



# Kirkuk in Transition

## Confidence Building in Northern Iraq

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Michael Knights

with Ahmed Ali

Policy Focus #102 | April 2010



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Front cover: Brig. Gen. Abdul Amir Hassan, division deputy commander of the Iraqi army; Maj. Gen. Thaker Bakr, provincial director of police; Maj. Gen. Anthony A. Cucolo III, commanding general, U.S. 3rd Infantry Division; and Brig. Gen. Shirko Fatih Schiwani, representative of the Kurdistan Regional Government, cut a cake during the Combined Security Force (CSF) graduation ceremony at Kirkuk Training Center, Feb. 15, 2010. The CSF is a unit comprising U.S., Kurdish, and Iraqi personnel and created specifically to enhance security during Iraqi elections. (DVIDS/Matthew Lestikow)

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*From Michael Knights:*

For my wonderful wife, Maria, and our beautiful baby girl, Alice.

*From Ahmed Ali:*

For my country and my family, and to Michael Eisenstadt and Michael Knights for their continuous support and invaluable insights. Finally, to all the women and men who sacrificed their lives for a better Iraq. Their actions should be an inspiration for everyone.

# About the Authors

**Michael Knights**, a Lafer fellow and interim director of the Military and Security Studies Program at The Washington Institute, has worked on Iraqi political and security issues since the mid-1990s. As head of the Iraq Analysis and Assessments cell for Olive Group, a private security provider, he directed information collection teams throughout the country. He has also provided support for U.S. Provincial Reconstruction Teams and Human Terrain System personnel in Iraq from the outset of both programs.

In 2002, Dr. Knights received his Ph.D. in Iraqi security from the Department of War Studies, King's College, London. In addition to lecturing regularly at American and British military institutions, he has authored, coauthored, or edited many publications on Iraq, including the Washington Institute reports *Provincial Politics in Iraq: Fragmentation or New Awakening?* (2008), *The Calm before the Storm: The British Experience in Southern Iraq* (2007), and *Operation Iraqi Freedom and the New Iraq: Insights and Forecasts* (2004), as well as the U.S. Naval Institute study *Cradle of Conflict: Iraq and the Birth of the Modern U.S. Military* (2005). He has also published widely on security issues for major media outlets such as Jane's Information Group.

**Ahmed Ali**, a native of Iraq, is a Marcia Robbins-Wilf research associate at The Washington Institute. Currently, he focuses on political dynamics in Kirkuk and wider Iraq, Arab-Kurdish relations, democratization, national reconciliation, and legislative-executive relations.

In 2003, he worked as an interpreter and guide for French and U.S. media outlets reporting on the Iraq war, including CNN, the *New York Times*, France 2 Television, and the French magazine *Paris Match*. In those capacities, he traveled throughout Iraq's northern provinces. He holds a degree in political science from Grinnell College and speaks Arabic, Kurdish, and Persian.



The opinions expressed in this Policy Focus are those of the authors and not necessarily those of The Washington Institute for Near East Policy, its Board of Trustees, or its Board of Advisors.





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Ahmed is an example to all analysts—thoughtful, honest, and eager to learn.

The Institute's editorial staff deserves a big thank-you for the effort it put into editing and producing this study. Working under severe time and resource constraints, they efficiently shepherded it to completion and were great fun to work with, as always. Special thanks go out to Alicia Gansz, Mary Kalbach Horan, and George Lopez. Thanks are also due to Alex Tait and Vickie Taylor of International Mapping Associates for their rapid and high-quality work on the detailed maps of Kirkuk.

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—Michael Knights  
*April 2010*



# Preface

AS THE UNITED STATES seeks to reduce its military presence in Iraq, the ambitious withdrawal timetable laid out by President Barack Obama is vulnerable to disruption by a number of strategic factors. Chief among these is a violent breakdown of relations between the federal government in Baghdad and the Kurdistan Regional Government (KRG), particularly over the fate of Kirkuk province. The prospect of such a breakdown is quite credible; recent years have seen a number of close calls in which federal-Kurdish clashes were narrowly avoided or de-escalated only because of the U.S. presence.

Kirkuk presents a political risk as well. Various actors in Baghdad and the KRG capital of Irbil tend to exploit the province's situation to score political points in the broader federal-KRG dispute over land, oil, money, and governance. Throughout 2008–2009, the issue proved to be a sticking point that delayed the passage of both provincial and national election laws in the Iraqi parliament. As the next round of national elections unfold, Kirkuk may once again be politicized and used as a means of demonstrating nationalist and pan-Kurdish credentials.

Yet Kirkuk's connection to national politics could lead to positive changes as well. If Kurdish political factions become a central pillar of Iraq's next coalition government, a "moment" may arise in 2010–2012 during which forward movement on Kirkuk's future is possible. Whatever the case, the next year will see the province's situation either improve or decline, with potentially significant impact on U.S. strategy and choices in Iraq. U.S. policymakers must therefore be ready to manage crises and reinforce positive steps.

This report aims to fill a gap in the extensive literature on Kirkuk by focusing on locally generated confidence- and security-building measures, or "bottom-up" approaches. Much has already been written about

"top-down" international and national approaches taken by the Iraqi government, the KRG, the United States, the UN Assistance Mission in Iraq (UNAMI), and regional powers (e.g., Turkey). The International Crisis Group has produced particularly valuable analyses of ideas such as a "grand bargain" based on "oil for soil," which would require the KRG to loosen its grip on Kirkuk and other disputed territories in return for greater overall fiscal independence.<sup>1</sup> Such political processes must be pursued, of course—they may prove crucial to resolving the federal-Kurdish dispute in general, and the Kirkuk issue in particular. Inevitably, however, top-down approaches are also complex, fragile, and slow to unfold.

In April 2009, UNAMI emphasized the importance of "transitional measures that may be required to engender the confidence needed for a broadly legitimate settlement to the status of Kirkuk to emerge."<sup>2</sup> This report takes up that challenge, focusing on bottom-up approaches that the United States can facilitate in parallel with its support of top-down initiatives. Such approaches are worth exploring for at least three reasons:

1. The details of the Kirkuk issue need to be examined. The dispute is often discussed in the abstract; this paper aims to demystify it to some extent by breaking it down into practical local problems that may have local solutions.
2. Kirkuk's situation is quickly evolving at the local level, where life must go on and where local actors are already acting before any federal-KRG deal is struck. New facts on the ground are being made constantly, and the top-down negotiation of the issue is being outpaced by changes on the ground, whether in demography, governance, or security.

1. International Crisis Group, *Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds*, Middle East Report no. 80 (October 28, 2008).

2. UNAMI, "Possible Options for the Future Administrative Status of Kirkuk within the Iraqi Federation," April 2009, p. 12. This report is not publicly available as of this writing, though it may be in the future.

3. Although many of the highly politicized solutions discussed at the national level are zero-sum options, in which one party's gains would come at the expense of others, there are many examples of sustainable, "win-win" initiatives at the local level. Bottom-up approaches could reduce the risk of security clashes in the near term while fostering the conditions for national-level breakthroughs in the future. Moreover, U.S. government influence may be magnified at the local level due to the openness of local factions to American support in the economic and security spheres.

To keep this study at a reasonable size, the following chapters focus on a subset of Kirkuk's districts. (To avoid confusion, readers should keep in mind that several different entities share the name Kirkuk. The wider province itself contains both a district and a city by the same name, as well as a subdistrict named Markaz Kirkuk that encompasses the city. See the maps following the executive summary for further clarification.) The urban parts of Kirkuk district (Markaz Kirkuk, Yaychi, and Taza Khurmatu) and the oil-rich Dibis district to the west were chosen as case studies because they hold the greatest strategic

significance. In addition to manifesting the highest level of interethnic tension, these areas contain the bulk of the province's human and material capital, including hydrocarbon reserves. Although other areas play an important part in the province (e.g., the predominantly Sunni Arab farming belt districts of Hawija, Riyadh, Rashad, and Daquq), they are far less likely to be potential federal-Kurdish flashpoints.

Following the executive summary, the paper begins with a brief review of Kirkuk's modern history, focusing on demographic issues. Chapter 2 provides orientation on the province's strategic geography, including detailed identification of key oil and gas infrastructure and road systems. Chapter 3 takes a closer look at demography, focusing on post-2003 changes to the size and ethnic composition of Kirkuk's population. Chapter 4 focuses on governance, laying out the federal and KRG institutional links within the Kirkuk and Dibis districts. Chapter 5 discusses key security forces in the most sensitive parts of these districts, reviewing their composition, political alignment, and areas of control. Finally, chapter 6 draws together findings from the previous sections to highlight the potential role that bottom-up approaches could play in U.S. policy on Kirkuk.

# Executive Summary

NORTHERN IRAQ'S KIRKUK province has a long history of multiethnic conflict and economic migration. For decades, successive Arab-led governments in Baghdad sought to control the area's oil wealth and downplay its identity as a center of Turkmen and Kurdish culture. From the 1960s until the Baath regime's fall, the government resorted to ever more extreme methods of violence and ethnic displacement (Arabization).

Following the 2003 coalition invasion, however, Kurdish political parties became ascendant in Kirkuk, exploiting Sunni Arab and Turkmen boycotts to take control of key government departments and local councils. Despite this leadership change, mechanisms intended to reverse Arabization among the general population have proven too bureaucratically complex to produce results within a reasonable timeframe. Similarly, attempts to negotiate new power-sharing frameworks have been disrupted by broader federal-Kurdish politics, effectively minimizing input by local stakeholders.

## Strategic Importance

The Kirkuk and Dibis districts are the most strategically critical areas within Kirkuk province. Some portions of these districts have emotional significance, such as the rural zones where the Baath regime carried out the Anfal campaigns against Kurdish civilians. Other areas have intrinsic strategic significance, such as militarily valuable terrain, water sources, and key road systems (e.g., around Altun Kupri). The Kurdish parties do not appear to seek direct control over Kirkuk's oil and gas reserves, however. Instead, their ability to block access to these facilities has become a bargaining chip, helping them gain concessions from Baghdad and deter military action against the Kurds.

As for urban Kirkuk, the city remains a sensitive area due to its concentration of local government organs, housing, and employment. Kurdish resistance to a federal military presence there is based on concerns that Baghdad would seize control of these resources.

## Demography and Governance: Current Realities

The Kirkuk and Dibis districts have suffered compounded patterns of displacement over several generations. In many areas, internally displaced persons (IDPs) have resettled in areas claimed by other IDPs. And for most IDPs, direct restitution of their original homes is either impossible or not their preference.

From 2003 to 2008, Kurdish IDPs migrated to Kirkuk in very large numbers, though in many cases they returned only "on paper" in order to lodge compensation claims. Even as Kurdish IDPs returned, few Arab settlers left, resulting in major overcrowding of Kirkuk city. Massive house-building initiatives by the Kurdish political parties have helped resettle tens of thousands of Kurds around the city's northern arc, including on the Qani Domlan ridge. The condition of this temporary housing is often very poor, however.

In many areas, Kirkuk residents lost patience with the official property claims process years ago and have improvised land-sharing deals between claimants and current occupants. Some have even begun to sell property commercially in disputed areas. The locals have come to recognize Kirkuk's new demographic realities, and all parties involved in negotiating deals at the national level should incorporate this understanding as well. Zero-sum solutions—in which Kurds can return only if Arab settlers leave—may not be a sustainable foundation for future deals.

Fortunately, Kirkuk is already governed by a rudimentary "dual-nexus" form of power sharing. As the UN Assistance Mission in Iraq (UNAMI) described it, this approach entails institutional links with both the federal government and the Kurdistan Regional Government (KRG). For example, the parties currently share responsibility for selecting and paying teachers and policemen; the level of relative influence they wield on such decisions depends on the location of the subdistrict in question. Further decentralization of Kirkuk's governance could build on this reality.

Regarding development, Kirkuk suffers the worst of all worlds, with neither Baghdad nor the KRG fully supporting reconstruction of the heavily damaged province. Ameliorating this problem may require greater reliance on the Kirkuk Provincial Council, one of Iraq's more competent local bodies. If given increased funding and forced to be more evenhanded in its disbursement of reconstruction assistance, the council would be eminently capable of overseeing an internationally backed development effort.

At the same time, simply "normalizing" Kirkuk's public sector workforce could spur considerable disruption and skills loss in critical sectors such as the state-run Northern Oil Company. To guard against unproductive approaches—such as replacing skilled workers with unskilled workers purely to satisfy ethnic quotas—the United States should help establish a Special Development Zone in Kirkuk, along with a major civilian training initiative targeting the hydrocarbon industry and other key sectors.

## Security Issues

Ethnic politics is at the root of insecurity in Kirkuk, hindering the coordinated use of Iraqi and U.S. military resources. As a result, the area has stabilized at a slower rate than other high-threat provinces. The perception that Kurdish-led police and intelligence personnel are above the law continues to drive Sunni Arab resistance in Kirkuk city. Accordingly, the United States must prioritize the development of multiethnic and multilingual police forces in urban Kirkuk in the coming years.

In more rural areas, Iraqi army and "Sons of Iraq" forces control various zones southwest of the Qani Domlan ridge. The United States should maintain a high level of embedded presence within these forces to prevent forays into Kurdish-controlled areas and ensure that the Sons are fully transitioned to new employment.

In addition, authorities should consider creating formal security zones along the Qani Domlan ridge, beginning north of Kirkuk city and extending along its eastern boundary. If Kirkuk is granted special status in terms of governance, there is no reason why it should not also be given special security status. Any such initiative should draw on successful U.S.-brokered

approaches to federal-Kurdish crisis management in areas like Khanaqin and Kifri (in Diyala province), not to mention Kirkuk itself.

## Implications for U.S. Policymakers

In order to build confidence and security, the United States should pursue top-down (national) and bottom-up (provincial, district, and subdistrict) measures simultaneously, as complementary processes. It should also support increased delegation of these measures to local-level officials.

Meanwhile, U.S., Iraqi, and KRG authorities should explore options that increase the size of the "cake" in Kirkuk, to ensure that both returnees and current occupants get a slice. The alternative—taking homes or employment away from one party to benefit another—would be a recipe for prolonged violence and political deadlock.

Enhancing economic security for Kirkuk residents and reinforcing their collective regional identity should be a key U.S. objective as well. The United States should encourage large-scale housing expansion and related municipal development, backed by Iraq's landholding ministries. In addition, the proposed Kirkuk Special Development Zone should be underwritten by UNAMI, the United States, and Turkey, three powers whose visible commitment to peaceful conflict resolution in the province would raise confidence among investors. As for the oil sector, the U.S. government and American oil firms should develop a trilateral industry training initiative involving U.S. partners, Iraq's Northern Oil Company, and the Kurdistan National Oil Company (KNOC).

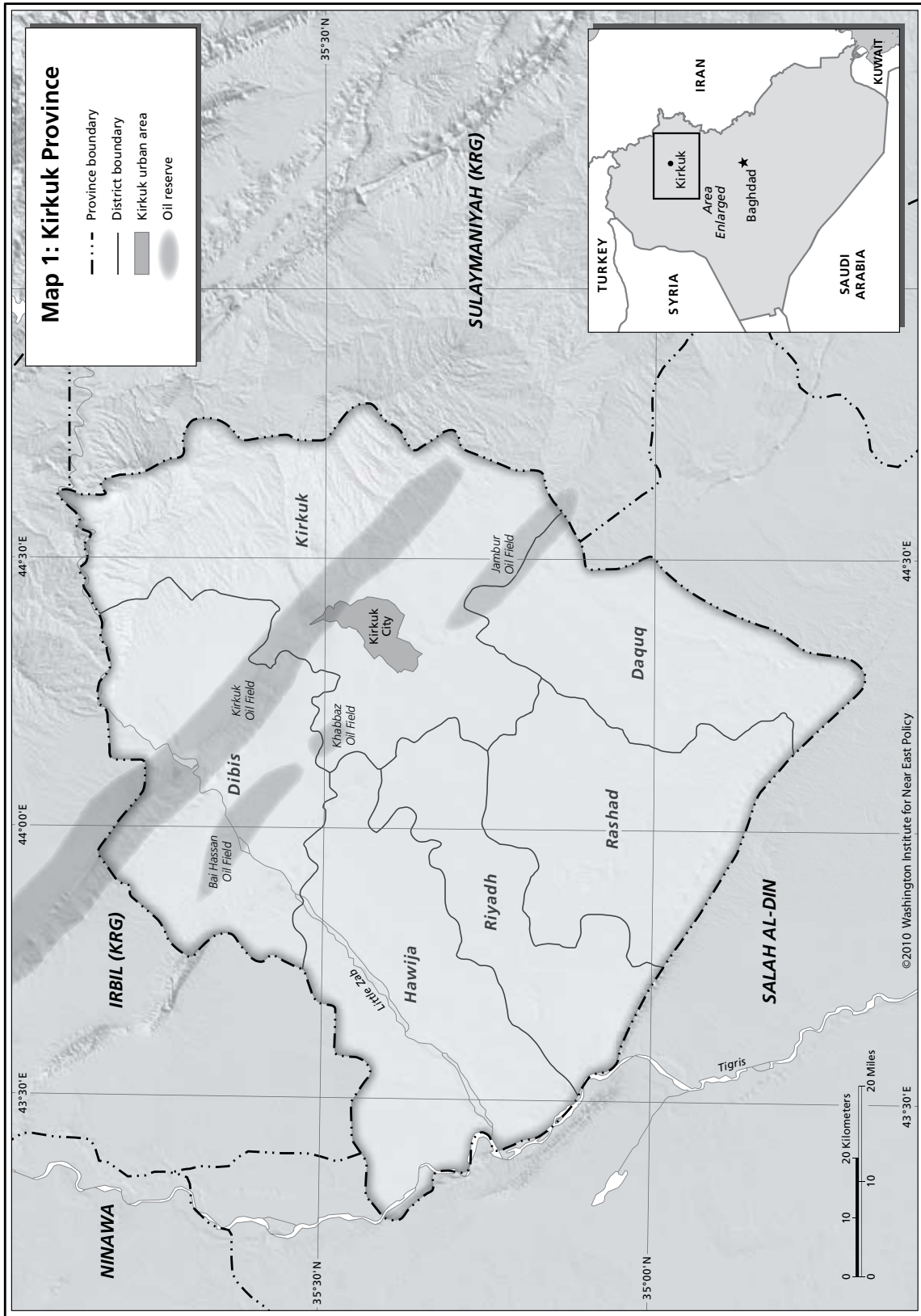
Finally, maintaining a U.S. military presence in Kirkuk would provide vital crisis-management and confidence-building support in the province's sensitive security zones for years to come. Washington should therefore retain a brigade-level "engagement headquarters" in Kirkuk under the terms of a future U.S.-Iraqi security agreement. In addition, designating U.S. forces as a segment of the UNAMI mission might enable them to remain in the area after the 2011 withdrawal deadline. In either case, a senior U.S. official could serve as a deputy special representative on the UNAMI mission in order to better integrate American and UN efforts.

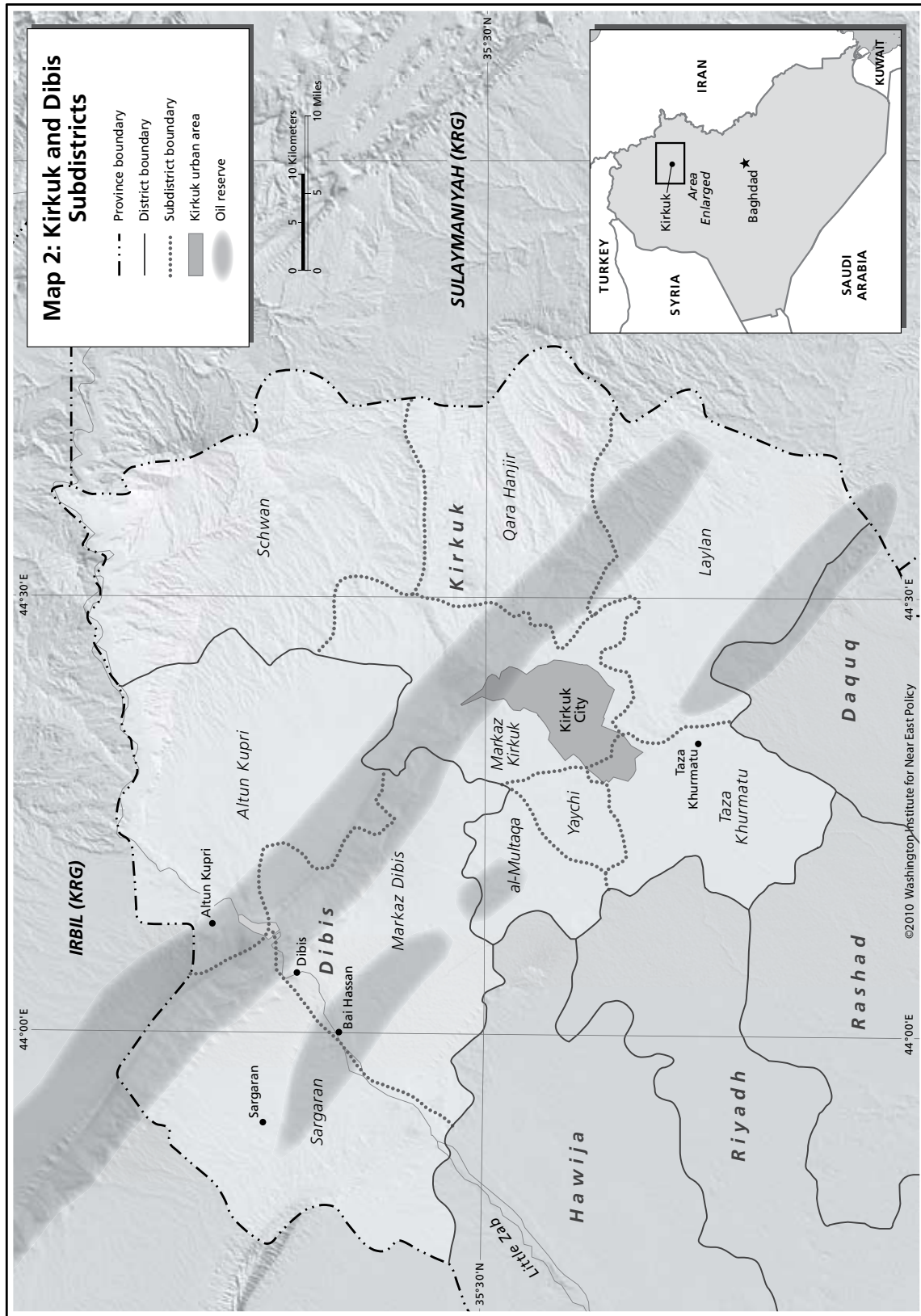
# Maps

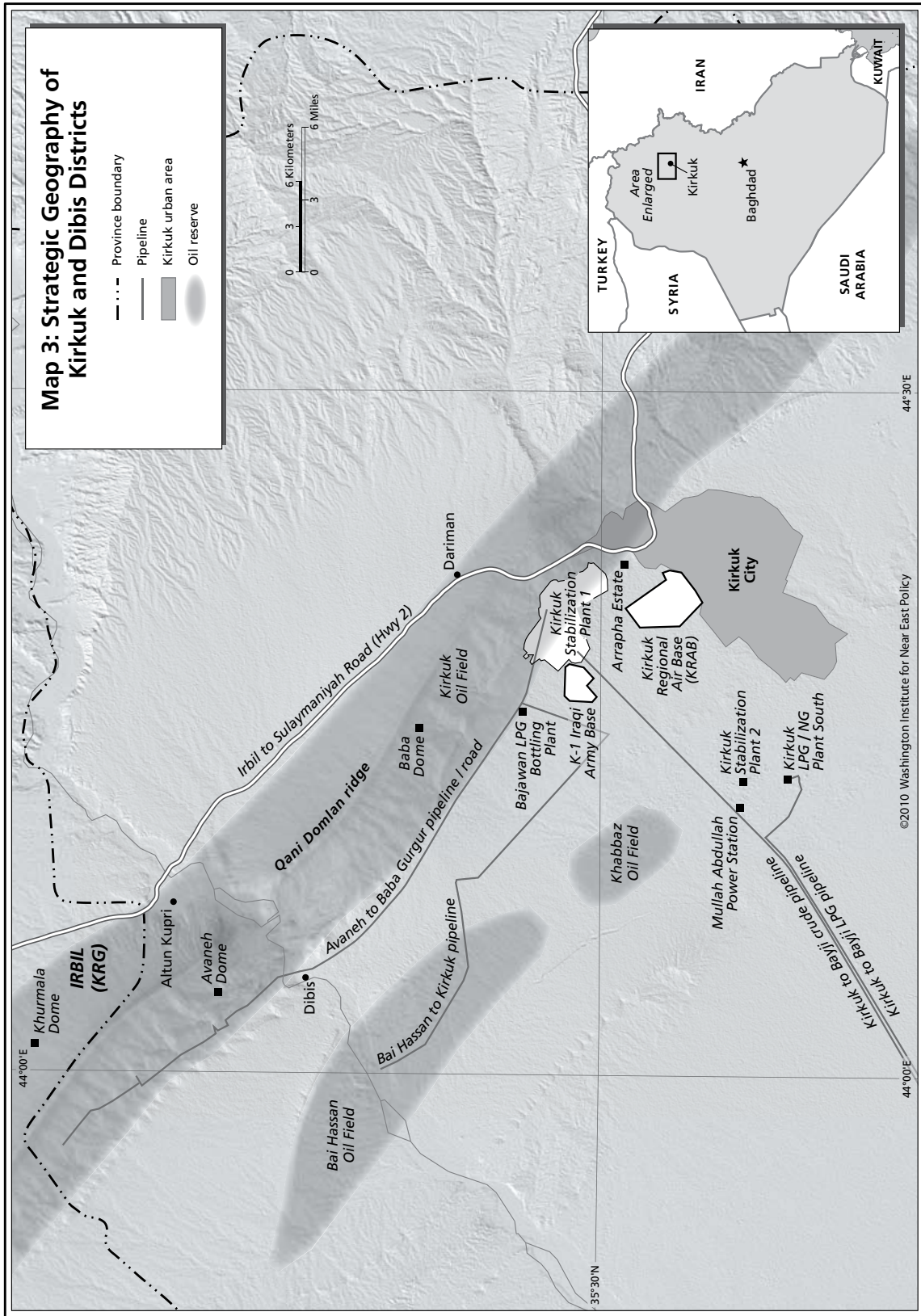
- 1. Kirkuk Province**
- 2. Kirkuk and Dibis Subdistricts**
- 3. Strategic Geography of Kirkuk and Dibis Districts**
- 4. Internally Displaced Persons and Ethnicity in Kirkuk City**
- 5. Security Forces in Kirkuk**

