

# MERIA

## THE LOSS OF DISPUTED TERRITORIES: WHAT IS NEXT FOR THE KURDISTAN REGION?

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*The October 2017 clashes between Iraqi and Kurdish forces in the disputed territories of the Kurdistan Region led to the loss of territories previously controlled by the Kurdish Peshmerga, including the city of Kirkuk and Sinjar. This article will discuss the various factions of the Patriotic Union of Kurdistan (PUK) as well as the internal dispute between the PUK and KDP. It will also identify possible scenarios for each disputed area. Last, the wider conflict between the Iraqi central government and the Kurdistan Region will be addressed. The intertwining of these various political, diplomatic, and military conflicts has brought severe impediments to the Kurdistan Region after the Kurdish independence referendum process. The article concludes that a federal solution with a strong judicial arrangement is the optimal scenario.*

### INTRODUCTION

At midnight on Sunday, October 16, 2017, Iraqi forces--including the U.S.-trained Counter Terrorism Service and the Iranian-backed, mainly Shi'i, Popular Mobilization Forces (PMF, or Hashd al-Shaabi)--launched an attack on the Peshmerga-controlled territories south and west of Kirkuk in the Kurdistan Region. The following day, on Monday afternoon, Iraqi forces entered the city of Kirkuk, and Prime Minister Haider al-Abadi ordered Iraqi forces to remove the Kurdish flag in the disputed areas and leave only the Iraqi flag.<sup>1</sup> As a result, the Kurds lost their "Jerusalem" and future capital of their own state, Kirkuk. As of the writing of this article, the Kurdish forces have lost almost all of the disputed areas,<sup>2</sup> and no Kurdish party has taken responsibility for these losses. The Kurdistan Democratic Party (KDP) accused the main branch of the Patriotic Union of Kurdistan (PUK) of leaving the city without fighting. According to Hemin Hawrami, senior assistant to Kurdish President Masoud Barzani, the Peshmerga left the two positions in Kirkuk due to "internal issues" among officials of the PUK (the dominant party in Kirkuk, which has its own security forces and Peshmerga). He also claimed that "ambiguous dealings" resulted in the withdrawal.<sup>3</sup> Kurdistan Regional Government (KRG) President Masoud Barzani also issued a statement on October 17, 2017, stating that members from a certain political party had unilaterally paved the way for the attack on Kirkuk, which resulted in the withdrawal of the Peshmerga forces there.<sup>4</sup> The largest PUK faction, however, has attributed this to the results of September 25, 2017, independence referendum in the disputed territories, claiming that the KDP and its leader, Masoud Barzani, were largely responsible for this setback. This article will discuss these developments in detail and offer scenarios for PUK intra-conflicts, PUK-KDP relations, and KRG relations with Baghdad in light of these events.

### PUK INTERNAL CONFLICTS

The PUK was founded by Jalal Talabani in 1975, after the Iraqi Kurds' defeat during the 1974-1975 revolution.<sup>5</sup> From its foundation to the present day, there have always been fragments and splits within the PUK; the party's base is comprised of socialist, leftist, and nationalist groups. The word "Union" remains an unachieved goal of the PUK. The most recent division of the PUK occurred in

2009, when Nashirwan Mustafa, Jalal Talabani's deputy, formed Gorran (the Movement for Change).<sup>6</sup> Many joined Mustafa's new political party, including a number of former PUK leaders. Internal conflicts within the PUK have reached a point where it has become almost impossible to hide them from the public, particularly after Talabani's absence due to a debilitating stroke.

On September 1, 2016, two deputies of the Patriotic Union of Kurdistan (PUK), denounced what they described as a group acting "unethically" within the party and announced the establishment of a new "decisionmaking body," claiming that any decisions made outside of this framework would not be recognized. The First Deputy of the PUK, Kosrat Rasul Ali, and the Second Deputy, Barham Salih, made the announcement, which was backed by several members of the PUK political bureau, leadership committee, and MPs. On September 16, 2017, Barham Saleh announced the formation of a separate list from the PUK party to participate in the November 2017 parliamentary elections (which were subsequently delayed by eight months) in the Kurdistan Region.

