THE CHALDOASSYRIAN COMMUNITY IN TODAY'S IRAQ OPPORTUNITIES AND CHALLENGES

Mission Report

November 2003

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EXECUTIVE SUMMARY

On 18-30 October 2003, a team of *Human Rights Without Frontiers* travelled to Iraq to assess the situation of the Chaldoassyrian community in the aftermath of the regime change. Focusing on the demands and needs of the Chaldoassyrians in Iraq, the goal of the mission was twofold :

a) to evaluate to what extent and under what form the political actors and the future drafters of the Constitution were attempting to best guarantee the rights of ethnic and religious communities as well as their harmonious coexistence at the national and regional levels;

b) to evaluate whether the structures put in place by the coalition forces and the current framework for governance of the country are conducive to mitigating the ethnic and religious differences.

In Baghdad, *Human Rights Without Frontiers* attended the Chaldean Syriac Assyrian General Conference held in Baghdad on 22-24 October 2003, when the Chaldoassyrian community proclaimed its unity and recorded its demands in the context of Iraq's political reconstuction.

In the north of Iraq, *Human Rights Without Frontiers* sought to explore the situation of the Chaldoassyrian community in the Kurdish region, namely the provinces of Dohuk and Arbil, and in the provinces of Mosul-Ninevah and Kirkuk.

At present, the Chaldoassyrian community in Iraq is faced with great hopes and opportunities as well as with serious challenges.

The ouster of Saddam Hussein and the Ba'ath party is an event of enormous importance to the Chaldoassyrian community in Iraq. After years of severe repression and exclusion from the country's governance, the Iraqi Chaldoassyrians live through the exciting time of political revival and mobilization. Structures, which were clandestine six months ago, have come out as new legitimate players in the process of political reconstruction.

The challenges confronting the Chaldoassyrian community in Iraq today stem from the overall uncertainties as regards the nature of the future Iraqi state in terms of control and distribution of power, balance of representation, access to resources, and guarantees for the protection of the rights of all ethnic and religious groups.

The primary focus of this report is to map out the most outstanding issues for Iraq's Chaldoassyrian community in the new context, especially in view of the fact that it is geographically dispersed between the Kurdish region in the north of Iraq and the area to the south of it, namely the Mosul-Ninevah and the Kirkuk provinces. This distinction is important due to the fact that since 1992, the area designated as "Iraqi Kurdistan" has enjoyed de facto independence and has existed as a separate political entity within Iraq and as such can be expected to have a considerable impact on the proposals for Iraq's constitution.

In writing this report, *Human Rights Without Frontiers* was guided by the belief that the ethnic and religious diversity of Iraq calls for a well-conceived structure that will allow for an effective ethnic balancing and that multiethnic states need mechanisms that will override the subordination of ethnic and religious communities and the exclusion of large portions of the population from political representation.

INTRODUCTION: THE CHALDOASSYRIAN COMMUNITY IN THE PAST

There are no reliable statistics on the religious and ethnic composition of Iraq as the census information available is discarded on suspicions of being manipulated by the regime of Saddam Hussein. Rough statistics point to 94 % Muslims and one million Christians out of a population of 25 million people.

The total Chaldoassyrian population in the world is 4 million people, and almost half of them are in Iraq.[1] Chaldoassyrians[2] in Iraq are concentrated mainly in Baghdad and in Mosul-Ninevah, Kirkuk, Arbil, Basra and their surrounding villages.[3]

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[1] The Chaldoassyrian diaspora is scattered around in more than thirty countries and particularly, in USA, Canada, Australia, New Zealand, and Europe.

[2] At a conference held in Baghdad on 22-24 October 2003, the ethno-religious group of Assyrians, Chaldeans and Syriacs (85% of Iraq's Christians) signed a resolution by which they proclaimed the unity of their nation and agreed to adopt the name "Chaldoassyrians", valid only for Iraq.

[3] According to Joseph Yacoub, more than 500,000 Chaldoassyrians live in Baghdad, 150,000 in Mosul, 50,000 in Kirkuk , and 30,000 in Basra, See *Menaces sur les chrétiens d'Iraq,* C.L.D., Paris, 2003.

The Assyrians are the direct descendants of the ancient Assyrian Empire, whose heartland is in the geographical territory of what is today the north of Iraq. The language they speak is Aramaic/Syriac. It is a language with the oldest literary tradition in all of Iraq and the country has the largest concentration of Aramaic/Syriac speakers. Since the fall of their state in 612 B.C., Assyrians have experienced many massacres, but they were able to survive, to maintain their identity, their language and their religion.

