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Zheger Hassan, *The University of Western Ontario*

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A thesis submitted in partial fulfillment of the requirements for the Doctor of Philosophy degree in Political Science

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The Origins and Evolution of De Facto States: Implications for Iraqi Kurdistan

(Thesis format: Monograph)

by

Zheger Hassan

Graduate Program in Political Science

A thesis submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy

The School of Graduate and Postdoctoral Studies
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London, Ontario, Canada

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Abstract

De facto states, defined as entities that possess control over a defined territory, population, and government, but without recognition from other states, have become increasingly important over the past three decades. Although the universe of cases is small (there have been 24 de facto states since the 1960s), de facto states play an important role in regional security and stability. Despite this relevance, we still know little about why de facto states emerge, how their preferences are formed, and what shapes their behaviour and decision-making. Shedding light on these overlooked issues will allow us to better understand the role of de facto states in regional and international politics. The existing literature, although insightful, does not fully explain the behaviour of de facto states. In particular, the literature has fallen short in explaining the behaviour of Iraqi Kurdistan.

In order to better understand the behaviour of de facto states, this thesis asks the following questions: What are the factors that shape and influence de facto state preferences and behaviour? What are the factors that determine if a de facto state will declare independence or preserve the status quo? More specifically, in terms of the cases under examination, why did Kosovo and South Sudan declare independence, while Iraqi Kurdistan has not? The goal of this dissertation is to identify the conditions under which a de facto state may declare independence and when it may preserve the status quo.

To address these questions, this thesis employs international relations theories and adopts a comparative analysis method to explain the behaviour of Kosovo, South Sudan, and Iraqi Kurdistan. Following extensive fieldwork in Iraqi Kurdistan, the thesis argues that de facto states will forgo independence when the parent state furnishes the de facto state with autonomy and offers sufficient economic incentives. Other mitigating factors include the domestic environment of the de facto state and the parent state, the role of regional and international governments, and the presence or absence of the old regime of the parent state. The main point is that *the preference for independence is neither fixed nor inevitable*.

Key Words: De facto states, Realism, Constructivism, Liberalism, Kosovo, South Sudan, Iraqi Kurdistan.

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Chapter 1: Introduction

The state has traditionally been the primary actor in the international system and the principal object of analysis in comparative politics and international relations. The primacy of the state can be explained by two factors: States possess legal standing under international law and the state has been the dominant actor in the international political system since the mid-seventeenth century. The state is defined as “a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory.”¹ According to Max Weber’s definition, a state also possesses a population, territory, government, and recognition from other states. Recognition is particularly important given that it provides states with a legal standing in the international system. Highlighting this importance has been the emergence of a growing number of ‘de facto states’ since the end of World War II.

A de facto state can be defined as an entity that possesses control over a defined territory, population, and government, but does not possess international legitimacy in the form of recognition from other states. (A more precise definition will be offered in the coming pages.) De facto states often emerge following the outbreak of violent conflict between an ethnic group and the parent state. Some recent examples include the conflicts between Kosovo and Serbia, South Sudan and Sudan, and the Kurds and Iraq. Although the universe of cases is small (there have been 24 de facto states since the 1960s), de facto states play an important role in regional security and stability. De facto states often possess stable political and economic systems and, according to the existing literature, aspire to de jure statehood. The latter point will be the focus of this thesis.

¹ Max Weber, *Politics as a Vocation*. Translated by H.H. Gerth and C. Wright Mills (Philadelphia: Fortress Press, 1965), 2.

In order to better understand the behaviour of de facto states, this thesis asks the following questions: What are the factors that shape and influence de facto state preferences and behaviour? What are the factors that determine if a de facto state will declare independence or preserve the status quo? More specifically, in terms of the cases under examination, why did Kosovo and South Sudan declare independence while Iraqi Kurdistan has not? The goal of this dissertation is to identify the conditions under which a de facto state may declare independence and when it may preserve the status quo. The thesis will examine the cases of Kosovo, South Sudan, and Iraqi Kurdistan. The cases share similar historical and political trajectories, but diverging outcomes. A comparative analysis of these cases, therefore, will allow us to identify the factors responsible for pushing Kosovo and South Sudan, but not Iraqi Kurdistan, towards independence.

The existing literature largely relies on realist and constructivist assumptions to explain the behaviour of de facto states. From a realist end, the literature argues that de facto states are largely a product of self-help and the security dilemma facing groups in multiethnic states, which compel de facto states to view independence as a means to survival.² Independence, therefore, is a fixed preference and the ultimate goal of de facto states.³ From a constructivist perspective, the literature argues that self-interested ethnic

² Scott Pegg, *International Society and the De Facto State* (Aldershot: Ashgate, 1998); Nina Caspersen, "Playing the Recognition Game: External Actors and De Facto States," *The International Spectator: Italian Journal of International Affairs*. Vol. 44, No. 4 (2009): 47-60; and Deon Geldenhuys, *Contested States in World Politics* (New York: Palgrave Macmillan, 2009).

³ See Deon Geldenhuys, *Contested States in World Politics*; Scott Pegg, *International Society and the De Facto State*; Tozun Bahcheli, Barry Bartmann, and Henry Srebrnik (eds.), *De Facto States: The Quest for Sovereignty* (New York: Routledge, 2004); and Nina Caspersen and Gareth Stansfield, *Unrecognized States in the International System* (London: Routledge, 2011); Dov Lynch, *Engaging Eurasia's De Facto States: Unresolved Conflicts and De Facto States* (Washington: United States Institute of Peace Press, 2004); Pal Kolstø, "The Sustainability and Future of Unrecognized Quasi-States," *Journal of Peace Research* Vol. 43, No. 6 (2006): 723-740.

elites exploit nationalism to advance their political and economic agendas.⁴ This, in turn, can harden ethnic identities and lead to a self-fulfilling process towards ethnic conflict and demands for independence. The existing literature, although insightful, does not fully explain the behaviour of de facto states. In particular, the literature has fallen short of explaining the behaviour of Iraqi Kurdistan. To fill this gap, this thesis will employ a liberal approach, with a particular focus on political institutions, economic factors, and domestic politics, to explain the behaviour of Iraqi Kurdistan, Kosovo, and South Sudan. Such an approach will demonstrate that the preference for independence is the result of the interaction between the de facto state and the parent state, and not inevitable, as the literature assumes.

I argue that de facto states will forgo independence when the parent state furnishes the de facto state with autonomy and offers sufficient economic incentives. Other mitigating factors include the domestic environment of the de facto state and the parent state, the role of regional and international governments, and the presence or absence of the old regime of the parent state. The point is this: De facto states can be persuaded to forgo independence under the right political and economic conditions. This argument leads to the following hypotheses. First, a de facto state will pursue independence if it does not possess ‘sufficient autonomy’ within a democratic parent state. Second, a de facto state will forgo independence if the economic benefits of a union with the parent state outweigh the potential benefits of independence. (These hypotheses will be explored in greater detail in the subsequent pages.)

⁴ Charles King, “The Benefits of Ethnic War: Understanding Eurasia’s Unrecognized States,” *World Politics* Vol. 53, No. 4 (July 2001): 524-552; Charles King, “Eurasia’s Nonstate States,” *East European Constitutional Review* Vol. 10 (2001): 99-102.

This project will add to the growing literature on de facto states, the ways in which they emerge, form preferences, and behave in the international system. There are at least two reasons to study de facto states. The first reason is that de facto states have become increasingly important actors in regional and international politics over the past several decades. The increasingly important role of de facto states is evidenced by their impact on the global economy (e.g., Eurasia's de facto states have a massive illicit economy) and in triggering regional conflicts. Despite their relevance, we still know little about why de facto states emerge, how their preferences are formed, and what shapes their behaviour and decision-making. Shedding light on these overlooked issues will allow us to better understand the role of de facto states in regional and international politics, including in Africa, the Middle East, and Eurasia. The second reason is that the existing literature simply does not provide a satisfactory explanation for why some de facto states declare independence and others do not. More research is required to improve our understanding of de facto states.

Background on De Facto States

De facto states first emerged from the decolonisation period of the 1960s and 1970s. They were unable to achieve their political objectives of independence, but established de facto entities.⁵ For example, South Katanga (Democratic Republic of Congo) emerged as a de facto state in 1960 and Biafra (Nigeria) emerged as a de facto state in 1967. The late 1980s to early 1990s produced the greatest number of de facto states following the

⁵ There is an important difference between de facto states and other autonomous entities such as provinces or autonomous regions. Whereas autonomous regions must constitutionally answer to a central government, de facto states are no longer under the purview of a central government.

collapse of the Soviet Union.⁶ The literature has identified 24 de facto states since the end of WWII. They include: Abkhazia, Anjouan, Biafra, Bougainville, Chechnya, East Timor, Eritrea, Gaguazia, Iraqi Kurdistan, Katanga, Kosovo, Montenegro, Nagorno-Karabakh, Palestine, Republika Srpska, Republica Srpska Krajina, Sahrawi Arab Democratic Republic, Somaliland, South Ossetia, Tamil Eelam, Taiwan, Transnistria, Turkish Republic of Northern Cyprus, and South Sudan.⁷ Some have since graduated to full statehood, others have been reintegrated by the parent state, and still others continue to function as de facto states. De facto states have historically been marginalized and ignored by the international community due to their tenuous status.

Scott Pegg was the first to systematically bring the term ‘de facto state’ into the international relations lexicon.⁸ It should be noted, however, that political scientists were using the term well before Pegg’s 1998 article. For example, Sean Randolph used the term to refer to Taiwan in a 1981 article and, in a 1993 article, Michael Gunter used the term to refer to the creation of a de facto Kurdish state in northern Iraq.⁹ Before considering a definition, it is important to briefly discuss the conceptual framework regarding the de facto state. There are several names that typically appear: ‘de facto state,’ ‘quasi-state,’ ‘semi-state,’ ‘unrecognized state,’ and ‘contested state.’ This project will use the term ‘de facto state’ for a couple of reasons. First, the term would seem to

⁶ During this period, Abkhazia, South Ossetia, Nagorno-Karabakh, Chechnya, Gaguazia Transnistria, Republika Srpska, and Republika Srpska Krajina emerged as de facto states in Eastern Europe and the Caucasus region.

⁷ See Deon Geldenhuys, *Contested States in World Politics*; Scott Pegg, *International Society and the De Facto State*; Tozun Bahcheli, Barry Bartmann, and Henry Srebrnik (eds.), *De Facto States: The Quest for Sovereignty*; and Nina Caspersen and Gareth Stansfield, *Unrecognized States in the International System*

⁸ Scott Pegg, “De Facto States in the International System,” *Institute of International Relations* No. 21, The University of British Columbia (1998).

⁹ See Sean S. Randolph, “The Status of Agreements Between the American Institute in Taiwan and the Coordination for North American Affairs,” *The International Lawyer* Vol. 15, No. 2 (1981): 249-262 and Michael Gunter, “A De Facto Kurdish State in Northern Iraq,” *Third World Quarterly* Vol. 14, No. 2 (1993): 295-319

best encapsulate the entity under discussion in that de facto state possesses all the characteristics of a state, except recognition (de jure recognition). It is, in fact, a state but lacks legal standing. Second, the other terms mentioned above do not capture the entire universe of cases of de facto states. For example, Deon Geldenhuys uses the term ‘contested state,’ arguing that “most contested states find their very right of statehood being challenged by their original (or central) states and the broader international community.”¹⁰ Geldenhuys’s reasoning assumes that all de facto states are seeking recognition. But this is not wholly supported by the empirical record. ‘Semi-state’ and ‘quasi-state,’ meanwhile, suggest that the entity is a partial state or resembles one. Such descriptions fail to accurately conceptualize de facto states, which are not half states, but rather states in practice but without legal recognition.

In addition to the disagreement about terminology, there are also several competing definitions in the literature. Scott Pegg offers what is perhaps the most useful starting point:

A de facto state exists where there is an organized political leadership, which has risen to power through some degree of indigenous capacity; receives popular support; and has achieved sufficient capacity to provide governmental services to a given population in a specific territorial area, over which effective control is maintained for a significant period of time. The de facto state views itself as capable of entering into relations with other states and it seeks full constitutional independence and widespread international recognition as a sovereign state.¹¹

A second definition, from Tozun Bahcheli et al. says de facto states are

...regions which carry out the normal functions of the state on their territory, and which are generally supported by significant proportions of their population. They are not ‘de jure states,’ because they are not sanctioned by the international order. Instead, other states and inter-state organizations...continue to recognize the authority of the state from which the secession occurred, even though its writ no longer runs in the break-away region, and though its legitimacy is rejected by the region’s population.¹²

¹⁰ Deon Geldenhuys, *Contested States in World Politics*, 3.

¹¹ Scott Pegg, *International Society and the De Facto State*, 26.

¹² John McGarry, “Forward: De Facto States and the International Order,” in Tozun Bahcheli, Barry Bartmann, and Henry Srebrnik (eds.), *De Facto States: The Quest for Sovereignty*, x.

Much like Pegg's definition, Bahcheli et al. view de facto states as secessionist entities by default.

The issue with these and other definitions used in the literature is the inclusion of problematic concepts and conditions that do not accurately capture de facto states. Nina Caspersen and Gareth Stansfield propose one such definition. They maintain that de facto states must possess the following:

[One,] de facto independence, including territorial control, and have managed to maintain this for at least two years...[two,] have not gained international recognition, or even if they have been recognized by some states, they are still not full members of the international system of sovereign states...[and three,] [t]hey have demonstrated an aspiration for full, de jure, independence either through a formal declaration of independence, through the holding of a referendum, or through other actions or declarations that show a clear desire for a separate existence.¹³

But the authors do not explain why they impose the two-year cut-off on de facto states, they do not clarify what is meant by full membership in the international system of sovereign states, nor do they explain what is meant by "a clear desire for a separate existence."¹⁴ Pegg's definition is also problematic. For example, Pegg uses 'popular support' as a criterion of de facto statehood. But it is not clear what is meant by 'popular support' and more importantly, he fails to justify why it is a prerequisite.

In short, the existing definitions provide a useful starting point, but they fall short of capturing the essence of de facto states. Most definitions offer ambiguous criteria that do not further our understanding of de facto states. The literature requires a definition that is narrow and describes the entire universe of cases. To this end, the project proposes and uses the following definition: *A de facto state controls a defined territory, provides an array of services to the population, and enters into diplomatic and economic*

¹³ Nina Caspersen and Gareth Stansfield, *Unrecognized States in the International System*, 3-4.

¹⁴ *Ibid.*

*relations with other states, but it does not possess de jure recognition.*¹⁵ This definition intentionally avoids the claim that de facto states are always striving for independence and recognition given that the literature has not substantiated this claim. To be sure, de facto states will exhibit varying degrees of the features stipulated in the above definition.

Methodology

The methodology employed in this dissertation will combine a detailed case study of Iraqi Kurdistan with the comparative historical analysis of South Sudan and Kosovo. The aim of this project is to identify probabilistic rather than universal generalisations given the small universe of cases. Although social research cannot draw watertight conclusions, it can develop and test hypotheses by using the evidence that is available. The objective of this project is less to develop and test generalizations and more to understand and explain particular outcomes. This project will use the comparative method to identify and explain the causes for the different outcomes between Kosovo and South Sudan on the one hand and Iraqi Kurdistan on the other. It will do so by using the case study method and J.S. Mill's method of difference.

The case study is advantageous, as it will allow for in-depth analysis and identification of causal mechanisms.¹⁶ John Gerring defines a case study as the “intensive study of a single case for the purpose of understanding a larger class of cases. Case study

¹⁵ This definition borrows from Bahcheli et al. and Scott Pegg.

¹⁶ Darren Hawkins, “Case Studies,” in Todd Landman and Neil Robinson (eds.), *The Sage Handbook of Comparative Politics* (Los Angeles: Sage Publications, 2009), 59. There is a trade-off when choosing case studies: the project will gain depth versus breadth, construct validity versus generalizability, causal mechanisms versus causal effects, deterministic versus probabilistic arguments, and theory generating versus theory testing.

research may incorporate several cases.”¹⁷ Case studies allow researchers to identify and thoroughly ‘measure’ the pertinent indicators and concepts.¹⁸ Case studies identify new variables and lead to new hypotheses through the study of deviant or outlier cases and fieldwork.¹⁹ In addition, case studies identify the causal mechanisms (or intervening variables) responsible for an outcome. One can reach generalization by increasing the number of observations, which can be achieved by observing “additional units similar to the unit under study.”²⁰

There are also disadvantages to the case study method. One of the primary critiques against case study research is the issue of ‘selection bias.’²¹ This occurs when researchers select their cases on the dependent variable and therefore have the same outcome for all cases. This issue will be discussed further in the subsequent paragraphs. A second limitation is that case studies can make only “tentative conclusions on how much gradations of a particular variable affect the outcome in a particular case or how much they generally contribute to the outcomes in a class or type of cases.”²² A third criticism is that case study research is not representative of a larger universe of cases. That is, case study researchers are willing to trade-off generalizability “to develop cumulatively contingent generalizations that apply to well-defined types or subtypes of cases with a high degree of explanatory richness. Case study researchers are more interested in finding the conditions under which specified outcomes occur, and the

¹⁷ John Gerring, “The Case Study: What it is and What it Does,” in Carles Boix and Susan C. Stokes (eds.), *Oxford Handbook of Comparative Politics* (New York: Oxford University Press, 2007), 95.

¹⁸ John Gerring, “The Case Study,” 20.

¹⁹ *Ibid.*, 21.

²⁰ Darren Hawkins, “Case Studies,” 54.

²¹ Alexander L. George and Andrew Bennett, *Case studies and Theory Development in the Social Sciences* (Cambridge: MIT Press, 2005), 21.

²² *Ibid.*, 25.

mechanisms through which they occur, rather than uncovering the frequency with which those conditions and their outcomes arise.”²³

This project will use process-tracing to construct the case studies and to complement the comparative methods outlined below. Process-tracing can be described as the exploration of the causal mechanisms, which are the intervening factors that occur between the causal variable(s) and the outcome.²⁴ A particular advantage of this method is that the spatial and temporal context of the case study is considered and studied meticulously. George and Bennett note that researchers will cite history, primary and secondary documents in the form of archival documents and interview transcripts in order to identify the causal mechanism between the independent variables and the dependent variable.²⁵ Process-tracing is a complementary tool for other research methods such as Mill’s methods of agreement and difference.²⁶ For example, George and Bennett note that “process-tracing can identify single *or different* paths to an outcome, point out variables that were otherwise left out in the initial comparison of cases, check for spuriousness, and permit causal inference on the basis of a few cases or even a single case.”²⁷

The method here is explicitly comparative as it will highlight the similarities and differences across the three cases and will draw conclusions based on the outcomes of

²³ Alexander L. George and Andrew Bennett, *Case studies and Theory Development in the Social Sciences*, 30.

²⁴ James Caporaso, “Is there a Quantitative-Qualitative Divide in Comparative Politics? The Case of Process-Tracing,” in Todd Landman and Neil Robinson (eds.), *The Sage Handbook of Comparative Politics* (Los Angeles: Sage Publications, 2009), 70.

²⁵ *Ibid.*

²⁶ Alexander L. George and Andrew Bennett, *Case studies and Theory Development in the Social Sciences*, 215.

²⁷ *Ibid.*

each case.²⁸ The case studies and process-tracing will be complemented by J.S. Mill's method of difference (or the most similar systems design). In *A System of Logic*, John Stuart Mill first outlined the method of difference and the method of agreement, which have since been used and reformulated by other social scientists. Adam Przeworski and Henry Teune note that the method of agreement is perhaps the "dominant view" for comparative inquiry.²⁹ With the method of agreement, researchers choose cases with the same outcome and identify the similar features or variables. Once the independent variables are identified, the researcher then looks for the independent variables that are constant across the cases and will be considered the explanatory variables.³⁰ The independent variables that vary are not considered to be a factor in the outcome.

With the method of difference, researchers examine cases that do not have the same outcome (or dependent variable). The researcher then identifies the possible independent variables (or causes) and looks for the independent variables that differ and the others that are constant across the cases.³¹ The independent variables that differ are considered to be the cause and will be further examined. The logic of each method is outlined in the tables below. In Table 1, Variable X3 would be considered the explanatory variable and in Table 2, Variable X1 would be considered the explanatory variable.

²⁸ James Mahoney and Celso M. Villegas, "Historical Enquiry and Comparative Politics," in Carles Boix and Susan C. Stokes (eds.), *Oxford Handbook of Comparative Politics* (New York: Oxford University Press, 2007).

²⁹ Adam Przeworski and Henry Teune, *The Logic of Comparative Social Inquiry* (New York: Wiley Interscience, 1970), 32.

³⁰ *Ibid.*, 33. Also see Arend Lijphart, "Comparative Politics and The Comparative Method," *American Political Science Review* Vol. 65, No. 3 (1971): 682-693.

³¹ Stanley Lieberson, "Small N's and Big Conclusions: An Examination of the Reasoning in Comparative Studies Based on a Small Number of Cases*," *Social Forces* Vol. 70, No. 2 (1991), 312.

Table 1: The Method of Agreement

	Outcome	Variable X1	Variable X2	Variable X3
Case 1	1	0	1	1
Case 2	1	1	0	1
Case 3	1	0	1	1

Table 2: The Method of Difference

	Outcome	Variable X1	Variable X2	Variable X3
Case 1	1	1	0	1
Case 2	1	0	0	1
Case 3	0	1	0	1

The issue of selection bias is particularly problematic in qualitative research. According to Barbara Geddes and others (e.g., King, Keohane, and Verba) it is important to select cases with diverging outcomes in order to avoid bias.³² Selecting cases on the dependent variable will only highlight the differences between those cases without providing insight into cases with a different outcome.³³ To explain why de facto states *A* and *B* have not declared independence and why de facto states *C* and *D* have done so, one must identify the factors present in cases *A* and *B* that are missing in *C* and *D*.³⁴ In order to avoid the shortcomings of selection bias, this project has selected cases with different outcomes.

Two of the de facto states (Kosovo and South Sudan) have declared independence and one (Iraqi Kurdistan) has not. Kosovo and South Sudan are both relatively poor and landlocked countries that do not have a strong (neither political nor economic) institutional capacity to build effective states. Despite these apparent limitations on their

³² Gary King, Robert O. Keohane and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton, N.J. : Princeton University Press, 1994).

³³ Barbara Geddes, "How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics," *Political Analysis* Vol. 2, No. 1 (1990), 132.

³⁴ Barbara Geddes, "How the Cases You Choose Affect the Answers You Get," 132.

whereas for independence, both Kosovo and South Sudan declared independence in 2008 and 2011, respectively. Iraqi Kurdistan, on the other hand, possesses a functioning democratic government, an increasingly strong economy, and the institutional capacity to function as an independent state, but it continues to function as a de facto state.

Kosovo and South Sudan share many similarities, including recent declarations of independence. Both cases represent economically poor regions with ineffective security and political apparatus. Both territories are landlocked and economically weak, factors that will contribute to the difficulties associated with independent statehood. South Sudan possesses a ruined infrastructure, it is economically one of the weakest states in the world, and relies solely on oil for its revenue. Kosovo's infrastructure was damaged during the 1999 NATO bombings of Serbia's forces and the nascent state faces issues of corruption, poor management, and weak economic and bureaucratic systems. Despite their economic and political weaknesses, both pushed for independence. What accounts for this behaviour?

Iraqi Kurdistan is selected for three reasons. First, Iraqi Kurdistan shares many historical similarities with Kosovo and South Sudan. Like its counterparts, Iraqi Kurdistan fought bloody civil wars against the parent state and faced oppressive regimes and policies. In this sense, Iraqi Kurdistan shares the same motivations as Kosovo and South Sudan for pursuing independence. Second, Iraqi Kurdistan possesses a functioning democratic system that has been in place for decades and it has built, over three decades, the institutional capacity to govern its territory and population. Iraqi Kurdistan is also economically well off relative to Kosovo and South Sudan. The region has experienced steady economic growth and it has rebuilt its infrastructure since 2003. In other words,

Iraqi Kurdistan is in a better political and economic position than other de facto states and therefore would stand a good chance of surviving as an independent state, but it continues to function in a federal Iraq. Third, the existing literature has largely ignored Iraqi Kurdistan. We know very little about the preferences and behaviour of Iraqi Kurdistan. Iraqi Kurdistan, therefore, represents an interesting case, as it is an outlier that the literature has overlooked.

A final and significant methodological component of this work is the use of data collected from elite interviews, which are particularly relevant for process-tracing.³⁵ Elite interviews will accomplish three objectives. First, the information from the interviewees can strengthen the robustness of the findings gathered from existing sources.³⁶ Second, data collected from elite interviews can also reveal new information about the research topic.³⁷ Third, data from elite interviews can be used to extrapolate the views and preferences of a small group to that of a larger population.³⁸ This is possible in democratic systems where politicians and other officials have been elected to represent the views and advance the preferences of the larger population.

Outline of the Argument

Despite their growing impact on regional security and stability, our understanding of the de facto state is limited and has progressed little over the decades due to the focus in the literature on Eurasia's de facto states (i.e., Abkhazia, Nagorno-Karabakh, South Ossetia

³⁵ Oisín Tansey, "Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling," *PS: Political Science & Politics* Vol. 40, No. 04 (2007), 766.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

and Transnistria).³⁹ The existing literature on de facto states does not adequately understand or explain cases outside of Eurasia. For example, the de facto state literature fails to explain Iraqi Kurdistan and, in particular, it has failed to explain why the Iraqi Kurds have not declared independence. Given the similar historical experiences with South Sudan and Kosovo, the Kurds should be equally committed to independence. The literature and its conceptual framework assume that all de facto states are secessionist in nature.⁴⁰ The empirical record does not support this assumption. The goal of the project, therefore, is to explain the variation in de facto state behaviour and to identify the conditions under which a de facto state will forgo independence. In other words, why do some de facto states declare independence, while others do not?

The existing literature lacks a theory that can fully explain the behaviour of de facto states. The aim of this dissertation is to develop such a theory and to examine it empirically. Grounded in existing theoretical and empirical findings on ethnic conflict and de facto states as well as primary data from interviews and participant-observation research in Iraqi Kurdistan, the dissertation has two primary objectives. The first objective is to understand and explain de facto state preferences and behaviour in the cases of Iraqi Kurdistan, Kosovo, and South Sudan. The second objective is to develop a set of generalisations that can help to explain not only the cases under consideration here, but also other similar cases.

³⁹ See Dov Lynch, *Engaging Eurasia's Separatist States*; Pal Kolstø and Helge Blakkisrud, "Living with Non-recognition: State- and Nation-building in South Caucasian Quasi-States," *Europe-Asia Studies*, Vol. 60, No. 3 (2008): 483-509; Charles King, "The Benefits of Ethnic War: Understanding Eurasia's Unrecognized States;" Charles King, "Eurasia's Nonstate States;" Nina Caspersen, "Playing the Recognition Game: External Actors and De Facto States."

⁴⁰ See the following: Scott Pegg, *International Society and the De Facto State*; Nina Caspersen, "Playing the Recognition Game;" Deon Geldenhuys, *Contested States in World Politics*; Tozun Bahcheli, Barry Bartmann, and Henry Srebrnik, *De facto States: The Quest for Sovereignty*; Dov Lynch, *Engaging Eurasia's Separatist States*; Pal Kolstø, "The Sustainability and Future of Unrecognized Quasi-States."

In addition, this dissertation will highlight the conditions under which de facto states emerge, how they function in the international system, and how we can better understand their behaviour. The following questions will guide the project: First, why and how do de facto states emerge? Second, why do some de facto states pursue independence while others do not? And finally, what are the implications for Iraqi Kurdistan? More specifically, I explain why Kosovo and South Sudan declared independence while Iraqi Kurdistan has maintained the status quo. What explains the divergence in the outcomes? Is it a group's historical trajectory or is it geopolitical considerations on the part of regional and international powers? Do de facto states make cost-benefit analyses before declaring independence or does the fervour of nationalism compel its leaders to push for independence? These questions have not been adequately addressed by the literature.

My findings, grounded in liberal theory from international relations, lead to the following hypotheses. A de facto state will pursue independence when the parent state is unwilling to offer 'sufficient accommodation' in the form of political institutions, such as autonomy and federalism. This hypothesis suggests that secession is viewed as a last resort in order to attain the political rights and goals of a group. Second, a de facto state will stop short of independence when it has secured autonomy from the parent state and the de facto status offers more economic and political benefits than full independence. This hypothesis suggests that material factors, including economic incentives and political conditions, shape and influence de facto state behaviour. The main point is that *the preference for independence is neither fixed nor inevitable.*

In addition, the case studies indicate that there are additional factors that can mitigate the demand for independence. First, a de facto state will find it difficult to secure independence and survive without support from the international community and, in particular, a major power. After all, it is difficult to secure widespread recognition without the backing of major powers. Second, the presence of certain individuals can play an important role in assuaging the push for independence. For instance, the unexpected death of John Garang, who was a federalist, left the door open for South Sudanese officials who were adamant on the South's independence. In Iraqi Kurdistan, former Iraqi President and high-ranking Kurdish official, Jalal Talabani, repeatedly voiced support for a democratic, federal, and united Iraq. A final mitigating factor is the presence or absence of the old regime of the parent state. A de facto state will be reluctant to enter into a political union with a regime that is responsible for its oppression and, in most cases, a regime that has committed violence against the de facto state's population.

The project consists of seven chapters including this Introduction, which outlines the definition and history of de facto states as well as the dissertation's methodology, argument, and scholarly contribution. It is followed by Chapter 2, which has two primary functions. First, it assesses the existing literature and its explanations for the emergence and behaviour of de facto states. This will include an evaluation of the approaches employed to explain the emergence of de facto states, including the various approaches to ethnic conflict. Second, the chapter will outline and evaluate the explanatory power of competing theories from international relations to the study of de facto states. The chapter outlines the ways in which realism, constructivism, and liberalism explain the origins and

behaviour of de facto states. The objective is to account for the origins of de facto states and to identify the factors that shape and influence the behaviour of de facto states. The chapter concludes that de facto states can emerge from ethnic conflicts and international interventions and that the preference formation and behaviour of de facto states is best explained by liberalism's emphasis on political and economic institutions of the parent state and the domestic context of the de facto state.

Chapter 3 examines the case of Kosovo and explains Kosovo's decision to unilaterally declare independence in 2008. The chapter begins by tracing Kosovo's early history starting in the fourteenth century to the present. The historical account will provide the context necessary for understanding Kosovo's tumultuous relationship with Serbia. Next, the chapter examines the political relationship, beginning in the twentieth century, between Kosovo and Serbia and provides an explanation for the descent into violence. The outbreak of war between the Kosovar Albanians and Serbia ultimately compelled the international community to intervene and establish a de facto state in Kosovo. The next section examines the factors that shaped Kosovo's behaviour during its de facto status and its ultimate decision to unilaterally declare independence. The chapter concludes by arguing that Kosovo's independence was not inevitable if Serbia had initiated meaningful political and institutional reforms during the late 1980s to the early 1990s. Although the old regime was removed from Serbia, the other two conditions were not met – Kosovo was not granted sufficient autonomy until it was too late and the union with Serbia offered Kosovo few economic incentives.

Chapter 4 examines the case of South Sudan and identifies the conditions that allowed South Sudan to break away from Sudan in a constitutional referendum. The

chapter begins with a historical account of the Sudan and South Sudan. It demonstrates that the early history and political makeup of Sudan played a major role in the conflict between Sudan and South Sudan. Specifically, the chapter reveals that the early political and economic institutions of Sudan were responsible for the discontent in the South and the outbreak of civil war in 1955. The chapter reveals that South Sudan emerged as a de facto state following two long and bloody civil wars that did not produce a clear winner and, as a result, the regime in Khartoum and South Sudan agreed to a peace agreement that laid the foundations for the South's secession. The chapter argues that South Sudan ultimately seceded from Sudan due to flawed political institutions, too few economic incentives, and the presence of the old regime in Khartoum. From South Sudan's perspective, Khartoum did not undertake significant democratic reforms and the presence of the Omar al-Bashir regime created an environment of mistrust and fear among the South Sudanese. As a consequence, South Sudan did not trust the old regime in Khartoum to uphold the autonomy granted to the South.

Chapter 5 introduces the case of Iraqi Kurdistan. It begins with a summary of Iraq and Iraqi Kurdistan's early history beginning in the early twentieth century with the creation of Iraq. Like Sudan, the early history of Iraq highlights the importance of institutional design, especially in multiethnic states. Iraq's political and economic institutions excluded the Kurdish population and successive regimes in Baghdad adopted oppressive policies and harsh tactics in response to Kurdish requests for political rights. The chapter then examines the emergence of Iraqi Kurdistan as a de facto state in 1991 following three decades of political and military conflict between the Kurds and Baghdad. The chapter illustrates that Iraqi Kurdistan did not possess the capabilities to

establish a de facto state and, instead, the chapter argues, the intervention by the United States and the United Kingdom was imperative for the emergence of Iraqi Kurdistan. It concludes by arguing that Iraqi Kurdistan's preferences and behaviour were shaped by the political institutions and economic incentives constitutionalized in the post-2003 Iraq.

Chapter 6 examines the behaviour of Iraqi Kurdistan in two time periods. The first section covers 2005 to June 2014 and the second section covers June 2014 to early 2015. The chapter examines the behaviour of Iraqi Kurdistan and outlines the reasons for Iraqi Kurdistan's decision to forgo independence in favour of a continued union with Iraq. The chapter reveals that Iraqi Kurdistan passed on two windows of opportunity to secede from Iraq. The chapter relies on data collected from interviews with governmental and non-governmental officials from Iraqi Kurdistan and argues that Iraq's post-2005 constitution furnishes the Kurds with sufficient autonomy, significant economic incentives, and established a democratic political system. These factors have thus far persuaded the Kurds to forgo independence. Chapter 7 concludes by restating the primary objectives of the project, summarizing its main findings, and discussing the implications of the findings for the existing and future research and for policymakers.

Scholarly Contribution

The project is original and contributes to the existing literature on many levels. At the broadest level, this dissertation is the first attempt to systematically examine the divergence in de facto state behaviour. The thesis demonstrates that de facto state preference for independence is not predetermined, but rather a product of the parent state's political institutional design, economic factors, and the de facto state's domestic

context. In doing so, the dissertation challenges the existing assumptions that the preference for independence is a constant in time and space. The dissertation examines cases with three different outcomes, unilateral declaration of independence (i.e., Kosovo), negotiated secession (i.e., South Sudan), and peaceful reintegration (i.e., Iraqi Kurdistan), in order to identify the conditions that influence and shape de facto state behaviour.

The project is also original in its application of international relations theory for understanding and explaining de facto states. It will contribute to the existing literature by testing different international relations theories and by better situating the de facto state literature in the broader theoretical debate in international relations. The existing literature implicitly uses realist and constructivist assumptions and concepts to explain the emergence and behaviour of de facto states. On the one hand, the literature argues that the desire for security as well as military capabilities determine a de facto state's preference for independence. On the other hand, international norms of state sovereignty and territorial integrity often prevent de facto states from achieving independence. This project argues that these explanations are incomplete and, instead, relies on liberal assumptions about the role of political institutions, economic incentives, and domestic, regional, and international factors in shaping the preferences of de facto states.

The thesis also makes an empirical contribution to the case of Iraqi Kurdistan. Much of the case of Iraqi Kurdistan relies on the analysis of data gathered from three fieldwork trips. The first extended field trip was a two-month tour of Iraqi Kurdistan, mainly Erbil and Duhok provinces, which included interviews with high-ranking politicians, political party officials, academics, members of NGOs, and journalists. In total, I conducted semi-structured interviews with over 30 officials from Iraqi Kurdistan.

The second field trip was a two-week visit to Iraqi Kurdistan in the lead up to the Kurdistan regional elections held in September 2013. During this trip, I was able to observe the campaigning tactics of the political parties and I participated in the election as an international observer for the Independent High Electoral Commission of Iraq. The final field trip was undertaken in the lead-up to the Iraq general election of April 2014. Over a ten-day period, I gained valuable insights into the electoral and campaigning process. I observed the campaign of a Kurdistan Democratic Party candidate, attended a political rally, and observed the election and the outcome results.

Finally, the project makes an original contribution to our understanding of Iraqi Kurdistan's preferences and behaviour. As mentioned above, the existing literature has largely ignored Iraqi Kurdistan. Iraqi Kurdistan is currently a footnote in the de facto state literature. Focusing on Iraqi Kurdistan is particularly important given the uncertain realities in Iraq and the emergence of the Islamic State (IS also known as ISIS and ISIL and by a loose Arabic acronym Daesh). Understanding the motivations of Iraqi Kurdistan will provide researchers and policymakers with information that will increase our understanding of the issues between the Kurds and Iraq. This case is an important test case for the de facto state literature given the historical and political contexts. Iraqi Kurdistan suffered decades of political and social oppression at the hands of successive regimes in Baghdad and yet it has not seceded from Iraq. From a policy perspective, therefore, the thesis will demonstrate that policymakers and the international community possess the tools and mechanisms required for containing violence between a de facto state and the parent state.

Chapter 2: Theorizing De facto states

The purpose of this chapter is to review international relations (IR) theory and the existing literature to outline the explanations for the origins and behaviour of de facto states. The argument presented by this research will rely on theory from IR. The project attempts to explain the variation in de facto state behaviour and, more specifically, to explain why Kosovo and South Sudan declared independence while Iraqi Kurdistan continues to function as a de facto state. The existing literature inadequately addresses these issues. This project will try to explain and identify the conditions under which a de facto state will pursue independence and when it may preserve the status quo. The objective of this section is to explain de facto state behaviour and preference formation.

It will begin by outlining the general assumptions of realism (both classical and neorealism) and constructivism, how each theory explains the origins and behaviour of de facto states, and the ways in which preference formation and capabilities influence de facto states. The objective is to demonstrate that realism and constructivism, although insightful, do not provide a thorough explanation for the emergence and behaviour of de facto states. This will be followed by a general overview of liberalism, its core assumptions about international politics, a liberal account of the origins and behaviour of de facto states, and a discussion on how state preferences are formed and to what extent capabilities matter. The theoretical section argues that liberalism, its explanation for how preferences are formed, and its emphasis on institutions, interests, and the domestic political system provides the best explanation for the behaviour and decision-making of de facto states. It will conclude by identifying the weaknesses and criticisms of this approach and what, if any, implications this has for understanding de facto states.

The prevailing consensus, both from IR theory and the de facto state literature, is that groups engage in conflict, including ethnic and nationalist conflict, as a means to security and survival in an anarchic system. According to realism, under such a system, threats from others are constant and therefore security is the overriding imperative for groups and states alike. This approach uses the related concepts of the ‘security dilemma’ and anarchy to account for ethnic conflict. Another explanation, offered by constructivism, suggests that nationalism is constructed and used by elites to advance their own interests, which can lead to ethnic conflict and the desire for independence.

Both explanations overlook the role of institutional design and economic interests in explaining the emergence of intra-ethnic political competition and the creation of de facto states. This dissertation relies on liberal theory from IR and focuses on how flawed political institutions and economic incentives also shape actors’ behaviour. There is little doubt that most de facto states emerge as a consequence of ethnic conflict, but it is not clear what sparks ethnic conflict in the first place. The existing literature contends that de facto states desire independence but it does not explain how or why the preference for independence materializes. This chapter will argue that groups engage in conflict when institutions fail to assuage their political needs and when their economic interests are not being met.

Realism and Neorealism

Hans Morgenthau argues that: “International politics, like all politics, is a struggle for power. Whatever the ultimate aims of international politics, power is always the

immediate aim.”⁴¹ Classical realists such as Morgenthau and Reinhold Niebuhr argue that the innate human desire to dominate others leads to conflict and wars.⁴² Realists believe that human nature, which is immutable, compels individuals and states to want power as an end in itself.⁴³ Individuals cannot satisfy their desire for power due to the constraints imposed by societal rules and norms and, therefore, attempt to satisfy their desire for power through their nation or nation-state.⁴⁴ This is one of the motivations behind the struggle for statehood. It provides groups with a means for satisfying the desire for power and for protecting their nation.⁴⁵

In addition to power, realism stresses the importance of the state, the notion of self-help, and survival. Ethnic groups, or nations, want to establish their own state not only for power but also to ensure their survival. Although a nation’s survival does not always depend on the creation of its own state, it is the most desirable political objective.⁴⁶ According to realist thought, therefore, because states are in a competitive self-help system, they must be prepared for war at all times.⁴⁷ This reality causes perpetual insecurity within the state as ethnic minorities may pose a threat to the state’s internal and external security.⁴⁸ States will often persecute minorities if they are perceived as a potential threat to the its internal security. Based on these assumptions, the preference for statehood is predetermined, as nations want power and security.

⁴¹ Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 5th edition (New York: Knopf, 1973), 27.

⁴² Stephen M. Walt, “International Relations: One World, Many Theories,” *Foreign Policy*, Issue 110 (1998): 29-46.

⁴³ Hans Morgenthau, *Politics Among Nations*, 27-32.

⁴⁴ *Ibid.*, 104.

⁴⁵ *Ibid.*, 105.

⁴⁶ Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993), 57.

⁴⁷ Stephen Ryan, *Ethnic Conflict and International Relations* (Aldershot: Dartmouth Publishing Company, 1995), 60.

⁴⁸ *Ibid.*

The central premise of all realist theories is that “the existence of several states in anarchy renders the security of each one problematic and encourages them to compete with each other for power or security.”⁴⁹ Due to this insecurity international politics is viewed as a “self-help” system where states cannot rely on others for protection. Power and its acquisition are essential for political actors.⁵⁰ Neorealists agree that international politics is a struggle for power but disagree with the fundamental classical realist notion that the struggle for power is a result of human nature.⁵¹ Instead, neorealists argue that power is a means to security in an international system that is characterized by anarchy. Anarchy is the organizing principle of the international political system and is differentiated by the notion of hierarchy governing the domestic system. The units in the international system are functionally similar but differ in capabilities and the relative distribution of power is therefore a key variable for understanding issues in world politics. Kenneth Waltz argues that states are sensitive to the material capabilities of other states given the anarchical nature of world politics.⁵² This sensitivity to the capabilities of others, Waltz believes, forces states to maximize security rather than power.

⁴⁹ Stephen Walt, “The Enduring Relevance of the Realist Tradition,” in Ira Katznelson and Helen Milner (eds.), *Political Science: The State of the Discipline* (New York: W.W. Norton and Company, 2002), 200.

⁵⁰ A significant difference between the classical realists and the neorealists is the role of power. Where the classical realists believe that power is an end in itself, the neorealists say power is a means and not an end; security/survival is the highest end. The first concern of states is not to maximize power but to maintain their relative position in the system. States therefore prefer to join the weaker of two coalitions and we do not expect to see the strong combining with the strong (balancing instead of bandwagoning – not in the ‘free-rider’ sense).

⁵¹ John Baylis, Steve Smith, and Patricia Owens, *The Globalization of World Politics: An Introduction to International Relations*, Fifth Edition (Oxford: Oxford University Press, 2011), 91.

⁵² Kenneth Waltz, *Theory of International Politics* (New York: Random House, 1979).

Kenneth Waltz argues that states (and by extension de facto states) have little say in how their preferences are formed.⁵³ Waltz's structural analysis of world politics argues that the structure restricts certain actions while propelling states toward others.⁵⁴ Structural realism's defining feature vis-à-vis classical realism is "the idea that international politics can be thought of as a system with a precisely defined structure."⁵⁵ It is the structure that allows neorealism to formulate a theory about the international political arena.

Realists argue that interests are predetermined and "exogenous to social interactions."⁵⁶ That is, states enter into social interactions with their interests already formed and, as such, social interaction does little to influence interests. This point is particularly important for how realists understand de facto states. From this perspective, a de facto state's preference for independence is structurally determined rather than a deliberate policy decision. The structure of anarchy and the goal of survival compel de facto states to pursue independence to ensure their survival. Preferences are predetermined and therefore what matters is whether or not actors possess the capabilities to advance their interests and secure their preferences.

Realism and the Origins of De Facto States

Neorealists argue that the distribution of capabilities across competing states is one of the key ordering principles of the anarchic system. The relative distribution of power,

⁵³ This thesis employs the strand of neorealism as outlined by Kenneth Waltz and articulated by John Walt. This strand of neorealism emphasizes the role of the anarchic international structure in shaping state preferences and behaviour.

⁵⁴ Kenneth Waltz, *Theory of International Politics*, 29.

⁵⁵ *Ibid.*, 31.

⁵⁶ Christian Reus-Smit, "Constructivism," in Scott Burchill and Andrew Linklater (eds.), *Theories of International Relations* (Houndmills, Basingstoke, Hampshire: MacMillan, 1996), 192.

therefore, is a key variable for understanding issues in world politics. Waltz argued that states are sensitive to the material capabilities of other states given the anarchical nature of world politics. This assumption can also be applied to different ethnic groups in a multiethnic state. Groups are particularly sensitive and feel at risk if one group controls the political, security, and economic apparatus of the state. In such cases, groups begin to make political and economic demands that often lead to conflict.

The existing literature has framed the onset of ethnic conflicts and the emergence of de facto states through a realist lens. This position has garnered strong support from the academic literature and, in particular, from realists.⁵⁷ Barry Posen argues that the end of the Cold War and the disintegration of Yugoslavia demonstrate that ethnic conflicts can be explained by the notion of the ‘security dilemma.’⁵⁸ He notes that once groups became responsible for their own security in the early 1990s, they had to assess the nature of security threats emanating from their neighbours and determine what, if anything, could be done to mitigate the threats. Realism’s emphasis on security and relative power may encourage the security dilemma where “what one does to enhance one’s own security causes reactions that, in the end, can make one less secure.”⁵⁹ This is prevalent amongst groups that previously coexisted under a central authority but are expected to maintain their security and build states at the same time.⁶⁰ The collapse of Yugoslavia and the subsequent ethnic wars is illustrative, according to Posen. He examines the conflict between the Croats and the Serbs where each group viewed the emergence of the

⁵⁷ See Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars,” *International Security* Vol. 20, No. 4 (1996): 136-175; Barry R. Posen, “The Security Dilemma and Ethnic Conflict,” *Survival* Vol. 35, No. 1 (1993): 27-47; and John J. Mearsheimer, “Kissing Cousins: Nationalism and Realism,” *Yale Workshop on International Relations*, 5 May 2011.

⁵⁸ Barry R. Posen, “The Security Dilemma and Ethnic Conflict,” 27.

⁵⁹ *Ibid.*, 28.

⁶⁰ *Ibid.*, 29.

other's identity as a threat.⁶¹ This is equally applicable to the conflict between Serbia and Kosovo. Kosovo viewed Serbian nationalism and actions as a threat to its identity and security. Serbia was equally concerned that Kosovar nationalism and demands would lead to the breakup of Serbia.

Chaim Kaufmann argues that ethnic conflicts will endure as long as rival groups exist under the same physical territory. He argues that physical separation of groups into 'defensible enclaves' is the only possible solution to ethnic conflict.⁶² Physical separation will reduce the security dilemma associated with ethnic conflicts. Kaufmann views ethnic identities as fixed and extremely difficult to change in the short and medium terms. Kaufmann and Posen do not believe there can be any room for compromise because the security dilemma compels groups to harden their positions in order to protect the group. This approach leaves little room for agency, institutions, or material factors. Instead, it prioritizes security and power. It assumes that ethnic groups rebel and seek power and independence in order to survive in a system that pits one group against another.

David Lake and Donald Rothchild also argue that ethnic conflict is a consequence of insecurity and uncertainty. They argue that "ethnic conflict is most commonly caused by collective fears of the future. As groups begin to fear for their physical safety, a series of dangerous and difficult-to-resolve strategic dilemmas arise that contain within them the potential for tremendous violence...Ethnic activists and political entrepreneurs, operating with groups, reinforce these fears of physical insecurity and cultural domination and polarize society."⁶³ They attribute ethnic conflict to "information

⁶¹ Barry R. Posen, "The Security Dilemma and Ethnic Conflict," 35-36.

⁶² Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," 137.

⁶³ David A. Lake and Donald Rothchild (eds.), *The International Spread of Ethnic Conflict*, 4.

failures, problems of credible commitment, and incentives to use force pre-emptively (also known as the security dilemma).”⁶⁴

Similar to Posen and Kauffmann’s discussion of the effects of the security dilemma on ethnic conflict, Donald Horowitz notes that group apprehension about survival and subordination highlights the “importance accorded to competitive values: a group that cannot compete will be overcome or will die out.”⁶⁵ Horowitz outlines the ways in which group comparison influences group relationships. The fear of subordination is a main feature of group interaction in multiethnic systems and can lead to fear of extinction.⁶⁶ The threat (or even perception of a threat) to a group’s survival can lead to ‘extreme demands,’ which from the perspective of an outside observer may seem disproportionate.⁶⁷ Finally, in some cases the threat may be perceived as imminent and severe that it may prompt exclusivist demands that can lead to confrontation and violence.⁶⁸

In terms of de facto states, the literature argues that civil wars and security concerns explain the emergence of de facto entities. Daniel Byman and Charles King note that de facto states emerge from civil wars, particularly in cases where there is a weak parent state. Michael Rywkin adds that all de facto states have emerged as a result of “ethnic or religious conflicts or state disintegration.”⁶⁹ Deon Geldenhuys, likewise, emphasizes secession as “the single most common” cause for the emergence of de facto states.⁷⁰ Charles King notes that Eurasia’s de facto states (i.e., Abkhazia, Nagorno-

⁶⁴ David A. Lake and Donald Rothchild (eds.), *The International Spread of Ethnic Conflict*, 8.

⁶⁵ Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985), 178.

⁶⁶ *Ibid.*, 179.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, 180.

⁶⁹ Michael Rywkin, “The Phenomenon of Quasi-states,” *Diogenes* Vol. 53, No. 2 (2006), 27.

⁷⁰ Deon Geldenhuys, *Contested States in World Politics*, 44.

Karabakh, South Ossetia and Transnistria) emerged as a result of the collapse of the Soviet Union and the ensuing ethnic and separatist wars.⁷¹ In these cases, civil war broke out between the minority group and the parent state as a consequence of the state's weakness (and with the support of outside states such as Armenia in the case of Nagorno-Karabakh and Russia with Abkhazia and South Ossetia), the minority group creates a de facto state. Once it has secured its status, the de facto state is able to build institutions that allow it to function like a de jure state.

According to this position, de facto states emerge from ethnic conflicts or civil wars that break out when an ethnic group feels threatened by another group or the parent state. Often times, the conflict does not produce a clear winner and the ensuing stalemate leads to the creation of a de facto state. Neighbouring and regional states are reluctant to intervene or recognize the incipient state as such an intervention would violate the international norm of territorial integrity.⁷² Additionally, states fear that recognizing secessionist movements may lead to their own territorial breakup.⁷³ The norm of non-intervention thus prevents other states from recognizing secessionist entities.

Neorealism's concepts of anarchy, self-help, security dilemma, and power (capabilities) are thus very relevant to the study of de facto states. First, much like sovereign states, de facto states want to survive and, some, desire full independence. As mentioned earlier, neorealism assumes that states have little agency due to the pressures thrust upon them from the anarchic system of self-help and competition. As such, state

⁷¹ Charles King, "Eurasia's Nonstate States," *East European Constitutional Review* Vol. 10 (2001), 99. These entities are by-products of the collapse of the Soviet Union and the ensuing wars raged by ethnic minorities.

⁷² Nina Caspersen, *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (Cambridge: Polity Press, 2012), 6-11. Scott Pegg, *International Society and the De Facto State*, 137.

⁷³ Scott Pegg, *International Society and the De Facto State*, 122-123.

identity and interests are fixed and stable. That is, states are rational and self-interested actors whose main objectives are security and survival. Second, the ability of de facto states to advance their preferences largely depends on their capabilities. Capabilities play a central role in the emergence, survival, and resolution of de facto states. Much like sovereign states, de facto states must possess sufficient power, or capabilities, not only to establish a de facto state, but also to survive and to gain independence. Capabilities as understood here refer to the power, both military and economic, that a de facto state requires to ensure its survival. Without sufficient capabilities, de facto states stand little chance of surviving, let alone successfully seceding from the parent state.

As mentioned above, neorealism is often used by the existing literature to explain de facto states. The literature emphasizes that de facto states exist in an international system that prefers state sovereignty and disapproves of secessionist entities. De facto states must attain enough power to preserve their status while trying to secure recognition and independence. Sovereignty is therefore seen as the ultimate goal of de facto states. Neorealism's emphasis on power and capabilities, anarchy, and self-help also explain the emergence of de facto states. In a neorealist international system, states are left to their own devices for security and survival. When a domestic group challenges the authority of the parent state and the state does not possess the capabilities to put down the rebellion, a de facto state can emerge. The conflict can only be resolved if one actor possesses the capabilities to defeat the other.

Although realism's notions of capabilities, security, and anarchy provide valuable insights, they do not fully explain the onset of ethnic conflicts or the emergence of de facto states. First, if ethnic conflict is a consequence of the 'security dilemma' then what

explains the absence of ethnic conflict in certain multiethnic states? For example, there is an absence of violence between various ethnic groups and the central government of India and the Catalans and the central government in Spain despite the presence of the conditions outlined by realism. In these cases, institutional frameworks (e.g., federalism, autonomy, power-sharing, and democracy) have mollified the demands of ethnic groups in a multiethnic state. The effects of the security dilemma are either absent or reduced with the suitable institutional setup.

Second, realism's focus on security and capabilities overlooks the role of material factors that drive the demands of ethnic groups. Many ethnic conflicts are a result of a state's unwillingness to meet a minority group's political and economic demands. As a consequence, groups resort to violence in order to gain the political and economic institutions necessary to meet their demands. Third, if the system is one of anarchy and self-help then what explains the endurance of de facto states? De facto states often have a long life span despite their military and economic weakness. Finally, neorealism underestimates the role of international law and organizations and their influence on the emergence and outcome of de facto states. The international norm of sovereignty prevents most de facto states from acquiring recognition from the international community and compels them to settle for de facto statehood until their status can be resolved. Although neorealism can explain the role of power and force, it overlooks the role of interests, institutions, and material factors in understanding the emergence and persistence of de facto states.⁷⁴

⁷⁴ Scott Pegg, *International Society and the De Facto State*, 236.

Realism and the Behaviour of De Facto States

From a realist perspective, de facto state behaviour would be very similar to the behaviour of sovereign states. First, de facto states will prioritize security and survival. These imperatives are thrust upon states by the self-help system, which compels states to prioritize survival over other imperatives. De facto state preference for statehood, therefore, is fixed under the anarchic structural environment. Institutional arrangements such as federalism and power-sharing are unlikely to engender cooperation between the de facto state and the parent state. Realism argues that the fixed preference for statehood and survival is the primary objective of de facto states. Achieving independence, however, is a difficult task without sufficient capabilities. In short, de facto states desire independence, but achieving this goal largely depends on capabilities.

As mentioned earlier, from a realist perspective de facto state preferences are formed exogenously. Preference formation is a result of the interaction between the anarchic structure, the self-help system, and the desire for survival. These key features of realist theory dictate that states and de facto states will pursue security, power, and independence in order to survive. Domestic politics have little influence over how preferences are created in an anarchic international system. Ethnic conflict, also a consequence of the security dilemma, reinforces the preference for independence. States and other actors have little agency in an anarchic international system that compels states to pursue security and survival. Under such constraints, de facto states prioritize independence to ensure their survival. Because preferences are predetermined, a de facto state's behaviour is dictated by its capabilities. Without adequate power, a weak state may face existential threats from a more powerful and aggressive state. Similarly, a de

facto state must possess enough capabilities to simultaneously defend itself against the parent state and to pursue the goal of independence.

These realist assumptions provide useful insights into de facto state behaviour. For instance, the regional setting in which the de facto state finds itself shapes and influences its behaviour. Iraqi Kurdistan is a case and point. It is surrounded by states that strongly oppose Kurdish independence. Given this setting, Iraqi Kurdistan is unable and unwilling to push for independence lest it provoke Turkey and Iran. South Sudan, on the other hand, received support from neighbouring and regional states in its struggle against Khartoum. Similarly, Kosovo's demand for independence was influenced by the support it received from regional European powers.

However, it should be noted that regional and/or international support does not determine whether a de facto state declares independence. In fact, most de facto states (i.e., South Ossetia, Abkhazia, Nagorno-Karabakh, the Turkish Republic of Northern Cyprus, Taiwan, Somaliland, Tamil Eelam, Transnistria, and Biafra) have declared independence even though they have little support from the international community and regional governments. Indeed, most states condemn or ignore de facto states due to instability associated with them. For example, Charles King has argued that Eurasia's de facto states pose a serious security problem to the region's stability. That is, unlike Taiwan and the TRNC, Eurasia's de facto states contribute to conflict, corruption, and crime.⁷⁵ As a consequence, the likelihood of cooperation between the de facto state and the parent state is further diminished.

The anarchic international system and security imperatives make cooperation between states, and by extension de facto states and the parent state, difficult to achieve.

