



# Democratization in Southern Kurdistan

*An Analytical Study of the Prospects for Democracy*

By  
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The Parliament of Kurdistan  
هه‌نجومه‌نی نیشتمانی کوردستان - عیراق

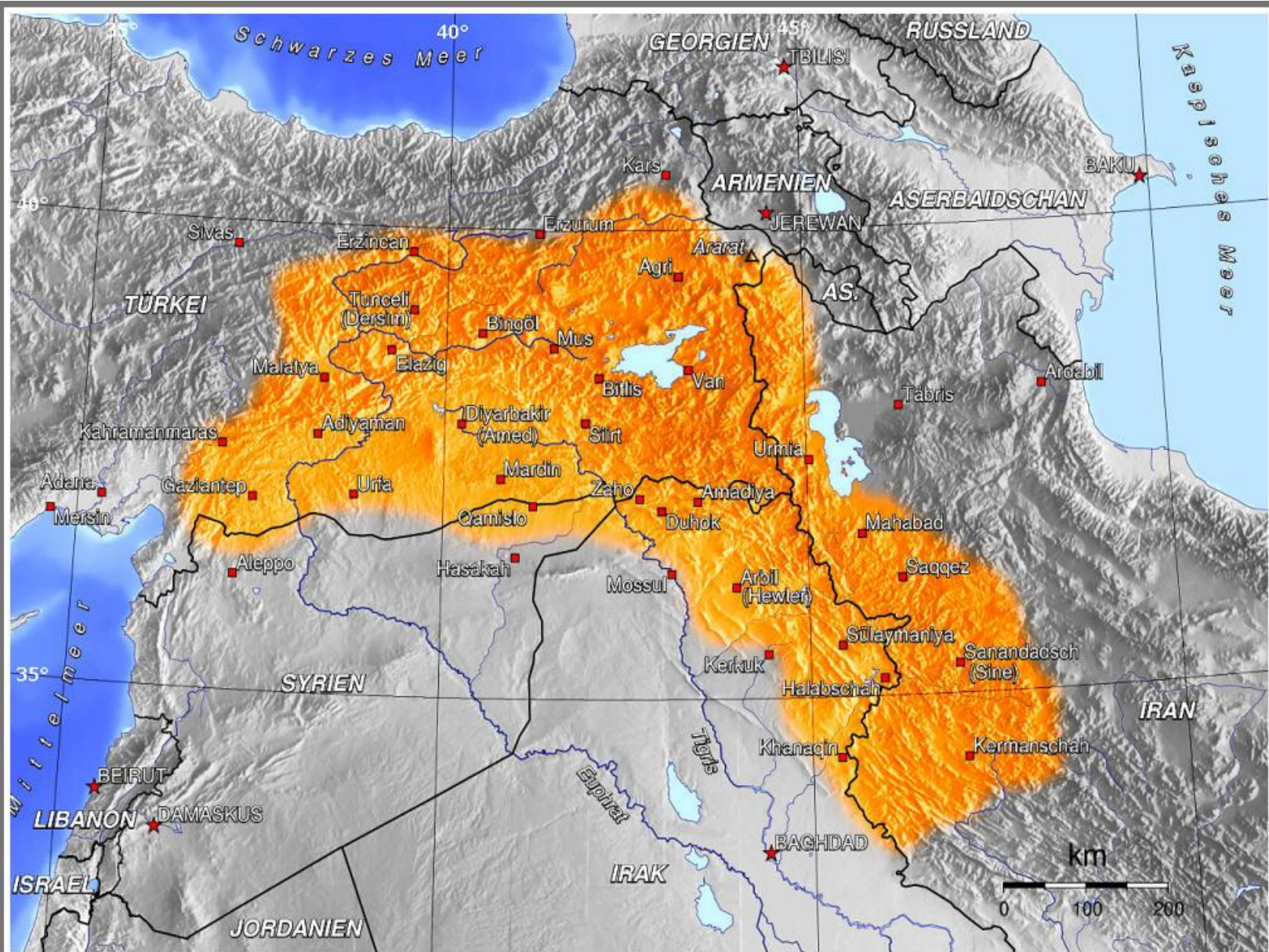
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*I dedicate this work to the memory of my father. I dedicate it to my family, my friends, and to all those who care about developing the education system and work hard for the establishment of an institutional pluralistic democracy and equality in Kurdistan.*

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Map of Kurdistan

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## Abbreviations

ADM	Assyrian Democratic Movement
ANP	Assyrian Patriotic Party or Assyrian National Party
CPA	Coalition Provisional Authority
DC	Democratic Christians
DPAK	Democratic Patriotic Alliance of Kurdistan
FMP	Farmer's Movement Party
HRW	Human Rights Watch
GOI	Government of Iraq
IKF	Iraqi Kurdistan Front
ICP	Iraqi Communist Party (Azadi)
IG	Islamic Group
IMK	Islamic Movement of Kurdistan
IP	Iraqi Parliament
KAD	Kaldo Ashur Democrat (Party)
KCP	Kurdistan Communist Party
KCU	Kurdistan Christian Union
KDNP	Kurdistan Democratic National Party
KDP	Kurdistan Democratic Party
KIU	Kurdistan Islamic Union
KNA	Kurdistan National Assembly
KPDP	Kurdistan Popular Democratic Party
KRG	Kurdistan Regional Government (in Kurdish: Hikûmetê Herêmi
Kurdistan)	
KSDP	Kurdistan Socialist Democratic Party
KSM	Socialist Movement of Kurdistan
KSP	Kurdistan Socialist Party
KTP	Kurdistan Toilers' Party
OPEC	Petroleum Exporting Countries
RAF	Royal Air Force
PASOK	Kurdish Socialist Party
PKK	Kurdistan Workers Party
PM	Prime Minister
PUK	Patriotic Union of Kurdistan
SPÖ	Sozialistische Partei Österreichs or Socialist Party of Austria
TAL	Transitional Administrative Law
TBP	Turkman Brotherhood Party
WRPC	Women's Rights Protection Committee
ÖVP	Österreichische Volkspartei or Austrian People's Party

## Chapter I

### Introduction

*Democracy is needed precisely because we cannot agree. Democracy is a system of processing conflicts without killing one another: it is a system in which there are differences, conflicts, winners and losers (Przeworski 1992: 126).*

#### 1.1 Research's Background

Regime change in Iraq in 2003 created a unique opportunity for the Kurds since 1919 to promote their political rights in a post-dictatorial era (McDowall 2005: 4). The pattern that Iraq's post-war politics took and the existence of the coalition military forces under US leadership on the ground, and together with the strong Kurdish will to democratize are factors favoring the Kurdish attempt to build a democratic government. The Kurdish leadership was in fact skeptical about the American intentions in the beginning of the military operations because of the harsh memories that the Kurds have back in recent history when the realist Henry Kissinger betrayed them in 1975 for a political deal between Iraq and Iran, and from the events in 1991. The Kurds did not have any permanent friends other than their mountains protecting them from Western produced, but Iraqi used chemical weapons (see 2.5.2).

However, this reality is changed after 2003. Today, the Kurdish question is well known to the rest of the world. Kurds were one of the few nations in the Middle-East who publicly and entirely support the American efforts in Iraq. Yet, the Kurdish-American cooperation has not been without exposing the former's very security to a great danger and uncertainty vis-à-vis its neighboring states. Thus, any withdrawal of multi-national coalition troops from Iraq without leaving a mechanism of permanent protection of the Kurds (such as a permanent military base) means the potential of a great regional conflict which will endanger not just the Kurds - by letting them face their destiny - but also the vital Western interests in the region that the Americans try to protect. An alternative is that the political development takes such direction that compels the neighboring states to cooperate with the Kurdish leaders<sup>1</sup> in southern Kurdistan<sup>2</sup>.

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<sup>1</sup> Turkey is frequently encouraged by the US administration to talk with the Kurdish leadership in Iraq on important issues, such as PKK, the Turkish future economic interests in the Iraqi - Kurdish areas, and the

It is common today that the Arabic media like Al-Jazeera TV to portray the Kurds as Israel. For them it is unimaginable to see a Kurdish independent state that many of them believe is a reality today and its realization is a matter of time. However, this may be misleading because the Kurds, as the next Chapter will show, have always called for peaceful relations to their neighbors and the only thing they claim is that their national rights be granted.

In an unofficial referendum held in Kurdistan simultaneously with the Iraqi elections of January 2005, 98 percent of the two millions who participated chose independence of Kurdistan from Iraq<sup>3</sup> (Galbraith 2006: 171; Plett 2004). However, the Kurdish leadership was more realistic than what this high percentage of the population aspired for and took a more modest choice by deciding to be a part of a federal democratic Iraq. This was on condition that in the new Iraq they will, at minimum, keep their autonomous *de facto* regional government outside the jurisdiction of the central government in Baghdad. The Kurdish territory in Northern Iraq remained unharmed by the war, and while the rest of Iraqis are losing their lives by daily terrorist actions, the Kurds are continuing their serious efforts to push the political development further. They are in the process of nation- and state-building, starting with the demarcation of the border with the rest of Iraq and other aspects of the infrastructure.

## 1.2 The Core of the Research Question

Robert A. Dahl (1998: 9) convincingly described the likelihood of emergence of democracy as the agriculture that develops whenever the favorable conditions exist, such as tillable land and adequate rainfall. He, therefore, assumed that “*democracy can be independently invented and reinvented whenever the appropriate conditions exist*”.

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political settlement in Kirkuk. See ‘Talking to Kurdish leaders would be useful’ at: <http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=101907>

<sup>2</sup> By Southern Kurdistan or just Kurdistan as widely used in this thesis ‘in Kurdish: Bashura Kurdistanê’ I refer to the Kurdish area in Northern Iraq or Iraqi Kurdistan.

<sup>3</sup> Earlier, in January 2004, the Referendum Movement collected 1,700,000 signatures asking for a vote on independence, an amazing number of signatures considering Kurdistan's adult population is around 2,300,000. In February 2004, the organizers came to Baghdad to present their petitions to Bremer as the paramount authority in Iraq. Neither he nor anyone senior in CPA would accept their petitions or meet with the movement's leaders (Galbraith 2006: 170).



Accordingly, we can consider the following factors as favorable for a Kurdish democracy: *first*, the peaceful conduct of the Kurdish national movement in their struggle against the atrocities of the central government and the pursuit for their political rights. Kurds have cautiously fought against the totalitarian regime of Baghdad by focusing on the military targets and avoiding the civilian casualties, exactly the opposite of what the government was doing (McDowall 2004: 312). They have always renounced terrorism as means of struggle. *Second*, the destructive outcome of the totalitarian long-term policies of the regime of Baghdad in terms of human and material losses: the destruction of the education institutions that compelled many to leave school in their early age accompanied the politics of discrimination against non-Arab national groups in the first place and secondly against non-Sunni within the Arab population. This reality proved that the subsequent Iraqi regimes have failed to reach the minimum level of governability, and consequently have been ineligible to assume the political power. This reality created political vacuum in Kurdistan that was filled by the Kurds. *Third*, one can confidently argue that the general direction that Kurdish politics has taken since 1991 reveals that a normative understanding about the necessity of democracy has been entrenched in the elite and masses' minds. This conviction is derived first and foremost from the bad memories and violent legacy of the Iraqi *ancient régime*, and the relative political and economic stability that their elected government has provided. Thus the mentioned factors are not enough to generate a democratic system, but implicitly contribute in facilitating it.

However, as Sørensen (1993: 29) clarifies, democracy does not fall from heaven, but rather it is the individuals' and groups' hard work that make it possible. Furthermore, there is no defined measure that can assure its success. Therefore, democracy has many setbacks and misfortunes in its path toward consolidation. Democracy is a quite new political phenomenon in this part of the world, therefore, differently from Latin America and, more recently, Eastern Europe it has parsimoniously been the subject of academic works. This work is an attempt to theoretically incorporate the Kurdish case into the wider theory of democratization. More specifically, this research is devoted to the analysis of the ongoing process of democratization in Kurdistan.

The study principally seeks to answer the following concrete question:

**- *What are the prospects for democracy in Kurdistan?***

This question raises other questions that require answers, which may empower our search for answer to the main question, such as:

*a- Where do we find the link between democracy and self-determination in Kurdistan and why did the Kurdish leadership decided to remain within a federal Iraq rather than declaring independence, after enjoying more than a decade of semi-independence?*

*b- Why did the Kurds decide to adopt democracy as their form of government?*

### **1.3 Hypothesis**

According to Cozby (2007: 17) a hypothesis is “*a type of idea or question that makes a statement about something that may be true. A hypothesis is only a tentative answer, idea or question to a research problem that is waiting for evidence to support or refute it*”. It is expressed in the form of a relation between independent and dependent variables. One of the most valuable contributions of any method would be generation of a new hypothesis that will turn out to be valid or fruitful for fresh lines of investigation.

As the main purpose of this thesis is to study the probability and the likelihood of constructing a sustainable democracy in Kurdistan, it is important here to elaborate working hypotheses about the general idea that argues for the capability of the Kurds to divert their historical misfortune and injustice into a new era of prosperity and development to be an example for other people in the region who desire democracy. This idea is widely accepted today both within and outside Iraq. Thus the hypotheses will help us to focus the analysis on this particular subject.

Hypothesis I: *The chance for building a consolidated democracy in Kurdistan is high due to the positive geopolitical and internal political dynamics from 1991, particularly after the regime change in Iraq in 2003 that favor such development.*

Hypothesis II: *The chance for building a consolidated democracy in Kurdistan is still poor because of, firstly, the internal conditions are still immature and secondly, the external conditions are yet fragile to be supportive for such development.*

#### **1.4 Method and Case Study**

The form of the research question and the hypothesis are among the determinant factors behind choosing between qualitative and quantitative methods (Holme & Solvang 1996: 73). Furthermore, Ragin (1994: 85) impressively shows that cases should be selected either because of their unusualness and significance, or because they are typical and undistinguished. Similarly, Yin (1989: 47) stresses that case-study is favorable when studying a unique case. Thus, being the world's largest nation without having one's own independent state makes Kurdistan *sui generis*, which is in itself of great significance for applying case study methodology.

I have chosen, therefore, to approach the subject of my thesis as a case study also based on the definition provided by Yin (1994: 13). The context of his definition of a case study fits the subject of this thesis, that democratization in Kurdistan is an “*empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident*”. Case study is otherwise defined as “*an intensive study of a single unit for the purpose of understanding a larger class of (similar) units*” (Gerring 2004: 342).

Democratization theories will take a great place in the thesis and will be used as the main tool for the analysis. Normally, democratization theories are applied to those polities that already enjoy the status of independent statehood, but in our case studying the political status of Kurdistan is too complicated to understand unless another type of theories are integrated. Hence, theories of self-determination and secession rights are helpful to give us a clearer picture about Kurds' motivations behind their adoption of democracy as a strategic rational choice for their future. Self-determination theories give us better insight into the kind of relationships Kurds want in the settlement with Iraq and the regional states, and the efforts that Kurdish leaders are making to prove their ability and right to establish their own independent state at a later stage.

Furthermore, it is illogical to talk about democratization without understanding the meaning of democracy and its common principles, therefore great attention is to be put on it. Furthermore, any attempt to know how democratic a polity is and distinguish it from a nondemocratic system will be useless before we have some minimum criteria accepted and used in the academic field. For that purpose the thesis will mainly adopt the *minimalist definition* of democracy outlined in 4.2.2, on which most of democratization scholars agree.

### 1.5 Sources and Data

The data collection process is a very important part of a research project. Because much of a research's credibility depends on its relevance for the research question data sources have to be carefully selected. Hence, the question is how the researcher can enhance the validity of collected data, or, to state the matter differently, how to decrease the invalidity of the collected data.

To deal with this kind of challenge, I intend to follow Jick's (1979: 603f) proposition. He argues that the validity can be increased by applying what he calls 'triangulation', meaning that within a given method multiple techniques can be used to collect and interpret data. He states that "*the effectiveness of triangulation rests on the premise that the weaknesses in each single method will be compensated by the counterbalancing strengths of another*". Yin (1994:98) support a similar idea by arguing that any conclusion will be more convincing if based on different sources of data. I, accordingly, benefited from the documentary analysis from a variety of data sources, which are labeled as secondary data. Primary data are the data that has been collected by the researcher through surveys and interviews.

Secondary data in this thesis is mainly based on official documentaries that are available in our case on the KRG's homepage, in form of academic publications (academic books and journals) and articles that dealt with the regime change in Iraq and the development in Kurdistan, and other internet sites that contain valuable information.

The problem that I faced in collecting data is that Kurdish internet sites disappear frequently and that just two of over forty ministries have their own websites while others have not. It was particularly difficult to provide information about the activities of the

KNA because it has no website for the moment, and the only poorly managed site that existed is now hacked by the Turkish government<sup>4</sup>. However, I found some valuable information on the old site of the KNA that provide information about the elections of 1992. Balancing that, the official website of the KRG is a viable source of data, being updated each day where most of the official document can be found.

Personally, I am actively observing the ongoing political and socio-economic development in Kurdistan through my contacts and through the mass media. There are interesting political debates on the Kurdish and Arabic satellite channels. Being able to use different languages is another useful tool that enabled me to see the case from different points of view. While using Kurdish and Arabic are useful to understand the opinions that political actors and the masses have about democratization, the English, French, and Norwegian help to view the Western opinion about both the historical and contemporary situation in Kurdistan.

### **1.6 The Structure of the Thesis**

This thesis is divided into six main chapters. Chapter I provides a general understanding about the thesis, including the selection of research question, thesis' objectives, forming of hypothesis, exploring the methodology that will be followed, and illuminating data collection and its sources. Chapter II will provide the contextual framework of the situation in Kurdistan. The aim of the chapter is to have insight on the realities and events about Kurdistan by exploring and presenting the main events that had and continue to have deep impact on the current situation. It is to be presented in a chronological manner to enable the reader understanding the sequences of the events.

Chapter III will study the relationship between self-determination and democracy theories relevant for our case study. The chapter will attempt to explain the reason why the Kurds decided to remain in Iraq rather than going their own way despite that they consider that their forced marriage with Iraq should be ended by a political divorce. Chapter IV is intended to provide a theoretical basic understanding in the sense of defining and explaining the key terms within democracy and democratization theories

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<sup>4</sup> <http://www.kurdistan-parliament.org/> is hacked. And <http://www.kurdistan-parliament.com> that existed for a while is also gone. Kurdishmedia.com that is widely visited among the academics is also offline.

that the following chapter will be mainly based on. Chapter V will be the main theoretical and analytical part of this thesis. It will apply the relevant theories to explore the impact of the selected independent variables on the dependent variable, which is the democratization in Kurdistan. These variables will be divided into internal and external factors because it makes us more aware of the impact of each of these variables and define the strength and weakness of each of them. In Chapter VI I will sum up thesis' main findings. I will attempt to conclude whether the analysis support or reject the main hypotheses constructed in Chapter I and which points further studies should focus on.

## Chapter II

### **Empirical Context**

*Kurds have no friends but the mountains (Kurdish proverb)*

#### **2.1 Introduction**

This chapter will treat the historical and ongoing setting of the development of Kurdish political question, giving a particular consideration on the indispensable events that had major impact on today's situation.

#### **2.2 Who are the Kurds?**

The Kurds compose one of the ancient nations of the Middle East. Kurdistan, (the land of the Kurds), is today divided between several states: northwestern Iran, northern Iraq, northeastern Syria, southeastern Turkey, and small parts of Armenia. Evidences trace the origin of the Kurds as a distinct culture to Halaf culture from 6,000 BC to 5,400 BC. By the 3rd century BC, the very term 'Kurd' (or rather Kurt) was conclusively established. Xenophon encountered the Kurds (named them Kardukhoi) when retreating through Kurdistan with ten thousand Greek troops in 401 BC. However, the Aryan influence in altering the Kurdish cultural and ethnic identity was greater (Izady 1992: 26ff).

