

April 2021

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Iraqi Kurdistan in Context: Disorder Within the New Political Order

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Introduction

Over the past several years, the conditions supporting the consensus-style government that had previously defined relations between the two ruling parties, the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK), have diminished considerably. Meanwhile, partisan rivalries and a preoccupation with surveilling dissidents have left the Kurdistan Region of Iraq (KRI) ill-equipped to meet external threats to its security and mend its relationship with Baghdad. In this brief, we describe the shifting political climate in the KRI and its effect on governance within the region, as well as how it has influenced its relations with its neighbors in Iraq and the broader region.

An imbalance of political and economic power

The economic crises that the KRI has suffered over the past seven years as a result of the suspension of its share of the federal budget have diminished financial incentives for the KDP and PUK to cooperate within the framework of the Kurdistan Regional Government (KRG).ⁱ Today, federal transfers, which were once 96% of the region's budget, comprise a little over one third of the region's income.ⁱⁱ The parties increasingly compete to consolidate sources of revenue derived from oil and natural gas production, customs duties, taxes, and fees, which has resulted in friction between and within the political bureaus. This has also contributed to the gridlock in budget talks with the federal government, which seeks to extract concessions from the KRG for increased control over the region's borders, a primary source of PUK income, and its energy sector, which is dominated by the KDP.

Meanwhile, political power has shifted decisively in favor of the KDP. The KDP's 2018 electoral victories allowed it to retain

key positions in the government including presidency, premiership, security council, Ministry of Interior and Natural Resources. Provocatively, Prime Minister Masrour Barzani has also claimed a majoritarian mandate to govern and declared an end to the consensus system.ⁱⁱⁱ Accordingly, he has rebuffed demands from his new counterparts in the PUK, Lahur Sheikh Jangi Talabani and Bafel Talabani, for parity in the division of political and economic power. As part of his public sector reform and anti-corruption platform, PM Barzani has also attempted to exert control over the region's borders^{iv} and to centralize administrative authority in his cabinet, weakening institutional levers through which the PUK can exercise veto power. The PUK has responded by escalating its demands for "decentralization,"^v which is widely interpreted as coded language for a return to the system of 50-50 rule (or even, some suggest, the re-establishment of the de facto governments that existed prior to 2005).^{vi} The parties' increasingly volatile relationship poses challenges for Baghdad and for foreign governments, which face competing demands from the KDP and PUK, as seen in recent budget talks.

Diminishing confidence and securitization of public space

The situation of the KRI's citizens has continued to worsen as the deterioration and privatization of public services, salary cuts, hiring freezes, and labor strikes become the norm. Although the parties retain economic power through their affiliated private enterprises and physical control over natural resource deposits and border checkpoints,^{vii} these revenue sources are not enough to pay the full salaries of nearly 1.2 million civil servants on the KRI payroll, let alone to provide employment opportunities to high school and college graduates. The decline in public confidence is exacerbated by the ineffectiveness of parliament and provincial

councils in addressing popular grievances.^{viii}

As public confidence in the KRG's political system erodes, the frequency and intensity of protest has increased. The government and incumbent parties have reacted by curtailing citizens' speech and assembly rights and the immunity of lawmakers who expose corruption.^{ix} While the PUK has attempted to balance coercive and co-optative responses to protest in Sulaimaniyah and Halabja,^x the KDP has commenced an unprecedented crackdown on journalists and activists in Duhok and Erbil. Notably, defendants in a recent high-profile case were charged with violating a previously rarely applied national security statute,^{xi} for allegedly provided information to the U.S. and German consulates and the American Bar Association. This raises the question of whether foreign diplomatic missions and NGOs may, in good faith, continue to work with a government that regards their engagement with civic organizations and journalists as a security risk.^{xii}

Parity in the Security Sector

While the imbalance of political power has resulted in KDP dominance over KRG institutions, there remains relative parity in the distribution of armed force. Thus, in the absence of partisan consensus, coercion has again become a primary instrument through which the two parties advance their political goals. The PUK in particular has relied on its security apparatus to protect its political and economic interests in the "Green Zone" against what it perceives as KDP overreach.^{xiii} The incidence of tit-for-tat arrests of party and intelligence operatives^{xiv} and the KDP and PUK intelligence services' use of their official social media accounts to harass and threaten one another (as well as dissidents) has also increased.

