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Prescription for Power-Sharing in Contested Kirkuk

Nawshirwan Hussein Saaed | Feb 2015

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Arab Center for Research and Policy Studies

PO Box 10277

Street No. 826, Zone 66

Doha, Qatar

Tel.: +974 44199777 | Fax: +974 44831651

www.dohainstitute.org

Abstract

The future stability of Iraq depends on a peaceful resolution to the problem of Kirkuk. This article examines the contested city, and suggests the formation of a consociational democracy as a solution to current political divisions. It argues that a power sharing arrangement based on consociation is crucial to addressing the demands of each group in the city and for maintaining stability and diversity. Distinguishing in this way between corporate and liberal consociations can offer an institutional mechanism to manage and resolve tensions over the city and build a stable government in Kirkuk. The article also proposes that Kirkuk offers a valuable case study for the region as a whole. Looking at Iraqi legal documents, including the constitution and a decade of local governance experience, the article concludes that adopting liberal consociational democracy country-wide is necessary, feasible, and ultimately, would enable a viable future for the nation.

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Introduction

Kirkuk is an oil-rich city. Today, it is the epicentre of an area where control is hotly contested. The city can be seen as a microcosm of Iraq, and is known throughout the region for its distinctive ethnic, linguistic, religious, and cultural diversity. The city's diverse ethnic groups include Kurds, Turkmen, Arabs, Assyro-Chaldeans and Jews, all of who have lived peacefully together for centuries. However, the status of the city in terms of both administration and governance remains unsettled, endangering peaceful coexistence. This is doubly problematic, since Kirkuk plays an important role in national politics, and any threat to its diversity would impact on the diversity of the whole country. Thus, looking at a solution for Kirkuk can simultaneously be seen as finding a solution for the country as a whole, since creating a mechanism that will safeguard the mosaic of the city can also be used on a national scale.

This paper will begin by looking at the question of Kirkuk and why it presents an interesting case study. It will investigate the city's local and regional role, as well as the stakeholders in any solution. The first point of concern is Kirkuk's unresolved governance status. Until a viable model is settled on, the sustainability of both the city and Iraq as a whole remain uncertain. While there are different institutional mechanisms for managing conflict in deeply divided places,¹ none have been formally adopted in Kirkuk. The decision about which model to support is difficult, since different institutional choices favour or disadvantage one group over another, and each has distinct consequences in particular for divided societies. Examining the particular case of consociational democracy, this paper aims to test whether it is an appropriate institutional mechanism for managing conflict and building a stable government in Kirkuk, and in Iraq more broadly.

For a long time, Kirkuk, and the question of its status, has been seen as a threat to the integrity of Iraq; an area that could, if it broke away from the national framework, endanger the country's fragile stability. This has been noted repeatedly by scholars and researchers. Anderson and Stansfield went so far as to say that "it is no exaggeration to assert that the future of Iraq hinges on finding a resolution to the problem of Kirkuk's

¹ Lijphart often uses both 'consociational democracy' and 'power sharing' interchangeably. (See the introduction of his 2008 book 'Thinking About Democracy'), I have also used 'power sharing' in this paper as a synonym for consociational democracy.

status,"² while Sevim claimed that "Kirkuk is the last castle for the Baghdad government for the protection of Iraqi territorial integrity and the high-energy capacity of the country."³ Kirkuk is frequently cited by the media as a "flash-point," "tinderbox," or "powder-keg," with journalists anticipating a four-way fight between the Kurds, Turkmens, Sunni Arabs, and Shia Arabs (Christians are usually ignored as a minority too small to have any effective military impact).⁴ Thus any solution to the future status and governance of Kirkuk is likely to have a positive influence on the political process in Iraq as a whole.

