

EUROPEAN PARLIAMENT CONFERENCE

ASSYRIANS IN IRAQ

WEDNESDAY 11 JUNE 2008

Organised by Esther de Lange
MEP of the European Peoples
Party-European Democrats
(EPP-ED) in collaboration
with the Assyria Council of
Europe (ACE).

Co-chaired by Mr.
Dimitrakopoulos and Mr.
Mladenov MEPs with
Concluding Remarks from
Mrs. Oomen-Ruijten MEP.

ASSYRIA COUNCIL OF EUROPE

Assyria Council of Europe

The Assyria Council of Europe (ACE) is an independent body that has been formed to take responsibility for raising awareness of the plight of Iraq's Assyrians (also known as Chaldeans or Syriacs) after the fall of Saddam Hussein's regime within the institutions of the European Union (EU). ACE is concerned that if urgent action is not taken to alleviate the dire situation of the Assyrians in Iraq then in the near future Iraq may be devoid of its native inhabitants. Furthermore, ACE believes that the EU, with its increasingly important role in Iraq, is in a good and important position to be able to contribute to the successful maintenance of Iraq's Assyrian community and that true democracy can only prosper in Iraq if it is based on plurality and the rule of law, principles the EU is itself built upon.

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FOREWORD

The conference on Assyrians in Iraq, which took place on 11 June 2008, has been an important event.

Participants at this conference have not only looked at the current situation of the Assyrians, but have also discussed ways to secure the future of this indigenous ancient community, whose plight deserves our special attention. Furthermore, contributions were made on the situation of minorities in Iraq in general, on EU aid to Iraq and on possible future solutions within a safe and democratic Iraq that upholds human rights, protects its minorities and promotes inter-ethnic tolerance.



All contributions made at the conference were valuable, and the discussions were fruitful. Therefore, it is important to document what has been discussed during this meeting. My congratulations to the Assyria Council of Europe for the efforts that have been made to collect and publish the different contributions.

The European Parliament has repeatedly condemned acts of violence against the Assyrians, and has asked for the protection of Assyrians and other minorities in Iraq and in neighbouring countries. However, in my view, the Assyrians' difficult situation unfortunately remains too often overlooked. I hope that, by hosting this event, a step has been made in putting the situation of the Assyrians more firmly on the European agenda.

*Esther de Lange,
Member of the European Parliament (CDA / Group of the European People's Party and
European Democrats)*

INTRODUCTION

Act before it is too late...

After the fall of Saddam Hussein in 2003 the Assyrians in Iraq believed that this is the last chance for them to live in a country where they can without fear name their children using indigenous names, speak the Assyrian language freely, listen to Assyrian music including songs touching upon feelings of patriotism, and generally feel freedom as an Assyrian woman or man living in the country where have lived for more than 6,000 years - in the country of their forefathers which produced kings and queens like Ashurbanipal, Nebuchadnezzar, Gilgamesh and Semiramis (Shamiram).

But the situation in Iraq shortly after the fall of the dictator started to change for the worse and upon reflection nobody could imagine that neighbours would kill each other and women would turn themselves into suicide bombers. But most of all, that an ethnic group like the Assyrians, who were not part of this war, would bear the brunt of the instability and face extinction in their native land by falling in the middle of an internecine war between the Shiites and the Sunnis and being targeted for simply not sharing the same ethnicity or religion.

During the last few years, reports about Iraq reported that the Muslim groups, either Shiite or Sunni, attacked the Assyrians in Basra, Baghdad, Mosul, Ramadi, Kirkuk and other cities, resorting to killings, kidnappings and torture. Thousands and thousands of Assyrians left the cities of Iraq and went to the Nineveh Plains (Iraq), Jordan, Syria, Turkey, and other countries. More than 300,000 internally displaced persons (IDPs) went to the Nineveh Plains, the majority of these IDPs belonging to the various Assyrian Christian denominations in Iraq. However, even here the Assyrians were not immune from Arab religious extremists and Kurdish nationalists who continued to oppress the Assyrians with the aim of their eventual extinction from that region.

The international community, unfortunately, has not fully comprehended the scale of the dire situation of the Assyrians, and one can even venture to say, hasn't taken it seriously enough. When an ethnic group is the target of a systematic ethnic cleansing, the international community is under an obligation, both moral and legal, to protect them, and one can cite numerous examples from history where this has indeed taken place such as in Kosovo and Iraq with regards to the Kurdish and Shiite communities in the 1990s. But

unfortunately until today the international community has not taken any specific and tangible steps to protect this indigenous minority.

During a fieldwork mission I participated in to Iraq in April 2008 I spoke with more than 250 IDP families in the Nineveh Plains. Most of them asked me two questions: why is the EU not protecting us from the Arabs and Kurds; and secondly, if they don't want to protect us themselves, why don't they provide us with financial assistance and other instruments so that we can protect ourselves?

If we are serious in bringing democracy and plurality in Iraq and protecting the rights of minorities, we must address these two questions. If the EU prefers to see Iraq devoid of its oldest people, language and some of the oldest churches in the world, then the Member States and institutions of the EU should close their eyes to this catastrophe. But if we cherish the fundamental values of humanity, respect and responsibility, we should be prepared to take a commensurate responsibility and discharge it with concerted action.



