

Conference Report

Kerkuk Problem and Article 140: Defining Alternatives The Views of Kerkuk's Turkmen and Arabs

23 June 2008, European Parliament, Brussels



Organised by:

The Iraqi Turkmen Human Rights Research Foundation (SOITM)

The Unrepresented Nations and Peoples Organization (UNPO)

With assistance from:

The office of Ms. Ana Maria Gomes, Member of European Parliament

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Introduction

The conference *Kerkuk Problem and Article 140: Defining Alternatives, The Views of Kerkuk's Turkmen and Arabs* was organised by the Iraqi Turkmen Human Rights Research Foundation (SOITM) and the Unrepresented Nations and Peoples Organization (UNPO), and held at the European Parliament in Brussels on 23 June 2008.

This conference was organised with the aim of giving voice to various groups afflicted by current frustrations in Kerkuk as well as to raise awareness of their rapidly deteriorating human rights situation in Iraq. This was considered especially important at a time when tensions in northern Iraq are rapidly rising, particularly in reaction to the failure to realize the constitutionally mandated referendum at the appointed date at the end of 2007 on the future status of the oil rich city of Kerkuk. With the process of reversing the demographic distortions imposed under Ba'ath Party rule clearly stalled, affected parties are desperate to solve what has become the 'Kerkuk Problem' and to foster stability and security in the region.

All parties to the conflict profess an interest to a peaceful resolution - surely the only option for the people of northern Iraq following decades of persecution and violence under the dictatorship of Saddam Hussein. A prevailing atmosphere of mistrust and suspicion, fuelled by violence and chronic insecurity, continues however to undermine the possibility of meaningful and constructive dialogue between the conflicting parties.

The Iraqi Turkmen and Arabs feel particularly frustrated by the political process that has followed the fall of Ba'ath Party rule. Their leaders have felt excluded from a number of political decisions that appear set to determine the region's future. Furthermore these mechanisms aimed at creating stability have proved largely ineffectual or unrealized.

In response to this, the conference had two main objectives:

The first was to provide those leaders who have found it difficult to effectively present their concerns to the international community with a stage to do so. The European Parliament presented an appropriate platform for these leaders to engage with European policy-makers in the interest of influencing Iraq's reconstruction.

The second objective was to foster a process of dialogue with the unique aim of rephrasing the discussion of Kerkuk's future status in more constructive terms. Contributors were asked to offer alternative pictures on the city's final

status. The conference hoped to stimulate fresh and creative thought on northern Iraq which could be utilized in future dialogue and political planning of the region.

We are delighted to have successfully included the participation of several influential political actors such as Dr. Muzaffer Arslan, advisor on Turkmen Affairs to the President of Iraq H.E. Jalal Talabani; Mr. Mohammed Khalil Nasef, elected member of the Kerkuk City Council as a representative of the Arabic group; Mr. Ali Mehdi, Turkmen member of the Kerkuk City Council and deputy to the president of Turkmeneli party; and Mr. Yako Jajjo from the Iraqi Assyrian community. Two presenters were unable to attend the conference due to security restrictions, however their contributions were graciously presented by supportive colleagues.

This conference was only one step out of the countless steps which lay ahead. The organisers remain hopeful therefore that dialogue and serious consideration of new alternatives can save the people of northern Iraq from the violence that continues to plague their southern neighbours.

SOITM and UNPO maintain committed to contributing to such future initiatives, and hopes future conferences and events might represent an opportunity to gather further representatives from the communities of Iraq.

The organisers are grateful to the many participants whose varied contributions made the conference a successful step towards constructively addressing the situation in Kerkuk. We are also very appreciative for the assistance of Ms. Ana Maria Gomes, without which the conference could not have been possible.



Marino Busdachin
UNPO General Secretary



Sheth Jerjis
SOITM Chairman

The Turkmen of Iraq

The last reliable census data from Iraq, gathered in 1957, identifies the Turkmen as the third largest ethnic group in Iraq. Their population has long historical roots in northern and central Iraq, stretching back beyond the Islamic period, with ongoing settlement throughout the pursuing centuries. Iraqi Turkmen communities rose to prominence during Umayyad and Abbasids, playing an important role as rulers and administrators during Seljuks, Atabags, Mongols, Qara Qoyunlu, Aq Qoyunlu, and Safavids. Turkmen were also prominent administrators, merchants, and politicians under the rule of the Ottoman Empire, especially in urban areas such as Kerkuk, Erbil, Telafer, and in several districts in Diyala, Salah al-Din and Kut, where they lived as a majority. The decline of their influence and marginalisation began first after the collapse of the Ottoman Empire during the aftermath of the First World War.

Under British rule and Iraq's era of Monarchy, cultural rights were gradually taken away from Turkmen communities, and their activists frequently jailed. British rule is also widely viewed by Turkmen as the beginning of efforts to systematically misrepresent the true extent of their presence in northern Iraq – perhaps in an effort to minimise vestiges of Ottoman rule as they sought to cement their own control.

Iraqi Turkmen influence in northern Iraq continued to gradually wane during successive Iraqi governments following the dismembering of the Ottoman Empire and Iraq's independence in 1932. Other minorities and communities, predominantly Kurds, began entering Iraq's northern cities in large numbers from mountainous areas in the east following the growth of a burgeoning oil industry. This rapid demographic change soon produced ethnic tension and violence and Turkmen communities began to feel the effect of marginalisation. This is most clearly evident in the events of 14 July 1959, where scores of once prominent Turkmen officials were killed in Kerkuk. Tensions were exasperated still further upon the establishment of Ba'ath Party rule in 1968, a period during which the position of all minorities in Iraq became increasingly precarious.

Saddam Hussein's regime instigated a campaign of intensive "Arabisation" in rebellious regions of northern Iraq, systematically expelling Turkmen, Kurdish, and Assyrian minorities, encouraging the resettlement of Arabs, and redrawing political boundaries to dilute their political influence. This period of violence and persecution effectively destroyed Turkmen civil society, forcing many of its political institutions underground or into exile abroad.

Rebuilding civil society remains the major challenge facing Iraqi Turkmen leaders as the new Iraqi state begins to take shape.

Iraqi Turkmen communities are in particular of the view that their historical presence and influence in the region has remained marginalised during the process of reconstructing the Iraqi state, claiming that relatively little has been achieved with respect to correcting the past injustices they have suffered. With limited representation in local administration and security forces, as well as in the vital Property Claims Commission, many have concluded that little has changed with respect to their political and social marginalisation. Perhaps most crucially, Turkmen communities have come to view the recent waves of immigration into Kerkuk as increasingly disproportionate, suspicious of the role this might play in the imminent referendum on the city's future status.

Human Rights Violations

Attempts to assimilate Turkmen communities began in earnest during the establishment of the Iraqi Monarchy in 1921. The study of Turkmen language was quickly banned from schools and public life, and once prominent Turkmen politicians were increasingly excluded from local administration and law enforcement. A burgeoning oil industry exposed the Kerkuk region to demographic change, bringing waves of immigration both from the surrounding regions and from abroad in search of employment. This rapid demographic change inevitably introduced ethnic tensions and rivalry that frequently resulted in violence.

These tensions continued into Iraq's Republican Era, escalating most dramatically in Kerkuk, the site of a now notorious massacre of Turkmen leaders which took place on 14 July 1959. This effectively destroyed the remnants of Turkmen civil society, still stifled by restrictions on Turkmen language, culture, and media.

