A SOLUTION TO KIRKUK'S STATUS PROBLEM: AUTONOMY ENHANCED WITH POWER-SHARING[*]

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Abstract

In this study, Kirkuk's status problem is evaluated. The administrative status of Iraq's Kirkuk province has not been designated since the US invasion of Iraq in 2003. Therefore, Kirkuk is still one of the disputed territories within Iraq. Although the Iraqi Constitution, which entered into force in 2005, set a deadline for determining the status of disputed territories, including Kirkuk, with a deadline of 31 December 2007, the legal process has not yielded any results. Regardless of the legal process, the efforts to obtain Kirkuk through the use of force, as did the Kurds in 2014, have made the problem even more complicated instead of solving it. Thus, the problem has to be solved by a political agreement. In this context, this study advocates autonomy enhanced with a power-sharing model for Kirkuk. Accordingly, Kirkuk should first become an autonomous province within Iraq. Then the legislative, executive and judicial powers within this autonomous structure should be shared among Turkmen, Arabs, Kurds, and Assyrian Christians.

Keywords: Kirkuk, Iraq, Autonomy, Power-sharing, Special Status

KERKÜK'ÜN STATÜ SORUNUNA BİR ÇÖZÜM: GÜÇ-PAYLAŞIMI İLE GÜÇLENDİRİLMİŞ ÖZERKLİK

Öz

Bu çalışma, Kerkük'ün statü problemini ele almaktadır. Irak'ın Kerkük vilayetinin idari statüsü, 2003 yılındaki Amerikan işgalinden bu yana belirlenebilmiş değil. Her ne kadar 2005'te yürürlüğe giren Irak Anayasası, Kerkük dâhil tartışmalı bölgelerin nihai statülerinin belirlenmesi için 2007 yılı sonuna kadar sonuçlanması beklenen bir süreci işaret etmiş olsa da vilayette yaşayan etnik gruplar arası anlaşmazlık neticesinde süreçten bir sonuç alınamamıştır. Bu nedenle Kerkük'ün idari statüsü halen daha belirsizliğini korumaktadır. Bu çalışma, Kerkük için etnik ve bölgesel çatışmaların çözüm yöntemleri ışığında bir çözüm önerisi geliştirmektedir. Kerkük'e benzer durumda olan çeşitli örnekler üzerinden şekillenen literatürde ön plana çıkan iki model, bu çalışmada Kerkük için uyarlanmıştır. Bu doğrultuda, Kerkük'ün öncelikle Irak içinde özerk bir il statüsü elde etmesi, daha sonra da bu özerk yapı içerisindeki yasama, yürütme ve yargı yetkilerinin Türkmenler, Araplar, Kürtler ve Asurîler arasında belirli oranlarda paylaştırılması

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savunulmaktadır. Böylece Kerkük'te yaşayan toplumların, Irak Merkezi Hükümeti'nin ya da Irak Bölgesel Kürt Yönetimi'nin kontrolüne girmeden Kerkük'ü kendi başlarına yönetmelerine imkân sağlanmış olacaktır.

Anahtar Kelimeler: *Kerkük, Irak, Özerklik, Güç-paylaşımı, Özel Statü*

INTRODUCTION

Kirkuk is a province/governorate in northern Iraq, located about 250 km north of the capital city, Baghdad. Despite uncertainty about its population, it is estimated to be around one and a half million. Geographically, the governorate occupies an area of 9,679 square kilometers. The principal inhabitants of the governorate are Turkmens, Kurds, Arabs, and a smaller community of Christians. This multi-ethnic province has been one of the most significant issues which have undermined the stability in Iraq since the American invasion in 2003. Disagreement among its ethnic groups, particularly between the Kurdish Regional Government (KRG) and Baghdad, about whether the administrative status of the governorate will be situated under the KRG or the central government in Baghdad hampers solving Kirkuk's final status.

According to the Iraqi Constitution, Kirkuk is one of the disputed territories in the country. In other words, the administrative status of Kirkuk is still uncertain. In the post-2003 period, while the Iraqi State was being rebuilt, the final status of some regions was not determined. It was not decided where to place these disputed territories within the federal structure of Iraq. Although the Iraqi Constitution, which came into force in 2005, proposed a process for disputed territories, the implementation of the relevant constitutional provisions was not possible in the process. Kirkuk is one of these disputed territories. The most crucial factor that distinguishes Kirkuk from other disputed territories is that it is geographically the largest, economically the richest and ethnically the most intermingled disputed territory. For these reasons, there has been no consensus in the process of solving Kirkuk's status problem.

Although the KRG took advantage of an opportunity in 2014, when the Islamic State of Iraq and the Levant (ISIL) increased its effectiveness in Iraq and took Kirkuk under control by force, the KRG had to leave Kirkuk as a result of an operation initiated by the Iraqi Army towards the end of 2017. It was revealed that Kirkuk, which could not reach a legal solution, could not achieve stability and solution through the use of force. Consequently, the political consensus remains as the only alternative to the solution of Kirkuk's status problem.

This study will try to discuss which solution mechanisms can be applied to the status of Kirkuk. In this context, first of all, the factual situation in Kirkuk will be discussed with its historical background. Then, the examples similar to Kirkuk that exist in the literature on the resolution of ethnic and territorial conflicts will be examined with both factual and

theoretical models. Finally, in light of the solution methods available in the literature, the most reasonable solution for Kirkuk will be analyzed. In this regard, this study will advocate autonomy with a special status in which a power-sharing model will be applied as a reasonable solution for Kirkuk's status.

One of the most significant factors which play a significant role in the problem is Kirkuk's oil-rich territory. 13% of Iraq's proven oil reserves exist underneath Kirkuk (International Crisis Groups-ICG- Report- 2008:1). For this reason, territorial control of Kirkuk will directly affect the rulers of the city, allowing them access to enormous oil resources (Hanauer & Miller, 2012:46). Both the KRG (Kurds) and the central government (Arabs) do not want their kinsmen to lose this oil-rich land with, whereas Turkmens and Christians worry that they may be oppressed minorities, either in the KRG or under the control of Baghdad. For this reason, the problem can only be solved by achieving a compromise that will satisfy all sides of the dispute.

1. RIVALRY, DEADLOCK, AND A QUEST FOR COMPROMISE IN KIRKUK

Despite the contemporary conflict between ethnic groups over the governorate's final status, Kirkuk had been a peaceful region for centuries by the time of discovery of oil under its land in the 1920s. Although all four ethnic groups had composed the population in Kirkuk for centuries, the main character of the city had been Turkmen until the Iraqi governments started to change the demography of the city in order to control and exploit its oil reserves.

