

The Politics of Kirkuk: Policy Implication for Iran

Ghadir Nasri*
Arman Salimi**

Abstract

The main question this paper seeks to answer is what the legal and political roots of the dispute between Baghdad and Kurds concerning Kirkuk are and what scenarios look more likely in the mid-term future in the region. It is noteworthy that after the withdrawal of American troops from Iraq at the end of 2011 and transferring of responsibilities to the Iraqi forces, a new wave of disputes has evolved among the Iraqi political factions. These disputes along with the new status of Syrian Kurds indicate the appearance of completely new and unprecedented conditions regarding the status of the Kurds. In this relation, the future of Kirkuk and conflict over control of the city represents the most serious controversy among the political actors involved in the governance of Iraq within the past five years. The Kirkuk developments seem to determine the political future of Iraq as well. There are a few scenarios about the future of Kirkuk, the most likely of which includes the establishment of an autonomous Governorate of Kirkuk, considering the political equations and the identity of main actors in the corridors of power in Iraq. The potentials of this scenario in preventing the outbreak of a civil war and the rise of a conflict between the disputing factions will be significant and it will not seriously contradict fundamental Iranian considerations in the region.

Keywords: Kirkuk, Iraqi Constitution, Iraq, Kurd, Turkmen, Arab, Kurdistan Region

* Assistant Professor of Political Science at Kharazmi University, Tehran (nasrister@gmail.com)

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** Researcher in North Iraq Affairs

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Introduction

Iraq was the first Arab nation to be invaded by the United States in 2003. The Iraqi Kurdistan Region is the first autonomous Kurdish government which came into being under the flag of a Kurdish identity. Before 2003, the Iraqi Kurds had repeatedly sought independence, but their geographical location along with endless internal feuds had diminished such an aspiration. It is now almost a decade that the Iraqi Kurd elites have put aside feuds in order to overcome the obstacles facing them. The cornerstone of such obstacles is Kirkuk which is referred to in the contemporary texts as Kurdish Jerusalem, heart of Kurdistan, international city of Arabs, Kurds and Turkmen, and so on. The political dynamics of the city and the scenarios ahead constitute one of the fundamental and game-changing issues in the Middle East; particularly as we see the withdrawal of American troops from Iraq and delegation of military and security affairs to Iraqi military forces. However, the rising disputes among political factions including the Shia and Sunnis are notable. In other words, with the end of the U.S. 9-year presence in Iraq, not only have existing disputes among the Iraqi political factions not finished, but a new round of conflicts between the al-Iraqiya coalition led by Iyad Allawi and the State of Law coalition led by Nouri al-Maliki has unfolded in the parliament and government. The conflicts are so deep that the President of the Iraqi Kurdistan Region Massoud Barzani has warned about “the rise of an ethnic war in Iraq; as he considers the current state of affairs in Iraq as the most critical one since the process of Iraqi liberation started in 2003” (NRTTV,



11960: 12/27/2011).

The role future developments concerning Kirkuk play in determining political equations among the factions involved in the governance of Iraq will constitute the basic assumption of this research. Thus, designing and studying future scenarios will matter a lot in the future developments around Kirkuk, because it can present a comprehensive picture of the political process in Iraq in the coming years. Considering the aforementioned points, the main questions we seek to answer include: What are the scenarios ahead in the future developments of Kirkuk and what impact will they leave on the future Iraqi political equations if they are realized?

In answering the above questions, we do not seek to decide which political faction is right or wrong. We rather emphasize that the truth before the involved political factions has taken shape in a historical process and has been constructed. In this writing, first we explore the roots of the Kirkuk question and its complicated dimensions and then we will design scenarios and obstacles ahead. At last, considering the political and social repercussions of each of the proposed scenarios, we will offer the most probable scenario within the existing Iraqi framework.

In his *Regions and Powers: The Structure of International Security*, Barry Buzan considers the Middle East as a conflict-ridden region. From his point of view, the world is divided into seven regions, each possessing certain characteristics. The Middle East is characterized by the events in which it itself plays a role. Security in the region, for Buzan, is a dilemma in which the positive interaction of two actors cannot take shape in a manner which will not be to the detriment of a third actor. According to Buzan's theory, conflict is a part of the lives of the Middle Eastern nations; conflicts which are rooted both in history and arise from the geographical complexities.

In addition to Buzan, Lenore G. Martin regards reliable security in the Middle East as a result of five factors including political legitimacy, ethnic/religious confrontation, vital natural resources,



economic capabilities and military fortifications. According to Martin's model, the Middle East still lives in the Cold War era in which factors such as vital natural resources (e.g. oil, gas and water), peaceful coexistence of ethnicities and religions and finally easy and reliable access to military force and fortifications play a crucial part in the provision of sustainable national security. On this basis, vital regions are areas which contain vital natural resources, but conflicting ethnicities live in them and their military possibilities and hardware are unequal (Martin, 2010: 24). According to Martin's model, regions such as Kirkuk, Jerusalem, Strait of Hormuz, Gaza Strip and similar regions are always vulnerable to conflict and crisis.