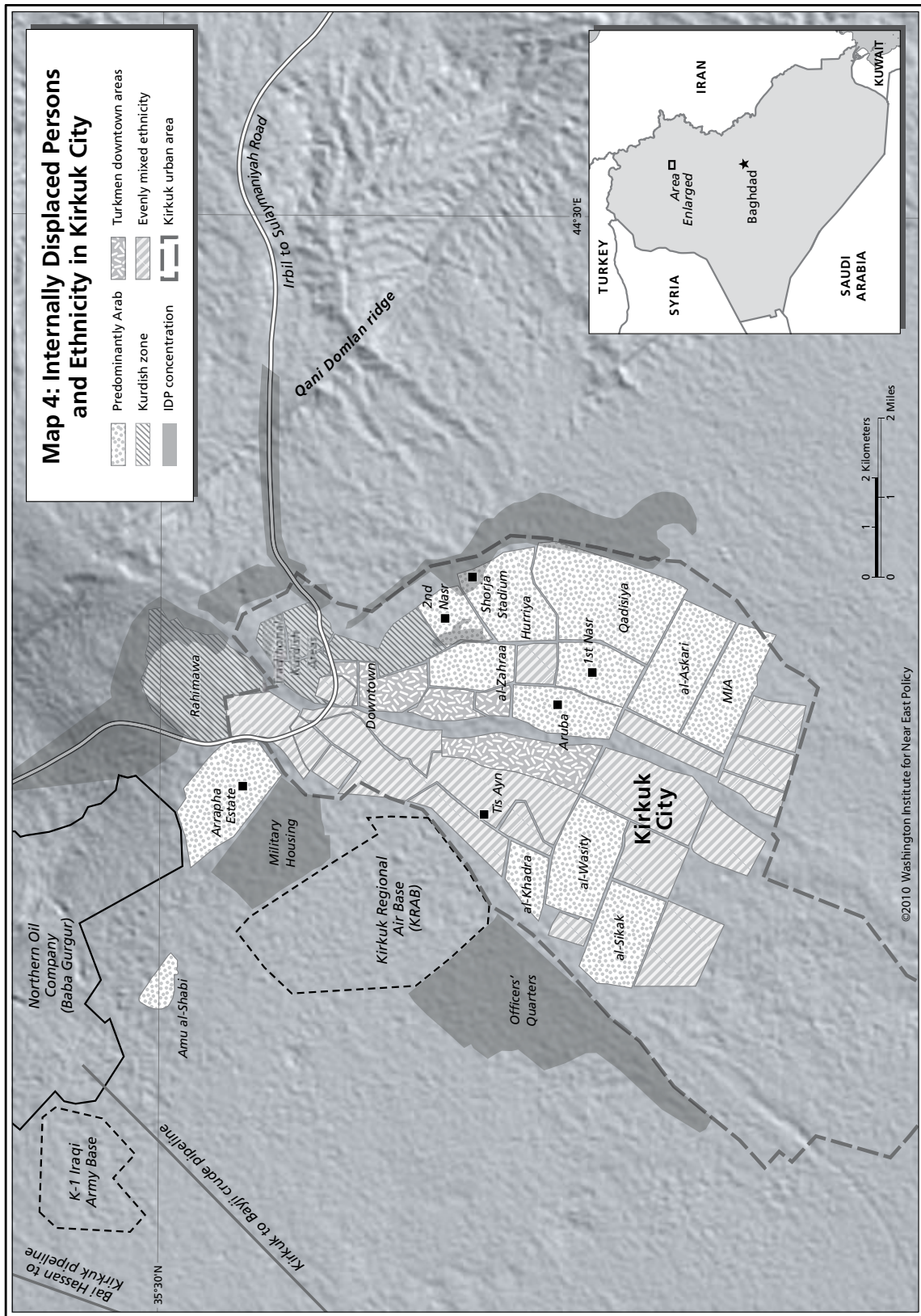


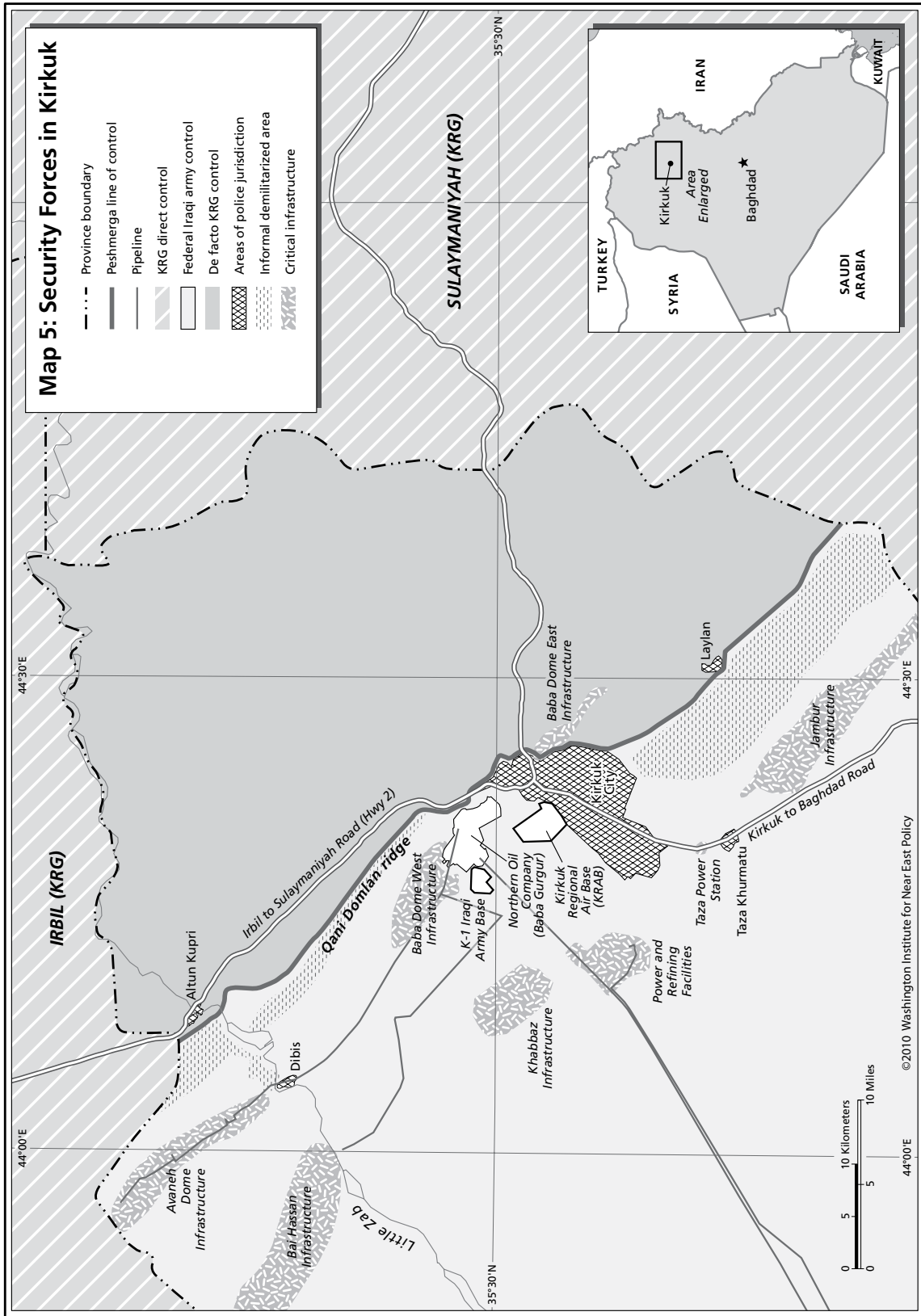














# 1 | Background

## Summary

- Kirkuk province has a long history of multiethnic relations and multiple waves of economic migration.
- The Iraqi government has sought to control Kirkuk's oil wealth since the nation's inception in 1925, and successive Arab-led governments downplayed Kirkuk's identity as a center of Turkmen and Kurdish culture.
- From the 1960s until the fall of the Baath regime, the government's use of violence and ethnic displacement (Arabization) grew ever more extreme.
- From April 2003 onward, Kurdish parties became ascendant in Kirkuk, exploiting Sunni Arab and Turkmen political boycotts to assume control over key government departments and local councils.
- Mechanisms to reverse Arabization have proven too bureaucratically complex to achieve results within a reasonable timeframe. Attempts to negotiate new power-sharing frameworks have been disrupted by broader federal-Kurdish politics, while local stakeholder input has been minimized.

SUMMARIZING THE HISTORY of the Kirkuk area is a delicate process. Participants in the current negotiations are understandably sensitive about any study that appears to favor one group's claims over those of another. Many issues cannot be definitively or succinctly discussed, and even touching on them can bias entire segments of the readership against carefully researched texts. Nevertheless, briefly recounting the history of ethnic conflict in modern Kirkuk is necessary before engaging in the detailed analysis that follows in subsequent chapters.<sup>1</sup>

### Modern Growth of Kirkuk

Most observers agree that Kirkuk has been a multiethnic area throughout its existence. Kurds, Turkmen, Arabs, Assyrians, and Christians have lived in and around Kirkuk city for many hundreds of years. Turkmen communities have a strong connection to the old urban centers of Kirkuk and nearby towns, and a patchwork of Kurdish, Arab, and Christian neighborhoods

also claim long urban histories. And Kurds became prominent landowners in the surrounding rural areas. In order to secure tenant farmers for their rich agricultural land, they invited farming tribes of all ethnicities to come to their estates. Kirkuk functioned as an important trading center and crossroads for these different groups; interethnic marriages and economic cooperation were staples of life.

The development of a centralized Iraqi state and the industrialization of oil extraction were key drivers of intensified ethnic competition in Kirkuk. The Ottoman province of Mosul, which contained the Kirkuk region, was annexed to the new Iraqi state in 1925. Soon thereafter, the Turkish Petroleum Company (TPC) began its systematic exploitation of the Kirkuk oil fields, with the first flow emerging from the Baba Gurgur fields near Kirkuk city in 1927. In 1931, the TPC was renamed the Iraqi Petroleum Company (IPC), and its headquarters moved to Kirkuk. Until the exploitation of Basra's oil fields in the 1950s,

1. A longer but still succinct version of Kirkuk's story in the twentieth century can be found in Liam Anderson and Gareth Stansfield, *Crisis in Kirkuk: The Ethnopolitics of Conflict and Compromise* (Philadelphia: University of Pennsylvania Press, 2009), pp. 24–49.

Kirkuk was the principal oil production area in Iraq and a world-class strategic asset.

Oil industry development resulted in significant demand for new workers in Kirkuk between the 1930s and the 1950s. Employment opportunities, spin-off economic stimulation, and improved infrastructure attracted Kurds and Arabs to settle there in greater numbers. Economic migrants traveled considerable distances from central and northern Iraq and tended to group along ethnic lines. As one study noted:

The establishment of the petroleum industry in Kirkuk led to a significant change in the social and ethnic character of the city, for the oil company employed a large number of people, most of whom were brought from outside the area. This led, in a relatively short time, to the creation of self-contained neighbourhoods within the old quarters of the city and new neighbourhoods made up mostly of Assyrians and Arabs in the area near the oil company's facilities.<sup>2</sup>

The development of such ethnic garrisons generated further jobs and local markets. As current Kirkuk deputy governor Rakan Said put it, "When oil was found, members of all communities were attracted. You can see from the city's composition how urban migration took place: Arabs in the southern and western parts, Kurds in the north and east."<sup>3</sup> Simultaneously, the Iraqi government was encouraging increased Arab settlement in the rural areas southwest of Kirkuk city, with tribes brought from less fertile areas west of the Tigris. By the 1950s, the province's Kurdish and Arab populations had grown dramatically. According to the 1957 census—considered the least politicized and therefore most accurate of the era—Kirkuk was 48.3 percent

Kurdish, 28.2 percent Arab, and 21.4 percent Turkmen, with the remainder composed of Chaldeans, Assyrians, and other groups.<sup>4</sup>

### Increasing Ethnic Tensions

Fighting between local tribes and government forces had been a periodic feature of life in northern Iraq throughout the state's early history, but in the 1960s, the regime began to view the Kurdish and Turkmen communities with greater suspicion and treat them with greater brutality. Urban Turkmen and Kurds were targeted throughout the decade as Kirkuk city became a focal point for political activity, nationalist sentiment, and, eventually, the revolutionary rise of the Baath Party and its plans to nationalize oil infrastructure. From 1963 onward, Iraqi army personnel—backed by "Iraqi National Guard" forces drawn from Arab tribes to the west—regularly carried out rural clearance operations. This campaign destroyed large numbers of predominantly Kurdish villages and farms, driving off the residents and depopulating large swaths of agricultural land in the rural subdistricts around Kirkuk city.<sup>5</sup>

After clearing these lands, the Iraqi government expropriated them and transferred them to the Northern Oil Company (NOC) and the military. The new occupants erected forts on high points within the oil field areas and laid minefields in agricultural areas to deter the expelled farmers from returning. Meanwhile, the regime transferred non-Arab workers from the NOC and local government departments to southern and central Iraq, replacing them with Arabs. It also began to expropriate land in predominantly Kurdish areas of Kirkuk city, seizing larger areas than required for urban development projects and providing

2. Nouri Talabany, "Iraq's Policy of Ethnic Cleansing: Onslaught to Change National/Demographic Characteristics of the Kirkuk Region" (unpublished paper, London, 1999).
3. See International Crisis Group (ICG), *Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds*, Middle East Report no. 80 (October 28, 2008), p. 26. Said made this comment during a June 19, 2008, interview with the ICG.
4. Kurdish and Turkmen commentators tend to support these figures, which were generated from statistics regarding each resident's mother tongue. See Nouri Talabany, "Who Owns Kirkuk? The Kurdish Case," *Middle East Quarterly* 14, no. 1 (Winter 2007), pp. 75–78; and Yucl Guclu, "Who Owns Kirkuk? The Turkoman Case," *Middle East Quarterly* 14, no. 1 (Winter 2007), pp. 79–86. See also Anderson and Stansfield, *Crisis in Iraq*, p. 43. For original documents, see Iraqi Ministry of Interior, General Population Directorate, Census Registration Records of 1957.
5. Some Turkmen and Arab areas were also affected. UN Assistance Mission in Iraq (UNAMI), "District Analysis Summary: Dibis District," p. 3. Note that this and many of the other UNAMI documents cited throughout this study are not publicly available as of this writing, though they may be in the future.



insufficient compensation. Moreover, it created administrative barriers that made Kurdish settlement within the city difficult, even as it provided incentives for Arab tribes to settle in certain cleared rural areas.<sup>6</sup>

Following the 1974–1975 fighting between Iraqi military and Kurdish forces, a new wave of rural clearance operations, land expropriation, and ethnic discrimination began in Kirkuk, with increased intensity and regularity. Extensive alteration of the province’s administrative boundaries hinted at the Baath regime’s intentions; in January 1976, a Revolutionary Command Council Decision (RCCD) issued by Saddam Hussein gave the province a new Arabic name, Tamim (“nationalization”), while a flurry of subsequent decrees dissolved traditional rural subdistricts, and mandated the seizure of land and the removal of farm owners and tenants.<sup>7</sup>

By 1977, government census reports were claiming an Arab plurality in Kirkuk, one of several measures intended to establish the area as predominantly Arab.<sup>8</sup> The regime tightened restrictions on the use of the Kurdish, Turkmen, and Aramaic languages in official transactions and education. It also offered “ethnic identity correction” as an option, encouraging non-Arabs to label themselves as Arabs in the al-Jinsiya system, a government national identity register established in the 1970s. This would in turn allow them to apply for categories of government jobs and secure property rights available only to Arabs.<sup>9</sup>

During the late 1970s and 1980s, the persecution of Shiite members of the Dawa Party and the onset of the Iran-Iraq War spurred intensified discrimination against Kirkuk’s predominantly Shiite Turkmen. In Yaychi and Taza Khurmatu (subdistricts southwest and south of Kirkuk city, respectively), the government

accelerated land clearance in Turkmen communities. At the same time, traditionally Turkmen areas of Kirkuk city (e.g., Tis Ayn) saw an influx of Arabs, while registration as a Turkmen carried growing penalties.<sup>10</sup>

### Intensified Violence

The 1980–1988 Iran-Iraq War greatly increased the scale and intensity of government violence in rural clearance operations. As part of its Anfal (“spoils”) campaigns in 1987–1988, Baghdad designated most rural lands in Kirkuk province as “prohibited areas,” warning that civilians caught trespassing in the areas would be executed. As one regime directive noted, “The armed forces must kill any human being or animal present within these areas.”<sup>11</sup> Although the regime did not use chemical weapons against civilians in the areas directly around Kirkuk city, it did employ them against sixty villages further out in the hinterlands.<sup>12</sup>

In April–May 1988, the third and fourth Anfal campaigns targeted areas southeast and north of Kirkuk city, respectively. The attacks completely destroyed 121 of 122 villages in the affected areas, demolishing all structures, foundations, wiring, and pipes to prevent resettlement. Seventy thousand rural inhabitants were displaced to government-run settlement camps or northward into the hills.<sup>13</sup> In prohibited areas directly adjacent to Kirkuk city (encompassing all of the NOC oil fields), the Iraqi military was authorized to shoot on sight and to execute all captured civilians between the ages of fifteen and seventy.<sup>14</sup> Previously, in 1987, RCCD 321 had administratively dissolved four largely depopulated subdistricts of Kirkuk district—Qara Hassan (now Laylan), al-Rabi (Qara Hanjir), Schwan, and Yaychi. Today, this directive is viewed as an effort

6. Talabany, “Iraq’s Policy of Ethnic Cleansing.” See also Human Rights Watch, *Iraq’s Crime of Genocide: The Anfal Campaign against the Kurds* (New Haven, CT: Yale University Press, 1995).

7. UNAMI, “District Analysis Summary: Kirkuk District,” pp. 5, 21.

8. See Anderson and Stansfield, *Crisis in Kirkuk*, p. 43, for a compilation of the 1957, 1977, and 1997 Kirkuk census results. In 1977, the government claimed that 45 percent of respondents identified themselves as Arab, 38 percent as Kurdish, and 17 percent as Turkmen.

9. UNAMI, “District Analysis Summary: Dibis District,” p. 3.

10. UNAMI, “District Analysis Summary: Kirkuk District,” p. 8.

11. Human Rights Watch, *Iraq’s Crime*, p. 80. The quote is from directive 28/3650, issued by Ali Hasan al-Majid (a.k.a. “Chemical Ali”) on June 3, 1987.

12. *Ibid.*, pp. 359–361.

13. UNAMI, “District Analysis Summary: Kirkuk District,” p. 7. For a comprehensive discussion of the third and fourth Anfal campaigns, see Human Rights Watch, *Iraq’s Crime*, pp. 129–188.

14. Documentation cited in UNAMI, “District Analysis Summary: Kirkuk District,” p. 9, refers to areas in Yaychi that are ten to fifteen kilometers from the center of Kirkuk city, showing that major ethnic cleansing was taking place a short distance from large urban areas.

to permanently erase the predominantly Kurdish and Turkmen identity of these areas.<sup>15</sup>

The Baath regime's accelerated efforts to resettle cleared areas with Arab migrants had deep roots. As mentioned previously, Iraqi governments had sought to settle Arab tribes in farmland west of Kirkuk as early as the 1930s. Later, during the rural clearances of the 1960s, Baghdad promised Arab "National Guard" members that they would receive land grants in areas from which Kurds were driven. And beginning in the early 1970s, the government began to deliberately settle transplanted Arab tribes from western Kirkuk, Ninawa, Salah al-Din, and Diyala provinces in cleared areas around key oil fields.<sup>16</sup> The process picked up speed in 1986 with the issuance of RCCD 42, which gave the Kirkuk provincial governor the power to make free grants of land-use rights to persons "moved to Tamim governorate" as long as they permanently resided there and did not rent the land without government permission.<sup>17</sup> By the late 1980s, many Arab economic migrants to Kirkuk were known as *Wafidun* ("newcomers") or "10,000-dinar Arabs" due to the government's incentive scheme for encouraging their resettlement.

