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Field Notes

On the Independence Referendum in the Kurdistan Region of Iraq and Disputed Territories in 2017

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Abstract

On 25th September 2017, the eligible voters of the Kurdistan Region of Iraq were given the opportunity to respond 'yes' or 'no' to the question, posed in Kurdish, Turkmen, Arabic and Assyrian: "Do you want the Kurdistan Region and the Kurdistani areas outside the administration of the Region to become an independent state?" The aim of this note is to give an empirically focussed account of the independence referendum. The note has been written by four members of a delegation who spent one week in the Kurdistan Region of Iraq (KRI) with the purpose of observing the referendum. The key point that we draw from these observations is that the referendum and the associated aspiration for independence, which potentially could have unified the different political factions in the KRI, has in fact cruelly exposed divisions.

Keywords

referendum – Kurdistan – Iraq – 2017 – delegation – observations

Introduction

Our aim in this note, based on our on-the-ground observations, is to give an empirically focussed account of the independence referendum which recently took place in the Kurdistan Region of Iraq (KRI) and disputed territories, as well as to set the referendum in its wider context. This note is written on basis of a mission to observe the referendum and is structured as follows: firstly, we describe the composition of our delegation, the referendum's background and the results, assess competing narratives, and offer some on-the-ground observations. We then give a detailed account of the referendum day, the role of independent observers, and address issues of press freedom. Finally, we outline the stance of the international community and regional powers towards the referendum and its aftermath. The key point that we draw from these observations is that the referendum and associated aspiration for independence, which potentially could have unified the different political factions in the KRI, has in fact cruelly exposed their divisions which were ruthlessly exploited by forces hostile to any independent Kurdistan state to bring about a traumatic denouement.

The Delegation

As part of a wider delegation, we spent one week in the Kurdistan Region of Iraq and the disputed territories with the purpose of observing the referendum held there on 25th September 2017. We were part of a delegation was made up of 18 members, all but two from the United Kingdom. The delegation included academics, national and local politicians, as well as members of political and trade union organisations. None of the members had extensive overseas election monitoring experience, which was, in any case, not the central function of the team. Given the disapproval of the Iraqi authorities in Baghdad and the international community on holding the referendum, our delegation did not have at its disposal the resources normally associated with election and referendum monitoring by non-governmental organisations and international bodies such as the UN, the EU, the OSCE and the like. As with other delegations observing the referendum in the KRI, we were too small in number to visit a wide array of polling booths and counting stations, and there was insufficient time to fully investigate all issues raised, including those relating to the overall administration of the referendum. As such this note cannot claim to offer a comprehensive overview of this remarkable event. Rather, it represents a somewhat impressionistic snapshot. Nevertheless, we are highly confident that its findings offer a broadly accurate picture of the 25th September 2017 referendum in the Kurdistan Region of Iraq, and of the wider context in which it occurred.

On 17th August 2017 the Kurdistan Independent High Elections and Referendum Commission (KHEC) published registration and accreditation requirements for international observers.[1] The person responsible in each delegation had to fill in a team form and provide the personal data of team members.[2] After arrival in Erbil, an Observer's ID was provided, which was valid for the day of the referendum. Preparations for the processing of the cards started on September 22nd, the actual cards were issued on September 24th. The Kurdistan Regional Government (KRG) imposed no restrictions on our access or movement. On the day of the referendum, KRG protocol cars and drivers were allocated and members of the delegation visited Suleymania, Barzan, Dohuk, Erbil and the disputed city of Kirkuk. We were taken to whichever polling station or other facilities we wanted to inspect, although language issues did inhibit communication between our members and their drivers. Members of our delegation were able to visit opponents of the referendum, such as the

1 http://campaign.r20.constantcontact.com/render?m=1102913833397&ca=2954c5e3-2934-487c-b1bd-c79d21ec97b9, last accessed date October 1, 2017.

2 http://www.khec.krd/dreje_about_en.aspx?jimare=312, last accessed date October 1, 2017.