This is the reason why we are lobbying in Brussels and working with our colleagues in the EU to remedy the situation of the Assyrians in Iraq before it is too late. The world cannot afford inaction when it has proved so fatal in the past, Rwanda in 1994 being a case in point.

Atiya Tunc,

*Provincial Parliamentarian, Dutch Labour Party (PvdA) & Advisory Committee
Member of the Assyria Council of Europe*

CONFERENCE PROGRAMME

15.00-15.15 Opening Remarks by Esther de Lange MEP

SESSION ONE (co-chaired by Mr. Dimitrakopoulos MEP) The Situation of Minorities in Iraq

15.15-15.30 Television documentary "Situation of Assyrians in Iraq"

15.30-15.45 A General Overview of the Situation of Minorities in Iraq, Madeline Garlick, UNHCR, Brussels

15.45-16.00 International Legal Responsibilities to Internally Displaced Persons: The Assyrian Case in Iraq, Ninon Warda, Assyria Council of Europe, Brussels

16.00-16.15 EU Aid to Iraq. Karin Gatt-Rutter, European Commission, Brussels

16.15-16.30 Discussion, questions and answers

16.30-16.45 Concluding Remarks of Session One, Mr. Dimitrakopoulos MEP

SESSION TWO (co-chaired by Mr. Mladenov MEP) Looking towards the Future

16.45-17.00 Article 125 of Iraqi constitution and the Protection of Minorities, Michael Youash, Iraq Sustainable Democracy Project, Washington D.C.

17.00-17.15 Is there a Future for Minority Communities in Iraq? Willy Fautre, Human Rights Without Frontiers, Brussels

17.15-17.30 Assyrians: The Best Solution for them to stay in their Homeland, Pascale Warda, Hammorabi Human Rights Organization, Baghdad

17.30-17.45 Discussion, questions and answers

17.45-18.00 Ambassador of Iraq to Brussels H.E. Mohammed J. Al-Doreky

18.00-18.15 Concluding Remarks of Session Two, Mr. Mladenov MEP

18.15-18.30 General Concluding Remarks, Mrs. Ria Oomen-Ruijten MEP

18.30-19.00 Cocktail reception in front of room ASP 5E2

International Legal Responsibilities to Internally Displaced Persons: The Assyrian Case in Iraq

Ninos Warda, Assyria Council of Europe

INTRODUCTION

Despite the fact that the number of internally displaced persons (IDPs) worldwide has far exceeded that of refugees, with the IDP figure in 2002 standing at between 20 to 25 million people, compared to that of 10.6 million refugees,¹ paradoxically, a legal framework and a special institution exist for refugees whereas none exist for IDPs.² In this context, Iraq too has seen its fair share of IDPs. As a result of Saddam Hussein's Arabization policies millions of Iraqis, particularly members of religious or ethnic minorities, over the years were forcibly displaced from their homes in furtherance of these policies. The recent Iraq war has been no exception in this regard and according to UNHCR figures approximately 2 million Iraqis are now outside the country with another 2.2 million internally displaced.³ This paper will concentrate on some of the problems faced by Assyrian IDPs within Iraq set against the backdrop of both Iraq's and the international community's legal obligations towards them. Naturally, this should in no way be construed as downplaying the problems faced by all Iraqi IDPs however.



THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT AND THE ASSYRIAN CASE IN IRAQ

The *Guiding Principles on Internal Displacement*, written by Francis M. Deng, U.N. Secretary-General's Special Representative on Internally Displaced Persons, define IDPs as:

¹ Phuong, C, *The International Protection of Internally Displaced Persons*, (Cambridge: Cambridge University Press, 2004), p. 1

² Weiss, T.G., 'Whither International Efforts for Internally Displaced Persons?', *Journal of Peace Research*, vol. 36, no. 3, 1999, p. 363

³ Amnesty International, 'Millions in Flight: The Iraqi Refugee Crisis', September 2007, p. 1. [http://www.assyriacouncil.eu/resources/Millions+in+Flight\\$2C+The+Iraqi+Refugee+Crisis.pdf](http://www.assyriacouncil.eu/resources/Millions+in+Flight$2C+The+Iraqi+Refugee+Crisis.pdf). (Accessed: 6th June 2008)

“persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights [...], and who have not crossed an internationally recognized State border.”

It would not be an exaggeration to state that in relation to their size, Iraq's minorities have suffered disproportionately in the current Iraq war, a fact observed by Amnesty International which states that ‘The number of Iraq's non-Muslim religious minorities, such as Christians and people belonging to the Sabeen/Mandean community, continues to be disproportionately high among the refugee population.’⁴ The Dora neighbourhood in Baghdad for example was estimated in 2003 to have had 20,000 Christian homes; now, however, current estimates put this at 3,000, many of them being broken homes. With regards to the Assyrians, one cannot fully understand the current plight and situation of Assyrian IDPs in Iraq without understanding their history. Prior to the forced Arabisation campaigns many Assyrians lived in their indigenous villages in the north of the country such as in the governorate of Dohuk and the Nineveh Plains, out of which they were forcibly displaced by the Ba’ath regime. As an example, the International Federation for Human Rights lists at least 196 Assyrian villages which were destroyed by Saddam.⁵ Therefore, as the persecution and attacks began after the downfall of the Saddam regime, it was a natural reaction for many displaced Assyrian families to try and return to their ancestral villages due to family and historical ties and hence these returnees have been termed a ‘returning Diaspora’ by the UNHCR. According to the Assyrian Aid Society, as of January 2008, the governorate of Dohuk had received 6,562 Assyrian IDP families, the governorate of Erbil had received 2,015 Assyrian IDP families, and the Nineveh Plains had received 6,238 Assyrian IDP families.

