Structural Contexts and Paradiplomacy of Iraqi Kurdistan

Abstract:

Iraqi Kurdistan’s paradiplomacy has been unprecedented, both in terms of scope and in relationships. It has been direct and relatively autonomous in that the Kurdish administration often deploys its own domestic and 'foreign-service' channels and machinery in pursuit of its own objectives. Domestic structural contexts; namely constitutional framework, level of regional autonomy and intergovernmental relations, play a relatively important role in shaping and explaining Kurdistan’s paradiplomacy as they provide opportunities for action while imposing constraints.

Introduction:

Iraqi Kurdistan’s (hereafter: Kurdistan) involvement in international relations, also referred to as paradiplomacy, is not a new phenomenon. It can be traced back to the second half of the 20th century, especially under the leadership of Mullah Mustafa Barzani, when he led the Kurdish rebel movement and cultivated ties with the United States and Iran in the 1970s. Nonetheless, Kurdistan paradiplomacy got a fillip when the region secured virtual autonomy in 1991, and received a shot-in-the-arm following the US-led invasion of Iraq in 2003. Since the unification of the Kurdistan government in 2006, the region’s leaders have ushered in a new phase of “promoting Kurdistan” at the international level.
The growing foreign activities of Kurdistan are raising questions on whether Kurdish leaders are using their foreign relations as a means to secede from Iraq and to form an independent state of their own. Not surprisingly, Bagdad is making all efforts to contain Kurdish international activities, but this has further spurred the KRG’s involvement in foreign affairs.

This paper explores how Kurdistan paradiplomacy is conditioned by the domestic structure in Iraq. It examines three factors that are logically and functionally related to paradiplomacy; namely constitutional framework, level of regional autonomy and intergovernmental relations.

First: Domestic Structure and Paradiplomacy

In this paper, the term "paradiplomacy" is used as an analytical concept, which provides a suitable operational framework for research on international activities of subnational entities (SNES) or regions. Noe Cornago defines paradiplomacy as “non-central governments’ involvement in international relations through the establishment of permanent or ad hoc contacts with foreign public or private entities”.

According to Ivo Duchácek, paradiplomacy "refers to direct international [activities] by subnational actors (federated units, regions, urban communities, cities...)". These activities can either be coordinated with and complementary to national foreign policy of the central government, or they are pursued in conflict or concurrence with traditional ‘central-state diplomacy’.

Subnational governments engage in foreign affairs with the aim of representing themselves to other actors and in pursuing their own specific (economic, cultural and political) international interests, which could be, and might be independent of, even antagonistic to, the national interest as that may be constructed by central governments. Several aspects of paradiplomacy can be identified and empirically discerned. Regions establish institutions to handle international relations, conduct official missions/visits abroad, engage in negotiations and sign agreements with other international actors, and participate in worldwide forums and conferences. Other forms of paradiplomatic activity include external direct representation, bilateral and multilateral relations with other countries, interregional cooperation
and diaspora politics. Regions may also exert influence on national foreign policy.

Paradiplomacy is different from ‘protodiplomacy’ which describes those initiatives of a SNE abroad “that graft a more or less separatist message onto its economic, social, and cultural links with foreign nations.” In such a context, the regional government uses its external interactions as a means of acquiring international recognition for the purpose of separatism. Protodiplomacy is seen as illegitimate or, at least, a challenge to the integrity of the state. Paradiplomacy is considered a normal activity in an interdependent world. Nevertheless, the line that demarcates paradiplomacy from protodiplomacy is often difficult to draw.

Domestic structural context plays an important role in shaping and explaining paradiplomacy as it provides opportunities for action while imposing constraints. A region’s constitutional status could have a distinct bearing on whether it enjoys sufficient influence over international affairs and on its capacity to pursue its interests internationally. However, regions can engage in extra-constitutional foreign activities; bypassing constitutional rules concerning subnational international involvement.

In addition, the external activities of SNEs naturally presuppose that they possess a considerable degree of autonomy, which might enable them to exert a measure of influence over the central government’s foreign policymaking and to enjoy substantive influence more directly in the international arena. Previous studies suggest that federalism is more favorable condition for paradiplomacy.

A third key variable for the prospects of success for the international activities of a region is intergovernmental relations. A cooperative relationship gives a region access to diplomatic network that nation-states maintain between themselves while a confrontational one threatens this access. However, conflict with the central government does sometimes account for much of the region's foreign activity. On the other hand, regions develop external relations in order to enhance the type of intergovernmental relations with the center.

Second: The Constitutional Framework

The Iraqi Constitution of 2005 appears to clearly answer the question about the role of Kurdistan in international relations. The
Constitution stresses that foreign affairs, including “formulating foreign policy and diplomatic representation and negotiating, signing, and ratifying international treaties and agreements,” are exclusive to the federal government. Other matters related to foreign affairs and identified by the constitution as ‘exclusively federal’ comprise defense, fiscal, economic and monetary policy, home affairs, border crossings, maritime and land ports, civil aviation and water sources from outside Iraq.

Whatever the constitution says, it is difficult for Kurdistan Parliament to avoid at least debating major international issues. Moreover, the constitution gives the region jurisdiction on implementing international treaties and agreements. This must logically and necessarily carry with it the right to negotiate and sign those treaties and agreements, since the process of negotiation can’t realistically be separated from internal implementation. Thus, Kurdistan, the sole federal region explicitly mentioned in the constitution and currently the only one, possesses an international character that can refuse to implement, in legal terms, any international agreement it finds not to its liking. Furthermore, the Constitution allows the regions to establish and maintain representation offices related to their areas of jurisdiction, in order to pursue ‘international’ cultural, social, and developmental affairs.

The Constitution also gives the regions joint jurisdiction on several matters with international implications, including regional customs, electrical power, environmental policy, immigration, development policies, public health, education and the production and development of oil and gas. Moreover, residual authority is placed with the subnational entities in Iraq: all other matters outside the exclusive jurisdiction of the federal government come under the competence of regions and governorates. It is also remarkable that the latter are deemed to be hierarchically superior to the federal government in all areas where they share competences. In other words, the subnational government of can overrule the central government in any dispute over the exercise of power in an area of concurrent competences.