⁷⁵ Charles King, "Eurasia's Nonstate States," 99.

Joseph Grieco argues that realism with its emphasis on conflict and competition offers a comprehensive understanding of cooperation.⁷⁶ Realists assume that “the fundamental goal of states in any relationship is to prevent others from achieving advances in their relative capabilities.”⁷⁷ This builds on Waltz’s assertion that: “If an expected gain is to be divided, say, in the ratio of two to one, one state may use its disproportionate gain to implement a policy intended to damage or destroy the other.”⁷⁸ Robert Jervis also argues that cooperation under anarchy remains difficult due to the lack of enforcement in the international arena.⁷⁹ As a result, states are unwilling to risk their security and economic well being even though cooperation can be mutually beneficial. This is the same line of reasoning Kaufmann provides regarding the behaviour of ethnic groups. Cooperation is risky for realists not only because of the fear of cheating but also because of the fear that cooperation might spread benefits disproportionately.

In an anarchic and self-help international system, it follows that ethnic groups and de facto states would be unwilling to cooperate or negotiate with the parent state to resolve the conflict. The de facto state does not want to lose its de facto status and the parent state fears the breakup of its territorial integrity. Both actors view cooperation in terms of relative gains. That is, both sides fear that the other actor will gain more from an agreement or settlement of the conflict. The ensuing security dilemma perpetuates the conflict and compels the de facto state to seek independence. Security and survival become paramount for both actors reducing the potential for a negotiated settlement.

⁷⁶ Joseph Grieco, “Anarchy and the Limits of Cooperation: A Realist Critique of the Newest Liberal Institutionalism,” *International Organization* Vol. 42, No. 3 (1988), 487.

⁷⁷ *Ibid.*, 498.

⁷⁸ Kenneth Waltz, *Theory of International Politics*, 105.

⁷⁹ Robert Jervis, “Cooperation Under the Security Dilemma,” *World Politics* Vol. 30, No. 2 (1978): 167-214.

According to Kaufmann, power-sharing or federalism are unlikely to permanently resolve ethnic conflicts.⁸⁰ Power-sharing cannot mitigate the intractable differences or the security dilemma which characterize ethnic conflict.⁸¹ Ethnic groups are unlikely to submit to a power-sharing agreement under the conditions of ethnic violence and heightened security threats from other groups or the parent state.⁸² Kaufmann argues that ethnic conflicts harden ethnic identities and the security dilemma deepens the divisions and the conflict. These conditions, says Kaufmann, make it difficult, if not impossible, to resolve ethnic conflict “until or unless the security dilemma can be reduced or eliminated.”⁸³ Kaufmann proposes ‘physical separation’ as the best method for ending and resolving longstanding ethnic conflicts.⁸⁴ Under such conditions, there is little chance that de facto states would agree to cooperate with and function in a political arrangement under the control of the parent state.

Constructivism

The following section will outline and examine the ways in which constructivism explains the origins and behaviour of de facto states. Constructivism can be divided into the ‘conventional’ and the ‘critical’ strands. Ted Hopf notes that conventional constructivism shares methodological and epistemological assumptions with traditional theories such as neorealism and neoliberal institutionalism.⁸⁵ Conventional constructivism grew out of first-wave critical theory but differs in an important way: conventional

⁸⁰ Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars,” 139.

⁸¹ *Ibid.*, 155.

⁸² *Ibid.*, 156.

⁸³ *Ibid.*, 148.

⁸⁴ *Ibid.*, 159.

⁸⁵ Ted Hopf, “The Promise of Constructivism in International Relations Theory,” *International Security* Vol. 23, No.1 (1998), 171-172.

constructivism accepts and indeed adopts empirical analysis.⁸⁶ Critical constructivism, on the other hand, rejects the fundamental epistemological and methodological assumptions of traditional IR theories. This thesis will discuss the assumptions and applicability of conventional constructivism to the study of de facto states.⁸⁷

Constructivism's opening emerged with the collapse of the Soviet Union and the end of the Cold War, an event that called into question the supposedly explanatory powers of the mainstream theories, neorealism and neoliberalism. There are three important constructivist assumptions that will be discussed here. First, in addition to material structures, constructivists believe that ideational and normative structures (i.e., systems of shared ideas, values, and beliefs) shape and influence behaviour.⁸⁸ Second, constructivists argue that identities influence interests and actions. Unlike the realists, constructivists do not view interests as exogenously determined, but instead attempt to show how actors develop their interests in order to understand international phenomena.⁸⁹ Third, constructivists believe that "agents and structures are mutually constituted."⁹⁰ In other words, actors have more agency than realists claim. Instead of taking structures as constant, constructivists believe that structures and actors produce and reproduce one another through norms.⁹¹ Actions have no meaning without the intersubjective understanding formed by these norms and ideas. Furthermore, abstract structures such as anarchy, the state system, and sovereignty, which seem to be natural, are socially constructed by ideas and these too can change.

⁸⁶ Christian Reus-Smit, "Constructivism," 195.

⁸⁷ Critical constructivism would entail a different set of questions and research techniques.

⁸⁸ *Ibid.*, 196.

⁸⁹ *Ibid.*, 197.

⁹⁰ *Ibid.*

⁹¹ There are two types of norms. Constitutive norms define one's identity and regulatory norms determine one's actions.

On the issue of anarchy, constructivists believe that it is 'indeterminate' and mutually constituted by actors adopting norms. Anarchy exists because states accept its implications and constraints. Neorealism's notions of anarchy and self-help are applicable, therefore, only when a state faces 'catastrophic consequences' for not possessing the capacity to defend itself. But when states are willing to cede control over outcomes to other actors, it demonstrates that neorealism's notion of anarchy is 'imaginary.'⁹² In short, the difference between neorealist and constructivist notion of structure is that "[n]eorealists think it is made only of a distribution of material capabilities, whereas constructivists think it is also made of social relationships."⁹³ As Alexander Wendt has noted, anarchy does not have any consequences other than what states accept. If states choose to interact with each other as allies rather than as adversaries then anarchy would not have any consequences. Wendt says the international arena is characterized by the "beliefs and expectations that states have about each other, and these are constituted largely by social rather than material structures."⁹⁴ Self-help and the security dilemma, therefore, are not consequences of the structure of anarchy, but rather products of the interaction of the units in the system.⁹⁵

Constructivism and the Origins of De Facto States

Constructivism, as outlined by Alexander Wendt, largely accepts the statist approach of neorealism but disagrees with the implications of anarchy on state identity, preference

⁹² Ted Hopf, "The Promise of Constructivism in International Relations Theory," 174.

⁹³ Alexander Wendt, "Constructing International Politics," *International Security* Vol. 20, No. 1 (1995), 73.

⁹⁴ Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), 20.

⁹⁵ Alexander Wendt, "Anarchy is What States Make of It: The Social Construction of Power Politics," *International Organization* Vol. 46, No. (1992): 391-425.

formation, and interests. Constructivists disagree with the structural and deterministic worldview of the neorealists. Wendt argues that the notion of self-help is a result of the interaction between states rather than anarchy.⁹⁶ Anarchy, from a constructivist point of view, is not a determining cause of self-help, but rather a permissive one. Wendt notes that “structure has no existence or causal powers apart from process. Self-help and power politics are institutions, not essential features of anarchy.”⁹⁷ Essentially, Wendt believes that the international arena is characterized by the “beliefs and expectations that states have about each other, and these are constituted largely by social rather than material structures.”⁹⁸ Furthermore, Wendt argues that the materialist approach to structure fails to recognize how the international system constructs state identities and interests. That is, the system affects and constitutes state identities.

Constructivists are also concerned with the ways in which state identity and interests are formulated. According to constructivists, state identity and interests are not predetermined or fixed, but are malleable. State identity and interests take shape through interactions and ideas. Martha Finnemore argues that the identities and interests of states are a product of their interactions with each other in the international system. Finnemore says, “We cannot understand what states want without understanding the international social structure of which they are a part...States are socialized to want certain things by the international society in which they and the people in them live.”⁹⁹ It follows then that, if identities are constructed, they can also be changed and reshaped. Such an understanding of international politics also assumes that states can learn to cooperate.

⁹⁶ Alexander Wendt, “Anarchy is What States Make of It,” 394.

⁹⁷ *Ibid.*, 395.

⁹⁸ Alexander Wendt, *Social Theory of International Politics*, 20.

⁹⁹ Martha Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996), 2.

These assumptions can also be applied to the interests and behaviour of ethnic groups. Constructivists view identity in terms of Benedict Anderson's 'imagined communities.' That is, modern technology and a modern economic system have made it possible for individuals to conceive of a larger and 'imagined' ethnic community. Modernity provides groups with a wider communal base and institutionalizes ethnicity.¹⁰⁰ Although constructivists view ethnicity as constructed, they recognize that ethnicity is an enduring concept and difficult to dismantle once it takes deep roots.¹⁰¹ Constructivists also view identity and ethnicity as an instrument that can be exploited by elites. From this view, ethnicity is a purely instrumental tool used by elites for political or economic goals. This position argues that political elites may promote peace in some places and drive conflict in other places to advance their interests.¹⁰² Instrumentalists view ethnicity as a means to an end rather than an inherent and fixed trait. Although constructed, ethnic identity has powerful emotional appeal to individuals and organisations. David Laitin argues that although some ethnic identities are relatively deep, as primordialists say, it is culturally and more contingently constructed.¹⁰³

Constructivists argue that ethnicity is neither natural nor completely open, but rather a social phenomenon. Based on this perspective, ethnic violence is caused by 'social systems' and it is the socially constructed nature of ethnicity that leads to

¹⁰⁰ Ashutosh Varshney, *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (New Haven: Yale University Press, 2002), 31.

¹⁰¹ *Ibid.*, 34.

¹⁰² Ashutosh Varshney, *Ethnic Conflict and Civic Life*, 29.

¹⁰³ David Laitin, *Identity in Formation: The Russian Speaking Populations in the Near Abroad* (Ithaca: Cornell University Press, 1998), 27. Primordialism refers to the belief the nationalist is a natural part of human identity and that nations are ancient. Primordialism is best explained by Clifford Geertz, who says, primordial identity refers to "the 'givens'...of social existence: immediate contiguity and kin connection mainly, but beyond them the givenness that stems from being born into a particular religious community, speaking a particular language, or even a dialect of a language, and following particular social practices." See Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973), 259.

violence.¹⁰⁴ Ethnic conflict occurs, and de facto states emerge, when elites use the idea of identity and nationalism to advance their own personal interests. Constructivists believe that “ethnic conflicts are the result of pernicious group identities created by hypernationalist myth-making” subsequently used by ethnic entrepreneurs striving for power.¹⁰⁵ According to this reasoning, if ethnic identities can be forged and manipulated by ethnic entrepreneurs, then individuals and groups can also be influenced to adopt less exclusive identities and cooperate.¹⁰⁶ Chaim Kaufmann, however, argues that even if ethnic identities are created, it is impossible to reverse the consequences of ethnic conflicts and to create peace following an ethnic conflict.¹⁰⁷ The violence from ethnic conflicts creates fear and hatred between groups that cannot be reconstructed to create peace.

The constructivist interpretation of nationalism and ethnic conflict demonstrates the importance assigned to the role of agency. Whereas realists emphasize the structure of the international system in dictating state preferences, constructivism argues that individuals and groups can also influence and shape state preferences and policies. It follows then that state preferences are not exogenously given by the structure. Rather, preferences are often a reflection of the extent to which elites and individuals have the power to influence government. This does not mean that ideas are more important than power and interest, which remain as important as they were, but that power and interest have the effects they do in virtue of the ideas that make them up.

¹⁰⁴ David A. Lake and Donald Rothchild (eds.), *The International Spread of Ethnic Conflict*, 6.

¹⁰⁵ Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars,” 152.

¹⁰⁶ *Ibid.*

¹⁰⁷ Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars,” 153.

According to constructivism, traditional capabilities such as, military power and economic resources can facilitate a group's fight for independence, but the power of ideas underpinning the struggle for independence is also important. When a group does not possess capabilities, it will be forced to accept de facto independence. In addition to the role of capabilities and ideas, international norms of sovereignty and non-intervention make it difficult for aspiring states to seek support and recognition from other states. From a constructivist viewpoint, de facto states are a by-product of the international norm against recognizing unilateral secession and the sanctity of state sovereignty. Lowering the threshold for secession would encourage other discontented minorities to seek independence rather than to accept autonomy.¹⁰⁸

Constructivist assumptions offer valuable insights into the origins of ethnic conflict and the emergence of de facto states. In particular, the idea that leaders of ethnic groups use nationalism as a pretext for advancing their personal interests is an interesting concept. Still, constructivism does not adequately explain ethnic conflict for two reasons. First, nationalist identities cannot simply be created without a historical foundation with which to work. The historical and cultural foundations of ethnic groups demonstrate that nations have some common past that binds their members. Ethnic identity and loyalty to one's ethnic group is often strong, particularly after a conflict, that it matters little whether it is constructed or ancient. Whereas realism ignores the role of agency; constructivism overstates its importance on ethnicity. Second, like realism, constructivism ignores the role of interests and material factors in explaining the behaviour of ethnic groups and the emergence of de facto states. Ethnic entrepreneurs

¹⁰⁸ Allen Buchanan, "Uncoupling Secession from Nationalism and Intrastate Autonomy from Secession," in Hurst Hannum and Eileen F. Babbitt (eds.), *Negotiating Self-Determination* (Oxford: Lexington Books, 2006), 81.

would not be successful at mobilizing ethnic groups for war or secession if those groups are economically and politically content.

Constructivism and the Behaviour of De Facto States

According to constructivism, de facto state behaviour is shaped by ideas, international norms, and the role of elites in constructing preferences. De facto states are not constrained by anarchy or capabilities, but by the ideas and international norms that influence and shape the behaviour of states and state-like entities. First, in terms of international norms, de facto states must consider how the international community would respond to a declaration of independence. (The international community prefers to maintain the territorial integrity of its constituent states and therefore frowns up secession.¹⁰⁹) Second, ideas about anarchy and survival only matter if de facto states accept such ideas and the implications and constraints associated with them. That is, de facto states can choose to pursue security by acquiring military capabilities or they can choose to pursue dialogue with the parent state and neighbouring states to arrive at a negotiated settlement.

The role of agency is also an important feature of constructivism. Individuals and other actors possess agency and can influence and shape the behaviour and preferences of states and de facto states. For example, if elites mobilize ethnic groups for their own ends, then state preferences and policies can reflect the interests of such elites. De facto states are also susceptible to the influence of elites and agency. Ethnic conflict may create strong nationalist feelings that will be difficult to change in the short-term and may

¹⁰⁹ Louis Belanger, Érick Duchesne, and Jonathan Paquin, "Foreign Interventions and Secessionist Movements: The Democratic Factor," *Canadian Journal of Political Science* Vol. 38, No. 2 (2005): 435-462.

encourage ethnic groups to demand independence, but the point is that preferences are not fixed. Indeed, institutional arrangements such as power-sharing or autonomy may encourage the de facto state to forgo its bid for independence. Preferences can change. This is particularly true given international norms and partiality for the territorial integrity of states. De facto states must be prepared to endure opposition and disapproval from the international community. Even when a de facto state possesses the capabilities to break away from the parent state and provide security to its territory and population, recognition and independence are not assured. For example, Taiwan possesses all the capabilities (military and economic) necessary for functioning as an independent state, but it is unable to secure recognition and support from other states in the international system.

Like realism, constructivism is insightful for explaining some aspects of de facto state behaviour. For instance, one could argue that de facto states learn to pursue security, power, and independence due to institutions such as anarchy and self-help and ideas surrounding power and security. In addition, constructivism demonstrates that identities and interests are not given or fixed, but are constructed and constantly renegotiated. The identities and interests of de facto states can also change. For example, rather than pursuing independence, de facto states may prefer to institutionalize the status quo. Still constructivism cannot fully explain the behaviour of de facto states. First, constructivism's emphasis on ideas, institutions, and norms overlooks the importance of the institutional structures and material considerations that influence de facto states. For example, Iraqi Kurdistan's decision to participate in a federal Iraq is shaped by the political autonomy and economic incentives offered by the union. Second,

although institutions such as anarchy and self-help may be constructed, states and de facto states must possess sufficient power and capabilities to maintain order. A de facto state, meanwhile, must possess sufficient capabilities to defend itself from an aggressive parent state that wishes to reintegrate the territory.

Summary of Findings

The overview and discussion of realism and constructivism reveals gaps in how the existing literature explains ethnic conflict and the origins and behaviour of de facto states. Realism's emphasis on anarchy, structure, and power overlooks the role of the domestic political structure and especially economic interests and institutional design. Economic interests and effective political institutions provide the incentives for a disaffected ethnic group or de facto state to stay with the parent state. Realism fails to consider that under the right conditions preferences can change. Constructivists, meanwhile, overstate the power of elites have in mobilizing ethnic groups. The power of nationalism can ebb and flow to reflect the short to medium-term interests of an ethnic group or de facto state. Finally, constructivists also overstate the extent to which international norms of sovereignty and non-intervention will deter de facto states from seeking recognition from other states (and possibly from unilaterally declaring independence). For example, Kosovo understood that its unilateral declaration of independence would not be recognized by many states including powers such as, China and European states such as, Spain and Greece. Governments will ignore norms of sovereignty and non-intervention for various reasons such as, pressure from domestic groups to advance their strategic interests.

Existing explanations do not sufficiently account for the emergence of de facto states. International interventions have contributed to the emergence of de facto states, yet the scholarship has paid little attention. The literature does acknowledge intervention as a factor, but it does not adequately evaluate the significance of interventions. De facto states can emerge from military intervention taken by individual states or the international community. Pegg identifies foreign invasions (e.g., Turkey's invasion of Cyprus to establish the Turkish Republic of Northern Cyprus) and external humanitarian interventions (e.g., the US and UK imposition of the safe zone in northern Iraq and the intervention in Kosovo in 1999) as contributing factors for the emergence of de facto states.¹¹⁰ Contrary to the notions of the norm of non-intervention and the inviolability of a state's sovereignty, the international community has demonstrated its willingness to intervene in certain cases where gross human rights violations have taken place. Indeed, two of the cases here (i.e., Kosovo and Iraqi Kurdistan) are examples of de facto states that emerged as a direct consequence of interventions from the international community.

Although interventions are uncommon in the international community, they are nonetheless responsible for ending conflicts and establishing de facto states. Most recently, the North Atlantic Treaty Organization (NATO) undertook an air bombing in Libya to pre-empt a massacre and to oust the former dictator Muammar Gaddafi from power. It is true that the international community has been accused of selectively choosing to intervene in order to protect particular economic and/or security interests. However, it is beyond the scope of this dissertation to evaluate the merits or intentions of the international community when it chooses to intervene. Instead, the focus here is the role of international interventions in creating a de facto state. That some de facto states

¹¹⁰ Scott Pegg, *International Society and the De Facto State*, 148-170.

emerge as a result of international interventions does not contradict the idea that all de facto states originate from self-determination movements. It would be more accurate to claim that the interplay between domestic and international factors leads to the creation of de facto states. The case of South Sudan is illustrative. Initially, the conflict was a domestic issue between the South and the government in Khartoum until regional states and outside powers (e.g., the US) were dragged into the conflict. Outside governments provided covert military support to the South and eventually helped both sides reach a peace settlement in 2005.

The goal here is not to challenge explanations regarding the origins of de facto states, but rather to highlight the importance of external interventions. I hope to demonstrate that international interventions played a significant role in the emergence Iraqi Kurdistan and Kosovo. Furthermore, the thesis will argue that ethnic groups rebel and sometimes resort to violence to protect their interests (political, economic, etc.). Most de facto states emerge from civil wars that do not produce a clear winner and the secessionist entity establishes a functioning political unit that possesses the features of a state but it is not recognized. Weak states do not possess the capability to prevent the establishment of de facto states and do not possess the capabilities to bring the de facto state back into the fold. De facto states can emerge from the actions of a group seeking autonomy or secession from the parent state, but they can also emerge from international interventions. Indeed international intervention can help to mitigate the intensity of ethnic conflicts, especially in cases where there is a group that is at risk against a militarily strong state.¹¹¹

¹¹¹ Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars," 164.

Iraqi Kurdistan and Kosovo faced strong parent states, in Iraq and Serbia respectively, that were prepared to use overwhelming force to end the conflict. Neither the Kurds nor the Kosovars possessed the military power to compel the parent state to establish an autonomous region. Iraqi Kurdistan and Kosovo were in the midst of uprisings against the central government and both faced imminent threats and the possibility of massacres at the hands of the governments of Saddam Hussein and Slobodan Milošević, respectively. International interventions were undertaken in both cases to stop the parent states from continuing to inflict violence against the weak minorities. Following the imposition of the no-fly zone against Saddam Hussein's regime over the Kurdish region in 1991, Iraqi Kurdistan created a functioning political unit that closely resembles a state. International organizations such as, the European Union (EU), the United Nations (UN), and NATO, established a de facto state in Kosovo (from 1999 to 2008) when they created and supervised administrative, legal, and security apparatus for Kosovo.

The empirical record also puts into question the literatures' assumptions regarding the behaviour and evolution of de facto states. Nina Caspersen argues that some de facto states gain recognition and secure independence (e.g., Eritrea and Kosovo), but most (e.g., Chechnya and Tamil Eelam) are forcefully reintegrated by the parent state.¹¹² The record, however, does not support this argument. In fact, from the 24 de facto states listed in this work only five have been forcibly reintegrated by the parent state. This is often achieved with a thorough military defeat of the de facto state. The most recent example of this was the military defeat of Tamil Eelam by Sri Lanka in 2009. Other

¹¹² Nina Caspersen, "Playing the Recognition Game: External Actors and De Facto States," *The International Spectator: Italian Journal of International Affairs* Vol. 44, No. 4, (2009), 47.

examples of forced reintegration include Chechnya (1999), Serbian Krajina (Croatia) (1995), Biafra (1970), and South Katanga (1963). Peaceful reintegration is also rare (Anjouan 2008, Bougainville 1997, Gagauzia 1994, Republika Srpska (Bosnia and Herzegovina) (1995)). Much of the existing literature argues that gaining independence is very difficult for de facto states. But the empirical evidence suggests that graduating to independence is as common as a military loss or a negotiated settlement. To date, five de facto states have graduated to full independence (i.e., Eritrea 1993, East Timor 2002, Montenegro 2006, Kosovo 2008, and South Sudan 2011).

The most common outcome for de facto states is a stalemate. That is, in most cases de facto states maintain the status quo and are neither defeated nor induced into re-joining the parent state. Eiki Berg and Raul Toomla argue in favour of maintaining the status quo when it comes to the question of de facto states.¹¹³ They note that “the status quo may offer various forms of normalisation even when legal recognition has not been granted. Especially, when the political nature of the ‘recognition game’ leaves no space for evolving opportunity structures and does not enable de facto states to legalize their practices.”¹¹⁴ Svante Cornell’s article dispels the long-held notion that autonomy can mitigate ethnic tensions between a minority and its parent state. Cornell’s article examines the role of an autonomous framework in reducing conflict between Eurasia’s de facto entities and the parent states. He concludes, “autonomy has been a source of conflict and not a solution to it...secessionism is likely to be significantly higher among

¹¹³ Eiki Berg and Raul Toomla, “Forms of Normalisation in the Quest for De Facto Statehood,” *The International Spectator: Italian Journal of International Affairs* Vol. 44, No. 4 (2009), 29-30.

¹¹⁴ *Ibid.*, 44.

autonomous minorities than among nonautonomous minorities.”¹¹⁵

Berg and Toomla notwithstanding, much of the emerging literature overlooks the idea of the status quo as a potential solution. This dissertation argues that de facto statehood, or the status quo, is seen as a legitimate medium to long-term goal for some de facto states. Given the international community’s reluctance to recognize these entities and the parent state’s inability to forcibly reincorporate them back into the fold, it is not unlikely that these entities may continue to function as de facto states. Nagorno-Karabakh, a de facto state in Azerbaijan, for example, has turned its focus away from gaining recognition in favour of internal development. Its leadership believes that its de facto “status is sustainable and can fulfill [its] goals of security and independence.”¹¹⁶ The case of Taiwan is also illustrative. Taiwan has functioned as a de facto state for four decades with a functioning democracy and a strong economy. In a recent 2009 poll in Taiwan, more than 60 percent of the population over 20 voted for maintaining the “status quo.”¹¹⁷ Taiwan is not the only case in which the status quo is appealing. The Turkish Republic of Northern Cyprus has functioned as a de facto state for over three decades, while Iraqi Kurdistan, Abkhazia, South Ossetia, and Nagorno-Karabakh have done so for over two decades. Under the right conditions, de facto statehood can provide stability for the parent state and the neighbouring states. For example, rather than pushing for secession from Iraq, Iraqi Kurdistan demanded that its autonomous status, or de facto statehood, be entrenched in the 2005 Iraqi Constitution. This has, to date, satisfied

¹¹⁵ Svante E. Cornell, “Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective.” *World Politics* Vol. 54, No. 2 (2002), 75.

¹¹⁶ Nina Caspersen, “States without Sovereignty: Imitating Democratic Statehood,” in Nina Caspersen and Gareth Stansfield (eds.), *Unrecognized States in the International System* (London: Routledge, 2011), 87.

¹¹⁷ Taiwan Matters, “Poll statistics regarding Taiwan’s independence vs. unification,” 14 December 2009. Available at: <http://taiwanmatters.blogspot.ca/2009/12/poll-statistics-regarding-taiwans.html>.

Kurdish demands for autonomy, Iraq's desire to maintain its territorial integrity, and Turkey and Iran's need for stability in the region.

Liberal Theory of International Relations

Liberal theories in international relations stress the importance of institutions, preferences, information, and the domestic political system in shaping and influencing state behaviour. In fact, Andrew Moravcsik argues that preferences and interests are more important than capabilities in explaining state behaviour.¹¹⁸ Helen Milner, like Moravcsik, emphasizes the role of institutions, preferences, and interests in influencing a state's foreign policy and shaping state interests.¹¹⁹ Milner argues that the domestic political system and the relationship between citizens and the state are more important than the international structure of anarchy in shaping state behaviour.¹²⁰ She further argues that states look for information and institutions to mitigate issues related to anarchy. It should be noted that liberals (e.g., neoliberal institutionalists), although not all, accept many of the fundamental ontological and epistemological assumptions of neorealists regarding the primacy of the state and the presence of anarchy. The difference is that liberals believe institutions, preferences, material factors, and the domestic political system to be important, particularly in mitigating the effects of anarchy.

In addition to institutions, information, and domestic political pressures, liberals also give attention to the effects of material factors on state behaviour. Although states

¹¹⁸ Andrew Moravcsik, "Taking Preferences Seriously: A Liberal Theory of International Politics," *International Organization* Vol. 51, No. 4 (1997).

¹¹⁹ Helen Milner, *Interests, Institutions, and Information: Domestic Politics and International Relations* (Princeton: Princeton University Press, 1997).

¹²⁰ *Ibid.*

are influenced by the anarchic system, institutions, information, and cooperation can mitigate these effects. Given liberalism's preference for institutions, domestic politics, and ideas, states are not bound by the effects of anarchy and therefore possess more latitude in their preference formation. According to liberalism, states pursue objectives that are largely determined by domestic factors rather than the anarchic structure of the international system. This does not mean that anarchy does not have any consequences for states. Indeed, liberals argue that although state preferences are largely formed at the domestic level, the pursuit of such preferences is constrained by the preferences and actions of other competing states. The state is viewed as the aggregation of interests from individuals and groups in society. A state's interests, therefore, are not determined by its place in the structure of the international system, but by the many interests and ideals of the members who capture governmental institutions.¹²¹

Paul Viotti and Mark Kauppi outline general liberal (what they call pluralism) assumptions. First, nonstate actors play an important role in international relations. This includes the role of international organizations (IO), nongovernmental organizations (NGO), and multinational corporations (MNC).¹²² Second, the state is not a unitary actor. Instead, it is comprised of various individuals, groups, and institutions that compete for influence over the decision-making processes. Third, the rationality of the state is challenged by the competition of various individuals and groups at the domestic level. The particular interests of domestic actors can shape and influence the state's foreign policy. Finally, the research agenda of pluralists goes beyond the major issues related to

¹²¹ Michael Doyle, *Ways of War and Peace: Realism, Liberalism, and Socialism* (New York: W.W. Norton & Company, 1997), 19.

¹²² Paul R. Viotti and Mark V. Kauppi, *International Relations Theory: Realism, Pluralism, Globalism, and Beyond*, Third Edition (Boston: Allyn and Bacon, 1999), 7.

the military-security domain.¹²³ The assumptions outlined by Viotti and Kauppi encompass the various strands of liberal theories in IR. I believe that these assumptions and liberalism in general provide the best theory to explain the behaviour of Iraqi Kurdistan and de facto states more generally.

In “Taking Preferences Seriously,” Andrew Moravcsik outlines a liberal theory free from normative and ‘utopian’ ideals. Liberal theory of IR (hereinafter liberalism) believes the relationship between the state and its domestic and international contexts has a fundamental impact on its behaviour.¹²⁴ The ‘configuration of state preferences,’ according to liberals, matters most in world politics.¹²⁵ Using this idea as the foundation, Moravcsik’s article outlines ‘positive’ liberal assumptions that, like other IR theories, will allow researchers to formulate hypotheses, provide explanations, and make predictions.¹²⁶ Moravcsik’s goal is to present a general and parsimonious liberal theory that can be used to connect otherwise disparate issue areas.¹²⁷ Liberalism, he argues, offers a distinct research program and it is progressive “in the sense of explaining a broad and expanding domain” of empirical phenomena.¹²⁸

Liberalism emphasizes the impact of domestic politics on a state’s behaviour at the international level. It argues that ideas and domestic interests and institutions influence state behaviour by shaping state preferences. For liberals like Moravcsik, state preferences matter more than state capabilities.¹²⁹ Liberal theory’s basic premise is that

¹²³ Paul R. Viotti and Mark V. Kauppi, *International Relations Theory*, 8.

¹²⁴ Andrew Moravcsik, “Taking Preferences Seriously,” 513.

¹²⁵ Ibid.

¹²⁶ Ibid., 514.

¹²⁷ Ibid., 515.

¹²⁸ Andrew Moravcsik, “Liberal International Relations Theory: A Social Scientific Assessment,” *Weatherhead Center for International Affairs*, Harvard University. Working Papers Series. Paper No. 01-02 (2001), 2.

¹²⁹ Andrew Moravcsik, “Taking Preferences Seriously,” 513.

“the relationship between states and the surrounding domestic and transnational society in which they are embedded critically shapes state behaviour by influencing the social purposes underlying state preferences.”¹³⁰ The state is not viewed as a unitary and rational actor constantly at war; instead, liberals view the state as the aggregation of interests from individuals and groups in society.¹³¹ Moravcsik defines ‘state preferences’ as “a set of fundamental interests defined across ‘states of the world.’”¹³² He also provides an important point of clarification regarding preference and strategy. He says that

[I]t is essential to avoid conceptual confusion by keeping state ‘preferences’ distinct from national ‘strategies’ that constitute the everyday currency of foreign policy. State preferences, as the concept is employed here, comprise a set of fundamental interests defined across ‘states of the world’.[...] By contrast, strategies and tactics are policy options defined across intermediate political aims, as when governments declare an ‘interest’ in ‘maintaining the balance of power’, ‘containing’ or ‘appeasing’ an adversary, exercising ‘global leadership’, or ‘maintaining imperial control’.¹³³

State preferences are formed by the interaction of competing individuals and groups at the domestic level, which in turn shapes state behaviour on the international stage. To explain this process, Moravcsik presents three core assumptions connected to the fundamental principle that “the relationship between states and the surrounding domestic and transnational society in which they are embedded critically shapes state behaviour by influencing the social purposes underlying state preferences.”¹³⁴ Assumption one asserts that, “the fundamental actors in international politics are individuals and private groups, who are on the average rational and risk-averse and who organize exchange and collective action to promote differentiated interests under

¹³⁰ Andrew Moravcsik, “Taking Preferences Seriously,” 516.

¹³¹ Michael Doyle, “Kant, Liberal Legacies, and Foreign Affairs,” *Philosophy and Public Affairs* Vol. 12, No. 3 (1983), 19.

¹³² Andrew Moravcsik, “Taking Preferences Seriously,” 519.

¹³³ Andrew Moravcsik, “Wahn, Wahn, Uberall Wahn: A Reply to Jahn’s Critique of Liberalism Internationalism,” *International Theory* Vol. 2, No. 1 (2010), 116 (explanatory note).

¹³⁴ Andrew Moravcsik, “Taking Preferences Seriously,” 516.

constraints imposed by material scarcity, conflicting values, and variations in societal influence.”¹³⁵ This assumption presumes that the preference configuration of individuals and societal groups occurs independently of politics and that there is competition as a result of scarcity and differentiation. In addition, the assumption claims that because individuals are on average risk-averse, “they strongly defend existing investments but remain more cautious about assuming cost and risk in pursuit of new gains.”¹³⁶ Some individuals, of course, may be more risk tolerant.

Assumption two declares that, “states (or other political institutions) represent some subset of domestic society, on the basis of whose interests state officials define state preferences and act purposively in world politics.”¹³⁷ According to this assumption, the state is an institution prone to capture by competing groups in society looking to advance their particular interests. Such ‘societal pressures’ can formulate or alter ‘state preferences.’¹³⁸ Liberals view the state as a representative institution that is subject to “capture and recapture, construction and reconstruction by coalitions of social forces.”¹³⁹ State preferences and action, therefore, are contingent on the preferences of “powerful domestic groups enfranchised by representative institutions and practices.”¹⁴⁰ Liberalism prioritizes state-society relations as it examines the relationship between the government and the individuals and groups that it represents or controls. State behaviour, according to this belief, is a reflection of the relationship between the government, its citizens, and the international system.¹⁴¹ According to the first two assumptions, state interests and

¹³⁵ Andrew Moravcsik, “Taking Preferences Seriously,” 516.

¹³⁶ *Ibid.*, 517.

¹³⁷ *Ibid.*, 518.

¹³⁸ *Ibid.*, 519.

¹³⁹ *Ibid.*, 518.

¹⁴⁰ *Ibid.*, 519-520.

¹⁴¹ Andrew Moravcsik, “Liberal International Relations Theory,” 4.

preferences are not fixed, but instead determined by the social context.¹⁴²

Assumption three says that, “the configuration of interdependent state preferences determines state behavior.”¹⁴³ Essentially, liberals believe that states pursue their policy preferences under the constraints imposed by the preferences and behaviour of other states.¹⁴⁴ Moravcsik uses the concept of ‘policy interdependence’ to explain the link between state preferences and state behaviour. Policy interdependence is “the set of costs and benefits created for foreign societies when dominant social groups in a society seek to realize their preferences.”¹⁴⁵ In short, liberals believe that state policies are largely determined by the preferences governments establish.

This principle is often criticized for seemingly ignoring the international system and for being a domestic level theory. Moravcsik dismisses these criticisms on two grounds. First, liberalism accepts that state preferences are formulated in response to the domestic and international contexts (i.e., it does not draw a firm line between domestic and international levels of analysis). Second, the behaviour of any state reflects not only its own preferences, “but the configuration of preferences of *all* states linked by patterns of significant policy interdependence.”¹⁴⁶ States pursue their policies and preferences under the constraints imposed by the preferences of other states. For liberals the variation in state preferences is privileged over capabilities and information.¹⁴⁷

¹⁴² Andrew Moravcsik, “Taking Preferences Seriously,” 520.

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*, 522-523.

¹⁴⁷ *Ibid.*, 520.

Identifying Preferences

The concept of preferences is key to liberal theory. Jeffrey Frieden provides a strategy for researching preferences and interests in world politics. In order to identify and assess the role of preferences in state behaviour Frieden makes two suggestions. First, preferences must be kept separate from other factors, especially the “strategic setting” so as not to confuse “between the causal role of actors’ interests and that of their environment.”¹⁴⁸ Second, researchers must be explicit about how they determine the preferences of actors. That is, preferences must be clearly identified as “variables of interest or control variables.”¹⁴⁹ Preferences are not tangible and therefore researchers can never know the true motivations of actors. He says, “an actor prefers some outcomes to others and pursues a strategy to achieve its most preferred possible outcomes.”¹⁵⁰ Frieden believes that researchers are more interested in how preferences influence choices (i.e., preferences are examined for the behaviour they cause). Both preferences and the environment shape an actor’s behaviour.¹⁵¹ An actor establishes its preferences, and then formulates strategies according to the constraints presented by the environment.¹⁵²

Preferences can be identified by way of assumption, observation, and deduction. Assumption is the simplest way to obtain an actor’s preferences. For example, one can say that states look to maximize their welfare. Observation, or induction, can take the form of studying an actor’s statements and actions to arrive at a

¹⁴⁸ Jeffrey A. Frieden, “Actors and Preferences in International Relations,” in D. A. Lake and R. Powell (eds.), *Strategic Choice and International Relations* (Princeton: Princeton University Press, 1999), 39.

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*, 41.

¹⁵¹ Jeffrey A. Frieden, “Actors and Preferences in International Relations,” 45.

¹⁵² *Ibid.*

conclusion regarding its preferences. Frieden is rather pessimistic about the utility of the above two approaches. The third, and according to Frieden, the most effective method for identifying preferences is through deduction or by using existing theory.¹⁵³ Deduction, however, is hampered by the quality of the available theories. To circumvent this shortcoming, Frieden suggests that researchers present their “own prior theory of preferences, perhaps by analogy to some roughly similar problem.”¹⁵⁴

This project will employ observation (induction) and deduction to identify Iraqi Kurdistan’s preferences. First, the study will observe Iraqi Kurdistan’s policies and rhetoric as a baseline for its preferences. There are ample primary resources such as governmental documents, news material, and media interviews with Kurdistan Regional Government (KRG) officials. Such information will shed light on the policy objectives (and preferences) of the KRG. This will be complemented by interviews with KRG representatives and other political and non-governmental officials in Iraqi Kurdistan. The objective of the interviews is to obtain direct answers from policymakers and governmental representatives of the KRG regarding its preferences and interests. Second, the project will use liberal theory to identify Iraqi Kurdistan’s preferences. By examining the preferences and interests of powerful individuals and groups in the Kurdish region one can determine how these actors will influence the preferences of the de facto state. After all, the domestic political scene often shapes the state’s foreign policy and preferences.

¹⁵³ Jeffrey A. Frieden, “Actors and Preferences in International Relations,” 61.

¹⁵⁴ *Ibid.*, 65.

Liberalism and the Origins of De Facto States

Liberal assumptions also help explain the origins of ethnic conflicts and de facto states. Like states, ethnic groups cannot ignore institutions, interests, and the preferences of its members. Instead of relying on the security dilemma or socially constructed ideas to explain ethnic conflict and the origins of de facto states, liberalism emphasizes the institutional demands and material interests of groups. That is, ethnic groups will often engage in violence when they face an oppressive parent state and they do not possess the political and economic institutions necessary for advancing their interests. Conflict breaks out when the demands of ethnic groups are not met by the parent state. Contrary to the prevailing view, ethnic groups seem to view violence as a last resort. For example, the South Sudanese, Kosovars, and Kurds repeatedly requested political autonomy before resorting to violence against the parent state. The appropriate political institutions and economic incentives could have assuaged the grievances of these groups.

The central debate here is the way in which a group's preference for independence is constructed. Is the preference for independence fixed or is it a deliberate decision taken based on rational interests? Whereas realists argue that the preference for independence is fixed, liberals contend that material and institutional factors influence actors' preferences. According to Ashutosh Varshney, institutional explanations provide the best explanation for ethnic conflict.¹⁵⁵ The basic institutional argument is that political institutions play a significant role in either mitigating or causing ethnic conflict.¹⁵⁶ Institutionalism argues that ethnically diverse societies require political institutions that can manage the differences and mitigate tensions. That is, ethnic

¹⁵⁵ Ashutosh Varshney, *Ethnic Conflict and Civic Life*, 35.

¹⁵⁶ *Ibid.*

pluralism requires political institutions that lessen tensions related to sharing political power and economic resources. The crux of the argument is that there are clear links between ethnic conflict or peace, on the one hand, and political institutions, on the other. For example, Arend Lijphart argues that consociational power-sharing can reduce ethnic conflict by instituting compromise between elites.¹⁵⁷ Others, including Brendan O’Leary and John McGarry, have argued that some form of federalism can mitigate ethnic conflict and the demand for secession.¹⁵⁸

Secession is defined as: “an attempt by an ethnic group claiming a homeland to withdraw with its territory from the authority of a larger state of which it is a part.”¹⁵⁹ Although there are cases of groups demanding full independence (e.g., Abkhazia and South Ossetia in Georgia), there are also cases of groups demanding autonomy. One of the reasons that autonomy is more desirable than secession is that secession is much more difficult to achieve. One barrier to secession is the high costs associated with it. For instance, Robert Young argues that seceding from an advanced industrial economy could impose heavy economic costs on the secessionist entity.¹⁶⁰ In such cases, secession is a matter of costs and benefits and secession becomes unattractive when the government can impose “large costs on citizens” (including those who want to secede) and “all citizens and firms must be fearful of transition costs.”¹⁶¹ It is also worth mentioning that

¹⁵⁷ Ashutosh Varshney, *Ethnic Conflict and Civic Life*, 37.

¹⁵⁸ John McGarry and Brendan O’Leary, “The Political Regulation of National and Ethnic Conflict,” *Parliamentary Affairs* Vol. 47, No. 1 (1994): 94-115.

¹⁵⁹ Donald Horowitz, “Irredentas and Secessions: Adjacent Phenomena, Neglected Connections,” in Naomi Chazan (ed.) *Irredentism and International Politics* (Boulder: Lynne Rienner, 1991), 11.

¹⁶⁰ Robert A. Young, *The Secession of Quebec and the Future of Canada* (Montreal/Kingston: McGill-Queen’s Press, 1998).

¹⁶¹ *Ibid.*, 242. Although the secession literature discussed here focuses on developed, western countries, the findings are equally applicable to the cases of this thesis. The barriers to secession, including high costs and the response of the parent state, must be carefully considered by secessionist entities regardless of geographical location or the level of development of the parent state.

independence is not the end-goal of all nationalist movements. Michael Keating notes that independence is “only one possible outcome of the national claim and that there are many other constitutional formulas that can accommodate it.”¹⁶² In its place, a number of formulas have emerged, including autonomy and independence-lite, which maintain the unity of the parent state.

Another impediment to secession is that the domestic and international traditional paradigm in dealing with secessionist movements is governed by a “disapproval of secession.” A possible explanation is that a lowered threshold for secession would motivate an inordinate number of discontented minorities to seek independence.¹⁶³ This has two consequences. First, governments fear that they too could face the threat of secession and therefore oppose unilateral secessions. Second, recognizing unilateral secessions would create international instability, particularly in view of the correlation between secession and violence.¹⁶⁴ Disapproval of secession is particularly strong when it is unilateral; that is, without the consent of or an agreement with the parent state.¹⁶⁵ The disapproval against unilateral secession is highlighted by domestic and international laws, which emphasize the indivisibility of state sovereignty.¹⁶⁶ Stéphane Dion notes that although there is not an international law against unilateral secession, this does not suggest that there is a “positive right to secession” that would compel governments to accept or recognize a unilateral secession.¹⁶⁷ In addition to the domestic laws and international norms against secession, Dion notes that states are “extremely reluctant” to

¹⁶² Michael Keating, “Rethinking Sovereignty: Independence-lite, Devolutionmax and National Accommodation,” *Revista d'estudis autonòmics i federals*. No 16 (2012), 10.

¹⁶³ Allen Buchanan, 94.

¹⁶⁴ Stéphane Dion, “Secession and the Virtues of Clarity,” *Ottawa Law Review* Vol. 44, No. 2 (2012-2013), 408.

¹⁶⁵ *Ibid.*, 406.

¹⁶⁶ Stéphane Dion, “Secession and the Virtues of Clarity,” 406.

¹⁶⁷ *Ibid.*

recognize unilateral secession unless it falls under decolonization.¹⁶⁸ Given the challenges associated with secession, it is not uncommon for ethnic groups to request/demand political autonomy.

There are alternative political arrangements other than independence that can settle the status of de facto states. This is supported by the empirical data. Liam Anderson identifies three possible outcomes for de facto states: independence, forced reintegration, and peaceful reintegration.¹⁶⁹ A fourth possible resolution to de facto states, largely overlooked by the literature, is the status quo, or continuing as a de facto state.¹⁷⁰ Scott Pegg categorizes the status quo or the continuation of de facto statehood as a solution for managing de facto states. He says, “one distinct possibility for these entities is a continuation of the *status quo*.”¹⁷¹ The status quo is also implicitly outlined by Pal Kolstø who suggests a federal arrangement with the parent state as a way for resolving the conflict.¹⁷² Kolstø argues that a federal arrangement tends to foster the least tension between the various factions. John McGarry, meanwhile, proposes “a negotiated re-entry resulting in a decentralized federal system combined with consociational power-sharing.”¹⁷³

Others such as, Eiki Berg, argue that the federal structures put in place to preserve a state, often encourages the “formation of territorial administrative structures which lack

¹⁶⁸ Ibid., 407.

¹⁶⁹ Liam Anderson, “Reintegrating Unrecognized States: Internationalizing Frozen Conflicts,” in Nina Caspersen and Gareth Stansfield (eds.), *Unrecognized States in the International System* (London: Routledge, 2011), 187.

¹⁷⁰ Scott Pegg, *International Society and the De Facto State*, 209.

¹⁷¹ Ibid.

¹⁷² Pal Kolstø, “The Sustainability and Future of Unrecognized Quasi-States,” *Journal of Peace Research* Vol. 43, No. 6 (2006), 735-737.

¹⁷³ John McGarry, “Forward: De Facto States and the International Order,” in Tozun Bahcheli, Barry Bartmann, and Henry Srebrnik (eds.), *De Facto States*.

democratic governance and/or do not represent the will of sovereign people.”¹⁷⁴ Martin Dent counters Berg and calls for the decentralization of states that encompass a region/group of people that wish for independent statehood. That is, secessionist groups must be afforded with a ‘status’ that is something like statehood. He argues that “this status must have something of the same discrete nature as independent statehood, it cannot be just a bit more autonomy.”¹⁷⁵ For instance, Dent argues against the breakup of Iraq. Instead, he calls for a federal or ‘super-federal’ system, which, according to him, is “entirely compatible with national unity.”¹⁷⁶

Liberal theory’s assumptions about institutions, economic factors, and the domestic political system provide valuable insights for understanding the origins and behaviour of de facto states. De facto states often emerge as a result of the parent state’s unwillingness to implement the institutional framework necessary to mollify a minority group’s political and economic grievances. The institutional framework can take the form of providing political representation (e.g., representation in the executive or legislature of the state) where it did not exist previously, granting the minority with political and economic rights previously denied, or adopting a federal system that furnishes the minority with political and economic autonomy. Often times, federalism is the most effective means for managing minority grievances. In fact, the groups from all three cases under consideration here demanded autonomy and a federal framework from the parent state as a precondition for maintaining the unity of the state. From the perspective of the minorities, institutions such as federalism and a democratic

¹⁷⁴ Eiki Berg, “Merging Together or Drifting Apart? Revisiting Political Legitimacy Issues in Cyprus, Moldova, and Bosnia and Herzegovina,” *Geopolitics* Vol. 18, Iss. 2 (2013), 468.

¹⁷⁵ Martin J. Dent, *Identity Politics: Filling the Gap Between Federalism and Independence* (Conwall: Ashgate, 2004), 17.

¹⁷⁶ *Ibid.*, 104.

constitution provide sufficient political and economic safeguards against an oppressive central government. This notion is supported by the liberal assumption that institutions can help attenuate actors' apprehensions regarding cooperation with others.¹⁷⁷

Liberalism and the Behaviour of De Facto States

According to liberal assumptions, actors' preferences are neither predetermined nor fixed. Instead, preferences are contingent on and shaped by economic interests, institutional design, and domestic politics. Similarly, de facto state preferences are not fixed and as with other actors, de facto states are influenced by economic interests, institutional factors, and domestic political pressures. In addition, according to liberal theory, de facto states behave in a rational way to advance their interests and preferences despite the anarchic structure of the international system. That is to say, nationalism and the dream of statehood will not compel de facto states to behave in a way that is counterproductive to their interests and long-term objectives. Under the right political and economic conditions de facto states will cooperate with the parent state and shelve the goal of independence. Liberals believe that, despite the presence of anarchy, cooperation in international politics is possible under the right conditions.

Preferences are created by the interaction between economic interests, institutional design, and domestic politics. First, de facto state preferences are shaped by the potential economic costs of breaking away from the parent state. Independence is less appealing if the economic costs associated with secession are too high. Conversely, de facto states will consider a union with the parent state if there are economic incentives.

¹⁷⁷ Time Dunne, "Liberalism" in John Baylis and Steve Smith (eds.), *The Globalization of World Politics*. Second Edition, (Oxford: Oxford University Press, 2001), 176.

Second, poor institutional design (both political and economic) can be a centrifugal force that pushes the de facto state to demand independence. At the same time, effective institutional design that considers and addresses the grievances of the de facto state can reduce the likelihood that the de facto state will push for independence. Finally, de facto states, like sovereign states, are constrained by the pressures from their domestic constituencies. The political parties and governments of de facto states are not immune to the feedback and pressures from the population. For example, many Kurdish officials indicated that although their constituents desire Kurdish independence, their primary concerns are economic development and security.

The point is that the domestic context matters, even for a de facto state. Kristin Bakke et al. maintain that, in addition to the abovementioned reasons, de facto states endure as a result of internal legitimacy.¹⁷⁸ They define internal legitimacy as both regime legitimacy and the population's approval of the state's social order.¹⁷⁹ The latter refers to the people's belief that the de facto state is an independent entity from the host state and the former refers to the people's confidence in the government of the de facto state.¹⁸⁰ Bakke et al. find that "people's concerns about the provision of public goods such as democracy, economic development, and health services, are, in addition to insecurity associated with criminal violence, important determinants for internal legitimacy."¹⁸¹ To gain legitimacy de facto states will often adopt democratic practices and provide security for their population. Nina Caspersen argues that because

¹⁷⁸ Kristin M. Bakke, John O'Loughlin, and Michael D. Ward, "The Viability of De Facto States: Post-War Developments and Internal Legitimacy in Abkhazia," Presented at the American Political Science Association, Seattle, (September 1-4, 2011).

¹⁷⁹ Ibid., 5-6.

¹⁸⁰ Kristin M. Bakke, John O'Loughlin, and Michael D. Ward, "The Viability of De Facto States," 6.

¹⁸¹ Ibid., 39.

recognition is one of the main priorities, de facto states attempt to establish democracy and order to gain legitimacy not only domestically, but also internationally.¹⁸² In their quest for independence, de facto states will emphasize the democratic institutions they have built and the empirical statehood they have achieved.¹⁸³

States require a certain measure of capabilities and power in order to protect and advance their interests and preferences. Liberalism does not dismiss the importance of power and capabilities as imperative assets for state security. After all, some de facto states (e.g., Tamil Eelam and Chechnya) cannot survive without sufficient capabilities. However, power and capabilities are not the only tools with which de facto states can advance their interests and preferences. For example, South Sudan reached a negotiated settlement with Khartoum and peacefully seceded from the rest of Sudan. Kosovo did not possess the capabilities to militarily challenge Serbia, but it successfully seceded from Serbia as a result of support from key international actors and powerful states. These examples demonstrate that capabilities can matter, but they also show that de facto states can secure their survival and advance their interests through institutions and cooperation with the parent state or other member states of the international community. Liberalism acknowledges the importance of structural constraints and the importance of capabilities, but it also recognizes that agency plays role in an actor's behaviour and decision-making.

De facto state behaviour is a reflection of the interaction between domestic pressures, economic interests, and political institutions. The case studies will demonstrate that de facto states are willing to forgo independence if their economic and political

¹⁸² Nina Caspersen, "States without Sovereignty: Imitating Democratic Statehood," 78.

¹⁸³ Nina Caspersen, "Playing the Recognition Game," 51.

demands are met by the parent state. Institutional frameworks such as autonomy, power-sharing, and federalism can encourage otherwise secessionist groups to reconsider independence. Economic interests also contribute to a de facto state's behaviour vis-à-vis the parent state and its decision regarding independence. The appropriate institutional arrangement and economic incentives from such an arrangement can convince de facto states to stay with the parent state. Finally, the governments of de facto states must, to some degree, consider the demands and interests of its domestic population and groups. De facto state political parties and governments cannot ignore the feedback from citizens, elites, and other interest and societal groups.

These factors can facilitate cooperation between the de facto state and the parent state to preserve the unity of the state. Democracy and its associated institutions are significant in maintaining the unity of ethnically divided states. Research has demonstrated that secession from well-established democracies (i.e., states with “at least ten consecutive years of universal suffrage”) is rare.¹⁸⁴ The reason, according to Stéphane Dion, is that well-established democracies are unlikely to engender *fear* in the union and *confidence* in secession simultaneously.¹⁸⁵ Fear refers to a group's concern for its cultural, language, and economic and political situation in the union and confidence is a group's belief that it will be better off by seceding from the union.¹⁸⁶

Cooperation does not imply a state of harmony, but rather a condition with converging and diverging interests between states.¹⁸⁷ Liberal explanations of cooperation

¹⁸⁴ Stéphane Dion, “Why is Secession Difficult in Well-Established Democracies? Lessons from Quebec,” *British Journal of Political Science* Vol. 26, No. 02 (1996), 269.

¹⁸⁵ Stéphane Dion, “Why is Secession Difficult in Well-Established Democracies?” 271.

¹⁸⁶ *Ibid.*

¹⁸⁷ Robert Axelrod and Robert O. Keohane, “Achieving Cooperation under Anarchy: Strategies and Institutions,” *World Politics* Vol. 38, No. 1 (1985), 226.

rely on both the domestic and international level. At the domestic level, Helen Milner's work illustrates how domestic politics shape foreign policy and cooperation. Milner outlines three factors that contribute to a state's decision regarding international cooperation: interests, institutions, and information.¹⁸⁸ Milner argues that the structure of domestic politics – comprised of the interests of actors, the dominant institutional arrangements, and the information possessed by actors – will determine whether or not cooperation will emerge. This explanation provides a sound basis for understanding the behaviour of de facto states in relation to the parent state. Iraqi Kurdistan and Baghdad, for example, have a cooperative, albeit at times discordant, political arrangement.

The liberal explanation underlines the importance of interests and institutions in mitigating fears about cooperation. Robert Axelrod and Robert Keohane identify three factors that facilitate cooperation under anarchy. First, mutuality of interests (or payoff structure) demonstrates that a convergence of preferences can lead to cooperation.¹⁸⁹ Second, the shadow of the future can promote cooperation with long time horizons, the reliability of information about other actors, and quick feedback about the other actors' actions.¹⁹⁰ Third, the number of actors can influence cooperation. It is easier to monitor and sanction others if the number of actors is smaller.¹⁹¹ The decision to cooperate is not always shaped by objective factors; actors' expectations are an important consideration.

One way to attain cooperation is through institutions. International institutions can solve the Prisoner's Dilemma and the issues related to the three aforementioned

¹⁸⁸ Helen Milner, *Interests, Institutions, and Information*, 9-10.

¹⁸⁹ Robert Axelrod and Robert Keohane, "Achieving Cooperation under Anarchy," 228-230.

¹⁹⁰ Robert Axelrod and Robert Keohane, "Achieving Cooperation under Anarchy," 231. The authors note that the shadow of the future differentiates between military and economic issues. Whereas economic matters allow for retaliation in most cases, defectors must consider the potential consequences, a preemptive strike can debilitate one's opponent to prevent retaliation.

¹⁹¹ *Ibid.*, 234.

factors. Robert Keohane has defined institutions as a “human-constructed arrangement, formally or informally organized...with persistent and connected sets of rules, (formal or informal) that prescribe behavioral roles, constrain activity, and shape expectations.”¹⁹² Institutions are characterized by rules that set expectations of its members and therefore can reduce the uncertainties and risks associated with cooperation. Robert Keohane notes that institutions and regimes reduce transaction costs and uncertainty and “tie governments to the mast” by generating costs for renegeing. Keohane argues that, “in general, regimes make it more sensible to cooperate by lowering the likelihood of being double-crossed.”¹⁹³

A liberal lens will provide a more insightful understanding of the behaviour of de facto states. By opening the ‘black box’ of the de facto states, we can identify the sources of their preferences and in turn explain de facto state behaviour. Such an approach emphasizes the role of domestic politics, interests (i.e., economic), and institutions. The role of domestic politics is a valuable source of information for understanding the behaviour of states and de facto states. In addition, liberalism considers the regional and international context. That is, a de facto state cannot pursue its preferences without consideration for its environmental setting and without considering the preferences of other states. Liberalism considers the domestic and international spheres as inextricably linked and views states as transparent entities whose relations with other states are shaped by its internal structure.¹⁹⁴ Liberals tend to view individuals,

¹⁹² Robert Keohane, “International Institutions: Two Approaches,” *International Studies Quarterly* Vol. 32, No. 4 (1988), 383.

