[PEACEWORKS]

IRAQ'S DISPUTED TERRITORIES

A VIEW OF THE POLITICAL HORIZON AND IMPLICATIONS FOR U.S. POLICY

Sean Kane

United States Institute of Peace

[PEACEWORKS]

About the Report

This report could not have been conceived of, much less written, without the factual information and primary evidence gathered over the space of several years of painstaking effort by dozens of former and current staff members at the United Nations Assistance Mission for Iraq. The author wishes to salute their exceptional work in difficult and often dangerous circumstances. He would also like to thank several individuals at the United States Institute of Peace and in the United States government for reviewing this report and providing thoughtful and insightful feedback.

The analytical judgments contained in the document, as well as any remaining errors or inaccuracies, are solely the author's responsibility. The author realizes the sensitivity and emotion attached to the territorial disputes in Iraq and the legacies of conflict and discrimination addressed in this report. The annexes summarize the evidence used for the analysis in the main text so that readers are free to examine the relevant data for themselves, consider differing conclusions, or argue that alternative factors should have been used to imagine what a negotiated solution to the disputed territories might look like. The report's ultimate aim is to stimulate a concrete discussion on how this long-running and often tragic dispute can be resolved peacefully.

Photos: istockphoto.com

United States Institute of Peace
2301 Constitution Ave., NW
Washington, DC 20037

Phone: 202.457.1700
Fax: 202.429.6063
E-mail: usip_requests@usip.org
Web: www.usip.org

Peaceworks No. 69.

First published 2011.

CONTENTS

PEACEWORKS • MARCH 2011 • NO. 69

[The greatest potential threat to Iraq's stability is not extremist groups but the prospect of Arab-Kurdish conflict over oil-rich Kirkuk and other disputed territories.]

Summary

- The alternation of military conflict and negotiation over what areas of Iraq are Kurdish and what autonomy Kurds should exercise in these areas has been an episodic feature of modern Iraq's history. The net result is a tangled web of administrative and security arrangements between the Iraqi government and Kurdish regional authorities that sit atop poorly defined internal boundaries amid a toxic legacy of mistrust.
- According to U.S. government officials, the greatest potential threat to Iraq's stability is not extremist groups but the prospect of Arab-Kurdish conflict over oil-rich Kirkuk and other disputed territories. This is especially the case when the vacuum caused by the lack of an agreed political and constitutional framework for Iraqis to address competing claims to these strategic lands is combined with the impending withdrawal of what are effectively U.S. peacekeeping forces in northern Iraq.
- This report attempts to demystify and disaggregate the often poorly defined disputed territories by drawing upon two data sets: the political preferences expressed in these territories during Iraq's three postconstitution elections and archival records detailing these areas' respective administrative histories. These data sets have definite limitations but taken together offer a valuable entry point for defining the contours of the dispute.
- Clearly, sovereign Iraqi authorities must, and will, decide the shape of any territorial compromise and the overall nature of the relationship between the Kurdistan region and the federal government. Nevertheless, the parties to the dispute consistently display a "nothing is agreed until everything is agreed" mentality, indicating that possible trade-offs can only be considered in the context of a comprehensive territorial agreement.
- While it is likely to prove controversial, the evidence in this report hopefully can provide an informal, low-risk, but detailed view of what possible negotiated solutions to the disputed territories might look like and thereby begin to illustrate the potential parameters and compromises involved in reaching a comprehensive agreement.
- In such a deal, past suffering makes an eloquent case that the Kurds are owed self-government within Iraq and the enhanced security that would come from clarity on the Kurdistan region's internal boundaries. In return, the Kurds would need to demonstrate not only their commitment to the territorial integrity of Iraq, but also a commitment to an Iraq that works by allowing for the emergence of a constitutional basis for an appropriately empowered national government outside of the Kurdistan region. Both Baghdad and Erbil would also need to be prepared to make territorial concessions and to accept a compromise status for Kirkuk that has no outright winner or loser.
- The U.S. government has an important role in clarifying this picture and should clearly communicate the rewards that the United States would be willing to provide to both parties for reaching a comprehensive agreement, particularly as it relates to security and diplomatic cooperation.
- While it is unlikely that an Arab-Kurdish deal can be reached by the scheduled U.S. troop withdrawal date of December 2011, the United States should now make it a priority to work with the new Iraqi government to determine whether the space can be created to launch a negotiating process to peacefully resolve what might be the greatest threat to Iraq's stability.

Introduction

The Obama administration has maintained steadfast commitment to the schedule of the U.S. troop drawdown from Iraq and repeatedly voiced confidence that Iraqi security forces can maintain the security gains achieved over the past three years. Off the record, U.S. government officials do not identify extremist groups, such as al-Qaeda or the Sadrists' Mahdi Army, as strategic threats to Iraq's stability or consider them capable of derailing the drawdown. Rather, they point to a potential outbreak of Arab-Kurdish conflict as a game-changing event. In 2010, then-U.S. commanding general Raymond Odierno stated, on the record, that the U.S. forces in northern Iraq would likely be the last troops to leave the country in 2011 and singled out tensions between Arabs and Kurds as the single greatest threat to Iraq's stability.[1]

The Arab-Kurdish dispute in Iraq is composed of several interrelated elements, including contrasting views of the distribution of power within the Iraqi state, disagreement over how to conduct oil contracting and share oil revenues, and disputes over territory in northern Iraq. This last element—the territorial struggle—carries the greatest potential to actually result in the physical conflict that the U.S. government considers a strategic threat. This is particularly the case in the vacuum caused by the lack of an agreed political and constitutional framework for Iraqis to address competing claims to the strategic and oil-rich land that makes up the disputed areas.

Iraq's constitution contains the term *disputed territories* but does not define them. Likewise, media reporting on the disputed areas tend to describe an undifferentiated 300-mile-long swath of territory from the Iranian to the Syrian border with oil-rich Kirkuk at its center.[2] Iraqi actors themselves often mythologize the contested land, with Kurdish leaders describing Kirkuk, the geographic and strategic epicenter of the dispute, as the heart of the Kurdish nation and "our Jerusalem." Similarly, Arab politicians hold the country's current provincial boundaries to be sacrosanct and argue that any alteration to them will lead inexorably to the disintegration of Iraq. Some reject the term *disputed territories* altogether and, in a reference to the Kurdish presence outside the Kurdistan region's official boundaries, call them the occupied territories.

Clearly, the depth of emotions resulting from decades of armed conflict, discrimination, and forced demographic change in northern Iraq cannot and should not be discounted. At the same time, framing the territorial conflict in existential terms, even as it is partly a positioning tactic by parties eager to further their respective claims, makes compromise more difficult and reduces the chances of resolving the dispute politically. This report attempts to demystify and disaggregate the disputed territories by drawing upon two data sets: the pattern of political preferences expressed in the territories during Iraq's three postconstitution elections[3] and archival records detailing the administrative history of these areas. These data sets have real limitations (further discussed below), but taken together, they are a valuable starting point for defining the basic contours of the dispute. They help clarify the nature of the territory at stake, identify the territories that are truly hotly contested, as opposed to being used as bargaining chips, and suggest approaches for addressing the remaining hard core of the problem.

Of course, any decisions regarding actual changes to administrative arrangements in these areas remain the exclusive purview of sovereign Iraqi authorities; this exercise is merely meant to sketch out various options. The author is also under little illusion that a fuller exposition of the dispute will resolve it. There are several instances in Iraqi history of failed efforts to negotiate comprehensive accords on Iraq's Kurdish question, and any decision by Iraqi stakeholders to enter into a formal political negotiation will depend on a complex constellation of domestic,

regional, and international factors. Nevertheless, the various parties have displayed a mentality that nothing is agreed until everything is agreed, indicating that possible compromises and trade-offs can only be considered in the context of a comprehensive territorial agreement. While it is likely to prove controversial, this report can, I hope, provide an informal and low-risk view of what negotiated solutions to the disputed territories might look like, thereby helping to illustrate the potential parameters of a deal. The U.S. government also has an important role in clarifying this picture, and should clearly communicate the economic, political, and security incentives it would be willing to provide to both Baghdad and Erbil to support such an agreement.

Iraqi leaders ultimately may judge that the country's unsettled conditions do not support tackling high-risk, high-stakes Arab-Kurdish issues. But currently, the UN mission in Iraq is a potential international facilitator, U.S. troops provide a peacekeeping presence in the disputed areas, and there is a level of U.S. engagement sufficient to deploy carrots and sticks to support an agreement. The uncertain future presence of these enabling factors, and whether or not the new Iraqi government will request an extension of the U.S. military presence in the country, could make a consensual resolution to the disputed territories and other areas of Arab-Kurdish disagreement even more challenging down the road. As a field report from the WikiLeaks files put it, "without strong and fair influence, likely from a third party, these tensions [along the Arab-Kurdish line] may quickly turn to violence after the U.S. forces withdrawal."[4] As it is unlikely that a comprehensive Arab-Kurdish deal can be reached by the scheduled U.S. troop withdrawal date of December 2011, it is important that the United States have a strategy for exploring, with Iraq's new government, whether the current window can be taken advantage of to launch a negotiating process to address what might be the greatest threat to Iraq's stability. It should also actively consider how ongoing U.S.-Iraqi security cooperation and even a possible request from the Iraqi government to extend the U.S. military presence beyond 2011 might affect the prospects for such a process.

It is unlikely that a comprehensive Arab-Kurdish deal can be reached by the scheduled U.S. troop withdrawal date of December 2011.

Arab-Kurdish Conflict in Iraq: Background, History, and Psychology

The transition zone between Arab and Kurdish Iraq has been the front line of Kurdish uprisings from 1960 to 1975, a target of the Iraqi army's genocidal Anfal campaign against the Kurds in 1987 and 1988, the site of the 1991 uprising following the first Gulf War, and the northern front of the 2003 U.S.-led invasion.[5] In between these bouts of armed conflict, and particularly after the collapse of the Kurdish nationalist movement in 1975, the Ba'athist-led government also engaged in deliberate and systematic policies to ensure its control over what are now called the disputed territories by the expulsion of hundreds of thousands of Kurds and other minorities, destruction of hundreds of Kurdish villages, appropriation of Kurdish- and Turkoman-owned land, distribution of agricultural tenant contracts for this land to mainly Shiite Arab farmers from Iraq's south, forced "nationality correction" of non-Arab ethnic minorities to identify as Arabs, prevention of non-Arabs from holding positions in Iraq's Northern Oil Company and other state-owned enterprises, and ethnic gerrymandering of administrative boundaries in northern Iraq. Since 2003, some Arab political leaders have accused ascendant Kurdish forces of employing harsh tactics in these same areas, such as displacing Arab farmers without due process, arbitrary detention of political opponents, and even pressuring minority communities to identify as Kurds.[6]

In the difficulties of the past half-century, a pattern can be observed of increased Kurdish autonomy and territorial gains when Baghdad has been weak, riven by coups, or engaged in foreign wars, and of the central government forcefully reasserting itself when its rulers consolidate their hold on power. Americans generally tend to view the 2003 invasion as a deus ex machina that decisively broke with Iraq's historical paradigms. However, many Iraqis chide Americans for thinking that the history of Iraq began in 2003 and that the consequences of U.S. actions can be neatly separated from the basic logic of the country's internal struggles for control over power and resources. From this perspective, Arabs perceive the Kurdish political parties as having taken advantage of their alliance with the United States and the chaos that engulfed Iraq after 2003 not only to secure their own autonomy, but also to try to weaken Iraq by expanding their territorial reach beyond Kurdish areas and establishing a decentralized federal system aimed at preventing the country from having a strong national government.

For their part, Kurds believe that, having built, trained, and armed Iraq's now 650,000-person security forces while failing to resolve the issue of the disputed territories politically, the United States has laid the groundwork for resurgent Baghdad to forcefully roll back hard-won Kurdish autonomy after the scheduled 2011 U.S. troop withdrawal. Kurdish officials are particularly concerned that the Iraqi army's purchase of 140 M1 Abrams tanks and armed scout helicopters, as well as requests to purchase 18 F-16s and 24 Boeing AH-6 Apache helicopter gunships, could tip the political-military balance of power between Baghdad and Erbil. They argue that the *peshmerga*—the Kurdish regional guard—should be given a share of the heavy weaponry being purchased.[7] Given the long history of the Iraqi military's involvement in Iraqi politics, the Kurds are also likely worried that an empowered Iraqi army could become an independent actor untethered from civilian oversight. In the past, the army has quashed civilian government overtures toward the Kurdish movement; for example it forced Prime Minister Abdul Rahman al-Bazzaz to resign after his June 29, 1966, declaration specifically recognizing Kurdish national rights.[8]

The Iraqi army's purchase of 140 M1 Abrams tanks and armed scout helicopters could tip the political-military balance of power between Baghdad and Erbil.

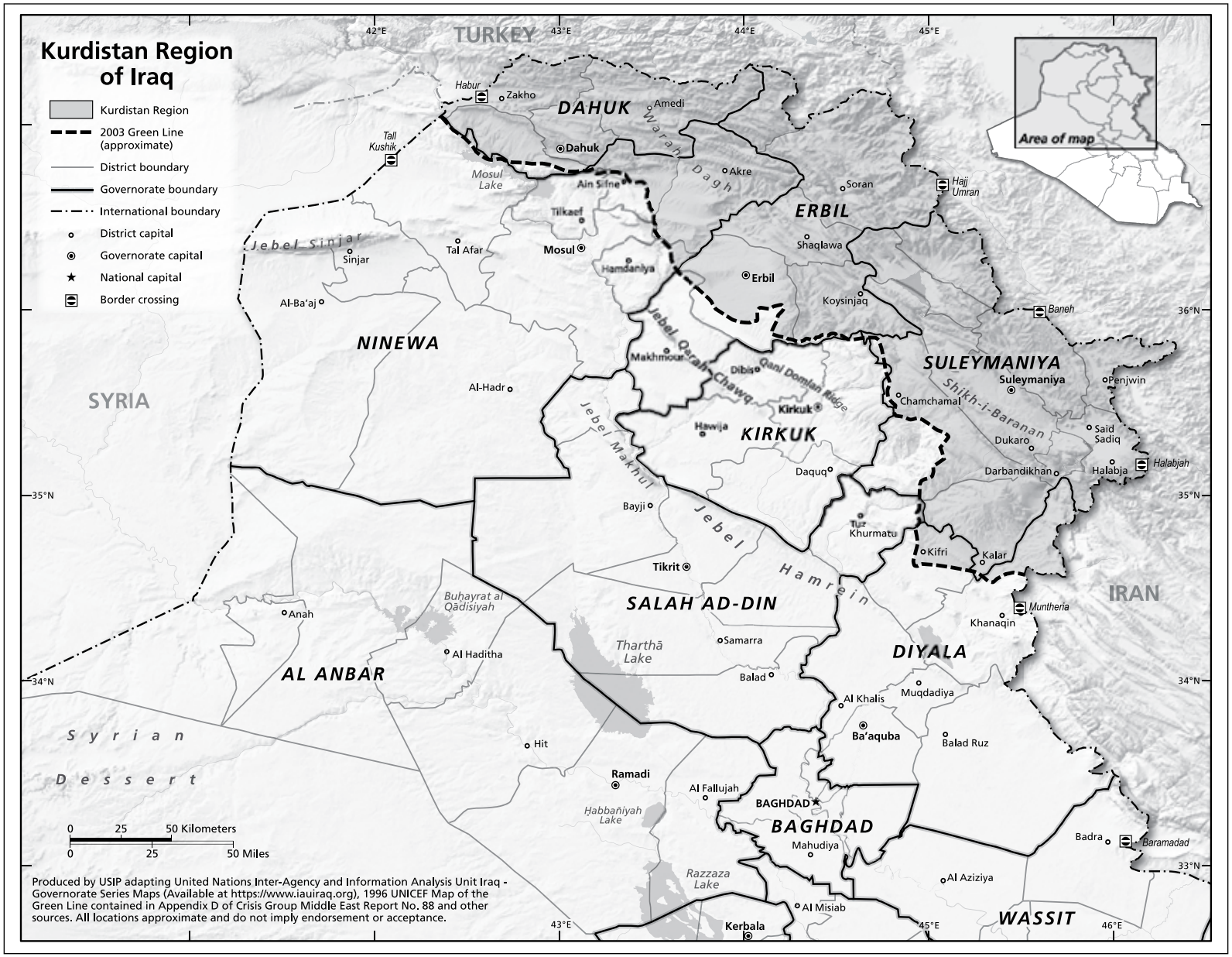
Neither the optimistic Western perspective that Iraq is opening an entirely separate chapter in its history nor the fatalistic Iraqi outlook that the historical pattern of Arab-Kurdish ebb and flow must repeat itself is absolutely correct. In this deep-seated dispute, history should not be considered as destiny, but rather psychology. The communities' historical narratives are important to recall closely, so that their respective anxieties do not become self-fulfilling.

Where Is the Official Boundary?

Iraq's constitution is unhelpfully vague on both the current boundaries of the Kurdistan region and which areas outside it are under dispute. The official boundary of the Kurdistan region is the Green Line, the ceasefire line that the Iraqi army unilaterally established after quelling the 1991 Kurdish uprising. The Green Line is captured in Article 53.A of Iraq's 2004 Transitional Administrative Law as "the territories that were administered by that government [the Kurdistan Regional Government, or KRG] on 19 March 2003 in the governorates of Dahuk, Erbil, Suleymaniya, Kirkuk, Diyala and Ninewa."[9] This definition makes it clear that the KRG's administrative writ extends beyond the three governorates of Dahuk, Erbil, and Suleymaniya, which are typically thought of as comprising the Kurdistan region proper. Unfortunately, it does not identify which areas of Kirkuk, Diyala, and Ninewa are included in this definition and no authoritative rendering of the Green Line exists (see map 1).

The Iraqi constitution provides even less fidelity on the disputed territories themselves, merely referring in Article 140 to "Kirkuk and other disputed territories." This lack of clarity

Map 1


Kurdistan Region of Iraq
Kurdistan Region
2003 Green Line (approximate)
District boundary
Governorate boundary
International boundary
District capital
Governorate capital
National capital
Border crossing
Area of map
TURKEY
SYRIA
IRAN
DAHUK
ERBIL
SULEYMANIYA
KIRKUK
NINEWA
SALAH AD-DIN
DIYALA
AL ANBAR
WASSIT
BAGHDAD
Habur
Zakho
Amedi
Dahuk
Tall Kushik
Mosul Lake
Ain Sifne
Akre
Soran
Hajj Umran
Tilkaef
Shaqlawa
Jebel Sinjar
Sinjar
Tal Afar
Mosul
Hamdaniya
Erbil
Koysinjaq
Baneh
Al-Ba'aj
Makhmour
Dibis
Qara Chawq
Qani Domlan Ridge
Suleymaniya
Penjwin
Chamchamal
Kirkuk
Hawija
Shikh-i-Baranan
Said Sadiq
Dukaro
Halabja
Darbandikhan
Daquq
Al-Hadr
Bayji
Jebel Makhul
Jebel Hamrein
Tuz Khurmatu
Kifri
Kalar
Tikrit
Buhayrat al Qadisiyah
Tharthar Lake
Samarra
Muntheria
Khanaqin
Anah
Al Haditha
Balad
Muqdadiya
Al Khalis
Ba'aquba
Balad Ruz
Hit
Ramadi
Al Fallujah
Habbaniyah Lake
Mahudiya
Badra
Baramadad
Razzaza Lake
Al Aziziya
Al Misiab
Kerbala
Syrian Dessert
0 25 50 Kilometers
0 25 50 Miles
Produced by USIP adapting United Nations Inter-Agency and Information Analysis Unit Iraq - Governorate Series Maps (Available at https://www.iauiraq.org), 1996 UNICEF Map of the Green Line contained in Appendix D of Crisis Group Middle East Report No. 88 and other sources. All locations approximate and do not imply endorsement or acceptance.
42°E
43°E
44°E
45°E
46°E
36°N
35°N
34°N
33°N

is unfortunately not a new feature of Arab-Kurd territorial negotiations. In 1970, the landmark autonomy agreement struck between Mullah Mustafa Barzani, current Kurdistan region president Massoud Barzani's father, and then-Iraqi vice president Saddam Hussein promised the Kurds basic autonomy and administrative control in areas where they constituted a majority of the population. This deliberately vague definition of Kurdish territory was to be clarified through a future census to determine the extent of Kurdish autonomy outside the areas they were acknowledged to be a majority (Dahuk, Erbil, and Suleymaniya). Many Kurds believe that the census would have shown Kurdish majorities in strategic areas such as Kirkuk, Khanaqin (Diyala), and Sinjar (Ninewa), and that this was the impetus for the Ba'ath to begin attempting to Arabize these populations ahead of the expected population count. In a foreshadowing of present-day allegations, Arabs contemporaneously accused Barzani's Kurdistan Democratic Party (KDP) of importing Kurds from Iran and Turkey to artificially inflate Kurdish numbers in these areas.[10]

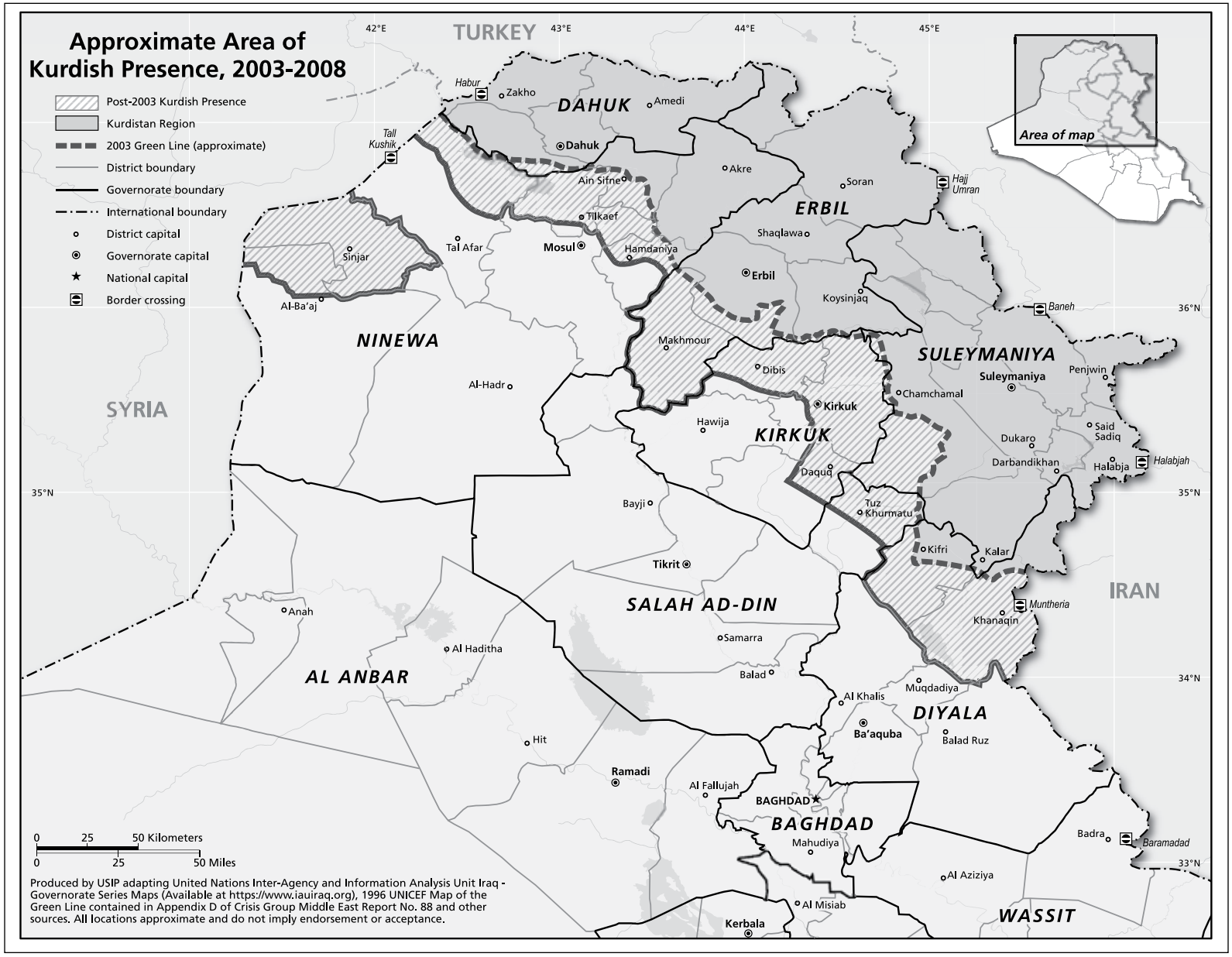
Who Controls What on the Ground?

Complicating present-day efforts to identify the existing de jure boundaries of the Kurdistan region is the situation that developed during the chaos of post-2003 Iraq, when de facto Kurdish administration extended significantly beyond the putative March 19, 2003 line (see map 2). Following the fall of the Hussein regime, the U.S. military authorized Kurdish *peshmerga* and *asayesh* (secret police) forces to deploy in Ninewa, Kirkuk, Salah ad-Din, and Diyala to help maintain order in the resulting security vacuum.[11] These units proved highly effective and were important intelligence partners for U.S. forces, but they also provoked strong resentment among parts of the local population who saw them as enforcing territorial claims and using heavyhanded tactics to silence political opponents. Despite these frictions, the extraregional role of the Kurdish security forces was later confirmed by Iraqi governments, which in late 2004 and 2006 requested their assistance in Ninewa and Diyala, respectively, as part of efforts to combat the nationwide insurgency.

In tandem to the security sphere, after 2003 KRG administrative structures began offering administrative services—among them, health care, Kurdish language education, generators, and delivery of government food rations—as well as payment of salaries to local government officials in Kurdish-populated parts of governorates that are still officially administered by the federal government.[12] This was sometimes done at the invitation of the relevant provincial government and with the corresponding agreement of national ministries, but often was not. More controversial was Kurdish oil contracting activities from 2007 onward, which include providing international oil companies licenses for exploration blocs that appear to extend beyond the Green Line in Ninewa, Kirkuk, and Salah ad-Din.[13] Finally, the self-inflicted wound of the Sunni Arab boycott of the January 2005 provincial elections opened the door for the Kurdish parties to wield disproportionate influence over provincial government structures outside the Kurdistan region from 2005, until a new round of provincial elections were held in January 2009.

The net result is a tangled web of administrative and security arrangements that sit atop poorly defined administrative boundaries amid a toxic legacy of mistrust. The effective practice of administrative jurisdiction being principally determined by changes in the balance of power rather than by local consent, political agreement, or legal processes has created a vicious cycle. Whoever has the upper hand feels the need to take maximum advantage of their period of ascendancy, sowing the seeds for a backlash once the pendulum swings the other way. As a

Map 2


Approximate Area of Kurdish Presence, 2003-2008
Post-2003 Kurdish Presence
Kurdistan Region
2003 Green Line (approximate)
District boundary
Governorate boundary
International boundary
District capital
Governorate capital
National capital
Border crossing
TURKEY
SYRIA
IRAN
DAHUK
ERBIL
NINEWA
SULEYMANIYA
KIRKUK
SALAH AD-DIN
AL ANBAR
DIYALA
BAGHDAD
WASSIT
Habur
Zakho
Amedi
Dahuk
Tall Kushik
Akre
Ain Sifne
Soran
Hajj Umran
Tilkaef
Shaqlawa
Sinjar
Tal Afar
Mosul
Hamdaniya
Erbil
Koysinjaq
Baneh
Al-Ba'aj
Makhmour
Dibis
Suleymaniya
Penjwin
Al-Hadr
Chamchamal
Kirkuk
Hawija
Said Sadiq
Dukaro
Darbandikhan
Halabja
Daquq
Bayji
Tuz Khurmatu
Kifri
Kalar
Tikrit
Muntheria
Khanaqin
Anah
Samarra
Al Haditha
Balad
Muqdadiya
Al Khalis
Ba'aquba
Balad Ruz
Hit
Ramadi
Al Fallujah
BAGHDAD
Mahudiya
Badra
Baramadad
Al Aziziya
Al Misiab
Kerbala
Area of map
42°E
43°E
44°E
45°E
36°N
35°N
34°N
33°N
0 25 50 Kilometers
0 25 50 Miles
Produced by USIP adapting United Nations Inter-Agency and Information Analysis Unit Iraq - Governorate Series Maps (Available at https://www.iauiraq.org), 1996 UNICEF Map of the Green Line contained in Appendix D of Crisis Group Middle East Report No. 88 and other sources. All locations approximate and do not imply endorsement or acceptance.

senior KRG official has remarked: "When someone is in power he is not willing to share power. When someone is in the opposition he doesn't want to share power; he wants everything."[14]

A Constitutional Solution?