leader of the "No for Now" campaign Shaswar Abdulwahid Qadir, a Kurdish businessman and the owner of a media conglomerate. We were also able to meet with leaders of the generally sceptical Patriotic Union of Kurdistan (PUK), such as Sadi Pire, and Saed Kakei of the Gorran (Change) Party, which along with the Kurdistan Islamic Group (KIG) had boycotted preparations for the referendum. Some of us also met with Aydin Maruf, the Erbil representative in Kurdistan's parliament of the Iraqi Turkmen Front (ITF), which is generally regarded as backed by Turkey and which was boycotting the referendum. We were collectively addressed by the head of the KHEC, Handreed Muhammed Salih, and two of our members were able to secure a private meeting with him. We were also addressed collectively by leading Kurdish Democratic Party (KDP) figures such as Fuad Hussein, chief of staff to the Kurdistan Regional Presidency; Safeen Dizayee, Chief of Staff to the Prime Minister and KRG spokesperson; Erbil Governor Nawzat Hadi Mawlood; and Hoshyar Siwaily, head of the party's Foreign Relations Office. We were also addressed by Salaheddine Bahaaeddin, head of the Muslim Brotherhood affiliated and pro-referendum Kurdish Islamic Union (KIU). Those of the team who spent the day of the referendum in Kirkuk enjoyed a lengthy question-and-answer session with Kirkuk's governor and PUK member Najmaldin Karim, who had supported the referendum in the face of considerable opposition and pressure from his own party.

Background

On June 7th, 2017 President Masoud Barzani made this statement on his twitter account: "I am pleased to announce that the date for the independence referendum has been set for Monday, September 25th".[3] The announcement signalled a symbolic break with a formal position of constructive engagement for Kurdish autonomy within a unified Iraq. Since the fall of Saddam Hussein, the Kurdistan Regional Government had supported the construction of a federal Iraq with autonomy for the Kurds. The 2005 Iraqi constitution formally recognised the Kurdistan Region as a federal region with its own legislature and armed forces. However, the Kurdistan Regional Government accuses the Iraqi leadership of refusing to implement Article 140, which says it should "perform a census and conclude through referenda in Kirkuk and other disputed territories the will of their citizens". This should have happened before December 31st, 2007, referring to the pre-condition of having to complete a census in the country as a whole. While some Iraqi leaders consider the

3 @masoud_barzani, 6:52PM, June 7, 2017.

article to be expired, Kurdish political parties not only consider Iraq's refusal to implement Article 140 a violation of the constitution, but also consider it a signal for the failure of Iraq as a federal state. At a press conference in Erbil, September 24th, 2017 president Masoud Barzani said that "the partnership with Iraq has failed". He referred to Iraq as a sectarian state.

Support for the referendum has not been universal amongst the Iraqi Kurdish political leadership. The second largest political party, Gorran, did not participate in the June 2017 decision to call the referendum and it boycotted the September 15th parliamentary meeting that was convened specifically to vote on approving it. Only 68 of the 111 MPs attended the meeting, of which 65 voted to approve that the referendum should go ahead. The small Kurdistan Islamic Group (KIG, or Komal) also boycotted the parliamentary session, as did a number of PUK parliamentarians. The primary reasons given by Gorran and by the PUK dissenters for opposing the referendum mostly related to what they argued was President Barzani's unconstitutional extension of his presidency in 2015, and his suspension of parliament in October of the same year. This involved obstructing the speaker of parliament, Gorran's Yousif Mohammed, from entering parliament at all. Indeed, the September 15th vote on the referendum was the first Kurdish parliamentary session to be held for almost two years. Some Gorran members also insisted that the June decision to call a referendum was announced by President Barzani via an executive order, and that that too was not in accordance with the correct procedures. These views were strongly expressed in an interview with Gorran leaders in Suleymania conducted by some members of our delegation before the referendum took place. Neither Gorran nor KIG sent observers to polling stations.

The referendum question that was put to voters in Kurdish, Arabic, Turkish and Syriac was: "Do you want the Kurdistan Region and the Kurdistani areas outside the administration of the Region to become an independent state?" The referendum is defined as binding in the sense that it will determine the position of the leadership in their negotiations with Baghdad.[4]

The KHEC was responsible for the organisation of the referendum. The establishment of the KHEC goes back to March 1, 2015. The KHEC was made responsible for supervising all elections and referendums within the Kurdistan Region, which had previously been supervised by the Iraqi Electoral Commission. Positions in the committee were divided among political parties. The KDP holds the position of the chair, the PUK deputy chair, the Kurdistan Islamic Union holds the position of decision making executive, and Gorran became head of the electoral division.

4 http://www.rudaw.net/Library/Files/Uploaded%20Files/English/FAQ-Referendum.pdf, last accessed date October 12, 2017.

