



**WKI Position Paper: The Territorial Status of Kirkuk  
Washington Kurdish Institute  
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This position paper by the Washington Kurdish Institute, a 501 (c) (3) non-profit, research and educational organization, addresses the administrative status of Kirkuk governorate (province) and Kirkuk city within the Federal Republic of Iraq.

## **The Territorial Status of Kirkuk Washington Kurdish Institute**

*In her downtown office, Kurdish architect and lifelong resident of Kirkuk named Hawry Talabani unfurled a map of the Baathists' twenty-year urban master plan, drawn up in 1972 by a Greek company hired by the regime. The plan allowed for the city to be developed in one direction only—south, towards Baghdad. These became the Arabization neighborhoods, and they had a different feel from the old city—the lethargy of an overgrown village, with men wearing white dishdashas and women completely enshrouded in black abayas, the new buildings thrown up in graceless concrete along wide, empty streets. The few Kurdish and Turkoman neighborhoods in the center of town that survived demolition became strangled with traffic and were deprived of parks, sewers, and public transportation. The waters of the Khasa River were diverted west to irrigate Arab farmland, and the dried-up riverbed filled with garbage. While social engineering proceeded on a grand scale, the oil-rich city fell into ruin. “There was not a sincere thought of making Kirkuk a real city,” Talabani said. “Instead of development we are going back, every year.”*

— George Packer, *The Assassins' Gate*

## Executive Statement

Resolving the territorial status of the governorate (province) of Kirkuk is now acknowledged as one of the most important steps in implementing Iraq's Constitution of 2005.

Kirkuk governorate has a majority of validly resident Kurdistanis (regardless of ethnicity, those who want citizenship within the Kurdistan Regional Government). Kirkuk city is more heterogeneous and multiethnic than the governorate – and is inhabited by Kurds, Turkomen, Arabs, Assyrians, Chaldeans, and other minorities.

Kirkuk governorate, in its pre-1968 boundaries, should become part of the Kurdistan Region for *democratic reasons*, if that is what a majority of its citizens want. In the January and December 2005 elections for the Iraqi parliament and Kirkuk governorate, there were decisive majorities for the Kurdistan lists which advocate unification.

Kirkuk governorate, in its pre-1968 boundaries, should unify with the KRG after a referendum for *constitutional reasons*. The holding of a referendum by December 2007 is mandated by Iraq's constitution of 2005. That constitution was endorsed by four in five of Iraq's voters in October 2005, and by an affirmative "yes" vote of 63 per cent among citizens voting in the same referendum in Kirkuk governorate.

Kirkuk governorate, in its pre-1968 boundaries, should unify with the Kurdistan Region for *historic reasons*.<sup>1</sup> It was unified with the rest of Mesopotamian Kurdistan in Ottoman times. It was envisaged as part of the autonomous Kurdistan promised after World War 1, and as part of the autonomous Kurdistan promised under the British mandate of the League of Nations, and in negotiations between the Kurdistan Democratic Party and Iraqi regimes before the consolidation of Saddam's dictatorship.

Kirkuk governorate, in its pre-1968 boundaries, should unify with the Kurdistan Region for *geographic reasons*. It is an integral part of the lowland plains of Kurdistan.

Kirkuk governorate, in its pre-1968 boundaries, should unify with the Kurdistan Region for *demographic reasons*. It has been part of Kurdistan's civilization for centuries: only Saddam's expulsions, 'Arabization' programs, and the 'Anfal' campaign of genocide severed the governorate's ethnic, cultural, and familial affinities with the rest of Kurdistan.

Kirkuk governorate, in its pre-1968 boundaries, should unify with the Kurdistan Region for *security reasons*. The KRG has demonstrated that it is the most secure, stable, and prosperous part of post-Saddam Iraq. Unification will spread Kurdistan's democratic and security blanket further across northern Iraq, and thereby stabilize the federation as a whole.

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<sup>1</sup> For an extensive historical argument on Kirkuk as part of Kurdistan, see KRG MP Nouri Talbany's "Who Owns Kirkuk? The Kurdish Case" in the Winter 2007 edition of *Middle East Quarterly*.

