

## **The Iraqi Provincial Elections Law and the Terror Against the Assyrians in Mosul**

By Fred Aprim

The various coalitions and/or slates in the Iraqi Parliament struggled for months to reach an understanding and consensus in regards to the Provincial Elections Law. The anticipated law would regulate the much-delayed Iraqi provincial elections. The voting patterns by the Arab (Shi'a or Sunni) and Kurdish slates in Iraqi Parliament reflected yet again the chauvinistic nature of those parties and groups. The voting process replicated as well that democracy and basic rights are yet to find a place in Iraq.

On July 15, 2008 two members of Iraqi Parliament, Younadam Kanna, Head of the Rafidayn Slate and the Secretary General of the Assyrian Democratic Movement (ADM), and Abd al-Ahad Afram Sawa, from the Kurdistan Slate and Secretary General of the Chaldean Democratic Union Party, withdrew from the parliament session when Head of Parliament, Mahmoud al-Mashhadani, unexpectedly presented for voting a draft bill of a provincial elections law of councils for governorates, districts and sub-districts. Representatives Kanna and Afram withdrew because the draft did not mention the names of the indigenous Assyrians (also known as Chaldeans and Syriacs) people in the governorate councils of Baghdad, Nineveh, Arbil, Kirkuk, Dohuk and Basra as agreed upon earlier. The two representatives had asked for a guaranteed quota of 13 council seats for the Christian Assyrians: 3 seats in Baghdad, 3 in Nineveh, 2 in Arbil, 2 in Dohuk, 2 in Kirkuk, 1 in Basra.

When instituted, the Assyrians and other religious and ethnic minorities would have voted for their own competing parties and representatives to win those governorate council seats. In other words, a person couldn't run on the Kurdish slate for example and then claim that he represents the Assyrians, as is the case with Abd al-Ahad Afram in the Iraqi Parliament and Romeo Hakkari in the northern Iraq Kurdish regional parliament. Both Afram and Hakkari ran on the Kurdistan slate and not an Assyrian and/or Christian slate. Their loyalty is primarily to the Kurdish Regional Parliament and government.

Deliberations continued and on July 22, 2008 the Iraqi Parliament approved the elections bill after four months of discussions and after six months of preparations. Article 50 of the bill did assign the thirteen seats in the six governorate councils as indicated earlier. The article specified the seats for what it called "the Christian religious and ethnic minorities" that are approved in the Iraqi Constitution. Two seats were also guaranteed in Nineveh Governorate for the Shabaks and Yezidis. Article 24-1 of the bill postponed the elections in Kirkuk until further investigations and deliberations between the various groups, which would be conducted by a special committee. Article 24-2 distributed the administrative, security, judicial, legislative, etc. positions in Kirkuk (that are linked or not linked to a ministry at this time) as

such: "32 percent for each of the Arabs, Kurds and Turkomans and 4 percent for the Christians."

However, the Kurdish coalition members withdrew from the voting session, mainly because of the article concerning Kirkuk. Jalal Talabani (a Kurd), president of Iraq and member of the Presidential Committee, vetoed the bill. The presidential veto meant that the elections bill had to be sent back to parliament again for further consultation and modification. The Iraqi Constitution requires that the presidential committee must approve all bills before they go into effect and become law. Talabani's veto here was not against the minorities' quota, but because of the issue of Kirkuk.

On September 24, 2008, and after further discussions, the Iraqi Parliament passed the elections bill of councils for governorates, districts and sub districts. However, the powerful coalitions in Iraqi Parliament voted also to eliminate article 50 from the bill (AINA 9-25-2008). It seems that the future of oil-rich Kirkuk overshadows the rights of Iraq's indigenous Assyrian people and the country's lesser ethnic and religious minorities.

The legal committee in parliament claimed that the pretext for removing Article 50 was the absence of accurate statistics and criteria or database about the Assyrians in Iraq. This excuse is baseless because no group in Iraq has real or accurate statistics and population, since there has been no fair or reliable census in Iraq for half a century. In fact, Mr. Kanna (ADM) did submit a study about the Assyrians during the discussions. Some try to divert the international public attention from the real reason by stating that article 50 was removed because the various Christian groups did not agree on who would occupy those thirteen seats. However, that is far from the truth. Another problem was the two seats assigned to the Shabaks and Yezidis. The Kurds, for example, protested about the one seat assigned for the Shabaks in Nineveh. They claimed that the Shabaks were ethnically Kurds. Shabaks disagree of course. However, the Arab Shi'aa groups rejected the Kurdish claims and reasoning and said that the Shabaks are Shi'aa; therefore, they deserve a separate seat. A short time prior to the final vote on the bill, a Yezidi on the Kurdistan Slate protested the inclusion of a separate seat for his own Yezidi people. Again, the Kurds claim that Yezidis are ethnically Kurds as well, thus, they do not need a separate seat. The Majority of Yezidis disagree of course. The Kurds had ample time to argue about this issue, but they waited until the last moment to bring it up through a Yezidi puppet in order to cause a standoff.

