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**THE FUTURE OF KIRKUK:
THE REFERENDUM AND ITS POTENTIAL
IMPACT ON DISPLACEMENT**

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*NEW SECURITY DEVELOPMENTS AND
DISPLACEMENTS IN IRAQ*

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BACKGROUND

In an effort to contribute to greater understanding of the complexities of Iraqi displacement, the Brookings-Bern Project on Internal Displacement issues occasional reports on the Iraqi political situation as it relates to displacement. This paper focuses on the future of Kirkuk, an oil-rich area from which large numbers of Kurds, Turkmen and others were expelled during the Saddam Hussein regime and where a referendum is to determine its future. Subsequent reports will address relations between Northern Iraq and Turkey and their implications for displacement, prospects for return of Iraqi refugees and IDPs, and other issues as they emerge.

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The Kirkuk Referendum

Onlookers watched and waited as the deadline for a Kirkuk referendum passed on December 31, 2007. Often described as the next “powder keg” in Iraq, the issue of Kirkuk’s status has gripped the nation, its neighbors, and the international community. Kirkuk is the most hotly-contested of Iraq’s disputed territories, because of both its tortured history and what it represents in the “new” Iraq. Much of the current discussion around Kirkuk’s status is focused on the proven oil reserves there. Some observers, Ankara most significantly, believe that the Kurdish region’s potential to thrive independently of Baghdad will be determined to a great extent by its access to Kirkuk’s oil resources. If the Kurdish Regional Government (KRG) does win control, so the theory goes, Turkey, Syria, and Iran could eventually be faced with a more robust Kurdish entity in their backyards. However, access to and management of Kirkuk’s oil wealth will continue to be debated until the country can agree on a new oil and gas law. Probably more critical to Iraqis is that Kirkuk is home to multiple communities in Iraq, several of whom were systematically expelled from the region under the Ba’ath regime. Since the regime’s collapse, many of these families have returned to the demographically-altered province, and new patterns of displacement are emerging. There are multiple and competing visions for Kirkuk among its Kurdish, Arab, Turkmen, and Christian inhabitants. The referendum, and subsequent determination of the Kurdish region’s borders, will likely impact both the shape and character of a future Iraq.

The referendum is of consequence because it is linked to the expulsions and forced population transfers conducted by the previous regime. The disputed territories, stretching from Khanaqin in the east – through Kirkuk and Mosul – all the way to Sinjar in the west, are sites of untold violence and human rights abuses. This “mixed-population belt”¹ was a target of Saddam Hussein’s Arabization campaigns and Operation Anfal, both of which sought to permanently alter the ethnic demographics of these oil-rich lands. During the Arabization campaigns, some 250,000 Kurds and other non-Arab minorities were displaced from this territory and replaced by Arabs from central and southern Iraq. The Operation Anfal of 1988 was an ethnic cleansing campaign in which 100,000 Kurds were killed and other hundreds of thousands were rendered homeless.² The program of Arabization continued in Kirkuk until the eve of the Ba’ath regime’s toppling; throughout the 1990s, Kurds and other non-Arab Kirkukis continued to face harassment and pressure to change their ethnic identity and join the Ba’ath party.³ During this period, 120,000 persons were driven out of Kirkuk and other territory under Baghdad’s control.⁴

¹ International Crisis Group, “Iraq and the Kurds: The Brewing Battle over Kirkuk,” *Middle East Report*, no. 56, 18 July 2006.

² David Romano, “Whose House is this Anyway?: IDP and Refugee Return in Post-Saddam Iraq,” *Journal of Refugee Studies* Vol. 18, No. 4, 2005.; “Iraq: Forcible Expulsion of Ethnic Minorities,” Human Rights Watch, Vol.15, No.3, March 2003. Human Rights Watch, “Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq,” Vol. 16, No. 4, August 2004.

³ Human Rights Watch, “Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq,” Vol. 16, No. 4, August 2004.

⁴ Ibid.

The status of Kirkuk is significant in that Kirkuk is a heavily populated, multiethnic region, teetering on the brink of turmoil, and straddling the country's ethno-linguistic fault line. Failing to reconcile the competing interests and property claims in Kirkuk and other disputed territories and failing to establish a system of compensation for expelled Kurds, Turkmen, and Christians, could lead to further destruction and chaos in a country where one out of six people has already fled his or her home.⁵ If hostilities continue to intensify in Kirkuk, massive displacement and ethnic homogenization could materialize, along the lines of what occurred in Baghdad post-February 2006. This is an area with a violent history of dislocations, settlements, and returns, in a governorate that has been redrawn to facilitate gerrymandering and ethnic exclusion. The politics of demographics is not a new phenomenon to Kirkuk, but it continues to impact conditions on the ground and political developments at the highest level. The on-going struggle for Kirkuk cannot be understood except in the context of the country's human security and historic patterns of displacement.

Origin of Article 140⁶

Today, there is a significant gap between *de facto* and *de jure* Kurdish-controlled territory in Iraq. The legal Kurdish region, as controlled by the Kurdish Regional Government (KRG), is technically comprised of only the three northern governorates – Dahuk, Erbil, and Sulaymaniyah. However, the Kurdish population, and KRG territorial claims, spill into parts of the governorates of Ninewa, Salah al-Din, Kirkuk, and Diyala. The origin of Article 140 dates back to 2003 and the first efforts to create a temporary national law. Following the collapse of the Ba'ath regime, Kurds endeavored to address this issue in Article 58 of the interim constitution, the TAL (Transitional Administrative Law). Article 58 calls on the Iraqi Transitional Government (ITG), in coordination with the Iraqi Property Claims Commission (IPCC), to “act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality.”⁷ The law then outlines steps for normalization including the return of IDPs, compensation for lost property, and the reversal of border alterations. Lastly, it states that the status of disputed territories shall not be determined until after the above measures are executed, a census is held, and a permanent constitution is ratified.⁸

⁵ Karen DeYoung, “Balkanized Homecoming,” *The Washington Post*, 16 December 2007.

<http://www.washingtonpost.com/wp-dyn/content/article/2007/12/15/AR2007121501921.html?hpid=topnews>

⁶ This was formerly Article 136, according to a draft version of the constitution. In the final version, which passed by referendum in October 2005, it is Article 140.

