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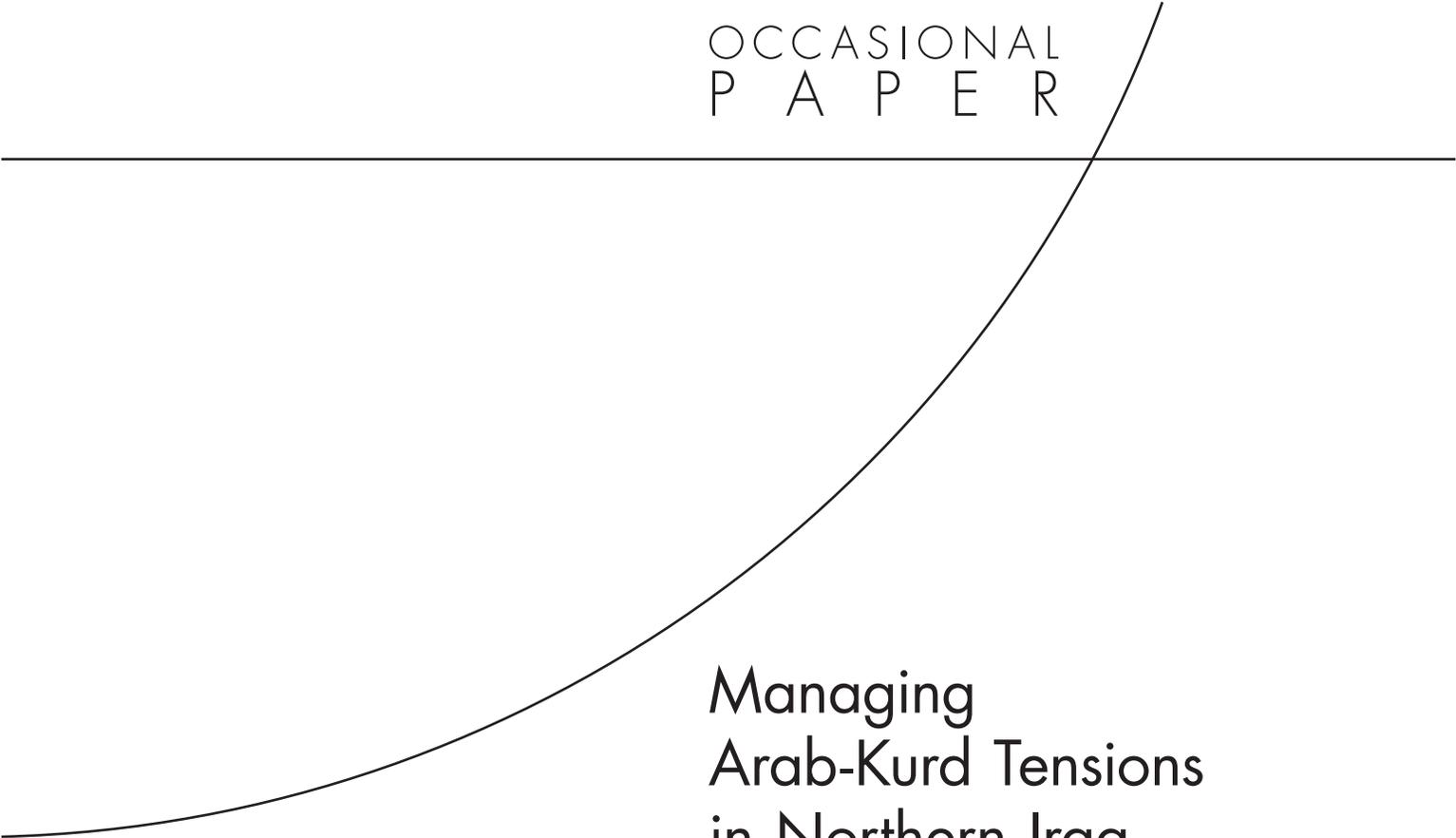
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P A P E R



Managing Arab-Kurd Tensions in Northern Iraq After the Withdrawal of U.S. Troops

Larry Hanauer, Jeffrey Martini,
Omar Al-Shahery

Prepared for United States Forces-Iraq

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Preface

This paper examines the potential value of confidence-building measures (CBMs) in managing tensions and preventing violence between Arabs and Kurds in northern Iraq. To help U.S. policymakers prepare for the withdrawal of U.S. troops from Iraq in late 2011, the paper considers the feasibility of both civilian and military CBMs given the absence of a national-level political settlement to the issues dividing Iraq's central government and the Kurdistan Regional Government (KRG) in the north. This paper was developed as part of the RAND Corporation's ongoing analytical support to U.S. Forces–Iraq (USF-I).

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Contents

Preface	iii
Summary	vii
Acknowledgments	ix
Abbreviations	xi
Managing Arab-Kurd Tensions in Northern Iraq After the Withdrawal of U.S. Troops	1
Introduction	1
Sources of Arab-Kurd Conflict	3
Ongoing Confidence-Building Measures	7
The Strengths and Limitations of CBMs	10
Potential CBMs for Future Implementation in Northern Iraq	11
Potential Models: Lessons Learned from Past Experience with CBMs	17
Post-2011 Transition	19
The Bottom Line: CBMs and Continued U.S. Engagement Are Necessary, But Not Enough	21
References	23

Summary

Though the United States has pledged to withdraw its combat forces from Iraq by the end of 2011, ethnic and sectarian fault lines will continue to divide the country. Tensions in northern Iraq—where Arab and Kurdish communities face off regarding disputes over land, resources, governance, and security—could easily, with the right catalyst, lead to armed conflict. The risk of violence is increased significantly by the presence of roughly 75,000 Kurdish *peshmerga* fighters and thousands of Iraqi Security Forces (ISF) in and around disputed areas.

To prevent violence between Arabs and Kurds, U.S. forces have supervised a joint security architecture that includes representation from the ISF, Kurdish forces, and USF-I. The United Nations Assistance Mission for Iraq (UNAMI) has also launched a range of CBMs to establish trust between the Arab and Kurdish communities and to defuse potential flash points.

Continuing to contain Arab-Kurd tensions will require a neutral third-party arbitrator that can facilitate local CBMs, push for national-level negotiations, and prevent armed conflict between Iraqi and Kurdish troops. While U.S. civilian entities could help implement CBMs and mediate political talks, the continued presence of U.S. military forces within the disputed internal boundaries would be the most effective way to prevent violent conflict between Arabs and Kurds.

This paper presents options for mitigating the risks of Arab-Kurd conflict both before and after the withdrawal of U.S. troops. It discusses the feasibility of establishing a range of CBMs that can help Arabs and Kurds build trust and avoid local conflicts that could derail efforts to resolve Iraq's fundamental political challenges through negotiations. It also suggests mechanisms through which U.S. government entities—both civilian and military—could work to alleviate tensions in northern Iraq.

The United States should encourage Arab, Kurdish, and Turkmen leaders in northern Iraq, under United Nations auspices, to make incremental progress toward resolving issues that have been divisive—particularly topics on which parties can make concessions without undermining their positions on similar disputes being discussed at the national level. For example, agreements to share power in municipal government institutions, the establishment of inter-communal cultural exchanges, the resolution of the more clear-cut property claims, and pledges to protect the rights of minorities would help reduce the likelihood of violence in the region without setting a precedent for negotiations on national-level power sharing or normalization.¹ An interim agreement on the management of hydrocarbon resources would

¹ “Normalization” refers to efforts to reverse Saddam Hussein’s forced “Arabization” of predominantly Kurdish areas in northern Iraq, where Kurds were forced to leave and Arabs encouraged to settle. Article 58 of the Law of Administration for the State of Iraq for the Transitional Period (March 8, 2004) [hereinafter TAL] called for steps “to remedy this injustice,” including the restoration of property, the creation of employment opportunities, and—most important—changes to inter-

enable both the central government and the KRG to benefit from oil revenues while a permanent arrangement is pursued. Such steps would foster contact between the Arab, Kurdish, and Turkmen communities, reduce ethnic and sectarian tension, and demonstrate that even small-scale cooperation can produce tangible benefits.

Regional and local CBMs have the potential to keep a lid on inter-communal tensions that will, without question, boil beneath the surface for a long time. They cannot, however, resolve what is, at its heart, a strategic political dispute that must be resolved at the national level. While regional conflicts have certainly taken on aspects of ethnic (Arab-Kurd-Turkmen) and sectarian (Sunni-Shi'a) conflicts, the prospect of Arab-Kurd conflict in northern Iraq is directly linked to Iraqi politicians' failure to resolve fundamental questions regarding federalism, the legal and political status of disputed territories, and the allocation of budgets and natural resources (especially hydrocarbons).

CBMs are thus unlikely to contain Arab-Kurd violence over the long-term absent a national-level agreement over these disputes. The key question is whether CBMs and other initiatives can prevent violence long enough for Iraq's politicians to resolve these broader issues.

nal administrative boundaries and a resolution to the status of Kirkuk. The implementation of these measures was further mandated by Article 140 of Iraq's 2005 Constitution.