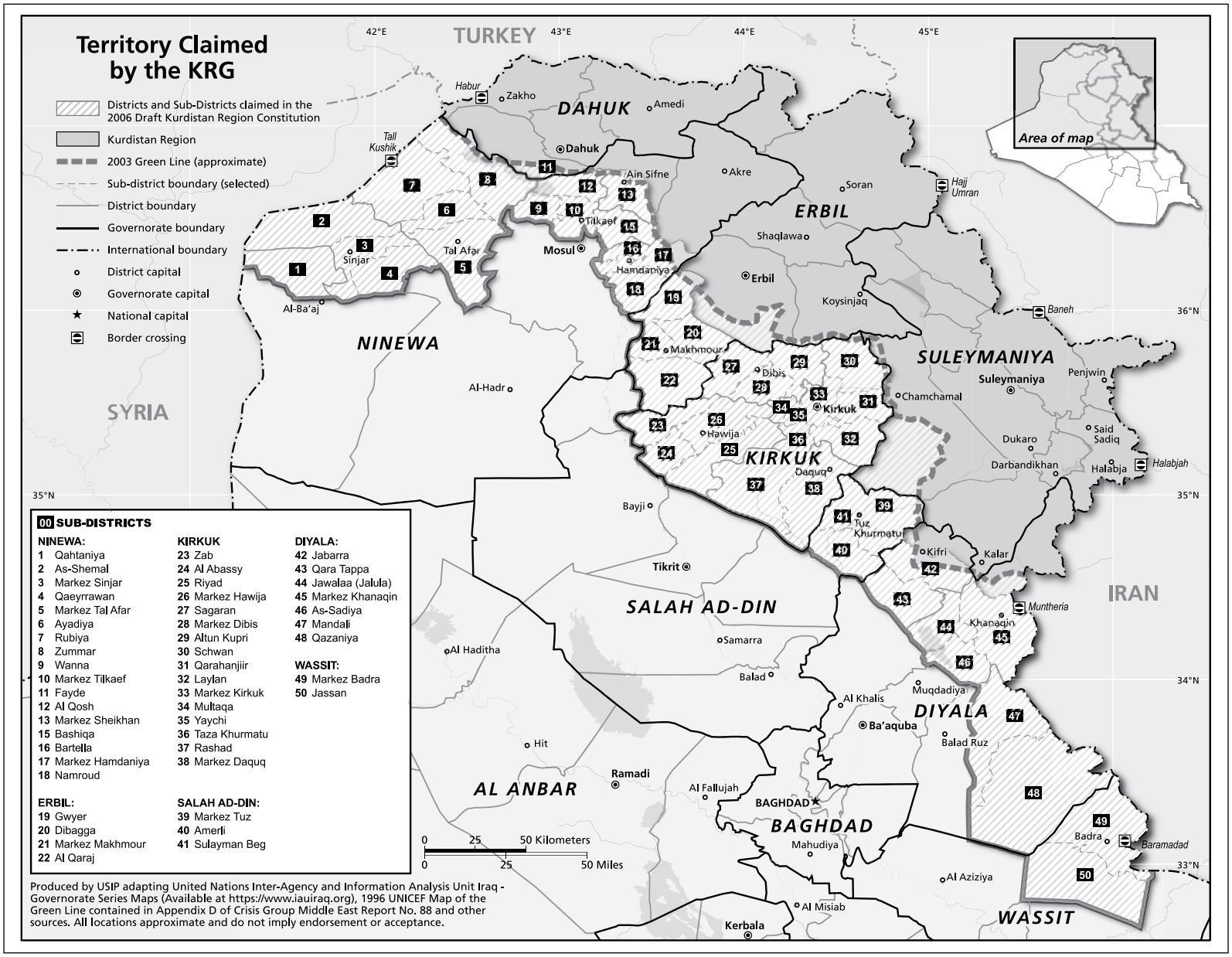
The basis for resolving Iraq's territorial dispute should in theory be found in its 2005 permanent constitution, Article 140 of which set out a three-step process of normalization, census, and referendum to determine the will of citizens in Kirkuk and other disputed territories by December 31, 2007. However, the constitution itself is the product of the flawed, divisive, and highly compressed constitutional drafting process of 2005.[15] Sunni Arabs voted against it almost unanimously; they initially had boycotted the assembly charged with its drafting and were then excluded from the political deals underpinning its final form. This is particularly problematic for resolving the issue of the disputed territories because Sunnis make up the majority of the Arab population in the disputed areas. In contrast, the Kurdish parties strongly support the constitution; they had a well-planned and strategically successful approach toward shaping its drafting. The Kurds see the constitution as an almost holy text that, after eighty years of monarchy and dictatorship, finally guarantees their rights and autonomy in Iraq.

The Kurds see the constitution as an almost holy text that, after eighty years of monarchy and dictatorship, finally guarantees their rights and autonomy in Iraq.

The constitution has gained growing acceptance and legitimacy as the reference point for Iraqi politics, but certain aspects of it remain highly controversial. Article 140, which was designated as a disputed article during the failed 2007–09 Iraqi constitutional review process, remains at the top of the list.[16] The article is best understood from the perspective of its Kurdish framers through the metaphor of a time machine.[17] Its intended purpose is to restore the situation in the disputed territories to the status quo ante of 1968, the year of the second Ba'athist coup and the start of thirty-five years of uninterrupted rule by the party. This reset is to be accomplished through the process of normalization, which includes the return of Kurds that the Ba'ath expelled from the disputed areas, the payment of compensation to *wafidoon* (newcomers)—the Arabs who were settled in the disputed areas—so that they voluntarily relocate to their original provinces, and the restoration of something resembling Iraq's 1968 provincial and district administrative boundaries. Following this, the census promised in 1970 is to be conducted to determine whether Kirkuk and other areas are majority Kurdish and should be attached to the Kurdistan region. Furthermore, to ensure that Baghdad does not in the future renege on an agreement to delineate the Kurdistan region's boundaries, a referendum is to be conducted so that the will of the people is clear. To date, however, the provisions of Article 140 have not been carried out.

The logic of Article 140 flows from the Kurdish premise that historically Kurdish areas cleared of their Kurdish populations through forced demographic change should be "reattached" to the Kurdistan region. This is motivated by a genuine sense of responsibility on the KRG's part to protect Kurdish civilians who have been past targets of genocide. One U.S. civilian expert on Iraqi Kurds describes this as the "Kurdistan is wherever there are Kurds" philosophy of a postgenocide society—that is, where there are Kurdish populations, there need to be Kurdish administration and security forces to protect them.[18] Kurdish leaders emphasize that resolving the disputed territories issue is a question of rectifying a major historical injustice, and maps of the Iraqi Kurdistan region corresponding to the extent of the territory claimed by the KRG in early drafts of its regional constitution reflect this principle (see map 3). Less convincingly, senior Kurds deny having any other possible motivations for their territorial claims and, until recently, appear to have been slow to appreciate how provocative some of the more extensive maps of Kurdish territorial claims are to Arab Iraqi opinion.[19]

Map 3


Territory Claimed by the KRG
Districts and Sub-Districts claimed in the 2006 Draft Kurdistan Region Constitution
Kurdistan Region
2003 Green Line (approximate)
Sub-district boundary (selected)
District boundary
Governorate boundary
International boundary
District capital
Governorate capital
National capital
Border crossing
TURKEY
SYRIA
IRAN
DAHUK
ERBIL
SULEYMANIYA
NINEWA
KIRKUK
SALAH AD-DIN
DIYALA
AL ANBAR
BAGHDAD
WASSIT
Area of map
Habur
Zakho
Amedi
Dahuk
Tall Kushik
Ain Sifne
Akre
Soran
Hajj Umran
Tilkaef
Shaqlawa
Sinjar
Tal Afar
Mosul
Hamdaniya
Erbil
Koysinjaq
Baneh
Al-Ba'aj
Makhmour
Dibis
Suleymaniya
Penjwin
Chamchamal
Kirkuk
Hawija
Said Sadiq
Dukaro
Darbandikhan
Halabja
Halabjah
Al-Hadr
Daquq
Bayji
Tuz Khurmatu
Kifri
Kalar
Tikrit
Muntheria
Khanaqin
Samarra
Al Haditha
Balad
Muqdadiya
Al Khalis
Ba'aquba
Balad Ruz
Hit
Ramadi
Al Fallujah
BAGHDAD
Mahudiya
Badra
Baramadad
Al Aziziya
Al Misiab
Kerbala
42°E
43°E
44°E
45°E
36°N
35°N
34°N
33°N
0 25 50 Kilometers
0 25 50 Miles
00 SUB-DISTRICTS
NINEWA:
1 Qahtaniya
2 As-Shemal
3 Markez Sinjar
4 Qaeyrrawan
5 Markez Tal Afar
6 Ayadiya
7 Rubiya
8 Zummar
9 Wanna
10 Markez Tilkaef
11 Fayde
12 Al Qosh
13 Markez Sheikhan
15 Bashiqa
16 Bartella
17 Markez Hamdaniya
18 Namroud
ERBIL:
19 Gwyer
20 Dibagga
21 Markez Makhmour
22 Al Qaraj
KIRKUK
23 Zab
24 Al Abassy
25 Riyad
26 Markez Hawija
27 Sagaran
28 Markez Dibis
29 Altun Kupri
30 Schwan
31 Qarahanjiir
32 Laylan
33 Markez Kirkuk
34 Multaqa
35 Yaychi
36 Taza Khurmatu
37 Rashad
38 Markez Daquq
SALAH AD-DIN:
39 Markez Tuz
40 Amerli
41 Sulayman Beg
DIYALA:
42 Jabarra
43 Qara Tappa
44 Jawalaa (Jalula)
45 Markez Khanaqin
46 As-Sadiya
47 Mandali
48 Qazaniya
WASSIT:
49 Markez Badra
50 Jassan
Produced by USIP adapting United Nations Inter-Agency and Information Analysis Unit Iraq - Governorate Series Maps (Available at https://www.iauiraq.org), 1996 UNICEF Map of the Green Line contained in Appendix D of Crisis Group Middle East Report No. 88 and other sources. All locations approximate and do not imply endorsement or acceptance.

A Political Solution?

The implementation of Article 140 has foundered on both technical and political grounds. From a technical standpoint, the article does not identify which areas are disputed, who is eligible to vote in the article's referendum, what the question is to be in such a referendum, and what the territorial unit of decision is.[20] This last point is particularly thorny for the Kurdish political parties that generally advocate for a provincewide vote in Kirkuk—where they believe they are a majority—but only claim parts of the Arab-majority governorates of Ninewa, Salah ad-Din, and Diyala. In these latter provinces, local Kurdish officials are pushing for district-by-district or subdistrict-by-subdistrict referenda in likely Kurdish areas.[21] This has left the KRG in the difficult position of arguing essentially that the referendum should be organized differently from place to place as best befits Kurdish claims.

If anything, the political obstacles to implementing Article 140 are even greater. Progress on Article 140 depends on actions of the federal government in Baghdad; it must allocate funds for normalization, issue instructions to restore historical boundaries, conduct the census, pass a law filling in the missing details on how the referendum is to be organized, and then actually hold it. Baghdad thus can frustrate Article 140's implementation by doing nothing, which is largely what has occurred—notwithstanding funding for normalization, some progress in organizing a census after repeated delays, and pledges by various Iraqi prime ministers to implement Article 140 to win Kurdish support for their governments. The December 31, 2007, deadline to implement Article 140 has now long passed. As of late-2010, normalization has not been completed, the long-delayed national census has been postponed four times, and no concrete steps have been taken to organize the referendum, although the Kurdish parties pushed to set a new deadline for it to be held as a condition for supporting the new Iraqi government.[22]

The political will to implement Article 140 has been lacking in Baghdad because, in the words of one Arab member of parliament, Kirkuk is viewed as the basis and foundation of Iraq's national unity and the link in the chain that will prevent the division of the country into its north, center, and south.[23] This is not a new sentiment. Iraqi governments have always feared the possibility of Kurdish separatism and the precedent it could set for Shiite Arabs to follow, threatening the future of the Iraqi state.[24] From the first set of territorial and autonomy demands presented by Mullah Mustafa Barzani to the government of Prime Minster Nuri Said during the Iraqi monarchy in early 1944 all the way to the 2005 constitutional drafting process, successive Iraqi governments have perceived Kurdish demands as excessive and displaying separatist tendencies. Time and again, as in negotiations during 1970–74, 1991, and more recent disagreements over Article 140, it has been the demarcation of the Kurdish self-rule area, and especially calls to include Kirkuk in the Kurdish region, upon which talks have foundered. For Kurds, Kirkuk is the most important issue. For Arabs, the Kurds' insistence on including Kirkuk in the Kurdish region is the ultimate evidence of their wish to separate from Iraq.

Iraqi governments have always feared the possibility of Kurdish separatism and the precedent it could set for Shiite Arabs to follow, threatening the future of the Iraqi state.

The connection between Kirkuk, the disputed territories, and Iraq's territorial integrity is made by non-Kurds because of the strategic value of the land at stake. Kirkuk governorate contains a super-giant oil field, two giant oil fields, and gas deposits. Other parts of the disputed territories are expected to yield substantial additional hydrocarbon finds, in contrast to the less geologically promising mountainous areas of the Kurdistan region proper, and are home to important oil export infrastructure. Moreover, disputed districts claimed by the KRG contain a lucrative border crossing with Iran and a possible gateway for the Kurdistan region to Syria; it currently only borders Iran and Turkey. From a geographic standpoint, the areas that the KRG claims abut militarily defensible topography, such as the Tigris River and the Jebel Hamrein

mountain range, while the fertile Ninewa Plains, irrigated agricultural land in Kirkuk, and areas surrounding the Hamrein lake in Diyala are strategically important in a country where only an estimated 13 percent of the land is arable.

When the territories' strategic nature is combined with the Iraqi constitution's highly decentralized arrangements—which could give the KRG control over oil and gas money generated within the region and whatever disputed territories are added to it—Arab Iraqis instinctively regard the incorporation of the disputed territories into the Kurdistan region as intended to rectify the well-known Kurdish lament that they are the largest nation in the world without a state. Some Kurdish actions in this respect have reinforced this suspicion and complicate the resolution of the disputed territories issue, as in the organization of an informal Kurdish independence referendum alongside Iraq's first elections in 2005, which returned a 98.9 percent affirmative vote.

In fact, the disputed territories represent an elemental point of commonality for Sunni and Shiite Arabs, despite the mistrust and sectarian violence that exist between them. The territories are a pivot point for Iraq's complicated post-2003 politics, which swings between the Shiite-Kurdish alliance that has its roots in the opposition to the Sunni-dominated Ba'athist regime, on one side, and Arab-Kurdish ethnic divisions, on the other. This tension was present from the earliest Iraqi opposition group meetings in 1992, with the first conference in Beirut chaired by Da'wa representative and future prime minister Nouri al-Maliki sharply criticizing Kurdish conditions for participating in the opposition—recognizing Kurdish self-determination and that Iraq's unity was voluntary—as "arrogant" and "a step towards secession."[25] It is thus perhaps not surprising that Arab consensus on maintaining the Iraqi nature of the disputed territories has proven strong enough to override the strategic alliance between the two major Kurdish parties and the umbrella Shiite political bloc that have formed the backbone of post-2003 Iraqi politics. Even at the peak of Iraq's sectarian violence, no Iraqi prime minister could afford to be seen as the leader who gave Kirkuk away. As a result, Arab politicians generally emphasize that the disputed territories issue requires a consensual political solution, guaranteeing that every inch of disputed land remains part of Iraq.[26] This was especially the case before December 31, 2007, when Kurdish influence was at its high water mark and Kurds had an unambiguous constitutional foundation upon which to pursue their territorial case.

Once the 2007 deadline passed, many Iraqi nationalists began to contend that Article 140 had expired and no longer had standing. From 2008 onward, they increasingly argued not only that a political agreement was required, but also that Iraq was passing through a delicate transitional phase, in which it was not healthy to address a sensitive and far-reaching issue such as the status of Kirkuk. In their view, the artificial Kurdish ascendancy on the ground and fragmented state of post-2003 Arab politics in Iraq created the potential for an "unnatural" outcome, making it necessary to wait for new provincial and national elections before addressing the disputed areas question. The Kurds reacted to these arguments with strong suspicion, perceiving an Arab delaying tactic aimed at waiting out the U.S. presence before imposing a one-sided solution, and stressed that implementing Article 140 was a basic question of whether or not Iraq would be a constitutional democracy.

More than Kirkuk: Anatomy of the Disputed Territories

Even though the terms *Kirkuk* and *disputed territories* often are used interchangeably, it is important to understand that the entire southern boundary of the Iraqi Kurdistan region (*iqleem*) is under dispute. In fact, including the four districts that make up Kirkuk governorate, at least

thirteen districts (*qada'a*) and three subdistricts (*nahiya*) in four different governorates (*muhafez*) are contested between the federal government in Baghdad and the KRG.[27] This lack of clarity is significant because military conflict over what areas of Iraq are Kurdish and what autonomy Kurds should exercise in these areas has been an episodic feature of modern Iraq's history. With this background, confrontation anywhere along the Green Line carries the potential for a wider crisis. Indeed, two of the most serious post-2003 Arab-Kurd standoffs were in Khanaqin (Diyala governorate) and the Ninewa plains rather than in Kirkuk.

Military conflict over what areas of Iraq are Kurdish and what autonomy Kurds should exercise in these areas has been an episodic feature of modern Iraq's history. . . . Confrontation anywhere along the Green Line carries the potential for a wider crisis.

In December 2007, with the constitutional deadline for Article 140 approaching and no referendum in sight, the United Nations Assistance Mission for Iraq (UNAMI) obtained a no-objection agreement from the federal government and KRG to initiate a process of UN technical assistance to facilitate the implementation of Article 140. Although Arab Iraqis and Turkoman initially strongly opposed it—they saw the UN intervention as keeping Article 140 on life support—UNAMI's involvement provided an important ladder for the Kurdish leadership to climb down following repeated guarantees that a referendum on Kirkuk would be delivered by the end of 2007. Over the next three years, UN work on disputed internal boundaries[28] gained growing acceptance among all communities and was an invaluable pressure-release valve that could perhaps not have otherwise been found due to the lack of a broadly agreed-upon Iraqi constitutional or political process to address the disputed territories. It also resulted in the collection of a vast amount of information on the disputed districts based on extensive primary research and field visits to the areas in question, which included holding local public consultations as well as reviewing local records and Iraq's legal archives going back to the 1920s, government service delivery and security provision arrangements, census records, and socioeconomic data.[29] The factual information on local administrative history uncovered by UNAMI's research provides one of the data sources for the district analysis contained in the following sections.

In the absence of a credible and broadly accepted census in Iraq since 1957, UNAMI also explored using the December 2005 national election results to better understand local political preferences and degrees of political influence in the disputed districts at that time. Given that Iraqi voting patterns have largely played out as identity referenda, the Kurdish parties particularly supported this line of inquiry, as they hoped to see the election results applied to determine areas of Kurdish majority as a substitute for the promised 1970 census. However, UNAMI's broader research delivered findings that did not correlate to election results in certain areas, indicating that such a mechanistic approach was unlikely to deliver a sustainable and broadly accepted solution. Arab and Turkoman leaders also generally opposed using the 2005 polls for such a preference, arguing that Sunni Arabs remained politically "scattered" at both the provincial and national levels and that work on the disputed areas should only be attempted after new elections established a strong new political base capable of delivering an agreement.[30] In late 2010, with a fresh set of provincial (January 2009) and national elections (March 2010) resulting in major advances by Arab nationalist groups at the provincial level, such as the al-Hadba Gathering in Ninewa, and the Sunni and secular Iraqiyya slate at the national level, there are now three data points that can be used to try to identify a more consistent trend of political preferences regarding the disputed territories. These three sets of results provide the second basis for the district analysis.

The two data sets are not infallible and have definite limitations. The various elections occurred at unique moments in Iraq's history and were for the purpose of electing political representatives; they were not intended to serve as a referendum on competing territorial claims.

Indeed, the legislation governing Iraq's March 2010 elections explicitly states that the results "shall not be used as a precedent for any political or administrative situation," squarely limiting their use to theoretical exercises like this report. Likewise, each of the administrative changes in the disputed areas requires analysis in historical context to determine whether they were driven by an administrative logic or a demography-altering imperative. However, taken together, the data sets provide a valuable entry point for defining the basic contours of the territorial dispute and possibly providing one view of what negotiated solutions to it might look like.

Criteria for Analysis

The following sections use the above two data sources to break down the Arab-Kurdish territorial dispute at the local level in selected districts and subdistricts, including Sinjar, Tal Afar, Tilkaef, Sheikhan, Hamdaniya, and Mahkmour districts, and Qahtaniya and Bashiqa subdistricts in Ninewa governorate; the four districts of the Kirkuk governorate (Kirkuk, Dibis, Hawija, and Daquq); Tuz Khormatu district in Salah ad-Din governorate; and Kifri and Khanaqin districts, and Mandali subdistrict in Diyala governorate. As there is no clear constitutional definition of the disputed territories, the report largely focuses on the districts examined in UNAMI's analyses on disputed internal boundaries. It only looks at those areas south of the Green Line, and not at districts or portions of districts often cartographically depicted as part of Ninewa or Diyala but which actually lie north of the Green Line.[31] It similarly excludes parts of Suleymaniya that were technically maintained by the former regime as deserted no-man's land below the Green Line but which are now fully Kurdish administered.[32] It also does not consider claims to areas in southern Diyala and even in Wassit governorate sometimes presented by the KRG. Additional analysis is also conducted at the governorate level in Kirkuk, given its special circumstances and central standing in the dispute.

In examining the relative strength of competing territorial claims to districts and subdistricts in these four governorates, the following issues were considered:

- The local level of electoral support for Kurdish and other minority political parties that favor the incorporation of their areas into the Kurdistan region. Did pro-KRG parties consistently receive more than 60 percent of the vote in all three elections?
- The administrative history of these areas. Did individual areas have recent administrative ties with the three Kurdish governorates of Erbil, Suleymaniya, and Dahuk, or undergo boundary changes for apparent ethnic gerrymandering purposes?
- Demographic change. Were these areas targets of property destruction, forced displacement, and land seizure campaigns to change their demographic make-up?

In attempting to answer these questions, the author relied on election results supplied by the Independent High Electoral Commission (IHEC) and its predecessor, the Independent Electoral Commission of Iraq (IECI).[33] For factual information on the administrative history of the disputed areas, the author utilized republican decrees, Revolutionary Command Council decisions, presidential orders that were unearthed in the UNAMI reports as well as some of the findings of the government of Iraq's Article 140 Committee.[34] All the analytical findings and judgments made using these two categories of information are the author's alone, including the 60 percent threshold identified above. The threshold was chosen because, when seeking to draw inferences on an issue of such great political sensitivity from uncertain and sometimes contested electoral data, it was important to look for a pattern of consistent and clear majorities, comfortably above 50 percent. Others may, of course, disagree and are encouraged to use the materials in the annex to conduct analyses with alternative thresholds that they feel are more appropriate.

A dispute of such length and complexity cannot be resolved in a mechanistic way on the basis of a predetermined formula or criteria. Given the dislocation and potential instability that any change to administrative arrangements and boundaries in northern Iraq would likely involve, human and political judgment will be crucial in crafting any sustainable resolution to the disputed territories. Moreover, as is seen in the section on Kirkuk governorate, the nature of the territory under dispute varies by location and likely requires distinct approaches. However, it is hoped that this report's attempt to answer the above three basic questions can help to clarify the issues regarding the disputed areas and create an entry point for dialogue among Iraqi authorities, who alone have the power to make decisions on administrative arrangements in the disputed areas. To achieve this, the report's conclusion will aggregate local- and provincial-level evidence to provide a comprehensive basis for Iraqi authorities to consider possible resolutions to the territorial dispute.

A comprehensive territorial negotiation could potentially square the circle of Kurdish demands for a constitutionally mandated referendum and Arab and Turkoman desires for a political solution to the disputed territories. As UNAMI first noted, Article 140's requirement to hold a referendum "to determine the will of their citizens" in Kirkuk and other disputed territories is broad enough to cover a range of options, and not only an up-or-down vote as to whether Kirkuk and other areas should join the Kurdistan region.[35] There is nothing incompatible with Article 140 of putting a negotiated political agreement on a territorial package to the population of the disputed areas for their endorsement through a confirmatory referendum. Such a sequence might even provide a means for the KRG to get around its dilemma of the differing nature of the territory it claims, varying between Kirkuk governorate and districts and subdistricts in Ninewa, Salah ad-Din, and Diyala.

Article 140's requirement to hold a referendum "to determine the will of their citizens" in Kirkuk and other disputed territories is broad enough to cover a range of options, and not only an up-or-down vote as to whether Kirkuk and other areas should join the Kurdistan region.

Ninewa Claims

Ninewa is an Arab-majority governorate that contains substantial Kurdish, Yazidi, Turkoman, Chaldo-Assyrian (Christian), and Shebek minorities. After 2003, Ninewa represented perhaps the clearest case of Kurdish gains on the ground. KDP *peshmerga* were authorized, first by the U.S. military in 2003 and then by the Iraqi government in November 2004, to take up positions in the governorate, including in the areas claimed by the KRG.[36] Many of these areas subsequently developed informal service arrangements with Dahuk and Erbil governorates. In addition, as a result of the Sunni Arab boycott of the January 2005 provincial elections, the Kurdish backed Ninewa Fraternal List (NFL) coalition controlled thirty-one of the forty-one seats on Ninewa's provincial council.

The January 2009 provincial elections moved the Sunni Arab population fully back into the political picture in Ninewa. The Arab nationalist al-Hadba bloc won an absolute majority on the provincial council, but refused to share the governorate's executive positions with the NFL unless the *peshmerga* were first withdrawn from Ninewa. In response, the KDP organized an effective boycott of the Ninewa provincial administration in Kurdish-controlled areas of the province and barred the new governor, Atheel Najaefi, from entering these districts. On two occasions, in the Ninewa Plains towns of Bashiqa in May 2009[37] and Tilkaef in February 2010, the governor's attempts to visit these Kurdish-controlled areas have resulted in standoffs between the governor's security detail and KDP *peshmerga*. The latter incident involved Governor Najaefi alleging an assassination attempt against him while his security forces arrested *peshmerga*; the Kurds retaliated by arresting Iraqi army members while Kurdish courts issued an arrest warrant against Najaefi. Furthermore, the Kurds temporarily

suspended their participation in the U.S-organized security cooperation and integrated training between the *peshmerga* and Iraqi army in Ninewa and Iraqi authorities became involved up to the prime minister level in restoring calm.[38] These tense incidents and the broader separation of administrations in Ninewa have raised fears that this provincial dispute might spark a broader Arab-Kurdish confrontation. As of late 2010, UNAMI is brokering power-sharing talks between al-Hadba and the NFL,[39] although their prospects of success appear to depend on the shape of Iraq's new national government.

District Analysis

The KRG has laid claim to six of Ninewa's districts (Sinjar, Tal Afar, Tilkaef, Sheikhan, Hamdaniya, and Makhmour) as well as two additional subdistricts (Qahtaniya and Bashiqa).[40] Leaving aside Mosul and its surroundings—Iraq's third largest city—these areas represent most of the governorate's remaining arable land and populated areas. Ninewa's southern districts of Al-Ba'aj and Al-Hadr are largely desert and sparsely populated.