The British Oriental Secretary Gertrude Bell, in her report to British Government during the mandate in Iraq, acknowledged the Turkish character of Kirkuk: "*the inhabitants of Kirkuk are largely of Turkish blood ...... descendants of Turkish settlers dating from the time of Saljuqs*" (1920: 47). Additionally, H.E. Wilkie Young, the British vice-consul in Mosul in 1910, proved the reality and prominence of the Turkmen history in Kirkuk: "*There are 7,000 houses in the town of Kirkuk, and the population is not less than 40,000, of whom about 2,500 are Jews and only 630 Christians. The rest are Moslems of Turkoman origin. The language of the place is consequently Turkish*" (Güçlü, 2007). Furthermore, a report issued by the Iraqi Turkmen Human Rights Research Foundation (2008:13) provides a description of Kirkuk by Hanna Batatu, a distinguished historian on the modern Iraqi history: "*Kirkuk had been Turkish through and through in the not too distant past. By degrees, Kurds moved into the city from surrounding villages ... By 1959, they had swollen to more than one-third of the population, and Turkmens had declined to just over half.*" However, Batatu's description might imply that Turkmens were the prominent ethnic group in "*the city of Kirkuk,*" whereas Kurds composed the majority in rural areas of the province.

According to the 1957 census, there were 45,000 (38%) Turkmens, 40,000 (33%) Kurds, 27,000 (22%) Arabs, and 8,000 (6%) Assyrian Christians in the city of Kirkuk (Ezzat, 2012:58). However, Kurds had a significant lead over Arabs and Turkmens in the province as a whole, with 48%, 28%, and 21%, respectively (Barkey, 2009:16). However, Kirkuk's demographic structure was torn down during the Baathist regime under Saddam Hussein, who conducted an "*Arabisation*" policy in Kirkuk in order to control this oil-rich governorate. During the Arabisation policy, around 250,000 non-Arabs in Kirkuk were displaced from the region and replaced with Arabs from central and southern Iraq (Ferris & Stoltz, 2008:1). Besides, non-Arab Kirkukis were forced to change their ethnic identity and join the Baath Party (Ferris & Stoltz, 2008: 1). Therefore, Kirkuk's demography changed in favor of Arabs under the Baath regime. A census conducted in 1977 showed this shift, with Arabs forming 44% and Kurds 38% of the province (Dewhurst, 2006:6). Similarly, another census held in 1997 illustrated how Arabs had become the significant majority in the province in the course of Arabisation policy with 72%, whereas Kurds and Turkmens made up 21% and 7%, respectively (Anderson & Stansfield, 2009:43).

Since the collapse of Saddam Hussein's regime after the American invasion in 2003, Kirkuk has endured another demographic alteration through the actions of the Kurdish Regional Government and Kurdish parties. Since the end of the Baath regime, thousands of Kurds had returned to Kirkuk, taking action for the properties lost when they were displaced (Dewhurst, 2006:7). Kurdish political parties, in particular, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have assisted Kurds in settling in Kirkuk by funding them. Each family that returns to Kirkuk was paid $6,000 by the PUK as the governor of Erbil admitted (Ghanim, 2011: 182).

Kurds consolidated not only their demographic power but also their administrative and militant power in Kirkuk after the fall of Saddam Hussein, particularly the 2014-2017 periods. The Kurdish Regional Government (KRG) and its security force, the Peshmerga fighters, monopolized their power in Kirkuk, neglecting non-Kurds (Turcan, 2011:107). According to Turcan (2011:107), the US powers in Kirkuk "*intentionally or unintentionally, let and legalized this 'de facto' consolidation of the authority of the KRG in administration and security in Kirkuk.*" Richard Oppel (August 19, 2008), of the New York Times, pointed out that "*In addition to the provincial government and command of the police, Kurds control the Asaish, the feared undercover security service that works with the American military and, according to Asaish commanders, the United States intelligence agencies ... The leaders of the Asaish report only to the KDP and the PUK*". Therefore, similar to Saddam's Arabisation policy, the KRG has conducted a "*Kurdification*" policy in Kirkuk to catalyze to incorporate it into the Kurdish region. Kurdish authorities put great emphasis on Kirkuk. The leader of the PUK, who would later become

the first president of Iraq, Jalal Talabani, called Kirkuk "*the Jerusalem of Kurdistan*" in order to emphasize the importance of Kirkuk in the Kurds' national story (Natali, 2008:437; Güçlü, 2007; Ferris & Stoltz, 2008:4).

In order to find a final solution for Kirkuk's status, Iraq's post-war constitution contained provisions relating to the issue. According to Article 58 of the interim constitution, the Transitional Administrative Law (TAL) issued in 2003, the executive authority in coordination with the Iraqi Property Claims Commission (IPCC) should act to take measures to remedy demographics, property and deportation problems caused by previous regimes to alter the demographic character of certain regions, including Kirkuk (Ferris & Stoltz, 2008:2). The article states that the status of such disputed regions shall not be determined until the necessary steps have been taken in order to provide a normalization, including the return of Internally Displaced Persons (IDPs), recompensing them for lost properties, and the reversal of border alterations. In addition to normalization, the law also states that, once the normalization has been achieved, a census should be held and a permanent constitution should be ratified so as to determine the status of disputed territories (Ferris & Stoltz, 2008:2).

When the permanent Iraqi constitution was ratified in 2005, Article 58 of the TAL was converted into Article 140 of the constitution. Article 140 stipulates three steps for resolving disputed territories: normalisation, a census, and a referendum. Therefore, that is to say that once the normalization has been achieved and a census has been held in Kirkuk, a referendum would be held to determine the will of its citizens and whether they are to incorporate into the Kurdish Region or remain in Iraq (Wollf, 2010:1361). The Iraqi constitution specified the date of 31 December 2007 as a deadline to implement a referendum in Kirkuk. However, although the deadline for the referendum to determine the final status of Kirkuk passed, not only has no referendum been implemented yet, but also normalization and a census has not been achieved in Kirkuk.

Kirkuk's status problem has become a complex issue because of the competing, thus mostly mismatching, claims of the different sides (Kurds, Turkmens, and Arabs), lack of trust among the participants, and international interference. As many describe it, Kirkuk's status problem is a "*powder keg*" in Iraq (Oppel, August 19, 2008; Al-Mufti, September 18, 2017; Menmy, January 14, 2019). Therefore, Kirkuk faces an inter-ethnic conflict that has the potential to spread to other parts of Iraq (Barkey, 2009:16). The importance of Kirkuk for Iraq's security and integrity, in general, was revealed in September-October 2017.

