Policy Brief

Institutionalisation of the Peshmerga: tipping the balance of Iraq's stability

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Stabilisation and recovery in Iraq are intimately tied to the structural sustainability and accountability of the security apparatus across the country. The Kurdish Peshmerga forces are currently undergoing an ambitious process of modernisation and institutionalisation aimed at transforming them into an apolitical and professional entity, to the expected benefit of both Erbil and Baghdad. This policy brief examines the contours of this process against the backdrop of Iraq's precarious security landscape and offers policy recommendations.

Tensions and divisions between Arabs, Kurds, Turkmen, and other ethno-religious minorities in northern Iraq have become deeply embedded in recent history, and current exacerbations reflect the country's most complex dynamics. There are numerous political, socio-economic, and security drivers for conflict between these communities; of these, the security driver is the most destabilising. Rivalry between Baghdad and Erbil over control of the so-called 'Disputed Territories' and the subsequent lack of cooperation between diverse security actors on both sides play a central role in ongoing instability. Importantly, the failure of both governments to professionalise and integrate their fragmented and polarised security forces remains a major stumbling block for stabilisation and recovery.

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The Popular Mobilisation Forces and Their Relations with the Peshmerga

Created in the summer of 2014 in response to Grand Ayatollah Ali al-Sistani's religious edict, which called upon all able-bodied men to enlist in the ISF and protect the homeland against the Islamic State (IS)'s offensive [1], the Popular Mobilisation Forces (PMF, *Hashd Al-Sha'abi*) evolved rapidly from an 'emergency barricade' force into a powerful umbrella organization which now includes over 50 different paramilitary formations [2]. Importantly, the controversial Hashd Law of November 2016 [3] formally recognised the PMF as a legitimate branch of the Iraqi security apparatus [4] and allowed it to transform into a "parallel security organization" with its own internal structure and virtual autonomy from the Ministry of Defence official chain of command [5]. The recent decision by the Iraqi Government to integrate all PMF paramilitaries into the Iraqi army and reign them in through centralised control was a welcome development [6]. However, this is unlikely to be an easy process or to change the reality of the PMF's separate structure, organization, and sub-nationalistic affiliations.

Up until October 2017, the Peshmerga and Iraqi security forces (ISF), including the PMFs collaborated to provide security over much of the Disputed Territories. All three forces were credited with defeating IS and liberating IS-occupied areas. However, these joint operations are now a distant memory. Since October of 2017, the Shiite-dominated PMFs have been the main security providers within largely non-Shiite populations, which has negatively impacted an already volatile security landscape and deepened the malaise and distrust within local communities.

The poor military cooperation between the Peshmerga and PMF within the Disputed Territories has created a security vacuum that is vulnerable to exploitation by the newly reorganised IS. The latter has abandoned a territorial approach in favour of more elusive insurgency tactics, using its various cells to focus on higher quality targets such as local politicians, military officers, and tribal leaders [7]. This qualitative change of tactic was inherent in the organisation's strategies, and was adopted by its progenitor organization, the Islamic State in Iraq, during its ascent in 2012-2013 [8]. Therefore, in light of IS capability, the current security void, and increasing social grievances among local populations, the possibility of an all-out IS resurgence should not be underestimated nor dismissed.

Baghdad-Erbil Relations

Despite the limited but significant military confrontation of October 2017 and the subsequent lack of cooperation between security forces [9], relations between Baghdad and Erbil, and between the Peshmerga and ISF (not necessarily PMF), have been steadily improving over the last few months [10]. In December 2018, the new Iraqi Prime Minister, Adel Abdul Mahdi, ordered the reactivation of the Joint Coordination Committee to ensure proper coordination between the Peshmerga and ISF in the Disputed Territories [11]. Led by officers from the Iraqi Defence Ministry and the KRG Peshmerga Ministry, the Committee recently conducted a survey of the disputed areas to determine the best redeployment sites for their respective forces in preparation for joint military operations against IS, and established five subcommittees to oversee security in Kirkuk, Salahaddin, Diyala, Makhmour, and the hinterland of Mosul [12]. In January, the new federal government partially resolved a budget dispute with the KRG by paying the salary of the Peshmerga and other public employees in the Kurdistan Region; this decision paved the way for promising – albeit limited – cooperation in the military sphere [13-15].

In recent months, institutional contact between the two sides has steadily intensified, with Iraqi military delegations paying several visits to Erbil and to KRI-based military academies. One such visit, on April 16, 2019, involved high level officials from the Federal Ministry of Defence (MoD) [16].