Such efforts were given new impetus in the 1990s and continued until the Baath regime's fall in 2003. In March–April 1991, Kurdish forces briefly captured Kirkuk city and its outlying rural areas during a failed uprising. Fearing government reprisals, a significant portion of the city's population fled, including Kurds, Shiite Turkmens, and some Arabs. The government barred most of these refugees from returning, permitting reentry only for those who agreed to register as Arabs. In addition, it made government employment fully conditional on ethnicity correction. Meanwhile, some Kurdish and Turkmen communities were demolished in punitive operations, and new housing

developments were thrown up to facilitate resettlement by Arab migrants. All in all, as many as 120,000 non-Arabs may have been displaced from Kirkuk in the decade between 1991 and the fall of Saddam's regime.<sup>18</sup>

The 1990s also saw accelerated construction of public housing in the rural areas around Kirkuk, intended—like the urban developments—for incoming Arab families. The regime perceived the Kurdistan Regional Government (KRG) zone to Kirkuk's north as a major security threat. Consequently, it sought to prioritize Arab settlement to the northwest, north, and east of Kirkuk city and the oil fields. Such settlements were explicitly required to act as a "cordon of security" (to use Baghdad's phrase) for Kirkuk and the oil-rich areas, with tribes receiving arms from the Iraqi military.<sup>19</sup>

### April 2003 and Beyond

The fall of the Baath regime in April 2003 reversed the political situation in the area. As chapter 5 will recount, the *peshmerga* (Kurdish guerrilla fighters) and Kurdish security services (Asayesh) assumed control of Kirkuk at that time and continue to exclude federal security forces from the city and areas north, as of this writing. After fighting side by side with the U.S. military in Operation Iraqi Freedom, the *peshmerga* (or Iraqi army and police forces largely composed of *peshmerga*) were left to maintain security in Kirkuk and many other northern areas until federal forces grew strong enough to begin reclaiming territory in 2008. As chapter 4 will explore in detail, the Coalition Provisional Authority (CPA) also turned to familiar Kurdish interlocutors to form many of the local councils established from 2003 onward. The Sunni Arab boycott of the January 2005 provincial elections formalized the Kurds' control of the governorate council, giving them a greater share of seats than they should otherwise have won.

15. Ibid., p. 6.

16. See Human Rights Watch, *Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq* (August 2004), p. 17, <http://www.hrw.org/en/reports/2004/08/02/claims-conflict-0>. Arab tribal sheikhs of the al-Jazeera Desert—the area from which the largest number of Arab settlers came—confirmed this version of events in interviews with Human Rights Watch. According to Sheikh Nawwaf Hawwaz al-Atmi al-Shummary, a leader of the al-Shummary tribe in the north, government representatives asked the tribe to move north in 1974: "The government came to us and told us to go live there [in the north], saying they would give us some land, just to protect the oil fields. We went to live in seven villages, each with 100 to 150 families."

17. RCCD 42 was issued on January 11, 1986. UNAMI, "District Analysis Summary: Kirkuk District," p. 6.

18. Human Rights Watch, *Claims in Conflict*, p. 17.

19. Original documents from the Tripartite Committee for Arabization, quoted in UNAMI, "District Analysis Summary: Kirkuk District," p. 11.

Demographic changes were also quick to follow the regime's fall. Many Arab settlers pulled out of Kirkuk city on the eve of the Baathists' sudden collapse there—some appear to have known instinctively that they stood no chance of retaining their ownership or use of property if they stayed. Similarly, large numbers of Arab settlers in rural subdistricts north of Kirkuk (such as Schwan, Sargaran, and Altun Kupri) had already left before Kurdish forces quickly overran the areas.<sup>20</sup> In rural zones that U.S. and Kurdish forces did not occupy, Arabs tended to stay put.<sup>21</sup> In urban areas, displacement was haphazard: some Wafidun faced immediate challenges from returning Kurds or Turkmens reclaiming older houses. Some of these homes had been abandoned when the owners fled the area in 1991, while others had been seized even earlier by the state. Many returnees were unable to immediately dislodge the new occupants, however.

In most cases, direct restitution of property was impossible. Many returnees found their homes demolished, forcing them to improvise temporary shelters on public land or occupy government buildings that had been closed in anticipation of bombing attacks. Kurdish political parties quickly inventoried and claimed vacant housing, often spray-painting it with the names of the Kurdish families slated to move there (widows of martyred *peshmerga*, in many cases).<sup>22</sup> Most Arabs living in the newer purpose-built public housing remained in place, assessing their options. The situation soon stabilized, and the

Kurdish parties slowed the influx of refugees with the promise of an internationally brokered resolution of property claims.

In early 2004, the U.S.-led CPA established the Iraq Property Claims Commission to adjudicate restitution cases as a remedy for confiscations carried out under the former regime's "Arabization" policy.<sup>23</sup> Yet this body (later renamed the Commission for the Resolution of Real Property Disputes, or CRRPD) did not succeed by any standard in meeting claimants' expectations or providing compensation that might encourage occupants of disputed properties to leave.<sup>24</sup> The causes of this failure centered on the judicial model used to resolve claims—each and every case required considerable paperwork, hearings, site visits, appeals, and eviction proceedings, all under difficult security conditions. After four years of operation, the commission had received 140,000 claims and taken 41,000 decisions. Of these decisions, only 19,000 were enforceable, with the remainder held up once Baghdad decided to appeal all such claims against the government. As for the 19,000 enforceable decisions, weak implementation mechanisms meant that less than 10 percent resulted in the restitution of property to returnees or the payment of compensation to current occupants upon eviction.<sup>25</sup> The situation is no better today: according to Peter van der Auweraert, an expert on Kirkuk property issues, "At the current pace, it is estimated that it will take the Cassation Commission close to thirty years to finish its

20. Ibid., pp. 49–50. See also Human Rights Watch, *Claims in Conflict*, p. 34, which deftly noted that "the displacement of the Arabs was based on the change in power balance in northern Iraq rather than on a legal determination of rights."

21. Human Rights Watch, *Claims in Conflict*, p. 50. During the 2003 war, Arabs did not flee the al-Bashir area: "According to the imam of the village, this was due to the fact that Kurdish Peshmerga did not take control of the area: 'When the coalition forces approached Kirkuk with the Kurdish Peshmerga, the Arabs fled spontaneously, and those who remained were attacked. Our area was different, because the coalition forces didn't take control of our district, so the Arabs just stayed in our places.'"

22. Ibid., p. 49. See Human Rights Watch, "Iraq: Killings, Expulsions on the Rise in Kirkuk; U.S. Not Fulfilling Duties of 'Occupying Power,'" press release, April 15, 2003; James Rupert, "U.S. Fears Ethnic Wars: Kurds Want to Reclaim Lands," *Newsday*, April 29, 2003; Mary Beth Sheridan, "Kurds Return to Northern Iraqi City, Evicting Arabs; Hundreds Being Ousted as Displaced Group Reclaims Land Taken over 30 Years," *Washington Post*, April 21, 2003.

23. Pursuant to CPA Regulation Number 8: Delegation of Authority Regarding an Iraq Property Claims Commission, January 14, 2004, signed by CPA administrator L. Paul Bremer on June 24, 2004 (CPA/REG/23 June 2004/12).

24. In brief, the CRRPD is an Iraqi government commission that includes an Appellate Division (based at the Court of Cassation in Baghdad) and regional commissions chaired by a judge and comprising the directors of the governorate's Office of Real Estate Registry and Office of State Property. The CRRPD's mandate is to rule on the underlying ownership claim in cases where property or land usage rights were seized for "political, religious or ethnic reasons" during the Baath regime (from 1968 to April 9, 2003). The commission can order the restitution of property to its original owner, requiring the Office of Real Estate Registry to generate new legal title and calling on the Ministry of Justice Enforcement Department to undertake evictions. It can also order the Ministry of Finance to compensate the current occupants of disputed land or renters whose usage rights were abrogated by the state.

25. Peter van der Auweraert, "Property Restitution in Iraq," presentation at the Symposium on Post-Conflict Restitution, hosted by the Bureau of Population, Refugees, and Migration (PRM), U.S. Department of State, Arlington, VA, September 6–7, 2007, p. 481.

projected caseload.”<sup>26</sup> Although the Iraqi parliament amended the CRRPD process on February 1, 2010, the changes did not remove the key obstacles and may even have complicated the claims process by allowing the reopening of resolved cases.<sup>27</sup>

The so-called Article 140 Committee (formally the Commission on the Normalization of the Status of Kirkuk) has further muddied the issue. Empowered by Article 140 of the 2005 Iraqi constitution, this body’s local offices have collected CRRPD claims from families seeking to return to their place of origin and from families willing to leave the district in which they were registered by the Baath regime. The committee has also issued a number of key decisions that, once ratified by the Council of Ministers, have shaped the situation in Kirkuk today. In January 2007, it announced Decision 2, which stipulated the provision of 10 million Iraqi dinars (around \$8,300) and a plot of land for each displaced family willing to return to Kirkuk,<sup>28</sup> and approximately double this total for families who had been settled under the Baath government and were willing to move out. In February 2007, Decision 4 recommended the cancellation of “all agricultural contracts concluded within the policy of demographic change (Arabization).”<sup>29</sup>

### Stalemate in Kirkuk

These committee decisions have increased the pressure on Kirkuk residents without necessarily achieving the intended results of reversing the population shifts undertaken by the Baath regime. Decision 2 in particular has wrought unforeseen consequences. As later chapters will relate in detail, the promise of restitution has prompted many Kurdish families to transfer their national identity and Public Distribution System (PDS) status to Kirkuk in order to claim the payment. A significant subset of these families has joined the Kurdish internally displaced persons

community in Kirkuk, further overstraining the city’s pool of available housing. And for many Wafidun who were wavering over whether to leave, the offer of compensation solidified their determination to stay until they are paid. As Harry Schute, an advisor to the KRG Ministry of Interior, noted, “As soon as compensation got mentioned, people didn’t have an incentive to move out.”<sup>30</sup>

Decision 4 has had similarly unintended consequences. The Ministry of Agriculture ordered all farmers in affected areas to cease agricultural use of their land, and the provincial government has enforced the decree. The predominantly Sunni Arab tribes view the order as an attempt to pressure them into leaving, making them both less inclined to acquiesce and more hostile toward the provincial authorities.<sup>31</sup>

Alongside unresolved property issues, the broader subject of governance also continues to rankle. Article 140’s “normalization” of Kirkuk’s population through CRRPD and other mechanisms is envisioned as only the first step in a four-stage process that includes a census, some form of referendum on Kirkuk’s future administrative status, and, as necessary, further adjustments to the province’s internal and external boundaries. As noted in the preface, the administrative options are well known; what is unclear is the answer to the fundamental question “Who are the real Kirkukis?” Who, for instance, should be permitted to continue living in the province? At present there are no legal restrictions on where Iraqis can choose to live within their country, or on their right to transfer their national identity and PDS status at will. Should this change?

Perhaps most important, who should be permitted to vote in Kirkuk’s next provincial and national elections, or in referenda on the province’s status? Elected during the Sunni Arab boycott of January 2005, the Kurdish-led Kirkuk Provincial Council (KPC) is now the longest-serving in Iraq, having been excluded from

26. Ibid.

27. Author email interview with UNAMI official, February 2, 2010.

28. Assuming the displaced can prove they were Kirkuk residents at the time of the province’s last valid census, in 1957.

29. UNAMI, “District Analysis Summary: Kirkuk District,” pp. 49–50.

30. Quil Lawrence, *Invisible Nation: How the Kurds’ Quest for Statehood Is Shaping Iraq and the Middle East* (New York: Walker & Company, 2008), p. 223.

31. Author phone interview with UNAMI official, July 2008.

the January 2009 nationwide provincial elections due to Kirkuk's disputed status. Consequently, it is in desperate need of refreshment through a new election, even one constrained by formulas governing the size of each bloc's representation within both the council and the technical directorates that deliver services.

A formula-driven deal on interim power sharing was almost hatched in December 2007. Generated at the local level by the KPC, this proposal envisaged a quota system to establish the numbers of Arabs, Turkmens, Kurds, and Christians on the provincial council (using a 24-24-48-4 percent formula, respectively; a 23-23-46-8 formula was discussed as well). Elections would then take the form of caucuses within each community for the designated seats. Other positions were to be determined via formulas as well: "Senior executive (governor, deputy governor), administrative (directors-general and their deputies) and quasi-legislative (district, subdistrict and city council) positions would be distributed among Arabs, Turkmans, Kurds and Christians according to a 32-32-32-4 per cent formula."<sup>32</sup> In addition, the deal included clauses restricting the presence and activities of Kurdish intelligence agencies in Kirkuk, ordering the transfer of remaining Arab detainees from outlying Kurdish jails to Kirkuk, and calling for "the creation of a broadly representative national security directorate in Kirkuk."<sup>33</sup> Although some Kurdish entities in Kirkuk and within the national government backed the deal, the KRG blocked it.

The next mechanism intended to resolve many of these issues was the Article 23 Committee, named after a portion of the September 24, 2008, provincial elections law. The seven-member committee was charged with developing a draft law that would establish temporary power-sharing arrangements. Under this arrangement, the KPC would be elected and the governorate jointly administered until the next round of provincial elections in 2013. Unfortunately, the committee was composed of national legislators

instead of KPC members—despite hailing from Kirkuk, they were Baghdad-based and connected to national rather than local politics. Working from the capital, they found themselves in an impossible position, unable to gain local legitimacy and confronted with national-level factions that warned them not to compromise on any issue. After months of paralysis, the ill-fated committee was dissolved when the draft law was not created within the parliament's mandated March 31, 2009, deadline.

The Article 23 concept was a good one, but its members lacked seniority as well as local connections. The next step, initiated in summer 2009 and ongoing today, is a higher-level contact group built around the federal prime minister and the KRG president. The emphasis is on seniority, which confers the ability to make decisions and painful compromises. This approach has already reduced tensions and increased contact between the federal and KRG leadership. The chances of a grand bargain on Kirkuk may also increase if Kurdish parties constitute a significant segment of the Iraqi coalition government that will form following the March 2010 elections.

But national-level initiatives cannot be relied on to resolve the issue. After all, the Kurdish parties played a major role in Prime Minister Nouri al-Maliki's government between 2005 and early 2010, but little or no significant progress was made. Even if they contribute to the winning coalition and vote in favor of a new prime minister, there is no guarantee that the government will make good on any promises to the Kurds in the coming years. In short, the top-down approach to confidence- and security-building in Kirkuk is uncertain and slow—it may take months to form a government and get down to business on federal-Kurdish issues, with the parliament unlikely to be fully operational before September 2010. As the following chapters will show, the parties need to pursue complementary bottom-up approaches in the meantime, creating a parallel track alongside national initiatives.

32. International Crisis Group, *Oil for Soil*, p. 32.

33. *Ibid.*, p. 8. See also International Crisis Group, *Iraq and the Kurds: Trouble along the Trigger Line*, Middle East Report no. 88 (July 8, 2009).

## 2 | Strategic Geography

### Summary

- The Kirkuk and Dibis districts are the most strategically significant areas in the disputed Kirkuk province.
- Some areas have emotional significance, such as the rural zones where the Baath regime carried out the Anfal campaigns against Kurdish civilians.
- Other areas have intrinsic strategic significance, such as militarily valuable terrain, water sources, and key road systems around the Altun Kupri subdistrict.
- The Kurdish parties do not appear to seek control of the province's oil and gas reserves. Instead, their positioning in Kirkuk seems aimed at demonstrating a threat to those resources, as a bargaining chip to gain concessions from Baghdad and deter federal military action against them.
- Urban Kirkuk is a particularly sensitive area due to its concentration of local government organs, housing, and employment. Kurdish resistance to federal military presence in the city is based on concerns that Baghdad will seize control of these organs and resources.

A LOCALLY FOCUSED ANALYSIS of the Kirkuk issue requires a good appreciation of the province and city's geography, including the distribution of strategically significant areas. Such areas might be important for tangible reasons, such as the presence of oil and gas reserves, roads, fortifications, or power and water infrastructure. They might also be important due to less tangible characteristics, such as the past incidence of atrocities against civilians or traditional associations with particular ethnic groups. This kind of basic intelligence—where things are—is often overlooked in analysis of Kirkuk, making the dispute seem distant and abstract to outside observers. By focusing on the details, decisionmakers and observers in the United States and elsewhere can begin to see Kirkuk as a living, breathing city that is home to hundreds of thousands of people, and as an economic and administrative system that needs to keep working no matter how power sharing is realized.

As the preface noted, a study of the entire province of Kirkuk would be too unwieldy for this report.<sup>1</sup> Instead the focus is on the urban subdistricts of Kirkuk district (Markaz Kirkuk, Yaychi, and Taza Khurmatu) and the oil-rich Dibis district west of the city (see maps 1, 2, and 3). These areas hold the greatest strategic significance, the highest levels of interethnic tension, and the bulk of the province's human and material capital. Accordingly, this chapter analyzes their economic and historical significance; chapter 3 deals with their demography and population distribution.

### Kirkuk as Frontier

Part of Kirkuk's fundamental significance is its historical role as the point where predominantly Kurdish highlands meet multiethnic lowlands (called "Garmian," the "warm lands"). Kirkuk city was an important hub on trade routes between the Levant and Persia and remains the central connector

1. If released publicly, the UNAMI reports will make fascinating reading for anyone interested in understanding the administrative history of the province in detail.

between major road systems leading to Baghdad, Mosul, Irbil, and Sulaymaniyah. Moreover, as administrative maps of Iraq show, Kirkuk governorate cuts deep into Kurdistan Regional Government (KRG) territory—on paper at least, the KRG’s strategic depth is shallowest at the province’s northernmost edge, which lies only sixty kilometers from the Iranian border. The Iraqi government has long recognized this, prizing Kirkuk’s potential as a launchpad for military offensives against the Kurds. Both Irbil and Sulaymaniyah are just a few hours’ drive away—in fact, the fastest road between the two main KRG strongholds still runs just a few kilometers north of Kirkuk city. Critical KRG water resources are nearby as well, including Lake Dokan, only thirty kilometers from Kirkuk province.

As noted in the previous chapter, the Baath regime and previous Iraqi governments also viewed Kirkuk as a barrier against Kurdish expansion.<sup>2</sup> Time and time again, Baath documents used the phrase “cordon of security” in reference to the northern and eastern territorial arc outside Kirkuk city. In the southeast, the regime prioritized the Arabization of a line of towns running from Laylan to Daquq as a buffer against Sulaymaniyah. To the north, it extensively militarized Dibis district (including the subdistricts of Markaz Dibis, Altun Kupri, and Sargaran) as a buffer against Irbil. Similarly, the crest overlooking Kirkuk city and its northern oil fields, the Qani Domlan ridge, has been cleared of civilians and fortified since the 1960s. Parallel to the ridge, the Baath military laid extensive minefields on either side of Highway 2, the road connecting Kirkuk and Irbil. In general, these areas were considerably developed from the 1960s onward into a fortified security zone in which large military bases and a

security-vetted citizenry were woven into an integrated defense network facing the Kurdish north. This effort accelerated after 1991, when the Kurdish zone gained de facto autonomy.<sup>3</sup> Today, the Kirkuk Regional Air Base (KRAB), currently used by the U.S. military and Iraqi air force units alike, is the key air base in the country’s northeastern sector.

## Oil and Gas Infrastructure

In addition to serving as a potential military launchpad, the Kirkuk area is well endowed with natural resources and related economic infrastructure. The legal arguments over oil and gas development in the KRG, federal Iraq, and the disputed areas have thrown the issue of Kirkuk’s resources into sharp relief. The area’s oil and gas reserves are recognized as world-class, although they have suffered as a result of shortsighted reservoir management practices.<sup>4</sup> The Kirkuk “super-giant” oil field contains approximately nine billion barrels of commercially recoverable reserves, or about 75 percent of Iraq’s 115 billion barrels in total proven reserves.<sup>5</sup> The Bai Hassan and Khabbaz fields in Dibis district contain more than five billion additional barrels of commercially recoverable reserves. All three fields are rich with associated gas as well. Although the maximum sustained production of the Kirkuk and Bai Hassan fields will witness a net decline in the next fifty years, they will remain among the highest-producing in the country. According to oil industry contacts, the Kirkuk field’s production is predicted to peak at just over 500,000 barrels per day around 2025 before trailing off to fewer than 200,000 barrels per day in 2050. Bai Hassan will likely peak at around 200,000 barrels per day from 2020 to 2035, with a rapid decline to under 50,000 by 2045.<sup>6</sup>

2. As the International Crisis Group put it, the discovery of oil in Kirkuk coincided with “the rise of the Kurdish national movement from the Ottoman Empire’s ashes.” See *Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds*, Middle East Report no. 80 (October 28, 2008), p. 19.

3. UNAMI, “District Analysis Summary: Kirkuk District,” p. 11.

4. International Crisis Group, *Oil for Soil*, p. 19. Specifically, Kirkuk reservoirs have been damaged by saline water incursions and the reinjection of “dead” crude.

5. See *BP Statistical Review of World Energy June 2009*, [http://www.bp.com/liveassets/bp\\_internet/globalbp/globalbp\\_uk\\_english/reports\\_and\\_publications/statistical\\_energy\\_review\\_2008/STAGING/local\\_assets/2009\\_downloads/statistical\\_review\\_of\\_world\\_energy\\_full\\_report\\_2009.pdf](http://www.bp.com/liveassets/bp_internet/globalbp/globalbp_uk_english/reports_and_publications/statistical_energy_review_2008/STAGING/local_assets/2009_downloads/statistical_review_of_world_energy_full_report_2009.pdf). The 75 percent figure is an extrapolation based on dividing Iraq’s 115 billion barrels by Kirkuk’s estimated 8.7 billion barrels of commercial recoverable reserves and technical recoverable reserves. The latter figure is drawn from a confidential survey undertaken by a major hydrocarbon consultant in July 2008, shown to the author on the condition that the report not be identified.

6. Author interview with oil industry exploration and production executive, July 2009, Washington, D.C.

The surface infrastructure of Kirkuk's oil fields deserves closer attention because their location overlaps with areas that both the KRG and the federal government consider to be militarily significant, as well as areas that have been subject to ethnic tension. Map 3 shows concentrations of producing wells, water treatment and gas-oil separation facilities (GOSPs), and pipelines that represent the "upstream" part of Kirkuk's hydrocarbons industry.

The surface facilities for both the Kirkuk field's Avaneh Dome and the Bai Hassan field are located in largely depopulated areas of the sensitive Dibis district. This area was primarily Kurdish farmland until the 1960s, when it was repeatedly subjected to Baath clearance operations.<sup>7</sup> As described in chapter 1, the government engaged in extensive Arab resettlement efforts there as well, but most of the Arab Wafidun (newcomers) fled even before the *peshmerga* arrived in April 2003. Today, dewatering and gas-oil separation are mostly undertaken at three main plants: Bai Hassan north and south, and the Saralu GOSP. Significantly, however, the thirty-four-kilometer, sixteen-inch crude pipeline that links these facilities to the Kirkuk Refinery and Stabilization Plant (known as K-1)<sup>8</sup> runs through the Markaz Dibis subdistrict, where it has been repeatedly attacked by Arab farmers who have had their agricultural contracts rescinded. And Khabbaz field is located in the Yaychi subdistrict, which is home to dispossessed Arab farmers as well as Turkmen and Kurdish claimants awaiting restitution of property seized from the 1960s onward.

