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The Kurdish Liberation Movement in Iraq

From insurgency to statehood

Yaniv Voller



The Kurdish Liberation Movement in Iraq

Investigating the transformation of the Kurdish liberation movement in Iraq, this book explores its development from an armed guerrilla movement, engaged in a war for liberation with the government in Baghdad, into the government of a de facto Kurdish state known as the Kurdistan Regional Government.

The book seeks to better explain the nature and evolution of the Kurdish liberation struggle in Iraq, which has had important implications over regional geopolitics. Despite attracting growing international attention, the struggle remains understudied. By applying the theoretical framework of de facto statehood to the post-1991 Kurdish liberation movement, the book offers a new approach to understanding the struggle, with a thorough empirical investigation informed by International Relations theory.

Identifying international legitimacy, interaction and identity as significant themes in the politics of de facto states and as important variables shaping the evolution and policies of these actors at both the domestic and international levels, this book will be of interest to students and researchers of International Relations, Middle East Politics and Political Science.

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Abbreviations

AKP	Justice and Development Party (in Turkish Adelet ve Kalkınma Partisi)
CPA	Coalition Provisional Authority
ERS	Electoral Reform Society
HRR	Human Rights Report (UNAMI publication)
IGC	Iraqi Governing Council
INC	Iraqi National Council
IRI	International Republican Institute
ITF	Iraqi Turkoman Front
KDP	Kurdistan Democratic Party
KF	Kurdistan Front
KNA	Kurdistan National Assembly
KRG	Kurdistan Regional Government
KRM	Kurdistan Referendum Movement
NDI	National Democratic Institute
NED	National Endowment for Democracy
OFFP	Oil for Food Programme
PKK	Kurdish Workers Party (in Kurdish Partiya Karkerên Kurdistan)
PUK	Patriotic Union of Kurdistan
SBS	Standards Before Status (Kosovo)
TAL	Transitional Administrative Law
TAN	Transnational Advocacy Network
TBMM	Türkiye Büyük Millet Meclisi (Turkish Parliament)
TRNC	Turkish Republic of Northern Cyprus
UNAMI	United Nation Assistance Mission in Iraq
UNESCO	UN Educational, Scientific and Cultural Organization
UNGA	UN General Assembly
UNMIK	UN Mission in Kosovo
UNPO	Unrepresented Nations and Peoples Organisation (NGO)
UNSCR	UN Security Council Resolution
USAID	US Agency for International Development
WOT	War on Terror

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1 Introduction

Reconceptualizing the Kurdish national liberation struggle

The impetus for the research leading to this book was sparked by a meeting, which was held in London in winter 2008. At this meeting, a high-ranking politician from the Kurdistan Regional Government (KRG), and a long-time participant in the Kurdish struggle for national liberation, came to present data about his government's political, economic and social progress. The audience at the event, organized by a London-based non-governmental organization (NGO), was comprised of members of the Kurdish diaspora community in London, members of international NGOs, potential investors, London-based diplomats, academics and journalists. After his presentation, the politician engaged in a question-and-answer session with the audience. During the session, an NGO representative questioned the speaker about the dire situation of women in the Kurdistan Region. She concentrated mainly on the KRG's incompetence in dealing with such phenomena as "honour" killings, polygamy, domestic violence and female genital mutilation (FGM). Unexpectedly, or at least so I felt at the time, the speaker dedicated the bulk of the session to defend the KRG's stand. In his reply to the question he denied that the KRG has failed in protecting women's rights and mentioned several examples, including some personal examples, of the KRG's uncompromising stand on gendered violence.

This session has brought me to several realizations. First, whilst the Kurds are still moulding their pattern towards self-determination in Iraq (and engage in outright struggles for national liberation in other parts of the territory they view as their historic homeland), the nature of this struggle has changed dramatically. That the Kurds still strive for national liberation becomes clear by the fact that even by the time of writing these lines in 2013, the KRG is still struggling to define the nature of its authority and its rights vis-à-vis the central government in Baghdad. Kurdish autonomy is still the word of the day, but the history of Iraq teaches us about the precariousness and temporality of autonomy. And yet, by the late 1990s it became evident that insurgency and guerrilla, which characterized the first decades of the Kurdish liberation struggle, have been replaced by a new tactic: state-building.

2 Introduction

My second insight was that this new form of national liberation has also meant new forms of interaction between the Kurdish liberation movement and the international community. That a senior figure in Kurdish politics came to London to provide a detailed report on the KRG's conduct unveiled to me the KRG's desire to gain legitimacy for what is in fact still a contested project. This politician's eagerness to demonstrate to the audience the KRG's success in countering gendered violence has made me realize that the Kurdish leadership assumes that the international community has certain expectations from actors, which go beyond the confinements of conflict and violence, and that the KRG should meet, or at least be seen as meeting, those expectations.

