

*Part III*

**Multiculturalism**



## Chapter 8

# Kurdistan Region of Iraq's Ethnic and Religious Communities: The Need for Power-Sharing and Genuine Partnership

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The Kurdistan of Iraq (KI, also known as Southern Kurdistan) is one of the most diverse and culturally richest parts in the world. These areas include the constitutionally defined “Kurdistan Region of Iraq” (KRI) and the Kurdish-majority areas that are described in the constitution as “disputed territories.”<sup>1</sup>

Over centuries, KI has become home to a myriad of different ethno-religious communities (ERCs) due to the Kurds' tolerance for multiculturalism and religious expression. The ethnic communities in the KI are comprised of Kurds, Turkmen, Arabs, Chaldeans, Assyrians and Armenians, while religious groups, in addition to Muslims—both Sunni and Shia—include Christians, Yezidis (pronounced *Eyzidis*), Kaka'is, Shabaks, Zoroastrians, Sabeen-Mandaeans, Baha'is and Jews.

Currently, there are no reliable statistics to accurately demonstrate these group's population sizes and their evolution over time. This is mostly due to the “Arabization” policies of the Ba'ath regime, when many ethno-religious groups registered (or forcibly registered) as “Arabs,” in part because many religious communities refused to reveal their true identity for fear of persecution by the authorities and the Muslim majority. Importantly, almost all the ERCs in Iraq and the KI have faced displacement and continuous emigration, leading to a detrimental decline in their numbers.<sup>2</sup>

To introduce the ERCs in the KI and the rest of Iraq, their faith and history are briefly outlined in this chapter. Of course, each deserves greater in-depth analysis which is outside the scope of this report.

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<sup>1</sup> For the purpose of this chapter, KI includes both the KRI and Kurdish-majority areas, unless otherwise specified.

<sup>2</sup> Minority Rights Group (2016, July). No Way Home: Iraq's minorities on the verge of disappearance.

## Ethno-Religious Communities

### *Turkmens*<sup>3</sup>

The Turkmens are the second largest ethnic group in the KI after the Kurds, and consist of a heterogeneous population of Turkic settlers and an assimilated native population, whose adherence to a language and sense of identity has maintained a coherent community.

Turkic settlers are thought to have arrived in waves, as part of the occupying armies over the centuries before the creation of Iraq. The biggest of these waves occurred under the Ottomans, particularly during the reigns of Sultan Suleiman the Magnificent and Sultan Murad IV. Large numbers of fighters, traders, and government bureaucrats were brought to the KI to settle in the string of cities and towns that bordered the Kurds and Arabs in the “Wilayet of Mosul.” These stretched from Tel Afar to Erbil, Altun Kupri, Kirkuk, Tuz Khurmatu and Mandali. Turkmens often refer to these cities as “Turkmeneli,” home to an estimated three million Turkmens.<sup>4,5,6</sup>

The majority of the Turkmen community are Muslim, 60 percent are Sunni and 40 percent are Shiite. Unlike the majority of Sunni Kurds who follow the Shaffi’i school, the Sunni Turkmen are mostly Hanafis, following the same school as the Turkish settlers and endorsed by the Ottomans.

### *Yezidis*

The Yezidis (or *Eyzidis*) are linguistically, culturally, and socially indistinguishable from the rest of the Kurmanji Kurds. However, they have a strong sense of religious identity, and hence prefer to be addressed as Yezidis first, then as Kurds. Following recent atrocities perpetrated by the so-called Islamic State of Iraq and Syria (ISIS)<sup>7</sup> against their communities, and their disappointment with both the Iraqi and KRG authorities, some voices are now promoting the notion of Yezidis as a distinct ethno-religious

<sup>3</sup> Turkmen (pronounced Turkman) is singular, Turkmens is plural.

<sup>4</sup> Anderson L & Stansfield G. (2009). *Crisis in Kirkuk: The ethnopolitics of conflict and compromise*. University of Pennsylvania Press.

<sup>5</sup> Fuccaro, N. (1993). A 17th century travel account on the Yazidis: implications for a socio-religious history. *Annali dell’Istituto Orientale di Napoli*, 53(3), 241-253.

<sup>6</sup> Wassim Bassem (2014, 24 July). Iraq’s Turkmens call for independent province. *Al-Monitor*.

<sup>7</sup> “After the occupation of Mosul, in June 2014, the group re-branded itself as the “Islamic State.” In this publication, their older name “The Islamic State of Iraq and Syria (ISIS)” is used.

identity. However, these are mainly sentimental reactions to the tragic events of August 2014.

Their religion, Yazidism (or Eyzidism), is linked to ancient Mesopotamian religions, heavily influenced by Zoroastrianism, Islam, Christianity and Judaism. They believe in God as the creator of the world, and in the seven angels. The chief angel is the Peacock Angel (Melek Taus), who fell from God's favor but later reconciled with Him, and is responsible for ruling the world and for the good and bad in human lives.<sup>8</sup>

As a way of protecting themselves, Yazidis have preserved their oral history, but it has been subject to manipulation. Arab and Muslim invaders wrongly labelled them as "Devil-worshippers" in reference to the Peacock Angel, and erroneously tried to attribute their origin to Sheikh Adi ibn Musafir who settled in the 12<sup>th</sup> century in Lalish in Shekhan. Yazidis believe that Sheikh Adi is the chief Yazidi Saint (not the originator) who achieved divinity through reincarnation, and who will meet every Yazidi's soul after their death. The Yazidis believe that they will continue to reincarnate until they achieve a certain level of soul purity. At that time, they will be eligible to enter a heavenly realm and exist there for eternity.

Population estimates for Yazidis in KI vary between 700,000–1,000,000, due to the absence of reliable census data.<sup>9</sup> They live primarily in the Districts of Shingal (Sinjar), Shekhan and other smaller towns and villages across the Nineveh and Dohuk Provinces. According to their oral history, Yazidis faced 73 campaigns of genocide, under Ottoman rule in the 18th and 19th centuries alone, by neighboring Muslims, be it Arabs or Kurds.<sup>10,11</sup> This may partially explain the spread of their communities, which have been well established in Armenia, Georgia, Turkey, Iran, and Syria for centuries. Under the Ba'ath regime, they went through an unprecedented process of Arabization.

