Policy Brief

Is Kurdistan Independence Inevitable?

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On 25 September, residents of the Kurdistan Region of Iraq (KRI) will cast their votes in a referendum that may trigger an official process of separating Kurdistan from Iraq. International friends and foes alike have opposed the controversial Kurdish move, contending that the referendum will fuel further instability in Iraq, and cause repercussions across the Middle East.

The Kurdish bid for independence is not unique, however. Ethnic groups in Asia, Europe, and Africa have in the past pursued their own dreams of statehood — some with success, while others ended in failure. Whatever the outcome, the process is often costly in terms of both its human toll and economically. For that reason, the secession of any region from its parent state has to be justified on strategic, political, and economic terms. For their part, Kurdish leadership asserts that Baghdad's mentality of power monopoly has not changed and the long-term potential for future violence against Kurds remains high. For them, the only viable, albeit risky, path is to seek complete sovereignty.

The stakes are high all round, and the international community could have a constructive role to play. Conversely, international disengagement leaves both Baghdad and Erbil exposed to greater uncertainty in the near future. Iraq and Kurdistan could follow the model of Kosovo, East Timor, or South Sudan, all of which realised their statehood but to varying degrees of stability; or, instead, the catastrophic pathways taken by the Biafra region of Nigeria and Katanga in Congo (now the Democratic Republic of the Congo).

Though South Sudan is still reeling from its civil war and ongoing territorial disputes, international intervention has been key in preventing clashes between Khartoum and the new state. Some important steps included the signing of the North/South Comprehensive Peace Agreement (CPA) in 2005, and the active participation of the United Nations in the referendum process in 2011. Likewise, international support was a determinant in amicable separation of East Timor from Indonesia in UN-sponsored referendum in 1999, as well as the separation of Kosovo from Serbia in 2008. By the same token, instead of mounting further pressure on Erbil to cancel the poll, it could be more constructive for all stakeholders to assist Baghdad and Erbil to reach a mutually acceptable agreement. This is likely to be beneficial for all sides. A deal would mitigate the chance of violent conflict between Kurdish forces and the Iraqi army, and could save the UN and major powers from investing blood and treasure in case of a potential later conflict. It would also remove Kurdistan from international legal limbo and provide a more viable route for diplomatic recognition.

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In contrast to these experiences, the anticipated absence of international engagement means a unilateral declaration of independence by Erbil could prove costly for all sides. This is evidenced by the declaration of independence of the Biafra Region in Nigeria in 1967–1970. The Igbo-dominated region of Biafra did not hold a referendum to pursue its dream of statehood. Instead, the 300 members of the joint Consultative Assembly of chiefs and elders voted in favour of secession from Nigeria on 26 May, 1967. The following day, the same Consultative Assembly passed a binding resolution, forcing the head of the Eastern region of Nigeria, Colonel Emeka Ojukwu, to declare independence unilaterally on 30 May, 1967. Despite some international support from African and European countries, the move was met with harsh military and economic warfare against the infant republic by the Nigerian government, leading to a three year conflict. One million people, including many civilians Biafrans civilians died, primarily from starvation.

Further evidence of the potential danger can be found in the case of Katanga. When Moise Tshombe declared Katanga province as an independent republic from Congo on 11 July, 1960, the move was initially supported by Belgium, and came just two weeks after the Congo's independence. Tshombe famously said, "We are seceding from chaos," referring to the messy state of affairs of postcolonial Congo. However, the republic, located in the mineral heartland of Congo, failed to receive diplomatic recognition — even from Belgium, and faced strong opposition from Congo and the international community. The events descended into political turmoil, and forced the UN to deploy peacekeeping forces. In addition, the competing interests and support for different groups from the US, Soviet Union, Belgium, and other powers further complicated the crisis from 1960–1965. It took three years to defeat Tshombe and reintegrate Katanga into Congo, with a high human and economic toll.

Beyond these examples and above all, the right of the Kurds to pursue statehood can be historically and legally justifiable. At the dawn of the last century when the Ottoman Empire crumbled, Kurds were deprived of statehood by the Great Powers. They were subject not just to marginalisation, but to genocide as well. Even so, following the 2003 invasion of Iraq, Iraqi Kurdish leaders actively participated in the political processes in Baghdad, helping rebuild the Iraqi state and contributing to the defeat of terrorism. From their point of view, Baghdad has not lived up to its commitments to the 2005 constitution. Furthermore, the Kurds in Iraq believe they have strong grounds legal for a Kurdish state. Under the UN Charter, they have the right to self-determination. Finally, legal scholars argue that the principle of "territorial integrity" — enshrined in the UN Charter — is not unbreakable, should a country oppress a particular ethnic group and refuse to provide equal citizenship.

International and regional powers have expressed understanding for the Kurdish aspirations for statehood, but are concerned the result could lead to violence. However, if instability is the concern, they are well-positioned to facilitate an amicable outcome between Erbil and Baghdad. Kurdish leaders have said that they have reached a point of no return with regard to their status quo within Iraq. Yet, they have shown flexibility in a willingness to postpone the referendum, should the international community offer alternatives or agree to officially support a legally binding referendum in the future. Indeed on 14 September, 2017, envoys of the US, UK and UN, in coordination with Baghdad, presented an '*alternative to the referendum*' to the KRG President. Details of the 'alternative' is not known but short of providing political and economic incentives and security assurances, it is hard to see the current momentum for the referendum coming to an end.