KRG leader Massoud Barzani, who seized Kirkuk militarily in 2014 with the opportunity of ISIS's advance in Iraq, included Kirkuk in the independence referendum held in September 2017. Baghdad reacted harshly to Barzani's attempt to achieve independence by pulling Kirkuk out of Iraq with a fait accompli. As a result, the Iraqi Army launched a military operation against the Kurdish military force, the Peshmerga, and the Barzani

forces were forced to retreat. Thus, the Iraqi central government regained control of Kirkuk and Iraq barely escaped a major internal conflict that could lead to the country's disintegration. However, there is still no agreement on Kirkuk. This situation shows that Iraq, which has gone through a chaotic process for various reasons, may enter a new process of fragmentation at any time due to Kirkuk. For this reason, the deadlock in Kirkuk should be resolved as soon as possible by a permanent and reliable agreement.

2. AUTONOMY FOR KIRKUK

2.1. Autonomy in Divided Societies

In order to settle such conflicts in divided societies akin to the Kirkuk case, the literature contains a variety of dispute resolution mechanisms that can be divided into prominent groups: (1) territorial solutions and (2) administrative regulations. When it comes to territorial solutions, autonomy is the most prominent one. The territorial autonomy mechanism offers a peaceful settlement compatible with the territorial integrity of the host-states. Wolff (2003; 2005; 2012), Wolff and Weller (2012), and Rothchild and Hartzell (1999) provide a wide range of ethnic conflict settlements resolved by autonomy regulations in ethnically divided societies.

As a political arrangement, autonomy regulations naturally have a variety of implementations. Therefore, this diversity is echoed in defining the term in political science. In Harff and Gurr's (2004:221) words, autonomy is "*a political arrangement in which an ethnic group has some control over its own territory, people, and resources but does not have independence as a sovereign state*". Hannum and Lillich (1980: 859) emphasize the independence of an autonomous entity in internal affairs, stating that "*autonomy is understood to refer to independence of action on the internal or domestic level, as foreign affairs and defence normally at the hands of the central or national government...*" Donald Rothchild and Caroline A. Hartzell (1999:259), in their statistical work on territorial autonomy, define the term "*as an institutional arrangement that delimits a regionally-based, self-administering entity or entities within a state as having explicit policy-making responsibilities in one or more political, economic or cultural spheres*".

Irrespective of the content and detail of the above interpretations, one main shared feature in them is the diffusion of certain powers from a central government to a sub-state entity, and the relatively independent performance of these powers (Wolff, 2012:28). An autonomous entity, therefore, has constitutionally entrenched executive, legislative, and judicial powers to various extents (Wolff, 2012: 28). Transferring certain powers to self-governing entities can assure minority ethnic groups about their ability to control political, cultural, and economic matters, which are substantial to "*the maintenance of communal identities and interests*" (Rothchild & Hartzell, 1999:259). Consequently, autonomy, preventing both territorial

secessions and ethnic oppressions, assures the survival of ethnic groups as well as the integrity of states in divided societies. Contemporary examples of such kinds of territorial autonomy structure include the Aland Islands (Finland), Gagauzia (Moldova), South Tyrol (Italy), and the Basque Country (Spain).

Although autonomy is mostly used to grant self-rule to a compact ethnic group in a defined territory, it can also be used for ethnically intermingled territories in a country. For example, Northern Ireland, where two major ethnoreligious groups – unionist/protestant and nationalist/catholic – live together, has an autonomous status that makes it independent from the United Kingdom in internal affairs. Similarly, in the case of South Tyrol, too, more than one ethnic group enjoys the autonomous status of the region. In South Tyrol - a trilingual area of northern Italy where German speakers constitute two-thirds of the population, Italians are about thirty percent and Ladins are four percent – the special regulation in 1972 and its revised version in 2001 provided the region with comprehensive legal and administrative powers and reduced the influence of the central government on some important issues. (Wolff, 2003:116; 2005:124). Therefore, altogether three ethnic groups in South Tyrol benefit from the autonomous status of the region.

When an autonomous region is shared by more than one ethnic group, various other forms of conflict management regulations are also applied to the region as an addition to autonomy. In order to prevent one ethnic group from abusing the devolved powers, one of the significant additions to autonomy is to create a power-sharing structure in the given territory (Wolff & Weller, 2005:20).

2.2. The Relevance of Autonomy to Kirkuk

The first step to finding a solution that will satisfy all sides in Kirkuk may be to give Kirkuk autonomy or a special status that provides autonomy. Hanish (2010:22) states that autonomy for Kirkuk is almost impossible because, according to the Regions Law, a two-thirds vote is needed to establish a region in Iraq. For this reason, Kane (2010:3) claims that Article 123 of the constitution could be used to create a special governorate in Kirkuk, rather than granting it autonomous status under the Regions Law. The Article allows the central government to transfer some powers to governorates, making them less dependent on Baghdad. Wolff (2010:1376) puts forward the idea that special status for Kirkuk is the only viable option on the table without destabilizing Iraq, at least in the medium term.

Instead of situating Kirkuk either in the KRG or under the political control of the central government, Kirkuk could be granted an autonomous status which allows the governorate not to be under the direct influence of the KRG or Baghdad. An autonomous Kirkuk governorate has the potential to alleviate the tension, reach an agreement, and end the conflict in Kirkuk because "*it is consistent with the current realities in Iraq*" (Nasri & Salimi,

2013:91). Implementation of Article 140 to hold a referendum in order to decide whether Kirkuk will remain as a governorate or be situated in the KRG seems almost impossible. The current stalemate over Kirkuk's status has a destabilizing effect on relations among all the ethnic groups. Therefore, autonomy could be the most feasible, which does not require a referendum but requires a compromise between all sides.

Kirkuk could be less dependent on both the KRG and Baghdad in two ways: (1) by becoming an autonomous federal region, or (2) by gaining special status as a free-standing governorate. In both cases, Kirkuk would have devolved powers in execution, legislation, and the judiciary to some extent in accordance with the constitution. Kirkuk could be granted autonomous status as a federal region according to Article 119 of the Iraqi constitution (Wolff, 2010:1374). The article allows one or more governorates to organize into an autonomous region. As a free-standing region, Kirkuk would be able to exercise more authority on its own than governorate. Accordingly, autonomous Kirkuk would hold any powers except those that fall under the central government's authority (i.e. national security, citizenship, fiscal and customs policy, weights and measures, residency and asylum, policies relating to the general budget) (Wolff, 2010: 1374). Besides, Kirkuk, as an autonomous region, would adopt its own constitution, which would define the structure of the powers of the region and how such powers were exercised according to the Iraqi constitution (Article 120). Furthermore, according to Article 121/5, Kirkuk would be responsible for all the administrative requirements of the region. In particular, the establishment and organization of internal security forces, such as the police and guards, would be under the direct control of Kirkuk as an autonomous region.

