of an agreement between the two, Ashti Hawrami stated, "We do not want to be hobbled by the political paralysis in Baghdad."[1067] The KRG's oil deals started by initiating PSCs with small companies, such as DNO, WesternZagros Resources Ltd, Genel Energy and Addax Petroleum Inc among others. However, for the KRI to benefit from petroleum resources as a foreign policy instrument, the KRI needed to attract bigger, and may be eventually super-giant, multinationals not only for their economic resources but also for their political clout. Certainly, even before the ousting of Saddam Hussein's regime and the passing of Iraq's Constitution, the KDP and PUK had signed an abundance of

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[1066] Neil King Jr, "Wildcatters Plunge into North Iraq," *The Wall Street Journal*, 9 July 2008, accessed: 28 August 2016, http://www.wsj.com/articles/SB121554950187436783.

[1067] "Iraq oil future uncertain after KRG Law," *UPI*, 7 August 2007, accessed: 18 May 2015, http://www.upi.com/Business_News/Energy-Industry/2007/08/07/Iraq-oil-future-uncertain-after-KRG-law/85011186521310/.

exploration contracts with a number of relatively small foreign companies, including the Turkish Pet Oil and Genel Energy, to operate in PUK-controlled territory.[1068] But now, with the Constitution of Iraq and the KRG's oil/gas law in place, and feeling a sense of looming danger because of the planned U.S. withdrawal from Iraq and the resultant fear of losing, or at worst the destruction of, the KRI, the KRI sought to build an energy industry in the shortest time possible. Thus, it sought to attract bigger companies.

This is a view supported by oil experts with experience in the KRI. One anonymous expert stated, "Ashti Hawrami does not want small companies in the Kurdish region right now. He wants more experienced companies. He wants to create facts on the ground."[1069] And Indeed, Qader Aziz, Masoud Barzani's envoy in the Article 140 Committee – the committee working on the implementation of Article 140 of the Constitution – commented, referring to Kurdish leaders, "they believe that if big companies come to Kurdistan, they will protect the region, because they are supported by big countries."[1070] Moreover, a report published following a roundtable discussion at the American University of Sulaimani in the KRI reached similar conclusions. Among its findings was that "Mr. Hawrami is not only in the business of building an [oil] industry, but in nation building too,"[1071] and that "The KRG's strategy is to attract Big Oil and tie its security and autonomy to the interest of major

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[1068] Robert Olson, "Turkey and Kurdistan-Iraq, 2003," *Middle East Policy, Vol.* XI, No. 1 (2004), p. 116.
[1069] "Oil for Soil," *International Crisis Group,* Op. Cit., p. 18.
[1070] Ibid.
[1071] Bilal A. Wahab, "Iraq and KRG Energy Policies: Actors, Challenges and Opportunities, *The American University of Iraq-Sulaimani*, May 2014, pp.30-31.

international oil importers;"[1072] and "The KRG feels under pressure to achieve these goals in a short time, since the window of opportunity is closing on it [since] Baghdad is getting stronger and therefore abler to undercut KRG's energy goals."[1073] And indeed, the KRI's officials hoped that giant IOCs would gradually transform into the Iraqi Kurds' best advocates in their respective capitals to support policies favourable to the KRI.[1074]

KRI officials initially confirmed their commitment to share oil revenues with the rest of Iraq in a fair and equitable manner. In an article published by Nechirvan Barzani, he states, "Federalism means that we have the liberty to develop our resources under the umbrella, but not the central control, of Iraq. It means that as 17% of the population we will receive 17% of the wealth, and that we will accordingly share 83% of our wealth with the rest of the population."[1075] There is no wonder the KRI sought to reach an agreement on revenue sharing more than the hydrocarbon law. As Sean Kane notes, "Like the rest of Iraq, the KRG has limited nonoil revenues and large social-safety-net, civil service, and security-force-wage bills it must pay."[1076] To cover these expenses, the KRG was almost entirely dependent on the annual transfer of its working budget from Baghdad's coffers which increased from about $2.5 billion in 2005 to $13 billion in 2014,[1077] and which was itself primarily

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[1072] Ibid., pp. 30-31
[1073]Ibid., pp., 30-31.
[1074] For a brief illustrative article on the KRI's oil industry, see: Eliyahu Kamisher, "How the KRG Quasi-State Built an Independent Oil Industry," *Middle East Economy*, Vol. 6, No. 1 (2016), pp. 1-11.
[1075] Nechirvan Barzani, "Taking the Lead on Iraqi Oil," *The Wall Street Journal*, 6 October 2007, accessed: 15 January 2013, http://www.wsj.com/articles/SB119163296042450938.
[1076] Kane, Op. Cit., p. 10.
[1077] Natali, "The Kurdish Quasi-State: Leveraging Political Limbo," Op. Cit., p. 147.

financed by oil production in southern Iraq (mainly Basra) and Kirkuk (still officially outside KRI's jurisdiction).

However, before long, the KRI realized the unpredictability of reliance on Baghdad. Virtually, at every debate on budget allocation in Baghdad since 2004, there were concerted efforts by many Arab Sunni and Shiite MPs, with obvious backing from their political masters, to scale down the KRI's 17 per cent share of the budget to a smaller figure, usually to around 10 to 13 per cent. However, even with the smaller figure, there were delays in transfer of the KRI's budget. This situation was succinctly summed up by Nechirvan Barzani when he stated:

> "We still depend on a system of budget allocation, rather than a constitutionally required revenue sharing mechanism. In the past few years, the people of Kurdistan have suffered considerably from repeated delays in budget distribution. We have no doubt that these delays are caused by political calculations rather than technical or administrative problems."[1078]

Increasing its sense of alarm at achieving economic independence was the fact that the KRI knew well in advance that the central government would one day blacklist the KRI. An anonymous KRG official stated to Natali that, "We know that the Baghdad government will stop funding us one day so we are making preparations with oil companies to establish an independent economy."[1079] Indeed,

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[1078] Ibid., p. 16.
[1079] Natali, "The Kirkuk Conundrum," Op. Cit., p. 436.

on several occasions since early 2006, Baghdad used this economic weapon in the process disrupting the KRI's governing functions and programmes. It is, as Gareth Stansfield notes, "the fear of being economically dependent on Baghdad that moved the Kurds to plan for an independent oil and gas sector as early as 2004… The more Baghdad squeeze[d], the more the Kurds move[d] towards economic independence."[1080] As a consequence of this, in 2009, six months after the KRI passed its Hydrocarbon Bill, during a visit to the European Parliament, Masoud Barzani stressed that the KRI would keep oil revenues for itself since "they [Baghdad] often use that [oil revenue] as a weapon against us [the Kurds]."[1081]

In 2011, the KRI scored a major victory by signing PSCs for six exploration blocks with the global multinational giant ExxonMobil.[1082] The signing of exploration deals with ExxonMobil was a watershed in the transformation of the KRI into an independent foreign policy actor. ExxonMobil provided legitimacy to the KRI's previous contracts with smaller oil companies and it paved the way for the signing of exploration deals with several of the world's major companies such as U.S. Chevron, French Total and Russian Gazprom.[1083] As well as its economic rationale in solidifying the Kurdish oil industry, the intent of Kurdish lobbying for access to these

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[1080] Gareth Stansfield, "Kurdistan Rising: To Acknowledge or Ignore the Unraveling of Iraq," *The Brookings Institutions*, 31 July 2014, accessed: 23 July 2016, https://www.brookings.edu/research/kurdistan-rising-to-acknowledge-or-ignore-the-unraveling-of-iraq/.

[1081] Luke Baker, "Iraq's Kurds to hold on to oil revenues-Barzani," *Reuters*, 10 November 2009, accessed: 18 May 2015, http://www.reuters.com/article/2009/11/10/oil-iraq-kurds-idUSLA65601420091110.

[1082] Tom Bergin and Ahmed Rasheed, "Exxon signs Kurd deals; Baghdad issues warning," *Reuters*, 11 November 2011, accessed: 9 November 2014, http://uk.reuters.com/article/uk-exxon-kurdistan-idUKTRE7AA4RU20111111.

[1083] Zhdannikov and Coles, "Special Report: How Exxon helped make Iraqi Kurdistan," Op. Cit.

companies was directly related to the KRI's foreign policy of survival, as well as possessing political and psychological importance for the Kurds. Masoud Barzani stated that, "his deal with Exxon Mobil was a security guarantee, and was equal to ten American military divisions in terms of the protection the big oil company provides the Kurds against Baghdad."[1084] This thesis stops at the year 2011. However, it seems that the utilization of oil/gas in the foreign policies of the KRI can partly explain the U.S. decision in 2014 to defend Erbil and the KRI against the fierce onslaught of the Islamic State in Iraq and Syria (ISIS).[1085]

Yet, to all intent and purposes, the KRI could not pursue its independent external economic relations and become an actor in the 'global energy market'[1086] and ensure the economic viability of its landlocked territory,[1087] without first making essential rapprochements with its neighbouring states, particularly Turkey. The KRI is essentially a landlocked territory and surrounded by states with more sizeable Kurdish populations. However, despite geopolitical constraints and historical animosities, the leadership of the KRI did not relent and constantly sought to open pathways for oil exportation by building relations with neighbouring states. Although

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[1084] Wladimir van Wilgenburg, "Breaking from Baghdad: Kurdish Autonomy vs. Maliki's Manipulation," *World Affairs*, Vol. 175, No. 4 (2012), p. 51.

[1085] For instance, see: Steve Coll, "OIL AND ERBIL," *The New Yorker*, 10 August 2014, accessed: 6 May 2017, http://www.newyorker.com/news/daily-comment/oil-erbil.

[1086] At the first international energy conference held in Erbil, the capital of the KRI, Nechirvan Barzani, stated the KRG's policy of becoming a significant actor in the global energy market and thus contributing to the energy security of Western states, see: "PM Barzani's speech at Erbil Energy conference," *KRG website*, 22 May 2012, accessed: 31 August 2016, http://cabinet.gov.krd/a/d.aspx?l=12&a=44037.

[1087] See: Michael Knights and David Pollock, "The Kurdish Crescent: New Trends in Syria, Turkey, Iraq, and Iran," Policy Watch 2171, *The Washington Institute for Near East Policy*, 21 November 2013, accessed: 14 September 2014, http://www.washingtoninstitute.org/policy-analysis/view/the-kurdish-crescent-new-trends-in-syria-turkey-iraq-and-iran.

the politics of hydrocarbon resources constituted an important instrument in the hands of Kurdish foreign policy-makers, there were serious obstacles and entangled processes at play which complicated Kurdish relations with its neighbour, Turkey. Therefore, the next section of this chapter looks at the evolution of the foreign policies of the Kurdish de facto state toward Turkey, especially after 2003.

7.4 Turkey and the Kurdish De Facto State: A Foreign Policy Success

During much of the 1990s, Turkey and the KRI enjoyed cordial, if not always problem-free, relations. Soon the new realities created by the U.S. intervention in Iraq angered Turkish politicians and to quote Bengio, transformed the dynamics of relations gradually from 'trilateral engagement to estrangement.'[1088] Effectively barred from having a chair at the post-Saddam political reconstruction of the Iraqi state, Turkey issued several 'redlines' that should not to be crossed by Kurdish political parties in Iraq. Chief among these redlines were establishment of ethnic federalism; and attachment of Kirkuk with its substantial oil wealth and Mosul (essentially most of the areas claimed by the KRI) into any Kurdish federal entity in Iraq. Ankara also treated the rights of the Turkoman community in Iraq, particularly in Kirkuk, as one of its main political objectives. In addition, Turkey requested freedom of action to intervene militarily in northern Iraq in pursuit of PKK fighters; it further demanded action from U.S. military forces and Kurdish political parties in combating the PKK.[1089] However, the principal redline, that merited Turkey's unilateral military intervention in Iraq, focused on prevention of the establishment of a Kurdish state or even a Kurdish ethnic federal unit within Iraq, as Turkey feared

[1088] Ofra Bengio, "The Turkish-Kurdish-American Triangle: Between Engagement and Estrangement," *Tel Aviv Notes*, 16 December 2007, accessed: 17 August 2015, https://cambridgeforecast.wordpress.com/2007/12/16/turkish-kurdish-american-triangle/.
[1089] For Turkey's redlines towards the KRG, see: Bill Park, "Turkey's Kurdish complex," *The Adelphi Papers*, Vol. 45, No. 374 (2005), pp. 24-25.

such autonomy would embolden its own restive and sizeable Kurdish population which would endanger Turkey's territorial integrity.[1090]

However, in contrast to the 1990s, immediately after 2003, the dynamics of relations had changed in favour of the KRI and the Kurds did not feel compelled to respond unconditionally to the demands of Turkey. The Kurds of Iraq, in contrast to Turkey, wholeheartedly supported the 2003 U.S. intervention in Iraq, thus dislodging Turkey from its long-established position of being the only Muslim ally of the United States in the region. The presence of the world's superpower in Iraq and its alliance with the Kurds quite simply emboldened the Kurdish leadership to pursue independent foreign policies with regard to Turkey. While the United States still valued its alliance with Turkey, the Turks, as Henri Barkey notes, were convinced that the United States "prefers its newfound Kurdish allies to its old NATO ally,"[1091] a view that was boldly disseminated to the Turkish public through Turkish politicians, pundits and generals.

By late 2003, the Turkish approach to the situation in the KRI had become stringent and mistrustful. With no access to the KRI, Turkey argued that as the occupying power in Iraq, it was the responsibility of the United States to eliminate the PKK in the region.[1092] However, the Pentagon, which by late 2003 was already engaged in the intense counter-insurgency raging in the south of the KRI, was

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[1090] Eli Sugarman and Joshua Walker, "Iraqi Kurdistan & Turkey: America's Middle Eastern Silver Lining," *Centre for National Policy* (2013), p. 4.
[1091] Henri Barkey, "Kurdistandoff," *The National Interest*, 31 May 2007, accessed: 7 August 2015, http://nationalinterest.org/commentary/kurdistandoff-1602.
[1092] See: Henri Barkey, "Preventing Conflict Over Kurdistan," p. 8.

reluctant to open another front to tackle the PKK in the north and thus ignored Turkey's demands. Moreover, as Matthew Byrza, a former White House staffer notes, U.S. officials also worried that tackling the PKK could reignite the intra-Kurdish armed conflict of the 1990s, or even worse, a Kurdish-Sunni-Shiite infighting that would have wide repercussions on the already fragile state of security and stability in Iraq. However, Ankara felt that a deliberate and conscious policy was underway to undermine the territorial integrity of Turkey.[1093] For Turkey, such ignorance of PKK terrorism also contradicted President George W. Bush's premise of "Those who provide safe haven to terrorists are as guilty as the terrorists."[1094] More frustrating for the Turks was the fact that the PKK had been considered a terrorist organization by the U.S. State Department since 1997.[1095] President George W. Bush had also shared Turkey's concerns on several occasions by declaring, "We will work together [with Turkey] to deal with the PKK. We are after terrorists. Once we declare a group a terrorist group we mean it."[1096] At worst, the U.S. inaction in Iraq reignited Turkey's gravest nightmare, which has been described by Asa Lundgren as 'Sevres Syndrome'.[1097] According to this view, the United States had a hidden agenda to create a Kurdish state in Iraq, instigate Kurdish separatism in Turkey and finalize the dismantlement of Turkey following the first phase of dismemberment by Allied

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[1093] Byrza, Op. Cit., p. 55.
[1094] Ibid., p. 55.
[1095] The U.S. State Department designated the PKK as a Foreign Terrorist Organization (FTO) on October 8, 1997, see: Carol Migdalovitz, "Turkey: Selected Foreign Policy Issues and U.S. Views," *Congressional Research Service*, Report RL34642, 28 November 2010, accessed: 1 September 2016, https://www.fas.org/sgp/crs/mideast/RL34642.pdf.
[1096] "Bush Pledges to Pursue Turkish Kurd Rebels in Iraq," *Ekurd Daily*, 25 June 2004, accessed: 6 September 2016, http://ekurd.net/mismas/articles/misc/bushpledges.htm.
[1097] Lundgren, Op. Cit., p. 21.

powers after the First World War. Turkish suspicions were reinforced by voices that began to be heard within the political establishment in Washington, calling for reorganization of Iraq into three or more autonomous regions,[1098] or indeed its fragmentation into separate independent states.[1099]

Turkish fears and disappointments over the U.S.'s lack of respect with regard to Turkish redlines and its encouragement of Kurdish nationalism in Iraq eventually resulted in Turkey taking unilateral actions in Northern Iraq. Amid deteriorating trilateral relations between Turkey, the United States and the KRI, a team of 11 Turkish special forces was arrested by U.S. forces in the Kurdish city of Sulaimani on 4 July 2003. The arrest, apparently based on intelligence reports that Turkish commandos, who were housed at the headquarters of the pro-Turkish ITF, were plotting to assassinate the newly installed Kurdish governor of Kirkuk further fueled the already intense dynamics in the trilateral relationship.[1100] While the immediate crisis was averted, it nonetheless, in the words of General Hilmi Ozkok, Turkish army Chief of Staff, "led to the biggest crisis of confidence ever between Turkish and US forces,"[1101] while PM Erdogan stated, "For an allied country to behave in such a way

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[1098] Joseph R. bide and Leslie Gelb, "Unity Through Autonomy in Iraq," *The New York Times*, 1 May 2006, accessed: 10 March 2015, http://www.nytimes.com/2006/05/01/opinion/01biden.html?pagewanted=all&_r=0. Gareth Stansfield also wrote an article arguing for the benefits of radical federalism in Iraq, see: Stansfield, "Divide and heal," Op. Cit.

[1099] Peter Galbraith, "The Case for Dividing Iraq," *The New York Times*, 5 November 2006, accessed: 26 December 2012, http://www.time.com/time/magazine/article/0,9171,1555130-6,00.html; John Yoo, "A united Iraq -- what's the point?" *Los Angeles Times*, 25 August 2005, http://articles.latimes.com/2005/aug/25/opinion/oe-yoo25, accessed: 9 August 2015.