Nevertheless, periodic meetings alone, whilst symbolically relevant, are only the first step towards a full normalisation of Iraq's security apparatus. Indeed, present relations between the respective security forces suggest only a partial *rapprochement*. Baghdad and Erbil need to reactivate the 'Combined Security Mechanism' [17] which was introduced in 2009 under the auspices of US General Raymond Odierno but then suspended, in 2013, amidst rising tensions between Baghdad and Erbil. This mechanism constituted an effective platform for military cooperation and security coordination within the Disputed Territories.

Finally, a key to state-building and stabilisation in Iraq, KRI, and the Disputed Territories lies in institutional reform of the fragmented ISF, PMF, and Peshmerga forces. The Kurdistan Regional Government (KRG) has embarked on the important process of institutionalising and modernising its disparate forces, but the process of integrating PMFs within the ISF has yet to begin.

Peshmerga Reform

Since the inception of the Kurdistan autonomous region in 1992, Kurdish armed groups (collectively named the Peshmerga) have increased their level of professionalism. Still, the modernisation of their military capabilities has not been accompanied by concomitant progress in depoliticisation and institutionalisation. In fact, a single and unified Peshmerga military apparatus still remains a *mirage*. This reality is rooted in decades of contentious political discourse in which the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) have tirelessly striven for primacy. The official re-establishment of the unified Ministry of Peshmerga Affairs in 2006, which was favoured by the overall KRG Unification Agreement of the same year [18], took more than three years to be fully formed.

In January 2010, the Ministry of Peshmerga Affairs created the first integrated Peshmerga brigade, called a Regional Guard Brigade (RGB) [19]. Three more RGBs were formed in March of the same year. However, KRI's internal security (*Assaysh*) and intelligence (*Parastin-KDP*/*Zenyari-PUK*) agencies remained under the control of the political parties [20]. Importantly, in April 2010, the Iraqi Prime Minister Nuri Al-Maliki officially recognised the four RGBs as full members of the Iraqi Security Forces, thereby allowing their training and incorporation under the oversight of the United States Forces in Iraq. In addition, Al-Maliki endorsed the creation of the KRG's and Federal MoD's liaison offices in Baghdad and Erbil, as well as a series of new initiatives and agreements, to promote cooperation and training between the respective security forces [21].

A total of 14 ostensibly apolitical RGBs were eventually formed, comprising 40,000 KDP and PUK fighters. Nonetheless, while these integrated brigades have been nominally under KRG Ministerial control since 2014, their "command structure still remains organised according to party affiliations," with the commander and his deputy each affiliated with a different party [22]. The structural fragmentation and consequent instability of the RGBs became apparent when Iraqi forces advanced towards Kirkuk and other disputed territories in October 2017, and eight out of the fourteen Peshmerga brigades [23] split along party lines [24].

Overall, however, attempts to depoliticise the Peshmerga forces have been repeatedly resisted by the political élite, who rely on the political affiliations of Peshmerga units to consolidate and maintain power.

The 35 Point Plan

Currently, the Ministry of Peshmerga is implementing an ambitious reform initiative based on a 35-point plan (now refined to 31 points), which was jointly developed with the US, UK, and Germany. This reform is designed to restructure all the Peshmerga Forces and bring them under the sole authority of the Ministry [25]. Doubly focused on military capacity and defence institution-building, the process depends on several key "enabling projects":

- the creation of a Reform Directorate, tasked with the oversight of reforms.
- the development of both a Regional Defence Strategy and a Future Operating Concept, intended "to provide a blueprint for the future Peshmerga and a unifying purpose for all reform activities."
- the fostering of a deeper military cooperation with the Iraqi government [26], particularly in the Disputed Territories.
- the introduction of an electronic system for registration and salary payment, designed to tackle the problems of absenteeism and 'ghost soldiers.'
- a review of all legislation concerning the structure and power of the Peshmerga Ministry [27].

Still, while international support remains pivotal for continuing institutionalisation, the Peshmerga's overreliance on foreign assistance appears neither sustainable nor realistic in the long term [28].

Conclusion

Greater emphasis on the implementation of the 31-point plan is needed, as the Peshmerga's level of institutionalisation remains too low. The political and military decision-making spheres in the KRI remain deeply intertwined, to the evident detriment of both. The Peshmerga, and the KRG more generally, need a stable institutional framework in which the distinction between the military and political spheres is clearly delineated, while the authority and independence of each is preserved.