A suitable model of governance, however, would have to take into account the region's many stakeholders. This becomes a complex process, mostly due to the city's vast quantity of oil. Given its wealth, regional states fear that if Kirkuk were incorporated into the region of Kurdistan, the Kurds would shortly thereafter declare their independence. If this were to happen, Turkey, Syria and Iran would face problems with their own Kurdish populations, who they believe would then push for greater autonomy.⁵ The issue of Kirkuk is thus not confined to Iraq's internal politics, but given its significant influence as a security threat to the region, changes in Kirkuk could affect regional politics as well. Thus, regional security is also a factor to consider when looking for a solution in the city. Set within this national and regional context, however, is a network of power systems and relationships within the city itself.

With the scene set for the political sphere in which Kirkuk is being negotiated, the next section will turn to the inner workings of the city, and to the many groups that claim ownership. Following a close look at the city, a third section will examine the consociation as a possible form of government, finally offering some conclusions about the feasibility and ramifications of such a system.

² Anderson, L. and Stansfield, G. *Crisis in Kirkuk : the ethnopolitics of conflict and compromise*, (Philadelphia: University of Pennsylvania Press, 2009). P. 4.

³ Sevim, T. V. (2014) "Rethinking past, today and future of Kirkuk and its black gold" *European Journal of Research on Education*, special issue, p12-16.

⁴ O'Leary, B.& Bateman, D. (2008) Article 140: Iraq's Constitution, Kirkuk and the Disputed Territories. Available at: http://www.kncna.org/docs/pdf_files/oleary_paper.pdf (Accessed: 18/1/2013).

⁵ CKRO 'Centre for Kirkuk Referendum Operations', (2014) *Regional Stability*. Available at: <http://ckro.georgetown.edu/questions/stability/> (Accessed: 3 April 2014)

The Complexity of Kirkuk

Kirkuk is recognized for its distinctive history that includes centuries of ethnic, linguistic, religious and cultural diversity.⁶ This has gained the city its reputation as a cultural and cosmopolitan urban center. Today it is home to four communities: Kurds, Arabs, Turkmen, and Christians, and each proclaims the city as its own. The relative size of its ethnic groups can only be estimated, as no reliable figures have been generated since the 1957 census. Estimates put the total population of the governorate at close to 1.5 million, with between 800,000⁷ and 900,000⁸ living in the city itself. Given the uncertainty of the statistics, it is hard to be precise about the relative size of each community. However, the results of the 2005 and 2009 elections indicate that the Kurds have either a large plurality or small majority, compared to the Arab and Turkish populations which both make up significant minorities.⁹ What can be said, is that the creation of the state of Iraq by the British in 1921, that rearranged regional power politics, critically undermined centuries of peaceful coexistence. The balance of power in the city was then further and fundamentally changed after the discovery of oil in the city in 1927.

It was when Kirkuk became the centre of Iraq's oil industry that the first phase of its Arabization began, initiated by the new Iraqi government. Arabization—a deliberate political process that sought to change non-Arab cultural identity—was undertaken by various Iraqi governments for nearly seventy-five years. The Kurds and Turkmen of the city became the policy's main victims. It is partly due to the efforts at privileging Arab culture above other groups in the city that Kirkuk is not just a divided place, but also became polarized around both ethnicity and religion. As such, the city falls well within the definition of a polarized urban center, where "two or more ethnically conscious groups—divided by religion, language, and/or culture and perceived history—coexist in

⁶ Galleti, M. (2005) 'Kirkuk: The Pivot of Balance in Iraq, Past and Present', *Journal of Assyrian Academic Studies*, 19(2), pp. 21-42

⁷ International Crisis Group (ICG). 2006. *Iraq and the Kurds: The brewing battle over Kirkuk*. Middle East Report 56, 18 July

⁸ Inter-agency Information and Analysis Unit. (2010) *Kirkuk Governorate Profile*. Available at: <http://www.iauiraq.org/reports/GP-Kirkuk.pdf> (Accessed: 5/10/2011)