[1100]Justus Leicht, "Turkish-US tensions continue over Kurds in northern Iraq," *World Socialist Web Site*, 26 July 2003, accessed: 18 October 2015, http://www.wsws.org/en/articles/2003/07/kurd-j26.html.

[1101] Amberin Zaman and David Rennie, "Turkey rages at US over soldiers' arrests," *The Telegraph*, 8 July 2003, accessed: 20 August 2015,

toward its ally cannot be explained… This incident is not acceptable."[1102] Some Turkish circles, however, blamed the incident on neoconservatives in the Pentagon who wished to punish Turkey for its non-cooperation during the 2003 war which crystalized "the consolidation of Kurdish self-rule in northern Iraq."[1103] But more open-minded Turkish observers noted that "With the rest of Iraq in chaos, Iraqi Kurds are Washington's only reliable allies,"[1104] and therefore Washington could not afford to alienate its local Kurdish allies. Meanwhile, U.S. forces announced that coalition forces were the only force responsible in the area and any concern by Turkey should be raised with U.S. forces, while a State Department spokesperson reaffirmed that the U.S. "had substantial intelligence" that Turkey was involved in "activity involving local leadership."[1105]

Effectively barred from interference in Iraq's affairs by the United States, Turkey tried to defend its national interests from the sidelines. For this purpose, Turkey hosted or participated in several regional initiatives to pursue its interests. Indeed, before the U.S. intervention in Iraq, Turkey had hosted a major summit in Istanbul, which was followed after the war by meetings in other regional capitals. It

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http://www.telegraph.co.uk/news/worldnews/northamerica/usa/1435586/Turkey-rages-at-US-over-soldiers-arrests.html.

[1102] Dexter Filkins, "Turkey Says U.S. Has Detained Some of Its Soldiers in North Iraq," *International New York Times*, 6 July 2003, accessed: 17 April 2015, http://www.nytimes.com/2003/07/06/world/turkey-says-us-has-detained-some-of-its-soldiers-in-north-iraq.html.

[1103] "A partnership at risk?", *The Economist*, 10 July 2003, accessed: 4 September 2016, http://www.economist.com/node/1914570?story_id=1914570.

[1104] Nicholas Birch, "Detention strains already tense US-Turkey relations," *The Christian Science Monitor*, 15 July 2003, accessed: 15 January 2013, http://www.csmonitor.com/2003/0715/p11s01-woeu.html.

[1105] "U.S. warns Turkey against operations in northern Iraq," *The Washington Times*, 7 July 2003, accessed: 6 June 2013, http://www.washingtontimes.com/news/2003/jul/07/20030707-101150-7842r/print/.

is noticeable that the states involved had diametrically opposed views on several matters including, for instance, the U.S. presence in Iraq, Iraqi interim government, border security, etc. For Turkey, however, the most important issue involved the Kurdish nationalist ambitions, namely, preventing PKK's cross-border infiltration into Turkey and maintaining the territorial integrity of Iraq by preventing establishment of a Kurdish state in Iraq.

As Turkey was still boycotting the KRI, the meetings became an important venue through which the Kurds of Iraq could communicate their messages and policies to the regional states through the ever-capable hand of their Kurdish Iraqi foreign minister, Hoshyar Zebari. In a meeting held in Amman on 6 January 2005, Zebari affirmed that "the idea of federation meant geopolitical division not ethnic division"[1106] and as a result the conference accepted the 'federation idea' in the context of the sovereignty, independence and territorial integrity of Iraq.[1107] However, these proclamations failed to ease Turkey's concerns.

To make matters worse for Ankara, the KRI, in contrast to the 1990s, stopped aiding Turkey in its fight against the PKK once it was relieved from the threat of Saddam and no longer in need of the protection provided through Turkish territory and airspace.[1108] In addition to that, the Kurdish political parties declared the PMF

[1106] Ali Balci and Murat Yesiltas, "Turkey's New Middle East Policy: The Case of the Meeting of the Foreign Ministers of Iraq's Neighboring Countries, *Journal of South Asian and Middle Eastern Studies*, Vol. XXIX, No. 4 (2006), p. 31.
[1107] Ibid.
[1108] For a brief analysis of Iranian and Turkish interventions in the Kurdish de facto state during the 1990s, see: Michael Gunter, "Turkey and Iran Face off in Kurdistan," *Middle East Quarterly*, Vol. 5. No 1 (1998), p. 33-40.

persona non grata and successfully asked for its closure in October 2004, making Turkey lose yet another layer of influence inside Iraqi Kurdistan.[1109] The Kurdish foreign policy of non-cooperation with Turkey had its roots in several domestic determinants. For one, having emerged as liberators of Kirkuk and defenders of Kurdistan,[1110] the KRI, particularly Masoud Barzani, could not be seen cooperating with Turkey – particularly given Ankara's intransigence in regard to the Kurd's demand to incorporate disputed areas and establish a Kurdish federalist state in Iraq. Second, as Bengio notes, soon after the 2003 U.S. intervention in Iraq, Iraqi Kurdish leadership began to 'don the mantle of Pan-Kurdism'.[1111] This notion made it more difficult for the KRI to fight the PKK and return to the 'Kurd-on-Kurd'[1112] violence which characterized much of the earlier period. Moreover, Kurds across the Middle East, rightly or wrongly, felt that the U.S. intervention in Iraq would serve as a precursor for a pan-Kurdish state spanning the established states of Syria, Iran, Turkey and Iraq. Thirdly, the KDP and PUK were reluctant to turn their forces on the battle-hardened PKK, which the much more sophisticated Turkish army had failed to dislodge, contain or eradicate since the early 1980s. Moreover, and even worse from Turkey's perspective, the KRI refused to label the PKK a terrorist organization

[1109] The PMF was essentially a Turkish led, Turkoman and Chaldo-Assyrian staffed peace-keeping force stationed in the KRI to enforce the ceasefire between the KDP and PUK forces following the Washington Agreement in 1997, see: "Iraq: Allaying Turkey's Fears Over Kurdish Ambitions," *International crisis Group,* Middle East Report No 35, (2005), p. 11.
[1110] Stansfield and Anderson, "Kurds in Iraq: The Struggle Between Baghdad and Erbil," Op. Cit., p. 138.
[1111] Bengio, "The Turkish-Kurdish-American Triangle," Op. Cit., p. 2.
[1112] Barkey, "Preventing Conflict Over Kurdistan," Op. Cit., p. 21.

particularly given popular sympathy for the PKK's struggle in Turkey and the PKK refraining from directly challenging the KRI's authority after 2003.[1113]

With the U.S. army in Iraq and the KRI unable or unwilling to combat the PKK in northern Iraq, or had done so half-heartedly, the rhetoric of Turkey changed from that of asking the United States and the KRI to do the job to one of threatening unilateral Turkish military incursion inside the KRI to eradicate the PKK. Turkey's army declared that, if the U.S. does "nothing to prevent the continuing presence of the PKK terrorist organization in northern Iraq… we could … go into the region ourselves."[1114] Failing to receive permission for military incursion inside the KRI from the United States, Turkey thereby resorted to periodic and sporadic air bombardments targeting PKK bases in northern Iraq.[1115] The animosity became all the more challenging since in June 2004 the PKK ended its cease-fire with Turkey, apparently because of Turkey's failure to implement wide-ranging conciliatory moves toward the Kurdish issue in Turkey, and began to increase its cross-border military operations inside Turkey.[1116]

However, this thesis argues that the most important issue standing in the way of Iraqi Kurdish cooperation with Turkey was Turkey's non-recognition of the KRI as

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[1113] David Romano, "Turkey and Iraqi Kurds Agree to Disagree on PKK's Terrorist Status," *The Jamestown Foundation*, 1 July 2008, accessed: 22 January 2013, http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=5027#.V-AmTJh96Uk.

[1114] "Kurdish issue frays Ankara's ties with U.S.," *The Washington Times*," 29 July 2005, accessed: 15 January 2013, http://www.washingtontimes.com/news/2005/jul/29/20050729-120036-7903r/?page=all.

[1115] See: Soner Cagaptay and Tyler Evans, "Turkey's Changing Relations with Iraq: Kurdistan Up, Baghdad Down," *The Washington Institute for Near East Policy*, Policy Focus 122, October 2012, p. 3.

[1116] "Iraq: Allaying Turkey's Fears Over Kurdish Ambitions, Op. Cit., p. 14.

a single political entity. As a sign of its non-recognition of the KRI, Turkey avoided direct contact with the KRI's officials even if they were part of Iraqi delegations, and bypassing the KRI, established direct contact with Baghdad.[1117] In 2008, PM al-Maliki of Iraq and PM Erdogan signed an agreement establishing a ministerial-level council to strengthen security, political and economic relations between Iraq and Turkey.[1118] The ministerial council between the two countries was soon elevated to a High Level Strategic Cooperation Council[1119] that among other things aimed to combat the PKK's presence in Iraq. Showing Iraq's commitment to fighting the PKK, and perhaps even trying to demonstrate to Turkey, Iraq's sovereignty and effective control over the KRI, PM al-Maliki stated, "Iraq does not allow party members [PKK] to operate from its territory, and will not allow it in the future."[1120]

As stated above, Turkey's non-recognition of the KRI was an obstacle to Turkey-KRI relations, and prevented the KRI from cooperating with the Turkish government. Indeed, gaining recognition – either de jure or de facto – is a major foreign policy aim of de facto states. While it was the case that during the 1990s Turkey built relations with Kurdish political parties, after 2003, the KRI wanted Turkish recognition of a unitary Kurdish de facto state. However, Turkey was unwilling to provide such a recognition – rather than to any political party per se. This

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[1117] See: Sami Moubayed, "Turkey determined to turn the screws," *Asia Times*, 30 October 2007, accessed: 1 January 2013, http://www.atimes.com/atimes/Middle_East/IJ30Ak06.html.
[1118] Alexandra Zavis, "Iraq to help Turkey fight rebels," *Los Angeles Times*, 11 June 2008, accessed: 1 January 2013, http://articles.latimes.com/2008/jul/11/world/fg-iraq11.
[1119] Bill Park, "Turkey-Kurdish Regional Government Relations After the U.S. Withdrawal from Iraq: Putting the Kurds on the Map?", *The United States Army War College*, March 2014, p. 15.
[1120] See: Sami Moubayed, "Turks take no delight in Iraqi visit," *Asia Times*, 10 August 2007, accessed: 1 January 2013, http://www.atimes.com/atimes/Middle_East/IH10Ak05.html.

point was clearly evident when Masoud Barzani stated, “You [Turkey] do not talk to me in an official capacity. You do not accept me as a partner for talks. You do not maintain a dialogue with me. Then suddenly you want me to take action for you against the PKK? Is this a way to do things?”[1121]

Moreover, while Masoud Barzani was cognizant of Turkey’s strength and its overall geopolitical and strategic importance for the United States, the West and indeed for the KRI, he embarked on a conscious foreign policy strategy that, at its heart, aimed to gain Turkey’s de facto recognition of the Kurdish de facto state in Iraq. One could even argue that Masoud Barzani and Nechirvan Barzani had agreed on a delicate and purposeful division of labour between themselves. Being the son of the Kurdish charismatic leader Mustafa Barzani and President of the KRI, Masoud Barzani holds the mantle of Kurdish nationalism in Iraq and is bestowed with a certain responsibility toward other Kurds across the borders in Syria, Turkey and Iran. As a Kurdish nationalist leader, the spread of the “Kurdish proto-nation”[1122] across Turkey, Iran and Syria, and the power of trans-state Kurdish identity, constituted significant internal and external determinants on Masoud Barzani’s foreign policy-making as a leader. However, Nechirvan Barzani, being responsible for the functional day-to-day running of the government, had freedom to articulate the KRI’s national interests, which needed to adopt a more conciliatory tone toward

[1121] David Romano, “Turkey’s Choice with Barzani: The Gun or the Olive Branch,” *The Jamestown Foundation*, 16 November 2007, accessed: 1 May 2017, https://jamestown.org/program/turkeys-choice-with-barzani-the-gun-or-the-olive-branch/.
[1122] Raymond Hinnebusch and Anoushiravan Ehteshami (eds.), *The Foreign Policies of Middle East States,* (London: Lynne Rienner Publishers, 2014), p. 10.

Turkey. The same duality can be discerned from the actions and statements of Jalal Talabani and Masoud Barzani. As David Romano notes, being the leader of the KRI, Masoud Barzani was more constrained by domestic determinants, i.e. the rising tide of Kurdish nationalism in Iraq, in expressing his foreign policy toward Turkey. While, Jalal Talabani, at that stage, was less constrained due to his ceremonial role as the President of Iraq.[1123]

This double-track foreign policy indeed became apparent during the height of Turkish-Kurdish tensions in 2007-2008. Although, since at least 2005, there were secret meetings between Masoud Barzani and high-level officials from the Turkish National Intelligence Organization (MIT)[1124] to mend bilateral ties, tensions grew in 2007. Indeed, the year 2007 was a game-changer in the triangle of relations between Turkey, the United States and the KRI. From the peak of tensions, relations then transformed into an atmosphere of tranquility as the interests of both sides converged on many levels.

The issue of Turkey's de facto recognition of the KRI intermingled with two other principal tensions – the Kirkuk Issue and PKK. The approaching deadline for the complete implementation of Constitutional Article 140, which envisaged normalization, census and a referendum in the disputed territories to take place before 31 December 2007, raised tensions between Turkey and the KRI. The Kurds

[1123] David Romano, "Turkey's Choice with Barzani," Op. Cit.
[1124] See: Ilnur Cevik, "MIT boss secretly visited Barzani in Erbil," *The New Anatolian, 22* November 2005, accessed: 18 January 2013, http://www.turkishweekly.net/news/22089/mit-boss-secretly-visited-barzani-in-erbil.html.

had hoped, as Peter Bartu argues, to resolve the issue of disputed territories before the departure of President George W. Bush from the White House, to ensure U.S. protection for the foreseeable internal and external challenges. As the KRI time and again affirmed its commitment to Iraq's integrity, it sought to present the issue of disputed areas as one of administration, i.e. consideration of who would administer these areas in a federal Iraq.[1125] However, this was not to be, as the disputed territories remained a "Powder Keg".[1126] In Turkey, PM Erdogan stated that if Kirkuk is integrated into the KRI, "[He] fear[s] that it could come to a very big civil war," and that, "Kirkuk belongs to all Iraqis," and "It would be wrong to give the city to only one ethnic group."[1127] Amid the rising pressures, Masoud Barzani warned that Turkey was pursuing an "aggressive policy" and "Ankara's stance is not important to us,"[1128] therefore "if Article 140 is not implemented, then there will be a real civil war."[1129] Moreover, in response to Turkish threats concerning Kirkuk, apparently in defense of the Turkoman community, Masoud Barzani responded with a counter-threat, stating in an interview with the Dubai-based *Al-Arabiya* channel, "Turkey is not allowed to intervene in the Kirkuk issue and if it does, we will interfere in Diyarbakir's issues and other cities in Turkey… There are 30 million Kurds in Turkey and we don't

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[1125] Peter Bartu, "Wrestling with the integrity of a nation: the disputed internal boundaries in Iraq," *International Affairs*, Vol. 86, No. 6 (2010), p. 1330.
[1126] See: James Baker and Lee Hamilton, *The Iraq Study Group Report* (New York: Vintage Books, 2006), p. 66.
[1127] "Turkey warns of civil war in Kirkuk," *Kenthink,* 28 January 2007, accessed: 9 August 2015, http://kenthink7.blogspot.com/2007/01/turkey-warns-of-civil-war-in-kirkuk_28.html.
[1128] "Barzani: Ankara's stance on Kirkuk not important to us" *Hurriyet Daily News*, 23 January 2007, accessed: 23 January 2013, http://www.hurriyetdailynews.com/barzani-ankaras-stance-on-kirkuk-not-important-to-us.aspx?pageID=438&n=barzani-ankaras-stance-on-kirkuk-not-important-to-us-2007-01-23.
[1129] Sumedha Senanayake, "Iraq: Kirkuk Referendum Likely to Be Delayed," *Radio Free Europe*, 13 September 2007, 8 September 2016, http://www.rferl.org/content/article/1078655.html.

interfere there. If they (the Turks) interfere in Kirkuk over just thousands of Turkomans, then we will take action for the 30 million Kurds in Turkey."[1130] Masoud Barzani's comments elicited an angry response from PM Erdogan stating, "He's [Masoud Barzani] out of place… He'll be crushed under his words,"[1131] and "Northern Iraq, which is a neighbor, is making a serious mistake: The price for them will be very high."[1132]

Further complicating relations between the two neighbours, starting from late 2007, the PKK started to launch sporadic attacks against Turkish security forces along the Turkey-Iraq border, apparently in the hope of drawing Turkish forces into the KRI.[1133] Whatever the PKK's intentions in spiking further incursions inside Turkey, this time Turkish foreign policy-makers thought that the real motivation for the attacks was linked to the issues of northern Iraq. In an article, Ahmet Davutoglu, Ambassador and Chief Advisor to Turkish PM Erdogan, and later his Foreign Minister from 2009 onwards, stated that the real reason for the spike in PKK violence in 2006-2007 was "Kirkuk's rise to the agenda".[1134] Despite Davutoglu's proclamations, the Kemalist-nationalist establishment continued to believe that

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[1130] Hidir Goktas, "Turkey issues warning to Iraqi Kurds," *Irish Times*, 10 April 2007, accessed: 8 September 2016, http://www.irishtimes.com/news/turkey-issues-warning-to-iraqi-kurds-1.1201060.
[1131]Uzan Fraser, "Turkey Warns Iraqi Kurds on Interference," *The Washington Post*, 9 April 2007, accessed: 8 September 2016, http://www.washingtonpost.com/wpdyn/content/article/2007/04/09/AR2007040900618_pf.html.
[1132] Ibid.
[1133] Gareth Jenkins, "PKK Trying to Draw Turkish Military Into Northern Iraq," *The Jamestown Foundation*, 22 October 2007, accessed: 8 September 2016, http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=33097&no_cache=1#.V9Gyh5h96Uk.
[1134] Ahmet Davutoglu, "Turkey's Foreign Policy Vision: An Assessment of 2007," *Insight Turkey*, Vol. 10, No 1 (2008), p. 87.