Kirkuk governorate, in its pre-1968 boundaries, should unify with the Kurdistan Region for *political reasons*. The unification of Kirkuk governorate with Kurdistan will prevent conflict that might otherwise occur. It offers the best means of protecting the minority nationalities and religious communities in the area, many of whom would prefer the security of the KRG to the conflict raging in the rest of Iraq.

The unification of Kirkuk governorate with the rest of Kurdistan *will not deprive the rest of Iraq of the oil revenues of Iraq*, as we shall show. To the contrary, it will enhance the extraction and marketing of oil, and the revenues of the existing oil-field – as mandated by the Iraqi constitution – shall be distributed across Iraq as a whole on a per capita basis.

We will show that the unification of Kirkuk governorate with the rest of Kurdistan *will not lead to war, either external or internal*, as suggested by alarmist critics of the reasonable aspirations of the overwhelming majority of Kurdistanis, inside Kirkuk and within the KRG.

Article 140 of the Iraq Constitution is the only practical plan to provide permanent social justice, security, and political progress for Kirkuk. Normalization and a referendum, as outlined by Article 140, should proceed: they are the keys to a subsequent settlement of Kirkuk's status.

## **Essential Background**

No reliable population census has been taken in Kirkuk since 1957.<sup>2</sup> This census, by the Iraq Ministry of Interior, recorded language-speakers according to mother-tongue. It showed that Kurds were the largest ethnicity (48 to 49 percent) in Kirkuk governorate in 1957, while Kirkuk city was more multi-ethnic.

Kirkuk's citizens – specifically its Kurds and Turkomen – were the victims of an ethnic cleansing, expulsion, and 'Arabization' campaign carried out by the Baathist regime during three and a half decades of absolute rule. All discussion of the Kirkuk issue should begin with recognition of this fact.

Under Saddam's dictatorship, Arab supremacism became government policy. Kirkuk suffered numerous mass expulsions, destruction of its rural areas and agriculture, and the seizure and diversion of the revenues from natural resources to no benefit of the local peoples.

Kirkuk was the scene of enormous crimes and injustice. For this reason, and in light of acknowledgment of these crimes against humanity, Article 140 of the Iraqi Constitution (approved by 79% of Iraq's voters) made provision for reparation for the citizens of Kirkuk who were victims of the former regime, thus confronting the fascist reality of the old Iraq.

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<sup>2</sup> See Brendan O'Leary's "Power-Sharing, Pluralist Federation, and Federacy" in Brendan O'Leary et al (eds.) *The Future of Kurdistan in Iraq*, (Philadelphia: University of Pennsylvania Press, 2005), pp. 83-87.

Article 140 of the Iraq Constitution states, according to the English translation:

First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.

Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007.

Article 58 of the Transitional Administrative Law (TAL) states:

(A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:

(1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.

(2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.

(3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.

(4) With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.

(B) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.

(C) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.

In short, Article 140 mandates a process of “normalization”, undoing Saddam’s handiwork, and a referendum on the status of Kirkuk by December 31, 2007.

The article places an unambiguous obligation upon the federal government, which it has so far failed sufficiently to fulfill. Complaints among Kurds about the slow pace of normalization and the failure to prepare for the referendum have led to accusations against Kurdistan’s leadership of impatience and ‘land-grabbing.’ But, in fact, Kurdistan’s government is doing its best to ensure the implementation of the article, and would welcome the assistance of those who support the democratic and constitutional transformation of Iraq.

Since the Article 140 Commission, appointed by the Office of the Federal Prime Minister, has not taken sufficient steps beyond beginning payment toward settlers to return, the referendum time-table is in serious danger of slipping. As a matter of fact, the referendum may not need the completion of a census, since what is essential for a fair referendum is a valid electoral register, comprising those resident in Kirkuk in 1957 and their descendants, and those who were expelled from Kirkuk and their descendants, and those that moved to Kirkuk after 1957 whom were not part of the Baathist program and their descendants, and excluding the settlers and their descendants brought in by the regime – who are otherwise entitled to their full citizenship rights. But the territorial location of the referendum does require the completion of one part of “normalization,” the restoration of the boundaries of the governorate before Saddam tampered with them.