⁷ Law of Administration for the State of Iraq for the Transitional Period (a.k.a. Transitional Administrative Law or TAL). The Coalition Provisional Authority, 8 March 2004. <http://www.cpa-iraq.org/government/TAL.html>

⁸ Ibid.

The decision to hold referenda clarifying the governance of these disputed areas is officially stated in the new Iraqi constitution of 2005. Article 140 upholds the TAL's Article 58, calling for a three-step process in Kirkuk and other disputed territories involving "normalization," to be followed by a census, and finally a referendum "to determine the will of their citizens."⁹ The text is ambiguous on a host of issues, providing ample justification for delay among those who oppose the referendum. The Committee to Implement Article 140 of the Constitution, established by Prime Minister al-Maliki in August 2006, has done little in the way of sorting through the technical and procedural confusion.¹⁰ The lack of clarity on these aspects of the referendum is one of the factors said to be slowing down the article's implementation. For example, other than Kirkuk, it is not apparent which areas are in fact eligible for referenda, given that the constitution does not define "disputed territories." Secondly, it is unclear what would be the potential outcomes of a Kirkuk referendum. While some see the decision as a black and white choice to either join the Kurdish region or to stay under Baghdad's control,¹¹ others envision multiple options for voters, including the option of a stand-alone federal region and even the possibility of special status for Kirkuk (formerly Tameem) Governorate or Kirkuk City.¹² There is also controversy as to the voting boundaries: would there be a province-wide referendum in Kirkuk Governorate or would referenda be held on a district-by-district level? Finally, another major point of contention is the issue of voter eligibility. As we have seen in other planned referenda (Nagorno-Karabakh and Western Sahara come to mind), a disagreement over eligibility or registration could prevent a vote for years, if not indefinitely.

Article 140 is arguably the product of a larger bargaining process between the Kurdish and Shi'a blocs in parliament. Indeed, Nathan Brown notes that the legislation "represents a compromise." He explains: "Kurdish leaders wished to have the provisions of the TAL's Article 58 implemented before the constitution was adopted, believing that this would further Kurdish claims to Kirkuk. [...] The Kurdish leadership finally gave way in not insisting on immediate implementation, but they gained a promise that it

⁹ Article 140 reads as follows: *First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law. Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007.* (Iraqi Constitution, 2005. http://trade.gov/static/iraq_newconstitution.pdf)

¹⁰ "Iraq and the Kurds: Resolving the Kirkuk Crisis." International Crisis Group – Middle East Report No. 64, 19 April 2007.

¹¹ See, for example, Laura Frayer, "Power-Sharing Ends Northern Iraq Dispute," *The Washington Post*, 4 December 2007.

¹² See Haidar Ala Hamoudi, "A Modest Proposal on Kirkuk," *Jurist*, 20 December 2007. <http://jurist.law.pitt.edu/forumy/2007/12/modest-proposal-on-kirkuk.php>; David L. Phillips, "Power-sharing with Iraqi Kurds," Center for Preventive Action and Council on Foreign Relations, 10 June 2004. <http://www.american.edu/cgp/iraq/PhillipsAUPaperonPowerSharing.doc>

would be implemented expeditiously.”¹³ The Kurdish-Shi’a alliance forged in March and April 2005, a few months after January’s historic National Assembly elections, was initially motivated by the Shi’a UIA (United Iraqi Alliance)’s need for a two-thirds majority to appoint the president and two vice presidents.¹⁴ This alliance also created a new framework for discussing the issue of Kirkuk’s status. The return of displaced Kurds to Kirkuk as well as other aspects of Article 140 became central to negotiations in the lead-up to the National Assembly’s forming a government.¹⁵ Still, its final incorporation into the current constitution required further bargaining. The ICG calls Article 140 a “backroom deal” struck in the final drafting of the constitution, noting that it was added “in exchange for language that would allow emergence of a Shiite ‘super’ region in the south.”¹⁶ Fear remains that, if Article 140 is not implemented, Kurds may withdraw from the coalition government.

Geopolitical Significance of Kirkuk

Kirkuk Governorate is diverse and religiously and ethnically mixed, as is Kirkuk City. The governorate’s capital, Kirkuk City, is a major oil hub and the fourth-largest city in Iraq with a population of around one million. Home to Kurds, Turkmen, Arabs, and various ethnic Christian communities, competing claims to territory and leadership abound.¹⁷

Kurdish Claims

Kurds have a deep historical and emotional attachment to Kirkuk City, viewing it as a Kurdish town, and one that will be the future capital of the Kurdish region. Iraq’s Kurdish president, Jalal Talabani, has gone as far as calling Kirkuk “our Jerusalem”¹⁸ demonstrating the centrality of Kirkuk to Kurdish history and the Kurds’ national story. The Kurdish narrative and claim to Kirkuk draws in part on the violence and oppression suffered under the Ba’ath regime. For Kurds who were displaced from Kirkuk as victims of state-sponsored violence, the ousting of Saddam Hussein presented an opportunity to reclaim their homes. Thus, returning to the city from which they were violently expelled holds some element of social justice.

¹³ Nathan J. Brown, “The Final Draft of the Iraqi Constitution: Analysis and Commentary.” Carnegie Endowment for International Peace, 16 September, 2005.

<http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17423>

¹⁴ Edward Wong, “A Kurd is Named Iraq’s President as Tensions Boil,” *The New York Times*, 7 April 2005.

¹⁵ Edward Wong, “Attacks Continue in Iraq; Kurdish and Shiite Parties Seek Coalition,” *The New York Times*, 13 March 2005; Matthew B. Stannard, “Kurds, Shiites agree to resolve fate of Kirkuk,” *The San Francisco Chronicle*, 11 March 2005, p. A-1; Charles Recknagel, “Iraq: Parties Deadlock in Efforts To Agree On New Leadership,” Radio Free Europe/ Radio Liberty, 9 March 2005.

¹⁶ “Iraq and the Kurds: Resolving the Kirkuk Crisis.” International Crisis Group – Middle East Report No. 64, 19 April 2007.

¹⁷ For more, see “Iraq and the Kurds: The Brewing Battle over Kirkuk,” International Crisis Group - Middle East Report No. 56, 18 July 2006.

