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Resolving Kirkuk

Lessons Learned from Settlements of Earlier Ethno-Territorial Conflicts

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Summary

Tensions among Arabs, Kurds, and Turkomen in northern Iraq have the potential to escalate into intercommunal violence that draws Iraq back into civil war, leads the Kurdistan Region to secede, and topples Iraq's nascent political structures. Of all the issues that could spark violence between these groups, none is more explosive than the political and legal status of the city of Kirkuk.

Kirkuk is a microcosm of the most significant unresolved issues in post-Saddam Iraq: territorial disputes, division of oil and gas resources, and the power of the regions vis-à-vis Baghdad. Until political, legal, and constitutional disputes regarding these issues are settled at the national level, it will be difficult to determine the final status of the city, i.e., whether or not it should be incorporated into the Kurdistan Region.

In the meantime, city residents (especially minority Arabs and Turkomen) struggle with inadequate security, unresolved property disputes, unequal services, and other concerns that exacerbate ethnic tensions. Moreover, leaders in Baghdad and Erbil (the capital of the Kurdistan Region) have occasionally shown signs that they are considering the merits of taking the city by force before the other side does. Even assuming that Iraq's leaders all desire a peaceful settlement, their continued failure to resolve the political issues fueling the Kirkuk dispute—fundamental questions regarding federalism, the legal and political status of Kirkuk and other disputed territories, and the allocation of budgets and hydrocarbon resources—raises the likelihood that a local quarrel will boil over into widespread social unrest or even

an armed conflict between Iraqi and Kurdish forces.¹ Many observers would agree with political scientists Liam Anderson and Gareth Stansfeld, who wrote, “the future of Iraq hinges on finding a resolution to Kirkuk’s status that is mutually tolerable to all parties. . . . If no side is willing or able to compromise on Kirkuk, then the issue is destined to end in bloodshed.”²

Kirkuk is not the first ethnically heterogeneous territory to be fought over by different communities. Throughout modern history, governments and ethno-sectarian groups have settled disputes over ethnically mixed cities, regions, and countries through negotiations that established new structures for governance, instituted policies that either promoted assimilation or guaranteed communal autonomy, and defined relationships between the disputed territory and neighboring entities. Efforts to resolve these other conflicts, whether successful or not, can offer insights that may prove valuable in the effort to reach a negotiated solution regarding Kirkuk.

After providing an overview of the Kirkuk dispute, this report examines the academic literature regarding the governance of divided and multiethnic territories and regarding the most challenging aspects of ethno-territorial disputes—ethnic identity, security, sovereignty, and control over land. Next, it looks at agreements that resolved three earlier conflicts over multi-ethnic territories—Northern Ireland and the Bosnian cities of Mostar and Brčko—as well as some of the factors that have prevented Israelis and Palestinians from reaching a negotiated settlement regarding Jerusalem.³ It then applies insights from the litera-

¹ Larry Hanauer, Jeffrey Martini, and Omar al-Shahery, *Managing Arab-Kurd Tensions in Northern Iraq After the Withdrawal of U.S. Troops*, Santa Monica, Calif: RAND Corporation, OP-339-USFI, 2011.

² Liam Anderson and Gareth Stansfeld, *Crisis in Kirkuk: The Ethnopolitics of Politics and Compromise*, Philadelphia, Pa.: University of Pennsylvania Press, 2009, pp. 4, 7.

³ As will be demonstrated, negotiations regarding Jerusalem do not reflect many of the traits that have facilitated successful negotiations in other ethno-territorial conflicts. The absence of these characteristics alone cannot explain why Israelis and Palestinians have failed to reach a negotiated settlement, as disputes over Jerusalem involve a wide range of unique historical, theological, political, economic, and social factors. That said, by serving as a sort of foil to the other three case studies, the situation in Jerusalem helps highlight (through

ture and case studies to the situation in Kirkuk, drawing lessons that could positively shape future negotiations. Finally, it considers steps the United States and other outside parties might take to promote a peaceful resolution of the city's status.

Lessons from Conflict Resolution Literature

Given that ethnic minorities (primarily Arabs and Turkomen) represent roughly half of Kirkuk's population, any settlement that facilitates one group's dominance over the others is unlikely to hold. In conflicts in which the population in each piece of territory is relatively homogeneous but distinct from the other(s), agreements often lead to partition and either independence or autonomy. Because Kirkuk is so heterogeneous, however, and because it is a small enclave surrounded by Iraqi territory, partition is not a feasible solution.

The literature most relevant to Kirkuk's challenges is therefore that related to the sharing of power among interested groups. Where control of a distinct territory is an element of the dispute—often for geostrategic reasons or because a group's ethno-nationalist narrative accords great significance to the land—power-sharing solutions often include the granting of some measure of political autonomy to the area.

Where territorial solutions are infeasible or are by themselves inadequate to address all aspects of the dispute, settlements typically establish power-sharing structures that guarantee representation of minorities in government institutions, enable minorities to veto measures on certain critical issues (such as budgets or electoral reforms), call for proportional representation in the allocation of government jobs, and create an institutionalized dispute-resolution mechanism.