In order to discharge all the competences that it enjoys under the constitution in an effective and efficient way, Kurdistan should be
given more powers to participate in international affairs. Few governmental actions are devoid of international impact in today's increasingly interdependent world. Therefore, it appears arbitrary and highly unpractical to refuse Kurdistan any international dimension for the exercise of its powers.

**Third: Level of Regional Autonomy**

According to Robert Halfon, Vice-Chair of the All-Party Group for Kurdistan, the region “makes its own laws, controls its own army and decides its own pace of economic development”. Kurdistan had a political system even before the approval in 2005 of the Iraqi Constitution, which left the Kurdish institutions intact. It possesses a ‘constitution’, a legislature, a dual executive and a party system. “The draft Constitution of Kurdistan” was ratified by the regional parliament in June 2009, but a planned referendum on the draft constitution was deferred over contentious issues between Baghdad and Erbil.

Kurdistan Parliament has a wide range of competencies, including health services, education, internal security, the environment, natural resources, agriculture, housing, trade, industry and investment, social affairs, transport, culture, tourism … etc. Since its establishment in 1992, the parliament has been dominated by the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). However, this dominance has been challenged and shaken from within after the July 2009 elections, in which the main opposition parties secured more than 34% of the seats. The elections have caused a shift in the region's political system, which has been little more than an autocratic domain of KDP and PUK. The new parliament witnesses a stronger opposition and fervent debates by the opposition parties, previously unknown in Kurdistan to produce it. In addition, the regional government formed after the elections have been focusing more on domestic problems that give rise to frustration and resentment among Kurds.

The executive authority consists of the President and the Kurdistan Regional Government (KRG). The President, directly elected by the people since 2009 for 4 years, has the highest executive authority in the region. In the presidential elections of July 2009, Massoud
Barzani bolstered his authority as President of Kurdistan, winning 70 percent of the votes. The KRG was established in 1992, and was controlled by the KDP and PUK. In mid-1994, the government collapsed as armed clashes broke out between the two parties over territorial control and on sharing of joint revenues. The KRG effectively split into parallel, rival administrations in Erbil, led by the KDP, while As-Sulaymaniyah was under the control of the PUK. In 2006, the two parties signed an agreement on the distribution of power and formed a unified government. The current government, headed by Barham Salih (PUK), is a coalition of the two parties with limited participation by other smaller parties. Thus, key posts stay within the Barzani and Talabani families.

Kurdistan, which basically consists of the three provinces of Dahuk, Erbil, and As-Sulaymaniyah, has enjoyed de-facto independence from Baghdad since 1991. To promote its ‘de-facto independence’, the KRG has launched a Kurdization campaign in the region as Kurdish language’s revival became part of a broader move toward freedom, if not outright independence.

The Iraqi Constitution has left Kurds in control of their own affairs. It guaranteed them autonomy not less than they had enjoyed prior to the US-led invasion of Iraq and fair share of the national revenues sufficient to discharge their responsibilities. The Constitution also delineated their borders as the same territory they had occupied on 19 March 2003, right before the invasion. The Constitution, which set up a federal structure for Iraq, recognizes Kurdistan as a federal region, acknowledges the Kurdish identity, and makes Kurdish language one of two national/official languages. It even approves legislations and decisions issued by the KRG since 1992, provided that they do not contradict with the Constitution. Thanks to their regional autonomy, Kurds have an opportunity to develop their oil and gas sector and reinvest its revenues into developing their region. Eventually, Kurdistan has become a semi-state and remained deferential to Baghdad in word alone.

This high level of autonomy has allowed Kurdistan to establish and consolidate its own foreign relations, both in coordination and independent of the central government in Baghdad and utterly...
oblivious of whether it agrees or is detrimental to the national interests of Iraq.

Fourth: Intergovernmental Relations (IGR)

IGR in Iraq is conducted through a variety of formal and informal channels. The first is the coalition government, of which the Kurdistan Alliance, composed mainly of the KDP and PUK, is a key member. Kurdish officials played a significant role in the formation of the national unity government in December 2010, after months of political stalemate. The Kurds are aligned with the Shiite Islamist parties of Prime Minister Nouri al-Maliki (State of Law Coalition) and his ally, the National Iraqi Alliance. In this government, the Kurdistan Alliance holds four ministerial posts, including deputy prime minister, foreign affairs, health and trade.

Even though there are no formal rules of power sharing in the executive, it seems that the Kurdistan Alliance and Kurdish Officials are exerting a considerable degree of influence on Iraq's politics. However, the Kurdistan Alliance considers the power-sharing arrangement in Iraq as a façade. According to Denise Natali, the Alliance has no real ally in Baghdad. PM Nouri al-Maliki may have expressed support for Kurdish nationalist demands during the transition period; however, he is likely to withdraw from his promises as he consolidates power.

One of the important channels of IGR is the KRG's permanent ministerial-level representation office in Baghdad, established in 2006 with the main task of coordinating actions between the two parties. In addition, Iraq’s Constitution provides for the establishment of the Federation Council (Majlis al-Itihad), a second legislative body, which will include representatives of regions and of governorates not organized in regions. The Council, tasked to examine bills related to regions and provinces, has not yet come into existence. Other mechanisms of IGR range in terms of institutionalization from meetings between the Kurdish president and the Iraqi prime minister and multilateral meetings of ministers and their senior officials to discuss the coordination problem du jour. As for unofficial relations, a number of Kurdish leaders and officials maintain ongoing contact with Baghdad.
There are several issues that engender tensions between the central government and the KRG. These issues revolve around three basic elements of any major conflict; i.e., politics, wealth and land. One can further add to this mix the element of national identity.

To begin with, Baghdad and Erbil hold two almost completely divergent views over the form and structure of the new Iraq. Baghdad espouses a more centralized authority and wants to strengthen and broaden the powers of the national government. This stance has been roundly criticized by Kurds, who are ardently advocating a highly flexible federal system and limiting the powers of the prime minister's office. ‘The Draft Constitution of Kurdistan’, which Baghdad considers a serious threat to Iraq's unity, enunciates the features of an Iraqi state as envisioned by Erbil. Kurds even stress that if federalism (read: their preferred form of federalism) fails, they would seek self-determination.