In the 20th century, at the dawn of Iraq's independence, the massacre of Assyrians in 1933 in Simel (Semele) should instruct contemporary decision-makers, politicians and human rights activists of the importance of guaranteeing the security and safety of ethnic communities in a period of major political shifts. In October 1932, Iraq's membership of the League of Nations was approved by a unanimous vote of the League's Assembly. Iraq thus became the first of the League of Nations Mandates to achieve full independence as a sovereign state. The Assyrians had failed to persuade the League of Nations to recognise their right to autonomy. Many of the Assyrians who had survived the Ottoman genocide of 1914-1918, had been gathered in refugee camps in Iraq and the new Iraqi government declared an ultimatum giving the Assyrians one of two choices: either to be resettled in small populations dispersed amongst larger Muslim populations or to leave Iraq entirely. In May 1933, the leader of the Assyrians , Patriarch Mar Eshai Shimun, went to Baghdad for talks. The talks, however, broke down and the Iraqi authorities detained him. Later, they sent the army to attack Assyrians fleeing into Syria. Colonel Bakr Sidqi, commander of the northern region, was authorised to deal with them as ruthlessly as he wished. In August 1933 this led to the Simel (Semele) massacre of over 3000 unarmed Assyrian civilians by the Iraqi armed forces, joined by Kurdish tribesmen who took the opportunity to loot dozens of Assyrian villages at the same time.[4]

Under the regime of Saddam Hussein, the Chaldoassyrian community, alongside the other ethnic groups in Iraq, was the target of the policy of "Arabization". In the period between 1974 and 1989, over 220 Assyrian villages were destroyed and their people forcibly resettled among other Iraqi cities. Two thousand Assyrians perished in the gas campaigns of 1987/1988.

II. THE CHALDOASSYRIAN COMMUNITY IN POST-SADDAM IRAQ

A. POLITICAL REVIVAL

The ouster of Saddam Hussein and the Ba'ath party is an event of enormous importance to the Chaldoassyrian community in Iraq. After years of severe repression and exclusion from the country's governance, the Iraqi Chaldoassyrians live through the exciting time of political revival and mobilization. Structures, which were clandestine six months ago, have come out as new legitimate players in the process of political reconstruction.

The major shift came on September 14, 2002 when the US State Department called on the Assyrian Coalition and the Assyrian American League to formally request Assyrian participation in the next meeting of the Iraqi opposition parties. The Assyrian Coalition, consisting of the major mainstream Assyrian political organizations, designated as Assyrian representative Mr Yonadan Kanna, Secretary General of the Assyrian Democratic Movement (ADM).

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[4] See Charles Tripp, pp. 79-81, *A History of Iraq,* Cambridge University Press, 2000

On December 9, 2002, President Bush designated five Iraqi groups as "democratic opposition organization – Assyrian Democratic Movement, Iraqi Free Officers and Civilians Movement, the Iraqi National Front, the Iraqi National Movement, the Iraqi Turkmen Front, and the Islamic Accord of Iraq – to join the other six opposition groups previously designated (the Iraqi National Congress (INC), the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Kurdistan Democratic Party (KDP), and the Patriotic Union of Kurdistan (PUK).[5]

The Iraqi Governing Council (IGC) was inaugurated on July 13, 2003. Mr Yonadan Kanna was appointed to represent the Christian Chaldoassyrian community. The distribution of the twenty-five seats on the Council seeks to represent the demographic weight of all ethnic and religious communities in Iraq.

On 1 September 2003, the Iraqi Governing Council announced the appointment of Iraq's first post-Hussein cabinet. The new ministers are entrusted with the oversight of the day-to-day operations of Iraq's 25 ministries. Behnam Zayya Bulis, a Chaldoassyrian Christian, is in charge of transport.

These events are of crucial importance as the Chaldoassyrian community has been recognized as an indispensable part of the Iraqi opposition movement and a legitimate player in the future political reconstruction of Iraq. Within the context of this new opposition formula, "Assyrians may finally address grievances as well as minimal political aspirations such as constitutional recognition on a free, sovereign, secular and democratic Iraq".[6]

At the Chaldean Syriac Assyrian General Conference held in Baghdad on 22-24 October 2003, the Chaldoassyrian community proclaimed its unity and recorded its demands in the context of Iraq's political reconstruction so that:

- The Iraqi permanent constitution includes reference to the existence of the Chaldoassyrians as an indigenous people on a par with the rest of the Iraqi nationalities, which will guarantee them the ability to practice their ethnic, political, administrative, and cultural rights and their privilege to be represented and nominated in the legislative, administrative, and judicial branches of government;
- An administrative region for the Chaldoassyrian people is designated in the Ninevah plain with the participation of other ethnic and religious groups, where a special law will be established for self-administration and guarantees for administrative, political and cultural rights in towns and villages throughout Iraq where Chaldoassyrians reside;
- Legislation is issued to redress the injustices done in the past and to remove all remnants of polices that altered the demographic structure of several regions that belonged to Chaldoassyrians using the 1957 and earlier censuses as benchmarks.[7]

B. CHALDOASSYRIAN MEDIA AND CULTURE

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[5] State Department Press Service dated 9 December 2002, http://usinfo.state.gov
[6] AINA Press Service dated 16 September 2002, www.aina.org

[7] Final Declaration of the Chaldean Syrian Assyrian General Conference available at www.zowaa.org

At the moment, the main printed media outlet for the Chaldoassyrian community in Iraq is the weekly Bahra (Light). It is printed in Baghdad in Arabic (10 000 copies) and Syriac (2 500 free copies).

Chaldoassyrian TV and radio station are proliferating in places with considerable Chaldoassyrian presence.

In Baghdad, the Ashur TV and a radio station have started broadcasts recently. They are located in the compound used by the Assyrian Democratic Movement.

