A culture for democracy?

Emergent civil society and culture in Southern Kurdistan

Hans Eivind Dalsbø

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Faculty of Social Science
University of Tromsø
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Forord

Med relativt kort tid igjen før innlevering, på enden av en lang skriveprosess som tilsynelatende aldri skulle ta slutt, er det vanskelig å være takknemlig for mye annet enn utsiktene til søvn, avslapping, mulighetene til å gjøre noe annet enn å stirre ned i en bok eller på en PC-skjerm, og ikke minst mulighetene for å kunne bruke helgen til noe annet enn arbeid.

Lærdom fra andre ble absorbert, og dype løfter ble avlagt om å ikke ende opp som dem, og heller utnytte tida satt av til skriveprosessen så godt som mulig, men som alle som noen sinne har prøvd seg på å forfatte et større arbeid vet, så ender alltid brorparten av arbeidet opp med å bli konsentrert i en ende av prosessen. I løpet av denne siste tida har det blitt konsumert utallige kaffekopper og sigaretter i en uendelig frustrasjon over resonnementer som ikke endte der de skulle, teori og empiri som pekte i forskjellige retninger, og metodiske tilnærminger som av og til ikke bidro til nærhet seg i det hele tatt.

Men til tross for det kroppslige, mentale og sosiale forfall skriveprosessen har vært, er det fortsatt takknemlighet som skal fremmes.

Først og fremst en takk til Peter Stuart Robinson, for alle forsøk på å få prosessen i riktig retning. Selv om det av og til ble en helt annen retning enn det som var forutsett, endte det likevel opp et sted til slutt.

Takk til forelesere opp gjennom et helt studieløp som nå avsluttes. Spesielt Knut Mikaelsen og Kirsti Stuvøy, men også alle andre som har bidratt til å banke litt kunnskap og metodisk tilnærming inn i oss arme studenter.

Takk til medstudenter på "Brakka" for innspill, synspunkter og generell synsing. Til tross for at dere er fantastiske mennesker, skal det nå bli godt å se andre mennesker igjen.

Og takk og pris for at jeg endelig er ferdig!

Tromsø, 29. Mai 2008   Hans Eivind Dalsbø

Table of contents

1. Introduction, the research in question, methods and sources

1.1 Introduction

> "I don't think our troops ought to be used for what's called nation-building. I think our troops ought to be used to fight and win war. I think our troops ought to be used to help overthrow the dictator when it's in our best interests."[1]
> - George W. Bush, October 2000

The purpose of this thesis will be to discuss the emergence of a self-governed region in Iraq, the formation of the Kurdish Regional Government, and the impact this has had on the state of Iraq. More specifically, a major aim will be to discuss how the creation of what is by some regarded as a *de facto* nation-state in the Kurdish areas of northern Iraq, can be viewed with regards to democratisation.

The 2003 invasion of Iraq and the subsequent conduct of the Coalition Provisional Authority triggered a series of events largely unprecedented, (and to a large degree not planned for) and was effectively a complete deconstruction of the Iraqi government and state authority within Iraq. Five years later, Iraq is still occupied by U.S. troops, and no clear exit-plan exists.

However, the 2003 invasion also led to another unprecedented event, the liberation of the Kurds in Northern Iraq, a strengthened degree of self-governance and national unity, and the creation of what many Kurds wish to be a foundation for an independent Kurdish state in the Middle East.

In 2007 the Kurdish areas was quite the opposite of the rest of Iraq, an area of peace and quiet, with hotels and resorts fully operational, businessmen from a multitude of states in place and in negotiations with the local government, and where construction workers were busy raising new buildings to accommodate offices for businesses and government agencies.

The three governorates[2] has not been victim to insurgents since 2004 apart from one isolated event, has its own security force in place, the Peshmerga, which

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[1] Commission on Presidential Debates: *"The Second Gore-Bush Presidential Debate"* (October 11, 2000) http://debates.org/pages/trans2000b.html

formerly served as the Kurdish resistance movement from the 1991 rebellion against Saddam Hussein. They enjoy a great degree of freedom when it comes to regional decision-making, under a constitution meant to grant wide rights to any existing regional government.

1.2   Scope of the thesis

The Kurdish example has been described as something to strive, an example of what post-Saddam Iraq can become.[3] The question is whether this Kurdish example is truly as good as it is presented, and if it is durable.

The Kurdish question is a large and complex problem that can be approached from a multitude of directions. There are dimensions of history, of nationalism, democratisation, power politics, international law, culture and re-establishment of culture, national movements among a group split over various states with various preconditions and goals, and a multitude of other approaches and fields of interest.

Following the thesis of Mirza[4] submitted a year ago, I have decided to do a follow-up regarding something more than the actual analytical approach to democracy discussed by Mirza. I have also decided to abandon the notions of power politics in the Middle East, as this is a field that is continuously discussed by others, and so prone to change, a thesis written during a year could stand the risk of having a paradigmatic change occur before completion.

Instead, I have opted to address an issue largely unaddressed by Mirza, dealing primarily with the context of the emergent institutions, and the process of democratisation, dealing with aspects beyond those of ideology and institutions.

The research questions defined will then be:
1. What led to the creation of the Kurdistan Regional Government?
    a)   How did it arise?

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[2] The term "governorate" is a translation of the Arabic محافظة (muhafaza). Originally meaning "province", due to British colonialism the translation has more commonly become "governorate", which is consistently used throughout the literature.
[3] Washington Times (October 15th 2007) *"The Kurdish Example"* http://www.washingtontimes.com/article/20071015/EDITORIAL/110150005 (Last viewed Apr. 29th 2008)
[4] Mirza, Iamd Mohammed. (2007) "Democratization in Southern Kurdistan"

b)   What direct impacts can be seen in Iraq, following the establishment of the Kurdistan Regional Government

2. Using Fukuyama's ideas of democratisation as a point of departure;
   a)   Are there dimensions to the idea of democratisation that can be regarded as missing from the Kurdish process?
   b)   If there are dimensions found to be missing, are there any indicators suggesting that there are attempts to address these missing dimensions, either by the Kurdistan Regional Government, or other actors?

1.3   Sources and methods

The choice of methods for a thesis is often what determines how a study is to be conducted and analysed. However, in some cases, the field of study, and the accessibility of sources etc. is similarly determinative with regards to what methods and approaches can be utilized.

With a thesis focusing on Iraq, there is a limited scope of methods available. Although visiting Iraq and obtaining first-hand information through interviews and document analysis would have been tempting, it is deemed highly unsafe and strongly discouraged from the State Department (Utenriksdepartementet).

1.3.1 Regarding sources

Being barred from obtaining data from primary sources, secondary and tertiary sources will have to be utilized. A secondary source can be defined as information based directly on primary sources, original research and data collected in the field. It can also involve statements made from official sources, such as the Kurdistan Regional Government, the Government of Iraq or various U.S. sources with direct and investigative oversight in Iraq.

Tertiary sources are compilations of secondary data, gathered and analysed. These sources, are used whenever no secondary source is available. The most

common among these tertiary sources are news articles, often based on press-releases and quotes.

Regarding the neutrality of the sources used, the situation becomes exceedingly hard when it comes to the case of Iraq. The Iraqi invasion was troubled by controversy, and the continued occupation of Iraq still remains highly controversial. When it comes to sources especially from the United States, these are often coloured by either being in favour of the invasion, or opposed to it. There is rarely a middle-ground, especially with media largely having become crystallized in two camps, either in favour of, or opposed to the Iraqi occupation. These viewpoints often correlate with partisanship in relation to elections as well.

To exemplify, Fox News has often been accused of being highly in favour of the Republican Party, and also criticised for presenting a similarly biased view on the invasion of Iraq, the treatment of detainees in Guantanamo, and so on. Based on these critiques, it would be a fair assumption that news obtained through Fox News regarding the Iraqi situation could be similarly biased.

On the other hand, The New York Times has been criticised for their "liberal" favouritism, showing a preference for the democratic candidates in the 2006 congress election, being highly critical of the Iraqi invasion, and sometimes accused of presenting articles seemingly bent on presenting the worst possible situations arising in Iraq.

Due to such viewpoints, most news-sources from the U.S. have been abandoned, unless factual content is of relevance.

When it comes to the academic sources on the Kurds in northern Iraq, the selection is unfortunately narrow. The Kurdistan region in Iraq is largely academic *terra incognito*. There are two main sources used, Ian McDowall, recently having written "A modern history of the Kurds" and Garret Stansfield, having devoted himself to research on the Kurdish question over an extensive period.

The empirical material presented has been preferred, and the more normative viewpoints have been disregarded. These are mainly regarded as secondary sources, as they are known to have conducted in-depth studies of the Kurdistan region and the Kurdistan Regional Government, and the literature presented is largely affected by this. Some other sources have been utilized as well; most of them edited works of articles dealing with the Kurdistan region.

1.3.2 Regarding methods

With these sources available, the most natural choice of methods is the case study. The case study as a methodological approach is the method best utilized when dealing with unique cases[5]. This does not imply that the situation in the Kurdish provinces of Northern Iraq is "unique" to such a degree that ordinary theories in science do not apply. It merely means that the situation bears so little resemblance to other cases, it would be near impossible to discern a set of indicators between the situation in Northern Iraq and another case that could lead to any logic comparison as to cause and effect based on similar features etc.

However, as the case has few or none other cases contemporary in time and in a similar context, the comparative approach can largely be abandoned as a method that would lead to anything.

The decision to utilize the case study is further strengthened by the statement of Robert K. Yin, saying that:

> "In general, case studies are the preferred strategy when "how" or "why" questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real-life context"[6]

> "The case study is preferred in examining contemporary events, but when the relevant behaviors cannot be manipulated. Thus, the case study relies on many of the same techniques as a history, but it adds two sources of evidence not usually included in the historian's repertoire: direct observation and systematic interviewing"[7]

As it is extremely difficult to control or manipulate the events occurring in Iraq (in fact, attempts to control or manipulate events in Iraq are much of the background leading to this thesis), this strengthens the decision to utilize the case study. This thesis will deal with a unique case of Iraqi Kurdistan, the formation of a regional government the judicially decided to remain a federal part of a state it was in rebellion against for the rights of self-determination under extremely hostile factors. This bodes for a rather unique case all in all.

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[5] Yin (1989) pp. 47
[6] Ibid. pp. 13
[7] Ibid. pp 19

> "A case study is an empirical inquiry that:
>
> - Investigates a contemporary phenomenon within its real-life context; when
>
> - the boundaries between phenomenon and context are not clearly evident; and in which
>
> - multiple sources of evidence is used."[8]

Paying heed to this, the objective in this case study will be to investigate the Kurdistan Regional Government and its creation within its context, and exploring the democratisation of the Kurdistan region, connecting this to theory, while utilizing multiple sources of evidence.

Yin also state that a study should consist of five components: A study's questions, its propositions, its units of analysis, the logic linking the data to the propositions, and the criteria for interpreting the findings.[9] These five components will be addressed separately.

1. The research questions have already been addressed in chapter 1.1

2. The proposition for this study will be defined as an investigative study into various secondary and tertiary sources, trying to uncover the various dimensions of democratisation, which will be discussed with regards to relevant theory viewed against empirical findings, or in cases where no clear evidence is available, plausible connections.

3. The units of analysis is defined twofold, first and foremost the Kurdistan Regional Government as an entity, and second, the process of democratisation in the Kurdistan region of Iraq. Separate focus will be devoted to each of these.

4. The logic linking the data to the findings will be the discourse connecting the findings on each part of the twofold unit to the theories utilized for this thesis. Both the Kurdistan Regional Government and the process of democratisation are units that adhere to relevant theories.

5. The criteria for linking the data to the findings will hopefully, be a simple issue of regarding events and trends, viewed against the theoretical

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[8] Ibid. pp. 23
[9] Ibid. pp. 35

framework provided by Fukuyama, thereby confirming or denying that the theoretical prerequisites are fulfilled, and as a result of that.

1.4 Hypothesis

When dealing with such a broad and complicated issue as democratisation, in a narrow context such as Kurdistan, the formulation of hypotheses becomes difficult indeed.

For the aspect dealing with the creation of the Kurdistan Regional Government, the formulation of a hypothesis that is testable is of no use in particular. To create a testable statement of a process of institutional democratisation could be to ask a simple question, such as whether institutions have come into existence or not. Such a hypothesis would be rejected or accepted based simply on empirical evidence of whether a Kurdistan Regional Government was created or not.

For the aspect dealing with the dimensions of democratisation, on the other hand, a hypothesis can be formulated, as this is a less obvious, yet still important question.

Thus, the first part of this thesis will be an analytical approach to the formation of the Kurdistan Regional Government, and the formation of democratic institutions in the Kurdish areas of self-governance in Northern Iraq. The second part will deal with the less institutional aspects of democratisation, and can be formulated in two hypotheses:

1. The process of democratisation

First and foremost, a discussion on the dimensions will be necessary, with the purpose of determining whether or not there are dimensions that remain missing, with regards to the theoretical framework utilized. The easiest way of dealing with this, is to regard whether indicators are present that would suggest that there are missing dimensions. If no evidence of missing dimensions is present, then it can be deemed to be plausible, or at least impossible to draw a conclusion, saying that there is a missing dimension. Thus;

H_1 "The process of democratisation in Southern Kurdistan can plausibly be regarded to be missing one or more of the elements connected to the dimensions of democratisation stated in the theoretical framework utilized."

2. Missing dimensions and attempts to rectify this.

If indicators suggest that there are missing dimensions to the process of democratisation, as a result of showing plausibility in the first hypothesis, it would be natural to regard whether there are any attempts made to address or rectify these problems. The second hypothesis will be as follows;

H_2 "Evidence suggests that the Kurdistan Regional Government and/or other actors are attempting to address the missing dimension(s) to the process of democratisation."

Through findings in secondary and tertiary sources, an analysis of the dimensions of democratisation propounded by Fukuyama, and attempts to rectify missing aspects of these dimensions, will be discussed in the fourth chapter of this thesis.

Due to the limitations on available background material, it will be impossible trying to "measure" the degree of missing dimensions. Rather a discussion on based on indicators found to be missing, regarded against available materials suggesting whether or not these problems are being addressed will be pursued, if any conclusion on this can be synthesised from the findings.

2. *Terms and theory*

A series of definitions are necessary for the discussion to be undertaken in the following chapters.

For the foundation of the Kurdistan Regional Government and the status of the Kurdish area of self-governance, the concepts of sovereignty and federalism will have to be addressed first and foremost.

Second, for the process of democratisation, I will use theories proposed by Francis Fukuyama through various works on the ideas of democratisation and state-building.

Third, most in order to clarify the terrain for questions regarding ideas such as homogeneity of the state and the notion of the nation-state, theoretical aspects of the nation, nationalism and the nation-state has been included.

Finally, based on several remarks made in regard to the establishment of nationalism underway, and as an interesting study for its own content, some key ideas from an article by Barry Posen will be taken into account, largely for later use.

2.1 Sovereignty

One of the most helpful sources in the discussion and definition of some of the key terms is Alan James, and his discussion on the notion of sovereignty, statehood and federalism. This discussion will not only help set the stage for defining some key terms necessary in this thesis, but also provide a foundation for some further theoretical works used.

Alan James discusses sovereignty as a threefold concept, relating to the extent to whether states are "free to behave as it wishes"[10], who the sovereign is, and how the sovereignty of the state is obtained.

The freedom of the state for conduct is regulated by two key notions, *jurisdictional sovereignty* and *political sovereignty,* two separate aspects of state governance.

Jurisdictional sovereignty refers to "a bundle of separable rights."[11] These are not absolutes, meaning that some aspects of jurisdictional sovereignty can be

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[10] James (1999) pp. 457
[11] Op.Cit.

abandoned, for instance through the loss of individual items due to international laws, or through political disarray or civil unrest. The state still remains jurisdictionally sovereign. He also postulates that "Jurisdictional sovereignty has to do with the extent to which a state is under no specific or general international obligation regarding its internal behaviour and decision-making."[12]

This can also be supplemented by Jackson, saying that "[S]overeignty is disclosed by the independence of a governing authority from other governing authorities"[13]

Regardless of what "political assets"[14] the state possesses, there are always circumstances in which the state is incapable of doing what they like. "Only up to a varying point (which varies with the hour and by the issue) are states sovereign in the sense of being politically free."[15] However, James also points out that "[I]t must be remembered, especially insofar as legal restrictions are concerned, that an obligation is often accompanied by a corresponding right or advantage."

However, states in today's international society are often under limitations on their right to "do as they please". A key issue for James is to point out how these regulations come with advantages in addition to obligations, and are voluntarily adopted by the sovereign of the state in question. A state is pretty free to *not* be a member of the World Trade Organisation, but the state is also quite free not to receive the rights granted to all members of the World Trade Organisation, and will have to rely on negotiating terms with each and every other state it has trade-relations with instead, most probably never obtaining a "most favoured nation" status with the majority of them, and thus missing out on the favourable conditions inherent in the WTO system. Neither is the state bound by international law, unless they choose to be a signatory to that part of international law, most commonly through approval in parliament. The key issue still deals with the fact that the state is regulated by law, in *constitutional sovereignty*, in this case meaning that state participation and abstaining from sovereignty to supranational regulations, is in fact regulated by whether or not the state chooses to accept laws and regulations passed by international organisations, superimposed on national law.

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[12] James, A. (1999) pp. 457
[13] Jackson (2005) pp. 76
[14] James, A. (1999) pp. 458
[15] Op.Cit.