What decisively dislocated and nomadized the Kurds in a destructive manner was the advent of a century-long holocaust in Kurdish and Armenian territories in eastern Anatolia in the 16th century, and by the long Perso-Ottoman wars and particularly the Safavids' 'scorched earth' policy. More important still was the deadly economic blow brought about by the shift to sea transport of East-West commerce which also commenced at the turn of the 16th century. Together they heralded the beginning of the end for much of the social fabric and sophisticated culture of Kurdistan as it had existed since the time of the Medes. The agriculturalist, urban based Kurdish culture and society were to shift to a nomadic economy under a newly assumed identity (Izady 1993).

#### **2.3 Kurdistan after the World War I**

We need here to review the historical political development of Kurdistan in a theoretical perspective to understand the actual situation.



The dissolution and partition of former Ottoman Empire as result of the First World War witnessed the first international acknowledgement of the Kurds as a nation having the right to self-determination<sup>5</sup> like all other nations. Article 62 of Sèvres Treaty stated that a Commission should be formed of England, France and Italy to define boundaries of predominantly Kurdish areas of Northern Kurdistan. Those areas had the right to establish their political autonomy<sup>6</sup>.

Obviously, the weakness of the government in Istanbul after the dissolution of Ottoman Empire was the reason why it signed the Treaty unwillingly. Both, the content of the Treaty of Sèvres and the attack by Greece on Anatoly territory helped that Turks backed Ataturk's new formed national government of Ankara. Kemal Atatürk imposed his government as the solely legitimate representative of Turkish people and put an end to the government of Istanbul (McDowall 2004: 137). These reasons were combined with the fragmentary nature of Kurdish political leadership (Anderson & Stansfield 2004: 162). This change of balance of power on the ground disfavoured the Kurdish ambitions included in the newly signed Treaty. In the end England renounced the Kurdish independent state by a new treaty with Atatürk (Treaty of Lausanne 1923)<sup>7</sup> and began to divide as the new realities and its interests necessitated (McDowall 2004: 137). Lausanne Treaty did not mention the Kurds; rather it mentioned the non-Muslim minorities by which the majority of the Kurds are excluded.

It is important to note here that the planned Kurdish state outlined in the Treaty of Sèvres was not for the Kurds or because of them, but rather the geopolitical priorities of the imperial interest of Britain and France to separate the oil fields of the later created Iraq from the Russian hands in the north (Izady 2003). In other words, a Kurdish independent state has been denied because of prevailing geopolitical conditions and the rivalries of competing world powers (Bulloch & Morris 1993: 74).

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<sup>5</sup> Regarding the nationalities which were a part of the Ottoman Empire he stated in his Fourteen Points: *The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty but the other nationalities which are under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity for autonomous development.* Woodrow Wilson, *Twelfth of Fourteen Points for World Peace*, January 1918.

<sup>6</sup> For details see Article 62 and 64 at: [http://www.geocities.com/iturks/html/documents\\_3.html](http://www.geocities.com/iturks/html/documents_3.html)

<sup>7</sup> For full information see: <http://www.lib.byu.edu/~rdh/wwi/1918p/lausanne.html>

The British army controlled the *vilayets* of Baghdad and Basra during World War I. Meanwhile, Britain favored to appoint a local leader to administrate the internal affairs of Kirkuk and Sulaymanieh. Sheikh Mahmud Berzinji was chosen by the local population and accepted by the English occupation forces when appointing him under their supervision. Mahmud suspected that the British were playing the old colonial game of divide-and-rule by playing one tribe against another. He declared independence in 1919. In confrontation with a British and Iraqi offensive Mahmud was defeated and sent into exile in India. Mahmud's last revolt after his return was in 1931 when Britain announced its intention to give Iraq its independence without guaranteeing the rights of the non-Arab nationalities (Entessar 1992: 50ff).

Even after signing Lausanne Treaty, the League of Nations sent a commission to evaluate the wish of the people of Mosul vilayet. In their report, the commission stated that the Kurds are unconscious about being part of the newly created Iraq and that, on ethnic grounds alone, the best solution would be the creation of an independent Kurdish state. However, on economic consideration Kurds in Mosul vilayet (today's Iraqi Kurdistan) has annexed to Iraq (Bulloch & Morris 1993: 93).

Kurdish revolt in Iraq did not end with Mahmud's final defeat. Mullah Mustafa Barzani – the younger brother of the Sheikh Ahmad – took the leadership of the resistance of the dissatisfied Kurds in Iraq. He showed the ability to challenge and damage the Iraqi military existence in Kurdistan, the factor that made the British to push the Iraqi government to negotiate with Mustafa Barzani. The negotiations that started with the Iraqi cabinet led by the Prime Minister Nuri Said were near to reach a comprehensive autonomy for Kurdistan, including the oil-rich city Kirkuk, but ended by the former's fall (Entessar 1992: 55f). The Kurdish leader resumed the fighting after the breakdown of negotiations, but could not resist the British RAF and the Iraqi forces together, and therefore retreated into Iran to take part in defending the Qazi Mohammed's newly established Kurdish Republic of Mahabad. One year later, Mahabad was invaded by the Iranian regime. Barzani entered with his followers into the Soviet Union and sought refuge there. They did not return to Iraq until the regime change in Iraq in a *coup d'état* that overthrew the Hashemite monarchy, carried out by Free Officers and led by the brigadier Abd al-Karim Qasim the July 14<sup>th</sup> 1958.

## 2.4 Beginning of the Political Parties

### 2.4.1 The Establishment of the Kurdistan Democratic Party

Prior to the foundation of KDP, there was Hîwa<sup>8</sup> - Hope - , a leftist-minded party formed in 1938 under the leadership of Rafiq Hilmi, which failed to exploit the Barzani rebellion and ended to exist by mid-1944. In 1945, Shurish – Revolution - was a group of Kurdish Communists known by the name of its journal founded a new party called Rizgari Kurd ‘Kurdish Liberation’. Despite of their role in elevating the profile of Kurdish nationalism Rizgari Kurd and Shurish dissolved themselves under the governmental pressure and the dilemma created by Barzani in Iran by August 1946 (McDowall 2004: 294f).

It is not exaggeration to say that the foundation of the KDP in 1946 introduced an innovation in the Kurdish political life and had the biggest impact on its development. It reflected the growing Kurdish nationalist sentiment that emerged in Iraq in the aftermath of World War I. It is difficult to have a deep understanding of today’s Kurdish politics in Iraq without studying its origins. The PUK, as we will see, is also derived from the division within KDP. The circumstances that helped the establishment of the KDP was a combination of tribal militancy, the development of an urban Kurdish intelligentsia that promoted the Kurdish nationalism, and the particular role that Mulla<sup>9</sup> Mustafa Barzani and the Barzani tribe played (Stansfield 2003: 61).

The new KDP held its first congress in Baghdad on 16 August 1946. Mustafa Barzani was elected president in exile, and Hamza Abdallah<sup>10</sup> secretary-general. Two landlords, Sheikh Latif Barzinji - son of aforementioned Sheikh Mahmud Berzinji - and Sheikh Ziyad Aghaz, were chosen as vice presidents.

On one hand, there was an ideological disagreement between the more conservative and traditional, tribal wing of the KDP associated with Barzani, and the intellectual Marxist wing (the so-called KDP politburo) led by Ahmad, and by his son-in-law, Jalal Talabani<sup>11</sup> (Gunter 1996: 227). On the other hand, Barzani’s legendary ability to resist and defeat Iraq’s military machinery put him in a place of respect and admiration of the

<sup>8</sup> See more information about Rafiq Hilmi and his party at: <http://www.rafiqhilmi.com/>

<sup>9</sup> *Mulla* is a title, which means an Islamic religious cleric and was widely used at that time.

<sup>10</sup> *Hamza Abdallah* was a Shurish member and its envoy to Barzani in Iran.

<sup>11</sup> *Jalal Talabani* is the actual and the first democratically elected president of Iraq from April 22, 2006.

majority of the Kurds and Ahmed's experiences and skills in organizing political forces complemented each other to serve the Kurdish national movement. However, Barzani's physical absence from the political scene during his sojourn in the Soviet Union, facilitated the KDP to fall under the control of Ahmad when elected as Secretary General in 1951. The Third Congress of 1953 changed the name of the party to the Kurdistan Democratic Party<sup>12</sup> as a gesture towards nationalism, and adopted a leftist programme calling for agricultural reform and recognition of peasants' and workers' rights.

Barzani's agreement with Arif (see 2.5.1) signed on 10 February 1963 without mentioning of self-determination right and referring to Kurdistan not by its name, but 'the Northern Region' divided the KDP further when Ahmed-Talabani objected to the terms of the agreement. However, Barzani revised his agreement and included these fundamental demands in later date (McDowall 2004: 294). This schism within KDP's leadership did not challenge Barzani's position, but ended up with cooperation between Ahmad-Talabani group and the Ba'athists, and fighting against Barzani. The Ba'athists finally decided to abandon Talabani and negotiate with Barzani when the latter proved his military capabilities on the ground. In the late 1960s, both Talabani and Ahmed then contritely returned to the KDP, which had become Barzani's virtual fiefdom (Ibid: 317).

#### **2.4.2 The Formation of the Patriotic Union of Kurdistan**

When Barzani gave up the struggle with the central government in the aftermath of Algerian agreement between Iraq and Iran in 1975 he left the field open for his rival Talabani and other leftists to form their political organizations. The Patriotic Union of Kurdistan (PUK) was formed on 1 June 1975 in Damascus. It was an umbrella organization for the communist oriented Komala led by Nawshirwan Mustafa Amin, and the KSM led by Ali Askari. The new PUK was under the leadership of Talabani. Obviously, blaming the Barzanis for failure, the PUK wanted to demonstrate that it is the only viable alternative to the KDP to lead the Kurdish nationalist movement. However, the formation of the PUK introduced a new balance in the Kurdish party politics

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<sup>12</sup> They changed it from the Kurdish Democratic Party to the Kurdistan Democratic Party to represent and embrace not just the Kurds but also other nationalities living within Kurdistan.

spectrum that had and continues to have its major impact on the shaping of the self-ruled Kurdistan (Liam & Stansfield 2004: 168).

## 2.5 Kurds and the New Iraqi Republic 1958

Qasim declared the new regime to be a republic. Barzani and his exiled followers returned after the *coup d'état*. Kurds hoped that this political change would open a new page for Kurdo-Arab reconciliation. The new constitution stated that Arabs and Kurds are considered partners in this nation. This time, like his predecessors, Qasim promised the equal partnership between Kurds and Arabs to buy the time needed in order to consolidate his rule and refuted such an understanding when he felt able to confront with the Kurds. Qasim adopted a pro-Atatürk policy, according to which he excluded any recognition of the Kurdish existence, banned any Kurdish political activity by ordering the closure of the KDP bureau on 24 September 1961 and prepared for military assault. Clashes between the two sides began in December 1961. The Kurds were able to exhaust both Qasim's militarily and political capabilities, and pushed his regime towards his final downfall. He finally could not deter Baathists and Nasserists threat who overthrow him in a new *coup d'état* on 8 February 1963 (McDowall 2004: 302ff; Entessar 1992: 58ff).

### 2.5.1 The Kurds under the Ba'ath

The Ba'ath Party who took the power appointed Colonel Abdul Salam Aref<sup>13</sup>, a non-Ba'athist, as the provisional president and the Ba'athist General Ahmed Hassan al-Bakr as prime minister. On 18 November 1963 Abdul Salam Aref led a successful anti-Ba'ath coup. When President Aref was killed in a plane crash on 14 April 1966 in southern Iraq, his brother, Abdul Rahman Aref, assumed power. On 17 July 1968 Iraq witnessed a new *coup d'état*. This time, the Ba'ath Party recovered the power for the second and probably last time by toppling Abdul Rahman Aref's Regime. Ahmed Hassan Al-Bakr replaced him in the presidential post. In the beginning, the Ba'ath Party showed, to certain extent, a kind of responsiveness and understanding towards the Kurds' national rights, but as their predecessors, their real objectives were first and foremost to consolidate their power

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<sup>13</sup> Abdul Salam Aref was a grand nephew of King Faisal I of Iraq. See: [http://en.wikipedia.org/wiki/Abdul\\_Salam\\_Arif](http://en.wikipedia.org/wiki/Abdul_Salam_Arif)

and therefore needed to neutralize the Kurdish threat (McDowall 2004: 324). Typically, talks fail when it comes to define the political future of Kirkuk, because the Kurds do not accept any settlement for autonomy without including Kirkuk. The Ba'ath regime was obliged push for further negotiations with Mustafa Barzani, for they had no friends inside Iraq and needed the stability with the Kurdish north at any price. Saddam Hussein, vice-president at the time, travelled to Kurdistan to meet Barzani and offering him to write down his demands in a blank paper, indicating that they supported the Kurdish aspiration. They signed what later led to the *11 March Agreement* of 1970.

From his experience with the Baghdad rulers, Barzani did not trust the Ba'ath's intention behind the new deal, but the Kurdish opinion could misread his judgment if not going with it. However, the new political agreement of 15 points included some important points, such as the right of local self-government, the education in Kurdish language, and participating in the central government (Bulloch & Morris 1993: 130). The period from 1970-74 was thought to be the start of a 'golden period'. Kurds appointed their governors in Kurdistan, the fact that they learned much about how to govern. During this period, Kurdistan was peaceful. Relations between the Ba'ath and Barzani deteriorated to the point when Barzani advocated taking up arms over the status of Kirkuk. Meanwhile, two separated assassination attempts targeted Barzani in Kurdistan and his son Idris in Baghdad, and at the same time policy of arabization of Kirkuk continued (Stansfield 2003: 75). Baghdad chose to negotiate with the anti-Barzani (Ahmed-Talabani) fraction in an attempt to undermine the legitimacy of the leadership of Barzani. The government pushed the agreement forward with new conditions, which had been officially announced, the so-called Autonomy Law on 11 March 1974. What Barzani were suspicious about happened. The new Law was meant to strip the autonomous region of any real self-control through a policy of putting the ultimate political decisions in the hands of the central government (McDowall 2004: 336).

The Kurds under Barzani's leadership had no other options than escalating the war as defense strategy in order to deter the unavoidable coming danger from the Iraqi Ba'ath regime. The main military supporter to the Iraqi Kurds – the Shah of Iran – was secretly negotiating with Saddam in several months. On 6 March 1975, at the Organization of OPEC Conference in Algiers, he met Saddam to put an end to all the outstanding border

differences. In exchange with Saddam's concession of Iraq's southern border to Iran, the latter cut all form of help to the Kurds who was in war with the Ba'ath regime<sup>14</sup>. The new reality had its worst consequences on the abilities of the Kurds to pursue their decisive struggle at that point of the history. They stood without any external ally facing the machinery of the state. On 23 March 1975, Barzani decided to end the Kurdish Revolution. The outcome was catastrophic for the Kurdish civilian population. With the collapse of the Kurdish Revolution, the Ba'ath Party was free to implement the Autonomy Law and the policies of arabization continued (Stansfield 2003: 79). The US was directly involved in this crisis. Eight hours after that the Iraq-Iranian agreement had been put in effect, the Shah and the U.S. cut off aid - including food - and closed Iran's border, cutting off Kurdish lines of retreat (Everest 2007).

### 2.5.2 The Genocide and its Aftermath

Iran officially became an Islamic Republic on April 1, 1979 and Saddam simultaneously became president of Iraq on July 16, 1979 to put Iraq into the bloodiest stage of its history, which continued until 2003. The latter took the occasion to renounce the Algerian Agreement of 1975, and backed by the western countries, Saddam launched his offensive against Iran on September 22, 1980 to begin a war that lasted 8 years. After the defeat of 1975, the Kurds found this development as an opportunity to regain their strength and continue political struggle. When the war approached its end, the Ba'ath regime launched its life's military campaign against the Kurds: the infamous *Anfal*<sup>15</sup>. The story started when Saddam gave his cousin Ali Hassan Al-Majid, known as "Chemical Ali", the full authority to eradicate the Kurds. In short time about 4000 Kurdish villages were destroyed to the ground. However, the ultimate crime was

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<sup>14</sup> Barzani, Muhsin Dizayi and Mahmoud Othman met with the Shah on 12 March and were told that all support was finished.

<sup>15</sup> Salih (1996: 86) describes *Anfal* as the following: *Anfal* is the name of a Sura in the Qur'an. The title was given to eight concerted series of military offensives, conducted in six distinct Kurdish geographic areas between late February and early September 1988. It entailed the co-ordination of a series of measures starting with the destruction of thousands of villages. Other elements involved the gathering of rural populations after multiple chemical attacks; transporting them to the camps (*mujama'at*) positioned near major urban centers and military garrisons, and processing the captives through isolating them and determining who should be sent to death. Different groups were transported to different destinies: women and children to particular camps, elderly people to southern Iraq, and men aged between 15 and 50 to grave sites under extreme secrecy.



committed by dropping the chemical bombs to the city of Halabja on March 16, 1988. At least 5,000 civilians died in a matter of hours in what was the most devastating use of unconventional weapons against a civilian population since World War II<sup>16</sup> (Anderson & Stansfield 2004: 169f).

The period 1988-1991 was the most difficult for the Kurdish people. The political organizations were dispersed in smaller and weaker parties. Most of it had to operate from outside Iraq.

Saddam miscalculated the aftermath of the Iraq-Iranian war and the signal from the American ambassador in Baghdad<sup>17</sup> and invaded Kuwait on August 2, 1990. He expected that his action would be pardoned by the West. After being expelled from Kuwait by the Allied coalition in the beginning of 1991, Saddam began to lose his power. The Kurds in the north and the Shi'a Arabs in the south found in president Bush's appeal to revolt against Saddam's regime a golden chance to overthrow his brutal rule thinking that the US would support their efforts. In Kurdistan, the uprising commenced in Raniyah on March 4, and soon spread to other Kurdish cities. As the scale of the event became clear, forces from the KDP and PUK assumed control of the insurgency. The key element of its success was the cooperation between the city Kurds and Peshmerga that returned from their refuge in Iran. By March 19, southern Kurdistan was under Kurdish control for the first time since 1970. However, the new triumph was short-lived. Saddam sent his troops to control the north and the south. This was not out of American control. They were watching what Saddam was doing.

There are evidences that the American planes flew over the Iraqi helicopters bombing the people (Pilger 2002: 79). Millions of Kurds fled to Iran and Turkey. While Iran allowed them to enter its territory and find shelter there, Turkey used its military to prevent any Kurd to cross the border, and so they had to install on the frontier upon the mountains and spend the winter there<sup>18</sup>. On April 5, 1991 the UN Security Council

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<sup>16</sup> For more information about the genocide against the Kurds see:  
[http://www.gendecide.org/case\\_anfal.html](http://www.gendecide.org/case_anfal.html)

<sup>17</sup> To know more about the detailed discussion between Saddam Hussein and the US ambassador to Iraq dated July 25, 1990, prior to his invasion of Kuwait, see: Sifry, Micah L. and Christopher Cerf (eds.), *The Iraq War Reader: History, Documents, Opinions*. New York & London: A Touchstone Book. P.68

<sup>18</sup> I personally witnessed with my family that hard winter of 1991. Thousands of people, especially children were dying each day.

passed Resolution 688<sup>19</sup> demanding an end to the repression of citizens in Iraq, but, on the ground, the numbers of refugees continued to swell. Pictures of human sufferance that filled the international media obligated the Western leaders to seek a solution because the US already was a part of its creation, and neglecting it could damage its picture in the new world order that president Bush intended to build. Allies attempted to resolve the problem by establishing a small "safe haven" near Dohuk on April 28. By October, Saddam removed all offices of the government from the Kurdish north and imposed an economic blockade against its population. He expected that this action would lead to a total collapse of the service sector and a chaotic political situation that may compel the Kurdish political leadership to demand the central authorities to return. Instead, they considered this unprecedented opportunity as a chance to demonstrate their abilities to organize and rule themselves, challenging by that all the odds that predicted a swift failure.