In Bagdeda (Karakosh), 15 km west of Mosul, an Assyrian TV station is under construction. A radio station covering the Mosul-Ninevah province is fully operational there.

Another Chaldoassyrian TV and radio station is based in Dohuk.

For the first time in decades, Chaldoassyrians could have a theatre performance in a cultural centre in Baghdad presenting the history of their nation from ancient times till today. An exhibition of Chaldoassyrian artists was organized alongside.

III. OUTSTANDING ISSUES

A. THE CHALDOASSYRIAN COMMUNITY IN THE KURDISH REGION IN NORTHERN IRAQ

The Chaldoassyrians community is geographically dispersed between the Kurdish region in the north of Iraq and the area to the south of it, namely the Mosul-Ninevah and the Kirkuk provinces.[8] This distinction is important due to the fact that since 1992, the area designated as "Iraqi Kurdistan" has enjoyed de facto independence and has existed as a separate political entity within Iraq.

The Chaldoassyrian community in the Kurdish-controlled northern Iraq lives predominantly in the towns of Dohuk, Arbil, Zakho and their surrounding villages.

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[8] There are about 150,000 Chaldoassyrians in Mosul and about 50,000 in Kirkuk. See Joseph Jacoub, *Menaces sur les chrétiens d'Iraq,* C.L.D., Paris, 2003

The Kurdish-controlled area of Iraq has largely benefited from the internationally sponsored "no-fly zone" agreement effective since the end of the 1991 Gulf War and the UN "food-for-oil" programme. In the past decade, however, the history of this area has been quite convoluted due to political divisions between Barzani's Kurdistan Democratic Party (KDP) and Talabani's Patriotic Union of Kurdistan (PUK), which relapsed into open intra-Kurdish fighting in 1993-1994 and was renewed in 1996-1998.

The clashes were interrupted by a series of peace talks between the leaders of the two parties under the auspices of the French government in 1994, the US President in 1995, the Ankara peace process initiated by the United States, Britain and Turkey in 1996. In 1998, the United States renewed attempts to further the peace initiatives.

The strong political divisions and fighting have resulted in the establishment of a quasi-democratic system with two separate Kurdish governments in Iraq – the KDP's in Arbil and the PUK's in Sulaymaniya - and a Kurdish Parliament in Arbil with elections held back in 1992 and mandate extended three times. The political divisions seem to be territorially defined. Talabani and his PUK keep their power base in the province of Sulaymaniya, while Barzani and KDP control the provinces of Dohuk and Arbil.

In November 2002, in the face of imminent US attacks on Iraq and prospects for a regime change, the Kurdish parties and factions consolidated their ranks and jointly approved two texts - Constitution of Iraq and Constitution of Iraqi Kurdistan. The first document presents Iraq as consisting of two principal nationalities, Arab and Kurdish, and of two eponymous regions.[9]

Article 2 of the second document delineates the borders of the Kurdistan Region as "consisting of the Provinces of Kirkuk, Sulaimaniyah and Arbil in their administrative boundaries prior to 1970 and the Province of Dohuk along with the districts of Aqra, Sheikhan, Sinjar and the sub-district of Zimar in the Province of Ninevah, the district of Khaniqin and Mandali in the Province of Diyala, and the district of Badra in the Province of Al-Wasit". The text further defines the people of the Kurdistan Region as consisting "of the Kurds and the national minorities of Turkomans, Assyrians, Chaldeans, and Arabs and this Constitution recognizes the rights of these minorities".[10]

In November 2002, the ADM leadership stated its stance towards the approval by the Kurdish parliament of the two documents protesting against the inferior status accorded to Chaldoassyrians as an attempt at marginalization of their cause. The ADM has further put on record its ideas for a future Iraq as "an administrative political federal system that guarantees the rights of all the people of Iraq, a system which enables all groups to exercise their unique aspects, strengthening the national character and hence serve Iraqi unity".[11]

The Chaldoassyrian community in the Kurdish-controlled northern parts of Iraq is faced with some important questions.

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[9] See both text at the website of the Iraqi Kurdistan National Assembly at www.kurdistan-parliament.org

[10] For their own political purposes, the Kurdish parties have exploited the use of several different names with regard to the Chaldoassyrian community by referring to Assyrians and Chaldeans as two different entities. In a declaration issued on 8 November 2002, the ADM leadership defined this act as "interference in the internal affairs" and "insistence in dividing " the Chaldoassyrian people. See "Declaration regarding the stance of the ADM towards the approval by the Parliament of the Iraqi Kurdistan region of the plans for constitutional federal republic of Iraq and the constitution of the region of Iraqi Kurdistan", available at www.zowaa.org