The referendum was organised in the KRI, the disputed territories (DT) and among Kurds in the so-called diaspora. Article 117 of the 2005 constitution defines the KRI as a federal entity of Iraq[5] and Article 53 of the Transitional Administrative Law, provisional constitution signed in 2004, states that "The Kurdistan Regional Government is recognised as the official government of the territories that were administered by that government on March 19th, 2003 in the governorates of Dohuk, Erbil, Suleymania, Kirkuk, Diyala, and Nineveh". The demarcation or so-called green line includes most of current Dohuk, Suleymania, Halabja, roughly two-thirds of Erbil, the northern edge of Diyala and Nineveh but almost none of Kirkuk. The fate of the disputed territories, where borders were modified and populations were Arabised under the Ba'ath regime and which include (parts of) Kirkuk, Diyala, Erbil, and Nineveh governorates, were supposed to be settled according to Article 140. However, negotiations between the Iraqi government and KRG stalled for many years. Therefore, previous elections of the Kurdistan parliament were only conducted above the green line and did not include disputed territories. For the first time this referendum included disputed territories under Peshmerga control, but no clear boundaries were made public and caused confusion about who was eligible to vote especially among IDPs. The diaspora is defined as Kurds living outside of Iraq, which implies that Kurds living outside the KRI and the disputed territories in Iraq are not considered as diaspora.

To register as a voter, the Public Distribution System ration card played an important role. This ration card was established in the context of the Oil-for-Food Programme (OIP) introduced by the United Nations in 1995 under the UN Security Council Resolution 986. The ration card is used to determine the place of origin of citizens. Upon complaints of Kurds abroad, Shirwan Zirar, the spokesperson for the KHEC announced on September 18th that the commission removed the provision for the ration card document. Instead, one of the following documents had to be provided: the Iraqi identity card, Iraqi passport, Iraqi citizenship form, or Iraqi national card.

Results

Referring to KHEC, the Rudaw news outlet published the following fact sheet on the number of voters and polling stations (Table 1).

5 See the 2005 constitution https://www.constituteproject.org/constitution/Iraq_2005.pdf ?lang=en, last accessed date October 12, 2017.

TABLE 1 Eligible voters for the independence referendum, September 25, 2017

	Kurdistan Region in Iraq (KRI)				
	Dohuk	**Erbil**	**Suleymania**	**Halabja**	**Total KRI**
Eligible voters	771,867	1,118,775	1,299,820	90,000	3,280,462
Polling stations	264	498	476	27	1265
	Disputed territories (DT)				
	Kirkuk	**Diyala**	**Nineveh**		**Total DT**
Eligible voters	889,373	800,000	218,165		1,907,538
Polling stations	244	244	244		732
					Diaspora
Eligible voters					150,000
Total eligible voters					5,338,000

TABLE 2 Eligible voters according to UNAMI in 2014

	Kurdistan Region in Iraq (KRI)				
	Dohuk	**Erbil**	**Suleymania**	**Halabja**	**Total KRI**
Eligible voters	611,679	970,847	1,168,190		2,750,716
	Disputed territories (DT)				
	Kirkuk	**Diyala**	**Nineveh**		**Total DT**
Eligible voters	840,450	886,374	1,907,921		3,634,745
Total eligible voters					6,385,461

TABLE 3 Preliminary results published by KHEC

Eligible voters	Voters	Invalid/empty	Valid votes	Yes	No
4,581,255	3,305,925	219,990[a]	3,085,935	2,861,471 92.73%	224,464 7.27%

a The number of invalid paper votes was 40,011 or 1.21%, the number of empty votes was 9,368 or 0.28% and the number of invalid e-votes was 170,611 or 5.16%.

These numbers are probably inflated, given the UNAMI (United Nations Assistance Mission for Iraq) voters factsheet from 2014.

The number of voters in the disputed territories is likely to be much lower than the UNAMI figures suggest given many of the Diyala and Nineveh populations live outside the disputed territories.

On September 27, 2017, the KHEC published preliminary results based on a total of 4,581,255 eligible voters. According to these results, the turnout was 72.16%, and of all valid votes, 92.73% voted yes and 7.27% voted no. On the basis of the total vote, 86.56% voted yes, 6.79% voted no while 6.65% of votes were empty or invalid. On the basis of the earlier mentioned number of 5,338,000 eligible voters, the turnout would have been 61.93%.

When we look at the category of invalid/empty votes, 40,011 ballots were invalid and 9,368 ballots were empty. 170,611 of the approximately 200,000 e-votes, or 85.31%, were invalid. Online voters were only accepted if they uploaded valid identity documents (personal communication, Peter Talbot, observer, October 4, 2017). Apparently many did not or could not.

The KHEC did not publish a breakdown of numbers per province or city. However, non-official numbers are presented in Table 4.

The KHEC was established to manage the referendum, but its website http://www.khec.krd remains barely populated. At the time of writing, no regional breakdown of voting patterns had been given, so it is difficult to offer granulated analysis. However, our observers in Suleymania saw little of the enthusiasm witnessed in other heavily Kurdish populated areas, and suggested a turnout of 55% or so. One of our observers spoke to a UNAMI officer, who suggested a similar turnout figure. The Halabja turnout was unofficially assessed at roughly 55%, and some media outlets reported a 17% 'no' vote was cast there.