Such huge internal movements of people not only put a huge strain on local infrastructure, but they raise wider and more sensitive problems. According to Principle 21 of the *Guiding Principles on Internal Displacement*, ‘No one shall be arbitrarily deprived of property and possessions.’ Unfortunately, there have been increasing complaints over the past few years that many Christians in the north of the country have been unsuccessful in reclaiming their lands for which they have legal deeds. Christian Solidarity International (CSI) conducted a field mission to Iraq in November 2007, and a lawyer they interviewed summarised the situation thus:

⁴ *Ibid*, p. 8

⁵ International Federation for Human Rights, ‘Iraq: Continuous and Silent Ethnic Cleansing’, January 2003, pp. 40-42. <http://www.fidh.org/IMG/pdf/iq350a.pdf>. (Accessed: 6th June 2008)

“I am a lawyer and I have been dealing with Christian property claims for the past four years. In Kurdistan it is virtually unknown for Christians to receive back their land as a result of legal proceedings. The land of Christians has been confiscated by individuals and by the state. In the few cases where Christians receive something, it has been a small amount of money as compensation. The land is never returned. The rule of law simply does not apply here. As a result the Christians are losing their lands.”⁶

Principle 21 of the *Guiding Principles* also makes it clear that ‘Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use. As the *Principles* are to be observed by ‘all authorities, groups and persons irrespective of their legal status’, this puts a legal onus on the Iraqi authorities to ensure that homes and possessions left behind by Assyrians are protected pending the return of their original owners. It is therefore hoped that steps are taken to protect, as an example, the thousands of Christian homes in the Dora neighbourhood of Baghdad until it is safe for their owners to return, if they wish to do so. With regards to the more general resolution of land disputes, it has been argued that international assistance can be provided to assist people in recovering their property through the provision of legal advice.⁷ UNHCR has actually engaged in such activities in Georgia where it offered advice to the government on the resolution of property disputes,⁸ and it is hoped that it and other international organisations such as the EU are willing to do the same in Iraq.



In addition to property disputes, another major problem faced by Assyrian IDPs is employment. Because Christianity doesn’t forbid the selling or consumption of alcohol, most liquor stores in Iraq, together with CD or DVD shops, were owned by Assyrians. Due to the rise in fundamentalism however many of these shops have been forced to close. According to

the Christian and other Religious Endowments Bureau in Iraq, approximately

⁶ Christian Solidarity International, ‘The Plight of Christians in Iraq, Field Trip Report November 3-11, 2007’, p. 12.

<http://www.assyriacouncil.eu/resources/The+Plight+of+Christians+in+Iraq%2C+Field+Trip+Report.pdf>

(Accessed: 6th June 2008)

⁷ Phuong, C, *The International Protection of Internally Displaced Persons*, (Cambridge: Cambridge University Press, 2004), p. 142

⁸ *Ibid*

95% of alcohol shops have been forced to close. This situation is exacerbated by the fact that in their new locations within the country, Assyrian IDPs are finding it difficult to secure employment. In its resolution of 12 July 2007 on ‘The Humanitarian Situation of Iraqi Refugees’, the European Parliament acknowledged that ‘Jews, Mandeans and Christians are increasingly experiencing discrimination with regard to access to the labour market.’⁹ This is in direct contravention of Principle 22 of the *Guiding Principles* which makes it clear that ‘Internally Displaced Persons [...] shall not be discriminated against as a result of their displacement in the enjoyment of [...] The right to seek freely opportunities for employment and to participate in economic activities.’ Rhetoric, however, in order to be effective has to be accompanied by action and for many Assyrian IDPs this has not yet been forthcoming. Mr. Bassam Ballo, Assyrian mayor of Tel Kaif, the largest city in the Nineveh Plain, has stated, “Many families leave after they have stayed here for a while and see there are no jobs and they give up hope.”¹⁰ Kenneth Timmerman, a nominee for the 2006 Nobel Peace Prize, has even reported that in the north of the country there is a form of ‘political patronage’ whereby an Assyrian cannot find a job without becoming a member of one of the ruling parties.¹¹

Nevertheless, despite these and other problems, it is a central fact that one of the factors which can in the long-run determine a community’s survival is security and stability. This is embodied in the core human right found in Principle 11 of the *Guiding Principles* which makes it clear that, ‘Every human being has the right to dignity and physical, mental and moral integrity.’ Unfortunately for Iraq’s minorities the current security situation is not conducive to their safety or stability and is exacerbated by the fact that they do not possess their own militias or security forces to protect them and this is no more so than in areas such as the Nineveh Plains which house both large local and IDP Assyrian populations. As Catherine Phuong has cogently argued, assistance in the form of emergency relief, i.e. the provision of food, etc. does not mean the same thing as protection, and that physical safety should be a priority.¹² This is absolutely crucial for minorities in Iraq’s prevailing security situation and as it seems unlikely that international forces will specifically station military personnel to protect minority communities, the Iraqi government, possibly with international assistance, must make sure that its minorities are physically protected. In fact, the European Parliament’s