The establishment of Ba'ath Party rule over Iraq in 1968 made the prospects for all of Iraq's minorities increasingly precarious. Alongside Kurdish, Assyrian, and other communities, Iraq's Turkmen suffered extensively under the brutal Anfal campaign, aimed at securing still further Ba'ath Party dominance in the region. Land seizures and confiscation severely damaged the Turkmen economy, countless families were forcefully expelled, and those able to remain were often forced to register as Arab in order to partake in the economy or seek employment of any kind, whilst political and cultural exclusion prevented recourse to any meaningful form of justice.

The fall of Saddam Hussein's regime in 2003 brought an initial wave of stability to northern Iraq. Subsequent waves of Kurdish in-migration and Kurdish dominance over political power in what is being considered a "Kurdification" of the region contributed however to the escalation of tensions. Economic marginalisation and under-representation in local administration and security services continues however to undermine the revival of Turkmen civil society. The return of seized land and property has in particular been greatly ineffectual; with many Turkmen leaders left with the feeling nothing has changed with respect to their political and economic marginalisation. As still prevalent ethnic tensions have brought increased levels of violence and intimidation to cities such as Kerkuk and Telafer, traditionally home to large Turkmen communities, many have already taken the difficult decision to seek safety as refugees in neighbouring countries such as Turkey and Syria.

Kerkuk – A Brewing Crisis

Kerkuk is a city in northern Iraq rich in both history and oil. Whilst northern Iraq has long been the home of numerous minorities, Iraqi Turkmen consider the city of Kerkuk especially central to their historical presence in the region. The present demography of Kerkuk, they claim, reflects relatively recent waves of immigration that began with the growth of the city's oil industry in the 1920s, and more substantially, the brutal campaign of "Arabisation" instigated by Ba'ath Party and "Kurdification" after the country's 2003 occupation intent on securing domination over the region. Many Turkmen remain critical also of the process meant to address these injustices following the fall of the Ba'ath Party in 2003, some suggesting it has merely facilitated a new form of demographic distortion.

During the Ba'ath period, forced expulsions, killings, and violence, were coupled with economic incentives and benefits designed to drive local minorities out of northern Iraq. Turkmen civil society, along with that of Assyrian and Kurdish minorities, was severely weakened, and in some cases, effectively eradicated. Their communities were forced to register as Arab in order to engage in commerce or employment of any kind, and their language and culture was banned for education and public life.

Following the events of 2003, Turkmen communities now resent in particular the extent to which their leaders were driven from their once influential positions in local administration and security, leaving their communities bereft of meaningful representation and influence in local decision making. Their current under-representation in Iraq's new political institutions, both national and local, is therefore a matter of particular concern.

Kurdish communities in Kerkuk also claim the city as historic property, focusing primarily on their population numbers in the wider Kerkuk region, as opposed to its urban centre. Denying a primary interest in the city's oil wealth, Kurdish leaders have repeatedly urged the incorporation of Kerkuk into the Kurdish administrative region, though accepting its essentially mixed ethnic composition.

What is often described as a brewing crisis in Kerkuk is inherently tied to these diverging claims to the city. The constitutional mechanism for resolving these conflicting claims and determining the city's future status with respect to a federal Iraq has however only produced further tensions.

Article 58 of the Transitional Administrative Law (TAL) and the subsequent Article 140 of the Iraqi Constitution recognise the injustices of Saddam

Hussein's "Arabisation" campaign, and contain provisions for a process of "normalisation" intended to reverse the damaging effects of this policy. Upon the completion of this process, followed by a census, Article 140 suggests that the "will of its citizens" should determine Kerkuk's final status by a date no later than 31 December 2007. In actuality this could not be realized by the December 2007 deadline and the referendum was postponed due to purported "technical issues". The resulting situation further complicated the democratic processes aimed at safeguarding future stability and increased already strained tensions in the region.

Many Turkmen and Arab political leaders stand in particular defiance of Article 140, claiming the article was unfairly extracted from Article 58 of the Transitional Administrative Law in Iraq. While the Transitional Law lends for the option of Kerkuk remaining an independent entity not adjoined to any federal region, Article 140 lacks that definition. Given the debated formulation of Article 140 in addition to its failure to uphold a referendum by the mandated deadline numerous political groups currently claim Article 140 as an expired and therefore "dead" constitutional article.

The proposed process of normalisation is clearly complex. No consensus has of yet emerged on what might constitute normality in such a beleaguered region, and numerous practical questions remain unanswered with respect to reversing the demographic distortions that are a legacy of the Ba'ath Party era.

Demography remains perhaps the most controversial issues, concerning both the question of how many of the city's various ethnic communities can claim to have been displaced, and the question of what to offer Arabs brought in, some against their will, to take their places.

Many Turkmen and Arab leaders have strongly opposed what they consider excessive Kurdish immigration into Kerkuk after 2003, claiming this unfairly determines both local elections and the pending referendum in their favour, at least when compared to what they view as the historical makeup of the city. Their exclusion from local administrative structures has allowed, they argue, rival communities to facilitate the relocation of many more families than were expelled from the city during the Ba'ath period.

Little has also been done with respect to returning confiscated lands, with the Iraqi Property Claims Commission riddled with bureaucratic difficulties and legitimacy problems. Turkmen communities in particular lament its domination by Kurdish representatives and failure in particular to address cases involving Turkmen land owners. Statistics suggest of the 36.000 land confiscation cases

existing only a small fraction (estimated 5.000) has been fully addressed. Of those cases an estimated 80 percent involve Turkmen land owners.

The process of normalisation has undeniably been slow and ineffectual, with many important questions remaining unanswered. Without further efforts to ensure all of Iraq's minorities feel genuinely included in the democratic processes aimed at reconstructing the Iraqi state, coveted stability appears inevitably and increasingly elusive in the absence of further dialogue and discussion.

Key Iraqi Legal Documents

Article 58 of the Transitional Administrative Law for Iraq 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 Kerkuk, 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 Kerkuk, 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.

Source:

[<http://www.cpa-iraq.org/government/TAL.html>]

Article 140 of the Iraqi Constitution states:

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 completes (normalization and census and concludes with a referendum in Kerkuk and other disputed territories to determine the will of their citizens), in a period not to exceed (the thirty first of December two thousand and seven).

Source:

[<http://www.iraqigovernment.org/Content/Biography/English/consitution.htm>]

Sheth Jerjis **SOITM Chairman**

Mr. Sheth Jerjis is the Chairman of the Iraqi Turkmen Human Rights Research Foundation (SOITM) and a member of the Iraqi Turkmen delegation to the Unrepresented Nations and Peoples Organization (UNPO). He was previously a member of the Steering Council for the Iraqi Turkmen Cultural and Solidarity Association in Izmir, and has also served as Secretary of the Iraqi Turkmen Cultural Foundation in the Netherlands. Mr. Jerjis focused on the historical and political misrepresentation of Turkmen in Iraq which contributed to the marginalization of Iraqi Turkmen in recent general and local elections.

Dr. Jerjis opened by noting the fertility of the Kerkuk region, including oil reserves, natural gas and sulphur. While Kerkuk is a resource rich city, noted Dr. Jerjis, it has suffered from a lack of development. The city is stricken with ill-developed infrastructure, municipal services and urbanization asserted Dr. Jerjis. Furthermore he continued, demographic changes have drastically altered Kerkuk's landscape. The resulting marginalization of the Iraqi Turkmen, he cited, has been fuelled by principles of non-democracy and extremism.