In addition, there is a major difference between the two sides over control of oil resources and the distribution of oil revenues. In fact, constitutional provisions for wealth sharing do have a degree of ambiguity. The KRG insists on a fair distribution of oil revenues and that it should have the right of action concerning oil investments and production in its territory. For its part, the central government avers that the subject of oil should lie entirely in its own hands. This fundamental disagreement is behind failure to pass a national hydrocarbons law. For its part, the KRG issued its own oil law adopted in August 2007, which Federal Oil Minister has called it "illegal".

This dispute extends to the already signed oil production-sharing agreements by the KRG with several international companies, as it will be illustrated later. The KRG is also accused of illegally smuggling hundreds of millions of dollars in crude oil and refined products via tankers from its territory to Iran and Turkey every year. Kurdish officials refuse such accusation.

Another dangerous disagreement between the central government and KRG relates to the status and loyalty of the Kurdish Peshmerga, also known as “Defense Forces of Kurdistan”. The status of these forces is covered in the Constitution, but in a somewhat contradictory manner. While the Constitution prohibits “the formation of military militia outside the framework of the armed forces,” it
allows KRG to establish and run internal security forces such as police, security forces and guards of the region. The KRG estimates the total strength of the Peshmerga at 190,000 (including the reserves), while the US Department of Defense estimated the number of active Peshmerga at approximately 100,000. These forces are under the control of the KDP and PUK and run with cooperation through the Ministry of Peshmerga Affairs in Erbil. Baghdad insists on reducing the number of Peshmerga forces to half, merging them into Iraqi army and getting them withdrawn to outside the green line (°36'N) that represents the border line of Kurdistan. The KRG only supports the merger of a small portion of Kurdish troops into the National army and would consider their redeployment from Northern Iraq when the problem over “disputed areas” is solved. As a compromise between the two parties, the Iraqi government nominally annexed the Peshmerga but allowed their jurisdiction and chain of command to remain untouched and entirely Kurdish. Some peshmerga have joined Iraqi army and have served mostly in the North. In addition, the KRG demands the salaries of the peshmerga to be paid out of national revenues, but the government has not agreed to that yet.

There have been several standoffs between the Peshmerga and the Iraqi Army in Diyala and Nineveh governorates. These simmering standoffs, considered as a recipe for disaster, have raised questions over the loyalty of Kurdish troops towards the Iraqi army. With US intervention, there have been tripartite operations conducted by Iraqi forces, Peshmerga and American troops since January 2010 within the “disputed areas” in Northern Iraq.

The most vexed and explosive issue between the central government and the KRG remains in the dispute over Kirkuk/Tamim and other territories in Diyala and Nineveh governorates. Kirkuk has an eclectic mix of Arab, Kurdish and Turkmen populations. The city is regarded by Kurds as the homeland of their ancestors and, therefore, plays a central role in the resurgence of the Kurdish identity. More important, Kirkuk produces a fifth of Iraq’s oil and controls 16 percent of its immense oil reserves, almost 4 percent of the world's reserves. Kurdish leaders are adamant on not only annexing Kirkuk to their region, but also on gaining recognition for its “Kurdish identity.”

Another dangerous flashpoint in the territorial dispute is over the status of Mosul that could potentially upstage even the Kirkuk issue.
Mosul is currently at the forefront of the conflict between Arabs and Kurds, a conflict that threatens to split not just the city but also the entire Nineveh governorate into two halves on ethnic lines (i.e. between Arabs and Kurds)\(^{83}\).

Article 140 of the Iraqi constitution promised to conduct a census, followed by a referendum by the end of 2007, to determine the administrative fate of Kirkuk and other disputed areas, and whether these areas will join Kurdistan. However, the census, and therefore referendum, has been delayed and Article 140 is defunct. Kurds are adamant that Baghdad respect the letter of the constitution and have the vote promptly. A joint committee for handling territorial disputes already exists, although it has achieved little\(^{84}\).

Many experts believe that the dispute between the central government and KRG, especially over territories, poses the greatest threat to Iraq’s security and integrity\(^{85}\). The situation can go out of hand any time and even lead to a confrontation between the Iraqi army and Peshmerga following the withdrawal of American troops from Iraq\(^{86}\). In the worst-case scenario, this standoff could trigger a civil war between Arabs and Kurds in Northern Iraq. Such a scenario could easily turn into a wider regional conflict involving neighboring countries – namely Turkey and Iran\(^{87}\).

**Fifth: Growing Paradiplomacy of Iraqi Kurdistan**

The ensuing analysis focuses on the various aspects of Kurdish international activities. These aspects include the establishment of a department to handle international relations, the exchange of representations and visits/missions with a number of foreign countries, and the participation in the activities of international organizations and conferences. Kurdistan is also involved in various kinds of interactions with foreign countries and regions outside Iraq.

1. **Institutionalization of Kurdistan's Paradiplomacy:**

President Barzani takes the lead in conducting foreign relations as he has the highest executive authority in the region and represents the Kurdish people at the international level\(^{88}\). The Prime Minister oversees and coordinates foreign activities of the region and proposes
Kurdistan possesses an actual ‘paradiplomatic service’, complete with its own minister, a corps of officials specializing in international affairs, and a network of foreign representatives. Established in 2006, the Department of Foreign Relations (DFR) is structured on the same model as the federal Ministry of Foreign Affairs. It consists of seven directorates (of International Relations in the Region, of KRG Offices Abroad, of International Organizations, of Protocol and Delegations, of Legal Affairs, and of Administration and Finance), each with at least two sections. The head of the department has a ministerial rank and, for all intents and purposes, is the foreign minister of the region.

