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Is Three a Crowd? The Kurds, Baghdad and Poland

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The diplomatic conflict that exists between the government in Baghdad and the Kurdish Regional Government impacts relations of both authorities at the international diplomatic level. As the case of Polish-Iraqi relations demonstrates, meaningful and effective involvement with the KRG is obstructed and sometimes impossible because of the ongoing Baghdad-Erbil conflict and the continuous possibility of the KRG seceding from Iraq. With the dynamics of Iraq changing post Maliki, it is important for these diplomatic relations to change accordingly, both internally and externally, in order to protect the territorial integrity of Iraq.

There is a constant battle between Baghdad and the Kurdish Regional Government (KRG) for the level of autonomy the KRG receives. Due to the dynamics of the situation this struggle is often transferred to the international stage and involves Baghdad and the KRG both trying to influence other states' policies with regards to Iraq and the Middle East. Because of this, the Kurds have developed their own relationships with other countries independent of Baghdad by setting up a number of consulates. Internally, the KRG have manoeuvred into a position where it would be able to secede; however, without exogenous support any secession would be short lived. For this reason examining the interactions between Baghdad and the KRG on the international stage becomes important, as it involves the KRG trying to create the dynamics for secession and Baghdad trying to prevent it.

Officially, the Iraqi embassy is the representative for all the citizens and factions of Iraq. However, constitutionally, the KRG is allowed to develop its own consulates. The KRG has representatives in 14 countries and 30 countries have consular offices within the Kurdish region. Poland falls into both these categories, thus becoming an important site to examine the unfolding developments of the power struggle between Baghdad and the KRG.¹ The results of this power struggle are extremely important for the future of the Middle East because, with the Kurds existing across four states (Turkey, Iraq, Iran and Syria), the creation of any new Kurdish state could resonate beyond its borders and change the whole dynamics of the Middle East.

¹ H. Sharifi, "Kurds 'punching above our weight' says KRG's new face in Washington," *Rudaw*, 17 July 2015, <http://rudaw.net/english/interview/17072015>.

KRG Aims

Turkey denying the coalition forces the use of its bases in order to stage the 2003 invasion of Iraq was a momentous occasion for the Kurds of Iraq. As a result of Turkey's decision, the Kurds in northern Iraq became partners with the coalition forces and have used this to their advantage by continuously strengthening their position in the region. Due to the no-fly zone that was created following the First Gulf War, the Kurds already had a *de facto* autonomous region, and therefore the offensive operations in the Second Gulf War never actually took place on Kurdish territory.² This allowed the Kurds to focus on development whilst the rest of Iraq was in relative chaos. Moreover, the more organised position the Kurds found themselves in helped them gain advantage when creating the Iraqi constitution. Along with the Kurds' unity, the hiring of constitutional advisors allowed them to help create a constitution highly favourable to the Kurds and their desires.³

The Kurds managed to introduce federalism to the constitution, which in turn gave them an autonomous region with many of the powers and resources that they sought. Although Baghdad has constantly tried to deny the Kurds as much autonomy as possible in practice, it still exists in the constitution. The Kurds have used these powers, and the resources and stability of the KRG to develop their region into the safest and most developed part of Iraq.⁴ Essentially, although not voiced in public, the Kurds have been preparing for secession. The KRG has developed a well-trained army, called the *peshmerga*; it has managed to get around the fact that it is landlocked and surrounded by neighbours who do not favour a Kurdish state by developing a very strong and valuable relationship with Turkey; the KRG has increased its production and trade capacity; it has introduced stability, which has resulted in foreign investment; and most importantly, the KRG has developed its capacity to extract hydrocarbons and export them independently of Baghdad, thus giving the Kurds of Iraq financial stability and a sense of independence. Additionally, the KRG attempted, with limited success, to arm the *peshmerga* independently of Baghdad, as the majority of arms sales and aid goes to Baghdad and is distributed as the Iraqi government sees fit. Baghdad is cautious of giving the KRG arms that could be used to aid secession. The fight against the Islamic State (IS) has increased the KRG's need for arms, and thus it is still attempting to be classified as independent of Baghdad in order to receive arms directly.