This is supported by Mayall, saying that "In theory, the authority and power of a sovereign government over either its subjects or citizens is not limited by any higher authority. Under international law any limitations must be voluntarily agreed."[16]

Jackson supplies this viewpoint with a remark on the European Union, and how the EU "involves a voluntary loss of sovereignty."[17] The key notion here still remains the term "voluntary", which Jackson describes as a question of policy rather than sovereignty.[18] "Their sovereignty has not been transferred in the permanent, non-refundable way that British sovereignty over its colonies was transferred."[19]

The second approach to sovereignty focuses on the identity of the decision-making process. It deals with the distribution of power within the state, and namely who the sovereign is, or who represents the sovereign.

James suggests that sovereignty, and the distribution of power occurs within a constitutional structure, but although the nature of sovereignty needs to be constitutional, it does not have to be democratic. This is merely the most common for of sovereign representation in western society since the latter half of the twentieth century, meaning the person or persons making decision on behalf of the state in question.

The main point James makes, is that a modern state can choose to be a monarchy, as long as this monarchy is founded on constitutional principles[20]. It can be a constitutionally founded triumvirate, or a constitutionally founded tyranny should it choose to. There is nothing demanding that the form of government shall be that of liberal democracy, merely the fact that it shall be founded on law.

This does not mean that the notion of sovereign constitutional tyranny will go unchallenged though, but this is rather an aspect of the notion of *popular sovereignty* rather than *constitutional sovereignty*. Popular sovereignty means that the notion of sovereignty is approved of among those governed, and not only in law.

Constituents of statehood

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[16] Mayall, James (1990) *"Nations and Nationalism"* pp. 37
[17] Jackson (2005) pp. 96
[18] Op.Cit.
[19] Op.Cit.
[20] Please note that the use of the term "constitutional principles" merely refers to a foundation of the form of rule in the state's constitution. This should not be confused with the idea of *"constitutional monarchy"* as a form of rule.

The next question addressed by James is "What is statehood?" This also leads to a useful definition of what a state is.

James points out that statehood traditionally requires three main components, which are also cited in international law[21]. These three components are territory, population and government.

Territory – A state starts with a designated area in which it exists. Or even more elegant "demarcated physical sector of the land mass" to paraphrase James. A state obtains territory either by laying claim to unclaimed land (of which there is none left today), or by another state seceding parts of their territory in order for a state to be constructed.

Population – The second requirement is a population. There must be people continuously inhabiting the aforementioned territory. There is no requirement of these people as to ethnical background or their number; the mere requirement is for them to live within the territory demarcated by the state.

Government – The final requirement is for the state to designate some of the members of its population (independent of how this designation happens, be it through hereditary rule, democratic election, or military dictatorship to mention a few) as its official representatives. These are the people who act on behalf of the state, make its decision and represent the state in relations with other states.

This leads to an explanation of the anthropomorphic personification of states. States do not walk, think or make decisions of what to do; nevertheless it is always the presentation that the state decides to commit an action, or to open its borders. Still, "the state" has never been seen (its territories and its borders may have, but not the embodied "State")[22]. The state is a notional person. It must have ways of making decisions regarding who is entitled to speak and act on its behalf. Such people is the state's government, those entitled to take the actions that will later be seen as the thoughts, statements and acts of the state.

Thus, the threefold state is identified, through the entity existing within a territory, with a population of which a select (or elect) elite are the ones who conduct behaviour on behalf of the state.

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[21] Fleischer (2000) "Folkerett" pp. 63
[22] James (1999) pp. 459

However, there are those who do not participate in international relations, regardless of the fact that they possess these three aforementioned attributes. The key distinction between these territories and states is the distinction between those who have an international capacity, and those who have not. This leads to the conceptualisation of sovereignty founded in constitutional independence.

Sovereignty – The sense of constitutional independence.

States can have whatever relation with a foreign state they might wish, apart from one vital thing, they can never be bound by the constitution of another.

> "For sovereignty in the sense now being discussed consists of being constitutionally apart, or not being contained, however loosely, within a wider constitutional scheme. A territorial entity which is so contained is not sovereign and hence is not eligible to participate on a regular basis in international relations. Once any such connection is severed, the territory concerned had become sovereign and thus ready, if it and others wish it, to join in the usual kind international activity."[23]

Constitution, like any enterprise, consists of the body of principles and basic rules in the light of which the state is to be governed. It varies in scope from *l'état, c'est moi* to documents spanning hundreds of pages. In short, the constitution is the foundation from which further law governing a state is derived. Louis XIV's famous statement, defining the state as being embodied in him, leads to a further notion that his decisions are the law of the state. Likewise, the Constitution of the United States of America, with its amendments, is the document that defines what the United States of America is, with whom authority and law-making ability lays and where this law-making ability ends.

> "A constitution can provide the entity to which it is attached with any kind of political complexion, establishing authoritarian as well as democratic government, and also everything in between."[24]

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[23] Ibid. pp. 461
[24] Ibid. pp. 462

Constitutions govern how states are to be organised and administered. It is also the defining notion of the relation between the state, and its citizens, "Internal sovereignty is a fundamental authority relation within states between rulers and ruled, which is usually defined by a state's constitution."[25] They regulate what institutions are to exist (or at least the top tier institutions such as an elective system and a government) how they are constructed, how members are appointed to them, and what these institutions can or cannot do.[26]

Neither does a constitution necessarily mean rigidly centralised governance. In fact, some powers are likely to be delegated to regional bodies.

"In case of subordinate entities equipped with their own constitution, it will undoubtedly be made clear, both in those constitutions and in the practice of their relationships with the central government, that they are not constitutionally independent. […] For the international society admits only those governed entities which are sovereign in the sense of being constitutionally independent." [27]

In other words, the state is defined by a constitution, being the highest form of law regulating the function of the government of the state, being an elite acting on the state's behalf towards its citizens and its peers in the international society. There can be subsidiary units within a state, governing itself to a large extent, but still subject to the state's constitution. As long as such an adherence to a higher form of law exists, the territory is not regarded as being constitutionally sovereign, and is not to be regarded as a state in its own right.

Federalism

Still using James's definitions, we now draw near a definition of "Federalism", a concept in need of definition for further discussions in this thesis.

James states that there are no "degrees of sovereignty", and that sovereignty is an absolute. A state is either sovereign, or not, there are no intermediate conditions. A state can be weak, failing and incapable of performing the duties a state is to perform, but it is still either sovereign, or not. There is no "70% sovereign state" anywhere in

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[25] Jackson (2005) pp. 76
[26] James, A. (1999) pp. 461
[27] Ibid. pp. 462

the world. You can speak of state efficiency of being an increment of what the state should be capable of, but that deals with state scope and state strength, and not with its sovereignty.[28]

The same goes for constitutionalism, a state either has a constitution unchecked by constitutional obligations to other states and higher authorities, or not. You can have your own constitution, but as long as you are bound to adhere to someone else's constitution, you are not constitutionally sovereign.

> "In fact, a sovereign state is all of a piece. Constitutional independence means that no other entity is customarily in the position of being formally able to take decisions regarding either the internal or the external affairs of the territory in question."[29]

It is however common for states to disregard this capability at some points, giving international bodies the right to make binding decisions on behalf of the state, for instance in the form of EU directives or UN conventions. But however, ceding such authority is often the result of approval by a constitutional body. "[T]he point is that the decision to grant such rights or adjust its policy is the decision of the sovereign state."[30]

2.2   State-building and/or nation-building

Another key term in this thesis will be that of state-building and nation-building. There are numerous theoretical frameworks for this, but the main focus in the field of state-building and nation-building devotes its attention to the construction of the states and national states in Europe, and how these were created in the nineteenth and twentieth century.

A source with a more contemporary focus is Francis Fukuyama, who has recently devoted a fair share of attention to the concepts of democratisation, state-building and nation-building. Francis Fukuyama recently released the book "*State-Building: Governance and World Order in the 21st Century*", and served as the editor

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[28] Ibid. pp. 463
[29] Ibid. pp. 464
[30] Op.Cit.

of another volume dealing with nation-building or the failure to take nation-building into account in Afghanistan and Iraq following the invasions.

One point he can't fail to make in his work, is how many scholars from the American field fails to draw a distinction between state-building and nation-building. Fukuyama explained this point in an interview with John Hopkins Magazine:

> "A state is the government, its agencies, and its capabilities. A nation is that plus shared memories, culture, values, language, and a common sense of identity. So obviously, nation-building is much more ambitious than state-building. Anyone can create an army or a police force, but to convince people of different ethnic groups that they live in the same society and have common interests is much more difficult to pull off."[31]

The definition provided by Fukuyama is unfortunately not sharp enough, and rather ends up as another semi-flawed definition of the notions of state, nation and nation-state. Recalling the definition of *state* according to James from chapter **2.1,** a state is a territorial entity, a population, and the government of the state, whereas Fukuyama devotes the most interest to the latter of the three aspect of the state, its government. The state embodied in those who perform actions on its behalf, if you will. Definitions of nationhood follow in chapter **2.3** and will deal more directly with the ideas of shared culture and the idea of the nation state.

To avoid confusion, I will refer to Fukuyama's idea of "nation-building" as state-building for all practical purposes. However, the notion of nation-building is not uninteresting, and will be touched upon on a later occasion.

State scope and state strength

Fukuyama's works are often written from a point of view favouring liberal democracy, and especially market-liberal democracy, as an almost ideal type of governance. He tends to favour a state with a narrow scope, dealing with the fewest possible tasks, and having the least possible impact on economy.

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[31] Blackburn, M. (2004) *"Head of State"* http://www.jhu.edu/~jhumag/0904web/fukuyama.html (Last viewed Apr. 28th 2008)

This is manifest in his writing through his outspoken support for the key ideas of liberal economy in the "Washington Consensus"[32], his assumption that the net measurable result of state-building can be measured in form of an increase in GNP, and often tends to promote his viewpoints as coming from "the economist's point of view"[33]

The main notion of this thesis will not deal with normative ideas about which sectors state function should be devoted to, what impact it should have on GNP or how liberal it should be. Rather, the main focus will be on state institutions, and the establishment of said institutions. Thus, Fukuyama's viewpoints on how the state is to conduct itself will be dismissed. However, his viewpoints on the measures of state institutions in scope and strength, the phases of state-building and his viewpoints on the transferability of institutions will be taken into account.

Fukuyama suggests that state functions are derived from a biaxial system of scope versus strength, two key notions for his book on state-building. Along the Y-axis we find the scope of states, the various services a state is supposed to be able to provide for its population, divided into three categories, minimal, intermediate and activist functions.[34]

Rather than to provide an exhaustive list of scope, Fukuyama takes a series of indicators, or benchmarks if you will, borrowed from the World Development Report of the World Bank, and divide these into his categories.

In the minimal level, we find such things as providing security in the form of defence, law and order, basic health-related services such as pure public goods and public health, welfare-functions such as protecting the poor and economic services in the form of property rights, macroeconomic management and improving equity.

In the intermediate level, Fukuyama lists indicators such as addressing externalities, providing education, overcoming imperfect education, undertaking projects of environmental protection, regulate monopoly, providing insurance and financial regulation and social insurance.

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[32] Fukuyama (2004) pp. 4-5,
[33] Ibid. pp. 10
[34] Ibid. pp. 8-9

The final level, dubbed the activist level, indicators listed by Fukuyama are such as industrial policy and wealth redistribution, coordinating private economic activity and fostering markets.[35]

The X-axis becomes state strength, or the efficiency of states to provide these services. A state with a strong anti-thrust legislation and strong agencies working to ensure a multitude of businesses in an attempt to prevent too great a share of the market to fall into the hands of one single market actor, can be said to have a strong state function when it comes to the indicator of regulating monopoly in the intermediate level of state scope. Similarly, a great degree of security in the state, both against external and internal threats through the presence of police and an army, is an indicator of state strength in the field of security, defence, law and order.

On state-building and/or nation-building

The nature of the three levels already mentioned can also be seen in relation to state-building, and the development of state institutions. The basic level is what dysfunctional states or quasi-states wants to achieve, expanding the state scope and being able to create institutions that provides basic functionality. The latter (higher) levels come at a later point.

On the subject of state-building in a failed or destroyed state, there are three distinct phases;

Post conflict reconstruction, in which state authority has collapsed completely and needs to be reconstructed from the bottom up, and the main task is to provide security, humanitarian relief, electricity and water.

It is worth mentioning that the complete collapse of states in this age largely is accompanied by, or commonly caused by, war or conflict. There are states, in which failure occurs due to complete economic failure, but these states often end up in a period of civil unrest, leading to a shortfall of what few basic state services exists.

In the second phase, after achieving these basic benchmarks, the chief objective is to create self-sustaining state institutions capable of surviving without outside intervention. This means creating a security force in order to secure state

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[35] Ibid. pp. 8-9

security from both external and internal actors, and to secure that law and order in the civil society is maintained. The main objective in this phase is not merely to provide basic services for the citizens of the state, but to ensure that the state is self-sustained when it comes to these services, and does not rely on outside aid in forms of neither personnel nor resources in order to provide for its citizens.

The third phase largely overlaps with the second, and deals with the strengthening of the state and its institutions, in order to achieve the tasks set out for a state.[36] It is a more general phase of eradicating mismanagement, than of creating institutions in order to facilitate necessities. It deals with the strengthening of certain fields missing or weak within the scope of the state, than wholesale reconstruction of institutions.

On transferability and democratisation

In order for projects of state-building to be undertaken, and, in other words, in order for state-institutions to be something that can be constructed based on institutions found elsewhere, a degree of transferability in institutions must exist.

Fukuyama draws up a simile to the structure of business, and how the various components enjoy high or low degrees of transferability.

Exemplified, the structure of an organisation, the hierarchy with leadership in different levels and the general notion on how business is conducted enjoys a high degree of transferability[37]. The idea of managers and employees, with various tasks to undertake, or such granted ideas as economics and trade enjoys a high degree of transferability. These are merely structural outlines, a skeleton around which the business is created.

Meanwhile, the actual institutional design, the factual filling of these positions, will have a lower degree of transferability, as this is regulated by laws and economic prerequisites in the system this is to be transferred into. For example, the number of female representatives in higher management positions can be regulated by law in some countries.

The lowest degree of transferability lies within the realm of social and cultural factors. Although you can open a factory to produce a certain product in Russia, you

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[36] Ibid. pp. 100-101
[37] Ibid. pp. 31

cannot expect the employees at the factory to have neither German efficiency nor the Japanese work-ethics. The factory will have to exist in Russia, based on Russian efficiency and Russian work ethics among its employees.[38]

      This simile is largely based on a previous work by Fukuyama, *"The Primacy of Culture"*[39]. This article deals with the various components encountered as democratisation occurs in various states, along four levels defined as ideology, institutions, civil society and culture. In the same manner, these four levels enjoy degrees of transferability.

Level 1 – Ideology

      The first level mentioned is ideology, by Fukuyama seen as "normative beliefs about the rightness or wrongness of democratic institutions"[40] and goes on to suggest that "[W]hat Samuel P. Huntington has called the "third wave" of democratic transitions[41] was driven by level 1 – that is, the level of ideology." Meaning that the third wave of Huntington merely was a strong ideological change, bringing an undefined opinion (Fukuyama doesn't define this as popular, institutional or constitutional) in a direction favouring democracy as the preferred form of governance. This sphere of ideology is described as "rational self-consciousness, in which changes in perceptions of legitimacy can occur virtually overnight."[42]

      The primary level, ideology, can in short be described as an idea that democracy is a good form of government and a desire for a form of government where the representatives of the state is elected by its citizens, is easily transferred between states in various parts of the world.[43]

Level 2 – Institutions

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[38] Ibid. pp. 31
[39] Fukuyama (1995) *"The Primacy of Culture"* Journal of Democracy Vol. 6, Issue 1, pp. 7-14
[40] Fukuyama (1995) pp. 7
[41] A reference to Samuel P. Huntington's *"The Third Wave: Democratization in the Late Twentieth Century"*, released in 1991, in which Huntington refers to a "third wave" of democratisation emerging in Asia and Latin America in the period 1970-1980. The two first waves supposedly are the period following the French revolution up until the inter-war period, and the spread of democracy in the time following the Second World War and the de-colonization of Africa and Asia.
[42] Fukuyama (1995) pp. 7
[43] Ibid. pp 7

The second level, the institutions necessary to facilitate this ideological desire for democracy, however, enjoys a relatively lower degree of transferability[44].These changes in ideological perception are facilitated through the establishment of democratic institutions, these include "constitutions, legal systems, party systems, market structures and the like"[45] These institutions are often more durable to change than ideology, they can be copied to a certain degree, but requires local adaptations to the form of government, be it a constitutional monarchy where the Prime Minister is to function as the head of the actual policy-performing branch of state, or a system of presidentialism.

It is within this sphere state-building and democratisation occurs, "[W]estern political thought tries to construct a just social order from the top down, emphasizing levels 1 and 2"[46]

Level 3 – Civil society

The aforementioned two levels largely agrees with his later idea propounded in *"State-building – Governance and World Order in the 21st Century"*, saying that various components of governance can be transferred from one system (or state, if you want) to the other. Still, Fukuyama speaks of two other factors of great importance, which stands apart from the merely ideological and institutional.

There two levels are civil society and culture, the two more durable levels, meaning more resistant to change, or external change, in which democratisation must occur in order to be successful.[47]

The third level, the level of civil society, defined by Fukuyama as social structures created separate from the state and its institutions, is the level in which we find organisations, pressure-groups, lobbyists and the various forms of political capital outside that of the formal state structure[48]. These act as supportive and opposing forces to those of the state institutions, and of the policy conducted by the

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[44] Ibid. pp. 7-8
[45] Ibid.
[46] Ibid. pp. 11
[47] Fukuyama (2004). pp. 31
[48] Fukuyama (1995) pp. 8

state. "The realm of spontaneously created social structures separate from the state that underlie democratic political institutions."[49] to use Fukuyama's own words.