The department is responsible for developing Kurdistan’s relations with other international actors and for maintaining contacts with Kurdish diaspora. It ensures that the region’s message reaches the outside world and Kurdistan participates in international events and activities. The DFR also manages a network of representation offices abroad, facilitates the missions of foreign representatives and international organizations within Kurdistan and organizes the visits of political and business delegations to the region. The DFR is required to coordinate its work with the Ministry of Foreign Affairs in Baghdad. But such a coordination is rare and the overriding pattern of relations is conflict. Kurdish leaders complain that the central government doesn’t cooperate with the DFR, especially in areas of regional policies and Iraqi activities at the United Nations, and that it attempts to control the entire foreign policy. On the other hand, Baghdad accuses KRG of playing the international game independently and resists attempts by them to pursue an autonomous foreign policy. The fact remains that the central government has no real control over the actions of the KRG. So, a mix of conflict and fragmentation defines the relationship between Baghdad and Erbil in terms of foreign affairs.

The 2009 Executive Order on DFR gives the department extended powers of coordination of international activities of all ministries and government agencies and even certain public bodies like the Board of Investment in Kurdistan. From an administrative perspective, one of the key contributions of this Order remains the consolidation, under a single administration, of various international
cooperation units that, till then, have been under the aegis of a variety of government departments.

Kurdistan has its representation offices in various countries around the world and also hosts diplomatic missions of many foreign states\(^95\). The region keeps 17 representation offices in four different continents: Asia (Iran, the United Arab Emirates, Japan and Kyrgyzstan), Europe (European Union headquarters in Brussels, France, Germany, Italy, Spain\(^96\), Switzerland, United Kingdom, Russia, Austria, Sweden and Poland), North America (the US), and Australia\(^97\). Although Qatar\(^98\) has approved opening an office of the KRG in Doha in 2009, no progress has been made in this respect till date. The KRG has plans to open more representation offices abroad\(^99\).

These diplomatic missions have functions that sometimes extend beyond the borders of the host country and cover other countries. Kurdistan’s office in Russia not only deals with Russian–Kurdish relations and the issues of Kurdish minorities in Russia, but also handles relations with Commonwealth states. The range of activities for the Kurdish office in Sweden extends to all Scandinavian countries, just as the purview of activities of Kurdish representation office in Spain extends to the whole Iberian Peninsula. Similarly, the Kurdish diplomatic mission in the US covers Canada as well\(^100\).

In addition to its representation and trade missions abroad, the KRG organizes its own international trade conferences. For example, it organized the Kurdistan International Trade and Investment Conference in London in June 2010. The conference was attended by over 500 business delegates from 26 countries, and diplomats from 12 countries\(^101\). The government annually organizes Erbil International Fair, the largest general trade show in Iraq which attracts more than 800 exhibiting companies from 25 countries and tens of thousands of visitors from all of Iraq\(^102\). The 7\(^{th}\) Erbil Trade Fair was held in October 2011\(^103\).

There are 22 countries currently represented in the Kurdistan Region\(^104\). Their representation ranges from general consulates (of Russia, Iran\(^105\), France\(^106\), Germany, Turkey, the UK, the US and Jordan), consulates (of Egypt, Sweden and Netherlands), honorary consulates (Spain, Japan, Denmark and Belarus), economic or trade offices (of Greece, Austria, Czech Republic, Italy, Romania and
Croatia), and embassy offices (of South Korea). The Palestinian Authority has opened a consulate in Erbil. Many of these offices act as embassies of sorts. Italy and Romania will upgrade its representation offices in the region soon. Poland, Belgium and the Philippines would have representation in Erbil.

As for the Arab existence in Kurdistan, Egypt opened its consulate in the region in December 2010, making it the first Arab country with diplomatic representation in Kurdistan. Four other Arab countries, including Qatar, Lebanon, the United Arab Emirates, Kuwait and Libya, have decided to open their consulates in Erbil.

The KRG is also host to some permanent offices for some international organizations—like the UNAMI, UNICEF, UNESCO, EUJUST LEX and the Interpol. Some other organizations; namely the EU, the Arab League and the World Bank, would open offices in Erbil.

The DFR holds monthly meetings for the foreign consuls, UN officials and representatives of other international organizations, updating them on political, economic and security-related developments in the region. The meetings also provide diplomats with an opportunity to ask the ministers and other KRG officials their views on these issues.

Another important mechanism to institutionalize Kurdish paradiplomacy is entering into international agreements. The KRG realizes that international agreements would allow it to assert its international personality and its capacity to initiate and enter into formal relations with other international actors, including nation-states. Moreover, entering into international agreements is indicative of Kurdistan’s ability to operate autonomously and is a way of promoting Kurdish interests.

Since 2006, the KRG has made agreements with several foreign countries (like France, Germany, South Korea, Turkey, Iran, UAE, Qatar, Lebanon, Egypt and Jordan), as well as international organizations (like UNESCO) and multinational companies. These agreements pertain to fields of oil and gas, trade, agriculture, tourism, education, transport, infrastructure, etc. In addition, the Kurdish administration insists on playing its part in negotiations of international agreements signed by the federal government.
Among the most important agreements that the KRG has signed are a series of production-sharing agreements/contracts\textsuperscript{118} with several international oil companies without the approval of the Iraqi government and before the passing of a national hydrocarbons law\textsuperscript{119}. These agreements have caused major political and legal disputes between the central government and the KRG, as the former has repeatedly said it regards them as illegal and invalid\textsuperscript{120}.

Kurdish officials have threatened Baghdad to recognize KRG’s oil agreements or they would not resume oil exports from their territory. Exports from Kurdistan were halted in October 2009 because of disagreements over payments to foreign producers and the long-running dispute over contracts\textsuperscript{121}. Exports resumed in February 2011 after the two sides had reached a deal. Before the flow was halted last year, the Kurdish region was exporting around 100,000 barrels per day\textsuperscript{122}. This has been considered a major step toward resolving disputes between the two parties over Kurd foreign oil deals. Put it differently, although the Iraqi government’s position toward the issue remains unclear, it seems it will recognize the agreements as part of a deal with KRG\textsuperscript{123}.

These developments might enhance the plan of the KRG and international oil companies to export enough gas from the Kurdish region to Nabucco pipeline that links it to Europe through Turkey\textsuperscript{124}.