In another conceptual underpinning for this research, in his *The International System and the Question of Sahara* (Sariolghalam, 1990: 185), Sariolghalam indicates that the prolongation of a conflict is a function of the coincidence of numerous conflicting internal and external forces in a critical question. According to this theoretical argument, whenever numerous conflicting powers are involved in a question, the crisis will not be easily resolved and it will be exacerbated in intensity and duration. According to this theoretical framework, the following three statements can be formulated: First, drawing upon the Middle East, it can be viewed as inheriting numerous and conflicting events for identity, historical and geographical reasons. Second, according to Martin's argument, the city of Kirkuk's future can be examined in light of such factors as vital natural resources, military capacities of the parties involved and finally the intensity of the ethnic tension. Third, based on Rosenau's and Sariolghalam's arguments, the number and contradiction of involved forces in the question of Kirkuk can be examined and the political dynamism in the question can be analyzed in a broader transregional radius.

I- The Kirkuk Problem

Political sovereignty over Kirkuk can be viewed as the most important question among the Iraqi political forces within the past



half a century. Since oil was discovered around Kirkuk in 1927, the Governorate has consistently been a matter of contention among Iraqi political forces and regional and international powers including the British and Turkish governments. However, today what has made Kirkuk a serious question in the post-2003 Iraq refers to the provisions of the Iraqi Constitution, Article 140. This article has been taken from the Iraqi interim Constitution, Article 58 according to the agreement among the domestic forces including the Shia and the Kurds.

Article 58 was included in the Iraqi interim constitution in order to remove the Ba'ath regime's oppression and discrimination in three sections. According to section one, the interim government, through a properties dispute settlement commission had to remove the oppression made by the former Ba'ath regime against the Kurds and the Shia. In this section, returning properties, payment of compensation, creating employment opportunities and the right to freely express national and racial identity for the original residents have been provided. The second section refers to the restoration of administrative boundaries of Iraq's Governorates to those existing before the rise of the Ba'ath regime in 1968. In the third section, final resolution of the dispute over the territories including Kirkuk – implementation of section two- is provided with the completion of the aforementioned actions and conducting a transparent census as demanded by the region's residents.

Whereas the provisions of Article 140 had to be implemented by the end of 2007, they have not been put into practice yet. "Many of Arab and Turkmen political leaders put special stress on Article 140, arguing that the interim Iraqi Constitution, article 58 had been codified unjustly" (European Parliament, June 23, 2008). Therefore, they emphasize non-implementation of and revision in the Article in question. In contrast, Kurdish political leaders particularly emphasize materialization of Article 140 as manifested in their meetings and positions. It was, among other things, seen in the Kurds' insistence on



the repatriation of 80 thousand Kurds displaced from Kirkuk as a precondition for participation in the first federal Iraqi parliamentary elections in 2005. Moreover, in one of the latest meetings between the Kurdistan Region's leaders and the officials of the central government, "the question of the materialization of Article 140 was among the major issues discussed by Kurdistan Region's Prime Minister Barham Salih and Speaker of the Iraqi Parliament Usama al-Nujayifi as well as the Iraqi Prime Minister Nouri al-Maliki" (NRTTV, October 26, 2011: 8916).

Various aspects of the complexity and importance of Kirkuk delineate the type and limits of demands by domestic and foreign actors involved in the future developments concerning Kirkuk. The importance and complication of Kirkuk can be analyzed in three items as follows:

Demographic Fabric: There are numerous races and ethnicities living in the Kirkuk Governorate. The largest demographic groups in Kirkuk include respectively: Kurds, Arabs, Turkmen, Assyrians, Christians and Jews. Most of these ethnic groups claim authenticity or in other words see themselves as the original owners of Kirkuk. From the viewpoint of Turkmen political currents, Kirkuk is the residential area for the Turkmen in spite of the presence of numerous ethnicities. The representative of the Iraqi Turkmen Front Subhi Saber indicates: "Turkmen immigrated to Kirkuk from Asia in 680 BC, residing in the city" (International Crisis Group, April 8, 2004: 9). In response, Kurds reject the Turkmen claims, arguing that Kurds had long settled in Kirkuk, building villages and working on their farms. From the Kurdish perspective, the city represented Shahr Zour Governorate's capital until the Ottoman Empire's seats were transferred to Kirkuk. They also claim that Turkmen entered Kirkuk under the Ottoman Empire when there was no border (International Crisis Group, April 8, 2004: 9).

In addition to the Kurds, Arabs claim that Turkmen settled under the Ottoman Empire and Kurds had previously been residing



there (though not at the same numbers they claim). The former governor of Kirkuk in the Hawija area indicates that the root of the Arab communities lies in the Kirkuk region (International Crisis Group, April 8, 2004: 10). Like Kurds, Arabs and Turkmens, Assyrian and Akkadian residents of Kirkuk also claim that Kirkuk and Mosul were indeed parts of the Assyrian country in the ancient age. According to the Assyrian community, Assyrians are the original residents of Kirkuk and all others have later immigrated to the city (International Crisis Group, April 8, 2004: 10).