TABLE 4 Kurdistan referendum percentage of turnout and yes vote based on local reporting[a]

Place	Turnout (%)	Yes (%)
Mergasur	98	
Choman	91	
Rawanduz	90	
Soran	93	
Amedi	89	
Akre	94	
Nineveh	86	
Suleymania	55	
Khanaqin	96	
Kirkuk	78	
Chamchamal	63	84.2
Maxmour	88	96.8
Shaqlawa	90	93.7
Pishdar		70.81
Saidsadiq		81
Zakho	94	99
Kalar		87
Bardarash		98.2
Erbil	86	92.5
Halabja		95.4
Dohuk	91	98.33

a Carduchi Consulting, @CarduchiC, 27-09-2017.

Narratives

We identified at least three referendum narratives among political parties in the region, which we can refer to as the "failed partnership-right time" narrative, the "not a proper referendum" narrative and the "no right to partitioning" narrative.

The "failed partnership-right time" narrative says that the partnership with Iraq has failed. Since no meaningful negotiation is possible with Baghdad regarding the position of Kurdistan within a federal Iraq, the time has come to consult the Kurdistan people, and open negotiations on the basis of the

outcome of the referendum. The reality is that many of the disputed territories are now under the control of the peshmerga, which made it possible to hold the referendum in both the KRI and the disputed territories. A day after the referendum, pro-referendum politicians emphasized that the vote for independence has become a political fact, yet the KRG or Presidency would not unilaterally decide on its border. It is emphasised that the road towards independence goes through Baghdad (personal communication, Fuad Hussein, September 26th, 2017, Erbil). Baghdad has three choices: negotiate, ignore, and fight. The preference is negotiations. "No-one applauds the breaking up of a country", it is argued, "but when it happens one needs to be pragmatic" (personal communication, Najmaddin Karim, September 25th, 2017, Kirkuk). The "failed-partnership-right time" narrative also emphasises Iraqi-Kurdish unity over party divisions. In an interview in June 2017, President Masoud Barzani said "The referendum issue is about the destiny of a whole people. That's why this issue is bigger than any other political framework, or any political parties, or any political problems within the party system."[6]

The "not a proper referendum" narrative is constructed around two arguments. The first argument is that the referendum was announced by a President whose term had already expired two years ago, and therefore was not entitled to call for a referendum. The referendum has no legal basis, and hence had a false start. The second argument is that the referendum is only superficially about independence and the self-determination of people in Iraqi Kurdistan, but mainly serves as a means to provide an illegitimate president with status. The referendum is said to be a smoke screen, playing with a deep rooted desire among the Kurds for independence. It is to cover up the lack of democracy, Barzani's suspension of parliament while his legal term as president had already ended, and the development of an autocratic system under his rule in addition to widespread corruption. The narrative does not reject the idea of an independence referendum or independence, on the contrary, but brings to the fore the belief that a Kurdish state should be built on democratic institutions. This was the narrative of the Gorran spokesman we met in Suleymania, who argued that parliament needed to be reconvened and democracy institutionalised before a referendum could be organised (personal communication, Saed Kakei, September 24th, 2017, Suleymania). Concerning the post-referendum situation, some amongst those who believe this is "not a proper referendum" argue that people have been fooled and independence will not be announced (personal communication, Shaswar Abdulwahid Qadir, September 24th, 2017,

6 http://foreignpolicy.com/2017/06/15/masoud-barzani-why-its-time-for-kurdish-independence/, last accessed date October 12, 2017.

Suleymania), while others argue that in the case of a yes vote the opportunity to become independent must be taken (personal communication, Saed Kakei, September 24th, 2017, Suleymania).

The "no right to partitioning" narrative rejects the referendum outright, stating that it is illegal according to the Iraqi constitution and Iraqi law. It is argued that an independence referendum is possible only in accordance with the Iraqi constitution and law, adding that such a situation will never occur. The main concern is not whether the referendum is legal or not, but rather the partitioning of Iraq, as was expressed by an MP of the Iraqi-Turkmen Front we interviewed in Erbil (personal communication, Aydin Maruf, September 23rd, 2017, Erbil). It is also argued, however, that Baghdad is antagonising relations and that the sectarian politics of the central government is contributing to the hardening of divisions and a partitioning of Iraq. It is said that Baghdad does not regard Erbil as if it were part of Iraq, and should treat Erbil as it does Basra, by respecting its financial commitments and making a fair deal on the distribution of oil revenues (personal communication, Aydin Maruf, September 23rd, 2017, Erbil).