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Abbreviations

CBM	confidence-building measure
CCC	Combined Coordination Center
CSA	Combined Security Area
CSM	Combined Security Mechanism
FMS	Foreign Military Sales
GoI	government of Iraq
IDP	internally displaced person
ISF	Iraqi Security Forces
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
MFO	Multinational Force and Observers
MNF-I	Multi-National Force–Iraq
NATO	North Atlantic Treaty Organization
PUK	Patriotic Union of Kurdistan
RGB	Regional Guard Brigade
TAL	Transitional Administrative Law
TIPH	Temporary International Presence in Hebron
U.N.	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNIFIL	United Nations International Force in Lebanon
USF-I	U.S. Forces–Iraq

Managing Arab-Kurd Tensions in Northern Iraq After the Withdrawal of U.S. Troops

Introduction

Although the United States has pledged to withdraw its combat forces from Iraq by the end of 2011, the process of helping Iraq emerge as a sovereign, stable, and self-reliant state will hardly be completed by then. While significant progress has been made over the past eight years in creating a security environment amenable to political and economic development, the post-2011 period is still fraught with significant challenges. Nowhere is this risk of conflict more serious than in northern Iraq, where Arab and Kurdish communities—backed by the central government and by the Kurdistan Regional Government (KRG) in Erbil, respectively—face off regarding disputes over land, resources, governance, and security. The presence in and around disputed areas of roughly 75,000 Kurdish *peshmerga*² fighters and thousands of additional Iraqi Security Forces (ISF) creates a risk that tensions could escalate into armed conflict.

In late 2009, then-commander of Multi-National Force–Iraq (MNF-I) General Raymond Odierno assessed Arab-Kurdish tensions “as the greatest single driver of instability in Iraq.”³ Similarly, RAND researchers wrote in early 2010,

[a]rmed conflict between any of the mainstream parties in the Iraqi political system carries the most severe consequences for U.S. interests, because it could explode the entire political order. The greatest danger in this category is the possibility of an ethnic clash between Iraqi Kurds and the Iraqi state.⁴

To prevent violence between Arabs and Kurds in disputed areas, U.S. forces have supervised a joint security architecture that includes representation from the ISF, *peshmerga*, and U.S. Forces–Iraq (USF-I). The United Nations Assistance Mission for Iraq (UNAMI) has also launched a range of confidence-building measures (CBMs) to establish trust between the Arab and Kurdish communities and to defuse potential flash points.

While civil war is not imminent, the window is quickly closing for settling these conflicts while the two parties are at rough political and military parity. Kurds’ outsized role in

² David C. Gompert, Terrence K. Kelly, and Jessica Watkins, *Security in Iraq: A Framework for Analyzing Emerging Threats as U.S. Forces Leave*, Santa Monica, Calif.: RAND Corporation, MG-911-OSD, 2010a, p. 6. Kurdish fighters in northern Iraq are known as *peshmerga*, meaning “ready to die.”

³ David H. Gurney and Jeffrey D. Smotherman, “An Interview with Raymond T. Odierno,” *Joint Forces Quarterly*, No. 55, 4th quarter 2009, p. 123.

⁴ David C. Gompert, Terrence K. Kelly, and Jessica Watkins, *Security in Iraq: Emerging Threats as U.S. Forces Withdraw*, Santa Monica, Calif.: RAND Corporation, RB-9481-OSD, 2010b, p. 2.

Iraqi politics—which enabled them to advance a robust federalist agenda—eroded once Sunni Arabs ended their boycott of the political process and created a strong counterweight to Kurdish efforts to secure greater regional autonomy. On the military side, the steadily increasing capabilities of the ISF may encourage the Kurds to seek a military solution while the use of force remains a potentially viable way to achieve their objectives. As a recent RAND study on threats to Iraqi security as U.S. forces withdraw asserted,

[b]ecause the Kurds would need to act before the capabilities of the Iraqi Security Forces become superior to the Peshmerga's and the odds shift against them, the main danger [of violence] is in the next few years. The consequence, should the Kurds take this step, could be the break-up of Iraq.⁵

This paper presents options for mitigating the risks of Arab-Kurd conflict both during and after the withdrawal of U.S. troops, primarily by establishing mechanisms and institutions that can prevent local disputes from escalating and enable Arabs and Kurds to resolve local-level problems themselves. Because U.S. combat troops will be unable to continue their role in the present joint security architecture, barring a new security agreement between the United States and Iraq, the paper discusses the feasibility of establishing a range of CBMs that can help Arabs and Kurds build trust, resolve disputes at the local and regional levels, and avoid conflicts that could create instability or derail efforts to resolve Iraq's fundamental political challenges through a peaceful process. The continued presence of U.S. military forces as a neutral third party within the disputed internal boundaries would be the most effective way to prevent the escalation of Arab-Kurd tensions into violence. If the Iraqi government does not request an enduring U.S. troop presence after December 31, 2011, U.S. officials may wish to consider the creation of a framework that would allow for small-scale, but regular, U.S. deployments to the region.

While regional tensions are, in part, a reflection of ethnic (Arab-Kurd-Turkmen) and religious (Sunni-Shi'a) conflicts, they are also driven by political agendas. In fact, some U.S. officials have concluded that the most likely cause of armed conflict would be a politically motivated maneuver designed to change the status quo, such as a decision by one side to deploy forces in Kirkuk city, Baghdad's use of the ISF to intimidate Kurdish residents in a disputed area, or a Kurdish declaration of jurisdiction (accompanied by the deployment of security forces) over additional disputed areas.⁶

These officials' assessments highlight the notion that the prospect of Arab-Kurd conflict in northern Iraq is directly linked to Iraqi politicians' failure to resolve fundamental questions regarding federalism, the legal and political status of disputed territories, and the allocation of budgets and natural resources (especially hydrocarbons). Most outstanding property disputes in the northern city of Kirkuk and other disputed areas will not be settled until the territories' political status is resolved, as a decision on jurisdiction will affect many peoples' decisions regarding whether it is safe to stay, leave, or return. Similarly, it will be difficult to avoid conflict over control of oil-rich territory until national politicians create a mechanism to govern contract awards and the division of oil revenues. Even the U.S.-brokered Combined Security Mechanism (CSM), which allows the ISF and Kurdish *peshmerga* to operate jointly in selected

⁵ Gompert, Kelly, and Watkins, 2010b, pp. 2–3.

⁶ RAND interview with a USF-I official, Baghdad, December 16, 2010.

areas, is merely an interim fix for politicians' broader failure to reach an agreement on the roles of the Kurdish forces and whether and how to integrate them into the Iraqi military.

It is thus unlikely that efforts to contain Arab-Kurd violence, including CBMs, will work over the long term absent a national-level agreement over these disputes. The key question is whether CBMs and other initiatives can prevent violence long enough for politicians to resolve these broader issues. CBMs in northern Iraq are merely short-term measures; long-term solutions must be crafted in Baghdad by Iraqi leaders.

Sources of Arab-Kurd Conflict

The issues that divide Arabs, Kurds, Turkmen, and other minorities in northern Iraq mirror the nation's most complex and contentious political challenges: disputed internal boundaries (which must be settled in order to determine the territorial boundaries of the Kurdistan region), the lack of clarity regarding control over Iraq's hydrocarbons, and the need to professionalize and integrate Iraq's military and police. More locally, Arab-Kurd disputes extend to the sharing of power on local governing bodies, the ethnic composition of local police, rights to previously seized or abandoned property, the jurisdiction and conduct of Kurdish security and intelligence services, and protections for minority rights.

Boundaries of the KRG

Article 58 of Iraq's 2004 Transitional Administrative Law (TAL), which was incorporated into the subsequent 2005 constitution, required the redefinition of Iraq's administrative and provincial boundaries to remedy the previous regime's manipulation of northern Iraq's boundaries and its changes to the region's demographics through expulsions and forced resettlements.⁷ These documents define the KRG as consisting of Dohuk, Erbil, and Sulimaniya governorates and the parts of Kirkuk, Diyala, and Ninewa governorates controlled by the Kurdish parties as of March 19, 2003. (The internal boundary separating these areas from the rest of Iraq has been referred to as the "Green Line.") Soon after the U.S. invasion of Iraq, Kurdish leaders sent *peshmerga* across the Green Line to take control of additional territory in which large numbers of Kurds lived; KRG leaders continue to claim yet more territory that they assert has historically been Kurdish. (See the map below of the KRG's constitutionally defined, de facto, and proclaimed boundaries.) The legitimacy of the Kurds' de facto control over these disputed areas has not been accepted by Baghdad, and the extent of the territory that is to be included in the Kurdistan region of Iraq has yet to be settled.

Census and Status of Kirkuk

The Kurds successfully pushed for the TAL and the 2005 constitution to require a census and a subsequent referendum to determine Kirkuk's status, both of which they believed would strengthen their arguments to expand the boundaries of the KRG to include Kirkuk and other areas. Although Article 140 of the constitution required the census and referendum to take place by December 31, 2007, political leaders never agreed on how to conduct them, in part because Arab and Turkmen parties questioned the voting eligibility of Kurds who settled (or

⁷ Law of Administration for the State of Iraq for the Transitional Period (March 8, 2004) [hereinafter TAL], Article 58. See also the Constitution of the Republic of Iraq, October 15, 2005, Article 143.