Another key location is the Kirkuk field's Baba Dome, stretched out along the southwestern slope of the Qani Domlan ridge. Here, surface infrastructure extends from areas west of the Northern Oil Company (NOC) complex at Baba Gurgur through the predominantly Kurdish northeastern sections of Kirkuk city (see chapter 3 and map 3 for more on the city's ethnic distribution). Seven main GOSP facilities gather and process oil and pass it to the K-1 refinery via an integrated pipeline system that is mostly contained within

depopulated NOC land to the northwest of Kirkuk city. Six of these GOSPs are strung along the western slope of Qani Domlan, approximately three kilometers below the spinelike ridge. This land was cleared of Kurdish farmers in 1963 and remains largely uninhabited, although Kurds are slowly returning to the area and have settled thickly on the ridge's northeastern slope. The seventh GOSP (along with related wells and pipe infrastructure) is located in a portion of northeastern Kirkuk city that has been settled by Kurdish internally displaced persons (IDPs) since 2003; one of the most well-known IDP gathering places, Shorja Stadium, is just two kilometers from the GOSP (see map 4).

**Downstream infrastructure.** The "downstream" elements of Kirkuk's hydrocarbon infrastructure include the city's main oil refinery, storage tanks, and strategic pipeline systems (to take oil and gas elsewhere in Iraq or to international export terminals). Most of these facilities can be found on the Baba Gurgur complex, which the Iraqi oil industry has used continually since the 1920s. About seven by five kilometers in size, the complex is located on the southwestern slope of Qani Domlan, three kilometers downhill from the point where the road to Irbil cuts through the ridge. It contains the K-1 refinery, storage tanks, the NOC's own power station, and three of the Baba Dome's seven GOSPs. Although the complex is technically under federal control (see chapter 5), the area is, in practice, monitored by representatives from all local factions. In addition, Kurdish IDP housing can be found at the eastern margins of the NOC complex.

Outside Baba Gurgur are several important downstream facilities. Three kilometers northwest, the Bajawan liquefied petroleum gas (LPG) bottling plant manufactures cooking gas, a critical commodity for the average Iraqi family. Bajawan is a predominantly Arab town as a result of the ethnic recruiting carried out since the 1960s. Until the development of *sabwa* (Awakening) movements in the area, the Bajawan

7. UNAMI, "District Analysis Summary: Dibis District," pp. 9–11.

8. Not to be confused with the nearby K-1 military base, which was itself a former Iraqi Petroleum Company site. The refinery and stabilization plant was severely damaged by a mortar attack in February 2006.



community was hostile to multinational and Iraqi security forces. Thirteen kilometers to the south is the Kirkuk Refinery and Stabilization Plant 2 (K-2), collocated with the Northern Gas Company in the Yaychi subdistrict (adjacent to the Mullah Abdullah power station). K-2 was severely damaged by a sabotage attack in November 2006. A strategically vital corridor of oil and gas pipelines links Baba Gurgur and Yaychi and then continues southwest toward Bayji refinery, Baghdad, and the northern export pipelines to Turkey and Syria. Until extensive land clearances in the 1970s, the Yaychi area was predominantly Turkmen. Today, it is mostly settled by Arabs, many of whom work in Yaychi's industrial center or are farmers hanging on despite canceled agricultural contracts.

### Kirkuk's Strategic Value

Although it may seem self-apparent that hydrocarbon assets are a major motivating factor in the current conflict over Kirkuk, a closer look at the motives and needs of Kurdish and federal authorities offers a more nuanced appreciation. Opinions differ over the extent to which each party values the area for these assets. The Iraqi government's track record indicates that Baghdad has consistently viewed Kirkuk through the lens of its oil wealth. Similarly, some Arabs and Turkmen believe that Kurdish interest in Kirkuk is motivated by oil. Even Qader Aziz, KRG president Massoud Barzani's representative on the Article 140 Committee, once postulated, "If Kirkuk had no oil, no one would fight over it."<sup>9</sup> At the same time, most Kurdish leaders deny that the KRG has an economic motive for wishing to incorporate Kirkuk. As KRG interior minister Karim Sinjari put it, the Kurdish claim to Kirkuk "has nothing to do with oil. The oil fields would stay under the federal government regardless of whether Kirkuk joins the Kurdistan region.... [W]e have sufficient oil in the Kurdistan region for now to survive for years."<sup>10</sup>

Although KRG oil will come onstream far more slowly than Kirkuk's existing production, its promise seems to have provided KRG leaders with an alternative option for future revenue.<sup>11</sup>

In general, the KRG has given observers plenty of opportunities to read between the lines regarding its views on Kirkuk's economic role. Three case studies stand out: the handling of Khurmala Dome; proposals to connect KRG oil fields to Kirkuk-based infrastructure; and Kurdish views on the tendering of Kirkuk and Bai Hassan oil fields.

Today, the Khurmala Dome portion of the main Kirkuk oil field sits mostly within Irbil province, and hence within the KRG proper. During the first decade of the KRG's life, however, the dome was part of Baath-controlled Iraq (given its location west of the so-called Green Line) and was administered by the federal Ministry of Oil. Saddam Hussein's regime permitted the drilling of sixty wells there in the years prior to its collapse, but no pipelines or GOSPs were developed. In December 2004, the State Company for Oil Projects (SCOP) hired a consortium of consultancies to design and procure three new GOSPs and infield pipelines to link Khurmala's wells with the K-1 refinery and associated GOSPs in Kirkuk.

The KRG had different ideas, though. In November 2007, the Kurdistan National Oil Company (KNOC) claimed exclusive rights to the dome. KNOC planned to use the Baath-developed infrastructure to feed an oil refinery in Irbil and provide fuel for electricity generation within the KRG. As the SCOP project moved toward implementation in June 2008, the KRG and senior Kurdish representatives on the Kirkuk Provincial Council used a combination of *peshmerga* and Iraqi police to physically prevent the movement of equipment into the Khurmala field.<sup>12</sup>

In November 2008, Baghdad and the KRG reached a compromise that resulted in the completion of

9. International Crisis Group, *Oil for Soil*, p. 19. Aziz made this remark during a June 26, 2008, interview with the group in Sulaymaniyah.

10. Ibid.

11. See *ibid.*, p. 15. This and other portions of the *Oil for Soil* report include excellent interview material with KRG leaders discussing the relative value of KRG versus Kirkuk oil.

12. Ben Lando, "Iraq's Khurmala Oil Field Sees National Struggle Again," United Press International, June 17, 2008. For a good discussion of the Khurmala issue, see International Crisis Group, *Iraq and the Kurds: Trouble along the Trigger Line*, Middle East Report no. 88 (July 8, 2009), pp. 19–21.

two gathering stations (Khurmala North and Khurmala Middle), a central processing facility, and a forty-kilometer pipeline linking Khurmala to the Irbil refinery by July 2009. Although the refinery currently handles only 20,000 barrels per day (bpd) of crude oil, with a maximum installed capacity of 50,000 bpd, the KRG is building the Khurmala infrastructure to handle up to 150,000–225,000 bpd.<sup>13</sup> Meanwhile, oil from the 20,000–40,000-bpd KRG field at Taq Taq is trucked to the Khurmala South manifold, where it is fed into federal pipelines that lead to Saralu GOSP and K-1.

This arrangement may not last long—the KRG and its oil infrastructure agencies are considering an eighty-five-kilometer pipeline link from Taq Taq to the Khurmala Central Processing Facility. It is uncertain whether the oil will then be passed to the Irbil pipeline or toward the K-1 refinery and federal pipeline system.<sup>14</sup> Further north, the KRG's 22,000-bpd Tawke field will be connected to the Iraq-Turkey (IT) pipeline close to the Turkish border with the federal Ministry of Oil's facilitation.<sup>15</sup> Clearly, the KRG is maintaining its options by developing the Khurmala Central Processing Facility, which will serve as a switching point where oil may either be transported within the KRG or sent into the federal export system.

The KRG has also been forceful regarding oil resources south of Irbil province (i.e., Bai Hassan and the wider Kirkuk field), but this stance seems more rhetorical in nature than its physical intervention in Khurmala. Following Iraq's first postwar oil and gas licensing auction on June 30, 2009, Baghdad stated that “the two gas fields of Mansouriya and Akkas, and maybe the oil field of Kirkuk, will be exploited by national Iraqi companies.”<sup>16</sup> Nechirvan Barzani, then

the KRG prime minister, claimed that Kurdish authorities would need to be consulted on these tenders because Article 112 of the Iraqi constitution demands joint decisionmaking between federal authorities and oil-producing regions. This claim suggests that the KRG considers both the Kirkuk and Bai Hassan fields to be partially within its territory. Barzani also noted that the fields included land defined by Article 140 as disputed areas.<sup>17</sup> Meanwhile, KRG minister of natural resources Ashti Hawrami warned that “to work in the Kirkuk field...requires our protection. Most of it is under our security protection. So how can a company work there, if we are not partner to the agreement, and expect us to protect them?”<sup>18</sup> As chapter 5 will show, actual KRG control over Bai Hassan and the Avaneh and Baba Domes of Kirkuk field is quite limited, but Hawrami's thinly veiled threat is noteworthy.

Thus, while the KRG leadership has definite ideas regarding the use of KRG oil from Irbil, Daquq, and Sulaymaniyah provinces, its interest in Kirkuk's resources strikes a different note. Specifically, its comments about the tendering of Kirkuk and Bai Hassan appear to be part of a broader goal: to leverage implied threats against hydrocarbon development there in order to increase KRG bargaining power over the future of KRG oil. In other words, controlling Kirkuk's oil is not the KRG's objective. The trajectory of the Kurds' oil policy has instead been to downplay Kirkuk's importance as a refining or export hub, reflective of their focus on economic development within the KRG's uncontested borders as opposed to within Kirkuk. For the most part, Kurdish political parties have not sought tight control over the Northern Oil Company or Northern Refining Company (although the Northern Gas Company may be

13. See the Khurmala page on the website of the Kar Group, the firm contracted to build and operate the facilities (<http://www.kargroup.net/oilfieldprojects.php>).

14. See “Iraq's Taq Taq Oil Output 20,000–40,000 BPD,” Reuters, July 17, 2009, <http://www.reuters.com/article/OILPRD/idUSLH2145120090717>.

15. “DNO Says Iraqi Tawke Oil Field Output Still Rising,” Reuters, July 24, 2009, <http://uk.biz.yahoo.com/24072009/323/update-1-dno-says-iraqi-tawke-oil-field-output-rising.html>. See also International Crisis Group, *Iraq and the Kurds*, pp. 15, 20–21.

16. Government spokesman Ali Dabbagh, quoted in Tamsin Carlisle, “Iraq Seeks Plan B after Auction,” *The National*, July 2, 2009, <http://www.thenational.ae/article/20090701/BUSINESS/707019958/1005>.

17. Kurdistan Regional Government, “Statement by Prime Minister Barzani on Iraq Oil Fields First Bidding Round,” press release, June 26, 2009, <http://www.krg.org/articles/detail.asp?lngnr=12&smap=02010100&cmr=223&canr=30236>.

18. Quoted in International Crisis Group, *Iraq and the Kurds*, p. 21.

a different story<sup>19</sup>). Diverting crude and refined oil from Kirkuk has been within their capacity at many points since 2003, but there is only limited evidence of such institutionalized criminal undertakings—a stark contrast to the industrial-scale smuggling that has occurred at federally controlled refineries such as Bayji and Basra during the same period.<sup>20</sup> As Ashti Hawrami noted: “I’m not expecting to find another Kirkuk [within the KRG]. But I think I will find a lot of fields that add up to Kirkuk.”<sup>21</sup>

Even if Kirkuk’s oil is mostly a bargaining chip, the city and its surrounding farmlands still hold tangible

strategic and emotional significance. The following chapters will argue that habitation, patronage, and security are more significant short-term objectives for Kirkuk’s different ethnic blocs, political parties, and individual politicians. This discussion is mostly, though not completely, concentrated on the urban center of Kirkuk city and the administrative centers of Kirkuk and Dibil districts, with certain rural areas holding basic military and emotional value as well. The city is where the riptides of displacement and counter-displacement are at their strongest, however, so it is to the demographics of urban Kirkuk that we now turn.

19. Gas bottling is an easy way to monetize hydrocarbons and a powerful means of demonstrating largesse. Accordingly, the Kurdish parties seem to be playing a more active role in the gas sector, such as by placing 203 KRG-paid employees in the Northern Gas Company and LPG bottling facilities at Bajawan.

20. For an example of the kinds of illicit oil trucking operations the Kurdish parties have undertaken, see “Iraqi Kurdistan Region Oil Is Secretly Sent to Iran,” *Rozhnama* (Sulaymaniyah), April 27, 2008.

21. Quoted in Neil King, Jr., “Wildcatters Plunge into North Iraq,” *Wall Street Journal*, July 9, 2008.

# 3 | Demography and Property Issues

## Summary

- Kirkuk and Dibis districts have suffered multigenerational patterns of displacement. In many areas, internally displaced persons (IDPs) have resettled in areas claimed by other IDPs. For most IDPs, direct restitution of their original homes is either impossible or not their preference.
- From 2003 to 2008, Kurdish IDPs migrated to Kirkuk city in large numbers, though in many cases they have simply returned “on paper” in order to lodge compensation claims. Meanwhile, few Arab settlers have left Kirkuk, resulting in major overcrowding.
- Massive house-building initiatives by the Kurdish political parties have resettled tens of thousands of Kurdish IDPs around Kirkuk city’s northern arc, including on the Qani Domlan ridge.
- Kirkuk residents lost patience with the property claims process years ago and have improvised land-sharing deals between claimants and current occupants. Some have even begun to commercially sell property in disputed areas.
- Kirkuk’s new demographic realities are widely recognized at the local level and should be incorporated by parties seeking to negotiate deals at the national level. Zero-sum solutions—where Kurdish returnees can only return at the same rate that Arab settlers leave—should not be the basis of future agreements.

PATTERNS OF DISPLACEMENT and return are exceedingly complicated in Kirkuk province due to the amount of time that has elapsed since the process began. For instance, a typical case might involve a family of Kurds that was renting a house when it was forced to flee Kirkuk, but upon returning found the original property demolished, the plot impossible to locate, and the land occupied by public housing. In addition, the family may have spent more than a decade in exile, during which time its numbers grew, and built a new life in temporary accommodations within a relatively peaceful city such as Irbil or Sulaymaniyah. The family members must now decide how much effort to invest in exercising their “right to return” (which some would question given their original status as renters rather than owners), or in pursuing whatever degree

of compensation the government eventually offers. Should some or all of the family members return to physically stake out a claim, either near their prior residence or somewhere else? What level of presence in Kirkuk is required to support their claim to compensation? And is the prospect of such restitution worth living in very poor temporary accommodations in one of Iraq’s more dangerous cities?<sup>1</sup>

Other scenarios highlight further practical barriers to implementing the “normalization” process envisaged in Article 140 of the Iraqi constitution. Consider a Turkmen family that owns land in central Kirkuk until it is expropriated by the state for use by a ministry; although the members receive compensation, it is well below market value, and the land is later occupied by a ministry building in which Kurdish IDPs

1. For an excellent real-world example of this dilemma, see Nicholas Spangler and Mohammed al-Dulaimy, “Displaced Iraqis Live under Stands in Soccer Stadium,” McClatchy Newspapers, September 10, 2008, <http://www.mcclatchydc.com/homepage/story/52207.html>.

have been living since 2003.<sup>2</sup> Or consider an Arab farmer whose family had been living in Yaychi since the 1950s but was displaced in the 1970s to make way for the “oil exclusion zone” around key pipelines. The family was moved to a newly built house in Kirkuk city and remained there for years; today, the man is both a long-term Kirkuk resident and a Wafidun (newcomer) in the eyes of the law.<sup>3</sup>

The compounded multigenerational displacement reflected in these scenarios underlines how difficult it is to make direct restitution for lost property or usage rights. In some cases, the property in question no longer exists or is being used by the government. In other cases, “normalization” would mean displacing the property’s current occupants, which would only create new IDPs. To be sure, compensation of such occupants is technically enshrined in Article 140 and the Commission for the Resolution of Real Property Disputes (CRRPD) process described in chapter 1 (at least for those who were not complicit in discriminatory practices to obtain the property). In reality, however, it is a very difficult and expensive issue to resolve. As a result, even occupants who are willing to be displaced are unlikely to leave until their compensation has been paid.

For these reasons, the process of implementing official normalization in Kirkuk has ground to a halt. As the following sections will show, however, Kirkuk is a living, breathing city in which less formal processes of displacement and resettlement are constantly evolving.

## Population Estimates

Discussing population statistics for Kirkuk is a sensitive affair, particularly in the absence of comprehensive census data. Nevertheless, one can still draw useful conclusions from the various available figures. The data in table 1 give some measure of Kirkuk’s adult population. Although none of the censuses conducted since 1957

has been widely accepted, the Central Organization for Statistics and Information Technology (COSIT) has produced an estimate based on population growth trends and the most recent census (1997). The Kirkuk Provincial Council (KPC) uses the al-Jinsiya national identity registration system as a primary means of gauging local population, though there are significant doubts about its accuracy—district and subdistrict councils have a strong incentive to boost national identity figures because the KPC used these numbers to calculate the distribution of federal Accelerated Reconstruction and Development (ARD) funds in 2006, 2007, and 2008. The Public Distribution System (PDS) food ration registry is another means of gauging adult population.<sup>4</sup>

Notably, any claim of compensation under the Article 140 Committee’s January 2007 Decision 2 requires the transfer of national identity and PDS registration to Kirkuk province. Once this decision was announced, Kirkuk province’s national identity statistics increased dramatically in the subdistricts most affected by rural clearance operations. In reality, significant numbers of potential returnees were unable or unwilling to resettle in these areas after 2003 due to the destruction of their property or the ongoing presence of Arab Wafidun. These conditions encouraged the practice of “returning on paper,” that is, families transferring their national identity and PDS registrations to Kirkuk without physically moving there. This widely recognized phenomenon was noted in many of the interviews conducted by the UN Assistance Mission in Iraq (UNAMI).<sup>5</sup> Although it might appear counterintuitive for families to transfer their food rations in this manner, many seem willing to do so in order to stake their claim to compensation. In some cases, such families are no longer fully dependent on PDS or receive support from their local Kurdistan Regional Government (KRG) authorities. And

2. Examples of petitions describing these and other situations were included in UNAMI, “District Analysis Summary: Kirkuk District,” pp. 17–18. The Article 140 Committee’s Decision 6, issued October 1, 2007, decreed the return of government-expropriated land to claimants in the formerly Turkmen neighborhoods of Tis Ayn and Hamazali.

3. Examples of this kind of displacement of “original Arabs” were included in UNAMI, “District Analysis Summary: Kirkuk District,” pp. 8–9.

4. The PDS is frequently used as a voter registration tool. *Ibid.*, pp. 23–24.

5. *Ibid.*, p. 34; UNAMI, “District Analysis Summary: Dibis District,” pp. 8, 27, 30.

**Table 1. Population Statistics in Kirkuk and Dibis Districts**

	COSIT ESTIMATE 2007 <sup>1</sup>	NATIONAL ID REGISTRY			PERCENTAGE CHANGE 2007–2008	PDS RATION CARD REGISTRY 2008	ESTIMATED ARTICLE 140 RETURNEE CLAIMANTS <sup>2</sup>
		2006	2007	2008			
<b>KIRKUK DISTRICT</b>	572,080	758,596	749,812	961,411	+28.2%	806,847	106,679
Markaz Kirkuk subdistrict		663,379	663,379	702,809	+5.9%	n/a	77,700
Yaychi subdistrict		8,061	8,061	20,514	+154.5%	n/a	1,183
al-Multaqa subdistrict		11,000	11,000	44,988	+309%	n/a	n/a
Taza subdistrict		34,943	25,668	27,359	+6.6%	n/a	297
Schwan subdistrict		15,000	15,000	34,895	+132.6%	n/a	13,804
Other areas within the district		26,213	26,704	130,846	+389.9%	n/a	13,695
<b>DIBIS DISTRICT</b>	39,467	64,404	64,404	95,166	+47.8%	95,008	323,120
Markaz Dibis subdistrict		30,261	30,261	29,696	-0.98%	42,253	n/a
Altun Kupri subdistrict		19,143	19,143	53,472	+179.3%	40,757	n/a
Sargaran subdistrict		15,000	15,000	11,998	-20.0%	11,998	n/a

Source: Unless otherwise indicated, all statistics are based on UNAMI, “District Analysis Summary: Kirkuk District,” pp. 8, 24, 36, and UNAMI, “District Analysis Summary: Dibis District,” pp. 1, 17, 27–30.

1. COSIT is a central repository for population statistics from 1957 to 2007. For more information, go to [http://cosit.gov.iq/english/section2\\_2005.php](http://cosit.gov.iq/english/section2_2005.php).
2. UNAMI estimates the average size of families in the region to be three to four people. Accordingly, the figures in this column were generated through a simple formula: multiplying UNAMI’s case/claim numbers by 3.5 to estimate the total number of affected individuals in each area. UNAMI, “District Analysis Summary: Kirkuk District,” p. 15.

given the connection between national identity/PDS status and voter registration, the practice of returning on paper allowed large numbers of Kurdish voters to travel to Kirkuk and vote in key 2005 elections.<sup>6</sup> Beginning in 2008, however, the KPC banned any further transfers of national identity registration or ration cards.<sup>7</sup>

Although these factors prevent even rough estimation of how many people are physically returning to Kirkuk and Dibis districts, certain trends are clear. Kirkuk witnessed successive waves of returnees from the KRG in 2003 and 2004. The first wave—around 15,000 in 2003—was prompted by natural inclination

6. The KRG provided transportation for voters participating in the October 2005 constitutional referendum and the December 2005 national elections. In addition, vehicles originating from the KRG were exempted from election-day driving bans (though in some cases this was a legitimate step to allow Kurdish voters to reach distant voting centers). Author interview with UNAMI official, Washington, D.C., August 2009.