These internal divisions within the PUK have paralyzed the party's decisionmaking process, forcing it to adopt inconsistent policies. This was evident throughout the referendum process in Iraqi Kurdistan. On June 7, 2017, Masoud Barzani made the following statement via Twitter: "I am pleased to announce that the date for the independence referendum has been set for Monday, September 25, 2017."<sup>7</sup> All of the Kurdish parties, excluding Gorran and the Kurdistan Islamic Group (KIG) agreed to hold the referendum on this date.<sup>8</sup>

The PUK was the second largest party to participate in the meeting led by Barzani to set a date for the referendum. At the end of the meeting, the party welcomed and supported Barzani's decision to hold the referendum on June 7. However, PUK media outlets did not cover the referendum campaigns. Only one PUK faction, led by Kosrat Rasul, participated in the KDP referendum campaigns. Just two days before the scheduled referendum, the PUK's main branch, led by Talabani's family, was wavering. On September 23, 2017, for example, a PUK delegation visited Barzani and requested he postpone the scheduled referendum and accept an alternative route to independence.<sup>9</sup> In addition, Bafel Talabani, Jalal Talabani's eldest son, posted on his Facebook page on September 23:

The PUK was one of the earliest to call for an independent Kurdistan. This is our historic position and will never change. We agree with KDP that our future requires serious discussions with Baghdad. After reviewing all of the alternatives, we have concluded that the program offered by the United States, UK, United Nations, and so many other friends around the world, is the best path for Kurdistan at this time. This is a program for intensive negotiations, with an open agenda, and a fixed time period. If at the end of that process there is no agreement, the Kurdish people are free to continue our referendum process with the support of our allies. The scheduled referendum does not necessarily confer independence. In fact, we now believe this referendum would make it even more difficult to achieve the aspirations of our people. For all of these reasons we have decided in favor of the suggested alternative rather than the referendum at this time. We call on the Kurdish people to celebrate their achievements. We should enter negotiations with Baghdad together and with a strong hand, supported by nearly the entire world. The alternative path for now is the far better option, and the one we as the PUK fully endorse.<sup>10</sup>

However, the KDP and PUK's less influential faction under the leadership of Kosrat Rasul strongly opposed postponement of the referendum, and insisted it go forward at the scheduled time.

Then, on October 16, 2017, the Iraqi government made the decision to retake the disputed territories imposing its power over them the following day. Barzani blamed members of the PUK's dominated faction for having withdrawn from contested areas claiming this "unilaterally paved the way for the attack." Moreover, Kosrat Rasul fiercely denounced those among the PUK who ordered the withdrawal of the Peshmerga forces in Kirkuk, which eventually led the Iraqi forces and the Iranian-backed PMF to take control of the city.

In light of these events, there are two main scenarios before PUK leaders. In the best-case scenario, the PUK would hold a convention to decide on new leaders and the party's general secretary. This would allow the PUK to regain its position of strength on the political landscape in Iraqi Kurdistan. This option would be ideal, as the PUK has been unable to hold a convention since Jalal Talabani suffered a stroke in December 2012, forcing him to step away from politics and public life. Talabani passed away nearly five years later, on October 3, 2017. In the worst-case scenario, the PUK would split into two small parties, thus becoming ineffective. The Talabani family would then control the PUK, while the other dissatisfied political bureau members would form a new party. This situation would not be ideal for many reasons. First, divisions within the PUK would lead to political instability; the PUK factions have their own armed forces, which could be used in political conflicts. Consequently, there would be competition between the PUK branches, which could be manipulated by the rival KDP. In addition, the PUK's weakness would allow the KDP to practice a policy of divide and rule in the PUK-controlled areas. Because of this, the KDP would continue its aggressive policies in the Kurdistan Region of Iraq and would become a decisive force. Last, factionalism and partition within the PUK would increase Iranian leverage in the PUK-dominated zone, as each PUK faction would seek Iranian recognition for power and dominance in the region, allowing Iranian authorities to manipulate the PUK factions.<sup>11</sup>