Iraqi parliamentarians had been arguing for months and they were tired and needed to vote on the bill as they were under a lot of pressure to set the path for the elections. Thus, the powerful Arab and Kurdish groups decided to drop Article 50 in its entirety. One more important issue is the fact that the Kurds are doing everything possible to delay or even prevent the elections from taking place. The Kurds in the north and the Shi'aa in Baghdad stand to lose drastically since the majority Sunni Arabs boycotted

the 2005 Iraqi national elections and the Kurds benefited from that in Nineveh Governorate and controlled its council and many other key positions.

On October 7, the Presidential Committee, comprised of President Jalal Talabani and his two Deputies of 'Aadil 'Abd al-Mahdi (Shi'aa Arab) and Tariq al-Hashimi (Sunni Arab), officially approved the new bill and it became a law. The elections are anticipated to take place no later than January 31, 2009. There will be no elections in Kirkuk (as per the agreement between the various groups) and in the three Kurdish dominated governorates of Arbil, Sulaimaniya and Dohuk.

U.N. Representative in Iraq Staffan de Mistura met with Head of Parliament Mahmood al-Mashhadani and criticized the elimination of Article 50. Later, many Iraqi groups and members of parliament followed suite and issued declarations rejecting the bill.

Many Assyrian groups began demonstrating inside and outside Iraq against this action<sup>1</sup>. On October 1, 2008, the Kurdish governor of Dohuk refused to grant the ADM permission to hold a demonstration in central Dohuk. However, the governor later granted permission to the Chaldean Syriac Assyrian People's Council of Sargis Aghajan, which is funded by Barazani's Kurdistan Democratic Party (KDP), to hold similar demonstration.

Initially, the governor's office rejected the original September 29, 2008 date requested by the ADM to hold the demonstration. The office of the governor stated that September 29 coincided with the Muslim 'Arafat Day, and was therefore not appropriate to hold a demonstration on that day and suggested to hold the demonstration on Thursday, October 2, 2008. The ADM agreed. Two days later, the governor's office contacted ADM officials and informed them that another group (referring to the group of KRG Finance Minister Sargis Aghajan) was holding a demonstration at the same date and place, and that this other group's request to hold its demonstration was submitted one week before the request of the ADM. How could that be? The ADM submitted the request to hold a demonstration on September 29. If Aghajan's Council applied for a demonstration request a week before the ADM, then that would mean that Aghajan's Council submitted its request on September 22. However, we know that the Iraqi Provincial Elections Law passed on September 24, 2008. Was Aghajan's Council aware two days before the voting in Iraqi Parliament that article 50 was going to be removed? Does this mean that the Kurds knew about the planned removal of article 50 ahead of time and informed Aghajan and his council in order to apply for a permit to demonstrate?

The governor's office returned later and asked the ADM to hold the demonstration a different day than October 2. The ADM protested and decided to cancel the planned demonstration, as it did not want to have any conflict at this crucial time. Unofficially, the ADM encouraged its supporters to participate in the demonstration.

As the issue of eliminating Article 50 was heating up, the organized campaign of terrorizing the Assyrians in Nineveh Governorate and particularly in the city of Mosul began to take place (AINA 10-16-2008). Iraqi MP Usama al-Nujaifi accused the powerful Kurdish parties and their soldiers (Peshmerga) that control many parts of Mosul of organizing and committing the atrocities and crimes (AINA 10-30-2008). He stated that central government investigation has revealed that Kurdish elements in the Iraqi Army in Nineveh were behind this organized campaign to kill and terrorize the Assyrians and force them to flee and abandon their homes. The Kurdish Peshmerga comprise the majority of Iraq's Second Army unit that is stationed in Mosul. The Chaldean Syriac Assyrian People's Council of Aghajan came out immediately in defense of the Kurdish leadership and the Peshmerga. Other Kurdish supporters such as KRG Minister and Secretary General of the Assyrian Patriotic Party (APP) Nimrod Baito did the same. One wonders, why do these Assyrians act as lawyers and run to defend the Kurdish leadership, the KDP and the Peshmerga? Why not allow the Kurdish leadership -- and the Peshmerga -- to defend itself? Is the Kurdish leadership incapable of defending itself or does Barazani lack the resources to do so?