¹⁹³ Robert Keohane, *After Hegemony: Cooperation and Discord in World Political Autonomy* (Princeton: Princeton University Press, 1984), 77.

¹⁹⁴ Anne-Marie Slaughter, “A Liberal Theory of International Law,” *Proceedings of the Annual Meeting (American Society of International Law)*, Vol. 94 (April 5-8, 2000), 241.

groups, and other non-state actors as primary actors in the domestic and international political arena.¹⁹⁵ As such these actors largely shape state behaviour through their relationship with the governments representing them. Finally, a liberal account of de facto state behaviour reveals that the preference for statehood is not fixed and instead largely contingent on economic and material interests and domestic politics and institutional design.

Criticisms of Liberalism

Liberalism is criticized for underestimating the influence of the international system, eliminating the role of normative elements, and assuming actors have stable preferences prior to politics. Christian Reus-Smit, for one, contends that the reformulation of liberal theory in IR has “undermined its status as a *political* theory.”¹⁹⁶ According to Reus-Smit, the new liberalism has two weaknesses: “It expels normative reflection and argument from the realm of legitimate social scientific inquiry; and it embraces a rationalist conception of human agency that reduces all political action to strategic interaction.”¹⁹⁷

Gerry Simpson offers two critique of Moravcsik’s liberalism. First, Simpson questions Moravcsik’s notion that actors possess preferences ‘prior to politics’ (i.e., actors come to the table with predetermined interests). These preferences are then brought into the political arena where they face competition from the preferences of other ‘preconstituted’ actors.¹⁹⁸ Simpson asks whether there is a ‘feedback loop’ that may

¹⁹⁵ Anne-Marie Slaughter, “Liberal International Relations Theory and International Economic Law,” *American University International Law Review* Vol. 10, No. 2 (1995), 728.

¹⁹⁶ Christian Reus-Smit, “The Strange Death of Liberal International Theory,” *European Journal of International Law* Vol. 12, No. 3 (2001), 574.

¹⁹⁷ Christian Reus-Smit, “The Strange Death of Liberal International Theory,” 574.

¹⁹⁸ Gerry Simpson, “The Ethics of New Liberalism,” in Christian Reus-Smit and Duncan Snidal (eds.), *Oxford Handbook of International Relations* (Oxford: Oxford University Press, 2008), 257.

shape actors' preferences. Moravcsik agrees with the notion that individuals are embedded in and influenced by the domestic and transnational society. Liberalism, as it is used here, does not suggest that individuals and social groups are "unencumbered by nation, community, family, [and] and other collective identities but only that these identities enter the political realm when individuals and groups engage in political exchange on the basis of them."¹⁹⁹

Second, 'new' liberalism understands state preferences to be shaped by the interaction of domestic actors and such preferences "remain largely unmodified by the operation of other actors in the international system."²⁰⁰ A shift in a state's preferences is possible, but it occurs as a result of change at the domestic level. Simpson questions this notion for demarcating the domestic and international levels as mutually exclusive.²⁰¹ Moravcsik's liberalism clearly states that although state preferences are shaped by domestic politics, this does not suggest that "each state simply pursues its ideal policy, oblivious of others; instead, each state seeks to realize *its* distinctive preferences under varying constraints imposed by the preferences of *other states*."²⁰² The notion of 'policy interdependence' demonstrates that liberalism does not view the domestic and international levels as mutually exclusive.²⁰³

Beate Jahn also criticizes Moravcsik for presenting a liberal IR theory that is 'ideological.'²⁰⁴ Moravcsik responds that critics, and Jahn in particular, have

¹⁹⁹ Andrew Moravcsik, "Taking Preferences Seriously," 517 (Footnote 6).

²⁰⁰ Gerry Simpson, "The Ethics of New Liberalism," 257.

²⁰¹ Ibid.

²⁰² Andrew Moravcsik, "Taking Preferences Seriously," 520.

²⁰³ Moravcsik (page 520) defines policy interdependence as "the set of costs and benefits created for foreign societies when dominant social groups in a society seek to realize their preferences, that is, the pattern of transnational externalities resulting from attempts to pursue national distinctive purposes."

²⁰⁴ Beate Jahn, "Liberal Internationalism: From Ideology to Empirical Theory – And Back again," *International Theory* Vol. 1, No. 3 (2009): 409-438.

misinterpreted the theory. He clarifies that “variation in ‘preferences’ is the fundamental cause of state behaviour in world politics.”²⁰⁵ He further notes that whereas realism stresses resources and an anarchic structure and institutionalism stresses information and transaction costs, liberalism identifies the variation in state preferences as a fundamental feature of international relations.²⁰⁶

Despite the criticisms, I believe liberalism is appropriate for identifying the origins and explaining the behaviour of Iraqi Kurdistan (IK), Kosovo, and South Sudan. In order to understand the behaviour of these entities, one has to identify and observe their preferences. In particular, liberalism’s focus on the role of individuals and groups, the importance of domestic politics, and the international context will allow for a systematic and thorough explanation of the behaviour of Iraqi Kurdistan, Kosovo, and South Sudan. Liberalism’s broad approach to international politics and state behaviour and preferences is particularly advantageous because it does not constrain the researcher to a single variable or actor. With liberalism, researchers have the ability to examine the role of individuals, groups, and the domestic and international contexts.

²⁰⁵ Andrew Moravcsik, “Wahn, Wahn, Uberall Wahn,” 113.

²⁰⁶ *Ibid.*, 116.

Chapter 3: Kosovo

The existing literature tends to take a realist approach when explaining the behaviour of de facto states. This is particularly the case on the issues of survival and independence. The existing literature contends that all de facto states want to survive and to secure independence from the parent state. In short, the literature assumes that all de facto states always want independence. At the same time, the parent state attempts to reassert its authority over the de facto entity. The potential outcomes of de facto states, therefore, are limited to secession or reintegration into the parent state. This project asks if there are conditions under which de facto states may forgo independence in favour of the status quo. In the case of Kosovo, we know that it moved forward with a unilateral declaration of independence (UDI) in 2008. What we do not understand is why Kosovo did not accept a political arrangement short of independence. That is, why did Kosovo rebuff Serbia's proposal for an arrangement that would have furnished Kosovo with significant autonomy? The conventional wisdom argues that the goal of independence in itself is sufficient for explaining the decision-making of de facto states in general and Kosovo in particular. Such an explanation is informed by the core assumptions and concepts of realist theory.

While providing strong insights, realism does not adequately explain the behaviour of Kosovo. After all, Kosovo did not always demand independence. Indeed, it was willing to participate in a federation with Serbia until the mid-1990s following decades of political and social oppression. This chapter argues that the independence of Kosovo was not inevitable and that, rather than the security dilemma, greater explanatory emphasis must be placed on the failure of Serbia to offer sufficient political autonomy

and economic incentives as well as on the role of the international community in supporting Kosovo's bid for independence. In other words, Serbia was unable to persuade Kosovo to accept a federal framework within a united Serbia. The argument is grounded in liberal theory and its emphasis on institutions, material factors, and the role of regional and international geopolitics provides a more complete explanation for the behaviour of Kosovo's UDI.

The case of Kosovo presents interesting comparative insights into the behaviour of de facto states. Kosovo is a landlocked territory with weak political institutions and few economic prospects and yet, despite weak capabilities, it unilaterally declared independence in 2008. This raises questions about the motivations behind Kosovo's decision to declare independence despite its weaknesses and the challenges associated with independence. Specifically, what explains Kosovo's decision to declare independence when it does not possess the institutional or economic capacity to function as an effective state? This question becomes more interesting when Kosovo is compared to the case of Iraqi Kurdistan. Unlike Kosovo, Iraqi Kurdistan possesses strong institutional capacity, including an effective government and judiciary, and a booming economy that boasts vast natural resources. In other words, Iraqi Kurdistan possesses the wherewithal to function as an independent state, yet it has not declared independence. Kosovo's decision will be explained by examining the role of political institutions, economic factors, and the domestic and international factors in shaping de facto state behaviour and decision-making.

Kosovo is an example of a de facto state that was established following an international intervention by the UN, the EU, and NATO against an aggressive parent

state. The international community hoped to resolve the increasingly violent dispute between the Kosovar Albanians, the Kosovo Liberation Army (KLA), and Serbia in the late 1990s.²⁰⁷ In 1999, the international community presented Serbian President Slobodan Milošević with an ultimatum: to evacuate his forces from Kosovo or face NATO military forces.²⁰⁸ Despite international pressure, Milošević refused to accept the terms of a negotiated settlement. NATO responded to Serbia's incursion into Kosovo with a bombing campaign and subsequently passed Resolution 1244, which established a joint body – the Kosovo Force (KFOR), responsible for maintaining peace and the UN Mission in Kosovo (UNMIK), responsible for the civilian administration of Kosovo.²⁰⁹

Negotiations over the future status of Kosovo between the European Union, the United States, and Russia followed these events. It was revealed in February 2007 that Serbia would be willing to concede significant autonomy to Kosovo.²¹⁰ Such an arrangement would have provided Kosovo with a high degree of autonomy under the framework of a federal Serbian state. It meant that the Assembly of Kosovo could govern the province autonomously, but Belgrade would reserve the right to oversee foreign and defence policy.²¹¹ Kosovo refused this offer. Kosovo's refusal for a negotiated settlement demonstrates that it was unwilling to accept any arrangement short of complete independence.²¹² Kosovo's political leadership identified the lack of

²⁰⁷ Iain King and Whit Mason, *Peace at any Price: How the World Failed Kosovo* (London: Hurst and Company, 2006), 41-44.

²⁰⁸ Leon Malazogu, "When Doves Support War and Hawks Oppose It: An Analysis of Humanitarian Intervention in Kosova," in Florian Bieber and Zidas Daskalovski (eds.), *Understanding the War in Kosovo* (London: Frank Cass, 2003), 129-132.

²⁰⁹ *Ibid.*

²¹⁰ International Crisis Group, "Kosovo Countdown: A Blueprint for Peace." Europe Report No. 188 (Brussels, 6 December 2007), 8.

²¹¹ *Ibid.*, 10.

²¹² International Crisis Group, "Kosovo Countdown," 10.

mutually acceptable terms for its unwillingness to continue with a political arrangement in Serbia.

The case of Kosovo and its unilateral declaration of independence divided the international community on the issues of international law and secession. As of January 2014, over 100 UN member states have conferred recognition, but over 80 UN member states refuse to recognize Kosovo. Many states (e.g., Cyprus, Argentina, Spain, Greece, and Singapore) fear that Kosovo's secession and recognition could set a dangerous precedent for future secessions, especially their own secessionist groups. Others (e.g., Brazil, Vietnam, China, and Russia) have cited the principle of territorial integrity and the breach of international law for their unwillingness to recognize Kosovo. States that conferred recognition argued that Kosovo was a unique case and therefore it does not establish a precedent for future secessions. It is said that Kosovo's secession is justified based on its unique historical trajectory and the human rights violations it suffered.

This chapter will explore the case of Kosovo and is outlined as follows. The first section will present a brief account of the early and modern historical relationship between the Kosovar Albanians and Serbia and the political context in which this relationship has evolved. The historical account will highlight the main reasons for the conflict between Kosovo and Serbia. The remainder of the chapter will focus on the origins and behaviour of Kosovo. The second section will trace Kosovo's emergence as a de facto state. In particular, it will attempt to identify Kosovo's preferences prior to de facto statehood in order to demonstrate that the appropriate political institutions and economic incentives could have resolved the conflict between Kosovo and Serbia. The third section will examine Kosovo's evolution as a de facto state with a particular focus

on its bid for independence and behaviour post-de facto statehood. This section will examine Kosovo's behaviour and will offer an explanation for Kosovo's decision to declare independence. The fourth section will examine the Kosovo-Serbia relationship post-2008 following Kosovo's unilateral declaration of independence.

Kosovo's Early History

Kosovar Albanians trace their ancestry to the ancient Illyrian tribes who inhabited Kosovo before the arrival of the Serbs.²¹³ This is one of the ways in which Kosovar Albanians make the claim to modern day Kosovo. Miranda Vickers notes that the Serbian medieval empire, which included Kosovo, absorbed much of the Albanian population and many converted to Serbian Orthodox and in fact Albanians and Serbs were united in the battle against the Ottoman Empire in the fourteenth century. The 'Battle of Kosovo' in 1389 signalled the decline of the Serbian kingdom and, more importantly, paved the way for Ottoman expansion into the Balkan region.²¹⁴ The Battle of Kosovo is a symbol of Serbian identity under threat; one that is often used by Serbian nationalists to mobilize against the breakup of Serbia.²¹⁵ Kosovo is significant for Serbia given its history as the 'cradle of Serbia' and due to the presence of the Serbian Orthodox Church in Kosovo.²¹⁶

The Ottomans controlled Kosovo from the fifteenth until the twentieth century and in the process altered the religious and the demographic makeup of Kosovo in favour

²¹³ Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (New York: Columbia University press, 1998), 4-5.

²¹⁴ Ibid.

²¹⁵ Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998), 58; Deon Goldenhuys, *Contested States in World Politics*, 108.

²¹⁶ Colin Warbrick, "I. Kosovo: The Declaration of Independence," *International and Comparative Law Quarterly* Vol. 57, Iss. 3 (2008), 675.

of the Albanian population.²¹⁷ This outcome, argue Vjeran Pavlakovic and Sabrina Petra Ramet, resulted in competing claims for Kosovo: The Serbs presented a historical claim to the territory, while the Albanians pointed to their majority and the reality on the ground.²¹⁸ A significant number of Serbs, estimated at 185,000, migrated to the north into Serbia proper – a move that significantly reduced the Serbian population in Kosovo.²¹⁹ This is one of the explanations for the majority Albanian population in Kosovo.

The demographics shifted again in the late nineteenth century with the arrival of approximately 155,000 Albanians in Kosovo.²²⁰ This issue became significant when the Ottoman Empire was defeated and Kosovo fell under Serbian rule.²²¹ James Ker-Lindsay notes that despite the historical claims from both sides that date back centuries, the contemporary conflict between the Albanian Kosovars and Serbia can be traced back to the early twentieth century.²²² Kosovo remained under Serbian rule following the end of World War I and the creation of Yugoslavia in 1929.²²³ By the end of World War II (WWII), the Albanian population viewed Kosovo as its native homeland and its proper place was with greater Albania.²²⁴

In 1939 Mussolini's Italy invaded and captured significant territory to form Greater Albania, which included Kosovo and western Macedonia. During this short period (1939-1943), large numbers of Albanians settled in Kosovo, while the Serbian

²¹⁷ Vjeran Pavlakovic and Sabrina Petra Ramet, "Albania and Serb Rivalry: Realist and Universality Perspectives on Sovereignty," in Bahcheli et al. (eds.), *De Facto States: The Quest for Sovereignty* (London: Routledge, 2004), 78.

²¹⁸ Ibid.

²¹⁹ Zidas Daskalovski, "Claims to Kosovo: Nationalism and Self-Determination," in Florian Bieber and Zidas Daskalovski (eds.), *Understanding the War in Kosovo* (London: Frank Cass, 2003), 13.

²²⁰ Ibid.

²²¹ Ibid., 8-9.

²²² James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans* (London: I.B. Tauris, 2009), 8.

²²³ Ibid., 9.

²²⁴ Zidas Daskalovski, "Claims to Kosovo," 14.

population was forcibly expelled from their homes further widening the demographic disparity.²²⁵ According to Serbian officials and nationalists, tens of thousands of Serbs were expelled from Kosovo during the 1940s.²²⁶ Italy's capitulation in 1943 led to the collapse of Greater Albania and paved the way for the emergence of the Socialist Federal Republic of Yugoslavia (SFRY) under Josip Broz Tito. In 1945, Kosovo became a constituent of the SFRY and was recognized as an autonomous region, a position the Albanian Kosovars found unacceptable. They believed that Kosovo ought to possess the same degree of sovereignty as the six republics that constituted SFRY.

In addition, while the six republics constituted Yugoslavia's official nations, the Kosovar Albanians were viewed as a minority.²²⁷ This unequal status prompted the Kosovars to request recognition as a nation equal to the other republics throughout the 1950s.²²⁸ These appeals were rejected on the grounds that republic status would pave the way for Kosovo to secede from Yugoslavia to join neighbouring Albanian.²²⁹ Not all Kosovar Albanians desired a union with Albania, however, as many demanded independence for Kosovo.²³⁰ From the early 1960s until the constitution of 1974, Yugoslavia underwent political reforms that provided the republics with increased sovereignty. While Kosovo was granted more autonomy; its demands for republic status were ignored.²³¹ Extended autonomy was insufficient from Kosovo's perspective as it did not include the right to self-determination and it did little to improve Kosovo's poor

²²⁵ Zidas Daskalovski, "Claims to Kosovo," 14.

²²⁶ Marie-Janine Calic, "Kosovo in the Twentieth Century: A Historical Account," in Albrecht Schnabel and Ramesh Thakur (eds.), *Kosovo and the Challenge of Humanitarian Intervention* (New York: United Nations University Press, 2000), 20.

²²⁷ Vjeran Pavlakovic and Sabrina Petra Ramet, "Albania and Serb Rivalry," 82.

²²⁸ James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans*, 9.

²²⁹ James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans*, 10.

²³⁰ Vjeran Pavlakovic and Sabrina Petra Ramet, "Albania and Serb Rivalry," 82; Henry H. Perritt, *Kosovo Liberation Army: The Inside Story of an Insurgency* (Chicago: University of Illinois Press, 2008).

²³¹ Vjeran Pavlakovic and Sabrina Petra Ramet, "Albania and Serb Rivalry," 83.

economic position.²³² As a result, Kosovo's political and economic grievances intensified beginning in the 1980s with the death of Tito.

The Origins of Kosovo as a De Facto State

Preferences

This section will outline the emergence of Kosovo's preference for independence and will demonstrate that meeting Kosovo's autonomy requests (i.e., republic status) could have moderated its demands for independence. Granting republic status to Kosovo could have reduced political tensions and the likelihood of violence between the Kosovars and Serbia. Throughout the 1980s, Kosovo requested republic status to protect its political and economic interests against an increasingly hostile central government in Belgrade. Rather than accommodating Kosovo's requests, Serbia repealed Kosovo's constitutional autonomous status and thereby pushed Kosovo to demand independence.

One of the main consequences of the instability brought on by Tito's death in 1980 was the rise of Albanian nationalism and the backlash against the Serb population in Kosovo. The ethnic tensions forced many Serbs in Kosovo to leave and resettle in Serbia proper. This once again dramatically altered Kosovo's demographics in favour of the Albanian population.²³³ Whereas the Albanian proportion of Kosovo's population soared from 67 percent in 1967 to 84 percent in 1991, the Serb population decreased from 27 percent to 10 percent during the same period.²³⁴ The demographic shift, according to Lazslo Gulyas, was distressing to Belgrade and fuelled its fear of the disintegration of

²³² James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans*, 10.

²³³ Zidas Daskalovski, "Claims to Kosovo," 15.

²³⁴ Lazslo Gulyas, "A Brief History of the Kosovo Conflict with Special Emphasis on the Period 1988-2008," *Historia Actual Online* No. 27 (2012), 143; Aydin Babuna, "The Albanians of Kosovo and Macedonia: Ethnic Identity Superseding Religion," *Nationalities Papers* Vol. 28, No. 1 (2000), 70.

Serbia.²³⁵ Serbian fear and Kosovo's demands for more political rights, including the right to self-determination, set the stage for the conflict between the Kosovar Albanians and Belgrade.

Kosovo's increased demands for autonomy and republic status began with student demonstrations in 1981.²³⁶ A contributing factor to the unrest in Kosovo was the increasingly worsening economic conditions of Kosovar Albanians who viewed federal officials as the reasons for Kosovo's poor economic performance.²³⁷ The protests were initially conducted by students demanding improved conditions at the universities, but soon included other groups such as miners, teachers, and civil servants.²³⁸ When the protests turned violent, the federal government declared a state of emergency and arrested suspected leaders.²³⁹ The root cause of the conflict, including the protests of 1981, was that Kosovo did not believe it possessed the recognition and political status that it desired and deserved. According to Julie Mertus, the demonstrations were initiated by an educated group of Kosovo Albanians which demanded greater political autonomy for Kosovo.²⁴⁰ The main grievance was Belgrade's unwillingness to bestow republic status on Kosovo.²⁴¹ Dennison Rusinow notes that Serbia feared that recognizing Kosovo as a republic would set a precedent for the other federal units and would ultimately lead to the collapse of the federation.²⁴²

²³⁵ Lazslo Gulyas, "A Brief History of the Kosovo Conflict with Special Emphasis on the Period 1988-2008," 144.

²³⁶ Vjeran Pavlakovic and Sabrina Petra Ramet, "Albania and Serb Rivalry," 83.

²³⁷ Julie A. Mertus, *Kosovo*, 27.

²³⁸ *Ibid.*, 30.

²³⁹ *Ibid.*, 30-31.

²⁴⁰ Julie A. Mertus, *Kosovo: How Myths and Truths Started a War* (Berkeley: University of California Press, 1999), 18.

²⁴¹ *Ibid.*, 19.

²⁴² Dennison Rusinow, "Nationalities Policy and the "National Question," in Pedro Ramet (ed.), *Yugoslavia in the 1980s* (Boulder: Westview Press, 1985), 146.

Kosovo's increased resistance, protests, and demands for republic status and, at times, independence only heightened Serbian insecurity about its position in the confederation and its territorial integrity. Kosovo's historical significance to Serbia should not be understated. After all, Serbians fervently believe that Kosovo has historically been Serbian land and must remain so. Serbia's president, Slobodan Milošević, exploited the historical beliefs and the political crisis in the former Yugoslavia to fuel Serbian nationalism by arguing that Serbia deserved more power within Yugoslavia.²⁴³ Academics generally agree that Milošević was a political opportunist who exploited the Kosovo issue for his personal power.²⁴⁴

Political and ethnic tensions between Kosovar Albanians and Serbs increased from the mid-1980s to the late 1980s. The Albanian population was accused of using terror tactics, including murder, rape, and the desecration of Serbian churches and cemeteries to drive out the Serbian population from Kosovo.²⁴⁵ In addition, the Kosovar Albanians targeted Yugoslav administration and Serbian officials as retaliation for Serbia's repression against Kosovo. In response to the violence, Serbia, under Milošević, continued policies that Kosovar Albanians viewed as oppressive and intended to weaken Kosovo's autonomy. Beginning in the late 1980s, Slobodan Milošević replaced Kosovo's provincial leadership with his own representatives, undertook reforms that

²⁴³ Milošević was the president of the Socialist Republic of Serbia from 1989 to 1991, president of Serbia from 1991 to 1997, and the president of the Federal Republic of Yugoslavia from 1997 to 2000.

²⁴⁴ Leon Malazogu, "When Doves Support War and Hawks Oppose It."; Tim Judah, "Kosovo's Moment of Truth," *Survival* Vol. 47, Issue 4 (2005); Iain King and Whit Mason, *Peace at any Price*; Vjeran Pavlakovic and Sabrina Petra Ramet, "Albania and Serb Rivalry"; Eric D. Gordy, *Culture of Power in Serbia: Nationalism and the Destruction of Alternatives* (University Park: Pennsylvania State Press, 2010), 7.

²⁴⁵ See Marvine Howe, "Exodus of Serbians Stirs Province in Yugoslavia," *The New York Times* (12 July 1982). Available at: <http://www.nytimes.com/1982/07/12/world/exodus-of-serbians-stirs-province-in-yugoslavia.html> and David Binder, "In Yugoslavia, Rising Ethnic Strife Brings Fears of Worse Civil Conflict," *The New York Times* (1 November 1987). Available at: <http://www.nytimes.com/1987/11/01/world/in-yugoslavia-rising-ethnic-strife-brings-fears-of-worse-civil-conflict.html>.

rescinded Kosovo's right to pass legislation, and finally in 1990, placed Kosovo directly under Serbian rule.²⁴⁶ In effect, Kosovo's autonomy was constitutionally abolished by Serbia in 1989.²⁴⁷ Miranda Vickers notes that this measure was accompanied by "strong police and legal repression by the Serbian state" as well as Serbian oversight of political and economic decisions in Kosovo.²⁴⁸ Instead of furnishing Kosovo with political autonomy and economic development, Belgrade under Milošević imposed further centralization and thereby pushed Kosovo to either accept its position or respond in some way.²⁴⁹

Kosovo responded to Serbia's policies by shifting its preference from autonomy to independence. This is evidenced by the emergence of the Democratic League of Kosovo (LDK or Lidhja Demokratike e Kosovës in Albanian). Founded in 1989 as a Pan-Albanian nationalist movement, the LDK initially called for 'full' autonomy for Kosovo and by 1990 demanded equal status to the other republics.²⁵⁰ The leader of the LDK, Ibrahim Rugova, was a former Paris-trained academic and Gandhi-like figure to the Kosovar population for his unrelenting but peaceful efforts to secure Kosovo's independence.²⁵¹ He would become the first president of Kosovo from 1992 to 2000 and again from 2002 to 2006. As a Kosovar nationalist and political leader, Rugova sought to

²⁴⁶ Sabrina P. Ramet, *Nationalism and Federalism in Yugoslavia, 1962-1991*, Second Edition (Bloomington: Indiana University Press, 1992), 78.

²⁴⁷ Heribert Franz Koeck, Daniela Horn and Franz Leidenmuehler, *From Protectorate to Statehood: Self-Determination v. Territorial Integrity in the Case of Kosovo and the Position of the European Union* (Antwerp: Intersentia, 2009), 36.

²⁴⁸ Miranda Vickers, *Between Serb and Albanian*, 235.

²⁴⁹ *Ibid.*, 241.

²⁵⁰ Aydin Babuna, "The Albanians of Kosovo and Macedonia," 76.

²⁵¹ David L. Phillips, "Comprehensive Peace in the Balkans: The Kosovo Question," *Human Rights Quarterly* Vol. 18, No. 4 (1996), 823.

establish ties with Western Europe and the US and established a non-violent movement to achieve Kosovo's independence.²⁵²

Rugova and other Kosovo political leaders, including elected officials in Kosovo's provincial assembly, responded to Serbian policies by unilaterally declaring Kosovo a republic within Yugoslavia (separate from Serbia but still a constituent of Yugoslavia) in 1990.²⁵³ In a subsequent referendum on the issue of sovereignty and independence over 99 per cent of voters supported independence.²⁵⁴ This was followed by the 1991 declaration of independence by Kosovo's parliament from Serbia, a move that was rejected by Serbia and Belgrade.²⁵⁵ All of this was unfolded in the midst of Yugoslavia's disintegration in 1991. Following the secession of Croatia, Macedonia, Slovenia, and Bosnia-Herzegovina, the Socialist Federal Republic of Yugoslavia (SFRY) collapsed and was succeeded by the Federal Republic of Yugoslavia (renamed Serbia-Montenegro in 2003). Even the new republic, formed by Serbia and Montenegro, refused to recognize Kosovo's former autonomous status.²⁵⁶

In 1992, Kosovo organized and held parliamentary and presidential elections and under the leadership of the Democratic League of Kosovo (LDK), it began to establish its own political and social institutions.²⁵⁷ Kosovo's attempt at independence went

²⁵² Vehbi Miftari, "Rugova: The Symbol of Independence," Democratic League of Kosovo, 44. Available at: <http://www.ldk-ks.eu/public/uploads/pdf/tresh-1352471021.pdf>

²⁵³ That is, Kosovo declared its independence from Serbia and declared itself as a member of the Yugoslav republic.

²⁵⁴ Keiichi Kubo, "Why Kosovar Albanians Took up Arms against the Serbian Regime," *Europe-Asia Studies* Vol.62, Issue 7 (2010), 1138; Elena Pokalova, "Framing separatism as terrorism: Lessons from Kosovo," *Studies in Conflict & Terrorism* Vol. 33, No. 5 (2010): 429-447. In a 1991 referendum in Kosovo, 87 percent of eligible voters produced a 99 percent vote in favour of independence as a result of Serbia's repressive policies.

²⁵⁵ Vjeran Pavlakovic and Sabrina Petra Ramet, "Albania and Serb Rivalry," 86.

²⁵⁶ Colin Warbrick, "I. Kosovo: The Declaration of Independence," 676.

²⁵⁷ Keiichi Kubo, "Why Kosovar Albanians Took up Arms against the Serbian Regime," 1138; Chris Corrin, "Developing Democracy in Kosova: From Grass Roots to Government," *Parliamentary Affairs* Vol. 55, No. 1 (2002), 99.

unrecognized by the international community, however, as it required Serbia's cooperation for resolving the Balkan wars and the EU did not want to further destabilize the Balkans by recognizing Kosovo's independence.²⁵⁸ Despite being rebuffed by the international community, the Kosovar Albanians began to view independence as the only viable solution.²⁵⁹ The disintegration of Yugoslavia further heightened Serbia's unease and, at the same time, intensified Kosovo's desire to follow the path of Croatia, Macedonia, Slovenia, and Bosnia-Herzegovina towards independence. In response to the deteriorating situation in Yugoslavia in the early 1990s, an 'International Contact Group' (comprising the US, Russia, France, Germany, Italy, and the UK) was established to manage the disintegration of the republic. This same Contact Group would later mediate the final status negotiations between Kosovo and Serbia between 2004 and 2008.

Despite the violence and unrest in the Balkans, the situation in Kosovo and Serbia was largely contained in the early 1990s. There are perhaps two reasons for peace in Kosovo at a time when war was raging in most of Yugoslavia. First, Serbia was far too strong militarily for Kosovo to mount an effective challenge. Kosovo did not possess the military capabilities to seriously challenge the Serbian military. Second, as mentioned above, the Kosovars were inspired by the notion of democracy and peaceful resistance taking hold of Eastern Europe at the time and in particular Poland's Solidarity movement.²⁶⁰ As a result, Kosovo's political parties, led by the LDK, adopted non-violence as a means for achieving their political objectives.²⁶¹

²⁵⁸ Deon Geldenhuys, *Contested States in World Politics*, 11-114.

²⁵⁹ James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans*, 11.

²⁶⁰ Keiichi Kubo, "Why Kosovar Albanians Took up Arms against the Serbian Regime," 1138.

²⁶¹ Aleksandar Pavkovic, "Seceding by force of Arms: Chechnya and Kosovo," in Aleksandar Pavkovic and Jean-Pierre Cabestan (eds.), *Secessionism and Separatism in Europe and Asia: To Have a State of One's Own* (Abingdon: Routledge, 2013), 103.

The peace did not last, however. The Dayton Accords, signed in 1995, ended the war in Bosnia, but ignored Kosovo's demands for a political resolution. Many Kosovar Albanians viewed this as unacceptable and did not believe that the status quo (i.e., Serbian oppression) could be overcome with Rugova's peaceful approach. James Ker-Lindsay suggests that Kosovo resorted to violence in part to highlight the international community's unwillingness to consider its call for statehood in the early 1990s.²⁶² By the mid-1990s, therefore, ethnic and political tensions turned violent in Kosovo and sparked the emergence of the Kosovo Liberation Army (KLA or Ushtria çlirimtare e Kosovës, UÇK in Albanian).²⁶³ In 1996, the KLA attacked Serbian security forces stationed in Kosovo and sparked the onset of violence between Kosovo and Serbia.

The fragile peace was broken largely because many Kosovar Albanians no longer believed that peaceful resistance could work and therefore supported the KLA, while neighbouring Albania also supported and encouraged Kosovar Albanians to resist against Serbia. Two additional factors contributed to the KLA's emergence and its use of violence. First, Serbia's oppressive policies in Kosovo radicalized and forced many Kosovar Albanians to seek refuge in European countries where they formed organizations to resist Serbia's policies.²⁶⁴ Many of these individuals did not believe that peaceful resistance could work.²⁶⁵ Second, the ability of the refugees to form anti-Serbia organizations was largely unimpeded in Western Europe where they enjoyed the freedom of expression and association.²⁶⁶

²⁶² James Ker-Lindsay, "Preventing the Emergence of Self-Determination as a Norm of Secession," 843-844.

²⁶³ Henry H. Perritt, *The Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan* (Cambridge: Cambridge University Press, 2010), 2.

²⁶⁴ Keiichi Kubo, "Why Kosovar Albanians Took up Arms against the Serbian Regime," 1140-1141.

²⁶⁵ Miranda Vickers, *Between Serb and Albanian*, 281.

²⁶⁶ Keiichi Kubo, "Why Kosovar Albanians Took up Arms against the Serbian Regime," 1142.

The KLA escalated its activities in 1998 as a response to the killing of Adem Jashari and his clan by Serbian police.²⁶⁷ Jashari was a founding member of the KLA and a popular figure amongst the Kosovar Albanians. The killing of Jashari and his family incited the Kosovar Albanians to support the KLA and led to backlash from the international community.²⁶⁸ Serbian retaliation against the KLA's activities only served to rally and unite the Kosovar population to bolster its support for the KLA and its violent tactics.²⁶⁹ The KLA's strategy was to gain support from the Kosovar Albanians and to draw international attention to Kosovo by inciting military action from Serbia. The effectiveness of the KLA, according to Elena Pokalova, was that the international community viewed it as a "legitimate representative of the Kosovo Albanians," rather than a terrorist organization.²⁷⁰ James Pettifer supports this notion. Pettifer describes the KLA as rather unsuccessful as a fighting force, but highly skilful and savvy political strategists.²⁷¹

One of the primary aims of the KLA was to lobby the West to intervene in the war between the Kosovars and Serbia. The political and ethnic tensions quickly turned into military confrontations. Following attacks from the KLA, the Serbian army retaliated by launching attacks against Kosovar civilians and in one particular incident the Serbs

²⁶⁷ Aleksandar Pavkovic, "Seceding by force of Arms: Chechnya and Kosovo," 103.

²⁶⁸ Cathie Carmichael, "Brothers, Strangers and Enemies: Ethno-nationalism and the Demise of Communist Yugoslavia," in Dan Stone (ed.), *The Oxford Handbook of Postwar European History* (Oxford University Press, 2012), 55.

²⁶⁹ Julie A. Mertus, *Kosovo*, 308-309. Mertus estimates that between 300,000 and 500,000 Kosovars were displaced in 1998.

²⁷⁰ Elena Pokalova, "Framing Separatism as Terrorism: Lessons from Kosovo," *Studies in Conflict & Terrorism* Vol. 33, No. 5 (2010), 443.

²⁷¹ James Pettifer, *The Kosova Liberation Army: Underground War to Balkan Insurgency, 1948-2001* (Columbia University Press, 2012).

launched attacks against several villages killing 80, many of whom were civilians.²⁷² The war between the KLA and Serbian authorities was marred by accusations of ethnic cleansing by the Serbian forces against the Kosovar population.²⁷³ Serbia's error in its fight against the KLA, argues Henry Perritt, was the ethnic cleansing against the Kosovars.²⁷⁴ Some political parties within Serbia voiced their willingness to provide Kosovo with extensive rights and even autonomy, but Slobodan Milošević was unwilling to make such concessions to Kosovo. As Miranda Vickers notes, "Milošević's central aim was to avoid really weakening Serbia and the federation through either serious autonomy or independence."²⁷⁵

On the international front, in 1998 the UN passed resolution 1160, which stated that the Kosovo conflict posed a threat to international peace and security and condemned both sides for their use of violence.²⁷⁶ This move was followed by NATO's call for Kosovo's autonomy and the cessation of violence. While much of the international community's focus was turned to the wars in Croatia and Bosnia, the situation in Kosovo continued to deteriorate to the point where Kosovo accused the Serbian military of massive human rights violations and war crimes.

The growing civilian casualties (and in particular the Račak massacre of 1999) and a large-scale refugee exodus prompted a response from the international community.²⁷⁷ Key EU members and the US held the Rambouillet Conference, which resulted in the Rambouillet Agreement signed in 1999 by the UK, the US, and Albania,

²⁷² Human Rights Watch. "Kosovo War Crimes Chronology," Available at: <http://www.hrw.org/legacy/campaigns/kosovo98/timeline.shtml>.

²⁷³ Colin Warbrick, "I. Kosovo: The Declaration of Independence," 677.

²⁷⁴ Henry H. Perritt, *Kosovo Liberation Army*.

²⁷⁵ Miranda Vickers, *Between Serb and Albanian*, 296.

²⁷⁶ Koeck et al., *From Protectorate to Statehood*, 36

²⁷⁷ Marc Weller, "The Rambouillet Conference on Kosovo," *International Affairs* Vol. 75, No. 2 (1999), 221.

but did not include Russia or Serbia. Under the framework of the accords, Kosovo would become a NATO-administered province within Serbia. Milošević and Belgrade rejected the proposal as a violation of Serbia's territorial integrity and instead called for the presence of unarmed UN observers.²⁷⁸ Serbia's refusal to accept the NATO mandate prompted military action to end the war between the KLA and Serbian forces. The goal of the three-month NATO campaign was to expel Serbian forces from Kosovo and bring in international peacekeepers. The end of the bombing campaign brought with it UN Security Council Resolution 1244, which established a joint body – the Kosovo Force (KFOR) and UN Mission in Kosovo (UNMIK), to maintain peace in the province.²⁷⁹

Resolution 1244, passed in 1999, effectively suspended Serbian administration in Kosovo in favour of the internationally mandated UNMIK and KFOR. Resolution 1244 included a clause outlining the long-term resolution of Kosovo's status. The resolution was also contradictory as it simultaneously supported Kosovo's right to self-determination while calling for the preservation of Serbia's sovereignty.²⁸⁰ Russia and Serbia argued that Kosovo's secession would be a violation of both international law and Resolution 1244, which called for Kosovo's autonomy and self-determination but not independence.²⁸¹ Kosovo, on the other hand, argued that Serbia had forfeited its right to sovereignty over Kosovo by systematically directing violence against the civilian population. In addition, the proponents of independence argued that Resolution 1244 and its calls for autonomy and self-determination referred to the interim arrangements

²⁷⁸ Marc Weller, "The Rambouillet Conference on Kosovo," 223.

²⁷⁹ United Nations Security Council Resolution 1244. 10 June 1999. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>.

²⁸⁰ Tim Judah, "Kosovo's Moment of Truth."

²⁸¹ Henry Perritt, *The Road to Independence for Kosovo*, 121.

following Serbia's expulsion from Kosovo and not the future status of Kosovo.²⁸² From 1999 to 2008 there was little progress regarding the status of Kosovo and instead, during that period, both sides became further entrenched in their respective positions.²⁸³

Similar to South Sudan and Iraqi Kurdistan, Kosovo's early and modern history has been characterized by political conflict and, occasionally, violence with the parent state. The political conflict mainly revolved around Kosovo's demands for republic status. From the 1960 to the 1980s, Serbia refused to grant Kosovo the autonomy it desired and indeed undertook policies to rescind the existing political autonomy Kosovo possessed. Republic status, from Kosovo's perspective, was essential for Kosovar Albanian security, the preservation of its language and culture, and political recognition to which it was entitled. Belgrade's behaviour during this period demonstrated to Kosovo that increased autonomy was necessary to check Serbia's increasingly oppressive policies and tendencies. Even after the collapse of Yugoslavia in 1991, academics have noted that Kosovar Albanians were willing to accept autonomous status as coequals along with Serbia and Montenegro until the mid-1990s.²⁸⁴ However, the preference for autonomy shifted to independence in 1996. The emergence of the Kosovo Liberation Army (KLA) and the onset of large-scale violence in 1996 marked the point of no return for Kosovo. As of 1996, therefore, Kosovo would not settle for anything short of independence.²⁸⁵

What explains Kosovo's desire for independence? Realist assumptions argue that Kosovo's desire for independence can be best explained by examining the security

²⁸² Henry Perritt, *The Road to Independence for Kosovo*, 123.

²⁸³ Colin Warbrick, "I. Kosovo: The Declaration of Independence," 678.

²⁸⁴ Sabrina P. Ramet, *Thinking About Yugoslavia: Scholarly Debates About the Yugoslav Breakup and the Wars in Bosnia and Kosovo* (Cambridge: Cambridge University Press, 2005), 19.

²⁸⁵ Jasminka Udovicki and James Ridgeway (eds.), *Burn This House: The Making and Unmaking of Yugoslavia* (Durham: Duke University Press, 2000).

dilemma that emerged in the Balkans following the collapse of Yugoslavia. The common security no longer existed and each group in the former Yugoslavia became responsible for its own security. Self-help and the security dilemma compelled each ethnic group to mobilize militarily in order to provide security against potential threats. Furthermore, the independence of former Yugoslav republics, including Croatia, Macedonia, and Bosnia, demonstrated to Kosovo that the best form of security is independence. Independence, therefore, is a fixed preference that derives from the structure of anarchy, self-help, and survival. These realist assumptions provide strong insights into the preferences and behaviour of Kosovo, yet they are incomplete. In addition to concerns over security, Kosovo's preferences were shaped by Serbia's unwillingness to adopt the appropriate political institutions and its poor economic development.

Constructivists also provide some insights into the preferences and emergence of Kosovo. In particular, the constructivist notion that ethnic identity and violence are not predetermined, but rather tools employed by ethnic entrepreneurs for political or economic ends. As mentioned earlier, Slobodan Milošević is described as an ethnic entrepreneur who used the idea of Serbian nationalism for his own political ends and to expand Serbia's powers. Kosovar leaders also exploited Kosovo's ethnic identity for political ends and used violence as a strategy to garner support for independence. The onset of ethnic violence in the 1990s was not a result of fixed and enduring ethnic differences, but rather produced by certain actors with political and/or economic objectives.

Liberalism provides perhaps the most compelling explanation for the emergence and behaviour of Kosovo until 1999. The historical narrative demonstrates that Serbia

rebuffed Kosovo's decades-long request for republic status and in fact rescinded Kosovo's autonomous status in 1989. Yugoslavia's flawed political institutions and nonexistent economic incentives compelled Kosovo to intensify its demands. In addition, the role of agency was important in shaping Kosovo's preference for independence. Specifically, domestic groups in Kosovo, the LDK and Rugova and the KLA, promoted independence as a viable option for Kosovo. From the early to the mid-1990s Kosovar Albanians largely supported a peaceful approach to the resolution of the conflict. It is possible that Kosovo would have accepted an autonomous framework until the mid-1990s. The emergence of the KLA in 1996, however, dramatically altered the domestic landscape in Kosovo. The KLA persuaded Kosovar Albanians to support a militant approach to the conflict with Serbia. Serbia's unwillingness to provide Kosovo with political autonomy pushed the Kosovar Albanians to demand independence.

Capabilities

The military intervention by the international community established a de facto state in Kosovo in 1999. Kosovo possessed limited capabilities in the mid to late 1990s with the emergence and growth of the KLA. Such capabilities, however, were insufficient for mounting an effective military challenge against a larger and superior Yugoslav army (comprised of Serbia and Montenegro). Much like the Iraqi Kurds in 1991, Kosovo was the beneficiary of an international intervention that removed the Serbian military threat and created a de facto state in Kosovo. Following the international intervention in 1999, Kosovo fulfilled all the criteria of de facto statehood as defined in this project. Recall that a de facto state controls a defined territory, provides an array of services to the

population, and enters into diplomatic and economic relations with other states, but it does not possess de jure recognition. Although Kosovo was under the administration of UNMIK, it also held elections for the Kosovo Assembly and formed a unity government to oversee Kosovo.

Although Kosovo did not possess the internal capabilities to achieve de facto statehood and independence, it was successful at building international support from the EU, the UN, and NATO. The actions and agency of the KLA garnered sufficient international support to establish a de facto state but not independence. Despite this perceived failure, the international administration allowed Kosovo to build and administer political and economic institutions that would ultimately serve as the foundations for an independent Kosovo. In addition, the presence of international organisations prevented Serbia from taking any political or military action against Kosovo. These events lend support to the realist assumption that capabilities are important. Without capabilities – albeit in the form of support from the international community – Kosovo could not have established a de facto state in 1999.

Realism provides a strong explanation for this period of Kosovo's history. Kosovo's behaviour and preferences were largely dictated by security imperatives and capabilities. As Barry Posen and Chaim Kauffmann would argue, the security dilemma in the Balkan region compelled Kosovo to strengthen its military capabilities in the face of the Serbian threat. With limited military capabilities, Kosovo, and in particular the KLA, petitioned the international community for support. In doing so, Kosovo's capabilities were substantially bolstered when the US and the UN responded by providing it with military backing against Serbia. Capabilities, therefore, were significant for

establishing a de facto state in Kosovo. Constructivism, meanwhile, argues that notions of security dilemma are largely a result of the interaction between actors and not a product of anarchy or self-help. Kosovo's preference for independence, therefore, was shaped by Kosovo's relationship with Serbia and neighbouring groups that successfully achieved independence.

The Behaviour of Kosovo

Preferences

Kosovo's decision to pursue independence since 1996, and especially post-1999, is partly explained by the agency of the leadership, including Ibrahim Rugova and the KLA. The Kosovar leadership overwhelmingly preferred independence to de facto statehood or a federal arrangement with Serbia following repeated breaches of trust on the part of Belgrade. In a 2000 interview with the German magazine *Der Spiegel*, Rugova indicated that Kosovo would not settle for a political arrangement short of independence and that Resolution 1244 did not prohibit Kosovo's independence. He said: "In it [Resolution 1244], the independence of Kosovo is not excluded. The door to this remains open. Anything other than independence is inconceivable for us."²⁸⁶ When asked how Kosovo would respond if the international community preserved the territorial integrity of Yugoslavia with Kosovo as an autonomous province, Rugova replied that "there will be another war. All of us, the entire population of Kosovo, will go take up arms."²⁸⁷ It is clear that Kosovo's political leadership now viewed independence as the ultimate goal.

²⁸⁶ Renate Flottau and Olaf Ihlau, "Wir sind ein geteiltes Volk [We are a Divided People]," *Der Spiegel*. Hamburg, 17 April 2000. Available at: <http://www.spiegel.de/spiegel/print/d-16215423.html>.

²⁸⁷ Ibid.

This preference is largely a reflection of the flawed political institutions created by Serbia, which, from the Kosovar Albanian perspective, were created to oppress Kosovo. In addition, Kosovo's political and economic requests were not met by Serbia. The combination of these factors coalesced and encouraged Kosovo to demand independence. Once this preference was set, there was no turning back despite Serbia's newfound efforts to persuade Kosovo with significant autonomy. Kosovo received few economic benefits from the union with Serbia and its requests for economic development were ignored for decades. As a result, seceding from Serbia would not pose any economic costs to Kosovo and its economic viability did not depend on Serbia.

Kosovo's preferences following its de facto status were also shaped by the international community's tacit support for its independence bid. Academics have demonstrated that the international community's willingness to provide Kosovo with military and political support encouraged Kosovo to insist on secession from Serbia. Spyros Economides, for one, argues that the decision of the international community to intervene in Kosovo and establish a protectorate region helps to explain Kosovo's intransigence on the independence issue.²⁸⁸ According to Economides, the Kosovar Albanians interpreted the West's intervention and subsequent actions in Kosovo as tacit support for their right to self-determination.²⁸⁹ For instance, during a 2005 Senate Committee hearing, then Senator of Delaware, Joe Biden indicated that a solution to Kosovo would require difficult negotiations and compromises from both sides. Biden noted that, "Serbia...will find a future of frustration and isolation if it persists in clinging to the territorial artifacts of its bloody past. Serbia does not have the political stature or

²⁸⁸ Spyros Economides, "Kosovo, Self-Determination and the International Order," *Europe-Asia Studies* Vol. 65, Issue 5 (2013), 834.

²⁸⁹ Spyros Economides, "Kosovo, Self-Determination and the International Order," 834.

practical ability to govern Kosovo...Independence for Kosovo, when it comes, will come because of Kosovars' willingness to seek compromise."²⁹⁰ In other words, Serbia would have to accept the secession of Kosovo, but at the same time Kosovo must be willing to negotiate with Serbia.

It was believed that negotiations between Serbia and Kosovo would help to settle Kosovo's uncertain status following a few years of UNMIK's administration. However, no such progress was made. Instead UNMIK turned to improving the internal conditions of Kosovo while waiting for negotiations to begin.²⁹¹ In its search for a permanent solution, the international community initiated the Kosovo status process in 2005 led by former Finnish President and UN Special Envoy Martti Ahtisaari. Negotiations were led by the UN, but largely controlled by the Contact Group (France, Germany, Italy, the Russian Federation, the UK and the United States), which provided Russia with the ability to play an important role in the final settlement. It was clear that Serbia's main objective was to reaffirm its territorial integrity even to the point that it was willing to accept Kosovo's autonomy and the aforementioned Rambouillet accords that called for the presence of NATO in Kosovo.²⁹²

Serbia's position, during the negotiations, was that Kosovo will be furnished with significant autonomy, but it should remain within a united Serbia. Indeed, Serbia was willing to equip Kosovo with all the prerogatives of a state except national defence and foreign policy.²⁹³ By this point, however, Kosovo was no longer willing to settle for

²⁹⁰ US Senate, "Kosovo: A Way Forward?" Hearing Before the Committee on Foreign Relations: United States Senate – One Hundred Ninth Congress, First Session (8 November 2005), 4.

²⁹¹ Marc Weller, "The Vienna Negotiations on the Final Status for Kosovo," *International Affairs* Vol. 84, No. 4 (2008), 661.

²⁹² Marc Weller, "The Vienna Negotiations on the Final Status for Kosovo," 666-667.

²⁹³ International Crisis Group, "*Kosovo Countdown: A Blueprint for Peace*," Europe Report No. 188 (Brussels, 6, December 2007), 8.

autonomy and insisted on its right to full independence. Although Kosovo willingly participated in the negotiations, it did so regarding issues related to its internal governance and especially the presence of the Serbian population in Kosovo. The opening rounds of negotiations concentrated mainly on technical issues such as minority rights and the powers of municipalities, with little progress related to the status of Kosovo.²⁹⁴

Belgrade pushed for talks on the status of Kosovo and offered “wide-ranging autonomy for 20 years.”²⁹⁵ A July 2006 meeting scheduled for negotiating Kosovo’s status illustrated the hardened positions taken by Belgrade and Pristina. The former insisted on a decentralized framework and the latter maintained that progress could be achieved through independence.²⁹⁶ Facing a deadlock, the Contact Group requested the Special Envoy to prepare a ‘comprehensive proposal’ regarding the status of Kosovo in order to encourage the negotiations to move forward. Kosovo’s status settlement, therefore, was largely decided by the work of UN Special Envoy Martti Ahtisaari.

Ahtisaari was tasked with presenting an acceptable solution to the conflict and, on March 2007, the UN forwarded the findings entitled the ‘Comprehensive Proposal for the Kosovo Status Settlement’ (also referred to as the ‘Ahtisaari Plan’). In it, Ahtisaari provides a framework for Kosovo’s political, social, and economic future and provides the international community with oversight regarding the implementation of the settlement.²⁹⁷ Although the Plan required Kosovo to create a Constitution that recognized

²⁹⁴ Marc Weller, “The Vienna Negotiations on the Final Status for Kosovo,” 671.

²⁹⁵ Ibid.

²⁹⁶ Ibid.

²⁹⁷ Koeck et al., *From Protectorate to Statehood*, 40; Marietta Konig, “The Effects of the Kosovo Status Negotiations on the Relationship Between Russia and the EU and on the De Facto States in the Post-Soviet Space,” OSCE Yearbook 2007. Hamburg: Centre for OSCE Research (CORE), 2008, 39.

its multi-ethnic population and adherence to the rule of law, the proposal also conferred Kosovo with “supervised independence.” In the proposal, Ahtisaari states that:

I have come to the conclusion that the only viable option for Kosovo is independence, to be supervised for an initial period by the international community. My Comprehensive Proposal for the Kosovo Status Settlement, which sets forth these international supervisory structures, provides the foundations for a future independent Kosovo that is viable, sustainable and stable, and in which all communities and their members can live a peaceful and dignified existence...The international community shall supervise, monitor and have all necessary powers to ensure effective and efficient implementation of this Settlement.”²⁹⁸

The Ahtisaari Plan called for the “international community [to] supervise, monitor and have all necessary powers to ensure effective and efficient implementation of this Settlement.”²⁹⁹ Unsurprisingly, of course, the plan was rejected by Serbia and Russia and created an impasse at the UN Security Council. Ahtisaari defended his recommendations for Kosovo’s eventual independence by arguing that:

Kosovo is a unique case that demands a unique solution. It does not create a precedent for other unresolved conflicts. In unanimously adopting resolution 1244 (1999), the Security Council responded to Milošević’s actions in Kosovo by denying Serbia a role in its governance, placing Kosovo under temporary United Nations administration and envisaging a political process designed to determine Kosovo’s future. The combination of these factors makes Kosovo’s circumstances extraordinary.³⁰⁰

He added, “A return of Serbian rule over Kosovo would not be acceptable to the overwhelming majority of the people of Kosovo. Belgrade could not regain its authority without provoking violent opposition. Autonomy of Kosovo within the borders of Serbia – however notional such autonomy may be – is simply not tenable.”³⁰¹ Ahtisaari’s recommendation for ‘supervised independence’ satisfied Kosovo’s short-term demand for independence given that full independence was merely a matter of time. The period of international supervision was meant to provide Kosovo with the time to develop its

²⁹⁸ United Nations Security Council, “Comprehensive Proposal for the Kosovo Status Settlement,” 26 March 2007. Available at: http://www.unosek.org/docref/Comprehensive_proposal-english.pdf

²⁹⁹ United Nations Security Council. “Comprehensive Proposal for the Kosovo Status Settlement.” 26 March 2007.

³⁰⁰ United Nations Security Council. “Comprehensive Proposal for the Kosovo Status Settlement.”

³⁰¹ United Nations Security Council. “Comprehensive Proposal for the Kosovo Status Settlement.”

political institutions and to allow for Kosovo and Serbia to negotiate the transition to Kosovo's full independence.

Few analysts and policymakers were surprised when Kosovo moved ahead with a unilateral declaration of independence (UDI) in February 2008. Although the Ahtisaari Plan did not provide a definite timeline regarding Kosovo's 'supervised independence,' it was understood that Kosovo and Serbia would engage in negotiations to find some middle ground before Kosovo's secession. From Pristina's perspective, however, Belgrade would never agree to Kosovo's secession and therefore a mutually acceptable outcome was never within reach. Kosovo's leadership was undoubtedly buoyed by Ahtisaari's recommendations and must have been confident that the US and major EU powers would recognize its declaration of independence. In its UDI Kosovo accepted the conditions of the Ahtisaari Plan. Many of the states that conferred recognition did so based on the notion that Kosovo is a unique case or *sui generis*.³⁰² The Assembly of Kosovo official declared independence 17 February 2008 by noting that:

Kosovo is a special case arising from Yugoslavia's non-consensual breakup and is not a precedent for any other situation...We, the democratically-elected leaders of our people, hereby declare Kosovo to be an independent and sovereign state. This declaration reflects the will of our people and it is in full accordance with the recommendations of UN Special Envoy Martti Ahtisaari and his Comprehensive Proposal for the Kosovo Status Settlement.³⁰³

Serbia responded by pressuring the UN General Assembly to refer Kosovo's secession to the International Court of Justice (ICJ) to provide an advisory opinion on the legality of Kosovo's UDI under international law. The ICJ determined that its task was to resolve only "whether or not [Kosovo's] declaration of independence is in accordance with

³⁰² Colin Warbrick, "I. Kosovo: The Declaration of Independence," 679.

³⁰³ Assembly of Kosovo, "Kosovo's Declaration of Independence," Republic of Kosovo Assembly. 17 February 2008. Available at: <http://www.assembly-kosova.org/?cid=2,128,1635>

international law.”³⁰⁴ The ICJ made clear that its decision was about the legality of secession and not the political implications attached to the UDI. It stated:

In the present case, the question posed by the General Assembly is clearly formulated. The question is narrow and specific; it asks for the Court’s opinion on whether or not the declaration of independence is in accordance with international law. It does not ask about the legal consequences of that declaration. In particular, it does not ask whether or not Kosovo has achieved statehood. Nor does it ask about the validity or legal effects of the recognition of Kosovo by those States which have recognized it as an independent State.³⁰⁵

By a ten to four majority, the ICJ concluded that “the adoption of the declaration of independence of 17 February 2008 did not violate general international law, Security Council resolution 1244 (1999) or the Constitutional Framework. Consequently the adoption of that declaration did not violate any applicable rule of international law.”³⁰⁶ In making its decision, the ICJ does not compel any state to recognize Kosovo and therefore leaves the political act of recognition to the government of each state.