“The time is right for us as Iraqis to adopt the principles of democracy and work to spread the culture of human rights.”

Dr. Jerjis asserted that a Kurdish nature in Kerkuk has been superimposed on the city; one that has been reinforced by modern Western literature. “Large numbers of Western publications, even some academic sources, of the later half-century had almost imposed the Kurdish nature over the Kerkuk region and even over the city of Kerkuk.”

Authors and journalists such as William Safire, Luke Harding, Lolke van der Heide and Robert Soeterik, cited Dr. Jerjis, have inaccurately described Kerkuk as a historically and traditionally Kurdish region. These misrepresentations or “misleading information” in Western literature, continued Dr. Jerjis, has played a significant role in complicating the current Kerkuk problem.

Dr. Jerjis noted writers continued to overestimate the Kurdish population in the region and underestimate the Turkmen population, with Cecil John Edmonds being the first notable author to grossly miscalculate the Kurdish population in the early 20th century.

According to Dr. Jerjis the 1957 Iraq census quoted the Turkmen population in Iraq to be 136,200, an estimated 2 percent of the general population. Contrary to these statistics, affirmed Dr. Jerjis, other Iraq experts considered the Turkmen population size in Kerkuk city to be just over 50 percent. As such, “the statistics of the census of 1957 related to Kerkuk province should be considered unreliable.”

This census data has had serious effects on the subsequent elections in Iraq since its occupation asserted Dr. Jerjis. Given these inaccuracies, “any election in Iraq will be exposed to huge manipulations; the large numbers of irregularities will be unavoidable and the size or the errors in the election results certainly renders the outcomes illegal.”

Furthermore Dr. Jerjis noted, the “later Iraqi general election was administered mainly by the Kurdified administration.” As a result Kurdish parties won an overwhelming disproportionate amount of government seats in areas with multi-ethnic populations. This has contributed to the marginalization of the Turkmen and other communities as well as increased Kurdish influence in the region noted Dr. Jerjis. He highlighted the change of Arabic and Turkmen city names and signboards to Kurdish names, as well as the increased unemployment among non-Kurdish communities.

Dr. Jerjis elaborated on the increasing Kurdish influence in several districts and cities, including Khanaqin. He noted the cities Khanagin and Kifri were an almost equally mixed city of Turkmen and Kurds in the 1950s, however today Kurds constitute approximately 70 percent of the cities’ population and 80 percent of city council seats in Khanaqin and 100 percent of seats in Kifri.

Erbil, continued Dr. Jerjis, was once a Turkmen dominated city, yet is now roughly 75 percent Kurdish, with the 41 members of its city council distributed between two Kurdish parties.

Dr. Jerjis concluded by asking European authorities to be more active in their policies towards Iraq, calling on them to abandon their passivity and “start to intervene directly to stop the human rights violations” in Iraq.

Marino Busdachin

UNPO General Secretary

Mr. Marino Busdachin is the current General Secretary of the Unrepresented Nations and Peoples Organization (UNPO). He has spent decades campaigning for human, civil and political rights, focusing especially on Eastern Europe and the Soviet Union. Mr. Busdachin spoke of the need to address the Kerkuk problem with new perspectives coupled with inclusive political dialogue and firm political will.

Mr. Busdachin highlighted the increasing international attention on the situation of Kerkuk, with the plight of Kerkuk's marginalized parties securing an increasingly significant position in international dialogue. It remains vital to recognize noted Mr. Busdachin, "such policy debates need to be coupled with firm political will to implement solutions." Unfortunately this will has been considerably lacking asserted Mr. Busdachin, and without this will any discussions, conferences or seminars will remain purely academic.

"Taking into consideration the continued postponement of the referendum in Kerkuk and the mounting frustrations of all parties involved, the time is ripe to re-approach the dilemma with different perspectives."

Mr. Busdachin quoted a philosophy of the Founding Fathers of the European Union which states if a solution to a problem cannot be found, then one needs to change the context of the issue. He further called upon those present at the conference to take heed of this advice when discussing the future of Kerkuk.

Mr. Busdachin noted the multiethnic nature of Kerkuk and the situation of multiple groups vying for influence and control. Given these realities Mr. Busdachin suggested policy-makers consider a system of governance which includes administrative divisions as a feasible option to quell tensions.

"Such systems have been successful in Trieste, South Tirol, Catalonia and Corsica. In all of these cases diversity was managed through a community oriented approach. Smaller political units were created which are able to cater to the needs of the community more effectively than a more centralized, top-heavy administration. A key factor in the stability of these regions is the strengthening and support of local economies, which ultimately fosters a significant level of fiscal independence."

In whatever approach is adopted Mr. Busdachin stressed the necessity of engaging all parties – Arabs, Chaldo-Assyrians, Kurds and Turkmen – in dialogue.

“The European Parliament is a particularly apt stage upon which to continue this work, as Europe’s own laws on the rights of minorities rank amongst the most developed in the world. Substantial and effective dialogue, linked with firm political will are cornerstones to hurdling the obstacles surrounding Kerkuk.”

Mr. Busdachin concluded that Article 140 of the Iraqi Constitution should be considered a failed legislative act. An order by law, argued Mr. Busdachin, is needed in order to fully implement Article 140. Mr. Busdachin therefore urged Iraqi authorities to consider implementing such an order, so as to reduce further deterioration of the already dire situation in Kerkuk and to finally end the question of Article 140.

Ana Maria Gomes MEP

Member of the European Parliament

Ms. Ana Maria Gomes is a Portuguese Member of the European Parliament and part of the Parliamentary Socialist Group. Ms. Gomes is a member of the Committee on Foreign Affairs and sits as the Vice-Chairwoman of the Subcommittee on Security and Defence. She spoke on the increasing pragmatism of Kerkuk leaders when addressing the strained Kerkuk situation.

Ms. Gomes spoke of her recent visit to northern Iraq in February 2008, noting her impression with the pragmatism among the leadership in the Kurdistan Regional Government (KRG). Ms. Gomes asserted the Kerkuk dispute can and will be solved “peacefully, democratically, based on the Iraqi Constitution and International Law, and on principles that serve the interests of all Iraqis.”

Ms. Gomes noted the past atrocities committed against Kurdish peoples in the 20th century such as the horrors of the Anfal campaign and Halabja, as well as the suffering of Turkmen and Christians in the region under the policy of “Arabisation”.

Upholding the rule of law is crucial, noted Ms. Gomes. “The Iraqi Constitution is clear about the need for a referendum that will decide the future of Kerkuk.” Ms. Gomes admits there are however serious tensions surrounding the Kerkuk issue and “sometimes an election can exacerbate the problem it is supposed to solve.”

“Avoiding violence and clash between different groups should of course be one of the most important criteria in taking any decision about a referendum in Kerkuk.”

Much pragmatism and wisdom is needed from local and regional leaders to avoid further conflict explained Ms. Gomes. She complimented the Kurdish Regional Government for its acceptance of not holding the referendum in 2007 as well as for their acceptance of a greater role of the United Nations Mission in Iraq in solving disputed internal boundaries.

The UN mission has already issued recommendations on four disputed areas to Iraqi President Talabani noted Ms. Gomes and are already underway to issue recommendations for five further areas and then on Kerkuk. Ms. Gomes urged all parties to the Kerkuk dispute to “accept the UN recommendations and to avoid any provocative acts or destabilizing initiatives that might endanger this sensitive process.”

