

Iraqi Kurdistan's independence referendum

SUMMARY

On 25 September 2017, the government of the autonomous Region of Kurdistan in Iraq, under its president, Masoud Barzani, organised a referendum on independence, disregarding calls by the Iraqi central government and the international community to postpone it. The referendum was held in the Kurdistan Region's constituencies and also in the neighbouring 'disputed' territories, in particular the oil-rich area of Kirkuk, which have *de facto* if not legally been governed by the Kurdish authorities since the moment they were recaptured from ISIL/Da'esh.

Even though the 'yes' side has won, it is by no means certain that a Kurdish state will emerge in the near future. Such a state would be weakened by internal divisions and poor economic conditions. In addition, Syria, Turkey and Iran strongly condemned the referendum and have taken retaliatory action. Among other considerations, they are worried that an independent Kurdish state would encourage their own Kurdish populations to seek greater autonomy. However, the prospect of a Greater Kurdistan is remote, since the regional Kurdish landscape is dominated by the PKK (Kurdistan Workers' Party) and its affiliate parties, which do not share the Iraqi Kurdish leaders' ideology or strategic alliances.

Concerned by the fragmentation of the Middle East, the EU, the USA, Russia, and most of the region's powers other than Israel, disapproved of the referendum, which took place in the context of the ongoing fight against ISIL/Da'esh, and called for negotiations within the existing Iraqi borders.

This briefing updates [Regional implications of Iraqi Kurdistan's quest for independence](#), EPRS, December 2016.



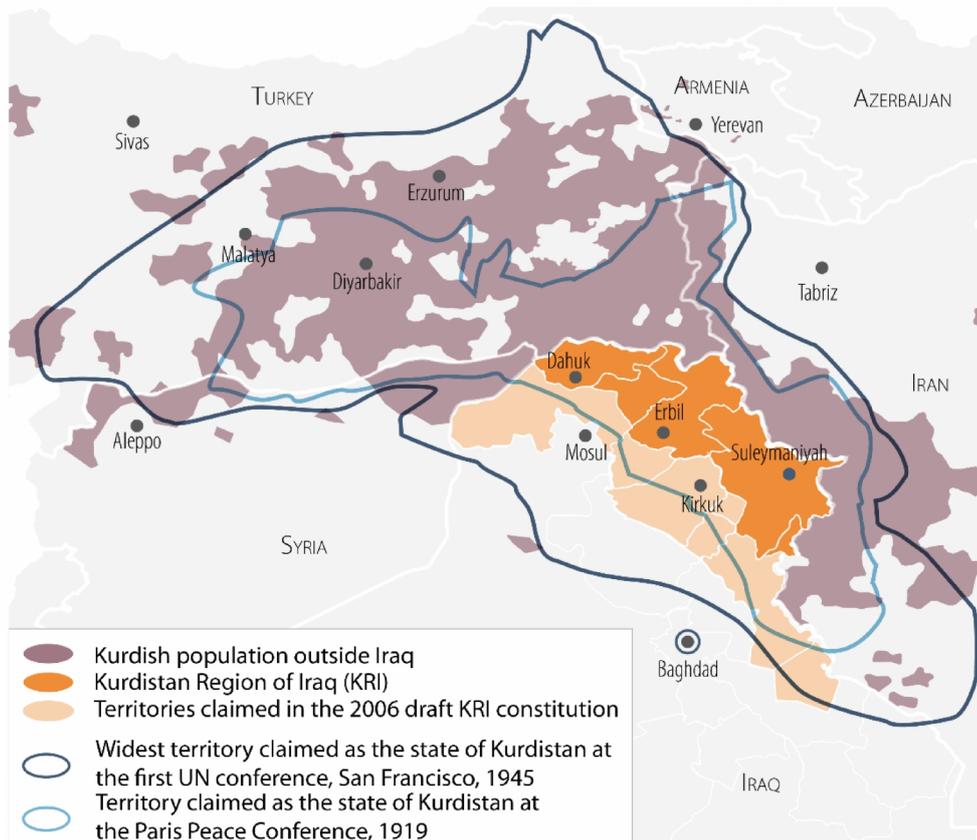
In this briefing:

- Who are the Kurds?
- The current status of Iraqi Kurdistan
- Was the referendum legal?
- The next steps
- International reactions
- EU position
- Further reading

Who are the Kurds?