Geo-economic Significance: Kirkuk's geopolitical and geo-economic capacities can be regarded as the most salient aspect of its importance, the foremost of which is its oil resources. "Oil fields located in Kirkuk constitute 40 percent of Iraq's oil reserves" (Middle East Economic Survey, April 4, 2004). Kirkuk has more than 10 billion barrels of proven oil reserves (Pashang, January and February 2010: 48). Although Kirkuk's oil fields represent one of the world's largest production and exportation oil fields, oil production in Kirkuk's oil refineries has not surpassed 700 to 750 thousand barrels per day from 2003 to the end of 2011 (Mohammad, 2011: 24). This production level falls below the level of production in the 1980s due to political disputes among the Iraqi political forces.

The other geopolitical and geo-economic advantage of Kirkuk relates to the Governorate's potentials in commerce and agriculture. Nowadays, due to political disputes and changes in the type of exchanges and commerce, the trade importance of Kirkuk has decreased to some extent. Apart from Kirkuk's commercial significance, "The Governorate has always had vast fertile plains with prosperous agriculture and horticulture. Constant regular precipitation has accounted for this prosperity... Kirkuk is also home to many large water sources, though they have always served the central government's policies" (Aref, 2009: 11).

The third characteristic of Kirkuk in geopolitical and geo-economic terms is its demographic potentials. With a population of



more than one million, Kirkuk possesses a huge human force which plays a crucial role in the relationship between the Iraqi central government and political currents in the Kurdistan Region (Aziz, 2007: 199). In other words, as the fourth most populous city in Iraq, Kirkuk will be highly important in the future political and electoral equations in the country.

Finally, the border and territorial significance is the last aspect of Kirkuk's geopolitical and geo-economic importance. On the one hand, Kurds consider Kirkuk as the boundary and gateway of the Kurdistan Region and the central government and on the other, any change in administrative boundaries of Kirkuk Governorate can bring about two major repercussions. First, such a change in boundaries, even though supported by the Constitution's Article 140, can lead to domestic stability or dispute in Iraq; in other words, the agreement made by domestic political factions on the quality of such changes can bring about stability and in the case of disagreement might lead to domestic dispute or even civil war. In a broader perspective, however, if a change is made in the administrative boundaries of the Kirkuk Governorate in line with what the Kurds want, the prospect of the intervention of neighboring states including Turkey in Iraq's internal affairs should be taken seriously.

Actors: Influential forces in sociopolitical structures of Kirkuk involve a wide range of domestic, regional and trans-regional actors. What have made Kirkuk's sociopolitical condition more critical are the continuous, concurrent efforts made by all actors at all levels to secure an active presence in Kirkuk's political equations. In other words, Kirkuk is not only important within Iraq, but it has also attracted attention at the regional and international levels.

The most salient domestic actors in Kirkuk's political structures include Kurds, Arabs and Turkmens each of which has defined a specific sphere of interests and concerns for itself, seeking to play a larger role in Kirkuk's governance. Apart from the domestic forces, regional actors play a crucial part in decision-making and policy-



making on Kirkuk. The most important actors in the city's political equations can be classified in two broad groups. The first group includes neighboring countries such as Turkey, Iran and Syria which all have security concerns about Kirkuk and further developments. That is to say Iran, Turkey and Syria have shared historical concerns about Kurdish dominance over Kirkuk. They believe that Kurdish control over Kirkuk could give rise to the establishment of an independent Kurdish state. Hence, possessing a Kurdish minority in their territorial borders, they will not come short of doing anything to prevent the establishment of a Kurdish state. The second regional actors involved in Kirkuk are Arab states. The overall policy is to refuse to recognize the Iraqi federal system and support the Sunni Arabs in the country.

The third group of influential forces in the determination of Kirkuk's status includes trans-regional or international players with the United States as the most important among these. U.S. policy towards Iraq within the past half a century has been shaped around two considerations: maintaining balance in the region, and the policy of interest and hegemony.

In the following sections, we will analyze the most viable scenarios about the future of Kirkuk. It can be claimed that the realization of each of these scenarios will determine the political future of Iraq. Generally speaking, five major scenarios can be envisaged for the future developments of Kirkuk:

II- Kirkuk and Article 140

Article 140 is the most controversial article in the Iraqi permanent Constitution. For the realization of the Article, three stages of normalization, census and plebiscite have been provided (Constitution of the Republic of Iraq). In the normalization stage, the government has two main tasks to carry out: The first task involves repatriation of the original residents of various regions to their original abodes. On this basis, the executive is obliged to return the



Arabs who immigrated to Kirkuk between 1968 and 2003 within the framework of the Ba'ath Party's Arabization policy to southern region by providing incentives and paying compensations. In contrast, the original residents of these areas who were forced to leave by the Ba'ath Party will return to their original abodes. The other responsibility of the government in the normalization stage is to restore the administrative boundaries of Iraqi Governorates to the years before the Ba'ath Party came to power.