⁹ P6_TA(2007)0357, ‘The Humanitarian Situation of Iraqi Refugees’, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0357+0+DOC+XML+V0//EN&language=EN>. (Accessed: 6th June 2008)

¹⁰ AINA, ‘Christian Assyrians Face Extinction in Northern Iraq’, <http://www.aina.org/news/20080425041302.htm>. (Accessed: 6th June 2008)

¹¹ *Ibid*

¹² Phuong, C, *The International Protection of Internally Displaced Persons*, (Cambridge: Cambridge University Press, 2004), p. 121

resolution of 13 March 2008 on the EU's Future Role in Iraq specifically calls upon the Council to take steps to support Iraq in protecting its minorities and strengthening the Iraqi police and criminal justice system.¹³ An effective way to ensure the protection of minorities, including IDPs, is to train and incorporate members of those communities into the Iraqi police force with a view to protecting their respective communities. Joel Voordewind, an MP from the Netherlands who visited the Assyrian community in Iraq in April, is convinced such a step is vital for this community's survival. In this sense it is encouraging that recently positive steps have been taken to recruit and train members of the Assyrian population in the Nineveh Plains to create a local police force which can adequately protect the community from attacks and it is hoped this will provide a precedent for future developments.

CONCLUSION

The *Guiding Principles on Internal Displacement* lay down universally recognised guidelines with regards to the protection of IDPs. In addition to the Principles already mentioned, it is obviously imperative that IDPs are provided by the competent authorities at the minimum essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation, requirements laid down in Principle 18 of the *Guiding Principles*. To ensure the needs of Assyrian IDPs in Iraq are met, thus saving them from completely leaving the country as refugees, the required measures must be taken by all competent authorities in Iraq, with the assistance of international organisations. In addition, however, use must also be made of local humanitarian organisations with a good reputation of meeting humanitarian needs. It is precisely this thinking which has prompted MP Joel Voordewind to recommend to the Dutch Minister of Development that financial aid is also sent to organizations such as the Assyrian Aid Society, which provides humanitarian assistance to the Nineveh Plains and northern Iraq.¹⁴ It is perhaps fitting that we should end with Mr. Voordewind's following words:

“According to the UNHCR there are totally 348,000 displaced persons in Northern Iraq, a big part of those people are Assyrian Christians. This group should also, therefore, get more in the greater interest of the rest of the international community. Because when we do nothing, we can be sure that this number of refugees will knock on the door of Western Europe very soon.”¹⁵

¹³ P6_TA(2008)0100, ‘The European Union’s Role in Iraq’, http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6_TA-2008-0100+0+DOC+XML+V0//EN&language=EN. (Accessed: 6th June 2008).

¹⁴ AINA, ‘Dutch MP Visits Assyrians in Iraq’, <http://www.aina.org/news/2008049021629.htm>. (Accessed: 6th June 2008)

¹⁵ *Ibid*

Article 125, the Nineveh Plain and the Protection of Iraq's Assyrians and other Minorities

Michael Youash, Iraq Sustainable Democracy Project

ARTICLE 125 OF IRAQI CONSTITUTION AND ITS ORIGINS

According to Art. 125 of the Iraqi Constitution, “This constitution guarantees the administrative (in Arabic, *‘al-Hoqooq al-Idaariya’*), political, cultural, and educational rights for various ethnicities such as Turkmens, Chaldeans, Assyrians and the other components, and this shall be regulated by law.” The predecessor to the current Iraqi Constitution, the Transitional Administrative Law (TAL), contained a similar provision under Art. 53(d): “This Law shall guarantee the administrative, cultural, and political rights of the Turcomans, ChaldoAssyrians, and all other citizens.”

The will of the ChaldoAssyrian people in Iraq to ensure that the aforementioned provisions are applied was confirmed in October 2003 and can be gauged when reading one of the points in the Final Declaration of the Chaldean Syriac Assyrian General Conference which took place in Baghdad and consisted of various ChaldoAssyrian political and religious representatives.



The relevant point states thus: “The Conference stressed the need to designate an administrative region for our people in the Nineveh Plain with the participation of other ethnic and religious groups, where a special law will be established for

self-administration and the assurance of administrative, political, cultural rights in towns and villages throughout Iraq where our people reside.”

SINCE 2003

Since 2003, the situation of the ChaldoAssyrians has dramatically deteriorated. According to reports from the US Department of State:

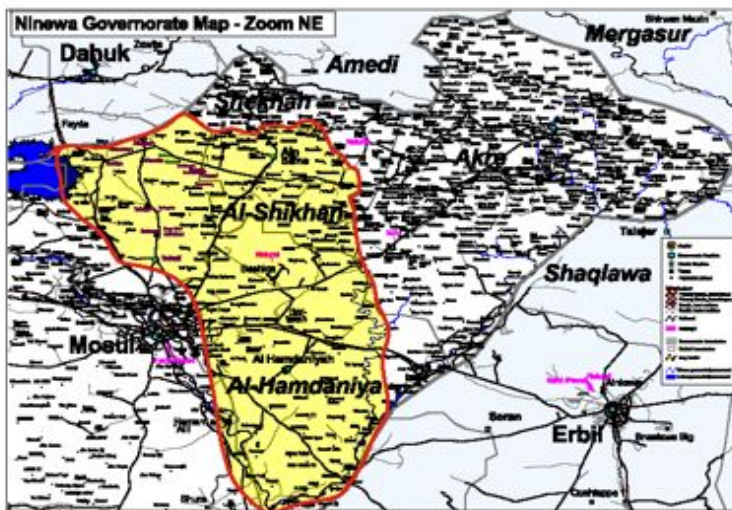
“Their security and economic status have suffered dramatically in recent years [...] many have sought to escape from central Iraq out of genuine fear

of attacks, kidnappings and assassinations [...] In Ninawa, the Christian minority faces considerable hardship. Some factions are under-represented politically, some suffer from uneven resource transfers from the KRG Ministry of Finance, and some experience human rights abuses.”

This dire situation is further corroborated by the United Nations High Commissioner for Refugees (UNHCR) whose figures indicate that 1 in 3 ChaldoAssyrians are now refugees, and a significantly larger number internally displaced (IDPs).

THE NINEVEH PLAIN

The Nineveh Plain, an area of land situated to the east of the city of Mosul, is ancestral to the ChaldoAssyrians, who can lay claim to a continued presence in that area for at least 6,758 years. To put it in simple terms, the ChaldoAssyrians are voting with their feet and are arriving there in massive numbers. According to the Assyrian Aid Society (AAS), almost 10,000 registered ChaldoAssyrian IDP families have registered there and this is only a partial count of the total. Eighty percent have family in the Nineveh Plains.



The highlighted areas of the map represent the Nineveh Plain.

A PILLAR OF THE POLITICAL SOLUTION

Due to the ethno-religious cleansing taking place today in Iraq, the roll-out of the Art. 125 solution emerges as the key political solution, in conjunction with

economic and security policies, to prevent the complete annihilation of ChaldoAssyrians and other minorities in Iraq. The issue impacts not only on the ChaldoAssyrians but also on the Shabaks and Yezidis, which together with the ChaldoAssyrians encompass an overwhelming percentage of the Nineveh Plain. Furthermore, these issues are also relevant to other groups in Iraq, such as the vulnerable Turkmen population.

The constitutional framework for this political solution consists of a number of provisions in the Iraqi Constitution. Article 116 states that “The federal system in the Republic of Iraq is made up of a decentralized capitol, regions, and governorates, and local administrations.” The provision dealing specifically with local administrations is Art. 125 and has already been cited in full. According to Dr. Yash Ghai, a constitutional law expert, “The fifth section (‘Powers of Regions’) deals with the powers of regions and governorates (in addition to those in section four). It has four chapters, respectively on regions, governorates not incorporated into a region, the capitol and local administrations (*the last of which is concerned not with local governments but protection for minorities*).” Thus the inclusion of the possibility of the creation of local administrations in the Iraqi Constitution is clearly intended for the protection of Iraq’s vulnerable minorities.

The provision on local administrations also raises some other important constitutional questions. For example, is it local government, i.e. subject to a governorate? The answer clearly is no and evidence for this can be found in the constitution. According to Art. 93(4), “the Federal Supreme Court shall settle, “disputes that arise between the federal government and the governments of the regions and governorates, municipalities, and local administrations.” Furthermore, Art. 122(1) goes on to state that the governorates of Iraq shall be made up of a number of districts, sub-districts and villages.

POWERS/JURISDICTION

As provision is made in the Iraqi Constitution for the creation of local administrations, the question arises what powers or jurisdiction would such local administrations have. The powers are actually broad ranging and include health matters such as pharmacies, primary health care centres, district-level hospitals; primary, secondary and tertiary education, as well as special cultural, technical and vocational education programs; various judicial matters; economic development planning (rural and urban); social welfare; agriculture; sanitation; local policing; and special powers regarding archaeology and tourism, among others. Furthermore, local administrations would also have the power to tax based on their functions and therefore would also have

treasury and revenue agencies. Such would be the measure of autonomy granted to a local administration.

CURRENT STATUS OF THE NINEVEH PLAIN

The current status of the Nineveh Plain is indeed very complicated and highly politically charged. According to the current constitution of the Kurdistan Regional Government (KRG), Art. 2(1) thereof, there is a clear intention to incorporate the Nineveh Plain within its jurisdiction. As already noted, the US State Department has acknowledged that ChaldoAssyrians are politically under-represented and suffer economic discrimination from the KRG Ministry of Finance together with human rights violations. Furthermore, the issue is further compounded by statements from the KRG Minister of Finance about autonomy for ChaldoAssyrians, but this is missing in every tangible sense. Taking into account these cumulative factors therefore, the intentions of the KRG to absorb the Nineveh Plain seem self-evident.

Interestingly, the recently issued report of the United Nations Assistance Mission for Iraq (UNAMI) has employed Art. 125 language and there is no statement therein of absorption of the Nineveh Plain into the KRG. Furthermore, the report includes strong recommendations on including locals in policing and local governance. It is unfortunate however that some of the requirements laid down by Art. 140 have not been fulfilled by the KRG such as the requirement on normalization of land. In addition, no censuses of the population have been carried out and recently even a forced petition came to light calling for the annexation of the Nineveh Plain into the KRG.