enjoying U.S. support, the President of the KRI continued to use the PKK as a 'bargaining chip' against Turkey and that "Masoud Barzani, harbour pan-Kurdish ambitions within which the PKK plays an important part."[1135] In any case, the spectacular attacks launched by PKK guerillas against Turkish security forces and the failure of the trilateral commission, which included Turkey, Baghdad and the United States, to achieve any tangible progress on the issue of the PKK caused a backlash, mounting internal pressure on the AKP government to conduct unilateral military cross-border operations inside the KRI to target PKK bases. Thus, on 17 October 2007, the AKP government sought and received parliamentary authorization for military operations in northern Iraq.[1136]

The parliamentary authorization, however, sparked a new round of rhetorical tensions between Turkey and the KRI. Still the AKP government in Turkey refused to recognize or deal directly with the KRI authorities. In one instance, PM Erdogan described Masoud Barzani as a "tribal leader", and stated that his counterparts in Iraq were Iraq's President and Prime Minister.[1137] Moreover, in a press conference in Istanbul, Yasar Buyukanit, Turkey's Chief of General Staff, issued a dark threat against the KRI, particularly Masoud Barzani, by asking, "Are we going to fight only the PKK once we enter northern Iraq or will something happen with Barzani?"[1138]

[1135] "Turkey and Iraqi Kurds: Conflict or Cooperation?", *International Crisis Group*, Middle East Report No. 81, 13 November 2008, p. 3.
[1136] On the issue of trilateral commission and deepening domestic pressure on the AKP government, see: "Turkey and Iraqi Kurds: Conflict or Cooperation?" Op. Cit., pp. 6-8.
[1137] "PM: Barzani is a tribe leader, supports PKK," *Turkish Daily News*, 6 August 2007, accessed: 22 July 2014, http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=pm-barzani-is-a-tribe-leader-supports-pkk-2007-06-08.
[1138] "Top general hints at fight against both the PKK and Barzani," *Hurriyet Daily News*, 1 June 2007, accessed: 10 September 2016, http://www.hurriyetdailynews.com/top-general-hints-at-fight-against-

Responding to these threats, Masoud Barzani constantly reiterated his position that the PKK was not a terrorist organization and the PKK issue was part of a wider Kurdish problem in Turkey that could only solved by political means. Indeed, in several interviews, Masoud Barzani stated: "the PKK is not a terrorist organization… but if in order to solve the [Kurdish] problem Turkey proposed a peaceful path and the PKK rejected this, then I would agree that the PKK is a terrorist organization. At the moment, however, this is not the case."[1139] When faced with Turkish threats toward the KRI, Masoud Barzani responded by arguing "The problem of Turkey is neither Kirkuk nor the PKK, but Turkey has a problem with the existence of the Kurds."[1140]

The deepening rift between Turkey and the KRI, however, had significant ramifications for the U.S. policy in Iraq. As Bill Park argues, as "a treaty ally of Turkey, friend of the KRG, and as a partner and non-treaty ally with Iraq",[1141] the United States increasingly had to play a balancing and moderating role in the triangle of constantly strained relations between these three actors. However, Turkish sensitivities had deteriorated to a potentially dangerous level, particularly given Turkey's suspicions that the United States was working to create a pan-Kurdish state, and in the process, dismember Turkey. To ease these sensitivities, President

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both-the-pkk-and-barzani.aspx?pageID=438&n=top-general-hints-at-fight-against-both-the-pkk-and-barzani-2007-06-01.

[1139] "Iraqi Kurd official says PKK is not a terrorist organization," *Hurriyet Daily News*, 23 June 2008, accessed: 19 September 2016, http://www.hurriyet.com.tr/iraqi-kurd-official-says-pkk-is-not-a-terrorist-organization-9250443.

[1140] Bahcheli and Fragiskatos, Op. Cit., p. 74.

[1141] Park, "Turkey-Kurdish Regional Government Relations After the U.S. Withdrawal from Iraq," p. 1.

George W. Bush received PM Erdogan at the White House on 5 November 2007. In the meeting, President Bush stated that the United States considered the PKK "an enemy of Turkey and therefore an enemy of the United States."[1142] The meeting also reversed the previous U.S. policy of non-cooperation with Turkey in regard to combating the PKK, as the U.S. pledged and provided "actionable intelligence"[1143] on the PKK's locations in northern Iraq. The rapprochement between the two also allowed Turkish military forces, for the first time since at least 1997, to cross into northern Iraq from 21 to 29 February 2008 to target bases belonging to the PKK.[1144]

While the KRI quietly acquiesced with the 2008 Turkish incursion into the KRI, perhaps due to pressure from the United States,[1145] other internal and external determinants, both in the KRI and in Turkey, eventually culminated into what some have labelled as a "catholic marriage" between Turkey and the KRI.[1146]

Internally, in the KRI, demonstrating the influence of human agency in overcoming structural constraints on foreign policy, PM Nechirvan Barzani worked assiduously to build relations and gain Turkey's de facto recognition of the KRI. Nechirvan Barzani very well realized the importance of Turkey to the survival

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[1142] Bryza, Op. Cit., p. 58.
[1143] Gunter, "The Five Stages of American Foreign Policy towards the Kurds," Op. Cit., p. 103.
[1144] For more on political reactions to this cross-border military operation, see: Bulent Aliriza, "Balancing Relations with Turks and Kurds," *Centre for Strategic and International Studies*, 29 February 2008, accessed: 9 August 2015, https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/media/csis/pubs/080229_aliriza_commentary.pdf; Thomas James, "Turkey and Kurdistan: Where Next?" *RUSI*, 5 March 2008, accessed: 14 December 2013, http://www.rusi.org/analysis/commentary/ref:C47CEC491C191C/#.UquhYtIW28A.
[1145] See: Dorian Jones, "Pressure Increases on Turkey to end Iraq Incursion," 22 February 2008, accessed: 9 August 2015, http://www.wwenglish.org/en/voa/stan/2008/02/2008022823694.htm.
[1146] Robert Olson, "Turkish-Kurdish Relations: A Year of Significant Developments," *Insight Turkey*, Vol. 10, No. 3 (2008), p. 39.

prospects of the KRI, especially given the fact that the KRI is a landlocked territory requiring Turkish cooperation to export oil and gas from the region to international markets. Thus, Nechirvan Barzani could be considered as the engineer of the relationship between the KRI and Turkey during the post-2003 era. An article published in the World Time Magazine succinctly makes this point when the writer notes, "If there is one man who deserves the credit for the growing Turkish-Kurd rapprochement, it's Prime Minister Nechirvan Barzani of Iraqi Kurdistan."[1147] Throughout the height of tensions between Turkey and the KRI, Nechirvan Barzani sent positive signals making clear his intention to build strong relations with Turkey. While there is no doubt that there were many secret meetings between PM Barzani and Turkish officials, as circumstances required he constantly stepped in publicly to ease tensions with Turkey. For instance, when Masoud Barzani threatened interference in Turkish Kurdish affairs, Nechirvan Barzani immediately tried to soothe Turkish anger by declaring: "Turkey is an important country for us, and we extend our hand of friendship to them and hope they will take it."[1148]

In Turkey, some leading figures in the Turkish foreign policy-making circle also became frustrated with the traditional isolationist Turkish policy toward the KRI. They recognized that shunning the KRI was counterproductive and that, as Gareth Stansfield notes, "the Kurds were no longer isolated politically and geographically in the mountains of the north, but were now in Baghdad, with a very significant role to

[1147] Newton-Small, Op. Cit.
[1148] Muhammed A. Salih, "PM Barzani extends hand of friendship to Turkey," *The Globe*, 18 April 2007, accessed: 10 September 2016, http://www.kurdishaspect.com/doc041807MS.html.

play in the government of Iraq."[1149] They also recognized that, as a friend of the United States, the KRI had Washington's blessing, and that as fellow Kurds, the KRI could bear more influence than Baghdad on the Kurds in Turkey, and hence could help Turkey overcome its PKK problem. This circle of Turkish politicians, whom Bill Park calls the "forward group", included many individuals. One of them was Murat Ozcelik, who served as Turkey's Special Envoy in Iraq until his appointment as Ambassador to Baghdad in 2009.[1150] Perhaps more influential was the diplomacy of Emre Taner, the head of the MIT, who had secretly engaged with Iraqi Kurdish leadership since 2005. General Ilker Basbug, who replaced Yasar Buyukanit as the Chief of the General Staff of the Turkish army from August 2008, also seemed to favour rapprochement with the KRI.[1151] However, Ahmet Davutoglu was the real mastermind behind the Turkish opening towards the KRI, therefore, the Kurds have labelled this Turkish policy as "Mr. Davutoglu Policy."[1152]

Apart from government officials, certain highly regarded individuals within the Turkish media, civil society and business associations also pushed for KRI-Turkey relations. For instance, Mehmet Ali Birand, a prominent Turkish media personality, wrote several articles arguing that Turkey should directly recognize the KRI

[1149] Stansfield, "The reformation of Iraq's foreign relations," Op. Cit., p. 1406. This point has also been reiterated by Safeen Dizayee who acted as KDP's representative in Ankara from 1992 to 2003, see: Barçın Yinan, "'Kurdish state has to depend on neighbors'," *Hurriyet Daily News*, 15 October 2012, 23 January 2013, http://www.hurriyetdailynews.com/kurdish-state-has-to-depend-on-neighbors.aspx?pageID=238&nID=32420&NewsCatID=338.

[1150] See: Park, "Turkey-Kurdish Regional Government Relations After the U.S. Withdrawal from Iraq," p. 9.

[1151] Ibid., 9.

[1152] "Mr. Davutoglu Policy," *Today's Zaman*, 6 July 2010, accessed: 8 July 2012, http://www.todayszaman.com/newsDetail_getNewsById.action?load=detay&link=215263.

authorities in pursuit of its national interests. In one article, he wrote: "Masoud Barzani eats at the White House with President Bush. Then he goes to the European Parliament and has lunch with the representatives. He even tours Europe and makes friends with leaders. What does he find when goes back home? Turkey calls him a tribal chieftain. He is refused admittance. He's treated as a nobody. This is the attitude that upsets Masoud Barzani most and goads him into protecting the PKK… In international relations, it's your own country's interests that are in the foreground, and not your emotions. Yesterday, we carried Barzani on our shoulders. Today, we can't criticize him enough. Tomorrow, you may see him become "our best friend" again."[1153] Moreover, an understanding began to crystalize within a wide circle of Turkish politicians to the effect that the Turkoman community, whom Turkey supported against the Kurds at different intervals, was not waiting to be saved by Ankara as 50 percent or more of the Iraqi Turkoman are Shiite. Indeed, during the 2005 Iraqi elections, the Shiite Turkoman population in Iraq showed their allegiance to their sectarian identity by voting for Iraqi Shiite parties.[1154] The ITF, the only Turkey-aligned Turcoman party, on the other hand, performed relatively poorly in the January 2005 Iraqi elections compared with the Kurdish-aligned Turkoman

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[1153] Mehmet Ali Birand, "Should we start to take Barzani seriously?," *Hurriyet Daily News*, 10 November 2007, accessed: 23 January 2013, http://www.hurriyetdailynews.com/should-we-start-to-take-barzani-seriously.aspx?pageID=438&n=should-we-start-to-take-barzani-seriously-2007-11-10. Birand wrote several other articles pushing for Iraqi Kurdish-Turkish rapprochement, see: Mehmet Ali Birand, "Why does Barzani make us so angry?", *Hurriyet Daily News*, 2 March 2007, accessed: 23 January 2013, http://www.hurriyetdailynews.com/why-does-barzani-make-us-so-angry.aspx?pageID=438&n=why-does-barzani-make-us-so-angry-2007-03-02; Mehmet Ali Birand, "Barzani cannot meet all our demands," *Hurriyet Daily News*, 16 October 2008, accessed: 23 January 2013, http://www.hurriyetdailynews.com/barzani-cannot-meet-all-our-demands.aspx?pageID=438&n=barzani-cannot-meet-all-our-demands..-2008-10-16.

[1154] Henri Barkey, "Turkey's New Engagement in Iraq: Embracing Iraqi Kurdistan," *United States Institute of Peace*, Special Report 237 (May 2010), pp. 5-6

groupings.[1155] Additionally, understanding began to grow in Turkey to the effect that the army could not easily intervene in Kirkuk, as at least from an operational point of view, Kirkuk is 452 kilometers from the Turkish border.[1156]

Concomitantly, there were significant domestic policy changes in Turkey that, without much input from the KRI, helped to alter Turkish foreign policy-making toward the KRI. For example, under the AKP government, Turkey adopted 'New-Ottomanism' as its grand governing vision which eventually combined with Kemalism to set in motion what Taspinar labels as 'Turkish Gaullism'.[1157] The foreign policy dimension of this new vision was articulated under the influence of AKP's Foreign Policy Strategist and later its Foreign Minister from 2009, Ahmet Davutoglu. He built on the belief that Turkey enjoyed a great "strategic depth" in its environs and thus it should aim to rebuild historical ties dating back to Ottoman times as well as diplomatic, political and economic relations with its neighbouring regions (Middle East, North Africa, the Balkans, and Eurasia),[1158] particularly through employment of soft power.[1159] Accompanying this vision was a pro-active AKP foreign policy labelled "zero-problem-with-neighbors" which was aimed at "maximizing cooperation

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[1155] Henri J. Barkey and Ellen Laipson, "Iraqi Kurds and Iraq's Future," *Middle East Policy*, Vol. XII, No. 4, 2005, p. 68.
[1156] For an article published in a Turkish newspaper arguing that operation in Kirkuk is very difficult from an operational perspective, see: Metehan Demir, "Niye sınır ötesi operasyon olmaz? [Why Cross-Border Operation is not Possible?]", *Sabah*, 22 January 2007, accessed: 11 September 2016, http://www.haberturk.com/gundem/haber/13008-niye-sinir-otesi-operasyon-olmaz.
[1157] Ömer Taşpinar, "Turkey's Strategic Vision and Syria," *The Washington Quarterly*, Vol. 35, No. 3 (2012), pp. 128-134.
[1158] Alexander Murinson, "The Strategic Depth Doctrine of Turkish Foreign Policy," *Middle Eastern Studies*, Vol. 42, No. 6 (2006), pp. 945-964.
[1159] For further analysis of Turkish employment of soft power, see: Tarik Oğuzlu, "Soft power in Turkish foreign policy," *Australian Journal of International Affairs,* Vol. 61, No. 1 (2007): pp. 81-97.

with its neighbors while minimizing problems in its surrounding regions."[1160] Meanwhile, in the competing determinants of Turkish foreign policy-Kemalism and Islamism-gradually after 2002 the Islamist narrative began to hold sway on Turkish foreign policy at the expense of the other,[1161] which in itself slowly transformed toward a "Sunnification of Turkish foreign policy."[1162] By 2007, it seems that the AKP government won the battle against what is called "deep state"[1163] and significantly altered civil-military relations in the Turkish state in favour of the elected AKP government. Part of the endeavour to curtail the Turkish military's power and influence on Turkish society involved resolving the Kurdish issue in Turkey, because, as Henri Barkey argues "the [Kurdish] insurgency has enabled the military to maintain a very visible and critical role in society.[1164]

More importantly, regional realignments or external determinates of foreign policy were paramount in altering Turkey-KRI foreign relations. The planned U.S. military withdrawal from Iraq had a significant effect on the deliberations of both sides. As a Chatham House report notes, during Saddam's reign, Iraq's military power and foreign policy projection in the Gulf area and the wider Arab world was a

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[1160] Ufuk Ulutas, "Turkish Foreign Policy in 2009," Op. Cit., 1.
[1161] Philip Robins, "The Foreign Policy of Turkey," in Hinnebusch and Ehteshami (eds.), Op. Cit., pp. 315- 336; Philip Robins, "Turkish foreign policy since 2002: between a 'post-Islamist' government and a Kemalist state," *International Affairs*, Vol. 83, No.1 (2007) 289–304.
[1162] Semih Idiz, "The 'Sunnification' of Turkish Foreign Policy," *Al-Monitor*, 1 March 2013, accessed: 22 February 2015, http://www.al-monitor.com/pulse/originals/2013/03/akp-sunni-foreign-policy-turkey-sectarianism.html.
[1163] The Deep state traditionally refers to a network of military and non-military officials who share a strong attachment to the ideals and principles of Turkey's founder, Mustafa Kamal Ataturk. They perceive any policies or actions remotely identified with Islamism and Kurdish nationalism as grave dangers to Turkey's unity and existence, see: Mehtap Soyler, *The Turkish Deep State: State Consolidation, Civil-Military Relations and Democracy* (Oxon: Routledge, 2015); Michael Gunter, "Turkey, Kemalism, and the "Deep State"," in Gurses and Romano (eds.), Op. Cit., pp. 17-39.
[1164] Barkey, "Turkey's New Engagement in Iraq," Op. Cit., p. 9.

major issue of concern for many regional and international powers.[1165] However, a weakened and bloodied Iraq, whose government had become only one of several 'state-like actors'[1166] among an array of powerful non-state actors jockeying for power and influence, and the increasing Iranian influence in Baghdad, had now replaced the old fear from Iraq.