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<sup>8</sup> Fuccaro, N. (1993). A 17th century travel account on the Yazidis: implications for a socio-religious history. *Annali dell'Istituto Orientale di Napoli*, 53(3), 241-253.

<sup>9</sup> Raja Jalabi (2014, 11 August). Who are the Yazidis and why is Isis hunting them? *The Guardian*

<sup>10</sup> Allison, C. (2017). The Yazidis. In *Oxford Research Encyclopedia of Religion*.

<sup>11</sup> Macfarquharjan N (2003, 03 January). *Bashiqa Journal; A Sect Shuns Lettuce and Gives the Devil His Due*. New York Times.

*Christians: Chaldeans, Assyrians and Armenians*

Christianity was brought to Mesopotamia in the first century A.D., leading to the conversion of many of the native communities. After the Islamic conquest, the majority of the Kurds were converted while a minority remained Yezidi. Since then, the term “Christian” has become synonymous with the Chaldeans, Assyrians, and Armenians, even though these ethnic groups differ in their languages, cultures, and the churches they follow. Under the Ba’athist regime, Christians were also subject to Arabization policies and were often referred to as Christian Arabs. Chaldeans form the majority (almost 80 percent) of the Christians, and follow the Rome-affiliated Chaldean Catholic Church. The Assyrians mainly follow the Assyrian Church or the Ancient Churches of the East.<sup>12</sup>

Chaldeans and Assyrians are indigenous Semitic people of North Mesopotamia, and are believed to be direct descendants of the region’s ancient civilizations. They speak Syriac, the Aramaic language of Jesus Christ, and the liturgy of their Church is written in the Syriac alphabet. It is important to stress that Syriac is a language, not an ethnicity. Since recently, many Christian politicians have started calling themselves Syriacs or Chaldo-Assyrians to promote unity.

In contrast, the Armenians (or Armans) are non-Semites, who speak Armenian (Western dialect), a branch of Indo-European languages. They converted to Christianity in 301 A.D., after their King (Dirtad III) was cured by St. Gregory the Illuminator from a disease. Modern-day Armenians attend either the Armenian Apostolic Church (Orthodox) or Armenian Catholic Church. Those who inhabit the KI are part of the diaspora, relatively recent migrants who settled in different parts of Kurdistan and Iraq. The largest wave of Armenians arrived as they fled modern-day Turkey during the Armenian genocide, perpetrated by the Ottoman army in 1915.<sup>13</sup>

*Kaka’is*

Kaka’i (also called Yarsanism or Ahli Haqq), is a distinct monotheistic religion that is found along both sides of the border between Iran and Iraq. It was originally founded in the Hawraman area among Goran Kurds

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<sup>12</sup> Castellino J & Cavanaugh KA (2013). *Minority rights in the Middle East*. OUP Oxford.

<sup>13</sup> Barkey K (2008). *Empire of difference: The Ottomans in comparative perspective*. Cambridge University Press.

by Fakhr-ul-Ashiqin Sultan Ishaq Barzanji (Sultan Sohak), born in 1272 AD.<sup>14</sup> The religion later spread among other ethnic groups (including Turkmen, Persians and Arabs) across many countries. In the KRI, Kaka'is lived mainly around the provinces of Kirkuk, Halabja, Sulaymaniyah, and the towns between Erbil and Mosul.

The Kaka'is view their religion as the product of a cycle of divine essence, one of which was made manifest in Ali Abi-Talib (Prophet Mohammed's cousin). The final cycle, named "Ultimate Truth," was made manifest in Sultan Sahak, who freed the community from observing the Muslim rites of daily prayers and fasting during Ramadan. The Kaka'is believe in reincarnation, such that the human soul goes through a cycle of 1,001 incarnations to become more purified based on their actions. Every Kakai man has to have a full moustache to take part in religious rites at the worship house, the *jam khana*, where they use the tambour, a musical instrument, for meditation.

Kaka'is try to avoid persecution by performing their rituals and ceremonies in secret and by trying to fit in with their Muslim neighbors, often pretending to be Sunnis or Shi'ites. Kaka'is have always suffered discrimination in the countries in which they have existed, and are often described by Muslim fundamentalists as infidels. In Nineveh, they were specifically targeted by ISIS and were forced to flee their homes.

### ***Shabaks***

The Shabak people are a small community whose religion was founded in the 14<sup>th</sup> century by the Kurdish mystic Safi'addin Ardabili, and then spread locally, mainly among the Kurds but also among Arabs and Turkmen. Over time, they formed a coherent rural community with a form of tribal structure, which is now concentrated in the Hamdaniya and Sheikhan districts.<sup>15</sup>

Shabaks identify with Islam, with 30 percent of them identifying as Sunni and 70 percent as Twelver Shias.<sup>16</sup> However, their actual faith and rituals differ from traditional Islam, and their belief is that divine reality is more advanced than the literal interpretation of Qur'an.

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<sup>14</sup> Saloom S (2013). *Minorities in Iraq: Memory, Identity and Challenges*. Baghdad-Beirut.

<sup>15</sup> Vinogradov A. (1974). Ethnicity, cultural discontinuity and power brokers in northern Iraq: the case of the Shabak. *American Ethnologist*, 1(1), 207-218.

<sup>16</sup> Saloom S (2013). *Minorities in Iraq*.