## **2.6 The Kurdish *de facto* State**

### **2.6.1 The Formation of the KRG**

Finally, the self-rule was a reality. Political parties had to conduct according to the new rules of the game. For the first time of their history and the history of Iraq the Kurd are to form a government that reflects the results of the popular election. It was held on May 19, 1992 throughout the liberated territories with about 90% turnout of the electorate. Ten political parties plus independents<sup>20</sup> competed for the votes with a threshold of 7 percent to enter the KNA. The outcome was the formation of the Kurdistan National Assembly (KNA). The results were very close between KDP and PUK with 50 percent of the seats for each. The establishment of the KRGs was the most important single event in the history of the Kurdish national movement in Iraq. To satisfy the two victorious parties the system of strict power-sharing by 50:50 has been adopted in first cabinet of the Kurdistan Regional Government formed on July 4, 1992. According to this mechanism almost all the parliamentary seats, cabinet posts and other positions were apparently equally divided between them. The remaining 5 seats in KNA were given to the Christians. However,

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<sup>19</sup> Details can be found at: <http://www.casi.org.uk/info/undocs/gopher/s91/5>

<sup>20</sup> Among them were; KDP, PUK, PASOK, ICP, IMK, ADM, KCU, DC, KAD, and Independents.

KDP's officials dismissed the accuracy of using 50:50, because the reality, according to them, was that they had a marginal victory, but relinquished some of the positions to make a compromise possible (Stansfield 2003: 146). In addition, both Barzani and Talabani did not take any official position and therefore were hardly meeting with each other, meaning that the centers of power and decision making remained outside the administration, which became secondary in the political hierarchy (Othman 2001*a*). The second cabinet was formed on 25 April 1993 and was characterized by the replacement of Dr Fu'ad Massoum with Kosrat Rasoul Ali as prime minister (Ibid: 150).

The 50:50 system may have found the grounds for better understanding of the consociational democracy for later stage of democratization, but in the shorter-term it reduced the efficacy of the administration to deliver the services to the citizens. Furthermore, many of the small parties that failed to meet the 7% threshold required to enter the KNA coalesced with either KDP or PUK, but especially the KDP, the factor that gave the KDP a stronger position to reject the 50:50 system, and the increasing of interference of the neighboring countries also helped to strengthen the polarization of party politics. Thus, the imposition of economic embargo by the Iraqi government exacerbated their division, particularly on the custom revenues. Those factors were sufficient to make fratricide between the PUK and KDP break out in December 1993 and they increased by the event of 1, May 1994<sup>21</sup> (Ibid: 152; Leezenberg 2005: 632). In a related development, the PKK launched attacks against the KDP in late August 1995, encouraged by Syria, Iran as well as the PUK (Gunter 1996: 239). The PUK controlled the whole city of Erbil, but on 31 August 1996, the combined forces of the KDP and the Iraqi government invaded Erbil, expelling the PUK from the city to impose a new balance of power between the two parties. The division in every sense became more established and the situation fell more into the hands of Baghdad, Ankara and Tehran, which were called to help one side against the other (Othman 2001*a*).

The KRG was divided into two almost identical, political and geographically distinct regions, each of them with its sphere of administration. The KDP controlled Erbil and Duhok and established the third cabinet, while the PUK had Sulaimaniya, where it

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<sup>21</sup> A local squabble over a piece of land in Qala Diza, northeast of Suleimaniyah, between a junior official of the KDP and tenants belonging to the PUK, quickly escalated into major fighting between those two main parties (Gunter 1996: 233).

established its third cabinet. Both argued that their administration is legal and linked to the earlier fundamental legislations. It has been argued that due to the ability of the two main factions to dominate the administrations within their strongholds the system of the divided administrations were more effective to govern. The judiciary remained unified and was headed by the Supreme Court of the Iraqi Kurdistan Region based in Erbil (Stansfield 2003: 154f).

Notwithstanding the local, regional and international appeasement efforts did not stop during these difficult years, corresponding hostilities accompanied by recurrent violent confrontations between the KDP and PUK also continued. As Othman (2001b) puts it, despite that all efforts made were to find a compromise for the conflict, the US, France, Turkey, Iran, Iraq, and local and exile Kurds had different agendas and interests behind assisting them. Just the Kurdish and French efforts were sincere and in the interest of the Kurds, but lacked the virtual pressure to bring about outcomes.

However, the *Washington Agreement*<sup>22</sup> was finally reached after about three weeks of intense indirect and direct negotiations. The agreement was signed by the two leaders and witnessed by David Welch, from the State Department. Later, Madeline Albright and the two leaders announced it in a press conference on September 17 1998. There was a gap between the timetable outlined by the agreement and the realities on the ground; while the agreement was supposed to be fully implemented by July 1999 some clauses of the agreement took longer time than the others, especially the unification of the two aforementioned cabinets of KDP and PUK.

On 20 December Nêçîrvan Îdrîs Barzanî was appointed prime minister of the fourth cabinet of KRG Erbil and Sami Abdul Rahman became deputy prime minister<sup>23</sup>, but the latter was replaced by Aghajan Mamendu after his assassination<sup>24</sup>, while the KRG of Suleimaniyah is led by Dr Barham Salih<sup>25</sup>. At the end of 2002, the PUK members agreed to return to the KNA in Erbil, enabling it to function once again as the legislature for the entire region.

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<sup>22</sup> A full version of the text of the Agreement can be found at:  
<http://www.kurdistanica.com/english/legal/papers/doc-0001.html>

<sup>23</sup> See: <http://old.krg.org/about/cabinet.asp>

<sup>24</sup> See: <http://www.jamestown.org/terrorism/news/article.php?articleid=2370231>

<sup>25</sup> Dr Barham Salih is the actual Iraqi deputy prime minister.

The Kurdish leadership was aware that the post-Saddam era will challenge the status quo by attempting to reintegrate them into the new Iraq, but there is no doubt that they firmly supported the regime change and saw it as an opportunity to institutionalize the meaningful recognition of the Kurds as a distinct national community (Salih 2004: 123). This was not an easy task; Kurds had first to unify their political rhetoric in the new challenging process of rebuilding Iraq. The division was a bitter reality and to overcome it, hard decisions needed to be taken. Furthermore, such division could not be tolerated after the regime change in Iraq. The reunification of the two mini governments became a popular demand of every Kurd, which finally came about. The *Kurdistan Regional Government Unification Agreement* was announced on January 21, 2006, talking about strengthening the democratic experience in Kurdistan, stabilize the security of the citizens and expand their liberties. They announced the formation of the new unified cabinet on 7 May 2006.

In 2005, the KDP and PUK jointly supported Mas'ud Barzani for president of Kurdistan and Jalal Talabani for the president of Iraq. The Resolution 986 issued on 14 April 1995, allocated 13 percent of Iraqi oil-export revenue through the *oil-for-food*<sup>26</sup> program to the northern governorates, improving considerably living standards in the north. The program was formally terminated on 21 November 2003 and its major functions were turned over to the CPA.

## 2.7 Summary

This chapter discussed the historical context of the political development of southern Kurdistan. The Kurdish people are the victims of the great powers' realpolitik, but that did not prevent them from struggling for their rights. Despite all the odds the Kurds showed ability to survive in one of the world's most dangerous regions at a critical stage in history and became a major player in its politics.

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<sup>26</sup> For full coverage see: <http://www.un.org/depts/oip/>

## Chapter III

### **Self-Determination and Democracy**

*After that Ukraine declared independence in 1991 the Kurdish people became the biggest nation in the world without having their own national state (Galbraith 2006: 148).*

#### **3.1 Introduction**

As stated in the first of the two subsidiary research questions for this thesis, it is important to see the link between democracy and self-determination and why this may have urged the Kurdish leadership not to opt for full independence at the present time.

There is no doubt that the decision to remain within a democratic federal Iraq contradicts the national ambition of having an independent state that the majority of the Kurds in Iraq share. Thus, in order to continue enjoying their semi-independence since 1992 the Kurds needed their political status to be recognized by the international community, which was possible only by remaining a part of Iraq and contributing to make democracy works in this country. However, this tactical choice does not mean that they gave up their paramount objective of being independent.

Thus, the nexus between the theory of people's right to self-determination – secession –and democratization theory is salient in our case study; therefore this chapter will specifically explore the theoretical approach that explain this relationship. Furthermore, the chapter will argue that the Kurds view their status in the new Iraq as a necessary and integral part of self-determination, but it does not meet their aspiration of secession that they consider as the only permanent solution. Therefore, it is important that the issue of self-determination be understood first before analyzing Kurdistan's actual status in Iraq and its possible developments.

#### **3.2 Self-Determination**

How is the principle of self-determination meant to be understood?

Once the UN initiated the right to self-determination<sup>27</sup>, it opened up a new field of international law that required more serious studies (Eagleton 1953). Later on, it stated that; *all peoples have the right to self-determination*<sup>28</sup>. That was the most significant contribution in legalizing this right. Self-determination is referred to as a *principal of universal applicability*, indicating that it is more than just a moral norm. However, this Resolution targeted a specific group of peoples, namely the colonized ones<sup>29</sup>.

At this stage self-determination right was applicable to the extent to which territorial integrity of the state was guaranteed (territorial concept of peoples) and the principle was designed to be bound by a specific historical period of decolonization irrespective of difference in ethnic or other kinds of diversity of the population. Expanding its scope beyond this limited period may give unattainable and misleading hopes to other peoples who are aspiring independence (Quane 1998). Self-determination is also an important part of the *International Covenants on Human Rights of 1966*, which entered into force in 1976. It gives self-determination an explicit importance because *firstly*, the covenants begin with recognizing this right to all peoples in its first Article, which means that this right is the starting point which makes convenient circumstances and motivation to realizing other rights, and *secondly* it relates this right to peoples' right to "*freely determine their political status...*"<sup>30</sup>. The *second* is the *Declaration of Friendly Relations of 1970*<sup>31</sup>, which gave to all peoples the opportunity of political independence from any non-representative government, but the rigid emphasis on the territorial integrity makes any definition of self-determination far from precise. In order to have a comprehensive understanding of the scope of the self-determination principle, as Nawaz (1965) puts it,

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<sup>27</sup> Articles 1 (2) and 55 of Dumbarton Oaks draft simply stated "*to develop friendly relations among nations and to take other appropriate measures to strengthen international peace.*" The expression "*based on respect for the principle of equal rights and self-determination of peoples*" has later been added at the San Francisco Conference.

<sup>28</sup> U.N. Resolution 1514 (XV) (1960) on granting independence to the peoples of colonial countries can be found in details at: <http://daccess-ods.un.org/TMP/4636595.html>

<sup>29</sup> U.N. Resolution 1514 (XV) (1960) states in point 6: *Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations*". See <http://daccess-ods.un.org/TMP/4636595.html>

<sup>30</sup> See International Covenant on Economic, Social and Cultural Rights of 1966 at: [http://www.unhchr.ch/html/menu3/b/a\\_cescr.htm](http://www.unhchr.ch/html/menu3/b/a_cescr.htm)

<sup>31</sup> Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in, accordance with the Charter of the United Nations. Resolution 2625 (XXV) of 1970. <http://www.whatlaw.org/en/conv/0703.htm>



one should not look at a single place in the UN documents, but rather to various or aggregate relevant decisions.

### **3.2.1 The Right of Secession**

As mentioned above, self-determination, on one hand, gives little or no right to secession because it contradicts another state's right, namely territorial integrity. But on the other hand it invites legal scholars and philosophers to be engaged in a serious debate to find a common moral support for secession right, especially in a changeable world as we live in today. The aim here is to explore whether there are some criteria that according to which a national group can be granted the right of secession.

Theoretically, various arguments have been used by scholars to promote and legalize the right of secession for national minorities. Buchanan (1991a) believes that contemporary political philosophers should take the right to secession more seriously. He argues that political philosophy lacks a normative theory of secession because it defies the state's claim to authority in a time when justifying this authority is one of their central tasks. However, a combination between the liberal theory of the state and self-determination right has been developed, especially in the 1990s. Beran (1998: 32ff) believes that ideally, self-determination and secession constitute a moral right which is consistent with liberal democratic principles. Hence, a comprehensive normative theory of political borders must include a theory of good borders and of rightful borders, of the rightful unity of the state, and of rightful secession. He argues further that any political unity – territorial group - that can govern itself, sustain itself economically, and defend itself should have the right to secede without having the obligation to justify such a step, since they are merely exercising their right of free association.

Secession should not be seen merely as an act of fragmentation, but rather as a complex, continuing process of regrouping personal allegiances, redefining boundaries and controlling resources, and of restructuring the participatory mechanisms within and among states (Yale Law Journal, Mar. 1980).

Accordingly, a region has right to secede if it was unjustly incorporated into a larger unit from which its members wish to secede. In this assumption, secession is viewed as re-appropriation, by the legitimate owners, of stolen property. Thus, secession here is the

right to reclaim what is one's own; especially when the people who claim the right to secede are the same who held legitimate title to the territory at the time of the unjust annexation (Buchanan 1991b).

This is a part of *geographical or territorial preconditions* of secession. A separatist argument, to be persuasive, should include a territorial claim (Brilmayer 1991: 179; Walzer 1978: 93). Wood (1981: 113) argues that size and distribution of the secessionist population have a major bearing on their potential secession. Furthermore, for the future stability, access to markets, and natural resources it is important that secession occurs peacefully. He believes that it is more difficult in those cases in which a secessionist population inhabits territory belonging to a number of states (Kurds in Iraq, Iran, Syria and Turkey) because any attempt to secede from one of the actual states will increase hostility of other states which have a portion of the same people. As consequence, chances for a peaceful and successful secession will decrease, at least, unless one of the central governments consent and support is provided. The Iraqi situation today illuminates that the Kurds are in the process of achieving such peaceful divorce.

Even the opponents to such an orientation who believe that secession makes state's internal ethnic conflict worse and more violent acknowledge that in some cases secession is the only solution, but warn that any acknowledgement of the right of secession will put the efforts at coexistence in the undivided state, such as federalism or regional autonomy (Horowitz 2003: 50f). Under what conditions, then, would secession be considered as rightful?

### **3.2.2 Preconditions for Rightful Secessions**

The advocates of this right handle that differently, but they discuss the following background conditions, which are relevant to our case, that have to be found before talking about the rightfulness of secession:

1- *Historical grievances*: There is a fair agreement that historical grievances can legitimize secession demands, depending on the gravity of prejudice practices by the state. This claim is not merely justified by a group's legal entitlement to a land which is unjustly annexed to a foreign power, but because it is the space in which the group have

always lived in common, elaborated their historical identity and want to govern themselves (Philpott 1995). When a territorially bounded, national subgroup unambiguously expresses its will to secede, the legitimacy of the state's sovereignty over the rebel population is placed in question (Orentlicher 2003: 27ff). Horowitz (1985:231f), for instance, acknowledges that the Kurdish example is one of the most complicated practical cases. In Iraq, Kurds were very precautionary to demand secession not because they lacked the belief in that right or ability to achieve it, but rather because it would certainly engender hostility from neighboring regimes. However, the historical grievance is obvious in this case (see 2.5.2).

Furthermore, Mas'ud Barzani<sup>32</sup>, the elected president of the KRG<sup>33</sup> has at several opportunities defended the Kurdish right to secede from the rest of Iraq. He said that the fear among the Kurds that they would face punishment or be held accountable if they talked about independence must end<sup>34</sup>. He added that demanding such a right in one's own territory is not a crime (Barzani 2005).

2- *The consent argument*: There is a wide agreement among liberal political philosophers that popular or citizens' consent is a necessary condition for the legitimacy of any political system. If we agree that such consent and political obligation of the governed towards the authority is easier to acquire in a one-nation state than in a multinational state, how can a government legitimize its authority if one nationality or group dismisses its legitimacy?

Beran (1987: 34) says that unless the right to secede is acknowledged, groups will sometimes remain subject to a state's power without their consent. To Beran, consent of the groups is a precondition for the political obligation and consequently for the legitimacy of the authority. When they do not consent, they have the right to secede. Buchanan (1991b) consider this argument as a step toward a theory of secession, but in the same time it lacks an important reality about secessionists' valid claim of territory,

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<sup>32</sup> see: [http://en.wikipedia.org/wiki/Massoud\\_Barzani](http://en.wikipedia.org/wiki/Massoud_Barzani)

<sup>33</sup> For more information see: <http://www.krg.org/>

<sup>34</sup> He refers to fears expressed continually by Turkish and Arabic politicians that they will not tolerate any Kurdish secession from Iraq, justifying from the Turkish side by that any action of this kind will encourage Kurds from within the Turkish side to come with similar demands, while Arabs argue that Iraq should remain united. Division of Iraq, for them, is a kind of humiliation of the Arabic nationalism.

and that terminating political obligation may not justify a claim for secession rights. In our case-study this point is of great importance because the absolute majority of the Kurds have expressed their desire to secede from Iraq (see **1.1** and footnote **3**).

3- *Discriminatory redistribution*: This argument is apparent when taxation schemes or any other policy, are systematically implemented with the intention to work to the disadvantage of some groups while benefiting others in morally arbitrary ways. Philpott (1995) argues that the discriminatory redistribution argument cannot alone explain secessionists' claims, but in the same time he does not deny the explanatory power of this argument because usually a state discriminates against the groups (nationalities) which announce their right to territory.

4- *A liberal Argument*: National minorities claim the right of self-government because of their distinctiveness as peoples, which differentiate them from the wider community they live in (Kymlicka 1995: 181ff).

This section presented the core theories of self-determination and secession. The aim here is to better understand the next section that will deliberate Kurdistan's unique constitutional position in Iraq and to outlines that the Kurds consider themselves in a position that merit an international understanding and support necessary for any effort for independence.

### **3.3 Kurdistan's Status in the New Iraq**

The following section is devoted to study Kurdistan's federal status in the new Iraq, including their constitutional gains and obligation that can favor or disfavor the ongoing democratization.

#### **3.3.1 Federalism?**

It is natural that a federation will reflect the characteristics of its states, and a successful federal country presuppose the existence of a stable democratic order, something which means that democracy at the regional level should already exist before entering into federalism. A successful federalism requires the existence of a civil society (Elazar 1993:

192), a condition which is absent in the Iraqi case. In addition, ethnic nationalism is probably one of the strongest forces against federalism. Similarly, ethnic federations are among the most difficult of all to sustain and least likely to survive, because normally constituent units based on ethnic nationalisms do not want to merge into the kind of closely integrated units necessary for federation. In this case, a confederation of ethnic states has better chance to succeed, which is a viable alternative kind of federalism (Ibid: 194). Iraq is, to some extent, a kind of federal state which Stepan (1999: 22) calls ‘*holding-together*’ federalism, meaning that its creation mainly meant to keep the unity of the state’s territory, without necessarily being the best solution for all peoples. Delaying political problems is not the same as resolving them. Making a new Iraq with many alienated nationalities is not a long-term solution for the stability in the Middle-East.

Kymlicka (1995: 181ff) has rightly shown why a federal arrangement cannot provide a viable alternative to secession in multination states<sup>35</sup>. The authority of the central government in a multination federation is limited to the power which each constituent nation agreed to transfer to it, with the right to take back these powers and withdraw from the federation if they feel threatened by the larger community. There is no clear answer to how one can find a common identity in a multination state. In the conclusion of his article, Kymlicka (1998) argues that the ways boundaries are drawn and power can be distributed in a federal system reduces its ability to accommodate the aspirations of national minorities. Although he does not deny that federalism is a good solution in many cases, it cannot - as mentioned - be an alternative to secession.