## PUK-KDP RELATIONS

Relations between the Patriotic Union Kurdistan (PUK) and Kurdistan Democratic Party (KDP) have played an important role in the politics of Iraqi Kurdistan and were also a major contributing factor to the intra-Kurdish civil war between 1994 and 1998. Until now, the partisan networks controlled by the KDP and PUK have played an important role in the present and any potential future of the KRG. In April 1991, UN resolution 688 was passed, which condemned the political repression of the people of Iraq--including the Kurds. This, combined with the no-fly-zone covering Kurdish areas, eventually led to the *rapareen* (Kurdish for uprising).

Shortly after, in May 1992, the first parliamentary elections were held in Iraqi Kurdistan, with the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) each winning an equal number of seats. The parties, however, soon found themselves in a stalemate, with KDP leader Masoud Barzani and PUK leader Jalal Talabani refusing to take part in a coalition government.<sup>12</sup> According to Michael M. Gunter, "By 1993, the 50/50 principle that split power equally between the two parties in each ministry had further paralyzed its initiative while fueling partisanship."<sup>13</sup> On December 20, 1993, in an effort to end to the deadlock, a presidential council was founded to include Barzani and Talabani into the political process. These efforts, however, were short-lived; PUK forces attacked KDP bases in Sulaymaniyya and advanced to fight the pro-Iranian IMK (Kurdistan Islamic Movement). This created a deep cleavage between the KDP and PUK.<sup>14</sup>

Despite repeated multilateral negotiation attempts, the so-called *brakuji* or fraternal war lasted for over four years. An important characteristic of this civil war was the role the foreign powers--Turkey and Iran in particular--played as mediators but also through incitement. While Turkey repeatedly sabotaged autonomous talks between the Kurdish factions and the international community, it pushed the PUK and KDP towards a direct confrontation with Baghdad. For example, the Turkish government refused to issue visas for the Kurdish delegations wanting to attend the Paris talks in July 1992.<sup>15</sup> After years of fighting, the greatest push toward Baghdad was carried out by Masoud Barzani, who entered the Iraqi-Kurdish capital of Erbil--until then under PUK control--with the military and political backing of Saddam Hussein.<sup>16</sup> Following the internal displacement and deaths of thousands of Kurds, the two rivals agreed to settle their differences at the Final Statement of the Leaders Meeting in Washington in September 1992.<sup>17</sup>

In the following years under the Coalition Provisional Government, the Kurds quickly became valuable partners and therefore the two leading parties were able to keep their respective domain of

power, since U.S. cooperation gave them a stable bargaining position.<sup>18</sup> Until the emergence of the Gorran movement, both the KDP and PUK were able to expand their influence without pushing for a visible unification of the Kurdistan Region's institutional structure, which consists of the de facto split between the PUK's Sulaymaniyya district and the KDP's Erbil/Duhok districts.

In order to evaluate possible scenarios in the aftermath of the referendum and the recapture of Kirkuk, it is useful to explore the history of relations and divisions.

### ***Two Separate Zones: The Post-Civil War Scenario***

The first possible scenario is the implementation of two separate zones, as was the case from 1998 until the 2006 PUK-KDP Reunification Accord. This would mean two completely centralized entities with all executive power concentrated in the respective party and its political elite. This post-civil war zone was characterized by distinct military forces, courts, trade policies, and even foreign policies.<sup>19</sup> Still looking back at this time, it is clear that this scenario would have far-reaching consequences. Were two zones to emerge, this would close off routes to future unifying of public institutions and render them non-party political. The implications of such a scenario might include rampant corruption, lack of political responsiveness, arbitrary jurisdiction, and a powerful black market.<sup>20</sup>

