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# Iraqi Kurdistan: A Porous Political Space

Michiel Leezenberg

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## *Introduction*

Many political analyses depict Iraqi Kurdistan as a state in the making, a quasi-state, or a statelet steadily and inescapably on the march towards a well-deserved independence.<sup>1</sup> Generally, such studies focus on state-like institutions like, most importantly, the Kurdistan Regional Government (KRG) and the regional parliament, and on state-related individuals like regional president Massoud Barzani and his spokespersons, as well as on their actions in the international arena. In doing so, however, they risk overlooking, on the one hand, internal divisions and tensions within the Kurdistan region that undermine its political effectiveness if not agency; and, on the other, external or trans-border political, economic, and military influences that belie the image of an (aspiring) sovereign territorial state. Moreover, it is difficult to distinguish these institutions of government in a meaningful way from the personalized rule of, for example, regional president Massoud Barzani, Prime minister Nechirwan Barzani, or leading PUK figures in Sulaimaniya region, like Hero Talabani, Kosrat Rasul, and Berhem Salih. Hence, it may be tempting to focus on the personalities, actions, and intentions of leaders; but this is as misleading as a focus on institutions: apart from introducing an elite bias and reproducing misleading stereotypes about Kurdistan as a quasi-tribal society, it also takes individuals as

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<sup>1</sup> See, most recently, Amitai Etzioni, 'Why Trump Should Support a Kurdish State.' *The National Interest*, January 18, 2017; available at <http://nationalinterest.org/feature/why-trump-should-support-kurdish-state-19102> (accessed January 22, 2017). See also, among others, Ofra Bengio, 'Meet the Kurds, a Historically Oppressed People Who Will Get Their Own State,' *Tablet Magazine*, August 14, 2014, available at <http://www.tabletmag.com/jewish-news-and-politics/182042/kurdish-independence> (accessed January 22, 2017); an older state-focused analysis is Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy* (Routledge 2003). Denise Natali, *The Kurdish Quasi-State* (Syracuse University Press 2010), while remaining in a basically state-centered frame of analysis, has a keen eye for international-political and economic complications.

given rather than constituted in and by power relations. Certainly, many if not all of these leaders try to project an image of personal power, to establish a more hereditary form of rule, and/or to reward their loyal clients; hence, a focus on patronage relations rather than impersonal institutions might be more fruitful.<sup>2</sup> Patronage relations, however, are generally characterized as illegitimate, informal, and non-institutionalized; but in Iraqi Kurdistan, they have become so pervasive and so deeply entrenched that one may ask to what extent dichotomies like formal-informal and institutional as opposed to personal can still be unproblematically applied here.

Instead, I will attempt here to analyse developments in the region in terms of spaces rather than institutions, and in terms of powers and strategies rather than persons or intentions. There are both theoretical and empirical reasons for doing so. Possibly starting with Henri Lefebvre's famous 1974 study, the insight that space is not physically given but social (and linguistically) produced, and in its turn shapes and constrains thoughts and actions, has helped to counter overly time-saturated social-scientific narratives of progress and modernization.<sup>3</sup> More recently, in *The Nation State and Violence*, the second volume of his critique of historical materialism, British sociologist Anthony Giddens stresses the importance of space for the theory of power. Some spaces, he argues, form 'power containers', i.e., circumscribed areas for the generation of administrative power and for the concentration of resources. Next to, and even more than, institutions like schools, hospitals, and prisons, he claims, the pre-eminent such modern power container is the territorially bounded nation state.<sup>4</sup> Clearly, frontiers or boundaries are crucial to these particular power containers: it is only within its borders that a state is, or is held to be, sovereign; and it can amass or concentrate resources either by controlling or taxing the production of goods on its territory or by restricting, encouraging, or – again – taxing the transport of goods across its borders. Clearly, however, Giddens still emphasizes the role and importance of institutions, most importantly, the (nation) state; in part, this emphasis results from his self-consciously ethnocentric focus on states in (Western) Europe.<sup>5</sup>

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<sup>2</sup> For more detailed discussions of patronage, see e.g. Jeffrey Simpson, *Spoils of Power: The Politics of Patronage* (Collins 1988) and the older but still useful collection edited by E. Gellner & J. Waterbury, *Patrons and Clients in Mediterranean Societies* (Duckworth 1980). For a more recent discussion, see e.g. Matthew Flinders, 'Governance and Patronage,' in David Levi-Faur (ed.), *The Oxford Handbook of Governance* (Oxford University Press 2012).

<sup>3</sup> Henri Lefebvre, *La production de l'espace* (Anthropos 1974).

<sup>4</sup> Anthony Giddens, *The Nation State and Violence* (A Contemporary Critique of Historical Materialism, vol. 2 (Berkeley/Los Angeles: University of California Press 1987), p. 13. Giddens prefers the term *locale* over *space* or *place*, as it may account for the coordination of time as well as space; but I will ignore this point here.

<sup>5</sup> Giddens (1987: 5).

Famously, a number of these institutionalist assumptions and conceptions have been explicated and criticized by the Frenchman Michel Foucault. The seemingly consensual and peaceful character of institutions, Foucault argues, masks an never-ending struggle between different forms of domination and resistance; instead, Foucault proposes to study practices and strategies rather than rules or institutions.<sup>6</sup> Next to the consensus-theoretical bias of institutional analyses, Foucault also criticizes the concomitant assumption of power as sovereignty, that is, as exercised by the state or the ruler and in the form or guise of laws: for him, there are also non-sovereign modalities of power, like, most famously, discipline, which is not exercised by the state (the unity and individuality of which he sees as a ‘mythified abstraction’ anyway);<sup>7</sup> rather, it functions in separate institutions or spaces, like hospitals, schools and prisons, and in the guise of a normal-pathological rather than a law-transgression distinction. Moreover, according to Foucault, power relations do not simply, or necessarily, distort or repress social realities independently and antecedently given; rather, they may themselves produce such realities.<sup>8</sup>

Foucault’s genealogical analyses specifically thematize questions of space: a temporal vocabulary, he argues, including that of dialectics, models discourse on individual consciousness and sees change as continuous; but a spatial vocabulary calls attention to discontinuities and to relations of power (DE III: 33).<sup>9</sup> It should be added, however, that – despite Foucault’s influence on geographers like Edward Soja and Doreen Massey – this spatial thematic of genealogy largely remains to be developed. For example, Foucault suggests that geographical discourse, as the discourse of nationalism, actually produces national identities, in particular by justifying territorial frontiers; but unfortunately, he does not elaborate this suggestive point, apart from calling attention to possible conflicts between national and regional identities.<sup>10</sup> This question seems particularly relevant, however, for the Iraqi case. Undoubtedly, geographical discourse and knowledge played an important role in bringing the territorial state of Iraq into being, at first under British mandate, and subsequently as a (quasi-) independent state of its own; but, as famously noted by King Faysal, the mere existence of such a state did not necessarily lead to a shared national identity *as* Iraqis among the population. This alleged failure suggests that the dominance or hegemony of national and/or geographic discourse

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<sup>6</sup> Cf. Michel Foucault, *Surveiller et punir* (Paris: Gallimard 1975), pp. 30-35.