Ms. Gomes highlighted developments in KRG rhetoric in early June 2008 which indicate the Kurds are ready to substantially alter their position. She quoted Necirvan Barzani, Prime Minister of the KRG: "In Kerkuk, we Kurds, we are ready for power-sharing. We are pushing for a solution, not especially a referendum. We have asked the UN to be technically involved because the situation is complicated."

Such statements indicate a new willingness to compromise assessed Ms. Gomes, one which should be recognized by other groups involved.

Furthermore Ms. Gomes noted developments in Kurdish-Turkish relations, welcoming an easing of tensions as a positive factor in solving the Kerkuk dispute peacefully.

During her visit to the KRG parliament in Erbil she met with several Turkmen representatives explained Ms. Gomes. "They seemed to be well integrated into the political process there. They saw the inclusion of Kerkuk into the Kurdish Region as an advantage, as it would increase the Turkmen population and, therefore, their electoral base."

Ms. Gomes noted the debates surrounding the future of Kerkuk are not only going on between communities, but are also occurring within the different communities.

"The most important principle that needs to guide these debates is that Iraq is now equipped with the institutional and legal tools to solve these disputes peacefully and patiently."

"The dictatorship is gone - whatever disputes divide you now, they are relatively small compared to the ethnic cleansing, massive humanitarian catastrophes and violations of human rights that happened under Saddam. It is now for the people of Iraq to learn how to enjoy the fruits of freedom and peace."

Muzaffer Arslan

Advisor on Turkmen Affairs to the President of Iraq H.E. J. Talabani

Dr. Muzaffer Arslan is an advisor on Turkmen Affairs to the President of Iraq H.E. Jalal Talabani, and one of the founders of the Iraqi Turkmen National Party. He serves also as the head of the Iraqi Turkmen delegation to the Unrepresented Nations and Peoples Organization (UNPO). Dr. Arslan outlined the current status-quo in northern Iraq as well as potential actions to alleviate tensions.

Dr. Arslan began by calling upon European institutions, governments and non-governmental organisations to pressure the Kurdish administration as well as the Iraqi and United States governments to abandon their policy of force in northern Iraq and replace it with justice, fairness and equality.

In hopes of avoiding further conflict and strife Dr. Arslan called upon Kurdish Regional Government (KRG) to:

- Halt its claims over Kerkuk and other historically Turkmen towns;
- Remove its armed militias from northern Iraq;
- Insert local administration personnel instead of further Kurdish personnel;
- Grant non-Kurdish groups in northern Iraq permission to establish their own self-ruling governments;
- Establish an equal partnership between the Kurds, Turkmen and Arabs, with a contingent for Chaldo-Assyrians, in the form of a federation in northern Iraq.

The final request of establishing a federation of the four aforementioned local governments, argued Dr. Arslan, will be marginally more acceptable to all parties involved. "Tolerance, co-existence and respect of others' rights will bring prosperity, cooperation and peace."

"The Turkmen desire the establishment of a Turkmen government that is secular, peaceful, democratic and based on human rights and wish others to do the same."

Continuing, Dr. Arslan highlighted the unique composition of northern Iraq, being a multi-ethnic and multi-religious area. An absolute majority of any ethnic group does not exist, explained Dr. Arslan.

Reliable census data for Iraq has not existed since the end of World War I noted Dr. Arslan. Furthermore northern Iraq has been heavily impacted by demographic change and forced migration, underlined Dr. Arslan, since the

fall of Saddam Hussein in 2003. He highlighted the cases of Erbil and Kerkuk, stressing their historical importance as Turkmen cities, the government sponsored in-migration of Kurds and the resulting Kurdish population majorities.

Dr. Arslan lamented on the use of force in northern Iraq, claiming it to be the means for Kurdish authorities to incorporate new territories into KRG. Article 140 of the Iraqi Constitution, noted Dr. Arslan, has legally expired since a referendum was not held before December 2007.

Dr. Arslan reiterated the Turkmen's pre-World War I role as a ruling elite in Iraq as well as their penchants towards non-violence and establishing justice, peace and stability in the region.

Given these circumstances, argued Dr. Arslan "the ideal administration for the North [of Iraq] would be in the form of equal partnership between the three major ethnicities, the Kurds, the Turkmen and the Arabs" with participation of the Chaldo-Assyrians. If the Kurds are entitled to self-government noted Dr. Arslan, then the other ethnicities in northern Iraq should be granted the same entitlement.

The reality, admitted Dr. Arslan, is the domination of Kurdish control in northern Iraq, including domination over government and public life, the army, police, municipalities, economy, resources and public services. Dr. Arslan asserted that instead of an equal partnership there exists severe discrimination against the Turkmen, Arabs and other groups.

Dr. Arslan criticized the KRG of aggressively manipulating northern Iraq's landscape by bringing thousands of Kurdish families into the region and purportedly providing them with false identity cards and land titles, thereby claiming them to be the original habitants driven by Saddam from these lands. Moreover Dr. Arslan offered claims of manipulation and election tampering which further contributed to northern Iraq's current status-quo.

On behalf of all Iraqi Turkmen Dr. Arslan called upon the United Nations to intervene more actively in northern Iraq and to act as an arbitrator in the conflict.

Mohammed Mahdi Ameen

Member of the Iraqi Parliament

Mr. Ameen is a Turkmen member of the Iraqi Parliament from the Supreme Council for the Islamic Revolution. Due to security restrictions Mr. Ameen was unable to travel to Brussels for this event. His contributions were presented by Mr. Mohammed Koja, a Turkmen author, and focused on outlining Turkmen grievances relating to Kerkuk.

Mr. Ameen opened his presentation by underlining the oppression of Turkmen in Iraq since 2003. Regions where Turkmen live, their national identity and political and civic institutions have been exposed to suppression by Kurdish political parties, their militias and their allies asserted Mr. Ameen. Iraqi Turkmen have been denied full recognition in the Iraqi Constitution as well as access to high-level government positions continued Mr. Ameen. The Turkmen are facing this repression, explained Mr. Ameen, because they strongly support the unity of Iraq.

Violations of many kinds are a general problem in Iraq claimed Mr. Ameen, but the situation is particularly severe and systematic in Kerkuk. Furthermore Mr. Ameen lamented on the recent changes of Kerkuk's demographic reality in favour of a more Kurdish population.

Going into detail regarding specific infractions committed by Kurdish parties, Mr. Ameen outlined the seizure and redistribution of many resources in Kerkuk for Kurdish benefit. These include the takeover of buildings of oil companies, tens of square kilometres of army lands, army centres and all properties found in these centres including heavy military equipment, apartment buildings, public spaces used for parks, and security centres including police headquarters. Additionally, Mr. Ameen noted, the funds, land and control of several ministries, including the Ministry for Electricity and Municipality and Youth and Sports, have been seized. Most of the lands seized were awarded to newly in-migrated Kurdish families asserted Mr. Ameen. All of these actions, argued Mr. Ameen, contribute to attempts to increase Kurdish influence in Kerkuk city, as well as in the entire Kerkuk province, and marginalize other ethnic groups.

These violations have been officially documented in several reports and presented to American authorities, being the direct administrator in the region, confirmed Mr. Ameen.

Explaining Turkmen positions on the conflict, Mr. Ameen stated: "Turkmen believe that according to the Iraqi Constitution under Article 14 that all Iraqis, whatever religion or ethnicity, are equal in obligations and in their rights"

“Article 3 [of the Iraqi Constitution] acknowledges that Iraq is multi-cultured, multi-religious and multi-ethnic. And so to not acknowledge the rights of the Turkmen is a violation of this article of the Constitution.”