In 1968, the Baath party seized upon an already existing artifice of Arab ethnic prejudice and domination of Kurds, and strengthened it. Its strategy was to consolidate Baghdad’s rule over Kirkuk, to ‘Arabize’ it, renaming Kirkuk governorate with the Arabic word for nationalization, *Al-Ta’mim*, and removing all traces of its Kurdish and Turkoman ethos. The Baathist regime enforced a racist policy of registration, forcing Kurds and Turkomen that remained in Kirkuk to give up their ethnicity for ‘Arab nationality.’ Expulsion of Kirkuk’s citizens escalated into ethnic cleansing after Saddam Hussein’s rise to absolute power, and continued long after the post-1991 ‘no-fly zone’ was enforced, until, in fact, the dictatorship fell in 2003.<sup>3</sup>

Traceable to annexing the Ottoman *wilayet* of Mosul to Iraq under British auspices, the main motive for Kirkuk’s victimization was oil. Since drilling in Kirkuk had begun under King Faisal, and the city had been made the operational headquarters of the Iraq Petroleum Company, an Iraqi oil bureaucracy already existed in the area<sup>4</sup>. Racist policies in demographics and employment began early in Iraq: in 1935, the Arab-nationalist Prime Minister, Yasseen Hashimi, decided to settle Arab tribes in the Haweeja district of Kirkuk. Saddam Hussein seized the existing infrastructure and used it for institutional and economic suppression. Beginning in the 1970’s, Shia Arabs from southern Iraq were

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<sup>3</sup> According to Human Rights Watch, between 1991 and 2003 the Iraqi government expelled an estimated 120,000 and 200,000 non-Arabs from Kirkuk city and province (*Iraq: Forcible Expulsion of Ethnic Minorities*, Human Rights Watch, March 2003)

<sup>4</sup> See the entry on ‘Kirkuk’ in the *The Encyclopedia of Islam* (1979; v. 5, p.148; ed. by Bosworth, Donzel, Lewis, Pellat).

resettled by the government to act as Baathist stewards for the Kirkuk oil field (Iraq's largest oil field) near Kirkuk city, to ensure that the Iraqi government controlled this resource.

Kirkuk's revenues were not used to benefit local people to any significant degree, producing a crying contrast between the city's oil wealth and its infrastructural poverty. The revenues from Kirkuk oil field were used to finance Saddam's aggressive wars of conquest and his internal tyranny, which culminated in genocide against Kurds and Shia Arabs.

The Baathist campaign of mass-murder from 1987-1989 – named by the regime after a sura in the Koran, the '*Anfal*' – was a direct result of the population tampering that had already taken place in Kirkuk province. The Iraqi state had changed the indigenous characteristics of Kirkuk and escaped any concerted action or blame, or even acknowledgement of its deeds, from the international community. The regime deduced that if it could get away with this in Kirkuk, it could get literally get away with murder in the rest of Kurdistan. The '*Anfal*' campaign included concentrated offensives in the Kirkuk area. Thousands of Kurds were 'processed' through the military camp of Topzawa, just outside of Kirkuk, with men separated from their families en masse, then shot and buried in unmarked graves.<sup>5</sup> For this reason, responding appropriately to Kirkuk is a crucial part of the larger effort to reconcile and repair the crimes of the past.

The Baath Party's manipulation of Kirkuk, which aimed for totalitarian subordination of Kurds and Turkomen, still plagues the city and its environs to this very day, and remains the main cause of its instability. The *peshmerga*, Kurdistan's security forces who operate without dependence on the American military, have maintained relative security and prevented violence in the city, especially in the crucial aftermath of the liberation, when thousands of those expelled by the former regime returned to their homes. Kurdish leaders, including Iraq's President Jalal Talabani and Kurdistan's President Massoud Barzani, asked Kurdish citizens to exercise restraint in returning to Kirkuk, but a population influx was an obvious consequence of Kirkuk's liberation from Baath control.