¹⁸ “The Other Jerusalem,” *The Economist*, 4 April 2007.

http://www.economist.com/world/africa/displaystory.cfm?story_id=8976641

Kirkuk's Oil Wealth

As mentioned previously, oil wealth and oil production capacity in the disputed territories are central to the discussion of who will control these areas. The exact amount of oil resources is disputed, but the US Energy Information Administration (EIA) says that roughly 20% of the country's oil reserves are along the north's populous ethnic fault line – “near Kirkuk, Mosul, and Khanaqin.”¹⁹ The Kirkuk oilfield alone holds an estimated 10 billion barrels²⁰ (of Iraq's 115 billion barrels) and its pre-war production hit an impressive peak of 680,000 bbl/d (barrels per day). Since the start of the US-led war in 2003, production has dropped to around 200,000 bbl/d. The EIA attributes this to reservoir damage and shut-down export routes.²¹ There is some controversy regarding the extent of the damage which some analysts blame on “poor reservoir management” under the former regime.²² Another post-war development is that, since 2003, exporting Kirkuk oil has become precarious and at times impossible due to frequent attacks on the Kirkuk-Ceyhan pipeline. An observation from May 2007 states that the pipeline “is attacked so often when it dips into Sunni areas it's considered inoperable.”²³ However, there have been improvements in recent months, contributing to an overall rise in Iraq's exports.²⁴

Since their discovery in 1927, the oil reserves in Kirkuk have considerably increased the region's significance within Iraq. Despite the above and below-ground obstacles to production and export, the presence of oil feeds the perception that Kirkuk is a “prize” to be won. Baghdad is loath to see this field controlled by the KRG, while Iraqi Kurds are determined to re-claim the historically Kurdish lands. While many Kurdish leaders deny that Kirkuk's oil wealth is a factor in their decision to pursue a referendum, Baghdad and Ankara worry about its impact on the future of Iraqi Kurdistan. Without this territory, a federal Kurdistan may not have the economic might to push for greater autonomy – it would instead be weak and highly dependent on Baghdad and its neighbors. On the other hand, with Kirkuk's oil revenue, these actors speculate that Kurdistan could have a real chance at genuine and sustainable independence.²⁵ University of Pennsylvania professor Brendan O'Leary and Queen's University professor John McGarry, argue that it is a mistake to view this conflict in terms of natural resources. The current constitution mandates that profits from already-producing fields be equitably distributed throughout

¹⁹ US Government, Energy Information Administration. “Country Analysis Briefs – Iraq,” August 2007.

<http://www.eia.doe.gov/>

²⁰ Other estimates are slightly higher, See for example a UPI article which puts the figure at 11-15 billion barrels. (Ben Lando, Energy Editor, “Analysis: Iraq's '08 fate – Basra, Kirkuk,” United Press International, 4 January 2008.)

²¹ US Government, Energy Information Administration. “Country Analysis Briefs – Iraq,” August 2007.

<http://www.eia.doe.gov/>

²² Dave Cohen, “Iraq – Land of Opportunity and Adventure?” Association for the Study of Peak Oil and Gas (ASPO) – USA, 9 May 2007.

²³ Ibid.

²⁴ See for example Simon Webb, “Attacks fewer but Iraq's Kirkuk oil exports fragile,” Reuters, 5 September 2007.; Sinan Salaheddin, “Iraqi Oil Exports Rise by 9.2 Percent,” *The Guardian*, 24 January 2008.; “Iraq Jan oil exports highest since US-led invasion,” *The Guardian*, 5 February 2008.

²⁵ Kenneth Katzman and Alfred B. Prados, “The Kurds and Post-Saddam Iraq,” CRS Report for Congress, Updated 12 June, 2007, p.5.; David Romano, “The Future of Kirkuk,” *Ethnopolitics*, Vol. 6, No. 2, June 2007, p. 270, 275.; International Crisis Group, “Iraq and the Kurds: The Brewing Battle over Kirkuk,” *Middle East Report*, no. 56, 18 July 2006, p.4-5

Iraq. “As Kirkuk’s oil comes from currently exploited fields, its revenues are to be redistributed across the state regardless of whether Kirkuk joins Kurdistan or not.”²⁶ However, given that the hydrocarbon law has stalled in the Iraqi parliament, it is difficult to predict what the KRG might someday control or not control.

Internal Opposition to Article 140

In the wake of the 2003 US-led invasion, rising ethnic tensions and violence were reported among Kurds, Arabs, and Turkmen in this diverse area. While much of the fighting among Kurds and Arabs in Kirkuk stems from property wars erupting as returning Kurds reclaim old land and housing, the Kurd-Turkmen battle has focused more on governing rights. While some of the local Arab communities are wary of Kurdish moves to reclaim the city, Kirkuki Turkmen are incensed by it. The Turkmen see the city as historically Turkmen, and believe that they should have the right to govern it.²⁷ Meanwhile, Kurds tend to view Turkmen as a fifth column for Turkey – a state which oppresses its own large Kurdish population and intermittently pounds Northern Iraq. Given this dynamic, the potential to reach consensus on power-sharing appears dim. Kirkuk’s other communities not only dispute Kurdish territorial claims; some are seriously opposed to potential Kurdish leadership. Minority groups fear that they will be treated unfairly or even forced out of the region after the referendum.²⁸ This may be especially true for so-called “migrant” Arabs²⁹ or *wafadeen* Arabs³⁰ living in formerly-Kurdish-occupied homes. However, a recent piece in *The Los Angeles Times* notes that with the likelihood of US troop draw-downs, some Sunni Arabs may be reconsidering their options:

Looking at life without the Americans, some Arabs in Kirkuk whisper that at least the Kurds are mostly Sunni Muslims, whereas the Baghdad government is dominated by Shiite Muslims with close ties to Iran. The Kurds also generally have a much better record on human rights and treatment of minorities than does Baghdad, where security forces are full of Shiite militiamen and sectarian death squads have run rampant.³¹

While both Sunni and Shi’a Arabs in Kirkuk have a vested interest in the future of the city and region as a whole, their positions are not completely inflexible. These communities are thought to be less concerned with the principle of who will govern

²⁶ John McGarry and Brendan O’Leary, “Iraq’s Constitution of 2005: Liberal consociation as political prescription.” *The International Journal of Constitutional Law*, Vol.5, No.4, October 2007: 670-689.

²⁷ According to a 1957 – pre-Arabization – census, “Kurds were a plurality in the governorate, though not in Kirkuk town, where Turkomans predominated.” International Crisis Group, “Iraq and the Kurds: The Brewing Battle over Kirkuk,” *Middle East Report*, no. 56, 18 July 2006, p. 2.