Mr. Ameen called for the amendment of Article 4 of the Iraqi Constitution to include the Turkmen language as an official national language. Furthermore he urged the United States to increase their efforts towards the normalisation of Kerkuk.

Mr. Ameen suggested the creation of an independent Kerkuk province in which all Kerkuk communities can participate in its administration.

Continuing Mr. Ameen called for the creation of a special law which indicates Kerkuk and Baghdad do not need to be included in any Iraqi federal regions, as the previous Transitional Administrative Law for Iraq stated.

Due to their large Turkmen populations, Mr. Ameen urged the Iraqi government to denote Tuz and Telafer as Turkmen districts.

Lastly Mr. Ameen shared his disapproval of Article 140, claiming it to be “contradictory to the main principles of the Constitution” and not in the interest of Iraq and for Kerkuk in particular. It is on this basis asserted Mr. Ameen, that Article 140 should be removed from the Constitution.

Yako Michael Jajjo

Assyrian Foundation

Mr. Jajjo is an author and poet. He is a member of the Assyrian Foundation and the Assyrian Union in the Netherlands. Mr. Jajjo shared with the conference his hopes for unity and dialogue among all Iraqis.

“Let me start with a rhetorical question: Is Kirkuk an Arab, Kurdish, Assyrian, Turkmen, or Ayzidi city? Undoubtedly, the answer is positively all of these names. And, surely, any Iraqi city ought to be characterized as such by definition.”

Mr. Jajjo acknowledged the many forms of oppression faced by Kerkuk’s populations throughout history, but noted that efforts to implement Article 140 of the Iraqi Constitution have further exacerbated the situation. He highlighted the lagging efforts to return confiscated lands as one such example of aggravation.

“We are justice seekers and look forward to seeing mutual love and respect between all parties concerned.”

It remains vital, pointed out Mr. Jajjo, that in discussions surrounding Kerkuk we must be more specific with our definition of the city. “The ‘Kerkuk’ we are talking about here must be defined; which Kerkuk exactly? Are we considering the city before and after the 1957 census, Kerkuk after 1968, or Kerkuk after Saddam’s fall? For, demographically each era has its own peculiarities.”

“In all the sources and documents I consulted, I came up with the undisputed conclusion that Kerkuk has been the home of co-existing ethnic Iraqi groups for centuries long, but which is historically an Assyrian city.”

Mr. Jajjo continued by stressing the need to work as a unified Iraq and not in the name of ethnic nationalities. “We have gathered here today with good intentions, as a token of calling for a unified Iraq despite the existing ethnic and religious differences. [...] So I ask the distinguished delegates that once we leave this auditorium we are supposed not to disclose our ethnic identities as either Arabs, Kurds, Assyrians, Turkmen, Ayzidis, Mandaeans or any other affiliation groups; for we are all required to work together for one peaceful and unified Iraq.”

In the opinion of Mr. Jajjo Article 140 cannot halt the current misery and bloodshed in Kerkuk, rather “our unity as citizens of one undivided country is the only safeguard and way out of the dilemma.”

Mr. Jajjo noted the existence of Kerkuk as a multi-ethnic city with Turkmen constituting the main population prior to the flourish of the oil industry in the region. Desire for economic wealth via oil and Saddam's institutionalized "Arabisation" resulted in the re-settlement of thousands of families in Kerkuk, elaborated Mr. Jajjo.

While the international community condemns such acts of manipulating demography stated Mr. Jajjo, it "must equally call for the freedom of Iraqis to settle anywhere they like; for if we restrict this freedom by legislating unjust laws, we will end up with ethnic territories."

Registries of population facts and figures in Kerkuk were falsified, noted Mr. Jajjo, in attempts to re-shape the city's demographic structure. Using reliable population statistics and estimated population growth rates Mr. Jajjo figures the current numbers the media project regarding the city's Kurdish population is twice the actual figure.

Furthermore, noted Mr. Jajjo, election manipulation is also present in Kerkuk and other Iraqi cities.

Mr. Jajjo argued paragraph two of Article 140 has not been drafted by Iraqis themselves, but instead by the occupying forces in the nation and does not take the welfare of the Iraqi people into account.

The follow-up commission convened to address Article 140 included representatives from all concerned parties except for the Assyrians, lamented Mr. Jajjo. He continues to explain that only after protest was an Assyrian assigned to the commission, however one which was selected based on political allegiance and not as a legitimate Assyrian representative.

As 31 December 2007 has already passed, Mr. Jajjo considered the Article to be nullified and no longer effective. It would not have been possible for the Article to be effective, noted Mr. Jajjo, given the current occupation and persistent violence in Iraq. "But would any rational human being accept their findings at the time securing data, processing figures, obtaining reliable and fair census figures largely depend on security? Could anyone imagine how far and freely commissioners can walk along the streets and avenues unless they are guarded by a large number of military troops? Can any neutral commission assess accurately the whereabouts of people amid the turmoil prevalent in and around Iraqi cities in the absence of the central government?"

"We, the Assyrians, strongly believe that in the absence of the central government all the calls persistently made by some factions for the implementation of article 140 would only yield unpleasant outcomes. [...]"

[Ones which] ultimately meet the ends of one group to the exclusion of other groups.”

In conclusion Mr. Jajjo called for “intimate and objective dialogue between all parties in order to come up with convincing, unbiased and just resolutions that would safeguard the unity of Kerkuk's people irrespective of their diverse ethnic affiliations.”

Lastly Mr. Jajjo suggested Kerkuk be subject to a comprehensive investigation to be carried out by a team of highly qualified academic experts composed of representatives from the entire Iraqi society.

“Such a sincere call is based on our conviction that Kirkuk has never been the home of solely one ethnic group for over the bygone centuries. Diversity in this city has remained a positive landmark which all Iraqis are proud of. [...] Kerkuk must remain a symbol of co-habitation and unity for all Iraqis.”

Mohammed Khalil Nasef

Member of Kerkuk City Council and Article 140 Committee

Mohammed Khalil Nasef is an elected member of the Kerkuk City Council as a representative of the Arabic group, serving at present as the Head of the Council's Commission on Projects. He further serves on the government appointed Committee charges with implementing Article 140 and spoke on the recent realities in Kerkuk.

The Kerkuk issue, opened Mr. Nasef, is the focus of attention of both Iraqis and people outside Iraq. The city, he continued, "is oil rich and considered an example of pacifist cohabitation between different religions and ethnicities. It is certain that the situation in Kerkuk is important for the stability of all Iraq."

Iraqis have experienced considerable suffering due to poor administration of the new authorities in Iraq explained Mr. Nasef, especially the Arab and Turkmen regions in the north, including Kerkuk.

Article 142 of the Iraqi Constitution, reminded Mr. Nasef, is a paragraph which states some articles can be amended, including Article 140, if they are considered to be under conflict. Mr. Nasef continued to explain that not all constitutional articles received acceptance from all Iraqis; one of which is Article 140. Some political parties, noted Mr. Nasef, pushed for the application of Article 140 without waiting for national consensus; and so implementation of Article 140 began prematurely noted Mr. Nasef.