Under the Arabization policies of the Ba’athist regime, many Shabaks registered as Arabs to avoid persecution or deportation from their lands. After the regime change in 2003, they faced some of the worst instances of sectarian violence. Sunni Arab insurgents and Islamic extremists targeted Shabaks for being Shiite, Kurdish, or Iranian agents, and for rejecting Islam. Shabak places of worship, shrines, holiday celebrations, rituals and even funerals were targets of terrorist attacks. The Shabaks were forced out of Mosul and re-settled among the Christians of the Nineveh Plain. Even as displaced people in the KI, they experienced tension with other minority communities, in particular with the Christians of Hamdaniya.<sup>17</sup>

### *Sabean-Mandaeans*

The Sabean-Mandaeans are a distinct community of Semitic people who speak Mandaic, a dialect of the Eastern Aramaic language, and follow Mandaism, one of the oldest gnostic religions.<sup>18</sup> Because of a clear reference to Sabeans in the Qur’an, Islam considers them to be “believers,” hence their persecution is prohibited. The Sabean-Mandaeans believe in one God and revere ancient prophets, but do not accept Abraham, Moses, or Jesus. John the Baptist, locally known as Yahya ibn Zakariyya, is central to their religion as the final and most revered prophet. Baptism (total immersion) in flowing water every Sunday is an essential ritual in the Sabean-Mandaean faith, so the community has historically lived near waterways and in close vicinity of the Tigris and Euphrates in Southern Mesopotamia. The highest concentrations were in Amarah, Qalat Saleh, Basra and Baghdad, until they were uprooted and driven to near extinction over the past few decades.

In the 1990s they numbered in the tens of thousands, but after the regime change in 2003 they faced targeted violence, discrimination, and intimidation. The majority left their homeland altogether, and settled in the KI (around 5,000 of them) or emigrated abroad.<sup>19,20</sup> Except from the KI, they are now too scattered to be able to preserve and pass on their culture, traditions, language and full religious rituals.

<sup>17</sup> Van Zoonen D & Wirya K. (2017, August). *The Shabaks: Perceptions of Reconciliation and Conflict*. Policy Report. August, 2017. The Middle East Research Institute

<sup>18</sup> Saloom S (2013). *Minorities in Iraq*.

<sup>19</sup> Van Zoonen D and Wirya K (2017, July). *The Sabean-Mandaeans Perceptions of Reconciliation and Conflict*. Policy Report. The Middle East Research Institute.

<sup>20</sup> Deutsch N (2007, 06 October). “Save the Gnostics”. *The New York Times*.



### **Zoroastrians**

Zoroastrianism is one of the world's oldest, if not the oldest, monotheistic religion, predating Judaism, Christianity, and Islam, and influencing them all. The religion is named after its founder, Zoroaster (*Zarathustra*), who is believed to have lived in the second millennium B.C. The songs and writings of Zoroaster, which define the religion's precepts and scripture, are included in their holy book, the Avesta. Zoroastrianism promotes a deity of the Wise Lord (Ahura Mazda) as its Supreme Being.

Zoroastrianism eventually became the state religion of the pre-Islamic Iranian empires. The Kurds were among its earliest converts, and many archaeological remains, particularly of their worship caves, have been discovered throughout the KI. However, their religion later disappeared from Kurdistan after the Islamic conquest. Recently, the older Mithraic version of the faith has returned to become by far the fastest growing in the region, particularly after the emergence of ISIS and the genocidal attack on the Yezidis. An estimated 100,000 Muslims have converted to Zoroastrianism in the KRI over the past few years and the Kurdistan Regional Government (KRG) officially recognized the religion in 2015.<sup>21</sup> The first fire temple of Zoroastrianism was inaugurated in 2016 in Sulaymaniyah.<sup>22</sup>

### **Baha'is**

The Baha'i religion was formed relatively recently by Baha'ullah, who lived in Iran in the second half of the nineteenth century and preached for the unity and equality of all people. The faith is based on a reinterpretation of Shiite Islam by Baha'ullah's forerunner, Bab, an Iranian merchant.

Baha'is consider God to be singular and all-powerful, whose commands are revealed through manifestations, including Abraham, Krishna, Zoroaster, Moses, Buddha, Jesus, Muhammad and Baha'ullah. They regard the major religions as unified in purpose yet varied in interpretation.

Baha'u'llah spent 10 years preaching in Baghdad, where he converted a relatively small community that became formally recognized under Hashemite rule, as per the 1925 Constitution.<sup>23</sup> Baha'is elect a global net-

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<sup>21</sup> Bureau of Democracy, Human Rights, and Labor (2015). *International Religious Freedom Report for 2015 United States Department of State*.

<sup>22</sup> EKurd (2016, 22 September). The First official Zoroastrian temple opened in Sulaimani, Iraqi Kurdistan.

<sup>23</sup> Saloom S (2013). *Minorities in Iraq*.

work of Spiritual Assemblies that govern the affairs of the religion, which then elect the Universal House of Justice, residing in Haifa, Israel.

Baha'i followers have faced discrimination and persecution by Muslims since the faith's inception, being accused of blasphemy and atheism. The Ba'athist regime in 1970 banned the Baha'i religion and any reference to it, and many of their political and religious followers were sentenced to prison or death. The Baha'i religion is still officially banned in Iraq, except in the KI where it is legally recognized. The small number of Baha'is who have remained in Iraq have settled predominantly in Sulaimaniyah.<sup>24,25</sup>

### *Jews*

The Jews had lived in Iraq and the KI since Nebuchadnezzar's days and the time of the Babylonian exile almost 2,600 years ago, before they were uprooted in the twentieth century. The Jewish communities had not only maintained their distinct culture, religion, and language, but also remained affluent and influential in business and governance. Under the Hashemite rule, there were more than 130,000 Jews in Iraq, who were represented in parliament, government, judiciary bodies, and other public institutions. Hence, they contributed significantly to the prosperity of the country and the state-building process.

In the 1940s, life for Iraqi Jews became increasingly difficult, particularly during and after the Second World War (WWII) when Arab nationalism and anti-Semitism was on the rise across the Middle East. In 1948, the Iraqi government began an unprecedented campaign to drive the Jews out of the country through harassment and exclusion from government employment. The Zionists, at the same time, facilitated their move to Israel. By the end of 1951, the vast majority of Jews had left Iraq, leaving only a few thousand behind.