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<sup>35</sup> 1- In a federal country it is natural that national groups view their own political community as primary and the larger federation as derivative. In this situation, it is unlikely that a national minority can serve an integrative function. 2- The result can be the creation of a sort of dual citizenship and a conflict of with whom a citizen identifies oneself most deeply. 3- Self-government opens the way to further demands, namely to independence and forming one’s own nation-state. 4- Because no strong bond exists between the members of different national communities which lead them to sacrifice for each other, instability is more likely to be the character of the system. 5- National identity and national loyalty is not something to be changed by coercion and suppression. Suppression strengthens one’s national identity and loyalty, and in the same time increases the hostility towards the suppressor. Moreover, very few if any national group in the last 100 years have voluntarily assimilated despite of all economic and other incentives. 6- Shared values did not help Norway and Sweden to continue in union, but rather helped them to a peaceful secession. Even in a liberal multicultural state, like the US, common identity probably requires more selective memory of the past. In other words, the reliance on history requires very selective, manipulative, even retelling of history (Kymlicka 1995: 181ff).

Kurdish politicians believe that their exceptional geopolitical location has put them in a complex bargaining position and limited their options in deciding the future of Kurdistan both before and after the regime change in Iraq in 2003. Hence, deprived of other options, they have to protect their *semi*-independent political entity for any price. This was the reason why the Kurdish National Assembly of the *de facto* Kurdish state decided on October 4 1992 to voluntarily <sup>36</sup> adopt federalism as the only accepted form of political system for them to stay within Iraq, without renouncing their right to have an independent state if federalism is unlikely to succeed, or if new political changes make such a step possible. The Kurds successfully put their policy on the agenda of the Iraqi opposition conferences at Vienna, Austria (16–19 June 1992) and Salaha-Din in Kurdistan (late October 1992). The KNA passed a complete federalism bill in its session on 7 October 2002, which was adopted by the London conference of the Iraqi opposition <sup>37</sup> (Gunter 2003: 10).

However, self-determination should begin by trying to make a democratic federal Iraq work. In the name of regional stability, the Kurdish dream of an independent state could be a reality if at the end of the day a democratic Iraq proves impossible to build. <sup>38</sup> The Iraqi Kurds, however, would be well-advised to proceed only with the consent of the United States, Turkey and the other involved regional neighbors; without their consent, an independent Iraqi Kurdistan would prove impossible to sustain, for obvious geopolitical reasons (Gunter & Yavuz 2005: 130). So, announcing independence is on the top of the Kurdish political agenda. The ordinary Kurdish people ask how long they should tolerate to be within Iraq and pay the price of the open-ended sectarian conflict which takes tens of lives every single day.

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<sup>36</sup> Voluntarily means here the most realistic option.

<sup>37</sup> The Iraqi Opposition Conference held in London, 14-16 December 2002. The London conference did achieve much that seemed supportive of what the Kurds were seeking. Its concluding political statement declared that 'Iraq will be a democratic parliamentary, pluralist, federal (for all Iraq) state and will accordingly enact a humane and civilized concept of citizenship based on equality and elimination of discrimination against all peoples, religions, races and sects'. See:

<http://www.kurdmedia.com/reports.asp?id=1219>

<sup>38</sup> While the Iraqi permanent Constitution excluded the right of self-determination, Article 8 of the draft of the Kurdistan Constitution has clearly states that, as Kurdistan has freely joined a federal Iraq, it possesses the full right to disengage from it and determine its political, economic, social, and cultural future in the case Iraq violates the fundamental democratic principles mentioned in the Constitution, changes the demographic distribution of the population, or try to withhold the implementation of Article 140 designated to remove the Ba'ath regimes policies of arabization.

It has been argued that a Kurdish independent state in northern Iraq would function as a destabilizing factor in the region (Pelletiere 1984). O'Leary (2005: 19) refutes such theory and proves that such arguments cannot be legitimate anymore because the Kurds can be more dangerous when their rights are denied. A Kurdish state would give them something valuable to work for, not to lose. As acknowledged by the Baker, Hamilton et al. (2006: 6) report, the most stable parts of Iraq are "*the three provinces of the Kurdish north Kurdistan*", i.e., as Anderson & Stansfield (2004: 221) put it, the only part of Iraq that have the opportunity and the potential to further develop democracy at present is Iraqi Kurdistan. They state that in fact, a Kurdish state is already "*in existence in all but the name*", which is the international recognition. An independent Kurdistan resolves more problems than it creates. O'balance (1996: 233) outlined that a Kurdish independent state cannot see the light of the day unless violent political eruptions in the region cause international boundaries to be redrawn and that the Kurds and their political leaders have shown aptitude to unite amongst themselves. In fact, the aftermath of the 2003 war has developed towards such a conclusion and the Kurdish leadership has made great progress in the reconciliation and unification process since the end of the internal turmoil.

Another encouraging development that emerged during a decade of Kurdish self-rule is the building of a relatively advanced political pluralism, within which a communal identity shared by Kurds, Assyrian-Chaldeans and Turkomans has emerged, which O'Leary (2002: 23ff) calls *Kurdistani-ness*. Her field work showed that both Kurds and non-Kurds consider the self-ruled period as a golden age for multi-cultural coexistence. The shared *Kurdistani-ness* is based on the *common geography, cultural tolerance* as result of ongoing democratization, and a *shared experience as non-Arab Iraqis who suffered from continually repression and marginalization* by the regime of Baghdad.

The only viable way, which gives the Kurds the possibility to realize themselves through self-rule, is to continue sustaining the groundwork of their ongoing democratic process. If the efforts of implementing the constitution of the new federal Iraq would succeed the Kurds can keep their distinctiveness and their actual political institutions, which are recognized and guaranteed by the new Iraqi constitution<sup>39</sup>. Thus, on one hand, the situation gives the Kurds both opportunity and incentive to further develop their

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<sup>39</sup> See footnotes 42, 43, and 44.



emergent democracy to prove that they have the ability to rule themselves<sup>40</sup>. On the other hand, the Kurdish leadership knows that a Kurdish entity, even a democratic one, cannot survive if their neighbors do not share the same democratic values. Many of the eminent Kurdish politicians are, for the same purpose, actively engaged in the central government in Baghdad to assure that their rights are not violated<sup>41</sup> and to use their democratic experiences to entrench these values in the political system of Iraq. Yet, democratic forces inside Iraq and in its neighboring states are weaker than antidemocratic and sectarian forces, whose interests are better served by the political assassination, organized criminal acts and administrative chaos that Iraq is living today. This reality puts much more pressure on the Kurdish side to intensify their democratic efforts for Iraq as it serves their own interests.

The same argument is relevant if, in the future, Kurds get the chance to decide their own destiny, i.e. if a Kurdish independent state is one day to be a reality it has to be a democratic one. As democracy in itself is a message of peace, a Kurdish democratic state will give such a peaceful signal to other nations in the region and will be a part of the international democratic club which is growing day by day. Under such circumstances, it is expected that a democratic Kurdish state will have international support, and that it will contribute to sustain stability in the region through commercial relations and cultural rapprochement among its peoples. Trade and open markets in a capitalist democracy help states to enter into peaceful relations based on mutual interests and constitute the zone of peace. As has been argued, Kurdistan's position functions as a trading hub between Turkey, Iran and Iraq. Kurdistan has functioned as a trade's road that provided oil to Turkey in exchange for food ingredients even before the introduction of the UN's oil-for-food in 1996. It is impossible for the Turks to reach Iraq without passing through the Kurdish territory.

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<sup>40</sup> Many of the commentators and officials in Iraq's neighboring states predicted that the Kurds in Iraq were unable to unify their divided local governmental administrations, but they proved that the danger of not doing so was greater. This factor helped to make this unification a reality; in addition to that their legitimacy was in question if they showed incapable to take this step forward. This unification became a priority of the popular demand.

<sup>41</sup> Especially the political settlement for Kirkuk mentioned in the Constitution, Article 140, which calls for a general referendum in the city to decide whether to join the Kurdish administration or stay under Baghdad's control. See footnote 21.

### 3.3.2 Federacy!

There is no doubt that the leaders of the new Iraq adopted federalism on the background of preventing the disintegration of the Iraqi territorial unity, and that the major advocates of this project were the Kurds who did not trust any kind of a unitary central government dominated by Arabs any more. The most likely form of government to succeed in Iraq is a kind of federacy. Federacy in a federation (O'Leary, B. 2005: 79f) is a distinctive semi-sovereign entity, or a form of government that shares features of both a federation and a unitary state. Kurds' prior status has been declared legal and legitimate, and its National Assembly has been recognized by that name. This reality is recognized first in the Article 53<sup>42</sup> of TAL, and later entrenched in the Articles 117<sup>43</sup> and 141<sup>44</sup> of the Iraqi permanent Constitution. Kurds are culturally different from the rest of the federation, and may choose to exercise their power differently. The division of powers between the federacy and the federal government is constitutionally entrenched, cannot be unilaterally altered by either side, and has established arbitration mechanisms. The priority is for the regional laws to deal with difficulties that might arise between the federacy and the federal government<sup>45</sup>. As these points show, federacy is not devolution, and secession is not mentioned in such a case, rather it is a right that is constitutionally entrenched, so that the federacy can veto any changes in its status or powers<sup>46</sup>.

Kurdistan is the sole federative entity dominated by another, non-Arab nationality and the only federative entity whose citizens predominantly speak the other official language of the federation, 'Kurdish'. It is the only likely entity to convert its army into its own national guard, and it is unquestionably the sole entity granted exclusive

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<sup>42</sup> Article 53: (A) The Kurdistan Regional Government is recognized as the official government of the territories that were administrated by that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala, and Neneveh. The term "Kurdistan Regional Government" shall refer to Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan region.

<sup>43</sup> Article 117: *First*: This Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region.

<sup>44</sup> Article 141: Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution.

<sup>45</sup> Article 121: *Second*: In case of a contradiction between regional and national legislation in respect to a matter outside the exclusive authorities of the federal government, the regional power shall have the right to amend the application of the national legislation within that region.

<sup>46</sup> Article 142: *Fourth*: The referendum on the amended article shall be successful if approved by the majority of the voters, and if not rejected by two-thirds of the voters in three or more governorates.

jurisdiction in policing and internal security. Kurdistan is different, and that is entrenched in the new Iraqi Constitution. Gunter & Yavuz (2005: 126) rightly propose that unless a default mechanism that would allow the Kurdistan region to opt for independence if its constitutional status in a federal Iraq is challenged is accepted, there will not be any kind of stability and security in the region. Such guarantee is not accepted in the Iraqi constitution, but the draft of the constitution for the Kurdish region declares this fundamental principle<sup>47</sup>. Furthermore, the other workable mechanism is an international protection through a treaty sanctioned by the United Nations with US support.

This kind of relationship between the federal region of Kurdistan and the federal authorities of Baghdad is to be seen as a realistic choice of self-determination for the Kurds in Iraq (Salih 2004: 125). Defining the boundaries<sup>48</sup> is very crucial for the future of Kurdistan and their efforts to separate themselves from the Arabic Iraq.

### 3.4 Summary

This chapter attempted to clarify the picture about the Kurds' motives and the significance of remaining a part of Iraq. Although that international law acknowledges peoples' right to self-determination its application is not without difficulties and controversies. The Kurdish case is one of the most complicated. They realized after the regime change that an independent Kurdish state will not be able to survive, therefore they decided to stay in Iraq. The chapter shows that the Kurds' success in

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<sup>47</sup> Article 8: Kurdish people has the right of self-determination and according to this right we are free to decide our political position and free to pursue our own economic, social and cultural development, and we've decided to join a free federal Iraq as the long as constitution's principles on federalism, and both individual and collectives' human rights are respected. We keep the right to revise and change our decision in the following situations:

First: Violating the federal constitution which is considered as a regression from the commitment of the federalism or the main constitutional principles of democracy and the individual and collective human rights.

Second: Pursuing the policy of ethnic discrimination and changing the demographic reality of Kurdistan, or working to preserve the impact and results of such policies pursued by the former regime, which undoubtedly contradict the constitutional commitments of Article 140 of the Iraqi federal constitution.

<sup>48</sup> Article 140: *First*: The executive authority shall undertake the necessary steps to complete implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law. *Second*: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by date not to exceed the 31<sup>st</sup> of December 2007.

constitutionalizing federalism was mostly tactically motivated, because even though the Kurds are convinced that Iraq is likely to fail in implementing federalism and that it does not meet their national ambitions, they adopted it as the most rational choice for this stage of their political history. Hence, the driving force behind this choice is self-determination, which may hopefully be achieved through peaceful and democratic means.

## Chapter IV

### Essential Theoretical Definitions

*Democracy is a political system formed by a set of rules with the objective to resolve societal conflicts without bloodshed (Bobbio 1984: 156).*

#### 4.1 Introduction

This chapter will mainly discuss the theoretical approach of democracy and democratization that the next chapter will be based on. The reason why democratization theory is important is that it says much about ways and processes that different countries followed to shift from non-democratic to democratic political systems; but any study of democratization will be confusing without knowing what democracy is, and what are the minimum conditions that have to be found in a democratic country?

Democracy, as we know, has been widely studied and different schools have developed their own ideas and assumptions on how we should understand the term and under which circumstances a polity can be called democratic. The task of this chapter then, is to find and adopt the most common views within the theory.

#### 4.2 Defining Democracy

##### 4.2.1 Democracy's Origin

From ancient Greek (*Demokratia*) to French (*Démocratie*), to English (*Democracy*) the word has been used with different objectives. While the Greek *Demokratia*, rooted from *Demos* (People) and *Kratos* or *Xratos* (Rule) referred to the rule by the people, democracy today refers to the liberal representative one. Democracy as a legitimate political system has not always been conceived this way, this is a relatively new phenomenon in world politics. Today, in contradiction to monarchies and aristocracies, democracy entails a political community in which there is some form of political equality among the people. However, the concept of democracy is far from being one-voiced and there is much confusion about the meaning of both rule and people (Held 2006: 1; Hag & Harrop 2001: 16). Therefore, we need to explore the actual use of the word, emphasizing on the procedural, liberal democracy, which is useful to our case study of emerging democracy in Kurdistan. Democracy, as many other concepts in social science, has no

one single accepted definition. Scholars have, to some extent, different point of views on which characteristics democracy should really entail.

#### 4.2.2 Democracy's Minimalist Definition

In general, one can draw the line between minimalist and maximalist definitions of democracy. The discussion among the advocates of these two tendencies is on what a concept of democracy should include and exclude. While “minimalist”, procedural, or formal definitions refer to the institutional arrangements (Boussard 2003: 26), maximalist or substantive democracy is best defined as a manner of regulating power relations so as to maximize the opportunities for individuals to influence the conditions in which they live (Pridham 2000: 4; Kaldor & Vejevoda 1997: 62).

It is argued that the minimalist concept of democracy is more appropriate for the empirical studies of the subject by providing a more precise analytical tool that helps scholars to compare trans-national democracies, and to distinguish them from other non-democratic forms of rule (Rueschemeyer et al. 1992:10). Thus, expanding the definition of democracy to include a wider range of political conditions can exclude the majority of countries from the democratic label (Karl 1990: 1f), especially new democracies like Kurdistan. As Sartori (1987: 184f) puts it, democratic characteristics can be found in all political systems, but the degree of democracy differs from system to system. He emphasizes that measuring the degrees of democracy (how much democracy?) comes after its definition (what is democracy?).

Schumpeter (1976: 269) was the first who advocated a procedural minimalist definition of democracy. He defined democracy as an institutional arrangement that allows political leaders, as candidates, to compete for citizens' votes in regular elections in order to arrive at political positions. However, the definition provided by Dahl (1982: 10f; 1989: 221) is the most echoed within the study of democracy, used with some various additions or omissions. For him, a political order is not classified as democracy – or polyarchy as he calls it – unless these seven institutions are present: 1. *Elected officials*; that political power is vested in elected officials. 2. *Free and fair elections*; that electing officials is conducted through periodically free and fair elections without resort to coercion. 3. *Inclusive suffrage*; that practically all adults have the right to vote in the

election of officials. 4. *Right to run for office*; that practically all adults – with delimited age - have the right to run for elective offices. 5. *Freedom of expression*; that all citizens have the right of self-expression - including criticism of the government's policies on various topics - without fearing persecution. 6. *Alternative information*; that alternative information should be available and protected by law. 7. *Associational autonomy*; that citizens have the right to form relatively independent associations, including political parties and interest groups, as a manner of seeking their and other's rights.

Schmitter and Karl (1995: 9) add two other points to Dahl's seven conditions: 8. *Freedom of act*; that elected officials have the right to exercise political power without being interrupted or interfered with by unelected officials, whether it is to be from the opposition or military generals. 9. *Independence*; that the polity must be self-governing, and able to act independently of constraints imposed by some other overarching political system. In other words, as Berg-Schlosser (2000: 14) explains it, state formation and nation-building must be considered as prerequisites of any meaningful democratization, meaning that a form of stable political institutions must exist before being able to define the meaning of the people, which is the main target of democratization. Furthermore, Karl (1990: 1) stresses the significance that a minimalist definition of democracy should include the question of accountability that rulers have to the ruled through mechanisms of representation and the rule of law, and the civilian control over the military, that is a salient challenge to many new democracies in the developing countries.

Elections' central role in classifying political systems into democracies and non-democracies gives incentives to authoritarian regimes to manipulate the outcomes of elections through using different tactics. 1- *Reserved positions*: Authoritarian rulers may try to restrict the range of elective office through the use of reserved positions. Some authoritarian regimes allow voters to fill subordinate positions of public authority, while keeping the core of power shut outside the electoral competitiveness<sup>49</sup> (Schedler 2002: 40). Valenzuela (1992: 64) adds what he call *reserved domains* to indicate limitation of the jurisdiction of elective offices exercised by authoritarian elements to protect their interest from being affected by democratically elected authorities.

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<sup>49</sup> The meaning here is that the important power positions are unreachable for those who are officially elected. The intention is to give a cover of legitimacy for the actual regime.

2- *Access denial*: Preventing opposition forces from promoting their political campaign messages by denying them a reasonable access to media and campaign resources that leads to fewer alternatives for voters to choose from (Schedler 2002: 40). Zakaria (1997: 22) used the term *illiberal democracies* to describe political regimes that routinely ignore constitutional limits on their power and deprive citizens of basic rights and freedoms. Furthermore, non-democratic rulers may also resort to intimidation means against the opposition candidates and to exploiting the existing socioeconomic inequality to buy poor's votes by using state resources, though considering them as clients, or for the same reason resorting to *electoral fraud*. Yet, after being elected, authoritarian forces can put the elected individuals under their tutelage of removing them from their positions (Schedler 2002: 40). Karl (1995: 80) called such a political system a *hybrid regime*, found in some Central American countries, while O'Donnell (1992: 19) names it *democradura*.

### 4.3 Democratization

There is a gap between theories of democracy and theories of democratization, or empirical democratic theory. Whereas the former is concerned with democracy *per se*, the latter is concerned with causes of democracy and the actual process of democratization (Allison 1994). *Democratization* as a term describes the entire process of regime change, from the end of the previous authoritarian regime to the establishment and rooting of new democracies. Democratization is multi-stage, meaning that it is composed of both the 'transition phase' to liberal democracy and its subsequent 'consolidation phase' (Pridham and Lewis 1996: 2; Pridham 2000: 16).

It is best understood as a *complex, long-term, dynamic, and open-ended process*, which consists of progress towards a more rule-based, more consensual and more participatory type of politics (Whitehead 2002: 27). It is the process of subjecting all interests to political competition (Przeworski 1988: 63). Democratization is not without *complexity*, meaning that the political actors in transition from pre-existing non-democratic conditions carry a great deal of historical baggage with them that also involves many false starts, misjudgments, detours, and unintended consequences. There



is usually a wide disjunction between how participants and informed observers anticipate *ex ante* that the process will develop, and how it is seen to have transpired *ex post* (Whitehead 2002: 27).