Kosovo’s first month of independence highlighted the major issues confronting Pristina to this day. Kosovo has not received recognition from some of the world’s major powers, including China and Russia, and tensions between Pristina and Belgrade continue. The major domestic issues include a poor economy, weak political institutions, and the Serb minority (approximately 70,000) in north Kosovo (this issue will be discussed later in this chapter).³⁰⁷ Serbia’s unwillingness to recognize Kosovo ensures that Russia and China will also withhold recognition and thereby block Kosovo from joining the UN. Serbia’s objective is to prevent Kosovo from gaining UN recognition

³⁰⁴ International Court of Justice, “Accordance with international law of the unilateral declaration of independence in respect of Kosovo,” Advisory Opinion of 22 July 2010. Available at: <http://www.icj-cij.org/docket/files/141/15987.pdf>

³⁰⁵ Ibid., 24-26.

³⁰⁶ Ibid., 53.

³⁰⁷ International Crisis Group, “Serbia and Kosovo: The Path to Normalisation,” Europe Report N°223 – 19 February 2013, 10.

and to continue to stall recognition from other states.³⁰⁸

In the meantime, Kosovo is pursuing recognition from other governments and building institutions while trying to rebuild its relations with Serbia. Russia also continues to be a major barrier to Kosovo's status. As Serbia's strongest ally, and with its own separatist region, Russia is staunchly opposed to Kosovo's independence. Russia is concerned that Kosovo's secession could set a precedent for other secessionist groups to follow. But, as a permanent United Nations Security Council member, Russia's veto blocks Kosovo's entry into the UN. As a reaction to the recognition of Kosovo by Western states, Russia recognized the secessionist regions of South Ossetia and Abkhazia in Georgia. Ironically, Russia referenced the Kosovo case as justification for its recognition of the breakaway territories of Georgia. China has also opposed Kosovo's independence. China's decision is explained by Taiwan's immediate recognition of Kosovo. It also faces its own domestic sources of secession, and has a strict policy of non-interference in the domestic affairs of other states.

As of early June 2015, more than 110 states have recognized Kosovo, including 108 UN member states and 23 EU member states. At the same time, more than 80 states, including Russia, China, Spain, Brazil, Argentina, and Greece, have withheld recognition. Given the recognition from the large number of governments, one could argue that Kosovo's secession and its subsequent recognition has been a success. However, one could also argue that Kosovo's diplomatic efforts have largely failed. Gordon Bardos argues that the US and the EU's diplomatic efforts to bring Kosovo into the international community of states has been a diplomatic failure given that over 80 states have withheld recognition. States have refused to recognize Kosovo, Bardos argues, because the

³⁰⁸ International Crisis Group, "Serbia and Kosovo," 5.

unilateral declaration of independence is a clear violation of the territorial integrity of Serbia.³⁰⁹ Additionally, James Ker-Lindsay notes that the *sui generis* argument has not been accepted by much of the international community.³¹⁰

Realism offers strong insights into Kosovo's preferences and behaviour since 1999. The ethnic differences, a history of animosity, and the security dilemma between Kosovar Albanians and Serbs heightened following Yugoslavia's disintegration. Kosovo viewed Serbia's expansionist rhetoric as a threat to its security. In turn, Serbia – believing independence to be imminent – viewed Kosovo's desire for increased autonomy as an existential threat to Serbia. The ensuing civil war was in many ways a consequence of the uncertainty and security threats facing both groups. Chaim Kaufmann argues that the only way to mitigate the effects of the security dilemma on ethnic groups is physical separation. Kosovo adopted such a position by arguing that only independence would provide it with security and political autonomy from Serbian oppression.

Constructivism also provides some insights into the preferences and behaviour of Kosovo. Constructivists argue that elites exploit ethnic differences to advance their own political and economic ends. This notion can be applied to the behaviour of Rugova and the KLA who exploited Kosovar Albanian nationalism for their own ends. After all, Rugova was effectively the first president of Kosovo from 2002 to 2006 and one of the founders of the KLA, Hashim Thaci, was the first prime minister of the Republic of Kosovo from 2008 to 2014 and was succeeded by another KLA founder Isa Mustafa. The point is to demonstrate that the Kosovo leadership benefitted economically and

³⁰⁹ Gordon N. Bardos, "The Regional and International Implications of Kosovo Independence," *Mediterranean Quarterly* Vol. 19, No. 4 (2008), 55-56.

³¹⁰ James Ker-Lindsay, "Preventing the Emergence of Self-Determination as a Norm of Secession: An Assessment of the Kosovo 'Unique Case' Argument," *Europe-Asia Studies* Vol. 65, No. 5 (2013), 838.

politically from an independent Kosovo. On the other hand, constructivism cannot explain why the international community broke international norms by violating the territorial integrity of Serbia. As mentioned earlier, there is a strong norm of territorial integrity and preference for state sovereignty in the international system. However, in the case of Kosovo, the international community ignored these norms and laws in favour of recognising Kosovo's independence.

Finally, from a liberal perspective, Kosovo's independence was not inevitable, but rather a consequence of flawed institutions and a regime in Belgrade that refused to adopt the appropriate institutional measures. I argue that the institutional and economic factors outlined by liberal theory provide a strong explanation for Kosovo's decision to declare independence. First, Belgrade could have made a more concerted and genuine effort to bring Kosovo back into the fold. Rather than conciliatory and meaningful dialogue, Belgrade vacillated and at times refused to negotiate with Kosovo and the international community. The case of Kosovo is further explained by the importance of the domestic context and the economic factors. As mentioned earlier, Kosovo's leadership failed to seriously consider alternatives to independence post-1996. Instead, the leadership persuaded the population that independence was the best route for Kosovo and, in turn, the domestic population pressured the leadership to move towards independence, even though it may not have been the best option for Kosovo. Finally, a union with Serbia did not offer Kosovo any economic incentives. In fact, Kosovo stood to lose very little by seceding from Serbia.

Capabilities

How did a militarily, institutionally, and economically weak Kosovo successfully secede from Serbia? Without sufficient capabilities, de facto states should not be able to secure independence and yet Kosovo unilaterally declared independence in 2008 and has garnered widespread international support. The Kosovo war from 1998-1999 revealed the Kosovar Albanians, led by the KLA, did not possess strong military capabilities. However, Kosovo acquired the capabilities necessary for seceding from Serbia through international support. Kosovo's internal weakness, therefore, was inconsequential given that powerful states, including the US and key EU members, provided Kosovo with military, economic, and diplomatic support.

From 1999 to 2008, Kosovo's leadership lobbied and worked with the international community to provide Kosovo with the support necessary for independence. Kosovo pursued this policy on two tracks. First, Kosovo was clear to the international community that a union with Serbia was not an option. The leadership convinced the international community, including the UN and its special envoy Martti Ahtisaari, that independence was the only real solution to the conflict in Kosovo. Second, Kosovo cooperated with the international community and participated in the negotiations intended to solve Kosovo's uncertain status. In doing so, Kosovo demonstrated its commitment and willingness to participate with the international community's efforts at resolving the longstanding issue and that independence was morally justified and strategically preferable to a return to violence.

The Kosovo case partially upholds both hypotheses. Hypothesis one states that a de facto state will pursue independence when the parent state is unwilling to offer

‘sufficient accommodation’ in the form of political institutions, such as autonomy and federalism (or in this case, republic status). Secession, therefore, becomes a last resort following the parent state’s unwillingness to provide the minority group with autonomy. This hypothesis is supported by the Kosovo case. Kosovar Albanians declared their desire for independence, but also indicated that they would settle for republic status in a united Serbia. This was true even after Serbia rescinded Kosovo’s autonomy in 1989. However, following a decade of Belgrade’s repressive political and economic policies, Kosovo viewed independence as the only way to attain political and economic rights.

The notion of autonomy for Kosovo was unacceptable given that Serbia had previously revoked its autonomous status.³¹¹ In the late 1980s and the early 1990s, Kosovo was struggling for autonomous status and then republic status within Yugoslavia, but Belgrade appeared to be pushing for control over Kosovo. Belgrade’s rhetoric and actions regarding Kosovo’s status emboldened Kosovo to demand independence. Following Serbia’s decision to revoke Kosovo’s autonomy in 1989 and its subsequent decisions to further alienate it, Kosovo could not trust Serbia to uphold its promise of furnishing the Kosovars with political autonomy.

At the same time, the Kosovo case opposes hypothesis one if we consider Kosovo’s behaviour post-1999. Serbia earnestly offered Kosovo broad autonomy within a federal Serbia in the negotiations following 1999. Kosovo was unwilling to compromise and rejected Serbia’s offers. But as discussed above, Kosovo gained significant leverage over Serbia following the international intervention and administration of Kosovo. From Kosovo’s perspective, it did not make sense to forgo independence and settle for autonomy within Serbia when the US and major EU powers

³¹¹ Henry Perritt, *The Road to Independence for Kosovo*, 92.

were willing to support Kosovo's bid for independence. Politically, therefore, independence was more appealing than extensive autonomy within Serbia.

Hypothesis two contends that material factors, including economic incentives and political benefits, can persuade a de facto state to forgo independence. That is, de facto states will forgo independence if it has secured autonomy from the parent state and the de facto status offers more economic and political benefits than full independence. De facto independence and the offer of autonomy were insufficient for convincing Kosovo to forgo independence. The political and economic benefits under an autonomous framework would not have benefitted Kosovo in any meaningful way. Although Serbia offered significant political autonomy to Kosovo, independence always seemed more reassuring especially given Serbia's past willingness to revoke Kosovo's autonomy. Additionally, there were few economic incentives for remaining with Serbia. Appendix I presents the economic performances of Kosovo and Serbia from 1990 to 2012 using data collected from the UN and the World Bank.³¹² In terms of economic benefits, therefore, Kosovo stood to gain little from a union with Serbia. Based on the data, Serbia has experienced modest growth to its economy and did not possess any economic means with which to entice Kosovo to remain with Serbia.

There were also two contributing factors that shaped Kosovo's decision. The first factor is the government and regime in Belgrade. Kosovo felt uneasy that, although the old regime of Milošević was removed from power in 2000, his party survived and by 2003 it was gaining popularity among Serbian voters.³¹³ Furthermore, Milošević's

³¹² The data presented in Appendix 2 is gathered from the World Bank when available. In cases (or for years) that are unavailable from the World Bank, I refer to data from the United Nations.

³¹³ Marlene Spoorri, "Crossing the Line: Partisan Party Assistance in post-Milošević Serbia," *Democratization* Vol. 17, No. 6 (2010), 1113.

successors could not be trusted as key officials in the secret police and military, responsible for the war against Kosovo, maintained their positions.³¹⁴ In short, although moderates replaced the Milošević government, the Kosovars were uneasy about an administration they felt was “little different from the previous regime.”³¹⁵ Milošević and his Social Party of Serbia (SPS) were succeeded by Vojislav Kostunica as president and Zoran Djindjic as the prime minister in 2000.³¹⁶ Kostunica’s Democratic Party of Serbia (DSS) and Djindjic’s Democratic Party (DS) formed a coalition government in 2000 under the banner of the Democratic Opposition of Serbia (DOS).³¹⁷ Although Kosovar Albanians were pleased with the removal of Milošević in 2000, they did not believe there was much difference between Milošević and Kostunica on the Kosovo issue.³¹⁸

The second contributing factor was the role of the international community, especially that of the US and key members of the EU (UK, France, and Germany). International support provided Kosovo with the assurance that it would be economically and militarily viable against a recalcitrant Serbia. International support, however, appears to be less significant than the conditions of autonomy and economic benefits. That is, Kosovo’s leadership had decided that independence was the only viable option for Kosovo as early as 2000 (refer to Ibrahim Rugova’s interviews above). In the case of Kosovo, therefore, it would be more accurate to claim that international support is an important but not necessary condition for de facto states to declare independence. The point is that the presence or absence of international support alone does not determine a

³¹⁴ Daniel Bochsler, “The Party System of Serbia,” in Vera Stojarová and Peter Emerson (eds, *Party politics in the Western Balkans* (London: Routledge, 2013), 101.

³¹⁵ James Ker-Lindsay, *Kosovo: The Path to Contested Statehood in the Balkans*, 17.

³¹⁶ Timothy Edmunds, “Illiberal Resilience in Serbia,” 129.

³¹⁷ Ibid.

³¹⁸ International Crisis Group, “Reaction in Kosovo to Kostunica’s Victory,” *Balkans Briefing* (Brussels, 10 October 2000), 4.

de facto state's decision for declaring independence. After all, as mentioned in previous sections, de facto states have declared independence despite the lack of international support.

Recent events in Kosovo suggest that independence may have been a political and economic miscalculation. Since January 2015, Kosovar Albanians have been migrating en masse to neighbouring countries to escape Kosovo's failing political institutions and high unemployment rates.³¹⁹ Some estimates claim that approximately 100,000 Kosovar Albanians have fled Kosovo since January 2015 and that unemployment is over 30 percent (55 percent for people aged 15-24).³²⁰ The underlying assumption of this project is that independence may not be the best outcome for de facto states. An independent Kosovo will face a difficult process in developing effective political institutions and providing economic growth for the population.

Kosovo and Serbia: Looking Forward

Kosovo and Serbia's intransigence exacerbated the divisions between the two sides and likely fostered the secession of Kosovo. The strained relationship will not be easily repaired but there are positive developments. After all, Kosovo has seceded from Serbia and it is not coming back. Serbia will have to accept this reality if normal relations are to be established. The Kosovo-Serbia relationship faces many challenges as both sides try to manage the issues between them. On the one hand, for example, the two sides have

³¹⁹ Matthew Day, "Kosovo 'to wipe citizens' debts' in bid to stop exodus to EU," *The Telegraph*. 6 February 2015. Available at: <http://www.telegraph.co.uk/news/worldnews/europe/kosovo/11397051/Kosovo-to-wipe-citizens-debts-in-bid-to-stop-exodus-to-EU.html>.

³²⁰ Stephanie Ott, "Baffling Kosovo mass exodus exposes domestic hardships," *Al Jazeera*. 13 March 2015. Available at: <http://www.aljazeera.com/indepth/features/2015/03/baffling-kosovo-mass-exodus-exposes-domestic-hardships-150308120251939.html>.

come to an agreement on border management and Serbia recognizes Kosovo's vehicle license plates. On the other hand, tensions remain due to the presence of the Serbian minority and the Serbian Orthodox churches and monasteries in Kosovo.³²¹ In resolving Kosovo's status, the US and the EU had hoped it would lead to stability in the Balkans.³²² Yet Kosovo's borders remain unstable and this will continue to impede Kosovo's economic and political development.³²³ Ultimately, Kosovo's independence may create more problems than it solves.

Much of the tension between the two sides is related to the Serb populated area of north Kosovo. While it tacitly concedes the areas south of the Ibar River to Kosovo, Belgrade hopes to maintain influence over, and if possible to annex, the north. Kosovo, meanwhile, wants to consolidate its control over the north and secure its border.³²⁴ Kosovo's northern municipalities, therefore, represent one of the most serious areas of contention and insecurity between Pristina and Belgrade. Kosovo does not practice effective control over the north and its Serb-majority population rejects integration into Kosovo. As it is, the north possesses parallel institutions from Serbia and Kosovo. Belgrade's influence in the north is largely maintained by its financial support for the Serb-led institutions in the region.³²⁵ Serbs in northern Kosovo determinedly reject Kosovo's independence and any form of integration.³²⁶ The social, economic, political, and legal issues in the north are a consequence of the parallel institutions. The existing institutions do not effectively deliver services or maintain law and order. Any attempt to

³²¹ International Crisis Group, "Kosovo and Serbia After the ICJ Opinion," Europe Report N°206 – 26 August 2010.

³²² Gordon N. Bardos, "The Regional and International Implications of Kosovo Independence," 56.

³²³ *Ibid.*, 63.

³²⁴ International Crisis Group, "Kosovo and Serbia After the ICJ Opinion," 8.

³²⁵ International Crisis Group, "North Kosovo: Dual Sovereignty in Practice," Europe Report N°211 – 14 March 2011, 4.

³²⁶ International Crisis Group, "North Kosovo: Dual Sovereignty in Practice," 8.

integrate the north into Kosovo's institutions would likely exacerbate the issues.

The 2011 violent clash between the Kosovo police and Serbs in the north demonstrate the potential for instability and further violence between Kosovo and Serbs. The violence was sparked by clashes at the Kosovo-Serbia border, but it is largely a symptom of the Belgrade-Pristina dispute over sovereignty and territorial integrity.³²⁷ The EU, for its part, has offered Serbia candidate status in exchange for concessions towards Kosovo. Despite discussions and meetings aimed at improving bilateral relations, Belgrade and Pristina remain divided over the issue of sovereignty and the northern area. The EU-facilitated bilateral talks led to Belgrade's willingness to open its borders to Kosovar documents and goods. In practice, however, Belgrade did little to change its behaviour vis-à-vis Kosovo until December 2012.³²⁸ The EU continued to push for high-level talks between Belgrade and Pristina in an effort to resolve the political impasse. The central issue in these talks will be Kosovo's status (and its north) and its ability to join regional and international organizations.³²⁹ The concern for the EU and the region is that the isolated incidents of violence in northern Kosovo could spark widespread ethnic conflict between the Serbs and Albanians. Kosovo's status and the uncertainty hanging over it contributes to the disputes between Kosovar Albanians and the Serb minority.

From Kosovo's perspective, the political dialogue is meant to complete the process of independence by achieving membership in the UN and obtaining recognition from more states. In addition, Pristina hopes to integrate the northern municipalities into

³²⁷ International Crisis Group, "Kosovo and Serbia: A Little Goodwill Could Go a Long Way," Europe Report N°215 – 2 February 2012.

³²⁸ International Crisis Group, "Serbia and Kosovo: The Path to Normalisation," 2.

³²⁹ Ibid., 3-5.

its administration and receive recognition from Belgrade.³³⁰ Serbia, meanwhile, is willing to accept Kosovo's administration of the northern territories, which would be furnished with "broad self-governing powers" within a de facto Kosovo.³³¹ Belgrade's approach continues to view Kosovo as an autonomous region within Serbia.³³² In effect, Serbia is seeking to weaken Pristina's sovereignty by demanding the establishment of autonomous communities where Serb-majorities exist in Kosovo. According to Serbian officials, Belgrade is unwilling to recognize Kosovo's unilateral declaration of independence.³³³

Despite the challenges, there has been progress. On 19 April 2013, following meetings chaired by the EU's foreign policy chief Catherine Ashton, Kosovo's Hashim Thaci and Serbia's Ivica Dacic signed a historic agreement. The agreement is aimed at normalizing relations between Pristina and Belgrade and is a precondition for Serbia's EU accession and Kosovo's partnership with the EU.³³⁴ As a result of the landmark agreement, the EU will open accession talks with Serbia January 2014. Although the EU's enlargement commissioner Stefan Fuele indicated that the Kosovo factor would not be a roadblock, it is largely understood that one of the conditions for Serbia's admission into the EU will be its recognition of Kosovo.³³⁵ EU membership may prove to be the game changer for this relationship. Serbia's desire to join the European bloc may ultimately shift its stance on Kosovo's independence or at least provide a basis from which normal relations can be forged.

³³⁰ International Crisis Group, "Serbia and Kosovo: The Path to Normalisation," 6.

³³¹ Ibid., 9.

³³² Ibid.

³³³ International Crisis Group, "Serbia and Kosovo: The Path to Normalisation," 10.

³³⁴ European Union External Action, "Serbia and Kosovo Reach Landmark Deal," 19 April 2013. Available at: http://eeas.europa.eu/top_stories/2013/190413__eu-facilitated_dialogue_en.htm

³³⁵ EUobserver, "Serbia to Start EU Membership Talks in January," 18 December 2013. Available at: <http://euobserver.com/enlargement/122519>

In the meantime, Kosovo's status will continue to be contested, as it exists on the "margins of the international community."³³⁶ Kosovo's uncertain status is likely to persist into the foreseeable future but it is not a feasible solution in the long term.³³⁷ The international community cannot provide economic and military backing indefinitely and the Kosovars want a final solution to the issue. Economically, Kosovo faces hurdles to growth as a consequence of its past and present uncertain status. Daniel Silander and John Janzekovitz argue that the decades of unrest and violence, the poor infrastructure, and Kosovo's unresolved political status has meant that the "overall economic and social situation is very fragile."³³⁸ As a result, the economy is rampant with a black market and relies heavily on the international community for aid. For example, about 30 percent of Kosovar Albanians live below the poverty line and the unemployment rate is in the region of 45 percent.³³⁹

Another major challenge is political development. In addition to a weak economy, Kosovo's political system is fragile and unable to achieve fundamental institutional competence and quickly losing the confidence of the population.³⁴⁰ A 2009 Gallup Poll shows that perceptions of independence were less positive following the first two years since Kosovo's declaration. The Gallup Balkan Monitor survey shows that 75 percent of Kosovo Albanians believe that independence is a good thing, down from 93

³³⁶ Spyros Economides et al., "Kosovo: Four Futures," 101.

³³⁷ Ibid.

³³⁸ Daniel Silander and John Janzekovitz, "State-Building and Democracy: Prosperity, Representation and Security in Kosovo," *International Studies Interdisciplinary Political and Cultural Journal* Vol. 14, No. 1 (2012), 43.

³³⁹ Ibid., 44.

³⁴⁰ Ibid., 47.

percent a year earlier.³⁴¹ And though over 60 percent of Kosovars are satisfied with Kosovo's progress since independence, large numbers of Kosovar Albanians have relocated or plan to emigrate out of Kosovo.³⁴² Finally, over 90 percent of Kosovar Albanians and Serb minorities are dissatisfied with the economy and especially the lack of employment in Kosovo.³⁴³ This is hardly a sign of support for Kosovo's economic and political progress since independence.³⁴⁴

Conclusion

This chapter relied on empirical and theoretical research to argue that Kosovo's decision to declare independence from Serbia was the product of Serbia's unwillingness to make concessions to Kosovo. Empirically, the chapter demonstrated that the decision-making of Kosovo and Serbia and the flawed political institutions ultimately resulted in Kosovo's independence. The chapter outlined Serbia's unwillingness to provide Kosovo with sufficient political autonomy until it was too late. Furthermore, Kosovo's relationship with Serbia was the product of decades of conflict for power and control over Kosovo. From the perspective of Kosovo, Serbia could not be trusted to administer Kosovo given Belgrade's track record of broken promises and repressive policies. Belgrade refused to assuage Kosovar Albanian fears regarding Kosovo's relationship with Serbia. In addition, Kosovo's demands for political autonomy were not met until Kosovo was in a

³⁴¹ Viktor Damjanovic and John Chapman, "Two Years In, Kosovo Albanians More Sober on Independence," *Gallup*. 16 February 2010. Available at <http://www.gallup.com/poll/125978/two-years-kosovo-albanians-sober-independence.aspx?version=print>

³⁴² National Democratic Institute for International Affairs, "Public Opinion in Kosovo Baseline Survey Results, November 2010. Washington DC: UBO Consulting, 2010.

³⁴³ USAID, "Post-Election Opinions in Kosovo 2010: Findings from an IFES January 2010 Survey." Washington DC: IFES 2010.

³⁴⁴ Artjoms Ivlevs and Roswitha M. King, "Kosovo - Winning the Independence but Losing its people? Recent Evidence on Emigration Intentions," July 2009. Available at SSRN: <http://ssrn.com/abstract=1448569> or <http://dx.doi.org/10.2139/ssrn.1448569>

position to become an independent state. Following de facto statehood, autonomy within a federal Serbia was less attractive than full independence for Kosovo. The chapter argued that Kosovo's ultimate decision to declare independence was not inevitable. Instead, the decision was a result of the culmination of a series of political decisions taken by Serbia that pushed Kosovo to the point of no return.

Theoretically, the chapter argued that realism and constructivism provide strong insights into the preferences and behaviour of Kosovo, but that liberalism offers the most complete and compelling explanation. Realism's emphasis on security and capabilities explains how Kosovo, although weak, acquired international support to secure de facto statehood and subsequently, independence. Constructivism also provides insights into the role of ethnic elites in mobilising support for a particular political objective. Liberalism and the emphasis on political institutions, economic factors, and the importance of agency provide the final pieces to the explanation. The chapter outlined the ways in which political institutions and economic incentives influence the preferences and behaviour of actors. Kosovo's declaration of independence was a response to Serbia's unwillingness to develop a political system that would meet Kosovo's requests and provide it with economic development. These theoretical ideas will be pursued in the next chapter, which will examine the case of South Sudan.

Chapter 4: South Sudan

The existing literature argues that de facto states are a way station towards the ultimate goal of independence and that all de facto states want independence and all parent states want to reintegrate the de facto entity. According to this literature, the potential outcomes for de facto states are limited to secession from or reintegration (peaceful or forceful) into the parent state. Existing research takes the preference for independence as a given, overlooking the possibility of status quo option (i.e., de facto statehood). This research asks if there are conditions under which de facto states may forgo independence in favour of the status quo.

In 2011, South Sudan held a referendum to ask its citizens whether they should continue in a union with Sudan or become an independent state. The South Sudanese overwhelmingly voted for independence. One would assume that South Sudan's secession substantiates the notion that de facto states always want independence. A closer examination of the historical and political dynamics, however, demonstrates that South Sudan was willing to maintain the unity of Sudan on the condition of a democratic and federal constitution and economic development for the South. For decades the South requested autonomy and a federal structure for a united Sudan. The South's decision to secede, therefore, requires a careful reading of Sudan's historical and political turmoil and the relationship between North and South. The following questions will guide the historical analysis: What precipitated the two civil wars between Khartoum and the South? What were the South's political demands and why did Khartoum ignore the South's appeals?

Based on a cursory glance, one could conclude that realism provides a full explanation for the case of South Sudan. However, a thorough examination of the case reveals that realist notions of security and capabilities, although insightful, do not provide a complete explanation. This chapter argues that the secession of South Sudan was neither a consequence of the security dilemma nor an inevitable outcome. Instead, the chapter will argue that the South's secession is best explained by examining Khartoum's failure to provide the South with sufficient political autonomy, the lack of economic incentives, and the role of domestic, regional, and international actors. To this end, the project adopts liberal theory to account for the behaviour South Sudan and this chapter situates the case of South Sudan within the broader aims of this dissertation.

The objective of this project is to identify if there are conditions under which a de facto state will forgo independence and accept a framework that furnishes it with broad autonomy but also preserves the territorial integrity of the parent state. In other words, are there conditions under which a de facto state will maintain the status quo and shelve the goal of independence? The case of South Sudan will further demonstrate that de facto state preferences are not fixed or predetermined. It will argue that, in addition to political institutions and economic incentives, domestic, regional, and international dynamics shape de facto state preferences and decision-making.

South Sudan shares important parallels with Kosovo. First, South Sudan has also experienced a turbulent and bloody history under a central government that has often been oppressive and unresponsive to political requests. Second, it is poor and underdeveloped and, although South Sudan does possess vast oil reserves, it does not possess the infrastructure yet to reap the benefits of its oil. Third, like Kosovo, South

Sudan is landlocked and politically weak. South Sudan's political institutions are neither effective nor stable enough to administer a volatile population. Finally, South Sudan also seceded from the parent state following decades of conflict and civil war. Yet there is an important difference: South Sudan made a genuine effort to preserve the unity of Sudan. One of the goals of this chapter, therefore, is to identify the reasons for South Sudan's willingness to stay in a united Sudan.

South Sudan shares similarities with Iraqi Kurdistan. Historically, the South Sudanese and Kurds endured successive oppressive regimes and undertook military action to gain political and economic rights in their respective states. More recently, South Sudan and Iraqi Kurdistan both agreed to constitutional arrangements with their parent states in 2005. Much like the Iraqi constitution, Sudan's Comprehensive Peace Agreement (CPA) outlined broad political and economic autonomy for South Sudan and provided the South with representation in Khartoum. South Sudan emerged as a de facto state in 2005 with the signing of the CPA that ended the second civil war between Khartoum and the South Sudan. The CPA delineated South Sudan, much like the Kurdish region of Iraq, as an autonomous region with a government, army, and administrative jurisdiction.

However, whereas the Iraqi constitution has preserved the unity of Iraq, the CPA failed to maintain Sudan's unity. One reason for the failure of the CPA is the key difference between South Sudan and Iraqi Kurdistan. The post-2005 Iraq is governed by a new group of political officials following the complete removal of the old regime. In Sudan, however, the old regime persists. To be sure, the Iraqi Kurds are uneasy about a political partnership with officials in Baghdad. However, the removal of the old regime

has made partnership between the Kurds and Arabs a reality that would have otherwise been impossible. The South Sudanese did not have the luxury of forging a political union with new officials in Khartoum. Instead, the South was expected to forge a partnership with a regime that was responsible for the oppression and violence targeted against the South Sudanese. The presence of the old regime in Sudan contributed to the secession of South Sudan.

The chapter will begin with a brief description of Sudan's early history until it gained independence from Britain and Egypt. It will then discuss the events that preceded the two civil wars. By identifying and discussing the root causes of the civil wars, I will demonstrate that the civil wars were a direct result of Khartoum's unwillingness to address the South's political and economic grievances. The objective is to provide context for the secession and to identify the factors that influenced the South's decision to declare independence. In addition, identifying the root causes of the two civil wars will shed light on the South's preference formation and its relationship with the government in Khartoum. It is important to note that the Southerners were demanding federalism throughout Sudan's tumultuous political history. Indeed, South Sudan was always willing to function within a democratic and federal Sudan, one that recognized the South's unique historical, cultural, linguistic, and religious differences. The final sections will provide an explanation for South Sudan's behaviour post-2005. The discussion will highlight Khartoum's unwillingness to uphold a federal Sudan, one that would guarantee the South's autonomy. It will also reveal that domestic factors, both within Sudan and in the South, shaped South Sudan's decision to declare independence. Finally, the

explanation will discuss the role of regional and international actors in contributing to the South's successful secession.

Sudan and South Sudan's Early History

The Sudan is geographically and politically divided between two distinct parts – the North and the South – and it is culturally and religiously divided between the Arab and Islamicized North and the African and largely traditional South.³⁴⁵ Today, the official language of South Sudan is English, but the people can be categorized into three linguistic groups known as the Sudanic, Western Nilotes, and Eastern Nilotes.³⁴⁶ The South is described as self-contained tribes based on linguistic and traditional ties. The 1956 population census of Sudan, conducted by the British, found that 39 percent of the population had Arab ancestry, while 30 percent were Southerners, 13 percent were Westerners (including Darfur and Kordofan), and the remaining 18 percent comprised of Nuba, Beja, Nubians, and foreigners.³⁴⁷

Southern Sudan is often described as a case of 'regional nationalism' as opposed to a movement based on linguistic and ethnic similarities or a shared history.³⁴⁸ That is, the key difference between Northerners and Southerners is that "one group looks primarily towards the Arab Middle East [Egypt] and the other mainly towards Africa south of the Sahara. And yet, although the division between North and South is mainly cultural, differences of culture are not by themselves a complete explanation."³⁴⁹

³⁴⁵ Deng D. Akol Ruay, *The Politics of Two Sudans: The South and the North, 1821-1969* (Nordic Africa Institute, 1994), 12.

³⁴⁶ Edgar O'Ballance, *Sudan, Civil War, and Terrorism, 1956-1999* (London: Palgrave Macmillan, 2000).

³⁴⁷ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan* (London: RoutledgeCurzon, 2004), 29.

³⁴⁸ Richard Gray, "The Southern Sudan," *Journal of Contemporary History* Vol. 6, No. 1 (1971).

³⁴⁹ Richard Gray quoted in Joseph Oduho and William Deng, *The problem of the Southern Sudan* (Oxford: Oxford University Press, 1963), 1.

Northerners and Southerners are distinguished by “a sense of belonging which has its roots in history and is conferred by birth.”³⁵⁰ Abdel Salam Sidahmed and Alsir Sidahmed note that the perception of the Sudan conflict as a struggle between the ‘Arab-Muslim North and the Christian/animist South’ is incorrect.³⁵¹ Instead, they argue that the origins of conflict lie in socioeconomic disparities between the North and the South and the relationship between the Sudanese state and the population in the South.³⁵²

Sudan became a Turko-Egyptian colony in the nineteenth century when Muhammad Ali Pasha, the viceroy of Egypt and later Sudan, conquered much of what is modern day Sudan. Ali Pasha, motivated by the slave trade and finding the source of the Nile, discovered the South late and therefore was unable to thoroughly control it during his reign.³⁵³ From the early to the mid-nineteenth century, Egypt and Europeans vied for influence over the South as both established trading forts and military and commercial networks in the South.³⁵⁴ European missionaries (e.g., Austrians and Italians) and traders, for example, became disillusioned with the South and had to use force and tribal divisions in order to maintain their economic interests.³⁵⁵ Ultimately, Europeans abandoned the South and were replaced by Northern Sudanese and Arabs.³⁵⁶ The South has historically been mistreated relative to the North. For example, although Ismail Pasha, Ali Pasha’s successor, eventually abolished the slave trade following an agreement

³⁵⁰ Joseph Oduho and William Deng, *The problem of the Southern Sudan*, 1-2.

³⁵¹ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 136.

³⁵² *Ibid.*, 137.

³⁵³ Richard Gray, “The Southern Sudan,” 111.

³⁵⁴ Abel Alier, *Southern Sudan: Too Many Agreements Dishonoured* (Exeter: Ithaca Press, 1990), 12.

³⁵⁵ *Ibid.*

³⁵⁶ Deng D. Akol Ruay, *The Politics of Two Sudans*, 25.

between Egypt and Britain in 1877, it was largely ignored in the South because they were viewed as ‘infidels.’³⁵⁷

European powers entered the struggle for South Sudan when Great Britain, France, and Belgium competed for control over the White Nile. Britain’s conquest of Egypt in 1882 meant that it also inherited Sudan.³⁵⁸ Britain hoped that by conquering Egypt it could control the Suez Canal and prevent its European rivals from gaining passage to India and the Far East.³⁵⁹ The Anglo-Egyptian Treaty of 1899 outlined joint authority over Sudan and effectively divided the region between the North and the South.³⁶⁰ The British administration divided the South into three administrative states: Bahr al-Ghazal, Equatoria, and Upper Nile, which were further divided to form the ten states in South Sudan.³⁶¹

Under British administration, the North developed considerably in economic, political, and educational terms while the South languished in underdevelopment.³⁶² British policy in the South focused on “maintaining law and order,” rather than on education and economic development.³⁶³ During this period, the North and South existed as almost two separate entities under British rule. Beshir Mohammed Said, a journalist from the North, suggests that unrest in the South has been a feature of the region since the

³⁵⁷ Deng D. Akol Ruay, *The Politics of Two Sudans*, 25.

³⁵⁸ *Ibid.*, 31.

³⁵⁹ Abel Alier, *Southern Sudan*, 13.

³⁶⁰ Douglas H. Johnson, *African Issues: The Root Causes of Sudan’s Civil Wars* (Bloomington and Indianapolis: Indiana University Press, 2003), 22. Although Britain recognized the Sudan as Egypt’s colony, it retained control over the administration of the Sudan.

³⁶¹ Beshir Mohammed Said, *The Sudan: Crossroads of Africa* (London: Bodley Head, 1965), 33. Fashoda was the original name for Upper Nile and Mongolla was the original name for Equatoria.

³⁶² Scopas S. Poggio, *The First Sudanese Civil War: Africans, Arabs, and Israelis in the Southern Sudan, 1955-1972* (New York: Palgrave Macmillan, 2009), 25.

³⁶³ Joseph Oduho and William Deng, *The Problem of the Southern Sudan* (Oxford: Oxford University Press, 1963), 12; Abel Alier, 18.

presence of European traders and missionaries.³⁶⁴ Said contends that British policy in the South was to “build up a series of self-contained racial or tribal units based upon indigenous customs, traditional usage and beliefs.”³⁶⁵ Such a policy ensured that the South remained politically and economically behind the North, including in political activism and nationalism.

By the 1940s Sudanese nationalists, particularly from the North, demanded Sudanese independence from Britain. Spearheaded by the intelligentsia, Sudanese nationalism first manifested itself in the 1920s and became a powerful force by the end of World War II.³⁶⁶ Britain faced tremendous pressure from Northern Sudanese political parties such as the National Unionist Party (NUP) and the Umma Party to grant Sudan independence.³⁶⁷ Britain eventually acquiesced to Sudanese nationalists, partly to prevent Egypt from regaining control of Sudan.³⁶⁸ Initially the British envisioned two separate Sudans due to the differences in culture and development between the North and the South. However, pressure from both Egypt and Northern Sudanese nationalists, in addition to geographic and economic considerations,, compelled the British to preserve the unification of the South and the North.³⁶⁹

The British Civil Secretary of the Sudan held a conference in Juba in 1947 to ascertain the position of Southerners regarding its position in an independent Sudan.³⁷⁰ Southern representatives were persuaded to assent to the proposed Legislative Assembly

³⁶⁴ Beshir Mohammed Said, *The Sudan*, 29.

³⁶⁵ Sir John Maffey, Governor-General of the Sudan 1926, quoted in Beshir Mohammed Said, *The Sudan*, 34.

³⁶⁶ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 24.

³⁶⁷ Scopas S. Poggo, *The First Sudanese Civil War*, 31.

³⁶⁸ Douglas H. Johnson, *African Issues*, 22.

³⁶⁹ Beshir Mohammed Said, *The Sudan*, 36; Douglas H. Johnson, *African Issues*, 25. Another reason for Britain’s decision, according to Richard Gray, was its desire to control the Suez Canal.

³⁷⁰ Beshir Mohammed Said, *The Sudan*, 46. Eighteen spokesmen and chiefs represented the South.

of an independent Sudan with little information about the nature of the arrangement and without any “special safeguards for the South.”³⁷¹ Southern hopes for special safeguards were reinforced when the North agreed to “specific safeguards for the South” following the Juba Conference.³⁷² Southerners, therefore, were misled as they were made to believe that certain safeguards (i.e., a federal status for the South) would be included in the creation of Sudan’s Legislative Assembly. With the belief that federalism would be constitutionalized, the South’s representatives willingly agreed to a union with the North at the Juba Conference.³⁷³ Abel Alier, a Southern lawyer who was instrumental in pushing the peace agreement between the North and the South in 1972, argues that Southern representatives at the Juba Conference asked that the South be given the “opportunity to prepare herself before joining hands with the North.”³⁷⁴ Rather than providing the South with an opportunity to consider its options, the proposed union moved ahead at a rapid pace with the formation of a 93-member legislative assembly, thirteen of which were from the South.³⁷⁵

During the 1951 Constitutional Amendment Commission, the South had a single representative (Buth Diu Thung of the Liberal Party) whose proposals for Southern safeguards were rejected and, although a provision for safeguards was included in the Draft Constitution, Northerners deleted it at a later conference held in Egypt.³⁷⁶ The agreement between Egypt and Sudan excluded Southern representatives on the grounds that only organized political parties could be invited. Parties such as the NUP and the

³⁷¹ Richard Gray, “The Southern Sudan,” 115.

³⁷² Douglas H. Johnson, *African Issues*, 26; Richard Gray, “The Southern Sudan.”

³⁷³ Beshir Mohammed Said, *The Sudan*, 72.

³⁷⁴ Abel Alier, *Southern Sudan*, 20.

³⁷⁵ *Ibid.*, 21.

³⁷⁶ Deng D. Akol Ruay, *The Politics of Two Sudans*, 66; Douglas H. Johnson, *African Issues*, 26.

Umma Party insisted on the removal of the special safeguards to ensure a strong and centralized Sudan would emerge from independence.³⁷⁷ Elections were held in 1953 to elect the first governing parliament and to implement the Sudanization policy (the process of replacing all foreign governmental and military officials with Sudanese officials) in the lead up to Sudan's independence. Among the parties to compete in the elections were the newly formed Liberal Party, the Umma Party, and the National Unionist Party (which advocated union with Egypt).³⁷⁸ The Liberal Party won a majority of the seats in the South, but the NUP won the largest number of seats and was able to form the government led by Ismail al-Azhari.³⁷⁹ The Liberal Party maintained its calls for the federalization of Sudan throughout the negotiations in the lead up to Sudan's independence.³⁸⁰ Only six months after Sudan's independence, the NUP-led government of al-Azhari was overthrown by a coalition of the Umma Party and the People's Democratic Party (PDP).

The new government was not any more inclusive of the South than the previous government.³⁸¹ For example, the Umma-PDP government passed the federalism issue to a subcommittee of a parliamentary committee (only three members were Southerners) responsible for drafting a constitution. In January 1956, Sudan officially gained independence from Britain without a permanent constitution and with a discontent South. The North repeatedly refused to implement a federal system claiming that federalism

³⁷⁷ Douglas H. Johnson, *African Issues*, 26; Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy* (Trenton: Red Sea Press, Inc. 2007), 44.

³⁷⁸ The Liberal Party was originally called the Southern Party.

³⁷⁹ Douglas H. Johnson, *African Issues*, 27.

³⁸⁰ The Liberal Party held a conference in Juba in 1954 to discuss Sudanization and other issues related to the South. It hoped to continue pressing the North for the adoption of a federal system in Sudan.

³⁸¹ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 45.

would be the first step towards the breakup of Sudan.³⁸² This encouraged the South to become better politically organized and, as a first step, the Southern Federal Party (SFP) was established and competed in the 1957 election.³⁸³ With a growing political consciousness and improved organisation, the South demanded a federal constitution that recognized *both* Christianity and Islam as state religions and Arabic and English as official languages.³⁸⁴ In the next election, the SFP won a majority of the seats in the South and immediately began to push for federalism.³⁸⁵

The unwillingness of Khartoum to accommodate Southern appeals for special safeguards in the form of federalism contributed to growing tensions between North and South. This was exacerbated by the implementation of the Sudanization policy wherein Khartoum appointed an overwhelming majority of Northerners as officials and administrators – even in the South. This policy prompted the South to view Sudan’s independence as the start of its subjugation by the North.³⁸⁶ These developments increased the uneasiness and discontent brewing in the South and resulted in violent demonstrations from Southerners who feared economic and social exploitation.³⁸⁷ The combination of Khartoum’s repressive policies and Southern fears resulted in the first civil war between the regime in Khartoum and the South.

³⁸² Douglas H. Johnson, *African Issues*, 30.

³⁸³ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 45.

³⁸⁴ *Ibid.*, 46.

³⁸⁵ Douglas H. Johnson, *African Issues*, 30.

³⁸⁶ *Ibid.*, 27.

³⁸⁷ Richard Gray, “The Southern Sudan,” 118.

The Origins of South Sudan as a De Facto State

Preferences

South Sudan's preferences were clearly laid out by its political representatives before and immediately after the independence of Sudan. The South Sudanese insisted on federalism and economic development for the South as a precondition for its union with the rest of Sudan. The civil wars between South Sudan and the government in Khartoum were a direct result of Khartoum's unwillingness to equip the South with federalism and economic development. Realist interpretations, however, would frame the general conflict between the South and Khartoum in terms of security and survival. From this perspective, the conflict is a result of the fixed and enduring ethnic differences between the South and the North. The conflict can be explained by the collective fears of the future on both sides. For instance, David Lake and Donald Rothchild argue that conflict occurs when groups fear for their survival and view the other as a threat thereby creating a security dilemma.³⁸⁸ Institutional and economic imperatives are secondary concerns to security and survival. The empirical record outlined below, however, will demonstrate that South Sudan's primary objectives were to obtain political autonomy and economic development within a united Sudan.

From a constructivist perspective, civil wars are a means for ethnic entrepreneurs and elites to advance their particular political and economic interests. Identity and preferences are not inherently given, but rather constructed and exploited for certain ends. This perspective emphasizes the role of agency in promoting and intensifying ethnic differences and the onset of conflict. Based on this approach, officials from the South and Khartoum hijacked ethnic identities and used them to advance their interests. There

³⁸⁸ David A. Lake and Donald Rothchild (eds.), *The International Spread of Ethnic Conflict*.

is little empirical support for this position. South Sudan's preferences were not shaped by ethnic entrepreneurs and politicians, but rather by a collective belief that the South required federalism. The historical record reveals that there was a general consensus amongst the South Sudanese that political autonomy and economic development were imperative for protecting their identity.

Liberalism provides the best account for South Sudan's preferences prior to its emergence as a de facto state. The emphasis on political institutions and economic factors explains the preference formation of the South and provides an explanation for the conflict. Although security is an important consideration, South Sudan's preferences were formed during the negotiation process for independence with the British and the North. Khartoum's unwillingness to provide the South with a federal framework pushed the South to adopt violence. Indeed, the South was effectively shut out from political positions in Khartoum and it was economically underdeveloped. The historical examination will reveal that the South repeatedly and steadfastly requested federalism and economic development as preconditions for a unified Sudan. The historical record will further demonstrate that the civil wars and South Sudan's emergence as a de facto state were not shaped by fixed interests, but rather by unresponsive political institutions and poor economic development.

The First Sudanese Civil War (1955-1972)

One of the root causes of the First Sudanese Civil War was the role of European traders and the presence of the British in the Sudan. Richard Gray argues that "much of the violence which afflicted the Southern Sudan in the nineteenth century was caused

originally not by Northern slavers but by European traders – some of the present difficulties also stem not from Northern attitudes but from British policy.”³⁸⁹ Beshir Mohammed Said argues that missionaries were expelled from Southern Sudan in 1964 because of their tendency to “encourage separatism, inflate racial and religious difference, interfere in politics and, in particular, raise funds and give food and shelter to outlaws. From the very start they were the instrument and tool of the colonialist policy of divide and rule.”³⁹⁰ Said portrays the missionaries as political activists who took it upon themselves to represent the interests of the South because they were unwilling to accept a unified Sudan ruled by the Muslim North.³⁹¹

The British administrators adopted parallel policies of development for the two regions. In the South, tribalism was reinforced and education was offered in the various mother tongues along with English. In the North, Islam and Arabic prevailed.³⁹² Such a policy reinforced the economic and political gap between the South and the North.³⁹³ Because the British believed they had plenty of time to create a more equal basis before unifying North and South, little was done to mitigate the differences and the antagonisms. Instead, the North developed with Islamic and Arabic traditions while the South acquired Christianity and English in addition to its traditional religions and languages. Additionally, the onset of WWII and the pressure from Egypt and the Northern Sudanese for independence prevented the British from achieving some level of equality between North and South.³⁹⁴

³⁸⁹ Richard Gray in Joseph Oduho and William Deng, *The problem of the Southern Sudan*, 2.

³⁹⁰ Beshir Mohammed Said, *The Sudan*, 107.

³⁹¹ *Ibid.*, 108-113.

³⁹² Richard Gray in Joseph Oduho and William Deng, *The problem of the Southern Sudan*, 3-4.

³⁹³ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 39.

³⁹⁴ Richard Gray in Joseph Oduho and William Deng, *The Problem of the Southern Sudan*, 4.

A second cause of the conflict was the creation of an independent Sudan without a political framework that accommodated Southern demands. During the months leading up to Sudan's independence, it became increasingly clear to the South that it would not obtain federal status. In protest, Southern politicians boycotted Sudan's first parliament by vacating their posts in the Legislative Assembly. As a consequence, Northerners, who viewed the North as "inherently superior to the South," dominated Sudan's governmental apparatus.³⁹⁵

The immediate cause of the civil war, however, was the North's unwillingness to provide the South with safeguards in the form of a federal framework and the appointment of Southerners to administrative positions in the South. As an example, of the eight hundred administrative positions recommended for Sudanization, only six minor positions were given to Southerners, which naturally fostered an environment of mistrust and hostility.³⁹⁶ From Khartoum's perspective, Southerners were "not qualified and experienced enough for these posts" and the 'responsibility' for the South's lack of qualification, according to Beshir Mohammed Said, must be placed on the shoulders of the European missionaries and the British administration.³⁹⁷ Said believes that the "political elements" in the South used Khartoum's Sudanization policy as propaganda to 'agitate' and instil fear in the Southern population.³⁹⁸ Dunstan Wai, however, notes that

³⁹⁵ Richard Gray, "The Southern Sudan," 117. This belief is revealed by the social and political practices in Sudan. Gray notes that it is very uncommon for a Northern girl to marry a Southerner, but it is acceptable for Northerners in the South to marry Southern girls. In terms of the political sphere, the North ignores the political aspirations of the South and has refused to reconvene any conferences that treat political parties from the North and the South as equals.

³⁹⁶ Joseph Oduho and William Deng, *The Problem of the Southern Sudan*, 25.

³⁹⁷ Beshir Mohammed Said, *The Sudan*, 74.

³⁹⁸ *Ibid.*, 79.

Southerners viewed their exclusion from administrative posts as a “deliberate and malicious plot” to maintain Northern superiority over the South.³⁹⁹

The two root causes laid the foundations for conflict and several specific incidents sparked violence and a rebellion in the South. First, in July 1955 newly appointed Northern officials dismissed three hundred textile workers in Yambio, Equatoria, which led to widespread protests and incited gunfire from Northern officials.⁴⁰⁰ Second, there appeared a telegram, allegedly from the Prime Minister al-Azhari, that outlined his plans for the South. (The authenticity of the telegram has not been verified.) It read: “To all my administrators in the three Southern provinces: I have just signed a document for self-determination. Do not listen to the childish complaints of the Southerners. Persecute them, oppress them, ill-treat them according to my orders. Any administrator who fails to comply with my orders will be liable to prosecution. In three months’ time all of you will come round and enjoy the work you have done.”⁴⁰¹ Third, the events in Yambio and the distressing telegram contributed to suspicion and apprehension in the South and in particular at the military garrison in Tori, Equatoria. Suspicious and fearful, soldiers of the Equatorial Corps refused to board lorries to ship them North. The mutiny resulted in the killing of Northern officers in August of 1955.⁴⁰² At the same time, there were

³⁹⁹ Dunstan M. Wai, *The African-Arab Conflict in the Sudan* (New York and London: Africana Publishing Company, 1981), 56.

⁴⁰⁰ Scopas S. Poggo, *The First Sudanese Civil War*, 36; Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 57; Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 63-64. This incident led to eight deaths.

⁴⁰¹ Quoted in Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 58. Wai admits that its authenticity could not be established, but it did not matter because it Southerners believed it was authentic.

⁴⁰² Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 65.

mutinies in the Southern towns of Juna, Yei, Yambio, and Meridi resulting in the deaths of 75 Southerners and 361 Northerners.⁴⁰³

The mutinies were eventually settled and many of the Southern soldiers surrendered (and were subsequently tried and killed), but many fled to the bush or crossed international borders.⁴⁰⁴ Britain also played a role in deescalating the conflict. Although it refused to intervene militarily, British officials assisted al-Azhari in restoring order in the South.⁴⁰⁵ Joseph Oduho and William Deng, former South Sudanese politicians and leaders of the Sudan African National Union (SANU) during the First Sudanese Civil War, place a large burden of the blame for the civil war on British shoulders. Oduho and Deng reveal that Southern grievances towards the British stem from two events: first, Britain's intervention in the 1955 mutiny did nothing to resolve the longstanding issues and second, British planes transported Northern troops to the South, which Southerners interpreted as British approval of Khartoum's actions.⁴⁰⁶

This last incident sparked the civil war between the North and the South. Khartoum's decision to occupy the South with Northern troops only exacerbated hostilities following the mistreatment of Southerners at the hands of Northern soldiers.⁴⁰⁷ In addition to political disenfranchisement, the South suffered economically in favour of the North.⁴⁰⁸ The bulk of academic work presents Khartoum as oppressive and brutal in

⁴⁰³ Scopas S. Poggo, *The First Sudanese Civil War*, 37-42; Douglas H. Johnson, *African Issues*, 29; Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 58.

⁴⁰⁴ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 60. Beshir Mohammed Said, however, argues that the mutineers were all given fair trials in open courts. Beshir Mohammed Said, *The Sudan*, 82.

⁴⁰⁵ Douglas H. Johnson, *African Issues*, 28.

⁴⁰⁶ Joseph Oduho and William Deng, *The Problem of the Southern Sudan*, 31.

⁴⁰⁷ Scopas S. Poggo, *The First Sudanese Civil War*, 52-54; Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 68.

⁴⁰⁸ Scopas S. Poggo, *The First Sudanese Civil War*, 55.

its treatment of the Southern Sudanese from 1955 to 1972.⁴⁰⁹ According to academics, Khartoum's actions took the form of arbitrary arrests, torture, the destruction of homes, forced migration of Southerners to the North, and a general policy of subjugation.⁴¹⁰

The political tension and violence undermined al-Azhari's NUP government, which faced an open political challenge from the opposition. In response, al-Azhari moved to officially declare Sudan's independence, but his government continued to face stern opposition from the other parties who sought a 'national government.'⁴¹¹ A PDP-Umma union led by new Prime Minister Abdallah Khalil replaced al-Azhari and his NUP party. Shortly after the 1957 election, all Southern Federal Party (SFP) members resigned from the assembly in protest against the government's unwillingness to meet the South's federal demands. Their spokesman, Saturnino Ohure, addressed the assembly with the following remarks:

The South has no intention of separating from the North for had that been the case nothing on earth would have prevented the demand for separation. The South claims to federate with the North, a right that the South undoubtedly possesses as a consequence of the principle of free self-determination, which reason and democracy grant to a free people. The South will at any moment separate from the North if and when the North so desires, directly or indirectly, through political, social and economic subjection of the South.⁴¹²

In short, although the South was asking for federalism, policies of exclusion would push the South to make separatist demands. By the summer of 1958, however, Sudan's parliament faced dissolution as a consequence of factions within the coalition government. In anticipation of the collapse, Prime Minister Khalil had arranged for the

⁴⁰⁹ Scopas S. Poggo, *The First Sudanese Civil War*; Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*; Douglas H. Johnson, *African Issues*; John Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process* (London: Zed Books, 2012).

⁴¹⁰ Scopas S. Poggo, *The First Sudanese Civil War*, 71-82; Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 76-77; Douglas H. Johnson, *African Issues*.

⁴¹¹ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 73.

⁴¹² Saturnino Ohure quoted in Joseph Oduho and William Deng, *The Problem of the Southern Sudan*, 36.

military to take over the government.⁴¹³ Joseph Oduho and William Deng argue that Khalil's decision to relinquish power to the military was a result of Khartoum's inability to implement a unitary constitution and therefore relied on the military to do so.⁴¹⁴ On 17 November 1958, General Abboud declared a state of emergency. He announced that the parliament and all political parties would be dissolved and gatherings and the media would be banned until order was restored in the country.⁴¹⁵

According to academics, General Abboud's objective was to Arabize and Islamize the South through education and social policies and to eliminate demands for federalism.⁴¹⁶ In response to the state of emergency and oppression of the South, high-profile politicians, including Saturnino Ohure, Joseph Oduho, and William Deng, and large numbers of students fled the South to join other exiles in the bush from 1960 to 1962.⁴¹⁷ These exiles, led by Ohure, Oduho, and Deng, formed the Sudan African Closed Districts National Union (renamed the Sudan African National Union – SANU) to represent the South's economic and political interests.⁴¹⁸ Its main objectives, according to Dunstan Wai, were to publicize Southern Sudan's oppression to the international

⁴¹³ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 74. The ex-Prime Minister Khalil was quoted as saying, "My experience has shown me that this country is not yet ready for democracy; I have therefore decided, at the suggestion of my advisers, to hand the reins of this country to the army; though political parties have now been banned I still believe that the Umma people and the people of the South will work in close co-operation." Quoted in Joseph Oduho and William Deng, *The Problem of the Southern Sudan*, 37.

⁴¹⁴ Joseph Oduho and William Deng, *The Problem of the Southern Sudan*, 38.

⁴¹⁵ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 75; Scopas S. Poggo, *The First Sudanese Civil War*, 59.

⁴¹⁶ Douglas H. Johnson, *African Issues*, 30; Scopas S. Poggo, *The First Sudanese Civil War*, 92; Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 76; Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 85; Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 40.

⁴¹⁷ Douglas H. Johnson, *African Issues*, 31; Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 90.

⁴¹⁸ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 79.

community, in particular the US and the Organization of African Unity (OAU), and to organize a guerrilla movement against Khartoum's oppressive policies.⁴¹⁹

The SANU did not openly voice its desire for the South's independence and instead, it proclaimed 'self-determination' as its objective in order to avoid political backlash from neighbouring states and regional organisations that wanted to maintain the existing borders for stability.⁴²⁰ In 1963 the SANU announced the formation of the "Any-Nya," bands of freedom (and separatist) fighters whose aims were to educate and free the South from the North.⁴²¹ Amidst the military regime, strict political censorship, and Khartoum's repression of the South, the Anya-Nya began its assaults on the government's posts in the South in 1962.⁴²²

The Anya-Nya's activities proved effective at disrupting Sudan's political and economic progress thereby prompting Abboud to launch an inquiry into the conflict.⁴²³ The instability and violence led to increased criticism and dissatisfaction with the military regime, triggering mass demonstrations (especially by students) and a general strike, which ultimately brought down the military regime.⁴²⁴ The Revolution of 1964 forced General Abboud to step down and he was replaced by a transitional national government comprised of the NUP, the PDP, the Umma, and the Islamic Charter Front (ICF), a

⁴¹⁹ Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 90; Scopas S. Poggo, *The First Sudanese Civil War*, 63; Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 80; Douglas H. Johnson, 3.