Many journalists have written exaggerated reports of a war going on in Kirkuk, suggesting that Kurds, Turkomen, and Arabs are continually wrestling for power. In fact, in contrast with central Iraq, conflict in Kirkuk has remained mainly political instead of violent, largely because of the presence of *peshmerga*. Cases have been reported of Kurds returning to Kirkuk and evicting Arabs, and certainly Kirkuk's Kurds have shared in the city's mismanagement. But the story is certainly not one of Kurds versus the rest. The elected officials from the Kurdistan lists include Kurds, Turkomen, and Assyrian Christians. Turkoman political parties in Kirkuk are divided over Article 140; some adamantly oppose Kurdistan's unification with Kirkuk, and others prefer it to further Baghdad malfeasance. Some Sunni Arabs prefer the idea of government within Kurdistan, which has a Sunni Muslim majority, to government by a Shia majority in the Baghdad government. Shia Arab Parties affiliated with Moqtada al-Sadr oppose Article

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<sup>5</sup> See the section titled, "The Popular Army Camp at Topzawa," in the 1993 Human Rights Watch report, *Genocide in Iraq: The Anfal Campaign Against the Kurds*.

140, but the Shia governing parties in Baghdad, in principle, are committed to the constitution, and the implementation of Article 140. The picture is therefore more complicated than journalists allow, but what remains obvious is that a clear majority seeks unification with Kurdistan.

Despite these problems, and despite inter-community tensions, Kirkuk has become politically representative. Its various ethnic groups are represented locally in the 41-seat Kirkuk Council. The Kurdistan list holds 26 of these seats, accurately reflecting its local political majority. But the governorate council cannot function easily amid its undetermined status – unable to get full funding from either Baghdad or Erbil. The social fabric of the city has frayed further since the liberation and the atmosphere remains tense in anticipation of the settlement of Kirkuk's future.

Suicide bombers have increasingly attacked the city, intending to deepen inter-community tension, and full-scale warfare in neighboring Diyala province is a constant threat to Kirkuk's security. The enemies of a democratic Iraq will target Kirkuk and try to distract Coalition Forces from their military effort in central Iraq, if they are capable.

### **The Argument for Implementation of Article 140**

Article 140 of the Iraqi Constitution was crafted to maintain an orderly constitutional process for a fair settlement of Kirkuk. This intent was approved by 79 percent of the Iraqi population: a clear mandate, and endorsed by 63 per cent within Kirkuk governorate. In addition, Article 140 was written to ensure that Kirkuk's problems would not increase through dereliction, and to provide hope for Kirkuk's citizens that politics can work, in stark contrast to the old Iraq.

In addition, the future of Iraq and the Kurdistan Regional Government (KRG) is linked to the stability of Kirkuk province. The burden on American resources and armed forces, already enormous in Iraq, will increase if Kirkuk's relative calm takes a turn toward chaos. The Federal Iraqi government should continue to work toward reducing the strain upon the United States military and economy as much as possible. Resolving the territorial status of Kirkuk is a decisive factor in this consideration.

Article 140 remains the only practical plan to achieve the goals of justice, security, and political progress for Kirkuk. The administrative effort to normalize the population of Kirkuk city and Kirkuk province should be immediately accelerated. In contrast with the history of government expulsion in Kirkuk, all relocation should be on a voluntary basis (in particular, for the Arab settlers that were planted there by the Baath Party Government). All families that wish to leave should be compensated by the Iraqi government as has already been approved by the Iraqi parliament. Once the process for normalizing Kirkuk province and the city has begun, its citizens will gain much more permanent prospects of justice and peace.



Kirkuk's territorial status is no longer about a long-standing historical squabble over oil, as some commentators have suggested. In the constitution of 2005, Kurdistan's parties agreed with other Iraqi negotiators that oil revenues from currently exploited fields – which includes Kirkuk – would be distributed across Iraq as a whole, whatever the final status of regional boundaries. Therefore, they have sensibly de-coupled potentially sensitive issues over the allocation of oil revenues from the territorial status of the governorate. They also ensured that the peoples of governorates will benefit from existing oil fields in their areas – something which has never happened in Kirkuk.