A word of caution is appropriate, however. The KRI authorities and international stakeholders should better define the ultimate goal of the Peshmerga's reform process. Is it in the best interest of Iraq, or the KRI alone? The possibility of new confrontation between Baghdad and Erbil is not as remote as their recently improved relationship might suggest. Since the ultimate goal must remain a full-fledged reconciliation between Iraq's various communities, an effective integration of the Peshmerga into the federal military architecture

should be understood as a necessary precursor to sustainable security sector reform and long term stability.

Policy Recommendations

1. To Baghdad and Erbil

a. Given the politicised nature of the security and defence sectors, any reform process requires sincere commitment from the KRG and Federal Government institutions and their decision-makers, which only a stable and unbiased political environment can facilitate.

b. Any form of rivalry or internal distrust among the political establishment and its institutions can seriously undermine the prospect of reform from the outset. Therefore, clear mechanisms for the prevention and management of such rivalry must be put in place.

c. Reconciliation efforts between Baghdad and Erbil should be based on a clear and solid bilateral framework which includes compromise among its key principles. A *do ut des* approach should then unfold, providing both entities with a fair amount of bargaining power. Arguably, a good start may be to clarify the Peshmerga's status and role within the federal military apparatus, and to advocate for genuine integration in exchange for the Iraqi Defense Ministry's commitment to train and pay the salaries of the Peshmerga regularly [29].

d. The Combined Security Mechanism has been praised by all high-ranking Peshmerga officials interviewed for this study, due to the fact that it "ushered in fruitful and positive relations with the Iraqi counterpart for at least four years" [30]. Its restoration, therefore, would represent not only a crucial step toward reconciliation between the Federal and Kurdish military forces, but also a positive gesture toward fostering peaceful coexistence within local communities.

e. The Joint Security Architecture in the Disputed Territories should be reinstated, including shared check-points, joint patrolling, and joint coordination at the command and control level.

2. Peshmerga Reform

f. In order to succeed, the Peshmerga's process of institutionalisation and modernisation should go hand in hand with a renewed effort by the KRG to improve its relationship with the Iraqi Government and the ISF. Recent developments seem promising, but deeper bilateral engagement, between both policy makers and military officials, is needed.

g. The Peshmerga's reform process must be guided by a precise and fully mutual strategic vision based on long-term objectives. The aim is to create a roadmap which might enable future planning and provide a unifying purpose for the various parties involved.

h. Given the long-term nature of security sector reform, both the KRI and Iraqi authorities, along with their international partners, must uphold their respective commitments.

i. Security sector reforms should be transparent and inclusive. This means that concrete communication channels and a platform for dialogue with the broader society must be established, prioritising the involvement of civil society actors and respecting solid gender-balance parameters.

j. Transparency and accountability represent the ultimate objectives for the reform process. From a technical point of view, a simple step-by-step approach is preferable, for it allows institutions to adapt more gradually to necessary reforms. Resource allocation by stakeholders should also be tailored to the different phases of the process.

References

1. Dave van Zoonen, Dylan O'Driscoll, *The Hashd al-Shaabi and Iraq: Subnationalism and the State*, Middle East Research Institute (MERI), Policy Report, March 2017, p. 9. Available at: www.meri-k.org/wp-content/uploads/2017/03/PMF-Report-0.2.pdf.

2. According to the International Crisis Group, the estimated number ranges between 45,000 and 142,000. See *Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State*, Middle East Report No. 188, International Crisis Group, 30 July 2018, p. 1. Available at: https://d2071andvip0wj.cloudfront.net/188-iraqs-paramilitary-groups_0.pdf.

3. Issam Saliba, *Iraq: Legislating the Status of the Popular Mobilization Forces*, Global Legal Authority, The Law Library of Congress, December 7, 2016. Available at: http://www.loc.gov/law/foreign-news/article/iraq-legislating-the-status-of-the-popular-mobilization-forces/. The 2016 law replaces the Executive Order No. 91 on the PMF issued earlier that year by then Prime Minister Haider al-Ibadi, in his capacity

as the Commander-in-Chief of the armed forces. For a detailed analysis of that document refer to Bill Roggio, Amir Toumaj, *Iraq's prime minister establishes Popular Mobilization Forces as a permanent 'independent military formation'*, Long War Journal, July 28, 2016. Available at: https://www.longwarjournal.org/archives/2016/07/iraqs-prime-minister-establishes-popular-mobilization-front-as-a-permanent-independent-military-formation.php.