[11] Declaration available at www.zowaa.org

Firstly, Chaldoassyrians interviewed by *Human Rights Without Frontiers* expressed serious concerns with the unpredictability of the political dynamics in the region in view of the power struggle between PUK and KDP. In 1992, the autonomous region of Kurdistan held parliamentary elections preceded by the formation of the Iraqi Kurdistan Front consisting of 7 parties – four Kurdish, one Turkoman, the communist party and the Assyrian Democratic Movement (ADM). Out of 105 seats, Chaldoassyrians had five seats reserved, four of which went to representatives of the ADM. The other hundred seats were equally divided between PUK and KDP. The clashes between the two parties resulted in the Parliament's standoff. Being the only small parliamentary group, the Chaldoassyrians in the Kurdish Parliament had the uneasy task of balancing between the two Kurdish groups and therefore, compromise on their demands. Due to the deadlock, no other elections have been held since 1992 and the mandate of the Parliament was extended four times. At present, the Chaldoassyrian members believe that a multi-party composition of the parliament, which can be achieved by lowering the current 7 percent entry level, is urgently needed in order to make it function properly and effectively.[12]

Secondly, despite its representation in the parliament of the self-administered region of Kurdistan, the Chaldoassyrian community is excluded from participation in the city governing council in Dohuk compared to the seven seats it currently has on the Kirkuk governing council and three seats on the Mosul governing council. Dohuk is a town with considerable Chaldoassyrian population and their exclusion from the local governance in Dohuk at this early stage of Iraq's political reconstruction sets a dangerous precedent. The governing councils installed in the major cities of the 18 governorates are a significant effort at power-sharing among ethnic communities at the local level and they will most certainly provide the basis for the future governing structures.

Thirdly, in October 2002, the Kurdish Parliament in Arbil adopted a resolution entitled "General Conditions for the Ownership of Illegally Obtained Lands" to deal with the potential formal and legal transfer of illegally expropriated Assyrian lands to their Kurdish squatters. According to the directive, all lands confiscated "prior to and until January 1, 2000" are targeted for ownership transfer. In a letter sent to Vice President Dick Cheney on December 14, 2002, the President of the American Assyrian National Federation (AANF) Atour Golani insisted that "this declaration allows illegal squatters (predominantly Kurds) the opportunity to legally purchase land from the Kurdish government".

B. THE CHALDOASSYRIAN COMMUNITY IN KIRKUK

The Constitution of Iraqi Kurdistan adopted by the Kurdish Parliament in October 2002 designates as its capital Kirkuk, which is Iraq's fourth-largest city with a population of about 700,000 people. The question of "ownership" of Kirkuk was the floundering issue in the autonomy negotiations between the Kurdish parties and the Iraqi government over decades.

Kirkuk is the centre of Iraq's oil industry. It is surrounded by the richest oilfields in the region and is connected by pipelines to ports on the Mediterranean Sea. The Kirkuk field, discovered in 1927 and brought online in 1934, has still over 10 billion barrels of remaining proven oil reserves. During recent times, Kirkuk has accounted for more than a third of Iraqi oil exports.

Kirkuk was the main target of the "Arabization" policy conducted systematically over decades. Following the general anti-government uprising in 1991, the intensity of the

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[12] HRWF Interviews in Baghdad and Dohuk, October 2003.

campaign had increased targeting Kurds, Assyrians and Turkomans in Kirkuk and the surrounding area. Since 1991, an estimated 120,000 Kurds, Assyrians and Turkomans have been evicted from Kirkuk and forcibly resettled.[13]

In March 2003, a *Human Rights Watch* report warned against the possibility of a crisis if internally displaced people seek to return to their homes from which they were forcibly expelled by the Iraqi government. While forcibly displaced people have the right to return to their homes and to receive compensation for their losses, it is important that this right is implemented in a manner that does not cause additional human rights abuses.

By designating Kirkuk as the capital city of "Iraqi Kurdistan", Kurdish parties seem poised to raise the issue of the Kirkuk "ownership" at a time when the Iraqi people are getting prepared to start their history on blank paper.

During its fact-finding mission in October 2003, *Human Rights Without Frontiers* collected information and testimonies pointing to tendencies of reverse resettlements and re-claiming of property. Without a formally adopted mechanism of legally regulating the return to homes or providing compensation for losses, the claims for "ownership" of Kirkuk may engender discrimination, further human rights abuses and more cases of inflicted injustice.The *HRWF* mission registered some events that point to deliberate attempts at changing the demographic composition of Kirkuk and its surrounding area in favour of the Kurdish population.

- Evictions of Chaldoassyrian, Arab and Turkoman families from their homes carried out in the months following the removal of the previous regime;
- Registration of expectant mothers to give birth in Kirkuk hospitals while residing in other places;
- Taking over of houses abandoned by former Iraqi army officers.

On the level of local governance, Kirkuk represents an important case due to the fact that it has strong ethnic factions more than other city. On one side, the recently introduced structures and their ethnic composition indicate some serious attempts to attain accommodation of ethnic demands for representation and participation in the city governance. On the other side, representatives of Chaldoassyrian, Turkoman and Arab communities expressed fears of marginalization against the backdrop of Kurdish assertiveness in redressing injustices done to Kurds in the past.

In Kirkuk, the Coalition Provisional Authority has set up a governing city council of twenty-four members, six from each ethnic group – Arab, Chaldoassyrian, Kurd and Turkoman. Additional six seats were put up for election among 140 representatives of civil society, out of which five seats went to Kurds and one seat was taken by a Chaldoassyrian leaving the total number of City Council members at thirty – 11 Kurds, 7 Chaldoassyrians, 6 Turkmans, and 6 Arabs. The additional elections gave more power to the Kurdish community, while Arabs and Turkomans feel underrepresented.