Although the KRG is constantly pushing for more independence, any secessionist play by the KRG has to at least appear as the only option available to them. Therefore, the Kurds cannot be seen as trying to force secession, but rather have to demonstrate that it is no longer possible to operate within the constraints of Iraq. The reason for this is that if the Kurdish region were to become a state, the KRG would need the support of its neighbours, as well as the international community. Thus, the Kurds have to bide their time, continue to develop their state systems and build relations with other states independent of Baghdad. The Kurds can also not be seen as responsible for the failure of Iraq, they can, however, put pressure on the system by demanding their rights, as per the constitution. The failure by Iraq to deliver these rights edges the Kurds further and further towards secession. This was evident recently when, after years of disagreement over budget, hydrocarbon laws and financing of the *peshmerga*, the KRG announced a referendum for secession. Due to the lack of international support and the fact that it became evident that Nuri al-Maliki—Iraq's prime minister who the Kurds have been battling with for eight years—would not retain power, the Kurds announced they would not carry out the referendum and would instead give Iraq one last chance.⁵

This pronouncement allowed the Kurds to display, on the outside at least, to the international community that they are reasonable and that they are trying to make Iraq work. However, they continue to prepare

² Q. Lawrence, *Invisible Nation: How the Kurds' Quest for Statehood is Shaping Iraq and the Middle East*, Walker Publishing Company, New York, 2008.

³ D. O'Driscoll, "The Costs of Inadequacy: Violence and Elections in Iraq," *Ethnopolitics Papers*, no. 27, 2014, pp. 1–29, www.ethnopolitics.org/ethnopolitics-papers/EPP027.pdf.

⁴ J. McGarry, B. O'Leary, "Iraq's Constitution of 2005: Liberal Consociation as Political Prescription," *International Journal of Constitutional Law*, vol. 5, no. 4, 2007, pp. 670–698.

⁵ J. Ditz, "Iraqi Kurdish Officials Postpone Secession Referendum," *Antiwar.com*, 2014, <http://news.antiwar.com/2014/09/04/iraqi-kurdish-officials-postpone-secession-referendum> (accessed 6 February 2015).

the KRG for a smooth transition from autonomous region to independent state. They have demonstrated that they are prepared to wait for the dynamics to change and will continue to bide their time for the state they have been waiting for since the fall of the Ottoman Empire.

Denying the Kurds

Following the investment and price that the coalition forces paid in ending the Saddam Hussein regime, they are determined for Iraq not to fail. Therefore, maintaining the territorial integrity of Iraq is at the forefront of their agenda—so much so that some analysts have even highlighted that this territorial aspect has been put before constitutional integrity.⁶ Although the constitution supports a federal Iraq, many of the coalition partners supported the centralisation that Maliki tried to implement during his time as prime minister (2006–2014). Despite political objections and widespread protests, Maliki was supported due to the fact that the international community viewed a strong central Iraq as the best way of maintaining a unified Iraq.⁷

Within the view that maintaining Iraq's territorial integrity is priority, Kurdish secession is deemed as unacceptable. Moreover, increasing the Kurds' federal autonomy to the level where they no longer need to rely on Baghdad is also viewed with caution due to the fear that this may encourage eventual secession. Thus, although many members of the international community would count the KRG as strong allies in the region, even more so than Baghdad, their preference is still for the Kurds to remain within a united Iraq, which in turn influences the level of international support the KRG receives.

A prime example of this is the arming of the *peshmerga* in their fight against the Islamic State. Although the international community has continuously highlighted the importance of defeating the Islamic State and the *peshmerga* have been the most successful force in fighting them in Iraq, this has not led to the KRG receiving the arms they want. Most of the shipments of heavy armaments have gone directly to Baghdad, whilst the KRG have mostly received small arms. The KRG have been lobbying extensively in Europe and the United States for arms; however, in both cases they have had limited success. Although the Council of the European Union met to discuss arming the KRG, its statement following the meeting left it up to individual EU states to decide whether to arm the KRG and highlighted that it must be with the *consent* of the Iraqi government.⁸ Additionally, according to U.S. law it is illegal to arm non-state actors, and in the *National Defense Authorization Act for Fiscal Year 2016* both the U.S. Congress and Senate attempted and failed to include a proviso recognising the KRG as a “separate country” in order to provide it with arms.⁹ Thus, in both cases, Baghdad either has to approve or directly transfer any arms the KRG receives.