4. Inna Rudolf, *From battlefield to ballot box: Contextualising the rise and evolution of Iraq's Popular Mobilization Units*, London: King's College (ICSR), 2018. Available at: https://icsr.info/wp-content/uploads/2018/05/ICSR-Report-From-Battlefield-to-Ballot-Box-Contextualising-the-Rise-and-Evolution-of-Iraq's-Popular-Mobilisation-Units.pdf.

5.   B. Roggio, A. Toumaj, *Iraq's prime minister establishes Popular Mobilization Forces as a permanent 'independent military formation'*, op. cit.

6. Mohammed Rwanduzy. *Iraqi PM decrees full integration of PMF into Iraqi forces.* 1/7/2019. https://www.rudaw.net/english/middleeast/iraq/01072019

7. Michael Knights, *The Islamic State Inside Iraq: Losing Power or Preserving Strength?*, CTC Sentinel, December 2018, Volume 11, Issue 11, pp. 1-10. Available at: https://ctc.usma.edu/app/uploads/2018/12/CTC-SENTINEL-122018.pdf.

8. Andrea Plebani, *The unfolding legacy of al-Qaʻida in Iraq: from al-Zarqawi to the new Islamic Caliphate*, in *New (and old) patterns of jihadism: al-Qaʻida, the Islamic State and beyond,* Andrea Plebani, eds., Italian Institute for International Political Studies (ISPI), Milan, 2014, pp. 11-12.

9. In late October 2018, the Peshmerga's Secretary General Jabar Yawar and a Brigadier General bluntly noted in their interviews with this author that there was no cooperation whatsoever with the Iraqi armed forces, but the latter acknowledged that some talks at the political level could have been underway. Interview with Jabar Yawar, Spokesman for the Ministry of the Peshmerga, 24-10-2018, Erbil, Iraq (hereinafter Interview with Jabar Yawar); Interview with Peshmerga Brigadier General H. H.

10. *Adel Abdul-Mahid: We have good relations with the Peshmerga Forces*, KRG Ministry of Peshmerga, May 8, 2019. Available at: http://mope.gov.krd/English/2019/05/08/adel-abdul-mahid-we-have-good-relations-with-the-peshmerga-forces/.

11. Jared Szuba, *Iraqi army and Peshmerga survey disputed territories ahead of joint operations*, The Defense Post, February 21, 2019. Available at: https://thedefensepost.com/2019/02/21/iraq-army-peshmerga-survey-disputed-territories-joint-operations/.

12. Szuba, *Iraqi army and Peshmerga survey disputed territories*, op. cit.; To deepen the decision-making process behind the Joint Security Architecture see Emma Sky, *The Unraveling. High Hopes and Missed Opportunities in Iraq*, Public Affairs, New York, 2015.

13. Interview with Jabar Yawar. The combined Mechanism also envisioned joint Kurdish/ISF military bases to be manned under international coordination and oversight. There were three main joint bases, located in the provinces of Diyala, Kirkuk, and Mosul, respectively. With regard to the check-points, five were in Diyala province, thirteen in Mosul province, and six in the provincial area of Kirkuk.

14. Ahmed Rasheed, *Iraq parliament approves budget ending weeks of deadlock*, Reuters, January 24, 2019. Available at: https://www.reuters.com/article/us-iraq-politics-budget/iraq-parliament-approves-budget-ending-weeks-of-deadlock-idUSKCN1PH2Z1.

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15. Interview with Peshmerga Brigadier General H. O. I., Ministry of Peshmerga Affairs, Erbil, 17-10-2018.

16. *Ministry of Peshmerga meets with High Delegation from Iraqi Ministry of Defense*, KRG Ministry of Peshmerga, April 16, 2019. Available at: http://mope.gov.krd/English/2019/04/21/ministry-of-peshmerga-meets-with-high-delegation-from-iraqi-ministry-of-defense/.

17. Szuba, *Iraqi army and Peshmerga survey disputed territories*, op. cit.; To deepen the decision-making process behind the Joint Security Architecture see Emma Sky, *The Unraveling. High Hopes and Missed Opportunities in Iraq*, Public Affairs, New York, 2015.

18. The Agreement between the KDP and PUK officially turned the long and tense period of truce that began with the Washington Ceasefire of 1998 into peace, with the shared aim of "secur[ing] and guarantee[ing] the historic achievements of [the Kurdish] people and the realization of [their] full and just rights." According to historian Phebe Marr, despite its symbolic relevance, this accord simply reconfirmed the historical balance of power between the two parties, introducing a system of periodic rotation for key posts in the KRG, establishing a new position of Vice President to be filled from the PUK, and creating a shared budget and other power positions within the government.

