

Kirkuk:

A Test for the International Community

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Brief Analysis

On January 31, most Iraqis will go to the polls and express their political preferences in provincial elections, but four of Iraq's provinces -- the three governorates within the Kurdish Regional Government (KRG) and Kirkuk province -- will not hold elections. Kirkuk's noninclusion is a symbol of its unresolved status, and its elections are on hold until the Council of Representatives in Baghdad passes a special election law. There is little impetus, however, for the different ethnic factions to compromise on such a law unless the international community strongly supports the process.

Background

Both Iraqi Kurds and Turkmen claim Kirkuk as their historic capital, but the ethnic balance of the governorate was extensively altered under the former regime through the expulsion of Kurds, the influx of Arabs, and the forced recategorization of Turkmen as Arabs. Since April 2003, tens of thousands of Kurds have returned to Kirkuk, and the January 2005 provincial elections gave the Kurdish coalition (Kirkuk's Brotherhood list) a majority of seats on Kirkuk's provincial council. Arab members of the council boycotted the council's meetings for thirteen months until an agreement was signed on December 2, 2007. This agreement stipulated a power-sharing arrangement, dividing government jobs based on a 32-32-32-4 percentage split among Kurds, Arabs, Turkmen, and Christians, respectively; consensus decisionmaking in the provincial council; the release of unindicted Arabs jailed in northern Iraq; and the departure of KRG Asayesh (security personnel) from Kirkuk. Due to the competing agendas of local actors, as well as regional and national conditions, the agreement was not implemented.

Obstacles to Conflict Resolution in Kirkuk

Local governance. Not only is the 32-32-32-4 split for government employees not occurring in practice, a disproportionate number of Kurds are also in management positions. According to Kirkuk's provincial council, government workers are 56 percent Arab, 23 percent Turkmen, and 19 percent Kurdish, while 54 percent of government managers are Kurdish, 26 percent Turkmen, and 19 percent Arab. Furthermore, local security forces are predominately Kurdish. Another local concern, the resettlement of internally displaced persons (IDPs) from the Saddam era, is complicated by the destruction of many of the original villages and urban neighborhoods from which Kurdish IDPs originated. In addition is the practical issue of who should be allowed to vote in the forthcoming elections.

Regional, national, and KRG politics. Politicians tend to use instability in Kirkuk as a way of burnishing their nationalist and/or ethnic credentials and to reap electoral gains. Kurdish leaders and citizens find it difficult to compromise on Kirkuk's absorption into the KRG. Indeed, the fate of disputed areas is an issue that maintains Kurdish unity and diverts political energy away from a domestic political reform process in the KRG. At a more practical level, physical and administrative control of Kirkuk is perhaps the sole bargaining chip the KRG holds in its struggle to draw predominantly Kurdish areas into the KRG, as well as to gain the right to directly benefit from the region's oil production. Arab and Turkmen leaders, including Prime Minister Nouri al-Maliki, likewise use Kirkuk as a means of displaying their ethnic or nationalist credentials. Al-Maliki's recent extension of mostly tribal "Support Councils" to Kirkuk was meant to exploit Arab and Turkmen fears of Kurdish control to boost his party's support base.

Resolution Mechanisms

To resolve the issue of Kirkuk and other disputed territories, both sets of issues must be tackled in a separate but integrated manner. At present, Baghdad and the KRG are deadlocked on broader issues, leaving local governance problems in a vacuum. Furthermore, although Article 140 of the Iraqi constitution called for a census and a referendum on Kirkuk's administrative status to be held by December 31, 2007 (subsequently postponed to June 2008), nothing has transpired. The September 2008 provincial elections law sought to reenergize the process by stipulating that a committee of seven Council of Representatives legislators -- two Kurds, two Arabs, two Turkmen, and one Christian -- will work with a range of advisors (including the UN) to develop a consensus mechanism for sharing Kirkuk's governance. The committee will also "[identify] the trespasses on the public properties in Kirkuk before and after April 9, 2003," in advance of legal steps to reverse any violations of land rights under the Iraqi Property Claims Commission. Finally, the committee will "[review and scrutinize] all data and records related to the demographic situation, including the registry of voters, and submit binding recommendations to the Independent High Electoral Commission."

The committee is expected to incorporate these findings into a draft Kirkuk election law (with a mandate for one set of provincial elections only) that will be sent to the Baghdad parliament for approval by March 31, 2009. If the special committee fails to provide recommendations by then, the Iraqi cabinet must present a draft Kirkuk election law to parliament. The committee has been formed, but has yet to commence its activities. The members of the committee offer differing reasons for the delay, ranging from lack of security to the intention of some parties to maintain the status quo (for example, Kurdish control of the city). Based on the failure of the Article 140 effort to meet its objectives, mediation from outside the Iraqi system will probably be required to keep this latest committee on track.

The Need for International Support

The September 2008 provincial election law passed partly due to the proactive role of the UN Assistance Mission in Iraq (UNAMI), which is scheduled to open two offices in Kirkuk in 2009 as a result of UN Special Representative Staffan de Mistura's December 2008 visit. A high-profile UNAMI role will help alleviate fears by Iraq's neighbors of

Kurdish annexation of Kirkuk, and the UN could help keep the Kirkuk special committee on track and on schedule. On January 13, Vice President-elect Joseph Biden told reporters in Kirkuk that "solving the main issues of Kirkuk is a major issue for the United States government." If so, the Obama administration should send an early and clear message of support for UNAMI, making it plain to Baghdad and the KRG that the United States expects the Kirkuk committee to make active use of UN support. It is possible, for instance, that UN technical support would enable more rapid, effective, and transparent resolution of property claims and voter registration disputes.

There is also a strong case for an international effort to provide targeted economic aid to Kirkuk province. Many seemingly intractable political issues in Kirkuk have practical solutions: for instance, international investment and support for de-mining efforts could assist the minority of Kurdish IDPs who wish to return to their places of origin, even if their villages were destroyed. Initially, even a few examples of such "model villages" would show the Kurdish population that the international community was working on their behalf, making UNAMI's recommendations more palatable. For the balance of Kurdish IDPs, there is a pressing need for international support for development of urban housing and public services. This could allow Kurds to return without necessitating the removal of Arabs. Likewise, an investment-led improvement in private-sector employment opportunities in Kirkuk would make gradual rebalancing of government jobs possible without raising unemployment. Training programs are needed to bring sufficient Kurds into the workplace to begin to implement the 32-32-32-4 formula envisaged in the December 2, 2007, agreement.

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