In an attempt to define this in more solid form, a definition can be borrowed from Larry Diamond, one of the sources utilized by Fukuyama in his work:

> "Civil society is conceived here as the realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or set of shared rules. It is distinct from "society" in general in that it involves citizens acting collectively in a public sphere to express their interests, passions, and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. Civil society is an intermediary entity, standing between the private sphere and the state."[50]

In other words, civil society is the political capital that can be found in NGOs, in football clubs, in study-circles and in interest groups. It is as much public institutions as it is "society", and a balancing force to the state, according to Fukuyama.

> "If a democracy is in fact liberal, it maintains a protected sphere of individual liberty where the state is constrained from interfering. If such a political system is not to degenerate into anarchy, the society that subsists in that protected sphere must be capable of organizing itself. Civil society serves to balance the power of the state and to protect individuals from the state's power."[51]

The importance of civil society is vital to the process of democratisation, and exemplifies this by pointing to democracies that fell short of becoming open and democratic states, and points out that states like Belarus, Ukraine and Russia "remained heavily dependent on old communist elites to staff their new (and sometimes not so new) institutions."[52]

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[49] Ibid.
[50] Diamond, Larry (1994) *"Toward Democratic Consolidation"*, Journal of Democracy Vol. 5 no. 3
[51] Fukuyama, F. (1999) *"Social Capital and Civil Society"*
http://www.nu.ac.za/undphil/collier/Chomsky/Social%20Capital%20and%20Civil%20Society%20-%20Francis%20Fukuyama%20-%20Prepare...pdf (Last viewed Apr. 29th 2008)
[52] Fukuyama (1995) pp. 9

"[P]ost-totalitarian societies were characterized by a particular deficit of social structures that were a necessary precondition of stable democratic political institutions."[53]

Level 4 - Culture

The last level, and the ones most sustainable and/or resistant to change, is culture, defined by Fukuyama as the "a-rational, ethical habit passed on through tradition"[54] within the population, and is extremely durable to change, and undergoes little change from external pressure and influence.[55] When it comes to democratisation and the construction of the state, this is largely dependent on how the state is seen in culture, whether there is a cultural preference for a more hereditary form of rule, or if democracy itself is something that lies in the way the population of a state perceives the state. A Frenchman will, through the cultural heritage of the French, hold democracy in higher regard than monarchy, simply because France is to be ruled through democracy, rather than monarchy. The French revolution and later also the abdication of Louis-Philippe de Orleans, after the brief reinstatement of monarchy, makes this inherent in French history, along with the "re-invention" of popular democracy. The same cannot be said for a Saudi-Arabian, because Saudi-Arabia has always been ruled by kings, and this is perceived as the natural way of things.

Further, Fukuyama defines culture to include "phenomena such as family structure, religion, moral values, ethnic consciousness, "civic-ness" and particularistic historical traditions. […] [A]lthough it is malleable and can be affected by developments in the three upper, levels, it tends to change the most slowly of all."[56]

In other words, culture can change, but it changes slowly. If democratisation of culture should follow Fukuyama's definition and views on culture, it needs to be established as a cultural tradition, and be an integral part of the moral values and the ethnic consciousness of those who are to be democratised, and over time be established as a historical tradition.

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[53] Ibid. pp. 8
[54] Ibid.
[55] Ibid.
[56] Ibid.

When still dealing with the examples of post-totalitarian staes, although democratic ideology was present, and to a large degree was facilitated through the creation of institutions, there was a shortfall in civil society as a check on state power, or a shortfall of interest-groups focusing on maintaining open, transparent democratic processes, or a lack of critique against patriarchism[57] or neo-bolshevism[58].

Neo-bolshevism is evident especially in Russia today, which under President Putin seems to be returning to Soviet-like tendencies, with a strongman head of state where it seems openness and freedom of speech and freedom of the press are under a certain degree of attack.

Fukuyama describes this as a "gap between expectations and reality", and a threat to the progress towards democratisation. Inability to meet expectations arising from the "almost instantaneous change in normative beliefs", leads to this movement toward democracy to stop dead in its tracks.[59]

> "[E]xperiences of the past century have taught most democracies that
> ambitious rearrangements of institutions often cause more unanticipated problems
> than they solve. By contrast, the real difficulties affecting the quality of life in
> modern democracies have to do with social and cultural pathologies that seem
> safely beyond the reach of institutional solutions, and hence public policy. The
> chief issue is quickly becoming one of culture."[60]

Thus, institutions can easily be created top-down, but the real problem is to achieve a bottom-up effect on democratisation, in which civil society and culture accepts democracy, and works with democracy rather than against it. A point Fukuyama doesn't quite make, is that although democratisation may voluntarily occur within a state in the two top levels, states does not always *wish* for the emergence of civil society.

Most oppressive regimes aim to create a form of legitimacy for themselves through constitutions and elections, for instance the current events in Zimbabwe as an excellent example. However, although they would like democratic institutions to be in place to lend them formal legitimacy for their rule, many regimes would rather prefer

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[57] Systems governed in particularly by family systems
[58] Literarily translated "New big-manism", a system favouring an oligarchy of strongmen. Typical especially in Russia, having been without an aristocracy or nobility since the revolution, neo-bolshevism is the next best thing, civil nobility based simply on assets.
[59] Fukuyama (1995) pp. 9
[60] Op.Cit.

a more docile civil society, with fewer calls for transparency, democratisation and fair elections.

Capacity destruction - "Do-it-yourself" versus imposing pre-created structures

A final point Fukuyama makes, is for the need of states under construction to create institutions for themselves, adapting to the local environment in which these tasks are to be performed. As already mentioned, various components of governance can be transferred from one system (or state, if you want) to the other, but has various degrees of transferability.

A point Fukuyama can't help but make, is how especially NGO relief-organisations conduct themselves in operations in states where the state is absent or incapable of providing necessities such as medical services, treatment for certain diseases and similar. It is effort Fukuyama calls "capacity destruction".

> "[O]utside donors want both to increase the local government's capacity to provide a particular service […] and to actually provide those services to the end users. The latter objective almost always wins out in the end."[61]

The example provided by Fukuyama is that of vaccination and treatment of antiretroviral AIDS in a Sub-Saharan African country

In order to effectively provide services, organisations can rush in, establish a structure known to work, and provide the full service. However, this tends to involve every necessity for every step of in the process, from flying in the supplies needed, transporting them on trucks brought in, delivering them to stations set up in the field, to be administered by doctors and medical staff brought along for the mission. "The local bureaucracy learns the wrong kind of skills, never takes care of the health care activity, and often sees many of its most skilled people leaving to work for the outside donor."[62]

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[61] Fukuyama (2004) pp. 40
[62] Ibid. pp. 41

The alternative is to work with the local country's public health infrastructure by training bureaucrats, doctors and health-workers to perform the tasks, and providing the government with the necessary economic resources.

There are two problems with this model however; the first is addressed by Fukuyama directly, dealing with the nature of the local health-service. Corruption, lacking infrastructure, theft of medicines, lack of record-keeping and re-funnelling of funds to other, vaguely related projects are mentioned, meaning that a lot of the funding will end up going to something other than the vaccination and treatment of patients.[63] Another aspect is the fact that training and working with the local health-services takes time, and means that results will take longer to manifest.

Organisations will favour the first model, rather than the second, simply because it means that donor money will to a larger degree end up in the maximum number of patients treated, which is short-term measurable, and an indicator reflecting the primary objective, which is the treatment of patients.

> "The problem of capacity destruction cannot be fixed unless donors make a clear choice that capacity-building is their primary objective, rather than the services that the capacity is meant to provide."[64]

In other words, priorities to treat as many victims of a disease as possible, means that the capacity often arrives, and departs, with the organisation making the effort, leaving little or no long-term result for the state in question, as all capacity for treatment of a disease also leaves with the organisation.

The key point Fukuyama tries to make, is that capacity to address a problem must be established within the state in question, and not be rapidly imposed by an outside actor in order to address a problem as quickly and efficiently as possible. This makes for a temporary solace, but will have little or no long-term effect, meaning that the problem will only be addressed for as long as the external actor is present, only to depart along with this outside actor.

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[63] Ibid. pp. 40-41
[64] Ibid. pp. 41

2.3   Nation and nationalism

The final key concept that needs to be addressed is nationalism, and along with it the definition of nation and ethnicity. What is mostly available today is a multitude of general remarks on nationalism, more than a coherent theory of nationalism, how it is created, how it is invoked and how it is maintained and put to use.

Ernest Gellner states that:

"In fact, nations, like states, are a contingency, and not a universal necessity. Neither nations nor states exist at all times and in all circumstances. Moreover, nations and states are not the same contingency"[65]

In other words, nations, like states, are concepts that at one point sprang into existence. They are not inherent in the nature of man, but concepts that at some point arose.

"What then is this contingent, but in our age seemingly universal and normative, idea of the nation? Discussion of two very makeshift, temporary definitions will help to pinpoint this elusive concept.

1. Two men are of the same nation if and only if they share the same culture, where culture in turn means a system of ideas and signs and associations and ways of behaving and communicating."[66]

In other words, nationalism can be seen, in Gellner's makeshift defining statements, as a result of inheritance in the form of belonging to a culture shared with others. This depends on another makeshift definition of culture as being a set of similar ideas and association bound in behaviour and communication. For the moment, this makeshift statement will have to do.

The concept of "nation" defined in culture leads to an assumption that all who share a common language (or at least a common means of communication of some

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[65] Gellner ([1983] 2003) pp. 6
[66] Op.cit.

form) with common norms for behaviour and common ideas, are of one unit, that of a nation. However, Gellner goes on to provide one more concept of nation;

"2. Two men are of the same nation if and only if they recognize each other as belonging to the same nation. In other words, nations maketh man; nations are the artefacts of men's convictions and loyalties and solidarities. A mere category of persons (say, occupants of a given territory, or speakers of a given language, for example) becomes a nation if and when the members of the category firmly recognize certain mutual rights and duties to each other in virtue of their shared membership of it. It is their recognition of each other as fellows of this kind which turns them into a nation, and not the other shared attributes, whatever they might be, which separate that category from non- members.[67]"

This more reflective definition describes a nation as something that requires both a personal assumption that one is of a particular nation, and recognition from others that one, in fact, can be perceived to belong to that nation by another, self-reflecting individual or group.

Further on, the shared elements of culture posted in the first definition are merely a step on the way to "membership" in a nation. For example, being able to speak the language, observing normatively correct behaviour and having gone through the rites required isn't enough alone, these are merely the shared attributes mentioned. The true nature of nation lies in the recognition, both of the self, and the recognition from others, as being part of a shared identity of nation.

"Each of these provisional definitions, the cultural and the voluntaristic, has some merit. Each of them singles out an element which is of real importance in the understanding of nationalism. But neither is adequate. Definitions of culture, presupposed by the first definition, in the anthropological rather than the normative sense, are notoriously difficult and unsatisfactory. It is probably best to approach this problem by using this term without attempting too much in the way of formal definition, and looking at what culture does."[68]

Gellner's final sentences in his definition are not to be read literally as an attempt to discredit his two makeshift definitions, his self-reflective critique is rather

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[67] Op.cit.
[68] Op.Cit.

an attempt to clarify that neither definition is strong enough each to their own. His main point in his final sentences of the definition is rather an attempt to exempt criticism for his somewhat haphazard definition of culture, and rather shift focus towards the following chapters of his book, which deals with the establishment of culture and high-culture among the various nations of the world is the context of industrialisation, this being pinpointed as the cause of nationalism according to Gellner.

Gellner's idea of the "subscriptive" aspect of the nation is reaffirmed by one of his opponents and critics, Benedict Anderson, who described the nation as an imagined community.

> "It is imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion"[69]

Anderson's "imagining" and Gellner's "subscription" can be seen as mutual terms. It is hardly probable that a member of a nation will seek out all known members of said nation in order to obtain their recognition of membership. Rather, it is an act of common imagining undertaken by the members, accepting that they are all members of the same unit, based on a set of common indicators.

It is perhaps best to leave this definition a little vague, meant as a criticism of predecessors and contemporaries, Calhoun offers this notion:

> "Nation is a particular way of thinking about what it means to be a people, and how the people thus defined might fit into a broader world-system. The nationalist way of thinking and speaking helps to make nations. There is no objective way to determine what is a nation. There are no indicators that are adequate independent of the claims made on behalf of putative nations, and the political processes by which they are made good or fail to be made good. Of course, this has not stopped many political actors and some social scientists from trying to come up with objective indicators of 'full' or 'real' or 'historical' nations."[70]

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[69] Anderson, B. (1991) pp. 6
[70] Calhoun (1997) pp. 99

This statement is given in a discussion on whether some nations are to be regarded as more "real" than others, pointing to for instance how Stalin defined nations within the Soviet Union as "nationalities", being perhaps ethnic groups of a special and particularistic history, but nowhere near being a nation deserving a separate homeland.[71]

A summary of the twofold definition can be created for the purpose of this thesis, a joint definition based on Gellner's two makeshift statements; a nation is a group of individuals sharing a common culture and a mutual recognition of kinship based on that culture.

Nationalism and the nation-state

If a nation is a reflective, subjective subscription and acceptance of belonging to a certain group based on cultural prerequisites, what is then nationalism?

The idea that there is a connection between being member of a culture, and the possession of a nation-state can quickly be disregarded, because, as in the words of James Mayall, there are currently 8,000 distinctly identifiable cultures in the world today, but only 159 states.[72] However, the concept of nations being directly connected to territoriality is quite durable.

In a very brief definition, as provided by Gellner in the opening words of his book, "*nationalism is primarily a political principle, which holds that the political and national unit should be congruent.*"[73] In not so few words, it is the idea that the political borders should follow those of the nation. The nation should be fully embraced within the borders of the state, and the state should extend no further than the nation.

The idea of a homeland for the nation, and political borders of the state following those of the nation, is definitely an inherent trait of nationalism, or at least of the rhetoric of nationalism[74] as an ideology or a sentiment.

Nationalist *sentiment*, also known as the nationalist ideology, is what arises when this principle is violated, when the nation is spread across multiple states, or

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[71] Op.cit.
[72] Mayall (1990) pp. 64
[73] Gellner (1993) pp. 1
[74] Calhoun (1997) pp. 4-5

when the state embraces multiple nations, and most of all, when the ruler of a state is of another nation.[75]

Nationalism has taken on a multitude of natures in its short existence. In Europe, it was closely connected with the idea of popular sovereignty, where "the people" and "the nation" to a large extent were interchangeable terms. This is seen for instance in the writings of J.S. Mill, who stated that:

> "Where the sentiment of nationality exists in any force, there is a *prima facie* case for uniting all the members of the nationality under the same government, and a government to themselves apart. This is merely saying that the question of government ought to be decided by the governed. One hardly knows what any division of the human race should be free to do if not to determine with which of the collective bodies of human beings they choose to associate themselves"[76]

Nationalism also became the expression for the movement for the decolonisation of Africa and Asia, or at least a handy term to front some of the sentiment. Not all liberation movements were particularly influenced by nationalism, nor was there a particular interest for further nationalism in the colonies as soon as the colonial overlords had moved out. As soon as nationalist claims were fronted by other sub-nations within the newly liberated nations in Africa, the desire for liberation in the name of nationalism soon disappeared.

> "[A]nti-colonial leaders always claimed to be representing an existing nation or creating a movement whose historical task was to bring one into being.
> […]
> "The nationalist leaders more often than not mobilised diverse groups who shared a hostility to colonial rule rather than a pre-colonial group sentiment or identity of interest. In the aftermath of independence many of the new leaders faced a crisis of legitimacy: political control was now in their hands, yet they were seldom able either to redeem the broad promises they had made to bring about the rapid social and economic transformation of society, or more specifically, to satisfy all the sub-national interests whose competition for state largesse now dominated the political arena."[77]

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[75] Gellner pp. 1
[76] John Stewart Mill [1861] "Popular sovereignty" referenced in Mayall (1990) pp. 27
[77] Mayall (1990) pp. 48-49

In Europe, nationalism can be seen as a by-product of many developments. Gellner seems to favour the idea of industrialisation as the sole responsible factor, while others such as Posen, sees this as a largely military endeavour, the creation and mobilisation of the mass-army.[78] Nationalism plays the role of a motivating factor, creating the will in the soldier to make the "ultimate sacrifice"[79] for his nation. An argument already mention, as voiced by Mill, is the interconnected nature with popular sovereignty, and thus also the notion of democracy.

All these viewpoints are regularly called to the defence of the origins of nationalism and nationhood. The best response to the historical debate on the origins and purpose of nationalism is perhaps given by Craig Calhoun, stating that;

> "Nationhood […] cannot be defined objectively, prior to political processes, on either cultural or social structural grounds. This is so, crucially, because nations are in part made by nationalism. They exist only when their members understand themselves through the discursive framework of national identity, and they are commonly forged in the struggle carried out by some members of the nation-in-the-making to get others to recognize its genuine nation-ness and grant it autonomy or other rights. The crucial thing to grasp here is that nations exist only within the context of nationalism."[80]

Nationalism is perhaps best seen in the same way, as both the process and the result, the cause and the effect. It is the discourse or the rhetoric calling for special rights of territorial sovereignty for groups that can be defined, or at least can define themselves as nations. It is the strive for self-determination based on ethnicity. It is the motivating force that bring people to make "the ultimate sacrifice" for others with whom they only share a largely imagined kinship through their mutual subscription of belonging to a particular group of people, separating them from others.