²⁸ “The Other Jerusalem,” *The Economist*, 4 April 2007.

²⁹ Mustafa Mahmoud and Shreko Raouf, “Arabs quitting Iraq’s Kirkuk as part of government plan,” Reuters, 2 October 2007.

³⁰ *Wafadeen* is usually translated as “newcomers” and refers to Arabs brought in by the former regime in the 1970s and 1980s to repopulate the oil-rich territory. (Laruen Frayer, “Kirkuk: Edging Out Its Arab Migrants,” *The Washington Post*, 8 December 2007.)

³¹ Borzou Daragahi, “Security may trump ethnicity in Kirkuk,” *The Los Angeles Times*, 28 September 2007. <http://www.latimes.com/news/nationworld/world/la-fg-kirkuk28sep28,1.7884300.print.story?ctrack=3&cset=true>

Kirkuk than are the Turkmen. Rather, Arab Kirkukis tend to focus on pragmatic issues, such as equal treatment for Arab settlers who choose to remain in the governorate. One expert says that it is really the Turkmen and the Kurds who hold up the Kirkuk referendum (or for the Turkmen, the cancellation of the referendum) as non-negotiable demands. Iraq's Arabs have concerns in Kirkuk: for Shi'a, the treatment of the mostly-Shi'a Arab population in Kirkuk – and for Arab Sunnis, worries about the battle for oil reserves.³² The referendum, while scornfully viewed by many Arabs as a power-play, is not necessarily a “red line” issue.

International Opposition

Turkey's opposition to a referendum in Kirkuk stems largely from its fear of breakaway movements from within its own Kurdish population. Given the potential economic might of Kirkuk, the perception among Turks is that KRG control would dramatically strengthen the Iraqi Kurdish region's standing. As noted in *The Wall Street Journal*, “Turkey sees Kurdish control of Kirkuk and its oil as the precursor to a Kurdistan independent from Iraq which in turn could lead to the violent breakaway of Turkey's Kurdish region.”³³ Turkey also has a special interest in Kirkuk City, seeing it as the rightful home of the Turkmen, and strongly opposes its absorption into Iraqi Kurdistan. While the origins of the Turkmen are a matter of dispute, they are increasingly perceived in Turkey as an Iraqi Turkish minority deserving of support.³⁴ If the Turkmen are threatened in any way, Ankara says it may have to intervene militarily.³⁵

Iran, Turkey, the US's Iraq Study Group, some non-Kurdish Iraqi officials, and Muqtada al-Sadr have all publicly opposed Article 140. Each of these actors has a stake in Kirkuk remaining under Baghdad's control – albeit for different reasons – which create tremendous political obstacles to moving forward with the referendum.

Security in Kirkuk

While security in Kirkuk is certainly better than in Baghdad, it does not share the capital's positive trend toward improvement over the past six months. Rather, the security situation in Kirkuk Governorate has deteriorated over the last two years and today remains highly unstable. The International Crisis Group (ICG) links Kirkuk's insecurity to: 1) heightened tension that surrounded the scheduled referendum of 31 December 2007 and 2) the extended presence of AQI (al-Qaeda in Iraq). Following the death of AQI leader Abu Mus'ab al-Zarqawi, his members transferred some of the operations to Kirkuk, finding the multi-ethnic, religiously-diverse zone to be “fertile ground for chaos

³² David Romano, “The Future of Kirkuk,” *Ethnopolitics*, Vol. 6, No. 2, June 2007: 265-283.

³³ Michael O'Hanlon and Edward Joseph, “Resolving the Kurdish Dilemma,” *Wall Street Journal*, 2 November 2007.

³⁴ Henri J. Barkey, “Turkey and Iraq: The Perils (and Prospects) of Proximity,” USIP Special Report 141, July 2005.

³⁵ “The Other Jerusalem,” *The Economist*, 4 April 2007.

by exacerbating communal tensions.”³⁶ Despite an increased multinational force (MNF) presence in Iraq, the International Organization for Migration (IOM) reports that insurgents continue to control areas such as the Hawaja district.³⁷ Military personnel have also expressed concern over the security conditions. General Qadir, a member of the Kurdish militia, reported that over 500 Iraqi police and soldiers were killed by insurgents in Kirkuk in the past two years.³⁸ Similarly, US Army Sgt. John Zimmerman observed that during his first tour of duty in Kirkuk in 2004, the area was relatively safe. “Now,” he says, “it just seems like it’s all gone downhill.”³⁹

This downward trend has also been monitored by UN OCHA’s Integrated Regional Information Service (IRIN), a humanitarian news outlet. In 2005, the network began reporting increasing violence and ethnic tension in Kirkuk. Civilian deaths are attributed to a variety of factors including local ethnic and sectarian violence, insurgent activity, local gangs, and continuing property disputes.⁴⁰ A report from December 2006 noted that car bombs were a constant concern for US troops in the area, and that the soccer stadium (and make-shift home to displaced Kurdish families) was continually hit by mortars.⁴¹ As a highly-mixed area, Kirkuk has so far avoided the ethno-sectarian cleansing seen in Baghdad and other formerly-diverse parts of the country. However, violence continues to threaten this heterogeneous region.

Post-2003 Returns and Displacements

While some Arab settler families in Kirkuk fled from *peshmerga* (Kurdish military) forces’ intimidation, many left long before their arrival, fleeing for a variety of reasons associated with the 2003 invasion. Human Rights Watch spoke with *wafadeen* Arabs who fled the northern areas, including Kirkuk, after the start of the war. Among their reasons for fleeing are the following: “the intensity of the bombing campaign and the proximity of the front lines with its associated dangers, fears of revenge from returning Kurds, and in many cases the remarkable recognition that the land they lived on did not truly belong to them, but rather to the Kurds or other minorities who had been expelled.”⁴² In a 2006 report, Brookings-Bern Project researchers reported meeting Arabs displaced from Kurdish areas in nearly all of the cities they visited, most of whom fled immediately after

³⁶ “Iraq and the Kurds: Resolving the Kirkuk Crisis.” International Crisis Group – Middle East Report No. 64, 19 April 2007.

³⁷ IOM, “Kirkuk, Ninewa, and Salah al-Din: Governorate Profiles – Post-February 2006 IDP Needs Assessments, December 2007.

