



Iraqi Turkmen Human
Rights Research
Foundation

'Oil for Soil' ICG Report: A misinterpretation, a misperception or imposition of the fait accompli?

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There is no doubt but that there are significant differences in the values of different communities and cultures. There are also differences in how people perceive and interpret these values, which are considered from the major motivators of the behaviors of the individuals and masses. People react in different ways when they come across a threat or a challenge to their values. Unfamiliarity with the eastern culture and mentality has surely played an important role in the thousands of mistakes made by occupation authorities in Iraq – an issue that has been addressed by the US secretary for foreign affairs Ms. Condoleezza Rice.^{1,2} The same factor was a key point of attacks for critics of Mr. de Mistura during his endeavors to solve the Kerkuk problem - whereas, the former head of the UNAMI, Mr. Ashraf Jehanqir Qazi – coming from an Eastern background and so, culture, has not experienced such problems.

The recent International Crisis Group (ICG) report entitled “Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds” exposes a similar lack of understanding. This is visible when we consider the following issues:

- The report is written without a genuine consideration of Eastern ethics whilst dealing with fundamental rights. Ideas such as land and dignity are however, considered with an awareness of the ‘honor’ traditions of the Eastern community which is a concession that should not be made.
- It concerns itself solely resolving the conflicts of power holders.
- It ignores the concept of justice. Iraqis having been severely deprived of it for decades are today in great need of it and highly aware of it.
- The report marginalizes the predominant Iraqi non-ruling populations (minorities) in the ‘disputed areas’. It exposes their lands to bargain and encourage the ongoing oppression of these populations.
- It depends on several severely disputed articles of the Iraqi constitution in the basing of its recommendations
- It is spiritless as if the problems deal only with materials.

The report bases its hypotheses on an unreliable Kurdish claim, supporting it with an incorrect understanding of historical events.

“The main culprit is a dispute over territories claimed by the Kurds as historically belonging to Kurdistan – territories that contain as much as 13 per cent of Iraq’s proven oil reserves”

“This conflict reflects a deep schism between Arabs and Kurds that began with the creation of modern Iraq after World War I”

The ICG’s report exposes vast amounts of Iraqi land and wealth to a bargain with the Kurds in line with Kurdish claims - an issue that should clearly be one to be dealt with by historians. Furthermore, the issue of the ‘disputed areas’ on which the report is based, is considered one of the several major severely disputed items of the article on federalism.

The report mistakenly refers back to the schism between the Arabs and Kurds after the First World War. In fact, Kurdish attacks on the central governments date back to ancient history and have not been only with Arabs.^{.3,4}

"All of the non-Persian, tribal, pastoral, Iranian group in the foothills and mountains of the Zagros range along the eastern fringes of Iraq were called Kurds at that time. Their presence usually made known through conflict, as thieves and bandits, with their neighbours or by making common cause with other rural forces against some central authorities" Michael Morony

"The Koords, who in all ages must have been troublesome neighbours" Claudius James Rich

The real split between Arabs and Kurds started to take place in 1961, when the armed Kurdish uprising began. Former Kurdish rebellions - particularly that of the Sheikh Mahmud Barzanji, were against the occupier and feudal and religious in nature. Followers of the history of Kurdish uprisings will find that there were almost no significant Kurdish problems during the nearly four decades of the Iraqi kingdom. The armed Kurdish revolt started in 1961, which was the result of a conflict between capitalist and socialist camps, when the Iraq pro-Russian republican government was instituted,⁵

The ICG report recommends the following:

- That the resolution of Kerkuk issues be postponed by ten years.

We wish to recall the massive Human Rights violations of the predominant non-Kurdish communities during the preceding five years, and to beg the following questions:

- What will happen if these regions remain under the control of Kurdish authorities which are supported by Kurdish Peshmerga militia and totally politicized Kurdish security services for 10 more years?
- The Kurdish authorities have already changed the demography of the Kerkuk province in the past five years much more than that achieved by the Ba'ath regime in 30 years. What will the state of the already extensive demographical changes in Kerkuk province after 10 years?

- Power sharing in Kerkuk by the following percentages: 48 Kurds, 24 Turkmen, 24 arabs and 8 Chaldo-Assyrians.