The Jews who remained in Iraq had to survive the tyrannies of the Arab-nationalist dictators, especially after the defeat of the Arab armies in the Six-Day War of 1967. In 1968, one of the first acts of the Ba'athists when they came to power was to arrest large number of Jews, and in 1969 they publicly hanged nine of them on charges of spying for Israel. As a result, in the early 1970s most of the remaining Jews in much of Iraq emi-

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<sup>24</sup> U.S. Department of State.

<sup>25</sup> Al-Mamouri (2013, 01 August). Iraq's Baha'is Continue to Face Persecution, Social Exclusion. *Al-Monitor*.

grated. By the time of regime change in 2003, there were half a dozen Jews in Baghdad and several hundred Jewish families in the KI.

After regime change, the new Iraqi government failed to recognize the Jews in the 2005 Constitution, whereas in the KRI, they are legally recognized as native ERCs, and have a representative within the Ministry of Endowment and Religious Affairs. Interestingly, a growing number of Muslims of Jewish descent (through their mothers) are revealing their ancestors and making contact with their relatives around the world.

## **The Ethno-Religious Communities Under Successive Iraqi Governments**

While the ERCs vary significantly in terms of their culture, language, and sense of identity, they have plenty in common in terms of a shared history of grievances and persecution that they suffered under the successive rulers of Iraq.

For centuries before the First World War (WWI), Kurdistan was ruled by the Ottomans. Modern day southern Kurdistan and the rest of Nineveh Province were governed via a single administrative unit, or *wilayat*, with its capital in Mosul. The *wilayat* of Mosul contained the greatest presence of ERCs in the entire empire.

After the WWI and upon the collapse of the Ottoman Empire, the British took the mandate over the *wilayat* of Mosul as well as the two *wilayats* of Baghdad and Basrah. Early intentions were to create Iraq out of the latter two *wilayats*. However, the Shiites, who had already revolted against the British, would have had an overwhelming majority. The British therefore decided to annex the Mosul *wilayat* to the rest of the new Kingdom of Iraq in order to boost the non-Shiite population, before inaugurating a Hashemite, a Sunni Arab King.

### ***ERCs During the Hashemite Kingdom***

From the outset, the new Hashemite Kingdom adopted a constitutional democracy. The constitution of the Iraqi Kingdom of 1925 explicitly recognized the freedom of religions and beliefs.<sup>26</sup> Iraq was ruled from 1921 to 1958 by a Sunni-Arab dominated elite, who refused to share power.

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<sup>26</sup> Saloom S (2013). *Minorities in Iraq*.

Nevertheless, the state institutions and the government were tolerant of ERCs, and grievances were mainly related to their demands for greater cultural and political rights.

The Kurds, who were promised statehood in the past (at the 1920 Treaty of Sevres, following the end of WWI), continued their demand for autonomy over Kurdish majority areas, but were invariably met with military suppression. The Assyrians were also among the first communities to demand autonomy and, in August 1933, the state army of King Faisal I moved in to suppress their uprising in the district of Simele (now part of Dohuk governorate). Thousands of Assyrians were killed.<sup>27</sup>

King Ghazi, son of Faisal, and his ruling circles were known for their support of Arab nationalism. The Kurdish political movement faced violent suppression, and many Kurds were forced to flee. Many of the ERCs, particularly the Jews, suffered persecution, discrimination and uncontrolled violence. For example, in 1941 riots broke out in Baghdad between pro- and anti-British parties, and many Jews who had little to do with these riots were targeted during the course of events. During this violent dispossession (locally named “Fahud”), more than 150 Jews were killed and hundreds of Jewish-owned homes and businesses were looted or destroyed.<sup>28</sup> Worse still, the Iraqi government’s policies to expel Jews from Iraq permanently uprooted the greatest part of the community in the late 1940s and early 1950s.

### ***ERCs Under the Arab Nationalist Rule***

After the 1958 *coup d’état*, a series of ultra-nationalist Arab regimes ruled Iraq. The constitution and institutions of democracy were abolished, power was centralized, and the ruling elite monopolized the legislative and executive powers. The rule of law began to deteriorate particularly after 1968 when the Ba’athists came to power.

The Ba’athist doctrine promoted the creation of a unified Arab state through the leadership of a single vanguard party over a revolutionary government.<sup>29</sup> They adopted forceful Arabization policies which their founders had preached even before they took power, and systematically

<sup>27</sup> International Federation for Human Rights (2003, January). Iraq: continuous and silent ethnic cleansing Displaced persons in Iraqi Kurdistan and Iraqi refugees in Iran.

<sup>28</sup> *The Farhud. Holocaust Encyclopedia*. The United States Holocaust Memorial Museum.

<sup>29</sup> Salem P. Bitter Legacy (1994). *Ideology and politics in the Arab world*. Syracuse University Press.

applied these policies against the Kurds and almost all the ERCs. All groups faced increasing violence, wars, ethnic cleansing and Ba'athification.

### *The New Iraq*

After the regime change in 2003, Iraq entered a new phase. In 2005, a democratic constitution was adopted and general elections were held regularly thereafter. Iraq's judiciary system was made independent, the parliament became a powerhouse, and the government was increasingly in charge.

The Iraqi constitution recognized both Chaldeans and Assyrians in Article 125 as distinct ethnic groups and guaranteed their administrative, political, cultural and educational rights. However, apart from these two groups and the Turkmen, none of the other ERCs were mentioned by name in the constitution, and in reality, very little of Article 125 was implemented in the first place.

Instead, from 2005 onward, the ERCs—in much of the middle and south of Iraq—faced one of the worst periods in their history. They remained vulnerable and were exposed to intimidation, violence and outright persecution by extremist Muslims. During the sectarian war between Shiite and Sunni Arabs, many of the ERCs, particularly the Christians, Sabeen-Mandaeans and Baha'is, were almost entirely uprooted from the middle and south of Iraq and resettled in the KI or emigrated. Over one million Christians are thought to have emigrated since 2003.<sup>30</sup>

### *The Presence of ISIS*

In the summer of 2014, ISIS emerged in Mosul and rapidly advanced in all directions across the provinces of Nineveh, Dohuk, Erbil, Kirkuk, Tikrit and Anbar. The collapse of the Iraqi army in these provinces, and the retreat of the Peshmerga from the Shingal areas, exposed the population, including the ERCs, to ISIS atrocities.

