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## **Referendums as a Political Party Gamble: A Critical Analysis of the Kurdish Referendum for Independence**

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### **Abstract**

*This article brings the case of the Kurdish referendum for independence into the wider literature on independence referendums. It examines the decision to hold an independence referendum and explores the pre-referendum conditions and the post-referendum consequences. The article argues that the referendum in the Kurdistan Region of Iraq was held due to internal political competition and growing rebellion from the population against the poor economic and political situation rather than the ripeness of the timing for independence. Theoretically, this article adds a new dimension to the scholarship on independence referendums, as it demonstrates that the purposes of independence referendums can go beyond the question put to the population - such as consolidating popular support by connecting to the populations' nationalist desires, despite independence not being a realistic prospect. Finally, it brings further support for previous findings of the importance of international support for independence referendums.*

**Keywords:** Independence Referendums, Kurds, Iraq, Unrecognised states, Nationalism, Secession

## **Introduction**

The Kurdistan Region of Iraq (KRI) can be considered as a *de facto* state since the early 1990s and its autonomy has only increased since the US invasion of Iraq in 2003; however, full independence has remained illusive. In September, 2017, the Kurds held an independence referendum, which despite huge popular support came at a time of political, economic, and regional troubles and without the backing of the international community or Baghdad. The conditions were thus far from ripe for such a radical move and as a result, the Kurds are actually further from independence than any time since 2003. This article postulates that more than an actual bid for independent statehood, the referendum was a way for the ruling party to reverse the trend of declining support and thus hold on to power, and improve its negotiating position within Iraq – a gamble, that has paid off only partially.

Qvortrup argues that ‘referendums are increasingly becoming vehicles for political change’ (Qvortrup, 2018a: 1). Indeed, considering the recent developments in Catalonia, New Caledonia and Bougainville, it can be argued that independence referendums are becoming all the more popular worldwide. They can be used to achieve independence – if successful and carried out with the host state’s support or by the host state – or to take the steps that would launch negotiations for independence – if they are held by those seeking to secede (Collin, 2019). Additionally, independence referendums can be used by *de facto* states to achieve recognition or to generate internal legitimacy as a way to proceed with hard or soft statebuilding (Scheindlin, 2012: 66). They can be held unilaterally by the *de facto* entity seeking to form a state, or they can be held after a bilateral agreement with the central government. Referendums can also serve symbolic purposes with no intention of declaring independence, or they can be

used to provide political justification to secessionist claims and to galvanize consent from the central government as well as the international community (Scheindlin, 2012: 66-67).

The result of the 2017 referendum for independence of the KRI was overwhelmingly in favor of independence with 92.7 percent of the 3.3 million voting in favor with a 72 percent turnout (Sumer and Joseph, 2018: 6). Yet it neither led to independence nor launched negotiations on the matter, but instead led to a serious reduction in both autonomy and future possibilities of independence. As argued by Scheindlin (2012), sometimes, although political elites know that they are unlikely ‘to advance externally recognized sovereignty’, they still proceed with a popular vote in order to strengthen internal sovereignty (Scheindlin, 2012: 67). It then becomes imperative to ask what were the motivations behind the KRI referendum and what were the desired consequences? In other words, what was the Kurdistan Regional Government (KRG) hoping to achieve by holding a non-binding referendum for independence? Is it one of those cases where the referendum is used as a ‘statement of political intentions’ that aims at revealing political goals that are half-baked or is it an example where the referendum is a clear cut statement for self-determination (Scheindlin, 2012: 67)? In this article, we argue that it was neither and that the main reason behind the referendum was for party gains within the internal political fight for power, making independence a secondary notion. Consequently, this analysis introduces a new dimension to the understanding of the use of independence referendums.

In order to understand this new dimension, the article focuses on the conditions that led to the perceived political need for the referendum, the dynamics that led to the

referendum's failure, and the repercussions of the referendum, which are also linked to the lack of international support for independence. In this regard, we follow Lee and Mac Ginty's (2013: 59) argument that the success or failure of any referendum depends on the wider political context rather than the specific moment that the referendum is held. Focusing on the broader political context in the KRI, this article argues that the referendum was held due to internal political competition and growing rebellion from the population against the poor economic and political situation rather than the ripeness of the timing for independence. Previous studies clearly demonstrate that in the case of the lack of international support, political entities that seek independence might end up becoming an isolated unrecognized state, which in turn can lead to the conflict becoming a protracted one (see Kolstø, 2006). In line with these arguments, this article claims and demonstrates that if independence referendums are not backed by the central government or the international community, they might not only worsen the situation by causing loss of already existing autonomy, but also decrease the chances of gaining independence in the foreseeable future. This article further argues that, in the case of the KRI, the idea behind the unofficial and non-binding referendum was also to negotiate a better deal with the Iraqi central government to ameliorate the pre-referendum situation and potentially keep control of the territories gained in the fight against the Islamic State (IS) by using the prospect of independence as a bargaining chip; however, this resulted in a significant political miscalculation that has seen much of the Kurdish gains since the US invasion of Iraq in 2003 reversed. The Kurdish vote visibly revealed a great deal of support for independence and showed that many Kurds desire independence as an ultimate political goal; however, the consequences of the referendum also revealed the internal divisions among political parties in the KRI, lack of international support for Kurdish independence, and most importantly, the KRI's

dependence on Baghdad. Nonetheless, if, as this article argues, the leading reason for the referendum was for party gains, rather than Kurdish gains, in this regard the referendum can at least be seen as a success.