<sup>7</sup> Foucault, ‘La gouvernementalité,’ (*Dits et écrits*, vol. III) 656.

<sup>8</sup> Michel Foucault, ‘La gouvernementalité.’ In *Dits et écrits*, vol III (Paris: Gallimard 1994), pp. 635-657; cf. Michel Foucault, *La volonté de savoir (Histoire de la sexualité*, vol. I) (Paris: Gallimard 1976), part four, chapter 1.

<sup>9</sup> Michel Foucault, ‘Questions à Michel Foucault sur la géographie’ (in *Dits et écrits*, vol. III: 28-40), p. 33.

<sup>10</sup> In *Dits et écrits III*, pp. 36-37.

should be argued for rather than assumed. More generally, one may question to what extent modern states in the Middle East have actually been constituted by modern forms of knowledge in the way suggested by Foucault; but this is a question best left for another occasion.

Despite such caveats, a genealogical approach in terms of power, practices and strategies would seem to be more germane to the study of Kurdish society, conflict-ridden and weakly institutionalized as it is, and, possibly, of the Middle East at large, than Giddens's analysis in terms of states and other 'institutional clusterings'. Here, I will briefly discuss the development of Iraqi Kurdistan as a distinct political space over the past decades, with an emphasis on the post-2003 period. There have been few earlier studies of the Kurds from a spatial perspective, and these have focused on Turkey rather than Iraq.<sup>11</sup> Others tend to use the term in the figurative sense of 'room for manoeuvre' or, as Denise Natali calls it, 'the political and cultural opportunities for groups to express their ethnic identity.'<sup>12</sup> Natali introduces the term space to account for the rather different forms that Kurdish national identity has taken in different countries; thus, in addition to the different political spaces inside existing states, she distinguishes a 'transnational space,' i.e., 'a deterritorialized arena where Kurds can openly renegotiate their national identity,' specifically if not exclusively in accounting for *Kurdayetî*, or Kurdish national identity. Likewise, Zeynep Gambetti, in a comparative study of activism in Chiapas and Diyarbakir, proposes a spatial understanding of collective action; but she, too, uses the term space mostly in a metaphorical sense, and acknowledges as much.<sup>13</sup> Below, by contrast, I will focus on actual places and spaces, like cities, bounded territories, etc.

### *1. Iraqi Kurdistan, 1991-2003: State or Space?*

Now let us have a closer look – which, of necessity, will still be a bird's eye view – at recent developments in Iraqi Kurdistan from such a genealogical spatial perspective. Over the past decades, the region has not only developed into a space that is politically, culturally and economically increasingly distinct from the rest of Iraq; also the vast spatial differences between the Kurdish-inhabited regions of Turkey and Iraq are immediately apparent to even

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<sup>11</sup> See, for example, the papers gathered in J. Jongerden & Z. Gambetti, *The Kurdish Issue in Turkey: A Spatial Perspective* (Routledge 2013).

<sup>12</sup> Denise Natali, *The Kurds and the State* (Syracuse University Press 2006), p. xviii.

<sup>13</sup> Zeynep Gambetti, 'Politics of place/space: The spatial dynamics of the Kurdish and Zapatista movements.' *New Perspectives on Turkey*, no. 41 (2009): 43-87.

the most casual observer. Next to the obvious visual differences in cityscapes, in building styles of houses, and in traffic organization, the more abstract economic and political divergences are almost equally striking. Southeastern Turkey, or Northern Kurdistan, is an integral part of a neoliberal Turkish economy which is oriented towards the international market, and which has witnessed years of sustained growth, especially in the industry and in construction. By contrast, Southern or Iraqi Kurdistan is a politically autonomous and economically only partly integrated region of Iraq, which displays many of the distinguishing features of a rentier economy: it has little agricultural or industrial activity, an inflated bureaucracy, and strongly relies on expatriate workers, especially in the construction and services sectors, and in trade. These discrepancies may be cause for surprise: after all, the Kurds in these different regions share a common cultural background and history, their ancestors having been subjects of the Ottoman empire for centuries. Apparently, then, these differences should be explained in terms of the different structural features of the empire's successor states; arguably, they have become even more pronounced in the years following World War II.<sup>14</sup> One should not *assume*, however, that they are the result of the diverging policies of sovereign states; they may be due in part to changing practices in other fields or institutional clusterings.

Since the establishment of the modern Iraqi state, the mountainous border areas had been, and continued to be, a zone of both smuggling activities and armed insurgent groups. Even during the 1980s, despite the immense, and often murderous, repression of all forms of opposition, and despite the projection of an omnipresent and omniscient security apparatus, the Iraqi state was hardly able to establish full sovereignty on its territory, and actually in part relinquished its monopoly on violence by establishing Kurdish irregular troops in the Northern Iraqi countryside. In fact, it could only secure territorial control by the systematic use of terror and by destructive, large-scale violence, which in the case of the 1988 Anfal operations acquired genocidal proportions.<sup>15</sup> These operations had an important territorial dimension: according to Human Rights Watch, the campaigns were conducted in those parts of Northern Iraq that were under rebel control and therefore had not been included in the 1987 census. As a result, it continued, the regime automatically deprived civilians dwelling in these areas of their right not

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<sup>14</sup> See my 'The Rise of the White Kurds: A Preliminary Study in Regional Political Economy' (forthcoming) for a more detailed comparison of regional political-economic differences. For a comparison of the post-World War II economies of Turkey and Iraq, see also Roger Owen and Sevet Pamuk, *A History of Middle Eastern Economies in the Twentieth Century* (I.B. Tauris 1998), pp. 104-126 and 162-174.

<sup>15</sup> See Human Rights Watch, *Iraq's Crime of Genocide: The Anfal Campaign Against the Kurds* (New Haven: Yale University Press 1995).

only to Iraqi citizenship, but to life. More generally, the 1980s witnessed a radical restructuring of rural space with the establishment of quasi-urban resettlement camps or *mujamma'ât*.<sup>16</sup>

In the early 1990s, however, a novel spatial if not territorial entity emerged in Northern Iraq. In the wake of the 1991 Gulf War, part of the 'Autonomous Region' unilaterally established by the Baath regime in 1974 came under the control of a coalition of Kurdish parties or guerrilla movements. From then on, the Kurds were able to create a political space that was *de facto* though not *de jure* largely autonomous from Baghdad, but by no means entirely sealed off from it. The region, however, was less a quasi-sovereign territory than an arena for intra-Kurdish struggles. In 1992, the parties united in the Iraqi Kurdistan Front (IKF) organized regional elections, which yielded a 50-50 division of seats between the two biggest parties, the Kurdistan Democratic Party (KDP) headed by Massoud Barzani and the Patriotic Union of Kurdistan (PUK) led by Jalal Talabani. This 50-50 division soon pervaded, and soon paralyzed, regional civilian politics. Increasingly, the politburos of both parties started bypassing the elected structures; and in May 1994, fights between the two parties broke out, which took a heavy toll on the civilian population and on the urban infrastructure. Although severely criticized in parliament, both party leaders appeared only to consolidate their position by this resorting to violent means. After a number of spectacular – and tragic – turns in this conflict, most dramatically the KDP's ousting the PUK from Erbil with the aid of Iraqi government forces in August 1996, the fights ended with an American-brokered peace agreement in 1998. In the process, both parliament and the civilian government had been effectively sidelined. The mandates of both had expired in 1996 anyway, but no new regional elections were to be held until 2005.