Iraq Disputed Internal Boundaries



SOURCE: Unclassified map provided by U.S. Forces–Iraq.
 RAND OP339-1.1

perhaps resettled) in the area since Saddam Hussein's fall and feared that their participation would skew the results. Since the constitution failed to specify what would happen if the deadline was not met, Arab and Turkmen leaders now argue that the constitutional requirement for the census and referendum has expired, while the Kurds maintain that the requirement to conduct a census and referendum still exists. This stalemate—which is aggravated by unresolved questions related to federalism and regional autonomy—obstructs efforts to resolve the status of the disputed territories. Any political settlement will require Iraqi leaders to come to agreement on whether to undertake a census and/or referendum in some manner or to eliminate the requirement, after which they must modify the constitution and relevant statutes appropriately.

The historically multi-ethnic city of Kirkuk has immense political, emotional, and economic importance to the groups involved. Kurds see the city as a critical piece of their history and as the center of an autonomous (and perhaps eventually independent) Kurdistan. Furthermore, the city of Kirkuk itself sits directly on top of the largest oil field in the region—making the territory a very lucrative asset.

A land grab by either side could have extraordinary political consequences, in addition to (or perhaps because of) its economic impact. Kurdish control over Kirkuk's oil could facilitate the KRG's secession, as the revenues generated would make an independent Kurdistan much more economically viable; similarly, Baghdad's control over Kirkuk (and its oil) would keep the KRG financially tied to, and dependent on, the central government, thus making it more likely that the Kurdistan region would remain an integral part of a unified Iraq.

Hydrocarbons

The dispute over northern Iraq's hydrocarbons has two primary components. First, because the KRG's boundaries have not been settled, it is unclear whether the region's oil and gas fields fall under the jurisdiction of the KRG or the central government. Second, Baghdad and Erbil have not yet agreed on how the oil and gas fields should be managed or how the resulting revenues should be shared. Neither side is likely to benefit from the area's oil wealth until these questions are settled; no major international oil company is willing to invest in Kirkuk's oil fields until it can be certain it is negotiating with the legally recognized sovereign entity and until it understands the statutory, regulatory, and management framework that will govern its investments.⁸ Leaders' continued inability to resolve these outstanding hydrocarbon-related issues has cost both the KRG and the central government dearly. Although oil exports have increased in recent years, the International Crisis Group estimated in late 2008 that, by not exporting northern Iraq's oil in significant amounts, the central government and the KRG would lose \$3 billion and \$620 million, respectively, per year.⁹

Leaders in both Baghdad and Erbil see control over territory as the best way to ensure a strong position in eventual negotiations over hydrocarbons, as whomever controls a piece of territory generally controls the natural resources underneath it. However, in an area where underground oil and gas fields cross under boundary lines, such a premise does not really hold; in fact, it has the potential to lead to further conflicts if the two sides cannot agree on how to manage shared fields.

If issues of territory and natural resources can be de-linked, enabling resources to be distributed without territorial implications, it becomes more likely that one side or the other would make concessions on territorial claims in exchange for a favorable agreement on resources. (Solutions could, for example, involve agreed-upon degrees of control over, management of, or access to resources, regardless of whether a disputed piece of territory is incorporated into the KRG or remains under Baghdad's jurisdiction.) Such concessions would not involve only dollars and cents; passage of a hydrocarbon law that clarifies control over oil resources and the allocation of oil revenues could reduce the economic incentives to seize territory and thus reduce the chances for armed conflict in northern Iraq.

⁸ International Crisis Group, *Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds*, Middle East Report No. 80, Brussels, October 28, 2008, p. 25.

⁹ International Crisis Group, 2008, p. 25. Dollar figures are based on production levels of 100,000 barrels per day and a price of \$100 per barrel. In fact, the Iraqi Oil Ministry reported in March 2011 that northern Iraq's oil exports for the previous month were almost five times that amount (494,000 barrels per day), while prices ranged between \$97 and \$105 per barrel. See also "Iraq Records Highest Oil Exports Last February—Official," *Aswat al-Iraq*, March 2, 2011; and U.S. Energy Information Administration, "Weekly Iraq Kirkuk Netback Price at U.S. Gulf (Dollars per Barrel)," release date: April 13, 2011.

Security Structures

Without question, tensions between Arabs and Kurds are exacerbated by the existence of parallel Kurdish and Iraqi security institutions. Until their jurisdictions are clearly defined, or until some or all of them are integrated into truly national organizations, residents of the disputed areas will continue to see each of the forces as advancing the interests of their ethnic brethren.

The KRG and the two Kurdish parties—the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP)—maintain their own military, police, and intelligence forces, whose roles in the disputed territories are controversial. The KRG operates a KDP-created and -dominated paramilitary police force (*zerevani*). *Peshmerga* soldiers are nominally integrated under a KRG ministry, although individual *peshmerga* units are affiliated with (and dominated by) either the PUK or KDP. Each of the two major Kurdish parties has its own intelligence service (the KDP's *parastin* and the PUK's *zaniyari*) and internal security force (collectively referred to as *asayesh*).¹⁰

Arab and Turkmen residents of disputed areas have bitterly objected to the presence of these Kurdish entities, asserting that their presence is merely a precursor to a Kurdish land grab and claiming that the forces have abused Arab and Turkmen residents through arbitrary arrests and harassment. A recent report by the International Crisis Group claimed that “[t]he *asayesh* have carved out an autonomous security role in Kirkuk and elsewhere, accountable only to their political bosses [T]here is no doubt that much of the ethnic tension in Kirkuk has focused on what are seen as arbitrary and discriminatory practices by this irregular security force.”¹¹

The presence of *peshmerga* in disputed areas outside the Green Line has nearly led to violence between the *peshmerga* and the Iraqi Army. During an August 2008 Iraqi Army operation targeting insurgents in the vicinity of the town of Khanaqin (which is outside the Green Line in Diyala governorate), ISF commanders ordered *peshmerga* troops to withdraw, a demand they refused.¹² A confrontation was avoided only because KRG President Massoud Barzani and Iraqi Prime Minister Nouri al-Maliki personally reached an agreement to withdraw both forces from the city and leave security to local police.¹³ Similarly, when Iraqi Army units tried to move through the largely Kurdish town of Makhmur en route to Mosul in June 2009, Kurdish troops—concerned that the army was trying to take the town—blocked their progress, and violence was only averted with the help of U.S. intervention.¹⁴ Recently, in late Feb-

¹⁰ Email from a USF-I official, April 26, 2011. See also International Crisis Group, *Iraq and the Kurds: Confronting Withdrawal Fears*, Middle East Report No. 103, Brussels, March 28, 2011, pp. 14, 24.

¹¹ International Crisis Group, 2011, p. 20.

¹² “Al-Jaysh al-‘Iraqi Yukhli Mawāqī‘ah li Pishmerga fi al-Mintaqa . . .” (The Iraqi Army Vacates Its Positions in the Area to the Peshmerga . . .), *Al-Hayat*, August 27, 2008. Also “Majlis al-Amn al-Watanī Yajtami’ al-Yawm lil Bahth fi Azmat Khanaqain . . . al-Jaysh al-‘Iraqi Ghādar Khanaqain Fi‘alan wa Insihāb al-Pishmerga Kan Ramzīan,” (The National Security Council Meets Today to Discuss the Crisis of Khanaqain . . . The Iraqi Army Really Left Khanaqain Whereas the Withdrawal of the Peshmerga Was Symbolic), *Al-Hayat*, September 6, 2008.

¹³ Peter Bartu, “Wrestling with the Integrity of a Nation: The Disputed Internal Boundaries in Iraq,” *International Affairs*, Vol. 86, No. 6, November 2010, pp. 1329–1343. Also Gareth Stansfield and Liam Anderson, “Kurds in Iraq: The Struggle Between Baghdad and Erbil,” *Middle East Policy*, Vol. 16, No. 1, 2009, pp. 136–137; and Brian Katulis, “Standoff in Khanaqain: Trouble Brews Between Arabs and Kurds in a Volatile Corner of Iraq,” Center for American Progress, website, August 29, 2008.

¹⁴ Anthony Shadid, “Kurdish Leaders Warn of Strains with Maliki: Military Conflict a Possibility, One Says,” *Washington Post*, July 17, 2009. Also Patrick Cockburn, “Arab-Kurd Tensions Rise as US Pulls Out,” *New Zealand Herald*, August 12, 2009.

ruary 2011, in response to plans for an Arab “day of rage” along the lines of protests in other Arab countries, Kurdish leaders deployed *peshmerga* on the outskirts of Kirkuk, withdrawing only under U.S. pressure a month later.¹⁵

Full integration of *peshmerga* into the Iraqi Army would help ensure the military’s evenhandedness. Even though many *peshmerga* are to be incorporated into the ISF, Kurdish officials are intent on maintaining some of them as an independent regional militia (as permitted by the Iraqi Constitution) that can protect Kurds from future violence or discrimination. To date, four Regional Guard Brigades (RGBs), consisting of around 30,000 *peshmerga* fighters, are considered integrated into the Iraqi Army. These RGBs thus qualify for U.S. training and equipping assistance, and they are equipped through the Iraqi Army with U.S.-provided “shoot, move, communicate, and sustain” capabilities. No agreement has yet been reached regarding the integration or demobilization of the remaining *peshmerga*¹⁶ or the extent of Baghdad’s financial support for an independent KRG force.¹⁷

Ongoing Confidence-Building Measures

Joint Patrols and Other Security-Related CBMs

In August 2009, Maliki and Barzani asked the U.S. military to assess the value of a combined security architecture that could help minimize the likelihood of Arab-Kurd violence and improve security along the Green Line, where insurgents had been taking advantage of the security vacuum caused by poor cooperation between Iraqi and Kurdish security forces.¹⁸ Four months later, in December 2009, Maliki and Barzani approved the establishment of a tripartite U.S.-Arab-Kurdish CSM that would undertake joint operations in 12 designated Combined Security Areas (CSAs) in Ninewa, Kirkuk, and Diyala governorates.