2. **Visits/Missions:**

To fulfill the function of promoting and advocating Kurdistan and its interests and views worldwide, Kurdish officials have led scores of commercial, political, and cultural visits/missions abroad each year and have been received as official visitors. For example, in 2010 Kurdistan’s President, prime ministers, ministers and senior officials have conducted 28 missions abroad, which have taken them to Europe, Middle East and North America. In the same year, President Barzani led about 14 missions and visits to the US, Lebanon, Saudi Arabia, Egypt, the Arab League, Jordan, Turkey, Germany, Austria, Italy, and France. He was received as head of state in many of these countries. Since taking office in October 2009, Prime Minister Barham Salih made official visits to the UAE, the UK, Egypt, the Arab League and Morocco.
Kurdistan received several high-ranking foreign officials from different parts of the world. Last year alone, the KRG received about 175 foreign visitors, including ministers, high-ranking executives, senior officials of some international organizations, ambassadors and officials from overseas regions. These visits came from different parts of the globe, including Europe, North America, Asia, the Middle East, and Australia. The most prominent among these visits were those of US Vice-President, Polish Prime Minister, Foreign and Defense Ministers from the US, Britain, Belgium, Turkey, United Arab Emirates and senior Russian officials, the Special Representative of the UN Secretary General, Secretary General of the Arab League and representatives of the EU. Furthermore, scores of trade delegations have been flooding Kurdistan to explore investment opportunities in the region and to sign trade agreements with its government.

These exchange visits seek to market Kurdistan as a model for the rest of the country and a gateway to Iraq. They ensure, among other things, international recognition (i.e. “certification”) of the region’s current quasi-statehood. The Kurdish model, as envisioned by the KRG, is based on stability, prosperity, democracy besides the ease of doing business, tolerance, civil society and women’s rights. Prime Minister Salih said that Kurdistan wants to be a bridge between Iraq, the wider region and the world, and to contribute effectively to the region’s security and stability.

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<th>Visits Conducted and Received by KRG Officials (2010)</th>
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<td>Visits/Missions conducted (1)</td>
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(1) Out of which, 14 visits were made by the Region’s President, 5 visits made by the Prime Ministers, 5 visits made by ministers, 4 visits made by some senior officials and 2 missions made by parliamentary delegations.

(2) Out of which, one Vice-President, 15 ministers, and 55 foreign ambassadors in Baghdad, 61 senior officials, 22 parliamentary and regional delegations and 34 international officials.

3. **Relations with Some Nation-States:**

Kurdistan has woven a network of relations with many countries in the Middle East and beyond. It is engaging in extensive interactions with neighboring countries, i.e., Turkey and Iran. Despite official denials, KRG-Israel links have been expanding since 2003.
region’s ties with the Arab World are improving as the wall between Arab countries and Kurdistan is falling\textsuperscript{130}. Moreover, the region has already forged links with non-Middle-East countries (e.g., the US, France, the UK, Sweden, South Korea and Italy) in the fields of education, energy, trade and investments, tourism and culture. The following analysis, however, focuses on Kurdistan's relations with the more important countries for Erbil, including the US, Turkey and Iran.

Since 1991, some sort of ‘special’ relationship has been developing between Kurdistan and the US. Washington provided protection to the Kurds from the Iraqi regime by establishing (with the UK) a safe haven north of the green line and pushed them to get united after years of fighting\textsuperscript{131}. The Kurds fought alongside US troops during the 2003 invasion of Iraq and opened a northern front after Turkey denied the US access to military facilities on its territory\textsuperscript{132}. Kurds, by and large, viewed American troops as liberators\textsuperscript{133} and advocated a long-term US commitment to their region\textsuperscript{134}. For many analysts, Kurdistan owes its autonomy and unity to the US, which remains a formidable source of support for the region’s autonomy. Kurdish officials even think of their region as an American success story\textsuperscript{135}.

Kurdish-American relations have been institutionalized through several mechanisms. The US opened its general consulate in Erbil in July 2011. The consulate succeeded the US Regional Construction Team, operated in the Region since 2007\textsuperscript{136}. The KRG set up a representation office in Washington in 2007. In the following year, the US Chamber of Commerce established a task force to encourage investment in Kurdistan. In fact, the American oil companies have the strongest representation in Kurdistan\textsuperscript{137}. Kurdish-American Congressional Caucus was also formed in 2008 to presses the US administration and House of Representatives to back Kurdish interests. The Caucus was behind the House's resolution to set up a consulate in Erbil\textsuperscript{138}. There are also joint organizations, specialized agencies and associations, such as American–Kurdish Friendship Association\textsuperscript{139}, that contribute to developing bilateral relations.

More important, relations have been institutionalized through the practice of frequent meetings between American and Kurdish officials. In September 2009, Vice President Joseph Biden visited Erbil and met with President Barzani\textsuperscript{140}. Biden repeated the visit again in
January 2011 declaring, for the first time, the US’s “commitment to the security of the Kurdish people in Iraq.” Biden went to Erbil in December 2011 to discuss bilateral relations after the military withdrawal at the end of this year. In January 2010, Barzani conducted an official visit to Washington and met President Barack Obama at the Oval Office, which marked Barzani’s second meeting with a sitting US president.

Turkey and Iran view Kurdistan with suspicion, due to Iraqi Kurds’ potential to stir trouble among their own Kurdish minorities. Both countries have implied that they would respond militarily to any Kurdish moves towards secession. Kurdish leaders have been always accused of aiding and providing safe haven to separatists of the Kurdish Workers Party (PKK) in Northern Iraq. Turkish government has launched repeated military attacks against the PKK’s bases in Kurdistan since 1997. For their part, Kurdish leaders have walked a delicate line. They have publicly urged the PKK to agree to a ceasefire and called for a political settlement, but have refused to expel PKK rebels from their mountain strongholds and have been protesting at Turkish assaults.

