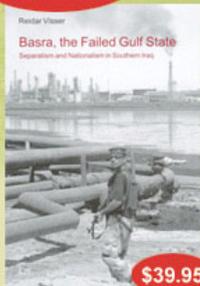




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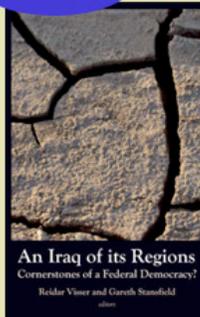


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Disputed Territories in Iraq: The Practical Argument against Self-Determination in Kirkuk

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If history should provide the guidelines, it would be relatively easy to prescribe a solution to what is frequently seen as one of the most "complicated" issues in current Iraqi politics: The status of the oil-rich city of Kirkuk. A variety of different historical sources prior to 1957 and dating back several centuries unequivocally designate Kirkuk as a town dominated demographically by Turkmens, who for their part were famous throughout the Iraqi region from Basra to Mosul for their leading role in the Ottoman and later Iraqi administrations. Traditionally, the Kurds in this area, whose relationships with the Ottomans and later the Iraqi government in Baghdad were far more tenuous, had their strongest presence in the rural hinterland outside Kirkuk. Accordingly, any attempt to sever the longstanding ties between Baghdad and the city of Kirkuk itself on the basis of two waves of Kurdish immigration to the city itself in the late 1960s and since 2003 would be ahistorical in the extreme, and not incomparable to, say, a Scottish bid to annex selected slices of Northumbria in the north of England.

town between Mosul and Samarra and in a string of villages across to Altun Keupri and Kirkuk. Arbil is also largely a Turkoman town. The village of Nainawa, the ancient Nineveh, just across the Tigris from Mosul, is Turkoman. In a mosque built on unexcavated Assyrian remains it contains the reputed tomb of the prophet Jonah.

In the early twentieth century, many observers saw the north of Iraq as consisting of towns dominated by Turkmens (and sometimes Christians), and a countryside where the Kurds were often in the majority, as in this account in an article from the Journal of the Royal Central Asian Society from 1937, where it is even claimed that Arbil maintained a certain Turkmen character (most observers agree that Arbil was Kurdified much earlier than Kirkuk).

However, today's Iraq presents a confusing situation, and many commentators reject the validity of any attempt to use ancient history as a determinant for tomorrow's political maps. To them, what matters is the current situation on the ground. In particular, many advocate a solution based on self-determination, mostly in the shape of some kind of decisive referendum – a solution which reportedly features in all four scenarios for Kirkuk presented in a recent (but as of yet unpublished) report on Iraq's "disputed territories" by UNAMI, the primary UN political agency in Iraq. Despite considerable attempts by the Baathist regime to gerrymander the population balance in Kirkuk to the disadvantage of the Kurds towards the end of the twentieth century, it is expected that the mass influx of Kurdish migrants to the city of Kirkuk in the late 1960s and early 1970s plus additional immigration since 2003 (when Kurdish militias acquired control of the city and encouraged Kurds to settle there) mean that a there might be vote in favour of annexation by the Kurdistan Regional Government (KRG) if a referendum were to be carried out under present circumstances.

But in addition to the historical argument against this kind of outcome, two very practical considerations also militate against any use of the self-determination principle in Kirkuk. The first has to do with lessons from the recent history from the 1960s and 1970s, and the way in which the very idea of using plebiscites or censuses for determining the borders of Kurdistan became the focus of attention of the autonomy negotiations between the Baathist regime and Mulla Mustafa Barzani, the main Kurdish leader at the time. Towards the end of those negotiations, Barzani introduced claims for the annexation of a host of territories (such as Kirkuk) where the Kurdish population element was thin or only recently-established; the Baathists accordingly sought refuge in the principle of ethnic demography as a determinant for the allocation of territory. This formed the background to the 1970 peace agreement, where Baghdad confidently agreed to autonomy for all areas with a "Kurdish majority", believing it would be restricted to the governorates of Sulaymaniyya, Arbil and the newly-constituted Dahuk (which had been separated from Mosul as a concession to Kurdish demands). But the recourse to demography also constituted the beginning of the end of the peace agreement. The promised census never materialised (first both sides agreed to a postponement, later Baghdad put it off unilaterally), and the Kurds refused to use the previous censuses of 1965 and 1957 as a basis (knowing they would show no Kurdish majority in Kirkuk). Then followed a dirty game in which both sides appear to have applied unscrupulous methods to secure an outcome in their own favour. The Kurds accused the Baathist regime of flooding Kirkuk and its neighbouring areas with Arabs in order to neutralise growing Kurdish demographic weight, whereas the central government suspected that Barzani and his allies were importing Iranian Kurds to settle them near Kirkuk. It seems likely that misdeeds were committed on both sides, and the regime's decision to expel tens of thousands of Fayli Kurds (indigenous to Iraq but many of their forefathers held Persian passports in Ottoman times in order to avoid conscription) represents a particularly brutal aspect of the developments.