³⁸ “Rise in Violence Puts Kirkuk’s Future in Doubt,” National Public Radio, 10 October 2007.

³⁹ Ibid.

⁴⁰ “Iraq: Ethnic tension on the rise in Kirkuk,” IRIN, 17 March 2005.; “Iraq: Humanitarian situation remains critical in Kirkuk as ethnic tensions rise,” IRIN, 14 March 2006.; “Iraq: Increased violence over land claims,” IRIN, 14 August 2006.; “Iraq: Kirkuk’s time-bomb could explode at any time,” IRIN, 22 January 2007.

⁴¹ Anna Mulrine, “This Land is My Land; The big stakes and bubbling tensions – over who will control Iraq’s oil capital,” *US News and World Report*, 25 December 2006.

⁴² Human Rights Watch, “Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq,” Vol. 16, No. 4, August 2004.

the start of the war. While some returned to their original homes in the center or south, others became IDPs in new regions.⁴³

After the collapse of the Ba'ath regime, *peshmerga* forces moved into Kirkuk to facilitate the return of formerly-expelled Kurds in spite of the CPA's 'stay put' policy.⁴⁴ Intended to prevent an immediate influx of returning IDPs which might overwhelm local infrastructure, and to give local authorities time to prepare, the CPA discouraged displaced Iraqis from returning home in the aftermath of the invasion. This was not a successful campaign in Kirkuk, where returnees arrived "in significant numbers, with around 60,000 in temporary shelters around the city one year after the war."⁴⁵ As part of the policy, Coalition forces were instructed not to begin development and reconstruction projects that could act as a "pull." Romano notes the irony of this decision, since it meant a freeze on "the very infrastructure and rebuilding projects that they needed more time to prepare before returnees arrive."⁴⁶ Many Kurdish Kirkuki IDPs returned to find their houses destroyed or occupied by remaining *wafadeen* Arabs. Property disputes erupted as resident Arabs were confronted by Kurdish families returning to reclaim their homes and property. In some cases, Kurdish returnees were unable to return to their original homes, taking up residence in tents, the local stadium, or abandoned public and military buildings. In other cases, Arab families were forcibly evicted to make space for the returning Kurds. These long-time residents also moved into abandoned schools, military bases, and tent settlements. Chaos developed in Kirkuk as aid agencies struggled to cope with the needs of returnees and new intra-governorate IDPs.⁴⁷

At the crux of much of this chaos was the absence of adequate mechanisms – legal, administrative, and otherwise – to manage spontaneous returns. According to David L. Phillips, a former senior advisor at the State Department, his plan to establish a Kirkuk Property Claims Commission in April 2003 was initially blocked by the Defense Department. Then-Secretary Donald Rumsfeld eventually sent a team of his own, led by William Eagleton, to conduct assessments in Kirkuk. However, once the group's report was furnished to the Office of the Secretary of Defense (OSD), "the Pentagon did nothing to establish a property claims and compensation system for almost a year."⁴⁸ The Iraq Property Claims Commission (IPCC), an Iraqi governmental agency established under the Coalition Provisional Authority (CPA), opened its regional offices in March 2004, began reviewing claims the following July, and adjudicating claims in October of that

⁴³ Ashraf Khalidi and Victor Tanner, "Sectarian Violence: Radical Groups Drive Internal Displacement in Iraq." The Brookings-Bern Project on Internal Displacement, October 2006.

⁴⁴ For details on this policy, see David Romano, "Whose House is this Anyway?: IDP and Refugee Return in Post-Saddam Iraq," *Journal of Refugee Studies* Vol. 18, No. 4, 2005.

⁴⁵ David Romano, "Whose House is this Anyway?: IDP and Refugee Return in Post-Saddam Iraq," *Journal of Refugee Studies* Vol. 18, No. 4, 2005.

⁴⁶ Ibid.

⁴⁷ For more details see "Iraq: Focus on Kirkuk displaced," IRIN, 2 June 2003.; "Iraq: Focus on IDPs in Kirkuk living in poor conditions," IRIN, 1 March 2004.; "Iraq: Focus on displacement in Kirkuk, IRIN, 23 September 2004.

⁴⁸ David L. Phillips, *Losing Iraq: Inside the Postwar Reconstruction Fiasco*, Westview Press, 2005.

year.⁴⁹ The commission, while well-intentioned, was inadequate to deal with the caseload in Kirkuk and claims were not addressed in a timely manner.

Then in March 2006, the Iraqi Transitional National Assembly decided to replace the IPCC with a new body - the Commission for the Resolution of Real Property Disputes (CRRPD). The CRRPD absorbed the IPCC's structure, staff, and pending property claims.⁵⁰ Like the IPCC, its purpose is to address violations of property rights occurring between 17 July 1968 and 9 April 2003. Unfortunately, there are still many weaknesses with this system. For example, the mandate of CRRPD does not cover property destruction, only confiscation. This caveat is of particular concern for Kirkukis whose villages were razed by the former government. This is underscored in a study by IOM's Peter van der Auweraert which states that the limited CRRPD mandate is "especially problematic in the Kirkuk area, where the seizure and confiscation of agricultural land was often accompanied by the wholesale destruction of local villages and farms."⁵¹

Beyond the towering caseloads and limited mandate, there are other problems associated with capacity and coordination at the national level. For example, it is standard practice for the Ministry of Finance to appeal all CRRPD decisions that result in a financial loss to the state – in other words, in cases where compensation is deemed justified.⁵² The Baghdad-based Cassation Commission, responsible for reviewing claimants' appeals for cases from any of the 32 Judicial Committees across the country, is also backlogged. According to Van der Auweraert, "At the current pace, it is estimated that it will take the Cassation Commission close to thirty years to finish its projected caseload."⁵³ As of April 2006, around 132,000 property claims had been filed with the CRRPD just from within Iraq.⁵⁴ Indicating the enormity of the property challenge is that this figure of 132,000 represents only IDPs that owned (and not rented) property, and whose property still stands. Records show that less than 22,000 of the 132,000 claims have been settled.⁵⁵ Moreover, there are still original claims to be submitted. Given the nation-wide figure, Kirkuk-related claims are disproportionately high. As of March 2007, over 50,000 claims had been submitted to the CRRPD for Kirkuk properties alone.⁵⁶

⁴⁹ David Romano, "The Future of Kirkuk," *Ethnopolitics*, Vol. 6, No. 2, June 2007: 265-283.