Indeed, the increasing Iranian influence in Baghdad was a significant foreign policy determinant for both Turkey and the KRI. No doubt the U.S. decision to remove the regime of Saddam enhanced Iran's regional security environment, by turning the government in Baghdad from a strategic foe to a strategic partner of Iran. Iraq's Shiite population and Iran's Shiite government share strong religious ties and economic interdependence had been growing, especially since international and U.S. economic sanctions forced Iran to replace its traditional trade partners in the region – Turkey and the UAE – with Iraq. Moreover, both Iran and PM al-Maliki's government shared fear of a strong Sunni faction in Iraq connected with Sunni regional states such as Saudi Arabia and Turkey. For the first time, possibly since its establishment as an independent state, Iraq had become a friendly strategic power for Iran, as exemplified by high-level visits between the two countries including a March 2008 visit to Baghdad by Iranian President Mahmoud Ahmedinejad, the first of its kind since the 1979 Islamic Revolution in Iran. The heightened state-level

[1165] Kinninmont, Stansfield and Sirri, Op. Cit., vii.
[1166] In an article published in 2007, Gareth Stansfield notes that there is not one civil war in Iraq, but multiple civil wars and insurgencies and Iraq's government is only one of several state-like actors in Iraq, see: Gareth Stansfield, "Accepting Realities in Iraq," *Chatham House*, May 2007, accessed: 21 February 2016, http://reliefweb.int/report/iraq/accepting-realities-iraq.

collaboration eventually culminated in the signing of 100 cooperation agreements between Iraq and Iran by January 2010.[1167] However, from the Iranian perspective, the presence of the U.S. and the empowerment of ethnic-religious groups in Iraq presented unprecedented security challenges, particularly given the unique ethnic geopolitics of Iran.[1168]

Iran had long enjoyed cordial relations with the leadership of the KDP and PUK. Notwithstanding historical relations between Iran and Iraqi Kurds, soon after 2003, Iran recognized Kurdistan's autonomy in Iraq. The Iranian Ambassador in Baghdad attended the inauguration of the new KNA in May 2006 alongside U.S., British, French and Chinese ambassadors, contrary to Turkey which declined to send its ambassador.[1169] Iran became the first state to establish two consulates in the Kurdistan region – one in Erbil and the other in Sulaimani,[1170] the PUK stronghold. Iran also had no qualms in receiving high-level Kurdish officials and negotiating directly with them in pursuit of Iranian national interests. Moreover, Iran was also aware that a half-dozen Iranian Kurdish resistance groups were based in Iraqi Kurdistan. Contrary to Turkey's request that the KRI must act to eliminate the PKK, Iran sought the KRI's cooperation in containing (but not eliminating) these groups and stopping them from staging attacks against Iranian security forces along the

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[1167] See: Dina Esfandiary and Ariane Tabatabai, "Iran's ISIS policy," *International Affairs*, Vol. 91, No. 1 (2015), pp. 3-4.
[1168] For a wider discussion, see: Anoushiravan Ehteshami, "Iran-Iraq Relations after Saddam," *The Washington Quarterly*, Vol. 26, No. 4 (2003), pp. 115–129.
[1169] Sami Moubayed, "Iran and Turkey fire salvo over Iraq," *Asia Times*, 13 May 2016, accessed: 18 September 2016, http://www.atimes.com/atimes/Middle_East/HE13Ak03.html.
[1170]"Iran Reopens 2 Consulates in Iraq," *Payvand*, 11 July 2007, accessed: 18 September 2016, http://www.payvand.com/news/07/nov/1056.html.

Iran-Iraq (Kurdish de facto state) border. With Iran and Turkish rapprochement after 2003, the PKK created a branch party called PJAK to stage guerilla attacks against Iran. Constituting another grave danger to the security of the KRI, the KRI sought to contain PJAK and prevent it from launching attacks against Iran from territories of the KRI. Thus, when KRG PM Nechirvan Barzani met Iranian Interior Minister Mostafa Purmohammadi in May 2007, border security was a key point of discussions, during which Nechirvan Barzani stated: "Iran's security is our security, and Iran has always been a good neighbor of (Iraqi) Kurdistan… We will not allow any hostile act to be committed against Iran from the land of (Iraqi) Kurdistan under any circumstances, and we are prepared to allay any possible concerns."[1171] Therefore, despite sporadic PJAK attacks and Iranian shelling of their bases, Nechirvan Barzani eventually managed to secure a ceasefire between the two in 2011, which is still relevant now.[1172] Moreover, despite the continuation of minor security problems along the border, trade and commerce relations between the KRI and Iran exceeded $8 billion U.S. dollars by 2012.[1173]

However, despite mutual public assurances of trust and reciprocity, Iraqi Kurdish leadership, particularly the KDP leadership, still harboured deep mistrust of

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[1171] "Barzani: Iran's security is our security," *Payvand*, 7 May 2007, accessed: 19 September 2016, http://www.payvand.com/news/07/may/1082.html.

[1172] David Enders, "Iran-Kurdish Rebel Ceasefire Holds Amid Skepticism," *Pulitzer Centre*, 7 November 2011, accessed: 18 September 2016, http://pulitzercentre.org/reporting/iraq-cease-fire-kurdish-rebels-iran-government. For a journalistic account on PJAK, see: Kathy Gannon, "In Iraq, Kurds Train to Battle Iran," *The Washington Post*, 2 February 2007, accessed: 18 September 2016, http://www.washingtonpost.com/wp-dyn/content/article/2007/02/02/AR2007020200970.html.

[1173] "Tehran to improve ties with Iraqi KRG," *Agence France-Presse*, 13 November 2012, 23 January 2013, http://www.hurriyetdailynews.com/tehran-to-improve-ties-with-iraqi-krg.aspx?pageID=238&nID=34517&NewsCatID=352.

Iranian intentions. Notwithstanding historical pre-de facto state memories of the defeat and betrayal of the Kurdish national liberation movement, the more recent Iranian policy of empowering its close ideological and religious Shiite clients, particularly PM al-Maliki's government, and[1174] the U.S.-Iranian tensions over the latter's nuclear programme, prompted the KRI leadership to seek positive foreign relations with Turkey.

Considering the geopolitical position of the KRI, Turkey could act as a strategic ally for the Kurdish de facto state especially given its importance as an energy transportation hub. The KRI on the other hand could act as a strategic buffer zone between the turbulent Arab part of Iraq and Turkey as well as a bulwark against the spear of Shiism in Turkey.[1175] Steadily religious-ideological considerations were given more weight in the relations between Turkey and the KRI. As Gareth Stansfield notes, the Sunni-Shiite divide following the civil war in Iraq in 2006-2008 realigned Turkey's foreign policy with that of the KRI.[1176] Turkish relations with Baghdad were further restrained following the March 2010 Iraqi national elections. In the elections, Turkey organized and supported a broad array of secular Sunni politicians, as well Shiite secular candidates, under the banner of Al-Iraqiya, which was led by the former U.S.-appointed Prime Minister of the 2004-2005 interim government of Iraq, Ayad Allawi. Although the Al-Iraqiya won more seats (91 seats) than any other Iraqi

[1174] Indeed, Iran sees building friendly relations with Iraq's Shiite factions as a method to bolster its overall strategic regional security, see: Kayhan Barzegar, "Iran's Foreign Policy Strategy after Saddam," *The Washington Quarterly*, Vol. 33, No. 1 (JANUARY 2010), p. 178.
[1175] Bengio, "Ankara, Erbil, Baghdad: Relations Fraught with Dilemmas," Op. Cit., p. 275.
[1176] Stansfield, "The unravelling of the post-First World War state system?" Op. Cit., pp. 266-267.

political bloc, and Masoud Barzani successfully brokered an agreement known as the 'Erbil Agreement' which led to the formation of a new Iraqi cabinet, PM al-Maliki later refused to implement terms of the agreement which stipulated power-sharing with the largely Sunni Al-Iraqiya. This development, coupled with the increasingly authoritarian tendencies of PM al-Maliki, caused a major Turkish foreign policy shift toward the KRI.[1177]

Facing the prospect of losing the overt support of the United States, as U.S. forces began their gradual planned withdrawal from Iraq, and the waning of U.S. influence, the Kurdish leadership was prompted to think carefully about which state they wanted to hitch their wagon to, especially considering the geopolitical peculiarity of the KRI. Hence, by 2007, the choice rested with Turkey. As one anonymous Kurdish official noted, "Iraq and Syria will always be Arab states, and there will be no room for us Kurds in them, except as second-class citizens,"[1178] and that "the KRG will be part of Iraq only in the theoretical sense."[1179] In making his arguments that the KRI must align with Turkey not Iran, the official then noted: "The Iranians give us either honey with poison, or poison with honey. The Turks offer either honey or poison."[1180] Such statements also indicate that by strategically pivoting toward

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[1177] "Déjà vu all Over Again? Iraq's Escalating political crisis*," International crisis Group*, Middle East Report N°126, 30 July 2012, accessed: 6 May 2017, http://www.refworld.org/pdfid/501787fb2.pdf. Also, see: For instance, see: Mehmet Yegin and Hasan Selim Özertem, " Turkey-Iraq Relations: From Close Partners to Adversaries," *The German Marshall Fund of the United States*, 7 January 2013, accessed: 23 January 2013, http://www.gmfus.org/publications/turkey-iraq-relations-close-partners-adversaries.
[1178] Soner Cagaptay, "Turkey's Kurdish Path," *The Washington Institute for Near East Policy*, No. 23, March 2015, p. 2.
[1179] Ibid.
[1180] Ibid.

Turkey, the KRI also hoped to find in Turkey a regional *patron state* and a future ally against the Shiite-led governments in Baghdad and perhaps even against Iran.[1181]

Bilateral trade, reconstruction and economic interdependence also constituted major determinants in the foreign policies of Turkey and the KRI. The KRI was eager to attract investment to hasten the process of rebuilding the Kurdish de facto state, in part to maintain its internal legitimacy through provision of employment, better services, and to create a positive image as a commercial and business hub not only in Iraq but connected to the wider Middle East region. For this, Turkey represented the ideal choice, particularly in the field of reconstruction. Having the expertise and know-how, and being connected to Western and international markets with access to the latest technology and innovations, Turkish firms of all varieties presented ideal choices to Kurdistan's trade and business environment.[1182] The KRI also aimed to increase its de facto recognition and consolidation through economic engagement with Turkey. This endeavour somehow fitted with the AKP leadership's foreign policy aims. Kemal Kirişci notes that since the early 1990s, Turkey has been in the process of becoming a 'trading state', a process that started during Turgut Ozal's presidency continuing forcefully under the AKP government.[1183]

[1181] Soner Cagaptay, Christina Bache Fidan, and Ege Cansu Sacikara, "Turkey and the KRG: An Undeclared Economic Commonwealth," *The Washington Institute for Near East Policy*, Policy Watch 387, 16 March 2015, accessed: 17 March 2015, http://www.washingtoninstitute.org/policy-analysis/view/turkey-and-the-krg-an-undeclared-economic-commonwealth.

[1182] Richard Oppel Jr, "Turkish-bred prosperity makes war less likely in Iraqi Kurdistan," *International New York Times*, 7 November 2007, accessed: 30 January 2013, http://www.nytimes.com/2007/11/07/world/africa/07iht-07kurds.8225419.html?pagewanted=all&_r=1.

[1183] Kemal Kirişci, "The transformation of Turkish foreign policy: The rise of the trading state," *New Perspectives on Turkey*, No. 40 (2009): 29-57.

A major manifestation of this is the expansion of the Turkish economy from $7 billion to one worth over $700 billion.[1184]

Thus, the KRI adopted an open-arm policy towards Turkish companies which, noticing the huge economic potential and the relatively liberal business and investment climate in the KRI, jumped at the opportunity. The close geographical proximity, high demand for Turkish consumer goods, and trans-border cultural affinity between the two nations rapidly contributed to the emergence of strong economic and trade relations between the KRI and Turkey. Indeed, this thesis argues that while economic rationale played a major role, the primary aim behind the KRI's open-arm policy towards the Turkish private sector was political. By openly embracing Turkish businesses and investments, the KRI aimed to demonstrate to the Turkish political elite the benefits of collaborating and engaging with the KRI, in the process gaining Turkey's de facto recognition of the Kurdish de facto state in Iraq. The KRI also seemed to have realized the importance of the Turkish private sector in influencing Turkish domestic and foreign policy decisions to a party such as the AKP, which prides itself on the astonishing Turkish economic improvement following its tenure in power. Furthermore, the heightened level of economic relations with the KRI meant that Turkish foreign policy-makers had increasingly to take note of the views of a variety of domestic business groups with stakes in Kurdistan's economy. By 2007, a *Washington Times* report noted, "380 out of 500

[1184] Soner Cagaptay, Ross Wilson, and James F. Jeffrey, "Turkey Rising: Challenges and Prospects for the New Administration," *The Washington Institute for Near East Policy*, 18 January 2013, accessed: 30 January 2013, http://www.washingtoninstitute.org/policy-analysis/view/turkey-rising-challenges-and-prospects-for-the-new-administration.

foreign companies [in the KRG] are Turkish. In Dohuk, a city farther west, 65 percent of contracts worth about $350 million so far this year have gone to Turkish companies. Worth another $350 million and $300 million, respectively, brand new airports in Irbil and Sulaimaniyah are Turkish products. Another Turkish company won a $260 million bid to build a new university campus in Sulaimani."[1185]

However, the politics of natural resources played a significant role in the foreign policy thinking of Turkey and the KRI. It might be worth remembering arguments made in Chapter Two of this thesis about the role natural resources play in socializing de facto states into the international system of sovereign states and influencing the position of neighbouring or patron states toward the ethno-nationalist conflicts in other states. Turkey had initially adopted a hostile policy toward the KRI's hydrocarbon policies. Soon after the KRI adopted its petroleum law, Turkey's Energy Minister, Hilmi Güler, travelled to Baghdad to ratify the signing of an agreement over a proposed pipeline to carry Iraqi oil to Western markets through Turkey. In addition to having specific arrangements with Baghdad, Turkey also joined efforts in collaboration with Iran and Syria to "prevent the KRG from circumventing the central authority's embargo."[1186]

However, this thesis argues, the KRI very successfully employed the *energy card* as an instrument of foreign policy implementation, not only to gain Turkey's de

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[1185] "Kurds rely on Turkey for workers, goods," *Washington Times*, 2 July 2007, accessed: 30 January 2013, http://www.washingtontimes.com/news/2007/jul/2/kurds-rely-on-turkey-for-workers-goods/?page=all.

[1186] Justin Dargin, "Securing the Peace: The Battle over Ethnicity and Energy in Modern Iraq," *Harvard Kennedy School* (2009), p. 7.

facto recognition, but also to gain its security, political, military and economic cooperation. Hence, in 2007, the KRI began to send several signals to Turkey. Highlighting the importance of the KRI to Turkey's energy security, Minister Ashti Hawrami stated in an interview with a Turkish reporter, "It is in Turkey's interest to be in direct contact with us. It is a 'first come, first served' situation. There are 20-25 billion barrels of oil reserves in Kurdistan. It is more than we need."[1187] He then added, "It is in Turkey's interest as well to establish relations with us."[1188] In short, as Soner Cagaptay notes, in 2007 "the KRG offered Turkey to jointly explore the region's hydrocarbon riches,"[1189] or as Natali asserts, some KRI elites invited Turkey "to invade economically not militarily."[1190] Moreover, to ease Turkish sensitivities – in the government and the people – the KRI once again, in the words of its Prime Minister, affirmed its position that peace and dialogue between the PKK and Turkey must be the way forward, while pledging to take firmer action to contain the PKK.[1191] Th KRG prime minister even published an opinion piece in the *Washington Post* stating:

> "We [the KRG] have condemned and will continue to condemn the PKK for its unwarranted attacks in Turkey. We insist that its members lay down their arms immediately… Just as we ask the Turks to seek a peaceful

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[1187] Voller, "Kurdish Oil Politics in Iraq," Op. Cit., p. 74.
[1188] Ibid.
[1189] Cagaptay, "Turkey's Kurdish Path," Op. Cit., p. 2.
[1190] Natali, The Kurdish Quasi-State: Development and Dependency in Post-Gulf War Iraq, Op. Cit., p. 93.
[1191] For a journalistic account, see: "Ankara's trade off with Arbil: PKK vs Oil," *Hurriyet Daily News*, 5 June 2012, accessed: 1 January 2013, http://www.hurriyetdailynews.com/ankaras-trade-off-with-arbil-pkk-vs oil.aspx?pageID=238&nid=22405&NewsCatID=412.

resolution, so must the PKK abandon its failed strategy of armed conflict. Diplomacy and dialogue must be given a chance."[1192]

It is noticeable that Barzani's opinion piece was published on the same day that President George W. Bush met PM Erdogan at the white House, when he affirmed the U.S. commitment to provide actionable intelligence to help Turkey in its struggle against the PKK. After this pledge, one Turkish official conceded to an American official, "Your efforts against the PKK have changed everything. Now we can move ahead on our full range of energy issues."[1193]

In 2011, Turkey imported 30 million barrels of oil and 40 BCM of natural gas,[1194] most of which came from Iran and Russia.[1195] More interesting for Turkey, the KRI has the potential (if well invested) to export up to 10 BCM of gas to Turkey as early as 2020.[1196] Natural gas is more cumbersome and costly to transport, however, but with adequate infrastructure, Turkey stands ready to reap consumption

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[1192] Nechirvan Barzani, "Kurdistan's Hope for Talks," *The Washington Post*, 5 November 2007, accessed: 22 September 2016, http://www.washingtonpost.com/wpdyn/content/article/2007/11/04/AR2007110401225.html. Elsewhere Nechirvan Barzani stated, "We do not approve the PKK attacking Turkish territory from the Kurdistan region because that would harm us as well," see: "Barzani says Iraqi Kurds not supporting PKK," *Today's Zaman with Wires, 8* August 2007, accessed: 8 September 2015, http://www.todayszaman.com/diplomacy_barzani-says-iraqi-kurds-not-supporting-pkk_118856.html.

[1193] Bryza, Op. Cit., p. 58.

[1194] Emre İseri and Oğuz Dilek, "The Nexus of Turkey's Energy and Foreign Policy with Iraqi Kurdish Oil: The Iranian Connection," *Orsam*, Vol. 5. No. 50 (2013), p. 30.