ISIS not only brought war and destruction, but specifically targeted the ERCs, killing thousands and displacing hundreds of thousands. Large numbers of ERCs lost their livelihoods, heritage, and way of life in what amounts to acts of genocide.

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<sup>30</sup> Genocide against Christians in the Middle East. (2016, 09 March) A report submitted to Secretary of State John Kerry by the Knights of Columbus and In Defense of Christians.

The Peshmerga and Iraqi forces, assisted by the international coalition, quickly contained the ISIS advance. In Kirkuk and parts of the Nineveh governorate, where the Iraqi Army first collapsed, the Iraqi government requested the KRG's help in filling the void. Forces affiliated with the Kurdistan Workers' Party (PKK) played a vital role in saving civilian lives in the Shingal district.

In 2015 and 2016, great milestones were achieved in the fight against ISIS when the homes of many ERCs on the Nineveh Plain and in the Shingal district were liberated. By October, 2016, the Iraqi Army, supported by Hashd-Al-Shabi (Shiite paramilitaries, known as Popular Mobilization Forces), the Peshmerga forces, Iran, and the International Coalition had liberated the rest of Nineveh Province, except for Tel Afar.

These victories helped in re-building some degree of trust between the ERCs and the authorities (in Baghdad and Erbil), but the process is still far from sufficient or complete. Members of the ERCs blamed both the Iraqi state and the KRG for their initial failure to defend and protect their territories. The vast majority of the displaced population, including Sunni Arabs and ERCs, have sought refuge in the KI, but lost faith in Iraq as a functioning state and in Baghdad for leading the post-liberation recovery. Many have decided to settle permanently in Kurdish-controlled areas or emigrate for good.

### *Post-ISIS*

Over the past two years, since the beginning of the liberation of the towns and villages from ISIS, a serious debate has begun regarding the return of displaced families of ERCs. Clearly, the challenge of recovery and regaining normality is immeasurable. It requires the provision of security and services, reconstruction of the infrastructure, reconciliation between communities and regaining trust and confidence in the authorities. People expect justice, compensation and assurances about the future governance of these territories. All of these challenges are far from achievable in the current political climate in Iraq, and hence the ERCs feel more exposed than ever.<sup>31,32,33</sup>

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<sup>31</sup> Ala'Aldeen DAA (2017, 15 June). Post-ISIS Recovery of Nineveh: The Need for a Comprehensive Governance Roadmap. Workshop Report. The Middle East Research Institute

<sup>32</sup> Van Zoonen D & Wirya K. (2017, August). The Shabaks: Perceptions of Reconciliation and Conflict. Policy Report. The Middle East Research Institute

<sup>33</sup> Van Zoonen D and Wirya K (2017, July).. Turkmen in Tal Afar: Perceptions of Reconciliation and Conflict. Policy Report. The Middle East Research Institute

Reconciliation is one of the most challenging issues that both the authorities and community leaders will have to face, and the problem is exacerbated by historic divides between different ERCs. For example, the Christians and Shabaks have had a conflictual relationship in the Nineveh Plain over land ownership. Eager to liberate their areas and incentivized to form armed units within the inflated Iraqi armed forces, their competition over seizing land and establishing control has grown, causing fissures to widen even further. Now, individual ERCs are also internally fragmented, polarized and militarized. For example, the Hamdaniyah and Tilkef districts of Nineveh Plain contain no fewer than a dozen disparate local military groups, with diverging interests and affiliations.<sup>34,35,36,37,38</sup>

There are perceived pro- and anti-ISIS families within the Arab Sunni population of Nineveh, and within the Sunni-Shiite Turkmen groups of Tel-Afar. Yezidi groups in Shingal, affiliated with the Kurdistan Democratic Party (KDP) and the PKK are already causing friction that may spark greater violence. Many members of ERCs have resorted to forming armed groups, with or without affiliation to other local or regional actors, including Peshmerga forces, PKK or Hashd Al-Shabi. For example, Al-Babylon regiments were established as part of the Hashd-Al-Shabi forces in 2014 to liberate Mosul. In the same year, the Nineveh Protection Unit was formed with the aim of liberating the Christian Areas in Nineveh. Both of these forces have different and competing affiliations and have participated in the fight against ISIS, and now have presence in various areas on the Nineveh Plain. Of course, these exist in addition to pre-existing Assyrian paramilitaries which were formed as early as 2008 to protect their towns and villages against terrorists.<sup>39,40,41,42,43</sup>

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<sup>34</sup> Protsyk O (2010). Representation of minorities in the Romanian parliament. Inter-Parliamentary Union (Geneva) and United Nations Development Programme (New York).

<sup>35</sup> Huyodo (2010, 7 January) The Establishment of Nineveh Plain Forces. Syriac International News Agency.

<sup>36</sup> War is Boring. (2015, 06 March) Inside the Christian Militias Defending the Nineveh Plains.

<sup>37</sup> EKurd (2017, 17 August). Division among Iraq's Shabak minority reveals Kurdish-Arab land rivalry.

<sup>38</sup> Salloum S (2015, 05 May). Iraqi Christians take up arms to regain lost land. *Al-Monitor*.