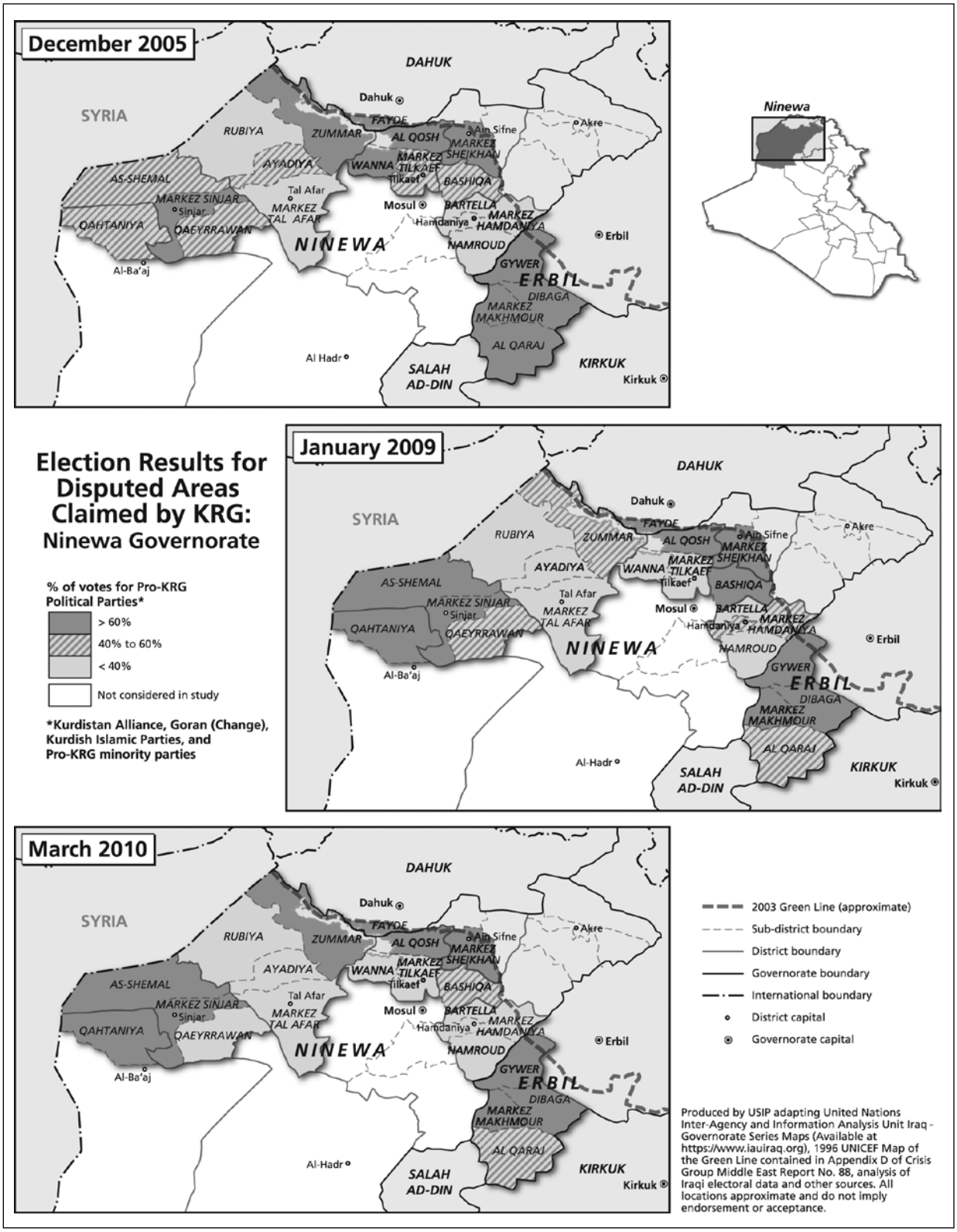
The situation in Ninewa is complicated by the province's territorial disputes not simply being confined to Arabs and Kurds, but also implicating a number of small ethnic and religious minorities, such as the Yazidis, Chaldo-Assyrians, and Shebek.

The situation in Ninewa is complicated by the province's territorial disputes not simply being confined to Arabs and Kurds, but also implicating a number of small ethnic and religious minorities, such as the Yazidis, Chaldo-Assyrians, and Shebek. These smaller components of Iraqi society constitute local majorities in a number of Ninewa's disputed areas, including Hamdaniya, Bashiqa, Tilkaef, Sheikhan, and Sinjar, and they have lived in Ninewa for centuries or even millennia. These groups frequently complain of being caught up in the larger Arab-Kurdish struggle. The present situation of violence and uncertainty in Ninewa, combined with the fractured and traumatized nature of the minority communities themselves, makes it exceedingly difficult for outsiders to fully understand their administrative preferences regarding the disputed territories. Under the previous regime, ethnic minorities were compelled to identify as Arabs and faced a range of discriminatory measures if they did not. Currently, minority groups find themselves to be a disproportionate target of terrorist attacks motivated by ethnic and religious prejudice. This has led to high levels of emigration from the province, particularly among the Chaldo-Assyrian community, as well as growing support for local autonomy or the attachment of minority areas to the Kurdistan region due to its secure and relatively secular environment. However, while minority leaders welcome and are generally grateful for the protection that Kurdish *peshmerga* offer in certain areas of Ninewa, some complain that this comes with pressure for their communities to identify as ethnic Kurds or politically support the annexation of the Ninewa plains and other minority districts to the Kurdistan region. This added layer of complexity to the situation in Ninewa, as well as the need for any Arab-Kurdish deal to offer protection and confidence building measures to safeguard the rights of vulnerable groups, should be kept in mind when reviewing the evidence on political preferences and administrative history presented in the remainder of this section.

Election Results

The electoral performance of the Kurdish political parties peaked in December 2005 and the January 2009 and March 2010 election results suggest a potentially more representative political map (see map 4). Not directly depicted is the noteworthy consolidation of the Sunni Arab and Turkoman vote that occurred between 2005 and 2010. In 2005, these communities' votes were split among four major blocs—Tawafuq, Hewar, Iraqiyya, and the Iraqi Turkoman Front—whereas by 2010 they were virtually unified under Iraqiyya, which won 55 percent of

Map 4


December 2005
DAHUK
Dahuk
SYRIA
RUBIYA
ZUMMAR
FAYDE
AL QOSH
Ain Sifne
MARKEZ SHEIKHAN
Akre
AYADIYA
WANNA
MARKEZ TILKAEF
Tilkaef
BASHIQA
AS-SHEMAL
Tal Afar
MARKEZ SINJAR
Sinjar
MARKEZ TAL AFAR
Mosul
BARTELLA
Hamdaniya
MARKEZ HAMDANIYA
QAHTANIYA
QAEYRRAWAN
NINEWA
NAMROUD
Erbil
Al-Ba'aj
GYWER
ERBIL
DIBAGA
MARKEZ MAKHMOUR
AL QARAJ
Al Hadr
SALAH AD-DIN
KIRKUK
Kirkuk
Ninewa
Election Results for Disputed Areas Claimed by KRG:
Ninewa Governorate
% of votes for Pro-KRG Political Parties*
> 60%
40% to 60%
< 40%
Not considered in study
*Kurdistan Alliance, Goran (Change), Kurdish Islamic Parties, and Pro-KRG minority parties
January 2009
March 2010
2003 Green Line (approximate)
Sub-district boundary
District boundary
Governorate boundary
International boundary
District capital
Governorate capital
Produced by USIP adapting United Nations Inter-Agency and Information Analysis Unit Iraq - Governorate Series Maps (Available at https://www.iauiraq.org), 1996 UNICEF Map of the Green Line contained in Appendix D of Crisis Group Middle East Report No. 88, analysis of Iraqi electoral data and other sources. All locations approximate and do not imply endorsement or acceptance.

the vote in the province compared to 20 percent for the Kurdistan Alliance. The major exception to the trend of declining Kurdish political support over the past five years was in Yazidi inhabited areas (Sheikhan, Al-Qosh, Sinjar, and Qahtaniya). In these areas, the Kurdistan Alliance significantly increased its share of the vote from 2005 to 2010. This may be due partly to the horrific bombing of Yazidi collective compounds in Qahtaniya subdistrict during August 2007, which heightened fears among Yazidis regarding Islamic extremism among Arabs and the persistent high levels of violence in Ninewa.[41] This development is significant. The former regime forced Yazidis to identify as Arabs, most Kurds believe Yazidis to be ethnically Kurdish, and Yazidis themselves have differing views as to their ethnic identity (including many who consider themselves Kurdish and many others who consider Yazidis to be a distinct nationality). While debate continues on this subject, and there is definite pressure from the Kurdish political parties on the Yazidi community to identify as Kurds, at this point it is a reality that as much as two-thirds of the votes for the Kurdistan Alliance and the central basis for Kurdish territorial claims in Ninewa now come from Yazidi-inhabited areas.[42]

Analysis of Claims

When viewed in conjunction with electoral results, archival data backs Kurdish claims to some disputed districts in Ninewa, but also indicates overreach in others. Kurdish claims to Makhmour, Sheikhan, and the Al-Qosh and Fayde subdistricts of Tilkaef are generally supported, as pro-KRG parties consistently garnered more than 70 percent of the vote in recent elections in these areas; there is also a history of administrative connections with the Kurdish region or boundary gerrymandering, as well as a legacy of forced demographic change (see annex 1). Among these areas, Makhmour and Fayde affiliated with Erbil and Dahuk respectively as recently as the 1990s, while Sheikhan district, currently split by the Green Line included Al-Qosh until 1970. Sheikhan and Makhmour were also primary targets for Arabization, as substantial destruction of Kurdish and Yazidi villages occurred in Sheikhan following the 1975 collapse of the Kurdish movement and Makhmour became a priority location for the settlement of Arab tribes after the creation of the Kurdish Autonomous Zone in 1991. From a strategic standpoint, Sheikhan has been the site of promising initial oil discoveries and retains special importance for the Yazidi community because it is the worldwide center of their faith. However, Makhmour is probably the most significant of these areas because of its proximity to the Kurdish capital of Erbil, its likely substantial oil reserves (possibly including the untapped Khurmala Dome of the Kirkuk oil field structure), and key oil infrastructure.[43] It is also possibly the most contested district of this set, as it has a significant Arab minority, particularly in its southern subdistrict of Qaraj. Nevertheless, Makhmour has consistently returned Kurdish electoral majorities in excess of 75 percent and was continuously part of Erbil district from 1932 until the Iraqi army unilaterally established the Green Line in 1991. It subsequently received administrative services from Mosul but was never officially made part of Ninewa governorate.

In contrast, while containing mixed Arab-Kurdish-minority populations, Hamdaniya, the Bashiqa subdistrict of Mosul, the remainder of Tilkaef, most of Tal Afar district, and the Qaeyrrawan subdistrict of Sinjar have no history of administrative links to the Kurdish region and consistently have shown only weak to moderate electoral support for pro-KRG political parties. Bashiqa is the only one of these areas where the pro-KRG percentage of the vote has topped 50 percent, and most of these votes come from pro-KRG Chaldo-Assyrian and

Shebek parties rather than from the main Kurdistan Alliance. Many of these areas were harmed by the former regime's practices, but the magnitude and scope of the destruction was not as severe as in other places (see annex 2). Despite the inclusion of these areas in the draft Kurdistan region constitution, in private conversations KRG officials do not strongly push claims to many of these areas, suggesting that they are perhaps intended as bargaining chips for the truly contested areas.[44]

The crux of the territorial dispute in Ninewa is the Zummar subdistrict of Tal Afar and Yazidi-majority Sinjar district, including the subdistrict of Qahtaniya, which was separated from the latter in 1977. In these cases, the criteria of electoral results and administrative history diverge. Specifically, these areas do not have a record of administrative connections to the Kurdistan region, but have consistently returned pro-KRG electoral majorities and were among the areas of Ninewa hardest hit by Arabization measures following the collapse of the Kurdish movement in 1975 (see annex 3). This is especially true of Sinjar, where virtually the entire Yazidi population of the district had their villages destroyed and were forcibly resettled into eleven collective compounds, where they remain today. This suggests at least that the former regime thought that there was strong local support for the Kurdish movement at the time.[45]

Both Zummar and Sinjar are also made highly strategic by virtue of their being part of Iraq's border with Syria. Zummar is also close to the Mosul Dam and other key infrastructure, such as the Fishkabour bridge over the Tigris and the final section of the Iraq-to-Turkey oil pipeline. Meanwhile, Highway 47 runs through Sinjar to the Syrian border and could conceivably provide the foundation for an international border crossing. The Yazidi majority district of Sinjar presents unique challenges to resolve because it is the only disputed district that does not physically border the Kurdistan region—and Arab and Turkoman majority areas of Tal Afar district lie between it and Dahuk governorate. However, despite this physical separation, Kurdish convoys currently supply Sinjar with security, food rations, fuel distribution, and other services from Dahuk, largely with the permission of the Ninewa government and relevant federal ministries.[46]

Conclusions for Negotiation

There is evidence to support KRG claims to parts of present-day Ninewa, but the Kurdistan region also appears to have overreached in other areas of the province, generating resentment. The core of the territorial dispute in the province lies in the strategic areas of Zummar subdistrict and Sinjar, where the evidentiary criteria of election results and administrative history diverge. The single strongest source of Kurdish electoral support in Ninewa is Sinjar district,[47] which would become a Yazidi exclave requiring special administrative arrangements if an Iraqi negotiation were to result in its attachment to the Kurdistan region. This is implicitly acknowledged in the June 2009 draft KRG constitution, which drops earlier Kurdish claims to areas in Tal Afar that would have formed a land bridge between Sinjar and the Kurdistan region. A more tenable solution for the district might be to continue the status quo, that is, formally administered by Ninewa but with certain administrative and security functions provided by the KRG under a renewable agreement with the federal government, along with special transport and convoys to enable members of the Yazidi communities in Sinjar and Sheikhan to exchange visits and undertake pilgrimages to Yazidi holy sites. In turn, the KRG would likely have to formally drop its claim to Sinjar as part of the Iraqi Kurdistan region.

The potential for resolving the status of the remaining disputed districts and subdistricts in Ninewa, including the strategic district of Makhmour, thankfully appears more straightforward, but likely awaits a comprehensive deal alongside these more complex areas.

Kirkuk Claims

Kirkuk stands out as distinct from the other disputed territories in its complexity and strategic significance. The governorate is disputed in its entirety and has become the center of three competing national narratives. The Turkoman community point toward their historic majority in Kirkuk city (shown in the 1957 census[48]) and consider the province's cities and towns to be part of their ancestral homeland, Turkomaneli. The Kurdish plurality of 47 percent in Kirkuk governorate in this same year and the subsequent extensive suffering and expulsion of Kurds from the province has made it a focus of Kurdish national aspirations. Meanwhile, the importance of Kirkuk's oil production to development of the Iraqi state made it vital for Arab-led governments in Baghdad that Kirkuk, which Arabs often refer to as a "mini-Iraq," remain an "Iraqi city."

The importance of Kirkuk's oil production to development of the Iraqi state made it vital for Arab-led governments in Baghdad that Kirkuk, which Arabs often refer to as a "mini-Iraq," remain an "Iraqi city."

Given the heightened sensitivity around Kirkuk, some historical background on the governorate is required to understand the depth of competing claims to it and the tangled situation in the province today. In this respect, the modern history of Kirkuk has been indelibly shaped by the discovery of the super-giant Baba Gur fields just north of Kirkuk city in 1927, which roughly coincided with the founding of the Iraqi state. Kirkuk's oil fields became a world-class strategic asset and significant factor in funding Iraq's development over the ensuing decades. Until the development of Basra's oil fields several decades later, Kirkuk was Iraq's largest oil producer.[49] Today, despite approximately eighty years of production, it remains Iraq's second-largest oil producing province.

Locally, the development of the oil industry transformed Kirkuk from a small town into an industrial center increasingly populated by economic migrants drawn to employment opportunities offered by oil exploitation. Although Kurds, Turkomen, Arabs, and Chaldo-Assyrians had lived in around what is now Kirkuk for hundreds of years, the growth of the oil industry during the first half of the century was accompanied by substantial in-migration of Arab and Kurdish populations to the southwest and northeast of the province, respectively, as well as their settling into new, largely homogenous neighborhoods in Kirkuk city itself. Before this, the Turkoman community had perhaps the strongest connection to Kirkuk city and the other urban centers in the province, such as Tuz, Daquq, and Altun Kopri, while Kurdish families were some of the largest rural landowners in the province. Several major Arab tribes, including the Ubaid and Jabour, had also inhabited the southwest of Kirkuk governorate, including in what is now Hawija district, for at least the last century.[50]

Beginning during the unsettled period of coup and countercoup that marked the 1960s, Iraqi governments began to encourage Arabs to settle in Kirkuk to secure the strategic oil infrastructure that was vital to funding national development. After the collapse of the Kurdish movement in 1975, the Ba'ath regime increasingly systemized this effort and undertook the large-scale expropriation of Kurdish and Turkoman-owned land as part of preparations to nationalize oil the industry. This was supplemented by a range of discriminatory practices, such as prohibitions on the use of Kurdish, Turkoman, and Chaldo-Assyrian languages, restricting eligibility for employment in state jobs to Arabs, ethnic gerrymandering of Kirkuk's administrative boundaries, and pressure on minorities to undertake so-called nationality correction,

beginning with the 1977 census. This period included some destruction of Kurdish villages, but the worst violence came roughly a decade later, when the Iraqi army's brutal Anfal campaign reached Kirkuk during the close of the Iran-Iraq war. The Anfal resulted in the almost complete destruction and expulsion of the civilian population of Kurdish-inhabited rural areas in the north and northeast of the governorate, as well as mass summary executions and disappearances of many tens of thousands of Kurdish civilians, the use of chemical weapons against civilian populations, and widespread arbitrary detentions of Kurdish populations.[51] During the 1990s, the Ba'athist regime's Arabization efforts focused on intensively settling Arab tribes in these depopulated areas to create a security belt between Kirkuk city, the strategic infrastructure of the province—especially its oil fields and major transportation routes—and the Kurdish Autonomous Zone established after the 1991 Gulf War[52] (see annexes 4 and 5 for greater detail on these events).

Despite being a recurrent arena of conflict, with the exception of nine days—March 19 to 28—during the 1991 uprising, Kirkuk has never been Kurdish administered in modern Iraqi history. This remained nominally true after 2003, when after the fall of Kirkuk to Patriotic Union of Kurdistan (PUK) *peshmerga,* PUK police units, and a small number of U.S. special forces in April 2003, the U.S. military took control of the city and asked its Kurdish allies to withdraw.[53] However, the Arab boycott of the political process from 2003 to 2007 and the close military relationship between the U.S. and Kurdish security services[54] allowed the Kurdish political parties to establish control over many public institutions in the province, including capturing twenty-six of the forty-one seats on the provincial council during the January 2005 provincial elections.

In tandem with these developments, large numbers of formerly displaced Kurds began to return to the governorate. Exact figures do not exist, but the International Organization for Migration (IOM) estimates that 21,401 families forcibly displaced from Kirkuk had returned to the governorate by December 2005.[55] At least on paper, the number of persons who registered their civil identity cards (*gensiya*) in Kirkuk took a further large jump in 2007 and 2008 after the Iraqi government's Article 140 Committee announced compensation schemes for formerly displaced Kurds returning to the governorate.[56] This fueled accusations that the Kurdish political parties were importing Kurds from Erbil, Suleymaniya, Dahuk, and even Syria and Turkey, ahead of elections and a future Article 140 referendum on Kirkuk's status. Many Kurdish returnees either found their property occupied or simply no longer existing, and because Iraq's nascent Iraqi property claims resolution bodies found themselves unable to deal with the magnitude of the influx of returnees,[57] one immediate result was the large-scale squatting of Kurdish refugees in the Kirkuk stadium, schools, and other public institutions around the province.

The broader political and security situations in Kirkuk has likewise remained problematic throughout the post-2003 period. Arabs and Turkoman perceive Kirkuk's security structures, including the local police, to be dominated by the *peshmerga* and the *asayesh* and used for purposes such as detaining political opponents. The *peshmerga* also continue to maintain a presence on and north of the high ground of the strategic Qani Domlan ridge located north of Kirkuk city, which the Iraqi army previously had fortified and used to make its stand against Kurdish and U.S. forces advancing south in March and April 2003.[58] In turn, in 2008 the Kurdish political parties resisted the formation of Awakening Councils to address the persistent Sunni-led insurgency in southern and western Kirkuk and, once it was sufficiently reconstituted to make it possible, the deployment of the new Iraqi army to the province.

For the Kurds, the Awakening recalled the use of tribal national guards to clear Kurdish land around the province's oil fields in the 1960s, while the deployment of the mostly Arab Twelfth Division of the Iraqi army to Kirkuk in late 2008 was unwelcome given memories of the Anfal. The movements of the Twelfth Division during the first quarter of 2009 were accompanied by heightened political tension as the division approached areas of the province that had been targeted during the Anfal. Kurdish political and military leaders reportedly sent messages that the *peshmerga* positions on the Qani Domlan represented a red line and any attempt by the division to move into the mainly Kurdish rural areas beyond it would be met with force.[59] Fortunately, no such confrontation occurred, and an uneasy balance of local police primacy in Kirkuk city, Daquq, and Dibis, the *peshmerga* providing security north and east of the Qani Domlan, and the Iraqi army and Awakening Councils handling the areas south and west of it has since prevailed. The U.S. military subsequently has taken action to mitigate the future risk of such events spiraling out of control by establishing combined Iraqi army, *peshmerga*, and U.S. army checkpoints at potential flashpoints throughout the disputed territories and brokering an agreement by which four *peshmerga* brigades operating in the disputed territories are to be integrated into the Iraqi army.[60]

On the political front, the Arab boycott of the Kirkuk Provincial Council remained in place until December 2007, when a U.S.-led Kirkuk provincial reconstruction team brokered a power-sharing agreement between the Kurdish-controlled Kirkuk Fraternal List (KFL) and predominantly Arab Iraqi Republican Gathering coalition.[61] However, persistent disagreement over the details of power sharing has hamstrung full implementation of this agreement. Further underscoring the depth of political differences in the province, Kirkuk became the only one of the fifteen non-KRG governorates not to hold provincial elections in January 2009. This followed contentious parliamentary debate and street protests over who should be allowed to vote in Kirkuk given pre- and post-2003 demographic changes to its population, disagreement on how to resolve property disputes, and a lack of consensus on administrative power sharing.[62] Article 23 of the 2008 provincial elections law ultimately established a multiethnic parliamentary committee tasked with preparing recommendations on power sharing, property issues, and demographics in Kirkuk, though this committee ultimately was unable to deliver a consensus report by an extended deadline of May 30, 2009, and subsequently referred the matter back to the parliament. The 2010 national elections in Kirkuk were similarly threatened after the eruption of parliamentary disputes over whether to utilize the approximately 500,000-person voter registry used for the January 2005 elections, which Arab and Turkoman representatives preferred because it pre-dated the bulk of later Kurdish returnees, or the roughly 900,000-person registry resulting from the 2009 nationwide update, which Kurds preferred for the opposite reasons. Ultimately elections went ahead using the 2009 update under the explicit rider that the voter registry would not serve as a precedent for future electoral events in the province.[63] Most recently, Kirkuk emerged as the key sticking point in attempts to conduct Iraq's first census since 1997, primarily because of concerns over how questions on the census form regarding ethnicity would be interpreted in the context of Article 140.[64]

Kirkuk governorate . . . is the only province that is disputed in its entirety between the KRG and the federal government.

Governorate Analysis

Kirkuk governorate, which consists of the districts of Hawija, Dibis, Kirkuk, and Daquq, is the only province that is disputed in its entirety between the KRG and the federal government. It is repeatedly singled out for exceptional treatment in Iraqi laws (the 2009 Provincial Elections Law and the 2010 National Elections Law) and constitutional charters (Article 140 of the

2005 Iraqi Constitution and Article 58 of its predecessor, the 2004 Transitional Administrative Law). In contrast to other disputed territories, the draft Kurdistan regional constitution claims "Kirkuk governorate" as part of the Iraqi Kurdistan region rather than listing specific districts and subdistricts, as it does in Ninewa and Diyala.[65] Article 140, with its requirements for the normalization of Kirkuk's population and the restoration of its pre-1970 boundaries, also appears to have been crafted with a provincewide referendum in mind. Therefore, the analysis of election results, administrative history, and demographic change in Kirkuk will first be done at the governorate level, rather than district by district, as elsewhere in the report.

Election Results

Given the stakes involved, and particularly in the absence of broadly accepted demographic records, elections in Kirkuk have been fiercely contested as a proxy for competing claims to the governorate (see figure 1). In the December 2005 elections, the Kurdistan Alliance won 53 percent of the vote, and if smaller Kurdish Islamic parties are included, pro-KRG parties won a narrow majority of 55 percent in the province. Approximately 41 percent of the vote was split among three Sunni Arab blocs, the Shiite United Iraqi Alliance—likely capturing the vote of Shia Turkoman and *wafidoon*—the Sunni-inclined Iraqi Turkoman Front, and the secular Iraqiyya slate, with none of these six blocs capturing more than 14 percent of the vote. Turnout was a remarkable 86 percent in the governorate as a whole, and in excess of 95 percent in several Arab-dominated areas of Hawija and Kurdish-dominated areas of Kirkuk city and the northeast of the province, suggesting possible countervailing ballot box stuffing.

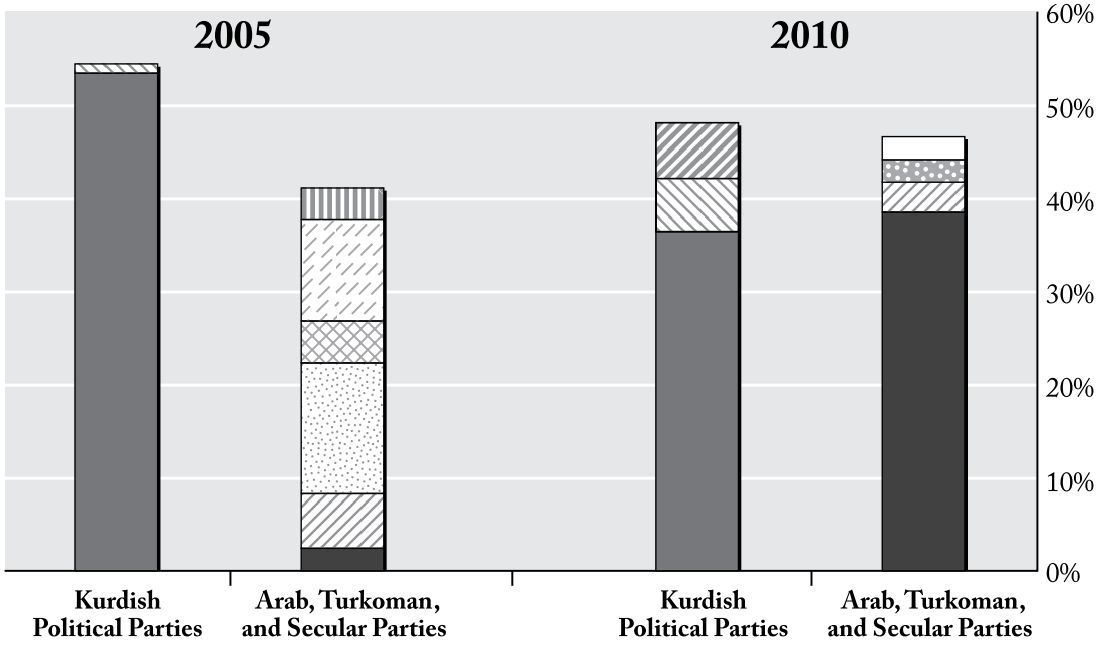
As mentioned, Kirkuk did not hold provincial elections in January 2009, but the March 2010 national elections produced several noteworthy results. The first is that the Kurdish vote was now split three ways between the Kurdistan Alliance (which won 36 percent of the vote), the Kurdish opposition party Goran (6 percent), and two smaller Kurdish Islamic parties (6 percent). Meanwhile, the Arab and Turkoman vote was almost entirely consolidated into the Iraqiyya alliance (39 percent), with the two main national Shiite coalitions (Prime Minister Nouri al-Maliki's State of Law and the Iraqi National Alliance) winning 5 percent of the vote and the other standalone Sunni party (Tawafuq) winning 3 percent of the vote. Second, while Kurds continue to appear to be the largest community in the governorate, their claim to a majority appears more uncertain, as the total percentage of the vote for Kurdish parties fell from 55 percent to 48 percent. Third, this slip in support for Kurdish political parties in Kirkuk occurred despite several years of Kurdish efforts at the national and local level to promote the normalization of Kirkuk's population, including the federal Article 140 Committee spending $500 million since 2007 in compensation payments to Kurdish families that returned to Kirkuk and Arab *wafidoon* that agreed to leave the governorate.[66] In fact, fewer votes were cast in Kirkuk during the 2010 elections than in the 2005 polls, suggesting that the surge in returnees that has led to explosive growth in Kirkuk's voter registry since 2004 may have run its course. This implies constraints on the ability of normalization to result in a population mix within Kirkuk governorate's current administrative boundaries that would deliver a clear majority in an Article 140 referendum on joining the province to the Kurdistan region.