7. See International Organization for Migration, *IDP Monitoring and Needs Assessment* (March 2008), pp. 13–14.

and a combination of incentives and pressure from the Kurdish political parties.<sup>8</sup> A brief respite took hold in 2004 when these parties were convinced to restrain the flow of IDPs. Soon, however, many IDPs lost patience with the property claims process and a new wave of resettlement began. The International Organization for Migration (IOM) described a surge of KRG-based returnees in the second half of 2004 and assessed that 74 percent of IDPs in Kirkuk district were Kurdish.<sup>9</sup> By fall of that year, IDPs were placing an unbearable burden on Kirkuk city's infrastructure—most of its schools were occupied by returnees as the 2004–2005 school year approached, and seventeen different ministries cited the need to evict IDP squatters from their properties.<sup>10</sup> Meanwhile, as the January 2005 national and provincial elections drew closer, 107,241 new voters were added to the register based on the PDS rolls, indicating a massive increase in the city's population. By the end of August 2005, another 203,898 voters had been added.<sup>11</sup>

### IDP Settlement Patterns

The situation had changed considerably by December 2007, when IOM reported that just 15.1 percent of the IDPs were Kurdish and that Arabs represented the majority (54.1 percent).<sup>12</sup> From 2006 onward, an increasing flow of Arab refugees from Baghdad

and Iraq's violent northern provinces changed the dynamic, even as the provincial council took steps to restrict their migration to Kirkuk. In addition to overstretching the city's infrastructure, Arab IDPs were (and still are) viewed as a security and political threat by the Kurdish-led KPC.<sup>13</sup> In its January 2009 profile of Kirkuk province, the IOM continued to note both the decreasing flow of Kurdish IDPs and their minority status within the overall IDP population (despite swelling to 27.8 percent of the total, Kurdish IDPs were still well-outnumbered by Arabs, who constituted 48.4 percent).<sup>14</sup>

So what happened to the Kurdish IDPs in Kirkuk? As IOM surveys from 2005 showed, only a small minority of them were confident they would be able to return to the exact area from which they had been displaced.<sup>15</sup> Simple restitution of property was possible in only a fraction of instances, and many of these clear-cut cases were resolved rapidly, within months or even days after the Baath regime's fall.<sup>16</sup> Most other cases fell under one of two categories: (1) the Kurds in question had been rural sharecroppers or urban renters at the time they left Kirkuk, not property owners, or (2) their farms had been so completely destroyed that they were unsuitable for making a living until a government agency could provide assistance to rehabilitate the land. The experience of exile had also

8. David Romano, "The Future of Kirkuk," *Ethnopolitics* 6, no. 2 (June 2007), pp. 265–283. Romano cites examples of the KRG compelling IDPs to return to Kirkuk by cutting off electricity and food supplies to their camps. Similarly, UNAMI describes the KRG denying long-term employment to IDPs from Kirkuk ("District Analysis Summary: Dibis District," p. 8). And Human Rights Watch provides interview testimony of Kurds who were convinced by Kurdish political parties that they had to return to Kirkuk immediately if they were to stand a chance of reclaiming their land; see Human Rights Watch, *Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq* (August 2004), pp. 73–74, <http://www.hrw.org/en/reports/2004/08/02/claims-conflict-0>.
9. IOM included these older statistics in "Tameem/Kirkuk Emergency Needs Assessment, Post February 22 Emergency Monitoring and Assessments," November 4, 2006, [www.iom-iraq.net/.../IOM%20Kirkuk%20Needs%20Assessment%20Profile.pdf](http://www.iom-iraq.net/.../IOM%20Kirkuk%20Needs%20Assessment%20Profile.pdf).
10. UNAMI, "District Analysis Summary: Kirkuk District," p. 16.
11. *Ibid.*, p. 36.
12. IOM, "Tameem/Kirkuk Emergency Needs Assessment," December 1, 2007.
13. According to the IOM's December 2007 "Tameem/Kirkuk Emergency Needs Assessment," Arab IDPs reported above-average restrictions on their freedom of movement within Kirkuk city.
14. IOM, "Tameem/Kirkuk Emergency Needs Assessment, Post February 22 Emergency Monitoring and Assessments," January 1, 2009.
15. IOM and the UN Office for Project Services (UNOPS) maintain monitoring profiles of IDPs and returnees in all Iraqi provinces. The migration reports are usually posted online (<http://www.iom-iraq.net/iomInIraq.html>), though they were unavailable at the time of this writing. For individual reports, users may contact the author.
16. Steve Fainaru, "Kurds Reclaiming Prized Territory in Northern Iraq; Repatriation by Political Parties Alerts Demographics and Sparks Violence," *Washington Post*, October 30, 2005, [http://www.washingtonpost.com/wp-dyn/content/article/2005/10/29/AR2005102901396\\_3.html](http://www.washingtonpost.com/wp-dyn/content/article/2005/10/29/AR2005102901396_3.html). Fainaru described one such case involving both threats and inducements: "After several returning Kurds threatened violence, Sultan, the village chief, said many Arabs agreed to leave peacefully in exchange for compensation from various Kurdish sources. They received between a few hundred and several thousand dollars for their houses, some of which were once occupied by Baath Party leaders."

urbanized many returnees, with some choosing not to return to farming as a “lifestyle choice,” to borrow UNAMI’s phrase. One report described how local officials in Laylan subdistrict, southeast of Kirkuk city, viewed the situation: “People do not appear to want to return to their villages although services are now being provided, but prefer living in the centre of Kirkuk city. [The officials] gave an example of seven villages as being completely ready for habitation, including available homes, but the villages remained largely uninhabited.”<sup>17</sup>

Throughout 2005–2006, the KPC worked to shift as many IDPs as possible from functioning government buildings and public spaces into makeshift camps at the edges of Kirkuk city. As shown on map 4, some major government sites have remained occupied, notably the extensive military housing complexes north and south of Kirkuk Regional Air Base (KRAB). Likewise, Kurdish IDPs have made inroads into the Northern Oil Company’s employee housing at Arrapha. Most famously, about five thousand IDPs still live around Shorja Stadium in the last high-profile Kurdish IDP camp in Kirkuk city.

Smaller, semipermanent Kurdish IDP enclaves have sprung up all around the city, particularly on the northeastern arc, where they are shielded by traditionally Kurdish neighborhoods. In 2005, for example, the Kurdish political parties were providing simple blueprints, engineering support, and up to \$5,000 in home construction funds for each IDP family.<sup>18</sup> Indeed, considerable building efforts took place throughout that year along Highway 2 between Altun Kupri and Kirkuk city, on the northern slope of the Qani Domlan ridge, and astride other major roads northeast and east

of Kirkuk city. In December 2009, one observer noted that “new houses are rising from the sands—thousands of them in neat rows, mostly unfinished save for their gray cinder-block shells.” Or, as an Arab resident described it, “If you look at all the building going on in the outskirts of the city, we’re surrounded by Kurds. They’re practically occupying us.”<sup>19</sup> The Kurdish parties have also sponsored home building for returnees in Yaychi and on the so-called pipeline road between Baba Gurgur and Dibis.<sup>20</sup>

Although such efforts may have been legally questionable, they did meet a genuine and urgent need for basic housing. The federal government’s attempt to resolve the problem—a 600-unit housing scheme in Kirkuk that took more than five years to complete—was clearly insufficient, driving the provincial government to lean heavily on the KRG in order to quickly increase housing stock. Unsurprisingly, the lion’s share of this housing was given to priority candidates among Kirkuk returnees such as the families of martyred *pesh-merga* or former political prisoners.<sup>21</sup>

### Future Land Use in Kirkuk

As mentioned previously, Kirkuk’s communities have lost patience with the property claims process, resulting in a considerable expansion of the city’s real estate market. Anecdotal reports suggest that property registration offices are processing large numbers of transactions and that property prices are increasing. The CRRPD has placed widespread freezes on transactions involving disputed land, but the system is far from watertight.<sup>22</sup> As recent IOM reports indicate, most Kurdish IDPs are no longer recognized as such due to their extensive settlement of the city’s periphery,

17. UNAMI, “District Analysis Summary: Kirkuk District,” pp. 28, 47.

18. Fainaru, “Kurds Reclaiming.” Fainaru saw a Patriotic Union of Kurdistan (PUK) directive titled “Instructions Related to Building Homes for the Resettlement of IDPs,” which described basic structures for cinder-block housing and explained that funding should be distributed in installments: \$500 to lay the foundation; \$2,000 when the walls are erected; \$2,500 upon completion. The Kurdish parties’ role in housebuilding is substantiated in Edward Wong, “Kurds Are Flocking to Kirkuk, Laying Claim to Land and Oil,” *New York Times*, December 29, 2005. Other sources suggest that \$1,500 per family home is a more common figure; see “Kurds Revive Villages in Iraq: Returning Residents Start Building Boom,” Associated Press, August 24, 2005, <http://www.columbiatribune.com/2005/Aug/20050824News013.asp>.

19. Both quotes from Liz Sly, “Kirkuk, Iraq’s Simmering Melting Pot,” *Los Angeles Times*, December 6, 2009, <http://articles.latimes.com/2009/dec/06/world/la-fg-iraq-kirkuk6-2009dec06>.

20. UNAMI, “District Analysis Summary: Kirkuk District,” pp. 27, 34.

21. Author interview with UNAMI official, Washington, D.C., September 2009.

22. Ibid.



complete with improvised connection to electrical and water utilities.<sup>23</sup>

The next step is urban planning that permanently settles the thousands of Kurdish IDPs and potentially attracts many thousands more who have returned only on paper. Predictably, this step has proven to be much more sensitive politically than the ad hoc settlement activity that has occurred so far. The Kirkuk Master Plan, a proposal developed by the Pell Frischmann consultancy for the U.S. Iraq Transition Assistance Office, did not gain traction for a number of reasons. The planning process apparently failed to include sufficient local input, and it quickly engendered opposition from Arab and Turkmen KPC members. Most of these objections centered on a proposal to create a horseshoe-shaped belt of development around the city, intended to facilitate permanent settlement of the IDP communities in these areas through the expansion of road, electrical, and water utilities.<sup>24</sup>

The rejected Master Plan's proposed housing, employment, and commercial zones focused on

urban renewal in many of the peripheral areas where Kurdish IDPs have put down roots. A ring of substations and new water networks was planned to facilitate long-term settlement in these areas. The KPC has shared the costs of building new road infrastructure linking Kurdish IDP communities, drawing on support from the U.S. military and State Department Economic Support Fund.<sup>25</sup> Former military facilities and even KRAB were considered for potential civilian development, raising the contentious issue of relinquishing ministry lands for urban development and resettlement.

Whatever shape future development plans take, they should not overlook water and electrical supply from the Dibis area, where the Little Zab River flows (see map 2). One option for transporting water from the river to Kirkuk city is a pipeline corridor running along Highway 2 on the Kurdish-controlled northern slope of the Qani Domlan ridge. Other water and power lines would likely follow the pipeline road between Dibis and Baba Gurgur.

23. See IOM, "Tameem/Kirkuk Emergency Needs Assessment," January 1, 2009, p. 20.

24. See Dan Stewart, "UK Firms to Masterplan War-Torn Iraqi City," *Building*, September 7, 2007, <http://www.building.co.uk/story.asp?storycode=3094868>. See also "Kirkuk Master Plan Project Fails," PUKmedia, March 25, 2007, [http://pukmedia.com/english/index.php?option=com\\_content&task=view&id=10059&Itemid=52](http://pukmedia.com/english/index.php?option=com_content&task=view&id=10059&Itemid=52).

25. Mike Scheck, "Army Engineers Tackle Kirkuk Road Projects," news release, U.S. Army Corps of Engineers, November 23, 2009, <http://www.grd.usace.army.mil/news/releases/NR09-11-17.pdf>.

## 4 | Governance and Administration

### Summary

- Kirkuk has already implemented a rudimentary “dual-nexus” form of power sharing—an option identified by the UN Assistance Mission in Iraq (UNAMI) whereby Kirkuk has institutional linkages to both Baghdad and the Kurdistan Regional Government (KRG).
- The federal government and KRG share responsibility for selecting and paying teachers and policemen; the level of relative influence that each party wields in such matters usually depends on the location of the subdistrict in question.
- In terms of development, Kirkuk suffers the worst of all worlds, with neither Baghdad nor the KRG fully supporting reconstruction of the heavily damaged province.
- If given increased funding and made to be more evenhanded in its disbursement of reconstruction assistance, the Kirkuk Provincial Council (KPC) would be capable of overseeing an internationally backed development effort.
- The “normalization” of Kirkuk’s public sector workforce could result in considerable disruption and skills loss in critical centers such as the Northern Oil Company. To guard against zero-sum approaches—in which skilled workers are let go and unskilled workers hired purely to satisfy ethnic quotas—the United States should support the establishment of a Special Development Zone in Kirkuk and a major civilian training initiative.

THE PREVIOUS CHAPTERS hinted at the unique nature of governance in Kirkuk province. As Article 140 of the 2005 Iraqi constitution makes clear, normalizing Kirkuk’s population and conducting a definitive census are only precursors to the main objective: a referendum that will decide the province’s future administrative status and borders. UNAMI has made three main recommendations on this issue: granting Kirkuk province a status similar to that of Baghdad province (i.e., legally barring it from joining a multiprovince region like the KRG); establishing dual-nexus status that administratively links Kirkuk to both Baghdad and the KRG; or assigning a “special status” that gives Kirkuk unique administrative powers different from any other province in Iraq.<sup>1</sup>

The central question is, therefore, “Who will rule Kirkuk?” Many observers seem to believe that the Kurds have already rendered that question moot through their actions on the ground, at least for the present. But providing a long-term answer requires understanding how Kirkuk works as an administrative system and inventorying the province’s various organs of power. Although power sharing is the subject of much debate and hope in discussions of Kirkuk’s future, little light is shone on the everyday power sharing in evidence there today. In fact, some would argue that a dual-nexus system already exists in Kirkuk, albeit in an informal and somewhat inefficient shape.

1. UNAMI, “Possible Options for the Future Administrative Status of Kirkuk within the Iraqi Federation,” April 2009.

## The Federal and Provincial Systems

According to Article 110 of the Iraqi constitution, the federal government has “exclusive authorities” in the fields of foreign policy and the formulation and execution of “national security policy, including establishing and managing armed forces to secure the protection and guarantee the security of Iraq’s borders and to defend Iraq.”<sup>2</sup> Aside from monetary, citizenship, and riparian issues, all other areas of governance are considered to be “shared” competencies, including internal boundaries and districting; electricity regulation and distribution; environmental policy; municipal planning; public health policy; public educational policy; and water policy.<sup>3</sup> Article 115 notes: “All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region. With regard to other powers shared between the federal government and the regional government, priority shall be given to the law of the regions and governorates not organized in a region in case of dispute.” At the same time, the system is eminently flexible: Article 123 notes that powers “exercised by the federal government can be delegated to the governorates or vice versa, with the consent of both governments, and this shall be regulated by law.”

The “Law of Governorates Not Incorporated into a Region” builds on these foundations and lays out the relationships between the federal government and the fifteen non-KRG provinces and their districts (*qadaa*) and subdistricts (*nabiya*).<sup>4</sup> Its provisions are based on a division of responsibilities between the federal and sub-federal levels, as enshrined in the constitution. According to Article 122 of this document, “Governorates that

are not incorporated in a region shall be granted broad administrative and financial authorities to enable them to manage their affairs in accordance with the principle of decentralized administration.” Likewise, Article 7 of the Law of Governorates empowers the provinces to pass measures that have priority over federal law as long as they do not contradict the constitution or encroach on “the exclusive authority of the federal government.”<sup>5</sup> The structure of provincial administrations reflects these powers. Typically, a province will have a legislature (the popularly elected provincial council), a chief executive (the council-appointed governor), and council committees with responsibilities similar to those of federal ministries. Provinces are also regarded as full “spending units” on par with federal ministries, responsible for establishing annual budgets and providing monthly financial reports to the Ministry of Finance in Baghdad.<sup>6</sup>

This carefully crafted system of decentralization breaks down, however, when the issue of fiscal independence is factored into the federal-provincial balance of power. Despite some capacity to levy charges or use donor money, the provinces are still the federal government’s poor cousins on fiscal issues. Since 2006, Baghdad has used the Accelerated Reconstruction and Development (ARD) mechanism to transfer block grants from the federal budget to the provinces. The aim has been to facilitate short-term projects in parallel with the longer-term budget initiatives carried out by the ministries. This has resulted in the allocation of \$2.114 billion to the provinces in 2006, \$2.3 billion in 2007, and \$2.5 billion in 2008. Yet ARD funds never represented more than 24 percent of capital investment; in fact, provinces had to use some of their 2009 ARD funds to cover budget shortfalls in 2008 projects, and even more such

2. The full text of the constitution is available online ([www.uniraq.org/documents/iraqi\\_constitution.pdf](http://www.uniraq.org/documents/iraqi_constitution.pdf)).

3. Ibid., Article 114.

4. Law no. 21, issued June 1, 2008. See Article 7, Clause 3. A useful annotated version of the law is available at [http://pdf.usaid.gov/pdf\\_docs/PNADN071.pdf](http://pdf.usaid.gov/pdf_docs/PNADN071.pdf).

5. See the annotation to Clause 3 in *ibid.*

6. For a good introduction to the system of provinces, districts, and subdistricts, see U.S. Agency for International Development (USAID)/RTI International, *Republic of Iraq District Government Field Manual*, version 2 (October 2007), <http://www.lgp-iraq.org/publications/index.cfm?fuseaction=throwpub&cid=162>. See also the online annexes published in tandem with Michael Knights and Eamon McCarthy, *Provincial Politics in Iraq: Fragmentation or New Awakening?* Policy Focus no. 81 (Washington, DC: Washington Institute for Near East Policy, April 2008), <http://www.washingtoninstitute.org/templateC04.php?CID=289>.

problems are likely in the 2010 budget due to oil revenue shortfalls.<sup>7</sup> The discretionary nature of ARD transfers—as opposed to a revenue-sharing formula mandating a fixed proportion of the budget—means that the provinces cannot count on that revenue remaining steady each year. Moreover, none of the provinces has pursued subnational borrowing, a process controlled by the Ministry of Finance and the federal cabinet.

In light of ARD's limitations, the bulk of federal development funding flows through the ministries, and provincial councils have had trouble influencing ministry planning. In each province, key ministries are represented by a Baghdad-appointed director-general and hold sway over many important sectors:

- The Ministry of Finance makes government payments through its treasury branches and operates real estate registries.
- The Ministry of Interior operates police, traffic, civil defense, and nationality bureaus.
- The Ministry of Municipalities and Public Works operates construction planning and sewage directorates at the provincial level. At the district and subdistrict levels, it operates municipality offices (*beladiyat*) responsible for regulating local services.
- Other significant departments with provincial representation include the Ministries of Health, Agriculture, Water Resources, Planning, Environment, Labor and Social Affairs, and Youth and Sports.<sup>8</sup>

Provincial, district, and subdistrict councils may seek to prod or guide the ministries during committee

hearings, but they have no formal power to amend ministry projects. Article 9, Clause 1 of the Law of Governorates does provide one potentially significant avenue of influence: candidate selection for the director-general posts in each local ministry branch. A provincial governor initiates this process by nominating five candidates; the provincial council then cuts two of them, and the federal minister chooses from the remaining three. Moreover, provincial councils may vote to dismiss certain “senior officials,” defined by Article 1 of the Law of Governorates as “directors general and heads of security agencies...except judges and army commanders.” Such a decision requires only one-fifth approval in the relevant council.

### The Kirkuk Provincial Council under the Kurds

All of Iraq's provinces seem to believe that the federal government has disadvantaged them, and Kirkuk is no exception.<sup>9</sup> Although its share of ARD transfers is disproportionately large compared to its registered population,<sup>10</sup> the same cannot be said for the services it receives via the ministries. UNAMI found that “disputed areas typically receive fewer government services.... Available socio-economic data reveals a consistent pattern of under-development.”<sup>11</sup> Indeed, Kirkuk residents feel shortchanged because their province suffered to such a great degree under the Baath regime, with vast swaths of disputed land effectively wiped clean of infrastructure and deliberately made uninhabitable. This has created not only a major barrier to resettlement of urban-based internally displaced persons (IDPs), but also a huge development deficit that requires some form of special funding mechanism.<sup>12</sup> Despite Kirkuk's hydrocarbon wealth,

7. For 2006–2008 ARD figures, see Knights and McCarthy, *Provincial Politics in Iraq*, pp. 16–18. Figures for 2009 and 2010 were included in UNAMI, “District Analysis Summary: Kirkuk District,” p. 35.

8. See USAID/RTI, *Republic of Iraq District Government Field Manual*, pp. 23–24.

9. This sentiment is clear in documents such as the KPC's *Provincial Development Strategy, 2007–2012*.

10. For a per capita breakdown of 2006–2008 ARD grants to all provinces, see Knights and McCarthy, *Provincial Politics in Iraq*, p. 17. Kirkuk's share was in the upper quartile in all three years, higher than areas such as Baghdad and the southern provinces. This discrepancy only widens when one considers that Kirkuk's population figures may be inflated.

11. UNAMI, “Disputed Area Development Initiative (DADI) Concept Paper,” author's collection, p. 1.

12. Examples of specific complaints from “destroyed” areas were cited in the testimony of Qara Hanjir and Schwan subdistrict councils, as described in UNAMI, “District Analysis Summary: Kirkuk District,” p. 30.

the province is substantially underfunded compared to its development needs.

The Kirkuk Provincial Council has sought to fill this gap in part through cooperation with the KRG. Such cooperation is unsurprising given that the Kurdish political parties—the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK)—hold commanding positions on the KPC and within most of the province’s ministry directorates. As mentioned previously, the January 2005 provincial elections were marked by a Sunni Arab boycott and a spike in voter registration among returnee Kurds. As a result, the Kurdistan Brotherhood List (jointly run by the KDP and PUK) won twenty-six of forty-one council seats, with the Iraqi Turkmen Front receiving eight, the Iraqi Republic Gathering (an Arab list) five, and two smaller Turkmen and Arab blocs one each. From 2006 to 2008, the Turkmen and Arab blocs boycotted the council for prolonged periods, giving the Kurds free rein to gather a quorum and pass local laws whenever they wished. The electoral boycott also had a trickle-down effect on district and subdistrict councils in many areas, leaving coalition authorities with no alternative but to select Kurdish or Turkmen council chairmen, police chiefs, and municipality directors.<sup>13</sup>

Overall, the KPC has been one of the more capable councils in Iraq. Living conditions, education, access to electricity, and employment indicators in Kirkuk are relatively good compared to other provinces, despite the Baath-era destruction.<sup>14</sup> Budget execution has been efficient as well. For example, by November 2008, Kirkuk had committed 78 percent of that year’s budget

compared to a national average of 33 percent, and disbursed 43 percent of its budget to contracts compared to 14 percent nationally.<sup>15</sup> The KPC has also effectively decentralized development disbursements down to the district and subdistrict levels, albeit with a strong bias toward the predominantly Kurdish “damaged areas.”<sup>16</sup> In 2007, for instance, the council set aside 25 percent of Kirkuk’s ARD funding to maximize these areas’ per capita allocation. The predominantly Arab areas in western Kirkuk (Hawija, Rashad, al-Abbasi, al-Zab, and Riyadh) were not subject to widespread Baath clearance operations, so they received a lower per capita share. In 2008, the council instead focused an additional 25 percent of ARD funding on strategic projects to upgrade infrastructure in Kirkuk city, an area that had already been receiving roughly two-thirds of the overall ARD allocation even under normal circumstances.<sup>17</sup>

In addition to shaping federal support to meet the KPC’s needs, the KRG’s involvement has complicated Kirkuk’s administrative balance of power and placed the provincial council in a unique position.<sup>18</sup> Perhaps most significantly, the KRG has been a strong external donor willing to bankroll selected development projects. One of the first such efforts was the aforementioned drive to quickly erect housing for northern Kirkuk IDPs in 2004. According to KPC officials, this need was beyond the federal government’s capacity at the time but easily within the KRG’s.<sup>19</sup> In the absence of timely public housing development in Kirkuk, the Kurdish parties have continued to fund temporary housing development along the Qani Domlan ridge, the Baba Gurgur–Dibis “pipeline road,” and Laylan road arteries.<sup>20</sup>

13. UNAMI, “District Analysis Summary: Dibis District,” p. 12.

14. Information on these indicators was included in UNAMI, “District Analysis Summary: Kirkuk District,” p. 43.

15. *Ibid.*, p. 35.

16. Many of the areas affected by rural clearance operations from the 1960s onward are extensively damaged, with every structure and all life-sustaining infrastructure (wells, pipelines, electrical wiring) destroyed by the state. Preferential funding for these subdistricts is thus understandable. At the same time, this practice engenders frustration in the predominantly Sunni Arab farming districts south of Kirkuk, which are not damaged but are underdeveloped and drought-stricken.

17. UNAMI, “District Analysis Summary: Kirkuk District,” pp. 31–32. In 2007, the KPC allocated 62 percent of its ARD funding to Markaz Kirkuk subdistrict, followed by 64 percent in 2008.

