

Kurds in Iraq Propose Controversial Referendum on Independence

September 21, 2017 (IN10758)

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

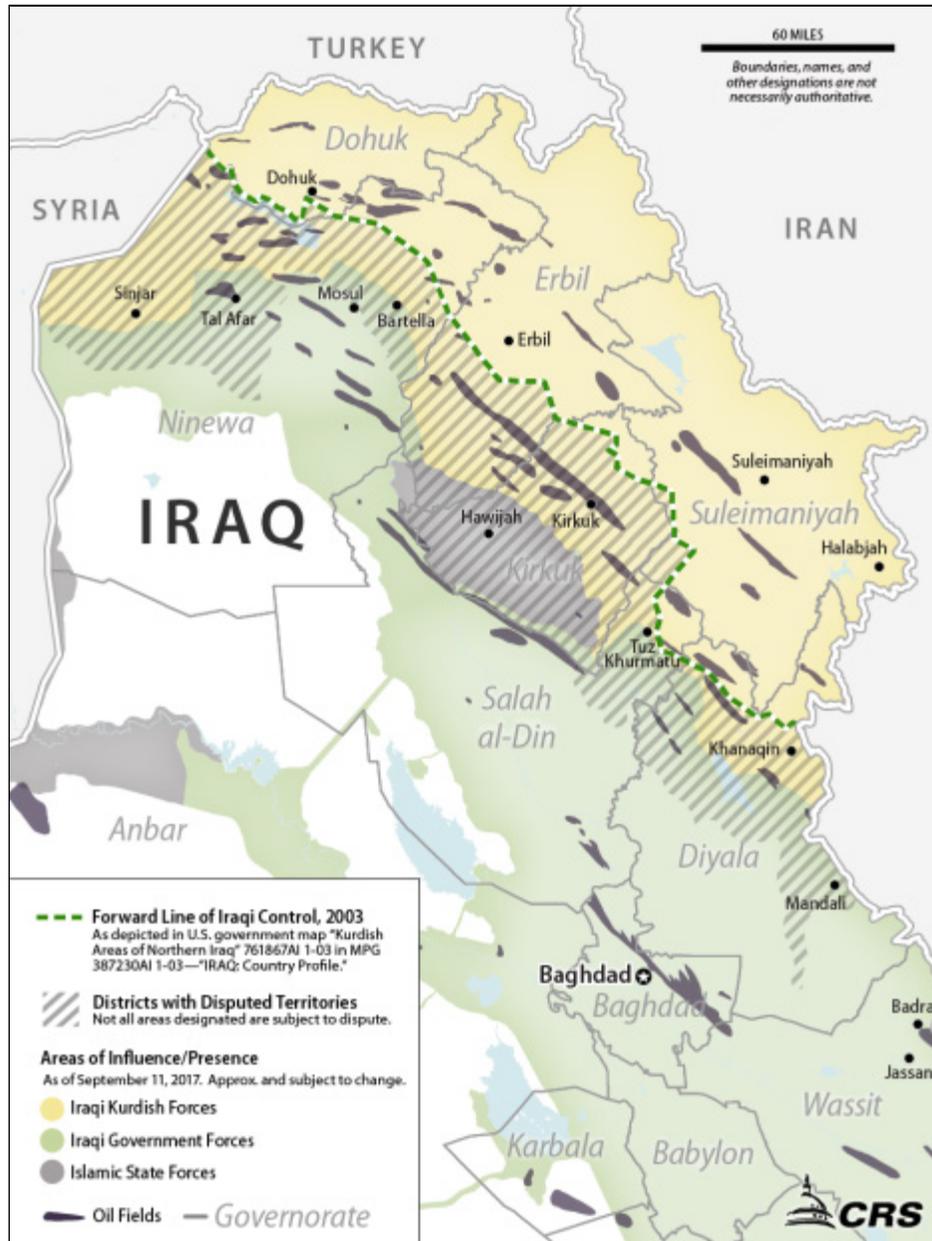
On June 7, KRG President Masoud Barzani [announced](#) that the KRG would hold an official advisory referendum on independence from Iraq on September 25, 2017. The referendum [question](#)—"Do you want the Kurdistan region and the Kurdistan areas [disputed areas] outside the administration of Kurdistan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

Iraqi Prime Minister Haider al Abadi has called the proposed September 25 referendum [unconstitutional](#) and is requesting that it be delayed or cancelled in favor of resolving KRG-Baghdad differences through dialogue. He describes KRG-Baghdad security collaboration against the Islamic State as the basis for the beginning of a new relationship, but also has stated his willingness to use force to protect Iraqi citizens if the referendum results in violence. Prime Minister Abadi [said](#) on September 17 that "negotiations are always possible," while [requesting](#) that Iraq's Federal Supreme Court invalidate the referendum. KRG President Barzani and other leading Kurds [describe](#) the proposed

referendum as an inherent right of the Kurdish people in pursuit of self-determination. They argue that dysfunction, extremism, and violence in Iraq threaten Kurdish interests and that arrangements for resolving differences under Iraq's 2005 constitution have not been respected, particularly with regard to disputed territories, energy resources, and fiscal matters.