### ***Division into Two Regions***

While this scenario may sound similar to the previous scenario, there are crucial differences to consider. Founding an Erbil and Sulaymaniyya region would have to be part of a broader political framework. Here, the question of decentralization comes into play, as two separately governed regions would mean legislative structures that are above (the Iraqi central government) and below (separate frameworks) this level. One must consider how the strategic alliance between the PUK and Baghdad would affect the foreign policies of those regions and what the nature of the relationship between the PUK and Baghdad would be. Would Erbil prefer an arrangement with Baghdad, as is the case with the Sulaymaniyya region, or would Erbil prefer to involve outside actors like Turkey? It is also important to consider the impact of such a division within the context of other Iraqi areas pushing for a more decentralized state model. Will it be decentralization exclusively for the Kurdish issue, or will it involve other factions, e.g., the Sunnis?

### ***The Civil War Scenario***

After years of cooperation in the War on Terror with Western allies, both the KDP and PUK Peshmerga are highly equipped and trained. However, the KDP-PUK rivalry has a long tradition and has not gone on for two decades.<sup>21</sup> There is, thus, the possibility of a violent resolution of the conflict between the two parties and their armed factions, which could lead to another brutal civil war.

### ***A Strategic Agreement Between the KDP and PUK***

In the past, the KDP and PUK have shown that when cooperation places them in a stronger bargaining position, they are both capable of a more realpolitik-oriented approach. A unified faction in parliament or on the federal level has brought both parties great advantages, especially when it comes to negotiations with Baghdad. Since the events of October 2017, both the KDP and PUK have lost considerable support and are fully aware that their future depends on their cooperation. A strategic agreement between the two parties might, therefore, be the best-case scenario to prevent political instability and civil war in Kurdistan. It would also curb Baghdad's aggression and constitutional violations against the Kurdistan Region, since together, the two could push for its constitutional

rights. On the other hand, further division and conflict between the KDP and PUK could weaken the KRG and strengthen the Iraqi government, enabling the latter to continue its divide and rule policy in Kurdistan.

## **RELATIONS BETWEEN ERBIL AND BAGHDAD**

Political conflict in Iraq has centered on identity. By 2004, the transitional Iraqi government was established through the 2004 Transitional Administrative Law (TAL). The law officially recognized the Kurdistan Regional Government (KRG), which included the governorates of Erbil, Duhok, and Sulaymaniyya. It also included administrative jurisdiction over Kurdish-inhabited territories outside the KRG. The following year, in 2005, the Iraqi government ratified a new constitution in which Iraq was reestablished as a democratic federal state. Both the interim constitution of 2004 and the 2005 constitution recognized and incorporated the KRG's legal institutions.

There was also a commitment to resolve the historical territorial conflicts by incorporating Article 58 of the TAL as Article 140 of the constitution. This article outlined the process of reversing the Arabization of "certain regions, including Kirkuk," which had occurred in the previous three decades of Ba'th rule, through the repatriation and compensation of Kurds removed under the policy and the expatriation of Arabs brought into the region, or "normalization." However, the article deferred the permanent resolution of the dispute over the territory of Kirkuk until the implementation of the normalization process.<sup>22</sup> This article was replaced by Article 140 in the 2005 constitution, which decreed that the executive branch was to hold a referendum in Kirkuk and other disputed areas to respect the will of their own people. It also stated that such a process must be held "by a date not to exceed the 31st of December 2007."<sup>23</sup> Moreover, the Kurds were constitutionally entitled to share Iraqi revenues, establish foreign relations, and--most importantly--to maintain local security forces without Baghdad's intervention in the details of their formation, command, and recruitment process. According to this article, the ruling parties in Kurdistan thus had the ultimate power over mobilization and recruitment.<sup>24</sup>