The cases of Scotland, Sudan, and Catalonia clearly point to the need for an urgent academic commitment to provide a more thorough understanding of referendums and partition. As Qvortrup states, referendums were usually used in exceptional circumstances; however, more recently countries are increasingly using ‘direct democracy’ as a way to let out ‘political steam’ and, therefore, better legitimize the political elites’ actions and systems (Qvortrup, 2018a: 15). In this regard, this article also brings together the broader literature on independence referendums, and referendums more generally, in order to help further the understanding of the process, which is discussed next.

### **Referendums and Conflict Management: From Peace Settlements to Secession**

There has been a significant interest in the use of referendums as a conflict management and resolution tool in divided societies (Qvortrup, 2018b; McEvoy, 2018; Lee and Mac Ginty, 2012; Mac Ginty, 2003) For instance, referendums were held in Burundi, Cyprus, Northern Ireland and South Africa to legitimize power-sharing pacts by popular vote (McEvoy, 2018: 865). Eritrea, Colombia, Cyprus and East Timor can be given as examples of such cases where referendums were in one way or another perceived as tools for ending conflicts. In some cases, referendums are used for determining the status of a given territory, such as independence referendums, which determine whether the territory should become a sovereign independent state; and in some others to give a popular vote on specific aspects of a conflict resolution process

such as peace settlement referendums (Amaral, 2018: 358). They, however, do not always create the intended results as each case has its own peculiarities. For instance, in the case of Colombia, the referendum over the peace process actually delayed peace (Gomez-Suarez, 2017) while in the cases of South Africa and Northern Ireland referendums ended conflicts peacefully (Lee and Mac Ginty, 2012: 44). Referendums can also be used to establish new states, revising constitutions or creating new ones as well as for establishing sub-autonomy (McEvoy, 2018: 865). The cases of New Caledonia and Bougainville are the most recent examples to demonstrate the power of referendums in creating new states (Collin, 2019: 139; Qvortrup 2018b). Furthermore, it can be said that by defining a certain territory and a people who belong to that place, referendums play a vital role in nation-building (Tierney, 2012: 366).

Lee and Mac Ginty (2012) argue that the jury is still out whether referendums can be considered a cure for the resolution of ethnonational conflicts. As much as it has the potential to end conflicts, a referendum can also trigger violence and create a vicious cycle of competition for power. Mac Ginty (2003: 3) has previously argued that referendums in profound ethnonationalist conflicts actually create losers and winners, resulting in zero-sum outcomes. In Collin's (2019: 139) words, referendums are 'flashpoints for electoral violence, freezing of conflict and returns to war.' The cases of East Timor and South Sudan are examples of how referendums can trigger the escalation of violence rather than mitigating conflict (Levy et al., 2018: 8), whilst the referendum in Bougainville, on the other hand, successfully mitigated the conflict (Levy et al., 2018: 39). In addition, Qvortrup (2018b; 3) underlines that scholars are skeptical when it comes to utilizing referenda to resolve issues that create major cleavages in society. Despite all this criticism, Qvortrup (2018b; 4) suggests that not all

referendums are bearers of bad news. He suggests that if the conditions allow, for instance in the case of the presence of international support and consent from both sides of the conflict involved, referenda are more likely to be successful. In the cases of Northern Ireland and Montenegro, for instance, pre-negotiated settlements and both sides implementing their parts mentioned in agreed guidelines brought an end to conflict. Lee and Mac Ginty (2012: 44), in this regard, urge caution in utilization of referendums in conflicts and argue, ‘the circumstances in which a referendum is held are the key to whether a referendum can be deemed a conflict amelioration tool.’ They add that ‘referendums in South Africa, Northern Ireland and southern Sudan were pushing at doors that were already open’ (Ibid: 44) and the results might not be the same for cases that follow. As Levy *et al.* (2018: 8) argue, ‘even if violence does not occur, the spirit in which a referendum is conducted can have an important bearing on the spirit in which it is implemented.’ Therefore, the process that makes up the prelude to the referendum matters as much as the referendum itself. In this respect, ‘referendums held before a settlement has been reached are often unproductive and at worst dangerous’ (Qvortrup, 2018b: 4) and a successful referendum can more often than not be ‘politically constructed’ with pre-negotiation phases (Lee and Mac Ginty, 2012: 45). This is a particularly important point to highlight with regards to the referendum in the KRI, where no settlement was reached with Baghdad and the referendum was seen to precede rather than follow negotiations.