Police forces in Kirkuk are also formed on the basis of fixed quotas distributed among the four ethnic groups in the following way: 40 percent Kurdish, 27 percent Turkoman, 25 percent Arab, 8 percent Chaldoassyrian.

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[13] See Human Rights Watch Report, *Iraq: Forcible Expulsions of Ethnic Minorities,* Vol. 15, No. 3, March 2003

Despite the fact that at present the interim councils in Iraq's governorates are reduced to consultative-status local institutions with no real decision-making powers, ethnic groups tend to identify themselves with the weight given to them through the quota system. They view their numerical representation as a reflection of their right to participate fairly and equally in the political reconstruction of the country at the local level. Their main concern is to ensure that the quota attributed to ethnic groups is commensurate with their demographic weight. On the other side, there are fears that in case of majority of certain ethnic groups, the others may find themselves in a underprivileged position.

C. THE CHALDOASSYRIAN COMMUNITY IN MOSUL

Mosul is another town with considerable Chaldoassyrian community.[14] Moreover, Mosul is in the Ninevah plain, which is the ancestral homeland of the Assyrian people. Mosul, like Kirkuk, is a town that has remained outside of the de facto independent "Iraqi Kurdistan". If further analogies are to be drawn between the two towns, Mosul and the surrounding area are also rich in oil and attract competing claims to "ownership".

Lying on the fault line between the Kurdish-controlled territory and the rest of Iraq there have been attempts to redraw the borders of Mosul administrative region. *Human Rights Without Frontiers* received reports reflecting the concerns of the Chaldoassyrians living in Alqosh, that "the redrawing of administrative lines would throw them and their children into Kurdish-controlled governmental systems and in particular, force their children into schools where Kurdish rather than Arabic forms the main language of instruction". There is concern that "such a step would handicap those who have grown up with Arabic language schools, and in all likelihood make it more difficult for them to find jobs or enter higher education in most of Iraq where Arabic is used".[15] These concerns have been voiced in other places in Mosul-Ninevah provinces with Chaldoassyrian population as well.

IV. ETHNIC ACCOMMODATION

A. FEDERALISM

The idea of having Iraq constructed as a federal state seems to be prevailing at this stage.[16]

A.1. TERRITORIAL FEDERALISM

As of today, it is not possible to say what constitutional set-up would be preferable and politically feasible. At this stage, two visible political projects are taking shape.

CPA project: 18 governorates

Looking at the structures installed at the local level in the past six months, it seems that current plans are to construct the Iraqi state on the basis of administrative governorates in the existing 18 provinces according to Iraq's law of governorates enacted in 1969. It is arguable

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[14] Out of 1 mln. inhabitants in Mosul, some 80,000 are Chaldoassyrians.
[15] Letter from the Chaldoassyrian community in Alqosh
[16] See Annex A of the report containing the principles for the future Iraq's government adopted by 100 Iraqi leaders on April 15, 2003.

whether such model would be the most feasible and preferable one. Studying the municipal councils put in place by the Coalitional Provisional Authority (CPA) in a number of major cities such as Kirkuk and Mosul, it can be presumed that the CPA plans are to accommodate and balance ethnic demands on a local level of authority. Such plans can be interpreted as attempts at curbing ambitions of some ethnic groups, especially the most powerful, to establish rigidly delineated territorial units. The President of the Kurdistan Democratic Party (KDP) and a member of the Iraqi Governing Council, Massoud Barzani, has rejected this option and has demanded that "the Kurdistan region be dealt with as a geographic and political unit within a federated Iraq".[17]

Kurdish project: 2 federated entities

The other existing political project as of today is the draft for Iraq's constitution adopted by the Kurdish Parliament in November 2002. Article 2 defines the federal republic of Iraq as consisting of two regions – the Arabic region and the Kurdish region.[18] The Arabic region includes the middle and southern regions of Iraq along with the Province of Ninevah in the north excepting the districts and sub-districts that have a Kurdish majority. The Kurdish region includes the provinces of Kirkuk, Sulaimaniyah and Arbil within their administrative boundaries before 1970 and the province of Dohuk and the districts of Aqra, Sheihkan, Sinjar and the sub-district of Zimar in the province of Ninevah and the districts of Khaniqin and Mandali in the Province of Diyala and the district of Badra in the Province of Al-Wasit. Chaldoassyrians, Turkomans and Arabs are to be considered minorities in the Kurdish federated region, as envisioned in the Constitution of the Kurdistan region adopted by the Kurdish Parliament in November 2002.[19]

What will be the implications for the Chaldoassyrian community under these two possible versions of state-building?

First, within a highly decentralized state, the Chaldoassyrian community will be dispersed in several governorates, e.g. Nineveh governorate, Ta'mim governorate, or the Kurdish-controlled territories. At present, the recently installed governing city councils turn to different external players for capacity-building help and consultation and act on their own with no connection whatsoever among them.[20] Therefore, questions important to the Chaldoassyrian community as a whole, namely identity, culture, and religion, will not be regulated in their entirety but rather as an isolated matter.