There exist no valid reasons for these percentages. It appears as though these figures were randomly extracted from the results of the Iraqi December 2005 general election - an election that was administered by the dominantly Kurdified administration in a sphere of great instability – an election that lacked the most basic requirements to qualify it as an election.

- Kurdish authorities to benefit from oil revenues

The report incorrectly estimates the size of the oil reserves in the disputed regions as 13% of Iraq's proven oil reserves. It is well known that Kerkuk reserves alone constitute this figure. The other important oil fields in the region are Naftkhane in Khanaqin and Gayyara, Ain Zalla in Mosul province. The fact, which it seems the ICG and the western authorities deliberately ignore, is that these regions have never been Kurdish regions, except after the extensive Kurdish move toward the Khanaqin region, where they started to constitute the majority after 1950s.

The question that we put to the ICG regarding this point is at what price to non-Kurdish peoples do these benefits to the Kurds come? The Kurdish authorities already receive large revenue from the Iraqi budgets. The Iraqi census of 1957 puts the Kurdish percentage in

Iraq at 13%. 17% is the politicized estimation of British military officers in Iraq. With the massive political transfer Kurds to the 'disputed regions', the population size of the Kurds in the 3 Kurdish provinces is surely less than 10% for which Kurdish authorities receive 17% of the Iraqi budget.

The report doesn't touch upon the weaknesses in the constitution which are now becoming the center of controversy nationally and internationally. The impractical status of the constitution, has finally forced the top Iraqi authority, prime minister al-Maliki, to ask for redrafting. But, the ICG sides with the Kurds in the aggressive conflicts of the major constitutional disputes. This would suggest that it supports Kurdish dominance of vast amounts of Iraqi lands and considers as an advantage that:

"The Kurds would obtain demarcation and security guarantees for their internal boundary with the rest of Iraq, as well as the right to manage and profit from their own mineral wealth. Such a deal would codify the significant gains the Kurds have made since they achieved limited autonomy in the wake of the 1991 Gulf War and especially after April 2003"

The ICG report facilitates a well known approach to Iraqi problems – coming across as a bystander allowing the power holder Kurdish authorities impose their will. This approach lacks the basic elements of justice. To be constructive, the western authorities should openly investigate the major problems and present fair solutions. Accordingly they should modify their policies with regards to the stakeholders. Nowadays, despite the fact that Kurdish stakeholders play significant roles in the problems which disturb reconciliation processes and threaten stability, the western policy remains supportive of the Kurdish authorities increasing their inflexibility.

The ICG appears to consider the disputed regions constitutionally Kurdish and seems to consider their practice of politics in Baghdad as type of a credit.

"Stymied in their quest to incorporate disputed territories into the Kurdistan region by constitutional means, Kurdish leaders have signalled their intent to hold politics in Baghdad hostage to their demands"

In fact, whilst the experiences of the past century made the authorities in regional countries even more suspicious of the political loyalties of the Kurdish authorities,⁶ the experiences of the occupation years had almost completely lost the trust of the Iraqi politicians and people to the these authorities. Their behaviors and practices falsify their rarely verbal claims about Iraqi patriotism. Today, even their many Shiite allies started to feel that they have been deceived by the Kurdish authority's exhibition of partisanship.

The report seems to discredit the power of the Iraqi government and policy makers to stifle Kurdish control and tyranny in the Kerkuk and Diyala provinces.

"Two events in particular stand out: a two-month stalemate in July-September in negotiations over a provincial elections law in which Kirkuk's unresolved status was the principal obstacle and, during this period, a campaign by the Iraqi army in and around the Kurdish-controlled disputed district of Khanaqin"

This event represented an uprising of policy makers against the rigid policy of Kurdish authorities and against the attempts of Kurdish Parties to unfairly contain vast amounts of Iraqi lands.

Contradictions in the ICG's messages on Kerkuk⁷

The current ICG report largely conflicts with that of the 16 July 2006 report. One of the most disturbing aspects of the ICG report is the recommendations for the Kerkuk administration. The previous report recommended the redistributing of employment posts and equitable power-sharing in several recommendations, whereas, the present report proposes a dominant Kurdish

control of the Kerkuk administration, reliant on clearly unrealistic figures. The previous report asked for a respect to be maintained for the red lines of all sides and regional countries, while the present report completely ignores the non-ruling Iraqi communities and exposes their lands to bargain. The July report admitted that the Kurdish administration imposed its interests regarding the Kerkuk issue in the constitution whereas the present report builds its recommendations on those unfair gains. This report is based on restricted views and ignores the possible role of other Iraqi stakeholders and representatives of civil society.