It is also important to note that ‘standard referendum campaigns often merely amplify the voices of contending and entrenched political parties and elites’ (Levy *et al.*, 2018: 7). Although conflicts are multi-layered with multiple actors with diverging interests, a single question asked at a referendum to solve highly complex issues usually



suppresses the voices of people who are open to more moderate solutions (Mac Ginty, 2003: 3). At the same time, uniting around a cause and homogenizing variety might become a necessity for both sides to strengthen their fronts, which eventually creates more room for intra and inter-group competition within a given conflict (Ibid).

### ***Independence Referendums and Contested Sovereignty***

As Mac Ginty (2003: 3) notes, ‘the utility of referendums becomes infinitely more complex in situations of ethnonational conflict, particularly if deployed in relation to territorial or sovereignty issues.’ Nevertheless, increasingly political elites who support self-determination demand central governments to hold referendums, as it is believed that ‘referendums reveal the views of the people in a direct manner’ and ‘epitomize popular sovereignty’ (Guibernau *et al.*, 2013: 1). Therefore, they create legitimacy for secession and make a powerful statement with regards to popular will and direct democracy. As Qvortrup’s (2018b: 1) research shows, ‘previously referendums on independence have been held in over 50 cases’. In some of these cases referendums were held following a negotiated settlement but in others there were no agreements between the conflicting parties. Most of these referendums were held in ‘under less than ideal conditions and in countries with less than impressive track records of free and fair elections’ (Qvortrup, 2013: 5). When it comes to the consequences of independence referendums, central states rarely agree with the results (Cetra and Harvey, 2018: 18; Qvortrup, 2013: 5) and this happens not only in non-democratic contexts but in democratic countries too (Qvortrup, 2013: 6). The case of Catalonia and the reaction of the Spanish government, for instance, are a testimony to the above (Cetra and Harvey, 2018). Nevertheless, civil war or unrest does not always occur after independence referendums; indeed in many cases secession has also been achieved through a

‘peaceful political divorce’ (Qvortrup, 2014: 61). Additionally, as in the case of Quebec, Scotland or New Caledonia, the results of independence referendums might not favor secessionists (Collin, 2019; Guibernau et al., 2013).

We are particularly interested in cases where a certain territory has been given autonomy with a prospect of an independence referendum when the dust of the conflict settles. In such cases where a deferred independence referendum (officially or unofficially) becomes part of the conflict resolution process, ‘secessionists often demand referendums on independence, and the deferral gives states opportunities to prepare and persuade voters to opt to remain’ (Collin, 2019: 139). Cetra and Harvey (2018) demonstrate that states mostly allow independence referendums when they have strategic interests in it and when they are confident that the referendums will not result in partition. In other cases where states feared threats to their territorial integrity, they blocked these referendums from happening as in the cases of Iraq (with the disputed territories) and Western Sahara (Collin, 2019: 142). The possibility of holding a referendum for independence then might derail conflict resolution efforts in the long run. Furthermore, there might be two problems with peace plans that include independence referendums ahead: internal problems within the territory that is to be separated, such as South Sudan; and the tensions between the territory and the central state, for example Iraq, the KRI and the disputed territories (Collin, 2019).

With regards to international recognition of referendums, the crux of the matter lies at the unilateral or bilateral nature of referendums. According to Qvortrup (2018b: 6), unilateral independence referendums constituted the majority since the 1980s and only in a few cases the referendum resulted in recognition of the new state by the

international community. He specifically underlines that the three ‘democratic’ permanent members of the UN Security Council play a critical role in terms of international recognition of new states (Qvortrup, 2018b: 12).

In the light of these discussions, there are several aspects that are relevant to the analysis of the KRI case. Firstly, the referendum was not part of a negotiated settlement and it was put forward unilaterally by the Kurdish side. Secondly, the referendum was not held ‘in good spirit’ with political battles between the KRG and Baghdad, Turkey and Iran. Thirdly, the KRG did not intend to declare independence straight away, but instead aimed to increase its bargaining power with the central government in Baghdad. Finally, the international community was not supportive of the referendum regardless of its non-binding result. Despite some commonalities, the KRI case is also distinguishable from recent independence referendums such as the Catalan or Scottish cases. First of all, the recent history between the KRI and Baghdad is marred by authoritarianism and oppression of Kurdish nationalism and self-determination. Spain, for instance, has a democratic government and scholars argue that Catalonia’s referendum was extra-constitutional from a purely legal perspective (Qvortrup, 2018b: 11). Moreover, hostile neighbors who want to curb its ascending power surround the KRI and without consent from both regional and international actors, independence is an unattainable task, an issue that is discussed next.