<sup>39</sup> Van Zoonen D & Wirya K. (2017, August). The Shabaks: Perceptions of Reconciliation and Conflict. Policy Report. The Middle East Research Institute

<sup>40</sup> Van Zoonen D and Wirya K (2017, July). *Turkmen in Tal Afar: Perceptions of Reconciliation and Conflict*. The Middle East Research Institute

<sup>41</sup> Protsyk O (2010). Representation of minorities in the Romanian parliament. Inter-Parliamentary Union

<sup>42</sup> Kawa M (2014, 27 November). Northern Iraq's Minorities Form Militias 'We Will Defend Ourselves'. Niqash

<sup>43</sup> Kavalek T (2017, June). Competing Interests in Shingal District: Policy Recommendations for Defusing Tensions. Policy Report. The Middle East Research Institute

## The ERCs Under the Kurdistan Regional Government

In 1991, after the establishment of a “safe haven” to protect Kurds fleeing from the Iraqi regime’s military attacks, Saddam Hussein decided to withdraw Iraq’s security and administration from three KI governorates: Dohuk, Erbil, and Sulaimaniyah,<sup>44</sup> in addition to some districts (such as Kalar, Chamchamal and Akre) of the provinces of Diyala, Kirkuk, and Nineveh. These areas became formally recognized in the Iraqi constitution after regime change as the Kurdistan Region of Iraq, or KRI. The KRI has remained under the jurisdiction of the Kurdistan parliament and the Kurdistan Regional Government (KRG) since the first elections in 1992.

The other Kurdish-majority areas outside the KRI, including the ones that were totally Arabized in the governorates of Nineveh, Kirkuk, and Diyala, were later defined in Article 140 of the 2005 Iraqi Constitution as “disputed territories.” This article provided a three-step process for the Iraqi federal government to resolve disputes between Baghdad and Erbil, and determine which territories should become integrated into the KRI. However, the federal government’s failure to implement this article over the past 12 years has left these territories subject to political disputes and power rivalry between Baghdad, Erbil, local governments, and local communities.

In 2003, upon the invasion of Iraq, the Kurdish Peshmerga controlled parts of the disputed territories, including Kirkuk, Makhmoor, and Khanaqeen. From the subsequent years until 2014, the Kurds, along with other Iraqi institutions, were in charge of security in these areas, while Baghdad presided over their administration. The Kurdish political parties had a dominant political influence in these Kurdish-Controlled Areas (KCAs), and the KRG gained a solid presence, particularly in the area of education, when they established schools for teaching in Kurdish. After the emergence and subsequent retreat of ISIS, the Peshmerga forces secured the majority (but not all) of the Kurdish-majority areas outside the KRI.

For the purpose of this section of the chapter, the main focus is on the KRI (under the KRG) and less on KCAs. It is interesting, however, that the KRI and KCAs are almost equal in terms of territory, population mass, and ERC diversity, but that there are nevertheless significant differences

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<sup>44</sup> Halabja was not yet a governorate.



in terms of their community's outlooks, aspirations and socio-political experiences.

In the KRI, the ERCs were more actively engaged in the political process and have secured greater representation within institutions compared to in KCAs. They have also had better access to employment and business opportunities in the private and public sectors. Inhabitants of KCAs, Kurds, non-Kurds, and ERCs, frequently complain of neglect, corruption, political polarization, and militarization. These chronic problems have largely been blamed on Baghdad-Erbil rivalries and the two governments' failure to reach agreements on resolving the problem of disputed territories.

### ***Legal Provisions to Protect ERCs***

Since 1992, the KRI's legislative and executive system of governance has evolved independently from the rest of Iraq's government. Despite economic, political, and security hardships, as well as internal and external conflicts, the KRI protected and promoted its ethno-religious diversity. In 1992, the Kurdistan National Council (later renamed the Kurdistan Parliament) consisted of 100 generic seats and five protected ones dedicated to the KRI's Christians. In the 2005 election, six additional seats were created, five dedicated to Turkmens and one for Armenians residing in the KRI.

Equality of rights were embedded in basic KRG legislation and regulations. In 2015, the Kurdistan Parliament approved Law No. 5, "Protecting Components in Kurdistan," which explicitly mentions most ERCs by name, including the Turkmens, Chaldeans, Assyrians, Syriacs, Armenians, Christians, Eyzidis, Sabean-Mandaeans, Kaka'is, Shabak, Faylie (Shiite Kurds), Zoroastrians, and "others." The law also stipulates that the government commits to protecting their respective mother languages by guaranteeing learning and education. The government is also required to open a special department for national languages of ERCs in Kurdistan's universities.

Until now, religious education in primary and secondary schools was focused on teaching Islam with minimal exposure to other religions. However, the Ministry of Education has now changed its curriculum by introducing religious studies, where all religions are taught and religious tolerance is promoted.

The KRG's Ministry of Endowment and Religious Affairs created a special directorate for the affairs of non-Muslim, with Christian and Yezidi senior representatives, and recently representatives from other religious communities, including the Kaka'is, Zoroastrians, Bahais, and Jews.

### *Genuine Partnership Means Power-Sharing*

As far as the ERCs are concerned, the current system of governance in the KRI is inadequate and does not reflect the aspirations of the ERCs, nor does it match the promises and intentions of the policymakers. The approaches of the past, mere legislation and symbolic gestures, will no longer be satisfactory to them. Currently, positions of power are dominated by the majority Kurdish Muslims, with inadequate representation for the smaller and more vulnerable ERCs. Importantly, the years of conflict that have plagued Iraq have created rifts which recently worsened, especially among the Yezidis, after the emergence of ISIS. Regaining trust and reconciling communities require serious investment in building inter-communal confidence.

A critical factor that can contribute greatly towards the achievement of peace and stability in any nation is the existence of a collective sense of shared ownership of the country and its governance system by all citizens. The ERCs need to feel that they are full citizens, able to address their issues and develop their societies in ways that guarantee rights and equality.

Countries such as Iraq, which have failed to invest in nation- and state-building and the unification of their communities, are likely to face irreversible internal rifts. If the KRI aspires to maintain lasting stability under which its communities can coexist harmoniously, it has no choice but to ensure the rights of its ERCs and invest in institutions of democracy.

The system of governance in the KRI should reflect the mixed composition of its community at all levels, and become a model for Iraq and the broader Middle East. The rights of all the groups residing within the KRI should be protected by law and enshrined in the future constitution. The drafting of this constitution, which is currently suspended but likely to be reactivated after the next election, is a unique opportunity to review the region's system of governance while fostering an increasing level of democratization. This can be achieved through the provision of rights for all who reside within the region, irrespective of their religious and ethnic background. The result will be an improvement in levels of social justice, a vital factor required to maintain peace, stability, and security.