Second, the Kurdish version of a federal Iraq relegates the Chaldoassyrian community, alongside Turkomans and Arabs, to a minority group within the Kurdish region. This comes at a time when there are signals that the future constitution of Iraq will either refer to a common Iraqi identity or will list all ethnic groups as equal stakeholders to ensure that "no single

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[17] Massoud Barzani's statement appeared in the Arabic newspaper Al-Qabas on November 21, 2003, as reported by KurdishMedia.com.
[18] See the text at the website of the Iraqi Kurdistan National Assembly at www.kurdistan-parliament.org
[19] See the text at the website of the Iraqi Kurdistan National Assembly at www.kurdistan-parliament.org
[20] HRWF Interviews, Mosul and Kirkuk, October 2003

group has an overriding power over the others, and that the interests of all groups are in the balance".[21]

A.2. PERSON-RELATED (COMMUNITY) FEDERALISM

A federal state is generally expected to be organised on the principle of territoriality, which is difficult to apply in ethnically mixed territories such as the north of Iraq. An extra-territorial principle is to introduce person-related (community) federalism, whereby communities will be in a position to retain substantial autonomy in regions with mixed population through the formation of separate political institutions. Matters such as education, cultural and language policies, religion, social welfare, aspects of civil law, media, sports, etc. can be separately administered by each of the ethno-national groups over the same territory.

An example of the person-related (community) federalism is Belgium.[22] Its most characteristic feature is the double layer of sub-national political units – one defined in the conventional way by territory, and the other defined by linguistic, cultural and religious affiliation. Further to that, the Belgian constitutional reform of 1970 has introduced a minority veto power at the federal level over any bill affecting the cultural autonomy of the linguistic groups. Every law, with the exception of budgetary and special laws, may be subjected to a special procedure, referred to as the "alarm bell procedure". A qualified majority of a linguistic group in either the House of Representatives or the Senate of Belgium may invoke the procedure if they deem a decision or a proposal threatening to the interests of their community.

The Chaldoassyrian community and other ethnic groups in Iraq with less demographic weight will need to have their communal rights safeguarded and protected through special mechanisms of check and balances.

B. COLLECTIVE RIGHTS VERSUS INDIVIDUAL RIGHTS

The overarching frame of Iraq's future constitution will have to cover the important aspect of the composition of the Iraqi nation or rather the issue of where to have the emphasis – on its unity or its diversity. To curb the rising nationalist sentiments among the different ethnic groups, the most natural predilection would be to omit any references to the diverse ethnic composition and insist on a common Iraqi identity.[23] While this "difference-blindness" approach may be largely favoured by Arabs as a majority and hardly acceptable to Kurds, it may be entirely disadvantageous to the smaller ethnic communities as Chaldoassyrians and Turkomans.

The ethnic and religious diversity of Iraq calls for a well-conceived structure that will allow for an effective ethnic balancing. Multiethnic states need mechanisms that will override the

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[21] Rend Rahim Francke, a member of the Democratic Principles Working Group and director of the Iraq Foundation as quoted by International Crisis Group, *Iraq's Constitutional Challenge,* ICG Middle East Report No. 19, 13 November 2003

[22] See Annex B of the report for further information on Belgium's federal model.

[23] This seems to be the general line of thought within the Preparatory Constitution Committee; HRWF interview with Dr Hikmat Hakim, member of the Committee, on 24 October 2003, Baghdad. See also Annex A of the report where one of the adopted principles specifies that the future Iraq's government should not be based on communal identity.

subordination of ethnic and religious communities and the exclusion of large portions of the population from political representation.

There are primarily two distinct approaches to constructing power-sharing institutions with the purpose of ameliorating societal divisions along ethnic and religious lines: *consociational* and *integrative*.

The consociational approach emphasizes the acknowledgement of group rights, granting of autonomy, the creation of a polycommunal federation, the adoption of proportional representation and consensus rule in executive, legislative and administrative decision-making and a highly proportional electoral system.

The integrative approach emphasizes the adoption of ethnic-blind public policies, the creation of mixed non-ethnic federal structure, the adoption of majoritarian but ethnically neutral executive, legislative, and administrative decision-making and of a semimajoritarian or semiproportional electoral system.[24]

Those two approaches are not mutually exclusive and any model may well contain elements of both. The major distinction between them, however, is how they view ethnic identities and group loyalties. The advocates of the consociational approach view ethnic identity and group loyalties as rigid and bringing changes is considered a daunting task. The integrative approach is based on the premise that the rigidity of group loyalties and ethnic identity may break down by introducing incentives conducive to interethnic cooperation and creation of multiethnic coalitions. This approach and its emphasis on ethnic-blind public policies is suitable to states where there is no pattern of historical inequality. The consociational model, as compared to the integrative one, is expected to work through constraints, not incentives, and as such is seen as having the potential to reinforce ethnic, linguistic, and religious divisions rather than abate them. However, this approach may be the only one available in societies of deep-running divides.