In the aftermath of the 2003 invasion of Iraq, Turkey and Iran were concerned with a transformed Iraq that legitimized the Kurds’ claims in the north through the establishment of a federal Iraqi state. A Kurdish semi-state in northern Iraq was long thought by Turks to be the worst possible outcome for Turkey. For their part, Kurdish officials made it clear that Ankara is their natural partner, and KRG has no choice but to expand its economic ties to Turkey. The latter offers simple and durable consumer goods and even a hospitable environment for Kurdish tourists. It also provides the region with a direct connection to Europe and an indirect one to the US.

KRG’s efforts to improve ties with Turkey since 2008 have proven to be fruitful. Six years after the US-led invasion of Iraq, there has been a shift in KRG-Turkey relations. The two parties are developing close economic and political ties and are collaborating on a range of issues, including the PKK question. By mid-2009, they had signed agreements on the importation of Kurdish oil and begun an official dialogue. In October 2009, Turkish Foreign Minister Ahmet Davutoğlu paid a historic visit to Erbil. A few months later (March 2010), a Turkish general consulate was established in Kurdistan.
marking Turkey’s recognition of the special status of the region. Turkish officials are now using the term “Kurdistan Region” instead of “Northern Iraq.” President Barzani visited Ankara in May 2010, where he was received as a de facto head of state, and PM Recep Tayyip Erdoğan became the first Turkish premier to visit Kurdistan in March 2011, where he vowed to expand cooperation with Erbil.

Accompanying this shift was Turkey’s de-emphasis of the Turkmens issue in northern Iraq. It has cut its funds to pro-Turkish Turkmen groups in the KRG area. For its part, the Kurdish leadership is trying to play a moderating role over the more radicalized of Turkey’s Kurds, by telling them the days of armed struggle are over and by encouraging them to take the democratic path. More important, President Barzani is trying to mediate in the conflict between Ankara and PKK. In fact, he was asked to do so during his visit to Turkey in early November following a major PKK’s attack against Turkish troops.

Economic incentives have been a major driver behind the qualitative development in Kurdistan-Turkey relations. By far the largest source of income for the Kurds has been the cross-border trade in oil with Turkey, which for years has been the lifeline for the region. The KRG’s economic dependence on Turkey is already tangibly evident. Bilateral trade between the two parties reached $9 billion in 2010. Kurdistan, were it an independent state, would have been among the top 10 trading partners of Turkey. Ankara is the single biggest foreign investor in the region, especially in reconstruction and energy sectors. In recognition of this, a free-trade area between the region and Turkey was recently opened. More important, Turkey is seeking to act as the conduit for Kurdistan’s oil and gas.

Still, the 'Turkmens' and Kirkuk issues are major causes of tension between Turkey and Kurdistan. Turkey considers itself as the protector of the Turkmens and fears that the annexation of Kirkuk to the region would boost a Kurdish drive for independence. Around one-third of Kirkuk's population is Turkmens, who broadly oppose the integration of the province into Kurdistan. Turkey accuses the Peshmerga of ill-treating Turkmens and of attempting to expel them from Kirkuk and has threatened a military intervention to prevent a possible KRG annexation of the province.
On the relations between Iraqi Kurds and Iranians, one could start with their close cooperation during the last two years of the Iran-Iraq War in the 1980s, when the Peshmerga fought with Iran against Iraqi forces. However, the Kurds’ alliance with the US is viewed as a strategic threat to Iran. In addition, the Iranian suspicion of Kurdistan has risen since the emergence of Iranian Kurdish rebel factions, particularly the Free Life Party of Kurdistan (PJAK), a PKK affiliate operating in Iran and seeking autonomy for Iranian Kurdish areas. The PJAK uses its bases in northern Iraq for attacks on Iran, which has repeatedly attacked KRG territory in an effort to hunt down PJAK militants.

In recent years, Iran-KRG relations have been improving. Two major border crossings were opened in 2008, and the volume of trade between the two sides has more than doubled to approximately $4 billion per year. In January 2011, PM Salih, who thinks the “promotion of ties with Iran is a main priority,” signed an agreement with Iranian officials to open a number of industrial areas in Kurdistan. Erbil and Tehran have made a Free Trade Area agreement for the bordering areas and are considering a scheme to eliminate any visa requirements for travel between the two sides. The two parties also cooperate on energy needs, as Kurdistan helps to satisfy Iranian gasoline demands, while Iran supplies the region with electricity. In July 2010, there were reports, refuted by the KRG, about the smuggling of crude oil and refined products from Kurdistan into Iran, a move challenging the new US prohibitions against the export of fuel products to Iran.

There are frequent meetings between Kurdish and Iranian officials with the aim of boosting bilateral relations. In February 2009, Manouchehr Mottaki, the Foreign Minister of the Islamic Republic of Iran, conducted the first visit of an Iranian Foreign Minister to Kurdistan. Kurdish President Barzani and PM Barham Salih have visited Iran several times. Security cooperation between the two parties is strengthening, and KRG leaders have made efforts to end fighting between the PJAK and Iran.

4. Diaspora Politics, Interregional Cooperation & Other Aspects:

An important aspect of Kurdistan’s paradiplomacy is maintaining contacts with the Kurdish Diaspora and minorities abroad and cooperating with their organizations. In some cases, Kurdish
Diaspora and minorities facilitate cooperation between the KRG and governments of host countries (e.g., the Kurd Jewish community in Israel). In others, Kurdish leaders lobby these governments on issues related to minority treatment and even try to rally Kurdish minorities to the cause. On his visit to Lebanon in April 2010, Barzani met a number of Kurd-Lebanese representatives, promising to help them and urging them to remain united. He assured them that he would ask the Lebanese government to fulfill their demands, the most important being representation in public offices and the establishment of education centers for teaching Kurdish language.

At times, diaspora politics could lead to tensions between the KRG and neighboring countries. In a televised interview in June 2006, President Barzani emphatically said he rejects policy of neglect or violation of the rights of Kurdish people in Turkey and Iran and in some other parts of the world. Such a statement obviously upsets those countries. The KRG has repeatedly criticized Syria over the alleged ill-treatment of its Kurdish minority.