All of this escalation and human suffering was the singular result of the promise that “demographic realities” would be used to demarcate the boundaries of Kurdistan. It does not require much fantasy to imagine that something similar could take place in the future if “self determination” were employed as the main criterion for settling the current dispute. In fact, to some extent, this has already happened. Since 2003, Kurdish authorities have been accused of bringing in huge numbers of Kurds in and around Kirkuk in order to bolster their own claim to the city. With tendencies of growing assertiveness by the Iraqi central government since 2008, a counter-campaign focused on beachheads among their potential allies – particularly the non-Kurdish population elements of Kirkuk such as the Turkmens, the Arabs and the Christians – seems perfectly possible. In other words, any promise of “self determination” along the lines of what UNAMI is now apparently considering would almost inevitably set off a violent tit for tat process which could easily surpass the 1970s and the immediate post-2003 period in intensity and violence. What the international community needs to realise today is that “self determination” in Kirkuk has become completely meaningless as an exercise of democracy because so much gerrymandering and dirty tricks have already been brought to bear on the situation. Essentially, in Kirkuk the slogan of “self determination” is like a greasy old rag that will never become clean and dry again, no matter how many times it is washed.

There is also a second practical argument against any application of self determination in Kirkuk: The likely domino effect in the rest of Iraq. This represents a danger because the concept of “disputed territories” was never defined at the time of its fateful insertion in the Transitional Administrative Law (TAL) in March 2004, from where it was transplanted into the 2005 constitution. Hence, in theory, today, any politician anywhere in Iraq can invent a case of a “disputed area” for whatever piece of land he or she might wish to politicise. Thankfully, so far, few other than the Kurds have been keen to exploit this option (the Kurds have declared targets of expansion along the entire current border of the KRG), with most other Iraqi politicians seemingly holding on to the existing framework – perhaps even more so after the spectacular failures of recent initiatives to create federal regions south of Kurdistan, whether in Basra (where a formal initiative was launched last December), or in all the Shiite-majority areas south of Baghdad (where the scheme hardly progressed beyond the drawing-board level). But, for a considerable time, a small group of Iraqi Shiite politicians have been interested in projecting the same concept of territorial conflict on governorates south of Baghdad. As early as in 2005, just weeks before the launch of the project by the Islamic Supreme Council of Iraq (ISCI) to create an all-Shiite federal region of nine governorates south of Baghdad, press reports suggested that Abd al-Aziz al-Hakim had voiced an interest in redrawing the boundaries of the Karbala governorate so that it would also comprise the desert area of Nukhayb, presently a part of Anbar. And since April this year, other Shiite-oriented politicians – ranging from the Maliki-supported new governor of Karbala to Ahmad Chalabi – have joined a growing chorus of leaders calling for changes to Karbala’s border. Nukhayb is wanted by Karbala politicians not for its ties to Shiism – most of its tribes are Sunnis – but because of its strategic location on the road to Saudi Arabia, where many Iraqi pilgrims have been killed by terrorists in the past.



Map of Western Iraq from the late 1960s showing Nukhayb in the province of Ramadi (Anbar). The governorates of Najaf and Muthanna did not exist back then

The case of Nukhayb illustrates the serious problems of exporting the notion of “disputed territories” to the rest of Iraq. During the monarchy era, boundary delineation in the desert areas was approximate at best, and a 1957 map of Iraq, for example, shows lines in the sand extending from the river areas of the Euphrates towards the west, but stopping shortly after Bahr al-Milh and thus leaving the jurisdiction of the rest of the vast territory between Iraq and Saudi Arabia to the imagination. The exact subsequent development remains a matter of dispute, but certainly government maps from the late 1960s showed Nukhayb firmly within what was then called Ramadi province and today is Anbar. Importantly, at this stage, a number of other administrative changes – only some of which are currently considered as “disputed” by the proponents of the concept – had

yet to be made. For example, there was no Dahuk province (the area was part of Mosul and was only detached to form a separate governorate after the peace treaty with the Kurds in 1970). Also, the governorates of Najaf and Muthanna did not exist (they were carved out from Karbala and Diwaniyya/Nasiriyya later on). Hence, if the Baath era is to serve as basis for some kind of *status quo ante* logic, it will be exceedingly hard to pinpoint exactly when the "original sin" of the former regime took place. In other words, the consistency and the assumed objectivity of the whole process disintegrate entirely as soon as a pick and choose approach is applied.