The realization of Article 140 has been the most controversial issue and cause of dispute among Kurds, Arabs and Turkmens since 2005. Thus, realization of the article is the most important scenario for Kirkuk in the coming years. This scenario is so important that it can turn other scenarios to be regarded as an alternative or solution. Kurds are the main advocates of the realization of Article 140. From a Kurdish point of view, historical and geographical evidence support that Kirkuk is part of the Kurdish areas and they stress its inseparability. According to the draft Constitution of Iraqi Kurdistan Region, Article 2, administrative boundaries of the Region include Governorates of Sulaymaniyah, Kirkuk, Dahuk, Erbil, and parts of Nineveh and Diyala (Kurdistan Region's Draft Constitution, 2009). According to the second section of the same Article, political borders of the Kurdistan Region will be determined in light of the realization of federal Constitution, Article 140 (Kurdistan Region's Draft Constitution, 2009). In other words, Kurds assume that Kirkuk is a Kurdish territory as the former speaker of the Kurdistan Region's Parliament Kamal Kirkuki indicates: "The plebiscite envisaged in Article 140 is not to determine if Kirkuk is a Kurdish area, but it is taken for granted for historical and geographical reasons. Kurds are not ready to negotiate with any player domestic or international about the Kurdish character of Kirkuk" (Goufari 140, Tamouz 2007: 2).

The realization of Article 140 and subsequent annexation of Kirkuk to the Kurdistan Region can bring about two essential consequences: In the minimal case, it would lead to further economic



and political autonomy of Kurdistan Region vis-à-vis the central government and in the maximal case, annexation of Kirkuk to Kurdistan Region, as most opponents to the realization of Article 140 fear, could pave the way for the establishment of an independent Kurdish state. Kurdish politicians in the Kurdistan Region stress that if Kirkuk is annexed to the Region, this area - apart from the other Iraqi areas - will turn into the fifth largest region of the world possessing oil reserves. Although the realization of such a scenario can put an end to Kirkuk's uncertain status and disputes among the Iraqi political factions, there are numerous obstacles to the materialization of Article 140 and annexation of Kirkuk to Kurdistan Region, the most important of which include:

Domestic Objections: Arabs and Turkmen are the major opponents to the realization of Article 140 as they fear attachment of Kirkuk to the Kurdistan Region and the start of Iraq's disintegration. Dean of College of Economics and Management at Kirkuk University Maher Naghib, a Turkmen, observes: "As long as Kirkuk does not become a part of Kurdistan, Kurdish political groups will not proceed to declare an independent state. They intend to make Kirkuk the capital of Kurdistan" (Farangi, December 6, 2005). In other words, non-Kurdish groups consider the plebiscite envisaged in the Article 140 as an effort at secession from Iraq, which has become a dead and illegitimate article as it was not realized by its deadline on December 31, 2007. Thus in response to Kurdish insistence on implementing Article 140, Arab Member of Parliament from Kirkuk belonging to the al-Iraqiya coalition Umar Jabouri indicates: "Article 140 is a dead and illegitimate article, because its realization deadline has passed" (Goufari 140, Shoubat 2011: 20).

Turkey's Objections: Most of the objection to Kirkuk's annexation to Iraqi Kurdistan and realization of Article 140 comes from the Turkish government. Turkey's strategy in this regard can be analyzed in three broad variables:

Turks claim that Kirkuk and Mosul have been part of Turkey's



territory, but the victorious powers in the First World War annexed these cities to the newly established state of Iraq through the Sevres Agreement. Turkish leaders have continuously expressed their territorial claims to the oil-rich areas in northern Iraq. Former Turkish President Turgut Ozal had called in November 1990 for the “Turkish army to occupy north Iraq and Kirkuk’s oil-rich areas.” Former Turkish Prime Minister Suleyman Demirel had also called for a “revision in Turkey’s borders with Iraq” (Dehghani, March 3, 2002). In line with the former statesmen, Deputy Secretary of the Justice and Development Party Murat Morgan had indicated in 2003: “After the fall of Saddam, Mosul and Kirkuk have to be returned to Turkey” (Farahani, March 29, 2002). Therefore, it is obvious that the Turkish government sees Kirkuk as a seceded area of Turkey, opposing Kurdish dominance over the city.

As a result of the presence of many Turkmen in Kirkuk, the Turkish government persistently emphasizes the Turkmen character of the city in light of historical facts. This indirect Turkish interference in preventing the attachment of Kirkuk to Iraq’s Kurdistan Region has been manifested in the Iraqi Turkmen Front’s refusal of domestic movement of Kurds to the properties they lost under the Ba’ath Party (Ahmed, 2004: 32-34).

Turkey’s most serious concern about the realization of Article 140 centers around “the 12-14 million Kurds in Turkey, i.e. 18 to 21% of the total Turkish population” (Olson, 2001: 11). Within the past two decades, and particularly after 1991, Turkey witnessed extensive civil protests on part of the Kurds demanding their rights. On the realization of Article 140, Turkish Prime Minister Erdogan indicates: “If Kirkuk comes under the Iraqi Kurds’ control, we will not just keep silent. The establishment of a Kurdish state in north Iraq and annexation of Kirkuk will provoke Turkey’s Kurds to pursue secession” (Mihan, August 10, 2008). On this issue, Khaled writes: “Turkish authorities are deeply concerned about the autonomy and finally independence of Kurds and Kirkuk’s turning into the



intellectual-political capital of a 27 million-strong Kurdistan” (Khaled, 2005: 4 & Hafeznia, 2006: 21).

Overall, Turkey’s foreign policy towards Iraqi Kurds is founded upon three principles: Removing PKK’s remaining elements from Iraq and Turkey; preventing the establishment of a Kurdish state or ethnic federalism in Iraq under the pretext of protecting regional security and political integrity in the country; and supporting the Iraqi Turkmen minority as Turkey resists Kurdish control on Kirkuk because a sizable Turkmen minority lives there (Gunter, Spring 2004: 127).