The process of reaching agreement on power-sharing structures can be as important as the content of the proposals. Small steps—confidence-building measures (CBMs) and efforts to reach agreement on minor issues—can create trust and facilitate peaceful coexistence.

their absence) the importance of factors that helped parties to the other conflicts reach agreements.

However, some conflicts are so multifaceted that an all-encompassing “grand bargain” is needed to prevent outstanding issues from undermining a partial settlement.

In many cases, third parties are critical to an agreement; they can help the parties to the conflict reach an agreement by brokering contacts and floating proposals, and they can help enforce agreements by applying political pressure, monitoring compliance, and moderating disputes over implementation. In an extreme form of outside involvement, direct international administration can create an environment conducive to the development of sustainable governing institutions; such a solution requires extensive political and economic support from the international organizations or countries that commit to this sort of “caretaker” arrangement.

Case Studies

Brčko, Mostar, Northern Ireland, and Jerusalem were selected as case studies because they resemble Kirkuk in many respects. Among them:

- Questions of sovereignty and territorial control were critical to all parties’ interests, yet their ethnic composition and geographic location (and, in the case of Jerusalem, religious factors) made formal partition impractical.
- Minority communities sought political, economic, cultural, and physical protections through political institutions, security service reform, and autonomy in (or protections for) cultural affairs.
- The multifaceted nature of the disputes has led grand bargains to be considered and even implemented, yet the repeated deferral (or renegotiation) of contentious issues made grand bargains more difficult to reach.
- Third parties have been actively involved in reaching and (except for Jerusalem) enforcing negotiated settlements.

In examining the ways in which these issues were addressed in negotiated settlements to various conflicts, this report considers

whether the settlements offer lessons that can be applied to discussions regarding Kirkuk. To the extent that the case studies address common challenges in similar ways, it is worth considering whether these commonalities represent best practices in resolving ethno-territorial conflict.

Lessons Learned

The case studies and literature examined in the report offer a range of lessons to leaders (both local and national) of the Arab, Kurd, and Turkoman communities—as well as interested third parties, such as the United States and United Nations (UN). These lessons relate to the substantive issues that should be addressed in a dialogue regarding Kirkuk, the negotiating process, and the effect of political and social dynamics.

Impact of Political and Social Dynamics

1. Fragmentation among representatives of a community can lead to inflammatory “ethnic outbidding” and resistance to compromise, as political figures try to present themselves as better advocates of their communities’ parochial interests than their rivals. Such divisions can empower spoilers and make compromises more difficult. Efforts to encourage community representatives to adopt common objectives or a shared platform may help moderate these trends.
2. The existence of civil society organizations, even at a local level, can help create an environment conducive to negotiations and foster intercommunal ties necessary to sustain political and social collaboration. The creation of such organizations where they do not already exist may make these conditions more likely to emerge.
3. Empowered and representative local political leaders can raise the profile of local interests in national-level policy debates. Their influence may help focus political dialogue on the need

to find concrete solutions to local disputes rather than the continuing advocacy of broad nationalist or ideological narratives.

Substance

1. Minimizing the symbolic importance of territorial control and sovereignty can help the parties focus on their pragmatic interests rather than on intractable nationalistic imperatives.
2. Direct international administration of a territory can help mitigate ethnic tensions and promote interethnic collaboration over time, but it is not a sustainable long-term solution.
3. The chances for successful power-sharing can be improved if newly created political mechanisms (a) allow meaningful participation in government by all groups, (b) protect minority groups' core interests, (c) marginalize obstructionists and extremists, and (d) promote proportional representation in the government apparatus.
4. Ensuring that newly established political mechanisms are able to adapt to future changes—particularly in demographics, economic prosperity, and state capacity—can preserve confidence in newly established political institutions and help prevent future political conflict.
5. Minority groups' sense of security and, therefore, their confidence in a political settlement can be enhanced if they receive some degree of control over community-specific affairs, whether through some form of political autonomy or the ability to influence matters related to culture.
6. All residents' feelings of security can be enhanced if internal security forces (police) are professionalized, demilitarized, depoliticized, and diversified to represent all constituencies.
7. To shape nascent political institutions and processes, parties to a conflict should discuss whether their long-term objective is for communities to shift their identities and loyalties to a single civic entity (assimilation) or to ensure that distinct communities have effective political participation, representation in government, and political/cultural protections (accommodation).

After a settlement is reached, the achievement of these political and social objectives can be advanced through government policies in such areas as education and housing. (In other words, a strategy to promote political assimilation would be undermined by policies that encourage ethnic segregation.) Near-term tensions exacerbated by greater interactions between ethnic groups can be mitigated by policies or government structures (such as separate civil and family law courts) that encourage greater communal autonomy in the cultural arena.