### **The International Community, Secessionist Movements and Independence Referendums**

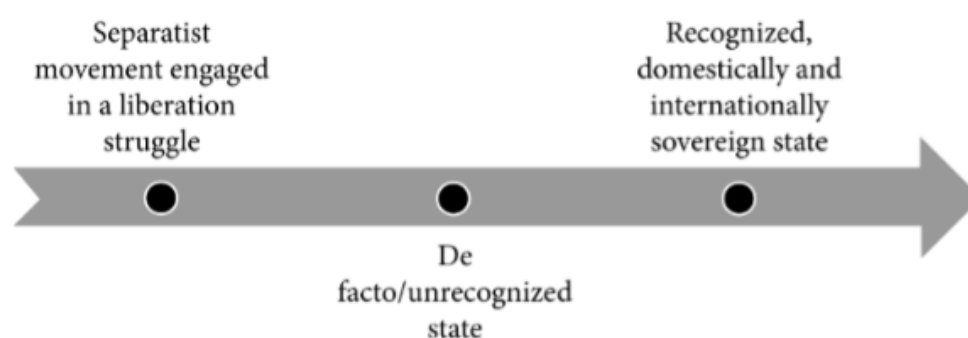
Ethnic wars between an incumbent government and ethnic challengers can be distinguished according to the goals of the insurgents: whether they want to replace the

existing government with a new regime, or to create a new sovereign nation-state or autonomous region out of a portion of the existing one (see Mason and Fett, 1996). Ethnonational conflicts ‘whose protagonists aim at establishing a new ethnic state or autonomous region ... are among the most-deadly and protracted of all ethnopolitical conflicts’ (Gurr, 2000: 276).<sup>1</sup> Western governments are still very much ambivalent when it comes to supporting partition to end civil wars (Johnson, 2008). At the normative level, there is a clash between respecting territorial integrity of nation states and acknowledging the right to self-determination. This could to a certain extent explain the ambiguous approach of the international community to various conflicts such as Nagorno-Karabakh or Catalonia today. It can be argued that changing borders in order to settle conflicts might seem too messy for the international actors as successful secession might trigger others to demand the same and in most cases, this does not happen without a violent conflict. Partition and separation are hence seen as a last resort to solve the ‘most intense ethnic conflicts’ (Kaufmann, 1998: 120).

Secessionist claims to statehood can often be placated with much less, including regional autonomy, federalism and power-sharing at the center. A generous offer for autonomy might prevent the political entity seeking secession to settle and drop its demands (Cederman et.al, 2015). In reality, however, there is always a chance that the situation might regress with the change of leadership, shift in geopolitical balances as well as with the new opportunities that might arise, for instance, if the base state becomes weaker (see Li, 2002; Cederman et.al, 2015). In some cases, the political entity that demands secession might look for ways to legitimize its demands and holding referendums in favor of partition can give a clear mandate for independence. This situation creates a complexity for the international community: ‘recognizing a

referendum may be a prelude to recognizing the state' (Scheindlin, 2012:79) and not recognizing it might worsen the conflict situation and cause escalation of war. As we have seen in the KRI case; however, a referendum in favor of independence does not automatically translate into a declaration of independence.

Figure 1. The Secessionist Continuum



Source: Voller (2014:15)

Voller (2014: 15) explains how one can imagine a secessionist continuum that starts with the liberation struggle of a certain community and ends with independence as a recognized state (Figure 1). In this continuum, becoming a *de facto* state is between these two ends and entails certain autonomy from the central government, but the lack of domestic and international recognition as a sovereign state. The contested sovereignty issues might in the end lead to a peaceful and successful transition to the latter or they might keep causing conflict until there is a regression and a backward movement on the continuum.

Quasi-states like the KRI, which have a degree of *de facto* independence but have not declared independence, have a tendency to survive for a long time (Kolstø, 2006). They stay in this limbo situation while functioning relatively well and continuing with a state

and nation-building process in the meantime. They form state-like institutions, separate judiciary, police and health systems and even an army that operates under their rule. The limits of their progress, nevertheless, rely on their dependencies on the economic aid and political support from the international community, their base state's attitude towards their development and, finally, the patron states' (if any exist) approach towards them (Caspersen, 2013). Since the early 1990s the KRG also engaged in nation and state-building processes hoping to move towards the ultimate goal in the secessionist continuum (Voller, 2014), and, as argued in this article, it made a miscalculated move, or a move for reasons other than independence, which in the end caused it to regress towards the other end of the continuum.