However, the first general step toward democratization is normative, meaning that democracy should constitute *per se* a desirable goal (O'Donnell and Schmitter 1986: 3). One can easily distinguish between two main theoretical traditions with high influence in democratization studies.

#### **4.3.1 Functionalist (structural) or Genetic (actor-oriented) Theories of Democratization?**

Functional (structural) theories are linked to *modernization theory*, originally meant to study the conditions in which democracy prospers. Its focus was on the economic, social and cultural factors, seen as preconditions for democracy. This tradition is mainly based on Lipset, Almond and Verba, and others' contribution in the study of democracy. While Lipset's (1959) study considered socio-economic development as prerequisites for democracy, Almond and Verba (1989) argued for a similar nexus between political culture and democracy, showing that values change with modernization to favor democracy.

Critics of this tradition argue that the idea that economic development and civic culture cause democracy is no longer seen as a valid argument, but such factors rather provide favorable condition for democracy. While economic development is not necessarily a prerequisite for the emergence of democracy, it can help with the consolidation of democracy (Pridham 2000: 5ff; Gill 2000: 2).

The ignorance that structural (functional) theorists showed about individuals and groups' ability to alter the direction of the democratization process was incentive for new scholars to focus this missing factor. A shift from functional to genetic has been initiated by the well-known study of transition to democracy by Rustow (1970). The shift was mainly about bringing the actors into studies of democratization. Thus, he argued that rather than the need first to foster democrats to promote democracy we should allow circumstances to force, or cajole non-democrats into democratic behavior, and that their beliefs may adjust by some process of rationalization or adaptation. Rustow convincingly

demonstrated that factors that keep a democracy stable are not necessarily the ones that brought it into existence. Furthermore, with the exception of the background condition *national unity*<sup>50</sup>, he rejected the ‘preconditions’ logic in the studies of democratization (Ibid 350). Democratization, though, is an outcome of actions, not just of conditions (Przeworski & Limongi 1997: 176). Yet, India’s struggle for democracy is an example that one can democratize even before national unity is achieved (Sørensen 1993: 28).

What is clear with Rustow’s contribution is his ability to bridge the gap between the structural theories and actor-oriented theories by introducing the idea of the elites. Sørensen (1993: 28) convincingly argues that democracy is the result of interplay between structural conditions, economic, social, cultural, and other conditions created in earlier periods, and the decisions taken by current political actors, because preconditions alone cannot predict whether the actors will structure democracy or not, but they can provide some information about what kind of outcome we can expect from the players. Karl and Schmitter (1991: 270) go further to argue that what have been considered as preconditions of democracy are in fact its outcomes. Thus, economic growth, higher levels of education, media exposure and even civic political culture should be treated as products of democratization efforts, rather than as prerequisites. Their study of Latin American countries showed that economic growth reinforced the authoritarian rule, the fact that contradict what structural theories have argued to prove. Furthermore, “*what have been emphasized as independent variables in the past might be more fruitfully conceived as dependent variables in the future*”. Later on (Ibid 272), they admit that “*historically-created structures may constitute 'confining conditions' that restrict (or in some cases enhance) the choices available. In other words, they may determine the range of options available to decision-makers and even predispose them to choose a specific option*”.

#### 4.3.2 Democratic Transition

*Democratic transition* refers to a decisive stage. It commences when a previous totalitarian or authoritarian system begins to collapse leading to a situation in which, the

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<sup>50</sup> According to Rustow (1970), *national unity* implies that one should have no doubt concerning the political community to which one belongs.

democratic structures begin to become routinized and the political elites adjust their behaviour to liberal democratic practices. Transition tasks involve, above all, negotiating the constitutional settlement and the rules of procedure for political competition, but also dismantling authoritarian agencies and abolishing laws unsuitable for democratic politics (Pridham and Lewis 1996: 2; Przeworski 1988: 63). The significance of a transitional study relies on its legacy for the post-transitional regime and politics. Different modes of transition would have distinct consequences for the later stage (Munck & Leff 1997: 345).

Transitions from certain authoritarian regimes can go along an uncertain path. It can take its way to political democracy, or a new form of authoritarian rule (O'Donnell and Schmitter 1986: 3; Przeworski 1992: 134). Some have succeeded in the transition face, but failed to consolidate it, because new democracies are by definition 'fragile democracies' in the sense that at first they are not formally constituted, elite loyalties are almost certainly not yet confirmed and may well be questioned, while the various political, societal, and possibly economic instabilities inherent in the transition process may seem daunting (Pridham & Lewis 1996: 1; Carothers 2002: 9). In many of these new democracies, democratic elections co-exist with remnant authoritarian traditions such as clientelism and patrimonialism, an arbitrary exercise of power, low regime performance and low trust in and support for the democratic system. Karl (1990), and later, Karl and Schmitter (2002) show that in the majority of cases, modes of transition to democracy have been driven from below by reformists not in (or at odds with) the previous ruling elite. The most imminent characteristic of transition is uncertainty, which is related to the process of transition itself. Structural factors may help shaping the process of transition, but be insufficient to guide and predict the outcome. (Gill 2000: 44f).

The identity of the actors who bring about the transition process is crucial for defining the strategies they employ and the impact that this factor has on the shape of the post-transitional regime and politics because it will affect the pattern of elite competition (Munck & Leff 1997: 343). Democracy may not be their main objective, but rather a means to another end or a byproduct of a struggle for other ends (Sørensen 1993: 28).

O'Donnell and Schmitter (1986: 37) believe that pacts<sup>51</sup> can play an important role in any regime change based on gradual installment rather than on a dramatic event. These pacts are usually seen as a temporary solution found to hinder unwanted and unexpected outcomes, and as a start to more permanent arrangements for solving the conflicts. Some of these arrangements can later become laws or parts of laws for the state, or as standard operating procedures for different agencies entering in state's affairs.

### 4.3.3 The Consolidation<sup>52</sup> of Democracy

Democratic transition from an undemocratic regime is of great importance and is a decisive stage for later stable political life, but there is no guarantee that such transition will lead to the consolidation of democracy in the polity. Therefore, democratic consolidation draw the attention of democratization authors to figure out how a polity that went through the democratic transition stage can consolidate itself and protect itself from deconsolidation and from return to a previous undemocratic system.

O'Donnell (1992: 18) saw it as fruitful to study democratization in terms of two transitions, the first being the transition from authoritarian rule to the inauguration of a democratic government and the second being the consolidation of the new democracy.

### 4.3.4 When is Democracy Consolidated?

Different democratization scholars have different views on when a democracy is considered as consolidated, but the most common of them will be discussed here. While some scholars (Pridham and Lewis 1996: 2; Beetham 1994) measure the consolidation by the longevity of democracy, that a democratic regime is consolidated if the democratic core institutions have existed for a certain number of years, others measure it through the so-called *two-election test* approach, known as the *transfer-of-power test*, in which a

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<sup>51</sup> O'Donnell and Schmitter (1986: 37) defines a *pact* as an 'explicit, but not always publicly explicated or justified, agreement among a select set of actors which seeks to define (or, better, to redefine) rules governing the exercise of power on the basis of mutual guarantees for the "vital interests" of those entering into it'.

<sup>52</sup> Schmitter (2001: 68) defines it as "*the process of transforming the accidental arrangements, prudential norms, and contingent solutions that have emerged during the transition into relations of cooperation and competition that are reliably known, regularly practiced, and voluntarily accepted by those persons or collectivities—that is, politicians and citizens—that participate in democratic governance*".

democratic regime is consolidated when the first democratically elected government is defeated in free and fair elections, and accepts the defeat. Then, the major political actors will accept the rules of the game (Boussard 2003: 50).

To Linz (1990: 158), a consolidated democracy is one in which none of the major political actors, parties, or organized interests, forces, or institutions consider that there is any alternative to democratic processes to gain power, meaning that democracy must be seen as “*the only game in town*”. Later on, Linz and Stepan (1996a: 5) advanced the idea by giving the definition of democratic consolidation a combination of behavioral, attitudinal, and constitutional dimensions. *Behaviorally*, when no major political actor tries to overthrow the democratically elected government, and the government does not have to devote all their resources to fighting nondemocratic groups; *attitudinally*, when a majority of the population consider democracy to be the best political system to be ruled by, even in times when the performance of the government is low; and *constitutionally*, when all parties in society learn to solve, and get used to solving, conflicts within the democratic rules and norms, democracy can be considered consolidated.

Another way to measure democratic consolidation is to look for the existence and strength of antidemocratic behavior (Gunther et al. 1995: 7). Schedler (2001) believe that both the *use of violence*, which is the main enemy of the institutionalization, and the *rejection of elections’ results* by the loser, political parties constitute the most dangerous antidemocratic behavior.

A completed transition according to Linz & Stepan (1996b: 14) has these characters: a government that came to the power, as a result of free and popular election that meets Dahl’s seven institutional requirements (see **4.2.2**), has the authority to generate new policies, and that the executive, legislative, and judicial powers are not decisively constrained by an interlocking set of “reserve domains,” military “prerogatives,” or “authoritarian enclaves”.

#### **4.4 Summary**

This chapter constitutes a foundation for the next one in the sense that it provides a conceptual framework about democracy and democratization. The way we define democracy is important because it says much about what we believe that a democratic

political system should include and/or exclude. Therefore, many scholars base their studies on the middle-ranged definition of democracy developed by Dahl that this work also adopts. It enables us to distinguish between democracies and non-democracies and to be able to measure the level of democracy.

Democratization, on the other side, helps us to understand how countries democratize and what kind of challenges the political elite meet in the transitional phase. Furthermore, democratization theories define most relevant factors that impact the progress of democracy. There has been important advancement in the theoretical studies of democratization. For example, the level of socio-economic and cultural development in a given society are not seen as preconditions for democracy anymore, but rather as conditions that can restrict or enhance the choices available for the key actors.

## Chapter V

### Analysis

*KRG is determined to establish strong constitutional institutions to further support the democratic process. Its main task is forming a system of good governance through the participation of all groups, with transparency and accountability, which means a modern, professional government (KRG.org).*

#### 5.1 Introduction

This chapter is the main theoretical and analytical part of the work. The focus of this chapter will be on the analysis of the selected independent variables that contains both structural and actor oriented factors and the influence that each of them has on the dependent variable that is the prospects of democracy in Kurdistan. For analytical reasons, I will divide the independent variables into internal and external factors that can best provide an answer to the research question.

#### 5.2 Internal Factors

##### 5.2.1 A Mixture of Parliamentarism and Presidentialism, or Semi-Presidentialism?

The type of political system that any polity adopts matters for the life expectancy of its democracy. In June 2005 the post as president, which Mas'ud Barzani holds today, was set up to represent the ultimate power position in Kurdistan. The person elected for the new post is named *President of Kurdistan Region*<sup>53</sup>. It is arguably meant to follow the American model of presidency in which a president is to be directly elected, but simultaneous with the KNA election. The concern here is about the impact of the new presidency on the ongoing process of democratization and the likelihood of its success. It is widely accepted today within the democratization literature that democracy under parliamentarism lives longer than under presidentialism, depending also on the size of the polity<sup>54</sup>. Linz & Valenzuela (1994), Przeworski et al. (1996: 46) concluded in their comprehensive work that “*democracies are less likely to survive when they combine presidentialism with a fragmented party system. Combining presidentialism with a*

<sup>53</sup> The full version of the Kurdistan Presidency Law can be found in Kurdish and Arabic at: [http://www.krg.org/articles/article\\_detail.asp?LangNr=14&RubricNr=114&ArticleNr=3633&LNNr=35&RNNr=69](http://www.krg.org/articles/article_detail.asp?LangNr=14&RubricNr=114&ArticleNr=3633&LNNr=35&RNNr=69)

<sup>54</sup> Democracy's life expectancy under presidentialism is less than 20 years, while under parliamentarism it is 71 years (Przeworski et al. 1996: 45).

*legislature where no single party has majority status is a kiss of death: such systems can expect to live only 15 years. Presidential democracies in which a single party does have a legislative majority can expect to live 26 years*". Duverger (1980: 166) describes this mixture of parliamentarism-presidentialism as a *semi-presidentialism system*<sup>55</sup>.

Furthermore, this kind of political system is more likely to produce immobilizing executive/legislative deadlock than either parliamentary systems or two-party presidentialism. Because of the separation of powers, presidential systems lack means of ensuring that the president will enjoy the support of a majority in parliament. However, what matters more here is whether a president is largely symbolic or, conversely, holds considerable power, because in the latter the deadlock is more severe (Mainwaring 1993: 203).

Kurdistan's political system is designed to fit with semi-presidentialism. The president holds considerable authority of decision making, including the dissolution of the KNA in some cases. Thus the deadlock can appear in separation of powers between the legislative and the executive branches and also within the executive, i. e. between the president and the Prime Minister (Protsyk 1997).

### **5.2.2 The Role of the Political Elite in Democratization**

In an examination of the impact of political elites<sup>56</sup> on regimes in the Western states since their consolidation after 1500, Higley and Burton (1989) show that their approach about the centrality of elites makes good sense for the Western political record, and that it may clarify prospects for similar results in contemporary developing countries. This argument supports the assumption that the Kurdish political elite have a similar role in the founding of a democratic system. The Kurdish political elite share what Sartori (1987: 90f) calls a *basic consensus* - that a given society shares in its entirety the same value beliefs and value goals - which is different from the whole Iraqi context and an important variable

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<sup>55</sup> Semi-presidentialism has these characteristics: (1) the president is elected by universal suffrage; (2) he/she possesses quite considerable powers; (3) he/she has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them (Duverger 1980: 166).

<sup>56</sup> *Élites* are persons who have the power and capability to affect the outcomes of national politics repeatedly and significantly due to their strategic position in power organization. Elites therefore are individuals who have meanings and interests concerning the structure and the way the existing political, social, and economic institutions function (Burton et al. 1992: 8).



facilitating the success of a *procedural consensus*<sup>57</sup> on the rules of the game of democracy, or the rule of conflict-solving, without which it will conflict over each conflict.

The political consensus that aimed to produce consociational democracy in Kurdistan has been gradual, starting with the formation of the *Iraqi Kurdistan Front* (IKF) in May 1988<sup>58</sup>, the *Ankara process*<sup>59</sup> in October 1996, the aforementioned Washington Agreement, and ending by the KRG's *Unification Agreement*. The earlier consensus between the KDP and PUK showed weaknesses because both of the regional political turmoil, the growing interference of the neighboring states into the internal Kurdish affairs benefiting from the unstable situation, and the legacy of the old disagreement within the Kurdish nationalist movement on the level of its leadership. The 50/50 system, for instance (see 2.6.1), was originally found to deal with a temporary problem, but became a catalyst for an inter-party violent hostility. However, such experience enriched their knowledge about how better to settle the political differences through the negotiations. The final agreement of the KRG unification satisfied almost every Kurd. Bilateral meetings between the two parties continued even in the worst circumstances. Although the Washington Agreement constituted the grounds of the modern Kurdish-Kurdish understanding, it was the unification agreement that

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<sup>57</sup> *Agreeing to disagree* in a democracy means that an agreement on the rules for disagreeing and for processing disagreements should be reached by different groups and then, disagreement should occur within these rules. Procedural consensus is an essential condition and prerequisite for democracy (Sartori 1987: 90f). Burton et al. (1992: 10) call the second type of consensus, *value consensus*, which involves the relative agreement among elites on formal and informal rules and codes of political conduct and on the legitimacy of existing political institutions.

<sup>58</sup> The IKF was established in order to coordinate opposition activity against the Iraqi Government's threats. The front was an umbrella covering the KDP, PUK, KPDP, KSP, PASOK, ICP (Azadi), KTP and the ADM. It announced its intention to replace the Iraqi Legislative Assembly with a freely elected KNA after it formally withdrew from the autonomy negotiations with the Iraqi government (Stansfield 2003: 92). The direction decided upon by the IKF was to legitimize its authority by forming an assembly with the aim of administering the region and establishing a legal authority by democratic elections. The committee met between 23 December 1991 and 28 January 1992. Its findings were accepted and confirmed by the political leadership of the IKF and formed the core of Law Nos. 1 and 2 of 1992: the Law of the Iraqi Kurdistan National Assembly and the Leader of the Kurdistan Liberation Movement. These laws, as stated, were not intended to be constitutional, but were rather identified as rules governing the relationships between different political and administrative powers (Ibid: 124).

<sup>59</sup> *Ankara process* was a framework for peace talks between the KDP and the PUK in late October 1996 in Ankara with the assistance of Turkey, the United Kingdom and the US. As result, a monitoring unit was set up and stationed in the buffer zone to ensure observance of the KDP-PUK demarcation line. That Peace Monitoring Force (PMF) consisted of Assyrians (the ADM) and Turkmens, led by Turkish military officers, and watched over the demarcation line until October 1997 (Official general report on Northern Iraq, April 2000: 14f).

complemented it in a very critical time to determine the framework of the political future of Kurdistan. As mentioned in its preamble of the Unification Agreement<sup>60</sup>, the unified government is the unification of the Kurdish political rhetoric that enabled them to meet the challenges of the post-Saddam period, protecting their achievements, and pushing the democratization process forward.

If we look at the circumstances from which the Kurdish political elite settlement arose we find what have been observed to be common with other examples: *First, is the existence of external threat(s)*: this factor has always been present with great impact on the form that elite settlements have taken. External threats put pressure on the Kurdish leadership regardless of their ideological beliefs, to maintain or start working for the internal unity and cooperation. The cartel of elites in all consociational democracies, as Lijphart (1969: 217) and Burton et al. (1987: 17) observed, was either initiated or greatly strengthened in the time of international crisis. Thus, external threats may also have a positive effect on strengthening the ties among the subcultures at the mass level, and leaders and their followers. As mentioned, the regime change in Iraq put an extreme pressure on the leaders of KDP and PUK to face the new challenge, primarily from Kurdish public opinion that was aware of the gravity of being divided.

Second, *in the aftermath of a conflict*, in which all factions suffer heavy losses, deeply divided elites tend to be more disposed to seek compromises than they otherwise would have been. This is possible when no single side won the conflict and there is no other way than facing the reality of living together, and in such situations elites are keenly aware that renewed fighting might well cost all of them their elite positions. It is less likely that a group in majority would be willing to enter such a consensus, domination rather than cooperation would be the language (Burton et al. 1987: 14). This point gives us an exact picture of why the Kurdish leadership wanted to find a compromise for their disagreements. The outcome of the bitter intra-party fighting was a *non-winner, but all losers*. None of the two biggest parties could control the whole

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<sup>60</sup> The whole text of the Agreement is available at: [http://www.krg.org/articles/article\\_detail.asp?LangNr=12&RubricNr=107&ArticleNr=8891&LNNr=28&RNNr=70](http://www.krg.org/articles/article_detail.asp?LangNr=12&RubricNr=107&ArticleNr=8891&LNNr=28&RNNr=70).

territory of Kurdistan or act freely in the *territory of the rival party*<sup>61</sup>. The situation was different from that of the earlier ideological conflict between Barzani and Ahmad-Talabani within KDP, where the real power was in the hands of the former.

The point of studies of elites in democratization is their ability of persistence. Burton et al. (1987: 13) observed that “*during the modern era the type of elite that emerged in the process of nation-state formation has persisted for very long periods, irrespective of the many changes in social structure, socioeconomic fortunes, political culture, and much else that subsequently occurred. Transformations appear to occur only in rare circumstances, and they take only a few forms*”.