The Kurds are the Middle East's fourth-largest ethnic group. While they mostly belong to the Sunni branch of Islam,¹ they have a strong cultural identity and traditions that are distinct from those of Sunni Arabs. Their aspiration for a state of their own [never materialised](#), because it has never served the geopolitical interests of the great powers, and because [political divisions](#) among the Kurds themselves prevented them from taking focused action. Kurds mostly live in communities in isolated mountainous areas;² [political parties](#) often have a local area of influence and vie to keep or extend it, but none enjoys support across all Kurdish areas. After World War I, Kurd-inhabited areas were split [between several countries](#) (see Map 1). Nowadays, most of the 30 million [Kurds](#) live in the border areas of Iraq (5.5 million Kurds, of a total of 32.6 million Iraqis), Turkey (14.7 million Kurds, of a total of 81.6 million inhabitants), Iran (8.1 million Kurds of a total of 80.8 million inhabitants) and Syria (1.7 million Kurds, of a total of 18 million inhabitants).³ In each of these four countries, Kurds have been subject to various levels of discrimination, which have triggered rebellion and repression.

Map 1 – Iraq: Kurdistan Region and 'disputed territories'; Middle East: Kurdish population and proposed 'Greater Kurdistan'



Sources: [ETH](#), 2014; [USIP](#), 2011; Institut kurde de Paris & University of Columbia, 1998 (after [Vox.com](#)).

What is the current status of the Kurdistan Region of Iraq?

Following the toppling of Iraq's President, Saddam Hussein, the United States exercised direct [influence](#) on the drafting of [the country's new constitution](#) of 2005. The Kurdistan Region of Iraq (also called Iraqi Kurdistan, KRI for short, with Erbil as its capital city) was given considerable autonomy as a reward for its role in helping to oust the dictator. Iraqi Kurdistan is the only recognised Iraqi 'region', and it has its own government, parliament (see Figure 1), judicial powers and security forces. It has a [draft constitution](#) that has not

yet been ratified by a popular vote. Despite Iraqi Kurdistan's broad autonomy, the federal government retains exclusive powers, in particular in foreign policy and the distribution of oil revenues. Iraqi Kurdish leaders wish to unravel their ties with Iraq, and consider autonomy as a first step towards independence. Since 2014, the Iraqi Kurdistan regional government (the KRG) had been declaring that it was [preparing a referendum](#) on independence. The referendum finally took place on [25 September 2017](#).

Iraqi provinces neighbouring the Kurdistan Region are still [disputed](#) between Iraq's federal government and the Kurdish regional government. Many Kurds live in these territories, but Arabs and Turkmen also make up a large proportion of their populations. The absence of a census since 1957 and several waves of resettlement ('[arabisation](#)' and '[kurdification](#)') mean that population shares in these territories are not known. Almost all of these territories are now *de facto* [under Kurdish rule](#), since Kurdish troops, the '[Peshmerga](#)' – which are also divided along the lines of the Kurdistan Democratic Party / Patriotic Union of Kurdistan political rivalry (See Figure 1) – retook them from ISIL/Da'esh.

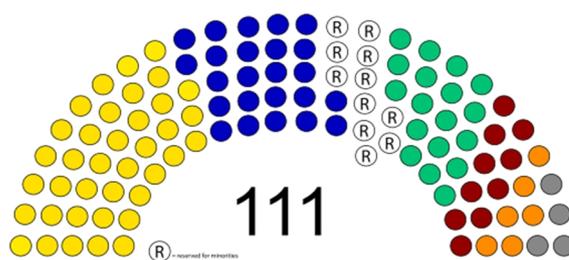
Figure 1 – Kurdistan Region of Iraq: main political parties; regional parliament and government

Political parties

The [main parties](#) in the Kurdistan Parliament are:

- The **Kurdistan Democratic Party** ([KDP](#), *Partiya Demokrat a Kurdistanê*), led by Masoud Barzani, draws its main support from Dohuk and Erbil. It has fought for independence since 1946 and favours a free-market economy.
- The **Patriotic Union of Kurdistan** ([PUK](#), *Yekîtiya Nîştimanî ya Kurdistanê*) was led by [Jalal Talabani](#) until his death in October 2017. Having split from the KDP in 1975, its main base is in the area of Suleymaniya. It has a leftist political stance and is a member of the [Socialist International](#). The KDP and PUK made [divergent strategic alliances](#) before uniting against Saddam Hussein in 2002.
- [Gorran](#), the **Movement for Change** (*Bzutinewey Gorran*) is led by Neshirvan Mustafa and was formed in 2009 by former PUK members to challenge the power-sharing arrangement between the PUK and the KDP. Its main support base is in Suleymaniya and Kirkuk.
- Political Islam is also represented by [small parties](#), including Islamic Union and Islamic Brotherhood, in the Iraqi Kurdistan Parliament, but is still in the minority. Proponents have a conservative stance on social issues, and fight for a less secular and less presidential political system.

The Kurdistan Parliament in Iraq



Picture by Zirguez (CC0 public domain, 2014).

The [Kurdistan Parliament](#) in Iraq is elected every four years by popular vote (last election: 2013).

KDP	Seats: 38
Gorran	24
PUK	18
Islamic Union	10
Islamic Brotherhood	6
Other	4
(R) Reserved for minorities (Turkmen, Assyrian, Armenian)	11

The Kurdistan regional government (KRG)

The [KRG](#) is a coalition government, in which the main parliamentary parties are represented. The KDP and PUK used to share ministerial and high official positions; but since 2013, when Gorran won more votes than the PUK in the parliamentary elections, [power-sharing arrangements](#) have been difficult. A government could not be formed until June 2014, when Barzani's nephew (KDP) was appointed prime minister, Talabani's son (PUK) nominated deputy prime minister, and Gorran given ministerial portfolios.

Main sources: [Rubin Center](#), 2013, [Kurdistan regional government](#), 2017.

Was the referendum legal?

The legality of the referendum has been a [controversial issue](#). President Barzani said [discussions](#) with the Iraqi government had taken place regarding the referendum. However, an agreement was never reached. While Iraq's prime minister denounced the referendum as '[unconstitutional](#)', the Iraqi Constitution does not explicitly prevent the Iraqi Kurdistan authorities from consulting their constituencies.⁴ According to the Kurdistan regional government, the Iraqi federal government's alleged violations of the Iraqi Constitution and of Kurdish rights⁵ allow the Kurdistan Region to trigger its right of self-determination under international law.

What is more questionable is the territorial scope of the referendum. The poll took place in the Kurdistan Region of Iraq provinces but also in the '[disputed territories](#)', which are administered by the Kurdistan regional government, but are not officially part of the Kurdistan Region. The inhabitants of the disputed territories should have been consulted on whether they wished to be part of the Kurdistan Region or to be governed by a different entity. According to [Article 140](#) of the Iraqi Constitution, this consultation should have occurred no later than 2007, but the Iraqi government failed to carry it out.

On the Kurdish side, most political parties (see Figure 1) publicly support independence. Even the PUK, a [long-standing rival](#) of Barzani's party, backed the referendum. Some opponents nevertheless challenged the timing of the referendum. They considered it was aimed at restoring Barzani's [contested legitimacy](#), even though he had pledged to [step down](#) once independence had been achieved. The main opposition party, Gorran, called for the referendum to be postponed ([#No4Now campaign](#)). Gorran also boycotted the session of the Kurdistan Parliament in Iraq (KPI), which approved the referendum – it was the first time the KPI met after a two-year recess due to political strife.⁶

Disputes over Kirkuk and oil

The Kirkuk area is one of the main disputed territories. Non-Kurdish parties, in particular [Turkmen](#), who consider Kirkuk their historic capital, are afraid they will be side-lined or [discriminated against](#) by a Kurdish power. [Shia militias](#) also threatened military action against the vote.

Iraq has no intention of abandoning the province of Kirkuk, since it holds one of the [biggest oilfields](#) in the country, representing 10 % of Iraq's oil reserves. Iraqi Kurds already control some of Kirkuk's wells and pipelines, and in 2014 brokered an [oil deal with Turkey](#), bypassing the Iraqi government. Iraqi Kurdistan and the federal government are arguing over the distribution of oil revenues.¹ In the run-up to the battle of Mosul against ISIL/Da'esh, a 50/50 [sharing](#) of Kirkuk oil revenues was agreed, allegedly brokered by the USA. This agreement will probably lapse, but the federal government is currently not in a position to retake control of the Kirkuk fields.