⁵⁰ Peter Van der Auweraert, "Property Restitution in Iraq," Presentation at the Symposium on Post-Conflict Restitution, Hosted by Bureau of Population, Refugees, and Migration (PRM). Arlington, VA, 6-7 September 2007.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Internal Displacement Monitoring Centre, "Iraq – A Displacement Crisis: A Profile of the Internal Displacement Situation," 30 March, 2007. [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/129E903BAA2C8245C12572AE002EE88A/\\$file/Iraq+-March+2007.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/129E903BAA2C8245C12572AE002EE88A/$file/Iraq+-March+2007.pdf)

⁵⁵ Ibid.

⁵⁶ UN Security Council, "Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004), 7 March 2007. [http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/EGUA-6Z8KTN-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2007.nsf/FilesByRWDocUnidFilename/EGUA-6Z8KTN-full_report.pdf/$File/full_report.pdf)

Post-February 2006 Displacements: Kirkuk's Other IDPs

Kirkuk is home to over 36,000 post-February 2006 IDPs, a relatively low number given the nation-wide figure of nearly 1.3 million since the Samarra bombings and 2.5 million in total.⁵⁷ IOM attributes this to two factors: firstly, there were reports early on that only IDPs originating from Kirkuk would be permitted entry by local authorities.⁵⁸ This stipulation was later withdrawn, as is apparent in the make-up of the current IDP population; many of the displaced arriving in Kirkuk are Sunni Arabs from Baghdad and Diyala.⁵⁹ The second factor is the governorate's violence and instability. As IDP families were seeking refuge from violence occurring in their own neighborhoods, those with the means likely tried to avoid an area plagued by "assassinations, kidnappings, military attacks, and generalized crime on a daily basis."⁶⁰

There are reports of tangible tension between the local population and the IDPs. IOM attributes the troubled relationship to "suspicion of IDP collaboration with insurgents," and "the general strain displacement is placing on local resources particularly PDS [Public Distribution System] food supplies."⁶¹ Yet another source of tension is that the arrival of Arab IDPs is counter-acting Kurdish moves to re-populate the area with Kurdish returnees. Kurdish politicians have called new Arab IDPs arriving in Kirkuk from the South and Centre "a new style of Arabization", which, in their view, "makes de-Arabization extremely difficult, if not impossible."⁶² Aside from the highly-charged politics of settlement and the referendum, it is notable that IDPs in Kirkuk represent somewhat of an anomaly in Iraq's displacement patterns. While most of Iraq's displaced are moving toward areas of greater ethnic and sectarian homogenization, IDPs arriving in Kirkuk, they themselves a diverse group, are entering a religiously and ethnically mixed area.

Normalization Plan

Returning Kurds

Thousands of Kurds who were uprooted in the 1980s and 1990s have, since 2003, been returning to Kirkuk. This repatriation is inextricably tied up with discussions and political maneuvering around the referendum. Kurdish authorities have a vested interest in

⁵⁷ IOM Emergency Needs Assessment – Post February 2006 Displacement in Iraq: Biweekly Report, 1 February 2008.

⁵⁸ IOM, "Tameem/Kirkuk: Post-February 22 Emergency IDP Monitoring and Assessments." 4 November, 2006.

⁵⁹ Ministry of Displacement and Migration, Information Department Baghdad, 21 November 2007. Cluster F (UNHCR, IOM, UNICEF, WHO, WFP, UNAMI, UNOPS, UN-Habitat, UNFPA, UNDP, ILO, UNIDO and OCHA) "Internally Displaced Persons in Iraq – Update," 21 November 2007.

⁶⁰ IOM, "Tameem/Kirkuk: Post-February 22 Emergency IDP Monitoring and Assessments." 4 November, 2006.

⁶¹ IOM Emergency Needs Assessment – Post February 2006 Displacement in Iraq: Biweekly report, 1 November 2007.

⁶² "During last 8 months, 800 Arab families settled in Kirkuk, official," Kurdish Media, 31 January 2007. http://www.iraquupdates.com/p_articles.php/article/14076

ensuring that maximum numbers of Kurds return before the census and ensuing referendum to guarantee that the vote results in Kurdish control of the area. One illustration of this is the Kurdish political parties' program to facilitate the repatriation of Kirkuki Kurds by offering families financial support, raw material, and even floor plans to build new homes around Kirkuk City. Frustrated by the lack of initiative in the central government, in 2005, Kurdish engineers plotted new subdivisions and set about constructing family homes in suburbs around Kirkuk City. Project supervisor Rashaad Sultan explained that the PUK gives \$5,000 to each family that permanently relocates. According to *The Washington Post*, "To ensure that the houses are complete, the money is distributed in installments: \$500 to lay the foundation; \$2,000 when the walls are erected; \$2,500 upon completion."⁶³

As noted previously, given the history of Arab migration patterns under Saddam, many who returned spontaneously found their former homes occupied by *wafadeen* Arabs from southern and central Iraq. Those that cannot reclaim their homes remain displaced inside Kirkuk governorate, waiting for the day when they will be able to recover their lost property and houses. There are now about 750 Kurdish families living in squatter settlements around the soccer stadium as well as 50 families in a Hawaja recreational settlement.⁶⁴ However, IOM reported in December 2007 that a plan to restore the stadium has resulted in eviction notices for families living in and around the soccer arena.⁶⁵ These twice-displaced IDPs are a visible reminder that the "normalization" plan has not been managed well, if at all, and that the number of property disputes will only increase.

Arab and Turkmen communities of Kirkuk argue that not all of the recently-arriving Kurds are former residents.⁶⁶ Rather, they accuse the KRG of encouraging ethnic Kurds from northern governorates to settle there in order to ensure a demographic majority prior to a referendum. In the words of one Turkmen council member:

Kurds who were expelled from Kirkuk have the right to return [but] many other Kurds have come as well. The population in Kirkuk governorate in 2003 was 850,000. Today it is 1,150,000. Where do these 300,000 additional persons come from?⁶⁷

While such reports cannot be confirmed, the perception that "illegitimate" migrants are among the returning Kurds only increases hostility on the ground.

⁶³ Steve Fainaru, "Kurds Reclaiming Prized Territory In Northern Iraq; Repatriation by Political Parties Alerts Demographics and Sparks Violence," *The Washington Post*, 30 October, 2005. Also see Edward Wong, "Kurds are Flocking to Kirkuk, Laying Claim to Land and Oil," *The New York Times*, 29 December, 2005.