18. UNAMI refers to Baghdad-KRG competition as a factor that “further complicates service delivery.” UNAMI, “Disputed Area Development Initiative (DADI) Concept Paper,” author’s collection, p. 1.

19. Human Rights Watch, *Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq* (August 2004), p. 73, <http://www.hrw.org/en/reports/2004/08/02/claims-conflict-0>. Kirkuk’s deputy governor in charge of IDP issues, Hasib Rojbyani, told Human Rights Watch that the IDP section of the coalition-appointed governorate council requested support from the Kurdish political parties during the IDP crisis.

20. Author phone interview with Kurdish security officials, September 2009.

Kirkuk's canceled administrative subdistricts is another area in which the KRG has filled a void left by the federal government. During the Baath years, Baghdad dissolved three of Kirkuk's subdistricts (Yaychi, Schwan, and Qara Hanjir). Although these subdistricts were restored by the coalition in 2004 and legally reestablished by the KPC in 2008, they are still not recognized at the federal level.<sup>21</sup> Accordingly, neither their subdistrict councils nor their municipality offices receive federal funding. Nor have offices been established to provide local access to the Ministry of Agriculture, the Irrigation directorate of the Ministry of Water Resources, the Ministry of Finance payment treasuries, or the Public Distribution System (PDS) and national identity registries.<sup>22</sup> Federal ministries are less likely to undertake reconstruction projects in such areas due to their disputed status and the difficulty of monitoring projects where no recognized municipality office exists.<sup>23</sup>

The KRG and KPC have jointly carried the costs of reinstituting local services in these subdistricts. The provincial council pays the salaries of the subdistrict council members and the *mudiyar* (administrator/chairman). The KRG pays the salaries of other public servants whose employment has not been authorized by the federal ministries, including policemen, healthcare professionals, teachers, and administrators. It has also funded the construction and subsequent operation of a police station, six clinics, schools, *beladiyat* buildings, agricultural offices, veterinary services offices, and PDS and national identity registries.<sup>24</sup> According to one recent report, 460 of 1,390 schools across Kirkuk province are KRG-funded Kurdish-language institutions.<sup>25</sup> KRG-paid officials can also be found in state institutions such as the Northern Oil Company (NOC), the Northern Gas Company, and the technical directorates of the Ministries of Electricity and Education in

Kirkuk. In fact, according to UNAMI, 12,142 of the 65,143 employees in Kirkuk's government departments (18.6 percent) were appointed by and receive their salaries from the KRG. A majority of these employees are Kurdish-language teachers (approximately 7,500, or 61 percent); other major categories include policemen (266), Northern Gas Company employees (203), and agricultural officials (40).<sup>26</sup>

### Normalization of Employment

Apart from improving service delivery in Kurdish areas, the appointment of KRG-paid officials has a strongly political aspect. The key director-general and manager positions taken by Kurdish officials since 2003 have given the KDP and PUK strong influence over the electoral commission and a variety of other crucial sectors, including security, real estate, PDS registration, urban planning, housing construction, and cement and cooking gas production.<sup>27</sup> The KRG and Kurdish politicians on the provincial council are also working, through informal mechanisms, to normalize public sector employment. This strategy mirrors the first decision of the Article 140 Committee on January 16, 2007, which called for the reversal of Baath-era appointments made to fill the positions of displaced non-Arabs.<sup>28</sup>

The Kurdish parties know that Baghdad is highly unlikely to support this effort. For example, the 12,000-strong workforce of the NOC—Kirkuk's largest and most politically sensitive public sector employer—is 74 percent Arab and 17.6 percent Turkmen (see figure 1). The NOC is already preparing to resist the imposition of quotas. Fearing a loss of technical capability at a critical time in the rehabilitation of Kirkuk's aging oil fields, it is poised to divest permanent ownership of company housing to its employees.

21. UNAMI, "District Analysis Summary: Kirkuk District," p. 20. The Altun Kupri and Sargaran subdistricts of Dibir are in a similar position; UNAMI, "District Analysis Summary: Dibir District," p. 8.

22. UNAMI, "District Analysis Summary: Kirkuk District," pp. 17–18. See also USAID/RTI, *Republic of Iraq District Government Field Manual*, pp. 23–24.

23. UNAMI, "District Analysis Summary: Kirkuk District," pp. 29–30.

24. A detailed analysis of KRG-funded positions and facilities was included in *ibid.*, pp. 26, 29–30.

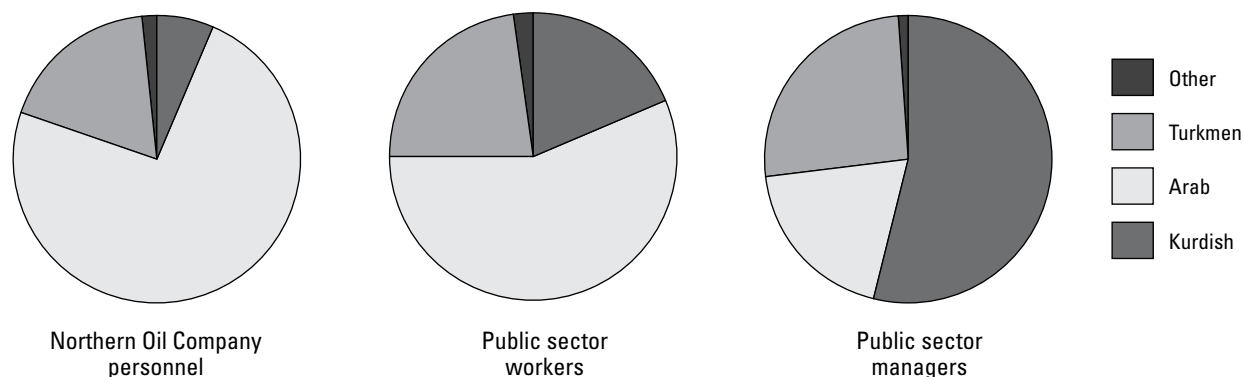
25. Missy Ryan, "Iraq Polls Could Heighten Tensions over Kirkuk," Reuters, January 27, 2010, <http://uk.reuters.com/article/idUKTRE60P2KE20100126>.

26. UNAMI, "District Analysis Summary: Kirkuk District," p. 27.

27. In August 2007, the KPC posted on its website a breakdown of management and general workforce positions in local government departments. The document is no longer available online, however.

28. UNAMI, "District Analysis Summary: Dibir District," p. 18.

**Figure 1. Ethnic Representation in Kirkuk’s Public Sector, 2008**



Source: Kirkuk Provincial Council website (data no longer available online)

This would make jobs in the sector less attractive and make it more difficult to remove Arab and Turkmen workers. The Ministry of Oil is also seeking to lever Kurds out of key management positions.<sup>29</sup>

These difficulties do not necessarily apply to Kirkuk’s executive-level political and bureaucratic positions. As the International Crisis Group has noted, the parties should be able to resolve the ethnic distribution of “sovereign” positions (governor, deputy governor, and provincial council chairman) with relative ease.<sup>30</sup> Likewise, it is well within the KPC’s capacity to remove and reshuffle local directors-general and their deputies to meet quotas, albeit not without significant potential disruption to Kirkuk city’s functioning. At present, the KPC estimates that 54 percent of public sector managers are Kurdish, 26 percent are Turkmen, and 19 percent are Arab. A significant proportion of the Kurdish total are KRG-paid, reflecting their uncertain status within the federal ministries and Baghdad’s reluctance to formally ratify their appointments. In fact, the ministries are constantly attempting to weed out such post-2003 implants, while the KPC has assertively resisted removals.<sup>31</sup>

The rebalancing of an entire workforce is another matter, however. From the Kurdish factions’ perspective, the ability to grant livelihoods to returnees is the real strategic prize. Currently, the province’s public sector workforce is 56 percent Arab, 23 percent Turkmen, 19 percent Kurdish, and 2 percent other ethnicities.<sup>32</sup> Like the shuffling of IDPs and occupants of disputed property, a rapid demographic shift across the public sector could create massive unemployment and instability. At the same time, a gentler pace is not conducive to dealmaking. Accordingly, the same basic strategy that helped ameliorate Kirkuk’s IDP problem—a house-building boom—may be in order. That is, normalizing employment may require the creation of new jobs rather than simply replacing one community of unemployed for another. Training issues must be addressed as well, particularly when it comes to providing useful workers for the NOC and other technical professions. The shuffling of employees also has important implications for housing and property, given past initiatives to subsidize public sector housing. In other words, increasing the housing stock might be a key component of any plan to strike a new balance in public sector employment.

29. Author phone interview with Kurdish security officials, September 2009.

30. International Crisis Group, *Iraq and the Kurds: Trouble along the Trigger Line*, Middle East Report no. 88 (July 8, 2009), p. 5.

31. From previously cited KPC workforce breakdown (no longer online). Also drawn from author phone interviews with sources in the KPC and Kurdish security force, August 2009.

32. Previously cited KPC workforce breakdown.

## Options for Power Sharing

The previous sections show that dual-nexus power sharing between ethnic groups, and even between the federal government and KRG, is already a fact on the ground, although in a messy and informal state. The KRG is prioritizing certain spheres of development, notably Kurdish-language education (most Kurdish IDPs speak their own language rather than Arabic), improved access to temporary housing and utilities, and rural reconstruction (including de-mining). Though problematic from a number of legal and political perspectives, KRG involvement in Kirkuk is also encouraging—it points to the potential for a more consensual, formal, and legally consistent dual-nexus approach in the future. The damage inflicted by the Baath regime on Kirkuk may not be reversible by either Baghdad or the KRG, particularly if their actions are uncoordinated. But by pooling resources and inviting international support, they could make the challenge more manageable.

Decentralization offers a potentially effective mechanism as well. The range of administrative and fiscal solutions employed within Kirkuk's subdivisions point to the utility of local power sharing, and the province's various factions have a good record of coming to common ground over seemingly intractable issues. For instance, agreements struck between Arab farmers and Kurdish claimants have resulted in land being harvested for mutual benefit even after the cancellation of agricultural contracts.<sup>33</sup> The composition of local councils also demonstrates the benefits of slow, steady negotiation and confidence building—instead of a single proportional ethnic split across all subdistricts, each council's membership reflects the local makeup. In Yaychi and Altun Kupri, for example, the eighteen-member council is split equally with six seats each for Kurds, Arabs, and Turkmen; in Taza

Khurmatu, there are five Arab seats to nine Turkmen; in Dibis, four Kurdish representatives are joined by two each from the Arab, Turkmen, and Christian communities; and Sargaran's council has twenty Kurdish representatives and one Arab member. The largest subprovincial council of all, in Markaz Kirkuk, has six seats each for the Kurdish, Turkmen, and Arab constituencies, plus three Christian seats.<sup>34</sup> Therefore, while the 32-32-32-4 split described in chapter 1 (or some derivative of it) may be a useful tool for determining the maximum number of seats that each faction may win in a future KPC election, a more differentiated approach may be needed for each ministry or other public sector employer.<sup>35</sup>

A final conclusion from this review of governance in Kirkuk—a self-evident one repeated throughout this study—is that the normalization process can be far less painful and destabilizing if the participants choose to avoid a zero-sum game. By this logic, it is better to build more high-quality properties than to relocate claimants into low-quality housing and change the current occupants into IDPs. Likewise, it may be better to create new jobs and training opportunities than to lay off large numbers of trained individuals and replace them with unskilled labor. For example, the Northern Oil Company will soon expand significantly due to the opening of the Iraqi oil and gas sector, and it will need more trained employees than it currently has. With the help of U.S.-backed training initiatives—possibly involving American oil companies—Iraq could use this expansion as an opportunity to increase Kurdish employment without making Arabs and Turkmen redundant. Such a scheme could also support confidence-building efforts by developing new institutional linkages between the NOC and the KRG's oil development body, the Kurdistan National Oil Company, including employee transfers.

33. UNAMI, "District Analysis Summary: Dibis District," p. 7.

34. *Ibid.*, p. 12; UNAMI, "District Analysis Summary: Kirkuk District," pp. 20, 24.

35. The 32-32-32-4 figure is originally from the "Final Agreement between Kirkuk Brotherhood List and the Iraqi Republican Group List," Kirkuk, December 2, 2008. Various splits have been rendered moot; the potential Kurdish proportion tends to range between 32 and 50 percent, the Arab between 23 and 35 percent, the Turkmen between 12 and 32 percent, and the remaining factions between 3 and 8 percent.



## 5 | Security Issues and U.S. Mediation

### Summary

- Ethnic politics is at the root of insecurity in Kirkuk, obstructing the coordinated use of Iraqi and U.S. military resources. As a result, the area has stabilized at a slower rate than other high-threat provinces.
- The perception that Kurdish-led police and intelligence personnel are above the law continues to drive Sunni Arab resistance in Kirkuk city. The United States must prioritize the development of multiethnic and multilingual police forces in urban Kirkuk in the coming years.
- Iraqi army and “Sons of Iraq” (SOI) forces control rural areas southwest of the Qani Domlan ridge. The United States should maintain a high level of embedded presence within these forces to prevent forays into Kurdish-controlled areas and ensure that the SOI are fully transitioned to new employment.
- All parties should consider creating formal security zones along the Qani Domlan ridge, beginning north of Kirkuk city and extending along its eastern boundary. If Kirkuk is granted special status in terms of governance, there is no reason why it should not also be given special security status. Any such initiative should draw on successful U.S.-brokered approaches to federal-Kurdish crisis management in areas like Khanaqin and Kifri (in Diyala province), not to mention Kirkuk itself.

ALTHOUGH KIRKUK HAS FACED serious security problems since 2003, politics has always come first. The area’s troubled ethnic political issues continue to drive violence today, with Kurdish control of provincial institutions countered by the informal power of the Sunni Arab–led insurgency. Politics has also hampered the concentration of security forces against insurgent and criminal movements in urban areas. The U.S. military and Iraqi army have never “surged” in Kirkuk to nearly the same degree seen in Sadr City, Basra, Diyala, Mosul, or Anbar. “Sons of Iraq” auxiliary units (described later in this chapter) did not appear in Kirkuk province until years after their successful deployment elsewhere in Iraq, and they have yet to form in Kirkuk city.<sup>1</sup> Kurdish security officials argue that the combination of U.S. military, Iraqi army, and “Awakening” militia forces has not been

necessary in Kirkuk city, however. From their perspective, intelligence-led policing and heavy federal troop presence would be inappropriate in areas devastated by Baath-era military clearance operations.<sup>2</sup>

### Threat Levels in Kirkuk

The evolution of security responsibilities in Kirkuk has been shaped not so much by threat levels as by politics, terrain, and availability of forces. Even so, it is still worth establishing a sense of the area’s past and current security threats.

Alongside and interwoven with general ethnic tension, the primarily Sunni Arab insurgency has proven to be durable. Surviving insurgent networks are built around senior Baath intelligence and security remnants and manned by former soldiers, security personnel, “Popular Army” members, other Baath militiamen,

1. See Michael Knights, “Kirkuk: The Land the Surge Forgot,” PolicyWatch no. 1419 (Washington Institute for Near East Policy, October 30, 2008), <http://washingtoninstitute.org/templateC05.php?CID=2950>.  
2. Author interview with Qubad Talabani, Kurdistan Regional Government representative to the United States, Washington, D.C., October 2008.

and mercenary groups with special skill sets (such as bombmaking). Foreign suicide bombers have made up a comparatively insignificant segment of the Kirkuk city resistance since spring 2007.

The number of reported threat incidents in Kirkuk province has fluctuated over the years. From around 30 per month in 2004, the rate increased to around 65 per month by the latter half of 2006. The province then saw a spike of violence in late 2006 and early 2007, peaking at 379 attacks per month in July 2007. Throughout 2008–2009, however, reported incidents in Kirkuk leveled out at 70–100 per month. Of this provincial total, an average of 35 incidents have taken place in Kirkuk city each month in 2009. The lion's share of other incidents has occurred in Hawija and the tough Sunni Arab agricultural districts around fifty kilometers southwest of Kirkuk.<sup>3</sup>

Although Kirkuk city has never witnessed incident totals on the scale of Baghdad or Mosul, it does compare with those cities in terms of per capita attacks. When Baghdad was at its worst in 2007, urban Kirkuk matched its per capita incident rate of one attack per month per 5,000 residents. Now that Baghdad is much quieter (145 attacks in January 2010),<sup>4</sup> Kirkuk's per capita rate is actually three times that of the capital.

The upside for Kirkuk is that the effectiveness of insurgent attacks has been in decline for more than two years. The use of roadside improvised explosive devices (IEDs) has diminished, particularly in urban areas. And Kirkuk IEDs are becoming smaller and simpler compared to those used in areas such as Hawija, where Sunni insurgents still bury large artillery shells on rural roads and equip them with redundant triggering systems. Roadside bombers in Kirkuk city must operate in a tightly surveilled environment, forcing them to emplace unobtrusive devices in quick order. Consequently, their main targets are unarmored Iraqi police vehicles rather than the multinational and federal armored vehicles targeted in rural Sunni Arab areas. Kirkuk insurgents are also resorting to less effective methods more often, such as ordering drive-by

shootings against police checkpoints, throwing hand grenades at security force vehicles, attaching explosive devices beneath cars, and launching inaccurate standoff rocket attacks on Multi-National Force bases. Meanwhile, suicide operations have fallen to an average of 1.5 attempted attacks per month, most of which are prematurely detonated before reaching their targets due to the area's extensive network of police checkpoints.

The geographic diffusion of attacks across Kirkuk city shows three trends. First, the majority of incidents occur in the city center, in "target-rich" and busy commercial neighborhoods such as Tis Ayn. Second, insurgents regularly conduct attacks near main road systems that pass by strongly Arab neighborhoods such as Aruba, al-Khadra, and al-Sikak (see map 4). Iraqi police vehicles and checkpoints are the main targets, though roadside IED crews will often wait for a private motorcade in the hope of killing a security or government official. Similarly, most of the rocket fire targeting the Kirkuk Regional Air Base (KRAB), the province's main Multi-National Force facility, originates from the predominantly Arab southwestern neighborhoods of Kirkuk city. Third, some attempted suicide bombings have involved operatives from these same southwestern neighborhoods driving into mainly Kurdish areas such as Rahimawa or Shorja, or into internally displaced person (IDP) villages in the eastern part of the city.

### Perceptions of Kurdish Control

In essence, Kurdish-led, multiethnic police forces have provided the Iraqi lead on security in Kirkuk city since 2003, when the *peshmerga* pushed aside the Baath military's "cordon of security" to the northwest and east. The U.S. military has consistently employed a light touch in Kirkuk, regarding the city as being in safe hands due to the fraternal postwar relations between American and Kurdish forces. By 2008, when new Iraqi army formations were available to assume responsibility for Kirkuk's security, a militarized police force backed by Kurdish security and intelligence forces was firmly ensconced in the city.

3. All figures provided by Olive Group, a private security firm operating in Iraq.

4. Ibid.

This concept of “police primacy”—according to which locally controlled police rather than federally controlled armed forces take the lead on security—was established at an early stage in Kirkuk and Dibil districts. The alternative, army-led “Joint Operations Center” (JOC) model of command and control has never been adopted there.<sup>5</sup> Instead, the provincial director of police (PDOP) has been Kirkuk’s senior Iraqi security official for almost five years, a much longer tenure than similar officials in other provinces outside the Kurdistan Regional Government (KRG). Like other senior Kirkuk officials, the current PDOP, Maj. Gen. Thaker Bakr, answers to the provincial council (who can dismiss him and nominate three replacement candidates).<sup>6</sup> He also, in theory, reports to the Ministry of Interior chain of command; indeed, he is known to maintain regular communications with the federal ministry. Bakr was appointed in 2007 after a long period of complaints against the previous PDOP, Maj. Gen. Sherko Shakir Hakim, a Kurdish police officer whom the federal Ministry of Interior regarded as professionally unqualified.<sup>7</sup>

Arabs and Turkmens generally believe that Kirkuk’s police forces are dominated by the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK). This impression stems in part from the influx of *peshmerga* that quickly reestablished the provincial police service in 2003–2005, when Sunni Arabs boycotted government institutions. As in other areas of the public sector, the Kurdish parties have taken all opportunities to implement what they see as normalization of the police ranks. Each district police chief in Kirkuk and Dibil districts has been appointed from one of the two Kurdish parties, and each deputy chief hails from

the other party. In some cases, the KRG continues to pay a salary to such officers.<sup>8</sup> As for the general ranks, around 40 percent of Kirkuk city’s 6,300 policemen were drawn from the Kurdish community in 2003–2004, with Arabs and Turkmens each contributing 30 percent.<sup>9</sup> And the Kurdish proportion is increasing. The federal government (with U.S. assistance) instituted a fairly balanced and transparent system of randomly selecting applicants to join the Interior Ministry academies. But security experts report that increasing numbers of police recruits are graduating from the Irbil academy, which mainly processes Kurds due to its use of Kurdish-language instruction. The Kirkuk police service has reacted strongly when groups of graduates have been sent to the area from police academies in central and southern Iraq.<sup>10</sup> The use of predominantly Kurdish-speaking police who understand only basic Arabic is clearly not ideal for either community policing or counterterrorism.

To upgrade the police service’s ability to undertake counterinsurgency operations, Kirkuk developed paramilitary SWAT-type units at a far earlier stage than other provinces. Currently, two 650-man Emergency Support Units (ESUs) bolster police capabilities in Kirkuk and Dibil districts. They are led by Brig. Gen. Khattab Omer Aref Waly, a PUK *peshmerga* leader from Kirkuk who served as Sulaymaniyah’s police chief before 2003 and is considered to be extremely capable. The ESUs are multiethnic and are drawn from the local communities, not from the Kurdish populations in Irbil or Sulaymaniyah. The police service has also developed rudimentary counter-IED capabilities with support from the Interior Ministry.<sup>11</sup>

Another central element of Kirkuk’s police forces involves the specialized facilities protection units

5. Under this model, the prime minister chooses a trusted Iraqi army lieutenant general to serve as the given JOC’s commander. This post is responsible for full-time control of all Iraqi security forces in the JOC’s area of operations, including the provincial director of police and Iraqi police forces. The JOC is permanently active, maintaining a de facto state of emergency and army primacy at all times. JOCs have thus far been established in Basra, Karbala, Baquba, Samarra, Ninawa, and Baghdad.
6. Bakr is Kurdish and is known to have some connections to the Patriotic Union of Kurdistan. He is a highly trained career police officer with a reputation for professionalism. His deputy, Maj. Gen. Turhan Abdul Rahman, is a capable officer from the Turkmen community.
7. Author phone interview with Kurdish security official, October 2008; author phone interview with U.S. military commander, July 2008.
8. An example from Laylan subdistrict was included in UNAMI, “District Analysis Summary: Kirkuk District,” p. 27.
9. *Ibid.*, p. 52.
10. Author phone interview with U.S. military commander, July 2008; author email interview with Iraqi order of battle specialist D. J. Elliott, August 2008.
11. Email interview with D. J. Elliott, June 2008.

created by various ministries. The main such force is the Oil Field Police (though smaller forces can be found at certain Northern Gas Company and Ministry of Electricity sites). One key Oil Field Police unit is headquartered at the Northern Oil Company (NOC) facilities at Baba Gurgur. Led by Samey Amin al-Ahwany al-Jaf, the Kurdish head of the Oil Field Police–Northern Region, the NOC unit includes 2,400 predominantly Kurdish personnel tasked with guarding the company’s headquarters, key downstream facilities, convoys, and smaller oil field sites. The Kirkuk police academy has also established the Oil Field Police Northern Regional Training Academy, which currently prepares 200 cadets per eight-week course (though Interior Ministry budget reductions may slow the program). For its part, the Ministry of Oil has been feeding non-Kurdish recruits into this training effort<sup>12</sup> and is preparing to reshuffle the NOC Oil Field Police leadership.<sup>13</sup>

To many Kirkuk residents, the formal police forces described above are just one part of a larger Kurdish security architecture built around the Asayesh, a KDP and PUK security and intelligence arm. Estimates of the Asayesh’s numbers in Kirkuk range as high as 7,800 personnel. Although this figure may be an exaggeration (Iraqi army officers estimate 3,000), Asayesh offices are authorized to field more personnel than police stations in some of Kirkuk’s predominantly Kurdish sub-districts and even within government sites such as the Northern Gas Company headquarters.<sup>14</sup> The Asayesh presence outside the KRG has no legal basis, and there is considerable pressure to withdraw “unofficial security apparatuses.”<sup>15</sup> Indeed, Kirkuk’s Arab and Turkmen citizens fear the organization because it is not accountable under Iraqi law and has a record of placing Iraqi citizens in Kurdish jails.

