Kurds in Iraq Propose Controversial Referendum on Independence

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The question of self-determination for the Kurds of Iraq and neighboring countries has remained unresolved since the delineation of national borders in the Middle East in the wake of World War I. U.S. intervention in Iraq since the 1990s has contributed to the emergence and protection of autonomous political institutions in the Kurdistan Region of Iraq (KRI) and the development of the region's economy and security forces. At the same time, tensions between Kurds in Iraq and Iraq's national government have complicated U.S. efforts to assist Iraqis in securing and stabilizing their country. Successive U.S. Administrations have used diplomacy and military partnership initiatives to lower the risk of conflict between Kurds and other Iraqis, with mixed results. Recent U.S. partnerships with Kurds in Iraq in efforts to combat the Islamic State have further enmeshed the United States in the question of Kurdish security and relations between the Kurdistan Regional Government (KRG) and Baghdad. Kurds and other Iraqis differ among themselves over the desirability and feasibility of Kurdish independence, and Iraq's neighbors warily monitor related developments and the aspirations of their own Kurdish citizens.

On June 7, KRG President Masoud Barzani announced that the KRG would hold an official advisory referendum on independence from Iraq on September 25, 2017. The referendum question—"Do you want the Kurdistan region and the Kurdistan areas [disputed areas] outside the administration of Kurdistan region to become an independent state?"—would be posed to voters in the KRI and areas under the control of Kurdish forces. This includes some areas subject to territorial disputes between the KRG and the national government that Kurdish forces have secured since 2014, such as the multiethnic city of Kirkuk and areas of Ninewa governorate populated by religious and ethnic minorities (Figure 1). KRG leaders have said they would pursue separation negotiations with Baghdad following an expected affirmative popular vote in the referendum. In an unofficial, privately administered Kurdish referendum in January 2005, more than 1.9 million voters (98% of participants) favored independence.

Iraqi Prime Minister Haider al Abadi has called the proposed September 25 referendum unconstitutional and is requesting that it be delayed or cancelled in favor of resolving KRG-Baghdad differences through dialogue. He describes recent KRG-Baghdad security collaboration against the Islamic State as the basis for the beginning of a new relationship, and said on August 22 that "the Iraqi government is open and willing to discuss all files with the Kurds." KRG President Barzani and other leading Kurds describe the proposed referendum as an inherent right of the Kurdish people in pursuit of self-determination. They argue that dysfunction, extremism, and violence in Iraq threaten Kurdish
interests and that arrangements for resolving differences under Iraq's 2005 constitution have not been respected, particularly with regard to disputed territories, energy resources, and fiscal matters.

Figure 1. Iraq: Disputed Territories

Areas of Influence/Presence as of August 23, 2017

Notes: 'Districts with Disputed Territories' are districts and sub-districts identified in Article 2 of the draft constitution adopted by the Kurdistan National Assembly on June 24, 2009.

KRG and Iraqi national leaders are discussing the referendum, but reports differ on the content and direction of the talks. In exchange for a possible postponement, Kurdish leaders may be seeking guarantees concerning the timing of a future referendum and/or the national government's willingness to negotiate under international auspices on outstanding territorial and fiscal issues. Meanwhile, preparations for 2018 national legislative elections and KRG presidential and parliamentary elections in November 2017 are raising the political stakes of the issue for leaders on all sides. In the KRI, the referendum remains enmeshed in intra-Kurdish disputes over the legitimacy of President Barzani, whose extended term ended two years ago, and a range of other financial and policy disputes.

Issues and Options for Congress

Secretary of State Rex Tillerson and Secretary of Defense James Mattis have consulted directly with Prime Minister Abadi and KRG President Barzani regarding the matter and relayed that the U.S. government opposes the holding of the proposed September 25 referendum. U.S. engagement in 2017 has emphasized cooperation in the ongoing fight against the Islamic State and reiterated long-standing U.S. policy of respecting Iraq's sovereignty, unity, and territorial integrity. The governments of neighboring Turkey and Iran also oppose the referendum.

Some Members of Congress remain vocal advocates for strengthening U.S. partnership with Kurds in Iraq, and appropriations and authorization legislation enacted since 2014 reflects broad congressional support for Kurdish autonomy and security as a constituent element of a unified Iraq. The U.S. military continues to partner with Kurdish peshmerga forces against the Islamic State, providing weaponry, funds, and training with the permission of Iraq's national government and in line with congressional directives. In 2017, the Trump Administration notified Congress of planned technical assistance programs for the KRG and has proposed an Iraqi government-approved sale of infantry and artillery equipment for peshmerga forces. Congress has enacted provisions supporting the sharing of proceeds from U.S.-guaranteed loans among Iraqis, including citizens in the KRI, and has required related oversight reporting (Section 205 of P.L. 114-254).

The prospect of confrontation or conflict between Kurds and other Iraqis over the proposed referendum and underlying disputes raises questions about Iraq's security and regional stability, and about the durability of gains made against the Islamic State. In addition to conducting regular oversight of U.S. diplomatic and military engagement in Iraq, Members of Congress may consider legislative options in the context of pending foreign assistance and defense appropriations and authorizations bills (H.R. 2810, H.R. 3219, H.R. 3362, H.R. 3354, and S. 1519). Such options may include requiring regular executive branch reporting to Congress on political developments in Iraq, extending current or requiring new conditions-based certifications prior to the delivery of U.S. assistance to the government of Iraq and/or the KRG, or modifying the terms and levels of U.S. support to entities monitoring and helping to resolve intra-Iraqi disputes, such as the United Nations Assistance Mission in Iraq.