In the case of a failure to create an autonomous Kirkuk region following Article 119, "*special status*" for the governorate could be the second option in order to make Kirkuk more independent in its own affairs. Thereby, special status for the governorate of Kirkuk would correspond to autonomy. In this sense, the scope of powers that Kirkuk as a governorate has could be expanded. Kirkuk, while remaining as a governorate, could enjoy more powers and competencies than ordinary governorates.

Article 123 of the Iraqi constitution states that the federal government can delegate its powers to governorates or vice versa with the consent of both governments, and this is regulated by law. This article could be applied to Kirkuk so as to devolve some executive, legislative, and judicial power from Baghdad to Kirkuk. By this means, Kirkuk would not be subject to the extensive influence of the central government. This would allow Kirkuk to emerge as a "*special governorate*" with extended powers (Kane, 2010:3). Which powers could be delegated from the central government to Kirkuk might be determined in the same way as Article 119 dictates, as mentioned above.

Special status for Kirkuk was one of the four recommendations of the UNAMI in April 2009 for Kirkuk's status problem. In addition to the UNAMI, the International Crisis Group (2008:31) released a report which recommended that Kirkuk should become a stand-alone governorate with exclusive powers relatively independent from Baghdad. However, the ICG's recommendation of special status for Kirkuk was based on an interim period of ten years. During the interim period, the ultimate status of the governorate would be negotiated with the assistance of the UN. Although this recommendation seems feasible at first glance, it is likely to bring about problems. If a specific deadline is determined to begin with negotiations, it is highly likely that all sides would keep their obdurate stance until the last moment of the negotiations. Consequently, a specified due date for the special status might cause a deadlock in the peace talks that would discuss the final status of Kirkuk in the post-interim period. For this reason, Kirkuk's autonomous or special status should not be limited to a period.

Although the constitution allows Kirkuk to emerge as a special governorate or as an autonomous region, all ethnic groups should agree with such regulation to achieve long-lasting stability in the region. Turkmens mostly support the idea of special status or autonomy for Kirkuk (Nasri & Salimi, 2013:90). The Arabs, on the other hand, consider the establishment of autonomous governorates as a significant threat to the territorial integrity of Iraq (Nasri & Salimi, 2013:91). However, the Arabs would prefer special status for Kirkuk to leaving it to the KRG as it was during the 2014-2017 period. That is, the Arabs tend to accept an autonomous status for Kirkuk if it does not remain an ordinary governorate. Accordingly, in May 2006, the Arab block of Kirkuk Council recommended, with Turkmens, a special status for the governorate (Anderson & Stansfield, 2009:195-196).

Anderson and Stansfield (2009:243) claim that the Kurds would support a special status for Kirkuk outside the KRG only if a majority-rule governance model were established within the governorate. Therefore, according to them, the Kurds would politically dominate Kirkuk and have relative autonomy against the central government. Nevertheless, this option would not ensure Kurdish political domination in Kirkuk because the results of the parliamentary elections conducted in Kirkuk, in 2010, 2014, and 2018, showed that non-Kurdish political parties could easily win elections in Kirkuk if they coalesce. In the 2010 general election, Iyad Allawi's secular and non-ethnic coalition, al-Iraqiya, won the elections in Kirkuk, getting 38% of the total votes, whereas the Kurdish List ended up with 37%. Similarly, in the 2014 general elections, the total votes of the KDP and the PUK remained at 47% and could not achieve a majority in the province. Finally, in the 2018 elections, when the KDP boycotted in Kirkuk, the PUK was able to win only 37% of the vote in Kirkuk. Therefore, insisting on a majority-rule system in Kirkuk would likely bring about a danger for the Kurds. They might not be able to dominate the politics in Kirkuk as easily as they expect.

As Stefan Wolff and Weller (2005:20) point out, the predominant trend in Western Europe is to establish power-sharing governance structures within autonomous entities of multi-ethnic territories (e.g., South Tyrol, Brussels, Northern Ireland), thus providing a double mechanism of conflict management and minority protection. For this reason, if Kirkuk were granted special or autonomous status outside the KRG, the most plausible compromise for all sides would be special status or autonomy reinforced with a power-sharing system in the governorate itself. In this sense, a regional constitution could regulate the distribution of power amongst all ethnic groups, as most of the similar examples endorse, such as South Tyrol and Northern Ireland. Therefore, a power-sharing governance structure could be a booster factor for moderation and cooperation between all the ethnic groups in an autonomous Kirkuk.

3. POWER-SHARING IN KIRKUK

Alongside the territorial mechanisms for conflict management in ethnically divided societies, power-sharing/consociationalism, as an administrative regulation, is suggested in the literature to establish stable governance structures that allow each ethnic group to share political power with other ethnic groups in disputed territories. Hartzell and Hoddie (2003), Schneckener (2002), Lijphart (1977), and McGarry and O'Leary (1993) are the best-known advocates of consociationalism in order to manage and end conflicts in divided societies.

Power-sharing arrangements for civil conflict resolution in deeply divided societies have become one of the prominent civil conflict management and stabilizing mechanisms. Mainly since the end of the Second World War, several civil conflict settlements have established consociational regimes to various degrees throughout the world. This section examines "*power-sharing*" as a civil conflict resolution mechanism in the context of the theoretical and empirical literature and suggests its relevance to the Kirkuk case.

3.1. Concept, Dimensions, Elements, and Examples of Power-Sharing/Consociationalism

The main idea of consociationalism is that two or more opposing groups in divided societies should jointly rule the government and make decisions in consensus (Schneckener, 2002:203). Power-sharing provides assurances for all the rival groups in society that no single group will manage to exploit the state's power to secure what they failed to gain on the battlefield. Consociational regulations in political institutions, territory, security forces, and civil services are aimed at protecting the interests of all sides to the agreement by guaranteeing rival groups "*a share of state power*" (Hartzell & Hoddie, 2003:319). Therefore, sharing power among fighting or opposing groups offers all sides, particularly minorities, a significant incentive for cooperation in governance (Lake & Rothchild, 1996:27).

Consociational settlements may involve a variety of dimensions. It is possible to distribute only political power amongst rival groups, while other dimensions of power may also be subject to allocation. That is to say that power-sharing may be one dimensional or multi-dimensional. However, Hartzell and Hoddie (2003:318-332) suggest that multi-dimensional power-sharing settlements are more durable than those that involve fewer dimensions, concluding their statistical study of 38 peace settlements between 1945 and 1998. According to them, consociational regulation in a divided society should contain four dimensions in order to maximize the likelihood of durability of peace. These four dimensions of power-sharing are political, territorial, military, and economic regulations. Hartzell and Hoddie (2003:327) point out that a comparison between eight peace settlements embracing only one dimension of power-sharing and five regulations involving all four aspects shows that peace settlements with "*all four dimensions have consistently higher survival rates over time than those with only a single power-sharing provision.*" Consequently, power should be distributed amongst opposing sides in divided societies in various dimensions to establish a peaceful and stable polity and society.