The fact remains that the Kurdish desire for independence goes against the majority of the international community's foreign policies regarding the Middle East. Although the Kurds remain an ally, this alliance is seen to exist within the context of the state of Iraq. The Kurds are pushing for more and more independence; however, any assistance in this matter will always be judged within the context of how it could assist the transition from a KRG federal state to a KRG independent state. Therefore, there is a constant battle between the KRG, Baghdad and the international community regarding the level of independence the KRG receives in multiple spheres, with the Kurds lacking the support they need for state formation. Going against the majority of the international community, Israel—due to its position within the Middle East—supports the secession of the KRG; moreover, it supports the KRG financially by buying up to three-quarters of its oil supplies from the Kurds.¹⁰ At the same time, Turkey, which supports Iraqi unity publically, facilitates the KRG's drive for independence by allowing exports of oil through Turkish territory and by being the KRG's major trade partner. However, for Turkey this relationship grew out of necessity

⁶ See: D. Romano, “Iraq's Descent into Civil War: A Constitutional Explanation,” *The Middle East Journal*, vol. 68, no. 4, 2014, pp. 547–566.

⁷ D. O'Driscoll, “Autonomy Impaired: Centralisation, Authoritarianism and the Failing Iraqi State,” *Ethnopolitics*, 2015, pp. 1–28, doi: 10.1080/17449057.2015.1086126.

⁸ www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/144311.pdf.

⁹ United States Congress (2015), *National Defense Authorization Act for Fiscal Year 2016*, www.congress.gov/114/bills/hr/1735/BILLS-114hr1735eh.pdf.

¹⁰ D. Sheppard, J. Reed, A. Raval, “Israel turns to Kurds for three-quarters of its oil supplies,” *Financial Times*, 23 August 2015, www.ft.com/intl/cms/s/0/150f00cc-472c-11e5-af2f-4d6e0e5eda22.html - axzz3jwFQXsBe.

due to faltering ties with Baghdad during Maliki's government. Thus, in order to counterbalance the effect the KRG's growing autonomy can have on Turkey's Kurdish population, Turkey has made the KRG completely reliant on maintaining good relations, which allows Ankara to control the influence that the Kurds of Iraq have over the Kurds of Turkey. That said, Turkey will always favour a position in which the KRG remains within Iraq and the status quo with regards to the territorial arrangement of the Kurds in the Middle East is not altered.

Polish Balancing Act

Even though Polish-Kurdish relations date back to WWII when the Polish Independent Carpathian Rifle Brigade was stationed in Kirkuk, the invasion of Iraq in 2003 was when the relations were formalised. In 2005, a KRG office was established in Krakow and Polish Prime Minister Marek Belka visited Erbil. Both events may have only been possible thanks to the absence of strong Iraqi leadership in Baghdad, which could not counter either of these developments. Earlier, in 2003 when Poland joined the coalition in Iraq, it specifically wanted to be responsible for the northern part of the country, including the Kurdish territory. It was thought that the zone would be the safest, and hence easiest to command. Eventually, however, Poland led the Multinational Division Central-South, a much more demanding area. At the time, Polish hopes for a significant dividend from the involvement in the war were high, but throughout the following five years the Polish ordeal in Iraq turned into disappointment: Poland did not win any oil or other big trade contracts, relations with the U.S. did not improve even though the primary rationale behind Poland's joining the war was to confirm how trustworthy an ally Poland had been, it lost more than 20 people, and the whole operation eventually proved futile from the Polish perspective.¹¹ The only two tangible and positive results of the Polish involvement in Iraq to date are good relations with Erbil and an opportunity to have trained part of the Polish army in battle, which in turn facilitated modernisation of the armed forces and development of interoperability with U.S. troops.