The opposite case is also worth considering. Kurdistan often tends to become the focus of various foreign countries’ interference into Iraqi affairs and sometimes even an excuse for influencing its behavior. For example, the region was used by Iran (in the 1980s) and the US (1995-2003) to pressurize Saddam Hussein. Israel is also using Kurdistan as a gateway to Iraq.

Interregional cooperation constitutes another growing aspect of Kurdistan paradiplomacy. Cooperation between Kurdistan and foreign regions is on the rise. Examples include some German Lander, Spanish, Italian and Polish regions, certain American States, Arab emirates in addition to bordering regions in neighboring countries. Recently, the KRG forged trade links with Northern Ireland and Scotland in the UK. The KRG has also been developing relations with the UN and its specialized agencies. Since 1991, some sort of “special relations” has been developing between the UN and Kurdish leaders. In the beginning, the two parties cooperated together in managing the oil-for-food program. In 2005, the KRG established Office of Coordinator for United Nations Affairs, which was later merged (in January 2010) into the Department for Foreign Affairs (DFR). Directorate of International
Organizations within the DFR is mandated to develop KRG relations with United Nations Agencies and international organizations\textsuperscript{186}.

There are about 14 UN specialized agencies working in the region such as United Nations Development Program (UNDP), UNICEF, International Labor Organization, Food and Agriculture Organization (FAO), Industrial Development Organization (UNIDO), UNESCO, UNHABITAT...etc. Since its 61\textsuperscript{st} session, the KRG representatives participate as part of Iraqi delegation in the UN General Assembly committee meetings and Annual Sessions\textsuperscript{187}.

Kurdistan has also cultivating links with the EU and the Arab League. For example, President Barzani visited the headquarters of the EU in Brussels and delivered a speech before the European Parliament in 2007 and before the Parliament’s Foreign Affairs Committee in 2009\textsuperscript{188}. He also visited the headquarters of the Arab League in Cairo in July 2010 and met its Secretary-General, who visited Erbil several times\textsuperscript{189}.

Further, the KRG has been participating in many international conferences. For example, in October 2010, PM Barham Salih participated in the 38\textsuperscript{th} World Economic Forum on the Middle East and North Africa in Morocco. In the following year, he took part in Special Meeting on Economic Growth and Job Creation in the Arab World. In the two events, PM Salih held meetings with regional and world political and economic leaders and spoke in key sessions\textsuperscript{190}. On the other hand, Erbil hosted several international conferences and forums. In 2008, for example, it hosted the 13\textsuperscript{th} Arab Inter-Parliamentary Union (AIPU), attended by delegates from 18 Arab Countries\textsuperscript{191}, and the 4\textsuperscript{th} conferences of the Organization of World Municipalities for Peace\textsuperscript{192}.

Finally, Kurdistan is bound to take a dual strategy in pursuing its international interests; to conduct direct international activities of its own and to influence national foreign policy making process from within. But how could the KRG influence Iraqi foreign policy. First, the Kurdistan Alliance has been a key member of the Iraqi coalition government since 2005. However, the Kurds’ influence on the current government, headed by al-Maliki, could be less than before\textsuperscript{193}. Second, the Kurdish leader, Jalal Talabani has been the President of Iraq since April 2005. Even though the post is still a ceremonial one, Talabani attempts to influence the national foreign policy in a way that suits the
KRG’s interests. Through his international contacts and personality, Talabani has simultaneously defended the interests of the KRG, even when these interests have not always been in sync with Iraq’s national interests\(^{194}\). For example, he supports a sympathetic position of the KRG toward the PKK and has contributed to normalizing relations between the KRG and neighboring countries, especially Iran\(^ {195}\). Third, Kurds have insisted on the Ministry of Foreign Affairs to be part of their portfolio. Hoshyar Zebari, who is Barzani’s uncle and has headed the KDP’s foreign relations for years, has been running the ministry since June 2004\(^ {196}\).

**Conclusion:**

Domestic structural contexts play an important role in shaping and explaining Kurdistan’s paradiplomacy. Although the Iraqi Constitution makes foreign affairs an exclusive domain of the central government, it still leaves some ambiguities as regards the international roles of the regions. This situation allows Kurdish leaders to claim their right to be involved in foreign affairs. Most important, Kurdish leaders have been bypassing constitutional strictures concerning international involvement of the regions.

The high degree of autonomy the region enjoys has enabled it to be active and to wield substantive influence more directly in international affairs. The confrontational relationship between Baghdad and Erbil does not prevent the latter from getting involved in foreign affairs. In fact, one of the major motivations for the KRG to develop external relations is the desire to enhance this type of intergovernmental relationship with the central government.

Again, the KRG is using paradiplomacy as a mechanism to promote its constitutional status, and enlarge its regional autonomy. It is utilizing its foreign contacts to pressure or bargain with Baghdad for constitutional or institutional changes that recognize Kurdish interests, namely flexible federal system in Iraq, the implementation of Article 140 of the constitution and the “fair” distribution of oil revenues. Another major motive behind Kurdistan’s drive to establish stronger external links is the desire to assert and enlarge its virtual autonomy vis-à-vis the central government and to achieve maximum control over economic resources of the region, especially oil and gas.
Some experts consider paradiplomacy as a Kurdish strategy to gain international recognition for the “semi-state” status the region already enjoys. For them, the region seeks to achieve the benefits of independence as much as possible without caring too much about the official recognition of independence. For other analysts, however, Kurdish leaders are using their high-level involvement in international affairs as a means to secede from Iraq and to form an independent state of their own. Not surprisingly, Bagdad is making all efforts to contain Kurdish international activities, but this has further spurred the KRG’s involvement in foreign affairs.
References

1. Ayman el-Dessouki, [“Paradiplomacy of Iraqi Kurdistan Region”] (paper presented at the Paper presented at the Center of Political Research and Studies conference: Five Years after the US-led Occupation of Iraq, Cairo, April 9-10, 2008).

2. The term ‘region’ is used to refer to the intermediate level of government, including e.g. cantons, provinces, states.


12. Wright, Who Governs Scotland?, 97


Wolff, “The Relationships between States and Non-State Peoples.”