Economically, too, the region was hardly a power container in Giddens's sense, at the very least until the initiation of the UN-led Oil For Food program brought some relief (though no structural improvement) in 1998. Local agriculture had been destroyed by the Iraqi regime's policies and by developments in the international market; and since late 1991, the region suffered under a blockade imposed by Baghdad in addition to the UN sanctions against Iraq as a whole. In the dire economic circumstances, smuggling became one of the main income-generating activities. Most importantly, this involved petrol products from government-held Iraq into Turkey, but it also included cigarettes; and, with ever larger numbers of people

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<sup>16</sup> On these *mujamma'ât*, and on urbanism in post-1980s Iraqi Kurdistan more generally, see my 'Urbanization, Privatization, and Patronage: The Political Economy of Iraqi Kurdistan.' In F. Abdul-Jabar & H. Dawod (eds.) *The Kurds: Nationalism and Politics*. London: Saqi Books 2007, pp. 151-179.

wanting to escape the harsh regional conditions, human trafficking became increasingly lucrative, with people paying thousands of dollars for exit visas and the services of smuggling rings. In the circumstances, one might argue, the region's borders or front lines were less the demarcations of sovereign territories or warrants of territorial integrity than opportunities or instruments for increasing profits.

As a result of the infighting, the de facto autonomous region remained even more vulnerable not only to economic and military interference from Baghdad, but also to interventions by other outside actors. The presence of other guerrilla groups, like the PKK from Turkey and the KDPI from Iran, led to repeated incursions by, respectively, the Turkish and Iranian military. Turkey, in particular, established an enduring military presence, including several bases on Iraqi territory. Partly as a result of Turkish pressure, and with Turkish military support, Iraqi Kurdish forces started an offensive against PKK guerrillas in the Khwakurk region in the extreme Northeast of Iraqi Kurdistan in October of 1992; simultaneously, Iranian army helicopters could be seen flying in supplies to PKK guerrillas in the area.<sup>17</sup> In March 1995, the Turkish army started another major offensive against the PKK on Iraqi soil; and in 1997, together with KDP forces it carried out a joint operation against the PKK. Similar, though less massive and visible, cross-border operations were carried out by Iran, and to a lesser extent Syria. Repeatedly, KDPI bases in Iraqi Kurdistan were bombed by Iranian airplanes or artillery; and in August 1995, PKK guerrillas, most probably at the behest of the Syrian regime, launched a major offensive against KDP and PUK positions in various parts of the region.<sup>18</sup>

Clearly, between 1991 and 2003, Iraqi Kurdistan was a porous zone of transition, and an arena for various transborder flows and conflicts, rather than a power container, that is, a state-like institutionalized entity with even a limited claim to territorial integrity. The region had a civilian government and a parliament, but these were largely ineffective in the face of the armed forces and politburos of local parties and of the military might and political leverage of neighbouring countries. Effectively, the 1994-1998 infighting left the region split in two: both parties now controlled single-party statelets marked by pervasive patronage of the locally dominant party. New regional elections would not be held until 2005; and in a way, an invisible frontier between KDP- and PUK-controlled territory remained in place.

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<sup>17</sup> Interviews, local eyewitnesses, Shaqlawa, Iraqi Kurdistan, October 1992.

<sup>18</sup> For more details see my 'Irakisch-Kurdistan seit dem zweiten Golfkrieg,' in C. Borck u.a. (eds.) *Ethnizität, Nationalismus, Religion und Politik in Kurdistan* (Münster: LIT Verlag 1997)

## *2. Iraqi Kurdistan since 2003: consolidation or contestation?*

Despite these enduring features, a measure of stability was achieved after 1998. Hence, for Iraq Kurdistan, the American-led 2003 war against Saddam Husayn's regime marks far less radical a rupture than for the rest of Iraq: its main political, economic, and even ideological features had stabilized well before the war, and would not meet with major challenges until long after.<sup>19</sup> Obviously, the war and its aftermath led to significant political changes, most importantly a steep rise in revenues – 17% of Baghdad's oil income being earmarked for the region – and the official recognition of an autonomous Kurdistan region in the 2005 Iraqi constitution; but these changes consolidated and institutionalized existing trends and arrangements rather than marking a radical departure.

Superficially, it might seem as if the post-2003 period merely marks the consolidation of Iraqi Kurdistan as a recognized sovereign (or at least autonomous) territory within Iraq that is on a steady path way to a well-deserved full independence. Until the 2014 IS offensive, the region also seemed a zone of social peace, political stability, and economic prosperity, as the rest of Iraq descended into (mainly sectarian) violence from late 2005 on. Yet, despite these appearances, the region shows a number of enduring divisions and fault lines; it has hardly stabilized into a power container, but remains a zone of transit, and an arena for conflict. First, the boundaries of the autonomous Kurdistan region remained to be resolved. Second, the persistence and indeed strengthening of patronage undermined the creation of effective institutions, if not the emergence of a sovereign (quasi-) state serving the public good rather than private interests. Third, the enduring or recurring rivalry between the main Iraqi Kurdish parties raises the question of political control over the region. Fourth, cross-border trade continues to display traits of smuggling. Fifth, the presence of Kurds and others from other countries or territories, including expat workers, cultural activists, guerrilla movements (most importantly the PKK), and, especially from 2014, a large influx of refugees and IDPs, shows the continuing importance of transborder movement. Sixth, the presence of foreign troops, most visibly American army forces, but also Turkish and Iranian military personnel, problematizes the region's claims to sovereignty and territorial integrity. Let us explore each of these in turn.

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<sup>19</sup> For a more detailed argument concerning these continuities, see my 'Iraqi Kurdistan since 2003,' *Arab Studies Journal*, 23 (1) (Autumn 2015): 154-183.

First, the territorial demarcation. After 2003, the area identified as the Kurdistan Region was constitutionally recognized; but it was by no means clearly bounded or delineated. The *de facto* autonomous zone that had existed from 1991 to 2003 was similar, though not identical, to the autonomous region that had been unilaterally declared by the Baghdad government in 1974. In the 2003 war, Kurdish forces had gained military control over several areas that had been contested, most importantly, (part of) the oil-rich Kirkuk province, Sinjar region West of Mosul, and the Ninewa plain. The latter two had a particularly ambivalent status, being politically and *de jure* part of Mosul governorate, but had militarily and *de facto* come under Kurdish control. Thus, in these frontier zones between the Arab-dominated regions under Central government control and Kurdish-held territory, the seeds for new troubles were sown.<sup>20</sup> The population of these regions was mixed and heterogeneous; the groups living on Ninewa plain, in particular, could not unambiguously be called either Kurds or Arabs. KRG sources claimed that Yezidis, Shabak, and Assyrian Christians either ‘really’ were Kurds, and that these minorities were safer under Kurdish rule than as part of the Sunni Arab-dominated Mosul governorate (in which violent salafî-jihadî insurgent groups targeting members of all these minorities were on the rise). The population groups themselves were less unambiguously happy with Kurdish rule; repeatedly, locals protested against being treated as second-class citizens by the KRG.