## Enter the Iraqi Army

Despite its importance, the issue of federal versus provincial jurisdiction over security remained on the back burner until as late as 2008, when the Iraqi army activated the 12th Division at the K-1 military base near Baba Gurgur.<sup>16</sup> This division evolved out of two U.S.-trained Strategic Infrastructure Brigades (SIBs) raised from predominantly Sunni Arab rural areas of Kirkuk and Salah al-Din provinces beginning in 2006. Eventually, hardening of the Kirkuk-Bayji pipeline corridor reduced the need for manpower-intensive guarding, and the SIBs were converted into regular army brigades and combined to form a so-called binary division, the 12th. This division was joined by the Turkmen-led, Taza-recruited 15th Brigade, which was detached from the predominantly Kurdish 4th Division to help the 12th get up and running. In the latter half of 2008, the 4th Division was transferred to Salah al-Din to secure the eventual provincial elections and assume permanent responsibility for the province. The 12th Division was assigned responsibility for Kirkuk’s oil infrastructure and the refinery at the other end of the seventy-five-kilometer Kirkuk-Bayji pipeline. KRG-based units of the 4th Division (i.e., the 16th Brigade) were transferred to Salah al-Din throughout fall and winter 2008–2009.

The 12th Division was sent to Kirkuk in part because it was a young force and only partially complete, requiring training at the K-1 and KRAB facilities. By June 2009, however, it had achieved full operational capability as a four-brigade division. Currently, its components include the following:

- **Headquarters.** The K-1 base serves as the division’s headquarters and logistics center. Training with U.S. forces is undertaken nearby at KRAB (also called “Forward Operating Base Warrior” or “FOB Warrior”).

12. Ibid.

13. Author phone interview with Northern Oil Company contact, October 2009.

14. UNAMI, “District Analysis Summary: Kirkuk District,” p. 18. For the estimate of 3,000, see Ned Parker, “Iraqi General Stirs Dark Memories in the North,” *Los Angeles Times*, March 26, 2009.

15. This phrase was used to describe the Asayesh in the “Final Agreement between Kirkuk Brotherhood List and the Iraqi Republican Group List,” Kirkuk, December 2, 2008.

16. The following paragraphs are based on author phone interviews with a range of Iraqi and U.S. Army officers, private security firm employees, and Northern Oil Company personnel. Most of these interviews were conducted during the first ten months of 2009.

■ **47th Brigade.** This force, which deploys three battalions at approximately 70 percent strength, is responsible for security in Dibis district, particularly the Kurdish-majority Sargaran subdistrict. It also controls the Bai Hassan, Avaneh Dome, and Khabbaz oil fields. Specifically, the force posts army “sections” (ten men) at clusters of partially hardened (i.e., buried) oil wells, providing the troops with basic huts and sunshades for shelter. The brigade also patrols the pipeline road between Dibis and Kirkuk city. Its commander, Brig. Gen. Malik Khudir-Khudir Ahmed, is a Kurd from Irbil who is well known to Kirkuk’s provincial leadership due to his previous service as a 4th Division brigade commander. The brigade’s ethnic composition is believed to be 60 percent Arab.

■ **49th Brigade.** The division’s newest brigade, the 49th has three battalions tethered to the K-1 and KRAB training facilities, where members are completing their certifications. The brigade is based in Markaz Dibis.

■ **Other units.** Some of the division’s units are based far to the southwest, focusing on Salah al-Din province. The experienced 46th Brigade has deployed its three battalions to locations in Hawija and around Tikrit. The relatively new 48th Brigade is spread out along the Kirkuk-Bayji pipeline corridor. The 15th Brigade (seconded from the 4th Division) focuses its four battalions on the rural Garmian Plain well south and southeast of Kirkuk city.

### Sons of Iraq

Any discussion of the federal order of battle in Kirkuk must include the Sons of Iraq. These police auxiliary units are the military wings of the *sabwa* (Awakening) movements that have mobilized noninsurgent Sunni Arabs throughout the country. The *sabwa* head in

Kirkuk province is Sheikh Abdullah Sami al-Assi, who helps the U.S. military liaise with the rural Sunni Arab tribes. Coupled with a very effective militant disengagement initiative run by local U.S. forces, the Sons of Iraq program has been critical to stabilizing rural areas in Kirkuk and Dibis districts (though the PDOP has not authorized it in Kirkuk city proper). At its height, the SOI contracted around 11,000 paid volunteers in Kirkuk, with the intention of eventually transitioning them into vocational training, the police, or the army.<sup>17</sup> At present, the program employs the following contractors:

■ The Dibis SOI includes two sets of personnel: 677 contractors who man checkpoints on the road to Mosul, including areas of Bai Hassan oil field up to the *peshmerga* checkpoints at the KRG border; and 442 contractors who guard smaller roads leading south into the Arab farmlands around Hawija.

■ The Yaychi SOI includes 520 contractors who cover the roads from Mullah Abdullah power station southward (see map 3).

■ The al-Multaqa SOI includes 850 contractors who cover the dangerous roads between Yaychi and Bai Hassan oil field.

■ The Markaz Kirkuk SOI includes 290 contractors who man checkpoints on the roads and pipelines between Baba Gurgur and Dibis.

■ The Taza SOI includes 850 contractors based in rural areas south of Kirkuk city and Taza Khurmatu subdistrict.<sup>18</sup>

To improve coordination with rural Iraqi police and army forces, the SOI now maintains liaison officers at police stations. As Maj. Gen. Abdul-Amir al-Ridha

17. Michael Knights, “The Status and Future of the Awakening Movements,” *Arab Reform Bulletin* (June 2009), <http://www.carnegieendowment.org/arb/?fa=show&article=23190>. See also Michael Knights, “Settling Sons: Sunni Groups Fear Iraqi Government Repression,” *Jane’s Intelligence Review* (June 2009). As of this writing, around 2,300 of Kirkuk’s 11,000 SOI have been placed in alternative employment.

18. All data provided by Olive Group. Other relevant information was found in UNAMI, “District Analysis Summary: Kirkuk District,” p. 28; UNAMI, “District Analysis Summary: Dibis District,” p. 24.

al-Zaidi, the 12th Division's Shiite Arab commander, noted in March 2009, "Our goal is to join the SOI and the Iraqi army. We want to integrate the SOI in our plans for securing Kirkuk."<sup>19</sup>

With regard to funding, the Kirkuk SOI program costs approximately \$550,000 per month. Beginning in February 2009, the Iraqi army assumed responsibility for these payments, taking over from the U.S. military. In addition to past funding, the U.S. military continues to provide logistical assistance, transporting water and ammunition to the Kirkuk SOI until Iraqi army capabilities are reliable enough on their own.

### Clashes over Security Jurisdiction

The transfer of the 4th Division's familiar Kurdish faces from Kirkuk to Salah al-Din was a rude awakening for the Kurdish political parties, particularly when the inbound 12th Division's very different character became apparent. In addition to its overwhelmingly Arab personnel, the division was led by a controversial and confrontational commander. Under the Baath regime, General al-Zaidi served in Kirkuk during the Anfal years; he was deployed to Dariman, an army base near Altun Kupri on the northeastern slope of the Qani Domlan ridge, now under Kurdish control. Contrary to rumor, he did not command a battalion or brigade at the time, nor did he serve as a deputy divisional commander. He was instead a logistician working at the depot level, and later a staff general.<sup>20</sup> Even so, his words and actions have been provocative (see below).

Army presence in urban areas is a sensitive subject in Kirkuk, where a tacit agreement remains in place to limit the scale and visibility of federal troops. In most such areas, it is commonly accepted that the Iraqi

police and ESUs have jurisdiction. With the notable exception of the urban sprawl of Markaz Dibis subdistrict (where the 49th Brigade is controversially based), the army has not reentered cities in Kirkuk and Dibis districts or established permanent bases there. Even the huge expanses of former military housing—much of which is now occupied by Kurdish IDPs—are considered off-limits. Where army forces have sought to reoccupy Ministry of Defense buildings, they have prompted significant backlash. A ring of sixteen vehicle checkpoints around Kirkuk establishes the boundaries of police primacy; whereas most of these were manned by army troops in 2007, all are manned by police today.<sup>21</sup> Within this ring, the army is limited to a few roving patrols and, occasionally, a platoon of motorized infantry at the Crossed Swords roundabout in northern Kirkuk city, marking the northernmost point of federal military presence. Such patrols are usually monitored by Iraqi police and are not authorized to stop cars or search civilians.<sup>22</sup> In January 2009, the army sought to increase its patrols into Kirkuk and Dibis urban zones in order to secure provincial election voting booths for residents of other provinces (including military personnel). A standoff resulted; in the end, the army's wishes were only partially granted, with small numbers of personnel given access for a short time immediately before and after polling.<sup>23</sup>

The January 2009 elections also highlighted the KRG's de facto military borders, another sensitive Arab-Kurdish security issue. Since 2003, an unspoken rule has held that federal security forces are not to go northeast of the Qani Domlan, with areas such as Altun Kupri and Dariman (see map 3) being almost entirely off-limits. Similar sensitivities prevent army

19. Parker, "Iraqi General Stirs Dark Memories."

20. General al-Zaidi operated in the Dariman area in 1996–1998 as a logistics officer in the 15th Brigade. As one observer noted, however, any association with the Baath-era army presence in Kirkuk is very sensitive: "Zaidi says he directed soldiers on training missions, but people from the few surviving towns in Kirkuk's northern areas recount different memories of the army—of soldiers beating Kurds for smuggling goods from Kurdistan, arresting others for driving on roads near the army's bases, and locking up some just for looking at a soldier in town." See Parker, "Iraqi General Stirs Dark Memories."

21. See U.S. Department of Defense, "DoD News Briefing with Col. Paschal from Iraq," news transcript, May 13, 2008, <http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=4228>. As one army officer described it, "The Iraqi police are responsible primarily for the city of Kirkuk and have a memorandum of understanding that allows the Iraqi army to operate outside the city of Kirkuk while the police are still responsible for security within the inner city." Information also drawn from author phone interview with Kurdish security official, October 2008, and author phone interview with U.S. military commander, July 2008.

22. Author phone interview with Kurdish security official, September 2008.

23. UNAMI, "District Analysis Summary: Kirkuk District," p. 52.

deployments northeast of Taza Khurmatu into the predominantly Kurdish and Turkmen parts of Kirkuk district (such as Laylan subdistrict and the road to Sulaymaniyah; see maps 2 and 5).<sup>24</sup> When army troops sought to cross north of the Qani Domlan to supervise out-of-province voting arrangements, angry civilian mobs confronted them. This was not the first time the army had probed north of the line; in late 2008, federal patrols had ranged as far north as Schwan to survey military facilities, most of which were then (and still are) occupied by Kurdish returnees.<sup>25</sup>

General al-Zaidi's views on these issues are well known. Like many federal officials, he does not accept the de facto KRG absorption of lands northeast of the mountains in Kirkuk province. In his view, the *peshmerga* will eventually have to leave. In the meantime, he asks, "What's the point of the [*peshmerga*] going outside the boundaries of Kurdistan? When they do this, they are a militia carrying weapons. This is outside their jurisdiction."<sup>26</sup> The reaction from the KDP, the stronger of the two Kurdish parties in Dibil, has been forceful. Following al-Zaidi's September 2008 appointment, the KDP increased its *peshmerga* presence on the Qani Domlan, while PUK *peshmerga* in Qara Hanjir have warned the army's 15th Brigade to stay well away from the Irbil-Kirkuk-Sulaymaniyah road. The KDP went further in Dibil and Altun Kupri subdistricts, extending *peshmerga* checkpoints to the bridge at Dibil village and temporarily blocking access to the Avaneh Dome. These moves marked a significant investment for the KDP, which deployed the extra *peshmerga* at a high wage of around \$600 per month, more than double that of a Sons of Iraq volunteer.<sup>27</sup> After rapid mediation by the U.S. military in March 2009, the Kurds agreed not to block

Iraqi army access to the Avaneh Dome as long as federal forces did not occupy the line of forts that dot the crest of the Qani Domlan, which have become markers of an unofficial no-man's land.<sup>28</sup>

### U.S.-Led Confidence-Building Measures

Although these case studies might seem alarming at first glance, they demonstrate that bargaining is possible even at the tensest moments, particularly when the U.S. military is on hand to act as an honest broker. In fact, the U.S. record of peace enforcement in Kirkuk is both impressive and worth reviewing in detail.

Since 2003, American forces have sought to keep the warring factions apart and build or preserve the conditions necessary for conflict resolution. Although the United States was initially hampered by a lack of experience in Iraq and overdependence on its wartime allies, the Kurds, the quality of its mediation and crisis management efforts has improved with each successive year. The U.S. military has wisely retained a brigade-level "engagement headquarters" in Kirkuk even during periods when it has drawn down its force levels in the province. This has made the United States a consistent presence in high-level discussions there. In a reassuring move, Washington did not hesitate to restore its combat troop presence during the March 2009 standoff in Dibil, expanding from a single armored battalion to a full three-battalion brigade combat team.<sup>29</sup>

The Sons of Iraq program has been another significant U.S. achievement in Kirkuk, even though its sponsorship of armed Arab civilians was initially anathema to the Kurdish-run government and security forces. According to American officers involved in running the program, most SOI recruits were probably not

24. Author phone interview with Kurdish security official, September 2008. UNAMI, "District Analysis Summary: Kirkuk District," p. 19.

25. These facilities included General al-Zaidi's former depot at Dariman, site of most of the 1,200 requisitioned military houses on the Qani Domlan's Kurdish slope. Author phone interview with Kurdish security official, September 2008; author phone interview with U.S. military commander, July 2008.

26. See Parker, "Iraqi General Stirs Dark Memories."

27. Author phone interview with Kurdish security official, September 2008.

28. For a good account of this agreement, see International Crisis Group, *Iraq and the Kurds: Trouble along the Trigger Line*, Middle East Report no. 88 (July 8, 2009), p. 13, footnote 78.

29. Since March 2009, the U.S. military has maintained three battalions in Kirkuk to undertake peace enforcement operations. These include a battalion of U.S. field artillery regiment soldiers that provides support to the Kirkuk police service. Outside the city, a battalion from a U.S. infantry regiment supports the 47th and 49th Iraqi army brigades, while elements of an armored cavalry battalion train Iraqi forces and support Iraqi operations in the dangerous rural districts southwest of Kirkuk. Additional U.S. teams (including private military contractors) maintain training facilities at KRAB.

former insurgents but instead unemployed Sunni Arab farmers whose agricultural contracts were revoked by the Article 140 Committee and Ministry of Agriculture.<sup>30</sup> As a temporary reemployment mechanism to offset the effects of agricultural contract cancellations, the initiative has been a smashing success. American efforts to foster and sustain it while ensuring effective transfer of payment responsibilities to the Iraqi military have been noteworthy.

U.S. cooperation with Iraq's Implementation and Follow-Up Committee for National Reconciliation (IFCNR) offers another good example of the vital role that a U.S. brigade can play. Acting as the glue between the national committee and the Iraqi army's 12th Division in Kirkuk, U.S. forces have been energetic in providing the practical support that makes such a project possible, from delivering food and water to building checkpoints to processing biometric data. The U.S. military has also sought to increase the division's share of funding from the Iraqi Commander's Emergency Response Program (I-CERP).<sup>31</sup> Such activities underpin the argument for a sustained American military focus in Kirkuk even after the drawdown has reduced the U.S. presence in other parts of Iraq.

Another notable case of American mediation was the effort to address Arab and Turkmen concerns regarding the Asayesh's actions in Kirkuk and the location of KRG detainees. U.S. officials got to the heart of the matter by recognizing that the Kurdish security services (justifiably) had little faith in the Iraqi judicial system from 2003 to 2007, leading them to move 280 terrorist suspects to facilities in the KRG. This acknowledgment turned an emotional issue into a problem with practical solutions. In addition to pressuring the Asayesh, the U.S. military and Provincial Reconstruction Team built up the Kirkuk city judiciary's major crimes court, first with traveling judges from

Baghdad presiding over hearings on military bases, and then with Kirkuk-appointed judges working from government buildings downtown. The result was the release of more than 250 KRG detainees and the defusing of a potentially volatile obstacle to dealmaking.

U.S. military engagement with the Kurdish-led police forces has been important as well. As of this writing, a battalion of U.S. field artillery regiment troops continues to mentor Kirkuk city police. Of note, fifteen 100-man units of predominantly Sunni Arab SOI volunteers have now been trained as police recruits at the Kirkuk police academy near KRAB. In addition to improving the multiethnic and multilingual composition of local security forces, U.S. assistance can help compensate for some of the political and technical disconnects between the Kirkuk police and the federal Ministry of Interior.<sup>32</sup> The American presence also reassures the Kurdish community that it is effectively screened from any federal push to control the city. In return, the United States gains valuable insight regarding conditions in Kirkuk and the activities of local security forces and residents. This benefit is enhanced by the fact that, since the June 2009 American pullback from Iraqi cities, Kirkuk police chiefs have given U.S. personnel far more leeway than authorities in other parts of Iraq.

Finally, the United States has proven effective as a mediator during periods of military tension. For example, U.S. officials established a federal-KRG Joint Coordination Center at KRAB to discuss security cooperation. Members include Governor Abdul Rahman Mustafa (a PUK politician); Kirkuk PDOP Thaker Bakr; General Hakim, head of the KRG's 10th Peshmerga Command; the Kurdish deputy commander of the Iraqi 12th Division; and the local Asayesh heads for both Kurdish parties. Kirkuk Provincial Council chairman Rezgar Ali and 12th Division commander General al-Zaidi—both inflammatory figures—were notable

30. Author phone interview with U.S. military commander, July 2008.

31. The U.S. Provincial Reconstruction Team is working with American and Iraqi military leaders to kick-start further employment projects via I-CERP and its U.S. equivalent. Each CERP program is designed to provide quick access to as much as \$500,000 for reconstruction and humanitarian assistance projects. Since February 2009, nearly \$18 million in I-CERP and CERP funds have been committed to projects that could create up to 10,000 jobs in Iraq. Another \$1 million worth of microgrants have been processed as well, creating an extra 2,000 jobs. All data provided by Olive Group.

32. For example, members of the Kirkuk police visited Northern Ireland in May 2009 on a U.S.-funded trip, where they learned about confidence- and security-building measures through police reform during and after the "Troubles."



by their absence. Since mid-January 2010, U.S. forces in the area have also supported the deployment of the Kirkuk Combined Security Force. This force will eventually comprise six 100-man units; each unit will include 33-man detachments from the Iraqi army, Iraqi police, and *peshmerga*, with one embedded U.S. officer.<sup>33</sup>

In addition, the federal government convened an investigation into the army's 2009 movements in Kirkuk in response to allegations by Kurdish politicians. Although the move is unlikely to achieve much, it does show that Baghdad (with U.S. prodding) is making basic gestures toward the Kurds.

33. Yaseen Taha, "Arabs and Turkmen Angry over Joint Force," *Niqash*, February 9, 2010, <http://www.niqash.org/content.php?contentTypeID=75&id=2604&clang=0>.

## 6 | Implications for U.S. Policy

### Summary

- The United States should pursue top-down (national) and bottom-up (provincial, district, and subdistrict) confidence- and security-building measures simultaneously, as complementary processes.
- U.S. authorities should support increased delegation of these measures down to the local level.
- The United States should explore options that increase the size of the “cake” in Kirkuk, to ensure that both returnees and current occupants get a slice. The zero-sum alternatives—taking homes or employment away from one party to benefit another—are a recipe for prolonged violence and political deadlock.
- Enhancing economic security for Kirkuk residents and reinforcing their collective regional identity should be a key objective of U.S. policy.
- The United States should encourage large-scale housing expansion and related municipal development, backed by Iraq’s landholding ministries.
- The United States should back the creation of a Kirkuk Special Development Zone and related training initiatives. The zone should be underwritten by the UN Assistance Mission in Iraq (UNAMI), the United States, and Turkey, three powers whose visible commitment to peaceful conflict resolution in Kirkuk would raise confidence among investors.
- The U.S. government and American oil companies should develop a trilateral industry training initiative involving U.S. partners, Iraq’s Northern Oil Company (NOC), and the Kurdistan National Oil Company (KNOC).
- Maintaining a U.S. military presence in Kirkuk would provide vital crisis-management and confidence-building support in the province’s sensitive security zones for years to come. Washington should retain a brigade-level “engagement headquarters” in Kirkuk under the terms of a future U.S.-Iraqi security agreement. In addition, a senior U.S. official should serve as a deputy special representative to the UNAMI mission in order to better integrate American and UN efforts.

AS THE PREVIOUS CHAPTERS have shown, Kirkuk and Dibil districts—the most populous and strategically significant areas of Kirkuk province—have learned to live with their transitional status since 2003. Overall, though, this uncertain status has worked to the disadvantage of both areas. In the security realm, disputes regarding federal and Kurdistan Regional Government (KRG) jurisdiction have created seams for insurgents to exploit. This is particularly true in

Kirkuk city, where stabilization has been slowed by the de facto prohibition against Iraqi army forces and the widespread belief that the police and other security services tend to prioritize Kurdish interests. Meanwhile, the districts’ senior leadership and public sector personnel are unrepresentative of the general population, with too many Kurds in executive roles and too few in the nonsecurity workforce. Regarding economic development, the districts often fall between the cracks, with

neither the federal government nor the KRG able to meet local needs, and with investors deterred by ongoing political risks. What is to be done?

Fortunately, there is no shortage of international and national actors willing to help resolve Kirkuk's problems. The Iraqi government, the KRG, the United States, UNAMI, and Turkey are already pursuing multiple top-down approaches and could all play important roles going forward. From a legal standpoint, the Iraqi government may revisit the basic issue of federal and subfederal authorities (enshrined in Articles 110 and 115 of the constitution) in the review process that is expected to begin under the next administration. This process may also address revenue sharing between Baghdad and the oil-producing regions. Regarding Kirkuk, the Article 140 Committee and UNAMI have offered numerous suggestions to speed up and reform the property claims process (overseen by the Commission for the Resolution of Real Property Disputes, or CRRPD) while advancing the power-sharing and boundary-resolution processes. Finally, the Iraqi government's Implementation and Follow-Up Committee for National Reconciliation (IFCNR) has a mandate for reintegrating Sons of Iraq personnel into the security and civil workforces.