⁹ Anderson, L. 'Power-Sharing in Kirkuk: Conflict or Compromise?', *Globalization, Urbanization and Ethnicity Conference*. Ottawa, 3-4 December 2009.

a situation where neither group is willing to concede supremacy to the other.”¹⁰ Indeed, it was ethnopolitics that was behind the very process of Arabization, as Letayf argues, and was deliberately designed by Baghdad to offset the ethnic balance in Kirkuk.¹¹ This process went alongside the gerrymandering of the governorate’s borders, which saw four Kurdish districts detached from Kirkuk in order to shrink the size of the Kurdish population in the area.¹² This resulted in ethnic composition change in Kirkuk and reduced its geographical size from 20,000 km² in the 1930s, to 9,679 km² today, roughly half its previous size.¹³

Regardless of the racial and cultural politics that have been at play in Kirkuk, each of the three main groups in the city maintains their own story; their own history that lays claim to the origins of the city and thus their right to control over it. This prompts the question of who has the right to govern the city, and the resulting power struggle between the disparate groups over who should be in power has been Kirkuk’s defining feature since 2003. With the identity of the city contested, and the ethnic and religious makeup of its inhabitants uncertain, the question of how to go about power sharing is hotly debated.

Further compounding the problem of Kirkuk is its future status. According to Article 140 of the Iraqi Constitution, the future status of Kirkuk should have been decided by a referendum by 31 December 2007. This deadline has long since passed and the status quo prevails; Kirkuk remains with an unresolved status. Threats to resolutions could escalate the tension between the central government of Baghdad and the Kurdistan Region, resulting in violence, and even civil war. For both Baghdad and the Kurdistan Regional Government (KRG), the two most influential actors in the city, local politicians have become weak and even marginal. This puts the problem of governance beyond the control of local elites, adding to the complexity of Kirkuk.

¹⁰ Hepburn, A.C. *Contested Cities in the Modern West*, (New York: Palgrave MacMillan, 2004). P.2.

¹¹ Letayf, P. (2011) *An Ethnic Tug-of-War? The Struggle Over the Status of Kirkuk*. Available at: http://www.tuftsgloballeadership.org/files/resources/nimep/v5/NIMEP_Insights_2011_65-86.pdf (Accessed: 15 May 2012)

¹² Bollens, S. 'Governing polarized cities', in McEvoy, J. and O'Leary, B. (eds) *Power sharing in deeply divided places. 1st edn*. (Philadelphia: University of Pennsylvania Press, 2013) p. 354

¹³ Anderson, L. (2009) 'Power-Sharing in Kirkuk: Conflict or Compromise?', *Globalization, Urbanization and Ethnicity Conference*. Ottawa, 3-4 December 2009. p.30.

The effect of the polarized city is wide-ranging, and linked to the failure to achieve national reconciliation, stability, and enduring peace. The city, though complex, is not unique in this regard. In searching for a political solution, a comparison with other divided cities becomes useful. In a comparative analysis of seven polarized cities, Brussels, Johannesburg, Belfast, Sarajevo, Jerusalem, Baghdad, and Kirkuk, Bollens classifies these cities into three categories¹⁴: (1) sustainable cities which includes Brussels (Belgium) and Johannesburg (South Africa) where there is power sharing and stability of the local and national state; (2) fragile cities covering Belfast (Northern Ireland) and Sarajevo (Bosnia and Herzegovina), where although there has been some progress, local governance arrangements are not sufficiently stable and are vulnerable to relapse; and (3) the combustible cities of Jerusalem (Palestine), Baghdad and Kirkuk, where it is not only the cities but also power sharing itself which is contested and has the potential for further instability. He concludes that these combustible cities can be major obstacles to national peace agreements.