Wolff, “The Relationships between States and Non-State Peoples.”


40 In January 2012, PM Salih was succeeded by former PM Nechirvan Idris Barzani.
in Iraq&backPath=http://search.janes.com/Search&Prod_Name=GULFSctklink=
44 “Jane’s Sentinel Security Assessment,” IHS Global Limited.
45 [“IRQ. Const. art. 65”].
46 “Jane’s Sentinel Security Assessment,” IHS Global Limited.
47 [“IRQ. Const. art. 6, § 1-3, art. 162, § 1”].
48 [“IRQ. Const. art. 141”].
56 [“IRQ. Const. art. 81-94”].
59 DFR (Department of Foreign Relations)- KRG, Kurdistan Region – Iraq, e-mail message to author, November 20, 2011.
60 Muir, “Challenges remain.”
63 O’Sullivan, “Issues before identity.”
64 Wolff, “The Relationships between States and Non-State Peoples.”
69 [“IRQ. Const. art. 9, § 1 (b)”].
70 [“IRQ. Const. art. 166, § 5”].
72 The KRG operates its own intelligence service, known as the Asayeesh. See: “Jane’s Sentinel Security Assessment,” IHS Global Limited.
73 Almost no non-Kurdish soldiers are present in the Kurdish region. See: “Jane’s Sentinel Security Assessment,” IHS Global Limited.
74 Katzman, “The Kurds in Post-Saddam Iraq.”

77 The “disputed areas” involve 11 to 15 areas outside the ‘green line’, with Kirkuk being at the heart of them. Peshmerga forces presently control most of these territories. See: Garamone, “Mullen Cautions Iraq.”


82 After capturing Kirkuk during the 2003 invasion, the peshmerga forces focused on seizing property, evicting the Arabs who had migrated to the city and encouraging Kurds to move to it, from where they were evicted in the 1970s and 1980s, in order to boost the Kurdish numbers and to assert their rights as the city's ethnic majority. Turkmen and Arabs have rioted in response. Tensions between different parties in Kirkuk have increased. See: “Jane's Sentinel Security Assessment,” IHS Global Limited, and Cocks, “ANALYSIS-Iraqi, Kurd leaders.”

83 Moubayed, “Strong mandate.”

84 Natali “Kurdish concessions”, and Kaplow, “The Other Side.”

85 Cocks, “ANALYSIS-Iraqi, Kurd.”


89 [“IRQ. Const. art. 74, § 2, 12, 14”].

90 The DFR’s structure and responsibilities are delineated in Executive Order No. 143, issued in January 2009. See: [“KRG Official Order No. 143 DFR.”]
On numerous occasions, the KRG has taken steps that have been contrary to international commitments of the central government on issues such as oil production sharing contracts, trade, foreign investment, Turkish-Kurdish problem … etc. 

Scholars identify several patterns of intergovernmental relations in the field of foreign affairs, see: Duchacek, “Perforated Sovereignties,” 28-9, and Tatjana Kiilo, “Paradiplomacy and Intergovernmental Relations in the Case of Russian Diaspora Politics” (Master Thesis, University of Tartu, 2006).


and Croatia would open Diplomatic Missions in Kurdistan Region early

"Head of Department of Foreign Relations

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Release

r Salih meets Egypt's Prime Minister in

Investment," Cairo,

http://www.kurdistanconference.com/index.html

KRG


DFR, e-mail message to author.

Iran has two consulates in Kurdistan, one in Erbil and the other in As Sulaymaniyyah.


el-Dessouki, ["Growing Foreign Ties,”] 15.


el-Dessouki, [“Paradiplomacy of Iraqi Kurdistan.”]


Cocks, “ANALYSIS-Iraqi, Kurd leaders.”


Klein, A Potential Kurdistan, 17, 25, 35.


Visits conducted and received by Kurdistani officials are catalogued in the press releases (al-Akhbar) that are posted on the KRG website at www.krg.org.


Ritz, “A Success Story in the Middle East.”


This was a statement made by Prime Minister Nechirvan Barzani. See: "The Kurdistan Region: A Bright Future", and Ritz, “A Success Story in the Middle East.”


"FACTBOX-Oil companies."


Cocks, “ANALYSIS-Iraqi, Kurd leaders.”


“Jane’s Sentinel Security Assessment,” IHS Global Limited.


Barkey, Turkey’s New Engagement, 6, 12.

Barkey, Turkey’s New Engagement, 2.

“Jane’s Sentinel Security Assessment,” IHS Global Limited.


“Jane's Sentinel Security Assessment,” IHS Global Limited


Barkey, Turkey’s New Engagement, 6.


Ayman el-Dessouki, [“Turkish Foreign Policy toward Arab Issues 1990-97”] (M.A. Thesis, Cairo University, 2001), and Barkey, Turkey’s New Engagement, 12.

Idiz, “Does Turkey want a divided Iraq?”


Barkey, Turkey’s New Engagement, 13.


“Jane’s Sentinel Security Assessment,” IHS Global Limited.

Barkey, Turkey’s New Engagement, 6, and "Turkey Wants to Integrate Iraqi Kurdistan.”


Barkey, Turkey’s New Engagement, 3.


"Iraqi Kurd leaders head Turkey-PKK mediation," AFP, November 14 2011, http://www.google.com/hostednews/afp/article/ALeqM5h8aOz7gB1AQKCNJU7KjuKBh7SBoQ?docId=CNG.9c9af84a85ecc1bd891e817806f46ee7.531.


del-Dessouki, [“Paradiplomacy: A Theoretical and Empirical Study.”]


e-Dessouki, [“Neo-Nationalism and Paradiplomacy”], and “Jane’s Sentinel Security Assessment,” IHS Global Limited.

e-Dessouki, [“Growing Foreign Ties and Secessionist Orientation,”] 16-18.

el-Dessouki, [“Turkish Foreign Policy.”]


Barkey, Turkey’s New Engagement, 4.


For my part, I would give more weight to the non-secessionist explanations of Kurdistan’s paradiplomacy. Nevertheless, I admit that the Kurdish story is still