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DISPUTED TERRITORIES IN IRAQ

Terytoria sporne w Iraku

Słowa kluczowe: Irak, terytoria sporne, arabizacja, Kurdystan

Key words: Iraq, disputed areas, Arabization, Kurdistan

Introduction

The territorial disputes take a different forms in contemporary world. We can select disputes between the government of sovereign states; between the government and internal entity, part of this state; between different entities within the sovereign state (Wolff, 2010). Dispute among the states endangers the integrity of one of them. Internal entity can dispute with central government to gain independence or it only seeks to exercise in the territory different form of self-governance. These two last forms of disputes can overlap, when domestic entity tends to unification with neighbouring state, which could be its ancestral homeland. Territorial disputes between entities in the state are relatively scarce, but the their resolution remains sometimes more difficult than other ones. The case of contact areas in Iraq belongs to this last category of territorial disputes.

The north-eastern Iraq is characterized by ethnic diversity, which is a legacy of the remote past, as well as the effect of political decisions in last decades. Successive human immigrations as being a bridge linking the west with the east and it was a place for Sami, Arab and Mongolian waves. The most major waves are Islamic conquest which carried a lot of Arab tribes to various parts in the region. Then, the Turkish waves came during the Abasian, Amawi and Saljokia caliphate and finally, the Ottoman reign (Khasbak, 1973). Contemporary immigrations have been planned. They have realized the idea 'Arabization' of the northern and east north regions of

Iraq. It was idea, which intended to cut the ways against claiming of establishing national homeland containing the Kurds of northern Iraq even if they prefer not to separate and to have sufficiency of autonomy which enables them to exercise the whole beliefs, traditions and their own language freely (Al Kassab, 1959).

Disputed (Kurdish-Iraqi) territories in Iraq or contact areas mean a set of districts identified within the Article 140 of the Iraqi Constitution¹. These areas are adjacent to the areas under control of Kurdistan Regional Government (KRG). Contact areas which are formally controlled by Iraqi government are administratively distributed in twelve districts – in five provinces (governorates) as map no. (1): Kirkuk (with all of its parts), Nineveh, Diyala, Wasit, Salahuddin. Disputed areas (two districts) are also included in Sulaymaniya province of Kurdistan Region, but it is controlled by Kurdish government. District Akre in Niniveh province is also controlled by government of Kurdistan Regional Government. The boundaries of the KRG and the existing governorates do not coincide.

The contact area in Kirkuk province is settled by Kurds (50%), Arabs (35%), Turkmen (12%) and Christians (3%). Nineveh province is settled by different ethnic groups: Christian minorities, Yazidis, Kurds, Arabs, Assyrians. Makhmoor district in Erbil province is inhabited mainly by Arabs (Erbil province is a part of Kurdistan Region and site of capital city of the Kurdistan region). In disputed areas in Salahuddin province (Tuz Khurmatu district) Turkmen and Kurds live, while in Diyala province Arabs, Sunni Kurds, Turkmen. Badra district is inhabited by Faili Kurds majority (Shiites), Shiite Arab and Turkmen (Al Kassab, 1959).

The Beginning of Contact Areas

Most of current contact areas were settled by non-Arab majority until the Baath Party came to the power in 1968 and started the rearrangement of the governorates and transfer of Arab population from the middle and south of Iraq to some of these districts in aftermath period. These areas experienced during the 1970s arbitrary scheduled and successive 'Arabization' and displacement process which resulted in reduction of indigenous population in the region. "Arabization policies included deportation, forced displacement, exile, house demolitions, confiscations of properties and lands, and violations of the right to dispose of property" (Bartu, 2010, 1330).

The displacement campaigns in Iraq started after the military upheaval in 1968 and Ba'ath Party's reach of power in many approaches such as exiling the Kurds and driving dozens of thousands of Faili Kurds (Shiite) to the Iranian borders (Habeeb,

1 Article 140 of the Iraqi Constitution stipulates that political status of disputed territories should be formally resolved by a plebiscite that will decide whether the Kurdish regions within Iraqi governorates of Diyala, Kirkuk, Salah ad Din and Ninevah will become part of the Iraqi Kurdistan region. The referendum was initially planned for 15 November 2007, but was delayed first to 31 December, and then by a further six months. It has not been taken till today.