All of these processes are essential to the resolution of Kirkuk's problems, particularly where they touch on national issues such as hydrocarbon rights or the delegation of governmental responsibilities. The strategy of combining multiple top-down approaches in a grand bargain is attractive, particularly if the large Kurdish parliamentary bloc is brought into the next Iraqi government as a central pillar of the ruling coalition.

Unfortunately, top-down approaches have many drawbacks. In conceptual terms, they tend to raise the stakes of smaller-scale efforts by weaving local issues (e.g., subdistrict politics in Kirkuk) into broader conflicts (e.g., the Arab-Kurdish dispute, wider Kurdish politics, or national electoral politics). They also tend to sideline local views and actors, a phenomenon clearly

visible in the way parliament hijacked the Article 23 Committee on Kirkuk when the committee should have been run out of the Kirkuk Provincial Council (KPC) (see chapter 1 for more on this case). Finally, many top-down approaches require significant political consensus, whether a legislative majority (to pass laws) or even a two-thirds supermajority and subsequent referendum (to amend the constitution). On an issue as divisive as Kirkuk, reaching this level of consensus would be a slow and fragile process. Therefore, while top-down approaches must be attempted, they cannot be relied upon to bring change on their own—they need the support of local initiatives if they are to succeed.

### Complementary Bottom-Up Approaches

Anecdotal evidence from many observers in Kirkuk suggests that residents are more willing to compromise over the area's future than are national-level actors in Baghdad and Irbil, who are perceived as complicating the issue and using it to serve their own agendas. For instance, in June 2008, the KPC approved the eviction of primarily Kurdish internally displaced persons (IDPs) from a number of government buildings that were needed to support municipal service delivery, but the Kurdish parliamentary bloc in Baghdad overruled the decision.<sup>1</sup> Kirkuk residents are keenly aware of such meddling. According to a September 2008 poll, 50.2 percent of respondents in predominantly Kurdish areas (the KRG, eastern Mosul, and northern Kirkuk) agreed that “the Kurdish parties exploit the Kirkuk case for their narrow interests.”<sup>2</sup> The federal government received low marks as well, with only 41.7 percent of respondents saying they wished to remain under federal control compared to 57.7 percent who wanted Kirkuk to become a separate region.

In short, Kirkuk residents appear to believe that their issues might be resolved more quickly if they were delinked from the broader strands of the Arab-Kurdish conflict. Local dealmaking has already proven to be

1. UNAMI, “District Analysis Summary: Kirkuk District,” p. 16.

2. See Point Organization for Opinion Polls and Strategic Studies, “Kirkuk: The City Branded by Its Eternal Fire,” September 2008, <http://www.pointnumber.com/eng/default.aspx?page=survey&id=39>.

fluid and surprisingly successful on the ground. As noted previously, Kirkuk seems to function under an informal variant of dual-nexus control, which UNAMI defines as being outside the KRG but connected to Irbil by “a number of institutional linkages.”<sup>3</sup> Kirkuk’s residents are not waiting for top-down processes to conclude; in many cases they are meeting immediate needs on an informal, case-by-case basis. As UNAMI put it, the locals are more focused on the “day-to-day aspects of normalization” than the grand bargains being pursued at the national level.<sup>4</sup> Indeed, UNAMI reports include many instances of compromises hatched at the subdistrict level, resulting in power-sharing arrangements on councils or joint development of economic assets (e.g., land covered by canceled agricultural contracts).

These and other local initiatives offer a valuable parallel track of confidence- and security-building measures. Such measures can move forward while national-level initiatives are still in development, reducing tensions in Kirkuk that might otherwise escalate and derail both top-down efforts and U.S. military withdrawal timetables. UNAMI highlighted the importance of these transitional steps, arguing that they “may be required to engender the confidence needed for a broadly legitimate settlement to the status of Kirkuk to emerge.”<sup>5</sup> More specifically, they should aim to redress the past wrongs committed in Kirkuk while restoring economic security and safe habitation to the majority of current residents. As the remainder of this chapter illustrates, bottom-up approaches can reflect realities that are not yet accepted at the national level, particularly the following:

- Kirkuk does have special status and must be treated as a unique case.
- Local groups are focused on housing and economic opportunity rather than Kirkuk’s oil or symbolic status.

- The displaced have already returned to the city, but many of the Baath-era migrants who replaced them are not budging.
- Kirkuk remains a frontier territory between federal and Kurdish control, with significant strategic and military importance to both parties.

### Residency and Municipal Development

In theory, Article 140 and the CRRPD are the main mechanisms for resolving property disputes and normalizing Kirkuk’s long-term citizenship issues. Both mechanisms are currently stalled, however. Article 140’s authority has been undermined because its technical expiration dates are far in the past.<sup>6</sup> The Constitutional Review Committee may modify and clarify the article in 2010, but at present, the various processes of normalization—reversing Arabization, conducting a reliable census, making referendum and boundary alterations—are well short of their original goals. As for the CRRPD’s ongoing problems, UNAMI has extensively studied ways to accelerate property claims resolution and has recommended a move away from the current quasi-judicial model. In its place, the agency proposes an administrative model that eliminates automatic government appeals against CRRPD awards, ensures faster and more effective implementation of eviction decisions, and straightforwardly resolves simpler types of cases. For instance, in situations where a ministry holds land seized directly from Iraqi citizens under Baath Arabization campaigns, it would be a relatively simple matter to directly transfer that land back to the claimants.<sup>7</sup>

Alongside these mechanisms, a number of local initiatives could help ease tensions related to property and residency issues. As noted repeatedly throughout this study, normalization need not be a zero-sum process. Article 140 should aim to right a wrong, not give one group control of Kirkuk or freeze the city’s ethnic

3. UNAMI, “District Analysis Summary: Kirkuk District,” p. 4.

4. UNAMI, “Possible Options for the Future Administrative Status of Kirkuk within the Iraqi Federation,” April 2009, p. 4.

5. *Ibid.*, p. 12.

6. The article’s original timeline ended December 31, 2007, and a subsequent June 2008 deadline was not extended.

7. UNAMI, “District Analysis Summary: Kirkuk District,” p. 65.

composition at some long-ago level that cannot be replicated today. It is unrealistic to make Kirkuk the only place in Iraq where citizens are denied freedom of movement from one part of the country to another.

If justice and compensation are key objectives of the Article 140 process, then it makes sense to look at options that increase the size of the “cake” in Kirkuk and ensure both returnees and current occupants a slice. The alternative—making one family homeless for every family that returns—is a recipe for prolonged violence and political deadlock. Direct property restitution would be extremely difficult in many cases due to the area’s compounded multigenerational displacement, and because many residents were evicted as tenants rather than as owners. Under these circumstances, it makes sense to focus more on compensation than restitution. Residents have adopted their own informal compensation mechanisms since 2003; for instance, many Arab farmers work as sharecroppers for Kurds who owned their land before Arabization.

If compensation is the aim, and if returnees and occupants alike are willing to act in good faith, then creating more high-quality housing becomes an attractive option. The monetary settlements currently offered by Article 140 would place an unsustainable burden on the Iraqi Ministry of Finance.<sup>8</sup> Compensation through housing might be a better alternative. According to conservative estimates, Kirkuk province requires 40,000 housing units (whether new or newly vacant) to meet IDP and other claims, mostly in Kirkuk district.<sup>9</sup> The number of IDPs already in Kirkuk city coupled with the number of new Kurdish claimants would likely outstrip any existing housing stock freed up by Article 140 and the CRRPD. Furthermore, the quality of such stock is not optimal, and evictions might create new IDPs, either in Kirkuk or as refugees in other provinces. Current efforts to resolve the housing shortfall have either underperformed (the federal government has built only 600 units over five years) or entailed compromises on building quality and legal status (as

with the masses of \$5,000 units quickly thrown up by the Kurdish factions).

In light of these problems, the parties should initiate a major U.S.-backed housing development initiative in Kirkuk, one that produces high-quality units and gives first priority to returnees under Article 140. As development economist Peter Schaefer noted, “Displaced Kurds have a choice—their old home or a new one. They can have their former home once an Arab family moves into one of the new houses.”<sup>10</sup> A new government-subsidized home would be an attractive option for many returnees, particularly former renters and families whose homes or land has been destroyed. In addition, a construction boom would have a considerable knock-on effect for the local economy and could even play a role in reconciliation (e.g., by partnering subcontractors from different ethnic communities).

Any large-scale housing plan should be accompanied by a number of other targeted initiatives. Rural communities should not be overlooked; international investment and de-mining support could help IDPs who wish to rebuild destroyed villages rather than resettle elsewhere. Even a few examples of such “model villages” would show the predominantly Kurdish IDP population that the international community is working on its behalf. These and other major construction projects could be jointly administered by the KPC, the federal government, and the KRG. Similarly, new municipal planning efforts—even those with heavy U.S. and international support—must include significantly more Iraqi participation than the ill-starred Kirkuk Master Plan described in chapter 3. For example, the Iraqi government could signal its support for such efforts and help guide housing development by formally relinquishing lands that the military and NOC no longer use. As the Master Plan noted, the Kirkuk Regional Air Base is so close to the city that it might be better to build a new regional commercial airport further out and open the base to residential and commercial development. Indeed, the city’s functioning would

8. Ibid.

9. Figures in this paragraph based on the author’s phone interview with Peter van der Auweraert, October 10, 2009.

10. Quoted in “Iraq’s Political and Economic Bullet,” Austin Bay Blog, March 3, 2007, <http://austinbay.net/blog/?p=1650>.

be greatly improved if services were planned and built around the actual number of people living in the area, not the numbers of people that either side recognizes as legitimate residents.

### Governance and Power Sharing

As with residency and housing issues, informal bottom-up processes are moving faster than top-down processes in the fields of governance and power sharing. Under the de facto dual-nexus arrangement mentioned earlier, the federal government and KRG already share many administrative, fiscal, and security responsibilities in Kirkuk. The Iraqi constitution is admirably suited to such arrangements, with Article 123 permitting Baghdad and the provinces to delegate exclusive and shared authorities to each other as they wish.

Kirkuk, and perhaps Iraq in general, may benefit from an experiment in administrative decentralization that goes even further than current constitutional articles and the 2008 Provincial Powers Law. At a January 2008 conference on the region's future, Marino Busdachin, secretary-general of the Unrepresented Nations and Peoples Organization (UNPO), suggested that this approach could be the key to reducing tension in Kirkuk:

Such systems have been successful in Trieste, South Tirol, Catalonia and Corsica. In all of these cases diversity was managed through a community-oriented approach. Smaller political units were created [that] are able to cater to the needs of the community more effectively than a more centralized, top-heavy administration. A key factor in the stability of these regions is the strengthening and support of local economies, which ultimately fosters a significant level of fiscal independence.<sup>11</sup>

The fairly fluid balancing of subdistrict councils in Kirkuk shows how each jurisdiction has been able to negotiate a structure of governance that roughly reflects the local ethnic mix. Authorities have also implemented

thematic decentralization (i.e., of the educational system) in many parts of northern Kirkuk, with the KRG providing teachers and schools. Accordingly, it may be wiser to encourage consensus-based power sharing in smaller communities rather than inflexible quota systems, which seem more appropriate for the provincial council level. The federal government should also play its proper role by formally recognizing dissolved subdistricts such as Qara Hassan (Laylan), al-Rabi (Qara Hanjir), Schwan, and Yaychi, paying for the upkeep of their councils and various municipal requirements.

Decentralization requires a degree of fiscal independence in sub-units, and Kirkuk has shown encouraging precedents in this regard as well. The KPC has a strong record of disbursing reconstruction funding down to the subdistrict level for use on locally conceived projects. Kirkuk is unusual among Iraqi provinces because it receives such funding from both Baghdad and the KRG. Its fiscal position could be further strengthened through both international investment and a more formal process of transferring Accelerated Reconstruction and Development (ARD) funds and oil royalties from Baghdad. If, as UNAMI recommends, the parties agree to designate Kirkuk as a Special Development Zone, the United States and UN could give the KPC important planning and fiscal accountability support to ensure that funding is fairly distributed between different ethnic groups, urban and rural areas, and damaged and undamaged areas. The United States and the UN could also encourage international donors to invest in the zone as a confidence- and security-building measure.

Even if new fiscal initiatives are adopted, Kirkuk's employment issues will continue to pose a challenge. Although normalizing senior KPC positions and certain ministry management posts would be relatively easy, redistributing general workforce jobs—the subject that local residents care about most—is a far more complex subject. As in other sectors, a zero-sum approach that replaces skilled workers from one ethnic group with unskilled substitutes from

11. See "Conference Held in Venice on the Future of Kirkuk," summary of conference remarks, January 18, 2008, <http://www.unpo.org/content/view/7484/261>.

another would have undesirable results. For example, many public sector jobs in Iraq come with subsidized housing, so making workers redundant would often mean making them homeless as well. One alternative is a more finessed (and slower) process in which the United States and international investors help expand training efforts and create new private sector jobs. To make such jobs as attractive as public sector employment, the parties could find ways to link them with new housing opportunities. And if political sensitivities threaten to stymie the rebalancing of certain sectors (particularly the oil industry and security forces), the United States could back training programs to ensure that new employees add to their organization's skill base rather than detract from it. For example, American oil companies and their Iraqi and Kurdish counterparts (NOC and KNOC, respectively) could jointly develop programs that help meet the country's urgent need for qualified oil workers. Such efforts could also bring more Kurds into the industry and forge closer NOC-KNOC linkages.

### Recognition of the Security Frontier

Currently, Baghdad regards the presence of all Kurdish security forces outside the KRG's formal boundaries as illegitimate. As chapter 5 noted, the Iraqi army commander in Kirkuk has called for the removal of Kurdish *peshmerga* and Asayesh forces from the province, but this is unrealistic. Northern Kirkuk is of longstanding strategic and emotional importance to the Kurds and may represent a redline for them. Perhaps most important, the Qani Domlan ridge acts as a shield for the strategic Irbil-to-Sulaymaniyah road (see map 3). Moreover, some of the areas north of the ridge were plundered during the Baath regime's third and fourth Anfal campaigns.

The Iraqi government should find a way to recognize these and other sensitive security zones. There are useful precedents from elsewhere along the Disputed Internal Boundary (DIB) between Iraq and the KRG. In Diyala province, the Kurds held Markaz Kifri sub-district throughout the 1990s. Although Iraqi army forces have now returned to most of Kifri district, Markaz Kifri remains under Kurdish control. Iraqi

and *peshmerga* battalions maintain a respectful distance from the line of control (much like the fifteen-kilometer exclusion zone around the disputed town of Khanaqin), but they also undertake joint patrols along the DIB. These and other factors suggest potential arrangements for the sensitive Altun Kupri area, such as development of the Kirkuk Combined Security Force, which is particularly well suited to areas where the *peshmerga* are already present (see the end of the previous chapter for a brief description of this force). In broad terms, the parties could formally designate the subdistrict as a sensitive security zone under the control of police forces. Formed military units from both sides could then be based well back from the area, with Kurdish forces kept inside the nearby KRG border and all military patrols conducted jointly. As a confidence-building measure, Baghdad could release Ministry of Defense property north of the Qani Domlan for residential development, perhaps for victims of the Anfal campaigns. In addition, the Iraqi army could allocate one battalion from Kurdish-recruited brigades of the 15th and 16th Divisions to this area. Meanwhile, U.S. assistance could range from training and liaison support to base development efforts for Kurdish forces just within the KRG's borders.

Various other security steps would be helpful as well. For example, the parties could designate Kirkuk city itself as a sensitive security zone. They could also develop a trilingual police force, with all officers able to converse with Kurds, Arabs, and Turkmens alike. And as mentioned previously, Baghdad could grant formal recognition to the province's dissolved subdistricts, which would allow the Interior Ministry to once again pick up the costs of local policing.

Finally, as described in chapter 5, maintaining a U.S. military presence in Kirkuk will provide vital crisis-management and confidence-building support in the years to come. American forces are scheduled to withdraw from Iraq completely by the end of 2011, or even earlier if the bilateral security agreement is rejected in the forthcoming referendum. Yet Kirkuk is one of the few areas where the U.S. presence will remain critical to security and should be maintained as long as possible. A brigade-level engagement headquarters headed

by a brigadier general would be a wise investment, as would a sizeable training team to mentor and coordinate federal-Kurdish security operations. At some point, the Iraqi army's 12th Division will likely rotate to the central or southern part of the country, probably to be replaced by a Shiite Arab division from the south; under such circumstances, a U.S. engagement headquarters could play a valuable role as a liaison and source of continuity.<sup>12</sup> Meanwhile, Iraqi authorities could develop the province's K-1 army base as an Iraqi-American training hub, giving it a crisis-management function as well. Alternatively, or in addition, the United States could back a UNAMI military observer mission. In either case, training support for the Kirkuk police would be particularly important, necessitating close coordination between the Defense and State Departments as the military hands this mission over in the coming months. As mentioned earlier, language training would provide the best "bang for the buck," fostering a police force capable of effective law enforcement and counterinsurgency efforts in a multiethnic and multilingual city. Given the Iraqi army's uniquely limited role in Kirkuk, the city's police service is of far greater strategic importance to the United States than similar forces in other provinces.

### Summary of U.S. Policy Options

On-the-ground realities in Kirkuk are moving faster than the top-down approaches currently being formulated to determine the province's permanent status—the nature of the main disputes will probably have changed by the time national consensus is forged to resolve them. Locally led bottom-up approaches have a better track record in rapid resolution of problems, using more innovative "win-win" processes rather than a zero-sum strategy. The United States should take advantage of local options for creating a parallel track to run alongside (and probably ahead of) national initiatives on Kirkuk. This lesson stems in part from Iraq's failed Article 23 Committee, which might have enjoyed greater success had it been run out of the KPC

and sheltered from national-level political storms as its members made their deliberations.

The first step for the United States is to stay engaged with Kirkuk, which requires senior representation on the ground. In spring 2009, for instance, U.S. efforts to maintain an engagement headquarters and rapidly build up a brigade combat team in Kirkuk were critical to the successful management of federal-KRG clashes. Accordingly, the United States—in cooperation with Baghdad, the KRG, and UNAMI—should develop a mechanism for retaining a brigade-level military commander in Kirkuk and a senior State Department liaison to UNAMI, akin to the role played by U.S. ambassador Thomas Krajeski when he functioned as the U.S. special representative to northern Iraq in 2008–2009, or by U.S. diplomat Alan Misenheimer from August 2009 onward. The U.S. military should then establish a special training mission in Kirkuk and ensure that it remains in place even after most other forces have left the country, as close as possible to the December 31, 2011, withdrawal deadline. Ideally, such a mission could be incorporated into a new U.S.-Iraqi security agreement that extends beyond the 2011 expiration of the current agreement. As for UNAMI, retaining a State Department deputy special representative for Iraq on the agency's staff would help boost its influence in Kirkuk.

More broadly, the United States could work with, rather than against, Kirkuk's evolving reality by supporting UNAMI's dual-nexus approach to governance, at least in the interim. This approach is already in effect at the informal level, and it might be comparatively easy to draw the federal government closer to Kirkuk (by encouraging it to recognize dissolved subdistricts) while formalizing the KRG's role in special aspects of governance (e.g., education, agriculture, water). UNAMI has identified many appropriate international models for this kind of decentralized governance. In particular, giving the KPC greater autonomy while establishing a power-sharing formula for its membership could help shield local confidence- and security-building measures

12. D. J. Elliott, "Iraqi Army Reorganization," Montrose Toast blog, February 15, 2010, <http://home.comcast.net/~djyae/site/?/blog/view/52>.



from national political interference. The creation of U.S./UNAMI-monitored security zones could further reduce the prospect of clashes.

Finally, enhancing economic security for Kirkuk residents and reinforcing their collective regional identity should be a key objective of U.S. policy. The United States should put forward a new version of the Kirkuk Master Plan, this time with strong local buy-in and set within the context of a more administratively empowered and politically sheltered KPC. Like the first version, the recast plan should attempt to pair new residents and communities with new employers. A U.S.-backed housing construction initiative should

be a priority as well, including significant land freed up by the Iraqi Defense and Oil Ministries. Such housing and job programs can then be integrated into streamlined Article 140 and CRRPD processes to offer alternative means of compensation and employment for both displaced claimants and current occupants of disputed land. UNAMI's proposed Special Development Zone is a good idea as well—both the United States and Turkey should support it, given their strong mutual interests in northern Iraq and their ability to draw international donors into Kirkuk by reassuring them that political risks will remain low as long as both states are engaged in the province's future.

## AFTERWORD

# Iraq's March 2010 National Elections

THE THRUST OF THIS REPORT has been that local dynamics are outpacing Iraq's national debate on Kirkuk. Even so, the outcome of the March 7, 2010, national elections will provide the context for local actions and thus deserves some comment.

The results from Kirkuk's peaceful and largely fraud-free voting may have come as a surprise to some observers. The efficiency of election security provided by the province's combined U.S., federal, and Kurdish forces was encouraging, as was Gen. David Petraeus's March 17 statement to the U.S. Senate Armed Services Committee regarding the need to maintain a U.S. brigade headquarters in Kirkuk in the coming years. Voter turnout was 73 percent, and none of the two hundred or so allegations of fraud were considered serious enough for the Independent High Electoral Commission to delay the release of Kirkuk's uncertified results alongside other provincial totals on March 26.

Kurdish parties and pro-Kurdish minority candidates won as many as 63 seats in the 325-seat parliament (though a handful of the minority candidates may not always vote in line with the Kurdish bloc). As a result, the Kurdish parties will most likely be incorporated into a new government coalition, partnering with two large Arab coalitions to form a majority voting bloc. An important Kurdish role in Baghdad is therefore assured, as long as these partners are willing to show flexibility. This will help limit the scale and intensity of ethnic tensions as the issue of disputed internal boundaries comes to the forefront in the future.

A less likely outcome would be Ayad Allawi and Nouri al-Maliki's Arab nationalist factions forming a coalition that excluded the Kurds, possibly after failed negotiations to partner with them. This scenario

would remove an important safety catch from federal-Kurdish relations and situate the Kirkuk issue against a more adversarial and potentially violent backdrop. Whichever set of factions prevails, government formation and subsequent national decisionmaking will likely be slow and characterized by drawn-out negotiations over every major legislative proposal, leaving more time and space for local initiatives to progress in the meantime.

Overall, the elections highlighted the equalization of the province's Kurdish and non-Kurdish populations. The Kurdish landslide feared by many Arab and Turkmen politicians did not materialize: Allawi's Iraqi National Movement (also known as Iraqiyah) won 137,158 votes, while the Kurdistan Alliance (the joint Kurdish list comprising the Kurdistan Democratic Party and Patriotic Union of Kurdistan) was just 262 votes behind with 136,896. These figures exclude the approximately 45,000 votes garnered by other Kurdish lists (which did not meet the minimum threshold for winning seats), and they include the very high turnout in the predominantly Sunni Arab rural districts west of Kirkuk city. Based on these totals, six seats were awarded to Iraqiyah representatives from Kirkuk, including four to Sunni Arab candidates and two to the Iraqi Turkmen Front. Six seats were also awarded to Kurdistan Alliance representatives. As a result, Kirkuk's Kurdish and non-Kurdish groups will send an equal number of legislators to the national assembly. In light of this outcome, a parliamentary investigation into the province's voter registration base is less likely than previously feared, suggesting that local leaders can draw a line through the elections and settle down to business as usual.



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