[1195] In 2012, Turkey's energy bill was around 21 million US dollars, see: Guven Sak, "Why Turkey wants Kurdish oil," *Hurriyet Daily News*, 8 December 2012, 23 January 2013, http://www.hurriyetdailynews.com/why-turkey-wants-kurdish-oil.aspx?pageID=449&nID=36389&NewsCatID=403.

[1196] Michael Tanchum, "Disavowing Kurdish independence, Turkey prepares for Kurdish energy future," *The Jerusalem Post*, 7 August 2014, accessed: 17 September 2016, http://www.jpost.com/Opinion/Op-Ed-Contributors/Disavowing-Kurdish-independence-Turkey-prepares-for-Kurdish-energy-future-362005.

and price benefits from the KRI.[1197] Turkey's domestic gas consumption has already more than tripled from 15 BCM in 2000 to 46 BCM in 2010,[1198] of which only 1.4 percent is produced domestically while only 6.7 of oil demand is produced locally. Concomitantly, as part of its energy security, Turkey has always sought to position itself as a secure and reliable transit state connecting vast oil/gas resources from the Caspian and Middle East to European markets.[1199] Turkey is one of "the global swing states"[1200] with a population of over 70 million and an economy ranked 17th in the world by gross domestic product.[1201] Therefore, an estimated 30 to 60 billion barrels of oil, excluding the Kirkuk fields, and 3 TCM of gas in the near-by KRI[1202] represented an ideal opportunity for Turkey to enhance its energy security. Motivated by its huger for energy resources to sustain Turkey's rapid economic growth,[1203] which is an important benchmark of the AKP's electoral success, to lessen its reliance on actors such as Russia and Iran and to advance its vision of becoming a

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[1197] See: Nicholas Borroz, "Turkey's Energy Strategy: Kurdistan Over Iraq," *Turkish Policy Quarterly*, Vol. 13, No. 2 (2014).
[1198] Micha'el Tanchum, "Between Ankara and Tehran: How the Scramble for Kurdistan Can Reshape Regional Relations," *Strategic Assessment*, Vol. 17, No. 3 (2014), p. 74.
[1199] Daniel Freifeld, "Nabucco: Pipelines Politics and the U.S.-Turkey Strategic Partnership," *Turkish Policy Quarterly*, Vol. 7. No. 4 (2009).
[1200] See: Daniel M. Kliman and Richard Fontaine, "Global Swing States: Brazil, India, Indonesia, Turkey and the Future of International Order," *The German Marshall Fund of the United States and the Centre for a New American Century*, November 2012, accessed: 23 September 2016, https://www.cnas.org/files/documents/publications/CNAS_GlobalSwingStates_KlimanFontaine.pdf.
[1201] "A Looming Showdown Over Iraqi Kurdish Oil Exports," *Stratfor*, 30 May 2013, accessed: 1 July 2013, http://www.stratfor.com/analysis/looming-showdown-over-iraqi-kurdish-oil-exports.
[1202] Mills, Op. Cit., p. 52
[1203] See: Barçın Yinanç, "Investor sees Kurdish oil as Turkey's chance since Ottomans," *Hurriyet Daily News,* 10 December 2012, accessed: 23 January 2013, http://www.hurriyetdailynews.com/investor-sees-kurdish-oil-as-turkeys-chance-since-ottomans.aspx?pageID=238&nID=36469&NewsCatID=348.

top-10 economy by 2023, which requires sustainable oil and gas supplies,[1204] the AKP government began to look to its south-eastern Iraqi Kurdistan neighbour.

Meanwhile, the nascent energy industry of the KRI needed huge amounts of investment from Turkish and non-Turkish sources. Perhaps, more importantly, the KRI realized that without Turkish collaboration, the IOCs would be reluctant to commit huge investments to its oil/gas sector, particularly given the continuing threat of blacklisting and legal action by the Baghdad government. The KRI knew well in advance that without finding a safe and reliable transit territory for transport and sale of Kurdish oil/gas, the whole energy industry would be at the mercy of Baghdad and a source of constant concern for IOCs investing in the KRI. Thus, Turkey ranked high in Kurdish foreign policy calculations.

The energy sector and Turkey's rapprochement enabled the KRI to withstand pressures exercised by PM al-Maliki's government, opened a new era for the Kurds and instantly raised the KRI's international status and visibility. The energy factor coupled with the aforementioned factors paved the way for high-level officials to meet and discuss outstanding issues between Erbil and Ankara. Although by 2007 the KRI and Turkey had geared up for dialogue,[1205] the first direct meeting between the KRI and Turkey took place in Baghdad in 2008 when Ahmet Davutoglu and Murat Ozcelik met with Nechirvan Barzani and the Kurdish Iraqi president, Jalal

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[1204] Bud E. Fackrell, "Turkey and Regional Energy Security on the Road to 2023," *Turkish Policy Quarterly*, Vol. 12, No. 2 (2013), pp. 83-89.
[1205] "Iraqi Kurdish Leader Says Ready for Dialogue with Turkey," *The Kurdish Institute of Paris*, 26 February 2007, accessed: 22 July 2015, http://www.institutkurde.org/en/info/latest/iraqi-kurdish-leader-says-ready-for-dialogue-with-turkey-572.html.

Talabani.[1206] This initial meeting paved the way for the establishment of official relations between the KRI and Turkey, independent of Baghdad. Visits and meetings between high-level KRI and Turkish officials have since become commonplace. The first historical visit of Ahmet Davutoglu as Turkey's Foreign Minister to Erbil in 2009 was commensurate with Turkey extending de facto recognition to the KRI,[1207] when he stated that "Turkey could serve as a bridge to Europe for you [the KRI], while you could serve as a gateway to the Gulf for Turkey."[1208] This visit was followed by Masoud Barzani's first official visit to Turkey as the President of the Kurdistan Region in 2010, not as the leader of the KDP,[1209] followed by PM Erdogan's first-ever official visit to Erbil in 2011.[1210] Indeed, these mutual visits were seen by observers as transformative events in Turkish-KRI relations not only for the Kurds of Iraq, but also for Turkey's Kurds. Gareth Stansfield for instance noted that these official visits

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[1206] "Turkish delegation meets Iraqi president, Kurdistan PM," *Ekurd Daily*, 2 May 2008, accessed: 25 September 2016, http://ekurd.net/mismas/articles/misc2008/5/government1389.htm.

[1207] "Historic visit from Turkey to Iraq," *TRT*, 2 November 2009, accessed: 22 February 2015, http://cabinet.gov.krd/a/d.aspx?s=010000&l=12&a=32241.

[1208] "President Barzani, Turkey's Foreign Minister Davutoğlu hold historic meetings, announce plans to open consulate," *KRG website*, 31 October 2009, accessed: 22 February 2015, http://cabinet.gov.krd/a/d.aspx?r=223&l=12&s=02010100&a=32216&s=010000; "Time to rebuild Middle East, Davutoğlu says in Erbil," *Zaman.com,* 2 November 2009, accessed: 22 February 2015, http://cabinet.gov.krd/a/d.aspx?s=010000&l=12&a=32240kb.

[1209] Ben Knight, "Turkey opens a new chapter in Kurdish relations," *DW*, 3 June 2010, accessed: 8 December 2012, http://www.dw.de/turkey-opens-a-new-chapter-in-kurdish-relations/a-5646105-1; "President Barzani meets Turkey's Prime Minister and Foreign Minister in Ankara," *Kurdistan Presidency*, 4 June 2010, accessed: 17 April 2015, http://cabinet.gov.krd/a/d.aspx?r=223&l=12&s=02010100&a=35401&s=010000.

[1210] "Turkey: PM Arrives In Iraqi Kurdistan," *Stratfor,* 29 March 2011, accessed: 29 December 2012, http://www.stratfor.com/situation-report/turkey-pm-arrives-iraqi-kurdistan; "Turkish PM's landmark Iraq visit a 'turning point,' say analysts," *Hurriyet Daily News*, 30 March 2011, accessed: 23 January 2013, http://www.hurriyetdailynews.com/turkish-pms-landmark-iraq-visit-a-turning-point-say-analysts.aspx?pageID=438&n=erdogan8217s-landmark-iraq-visit-a-8216turning-point8217-say-analysts-2011-03-30.

indicate that “we're into a new era of the Turkish relationship with the Kurds, both across the border and its own.”[1211]

No doubt the KRG PM Nechirvan Barzani, who has described Ankara rather than Baghdad as a “strategic partner”,[1212] and other KRI officials have become *persona grata* in Ankara particularly as foreign policy issues of mutual concern have expanded. In short, in the space of few years from 2007 to 2011, the KRI-Turkey ties have been transformed into an “official, direct and institutionalized relationship.”[1213] Indeed, the deepening economic relations have led some observers to argue that “an undeclared economic commonwealth”[1214] has been established between the KRI and Turkey. Available figures indicate that bilateral trade has jumped from an estimated $1.4 billion in 2007 to almost $12 billion in 2011.[1215] According to a Finnish-Swiss report, approximately 75 to 80 per cent of construction projects in the KRI were undertaken by Turkish companies including the two international airports in Erbil and Sulaimani. Moreover, while in 2008, there were only 485 Turkish companies in the KRI, by the end of 2013, more than 1500 Turkish companies were

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[1211] Ben Knight, Op. Cit.
[1212] Bill Park, “Turkey, the US and the KRG: Moving Parts and the Geopolitical Realities,” *Insight Turkey*, Vol. 14, No. 3 (2012), p. 116.
pp. 109-125
[1213] Marianna Charountaki, “Turkish Foreign Policy and the Kurdistan Regional Government,” *Perceptions,* Vol. XVII, NO. 4 (2012), p. 199.
[1214] Cagaptay, Fidan, and Sacikara, Op. Cit.
[1215] Robin M. Mills, “Northern Iraq’s Oil Chessboard: Energy, Politics and Power,” *Insight Turkey*, Vol. 15, No. 1 (2013), p. 59.

registered, which represents more than half the foreign companies operating in the KRI.[1216]

This research stops in the year 2011 with the game-changing U.S. military withdrawal from Iraq. The withdrawal, as Charountaki argues, "saw the expansion of relations between Turkey and the KRG into a strategic alliance,"[1217] involving a variety of political, economic and security matters. These matters include a transformative 2012 KRI-Turkey agreement to build a direct oil pipeline to transport the KRI's oil to the Turkish Mediterranean port of Ceyhan[1218] and a 50-year energy deal between the KRI and Turkey.[1219] This started the independent transportation and sale of Kurdish oil in 2014,[1220] with, according to reports, some oil being sold to Israeli companies.[1221] Other indicators of warming relations include the increasing role of Iraqi Kurdish politicians as mediators in the triangle peace process between the AKP's government, Turkey's Kurds and the PKK.[1222] This is exemplified by

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[1216] Christina Bache Fidan, "Turkish Business in the Kurdistan Region of Iraq," *Turkish Policy Quarterly*, 7 March 2016, accessed: 12 November 2016, http://turkishpolicy.com/article/790/turkish-business-in-the-kurdistan-region-of-iraq.

[1217] Ibid. p. 199.

[1218] David O'Byrne, "Kurdistan: oil pipeline to Turkey is a reality," *Financial Times*, 1 November 2013, accessed: 7 November 2016, http://blogs.ft.com/beyond-brics/2013/11/01/kurdistan-oil-pipeline-to-turkey-is-a-reality/; Yigal Schleifer, "Turkey: Relations with Baghdad Hit a (Kurdish) Oil Slick," *Eurasianet.org*, 17 July 2012, accessed: 12 June 2015, http://www.eurasianet.org/node/65672.

[1219] Dorian Jones, "Turkey, Iraqi Kurdistan Seal 50-Year Energy Deal," *Voice of America*, 5 June 2014, 20 November 2014, http://www.voanews.com/a/turkey-iraqi-kurdistan-seal-50-year-energy-deal/1930721.html.

[1220] Keith Johnson "Iraq's Oil War," *Foreign Policy*, 17 January 2014, accessed: 9 August 2015, http://foreignpolicy.com/2014/01/17/iraqs-oil-war/; Daniel Dombey and Neil Hume, "Oil spat puts focus on Baghdad's battle of wills with Kurd region," *Financial Times*, 5 June 2014, accessed: 15 August 2014, http://www.ft.com/cms/s/0/ab306f2c-ec11-11e3-ab1b-00144feabdc0.html#axzz3APyUkDA3.

[1221] "Israel, U.S. Import Disputed Crude Oil from Iraqi Kurdistan," *Haaretz*, 15 May 2014, http://www.haaretz.com/middle-east-news/1.590910, accessed: 16 May 2014.

[1222] Presidents Masoud Barzani and Jalal Talabani played constructive roles in the peace process between Turkey and its Kurds, see: "Turkey: Iraqi, Kurdish Leaders to Head Turkey-PKK Mediation,"

Masoud Barzani's 2013 visit to Diyarbakir, the largest Kurdish city in Turkey's southeast, during which he delivered a speech in Kurdish and PM Erdogan, for the first time, pronounced the word "Kurdistan" – both formerly seen as anathema in the Turkish republic.[1223] It is also illustrated by the KRI's 2013 tacit approval for the relocation of some PKK militants to its territory, amid Baghdad's objections, to kick-start a stagnated peace process between the PKK and Turkey.[1224] In addition, Turkey and the KRI President have collaborated closely after the onset of the Syrian civil war in 2011, which saw the Kurds of Syria playing a significant role in Syria's chaotic civil war.[1225]

In any case, the level of interaction and interdependence between Iraqi Kurdistan and Turkey have reached such unprecedented levels that several observers are now suggesting that Turkey is acting as a 'midwife for a Kurdish

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Stratfor, 14 November 2011, accessed: 29 December 2012, http://www.stratfor.com/situation-report/turkey-iraqi-kurdish-leaders-head-turkey-pkk-mediation.

[1223] Ömer Taşpinar and Gönül Tol, "Turkey and the Kurds: From Predicament to Opportunity," *Brookings*, 24 January 2014, accessed: 26 July 2014, https://www.brookings.edu/research/turkey-and-the-kurds-from-predicament-to-opportunity/.

[1224] Lara Vergnaud, "Iraq rejects PKK withdrawal, but lacks leverage," *Blouin News*, 9 March 2013, accessed: 22 February 2015, http://blogs.blouinnews.com/blouinbeatworld/2013/05/09/iraq-rejects-pkk-withdrawal-but-lacks-leverage/; "Turkey's Kurdish Outreach," *Stratfor,* 8 May 2013, accessed: 14 May 2013, http://www.stratfor.com/geopolitical-diary/turkeys-kurdish-outreach.

[1225] Michael Werz and Max Hoffman, "The United States, Turkey, and the Kurdish Regions: The Peace Process in Context," *Centre for American Progress*, July 2014, 25 February 2012, https://cdn.americanprogress.org/wp-content/uploads/2014/07/Kurds-report.pdf; Ofra Bengio, "The Kurdish Question: The Elephant in the Room," *The American Interest*, 12 December 2013, accessed: 30 December 2013, http://www.the-american-interest.com/2013/12/12/the-elephant-in-the-room/.

state',[1226] a 'patron state'[1227] for the Kurdish de facto state, or as a 'big brother'[1228] for the Kurds in Iraq. Indeed, if prior to 2007, Turkish officials had shown great sensitivities to the prospect of an independent Kurdistan, in 2015 Huseyn Celik, a high-ranking AKP official, indicated that an "In the past an independent Kurdish state was a reason for war [for Turkey] but no one has the right to say this now."[1229] Whatever the case, the dynamics of relations indicate the emergence of a strategic alliance rather than a temporary marriage between the KRI and Turkey that may outlast the current AKP leadership.[1230] If, once, the U.S. warned Iraqi Kurds that in the event of a military showdown with Turkey they should not count on U.S. support, now the joke in Turkish diplomatic circles is that "the United States wanted Turkey and Iraq's Kurds to become friends, not to get married."[1231]

The opening between Turkey and the KRI was replicated in the relations between the KRI and the states of the Gulf Cooperation Council (GCC). Several ideological, economic, geopolitical determinants can be discerned in the rapprochement between Arab Sunni states, particularly the Arab monarchies in the

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[1226] Ofra Bengio, "Turkey: A midwife for a Kurdish state?", *The Jerusalem Post*, 6 December 2012, accessed: 9 August 2015, http://www.jpost.com/Opinion/Op-Ed-Contributors/Turkey-A-midwife-for-a-Kurdish-state; David Hirst, "This could be the birth of an independent Kurdish state," *the guardian*, 9 January 2013, accessed: 23 January 2013, https://www.theguardian.com/commentisfree/2013/jan/09/birth-kurdish-state-ottoman-syria-arab-spring?INTCMP=SRCH.

[1227] Soner Cagaptay, "Yesterday's Enemies, Tomorrow's Friends?" *The Washington Institute for Near East Policy*, 9 July 2014, accessed: 9 September 2014, http://www.washingtoninstitute.org/policy-analysis/view/yesterdays-enemies-tomorrows-friends.

[1228] Cengiz Dinc, "Turkey as a New Security Actor in the Middle East: Beyond the Slogans," *Perceptions*, Vol. XVI, No. 2 (2011), 72.

[1229] Daniel Dombey, "Turkey ready to accept Kurdish state in historic shift," *Financial Times*, 27 June 2014, accessed: 18 November 2016, https://www.ft.com/content/65ae9ac2-fe00-11e3-bd0e-00144feab7de.

[1230] See: David Romano, "Iraqi Kurdistan and Turkey: Temporary Marriage?" *Middle East Policy Council,* Vol. XXII, No.1 (2015), accessed: 8 September 2016.

[1231] Bengio, "The Kurdish Question: The Elephant in the Room," Op. Cit.