"Nationalism-building"

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[78] Posen, Barry R. (199X) *"Nationalism, the mass-army and military power"* International Security, Vol. 18, No. 2 pp. 80-124
[79] Day & Thompson (2004) pp. 89
[80] Calhoun (1997) pp. 99

The final theoretical piece necessary for this thesis is a theory suggested by Barry R. Posen in his article *"Nationalism, the Mass Army, and Military Power"*[81].

In this article, Posen seeks to explain the developments in the French and the Prussian (later German) army in between the Seven Years War (1756-1763) and World War One, pointing mainly to the two armies copies one another in a competitive arms-race due to their shared border and history of conflicts.

More specifically, Posen addresses the emergence of the mass army, and how this contributed to the spread of nationalism in Europe[82] and how nationalism and the mobilisation of a sentiment of nationalism was a motivating factor for a more efficient army.

Although Posen divides his focus between the emergences of new military technology, the requirement for dispersed tactics, and how training and morale became more important on the battlefield[83], the most interesting point he makes is with regards to nationalism, and how nationalism and nationalist sentiment was created through mass-literacy.

The army needed to spread literacy among its officers down to NCO level, in order to both facilitate training, but also political motivation among the soldiers. This was done through "the deliberative sponsorship of both the cultural and ideological components of nationalism"[84]

He further on suggests; "States promote compulsory primary education to spread literacy. […] In doing so, they spread the "culture" and the version of history that are central to the national identity."[85]

Prussian reforms in the 18th century were made in response to the defeat at the hands of the French highly motivated mass-army following the French revolution. However, fearing for the effect a mass-army could have in Prussia, especially with regards to the spread of the notion of social democracy, seen to be in strict opposition to the monarchy in Prussia at the time, the notion of the mass-army was not fully adapted.

Following the defeat of Napoleon, the French mass-army division system was imitated in a smaller brigade-size scale, and universal conscription was introduced in

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[81] Posen, B. (1993)
[82] Ibid. pp. 82
[83] Ibid. pp. 84
[84] Op.Cit.
[85] Ibid. pp. 85

order to create a reserve of personnel in the population that could be mobilized in times of war.[86] Between December 1812 and the fall in 1813, the Prussian army grew from 60,000 to 270,000 men under arms. The old-model army consisting of a small core of professional soldiers and mercenaries was abandoned, and the notion of "homogenous national armies without foreign units or foreign private soldiers was retained"[87]

In France, a law passed in 1833 required every commune to organize at least one elementary school, which served the purpose of teaching the French language, and stressing French history as a part of the curriculum.[88] In the same period, Prussia emulated the same idea, and by 1837 more than 80% of children in Prussia were enrolled in schools. By 1850 adult literacy in Prussia had reportedly reached the same figure[89]. Meanwhile, the mass-army grew and Prussia alone could field 350,000 soldiers, with its allies of the North German Confederation, a million soldiers could be fielded in 1870.

The assumption that the mass-army was a threat to the monarchy was slowly replaced by the acceptance of the fact that the homogenous national mass-army was militarily advantageous, and that the army itself was a useful tool when it came to socializing young men to favour the image of Prussia.[90] This caused Prussia to become the country in Europe expanding compulsory education the fastest in the nineteenth century.

The French loss in the Franco-Prussian War (1870-1871) at the hands of a Prussian army having adapted the system of the mass army, and the subsequent cession of Alsace and Lorraine to the Prussians, led to a re-adaption of the tactics of the mass-army, and a longer military service, a greater reserve in the population that could be mobilized, and a growing focus on the history of France and French nationhood in the schools.[91] The main function of the school became to teach patriotism, where children learnt that "their first duty was to defend the country"[92] History and geography was used, teaching French history and showing the lost provinces of Alsace and Lorraine as parts of France. In Prussia, history and the

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[86] Ibid. pp. 98
[87] Ibid. pp. 100
[88] Ibid. pp. 101
[89] Ibid. pp. 104
[90] Ibid. pp 105-106
[91] Ibid. pp. 112
[92] Op.Cit.

German language was devoted attention, and the conflicts of the latter years figured in the school curriculum.[93]

What Posen suggests, is as follows: The Prussian adaption of the mass-army was a move to mimic France out of necessity. The transference from armies consisting of professionals and mercenaries, to the system of the mass army was not driven by an active policy by the elite in the countries studied, but a necessity based on external pressure. "Forced innovation"[94] is the term used, meant to describe how a rapid manpower-race became apparent, and the opposing states had to react to the new threats posed, and that imitation followed a "historical accident" that is the mass-voluntary enlistment in France following the revolution.

Second, Posen discusses the untapped resource of nationalism, and how nationalism often arise as a result of conflict, that propaganda and affirmation and reinforcement of the national identity will be utilized because of "it's potency as a military resource"[95].

However, the most interesting point Posen makes is that "since states cannot wait for trouble to prepare their citizens for war, much of the preparation is "hidden away" in the schools or in the military experience of conscripts."[96] Posen goes a long way to suggesting that the wide literacy-project in both France and Prussia was a great contributor to the rising nationalism, and that the popular nationalism was largely due to top-down construction, leading to an increase in civil and cultural nationalism, tapping into a national sentiment that was largely created and constructed through literacy, the reading of geography and history, and reinforced in military service.

Based on similarities found in the emergence of Turkish nationalism, where the spread of mass-literacy was combined with an increased focus on culture and national history, the notion of top-down creation of nationalism is strengthened.[97]

Thus, I will utilize Posen, having if not proven, then at least uncovered an undeniably plausible connection between literacy and strong "cultural" topics in the school curriculum, as an explanation of Kurdish ethno-nationalism in Iraq today, in addition to the emergence of nationalist sentiment when confronted with extra-national threats.

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[93] Ibid. pp. 114-115
[94] Ibid. pp. 122
[95] Ibid. pp. 122
[96] Ibid. pp. 122
[97] See Plamer, Colton & Kramer (2002) pp. 755-757

3. The Kurdistan Regional Government

This chapter is meant to serve as a chronological summary of the events from the 1991 uprising, and up until the current situation of the Kurdistan Regional Government in Iraq. 1991 has been chosen as a starting point, as this was when the truly cataclysmic events began to occur. There are interesting historical aspects with regards to the issue of self-governance prior to this, but the paradigmatic change for the situation following 1991 is what is of the greatest interest.

The situation prior to 1991 is not without interest. The prior uprisings of the Kurds, the "arabization" in 1975-76, the Kurds participation in the Iran-Iraq war (featuring some of today's key actors), the formation of the Kurdistan Democratic Party and the Patriotic Union of Kurdistan, the infighting between these factions even during the Iran-Iraq war, the *Anfal* campaign in which Kurdish civilian population was targeted in a mass genocide and the deployment of chemical weapons against civilians, could all have been discussed. However, but somewhere a line has to be drawn.

The most important aspect of the current situation is found immediately after the Gulf War.

3.1   Creation and the Kurdish civil war

> **"1991:** The people in Kurdistan rise up against the Iraqi government days after the Gulf War ceasefire. Within weeks the Iraqi military and helicopters suppress the uprising. Tens of thousands of people flee to the mountains, causing a humanitarian crisis. The US, Britain and France declare a no-fly zone at the 36th parallel and refugees return. Months later, Saddam Hussein withdraws the Iraqi Army and his administration, and imposes an internal blockade on Kurdistan." [98]

In 1991, the Shi'a Muslims of Iraq and the Kurds began a campaign of uprising against Saddam Hussein's defeat in the Gulf War. Their common aim was to topple Saddam's regime, the Kurds on the other hand, also fought for vengeance following the *Anfal* campaign.

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[98] Kurdistan Regional Government (2007) *"Contemporary History"* http://krg.org/articles/detail.asp?lngnr=12&smap=03010600&rnr=143&anr=18710 (Accessed Apr. 28th 2008)

Following the defeat of the Iraqi army in Kuwait, and the mass-defections and desertions in the army, the Shi'a Muslims in the south instigated a rebellion, trying to utilize the weakness of the Iraqi army. Then followed the uprisings in Raniya, a popular revolt that came as a surprise even to Kurdish leaders[99]. It began as sporadic civil uprisings, but was soon brought under control by the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) two of the leading parties/militias in the region at the time[100]. During a few hectic days in March 1991, the Kurdish uprising took control of the majority of what is today the Kurdish area of self-governance in Iraq, and repelled what Iraqi government forces that were in the area.[101]

Perhaps it was a misunderstanding that led to the rebellions, as many point to George Bush's wish for the population of Iraq to topple Saddam Hussein[102, 103] and a belief that this would lead to support from the west when the revolt emerged.

However, as this support failed to materialize, the odds of success for the rebellion began to seem rather grim.

There are several explanations why the desired rebellion was not supported when it arose. Some people point to power politics in the Middle East, key actors such as Turkey and Saudi-Arabia having brought pressure on the United States and Great-Britain to hold back on support for the rebellion in fear of a separated Iraq as a result. The desire was to rather maintain status quo, with Saddam still firmly in control of an Iraq under UN sanctions. [104, 105]

The net result was another offensive against the Kurds, where the Iraqi Republican Guard backed up by air-support and artillery quickly defeated the Peshmerga forces, and engaged in another round of mass-killings, deportation of Kurds and ethnic cleansing[106, 107].

However, after their unwillingness to support the 1991 uprising, the western states and Turkey were soon forced to reap what they sow. Mass-flight of Kurds, especially from the second round of forced "arabization" of Kirkuk, lead to a

[99] McDowall (2004) pp. 371
[100] Op.Cit.
[101] Anderson, L & Stansfield (2004) pp. 170-171
[102] Calvocoressi (2001) pp. 491
[103] Mirza (2007) pp. 17
[104] Anderson, L. and Stansfield (2004) pp.170
[105] Calvocoressi (2001) pp. 491
[106] McDowall (2004) pp.372
[107] Anderson, L. and Stansfield (2004) pp. 170-171

humanitarian disaster with 2,5 million displaced Kurds[108] trying to seek shelter in Turkey and Iran while being harried by Iraqi forces on their way there[109]. 1,5 million of these Kurds are believed to have entered Iran[110], while the remaining one million were stopped by Turkish forces on the border[111] with more displaced Kurds on their way.[112]

Having their hand forced by the humanitarian disaster on the ground, UN resolution 688 was passed, calling for an end to the repression, and for Iraq to allow aid to reach the Kurds. The establishment of a safe haven near Dohuk was meant to put an end to the worst of the situation. A no-flight zone was established in order to give the Kurds some degree of protection.[113]

The Kurds themselves faced of an Iraqi force pressing towards the Kurdish enclaves, with Masoud Barzani's Peshmerga forces stopping an advance along the Rawanduz road. Faced with strong opposition on the ground and unable to utilize air-support due to the no-flight zone, with the potential of another coalition intervention on the horizon[114], Saddam held back and decided that the risks were too great.

> "**1992:** The Iraqi Kurdistan Front, an alliance of political parties, holds parliamentary and presidential elections and establishes the Kurdistan Regional Government."[115]

Although the uprising failed to reach its target of toppling Saddam Hussein, they were partially successful. Although the uprising once more brought the Kurds into dire straits, the result was still the establishment of a Kurdish area of self-governance and the establishment of the Kurdish Regional Government. Multi-party elections were held in May 1992, and ended up with a power split 50:50 between the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), led by

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[108] Stansfield (2003) pp. 95
[109] McDowall (2004) pp. 373
[110] Calvocoressi (2004) pp. 491
[111] Mirza (2007) pp. 17
[112] Stansfield (2003) pp. 96
[113] McDowall (2004) pp. 374-375
[114] Ibid. pp. 375
[115] Kurdistan Regional Government (2007) *"Contemporary History"*
http://krg.org/articles/detail.asp?lngnr=12&smap=03010600&rnr=143&anr=18710 (Accessed Apr. 28th 2008)

Barzani and Talabani respectively. However, following the ravages of the Iran-Iraq war and the Anfal, "there was not much left to govern".[116]

The history of the period following the uprisings, the "settlement" with the Iraqi government and the following build-up of governance structures, could alone fill volumes, and has to a certain degree already done so. However, there is still much from this time that could be documented to a more satisfactory degree, and even better, rewritten without partisanship.

With literally millions of Kurds pressed up against the Turkish and Iranian borders in a humanitarian disaster, with negotiations with Saddam grinding slowly to a halt and lacking support from the coalition of the Gulf War, the Kurds found themselves in a situation where the demands made by Saddam in return for a normalisation of conditions in Iraq were impossible to meet[117], and by October, after a fresh bout of fighting over Kirkuk and Sulaymaniya, the Iraqi retreat occurred, with the government forces pulling back to a line of demarcation, effectively blockading the Kurds, intent on starving the Kurds to submission.

Within the Iraqi system of "socialism" created under the Baath-party, and with a vast number of people being internally displaced, unemployed and reliant upon government handouts, this was disastrous. In a landlocked region unable to provide for the population, the Kurds relied on receiving roughly 75% of their necessary supplies of fuel and food from the rest of Iraq.[118] A year after the blockade was imposed the price of kerosene had increased two hundred times, the price of rice eighty. Only 43% of the arable land within the region was under cultivation.[119]

With UN sanctions prohibiting trade with Iraq, and the Iraqi government imposing a blockade within Iraq, this meant that the Kurds were cut off from obtaining what couldn't be provided from production within the area.

In Sulaymaniya, a city where even housing was in short supply following the Anfal campaign and later open warfare with the government of Iraq up to that point. Food, fuels and clothing were rare commodities. During the winter of 1991, only 10% of the necessary supplies reached the city.

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[116] Stansfield (2003) pp. 123
[117] McDowall (2004) pp. 378
[118] Ibid. pp. 379
[119] Ibid. pp. 383

In order to be able to meet the demands for emergency aid, the IKF emergency government drew up an administrative structure where various regions were left under control of the various parties with their respective Peshmerga forces. However need for central control and coordination was strong, and in order to be able to legitimately do so, without causing internal unrest in the very fragile IKF, a committee of judges and lawyers sat down in order to provide a framework. Another cause of concern was to establish a form of governance that Turkey, Syria and Iran would not see as a bid for independence, which could lead to more unrest among the Kurdish population in the respective countries.[120] Regional "law" was approved by the IKF, and the elections were held in four provinces. Lacking a census, the IKF still estimated that 90% of the 1.1 million eligible voters participated.[121] Utilizing the various Kurds who had worked under the Iraqi governance, they rebuilt a civil structure of sorts.[122]

The net result of the election was 47,51% for Barzani's KDP and 44,93% of the votes for Talabani's PUK. Following the results of the election, the Kurdish National Assembly was to compose of 51 members from the Kurdish Democratic Party, 49 members from the Patriotic Union of Kurdistan, and 5 representatives from various minority lists.[123]

Due to various and severely complicated reasons over valid votes, counting and redistribution of seats in the national assembly after disregarding the percentages gained by the independent lists that did not reach the lower limit of 7% required to obtain any seats in the assembly, the 51:49 split was abandoned for a 50:50 split. According to the PUK this reflected the correct result, although the KDP, after having become marginal winners of the overall vote, of course only reluctantly (and according to Stansfield, after PUK threats of violence over the issue) accepted the result.[124]

On June 4th 1992, the newly elected Kurdistan National Assembly sat down in their first ever session as the entity ruling the Kurdish areas of Iraq, with this 50:50 split between the two main parties. It has later been claimed by Nechiravan Barzani that they accepted the KNA and the elections of officials, because they believed

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[120] Ibid. pp. 381
[121] Standsfield (2003) pp. 130
[122] Ibid. 123
[123] Galbraith, in O'Leary et.all. (2005) pp. 269
[124] Stansfield (2003) pp. 130 and Appendix 4, pp. 201-202

another election was forthcoming[125] in agreement with the Law No.2 of the KNA, in order to firmly establish the leadership[126]. However, this may just be an attempt to excuse the events that were to follow.

In the following period of governance of the first cabinet of the KRG, either side tried to grab what power they could, often inserting loyal Peshmerga in positions perhaps better administrated by a politician than a loyalist soldier.[127]

It is worth noting that neither Talabani nor Barzani held any official position in the government. They did however hold control over their parties, and the lack of communication between the two led to partisanship that shook the first cabinet apart due to mistrust.

Addressing the humanitarian disaster, the UN began funnelling supplies into the Kurdish areas under blockage, entering through Turkey. However, few of the supplies supposed to arrive under the UN programs (UNHCR, UNDP) reached their intended targets. Saddam did what he could to prevent this either by roadblocks and inspections, or by having starved militia in need of supplies attack the convoys[128]. Through various Memorandums of Understanding between the UN and Saddam, it was believed that Saddam was to supply two thirds of the supplies needed by the Kurds, which he of course failed to do, causing a serious short-supply of the needed aid. In total, during August 1992, only 20 percent of the proper food rations reached Sulaymaniya, and Erbil 16 percent. By January 1993, the number was down to 10 percent again.[129]

Another problem with the supply-situation was the needs of the Kurdish parties organised in the IKF. Both tribal leaders and the political parties of the IKF were busy ensuring their own income by "taxation" of what little support actually made it into Iraq, some of it supplies for their own Peshmerga forces, some of it meant for sale to Iran in order to obtain financial resources or military supplies.