In 2017, the US, the UK, and Germany began efforts to unify the region's

peshmerga forces and resolve ongoing disputes over their control in collaboration with the Ministry of Peshmerga Affairs.^{xv} Yet this approach addresses only one part of the KRI's multifaceted security sector. Since the 2017 withdrawal of peshmerga from the disputed territories, units under the Ministry of the Interior and intelligence agencies, historically focused on protecting party hegemony, have eclipsed the influence of Peshmerga units that were formed to protect the region from external threats. This transition is attributable to the emergence of two commanders of the KDP and PUK intelligence services – PUK Co-President Lahur Sheikh Jangi Talabani and Prime Minister Masrour Barzani – as the pre-eminent actors on the KRI's political scene. A significant challenge to the integration of these forces is the KDP's control over the KRG's primary security institutions: the Ministry of the Interior, the Kurdistan Region Security Council, the premiership, and the presidency. This has meant that the KDP has been more open to peshmerga reform initiatives that would create a government monopoly over the use of force while the PUK, which retains the Ministry of Peshmerga Affairs, has been reluctant to cede control over the forces that defend the territorial and economic sources of its veto power.^{xvi}

Regional conflicts and the KRI

The withdrawal of Kurdish forces from the disputed territories^{xvii} in October 2017 left a political and security vacuum. Militias backed by Iran and affiliated with splinters of the Popular Mobilization Forces (PMFs) have staged attacks against the KRI, such as the recent rocket barrage of Erbil.^{xviii} Kurdish communities in Kirkuk and Diyala have also been targeted in attacks by Islamic State cells^{xix} and have faced a renewed campaign of evictions.^{xx} However, talks between the Iraqi Ministry of Defense and the KRG Ministry of Peshmerga to re-establish a peshmerga presence in these areas have not

borne fruit. Political intransigence, including the KDP and PUK's own (often competing) demands for territorial control and administrative influence, has also prevented the restoration of Kurdish administration and return of the nearly 650,000 internally-displaced persons (IDPs) hosted by the KRI.^{xxi} Thus, an agreement between the KRI and the federal government, as well as affected commuxadministrative presence in the disputed territories will be necessary to protect the KRI from future attacks, to facilitate IDP returns, and to promote a resolution to territorial disputes. An important part of this process will involve strengthening coordination among Kurdish stakeholders, namely the KDP and PUK, to form a coherent regional policy toward the disputed territories.

The PKK presence in the Kurdistan Region has also provided a pretext for Turkey to expand the scope and frequency of its attacks in the KRI and Sinjar district (Nineveh province) in pursuit of the organization.^{xxii} Although the Iraqi federal government and KRG reached a pact to dissolve PKK affiliated forces in Sinjar, resistance from the PKK-linked interim district administration has prevented implementation.^{xxiii} Turkish air raids in the border regions of Erbil and Duhok have also killed dozens of civilians and forced the evacuation of villages, resulting in popular frustration with the KRG's response to Ankara's incursions. The recent involvement of KDP armed units in skirmishes with guerrillas contemporaneously with the escalation of Turkish hostility^{xxiv} has raised concerns among the PUK^{xxv} (which both accommodates and limits the activities of PKK affiliates in its territory) and locals of the possibility that the region could be drawn deeper into a regional conflict. Although a solution to the conflict is rooted in Turkish domestic politics,^{xxvi} the KRI must form a coherent strategy to address the PKK presence in the region and participate in negotiating the cessation of hostilities. The KRG and federal government must also commit to a resolution in Sinjar that goes further than the current agreement in promoting citizen participation in choosing the district's political representation.^{xxvi}

Conclusion

The KRI finds itself in a precarious situation, consumed by internal political and legitimacy crises while facing increasingly complex external challenges to its security and stability. Diplomatic and military missions in the KRG will be required to address a range of governance and security issues to maintain stability in the KRI and ensure its constructive participation in national and regional politics. This necessarily begins with promoting cooperation between Kurdish parties on issues of local and national significance, especially with regards to security sector reform and the return of Kurdish forces and administration to the disputed territories. Diplomatic missions should also focus on strengthening the accountability of public officials in the KRG by supporting regular local elections as well as anti-corruption initiatives that encourage the participation of citizens, legislators, provincial council committees, and local administrators as an alternative to the divisive, top-down approach taken by the KRG. Finally, diplomatic missions should continue to closely monitor civil rights violations and unequivocally denounce mass arrests and political trials of dissidents.