Observations

Arriving in Erbil on September 22nd, 2017, we attended a rally of the KDP at the football stadium in the city. At the rally, President Masoud Barzani told the crowd that the free union with Iraq had failed, and that he did not want to go back to a failed experience. While discussions regarding the postponing of the referendum continued, Barzani told the crowd that the question of the referendum was no longer an issue in the hands of political parties, but in the hands of the people. Stating that the question was between freedom and subordination, he called upon the people to cast a "yes" vote. The stadium was fully packed with – according to Rudaw – 40,000 people,[7] while many had gathered in the streets around the stadium.

Banners in favour of a "yes" vote were all around Erbil and Dohuk. Public institutions, such as the University of Kurdistan, and private institutions, had attached banners on their walls calling for a "yes" vote. Throughout the city banners could be seen that called for a yes vote, both in Kurdish and English. We did not see any "boycott" or "no" banners. When travelling to Suleymania on September 24th, 2017, the pro-yes visuals disappeared from sight as we left

7 http://www.rudaw.net/english/kurdistan/220920174, last accessed date October 12, 2017.

the KDP zone and entered the zone controlled by militia-forces of the PUK. A single billboard poster from the High Referendum Electoral Commission informing the populace that a referendum was taking place was the only information we saw on the streets. We thus witnessed a "tale of two cities" between Erbil and Dohuk where "yes" vote campaign posters festooned every lamppost and building, while in Suleymania, by contrast, there was very little evidence of any referendum campaign in the streets. This reflected the party-political character of the referendum, with the KDP of President Masoud Barzani a fervent "yes" campaigner, the PUK divided and Gorran, the biggest party in Suleymania, supporting the right to self-determination and independence, but calling the current referendum illegal.

The general impression was that the decision to hold the referendum hardened divisions between as much as within political parties. Though the KDP is able to uphold the impression of a unified party to the outside world, divisions and tensions within the PUK increased during the campaign. The local organisation of the PUK in Kirkuk rejected holding a referendum in the city, supported by the Suleymania faction led by Bavel and Lahur Talabani. However prominent PUK politicians such as the Kirkuk governor, Najmaddin Karim, and Vice-President Kosrat Rasul supported the referendum. In the days leading up to the referendum, anonymous sources said that PUK Vice President Kosrat Rasul arrived with 3,000 peshmerga to threaten those local PUK figures who were resisting the vote and had even blocked the distribution of ballot boxes. When the Iraqi army and Shiite militia entered Kirkuk, this was in apparent agreement with factions within the PUK that had opposed the referendum, and was supposed to strengthen their position against those within the party who had come closer to the KDP. The referendum thus unleashed an internal power struggle within and between parties.

Referendum Day

On referendum day some of us visited nine polling stations at random in Dohuk province, the settlements of Bardarash, Ain Sifne and Dohuk City. The polling stations we visited were clearly indicated and had non-intimidating security measures. Voters proceeded to different rooms according to their name. Inside these voting rooms, the voting process was well organised. There were observers from the different political parties (e.g. KDP, PUK, and the KIU) in the room, desks at which voters registered with the polling station staff and privacy booths to protect privacy and ballot secrecy. The proceedings were overseen by the returning officers of each polling station. Voting took place

in a calm and orderly atmosphere. This was in marked contrast to the polling stations for IDPs which we visited at Bardarash and Dohuk City as mentioned below in the article. At the end of the day we returned to the same polling station we had visited in Bardarash in the morning and witnessed the counting process which was done diligently and professionally. We were told that the final result would be sent electronically and in paper copy to a central counting station in Dohuk City.

Others visited six polling stations in the city of Kirkuk. We did not identify observers from the different political parties. The general picture, confirmed by teams visiting Duhok, Erbil, and Barzan, showed overwhelming enthusiasm for the referendum in Kurdish areas. The mood was festive, with parents and children alike dressed in Kurdish national costume, flags were flown, motor parades took place, there was singing and dancing, both during the day and when the result was announced. Yet we found Kirkuk to be a divided city. Mixed or Turkmen areas were almost entirely free of pedestrians or vehicles. There were numerous roadblocks and, as the day drew to a close, very heavy security. Polling stations received just a trickle of voters and at one such station we counted a turnout of little more than 30%. We spent almost an hour at the end of the voting day at a polling station in a Turkmen school, and during that time not a single voter appeared. One station we visited had closed an hour early, presumably due to a lack of voters. One source reported that in the Kurdish-Turkmen neighbourhood of Balouq, only one third of Turkmen population had voted. It was also reported that in some mixed Kurdish-Turkmen areas outside the city the polling stations were located in primarily Kurdish neighbourhoods. If true, this would constitute a major disincentive for Turkmen to leave their homes and vote. Beyond Kirkuk, a couple of weeks before the referendum protests had broken out in the mainly Arab town of Mandali, in Diyala province. It was reported that as a consequence no polling stations were located there and Mandali residents were instead instructed to cast their votes in nearby Khanaqin. This again would constitute a major disincentive for non-Kurds to vote. It may be worth noting that in the federal Iraqi election held in 2014, the two main Kurdish parties combined received less than 50% of the Kirkuk vote. It should also be noted that our mission did not visit any of the other disputed territories, for example in Diyala or Sinjar in Nineveh. There were no polling stations set up in areas of the disputed territories where Popular Mobilization Forces[8] had a strong presence, such as Bartalla

