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Human Rights Violations – Report (2)

Political Participation of Minorities in Iraq

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HUMAN RIGHTS VIOLATIONS REPORT (2)

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INTRODUCTION

For minorities to enjoy equal human rights they have to be active participants in the decision making process, as a precondition, especially where their rights are concerned. Though the right to vote and participate in the political process, including running and holding public offices, is the most influential way to do so, the principle of public participation is a much broader concept. In addition, «it entails participation in governmental bodies, the judiciary and other agencies of the criminal justice system, decentralized and local forms of government, consultation mechanisms, as well as through cultural or territorial autonomy arrangements.»⁽¹⁾

Discrimination and Political Participation

In most parts of the world, the major cause of marginalization of minorities is discrimination and it is the main impediment to active participation of minorities. This report discusses the political aspects of discrimination by detailing experiences of minorities in Iraq. Discrimination can take various forms: Some segments of minorities are vulnerable to «traditional» forms of discrimination. In addition to the discrimination they suffer due to their ethnicity, national origin, religion, or language, they also suffer discrimination related to gender, age, disability and other forms.

It is important to address discrimination as it is depriving minorities of their right to participate actively in any aspect, whether political, economic, social or cultural, in the society they live in, and they need that to preserve their identity, and ensure their presence. Therefore, it is vital for minorities to fully participate in all aspects of public life - beginning with the Parliament and Government and ending with city and village councils - and throughout vital sectors so as to have effective representation.

In this context, effective participation is considered the basis for the realization of all human rights for women and men, who are members of ethnic, religious, and linguistic minorities. It is through effective participation people can express their identity and protect it, and it is through participation that minorities can survive and their dignity is kept intact. The right to active participation means participating in the political decision-making process at the local and national levels. Gay McDougall, an independent expert on minority rights, has noted that the achievement of «adequate representation of persons belonging to minorities in policy and decision-making, by society, is instrumental in breaking the cycle

(1) United Nations, Human Rights Council, Forum on Minority Issues, 2nd session, “A Basic Document on Minorities and Active Participation”, 12-13 November, 2009, paragraph 5.

of discrimination and exclusion suffered by members of these groups, as well as their often disproportionate levels of poverty and other impediments to the full enjoyment of civil, cultural, economic, political and social rights.»⁽¹⁾

The obvious fact is that numbers of minority members are small and that puts them in a clear disadvantaged and discriminatory position. Thus, a minority cannot determine the outcome of decisions in a majority-rule democratic system. For this reason, the representation of minorities in the legislative, administrative, and advisory bodies should somehow be translated into actual participation in the decision-making process.

A Security-based Approach

By way of confronting the continued targeting of minorities in Iraq since 2003, a short-sighted security-based approach became dominant. This approach has often been responsible for delaying the achievement of minority rights demands such as recognition and improvement of political representation under the pretext of arranging priorities. Thus, the physical integrity of minorities became the main topic of concern when discussions ensue on the rights of minorities.

The quagmire that increases complexity of minority issues in Iraq is that the security approach is failing to induce any improvement in the conditions of minorities. For in one hand, it adopts an indiscriminate and random violent rhetoric (with the aim of creating chaos), organized and criminal violence (with the aim of getting ransoms «Jizyeh», deportation, or displacement), and that is eroding diversity, and causing the migration of minorities. This rhetoric seems to absolve the political elite from their responsibility. On the other hand, it disregards the fact that discrimination, cultural exclusion, symbolic violence, and inadequate political representation are all barriers to active participation in public life. Non-recognition, or inadequate recognition, coupled with lack of state neutrality, are just as bad of an overt violence and have had as much of an impact, which makes the elite equally complicit in the threat to diversity and migration of minorities.

If the demise of Saddam Hussein's regime allowed change in the negotiation stance regarding power-sharing for major Kurdish, Shiite and Sunni groups, the conflict among the different political currents of these groups (Kurds, Shiites and Sunnis) have become one of the key aspects for the effectiveness or ineffectiveness of the political participation of smaller minority groups, which have been affected by the nature of this conflict and its outcome. This report reveals these aspects by highlighting the main obstacles as identified by the interviewed representatives of Iraq's minorities.

The importance of effective and meaningful participation of minorities in the Iraqi political arena lies in the fact that it is a pivotal factor in avoiding the outbreak of violent disputes and an important element for achieving political stability. Moreover, it encourages minority members to stop their migration and stay in their country.