Arend Lijphart, who is one of the best-known consociationalism advocates, identifies four main features of such consociational systems in his 1977 work, *Democracy in Plural Societies*. A grand coalition government, mutual veto, proportionality, and segmental autonomy are presented as the four main features of power-sharing systems (Lijphart, 1977:25-52). Ulrich Schneckener (2002), on the other hand, added one more feature shared by consociational systems: an arbitration mechanism (in case of disputes among the shareholders of power).

3.1.1. Grand coalition

The principal feature of the power-sharing system is that representatives of all significant segments of the divided society govern the country (a political entity) in cooperation as a grand coalition (Lijphart, 1977:25). A grand coalition helps all segments of society to secure their participation in terms of ruling the country. Therefore, all rival groups of the society participate in the policy-making and execution process. A grand coalition may appear in different forms; a great coalition between the main parties, all-party cabinets, or temporary round tables (Schneckener, 2002:204). For instance, the Federal Council in Switzerland in the 1970s, a seven-member executive body, consisted of representatives of four main parties according to their electoral strength: two Radicals, two Socialists, two Catholics, and one member of the Peasants' Party (Lijphart, 1977:31). Another example of a grand coalition is that Flemish and French speakers are represented equally on the Belgian Council of Ministers (Schneckener, 2002:206). Similarly, the Dayton Agreement after the civil war in Bosnia and Herzegovina has established a three-member state presidency composed

of directly elected representatives of the Muslim, Serb, and Croat communities.

3.1.2. Proportionality

Consociational systems distribute power proportionally amongst segments of the society. All groups are represented within the executive, the legislative, judiciary, the security services, and state-owned companies. The proportions of the segments in representation can be determined through either "*a quota system according to the size of groups, the number of voters, or a fixed ratio*" (Schneckener, 2002: 205). For example, in Austria, the grand coalition cabinets are established in proportion to the parties' electoral strength. In South Tyrol in Italy, all public jobs are distributed among German speakers, Italians, and Ladins, according to the size of their population. In Bosnia and Herzegovina, Muslims, Serbs, and Croats are equally represented in the Council of Ministers, and in the central administration, the Muslim-Croat Federation holds two-third of the public posts, whereas the Serb Federation enjoys one third. Despite population differences, in some cases, parity is used to distribute power among segments. Belgium, where Flemish and Wallon enjoy equal power, is a case in point (Lijphart, 1977:41). In addition to parity, minority over-representation is used as a mechanism to secure minorities' rights. For example, in Cyprus between 1960 and 1963, Turks held 30% of public posts and 40% of army ranks while they constituted 20% of the entire population (Schneckener, 2002:208).

3.1.3. Veto rights

Power-sharing systems offer important political protection for all the groups involved in a consociational settlement. To prevent a decision that affects the vital interests of a segment from being outlawed by the majority during the policy-making process, a veto right is granted to all participants of a consociational system (Lijphart, 1977:36). Therefore by granting veto rights to each group, it is aimed to protect groups' vital interests, which are "*central to the group's well-being, survival and sense of itself*" (McCulloch, 2018: 740–741). Nevertheless, the aim is not only to protect the rights of one segment but also to foster consensus-building following a compromise. In this respect, Schneckener (2002:221-222) introduces three types of veto mechanisms in the examples of Belgium, South Tyrol, and Cyprus, where veto mechanisms intend(ed) to create consensus-building: delaying veto, indirect veto, and direct veto. Delaying veto aims to delay a decision so as to reconsider the issue by using political mediation or by appealing it to the constitutional court. For example, in Belgium, each group in parliament has a right to stop a draft law should at least three-fourths of it signs a decision. The Cabinet has to propose a new draft by consensus. The indirect veto means that the majority of each group has to agree to a draft; otherwise, it does not pass. One example is the South Tyrol budget process. Each group

has to approve the annual budget by a majority. Direct veto, on the other hand, enables each group in the society to state each matter to be of vital interest. Consequently, this type of veto is likely to immobilize the legislative and execution processes. The best example of this kind of regulation is the Cypriot experience. Presidential absolute veto rights in Cyprus were one of the reasons which blocked the politics and therefore caused the failure of consociationalism.

3.1.4. Segmental autonomy

Consociational regulations may grant some degree of territorial or non-territorial autonomy to all the groups in society. Each group rules itself in the area of the group's particular concerns (Lijphart, 1977:41). Each group has its own elected institutions that enjoy some degree of self-government. Therefore, only a few issues have to be subject to consensus among all groups (Schneckener, 2002:205). Territorial autonomy means that the consociational system coincides with a federal structure. Belgium, South Tyrol, and Bosnia are examples of this type of power-sharing settlement. Non-territorial autonomy, on the other hand, "applies to all members of a certain group within the state, irrespective of their place of residence. It is the right to preserve and promote the religious, linguistic, and cultural character of the group through institutions established by itself" (Lapidoth, 1996:175). For example, in Cyprus, the constitution established two communal chambers for cultural, religious, educational, and local issues, as well as two public courts.

3.1.5. Arbitration mechanism

It is also essential to establish an arbitration mechanism to prevent consociational system blocking in the event of a dispute. Arbitration can be established through both political and legal arrangements (Schneckener, 2002:222). Thus, in cases where consociational processes are obstructed for various reasons, the system may be made functional through the mediation mechanism.

3.2. Favorable Conditions for Power-Sharing/Consociationalism

Consociational arrangements are likely to be stable and beneficial when some favorable factors exist. The question of which conditions may be conducive to power-sharing structures has formed the subject of many works in the literature. Nordlinger (1972), Lijphart (1977:53-103; 2008:31-36), McGarry and O'Leary (1993:35), and Wolff (2003:31-33) have presented several conditions for a successful consociational settlement in divided societies. In addition to this extensive literature, Schneckener (2002:211-217) provides a worthwhile list that contains favorable conditions for consociationalism in the literature. The following list is a brief summary of this literature (based mostly on Schneckener and Lijphart's works).