Mr. Nasef highlighted the historically multi-ethnic nature of Kerkuk, which is located 250 km northeast of Baghdad. The Zab River forms its northern boundary and had an estimated 855,000 population size before occupation informed Mr. Nasef. A project was implemented on the Zab River explained Mr. Nasef; one which provided water to the city of Kerkuk and its surrounding farms. "This project changed the lives of many of the villagers and farmers; their lives became better." In later years, continued Mr. Nasef, the water level of the Zab River drastically decreased due to dams built throughout Kurdish regions, which has adversely impacted access to water in Kerkuk and consequently the quality of life there.

Mr. Nasef noted that Kerkuk remains today a multi-ethnic city that includes Turkmen, Arabs, Kurds and Chaldo-Assyrians. "Kerkuk has been known for a long time for its different ethnicities that live in peace and harmony."

Following the fall of Saddam's regime in 2003 the demography of northern Iraq continued to change, asserted Mr. Nasef, largely due to the "Kurdification" of administrations, marginalization of non-Kurdish communities, and the

massive in-migration of Kurdish people to the region. Since the fall of the regime, explained Mr. Nasef, the Kerkuk administration has behaved as Kerkuk is part of the Kurdish region. Authorities have distributed large swaths of land to the newly incoming Kurdish families and have supported them financially to built houses on these lands affirmed Mr. Nasef. Furthermore, authorities have changed the non-Kurdish directors of all governmental offices using various types of intimidation by the Peshmerga militias, which are enormous in the province, he asserted. Large numbers of Arab and Turkmen youth are arrested and face persecution while in prison in Kurdish regions Mr. Nasef noted. Many other youths, continued Mr. Nasef, are assassinated.

The Kerkuk problem has become an international issue stressed Mr. Nasef. In addition, the matters of land claims and demographic changes in the region are issues of human rights he asserted; therefore representatives from the United Nations should participate in the Article 140 Commission. These representatives should also directly control voter registrars in all election centres in Kerkuk he suggested.

Mr. Nasef considers the “Kurdified” Kerkuk administration to be illegal as they came to power firstly via the occupation authorities and later on by a manipulated election.

Mr. Nasef underlined several reports which point out the dangers surrounding the Article 140 referendum and it was due to these reports and the dangers they highlighted, explained Mr. Nasef, that the Iraqi and American administrations postponed the referendum. The International Crisis Group has been active in submitting information to the Iraqi and American leaders warning them of the rising tensions in Kerkuk noted Mr. Nasef.

There are large numbers of Kurds from northern Iraq, including from provinces other than Kerkuk, who were displaced and are currently living in central and southern Iraq stated Mr. Nasef. These people, he continued, have possessions such as homes, land and businesses. According to the Iraqi Constitution and Article 140 these Kurds should also return to their original place of residence in northern Iraq asserted Mr. Nasef.

In some areas in Kerkuk an illegal form of normalization, claimed Mr. Nasef, was carried out by Kurdish political parties and militias. He continues to explain that thousands of Arabs were forcibly removed from their homes and forced to flee Kerkuk, despite the fact that these people were cultivating lands in accordance with government contracts. These people are now living in refugee camps throughout Iraq under egregious living and economic circumstances Mr. Nasef highlighted. Instead of the Kurds formerly living in Kerkuk returning, thousands of Kurdish families not originally from Kerkuk

were given land and other privileges lamented Mr. Nasef. Some of the Arabs forcibly removed, noted Mr. Nasef, have returned to Kerkuk and rent homes while their original homes remain occupied by Kurdish families.

There are thousands of Arabic families in Kerkuk who previously immigrated to Kerkuk without any support from the former regime, asserted Mr. Nasef, under what was officially titled the Transport of Subdivision Registered peoples. Thereafter he continued, these families bought homes and created businesses. What are we going to do with these people who are not mentioned in Article 140, questioned Mr. Nasef. He asserted the Kurdish dominated government in Kerkuk has dealt with these Arabs by forcing them to leave their homes and prohibiting them from holding employment. This presents a difficult situation, emphasized Mr. Nasef, as there are thousands of qualified workers who have been employed for over 25 years in Kerkuk and who are now being forced to leave. How will they find the same speciality work in their previous places of residence, questioned Mr. Nasef.

“The Constitution is considered the most important law for the life of citizens.” It determines the relationship between citizens and the state and it guarantees the rights and freedoms of citizens, continued Mr. Nasef. “After the Constitution was created there were some contradictory points that caused the people to lose confidence in the state.” For example, after the fall of Saddam’s regime, noted Mr. Nasef, no Iraqi Arab was appointed in Kerkuk. Despite orders from the Iraqi central government the Kerkuk Government refused to accept their appointments asserted Mr. Nasef. Furthermore he continued, the unqualified Kurdish police chief of Kerkuk city was dismissed, however the order was not realized by the Kurdish governor in Kerkuk. The disobedient actions of the “Kurdified” Kerkuk administration is the major catalyst behind the failure of the normalization process asserted Mr. Nasef.

Unemployment is on the rise among the Arab community in Kerkuk stressed Mr. Nasef. Moreover he continued, Arabs in Kerkuk are faced with harsh intimidation from the Kurdish dominated administration.

Mr. Nasef concluded by urging impartial parties to intervene in the Kerkuk situation. Furthermore he called for the security forces, army and police in Kerkuk to be composed of members from all ethnic communities and to remain impartial at all times.

Mr. Nasef affirmed in his final words that many Arabs and Turkmen have been killed or jailed as a result of their involvement Kerkuk politics. Discussing the Kerkuk issue can be a life threatening venture stressed Mr. Nasef.

Tahsin Mohammed Ali Wali

Member of Kerkuk City Council and Article 140 Committee

Mr. Tahsin Mohammed Ali Wali is an elected member of the Kerkuk City Council from the Islamic Union of the Iraqi Turkmen. He serves at present as the head of the Council's Commission on staff appointments as well as is a member of the government appointed Committee charges with implementing Article 140. He spoke extensively on the situation of Kerkuk since 2003.

"We have come here today to educate ourselves, to listen to others' opinions and to respect those opinions. Let us base this meeting on dialogue to find appropriate solutions for Kerkuk."

Mr. Wali highlighted the strategic importance of Kerkuk as it acts as a gateway between northern Iraq and the rest of the country and is rich in oil reserves. He lamented on the devastation in Kerkuk during Saddam's regime including the redistribution of Kerkuk districts to other governorates, "Arabisation" policies and discrimination faced by non-Arabs in the workplace and education system.

Following the fall of Saddam's regime, continued Mr. Wali, Kurdish parties dominated the city and its administration. The two major Kurdish parties (Patriotic Union of Kurdistan and Kurdistan Democratic Party) seized responsibilities, creating a situation of marginalization and exclusion for the Arabs and Turkmen noted Mr. Wali.

Tensions rose as large numbers of Kurdish families moved to the region and property and land disputes increased continued Mr. Wali. Kurdish attempts to annex Kerkuk to Kurdistan, stressed Mr. Wali, resulted in further strained relations and sometimes confrontational responses. The Kurdish domination of the first provincial council created by the multinational forces in Iraq already presented a "political and administrative crisis" explained Mr. Wali.

While it was hoped the 2005 elections, continued Mr. Wali, would be a process to create democratic institutions and a country of law, the results were negative, with questionable election fraud and manipulation taking place. The outcome was an unbalanced Kerkuk council and increased frustrations from Turkmen and Arabs as they felt they were excluded from the political process asserted Mr. Wali.

Turkmen and Arabs eventually boycotted participating in the council, explained Mr. Wali, as after several months they felt there was an unfair distribution of important council functions. They attempted to raise awareness

on the issue in the international community, with seminars and conferences held across the globe affirmed Mr. Wali.