V. CONCLUSIONS

Iraq's society is like a mosaic of various segments: a resurgent Shiite majority which had been under political repression for decades, a humiliated Sunni minority, which had been in power in Iraq until recently, Kurds in search of autonomy, Chaldoassyrians and Turkomans whose rights had been severely neglected. Apart from the majority Shiites, all other ethnic and religious groups are likely to fear marginalization. To outweigh radicalization of fears, Iraqi people should be encouraged to adopt a constitution and establish structures that would mitigate ethnic divisions and will institutionalize moderation in the state's governance.

All in all, whatever the future constitutional set-up of Iraq is to be, it will have to:

- address the needs of different segments of the society with the participation of all political and social forces, while all stakeholders of the process have to be treated as equal with equal guarantees for their security and respect for their needs and interests;

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[24] See Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts,* USIP Press, 1996

- provide for a high degree of autonomy of each segment in running its internal affairs, especially concerning education, religion and culture;
- secure the cultural rights of geographically scattered ethnic groups by providing non-territorial, community (personal) form of political representation and participation;
- provide for a mechanism of checks and balances, which would protect national communities (e.g. the "alarm bell procedure" in Belgium);
- provide uniform guarantees for the protection of human rights and freedoms.

Drafted by Nadia Milanova, PhD
Brussels, November 2003

<div align="right">**ANNEX A**</div>

Eleven principles for a future government adopted by 100 Iraqi leaders in Nasiriyah on April 15, 2003

1. Iraq must be democratic.

2.The future government of Iraq should not be based on communal identity.

3. A future government should be organized as a democratic federal system, but on the basis of countrywide consultation.

4. The rule of law must be paramount.

5. Iraq must be built on respect for diversity including respect for the role of women.

6. The meeting discusses the role of religion in state and society.

7. Iraqis must choose their leaders, not have them imposed from outside.

8. Political violence must be rejected, and Iraqis must immediately organize themselves for the task of reconstruction at both the local and national levels.

9. Iraqis and the coalition must work together to tackle the immediate issues of restoring security and basic services.

10. The Baath party must be dissolved and its effects on society must be eliminated.

11. There should be an open dialogue with all national political groups to bring them into the process.

ANNEX B

BELGIUM'S FEDERALISM

INSTITUTIONALIZING CULTURAL DIVERSITY

Belgium's system is often described as "innovation by necessity" because of the pressing need to adapt the state over a period of 40 years in response to powerful intercommunal pressures and tensions. With the rising cultural and linguistic distinctiveness, a centralised unitary state like Belgium was forced to establish workable, practical arrangements and to adapt its constitutional system to be able to accommodate the cultural differences of its constituent communities.

The case of Belgium is worthy of further study, despite possible comments by sceptics that it can not be applied to countries of different historical and political background. While this may be true, this paper refers to this case as a possible basis for further discussions and ideas.

The constitutional changes introduced in Belgium to accommodate distinctly defined cultural demands is a classic example of consociational power-sharing agreement containing the basic elements of the model: executive power-sharing, a high degree of autonomy for the segments, proportionality at all levels of the decision-making process (communal, regional, and local), and minority veto. Being a consociational power-sharing agreement, Belgium's federalism relies on constraints, the minority veto being an important aspect of it; and a high degree of autonomy for its constituent units. Moreover, federalism in Belgium has been conceived as a compromise based on checks and balances between unity and diversity, autonomy and sovereignty, and between the national, the communal and the regional levels.

The institutional arrangements were introduced in Belgium over the last forty years as a response to the centrifugal tendencies of regionalism along ethno-linguistic lines. Though the assertion of the respective language in the territorially defined regions stayed at the core of the process, the adopted measures have led to profound political and social restructuring of the Belgian state. The process was carried out in stages. Belgium existed as a unitary state from 1830 till 1970. From 1970, powers were devolved to the regional and community-level governments and the Senate was restructured to make it the body of regional and community representation. This process has resulted in an elaborate state structure consisting of:

Four linguistic regions
- the Dutch-speaking region
- the French-speaking region
- the Bilingual region of Brussels-Capital
- the German-speaking region

Three territorial regions
- the Flemish region (= the Dutch-speaking region)
- the Walloon region (= the French-speaking region and the German-speaking region)
- the Brussels region (= bilingual region of Brussels-Capital)

Three linguistic communities
- the Dutch-speaking Community (= the Region of Flanders plus the Dutch-speaking institutions in the Brussels-Capital Region)
- the French-speaking Community (= the Region of Wallonia, without the German-speaking region, but with the French-speaking institutions in the Brussels-Capital region)
- the German-speaking community (= the German-speaking region)

Further to that, Belgium has 10 provinces and 589 communes.

Belgium is characterised by five levels of authority.[25] The federal, community and regional levels are parallel, and the provincial and communal levels are subordinate to the preceding ones.