8 The Popular Mobilization Forces (PMF), also referred to as Popular Mobilization Unites (PMU), in Arabic Al-Hashd Al-Sha'abi, is an umbrella organization of mainly Shi'ite militias. The PMF are incorporated into the Iraq Armed Forces since 2016.

and Hamdania in Nineveh. In Nineveh province, polling was conducted in strongly KDP-controlled areas, such as Shaykhan (Ain Sifne), Bashiqa, al-Qosh, Zummar and Rabia. In the case of Diyala, the referendum was only held in Khanaqin, Jalula and Kifri.[9]

We also noted some potential anomalies concerning who was entitled to vote, and where, that is, relating to voter registration. Members of our mission who visited IDP camps as well as other observers that we spoke to, found what can only be described as chaos; long queues taking hours to clear, arguments over the validity of documentation, voters who were told they should have gone elsewhere to vote, and insufficient staffing. In Bardarash there were orderly queues in the morning and a rather hectic atmosphere. In Dohuk City in the afternoon, the queues were much longer and the atmosphere very tense as people who had been queuing for four hours tried to squeeze through a small doorway to vote. It seemed that there were insufficient staff to cope with the large numbers which we surmised were unanticipated as the electoral roll used for residents was not applicable. We understand the IDPs had to show some other form of identification which would then be crosschecked later. At one polling station one member of our mission counted 2,000 people queuing to vote for a single polling booth, and reported that people had queued for over four hours. Certain polling centres were provided specifically for IDPs. At these centres, voters placed their completed ballot paper in an envelope, placed this envelope in a second envelope, and wrote their name on the latter. It was then possible for officials to check the name against a list of people living in temporary accommodation, and to subsequently send the inner envelope for counting in a secret ballot. It would be wrong to judge Kurdistan's referendum organisers too harshly. It is surely inevitable that establishing the right of displaced people to vote, and determining where they should cast their vote should be complex and confusing. This is not a problem of Kurdistan's making in any case. However, such chaos does cast some doubt on the accuracy of the voter registration figures that formed the basis of the referendum. The Dohuk voter registration total seemed particularly high compared to past figures.

Kirkuk threw up some additional anomalies of its own. As we have noted, Iraqi federal elections have not taken place there since 2005 as a consequence of inter-communal differences over who has the right to live and vote there. Kirkuk Governor Najmaddin Karim told members of our mission that the voter registration total for Kirkuk province derived from an updating of the 1957 census, the last census to be held there. Of course, this was before extensive

9 Inside Iraqi Politics, Issue No. 164, Utica Risk Service, pp. 7–9.

Arabisation took place, so would be likely to boost Kurdish voting figures and diminish Arab voters in particular. It is also a practice that is inherently vulnerable to manipulation. This is not an allegation that manipulation did take place, since there would be no way of establishing that in any case. But again, it casts doubt on the accuracy of the voter registration figures given and draws attention to the contentious nature of voting in this region. It may also be worth noting that Governor Najmaddin Karim told us he did not expect high Turkmen or Arab votes in his province. This suggests that the referendum was more a celebration of Kurdish identity than a referendum in the usual sense. Another anomaly was that in Kirkuk votes were instead not counted at the polling stations, as was the case in other areas visited, but were counted centrally. When this author asked the KHEC head Handreed Muhammed Salih for an explanation, he claimed he did not know of this practice but thought that the local Governor probably instituted this arrangement based on security considerations. He also informed us that some trained non-Kurdish polling station staff had received threats and had withdrawn their participation in the conduct of the referendum. A member of another observation mission had visited Kirkuk's vote counting centre and told us that there appeared to be few procedures in place and a great deal of argument over and variation in how to conduct the count. Our Kirkuk observers also came across a polling station at which only one third of registered voters had voted, but where an additional 1000 votes had been cast. The explanation given by the polling station officers was that these additional votes had been cast by peshmerga voters, who we were told had the right to vote anywhere. When confronted with this, the KHEC head said that since it had been necessary to draft additional peshmerga units into Kirkuk and other tense areas, which was indeed the case, these peshmerga were given the right to cast their ballots at the nearest polling station to wherever they now found themselves. This is a plausible explanation, but again could be considered a practice that is open to exploitation. Some of our members did visit a designated peshmerga polling station and found it busy and orderly.