### **The Kurds and *De Facto* Statehood**

The KRI has been referred to as a *de facto state* by academics and experts due to its special status within the borders of Iraq (Voller, 2014; Soguk, 2015). Authors such as Nina Caspersen (2013), for instance, define the KRI's status as a case of 'incremental secession': an entity that has not declared independence but functions independently and displays aspirations for statehood. The KRI gained an autonomous status in the early 1990s – which was interrupted by a civil war between the two main Kurdish political parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP), from 1994 to 1997 – and turned into a 'quintessential *de facto state*' after the US-led invasion of Iraq (Voller, 2014: 12). The KRI has its own parliament and an independently functioning judiciary; moreover, it has more than a dozen diplomatic representations around the world, which act like *de facto* embassies. It has its own international airport and the capital, Erbil, hosts numerous international representations that carry diplomatic relations with the KRG. At the same time, authors such as Soguk

(2015: 959) argue that the 'KRG appears to defy the conventional trajectory definitive of state-building in the post-colonial era in that it is empirically emerging as a sovereign without constitutionally seeking recognition as a sovereign'. Kurdish aspirations for statehood, however, have never been a secret. On the contrary, many Kurdish movements have tried to achieve independence and rebelled against sovereigns and states over the last two centuries (Park, 2018; Soguk, 2015). What is different about the KRG is that they cooperated, at different levels, with the Iraqi central government in Baghdad for a decade, postponing these aspirations due to strategic disablers in the way of independence. The KRG, on the surface at least, seemed to have accepted its status as a quasi-state since 2003 and continued its para-diplomacy efforts within the realms of the political and economic space that it carved for itself despite its landlocked territorial situation and the geopolitical dynamics of its position within the Middle East.

As Natali (2015) argues, an autonomous KRG was a by-product of failed Iraqi-statebuilding policies and it has gradually evolved into a quasi-state. In post-Saddam Iraq, the KRI has advanced in many areas including economically and politically. Due to the dynamics created by the no-fly-zone following the first Gulf War, Kurds were in a strong position to act as allies during the US-led invasion of Iraq in 2003 and managed to negotiate for an autonomous region within the 2005 Iraqi constitution, as well as being able to attract significant economic investment (Berwari and Ambrosio, 2008; Jüde, 2017). The Iraqi constitution of 2005 gave the Kurds the rights to form their own parliament, appoint their own President and Prime Minister, as well as giving them control of their territorial borders and a representation in Baghdad (Sumer and Joseph, 2018: 2). The relative stability in the KRI, the opening up of the markets, the exportation of hydrocarbons, and the international presence resulted in an economic

boom in the KRI in the 2000s. For example, the economic growth rate between 2004 and 2009 varied between 8 and 25 percent (Jüde, 2017: 853). The KRG also managed to establish good relations with its neighbors including Iran and Turkey and made them its largest trade partners since it was aware that it was inevitably dependent on these countries to survive economically and politically. As these relations developed, however, the relationship between the central government and the KRG started deteriorating following disputes over the situation of Kirkuk, oil related issues, the payment of the Peshmerga – the Kurdish army – and the budget. This deterioration, combined with the internal power struggles and economic crisis, resulted in calls for independence via referendum being brought back to the political agenda (Smith and Shadarevian, 2017:4).

### **Intricacies of State-building in the KRI: Economy, Internal Divisions, and the Referendum**

Kolstø and Blakkisrud (2008: 484) define statebuilding as:

the establishment of the administrative, economic, and military groundwork of functional states. It includes the establishment of frontier control, securing a monopoly of coercive powers on the state territory, and putting into place a system for the collection of taxes and tolls.

According to the authors, these are the ‘hard aspects’ of constructing new states. When it comes to the ‘soft aspects’, they list ‘construction of a shared identity and a sense of unity in a state’s population, through education, propaganda, ideology, and state symbols’ as crucial for a nation-building project that lies at the core of state-building (Kolstø and Blakkisrud, 2008: 484). In the case of KRI, the political elites managed to establish border control, secured monopoly of coercive powers within the territories of



the Kurdish autonomous region – despite the division between separate Peshmerga forces controlled by the KDP and the PUK – and built institutions that control the judiciary and other state mechanisms under the sovereignty of an elected parliament. The KRI, nonetheless, remained separated between two geographic regions controlled by the KDP and PUK (Sumer and Joseph, 2018). With regards to the soft aspects of statebuilding, the Kurdish national movement has managed to unite Kurds around a nationalist project with distinct cultural and linguistic boundaries that separated the Kurds from the rest of the Iraqi population. Nevertheless, although a shared national project has been created, a unified Kurdish identity has not, and divisions based on the ideologies of the Kurdish nation remain considerable.

Taking Kolstø and Blakkisrud's definition as the basis, one can argue that the KRI has managed to a certain extent to launch state and nation-building projects simultaneously. 'The societal, ethnic and political distinctions between the two regions are considerable, and the Iraqi federal government has little, if any, effect on the laws, politics and popular freedoms of the KRI' (Smith and Shadarevian, 2017: 4). One can observe, however, two main weaknesses that will prevent the KRG political elites from going further in these projects: a) economic dependence and b) internal divisions, which are also interlinked with democratization in the KRI.