Negotiating Process

1. Before negotiations even start, parties to the conflict must be prepared to make compromises. If they feel that continued conflict will advance their aims more than a peaceful settlement, they are unlikely to be committed to negotiations.
2. Confidence-building measures can help create trust between the parties and, over time, facilitate more substantive negotiations.
3. Because residents of a disputed territory have an interest in finding practical solutions to local problems, progress in pursuing bottom-up solutions could demonstrate that meaningful collaboration is possible and, by alleviating local tensions, provide “breathing space” for national-level officials to resolve strategic challenges.
4. A third party that is widely perceived as both impartial and influential should be actively engaged at a senior level to promote ongoing dialogue among the communities’ leaders.
5. International involvement in an agreement’s implementation could help bridge gaps preventing an agreement, as well as help implement a settlement and build political institutions needed for long-term stability. Direct international administration of a territory—an extreme form of outside involvement—can be effective as a temporary measure, but the parties must still agree on the results that international administration is intended to generate.

6. Widening the range of issues on the negotiating table could mitigate the zero-sum dynamic and help create opportunities for trade-offs, so long as partial progress is not stymied by efforts to secure a comprehensive grand bargain.
7. Deferring especially controversial topics could avoid stalemate in negotiations, though deferrals are more effective in ultimately producing agreement if they include some mechanism to ensure that contentious issues are not put off indefinitely. Tasking a neutral third party to propose solutions to especially difficult topics could eliminate obstacles to discussions while also ensuring that critical issues are addressed.
8. Neighboring ethnic kin-states or regions can play important roles in reaching, implementing, or even blocking an agreement.

Steps to Promote a Settlement for Kirkuk

Third parties have been critical to the settlement of recent ethno-territorial conflicts, including in Iraq, where the United States has played the primary mediation role. In northern Iraq, both Iraqi and Kurdish security forces view the United States as the lynchpin of the tripartite combined security mechanism (CSM), which has fostered cooperation between the two forces and reduced tensions in the region. Given this record of U.S. engagement, and given that the United States is seen as a trusted third party by both Iraqi and Kurdish officials, the United States would likely be the most effective neutral broker.⁴ Though the United Nations' reputation in northern Iraq is poor, it could still play some role in fostering better intercommunal relations.

The United States, the UN, and others in the international community can take a number of steps to create an environment conducive to negotiations and directly facilitate Arab-Kurd talks.

⁴ David C. Gompert, Terrence K. Kelly, and Jessica Watkins, *Security in Iraq: A Framework for Analyzing Emerging Threats as U.S. Forces Leave*, Santa Monica, Calif.: RAND Corporation, MG-911-OSD, 2010, p. 28.

1. *Promote the emergence of local civil society and political leaders.* The State Department and U.S. Agency for International Development (USAID) could place higher priority on (and devote more resources to) municipal governance, political party development, and civil society initiatives in Kirkuk. Local civic groups and political parties that are independent of the major national organizations might be able to reach beyond ethnic constituencies and create dialogue on issues of interest to all Kirkuk residents.
2. *Foster CBMs.* The UN Assistance Mission for Iraq (UNAMI) is well-suited to continue its efforts to develop grassroots-level confidence-building measures and intercommunal dialogue in Kirkuk.
3. *Pursue top-down and bottom-up solutions simultaneously.* While continuing to pressure national leaders to resolve outstanding strategic issues, the United States and other international actors could simultaneously facilitate discussions among local leaders of Kirkuk's communities to address municipal governance, public services, housing, and other local issues. Such grassroots problem-solving could help separate issues of local concern from national debates and reduce local tensions.
4. *Decide whether and how the United States will remain involved in the CSM.* Although the United States withdrew all of its troops from Iraq by December 31, 2011, both U.S. and Iraqi officials have hinted that the Iraqi government may yet request that small numbers of U.S. forces return to Iraq on temporary or short-term training missions; if this comes to pass, U.S. troops could continue building the capacity of Iraqi and Kurdish units engaged in the CSM. Alternatively, a Kirkuk-based U.S. diplomat—either a State Department civilian or a military officer affiliated with the Embassy's Office of Security Cooperation—Iraq—could serve as a liaison to the CSM. Such an approach would make the CSM, for all practical purposes, a bilateral Iraqi-Kurdish mechanism, however. Determining the form of U.S. involvement (if any) would enable planning to

begin for the continuation of CSM initiatives or for a suitable substitute.

5. *Designate a special envoy.* Arab-Kurd-Turkoman discussions regarding Kirkuk would likely advance if the United States designated a senior-level envoy who has high-level support in Washington to play an active facilitation role. Such an official would have greater ability to facilitate discussions, identify potential compromises, and keep a negotiating process moving than the previous U.S. envoys for Arab-Kurd issues—career diplomats who served one-year terms and were subordinate to the U.S. ambassador.

Iraqi and Kurdish leaders can also take steps to reduce ethnic tensions and facilitate substantive discussions about the city's future.

1. *Demilitarize Kirkuk.* Iraqi and Kurdish leaders have unofficially agreed to demilitarize Kirkuk city, with Iraqi Security Force units stationed south of the city and Kurdish units north of it. Institutionalizing this de facto arrangement would demonstrate commitment on both sides to avoiding a clash over Kirkuk.
2. *Insulate local security institutions from ethnicity.* The Kurdistan Regional Government could be encouraged to transition all security responsibilities from the Kurdish *asayesh* to the multi-ethnic Kirkuk municipal police, which would benefit from an extensive police training and professionalization program.