"Asset-stripping", where heavy equipment was stolen and the ensuing smuggling of equipment into Turkey, Iran or to the Iraqi government in order to raise income for personal or party purposes have also been noted.[130]

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[125] Stansfield (2003) pp.146
[126] Ibid. pp. 131
[127] Ibid. pp. 149
[128] McDowall (2004) pp.382
[129] Ibid. pp. 382
[130] Ibid. pp. 383

This custom was largely due to an inefficient distribution system, based on an older structure surviving from the time of the Iran-Iraq war. Tribal chiefs and local heads of militia in the region, *aghas*, had in the period of the Iran-Iraq war been utilized by the Baghdad regime for the distribution of supplies to the civil population.[131]

Following the rebellion, a general amnesty had been issued for previous collaborators of the Baghdad regime, and with the distribution network still available to these *aghas*, it was the best available option for redistribution available to the newly formed Kurdistan Regional Government. Of course, funding and supplies were naturally "taxed", being put to use by the tribes in question, or sold in order to raise cash,[132, 133] with Kurdish officials turning a blind eye on actions conducted by the various, tribal chiefs, in return of support for the party in question.[134]

> "**1994:** Power-sharing arrangements between the Kurdistan Democratic
> Party (KDP) and the Patriotic Union of Kurdistan (PUK) fall apart, leading to civil
> war and two separate administrations, in Erbil and Sulaymaniya respectively."[135]

April 25th 1993, the second cabinet of the KRG was formed. However, the new cabinet turned out even more ridden by partisan politics than the previous, and the polarization between the two major parties continued.[136]

In January 1994, the KDP declared that the national assembly did no longer function, and that new elections were to be held soon. But soon after this, open fighting between the KDP and the PUK broke out due to tribal allegiances or patronages.[137] Following land disputes between clients of the parties, and a state of near-open warfare existed between the KDP and the PUK from May through December of 1994, and caused a serious upheaval in the Kurdish system.

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[131] Leezenberg, in Jabar & Dawod [Ed.] (2006) pp. 161
[132] Ibid.
[133] McDowall pp. 383
[134] Ibid. pp. 383
[135] Kurdistan Regional Government (2007) *"Contemporary History"* http://krg.org/articles/detail.asp?lngnr=12&smap=03010600&rnr=143&anr=18710 (Accessed Apr. 28th 2008)
[136] Stansfield (2003) pp. 150
[137] For a somewhat more detailed account of the divisions that occurred, rather than devote too much space to the treachery and partisanship of the fledgling democracy, I will rather recommend Stansfield (2003) pp.151-157 and McDowall (2004) pp. 384-392

In April 1995, the U.S. was able to broker a ceasefire, which was violated three months later. They tried again in July the same year after fighting had broken out again, but was unsuccessful.[138]

In the meantime, the tribes sought to ally themselves with either side, manoeuvring for the best available position, or out of necessity to the side dominating the area. Others tried to navigate between the two, shifting allegiance in order to obtain favours and support as they saw fit.[139] This did result in some tribes being targeted in the conflict, largely from short-term strategic gains. It is worth noting that this was seen more a form of traditional warfare against allies of opposition or neutral parties, in order to connect slivers of controlled land together, than anything else.[140]

Behind the scenes, the KDP entered into talks with Saddam Hussein, and supported by Iraqi forces, started a war against the PUK after having been supplied with artillery and armour from the Iraqi government. On August 31st 1996 the PUK was driven out of Erbil, soon thereafter the KDP with support from the Iraqi government took control of Sulaymaniya.[141]

However, the PUK rallied, and supported[142] by Iran[143] retook Sulaymaniya in October, and won a series of battles, only to fail to recapture Erbil. Another round of fights took place in 1997, before a deal taking them back to status quo was brokered, with the KDP holding control of the Erbil and Dohuk governorates, and PUK in Sulaymaniya and New Kirkuk.[144]

Unlike the KRG, the system of two areas under control by two political parties having become sides in a civil war actually worked.

The notion of a president of the Kurdish region was suspended for the moment; with both sides claiming to have a legally elected prime minister and both sides having what they claimed was a legal framework in for of a constitution. Thus,

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[138] McDowall (2004) pp. 388
[139] Leezenberg, in Jabar & Dawod [Ed.] (2006) pp. 169-170
[140] Ibid. pp. 171
[141] How long this alliance with the Government of Iraq lasted is unclear, and how well-perceived it was in the population living in the area under KDP control is also unclear. This is rather unfortunate, as it would have been a point of interest to see how well the Kurd civilian population responded to the notion of their government forces fighting their kin alongside representatives of the regime responsible for such atrocities as the *Anfal* campaign.
[142] It is not precisely clear from the sources what this "support" was, but based on a general assumption, it would be in the form of economic and material support. It is highly unlikely that Iranian military forces entered Iraq at any point, as this would probably have sparked a reaction from the Government of Iraq.
[143] McDowall (2004) pp. 389 and Stansfield (2003) pp. 154
[144] Stansfield (2003) pp. 154-155

there were two cabinets of the KRG seen as the legally elected cabinet of Kurdistan, referred to as the Erbil cabinet and the Sulaymaniya cabinet.

Under the Erbil Government (KDP), the period between 1997 and 2001 saw $13 million spent on reconstruction and the creation of infrastructure.[145] The majority of this income originating from the oil-for-food program, and support from the U.S. devoted to groups "working to spread democracy in Iraq"[146].

The PUK officials and civil servants had evacuated to Sulaymaniya, and set up a new cabinet. What income they had is unfortunately not quite so discernable from what sources exists.

> "**1998:** The PUK and KDP sign the Washington Agreement, ending the civil war."[147]

Following U.S. mediation, and a degree of stability between the two sides, a peace-treaty was signed.

Following the establishment of the oil-for-food program, with 13% of the income from Iraqi oil sales going to the Kurdish region, Saddam's attempt to starve the Kurds into submission came to an end, and the economy slowly started to regain momentum.[148] A U.S. brokered agreement called for unification of the two "statelets" in Kurdistan satirically dubbed "Talabanistan" and "Barzanistan".[149] The unification was however rejected by the PUK, after the KDP demanded that a unification and re-establishment of the KNA was to be based on their interpretation of the 51:49 split of the election. [150]

One of the clauses in the so-called "Washington agreement" was that the income from the various programs was shared equally between the two cabinets in order to avoid further bloodshed.

The reconciliation between the two, as well as the mutual decision to lead two separate national assemblies and governments, led to a period of relative calmness and reconstruction.

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[145] Ibid. pp. 161
[146] Stansfield, in O'Leary et.all. (2005) pp. 204
[147] Kurdistan Regional Government (2007) *"Contemporary History"* http://krg.org/articles/detail.asp?lngnr=12&smap=03010600&rnr=143&anr=18710 (Accessed Apr. 28th 2008)
[148] Anderson, L. and Stansfield (2004) pp. 177
[149] O'Leary and Salih, in O'Leary et.all. (2005) pp. 27
[150] McDowall (2004) pp. 390

The following period saw two cabinets ruling the Kurdistan region, and a joint effort between the two outwards, with both parties being involved in discussions with the UN in order to facilitate aid, and the U.S. in order to facilitate regime-change in Bagdad.[151]

With a formal agreement in place for the Kurds to receive their share of the revenues from the Oil for Food program, the Kurds received more than USD 4 billion under the program. By 1999, 72 percent of the population enjoyed access to clean drinking-water[152], while money was also spent on wages for teachers, reconstruction, and of course, funding the two government bureaucracies.

As the U.S. prepared for war against Iraq, reconciliation did to a degree strengthen, and the estimated 80,000 Peshmerga under control by the two parties[153] were readied for participation in the upcoming military campaign.

3.2   The Invasion of Iraq

"**2003:** The Peshmerga, Kurdistan's official armed forces, fight alongside the coalition to liberate Iraq from Saddam Hussein's rule."[154]

One of the determining moments in the history of the Kurds, was the 2003 invasion when coalition forces entered Iraq, and to a certain degree also events immediately prior to the invasion.

The events leading up to the invasion, the participation of both the Kurds and other Iraqis in exile serving as "advisors" for what the U.S. should and should not do in Iraq and what they could expect as soon as they got there, will probably be fields worthy of their own studies in years to come. The events are still fractured, biased and unclear, and should not be devoted too much attention at the moment.

Instead, a key actor in the events leading up to both a strengthening of the status of the Kurdistan region in Iraq, and perhaps also a strong catalyst in the Kurdish perception of themselves and their territory, is found in the actual events of the

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[151] Stansfield in O'Leary et.all. (2005) pp. 204
[152] Ibid. pp. 209
[153] Stansfield (2003) pp. 183
[154] Kurdistan Regional Government (2007) *"Contemporary History"* http://krg.org/articles/detail.asp?lngnr=12&smap=03010600&rnr=143&anr=18710 (Accessed Apr. 28th 2008)

invasion, and the way the Kurdish Peshmerga fought to liberate both the areas now constituting the Kurdish region (the governorates As Sulaymaniya, Erbil and Dohuk), and areas the Kurdistan Regional Government has a desire to bring in under its area of self-governance (the governorates of Diyala, Kirkuk and Ninawa).

Ironically, the greatest opponent against Kurdish self-governance turned out to be the most helpful actor in providing the Kurds with the support they needed, due to an attempt to prevent the Kurds from obtaining a greater degree of self-determination and control of their region.

In early February 2003, preparations for the war began. A decision to start preparing military bases in Turkey for the upcoming war was passed by the Turkish government, in accordance with wishes expressed from Washington.[155] A decisive vote on whether U.S. troops were to be allowed to use Turkey for the purpose of transit and preparation to the invasion forces was scheduled to follow.

A package of financial support, meant to help the improvement of infrastructure was already outlined from Washington[156]. However, a few days later the response from the Turkish government was somewhat more reserved. Turkey would honour their obligation as a NATO member, but was unsure as to whether they would participate in the coalition.[157] Two days later, the Turkish government declare that it would only allow for U.S. troops to move through Turkey "only if the United Nations passes a second resolution authorising the use of force against Iraq."[158] This could largely be seen in relation with the great degree of opposition against a war with Iraq in the Turkish population.[159]

In the following week intense negotiations ensued, before a final draft was put before the Turkish parliament, in order to get a final decision on the deployment of more than 60,000 U.S. troops and more than 300 aircraft within Turkey.[160] The motion was however blocked by a walkout, leaving the parliament four members

[155] BBC News (February 6th 2003) "Turkey agrees to aid US war" http://news.bbc.co.uk/2/hi/europe/2731515.stm (Last viewed May 6th 2008)
[156] Ibid.
[157] BBC News (February 17th 2003) "Turkey puts brake on US deployment" http://news.bbc.co.uk/2/hi/europe/2773161.stm (Last viewed May 6th 2008)
[158] BBC News (February 19th 2003) "Turkey ups stakes on US troops" http://news.bbc.co.uk/2/hi/europe/2773877.stm (Last viewed May 6th 2008)
[159] BBC News (February 6th 2003) "Turkey agrees to aid US war" http://news.bbc.co.uk/2/hi/europe/2731515.stm (Last viewed May 6th 2008)
[160] BBC News (February 25th 2003) "Turkey set to admit 62,000 troops" http://news.bbc.co.uk/2/hi/middle_east/2796743.stm (Last viewed May 6th 2008)

short of the required number of representatives present at the time of voting necessary to pass a binding decision.[161]

With 62,000 troops still loaded on ships in the Mediterranean, among them the entire 4th infantry division, and no clear resolution to the question appearing, the U.S. military command needed a Plan B for opening a northern front in Iraq. It was originally meant to include an airborne assault taking Kirkuk and Mosul, obtaining control of the airfields in the areas, and flying in infantry and light armour to continue the assault.

Plan B was however modified, as Barzani and Talabani on March 19th 2003 agreed to place the KDP and PUK Peshmerga, numbering 70-80,000 under coalition command and open the northern front with their personnel, supported by U.S. specialists and the airborne forces originally meant for Plan B.[162] Meanwhile, Turkish unwillingness or inability to address the question of the 4th infantry division running circles in the Mediterranean led to a decision to redeploy the troops, sending them in through Kuwait instead. The transport ships thus entered the Suez Canal, rounded the Arabian Peninsula, and the 4th infantry division was finally deployed from Kuwait in April.

On March 22nd 2003, the invasion began. By March 23rd the Kurdish Peshmerga had started a campaign from Erbil, intent on pushing Iraqi troops back from both Mosul and Kirkuk[163]. March 28th saw the beginning of a build-up of U.S. capability in Northern Iraq, after the services of the airfield in Bashur had been secured by Kurdish forces, while pushing towards Kirkuk.[164] By April 1st, the Iraqi army had abandoned Kirkuk following heavy bombardments.[165] For ten days, the Kurds held back, waiting for U.S. led coalition forces to arrive,[166] but by April 10th Kurdish forces grew tired of the waiting, and somewhere down the command line, a

[161] BBC News (March 1st 2003) "Turkey upsets US military plans"
http://news.bbc.co.uk/2/hi/europe/2810133.stm (Last viewed May 6th 2008)
[162] BBC News (March 19th 2003) "Iraqi Kurds accept US command"
http://news.bbc.co.uk/2/hi/middle_east/2862867.stm (Last viewed May 6th 2008)
[163] BBC News (March 23rd 2003) "US aids Kurd attack in north"
http://news.bbc.co.uk/2/hi/middle_east/2878899.stm (Last viewed May 6th 2008)
[164] BBC News (March 28th 2003) "Battles rage through Iraq"
http://news.bbc.co.uk/2/hi/middle_east/2896175.stm (Last viewed May 6th 2008)
[165] BBC News (March 30th 2003) "Reporters' Log: War in Iraq"
http://news.bbc.co.uk/2/hi/2899739.stm (Last viewed May 6th 2008)
[166] BBC News (April 9th 2003) "Military briefings: Key points"
http://news.bbc.co.uk/2/hi/middle_east/2934407.stm (Last viewed May 6th 2008)

decision was made[167], the Peshmerga took Kirkuk by force. By April 13th, the fighting including the Kurdish Peshmerga was largely over, and focus shifted to the larger picture of what would happen in Iraq following the "liberation" as it still was referred to.[168]

It would take almost a year before there were events in the Kurdish areas that caused any progress to be made. Yet again it was external factors forcing the hands of the Kurds. February 1st 2004, a series of attacks killed 101 Kurds in Erbil.[169, 170] The following day Barzani and Talabani made statements, saying that the parties running the Kurdish areas would have to work together in order to prevent further attacks.[171]

In the Transitional Administrative Law (TAL)[172] from 2004 the Kurds made a point of implementing critique of the former government, and ensure that their regional rule was to be taken into account, and ensured for the future. The TAL was a legal document from the Iraq Governing Council, meant to function as a proto-constitution, creating a legal framework that allowed for the election of an Iraqi parliament which could then write a full constitution, with the legitimacy needed based on the results of an election.

> **"Article 52.**
>
> The design of the federal system in Iraq shall be established in such a way as to prevent the concentration of power in the federal government that allowed the continuation of decades of tyranny and oppression under the previous regime. This system shall encourage the exercise of local authority by local officials in every region and governorate, thereby creating a united Iraq in which every citizen actively participates in governmental affairs, secure in his rights and free of domination."

[167] BBC News (April 11th 2003) "Military briefings: Key points" http://news.bbc.co.uk/2/hi/middle_east/2940271.stm (Last viewed May 6th 2008)
[168] BBC News (April 18th 2003) "Iraqi Kurds face uncertain future" http://news.bbc.co.uk/2/hi/middle_east/2957941.stm (Last viewed May 6th 2008)
[169] The initial death-toll was of 56, but was later upgraded as more dead were found, and people injured in the attacks died. BBC News (February 3rd 2003) "Irbil bombings toll reaches 101" http://news.bbc.co.uk/2/hi/middle_east/3457065.stm (Last viewed May 6th 2008)
[170] BBC News BBC News (February 1st 2004) "Twin blasts slaughter Iraqi Kurds" http://news.bbc.co.uk/2/hi/middle_east/3448879.stm (Last viewed May 6th 2008)
[171] BBC News (February 2nd 2004) "Iraqi Kurds see chance for unity" http://news.bbc.co.uk/2/hi/middle_east/3452655.stm (Last viewed May 6th 2008)
[172] Full name: "Law of Administration for the State of Iraq for the Transitional Period"

"Article 53.

(A)   The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the 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 the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan region.

[…]

(C)   Any group of no more than three governorates outside the Kurdistan region, with the exception of Baghdad and Kirkuk, shall have the right to form regions from amongst themselves. The mechanisms for forming such regions may be proposed by the Iraqi Interim Government, and shall be presented and considered by the elected National Assembly for enactment into law. In addition to being approved by the National Assembly, any legislation proposing the formation of a particular region must be approved in a referendum of the people of the relevant governorates."[173]

Article 53 c) was meant to give legitimacy to the regionalism that had evolved in the Kurdistan region, and make the right to form regional governments a universal right for the remaining governorates in Iraq.

The most controversial point was however to be found later in the document, and was subject to harsh criticism from members of the Iraq Governing Council, the predecessor to the Iraqi government.

"Article 61.

(C)   The general referendum will be successful and the draft constitution ratified if a majority of the voters in Iraq approve and if two-thirds of the voters in three or more governorates do not reject it."

The specific mentioning of three governorates was clearly referring to the Kurds and the Kurdistan region. It basically meant that if the Kurds rejected an Iraqi constitution with an overwhelming majority, a new draft for the constitution would

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[173] The Coaltition Provisional Authority (2004) *"LAW OF ADMINISTRATION FOR THE STATE OF IRAQ FOR THE TRANSITIONAL PERIOD"* http://www.cpa-iraq.org/government/TAL.html (Last viewed April 25th 2008)

have to be presented to the population. It goes without saying that this point was subject to harsh negotiations before finally accepted as part of the Transitional Administrative Law.