Kirkuk's future is fundamentally an issue of social justice. Iraq as a whole still has to address truth and reconciliation about its dark past. In Kirkuk these elements are more concentrated because the city is an enormous crime-scene. It is also an issue of security. Postponing the implementation of Article 140 will encourage the insurgents and increase impatience among the Kurds, and intensify fears among those minorities who would prefer Kurdistan's security cordon. It is also an issue of federation-building. Federalism is enshrined in the Iraqi Constitution as the main solution for Iraq's long-standing problems. Federalism in practice requires agreements on the boundaries of regions and governorates, and that is why special provisions were agreed on Kirkuk's status.

Minorities' rights must be protected. The KRG has continually advocated a vigorous local administration for Kirkuk that proportionally represents its multi-ethnic characteristics, thereby protecting the interests of all its citizens.

While no-one who is sympathetic to Kirkuk's history and to Kurdistan objects to these goals, opposition has been raised against Article 140 on prudential grounds. These opponents generally divide into two categories.

There are those who oppose Article 140 because it will upset Turkey. Its government has yet to even diplomatically recognize the existence of the Kurdistan Regional Government, or fully adjust to the post-Saddam Hussein reality of Iraq, because of its domestic problems with its own Kurds. Past Turkish governments have expressed a willingness to invade Iraqi Kurdistan if Kirkuk freely joins the Kurdish Region.

We believe that no sensible Turkish government, interested in joining the European Union, will invade a foreign country to prevent an internally agreed constitutional process. We also believe that with the right signals from the US government, the governments of the EU, and the federal Iraqi government, no such scenario will occur. No provision of Iraq's constitution should be altered by force, or be altered because of the threat of force, foreign or internal.

Turkey's opinion on Kirkuk, as a neighbor to Iraq, deserves to be considered (and this would be facilitated by its recognition of the KRG). It also has a right to be informed on how the KRG plans to protect the community and human rights of Kirkuk's Turkomen. In a state of shock, the Turkish military establishment is recovering from the fact that its platform of aggression toward the Kurdistan Region was rejected by Turkish voters in the recent 2007 election, and the governing party of Turkey knows that it received decisive

votes from Kurds who want a domestic democratic transformation of Turkey and the recognition of their neighbor's new constitution.

In addition to being wrong in principle, it is not in Turkey's interests to threaten the KRG. Its businesses are heavily invested in the prosperity of the Kurdistan Region. Security within the unified KRG will ensure that the oil-pipelines again flow smoothly into Turkey. Ankara is playing for time: the diplomatic language for Ankara's opposition to Article 140 is 'postponement,' with no later date offered.

The second set of opponents suggest that implementation of Article 140 would enflame an already dangerous situation. These opponents usually believe in a highly centralized government that should be the authority to 'solve problems' in Iraq – as it was under Saddam Hussein. The U.S. government-commissioned Iraq Study Group is associated with this view. Recommendation 30 of its report states that, "A referendum on the future of Kirkuk (as required by the Iraqi Constitution before the end of 2007) would be explosive and should be delayed."

This clause demonstrates the group's outright dismissal of the Iraqi Constitution and its federalist framework. The Group, which supposedly aimed for 'consensus,' did not visit the Kurdistan Region, despite being invited to do so. Their report recommended a delay to the constitutional process without proposing a new date, or an alternative method for resolving the issue.

One must ask the question: when will a settlement in Kirkuk be realized if the process is indefinitely delayed? Delay without an alternative framework amounts to proposing cancellation. Besides neglecting the political will and the reparation owed toward the affected peoples of Iraq, postponement makes no strategic sense.

Another body in this category is the International Crisis Group (ICG), whose tendentious reports include "Iraq and the Kurds: Resolving the Kirkuk Crisis." It advocates postponement of the referendum, international arbitration (UN agencies), and "a new mechanism prioritizing consensus" for resolution to the Kirkuk issue. But these recommendations are in direct opposition to Iraq's constitution, which is the one place where an agreement on Kirkuk actually exists. The ICG report postpones the problems of the issue until a later date, when they likely will be even harder to resolve.