Within less than two weeks starting from October 4, various media outlets reported the killing of fourteen Assyrians in Mosul. Cars with loud speakers were driving through the streets of Mosul ordering the Assyrians to leave the city or be killed. Some 2,500 Assyrian families (15,000 persons) fled the city of Mosul towards the relatively safer Assyrian towns and villages of the Nineveh Plains and towards Syria. International groups and government, including the Vatican, raised their concerns and demanded a resolution. On the other hand, U.N. Representative in Iraq de Mistura presented another suggestion regarding the minorities' representation in governorate councils. The U.N. suggested that twelve seats be reserved for the minorities as such: Three seats for the Assyrians in each of Baghdad and Mosul and one in Basrah; one seat for the Mandeans in Baghdad; three seats for the Yezidis and one for the Shabaks in Nineveh. The bill was to be voted on Thursday, October 30, 2008; however, certain groups in parliament changed their stands while others presented their own solutions.

On Monday, November 3, 2008 the parliament convened and considered three suggestions. The first was that of the U.N. The parliament rejected it as 51 members only approved it. The parliament rejected also the second suggestion, which included one seat for Assyrians in Basra; two seats for Assyrians and one for Mandeans in Baghdad; and two seats for each of the Assyrians and Yezidis in Nineveh. The third suggestion passed as 106 from the total of 150 that attended the session voted in favor (AINA 11-3-2008). The new bill that passed guarantees one seat for the Assyrians in Basra; one seat each for Assyrians and Mandeans in Baghdad; and one seat each for Assyrians, Yezidis and Shabaks in Nineveh. Thus, the total seats for the ethnic and religious minorities are six, which make half of the seats suggested by the U.N. The Assyrians must reject this law, because it reflects nothing positive in reality. With their current population, the Assyrians could win one seat in Nineveh and Baghdad governorates councils easily in any fair elections and without any special treatment and despite the fleeing of half of their population since 2003.

The Kurdish influence continues to be the reason behind the demise of the Assyrian and other minorities in northern Iraq (AINA 10-22-2008). Arabs understand how the Kurdish leadership influences, controls and dictates life in general in northern Iraq. The total number of seats in Nineveh Governorates is 37. The Kurds control the majority of the seats today in Nineveh Governorate, because the majority Sunni Arabs boycotted the 2005 elections, as we said earlier. The participation of the majority Sunni Arabs of Nineveh in the upcoming January 2009 Governorates Councils will reduce the seats that Kurds would occupy to around 14. The Arabs understand how the oppressive Barazani operates in northern Iraq. The Arabs figured that if they agreed to the U.N.'s suggestions, i.e., seven seats for the minorities (Assyrians, Yezidis and Shabaks) in Nineveh, then the Kurds would make sure that those seats are of members loyal to them, hence they would control again the Nineveh Governorate council for having around 21 seats (their own 14 plus the 7 of the minorities), which would be more than 50 percent of the 37 total seats.

As debate was going on in Baghdad, Aghajan took advantage of the situation of the refugees in the Nineveh Plains and visited the region. He promised assistance. Aghajan quietly uses every opportunity to present himself as the hero of the Assyrians, and hence their leader in the future Kurdish scheme. The Kurdish leadership is terrorizing the Assyrian population in Nineveh to make a point. Barazani wants to show that the Iraqi authorities are unable to protect the Assyrians in Nineveh Governorate. Thus, the Kurdish leadership would like to present itself as the protectorate of the Assyrians. In other words, the Kurdish leadership is trying to force the Assyrians to accept the annexation of many parts of Nineveh Governorate to the Kurdish region.

Assyrians must learn from the lessons of the past. Since 1992, the Kurdish leadership has been anything but fair or just to the Assyrians within the Kurdish dominated region. Assyrians do not need any type of Kurdish guardianship. Assyrians do not need reinventing any law. The Assyrians must emphasize and fight for the followings:

1. The Assyrians must find a way to remain neutral and seek U.N. and other Iraqi and international institutions in the enforcement of that understanding.
2. All Assyrian lands and villages seized illegally by Kurds in northern Iraq must be returned to the original Assyrian owners according to Article 140 of the Iraqi Constitution.
3. Article 125 of the Iraqi Constitution must be implemented. In time, the indigenous Assyrians must encompass self-rule on their historic lands within federal Iraq.

Liberty, freedom, and self-rule must not be restricted to or enjoyed by only certain groups in Iraq. Since Kurds were granted self-rule in 1992, why not the Assyrians as well. Any solutions other than the implementation of the above as a starting point are doomed to fail and the Assyrians would continue their exodus from Iraq. The United States and the United Nations are ultimately responsible for what has happened so far and what is yet to come.

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