Following the negotiations for the TAL, silence once again fell until the Iraqi elections of 2005. With a moderately high turnout throughout Iraq, no-one even came close to the Kurds, where more than 80% of those eligible to vote participated[174]. To the Kurds, it was a question of ensuring representation in the Iraqi parliament.[175]

For the election, an unexpected event took place. Rather than to run a multitude of separate lists for the Kurdish parties, an ensuring that the struggles between the parties would be taken to the Iraqi National Assembly as well, the KDP and PUK joined together, establishing the Democratic Patriotic Alliance of Kurdistan (DPAK) for the sake of the national elections. In Kurdistan, the election to the Kurdistan National Assembly was run parallel, with the parties running their campaigns as usual.

For eight weeks after the election, there were heavy ongoing negotiations, in which the Shi'a-led United Iraqi Alliance, having taken nearly half the seats in the National Assembly, needed support in order to form a government. The Kurds bargained, hoping to ensure their place, but being suspicious, they demanded a written agreement.[176] In the meantime, deadlock and chaos ensued,[177] by April 6th 2005, and agreement had been reached though, and in a parliamentary vote Jalal Talabani was elected the first president of Iraq following the fall of Saddam Hussein[178]. This obviously was a source of some confusion and nervousness, as no-one quite knew how well Massoud Barzani would like seeing his arch-enemy of the Kurdish civil war elected president of the state, however, on June 14th 2005, the waters unmuddied as Barzani was elected the regional president of Kurdistan after

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[174] Fukuyama (2006) pp. 173
[175] BBC News (January 29th 2005) "Hungry to vote in Iraqi Kurdistan"
http://news.bbc.co.uk/2/hi/middle_east/4219463.stm (Last viewed May 6th 2008)
[176] BBC News (March 11th 2005) "Analysis: Iraq's political wrangling"
http://news.bbc.co.uk/2/hi/middle_east/4340155.stm (Last viewed May 6th 2008)
[177] BBC News (March 15th 2005) "Iraq's long road to government"
http://news.bbc.co.uk/2/hi/middle_east/4352623.stm (Last viewed May 6th 2008)
[178] BBC News (April 6th 2005) "Kurd leader named Iraq president"
http://news.bbc.co.uk/2/hi/middle_east/4415459.stm (Last viewed May 6th 2008)

apparently striking a deal with Talabani, agreeing that one was to represent the Kurds in Baghdad, the other in Erbil.[179]

In October came the referendum over the Iraqi constitution, where Kurds chose to accept the constitution as proposed in the final draft[180], which in turn led to the establishment of the Kurdistan Region as a separate and powerful entity within Iraq.

Following the establishment of the new constitution, another election was held in December 2005, in which the results of the 2005 January election was pretty much confirmed, with the United Iraqi Alliance, the Democratic Patriotic Alliance of Kurdistan and some smaller Shi'a parties forming government four months later, reaffirming the agreement from the previous election.

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[179] BBC News (June 14th 2005) "Iraqi Kurdistan leader sworn in"
http://news.bbc.co.uk/2/hi/middle_east/4092926.stm (Last viewed May 6th 2008)
[180] BBC News (October 15th 2005) "Iraq vote fails to thrill Kurds"
http://news.bbc.co.uk/2/hi/middle_east/4346210.stm (Last viewed May 6th 2008)

3.3   The Kurdistan Regional Government in Iraq

> **"2006:** At the start of the year, the PUK and KDP agree to unify the two administrations. On 7th May, Prime Minister Nechiravan Barzani announces a new unified cabinet."[181]

Following the election of what was to become a regional government in Kurdistan, the Kurdish National Assembly (KNA) voted to unify to until now separate governances in Erbil and Mosul, and create one single regional government in what now was referred to as Southern Kurdistan.[182] This unified the two factions after more than a decade where the region had been divided. Since then, the Kurds have stood relatively united, their main concern being Turkish incursions.

The de-baathification of the Iraq government in 2004, involving the disbanding of Saddam Hussein's Baath party, and the removal of all government officials who had been part of it or associated with it,[183] meant that there was still an urgent need for anyone with experience of government work in 2006. This created a great job-market for Kurdish officials previously employed by the two Kurdistan Regional Governments.

Income for the Kurdistan Regional Government was ensured through an arrangement of distribution of income from operational oilfields, where 17% would be at the disposal of the Kurdistan Regional Government. (Based on an estimation of amount of the Iraqi population living in the area controlled by the KRG) These funds were to be put at the disposal of the KRG, as the funding of all regional expenses.

"Regional expenses" include the salaries of the KRG, the funding of the Peshmerga, and funding of all construction projects not funded by the U.S. led reconstruction effort.

The nature of the Peshmerga could perhaps need some further clarification.

No definite and clear number is easily available, although most sources used seem to state that its manpower is traditionally around a mark of 75,000-80,000.

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[181] Kurdistan Regional Government (2007) *"Contemporary History"* http://krg.org/articles/detail.asp?lngnr=12&smap=03010600&rnr=143&anr=18710 (Last viewed Apr. 28th 2008)

[182] BBC News, (May 7th 2006) *"Single Government for Iraqi Kurds"* http://news.bbc.co.uk/2/hi/middle_east/4982546.stm (Last viewed Apr. 28th 2008)

[183] BBC News, (May 24th 2003) *"Saddam's apparatus abolished"* http://news.bbc.co.uk/2/hi/middle_east/2931302.stm (Last viewed Apr. 20th 2008)

Immediately following the re-establishment of the Iraqi Army, plans were issued for 25,000 Kurdish Peshmerga to be taken up as part of the Iraqi National Army while a remaining 50,000 were to function as a Kurdish security force controlled and paid by the KRG under the Ministry of Peshmerga Affairs. However, both the KDP and the PUK has proven more than unwilling to abandon their own party-militias, and this process is currently on halt.[184]

It is quite plausible to assume that this might be a result of the preceding violence between the two parties. Placing their military forces under control of the KRG, could possibly lead to them being utilized in a conflict between the two. At the moment, the Peshmerga functions as a regional defence force for the Kurdistan region, but formally remain under the control of the two parties.

3.4 Iraqi–Kurdish issues

Some general remarks

Both Stansfield and Mirza has a taste for referring to the Kurdish area of self-governance as a *de facto* state, and both has spent some time in normative discussions on the rights of, and opportunities for, Kurdish secession from Iraq, and the establishment of an independent Kurdish state. A few things will need to be considered to this regard, although briefly.

First and foremost, the notion of Kurdish "sovereignty" is to some degree a correct appreciation of the situation, at least in some of the periods. The notion of sovereignty and acting as a *de facto* state for all practical purposes can largely be held to be true for the time span 1991-2003. Although still formally bound by the Iraqi constitution, the Kurdistan Regional Government nevertheless ignored this formal constitutional dependence entirely, as passed regional law for governance as they saw fit, held democratic elections in accordance with regional law, and to a limited degree also had a foreign capability, mainly dealing with the two key actors of the United States and the United Kingdom. To describe this period as *de facto* statehood, is largely correct, although the clause of constitutional independence goes unsatisfied.

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[184] Lortz (2005) pp. 70-71

However, following the 2003 invasion of Iraq, the Kurds have been "reined in" to some extent, although within a more liberal constitutional framework that previously. The TAL referendum in which the Iraqi framework constitution was approved, was perhaps meant to serve as a small act of defiance, can in fact, judicially, be seen as a Kurdish reaffirmation of being a part of federal Iraq, and bound by the Iraqi constitution.

The current situation in Iraq is rather tense when it comes to the division of authority between the Kurdistan Regional Government, and the federal Government of Iraq. Many ethnic Arabs (among them several outspoken members of parliament) feel that the Kurds have been overreaching,[185, 186] while the Kurds feel that the Iraqi government is dragging its feet when it comes to some crucial decisions, especially the status of Kirkuk.[187]

The establishment of a largely ethnically homogenous Kurdish area of influence was grudgingly accepted by the Iraqi government, as the Kurdish delegates to parliament were the ones who ensured the majority needed for the government to successfully stay in power.

At the time of the Iraqi election, the Kurds already had an infrastructure of government in place, enabling them to seek advisory positions to the Iraqi government, helping build the governing infrastructure of Iraq itself. The Kurdish representatives in parliament were also able to support the candidate who would ultimately be the prime minister of Iraq, thus ensuring that the government held the Kurds in a positive view due to the internal politics of Iraq.

But as the Iraqi government found its feet and gained control of its own situation, not to mention control of Iraq, tension began to rise. Many of the ethnic Arabs are now feeling that the Kurds are overreaching, grabbing for more than what is rightfully theirs, being overfunded in the budgets, and taking too many liberties in general.

The Kurdish Regional Government, on the other hand, feels that the Iraqi government is dragging its feet, and that there are several important decisions that

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[185] New York Times (February 1st 2008) *"Kurds' Power Wanes as Arab Anger Rises"* http://www.nytimes.com/2008/02/01/world/middleeast/01kurds.html (Last viewed May 28th 2008)
[186] International Herald Tribune (January 31st 2008) *"Kurd in Iraq feel their leverage decline"* http://www.iht.com/articles/2008/01/31/mideast/kurds.php (Last viewed May 28th 2008)
[187] Kurdish Globe (August 7th 2007) *"Iraqi government drags its feet over Kirkuk"* pp. 12-13 http://www.kurdishglobe.net/servlet/WritePDFServlet?ID=81 (Last viewed May 13th 2008)

have been stalled for too long. The most prominent of these, are the introduction and implementation of a new law governing the production of oil in Iraq, the other is the much discussed and somewhat controversial issue of a referendum in Kirkuk to resolve whether the city should remain under the direct authority of the Iraqi Provincial Council, or be added to the Kurdistan Regional Government's area of governance.

Kirkuk

The matter of Kirkuk is perhaps the issue with the most potential to cause further controversy when it comes to the internal politics of Iraq. As the Kurdish sphere of influence in Iraq was drawn, the Kurds mainly wished to create a largely homogenous (or at least non-Arab) area of Kurdish influence[188]. However, the city of Kirkuk was left outside this area of influence, as there was a mixed population of both Kurds and Arabs.

The population of Kirkuk itself is a problematic issue. Both in 1976 and following the 1991 rebellion, Kirkuk was the site of forced "arabization" under the old Iraqi regime, where Kurds were displaced by force, while ethnic Arab citizens of Iraq was moved to Kirkuk either by incentives or force. However, following the 2003 invasion, many Kurds who were driven out of Kirkuk in the arabization(s) has later returned and resettled, while many Arabs have either returned to wherever they lived prior to the government arabization, fled fearing hostilities from returning Kurds or been forced out of their homes by more aggressive Kurds wanting to re-settle in what was their own homes prior to the arabization. In addition Kirkuk is also where the largest Turkoman population in the Kurdish areas lives. All in all, there isn't even an updated estimate on the ethnic composition of the population.

In an attempt to avoid disturbance, a deal was struck between the KRG and the Iraqi government. Article 140 of the Iraqi constitution states:

"Article 136[189]

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[188] The population in area under KRG control is estimated to be 95% Kurdish, the remaining 5% consisting of Turkoman and Assyrian groups. Estimation based on amongst other the CIA World Factbook, and figures from the UN.
[189] Originally in the draft constitution listed as "Article 136", constitutional amendments have resulted in the article *currently* being Article 140.

First: The executive authority shall undertake the necessary steps to complete the 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 a date not to exceed the 31st of December 2007."[190]

The referendum was pencilled in to be held by the end of 2007; however there were severe technical difficulties. But as there hasn't been a taken a comprehensive census of Iraq since the invasion, holding a referendum is obviously a bit complicated. The Kurds feel that the census-taking is being held back by the government of Iraq in order to stall the decision.

UN organisations is currently being utilized to come up with a solution for the Kirkuk problem, after the deadline for the referendum was given a 6 month extension, to be settled before June 30th 2008. However, no reports on progress have been made. [191, 192]

The Kirkuk issue can perhaps best be seen as a question of "regional irredentism". Irredentism as a term refers to territorial claims based on assumptions of whom areas "rightfully" belongs to between states sharing a border, often justified by historical and ethnical claims, seen as part of a nations homeland taken from them.[193]

Kirkuk is still regarded as a "Kurdish" city, and there is a strong political desire to bring it into the region controlled by the Kurdistan Regional Government, perhaps best regarded as an outspoken political wish for "congruence between the borders of the region and the nation" to paraphrase Gellner.

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[190] Washington Post (October 12th 2005) *"Full Text Iraqi Constitution"* http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html Last viewed March 9th 2008
[191] *"Measuring Stability and Security in Iraq - March 2008 Report to Congress"* pp. 3 http://www.defenselink.mil/pubs/pdfs/Master%20%20Mar08%20-%20final%20signed.pdf
[192] Kurdish Globe (April 2nd 2008) *"KRG: No alternative solution over Kirkuk"* http://kurdishglobe.net/displayArticle.jsp?id=AD17F2E9923EE730D02CD27D01438B41 (Last viewed April 3rd 2008)
[193] Mayall (1990) pp. 57

In addition, Kirkuk sits atop one of the largest remaining petroleum reserves in Iraq today, holding a reserve of more than 5 billion barrels.[194] Naturally, this oil-reserve is highly desired by both the Iraqi Government and the Kurdistan Regional Government as a current and future source of income. This leads naturally to the other main issue on the agenda, which is petroleum production and exports in Iraq.

Oil

A relatively new controversy is that of oil contracts and the law governing oil-production in Iraq. The introduction and implementation of such a law is taking too long for the taste of the Kurds. Eager to get the production going, and generating fresh income, the KRG has signed contracts with a series of foreign companies in order to get the production of oil resumed, not to mention to start test-drilling for new oil wells[195]. This has been done in accordance with a local law, given by the KRG. However, Hussein al Shahristani, the Oil Minister of the Iraqi government, did not approve of this arrangement, and has called for the termination of all contracts, declaring them void as they are not approved of by the Iraqi government.[196, 197]

Production of oil is Iraq's greatest income, and it has been an expressed desire of the Iraqi parliament and government to have a national law regulating all trade with, and control over Iraqi oil. But most importantly, the new oil law in Iraq aims to bring oil production in Iraq in under a national oil company. This is one of many points where the Kurds object, as they feel that the idea of ownership held by Iraq National Oil Company (INOC) would be a return to "old regime methods"[198], and threaten to block the oil-law in parliament. But the Kurds only holds so much power in the Iraqi parliament, and a unified vote from their Arab counterparts could lead to the law being passed. The current level of ambition is to be able to pass the law

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[194] Al-Gailani, M. (2003) *"Assessing Iraq's Oil Potential"* GeoTimes October 2003 http://www.geotimes.org/oct03/feature_oil.html (last viewed May 13th 2008)
[195] BBC News, October 4th 2007 *"Iraqi Kurds sign four oil deals"* http://news.bbc.co.uk/2/hi/middle_east/7027249.stm (Last accessed Apr. 28th 2008)
[196] Kurdish Globe, February 18th 2008 *"Sketchy stories of Kurd-Korean oil deal"* http://kurdishglobe.net/displayArticle.jsp?id=C0663F9A7B0DCFC7348A5941B9896FC8 (Last accessed Apr. 28th 2008)
[197] CBS News, Sept. 29th 2008 *"Iraqi Officials Doubts Kurds' Oil Deals"* http://www.cbsnews.com/stories/2007/09/29/iraq/main3311633.shtml (Last accessed Apr. 28th 2008)
[198] Al-Jazeera, April 29th 2007 *"Kurds to 'block' Iraqi oil law"* http://english.aljazeera.net/NR/exeres/B623B1FE-266E-4CA4-ABC3-14F71E8CB8EB.htm (Last accessed Apr. 28th 2008)

sometime during 2008.[199] In the meantime, the Iraqi ministry has blacklisted all companies having signed contracts in Kurdistan.

The case is rather complex, especially as the Kurds keep referring to the Iraqi constitution passed in 2005, pointing out that this document allows them as a part of the Iraqi Federation to sign contracts regarding production of oil, and to pass their own law, something that is needed as the Iraqi government keeps «dragging its feet», partly due to political schemes by the Kurds themselves in parliament.[200]

However, the 2005 constitution is a document that was left somewhat vague on purpose, in order to have it passed without too much disagreement in the National Assembly. The problem of this now becomes apparent, as the Kurds are pointing to constitutional rights on one hand, and referring to the February proposal of the Iraqi oil law as unconstitutional on the other. This has led to calls from some members of parliament to first amend the constitution in order to block the Kurdish bid for control over their oil, and then proceed to pass the law, hoping that a more specific constitution will block further declarations of right and wrong with regards to the very controversial oil law.[201]

At the moment, Kurdish facilities are ready to provide 100,000 barrels of oil per day in the near future, following oil-contracts entered outside the framework of the oil-law, which has still failed to materialize. The income from this oil-export will be collected by the Iraqi Finance Ministry, and the Kurds will continue to receive the 17% of the oil income, as previously agreed upon.[202]

With a price per barrel currently spanning between USD 120-150, this would generate an estimated USD 12-15,000,000 for the Iraqi government, with USD 10-12,500,000 of these becoming fresh income for the Kurdistan Regional Government per day while running at maximum capacity.