Gulf and the KRI. The rise of the Shiite to the centre of political power in Iraq through their electoral majority following the U.S. intervention of 2003 increased Shiite's political activism and assertiveness across the Sunni-led Arab Gulf monarchies. As Vali Nasr argues, "By liberating and empowering Iraq's Shiite majority, the Bush administration helped launch a broad Shiite revival that will upset the sectarian balance in Iraq and the Middle East for years to come."[1232] The Shiite-Sunni rift was further inflamed following the bombing of the Shiite sacred Al-Askari Shrine in the northern Iraqi city of Samara in 2006 by Sunni jihadists.[1233] States such as Saudi Arabia and Kuwait contain sizeable Shiite minorities, while Bahrain is a majority Shiite populated-state ruled by a Sunni monarchy. Therefore, the fact that the sectarian violence in Iraq could have potential destabilizing effects on the security and stability of the Arab Gulf states caused a great degree of concern for the Arab Gulf monarchies.[1234] PM al-Maliki's policies particularly following the formation of the second al-Maliki government in November 2010 including marginalization of the Arab Sunni community in Iraq, blocking meaningful Sunni participation in power and governance in Iraq and his negative response to the Sunni's demand of the creation of a federal Sunni region similar to the KRI further increased the Sunni's grievances towards the Shiite-run government in Baghdad.[1235] Added to this, al-Maliki's

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[1232] Vali Nasr, "When the Shiites Rise," *Foreign Affairs*, July/August 2006, Accessed: 8 September 2016, http://www.mafhoum.com/press9/282S26.htm.
[1233] See: Stansfield, "Accepting Realities in Iraq," Op. Cit.
[1234] For the consequences of Iraqi sectarian civil war on politicization of the wider Middle East, see: Daniel Byman and Kenneth Pollack, "Things fall apart: containing the spillover from an Iraqi civil war," Analysis Paper no. 11, *Saban Center for Middle East Policy at the Brookings Institution*, Washington D.C., January 2007, accessed: 2 June 2017, https://www.brookings.edu/wp-content/uploads/2016/06/01iraq_byman.pdf.
[1235] Kenneth M. Pollack, "Understanding the Iraq Crisis," *Brookings*, 24 December 2011, accessed: 03 January 2013, https://www.brookings.edu/opinions/understanding-the-iraq-crisis/.

consolidation of power particularly over Iraqi national security institutions, his disregard of the Erbil Agreement which stipulated power-sharing between the Shiites and Sunnis represented by Al-Iraqiya in the new December 2010 Iraqi cabinet,[1236] and al-Maliki's targeting of key Sunni leaders immediately following the withdrawal of U.S. forces at the end of 211 further alienated the Sunni Arab states[1237] as well as Turkey from Iraq. Related to this, the increase of the Iranian influence and penetration into Iraq[1238] caused a great deal of alarm to the Sunni Middle Eastern states, particularly the small Arab Gulf states vulnerable to Iranian interference. These rifts were exploded by the aftermath of the Arab uprisings- the so-called Arab spring- particularly the onset of the Syrian civil war in 2011 which by default divided the Middle East into two camps: a Sunni camp and a Shiite camp with increasing involvement of non-state groups, including the emergence and empowerment of extremist groups such as ISIS and al-Qaeda.[1239]

Indeed, KRI's foreign policy objectives also overlapped with those of the Arab Gulf states.[1240]The foreign policy of the KRI was built around refraining from interfering in the Iraqi and the regional Sunni and Shiite tensions. The Iraqi Kurds

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[1236] For more details on PM al-Maliki consolidation of power in Iraq, see: Maria Fantappie, "Contested Consolidation of Power in Iraq," *Carnegie Middle East Center,* February 2013, accessed: 12 June 2015, http://carnegieendowment.org/files/contested_consolidation.pdf.

[1237]Ramzy Mardini, "Iraq's Recurring Political Crisis," *Institute for the Study of War*, 15 February 2012, accessed: 20 July 2012, http://www.understandingwar.org/backgrounder/iraqs-recurring-political-crisis.

[1238] For instance, see: Michael Eisenstadt, Michael Knights and Ahmed Ali, "Iran's Influence in Iraq: Countering Tehran's Whole-of-Government Approach," Policy Focus 111, *The Washington institute for Near East Policy*, April 2011, accessed: 4 June 2017, http://www.washingtoninstitute.org/policy-analysis/view/irans-influence-in-iraq-countering-tehrans-whole-of-government-approach.

[1239] F. Gregory Gause, III, "Beyond Sectarianism: The New Middle East Cold War," *The Brookings Institution*, 2014, accessed: 17 November 2014, https://www.brookings.edu/research/beyond-sectarianism-the-new-middle-east-cold-war/.

[1240] See: Gareth Stansfield, "The unravelling of the post-First World War state system?" Op. Cit.

détente with Iran and close ethnic and geographic proximity to Iran remined high in KRI's foreign policy considerations. However, the increasing power and assertiveness of Baghdad and ramifications of the Syria civil war in a way pushed the KRI to seek some form of external balancing toward Iran and al-Maliki's government by searching for Sunni regional allies in the Middle East, particularly the Arab Gulf states.

After 2003, majority of Arab Sunni states had established indirect relations with the KRI through the GOI within the Iraqi federal context. However, after 2007, the GCC states became readier to sidestep the GOI to establish direct and official relations with the KRI. The alignment of the broader security and geopolitical interests paved the way for expansion of economic relations between the KRI and the Arab-Gulf states.[1241] The UAE has built the closet economic relations with the KRI with increase in investment, mutual visits and opening of three UAE trade representation offices in Erbil.[1242] Likewise, in 2009, Qatar signed a memorandum of understanding with the KRI covering the fields of infrastructure, agriculture investment and development as well as tourism and aviation.[1243] Saudi Arabia, as the strongest and largest state in the Gulf primarily due to its demography, geographic size and its political and religious standing as Islam's founding location has also built independent relations with the KRI. The KRI has made its first attempts

[1241] For a recent analysis of relations between the KRI and the GCC states, see: Marianna Charountaki, "The GCC in Kurdish Politics," *Journal of Arabian Studies,* Vol. 6, No. 2 (2016), 10.1080/21534764.2016.1242232.
[1242] See: Ibid., p. 205.
[1243] "Qatar, Kurdistan sign agreement to boost relations," *Ekurd Daily*, 9 February 2009, accessed: 2 June 2017, http://ekurd.net/mismas/articles/misc2009/2/independentstate2695.htm.

at building relations with Saudi Arabia in 2007 when Masoud Barzani paid a visit to Saudi Arabia following an invitation from King Abdullah bin Abdulaziz of Saudi Arabia.[1244] However, it now seems the government of Saudi Arabia has extended direct de facto recognition to the KRI as a state-like entity with independent foreign policy. This is exemplified by the recent grand reception granted to Masoud Barzani following his visit to Riyadh on 30 November 2015 and the official opening of a Saudi consulate in Erbil in 2016.[1245] As far as other GCC states are concerned, although good, friendly and emotional relations exist between the KRI and Kuwait due to both people's experience of oppression by the regime of Saddam Hussein, no records of existing relations are available between the KRI and the two states of Bahrain and Oman.[1246]

[1244] "President Barzani visits Saudi Arabia," *KRG website*, 13 March 2007, accessed: 17 April 2015, http://cabinet.gov.krd/a/d.aspx?l=12&a=16710.
[1245] "President Barzani and Saudi King Salman Meet in Riyadh," *DFR website*, 2 December 2015, accessed: 2 June 2017, http://www.dfr.gov.krd/a/d.aspx?l=12&a=45302.
[1246] See: Charountaki, "The GCC in Kurdish Politics.," Op. Cit.

7.5 Signing Treaties, Consulates, Foreign Representations and Lobbying: Proving Independency in Foreign Policy

Building foreign relations with Turkey was a major foreign policy success for the KRI. This success opened new pathways and further engagement between the KRI and the rest of the international community. Previously states dealt cautiously with the KRI fearing a possible clash or unrest between the two entities would harm their investment or personnel located in the region. The United States, for instance, as Michael Gunter notes, persistently reiterated that "The KRG must get along with Turkey or else, in a showdown between the two, the KRG will not be able to count on U.S. support."[1247]

Concomitantly, other states and indeed many observers began to take note of the increasing viability, domestic sovereignty, stability and economic viability enjoyed by the KRI. Gareth Stansfield, for instance noted, "the Kurdistan Region has matured into an institutionalized reality in territorial, political and economic terms, and is now transforming the patterns of international relations in the Middle East, altering established norms of interaction and forcing the reappraisal of orthodox views concerning the national interests of regional states that are embracing the idea of Kurdistan, at least for now, rather than denying it."[1248] Dennis Chapman, working closely with Kurdish security forces, stated that "Where other parties and militias in the Middle East have adopted the radical models of Marxism or militant Islam and

[1247] Gunter, "The Five Stages of American Foreign Policy towards the Kurds," Op. Cit., p. 99.
[1248] Stansfield, "The unravelling of the post-First World War state system?" Op. Cit., p. 260.

often moved into the orbit of rogue regimes, the KDP and PUK and their forces have moderated themselves, remaining consistently secular… [and] openly seeking alliance with the United States and the West instead."[1249]

The increasing legitimacy, visibility and viability of the Kurdish de facto state, led many states to grant some sort of de facto recognition to the KRI by establishing their consulates in the capital of the KRI-Erbil. While the establishment of consulates in itself is a normal practice regulated by international conventions, and does not signify extension of diplomatic recognition, the opening of consulates in Erbil for the first time in the modern history of Iraqi Kurds clearly illustrated the success of the foreign policies of the KRI. These consulates in effect meant that the path chosen by the Kurdish leadership, in not declaring unilateral independence from Iraq, brought much recognition and engagement to the KRI, instead of the isolation faced by many Eurasian and Caucasian de facto states. Indeed, many believed that at various intervals, particularly 1991 and 2003, Iraqi Kurds had the opportunity to declare unilateral independence from Baghdad. However, most likely such a move would have transformed the KRI into a black-hole by drawing the wrath of neighbouring states as well as the possible loss of de facto independence, destruction or forced reintegration into Iraq. The fact that the prospect of gaining international support and de facto recognition constituted a major foreign policy aim in non-declaration of independence is clear from statements and interviews of KRI

[1249] Chapman, Op. Cit., p. 8.

officials. In one instance, Falah Mustafa, stated in an interview with David Romano that:

> "We were a de facto entity without international recognition, almost independent. We gave up some of our power and independence [in 2003] to rejoin Iraq. This was difficult for the Kurdish parties and many of the Kurdish people. We did this for legal and international recognition. When we travel abroad, we are received officially as Kurdistan Regional Government delegations now. We are part of Iraq, but we are the Kurdistan Regional Government."[1250]

The first states to establish consulates in Erbil were Germany, France, Russia and Iran. They were soon joined by the United States, the UK, Sweden and Turkey; as well as Egypt and Jordan, the first Arab Sunni states to open consulates there.[1251] The establishment of Turkey's 'pseudo-embassy' in Erbil was seen a major breakthrough in the KRI's foreign relations with the once hostile Turkish state and as a testament to Turkey's de facto recognition of the KRI and its realization of the important role the KRI plays in regional stability, economic prosperity and international relations of the Middle East region.[1252] Moreover, in an ironic twist of

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[1250] Romano, "Iraqi Kurdistan: challenges of autonomy in the wake of US withdrawal," Op. Cit., 1358.
[1251] "Jordan and Egypt inform President Barzani of decision to open consulates in Erbil," *KRG website,* 13 July 2010, accessed: October 3, 2016, http://cabinet.gov.krd/a/d.aspx?a=35973&l=12&r=223&s=010000.
[1252] The first Turkish Consul in Erbil, Aydin Selcen, had direct access to the top echelon of KRI leadership, reflecting the importance the leadership of the KRI assigns to its relations with Turkey, see: Mara E. Karlin and Caitlin Talmadge, "Under the radar rapprochement: Turkey and Iraqi Kurds," *Foreign Policy*, 25 June 2010, accessed: 18 January 2013, http://foreignpolicy.com/2010/06/25/under-the-radar-rapprochement-turkey-and-iraqi-kurds/; Veysel

history, in 2011, former UK Prime Minister Sir John Major who played a vital role in establishing the Safe Haven for Iraqi Kurds twenty years earlier, arrived in the KRI to officially open the British Consulate General in Erbil.[1253] The KRI now hosts almost 40 consulates, embassy offices, honorary consuls, offices of government and non-governmental International Organizations in Erbil including the EU Delegation.[1254]

The establishment of a U.S. consulate in Erbil represented a particularly important foreign policy victory for the KRI. The U.S. Congress Resolution 873 of 2010 to launch a consulate in Erbil is illustrative of the U.S.'s vote of confidence in the KRI. According to the resolution, named *Establishing a United States Consulate in the Kurdistan Region of Iraq:* "the establishment of a United States Consulate in the Kurdistan Region of Iraq will reaffirm United States support for the stability, prosperity, and democracy that the Kurdistan Region of Iraq has achieved."[1255] The resolution also stated that "the Kurds of Iraq have been willing partners with the United States in the democratic transition in Iraq since 2003,"[1256] and that "the United States and the Kurdistan Regional Government (KRG) have been full partners in the battle against terrorists who seek to undermine progress toward an Iraq that is

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Ayhan, "An Analysis of President Barzani's Visit to Turkey," *Today's Zaman*, 6 July 2010, accessed: 23 January 2013, http://www.todayszaman.com/newsDetail_getNewsById.action;jsessionid=23AD40E09B5381D287302C4649266082?newsId=215263.

[1253] "Former UK PM opens British Consulate in Erbil," *The Kurdistan Tribune*, 29 May 2011, accessed: 3 October 2016, http://kurdistantribune.com/2011/former-uk-pm-opens-british-consulate-erbil/.

[1254] "Current International Offices in the Kurdistan Region," *DFR website*, accessed: 3 October 2016, http://dfr.gov.krd/p/p.aspx?p=37&l=12&s=020100&r=363.

[1255] "Establishing a United States Consulate in the Kurdistan Region of Iraq," *US 111th Congress,* Session 1, Res. H. 873, 19 May 2010, accessed: 4 October 2016, https://www.congress.gov/bill/111th-congress/houseresolution/873/text?q=%7B%22search%22%3A%5B%22Establishing+a+United+States+Consulate+in+the+Kurdistan+Region+of+Iraq%22%5D%7D&r=1.

[1256] Ibid.

prosperous, free, and federal." [1257] Indeed, despite the fact the KRI has so far been unable to establish the kind of institutional relationship with the United States as that enjoyed by Israel and Taiwan, it had now become commonplace to refer to the existing relationship between the KRI and the United States as a 'special relationship'.[1258] The US consulate was officially opened in Erbil in 2011.[1259]

The establishment of the U.S. consulate bestowed greater legitimacy and status on the KRI. It also raised the Kurdish political and strategic profile. Compared with Baghdad, where embassy staff were confined in their buildings due to the extremely dangerous security situation, the foreign representations in Erbil felt much more secure to carry out their daily functions due to the stable and secure environment in the KRI. Moreover, as Bengio has noted, the foreign missions in the KRI "pay lip service to the fiction that Erbil is an Iraqi city in that they call their diplomatic facilities consulates rather than embassies, but this is increasingly a distinction without a difference."[1260]

The lobbying efforts of the KRI has so far been unable to convince the United States to support Iraqi Kurdish independence.[1261] However, realizing the importance

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[1257] Ibid.
[1258] "US Vice President Biden visits Iraqi Kurdistan, reaffirms US support for the Region after withdrawal," *Ekurd Daily*, 2 December 2011, accessed: 25 November 2016, http://ekurd.net/mismas/articles/misc2011/12/state5624.htm.
[1259] Roy Gutman, "U.S. opens consulate in Iraqi Kurdistan," *Ekurd Daily*, 11 July 2011, accessed: 3 October 2011, http://ekurd.net/mismas/articles/misc2011/7/state5253.htm.
[1260] Ofra Bengio, "Will the Kurds Get Their Way?" Op. Cit.
[1261] Missy Ryan and Mark Hosenball, "Kurds use well-oiled lobbying to plead for help in Washington," *Reuters*, 7 August 2014, accessed: 9 March 2015, http://www.reuters.com/article/us-kurdistan-independence-lobbying-idUSKBN0G70BS20140807; Jay Solomon, "Iraqi Kurd Officials Lobbying for Independence in Washington," *The Wall Street Journal*, 3 July 2014, accessed: 10 June 2015, http://www.wsj.com/articles/iraqi-kurd-officials-lobbying-for-independence-in-washington-1404407746.

of the United States in Kurdistan's survival and maintenance of its de facto independence, a major part of the KRI's foreign policy strategy focused on the game of buying influence in Washington D.C. Since 2003, KRI officials have cultivated close ties with many current and former U.S. officials in the State and Defense Departments, the CIA, as well as a combination of military hawks, Conservative Republicans and liberal Democrats in the Congress. In 2007, the KRI purchased a $3.1 million building less than two kilometers from the White House to operate as its foreign representation office in Washington, with a budget reportedly over $1 million a year.[1262] Also, realizing the vastness of the U.S. government and the complexities of navigating the U.S. system, the KRI has since hired and retained a range of lobbying firms including Dentons, BGR Group, Greenberg Traurig, Gryphon Partners and Qorvis Communications at a cost of more than $6 million since 2010.[1263] The use of lobbying firms is particularly compelling since the Kurds do not possess a large diaspora in the United States capable of influencing the U.S. foreign policy decision-making similar to the Israeli or the Armenian diaspora in Washington.[1264] These lobbying firms played a vital role in establishing a Kurdish-American Congressional Caucus in 2008 to lobby Capitol Hill on vital KRI's interests. They

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[1262] Bill Allison, "In the Fight Against ISIS, Kurds Turn to Key Allies on K Street," *Foreign Policy*, 26 October 2015, accessed: 10 August 2016, http://foreignpolicy.com/2015/10/26/in-fight-against-isis-kurds-turn-to-allies-on-k-street/.