In terms of the cities Bollens analyses, Kirkuk seems most similar to the Brčko district in Bosnia: both areas are disputed between groups within a sovereign state.¹⁵ while Kirkuk is contested by Baghdad and Erbil in Iraq, Brčko is claimed by the Muslim-Croat Federation and Republica Srpska in Bosnia. Both cases are flashpoints within their respective countries; Brčko remained so divisive that the issue of governance was left unresolved in the Dayton Peace Accord.¹⁶ While the future of Kirkuk has not yet been settled, that of Brčko, thanks to international arbitrators, has been granted a special status. Another relevant example is the case of Mostar (Bosnia), which is similar to Kirkuk in its pre-war diversity and post-war division. While these provide insightful comparison, Kirkuk has more stakeholders and a greater ethnic and religious diversity than any of the cities or regions under consideration. Even more important, it is the

¹⁴ Bollens, S. 'Governing polarized cities', in McEvoy, J. and O'Leary, B. (eds) *Power sharing in deeply divided places*. 1st edn. (Philadelphia: University of Pennsylvania Press, 2013).

¹⁵ Wolff, S. (2010) 'Governing (in) Kirkuk: resolving the status of a disputed territory in post-American Iraq,' *International Affairs*, 86(6), p. 1364

¹⁶ Tuathail, C. D. a. G. O. (2006) 'Bosnia's Third Space? Nationalist Separation and International Supervision in Bosnia's Brčko District', *Geopolitics*, 11, pp. 651-657.

only one of the cities with abundant natural resources, making it unique among disputes over territorial ownership.¹⁷

Consociational Democracy: Corporate or Liberal Consociation?

It is widely accepted that ethnic and other societal divisions pose enormous obstacles for democracy, and that it is more difficult to achieve and sustain democracy in divided societies than in homogeneous ones. John Stewart Mill's scepticism with regard to the possibility of democracy in divided societies is probably the most widely cited scholarly reflection, best known among scholars for the assertion that democracy is "next to impossible in a country made up of different nationalities."¹⁸ The idea that such social fragmentation must inevitably be a serious obstacle to realizing stability and democracy was eventually challenged by Arend Lijphart's theory of a new form of government: Consociational Theory. Developed with reference to the political systems of the Low Countries, Switzerland and Austria, in the late 1960s, Lijphart examined the process of consociational democracy, and worked to identify it as a particular type of democratic system. He followed this with further studies of political stability in cases of deeply fragmented societies, until he eventually published his ground-breaking work *Democracy in Plural Societies* in 1977.¹⁹ Here Lijphart argues that power sharing is the only institutional arrangement in which the demands and interests of segmented groups can be accommodated.²⁰

Lijphart went on to identify four basic elements that identify what he called "complete consociational democracies," namely: grand coalition, proportionality, mutual veto, and segmental autonomy. He later refined his theory, maintaining the necessity of both a grand coalition and segmental autonomy for true consociational democracy to be

¹⁷Anderson, L. and Stansfield, G. 'Crisis in Kirkuk : the ethnopolitics of conflict and compromise,' (Philadelphia: University of Pennsylvania Press, 2009) p.9

¹⁸ Lijphart, A. (2004) 'Constitutional design for divided societies', *Journal of Democracy*, 15(2), pp. 96-97.

¹⁹ Wolff, S. (2011) 'Post-Conflict State Building: the debate on institutional choice', *Third World Quarterly*, 32(10), pp. 1777-1802

²⁰ Lijphart, A. (2004) 'Constitutional design for divided societies', *Journal of Democracy*, 15(2), p.96

realized, but redefining as secondary elements both proportionality and mutual veto. The theory also looks at two different models of consociational democracy: corporate and liberal, with the latter being for him the preferred model.²¹ With a corporate consociation, there are ascriptive characteristics of ethnic groups and power-sharing arrangements are in the form of collective self-government. Liberal consociation, on the other hand, sees ethnicity as malleable and changeable, and leaves room for emerging groups. This explains the case of Kirkuk, for example, where people who do not belong to one of the main ethnic groups can assume office, thus leaving room for the shifts in collectives.