Clearly, a political settlement for these territories was needed. Article 140 of the 2005 Iraqi constitution called for a census and a referendum to be held by the end of 2007 in Kirkuk ‘and other disputed territories’ (meaning, specifically, Sinjar and Ninewa plain), in order to determine whether the population of these areas wanted to become part of the Kurdistan Region or rather to remain under the Baghdad administration. No such referendum was ever held, however. Neither the KRG nor the Baghdad government seemed very eager to implement this constitutional provision; possibly, the Baghdad administration felt there was little chance of a majority opting to side with it, while the Kurdish government was not necessarily happy about giving the local population (which had repeatedly demonstrated its unhappiness with KRG rule) a chance to speak out in public. Instead, the conflicting parties increasingly tried to co-opt or

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<sup>20</sup> For an assessment of developments up to mid-2009, prior to the departure of American troops and prior to the outbreak of new forms of sectarian violence that would culminate in the IS offensive of summer 2014, see International Crisis Group, *Iraq’s New Battlefield: The Struggle over Ninewa* (Report no. 90, 20 September 2009), available from <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/iraq-s-new-battlefront-struggle-over-ninewa> (accessed December 2015)cf., Human Rights Watch, "[On Vulnerable Ground: Violence against Minority Communities in Nineveh Province’s Disputed Territories](#)," report, November 10, 2009; available from <https://www.hrw.org/report/2009/11/10/vulnerable-ground/violence-against-minority-communities-nineveh-provinces-disputed> (accessed December 29, 2015). See also Leezenberg (2014).

coerce these groups into siding with them; as a result, violence against minorities increased considerably in these years. Especially in the city of Mosul and its vicinity, robberies, kidnappings and even assassinations of minority members became increasingly frequent.

As a result of these new, or newly articulated, rivalries, these minorities were increasingly put at risk. Already in 2010, an Amnesty International report warned that the region's minorities were 'increasingly becoming pawns in a power struggle between an Arab-dominated central government and the Kurdistan Regional Government.'<sup>21</sup> The new – or renewed – confrontation between the secular nationalist Kurdish leaders and the Arab-dominated (and increasingly sectarian Shi'ite) central government in Baghdad led to new pressures on, and ruptures within, the communities under discussion. All three groups faced the choice of casting their lot with the KRG or siding with the Baghdad government or with Shi'ite parties.<sup>22</sup>

Second, the region continues to be marked by patronage relations, which have had substantial spatial effects. The sudden rise in revenues after 2003 dramatically increased the possibilities for clientelization, but it does not appear to have led to any qualitative changes in existing patterns of party patronage. Currently, the KRG employs a staggering 60% of the region's work force; in fact, government employment seems to be little more than an institutionalized form of patronage. Apparently, all oil revenues were spent immediately, either on public obligations like salary payments or on personal enrichment; no thought whatsoever appears to have been given to building up currency reserves, let alone creating a sovereign wealth fund.<sup>23</sup> The lack of financial transparency in the region greatly increased the opportunities for corruption and clientelization. An unknown percentage of these funds has flown directly into KDP and PUK party coffers and into the bank accounts of leading politicians; another part has been spent on various forms of patronage. The most visible, and undoubtedly the most blatant, of these is the direct allocation of funds to those close to the power elites. Already by 2006, there were an estimated one thousand millionaires in Sulaimaniya governorate, and another one thousand in Erbil (Natali 2010: 100). With few exceptions, such as the owners of Korek and Asiacell, the region's two main mobile phone companies, these millionaires had acquired their fortune

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<sup>21</sup> AI, report *Iraq: Civilians under fire*, April 2010 (MDE 14/002/2010, p. 16).

<sup>22</sup> For a more detailed account of the events of the summer of 2014 and their consequences for the local religious minorities, cf. my 'Transformations in minority religious leadership: The Yezidis, Shabak, and Assyrians in Northern Iraq,' forthcoming.

<sup>23</sup> According to official KRG figures, some US\$100 billion has been spent locally since 2004; but the actual allocation of this amount, let alone its relation to the revenues from Baghdad and from levies at the borders with Turkey and Iran, are less than clear.

through the redistribution of oil income and other revenues rather than through entrepreneurial activities of their own. Rather than constituting an affluent business class as a social force in its own right, they remained entirely dependent on – and hence loyal to – the parties in power.

Patronage relations have also developed with, but have had a rather different effect on, refugees and IDPs resettling in the region and Kurds living in neighbouring countries. Some local observers have alleged that, because of the double use of the Iraqi government's food distribution cards as voter registration cards, the KRG authorities have been reluctant to use the distribution cards for the registration of IDPs in local camps, lest being entitled to food supplies in the North might also be construed as being entitled to vote in the regional elections. Conversely, there are persistent rumours of locally ruling parties handing out food distribution cards to Kurds living in neighbouring areas of Turkey and Iran, in exchange for them coming to Iraqi Kurdistan and vote for them during elections.<sup>24</sup> In short, the region's constitutional recognition has hardly led to the strengthening of formal institutions with respect to informal patronage relations.

The third factor problematizing Iraqi Kurdistan as a political space is the persistent rivalry between the local parties, which goes far deeper than the mere competition for the electorate's favors during elections. The longstanding, and often violent, struggle between the two biggest parties, the KDP and the PUK, abated with the apparent mutual acceptance of the other's hegemony in the territories demarcated after the 1990s infighting; in the 2005 and 2009 regional elections, both parties even ran on a joint ticket, the Kurdistanî list. After 2003, the Islamists in the region no longer posed a substantial political or military threat or challenge. From 2008 on, however, a breakaway faction from the PUK, headed by Noshirwan Mustafa Amin (1944-2017), formed Goran, a new political party which was to become especially popular in Sulaimaniya province, the PUK stronghold. The KDP and PUK, however, appeared unwilling to give up the privileges they had built up in the preceding decade. To some extent, they became even more authoritarian, with the KDP increasingly repressing opposition and dissent in Erbil, and with the PUK refusing to give up the governor's seat in Sulaimaniya even after losing local elections to Goran. Opposition parties, like the Islamic Union (*Yekgirtuy islamî*) early in the twenty-first century and Goran towards the end of the decade, appear not to have succeeded in seriously challenging or changing this arrangement of affairs. Initially, Goran appeared to push for, and to some extent realize, a greater transparency in discussions of the KRG budget; but in

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<sup>24</sup> Interviews, Erbil, Sulaimaniya, August 2015.

the wake of the 2013 elections, when it gained 24 seats in the regional parliament, and subsequently joined the cabinet with several governmental posts, it appears to have been pursuing a greater share in, rather than any substantial change of, the existing redistribution system.