In addition to enhancing residents’ security, the CSM creates a process by which the ISF and *peshmerga* can build trust at an operational level in locations where they might otherwise be at odds. By requiring transparency and collaboration on operations, the CSM reduces the chances of violence between Kurdish and Iraqi forces. The U.S. ambassador to Iraq, James Jeffrey, testified at a Senate Foreign Relations Committee hearing that the CSM, which he

¹⁵ “Iraq’s Turkoman Front Demands Kurdish Peshmerga Forces Withdrawal from Kirkuk,” *Aswat al-Iraq*, March 1, 2011. Also “Kirkuk’s ‘Arab Rage Day’ Demonstration Postponed, Council Member in Kirkuk Says,” *Aswat al-Iraq*, March 1, 2011; “Kurdish Peshmerga Forces Withdraw from Part of Kirkuk, North Iraq,” *Aswat al-Iraq*, March 28, 2011; and written correspondence from Joost Hiltermann of the International Crisis Group, April 4, 2011.

¹⁶ In total, the two Kurdish parties have fielded between 250,000 and 350,000 *peshmerga*, including the 30,000 RGB soldiers to be integrated into the Iraqi Army. Email message from a USF-I official to a RAND analyst, April 26, 2011.

¹⁷ Seventeen percent of the Iraqi government’s budget is allocated to the KRG. While funding for *peshmerga* currently comes from this allocation, Baghdad and Erbil are discussing whether the central government will provide additional funds for KRG security forces. See Dennis P. Chapman, *Security Forces of the Kurdistan Regional Government*, Carlisle Barracks, Pa.: U.S. Army War College, 2009, p. 144. See also International Crisis Group, 2011, p. 24; and “Iraq’s 2011 Budget Bill Back to Govt for Amendment Due to Disputes,” *Kurdistan News Agency*, December 29, 2010.

¹⁸ RAND interview with a USF-I official, Baghdad, December 16, 2010; and *Measuring Stability and Security in Iraq: Report to Congress In Accordance With the Department of Defense Supplemental Appropriations Act 2008 (Section 9204, Public Law 110-252)*, March 2010a, pp. 34–35.

called “extraordinarily successful,” is “an important tactical tool in the field to suppress possible violence or possible disputes or possible, frankly, sparks that then ignite a confrontation.”¹⁹

The combined forces, which bear the insignia of the Ninewa Golden Lion, include representation from the Iraqi Security Forces (Iraqi Army and Federal Police), *peshmerga*, and the United States.²⁰ Their joint operations are designed to show the populace that Arabs and Kurds can participate in a cooperative security force that operates according to the rule of law. Iraqi and Kurdish forces’ collaboration on both operational and mundane tasks, combined with shared quarters and a campaign to portray the Golden Lions as an elite unit, has helped build a cohesive unit identity that transcends ethnic differences.²¹

The mechanism is administered through provincial-level Combined Coordination Centers (CCCs), which bring the parties together to plan deployments and operations in disputed areas. Disagreements on operations or deployments that cannot be resolved at a CCC can be escalated to higher-level mechanisms, including a Senior Working Group and a High Level Ministerial Committee.²²

U.S. forces are represented at all levels of the CSM. Participating ISF and Kurdish forces receive extensive training from the U.S. military. U.S. troops participate in joint patrols and in 22 combined checkpoints—11 in Ninewa, 6 in Kirkuk, and 5 in Diyala governorates. An American lieutenant colonel oversees each governorate’s CCC, and an American colonel serves as the U.S. representative on the Senior Working Group.²³

The State Department has expressed some interest in facilitating bilateral (Arab-Kurd) operations once U.S. troops withdraw from Iraq;²⁴ while the State Department could perhaps play a role in the CCCs, U.S. diplomats would be ill-suited to join Kurdish and Iraqi security forces on armed patrols or at checkpoints, where disagreements on operations and tactics are most likely to lead to violence.

An outbreak of violence between Iraqi and Kurdish forces, particularly without U.S. forces serving as an on-site honest broker, is a real possibility. As the Defense Department stated in a report to Congress, while

[t]he establishment of Combined Security Mechanisms in the disputed territories appears to have reduced the potential for inadvertent clashes between IA [Iraqi Army] and Peshmerga forces . . . [i]n many disputed areas adjacent to the KRG—Ninewa, Kirkuk, and to

¹⁹ U.S. Congress, 112th Cong., Iraq: The Challenging Transition to a Civilian Mission, Hearing Before the U.S. Senate Committee on Foreign Relations, February 1, 2011 (reply by Amb. James Jeffrey to questions from Chairman John Kerry).

²⁰ RAND interview with a USF-I official, Baghdad, December 16, 2010. The involvement of military and police from both the central government and the KRG suggests that multiple Iraqi and Kurdish security organizations are likely to play a role in the region’s security after the withdrawal of U.S. forces. These variations could also impact the way in which the joint forces are perceived by local residents; for example, the local population of one ethnic community might view the deployment of military forces from the other side as a more aggressive measure than the deployment of police officers. We thank Joost Hiltermann of the International Crisis Group for pointing out this potential dynamic.

²¹ Response to a RAND request for information provided by U.S. military personnel affiliated with one of the regional Combined Coordination Centers, December 15, 2010; and Michael Hoffman, “Soldiers Prep Iraqis, Kurds to Work Together,” *Army Times*, February 23, 2011.

²² Response to a RAND request for information provided by U.S. military personnel affiliated with one of the regional CCCs, December 15, 2010.

²³ RAND interview with a USF-I official, Baghdad, December 16, 2010.

²⁴ U.S. Congress, 2011 (reply by Amb. James Jeffrey to questions from Chairman John Kerry).

a lesser extent, Diyala—tensions remain high between the Peshmerga and the ISF. Many of these areas are ethnically mixed and resource-rich, and both the KRG and GoI [government of Iraq] are attempting to assert security primacy in the absence of a clear political arrangement. Currently, it appears unlikely the IA or Peshmerga will intentionally instigate a military confrontation, preferring to negotiate acceptable results. However, as U.S. Forces depart, opportunities for miscalculation or provocation may rise.²⁵

It is widely believed among U.S. military leaders, staff officers, and analysts working on the Arab-Kurd issue in Iraq that the joint architecture is unsustainable without continued active U.S. participation in operations. Without significant U.S. involvement—and perhaps even with it, given enough time—Arab and Kurdish participants will eventually have a dispute that leads to violence, which will cause the mechanism to degrade or collapse. According to this line of thinking, unless and until politicians succeed in addressing the strategic challenges that destabilize the region, a U.S. military presence will be needed in northern Iraq to prevent such a breakdown.²⁶

Civilian-Oriented CBMs

To date, UNAMI has led the negotiation and implementation of most CBMs related to disputed internal boundaries, including CBMs related to both military and non-security matters. In June 2008, UNAMI presented to the government of Iraq, the KRG, and communal leaders an initial analysis of the myriad issues that divide communities in northern Iraq and recommendations for CBMs that could be undertaken to bridge these divides; the final report was presented in April 2009.²⁷ The effort was designed to “kick-start dialogue between the government and the KRG” by producing an analysis of 15 disputed regions that would provide a basis for discussions on long-term solutions.²⁸

Unfortunately, neither side embraced the UNAMI report. According to Anthony Cordesman of the Center for Strategic and International Studies, “the practical impact of the UN approach seems to be that it gave both sides a much more precise picture of what divided them without convincing either side that there were compromises they could accept or pushing them toward a single, workable solution.”²⁹ As a result, the UNAMI-sponsored CBMs

²⁵ *Measuring Stability and Security in Iraq: Report to Congress in Accordance with the Department of Defense Supplemental Appropriations Act 2008 (Section 9204, Public Law 110-252)*, June 2010b, p. 5.

²⁶ RAND interview with a USF-I official, Baghdad, December 21, 2010. It is conceivable that military personnel from the North Atlantic Treaty Organization (NATO) or a United Nations (U.N.) multinational force could substitute for U.S. troops, but—as stated elsewhere in this paper—the United States remains the most palatable third-party broker for both Arabs and Kurds.