I. Ali Saleem, Z., & Skelton, M. (2020). Assessing Iraqi Kurdistan's Stability: How Patronage Shapes Conflict. Retrieved from <https://auis.edu.krd/iris/front-page-slider-publications/assessing-iraqi-kurdistans-stability-how-patronage-shapes-conflict>

II. Jihangir Sadiq Gulpi. "Challenges with public income in the Kurdistan Region and remedies." Aindanasi. No (2) July 2020. (in Kurdish). Retrieved from https://www.centerfs.org/files/2020/07/Ayindanasy-Magazine-02_compressed.pdf

III. The KDP holds 45 seats in the 111-seat parliament. However, the 11 seats reserved for minorities are widely regarded as KDP proxies. The KDP-alignment of minority parties has given the party the narrow majority needed to pass controversial motions such as the suspension of parliamentary immunity for an opposition MP, Soran Omer, in May 2020.

- IV. Kurdistan 24. "Text of the answers given by PM Masrur Barzani to the Kurdistan Region Parliament." October 5, 2020. Retrieved from <https://www.kurdistan24.net/so/news/a39c2313-6d6b-4296-9ac2-3b0624d26fbf>
- V. Connelly, M., & Fleet, M. (2020). Living Apart Together: Decentralized Governance in the Kurdistan Region of Iraq. Retrieved from <https://auis.edu.krd/iris/frontpage-slider-publications/living-apart-together-decentralized-governance-kurdistan-region-iraq>
- VI. Interviews with members of the Sulaymaniyah Provincial Council, September 25, 2020 to February 10, 2021.
- VII. Ali Saleem, Z., & Skelton, M. (2020). Assessing Iraqi Kurdistan's Stability: How Patronage Shapes Conflict. Retrieved from <https://auis.edu.krd/iris/frontpage-slider-publications/assessing-iraqi-kurdistans-stability-how-patronage-shapes-conflict>
- VIII. Provincial council members, governors, and local administrators frequently complain of their lack of legal authority, administrative capacity, or financial support to address popular grievances. Local administrative posts are also distributed on the basis of partisan loyalty rather than through elections and thus demonstrate low levels of accountability to constituents.
- IX. Since May 2020, parliament has removed the immunity of four MPs: Soran Omer of Komal, Ali Hama Salih and Daban Mohammad of Gorran, and Bahman Kaka Abdullah of the KDP. Omer, Salih, and Mohammad had been charged with publicizing "false" information that implicated the KDP and PUK leadership in money laundering and smuggling operations.
- X. Sardar, L.; Shadeedi, H., and Skelton, M. (2020). Why Did Protests Erupt in Iraqi Kurdistan? Retrieved from <https://auis.edu.krd/iris/publications/why-did-protests-erupt-iraqi-kurdistan>
- XI. Law 21/2003 provides that "Any person who intentionally and is by any means involved in the act with the intent to harm the security, stability, and sovereignty of the institutions of the Kurdistan Region-Iraq and is the cause of [said] harm, shall be imprisoned for life or for some specified period." According to Ayhan Saeed, Director of the Metro Center in Duhok, the February 16th convictions were the first under Law 21/2003 in over a decade. Another 76 journalists and activists who remain in custody have also been charged under this statute (Connelly, Interview with Ayhan Saeed, March 10, 2021).
- XII. CPJ. "'Spaghetti against the wall': how flimsy evidence sent 2 Iraqi Kurdish journalists to jail for 6 years" Retrieved from <https://cpj.org/2021/03/spaghetti-against-the-wall-flimsy-evidence-iraqi-kurdish-journalists-jail/>; Connelly, interview with Ayhan Saeed, Director of the Metro Center, Duhok, March 10, 2021.
- XIII. In January 2020, for example, the PUK police forces halted a shipment of natural gas from its territories en route to Erbil and Duhok in retaliation for the KDP-controlled Ministry of Natural Resources granting the transport contract to a non-PUK fuel transport company. In later months, the two parties came to a military standoff in Zini Warte, a buffer zone that had existed since the end of Kurdish civil war in 1998. See, Mohammed Rwanduzy, "Gas canister price hike caused by 'monopolists and mafias': KRG," Rudaw, February 2, 2020, Retrieved from <https://www.rudaw.net/english/kurdistan/020220204>; Middle East Eye. "Kurdish tensions in northern Iraq raise prospects of PKK crackdown." May 2, 2020. Retrieved from <https://www.middleeasteye.net/news/pkk-crackdown-in-iraq>
- XIV. Bakr, Interview with a member of the KRSC intelligence agencies.
- XV. Sangar Ali, "Coalition works with Peshmerga ministry for reform and unity of Peshmerga forces," Kurdistan 24, December 1, 2018. Retrieved from <https://www.kurdistan24.net/en/story/18162-Coalition-works-with-Peshmerga-Ministry-for-reform-and-unity-of-Peshmerga-forces>
- XVI. Bakr, Interview with Peshmerga Major General Bakhtyar Mohammed and with a commander of PUK's 70 units. November 8, 2020.
- XVII. The term "disputed territories" refers to areas of administration falling within the scope of transitional Article 140 of the Iraqi constitution. These include the governorate of Kirkuk along with districts of Diyala, Salah ad-Din, and Nineveh governorates.
- XVIII. NPR. "Rockets kill civilian contractor, injure U.S. service member, others in Erbil, Iraq." February 15, 2021. Retrieved from <https://www.npr.org/2021/02/15/968182912/rockets-kill-civilian-contractor-injure-u-s-service-member-others-in-erbil-iraq>
- XIX. Kirkuk Now. "Kakai minority fights for life on two fronts." April 29, 2020. Retrieved from <https://kirkuknow.com/en/news/62093>
- XX. Voice of America. "Kurds warn of mounting ethnic tensions in Iraq." September 25, 2020. Retrieved from <https://www.voanews.com/extremism-watch/kurds-warn-mounting-ethnic-tensions-iraq>
- XXI. Skelton, M. & Ali Saleem, Z. (2021). Displacement and Iraq's Political Marketplace: Addressing Political Barriers to IDP Return. Retrieved from <https://auis.edu.krd/iris/frontpage-slider-publications/displacement-and-iraqs-political-marketplace-addressing-political>