Moreover, there should be legal provisions to ensure that all of the KRI's communities are provided with the opportunity to engage in the system of governance. To achieve this, a unique mechanism which guarantees true representation of a diverse ethno-religious constituency is required. This must be designed with the specific aim of engaging ERCs in the decision-making, implementation, and monitoring processes. A product of rigorous research involving key representatives of the ERCs within the KRI and the KCAs, and this report aims to provide such a mechanism.

### ***Current Representation of ERCs Is Inadequate***

Constitutional recognition and legal enshrinement do not always translate into true access to rights, which requires the presence of a dedicated institution that is representative of, and trusted by, all ERCs. For any such institution to have legitimacy and impact it needs to be legally and administratively embedded in the structure of governance of the KRG. Such an institution would provide assistance to the government in matters related to the ERCs, particularly in the process of legislation, implementation and monitoring. Such a body does not currently exist in Kurdistan.

In the KRI's parliament, no seat is currently allocated to the Arabs, Yezidis, Kaka'is, Shabaks, Zoroastrians, or the other smaller ERCs. In the KRG Council of Ministries (cabinet), ruling parties have so far failed to assign any specialized ERC-specific ministerial positions to the ERCs representatives. In every cabinet since 1992, members of different ERCs have regularly been appointed to various ministerial positions. However, these token measures are carried out without taking into account the individual minister's professional competence or leadership qualities. This has inevitably caused further grievance among the ERCs' communities because such appointments would naturally fail to win the ERCs' basic rights or deal with their ethnic or religious issues. Furthermore, the selected ministers have not been perceived as legitimate community representatives; rather they are often viewed as affiliated with the ruling Kurdish parties which promoted them. Consequently, the participation of minorities in the KRG remains inadequate and at times counter-productive, because it has failed to build sufficient trust and confidence between the KRG and the ERCs both within KRI and beyond.

Taken together, the system of governance in the KRI has not only failed to develop into an inclusive and democratic model, but also it has not provided an attractive model for ERCs living in KCAs and other disputed

territories. Such a failure will become a major barrier should a referendum on the disputed territories take place in the near future. Even if areas of the KCAs were formally integrated into the KRI, the fears and concerns of these ERCs could undermine stability and create unbridgeable gaps in the future. Such sentiments have been clearly expressed by Turkmens in Kirkuk who criticize the way the Kurds have governed the oil rich-city.

### *Successful Models Elsewhere Still Inadequate for KRI*

In well-established democracies, such as the United States (U.S.) and in Western Europe, the rights of ERCs are guaranteed through the protection of the rights of individuals. Additional mechanisms are also in place at central and local authority levels for protecting the cultural and linguistic identities of all societal components. Moreover, groups or caucuses have the ability to lobby in the parliaments, influence legislation and have access to decision-makers. Clearly, sovereignty of law and democratic values can help mitigate the possibility of ethnic and religious inter-communal conflicts.

In recently emerged democracies, such as in Eastern Europe, a number of models have developed in countries that have diverse demographics. Romania, Serbia, Bosnia and Croatia have all created special councils for minorities in their parliaments.<sup>45,46</sup> These advisory bodies were established with the aim of influencing legislation and monitoring implementation for minority groups. While there are clear cultural and social differences between the KRI and the Eastern European countries, a model based on democratic principles can be adapted to the KRI and further modified to ensure adequate ERC representation within the legislative and executive bodies. From now until the KRI develops into a full democracy, the KRG needs to design and adopt a tailor-made model of its own to reflect its history, culture and political power dynamics.

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<sup>45</sup> Protsyk O (2010). Representation of minorities in the Romanian parliament. Inter-Parliamentary Union.

<sup>46</sup> Constitutional Law on the Rights of National Minorities—Zagreb (December 13, 2002). Supreme Court of the Republic of Croatia.

## **A Tailor-Made Model for Power-Sharing: Councils for Ethnic and Religious Communities**

The genuine intentions of the Kurdish authorities need to first be demonstrated in a series of practical, legal and symbolic (yet meaningful) steps designed to build confidence between the KRI and the KCA's diverse communities. Measures could include:

- The alteration of the KRI's flag and the national anthem to incorporate symbols of diverse groups
- An effective mechanism to protect the various distinct cultures and languages should be developed, in addition to the full implementation of Law No. 5 of 2015.
- There should also be provisions to make their languages official in the localities where they form a majority. For instance, the Turkmen language in Kirkuk and Syriac language in the Nineveh Plain should be officially recognized for administrative communications alongside Kurdish and Arabic.
- Depending on population ratios, senior positions in local government should be granted to representatives of those communities.
- The creation of formal entities within the Government and Parliament for ERCs, and embedding them in the decision-making, implementation and monitoring processes. A tailor-made model for power-sharing needs to be established for ERCs, and enshrined in the law and in the future constitution.

### *The Need for an Ethnic and a Religious Council*

In the summer of 2015, the Middle East Research Institute (MERI) proposed a model for ERC power-sharing in the KRI, which consisted of the creation of two separate but identical councils for both ethnic and religious components.<sup>47</sup>

- A Council for Ethnic Communities, to represent Turkmens, Arabs, Chaldeans, Assyrians, and Armenians.
- A Council for Religious Communities, to represent Yezidis, Christians, Kaka'is, Shabaks, Zoroastrians, Sabeas-Mandaeans, Baha'is, and Jews.

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<sup>47</sup> Ala'Aldeen, DAA (2015, 12 October). Protecting Minorities' Rights in the Kurdistan Region: A Tailor-Made Model. Policy Report, The Middle East Research Institute.

The structure and function of these councils would be designed to take the local system of governance and power dynamics into consideration, while also remaining culturally sensitive. The overall objective is to guarantee that each council meets the expectations of all ERCs, while providing access to both Parliament and Government processes.

The establishment of these councils is not intended to replace the current process of minority representation within the Kurdistan Parliament. It conflicts with neither its objectives nor authority. In fact, it reinforces the influence of current minority representatives by institutionalizing the rights of ERCs.