⁴²⁰ Douglas H. Johnson, *African Issues*, 31-32. It should be noted that the Anya-Nya was not without its own internal divisions. Saturnino's leadership of both the SANU and Anya-Nya was challenged by Joseph Oduho.

⁴²¹ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 81; Richard Gray, "The Southern Sudan," 119. The term 'Any-Nya' refers to the poison of the Gabon viper. The First Sudanese Civil War is also referred to as "Any-Nya 1" or the "Any-Nya Rebellion" after the name of the rebels.

⁴²² Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 92.

⁴²³ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 87.

⁴²⁴ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 88; Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 94.

student organization group formed in the 1960s. The fall of the military regime marked the founding of the Southern Front Party by Southern intelligentsia living in Khartoum.⁴²⁵

The new government of Sudan felt compelled to resolve the conflict with the South by offering amnesty to all Sudanese in exile and called for a conference to settle Sudan's political issues.⁴²⁶ The Round Table Conference of 1965 included all Southern political parties and associations, Northern political parties, and observers from neighbouring states. Its objective was to "discuss the Southern Question with a view to reaching an agreement which shall satisfy the special interests of the South as well as the general interests of the North."⁴²⁷ However, due to intractable differences regarding the status of the South and the actions of the Anya-Nya, the conference abruptly ended in two weeks. In addition, and although both sides agreed that there must be devolution of powers between Khartoum and the South, there was disagreement regarding the prerogatives of each government.⁴²⁸

In 1965 Saturnino Ohure and Joseph Oduho broke away from the SANU, then led by Aggrey Jaden, and established the Azania Liberation Front (ALF).⁴²⁹ However, pressure from South Sudanese intellectuals and students (i.e., Southern Sudan Students Union) compelled the ALF and the SANU to merge into a single entity under the ALF banner and to be led by Oduho and Jaden.⁴³⁰ In 1967, Jaden toured the Equatoria to rally and secure support from the chiefs of the region and other influential South Sudanese officials. Jaden then convened a meeting of three hundred delegates from the South in

⁴²⁵ Scopas S. Poggo, *The First Sudanese Civil War*, 119.

⁴²⁶ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 90.

⁴²⁷ Quoted in Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 94.

⁴²⁸ Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 101.

⁴²⁹ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 101.

⁴³⁰ Saturnino Ohure was killed in Northern Uganda in 1967 by the Uganda government, who viewed Ohure as a threat to its Christian base.

order to form a new government that would lead South Sudan.⁴³¹ It produced the Southern Sudan Provisional Government (SSPG) and merged all the rebel factions under a single entity called the Anya-Nya National Armed Forces (ANAF).⁴³²

The formation of the SSPG was soon followed by the second national convention to discuss the way forward for South Sudan. The SSPG was renamed the Nile Provisional Government (NPG) to be elected in a democratic manner and to protect and advance Southern interests.⁴³³ The election of Gordon Muortat as president led to divisions due to the inequitable distribution of cabinet posts across the three Southern states.⁴³⁴ Despite the progress however, internal divisions and rivalries – this time between Muortat and Joseph Lagu – continued to weaken South Sudan’s liberation movement.⁴³⁵ Ultimately, Muortat dissolved the NPG to make way for Lagu’s Southern Sudan Liberation Movement (SSLM) in 1970.⁴³⁶

North-South relations further deteriorated following the failure of the conference and the inability of the North and the South to come to terms on a political settlement. Following general elections in Sudan, the Umma party and the NUP formed a coalition government led by Mohammed Ahmed Mahgoub.⁴³⁷ The government of Mahgoub adopted a policy of force aimed at “annihilating” the South’s educated class.⁴³⁸ This policy, however, only encouraged more Southerners to migrate into the bush and into

⁴³¹ Scopas S. Poggo, *The First Sudanese Civil War*, 123.

⁴³² Ibid.

⁴³³ Ibid., 126. Oduho and Jaden did not attend the convention.

⁴³⁴ Scopas S. Poggo, *The First Sudanese Civil War*, 127.

⁴³⁵ Ibid., 128.

⁴³⁶ Ibid., 130. The lack of continuity within the South’s political and military organizations speaks to the movement’s ineffectiveness and instability as a result of the leadership’s personal rivalries and ethnic differences. For example, Ohure and Oduho were from the Latuko tribe whereas Joseph Lagu was of the Madi tribe, which often obstructed cooperation between the former with the latter.

⁴³⁷ Lam Akol, *Southern Sudan: Colonialism, Resistance, and Autonomy*, 95.

⁴³⁸ Ibid.

neighbouring countries to join the other refugees. The continued violence and political instability in Khartoum once again compelled the military to overthrow the government. The bloodless coup d'état of 1969 was led by to the formation of the Revolutionary Command Council (RCC) and Colonel Jaafar Mohammed Numayri.⁴³⁹

Colonel Numayri subsequently banned all political parties, suspended the constitution, and dissolved the Supreme Court.⁴⁴⁰ Abel Alier, a member of the Southern Front in Khartoum, advised Numayri that local autonomy for the South would end the violence and create stability.⁴⁴¹ Despite peaceful overtures and calls of amnesty for Southerners abroad from the Numayri government, few Southerners trusted Khartoum. These suspicions were heightened by the delay in the implementation of the local autonomy policy and political instability in the capital. Numayri's regime faced an unsuccessful coup d'état from the Communist Party largely as a result of an intervention from Libya and Egypt.⁴⁴² The failed coup against Numayri's regime and the general unrest in the North, however, pushed the Numayri regime to consider a peace settlement with the South to avoid a two-front war.⁴⁴³ Furthermore, it became increasingly clear to Khartoum and the SSLM that a military victory was unlikely for either side.⁴⁴⁴ In this context, Numayri appointed Abel Alier as the minister responsible for Southern Affairs and in charge of initiating the peace settlement.

⁴³⁹ Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 121.

⁴⁴⁰ Scopas S. Poggo, *The First Sudanese Civil War*, 171.

⁴⁴¹ *Ibid.*, 172.

⁴⁴² Scopas S. Poggo, *The First Sudanese Civil War*, 176.

⁴⁴³ *Ibid.*

⁴⁴⁴ Mohamed Beshir Omer, *The Southern Sudan: From Conflict to Peace* (London: C. Hurst and Company, 1974), 129-130; Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 162.

The peace talks were held in Addis Ababa, Ethiopia beginning in 1971 between the SSLM and representatives of Sudan's central government.⁴⁴⁵ Negotiations were to be conducted with a united Sudan as a precondition. The Southern representatives sought a federal Sudan that would grant the South a regional government and control over other policy areas such as education and trade.⁴⁴⁶ Khartoum, meanwhile, was unwilling to grant such extensive autonomy to the South. Despite the differences, the Addis Ababa Agreement was signed March 1972 and included the following terms. The three Southern states were recognized as a "self-governing" region with legislative and executive bodies. The legislative organ, the People's Regional Assembly (PRA), was to be elected by Southerners and would be responsible for legislating issues outlined in the Addis Ababa Agreement. The executive organ, the High Executive Council (HEC), was to be led by a President appointed by the President of Sudan on the recommendation of the People's Regional Assembly. Juba was the capital of Southern Sudan and the location for the PRA and the HEC and English was the "principal" language of the Southern Region. Finally, the South would host 12,000 officers represented equally by soldiers from the South and the North. This allowed for the integration of Anya-Nya fighters into the Sudanese army.⁴⁴⁷

Prominent Sudanese and South Sudanese experts reacted to the Addis Ababa Agreement with hopeful but cautious optimism. Mohamed Omer Beshir, Sudanese intellectual and chair of the 1965 Round Table Conference, acknowledged that both sides were looking for peace, but warned that the Agreement "was just the beginning of a more

⁴⁴⁵ Abel Alier notes that Addis Ababa was an appropriate venue for the peace talks given that it was the seat of the OAU and the delegates could come and go without much attention.

⁴⁴⁶ Abel Alier, *Southern Sudan*, 99.

⁴⁴⁷ Abel Alier, *Southern Sudan*, 124-145.

difficult and complex task – the promotion of economic and social development in the South and the consolidation of the political unity of the Sudan.”⁴⁴⁸ Writing in 1976, Nelson Kasfir, highlighted the North and South’s commitment to the agreement, but also noted that Southerners remained distrustful of Khartoum and that the “advantages of the Addis Ababa Agreement are withering away, and its legitimacy disappearing.”⁴⁴⁹

Bona Malwal, a Southerner and Numayri’s Minister of Culture and Information, was less optimistic and cited three issues in the Sudan. He argued that the role of Islam in the government could not work in the long-term, that Sudan must allow for a multi-party political system, and that the economy was not benefitting the whole of Sudan.⁴⁵⁰ Douglas Johnson criticized the Agreement for furnishing the South with “qualified legislative authority, poorly defined economic powers, and an ambiguous understanding of the security forces.”⁴⁵¹ Furthermore, the Agreement was unpopular with Northern elites who thought it granted too much autonomy and would encourage separatism in the South.

Despite some reservations, there can be no doubt that the Agreement was welcomed following a costly civil war. Abel Alier, the architect of the Agreement, reveals that the civilian population suffered a majority of the deaths during the first civil war. Alier estimates there were 170,000 to 500,000 civilian casualties compared to 500 to 600 killed soldiers on both sides.⁴⁵² The Addis Ababa Agreement ended the civil war and provided an opening for settling the North-South conflict with a political settlement.

⁴⁴⁸ Mohamed Beshir Omer, *The Southern Sudan: From Conflict to Peace*, 120.

⁴⁴⁹ Nelson Kasfir, “Southern Sudanese Politics Since the Addis Ababa Agreement,” *African Affairs* Vol. 76, No. 303 (April 1977), 166.

⁴⁵⁰ Bona Malwal, *People and Power in Sudan: The Struggle for National Stability* (London: Ithaca Press, 1981), 250-267.

⁴⁵¹ Douglas H. Johnson, *African Issues*, 40.

⁴⁵² Abel Alier, *Southern Sudan*, 261.

Instead, however, the 1972 Agreement turned out to be a temporary solution that failed to address the fundamental and root problems in the Sudan. This is demonstrated by the resumption of the conflict in the 1980s with the onset of the second civil war. The period following the Agreement was expected to provide the South with autonomy and to provide economic development.⁴⁵³ Instead, the autonomy was limited and the South received only fractions of the development budget promised from Khartoum.⁴⁵⁴ Rather than fostering reconciliation and progress, therefore, the period following the 1972 Agreement was characterized by more broken promises and the unwillingness of Khartoum to adhere to the agreement. These issues were exacerbated by the discovery of oil in the South, which contributed to the onset of the second civil war.⁴⁵⁵

The above narrative is intended to demonstrate that South Sudan's primary objective was to attain federalism. Although the 1972 agreement outlined self-government for the South, it did not meet the South's requests and Khartoum reneged on most of the terms outlined in the agreement. Rather than reconciliation, the 1972 Agreement further marginalized the South and fostered an environment of mistrust between the South and Khartoum. Despite its collapse and a second civil war, South Sudan maintained that federalism would be the solution to the conflict. Khartoum's unwillingness to address the South's political and economic grievances resulted in the second civil war and the South's ultimate secession.

⁴⁵³ Øystein H. Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990s* (Uppsala: Nordic Africa Institute, 2005), 25.

⁴⁵⁴ Ibid.

⁴⁵⁵ Asteris Huliaras, "The Unanticipated Break-up of Sudan: Causes and Consequences of Redrawing International Boundaries," *Commonwealth & Comparative Politics* Vol. 50, No. 3 (2012), 257.

The Second Sudanese Civil War (1983-2005)

The discovery of oil in Southern Sudan in 1978 heightened Khartoum's fears regarding the breakup of Sudan. Soon thereafter, President Numayri paid a visit to the US where he also met with Chevron officials to discuss the construction of a pipeline, connected to Port Sudan, to transport the oil from South Sudan to the international markets.⁴⁵⁶ This sparked demonstrations in the South, which believed that the pipeline ought to be connected to Mombasa Port in Kenya. Numayri and the North were infuriated and viewed the issue in terms of North-South divisions.⁴⁵⁷ Abel Alier notes that "oil became a considerable factor in Sudanese politics and contributed in no small way not only to the intensification of North-South conflict but also the internationalization of that conflict."⁴⁵⁸

The discovery of oil and the issues associated with its extraction and revenues contributed to the collapse of the Addis Ababa Agreement and the resumption of violence between Khartoum and Southern rebels in 1983. The issue can be traced back to the financial details outlined in the Addis Ababa Agreement. In the Agreement, all central government revenues from the South, including those generated from natural resources, would fill the Southern government's coffers.⁴⁵⁹ Alier believes that Khartoum could have requested the South to revisit the issue of revenue sharing, but instead it chose to pursue a dishonest policy by altering boundaries so as to annex the oil fields into the North's

⁴⁵⁶ Abel Alier, *Southern Sudan*, 217. The oil wells were called Unity Wells.

⁴⁵⁷ Ibid. Chevron ultimately sided with the central government in order to protect its interests.

⁴⁵⁸ Abel Alier, *Southern Sudan*, 222.

⁴⁵⁹ Ibid., 223. In 1972 when the North agreed to this stipulation there was little indication that the South would be the source of vast natural resources. In fact, Alier argues that Khartoum agreed to the proviso because the South was poor and it believed it would remain poor.

jurisdiction.⁴⁶⁰ Sudan began to export oil in 1999 and significantly increased its production by 2002.⁴⁶¹

The main grievances from the South were Khartoum's interference in the South's political affairs (including the selection of the South's leadership and meddling in the regional assembly), neglecting the South's economic development and connecting the oil pipeline to Port Sudan, and the redrawing of the South's boundaries.⁴⁶² Another contributing factor was Numayri's decision to implement sharia (Islamic law) in the midst of an economic crisis in Sudan.⁴⁶³ It is at this time that we witness the rise of John Garang, a US-educated Southerner and a former Anya-Nya officer, who was integrated into the Sudanese army following the 1972 Agreement. As early as 1982 John Garang and other Southern officials began assisting the Anya-Nya II rebels by providing them with weapons.⁴⁶⁴ Soon thereafter Garang fled to Ethiopia following a clash between the Sudanese army and Southern soldiers in 1983 in the city of Bor, South Sudan.⁴⁶⁵

Like the original Anya-Nya, the new movement faced internal divisions.⁴⁶⁶ Garang's bid to lead the SPLM/SPLA, his Marxist undertones, and commitment to a

⁴⁶⁰ Abel Alier, *Southern Sudan*, 223.

⁴⁶¹ Atta El-Battahani, "The Post-Secession State in Sudan: Building Coalitions or Deepening Conflicts?" in Gunnar M. Sørnbø and Abdel Ghaffar M. Ahmed (eds.), *Sudan Divided: Continuing Conflict in a Contested State* (New York: Palgrave Macmillan, 2013), 33. In 1999 oil exports made up about 7.6 percent of the government's revenue but sharply increased to 44.8 percent by 2002.

⁴⁶² Douglas H. Johnson, *African Issues*, 64.

⁴⁶³ Edgar O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* (London: Macmillan Press, 2000), 131. O'Ballance argues that the issue of Sharia and its application to the South is one of the main barriers to Sudan's unification.

⁴⁶⁴ Douglas H. Johnson, *African Issues*, 61. The original Anya-Nya had been integrated into the Sudanese army following the 1972 Agreement. Rebels from the original Anya-Nya movement established the Anya-Nya II in 1978 as a result of Southern discontent with the 1972 Agreement.

⁴⁶⁵ Abel Alier, *Southern Sudan*, 244-245. Alier reveals that Khartoum used force rather to manage what it perceived as disobedience from Southern soldiers.

⁴⁶⁶ The SPLM/SPLA emerged in 1983 and absorbed the different ethnic and tribal groups, including the Anya-Nya II, of South Sudan into its political and military movement.

united Sudan was supported by Ethiopia and prominent Southern officials in exile.⁴⁶⁷ Garang's leadership was opposed by the old order, which believed that the movement ought to have a political wing and a military wing. Douglas Johnson reveals that the Anya-Nya II initially referred to different rebel groups operating in the South in the early 1980s and it would not have an impact on North-South relations until 1983.⁴⁶⁸ Anya-Nya II was originally comprised of the soldiers who were suspicious of Khartoum and strongly opposed to integration into a common army with Northerners.⁴⁶⁹ As such, many of these ex-Anya-Nya fighters went into exile and by 1983 Southern police and soldiers abandoned their units to join the rebels.⁴⁷⁰ It is important to note that Garang and the SPLM were not demanding independence, but rather the 'liberation' of the whole of Sudan.⁴⁷¹ The second civil war began in April of 1983 with clashes between the SPLA and the Sudanese army along the Sudan-Ethiopia border.⁴⁷²

John Garang outlined the primary cause of the second civil war during his speech following the signing of the Comprehensive Peace Agreement in 2005. Garang said,

In our view the attempt by various Khartoum-based regimes to build a monolithic Arab-Islamic state to the exclusion of other parameters of the Sudanese diversity constitutes the Fundamental Problem of the Sudan and defines the Sudanese conflict. The Sudanese state has excluded the vast majority of the Sudanese people from governance, and therefore their marginalization in the political, economic and social fields. This provoked resistance by the excluded.⁴⁷³

⁴⁶⁷ Abel Alier, *Southern Sudan*, 251-254; Douglas H. Johnson, *African Issues*, 65.

⁴⁶⁸ Douglas H. Johnson, *African Issues*, 60.

⁴⁶⁹ *Ibid.*, 41.

⁴⁷⁰ Abel Alier, *Southern Sudan*, 251; Douglas H. Johnson, *African Issues*, 61.

⁴⁷¹ Abdel Salam Sidahmed, "Institutional Reform and Political Party Engagement: Challenges to Democratic Transformation in post-CPA Sudan." *International Journal of African Renaissance Studies - Multi-, Inter- and Transdisciplinarity* Vol. 5, No. 1 (2010), 29.

⁴⁷² Douglas H. Johnson, *African Issues*, 69.

⁴⁷³ John Garang, "SPLM Chairman's Address to Signing Ceremony of the Sudan Comprehensive Peace Agreement," Nairobi, Kenya: 9 January 2005. Available at: <http://www.splmtoday.com/docs/statements%20and%20speeches/2005%20Garang%20Speech%20CPA%20Signing%20Ceremony.pdf>.

These unfavourable conditions were exacerbated by Sudan's stagnant economy, ongoing political repression, and the escalating civil war. As a consequence, Numayri's regime was overthrown in a military coup d'état that installed Sawar El Dahab.⁴⁷⁴ The military established the Transitional Military Council to rule for a one-year transitional period to be followed by elections. The SPLM, however, refused to end its activities or to participate in the scheduled elections without a constitutional conference.⁴⁷⁵ John Garang explained the South's position with the following words:

...the Central Problems in the Sudanese war are the dominance of One Nationality; the Sectarian and Religious Bigotry that dominated the Sudanese political scene since Independence; and the unequal development in the country...unless the Nationality Question is solved correctly, the Religious bigotry is destroyed and a balanced development for all the regions of the Sudan is struck, war is the only invited option in the Sudan.⁴⁷⁶

Garang and the South were promised a constitutional convention but it never materialized. The frequent broken promises fostered an environment of mistrust between the South and Khartoum and, as we will see, this mistrust was one of the factors that made secession more appealing than a union with Khartoum. The elections of 1986 propelled Sadiq al-Mahdi to power following the formation of a coalition government comprised of the Umma party, the National Islamic Front (NIF), the Democratic Unionist Party, and other smaller parties. Al-Mahdi failed to convene the constitutional convention, refused to repeal Numayri's sharia policy from 1983, and in fact moved closer to the creation of an Islamic state.⁴⁷⁷ It should be noted, however, that the SPLA's

⁴⁷⁴ Douglas H. Johnson, *African Issues*, 70.

⁴⁷⁵ *Ibid.*, 71.

⁴⁷⁶ John Garang quoted in Douglas H. Johnson, *African Issues*, 71.

⁴⁷⁷ Douglas H. Johnson, *African Issues*, 80.

actions contributed to al-Mahdi's decision to suspend the peace negotiations. In August 1986, the SPLA shot down a Sudan Air airplane and killed all 60 civilians.⁴⁷⁸

Like previous governments before him, al-Mahdi's government was fraught with corruption and came under increased criticism by the Sudanese population. Despite its weakness, however, Johnson notes that in 1989 al-Mahdi and the SPLM were moving towards negotiating a peace settlement that was thwarted by the National Islamic Front (NIF) and a group of army officers who staged a coup against al-Mahdi and installed Omar al-Bashir as president.⁴⁷⁹ The new regime was characterized by strong Islamist leanings and sought to implement sharia in Sudan.⁴⁸⁰ Bashir formed the National Congress Party (NCP) following a split with the NIF in 1999, but preserved the NIF's ideology for continuity.⁴⁸¹

In the meantime, the Sudan People's Liberation Army (SPLA) resorted to force in order to maintain the movement's internal order and to prevent a breakup. Douglas Johnson argues that Garang's control over the Sudan People's Liberation Movement (SPLM) and SPLA relied heavily on support from Ethiopia.⁴⁸²

The fall of the Mengistu regime in Ethiopia, therefore, had severe consequences for SPLA's unity and its ability to wage a war against Khartoum.⁴⁸³ The consequences were felt immediately as rival factions (i.e., the SPLA-Nasir led by Riek Machar and Lam Akol) within the SPLA began to break away and challenge Garang's movement. Machar and Akol disagreed with Garang's objective of securing Southern autonomy within a

⁴⁷⁸ Edgar O'Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 156.

⁴⁷⁹ Douglas H. Johnson, *African Issues*, 84-85.

⁴⁸⁰ Atta El-Battahani, "The Post-Secession State in Sudan," 32.

⁴⁸¹ John Young, *The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process* (London: Zed Books, 2012), 44.

⁴⁸² Douglas H. Johnson, *African Issues*, 91.

⁴⁸³ *Ibid.*, 95.

united Sudan and instead called for South Sudan's independence. In addition, Garang faced opposition from factions who perceived the SPLA as Dinka-dominated and a threat to their tribes.⁴⁸⁴ To this end, the Nasir faction allied itself with Khartoum in order to defeat Garang's SPLA and move towards independence. The factionalism within the SPLA resulted in tribal rivalries and violence between the Nuer and Dinka ethnic groups with the Dinka supporting Garang and the Nuer supporting Machar.⁴⁸⁵ As a consequence of its alliance with Khartoum and for its tribalistic structure however, the Nasir movement's support waned.⁴⁸⁶

The peace process stalled due to the instability and the wavering of successive governments in Khartoum.⁴⁸⁷ For example, during negotiations held in Nigeria in 1992, Khartoum rejected Garang's proposal for a secular Sudan and a referendum on the South's future.⁴⁸⁸ One year later, Khartoum offered a federal constitution that did not explicitly refer to Islam as the state religion, but the SPLM rejected this proposal and instead asked for a secular and confederal framework.⁴⁸⁹ The issues of religion and autonomy appeared to be the main obstacles to a permanent solution. Sudan's civil war and the threat it posed to regional security prompted the regional organisation Inter-Governmental Authority on Development (IGAD) to initiate peace talks between the two sides in 1993.⁴⁹⁰ IGAD's initial resolution was accepted by the SPLM but eventually

⁴⁸⁴ Edgar O'Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 162.

⁴⁸⁵ Douglas H. Johnson, *African Issues*, 114.

⁴⁸⁶ As a consequence of the split, the South experienced its own civil war between the Dinka and the Nuer tribes.

⁴⁸⁷ John Young, *The Fate of Sudan* 79.

⁴⁸⁸ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 75; John Young, *The Fate of Sudan*, 82.

⁴⁸⁹ John Young, *The Fate of Sudan*, 82.

⁴⁹⁰ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 76; John Young, *The Fate of Sudan*, 83. Omar al-Bashir promoted the IGAD's peace initiative in order to avoid a UN-sponsored solution

rejected by Khartoum on the grounds that its principles were unacceptable.⁴⁹¹ Four years later Khartoum signed the Khartoum Peace Agreement with Riek Machar's South Sudan Independence Movement and the Fashoda Agreement with Lam Akol's SPLM-United under the auspices of the "peace from within" initiative. Both agreements recognized the South's right to self-determination and would serve as the basis for the Comprehensive Peace Agreement.⁴⁹²

The peace process was then taken up by the US, Britain, Norway, and Italy (referred to as the 'Quartet') with the appointment of US Senator John Danforth as a special envoy.⁴⁹³ IGAD, however, maintained its participation and continued to push for a settlement. Danforth's involvement sparked immediate results beginning with a ceasefire agreement that paved the way for negotiations and greater US involvement.⁴⁹⁴ This was soon followed by the 2002 meeting in Machakos, Kenya wherein the two sides came to an agreement on the role of religion in Sudan and the issue of self-determination.⁴⁹⁵ Under this protocol, the North would adhere to Islamic laws and the South would be secular.⁴⁹⁶

Although some have argued that US and international involvement was driven by the increased production of oil and the desire to isolate Sudan from terrorist organizations, it nonetheless encouraged negotiations and mediated the peace agreement.⁴⁹⁷ The Machakos Protocol on the role of religion was followed by the

⁴⁹¹ The resolution called on Khartoum to establish a secular and democratic constitution, but if it failed to do the South would have the right to self-determination.

⁴⁹² John Young, *The Fate of Sudan* 87.

⁴⁹³ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 80; John Young, *The Fate of Sudan*, 121.

⁴⁹⁴ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 80.

⁴⁹⁵ *Ibid.*, 80.

⁴⁹⁶ Atta El-Battahani, "The Post-Secession State in Sudan," 36.

⁴⁹⁷ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 80; Atta El-Battahani, "The Post-Secession State in Sudan," 35.

Agreement on Wealth Sharing of 2004 and other protocols, including the Power Sharing Protocol, were finalised and signed into the Comprehensive Peace Agreement (CPA) in Nairobi, Kenya in 2005.⁴⁹⁸ The CPA was to be monitored by the United Nations Mission in Sudan (UNMIS). The CPA provided for a six-year interim period that was intended to convince Southerners that Sudanese unity was the best option for moving forward.⁴⁹⁹ Since 2005, therefore, South Sudan can be categorized as a de facto state.

South Sudan's status from 2005 to 2011 fits the definition of de facto state as an entity that controls a defined territory, provides an array of services to the population, and enters into diplomatic and economic relations with other states, but it does not possess de jure recognition. During this time, the Government of South Sudan exercised administrative authority over the political and economic affairs of three historically Southern provinces (i.e., Bahr al-Ghazal, Equatoria, and Upper Nile), which were divided into ten states.⁵⁰⁰ The CPA granted South Sudan autonomy for a six-year transitional period that was intended to convince the South that a federation with Sudan was the most attractive option for the future.

The CPA included six protocols (or chapters) that outlined the political, economic, and security arrangements of Sudan, South Sudan, and other conflict areas including Southern Kordofan and Blue Nile. The Machakos section of the CPA called on all parties to defend the unity of Sudan under a democratic framework that would lead to a 'comprehensive solution' to the political and economic crises in the Sudan and to

⁴⁹⁸ Atta El-Battahani, "The Post-Secession State in Sudan," 36.

⁴⁹⁹ Anthony J. Christopher, "Secession and South Sudan: An African Precedent for the Future?" *South African Geographical Journal* Vol. 93, No. 2 (2011), 128.

⁵⁰⁰ The three provinces were subdivided into states as follows: Bahr al-Ghazal is divided into Northern Bahr el Ghazal, Western Bahr el Ghazal, Lakes, and Warrap. Equatoria is divided into Western Equatoria, Central Equatoria, and Eastern Equatoria. Upper Nile is divided into Jonglei, Unity, and Upper Nile.

address the grievances of the South.⁵⁰¹ The two subsequent clauses, however, equipped South Sudan with self-government and the right to self-determination in the form of a referendum to decide its future.⁵⁰² This process was to be undertaken and implemented during the six-year interim period. Under the power sharing arrangement, Sudan was to establish the Government of National Unity with a “decentralized system of government with significant devolution of powers.”⁵⁰³ The chapter on wealth sharing outlined the principles for distributing Sudan’s wealth and in particular the revenues generated from the South’s oil reserves. Sudan was entitled to 50 percent of the oil revenue generated in the South and the remaining 50 percent belonged to South Sudan.⁵⁰⁴

Ultimately the CPA was a failure.⁵⁰⁵ Explanations for the failure of the CPA include the lack of mutual trust between Khartoum and the South, the exclusion of other groups in the negotiation process (e.g., the negotiations were conducted exclusively with the National Congress Party and the SPLM), and the inability to properly implement the CPA.⁵⁰⁶ For example, the interim period from 2005 to 2011 was marred by “hostility between Sudan and southern Sudan,” including military clashes and political boycott in the National Unity Government by the South.⁵⁰⁷ It should also be noted that the Darfur

⁵⁰¹ The Comprehensive Peace Agreement between the Government of Sudan and the Sudan People’s Liberation Movement/Sudan People’s Liberation Army. Section 1.1 and Section 1.5.2. Available at: <http://unmis.unmissions.org/Portals/UNMIS/Documents/General/cpa-en.pdf>

⁵⁰² The Comprehensive Peace Agreement, Section 1.2 and Section 1.3.

⁵⁰³ The Comprehensive Peace Agreement, Section 1.5.1.1.

⁵⁰⁴ The Comprehensive Peace Agreement, Section 5.6.

⁵⁰⁵ John Young, “Sudan: A Flawed Peace Process Leading to a Flawed Peace,” *Review of African Political Economy* Vol. 32, No. 103 (2005); Guma Kunda Gomey, “Back to War in Sudan: Flawed Peace Agreement, Failed Political Will,” in Gunnar M. Sørbo and Abdel Ghaffar M. Ahmed (eds.), *Sudan Divided: Continuing Conflict in a Contested State* (New York: Palgrave Macmillan, 2013), 204; John young, *The Fate of Sudan*, 181-182.

⁵⁰⁶ Mohamed Salih, “Conflict and Nation Building: Lessons for Darfur from South Sudan,” in Gunnar M. Sørbo and Abdel Ghaffar M. Ahmed (eds.), *Sudan Divided: Continuing Conflict in a Contested State* (New York: Palgrave Macmillan, 2013), 193; Abdel Salam Sidahmed, “Institutional Reform and Political Party Engagement,” 26.

⁵⁰⁷ *Ibid.*, 193.

war, which broke out in 2003 shortly after the Machakos Protocol, disrupted the peace process and took away the international community's attention from the implementation of the CPA.⁵⁰⁸ For these reasons, in 2011 South Sudan was on the brink of seceding from Sudan.

From a theoretical perspective, South Sudan's behaviour and preferences are best explained by liberalism. First, institutional factors and economic incentives played a significant role in shaping the South's preferences and behaviour from the first civil war to 2005. South Sudan repeatedly requested federalism and economic development as conditions for its continued participation in the union. Instead of meeting these requests, Khartoum further marginalized and oppressed the South, a policy that led to two civil wars. Realism and constructivism also offer some insights into the behaviour of South Sudan. First, realist assumptions about the importance of security and survival shed light on the behaviour and preferences of Khartoum and the South. Both actors may have been influenced by security imperatives given the environment of mistrust and the brutal civil war and violence. Finally, constructivism and its emphasis on ethnic entrepreneurs help to explain the behaviour of South Sudanese officials competing for power and influence in South Sudan.

Capabilities

Sudan's two civil wars demonstrate that South Sudan did not possess the power or capabilities to achieve independence. The civil wars were long and drawn out conflicts that pitted South Sudanese armed groups against the regime in Khartoum. Although Khartoum found it difficult to defeat the armed groups, the South Sudanese found it

⁵⁰⁸ Abdel Salam Sidahmed, "Institutional Reform and Political Party Engagement," 26.

equally difficult to extract any meaningful concessions from the central government. The ensuing stalemate culminated in a negotiated settlement to the conflict. South Sudan ultimately became a de facto state through the Comprehensive Peace Agreement (CPA) in 2005. However limited, therefore, South Sudan possessed sufficient capabilities for bringing Khartoum to negotiate and agree to a peace agreement. This achievement supports realist claims about the importance of capabilities for survival. At the same time, South Sudan's decision to accept the CPA was shaped by the promise of autonomy, economic development, and a more democratic Sudan. The CPA contained political institutions and economic incentives that were appealing to the South and which ultimately could have preserved the union of Sudan.

Liberal assumptions related to political institutions and economic factors provide valuable insights into South Sudan's decision to negotiate and accept the CPA. As outlined above, the CPA furnished South Sudan with extensive political and economic autonomy within a united Sudan. This arrangement was sufficient for appeasing the South to maintain de facto status rather than immediately push for independence. Liberalism, with its emphasis on institutional design and economic factors, thus provides the most thorough explanation for the emergence of South Sudan. The next section will further demonstrate the importance of political institutions and economic incentives. The section will reveal that South Sudan held an independence referendum not because it possessed the capabilities or because independence is inherently preferable to de facto statehood, but because Khartoum failed to abide by the rules of the CPA.

The Behaviour of South Sudan

Preferences

South Sudan declared independence 1 July 2011 following a referendum that overwhelmingly supported secession from Sudan. The January 2011 referendum asked the voters of South Sudan to “confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or vote for secession.”⁵⁰⁹

The results of the referendum, monitored by the UN and African Union, demonstrated that Khartoum had failed to convince the South that unity was the best way forward. Approximately 98.8 percent of voters voted in favour of secession and about 97 percent of eligible voters cast a ballot. South Sudan’s secession is viewed as a failure of the Comprehensive Peace Agreement (CPA), which was intended to give unity another chance.⁵¹⁰

Secession was not inevitable. Indeed, contrary to the conventional wisdom in the extant literature, South Sudan supported federalism as a way to maintain the unity of Sudan. John Garang, for one, believed that the solution was an inclusive political system that provided the various regions with autonomy. Garang and the SPLM’s demands indicate that the South was willing to forgo independence and maintain Sudan’s unity under the right conditions. Since the 1980s and the 1990s, Garang and the SPLM called for economic and political equality for all the people of Sudan.⁵¹¹ In his speech following the CPA signing in 2005, Garang said:

The solution to the fundamental problem of Sudan is to evolve an “all-inclusive Sudanese state” which we have called the New Sudan, a “new Sudanese political dispensation” in which all Sudanese are equal stakeholders irrespective of their religion, race, tribe or gender, and if this does not work, then look for other solutions, such as splitting the

⁵⁰⁹ Asteris Huliaras, “The Unanticipated Break-up of Sudan,” 259.

⁵¹⁰ Guma Kunda Gomey, “Back to War in Sudan,” 203.

⁵¹¹ Abdel Salam Sidahmed, “Institutional Reform and Political Party Engagement,” 29.

country...As is the case in the South, the events in Darfur, Eastern Sudan and elsewhere have made it clear that we must have an “all- inclusive Sudanese state” at the national level and full devolution of power to the various regions of the Sudan, for otherwise it is unlikely that the country would stand any chance of remaining united.⁵¹²

Given that Garang and his SPLM were willing to settle for autonomy within a united Sudan, what explains the secession of the South?

The South’s decision to secede from Sudan was strongly influenced by the domestic politics of Sudan and the South Sudan. On the domestic front, Khartoum’s inability or unwillingness to implement the important provisions of the CPA contributed to the secession of the South. Key provisions included the implementation of a federal system, the allocation of resources, a more representative civil service, and a functioning democracy with free and fair elections.⁵¹³ Few of these reforms were implemented and ultimately the CPA functioned as a ceasefire rather than a constitution.⁵¹⁴ Khartoum’s vacillation on implementing democratic practices and the continued violence deepened the mistrust and convinced the South that unity would not work. Asteris Huliaras contends that the breakup of Sudan can be attributed to Khartoum and the NCP’s unwillingness to democratize.⁵¹⁵ This is supported by the SPLM’s suspicions about Khartoum’s ability to democratize and establish a federal and pluralistic Sudan.⁵¹⁶ Brendan O’Leary says, “In Sudan, the South’s potential federalists became committed secessionists because they (correctly) estimated that they faced a central power unwilling

⁵¹² John Garang, “SPLM Chairman’s Address to Signing Ceremony of the Sudan Comprehensive Peace Agreement.”

⁵¹³ Asteris Huliaras, “The Unanticipated Break-up of Sudan,” 261.

⁵¹⁴ Lovise Aalen, “Making Unity Unattractive: The Conflicting Aims of Sudan’s Comprehensive Peace Agreement,” *Civil Wars* Vol. 15, No. 2 (2013), 174.

Asteris Huliaras, “The Unanticipated Break-up of Sudan,” 261.

⁵¹⁵ *Ibid.*, 264.

⁵¹⁶ Brendan O’Leary, “The Federalization of Iraq and the Break-up of Sudan,” *Government and Opposition* Vol. 47, No. 4 (2012), 511.

to make the necessary accommodations to make unity attractive.”⁵¹⁷ This issue was highlighted by the failure of both sides to form a coalition Government of National Unity.⁵¹⁸

The condition of autonomy or a federal framework presupposes that the political system in question is democratic or will transition to a multi-party democracy. There has been little chance for democracy to thrive in Sudan since independence. According to Sidahmed, “there are serious doubts about the NCP’s [National Congress Party] democratic credentials and its commitment to advancing a democratic transformation of the country.”⁵¹⁹ After all, a military regime overthrew a democratic government and has committed human rights violations against the people of Sudan ever since.⁵²⁰ In addition, the historical account of Sudan illustrates its troubled history and unstable political system. Since independence in 1956, Sudan has witnessed three civilian parliamentary administrations (1956–58, 1965–69, and 1986–89) all preceded by a transitional period and three military regimes (1958–64, 1969–85, and 1989–present). As a consequence, say Abdel Salam Sidahmed and Alsir Sidahmed, the government in Khartoum was not able to implement policies that could encourage social, political, and economic development.⁵²¹

Furthermore, the parliamentary governments were plagued by internal disputes that compelled governments to focus on their resources on survival rather than implementing effective governance.⁵²² In addition, the frequency and ease with which

⁵¹⁷ Brendan O’Leary, “The Federalization of Iraq and the Break-up of Sudan.”

⁵¹⁸ Peter Woodward, “Towards Two Sudans,” *Survival* Vol. 53, No. 2 (2011), 5.

⁵¹⁹ Abdel Salam Sidahmed, “Institutional Reform and Political Party Engagement,” 28.

⁵²⁰ *Ibid.*

⁵²¹ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 29.

⁵²² *Ibid.*, 30-35.

military coups occurred displays the weak democratic institutions in Sudan. These facts support the notion that Sudan's post-independence experience is understood as a state of "perpetual turbulence" as it grappled with unstable political regimes and two long civil wars in the South.⁵²³

A second domestic factor that shaped the South's preference for independence was the accidental death of John Garang.⁵²⁴ John Garang, a committed federalist, promoted federalism and the unity of Sudan under the auspices of a 'New Sudan' following the signing of the CPA. Garang believed that South Sudan could prosper in a united, federal, and democratic Sudan that treated all regions and groups fairly. His death paved the way for those, such as Garang's successor Salva Kiir, the former head of the SPLA, who favoured independence.⁵²⁵ Kiir became the leader of South Sudan and Sudan's first Vice-President, but he showed little interest in the unity of Sudan and instead focused on the development of the South.⁵²⁶

Kiir and others, such as Atem Garang, promoted South Sudan's independence to ensure the protection of the South's religious, economic, and political rights. On the domestic front, South Sudan's government urged Southerners to vote for independence in order to end Northern domination. For example, in a 2009 speech in Juba, Kiir proclaimed: "When you reach your ballot boxes the choice is yours: you want to vote for unity so that you become a second class in your own country, that is your choice...If you want to vote for independence so that you are a free person in your independent state, that

⁵²³ Alex de Waal, *Sudan: What Kind of State? What Kind of Crisis?* CSRC Occasional Paper 2 (London: Crisis States Research Centre, London School of Economics, 2007a), 19.

⁵²⁴ John Garang died July 2005. Some within the SPLA believe that Garang's death may not have been an accident, but rather the work of an external force. It is not clear who may have been responsible for, or contributed to, Garang's death.

⁵²⁵ Lovise Aalen, "Making Unity Unattractive," 183.

⁵²⁶ Asteris Huliaras, "The Unanticipated Break-up of Sudan," 262.

will be your own choice and we will respect the choice of the people.”⁵²⁷

A final factor that shaped South Sudan’s preference for independence and decision to secede from Sudan is the presence of the old regime. The case of South Sudan demonstrates that political autonomy is insufficient if the ‘old regime’ (i.e., the regime responsible for oppressing the de facto state and with which the de facto entity has fought a war) holds power at the national level. The presence of the old regime is a bitter reminder of the past, which prevents obstacles to the development of trust between the de facto state and the parent state. For instance, the notion of an autonomous framework for the South was not attractive under the Bashir regime given that it repeatedly disregarded promises of autonomy.⁵²⁸ The presence of the Omar al-Bashir regime contributed to the South’s uneasiness regarding the CPA and the South’s position in Sudan. After all, Bashir was in power for much of the second civil war.

From this perspective, it is not difficult to understand why the South could not trust the regime in Khartoum. There was a certain level of mistrust between the South and the regime in Khartoum that would have been difficult to overcome. Cecil Eprile best sums up the issue of mistrust. He says, “Southerners were to say – with justification – that the North did not keep any promise or give real consideration to the South’s desire for federation. Northerners were to say – also not without justification – that it was never quite clear what was meant by ‘federation’ in the Sudanese context.”⁵²⁹

Realism would argue that South Sudan’s decision to hold a referendum and subsequently declare independence is a response to the security dilemma facing ethnic

⁵²⁷ Reuters, “S. Sudan Makes First Call for Independence,” *Reuters*. 31 October 2009. Available at: <http://www.reuters.com/article/2009/10/31/us-sudan-south-independence-idUSTRE59U1FT20091031>

⁵²⁸ Edgar O’Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 206.

⁵²⁹ Cecil Eprile, *War and Peace in the Sudan, 1955-1972* (Newton Abbot: David & Charles, 1974), 145.

groups in multiethnic states. The two civil wars and the uncertainty of Khartoum's intentions compelled South Sudan to move towards independence rather than settle for autonomy or de facto statehood. The peace settlement could not attenuate the competition for security and the enduring ethnic differences between North and South and, as a result, the preference for independence is fixed. The concept of self-help further compelled South Sudan to pursue independence in order to survive in a system wherein states cannot rely on others for survival. South Sudan demonstrates, however, that an actor's decision-making is influenced by considerations other than security and capabilities. Regional and international factors, domestic politics, and the nature of the parent' state's regime also play a significant role in shaping de facto state preferences.

A constructivist explanation would emphasize the role of elites in pushing South Sudan towards independence. This notion has some support from South Sudan's behaviour from 2005 to 2011. Elites such as Salva Kiir and Atem Garang shifted South Sudan's preference after seizing power. Kiir and Atem Garang believed that independence was the best policy for South Sudan. Certainly elites such as Kiir and Atem Garang benefited from the South's independence. Kiir has been the president of South Sudan since independence and Atem Garang has held various high-ranking governmental positions, including the position of Chief Whip of the South Sudan parliament. Still elites, however, operate within and are constrained by the domestic, regional, and international systems.

Although realism and constructivism provide valuable insights, they cannot fully explain the secession of South Sudan. Liberalism's focus on the role of political institutions, economic incentives, and the domestic political system provides a better

explanation for the South's decision to secede from Sudan. The secession of South Sudan can be explained by three primary factors. First, although the CPA furnished the South with political autonomy, Khartoum's 'history of bad acts' (i.e., violence against and oppression of the South and broken promises) and its unwillingness to undertake meaningful democratic reforms did little to assuage the South's mistrust and suspicions of Khartoum. Second, the internal divisions within South Sudan demonstrate that domestic politics and the struggle for influence and power between actors can shape the preferences and behaviour of actors. Finally, the union with Sudan did not present the South with meaningful economic incentives (This point will be further examined in the next section.)

Capabilities

Like Kosovo, South Sudan did not possess the internal military or political capabilities to secede from Sudan. However, South Sudan did not require military capabilities given that it possessed the legal framework, in the form of the CPA, to secede from Sudan. Still, South Sudan required some degree of capabilities to make the secession successful and peaceful. The South found such capabilities in the form of support from regional and international actors, including neighbouring governments and the US. This support bolstered the South's capabilities and provided the international support necessary for independence.

Neighbouring states played a role in shaping and influencing Sudan's political trajectory since its independence. In the early stages of the first civil war, the international community largely supported the government in the North. Both the

Organization of African Unity and the Arab League supported Khartoum, which they recognized as the legal and legitimate representative of Sudan. These organisations were particularly invested in maintaining the territorial integrity of Sudan: The former had an interest in discouraging other secessionist and nationalist groups, which were quite prevalent in Africa; while the latter remained loyal to its Arab brethren in the North. The major powers also sided with Khartoum in the early stages of the conflict. For instance, the Soviet Union provided substantial military aid to Khartoum. The US publicly stated that it would refrain from becoming directly involved in the conflict, but privately provided support to Khartoum in the form of economic and military aid.⁵³⁰

Although most states openly supported Khartoum, the South also received clandestine support from neighbouring states sympathetic to its cause.⁵³¹ For example, the Sudan African National Union (SANU) was successful in establishing branches in neighbouring Kenya, Ethiopia, and the Congo and an office in the United Kingdom.⁵³² The base in Ethiopia became the most effective. Once it was formed, the SANU initiated a diplomatic effort to garner support from neighbouring African countries and established lobbies in Europe to procure political and financial assistance.⁵³³ When a Soviet-backed military junta, the Derg (*Coordinating Committee of the Armed Forces, Police, and Territorial Army*), came to power in Ethiopia in 1974, the United States took a stronger interest in preserving the stability of Sudan, which it viewed as a regional counterweight to bordering Ethiopia.⁵³⁴ By the 1980s, the US saw Sudan as an important strategic ally

⁵³⁰ Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 135.

⁵³¹ Dunstan M. Wai, *The African-Arab Conflict in the Sudan*, 125.

⁵³² Scopas S. Poggio, *The First Sudanese Civil War*, 116. The SANU, however, faced stiff resistance from Uganda.

⁵³³ Scopas S. Poggio, *The First Sudanese Civil War*, 114.

⁵³⁴ Douglas H. Johnson, *African Issues*, 58.

against Soviet interests in Africa.⁵³⁵ However, by the late 1980s Sudan's importance for Washington declined, as Soviet interests in Africa waned.⁵³⁶

Under the George W. Bush administration, Washington became heavily involved in negotiating a peace settlement during the Second Civil War, in part because doing so was related to the broader war on terror.⁵³⁷ During these negotiations, headed by John Danforth, the irreconcilable differences between the two sides became apparent, as both had become entrenched in their respective positions. Though Asteris Huliaras argues that there "is no evidence that Washington's involvement was accompanied by an agenda favouring partition," American involvement in the conflict is widely seen (especially by the Northern Sudanese) to have facilitated the eventual dissolution of Sudan.⁵³⁸

African governments were more supportive of South Sudan's secession. Uganda openly supported Sudan's breakup in response to Khartoum's support for Uganda's separatist Lord's Resistance Army.⁵³⁹ Ethiopia also responded to Khartoum's support for Eritrea by supporting the SPLM/A. According to Belete Belachew Yihun, Ethiopia played a significant role in contributing to the breakup of Sudan.⁵⁴⁰ Sudan's support for the Eritrean secessionist movement pushed Ethiopia to adopt policies aimed at destabilising Sudan, including "unconditional support to the SPLM/A."⁵⁴¹ In short, Ethiopia's involvement in Sudan's internal affairs and support for the South Sudan contributed to the instability and the secession of the South. Regional and international

⁵³⁵ Abdel Salam Sidahmed and Alsir Sidahmed, *Sudan*, 69.

⁵³⁶ *Ibid.*

⁵³⁷ Following September 2011, the US undertook a broad campaign against terrorism in Afghanistan, the Middle East and North Africa. Sudan became heavily criticized for its purported support of terrorism.

⁵³⁸ Asteris Huliaras, "The Unanticipated Break-up of Sudan," 263.

⁵³⁹ *Ibid.*, 264.

⁵⁴⁰ Belete Belachew Yihun, "Ethiopia's Role in South Sudan's March to Independence, 1955-1991," *African Studies Quarterly* Vol. 14, Issues 1-2 (2013): 35-54.

⁵⁴¹ *Ibid.*, 47.

actors contributed to the secession of the South.

As a result of the tremendous support for the South from regional and international governments, Khartoum had few options for preventing the South from holding the referendum and seceding. Three factors in particular impeded Khartoum from taking action against the South. First, under the CPA, the South was entitled to hold a referendum on independence in January 2011. Second, the regime in Khartoum was under intense pressure from the international community for its human rights abuses (e.g., in 2010 the International Criminal Court issued charges of genocide against Omar al-Bashir) and for its support of terrorism.⁵⁴² Finally, US and broader international support for the South meant that Khartoum had few options in responding to the secession.⁵⁴³

The behaviour of South Sudan also lends support to the hypotheses outlined in this dissertation. Hypothesis one declares that a de facto state will pursue independence when the parent state is unwilling to provide ‘sufficient accommodation’ in the form of political institutions (e.g., autonomy and federalism). The case of South Sudan offers some new insights regarding this hypothesis. The presence of the old regime is a major roadblock to progress and unity for the de facto state and the parent state. In addition, without democracy, the parent state has little chance of convincing the de facto entity to forgo independence.

Hypothesis two states that a de facto state will stop short of independence when it has secured autonomy from the parent state and the de facto status offers more economic and political benefits than full independence. In terms of the political benefits,

⁵⁴² Andrew S. Natsios and Michael Abramowitz, “Sudan's Secession Crisis: Can the South Part From the North Without War?” *Foreign Affairs* (2011): 19-26.

⁵⁴³ Rebecca Hamilton, “U.S. Played Key Role in Southern Sudan’s Long Journey to Independence,” *Pulitzer Center on Crisis Reporting*. 9 July 2011. Available at: <http://pulitzercenter.org/articles/south-sudan-independence-khartoum-southern-kordofan-us-administration-role>.

O'Ballance notes that Khartoum appeared to be willing to grant autonomy under the auspices of the 2005 CPA to the South along the same lines as the 1972 Agreement. However, the South believed that such an agreement was inequitable given that it would have allowed the North to reap economic benefits from the South's natural resources.⁵⁴⁴ As mentioned above, a continued union with Sudan was a political risk that the South was no longer willing to make. In terms of the economic benefits, the South concluded that the union with Sudan would in fact hurt the South's economic development. The South was endowed with vast natural resources, and in particular oil, that it could export. In other words, South Sudan did not believe the CPA advanced its economic and political interests and the union, therefore, did not present the South with any meaningful economic incentives from a weak Sudanese economy.

Appendix II presents the economic performance of Sudan (1994-2012) and South Sudan (2008-2012). The strong growth Sudan experienced from 1999 to 2010 was largely fuelled by oil exports from the South. Since the secession of the South, the World Bank estimates that "oil production has fallen by three quarters, revenues have more than halved and the economy is in recession."⁵⁴⁵ The South also incurred significant economic costs related to its secession following the shutting down of the oil pipelines. However, South Sudan has rebounded strongly in 2013 and its economic outlook is positive for the coming years as oil production resumes to post-shutdown levels.⁵⁴⁶

Khartoum, therefore, offered Juba little economic incentives for maintaining the

⁵⁴⁴ Edgar O'Ballance, *Sudan, Civil War and Terrorism, 1956-99*, 206.

⁵⁴⁵ World Bank, "Sudan Economic Brief: Recent Economic Developments, 2nd Semester 2012." Issue No. 2012-02. December 2012. Available at: http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/02/21/000356161_20130221125126/Rendered/PDF/754930BRI0Suda00Box374332B00PUBLIC0.pdf

⁵⁴⁶ Alex de Waal, "Sizzling South Sudan: Why Oil is Not the Whole Story," *Foreign Affairs* (February 7, 2013).

union. For instance, the CPA stipulated that revenues generated from oil production were to be divided equally between South Sudan and Khartoum following a ‘payment of stabilization.’ That is, as the oil-producing region the South was entitled to an initial two per cent of the oil revenue and the remaining revenue was then to be divided equally between the Government of South Sudan and Khartoum. In addition, the South was entitled to 50 percent of all non-oil revenue collected in Southern Sudan by Khartoum.⁵⁴⁷ The issue is that the South sits atop large quantities of oil reserves. Therefore, a union with the South is economically attractive from Khartoum’s standpoint, but certainly not from Juba’s perspective. The CPA, in effect, took away 50 percent of the South’s oil revenue.

Ultimately, South Sudan’s secession was not inevitable. Indeed, the breakup of Sudan was a direct result of Khartoum’s actions and unwillingness to accommodate the South’s political and economic needs. In other words, the appropriate political institutions and economic incentives would have contributed to the unity of Sudan. The South’s right to secession was grounded on Khartoum’s refusal to make concessions to the South and its failure to uphold the 1972 Addis Ababa Agreement and the 2005 CPA. One could counter argue that the CPA provided the necessary political and economic framework for South Sudan, and yet it failed to stop the South’s secession. However, one of the primary reasons for the collapse of the CPA was the presence of the old regime. The presence of the Bashir regime contributed to a sense of mistrust between Khartoum and the South. The South found it difficult to participate in a union with a regime it could not trust.

⁵⁴⁷ The Cooperation Agreement between the Republic of Sudan and the Republic of South Sudan. Chapter III, Section 7.3.

Conclusion

This chapter has argued that South Sudan's secession from Sudan was the product of political miscalculations from successive regimes in Khartoum. Since independence, the South's requests for political and economic autonomy within a federal Sudan were rejected by oppressive regimes in Khartoum. Decades of political repression and civil war ultimately pushed the South to secession. The chapter relied on empirical and theoretical grounding to make the argument that South Sudan's decision to secede from Sudan was the result of decades of political conflict due to Khartoum's unwillingness to make concessions to the South. Empirically, the chapter outlined the political relationship between the South and Khartoum since Sudan's independence. This historical and political account demonstrates that a political solution was viable in the Sudan, but that instability in Khartoum and the unwillingness of successive governments to furnish the South with autonomy, ultimately led to Sudan's breakup.

Theoretically, the chapter outlined the central assumptions of realism, constructivism, and liberalism in order to explain South Sudan's preferences and behaviour. The chapter concluded that South Sudan's preferences and behaviour were shaped by the absence of political institutions, poor economic development, and the regional and international contexts. The chapter further argued that South Sudan's behaviour was not the product of security imperatives or capabilities, as realists would argue. The explanatory power of realism was strongest in the Kosovo case. Still, realist assumptions also offer some useful insights into the case of South Sudan. At the same time, the two cases demonstrate that the explanatory power of liberalism is increasingly stronger from Kosovo to South Sudan. Where we can really see this explanatory power

of liberalism, and the weakness of realism, is in the Iraqi Kurdistan chapters. Iraqi Kurdistan demonstrates that realism provides a rather weak explanation, while liberalism provides a very powerful explanation. These findings and theoretical ideas will be examined and substantiated in the next chapter with a case study looking at Iraqi Kurdistan.

Chapter 5: Iraqi Kurdistan I

According to the existing literature, the ultimate objective of de facto states is independence. At the same time, parent states want to reintegrate the de facto entity into its territory. The potential outcomes of de facto states, therefore, are limited to secession or reintegration (peaceful or forceful). Existing research takes the preference for independence as fixed and gives little consideration to de facto statehood as a long-term solution. This research asks if there are conditions under which de facto states may forgo independence in favour of the status quo. The primary objective of this chapter is to provide the historical context for the case of Iraqi Kurdistan. The case of Iraqi Kurdistan will further demonstrate that de facto state preferences are neither fixed nor predetermined.

The chapter will proceed as follows. Section one will trace the history of Iraqi Kurdistan beginning with the creation of modern Iraq and the turbulent political relationship between Baghdad and the Kurds. Section two will examine the origins of Iraqi Kurdistan as a de facto state by tracing the history of the Kurds in Iraq, including the two rebellions of 1961 and 1974 and the Kurdish role in the Iran-Iraq War. In order to understand Iraqi Kurdistan's behaviour during this period (1960s to 1990), the section will identify Iraqi Kurdistan's preferences and capabilities before it gained de facto status in 1991. The objective is to determine Iraqi Kurdistan's preference formation and the degree to which capabilities influenced its decision-making (i.e., did Iraqi Kurdistan stay with Iraq because it wanted to or because it had to?).

Iraqi Kurdistan's Early History

Iraq was cobbled together at the end of World War I from three former Ottoman Empire provinces of Mosul, Basra, and Baghdad. According to one source, the British seized control of Basra and Baghdad from the Ottomans and devised an arrangement with Sharif Hussein of Mecca to destabilize the Ottoman Empire. In return for orchestrating an Arab revolt against the Ottomans, Sharif Hussein was promised an Arab state.⁵⁴⁸ Mosul was not mentioned in this agreement.⁵⁴⁹ There is speculation regarding Britain's decision to include Mosul in the Iraqi state. Academics argue that British policymakers did not believe a nascent Iraqi state would be viable without the predominantly Kurdish Mosul province. Mosul province was significant for two reasons. First, its population would counteract the majority Shiite population in Baghdad and Basra, and second, Mosul's oil provided Iraq with economic viability and Britain with a source of oil.⁵⁵⁰ Iraq was comprised of a majority Shiite population in the south, a large Sunni minority in the west, a large Kurdish minority in the north, and other minority groups (i.e., Christians, Jews, and Turkoman) throughout the country. Control over the government apparatus was given to the Sunni minority for its loyalty to the British, which also allowed the British to retain influence in Iraq's policymaking.