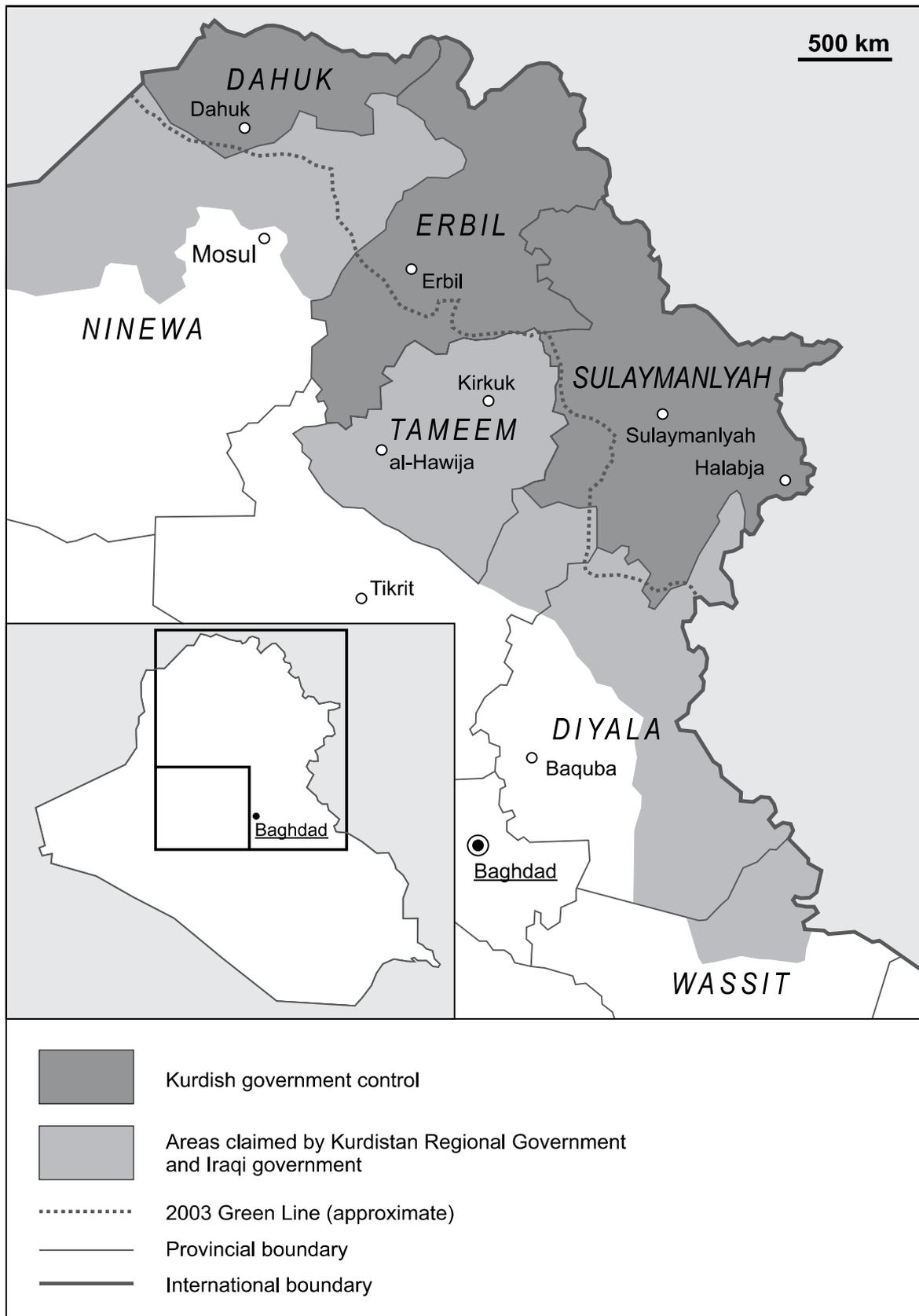


Fig. 1. The disputed areas in Iraq (source: Author's own elaboration)