The next steps

Outcome of the referendum

In the evening of 25 September, the Kurdish electoral commission declared that more than [three quarters](#) of the [6 million](#) eligible voters in Iraq and from the diaspora had cast their votes, either at polling stations or [over the internet](#). Some international [observers](#) were present, mostly in a personal capacity; the EU did not send an electoral observation mission. The vote was reportedly carried out without major incident, but a curfew had been imposed on Kirkuk, over fears of unrest among the [non-Kurdish populations](#).

The [ballot papers](#) read, *Do you want the Kurdistan Region and Kurdistan [sic] areas outside the [Kurdistan] Region to become an independent country?* According to the Iraqi

Kurdistan electoral commission, [more than 92 % of voters answered 'Yes'](#). Despite its wording, the referendum will [not directly result](#) in a declaration of independence. Neither the Iraqi Constitution nor Iraqi Kurdistan's draft constitution provides for the possibility of legal secession. President Barzani is expecting the outcome of the referendum will be an asset to [negotiate](#) independence with Baghdad within two years. However, the Iraqi government has declared it considers the vote null and void, and that it will not hold talks on the basis of its results. The Iraqi government has already [suspended commercial flights](#) to Kurdish airports, and has threatened military action in the '[disputed territories](#)' and on [Turkey's and Iran's borders](#) with Iraqi Kurdistan.

Moreover, an independent Kurdistan would have to face many issues.

Political situation

The Iraqi Kurdistan government will have to enforce its legitimacy: the president of the Kurdistan Region is supposed to be elected by popular vote, but contrary to expectations, such an election did not take place in 2015. Furthermore, Barzani has stayed in power without having been re-elected by a popular vote, or even being officially reappointed by the parliament.⁷ As a result, the region is [divided](#) among local powers, as Kurdish parties have retreated to their respective strongholds. The next parliamentary and presidential elections are expected to take place in November 2017.

Economic situation

[Iraqi Kurdistan's economy](#) has been put under strain by the [Syrian conflict](#) and the fight against ISIL/Da'esh. The region hosts more than 1.5 million Syrian refugees and displaced Iraqis.⁸ Oil revenues represent more than 90 % of the Iraqi central and Kurdish regional budgets. The Kurdish regional government estimates it holds 45 billion barrels of [oil reserves](#); according to the International Energy Agency, however, these reserves would amount to no more than 4 billion barrels if the disputed territories were not included in the calculation. Without Kirkuk, the economic viability of an independent Kurdistan would be at stake.

International situation

The referendum, or at least its timing, has been widely condemned by foreign states and international institutions. At present, an independent Kurdistan risks being diplomatically isolated.

International reactions

Neighbouring countries

Kurdish [geopolitics](#) is quite complex. The fight against ISIL/Da'esh and the civil war in Syria, which have blurred the borders and destabilised central governments, have contributed to the empowerment of the Kurdish movements, [armed](#) by the anti-ISIL/Da'esh coalition. At the same time, the referendum has triggered retaliation measures from the countries bordering Iraqi Kurdistan, over fears of a spill-over effect on their Kurdish populations. Landlocked Iraqi Kurdistan is much dependent on Iraq, Turkey, Iran and Syria, which are currently all opposed to its independence. Moreover, the advent of a '[Greater Kurdistan](#)' is hampered by factional conflicts: Iraq's Kurdistan Democratic Party (KDP) and Turkey's Kurdistan Workers' Party (PKK) are vying for [supremacy](#) over the Kurdish territories, spread across no fewer than four sovereign states (see Map 1).