²⁷ United Nations Security Council, “Report of the Secretary-General Pursuant to Paragraph 6 of Resolution 1830 (2000),” Document S/2009/284, June 2, 2009, p. 3. UNAMI reports have been released to the affected parties but have not been made publicly available. References to U.N.-sponsored CBMs are taken from United Nations Assistance Mission for Iraq, “UNAMI Matrix of DIBs Confidence Building Measures (CBMs),” Amman, Jordan, July 27, 2009 (DIBs are disputed internal boundaries), as well as from quarterly reports of the Secretary-General to the Security Council that describe key developments in Iraq, including activities of UNAMI and the Special Representative of the Secretary-General, and that were issued in 2010, specifically United Nations Security Council, 2010a, b, c, and d.

²⁸ Bartu, 2010, p. 1341.

²⁹ Anthony H. Cordesman, *Barriers to Reconciliation in Iraq: Tensions Between Sunnis, Shi'ites, and Kurds, and the Role of External Powers*, Washington, D.C.: Center for Strategic and International Studies, February 23, 2010, p. 10. The U.N. Secretary-General, in his July 2008 report to the Security Council, stated more diplomatically that “Reactions to the Mis-

have generated few concrete solutions. Furthermore, because the CBMs are meant to facilitate discussions on broad regional issues, the mechanisms they would create would be unable to de-escalate an imminent crisis between Iraqi and Kurdish security forces.

The Strengths and Limitations of CBMs

CBMs in and of themselves are not permanent solutions, nor are they the appropriate means to solve a conflict's most sensitive and emotional disputes. The primary goal for CBMs, writ large, is to preserve peace and security in the near term and create a security environment conducive to political negotiations by establishing mechanisms to eliminate potential flash points, avoid escalation, and resolve or de-escalate conflicts quickly. CBMs can also serve as mechanisms through which disputes can be managed over the long term by facilitating the regular exchange of information and by implementing verification measures to ensure that each party is meeting its commitments.³⁰

A key goal of CBMs is to build trust among political leaders and at the grassroots level so as to facilitate negotiated solutions. CBMs build this trust and reduce the risk of conflict by highlighting shared interests, increasing predictability, increasing transparency, offering reassurances regarding each party's intentions, and demonstrating good will.³¹ CBMs typically work both horizontally (to build ties across communities) and vertically (to build trust between governments and their populations).³² Finally, CBMs are a means for making all parties accountable for producing results and keeping the peace.

Most important, perhaps, CBMs demonstrate the value of negotiated settlements by generating concrete solutions on small-scale problems that are disassociated from the more contentious disputes that must be addressed at a strategic level. They take small steps forward rather than tackle intractable problems, and they involve no concessions that might prejudice future negotiations on larger-scale issues.³³

In some cases, CBMs' primary value is simply providing a venue for parties to engage each other rather than to solve a large-scale problem; if a conflict were to flare up, the channels of communication created by CBMs might be one of the best established—or even only—means of de-escalating tensions.

sion's first analysis reflected the sensitive nature of the issue" (United Nations Security Council, "Report of the Secretary-General Pursuant to Paragraph 6 of Resolution 1770 [2007]," Document S/2008/495, July 28, 2008, p. 3).

³⁰ Arms control treaties often establish complex mechanisms to ensure transparency and verification.

³¹ Johan Jørgen Holst, "Confidence-Building Measures: A Conceptual Framework," *Survival*, Vol. 25, No. 1, 1983, p. 3.

³² Ruth Allen and Kristen Griffith, *Lessons for Kosovo's Next Transition: An International NGO's Experience*, Portland, Ore.: Mercy Corps, Discussion Paper #1, February 2007.

³³ Ariel E. Levite and Emily B. Landau, "Confidence and Security Building Measures in the Middle East," *Journal of Strategic Studies*, Vol. 20, No. 1, 1997, p. 146. Levite, a senior Israeli official now affiliated with a Washington think tank, notes that CBMs'

incremental nature allows adversaries to accept confidence building measures even when the political basis for fundamental restructuring of the relationship between them is still missing. Their evolutionary nature, and focus on intentions, in turn, mean[s] that their adoption neither diminishes either side's security margins, nor, at least initially, does it require large and painful practical (as distinguished from psychological) adjustments on either side. Implementing them thus is not conditioned on the parties' willingness or ability to introduce profound changes in their security doctrines, force structures, or troop deployment, let alone on making painful reciprocal concessions.

All parties to CBMs should contribute some resources to fund and implement agreed-upon initiatives. Not only do such contributions ensure that all sides have “skin in the game” and thus some stake in success, but they also ensure that no one actor—by controlling the allocation of funds to one initiative over another—dominates CBM efforts or uses them to promote activities that primarily advance its own interests.

Northern Iraq is different in one critical respect from many situations in which CBMs have proven fruitful: In Iraq, the parties’ populations, security services, and governance structures are intimately intertwined. CBMs are typically (though not always) used to reduce tensions between parties that are physically separate from each other, such as China and Taiwan or India and Pakistan. Arms control treaties, many of which establish CBMs aimed at increasing transparency and ensuring verification, are concluded by sovereign states whose militaries are separated by international borders. CBMs designed to foster interaction among parties to a conflict, such as the multilateral elements of the Middle East Peace Process, promote interaction among governments of sovereign states or among private individuals who represent their countries’ civil societies. In northern Iraq, in contrast, the likelihood of conflict is increased by the fact that the affected populations are so close together that any agreement related to governance or resources will affect people from all sides. In this context, CBMs that *separate* the affected communities—say, by establishing parallel educational systems to provide instruction in all communities’ languages—may be as beneficial as CBMs that bring the parties together.

CBMs in other contexts have often created a linear process to solve one specific problem at a time; for example, arms control CBMs often involve declarations of weapons stockpiles, followed by demobilization of the affected systems, followed by verification. However, the combustible situation in northern Iraq, where an armed conflict could break out over a clash in any number of areas—from power-sharing to property disputes to police abuses to religious freedoms—argues for the simultaneous pursuit of CBMs on multiple fronts rather than an attempt to prioritize efforts.

Potential CBMs for Future Implementation in Northern Iraq

Security-Related CBMs

The current joint security architecture in place in Ninewa, Kirkuk, and Diyala governorates serves five primary objectives:

1. Build trust and confidence between the ISF and *peshmerga* so as to diminish the potential for force-on-force conflict.
2. Increase coordination between the ISF and *peshmerga* so as to limit the “seams” and “gaps” along the Green Line that can be exploited by terrorist and insurgent groups.
3. Create a process for adjudication of disputes regarding deployments and operations in the CSAs so as to decrease the risk that tactical disagreements will lead to the use of force.
4. Assure local populations, through joint patrols and checkpoints, that security and policing is non-ethnic and non-sectarian.
5. Provide the United States with access to and visibility into the CSAs so as to provide early warning of Arab-Kurd conflict and thus enable senior military and civilian leaders to help defuse crises before armed conflict occurs.

A number of mechanisms can be employed to achieve these objectives. Building trust and confidence between the ISF and *peshmerga* requires, first and foremost, interaction at the tactical level. Since December 2009, such a mechanism (in the form of CCCs) has included a U.S. presence. Ideally, enough trust and faith in the joint security architecture should have developed by the end of 2011 that this arrangement could be maintained by the parties—and even expanded—without the direct involvement of U.S. forces acting as on-scene arbiters. However, given that the joint security architecture will have been operating for only two years when the security agreement is set to expire, this may not be a viable option.

An alternative approach would be to transfer USF-I's intermediary role to another party, such as the U.N. or NATO, though these options come with significant drawbacks. A U.N. force is likely to be rejected by the Iraqi government as an infringement on its sovereignty, and many Iraqis have unfavorable views of the U.N. as a result of the Saddam-era Oil-for-Food program. Furthermore, neither U.N. peacekeepers nor a NATO force are likely to be viewed as having the will and capability to stop the use of force. Even if the central government and the KRG agree to a U.N. or NATO mission, U.S. forces would likely have to play a dominant role, as no other military force would be accepted by both sides as a neutral third party.³⁴

An independent multinational mission led by the United States—along the lines of the Multinational Force and Observers (MFO) in the Sinai—is a more viable option. A strong U.S. role would assuage Kurdish threat perceptions, while the creation of a multinational force would provide the Iraqi government political cover for the continued presence of U.S. forces after 2011.

The United States could also alleviate Kurdish fears of Iraqi aggression by linking future Foreign Military Sales (FMS) to Iraq—particularly of advanced systems, such as attack helicopters and fighter aircraft, which might dramatically change the balance of power between *peshmerga* and the ISF—to explicit Iraqi commitments that such equipment would not be used to settle internal disputes.³⁵ (Unless a reliable enforcement mechanism could be developed to compel Iraqi compliance, however, such a pledge is unlikely to alleviate KRG concerns that increased ISF capabilities represent a threat.) Arms sales to Iraq, which are estimated at \$2 billion a year,³⁶ will be an important point of leverage for the United States to advance its interests, including the mitigation of the potential for Arab-Kurd conflict.³⁷

CBMs between Kurdish and Iraqi forces hold the potential for alleviating the chances of conflict while also providing for the security of the disputed areas. This is particularly important given that insurgent groups have previously carried out large-scale bombings in these areas in an apparent attempt to fan ethnic and sectarian conflict. Establishing a no-man's-land or buffer zone between the parties—whether along the Green Line, the current de facto line of

³⁴ RAND interview with a USF-I official, Baghdad, December 16, 2010.

