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## Policy Brief

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# After the Kurdistan Referendum: Iraq's Road to Reconciliation

Yasir Kuoti\*

*The Kurdistan referendum has put Baghdad and Erbil on a collision course. Yet, it has also opened the way for serious negotiations over issues that are at the root of the Baghdad-KRG crisis. In addition to technical issues, future dialogue should address amendments to the constitution and the existing power-sharing arrangement.*

## Contentious Independence Referendum

On 25 September 2017, the Kurdistan Regional Government (KRG) held a historic, if contentious, referendum in the three Kurdistan Region's provinces (Erbil, Duhok, and Sulimanyiah) and disputed territories, including Kirkuk. Notwithstanding the moral grounds for Kurdish self-determination, and despite the Kurds having voted overwhelmingly in favor of independence, the unilateral move was met with strong backlash from varied opponents, for varied reasons. The Iraqi government, parliament and Supreme Court in Baghdad come out against the referendum calling it "illegitimate," "unconstitutional," "destabilizing" and "untimely", as did Turkey, Iran, many western countries and international institutions including the United Nations and European Union.

In a retaliatory response, Baghdad moved to impose a host of punitive measures against the KRG. These included the decision by the civil aviation authority of Iraq to halt international flights to and from Erbil and Sulimanyiah airports on September 29, 2017. Now a month into the referendum, Iraqi Prime Minister, Haider al-Abadi, a perceived moderate Shiite, continues to face a mounting pressure from Iraq's parliament and political parties to take tougher measures against the KRG. In exact, the issue of disputed territories took a center stage as the Iraqi Security Forces (ISF), backed by the Popular Mobilization Unit (PMU), moved to reinstitute federal authority in Kurdish-held areas in Kirkuk, Nineveh, Salahddin, and Diyala governorates.

The referendum and post-referendum events grew fast over the past few weeks, and it is difficult to undo them for a host of legal and political considerations. Playing the blame game now is not only frustrating, but also impeding to progress. Therefore, it is more constructive that Baghdad and Erbil take steps to calm down emotions and pave the path for meaningful dialogue.

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\* Research Fellow, The Middle East Research Institute, Erbil, Kurdistan Region, Iraq

Irrespective of what Baghdad leaders think of the referendum or its legality, they cannot take away from the fact that millions of Kurds cast their votes in favor of independence. The Kurds have legitimate fears about the sectarian direction in which the country is heading, a view that is also shared by non-Kurdish Iraqis, particularly Sunni Arabs and many Shiite Arabs, including Shiite cleric Muqtada al-Sadr. Such fears need to be acknowledged and dealt with, not dismissed.

Baghdad should also take measures to improve communications with the KRG, to mitigate future fears by Kurds. Certainly, a drive behind the timing of the referendum was the fear, real or perceived, by some Kurds that with the defeat of IS, Baghdad will turn focus to the Kurdistan Region of Iraq (KRI) to deprive it of its gains.

Erbil must recognize that Iraq's constitution of 2005, which Kurdish voters have largely backed, gave a broad autonomy to Kurdistan Region and unequivocally affirmed that federal authorities have the constitutional duty to "preserve the unity [and] integrity...of Iraq and its federal democratic system." Kurdish leaders, and many Iraqis too, have issues with the constitution and the political process it stipulated, but in the absence of a better framework, it remains the law of the land.

Erbil should also take a leading role in mitigating the fallout from the referendum. The KRG leaders should accept that the referendum has backfired where the best outcome, for the short term at least, is negotiations with Baghdad for a democratic and federal Iraq. Therefore, the KRG might choose to publically demand the implementation of Iraqi constitution. This does not take away from the strategic and aspirational value of the referendum, which is expedient for pushing Kurdish demands over disputed areas, broader autonomy, and other issues.

Meanwhile, the KRG leadership would benefit from focusing on its internal challenges including the need to address intra-Kurdish rivalries among political parties, empowering institutions, strengthening the rule of law, and initiating economic reforms. Such political and economic reforms will improve KRG's negotiating positions with Baghdad.

The referendum has given rise to unprecedented political and military tensions between the federal government of Iraq and the KRG. With the mobilization of the ISF, backed by the PMUs, to reclaim federal control over disputed territories, the situation risks igniting an armed confrontation between the two sides in one disputed area or another, especially if Baghdad decides to swing the pendulum too far.

Given these developments, the only sensible way forward is for Baghdad and Erbil to make negotiations a priority. It is essential that talks focus not only on procedural and technical issues such as budget, oil sales, and fair distribution of resources, but, more importantly, on the primary issue that divided Baghdad and Erbil and helped trigger the referendum: corruption and sectarianism in the Iraqi state.

Iraq's political system is increasingly turning into an ethno-sectarian battle, which has been the feature of post-2003 Iraq except that it has become much more abrasive in recent years. Political parties throughout Iraq are structuring themselves to whip up sectarian and ethnic divisions to varying extents of extremism. Under the system, each party has become associated with its identity where there is little to no space to an overarching Iraqi national identity. Parties have become accustomed to not only make their constituents polarized along ethnic and sectarian lines, but also make them fearful of fellow countrymen. This state of affairs calls for an urgent action; else cycles of disputes and violence are likely to resurface.

Interestingly, the fallout from the referendum has also provided opportunities for dialogue between the KRG and Baghdad. Indeed, the KRG Cabinet in its meeting of 19 October reemphasized the need for negotiations without pre-conditions and that the KRG is ready for dialogue. If and when reconciliations efforts take place, it is critical they address revising the constitution and structure of government. Negotiations are far better when they are outcome-driven with defined timelines, addressing the need for a non-sectarian and non-divisive arrangement. Prime Minister Abadi must seize on his successes to steer the country's ship toward a unified vision that can bring about the will to address problems rooted in the political system, which feeds on ethno-sectarian divisions and is the greatest barrier to development.

The international community, particularly the United States, has historic opportunities to positively influence the future of Iraq by articulating a peaceful settlement to the crisis and encouraging meaningful negotiations between Baghdad and the KRG. Furthermore, the U.S. should promote dialogue within the major political parties in the KRI while leveraging its influence to redirect attention toward liberating remaining IS strongholds in western Iraq. The U.S is also encouraged to provide Iraq with legal and technical assistance needed to launch reforms and national reconciliations initiatives. The U.S and Iraqi leaders need to work together to dispel fears held by minorities, encouraging them to integrate into a better version of federal and democratic Iraq. Being part of the coalition government in Baghdad, Kurds have a key role to play in making progress toward national reconciliations and reforms.

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