2002). The administrative borders in some Kurdish parts were rearranged and also most of the districts and towns were allocated to the Arabs, for example in southern Erbil province. In Khanaqin oil district 227 villages were destroyed and Yazidis in Dhouk and Mosul provinces were forced to be registered as Arabs in 1977 census. Also, some Kurdish Clans on both banks of Al Khazir and Komil river, forming the administrative borders between district of Shekhan and Akra, were forced to be registered as Arabs due to the existence of oil surveys which promised there the presence of new oil fields (Husni, 2010). In addition, these part of Iraq was the most important agricultural area with water resources. Additional important factor assisted in expansion of displacement at that time were: a) the expansion of drought and desertification risks; b) rarity of water sources and regression of the vegetarian cover as a result of drying large areas of marshes southern Iraq and the aftermath environmental damages caused by the military regime. These phenomena led the villages population to leave their homes and move towards the cities. The regime exploited those circumstances in encouraging the marshes Arabs to live at Kurdish area; particularly, the oil cities in Kirkuk and Mosul (Talabani, 1999).

Kurds were involved in the tense relations between Iran and Iraq, mainly those living along the borderline in particular the oil areas as Khanaqin in Sulaimaniya province. With the start of attacking Iran in 1980 and the beginning of Iraq-Iran war which is known as the First Gulf War in 1980, the Iraqi military authorities dismissed about 300 thousands of Filie Kurds and Arabs of Iranian origins. Many persons were displaced, some of them were exiled to the south of Iraq and others were dismissed abroad. Hussein's regime launched the infamous 'Al Anfal' operation where more than 180 thousand of Kurds were victims when the Kurdish villages and boroughs were destroyed by the internationally prohibited chemical weapons as it occurred in the city of Halabja.

Tab. 1. The ethnic structure of the population of some of Iraq's province 1957–1977

	Diyala province		Nineveh province		Kirkuk province	
	1957	1977	1957	1977	1957	1977
Arabs	79,3	87,4	56,1	73,6	28,2	44,4
Kurds	18,2	10,8	30,7	25,0	48,3	37,6
Turkmen	2,2	1,4	4,8	0,7	21,4	16,3
Other	0,3	0,4	8,4	0,7	2,1	1,7
Total	100,0	100,0	100,0	100,0	100,0	100,0

Source: Ministry of Interior, 1978, Results of population registration for the year 1957 and Ministry of Planning and General Security Directorate for the year 1977, Directorate Printing Office, Baghdad

Tab. 2. The people of Kurdistan region for year 1957–1977

The province	1957	1977
Dohuk	10,2	8,5
Mosul	15	17,7
Sulaymaniyah	20,8	22,8
Erbil	18,6	22,2
Kirkuk	26,5	24
Mandali and Khanaqin	8,9	4,8
Total	100	100
Proportion to the population of Iraq	22,5	21,2

Source: See tab. 1.

Tab. 3. Annual Increase Rates of Arab and Kurd Population between (1957–1977)

The province	Arabs	Kurdish population
Dohuk	6,6	2,6
Erbil	10,6	4,6
Sulaymaniyah	52,4	5,8
Kirkuk	5,0	-1
Diyala	4,8	0,2
Iraq	6,7	3

Source: See tab. 1.

Tab. 4. The National configuration to the population of some of Iraq's provinces

national	Diyala province		Ninewa province		Kirkuk province	
	1957	1977	1957	1977	1957	1977
Arabs	79,3	89,4	56,1	73,6	28,2	44,4
Kurds	18,2	10,8	30,7	25	48,3	37,6
Turkmen	2,2	1,4	4,8	0,7	21,4	16,3
Other	0,3	0,4	8,4	0,7	2,1	1,7
Total	100	100	100	100	100	100

Source: See tab. 1.