Space continues to be organized along party-political lines. After the 2005 regional elections in 2005, the PUK and KDP, although now formally falling under a unified regional administration, largely retained their zones of influence. Even the emergence of Goran as a major regional player in the 2009 and 2013 elections had only a limited effect on PUK dominance in Sulaimaniya governorate. The sole exception to this carving up of the Kurdistan region between the two dominant parties seems to be the region of Halabja, long a hotbed of Islamist parties, which in March 2014 was recognized by the KRG as an independent governorate; but even here, the PUK continued to play a dominant role. This region had visibly more agricultural activity than the KRG's other governorates, according to some local observers for the simple reason that it received rather less funds from the regional government than the others. I have no information about cross-border trade and trafficking in the region; but given its long border with Iran, it offers plenty of incentives for smuggling, in particular of alcohol products and other items forbidden or restricted in Iran.

The ongoing competition between the main political parties in Iraqi Kurdistan has hardly led to a further ethnic fragmentation. There are some indications of an increasingly vocal cultural self-assertion in the Badinan region in the Northernmost part of the KR, but this has hardly if at all translated into a distinct political mobilization. Other ethnic groups, like the Assyrian Christians, the Yezidis, the Turcomans and others, appear to be numerically too small and politically and economically too weak to mount a serious challenge. Of these groups, only the Christians are represented as such in the regional parliament. There are indications, however, that the KRG displays an increasingly restrictive notion of Kurdishness, not only towards minorities (members of which have repeatedly complained of being treated as second-class citizens) and towards IDPs coming from elsewhere in Iraq, but also towards Kurds born in or long resident in Baghdad. We will return to this below.

The fourth significant and problematic feature of Iraqi Kurdistan as a political space is the particular character of its cross-border trade. Most importantly, of course, this trade involves the export of crude oil and refined petrol products; but also the import of basic foodstuffs is crucial. The latter became particularly important given the near-total disappearance of a

productive agricultural sector in the region: since the 1990s, the region had been nearly completely dependent on imports from neighbouring Turkey and Iran for its basic needs. Imports from Syria were considerably reduced, though not entirely discontinued, since the outbreak of the civil war.

Also after the ousting of Saddam and the recognition of an autonomous Kurdistan region, the distinction between officially sanctioned exports and illegitimate smuggling remained fluid and politically contested. To begin with, there was little if any governmental transparency nor any independent oversight concerning oil exports and customs levies (and more generally of KRG revenues and expenditures), leaving ample room for corruption. And indeed, there have been reports of individuals with party connections smuggling oil across the borders. Moreover, the Kurdistan region increasingly resorted to, and prepared for, the independent production and export of oil, in apparent anticipation of independence, if not already acting like an independent state. When legally challenged by the Baghdad government concerning these exports, Kurdish producers resorted to selling oil at prices far below the international market rates, to buyers in Turkey, Iran, and, according to some sources, Israel. Given the general lack of transparency surrounding the region's finances, it is quite unclear how much of these oil revenues (or even how much of the 17% of Baghdad's oil revenues officially earmarked for the Kurdistan region) has ended up with the regional government, and how much has fallen in private hands; but one may surmise that the latter part is considerable, witness the large number of non-entrepreneurial millionaires in the region. Given the lack of transparency and the contested character of oil production, the very distinction between legitimate exports and informal or illegitimate smuggling becomes increasingly difficult to make. Put differently: the role of stable state institutions has been at best minor and at worst imaginary.

Fifth, the post-2003 period witnessed new patterns of deterritorialization and reterritorialization that were almost as dramatic as the Baath regime's destructive 1980s policies. The presence of large numbers of foreign workers, guerrillas, refugees and IDPs blurs the contours of Iraqi Kurdistan as a self-contained political or economic space with a clearly delimited population. Until the financial crisis that erupted in 2014, a substantial part of local youths receiving higher education grew up believing they could expect – and, indeed, were entitled to – a secure income through a virtually guaranteed government employment. As a result (at least until the 2014 cut of funds from Baghdad and the IS crisis), the majority of the personnel in the services sector, and in particular in restaurants and shops, were Kurds from Turkey, Syria, and Iran; a significant

percentage of managers in the more luxury hotels, restaurants and department stores were Lebanese; and a large part of the personnel at hotels and airports hailed from the Indian subcontinent. Until the IS takeover of Mosul, one could also see day laborers from Mosul province waiting for employers on street corners. Needless to say, these expatriate workers had neither political rights nor political representation.

The transborder flow of personnel was not only of a purely economic character, but also included cultural exchange. Especially after 2003, the region's affluence and the unprecedented opportunities for Kurdish cultural expression became increasingly attractive for Kurds from other regions. Economically, the region's newly recognized status and affluence thus led to a steady influx of expatriate workers from Turkey, Syria, and Iran (although, especially in the construction sector, non-Kurdish companies from Turkey are said to have dominated);<sup>25</sup> culturally, one could witness an increasing exchange between Kurds from different countries; and politically, the region's new, officially recognized status led to new options, strategies and challenges; and to new alliances and rivalries.

Next, the enduring presence of PKK guerrillas in the Qandil mountains has proved a recurrent challenge for the KRG. Turkey repeatedly demanded the removal of the guerrilla bases, and regularly carried out air strikes against them. Both because of these pressures from Turkey and for reasons of their own, the Iraqi Kurdish parties, in particular the KDP, have had a long troubled history, and, increasingly, a competition for pan-Kurdish hegemony, with the PKK. After 2003, the KDP-PKK rivalry on Iraqi territory appeared to have abated, with PKK activities largely confined to the territory surrounding their headquarters in the Qandil mountains and – at least for a number of years – involving few if any armed incursions into Turkish territory. After the summer of 2012, however, an entirely new arena for these rivalries was opened up in the Kurdish-majority areas of Northeast Syria, which have since come to be known as Rojava, or 'the West' (i.e., 'Western Kurdistan') . For decades, the Iraqi KDP had been dominant among the local – and hopelessly fragmented – Kurdish parties, despite successful mobilization by the PKK for its war efforts in the North. Both KDP and PKK, it should be added, generally maintained cordial relations with the Syrian regime. After Öcalan's 1998 departure from Syria, his subsequent kidnapping and imprisonment by Turkish forces, and the near-complete cessation of PKK guerrilla activity, Syrian state repression of PKK members and activities appears to have increased. In 2004, the PYD (*Partiya Yekitiya*

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<sup>25</sup> Interviews, local observers and economic specialists, Erbil, August, 2015.

*Demokrat*), a local political party, ideologically close to but officially independent from the PKK, was formed. Initially, it was persecuted by the state; but after the start of the uprising against the Syrian regime, this changed dramatically. In the summer of 2012, the Assad regime suddenly, and without any military confrontation, handed over substantial parts of this area to the PYD. At a single stroke, this party became the sole party locally in power, ending decades of KDP dominance; it quickly proceeded to oust, imprison, and in some cases kill personnel from the other, KDP-backed parties. In short, Kurdish party politics or party rivalries hardly stopped at national boundaries; rather, rivaling parties could use these boundaries as strategic assets.