However, the textual ambiguity of the constitution permitted the politically relevant groups within Iraqi society to construct their own self-serving interpretations of the document, which led to major conflict over the division of federal and regional powers, as well as the status of the disputed territories. Operating under the belief that the constitution disproportionately favored the Kurds, the Shi'i-dominated federal government attempted to limit constitutional guarantees of regional autonomy and amend the constitution in a way that would centralize power around Baghdad. This included cutting off the KRG's portion of the federal budget--about 17 percent of the Iraqi national budget--in retaliation for the Kurdistan Region's independently marketed oil exports in 2014, the employment of delay tactics, and force to indefinitely postpone the completion of the processes outlined by Article 140.

Neither TAL Article 58 nor Constitutional Article 140 specify, other than Kirkuk, which "certain territories" would be subject to these processes, even though territories in Wasit, Diyala, Salah al-Din, and Nineveh provinces were also claimed by the KRG. Moreover, it does not specify if such processes should occur at the township, district, or governorate level, meaning that it is uncertain if the preferences of small and highly concentrated minorities--like the Yazidis in Shengal--would be influential in a hypothetical referendum. Legal and political uncertainties about the future of the disputed territories have, therefore, caused the KRG to make every effort to increase its administrative and military influence there, particularly in the northern Nineveh province. This met with the Iraqi government's own militarization of the disputed areas through the creation of the Dicle force (Tigris force), which resulted in fighting between the Iraqi army and the Kurdish forces.<sup>25</sup> All these issues strained relations between the Iraqi state and the KRG. The relationship between the central government and Erbil could best be defined as a security dilemma in the ruling period of Prime Minister Nouri al-Maliki. The conflict between Baghdad and Erbil became more personal after

President of the Iraqi Kurdistan Region Barzani, accused Iraqi Prime Minister Maliki of creating a dictatorship: "Iraq is moving towards a catastrophe, a return to dictatorship," said Barzani in the interview published in *al-Hayat*. He added that it was "unacceptable" that Maliki was also Iraq's "defense minister, interior minister, intelligence chief and commander of the armed forces."<sup>26</sup>

In a January 2017 interview with *al-Sharq al-Awsat* newspaper in Davos, where he was attending the annual World Economic Forum, Barzani declared that: "The moment Maliki returns as prime minister, I will declare independence without consulting with anyone. It does not matter what will happen. We will not stay in an Iraq which will be ruled by Maliki."<sup>27</sup> In response, Maliki accused Barzani of "seeking independence through propaganda and threats to unleash crises outside," and that his motivation stemmed from "animosity towards a specific person."<sup>28</sup> Furthermore, in a broadcast interview by *Euronews*, Maliki accused Barzani of working with Iraq's foreign enemies, including the United States, Israel, and Turkey: "The Kurdistan Region has become a strategic and developed platform for the implementation of US-Israeli policy."<sup>29</sup> Shortly after, the KDP released the following statement: "Maliki's role in inciting sectarianism, his involvement in corruption and the damage he has done to Iraq's political, security and economic standing is evident to all Iraqis and to the international community."<sup>30</sup>

## THE REFERENDUM AS A NEW STAGE IN KRG-IRAQI RELATIONS

Up until the October 2017 seizure of Kirkuk and Sanjar by Iraqi forces, the Kurdistan Regional Government has most of the characteristics of an independent state. Its government is independent of Baghdad and retains its own parliament. Elections are thus held separately from the Iraqi general elections. The KRG even has its own internet domain. Most importantly, Kurdistan boasts its own military and security forces, despite being divided along partisan lines.