In many respects, we find this fact within Kurdish politics. The elite that was formed in the beginning of the Kurdish national movement in Iraqi Kurdistan, composed of Talabani, Barzani family, and other key players, still control Kurdish politics. It is expected that they will continue to do so, because a young generation within this circle has already emerged and occupy the most important decision-making positions.

The relative autonomy that political elites enjoy in the transition phase of democratization is an important element in helping them to engage in secret negotiations. This factor may be absent in an already established democracy, in which the leadership is bound by the internal balances of political power and support. The high degree of independence that the Kurdish elite enjoyed gave them the unique position to make secret and public deals with each other without being exposed to the public or legal scrutiny. Thus, the outcome of the negotiations should be in form of *written agreements* between elites for the reason that it gives the different factions a sort of guarantee that all parts will follow the points of the pact that secretly have been signed. In addition, *knowledge and experiences* have a role to play in whether an agreement will succeed or not. Prospects for making successful agreements are higher when experienced, well established, and skilled leaders take part. Accordingly, *who* is participating in a political pact is an important factor (Burton et al. 1992: 16ff).

What is interesting to know about the role of elite settlements (pacts) in democratizing Kurdistan is how long the pactism goes and does it violate the basic

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<sup>61</sup> I call it so because the territory was, as mentioned, physically divided between the two parties and each of them banned all political activities of the other party.

principals of the rules of the democratic game? To what extent does the elite show the ability and willingness to find a mechanism that can balance between protecting their interests and the ongoing process of institutionalization, and subjecting such interests to the democratic game?

In spite of the inclusionary nature of the pacts, they include anti-democratic characters because in order to reassure the dominance of the political elite and protect their vital interests they restrict the scope of representation, demobilize the emerging mass actors and delimit the scope of popular participation. In an extreme example, elite actors arrange the alternation of power between themselves regardless of the outcome of elections (Karl & Schmitter 1991: 281). Thus, democracy turns out to be a private project of leaders of some political parties with their associates from the economic and social strata, an oligopoly in which individuals and groups outside this limited circle find it hard to find their way inward (Przeworski 1992: 124).

However, it is hard to find individuals with considerable political influence outside the party organizations in Kurdistan, therefore answering the asked questions will miss its explanatory power without bringing in the overall role that Kurdish political parties are playing in the development of politics.

### 5.2.3 Political Parties' Role in Democratization

*The biggest party in Brazil is the PCB, Brazilian Clientelistic Party. If we can't get rid of this party, we'll never be able to solve the problems of the country.*  
— Governor Tarcísio Burty (PMDB-Paraíba) in *Mainwaring* (1999: 175).

Huntington (1968: 461) argues that a political vacuum can be filled by charismatic leaders or military forces as a temporarily solution, but it can never be a permanently stabilizing factor as political parties, which organize their politics.

In general, parties are central in the competition for political power. Their existence encourages different groups to organize along party lines. In democracies, they are the main agents and vehicles for political representation of societal groups. Political parties are the only actors with access to elected positions in democratic politics. Consequently, parties are political organizations that shape the political landscape of democracies. They are not just reflecting the socio-economic structure, but are also the contributors of its

creation (Mainwaring & Scully 1995: 2). Their role is obvious, particularly in the consolidation phase of democratization, in which all subsequent state leaders are selected through party channels (Valenzuela 1989).

The transitional period of democratization is decisive for different parties to have a say in the formulation of the rules of the political game. Confusion and uncertainty that accompany the transition period can be reduced only by accepting to follow the democratic procedure. The belief that election results are the only legitimate channel through which winning parties assume the executive power puts the political parties in a central position to any definition of democratic consolidation (Valenzuela 1989). Therefore, *founding elections are moments of great drama* often marked by high turnout rate. But, on the other side, it has the freezing effect upon subsequent political developments because not all parties are able to have seats in the legislative body, and are consequently unable to get into the game. To make the founding election the correct basis for further consolidation of democracy, it has to be freely conducted, honestly tabulated, and openly contested, yet its results cannot be too accurate or representative of the actual distribution of voter preferences (O'Donnell & Schmitter 1986: 57ff). The competitive nature of politics conducted by political parties operates as guarantee that power will not necessarily be monopolized (Mair 1993).

Schmitter (2001: 72) summarizes the functions that parties supposedly have as follows: *a- The electoral structuration function*<sup>62</sup>, by selecting its candidates for office, recruiting and encouraging individuals for active participation in campaigns; *b- The symbolic integration function*<sup>63</sup>, by providing ideas and beliefs in order to elevate citizens' awareness about how politics are managed and make them feel part of the process; *c- The governing function*<sup>64</sup>, that winner parties show ability to assume executive power.

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<sup>62</sup> What makes this step credible is that parties have to prove that they provide alternative leaders to the electors. Political parties take this task seriously because it gives the winners among them the legitimacy to get into the political power (Schmitter 2001: 72).

<sup>63</sup> This function makes it possible that people get stronger attachment to their parties, and pave the way to a more stable party identification (Ibid).

<sup>64</sup> Parties, if no one acquires alone the majority of the seats in the parliament, enter into alliances with other parties to form coalition governments in which no single party have the ultimate decision power (Ibid).

On the institutionalization level Mainwaring (1998) proposes that a party system<sup>65</sup> is not institutionalized until these four conditions are met: *A- the stability of patterns of electoral inter-party competition: B- the strength of party roots in society.* In inchoate party systems, more citizens have trouble locating what the major parties represent even in the broadest terms: *C- the legitimacy of parties.* Open elections must be the real process in determining who governs, and the main actors must see them as such: *D- the structuring of party organization.* They are not subordinated to the interests of ambitious leaders; they acquire an independent status and value of their own.

A form of constitutional political opposition is required before a regime can be called democratic with any real meaning (Lawson 1995: 192). Its existence is the most distinctive characteristic of democracy itself (Dahl 1966: xvi).

The first ever general election of 1992<sup>66</sup> (the founding election) in the political history of the Kurds was declared to be free and fair<sup>67</sup> (O'Leary 2002: 19; Kakai 1994). Holding elections as means to elect the leadership in such a hostile political circumstance was in itself a great challenge, especially when elections were seen as a rare political event in the Middle East. Two important points need to be clarified here: The first is that the Kurds could not write their own constitution<sup>68</sup> in order to arrange the future of their political authorities, but rather they used the IKF laws to function alternatively as rules governing the relationships between different political and administrative powers, which were seen as a *de facto* constitution (Stansfield 2003: 124). However, the minimalist conditions for democracy require some level of institutionalization. This includes a

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<sup>65</sup> While a system, in general, is a combination of interrelated parts that interact in a patterned way to form a complex whole, *a party system* is the set of parties that interact in patterned ways to form a whole. The notion of patterned interactions suggests that important rules about how parties compete are widely observed even if some rules are contested and undergo change. The idea of a system also implies continuity in the components that form the system and a minimum of stability in patterns of party competition (Mainwaring 1998).

<sup>66</sup> See its results at: [http://en.wikipedia.org/wiki/Iraqi\\_Kurdistan\\_legislative\\_election,\\_1992](http://en.wikipedia.org/wiki/Iraqi_Kurdistan_legislative_election,_1992)

<sup>67</sup> On the elections of 1992, HRW commented that "Although Middle East Watch, like other parts of Human Rights Watch, takes no position on the political issue of self-determination, it notes that elections for a regional parliament in Iraqi Kurdistan, carried out in May amid great popular enthusiasm, were regarded by international observers as broadly free and fair. Piet Muller was one of those official international observers who represented Pax Christi International" (Pax Christi International NEWSLETTER No. 15 July 1992 p.15).

See the HRW report at: [http://www.hrw.org/reports/1993/WR93/Mew.htm#P0\\_0](http://www.hrw.org/reports/1993/WR93/Mew.htm#P0_0)

<sup>68</sup> The Kurds were concerned about the fears that the neighboring countries had on the development in Iraqi Kurdistan. The leadership of IKF cautiously took their political steps. They were aware that a written constitution would be a signal of intention and desire of independence.

written constitution that separate the three powers of the state, without which it will be extremely difficult to guarantee citizens' rights (Valenzuela 1992: 61). A written constitution could have great impact in supporting and organizing the political process in Kurdistan. Rêkanî (2007), the Deputy Chief Justice of Kurdistan, assessed that the separation of the three powers is not defined as a written constitution is not yet in place. Disagreeing with Stansfield (2003: 128), the absence of a written constitution in Kurdistan cannot be compared with the British case, because first and foremost the Kurds, unlike Britain, had no experience in democratic government and therefore, the ultimate power remained in the hands of party elites<sup>69</sup>.

The second point is the refusal of the PUK to take the role of political opposition<sup>70</sup> once the KDP got the majority of votes in 1992. Sharing power in the way it started then and continues today created a political system almost empty of any form of constitutional opposition, which is considered a major condition for democracy. Although the initial election of 1992 was able to establish some rules of the democratic political game, the wrong strategies that the winner parties pursued to deal with its results proved to be a fiasco. These strategies were uncalculated and almost based exclusively on tribal and elites' interest protection. Therefore, rather than ending the transitional phase of democratization, it became an open-ended process. One-party rule was impossible to practice throughout Kurdistan, but became a reality when they divided Kurdistan's territory to be under two separated mini-governments that practiced one-party rule in each region.

The Assembly elections were held on 30 January 2005, to coincide with Iraq's national and provincial council elections, in which all Kurdish parties composed one electoral coalition presented as a united Kurdish list (DPAK)<sup>71</sup>, but the two mini-governments continued to exist until 7 May 2006.

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<sup>69</sup> Regional governance has been based on the March 1970 Autonomy Agreement with the GOI. Four provinces were established, each headed by a governor (O'Leary 2002: 19).

<sup>70</sup> Even though several important cadres in the PUK, led by Nawshirwan Mustafa, were pushing for PUK to accept the results and become the party of opposition, the PUK was following a militant line and would fight rather than become an opposition party in the new assembly (Stansfield 2003: 146).

<sup>71</sup> The DPAK composed of: KDP, PUK, KIU, KCP, KDNP, ANP, KTP, and other small parties.

There is a clear similarity between the KNA of 1992 and 2005. The number of the parliamentary seats<sup>72</sup> is almost equally divided between KDP and PUK. Today, each of them occupies 41 respectively. The difference is that in 1992 neither Barzani nor Talabani took any official position in the cabinet, while in 2005 they have the leadership. In the former, parties had to meet a 7% threshold to enter the KNA, while in the latter it was based on the closed party-list proportional representation (Hare quota<sup>73</sup>), which is the simplest form of representation and convenient with small democracies. Electors voted in 2005 for a party's list of candidates, rather for an individual candidate. In 2005, 11 seats were preserved to the minorities that lacked the required number of votes to enter the KNA<sup>74</sup>, while in 1992 it was 5 seats (krg.org 2006b).

Furthermore, it is understandable that the current form of the KNA would reflect on the formation of the KRG. Most of the political parties<sup>75</sup> have then a share in the new unified government. The broad coalitional cabinet reflects the mosaic diversity of people of Kurdistan<sup>76</sup> (krg.org 2006a). On one hand, this form of government is, for many, seen as a unique example of representative democracy in the region since it includes almost all the components of society. Furthermore, the exceptional political situation of Kurdistan necessitates such coalescence to meet the common challenges. On the other hand, the unification is not complete and many doubt whether it is possible. The four most important ministries remain divided between the PUK and the KDP: Interior, Finance, Justice, and Peshmerga (Defense) Affairs, each portfolio has two ministers (Gunter 2006).

Analyzing the party system in Kurdistan through the way political competitiveness has been conducted since 1992 one can easily find the hegemonic<sup>77</sup> trait that Sartori

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<sup>72</sup> 1992 elections had 105 seats while 2005 elections have 111.

<sup>73</sup> See: [http://en.wikipedia.org/wiki/Hare\\_Quota](http://en.wikipedia.org/wiki/Hare_Quota)

<sup>74</sup> For example each of KDP and PUK equally possess 41 seats in the KNA, but the former gave one of its seats to the FMP, while the latter gave three of its seats to other political parties. For detailed member list of the KNA of 2005 see:

[http://www.krg.org/uploads/documents/KNAMembers\\_2006\\_11\\_30\\_h12m44s8.pdf](http://www.krg.org/uploads/documents/KNAMembers_2006_11_30_h12m44s8.pdf)

<sup>75</sup> KDP, PUK, KTP, KSDP, KIU, KCP, IG, and TBP.

<sup>76</sup> Kurds, Chaldeans, Assyrians, Turkmen, Yezidis, and Faili (Shia Kurd) are represented in the government. For that purpose the government created nine ministries without portfolio.

<sup>77</sup> A hegemonic party system is definitely not a multiparty system, but is, at best, a two-level system in which one party tolerates and discretionally allocates a fraction of its power to subordinate political groups. The hegemonic party formula may afford the appearance but surely does not afford the substance of competitive politics (Sartori 2005: 205).



(2005: 205) observed in the Austrian party system<sup>78</sup> from the aftermath of WWII to the end of 1966. In the Kurdish case, both the KDP and PUK share governmental and administrative positions. Their satellite parties are in position, but without having the right to undermine the position of the hegemonical parties, or having the chances of independent behaviour. Luther (1999: 118) conversely argues that the Austrian example is regarded as an almost archetypal case of stable Consociational democracy.

Furthermore, even though the results of the 1992 elections reveal that the political cleavages were not strongly defined by the dialectal lines (Leezenberg 2007: 1), it constituted an important element in determining its results<sup>79</sup>. However, the internal fighting deepened these lines. PUK was expelled from Duhok and KDP from Suleimaniyah. This territorial division of constituency between the KDP and PUK diminishes the centrality of party program in attracting partisans.

Otherwise, Mainwaring (1999: 190) rightly concluded that when loyalty and discipline among the catch-all parties are limited, political leaders use patronage for that purpose by offering public jobs and resources to those willing to support them and withholding state resources from adversaries.

To a great extent the KDP-PUK competition in the 1990s institutionalized the party patronage-clientelism relationship, which was the only viable option for many urban individuals. However, this relation is unstable because it is not based on individual's identification with a party, but rather on the temporary benefits (Leezenberg 2007: 23). Throughout the 1990s, switching sides between different parties when clients expected greater profit with another party 'patron' was a common feature. In the absence of an effective formal government bureaucracy, clientelism is the most advantageous means of creating support from the population. Even candidate's nomination within clientelistic parties is largely based on loyalty to the leader(s). Electoral mobilization is based upon the mobilization of vertical social networks, particularistic rewards and payoffs that are offered to citizens at the bottom of these networks, and local interests are paramount with regard to the societal representation dimension (Diamond and Gunther 2001: 16).

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<sup>78</sup> SPÖ and the ÖVP. The Austrian party system was often classified as an example of two-partism.

<sup>79</sup> Although the PUK did not make any significant inroads into the Bahdinan, the KDP's traditional mainstay (it received less than 10% of the votes, the KDP over 80%), the KDP drew a solid 30 % of the vote in the PUK heartlands, the Sorani-speaking Sulaimaniya region (Hoff et al. 1992: 29).

### 5.2.4 Democracy and Socio-Economic Development

*The cabinet works for all socio-economic levels of Kurdistan society. The cabinet recognizes that it needs considerable effort, time and resources to meet the requirements and expectations of the people in all sectors (KRG.org).*

The nexus between economic development and democracy is widely studied within the academic field. Lipset (1959) noticed that the economic wellbeing has positive effect on democratization. He stated that *'the more well-to-do a nation, the greater the chances that it will sustain democracy'*. He observed that in such industrialized societies the level of mass participation in politics and political awareness are much higher than in others.

Huntington (1984: 198ff) argues that a wealthy economy brings about higher levels of literacy, education, and mass media exposure, all of which are conducive to democracy. An economy like that moderates the tensions of political conflict. He suggests that countries which develop economically move into a zone of transition or choice, in which traditional forms of rule become increasingly difficult to maintain and new types of political institutions are required to aggregate the demands of an increasingly complex society and to implement public policies in such a society.

The socio-economic development is, to great extent, related to the security stability in the polity. Thus, the political crises have direct impact on its improvement, therefore any analysis of the socio-economic' influence on democratization in Kurdistan after the regime change would not be adequate without reviewing shortly the situation from the beginning of Kurdish self-rule after 1991. The Iraqi Ba'ath regime has used all available methods to destroy the socio-economic infrastructure in Kurdistan through a systematic destruction of the rural life<sup>80</sup> and displacing the people to the collective housing 'Mujama'at', far from their original places. The Iraqi government pulled out its public administration in October 1991 to leave about 160,000 civil servants without salaries and an economic embargo was imposed on the Kurdish north. This embargo included all foodstuffs, medicine, and petroleum products, to reach its full effect in 1992 (Stansfield 2003: 49). Thus, the first KRG cabinet was formed with a very fragile economic ground.

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<sup>80</sup> Since 1975, over 4,000 Kurdish villages had been destroyed; by a conservative estimate more than 100,000 rural Kurds had died in Anfal alone; half of Iraq's productive farmland is believed to have been laid waste (Salih 2006). Villages were destroyed long before 1977 in Ba'ath-run Iraq, and even before the Ba'ath came to power in 1968 (Middle East Watch 1994).

KRG and foreign NGOs concentrated their reconstruction efforts on agricultural rehabilitation to encourage the Mujama'at inhabitants to return to their former dwellings and re-establish a productive and self-supporting life (Leezenberg 2000).

The income from the semi-clandestine transport of petrol from Iraq to Turkey through Ibrahim-Khalil 'Habur' border crossing and the other cross-border trade with Iran constituted the most important financial source. In the beginning the IKF parties had an even share of the revenues, but after the elections, the KDP, PUK, and the government each received a percentage of these revenues while the other parties were excluded from this source of income. However, the KDP kept all the funds collected at the Ibrahim-Khalil 'Habur' border checkpoint (Leezenberg 2007: 22), the development that according to Stansfield (2003: 57) "*may be identified as one of the primary causes of conflict between the two parties*".

Furthermore, the double embargo increased the unemployment rate to reach as high as 70%, particularly among the young generation, the fact which made many to be economically dependent on their involvement in fraternal fighting for one of the main parties. Relatively, the economic situation improved after the oil-for-food program came into effect (see 2.6.1), according to which 13% of the program's revenues were allocated to Kurdistan.

The most serious steps in economic development started after the invasion of Iraq in 2003. Contrary to the rest of Iraq, the KRG before and after the unification succeeded to stabilize the security situation in Kurdistan; without which no economic development is possible. In addition, the coalition's presence on the ground attracted the attention of the investors from abroad to business opportunities in the region. KRG showed the ability to take benefit of the regime change by establishing some direct communication channels with the regional and most importantly with the Western countries<sup>81</sup>. Furthermore, the KRG's representatives abroad made good advertisements to attract investors' attention. Hence, international media recently portrayed Kurdistan as the success story of Iraq and as the other Iraq (60 Minutes Feb 2007).

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<sup>81</sup> For instance, it has never been easier to travel to Kurdistan than today. Many regional and Western airlines have weekly or more often flights to the Kurdish north. This has encouraged many in the West to visit the region and examine the situation closely.

The Kurdish leadership from their side gave the Turkish companies<sup>82</sup> the upper hand in the construction works partly, in order to absorb some of the Turkish hostilities to the nation-building process and the new realities in the region, a step that was also encouraged by the US (Olson 2006: 49), and partly to build confidence to the other parts of the world. Recently, many countries have positively changed its opinion on the situation in Kurdistan<sup>83</sup>. Furthermore, KRG's appeal for foreign investments in Kurdistan implicitly means that it is willing to undergo the necessary changes, especially political openness, to make the new investors confident about the future of their investments.