Analysis of Claims

At the present juncture, within Kirkuk's current administrative boundaries, Kirkuk governorate has not returned consistent majorities of over 60 percent support for the Kurdish political

Figure 1

Kirkuk Governorate Election Results Comparison, 2005 and 2010



Kurdish Political Parties:
- Kurdistan Alliance
- Kurdish Islamic Parties
- Goran (Change)

Arab, Turkoman, and Secular Parties 2005:
- Iraqiyya
- Tawafuq
- Hewar
- Liberation and Reconciliation Gathering
- Iraqi Turkoman Front
- United Iraqi Alliance

Arab, Turkoman, and Secular Parties 2010:
- Iraqiyya
- Tawafuq
- State of Law
- Iraqi National Alliance

parties. Likewise, excepting the brief period during the March 1991 uprising identified above, Kirkuk has never been formally administered by or linked to Kurdish provinces. However, it is indisputable that Kirkuk has been the repeated red line of red lines for Kurdish negotiators during talks with various Iraqi governments, and it was subjected to some of the most systematic, far-reaching, destructive, and violent policies of demographic change by the former regime (see annexes 4 and 5). It also appears that the governorate currently has at least a Kurdish plurality and possibly a slight Kurdish majority.

Kirkuk has been the repeated red line of red lines for Kurdish negotiators during talks with various Iraqi governments, and it was subjected to some of the most systematic, far-reaching, destructive, and violent policies of demographic change by the former regime.

The experience of several years of normalization, related to the return of Kurdish deportees and the limited departure of some *wafidoon,* does not appear to have fundamentally altered this political equation, nor is it likely to. In contrast, the other major aspect of normalization that Kurds hope for—restoring Kirkuk's pre-1970 boundaries—would likely accomplish this. As described in Annex 4, following the collapse of the Kurdish movement in 1975, Republican decrees 608 of November 1975 and 41 of January 1976 separated the four Kurdish or mixed districts of Chamchamal, Kalar, Kifri, and Tuz Khurmatu from Kirkuk and attached them to Suleymaniya, Diyala, and Salah ad-Din governorates. If restored to Kirkuk, these districts would likely lead to a solid Kurdish political majority in the province. However, such a step appears unlikely without an unforeseen broader national-level political agreement. In December 2007 the Article 140 Committee recommended a number of boundary changes in northern Iraq, including canceling the above two decrees, but three years later, the political will to act on them does not appear to be close to emerging.[67] Moreover, some Kurdish politicians indicate that there is not complete consensus on this matter in the Kurdish community due to the competing interests of the two major Kurdish parties, the KDP and PUK.[68]

Given the electoral stalemate in Kirkuk and low likelihood of changes to its provincial boundaries, there has been some recognition of the need for a compromise, entailing some form of special status and power sharing for Kirkuk governorate as either a permanent or an interim solution. The Turkoman community is most associated with this concept and has championed making Kirkuk a special, standalone autonomous region that would run its own affairs independently of both Baghdad and Erbil. At the same time, national political leaders have spoken of providing Kirkuk special status under their preferred jurisdiction. That is, incumbent prime minister Maliki and Iraqiyya leader Ayad Allawi have spoken of treating Kirkuk as a special case under Baghdad's control, while former KRG prime minister Nerchivan Barzani has expressed willingness to give Kirkuk special status within the Kurdistan region.[69] Iraqi president and PUK leader Jalal Talabani has appeared to go a step further, hinting to the newspaper *al-Hayat* that Kirkuk could have an interim administrative system similar to that of Brussels in Belgium, and "in a later stage its future could be solved through mutual understanding and a national agreement under Article 140."[70] Finally, in its April 2009 final report to Iraqi authorities, UNAMI proposed a series of options for Kirkuk, including becoming a standalone region or a "dual nexus" model where both the federal government and the KRG would have some jurisdiction over Kirkuk and possibly play a role in administering it.[71]

Conclusions for Negotiation

The political stalemate in Kirkuk is strongly apparent at the governorate level of analysis. The 2010 election results indicate that if an Article 140 referendum were held today using Kirkuk's current administrative boundaries, it would likely generate a divisive 51-49-type result. This calculus could be changed if Kirkuk's pre-1970 boundaries were restored, but this appears unlikely given the lack of political consensus to do so at the national level and possible internal

Kurdish rivalries. A governorate-wide solution for Kirkuk presumably would have to entail a compromise special status for the province that had neither a clear winner nor, more significantly, a clear loser inclined to resort to violence. However, while all the parties appear to recognize the need for some form of special status for Kirkuk, Baghdad and Erbil are so far only willing to consider special governing and power-sharing arrangements for the governorate if it is under their administrative control.

District Analysis

The bulk of Iraqi and international analysis of the dispute in Kirkuk has appropriately focused on the governorate level. In keeping with the overall theme of demystifying the disputed territories, it is nevertheless also worthwhile to conduct the type of district- and subdistrict-level analysis contained elsewhere in the report. Such analysis is controversial, and instinctively stirs fears among the Arab community of the partition of Kirkuk initiating a chain reaction leading to the partition of Iraq. There are, however, useful insights to be gained from such local-level analysis that could help to clarify the elaboration of various special-status options for Kirkuk, regardless of whether or not sovereign Iraqi authorities ever choose to explore this route.

Election Results

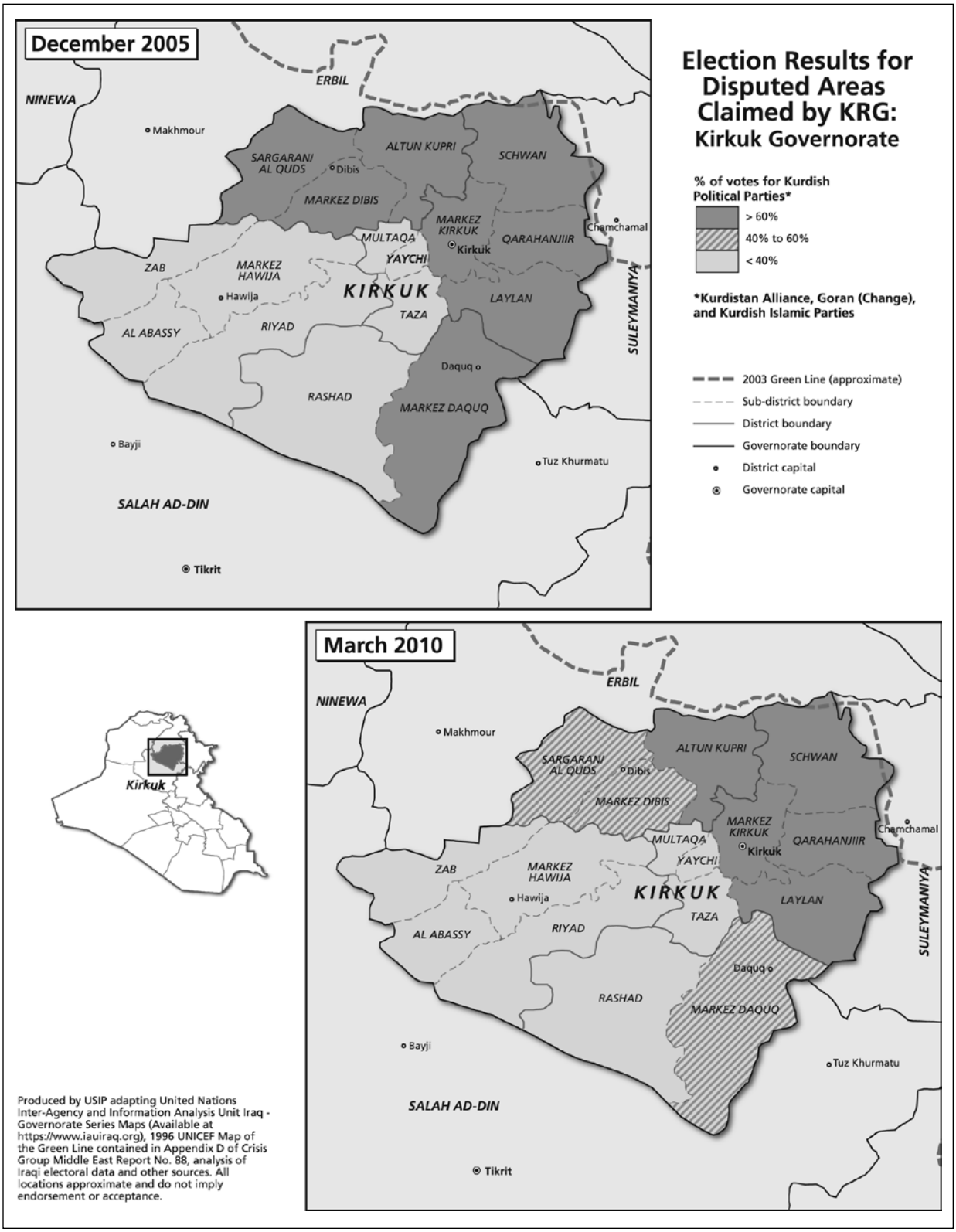
District- and subdistrict-level electoral results in Kirkuk are difficult to disaggregate due to the confusion resulting from the administrative abolishment of a number of Kurdish and mixed subdistricts in 1987 immediately before the Anfal operations. Since 2003, some of these subdistricts have been informally restored by the Kirkuk Provincial Council, but are not recognized by the federal government, whereas others were officially reestablished but are not split out in IHEC's tabulation of election results.

With the above caveats in mind, there is a pattern of virtually no support for the Kurdish parties in the southwest of Kirkuk governorate and strong support in the north and northeast of the province (see map 5). Kurdish parties received 3 percent or less of the votes in Hawija district, the Rashad subdistrict of Daquq, and the Taza subdistrict of Kirkuk district in the 2010 elections. The electoral results for the Yaychi and Multaqa subdistricts of Kirkuk district, immediately southwest of Kirkuk city—mixed areas cancelled as subdistricts in the late 1980s and since informally reestablished—are not disaggregated by IHEC. However, local officials from these areas indicated to UNAMI that their polling stations were counted in the Riyadh subdistrict of Hawija, where the Kurdish parties have consistently received less than 10 percent of the vote.[72]

In contrast, the Kurdish parties consistently received over 60 percent of the vote in the Laylan subdistrict of Kirkuk, close to 100 percent of the vote in the informally reestablished subdistricts of Schwan and Qarahanjiir,[73] and over 80 percent of the vote in the Altun Kupri subdistrict of Dibis. It is believed that the Kurdish parties would have received similar vote totals in the Sagaran subdistrict of Dibis,[74] but IHEC does not separate out its results from Dibis center (see annex 5).

Finally, Kirkuk's three remaining major urban centers outside of Hawija—namely, Dibis center, Daquq center, and Kirkuk center—generally returned Kurdish majorities, albeit in the 50 percent to 60 percent range in 2010, indicating that they are not only geographically, but also politically, in between the southwest and northeast of the province.

Map 5


December 2005
ERBIL
NINEWA
Makhmour
SARGARANI AL QUDS
Dibis
ALTUN KUPRI
SCHWAN
MARKEZ DIBIS
MARKEZ KIRKUK
Kirkuk
MULTAQA
YAYCHI
QARAHANJIIR
Chamchamal
ZAB
MARKEZ HAWIJA
Hawija
KIRKUK
LAYLAN
TAZA
AL ABASSY
RIYAD
SULEYMANIYA
Daquq
RASHAD
MARKEZ DAQUQ
Bayji
Tuz Khurmatu
SALAH AD-DIN
Tikrit
Election Results for Disputed Areas Claimed by KRG:
Kirkuk Governorate
% of votes for Kurdish Political Parties*
> 60%
40% to 60%
< 40%
*Kurdistan Alliance, Goran (Change), and Kurdish Islamic Parties
2003 Green Line (approximate)
Sub-district boundary
District boundary
Governorate boundary
District capital
Governorate capital
Kirkuk
March 2010
ERBIL
NINEWA
Makhmour
SARGARANI AL QUDS
Dibis
ALTUN KUPRI
SCHWAN
MARKEZ DIBIS
MARKEZ KIRKUK
Kirkuk
MULTAQA
YAYCHI
QARAHANJIIR
Chamchamal
ZAB
MARKEZ HAWIJA
Hawija
KIRKUK
LAYLAN
TAZA
AL ABASSY
RIYAD
SULEYMANIYA
Daquq
RASHAD
MARKEZ DAQUQ
Bayji
Tuz Khurmatu
SALAH AD-DIN
Tikrit
Produced by USIP adapting United Nations Inter-Agency and Information Analysis Unit Iraq - Governorate Series Maps (Available at https://www.iauiraq.org), 1996 UNICEF Map of the Green Line contained in Appendix D of Crisis Group Middle East Report No. 88, analysis of Iraqi electoral data and other sources. All locations approximate and do not imply endorsement or acceptance.

Analysis of the administrative history of Kirkuk provides further understanding of Kirkuk's southwest-northeast dichotomy.

Analysis of Claims

Analysis of the administrative history of Kirkuk provides further understanding of Kirkuk's southwest-northeast dichotomy. Hawija district and Rashad have continuous administrative connections to Kirkuk governorate and are so-called original Arab.[75] Moving slightly northward, as mixed Arab, Turkoman, and Kurdish areas, Yaychi, Multaqa, and Taza subdistricts faced significant Arabization measures, but appeared to escape the complete destruction of the Anfal visited upon the more heavily Kurdish northeast of the governorate. These mixed areas also have longstanding administrative connections to Kirkuk district (see annex 5). From a strategic standpoint, the southwest of Kirkuk governorate does not possess major oil deposits, but does have important oil infrastructure, including a segment of the Kirkuk-Baiji-Ceyhan (Turkey) oil export pipeline. Hawija is also known for its rich agricultural land, although this crucial source of livelihood for the district depends on the release of water from the Dokan Dam into the Lesser Zab river and irrigation canals upstream in Dibis and the Kurdistan region.

In contrast, the areas where the Kurdish parties received their highest electoral support—Sagaran, Altun Kupri, Schwan, Qarahanjiir, and Laylan—faced the greatest violence, destruction, disappearances, and population expulsions during the Anfal, as well as heavy subsequent settlement of Arab *wafidoon* in the 1990s. During their respective administrative histories, Sagaran and Altun Kupri have shuttled back and forth between Kirkuk and Erbil governorates, most recently during the 1990s, while since 2003, all of these areas have developed varying levels of informal administrative arrangements on services, security, and local government salaries with Erbil and Suleymaniya governorates (see Annex 5). These areas, while still sparsely populated due to limited reconstruction of their destroyed villages, are nonetheless highly strategic because of their geography, oil deposits, pipeline infrastructure, and transport routes—especially Altun Kupri and Laylan, which are on the Kirkuk-to-Erbil and Kirkuk-to-Suleymaniya highways, respectively. Altun Kupri, Schwan, and Qarahanjiir are generally bounded in the south by the Qani Domlan ridge, which runs atop the Baba Gur oil fields. In addition, Sagaran contains parts of the super-giant Baba Gur and the giant Bai Hassan oil fields, while Laylan contains the tail end of the Baba Gur and part of the giant Jambour field.

Turning to the province's urban areas, Dibis center and Daquq center subdistricts were also targets of Arabization—the former faced the brunt of the Anfal—but have also continuously been part of Kirkuk governorate during the modern history of Iraq and even part of Kirkuk district as recently as the 1990s and late 1980s, respectively. They generally have stronger administrative relations with the provincial capital than neighboring Kurdish governorates, although they receive some services from the KRG. Dibis center has a substantial Arab minority and is considered highly strategic due to the extension of the Baba Gur into the subdistrict; it also has a major dam, water treatment plant, electricity station, and the Kirkuk-to-Mosul highway. Daquq center is a mixed Turkoman, Kurdish, and Arab area that has less importance with regard to oil—although it does contain part of the Jambour field—but is a major agricultural area, dependent on the same irrigation canals that service Hawija. Although there appear to be slight electoral majorities for the Kurdish parties in both places, their administrative histories and more mixed natures do not provide clear prima facie support for their being separated from Kirkuk governorate by the criteria used in this report (see annex 5).

Finally, Kirkuk center, which includes Kirkuk city, is the heart of the province and is geographically bisected by the Baba Gur oil field, which runs directly north of the city. According to information provided to UNAMI, in 2008 Kirkuk center contained 51 percent of

the governorate's population and received 64 percent of the Accelerated Reconstruction and Development funds allocated to Kirkuk.[76] Thus, while about 60 percent of voters in Kirkuk center subdistrict voted for pro-KRG parties in the 2010 elections,[77] it is hardly an ordinary subdistrict. There were fourteen voter registration centers in Kirkuk center, units of electoral organization that elsewhere typically represent an entire subdistrict in terms of the number of registered voters—about 20,000 to 50,000. Despite achieving an overall majority in Kirkuk center subdistrict, the Kurdish parties won an outright majority in only six of these fourteen voting centers. Iraqiyya won an outright majority in five centers and the other three were more or less evenly divided between Kurdish parties on the one hand, and Iraqiyya, the two major Shiite alliances, and smaller parties such as Tawafuq, on the other. This suggests significant local variation between neighborhoods in Kirkuk city and its immediate surroundings. Administratively, Kirkuk center obviously has always been linked to Kirkuk governorate and, as described, had a strong historical Turkoman dimension; this was before it was settled by Kurdish and Arab economic migrants in the middle part of the last century and then subject to Arabization measures from the late 1970s until 2003 (see annex 5). Its mixed history and complicated electoral mosaic make it difficult to conceive of any one community credibly laying exclusive claim to the city.

[Kirkuk's] mixed history and complicated electoral mosaic make it difficult to conceive of any one community credibly laying exclusive claim to the city.

Conclusions for Negotiations

The symbolism of splitting Kirkuk's district and subdistricts is perilous, and is a sovereign decision that only Iraqi authorities can make. If such an approach is a nonstarter, the above analysis at least helps to clarify the dual-nexus model for Kirkuk governorate, in particular the shape of local power-sharing arrangements and the geographic parts of the province where KRG might deliver services under such a scheme. However, if Iraqi authorities find a district-by-district approach worthy of consideration, electoral and administrative evidence explored suggest a possible model whereby

- the north and northeast of the governorate—Sagaran, Altun Kupri, Schwan, Qarahanjiir, and Laylan—could become formally administered by the KRG;
- the southwest and center of the governorate—Hawija, Riyadh, Yaychi, Multaqa, Taza, Daquq center, and Dibis center—could remain as they are today in administrative arrangements; and
- Kirkuk center could become a common city that is simultaneously the administrative capital of both the KRG- and the federal government-administrated areas of Kirkuk.

Such a model might fall within Arab and Kurdish political red lines of Kirkuk city being both an Iraqi city and a part of the Kurdistan region. It also largely follows existing informal service delivery arrangements and the de facto division of security responsibilities that developed in early 2009, with *peshmerga* north of the Qani Domlan, the Iraqi army south of it, and local police primacy in urban areas such as Kirkuk city. Moreover, since the definition of the area officially administered by the KRG in Article 53.A of the TAL includes those "territories that were administered [by the KRG] … on 19 March 2003 in the governorates of … Dahuk, Suleymaniya, Erbil, Kirkuk, Diyala and Ninewa," some of these areas north of the Qani Domlan might already be considered formally part of the Kurdistan region.

Salah ad-Din Claims

Of the four governorates with disputed districts analyzed in this report, Salah ad-Din is the least affected by the Arab-Kurdish territorial struggle, as the governorate is almost entirely south of the Green Line. Despite this, like Ninewa and neighboring Diyala, it has experienced political and security dislocation since 2003. After Anbar, Salah ad-Din is Iraq's second-most predominantly Sunni Arab governorate, and extremely low turnout during the community's boycott of the January 2005 elections enabled the Kurdish political parties to become the single largest bloc on the Salah ad-Din provincial council; a more representative provincial government was not established until 2009. Iraq's post-2003 insurgency also has strongly affected Salah ad-Din as a whole. Many consider the February 2006 bombing of the Al-Askariya shrine in the city of Samarra, in the center of the governorate, as the spark that ignited Iraq's 2006–07 civil war.

District Analysis

The KRG claims only one of Salah ad-Din's eight districts, Tuz Khurmatu. Nevertheless, as a major transport hub and trading center between Kirkuk, Baghdad, and Sulaymaniya, Tuz is strategically important and relatively prosperous.

The KRG claims only one of Salah ad-Din's eight districts, Tuz Khurmatu. Nevertheless, as a major transport hub and trading center between Kirkuk, Baghdad, and Sulaymaniya, Tuz is strategically important and relatively prosperous, bounded by the natural border of the Jebel Hamrein in the district's south. While the security situation in Tuz is less severe than in Salah ad-Din as a whole, because it is a mixed area in both sect (Sunni-Shia) and ethnicity (Turkoman-Kurd-Arab), it has had its share of violence. Attacks have often been directed against Kurds and Shiite Turkoman, including two mass casualty bombings in Amerli subdistrict July 2007. A combination of *peshmerga*,[78] *asayesh,* Iraqi army units originally recruited from PUK *peshmerga,* and an Awakening Council formed in March 2008 provide security in the area. The KRG has provided some administrative services to Tuz since 2003 and thousands of Kurdish and Turkoman families—primarily the former—deported from Tuz by the previous regime may have returned to the district since 2003.[79]

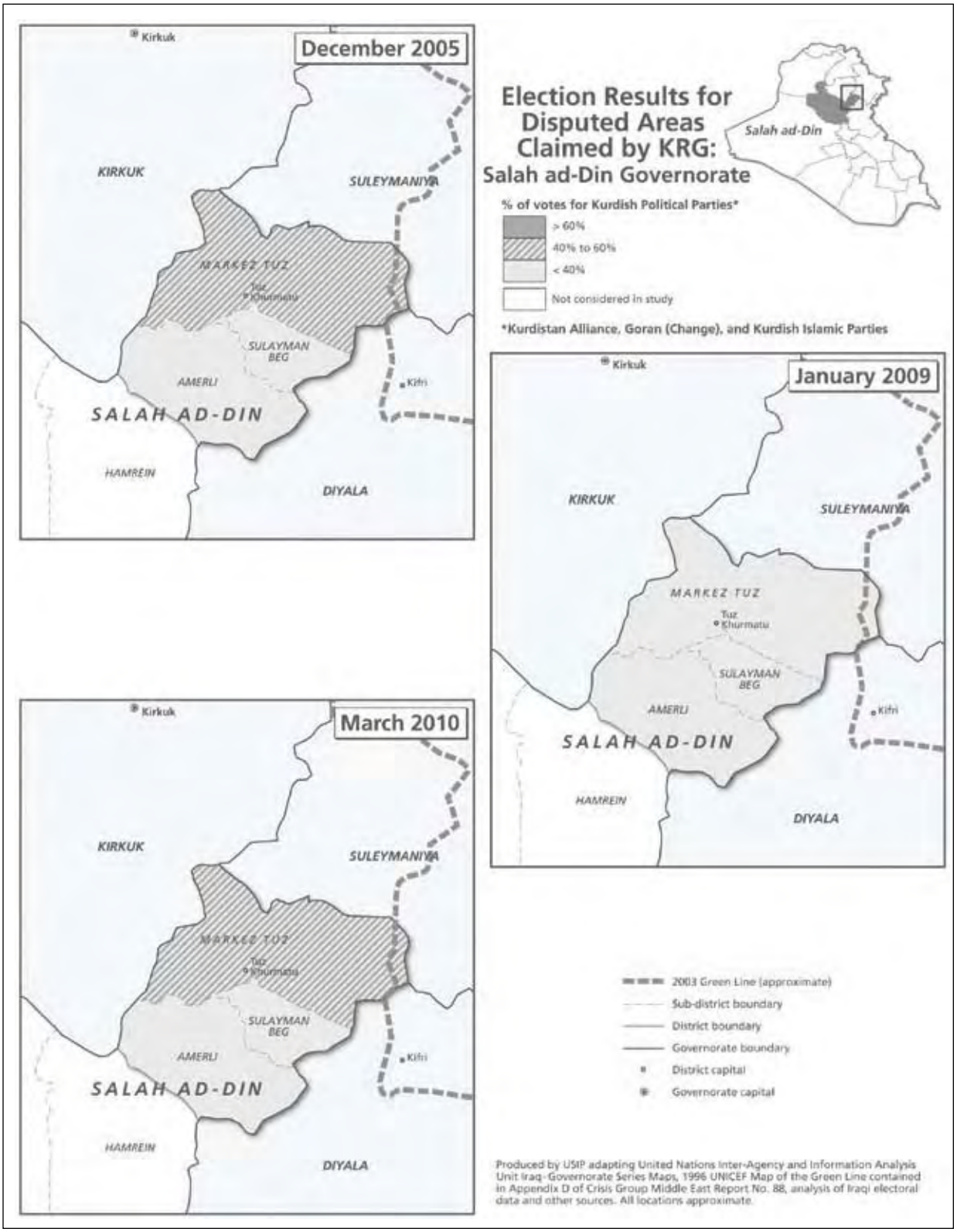
Election Results

Iraq's last three elections illustrate the mixed nature of Tuz (see map 6). The Kurdish political parties achieved a plurality in the district of 42 percent in the December 2005 elections and a slight majority in Tuz Center subdistrict, but suffered a substantial setback in January 2009 when the Iraqi Turkoman Front won a districtwide plurality (36 percent) and also outpolled the Kurdish parties in Tuz Center. In March 2010, the Kurdish parties recovered to achieve a plurality with 38 percent of the vote in the district, but again failed to win a majority in Tuz Center. In the more heavily Turkoman subdistricts of Sulayman Beg and Amerli, the Kurdish parties have achieved only about 20 percent of the vote in each of the three elections.

Analysis of Claims

Tuz has experienced substantial changes to its administrative arrangements recently, as well as a far-reaching and destructive Arabization campaign. Notwithstanding this, excepting a few days during the 1991 uprising, present-day Tuz never has been formally Kurdish administered. The district was part of Kirkuk governorate until the collapse of the Kurdish movement, after which, under Republican Decree No. 41 of 1976, it was combined with three other districts

Map 6


December 2005
Kirkuk
KIRKUK
SULEYMANIYA
MARKEZ TUZ
Tuz Khurmatu
SULAYMAN BEG
AMERLI
Kifri
SALAH AD-DIN
HAMREIN
DIYALA
Election Results for Disputed Areas Claimed by KRG:
Salah ad-Din Governorate
Salah ad-Din
% of votes for Kurdish Political Parties*
> 60%
40% to 60%
< 40%
Not considered in study
*Kurdistan Alliance, Goran (Change), and Kurdish Islamic Parties
January 2009
March 2010
2003 Green Line (approximate)
Sub-district boundary
District boundary
Governorate boundary
District capital
Governorate capital
Produced by USIP adapting United Nations Inter-Agency and Information Analysis Unit Iraq - Governorate Series Maps, 1996 UNICEF Map of the Green Line contained in Appendix D of Crisis Group Middle East Report No. 88, analysis of Iraqi electoral data and other sources. All locations approximate.

to create the new governorate of Salah ad-Din, with Saddam Hussein's hometown of Tikrit as its capital.

In the run-up to the Iraqi army's Anfal campaign, which took a cruel toll on Tuz in physical destruction and thousands of deportations and disappearances, the mainly Kurdish subdistricts of Nawjul and Qader Karam were abolished, separated from Tuz, and attached to Suleymaniya governorate. In addition to the violence of the Anfal, Tuz was the scene of fierce fighting during the 1991 uprising and earlier had thousands of donums of Turkoman- and Kurdish-owned land seized in 1975 and 1984 (see annex 6). Turkoman interlocutors also made the point to UNAMI that, as the majority population group in the district according to the 1957 census and as its purported largest landowners, they were also a major target of Arabization.[80]

Conclusions for Negotiations

The evidence examined suggests Tuz has a history of being a mixed district, not a Kurdish one. This is reflected both in the level of electoral support for the Kurdish political parties, which indicate a possible Kurdish plurality but not majority in the district, and in the district's historical administrative affiliation with Kirkuk rather than Kurdish provinces. Thus, while it is important to acknowledge past injustices perpetrated in Tuz, the evidence examined does not support Kurdish claims for the district to be attached to the Kurdistan region—especially since the historically Kurdish areas of the district, Qadir Karam and Nawjul, were previously separated from Tuz and attached to Suleymaniya governorate. There is a stronger historical basis for Tuz being reattached to Kirkuk governorate, although for the reasons described, such a step appears unlikely to be forthcoming in the near term.[81]

Diyala Claims

Bordering Iran and home to a volatile mix of Sunni Arabs, Shia Arabs, and Kurds, Diyala is often referred to as a microcosm of Iraq.