Yet KRG relations with the Iraqi central government have reached a stalemate. The Kurds, therefore, finally set September 25, 2017, as the date for holding an independence referendum. Iraqi Prime Minister Haider al-Abadi called the Kurdistan Region's planned referendum "unconstitutional."<sup>31</sup> In response to Baghdad's criticism of the referendum, the KRG attempted to show that the referendum was constitutional and legal, in accordance with both Kurdish and Iraqi law. It added that the Iraqi government had no exclusive powers over the referendum, and therefore the regions had legal supremacy (Articles 115 and 121). Moreover, the government in Kurdistan pointed to all of Baghdad's constitutional violations, claiming this led to the referendum. Barzani's government also noted that since 1992, the Iraqi constitution was supposed to respect Kurdistan's law. In addition, as it pointed out, Iraq had failed to become a federal state and that well over a decade from the time the Iraqi constitution had been ratified, there was still no second chamber to protect the rights of regions and provinces. Nor was there a Supreme Court, the KRG continued, thus there was no body with constitutional standing to adjudicate disputes. Without this chamber and a valid supreme court, it claimed, Iraq was a Shi'i Arab sectarian state. Furthermore, the KRG accused the Iraqi state of preventing the implementation of Article 140, which made provision for a referendum in Kirkuk and other disputed territories, enabling these regions to reunify with Kurdistan through democratic means. The article was supposed to have been implemented by December 2007.

In the following, the KRG declared that the Iraqi government had failed to compensate and recognize the Kurdish forces, while Iraqi officials had allowed many Shi'i armed groups to flourish, in flagrant violation of Article 9 of the constitution. The KRG claimed that the promise of power-sharing arrangements within the federal agencies had been broken by various Iraqi governments. Moreover, the KRG said the federal government had never paid KRG its constitutionally mandated portion of oil and gas incomes from the oilfields in production before October 2015. While the government in Baghdad paid salaries and services in Islamic State-occupied Mosul, it refused to make any payments to the KRG.<sup>32</sup>

As a result of the above, the KRG held the referendum at the decided upon date, and 92.73 percent of the Kurdish voters voted for independence.<sup>33</sup> Baghdad reacted to the vote by mandating the Iraqi government to take strict measures against the Kurdistan Region, including the deployment of military forces in the Peshmerga-controlled areas, and refusing calls for dialogue by President Barzani unless the referendum results were canceled.<sup>34</sup> The Iraqi forces and the PMF attacked the Kurdish-controlled areas south and west of Kirkuk on Sunday, October 16, 2017, at midnight; on Monday afternoon, Iraqi forces entered the city of Kirkuk, and Prime Minister Haider al-Abadi ordered the Iraqi forces to take down the flag of Kurdistan in the disputed territories and hoist only the Iraqi flag.<sup>35</sup> The central government is now planning to send 221 employees to the region to monitor KRG airport and border crossings. Moreover, the government in Baghdad has forced the KRG to hand over its oil, tax revenues, and other regional income as a condition for payment of the KRG workers' salaries. In the light of the aforementioned developments, there are several possible scenarios.

### ***A Weak Region***

The Iraqi authorities hope to weaken the Kurdistan Region in order to minimize the KRG's influence on Baghdad and eliminate any secessionist aspirations once and for all. Although the Iraqi government might attempt to weaken the Kurds in the short term, this would further strain relations and could lead to clashes in the long term. The KRG accepted Abadi's initiative on October 19, 2017, to open a dialogue between Erbil and Baghdad based on the constitution, under the pretext of partnership and concordance.<sup>36</sup> Such talks would indicate a defeat for the KRG and imply that the referendum was over and a thing of the past, as Abadi described after the retaking of the disputed territories.<sup>37</sup>

### ***Division***

Another possible scenario would be for the Iraqi state to implement a divide and rule policy by splitting the Kurdistan Region into two separate administrative zones--one run by the KDP and the other by PUK-- This is the worst case scenario for the KRG, since prior September 25, 2017, the region was moving towards independence. Moreover, the division of the Kurdistan Region into two separate zones would allow for Iranian to intervention and manipulation of the PUK-controlled areas and the same for Turkey with the KDP zone. This could also lead to civil war between the two parties.