- XXII. Al Monitor. "PKK remains thorn in side of Turkish-Iraqi relations." December 2020. Retrieved from <https://www.al-monitor.com/originals/2020/12/turkey-iraq-kurdistan-pkk-problem-mahkmour-camp-dohuk.html>
- XXIII. Kirkuk Now. "13 requests from Shingal to Kadhimi: Autonomous Administration and Special Forces." March 15, 2021. Retrieved from <https://www.kirkuknow.com/en/news/65110>
- XXIV. Al Jazeera. "Kurd vs. Kurd: Fears of full-scale war rise in northern Iraq." December 2, 2020. Retrieved from <https://www.aljazeera.com/news/2020/12/2/kurd-vs-kurd-fears-of-full-scale-war-rise-in-northern-iraq>
- XXV. Voice of America (Kurdish). "Farid Asasard: If Turkey mobilizes toward Shingal, it will cause a major conflict." March 3, 2021. Retrieved from https://www.dengiamerika.com/a/5799791.html?fbclid=IwAR2JwNQ3fnM8ICFOhUE0tqY_Ste7QFkg-PGqeLv0E_BeuLC5prJqScon-Yw
- XXVI. Jasim, D. (2021). Biden's Challenge: Kurdish Autonomy and Turkish Expansionism. Retrieved from <https://www.giga-hamburg.de/en/publications/23480846-biden-challenge-kurdish-autonomy-turkish-expansionism/>
- XXVII. The Sinjar Agreement does not require local elections and district elections have not been held by the IHEC since the passage of the 2009 electoral law although the law provides for them. Provincial and local elections have not been addressed by legislation since the passage of the 2019 amendments to the electoral law.

Cover photo from The University of Texas at Austin, Perry-Castañeda Library Map Collection, Retrieved on April 23, 2020 from https://legacy.lib.utexas.edu/maps/middle_east_and_asia/iraq_pol-2009.jpg