Engaging in further readings on both the Kurdish question in Iraq and on secession, separatism and ethnic conflicts in international politics, I have come to view the question of the KRG as one of unrecognized, or *de facto*, statehood. The *de facto* state has become a recurring phenomenon in international politics. The prevalence of this phenomenon has driven students of secession and separatism to establish some guidelines for treating a certain actor as a *de facto* state and distinguish this category from other forms of statelessness.¹ Since 1991 the KRG has held most, if not all, of the characteristics of a *de facto* state, as defined in the literature on the subject: it has had a defined territory; symbols of sovereignty, such as a flag, anthem, security forces and even a currency; and a functional government. This process was by no means linear – in the mid-1990s the *de facto* state collapsed following the civil war which erupted between the two main leading parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). However, the project of state-building was resumed in the late 1990s in a divided administration, which was reunified in 2005. It is tempting to suggest that in fact the Kurdistan Region saw the formation of two *de facto* states, one during the period between 1991 and 1994; and the other since 2005. But as I argue later in this book, a civil war can be an organic process of state-building, and in spite of the destruction it brought, it did not eliminate the KRG's autonomy. The progress that the KRG has made since the fall of the Bath regime cannot be disengaged from its experiences in the 1990s, damaging as they may have been.²

This is certainly not the first study to define the KRG as a *de facto* state. Already in 1993 Michael Gunter has identified the emergence of rudimentary state institutions in the three “liberated” provinces, as they came to be defined by the Kurdish leadership, of Erbil, Sulaymaniyah and Dohuk.³ One of the first to conduct a detailed systematic study of this new entity has been Gareth Stansfield. Defining the KRG as a *de facto* state, Stansfield presented the structure of the Kurdish administration (or administrations after the civil war of the 1990s) and analysed the sources of democratization in the region.⁴ In her work from 2010, Denise Natali examined the changing nature of international aid to what she termed as the “quasi-state” in the Kurdistan Region.⁵ In her study of the history of the Kurdish liberation struggle in Northern Iraq, Ofra Bengio has asserted that since the early 1990s the Kurds

have engaged in a process of building a “state-within-a state” in the Iraqi Kurdistan Region, as part of their endeavour towards self-determination.⁶ More recently, Nina Caspersen has included the KRG as a case in her investigation of unrecognized states in international politics.⁷

Each of these studies constituted a breakthrough towards better understanding the evolution of the Kurdish national liberation movement. Nevertheless, this volume seeks to further develop the study of the KRG as a *de facto* state. It argues here that this status, or reality, of *de facto* statehood is essential for understanding the development, conduct and policies of the KRG, at both the foreign and the domestic levels. This approach to the KRG is inspired by the growing emphasis given in the International Relations (IR) literature to such qualities as identity, status, socialization and interaction at the global level as variables affecting the conduct of actors at all levels. Simply put, this approach to international politics, developed and implemented primarily by Constructivist scholars of IR, has sought to demonstrate that the manner in which actors are perceived by other actors in the system, in turn affects their self-perception and identity. These, in turn, are crucial in shaping actors’ behaviour and policy-making processes. I extrapolate about this approach below, but the point here is that the status of *de facto* statehood is a powerful one, which is bound to have an impact on the actors that fall into this category. Therefore, we must take it into account if we wish to understand the manner in which *de facto* states evolve and conduct their policies. This understanding has recently gained hold among students of *de facto* states, but it is underdeveloped. And while students of the KRG may have acknowledged the KRG’s status as a *de facto* state, they have yet to systematically apply this framework to the study of the Kurdish liberation struggle. The definition of the KRG as a *de facto* state becomes particularly acute given the rapid process of state-building in the Kurdistan Region, and especially the political and economic progress which the region has experienced since the late 1990s. Various accounts have pointed out the democratic transition which the region has witnessed under the KRG, its economic prosperity, and relative secularization. While the depth of such progress has been a subject for deliberation and argumentation between opponents and supporters of the KRG, it is hard to deny their existence. More important, given the substantial implications of the position of unrecognized statehood, it is plausible to assume that domestic processes have also been inspired by it.

By tackling this issue, this work accomplishes a dual task: it aims to provide tools for better understanding of both the KRG and, through this study, to substantiate the study of *de facto* states in general. Achieving this requires answering the following questions: first, what factors have led to the KRG’s transition into a *de facto* state? Following that, how has the status of *de facto* statehood shaped the KRG? What impact has it had on its foreign policy and interaction with the international community? Finally, how, and to what extent, have policy-making and decision-making processes been influenced by this dramatic change in the KRG’s strategies of national liberation? To answer these questions, it is necessary first to set the context of *de facto* statehood.