At the end of the past century grew the gap between the Arab and Kurd population growth rate in different areas of the country (Tab. 1). The increase rate among the Kurds tended to decline especially in the provinces of ethnically differentiated with the rise of growth rates among the Arabs in these areas. The Iraqi provinces of south and middle were characterized with high growth rates among the Kurds which would suggest to high displacement operations which the Kurds had experienced and then there are continuous attempts to minimize the number of Kurds and their population impact.

It appears that the displacement campaigns took two approaches: the first one is to deport the Kurds from their home areas to the south and middle areas and the second one, establishing many villages and residential complexes for housing the Arabs coming from the south and the middle part which had an impact on the size and growth of Kurdish population and their geographic distribution as well as its impact on the rates of the national distribution.

A long time the Kurds have dreamed about the independent homeland, that gathered them, where they are sharing language, traditions, history. However the states containing Kurdish minority do not accept that whether in Turkey, Iraq, Syria or Iran. Prior the Second Gulf War, the Kurdish areas had remained at a state of instability due to the militant combats which had been breaking out from time to time with the central government in Baghdad.

During the Second Gulf War, in 1991, the Iraq Kurds could have safe heaven provided by the US and British aircraft protection ("No Fly Zone") as an entity for Kurds including three provinces located in what is called now as "Kurdistan Region". The Kurdish minority remained endeavoring to keep up the level of the autonomy which it enjoyed during the last years of Saddam's rule. Just in 1991 the Iraqi Kurds got the perfect condition to manage the autonomic area of Kurdistan away from control of the central government, because of its vulnerability in that time. Foundation of autonomic Kurdistan Region was supported in the Constitution of the Iraq Republic (2005).

The operations of liberating Kuwait led to reversal situations to be out of Saddam's control; particularly, in Kurdistan where uprising broke out in 1991. The Kurds controlled most of Kurdistan areas including Kirkuk but it returned again under the central government's control, and the former government continued deportation and 'Arabization' the Kurdish areas which remained under the authority's control until the regime fall in 2003. Then the Kurds installed security and political structures in a number of future contact areas they considered part of historical Kurdistan (Bartu, 2010). A part of Kurdish victims of 'Arabization' returned home in contact areas, while Arabs returned to former places of origin in south Iraq. It reflected the idea of normalization phase according to Article 140 of Constitution of 2005 (Bartu, 2010, 1330).

Resolution of the Problem of Contact Areas

The current background of territorial disputes are very differentiated, including economic, strategic, political and cultural aspects (Wolff, 2010). Disputants are mainly Iraqi government and Kurdistan regional government, but other disputants are locally involved, especially local communities of different ethnic groups, e.g. Turkmen in Kirkuk. All of them seek more control for themselves in contact areas or seek to prevent others from external influences (e.g. Turkey or Iran). The contact areas have economic value, which includes oil resources (especially Kirkuk area) and tax revenue, goods and services generated there. Strategic value attracts attention, due to possibility to control over major transport routes, access to open sea, military defensibility. Their political importance lies in an experience of dealing with governance in areas culturally mixed, while cultural significance includes their role in defining group identity or ancient homeland. Kirkuk itself has been among Iraqi's most intractable problems a diverse province and city with three main ethnic groups – Arabs, Kurds and Turkmen. Kurds look to Kirkuk as potential important part for Kurdistan region, because it contain large resources of oil and gas, however it has symbolic importance for all main ethnic groups.

The separate political question is a future of former US military air-base in Tuz Khurmatu, near Kirkuk in Salahuddin province. The United States was handing over all bases to an office of the Iraqi central government in 2011. Kurdish regional authorities want the airfield to become a civilian airport rather than an Iraqi air force base.