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[199] Forbes, February 6th 2008 *"Iraq hoping to pass oil law in 2008 – oil minister"*
http://www.forbes.com/markets/feeds/afx/2008/02/06/afx4619512.html (Last accessed Apr. 28th 2008)
[200] International Herald Tribue, February 14th 2008 *"Kurdish prime minister says new South Korean energy deal constitutional"* http://www.iht.com/articles/ap/2008/02/14/business/AS-FIN-SKorea-Iraq-Oil.php (Last accessed Apr. 28th 2008)
[201] United Press International, February 11th 2008 *"Top Iraq MP: Constitution fix then oil law"* http://www.upi.com/International_Security/Energy/Briefing/2008/02/11/top_iraq_mp_constitution_fix _then_oil_law/2065/ (Last accessed Arp. 28th 2008)
[202] Kurdish Globe (May 2nd 2008) "KRG to export 100,000 barrels of oil per day" http://kurdishglobe.net/displayArticle.jsp?id=F433F121C46632B8E32855D249C9BC68 (Last viewed May 3rd 2008)

4. Democratisation in Kurdistan and Kurdish nationalism

This thesis aims to discuss the democratisation in Kurdistan in view of the theoretical viewpoints on state-building and democratisation proposed by Fukuyama, based on his theories regarding state-building and democratisation, especially revolving around his article dealing with the four levels of democratisation.

The chronology and some viewpoints on the emergence of the institutions have already been covered, however, there are still some remaining aspects to be addressed.

4.1   Kurdish institutions

The formation of the democratic governance has its roots in the political parties in Kurdistan. Although the formation and the early history of the parties have been largely disregarded in this thesis, they were formed and founded in order to take care of Kurdish interests in Iraq and promote democratisation of the Iraqi government. Attempted indoctrination, rebellion and outright ethnic cleansing can easily be regarded as external factors contributing to define the Kurds as an ethnic group, and threats of annihilation led to a more firm focus on nationalism.

The systematic oppression of Kurdish language and culture in Iraq, and the attempted "arabization" of Kirkuk in the seventies, both led to a strong opposition in the Kurdish population, manifest in rebellion. The infamous *Anfal* campaign in 1988, where 4,000 Kurdish villages were razed and chemical weapons were deployed in attacks against Kurdish civilians, can be seen as an attempt at ethnic cleansing, which certainly helped strengthen the Kurdish resolve in opposition to the Iraq government.[203]

The following invasion of Kuwait and the Gulf War, led to a severe weakening of Iraqi military capabilities, and a call for rebellion from George Bush Sr. which was heeded by two main groups in Iraq, the Shi'a Muslims and the Kurds. The ensuing period of warfare between the Kurdish Peshmerga under the Independent Kurdistan Front (IKF) and Iraqi government forces, and the military deadlock, with the IKF capable of holding up in combat against Iraqi military forces led to the withdrawal of all military and civilian government personnel from the area.

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[203] McDowall (2005) pp. 368

It has is to a certain degree been suggested by Stansfield that this might have been a gamble by Saddam Hussein, hoping that the Kurds would declare independence from Iraq, and trigger a reaction from Turkey. In Stansfield's own words, "The temptation to declare an autonomous state was great. However, such an action would have been met with strong opposition from Iran and Turkey, as well as Iraq itself"[204] It is perhaps fortunate that the IKF did not take this bait, if Saddam Hussein and the Iraqi Government's motives indeed was to trigger an even that ultimately would involve the neighbouring countries.

The emergence of the institutions can be ascribed to necessity from two main events, which can be seen either as the direct cause, or at least important catalysts. First of these is the blockade imposed by the Iraqi government forces. This was effectively "double sanctions" against Kurdistan, based on the UN embargo on Iraq following the Gulf War, as well as the internal embargo imposed by the Iraqi Government.

The other event was the refugees within Kurdistan. Turkey's unwillingness to allow refugees entry, meant that refugees were left pressed up against the Turkish border without the necessary supplies for survival in harsh conditions they were largely unprepared for. All in all, this became a humanitarian disaster of great proportions, which largely led to both international support for the Kurds, and the necessity that gave birth to the Kurdistan Regional Government.

The use of the term "necessity" is largely based on suggestions from both McDowall and Stansfield, claiming that the establishment of the regional government was necessary in order to create an institution able to make decisions rapidly and without the long negotiations and complications the IKF was facing when trying to coordinate military actions or directing relief to the various parts of the country.[205, 206]

A democratic election would give legitimacy to the leadership, and remove the complicated structure of the IKF. The decision to create an autonomous region within a federal Iraq, rather than to declare an independent state, was directly related to the threat posed by the neighbouring countries, especially Iran and Turkey.[207] This is largely consistent with Stansfield's view, stating that the creation was perhaps best

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[204] Stansfield (2003) pp. 124
[205] McDowall (2004) pp. 379-380
[206] Stansfield (2003) pp. 124
[207] McDowall (2004) pp. 379-380

seen as an appeasement of both internal and external factors, in the form of the difficulties the IKF faced with making vital decisions, and the potential threat of involvement of neighbouring countries.[208]

The institutions of the Kurdistan Regional Government were created quickly and haphazardly in the autumn of 1991 and throughout the early winter in early 1992. The institutions and the elective system were left out of the hands of the "politicians" of the region, who at the time were more guerrilla-leaders than statesmen, and left in the hands of lawyers and judges. Of the 15 persons who were appointed to the Electoral Steering Committee, 4 were judges, 7 were lawyers, two were recruited from the College of Law at Salahadin University (The dean and a professor respectively) and only two participants were appointed by the IKF as their political representatives.[209]

This is somewhat relevant with regards to Fukuyama's viewpoints on "capacity building" and "capacity destruction". The birth of the Kurdistan Regional Government was largely created by the Kurds themselves, rather than being a system imposed by a foreign actor. This means that the capability for aid-redistribution was to a certain degree addressed directly by the KRG, although UN organisations participated. It also means that when the flow of aid subsided, the Kurdistan Regional Government still had a system in place in order to redistribute what supplies there were. It is worth noticing that this system was largely a continuation of the system created by the Iraqi government following the Iran-Iraq war.[210]

However, when keeping Fukuyama in mind, another point has to be made clear. The formation of the Kurdistan Regional Government seems to have been out of necessity in order to address an emergency situation, rather than on the background of a popular ideological sentiment. Of course, it is hard to determine whether or not there was a democratic ideology present in the Kurdish population prior to this, in reaction to the Iraqi regime. The popular uprising, which both Stansfield and McDowall deems to have been a sporadic event triggered mainly in the population, rather than having been instigated by either of the dominant parties of the time, clearly suggests that there was indeed a quite large popular resistance to the form of government present in Iraq. It cannot however be taken for granted that such a regime

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[208] Stansfield (2003) pp. 123-124
[209] Stansfield (2003) pp. 125
[210] Leezenberg, in Jabar & Dawod [Ed.] (2006) pp. 161

resistance necessarily means that there was an ideological desire for democracy, mere opposition against the form of governance present.

The Kurdish willingness to try democracy as a form of government, is however apparent, and can be regarded as a clear indicator of ideological support for the form of government. As already mentioned, the turnout for the 1992 Kurdistan Regional Government election was somewhere near 90%[211].

Fukuyama's theoretical approach does not say that the various levels of democratisation must be addressed chronologically, merely which level is more resistant to change, and that the level ideology is the most easily affected. Thus, the creation of institutions can easily be done first, and the ideological notion can be raised based on the creation of institutions.

The 2005 national elections in Iraq saw a turnout of equal levels in the Kurdistan region, being estimated to a turnout of 58% on a nationwide basis, with 70% turnout in the Shi'a-dominated south, and between 82-92% in the three governorates now under the Kurdistan Regional Government's control.[212] This can be seen as a reaffirmation of the ideological support for the institutions already in place in the Kurdistan region.

4.2   Kurdish civil society

Fukuyama points to civil society and social capital as a vital support for democratisation, and how a lack of social capital in the civil society can lead to old elites staying in power, even after the establishment of democratic systems, taking on the form of oligarchy, or as Fukuyama addresses it more specifically, the neo-bolshevism seen in Russia.

To some degree, this is an issue in Kurdistan today. The formation of the Kurdistan Regional Government, and the political system in the region shows that tribal lines of allegiance are still in play, the same can be seen in the Barzani family empire, where Massoud Barzani holds the post of President of the region, and his nephew Nechiravan Barzani was appointed prime minister, both big figures in the Kurdistan Democratic Party (KDP). Meanwhile, Jalal Talabani, former head of the

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[211] Standsfield (2003) pp. 130
[212] Department for International Development *"DFID's reconstruction news"* Issue 6, February 2005 http://www.dfid.gov.uk/news/files/iraqupdate/feb05.pdf (Last viewed Apr. 28th 2008)

Patriotic Union of Kurdistan (PUK) serves as President of Iraq. It is perhaps natural that statesmen such as them serve in high government positions, and it has been suggested that their personal absence from the 1992 KRG served as factors resulting in the Kurdish civil war.

The sphere of civil society in Southern Kurdistan is still to a large degree limited, and effects of this are seen through a series of indicators inherent in the current political context. But willingness to address at least some of the problems born from the lack of civil society is seen as well, although perhaps with some limitations.

One of the problems serving to illustrate this lack of civil society is allegations of restrictions placed on the freedom of the press. The UN Assistance Mission for Iraq (UNAMI) issues quarterly reports on the progress of human rights issues, amongst their primary concerns is security, extrajudicial killings, the situation of minorities, women and internally displaced persons, the status of the rule of law and the treatment of prisoners, the freedom of speech and the rights of a free press. The last report was issued for the period of July 1st – December 31st 2007.

After noticing an increase in cases regarding persecution of critical and independent journalists in its first quarter report for 2007,[213] close scrutiny was put on the situation for Kurdish journalists. Specific cases questioned in the previous report had been resolved, but there were still strong allegations of stifling critique against the KRG and its ministers. A controversial law regulating freedom of the press and demand participation in a press-syndicate by some held to be partisan was adopted by the KNA, but later (allegedly) not ratified by Prime Minister Nechiravan Barzani, and due for another parliamentary process.[214]

Still, the presence of journalists critical of the government, and a willingness to protest against the government shows that there are early and perhaps spontaneous formations of a civil society. Despite government interests in supporting mainly government friendly news-organisations, close scrutiny from international organisations and institutions helps create an environment in which the government does not possess too much leeway when it comes to opportunities to affect the press.

Another indicator of weakness in civil society, and the lack of political capital is apparent in allegations of corruption in the government and numerous stories of

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[213] UNAMI (2007) *"Human Rights Report 1 January – 31 March 2007"* pp 12-13
http://www.uniraq.org/FileLib/misc/HR%20Report%20Jan%20Mar%202007%20EN.pdf (Last viewed May 13th 2008)
[214] UNAMI (2007) *"Human Rights Report 1 July – 31 December 2007"* pp. 19

how reconstruction contracts issued by the Kurdistan Regional Government has been handed to relatives of the appointees in charge of projects, and how the amount of funds have diminished from these "contractors" and down a chain of "sub-contractors" before ever reaching a construction company able to actually construct anything.[215]

Fukuyama explains the corruption phenomenon seen in Sothern Kurdistan today as a result of lacking social capital, and born out of a narrow "network of trust" limited to either family members, close friends or members of tribes and family structures existing within an already established network.

> "[T]raditional culture-social groups […] are based on shared norms, and use these norms to achieve cooperative ends."
>
> "In-group solidarity reduces the ability of group members to cooperate with outsiders, and often imposes negative externalities on the latter. […] It is difficult for people to trust those outside these narrow circles [of trust]."
>
> "Traditional societies are often segmentary, that is, they are composed of a large number of identical, self-contained social units like villages or tribes. Modern societies, by contrast, consist of a large number of overlapping social groups that permit multiple memberships and identities."[216]

In other words, traditional social structures leads to close circles of trust, those of whom favours can be asked, and to whom favours can be granted, which remains narrow and solely based on common denominators. In-group cooperation exists at the cost of extra-group cooperation. During the Kurdish civil war, and the following separation into two separate administrations in two separate territories, tribal allegiances were vital to the two dominant parties, and thus, specific parties were probably introduced into these networks of trust, centred around either the KDP or the PUK.

This relates to corruption through cultural factors, established perhaps through a traditional form of society, coupled with the necessity of allegiances between the fractions and the tribes in the period after the 1991 rebellion, and under the civil war.

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[215] BBC News (January 10th 2008) *"Corruption in Iraqi Kurdistan"* pp. 15-16
http://news.bbc.co.uk/2/hi/programmes/crossing_continents/7178820.stm *(Last viewed May 13th 2008)*
[216] Fukuyama (1999) No page number available.

This is similarly seen in other societies, listed by Fukuyama, and referenced to other studies.

> "Low levels of social capital leads to a number of political dysfunctions, which have been extensively documented. […] Low levels of social capital have been linked to inefficient local government in southern Italy, as well as the region's pervasive corruption. In many Latin American societies, narrow radius of trust produces a two-tier moral system, with good behavior reserved for family and personal friends, and a decidedly lower standard of behavior in the public sphere. This serves as a cultural foundation for corruption, which is often regarded as a legitimate way of looking after one's family."[217]

Those guilty of corruption is merely feathering the nests of people belonging somewhere in their narrow network of trust, which can be seen in relation with a patron-client relationship.

Although criticism of the government exists, and there are indicators showing tendencies that are very unfortunate, there are institutions in place to address this problem and to some degree also willingness from the Kurdistan Region Government, at least within some areas.

A separate "Ministry of Region for Civil Society" has been set up, during the first conference on the issue held in June 2007 to be what Nechiravan Barzani expressed as "support of his government to reinvigorate the role of organizations in Kurdistan, to work in the fields of transparency and accountability, women's and environmental issues, youth, education and information."[218]

The ministry has later held a technical workshop for organisations, meant to facilitate the emergence of various organisations in the region.[219] Another key involvement has been in the issue of violence against women, which has been among the main concerns raised in the UNAMI reports. This has been addressed by the KRG through the establishment of a department to combat violence, with main offices in

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[217] Fukuyama (1999)
[218] Kurdistan Regional Government *"The first conference of civil society organizations in Kurdistan Region"* http://www.mcsa-krg.com/Default1.aspx?page=articles&c=conference&id=147 (Last viewed May 20th 2008)
[219] Kurdistan Ministy of Region for Civil Society *"KRG establishes mechanisms to enforce laws protecting women from violence"* http://www.mcsa-krg.com/Default1.aspx?page=articles&c=Meetings&id=135 (Last viewed May 18th 2008)

Erbil and Sulaymaniya, cataloguing the extent of the problem, and draft legislation addressing the problem,[220] as well as addressing problems existing within the judicial system.[221]

A press-release following a meeting with a group of activists, the Ministry also issued a press-statement claiming that the emergence of organisations in Southern Kurdistan was in no way intersecting the interests of the Government, an that such efforts were welcomed indeed.[222]

All in all, it seems as if there is a certain degree of willingness from the Kurdistan Regional Government to allow for a civil society to emerge, even if there are criticisms of the process, especially in relation to the close relation between the political parties (and along with them also their appointed government officials) and the tribes and local strongmen still present in the Kurdish system.

Both the corruption, in form of feather-nesting for clients, and the preference for the more uncritical parts of the media that express a favourable view of the government, can be seen as a result of the Kurdistan Regional Government being a system having evolved from a rebellious liberation movement.

Resistance movements commonly possess their own media for propaganda purposes, the KDP and the PUK no exception from this. That these propaganda outlets evolve into common civilian media outlets, as their mother organisation develops into political parties, is probably a logical conclusion to draw. The same goes for the aforementioned tribal allegiance.

The formation of civil society takes time. When paying observance to the fact that the party-system of Kurdistan and its institutions stem largely from 1991, civil society has not been borne out of the same necessity. Rather, any chance for the emergence of civil society has been hampered by the civil war between 1994 and

[220] UNAMI (2007) *"Human Rights Report 1 July – 31 December 2007"* http://www.uniraq.org/FileLib/misc/HR%20Report%20Jul%20Dec%202007%20EN.pdf (Last viewed May 13th 2008)

[221] Kurdistan Regional Government *"KRG establishes mechanisms to enforce laws protecting women from violence"* http://www.mcsa-krg.com/Default1.aspx?page=articles&c=Meetings&id=135 (Last viewed May 20th 2008)

[222] Kurdistan Regional Government *"George Mansour: No Intersecting action between governmental and organizational common goals aimed at public interest"* http://www.mcsa-krg.com/Default1.aspx?page=articles&c=News&id=250 (Last viewed May 28th 2008)

1997, and any emergence of civil society since then will have had to adapt to the new situation following the 2003 invasion and the 2006 unification of the two cabinets.

If scrutiny on the Kurdish situation is maintained, with international organisation observing possible problems and forcing these problems to be addressed, and to be solved immediately or gradually according to how well established these problems are, then civil society should quite possibly emerge as networks of trust expand, and new actors are brought into the circles surrounding the government.

This does under no circumstance mean that organs such as the UNAMI should become a capacity-destroying organ, imposed by the ideas common in the UN, as a poor substitute for a civil society. This would be too close to Fukuyama's notion of "capacity destruction". Rather, the UNAMI could serve as a temporary substitute for the criticism supposed to be fronted by the Kurdish civil society, until said civil society is able to emerge.

This is unfortunately the choice between two logical fallacies. Either NGOs should refrain from engaging in activities resembling capacity destruction, and thus run the risk of allowing government repression of a the civil society it is not supposed to destroy the capacity of, or NGOs should engage in activities of capacity destruction, in order to allow for the creation of the capacity it is supposedly destroying.

Relating to the criticism is also the case of Kurds in exile, refugees particularly in the United States, Germany and Scandinavia, who received the majority of refugees from Iraq. There are Kurdish societies in all the nations, who in some cases are more than willing to offer critique of the government or of violations of human rights in the Kurdish areas[223].

