

The principles of justice in attitudes of the occupation authorities

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Mr. Raymond Odierno, the current commanding general of the Multi-National Force in Iraq, was commander of coalition forces in northern Iraq when occupation troops entered Kerkuk province on 10 April 2009. He founded the first Kerkuk province council and was a lead organizer in the rebuilding of Northern Iraq's administration after the fall of the Ba'ath regime.

Mr. Odierno allocated six members for each component of Kerkuk city, for the Chaldea-Assyrians too, who constituted less than 5% of the Kerkuk population. Latter on, selected a Chaldea-Assyrian and 5 Kurds claiming that they represent independents and social groups such as teachers, lawyers, religious leaders and artists, whilst the Kurdish social groups have never been larger in the province. Six of the 7 selected Chaldea-Assyrians were pro-Kurdish. There was a pro-Kurdish member in each of Turkmen and Arabic groups.

Thus, the Kurdish group [dominated the decision-making process](#) in Kerkuk province. The council elected a Kurdish governor, mayor and chief of police. Most of the high-ranking officials were replaced by Kurds. Thousands of Kurds were appointed in the governmental offices. [Hundreds of thousands](#) of Kurds redeployed to Kerkuk province. Kerkuk, which had [hosted a population of 870,000](#) at the time of occupation, [today hosts up to 1,400,000](#) even though more than 100,000 Arabs left the province. The Iraqi general elections in 2005 were organized by the Kurdish dominated administration and supervised by occupation troops – two factors that further increased Kurdish authority over the city councils.

The upcoming Iraqi general elections in January 2010 are a major concern for non-Kurdish peoples and politicians. The country's previous experience of two general elections, in 2005, gave the Kurdish dominated administration the opportunity to increase Kurdish control of the whole region. Notably, in areas where the Iraqi army replaced Kurdish militias, results of the provincial elections of January 2009 were significantly changed. The occupation troops who promised to control the northern and eastern boundaries of Kerkuk province during the general elections of 2005 to prevent voters coming from Kurdish provinces did not keep the promise.

Throughout the north of Iraq, an area inhabited by an estimated 10 million Iraqis, similar processes of land and job appropriation have been exposed. Consequently, thousands of square kilometers populated by non-Kurds were handed to Kurdish political parties enjoying support and security from Peshmerga militias. Additionally, most of this area has been assertively claimed by the Kurdish parties.

Hundreds of cases have been reported of non-Kurdish ethnic groups facing political intimidation, arrests, detentions, torture in prisons, kidnapping, and assassinations. In response, large numbers of non-Kurdish communities have left the region.

After an escalation in the transfer of population and miscommunication about brutal violations of human rights reported by non-Kurdish communities, the Iraqi government mobilized the recently formed Iraqi army as a presence throughout the region. The Iraqi government could deploy the army sections of the region until it was confronted by Kurdish militias and security agents and the deployment was stopped to prevent fighting.

A new proposal has subsequently been designed to bring Peshmerga militias into a collaborative security policy alongside Iraqi and occupation troops throughout the disputed area of Northern Iraq. This proposal parallels, in essence, the previously enforced Kurdification process that began when the post-occupation rebuilding of the administration played a major role in empowering Kurdish hegemony.

The proposal to form joint MNF-Iraqi-Kurd forces would bring Kurdish forces into so-called disputed areas and give Kurdish militias control over areas supposedly protected by Iraqi army units. The outcome of the policy will be to legally support a militant force that facilitates further Kurdification of these areas and the continued suppression of non-Kurdish inhabitants in the region.

The proposal could represent a breach of the US-Iraq Status of Forces Agreement (SOFA) and clearly violates the [Iraqi Constitution](#), which by design unequally benefits Kurdish authorities. Moreover, Article 121.5 of the Constitution denotes that the Kurdish Peshmerga militia should be given the status of guard and determines their presence to the three provinces ruled by Kurdish parties. The possession of heavy weaponry and the presence out of those three regions can be considered as a violation of the Iraqi constitution and international laws and should be addressed.

Despite assessments accusing al-Qaida of responsibility for recent bombings in several regions, the violence may reflect other scenarios:

- Forceful claim of Iraq's disputed area by Kurdish authorities, some of whom threaten to fight to secure them if required.
- The rejection, by the region's different ethnic or religious communities, of both Kurdish claims to the disputed areas and the presence of Kurdish militias and security agents.
- The growing spread of Kurdish militias affiliated to political parties within the region
- Claims by some local authorities that Kurdish Peshmerga have culpability in the bombings
- The proposal came after the Kurdish authorities created a sphere of war and [threatened to fight](#) against the Iraqi government.

However questions remain as to:

- Which groups have the ability to organize such attacks?
- Who would ultimately stand benefit from the situation and the subsequent joint MNF-Iraq-Kurd security proposal?

The proposal provoked massive storm of outrage and protest, particularly by the peoples and politicians of the non-Kurdish communities in the region. The Arab group in Kerkuk council [threatened to boycott](#) the province council if the proposal realized. Almost all Arab and Turkmen authorities in the region rejected the proposal. Mosul province council, non-Kurdish politicians and notables have refused the proposal and considered the presence of Kurdish militias in so-called disputed regions as illegal. Political parties in Diyala also expressed their opposition while many Iraqi parliamentarians considered it a violation of the Iraqi constitution and stated that the Iraqi constitution authorizes the Iraqi army to include soldiers from all the Iraqi communities to guard these regions. Others believed that this proposal is a threat to the boundaries of the provinces and the effective legalization of a militia forces. Other politicians complained that the Kurdish Peshmerga militants and security agents are already present in the region like Kerkuk and in the regions which were exposed to the attacks.

In fact, the presence of a militia forces with a political agenda claiming the region should be considered the source of insecurity. As a result, the best proposal would be to send to the region

units of the Iraqi army, which comprise soldiers from all the Iraqi ethnic and religious groups alongside large numbers of Kurdish soldiers. Such a solution would be supported by the constitution and will strengthen the state. The Iraqi army is also wanted by the non-Kurdish inhabitants of the region, who are the majority. At the same time, the Kurdish authorities should be asked to adhere to the Iraqi Constitution, Temporary proposals in favor of Kurdish side will only deepen animosity between communities and threatens the future of the region, particularly, after the departure of the occupation troops. Accordingly, the region is in need of permanent and impartial solutions from the occupation authorities.

The USA and the international community therefore bear a moral responsibility to stop the politicized Kurdish militia system and the threat that it poses to:

- Terrorize the Iraqi non-Kurdish peoples
- Distort unity of the state
- Disturb the stability in the region
- Threaten the regional peace