Bordering Iran and home to a volatile mix of Sunni Arabs, Shia Arabs, and Kurds, Diyala is often referred to as a microcosm of Iraq. As has been repeatedly seen, the Sunni boycott of the January 2005 provincial elections led to their substantial underrepresentation on the Diyala provincial council. In part due to the resulting Sunni disenfranchisement, Diyala has been one of the least stable governorates in Iraq. In April 2006, Abu Musab al Zarqawi went as far as proclaiming it the future capital of al-Qaeda's self-styled Islamic State of Iraq. At the height of Iraq's sectarian conflict in September 2006, the Diyala provincial government all but ceased to function and basic services, such as food rations and fuel, stopped being delivered.[82] The January 2009 provincial elections provided badly needed political refreshment of the Diyala Provincial Council, but also generated protests of fraud and the newly elected members required external facilitation to be seated.

After April 2003, the KRG took effective control of Khanaqin and Kifri districts in the north of Diyala while the United States authorized the presence of *peshmerga* linked to the PUK in these and other locations in the governorate.[83] In 2006, the *peshmerga* strengthened their presence in Diyala after the Government of Iraq requested help in combating the insurgency.[84] During the summer of 2008, an Iraqi army operation entitled Omens of Prosperity, originally conceived of as directed against al-Qaeda and other insurgent elements, evolved into an apparent Iraqi security force effort to restore federal government control of Khanaqin and Kifri.[85] The operation resulted in a rolling series of confrontations between the Iraqi army and PUK *peshmerga* in northeastern Diyala, and is generally judged to have been the post-2003 incident that came closest to sparking widespread Arab-Kurdish military conflict.

District Analysis

The KRG has laid claim to the districts of Khanaqin and Kifri in northern Diyala, the subdistrict of Mandali along the Iranian border, and areas further south that are not considered here.[86] Khanaqin and Kifri lie north of the Jebel Hamrein range and possess irrigated and fertile agricultural land that contrasts with the mostly desert conditions south of the mountains. Both of these districts are partially split by the Green Line and their northern portions have been administered by Suleymaniya since 1991. The Diyala portion of Khanaqin contains Khanaqin Center (city), two oil fields (Chia Surkh and Naft Khana), the important water source of the Hamrein lake, and the strategic Muntheria border crossing with Iran. Muntheria is a major point of entry for fuel trucks and religious pilgrims coming from Iran to Najaf, Karbala, Kadhimiya, and Samarra, generating substantial licit and illicit customs revenues. It is also a historical route for transit, trade, and religious pilgrimages between Iraq and Iran.[87]

Election Results

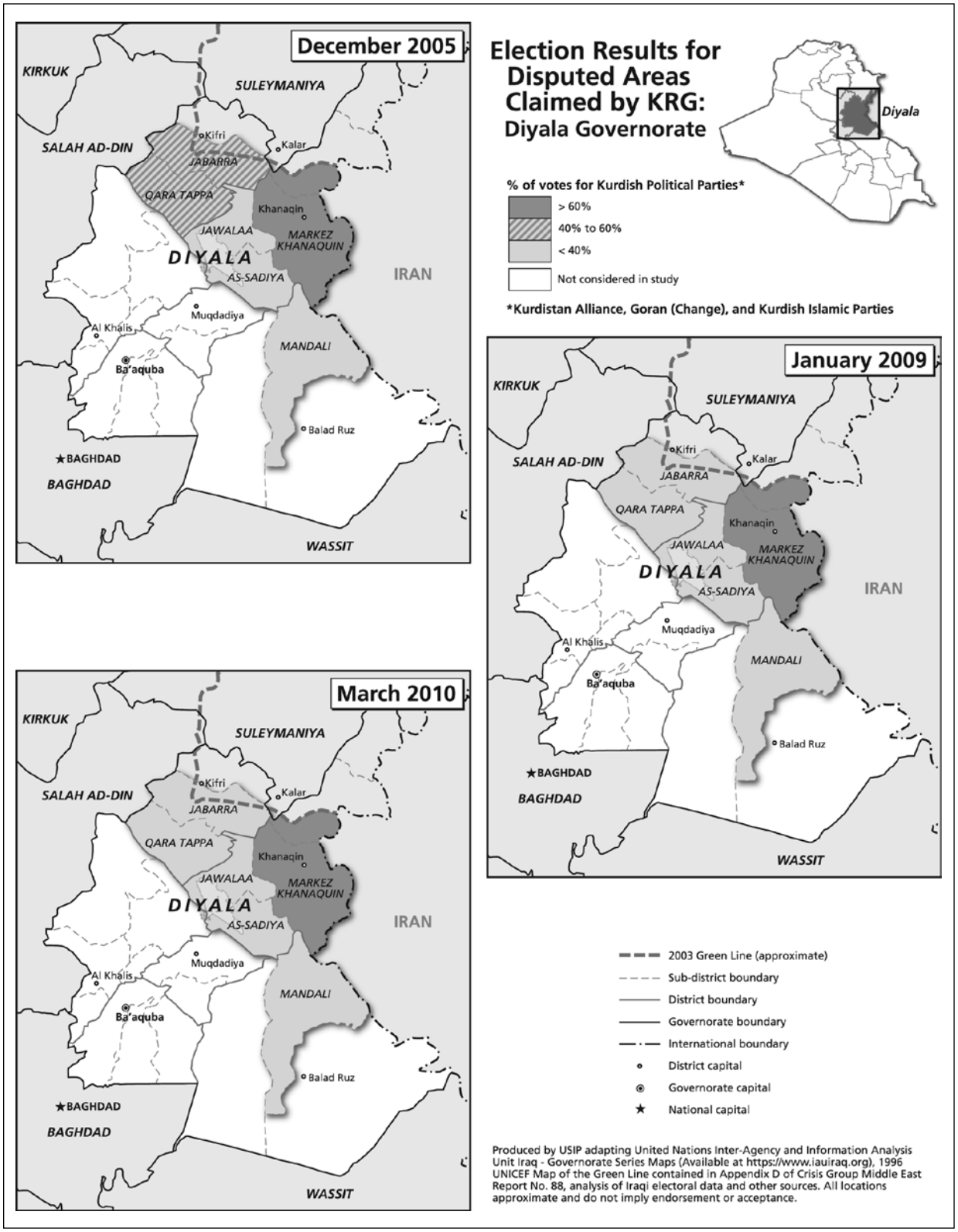
Electoral support for the Kurdish political parties declined in Diyala between December 2005 and March 2010, and Iraqiyya succeeded in consolidating the fragmented Sunni Arab and Turkoman vote in the province's disputed areas (see map 7). Khanaqin Center subdistrict has also been the site of some of the most serious post-2003 allegations of electoral fraud in Iraq. In the 2009 provincial elections, twenty-eight of the thirty polling centers nationwide that had their results cancelled by the Independent High Electoral Commission were located in the subdistrict.[88] This followed the Kurdistan Alliance winning 99.4 percent of the vote in Khanaqin Center during the December 2005 elections, accompanied by a turnout of a remarkable 97 percent of registered voters. Khanaqin is a particularly sensitive area, as (Shiite) Fayli Kurds constitute a large portion of its population. This community, which is of Persian origin, has historically faced intense persecution and tremendous barriers to Iraqi citizenship despite its members often having lived in Iraq for generations.[89] At present, both the Kurdish political parties and the Shiite Islamist parties are competing for their electoral backing. This political competition, the importance of Khanaqin as a trade and pilgrimage route with Iran, and allegations of Kurdish fraud in the December 2005 elections may help to explain why Khanaqin became the first post-2003 instance of the Shiite-led government in Baghdad using the Iraqi army to physically roll back the Kurdish *peshmerga* presence in the disputed territories.

Analysis of Claims

Despite the voting irregularities noted, the Kurdish parties' strong performance in Khanaqin Center subdistrict and its administrative history support a Kurdish claim to the subdistrict. Even after the cancellation of the twenty-eight polling centers in 2009, which mostly contained votes for the local Kurdish electoral alliance, the Kurdish political parties consistently garnered over 90 percent of the vote in Khanaqin Center. From the standpoint of forced population change, according to one estimate, Khanaqin Center subdistrict and the parts of Khanaqin district that are now above the Green Line had approximately 27,000 Kurds deported and 34,000 Arab persons settled in them between 1975 and 2003 (see annex 7).[90] Finally, even though Khanaqin district has been continuously linked to Diyala administratively, Kurdish leaders have argued repeatedly to include it in the Kurdistan region during territorial negotiations with the government of Iraq. One frequently cited reason for the breakdown of the 1970 Autonomy Agreement was a dispute over whether the promised census would include

Despite the voting irregularities noted, the Kurdish parties' strong performance in Khanaqin Center subdistrict and its administrative history support a Kurdish claim to the subdistrict.

Map 7


December 2005
KIRKUK
SULEYMANIYA
SALAH AD-DIN
Kifri
Kalar
JABARRA
QARA TAPPA
Khanaqin
JAWALAA
MARKEZ KHANAQUIN
DIYALA
AS-SADIYA
IRAN
Muqdadiya
Al Khalis
MANDALI
Ba'aquba
Balad Ruz
★BAGHDAD
BAGHDAD
WASSIT
Election Results for Disputed Areas Claimed by KRG:
Diyala Governorate
Diyala
% of votes for Kurdish Political Parties*
> 60%
40% to 60%
< 40%
Not considered in study
*Kurdistan Alliance, Goran (Change), and Kurdish Islamic Parties
January 2009
March 2010
2003 Green Line (approximate)
Sub-district boundary
District boundary
Governorate boundary
International boundary
District capital
Governorate capital
National capital
Produced by USIP adapting United Nations Inter-Agency and Information Analysis Unit Iraq - Governorate Series Maps (Available at https://www.iauiraq.org), 1996 UNICEF Map of the Green Line contained in Appendix D of Crisis Group Middle East Report No. 88, analysis of Iraqi electoral data and other sources. All locations approximate and do not imply endorsement or acceptance.

the Fayli Kurds who lived in Khanaqin and other areas, but who had not been granted Iraqi citizenship.[91]

The Kurdish claim to the As-Sadiyaa and Jawalaa (Jalula) subdistricts of Khanaqin, the Qara Tappa and Jabarra subdistricts of Kifri, and the Mandali subdistrict of Baladrooz are less supported. The Kurdish political parties failed to obtain 50 percent of the vote in any of these subdistricts during the three postconstitution elections, and their share of the vote in these areas has generally declined over time (see annex 8). While Sadiyaa and Jawalaa in particular were targets of Arabization and may have had historical Kurdish majorities, there is currently only weak political support for the Kurdish parties in these areas, which historically have been administered by Diyala governorate. Meanwhile, Qara Tappa, Jabarra, and Mandali are mixed Kurdish, Arab, and Turkoman areas, and while the former two have historical links to Kirkuk governorate, none of these subdistricts has had official connections to Kurdish-administered areas during the modern history of Iraq.

Conclusions for Negotiation

After Kirkuk, Khanaqin may be the second-most important disputed territory for the KRG leadership. That said, given that the non-Kurdish population in the disputed territories is otherwise largely Sunni, Khanaqin Center might be the area in which the Shiite-led government in Baghdad has the greatest direct interest. An examination of electoral results, administrative history, and demographic change suggest a possible resolution for consideration by Iraqi authorities: Khanaqin Center subdistrict could be administered by the KRG while other Kurdish-claimed areas in Khanaqin district, Kifri, and Mandali could continue their current affiliation with Diyala. This matches the de facto division of jurisdictions that developed after the Iraqi army-*peshmerga* confrontations in the summer of 2008. Such a negotiated solution, however, might require KRG assurances to the federal government regarding control of the Muntheria crossing and freedom of movement for traders and religious pilgrims.

A View of the Political Horizon: Integration of Findings

The preceding sections have sought to provide a lens through which to individually evaluate competing claims to thirteen disputed districts and three disputed subdistricts in Ninewa, Kirkuk, Salah ad-Din, and Diyala. The criteria of a consistent and clear electoral majority for pro-KRG political parties, a history of administrative links to Kurdish provinces or boundary gerrymandering, and being targeted for demographic change have been used to attempt to demystify the dispute, separate areas where available evidence points toward a possible resolution, and identify the remaining core areas for negotiation. The analysis has also summarized the strategic features of individual areas to help understand their relative importance to the various stakeholders.

In May 2009, UNAMI established a high level task force (HLTF) with representatives of the KRG and federal government to address disputed internal boundaries and (possibly) other aspects of the Arab-Kurdish dispute. In the politically sensitive period of the run-up to the March 2010 national elections this body focused on local confidence-building measures.[92] The U.S. government similarly worked to establish a combined security mechanism for the Iraqi army and *peshmerga* in the disputed territories and has announced plans to open a consulate in Erbil and maintain embassy branch offices in Mosul and Kirkuk after 2011 to help manage the conflict in the future. The United Nations and United States are considering how the HLTF

or a successor body could be a forum for comprehensive political negotiations now that a new Iraqi government has been formed. The standard practice for international facilitators faced with this type of seemingly intractable territorial dispute is to start by addressing so-called soft areas, to build confidence and show progress, and then progressively move to more fundamental issues. Facilitators typically hesitate to put forward comprehensive plans at the outset of talks, concerned that they may burn their impartiality or prematurely overburden the process. They instead prefer to focus on achieving agreement on general principles for negotiation and wait to make so-called bridging proposals until the parties reach an impasse. For these reasons, formal facilitators such as the United Nations or the U.S. government may not choose to put a territorial plan on the table in the near term. Likewise, it is difficult to envision any stakeholder putting forward a proposal of their own for fear of being perceived as weak or having even a genuine attempt at compromise be tainted as a strictly Arab, Kurdish, or Turkoman project.

In the words of one senior Kurdish interlocutor, in Iraqi culture, "compromise … is not acceptable, it is seen as shame or weakness."[93] The innate tendency is instead to wait until the last minute to play any individual card, to ensure that the highest value is received for it. There is a desire to see how all the potential pieces fit together before considering possible trade-offs or backing off maximalist demands. Nothing is agreed until everything is agreed; making even minor progress on relatively clear-cut cases is excruciatingly difficult. Senior Kurdish officials made this clear when responding to an initial UNAMI analysis of four relatively straightforward districts in June 2008, stating to the International Crisis Group that "we want to deal with UNAMI's proposals as a single package. And then we will compromise." [94]

When deciding whether or not to embark on territorial talks, it could be important for the parties to have an informal outside view of what the political horizon for a negotiated solution to the disputed territories might look like.[95] The remainder of this section thus aggregates the report's local-level findings using two scenarios for Kirkuk, one of which includes special status for Kirkuk governorate and one of which includes a possible redistricting of Kirkuk into federal government- and KRG-administered areas, with Kirkuk Center remaining as a common city. It goes without saying that any actual changes to administrative boundaries—as well as confirmation of existing arrangements in other contested districts—remains the exclusive responsibility of sovereign Iraqi authorities and would need to be accompanied by a carefully constructed package of confidence-building measures and protections for local minorities that are tailored to each area's unique circumstances. This study does not focus on confidence-building measures, but the UNAMI reports contain an extensive set of recommendations for each of the disputed districts and Kirkuk governorate that cover, among others, topics such as power sharing, reconstruction and development initiatives, formal acknowledgement of past wrongs, educational curricula, language rights, and transitional security arrangements that should be an integral part of any final political deal.

It is expected that this section's findings will be controversial, but they can perhaps stimulate thinking among Iraqi leaders regarding possible trade-offs and concessions for negotiations, whether they occur relatively soon after government formation or at some point further in the future. It should also be noted that the idea of negotiating an administrative boundary to the Kurdistan region based largely on ethnicity has several precedents in Iraqi history, and past talks have considered approaches similar to the Kirkuk scenarios outlined below. Talks in early 1974 between the National Front Government (the Ba'ath and the Iraqi Communist Party), the KDP, and other independent Kurds and Arabs directly addressed the demarcation of the administrative boundaries of the Kurdish self-rule area.[96] The Ba'ath proposed a plan to

demarcate the administrative border based on "national presence and population density" using the 1957 census. The KDP rejected this and insisted that Kirkuk must fall within the Kurdish region. In response the Ba'ath suggested a "mixed administration" for Kirkuk affiliated with the central government (i.e., akin to the special status scenario), and when the KDP did not accept this, that areas of Kirkuk with clear Kurdish majorities (Chamchamal and Khalar) be separated from Kirkuk and joined to the Kurdish self-rule area, with the remaining areas continuing under central government control (i.e., similar to the redistricting scenario). The KDP in turn suggested a mixed administration for Kirkuk within the Kurdish region—another form of special status. The Ba'ath rejected this and proposed that the local population choose between the two mixed-administration plans in a referendum.[97] While these talks subsequently collapsed, there is also a notable case of a negotiated agreement permanently reordering the shape of the political map in northern Iraq. Earlier, during the 1968 to 1970 Kurdish autonomy talks, the Ba'athist-led Iraqi government created an entirely new Kurdish governorate (Dahuk) out of the existing province of Mosul as a concession to the Kurdish movement.[98]

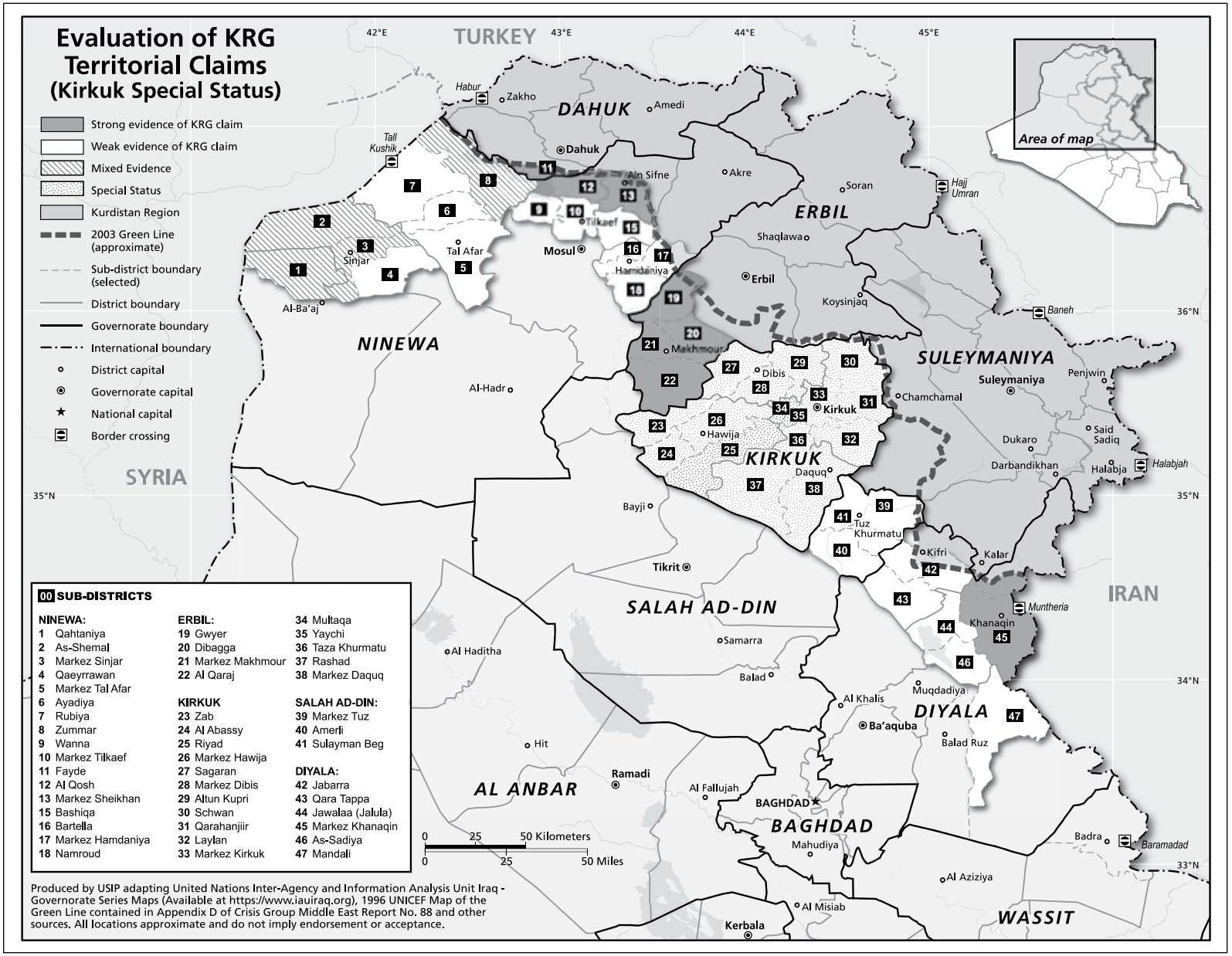
Kirkuk Special Status Scenario

Map 8 illustrates the analysis of the evidence regarding KRG claims to the non-Kirkuk disputed areas of Ninewa, Salah ad-Din, and Diyala. In addition to the parts of Ninewa and Diyala governorates that are already above the Green Line, Kurdish claims to Khanaqin Center, Makhmour, Sheikhan, and the northern half of Tilkaef (Fayde and Al Qosh) appear to be backed by both local political support and some history of administrative connections to the Kurdish region. The strategic areas of Zummar subdistrict and the majority of Sinjar district in western Ninewa are more complicated, as they demonstrate electoral support for Kurdish political parties, but do not have a definitive case when it comes to administrative history. Moreover, the district of Sinjar is geographically isolated from the Kurdistan region. The Kurdish case in the remaining disputed areas outside of Kirkuk governorate is not strongly supported by the electoral or administrative evidence examined in this report, though these areas appear to be of less strategic significance than Khanaqin, Sinjar, and Makhmour.

In the special status scenario, competing claims to Kirkuk are dealt with on a governorate-wide basis, which corresponds to most Iraqis' understandings of disputes over the province. At this level, the political stalemate in the province is readily apparent. Kirkuk has a tragic history of ethnic cleansing principally directed against its Kurdish and Turkoman communities, a record of its internal and provincial boundaries being redrawn for seemingly political purposes, and carries tremendous symbolism for many Kurds. It currently has a Kurdish plurality or even slight majority. Weighed against this is the importance that Turkoman and Arab communities attach to Kirkuk for not joining the Kurdistan region; the 2010 election results in Kirkuk were divided almost precisely in half between Kurds and non-Kurds, and the governorate not having a modern history of being Kurdish administered. At the current juncture, a governorate-wide solution for Kirkuk only appears possible if it includes a compromise status for the province that has neither a clear winner nor, more significantly, a clear loser inclined to resort to violence. While there is a general political understanding and legal record of Kirkuk requiring special treatment, Baghdad and Erbil are so far only willing to consider special governing and power-sharing arrangements for the governorate if it is under their administrative control. This would seem to leave the options of either:

- As proposed by UNAMI, some form of dual-nexus administration of Kirkuk, whereby both the KRG and federal government play a role in administering it, or

Map 8


Evaluation of KRG Territorial Claims
(Kirkuk Special Status)
Strong evidence of KRG claim
Weak evidence of KRG claim
Mixed Evidence
Special Status
Kurdistan Region
2003 Green Line (approximate)
Sub-district boundary (selected)
District boundary
Governorate boundary
International boundary
District capital
Governorate capital
National capital
Border crossing
TURKEY
SYRIA
IRAN
DAHUK
ERBIL
NINEWA
SULEYMANIYA
KIRKUK
SALAH AD-DIN
DIYALA
AL ANBAR
BAGHDAD
WASSIT
Area of map
Zakho
Amedi
Habur
Dahuk
Akre
Soran
Hajj Umran
Tall Kushik
Tilkaef
Mosul
Shaqlawa
Erbil
Koysinjaq
Baneh
Sinjar
Tal Afar
Al-Ba'aj
Hamdaniya
Makhmour
Al-Hadr
Dibis
Suleymaniya
Penjwin
Chamchamal
Kirkuk
Hawija
Said Sadiq
Dukaro
Darbandikhan
Halabja
Daquq
Bayji
Tuz Khurmatu
Kifri
Kalar
Tikrit
Muntheria
Khanaqin
Samarra
Al Haditha
Balad
Muqdadiya
Al Khalis
Ba'aquba
Balad Ruz
Hit
Ramadi
Al Fallujah
BAGHDAD
Mahudiya
Badra
Baramadad
Al Aziziya
Al Misiab
Kerbala
42°E
43°E
44°E
45°E
36°N
35°N
34°N
33°N
0 25 50 Kilometers
0 25 50 Miles
00 SUB-DISTRICTS
NINEWA:
1 Qahtaniya
2 As-Shemal
3 Markez Sinjar
4 Qaeyrrawan
5 Markez Tal Afar
6 Ayadiya
7 Rubiya
8 Zummar
9 Wanna
10 Markez Tilkaef
11 Fayde
12 Al Qosh
13 Markez Sheikhan
15 Bashiqa
16 Bartella
17 Markez Hamdaniya
18 Namroud
ERBIL:
19 Gwyer
20 Dibagga
21 Markez Makhmour
22 Al Qaraj
KIRKUK
23 Zab
24 Al Abassy
25 Riyad
26 Markez Hawija
27 Sagaran
28 Markez Dibis
29 Altun Kupri
30 Schwan
31 Qarahanjiir
32 Laylan
33 Markez Kirkuk
34 Multaqa
35 Yaychi
36 Taza Khurmatu
37 Rashad
38 Markez Daquq
SALAH AD-DIN:
39 Markez Tuz
40 Amerli
41 Sulayman Beg
DIYALA:
42 Jabarra
43 Qara Tappa
44 Jawalaa (Jalula)
45 Markez Khanaqin
46 As-Sadiya
47 Mandali
Produced by USIP adapting United Nations Inter-Agency and Information Analysis Unit Iraq - Governorate Series Maps (Available at https://www.iauiraq.org), 1996 UNICEF Map of the Green Line contained in Appendix D of Crisis Group Middle East Report No. 88 and other sources. All locations approximate and do not imply endorsement or acceptance.

- As hinted at by President Talabani, special status for Kirkuk as an interim solution before a future final resolution of the dispute.

The author previously has suggested a model for the latter, whereby existing features of Iraq's constitution could be used to give Kirkuk special governorate status. The advantage of this model is that it could transfer additional autonomy to Kirkuk and provide a mechanism to gradually implement dual federal and KRG governing arrangements without clearly forestalling any final status outcomes for the province.[99] The last point is important as it could lessen the cost of political compromise, because no party would be forced to confront definitive defeat to their ambitions in Kirkuk. Notwithstanding these options' giving the KRG a partial role in administering Kirkuk and keeping alive the possibility of future changes to its status, if the disputed governorate were not directly incorporated into the Kurdistan region, other aspects of the overall territorial package would likely need to be adjusted to be more favorable to the KRG. This could be reflected in negotiations over the status of Zummar and Sinjar, as well as the nature of power-sharing arrangements in Kirkuk. Especially since, at least for the time being, Kirkuk would remain outside the Kurdistan region, it would not be reasonable to also expect the Kurdish plurality in a standalone Kirkuk to equally divide administrative powers three ways with the Arab and Turkoman communities. Rather, in this scenario, power-sharing arrangements for Kirkuk's governorate would need to provide basic protections for the minority Turkoman and Arab communities residing there, but be representative of the governorate's population makeup.[100]

Kirkuk Redistricting Scenario

As Map 9 shows, the key difference in the redistricting scenario lies in using the evidence analyzed to consider how Kirkuk governorate might be redistricted into federal government- and KRG-administered areas, with Kirkuk Center subdistrict remaining as a common city. As opposed to interim special status arrangements for Kirkuk governorate as a whole, if Iraqi authorities ever chose to pursue this model, it would likely be a permanent solution to Kirkuk's status that contains partial victories for both sides.