The administrative structure of Kerkuk after 2003 has been disproportionately controlled by Kurdish representatives, continued Mr. Wali, with both governors, all high level council positions and all but one general director being Kurdish.

The security situation in Kerkuk has also greatly suffered after 2003 assessed Mr. Wali. Extremists and terrorists have taken advantage of the instability, noted Mr. Wali, by instigating violence and disparity between the region's ethnic groups. It is vital, stressed Mr. Wali, to create efficient security institutions in Kerkuk, ones which are made up of citizens from all communities in Kerkuk.

"Turkmen politicians think a compatible solution needs to be found between all components of Kerkuk, which includes participation from all political parties from all nationalities." Mr. Wali called for balanced policy which takes into consideration the interests of all communities and is based on the principles of dialogue and negotiation.

The ideal solution suggested Mr. Wali is one of shared responsibility. He supported the proposed 32 percent participation for Arabs, Turkmen and Kurds and 4 percent for other groups.

Mr. Wali presented several questions as guidelines for assessing the Constitution, Article 140 and its mandated Committee, including: Was Article 140 a sufficient legal remedy to solve intractable issues? Does the Article 140 Committee possess the legal power necessary to implement the article? Is it appropriate or even constitutional to set a deadline for action?

Article 140, asserted Mr. Wali, is not sufficient for solving all the problems associated with Kerkuk, largely due to the wide variation in opinion on the visions of Kerkuk and the attitudes of its people.

The Article 140 Committee is a government committee with limited powers continued Mr. Wali. As such, it makes recommendations to the Prime Minister which must be approved by the Iraqi Cabinet noted Mr. Wali. Several important resolutions have been approved by the Cabinet underlined Mr. Wali, including resolutions to return employees discharged for political reasons to their jobs, to return deportees and immigrants to their original residences, to cancel agricultural contracts signed during the period of "Arabisation" policy, as well as to pay compensations for all families covered under Article 140.

A final resolution sent to the Cabinet has not been voted on – the resolution regarding the situation of Kerkuk confirmed Mr. Wali. He lamented on the government's avoidance of this resolution.

Article 140 was applied asserted Mr. Wali, however it was not applied appropriately. The rights of Turkmen were not protected or preserved during its application affirmed Mr. Wali.

“We as Turkmen demand the European Parliament, European governments and all European non-governmental organisations to support the principle of equality in Iraq and in Kerkuk in particular.”

Rakan S. Ali

Member of Kerkuk City Council

Mr. Rakan S. Ali is an elected member of the Kerkuk City Council from the Arabic Assembly of Iraq. He currently serves as the Deputy to the Kerkuk Governor. Mr. Ali's travel was restricted for this event due to security concerns, however his presentation was held by Mr. Akram al-Ubaidi from the Iraqi British Centre. He introduced a proposal for a joint administration system in Kerkuk.

"The main alternative solution to Kerkuk's special status is to be under joint administration," opened Mr. Ali.

As Kerkuk is multi-ethnic in nature, any attempt to annex it to another region, particularly to Kurdistan, would be rejected by the non-Kurdish groups in Kerkuk argued Mr. Ali. Incorporation into the Kurdish Regional Government would result in the application of Kurdish interests, administrative policies and legislation onto Kerkuk's non-Kurdish populations stressed Mr. Ali.

Alternatively Mr. Ali recommended the creation of a joint administration that is an independent region within Iraq and supervised by the Iraqi central government. Such a solution would enhance social harmony between all ethnic groups and foster security and unity in the region asserted Mr. Ali.

Elaborating on the details of his proposed administration Mr. Ali explained it would be based on an equal 32 percent representation for Arabs, Turkmen and Kurds and a 4 percent representation for other remaining groups.

Article 122 of the Iraqi Constitution which outlines the structure of governorates not incorporated into a region should be followed elaborated Mr. Ali.

The registration of original Kerkuk inhabitants, continued Mr. Ali, must be strictly enforced. Furthermore a committee to review the registration of people after 2003 should be created to review post-2003 registration errors suggested Mr. Ali.

The laws and legislation of Kerkuk would be determined by the Iraqi central government, who would supervise Kerkuk's local government and security continued Mr. Ali.

Mr. Ali proposed the following structure for Kerkuk's local government:

- rotating Kerkuk governor with a one year term, each ethnic group will have the opportunity to act as governor;
- Kerkuk governorate council to be directly elected by Kerkuk inhabitants, composition to be 41 members (13 members from Arab, Turkmen and Kurdish groups and 2 members from Assyrian or other groups) elected for a 4 year term;
- Local government should act as an executive body with a high level of professionalism.

The jurisdiction of Kerkuk should be directly linked to the central administration in Iraq, continued Mr. Ali, as should Kerkuk's education system be linked to the central education system in Iraq. The language of educational instruction should be as set out in the Iraqi Constitution assessed Mr. Ali.

Furthermore, asserted Mr. Ali, a set percentage of proceeds from Kerkuk's natural resources should be used for development of Kerkuk infrastructure.

Security is a vital issue in Kerkuk noted Mr. Ali. As such he recommended Kerkuk's police forces be directly commanded by the central government and be composed of the same 32 percent ratio mentioned above. A military unit should also be formed added Mr. Ali.

Real estate and land dispute issues are another vital concern continued Mr. Ali. Land confiscation during the former regime as well as unfair confiscation since 2003 has caused drastic changes to the demographic map of Kerkuk noted Mr. Ali. He proposed to restrict land ownership to only those original inhabitants of Kerkuk for the next ten years.

In order to realize stability and development in the region, Mr. Ali called for Kerkuk to be declared a free trade zone area in the hopes of attracting international investment.

Lastly Mr. Ali urged the use of pre-2003 census data so as to reduce the impact of post-2003 demographic alterations in Kerkuk.

Mr. Ali concluded by inviting the United Nations, European Union and international community to carefully monitor all issues surrounding Kerkuk today and in the future.

Ali M. Sadeq

Member of Kerkuk City Council

Mr. Ali M. Sadeq is a Turkmen member of the Kerkuk City Council. He further sits on the Council's Security Commission and serves as the Secretary of the Turkmeneli Party. Mr. Sadeq outlined his 'Kerkuk Region Project' aimed at normalizing and stabilizing Kerkuk.

"We came here today to find a solution to the problem of Kerkuk and to avoid the war that is about to take place."

Under the policy of "Arabisation" during the 1970s, 1980s and 1990s authorities brought thousands of Arabs into the province to live while at the same time forcing tens of thousands of Turkmen and Kurds to leave Kerkuk described Mr. Sadeq. "Saddam's authorities have also enacted 'the one direction change in national identity' law which allows non-Arabs to become Arabs and obliged many non-Arabs, a majority of Turkmen and Kurds, to change their national identity."

Since the collapse of Saddam's regime, continued Mr. Sadeq, Kurdish political parties have attempted to annex Kerkuk province to the Kurdish region while Kerkuk's Arabs and Turkmen have remained steadfastly opposed. Both the interim government in Iraq as well as current Iraqi law has failed to provide a solution to the Kerkuk dilemma which fulfils the aspirations of all parties involved noted Mr. Sadeq.

"As we strongly support brotherly and smooth relations between the different ethnic components of Kerkuk, we believe that real and peaceful solutions should be reached to protect the rights of all ethnicities. These solutions should guarantee equality between the different components, and comply with democratic principles in building a new Iraqi state. They should prevent Iraqi people, Arabs, Kurds, Turkmen, and Chaldo-Assyrians from entering into conflicts, clashes and wars which have already inflicted tens of thousands of victims and losses of billions of dollars as well as deterring the progress of Iraq."