Turkey

Renewed [violence](#) between the PKK and the Turkish government put Iraqi Kurds' [kinship solidarity](#) at odds with their strategic alliance. The Kurds of Iraq and Turkey have fought

together against ISIL/Da'esh, but Barzani has kept a [firm stance](#) against the PKK, notably because the latter has gained [influence in Iraq](#) and supremacy in Syria's Kurdistan. [Turkey's Kurds](#) do not enjoy the same autonomy as their Iraqi brethren, although reforms in the 2000s have progressively lifted the ban on the use of the Kurdish language. In contrast, Iraqi Kurdistan and Turkey have developed close [economic ties](#): Turkey is the main [supplier of goods](#) to the Kurdistan Region of Iraq and has allowed KRG to export [oil](#) through Turkish pipelines, outraging both the [Iraqi government](#) and the [PKK](#). Despite this relationship, Turkey fears a Kurdish state would encourage Kurdish insurgency in its own territory and also wants to placate the Iraqi [Turkmen community](#). After the referendum, Turkey threatened Iraqi Kurdistan with [economic and military retaliation](#).

Syria

In Syria, successive regimes resettled [Syrian Kurds](#) on a massive scale in different parts of the country or deprived them of their Syrian nationality. Since the beginning of the civil war, Kurdish forces defending the northern territories against ISIL/Da'esh have been able to set up *de facto* autonomous Kurdish provinces, under the collective name of '[Rojava](#)', or 'Western Kurdistan'. A power-sharing deal was agreed in 2012 between the Kurdistan National Council – a [shallow coalition](#) of Syrian Kurdish parties backed by Iraqi Kurdistan – and the PYD (*Partiya Yekîtiya Demokrat*, Syria's Kurdish Democratic Union Party), but was never applied. In the meantime, the [PYD and affiliated armed forces](#) have taken control of most Syrian Kurdish areas. The Syrian government [rejected](#) the independence referendum, even though it is unlikely that Syrian Kurds would join forces with Iraqi Kurdistan to claim independence. The PYD is accused by both the KRG and Turkey of being an [affiliate of the PKK](#), and is more focused on trying to [enforce its autonomy](#) within Syria for a post-ISIL/Da'esh era.

Iran

The [Iranian government](#) opposed the Iraqi Kurdish referendum and closed its [aerial border](#) with the KRI at the request of Iraq. Iran is [influential](#) in Iraq and is trying to [prevent a secession](#) of the Kurdish region, mainly in order to counter Saudi Arabia's influence in Sunni Kurdistan.

Most of [Iran's Kurds](#) are based in the Zagros Mountains, in the south-west of the country (see Map 1). [Iran's Kurds](#) have no specific political rights or representation and are also [discriminated against as Sunnis](#). President Rouhani has promoted some cultural reforms, but the Iranian regime also brutally [represses](#) Kurdish upheavals. Iranian Kurdish fighters from the [PJAK](#) (*Partiya Jiyana Azad a Kurdistanê*, Kurdistan Free Life Party, considered an affiliate of PKK) are based in Iraqi Kurdistan, but their cause is [not supported](#) by the KRG.

International community

Iraqi Kurds had expected their claim for independence to be supported, given that Kurdish fighters had been a reliable [ally](#) of the Coalition against ISIL/Da'esh – more effective, by some accounts, than the Iraqi security forces. However, in the current context, with the notable exception of Israel, the international community is reluctant to back the creation of a new state in the region, and regional autonomy within the existing borders is the preferred option for the main international players. Further fragmentation of the Middle East might add to instability and would not guarantee respect for minority rights: the KRG is considered an example of [religious tolerance](#) in the region, but it is accused of discrimination by non-Kurdish minorities. The UN Security Council issued a [statement](#) on 21 September 2017 arguing that the KRG's plans 'to unilaterally hold a

referendum' could weaken the fight against ISIL/Da'esh. The United Nations Assistance Mission for Iraq [did not provide support](#) for the referendum, nor did it deploy observers.

United States

The United States has long been a supporter of the Kurdish cause. The KRG has an [office](#) in Washington 'which acts as an [embassy of sorts](#)' and has direct diplomatic relations with the White House. In the fight against ISIL/Da'esh, the USA provided direct [aid to Kurdish fighters](#). However, the US government is officially opposed to Kurdish independence and [favours Iraq's unity](#). The [White House](#) stated officially that it did not support the referendum.