The establishment of the KRG representative office is already a telling example of how delicate a balancing act Poland has needed to play vis-à-vis both Erbil and Baghdad. The office was established in the capital of the Małopolska region in southern Poland, rather than in the country's capital, Warsaw. The declaration of prime minister Nechirvan Barzani designating Mr. Ziad Raouf as the representative of the KRG in Poland was accepted by the then foreign minister of Poland, although without granting him any special status. The Iraqi ambassador to Poland took part in the opening ceremony, but at that time the politics of Baghdad were still in the making and it was before Prime Minister Maliki took the reins in 2006. The KRG's activity, largely confined to Małopolska, managed to develop an outstanding relationship between the two regions in cultural, educational and business affairs.¹² Internally, as the conflict between the KRG and Baghdad grew under Maliki, a sort of cold non-interference *modus vivendi* of the diplomats from Iraq in Poland calcified over the years until the upheavals of 2014.

Following the takeover of Mosul by IS, Poland unexpectedly suspended the activities of its embassy in Baghdad on 9 September 2014, citing the "deteriorating security situation"¹³ and evacuated its personnel, becoming one of only two EU countries to date to have closed their embassy there.¹⁴ In light of the demanding maintenance of the embassy and rather disappointing bilateral relations, Poland decided to economise. The Polish consular office in Erbil, however, has functioned unabated even though the fighting has come as close as 30 km from the city. As a result of the embassy's closure, diplomats in Baghdad, and certainly in the Iraqi embassy in Warsaw, might have been afraid Poland would prioritise its relations with the Kurds, which were seen as more effective and stable in the context of IS expansion and Maliki's failed policies.

For the sake of Iraqi integrity and primarily good relations with the central authorities in Baghdad over the years, Poland has adopted a careful policy of insisting on having state-level Polish-Iraqi relations only,

¹¹ R. Kuźniar, "Bezpieczeństwo – po pierwsze, nie szkodzić," *Polski Przegląd Dyplomatyczny*, nr 5 (33), 2006, pp. 5–17.

¹² <http://poland.gov.krd/krp-office-in-poland/history-of-the-krp-office-in-poland>.

¹³ www.bagdad.msz.gov.pl/en/news/polish_embassy_in_baghdad_suspends_its_activities.

¹⁴ Perhaps following the Polish example, the Slovaks also closed their embassy in August 2015.

regardless of how strong a channel of communication exists between Warsaw and Erbil. In essence, everything that goes between Poland and the KRG needs to go through Baghdad first. However, even though officially the policy still holds, *de facto* it had to change since the absence of a representative in Baghdad gave the consulate in the KRG more responsibility and made it the only official contact point for Poland in Iraq.

In the economic domain, Poland carefully chooses to declare that all contacts with Iraq go through Baghdad, but in reality it is the KRG that serves as a national go-between for Polish trade. Every week, exports worth €71 million set off from Poland to the KRG, some 80% of all Polish exports to Iraq enter the country via Erbil, and a large number of Polish products are available throughout the KRG. A “particular increase in interest” in the KRG on the part of Polish businesses can also be observed.¹⁵ This year, the trade volume between Poland and Iraq has already reached a record high of more than \$300 million, despite the ongoing conflict in the country and the closure of the embassy. In 2014 and 2013, it was \$160 million and \$103 million, respectively.¹⁶ The rise in trade can be attributed to indirect purchases of Iraqi crude oil on the Amsterdam market.

Politically, in contrast to the government changes in Baghdad, the KRG has remained fairly stable. Since the Kurds have borne the brunt of fighting IS in northern Iraq, many European governments have changed their positions vis-à-vis military aid to the KRG, with some even providing weaponry. But such actions may go against Poland’s stated priority of working towards Iraqi integrity. Hence, officially Poland does not provide the Kurds with military equipment, but following the takeover of parts of Iraq by IS, two humanitarian convoys were sent directly to Erbil. Still, the convoys were coordinated and communicated with the central authorities. Caution had to be exercised again so as not to antagonise one side against the other or either against Poland.