Under this scenario:

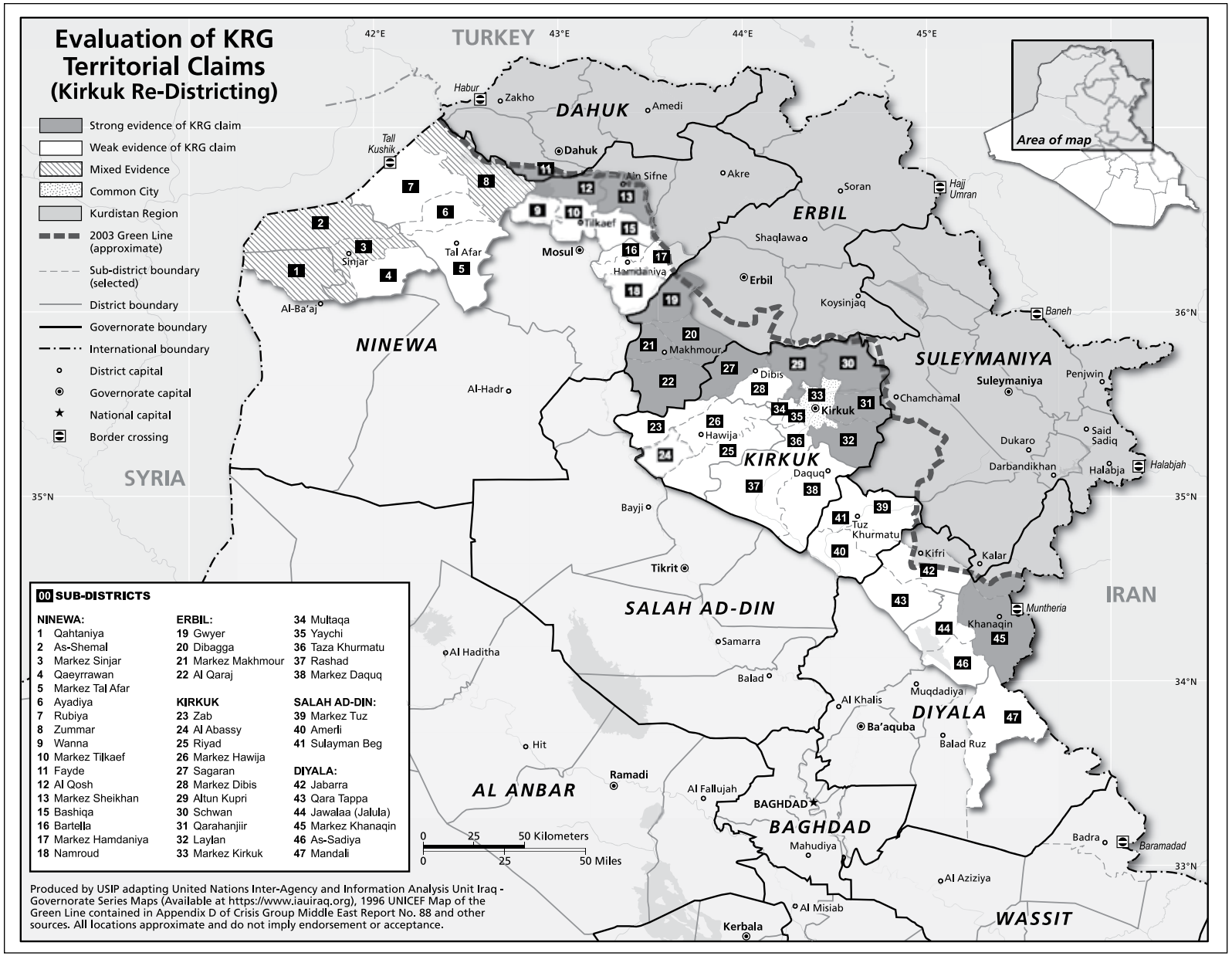
- The northeast areas of Kirkuk—Sagaran, Altun Kupri, Schwan, Qarahanjiir, and Laylan—could be administered by the KRG;
- The southwest and center areas of Kirkuk—Hawija, Rashad, Taza, Yaychi/Multaqa, Dibis Center, and Daquq Center—could continue their current administrative arrangements with the federal government, and
- Kirkuk Center could become a common city that was simultaneously the administrative capital of both the KRG- and the federal government-administrated areas of Kirkuk while having an independent municipal council.

Although the politics are nowhere near as complicated, this arrangement for Kirkuk would resemble that of the city of Chandigarh in India, which is the joint capital of two states—Haryana and Punjab—but is itself a union territory, the local administration of which has separate standing at the national level. Given the size and importance of Kirkuk city, under this arrangement, Kirkuk Center subdistrict would remain the center of gravity in the province and require special power-sharing arrangements.[101]

Both the Kurdish and Arab communities would likely react strongly to this model. However, the model could meet some of the basic demands that Kurds and Arabs make regarding Kirkuk. On the Kurdish side, KRG President Massoud Barzani has stated that "[Kurdish] claims on Kirkuk have nothing to do with its oil and gas . . . [rather] Kirkuk is the symbol of

On the Kurdish side, KRG President Massoud Barzani has stated that "[Kurdish] claims on Kirkuk have nothing to do with its oil and gas … [rather] Kirkuk is the symbol of the injustice committed against the Kurds.

Map 9


Evaluation of KRG Territorial Claims (Kirkuk Re-Districting)
Strong evidence of KRG claim
Weak evidence of KRG claim
Mixed Evidence
Common City
Kurdistan Region
2003 Green Line (approximate)
Sub-district boundary (selected)
District boundary
Governorate boundary
International boundary
District capital
Governorate capital
National capital
Border crossing
00 SUB-DISTRICTS
NINEWA:
1 Qahtaniya
2 As-Shemal
3 Markez Sinjar
4 Qaeyrrawan
5 Markez Tal Afar
6 Ayadiya
7 Rubiya
8 Zummar
9 Wanna
10 Markez Tilkaef
11 Fayde
12 Al Qosh
13 Markez Sheikhan
15 Bashiqa
16 Bartella
17 Markez Hamdaniya
18 Namroud
ERBIL:
19 Gwyer
20 Dibagga
21 Markez Makhmour
22 Al Qaraj
KIRKUK
23 Zab
24 Al Abassy
25 Riyad
26 Markez Hawija
27 Sagaran
28 Markez Dibis
29 Altun Kupri
30 Schwan
31 Qarahanjiir
32 Laylan
33 Markez Kirkuk
34 Multaqa
35 Yaychi
36 Taza Khurmatu
37 Rashad
38 Markez Daquq
SALAH AD-DIN:
39 Markez Tuz
40 Amerli
41 Sulayman Beg
DIYALA:
42 Jabarra
43 Qara Tappa
44 Jawalaa (Jalula)
45 Markez Khanaqin
46 As-Sadiya
47 Mandali
0 25 50 Kilometers
0 25 50 Miles
Produced by USIP adapting United Nations Inter-Agency and Information Analysis Unit Iraq - Governorate Series Maps (Available at https://www.iauiraq.org), 1996 UNICEF Map of the Green Line contained in Appendix D of Crisis Group Middle East Report No. 88 and other sources. All locations approximate and do not imply endorsement or acceptance.
TURKEY
SYRIA
IRAN
DAHUK
ERBIL
NINEWA
SULEYMANIYA
KIRKUK
SALAH AD-DIN
AL ANBAR
DIYALA
BAGHDAD
WASSIT
Area of map
Habur
Zakho
Amedi
Dahuk
Tall Kushik
Akre
Soran
Hajj Umran
Shaqlawa
Tilkaef
Mosul
Sinjar
Tal Afar
Hamdaniya
Erbil
Koysinjaq
Baneh
Al-Ba'aj
Makhmour
Dibis
Suleymaniya
Penjwin
Chamchamal
Kirkuk
Hawija
Dukaro
Said Sadiq
Darbandikhan
Halabja
Halabjah
Daquq
Al-Hadr
Bayji
Tuz Khurmatu
Kifri
Kalar
Tikrit
Muntheria
Khanaqin
Samarra
Al Haditha
Balad
Muqdadiya
Al Khalis
Ba'aquba
Balad Ruz
Hit
Ramadi
Al Fallujah
BAGHDAD
Mahudiya
Badra
Baramadad
Al Aziziya
Al Misiab
Kerbala
35°N
34°N
33°N
36°N
42°E
43°E
44°E
45°E

the injustice committed against the Kurds."[102] A redistricting model perhaps could address this historical injustice by putting the KRG in the position to administer the rural Kurdish areas in the northeast of Kirkuk governorate that suffered the worst destruction under the Anfal. Given the strategic nature of these areas due to their oil deposits, in this scenario the KRG would also likely need to be prepared to formally recognize that all of Kirkuk's oil and gas production and revenues fall under federal government jurisdiction, to meet the Arab criteria of the solution for Kirkuk safeguarding the unity of Iraq. On the Arab side, community leaders in Arab districts such as Hawija oppose Kirkuk governorate joining the KRG and simultaneously view themselves as inextricably part of Kirkuk governorate. In fact, when presented with quiet Kurdish proposals to spare Hawija from joining the Kurdistan region by attaching it to a neighboring Arab majority province, local residents in the district indicated to UNAMI that they are inextricably linked to Kirkuk center and unanimously rejected such an approach.[103] The Kirkuk redistricting package could address these concerns by keeping heavily Arab areas, such as Hawija, out of the Kurdistan region while still allowing them to maintain their administrative connection to Kirkuk Center, though this would, in turn, entail changes to Kirkuk's northern and northeastern boundaries.

The redistricting model is also useful in illustrating potential trade-offs. Under this proposal Kirkuk city (indirectly) and northeast rural areas of the governorate with the strongest Kurdish populations would have an administrative affiliation with the Kurdistan region. It thus might be a more attractive scenario to the Kurdish leadership than special status for Kirkuk governorate as whole. To move from the Kirkuk special status scenario to the Kirkuk redistricting scenario, the KRG might correspondingly be willing to consider concessions on other difficult to resolve disputed territories (e.g., Sinjar and Zummar remaining more firmly under federal government control) or other points of Arab-Kurdish tension (e.g., recognition of federal control over Kirkuk's oil and gas).

Conclusion and Implications for U.S. Policy

The historical record of the Arab-Kurdish dispute suggests that major changes to Kurdish autonomy and the dividing line between Arab and Kurdish Iraq occur at times of upheaval in the country's broader strategic environment. The second Ba'athist coup in 1968, the 1975 Algiers Agreement between Iraq and Iran that led to the collapse of the Kurdish movement, the closing of the Iran-Iraq war and the launch of the Anfal, the 1991 Gulf War, and the 2003 American-led invasion of Iraq were all strategic shocks that had major consequences for the basic questions of which areas of Iraq were Kurdish and what control the Kurds should exercise over them. Collectively, these events have generated substantial but highly irregular progress on establishing Kurdish self-governance within a federal Iraq. Because these events have spurred activity not only at the negotiating table but also on the ground, they have also taken a massive human toll in terms of violence, discrimination, and general administrative and economic upheaval.

The ongoing U.S. troop drawdown, which under the terms of the U.S.-Iraqi Status of Forces Agreement (SOFA) is scheduled to be completed by the end of 2011, is potentially just such a tectonic shift to Iraq's strategic environment. It could, one way or another, have major implications for Iraq's Arab-Kurdish relations over the next few years. Likewise, the negotiation of any follow-on security agreement that extends the U.S. military presence in Iraq would once again scramble the playing field. U.S. policymakers must now consider how their strategic decisions interact with the calculus of Iraqi stakeholders. The crux of the matter is whether

Iraqi leaders perceive it to be in their overall interest to risk the far-reaching steps required to address the Arab-Kurdish dispute, or whether they view Kirkuk and the disputed territories, along with differences on oil and federalism, as problems to be managed rather than solved.

Parameters of a Deal

At the present juncture, the Kurds have achieved not just autonomy over virtually all major issues of governance in the Kurdistan region, but also the constitutional basis for a decentralized federal system in Iraq, which, if implemented according to its logical conclusion, would leave a shell government at the national level. The impression that this is the intention of Iraq's federal model was buttressed by recent statements made by KRG President Barzani that the only hope left for stability in Iraq was in dividing it into three regions: Kurds in the north, Sunni Arabs in the middle and west, and Shiites in the south, with Baghdad fulfilling only basic government functions.[104] In Article 140, the KRG also believed that it had a mechanism to resolve the status of Kirkuk and its southern boundary, but subsequent events have called this into question. Notwithstanding this, the Kurdish political parties resolutely oppose substantive changes to Iraq's constitutional text and now look to the United States to resolve outstanding Arab-Kurdish issues before it militarily departs Iraq.[105] The fractured nature of politics in Baghdad make it more difficult to succinctly characterize the Arab position, but since 2008 there has been a growing nationalism in Iraq politics that is hostile to Kurdish territorial ambitions and the decentralized federal model of Iraq conceived of in Erbil. Arab Iraqi political leaders generally believe in the need to ensure the territorial integrity of Iraq, including through constitutional reform, but especially by ensuring the national government's control over oil matters. This is not a new phenomenon. Even before the Ba'ath, Iraqi nationalists have feared that Kurdish autonomy and territorial claims threaten Iraq's unity, not only in the north, but also in the south if they set a precedent for similar demands in Shia majority areas.[106] There is consequently little appetite to address Kurdish territorial claims in northern Iraq and a feeling that resolving the matter should be postponed, preferably until Baghdad's negotiating hand is strengthened by a fully reestablished and reequipped Iraqi army.[107] There is also limited openness in Baghdad to perceived international interference in such a sensitive sovereign matter.

All the above suggests that if there is a deal to be struck, it will need to address both territory and the distribution of power between the federal government and the KRG, in line with the decades of previous negotiations between the Arabs and the Kurds, including the benchmark 1970 autonomy agreement and the 2005 constitution.[108] The aggregation of the detailed analysis of claims to individual disputed areas conducted throughout this report is put forward as a possible building block for Arab-Kurdish negotiations, but it is only a single block that even if broadly accepted would have little use on its own. Baghdad believes it can only lose from territorial talks. Erbil believes it can only lose from constitutional reform. The reasons for these are simple. From Baghdad's point of view, any changes to the current formal territorial status quo have to come uniformly at the expense of areas now legally under the federal government's jurisdiction; likewise, the KRG perceives any constitutional amendments that lessen the extent of decentralization in Iraq's federal system as entirely at its expense. Thus, unsurprisingly, Baghdad has obstructed standalone efforts to implement Article 140 and Erbil effectively vetoed proposed amendments which emerged from the attempted review of the constitution in 2007.[109]

In a possible comprehensive deal, past suffering makes an eloquent case that the Kurds are owed self-government within Iraq and the enhanced security that would come through clarity

on the Kurdistan region's internal boundaries. In return, the Kurds would need to demonstrate not only their commitment to the territorial integrity of Iraq, but also a commitment to an Iraq that works by allowing for the emergence of a constitutional basis for an effective and appropriately empowered national government outside the Kurdistan region.

The change to the strategic environment resulting from the ongoing U.S. drawdown creates some incentives to explore the elements of a strategic trade along the above parameters, particularly on the Kurdish side. The Kurdish political parties could drop their veto of reforming the shape of Iraq's federal system south of the Kurdistan region to consolidate their post-2003 achievements on self-governance—including recognition of their oil contracts and access to Iraq's oil and gas export infrastructure—and to gain the invaluable enhanced security of delineating their region's administrative boundary within Iraq. Such a decision would not be an easy one for the Kurdish leadership to take. The Kurds would not find satisfaction in all areas that they believe to be historically Kurdish, and would receive only part of what they seek in Kirkuk. The KRG, however, could gain strategic areas of historic importance—Khanaqin Center, Makhmour, and possibly Sinjar—and either part of Kirkuk or the opportunity to keep the door open for future changes to its status. The bigger picture is that the Kurdistan region has made remarkable advances compared to its situation in 1991. At that point virtually its entire population had fled into mountain camps along the Turkish and Iranian border out of fear that the Iraqi army would repeat the Anfal after the failed 1991 uprising. The strategic choice the Kurdish leadership now faces is whether to continue to push for satisfaction on the entirety of Kurdish territorial claims and thereby risk leaving across-the-board ambiguity in place along the Kurdistan region's southern boundary, or to seek a comprehensive political deal that could lay the foundation for further decades of transformational progress. This strategic dilemma is sharpened by the scheduled U.S. withdrawal date. The Kurds had hoped that the United States would be its long-term security guarantor and, as the clear winners in the post-2003 order, have the most to lose from a return to the cycle of Arab-Kurdish conflict.

The case for Baghdad to actively pursue a negotiated political solution to Arab-Kurdish issues is less straightforward. Many Arab political leaders view changes to the Green Line as unadulterated setbacks that further divide Iraq and, most likely accurately, assess time and overall resources to be on their side in this dispute. Historically, Baghdad has only made deals with the Kurdish movement because it felt forced to do so because of a weak overall strategic situation. The only way that it will do so now, and be able to sell such a deal to its population, is if it can demonstrate that a political agreement is in its own interest. This means that being open to ceding areas with strong evidence of Kurdish claims to the Kurdistan region must be presented to Baghdad not as a concession, but rather as a lever to protect Iraq's unity through achieving a compromise solution to Kirkuk and opening the way to the reform of Iraq's state structure that many Sunni and Shia Arabs favor.[110] This could be accomplished through the Kurdistan region dropping its longstanding objections to constitutional amendments that revamp the federal government's authorities outside of the Kurdistan region—a centralization of power in Baghdad that Kurds are traditionally wary of—as well as addressing oil- and revenue-sharing issues between the KRG and federal government. The starting point for the latter could be the establishment of an automatic and stable national revenue-sharing system for all oil production, regardless of where in Iraq it originates. This would take some of the sting out of territorial disputes and entail a demonstrable Kurdish commitment to Iraq's unity; it also is actually something in which the KRG has a financial self-interest.[111]

Past suffering makes an eloquent case that the Kurds are owed self-government within Iraq. . . . In return, the Kurds would need to demonstrate not only their commitment to the territorial integrity of Iraq, but also to . . . a constitutional basis for an effective and appropriately empowered national government outside the Kurdistan region.

Arab Iraqis would have to take the hard steps of accepting the disputed territories as a legitimate issue that deserves a formal negotiating process, being prepared to formally cede strategic territory to the Kurdistan region where it has strong claims.

In turn, Arab Iraqis would have to take the hard steps of accepting the disputed territories as a legitimate issue that deserves a formal negotiating process, being prepared to formally cede strategic territory to the Kurdistan region where it has strong claims, becoming open to some administrative role for the KRG in Kirkuk, and committing to holding a confirmatory referendum that would endorse and protect any territorial agreement reached through political negotiations. This would give the KRG the political cover of having implemented Article 140. Such a solution would be difficult for many Iraqi nationalists to contemplate, but by promoting the unity of Iraq and putting long-running disputes with the Kurds to the side, it could create the room for Arab Iraqis to move forward on the vital business of tackling the enormous challenges of governance and reconciliation in Baghdad.

Implications for U.S. Policy

Iraqis will decide for themselves whether to address the Arab-Kurdish conflict by attempting a comprehensive political resolution to its core elements or managing the situation as it unfolds. Neither the United States nor any other international actor can force a resolution to this dispute. The clear inclination on the Arab side is that this is not the proper time to address the issue of Kirkuk and the disputed territories. Some Kurdish leaders may even share this sentiment, as they could be reluctant to confront the complicated and high-stakes risks and compromises that a solution would entail. At the same time, the current buffering presence of U.S. troops in the disputed territories, a potential international mediator in UNAMI, and a level of U.S. engagement significant enough to offer carrots and sticks to support an agreement may not all be in place a few years from now. The possible absence of some of these factors could render a future consensual resolution to Arab-Kurdish issues less feasible. This makes it important for the United States to have a strategy for exploring, with Iraq's new government, how to at least launch what is likely to be a long-term effort toward a comprehensive political agreement—as well as how any potential Iraqi request for a new security agreement or, absent such a request, how basic security cooperation, training, and arms sales should be linked to this strategy.

Under the parties' current approach to managing the conflict, the situation in the disputed territories may evolve with elections and other events, but administrative confusion will continue as various districts continue to receive services from both the KRG and the federal government. At the national level, key political issues, such as electoral laws, the budget, the census, and oil and revenue-sharing legislation, will likely also continue to be held up and complicated by outstanding disagreements between Baghdad and Erbil. It is possible that the situation could stabilize with a mixture of time, luck, and economic development. Moreover, continuing U.S. and UN diplomatic work in Kirkuk and Mosul, U.S. efforts to integrate the *peshmerga* into the Iraqi army, and the work of integrated Arab-Kurdish institutions, such as the combined security mechanism and UNAMI's HLTF, could all bear fruit in improving local stability. However, in keeping with Iraq's historical patterns, in the absence of a formal political process to address these disputes, there is a heightened risk that when the strategic situation of either party changes, that party will be tempted to alter the situation on the ground to reflect its newfound strength.

With U.S. troops scheduled to depart from the disputed areas in the middle of 2011, it is uncertain whether the nascent conflict-mitigation mechanisms could prevent events such as those in Khanaqin in mid-2008, Kirkuk in early 2009, and Ninewa in 2009 and 2010 from sparking a wider confrontation. The experience of a high-ranking U.S. military official sta-

tioned in northern Iraq during this general time period, who indicated that there were twelve incidents during his tour in which U.S. troops had to intersperse themselves between Arab and Kurdish military forces that had "arms drawn or were facing one another in anger,"[112] suggests that such a test to these mechanisms is probably a matter of when rather than if. Indeed, the string of U.S.-established trilateral checkpoints along the "trigger line" in the disputed territories are themselves resented by Arab Iraqis as a de facto legitimization of the *peshmerga's* presence outside of the Kurdistan region. The Iraqi government's first action when U.S. soldiers are withdrawn from these joint checkpoints in mid- to late 2011 may therefore be to "encourage" the *peshmerga* to return to the Kurdistan region proper. The possibility of this scenario or any number of other possible local confrontations escalating out of control troubles U.S. policymakers and led to the focus on Arab-Kurdish issues as the greatest potential threat to Iraq's stability.

The United States has an interest in investigating the prospects for a negotiating process aimed at resolving core elements of the Arab-Kurdish dispute. The United Nations remains best-positioned to facilitate such a process and is an indispensible actor because of its deep knowledge of the issues at play, impartiality, and institutional continuity. However, the U.S. commitment will have to be deeper and more holistic than voicing support for UNAMI's political efforts if serious negotiations are to get off the ground. U.S. military and civilian officials should be prepared to outline a mix of incentives and difficult messages to U.S. allies in Erbil and the new government in Baghdad that might shape their overall strategic calculus in favor of pursuing comprehensive negotiations. In addition, the United States should be aware of how any form of security cooperation with Iraq potentially affects this calculus and the political-military balance of power between Baghdad and Erbil. In the end, the inducements may ultimately not suffice and Iraqis may decide they are not ready to take on the difficult negotiations. However, it is essential that the various stakeholders have a vision of the political horizon for a negotiated Arab-Kurdish settlement and a clear understanding of the steps the United States would be willing to take to support an agreement, particularly in the security realm.

Starting in Erbil, the United States will have to be clear that external assurances alone cannot guarantee Kurdish security. U.S. diplomats and generals should be frank with the Kurdish leadership that long-term Kurdish security can only be achieved through a political agreement with Baghdad; the terms of such an agreement likely will include only special status or partial victory in Kirkuk and require Kurdish willingness to link constitutional reform on oil and federalism to talks on territory. Moreover, the United States will need to explain that it will only be able to provide confidence-building security assurances and training to Kurdish forces in the framework of broader security cooperation with the Iraqi government. If the Kurdish leadership is willing to take these bold steps, the United States should indicate that it will actively push Baghdad to negotiate on the disputed territories, consider how security cooperation and any possible request for a new security agreement might contain creative ways to guarantee Kurdish security—such as prepositioning U.S. military equipment in the Kurdistan region or opening a robust security cooperation and training office in the new U.S. consulate in Erbil—and that it would respond favorably to Iraqi requests for limited U.S. or UN peacekeepers to monitor a political agreement reached on a southern boundary of the Iraqi Kurdistan region.

In Baghdad, U.S. officials should consider tying elements of the strategic partnership the Iraqi government has sought with the most powerful country on earth to it taking serious steps toward politically resolving the issue of the disputed territories.[113] The potential gains for

the federal government of a comprehensive negotiation with the KRG, including oil-revenue sharing, constitutional reform, and a compromise on the status of Kirkuk, should be explicated, but the United States should also make it known that commercial investment, technology transfers, and future U.S. diplomatic assistance to Iraq in fully exiting Chapter VII United Nations obligations to Kuwait—as well as intelligence provision, training, logistics enablement, and the sale of advanced weaponry to Iraqi security forces—are not automatic. A long-term partnership with the United States offers a still weakened Iraq the possibility of regaining its full regional and international standing, but U.S. diplomats and senior military officers will need to clarify that such a relationship requires a strategic partner in Baghdad that demonstrates the will to begin addressing the major political drivers of instability in the country.

In addition, U.S. officials should remain fully cognizant of how the menu of post-2011 options for security cooperation with Iraq relates to the Arab-Kurdish dispute. The KRG would certainly welcome a continued U.S. military presence anywhere in Iraq after December 2011 as implicit insurance against Baghdad or the Iraqi army taking steps inimical to Kurdish security. Likewise, both the Iraqi minister of defense and the Iraqi army chief of staff have indicated that Iraq will continue to require U.S. assistance to defend the country's borders and airspace against external threats until 2020—and that they would face "problems" in the absence of such help if any neighbor took aggressive actions against them.[114] In any security negotiations, U.S. officials thus must be aware of how Baghdad and Erbil benefit from U.S. security cooperation. Here again, there may be an opportunity for the United States to nudge the parties toward negotiation by subtly conditioning security cooperation on the development of a framework to resolve their disputes politically.

All the above connects to U.S. strategic interests in a stable and pluralistic country in the heart of the Middle East. Iraq lies at a geographic crossroads between Iran, Turkey, and Saudi Arabia and has enormous and uniquely untapped energy-producing potential. The consequences of instability emanating from the country over the last thirty years have been massive, costing Americans, Iraqis, and neighboring countries in the Middle East over a trillion dollars and many hundreds of thousands of lives. In the last three years alone, the United States has expended significant blood and treasure to pull back from the brink of a self-inflicted strategic failure in Iraq, dramatically reducing violence in the country and transferring the lion's share of responsibility for governance and security to Iraqi institutions. At the same time, corresponding progress on a political compact to share power and resources in Iraq has not been forthcoming, putting the long-term future of these gains in jeopardy. The Obama administration correctly judges that Iraqis must solve these political issues for themselves, but if potential Arab-Kurdish conflict is the greatest strategic threat to Iraq's stability, the U.S. government should now be prepared to undertake a strategic level initiative to determine whether or not the space can be created for Iraqis to resolve it peacefully.

Notes

1. Adam Entous, "U.S. General Sees Iraq Pullout without Arab-Kurd Deal," *Reuters,* July 21, 2010.
2. See, e.g., Amit R. Paley, "'Strip of Iraq' on the Verge of Exploding," *Washington Post Foreign Service,* September 13, 2008.
3. Iraq's first set of elections (January 2005) are not helpful in understanding the balance of political preferences in the disputed areas because they were widely boycotted in the Sunni Arab community.
4. As quoted in Michael Gordon and Andrew Lehren, "Tensions High Along Arab-Kurdish Line," *New York Times,* October 23, 2010.
5. For more on the Arab-Kurdish conflict, particularly the tragedy of the Anfal, see Human Rights Watch, *Genocide in Iraq: The Anfal Campaign Against the Kurds* (New York: Human Rights Watch, 1993), http://www.hrw.org/reports/1993/iraqanfal/ (accessed December 16, 2010).
6. While it is not clear that they represent systematic KRG policies, international observers have observed some of these practices. See, e.g., Human Rights Watch, *Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq* (New York: Human Rights Watch, 2004), in particular 34–45 and 48–50, and Human Rights Watch, *On Vulnerable Ground: Violence Against Minority Communities in Ninewa's Disputed Territories* (New York: Human Rights Watch, 2009), in particular 44–49. While highly regrettable and counterproductive, such incidents do not approach the practices of the previous regime in magnitude, scope, or intent.
7. See, e.g., KRG prime minister Barham Saleh asking whether "a national Iraqi military can be truly national without the Kurds," and stating that "we are alarmed at the prospect of an Iraqi military armed with Abrams tanks and F-16s while the Kurds are kept out of it. We should accept that we are all partners in this country and we should all be committed to its defense." See Jane Arraf, "Iraq Border Concerns Spur Effort to Integrate Kurdish and Iraqi Army Forces," *Christian Science Monitor,* August 23, 2010. Excluding the cost of the F-16s, which have not yet been approved by Congress and would cost $4.2 billion, Baghdad is in the middle of implementing a $13 billion foreign military sales program with the United States. The United States is providing vehicles and communications equipment to the Kurdish forces, but so far it is not providing weaponry.
8. Michael Gunter, *The Kurds of Iraq: Tragedy and Hope* (New York: St. Martin's Press, 1992), 14. The former Iraqi prime minister and current leader of the Iraqiyya party, Dr. Iyad Allawi, recently commented in an October 23, 2010 interview with *Asharq al-Awsat* online that, had the Bazzaz declaration and the later 1970 autonomy agreement with the Kurds been implemented fairly, "we could have avoided all problems regarding Iraqi unity."
9. Article 53.A of the Transitional Administrative Law was later incorporated into Iraq's permanent constitution by Article 143 of the charter.
10. See Reidar Visser, "Disputed Territories in Iraq: The Practical Argument against Self-Determination in Kirkuk," May 25, 2009, http://www.historiae.org/disputed.asp (accessed December 16, 2010).
11. A May 17, 2003, "Memorandum for KDP/PUK Leadership" with the subject line "Repositioning of Peshmerga Forces (101200May 03) Change 3" sets out agreed-upon locations, strength, and command of *peshmerga* forces outside of the Green Line in the areas of operation for the U.S. 101st Airborne (Air Assault) and 4th Infantry Divisions. It is signed by the commanding generals of these two divisions and representatives of the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) and includes locations in Ninewa, Kirkuk, Salah ad-Din, and Diyala. Copies of the document were provided to the author by U.S. military officials and *peshmerga* commanders.
12. In early 2010, the Kurdish regional parliament passed a law establishing a disputed areas fund to help implement projects regarding housing, provision of services, sewage, education, health, and other policy areas. The KRG Ministry of Agriculture apparently has also begun providing loans to farmers in the disputed areas. See "Kurdistan Regional Parliament Passes Disputed Areas Fund Project Law," *Aso,* April 27, 2010, and "KRG to Provide Loans to Farmers in Disputed Areas," *Aso,* July 22, 2010.
13. Including contracted KRG exploration blocks 7 and 18 in Ninewa, Block 32 in Kirkuk, Block 10 in Salah ad-Din, and possibly parts of Block 11 in Diyala.
14. See comments by Fouad Hussein, chief of staff to KRG President Barzani, in Lara Setrakian, "Beirut in Baghdad: Is the 'Lebanonization' of Iraq Complete?" *Foreign Policy Middle East Channel,* August 24, 2010.
15. See Jonathan Morrow, *Iraq's Constitutional Process II: An Opportunity Lost*, Special Report no. 155 (Washington, DC: United States Institute of Peace Press, 2005), and International Crisis Group, "Unmaking Iraq: A Constitutional Process Gone Awry," Middle East Briefing no. 19, Amman/Brussels, September 26, 2005.
16. See the list of seven disputed points contained in "Preliminary Draft: Final Report of the Constitutional Review Committee," presented to Iraq's Presidency Council, July 7, 2008.
17. The time-machine metaphor was originally coined by Dr. Peter Bartu, then head of UNAMI's Political Affairs Office, in late 2008.
18. A variant of this sentiment was recently expressed by Jabbar Yawar, official spokesperson of the *peshmerga,* who said that Kurdish forces will not withdraw from disputed areas because they are crucial for the safety of

the Kurdish people who are living in them. See Qassim Khidir, "Kurdish Forces to Remain in Disputed Areas," *The Kurdish Globe,* September 21, 2010.