Dissatisfaction of Arab States: Iraq’s neighboring Arab states fear that with the creation of a federal Iraq, the country’s Arab identity would be undermined. In the meantime, their main concern is the formation of a federal region and completion of the Shia Crescent as warned earlier by the Jordanian King (Kakai, 2008: 27). On this basis, by supporting the Iraqi Sunnis, the Arab states wish the absence of a federal region in southern Iraq and undermining of Kurdistan’s federal region. Hence they support the process of enhancement of central government and Sunni Arabs’ renewed control over Kirkuk.

Dual U.S. Policies: The U.S. policy of preserving balance in the region and the policy of interest and hegemony poses another obstacle to the realization of Article 140. U.S. dual policy towards Iraq can be clearly seen in statements made by American authorities. When visiting Kirkuk in August 2005, then U.S. Ambassador to Iraq Zalmay Khalilzad stated “his government does not support the deportation of Arabs residing in Kirkuk who immigrated there under the Ba’ath rule” (Herald Tribune, August 12, 2005). This statement implied U.S. lack of support for the first stage of Article 140. In contrast, in a meeting with political authorities of Kurdistan Region in early 2011, U.S. Vice-President Joe Biden stressed the realization of Article 140 and U.S. support for this article (Goufari 140, Shoubat 2011: 20).

The rulers of the Kurdistan Region have managed their policies



in line with overall U.S. policies in Iraq. In other words, they consistently sought to get U.S. approval for most of the acts they have undertaken within the past years. But the reality is that U.S. policies in Iraq since 2003 have not been in line with supporting Kurdish demands as a result of regional considerations. Opening an American consulate in Kirkuk instead of Erbil, exerting pressures on the Kurdistan Region's government to accept the Iraqi Parliamentary elections law in 2009 and relative support for Turkey's attacks on north Kurdistan in late 2011 are among the serious dual U.S. policies vis-à-vis the Kurds. Generally speaking, dual U.S. policy towards Iraqi Kurdistan has played a crucial part in the Kurd's lack of insistence upon their demands and subsequently their relative weakening in the Iraqi political system.

Apart from foreign and domestic opposition to the realization of Article 140, numerous problems within the Kurdistan Region and insufficient foreign support have made Kurds unable to materialize Article 140. For this reason, it seems that the Kurds' adaptability with the dominant international discourse and exploitation of democratization card in the Kurdistan Region can become the biggest tool at the hand of Kurds for attaining their demands.

II- Power in Kirkuk

The second scenario facing Kirkuk is dividing political power in the Governorate. This scenario corresponds to the elections law of Kirkuk Governorate, Article 23, which was approved by the Iraqi Parliament in 2007 with the support of Sunni Arabs when the Kurdish representatives left the parliament at the time of voting. Although the plan on division of political power in Kirkuk was never contained in the Iraqi Constitution, Kirkuk's Arabs and Turkmen regard Article 23 as a roadmap for elections in Kirkuk, whereas the Kurds reject the article. "According to Article 23, all seats in the political council of the Kirkuk Governorate will be divided in the form of 32% for each of the Kurdish, Arab, and Turkmen



communities and 4% is left for the other communities (Assyrians and Christians)” (NRTTV, October 29, 2011: 9091).

After 2003, Kurds took charge of Kirkuk’s political and administrative structures particularly in the security and intelligence institutions. In contrast, the Article 23 plan represents a response by Arabs and Turkmens to Kurdish hegemony in Kirkuk. Overall, the realization of Article 23 can have two major practical implications in Iraq’s future developments: on the one side, it will lead to the end of Kurdish hegemony and establishment of balance among the political factions involved in Kirkuk and on the other it will result in separation of Kirkuk’s elections from the other Iraqi cities; in other words, we will see a particular type of electoral competition in Kirkuk that will contradict the principles of democracy, leading the Kurds to exit the Iraqi political system.

Although implementation of the division of political power in Kirkuk looks fair and logical, this scenario is faced with numerous inconsistencies and obstacles in practice, the most important of which are as follows:

Kurdish Objection: In the first elections for the Kirkuk Provincial Council after the fall of Saddam, the Kirkuk Brotherhood list representing the Kurds managed to acquire 26 out of 41 seats in the Kirkuk Provincial Council. Consequently the provincial governor and the chair of the provincial council were elected from among the Kurds. Hence possessing a demographic majority in Kirkuk, Kurds managed to take control of political-administrative structures via democratic competition. Thus, naturally, Kurdish political currents oppose division of political power in Kirkuk, continuously emphasizing holding free and not superficial elections for determining the real weight of all demographic communities in Kirkuk.

Legal Obstacles: Legal obstacles constitute the most specific barrier to the realization of division of political power scenario in Kirkuk. Departure of Kurdish representatives from the Parliament when adopting Article 23 and the presence of Article 140 are two



major legal obstacles, because according to the existing agreement among the Iraqi political factions, the method of adoption of laws in the parliament on critical issues should be based on agreement rather than majority and minority. On the other hand, the presence of two legal articles on a specific region has caused inconsistency between Article 140 and Article 23.