As a result, any meaningful and effective involvement of Poland in aid or trade, or politically and militarily with the KRG is obstructed and virtually impossible because the need to prevent the partition of Iraq contradicts helping the KRG when the possibility of secession and the Erbil-Baghdad conflict remains. In Poland, this conflict is very visible, as the KRG representative and the Iraqi ambassador very rarely interact officially or attend events organised by the other. Thus, the Polish/Iraqi/KRG case is a mirror of the wider conflict—there is very little positive interaction between the KRG and Iraq, and whilst Iraq is the gateway for official communication, the KRG is regarded more highly for its productive relations despite not receiving the official recognition it desires.

Future Relations

Under the current prime minister of Iraq, Haider al-Abadi, the policies of Iraq are changing and he is reversing the damage created by Maliki. He has begun to repair the relationship with the Kurds by agreeing a hydrocarbon deal, budget, and *peshmerga* financing.¹⁷ However, due to the global drop in oil prices and the strain of the war with the Islamic State, Abadi is having trouble keeping all his promises to the Kurds. He does, however, have more control over the political system and has begun decentralising Iraq by giving more power to the local governments and he has lifted the veto on creating new regions, which opens up the possibility for Sunnis and Shiites to form their own regions, thus making Iraq a fully federal state.¹⁸ Abadi has also begun the process of parliamentary reform and has slashed the number of positions and advisors within the government (this included eliminating Maliki’s position of vice president). Additionally, on the surface at least it seems Abadi is introducing political responsibility: a parliamentary report that blamed Maliki’s government for the fall of Mosul and resulting rise of the Islamic State could lead to legal

¹⁵ www.mg.gov.pl/files/Irak_3_04_2015.doc.

¹⁶ *Ibidem*.

¹⁷ M. Bradley, S. Kent, G. Adnan, “Iraq and Kurdistan Agree on Oil Deal,” *The Wall Street Journal*, 2 December 2014, www.wsj.com/articles/iraq-agrees-kurdistan-oil-deal-1417513949.

¹⁸ H. al-Abadi, “A United Iraq Is Pushing ISIS Back,” *Wall Street Journal*, 18 December 2014, www.wsj.com/articles/haider-al-abadi-a-united-iraq-is-pushing-back-the-islamic-state-1418946399.

charges against Maliki.¹⁹ In short, Iraq is changing politically and decentralisation is being *slowly* implemented, which will eventually give the regions of Iraq more power to implement policies separate from Baghdad. However, due to the immense damage that Maliki inflicted on Iraq, the process will be slow and political trust will be hard-gained by the central government. Moreover, If Abadi fails to deliver on his promises, the Kurds will have a viable case for secession.

That said, the new dynamics of Iraq can still be seen as an opportunity for the international community to cement relations with the KRG, as not only does the Iraqi constitution allow for it, but the more federal Iraq becomes the more need there is for multi-level relations. The international community should not make the same mistakes it did when it backed someone like Maliki and should use these relations to encourage greater interaction between the KRG and Baghdad, rather than alienating one from the other, and should form tripartite relations. For the KRG's part, whilst part of Iraq, it should work towards more effective relations with Baghdad. Additionally the KRG should encourage more interactions between its representatives and the official Iraqi ambassador, thus creating tripartite relations with the host country. Correspondingly, Baghdad should respect the constitution and ensure that the Kurds' constitutional rights are upheld. Additionally, Baghdad should also encourage greater relations between its ambassadors and the KRG's representatives abroad. The Polish case demonstrates that the current dynamics of the relations are not sustainable and are shrouded in contradictions. Therefore, change is necessary, and although this should include greater recognition for the KRG, this must be paired with greater relations between Baghdad and the KRG, both at home and abroad. The political changes in Iraq make these improved relations possible, but it is up to the individual actors to enforce the changes.

¹⁹ A. Rasheed, S. Kalin, "Iraq's Maliki rejects blame for fall of Mosul," *Reuters*, 18 August 2015, www.reuters.com/article/2015/08/18/us-mideast-crisis-iraq-reforms-idUSKCN0QN1GY20150818.