THE RELEVANCE OF ARTICLE 125

The relevance and importance of the provisions in Art. 125 should not be underestimated. The creation of local administrations such as in the Nineveh Plain are a method of assuring the maintenance of ethno-religious pluralism in Iraq and mitigate the pernicious 3-part partitioning of Iraq. Furthermore, such implementation also reduces zero-sum calculations, which in turn reduce the likelihood of severe inter-ethnic/religious conflict in the long-term, but on the contrary introduces a truly heterogeneous federal unit into Iraq's system of inter-governmental relations. All these factors are inherently beneficial for Iraq, the region and the international community in general.

The European Union has an important part to play in this process. The United States is limited in many ways in dealing with the minorities' crisis and the Art. 125 solution that the EU must step in to assist in this matter. Unfortunately, the US State Department acknowledges the suffering of the

ChaldoAssyrians but conversely indicates that nothing should be done in terms of relative need, something that can only be termed ‘The Myth of Equality in Victimization’. Strikingly, the US Ambassador to Iraq, Ryan Crocker, has in the past affirmed the legal basis of Art. 125 for establishing a federal unit. There is thus an urgent need for EU involvement in this area by building on its commitments to Iraq and more specifically minority issues and pluralism as enunciated in the European Parliament’s Resolution of 13 March about the EU’s Future Role in Iraq.

The expertise and experience the EU can bring, drawing upon its vast experience in dealing with minority issues, can prove invaluable. The implementation of Art. 125 is necessary for the preservation of a people of antiquity in a land they have inhabited for 6,758 years where they continue to preserve their language, Aramaic – the language of Christ. Fundamentally, it is about the preservation of a pocket of moderation in the face of extremism in an unstable region.



Is there a Future for Minority Communities in Iraq?

Dr. Willy Fautré, Human Rights Without Frontiers

A significant part of Iraq's population is made up of religious and ethnic minority communities. They include Armenian and Chaldo-Assyrian Christians, Jews, Baha'is, Mandeans, Turkomans, Shabaks and Yezidis, Palestinians and Faili Kurds. Some of these minority communities are



indigenous populations that have managed to live in the region for more than 2000 years despite numerous external and internal threats. The rich and colorful diversity of present-day Iraqi culture and its historical roots inherited from a glorious and millennial past are however severely threatened at the dawn of the 21st century. There are now legitimate fears that they may not survive the current conflict and that their unique culture and heritage may be extinguished forever.

DARK CLOUDS OVER RELIGIOUS AND ETHNIC MINORITY COMMUNITIES

The first threat comes from the huge **exodus** that has been taking place in the last few years and has recently dramatically accelerated.

A year ago, the Iraqi Ministry for Migration and Displacement in Iraq estimated that nearly half of the minority communities had left the country but since then, the situation has dramatically worsened and the flow of refugees has been growing in neighbouring countries. According to the United Nations High Commissioner for Refugees, minorities make up approximately 30 per cent of the 1.8m Iraqi refugees seeking sanctuary in Jordan, Syria and across the world.

Chaldo-Assyrian Christians represent a substantial share of the refugees in neighbouring countries as their community has been particularly targeted by sectarian violence: kidnapping and executions of members of the clergy, bombing of their churches, destruction of their shops or assassinations. In response to the violence, Christians have fled by the thousands to northern

Iraq or neighbouring countries. Half of the Christians who were living in Iraq in 2000 have left their homes and are now in Kurdistan, Syria, Jordan, Turkey and Lebanon. The Catholic philosophy and theology faculties in Baghdad had to move to Erbil, and the Mosul seminary is now closed.

Jews, whose history in Iraq goes back 2600 years and who once numbered 150,000, have all left or been forced out.

Another danger comes from **assimilation** by other regional ethnic or ethno-religious powers. Minority communities also face assimilation because the areas they live in, such as Mosul, Basra and Kirkuk, put them at the centre of power struggles between Kurds, Sunni Arabs and Shia Arabs, fighting over historical claims and – crucially – Iraq’s great oil wealth. At the collapse of Saddam Hussein’s rule, many minority communities felt they had a unique opportunity to improve their lives and develop their culture but lack of security, religious and ethnic racism, and discriminatory laws still active from the time of former dictatorial rule have killed their hopes.



A number of *Assyrian Christians and Turcomans* in the Kurdish region say they are excluded from the political decision-making processes at all levels or instrumentalized by the dominant political party and under threat of being

dispossessed of their ethnic identity. Reports of the London-based Minority Rights Group and Christian Solidarity Worldwide, as well as statements of the Iraqi Minorities Council (IMC) confirm these complaints. Moreover, the *Turcomans and Assyrian Christians* of Kirkuk also say they feel more and more marginalized and silenced by the local Kurds who want this oil-rich city to be included in their region through some forced change of the internal administrative borders.

A last danger must not be underestimated: it is **physical annihilation**. The situation is catastrophic for the *Mandaeans*, an ethno-religious group estimated to number about 30,000 in the Saddam Hussein era and now only about 13,000ⁱ. For millenniums, they have been part of the mosaic of peoples living in the region but now they are on the verge of extinction. From October 2003

until May 2004, 504 were killed because of their religion and from February 2003 until March 2006, 118 were kidnapped as a way of forcing their conversion and for ransom. Two years ago, UNESCO listed their language in its *Atlas of the World's Languages in Danger of Disappearing*.