Difficulty in Deciding the Quality and Quantity of Positions: The type and method of division of power in Kirkuk Provincial Council is one of the complexities of realizing the division of political power in Kirkuk. Currently, according to an agreement between Kurds and Turkmen, a Kurd is the provincial governor and a Turkmen is the chair of the provincial council. Overall, given Kurdish control and to a lesser degree Turkmen control over key positions, it will be unlikely that political power will be divided in a way agreed upon by all, because Kurds will not be ready to grant key positions to the other communities as they claim to advocate holding free and democratic elections.

Kurdish opposition to the realization of Article 23 scenario on the elections in Kirkuk Governorate was clearly manifested in popular demonstrations in Kurdish cities including Kirkuk, which resulted in the murder of 15 Kurdish citizens. In a nutshell, considering the obstacles found in the way of realization of Article 23, the division of political power scenario among political factions in Kirkuk seems unlikely, particularly because of Kurdish opposition and conflict between Article 23 and fundamental principles of democracy.

III- Autonomous Kirkuk Governorate

One of the projects envisaged by political groups including Kurds and the Shia since the onset of the new political system in Iraq has been the creation of federal governorates in various parts of Iraq as demanded by citizens including demands for the establishment of autonomous governorates of Basra, Diyala and Kirkuk. In the meantime, Turkmen as backed by Turkey have called for the creation of an autonomous



Kirkuk Governorate. According to the scenario, Kirkuk will emerge as an autonomous governorate distinct from the Kurdistan Region and Iraqi central government, with its structures being run as a federal governorate. In fact, "Turkmens as a large ethnic group in the disputed area are looking for a suitable political ground including Kirkuk's becoming an autonomous governorate in such a way that it is not controlled by Baghdad and Erbil" (International Crisis Group, 28 March 2011: 6). As a matter of fact, proposing this plan, the Turkish government intends to prevent the attachment of Kirkuk to the Kurdistan Region and to provide a guarantee for Turkmen participation in the political structure of Kirkuk.

The scenario centered on Kirkuk becoming an autonomous governorate will be realized if there is a general will to create federal regions throughout Iraq. Establishment of an autonomous Kirkuk governorate has the potential to create agreement and end conflicts in Kirkuk as it is more consistent with the current realities in Iraq. In a minimum case, it will lead to the delegation of Kirkuk's political affairs to the residents of the region and in a maximum case it could be a practical solution to the Kirkuk conflict. Nonetheless, there are a few obstacles to the realization of the scenario as follows:

Arab Objections: Arab objections represent the most serious obstacle to the realization of the scenario of an autonomous Kirkuk governorate. Arabs, and notably Sunni Arabs, see the creation of autonomous governorates in Iraq as a serious threat to territorial integrity and national unity. By taking a clear stance, the Political Association of Kirkuk's Arabs expressed objection to Kirkuk becoming an autonomous governorate, portraying federalism as a serious threat to Iraq's constitution and Kirkuk's political future. The Association asked the central government to promote peace and reconciliation in order to prevent the formation of a federal region in Kirkuk (NRTTV, November 6, 2011: 9473).

Opposition of Political Currents and Civil Society in Iraqi Kurdistan: Negative reaction shown by Kurds in 2007 to the



proposal offered by the International Crisis Group on Kirkuk becoming an autonomous governorate in order to end the existing political stalemate among the involved political factions has been a clear example of Kurdish objection to an autonomous governorate of Kirkuk, though those positions have been moderated in recent years. Overall, Kurds view the proposal of an autonomous Kirkuk governorate as a foreign conspiracy in order not to realize Article 140.

Legal Constraints: The legal barriers to the establishment of an autonomous Kirkuk governorate can be classified in two sections: The first section refers to the Constitution, Article 140. In this respect, Ashvagh Jaf from the Kurdish Coalition in the Iraqi Parliament indicates that in areas subject to Article 140, autonomous governorates should not be created as long as Article 140 has not been realized” (NRTV, November 11, 2011: 9668). In addition to Article 140, draft constitution of Kurdistan Region, Article 2, Section 3 poses another legal obstacle to the creation of autonomous Kirkuk governorate as it emphasizes non-formation of autonomous governorates in border areas of Kurdistan Region (Draft Constitution of Kurdistan Region, 2009). In other words, law and opposition parties do not allow the leaders of Kurdistan Region to agree to such an autonomous governorate.

IV- Central Government and Kirkuk

This scenario implies two things: First, it needs non-realization of Article 140 and second, it would call for returning political conditions to the period before 2003. Arabs are the main advocates of the scenario, constantly stressing the central government’s control over Kirkuk. This will be the most likely case for the outbreak of a civil war and the most unlikely in terms of probability. There are serious barriers to the way of central government’s renewed control over Kirkuk including domestic and foreign objections as follows:

Domestic Objections: Kurds vehemently oppose this scenario and welcome any act – even military involvement - in order to



prevent it from happening. They consider central government's control of Kirkuk as a repetition of history; inconsistent with all agreements made among Iraqi political factions after the fall of the Ba'ath regime. Massoud Barzani indicated on July 29, 2004: "We will not go under Baghdad's control again and Iraq has to become a federal structure based on a voluntary union" (Ahmad, February 4, 2005: 8). The Kurdish move in late February 2011 in dispatching 10 thousand troops to Kirkuk and encircling the city as a response to Arabs' threat of entering Kirkuk and controlling it has been a clear example of the Kurds' harsh and inflexible position to renewed control of Kirkuk by the central government. It can be claimed that a new round of civil war will be highly likely in Iraq if the central government seeks to regain control over Kirkuk.