The early economic status of the KRI, despite its dependence on the oil revenues allocated via the central government in Baghdad, was relatively successful. As the KRI is a landlocked entity, however, its economy is not only dependent on the funds coming from the central government, but also its neighbors for access to trade routes (Sumer and Joseph, 2018). Kurdish desires for more autonomy resulted in them seeking to

develop their own independent hydrocarbon exportation, which created significant strains on relations with Baghdad. Nonetheless, the liberalization and opening of hydrocarbon fields allowed the KRG to negotiate public and private partnerships with production sharing agreements (Kuruuzum, 2017). With the high oil price between 2007 and 2014, the economic position allowed in the KRG to offset their strained relations with the central government, which resulted in them not receiving its budgetary allocation (O'Driscoll, 2017). Instead of diversifying the economy away from its reliance on hydrocarbons and developing the private sector – two ways in which future economic viability of the state could be ensured – these finances were largely used to strengthen the two leading political parties' patronage system. Moreover, corruption has also been a drain on public finances and has not been properly addressed (O'Driscoll, 2016). Thus, when the economy crashed at the end of 2014, the KRG was not in a position to tackle the situation. The KRG employs roughly 60 percent of the working population in the KRI with a monthly wage bill of between \$700-800 million. This is only sustainable when oil sells for over \$100 a barrel, which is something that is unlikely to be achieved again. Additionally, the KRG has amassed substantial debts – estimated between \$19 billion (O'Driscoll, 2016) and \$22 billion (Natali, 2015: 153). In response to the oil price drop and the resultant crisis, the KRG significantly reduced salaries and also missed several months' payments altogether. With patronage playing an important part in politics in the KRI (Friedman, 2016), the reduction and nonpayment of salaries was a major issue for the political elite. This was particularly the case, as for the first time since the establishment of the KRI, grassroots members of the KDP were questioning the leadership and protest movements were growing.<sup>2</sup> Thus, the elites attempted to shift blame on to Baghdad, and its nonpayment of the budget, as well as the war against IS and the strain from the resulting Internally

Displaced People (IDPs); however, the KRG shares in the blame for the breakdown in negotiations on the budget, as it chose the path of developing its own independent hydrocarbon economy. Moreover, although the conflict against IS (and repercussions thereof) have negatively impacted the KRI, it is not responsible for the financial crisis and has also resulted in much-needed finances entering the local economy through international NGOs, IDPs' state salaries and savings, and the US government's financing of the Peshmerga (O'Driscoll, 2016).<sup>3</sup>

One of the paths towards independence is for unrecognized states to carry out democratization processes in order to increase international support. The need to maintain unity in order to achieve the goal of independence, however, is often at odds with the democratization process (Caspersen, 2011). As a result of this need for unity, democratization in the KRI stagnated, as the KDP and the PUK attempted to protect unity and their political hegemony. This resulted in the formation of a new political party, Gorran,<sup>4</sup> which launched with a campaign to tackle corruption and what is effectively the two-family political system of the KDP and the PUK (Hama and Jasim, 2017). As politics in the KRI started to move away from the two-party territorial-based system, pressure on the KDP and PUK increased. The impact of Gorran and its manifesto against nepotism and clientelism, nonetheless, has actually led to more undemocratic actions from the political elites, as they have acted against Gorran in order to maintain political power (O'Driscoll, 2016).

Masoud Barzani's second term as President ended in 2013; however, he was granted a two-year extension by the parliament.<sup>5</sup> In 2015 when this extension ended, the KDP attempted to extend his term once more, but Gorran rejected this. In Sulaymaniyah,

there were protests calling for Barzani to resign and KDP offices were attacked, resulting in the death of five people. The KDP blamed these actions on Gorran and thus prevented the Speaker of the Parliament (a Gorran party member) from entering Erbil, which technically led to the suspension of the parliament. Further undemocratic measures followed when the KDP excluded the five Gorran ministers from the cabinet. Consequently, after October, 2015 the KRI was governed without a parliament, or a representative cabinet, and Barzani acted as President despite his term having ended. As a result, the traditional political elites within the KDP and PUK once again controlled governance in the KRI (O'Driscoll, 2016).

In May 2016, however, Gorran and the PUK reached an agreement for partnership, which in turn threatened KDP's political dominance. With a combined 42 seats (out of 111), a coalition of Gorran and the PUK, based on the previous election, would have four more seats than the KDP, thus endangering the KDP's long-held hegemonic position of power in the government (Salih, 2016). This forced Barzani and the KDP's hand and growing desperation to maintain power led to Barzani announcing the referendum for independence – despite the fact that the conditions were far from ideal, with the poor economic and political situation, lack of international support, and no support from neighboring countries or Baghdad (Kaplan, 2018). On 07 June 2017, Barzani announced that the referendum (that was to include Kirkuk and other disputed territories) would take place on 25 September 2017.