In the KRI there are a number of bodies (councils and boards) which represent specific groups or sectors, such as the High Council for Women Affairs, the Council for Human Rights, the Investment Board and the Tourism Board. These are all bureaucratic executive bodies that are responsible to the KRG Cabinet. The administrative structure of these organizations varies, depending on their specific objectives. However, there are none that adequately address the needs or aspirations of ERCs, and the bureaucratic executive bodies are not suitable for ERCs' power-sharing.

Considering the rights of ERCs, any new ethnic or religious council should be an integral part of both the parliament and the government to guarantee them influence on the decision-making processes at the highest legislative and executive levels. Such a mechanism can assist in the protection and promotion of their cultural, educational, linguistic and religious rights.

### *Aims of the ERC Councils*

Primarily, the aims and role of the two Ethnic and Religious Councils should include:

- Assisting in the resolution of issues that affect ERCs residing within the KRI. This includes the drafting of legislation, policies and long-term strategies that address the provision of rights for ERCs.
- Lobbying on behalf of ERCs with the aim of influencing the policy- and decision-making processes at the highest level.
- Playing an active role in monitoring the implementation of legal provisions that are designed to protect and promote ERCs' rights. Each council should produce a quarterly report on the status of ERCs which would be submitted to the Parliament and the public.

- Communicating the views and needs of ERCs residing within the KRI to relevant authorities in order to ensure greater levels of social equality.
- Engaging both governmental and non-governmental institutions locally and internationally in order to exchange information and promote the protection of ERCs' rights.

### ***The Administrative Structure of the ERCs Councils***

The administrative structure of the two Ethnic and Religious Councils should include:

- To ensure efficiency and minimize bureaucratic barriers, the councils should be administratively embedded within the parliament. A small secretariat would be required to run council affairs. New legislation would be required to formalize this arrangement.
- The current representatives of ERCs in the Kurdistan parliament should become members of the two councils, as appropriate. These members of parliament (MPs) will then be able to influence and monitor the legislative process within both the parliament and the KRG.
- Representatives from relevant KRG ministries, at the level of Director-General, will be permanent members of both councils. These representatives need not be from ERCs themselves, as their role is to represent specific ministries in order to exchange information.
- Any future ministers or holders of sovereign positions that might be allocated to ERCs, for instance Vice-President of the KRG or Deputy Prime Minister, via future political agreements, will also become *ex-officio* council members.
- A chairman and one or two deputies should be elected for each council on a rotational basis among the MPs or holders of sovereign positions.
- The chairmen of each council will attend KRG Cabinet meetings as “observers” or “full voting members” in order to influence the decision-making processes at a governmental level. It is important that the chairmen who attend cabinet meetings hold the title of “representatives” and not “ministers.” This will help facilitate the rotation of their position among ERCs without the need for parliamentary approval, and will help avoid internal competition over ministerial privileges.

- The creation of a number of specialized sub-committees will be required to address issues of data collection and analysis, coordination, and policy formulation. It should be made possible for external experts to join the sub-committee as members.

## **Implementation in Stages**

This unique model for ERCs in the KRI should be implemented in milestones over three separate phases:

### ***Transitional Phase***

Currently, there are eleven MPs representing Turkmens, Chaldeans, Assyrians, and Armenians. These numbers and ratios must change through political agreements in the future to become truly representative of the ERCs. An accurate census and appropriate legislation will be required to do this. Meanwhile, the eleven MPs should coalesce to form a single “precursor council” for both ethnic and religious communities. In collaboration with relevant parliamentary committees, legislation should be drafted in order to define the framework and future internal constitutions of the two proposed Ethnic and Religious Councils.

### ***Full Implementation Phase***

It is essential to have the new draft law that allocates additional parliamentary seats to the unrepresented ERCs, and another that establishes the Ethnic and Religious Councils, completed and endorsed as soon as feasible. Ideally, these laws should be effective from the round after the next elections. Thereafter, both councils should become fully developed.

### ***The Long-Term Phase, After the Resolution of the Disputed Territories***

After the resolution of the disputed territories issue, through referendum or an overarching political agreement, and possible integration of parts of these territories into the KRI, the number and proportion of the different ERCs within the KRG-administered areas will change dramatically. This is irrespective of which parts of the disputed territories will be integrated under KRG administration. Conducting a census in these territories is therefore necessary to help legislators allocate the required number of seats for each ERC in the KRI parliament. Consequently, the



overall number of parliamentary seats and those allocated to minorities will change again.

## **The Constitution**

The future stability of the KI, and the Middle East as a whole, is affected by the extent to which people's rights are provided and protected. Typically, this is undertaken through the enactment of legal provisions and regulations. However, constitutional rights will provide more powerful protection.

A constitution is deemed to be a long-term social agreement between a government and its people in order to protect and enshrine their rights. Including protection mechanisms for ERCs can help ensure future stability and democratic development in the KRI.

To enshrine the formation of ERCs Councils within the constitution, the constitutional committee in the KRI should add the following section to the draft constitution:

“The establishment of two councils for ethnic and religious minorities, linked to the Parliament to guarantee their participation in the legislation, decision-making, implementation and follow up process.”<sup>48</sup>

## **Conclusion**

Despite its rich social tapestry, the political system within the KRI does not reflect its diversity. The genuine intentions of the Kurdish authorities need to first be demonstrated in a series of practical, legal and meaningful symbolic steps designed to build confidence between the KRI's ERCs. Importantly, this diverse ethno-religious constituency requires true representation at the top of the decision-making process in both governance and civic life. This can be achieved through the establishment of an ethnic and a religious council which should be integral parts of both the parliament and the government to guarantee their influence over the decision-making process at the highest legislative and executive levels. The future stability of the KRI, Iraq and the Middle East as a whole, is affected by the extent to which rule-of-law is implemented and human rights are provided and protected.

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<sup>48</sup> Ala'Aldeen, DAA (2015, 12 October). Protecting Minorities' Rights in the Kurdistan Region: A Tailor-Made Model. Policy Report, The Middle East Research Institute.