- *Size of territory and population:* Small size enables a power-sharing system to be successful. Small size has both a direct and an indirect impact on the probability that consociationalism will be established and will succeed: it directly reinforces the spirit of cooperation and accommodation, and it indirectly enhances the chance of power-sharing by decreasing the burdens of policy-making. Smallness increases the probability that elites will get to know each other and meet often; thus, they do not regard politics as a zero-sum game and will tend to coalesce rather than scuffle in decision-making. All of the successful examples of consociationalism are small countries-territories such as Switzerland, South Tyrol, and Brcko in Bosnia and Herzegovina.

- *Balance of power:* A multiple balance of power among groups is conducive to consociationalism. When one group has a clear majority in number, the political elites of that group may prioritize dominance rather than reconciliation. For instance, in the Brcko District of Bosnia and Herzegovina, none of the rival groups has a majority in the population: Muslim Bosniaks, Serbs, and Croats constitute 44,1%, 25,4%, and 20,7%, respectively (Kadric, 1998: 21). This demographic reality is one of the most critical factors behind the smooth functioning of the consociational system in Brcko. In Cyprus, however, there was a significant difference between Greeks and Turks in size, 80%, and 20%, respectively, and thus the consociational structure lasted only three years and ended in bloodshed.

- *Territorial segmentation:* If the groups are territorially separated, the consociational structure may include territorial arrangements to allow each group to rule itself. Consequently, rival groups will need to reach consensus on only a few issues that are subject to central administration. The less need there is for compromise, the better the conditions for consociationalism.

- *Multiparty system:* Each group in a divided society should be represented by several parties rather than one "national front." This political pluralism within each group makes it possible to involve moderate representatives of groups within a grand coalition.

- *Overarching loyalty:* Despite their particular group identities, the majority of each group should be affiliated to the same ideals or values, which enable each community to share common ground. A shared religious, linguistic, national, or regional identity would be examples of overarching loyalties. Thus, none of the groups can claim to be the owner of the state, which excludes others.

- *Crosscutting cleavages:* It is vital for the success of the system that the people who make up each group can contact other members of the group(s) through different loyalties. In this way, the

members of each group have the opportunity to share and feel close to the members of other groups in their daily life practices. This increases the possibility of inter-group communication by preventing the groups from becoming homogenously rigid.

• *Respect for the status quo:* No side should desire to change the consociational structure. Partners in a power-sharing system should not strive to be dominant, and radicals or separatists should remain in a minority position within each community. This condition is met in South Tyrol because both sides of the consociational regulation have so far respected the power-sharing structure and have not allowed radicals to dominate the daily work of the political structure.

• *Traditions of compromise:* If rival groups share historical experiences that involve elites' traditions of compromise, future disagreements in the consociational system are likely to be dealt with in the light of this mutual understanding. Past compromises show that communities already have a tradition of overcoming conflicts. Thus, historic dispute resolution experiences serve as reference points for the present and future elites in a power-sharing system. Northern Ireland's failed power-sharing experiment in 1973-1974 might have positively affected the 1998 agreement because it created a landmark in the history of Protestant-Catholic rivalry in the country.

• *Elites' dominance:* It is crucial for the political elite to be competent and to take social support behind both in the negotiation process and in the process of running the consociational system. The political leadership of each group should persuade their followers to deal with internal resistance that may exist during negotiations or the implementation of the agreement. Besides, elites have to prove their determination to back the agreement. If elites demonstrate doubts about the agreement, their followers do not tend to support the new system.

• *Broad participation:* All groups should take part in both the negotiation process and in the consociational structure once an agreement has been achieved.

3.3. The Relevance of Power-Sharing/Consociationalism to Kirkuk

The allocation of power and material resources (i.e., oil revenues) among Kirkuk's deeply divided society seems one of the most acceptable and reliable possibilities to secure all ethnic groups' rights and stabilize the region once the final status of Kirkuk has been determined. Accordingly, power-sharing in Kirkuk will be a sub-option of one of the three options of final status: integration into the KRG, under the control of the central government as a governorate, or autonomous region-special status.

Nevertheless, successful power-sharing suits autonomy well in divided societies as a booster of peace settlement in divided societies. For this reason, distributing power amongst four ethnic groups in an autonomous Kirkuk might be conducive to future stability in the province.

As noted above, the population sizes of the competing groups in a divided society are one of the most important factors that have a significant effect on the structure of a consociational system. The absence of a census in Kirkuk is the greatest practical obstacle to implementing consociational arrangements (Hanauer & Miller, 2012:47). Liam Anderson (2009:12-13) proposed that the results of the December 2005 election could indicate the ethnic divergence in Kirkuk. According to him, the December 2005 results showed that Kurds (as represented by the Kurdish Alliance bloc) make up 53% of the total population, while Arabs make up 27% and Turkmens 13%. However, 2010, 2014, and 2018 elections results, as mentioned in the previous section, illustrate that Anderson's assumption is misleading because the Kurdish Lists ended up below 50%, whereas non-ethnic coalitions or parties got more support than Kurdish parties. Thus, it is implausible to specify ethnic population sizes through election results. For this reason, if all sides accept the compromise that the 1957 census results can be used as a reference point for power-sharing, a political consensus can clear the practical hurdles. According to the 1957 census results, as mentioned in the introduction, Turkmens, Kurds, Arabs, and Christians comprised 21%, 48%, 28%, and 2.5% of the population, respectively, in the province of Kirkuk. Besides, there were 45,000 (38%) Turkmens, 40,000 (33%) Kurds, 27,000 (22%) Arabs, and 8,000 (6%) Christians in the city of Kirkuk (Ezzat, 2012:58).

3.3.1. Grand coalition in Kirkuk

The executive body of Kirkuk should include representatives of all the relevant groups. Both provincial and city councils should be constituted by members of the Turkmens, Kurds, Arabs, and Christians. Each community must take part in the decision-making and execution processes through its own representatives. Major political parties of each ethnic group or individual elites from each community can be involved in the local government. Positions in the provincial council should be distributed amongst all groups. Senior executive (governor, deputy governor), administrative (directors-general and their deputies) and quasi-legislative (district, sub-district and city council) positions can be allocated amongst Turkmens, Arabs, Kurds, and Christians in proportions consistent with Article 23 of the provincial elections law (ICG Report, 2008:ii). Moreover, as Rakan S. Ali, an elected member of the Kirkuk City Council from the Arabic Assembly, suggested the governorship position can rotate between ethnic groups for a specific time, shall we say for a one-year-term (European Parliament Conference Report 2008:30). In addition to the governorship position, the head of the police can also be rotated among ethnic groups in

order to eliminate the doubts about the security of each ethnic community in Kirkuk.