Overall, the assessment of our observer team is that, even if the "yes" vote and the turnout figures lack a certain degree of accuracy and reliability, broadly speaking they do convey an almost unanimous Iraqi Kurdish support for independence, if not for this particular referendum. At the same time, some of us witnessed a general sense of chaos, confusion, inadequate supervision and last-minute and ad hoc arrangements, although there is no evidence that this materially affected the vote in any major way. However, the voting figures also portray the widespread unease about how and why the referendum was called, the political circumstances in Kurdistan that lay behind the decision, and the

failure of the Kurds to win the hearts and minds of many non-Kurds in the disputed territories.

Independent Observers

At a meeting with the KHEC on September 23rd, we were told that volunteers were encouraged to register as observers. After registration, the observers would receive an ID card which gives access to polling booths and counting stations on referendum day. Both members of a political party and people without a party affiliation could be registered as observers. According to the committee, there were about 23,000 observers. However, we were told that 8,000 observers related to the "No for Now" campaign would not be able to take up their role as observers as a result of alleged administrative reasons (personal communication, Shaswar Abdulwahid Qadir, September 24th, 2017, Suleymania). Observer registration forms which had to be filled in with a passport photo attached, were allegedly received on September 24th, one day before the referendum. These observer registration forms could not be processed and stamped by the KHEC in time.

Media

The KHEC published media regulations on August 17th, 2017. The regulation mentioned the right to information and express opinion, and the obligation for the media to be accurate and impartial. The leader of the "No for Now" campaign and owner of the NRT TV Channel mentioned incidents affecting the work of the NRT TV Channel and obstruction of media coverage (personal communication, Shaswar Abdulwahid Qadir, September 24, 2017, Suleymania). Following the issuing of the media order, on August 22, 2017 the Asayiş prevented the opening of a NRT TV studio in Erbil in which the broadcast of a "program on the Kurdistan referendum was set to take place".[10] On August 27, NRT TV was suspended for one week. On August 31, 2017, armed men entered the NRT TV studio in Dohuk, damaged the NRT logo on the roof, and threatened to set the office on fire. According to the head of the office, "[t]he assailants were driving vehicles belonging to the Kurdistan Region's Ministry of Peshmerga and [they] threatened to set the office on fire if were not evacuated."[11]

10 http://www.nrttv.com/En/Details.aspx?Jimare=16211, last accessed October 12, 2017.
11 http://www.nrttv.com/En/Details.aspx?Jimare=16362, last accessed date October 12, 2017.

According to Reporters without Borders "an NRT TV crew was prevented from covering the arrival of the KRG's president (and KDP leader), Masoud Barzani, in Suleymania on 20 September."[12] According to reports, Roj News, KNN and Payam TV too were prevented from covering meetings on the referendum on several occasions.[13]

Sovereign State and Diplomacy

Crucially, the sovereign authority (the central government in Baghdad) had opposed the holding of the referendum from the start: Iraqi Prime Minister, Haider al-Abadi, declared it unconstitutional and the Iraqi Supreme Court ordered its suspension.[14] In the absence of support for the referendum from the sovereign state, major international and regional powers, as well as intergovernmental organisations, were unanimous in opposing the unilateral holding of the referendum and actively sought to dissuade the KRG from proceeding with it. Statements were issued by the United States and the United Kingdom opposing the vote and suggesting the focus should remain on defeating the Islamic State. Germany and France[15] also opposed the referendum, as did Russia.[16] The Security Council of the United Nations issued a statement "expressing concern over the potentially destabilizing impact of the Kurdistan Regional Government's plans to unilaterally hold a referendum" and supporting the territorial integrity of Iraq.[17] The day after the referendum the Secretary General issued a similar statement noting the opposition of Iraq's constitutional authorities and regional neighbours claiming that holding the referendum in the disputed territories, notably Kirkuk, was particularly destabilising.[18] The foreign ministers of the European Union counselled against

12 https://rsf.org/en/news/media-targeted-kurdistan-referendum-tension, last accessed date October 12, 2017.

13 https://rsf.org/en/news/media-targeted-kurdistan-referendum-tension, last accessed date October 12, 2017.

14 http://www.aljazeera.com/news/2017/09/iraq-top-court-rules-suspend-kurdish-referendum-170918102729593.html, last accessed date October 12, 2017.

15 http://www.independent.co.uk/news/world/middle-east/iraqi-kurdish-independence-referendum-preview-isis-krg-vote-a7955936.html, last accessed date October 12, 2017.

16 https://www.rt.com/news/404719-russia-supports-united-iraq/, last accessed date October 12, 2017.