In Iraq, consociation is not a new practice; in fact, it began as an institutional mechanism for managing conflict in 2003. This first stage, it could be argued, fitted more into the framework of corporate consociation. For example, when the Governing Council's 25 members were appointed—soon after the replacement of the former regime by the Coalition Provisional Authority (CPA)—the members were selected based on their religious and ethnic identities. By 2005, however, the Iraqi constitution was enforced in favour of liberal consociation and was by and large compatible with the principles of liberal consociation.²² McGarry and O'Leary, observing the transition from corporate to liberal, applauded the change, saying that corporate consociational arrangements would have been unstable and unfair in Iraq, since it would have privileged certain ascriptive identities at the expense of those who hold either no group identity, or that of other groups. Applying this same thinking to Kirkuk, citizens who are not Kurds, Arabs, Turkmen, or Christians or who do not want to define themselves ethnically, will be excluded from taking the highest offices of the governorate, leading to the creation of second-class citizens. A liberal consociation, on the other hand, argued McGarry and O'Leary, avoids privileging certain group identities over others and remains responsive to demographic shifts.

Kirkuk can be seen as a microcosm of Iraq not only because of its diversity but also in how it has dealt with the transition from corporate to liberal consociation following the ratification of the constitution. This difference, of course, is that consociation has been embedded in the Iraqi constitution while consociationalism has not yet been formally

21 Lijphart, A. (2008). *Thinking about democracy: power sharing and majority rule in theory and practice*. London: Routledge.

22 McGarry, J., & O'Leary, B. (2007). Iraq's Constitution of 2005: Liberal consociation as political prescription. *International Journal of Constitutional Law*, 5(4), 670-698.

adopted in Kirkuk. If one considers the three governments that have been formed in Kirkuk since 2003, the first two governments—both formed under U.S. military supervision—could largely be characterized as corporate. Although independent figures were included, the seats were distributed on the basis of ethnic background and each group was given a specific number of seats. However, the third government—formed in 2005—was based on the outcome of provincial elections, with political parties securing seats based on election results. In other words, there were no agreements to distribute the provincial council seats among Kurds, Arabs, Turkmen, or Christians based on a fixed formula, rather parties competed with each other to win the majority of council seats. Thus, the principles of liberal consociation, though not yet adopted, incrementally replaced those of corporate consociationalism in Kirkuk.

While the constitution marks the main difference between Iraqi national politics and the specific situation in Kirkuk, there is also a legal move toward liberal consociation in the city. For example, in Order 71 under CPA and Law 21 (2008), which set out the clear division of local government seats in the province, there are clear references to a fixed formula for distributing positions within the Kirkuk governorate. Practically, however, with the assistance of the U.S., the groups reached an agreement to distribute the council seats in the first two governments based on ethnicity, as occurred in the case of Brčko in Bosnia and Herzegovina. By the time of the 2005 council formation, however, there had been a dramatic shift from corporate into liberal consociation. Both the legal framework of the country and its basic constitution support the formation of a liberal consociation. Embracing it formally, however, will ultimately be subject to political compromise and mutual understanding. While a challenge to formalize, such an outcome is likely given the extent of elite cooperation in the country.

The Necessity of Consociational Democracy for Kirkuk

Scholars differ on the most effective institutional design for divided societies, but given the case of Kirkuk and the available research on similar cases, it is clear that a consociational system would work in Iraq. As O'Flynn and Russell note, "it is widely accepted by political analysts and policy makers alike that power sharing is the most viable democratic means of managing conflict in divided societies."²³ So while a default democracy remains in theory the majoritarian model where 'winner takes all', viable

²³ O'Flynn, I. and Russell, D. 'Power sharing : new challenges for divided societies', (London: Pluto, 2005) p.1

alternatives exist, and have been shown as effective. Moreover, in the case of Iraq and Kirkuk, the majoritarian model would threaten stability regionally.