From the beginning, therefore, there was little in common between the three major groups in Iraq. In fact, King Faisal of Iraq lamented the lack of an Iraqi identity in the

⁵⁴⁸ Nader Entessar, *Kurdish Ethnonationalism* (Boulder: Lynne Rienner Publishers, 1992), 49.

⁵⁴⁹ Peter Sluglett, *Britain in Iraq: Contriving King and Country* (New York: I.B. Tauris, 2007), 21.

⁵⁵⁰ See Cecil J. Edmonds, *Kurds, Turks, and Arabs: Politics, Travel and Research in North-Eastern Iraq* (London: Oxford University Press, 1957), 400; Stephen Pelletiere, *The Kurds: An Unstable Element in the Gulf* (Boulder: Westview, 1984), 58; Gareth Stansfield, "The Kurdish Question in Iraq, 1914-1974," *The Middle East Online Series 2: Iraq 1914-1974* (Thomson Learning EMEA Ltd, Reading, 2006); and Michael Gunter, *The Kurds Ascending: The Evolving Solution to the Kurdish Problem in Iraq and Turkey* (London: Palgrave Macmillan, 2011), 13.

early 1930s. Faisal believed that the missing Iraqi identity and the divisions between the Shiites, the Sunnis, and the Kurds would make governance difficult. In his words:

This government rules over a Kurdish group most of which is ignorant and which includes persons with personal ambitions who call upon this group to abandon the government because it is not their race. [It also] rules a Shia plurality which belongs to the same ethnic group as the government. But as a result of the discriminations which the Shiis incurred under [Sunni] Ottoman rule which did not allow them to participate in the affairs of government, a wide breach developed between these two sects. Unfortunately, all of this has led Shiis...to abandon a government which they consider to be very bad...I say with my heart full of sadness that there is not yet in Iraq an Iraqi people.⁵⁵¹

These divisions presented problems for King Faisal immediately following the creation of Iraq, a process that had failed to satisfy the political needs of the Shiites and the Kurds. For example, the 1920 Treaty of Sèvres between Britain and Turkey contained two articles relevant to the Kurdish question. Articles 62 and 64 outlined the provisions for the creation of an independent Kurdish state carved out of territory from modern-day Turkey and including “areas lying east of the Euphrates, south of the southern boundary of Armenia...and north of the frontier of Turkey with Syria and Mesopotamia.”⁵⁵² However, these were never honoured. A three-member delegation from Europe was to draft a treaty in order to implement this article. The 1920 treaty, however, was replaced by the 1923 Treaty of Lausanne, which made no mention of the Kurdish question. An effective Kurdish response to the post-World War I developments was impossible due to the geographically divided and tribal Kurdish society. The educated and politically conscious groups in Kurdish society emerged only after Britain had committed Mosul, and the Kurds, to Iraq.⁵⁵³ Since its inception, Iraq has been divided by what Ofra Bengio

⁵⁵¹ King Faisal quoted in Edmund Ghareeb, *The Kurdish Question in Iraq* (Syracuse: Syracuse University Press, 1981), 2.

⁵⁵² The Treaty of Sevres, 1920. (http://wwi.lib.byu.edu/index.php/Section_I%2C_Articles_1_-_260).

⁵⁵³ David McDowall, *A Modern History of the Kurds* (London: I.B. Tauris, 2004), 151.

calls “a clash between two national movements – the Iraqi Arab and the Kurdish.”⁵⁵⁴ Whereas Baghdad preferred a centralized Iraq, the Kurds, from the beginning, demanded self-government.

Kurdish opposition to a centralized Iraqi state manifested as early as 1918 with Shaikh Mahmud Barzanji, the British appointed governor of the Kurdish areas around Sulaymaniya.⁵⁵⁵ Barzanji attempted to extend his power, against British directives, over the whole of Mosul province, only to be defeated by the British.⁵⁵⁶ Although unsuccessful, Barzanji’s rebellion provided fodder for Kurdish nationalists in Iraq. In particular, the Kurds did not welcome an Arab government that would attempt to impose its will on Kurdish tribes. Indeed, David McDowall recounts a clash from 1927 between Baghdad and Shaikh Ahmad of Barzan who resented governmental intrusion into his territory and tribal affairs.⁵⁵⁷ Following two unsuccessful military incursions into Barzan, Iraqi forces, along with British air support, finally occupied Barzan in 1932. Shaikh Ahmad fled to Turkey, but his brothers Muhammad Sadiq and Mulla Mustafa, continued the Barzan rebellion against Baghdad and the British.⁵⁵⁸ Although this battle was between the Barzan tribe and Baghdad, it set the stage for the Barzanis to take up the Kurdish struggle.

Baghdad believed it could ignore the Kurds and their demands for linguistic and political rights because of their apparent disorganization and division.⁵⁵⁹ This was largely true until the 1930s when a class of educated Kurdish professionals actively promoted

⁵⁵⁴ Ofra Bengio, *The Kurds of Iraq: Building a State Within a State* (Boulder: Lynne Rienner Publishers, 2012), 11.

⁵⁵⁵ Michael Gunter, *The Kurds Ascending*, 12.

⁵⁵⁶ Gareth Stansfield, “The Kurdish Question in Iraq, 1914-1974.”

⁵⁵⁷ David McDowall, *A Modern History of the Kurds*, 178.

⁵⁵⁸ Edmund Ghareeb, *The Kurdish Question in Iraq*, 32; David McDowall, *A Modern History of the Kurds*, 180.

⁵⁵⁹ David McDowall, *A Modern History of the Kurds*, 288.

Kurdish nationalism.⁵⁶⁰ Baghdad's oppressive policies encouraged young Kurdish professionals to organize into groups and societies.⁵⁶¹ The educated class, however, was small and its societies were unable to attract the larger tribal and rural Kurdish populations. Iraqi Kurds became increasingly vociferous in the 1930s and 1940s to oppose Baghdad's policies and expressed their right to self-determination.⁵⁶² These developments coalesced in the early 1940s with a conflict between the Barzani tribe and the government in Baghdad. Mulla Mustafa Barzani's escape from detention in Sulaymaniya prompted Baghdad to issue an ultimatum for Barzani to turn himself into Baghdad.⁵⁶³ Following several failed attempts at rapprochement from 1943 to 1945, Baghdad decided to launch a military assault against Mustafa Barzani and his alliance of tribes.⁵⁶⁴ The government was unable to capture Barzani, but it did succeed in driving him out of Iraq and into exile in Mahabad, Iran.

Barzani's two years in exile in Iran were formative for his personal development and for Kurdish nationalism. Barzani's Kurdistan Democratic Party (KDP – originally called the Kurdish Democratic Party) of Iraq was established as a branch of the KDP-Iran after the collapse of the Mahabad Republic in 1946.⁵⁶⁵ Mahabad, a city in Iran with a majority Kurdish population, fell to Kurdish nationalists of Iran with Soviet backing following the Soviet's occupation of northwestern Iran.⁵⁶⁶ The Kurds of Mahabad established the KDP-Iran in 1945 and with Soviet support, the Kurdish Republic of

⁵⁶⁰ Edmund Ghareeb, *The Kurdish Question in Iraq*, 33; David McDowall, *A Modern History of the Kurds*, 288.

⁵⁶¹ David McDowall, *A Modern History of the Kurds*, 289.

⁵⁶² Gareth Stansfield, "The Kurdish Question in Iraq, 1914-1974."

⁵⁶³ Edmund Ghareeb, *The Kurdish Question in Iraq*, 34; David McDowall, *A Modern History of the Kurds*, 290.

⁵⁶⁴ David McDowall, *A Modern History of the Kurds*, 293.

⁵⁶⁵ The name was changed to the Kurdistan Democratic Party to encourage non-Kurdish citizens in the Kurdish region to participate.

⁵⁶⁶ Nader Entessar, *Kurdish Ethnonationalism*, 17.

Mahabad was declared in 1946.⁵⁶⁷ Although Mahabad's independence was short-lived (less than one year), its establishment was nonetheless significant for Kurdish nationalism. First, the struggle for Mahabad encouraged the formation of the KDP in Iran and subsequently in Iraq. The KDP has been one of the principal political parties, along with the Patriotic Union of Kurdistan (PUK), for advancing Kurdish nationalism in Iraq. Second, Mulla Mustafa Barzani emerged as a key figure during the struggle to defend the republic, whereby he established himself as a hero and the leader of the Kurdish nationalist movement in Iraq.

However, Barzani's time in Mahabad revealed that Kurdish nationalists would find it difficult to organize under one umbrella. For example, Barzani's relationship with Qazi Muhammad, the leader of the KDP-Iran, became increasingly strained and eventually resulted in an uncooperative alliance.⁵⁶⁸ The discord between Barzani and the KDP-Iran encouraged Barzani to create the KDP in Iraq.⁵⁶⁹ The emergence of the KDP provided Iraqi Kurds with a voice for their political and economic grievances.⁵⁷⁰ The Kurdistan Democratic Party of Iraq held its first congress in Baghdad on 16 August 1946 and elected Mustafa Barzani as its president-in-exile.⁵⁷¹ The KDP grew in popularity and attracted a large membership, including leftist elements, under the leadership of Ibrahim Ahmed.⁵⁷² The party functioned with Barzani in exile for the better part of a decade.

⁵⁶⁷ James Ciment, *The Kurds: State and Minority in Turkey, Iraq and Iran* (New York: Facts On File, 1996), 65.

⁵⁶⁸ Kerim Yildiz, *The Kurds in Iraq: The Past, Present and Future* (London: Pluto Press, 2007), 15-16.

⁵⁶⁹ David McDowall, *A Modern History of the Kurds*, 295-296.

⁵⁷⁰ Edmund Ghareeb, *The Kurdish Question in Iraq*, 36.

⁵⁷¹ Kurdistan Democratic Party, "Founding of the Kurdistan Democratic Party." Translated from Kurdish. Available at: <http://www.kdp.info/p/p.aspx?p=15&l=16&s=040100&r=365>

⁵⁷² David McDowall, *A Modern History of the Kurds*, 297.

For his involvement in the Mahabad Republic, the government in Iran wanted to capture and punish Barzani for treason. As a result, Barzani and his close followers were forced into exile in the Soviet Union.⁵⁷³ Despite his absence, Barzani always maintained a strong grip on his position as the president of the KDP. It is not clear how Barzani spent his time in the Soviet Union, but he became increasingly popular in Iraq and his movement gained significant support during his absence.⁵⁷⁴ In fact, he gained legendary status among the masses and solidified his dominant position as the leader of not only the KDP, but also the Kurdish nationalist movement in Iraq.⁵⁷⁵

During Barzani's exile in the Soviet Union, intellectuals such as Ibrahim Ahmed led the newly formed KDP-Iraq.⁵⁷⁶ Initially, Barzani faced some internal opposition from top party officials, but his reputation and strong following allowed him to consolidate control over the party. Individuals such as Ibrahim Ahmed and Jalal Talabani eventually acquiesced to Mustafa Barzani's tight control. Barzani's desire for total control over the KDP, however, would lead to discontent and ultimately a split between those who supported Barzani and those who supported Ahmed and Talabani. At the time, however, Barzani needed an organization and the KDP needed a strong leader, which led to a "marriage of convenience" between the intellectuals on the one hand, and Barzani and the masses, on the other.⁵⁷⁷ The KDP seized upon the economic discontent of the 1950s to

⁵⁷³ Edmund Ghareeb, *The Kurdish Question in Iraq*, 36.

⁵⁷⁴ Some believe that Barzani undertook military training and sent propaganda broadcasts to Iraqi Kurdistan. A more conspiratorial belief holds that Barzani became a KGB agent acting covertly in the interest of the Soviet Union. See Kamal Said Qadir, "The Kurds and the KGB: The Secret History of the Barzani Dynasty," *Anti War* (August 31 2006).

⁵⁷⁵ Dana Adams Schmidt, *Journey Among Brave Men* (Boston: Little, Brown and Co., 1964), 104.

⁵⁷⁶ Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy* (London: RoutledgeCurzon, 2003), 66.

⁵⁷⁷ Edmond Ghareeb, *The Kurdish Question in Iraq*, 39.

increase its size and support base.⁵⁷⁸ Although Iraq benefitted from oil revenues, little of it reached the lower segments of society.⁵⁷⁹ Hoping to improve their socioeconomic welfare, many Kurds from the rural areas joined the KDP. Barzani returned from exile to a transformed KDP in 1958.

On 14 July 1958, the Free Officers, a group of military officers, overthrew the Iraqi monarchy in a coup d'état and established a republic. The Free Officers, led by Brigadier Abdul Karim Qassem, hoped to rebuild a democratic and more tolerant Iraq that was no longer subservient to British influence. Although the group was mostly Sunni, its members cut across ethnic and religious lines in an effort to promote pan-Arab nationalism in line with the pan-Arabists in Egypt and Syria. Despite their apparent pan-Arabism, the Free Officers were also in contact with the KDP before the coup to further their support base.⁵⁸⁰ Kamiran Berwari, academic based in Iraqi Kurdistan, notes that Kurds were hopeful that the republic would provide Kurds with the political space necessary to participate in Iraq. He says, "The 1958 revolution changed the Kurdish situation in Iraq. Iraq transformed from a monarchy to a republic and this change opened the political space for the Kurds to openly debate political issues, Kurdish officials returned to Baghdad, and Mulla Mustafa Barzani returned to Iraq from the Soviet Union."⁵⁸¹ Indeed, the Iraqi republic recognized the Kurds and Arabs as partners and, as a sign of goodwill, Qassem pardoned Mustafa Barzani and released many Kurds from prison.⁵⁸²

⁵⁷⁸ Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 66-67.

⁵⁷⁹ *Ibid.*, 66.

⁵⁸⁰ *Ibid.*, 67.

⁵⁸¹ Author Interview with Kamiran Berwari, Professor at the University of Duhok. Duhok, Iraq. 31 May 2013.

⁵⁸² Edgar O'Ballance, *The Kurdish Struggle, 1920-94* (New York: St. Martin's Press, 1996), 36.

The period of cooperation between Baghdad and the Kurds was short-lived, as relations between the KDP and Qassem soon deteriorated. Perhaps the main reason for the fallout was Qassem's uneasiness about Barzani's and the KDP's growing popularity and Kurdish demands for autonomy.⁵⁸³ By 1960, Qassem sought to undermine Mustafa Barzani's growing strength by arming Barzani's tribal enemies and encouraging conflict between them.⁵⁸⁴ In 1961, when Barzani requested autonomy for the Kurdish region, Qassem rejected Barzani, pushing the Kurds and Baghdad to the brink of war.⁵⁸⁵ The war between Baghdad and its Kurdish population was the first outbreak of large-scale violence between the two groups and set the stage for decades of conflict and on-again, off-again violence. The next section will outline the wars and their significance in shaping the Kurdish relationship with Baghdad.

The Origins of Iraqi Kurdistan as a De Facto State

Preferences

This section will outline Iraqi Kurdistan's position in Iraq from the early 1960s to the early 1990s in an effort to identify Kurdish preference formation. More specifically, the section will explore the following question: What accounts for the preference formation of the Kurds during this period? The September 1961 revolt was initially sparked by clashes between tribes and the Qassem government. Landowners and tribal aghas (leaders) opposed Qassem's Agrarian Reform Law, which was aimed at reducing the

⁵⁸³ See Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 68; David McDowall, *A Modern History of the Kurds*, 302-303.

⁵⁸⁴ Edgar O'Ballance, *The Kurdish Revolt, 1961-1970* (London: Faber and Faber Limited, 1973), 69; David McDowall, *A Modern History of the Kurds*, 307.

⁵⁸⁵ Edmund Ghareeb, *The Kurdish Question in Iraq*, 38.

wealth and power of the land owning tribes.⁵⁸⁶ Landlords and aghas in the Kurdish areas rebelled against the reform law in order to maintain their advantageous position. Barzani and the KDP were eventually pulled into the conflict following inter-tribal fighting between the Barzanis and government-backed tribes, but also due to Qassem's decision to bomb the Barzanis.⁵⁸⁷ Barzani's involvement in the revolt was more circumstantial than calculated.⁵⁸⁸ Mustafa Barzani attacked Qassem's weakened tribal allies and secured control of the Kurdish region. In response to an ambush on an Iraqi military convoy by one of Barzani's allies, Qassem retaliated with airstrikes against Kurdish rebels, including Barzani and his village.⁵⁸⁹

On September 24 Qassem banned the KDP and thereby forced it into rebellion. The war between the rebels (comprising tribes and the KDP) and Baghdad was characterized by intermittent clashes over a period of three years without a decisive winner. In an effort to break the deadlock, Qassem offered full amnesty for the rebels and economic development for the Kurdish region.⁵⁹⁰ Barzani countered that Kurdish autonomy must be entrenched in the Iraqi constitution as a precondition to a ceasefire.⁵⁹¹ In fact, Barzani publicized his demands in order to demonstrate that the Kurds were demanding autonomy, not independence.⁵⁹² Qassem refused Barzani's demands.

The war continued until the Baath party overthrew Qassem's regime in 1963. The Baath party in Iraq was an offshoot of the Baath party in Syria, founded by Michel Aflaq, a Syrian Christian, and Salah Baitar, a Sunni. The party was founded on the

⁵⁸⁶ See Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 69; David McDowall, *A Modern History of the Kurds*, 306.

⁵⁸⁷ Edgar O'Ballance, *The Kurdish Revolt, 1961-1970*, 74.

⁵⁸⁸ *Ibid.*, 47.

⁵⁸⁹ David McDowall, *A Modern History of the Kurds*, 310.

⁵⁹⁰ *Ibid.*, 312.

⁵⁹¹ Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 51.

⁵⁹² *Ibid.*

ideology of pan-Arab nationalism and socialism and it sought to unite all Arabs regardless of their religion or ethnicity. It emerged in Iraq in the late 1940s and grew significantly in the early to mid-1950s. Its first major political undertaking was a small part in the 1958 revolution that overthrew the monarchy. The Baathists disapproved of Qassem's policies and turned their efforts to assassinate him. David McDowall notes that the KDP agreed not to attack the Iraqi army while the Baath concentrated its efforts on a coup against Qassem in Baghdad.⁵⁹³ The 1963 coup propelled the Baath party into power with Ahmad Hasan al Bakr as the Prime Minister and Saddam Hussein as an emerging figure of the party. The Baathist government was short-lived, as Abdul Salam Arif ousted it from power in November of 1963.⁵⁹⁴

During this time, Barzani unilaterally negotiated a ceasefire with Arif that worsened the divisions between Barzani and Ahmed and Talabani.⁵⁹⁵ Barzani's decision not to consult with other party leaders, especially the likes of Ahmed and Talabani, split the KDP between Barzani's faction and those who wanted more consensus in the party's decision making. These disagreements highlighted the internal divisions within the KDP. The divisions were exacerbated by disagreements between the tribal elements, led by Barzani, and the urban intelligentsia, led by Ahmed and Talabani.⁵⁹⁶ Barzani and his supporters hoped to create a party that was loyal to the leader and therefore could not tolerate individuals such as Ahmed and Talabani who hoped to create a party that was more modern and consensual. The split was a consequence of the power struggle

⁵⁹³ David McDowall, *A Modern History of the Kurds*, 313. The Baathists failed to assassinate Qassem in a 1959, but continued their assault on the government in Baghdad until the 1963 coup.

⁵⁹⁴ Edmund Ghareeb, *The Kurdish Question in Iraq*, 40.

⁵⁹⁵ Ibid.

⁵⁹⁶ The divide between Barzani, on the one hand, and Ahmed and Talabani, on the other, was further exacerbated by their linguistic differences. Whereas Barzani originated from the Kurmanji (or Bahdinan) region, Ahmed and Talabani were from the Sorani region of Sulaymaniya.

between traditional (Barzani) and the modern (Ahmed and Talabani) elements in the KDP. The rift was serious enough that Ibrahim Ahmed and Jalal Talabani attempted to remove Barzani as party leader.⁵⁹⁷ By that time, however, Mulla Mustafa Barzani had a firm hold on the KDP to the point that he expelled Ahmed and Talabani and their followers from the party.⁵⁹⁸

Barzani was unable to reach an agreement with Arif and as a consequence the Kurds and Baghdad engaged in skirmishes throughout the 1960s. Arif died in a plane crash and was succeeded by his brother Abdul Rahman Arif in 1966. With help from military officials, the Baath party removed Rahman Arif from power in a bloodless coup in 1968.⁵⁹⁹ It should be noted that although the Baath party in Iraq came to be dominated by Sunnis, it was not always the case. In fact, the early Baath party in Iraq included members of all religious and ethnic groups, but became Sunni-dominated over time as Shiites associated pan-Arabism with Sunni Arabs. As a result, there is a tendency to view the Baath rule in Iraq in terms of Sunni ideology, but this is not completely accurate. Although it is true that the Baath party came to be controlled by Sunnis, the party's official ideology was always pan-Arabism and socialism.

The Baathists believed that their socialist, humanitarian, and non-ethnic and non-sectarian principles provided the foundations for negotiating peace with the Kurds.⁶⁰⁰ More practically, however, the Baath Party understood that it had to settle domestic

⁵⁹⁷ Michael Gunter, *The Kurds of Iraq: Tragedy and Hope* (New York: St. Martin's Press, 1992), 23-24. Edmond Ghareeb, *The Kurdish Question in Iraq*, 40-41.

⁵⁹⁸ Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 73-74.

⁵⁹⁹ Edmond Ghareeb, *The Kurdish Question in Iraq*, 71. Behind closed doors Barzani expressed his reservations about accepting the terms of this agreement. Barzani is quoted as saying, "At first they (Baathists) came to us and said, 'We will grant you self-rul.' I said this was a ruse. I knew it even before I signed the agreement. But (our) people asked me, 'How can you refuse self-rule for the Kurdish people?' Mulla Mustafa Barzani quoted in Edmond Ghareeb, *The Kurdish Question in Iraq*, 89.

⁶⁰⁰ Ofra Bengio, *The Kurds of Iraq*, 34-35; Edmond Ghareeb, *The Kurdish Question in Iraq*, 82.

issues in order to effectively confront regional threats (i.e., Iran and Israel) and to promote its vision of pan-Arab nationalism.⁶⁰¹ Following several rounds of negotiations and provisional agreements, the KDP and the Baath government signed an accord that ostensibly met the demands of the Kurds.

The 1970 March Manifesto, negotiated by KDP officials and Saddam Hussein, outlined the political and social rights of the Kurds in Iraq. The most important articles of the agreement included the linguistic rights, governmental posts for the Kurds, governmental officials in Kurdish areas would be Kurdish, the Iraqi constitution would recognize the Kurds as an official nationality, and the Kurds would be furnished with self-government in areas with a majority Kurdish population.⁶⁰² In short, the agreement provided the Kurds with political autonomy – in addition to economic development – and assurances of cultural and linguistic protection.

Despite the promise of a lasting peace, broken promises from both sides ultimately led to the collapse of the March Manifesto of 1970. Barzani demanded increased military and political freedom for the Kurds and demanded the removal of all Iraqi army contingents from the Kurdish region.⁶⁰³ The Baathists refused to implement the Manifesto due to disputes over the Kurdish region's territorial delineation.⁶⁰⁴ The most significant dispute centered on the city of Kirkuk. Kirkuk, then as now, is a main source of tensions between the Kurds and Baghdad. For instance, in the 1970s the

⁶⁰¹ Edmund Ghareeb, *The Kurdish Question in Iraq*, 83.

⁶⁰² David McDowall, *A Modern History of the Kurds*, 328.

⁶⁰³ Ofra Bengio, *The Kurds of Iraq*, 54; Edmond Ghareeb, *The Kurdish Question in Iraq*, 105. It should be noted that Iran and the US also encouraged the Kurds and Barzani to make greater demands against Baghdad in order to protract the conflict.

⁶⁰⁴ Nader Entessar, *Kurdish Ethnonationalism*, 72.

Baathists altered the demographics of Kirkuk to increase the Arab population so that it would not fall under Kurdish control.⁶⁰⁵

In addition, Edgar O'Ballance notes that while Baghdad accused Barzani of collaborating with Iran, Barzani, in turn, accused Baghdad of increasing its army presence in the Kurdish region, which contravened the agreement.⁶⁰⁶ Edmund Ghareeb argues that the prospect for a permanent peace and the implementation of the 1970 accord did not come to fruition partly due to the meddling of Iran, Israel, and the US, all of whom aided and encouraged Barzani to capture all Kurdish territories and to secure further concessions from Baghdad.⁶⁰⁷ The US, with encouragement from its ally the Shah of Iran, supported the Kurds against the Baathist regime, which was hostile to US interests in the region and receiving support from the Soviets. Iran, in particular, was heavily involved in aiding the Kurds against Iraq to weaken the regime in Baghdad. Iran and Iraq shared a mutual animosity for each other and Iran hoped to use the Kurds as a proxy to destabilize Iraq. The animosity had more to do with geopolitical factors and regional competition rather than the religious differences between the Sunni-dominated regime in Iraq and the majority-Shiite Iran.

Iran's suspicions increased when the Baathists, who wanted to spread their idea of pan-Arabism in the Persian Gulf, seized power in Baghdad.⁶⁰⁸ Iran sought to establish itself as the major power in the region and therefore aided the Kurds to weaken Iraq.⁶⁰⁹ Iran's support to Barzani and the Kurds angered Baghdad and engendered a fear amongst

⁶⁰⁵ Human Rights Watch, *Iraq: Forcible Expulsion of Ethnic Minorities*, Vol. 15, No. 3(E), March 2003. Available at <http://www.hrw.org/reports/2003/iraq0303/Kirkuk0303.pdf>, 9.

⁶⁰⁶ Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 92.

⁶⁰⁷ Edmund Ghareeb, *The Kurdish Question in Iraq*, 105. Also see Ofra Bengio, *The Kurds of Iraq*, 65-81.

⁶⁰⁸ Edmund Ghareeb, *The Kurdish Question in Iraq*, 137.

⁶⁰⁹ Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 93.

the Baathists that the Kurds would secede from Iraq.⁶¹⁰ Academics agree that military aid and diplomatic support from these governments likely influenced Barzani's decision to jeopardize the peace with Baghdad in favour of more concessions.⁶¹¹

In an effort to salvage the peace, Baghdad offered Barzani and the Kurds the Autonomy Law in 1974, which Barzani rejected as it effectively stripped the Kurds of the self-rule promised to them in the 1970 accord.⁶¹² The 1974 accord did not include control over Kirkuk and it omitted important articles outlined in the 1970 agreement.⁶¹³ Barzani later revealed that the Kurdish decision to reject Baghdad's offer of autonomy was the promise of weapons from the US. Barzani said, "without American promises, we would not have acted the way we did. Were it not for the American promise, we would never have become trapped and involved to such an extent."⁶¹⁴ Barzani and the Kurds believed they could secure further concessions from Baghdad with more military capabilities supplied by the US and Iran. However, as it was, the Kurds were left to their own devices and were militarily weak compared to Baghdad.

It is in this context that Baghdad offered Barzani and the Kurds the 1974 Autonomy Law, which reduced Kurdish political, cultural, and economic authority.⁶¹⁵ With assurances from Iran and the US, Barzani rejected Baghdad's offer and instead, chose war. The Kurds were easily defeated when, in March 1975, Iran and Iraq negotiated the Algiers Agreement on border issues and other disputes between the two sides, including an end to the Shah's aid to the Iraqi Kurds in exchange for Iran's control

⁶¹⁰ Edmund Ghareeb, *The Kurdish Question in Iraq*, 135.

⁶¹¹ See Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 94. Edmund Ghareeb, *The Kurdish Question in Iraq*, 145.

⁶¹² David McDowall, *A Modern History of the Kurds*, 336.

⁶¹³ Michael Gunter, *The Kurds of Iraq: Tragedy and Hope*, 18; Ofra Bengio, *The Kurds of Iraq*, 116.

⁶¹⁴ Edmund Ghareeb, *The Kurdish Question in Iraq*, 159.

⁶¹⁵ Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 95

of the Shatt al-Arab boundary.⁶¹⁶ Without support from Iran and the US, the Kurds were easily defeated by Baghdad.

Several consequences followed.⁶¹⁷ First, the defeat allowed Baghdad to establish and extend its control over the Kurdish region. Second, Barzani's health quickly deteriorated to the point that he was no longer able to lead the KDP and the Kurds. Barzani later died in March 1979 in a hospital in Washington, D.C.. Finally, the Patriotic Union of Kurdistan (PUK), co-founded by Jalal Talabani, Nawshirwan Mustafa (current leader of Gorran), and others, emerged as a key political party in Iraqi Kurdistan. Jalal Talabani and his supporters formally established the PUK on 1 June 1975.⁶¹⁸ The emergence of the PUK initiated a long period of competition for support and resources in the Kurdish region between the KDP and the PUK. Although both parties were fighting for the same cause against a common adversary in Baghdad, they refused to unite. The Iraqi Kurds were rather quiet and under control until the outbreak of the Iran-Iraq War in 1980. Baghdad effectively maintained control over the Kurds from 1975 to 1980 and attempted to assimilate the Kurds in order to prevent a future rebellion.⁶¹⁹ To this end, Baghdad attempted to assassinate the Barzanis, including Massoud Barzani, to weaken the Kurdish leadership. In addition, Baghdad moved large numbers of Kurds from the Kurdish region to Arab villages to indoctrinate them with a sense of Iraqi identity.⁶²⁰

The Islamic Revolution of 1979 in Iran ushered in significant changes in Iran and which greatly affected Iraq and the Kurds. First, it replaced the Iranian monarchy with an

⁶¹⁶ Ofra Bengio, *The Kurds of Iraq*, 142-143; Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 97.

⁶¹⁷ Casualty estimates of the two revolts place the figures at 50, 000 deaths on both sides and about a quarter million refugees who fled into Iran.

⁶¹⁸ Michael Gunter, *The Kurdish Predicament in Iraq* (New York: St. Martin's Press, 1999), 26.

⁶¹⁹ Ofra Bengio, *The Kurds of Iraq*, 155.

⁶²⁰ *Ibid.*, 157.

Islamic government. Second, it altered the dynamics between Tehran and the Kurds of Iraq. Finally, Saddam Hussein viewed the turmoil and instability in Iran as an opportunity to retake the Shatt al-Arab territory that Iraq had relinquished in the 1975 Algiers Agreement. To this end, in September 1980, Saddam Hussein launched a surprise attack against Iran with the hope of scoring a swift victory.⁶²¹ Instead, Saddam became embroiled in a drawn out and bloody war. Kurds, both in Iran and in Iraq, viewed the onset of the Iran-Iraq War as an opportunity to exploit weakened governments and militaries in Tehran and Baghdad. In turn, Iran encouraged Iraqi Kurds to fight Baghdad and, Iraq, likewise, used the Iranian Kurds to fight Tehran. Rather than focusing on their objective of securing political and economic rights from their respective governments, the Kurds became pawns in a proxy war. By 1982 the Kurds were able to liberate and seize control of Kurdish areas from the Iraqi military.⁶²² At the same time, the KDP and the PUK were fighting each other for influence in the Kurdish areas of Iraq. The infighting between the KDP and the PUK pushed Jalal Talabani and his PUK to negotiate a ceasefire agreement with Baghdad and Saddam Hussein.⁶²³ In exchange for Kurdish autonomy, which never materialized, Baghdad called on the PUK to cease its assault against the Iraqi army and instead to battle the KDP.⁶²⁴

The Iran-Iraq War was a brutal war of attrition that dragged on for eight years. The 1987 UN Resolution 598 called for a ceasefire with little effect. Then unexpectedly,

⁶²¹ The author of Saddam Hussein's biography, Fuad Matar, argues that the main reason behind Saddam's invasion of Iran was to rectify Iraq's losses in the Algiers Agreement. See Ofra Bengio, *The Kurds of Iraq*, 169-170.

⁶²² Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 90; Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 129.

⁶²³ Michael Gunter, *The Kurdish Predicament in Iraq: A Political Analysis*, 72-73; Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 90; Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 136.

⁶²⁴ David McDowall, *A Modern History of the Kurds*, 349; Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 137.

in July 1988, Iran and Iraq accepted the ceasefire and ended the war.⁶²⁵ The peace with Iran allowed Saddam to focus his attention on the Kurdish insurrection. Prior to the implementation of the ceasefire, Saddam Hussein had launched an operation, known as the Anfal Campaigns, against the Kurdish region of Iraq. His objective was to reclaim control of Kurdish territories and to punish the Kurds for treason. The operation culminated in the gassing of the town of Halabja on 16 March 1988.⁶²⁶ Exact casualty figures of the campaign are difficult to ascertain; conservative estimates range from 50,000 to as many as 100,000, while others place the figure well over 150,000 victims.⁶²⁷

Middle East Watch, the authoritative source on the Anfal Campaigns, notes that over 4,000 villages were destroyed to ensure that security and support for the Kurdish Peshmerga (military) were not possible.⁶²⁸ Although there was little condemnation from the international community at the time, it was cited by the George W. Bush administration as one of the reasons for the 2003 invasion of Iraq. In addition to a high death toll, the campaign resulted in the displacement of over 100,000 Kurds, who sought refuge in Turkey and Iran.⁶²⁹ Baghdad's assault on the Kurds, and in particular the gassing of Halabja, gave impetus to the KDP and the PUK, and other political parties in the Kurdish region, to form the Iraqi Kurdistan Front (IKF) to more effectively challenge Baghdad.⁶³⁰

⁶²⁵ Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 171.

⁶²⁶ David McDowall, *A Modern History of the Kurds*, 358; Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 169. It is estimated that the chemical weapons killed or injured at least 5000 people.

⁶²⁷ Middle East Watch, "Genocide in Iraq – The Anfal Campaign Against the Kurds," *Human Rights Watch* (July 1993).

⁶²⁸ Middle East Watch.

⁶²⁹ Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 170-171; David McDowall, *A Modern History of the Kurds*, 360-361.

⁶³⁰ Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 92; Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 176-177.

Throughout the struggle against Baghdad, the Kurds maintained a preference for autonomy rather than independence. Although independence is the dream of Kurdish nationalists, the Kurds noted that they would be satisfied with political and economic autonomy as they would be sufficient for protecting Kurdish political interests and culture and language. A realist explanation would frame the conflict between Iraqi Kurdistan and Baghdad in terms of security imperatives and survival. The conflict, according to realist assumptions, is a result of the fixed and enduring ethnic differences between the Kurds in the north and the Arab-controlled Iraq. That is, the Kurdish fear for their survival and Baghdad's concern for Iraq's territorial integrity created a security dilemma that triggered the outbreak of war between the two sides.

In this light, institutional and economic imperatives are secondary to security and survival. The empirical record outlined above demonstrates that Iraqi Kurdistan's primary objectives were to obtain political autonomy and improve the Kurds' economic conditions within a united Iraq. It is true that there were collective fears on both sides, but the overriding concern from the Kurdish perspective was the institutional makeup of Iraq and the unwillingness of Baghdad to meet Kurdish requests.

Constructivists, meanwhile, downplay the role of structure or security considerations in explaining civil war and ethnic conflicts. Instead, constructivists view civil wars as a way for ethnic entrepreneurs and elites to advance their particular political and economic interests. The seemingly fixed and conflictual ethnic identities are in fact constructed and exploited by elites. The conflict between the Kurds and Baghdad is not a consequence of security concerns, but rather a result of elites mobilizing and using ethnic identity to achieve particular political and economic ends. There is little empirical

support for this approach. Ethnic entrepreneurs did not shape Iraqi Kurdistan's preferences. Instead, Iraqi Kurdistan's preference formation was a culmination of several factors that included flawed political institutions, oppressive policies from Baghdad, and political and economic grievances. What is more, the historical record demonstrates that there was a general consensus amongst the Kurdish population that political autonomy and economic development were necessary for Iraqi Kurdistan to thrive in Iraq.

Liberalism provides the best account for Iraqi Kurdistan's preferences from the early 1960s to the early 1990s. Liberalism's emphasis on political institutions and economic factors explains the preference formation of Iraqi Kurdistan and the outbreak of the violence between the Kurds and Baghdad. Although security considerations should not be overlooked, the Kurds clearly outlined their preferences throughout the 1960s and the 1970s. From this perspective, it was not the structure and security concerns that led to the outbreak of conflict, but rather Baghdad's unwillingness to deliver on meaningful political autonomy for the Kurds. Iraqi Kurdistan's preferences were the result of a Kurdish desire for political autonomy, a desire for economic development, and a Kurdish population that pressed its leadership and political parties for increased political rights in Iraq.

Capabilities

Realist explanations would argue that Iraqi Kurdistan's willingness to settle for autonomy rather than full independence was due to insufficient capabilities. The following section will address the extent to which capabilities and power influenced Iraqi Kurdistan's decision to demand autonomy rather than independence. That is, did the Kurds settle for

autonomy because they did not possess sufficient capabilities to secede from Iraq? During the first revolt in 1961, the Kurds possessed little military capabilities. Edgar O'Ballance reveals that the Kurdish fighters (the Peshmerga) were poorly organized and their weapons were "small arms, mortars, bazookas, grenades, and light machine-guns."⁶³¹ The Iraqi military, on the other hand, possessed air power and modern weapons against the weaker Kurds. The Kurdish position was marginally improved in the 1970s during the 1974 revolt. The Kurds now possessed more light artillery and some heavier arms. Still, Kurdish military capabilities were considerably weaker than the Iraqi military's capabilities. In addition, the Kurds possessed little organizational and communications capabilities through the 1950s to the 1960s.

The above narrative demonstrates that the Kurdish population was organized along tribal rather than nationalistic or political lines. Given the Kurds' deficient capabilities, independence was not an option. However, the Kurds have consistently maintained that independence is not their objective. Instead, the Kurds have consistently requested political and economic autonomy within a federal Iraq. This preference has changed very little since the early 1960s and late 1970s. That is, although the Kurds desire independence, they have always maintained their willingness to stay in a unified Iraq under the right conditions. Capabilities, therefore, did not shape Kurdish preferences for independence.

The Kurdish preference for autonomy over independence is further substantiated by Kurdish actions in the early 1990s. Following regional elections, the Kurds

⁶³¹ Edgar O'Ballance, *The Kurdish Revolt, 1961-1970*, 86-87.

unilaterally declared the Kurdish area a federal region of Iraq.⁶³² Moreover, in 1992 the Kurds hosted the Iraqi National Congress (an umbrella organization that included most of the groups that opposed Saddam Hussein) at a conference in the Kurdish region. During the conference, Barzani and Talabani signaled that the Kurds would settle for federalism, which would furnish the Kurds with autonomy and preserve Iraq's territorial integrity.⁶³³ The Kurds, therefore, strived to acquire political and economic autonomy within a federal Iraq. According to liberal assumptions, political institutions and economic incentives influence actors' behaviour. This is true of the Iraqi Kurds. The Iraqi Kurdish leadership has always maintained that the Kurds will work in a unified Iraq under the right political institutions and economic development. More capabilities, therefore, will not change Kurdish calculations regarding independence.

The Kurds have clearly articulated their position and objectives since the 1940s with the creation of the Kurdistan Democratic Party (KDP). From the 1940s through the 1980s, Kurdish leaders – including Mustafa Barzani, Massoud Barzani, and Jalal Talabani – frequently outlined political autonomy and economic development as Kurdish objectives. Indeed, they overtly stated that independence was not their objective even though it was the Kurdish dream. The demand for autonomy was a result of Baghdad's oppressive policies against the Kurds who did not share a common identity with the Arab majority. From the Kurdish perspective, therefore, political autonomy was essential for protecting not only the Kurdish identity, but, more importantly, the Kurds' political and economic interests.

⁶³² The first parliament of the Kurdish region, formed following elections in 1992, declared that it would be a federal entity in a united Iraq.

⁶³³ Michael Gunter, *The Kurdish Predicament in Iraq: A Political Analysis* (New York: St. Martin's Press, 1999), 41.

The Iran-Iraq War took a heavy financial toll on Iraq. In an effort to recuperate the financial losses, Saddam mistakenly believed he could occupy Kuwait and control its vast oil reserves.⁶³⁴ Saddam believed the US would acquiesce to his annexation of Kuwait, as the US public could not tolerate a long war and incur casualties.⁶³⁵ However, Saddam's decision to invade and occupy all of Kuwait instead of only the Rumaila oil field prompted a quick response from the US and the international community. Sanctioned by the UN, a US-led coalition launched Operation Desert Storm to end Iraq's invasion of Kuwait on 17 January 1991. Security Council Resolution 687 ended the war and imposed UN provisions on Baghdad. The Kurds believed they could extract political and economic benefits from a weakened Baghdad. The Kurds were further encouraged by George H. W. Bush to rise up against Saddam in order to overthrow his regime.⁶³⁶

Ultimately, the Kurds secured autonomy but at a considerable cost to the civilian population. The first two weeks of the uprising were successful, as the Kurds reclaimed control of Kurdish territory, namely the provinces of Duhok, Erbil, and Sulaymaniya, from the Iraqi military.⁶³⁷ A counteroffensive from Baghdad was certain. Saddam initially hesitated because he believed, like the Kurds, that the US would provide the Kurdish uprising with assistance.⁶³⁸ Baghdad countered the Kurdish uprising with brutal

⁶³⁴ Barry M. Lando, *Web of Deceit: The History of Western Complicity in Iraq, From Churchill to Kennedy to George W. Bush* (Toronto: Doubleday Canada, 2007), 100.

⁶³⁵ Joseph S. Nye Sr., *Understanding International Conflicts: An Introduction to Theory and History* (Sixth Edition) (New York: Pearson Longman, 2007), 194.

⁶³⁶ George H. W. Bush made the appeal to the Kurds and Shias on February 15, 1991 to Raytheon Missile Systems Plant Employees. However, as David Romano notes, the message was received on "virtually every television and radio station in the world." David Romano, *The Kurdish Nationalist Movement: Opportunity, Mobilization and Identity* (Cambridge: Cambridge University Press, 2006), 204.

⁶³⁷ Gareth Stansfield and Shoresh Haji Resool, "The Tortured Resurgence of Kurdish Nationalism in Iraq, 1975-1991," in Mohammed M. A. Ahmed and Michael Gunter (eds.), *The Evolution of Kurdish Nationalism* (Costa Mesa: Mazda Publishers, Inc., 2007), 101.

⁶³⁸ David Romano, *The Kurdish Nationalist Movement*, 206.

force once it was certain that the US would not support the Kurds.⁶³⁹ Saddam was able to put down the Kurdish uprising with relative ease and following the exodus of over two million refugees into Iran and Turkey and facing an imminent massacre, the international community, led by the US and the UK, implemented a no-fly zone over the Kurdish region of Iraq.⁶⁴⁰ The US and the UK, therefore, inadvertently furnished the Kurds with autonomy and provided the opening for the Kurds to establish a de facto state. The Kurds benefitted from the newfound autonomy and in 1992 the Iraqi Kurdistan Front (IKF) held elections, with the support of Barzani and Talabani, for the formation of a parliament to govern the Kurdish region.⁶⁴¹

Following these events, Iraqi Kurdistan fulfilled all the criteria of de facto statehood as defined in this project. Recall that a de facto state controls a defined territory, provides an array of services to the population, and enters into diplomatic and economic relations with other states, but it does not possess de jure recognition. Post-1992 Iraqi Kurdistan certainly met all the criteria outlined in the definition. Iraqi Kurdistan was abandoned by Saddam Hussein's regime and thereby handed the newly formed Kurdistan Regional Government (KRG) a defined territory. The KRG then setup a functioning government that provided the population with services, including education and health care, and established diplomatic relations with foreign governments. Yet, Iraqi Kurdistan did not declare independence or seek recognition as an independent state, and therefore, did not possess de jure recognition.

⁶³⁹ Ibid. David McDowall reveals Turkey, an important US strategic ally in the region, pressured the US to withhold support for the Kurds.

⁶⁴⁰ David McDowall, *A Modern History of the Kurds*, 373; Edgar O'Ballance, *The Kurdish Struggle, 1920-94*, 186-187; Ofra Bengio, *The Kurds of Iraq*, 200.

⁶⁴¹ Michael Gunter, *The Kurdish Predicament in Iraq: A Political Analysis*, 67.

Following the elections, Baghdad condemned the Kurds for conspiring to breakaway from Iraq, but Barzani and Talabani were quick to deny the accusation. Talabani, for example, declared that the Kurds “do not want to break away from Iraq; we want a democratic Iraq.”⁶⁴² The KDP and the PUK agreed to share power following elections that resulted in 50 seats for each party.⁶⁴³ Despite issues of corruption and voter fraud, the process was considered “fair and free.”⁶⁴⁴ Following the elections, the Kurdish parliament unilaterally proclaimed the Kurdish area a federal region of a unified Iraq.⁶⁴⁵ Following this declaration, Massoud Barzani explained that the Kurds were not moving towards secession, but rather securing federalism for the Kurds. He did note that independence was on the table but only if Iraq were to revert back to its old policies against the Kurds. He said, “what leads to partitioning Iraq is the use of chemical weapons, genocide campaigns, racial discrimination and similar racist and chauvinistic (blind ethnic bigotry) measures.”⁶⁴⁶ This continues to be the policy of Barzani and the Kurdistan Regional Government (KRG). The KRG has frequently maintained that it is content with its de facto status.⁶⁴⁷ Despite the assurances from Barzani and the KRG, neighbouring Iran, Syria, and especially Turkey were on high alert following the emergence of a de facto Kurdistan and the first elections. The United States also voiced its opposition to an independent Kurdistan.

⁶⁴² Jalal Talabani quoted in Michael Gunter, *The Kurds of Iraq: Tragedy and Hope*, 93.

⁶⁴³ Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 96; Ofra Bengio, *The Kurds of Iraq*, 202. The KDP received 50.22 per cent of the vote and the PUK received 49.78 per cent. The two parties decided to distribute 100 seats equally between themselves and allocated the remaining five seats to minority groups in the Kurdish region.

⁶⁴⁴ It should be noted, however, that the Electoral Reform Society concluded that the election was ‘free and fair.’

⁶⁴⁵ Michael M. Gunter, “A De Facto Kurdish State in Northern Iraq,” 308-309.

⁶⁴⁶ Massoud Barzani cited in Michael M. Gunter, “A De Facto Kurdish State in Northern Iraq,” 309.

⁶⁴⁷ Mohammed M. A. Ahmed, “Laying the Foundation for A Kurdistan State in Iraq: 1991-2006,” in Mohammed M. A. Ahmed and Michael Gunter (eds.), *The Evolution of Kurdish Nationalism* (Costa Mesa: Mazda Publishers, Inc., 2007). 150.

The official US position, then as is it now, is a united Iraq. The policy, at least in the official sense, has remained unchanged in this regard. The KRG, for its part, has always maintained that it will not break away from Iraq.⁶⁴⁸ The US has regularly maintained that it prefers a united Iraq for at least two reasons. First, US officials are concerned that a partitioning of Iraq will lead to instability in the Middle East and in particular with Iraq's neighbours Turkey and Iran. The fear is that an independent Kurdistan will destabilize Iran and Turkey's sizable Kurdish populations, which could potentially create more unrest and violence in the region. In addition, the secession of Iraqi Kurdistan will further strengthen the Shiites in Iraq and this will increase Iran's influence in Baghdad. Second, the US supports a unified Iraq in line with the policy and interests of its historic ally Turkey. Although the Turkey-US relationship has become strained at times over the past decade, the two continue to share a strong interest in maintaining stability in Iraq.

The Evolution of Iraqi Kurdistan: 1994-2003

KDP-PUK Civil War⁶⁴⁹

This section will examine Iraqi Kurdistan's preference formation following its emergence as a de facto state. Specifically, the section asks: Did Kurdish preferences change from autonomy to full independence following the creation of a de facto state? Before proceeding to discuss its preferences, however, the section will provide a brief outline of

⁶⁴⁸ Falaq al-Din Kakai, "The Kurdish Parliament," in Fran Hazelton (ed.), *Iraq Since the Gulf War: Prospects for Democracy* (London: Zed Books, 1994), 119.

⁶⁴⁹ In addition to the civil war between the Kurds of Iraq at this time, the KDP was also fighting the PKK from Turkey. The PKK posed a threat to the KDP territorial control over parts of Iraqi Kurdistan that bordered Turkey. The war between the PKK and the Kurds of Iraq will not be discussed here as it falls outside the scope of this project. More importantly, a brief discussion here will not be sufficient to uncover the dynamics of the conflict between the PKK and the Iraqi Kurds.

Iraqi Kurdistan's evolution following its de facto statehood. Not all was well inside the Kurdish region following the establishment of a de facto state and the first elections to form a government. The internal divisions within the KRG between the KDP and the PUK exacerbated the already complicated historical relationship between the two parties. By 1994 tensions between the KDP and the PUK over the administration of the Kurdish region boiled over into armed clashes. The longstanding divisions between Barzani and the KDP, on the one hand, and Talabani and the PUK, on the other, engulfed the Kurdish into a civil war that lasted four years. The root causes of the civil war can be traced back to the early divisions within the KDP.

From its inception until the consolidation of control by Barzani, the KDP was divided between the urban and educated intelligentsia, led by Ibrahim Ahmed and Jalal Talabani, from the Sulaymaniya region on the one hand and the largely traditional and tribal members, led by Barzani, from the Duhok region on the other hand. Harvey Morris criticizes such reductionist characterizations and instead argues that both parties are at the same time 'modern political movements' and hold 'quasi-tribal' tendencies.⁶⁵⁰ Although Morris' description of the KDP and the PUK may not be inaccurate, there is some truth to the characterization of a tribal KDP and a more modern PUK; a notion that is corroborated by academics and analysts in Iraqi Kurdistan.⁶⁵¹

The 1994 civil war was sparked by a minor dispute between the Barzanis and a tribe allied with the PUK, which led to large scale fighting between the two parties.⁶⁵²

⁶⁵⁰ Harvey Morris in Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 94.

⁶⁵¹ Author interviews with Kameran Mentik and Abdulhakeem Khasroo. Also see Ofra Bengio, *The Kurds of Iraq*, 213. Bengio argues that the civil war was caused by at least two factors: first, there was the power struggle between the KDP and the PUK and second, there were personal rivalries between Talabani and Barzani.

⁶⁵² Michael Gunter, *The Kurdish Predicament in Iraq: A Political Analysis*, 79.

Gareth Stansfield, however, argues the civil war was a ‘premeditated’ act on the part of both parties.⁶⁵³ In response to PUK victories and control over the capital of Erbil, Massoud Barzani called on Saddam Hussein for military support to retake Erbil from the PUK.⁶⁵⁴ The offensives and counteroffensives continued until a 1998 agreement, which originated in the Kurdish region and was ultimately mediated by Washington. At the root of the conflict is control over administration of the Kurdish region of Iraq. The PUK and the KDP continue to vie for power and control over their respective territorial jurisdictions.

Analysts in Iraqi Kurdistan criticize the KDP and the PUK for initiating the civil war and erecting a corrupt political system that perpetuates their dominance. In particular, critics accuse the KDP and the PUK of using Kurdish nationalism to advance their personal interests. During an interview with the author, Kamiran Berwari, professor at the University of Duhok, noted that the civil war of the 1990s seriously undermined and debilitated the Kurdish nationalist movement. “If these parties represent the Kurdish people and genuinely want to advance the Kurdish cause then why did they initiate a Civil War that killed thousands and destroyed the Kurdish region?” asks Berwari.⁶⁵⁵ He contends that the interests of the Kurdish population are secondary to the interests of the KDP and the PUK and their leadership.

Kameran Mentik, professor at Salahaddin University – Hawler, echoes Berwari’s sentiments in labeling the political parties corrupt and tribalistic. He notes that, “We have two families [Barzani and Talabani] who rule Kurdistan and who advance their

⁶⁵³ Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 97.

⁶⁵⁴ Michael Gunter, *The Kurdish Predicament in Iraq: A Political Analysis*, 86; Gareth Stansfield, *Iraqi Kurdistan: Political Development and Emergent Democracy*, 98.

⁶⁵⁵ Author interview with Kamiran Berwari.

interests first; it is clear for everyone. The positions of the parties make this clear. His son [Massoud Barzani's son Masrour] is the head of security and his nephew [Nechervan Barzani] is the Prime Minister.”⁶⁵⁶ Mentik goes on to suggest that the Kurdish regional elections are fraught with ‘cheating and fabrication.’⁶⁵⁷

Mentik and Berwari noted that the main political parties often buy or pressure individuals to vote for them. The 2005 and 2009 Kurdish region elections were fraught with irregularities and widespread cheating. The 2013 election, however, was mostly free and fair. As international observer for the Iraq High Electoral Commission during the Kurdish region's parliamentary election, I did not witness any forms of pressure or irregularities. However, there were accusations of cheating and irregularities, but these were not substantiated and most observers, including myself, concluded that the election was the freest and fairest in the Kurdish region's history.⁶⁵⁸

From the late 1990s until the US-led invasion of Iraq in 2003, the Kurds were left to their own. During this period, the Kurdish region developed effective, although at times corrupt, political institutions for administering the Kurdish territory and population. Economically, however, the Kurds had little success as they faced a double embargo: one from the central government in Baghdad and a second from the UN sanctions against

⁶⁵⁶ Author interview with Kameran Mentik, Professor of History and Political Science, Salahaddin University – Hawler. Erbil, Iraq. 16 June 2013.

⁶⁵⁷ Author interview with Kameran Mentik.

⁶⁵⁸ It should be noted, however, that political parties took advantage of a loophole in the electoral rules regarding eligible voters. Eligible voters were listed on the Independent High Electoral Commission's voter list; individuals not on the list could not cast a ballot. However, parties were able to circumvent this rule by sending ‘ineligible’ voters to hospitals where people could check into the hospital and be placed on the voting list and thereby cast a ballot. Once political parties became aware of this loophole, they indicated that hospitals could not hold voting stations in subsequent elections. Aside from this issue and logistical and organizational issues, the election was free and fair.

Iraq. Economic issues continue today, as Iraqi Kurdistan is increasingly becoming a rentier state characterized by corruption and nepotism.⁶⁵⁹

Kurdish political and economic fortunes changed dramatically in 2003 with the US invasion of Iraq. As noted by Adeed Dawisha, the reason behind the invasion of Iraq was to overthrow Saddam's regime for possessing weapons of mass destruction (WMDs) and its links to international terrorism, both of which posed a direct threat to the US and its allies.⁶⁶⁰ Colin Powell, the US Secretary of State, made the case for invading Iraq and removing the threat Saddam posed to the US and the international community to the UN Security Council in February 2003. Following the invasion, it was discovered that Iraq did not possess WMDs thereby undermining the US's purported reasons for invading. However, it is beyond the scope of this project to evaluate the legitimacy of the US motivations for invading Iraq. The point here is to simply outline the events that took place in the lead up to the invasion of Iraq. There were certain elements both within the US and outside that encouraged war against Iraq.

Many academics and analysts have rightly emphasized the significant role of the neoconservative elements in the US and within the George W. Bush administration for orchestrating the war against Saddam Hussein.⁶⁶¹ The terrorist attacks of September 11, 2001, provided the Bush administration and the neoconservatives with the pretext for a war with Saddam.⁶⁶² The neoconservative ideology is strongly committed to the spread of democracy as a means of promoting peace and, for these ideologues, Iraq would serve

⁶⁵⁹ Michael Gunter, "Iraqi Kurdistan's Two Contrasting Economic Images," *International Journal of Contemporary Iraqi Studies* Vol. 6, No. 1 (2012), 90.

⁶⁶⁰ Adeed Dawisha, *Iraq: A Political History From Independence to Occupation* (Princeton: Princeton University Press, 2009), 242.

⁶⁶¹ Thomas R. Mockaitis (ed.), *The Iraq War Encyclopaedia* (Santa Barbara: ABC-CLIO, 2013), xv.

⁶⁶² *Ibid.*

as the model for spreading democracy throughout the Middle East.⁶⁶³ Neoconservatives such as Paul Wolfowitz and Donald Rumsfeld were influential in the Bush administration and encouraged the removal of Saddam Hussein.

The invasion of Iraq was also supported by Iraqi exiles. The Bush administration and the neoconservatives were encouraged and lobbied by Iraqi dissident and leader of the Iraqi National Congress, Ahmed Chalabi. The Iraqi National Congress, formed with US assistance in the early 1990s with the express purpose of supporting groups opposed to Saddam Hussein, lobbied hard for Saddam's removal. Chalabi was a wealthy and influential Shiite who was actively lobbying the US to remove Saddam Hussein since 1991.⁶⁶⁴ Although Chalabi is a Shiite Muslim, he is portrayed as a liberal and more self-serving than a proponent of Shiite interests.⁶⁶⁵ There is no doubt, however, that Shiites in Iraq welcomed the prospect of regime change and a democratic system that would propel them to power given their demographic superiority. The Shiite Arabs comprise about 60 percent of Iraq's population, while the Sunni Arabs comprise about 15-20 percent, the Kurds comprise approximately 18 percent, and the remaining numbers are made of Turkoman, Assyrian, Yezidi, and other minorities.