Article 140 of the Iraqi Constitution stipulates that the elected government is bound to do the normalization and census in Kirkuk and other disputed territories to determine the will of their citizens within maximum period December 31, 2007. The date of referendum was postponed several times. No fresh date has yet been set. Throughout 2008–2009 the United Nations Assistance Mission² for Iraq prepared reports on 15 districts in contact areas in Iraq. Kirkuk province (with 4 districts) was analyzed separately (Bartu, 2010). Report on Kirkuk, which is a real epicenter of disputes, put four possible options for resolving the dispute over Kirkuk province (Wolff, 2010). First, is clarification of Article 140 of the Iraqi Constitution of 2005; this would effectively means solving questions related to referendum (eligibility voters registration, boundaries of referendum area). Second option is an acceptance of the recommendations of the Constitutional Review Committee, which suggest to fix Kirkuk's status a separate governorate. Third one is dual nexus, that is a sharing of

2 The United Nations Assistance Mission for Iraq (UNAMI) is a political mission established by the 2003 UN Security Council Resolution 1500 at the request of the Government of Iraq. UNAMI is mandated to advise and assist the Government and people of Iraq on advancing inclusive, political dialogue and national reconciliation, assisting in the electoral process and in the planning for a national census, facilitating regional dialogue between Iraq and its neighbours, and promoting the protection of human rights and judicial and legal reform.

jurisdiction over Kirkuk between the Kurdistan Regional Government (KRG) and the central government. Fourth, Kirkuk would have certain powers devolved from the central government and have the status of either a governorate or a region, but with less direct influence from KRG or the central government. Finally there are the following options for governing in contact areas:

1. Establishment of new governorate;
2. Autonomic region or governorate after referendum;
3. Governorate or region under sharing jurisdiction;
4. Governorate or region with less direct external influence.

There was also under consideration the fifth options –dividing Kirkuk– but this was dropped from the final version of the UNAMI report in favour of placing emphasis on keeping Kirkuk province as a single entity (Wolff, 2010, 1375).

The existence of this problem without radical solution satisfying all parties is risk. The recent period witnessed aggravation of the security situation in these regions. Attempt of solving this problem in such a way to maintain security and avoidance of military combat between the central government and Kurdistan region government. Removal the causes of existence of such areas in the future and confront the attempts of coercive displacement and demographic change in different parts in Iraq. Although reference to the constitution may be the only approach to retrieve the matters to the zero box but probably it is impossible to carry out such a step unless comprehensive census is carried out.

Several attempts were conducted for counting the Iraqi population but they were postponed each time due to the national disputes. The last full census was done in 1987, but no reliable census has been conducted since 1957. According to the Iraqi government, it was supposed to conduct the census in 2007 but it was postponed due to the security circumstances three times. In 2013 Iraq's Prime Minister Nouri al-Maliki visiting Erbil confirmed that his government was determined to hold a census as soon as possible but probably it may never be an Iraqi Census again (<http://www.aina.org/news/2013062103944.htm>). Nowadays many Iraqi nationalities fear of politicization of the census results; mainly, at the disputed areas and Kurdistan Region, because such census may reveal population structure that would terminate political ambitions of powers representing such nationalities (Wolff, 2010).

According to Wolff (2010) internal territorial disputes are not clearly secessionist in nature and they do not threaten the territorial integrity of Iraq. Unfortunately, these disputes have also international importance, because its resolution will have implications for the Middle East. Turkey and Iran are a hidden sides of this territorial disputes (Wolff, 2010, 1364). Kurdistan unlike the rest of the country has generally been stable since the 2003 US-led invasion, while Turkey and Iran have heavily invested in Kurdistan Region, contributing to more institutionalized Iraqi

Kurdish autonomy (Romano, 2010, 1359).

In fact the disputed areas have been a core concern for Arabs and Kurds, especially since US invasion. These two sides have different views on the nature of state and centre-region competencies. Kurds gained territory to the south of Iraqi Kurdistan, beyond so called "Green Line" after the US-led invasion in 2003 to regain what land they considered historically theirs. Currently, in addition to the three governorates of Iraqi Kurdistan, Kurds control parts of Nineveh, Kirkuk and Diyala governorates, which are also claimed by the Iraqi government; on the other hand, Iraqi government control parts of those three provinces, which are also claimed by the Kurds.