In a majoritarian democracy, candidates that represent society's majority generally form the government, and the opposition is formed of minority groups. This involves the monopolization of power by a party, group, faction or even a person—the opposite of power sharing.²⁴ In plural societies, Lijphart argues, "majority rule is not only undemocratic but also dangerous," since minorities are repeatedly denied access to power and this creates a situation in which they feel excluded and discriminated against, which in turn might make them disloyal to the government.²⁵ Instead, Lijphart suggest, plural societies need a democratic regime that asserts consensus instead of opposition, inclusion rather than exclusion, and that maximizes the size of the governing majority. Or as O'Leary puts it, "Consociationalists want majorities – rather than *the* majority or *the* plurality."²⁶

In Kirkuk, the implementation of a majoritarian system would mean certain exclusion of a number of ethnic and religious groups. This sort of exclusion was seen under Saddam Hussein when the Kurds, Turkmen, and Christians were largely excluded from official politics. As part of, or resulting from, such an Arab majoritarian program, Kirkuk was the site of ethnic cleansing, coercion and assimilation attempts, and even crimes against humanity. In order to ensure a political system that accommodates ethnic differences, and to make sure such oppression as occurred under the majoritarian system is not repeated, a sort of power sharing arrangement must be considered for Kirkuk. Power sharing, in a consociational system, has been shown to "avoid the compulsory integration of peoples; instead they seek to manage differences equally and justly," and protect those who would like to have their identity counted differently.²⁷

²⁴ O'Leary, B. 'Power sharing in deeply divided places: an advocated introduction', in McEvoy, J. and O'Leary, B. (eds) *Power sharing in deeply divided places*. 1st edn. (Philadelphia: University of Pennsylvania Press, 2013)p.2

²⁵ Lijphart, A. 'Patterns of democracy : government forms and performance in thirty-six countries' (New Haven: Yale University Press, 1999) pp. 31-32

²⁶ O'Leary, B. 'Debating consociational politics: normative and explanatory arguments', in Noel, S. (ed.) *From Power sharing to democracy : post-conflict institutions in ethnically divided societies*. (Montreal: McGill-Queens University Press, 2005) p.10.

²⁷ O'Leary, B. (1999). The nature of the British-Irish agreement. *New Left Review*, 66-96.

Indeed, where majoritarian models see segmental cleavages as a threat, the consociational approach views them as the basic building blocks of political engagement and assumes that the best way to deal with divisions in societies is to take them seriously. This means recognizing and institutionalizing groups as separate or distinctive entities within the framework of power sharing.²⁸ Consociationalists believe that certain collective identities are generally durable once formed, especially those based on ethnicity, language, nationality, and religion.²⁹ These collective identities have proven to be real and durable in Kirkuk, and have often been mobilized as part of a politics of antagonism.

Consociational democracy is further possible under the current constitution of Iraq, which sets out three options for the status of Kirkuk: a governorate under the authority of central government; a part of the Kurdistan region; and an autonomous region or part of a region with one or more governorates.³⁰ Whatever the future status of Kirkuk, a sort of local power sharing arrangement must be formalized. This is possible under the current legal framework and likely, given the makeup of the city. The ideal formalization of power—which should be pushed for—seems to be the third option: the creation of an autonomous region. According to the constitution of Iraq, an autonomous region would enjoy significantly more executive and legislative powers than a governorate. Under the first two options, Kirkuk would remain a governorate under the regional control of either Baghdad or Kurdistan, while as an autonomous region, it could adopt its own regional constitution.³¹ In the latter case, it could formally adopt consociation. However, even if it remains a governorate there is no legal obstacle to prevent it from adopting consociation.