3.3.2. Proportionality in Kirkuk

Political and material power in Kirkuk, as in all consociational settlements, should be distributed proportionally amongst all ethnic groups. Anderson and Stansfield (2009:229) state that *"equal power-sharing ... is not a 'fair' system in that the allocation of power bears no relation to relative group size..."* This approach is undoubtedly right in terms of distributing power positions in a provincial council. Considering the clear plurality – not majority – of Kurds in the entire province as the 1957 census results show, the proportions of positions in the provincial council can be allocated on a 46-23-23-8 percent or a 48-24-24-4 percent basis among, respectively, Kurds, Turkmens, Arabs and Christians (ICG Report, 2008:30).

For Kirkuk City Council, however, proportions of seats can be equal among Turkmens, Kurds, and Arabs because, in the city center – according to the 1957 census results – there was not a significant gap between the three ethnic groups despite Turkmens' slight plurality. Accordingly, the 32-32-32-4 formula amongst, respectively, Turkmens, Kurds, Arabs, and Christians, can be the ratio for power allocation in Kirkuk City Council. This equal distribution of power among major rival groups is similar to what Belgium's consociational system has: an equal number of seats in the government as well as in the highest courts and the upper ranks of the army (the principle of parity). When then-President Jalal Talabani visited Kirkuk in 2008, during his meeting with the representatives of all sides, he reportedly agreed that the 32-32-32-4 formula would be applicable to the city council (ICG Report, 2008:30). The same ratio can also be applied to all other administrative levels: executive positions, district and sub-district councils, and directorate positions.

In addition to administrative positions, power distribution on the 32-32-32-4 formula can be applied to the civil service (including state-run companies) and security forces. Directorate, as well as junior officer positions in the civil service, can be allocated through this ratio. Moreover, all levels of positions in the police should be distributed according to this formula to minimize the security dilemma, which is a remarkable feature of ethnic conflicts.

Furthermore, the oil revenue, which is one of the most knotty components of the Kirkuk problem, should be proportionally distributed. Dewhurst (2006:7) claims that an acceptable solution in Kirkuk will include an equitable allocation of oil if Kirkuk falls under the administrative control of the KRG. However, if an agreement in which Kirkuk stays outside the KRG is reached, it is likely to be challenging to persuade Kurds of an equitable oil revenue distribution due to their numerical advantage in Kirkuk as a whole. In the case of such an eventuality, the Kurds' share of oil revenues can be increased to persuade them to accept a power-sharing

structure in Kirkuk outside the KRG. For example, Kurds could gain 60 percent of oil revenues and 18-18-4 percent for Arabs, Turkmens, and Christians, respectively. Accordingly, Kurds can give up their exclusive claim to the Kirkuk governorate in exchange for more oil: a grand bargain, which is an "oil-for-soil" deal (ICG Report 2008:31). Thus, the proportional sharing mentioned above in different fields appears as a rational model considering the ethnic distribution in Kirkuk.

3.3.3. Veto system in Kirkuk

A consociational system that includes all ethnic groups in Kirkuk should also involve a veto system to push all groups towards consensus in decision-making. It also warrants each ethnic group to secure their interests against the others. However, providing an absolute direct veto to each group would resolve the deadlock over several issues, as was the case in Cyprus. For this reason, "*delaying veto*" or "*indirect veto*" systems could be more applicable in Kirkuk. The former implies, for instance, that if a regulation is not approved by at least two-thirds or three-quarters of each group, the draft could be stopped, and sides would have to table a new proposal, or each group could be allowed to appeal to the Iraqi constitutional court. The indirect veto option for each group implies that specific conditions must be met so as to pass the regulations. For example, the majority of each ethnic group has to approve the draft; otherwise, the regulation will not pass. Consequently, granting some degree of veto rights to each ethnic group in Kirkuk could both secure each group's interests and force all groups into consensus.

3.3.4. Segmental autonomy for each ethnic group in Kirkuk

Each ethnic group in Kirkuk should enjoy some degree of autonomy. Considering the fact that ethnic groups are widely intermingled in Kirkuk, the idea of territorial autonomy is far-fetched. Therefore, segmental autonomy in Kirkuk should be based on personality. Each ethnic group could have its own competencies in language, education, culture, and religious affairs. In order to secure all cultures in Kirkuk, Ali M. Sadeq suggests that "*a special administration shall be formed for each ethnic group ... and shall be elected by people of group ... Turkmens, Kurds, Arabs, and Christians shall have their administrations in order to provide cultural services to each ethnic group.*" (European Parliament Conference Report, 2008:33) For example, Turkmens, Kurds, and Arabs could have their own public/private schools to teach their children in their mother tongues. Sadeq maintains that Christians would have the right to form their own judicial council. The details of such arrangements can be extended according to cultural needs and differences among ethnic groups, yet the principle of segmental autonomy is more important than the specifics.

3.3.5. Arbitration mechanism in Kirkuk

In order to deal with a disagreement between ethnic groups in both the decision-making and execution processes, political and judicial arbitration and mediation mechanisms should be established in Kirkuk. International support for political mediation would be efficient in terms of overcoming disagreements. Bosnian Contact Groups are the best case in point. In the Contact Group, the High Representative of the European Union with far-reaching competencies, the Organisation for Security and Cooperation in Europe (OSCE) election commission, an OSCE ombudsperson, the United Nations High Commissioner for Refugees, and a human rights commission have so far established some civil activities to mediate between ethnic groups (Schneckener, 2002:209). Such a mechanism could be established in Kirkuk in a consociational structure. The UNAMI, Iraqi central government, the KRG, and Turkey could assist with mediation and arbitration processes in case of a dispute. In addition to political arbitration, a juridical mechanism could also be formed. A local court for disputes could consist of members from all ethnic groups as well as neutral third-party members.

3.4. Favorable and Unfavourable Conditions for Power-Sharing in Kirkuk

Among the eleven conditions for favoring power-sharing systems stated above, most already exist on political and social grounds in Kirkuk. The existence of these favoring conditions can have the effects of a catalyst on the future success of consociationalism in Kirkuk. These favorable and non-favorable conditions for power-sharing in Kirkuk are as follows:

- *Size of territory and population:* Kirkuk has a territory of 9,679 km^2 and a population of one and a half million. These figures illustrate that Kirkuk can be seen as a small area akin to other successful consociational systems such as Belgium (30,528 km^2-11 million), South Tyrol (7,400 km^2-511,000), Brcko (493 km^2-87,000) and Switzerland (41,000 km^2-8 million).

- *Balance of power:* There is no clear majority in terms of population in Kirkuk despite the Kurds' clear plurality. Kurds, according to historical records, represent slightly under half the population in Kirkuk province, whereas they come second after Turkmens in the city of Kirkuk. Besides, the Arab population, with over 20% in both the city and the province, consolidates the balance among ethnic groups.