³⁵ Walter L. Perry, Stuart E. Johnson, Keith Crane, David C. Gompert, John Gordon IV, Robert E. Hunter, Dalia Dassa Kaye, Terrence K. Kelly, Eric Peltz, and Howard J. Shatz, *Withdrawing from Iraq: Alternative Schedules, Associated Risks, and Mitigating Strategies*, Santa Monica, Calif.: RAND Corporation, MG-882-OSD, 2009, p. 105.

³⁶ The \$2 billion figure was cited in a May 11, 2010, interview with an official from the Defense Security Cooperation Agency familiar with the Iraq case.

³⁷ It must be acknowledged that Iraqi government commitments to refrain from using U.S.-origin weapons systems against Kurds or other civilian populations are far from airtight, particularly because the central government can purchase advanced weaponry from other countries that would impose no such restrictions. A decision to secure such a commitment would require a delicate balance between imposing conditions that help assuage the Kurds' concerns without driving the government of Iraq to seek alternate suppliers.

control, or some other location—should be considered only as an option of last resort, because the absence of any security forces in such a “seam” or “gap” could be exploited by insurgent groups (as has happened before).

The current security architecture attempts to reassure local populations that policing is non-sectarian through the establishment of joint checkpoints and patrols, backed up by joint command and control. In theory, an Iraqi passing through such a checkpoint will be reassured by the presence of both Arab and Kurdish personnel, as well as of U.S. soldiers. The need for such joint operations is a reflection of the fact that ISF units in northern Iraq, which are dominated by Shi’a Arabs, do not reflect the ethnic and sectarian diversity of the local population. While the parallel tripartite security structure created to compensate for the ISF’s homogeneity is an effective near-term CBM, it undermines the long-term development of a national military that reflects Iraq’s ethnic and sectarian diversity.

As for potential early warning of Arab-Kurd conflict, there is no substitute for the situational awareness gained by having a U.S. presence on the ground in the contested areas. Should the current arrangement no longer be viable after 2011, the U.S. government will have to assess the extent to which the loss of this access can be mitigated through intelligence, surveillance, and reconnaissance capabilities; diplomatic representation; and temporary rotations of U.S. personnel into CCCs.

Civilian-Focused CBMs

The United States should support the continuation of U.N.-led CBMs to the extent they seem likely to promote intercommunal engagement and resolve local disputes. However, as the United States prepares to draw down forces, it should develop additional mechanisms that complement ongoing efforts to address local concerns. UNAMI and other third parties should be included when appropriate.

As stated, local-level CBMs and other grassroots initiatives cannot solve Iraq’s constitutional and political debates from the bottom-up; rather, they should foster a cooperative environment and trust between communities, provide benefits to all residents, and demonstrate to all Iraqis that discussion and compromise can lead to positive results. In this way, as the Defense Department asserted in a semiannual report to Congress, “[b]ottom-up approaches can reduce the risk of clashes in the near term, while fostering the conditions for national-level breakthroughs in the future.”³⁸

To facilitate success, however, such approaches must

- allow for sufficient local input to prevent local actors from being manipulated by broader political interests
- demonstrate quick, concrete progress on local issues to build support for CBM processes and to demonstrate that cooperation can generate positive results
- prevent initiatives from seeming to grant a “victory” to any one side and, if that is impossible, give each side something it can claim as a victory so as to “balance out” the results
- create shared responsibility for ensuring progress, possibly by assigning responsibilities to each community’s representatives and requiring them to report publicly on progress they have made

³⁸ *Measuring Stability and Security in Iraq*, 2010b, p. 5.

- ensure continued participation in established CBMs, as a party's withdrawal from one initiative might cause a domino effect and undo progress in other areas.

Specific CBMs could be designed to apply to Kirkuk municipality without prejudicing the long-term resolution of issues surrounding the status of the city and its residents. The implementation of local-level CBMs related to intercommunal relations or municipal governance could provide time for community leaders to alleviate ethnic/sectarian tensions, thus making it easier to reach a settlement at a future point in time. However, simply taking the issue of Kirkuk's status off the table will likely just prolong each side's efforts to gain advantageous positions; a decision to delay resolving the city's status would allow each side to establish new "facts on the ground"—whether demographic, military, political, or economic—with consequences that must be considered. The likelihood of such a dynamic argues against making Kirkuk a deferred "final status" issue at the national level.³⁹

CBMs could include a number of initiatives, described below, which are not fully addressed by ongoing U.N.-led talks. For the most part—in contrast to most of the security-related CBMs discussed earlier—these civilian-focused efforts are long-term undertakings; it will take time to build trust among adversarial communities, change the way the government conducts business, and resettle all those who were forced from their homes. However, part of their value lies in the fact that they can also demonstrate immediate successes that will bolster public support for continued engagement.

Create Local Institutions in Which Communities Share Power. Iraq's 2005 constitution created (however imperfectly) a variety of mechanisms for sharing power among ethnic groups and regional blocs. Provisions granting powers to the regions and governorates, guaranteeing minority rights, and dividing responsibilities among a series of executive and legislative entities (including a three-member Presidency Council) were designed to give each interest group a voice in the political process and a stake in new government institutions. Furthermore, in creating institutions to resolve disputes, Iraq's leaders committed to continue interacting with each other in the context of those institutions; their interactions require (and hopefully foster) some degree of trust and cooperation.

The establishment of power-sharing institutions at the local level would similarly give each community a role in local affairs and foster collaboration and trust. Such entities—which could be either elected or appointed—could assume authority for purely local or municipal matters that can be addressed without prejudicing future discussions on controversial (and highly politicized) topics relating to federalism or the legal status of the area in question.⁴⁰ Collaboration on such subjects as trash collection, business licenses, zoning, recreation facili-

³⁹ It is worth remembering that when an agreement on Kosovo's status could not be reached, the U.N. began developing state-like institutions required to provide day-to-day governance despite the fact that neither Serbia nor Russia had agreed to Kosovo's eventual independence. Although these entities addressed near-term administrative and governance challenges, the lack of unanimous support for the solutions implemented by the U.N. contributed to prolonged instability and the need for a long-term international presence in Kosovo.

⁴⁰ Highlighting the point that local-level activities can be separated from more controversial regional or national issues, the "Guiding Principles" governing the conduct of the trilateral CSM specify that local police in the CSAs can continue to undertake their normal duties without consulting with the CCC. By permitting local police this autonomy, Iraqi and KRG leaders have separated the routine aspects of municipal policing from the more contentious issue of whether the affected area falls under the security jurisdiction of Baghdad or Erbil. (Information on CSM Guiding Principles was provided in a RAND interview with a USF-I official, Baghdad, December 16, 2010.)

ties, and other issues related to local governance—and having no connection to ethnicity or to higher-stakes national political issues—would provide a mechanism through which disputes between communities can be resolved.⁴¹

Such political power-sharing is likely to facilitate positive interactions at other levels of government, which can build on local authorities' successes and further institutionalize intercommunal collaboration. As political scientists Caroline Hartzell and Matthew Hoddie have written, “long-term stability seems to depend on groups having learned to transact with one another and perhaps having even developed new rules of conflict management on the basis of their interactions.”⁴²

Foster Intercommunal Civil Society. CBMs must encourage intercommunal interactions at several levels of society. In addition to fostering trust and collaboration, such efforts help prevent residents' separation into even more homogenous enclaves, which would create (perhaps literally) a defensively oriented fortress mentality within each group. Such CBMs could include

- cultural events involving multi-ethnic academics, religious leaders, artists, etc.
- the creation of local business associations that would attract businesspeople of different ethnicities who share commercial interests or concerns
- discussions involving editors from regional media outlets that would secure commitments to eliminate inflammatory rhetoric from their reporting
- the creation of multi-ethnic youth groups, such as scouts, that gather young people of all backgrounds for activities of common interest.

Address Displacement at the Human Level. At a humanitarian level, communities in northern Iraq can do much to alleviate the suffering of their fellow Iraqis without compromising their positions regarding territory, property, or the right of displaced people to return to their former places of residence. The United States can continue or develop CBMs that encourage local leaders to

- commit to a practice of non-discrimination in registering internally displaced persons (IDPs)
- agree to create a more efficient process for considering property claims
- define criteria for claiming residency in Kirkuk and other disputed areas that take into account both current status and historical property claims.

Develop Interim Solutions for Oil Exploration and Revenues. Issues surrounding sovereignty over oil-rich territory and the division of oil revenues will require resolution at the national level, as the question of who controls and manages Iraq's natural resources is integral to the debate over federalism. In the meantime, however, both KRG and central government leaders are eager to exploit these resources and earn much-needed revenue. Both entities have entered into contracts with multinational oil companies, but large-scale commercial invest-

⁴¹ In areas where the population is segregated into extremely homogenous ethnic enclaves, it would be more difficult to address even these issues in isolation from ethnicity; in such areas, for example, a zoning regulation permitting a certain type of business in a specific neighborhood would affect (for better or worse) the single ethnic group that lives there.