Perhaps the Sunni Arabs were one of the few groups that did not look favourably upon the removal of Saddam Hussein. This is understandable given that they stood to lose the most and would find themselves as a minority following almost a century in power. Most worrying for the Sunni Arabs was the uncertainty attached to the removal of Saddam and the post-invasion Iraq. Sunni trepidations about post-Saddam Iraq were

⁶⁶³ Thomas R. Mockaitis (ed.), *The Iraq War Encyclopaedia*, xxi.

⁶⁶⁴ Michael R. Hall, "Chalabi, Ahmed Abd al-Hadi," in Thomas R. Mockaitis (ed.), *The Iraq War Encyclopedia* (Santa Barbara: ABC-CLIO, 2013), 82-83.

⁶⁶⁵ Michael R. Hall, "Chalabi, Ahmed Abd al-Hadi," 83-84.

seemingly confirmed by the belief that they were excluded from the drafting of the Iraqi constitution (this will be discussed in greater detail in the coming sections).

The Kurds also hoped and lobbied for the removal of Saddam Hussein. Prior to the 2003 invasion of Iraq the US approached the Kurds, in a meeting between George W. Bush and Massoud Barzani and Jalal Talabani, about the possibility of overthrowing Saddam Hussein.⁶⁶⁶ Barzani and Talabani offered assistance in the form of providing intelligence and for the US military to use the Kurdish region as a front against Saddam's regime. The Kurdish offer of support became particularly significant when on 1 March 2003, Turkey's parliament blocked a motion to allow the US to deploy combat ground troops into Iraq from Turkish territory. Iraqi Kurdistan's willingness to provide support for the US invasion strengthened Kurdish-US relations and provided the US with a northern front.⁶⁶⁷ The Kurds presented a united front and declared their intention to support and participate in the US-led invasion and the rebuilding of Iraq.

Following the swift overthrow of Saddam Hussein, the US took on the difficult task of rebuilding Iraq's political system. The US found it difficult to create a political system that could balance the demands of the three major groups (i.e., the Sunnis, the Shiites, and the Kurds) in Iraq. Political power was now in the hands of the Shiites who were historically mistreated by regimes in Baghdad. In an effort to ensure that the Kurds and the Sunnis were not excluded from the political process in Iraq, the US created a political system that requires consensus and participation from all major groups. For instance, the post of president is customarily reserved for the Kurds and the speaker of

⁶⁶⁶ Ofra Bengio, *The Kurds of Iraq*, 266.

⁶⁶⁷ Michael Gunter, "Turkey's New Neighbor, Kurdistan," in Brendan O'Leary, John McGarry and Khaled Salih (eds.), *The Future of Kurdistan in Iraq* (Philadelphia: University of Pennsylvania Press, 2005), 225.

the Iraqi parliament is customarily a Sunni. The Kurds were able to secure many high positions in Baghdad during the creation of Iraq's new political system in 2005.

The Kurdish success during the negotiations was largely due to the willingness of the KDP and the PUK to set aside their rivalry and form a united front during the negotiations for the post-Saddam Iraq. The improved relations between the KDP and the PUK allowed the Kurds to provide the US with the support necessary for undertaking the invasion of Iraq in 2003.⁶⁶⁸ The KDP and the PUK signed what they called the “unification agreement” of 2006, which effectively divided the administration of Iraqi Kurdistan and the KRG equally between the two parties.⁶⁶⁹ The unification agreement originated in 2005 when the Kurdish factions united under a single list for the 2005 elections and captured 26 percent of the overall vote in Iraq.⁶⁷⁰ By going to Baghdad as a united front, the Kurds strengthened their position during negotiations for Iraq's permanent constitution.

The drafting of the Iraqi constitution is criticized by many academics for its hastiness, its reification of ethnic and religious divisions, and the exclusion of the Sunni population.⁶⁷¹ David Ghanim notes that the constitution was “written under highly charged political atmosphere, sectarian divide, and ethnic animosity, which is hardly a

⁶⁶⁸ Gareth Stansfield, “From Civil War to Calculated Compromise: The Unification of the Kurdistan Regional Government in Iraq,” in Robert Lowe and Gareth Stansfield (eds.), *The Kurdish Policy Imperative* (London: Chatham House, 2010), 137.

⁶⁶⁹ Mohammed M.A. Ahmed, “Kurdish Spring, Iraqi Kurdistan,” in Mohammed M.A. Ahmed and Michael Gunter (eds.), *The Kurdish Spring: Geopolitical Changes and the Kurds* (Costa Mesa: Mazda Publishers, 2013), 95.

⁶⁷⁰ David Romano, “Iraqi Kurdistan: Challenges of Autonomy in the Wake of US Withdrawal,” *International Affairs* Vol. 86, No. 6 (2010), 1349.

⁶⁷¹ See Feisal Amin Rasoul al-Istrabadi, “A Constitution without Constitutionalism: Reflections on Iraq's Failed Constitutional Process,” *Texas Law Review* Vol. 87 (2009): 1627-1654; Andrew Arato, *Constitution Making Under Occupation: The Politics of Imposed Revolution in Iraq* (New York: Columbia University Press, 2009); David Ghanim, *Iraq's Dysfunctional Democracy* (Santa Barbara: Praeger, 2011); and Reidar Visser, “The Kurdish Issue in Iraq: The View from Baghdad at the Close of the Maliki Premiership,” *The Fletcher Forum of World Affairs* Vol. 34, No. 1 (Winter 2010): 77-93.

proper condition for drafting a constitution that can be considered an anchor for the future.”⁶⁷² What emerged, according to the critics, was a constitution negotiated between the US and the Kurds, which was then imposed on the Arabs.⁶⁷³ Much of the criticism against the drafting of the constitution is directed at the Kurdish bloc for taking advantage of their inexperienced and disorganized Arab counterparts.⁶⁷⁴

Henri Barkey and Ellen Laipson suggest that the Iraqi constitution is a power-sharing pact between the Kurds and Shiites given the absence of the Sunnis in the negotiation process.⁶⁷⁵ In fact, Barkey and Laipson note that the only demand the Kurds did not entrench in the constitution was a legal right to secede from Iraq. In particular, Kurdish demands for federalism exacerbated the position of the Sunnis and, according to Barkey and Laipson, “their demands have complicated the quest for a unified, stable and peaceful Iraq.”⁶⁷⁶ The issue of federalism is a main source of tension between Erbil (capital of Iraqi Kurdistan) and Baghdad. Many academics and Iraqis view federalism as an imposition from the outside. Its legitimacy is questioned given that it was enacted under US occupation and there was political opposition against the adoption of federalism.⁶⁷⁷

The drafting is further criticized for the heavy US influence.⁶⁷⁸ Critics note that the constitution has disenfranchised the Sunni bloc and weakened the central government in Baghdad. Critics also take issue with the adoption of federalism. Feisal Istrabadi, for

⁶⁷² David Ghanim, *Iraq's Dysfunctional Democracy*, 161-162.

⁶⁷³ Andrew Arato, *Constitution Making Under Occupation: The Politics of Imposed Revolution in Iraq* (New York: Columbia University Press, 2009), 136.

⁶⁷⁴ Andrew Arato, *Constitution Making Under Occupation*, 144.

⁶⁷⁵ Henri Barkey and Ellen Laipson, “Iraqi Kurds and Iraq’s Future,” *Middle East Policy* Vol. XII, No. 4 (2005), 66.

⁶⁷⁶ Henri Barkey and Ellen Laipson, “Iraqi Kurds and Iraq’s Future,” 74.

⁶⁷⁷ Alex Danilovich, *Iraqi Federalism and the Kurds: Learning to Live Together* (Ashgate Publishing, Ltd., 2014), 51.

⁶⁷⁸ Feisal Amin Rasoul al-Istrabadi, “A Constitution without Constitutionalism,” 1628.

one, describes the notion of federalism as the “most emotionally charged issue, bar none” in Iraq leading up to the constitutional negotiations and says Kurds were the principle instigators in pushing for its adoption. Istrabadi suggests that the Kurds could have continued to practice autonomy as “no one wanted to turn the clock back and reassert centralized control over Iraqi Kurdistan.”⁶⁷⁹ Such criticisms, however, fail to consider the Kurdish perspective. The Kurds were unwilling to participate in a unitary and centralized Iraq following decades of repression at the hands of Baghdad.

From the Kurdish perspective, a loose federal structure is imperative for their participation in the post-Saddam Iraq. Even a decade following the overthrow of the Baath regime, the Kurds remain uneasy about Baghdad’s centralizing tendencies and rhetoric against Kurdish autonomy. In short, the KRG and the Kurdish population do not fully trust Baghdad. Entrenching federalism in the constitution, rather than relying on the goodwill of Baghdad, provides the Kurds with the legal framework with which to safeguard their rights and protect their interests. Despite criticisms and accusations that they will secede, the Kurds continue to support a united Iraq.

During interviews with the author, Kurdish officials, from the KDP and the PUK, clearly indicated that the Iraqi constitution and the notion of a partnership between Arabs and Kurds are particularly important for Kurdish officials. Most officials identified Iraq’s unwillingness to view and treat Kurds as partners as a source of tension between the Kurdish region and Baghdad. Indeed, most Kurdish officials view post-2003 Iraq as a voluntary union between two nations (i.e., Arabs and Kurds). This point was most clearly articulated by Omed Sabah, the speaker for the Presidency of the Kurdish region. “If Baghdad wishes to preserve the unity of Iraq, it must treat the Kurds as real partners.

⁶⁷⁹ Feisal Amin Rasoul al-Istrabadi, “A Constitution without Constitutionalism,” 1630.

There is a difference between being a partner and a participant. Currently, the Kurds are only participants...If Iraq is run like a dictatorship, it will not last. The only reason Iraq would disintegrate is if it returns to dictatorship. Nothing else.”⁶⁸⁰ Furthermore, although Nezhath Hali, Iraqi Kurdistan’s Director of Intelligence, does not believe that Baghdad’s policies will solve the Kurdish issue, he does indicate that the Kurdish region is willing to stay with Iraq if Kurdish interests are not marginalized and its interests are protected.⁶⁸¹

Conclusion

This chapter has traced the history of Iraqi Kurdistan since the creation of modern Iraq following WWI. It illustrated that the relationship between the central government in Baghdad and the Kurdish population has been fraught with political and military conflicts. The Kurds faced successive regimes that adopted oppressive policies aimed at debilitating Iraqi Kurdistan’s political and economic development. In response to such policies, the Kurds requested political and economic autonomy as measures to protect their interests. Following decades of conflict and two major rebellions, the Kurds acquired de facto statehood in 1991 and embarked on political and economic development in the Kurdish region.

Iraqi Kurdistan’s position was further improved with the 2003 US-led invasion of Iraq and the subsequent removal of Saddam Hussein. Given the Kurdish aspirations for independence and a nonexistent central government in Baghdad, many observers

⁶⁸⁰ Author interview with Omed Sabah Othman, Speaker of the Presidency of the Kurdistan Regional Government. Salahaddin, Iraq. 8 May 2013.

⁶⁸¹ Author interview with Nezhath Hali, Kurdistan Regional Government’s Director of Parastin (Intelligence) Agency. Erbil, Iraq. 20 June 2013. Hali is rather pessimistic about the future of Iraq. In addition to the insecurity in the rest of Iraq, Hali believes that Baghdad is either unwilling or unable to resolve the issue of territorial disputes. Without implementation of the constitution, the Kurdish issue cannot be adequately resolved.

expected the Kurds to declare independence. Instead the Kurds have fully participated in the rebuilding of post-Saddam Iraq and have directed their resources on improving the political and economic situation in Iraqi Kurdistan. The subsequent chapter will explain Iraqi Kurdistan's behaviour and its decision to forgo independence in favour of the status quo. What accounts for the KRG's willingness to maintain the unity of Iraq? What were the factors that shaped the Kurds' decision to forgo independence and participate in a united Iraq? The answers to these questions will be provided in two parts in the next chapter. The first part will provide an account of Iraqi Kurdistan's preferences and capabilities from 2005 to June 2014 and the second part will examine Iraqi Kurdistan's position since June 2014 with the emergence of the Islamic State in Iraq and Syria (ISIS also known by its loose Arabic acronym Daesh) in Iraq.

Theoretically, this chapter supports liberal assumptions regarding the importance of political institutions and economic incentives. In particular, the chapter demonstrates that Iraq's political and economic institutions did not reflect the ambitions of the Kurdish population. As a consequence of political repression and economic underdevelopment, therefore, the Kurds became increasingly vociferous in their demands for political and economic autonomy. The post-2003 period confirms the notion that appropriate political institutions can mitigate grievances on the part of a minority group. The 'new' Iraq possesses the institutional framework to maintain Iraq's unity.

Chapter 6: Iraqi Kurdistan II

During Iraq's 2005 national elections, an unofficial referendum was held in which voters in Iraqi Kurdistan were asked if they preferred independence to a union with Iraq. Approximately 98 per cent of voters voted in favour of independence. This unofficial referendum demonstrates the degree to which Iraqi Kurds support independence. There is also near consensus amongst members of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) regarding the question of independence. Omar Hawrami, KDP member of Kurdistan parliament from 2009-2013, declares that independence is the principal objective of the KRG. Within the Kurdish region, the KRG is working to establish good governance. But as a grand strategy, revealed Hawrami, the "objective is to establish an independent Kurdistan. The Kurdish people will always feel incomplete without a Kurdish state. My belief is that the people will continue to demand independence."⁶⁸² Given the unequivocal position on independence, why has Iraqi Kurdistan not declared independence? What accounts for the Kurdistan Regional Government's (KRG) decision to forgo independence and maintain Iraq's unity? The Kurds have, on more than one occasion, saved Iraq from the brink of collapse. Since the overthrow of Saddam Hussein and the rebuilding of Iraq's political system and institutions, Iraqi Kurdistan has had two openings to secede from a powerless Baghdad.

This chapter will outline the two openings and explain Iraqi Kurdistan's decision to champion Iraq's unity. Section one will examine the first opening that materialized in 2005 following the US-led invasion of Iraq. It will ask the following: What accounts for the Kurdish decision to maintain the unity of a weakened and militarily powerless

⁶⁸² Author interview with Omar S. Hawrami, Member of Kurdistan Parliament – Kurdistan Democratic Party. Erbil, Iraq. 5 May 2013.

Baghdad? And to what degree did capabilities influence the Kurdish decision? The second opening appeared in June 2014 with the incursion of the Islamic State in Iraq and Syria (ISIS) into Iraqi territory. Rather than pushing for independence, the Kurds saved Iraq from collapse. The empirical evidence will demonstrate that Iraqi Kurdistan's decision to stay in a united Iraq is deliberate and calculated. Iraq's political institutions and economic prospects have convinced Iraqi Kurdistan that the status quo is more attractive than independence.

The chapter is laid out in two sections. Section one will outline Iraqi Kurdistan's preferences and capabilities from 2005 to the summer of 2014. The section will examine the behaviour of Iraqi Kurdistan and ask whether its decision-making regarding independence is influenced by its capabilities or other factors. Section two will examine Iraqi Kurdistan's behaviour since June 2014. The primary objective of this chapter is to explain why Iraqi Kurdistan turned down two opportunities to secede from Iraq. The chapter relies on primary data collected from interviews with officials from Iraqi Kurdistan. The chapter will conclude with an explanation for Iraqi Kurdistan's decision to maintain the status quo and therefore preserve the unity of Iraq.

The Behaviour of Iraqi Kurdistan as a De Facto State (2005-2014)

Preferences

A survey of the political developments from 2005 to June 2014 will help shed some light on the Kurdish decision to participate both in rebuilding the political system and maintaining the unity of Iraq. From 2003 to around 2006, Iraqi officials and the US focused on the political reconstruction of post-Saddam Iraq. The challenge for the US

and Iraqis was how to accommodate the demands of the Sunnis, Shiites, and the Kurds. As mentioned in the previous chapter, many academics have criticized the Iraqi constitution for being hastily drafted and for disproportionate Kurdish influence.⁶⁸³ Many Arab politicians and political parties, including Shiites, view the constitution as an imposition from the outside.⁶⁸⁴ Feisal Istrabadi, Andrew Arato, and Reidar Visser, for example, describe the constitutional process as a failure for its hastiness and exclusion of the Sunni Arabs.⁶⁸⁵

According to this argument, the drafting of the constitution was largely dictated by the Kurds, who had found an ally in the Shiite political party, Supreme Council of the Islamic Revolution in Iraq (SCIRI, later renamed the Islamic Supreme Council of Iraq). The Kurdish objective, according to Visser, was to “destroy Baghdad as a capital that the territorial fragmentation of Iraq would become inevitable.”⁶⁸⁶ Upon closer examination, however, Kurdish constitutional demands were not aimed at destroying Iraq, but rather aimed at protecting the Kurdish region’s political development and security. According to Kurdish officials, the Kurdish objective during the constitutional negotiations was to safeguard the Kurdish region’s de facto status and autonomy against a centralizing and aggressive Baghdad. As a Kurdish official noted, the Kurds “decided to be a main pillar, along with the Sunnis and Shiites, for rebuilding Iraq.”⁶⁸⁷ Given the Kurds’ history and experience with brutal regimes in Baghdad, Kurdish constitutional demands were not unreasonable. The Kurds secured most of their demands, including federalism, the ability

⁶⁸³ See Reidar Visser, “The Kurdish Issue in Iraq.”

⁶⁸⁴ Michael M. Gunter, “Arab–Kurdish Relations and the Future of Iraq,” *Third World Quarterly* Vol. 32, No. 9 (2011), 1627.

⁶⁸⁵ See Feisal Amin Rasoul al-Istrabadi, “A Constitution without Constitutionalism.”

⁶⁸⁶ Reidar Visser, “The Kurdish Issue in Iraq,” 81.

⁶⁸⁷ Author Interview with Omed Sabah.

to maintain their separate standing army, the recognition of Kirkuk as a disputed territory, and the ability to develop their natural resources.⁶⁸⁸

Many of the Kurdish successes in post-Saddam Iraq can be attributed to the organization of the Kurds in the prelude to the constitutional negotiations and subsequent elections. The KDP and the PUK agreed to set aside their historic differences in order to secure the political and economic preferences of the Kurds. The Kurds were prepared and possessed leverage to secure their demands during the drafting of the constitution. The Kurdish position of power began to change in 2007. The Kurds continued to push a decentralized agenda, but non-SCIRI Shiites in Baghdad began to push back against Kurdish insistence on its natural resource development and the issue of Kirkuk.⁶⁸⁹ The pushback was initiated by Nouri al-Maliki, the Prime Minister of Iraq from 2006 to September 2014, who sought to strengthen Baghdad's powers in governing the oil sector and resolving the Kirkuk issue. The Kurdish-Shiite alliance was expedient for both groups for achieving their political objectives in Baghdad. The Kurds could push through their demands with the support of the Shiites and in turn the Shiites could rely on the support of the Kurdish bloc to form the government in Baghdad. The alliance began to unravel between 2008 and 2009 following Maliki's attempts to extend Baghdad's powers over natural resources and the repeated postponement of the Kirkuk referendum.

One of the main sources of conflict between the KRG and Baghdad from 2005 to 2014 was the struggle over constitutional powers. Both sides have been pushing and pulling for influence in their respective jurisdictions. From the Kurdish perspective, the Iraqi constitution is a compromise by the Kurds to save Iraq. The Kurds demanded

⁶⁸⁸ Reidar Visser, "The Kurdish Issue in Iraq," 82-83.

⁶⁸⁹ *Ibid.*, 85.

certain provisions in the constitution in order to check Baghdad's powers and proclivity for centralization. Kurdish officials were clear that their constitutional demands were a precondition for participating in a unified Iraq. Furthermore, officials are unsatisfied with Baghdad's track record vis-à-vis the constitution and insist that the future of Iraq depends on Baghdad's adherence to the constitution.⁶⁹⁰ This idea is best articulated by Omed Sabah when he says, "If the Iraqi government wishes to preserve the unity of Iraq it must adhere to the law of the land. The last paragraph of the Preamble [of the constitution] indicates that the unification of Iraq is voluntary and its preservation depends on adherence to the constitution. To preserve the unity of Iraq, Baghdad must implement all articles in the constitution."⁶⁹¹

In particular, the KRG has insisted on its right to develop the Kurdish region's natural resources without permission from Baghdad and the KRG has demanded the implementation of Article 140 to resolve the longstanding Kirkuk issue.⁶⁹² Iraq, during this period, became increasingly centralized as Baghdad attempted to broaden its jurisdiction and increase its influence over the KRG. Another main source of tension between Baghdad and the KRG since 2005 has been the status of Kirkuk. The disputed territory was set to be resolved in 2007 but has been indefinitely postponed, as neither Baghdad nor the KRG is willing to relinquish claims to the territory. A potential resolution to the settlement of Kirkuk, which would be amenable to all sides, is to grant

⁶⁹⁰ Author interview with Hemen Hawrami. Minister of Foreign Affairs for Kurdistan Democratic Party. Salahaddin, Iraq. 15 May 2013.

⁶⁹¹ Author interview with Omed Sabah. The last paragraph of the Preamble reads as follows: "We, the people of Iraq, of all components and across the spectrum, have taken upon ourselves to decide freely and by choice to unite our future, to take lessons from yesterday for tomorrow, and to enact this permanent Constitution, through the values and ideals of the heavenly messages and the findings of science and man's civilization. The adherence to this Constitution preserves for Iraqi its free union of people, of land, and of sovereignty."

⁶⁹² Article 140 outlines the way in which disputed territories are to be resolved by the KRG and Baghdad. Kirkuk is perhaps the most significant territory given its vast natural resources.

the territory special status within Iraq.⁶⁹³ The issue of Kirkuk has become further complicated following the invasion of ISIS into Iraq and the seizure of Kirkuk by Kurdish security forces. The issue is beyond the scope of this thesis and will not be resolved easily.

The KRG's relations with Baghdad became increasingly strained at the beginning of 2010. Nouri al-Maliki, the Shiite Prime Minister of the day, and his supporters hoped to regain much of the political power Baghdad had lost following the drafting of Iraq's constitution. One of the areas in which Baghdad hoped to reassert itself is control over natural resources, and in particular oil, and the revenues generated from them.⁶⁹⁴ The Kurds have always maintained that Article 112 of the constitution outlines the regional government's supremacy in the development of, and collection of revenues from, oil extraction.⁶⁹⁵ The disputes between the two sides have also led to military posturing on more than one occasion over the disputed territories on the border of the Kurdish region.⁶⁹⁶

Academics and analysts expected the disputes between the Kurds and Baghdad to worsen following the complete withdrawal of US forces.⁶⁹⁷ Tensions culminated in 2011 when Massoud Barzani and the Kurdish bloc in the Iraqi parliament attempted to remove Maliki in a vote of non-confidence following accusations from Sunnis and Kurds that Maliki was consolidating power following the withdrawal of US forces in late 2011.

⁶⁹³ Stefan Wolff, "Governing (in) Kirkuk: Resolving the Status of a Disputed Territory in Post-American Iraq," *International Affairs* Vol. 86, No. 6 (2010): 1361-1379.

⁶⁹⁴ Michael M. Gunter, "Arab-Kurdish Relations and the Future of Iraq," 1625-1626.

⁶⁹⁵ *Ibid.*, 1626.

⁶⁹⁶ *Ibid.*, 1628.

⁶⁹⁷ See David Romano, "Iraqi Kurdistan: Challenges of Autonomy in the Wake of US Withdrawal,"; Mohammed M.A. Ahmed, *Iraqi Kurds and Nation-building* (New York: Palgrave Macmillan, 2012), 197-200.

This move was ultimately rejected by the then President Jalal Talabani because it did not have the required number of signatures from parliamentarians.

Despite their differences and the seeming intractability over power and resources, the KRG understands that it is more beneficial to compromise with Baghdad than to challenge it.⁶⁹⁸ The Kurdish preference, therefore, from 2005 to 2014 was to function autonomously in a united Iraq. This preference was demonstrated by the Kurdish willingness to participate in constitutional negotiations and to fully participate in the formation and functioning of the governments in Baghdad. Throughout the past decade, the Kurds have maintained that they will continue to support and work within a united Iraq if Baghdad respects the constitution. Kurdish actions since 2005 demonstrate a genuine willingness to maintain Iraq's unity. The Kurds have supported successive Shiite-dominated governments following elections in 2005, 2010, and most recently in 2014. In return for their support, the Kurds were appointed to various high-profile portfolios, including the post of president, foreign minister, and other cabinet positions in the governments formed in 2006 and 2010.

Kurdish officials reasoned that the Kurds have too much to lose by seceding from Iraq. Susan Shahab, leader of the governing coalition in the Kurdistan National Assembly from 2009-2013, believes that this is a golden time for the Kurds and therefore the question of independence can be shelved. She argues that, "Economic independence and the ability to reconstruct infrastructure is the first priority. Forging good relations between the KRG and Iraq and neighbours is a second priority."⁶⁹⁹ Shahab understands that the Kurdish population desires independence, but she also recognizes that it would

⁶⁹⁸ Denise Natali, "The Politics of Kurdish Crude," *Middle East Policy* Vol. 19, No. 1 (2012), 117.

⁶⁹⁹ Author interview with Susan Nouri Shahab, Member of Kurdistan Parliament – Patriotic Union of Kurdistan. Erbil, Iraq. 7 May 2013.

not be prudent to jeopardize the Kurdish region's favourable position. Shahab effectively lays out the conditions under which the Kurdish region would be willing to stay with Iraq. She says, "First of all, Baghdad must adhere to the constitution. Second, we must be treated as partners in Iraq. Third, there are many problems in resolving disputes with Baghdad and in particular the resolution of Article 140."⁷⁰⁰

Abdulsalam Berwari, a long serving member of the KDP and member of the Kurdistan parliament from 2009-2013, provided interesting insights into the KDP's objectives and the Kurdish population's aspirations. Berwari believes that because the Kurdish region's position in Iraq is uncertain, economic and security imperatives outweigh other issues for Kurdish citizens.⁷⁰¹ Abdulsalam Berwari was adamant that independence is the end goal of the KDP and that the Kurdish region's current position is a reflection of geopolitical realities rather than a willingness to stay with Iraq. "We believe that the conditions are not yet right for independence," explains Berwari, "We are surrounded by three states that have their own Kurdish minorities and the international community's (i.e., the US and the EU) interests do not align with Kurdish independence given the small territory and population."⁷⁰² This is a longstanding argument made by Kurdish leaders. Independence is not practical given the unfavourable environment in which the Kurds find themselves. The benefits of the status quo, as it were, are too great to give up for the risks associated with a possible secession.

⁷⁰⁰ Author interview with Susan Nouri Shahab.

⁷⁰¹ Author interview with Abdulsalam Berwari, Member of Kurdistan Parliament – Kurdistan Democratic Party. Erbil, Iraq. 7 May 2013.

⁷⁰² Ibid.

Capabilities

According to realist assumptions, de facto states must possess the military power necessary to secede from the parent state and survive as an independent state. Based on this approach, the Kurds did not possess adequate capabilities between 2005 and 2014 to secede from Iraq. Without military capabilities, de facto states stand little chance of surviving let alone achieving independence. Military power is essential because de facto states cannot rely on other actors for help in achieving independence. In short, capabilities determine whether a de facto state achieves independence or if it is reintegrated into the parent state. Constructivists, meanwhile, emphasize the importance of agency and international norms. De facto states must navigate the rigid international norms against secession and the international preference for state sovereignty. Based on constructivist notions then, independence is a difficult option for Iraqi Kurdistan given the inviolability of state sovereignty and the international norms against secessionist movements. Such norms, however, have not prevented other de facto states (e.g., Kosovo, South Sudan, and Eritrea) from declaring independence and securing recognition from the international community. Realism and constructivism, therefore, do not provide a complete explanation for Iraqi Kurdistan's behaviour.

Indeed, one could make the case that between 2005 and 2014 the Kurds possessed sufficient capabilities to secede from Iraq. Following the overthrow of Saddam Hussein's regime the government in Baghdad was weakened politically and militarily, while the Kurds possessed the political, economic, and military capabilities to establish an independent Kurdistan. Gareth Stansfield, for one, argues that the domestic and regional

conditions were suitable for Kurdish independence.⁷⁰³ He argues, “the combination of local cohesion, popular Kurdish development, Iraqi state weakness, and the overlapping of economic and geopolitical interests between the Kurdistan Region and one-time opponents gives the current trajectory more durability than the Kurds have enjoyed in previous times when it looked as though they could challenge the established state system.”⁷⁰⁴ The KRG has established political institutions that furnish Iraqi Kurdistan with the capacity to administer the region and deliver basic services to the population. Iraqi Kurdistan is also economically viable, as it sits atop vast oil and gas reserves, leading some analysts to call it Iraqi Kurdistan’s “most promising asset.”⁷⁰⁵ Finally, the KRG possesses a capable military that can provide security and defense for Iraqi Kurdistan. Yet, we should not expect the Kurds to forsake all their gains for something uncertain.

Despite a clear preference for the status quo, academics and analysts are often quick to announce Kurdish independence as imminent any time a KRG official asserts Kurdish rights to self-determination.⁷⁰⁶ It is true that Massoud Barzani and other Kurdish officials (e.g., Nechervan Barzani, President Massoud Barzani’s Chief of Staff Fuad Hussein, and other high-ranking officials) maintain that the Kurds reserve the right to determine their political future. However, it is equally true that Kurdish officials have repeatedly maintained that although independence is the Kurdish dream, the Kurds will remain in a democratic and federal Iraq. For decades, academics have argued that Iraqi

⁷⁰³ Gareth Stansfield, “The Unravelling of the Post-First World War State System? The Kurdistan Region of Iraq and the Transformation of the Middle East,” *International Affairs* Vol. 89, No. 2 (2013), 270.

⁷⁰⁴ Gareth Stansfield, “The Unravelling of the Post-First World War State System?” 282.

⁷⁰⁵ Joost Hiltermann, “Revenge of the Kurds: Breaking Away from Baghdad,” *Foreign Affairs* Vol. 91, No. 6 (Nov./Dec. 2012).

⁷⁰⁶ See Ofra Bengio, *The Kurds of Iraq*, 302; Michael Gunter, “Canvassing the Kurdish Spring,” in Mohammed M.A. Ahmed and Michael Gunter (eds.), *The Kurdish Spring: Geopolitical Changes and the Kurds* (Costa Mesa: Mazda Publishers, 2013), 21.

Kurdistan would declare independence “when they deemed the time propitious.”⁷⁰⁷ Michael Gunter, for example, does not believe that a decentralized Iraq, with an autonomous Kurdish region, is a long-term solution. He maintains that it is only a matter of time before the majority Arab population of Iraq organizes itself and imposes its will on the Kurds.⁷⁰⁸

Kurdish officials, including Massoud Barzani, the president of Iraqi Kurdistan, and Jalal Talabani, the former president of Iraq, insist that Iraqi Kurdistan will maintain the status quo under the right conditions. In a 2008 opinion editorial in the *Wall Street Journal*, Massoud Barzani called Iraqi Kurdistan a model for the rest of Iraq. Barzani affirmed that the Kurdistan Regional Government (KRG) is “committed to a federal, democratic Iraq that is at peace with its neighbors.”⁷⁰⁹ In addition, Barzani responds to critics who accuse the KRG of operating outside its constitutional limits by developing the Kurdish region’s oil resources. Barzani argues that the KRG is “proceeding entirely in accord with the Iraqi constitution, implementing provisions that were brokered by the U.S.”⁷¹⁰ Jalal Talabani also opposed independence in 2005 because it was not ‘practical.’⁷¹¹

The KRG functions with a high degree of autonomy within a federal Iraq, but at the same time, the Kurds play a prominent role in the rest of Iraq vis-à-vis their presence in Baghdad. Indeed, the Kurds have held in the past and continue to hold significant posts in the Iraqi government. For example, in the 2005 and 2010 cabinets, the Kurds

⁷⁰⁷ Michael M. Gunter, “A De Facto Kurdish State in Northern Iraq,” 300.

⁷⁰⁸ Michael M. Gunter, “Arab–Kurdish Relations and the Future of Iraq,” 1624.

⁷⁰⁹ Massoud Barzani, “Kurdistan is a Model for Iraq,” *The Wall Street Journal*. 12 November 2008. Available at: <http://online.wsj.com/articles/SB122645258001119425>

⁷¹⁰ Ibid.

⁷¹¹ Michael Gunter, *The Kurds Ascending*, 16.

held the posts of president, deputy prime minister, and foreign minister and, in the most recent 2014 cabinet, the Kurds have retained the post of the president, deputy prime minister, and have been given the minister of finance post amongst other ministries.⁷¹²

According to some Kurdish officials, capabilities will not determine Iraqi Kurdistan's fate. A group of officials, which can be labeled 'soft-secessionists,' claims that Iraqi Kurdistan will secede from Iraq but under the right conditions. This group includes individuals such as, Abdulkhaliq Bapiri, head of the KDP's first branch in Duhok, Bayiz Talabani, KRG Minister of Finance and the Economy from 2009-2013, and Mohammed Ihsan, KRG Minister of the Kurdistan territories outside the Kurdish region. There are also more hardline officials among the soft-secessionists. The hardliners include Parizad Shaban, Kurdish member of Iraq parliament and Renas Jano, KDP MP in Baghdad.⁷¹³ 'Soft-secessionists' insist that not only is independence a legal right, but it is also normatively desirable given the history of the Kurds and the uncertainty regarding the future of Iraq. Despite such firmness, however, 'soft-secessionists' insist that separation from Iraq must be achieved in a peaceful and amicable way.

Even this group, however, is willing to work within a federal Iraq for now.⁷¹⁴ Omer Nuradini, KDP member of Kurdistan parliament, aptly outlined the KDP's (and by extension the KRG's) approach to its future in Iraq. He says, "The KDP's strategy for

⁷¹² Alexander Whitcomb, "Kurds Close to Participation in Iraqi Government," *Rudaw*. 13 October 2014. Available at: <http://rudaw.net/english/middleeast/iraq/13102014>

⁷¹³ The KSU is unlike student unions in Western countries and can be described as the organisation responsible for mobilising and educating the student population around the issue of Kurdish nationalism. The KSU's importance, especially in indoctrinating university students with Kurdish nationalism, is noteworthy and historically grounded as its former presidents include Mustafa Barzani and Jalal Talabani. Its power lies in the membership base: they are numerous and educated and many go on to become high-ranking officials in the KDP, the PUK, and therefore the KRG. For these reasons, the position of the KSU is a valuable insight into the aspirations of the large voting base and future leaders.

⁷¹⁴ Author interview with Omer Nuradini, Member of Kurdistan Parliament – Kurdistan Democratic Party. Erbil, Iraq. 6 May 2013.

secession is a ‘soft’ secession. It does not want to unilaterally or violently separate from Iraq. It is working towards a diplomatic and agreeable strategy with which Baghdad will agree.”⁷¹⁵ Nuradini believes that Iraqi Kurdistan hopes to breakaway from Iraq under mutually acceptable terms to maintain friendly relations. Other KDP officials, including Abdulkhaliq Bapiri and Mohammed Ihsan, shared these sentiments. (Bapiri serves as a high-ranking KDP official and as a member of the party’s leadership council.) “We want our national issue to be solved democratically and peacefully...we don’t want to go through that avenue [use of force] as much as there is a chance to do it democratically,” asserts Bapiri.⁷¹⁶

The PUK’s strategy is a similar one. Long-serving PUK member and the KRG Minister of Finance and the Economy from 2009-2013, Bayiz Talabani, indicated that Kurdish gains should not be risked with imprudent policy based on emotion. He adds, “We must carefully consider whether or not the Kurdish region is ready to take the step in becoming a state. We should not rush this decision. We have a territory that has a parliament, a government, and stability and security to serve the Kurdish region and its people... We have built a strong foundation for a future state.”⁷¹⁷ This faction stresses the importance of achieving independence in a democratic and peaceful manner in order to safeguard the Kurdish region’s political, economic, and diplomatic progress.

Many who fall into this camp believe that independence is a natural right of the Kurds and that the push for independence will not wane. Indeed, even asymmetrical federalism and other political accessions on the part of Baghdad will not persuade ‘soft-

⁷¹⁵ Author interview with Omer Nuradini.

⁷¹⁶ Author interview with Abdulkhaliq Bapiri, Head of the Kurdistan Democratic Party’s First Branch. Duhok, Iraq. 10 June 2013.

⁷¹⁷ Author interview with Bayiz Talabani, Minister of Finance and Economy – Kurdistan Regional Government. Erbil, Iraq.

secessionists' to stay in a federal Iraq. "If there is an opportunity to separate from Iraq peacefully, we would go for it without thinking twice," notes Bapiri.⁷¹⁸ Mohammed Ihsan offered a simple, but insightful way for understanding the Kurdish mentality. He announces, "Look, our policy is to work for the best, prepare for the worst. This is the Middle East. When you wake up in the morning, you should have plan A and B."⁷¹⁹ Kurds view independence as a right and a protective measure against the region's instability. In short, there are no conditions under which the Kurds would be willing to stay with Iraq in the long term, say 'soft-secessionists,' but they also insist that any secession must be peaceful and democratic.

Critics in Iraqi Kurdistan retort that the KDP and the PUK are using the dream of Kurdish independence to preserve their positions of power. As evidence, Kamiran Berwari says one ought to look at the track record of the KDP and the PUK, which, according to him, demonstrates their unwillingness to push for independence.⁷²⁰ Mentik echoes these sentiments. He adds, "If you study our history, especially in the last fifty years, you will see that the leader [Barzani] has fought all other Kurdish groups. For example, the KDP has fought Kurds in Iran, Turkey, and even Kurds in Iraq...There is a difference between what one says and what one does. They always talk about independence and building a state, but in practice it is a different story."⁷²¹ This criticism was a common one amongst those who questioned the Kurdish leadership's desire for independence. The critics argue that the KDP and the PUK use the rhetoric of

⁷¹⁸ Author interview with Abdulkhaliq Bapiri.

⁷¹⁹ Author interview with Mohammed Ihsan, Minister of the Kurdistan territories outside the Kurdistan region – Kurdistan Regional Government. Erbil, Iraq. 9 May 2013.

⁷²⁰ Author interview with Kamiran Berwari.

⁷²¹ Author interview with Kameran Mentik, Professor of History and Political Science, Salahaddin University – Hawler. Erbil, Iraq. 16 June 2013.

independence to appease the population's desire for a Kurdish state, but in practice neither party has made Kurdish independence a policy goal during election campaigns.

Kamiran Berwari and Mentik raise an interesting point regarding the KDP and the PUK's policy platforms during elections. During my observations of the 2013 parliamentary election, neither the PUK nor the KDP offered a clear and explicit plan for achieving independence. In fact, the question of independence was a non-issue during the election. Massoud Barzani raised the issue during a campaign speech in Duhok but he refused to explicitly mention independence. In vague and uncertain terms, Barzani suggested that although the KRG has made significant progress in the economic and security spheres, it would continue to work on achieving 'something greater.' It is widely inferred that Barzani was referring to independence. The central issues of the election were security, the economy, and improving governance in Iraqi Kurdistan. Similarly, during the 2014 federal election, Kurdish political parties did not mention independence as an objective and instead the major political parties, including the KDP, the PUK, and Gorran promised to advance Kurdish interests in Baghdad and to ensure that Baghdad continues to provide the Iraqi Kurdistan with the 17 percent revenue of Iraq's budget to which it is entitled.

Others criticize the Kurdistan Regional Government (KRG), and the Kurdistan Democratic Party (KDP) in particular, for advancing and protecting their interests rather than those of the Kurdish region and its population. These criticisms come from opposition political parties, including the Change Movement (also known as Change List and Gorran) and the Kurdistan Islamic Union (KIU). Gorran was founded in 2009 in response to the (real and perceived) corruption and nepotism in Iraqi Kurdistan's politics.

A 2006 strategic agreement effectively divided the administration of Iraqi Kurdistan between the KDP and the PUK.⁷²² The agreement would serve as the basis of the KRG cabinets from 2006 until the regional elections of September 2013 and contributed to the emergence and success of Gorran. Nawshirwan Mustafa, who was second to Jalal Talabani in the PUK, broke away and formed Gorran in opposition to Talabani's decision to forge an alliance with the KDP and Massoud Barzani.⁷²³ As a response to the PUK's perceived nepotism, Nawshirwan Mustafa and his followers split from the PUK to form Gorran in 2009.⁷²⁴ Gorran capitalized on the disenchantment against the KDP and the PUK to secure significant support from voters.

Kardo Pirdood Muhammed, Gorran's caucus leader in the Kurdistan National Assembly (KNA) from 2009-2013, for example, criticizes the KRG for neglecting the Kurdish region's institutional and social development. In particular, Muhammed contends that the policies of the KDP and the PUK have led to the politics of exclusion where members and supporters of other parties feel like second-class citizens.⁷²⁵ In this way, Gorran is presented as the alternative to the exclusionary policies of the KDP and the Patriotic Union of Kurdistan (PUK). "Gorran is calling for an effective government that works within effective and accountable institutions. We must make all Kurdish citizens feel a part of the nation and the political system," argues Muhammed. The critics argue that members and supporters of the PUK and the KDP are made to believe that they are 'better' Kurdish citizens. Gorran presents itself as modern reformist party that is

⁷²² Kurdistan Regional Government, "Kurdistan Regional Government Unification Agreement." 23 January 2006. Available at: <http://www.krg.org/a/d.aspx?r=223&l=12&a=8891&s=02010100&s=010000>

⁷²³ Mohammed M.A. Ahmed, *Iraqi Kurds and Nation-Building* (London: Palgrave Macmillan, 2012), 15-16.

⁷²⁴ Mohammed M.A. Ahmed, "Kurdish Spring, Iraqi Kurdistan," 95-96.

⁷²⁵ Author interview with Kardo Pirdood Muhammed, Member of Kurdistan Parliament - Gorran. Erbil, Iraq. 6 May 2013.

inclusive. “The main difference between Gorran and the PUK and the KDP is that they create an environment wherein membership in a political party is more important than citizenship in the Kurdish region,” claims Muhammed.⁷²⁶

Gorran and its members are less firm than their KDP and PUK counterparts on the question of independence. In fact, one of Gorran’s main objectives is to improve Kurdish relations with Baghdad through mutual cooperation in the areas of security, territorial disputes, implementation of the Iraqi constitution, and the economy.⁷²⁷ Whereas the KDP and the PUK representatives claim to be unabashedly pro-independence, Gorran’s members are more reserved on this issue. Instead, Gorran stresses the importance of institutional reforms to develop the economy and governance. Members of Gorran did not explicitly reject the notion of Kurdish independence but rather insist that internal reforms must take place to lay the foundations for a potential Kurdish state. When asked how Gorran would respond to the Kurdish population’s desire for independence, Muhammed replied that, “if the people want independence, we must first reform our government to achieve independence...I believe that the internal reforms will be helpful in leading to Kurdish independence...Kurdish people have long struggled for national autonomy, but once we [have] achieved political autonomy we must fight corruption, inequality, and establish an effective judicial system to strengthen our democracy.”⁷²⁸

Ali Hamah Salih is a leading member of Gorran and was elected to the KNA in the September 2013 regional election.⁷²⁹ Salih indicated that the PUK and the KDP

⁷²⁶ Ibid.

⁷²⁷ Gorran, “Official Website of the Change Movement (Gorran) – Election Platforms.” Available at: <http://gorran.net/En/Content.aspx?LinkID=189&Action=2>.

⁷²⁸ Author interview with Kardo Pirdood Muhammed.

⁷²⁹ Ali Hamah Salih hosted a program on a regional TV station KNN and is known as “The Calculator” in the Kurdish region for his meticulous itemization of the KRG’s alleged corrupt practices with the budget.

divide the administration and budget of the Kurdish region between themselves with few opportunities for those who are not members of the parties.⁷³⁰ Salih further argued that the popularity of the KDP and the PUK has increasingly waned during each election. Salih agrees that the KDP and the Barzani family are popular with the population, but it is also becoming more intolerant of the corruption and in need of economic opportunities. For example, Salih points to the revenue generated from the Ibrahim Khalil border crossing on the border of Turkey that is unaccounted for. He argues that the KDP essentially buys votes especially in Sulaymaniya province. Salih raised an important issue that was not highlighted by other officials. He noted that Iraqi Kurdistan does not have defined borders. “How can it become a state if it does not have a clearly defined territory and borders?” asks Salih.⁷³¹ He believes that if an independent Kurdistan will consist of the existing three provinces, such a move is pointless because it has been effectively independent for 30 years.

Other Gorran members, including Evar Ibrahim and Barzo Majeed, emphasized the importance of further developing the Kurdish region’s economy, passing a regional constitution, and implementing widespread change to the region’s political and social structures. Evar Ibrahim, Gorran member of the Kurdistan National Assembly since 2014, for example, noted that Gorran believes reform is necessary before independence can be achieved. She says, “Gorran is happy to have an independent Kurdistan, but first we need to organize ourselves.”⁷³² Ibrahim describes the KRG as *gandalchi* (corrupt) and nepotistic. “It is obvious that the KDP and the PUK have failed to meet people’s

⁷³⁰ Author interview with Ali Hama Salih, Member of Kurdistan Parliament – Gorran. Erbil, Iraq. 16 June 2013.

⁷³¹ Author interview with Ali Hama Salih.

⁷³² Author interview with Evar Ibrahim, Female Representative for Gorran in Erbil. Erbil, Iraq. 16 June 2013.

demands. As always, they look out for their own interests first. Until now they haven't been able to solve their own problems, they're still divided over the security and intelligence administration," she noted.⁷³³

Gorran's objective, according to its members, is to uncover the injustice in society and to make the financial transactions of the KRG transparent. Ibrahim's criticism of the KRG reflects Gorran's core principles and objectives in trying to identify and expose what they believe is rampant corruption in the Kurdish region. Barzo Majeed, Head of Gorran for Erbil Governorate and member of Kurdistan parliament, notes that prior to the emergence of Gorran, the KRG passed legislation without opposition. Such legislation, in his words, "was in the interest of two parties [the KDP and the PUK]. There was no opposition in the parliament. The expenditure of the budget was also problematic as the two parties were dividing it between themselves and there was little transparency."⁷³⁴ In short, Gorran and its members strongly disagree with the way in which the Kurdish region is being governed.

The Kurdistan Islamic Union (KIU) also criticizes the policies of the KRG. The KIU was officially formed in 1994 but its roots can be traced back to the 1970s. Its formation coincided with the onset of the KDP-PUK civil war, from which the KIU benefited. The KIU condemned the KDP and the PUK for killing Kurds and Muslims and for forging expedient alliances with the governments in Baghdad, Tehran, Ankara, and the Kurdistan Workers' Party (PKK). The KIU identifies the rights of Kurdish people as one of its main objectives, including the right to self-determination and the return of

⁷³³ Ibid.

⁷³⁴ Author interview with Barzo Majeed, Member of Kurdistan Parliament – Gorran. Erbil, Iraq. 16 June 2013.

the disputed areas under Kurdish control.⁷³⁵ The KIU's general principles also emphasize the need for Islamic values and in particular the implementation of Sharia as the ultimate guarantor of those values.⁷³⁶ It is on these grounds that the KIU criticizes the KRG. Specifically, the KIU and its members attack the KRG (and the KDP and the PUK) for nepotism, corruption, and lack of transparency. Bayan Ahmed Hasan, KIU member of Kurdistan parliament from 2009-2013, criticizes the KRG for failing to advance Kurdish interests. She states, "First, we still have two administrations [the KDP and the PUK], two ruling parties that have not been able to accept other political parties and our people continue to suffer as a result. They don't recognize other parties, they prop up puppet political parties whose job it is to support them in the parliament."⁷³⁷ Ismaeel Ravendi, a member of the KIU's counselling board, meanwhile, characterizes the KRG as ineffective, corrupt, and undemocratic.⁷³⁸

Non-partisan officials also emphasized that Iraqi Kurdistan can function within a united Iraq. Abdulhakeem Khasroo and Ali Kareem provided balanced analyses of the political situation of the Kurdish region, on the governance of the KRG and, the practices of the KDP and the PUK. Abdulhakeem Khasroo is professor of political science at Salahaddin University – Hawler (Erbil). Professor Khasroo indicated that independence is not the top priority for the Kurdish population despite what some politicians and political parties suggest. "In terms of public opinion, independence is not at the top of the list, especially if Kurdistan continues to function as a de facto state. The most

⁷³⁵ General Manifesto and Code of Practice of Kurdistan Islamic Union. Official Website – About Us. 1 May 2012. Accessed 13 August 2013. <http://www.kurdiu.org/en/aboutus.php>

⁷³⁶ Ibid.

⁷³⁷ Author interview with Bayan Ahmed Hasan, Member of Kurdistan Parliament – Kurdistan Islamic Union. Duhok, Iraq. 8 June 2013.

⁷³⁸ Author interview with Ismaeel Ravendi, Head of the Counselling Board of the Kurdistan Islamic Union. Duhok, Iraq. 2 June 2013.

important thing for us is to maintain good relations with Baghdad and build a strong economy...The Kurdish population desires security and economic growth. Based on research and observations during elections in the Kurdish region, none of the political parties has mentioned independence as a goal,” he contends.⁷³⁹ Khasroo supports his point by suggesting that Kurds would be willing to work within a democratic and federal Iraq. He says, “if we maintain our current status, we would not have any problem as long as we are safe and secure and economically viable.”⁷⁴⁰ Khasroo further notes that the KDP and PUK’s apparent appeal and strength are tenuous. Indeed, he argues that voters desire change, but view the opposition parties (i.e., Gorran and KIU) as less capable than the governing parties.⁷⁴¹

The KDP and the PUK’s undemocratic practices are an open secret in Iraqi Kurdistan. For example, Ali Kareem, the Head of the Kurdistan Institute for Human Rights, suggests that it is difficult for opposition parties and their members to secure positions in the Kurdish region due to the policies of the KDP. “Sometimes if one is loyal to or a member of the opposition it is difficult to receive governmental positions and one cannot participate in any governmental activities. Generally, [opposition] parties are ignored. There are very few members of opposition political parties holding official positions in public institutions.”⁷⁴² He further criticizes the KDP and the PUK for perpetuating the region’s tribal and traditionalistic society. “We have a negative culture and tradition of dealing with political parties. For example, the tribal system is often

⁷³⁹ Author interview with Abdulhakeem Khasroo, Chair of Political Science. Salahaddin University – Hawler (Erbil). Erbil, Iraq.

⁷⁴⁰ Author interview with Abdulhakeem Khasroo.

⁷⁴¹ Ibid.

⁷⁴² Author interview with Ali Kareem, Head of the Kurdistan Institute for Human Rights. Erbil, Iraq. 16 June 2013.

viewed as an alternative to the government. The KRG (and the PUK and the KDP) are viewed as a special instrument or tools for the use of its members and not as general public institutions. This creates bad relations between the government and other political parties,” reflected Kareem.⁷⁴³

The Kurdistan Communist Party, which has a seat in the Kurdistan National Assembly (KNA), also views Iraqi Kurdistan’s development as more important than independence. Berevan Abdulrahman, the Communist Party’s Duhok representative, outlined his party’s broad goal as protecting the “new reality in Kurdistan.” This entails the implementation of democracy, the development of civil society, an effective institutional administration in Iraqi Kurdistan, and to foster good relations between Erbil and Baghdad.⁷⁴⁴ Abdulrahman suggested that independence has taken a backseat to political and economic development in the Kurdish region.⁷⁴⁵ Mohammed Amed, former MP in the KNA and a high-ranking official in the Communist Party, also indicated that his party hopes to see a “free, democratic, and plural Iraq.”⁷⁴⁶ Although the population wants independence, it also wants jobs, social services, and an effective government.⁷⁴⁷

The period from 2005 to the summer of 2014 was a critical one for Iraqi Kurdistan. Instead of pushing for independence, the Kurdistan Regional Government fully participated in the rebuilding of Iraq. Iraqi Kurdistan’s main reason for preserving the status quo is that post-Saddam Iraq has been largely accommodative to its political and economic goals of the Kurds. These findings suggest that the de facto state literature

⁷⁴³ Author interview with Ali Kareem.

⁷⁴⁴ Author interview with Berevan Abdulrahman, Representative of Communist Party – Duhok Branch. Duhok, Iraq. 4 June 2013.

⁷⁴⁵ Ibid.

⁷⁴⁶ Author interview with Mohammed Amed, Former Member of Kurdistan Parliament and Official of Kurdistan Communist Party. Duhok, Iraq. 4 June 2013.

⁷⁴⁷ Ibid.

has overlooked the importance of economic development and political accommodation. Whereas the body of literature asserts that independence is the ultimate goal of all de facto states, the case of Iraqi Kurdistan suggests that there are conditions under which the status quo may be satisfactory, or even preferable.

How can we explain the seemingly contradictory positions on Kurdish independence? On the one hand, officials were adamant that independence is the endgame, but on the other hand, they outlined the conditions under which Iraqi Kurdistan would stay with Iraq. I believe that the status quo (i.e., de facto statehood in a federal Iraq) satisfied Iraqi Kurdistan's objectives. After all, the status quo furnishes the Kurds with all the benefits of an independent state without any of the risks associated with seceding from the parent state. Without such accommodations, Kurdish officials clearly indicated that the Kurdish region would push for independence. In fact, Massoud Barzani has, on more than one occasion, declared that without federalism and respect for the democratic process, the Kurds will seek independence. In a 2011 interview, Barzani said, "I repeat it once again, as I always have, as far as Iraq follows the current constitution, we would not think of division and establishing an independent state. Abiding by this constitution is for the benefit of Iraq and the Kurdistan Region, particularly in this current situation."⁷⁴⁸

The Behaviour of Iraqi Kurdistan Since June 2014

Preferences

⁷⁴⁸ Kurdish Globe, "Translation of interview of Asharq Al-Awsat newspaper with President Masoud Barzani." 17 June 2011. <http://www.krg.org/a/d.aspx?l=12&s=02010200&r=73&a=40404&s=010000>

Iraqi Kurdistan's second opening for independence materialized following the invasion of the Islamic State in Iraq and Syria (ISIS) into Iraq. This section will examine the ways in which the ISIS presence in Iraq has changed Iraqi Kurdistan's preferences and especially the decision for independence. The section will briefly outline the emergence of ISIS in Iraq and the Kurdish reaction to the shifting geopolitics in Iraq. It will include an analysis of the ways in which ISIS has changed the political dynamics and calculations of Iraqi Kurdistan. It will demonstrate that although the presence of ISIS poses significant political, security, and economic challenges to the Kurdish region and Iraq, Iraqi Kurdistan's preference regarding independence has not changed. To be sure, Iraqi Kurdistan will protect its political and economic interests, but it will also continue to promote a united and federal Iraq. Although ISIS poses new challenges to the unity of Iraq, it is a threat that may ultimately prove to be a source of unity between the KRG and Baghdad.

From June to September 2014, ISIS overran the Iraqi military in northern Iraq and captured Iraq's second largest city, Mosul. ISIS is a Sunni terrorist group that emerged following the 2003 US invasion of Iraq and the Syrian civil war that erupted in 2011.⁷⁴⁹ From the early 2000s to 2006, it operated under the banner of al-Qaeda in Iraq. It has since developed into a large and well-funded terrorist organization that poses a serious threat to Iraq and Syria. ISIS's ultimate objective is to establish an Islamic Caliphate (i.e., an Islamic state) in the greater Middle East. To this end, the group attacked and captured large swaths of territory in northern Iraq, as it faced little opposition from the

⁷⁴⁹ The objective here is not to explain why the ISIS emerged, but rather to provide a timeline for its growth. For a helpful explanation on the origins of the ISIS, see Martin Chulov, "ISIS: The Inside Story," *The Guardian*. 11 December 2014. Available at: <http://www.theguardian.com/world/2014/dec/11/-sp-isis-the-inside-story>.

Iraqi military responsible for defending the territories. As a consequence, Iraqi Kurdistan found itself surrounded by the terrorist organization seeking control over all of Iraq. Initially, the situation looked favourable for the Kurds who were able to seize territory abandoned by the Iraqi military, including the hotly disputed city of Kirkuk.

Shortly thereafter, in early July 2014, Massoud Barzani announced that the KRG would hold, first, a referendum to decide whether Kirkuk would remain a part of Iraq or be incorporated into the KRG and, second, a subsequent referendum on Kurdish independence. Massoud Barzani defended the KRG's decision to hold the independence referendum by highlighting the Kurds' efforts at preserving Iraq's unity. He says, "We spared no effort to help make this new Iraq work. But unfortunately it has failed. So our question to our doubters is just that: How much longer should we wait, and how much longer should we deny our destiny for some unknown future?"⁷⁵⁰ The referendums were abandoned following ISIS attacks on Kurdish civilians and territory. Since late June 2014, therefore, Iraqi Kurdistan, and its military force the Peshmerga, has been locked in military battles against ISIS.