In response, stated Mr. Sadeq, the 'Kerkuk Region Project' of the Turkmeneli Party was developed. The project aims at normalizing conditions in Kerkuk, stabilizing relations between all major ethnic groups and involving all groups in the process of creating a joint administration explained Mr. Sadeq.

The basic principles of this project are as follows:

- Kerkuk is a region in Iraq consisting of its current administrative borders;

- Kerkuk is a multi-ethnic region consisting of Turkmen, Kurds, Arabs and Chaldo-Assyrians;
- Turkmen, Arabic and Kurdish are the official languages in Kerkuk.

The legislative authority under this project is a parliamentary body consisting of 100 members with 32 seats for the main ethnic groups (Turkmen, Arabs, Kurds) and 4 seats for Chaldo-Assyrians asserted Mr. Sadeq. Eligible candidates must live in the Kerkuk province and at least 25 percent of parliament members should be women continued Mr. Sadeq.

The executive authority of Kerkuk, explained Mr. Sadeq, should consist of a Presidential Council and Council of Ministers. The Presidential Council, he continued, will be composed of a President (Turkmen), First Deputy (Kurdish) and a Second Deputy (Arab).

The Council of Ministers is to perform its executive authority under the supervision of the Presidential Council explained Mr. Sadeq. There should not exceed 13 Ministers noted Mr. Sadeq, with fair representation of ethnic groups taken into consideration when allocating Minister positions. There shall also sit a Prime Minister (Kurdish) together with two deputies (Arab and Turkmen) in this Council asserted Mr. Sadeq.

The development of judicial authority in the region, declared Mr. Sadeq, would be based on fair representation of all ethnic groups and will be based on a multi-tiered court system. The judiciary shall be independent from any authority noted Mr. Sadeq. Additionally, he continued, non-Muslim groups shall have the right to form their own judicial council.

In reference to managing the complex cultural affairs in Kerkuk Mr. Sadeq suggested the following:

“In order to prevent interferences between ethnic components in the management of Kirkuk region cultural affairs, a special administration shall be formed for each ethnic group living in the province and shall be elected by people of the group. These administrations shall handle cultural issues and educational issues. The Turkmen as well as Kurds, Arabs and Chaldo-Assyrians, shall have their administrations in order to provide cultural services to each ethnic group. The size of these cultural services shall be complementary and in harmony with the services provided for each ethnic group within the national framework and to those provided by nearby regions.”

Discussion and Comments

The conference greatly benefited from the fruitful discussion and debate initiated by attendees, media and participants. Highlights of this commentary can be found below:

Ms. Pervine Jamil, Chairwoman of the Kurdish Bureau for Liaison and Information in Belgium, noted her keen support of holding a referendum as indicated in Article 140, asserting a referendum to be a highly democratic policy-setting tool.

Dr. Ayoub Bazzaz, Chairman of the Iraqi Turkmen Rights Advocating Committee (ITRAC) – UK, urged all parties to focus on the roots of the Kerkuk dilemma, including the vast geopolitical and demographic changes the region has experienced in the last decades. Furthermore he stressed if the referendum were to be held under the current conditions in Kerkuk an unfair outcome favouring the Kurds would be extremely likely.

Iraq would be safer, more stabilized and considerably more unified if the rights of all Iraqis are granted asserted Mr. Hassan Aydinli, Iraqi Turkmen Front representative to Europe. Drawing an astute comparison to the federal system in Belgium, Mr. Aydinli noted that Belgium consists of three communities: Flemish, Walloons and German-speaking Belgians. He emphasized that the latter group, who only make up less than 1 percent of the total population in Belgium, are granted the same rights as the other two groups including the right to their own region and government. In order to instate true democracy in Iraq Mr. Aydinli encouraged decision-makers to look to Belgium as an example of how to avoid the marginalization and discrimination of a nation's various populations.

A member of the international press raised the important issue of securing support from all affected parties, including the Kurds, when defining alternatives to the Kerkuk problem, as well as the importance of considering the practical feasibility of implementing such policies. A Kerkuk district which is not part of the Kurdish region but is presided over by the President of the Kurdistan Regional Government was further suggested for the consideration of all parties.





Acknowledgements

A great number of individuals and organisations were crucial to the success of the Conference.

The organisers are appreciative for the valuable assistance of the office of Ms. Ana Maria Gomes MEP for facilitating this event at the European Parliament in Brussels - home to not only to a number of influential policy makers but also many of the principles of democracy and human rights central to discussions.

The attention and dedicated work of the translators Ms. Nisreen Barakat and Mr. Jaafar Amari were central achieving a successful event.

The Belgian Government and its Embassies demonstrated both patience and goodwill with respect to the challenging task of securing the participation of individuals from within Iraq.

The speakers themselves are also not to be forgotten, many of whom travelled great distances with high personal expenses to provide the event with their insightful and provoking contributions.

Finally, the countless journalists, academics, and activists who attend the conference, offered participants an informed and engaged forum within which to present their thoughts, and also moved discussion forward through insightful and engaging questioning should be recognized.



Iraqi Turkmen Human Rights Research Foundation

The objectives of the Iraqi Turkmen Human Rights Research Foundation, known as “SOITM”, are to:

- Promote emancipation and improvements in the Human Rights situations inside Iraq by:
 - Supporting international protection and promotion of the civil, political, economic, social, cultural, and human rights inside Iraq, particularly in Turkmeneli (the Turkmen Region in Iraq)
 - Monitoring the Human Rights situation and documenting violations
- Watching and publicising developments and regresses
- Promoting Turkmen cultural identity by:
- Encouraging the study of Iraqi Turkmen culture and history
- Introducing the Iraqi Turkmen to the international community
- Encouraging the social integration of the Iraqi Turkmen in the Netherlands by:
 - Supporting the participation of Turkmen in social activities and civil society organizations and institutions

SOITM realizes these goals by:

- Organizing lectures, courses, seminars and symposiums
- Publishing books, newspapers, journals, and electronic resources
- Organizing conferences, training programs and assistance campaigns
- Promoting cooperation between Turkmen organizations
- Cooperating and exchanging information and analysis about the situation in Iraq with other international organizations
- Informing European Parliamentarians, academics, journalists and communities about the situation in Turkmen regions

SOITM currently involves some 15 volunteers, both inside and outside of Iraq. SOITM's headquarters are in the Netherlands with teams established in the following Turkmen regions: Kerkuk, Baghdad and Mosul, with additional representation also in other Turkmen regions.

SOITM is an institute with a focus on human rights and democratization. It maintains regular contact with Middle Eastern academics, the international press, and other human rights organizations, in order to introduce them to the Turkmen of Iraq, and to assist the process of democratization and the spread of civil society culture in Iraq, particularly within the Turkmen region.

SOITM is a non-profit foundation established in 2001. The foundation's budget is based upon donations, but it remains an independent organization. SOITM is not connected to any particular political party or ideological faction.

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Unrepresented Nations and Peoples Organization

The Unrepresented Nations and Peoples Organization (UNPO) is a democratic, international membership organisation. Its Members are indigenous peoples, minorities and occupied or unrecognised territories, who have joined together to protect their human and cultural rights, preserve their environments, and to find non-violent solutions to conflicts which affect them.

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