Sixth and finally, the substantial foreign military presence and the lack of a standing regional army further problematizes any notion that Iraqi Kurdistan is, or could develop into, a fully sovereign state. The region has neither any Iraqi army bases nor a regional conscript army, but, in essence, only salaried party militias. The very persistence of these militias, it seems, reflects a substantial demographic change: an entire generation of youths has come of age without ever having experienced – let alone actively participated in – insurgency and counterinsurgency, guerrilla warfare or its violent repression. Instead, they have increasingly come to see security, material well-being and employment as entitlements rather than hard-won achievements. As a result, the Peshmerga forces are basically a professional army, if not a party militia, which counts significant numbers of older men.

Next to this persistence of military party politics, the region contains a substantial presence of Turkish and Iranian army personnel (not to mention the American and other troops and advisers who participate in the war against IS). The numbers of these troops and the extent of their activities are unclear; but the very presence of these forces appears to contradict or undermine Kurdish claims or aspirations to sovereign statehood. Instead, the region appears to be a space or arena where rivalries between various state and non-state actors are enacted, without any side being the obvious or uncontested sovereign or legitimate power.

### *3. The 2014 IS offensive and its aftermath: proliferating violence or homogenizing space?*

In the summer of 2014, many of these long-standing conflicts boiled over, in the wake of the meteoric rise of the so-called ‘Islamic State’ (IS) in the power vacuum that had developed in

large parts of Syria and Iraq. It is a contentious issue whether or not IS is, or should be recognized as, a state. On the one hand, in its very name, it claims to be a ‘state’ (*dawla*); on the other, its defiant rejection of everything to do with democracy, the liberal principle of the rule of law and with the rules of conduct in international relations, it gives every impression of seeking condemnation rather than recognition by the international community. In fact, one may question if IS is not behaving more like a mafia gang claiming its territory by the public display of excessive violence, rather than a territorial state.

After its surprise capture of Mosul in June, IS launched a major offensive towards Sinjar, Ninewa plain, and Makhmur, South of Erbil, which had long been home to a camp for refugees from Northern Kurdistan with PKK sympathies. The results were dramatic. In Sinjar, in particular, the Kurdish front appears to have collapsed even before IS troops arrived, leaving the civilian population (mostly consisting of Yezidis) at the mercy of the invaders. Hundreds of thousands of Yezidis, Shabak, and Assyrian Christians were driven from their homes; thousands of Yezidis lost their lives, and thousands of Yezidi women were enslaved by IS. Makhmur was briefly captured by IS before it was reconquered, apparently by a temporal alliance of Peshmerga forces and PKK guerrillas supported by U.S. air power.

Significantly, these attacks focused on areas that had been contested since 2003. In attacking these areas, the population of which was seen as less than fully loyal to, and/or as less than fully Kurdish by, the KRG, IS appears to have tested the latter’s resolve. The role and responsibility of the KRG in these events has never been independently explored, and hence remains the subject of controversy. A substantial number of Sinjari Yezidis feel let down if not betrayed by the Peshmerga forces, and appear to have shifted loyalties to the PKK, the guerrillas of which, they felt, have made a more substantial effort to protect them. Thus, Sinjar region has become not only a space of confrontation between the Kurds and IS, but also an arena for the rivalry between the KDP and the PKK – a rivalry generally pursued by military and economic rather than political or legal means. These rivalries, it should be added, have hardly helped the already severely affected local Yezidi population.

Kurdish reactions to the advances made by IS appear to reflect a keen attention for economic interests. In June 2014, KRG forces took military control over all of oil-rich Kirkuk province, in the wake of the IS offensive against Mosul, and the collapse of the Iraqi army in the North of the country. In July 2014, Kurdish forces captured the Ayn Zalah oil field Northwest of

Mosul, after it had been abandoned by Iraqi government troops.<sup>26</sup> The field, which yields an estimated 2,000 barrels per day, reportedly came under the control of KDP strongman Masrour Barzani, who, according to local sources, kept all revenues as private profit; but these reports have not been officially confirmed.

The offensive and the continuing threat posed by IS did not lead to a closing of ranks among the Iraqi Kurdish parties. On the contrary, in the summer of 2015, the conflict between Goran and the KDP came to a head after a number of violent anti-KDP demonstrations in Sulaimaniya province. KDP officials were quick to blame Goran for the agitation, ousting all Goran members from the cabinet, and refusing Goran representatives any further entrance into Erbil. Initially, the PUK remained neutral in this conflict; but in May 2016, a merger (or, perhaps more correctly, reunion) between the PUK and Goran was achieved.<sup>27</sup> In reaction, the KDP only appears to have dug its heels deeper into the sand. As a result of the political deadlock, the regional parliament has effectively stopped functioning, despite the acute financial crisis, despite the threat posed by IS, and despite the currently ongoing Mosul offensive. There are indications that, in the conflict between KDP and Goran (and, after the May 2016 merger, the PUK-Goran alliance), the Obama administration tacitly sided with Barzani, apparently considering the latter a more stable regional force, and a more reliable ally, in the then-impending Mosul offensive.<sup>28</sup>

There is increasing popular disaffection with the region's staggering corruption and pervasive patronage; but this has not, or not yet, translated into any substantial political mobilization. Indeed, the lack of public protest against the KRG's financial and other failings is surprising; the relative quiet may be due in part to the increasingly oppressive presence of local authorities, and in part to the looming threat of IS. Thus far, the KRG's failure to pay peshmerga salaries on a regular basis has apparently not led to any mass desertion; but the enduring loyalty of the regional forces, let alone the civilian population, cannot even be taken for granted in the face of the IS threat. Among the public, irritation about the government's corruption and mishandling of the current economic and political crisis is growing. Although it is doubtful such disaffection will crystallize into violent organized opposition (radical armed groups being

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<sup>26</sup> Cf. 'KRG solidifies hold on Ain Zalah oil field,' *Iraq Oil Report*, March 26, 2015; available at <http://www.iraqoilreport.com/news/kg-solidifies-hold-on-ain-zalah-14284/> (accessed December 30, 2016).

<sup>27</sup> For an English translation of the agreement, see <http://ekurd.net/gorran-puk-agreement-full-text-2016-05-20> (accessed October 30, 2016).

<sup>28</sup> Interviews, senior Kurdish observers, Sulaimaniya and Erbil, April 2016.

largely absent in the regional political landscape), the KRG is clearly alarmed, as could be seen already in the summer of 2015. Undoubtedly triggered by the August 2015 demonstrations in Baghdad, which had forced the Abadi government to announce major reforms, the KRG took precautions against any public display of discontent, putting riot police and water cannons on alert in the major cities.<sup>29</sup> Given the depth of the cash crisis, it may be surprising that serious or large-scale protests had not already occurred much earlier. One factor is undoubtedly the menacing presence of IS troops nearby, a threat carefully and hitherto successfully exploited by the KRG; another factor appears to be locals resorting to using their own savings, to borrowing (from private individuals rather than institutionalized banks) and to remittances from relatives abroad. Local observers say that more serious protests may be expected when these means are getting exhausted; but as of mid-2017, such protests have hardly occurred on a large scale.