Within the framework of this Special Issue, Kurdish elites utilized ethnic nationalism, as *Kurdish* identity, history, and homeland were constantly referred to within the nationalist rhetoric during the referendum campaign. Nonetheless, Barzani and the

KDP did, at times, attempt to portray to the international community a sense of civic identity and civic nationalism in order to gain support for the independence campaign. For example, Barzani mentioned changing the flag and anthem to represent all the communities within the KRI (Ali, 2017). Most of the campaigning for the referendum, however, focused on Kurdish identity and how Kurds have historically been denied the right to a nation-state. Civic nationalism can thus be said to have been purely for consumption by the international community where it maintains some legitimacy as opposed to ethnic nationalism, which is seen as unpalatable (Smith, 2010). What is crucial here is that the referendum, and the ethnic nationalist sentiments that surround it, were utilized by the KDP for political party gains rather than for independence. Barzani's nationalist rhetoric surrounding the referendum for independence sought to create a vision that the Kurds' time had finally come and that only he and the KDP could deliver the ultimate goal of independence. Through ethnic nationalism and the Kurdish desire for an independent state, Barzani focused on shared suffering, historical grievances, and the 'failed Iraqi state' in an attempt to maintain power. As the campaign went on, many Kurds began to believe independence was achievable and criticisms of the political and financial situation began to ease.

The referendum was led by Barzani and not the KRG parliament or Baghdad and did not have the support of all Kurdish parties. The economic position of the KRI, and the lack of possibility of financing a state, made independence unviable. Due to the KRI being landlocked, support of at least one of the neighboring states is intrinsic to its economic and physical survival, with Iran and Turkey controlling the water supply entering the KRI. Therefore, as the Iraqi central government will not likely relinquish its sovereignty over the KRI with or without a referendum, external recognition and the

support of the international community is vital for statehood – not only for its creation, but also for development and sustainability (Caspersen, 2013). Thus, a significant aspect of the failed referendum is, that apart from Israel, no other international actor backed it (Sumer and Joseph, 2018).

Moreover, in the case of the KRI, it is hard to imagine that the referendum was held with the aim of reaching the final stage in the continuum as suggested by Voller (2014). As argued above, the referendum was called for political survival, rather than due to favorable conditions, which goes some way to explaining the fallout following the results. Additionally, this brings a new dimension to the understanding of the use of referendums, and independence referendums specifically, as the question that the referendum posed was not the true the purpose of the referendum. Rather, a political party facing threats to its position of power used the referendum as a political tool to maintain power. In short, it was to win the support of the people, rather than actual independence. It would however be unfair to say that Kurdish independence is not a goal for Barzani, despite the instrumentalization of the referendum for political gains. Nonetheless, the referendum has brought him, and the Kurds, further from their goal.

### **The Fallout of the Referendum**

Theoretically this article has laid out the types of referendums and the conditions, which the KRI did not meet, for success, such as internal dynamics, timing, international backing, and host state support. It has demonstrated the reason why the referendum went ahead despite not meeting the key conditions and now the repercussions will be discussed.

The aim of the referendum was for Barzani and the KDP to maintain their position of power within the KRI in light of the threats faced due to the financial and political crisis (Hiltermann, 2017b). Although with regards to internal power this was a successful tactic, as Barzani and the KDP managed to prevent the PUK and Gorran from politically sidelining them, this came with significant loss to the extent of the power wielded (Kaplan, 2018). Barzani and many others, completely underestimated Baghdad's response to the referendum and the KDP's gains came at the price of the extent of Kurdish autonomy (Park, 2018).

Despite the referendum being for party gains, there was at least an expectation from Barzani that the referendum results would at a minimum put him and his party in a better position when negotiating further autonomy, budgets, and the financing of the Peshmerga with Baghdad. This misreading of the situation proved catastrophic for the Kurds. Following the success of the campaign against IS, Prime Minister Haider al-Abadi (2014-2018) utilized his popularity, the growing strength of the Iraqi army, and the international community's vocalized support for maintaining the territorial integrity of Iraq, to address gains made by the Kurds during IS' reign. Firstly, in October, 2017 Abadi sent in the Iraqi army and the Popular Mobilization Forces to take control of Kirkuk and other disputed territories, as well as the oil fields within them. Due to a deal for the withdrawal of the majority of the PUK Peshmerga between Baghdad and some factions within the PUK, the taking of control of Kirkuk by Baghdad was relatively easy and there was minimal fighting. Secondly, Abadi took control of border posts and airports in the KRI, seriously weakening the KRG's income generating capabilities. Essentially the Kurds lost all the gains they made since 2003 and went from a relatively strong negotiating position with Baghdad prior to the referendum to a position of

weakness, which has been compounded by internal Kurdish division (Hiltermann, 2017a). Moreover, the loss of the oil fields resulted in Kurds almost halving their oil production, which is considerable even without the large amount of debt and the fact that some of the oil has been paid for ahead of time (Rivlin, 2017). Abadi also ordered the auditing of the KRG's payroll and Baghdad began paying Kurdish salaries, further undermining the KDP. As a result of the referendum, the political power that Kurdish politicians have is less than was available prior to the referendum, as Kurds have seen the territory they control diminish, their hydrocarbon exportation capabilities reduced, and their ability to gain income from the borders curtailed (van den Toorn, 2018). The Kurdish case follows the arguments of Levy *et al.* (2018) and Lee and Mac Ginty (2012) in that if the conditions are not right for a referendum, violence (in the military taking control of Kirkuk) and a battle for power will occur.