⁴² Caroline Hartzell and Matthew Hoddie, “Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management,” *American Journal of Political Science*, Vol. 47, No. 2, April 2003, p. 320.

ment is inhibited by the lack of clarity regarding the respective authorities of the KRG and the central government.

The United States can facilitate discussions designed to reach an interim agreement on oil resources without addressing long-term issues of sovereignty and control. An intercommunal forum on energy resources could be created to develop procedures that would govern the issuance of contracts, division of revenues, and management of resources until a broader resolution is reached. Such an interim agreement, if seen as successful by all parties, could serve as the basis for later negotiations on a long-term solution.

Protect Minority Rights. The United States should pursue CBMs that ensure minorities feel both safe and enfranchised. A range of CBMs could be pursued in this area; a number are already being pursued by UNAMI:⁴³

- The Committee on Ethnic and Religious Communities established by the U.N. under the Ninewa dialogue process should continue to operate. This committee should reach out to multiple parties or factions in each ethnic/sectarian group to prevent individuals or organizations with limited constituencies from appointing themselves as the primary representatives of a broader community (or, worse, from being nominated as such by another group that hopes to manipulate the process).
- The United States should support the continuation of U.N.-moderated dialogue on KRG arrests of minorities in disputed areas, conditions in Kurdish detention centers, and the status of missing persons.
- Discussions should address the development of new protections for minority cultural sites and languages and funding to support such initiatives.
- Both the central government and the KRG should pledge to protect freedom of expression (so as to identify government abuses and serve as a check against government power).
- All sides should publicly pledge to guarantee freedom of religion. While U.N.-moderated CBMs include efforts to establish a pilgrimage budget and guarantee safe passage for Yazidi and Shi'a pilgrims, they should also address the need for security at religious sites and funding for programs undertaken by each sect.

Longer-Term Recommendation: Increase Government Transparency. To encourage more efficient and honest government, and to demonstrate that government entities are not working to strengthen or undermine the position of any particular communal group, CBMs should be established to make regional and local government more transparent. With sustained foreign-provided training to develop administrative capacity, regional government organizations, under monitoring by representatives of the region's major communities, could

- develop clear regulations and procedures to prevent waste, fraud, theft, discrimination, and abuse by government employees
- create, after agreeing on levels of troops and military equipment that both the ISF and *peshmerga* can deploy in disputed areas, a mechanism that would allow each side to verify deployments through inspections
- agree to submit government actions to outside scrutiny (e.g., by foreign auditors, a multi-ethnic local commission, or representatives of the judiciary).

⁴³ See United Nations Assistance Mission for Iraq, 2009. See also United Nations Security Council, 2010d.

To deter government employees from violating such rules, it will be necessary to build prosecutorial and judicial capacity that presents a real prospect of penalties for non-compliance. While such a long-term goal is itself a major objective of U.S. development assistance, the United States may wish to focus its judiciary-related programs on efforts that enhance accountability—and thus public trust—in government.

Potential Models: Lessons Learned from Past Experience with CBMs

While every CBM is context-dependent, parties in many earlier conflicts have used CBMs to address the interests and emotions underlying disputes over territory, governance, security, and resources. Below is a description of CBMs used in other conflict resolution efforts that may be worth considering as models for efforts to address tensions in northern Iraq; examples are drawn from the Sinai MFO, the United Nations International Force in Lebanon (UNIFIL), the Israeli-Palestinian peace process, and Northern Ireland negotiations.

Utility of International Observers

The creation of an international observer mission is an intrusive, though mutually reassuring, CBM; if either side fails to meet its obligations, neutral outsiders will report it. However, international observers often have little influence. Their reports frequently fail to generate the external pressure needed to force compliance, particularly if the mission's objectivity is called into question by one (or more) of the parties to the dispute (as happened with UNIFIL).

Furthermore, once established, an outside observer mission is difficult to end. Such entities remain in place in Lebanon (UNIFIL), the Sinai (MFO), Kosovo (Organization for Security and Cooperation in Europe and the European Union), and other locations long after the conflicts in question have settled into a stalemate. In Hebron, tensions remain high enough that the *Temporary International Presence in Hebron* (TIPH)—an international observer mission established in May 1994 to monitor the Israel-Palestinian agreement on Hebron—remains in place 17 years later.⁴⁴ International observers' presence, by keeping a lid on tensions, may even prolong the conflict by removing the impetus for the parties to resolve their dispute.

In addition, unless all parties agree on the legitimacy of an international monitoring mission, monitors will need sufficient military capabilities to keep the parties apart by force. The existing U.S. troop presence is sufficient to separate the ISF and *peshmerga*, but the international community is unlikely to create a monitoring mission—either civilian or military—that would have the requisite military capabilities.

Joint Security Operations

The ISF and *peshmerga* might be able to operate jointly without a U.S. presence. Under the Oslo Accords, joint Israeli-Palestinian patrols operated in areas designated for eventual transfer to the Palestinian Authority. In Iraq, where the trilateral Golden Lion unit already conducts joint operations in disputed areas, the U.S. military may wish to increase its provision of train-

⁴⁴ In March 1994, Israel and the Palestine Liberation Organization agreed to establish an observer mission in Hebron after an Israeli settler killed 29 Muslims and wounded 125 at the Cave of the Patriarchs. Patrols started in May 1994, but because of disagreements over the renewal of TIPH's mandate, observers left after three months and did not return until May 1996. See Temporary International Presence in the City of Hebron, "The Establishment of TIPH," web page, undated.

ing and exercises to the Golden Lions so they can sustain, improve, and possibly even expand their activities after U.S. troops withdraw.⁴⁵

Separation of Forces

Past negotiations have separated security forces to reduce the risk of conflict. The MFO, for example, acts as a buffer between Israeli and Egyptian forces and verifies that each army adheres to its commitments on force deployments. However, in northern Iraq the populations are far more mixed than they were in the Sinai, where Israelis were concentrated in a few isolated settlements. Similarly, in Hebron, Israeli and Palestinian security forces were separated into distinct zones in which each had full jurisdiction. Separation failed to de-escalate the conflict, however; the presence of Palestinian Authority forces led Israel to strengthen defenses in the Jewish enclave, leading to further militarization of the conflict.

In Iraq, the separation of Arab and Kurdish forces would likely result in ethnic communities retreating into enclaves; militarization of the communities, ostensibly for their self-defense; and creation of “seams” in which extremists might be able to operate with little interference from any security force. Furthermore, separating the forces would also require the KRG to remove its intelligence and paramilitary security forces from certain areas, which local Kurdish communities would likely oppose.

Manifestations of Sovereignty

One of the reasons why the Kurds want to extend or codify their jurisdiction within the disputed areas—particularly in Kirkuk, which Kurds often refer to as the “Kurdish Jerusalem”⁴⁶—is a desire to reverse the discrimination and abuses they suffered at the hands of Saddam Hussein. It will be difficult for Kurdish leaders to make concessions on issues that are so personal and emotional for an entire generation of Kurds, and some Kurds will refuse to renounce territorial claims no matter what is offered in exchange. Similarly, some Arab officials will refuse to offer territorial concessions on Kirkuk for fear that the Kurds will simply declare independence and take the city and its oil with them.

As a potential compromise, the parties may wish to sidestep questions of sovereignty—a legal concept that can arouse passionate nationalistic sentiments—in order to implement practical, yet mutually face-saving, solutions. Describing the challenges of negotiations regarding Jerusalem, the legal scholar David Guinn writes,

[t]he idea of sovereignty has become greater than the practical implications of sovereignty. Fraught with emotion, it has become symbolic of nationhood and national character. Leaders may concede certain important features of traditional understandings of sovereignty,

⁴⁵ On April 24, 2011, the Senior Working Group approved the expansion of the Golden Lion company in Kirkuk to a bilateral Golden Lion battalion devoid of U.S. forces and established along a bilateral command structure with leadership positions manned by Iraqi Army, Kurdistan Regional Guard Brigade, and Iraqi Police. Correspondence with authors from a USF-I official, May 29, 2011.

⁴⁶ The recent statement by Iraqi President Jalal Talabani, a Kurd, to this effect generated outrage in Arab and Turkmen communities, whose leaders demanded that Talabani apologize for his remarks. See “MPs Collecting Signatures to Question Talabani,” *Aswat al-Iraq*, March 12, 2011.

such as exclusive control over the territory, so long as they do not have to surrender the *idea* of holding sovereignty.⁴⁷

In seeking a solution to Kirkuk, Baghdad and Erbil may consider permitting one side outward symbols of authority (a core interest for both) while establishing actual governance structures that integrate Kirkuk into the other side's administrative apparatus (another core interest). A solution along these lines was developed during Israeli-Palestinian negotiations over Gaza. While the Palestinian Authority wanted to demonstrate its sovereignty to travelers crossing from Egypt into Gaza, Israel insisted on maintaining control over security. The solution was a border crossing manned by Palestinian Police with Israeli officials conducting their own security checks from a remote location. The Palestinian Authority could thus present itself as wielding authority over the border crossing, while Israel could address its security requirements. The question of legal sovereignty took a back seat to the development of practical measures that addressed both sides' primary interests.