While minority members have the right to participate in the decision-making processes, especially those of concern to them, the representation and participation of minorities in

(1) United Nations, Human Rights Council, Forum on Minority Issues, 2nd session, A memo submitted by Gay McDougall, Independent Expert on Minority Issues on "Minorities and effective political participation," Geneva, 13-21 November, 2009, paragraph 1.

the political process and the ruling institutions could be intentionally restricted. Minorities could also be deprived of this right unintentionally by laws, policies or lack of recognition of minorities, as is the case of Iraqis of African origin and the Kaka'is, who have not been mentioned in the Constitution and who do not have political representation in the Parliament. Moreover, the representation and participation of minorities, such as the Baha'is, could be legally banned because the decisions of the Revolutionary Council Command, which ban the activity of the Baha'is, are still not cancelled although they contradict the Constitution.⁽¹⁾ In some cases, there is not enough political will to remove structural barriers that hinder the full and equal participation of minorities. This fact has been stressed by most of the representative of minorities who were interviewed and who were asked about the political participation experience of minorities in Iraq.

States have a great leeway in making decisions in consultation with minorities on methods that will ensure their political participation. These methods may include mandating certain powers (Article 125 of the Iraqi Constitution provides such an option, but it still did not become a legislation). It can also entail an electoral system based on relative representation, a system of allocating seats for minorities in the Parliament (giving quotas for some minorities in the Parliament, or at the level of provincial councils) or facilitating the participation of political parties that represent the interests of minorities in the electoral process. Representatives of minorities have negative remarks regarding this issue, especially in respect to the difficult conditions involved in the registration of political parties and the high insurance amounts that are required to be paid during the elections, which are beyond the financial capacities of small minority parties.

More importantly, the political integration methods for minorities should be given a real weight. Symbolic representation, or state intervention in determining political representatives and the dominance of major political currents (which most of the representatives of minorities in Iraq complained about), will lead to more frustrations and weaken the value of minorities' political participation. This will create a symbolic or a nominal representation at best, but will lack effectiveness.

Article 20 of the 2005 Iraqi Constitution enshrines the right to political participation and enjoyment of all political rights as it states that «Iraqi citizens, men and women, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office.» The right to equality and non-discrimination was enshrined in Article 14 of the Constitution, which states that «Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.» According to Article 16, «Equal opportunities shall be guaranteed to all Iraqis, and the state shall ensure that the necessary measures to achieve this are taken.» In order to confront any political entity which adopts racism, and with the desire to become liberated, from the former discrimination legacy, Article 7, of the Constitution states: «Any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing, especially the Saddamist Ba'ath in Iraq and

(1) Law No. 105 of 1970 on the prohibition of the activity of the Baha'is, and Law No. 141 of 1979.

its symbols, under any name whatsoever, shall be prohibited. Such entities may not be part of political pluralism in Iraq. This shall be regulated by law.»

Methodology

The report relied on in-depth interviews whereby respondents had to answer prepared questions in order to compare the final answers of those interviewed. Throughout the process, these questions became more flexible to allow the representatives of minorities to express their ideas, feelings and priorities. The information they gave became indispensable sources, which could rarely be found in any written or official documents, especially when one attempts to understand the context of developments in the forms of political participation after 2003. As regards to this report, it had used this data as the best tool to handle indicators regarding the effectiveness of minorities' political participation.

We succeeded in conducting long interviews with the most prominent political representatives of minorities and we were keen to choose persons who could represent diversity, as much as possible, express the different views even within the same minority, such as Christians, with their diverse political currents, the Yezidis, and the Turkmen. Moreover, interviews were also conducted with minorities that were deprived of political participation, such as the Baha'is, Iraqis of African origins, Kaka'is, and other minorities with fragile and weak political representation, such as the Mandaeanes.

These interviews were conducted in different parts of Iraq and some of them were conducted outside Iraq. In Iraq, interviews were conducted in Baghdad, al-Basra, Kirkuk, Erbil, Dohuk, Halabja and al-Diwaniyah. Outside Iraq, interviews were particularly conducted, in Michigan (the United States) and in Hanover (Germany). Most of the interviews were conducted during July and September, and some of them in October, 2015.

Finally, we would like to indicate that the aim of this report is to provide decision makers inside Iraq and the international community with an adequate perspective on the importance of improving the political participation of minorities in public life. Recognizing the right of effective participation implies that there is a similar recognition that participation of minorities in the various spheres of life is essential to establish a just society, where none of its members are excluded.