Yezidis have been estimated by the UNHCR to number approximately 550,000 in Iraq. Islamist groups have declared them “impure” and have distributed leaflets calling for the death of all Yezidis. On 14 August, 2007 a chain of blasts hit the heretofore tranquil and isolated Yezidi Kurdish villages of Gir Uzeir and Siba Sheikh Khidir in the Jebel Sinjar areaⁱⁱ, near the Iraqi-Syrian border. Four truck bombs destroyed a large portion of the houses in these villages, killing 500 of their inhabitants and leaving many others severely wounded.

ETHNIC ACCOMMODATION THROUGH TERRITORIAL FEDERALISM?

The idea of having Iraq constructed as a federal state seems at first sight to be the only way of guaranteeing the security and the rights of minority communities but as of today, it is not possible to say what constitutional set-up would be preferable and politically feasible. Several models are on the table.

Two or three federated entities

A Kurdish project foresees a federal republic of Iraq as consisting of two regions – the Arabic region and the Kurdish regionⁱⁱⁱ. The Arabic region would include the middle and southern parts 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 would include 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.

Some advocate the partition into three autonomous regions along ethnic/religious lines between the three majority communities: the Sunni Arabs, the Shia Arabs and the Kurds. This model has however been ruled out by Jalal Talabani, one of the reasons being that it would freeze the present-day internal borders and would not allow the Kurdish region to absorb Kirkuk and some other sub-districts of neighboring provinces claimed as historical Kurdish lands.

In both of these scenarios, Chaldo-Assyrians, Turcomans, and a number of other ethnic/religious, communities would be in the minority in the Arabic Region and the Kurdish Region. If minority rights were fully guaranteed by law in each federated entity, small religious and ethnic communities would enjoy some protection in theory. However, in practice, there is no guarantee that there would be a political and a societal will at the local level to respect minority rights and that the federal authorities would have the power to have them respected. In the “least bad” scenario, they would be progressively assimilated culturally, linguistically and religiously. In the worst scenario, they would victims of systematic ethnic and religious cleansing, and they would only be able to survive - for some time - in the diaspora before being irremediably assimilated.

Eighteen federated entities (governorates)

The 18 existing provinces already provide for a political and administrative structure that has been existing and working since Iraq’s law of governorates was enacted in 1969. It is however arguable whether such a model would be the most feasible and



preferable one. The main advantage of this federal structure for the minority communities would be that ambitions of some ethnic groups, especially the most powerful, to establish rigidly delineated territorial units or to impose their domination over vast areas could be fragmented and curbed. Another positive point is that there would be better opportunities to accommodate and balance ethnic demands on a local level of authority.

However, within a highly decentralized state, the minority communities would be further fragmented and dispersed in several governorates, e.g. Nineveh governorate, Ta’imim governorate, or the Kurdish controlled territories; they would act on their own in an isolated way according to the local political, religious and cultural setting without any official connection whatsoever among them; their cultural and religious issues would not be regulated in their entirety, and with the passing time, their identity would be diluted in their various environments.

Last but not least, the political leaders of the Kurdish Region reject this option and demand that “the Kurdistan region be dealt with as a geographic and political unit within a federated Iraq”.^{iv}

Federated entities for minorities

Last but not least, the Iraqi Minorities Council (IMC) has called for an area ‘for minorities across the Nineveh plain’ while the Assyrian community is lobbying for the creation of an Assyrian Administrative Area to include the smaller minorities^v.

Under the Iraqi Constitution, this is possible. However, the creation of one or several territorial and administrative units for Chaldo-Assyrians, Turcomans and Yezidis would necessitate a revision of the internal borders of the existing regions and this could not be achieved without the agreement of the federal parliament, the existing governorates and the Kurdish region. Moreover, ethnic minority groups living outside or far from that autonomous area would not enjoy any protection and would be more vulnerable than ever.

ETHNIC ACCOMMODATION THROUGH TERRITORIAL AND EXTRA-TERRITORIAL FEDERALISM?

A federal state is generally expected to be organized on the principle of territoriality but it is however difficult to apply it in ethnically mixed territories such as the north of Iraq. However, territorial federalism can be completed by an extra-territorial community-based federalism whereby specific human communities are in a position to retain substantial autonomy in one or several regions with mixed population through the formation of separate political and administrative institutions.

Despite all its structural problems, the Belgian federal system still provides an efficient mechanism that enables its various communities to have their own powers, their own elected parliament, their own government and their own administration.

Their political and administrative institutions are financed by the federal state and through some mechanism of levying taxes at the local or regional level, and they have authority in one or several regions on education, cultural matters such as cultural heritage, audiovisual media, support for printed press, artistic training, youth policy, family policy, the use of languages in administrative matters, education, social relations between employer and personnel, etc.

Concretely, in these areas, the French community of Belgium regulates important matters of the French-speakers living not only in the francophone region but also in another region. Similarly, the Flemish Community of Belgium regulates important matters of the Dutch-speakers living not only in the Flemish Region but also in another region.