19. The most recent draft of the KRG constitution (June 2009) reflects evolving political circumstances and contains a less expansive territorial definition of "Iraqi Kurdistan"—the term used in the draft—dropping claims to certain areas in Ninewa, Diyala, and Wassit governorates that were present in earlier drafts.
20. These technical deficiencies were outlined by UNAMI's electoral unit in a February 2007 non-paper and were also listed in International Crisis Group, "Iraq and the Kurds: Resolving the Kirkuk Crisis," Middle East Report no. 64, Brussels, April 19, 2007, 8.
21. Multiple meetings of the author with senior KDP officials in Ninewa and Erbil from March 2008 to January 2009.
22 Kurdish negotiators are reportedly setting a precondition of a one-year deadline for the full implementation of Article 140 (i.e., conducting the referendum) or the Kurds will withdraw from government and possibly announce the unilateral incorporation of Kirkuk and other disputed areas into the Kurdistan region. See "Kurdistan Alliance Threatens Withdrawal over Article 140 Implementation Deadline," *Rojnama Weekly,* July 27, 2010.
23. Meeting with Sunni Arab MP from Kirkuk, July 2010.
24. Gunter, *The Kurds of Iraq,* 1.
25. Gunter, *The Kurds of Iraq,* 95.
26. See, e.g., remarks by Maysoun Damlouji, spokesperson for the Iraqiyya bloc in the Iraqi Parliament, on Al Arabiya TV's *Panorama* program on December 12, 2010. In response to recent remarks by KRG president Barzani regarding a Kurdish right to self-determination and that Kirkuk is a Kurdish city, Damlouji says: "Kirkuk should be dealt with wisely. There should be a political solution so that everyone will emerge as a winner.… I say it once again, Kirkuk is Iraqi and will, God willing, continue to be Iraqi. We do not relinquish one inch of Iraqi territory."
27. The Iraqi federation is made up of fifteen governorates (provinces) and one autonomous federal region (Kurdistan). At the local level, governorates are composed of multiple districts and subdistricts.
28. This term came from UN Security Council Resolution 1770, which authorized UNAMI to advise the Iraqi government on processes to resolve disputed internal boundaries.
29. The author was a member of the research team involved in collecting and analyzing this information and carried out field research in Ninewa and Kirkuk.
30. Meeting with Sunni Arab Leader in Mosul, September 2008.
31. These areas include Akre district (Ninewa/Erbil), part of Sheikhan district (Ninewa/Dahuk), part of Kifri district (Diyala/Suleymaniya), and part of Khanaqin district (Diyala/Suleymaniya).
32. Parts of Chamchamal district and Qader Karam and Nawjul subdistricts that were formally transferred to Suleymaniya from Kirkuk and Salah ad-Din in the 1970s and 1980s.
33. A brief methodological note of caution is required. Iraq's elections are organized based on the distribution of Iraq's food ration system rather than a voter registry based on the country's official administrative units. Food distribution centers approximate Iraq's districts and subdistricts but do not match them exactly, meaning that the local-level vote totals discussed in the following sections should be considered indicative. Second, the three elections were different. The December 2005 elections were national and included out-of-country voting. The 2009 provincial elections were local and thus did not hold out-of-country voting. The 2010 elections were once again at the national level and had out-of-country voting. However, the 2010 data set made available to the author does not contain out-of-country votes. The three data sets are therefore not completely alike in terms of who voted—the December 2005 data include out-of-country voters but the other two do not—but once again represent the best approximation available.
34. The UNAMI district analysis reports are not publicly available at this time. They were documents prepared and delivered in April 2009 for the Prime Minister of Iraq, the Presidency Council of Iraq, and the President of the Kurdistan Region.
35. UNAMI, "Possible Options for the Future Administrative Status of Kirkuk Within the Iraqi Federation," discussion paper, April 2009, 1.
36. The May 17, 2003, memo authorized KDP-commanded *peshmerga* to take up locations in the Ninewa districts of Makhmour, Hamdaniya, Sinjar, Tilkaef, and Sheikhan, as well as the subdistricts of Zummar and Bashiqa. A supplementary memo dated August 22, 2003, between the 101st Airborne Division and KDP *peshmerga* commanders in Ninewa describes historical oppression of the Kurds, Kurdish *peshmerga* contributions to Operation Iraqi Freedom, and stated that "bottom line, the KDP forces are U.S. allies, will play a vital role in the rebuilding of Iraq, and will synchronize efforts to establish a safe and secure environment in the division AO [area of operations]."
37. See International Crisis Group, "Iraq and the Kurds: Trouble along the Trigger Line," Middle East Report no. 88, Baghdad/Erbil/Brussels, July 8, 2009, 14.
38. See Jane Arraf, "Iraq Tensions Rise after Kurds Threaten to Arrest Arab Governor," *Christian Science Monitor,* March 1, 2010.

39. See "UN Optimistic about Improving Relations between the Hadba and the Ninewa Fraternal List," UN press release, Erbil, May 16, 2010.
40. Most maps of Ninewa also show the district of Akre as part of the province. However, this district is entirely above the Green Line and has been fully administered by the KRG since 1991.
41. The Sinjar bombing killed over 400 people and remains the single most deadly attack of the post-2003 period. U.S. provincial reconstruction team and military officials speculate that the likely al-Qaeda in Iraq-organized bombing led to an increase in support among the Yazidi for the Kurdish political parties, who are seen as more secular and capable of providing security to the community.
42. Excluding Makhmour, which is not historically part of Ninewa, about 130,000 of the remaining approximately 195,000 votes for Kurdish parties in Ninewa—Kurdistan Alliance, Goran, and Kurdish Islamist parties—came from the Yazidi inhabited areas of Sheikhan, Al-Qosh, Sinjar, and Qahtaniya.
43. This includes the 150,000 to 225,000 barrel per day Khurmala central processing facility, which could serve as a switching point where Kurdish crude oil production may either be transported within the Kurdistan region or sent into the federal export system. See Michael Knights and Ahmed Ali, "Kirkuk in Transition: Confidence Building in Northern Iraq," The Washington Institute for Near East Policy, Policy Focus no. 102, April 2010, 12.
44. Meetings with national- and local-level Kurdish politicians, February 2008 to January 2009.
45. In the early 1970s there were protests in Sinjar and Sheikhan, and armed clashes in Sinjar between Arab and Yazidi tribes, stemming from some Yazidis' dissatisfaction that these two areas remained part of Ninewa rather than being attached to the newly created Kurdish province of Dahuk. See Edmund Ghareeb, *The Kurdish Question in Iraq* (Syracuse, NY: Syracuse University Press, 1981), 113.
46. UNAMI's "District Analysis Summary: Sinjar District and Qahtaniya Sub-District," 4, contains a reference to a November 2007 letter from the Ministry of Trade to the Office of the Prime Minister containing a request from Ninewa governorate for Sinjar to continue to receive food rations from Dahuk.
47. Almost 90,000 votes in Sinjar and Qahtaniya subdistrict alone, or 45 percent of the vote for the Kurdistan Alliance and Goran in Ninewa, if Makhmour is excluded.
48. Iraq's various communities attach heightened relevance to the 1957 census because it is considered the last generally representative population count. The 1967 census did not take place due to internal political upheaval and subsequent exercises are considered to have been increasingly skewed by the Ba'athist regime.
49. See "Kirkuk in Transition: Confidence Building in Northern Iraq," The Washington Institute for Near East Policy, Policy Focus no. 102, April 2010, 1–2.
50. "Kirkuk in Transition," 1–4, and UNAMI district analysis summaries for Dibis District, Kirkuk District, and Daquq District.
51. See Human Rights Watch, *Genocide in Iraq*.
52. This policy was outlined in "Highly Confidential and Personal Minutes of Meeting of the Tripartite Committee for Arabisation of Governorates of Kirkuk, Salah El-Din, Ninewa and Diyala in 1994," cited in several UNAMI district analysis summaries.
53. Liam Anderson and Gareth Stansfield, *Crisis in Kirkuk: The Ethnopolitics of Conflict and Compromise* (Philadelphia: University of Pennsylvania Press, 2009), 92–93.
54. As was the case in Ninewa, the U.S. military authorized a continued *peshmerga* presence in parts of Kirkuk governorate. The May 17, 2003, memo authorized PUK-commanded *peshmerga* detachments to take up locations in Daquq, Laylan, and Qarahanjiir, and KDP-commanded *peshmerga* to deploy in Altun Kupri and Dibis within Kirkuk.
55. International Organization for Migration, "Al-Ta'mim/Kirkuk October–December 2005, Phase II Monitoring," Iraq Mission report, 2005. IOM assessments indicate that 18,000 of these returnee families were Kurdish and approximately 2,100 were Turkoman; the standard rule of thumb is six to eight persons per family. The report also notes on page 6 that "data collection in Al-Ta'mim [Kirkuk] is a highly sensitized issue and continues to be problematic. Accurate figures in this particular area are challenging due to the ethnic and political sensitivities and the security concerns for persons working on IDP issues."
56. Article 140, Decision no. 2 of January 16, 2007, stipulates compensation of 10 million Iraqi dinars as well as the provision of land plots to displaced families returning to Kirkuk governorate.
57. As of April 2008, approximately 42,000 claims had been submitted to the Iraqi government's Committee for the Resolution of Real Property Disputes related to property the former regime expropriated in Kirkuk, a further 9,750 claims had been submitted by families who had their property destroyed during the Anfal campaign, and an estimated 6,200 agricultural contracts granted to Arab *wafidoon* (newcomers) had been cancelled by the Iraqi government's Article 140 Committee. See Peter van der Auwart, "Recommendations for Resolving the Remaining Land and Property Issues in the Province of Kirkuk," International Organization for Migration, June 23, 2009, 4. It was clearly marked "draft."
58. The Battle of Qani Domlan Ridge fought by the 3rd Battalion, 10th Special Forces Group, and Kurdish *peshmerga* against the Iraqi I Corps lasted almost two weeks and demonstrated the military advantage of holding this ground.

59. Personal communications with officers from the U.S. 1st Cavalry Division stationed in Kirkuk, March–April 2009.
60. See "Iraq Border Concerns Spur Effort to Integrate Kurdish and Iraqi Army Forces," *Christian Science Monitor,* August 24, 2010.
61. The agreement provided for the cessation of the controversial extralegal arrests and detention by unofficial Kurdish security structures in the province, the appointment of an Arab as deputy governor, and the distribution of governmental positions on the basis of proportions of 32 percent Kurds, 32 percent Arabs, 32 percent Turkomans, and 4 percent Christians.
62. The contentious and tense parliamentary debate was marked by a Kurdish walkout of parliament on July 22, 2008, to protest the use of extraordinary secret ballot measures to vote on provisions of the elections law that would have imposed equal power sharing in Kirkuk. The law was subsequently vetoed by Iraqi president Jalal Talabani, who is also the leader of the PUK. Kurdish demonstrations against the vetoed law on July 28 in Kirkuk city were tragically marred by the detonation of a suicide bomb in the crowd that killed twenty-two and injured hundreds more. After the explosion, dozens of angry protestors attacked the offices of a Turkish political party in the city with small arms fire and machine guns, setting fire to one of the offices and wounding six guards inside.
63. See International Crisis Group, "Iraq's Uncertain Future: Elections and Beyond," Middle East Report no. 94, February 25, 2010, 25–26.
64. See Joost Hiltermann, "Thank Goodness for Iraq's Census Disaster," Foreign Policy Middle East Channel, October 8, 2010.
65. See Article 2.1 of the June 23, 2009, draft constitution of the Kurdistan Region.
66. See "Article 140 Committee: We Spent $500 million for Kirkuk Deportees and Settlers," *AKNews,* July 26, 2010.
67. Article 140 of the constitution and Article 58 of the Transitional Administrative Law appear to require Iraq's "Executive Authority" (council of ministers and president) to make recommendations on "remedying … unjust changes" to Iraq's administrative boundaries to the Iraqi parliament before a permanent resolution to the status of Kirkuk is undertaken. This appears unlikely to be forthcoming given the political perils for the government of taking up this issue, and even more difficult to envision being passed by parliament if it ever reached that stage.
68. Some PUK figures would like to create a fourth Kurdish governorate composed of Khanaqin, Kifri, Tuz, Kalar, and Chamchamal districts, so that both the PUK (Suleymaniya and the new Garmian governorate—Kurdish for *warm plains*) and the KDP (Erbil and Dahuk) would each control two governorates. The PUK is also reluctant to cede areas currently part of Suleymaniya, such as Chamchamal and its possibly extensive gas reserves, to Kirkuk if the governorate is ultimately granted some form of special status outside of direct Kurdish control, or alternatively if Kirkuk is incorporated into the KRG but moves closer to the orbit of the KDP in Erbil. Author's meetings with Kurdish political interlocutors in Kirkuk, March–April 2009.
69. See "Maliki: Kirkuk Belongs to the Iraqi Government," Zaman, October 15, 2008, where Maliki says that "Kirkuk is a city that belongs to the federal government … the only suitable solution, at this time, is to treat it as a special case, like being an independent region." Sam Dagher, "Iraq Election May Leave Kirkuk Status Uncertain," New York Times, March 12, 2010, reports Allawi as having called for a "special situation" for Kirkuk that would keep it under Baghdad's control, but give extra powers to a local government equally divided among all groups; see also "Nechirvan Barzani Expresses Readiness to Share Urban Administration in Kirkuk," TurkishPress.com, October 19, 2008, http://www.turkishpress.com/news.asp?id=254359 (accessed December 16, 2010), where the former KRG prime minister says that all ethnic groups should administer Kirkuk together "in a fair way as a Kurdish region."
70. See "President Talabani: 'Kirkuk Is an Iraqi Issue,'" *Al-Ittihad* (PUK sponsored), May 31, 2010. The Brussels capital region includes both French and Flemish communities. It is a distinct federal region of Belgium, alongside Flanders (Flemish-speaking) and Wallonia (French-speaking), and although it is geographically surrounded by Flanders, it is institutionally separate from it and specific measures are taken to protect the cultural and language rights of both communities within it.
71. UNAMI, "Possible Options for the Future Administrative Status of Kirkuk Within the Iraqi Federation," discussion paper, April 2009, 7–10.
72. See UNAMI's District Analysis Summary: Kirkuk District, 35.
73. Schwan and Qarahanjiir were broken out separately from Kirkuk Center subdistrict in the December 2005 elections but not in the January 2010 elections. These figures refer to the 2005 results.
74. According to information provided to UNAMI by local interlocutors, Sagaran has thirty-nine Kurdish villages and one Arab village. See UNAMI, "District Analysis Summary: Dibis District," 12.
75. The subdistrict of Zab in Hawija is an exception; see Annex 4.
76. See UNAMI, "Kirkuk District," 32.
77. It is difficult to isolate votes for Kirkuk Center. In the 2010 elections Schwan and Qarahanjiir subdistricts, which in the past voted in excess of 99 percent for Kurdish parties, were included in Kirkuk Center results.

Kurdish parties received 61 percent of the votes in Kirkuk Center in 2010, which would likely be somewhat reduced if Schwan and Qarahanjiir had been separated out.

78. The May 17, 2003, memo authorized PUK-commanded *peshmerga* to take up locations in Tuz and Sulayman Beg.
79. See UNAMI's "District Analysis Summary: Tuz Khurmatu District", 3–4.
80. UNAMI, "Tuz Khurmatu District," 14.
81. Tuz itself, with its Kurdish plurality with strong Turkoman and Arab minorities, would be unlikely to alter the similar population mix in Kirkuk governorate.
82. See Claire Russo, "Diyala's Provincial Election: Maliki and the IIP," Iraq Report no. 13, Institute for the Study of War, 6–8.
83. The May 17, 2003, memo authorized PUK-commanded *peshmerga* to take up locations in Khanaqin, Mandali, and Jawalaa.
84. See UNAMI's "District Analysis Summary: Khanaqin and Kifri Districts," 26.
85. See Dahlia Fa'iz, "Security Sources: Iraqi Troops Moving towards Khanaqeen and Jawalaa Which Is under Control of Al-Peshmerga," *Al-Mashriq,* August 10, 2010. The article claimed that Major General Abdul Kareem Khalaf had ordered the Ministry of Defense and Interior in Diyala to "move towards these districts, take complete control and restore them under the central government control."
86. The 2006 draft of the Kurdistan region constitution also claims Khazaniya subdistrict in southern Diyala and the district of Badra and subdistrict of Jassan in the governorate of Wassit, but these claims are not considered here.
87. UNAMI, "Khanaqin and Kifri Districts," 1.
88. Zaid Sabah and Sudarsan Raghavan, "Hundreds of Iraqi Shiites Protest Voting Results, Allege Fraud," *Washington Post Foreign Service,* March 2, 2009.
89. The preamble to the Iraqi constitution refers to the "racial oppression and massacres" of, among others, the Fayli Kurds.
90. According to figures presented to UNAMI by the Khanaqin Office of the Article 140 Committee and calculated based on compensation claims received. See UNAMI, "Khanaqin and Kifri Districts," 23.
91. By one estimate, Baghdad expelled some 40,000 Fayli Kurds from Baghdad and Khanaqin in September 1971 on the grounds that they were really Iranian nationals, despite having lived in these areas for generations. See Gunter, *The Kurds of Iraq,* 17.
92. See, e.g., UNAMI, "The High Level Task Force Makes Progress on Measures to Address Concerns of Local Residents," press release, October 18, 2009, http://www.uniraq.org/newsroom/getarticle.asp?ArticleID=1153 (accessed December 16, 2010).
93. See remarks by Fouad Hussein, chief of staff to KRG President Massoud Barzani, in Setrakian, "Beirut in Baghdad."
94. Remarks by KRG Vice-President Kosrat Rasoul Ali and KRG Minister of the Interior Karim Sinjari to the International Crisis Group. See International Crisis Group, "Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds," Middle East Report no. 80, October 28, 2008. These comments echo the author's experience in dealing with the parties, including Sunni and Shiite Arab politicians in Baghdad, following the release of the initial UN report. The only thing the parties could agree on, apart from criticizing UNAMI's recommendations, was that they wanted to see a comprehensive package for all districts, including Kirkuk governorate, before considering any action on even relatively clear-cut areas.
95. This is in contrast to the official standing that an early territorial plan from the United States or United Nations might have. In responding to such a proposal, the parties might either seize upon the parts they like or alternatively feel compelled to formally and publicly reject it, thus making future compromise more difficult. As a former KRG official said of the past UNAMI reports on the disputed internal boundaries: "This is the first time in the Iraqi and Kurdish histories for an international body to acknowledge there is the issue of disputed areas in Iraq. Politically, the report has granted the world legitimacy [*sic*] to Kurds to be able to continue their demands regarding Article 140." See "Ex KRG-UN Coordinator: UN Legitimizes Article 140," *Awena,* September 26, 2010.
96. In addition to the 1970s talks, according to Massoud Barzani, in the 1991 talks between Barzani, Jalal Talabani, and Saddam Hussein, "defining the autonomous region … [constituted] the key point which we are trying to resolve with the government." See Gunter, *The Kurds of Iraq,* 61.
97. Ghareeb, *The Kurdish Question in Iraq,* 153. The KDP later rejected the Ba'ath referendum plan, perhaps out of a lack of confidence that such a poll could ever be free and fair.
98. Via Republican Decree no. 1066 of September 1969. The creation of Dahuk governorate is also specifically cited in the 1970 autonomy agreement as an example of measures taken to "restore tranquility and peace in the North of Iraq."
99. This is because if Kirkuk remained a governorate, under Iraq's constitution, it could still join the Kurdistan region later, become a standalone autonomous region or revert to being an ordinary governorate. If it were, as is proposed by some Turkoman parties, to become a special status region today, it could not merge later

with the Kurdistan region without complex constitutional and legal changes to Iraq's federal system. See Sean Kane, "Finding Common Ground: Kirkuk as a Special Governorate," USIP PeaceBrief, May 13, 2010.

100. Power-sharing experts such as John McGarry have noted that in general, local majorities can be expected to be more generous toward local minorities if the divided city that they share is attached to a region or state where the local majority is also a majority. In the context of Kirkuk, the Kurds could be expected to concede more to Turkomen and Arabs on power sharing in return for Kirkuk being incorporated in the Kurdistan region. If Kirkuk has any other status separate from the Kurdistan region, the Kurds have relatively few incentives to make concessions on local power sharing.
101. Similar to the special status scenario, it would not be logical to expect the likely Kurdish majority in Kirkuk Center subdistrict to agree to equally share power with smaller communities. Rather, basic protections would be required for Turkoman and Arab populations.
102. As quoted in "Barzani: No More Flexibility on Kirkuk Issue Could Be Offered," *Al-Hayat,* May 24, 2010.
103. See UNAMI, "District Analysis Summary: Hawija District," 24. Opposition in Hawija to such proposals is probably based on a combination of ideological grounds (separating Hawija district from Kirkuk governorate would result in a clear Kurdish majority in the province) and out of concern that a downstream Hawija would be at the mercy of water flows through irrigation systems in what would be a Kurdish-controlled Kirkuk, meaning that in this scenario the KRG would also need to guarantee water sharing with Hawija and Daquq.
104. As quoted in Sam Dagher, "Election Victories Help Kurds in Iraq Push for More Sovereignty," *New York Times,* May 2, 2010. In the interview, President Barzani also likened talk of a strongly unified Iraq to "bird dreams and wishes." These comments drew sharp replies across the Arab political spectrum.
105. This sentiment was recently expressed in comments by KRG President Massoud Barzani and KRG Parliamentary Speaker Kamal Kirkuki, who told a visiting U.S. Council on Foreign Relations delegation that the administrative future of Kirkuk and the disputed areas "must be resolved before the withdrawal of U.S. forces and should not be postponed under any pretext." See "President Barzani meets Delegation from Foreign Relations," PUK Media, May 1, 2010, and "Kurdistan Regional Parliament Speaker Dr. Kamal Kirkuki Received the US Foreign Policy Initiative's Delegation Yesterday," *Peyamner News Agency,* May 2, 2010.
106. In 1961, the Qasim government established after the overthrow of the Iraqi monarchy rejected a memorandum from Mullah Mustafa Barzani requesting substantial autonomy for the Kurdish region partly out of concerns that such a plan might induce the Shia to demand a similar status. See Ghareeb, *The Kurdish Question in Iraq,* 39.
107. This sentiment was bluntly expressed by one member of the Iraqi parliament's defense committee, who stated to the author that "the only language the Kurdish leaders understand is force and negotiations [on Arab-Kurdish issues] can only begin once we have fully rebuilt the Army." He also alleged that Kurdish MPs on the defense committee were seeking to block weapons purchases by the Ministry of Defense and were pursuing what he termed as "politically motivated investigations" of Iraqi Defense Minister Abdul-Qadir al-Ubaidi following reports of a secret $833 million arms deal with Serbia that had come to light earlier that year. Meeting with the author in Baghdad, July 2008.
108. Other plans to address the Arab-Kurdish dispute, including the first Ba'athist government's proposed 1963 decentralized administration project; KDP negotiating memos in 1944, 1958–1961, 1963, 1973–74; the 1983–84 talks between the PUK and Baghdad; and the 1991 talks between Massoud Barzani, Jalal Talabani, and Saddam Hussein all simultaneously addressed both the extent of Kurdish autonomy and the administrative boundaries of Kurdish areas.
109. On May 23, 2007, the Iraqi parliament's Constitutional Review Committee produced a consensus draft report on constitutional amendments. In response, on June 13, the Kurdistan region's parliament, following a special session attended by then-prime minister Nechirvan Barzani, issued a report rejecting any proposed constitutional amendments that would increase the power of the federal government or decrease the powers of the Kurdistan region. The Constitutional Review Committee failed to progress over the next two years and in July 2009 produced a final report containing, from the Kurdish perspective, an even more provocative set of amendments. See Jason Gluck, "Iraq's Constitutional Review Committee Declares Victory and Goes Home—Leaving a List of Proposed Amendments Sure to Inflame Arab/Kurdish Tensions," posted on the Comparative Constitutions blog, www.comparativeconstitutions.org/2009_08_01_archive.html (accessed December 30, 2010).
110. Sunni Arab suspicions of decentralized governing arrangements for Iraq and toward the formation of new federal regions outside of Iraqi Kurdistan are well documented, but are also shared by a broad section of the Shiite political community, including Nouri al-Maliki's Dawa party, the Sadrists, and the influential Shia religious leadership (the *marji'iyya*). See, e.g., comments by Prime Minister Maliki in 2009 that the constitution played a role during a difficult period of Iraq's history but "absolutely" needs to be changed to build a modern state ("Iraq PM Wants Stronger Central Government Powers," *Agence France-Presse,* July 11, 2009) and remarks by *marja*' Sayyed Mohammad Said al-Hakim that "you know that there was an idea for a Southern federal region [in Iraq], like the Kurdish region, in the whole South or in Basra and its

surroundings. We [the *marji'iyya*] rejected the idea, because sectarian federalism is dangerous." In Jihad El-Zein, "Iraqi Political Theology: A Stay with the Najaf Marji'iyya," *The Daily Star,* June 19, 2010.

111. For more on the importance and compromise potential of oil revenue sharing, see Sean Kane, "Iraq's Oil Politics: Where Agreement Might Be Found," USIP Peaceworks no. 64, January 2010.

112. Personal communication with the author, November 2010.

113. In November 2008 the U.S. and Iraqi government signed a strategic framework agreement (SFA) that establishes mechanisms to deepen long-term diplomatic, cultural, economic, scientific, and security ties between the two countries. The SFA accompanied the status of forces agreement on U.S. troops and was an Iraqi-conceived idea that the Iraqi government asked of the United States. As one senior Shiite Iraqi politician remarked to the author, "we [Iraqis] don't want to marry the U.S. but we would be foolish to not take advantage of a possible partnership with the most powerful country on earth if it is on offer."

114. See Liz Sly, "Iraq Needs Help Defending Its Borders after U.S. Troops Leave in 2011," *Los Angeles Times,* August 12, 2010.