The unconstructive Kurdish policy

Despite the fact that Kurdish actors were given certain privilege in the Iraqi constitution which meant a distorted balance of power – they continue to violate the Iraqi constitution. The drafting of the Iraqi constitution was not transparent – and was at times dishonest.⁸ The classification of the Iraqi people into two categories in article 4 was an idea imposed by Kurdish political parties. The Kurdish regional government violates the federalism law and disregards the central government. Today, Kurds rule their region almost independently, disproportionately sharing in the administration of the Iraq and controlling the Iraqi legislative mechanism on two levels. The failure to normalize the Kerkuk region is due to the rigid policy of the Kurdish authorities. They are inflexible in all their demands.

Since the occupation the dominant non-Kurdish population of the ‘disputed regions’ is continuously exposed to intimidation, assimilation processes and oppression. The demography of the region was changed by the transfer of hundreds of thousands of Kurds from other Kurdish regions and the north eastern mountainous regions of Iraq. The forged elections which were administered by ‘Kurdified’ administrations have legalized the false Kurdish nature of the region in the eyes of the international community. In such chaotic circumstances the ICG demands the bargain of land and urges the UNAMI to proceed with deciding the fate of the vast Iraqi lands.

The so-called the disputed regions

These vast regions, on which the ICG bases its report – an area which they effectively expose to ‘bargain’ - have no official definition. It roughly comprises 10% of Iraqi lands inhabited by about 3 million predominantly non-Kurdish Iraqi indigenous populations including Arabs. These regions were occupied by Kurdish Peshmerga militias after occupation and the administration was severely ‘Kurdified’.

The criteria upon which the UNAMI relied when drafting its first report in July characterized by unfair approach when it came to Turkmen regions:

- Historically Turkmen cities which have been recently ‘Kurdified’ were not included in the UNAMI’s list of disputed regions. Erbil, Kifri and Khanaqin were predominantly Turkmen regions at the turn of the latter century. Turkmen constituted the majority in the middle of the same century.
- Some regions, like Telafer, have never included even a small percentage of Kurds. The Turkmen are still dominant in the administration of these areas. It is unfairly listed in the UNAMI’s list of the disputed regions.
- Huge demographical changes in disputed regions, which were influenced by Kurdish authorities, were not taken in the consideration.

Conclusion

The report of the ICG is bereft of any meaningful bargain ideas; it recommends:

- The continuation of the present almost absolute Kurdish control of the Kerkuk province for another 10 years.
- a Kurdish hegemony of the administration in Kerkuk.
- an oil advantage for the Kurds

In fact the report of the ICG is based on the following Iraqi proverb:

- If you want the rabbit, you should have the rabbit
- If you want the gazelle, you should have the rabbit

Such a report:

- Encourages an inflexible Kurdish policy, which further worsens the schism between Kurds on one side, and other Iraqi communities on the other side, making conflict unavoidable
- Consolidates Kurdish supremacy on the central government.
- Fails to acknowledge the tactics of land grabbing from Kurdish tribal leaders - even in neighboring countries
- Benefits the continuation of Kurdish hegemony and the oppression of millions of Iraqis in the 'disputed regions' of which the majority are Iraqi indigenous populations who have been discriminated against for decades

The report presents unverified information, unbalanced and unconstructive proposals. It consequently exposes an impartial attitude on the reporter and International Crisis Group.

How to proceed:

- The international community should not endeavor to force the Iraqi government to solve the federalism law issues or other issues with Kurdish parties. It is well known that almost all state administration systems in Iraq were destroyed after the occupation. The most important point is now that all expert units of the Iraqi state be built upon. To function properly these units need experience - this means that the Iraqi state needs time to be developed and to function properly. Therefore, attempts of Kurdish parties to force the Iraqi government or the international authorities to solve such crucial national problems in a short period of time should be rejected.
- As the institution of boundaries on ethnic or religious bases is impossible in the North of Iraq, due to the facts that:
 - The ethnic and the religious communities are significantly mixed.
 - The demography of the region has been continuously and greatly exposed to alteration in recent history.The introduction of federal system based on the ethnicity or religion to the region should greatly be avoided.
- If Kurdish authorities, disregarding all the other Iraqi communities, Arabs, Turkmen, Chaldo-Assyrians, Shabaks and Yazidis, insist on a federal region based on Kurdish ethnicity, the following points should be considered:
 - Kurdification processes which have been introduced since the occupation should be corrected.
 - The continuous and huge Kurdish transfer to Northern Iraq since 1900⁹ - a process which has greatly altered the demography of great parts of the territory - should be studied carefully by academic history experts. International legal bodies should also investigate the Kurdish right to develop federal regions on vast amounts of Iraqi land, which was spontaneously and/or politically Kurdified along the 20th century, based on their ethnicity.
- To eliminate the population's fear and vulnerability to intimidation, persecution, annihilation and deprivation of work, the civil, security and military administrations of the so-called disputed regions should be maintained by neutral or independent authorities.
- Whilst the world was fully engaged in addressing general human rights abuses in Iraq for 5 years, intensive demographical changes and aggressive violations of human rights took

- place in Northern Iraq by the Kurdish Peshmerga militants and politicized security service. To document these events and revert the demographical changes and improve the human rights situation, the United Nations:
- Should increase the number of offices and staff it has inside Iraq, particularly in the disputed regions.¹⁰
 - Should publish twice monthly or monthly reports on the Human rights situation in the disputed regions.
- The international community, particularly the USA and European authorities should actively participate in the realization of the abovementioned steps. On these bases they should either provide or withhold their assistance and cooperation.
 - Western policy makers should attempt to approach ethnic issues in Northern Iraq with a more neutral attitude.
 - Self interest should put aside when western authorities actively participate in addressing these issues of high importance in Iraq.

Reference:

1. CNN.com, "Rice: Thousands of errors in Iraq", April 1, 2006.
<http://www.cnn.com/2006/WORLD/europe/03/31/rice.straw.liverpool/index.html>
2. Is this not a clear confession? These mistakes killed hundreds of thousands Iraqis. Is it not a legal case? Should it not be treated in the International Criminal Court? Questions should be considered by the United Nations organs and International Human Rights authorities.
3. Michael Morony, "Iraq after the Muslim Conquest", Princeton university press, Princeton, New Jersey, 1984, P. 265
4. Claudius James Rich, "Residence in Koordistan", (Printed by Anton Hain KG, Meisenheim / Glan, West Germany; Republished in 1972 by Gregg International Limited West mead, Farnborough, Hants, England 1972), Vol. I, P. 33
5. Phebe Marr, "The Modern History of Iraq", Westview Press, 1985, P. 164 – 167.
http://www.turkmen.nl/1A_Others/Marr.doc
6. Hakan Ozoglu, "Kurdish Notables and the Ottoman State: Evolving Identities, Competing Loyalties, and Shifting Boundaries", SUNY Press, 2004, P. 3
7. Middle East Report Number 56 of the International Crisis Group, "Iraq and the Kurds: The Brewing Battle over Kirkuk", 18 July 2006, <http://www.crisisgroup.org/home/index.cfm?id=4267&l=1>
8. The presence of the word "current" in the article 110 with the sentence of the article 111 points clearly to an attempt to mislead each other. These two articles give indirect and enclosed rights for federal region to exploit freely the new fields.
"Article (110): 1st - The federal government will administer oil and gas extracted from **current** fields in cooperation with the governments of the producing regions and provinces on condition that the revenues will be distributed fairly in a manner compatible with the demographical distribution all over the country"
"Article (111): All that is not written in the exclusive powers of the federal authorities is in the authority of the regions"
9. Article by SOITM, "To the participants in seeking a solution to the Kerkuk problem: The historical anatomy of Kerkuk region", 29, November 2008: http://www.turkmen.nl/1A_soitm/art.30-K2908.htm
10. Worth noting that until recently the United Nations had 2 offices inside Iraq one in Baghdad and another in Erbil, before few months the Kerkuk office was instituted. Number of the staffs of United Nations who work on the human rights situation inside Iraq is 41. In addition to its budget, the United Nations office in Baghdad utilizes large sums of money from different international authorities, for example, European Union. How effectively such a small office achieve its implications should be carefully investigated.