The political understanding is the only solution for Iraq stability and driving it away from the ghost of war as the Iraqi people became familiar between Kurds and the central authority over the modern history. The spark of conflict which has not reached the destruction stage yet, the military maneuvers conducted by Iraqi army troops belonging to the central government and Kurd fighters known as "Peshmerga" in contact areas splitting Kurdistan areas and the rest of the country parts. Sometimes, they resulted in occurrence of skirmishes and combats between the two armed forces. The frequent tension between the central Iraqi government and Kurds cannot transform into "destructive political conflict" between both parties (Bartu, 2010; Romano, 2010).

Conclusion

The significance of this research comes from the demographic and ethnical change occurred in the contact areas in last decades. Reaching satisfactory solution for all of the dispute parties in these areas must be preceded by urgent efforts and principle of good faith by both Kurdish and Arab sides represented by the central government. However any solution should not include negative effects on particular population group on account of other population groups. This is a matter that should be and we should be willing to accept and coexist with it. These are some important points that should be taken upon dealing with this issue:

The start of solving the crisis should be under extreme self control, patience and atmosphere calamity and referring the constitution for solving all the outstanding issues and not by mobilizing the armies by both sides and use of war language by officials of both sides because such a matter touches the nation and citizen's security.

Involving the International Organizations and Commissions such as UN for finding the convincing appropriate solution for all parties and benefiting from other countries' similar experiments.

Contemporary resolution should turn to the bright past, expressing the merging and peaceful coexistence among different Iraqi communities.

The Kurdish leadership should stop the instigation policy in these areas and not to intervene in their affairs by force and it is necessary to give up the political settlement as the fact imposes so that the country may not enter Arab- Kurd conflict that Iraq can dispense with it.

The Baghdad central government should conduct overall and full population census in accordance with the constitution and Article 140 and stand over equal distance from all Iraqi people and its nationalities.

References

- Al Kassab Nafaa, 1959, Geographical milestones on settlement of nomadic tribes, *Geographic Association Magazine*, 5: 20, Baghdad.
- Bartu P., 2010, Wrestling with the integrity of the nation: the disputed internal boundaries in Iraq, *International Affairs*, 86 (6): 1329–1343.
- Husni Bewar, 2010, *Future of Oil in Akra Plain Land Shekhan*.
- Habeeb Kadhum, 2002, Ordeal of Kurds Feilin in Iraq, *Sawt Al Kurd newspaper*, November.
- Khasbak Shakir, 1973, *North Iraq*, Baghdad: Shafiq Printing Office.
- Romano D., 2010, Iraqi Kurdistan: challenges of autonomy in the wake of US withdrawal, *International Affairs*, 86 (6): 1345–1359.
- Talabani Nori, 1999, *Iraqi policy of ethnic clearing on slough to change national demographic characterize of Kirkuk region*, London.
- Wolff S., 2010, Governing (in) Kirkuk: resolving the status of a disputed territory in post-American Iraq, *International Affairs*, 86 (6): 1361–1379.

Summary

The aim of the paper is to highlight on one of the most significant problem in contemporary Iraq, which affects its stability. It is the problem of mixed ethnically areas called “Disputed Areas «or “Contact Areas”. They include areas situated between Iraqi Kurdistan (Kurdistan Regional Government) and the areas fully controlled by Iraqi government. The areas were originally of Kurdish majority and different minorities. However they experienced during the 1970s arbitrary scheduled and successive ‘Arabization’ and displacement process which resulted in reduction of indigenous population in the region. The subject of conflict is division of regional power, military control within areas (Kurdish Peshmerga and Iraqi army), exploitation of oil resources. The paper presents the demographic problem of the areas and discusses different options for resolving the dispute over contact areas.