The 2014 IS offensive led to major waves of forced migration and displacement. The wider conflict of which it was the culmination especially worsened the living conditions for people qualified as ‘minorities’ by whoever was in power locally. In 2016, the Kurdistan Region hosted an estimated 1,6 million refugees and internally displaced persons. The majority of these were Kurds from Syria, Yezidis from Sinjar, and Shabak and Christians from the Ninewah plain; but they also included Arabs as well as Turcomans, and Sunnis as well as Shi‘ites, from other parts of Iraq.<sup>30</sup> As a result of the offensive, calls for the separate representation of groups like Yezidis, Kakais, Arabs, and others increased; one proposal suggested two separate councils for, respectively, ethnic and religious minorities.<sup>31</sup> It remains to be seen whether the creation of such councils will lead to a greater representation rather than to a more diffuse patronage. In fact, coinciding with these efforts, there are indications that the KRG conceptions of ‘Kurdishness’, and hence of full citizenship, are becoming increasingly restrictive. Already before 2014, minorities like the Yezidis, the Christians, the Shabak, and the Turcomans in the Nineveh plain and Sinjar had protested against being treated as second-class citizens, and against the alleged appropriation of ruling positions, land, and other resources by individuals close to the KRG or the KDP. Some locals have interpreted the collapse of the KRG front

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<sup>29</sup> Personal observations, Duhok, Erbil, August 2015.

<sup>30</sup> The estimate is given in *Haukari Rundbrief*, November 2016, p. 3; my knowledge of the presence of various ethnic and sectarian groups is based on personal observations and interviews in Baharka, Hershema, and Ain Kawa refugee camps and in the cities of Erbil, Duhok, and Koya, November, 2014; August 2015; and May, 2016.

<sup>31</sup> <http://www.voanews.com/content/minorities-in-iraq-kurdistan-push-for-greater-political-voice/2910051.html> (accessed September 15, 2015).

against IS, which left the Yezidis unprotected, as a reflection of the regional government's attitude towards minorities. Especially since 2014, the KRG's rhetoric and practices appear to have become increasingly anti-Arab. On one level, the confrontation between KRG troops and IS forces reproduces the murderous logic of escalation between Kurdish and Arab nationalisms of the 1980s; but in the present circumstances, anti-Arab sentiment among the population is notably stronger, and in fact seems to be encouraged by the regional government. In both official rhetoric and popular parlance, one increasingly often hears expressions like *arabî pîsekan* ('dirty Arabs'); and locals born outside the Kurdish region or out of mixed marriages have complained of being humiliated or discriminated against by officials for being insufficiently 'Kurdish'. Thus, Kurdish authorities appear intent on creating a more homogeneously and unambiguously Kurdish space in the region under their control.

Given its porousness for both IS militants and PKK guerrillas, not to mention troops from states like Turkey, Iran, and the U.S., Iraqi Kurdistan hardly qualifies as a solid or stable 'power container.' More generally, given the pervasive and enduring political influence and military presence of countries like Iran, Turkey, and the U.S., Iraqi Kurdistan hardly seems in the process of becoming a *de facto* sovereign state with territorial integrity; but even *de jure*, whatever sovereignty it has is severely curtailed, if not completely suspended, given the expiration or suspension of constitutional provisions both nationally and regionally. The 2005 national constitution called for the settlement of disputed territories like Kirkuk, Ninewah plain, and Sinjar by referendum, to be decided by a referendum within two years; but no such referendum was ever held, nor is it likely to be held. The regional constitution stipulated that the region's president could serve a maximum of two terms; but since 2013, the regional parliament, then dominated by KDP and PUK, has twice voted to extend Barzani's mandate. This move itself was not constitutionally warranted; but even this extended mandate expired in 2017, with Barzani refusing to step down and no new presidential elections in sight. This situation should not be read as an example of sovereignty as the power to suspend the constitution, as legal theorist Carl Schmitt famously suggested;<sup>32</sup> rather, constitutional law can, and in this case probably should, be seen as part of an ongoing struggle, that is, as an instrument of conflict rather than its resolution. The region's current constitutional limbo should be

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<sup>32</sup>Carl Schmitt, *Political Theology: Four Chapters in the Theory of Sovereignty* (University of Chicago Press 2006).

construed as a sign that sovereignty and law-like power have only a limited role to play in struggles between the region's different actors.

To some extent, the precariousness of sovereignty in Iraqi Kurdistan may be an extreme example of a rather more widespread pattern of undermining the sovereign state. Thus, Wendy Brown has argued that the very proliferation in recent years of walls or fences erected to protect state borders reflects a general waning of state sovereignty. Raising a wall (and perhaps more generally, drawing a strict border) around a nation state, she argues, may appear to assert state strength, but in fact reflects the erosion rather of the sovereign nation state in the wake of economic and political globalisation: "in a post-Westphalian order, sovereign nation-states no longer exclusively define the field of global political relations or monopolize many of the powers organizing that field."<sup>33</sup> Brown focuses on the fence along the American-Mexican border and on the wall erected by Israel on the frontier with, and in part on, the West Bank; but similar walls or fences have recently been constructed in Southeastern Europe in order to fend off refugees; and, more relevantly to the present paper, by Turkey along those parts of the Syrian-Turkish border that are currently under the control of the Kurdish PYD. In Iraqi Kurdistan, no such sovereignty-signifying walls have been erected, except in a few places: thus, after the 2003 war, the Kurds erected a massively fortified checkpoint on the main highway between Erbil and Mosul, seemingly strong enough not just to resist any terrorist assault but a conventional army.<sup>34</sup> Not even this fortification, however, could stop the IS onslaught against Ninewa plain in August 2014.

There have also been reports about (plans for) ditches and fences along the Northern Iraq-Rojava order to stop PKK and/or PYD guerrillas from crossing; but to the extent that these plans were realized, they have hardly if at all reduced the cross-border flow of personnel. One can even question to what extent such plans or actions on the KRG's part reflect or assert a law-based territorial sovereignty at all. In January 2017, KDP spokesmen threatened the PKK with military action if they did not evacuate Sinjar; shortly after, the PKK announced its withdrawal. The KRG seems to have posed this demand, and made this threat, at the behest of Turkey; earlier, regional president Barzani was said to have ruled out any direct military confrontation with the PKK. Instead of direct military confrontation, the KRG appears to have repeatedly resorted to economic warfare as a means of exercising pressure on the PKK, and on the parties

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<sup>33</sup> Wendy Brown, *Walled States, Waning Sovereignty* (London: Zone Books 2010), esp. p. 24.

<sup>34</sup> Personal observation, July 2010.

and individuals sympathetic to it. Thus, on numerous occasions, the regular border crossings with Rojava were closed, blocking the flow of people and foodstuffs into Syria. These drastic measures were not restricted to Rojava, however, but also extended to areas nominally under KRG control. In late 2016, the KRG (dominated by the KDP) imposed an embargo on Sinjar region as well. In December 2016, Human Rights Watch reported that the KRG was imposing ‘disproportionate’ restriction on goods (and in particular foodstuffs) being brought into Sinjar, in an apparent attempt either to stop the flow of supplies to PKK and/or PYD guerrillas or to punish the local population for their PKK sympathies.<sup>35</sup> Regardless of the question of whether such embargo policies are effective or justifiable, and regardless of whether they reflect the KRG’s or Barzani’s own intentions rather than Turkish demands, these seem less the measures of a sovereign power backed by laws than the strategies of one side in a highly contested, and violent, field.