Many academics, analysts, and pundits declared that Kurdish independence would be imminent after ISIS's incursion into Iraq and Barzani's declaration to hold an independence referendum in June 2014.⁷⁵¹ The referendum, however, has been postponed and the Kurds have agreed to participate in the government in Baghdad. Rather than breakup Iraq, the threat posed from ISIS seems to have provided a common goal and

⁷⁵⁰ Dexter Filkins, "The Fight of Their Lives," *The New Yorker*. 29 September 2014. Available at: <http://www.newyorker.com/magazine/2014/09/29/fight-lives>

⁷⁵¹ See Namo Abdullah, "Richard Haass: A Unified Multi-Ethnic Iraq May be Over," *Rudaw*. 16 December 2014. Available at: <http://rudaw.net/english/interview/16122014>; Micha'el Tanchum, "The Kurds' Big Year: The Political Conditions that Favor Kurdish Independence in Iraq," *Foreign Affairs* (12 January 2015); and William A. Galston, "Now is the Moment for Kurdish Independence," *The Wall Street Journal*. 24 June 2014. Available at: <http://www.wsj.com/articles/now-is-the-moment-for-kurdish-independence-1403650500>.

strengthened relations between Iraqi Kurdistan and Baghdad. In a November 2014 forum in Erbil, the Prime Minister of the KRG, Nechervan Barzani, downplayed Iraqi Kurdistan's independence plans by revealing that independence is not a top priority. Instead, he reiterated the KRG's commitment to Iraq, but qualified it by noting that the Kurds will ask for more autonomy. He declares, "Federalism has failed and if we can't establish federalism, we are asking for additional autonomy, not for the destruction of Iraq."⁷⁵² The Kurdish decision to participate in the formation of an Iraqi government demonstrates the Kurds' willingness, and indeed their desire, to make Iraq work. The ISIS crisis may turn out to be a blessing in disguise for the future unity of Iraq.

Kurdish leaders were persuaded to join the unity government in Baghdad following Baghdad's promise to treat the Kurds as partners and to furnish Iraqi Kurdistan with more economic autonomy. The Kurdish decision was a deliberate and calculated one following conditions imposed on and agreed to by Baghdad. The Kurds agreed to join on the condition that Baghdad treat the Kurds as partners and adhere to and implement the Iraqi constitution. This has been the Kurdish position since the creation of the constitution in 2005. During interviews with the author, many Iraqi Kurdish officials reiterated this point.

Most KDP officials subscribe to a pragmatic approach to the independence question. This group includes Najeeba Ibrahim and Abdulhamid Bavi, KDP members of Iraq parliament, Kareem Sinjari, senior KDP member and the KRG Minister of the Interior, Omed Sabah, Speaker for the Presidency of the Kurdish region, Abdulsalam Berwari and Omer Nuradini, KDP members of Kurdistan parliament, Susan Shahab,

⁷⁵² Sharmila Devi, "Kurdistan PM downplays prospect of independence now," *Rudaw*, 5 November 2014. Available at: <http://rudaw.net/english/kurdistan/05112014>.

PUK member of Kurdish parliament, Nezhat Hali, Director of Parastin (the KRG's intelligence) Agency, and Hemen Hawrami, Head of the KDP's Foreign Relations Office.⁷⁵³

Ibrahim and Bavi represent the Kurdish region in the federal parliament of Iraq and believe that the current federal arrangement could be a long-term solution, but that it is ultimately up to Baghdad. Ibrahim emphasized the importance of federalism in preserving the unity of Iraq. "I don't think there is any other solution. If anyone tries to centralize Iraq, it will not be successful," she explained.⁷⁵⁴ Bavi added that Kurds are willing to be a part of Iraq because the status quo furnishes the Kurdish region with political and economic autonomy. However, Bavi also indicated that the Kurdish region and its population are uneasy about Baghdad's centralizing overtures and believes that such a policy can lead to Iraq's disintegration.⁷⁵⁵ As noted above, the notion of a dictatorial Iraq has not faded from the Kurdish consciousness. Kurds are apprehensive about the centralizing policies of Baghdad. As Bavi noted, during his time in Baghdad, he has observed an environment of mistrust that has, to date, prevented reconciliation.⁷⁵⁶

Hemen Hawrami spoke resolutely about Iraqi Kurdistan's status in Iraq and its relationship with Baghdad. Like other pragmatists, Hemen declares that the Kurdish region will be a part of Iraq if it is "democratic, pluralistic, and federal."⁷⁵⁷ Baghdad's adherence to the Iraqi constitution is a condition for Kurdish participation in Iraq. Karim Sinjari, KRG Minister of the Interior, says, "There must be respect for the constitution, a

⁷⁵³ Although the KDP's Foreign Relations Office is independent from the KRG's Department of Foreign Relations, it likely initiates much of the KRG's foreign policy.

⁷⁵⁴ Author interview with Najeeba Ibrahim, Iraq Council of Representatives Member – Kurdistan Democratic Party. Duhok, Iraq. 21 May 2013.

⁷⁵⁵ Author interview with Abdulhamid Bavi, Iraq Council of Representatives Member – Kurdistan Democratic Party. Duhok, Iraq. 31 May 2013.

⁷⁵⁶ Ibid.

⁷⁵⁷ Author interview with Hemen Hawrami.

realization and acceptance that Iraq is a federal and pluralistic entity that must be democratic.”⁷⁵⁸ The aforementioned mistrust can only be assuaged with adherence to and implementation of the law of the land. Kurdish officials noted that decades of dictatorship fostered unease amongst the Iraqi population in general and the Kurds in particular. Sinjari added that Iraq’s unity depends on respect for the principles of pluralism, federalism, and democracy as outlined in the constitution.⁷⁵⁹ These sentiments were echoed by Omed Sabah, who notes, “If they [Sunnis and Shiites] follow the constitution, we [Kurds] will remain with Iraq. If, however, they stray from the constitution, the Kurds have many options going forward, including constitutional rights.”⁷⁶⁰

The third condition for continued Kurdish participation in Iraq is the resolution of the disputed territories. Article 140 of the constitution outlines a resolution for the disputed territories; the most important of which is Kirkuk, not least for its vast oil reserves. The disputed territories were scheduled to be resolved in 2007, but the article continues to be postponed without a firm deadline. Kurdish officials believe that Baghdad is unwilling to implement the article because it does not want to relinquish control of Kirkuk’s vast oil reserves to the KRG. Kurdish claims to Kirkuk and the other disputed territories are based on the presence of a majority Kurdish population in the areas. According to Kurdish officials, therefore, Kurdish claims to the territories are based on historical grounds and not the desire to control the vast oil reserves. Such claims often refer to the 1957 Iraqi census (the last reliable census), which confirms the

⁷⁵⁸ Author interview with Karim Sinjari, Minister of the Interior – Kurdistan Regional Government. Erbil, Iraq. 16 May 2013.

⁷⁵⁹ Author interview with Karim Sinjari, Minister of the Interior.

⁷⁶⁰ Author interview with Omed Sabah.

Kurds as a majority with a population of 48 percent. Baghdad, for many reasons, to be discussed later, continues to vacillate on this issue.

Many KRG officials, therefore, acknowledge that the Kurds would be willing to stay with Iraq under the abovementioned conditions. Nuradini reasserts that, “If the federal government adheres to the Iraqi constitution and grants the Kurdish region significant rights and autonomy it may be possible to keep the Kurds with Iraq. If Baghdad makes the Kurds a real partner, there is a chance to stay with the rest of Iraq. But it must be a political and economic setup similar to that of Quebec and Canada. In this way, there are major benefits to stay with Iraq.”⁷⁶¹ Similarly, Ihsan Amedi, KDP member of Kurdistan parliament from 2005 to 2009, believes that Iraq’s unity can be preserved if Baghdad furnishes the Kurds with political autonomy and treats the Kurds as ‘partners’ in the Iraqi union.⁷⁶² In short, the Kurds are willing to accept the status quo as it provides them with “the status of an independent state without any risks.”⁷⁶³

If Baghdad fails to meet these conditions, the KRG’s Minister for Parliamentary Affairs, Mawlud Bawmulad announces, then “the Kurds will have the right to go for a referendum.”⁷⁶⁴ This view is shared by Hoshyar Zebari, member of the KDP and the current Finance Minister of Iraq. In a July 2014 interview, Zebari said, “Currently, the Kurdish leadership is working on two tracks. One is to give another chance to the Iraqis, to want to build a new Iraq based on constitution, coexistence and real partnership. This is our last attempt at forming a new government that would eliminate marginalization and injustice. If that happens, then it would lead to a new situation. If it relapses into the

⁷⁶¹ Author interview with Omer Nuradini.

⁷⁶² Author interview with Ihsan Amedi, Former Peshmerga and Former Member of Kurdistan Parliament. Duhok, Iraq. 3 June 2013.

⁷⁶³ Author interview with Abdulsalam Berwari.

⁷⁶⁴ Rudaw, “Kurdistan Minister: ‘The Kurds Had to Go to Baghdad.’”

former situation, Iraq would no longer be a state.”⁷⁶⁵ Zebari and other Kurdish officials have committed themselves to working within a united Iraq and now expect the government in Baghdad to deliver on its promises and commitments to the Kurds.

Although it may be too early to judge, the Erbil-Baghdad relationship has significantly improved since the invasion by ISIS. Prior to ISIS, one of the central concerns for the Kurds was the increasingly authoritarian Nouri al-Maliki. Faced with strong opposition from the Kurds and other factions in Iraq, al-Maliki reluctantly abandoned his bid for a third term as prime minister of Iraq. Al-Maliki was replaced by Haider al-Abadi who, since coming to power, has demonstrated his commitment to forging a partnership with the Kurds. In a December 2014 editorial in the *Wall Street Journal*, al-Abadi noted that his government is committed to defeating the ISIS threat, which can be achieved by uniting Shiite, Sunni, and Kurdish factions.⁷⁶⁶

In addition, al-Abadi contacted Massoud Barzani to give his support and praise for the Kurdish Peshmerga and their fight against ISIS.⁷⁶⁷ The Kurds and al-Abadi’s government also reached an agreement on oil and the KRG’s budget from Baghdad. The agreement calls on the KRG to export 250,000 barrels of oil per day to Baghdad and in exchange the Kurds will be permitted to export about 300,000 barrels of oil per day

⁷⁶⁵ Rudaw, “Hoshyar Zebari on Iraq, the Kurds and Declaring Independence,” *Rudaw*. 17 July 2014. Available at: <http://rudaw.net/english/interview/17072014>.

⁷⁶⁶ Haider al-Abadi, “A United Iraq is Pushing ISIS Back,” *The Wall Street Journal*. 18 December 2014. Available at: <http://www.wsj.com/articles/haider-al-abadi-a-united-iraq-is-pushing-back-the-islamic-state-1418946399>

⁷⁶⁷ The Kurdish Globe, “Abadi and Masum Congratulate President Barzani,” *The Kurdish Globe*. 20 December 2014. Available at: <https://www.kurdishglobe.net/article/C5B28D1ED0B4980177C1B7EE43DE71C2/Abadi-and-Masum-congratulate-president-Barzani.html>.

through the pipeline connecting Iraqi Kurdistan to Turkey's Ceyhan port.⁷⁶⁸ In return, Baghdad will release the KRG's share of the Iraq budget of 17 percent. These are significant developments in a relationship that has been strained for the past several years. These were two of the main points of contention between the Kurds and the al-Maliki administration and placed a serious strain on the Erbil-Baghdad relationship. Al-Abadi's diplomatic overtures and gestures and the agreement on oil have improved the relationship and more importantly, suggest that the union can be salvaged through diplomacy and cooperation.

Capabilities

The invasion of Iraq by ISIS and the subsequent military clashes with the Kurdish Peshmerga has revealed that Iraqi Kurdistan's military capabilities are limited. ISIS's modern and heavy weaponry, which it captured following the withdrawal of the Iraqi military from northern Iraq in June 2014, proved to be superior to the Peshmerga's light and outdated artillery. As a consequence, ISIS made advances into the disputed territories on the border of the Kurdish region, only to be stopped by a combination of US-led airstrikes and counterattacks on the ground by the Peshmerga. Certainly, the Peshmerga have demonstrated a commitment to defeating the ISIS threat, but it would be difficult, if not impossible, without the military support from the US and several other states, including Canada and the UK.

Based on this assessment of the KRG's capabilities, Iraqi Kurdistan does not possess the military capabilities to secede from Iraq. Once again, realist assumptions

⁷⁶⁸ Mushreq Abbas, "Oil Deal a Sign of Hope between Baghdad, Erbil," *Al-Monitor*. 5 December 2014. Available at: <http://www.al-monitor.com/pulse/originals/2014/12/iraq-kurdistan-oil-agreement-relations.html#>.

argue that capabilities are the primary factor for determining whether or not a de facto state will declare independence. Without sufficient capabilities, therefore, Iraqi Kurdistan will not secede from Iraq. Although such an argument is not entirely inaccurate, it overstates the importance of capabilities and the degree to which the KRG's independence decision is shaped by them. Iraqi Kurdistan may not possess strong military capabilities, but it may not need such capabilities to secede from a militarily and politically fragile Iraq. Indeed, this chapter outlined two openings for Iraqi Kurdistan to declare independence when Baghdad was powerless. Instead of seceding from Iraq, the Kurds saved its parent state from the brink of collapse on both occasions. Realism cannot account for Iraqi Kurdistan's decision to maintain Iraq's unity following the crisis of June 2014.

Constructivism, meanwhile, does provide some insights into the behaviour of Iraqi Kurdistan. Nationalism can lead to a self-fulfilling prophecy where ethnic identity, although constructed, is hardened over time and compels leaders to declare independence. In the case of Iraqi Kurdistan, the sense of nationalism has certainly been hardened over time and there is a desire for independence. However, Kurdish elites successfully appease demands for independence by highlighting the benefits of the status quo and the need for protecting Kurdish interests.

In addition, as mentioned earlier, critics of the Kurdistan Regional Government often accuse Massoud Barzani and the leadership of other political parties of using Kurdish nationalism and the dream of statehood to maintain their hold on power and to advance their economic interests. These elites have been criticized for mobilizing the Kurdish population by appealing to their ethnic identity and thereby exploiting Kurdish

nationalism to achieve their objectives. It is true that the Kurdish elite have benefitted from Kurdish nationalism, but they have also made sacrifices. The Barzanis and Talabanis have lost thousands of people from their tribes in the military conflicts against Baghdad. For example, in 1983, 8,000 members of the Barzani clan disappeared and were subsequently murdered by the Saddam Hussein regime.⁷⁶⁹ Indeed, one could argue that independence would better serve the personal interests of these elites. If elites use nationalism to advance their personal interests then what explains the behaviour of the Kurdish leadership?

The point is this: The summer of 2014 presented the Kurds with the opening to declare independence from Iraq, and instead Iraqi Kurdistan cooperated with Baghdad to maintain the unity of Iraq. Iraqi Kurdistan's behaviour is best explained by liberalism and in particular the role of political institutions and economic incentives. Kurdish demands for political autonomy have been largely met within the framework of a constitutionally defined federal Iraq and there are economic benefits to a union with Iraq.

Hypothesis one stipulates that a de facto state will pursue independence when the parent state is unwilling to offer 'sufficient accommodation' in the form of political institutions, such as autonomy and federalism. Iraqi Kurdistan has not only secured federalism, but functions with a significant degree of autonomy from the central government in Baghdad. Moreover, the Kurds occupy high profile posts in the central government, including the presidency, minister of finance, and deputy prime minister. Such political posts allow the Kurds to protect and advance Iraqi Kurdistan's political, economic, and cultural interests. Baghdad's 'history of bad acts' remains top of mind for

⁷⁶⁹ Institut Kurde de Paris, "Remains of Massacred Iraqi Kurds Return Home 20 Years On," *Institut Kurde de Paris*. Available at: <http://www.institutkurde.org/en/info/remains-of-massacred-iraqi-kurds-returned-home-20-years-on--1129889606.html>.

the Kurds, but two factors mitigate this issue. Saddam Hussein's regime, which was responsible for much of the violence perpetrated against the Kurds, has been removed. Although it still faces serious challenges, Iraq appears to be undergoing meaningful democratic reforms. Second, the union with Iraq provides Iraqi Kurdistan with economic benefits that it would otherwise not have.

Hypothesis two contends that material factors, including economic incentives and political benefits, can persuade a de facto state to forgo independence. Economically, Iraqi Kurdistan is better off in a union with Iraq than it would be as an independent state. The economic benefits from a union with Iraq are quite significant. The KRG is entitled to 17 percent of Iraq's annual budget based on its population. (The KRG is entitled to 13 percent as a proportion of its population and an additional four percent as reparations for Baghdad's historic mistreatment of the Kurdish population.) In 2013, the 17 percent translated into about \$20 billion. At the same time, the KRG possesses access to and control over vast natural resources from which it can generate additional revenues. In this way, Iraqi Kurdistan not only receives a significant sum of money from the central government, but it also has the autonomy to pursue its own economic initiatives.

The World Bank forecasts that Iraq's GDP will grow at a rate of 5.9 per cent in 2014 and a slightly higher rate of 6.7 per cent in 2015.⁷⁷⁰ In addition, Iraq's Central Bank estimates that Iraq's GDP per capita will grow to approximately \$10,000 by 2015.⁷⁷¹ These figures will likely be lower as a consequence of the ISIS invasion of Iraq. However, the point here is to show that the overall economic picture for Iraq is positive.

⁷⁷⁰ The World Bank, "Global Economic Prospects: Middle East and North Africa." 4 November 2014. Available at: <http://www.worldbank.org/en/publication/global-economic-prospects/regional-outlooks/mena#2>

⁷⁷¹ Iraq Business News, "Iraq's Per Capita Income to Double by 2015." 1 March 2011. Available at: <http://www.iraq-businessnews.com/2011/03/14/iraqs-per-capita-income-to-double-by-2015/>

That is, since the overthrow of Saddam Hussein, Iraq's economy has experienced strong growth (see Appendix III at the end of this chapter for Iraq's and Iraqi Kurdistan's economic figures). The trend is expected to continue. Based on this positive outlook, Iraqi Kurdistan stands to benefit from Iraq's strong economic growth.

In short, Iraqi Kurdistan's position in Iraq, although precarious at times, is constitutionally entrenched and provides the Kurds with meaningful political autonomy and significant economic benefits. Given these conditions, we should expect Iraqi Kurdistan to continue to function in a united Iraq despite the emotional and national appeals for independence. Iraqi Kurdistan's political and economic position vis-à-vis Iraq will persuade the Kurds to maintain Iraq's unity.

In addition, the role of international support is a factor in shaping Iraqi Kurdistan's decision. Regional governments, including Turkey and Iran, are opposed to the breakup of Iraq. The US is also tirelessly working to ensure that Iraq remain united. However, the lack of international support has not discouraged de facto states from declaring independence. For example, Eurasia's de facto states (i.e., South Ossetia, Abkhazia, Transnistria, and Nagorno-Karabakh), the Turkish Republic of Northern Cyprus, Chechnya, Taiwan, and many other de facto states have declared independence even in the knowledge that international and regional support would not materialize. The point here is that international support does not independently influence a de facto state's decision regarding independence. The discussion below will elaborate on the role of regional states and the US.

Regional and international actors have contributed to Iraqi Kurdistan's decision to stay in a united Iraq. Michael Gunter notes that should the federal and democratic project

fail in Iraq, Iraqi Kurdistan will surely move towards independence.⁷⁷² He notes, however, that the KRG must persuade the US, Turkey, and other regional powers (i.e., Iran) that an independent Iraqi Kurdistan would not lead to instability in the region.⁷⁷³ The policies of Turkey, Iran, and the US converge on the unity of Iraq. All three actors have promoted, albeit for different reasons, the territorial integrity of Iraq. The KRG has worked to reassure these governments that Iraqi Kurdistan is not on the path to independence. In a 2012 interview with *Time* magazine, Nechervan Barzani noted that the oil pipeline from the Kurdish region to Turkey's Ceyhan port is not a prelude to the breakup of Iraq.

Furthermore, Nechervan has reiterated that Kurds will not seek independence if Baghdad adheres to the Iraqi constitution. He says, "We have a constitution in this country. We will not take any other step until we lose hope in that constitution. There is no doubt if and when we lose hope that the constitution is not adhered to, certainly there are other options."⁷⁷⁴ Nechervan further noted that Kurdish independence has never been so viable, but there remain challenges. According to Nechervan, Kurdish independence is unlikely and, indeed, impossible without support from a regional neighbour, referring to Turkey, and the US.⁷⁷⁵ Turkey, therefore, will play a major role in the future of Iraqi Kurdistan.

Following the establishment of the safe zone in Iraqi Kurdistan and the regional elections that formed the Kurdistan Regional Government (KRG), Turkey began to take

⁷⁷² Michael Gunter, "Federalism and the Kurds of Iraq: The Solution or the Problem?" in Faleh A. Jabar and Hosham Dawod (eds.), *The Kurds: Nationalism and Politics* (London: SAQI, 2006), 252.

⁷⁷³ Ibid.

⁷⁷⁴ Jay Newton-Small, "An Interview with Nechirvan Barzani: Will There Be an Independent Kurdistan?" *Time*. 21 December 2012. Available at: <http://world.time.com/2012/12/21/an-interview-with-nechirvan-barzani-will-there-be-an-independent-kurdistan/#ixzz2Fnix3uj9>.

⁷⁷⁵ Ibid.

an active role in Iraqi Kurdistan. Turkey hoped to increase its influence on the KRG ostensibly to prevent the breakup of Iraq and to maintain a tight control over its own Kurdish population.⁷⁷⁶ Turkey fears that Iraqi Kurdish autonomy will ultimately lead to independence, which will lead to unrest with its own Kurdish population and threaten Turkey's territorial integrity. This fear is a mainstay of Turkey's policy in Iraqi Kurdistan.

In 1969, a Turkish political commentator articulated Turkey's unease vis-à-vis northern Iraq. He says, "The autonomy for the Kurds in Iraq is the first step towards an independent Kurdish state in the Middle East...What if [the Kurds in Iraq] put forward some claims on Turkish territory...The Kurdish problem, which was until yesterday a domestic affair of Iraq, is now about to knock at our door."⁷⁷⁷ Turkey's Iraq policy, therefore, is to prevent the emergence of an independent Kurdish state that will threaten Turkey's sovereignty. Åsa Lundgren says, "Ankara's strong objections to Kurdish self-rule and the insistence that Iraq remains intact – is not...based on concern about the unity and sovereignty of Iraq...[it is] about the unity and sovereignty of Turkey."⁷⁷⁸ In an effort to pre-empt Kurdish independence and to effectively battle the PKK, Turkey engaged with Iraqi Kurdistan in the early 1990s.⁷⁷⁹ In doing so, Turkey has unintentionally contributed to the survival and development of Iraqi Kurdistan. Turkey has always supported the territorial integrity of Iraq and it has declared that a single group (i.e., the Kurds) cannot decide Iraq's future.⁷⁸⁰

⁷⁷⁶ Ofra Bengio, *The Kurds of Iraq*, 252.

⁷⁷⁷ Hikmet Bil quoted in Ferenc A. Vali, *The Foreign Policy of Turkey: Bridge Across the Bosphorous* (Baltimore: The Johns Hopkins Press, 1971), 305.

⁷⁷⁸ Åsa Lundgren, *The Unwelcome neighbour: Turkey's Kurdish Policy* (London: I.B. Tauris, 2007), 124.

⁷⁷⁹ *Ibid.*, 78.

⁷⁸⁰ *Ibid.*, 108.

Despite the obstacles, Turkey's relationship with the KRG blossomed in the mid-2000s following a series of diplomatic gestures between Massoud and Nechervan Barzani on the one hand and the current President of Turkey, Recep Tayyip Erdogan, on the other. The rapprochement has economic and political benefits for both parties. For example, Turkey's decision to connect Iraqi Kurdistan's new pipeline to its Ceyhan line provides the KRG with a source of revenue independent from Baghdad. Yet, it does not resolve Iraqi Kurdistan's territorial predicament. After all, Iraqi Kurdistan is landlocked and must rely on Turkey for its economic wellbeing. Turkey's willingness to import Iraqi Kurdistan's oil signals a significant shift in Turkey's policy towards the KRG and Iraq. From Baghdad's perspective, the status quo, although not ideal, is perhaps better than the alternative of losing Iraqi Kurdistan. Marina Ottaway and David Ottaway argue that "Baghdad doesn't want to lose Kurdistan and its oil, and Kurdistan isn't ready to face the challenges of independence, including a short-term loss of oil revenue; damage to Kurdish relations with Turkey, which prefers to deal with a semiautonomous region rather than an independent Kurdish state; and a long, costly process of obtaining international recognition."⁷⁸¹

Iran is similarly fearful that an independent Kurdistan on its border will lead to instability amongst its own Kurdish population. Iran is host to about 6-7 million restive Kurds and Tehran is forced to confront sporadic military clashes with the militant Kurdish group, the Free Life Party of Kurdistan (PJAK). Iraqi Kurdistan's autonomy has prompted neighbouring Kurds in Iran to make similar political and economic demands from Tehran. As a result, Iran is on high alert and wary of the prospect of an independent

⁷⁸¹ Marina Ottaway and David Ottaway, "How the Kurds Got Their Way: Economic Cooperation and the Middle East's New Borders," *Foreign Affairs*, Vol. 93, No. 3 (2014).

Kurdistan on its border. To this end, Iran is working closely with Shia political leaders in Iraq and Tehran also has close ties with the PUK. Iran provided the PUK with military assistance to fight ISIS in June 2014.⁷⁸² In exchange for military and political support, Iran expects the PUK to promote a united Iraq. It is no surprise then that the PUK's party program underscores the need to "maintain and promote the democratic, federal and parliamentary systems of Iraq."⁷⁸³ Iran will continue to influence the domestic politics of Iraq to promote stability on its border.

Finally, the US has been involved in the Kurdish region since it established the no-fly zone in 1991. Successive US administrations have firmly maintained that Iraq's territorial integrity is a priority of the US. This has not changed since the overthrow of Saddam Hussein. Indeed, if anything, the US is even more committed to the unity of Iraq. Most recently during the ISIS crisis, the US Secretary of State John Kerry visited Massoud Barzani to encourage the Kurds to participate in a unity government in Baghdad and to forgo independence.⁷⁸⁴ Washington's "one Iraq" policy will continue to shape the US's relationship with Iraqi Kurdistan.⁷⁸⁵ There is no reason to believe US policy will change anytime soon. Indeed, the KRG's Minister for Parliamentary Affairs, Mawlud Bawmurad, revealed that the Kurds' decision to form a government with their Arab counterparts in Baghdad was due to pressure from the US and Iraqi Kurdistan's security

⁷⁸² Shelly Kittleson, "US, Iran woo rival Kurdish factions in battle against IS," *Al-Monitor*. 22 September 2014. Available at: <http://www.al-monitor.com/pulse/originals/2014/09/Peshmerga-iraq-iran-kurd-isis-krg.html#>.

⁷⁸³ Patriotic Union of Kurdistan, "Program: General Objectives." Available at: <http://www.pukpb.org/en/program>.

⁷⁸⁴ CBS News, "John Kerry urges Kurds not to give up on Iraq." 24 June 2014. Available at: <http://www.cbsnews.com/news/john-kerry-to-urge-kurds-not-to-give-up-on-iraq/>

⁷⁸⁵ Dexter Filkins, "Will the US Help the Kurds Fight ISIS?" *The New Yorker*. 4 August 2014. Available at: <http://www.newyorker.com/news/news-desk/will-u-s-help-kurds-fight-isis>.

imperatives.⁷⁸⁶ That is, Washington offered the Iraqi Kurds military assistance in exchange for Kurdish participation in the government in Baghdad. Bawmulad reveals that: “The US president, his vice president and most of America had made it a condition that, unless there is an inclusive government in Baghdad, they wouldn’t be willing to fight terrorist groups and the IS in Iraq. So the Kurds had to go to Baghdad.”⁷⁸⁷ Renas Jano, a KDP member of parliament in Baghdad, reveals that the US assured the Kurds that should Baghdad fail to meet its conditions (i.e., treating the Kurds as partners and adhering to the constitution), the Kurds could pull out of the government in Baghdad paving the way for independence.⁷⁸⁸

Conclusion

This chapter relied on empirical and theoretical grounding to argue that Iraqi Kurdistan’s decision to maintain its de facto statehood is deliberate. Empirically, the chapter demonstrates that Iraqi Kurdistan’s relationship with the rest of Iraq, and especially with governments in Baghdad, has been shaped by a dark history of political and military conflicts. The Kurds have endured decades of oppression and have engaged in two civil wars against regimes in Baghdad in an attempt to secure political autonomy. The Kurds inadvertently gained de facto statehood in 1991 and Iraqi Kurdistan has since functioned as a de facto state within Iraq. Although the academic literature on de facto states contends that independence is the end goal of de facto states, Iraqi Kurdistan’s behaviour

⁷⁸⁶ Rudaw, “Kurdistan Minister: ‘The Kurds Had to Go to Baghdad,’” *Rudaw*. 10 September 2014. Available at: <http://rudaw.net/english/interview/10092014>.

⁷⁸⁷ Ibid.

⁷⁸⁸ Author interview with Renas Jano, Iraq Council of Representatives Member – Kurdistan Democratic Party. Duhok, Iraq. 11 November 2014. Jano further noted that the Kurds have committed to a three month period to the government in Baghdad, during which time the Kurds will reassess their willingness to the unity government. The Kurdish decision, according to Jano, will be based on Baghdad’s adherence to the constitution.

challenges this notion. Indeed, Iraqi Kurdistan passed on two opportunities to secede from Iraq since 2003. De facto statehood and the current political framework in Iraq provides the Kurds with sufficient political accommodation and significant economic benefits. In other words, Iraqi Kurdistan functions as an independent state in everything but name. The chapter argued that if Baghdad meets Iraqi Kurdistan's political and economic demands, Iraqi Kurdistan would continue to function as a de facto state within a united Iraq.

Theoretically, the chapter argues that liberalism best explains the preferences and behaviour of Iraqi Kurdistan. Although realism and constructivism also offer insights into the preferences and behaviour of de facto states, they do not provide a thorough explanation for the behaviour of Iraqi Kurdistan. Realism's emphasis on power, security, and capabilities cannot account for Iraqi Kurdistan's willingness to function as a de facto state within a united Iraq. Constructivist notions of ideas and norms also fail to explain Iraqi Kurdistan's behaviour. Liberal assumptions about political institutions and economic factors provide the best explanations for Iraqi Kurdistan's preference for de facto statehood rather than full independence. The explanatory power of liberalism is most evident in this case. Liberal assumptions and ideas clearly account for and explain Iraqi Kurdistan's preferences and behaviour.

Chapter 7: Conclusion

This project was guided by several questions related to the emergence and evolution of de facto states. The questions included: Why and how do de facto states emerge? Why do some de facto states unilaterally declare independence while others do not? And finally, what are the implications for Iraqi Kurdistan? The central question is why Kosovo and South Sudan declared independence while Iraqi Kurdistan continues to function as a de facto state. The underlying theme of the project is to identify the conditions under which a de facto state will forgo independence in favour of the alternatives: The status quo or a federal arrangement with the parent state. The project argued that de facto states will forgo independence: When the appropriate political institutions are adopted by the parent state; there are economic incentives to remain with the parent state; and when the domestic, regional, and international environments oppose independence. When a parent state lacks the institutional capacity and economic prosperity to accommodate the requests of the de facto state, disgruntled groups will often turn to independence to pursue their interests. The complete argument is laid out in Chapters 2 to 6.

Chapter 2 outlined the emergence and evolution of de facto states and provided the theoretical grounding for the thesis. The chapter outlined the theoretical and empirical explanations posited from the existing literature and offered new insights informed by theory from international relations. Theoretically, the findings lend the most support to the liberal view that de facto state preferences and behaviour are shaped by political institutions, economic factors, and the domestic, regional, and international contexts. Although realist and constructivist assumptions also provide insights into the preferences and behaviour of de facto states, they are insufficient for a thorough

understanding of de facto state behaviour. Realism overlooks the role of the domestic political structure and economic interests and institutional design. Constructivism, meanwhile, overstates the power of nationalism on de facto state preferences and behaviour.

The chapter found that liberalism provides the best theoretical explanation for the emergence of de facto states. It found that the role of institutions, economic factors, and the domestic political system play a significant role in the origins and objectives of de facto states. In other words, de facto states often emerge as a result of the parent state's unwillingness to adopt the institutional framework necessary to appease a minority group's political and economic grievances. There are many ways in which the parent state can appease the minority group, including representation in the executive or legislature of the state, granting the minority with political, civil, and economic rights previously denied, or adopting a federal system that furnishes the minority with political and economic autonomy.

Empirically, Chapter 2 found that international interventions often play a key role in the emergence de facto states, including Iraqi Kurdistan and Kosovo. The chapter supports the existing literature's explanation that most de facto states emerge from civil wars that end in a stalemate. In many cases, weak parent states do not possess the capacity to prevent the establishment of de facto states and therefore they cannot bring the de facto state back into the fold. In sum, the chapter concluded that de facto states emerge in one of two ways: civil wars between a minority group and the parent state, or international interventions. In terms of the outcome of de facto states, the empirical record revealed that five de facto states were forcefully reintegrated and four have been

peacefully reintegrated. We can also add Iraqi Kurdistan to the list of de facto states that have been peacefully reintegrated into the parent state. After all, Iraqi Kurdistan, although a de facto state, functions as an autonomous region within a federal and united Iraq. Additionally, although the existing literature argues that gaining independence is very difficult for de facto states, the empirical evidence suggests that graduating to independence is as common as forceful or peaceful reintegration. To date, five de facto states have graduated to full independence. The chapter found that the most de facto states maintain the status quo and are neither defeated nor persuaded into re-joining the parent state.

Chapters 3 to 6 provided the empirical evidence to support the theoretical claims. The project adopted Mill's method of difference to identify the similarities and differences and to evaluate the variation between the three cases. Mill's method was complemented by in-depth case studies on Kosovo, South Sudan, and Iraqi Kurdistan. It must be emphasized that case studies, by their nature, limit one's ability to generalize. However, this limitation does not preclude researchers from understanding and explaining the behaviour of de facto states. The case studies attempted to identify the conditions that shape a de facto state's preferences and behaviour.

The research found that de facto state preferences are shaped less by capabilities or a sense of nationalism and more by political institutions and economic factors. Political institutions, often in the form of autonomy and federalism, provide minority groups with the political framework for advancing and protecting their interests. The preference for the status quo is bolstered if the parent state possesses a strong economy and the de facto state receives economic benefits from the union with the parent state.

The empirical data and the three case studies clearly demonstrate that de facto states will push for independence if the parent state is unwilling to furnish the minority group with political autonomy and if it does not possess a strong economy. Additionally, the research found that mitigating factors play a role in influencing de facto states. The mitigating factors include the de facto state and parent state's domestic political scenes, the role of regional and international actors, and finally, the presence or absence of the 'old regime.'

The cases of Kosovo and South Sudan illustrate the above points very clearly. The parent states, Serbia and Sudan, repeatedly showed unwillingness to provide Kosovo and South Sudan, respectively, with the level of autonomy that was requested. As a consequence, Kosovo and South Sudan were convinced that only independence would protect their political and economic interests. In the case of Kosovo, it is true that Serbia offered Kosovo significant autonomy following international mediation. However, from Kosovo's perspective, this offer was 'too little too late' and Kosovo found it difficult to trust Serbia following decades of political and military conflict. Moreover, Kosovo did not stand to gain any economic benefits from Serbia. As a result, Kosovo declared independence in 2008.

Serbia possessed the policy tools for preserving its territorial integrity but decades of mismanagement of the Kosovo question and broken promises ultimately led to its undoing. Serbia's unresponsive political system paved the way for Kosovo to make independence demands and for the international community to provide support. Decades of oppression and violence against Kosovo provided the international community with the pretext for intervening and supporting Kosovo's independence. The international community based its support for Kosovo on decades of Serbian oppression and

unwillingness to accommodate Kosovar Albanian minority. Had Serbia provided Kosovo with the degree of autonomy the Kosovars were requesting from the 1950s to 1980s, secession would have been difficult, as the international community would not have a reason to intervene in Kosovo.

South Sudan faced similar circumstances in Sudan. Following two prolonged civil wars, the government in Sudan offered the South significant autonomy, representation in the central government in Khartoum, and promises of democracy. South Sudan, however, had little reason to trust a regime that had reneged on similar promises in the past. The 2005 Comprehensive Peace Agreement, therefore, did little to assuage South Sudanese concerns over an oppressive regime in Khartoum. Finally, whereas Sudan possesses a weak economy and few prospects, South Sudan possesses vast oil reserves that could provide the economic development it was seeking. South Sudan declared independence following an independence referendum that received about 97 percent support from the voters.

Although the case of Iraqi Kurdistan does not have the same outcome as Kosovo and South Sudan, it further supports the conditions outlined above. That is, a de facto state will forgo independence when a parent state adopts the appropriate political institutions and when it possesses a strong economy. Since the 2003, Iraq has been transformed into a democracy, albeit with shortcomings, with a federal constitution that furnishes Iraqi Kurdistan with significant political and economic autonomy. Moreover, those who committed the bad acts against the Kurds have been completely removed from the power apparatus in Baghdad. Iraq also has experienced a significant economic boom since 2005 and Iraqi Kurdistan is a major beneficiary of the economic progress. Iraqi

Kurdistan stands to receive billions of dollars annually from Baghdad and, in addition, the Kurds generate their own revenues from oil sales.

Drawing on field research, Chapters 5 and 6 demonstrated that Iraqi Kurdistan is willing to continue as an autonomous entity if Baghdad treats the Kurds as partners in a democratic Iraq. In addition, Iraqi Kurdish officials indicated that the constitution of Iraq must be adhered to and implemented and that Baghdad must respect Iraqi Kurdistan's political and economic autonomy. These findings suggest that independence is not the end goal of de facto states, but rather a means to political autonomy and economic development. The implication, of course, is that under the right conditions de facto states can be persuaded to forgo independence.

There were also mitigating factors that facilitated the secession of Kosovo and South Sudan, but not Iraqi Kurdistan. First, regional and international governments provided Kosovo and South Sudan with the diplomatic support, in the form of recognition, necessary for statehood. In the case of Kosovo, it also received extensive economic, military, and administrative support on its way to independence. Iraqi Kurdistan, on the other hand, faces strong opposition from regional and international governments. Kurdish independence would be a difficult task without support from Iran, Turkey, and the US. Second, the presence of the Bashir regime in Sudan and remnants of the Milošević regime in Serbia heightened South Sudan and Kosovo's mistrust for the parent state. South Sudan and Kosovo found it difficult to maintain a union with regimes responsible for violence directed at them. In Iraq, the removal of Saddam Hussein's regime has facilitated cooperation and trust between the Kurds and governments in Baghdad.

The empirical record shows that the preferences and behaviour of de facto states are shaped by institutions, economic incentives, and domestic and international politics. Political institutions play an important role in mollifying minority demands for political representation and autonomy. Institutions such as federalism or autonomy could

The implications of these findings are particularly noteworthy for Iraqi Kurdistan and Iraq's future. The Kurds and successive governments in Baghdad were locked in political and violent conflict for more than four decades. During this period, from the 1960s to the 1990s, the Kurds demanded and fought for political autonomy from an oppressive and often violent Baghdad. There seemed little hope for the future of a united Iraq with a partnership between Kurds and Arabs. However, the removal of Saddam Hussein's regime in 2003 and the emergence of democracy have renewed hopes for a democratic, federal, and peaceful Iraq. Although the union is characterized by political disagreements and at times high tensions, including military posturing, there is promise for a peaceful and prosperous future. Iraq has made great political and economic strides since 2005 – a success that has been shared with Iraqi Kurdistan.

Iraqi Kurdistan also functions with significant political autonomy and receives economic support from Baghdad. Baghdad's willingness to furnish the Kurds with political and economic autonomy has extended the unity of Iraq and ensured regional stability. The existing arrangement, therefore, is workable in the medium-term and could conceivably provide a long-term solution for the future of Iraq. Kurdish dreams of independence can be shelved, at least for now, in favour of a more pragmatic and beneficial political arrangement.

A second implication is that Iraqi Kurdistan could move towards independence should Baghdad fail to adhere to the Iraqi constitution and uphold Iraqi Kurdistan's political and economic autonomy. Should the Kurds move towards independence, officials in Baghdad and others will criticize the Kurds for not making a sincere effort to preserve Iraq's unity. Chapters 5 and 6 demonstrate, however, that Iraqi Kurdistan has made every effort to participate in a federal and democratic Iraq. Indeed, the project illustrated that Iraqi Kurdistan has saved Iraq from the brink of collapse on two occasions in the past decade alone. The Kurds have demonstrated their commitment to a federal and democratic Iraq and could therefore justify secession on these grounds.

These findings may also aid policymakers in formulating effective solutions for managing de facto states and their relationships with the parent state. The emergence of de facto states is often a violent process and their existence challenges the sovereignty of the parent state and international norms. However, this does not suggest conflict is inevitable. Indeed, the findings here argue that de facto states can be managed in a peaceful manner under the right conditions. Policymakers must carefully balance the requests of de facto states with the rights of the parent state. This is particularly important given the role of international support in facilitating secession. Powerful states can use their position of power to reduce the scale of violence in multiethnic states. This can be achieved in one of two ways. One, international actors can support the minority ethnic group and facilitate its secession in a peaceful way. Two, powerful states can mediate between the de facto state and the parent state and create the institutional framework for coexistence.

Facilitating a de facto state's independence should not be taken lightly as it can often lead to more instability in the region in which the secession is occurring. Such an act can also encourage and embolden other minorities to make claims to secession and create more political instability. As a result, this policy should not be taken lightly because it can lead to a domino effect and create instability. For instance, the international community's support for the secession of Kosovo provided Russia with the pretext for supporting the breakaway provinces of Abkhazia and South Ossetia to secede from Georgia in 2008. When and if the international community chooses to intervene in the domestic affairs of a state to protect a minority, it must carefully consider the rights of the parent state. Without diplomacy and negotiations with the parent state, international involvement can further divide the de facto state and the parent state. Kosovo is a case and point. The international community facilitated the secession of Kosovo despite Serbia's protestation and as a consequence, Serbia and other states have opposed Kosovo's inclusion into international organizations.

Where international actors choose to encourage unity, it is important that policymakers take note that the presence of the old regime can hinder political cooperation and unity between the de facto state and the parent state. The thesis does not suggest or promote regime change. Instead, the international community can work with the parent state and the de facto state to encourage negotiations for the peaceful removal of the old regime. The international community should not, however, undermine the parent state by encouraging dissident groups in the state to remove the regime as such action can be counterproductive and lead to conflict. Instead, the international community should provide the parent state and the de facto state with resources and a

forum for negotiations and encourage diplomacy. In particular, the international community could provide the parent state and the de facto state with assistance for creating the institutional framework that would provide the conditions for cooperation.

There are also lessons for states that fear the breakup of their territorial integrity when ethnic minorities make autonomy requests. The cases here demonstrate that heavy-handed policies do not work. Rather than ignore the political requests of ethnic minorities, governments would be well advised to open dialogue and provide the political framework necessary for accommodating minorities. Political accommodation is the best tool available to states for maintaining their territorial integrity. In addition, by accommodating autonomy requests, the international community cannot use humanitarian grounds to intervene on behalf of and support ethnic groups that attempt to secede.

Finally, the findings outlined in this project also have implications for the existing and future research agendas. The findings suggest that the existing literature has overlooked the ways in which de facto state preferences are formed and how this process influences de facto state behaviour. The existing literature assumes that de facto states prefer independence across time and space. The findings here question the notion that independence is the ultimate goal of de facto states and that they will not settle for anything short of it. Instead, my research concludes that independence is one of many options for de facto states. Under the right conditions, de facto states will preserve the status quo. Many de facto states have been functioning as such for more than two decades. This demonstrates that de facto statehood can be a long-term solution and not merely a way station to something else.

The lessons to be drawn from the findings of this project are twofold. First, political actors do not have fixed preferences. The preferences of individuals, groups, de facto states, and states are neither fixed nor the result of exogenous factors. Instead, the research demonstrates that various factors, including institutions, economics, and domestic politics, shape preferences and behaviour. This lesson is significant for understanding and researching de facto states. The existing literature has characterized de facto states in one of two ways: At one extreme de facto states are viewed as irrational entities whose policies are driven by the fervor of nationalism and at the other extreme de facto states are compelled by the security dilemma to seek independence. My research presents an alternative view by showcasing the complexity of de facto states and the ways in which these entities form preferences.

Second, a 'tenuous' and uncertain status, such as de facto statehood, although undesirable, can provide political stability and serve as a medium to long-term solution. Iraqi Kurdistan's de facto status has provided the Kurds with a sense of security, economic well being, and political recognition. One could also make the case that Kosovo would be in a better political and economic position as a de facto state. Many of the challenges facing Kosovo are a result of its unilateral declaration of independence, which has hardened Serbia's resolve to block Kosovo's integration into the international community. As a consequence, Kosovo is struggling economically as demonstrated by the exodus of Kosovar migrants to Europe. Iraqi Kurdistan, on the other hand, has experienced strong economic development and growth despite its de facto status.

I intend to pursue these findings with my further research. First, I hope to examine the case of the Turkish Republic of Northern Cyprus (TRNC). It has been a de

facto state since the 1980s and actively sought recognition from the international community. It is recognized only by Turkey and it has largely struggled economically. More recently, the prospect of unification with Cyprus has become increasingly attractive for the TRNC. In fact, in a 2004 UN-mandated referendum, almost 65 percent of Turkish Cypriots voted in favour of unification. What accounts for the TRNC's shift in preferences from independence to unification and what is the role of institutions and economic incentives?

A second project will examine the case of Taiwan as a model of sorts for other de facto states such as Iraqi Kurdistan. Although a minority of states recognize Taiwan (it is officially recognized by 21 states), it effectively functions as an independent state. It mints its own coin, issues its own passports, and controls its defense and foreign policy, and yet Taiwan is not recognized by the US or international organizations such as the UN. This arrangement has been in practice since 1979 and appears to be a viable long-term solution to the dispute over its status. Is Taiwan a unique case or can it serve as a model for other de facto states?

Finally, I intend to further explore the internal dynamics of Iraqi Kurdistan to better understand its preference formation. In particular, I hope to shed light on the preferences and values of the general population by conducting a social, political, economic, and religious survey in Iraqi Kurdistan. Such data will offer more insights into Iraqi Kurdistan's behaviour and preferences and complement the research and findings from this thesis.

Appendices

Appendix I: Economic Performances of Kosovo and Serbia (1990-2012)

Kosovo⁷⁸⁹

Year	GDP (\$)	GDP Per Capita (\$)	GDP Annual Growth (%)
2012	6,445,201,981	3,568	2.7
2011	6,636,703,418	3,706	4.5
2010	5,750,799,437	3,239	3.2
2009	5,634,824,257	3,199	3.0
2008	5,771,473,142	3,303	7.2
2007	4,743,437,689	2,736	8.3
2006	3,918,176,308	2,279	3.4
2005	3,743,116,980	2,194	6.0
2004	3,639,935,348	2,135	2.6
2003	3,355,083,117	1,970	6.0
2002	2,702,427,047	1,588	-0.7
2001	2,535,333,632	1,490	27.0
2000	1,849,196,082	1,088	2.7
1999	1,909,129,923	685	-22.8
1998	2,826,937,025	1,006	-8.5
1997	3,198,955,565	1,137	7.7
1996	3,465,043,853	1,241	8.7
1995	5,382,372,119	1,960	8.1
1994	2,484,741,820	933	0.0
1993	2,433,830,382	958	-24.7
1992	3,164,182,744	1,319	-25.3
1991	4,136,797,027	1,830	-11.0
1990	4,489,386,272	2,443	

⁷⁸⁹ The data for the years 2000 to 2012 are from the World Bank and the data for 1990 to 1999 are from the United Nations.

Serbia⁷⁹⁰

Year	GDP (\$)	GDP Per Capita (\$)	GDP Annual Growth (%)
2012	37,488,935,010	5,190	-1.7
2011	43,291,846,196	5,964	1.6
2010	36,990,001,284	5,073	1.0
2009	40,249,479,880	5,498	-3.5
2008	47,760,580,366	6,498	3.8
2007	38,952,093,544	5,277	5.4
2006	29,221,081,587	3,943	3.6
2005	25,234,408,773	3,391	5.4
2004	23,649,854,234	3,169	9.3
2003	19,550,781,969	2,614	2.7
2002	15,102,567,925	2,014	4.1
2001	11,390,468,619	1,518	5.3
2000	6,082,791,506	809	5.3
1999	17,632,705,913	2,338	-11.2
1998	16,204,161,184	2,141	0.7
1997	21,380,951,576	2,795	10.1
1996	18,662,409,858	2,448	7.8
1995	17,498,398,432	2,294	6.1
1994	16,220,248,574	2,128	2.5
1993	15,486,053,510	2,034	-30.5
1992	21,781,363,485	2,864	-27.2
1991	29,607,638,155	3,898	-9.8
1990	32,369,820,042	4,099	-8.0

⁷⁹⁰ The GDP and the GDP per capita from 1997 to 2012 and the GDP Growth are from the World Bank. The GDP and GDP per capita from 1990 to 1996 are from the United Nations.

Sudan⁷⁹²

Year	GDP (\$)	GDP Per Capita (\$)	GDP Annual Growth (%)
2012	58,768,800,833	1,580	8.43
2011	63,997,129,027	1,538	8.58
2010	64,849,930,758	1,422	5.86
2009	52,839,990,731	1,191	5.81
2008	54,082,389,393	1,253	6.61
2007	45,456,460,335	1,083	1.38
2006	35,159,250,985	862	1.38
2005	26,524,992,225	669	-0.70
2004	21,457,886,199	557	46.50
2003	17,646,271,397	472	-41.30
2002	14,803,423,335	407	-7.80
2001	13,182,872,555	373	-6.60
2000	12,257,299,163	356	-4.30
1999	10,682,027,627	319	24.80
1998	11,250,220,583	346	34.80
1997	11,681,179,553	369	
1996	9,018,303,154	293	
1995	13,830,369,880	462	
1994	12,793,798,349	440	

⁷⁹² All data are from the World Bank.

Appendix III: Economic Performances of Iraqi Kurdistan and Iraq

Iraq⁷⁹³

Year	GDP (Billions \$)	GDP Per Capita (\$)	GDP Annual Growth (%)
2013	222,879 355 403	6,670	3.95
2012	210,279,947,256	6,455	8.43
2011	180,606,795,374	5,687	8.58
2010	135,488,471,368	4,376	5.86
2009	111,659,988,889	3,702	5.81
2008	131,611,819,294	4,472	6.61
2007	88,837,727,881	3,091	1.38
2006	65,141,035,028	2,321	1.38
2005	36,743,640,204	1,342	-0.70
2004	25,509,364,916	956	46.50

Iraqi Kurdistan⁷⁹⁴

Year	GDP (Billions \$)	GDP Per Capita (\$) ⁷⁹⁵	GDP Annual Growth (%)
2013 ⁷⁹⁶			
2012	29,500,000,000	4,600	12
2011	23,600,000,000	4,452	
2010	22,000,00,000	4,300	
2009	19,250,000,000	4,100	4.3
2008	17,350,000,000	4,200	1.5
2007	8,500,000,000	2,000	
2006	6,250,000,000	1,500	
2005	3,750,000,000	800	
2004	2,000,000,000	500	

⁷⁹³ All data are from the World Bank.

⁷⁹⁴ GDP Annual Growth was not available for 2004-2007 and 2010-2011.

⁷⁹⁵ Data for the GDP Per Capita were collected from the KRG's Statistics Office.

⁷⁹⁶ Data were not available for 2013.

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University of Windsor, Canada

M.A. Political Science (2009)

Thesis: *Kurdish Nationalism and the Dream of Statehood: The Case of Iraqi Kurdistan.*

The University of Western Ontario (King's University College), Canada

B.A. Honours, Political Science and History (2007)

PUBLICATIONS

Peer-Reviewed Articles

1. "Kurdish Nationalism: What are its origins?" *International Journal of Contemporary Iraqi Studies*. Vol. 7, No. 2 (2013): 75-89.
2. "The Peshmerga and Kurdish Nationalism," in *Essays on Kurdish Narratology and Folklore: Oral tradition, History, and Nationalism*. Forthcoming (expected 2017).

WORKS IN PROGRESS

3. "Comparing Nationalists in Quebec and Iraqi Kurdistan."
4. "De Facto States and Independence: Implications for Iraqi Kurdistan."
5. "Ethnic Conflict and Secession: An Institutional Explanation."

PRESENTATIONS AND CONFERENCES

1. "De Facto States and Independence: Implications for Iraqi Kurdistan." *The Canadian Political Science Association*, University of Ottawa, Canada. 2 June 2015.
2. "Iraqi Kurdistan: Is Independence Desirable?" *International Studies Association Annual Convention*, Toronto, Canada. 27 March 2014.
3. "De Facto States and the Independence Question: Is Iraqi Kurdistan an Exception?" *International Conference: The PKK, Kurdish Nationalism and the Future of Turkey*, Alexandria, VA. USA. 7 November 2013.

4. “De Facto States: Is Recognition the Endgame?” *International Studies Association Annual Convention*, San Francisco, CA, USA. 4 April 2013.
5. “Using and Abusing History: The Case of Halabja.” *Second International Conference on Kurdish Studies*, University of Exeter, UK. 6-8 September 2012.
6. “The Kurdistan Regional Government’s Policy Since 2003.” *International Studies Association Annual Convention*, San Diego, CA, USA. 3 April 2012.
7. “Kurdish Nationalism: Where did it come from and where is it going?” *International Studies Association Annual Convention*, San Diego, CA, USA. 3 April 2012.
8. “*The Future of Kurdistan.*” *The Canadian Political Science Association*, Wilfrid Laurier University, Waterloo. 17 May 2011.

SCHOLARSHIPS AND GRANTS

Social Sciences and Humanities Research Council Doctoral Fellowship	2014-2015
Ontario Graduate Scholarship	2013-2014
Western Graduate Research Scholarship	2010-2014
Graduate Thesis Research Award, UWO	2013
Department of Political Science (UWO) Travel Grant	2011-2014
International Studies Association (ISA) Travel Grant	2012-2014
Society of Graduate Students Travel Grant	2011-2014
Graduate Teaching Assistant Union Travel Grant	2011-2014
University of Exeter, Travel Grant	2012

TEACHING EXPERIENCE

Course Instructor

Introduction to Comparative Politics – 2245E King’s University College at UWO 2014-20115

Guest Lectures/Seminars

- “Global Production and Social Responsibilities” – Topics in International Relations 487, 13 August 2014
- “Ideologies” – Introduction to Politics 1020, 24 September 2012
- “Levels of Analysis” – International Relations 2231, 25 September 2012
- “Canadian Electoral System” – Introduction to Politics 100, 12 December 2010

TEACHING RECOGNITION

Nominated for a Graduate Teaching Students Award 2013-2014

The University of Western Ontario – Teaching Assistant
POL2211 - Business and Government, Sept. 2011 – April 2014

POL 2231 - Introduction to International Relations, Sept. 2010 – April 2011
POL 1020 - Introduction to Political Science, Sept. 2009 – April 2010

University of Windsor – Teaching Assistant

POL 275 - Research Methods in Political Science, Sept. 2008 – Dec. 2008
POL 100 - Introduction to Canadian Government, Sept. 2007 – April 2008

Administered weekly tutorials, met with students upon request, proctored examinations/tests, graded written work, including final exams/papers, and delivered the occasional lecture to the class.

RESEARCH EXPERIENCE

The University of Western Ontario – Research Assistant

Research Assistant to Professor Samuel Clark, 2005-2007

- Conducted research and produced reports, including document retrieval/analysis.

Research Assistant to Professor Hugh Mellon, 2006-2007

- Conducted research and document analysis.

SERVICE

International Observer for the Independent High Electoral Commission of Iraq (IHEC) for the Kurdish region's parliamentary election – 21 September 2013, Erbil, Iraq.

International Observer for the Independent High Electoral Commission of Iraq (IHEC) for Iraq's federal parliamentary election – 30 April 2014, Dohuk, Iraq.

UWO Department of Political Science Representative for Society of Graduate Students Council

LANGUAGES

English – native language.

Kurdish (Kurmanji) – reading and writing intermediate; speaker advanced.

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CITIZENSHIP

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PROFESSIONAL MEMBERSHIPS

International Studies Association (ISA), Canadian Political Science Association (CPSA), American Political Science Association (APSA), Middle East Studies Association (MESA), Kurdish Studies Association (KSA), Middle East and North Africa Research Group (MENARG).