- *Territorial segmentation:* All ethnic groups live intermingled in Kirkuk, although there are some small ethnically homogenous sub-districts and villages in the countryside. Therefore, Kirkuk's mixed population makes territorial autonomy for each community within Kirkuk almost impossible.

- *Multiparty system:* All three major ethnic groups in Kirkuk are represented by more than one party. For example, on the Kurds' side, in

addition to two major parties, the PUK and the KDP, a relatively new party, Gorran, has also become popular. The picture on the Arab side is more complicated. Several parties and coalitions are representing Arabs in Kirkuk as well as in the rest of Iraq. Turkmens, on the other hand, have a national front, the Iraqi Turkmen Front (ITF), which leads Turkmens' claims, and yet some other parties also exist on the Turkmen side.

- *Overarching loyalty:* All resident ethnic groups have a long history in Kirkuk. Despite their ethnic, linguistic, and religious differences, they have been living together in Kirkuk for centuries. Being Kirkukis could be an overarching identity for all groups to create a peaceful atmosphere. Moreover, apart from Christians, a vast majority of the inhabitants of Kirkuk are Muslim. Therefore, Islam could be a unifying factor once some successful steps have been achieved. However, an increasing sectarian division between Sunnis and Shi'is might not allow such intimacy.

- *Crosscutting cleavages:* Although ethnic identity is the most significant factor for all groups in Kirkuk, a remarkable number of people from all communities seek political moderation. For instance, al-Iraqiya's election success in Kirkuk in 2010-election could be evaluated as a crosscutting political pursuit, because 38% support for a moderate, secular and nationalist (non-ethnic) party means that ethnicity is not alone sufficient to determine political stance. Furthermore, sectarian identity, too, cuts across ethnic affiliation to some extent. For example, Sunni-Shi'i split among Turkmens is almost fifty-fifty, and some Shi'i Turkmen parties ally with non-Turkmen coalitions as Shi'i Turkmen party, the Islamic Union for Iraqi Turkmens, allied with the National Iraqi Alliance, which was the most prominent Shi'i coalition at the national level, in 2009-elections.

- *A tradition of compromise:* Besides, and more importantly, Kirkuk has occasionally undergone a de-facto power-sharing experience to some extent since the American invasion in 2003. Administrative, executive, and security posts have been allocated in proportion amongst the four inhabitant ethnic groups of Kirkuk (Anderson, 2009:14-17). Therefore, this de facto consociational experiment could be a reference point for a new regulation that enlarges on a power-sharing structure.

Apart from the condition of "*territorial segmentation*", six conditions of favorable factors for power-sharing already exist to various degrees in Kirkuk. This could underpin a consociational structure in Kirkuk. Moreover, three other conditions (respect for status quo - elites' dominance - broad participation) could be met during negotiations and once the agreement has been achieved, depending upon the quality of compromise. Whatever the final status of the Governorate of Kirkuk will be, the most acceptable governing structure is likely to be a power-sharing system within the province. Kirkuk's complex ethnic diversity and the insistent claims of each group would not allow for a "*majority*

rule" government system. Such a majority rule structure would be likely to marginalize others, contributing to instability in Kirkuk. For this reason, each community should be allowed to participate in the decision-making and executive processes. Not only political sources but also material resources (i.e., oil revenues and government jobs) should be allocated in proportion between Turkmens, Arabs, Kurds, and Christians. Power-sharing in Kirkuk is not only politically correct but also fair considering the ethnic reality on the ground.

Conclusion

Iraq's oil-rich governorate of Kirkuk has been one of the knottiest problems affecting the future of the state and even the entire region in the Middle East. Since the American invasion in Iraq in 2003, the question relating to whether Kirkuk will be included in the Kurdish Region or remain outside it has not yet been solved. According to Article 140, the final status of Kirkuk should have been determined through a referendum by the end of 2007. Moreover, the problem has become more complicated and challenging, rather than being solved. What makes the issue complicated and unresolved is the multi-ethnic structure of society in Kirkuk and the competing claims over the problem. Turkmens, Arabs, Kurds, and Christians, naturally, are trying to secure their rights and future in Kirkuk. Kurds aspire to incorporate Kirkuk into the KRG, claiming that it is demographically and historically a Kurdish province. Arabs mainly approach the issue in the context of Iraq's territorial integrity, thus demanding that Kirkuk should remain under the control of Baghdad. Turkmens and Christians, on the other hand, do not want to be excluded minorities either in the KRG or under the control of the central government. Therefore, they pursue a solution that secures the interests of all ethnic groups in Kirkuk.

This study has dealt with the solution of the Kirkuk's status problem in light of the methods of resolution of ethnic and territorial conflicts. In this context, two methods come to the fore for a resolution of Kirkuk's status problem. Firstly, Kirkuk should be granted autonomy or special status that would provide more powers to the inhabitants of the territory. Accordingly, Kirkuk should enjoy more legislative, executive, and judicial powers. Therefore, Kirkuk would be independent of both the KRG and Baghdad in its internal affairs, whereas significant issues such as national security, fiscal and customs policy, and the general budget would be subject to the federal government's authority. Autonomous Kirkuk would have its own regional constitution as well as its own security forces according to both regional and federal laws. Consequently, not being under the direct control of the central government or the KRG would secure the interests of all ethnic groups in Kirkuk.

Secondly, powers should be shared among the four ethnic groups in the autonomous Kirkuk. In order to prevent one ethnic group from dominating the politics, posts, security services, and economic revenues and

abusing these powers against other ethnic groups, a power-sharing governance structure should be established within the autonomous Kirkuk region. This consociational structure should distribute the power in the city of Kirkuk according to a 32-32-32-4 percent formula among Turkmens, Kurds, Arabs, and Christians, respectively. However, considering the Kurds' plurality in the entire region of Kirkuk, power could be shared in the regional government on a 46-23-23-8 percent or 48-24-24-4 percent basis in favor of the Kurds. For all other administrative and executive positions, the former formula should be implemented. However, to persuade Kurds to accept Kirkuk outside the KRG, a significant proportion (around 60%) of the oil revenues of Kirkuk could be granted to them.

This model proposed for Kirkuk has been successful in many cases similar to Kirkuk with different dimensions. Models implemented in Northern Ireland, South Tyrol, Bosnia, Brcko, and Switzerland in the 1970s, which contain different dimensions of autonomy and power-sharing elements, reveal a with autonomy power-sharing for Kirkuk as the most reasonable solution. The situations that exist in these cases and support autonomy reinforced by power-sharing are also largely present in the Kirkuk case. In this context, different cases emerging in the historical process as a result of ethnic conflicts and tensions point to power-sharing autonomy model in order to reduce the tension in Kirkuk and ensure long-term stability.

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