Annex 1. Areas with Strong Evidence of Kurdish Claim in Ninewa

District	Pro-KRG parties' vote (percent)	Administrative history
Makhmour district	2005: 92 2009: 78 2010: 72	■ Makhmour has been part of Erbil since the founding of the modern Iraqi state. However, Ninewa has administered the district since the Green Line was established in 1991. Despite this, UNAMI could not find legal documentation officially redrawing Erbil and Ninewa's provincial boundaries to reflect this. ■ The Ninewa office of the Article 140 Committee received approximately 20,000 claims for compensation from Kurdish families displaced from Makhmour during the 1990s. This is the highest number of claims from any district in Ninewa.
Sheikhan district*	2005: 91 2009: 92 2010: 88	■ Sheikhan has been bisected by the Green Line since 1991 and its administration split between Ninewa and Dahuk governorates, complicating service delivery in the district. The vote tallies presented here relate only to those parts of the district south of the line. ■ Local interlocutors indicated to UNAMI that substantial displacement of Kurds and Yazidis and destruction of their villages occurred after the collapse of the Kurdish movement in 1975. Revolutionary Command Council Decree (RCCD) no. 358 of 1978 provided the legal basis for appropriating the land of displaced Yazidis and Kurds and resettling it with Arab farmers.
Al-Qosh subdistrict (Tilkaef district)*	2005: 74 2009: 87 2010: 80	■ The Yazidi and Christian subdistrict of Al-Qosh was detached from Sheikhan and moved to Tilkaef by Republican Decree no. 55 of 1970. ■ Kurdish interlocutors claim that the purpose of this move was to separate Yazidi populations from Sheikhan ahead of the census being discussed in then-ongoing talks on Kurdish autonomy.
Fayde subdistrict (Tilkaef district)*	2005: 98 2009: 92 2010: 89	■ Fayde was part of Dahuk governorate until 1991. After putting down that year's Kurdish uprising, the Iraqi army maintained its position in Fayde, which Ninewa has subsequently administered.

Note: Factual information is based upon UNAMI district analysis summaries unless otherwise noted. All judgments and conclusions are the author's alone.

* Includes votes for pro-KRG Christian and Shebek parties, although these parties did not receive significant backing in these areas.

Annex 2. Areas with Weak Evidence of Kurdish Claim in Ninewa

District	Pro-KRG parties' vote (percent)	Administrative history
Hamdaniya district*	2005: 8 2009: 35 2010: 25	■ The governorate of Ninewa has continuously administered Hamdaniya since Iraq achieved formal sovereignty in 1932. Before being made a full district by Republican Decree no. 54 of 1970 it was a subdistrict of Mosul district. It is a mixed Christian, Arab, Shebek, and Kurdish area.
Bashiqa subdistrict (Mosul district)*	2005: 49 2009: 61 2010: 55	■ Bashiqa has historically been part of Mosul district; land from Hamdaniya was added to it under Republican Decree no. 24 of 1976. Like neighboring Hamdaniya, it is a mixed area, albeit with election results that suggest a Kurdish plurality.
Tilkaef Center subdistrict (Tilkaef district)*	2005: 45 2009: 30 2010: 29	■ Tilkaef Center was originally part of Mosul district and was also upgraded to a full district by Republican Decree no. 54 of 1970. It is a mixed Christian, Arab, and Kurdish area.
Wanna subdistrict (Tilkaef district)*	2005: 60 2009: 25 2010: 31	■ Wanna was created as a subdistrict out of the western part of Tilkaef Center sometime between 1970 and 1977. UNAMI could not locate the decree creating Wanna subdistrict, but it is listed as a subdistrict in the 1977 census.
Tal Afar Center and Rubiya subdistricts (Tal Afar district)	2005: 3 2009: 3 2010: 3	■ The governorate of Ninewa has continuously administered Tal Afar district since Iraq achieved formal sovereignty in 1932. ■ Tal Afar city is Ninewa's second-largest urban center and the center of its Turkoman population; Rubiya is populated by the large Arab Shammar tribal confederation.
Ayadiya subdistrict (Tal Afar district)	2005: 43 2009: 30 2010: 22	■ Ayadiya is a mixed Arab, Kurdish, and Turkoman subdistrict that has continually been part of Tal Afar district. Kurdish populations in Ayadiya were affected by mid-1970s campaigns that targeted neighboring Zummar.
Qaeyrrawan subdistrict (Sinjar district)	2005: 43 2009: 46 2010: 39	■ Qaeyrrawan has continuously been linked to Sinjar district, but borders Tal Afar Center and has weaker support for the Kurdish political parties than other parts of the district. It has a mixed Arab and Yazidi population, the latter inhabiting two of the collective compounds into which Yazidis were forcibly resettled in 1975.

Notes: Factual information is based upon UNAMI district analysis summaries unless otherwise noted. All judgments and conclusions are the author's alone.

* Includes votes for pro-KRG Christian and Shebek parties, which outweighed votes for the Kurdistan Alliance in Hamdaniya and were major portions of the Kurdish parties' total vote in Bashiqa and Tilkaef Center.

Annex 3. Areas of Mixed Evidence in Ninewa

District	Pro-KRG parties' vote (percent)	Administrative history
Zummar subdistrict (Tal Afar district)	2005: 72 2009: 55 2010: 63	■ Some Zummar interlocutors claimed to UNAMI that the subdistrict was not included in Dahuk governorate when it was created by Republican Decree no. 1066 of 1969 because its land was required for the construction of the Mosul Dam. UNAMI was unable to confirm this, and Zummar has continuously been part of Tal Afar district and administered by Ninewa governorate in records going back to the 1932. ■ Kurdish interlocutors provided UNAMI with documentation of the destruction of Kurdish villages and the forced displacement of 3,000 to 5,000 families from Zummar beginning in late 1974 (including Presidential Decision no. 16946 of November 1974).
Sinjar Center and Shemal subdistricts (Sinjar district)	2005: 64 2009: 83 2010: 73	■ Many Kurds claim a historical connection to Sinjar, but despite investigating maps as far back as 1936, UNAMI could not locate any evidence of a territorially contiguous or historical administrative link between Sinjar and Kurdish administrated areas like Dahuk governorate. Sinjar district has been continuously administered by Ninewa governorate. ■ UNAMI was provided documentation of a government campaign that destroyed 137 Yazidi villages in the Jebel Sinjar mountains following the collapse of the 1975 Kurdish movement. Tens of thousands of village inhabitants were forcibly settled into eleven collective compounds primarily located in Shemal (where they remain today).
Qahtaniya subdistrict (Ba'aj district)	2005: 51 2009: 82 2010: 71	■ Republican Decree no. 672 of 1977 detached Qahtaniya subdistrict—the main population centers of which are two of the collective compounds established in 1975—from Sinjar and linked it to Ba'aj district.

Note: Factual information is based upon UNAMI district analysis summaries unless otherwise noted. All judgments and conclusions are the author's alone.

Annex 4. Kirkuk Governorate

Governorate	Pro-KRG parties' vote (percent)	Administrative history
Kirkuk governorate	2005: 55 2010: 48	■ Kirkuk governorate has a complex administrative history. In short, the province has lost substantial area in its east and southeast to Suleymaniya, Salah ad-Din, and Diyala and had area added to its west from Salah ad-Din and Erbil. These changes shrunk the governorate and had the general effect of reducing its Kurdish and Turkoman population while increasing its Arab population (although the former effect was more significant). The province's internal boundaries were also repeatedly scrambled, with districts formed and subsequently downgraded, and several Kurdish and mixed subdistricts were abolished before reemerging with Arabized names. These changes, along with the substantial expropriation of land, expulsion of Kurdish residents, and subsequent settling of Arab wafidoon (see Annex 4) were clustered around key events, such as the 1975 collapse of the Kurdish movement, the 1987–88 Anfal, and after the formation of the Kurdish Autonomy Zone in 1991. ■ Republican Decree no. 608 of 1975 detached the predominantly Kurdish districts of Chamchamal and Kalar from Kirkuk and added them to Suleymaniya governorate. It also detached the mixed Kurdish and Turkoman district of Kifri and attached it to Diyala governorate. Less than two months later, Republican Decree no. 41 of 1976 renamed Kirkuk governorate as At-Ta'mim (literally, nationalization) and separated the mixed district of Tuz Khurmatu from Kirkuk governorate to help create the new Salah ad-Din governorate, with Saddam Hussein's hometown of Tikrit as its capital. ■ These changes coincided with the collapse of the Kurdish movement and left Kirkuk governorate substantially smaller and with only two districts, Kirkuk District and Hawija (as compared to six districts a year earlier). This may have been part of the motivation for transferring the area of Sagaran from Erbil to Kirkuk and upgrading Dibis subdistrict to a district later that year (Republican Decree no. 72 of 1976). Republican Decree no. 514 of 1984 later transferred the Arab subdistrict of Zab to Hawija from Ninewa governorate. ■ As described below, around the Anfal, the Kurdish or mixed subdistricts of Qara Hassan (Laylan), Schwan, Yaychi, and Al-Rabi' (Qara Hanjir) were abolished. Qara Hassan and Sargaran subdistricts were later reestablished with the Iraqi and Arab nationalist names of Umm al-Ma'arik ("Mother of All Battles") and al-Quds ("Jerusalem") respectively. Yaychi was also recreated as Multaqa in 2002. ■ After 2003 the complexity of Kirkuk's history has created substantial administrative confusion. In particular, the Kirkuk Provincial Council has restored the subdistricts of Yaychi (despite Multaqa subdistrict already existing in the same place) and the Kurdish subdistricts of Schwan and Qara Hanjir. None of these subdistricts are recognized by the federal government and none has a local office of national bodies, such as the Ministry of Municipalities or the Public Distribution System (food ration system).

Note: Factual information is based on UNAMI district analysis summaries unless otherwise noted. All judgments and conclusions are the author's alone.

Annex 5. Kirkuk Districts and Subdistrict

District	Pro-KRG parties' vote (percent)	Administrative history
Hawija district	2005: 1 2010: 3	■ Hawija has been part of Kirkuk governorate since the creation of the Iraqi state in 1932, although it was previously called Tal Ali and Al-Malha subdistricts within Kirkuk district before being upgraded to district status in 1961. The district has historically expanded by incorporating Riyad subdistrict in the east and Zab subdistrict in the west (Republican Decree no. 514 of 1984). Zab was previously part of Ninewa governorate (Shirgat district), and is the only part of Hawija added from another governorate in recent times. ■ Unlike many of the other areas of Kirkuk governorate, and presumably because of its largely Arab population, Hawija was not subject to the destruction of villages and forced population transfers under the previous regime.
Daquq Center subdistrict (Daquq district)	2005: 63 2010: 54	■ Daquq's status as a district in Kirkuk also dates to the 1930s. Subsequently, it was downgraded to a subdistrict in Tuz district in 1952, transferred to Salah ad-Din governorate along with Tuz in 1976 (Republican Decree no. 41 of 1976), quickly restored to Kirkuk governorate as part of Kirkuk district (Republican Decree no. 256 of 1976), and re-elevated to district status in 1989 (Republican Decree no. 434 of 1989). ■ As a mixed area, Daquq was subject to the Arabization policies of the previous regime. District residents described land expropriation, employment restrictions, the settlement of Arab tribes, pressure to undertake so-called nationality correction, and the destruction of nine to ten Kurdish villages to UNAMI. It was, however, largely spared of the Anfal operations. ■ Under RCCD no. 824 of 1976, the Ministry of Agriculture and Agrarian Reform expropriated 38,418 donums in Daquq. The Kirkuk Office of the Article 140 Committee reported to UNAMI that after 2003 it cancelled 2,851 agricultural contracts in Daquq Center, a high number for a single subdistrict.
Taza/Rashad subdistrict (Daquq district)	2005: 1 2010: 2	■ In 1960, Taza Khurmatu subdistrict separated from Daquq subdistrict and attached to Kirkuk district (Decree no. 635 of 1960). Rashad was created as a subdistrict within Daquq by Republican Decree no. 434 of 1989. Taza and Rashad are not administratively linked (Taza is still part of Kirkuk district), but IHEC aggregates the two in its electoral tabulations. ■ Interlocutors indicated to UNAMI that Rashad is originally Arab and therefore was not targeted for Arabization.

Annex 5. Kirkuk Districts and Subdistrict (continued)

District	Pro-KRG parties' vote (percent)	Administrative history
Dibis Center and Sagaran subdistricts (Dibis district)	2005: 69 2010: 56	■ Dibis Center has constantly been part of Kirkuk governorate; however, Sargaran has shuttled back and forth between Kirkuk and Erbil since 1976. ■ Republican Decree no. 33 of 1976 transferred what is now Sargaran subdistrict from Erbil governorate to Dibis in preparation for upgrading Dibis, which was then a subdistrict within Kirkuk district, to a district later that year under Republican Decree no. 72 of 1976. Republican Decree no. 434 of 1989, which followed the widespread destruction of villages and expulsion of populations from Dibis district during the Anfal, downgraded it to a subdistrict and returned current day Sargaran to Erbil. Republican Decree no. 235 of 1996 transferred this same oil-rich area of Sargaran from the now autonomous Kurdish Zone back to central government controlled Dibis. Republican Decree no. 245 of 2000 restored Dibis' district status and upgraded Sargaran to a subdistrict, but with the name of Al-Quds ("Jerusalem"), which local officials indicated to UNAMI was aimed at giving it an Arab identity. ■ In 1975, Dibis was included in RCCD no. 369 of 1975 that expropriated 135,022 donum around Kirkuk governorate. RCCD no. 949 of 1979 expropriated 123,391 donum in Dibis and Altun Kupri and registered the land in the name of the Ministry of Finance. In 1978, RCCD no. 189 expropriated further lands in Sargaran subdistrict. Local interlocutors stressed to UNAMI the importance of these decrees to the future settlement of Arab farmers in the district. ■ Historical accounts of the Anfal provided to UNAMI indicate that Dibis would have been part of the fourth Anfal operation in May 1988. In Dibis, following the Anfal, the District Council stated to UNAMI that all of Dibis Center's forty-two villages were destroyed and their populations expelled. Subsequently, they indicated that no Kurds were able to live in the area until 2003. Likewise, in Sargaran, officials stated to UNAMI that all the villages in the subdistrict were destroyed and their populations deported. The drop in the district's population due to the destruction and deportations may have been part of why Dibis was downgraded to a subdistrict in 1989. ■ After the establishment of the Kurdish Autonomous Zone in 1991, Dibis underwent the settlement of substantial numbers of Arab farmers. Notes of a 1994 Meeting of the Tri-Partite Committee for Arabization identified Altun Kupri, Dibis, and Zab as priority areas for settling Arab tribes to create a cordon of security adjacent to the newly established Kurdish Autonomy Zone. The resulting population influx may have helped Dibis to regain district status in 2000.
Altun Kupri subdistrict (Dibis district)	2005: 85 2010: 82	■ Altun Kupri was continuously part of Kirkuk until Republican Decree no. 434 of 1989 transferred it from Dibis district to Erbil governorate. Kupri was subsequently transferred back to Dibis, although exactly when is unclear. ■ Local interlocutors reported to UNAMI that thirty-one of the thirty-five subdistrict's villages had been destroyed for "political reasons" by 2003, most of them during the Anfal. Due to its strategic location on the highway connecting Kirkuk and Erbil cities, as well as its front-line status, Kupri was targeted for the settlement of Arab tribes during the 1990s.

Kirkuk district	2005: 69 2010: 61	■ Despite an uninterrupted affiliation with Kirkuk governorate, Kirkuk district has a complicated administrative history. At present it consists of seven subdistricts: Kirkuk Center, Multaqa, Yaychi, Schwan, Qara Hanjir, Laylan (Qara Hassan), and Taza Khurmatu. The three other districts inside the current boundary of Kirkuk governorate, i.e., Daquq, Dibis, and Hawija, were at some point subdistricts within Kirkuk district. Their respective histories will not be repeated here. ■ Major changes were made to Kirkuk district beginning in 1976, especially those affecting Daquq and Dibis, as described. In addition, RCCD no. 369 of 1975 expropriated agricultural land in Kirkuk Center subdistrict, Qara Hassan (Laylan), Yaychi, and Taza Khurmatu. Interlocutors stressed to UNAMI the importance of these decrees in giving the state control of lands on which housing complexes were built and Arab tribes settled over the following twenty-five years. ■ The 1980s witnessed the most intensive Arabization in Kirkuk district. RCCD no. 42 of 1986 provided an important basis for the settlement of Arab tribes by empowering the At-Tamim (Kirkuk) governor to give land to persons (Arabs) "moved to At-Tamim governorate" without any cost, provided that they remained permanently in the governorate and did not rent the land without prior permission. During the Anfal in 1988, local accounts given to UNAMI indicate that in areas with substantial Kurdish populations: seventy of seventy-six villages were destroyed in Schwan and approximately 20,000 inhabitants forced to flee; forty-five of forty-six villages were destroyed in neighboring Al-Rabi' (Qara Hanjeer) and their estimated populations of 42,000 to 50,000 people forcibly expelled and housed in resettlement camps; and between thirty and forty-two villages were destroyed in Laylan (Qara Hassan) and their populations largely expelled. ■ During the same period four subdistricts in Kirkuk district, Qara Hassan (Laylan), Schwan, Yaychi, and Al-Rabi' (Qara Hanjir), were abolished by Republican Decree no. 321 of 1987. This was likely related to the destruction and deportation of the populations of these Kurdish and mixed subdistricts. Local interlocutors also indicated to UNAMI their belief that administrative cancellation was intended to "erase" the identity of these areas. Two years later, Republican Decree no. 434 of 1989 affected Kirkuk district by, as described, downgrading Dibis to a subdistrict and re-creating Daquq district. ■ The mixed Kurdish, Turkoman, and Arab subdistricts of Taza, Yaychi, and Kirkuk City were affected by Arabization during the 1980s, but were spared the total destruction of the Anfal. In particular, the creation of closed military zones around oil infrastructure in the governorate had serious effects in Yaychi. UNAMI was provided with a document claiming that 2,708 families were deported from Yaychi from January 1987 to June 1988. Many of these deportees are believed to have been affected by Northern Affairs Committee Decision no. 1305/6 of 1987, which prohibited populations from living within nine kilometers of oil pipelines and gave orders to shoot on sight "any human" in the area.

Annex 5. Kirkuk Districts and Subdistrict (continued)

District	Pro-KRG parties' vote (percent)	Administrative history
		■ In Kirkuk City, the Shi'ite Turkoman majority neighborhoods of Tise'en (Section no. 63) and Hamzali (Section no. 39) were a target of Arabization beginning in 1980 (around the start of the Iran-Iraq war). UNAMI was told by a Turkoman member of the Kirkuk city council that in these neighborhoods some 2,400 clay houses were destroyed, 600 stone houses were confiscated, and the entire area subsequently settled with Arabs. Kurdish interlocutors also identified to UNAMI the neighborhoods of Baghdad Road, Huriya, Wahda, Qadissiya, Nasr, and Huzeriya as areas of the city from which Kurds began to be targeted during the 1980s for displacement and as places where Arabs were subsequently settled. Many interlocutors from the Kirkuk Center stated to UNAMI that the city was a primary target for Arabization after 1991, perhaps because most of the Kurdish villages of the governorate had already been destroyed. ■ Meanwhile, one of the four subdistricts abolished in 1987, Qara Hassan (Laylan), was recreated in Kirkuk district by an unnumbered 1999 decision under the name of Umm al-Ma'arik (Mother of Battles, Saddam Hussein's name for the First Gulf War). Similarly, in 1996 and 2000 Dibis was enlarged and restored to district status. In 2002, Multaqa subdistrict was created in the location where the canceled Yaychi subdistrict used to exist (unnumbered decision, 2002). ■ UNAMI located records from the 1990s related to the settlement of Arab tribes in Kirkuk to provide strategic depth in areas "adjacent" to the newly established Kurdish Autonomy Zone. These include: notes of a 1994 Meeting of the Tri-Partite Committee for Arabization that identified Daquq, Kadir Karam, Qarah Hassan, and Laylan as priority areas for the settlement of Arab tribes, documents of the RCC's Northern Affairs Committee related to settlement policies in Kirkuk, and unverified correspondence between the At-Tamim (Kirkuk) Governor and the Northern Affairs Committee. These documents indicate that land rights held by those who fled Kirkuk to the Kurdish Zone were canceled, the related arable land was to be distributed among the Arab tribes in accordance with the Northern Committee rules, and approval was given to build residential complexes in locations such as Schwan, Qarah Hanjeer, and Taza.

Note: Factual information is based upon UNAMI District Analysis Summaries unless otherwise noted. All judgments and conclusions are the author's alone.

Annex 6. Areas with Weak Evidence of Kurdish Claim in Salah ad-Din

District	Pro-KRG parties' vote (percent)	Administrative history
Tuz Khormatu Center subdistrict (Tuz subdistrict)	2005: 53 2009: 38 2010: 46	■ Tuz was originally a subdistrict and then a full district in Kirkuk governorate. Republican Decree no. 41 of 1976 detached Tuz in its entirety from Kirkuk and attached it to the newly formed governorate of Salah ad-Din. ■ Tuz district was reduced to approximately one-third of its original size during the eleven-year period from 1976 to 1987. This is largely due to the abolishment of the mainly Kurdish Qadir Karam and Nawjul subdistricts of Tuz, their separation from Tuz, and attachment to Chamchamal district in the Sulaymaniya Governorate in 1987 (Republican Decree no. 368 of 1987). According to the Article 140 Committee's December 31, 2007, report, these areas became a "no-man's land" and were subject to some of the worst Anfal operations. ■ RCCD no. 369 of 1975 authorized the expropriation of thousands of donums of agricultural land from largely Turkoman and Kurdish landowners in Kirkuk, which at that time included Tuz. According to information provided by Turkoman interlocutors to UNAMI, RCCD no. 1081 of 1984 led to the further confiscation of agricultural lands in Tuz that were subsequently awarded to Ba'ath party members. ■ The third Anfal campaign, which took place between April 7 and 20, 1988, is reported to have included eastern Tuz district. This led to displaced Kurds arriving in Tuz Center after the demolishment of Kurdish villages in the Qader Karam and Nawjul subdistricts. Thousands of Kurds are also said to have been "disappeared" at this time. ■ Tuz was also substantially affected by the 1991 uprising, briefly being captured by PUK peshmerga. Substantial civilian casualties, destruction of property, and additional deportations all occurred when the former regime recaptured the area. Kurdish interlocutors in Tuz estimated to UNAMI that 2,500 Kurdish families were deported from the area between 1988 and 1991.
Sulayman Beg and Amerli subdistricts (Tuz district)	2005: 16 2009: 23 2010: 23	■ Amerli subdistrict was created in the southwest of Tuz Khurmatu Center by Republican Decree no. 439 of 1969. In that same year, Suleiman Beg subdistrict was created with areas from the southeast of Tuz Khormatu Center by Republican Decree no. 440. ■ These subdistricts have consistently affiliated with Tuz district thereafter.

Annex 7. Areas with Strong Evidence of Kurdish Claim in Diyala

District	Pro-KRG parties' vote (percent)	Administrative history
Khanaqin Center subdistrict (Khanaqin district)	2005: 99 2009: 96 2010: 90	■ The Diyala governorate or Baghdad has administered the district of Khanaqin since 1913. However, it was the subject of repeated Kurdish demands for inclusion in the Kurdistan areas, including by Mullah Mustafa Barzani in 1943, and again during negotiations between Kurdish leaders and the Iraqi Government in 1970 and mid-1991. ■ The northern Khanaqin subdistricts of Qura To and Medan were largely demolished under Arabization and their entire populations expelled. After 1991, the population returned and the administration was implemented from Suleimaniya as these areas were now above the Green Line. The election results presented here only refer to Khanaqin Center subdistrict (south of the Green Line). ■ According to information provided by the Khanaqin Office of the Article 140 Committee to UNAMI, between 1975 and 2003 some 3,454 Arab families (33,857 persons) where brought to Khanaqin Center subdistrict and the northern subdistricts of Qura To and Medan. In the same time frame, 4,900 Kurdish families (27,456 persons) were deported and, of these, 90 percent had returned by mid-2008. The majority of the 3,454 families are thought to have returned after 2003.

Note: Factual information is based upon UNAMI district analysis summaries unless otherwise noted. All judgments and conclusions are the author's alone.

Annex 8. Areas with Weak Evidence of Kurdish Claim in Diyala

District	Pro-KRG parties' vote (percent)	Administrative history
Jawalaa subdistrict (Khanaqin district)	2005: 38 2009: 26 2010: 23	■ The subdistrict of Jawalaa has been consistently part of Khanaqin district and administered by Diyala throughout modern Iraqi history. ■ RCCD no. 1469 of 1981 called for the deportation of all Kurdish families from Jawalaa subdistrict. ■ Some of the Arab families that left Khanaqin Center in 2003 have subsequently settled in Jawalaa.
As-Sadiyaa subdistrict (Khanaqin district)	2005: 24 2009: 25 2010: 20	■ The subdistrict of Sadiyya has been consistently part of Khanaqin district and administered by Diyala throughout modern Iraqi history. ■ RCCDs no. 722 of 1978, no. 1583 of 1979, and no. 858 of 1980 entail the cancellation of former Kurdish residents' property rights in Sadiyaa (with nominal compensation) and subsequently offered to Arab newcomers (wafidoon) apartments on these lands free of charge. ■ Some of the Arab families that left Khanaqin Center in 2003 have subsequently settled in Jawalaa.
Qara Tappa and Jabarra subdistricts (Kifri district)	2005: 42 2009: 37 2010: 37	■ Kifri district was a part of Kirkuk governorate until Republican Decree no. 608 of 1975 attached it to Diyala governorate. ■ Kifri Center subdistrict has been under KRG administration since 1991. However, its two southern subdistricts of Qaratappa and Jabarra have remained with Diyala governorate and been administered from Khanaqin (district center) and Baquba (Diyala governorate capital). ■ The Khanaqin Article 140 Committee estimated to UNAMI that there were 100 cases in Qara Tappa in which Kurdish agricultural land had been confiscated and 20–40 claims in Jabarra of Kurds who had been deported.
Mandali subdistrict (Baladruz district)	2005: 15 2009: 18 2010: 21	■ Mandali was continuously a district of Diyala governorate from 1932 to 1987, at which time it was downgraded to a subdistrict within the Baladruz district of Diyala by Republican Decree no. 459 of 1987. ■ Approximately seventy Kurdish villages were destroyed, hundreds of civilians were killed, and some 4,000 Kurdish families were deported or fled from Mandali after the collapse of the Kurdish movement in 1975. ■ On the front line of the 1980–88 Iran-Iraq war, Mandali experienced heavy artillery fire which destroyed many of the town's buildings. The war catalyzed a second wave of migration by its population to the city of Baladruz.

Note: Factual information is based upon UNAMI district analysis summaries unless otherwise noted. All judgments and conclusions are the author's alone.

About the Author

Sean Kane is the senior program officer for Iraq at the United States Institute of Peace (USIP). He assists in managing the Institute's Iraq program and field mission in Iraq and serves as USIP's primary expert on Iraq and U.S. policy in Iraq. He previously worked for the United Nations Assistance Mission for Iraq (UNAMI) in Baghdad, Erbil, Kirkuk, and Mosul from 2006 to 2009, where he conducted field research and helped to prepare UNAMI's April 2009 report on disputed internal boundaries. He has previously published on the subjects of Iraqi politics and natural resource negotiations.

About the Institute

The United States Institute of Peace is an independent, nonpartisan institution established and funded by Congress. Its goals are to help prevent and resolve violent conflicts, promote post-conflict peacebuilding, and increase conflict management tools, capacity, and intellectual capital worldwide. The Institute does this by empowering others with knowledge, skills, and resources, as well as by its direct involvement in conflict zones around the globe.

The alternation of military conflict and negotiation over what areas of Iraq are Kurdish and what autonomy Kurds should exercise in them has been an episodic feature of modern Iraq's history. A return to this pattern of struggle after the scheduled departure of U.S. forces in December 2011 could now be the greatest potential threat to Iraq's stability. This report attempts to disaggregate Iraq's often poorly defined disputed territories by drawing upon the political preferences expressed in these areas during Iraq's postconstitution elections and archival records detailing the administrative history of disputed areas in Kirkuk, Ninewa, Diyala, and Saleh ad-Din. Clearly, Iraqis must decide the shape of any territorial compromise and the nature of the overall relationship between the federal government and the Kurdistan region. It is hoped, however, that the evidence gathered in this report can provide an informal view of what possible negotiated solutions to the disputed territories might look like and thereby begin to illustrate the potential parameters and compromises involved in resolving this long-running dispute peacefully.

Related Links

- *Finding Common Ground: Kirkuk as a Special Governorate* by Sean Kane (Peace Brief, May 2010)
- *Iraq's Oil Politics: Where Agreement Might Be Found* by Sean Kane (Peaceworks, January 2010)