It is worth evaluating here the role that the Kurdish Diaspora<sup>84</sup> can eventually play in the democratization of Kurdistan. The negative side of emigration is that great numbers of educated people have left or leave everyday in a critical time, where Kurdistan has enormous need for educated people in the state-building process. However, there are those who believe that this brain drain has its positive side. First, many of those living abroad have helped their families and relatives with financial support; and second, the establishment of direct airways between Kurdistan and many countries has helped to open the society for new democratic ideas that comes with this traffic (Leezenberg 2003: 7). Furthermore, many well-established Kurds outside are investing in Kurdistan in different sectors, and some are even politically organized in the countries of residence, making by that a functioning lobby for their national cause.

The most important development in this regard is the new Kurdistan Region Investment Law of July 2006, approved by KNA, and the draft of Oil and Gas Law

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<sup>82</sup> Today, there are more than 300 Turkish companies working in northern Iraq (Ferai Tinc 2007) that makes up more than half the number of the total foreign companies working in Kurdistan. (BBC news live from Erbil 19.03.2007).

<sup>83</sup> The states that officially consider Kurdistan as a safe place to travel to are among others; Japan, Denmark, England, Austria, Germany, and Sweden (KRG.org, in Kurdish). [http://www.krg.org/articles/article\\_detail.asp?LangNr=14&RubricNr=&ArticleNr=16230&LNNr=35&RN Nr=69](http://www.krg.org/articles/article_detail.asp?LangNr=14&RubricNr=&ArticleNr=16230&LNNr=35&RN Nr=69)

<sup>84</sup> The long-term and systematic use of force and the policy of displacement practiced by subsequent Iraqi governments against the Kurds have pushed many to leave the country. Hundreds of thousands Kurds live today outside Kurdistan, particularly in Europe, in the US, and in Australia.

presented to the IP for adoption. The federal annual budget of 2007<sup>85</sup> was approved on 22 February 2007. It defined Kurdistan's portion as 17%<sup>86</sup>.

Osten-Sacken and Uwer (2006: 5) observed that today's visitors to Northern Iraq would probably see more new cars than in Southern European cities, as well as hundreds of new buildings and construction sites<sup>87</sup>. On the future development of the economic infrastructure of Kurdistan, Shwani<sup>88</sup> (2007) assessed that KRG has adopted the Dubai development model after evaluating a variety of plans from around the world, but will modify it to suit Kurdistan's requirements before putting it into force. These steps have encouraged those who wanted to invest in the rest of Iraq, but were unable due to the insecurity of transferring money to Kurdistan to invest it there.

However, even though economic development is an important factor for the ongoing democratization in Kurdistan, it is still not very helpful in explaining the direction that the political development can take unless we analyze how such development produces social justice. Thus, as Huntington (1984: 198ff; 1991: 72) puts it, economic development may compel the modification or abandonment of traditional political institutions, but it does not determine what political system will replace them. That will be shaped by other factors, such as the underlying culture of the society, the values of the elites, and external impact. Long-run economic growth tends to exert a positive effect upon democracy and its stability rather than causing its introduction or emergence (Bunce 2000; Feng 1997). In several Latin American countries, economic development can poorly explain the democratization, because it did not favor construction of a democratic political system, but rather lead to the rise of what he calls bureaucratic authoritarianism (O'Donnell 1973).

Przeworski (1996: 43ff) measures the impact of economic development on democratization by knowing the extent to which it reduces the inequality of wealth

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<sup>85</sup> See the whole text in Arabic at:

[http://www.iraqipresidency.net/news\\_detail.php?language=arabic&id=3767&type=documents](http://www.iraqipresidency.net/news_detail.php?language=arabic&id=3767&type=documents)

<sup>86</sup> It is important to add here that the PM Nêçîrvan Îdrîs Barzanî, who belongs to the younger generation of the Kurdish leadership, played a remarkable role in providing an appropriate environment for investment and construction, and by defining lines between the regional and federal authorities mentioned in the constitution of Iraq.

<sup>87</sup> For instance, real estate values climb high: land that was sold in 2002 for 5,000 USD is now worth as much as 60,000 USD. All the three major cities in Kurdistan have almost doubled its size during the past three years.

<sup>88</sup> Othman I. Shwani is KRG's Planning Minister.

distribution in the transition phase. Such policies are likely, as has been argued, to help sustaining democracy once established. Furthermore, democracy can survive even in the poorest countries if they manage its economy so that it can generate development and reduce inequality<sup>89</sup>.

The other important issue related to the economic development is the *political culture*. It has been argued that Protestantism supports democracy whereas Catholicism in many cases does not. Islam in the same way is argued to be against it. Yet, any systematic relationship between specific cultural patterns and the prevalence of democracy are not proven, simply because it is subject to dynamic change (Sørensen 1993: 26). A strong democratic culture is helpful to preserve democracy in time of crises, but such amicable culture for democracy is not necessarily the product of a modern economy; neither is such an economy sufficient for its creation (Dahl 1988: 38). It is therefore wrong to argue that democratic culture in Kurdistan is unlikely to develop because of its peoples' Islamic belief, and at the same time wrong to believe that the ongoing economic development<sup>90</sup> in Kurdistan is enough to generate a democratic culture.

Summarizing this section, one can argue that there is an overall socio-economic progress in Kurdistan after decades of deprivation. The development is generated by the political stability and the will to modernize that seems to have longer effect on democratization depending on how these socio-economic policies are effectuated to decrease inequalities in the society.

### 5.2.5 Democracy and Social Culture

*Democracy is not only a desirable arrangement for the articulation of political life, but also as an adequate (though likely slow) path to the establishment of more just and egalitarian societies (O'Donnell 1992: 17).*

Another important issue is the regulation of the social relationship and the role of women in political life. In this regard, new laws have been adopted by the KNA to encourage and

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<sup>89</sup> Przeworski, Alvarez, Cheibub & Limongi found that the expected life of democracy in countries with shrinking inequality is about 84 years, while the expected life of democracies with rising income inequality is about 22 years (these numbers are based on 599 democratic years, with inequality increasing during 262 and declining during 337) (Przeworski et al. 1996: 43).

<sup>90</sup> There are some who believe in Kurdistan today that the economic development in itself is sufficient for bringing about a democratic system.

provide opportunities for female participation in the political and public life. A quota system of 25% has been introduced in the proposed Kurdistan Constitution in accordance with the Iraqi Federal Constitution, but while the federal one allocates 25% seats of the IP the Kurdish one mentions that 25% of all legislature councils (City Councils and National Assembly – local and national levels) will be reserved to women. Currently, women hold 29 seats, making up 27% of the Assembly (KRG.org 2006b), but the new cabinet has only two female members (Gunter 2006). A new draft bill is presented to the KNA by the WRPC for voting to deal with the discrimination against women. The new law is intended to make a number of changes in the civil status code that has been in effect since 1959. The core proposed amendments are about the definition of marriage, polygamy, divorce, inheritance rights, and a number of other subjects relevant to the personal status code. Pakhshan Abdullah Zangana, the head of the committee, adds that “*we have come to a conclusion that polygamy is out of place considering the current situation in Iraqi Kurdistan Region. Moreover, we want to amend divorce settlements in a way so that when divorce happens, both parties will get their equal share of household properties*” (Mohammad 2007: 4). Furthermore, the most important development in protecting women from the so-called honor killings is the KNA decision to abandon the old law that sympathized with the perpetrators of such crime (Rêkanî 2007).

However, these strategies may not have immediate consequences. On the ground, women still suffer from social injustice and unawareness. Statistics from KRG’s Human Rights Ministry for 2006 show an increase in the number of women who committed suicide. While the number was 289 in 2005, it reached 533 in 2006, an increase by 22%. In addition to the aforementioned measures to be taken the Human Rights Ministry is cooperating with the UK consulate in Erbil to implement the same program that the UK applied in Pakistan for the same objective (Muhammed 2007: 5).

Tribalism is another social and political predicament. Leezenberg (2007: 23) argues that tribalism in Kurdistan after 1991 is not just a survival from the past or came to fill any social gaps left open by a weak state, but rather it resurrected as the direct result of the state’s active intervention. Tribalism generates the relations of patronage between the society and the government, something that strengthen the state’s control at the expense of the development of civil society (see 5.2.3).

Nepotism is another pin in democratization's path, which is practiced in Kurdistan. This phenomenon is particularly obvious in the political and administrative appointments. Occupying a formal post is mainly based on the familiar and personal relationships. Minor consideration is given to the education and academic qualifications in such procedures. In the majority of the cases, a party or high party senior's Tazkiye<sup>91</sup> (blessing) is required. Originally, this practice was introduced after 1991 as a cleansing to exclude those with dirty hands and collaborators from the sensitive jobs, but it covers today most of the jobs within the bureaucratic body. As in Spain<sup>92</sup> in the transitional period after Franco's death and Italy<sup>93</sup> most of the important work is allocated to the party members. Instead of being replaced by a younger, educated generation, many of the uneducated officials started after the regime change to attend private universities in order to consolidate their positions. Shojai<sup>94</sup> (2007: 2) believes that the educational system in this manner produces illiterate academic elite in Kurdistan. The negative impact of nepotism in Kurdistan is that it constructs a mechanism of priorities and political discrimination in distribution of jobs and *empreguismo*<sup>95</sup>, whose consequence is the inequality of opportunities<sup>96</sup> (Raper 2007).

This section shows that some social phenomena can hinder the progress of democracy and need solutions, which means that *civil society*<sup>97</sup> is weak to organize the different societal orientations in a way that enables them to be the complementary organs of the official ones.

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<sup>91</sup> *Tazkiye* is an Arabic word that means blessing or allowing.

<sup>92</sup> To ensure loyalty the PSOE's in Spain allocated about 50,000 public posts to its members between 1982 and 1984 after the electoral victory of October 1982, during which time the party's total membership reached only just over 150,000 (Wood 1996: 161).

<sup>93</sup> In elections against the PCI, the DC always resorted to the patronage system to create support among the voters (in the South of Italy), taking advantage of the enormous power of the government and administrative bodies. Public works were granted and administrative jobs given out, along with favourable laws, and personal recommendations in order to obtain votes (Massari 1996: 132).

<sup>94</sup> Behrooz Shojai is the lecturer on civil society at the University of Dohuk in Southern Kurdistan.

<sup>95</sup> *Empreguismo* is a Portuguese word that refers to the practice of securing or creating jobs in the state bureaucracy for political allies and constituencies, with no or little consideration of the individual's merits or for whether the position is even necessary (O'Donnell 1992: 47).

<sup>96</sup> Article 20 of the Kurdistan Constitution draft states that equality of opportunities is a protected right for all Kurdistanis (citizens of Kurdistan) and the authorities have to assure its realization.

<sup>97</sup> Civil society is an intermediate associational realm between state and family populated by organizations which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of society to protect or extend their interests or values (White 2004: 10).



### 5.2.6 The Rule of Law (Rechtsstaat<sup>98</sup>) and Accountability

*The rule of law is the KRG's supreme guiding principle. It is above every individual. Laws shall be drafted in a modern way and they shall be based on the principles of democracy and human rights (KRG.org).*

One major characteristic that distinguishes a democratic regime from an authoritarian one is that the former supposes to be based on the *rule of law*<sup>99</sup>, while the latter is not. An authoritarian ruler claims to be for the common good of the population but consider himself *de legibus solutes* (above the law) (O'Donnell 1999: 37). Therefore, a government functions as democratic when it is constrained or bound by the law through effective limits or checks and balances on political power and public office.

In Kurdistan's case the rule of law is yet weak because first and foremost, the majority of the existing laws are from the former regime. Again, lacking a written constitution lets the areas of discretionary power more open to the personal judgment and at the same time increasingly limits the effectiveness of the existing laws<sup>100</sup>. Furthermore, the judiciary system in this case is not completely independent as it lacks constitutional guarantees against interferences from political parties and influential individuals, and consequently becomes paralyzed and disabled to perform its basic function in providing the forum for the settlement of disputes between individuals in society and enable citizens to defend themselves against the state and its officials<sup>101</sup>. Rêkanî (2007) acknowledges that the judicial system is not yet independent due to the lack of constitutional protection and therefore political parties practically are *de legibus solutes*. He adds that KDP and PUK have their own prisons that contain political prisoners outside the authorities of the judicial system and the government. Boussard (2003: 59) argues that one of the most destructive outcomes of a weak and politically controlled judicial power is that there will be no sanctions against abuses of power.

Usually, before a new democracy is consolidated, clientelism - an informal institution but highly influential and inimical to democracy - exists beside the formal

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<sup>98</sup> Rechtsstaat means a state of law, or perhaps more accurately a state subject to law.

<sup>99</sup> The rule of law refers to those established rules of a general and impersonal nature that order the relationship between state and society, between individuals in society, and within the state itself (Domingo 1999: 152).

<sup>100</sup> For more analysis see Linz & Stepan 1996b:19; Ungar 2002: 1ff.

<sup>101</sup> For more analysis see Domingo 1999: 152.

political ones. In stead of being guided by universalistic orientations, individuals perform their roles in political and state institution through particularistic motives. To some extent, they lack the behavioral, legal, and normative distinction between a public and private sphere. In other words, they miss congruence between formal rules and actual behavior (O'Donnell 1996: 40*f*). Thus, putting sanctions on the abuse of power is an intrinsic element of the political accountability<sup>102</sup>, which represents a two-dimensional concept: answerability, that public officials have the obligation to inform and justify their professional activities; and enforcement, that the legal body has the capacity to sanction the officeholder who encroach the rules of his/her profession. However, exercises of accountability will be toothless, with little effect, if the sanctions against encroachments do not include some serious measurements, such as removal from office or destruction of reputation through public exposure (Schedler 1999: 14).

Corruption is another dimension of political performance and is not far from a criminal act. Corruption refers to the misuse of public power for private gain (Rose-Ackerman 1999: 91). It appears when some organized individuals and groups enjoy remarkable influence in society with some immunity from legal persecution. In attempt to widen their privileges and reach economic resources these elements try to corrupt the legal institutions through bribes. Hence a democratic regime can survive the crises of corruption if it is well established, as was the case with Italian corruption in the 1990s (Diamond 1999: 91*f*). Qadir (2006) argues that in Kurdistan, there is what he calls *super Gandali* (super corruption) due to the lack of a free press, that the political power is extremely divided along party lines, and that the leadership ultimately protects their members from legal prosecution. Corruption is expected to exist in a new democracy like Kurdistan, but it is its high level that is damaging the ongoing democratization. The lack of transparency within the political system, particularly in the budgeting mechanism, makes it difficult to know the responsible for the wrongdoings and evaluate the effectiveness of their politicians and officeholders. Shwan (28, Mar 2007) describes the political and administrative corruption in Kurdistan as a fishing net, meaning that it is

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<sup>102</sup> Accountability is an elusive conception that implies the right of persons who are affected by an action or decision to receive an explanation of what has been done and to render judgments on the conduct of those who were responsible for doing it (Sklar 1999: 53).

well organized, in which corrupted elements support each other to hold their positions and can easily eliminate those who criticize them.

Corruption, as Diamond (1999: 91f) puts it, damages the credibility and the legitimacy of the political system. Survey data from new and troubled democracies around the world suggest that mass publics give considerable weight to problems of corruption and lawlessness when forming judgments about their regimes.

### 5.2.7 Legitimacy

*It is vital that confidence and trust be established between government and the people. Confidence is established when the government runs its affairs in a transparent manner and is prepared to be held accountable and subject to examination (KRG.org).*

The root of a regime's legitimacy is derived from citizens' acceptance of the existing laws. Legitimacy is a precondition for the long-term survival and sustainability of democratic government (Linz 1978: 16), even though it may not need to be a determinant factor of the success in a democratic system in the initial stages (Mainwaring 1992: 307).

Keeping such a belief alive is important for the democratic government; Lipset (1959: 86) defines legitimacy as the capacity of a political system to engender and maintain the belief that existing political institutions are the most appropriate ones for the society or the 'least evil' among the alternatives, in spite of shortcomings and failures, and that they therefore can demand obedience.

The regime change in Iraq raised popular expectations that longstanding problems and injustice associated with the authoritarian regime will be overcome. Valenzuela (1992: 81) rightly argues that the gap between such expectations and the possibilities of meeting them even with the best of policies may be unbridgeable; therefore it is more advantageous if the kind of leaders is those who lower public expectations while at the same time undertaking policies that deliver results that exceed their own rhetoric. This is not an easy task in a democratic context since democracy brings openness, awareness, and the exposure to problems that can easily expand through media debates and other channels of discussion of political issues, which increase the sense that the government is inadequate to solve them.

However, it is different with the Kurdish case because those who are in power today increased the gap between the Kurdish dreams of a better life and their possibilities and/or willingness to meet them. For instance, the government failed, to a considerable extent, to meet what the officials are repeatedly promising regarding fighting corruption and improving the daily basic services without convincingly explaining why they fail to do so. Therefore, *diffused support*<sup>103</sup> in our case is likely to demise if the gap between expectations and possibilities, and the inequality of opportunities continues growing. Keeping the citizens' positive attitudes towards democracy is also an important aspect of democratic consolidation (Morlino & Montero 1995: 232). Thus, the level of political institutionalization, efficacy, and effectiveness of a government determines its legitimacy in the long run (Linz 1978: 18), because the advent of democracy is accompanied by an explosion of expectations, and that people expect that democracy is designed to reduce income inequality (Przeworski et al. 1996: 43; Castillo 2006: 1). Furthermore, for most people democratization promises both political rights and social transformation, therefore, political groups must be willing to subject their interests to the interplay of democratic institutions (Przeworski 1992: 125). Conversely, in order to validate and enhance their legitimacy after the regime change, political leaders in Kurdistan, as in other newly installed democracies that followed regime change, resort not to show their performance, but rather to make comparison strictly with the immediately preceding regime and other undemocratic regional regimes<sup>104</sup>. However, most of the people agree that the existing regime is the best between the alternatives and much of the political support comes from this belief. As mentioned, the political system needs to be reformed in order to enhance its efficacy and effectiveness.

As mentioned, (see 4.3.4) the *use of violence* is an antidemocratic behavior. Its occurrence undermines the democratic process and puts the regime's legitimacy in question. From 2005, two violent incidents have occurred and been widely criticized. The first was on 6 December 2005, when an attack on the Dohuk offices of the KIU<sup>105</sup> caused

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<sup>103</sup> *Diffused support* is the reserve of citizens' support for a political system without that their expectations are met (Easton 1965: 273).

<sup>104</sup> Valenzuela (1992: 78) calls this kind of legitimacy '*inverse legitimation*'.

<sup>105</sup> The 3,000 to 5,000 civilian protesters were almost all from KDP organizations. During the protest they shouted "Long Live 730". 730 is the "numerical ballot designation for the DPAK. The riots were in

the death of four people, among them was a senior KIU official (Radio Free Iraq 2005). The KDP's officials did reject that the incident was orchestrated by the party that controls the city, but a Western diplomat in Kirkuk who has investigated the incidents did not exclude such an assessment (Finer 2005). The other incident was in Halabja city<sup>106</sup>, controlled by the PUK administration. On 16 March 2006 — the anniversary of the gas attack — people demonstrated their frustration about the bad services in the city by trying to block the entry of officials into the ceremony, but it ended up in violence. Police killed a 17 year-old high school student (Worth, March 2006).

### 5.3 The External Factor

There is a consensus among political scientists that the external factor is an important determinant of the success or the failure of democratization in a given country, but is one of the least studied in the field (Narizny 2006: 25). Studying the external factor in democratization - whether it is by imposition with the use of military force, by intimidation of the use of force, or through the economic incentives to modernize and change toward democracy - means in the first place the emphasis on the role of American power, especially after the end of the Cold War (Whitehead 1996b: 59).

Three main ways of democracy promotion are observed: *a-* Through *contagion*<sup>107</sup>, *b-* By *control*, or *imposition*<sup>108</sup> by either hard or soft power, *c-* *Consent*, which can be explained by the existence of a complex set of interaction between international and local actors (Whitehead 1996a: 3ff).