We should take into consideration the importance of flexible and effective participation of minorities. Mechanisms for effective political participation of minorities at the provincial, regional and state levels, should not lead to increased divisions in the society, through the consolidation of political power on ethnic, religious, or linguistic, basis.

The representation of the various interests of minorities should be flexible and should not lead to over-politicization of their ethnic identities. This is because the aim behind activating the right of political participation of minorities is to represent the interests of minority members and guarantee their participation at all levels. Political power cannot be achieved by appointing minority members to high ranking posts only. These members should also be able to represent the interests of their minorities in an independent and flexible manner.

Saad Salloum

Masarat Foundation, Baghdad, 2015

1. THE POLITICAL PARTICIPATION OF CHRISTIANS

Iraqi law officially recognizes fourteen denominations of Christians.⁽¹⁾ Christians are represented in the Christian, Yezidi and Sabeian Mandaean, Endowment Bureau. Their political participation reached a ministerial level, and they have been given a quota that allowed them to have seats in the Federal Parliament, as well as, in the Kurdistan Region's Parliament. Christians are classified as a scattered minority because they live in different areas of Iraq. However, security challenges during the past years, along with internal displacement, and migration outside the country, were all factors that have intensified Christians' presence in Baghdad, and Erbil (the Ain Kawa area), and the Ninewa Province (Ninewa Plain).

Christians have participated in the political process since its early stages (the creation of the Governing Council, the drafting of the Constitution and representation in the Transitional Parliament). Nevertheless, it is evident that mere political participation is not enough to actively involve Christians in the political process due to other considerations that must be seriously addressed, such as the dominant role played by political parties and currents of major groups.

Christians are divided on ethnic/denominational basis. Ethnically, there are Armenian, Chaldean, Syriac and Assyrian Christians. At the denominational level, Christians are divided into Orthodox, Catholics, Protestants, Evangelicals and others. This ethnic/denominational diversity, led to the creation of a number of political currents and parties, which are now representing Christians in Iraq.

Despite their diversity, political representatives of Christians tend to present themselves as «Chaldo-Assyrian Syriac» people. This is a relatively long name chosen in order to overcome the disadvantages of Christians' diversity and in order to stand together as a single identity or one body that could be easily represented at the political level and which can voice the specific demands of the Christians of Iraq.

The presentation of Christians as «Chaldo-Assyrian Syriac» people is not accepted by all representatives of the Christians' political currents. Some representatives of the Christians believe this presentation only serves the interests of some persons, parties, or currents, without any consideration for the interests of other political currents that represent all segments of the Christians.⁽²⁾

(1) A regulation annexed to the "Protection of Religious Sects" (officially recognized sects in Iraq, No. 32, 1981).

(2) Interviews with members of the "United Chaldean Forum", Michigan.

Representation of the heterogeneous minority community of Christians has become problematic because of its various viewpoints and demands. These problems have forced Christians to ally themselves with other political parties and currents, thus hindering effective representation.

Moreover, personal interests and pressures exerted as a result of alignment with big political currents (which tend to impose their vision on the representatives of this minority) distanced their representatives from their constituencies. Representatives of this minority end up incapable of making substantial and influential decisions on issues of importance to their communities and their participation becomes symbolic rather than substantial participation. Most of the representatives of the Christians minority, who were interviewed, complained about this reality.

Disparity in the Representation of Christians in the Kurdistan Region and the Federal Government

There are 111 seats in the Kurdistan Parliament distributed among the various factions as follows: 100 seats for the Kurds, 5 for the Turkmen, 5 for the Chaldo Syriac Assyrians, and 1 for the Armenians. In the Federal Parliament, there are 328 seats, distributed as follows: 320 seats for the Muslims, 5 for the Christians, 1 for the Mandaeans, 1 for the Yezidis and 1 for the Shabaks.