[1263] See: Eric Liptonmay, "Iraqi Kurds Build Washington Lobbying Machine to Fund War Against ISIS," *International New York Times*, 6 May 2016, accessed: 29 August 2016, http://www.nytimes.com/2016/05/07/us/politics/iraqi-kurds-build-washington-lobbying-machine-against-isis.html?_r=0.

[1264] While still an asset, it is estimated that there are only 400,000 Kurdish diasporas in the US, see: Chandrasekaran, Op. Cit.

have also helped establish a U.S.-Kurdistan Business Council,[1265] a non-profit trade association in charge of advancing Kurdistan's image as a business-friendly place and encouraging U.S. investments in Kurdistan.[1266]

Signing independent agreements or protocols with regions or indeed with governments of states also became a primary foreign policy objective of the KRI. Indeed, signing agreements with decentralized regions or states to promote trade, business and investment is not a novel development, as it is perhaps now a common practice amongst Western decentralized liberal states and regions of Western Europe and Northern America. However, the signing of independent agreements with so distant regions by the KRI served as an opportunity to demonstrate its stateness and independency in foreign policy, as well as showing its eagerness to build closer ties with the Western liberal world. Within this context, in 2010, Masoud Barzani signed a statement of intent to develop long-term commercial, economic and cultural relations between France and the KRI.[1267] Following this declaration, the KRI signed a memorandum of understanding with the French province of Dordogne to enhance region-to-region relations in the fields of education, agriculture and water development.[1268] Similarly, seeking to strengthen bilateral relations with the United Kingdom, the KRI put a particularly important emphasis on relations with the UK's

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[1265] Kate Brannen, "From Kirkuk to K Street," *Foreign Policy*, 13 August 2014, accessed: 9 March 2015, http://foreignpolicy.com/2014/08/13/from-kirkuk-to-k-street/.

[1266] For more info on this organization, see: "United States-Kurdistan Business Council," accessed: 4 October 2016, http://www.uskbizcouncil.org/.

[1267] "President Barzani meets President Sarkozy, signs protocol with French Government," *KRG website*, 17 June 2010, accessed: 23 January 2013, http://www.krg.org/a/d.aspx?r=223&l=12&s=02010100&a=35598&s=010000.

[1268] "French province of Dordogne signs agreement with KRG," *DFR website*, 10 December 2012, accessed: 23 January 2013, http://www.dfr.gov.krd/a/d.aspx?l=12&a=42170.

constituent units. A least since 2010, the KRI began its first actions to meet and lobby Northern Ireland officials and business leaders.[1269] The lobbying and meetings finally resulted to the signing of a memorandum of understanding between the KRI and Northern Ireland in 2012 focusing on the fields of investment, commerce, education, tourism and agriculture.[1270] The first signs of enhanced cooperation between the two sides appeared when the KRG Ministry of Agriculture signed an agreement in the fields of agricultural development and research with the Northern Ireland Agri-Food and Biosciences Institute (AFBI) in 2012,[1271] whereas the opening of a Northern Ireland trade office in Erbil opened new pathways for closer relations between the two sides.[1272]

Kurdish officials used to label Iraqi Kurdistan only as a constitutionally-recognized federal region of Iraq. In the realm of foreign relations, Kurdish officials claimed that, "the KRG is part of Iraq, and foreign policy is the exclusive domain of Baghdad."[1273] However, the increasing consolidation and sovereignty of the KRI has now led Kurdish officials to publicly name the KRI as a *de facto state* with its own

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[1269] "UK Representative meets Northern Ireland's trade minister in Belfast," *KRG website*, 9 September 2010, accessed: 28 May 2017, http://cabinet.gov.krd/a/d.aspx?l=12&s=02010100&r=223&a=36739&s=010000; "Kurdistan and Northern Ireland seek to increase trade and business relations," *DFR website*, 2 July 2011, accessed: 28 May 2017, http://www.dfr.gov.krd/a/d.aspx?l=12&a=40562.

[1270] David Elliot, "Foster calls on companies to build more trade links with Kurdistan," *Belfast Telegraph*, 17 July 2012, accessed: 28 May 2017, http://www.belfasttelegraph.co.uk/business/news/foster-calls-on-companies-to-build-more-trade-links-with-kurdistan-28771558.html; "Northern Ireland Minister signs joint declaration with Kurdistan," *KRG website*, 17 July 2012, accessed: 28 May 2017, http://cabinet.gov.krd/a/d.aspx?r=223&l=12&s=02010100&a=44727&s=010000.

[1271] "Kurdistan region of Iraq signs agriculture agreement with N. Ireland," 15 August 2012, accessed: 28 May 2017, http://www.ifpinfo.com/Agriculture-NewsArticle-721#.WSoLnmiGNUQ.

[1272] "Foster opens new Invest NI office in Kurdistan," *Invest NI*, 17 July 2012, accessed: 28 May 2017, https://www.investni.com/news/foster-opens-new-invest-ni-office-in-kurdistan.html.

[1273] Kinninmont, Stansfield and Sirri, Op. Cit., p. 21.

foreign policies.[1274] In an article entitled "Kurdistan Region has its own Foreign Policy," Hemen Hawrami, an aide to President Barzani, lists the foreign policy aims of the KRI. His list is:

1- protection and development of Kurdistan Region,
2- attainment of unachieved aims,
3- expanding the network of friends of Kurdistan abroad, and weakening enemies or foes of Kurdistan.[1275]

Elsewhere, Hawrami states the principles that guide the foreign policies of Masoud Barzani, which are: "mutual interest, balance in relations, openness, positive neutrality, pragmatism, rejection of the belief of fatalism and the principle of the first is Kurdistan."[1276] He further adds that: "these principles became the identity of Kurdistan's foreign policy under Masoud Barzani's presidency in a way that not only creates a geopolitical position for Kurdistan but also leaves a positive legacy on Kurdistan."[1277]

While initially the DFR was a small operation compared with other KRG ministries, and indeed in comparison with the ever-ubiquitous political party representation offices, the increasing engagement of the KRI with the international community necessitated the expansion of the DFR as a vital KRG department in charge of implementation of the KRI's foreign policies. Thus, in 2009, the KRG

[1274] "Masrour Barzani: Kurdistan is De-Facto Sovereign State," *Hawler Times*, 3 July 2014, accessed: 2 October 2016, http://hawlertimes.com/2014/07/03/masrour-barzani-kurdistan-is-de-facto-sovereign-state/.
[1275] Hemen Hawrami, "Hereme Kurdestan Xaweny Siyasete Derewey Khoyte," [*Kurdistan Region has its own Foreign Policy*,] *Xebat Newspaper*, No. 3957, 30 December 2011, accessed: 17 August 2015, available on: www.xebant.net.
[1276] Hawrami, "President Barzani and Kurdistan's Advancement," Op. Cit.
[1277] Ibid.

boosted the expansion and institutionalization of the DFR as an important foreign policy department.[1278] Currently the KRI has 14 representative offices abroad in a range of states including Australia, Austria, the EU, France, Germany, Iran, Italy, Poland, Russia, Spain, Sweden, Switzerland, the United Kingdom and the United States.[1279] The cost of KRI representation offices abroad is $15 million dollars per year.[1280]

According to the DFR website, the responsibilities of the DFR include:

1- Strengthening bilateral relations with the international community,
2- Promoting trade, investment, tourism and institutional ties,
3- Supervising the KRG's offices overseas,
4- Liaising with the diplomatic community in the Kurdistan region
5- Conducting and supporting activities that enhance the image of the Kurdistan region,
6- Providing legal and authentication services to the people of the region and its citizens abroad.[1281]

While, the list of objectives of the DFR include:

1- Promoting and protecting the interests of the Kurdistan Region and its citizens abroad,
2- Encouraging meaningful political and economic relations with the international community, especially with neighbouring countries, in the interest of promoting peace, stability and economic development,

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[1278] "Official Order," KRG website, no: 143, 25 January 2009, accessed: 3 December 2013, http://cabinet.gov.krd/uploads/documents/Official_order_25_Jan_09__2009_06_04_h19m0s19.pdf.
[1279] See: "KRG Offices Abroad," *KRG Department of Foreign Relations*, accessed: 17 August 2016, http://dfr.gov.krd/p/p.aspx?p=40&l=12&s=020100&r=364.
[1280] "KRG: No foreign offices will be closed," *Rudaw*, 8 August 2016, accessed: 7 May 2017, http://www.rudaw.net/NewsDetails.aspx?pageid=237298.
[1281] See: "The Kurdistan Regional Government Department of Foreign Relations," *KRG website*, accessed: August 17, 2016, http://dfr.gov.krd/p/p.aspx?p=25&l=12&s=010000&r=332.

3- And providing efficient and effective consular and legal services to the people of the Region.[1282]

The functions assigned to the DFR, this thesis argues, are not arbitrary. If one looks at the websites of the foreign ministries of many small states, there might be similar statements of key aims and objectives. These functions clearly indicate that the KRI views and portrays itself as a 'state-like'[1283] entity, fully committed to projecting foreign policy and building foreign relations rather than leaving it in the hands of its parent state in Baghdad. This is evident in a paper published by the KRG UK representation office under the title of "The KRG's Foreign Policies," stating:

> "For decades the people of the Kurdistan Region were deliberately isolated from the world under the repressive policies of previous Iraqi governments, and especially under Saddam Hussein's Ba'ath regime. Since 2003, the KRG has ensured that we are full participants in the international community by forging closer foreign ties."[1284]

7.6 Conclusion

This chapter has addressed the transformation of the Kurdish de facto state into an independent foreign policy actor. After 2007, tensions began to appear in relations between Erbil and Baghdad. On the surface the unease related to the status of the disputed territories and issues related to the establishment of a newly-

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[1282] Ibid.
[1283] Stansfield, "The unravelling of the post-First World War state system?", Op. Cit., pp. 259-260.
[1284] "The KRG's foreign relations," *KRG UK Representation Office*, accessed: 29 December 2012, http://uk.krg.org/pages/page.aspx?lngnr=12&smap=090000&pnr=30.

created federal state. A deeper look, however, reveals that the Kurdish leadership began to see its entity as a de facto state. Increasingly, this consolidation, visibility, assertiveness and international legitimacy of the Kurdish de facto state alarmed Baghdad.

The unique geopolitical position of the KRI, issues of access to oil/gas transportation routes, economic independence and attainment of general economic goods, not to mention the upheaval in Iraq, were significant determinants in the KRI's foreign policy. Increasing concern over the future survivability, possible destruction and the loss of de facto independence pushed the KRI leadership to build independent foreign relations, including external economic relations, with variety of state and non-state actors. Hydrocarbon resources also played an important role in Kurdish foreign policy and diplomacy. The KRI signed independent contracts with a variety of IOCs and utilized oil/gas resources as an instrument of economic statecraft to build independent foreign relations with sovereign states. In addition, hydrocarbon resources allowed the KRI to add a new element to its foreign policy of self-justification: promoting its economic viability.

Turkey plays an important role in the foreign policy considerations of the KRI. KRI leadership views foreign relations with Turkey as extremely important for the continuous economic, military and political survival of the Kurdish de facto state, particularly in post-American Iraq. Thus, Turkey's de facto recognition of the KRI represented a major foreign policy success.

Moreover, between 2003 and 2011, the KRI added other factors which were evidence of its stateness and independency in foreign policy. For example, the fact that foreign consulates and offices of international organizations were established in Erbil, the expansion and professionalization of KRG representation offices abroad, and the signing of independent memorandums of understanding and protocols with several states and sub-state regions signified major foreign policy successes. These developments clearly confirmed the de facto recognition granted to the KRI.

8 Concluding Remarks

The emergence of the KRI was an accidental outcome of the Second Gulf War, international humanitarian intervention and the subsequent central secession of Iraq - when Saddam Hussein ordered the withdrawal of Iraqi state institutions from a delimited zone based on the March 1970 agreement between the KDP and the GOI. Secure in their region under Western protection, the Kurds of Iraq refrained from warfare with the central GOI or from declaring immediate independent statehood. Instead they focused their attention on building state-like institutions, such as an assembly and government. They also put in place essential institutions capable of providing a modicum of security and services to its population. In other words, the Kurds of Iraq focused on establishing de facto statehood.

After two decades of transition and frequent transformation, the KRI is a de facto state par excellence and an independent foreign policy actor. It has achieved a high degree of de facto independence and territorial control over most of its

claimed territory, including its capital, Erbil. The KRI has also clearly crossed the threshold of two years of existence proclaimed by the early theorists of the de facto state as an important criterion of de facto statehood. More importantly, there is a visible desire for independence within Iraqi Kurdistan. On 25 September 2017, the KRI conducted its first officially-sanctioned independence referendum.[1285] An overwhelming majority of the population, nearing 93 percent of the voters, supported secession or independence from Iraq. This fact thus distinguishes the KRI from autonomous regions, states-within-states, associated territories or entities with extensive autonomy. De facto states are often born from national liberation movements and transition into independent statehood often remains their aspiring goal.

This thesis argues that between 1992 and 2011 the KRI has experienced four major transitions. In the first five years of its existence, the KRI was an unrecognized de facto state and faced daunting internal and external challenges. Internally, the KRI's official domestic institutions did not exhibit a great ability or capacity to regulate or control the domestic setting of the region. Instead, the KDP and the PUK continued, in a de facto manner, to control or administrate their respective zones of influence in the KRI. The problems were compounded by the dual-effect of

[1285] Morgan Caplan, "For Iraqi Kurds, Trump Brings Hope for Independence," *Foreign Affairs*, 12 April 2017, accessed: 20 April 2017, https://www.foreignaffairs.com/articles/2017-04-12/iraqi-kurds-trump-brings-hope-independence; Keith Johnson and Emily Tamkin, "Kurds Finally Set Date for Independence Referendum," *Foreign Policy*, 7 June 2017, accessed: 7 June 2017, http://foreignpolicy.com/2017/06/07/kurds-finally-set-date-for-independencereferendum/?utm_content=buffer75b29&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer.

sanctions; one imposed by the international community, and the other by the GOI. Externally, although not totally ostracized, from its establishment the existence of the KRI was precarious. The Kurdish leadership constantly reiterated its commitment to a unitary federal and democratic Iraq. Despite this, the international community, particularly the neighbouring states, continued to view the KRI as the foundation of an independent state and as such were careful not to grant it de facto recognition. This lack of recognition partly prevented the official institutions of the KRI- KRG- from projecting any specific foreign policies - in other words, the KRI did not emerge as a unitary actor engaging in rational foreign policies in pursuit of its national interests.

Within this context, survival represented the major aim of Kurdish foreign relations. The KRI only benefited indirectly from foreign relations – which remained the preserve of the leading Kurdish political parties, the KDP and PUK, with each enjoying a set of independent foreign relations with regional and international actors. The KDP and the PUK were unable to withstand the pressures exerted by the governments of Turkey and Iran. In order to maintain a level of good-will, to assure the survival and prolong the existence of the KRI, the KDP and PUK cooperated with the governments of Turkey and Iran to contain the threat of Turkish Kurdish and Iranian Kurdish oppositionist groups fighting those governments. Moreover, the different groupings of the Iraqi opposition constituted a major vehicle through which the KDP and PUK established foreign relations, particularly with the Western world.

Foreign relations with the West were given significant weight and attention by the Kurdish political parties. The West, particularly the United States, the UK and

France were crucial for the continued survival of the KRI through their military protection from the Incirlik base in Turkey. To assure continuous protection, the Kurdish parties reframed their nationalist project, naming the KRI a democratic experiment as part of their foreign policy of self-justification. Lacking official, direct and independent external relations, the Kurdish leadership also strategically cooperated with Western media, think tanks, academics and individuals, and influential current and former officials in the West, to disseminate their message and protect Kurdistani interests: a policy which has continued to this day.

The descent into civil war as well as shattering some of the hard-won international sympathy towards the Kurdish cause, increased regional interference in the KRI with each leading Kurdish party building independent foreign relations with a group of actors composed of states and non-state actors. However, the KRI remained geographically intact, as the West continued to provide protection from Saddam's Iraq, and no actor moved to wipe out the KRI.

In the next five years, i.e. between 1997 and 2003, consolidation of the KRI became the primary aim of Iraqi Kurdish foreign relations. The end of the civil war, the peace agreement between the KDP and PUK under the auspices of the United States, and inclusion of the KDP and PUK in the list of legitimate Iraqi opposition groups (and therefore eligible for U.S. support), enhanced the political and military survival of the KRI. Moreover, the dynamics of the OFFP, which for the first time in modern Kurdish history allocated a reasonably large amount of funding to the Kurds, under UN tutelage, enhanced the economic survival of the KRI. These factors

enabled the divided KRGs, under the KDP and PUK, to focus on being governments rather than parties and achieve remarkable success. In its interactions with the rest of the international community, the increasing political stabilization and economic development enabled the Kurdish leadership to designate the KRI as a fine model for the rest of Iraq in its foreign policy of self-justification.

The U.S. intervention in Iraq in 2003 marked a significant turning point for the KRI. In Iraq's second state-building process, the KRI transformed into a recognized de facto state. This transformation paved the way for reunification and transformation of the KRI as a unitary actor both internally and externally. Internally, the KDP and PUK reunified the two KRGs, established the office of President and renewed the legitimacy of the KNA by conducting a fresh election and selecting a new KNA. Externally, the KRI's official institutions increasingly replaced the parties as official foreign policy-makers, articulating rational foreign policies and presenting a united diplomatic voice to the outside world in pursuit of Kurdistan national interests. This thesis has argued that between 2003 and 2007, image-building, or brand-building, was the KRI's key foreign policy goal. The KRI attached primary importance to demonstrating its respect of international hegemonic values such as democratization and protection of the right of minorities, welcoming and sheltering IDPs escaping the violence in the rest of Iraq, particularly those from the minority groups. It also gave attention to freedom of the press and women rights. The KRI endeavored to prove its effective statehood by exhibiting the signs of law and order, stability and security prevalent in the region. It also aimed to demonstrate its ability to act as a factor for

stability and security in Iraq, and the rest of the region, by cooperating with the U.S.-led coalition forces in the fight against insurgency and terrorism in Iraq. Moreover, the image-building was directly related to attracting FDI partly as a means of rebuilding the destroyed infrastructure of the KRI, and to maintain the support of the general population by improving the level of general services.