Transposed in Iraq, the community-based federal system could ideally complete any form of territorial federalism by providing the various ethnic communities – the Chaldo-Assyrians, the Turcomans and the Yezidis - with the powers, the political and administrative institutions that are necessary for them to preserve their own identity, their own culture, their own language, their own religion, their own social structures in all the regions of Iraq where they have some some organized presence.

CONCLUSIONS

Iraq's society is 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; Chaldo-Assyrians, Turcomans and other minorities whose rights had been severely neglected.

To outweigh radicalization of fears, Iraqi people should be encouraged to establish structures that will mitigate ethnic divisions and institutionalize moderation in the state's governance.

All in all, whatever the number and the configuration of the territorial federated entities that are to compose the Federal State of Iraq, it will have:

- to seriously take into consideration the community component politically and administratively;
- to address the needs of different segments of the society with the participation of all political and social forces;
- to treat all stakeholders of the process as equal with equal guarantees for their security and respect for their needs and interests;
- to provide for a high degree of autonomy of each segment in running its internal affairs, especially concerning education, religion and culture;
- to secure the cultural rights of geographically scattered ethnic groups by providing non-territorial, community-based political and administrative institutions;
- to provide for a federal mechanism of checks and balances, which would protect national communities
- to provide uniform guarantees for the protection of human rights and freedoms.

In conclusion, it could be said that there are strong arguments in favour of power-sharing between territorial institutions and community institutions as they would certainly offer better guarantees for the future of minorities while facilitating the relations between majority and minority populations, and thereby contributing to better social cohesion.



¹ Mandaean sources even indicate 5,000.

ⁱⁱ The number of Yezidis residing in Iraqi Kurdistan is estimated at 300,000 residents, divided into two secluded enclaves: the first, in Jebel Sinjar, 150 km. from Mosul, adjacent to the Syrian border; and the second, in the Shaikhan region, 50 km. northeast of Mosul, and home to the holiest Yezidi shrine the sanctuary of Sheikh `Adi, the renovator of the Yezidi religion, in Lalish. It is noteworthy that while Shaikhan has been an integral part of the Kurdish autonomous region since 1991, Sinjar has always officially fallen under the authority of Iraq's central government. Although the Yezidis of Sinjar identify themselves as Kurds and take an active part in the activities of the Kurdish national movement and in the Kurdish Regional Government (KRG), the Sinjar area is not officially attached to the Kurdish Region.

ⁱⁱⁱ 18 See the text at the website of the Iraqi Kurdistan National Assembly at www.kurdistan-parliament.org

^{iv} Massoud Barzani's statement appeared in the Arabic newspaper Al-Qabas on November 21, 2003, as reported by KurdishMedia.com.

^v See Report of Minority Rights Group International "Assimilation, Exodus, Eradication: Iraq's minority communities since 2003" by Preti Taneja, p. 30. Published in 2007.

Assyria Council of Europe

14th June 2008

Press Release for Immediate Release

European Parliament Conference Highlights Assyrian Suffering in Iraq

Brussels – On Wednesday 11 June 2008 more than 100 guests attended a conference at the European Parliament in Brussels on the situation of the Assyrians in Iraq. The event was organized by the Assyria Council of Europe in cooperation with the European Peoples Party-European Democrats, the biggest bloc in the European Parliament, and touched on crucial issues and questions regarding the plight and future survival of Iraq's indigenous people. Subjects discussed included the plight of Assyrian IDPs throughout Iraq, Art. 125 of the Iraqi Constitution and the protection of minorities, territorial and extra-territorial federalism, the situation of other Iraqi minorities, and EU aid to Iraq. The general consensus throughout the conference was that the situation of the Assyrians in Iraq is precarious and more must be done by the international community, including the EU, to protect the Assyrians.

His Eminence the Ambassador of Iraq to Brussels, Mr. Mohammed Al-Doreky, made it clear that it saddens him when Assyrians leave Iraq and that as the indigenous people of the land they have a right to remain on their ancestral homeland. In a very thought-provoking analysis, Dr. Willy Fautre of Human Rights Without Frontiers also discussed whether territorial federalism alone in Iraq will suffice to protect its minorities or whether there needs to be some kind of extra-territorial federalism also to ensure the survival and protection of minorities wherever they reside in the country. Mrs. Pascale Warda of the Hammorabi Human Rights Organization and the former Minister of Migration and Displacement, was adamant that the Iraqi government must do more to ensure the protection of the Assyrian Christian community and reminded all the participants that since 2003 at least 44 churches have been bombed throughout the country.

In addition to a good number of MEPs present at the conference, there were also representatives of various NGOs, journalists and representatives of other Iraqi minority communities. Furthermore, His Beatitude the Bishop of the Syriac Orthodox Church in Belgium, Severios Hazail Soumi, together with the Syriac Orthodox Church Bishop of Mosul, Severios Hawa, was also present at the event. In particular, His Beatitude Hazail Soumi asked the panelists why a safe haven in Iraq isn't being created for the Christians whereas in the 1990's steps were taken to protect the persecuted Kurdish and Shiite communities of Iraq. Mr. Ninos Warda, ACE Project Director stated that, 'This event has been a profound success because it has raised the profile of the suffering of the Assyrians in Iraq in an institution which has on many occasions released resolutions expressing its concern for the suffering of these people.'