Just because there is no legal obstruction to the formation of a consociational democracy in Kirkuk does not mean that there are no challenges to such an option. Horowitz, for instance, raises the majority-minority question and argues that when such

²⁸ O'Flynn, I. and Russell, D. 'Power sharing : new challenges for divided societies', (London: Pluto, 2005) p.4

²⁹ O'Leary, B. 'Debating consociational politics: normative and explanatory arguments', in Noel, S. (ed.) *From Power sharing to democracy : post-conflict institutions in ethnically divided societies*. (Montreal: McGill-Queens University Press, 2005) p.8.

³⁰ Iraqi Constitution, 2005.

³¹ Wolff, S. (2010) 'Governing (in) Kirkuk: resolving the status of a disputed territory in post-American Iraq', *International Affairs*, 86(6), p. 1374

a formulation exists, the consociational approach cannot offer an adequate explanation of why the majority group should share power with other minority groups.³² Anderson likewise argues that in a situation where no single group constitutes a majority, the incentive issue is not a great concern. Under majority-minority conditions, however, questions as to why a majority group should willingly acquiesce in arrangements that are deliberately designed to dilute its power will be raised.³³ Indeed, Horowitz critically asks, “why should majority-group leaders, with 60 per cent support, and the ability to gain all of political power in a majoritarian democracy, be so self-abnegating as to give some of it away to minority-group leaders?”³⁴

This point matters in the case of Kirkuk because, based on the election results of 2005 and 2009, the Kurds are in either a large plurality or a small majority, whereas Arabs and Turkmen are two significant minorities.³⁵ In other words, the Kurds, as the majority group, can win any election and govern Kirkuk alone. Moreover, they have a strong historical, symbolic, geographical and moral claim to the city. Under these circumstances, an important question arises, “Why, then, would the Kurds voluntarily share power with Arab and Turkmen political leaders who have dedicated themselves since 2003 to thwarting the Kurds at every turn?”³⁶ In answering, O’Leary convincingly explains that under three conditions, the majority group may have an incentive to voluntarily share power with a minority group.³⁷ The first is when minorities are set up to use blackmail and resources for their own benefit or to undermine the majority party.

³² Horowitz, D. ‘Constitutional Design: Proposals versus Processes’, in Reynolds, A. (ed.) *The architecture of democracy : constitutional design, conflict management, and democracy*. (Oxford: Oxford University Press, 2002) p.20

³³ Anderson, L. ‘Power-Sharing in Kirkuk: The need for compromise’, in J. and O’Leary, B. (eds) *Power sharing in deeply divided places*. 1st edn. (Philadelphia: University of Pennsylvania Press, 2013) pp.372-4.

³⁴ Horowitz, D. ‘Constitutional Design: Proposals versus Processes’, in Reynolds, A. (ed.) *The architecture of democracy : constitutional design, conflict management, and democracy*. (Oxford: Oxford University Press, 2002) p.20.

³⁵ Anderson, L. ‘Power-Sharing in Kirkuk: Conflict or Compromise?’, *Globalization, Urbanization and Ethnicity Conference*. Ottawa, 3-4 December 2009.

³⁶ Anderson, L. ‘Power-Sharing in Kirkuk: The need for compromise’, in J. and O’Leary, B. (eds) *Power sharing in deeply divided places*. 1st edn. (Philadelphia: University of Pennsylvania Press, 2013) p.376

³⁷ O’Leary, B. ‘Debating consociational politics: normative and explanatory arguments,’ in Noel, S. (ed.) *From Power sharing to democracy : post-conflict institutions in ethnically divided societies*. (Montreal: McGill-Queens University Press, 2005) pp.21-22

The second is when there is a risk of altering the segmental balance of power due to the growth rate of a minority, in other words, where a majority might be in danger of losing its majority in the future. The third is when the majority group feels a responsibility to treat minorities generously in compensation for historic maltreatment. According to Anderson, the second and third of these conditions are irrelevant in the case of Kirkuk.³⁸ He argues that the Kurds, as a majority group, have a higher birth rate than Arabs and Turkmen, and have been historic victims of the program of Arabization. As for the first condition, he thinks that although it is relevant to Kirkuk, it is unlikely be a sufficient incentive for the Kurds to agree upon equal power sharing as demanded by Arabs and Turkmen.