Karl & Schmitter (1991: 280) and Schmitter (1996: 35) admit that the *act of war* and the *change in the international system* are the most powerful factors influencing the likelihood of success or failure of democratization in a given place. Engaging in an

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response to the KIU pulling out from the DPAK, an act that has been labeled as unpatriotic and pro-Arabic. Read the story at: [http://en.wikipedia.org/wiki/Kurdistan\\_IsLAMic\\_Union](http://en.wikipedia.org/wiki/Kurdistan_IsLAMic_Union)

<sup>106</sup> Opening just six months after the US invasion of Iraq in March 2003, the Halabja Monument received international media attention. Then Secretary of State Colin Powell and other US dignitaries traveled to the Kurdish town for the opening ceremony and were received by cheering crowds in the streets. See: [http://www.pbs.org/americanrebuilt2/memorial/memorial\\_halabja.html](http://www.pbs.org/americanrebuilt2/memorial/memorial_halabja.html)

<sup>107</sup> Meaning that democracy spreads from one country to another by neutrality and often unintentional channels, but excluding the coercive means.

<sup>108</sup> This element is strongly present in the contemporary international politics. Two-thirds of the number of democratic countries existed in 1990 were - at least partly - the consequences of external involvement (Whitehead 1996: 3ff).

unsuccessful adventure of war may be sufficient to make an authoritarian political regime vulnerable to pressure from external sources to democratize or can lead to a direct military intervention, probably with the cooperation of opposition groups and local pro-democratic individuals. Iraqi military adventures with the neighboring countries and its own people weakened its position as a major power in the region and exhausted its own capabilities to defend itself. Change in the international system is another important external factor effecting democratization. Democratic waves are the direct result of such big events in the international system, for instance, decolonization and the end of the Cold War.

Even though dictatorships were publicly or behind the scene supported by the Western democracies, particularly by the US, throughout the Cold War era to minimize the communist zone of influence and maximize its own, it does not mean denying their history in supporting democratic systems and obviously expressing their hostilities to authoritarian regimes. American scholars agree that promoting democracy is one of the most viable methods to protect long-term American vital interest in the world and keep the unipolarity going<sup>109</sup>.

Regarding the extent to which the US will succeed or fail in making democracy possible in Iraq is a question which needs to be explored further because there is no one voiced theory which can be applied to all cases of external impact on domestic democratization, because winning a war and changing a regime is one thing – even though a necessary step – but winning peace and being able to build a democratic system is quite another. It can be explained by the fact that the US's ability to do so varies significantly from case to case and from region to region depending on geopolitical, cultural, socio economic, historical and other factors<sup>110</sup>. These friendly conditions do not exist – or exist poorly – in the case of Iraq. Furthermore, the objectives of the *Broader Middle East project*, which – if Iraq succeeds – can lead to more regime changing or at

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<sup>109</sup> For a seminal work on the American democracy promotion policy see: Cox, Michael, G. John Ikenberry and Takashi Inoguchi (eds.), (2000), *American Democracy Promotion; Impulses, Strategies, and Impacts*. Oxford and New York: Oxford University Press.

<sup>110</sup> These factors were more favorable in Latin America, which facilitate American mission in supporting the democratic efforts there. The common cultural background that the EU member states and the Eastern European countries share helped to a great extent in creating an atmosphere of confidence and accepting a wider EU role in domestic politics that lead in the end to an expansion of the EU borders to include these new democratic countries.

least putting pressure on these states to open their systems for political participation and freedom. Thus, the picture is clear for the leaders of non-democratic states in the region. They are aware that democracy promotion poses great challenges to their existence; therefore they act solely or cooperatively with other likeminded regimes to hinder any democratic progress in Iraq because it will be a threat to their own regimes.

However, while Iraqi regimes have constantly treated the Kurds even worse than any external enemy and that Kurds have never been granted enough time of peace and security - the basic conditions that could help construct a trustful relationship and a state of harmony with the government - I will treat any impact of the Iraqi state on the democratization in Kurdistan as part of the external factor. This consideration is more useful to understand the Kurdish democratization because – as previously mentioned - there were no official relationship between the Iraqi regime and the Kurdish self-built authorities from 1991, even though Southern Kurdistan theoretically was part of Iraq. The rupture with the government in more than a decade created a generation of young Kurds who do not identify themselves with the rest of the Iraqi population. From 1991 until now the Kurdish attachments with the Iraqi state is practically disappearing from the daily life of the Kurds and substituted by a Kurdish modern national identity. As mentioned, it was expected among the Iraqi Kurds that their leaders would declare independence from Iraq after the regime change. Yet, the truth is that they decided to stay within a democratic federal Iraq, not because fearing Baghdad, but rather worrying about the Turkish hostile intention about the emergent Kurdistan. This is another reason why Iraq is to be treated as an external factor in this study. Furthermore, any study aiming to understand the impact of the external factor on democratization in Kurdistan has to include correlation and interconnectedness between the following three levels:

### **5.3.1 Intermediary Level**

Intermediary level, which intend to take into account the potential impact that the central government in Baghdad could have on the Kurdish democratization: how should we read the nexus between the Iraqi political situation and the Kurdish democratization, in other words, what kind of Iraqi central government will serve the Kurdish question; a weak, dispersed, sectarian-divided and uncontrolled government, or a strong and unified one?

Putting it otherwise, which of these two kinds of government will eliminate, or lessen the pressure on the Kurdish authorities and provide them both time and the international spotlight to build their political institutions?

There are different opinions about whether a weak or a strong Iraq is better for today's Kurdistan. Some believe that Iraq's internal instability served the Kurds in the north in the sense that a weak central government gives the Kurds the upper hand to demand and expect more concessions in any settlement with Baghdad. Others believe that the governmental officials in Baghdad are too busy to secure their lives and positions, and very corrupted, therefore they are incapable to perform as they should. However, the most decisive issue for the Kurds regarding the present Iraqi government is the settlement of KRG's borderlines within Iraq (see **footnote 48**). If everything goes according to the timetable of the roadmap on the disputed areas<sup>111</sup>, it will be the first time in the history of Kurdistan that its borders are to be peacefully and constitutionally settled.

### 5.3.2 Regional External Level

The Kurdish political map could look different if Kurdistan was located in a democratic zone. One of the main reasons which contributed to the underdevelopment of Kurdistan is exactly the fact that it is not in such a location. The regional external factor has always played a primordial role in preventing the development of the political system in Kurdistan. A visit to the Kurdish areas in Turkey, Iran, Syria, and even in Iraq before 1991 would reveal how these states have cooperated to keep the population suffer from all the basic human needs. The Kurdish example is the opposite of what the regional external influences of the European Community were on the democratization of Spain, Portugal and later the EU on the Eastern European countries by encouragement, incentives and integration (Huntington 1984: 207). It is obvious that these three Iraq-neighboring states have fears about their own many Kurds because any success in southern Kurdistan will strengthen the position of their Kurdish nationalism and amplify

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<sup>111</sup> The Kurds call these areas *the detached Kurdish areas from Kurdistan*. It includes the cities and villages that have severely been exposed to arabization and displacement of the local people, but the main tension on this issue is the city of Kirkuk.



the cross-border cooperation between them that will ultimately challenge the legitimacy of their borders.

### 5.3.3 International Level

The international level of the external factor refers here to the official policies that the superpower(s) follow(ed) to deal with the Kurdish question. The international external factor has until 2003 never been on the Kurdish side, but contrary, the Kurds have always been marginalized by the great power politics. The *realpolitik* of the powerful states on the Middle East has marginalized the Kurdish role in any peaceful settlement in the region and made them victims (see **1.2** and **chapter II**). Much of this reality reversed after the regime change in Iraq in 2003. Today's Kurdish semi-sovereign political entity is legal and enjoys the recognition of the Iraqi constitution, and similarly the recognition of the international community. However, the Kurds need a long-term international protection. They have officially asked the Americans to establish a permanent military base in Kurdistan, as the case is in Japan and Germany. Hillary Clinton – the presidential candidate – proposed that if elected president in 2008 she will leave a permanent military base in Iraq for that and other purposes<sup>112</sup> (Gordon & Healy 2007). Kurdistan is the only part of Iraq in which the population would welcome US troops enthusiastically (Anderson & Stansfield 2004: 218). Other influential democrats<sup>113</sup> have a comprehensive plan for dividing Iraq into three separate states and an independent Baghdad as national and international capital. This solution is the most suitable for the Kurdish ambition as it provides an international guarantee. The international external factor will then be most supportive to the democratic efforts in Kurdistan. Addressing the KNA after a visit to Baghdad, Mas'ud Barzani (2006) said that a delegation of American congressmen<sup>114</sup> that he met during his visit assured him that America has a moral obligation to protect the Kurds in the future and that they will not leave them to their fate as has been done before.

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<sup>112</sup> She said that if elected president, she would keep a reduced military force there to fight Al Qaeda, deter Iranian aggression, protect the Kurds and possibly support the Iraqi military.

<sup>113</sup> Among them are Senator Joe Biden, Former State Department official Peter Galbraith, Zbigniew Brzezinski, the former national security adviser to President Jimmy Carter, and others. See: <http://www.goalsforamericans.org/>

<sup>114</sup> Among the congressmen were Senator John McCain, Senator Joseph Biden and the new Secretary of Defense Robert Gate.

### 5.3.4 An Interactive Model

Historical facts reveal that the most striking influence that an external factor can have on democratization in Kurdistan is the interaction between the regional external and the international level. If there is a harmonic coincidence between these two levels on a specific direction, the impact will be deeper. If the situation is similar to the 1970s a Kurdish democracy could not survive. Even today, if the US changes its strategy in the Middle East by making compromises with the big regional countries like Iran and Turkey<sup>115</sup> democracy in Kurdistan could easily be strangled to death because they have the capabilities to endanger the stability of the political situation in Kurdistan, without which no democracy can survive. Analyzing the actual situation, this danger is not strongly present, but not excluded either. Since the regime change in Iraq in 2003, events show that the Americans have intentionally limited the intensity of regional negative intervention in Kurdistan's internal affairs, especially the Turkish one<sup>116</sup>. Thus, this development was possible only when the internal alongside with the international external factor started to be friendly to a democratic process, which overshadows the negative regional external factor.

The message of democracy promotion and the respect of human rights that the US proclaimed as the main objectives in the Middle East compel them to follow a policy which best guarantee the stability in the region and preserve these values. Thus, Huntington (1984: 206) demonstrates that armies have ever since the French Revolution carried political ideologies with them. Furthermore, Iraqi Kurdistan is a very crucial and leading actor in any political settlement in the Middle East. Kurdistan's geopolitical location gives it such importance. Schmitter (1996: 48) emphasizes that the degree of influence that the international context will have over the processes of democratization varies with geo-strategic location and the size of the polity. Furthermore, Przeworski et al. (1996: 43) argue that international conditions are better to determine the likelihood of a regime's survival than is the level of development. They conclude that the chance for a

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<sup>115</sup> As the Baker-Hamilton 'Iraq Study Group' report recommended. The failures of the US to impose security and the Democrats domination in the Senate after the Mid-Term elections compel the White House to seek compromise with Iraq's neighbors.

<sup>116</sup> The most important development in this regard is that the US officials continually deny any Turkish intervention in southern Kurdistan. The Turks have constantly asked the Americans for such permission under the pretext that such incursion is necessary to extinguish PKK's threats or to hinder that the long-awaited referendum on the future political status of Kirkuk and other places will take place.

democracy to survive is larger when the proportion of democracies on the globe and in the region is large at a particular time, and that the global effect is about twice as large as the regional one.

## Chapter VI

**Conclusion**

*The more the costs of suppression exceed the costs of toleration, the greater the chance for a competitive regime (Dahl 1971: 15).*

**6.1 Tentative Conclusions**

As the research question makes known: *What are the prospects for democracy in Kurdistan?*, the aim of this work is to explore the likelihood of success and/or failure of democracy in Kurdistan. In addition, I formulated the two following subsidiary research questions to deal with the incomprehension around the motives and the causes that urged the Kurdish leadership to stay in a federal Iraq and to pursue democratic means as an integral aspect of the struggle for self-determination, which is likely to favor democratization:

- a- Where do we find the link between democracy and self-determination in Kurdistan and why did the Kurdish leadership decided to remain within a federal Iraq rather than declaring independence, after enjoying more than a decade of semi-independence?*
- b- Why did the Kurds decide to adopt democracy as their form of government?*

Regarding the relevance of the selected independent variables and theory for the case study, I followed other scholars who have worked on this theme for decades and I put emphasis on the particularity of the Kurdistan case. The particularity of Kurdistan, as mentioned, is its long history of struggle for the right to self-determination that democracy today can contribute to the realization of. Thus, this work gives much space to the constitutional status of Kurdistan in Iraq after the regime change. In **3.3.1** and **3.3.2**, I showed that the Kurdish position in the new Iraq is stronger than ever and that the constitution allows them to build their semi-independent political institutions. These new circumstances are creating favorable grounds that enable democracy to flourish if the other studied independent variables are favorable.

I divided the independent variables into two categories of factors, internal and external, because each of these categories appears to have different effects on the process of democratization. The internal group of factors decides what type of political system

will be constructed, while an influential external factor can push the internal political actors to adopt a specific course of action. Regarding our case-study both internal and external factors are relevant.

Answering the main and subsidiary questions is not an easy task; therefore I constructed two hypotheses that cover this question. While the first assumed that democracy can succeed in Kurdistan the second assumed that conditions favorable to democracy are not yet strongly present. The aim with these two hypotheses is that they highlight different aspects of the research question. However, the analysis cannot adopt any of them because we find elements from both; therefore this thesis proposes a combination idea of these two hypotheses that can be formulated as follows:

*Hypothesis III: Due to the positive geopolitical and internal political dynamics from 1991 and after the regime change in Iraq in 2003, the chance for building a consolidated democracy in Kurdistan is high, but only if the involved independent variables are better managed, which include:*

1- Internal Factors.

a- *Political Institutions*: It is difficult to determine the real motives behind the introduction of the new post of presidency of Kurdistan. As the Kurdish participation in the new Iraq grew and the presidency of the country was devoted to the Kurds, parties had to agree on their candidate. The pact between KDP and PUK equally divided the KNA seats, ministries of the unified KRG, and the Kurdish share in Baghdad. Thus, Kurdistan's presidency is the equivalent to the presidency of Iraq, meaning that both Talabani and Barzani have equal hierarchical posts. The announced reasons are that a president will better talk in the name of the people internally and externally, and assume the coordination between Kurdistan and the federal authorities. The point here is not that having a president is a problem, but constructing this post should have long-term positive effect for the future development of the political process and the democratization. The problem with the Kurdish semi-presidentialism is that (see **5.2.1**) contrary to the presidency of Iraq that is symbolic and chosen by the parliament, many powers are concentrated in the hands of the president of Kurdistan. Furthermore, semi-presidentialism shortens the life of a democracy. These powers could have been given to

the legislative body, the KNA. However, one cannot predetermine the exact impact of this post on the whole process of democratization until a certain number of years have passed, but the open question that remains is *why much decision power will be concentrated in the hands of one person since the negative impact of such an arrangement on the democracy is stronger than the positive one?*

b- *The Political Elite* in Kurdistan showed a considerable degree of success in agreeing on the political system of the polity. Two underlying factors that make elite consensus possible are present in our case-study. It is expected then, that both the existence of an external threat and the experience learned from the internal fighting, outlined in 5.2.2, compel the main political players to calculate the consequences before thinking of breaching their political pacts. In other words, it is expected that the Kurdish leadership works harder on the path of democratization. However, the democratic project should not turn, as mentioned, into being a private project of the elite. The 50/50 system is still tangible in the Kurdish political platform. Thus, *the challenge is to restrict the pactism to embrace the general foundation of the democratic system and let the rest be determined by the rules of the democratic game and the democratic institutions.*

c- *Political parties* have a special position in Kurdish politics. Kurdistan's party system is quite developed and institutionalized (see 5.2.3) compared with the neighboring countries, and what is clear is that no single party controls the political scene, which means that a certain level of pluralism exists in Kurdistan. However, the shortages are numerous. Firstly, the main parties still seize a great amount of political and economic power that allows them to function as governments outside the governmental institutions. Secondly, the lack of a written constitution created a political situation in which the powerful parties play a hegemonic role upon the smaller parties. Thus, instead of opposing the government's policies in the KNA, small parties seek positions within the government and goes alongside with it. The same situation allows the powerful parties to use the public wealth to obtain people's support through a kind of clientelistic and paternalistic relationship. Such circumstances make it extremely difficult for ordinary non-party member individuals to have access to the public system. Therefore, *parties that*

*unified in their struggle against the dictatorship should compete and oppose each other in democracy on the societal cleavages that they represent and on the political ideologies and issues. Though, the nature of relationship between parties and KRG should change, what Blondel (2002: 237) calls, from party-dependent government to government-dependent parties.*

d- *The Socio-Economic Factor:* What scholars have showed is that an economic development may be a necessary factor for democratization, but can poorly explain the democratic progress (see 5.2.4). Thus, a wealthy economy is conducive to democracy to the extent to which it reduces the inequality of wealth distribution, particularly in the transitional phase of democratization. Kurdistan's socio-economic infrastructure has systematically been destroyed by Iraqi governments. However, the removal of Saddam provided a golden occasion for the Kurds to rebuild their economic infrastructure that also brought about many important social changes. New projects are arising in Kurdistan each day. Norwegian and Turkish oil companies were there soon after the removal of Saddam. The new ratified investment law in Kurdistan gives many incentives to foreigners to invest there. Thus, Kurdistan is intended to be a copy of Dubai. *The challenge is then to adopt policies that make the recent huge expansion in urban constructions help decreasing the high unemployment rates by generating jobs for the local people.*

Regarding gender equality (see 5.25), Kurdistan is relatively making important improvements *but still needs new laws intended to empower women's societal position, facilitating their participation in politics, and giving them a voice in the decision making apparatus.*

e- *The Rule of Law:* The institutional shortages outlined above show that democracy in Kurdistan is still weak. These weaknesses cannot be overcome unless the rule of law is strengthened. In 5.2.6 I showed how the judiciary system in our case-study, like in other new democracies, is not completely independent from individuals' and parties' unlawful interferences, the reason why government officials and other influential party seniors are difficult to prosecute if accountable for wrongdoings. The continuation of these practices

can put a regime's legitimacy in question (see 5.2.7), therefore *it is crucial that economic policies be more transparent, combating corruption should intensify, and nepotism should be abolished.*

2- *External Factors*: Much of the Kurdish democratic process depends on the context and the environment that the external factor engenders. Democracy in Kurdistan was introduced after that the external factor changed to favor such a development (see 5.3). All the three levels of the external impact (5.3.1, 5.3.2, and 5.3.3) on democratization in Kurdistan analyzed in this work reveal that the external factor will continue to be supportive of democratic development in Kurdistan at least for the foreseeable future. However, none of these levels alone can guarantee the survival of democracy in Kurdistan. *Thus, the Kurdish leadership is encouraged to work hard to contribute in creating a combination among these three levels.*

## **6.2 Proposal for future Studies**

After the regime change in Iraq in 2003 Kurdistan has been the subject of several academic studies, but most of these studies portray Kurdistan as a secondary factor in the Iraqi context. Much of importance is given to the federal arrangement with Iraq, with little emphasis on the internal political process of Kurdistan. This thesis draws the attention on such an important topic. However, due to the limited space this work did not cover all the aspects of the topic, but focused on the most important ones. As Kurdistan is becoming a more important factor for the stabilization of the Middle East it is crucial that further studies be made on its experience of democratization. Further studies should deepen their analysis on the institutional and societal level and conduct field research to be able to give more exact picture of the path that democracy takes. Furthermore, studies should concentrate on Rokkan's territorial dimension of democratization that is crucial for understanding the political cleavages.



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