Considering the UN's corrupt record in its Oil-for-Food program, the Kurdistan Region has little faith in UN agencies. The European Union would be a far more appropriate choice for technical aid in monitoring the process of referendum and unification, especially countries that have recently held referendums, such as Ireland or the Netherlands. However, UN agencies that are willing to assist the complex process of Article 140 in Kirkuk will certainly be welcomed, but UN authority over revision of the constitution would be severely inappropriate: Iraq's sovereignty has been recovered, and is expressed in its constitution, endorsed by 4 in 5 Iraqi voters, and over 6 in 10 voters in Kirkuk governorate (before normalization has been implemented). Advocating 'consensus' over change appears to mean handing a veto to the Sadrists, the Sunni Arab

insurgents, and the Iraqi Turkomen Front (whose electoral performance has exposed the shallowness of its demographic claims). It should also be said that the language of the ICG report, which accuses the KRG of trying to “annex” Kirkuk, and of planning to steal Kirkuk before declaring independence, patently adopts the perspectives of the Arabists, and ignores what the political leadership of Kurdistan says and does in practice.

Any criticisms of Article 140 must include practical and legal alternatives. We have suggested, although it is just our view and has no governmental authority, that a census is not required to hold a referendum. However, a valid electoral register *is* required. After the referendum, electoral data and census returns might be used to negotiate agreed adjustments to the borders of the KRG. This is a constructive proposal. We also suggest that a power-sharing government in Kirkuk city, entrenched in Kurdistan’s regional constitution, offers the best available and most credible commitments to all the local population’s interests and identities.

Hard-core opposition to the implementation of Article 140 comes from the remnants of the Baath regime, and represents a long-standing culture of chauvinism and Pan-Arabist racial supremacism. All parties that strive for a democratic Iraq should be aware of this threat to Kirkuk, the rest of Iraq, and to the region. The ‘*Anfal*’ campaign of genocide showed that the fears of Kurds are substantial and real. Let there be no doubt that those associated with the Baath party intend total derailment of the new federal Iraq and the Kurdistan Region.

## Conclusion

Justice for all the valid citizens of Kirkuk, protection of their livelihood, and a blueprint for a peaceful future should remain the primary goal of those who wish to resolve this situation peacefully and democratically. Kurdistan is giving its best effort to hold Iraq together as a democratic and pluralist federation. The President of Iraq, Jalal Talabani, a Kurd, is widely acknowledged as the main conciliator of Sunni-Shiite enmity in Baghdad. The KRG’s armed forces, the *peshmerga*, are offered to secure Baghdad’s neighborhoods, as they did in the spring of 2007 with remarkable dexterity.<sup>6</sup> The KRG has compromised on the distribution of Iraq’s oil revenue sharing law, even where it did not need to do so – on sharing the revenues from its unexploited oil and gas fields. Kurdistan cannot be expected to contribute to Iraq without having Baghdad honor its constitutional commitments.

The idea of Iraq as a homogenous, centralized state should be abandoned if the new Iraq is to become permanently democratic. Those who oppose Kirkuk joining the KRG for its own sake are usually torch-bearers for this centralized idea, which bears the main responsibility for Iraq’s political failure, and for the threat Iraq posed to its neighbors. Article 140 takes the territorial status of Kirkuk away from the fragile authority of closed-door assurances, which have plagued Iraq’s government from the state’s inception, and

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<sup>6</sup> See the *New York Times* write-up, “In Twist of History, Kurds Patrol Baghdad,” by Edward Wong on April 24, 2007.

ultimately decides the issue by a local election. The referendum is an essential, and democratic, clause for the long-term settlement of the Kirkuk issue.

Reconciliation in Iraq will never be authentic without justice for the victims of the former regime. In Kirkuk, stability won't be possible until its citizens feel that the crimes against them have been recognized and reversed. Normalization should be completed forthwith in Kirkuk to achieve progress in recognizing past horrors and redressing them. Federalism was written into Iraq's Constitution because of the legacy of genocide and ethnic cleansing in a multi-ethnic state poisoned by a tyrannous elite. Article 140 – and its procedures for implementing the will of Kirkuk's citizens – remains the best chance for Iraq's government to break with Saddam's totalitarian policy toward Kirkuk. The larger progress in the Kurdistan Region should be heeded as an example of Iraqi government that that actually governs, and governs well. Above all, this is precisely what Kirkuk needs: a government that resoundingly governs.