A more nuanced reading, however, might see the first two conditions as not only relevant, but also the most influential given the political landscape within which Kirkuk is embedded. Firstly, Turkey as a powerful regional actor supports the Turkmen segment in Kirkuk. The KRG currently has strong political, diplomatic and economic relations with Turkey. It is unlikely that the Kurds would jeopardize this important relation by excluding the Turkmen from power within Kirkuk. Likewise, the Arabs have supporters in Baghdad and are probably backed by neighbouring Arab countries as well. If the Kurds as a majority group do not share power, they would be putting themselves under severe national and regional pressure, which is clearly not in their interest. Finally, Anderson appears to miscalculate the rates of population growth of the groups in the city. While there is no accurate or reliable census, anecdotal evidence suggests that the birth rate of Arab families is higher than that of Turkmen or Kurds, simply because their average family size is larger. This changes the third factor that Anderson defines as important for the power sharing of the future, but does not change the overall need to secure a representative system.

Perhaps most convincing for the argument of consociational democracy in Kirkuk is the fact that in practical terms, political leaders of the main three groups in the area have worked together for the past decade and a sort of power sharing is already in place. This means that there is a decade of experience with the type of cooperation necessary for consociations. This is an important precondition for the success of any subsequent power sharing arrangement. In addition, local officials from different groups believe in

³⁸ Anderson, L. 'Power-Sharing in Kirkuk: The need for compromise', in J. and O'Leary, B. (eds) *Power sharing in deeply divided places*. 1st edn. (Philadelphia: University of Pennsylvania Press, 2013) p.377

the importance of the principle of power sharing. The only thing that remains is to agree upon a specific power sharing formula. As it stands, laws on language and religion put in place in Kirkuk mean that a sort of functional autonomy or non-territorial autonomy exists. For instance, the signs of all directorates are written in four languages and each group can study in their language and practice their religion. Although there are some disagreements, public employment is also generally distributed based on the proportionality principle. So, out of the four characteristics of consociation (grand coalition, segmental autonomy, proportionality and mutual veto), three of them, including the two main elements, are already in place in Kirkuk. This bodes well as an indicator that if consociation is prescribed in the city, it will work.

What emerges then is the distinct advantage of a consociational democracy in Kirkuk. All of the indications show that even if the Kurds are the majority, they cannot run the city or its region unilaterally; excluding Arabs and Turkmen from power is dangerous and would lead to communal violence. Moreover, the political situation of the last decade in Kirkuk has proved that the groups have principally agreed on power sharing. The only outstanding factor is to determine which model of power sharing should be adopted, and the indication here is that consociation would be effective and viable.

Conclusion

The description of Kirkuk provided here can be seen as a microcosm for the larger issues in Iraq, in particular with regards to the country's diversity and complexity. The issue of Kirkuk is one of the most intractable problems of Iraq, and an escalation there could damage the nation's overall stability. Any solution for the future governance of Kirkuk can positively affect not just the political process in the city but in Iraq as a whole.

Whether Kirkuk remains as it is or is incorporated into the Kurdistan region, a sort of local power sharing arrangement in the form of consociation is necessary. A look at the current formulas of power, the local, regional, and historical context, all suggest that consociation is the most appropriate institutional mechanism for managing conflict and building a stable government for the divided city of Kirkuk. Moreover, the political situation of the city and the experience of the last decade among the three main groups indicate that consociation is possible. Finally, as the tension between Baghdad and Erbil over Kirkuk is related more to its future administrative status than its local governance, consociation means the powers are less likely to block the attempts of formally adopting

power sharing, especially if the three main groups of Kirkuk (Kurds, Arabs, and Turkmen) can reach a compromise on this issue among themselves.

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