Setting the context: de facto statehood, the crisis of legitimacy and its pursuit

The de facto state has presented somewhat of a challenge to IR scholars, since it does not settle well into the still prevalent dichotomies between state and non-state actors and between the domestic and the international levels. The de facto state exists in a limbo of international definitions and regulations. In its most minimalist definition, the de facto state is a political entity whose leadership has wide autonomy in both its domestic and foreign policies, has established government institutions, and which perceives itself as deserving full legal and institutional independence. Establishing sovereignty through state- and institution-building is a top priority for such actors, and indeed many of the existing de facto states have actually been relatively successful in their state- and institution-building projects. Yet, such entities have been denied one of the most important traits which actually make political and geographical entities into states – international legal/diplomatic recognition. More importantly, even their existence and actions as de facto states are considered to be illegitimate by most members of the international community. This is indeed a problematic existence; yet, it does not render it a subject unworthy of analysis. On the contrary, because of its unique circumstances, the de facto state can actually provide us with some important insights on IR theory.

Several scholars have identified the benefits of studying such unchartered territories. However, most studies of the phenomenon have approached them from a systemic perspective, utilizing cases of de facto statehood to examine the state-system, and the sources of the refusal of their members to recognize the de facto states.⁸ The last decade has witnessed some pioneering efforts to diverge from this tendency and examine unrecognized states as actors in their own right, focusing on their development, conduct and policy-making. These works have identified the impact of non-recognition on these actors, their identity, and consequently their policies.⁹ Their most important contribution to our understanding of de facto states has been their identification of the pursuit of international legitimacy as a key consideration in the decision-making processes of these actors.

The latter group of works provides us with an excellent framework for approaching the study of the Kurdish national liberation movement in Iraq and its transformation into the KRG. This work embraces the pursuit of legitimacy as a key variable shaping the development of de facto states. However, it further expounds this thesis, by arguing that the pursuit of legitimacy in itself is not enough to explain the conduct of unrecognized states. Rather, we should treat the pursuit of legitimacy as an instigator of a process, which involves such elements as incentives, interaction, communicative action and exchange of ideas between the de facto state and the international community. It is this process, instigated by the crisis of legitimacy, which serves to explain the conduct and behaviour of de facto states, at both the domestic and international levels. Whether in terms of its diplomatic relations with

other governments, and especially that of Iraq; its approach to the ownership of natural resources; and the KRG leadership's willingness to go through political reforms, have all been shaped by its status as a de facto state. This argument and the study of the KRG as a de facto state has been moulded by the Constructivist approach to international politics.

Constructivism in IR: a theoretical framework for the study of de facto states

The Constructivist school emerged at the end of the Cold War, as part of the effort of students to shake the field, primarily because of the failure of most IR scholars to notice the collapse of the Soviet Union and the end of the Cold War.¹⁰ Constructivists, at least during the early stages of the formation of this school, accepted the basic assumptions underlying mainstream IR theory, according to which states (then the exclusive actors in IR theory) are self-interested and calculate their moves based material incentives and their capabilities – as well the capabilities of other actors. Rather than examining the ways actors have sought to protect their interests, Constructivists have instead advocated the investigation of how actors come to understand their interests. In other words, Constructivists have viewed the world, its basic institutions and its constituting actors as continuously constructed and constituted by its actors. Thus, Constructivists have argued that actors do not a-priori assume their interests and desired actions. Rather they learn them over time.¹¹

The key to this cognitive process of learning, according to Constructivists, has been interaction. Actors do not exist in a void. They constantly socialize and interact with other actors. Through this socialization, actors learn about the expectations of the international community, or the international society they aspire to be part of, its norms and dominant ideas. The environment in which actors are “embedded,” its norms and dominant ideas are crucial for the way actors come to perceive themselves and others. Those “cultural environments,” as they are referred to in one work, “affect not only the incentives for different kinds of state behavior but also the basic character of states – what we call state ‘identity’.”¹² Identity, or “role specific understandings,”¹³ as defined by Wendt, is an essential factor in actors' conduct. In this sense, interests are important because of the meanings that actors relate to them. Just as these meanings may change, state preferences are also malleable.¹⁴

Communicative action is a central aspect of the Constructivist approach to international politics. Whereas traditional approaches to IR have held the view that “words are cheap” and only aim to screen actors' real intentions, Constructivists have demonstrated on various occasions the importance of communication, debate and deliberation. A recurring concept in Constructivist studies has been that of the *public sphere*. The concept of the public sphere, as often used in the social sciences, is associated with Jürgen Habermas's study