These crises of space and sovereignty have gone largely unnoticed. Attention in the international media has focused on Kurdish participation in the battle against IS, demands for arms supplies and Peshmerga salaries and claims to statehood, rather than on intra-Kurdish rivalries or the ongoing economic, political, and constitutional crises. Indeed, one might suspect that part of the Kurdish leadership is playing the independence card amidst a major multilevel crisis not only as a way of gaining leverage against the Baghdad government, but also as a way of keeping, or regaining, legitimacy among the local population, which is clearly unhappy with the elected structures’ lack of functioning. Personal ambition also appears to be a significant factor: indeed, Massoud Barzani has publicly stated his intention to be the regional president to statehood, pledging to resign on the day independence is declared.<sup>36</sup> Opponents argue that such an independent Kurdistan would not be a fully sovereign state but a mere satellite or vassal of Turkey and Iran, and that Barzani’s clinging onto office is unconstitutional, especially after the expiring of the two extensions of his mandate (with these extensions themselves already being the result of KDP-PUK backroom dealing rather than constitutional provisions). These discussions, however, appear to have little echo among the region’s population at large. Although the vast majority of the Kurds have long dreamed, and still dream, of independence, the bulk of the population seem currently more preoccupied with making ends meet, and appear

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<sup>35</sup> ‘Iraq: KRG Restrictions Harm Yezidi Recovery,’ Human Rights Watch, December 4, 2016; available at <https://www.hrw.org/news/2016/12/04/iraq-krp-restrictions-harm-yezidi-recovery> (accessed January 22, 2017).

<sup>36</sup> Amberin Zaman, ‘Massoud Barzani vows to fight corruption with same dedication as KRG has fought IS.’ *al-Monitor*, March 22, 2016; available at <http://www.al-monitor.com/pulse/en/originals/2016/03/turkey-iraq-syria-kurds-massoud-barzani-interview.html> (accessed January 22, 2017).

sceptical about all talk of independence. In private, many have expressed their frustration with the parties' increasingly authoritarian behaviour, the pervasive corruption, the political deadlock, and the regional government's inability to pay salaries.<sup>37</sup>

### *Conclusions*

The spatial aspects of developments in and around Iraqi Kurdistan appear, if not *sui generis*, then at least difficult to treat in institutional terms. The pervasiveness of conflict, the weakness of elected and other institutions, and the highly contested character of legitimacy makes an institution-oriented analysis like Giddens's less easy to apply to Iraqi Kurdistan. Instead, I have focused, in a more genealogical manner, on the different ways of asserting and contesting power, and on the various strategies of local and transborder actors, of which sovereignty or law-like power and state institutions are only one dimension, and perhaps not even the most important one.

The post-2014 constellation does not mark a dramatic rupture with the past, but rather the acceleration of existing tendencies away from pluralist parliamentary politics towards a militarized and militantly nationalist form of authoritarianism – a tendency that could already be observed in the preceding years. It remains to be seen whether these authoritarian tendencies will help turning the region into a sovereign independent state; but there are reasons for serious doubts on this point. To the extent that post-2003 Iraqi Kurdistan can be called a power container in Giddens's sense, it is very much a porous one; or, to extend the imagery, in parts of their territory, states like Syria and Iraq have served as vacuum pumps rather than containers for power; and foreign state actors, like Iran and Turkey, would-be states like IS, and avowedly anti-statist actors like the PKK, have been quick to step into this power vacuum. Political legitimacy, it seems, is sought, let alone achieved, less through the ballot box and in elections

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<sup>37</sup> Interviews, anonymous local informants, Duhok, Erbil, Sulaimaniya, August 2015; Koya, Erbil, Halabja, May, 2016. The population's widespread desire for full Kurdish statehood became clear in 2005, when an informal referendum concerning independence to the consultation on the new Iraqi constitution. Although an overwhelming 98.8% of the population voted in favor of independence, the Iraqi Kurdish parties did not push these claims then, apparently using the referendum results only as a trump card in negotiations with other Iraqi parties. Cf. Azad Berwari and Thomas Ambrosio, 'The Kurdistan Referendum Movement: Political Opportunity Structures and National Identity.' *Democratization* **15** (2008): 891-908.

and referenda, or through the stabilizing and maintenance of institutions, than by the assertion of military might, by attempts at monopolizing political space, by economic accumulation and predation, and by what one may call ‘institutionalized patronage.’ Rivalling political actors have either deliberately created precarious conditions of economic scarcity if not physical danger, or at best appeared at a loss as to how to resolve them. Instead, they have tried to monopolize, not only the means of violence, but also various material and symbolic resources, whether oil revenues, patronage relations, or claims to Kurdishness. As of mid-2017, the political deadlock between the different Iraqi Kurdish parties continues and seems no nearer a resolution, leaving the distinct possibility of two separate Kurdish entities emerging in Northern Iraq – or rather, re-emerging, given that the division of the region in KDP and PUK spheres of influence in the wake of the 1990s infighting has never been completely reverted.

It is unclear what, if anything, is behind the KRG’s (or the KDP’s) current rhetoric about a referendum and independence. Concerning the region’s future place in, or outside, Iraq, much will depend on the outcome of the currently ongoing battle for Mosul. Even if, as seems increasingly likely, IS is eventually dislodged, a durable political solution for longstanding conflicts is unlikely to be achieved in the near future. It is not clear exactly what, if any, concessions the KDP, the KRG and/or the Barzanis have wrested from either the Baghdad government or the Obama administration in return for joining the anti-IS coalition; but according to Massoud Barzani himself, these include the promise that the disputed territories that have been reconquered by the Kurdish peshmerga will remain attached to the Kurdistan region. If true, this means that the fate of these areas will be decided not by referendum, as stipulated by the 2005 constitution, nor by consultation with the local population, which are seen as less than fully ‘Kurdish’, and treated accordingly, by the regional administration.<sup>38</sup>

These and other developments suggest an ongoing attempt to create a more homogeneous Kurdish space. Thus, there are indications that the rump KRG’s, or the KDP’s, increasingly restrictive definition of political loyalty and Kurdishness is directed not only against political pluralism but also against societal plurality. Whether or not informed by a systematic policy, the exclusion of Goran members from territory it considers its own, and the effective weakening if not disappearance of minorities like Yezidis, Shabak, and Christians, combined with increasingly narrow conceptions of Kurdishness on the part of the regional authorities, has had the joint effect of creating a politically and culturally homogeneous Kurdish-dominated space.

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<sup>38</sup> Interviews, Yezidi, Shabak, and Assyrian spokespersons, Brussels, July 2015; Erbil, August 2015

Whether current developments will, at some point, lead to a greater political stability and a return of economic prosperity is, at present, an open question. More generally, the prospects for a strengthening of state institutions and of effective reforms, and for the creation of a more stable and less porous political space, seem dim.