After 2007, however, this thesis argues that the KRI transformed into an independent foreign policy actor. The planned withdrawal of the Kurdish semi-patron from Iraq - the U.S. forces - which occurred in December 2011, increasingly alarmed the Kurdish leadership over the possible loss of de facto independence. To assure the economic survival of the KRI, the Kurdish leadership asserted sovereignty over hydrocarbon resources, signed independent contracts with IOCs and intensified its lobbying efforts to attract FDI into the region. The KRI utilized oil/gas as a tool to prove its economic viability and achieve economic independency. The KRI also utilized oil/gas resources as an insurance policy against the loss of de facto independence by building independent foreign relations with sovereign states, tying the interests of other states with those of the KRI and, in the process, ensuring the survival and security of the KRI. Building independent foreign relations with Turkey as a significant regional force after 2007/2008 represented a major foreign policy success as Turkey could play a leading role in ensuring the political, military and economic survival of the KRI. In this regard, Turkey played a major role in the development of the oil/gas sector in the KRI, while the President of the KRI mediated in the ongoing peace process in Turkey. The KRI also demonstrated other aspects

of its stateness and the capability to enter into independent foreign relations with other states by expanding and professionalizing its foreign representations abroad, opening of foreign consulates in Erbil, and signing independent agreements with states and sub-state regions.

As the Kurdish case clearly shows, although not totally accepted in the international system as fully sovereign states, de facto states are still able to project foreign policy in pursuit of certain goals and objectives. Indeed, the existence of de facto states in important geopolitical, geo-economic and geostrategic regions on the one hand allows them to project foreign policy, while, on the other hand, it forces sovereign states to find ways of interacting with them in pursuit of their national interests.

The KRI post-2003 is clearly different from previous times in terms of its acknowledgement as a recognized de facto state within the borders of the Iraqi state, and the wider role its now plays in the international relations of the Middle East. With the demise of the strong Baathist state, Kurdish political parties merged their administrations, strengthened their monopoly on legitimate means of violence within their territory and possibly, for the first time in Kurdish history, presented a united front, thereby turning the KRI into a unitary foreign policy actor. From 2003 to 2011, the executive institutions of the KRI presented a single diplomatic face to the outside world, articulating a certain set of national interests which they pursued and elevated above all other partisan, sectarian or domestic political interests.

However, there are enduring determinants providing the underlying structure for KRI's foreign policy and its foreign relations with the outside world. These include internal as well as external factors. Domestic political dynamics include the still contested question of the KRI's future; whether it can make the transition toward independent statehood or will be forced to remain as part of Iraq. This leads to how the KRI ought to protect its de facto independence and deal with federal authorities in Baghdad; an issue which is seen as a matter of foreign policy for the KRI leadership. Secondly, it concerns the rivalry or competition between major Kurdish political parties, particularly the KDP and PUK, and several other Kurdish political groupings which have recently emerged. Indeed, because Kurdish political groupings have exercised great influence on the Kurdish nationalist liberation movement, they have retained considerable influence in the processes of foreign policy-making and KRI's foreign relations after 1991. Thirdly, whilst it is beyond the scope of this research, and possibly an interesting area for future study, individual Kurdish leaders have exercised and continue to assert a great amount of influence on the KRI's foreign policy. From 1975 onwards, Masoud Barzani and Jalal Talabani[1286] became the most prevalent and well-known figures in the Kurdish nationalist movement in Iraq and its foremost spokespersons. Thus, these leaders' perceptions, personalities, characters, beliefs, values, psychology, views of history, motivations and attitudes could be counted as having an important bearing on the KRI's foreign policy. Moreover, a duality can be identified in the way Kurdish political

[1286] Jalal Talabani passed away on 3 October 2017.

parties continue to enjoy foreign relations with several actors beside the official foreign policy articulated and executed by the highest executive authorities of the KRI - at least in the regional context. Moreover, the politicized Kurdish identity, particularly the power of pan-Kurdish nationalism, and the dispersal of Kurds in the neighbouring states function as powerful determinants of foreign policy of the KRI.

The domestic political dynamics overlap with or reinforce the insecurity generated by the KRI's peculiar geopolitical location. The KRI is a small sized entity both in terms of its geography and population. Additionally, as well as the rest of Iraq, the entity borders the two most powerful and influential regional powers in the Middle East (Iran and Turkey), from the East and Northwest respectively, not to mention Syria from the West. With these states containing large and restive Kurdish minorities, the existence of the KRI creates immense sensitivities for the governments of these states, thereby causing a unique set of challenges for the KRI. While neutrality or alignment with a neighbouring large state can appear as an attractive foreign policy choice, the KRI's situation is much more complex - with both states endeavoring to increase their influence on the entity, while at the same time cooperating to prevent its transformation into an independent state.

Other facets of geography with a direct influence on the KRI's foreign policy include the lack of access to sea ports. The KRI is landlocked and therefore needs to build good relations with neighbouring states which have access to a coastline. Even though hydrocarbon resources - gas as well as oil - play an important role in the foreign policy and diplomacy of the KRI, access to ports enabling the exportation of

hydrocarbon resources through pipelines that run into neighbouring countries (mainly Turkey, but also potentially Iran, Syria, or even the rest of Iraq) is an important determinant of KRI's foreign policy. National capacity, often defined as military preparedness, its technological advancement and economic development have a profound influence on its foreign policy. Being denied independent statehood disables the KRI from acquiring the military hardware and weapon systems needed to protect its existence. Therefore, being unable to substantially develop its internal military capabilities, the KRI must constantly look for external alliances and balances to protect the entity or deter its parent state. In addition to advancing the well-being of its populace and attracting much-needed international investment, the KRI must avoid armed clashes and attempt to create a safe and stable environment for investment, to continue its path of economic development. The lack of protection by international law could be added as an important foreign policy determinant for the KRI. Lacking international legal sovereignty often means that not only are de facto states not protected by international law, but also their de facto autonomy and domestic sovereignty is threatened. Therefore, a significant portion of foreign policy conducted by de facto states such as the KRI is directed toward constant negotiations with sovereign actors, in search of patron states willing to use their power or clout to guarantee the continued existence of the entity.

The case of the KRI demonstrates that further research is needed on the foreign policy component of de facto states. The theoretical framework of de facto statehood, and the literature of FPA, lacks in-depth analysis of foreign policy as an

important form of political action in de facto states. What is particularly lacking is a deeper understanding of the various determinants particularly at the level of individual and state analysis, influencing foreign policy decision-making of elites presiding over de facto states.

Twenty-five years have passed since the KRI took the initiative to establish its first institutions. Since then, the KRI has become a much more consolidated entity and a prevailing reality in territorial, political, military and economic terms. It remains to be seen whether the KRI will make the final transition to realize that most important goal of national liberation movements: achievement of independent sovereign statehood. More importantly, though, whenever the KRI moves ahead with announcing its total independence and separation from Iraq, foreign policy will surely play a major role in the realization of independence, particularly in the context of gaining foreign diplomatic recognition for the nascent Kurdish state. Foreign policy will also be significant in protecting the nascent state from any security, economic and political repercussions of independence.

The future of the KRI will probably be determined by the dynamics of regional politics in the Middle East. War, conflict, violence and sectarianism have become common characteristics in Iraq, Syria and Yemen. The KRI has not only managed with Western help to safeguard its territorial control, de facto independence and sovereignty, but also for now asserts territorial control over most of its claimed territories including Kirkuk. The KRI currently enjoys positive, productive and deep foreign relations both regionally and internationally. Since its establishment,

particularly after 2003, the KRI has been keen to project itself as a status quo actor by constantly refraining from interfering in the Kurdish issues of neighbouring states. While the KRI is still besieged by a set of deep internal and external problems, it remains to be seen if it can achieve an amicable divorce from Iraq and gain substantial recognition of its independence. Within this context gaining recognition of its independence from its parent state – Iraq – from the neighbouring states, particularly Turkey, major powers such the United States, UK, France, Russia, China and Germany, and indeed from major regional and international organizations such as the EU and the UN would be crucial for its entry into the international system as an independent state.

Regardless of the outcome of the independence referendum, the political developments over the last two decades indicate that the KRI is committed to take full responsibility over its future destiny and the goals of its foreign policy for the years to come. In short, the KRI is no longer an object to serve the national interests of other powers, but has transformed into a subject of history, in the sense of assuming control of its own destiny.

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10 Official Documents

The Text of the Executive Order Establishing the KRG Department of Foreign Relations

Kurdistan Regional Government – Iraq

Council of Ministers

Council Secretariat

No: 143

Date: 25 / 01 / 2009

Official Order

Pursuant to Paragraph 4 of Article 121 and relevant Paragraphs and Articles of the permanent Constitution of Federal Iraq, with reference to Article 22 of the Kurdistan Regional Government Council of Ministers Law No. 1 of 15 June 2006, we have decided the following…

First – The Department of Foreign Relations is a Department that falls under of the Premiership of the Council of Ministers of the Kurdistan Region of Iraq, and performs the duties outlined below:

A – Strengthening the position of the Kurdistan Regional Government with foreign countries in the fields of politics, culture, social affairs, economy, and development, in coordination with the Ministry of Foreign Affairs of the Federal Republic of Iraq.

B – Supervising the Kurdistan Regional Government's overseas offices and endeavoring to strengthen KRG relations, in coordination with the Ministry of Foreign

Affairs of the Federal Republic of Iraq.

C – Facilitating the missions of foreign representatives within the Kurdistan Region, and endeavoring to promote the Region's bilateral relations, in coordination with the Ministry of Foreign Affairs of the Federal Republic of Iraq.

D – Supervising the visits of foreign delegations to the Kurdistan Region by providing assistance with accommodation and agendas, and coordinating with relevant KRG authorities and also with the Federal Government of Iraq.

E – Ratifying and authenticating documents and powers of attorney for citizens of the Region, as well as such documents belonging to members of our diaspora overseas that have been approved by KRG representatives abroad or Federal Iraqi Government Consulates or Embassies, for use within the Kurdistan Region, in coordination with the Ministry of Foreign Affairs of the Federal Republic of Iraq.

F – Ensuring that the Kurdistan Regional Government's message reaches the outside world through the Kurdistan Regional Government's official website and by strengthening ties with effective foreign media.

G – Coordinating with United Nations Agencies and international organizations in the Kurdistan Region whose nature of work requires such coordination with the Department of Foreign Relations.

H – Cooperating and coordinating with relevant institutions and authorities at the

Kurdistan Region level, and functioning as a focal point with the objective of cementing institutionalization.

I – Cooperating and coordinating with international companies and foreign investors in order to stimulate economic activity and enhance investment in the Region.

J – Organizing KRG relations and contact with the Ministry of Foreign Affairs of the Federal Republic of Iraq, through the office of the Head of the Department of Foreign Relations, to ensure KRG participation in international events and activities.

Second – The department consists of the following directorates:

1. Directorate of International Relations in the Region: An official with at least a bachelor's degree leads this directorate, and supervises the bilateral affairs of the Kurdistan Regional Government with foreign countries, and also organizes all fields of KRG coordination with foreign representatives posted in the Kurdistan Region.

Second- This directorate consists of two sections:

A) Foreign Relations Section

B) Foreign Representation Offices in the Kurdistan Region Section

2. Directorate of KRG Offices Abroad: An official with at least a bachelor's degree leads this directorate, and organizes and coordinates relations between the KRG representatives abroad and the various KRG departments and

ministries in the Region. He/She also supervises the activities of KRG foreign representatives abroad in the fields of culture, social affairs, and development. This directorate consists of two sections:

A) Cultural Section

B) Development Section

3. Directorate of International Organizations: An official with at least a bachelor's degree leads this directorate, and supervises affairs with the United Nations and international governmental and non-governmental organizations, and endeavors to strengthen and develop KRG relations with international organizations and United Nations Agencies.

This directorate consists of two sections:

A) International Organizations Section

B) United Nations Agencies Section

4. Directorate of Protocol and Delegations: An official with at least a bachelor's degree leads this directorate, and oversees the affairs of foreign delegations invited to the Region by the KRG, including the preparation of itineraries and the provision of necessary logistical arrangements.

This directorate consists of three sections:

A) Protocol Section

B) Translation/Interpretation Section

C) Logistics Section

5. Directorate of Legal Affairs: An official with at least a bachelor's degree in the field of law leads this directorate, and supervises legal affairs and the ratification of documents and powers of attorney for citizens and expatriates, inasmuch as they are related to the Kurdistan Region, in coordination with the Ministry of Foreign Affairs of the Federal Republic of Iraq.

This directorate consists of two sections:

A) Legal Affairs Section

B) Documentation Section

6. Directorate of Media and Communications: An official with at least a bachelor's degree leads this directorate, and ensures that the KRG message is transmitted to the international community, supervises the KRG website and media affairs, and also extends necessary assistance and facilitation to foreign journalists.

This directorate consists of two sections:

A) Public Relations Section

B) KRG Website Section

7. Directorate of Administration and Finance: An official with at least a bachelor's

degree leads this directorate, and supervises and organizes the administrative, financial, auditing, personnel, and related services within the Department.

This directorate consists of three sections:

A) Administrative Section

B) Financial Section

C) Auditing Section

Signed by

Nechirvan Barzani

Prime Minister

Kurdistan Regional Government

cc: Presidency of the Kurdistan Region / Correspondence No. 531, 24 December 2008

KRG Ministries

Departments under the Premiership of the Council of Ministers

Council Secretaria

11 Appendices

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10.2 APPENDIX B: OIL FIELDS IN KRI AND IRAQ 574

11.1 Appendix A: Map of Iraq

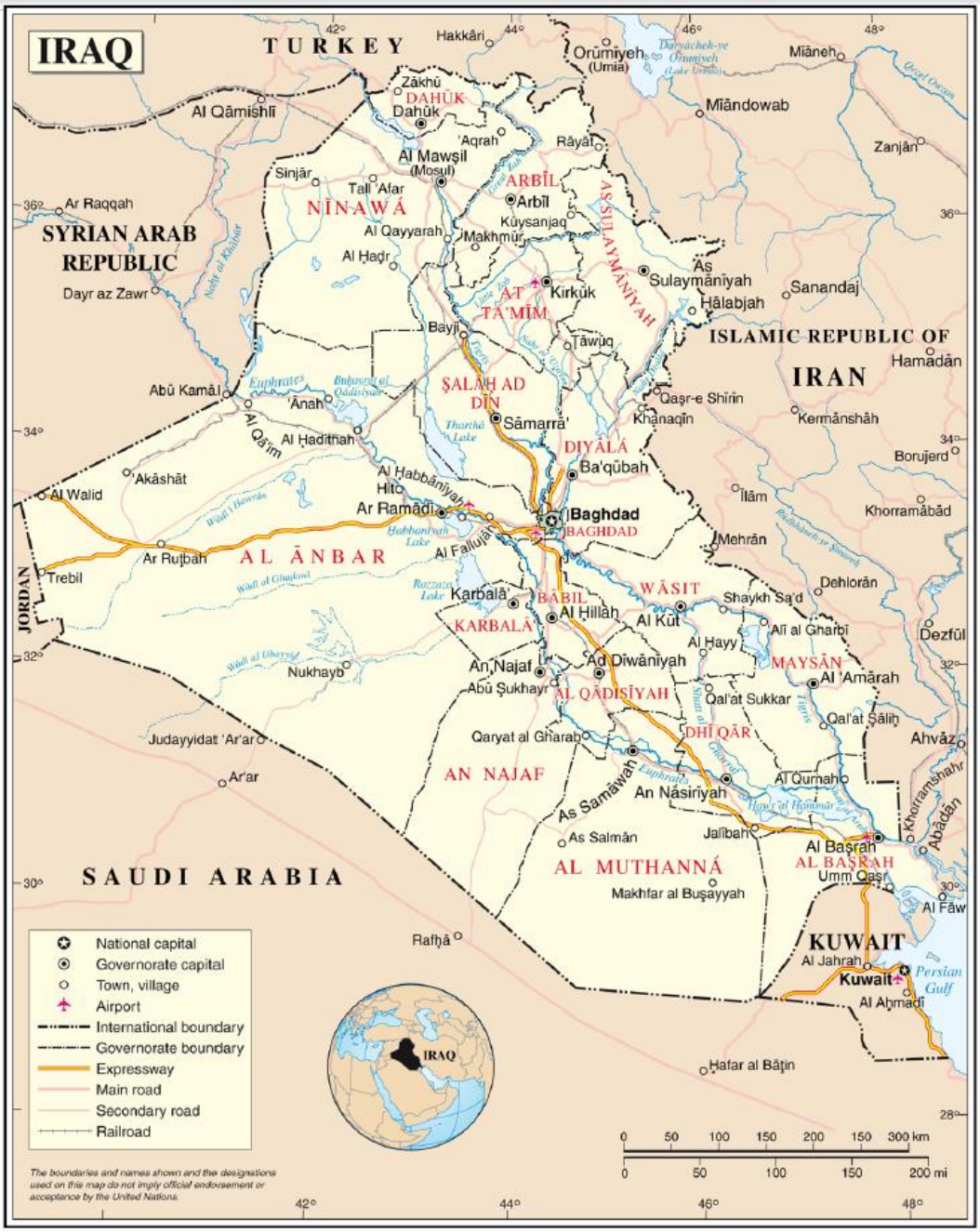

Figure 2: Map of Iraq. Source: Map No. 3835 Rev. 6 United Nations. January 2004.

11.2 Appendix B: Oil fields in KRI and Iraq

Figure 3: Oil/gas fields and pipelines: KRI and disputed territories. Source: "Iraq and the Kurds: Trouble along the Trigger Line," *International Crisis Group. 2009. Last accessed at: https://goo.gl/I7iVto on 4 June 2017.*

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