⁶⁴ IOM, "Kirkuk, Ninewa, and Salah al-Din: Governorate Profiles – Post-February 2006 IDP Needs Assessments, December 2007, p.8.; Cluster F (UNHCR, IOM, UNICEF, WHO, WFP, UNAMI, UNOPS, UN-Habitat, UNFPA, UNDP, ILO, UNIDO and OCHA) "Internally Displaced Persons in Iraq – Update," 21 November 2007.

⁶⁵ Ibid.

⁶⁶ Lionel Beehner, "The Challenge of Iraq's Other Cities: Kirkuk," Council on Foreign Relations, 30 June 2006.

⁶⁷ "Iraq and the Kurds: The Brewing Battle over Kirkuk," International Crisis Group - Middle East Report, no. 56, 18 July 2006, p. 2.

A second cause of concern regarding returning Kurdish families is the extent to which their movements are voluntary. While it appears that most of these families returned of their own volition and desire to reclaim homes, there are reports that others have been coerced by the Kurdish authorities to return as part of an effort to ensure the census and referendum will be favorable to the KRG. Some of these families are now living in very poor conditions, afraid to return to their former host communities in the north. One man interviewed by *The New York Times* explained his dilemma, saying, “By God’s name, they would cut off our food basket and not pay us our salary and give us nothing else and force us to go back. They ordered us to go back.”⁶⁸ Other interviews indicate that the KRG cut off water and electricity to IDP camps in their territory as another means of coercing Kirkuki Kurds back to the referendum area.⁶⁹

Exiting Arabs?

In an attempt to reverse Saddam Hussein’s Arabization campaign,⁷⁰ the “normalization” plan outlined in Iraq’s constitution will facilitate the return of Arab families to their places of origin. Those who voluntarily relocate will receive about \$16,000,⁷¹ but despite offers of compensation, many do not want to leave their current homes. Some settlers have established strong ties to their Kirkuk neighborhoods, through working and raising families.⁷² The official response from the Kurdish authorities is that relocation is voluntary and any family who chooses to stay will be welcome. KRG Prime Minister Nechirvan Barzani stated, “We know very well that not only Kurds live in Kirkuk. But we want to make Kirkuk an example of a city of brotherhood, coexistence and tolerance. As the KRG we want to transfer our experience of national, cultural and religious tolerance from our region to the disputed areas.”⁷³ The reaction from Kurdish individuals who are returning to occupied homes is less obliging. As one man on Kirkuk’s Provincial Council stated to US reporters, “How would you feel if you go back to your country, and someone from Canada is living in your house?”⁷⁴

The normalization plan is critical in terms of preparing for a final-status decision on Kirkuk. The goal of the Kurdish community is to return to pre-Arabization demographics

⁶⁸ Stephen Farrell, “As Iraqis Vie for Kirkuk’s Oil, Kurds Are Pawns,” *The New York Times*, 9 December 2007. <http://www.nytimes.com/2007/12/09/world/middleeast/09kirkuk.html>

⁶⁹ David Romano, “The Future of Kirkuk,” *Ethnopolitics*, Vol. 6, No. 2, June 2007: 265-283.

⁷⁰ Romano provides a succinct explanation of the Arabization campaign: “Beginning in the mid-1970s, and continuing until the eve of the 2003 Iraq war, Baghdad expelled hundreds of thousands of Kurds, Turkmen and Assyro-Chaldean Christians from areas around Mosul, Kirkuk, and Khanaqin. Sunni and especially Shiite Arabs from the south were then brought in with economic incentives (typically a 10,000 Dinar cash grant and free or subsidized housing and land, confiscated from the expelled population by the regime).” David Romano, “Whose House is this Anyway?: IDP and Refugee Return in Post-Saddam Iraq,” *Journal of Refugee Studies* Vol. 18, No. 4, 2005.

⁷¹ “Iraqi Arab families ready to leave Kirkuk – Minister,” Reuters, 27 September 2007.

⁷² Anna Mulrine, “This Land is My Land; The big stakes and bubbling tensions – over who will control Iraq’s oil capital,” *US News and World Report*, 25 December 2006.

⁷³ Speech by KRG Prime Minister Nechirvan Barzani, UN Office, Erbil, 28 November 2007. <http://www.krg.org/articles/print.asp?anr=21634&lngnr=12&nr=268>

⁷⁴ Anna Mulrine, “This Land is My Land; The big stakes and bubbling tensions – over who will control Iraq’s oil capital,” *US News and World Report*, 25 December 2006.

before a referendum takes place.⁷⁵ *The Washington Post* reports that around 1,200 families have received checks from the government to return to their original towns. US and Iraqi officials estimate that some 60,000 Arabs will apply for the funding to return,⁷⁶ although the number of families who have actually left Kirkuk is unclear.

Implementing Article 140

Voting

One of the uncertainties in the process is who will be able to vote in the referendum. The language of Article 140 is imprecise, not defining the exact boundaries of where the referendum would be held or who within those boundaries would be eligible to vote.⁷⁷ As of now, a voter registry has not been created and there is no consensus on the criteria for eligibility. Residency requirements will be problematic given the number of displaced persons that could potentially be on the registry: formerly-expelled Kurds who returned to their hometowns after the fall of the Ba’ath regime as well as newly-displaced Arab *wafadeen* who have been living in Kirkuk for decades. Furthermore, it may be difficult for authorities to distinguish between Arab Kirkuki IDPs and Arab Baghdadi IDPs who have arrived in the past few years or months. The latter group would, in any case, be precluded from a vote, as would Kurdish IDPs with no connection to Kirkuk.

While disagreements over the voter eligibility may prove to be a time-consuming impediment, it is not likely to impact the end results of a referendum. Analysts have looked to the governorate’s outcome of the December 2005 election for guidance in forecasting results of a Kirkuk referendum. Based on those numbers, and current demographic estimates, it is widely thought that a vote held in either Kirkuk City or Kirkuk governorate would result in KRG control.⁷⁸ Indeed, this explains why Kurds are so keen to move forward with the referendum, and why other communities remain opposed. As ICG Iraq analyst Joost Hiltermann stated in an interview on National Public Radio, “The Kurds want to have the referendum because they know that they will win it and that this will mean that they can incorporate Kirkuk into their Kurdish region. For the same reason, the other communities in Kirkuk adamantly oppose it and will boycott such a referendum - and will reject its results if it is held. And this can only lead to violence...”⁷⁹

⁷⁵ Borzou Daragahi, “Security may trump ethnicity in Kirkuk,” *Los Angeles Times*, 28 September 2007.