Russia

Russia did not call for the postponement of the Kurdish referendum, but issued a [statement](#) supporting the territorial integrity of the countries in the region. Moscow has long made [strategic alliances](#) with the Kurds: although it has more apparent [links with Syrian Kurds](#), Russia has also delivered [arms to Iraqi Kurds](#) to support their fight against ISIL/Da'esh, and a Russian state oil company is [investing massively](#) in Iraqi Kurdistan. Some experts see it as a [competition](#) with the USA and Turkey in the area.

Israel

Moving against the tide but remaining consistent with [previous positions](#), Israel's prime minister has [endorsed the Kurdish referendum](#). Israel and the Iraqi Kurds have had [relations](#) since the mid-1960s, then linked by their opposition to the Iraqi state, now by their common need to contain the advance of ISIL/Da'esh. There are also economic considerations: Israel imports a large part of its oil from the Kurdistan Region of Iraq (19 million barrels between May and mid-August 2015, corresponding to [77 %](#) of Israeli needs at the time). Revenues from these sales in turn finance the Peshmerga. The KRG's links with Israel, however, [complicate](#) its quest for support from other countries in the region.

EU position

The KRG, which has an [office in Brussels](#), is considered an important interlocutor for [the EU regional strategy](#) in Iraq and Syria, in particular for the delivery of EU aid to refugees and for the fight against ISIL/Da'esh. In 2014, the EU Council approved the [delivery of weapons](#) to the Kurdish troops by some Member States, 'with the consent of the Iraqi national authorities'.

At the same time, the EU remains [committed to Iraq's unity](#). The EU External Action Service spokesperson 'regret[ted]' that the referendum had been held and called for a '[mutually agreed solution](#)' within the framework of the Iraqi Constitution'.

The **European Parliament** has raised concerns about [Iraqi minorities](#), including the Kurds, on several occasions. Parliament has also encouraged [cooperation](#) with the Kurdish forces in the fight against ISIL/Da'esh. In [July 2014](#), Parliament 'took note' of the announcement of a referendum for independence, and called for respect for non-Kurdish populations in the process.

Further reading

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Romano, D. and Gurses, M. (ed.), *Conflict, democratization, and the Kurds in the Middle East: Turkey, Iran, Iraq, and Syria*, Palgrave Macmillan, New York, 2014.

Voller, Y., *The Kurdish liberation movement in Iraq: from insurgency to statehood*, Routledge, London, 2014.

Endnotes

¹ With the exception of [Yazidi, Shia Failis, and Shabaks](#).

² Kurds do not speak a common language: some speak only the language of their home country, and there are several [Kurdish dialects](#) (mainly Sorani, written largely in a Perso-Arabic script, and Kurmanji, written largely in Latin script).

³ Council on Foreign Relations estimates, based on CIA World Factbook 2014.

⁴ [Article 115](#) of the Iraqi Constitution states that 'All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions [...]. With regard to other powers shared between the federal government and the regional government, priority shall be given to the law of the regions [...].'

⁵ According to the KRG, 'half of the articles in the Constitution [of Iraq] have been violated or have not had the requisite legislation passed to give them force. [...]. What matters is the manifest failure to make Iraq a functioning federation, and a functioning rights-respecting democracy. That is what accounts for Kurdistan's right to determine in this referendum that the voluntary union of 2005 has been irreparably damaged, and therefore must be dissolved.'. ([The Constitutional Case for Kurdistan's Independence](#), accessed 1/10/2017).

⁶ The reasons for the deadlock lie in the current position of Masoud Barzani, the president of the Kurdistan Region. A presidential election should have taken place in 2015, but could not be held because of the fight against ISIL/Da'esh. Barzani [remained in power](#), although the opposition [refused](#) to approve the extension of his mandate, unless more power was given to the parliament. The unrest extended to governmental level. In October 2015, [ministers from Gorran](#) were ousted and the Parliament's speaker (Youssef Muhammad, Gorran) was [barred](#) from entering Erbil.

⁷ See note 6.

⁸ 'In early 2015, the total number of refugees and IDPs [Internally Displaced Persons] added up to 1.5 million in KRI [Kurdistan Region of Iraq].' in *The Kurdistan Region of Iraq: Assessing the Economic and Social Impact of the Syrian Conflict and Isis*, International Bank for Reconstruction and Development / The World Bank, (2015).

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