Following the referendum the protest movement in the KRI also grew with anti-corruption and anti-establishment at the core of its agenda. The new political parties, the Coalition for Democracy and Justice (CDJ) and the New Generation Movement, utilized this in their more Baghdad-friendly approach focusing on ending corruption, breaking nepotism in the KRI and paying civil servants. The protest movement clearly shows that the political elites who form the KRG need to deal with internal issues, which have grown as a result of the referendum. Nonetheless, when it came to the 2018 national elections Kurdish apathy toward the political system was clear, as nothing had changed with regards to the political control and corruption, and the referendum (which in the end was supported by most political parties) was fruitless. In the elections, the turnout was almost 30 percent lower than the previous two national elections in 2010 and 2014. This low turnout greatly benefited the KDP, and to a certain extent the PUK,



as they have a core patronage-based voter base. The KDP managed to maintain its 25 seats, whereas, despite its perceived abandonment of Kirkuk, the PUK lost only three seats leaving it with 18. Due to voter apathy, the new political opposition parties did not perform well and the seats they did win came at the cost of other opposition parties, mainly Gorran (Dodge *et al.*, 2018). Therefore, although the Kurds have lost power, the KDP has maintained their position, which was one of the main motives behind the referendum.

The repercussions of the referendum have also resulted in the KRI moving a step back in the secession continuum (Voller, 2014). Instead of moving towards independence, the KRG now has to face issues related to power-sharing in Iraq, settlement of the disputed territories, and distribution of economic revenues before it can even consider negotiating on the mandate for independence that it has received from the Kurdish people in the referendum. Nonetheless, it is unlikely the Kurds are going to find themselves in the position to negotiate for independence with the recent losses and the international and regional dynamics against independence. As Sumer and Joseph (2018: 2) demonstrate, ‘oil and gas sales from the KRI are done through Turkey while commercial activities and consumables are gained through investment and trade with Iran, Turkey and federal Iraq.’ The KRG’s aspirations for statehood disturb this delicate balance in the region that is constructed on contingent economic interests. Therefore, the KRG needs to overcome its economic reliance on its neighbors in order to surpass the paradox that it is currently facing, which makes it a choice between independence and economic collapse (Sumer and Joseph, 2018).

## **Conclusion**

Today, the KRI can still be considered an unrecognized state that maintains its ‘incremental secessionist’ attitude. The referendum, however, has had consequences with regards to KRI’s mobility towards the independence end of the secessionist continuum (Voller, 2014). The current domestic and international political tensions combined with the economic situation within the KRI create a paradoxical situation for the Kurdish elites to deliver the referendum results.

The dynamics for independence were not ideal when the referendum was called; however, Barzani and the KDP’s hegemonic grip on power was under threat and a calculated risk was taken. The expected result was to maintain power within the KRI in the short term and then to negotiate for more autonomy from Baghdad, which could be presented as a gain to the population. The repercussions of the referendum have taken the Kurds further away from independence than they have been at any point since 2003 and have in fact reduced Kurdish autonomy. The dynamics of the defeat of IS and Abadi’s popularity played an important role; however, the lack of international support or support from the Iraqi parliament contributed to the referendum being viewed as a threat and a threat that needed to be dealt with harshly. As a result, Abadi was able to push back against the increasing power gains of the Kurds.

This article demonstrates the importance of international support for any independence referendum, as without such support, the referendum is likely to lead to a loss, rather than a gain, of autonomy – particularly if the international community comes out strongly in favor of maintaining the territorial integrity of the state. Moreover, it demonstrates the importance of timing, the nature in which the referendum is conducted, and the importance of good dialogue with the host state prior to the

referendum. Most importantly this article demonstrates that independence referendums do not actually have to be for the purpose of the question put to the population, but rather can be used as a political tool to gain popular support by connecting to the populations' nationalist desires, despite independence not being a realistic prospect.

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## Notes

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<sup>1</sup> Although there are exceptions such as Quebec, Slovenia, Macedonia etc.

<sup>2</sup> In conversations with one of the authors in 2016, traditional KDP members voiced their concerns and openly criticised the role of the KDP in the economic situation.

<sup>3</sup> This is not to undermine the strain that the war against IS and resulting dynamics did place on the KRI.

<sup>4</sup> The Gorran Movement is considered the first real opposition movement in the Kurdish political sphere.

<sup>5</sup> Previous elections were held in 2005 and 2009.