Levels of parallel authority

The federal state

The communities

The regions

Levels of subordinate authority

The provinces

The communes
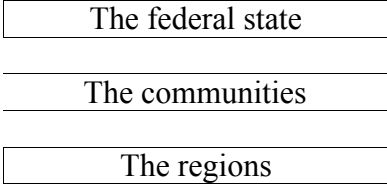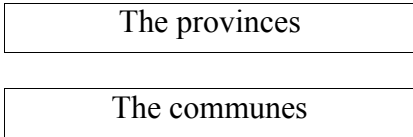
Each level of authority has a certain set of competences, as stipulated in the Constitution and in special and ordinary laws. These competences are divided as follows:

PARALLEL LEVELS OF AUTHORITY

The federal level

The constitution, legislation on institutions, defence, public order, social security, industrial relations and labour law, prices and incomes policy, commercial and company law, finance and monetary policy, federal taxes, and the residual powers, i.e. the competences that have not been explicitly allocated to the Communities and the Regions.

The community level

The communities have authority for **person-related issues:**
- Education except for the following matters: compulsory school attendance, conditions for granting qualifications and the pension system for teachers.
- Cultural matters such as cultural heritage, audiovisual media, support for written press, artistic training, and youth policy.
- Matters related to individuals such as family policy and the protection of youth, policy on receiving and integrating immigrants.
- Use of languages in administrative matters, education, social relations between employer and personnel.

The regional level

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[25] Belgium has a sixth level of authority, the European level, which is supranational. For clarity of presentation, it is excluded as considered irrelevant for Iraq's case.

The regions have authority for **territory-related issues**:
- regional development, environment, housing policy, regional economy, transport and road networks, pubic works, administrative supervision, international relations limited to regional competences.

LEVELS OF SUBORDINATE AUTHORITY

The provincial level

The province may intervene in all areas which seem to be of interest insofar that it respects the authority of the communes and that the matter concerned does not come under the authority of a higher level. The following are some of the competences allocated to the provinces: education organised by the province, the network of provincial roads; "disaster" plans.

The communal level

The commune acts in all matters which are of a communal interest, insofar that it respects the authorities of the province and those allocated to a higher level. The following are some of the communal powers: the communal police, communal roads, communal finance, sports infrastructure, etc;

The legislative and executive bodies at each level of authority are presented in the table below.

Level of authority	Units	Legislative body	Executive body
Federal	Belgium	House of Representatives Senate	Federal Government
Communities	Dutch-speaking	Flemish Parliament	Flemish Government
	French-speaking	Parliament/French community	Government/French community
	German-speaking	Parliament/German-Speaking community	Government/German-speaking community

Regions	Flemish region	Flemish Parliament *	Flemish Government
	Walloon region	Walloon Parliament	Government/Walloon region
	Brussels Capital Region	Parliament/Brussels Capital	Government/Brussels Capital region
Provinces	10 provinces	Provincial Council	Standing deputation
Communes	589 communes	Communal Council	Committee of Mayor + Deputy Mayors

* The competences of the Flemish Region are exercised by the Flemish Community, i.e. the Flemish Parliament and the Flemish government have assumed the community and regional competences.

PERSON-RELATED (COMMUNITY) FEDERALISM

Under this structure, Belgium's linguistic groups benefit in terms of both representation and participation in the decision-making process. At the federal level, they are represented in the first chamber of the bi-cameral parliamentary system. At the regional level, a linguistic group is represented in the regional parliament and government, in which it constitutes the majority. The regions on their side have equal representation in the Senate, and the regional governments participate as equal partners in an extensive intergovernmental policy networks. In sum, there are four *loci* of participation and representation of ethnic or linguistic groups in a federal system like Belgium's as compared to the organization of a unitary state.[26]

Belgium's federalism warrants closer attention as it adds another *locus* of participation and representation of ethnic or linguistic groups. The federal and the regional level of authority are organised on the principle of territoriality, which is difficult to apply in ethnically mixed territories. An extra-territorial principle is to introduce person-related (community) federalism, whereby communities will be in a position to retain substantial autonomy in regions with mixed population through the formation of separate political institutions. Matters such as education, cultural and language policies, religion, social welfare, aspects of civil law, media, sports, etc. can be separately administered by each of the ethno-national groups over the same territory. Legislative and executive councils with jurisdiction over the issues mentioned above can be created for each of the groups.[27]

The most characteristic feature of Belgium's federalism is the double layer of sub-national political units – one defined in the conventional way by territory, and the other defined by

[26] See Theo Jans, Personal Federalism: A Solution to Ethno-National Conflicts?, in *Federal Practice: Exploring Alternatives for Georgia and Abkhazia,* eds. Bruno Coppieters, David Darchiashvili, and Natella Akaba, VUB University Press: Brussels, 2000
[27] See Theo Jans, *ibid.*

linguistic, cultural and religious affiliation as three governments were created for the three communities to deal with person-related matters. Separately in the Brussels area where the population is mixed, there are three governments: a regional government (territorial for the Region of Brussels Capital), a French Community government (personal) and a Flemish Community Government (personal).

MINORITY VETO – THE "ALARM BELL PROCEDURE"

As mentioned earlier in this paper, the consociational power-sharing agreements are expected to work through constraints. For instance, the Belgian constitutional reform of 1970 has introduced a minority veto power over any bill affecting the cultural autonomy of the linguistic groups. Every law, with the exception of budgetary and special laws, may be subjected to a special procedure, referred to as the "alarm bell procedure". A qualified majority of a linguistic group in either the House of Representatives or the Senate may invoke the procedure if they deem a decision or a proposal threatens the interests of their community.

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