In addition to the Kurds, Turkmens also oppose the central government's renewed control over Kirkuk. Even the leader of Iraqi Turkmen Front Arshad Salehi has emphasized the necessity of creating a Turkmen corps to protect the Turkmen citizens, given the instability in Kirkuk. He has called for referring the issue to international organizations and use of international experts if the central government fails to meet their demand (NRTTV, October 25, 2011: 8918). Although Turkmens disagree with Kurdish control over Kirkuk, they are concerned about the central government's renewed control over Kirkuk as they were subject to much persecution and oppression under Saddam Hussein.

Foreign Objections: Turkey and the United States are the main foreign states opposing renewed control of the central government over Kirkuk. Turkey objects to Baghdad's renewed control over Kirkuk as it will reduce its influence in the city through its support for Turkmens. On the other hand, knowing the practical consequences of such a scenario, the United States has predicted ways to bar the central government from regaining control over Kirkuk by establishing a consulate in Kirkuk and designing a specific security plan for the city. In other words, the practical repercussions of the central government's control over Kirkuk could



lead to a total U.S. fiasco in Iraq, though America has not made significant achievements in Iraq.

The most recent scenario on the resolution of Kirkuk question was submitted to the parliament by Iraqi President Jalal Talabani on November 16, 2011, according to which administrative borders of Iraqi provinces have to be restored to the pre-1968 borders. The plan is based on the fact that after the Ba'ath regime rose to power in 1968, changes were made in the administrative borders, disrupting the region's original demography. Although restoration of the pre-1968 borders has been provided for in the interim Constitution, Article 58 and later in the permanent Constitution, Article 140, Talabani's suggestion indicates a Kurdish move for a historic political exchange that can be viewed as a scenario independent from Article 140.

If this scenario is realized, a few Kurdish-inhabited regions will be annexed to the Kirkuk Governorate, leading to a 300-500 thousand increase in the Kurdish population in Kirkuk. Talabani's proposal pursues two major goals: First, it seeks to increase the Kurdish population in Kirkuk in such a way to grant majority to the Kurds. Second, it seeks relative Kurdish hegemony in Kirkuk in order to maintain it under any circumstances. In this way, they would manage to impose their will in case of holding a plebiscite for determining Kirkuk's political future. Despite the fact that this proposal is a preliminary stage of Article 140 and enjoys legal support, it is faced with serious obstacles in practice. The major objections to Talabani's proposal include:

Before Talabani submitted his proposal to the Iraqi Parliament, Arabs and Turkmens expressed their discontent. The al-Iraqiya list in the Parliament has based its objection on the further complication of Iraqi political conditions if this plan is put into force (NRTTV, November 2, 2011: 9289). Like the Arabs, the spokesman for the Kirkuk Turkmen Front Ali Mahdi stressed "avoiding hastiness in offering the proposal on restoring administrative boundaries of the disputed areas," indicating that Turkmens want an autonomous Kirkuk Governorate with existing



borders (NRTTV, November 2, 2011: 9289).

There are two groups of intellectuals who oppose Talabani's proposal: First, moderate opponents who demand further precision in Talabani's suggestion, considering it as realistic given the current circumstances in Iraq. They, however, criticize the exploitation of Talabani's proposal for Kirkuk's becoming an autonomous governorate, seeking guarantees in this regard. In contrast, the second group has adopted a harsher stance towards Talabani's proposal, viewing it as betrayal to Kurdish people and loss of many Kurdish areas. They believe that Talabani intends to exchange some other Kurdish regions in exchange for gaining Kirkuk, though they revised their original positions after executive details of his proposal became known.

V- Iran and the Kirkuk Case

Iran's considerations on Kirkuk are multifaceted; as an influential regional power, Iran is involved in and affected by the Kirkuk case for the three following reasons:

First, Kirkuk's annexation to the Kurdistan Region and its tendency to go beyond federal autonomy would undermine the Iraqi Shia government and strengthen Middle Eastern Kurds, which will pose serious threats.

Second, Kirkuk's absorption within Iraq as one of the 18 governorates will be a desirable scenario for Iran, but the demographic fabric and Kurdish political will preclude the realization of this scenario. At the same time, the Iraqi Shia political-strategic potential is not sufficient enough to absorb Kirkuk as a normal city.

Third, Iran's long-term expedience in Iraq is to reduce its concentration and divide its potentials into Sunni, Shia and Kurdish areas. In other words, the rise of a centralized and inspiring Baghdad (as was the case under the Ba'ath rule) will not serve Iran's long-term interests. Hence the desirable scenario is that power is divided in Iraq in three clusters of Basra, Baghdad and Erbil. It is to Iran's advantage that this point has been provided for in the Iraqi Constitution as the political



and economic activities of Iraqi Kurdistan and Baghdad take place within the agreement. The current alignment of regional political forces does not advocate Kurds moving towards independence and territorial expansionism (including Kirkuk). For this reason, the Kurdistan Region's authorities try to enhance infrastructure in the Kurdish-inhabited areas rather than expressing tension-creating claims. This scenario is both desirable and probable for Iranian regional diplomacy.