19. According to the Iraqi Constitution (Art. 121/5), the Peshmerga are defined as "Guards of the [Kurdistan] Region," to be "established and organised" by the Regional Government. Still, their legal status within the federal security architecture remains somewhat unclear. Art. 110/2, indeed, maintains that the federal government has "exclusive authority [in] formulating and executing national security policy, including establishing and managing armed forces to secure the protection and guarantee the security of Iraq's borders [(including those of the Kurdistan Region)] and to defend Iraq." Even more aleatory is the figure of the Commander in Chief. While the Kurdish Constitution, drafted by the KRG in 2009 but not yet implemented, puts the President of Kurdistan Region in charge of the Peshmerga (Art. 104, Item 13), the federal Constitution (Art. 78) assigns the same function to the Iraqi prime minister, who ultimately retains the monopoly and controls all the military forces in the country, including, theoretically, the Peshmerga. See, respectively: The Constitution of Iraq, October 15, 2005. Available at: https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en; Michael J. Kelly, *The Kurdish Regional Constitution within the Framework of the Iraqi Federal Constitution: A Struggle for Sovereignty, Oil, Ethnic Identity, and the Prospects for a Reverse Supremacy Clause*, Penn State Law Review, Vol. 114, No. 3, pp. 707-808. Available at: http://www.pennstatelawreview.org/articles/114/114%20Penn%20St.%20L.%20Rev.%20707.pdf.

20. U.S. Department of Defense (DoD), *Measuring Stability and Security in Iraq*, Report to Congress, June 2010, pp. 50
Available at:
https://archive.defense.gov/pubs/pdfs/June_9204_Sec_Def_signed_20_Aug_2010.pdf.

21. Feike Fliervoet, *Fighting for Kurdistan? Assessing the nature and functions of the Peshmerga in Iraq*, CRU Report, Clingendael, March 2018. Available at: https://www.clingendael.org/sites/default/files/2018-03/fighting-for-kurdistan.pdf.

22. William Davies, *Peshmerga Reform Overview*, International Security Sector Advisory Team (ISSAT), March 2019. Available at:

https://issat.dcaf.ch/download/141717/2903611/Peshmerga%20Reform%20Overview%20%28ISSAT%29.pdf.

23. Interview with Peshmerga Brigadier General H. H., 24-10-2018, Erbil, Iraq. See also Joost Hiltermann, *The Kurds Are Right Back Where They Started*, The Atlantic, Oct. 31, 2017. Available at: https://www.theatlantic.com/international/archive/2017/10/history-of-the-kurds/544316/.

24. *Kurdistan Regional Government to reform its armed forces with the support of International Coalition,* KRG Cabinet, May 8, 2017. Available at: http://cabinet.gov.krd/a/d.aspx?s=040000&l=12&a=55566; see also *Kurdish government approves coalition proposal to restructure Peshmerga ministry*, Rudaw English, May 14, 2017. Available at: http://www.rudaw.net/english/kurdistan/14052017. According to a Peshmerga Brigadier General interviewed by this author, a team of Dutch military advisors arrived in Erbil in November 2018 to sustain and supervise the implementation of the Plan. Interview with a Peshmerga Brigadier General.

25. W. Davies, *Peshmerga Reform Overview*, op. cit.

26. Interview with Jabar Yawar, Secretary General of the Peshmerga, Kurdistan Regional Government.

27. Ranj Alaaldin, *A Dangerous Rivalry for the Kurds*, The New York Times, Dec. 16, 2014. Available at: https://www.nytimes.com/2014/12/17/opinion/a-dangerous-rivalry-for-the-kurds.html.

28. In late January, this year, the new Iraqi government approved the federal budget for Fiscal Year 2019. The package also included a financial allocation of 68 billion dinars ($57 million) monthly for the payment of the Peshmerga's salaries, marking the first time that Peshmerga salaries are included in the payroll of the Iraqi Ministry of Defense. See Nawzad Mahmoud, *Peshmerga salaries will come from Baghdad: Iraqi MP*, Rudaw, April 1, 2019. Available at: http://www.rudaw.net/english/kurdistan/010420191.

29. Interview with Peshmerga Brigadier General H. O. I., Ministry of Peshmerga Affairs, Erbil, 17-10-2018.