⁷⁶ Lauren Frayer, “Kirkuk: Edging Out Its Arab Migrants,” *The Washington Post*, 8 December 2007.

⁷⁷ “Iraq and the Kurds: The Brewing Battle over Kirkuk,” International Crisis Group - Middle East Report, no. 56, 18 July 2006, p. 18.

⁷⁸ Kurdish parties won over 53% of the governorate vote, while 14% went to the Iraqi National Dialogue Front, 10.9% to the Turkmen Front, and 5.9% to the Iraqi Accord Front. See David Romano, “The Future of Kirkuk,” *Ethnopolitics*, Vol. 6, No. 2, June 2007: 265-283.

⁷⁹ Joost Hilterman on National Public Radio, *All Things Considered*, “Control of Kirkuk Central to Iraq’s Stability,” 19 December 2007.

Referendum Delays

The referendum in Kirkuk, scheduled in the 2005 constitution for no later than 31 December 2007, was intended to be the third step outlined in Article 140. As the referendum deadline approached with normalization incomplete and a census unrealized, it became clear that officials would miss the mandated schedule.⁸⁰ The timeframe has since been extended for the first six months of 2008.

Kurds mostly blame Iraq's central government, which they say has purposely stalled proceedings.⁸¹ Key steps, such as reconciling housing disputes, are moving at a painstakingly slow pace. Some Kurds have blamed the committee in charge of property claims, saying it is "packed with former Baathists intentionally dragging their heels because they don't want to see the oil-rich lands fall under Kurdish control."⁸² Others hold Iraqi Prime Minister al-Maliki personally responsible, saying that he is failing to deliver on his promises, and causing some citizens to question his loyalty and commitment to the constitution. In a reaction to the latest postponement, Kurdish politician Kamal Kirkuky stated that the referendum could have taken place on time had the responsible committee not been intentionally hindered. He considers the postponement a ruse, simply one more distraction that will lead to the vote being delayed indefinitely.⁸³

The Role of the UN

Just two weeks prior to the 31 December 2007 referendum deadline, UN Special Representative to Iraq, Steffan de Mistura, proposed a six-month delay and expanded UNAMI (United Nations Assistance Mission for Iraq) assistance to carry out the referendum – a move which garnered relatively widespread approval in Iraq. UNAMI announced its future involvement in the implementation of Article 140 on its website, stating the following:

In view of the technical and logistical difficulty of holding a referendum prior to 31 December 2007, as mandated in the Constitution, and given the corresponding need for a technical delay, it has been indicated to UNAMI that the next best step would be to initiate, in January 2008, and within six months, a process of facilitating the implementation of the Article with technical assistance of the United Nations (UNAMI/Baghdad) to the authorities involved, including the High Committee for Implementation of Article 140. This would enable all parties involved to contribute constructively to such a process.⁸⁴

⁸⁰ Borzou Daragahi, "Security may trump ethnicity in Kirkuk," *Los Angeles Times*, 28 September 2007.; Sumedha Senanayake, "Tensions Increase in Iraq over Kirkuk Referendum Delay," Radio Free Europe/Radio Liberty, Volume 11 Number 222, 3 December 2007.

⁸¹ Sumedha Senanayake, "Tensions Increase in Iraq over Kirkuk Referendum Delay," Radio Free Europe/Radio Liberty, Volume 11 Number 222, 3 December 2007.

⁸² Anna Mulrine, "This Land is My Land; The big stakes and bubbling tensions – over who will control Iraq's oil capital," *US News and World Report*, 25 December 2006.

⁸³ Kathleen Ridolfo, "Iraq: Kirkuk Referendum Delayed by Six Months," Radio Free Europe/Radio Liberty, 21 December 2007.

⁸⁴ UNAMI, "Implementation of Article 140: Deadline of 31 December 2007." Press Releases, 15 December 2007. <http://www.uniraq.org/newsroom/getarticle.asp?ArticleID=487>

While the extended deadline has postponed any major outbreak of violence, it is widely viewed as just that – a postponement. There is still a palpable fear that conflicts related to the referendum could result in civil war in and around Kirkuk. Some doubt the capacity of the UN to meet the new deadline. Others continue to oppose the referendum on principle, regardless of the date. Property disputes and the potential for further displacements loom large as tens of thousands of Iraqis in Kirkuk remain homeless and families face increasing violence and insecurity.

Looking Ahead

While many observers point to Kirkuk as a harbinger of the rest of the country's success or failure, the reverse logic should also be considered. In other words, the future of Kirkuk will largely depend on developments at the national level. The state's capacity to effectively manage ethnic violence, displacement, and property claims in Kirkuk will be influenced by, among other factors: developments in national security capabilities, governance, and legislation, especially as it relates to oil and gas law and provincial elections.

Current predictions for Kirkuk are pessimistic. Many fear that, regardless of how Article 140 is implemented – or not implemented - civil war will be unavoidable. As one Chatham House report states, “Without a referendum, there is serious risk of Kurdish-initiated violence; with one, there is a serious risk of non-Kurdish-initiated violence.”⁸⁵ If ethno-sectarian violence does escalate in Kirkuk, there will likely be new waves of IDPs. Given the urban character of Kirkuk and other disputed territories (e.g. Mosul), the displacements could be substantial. As mentioned previously, the disputed territories straddle the country's ethnic ‘fault line;’ given the ethno-sectarian mix of this population, the displacements would likely affect multiple governorates. As witnessed in Baghdad, violence in such a diverse and heavily-populated area could produce further homogenization or “Balkanization” of the country. Kurds, Assyrians, Yezidis, and other minorities might seek refuge in KRG territory while Sunni and Shi'a Arabs head toward their respective neighborhoods in the center of the country. To be sure, the demographics of this area and history of post-February 2006 displacements in Iraq, suggest that a certain level of ethno-sectarian cleansing and new IDP flows are at least a real possibility in Kirkuk.

⁸⁵ Gareth Stansfield, “Accepting Realities in Iraq.” Middle East Programme Briefing Paper, Chatham House, May 2007.