These critical societies can indeed be seen as a supplement to Kurdish civil society, but only a supplement for two major reasons. First and foremost, they largely rely on NGO channels, which lead back to the question posed immediately above regarding capacity destruction and logical fallacies. Second, the responsible parties in these societies can be regarded primarily as Kurdish critique emerging in a context of western nations, rather than from Kurdish civil society in Kurdistan itself.

Another aspect is also that of culture, which will be discussed shortly. But as a preliminary remark, once again Fukuyama's remarks on four levels only speak of

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[223] Most notable of these is perhaps www.kurdishmedia.net

their durability and resistance to change. It is quite possible that changes in Kurdish culture will result in bottom-up pressure for evolving civil society, as well as top-down pressure in the form of facilitation from institutions.

4.3   Kurdish culture

Fukuyama notes that states do not in fact have many levers for creating social capital. Social capital is frequently a by-product of religion, tradition, shared historical experience and other factors well outside the state's sphere of influence.

The one area the state however does possess its greatest potential to generate social capital, is through education. This largely agree with the arguments of Posen, who displayed a plausible causal evidence of how education helped change the "a-rational, ethical habit passed on through tradition" and "phenomena such as […] moral values, ethnic consciousness, "civic-ness" and particularistic historical traditions."

Prussia/Germany and France, in Posen's article was dealing with the emergence of nationalist sentiment, as well as the overall perception of the notion of the Prussian/German nation-state and the French nation-state. Posen suggests that nationalist sentiment can be constructed through schools, literacy and introduction to history. It should be possible to redirect this to also include perception of, and consent for, democracy as a form of government, especially in a society that has the nature of a near ethnic homogenous nation-state, which has been under a democratic form of government for quite a few years now.

The first attempts to influence the Kurdish schools, and to introduce the notion of democracy to students, were made already in 1992, when the ministry of culture was established.

Law no. 11 of 1992 states that a ministry of culture is to be formed, and that their duties shall be to "Conserve and promote Kurdish cultural originality in a manner in which to promote the ideals of the Kurdistan Liberation Movement and its

democratic aims."[224] Other aims include to "Direct special concern to the cultural education of children."[225]

Law No. 4 of 1992 ordered the creation of a Ministry of Education. The points laid out as the main duties of the ministry, show a large degree of consistency with Posen's suggestion of literacy as an important aspect of nationalism, and respect for the idea of civil society and culture as a force to be reckoned with in democratisation.

- o Facilitate the opportunities of access the knowledge for adults and assist in the re-training of them to lead to the development of their cultural outlook
- o Making Kurdish Language as the language of study at all levels
- o Opening special schools aimed at reducing illiteracy[226]

The law also specifies that minorities have special rights within the Kurdistan region, and that the obligations of the ministry are:

- o Making minority language s the language of study at the primary level for those place in which minorities are resident, with the teaching of the Kurdish language being compulsory.
- o Preserve the welfare of religious and moral education, with observance of minority religions.[227]

In other words, the Kurdistan Regional Government had an interest in both the development of culture, and literacy from its outset. Education in regions of Iraq is rarely a subject given much focus in the media. However, a rare 2002 interview with Abdulaziz Ta'ib Ahmed, the then Minister of Education, Kurdistan Regional Government (Irbil cabinet), showed democratisation to still be a declared part of KRG policy on education.

> "It is important for our children to learn about other cultures and countries, both to broaden their horizons, and also reinforce lessons about human rights, children's rights, equality between men and women, and democracy.
>
> […]

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[224] Stansfield (2003) pp. 205-206
[225] Op.cit.
[226] Ibid. pp. 206-207
[227] Op.cit.

A democratic system will begin in the schools. We have given teachers and students training in the workings of democracy, and we have banned the beating of students by their teachers, something which is still permitted by Baghdad.

We also take very seriously the implementation of compulsory education and the eradication of illiteracy, as insurance for the future of democracy in Iraq. We insist that boys and girls be treated equally in our schools. In addition to summer school training courses, we have also sought to increase the general health and well-roundedness of our students, so we have implemented physical education, scouting camps for both boys and girls, and arts and sports festivals." [228]

The interview shows a few key factors. In 2002, even following the establishment of the two separate cabinets, education was still considered a vital tool in democratisation, and the Kurdistan Regional Government (or at least the Erbil cabinet) still saw democratisation interconnected with issues such as human rights and equality of sexes. Furthermore, literacy, or rather the eradication of illiteracy, was still a major issue. The respect for minority rights in education, especially regarding language and religion also largely remained intact.

"We now educate in four different languages: Kurdish, Turkmen, Syriac, and Arabic, while in the rest of Iraq, the only language of instruction is Arabic.
[…]
"[A]ll nations have the right to request that the study language of a school in an area should be the language that is used by most of the people who live in that area. For this purpose there are Turkmen schools and Syriac schools, which the Kurdistan Regional Government fully supplies, just as with the Kurdish-language schools. For this purpose there are two General Directorates in the Ministry to supervise and manage these schools. Ms. Suham Anwar Wali supervises Turkmen education, while Mr. Nazar Hinna is director-general of Syriac education.

The Kurdistan region is not only linguistically diverse, but is religiously diverse as well. Accordingly, our ministry also supplies texts about Christianity in the Syriac language, and books about the Yezidi religion in Kurdish. This supplementary curriculum are studied across the region and at all educational levels up to the

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[228] Rubin, M. (2002) *"Interview: Abdulaziz Ta'ib Ahmed - Minister of Education, Kurdistan Regional Government in Irbil, northern Iraq"* Middle East Intelligence Bulletin (2002) Vol. 4 No. 1 http://www.meib.org/articles/0201_iri.htm (last viewed May 18th 2008)

fourth preparatory class year. This encouragement of diversity happens only in the Kurdistan Region, not in the rest of Iraq."[229]

This means that the 2002 Erbil cabinet still held on to the rights outlined in Law No. 4 of 1992, and that the development of education in minority languages, and the teaching of minority religions, still remained an integrated part of the Ministry of Education's policy.

This goes a long way towards showing that the Kurdistan Regional Government had a strong focus on democratisation and minority rights in education from its outset, and in the following years.

When it comes to education and school enrolment, some quantitative data could be in order, to fully appreciate the situation. The UNDP survey from 2004 has some data on the situation of education in Iraq, and some rare area-specific data regarding the "northern provinces", in which the Kurdish governorates are involved.

> **"Chapter 6 – Education**
>
> *Adult literacy rate is 65%; this is low compared to some other countries in the region. There are large disparities between urban and rural populations. In rural areas, illiteracy is widespread with 39% illiterate.*
>
> *The youth (15-24) literacy rate at 74 % is slightly higher than the rate for the population at large, yet lower than literacy rates for the age group 25-34, indicating that the younger generation lags behind its predecessors on education performance.*
>
> […]
>
> *The net enrolment ratio for primary school in Iraq is 79 % (83 % for boys and 74 % for girls). This is low compared to other countries of the region.*
>
> […]
>
> *There are regional variations in educational performance. The lowest level is found in the north where 31 % of the population over 15 years have never attended school and only six percent started or completed high education. However, regional differences have diminished in recent years, and the net enrolment for primary school in the north is now higher than the national average."[230]*

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[229] Ibid.

[230] UNDP *"Iraq National Human Development Report -* Iraq Living Conditions Survey : Issues" http://www.iraq-nhdr.net/iraqdata/ilcsissues.htm (Last viewed May 15th 2008)

The estimated school-enrolment in the most recent statistics for Iraq suggests a net primary enrolment rate in education of 88% in 2005, with literacy-rate of 74% in general, and a youth literacy rate of 84,8% in the time span 1995-2005.[231] School attendance rates are however on the decline due to the security situation.[232] The article deals primarily with school attendance in Baghdad, there are no region-specific statistics available for the Kurdistan region, but it is somewhat plausible that the notion of a good security situation enjoyed in the area[233], leads to somewhat higher attendance rates than Baghdad.

But how large an effect will a focus on democratisation in schools have on the Kurdish population in general? The 2004 UNDP survey stated that "Almost half the inhabitants are less than 18 years of age, 39% of the population is aged less than 15 years."[234]

Region-specific demographic for Kurdistan are available from the UNDP same survey, indicating that this largely correct for the region as well. "The Region has a young and growing population, with 36% aged 0-14 years, and only 4% aged over 63. The median age in Kurdistan is just over 20, meaning more than 50% are less than 20."[235]

The demographics of Iraq and its neighbouring states, looking at the age bracket from 0-14 years looks as follows (CIA World Factbook estimates):

Iraq: 0-14 years: 39.2%

Iran: 0-14 years: 22.3%

Turkey: 0-14 years: 24.4%

Kuwait: 0-14 years: 26.6%

United Arab Emirates: 0-14 years: 20.5%

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[231] UNDP *"Human Development Report – Iraq 2007/2008"* http://hdrstats.undp.org/countries/data_sheets/cty_ds_IRQ.html (Last viewed May 15th 2008)
[232] BBC News (October 3rd 2007) *"Fearful return to school for Iraq"* http://news.bbc.co.uk/2/hi/middle_east/7025678.stm (Last viewed May 15th 2008)
[233] *Measuring Stability and Security in Iraq - March 2008 Report to Congress"* pp. 26 http://www.defenselink.mil/pubs/pdfs/Master%20%20Mar08%20-%20final%20signed.pdf
[234] UNDP *"Iraq National Human Development Report* - Iraq Living Conditions Survey : Issues" http://www.iraq-nhdr.net/iraqdata/ilcsissues.htm (Last viewed May 15th 2008)
[235] Kurdistan Regional Government *"The people of the Kurdistan Region"* http://krg.org/articles/detail.asp?rnr=141&lngnr=12&smap=03010400&anr=18657 (Last viewed May 18th 2008)

What we see, is a significant difference in the percentage within the lowest age-bracket of the population between Iraq and its closest neighbours. Warfare, genocide and economic sanctions have taken its toll on the Iraqi population. However, the population is rising, and Iraq is currently seeing a "youth bulge", where a significant segment of the population is in the lowest age-bracket.

When regarding this focus on democratisation in education, and the fact that these policies in education has been present since 1992, it is highly plausible to assume that the generation having gone through the Kurdish system of education since 1992 has been properly familiarized with the concept of democracy, and its importance in Kurdish society.

Furthermore, the youth-bulge in the Kurdistan region suggests that within a period of 10-15 years, the majority of the adult population should have gone through this school system. Assuming that Posen's plausible connection between education and nationalism is valid, and making a somewhat wider assumption, that this can also be utilized for the purpose of funding a cultural acceptance for democracy among youth, the notion of democracy and human rights should be firmly established among youth, and widely accepted.

If the focus on democratisation in the school system is in fact a factor that helps embed it in culture, then a strong, culturally founded bottom-up democratisation should become apparent over time.

The notion of "bottom-up" creation of a civil society should at least plausibly be a result, if education imprints one idea of democracy and human rights in an open society, while a somewhat different idea is practiced by the government. Willingness to offer criticism when discovering a lack of democracy, after having been taught what democracy is supposed to be, should quite probably become apparent in the population as a larger segment of the population reaches maturity and graduates from schools.

Said criticism of the government, with or without proper organisation, is a key notion in Fukuyama's notion of civil society.

5. Conclusion

5.1   Institutions

When regarding the formation of the Kurdistan Regional Government, two things become clear. First and foremost, the framework for the institutions was created in a rush in the winter of 1991/92, but the institutions, both in form of legal framework, and the Kurdistan Regional Government itself, happened in isolation from potential external forces of influence, and thus carries the strength of not having suffered any form of "capacity destruction" from external forces wanting to help the process.

The other aspect that seems rather clear, is that the institutions were durable enough to withstand being split up between what effectively was two sides to a civil war in 1997, and later reunited in 2006, and still remain largely intact with regards to its form and function.

Whether the decision to keep the KRG as a regional entity in Iraq was premeditated by coalition authorities, or was a result of having obtained a degree of favour during the 2003 invasion is impossible to discern. However, the decision to keep the institutions intact is what largely contributed to making the Kurdish area of self-governance one of the most stable and secure areas in Iraq.

The KDP's and PUK's ability to join together in a unified list for the Iraqi national elections, and their involvement in guaranteeing that the United Iraq Alliance would be able to form a government, combined with efforts in negotiation when it came to the framework for an Iraqi constitution, has however reaffirmed their position in Iraq, and largely guaranteed their further existence in Iraq.

5.2   Towards democratisation?

Recalling the hypotheses set out for this latter part of the thesis, first and foremost dealing with the process of democratisation, it is perhaps time to draw a conclusion on indicators relating to this.

1. "The process of democratisation in Southern Kurdistan can plausibly be regarded to be missing one or more of the elements connected to the dimensions of democratisation stated in the theoretical framework utilized."

Fukuyama discusses the four levels in which democratisation occurs, drawing up both a series of common indicators or terms to describe this, and claiming that these processes largely occur in the two higher levels in a top-down creation, with little regard spared for the lower levels, which are often also quite slow to change.

The Kurdish example can be seen as largely coherent with this as a theoretical framework. Both the ideological and institutional prerequisites can be largely seen as satisfied, through willingness to participate in general elections, and through the creation of a democratic institutional system.

The tertiary level, civil society, is to some degree being satisfied. The Kurdistan Regional Government is repeatedly accused of trying to silence criticism in the media, and there are few traceable developments with regards to critical activism against the government apart from external pressure, especially from NGOs and exile Kurds. However, there are indications at least in official statements and activities from the Kurdistan Regional Government that suggests that they are making some efforts to facilitate the creation of organisations.

The fourth level, culture, remains without clear indicators, as it is exceedingly difficult to measure the content of a culture in any way. There are some indicators that can to some degree be connected with culture, such as violence to women, often founded in family, religious or tribal contexts, that could indicate that universal rights is perhaps not too well addressed yet, at least not when regarding equality between sexes.

2. "Evidence suggests that the Kurdistan Regional Government and/or other actors are attempting to address the missing dimension(s) to the process of democratisation."

The scrutiny from UNAMI as well as other international NGOs, combined with the focus in the school-system on democracy and human rights, as well as the statements in UNAMI reports saying that the Kurdistan Regional Government is willing to address at least some of the issues in question, goes a long way towards

suggesting that cultural change is quite possible, and that civil society will quite possibly be allowed to emerge under circumstances where the actual policies of the KRG versus their statements of being an open and democratic system, is being observed and kept in line with one another.

As Fukuyama states, this is the purpose of civil society in a process of democratisation. However, in cases where a civil society is not in existence as of yet, the scrutiny of NGOs and Kurds in exile is a somewhat adequate substitute, as long as they are not meant to be *permanently* so, but rather a *temporary substitute* allowing for the local emergence of a civil society able to take on these tasks.

Another aspect is that of cultural change itself, if it in fact does ensue from the program focusing on this in schools. It could potentially lead to activism emergent in civil society, pending three prerequisites;

1. That democracy is taught with focus on fundamental human rights

2. That knowledge of democracy from education does in fact embed itself in the "cultural" perception of the Kurds, that Kurdistan should be a democratic society.

3. That the notion of democracy, combined with a shortfall, leads to criticism and activism through participation in civil society, as a direct result.

It is a plausible assumption that *if* the notion of democracy is in fact active in the emerging segment of the population, soon to become a majority of the population in the area, focusing on aspects of such as fundamental human rights such as freedom of speech and freedom of organisation, then the discovery of a shortfall between the notion of democracy taught, and the form of democracy practiced by the government, should lead to critical questions being asked, and possibly also activism.

In this way, lack of rights extended to the civil society while a cultural impact of democratisation is instilled in schools, could possibly lead to bottom-up pressure for the formation, or the extension of wider rights, to civil society. This will however not be visible in Kurdish society for quite a few more years. It could however lead to an interesting future study, regarding the impacts of focusing on democratisation in the school-system in states where civil society remains weak, and perhaps be a resource for states suffering from this shortfall, mentioned by Fukuyama.

5.3   Proposal for further studies

There are several studies that could be undertaken, either as a continuation of this study, or in order to uncover evidence missing for this study.

Following a (potential) stabilization of Iraq, studies into the Kurdish civil society and the impact of democratisation on Kurdish culture should be undertaken. It could be an interesting project to view whether the introduction of democratisation in the school-system indeed has a long-term effect, perhaps lending support to Posen's notion of schools being a rather powerful institution when it comes to social change, to a further extent than just nationalism.

Another interesting, yet unaddressed field is the impact of Kurdish nationalism on the process of democratisation. The emergence and growth of Kurdish nationalist sentiment has been addressed previously by several authors, but often in a context dealing with the situation prior to the 1991 uprising and formation of the Kurdistan Regional Government. This leaves an empty space in the empirical knowledge of the impact of nationalism in the Kurdish question in specific.

Another aspect untended to is that of the Kurdish sentiment with regards to the other ethnicities within the area of self-governance. During its formative years, the Kurdistan Regional Government paid great focus to the status of minorities, and apparently the status and the special rights of minorities seems to be addressed in the schools as well. What is lacking is a study into how Kurds view the minorities within their areas, and how they are treated by a regional government, and whether there still is a strong degree of respect and attention paid to minority rights following the reunification of the two governments after 2006.

Already mentioned, the decision to keep the Kurdistan Regional Government as a institution in Iraq, regarding whether this decision was at all premeditated or not, could help illuminate their place in the Iraqi system. A study into Coalition Provisional Authority documents, as well as Washington policy could prove interesting.

A final remark must be made with regards to the tribal system still in place in the Kurdish areas. A study considering their nature in society, their impact and what role they play in the changing Kurdish society would be of major interest, especially given the context of a system that could potentially face rapid alterations as demographics rapidly change.

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