### ***Province***

Another scenario would be for Baghdad to cease dealing with the KRG as region and instead treat it as a province with individual and separate councils. While the Iraqi central government may like this idea, and it would certainly be a strategy welcomed by Iran, this would not be constitutional, as the 2005 Iraqi constitution recognizes the Kurdistan Region as a de facto region and its own government. Still, this option is supported by Abadi. Tehran would also support its own method for dealing with its Kurdish population being adopted by the Iraqi government, in order to limit the power of the KRG. The United States does not, however, support this scenario, as it does not have an interest in a weak KRG, but rather balanced relations between the two sides.

### ***Confederation***

A confederation is the KRG's preferred scenario, though the possibility of its implementation remains slim. This is due to the fact that the federal government is now diplomatically, militarily,

and politically in a strong position, and has therefore categorically rejected such a scenario. Furthermore, Iraq would never accept this, because it views it as a road to an independent Kurdish state. Iran and Turkey might also oppose this for similar reasons.

### **“Real Federalism”**

In the “real federalism” scenario, all Kurdish parties would form a united Kurdish front in order to face the central government in a unified manner. In this case, there would be a federal Iraqi state with a strong Kurdish region whose citizens’ rights were guaranteed by the central government, and the Kurds would promise not to secede. Through third-party monitoring, such an arrangement could be implemented in a judicially precise manner so misunderstandings and different interpretations of the law and agreements would be avoided. Such an arrangement would be in the interest of both Erbil and Baghdad, since both sides could benefit from a reliable U.S. ally, the Kurdistan Region is in need of military and economic support, and Abadi could certainly use a “counterweight to Iranian influence.”<sup>38</sup> Concerning military and economic matters, through such an agreement, the United States could stabilize its own role in the post-Islamic State reconstruction process and the resumption of the economy. As the *Report on the Task Force on the Future of Iraq* put it, “By creating incentives for continued cooperation between the two sides, they can try to move beyond constant crisis management toward a more productive state of relations.”<sup>39</sup>

### **CONCLUSION**

This article explored the many layers of conflict in the wider context of relations between the Kurdistan Region and Baghdad. Turkish Foreign Minister Mevlut Cavusoglu noted, Kurdish leaders had “miscalculated” the situation. He added, “They thought they would make further gains--they didn’t. They thought they would unite the Kurds. On the contrary it has unfortunately divided Kurds in Iraq”<sup>40</sup>As a result of the independence referendum and the agreement between the PUK and Baghdad, the Kurds are now losing the oil-rich Kirkuk region and other territories to federal authorities. The loss of territories has also led to public disputes between the Kurdish parties, with all sides blaming each other for the events in Kirkuk.

Another point is that the Kurdish leaders had expected the United States to intervene in favor of the Kurdish forces if the Iraqi government were to attack the Kurdish forces in the disputed territories. This of course turned out to be wrong. The Iraqi and Shi’i militia forces attacked the Kurdish forces and retook these areas, and the United States did not take sides. The Kurdistan Region of Iraq is now headed toward chaos and political instability rather than independence or radical reforms. This is a great loss for the Kurdistan Region, but a win for the government in Baghdad. The October 2017 developments in Iraqi Kurdistan will most likely lead to greater fragmentation and factionalism within the PUK, deepen the cleavage between the PUK and KDP, and lead to strained and unfriendly relations between Erbil and Baghdad. All this will negatively impact the Kurdish cause in Iraq and place the KRG in a weak position against the Iraqi state. The proposed federal model appears to be the ideal solution to this problem. This model would satisfy the Kurdish side with clear guaranteed rights, and their public sector workers would be paid their salaries.

As the final aforementioned scenario has shown, a federal solution to the disputes between the Iraqi central government and the Kurdistan Region and a comprehensive judicial agreement between both sides that would guarantee both the non-secession of the Kurdistan Region and the rights of the Kurds in Iraq could be a viable option. A mediation process would be needed in order to reach a non-violent resolution of the crisis, and these efforts could be led by the United States, which would guarantee benefits for both parties of the dispute and it too would benefit as a player in the region.