Figure 1. Iraq: Disputed Territories

Areas of Influence/Presence as of September 11, 2017



Source: CRS using ESRI, United Nations OCHA, IHS Markit Conflict Monitor, and U.S. government data.

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

KRG and Iraqi national leaders have discussed the referendum, but tensions appear to be [mounting](#), particularly with

regard to [Kirkuk](#) and [other](#) disputed territories. Meanwhile, preparations for 2018 national legislative elections and KRG presidential and parliamentary elections in November 2017 are raising the political stakes of the issue for leaders on all sides. In the KRI, the referendum remains enmeshed in [intra-Kurdish disputes](#) over the legitimacy of President Barzani, whose extended term ended two years ago, and a range of other financial and policy disputes. In Baghdad, Prime Minister Abadi also faces political challenges from those advocating a more confrontational response to Kurdish plans. President Barzani has [insisted](#) that the referendum will be held as planned, while [implying](#) that it could be postponed if the international community would offer guarantees concerning the timing and acceptance of a future referendum and/or ["guarantee](#) Baghdad's willingness to begin the negotiations on independence."

Issues and Options for Congress

U.S. engagement has emphasized the importance of continued cooperation in the ongoing fight against the Islamic State and reiterated long-standing U.S. policy of respecting Iraq's sovereignty, unity, and territorial integrity. On September 14, a joint U.S./U.K./U.N. delegation [met](#) with President Barzani to present an alternative to the referendum, which President Barzani subsequently described as insufficient. On September 15, the White House released a [statement](#) calling on the KRG "to call off the referendum and enter into serious and sustained dialogue with Baghdad, which the United States has repeatedly indicated it is prepared to facilitate." Secretary of State [Rex Tillerson](#), Secretary of Defense [James Mattis](#), and other senior U.S. [officials](#) had previously conveyed U.S. views to KRG leaders privately.

On September 18, the Spokesman for U.N. Secretary General António Guterres highlighted risks that may be posed by a unilateral decision to hold a referendum and [said](#) "the Secretary-General respects the sovereignty, territorial integrity and unity of Iraq and considers that all outstanding issues between the federal Government and the Kurdistan Regional Government should be resolved through structured dialogue and constructive compromise." The governments of [Turkey](#) and [Iran](#) also have reiterated their opposition to the referendum since September 15.

On September 20, the State Department released a longer [statement](#) reiterating strong U.S. opposition to the referendum and warning the vote "may jeopardize Iraqi Kurdistan's regional trade relations, and international assistance of all kinds." The statement implores KRG leaders to accept the offered alternative: "a serious and sustained dialogue with the central government, facilitated by the United States and United Nations, and other partners, on all matters of concern, including the future of the Baghdad-Erbil relationship."

Some Members of Congress remain vocal advocates for strengthening U.S. partnership with Kurds in Iraq, and appropriations and authorization legislation enacted since 2014 reflects broad congressional support for Kurdish autonomy and security as a constituent element of a unified Iraq. The U.S. military continues to partner with Kurdish *peshmerga* forces against the Islamic State, providing weaponry, funds, and training with the permission of Iraq's national government and in line with congressional directives. Congress has enacted provisions supporting the sharing of proceeds from U.S.-guaranteed loans among Iraqis, including citizens in the KRI, and has required related oversight reporting (Section 205 of [P.L. 114-254](#)).

In 2017, the Trump Administration has notified Congress of planned technical assistance programs for the KRG and has [proposed](#) an Iraqi government-approved sale of infantry and artillery equipment for *peshmerga* forces. The Administration has not announced any new agreements with the KRG over the provision of stipends. The House Armed Services Committee report ([H.Rept. 115-200](#)) on its version of the 2018 National Defense Authorization Act ([H.R. 2810](#)) states U.S. defense assistance "should be contingent upon KRG participation in the government of a unified Iraq and on their continued good faith cooperation in the anti-ISIL campaign."

The prospect of confrontation or conflict between Kurds and other Iraqis over the proposed referendum and underlying disputes raises questions about Iraq's security and regional stability, and about the durability of gains made against the Islamic State. In addition to conducting regular oversight of U.S. diplomatic and military engagement in Iraq, Members of Congress may consider legislative options in the context of pending foreign assistance and defense appropriations and authorizations bills ([H.R. 2810](#), [H.R. 3219](#), [H.R. 3362](#), [H.R. 3354](#), and [S. 1519](#)).

Such options may include requiring regular executive branch reporting to Congress on political developments in Iraq, extending current or requiring new conditions-based certifications prior to the delivery of U.S. assistance to the government of Iraq and/or the KRG, or modifying the terms and levels of U.S. support to entities monitoring and

helping to resolve intra-Iraqi disputes, such as the [United Nations Assistance Mission in Iraq](#).