Nevertheless, for politicians willing to fish in these waters, there are certainly plenty of options. Already, there is talk about other potentially "disputed areas" between Baghdad and Salahaddin, Baghdad and Babel, Babel and Anbar, and Karbala and Babel. Initial reactions to the emergence of Nukhayb as an issue suggest that some of these conflicts may well contribute to renewed sectarian polarisation, with the Sunni-dominated parties of Anbar – from the *sahwa* to the Iraqi Islamic Party – mobilising against any idea of redrawing the borders (and accusing the protagonists of the Karbala claim of disguising their real goal of annexing areas potentially rich in oil and gas in the proximity of Nukhayb). A promising sign, though, is that so far much of the opposition has actually been framed in national terms, with outspoken aversion against petty quarrelling over borders between inhabitants of areas that all consider themselves Iraqis first and foremost.

In sum, then, a good solution for Kirkuk should seek to bring an end to the logic of "disputed territories" instead of proliferating it. Rather than pursuing a maximalist demand that is dangerous to Kirkuk as an urban community and to Iraq as a society of coexistence, Kurdish politicians should try to envisage the potential value of alternative incentives, of which quite a few have been proposed. [Liam Anderson](#) has suggested using as a model the case of the Åland Islands from the post-World War One settlement, where the autonomy of the Swedish-speaking archipelago west of Finland had its autonomy guaranteed by the international community, in a robust "autonomy plus" arrangement that should be of interest to Kurds (whose main concern during the twentieth century, after all, has been distrust of Baghdad). Internationally-guaranteed autonomy for the areas the Kurds currently control would offer them assurances of non-interference that are stronger than the 2005 constitution, and could be a good reason to reverse their maximalist approach to Kirkuk. Similarly, the International Crisis Group has come up with a proposal that would give the Kurds other advantages in return for giving up their claims to Kirkuk: "Oil for Soil", or an arrangement whereby Kurdistan is given the exclusive control of oilfields within Kurdistan proper (which, again, they would not be able to achieve under the 2005 constitution), but would at the same time withdraw the demand for the inclusion of Kirkuk in Kurdistan. As for the Kurds of Kirkuk, an emerging "Kirkuk first" attitude can already be found among some of them, and this could be promoted further. In an interesting development, Kurdish politicians in Kirkuk recently emulated Basra regionalists in calling for a "half dollar per barrel of exported oil" to be set aside in a local development fund – the kind of negotiable, "soft" federalism that would be relatively easy to integrate within a unitary state structure.

Finally, a one-off territorial compromise at the elite level could be used to round off these negotiations (this is also an integral part of the suggestions by both Anderson and the ICG). The best solution for Iraq would of course have been if the troublesome "disputed territories" concept had never entered the TAL in the first place – it would in fact have been perfectly possible to deal with the issues of forced resettlement during the Baathist era on a family by family, property by property basis, without any resort to the abstract and problematic concept of ethnicity that is implied in the "disputed territories" nomenclature. Nevertheless, expectations of some kind of territorial settlement are now very strong in the Kurdish camp, and could be difficult to reverse. Equally important, to some extent it should be possible to achieve this without deviating very much from past attempts at compromise. In the 1970s, the regime was for example prepared to cede Kurdish-dominated areas near Kirkuk such as Chamchal and Kalar for the sake of peace. In general, from the point of view of history, the idea of the sacrosanctity of the territorial integrity of the Tamim governorate – reportedly another cornerstone of UNAMI's report – is less readily understandable than the principle that Kirkuk, the city, should stay within the unitary-state framework of Iraq under any circumstances. In that kind of perspective, it could make sense that certain rural parts of the Tamim governorate in the future should gravitate towards the autonomous KRG. At any rate, whatever course of action is chosen, a grand compromise for the north of Iraq should be done as a one-off affair at the elite level. The inhabitants of the area have already suffered enough and should not have their lives destroyed by serving as pawns in a long-winded, fictitious process of "self determination".

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