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## NOTES

<sup>1</sup> "Iraqi Forces Take Kirkuk, Lower Kurdistan Flag," *Rudaw.net*, October 16, 2017, <http://www.rudaw.net/english/kurdistan/151020177>.

<sup>2</sup> "Iraqi Army Retakes Almost All Disputed Areas from Kurds," *The Sun Daily*, October 18, 2017, <http://www.thesundaily.my/news/2017/10/18/iraqi-army-retakes-almost-all-disputed-areas-kurds>.

<sup>3</sup> "Iraqi Forces Take Kirkuk, Lower Kurdistan Flag."

<sup>4</sup> "President Barzani's Statement on the Recent Events in the Kurdistan Region," *Kurdistan Region Presidency*, October 17, 2017, <http://www.presidency.krd/english/articledisplay.aspx?id=y30eHs51Swc=>.

<sup>5</sup> "History of Founding PUK," *PUK*, <http://www.pukpb.org/english/2016/05/History-of-Founding-PUKenglish>.

<sup>6</sup> "The Movement for Change (Gorran Movement) is a political party in Iraqi Kurdistan under the leadership of Nashirwan Mustafa. Founded in 2009, it is the main opposition to the ruling two-party coalition of the Kurdistan Democratic Party and Patriotic Union of Kurdistan (the Kurdistan List), which governs the Kurdistan Regional Government. Shortly after its formation, Gorran participated in the regional elections in Kurdistan. Contrary to expectations, it gained a surprising 22 percent of the total votes in Iraqi Kurdistan and came in second after the Kurdistan List (comprising the KDP and PUK), with 25 seats in the 111-seat Kurdish Parliament. In the 2010 Iraqi elections, it refused to join the Kurdistan List and run under its name." See Rodi Hevian, "The Main Kurdish Political Parties in Iran, Iraq, Syria, and Turkey: A Research Guide," *Middle East Review of International Affairs (MERIA)*, Vol. 17, No. 2 (Summer 2013), <http://www.rubincenter.org/wp-content/uploads/2013/08/Hevian-YA-SG-YA-au2-PDF.pdf>.

<sup>7</sup> "Kurdistan Region to Hold Independence Referendum on Sept 25," *Rudaw.net*, June 7, 2017, <http://www.rudaw.net/english/kurdistan/070620171>.

<sup>8</sup> "Kurdish Parties Agree to Hold Kurdistan Referendum on Sept. 25," *NRT*, June 2017, <http://www.nrttv.com/En/Details.aspx?Jimare=14914>.

<sup>9</sup> "PUK Asks Barzani to Accept the Alternative Plan to Postpone the Referendum," *Kurdish News Network*, September 23, 2017, <http://www.knnc.net/en/full-story-62679-28-False>.

<sup>10</sup> Mina Aldroubi, "Iraqi Kurdish Referendum: Barzani Says 'Too Late' to Postpone Vote," *The National*, September 23, 2017, <https://www.thenational.ae/world/mena/iraqi-kurdish-referendum-barzani-says-too-late-to-postpone-vote-1.660899>.

<sup>11</sup> Hawre Hasan Hama, "The Death of Jalal Talabani and the Future of the PUK," *Middle East Monitor*, October 3, 2017, <https://www.middleeastmonitor.com/20171003-the-death-of-jalal-talabani-and-the-future-of-the-puk/>; D. McDowall, *A Modern History of the Kurds: Third Edition* (London: I.B. Tauris, 2004).

- <sup>12</sup> M.M.A. Ahmed, *Iraqi Kurds and Nation-Building* (New York: Palgrave Macmillan, 2012), pp. 7-10.
- <sup>13</sup> Michael M. Gunter, "The KDP-PUK Conflict in Northern Iraq," *Middle East Journal*, Vol. 50, No. 2 (Spring 1996), p. 231.
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