17 http://www.uniraq.com/index.php?option=com_k2&view=item&id=7424:security-council-press-statement-on-iraq&Itemid=605&lang=en, last accessed date October 12, 2017.

18 http://www.uniraq.com/index.php?option=com_k2&view=item&id=7445:note-to-correspondents-from-the-spokesman-of-the-secretary-general-of-the-united-nations

unilateral actions.[19] Not surprisingly, Turkey and Iran promised there would be a "price to pay" and a response if the vote went ahead. Just two days before the referendum, Rex Tillerson, US Secretary of State, made a last-ditch request to President Barzani to postpone the referendum, but to no avail.[20] Only Israel supported the poll taking place.[21] The United Nations, the United States, and the United Kingdom proposed an alternative to the referendum. The international community's alternative was a structured and result-oriented partnership negotiation between Erbil and Baghdad to resolve the outstanding issues within a time-frame of two or three years, including the issue of the disputed territories. The talks would be overseen by the UN Security Council. Barzani decided to refuse the alternative. After the referendum, diplomats univocally expressed disbelief over the call of pro-referendum politicians to the international committee to play a mediating role between Erbil and Baghdad. Mediation and support had been offered in return for not organising a referendum, but now the referendum had been held, the KDP found itself alone.

Aftermath

The promised reaction to the referendum came a few days after with Baghdad's announcement of an international flight ban to the Kurdistan Region's airports starting on September 29. There followed further measures: arrest warrants for the organisers of the referendum, a move to stop selling US dollars to banks based in the Kurdistan Region, coordinated Iraqi/Turkish military exercises, a parliamentary authorisation of the use of force and ultimatums to hand over control of border posts and Kirkuk. On October 16, the Iraqi Armed Forces, federal police and the PMF took control of Kirkuk. The KDP and PUK ordered their peshmerga forces to retreat, engaging in a war on social media instead. Bitter acrimony between the various Kurdish factions ensued with labels of "traitor" being exchanged on Twitter. Within a brief span of time, all the disputed territories and most of the oil fields located there were under the control of the Iraqi central government, and the swathe of territory controlled by the Kurds since 2014 had been lost. The Kurdish political parties were shown to be hopelessly divided on strategy even if the Kurdish citizenry remains almost

-on-the-referendum-in-the-kurdistan-region-of-iraq&Itemid=605&lang=en, last accessed date October 12, 2017.

19 http://ekurd.net/eu-kurdistan-referendum-2017-06-19, last accessed date October 12, 2017.

20 The letter is available at https://assets.bwbx.io/documents/users/iqjWHBFdfxIU/rsJkyXsgEaig/v0.

21 https://www.reuters.com/article/us-mideast-crisis-kurds-israel/israel-endorses-independent-kurdish-state-idUSKCN1BO0QZ.

unanimous in their support for the idea of an independent Kurdistan. The outcome is that the negotiating position of the KRG as a nominally unified actor is surely weaker than before the referendum. The oil fields which provided most of of the KRG's independent income since 2014 are under central government control. A civil war in the Kurdistan Region is a real possibility. Despite his statement[22] that the vote had not been in vain, it seems fair to say that Masoud Barzani's risky referendum gamble has spectacularly failed in its ostensible aim.

Conclusions

This note has attempted to add to the recent commentaries on the KRI independence referendum by offering an empirically focussed account based on our unique status as observers. Overall, in administrative terms we found the referendum did, despite its administrative shortcomings, accurately convey the opinions of the Kurdish citizens of Iraq on the question posed. The administrative problems we observed were likely caused by the preparation time for the referendum being too short. Indeed, the KHEC had advised that the elections be held in February 2018, but this was not approved by the KDP political leadership. This non-approval hints at the all important political context of the referendum, namely the yes result was never really in doubt, but that the timing was due to political considerations on the part of Masoud Barzani and the KDP.

During our visit, several proponents of the referendum from both the KDP and PUK emphasised that the Kurds are unified at decisive moments and that the referendum was such a significant moment. This may be the case in terms of the referendum as an expression of aspiration, but in practical tactics the factions have shown themselves divided and the limitations of a polity organised around family-dominated politics and militias have been cruelly exposed.

Our final observation is that the referendum and the circumstances in which it was held hardened the divisions between the KRI's political parties and also within one of these parties. Divided, the Kurds lacked the necessary unity to counter the inevitable moves of those opposed to their independence. We take no great pleasure in concluding that Kurdish dreams and aspirations for an independent state, which saw Kurds conduct their referendum in a celebratory spirit a few weeks ago, now seems more than ever to be merely a chimera.

22 http://www.presidency.krd/english/articledisplay.aspx?id=y30eHs51Swc=.