With Talabani's deteriorating health and his likely farewell from the presidency, it is expected that the gradual and reasonable tendency to resolve the Kirkuk question will gain strength as opposed to the radical tendency. This development will not be to the benefit of Iraqi Kurds' future political life. Considering the fact that the establishment of a sovereign state hinges upon the will of political elites and susceptible domestic resources on the one hand and the will of dominant regional and international powers on the other, it can be claimed that this equation is not balanced in favor of Kurdistan. The only power in the region that wishes the attachment of Kirkuk to the Kurdistan Province and independence of Kurdistan from Iraq is Israel. The Islamic Republic of Iran seeks the continued territorial integrity of Iraq as enshrined in the country's constitution. According to the Constitution, the Kurdistan Region is part of Iraq which is administered in a federal form. It has autonomy in handling local affairs, but it should act according to an agreement with Baghdad in important issues such as foreign policy, international treaties and determination of territorial boundaries. The Islamic Republic of Iran wants the status of disputed areas to be settled through negotiations between the Region's authorities and Baghdad. From an Iranian point of view, Iraq is in the stabilization stage and as such, serious issues including the Kirkuk question are not resolvable. The worst case scenario for the Islamic Republic of Iran is that Iraqi Kurds become able to annex the Kirkuk Governorate to the Kurdistan Region, turning into a powerful and inspiring cluster for the regional Kurds and disrupting the territorial integrity of Iraq, Turkey and Syria. Iran is



hopeful that Iraqi Kurds understand Iran's overall concerns. As a result of long engagement with the Iraqi Shia and some Iraqi Kurd groups, Iraq possesses important playing cards. Perhaps the most salient shortage faced by Iran is its hostility to certain international power blocs. This hostility, however, is not eternal, while Iran's contiguity with its neighbors will last for the long-term future.

Conclusion

In this paper, we have sought to delineate the political future of Iraq as concerns the sensitive and important region of Kirkuk. We offered five scenarios on the future of Kirkuk, none of which seems to fully have the practical applicability, depending upon developments occurring among the Iraqi political factions. Given the statements made by the leaders of various Iraqi political factions and developments that have occurred in the country recently, the most likely scenario is Kirkuk's becoming an autonomous governorate. The major arguments in favor of this claim can be presented as follows:

The government of the Kurdistan Region is faced with two major constraints: On the one hand, the share of Kurdistan in Iraq's annual budget is the largest. The budget is controlled by the central government in a way that it continues to stress the reduction of the share of Kurdistan from 17% of the annual budget to 11%, using it as a bargaining chip in its talks with the Kurdistan Region. On the other hand, the bulk of the received budget –almost 70%– is spent on payment of government employees' salaries, which further intensifies the dependence of the Kurdistan Region's government on the central government for meeting its financial and administrative needs. Overall, this financial dependence has deprived Kurds from the potential needed for annexing Kirkuk to the Kurdistan Region and declaring independence as the final goal. Although the President of the Kurdistan Region Massoud Barzani has recently put emphasis upon the realization of Article 140, warning that otherwise he would refer the fate of Kirkuk to Iraqi Kurdistan's Parliament, the reality is that Kurds are not in a position to take definite action in this regard.



Hence they just want to use it as leverage against the central government for implementing Article 140.

Problems related to the terrorist case against Iraqi Sunni Vice-President Tariq al-Hashemi has led to Sunni Arab support for the creation of an autonomous Sunni governorate. Remarks made by al-Hashemi and Sunni Speaker of the Iraqi Parliament Nujaifi in early 2012 concerning the creation of an autonomous Sunni governorate in Iraq reflect a striking shift in the Sunni Arabs' attitude to the Iraqi political process. The Sunni political authorities frequently point to the rise of a new dictatorship by the Iraqi Shia Prime Minister Nouri al-Maliki, calling for a security shield for the Sunnis. Demands made by the representatives of Diyala and Salaheddin governorates for the formation of autonomous governorates in those areas have given rise to the possibility of creating autonomous governorates in various areas of Iraq according to the Constitution, Article 77. Thus with the establishment of autonomous governorates in Iraq, it has become more likely for Kirkuk to become an autonomous governorate like the other neighboring governorates including Diyala and Salaheddin.

It is not unlikely that the Kirkuk question and Kurdish aspiration for overcoming it will be a strategic trap. That is to say that domestic politics constitutes a preface to foreign policy. On this basis, if the Iraqi Kurdistan Region succeeds in promoting Gross Domestic Product, security and democratization, it will attract the neighboring areas like a magnet. For this reason, all equations hinge upon the alignment and designing of capabilities and obligations. It is likely that over-insistence on the annexation of Kirkuk will mobilize domestic and foreign forces against the Kurds, destroying the current fertile ground. The reality is that currently except for Iraqi Kurds, no internal or external force wants the rapid and full attachment of Kirkuk to the Kurdistan Region. Hence, strategic reason demands that political elites governing the Kurdistan Region turn the Kirkuk issue into a bridge for developing the Kurdistan Region rather than a barrier to development or even survival of Kurdistan.

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