Clear Mandate to Negotiate

With so many ethnic, sectarian, and political factions in Iraq, it is difficult for any communal leader to claim a definitive mandate to negotiate on behalf of his community; yet no party wants to negotiate with a counterpart who does not authoritatively represent—and thus cannot deliver—his own side. Each community must resolve its internal divisions and then empower a small negotiating team that represents all significant constituencies and that has unambiguous authority to negotiate on their behalf.⁴⁸ In efforts to resolve the Northern Ireland conflict, robust negotiations became more feasible once Sinn Féin's Gerry Adams and Unionist leader John Hume sidelined fringe groups within their respective constituencies, thereby improving their ability to deliver on promises and increasing their credibility at the negotiating table.

Unfortunately, the factions within each community are only likely to unite if they conclude that they stand to gain more by banding together than if they continue to battle each other for primacy within their respective ethnic/sectarian group. In this respect, outside parties such as UNAMI, the United States, and Turkey could be instrumental in forging intra-communal collaboration.

Post-2011 Transition

It is clear that even after the withdrawal of U.S. forces, one or more trusted third-party mediators will be needed to continue the negotiation and implementation of both local confidence-building measures and longer-term national solutions. RAND researchers examining the risks of withdrawing U.S. troops concluded in early 2010 that, “[b]etween Kurds and Arabs in particular, there is no substitute for a third party trusted by both that can remain for a relatively long time.” Whatever entity plays this role, the RAND researchers continued, “given current conditions in Iraq, this third party should offer at least some military presence in contested

⁴⁷ David E. Guinn, *Protecting Jerusalem's Holy Sites: A Strategy for Negotiating a Sacred Peace*, Cambridge: Cambridge University Press, 2006, p. 73. Emphasis added.

⁴⁸ Stefan Wolff, “Governing (in) Kirkuk: Resolving the Status of a Disputed Territory in Post-American Iraq,” *International Affairs*, Vol. 86, No. 6, 2010, p. 1369.

areas⁴⁹ in order to prevent Iraqi and Kurdish forces from clashing with each other when tensions run high.

Many entities could, theoretically, play this role. The U.N. will continue leading a wide range of CBMs among Arabs, Kurds, and Turkmen in the north after U.S. forces leave. The United States should support the continuation of these CBMs, as any initiatives that can address local differences peacefully help prevent such disputes from escalating to a point at which the use of force may be considered. However, the U.N. is not equipped to be the primary arbiter of security-related disputes, nor does it have sufficient credibility with all sides in Iraq to play such a role. Unless U.N. mediators can call on an armed force to intervene, they will have little ability to prevent an emotional incident from escalating into violence. As the U.N. Security Council is not likely to establish a peacekeeping mission in northern Iraq without a request from the government of Iraq and a commitment by the United States to provide forces, U.N. officials are poorly positioned to be the sole outside guarantors of a shaky peace.

Other international organizations, such as the Organization of the Islamic Conference or the Organization for Security and Cooperation in Europe, might be able to play some role in bringing Arab, Kurdish, and Turkmen communities together, as could individual countries widely seen as neutral, such as Switzerland or Sweden. They, too, however, lack the ability to deploy a military force that could prevent the outbreak of armed hostilities, and they lack the political clout to keep the lid on tensions through diplomacy alone.

The United States, which has the political and military might to deter and de-escalate hostilities, is the only entity positioned to serve as an effective honest broker between the Arab and Kurdish communities on matters related to security. It is generally trusted by all parties in northern Iraq, even though many Arabs and Turkmen remain suspicious that the United States, which supported the Kurds during the latter decade of Saddam Hussein's rule, harbors sympathies for Kurdish aspirations. On the other hand, because of its long history of interacting with northern Iraq's leaders and communities, and because of its ability to offer a wide range of incentives and disincentives to facilitate political and economic solutions, the United States—unlike the other possible mediators mentioned—is well-positioned to arbitrate disputes *without* a large military presence on the ground. Should such arbitration fail, however, violence would become much more likely in the absence of U.S. troops.

The United States may therefore wish to develop a framework that would allow—with the agreement of the government of Iraq and the KRG—either an enduring U.S. troop presence or frequent, temporary deployments of U.S. troops into northern Iraq for joint training and exercises. Given that both the ISF and *peshmerga* see value in the tripartite Golden Lion unit, one option may be to rotate U.S. forces into the region for combined training with the Golden Lions pursuant to a U.S. Central Command exercise program.

While the United States could mediate between Arabs and Kurds for a long time, indigenous Iraqi entities will eventually need to take over the process of dispute resolution in northern Iraq, particularly on local-level questions like policing and property claims. To advance this goal, the United States may wish to focus its development and military aid on initiatives that will build Iraq's capacity to resolve these disputes, such as the creation of a capable, independent judiciary.

⁴⁹ Gompert, Kelly, and Watkins, 2010a, p. 53.

U.S. engagement with northern Iraq communities will need regular input from U.S. officials located at the U.S. embassy in Baghdad, at the planned U.S. consulate in Erbil, and/or at the planned embassy branch office in Kirkuk.⁵⁰ Foreign Service or military officers can be designated to liaise with all parties and report on the implementation of CBMs related to security, minorities, energy, governance, IDPs, and other issues. To convey to the parties that long-term peace and security in northern Iraq remain top priorities for the United States, the State Department may want to designate a senior official—a special envoy or deputy ambassador—charged specifically with advancing reconciliation in northern Iraq.⁵¹

One of the United States' most important goals in northern Iraq should be to keep the parties talking at all levels, as dialogue often dispels suspicions, builds trust, and provides mechanisms to deter and de-escalate conflicts. As RAND researchers wrote in 2009, "U.S. drawdown and risk-mitigation policies should focus primarily on keeping the major actors in the political process and preventing them from wanting to use force."⁵² The United States can use a wide range of incentives—from development assistance to military training to security guarantees—to encourage the parties to continue talking.

December 2011 may be an end point for the U.S. military, but the Arabs, Kurds, and Turkmen of northern Iraq will continue to experience intercommunal tensions for a long time to come. The United States should therefore not attempt to push through settlements, regarding either local disputes or strategic differences, in order to have "peace" in place before the U.S. military's departure. Any agreement forced upon the parties in order to meet an arbitrary deadline will eventually fail without the commitment of the parties involved.⁵³

That said, the United States must continue to impress upon Iraq's political leaders the reality that delays have dangerous ends. Both sides have incentives to drag out disputes over federalism, hydrocarbons, and other outstanding political questions. Kurdish leaders hope that favorable demographic trends will strengthen their position over time, as will revenues from whatever energy contracts they are able to conclude themselves. For its part, Baghdad seems to believe that improvements to Iraqi Army capabilities will deter armed conflict and prevent the KRG from seceding.

The Bottom Line: CBMs and Continued U.S. Engagement Are Necessary, But Not Enough

CBMs can help minimize the impact of local-level disputes arising from citizens' concerns about threats to their personal security, perceived inequality in delivery of government services, infringements on their cultural or religious practices, and economic matters at the level of families or small businesses. These are the issues that most affect the daily lives of Arabs, Kurds

⁵⁰ Michael R. Gordon, "Civilians to Take U.S. Lead as Military Leaves Iraq," *New York Times*, August 18, 2010.

⁵¹ The State Department has previously assigned senior career diplomats as special envoys charged specifically with mitigating Arab-Kurd tensions. However, as embassy-based advisors to the U.S. ambassador (and with limited time in the position), they had insufficient clout to secure compromises on significant policy questions. A senior-level envoy with high-level support in Washington would have greater ability to facilitate discussions, identify potential compromises, and keep a negotiating process moving.

⁵² Perry et al., 2009, p. xxiv.

⁵³ Perry et al., 2009, p. 104.

and Turkmen in northern Iraq. (UNAMI, in its April 2009 report, noted that residents of the disputed areas “are more focused on the ‘day-to-day aspects of normalization’ than the grand bargains being pursued at the national level.”⁵⁴) CBMs can help prevent these community-level conflicts from exploding into violence or being manipulated by national politicians for political gain.

But with or without CBMs, these small-scale problems will continue to fester as long as the overarching national disputes remain unresolved. Citizens will continue to feel threats to their security until Baghdad and Erbil agree on a security architecture that specifies the responsibilities of Kurdish and Iraqi security forces and ensures that all ethnic and sectarian groups are represented in both security forces and local police. Non-Kurdish residents of the north will see (and resent) discrimination in the provision of services until a political process is developed that gives them a voice in local government administration. Property disputes will remain an irritant until the process of “normalization” is defined and completed. CBMs can mitigate—but not resolve—these overarching challenges.

CBMs and other mechanisms can help keep tensions in check in the short term, but the prospect of Arab-Kurd conflict will continue to be a threat to Iraq’s stability until the parties resolve the underlying political, economic, and demographic disputes. The longer it takes Iraqi leaders to do so, the longer the United States and the international community must remain engaged to keep a lid on local-level tensions—and the more likely it is that a local dispute will spark a regional or national conflagration that destabilizes all of Iraq.

⁵⁴ Michael Knights with Ahmed Ali, *Kirkuk in Transition: Confidence Building in Northern Iraq*, Washington, D.C.: Washington Institute for Near East Policy, Policy Focus #102, April 2010, p. 38.

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