Ablahad Afram

Political representatives of Christians believe that when compared to the representation of Christians in the Federal Parliament, the representation of Christians in the Kurdistan Parliament is fair, given the number of Christians living in the Kurdistan Region.⁽¹⁾ Out of a total of 111 seats, there are 6 seats for the Christians, one of which is allocated for Armenians. In comparison, the Christians have one ministerial position in the Region's Government, but the person who occupies this position is often chosen by the Kurdish leadership from among those who are close to this leadership or from among Christian

(1) Interview with Ablahad Afram, Secretary General of the Chaldean Democratic Union Party, Michigan, and an interview with Anwar Matti Hadaya, Chairman of the Independent Syriac Assembly Movement (ISAM) and the representative of the Christian quota in the Ninewa provincial council.

parties close to influential parties in the region. Chaldean political currents complain the person chosen for this ministerial position has always been a member of the Assyrian parties rather than the Chaldean parties. Nevertheless, it is generally acknowledged that conditions of Christians and their rights are much better in the Kurdistan Region than in the Center, and in general, Christians enjoy a good amount of respect.

The Christian Ministerial seat in the region was given to Johnson Sawayish, as the minister of transportation and communications, who eventually resigned due to his dissatisfaction and lack of responsiveness to his Christian component's demands. Upon his resignation, the seat wasn't filled by a Christian, but rather by a person who is closer to Islamic currents.⁽¹⁾

Political Participation of Armenians

The presence of Orthodox Armenians is a unique example of religious and ethnic crisis. Although, they're under the classification of a recognized Christian minority group, they distanced themselves from the political Christian wing, due to their dissatisfaction with the Christian personalities, and currents, and their weak representation of Armenian interests. They preferred to emerge as an independent National Armenian ethnicity demanding a quota in the Federal Parliament (outside of the quota designated for the Christians).



Ervant Aminan

Armenians currently have one deputy in the Kurdistan Region and one seat in the Dohuk provincial council, but are not represented in the Iraqi Parliament. Some Armenians serve as general managers and executives in the Federal Government, but they don't have any ministers representing them. Armenians are demanding higher levels of political representation in the form of a ministerial position in the Kurdistan Region's Government and a seat in the Federal Parliament.⁽²⁾

Malkoun Melkonian, head of the administrative committee of the Armenian Orthodox church in Baghdad, Iraq, believes that the Armenians have the right to demand a quota in the Federal Parliament and in provincial councils, municipalities, districts, and villages,

⁽¹⁾ Interview with Joseph Saliwa, al-Warkaa Democracy bloc, Baghdad.

⁽²⁾ Interview with Ervant Aminan, representative of the Armenian quota in the Kurdistan Parliament, Erbil.

where there are Armenians, specifically in Baghdad (the center), al-Basra (the center), Kirkuk (the center), Erbil (the center and Ain Kawa), Dohuk (the center, Zakho, Avzork, and Howerisk), and the Ninewa province. He hopes that some of these demands will be met in the upcoming elections on the national and local levels.⁽¹⁾

The Quota and Confronting Political Discrimination against Minorities

States are usually required to combat discrimination against minorities, and to achieve full equality—not only in law, but also in practice—by taking proactive measures to reduce or end conditions that exacerbate discrimination against minorities. These measures may entail giving affected people some kind of a preferential treatment in specific matters for a limited period, if such measures are necessary to alleviate suffering caused by discrimination.

The concept of special measures is important for the effective political participation of minority women and men. This concept can facilitate the realization of minority rights in voting and in holding high positions and it has been acknowledged by the UN human rights bodies and regional human rights institutions as an effective method to combat discrimination.



Shamsuddin Georgis Zaya

Representatives of Christian political currents, who were interviewed during the preparation of this report, said the quota given to Christian representatives in the Federal Parliament is disproportionately small, comparing the Christian population to the total population of non-Christians in the country. They have therefore, demanded an increase in the quota seats in order to improve Christian political participation.⁽²⁾

(1) Interview with Malkoun Melkonian, head of the administrative committee of the Armenian Orthodox Church in Iraq, Baghdad.

(2) Interview with Shamsuddin Georgis Zaya, president of Chaldean Syriac Assyrian Popular Council.



Adel Baqqal

According to, Adel Baqqal, a member of the United Chaldean Democratic Forum, the main impediments to effective Christian representation are: The ideology carried by the Islamic political parties that control the Government; the widespread of hate speeches; the absence of separation between religion and state, in the Constitution, (as Shariah law is the main source of legislation); thus making Iraq, a state lacking neutrality.

On the other hand, Adel Baqqal, downplayed the importance of raising the ceiling of Christian political representation. According to him, “the representatives of Christians are like mummified mummies in a glass cage. The presence of one, two, three or even ten, Christians cannot have any impact on any decisions taken by a parliament and a government that is controlled by big political powers acting in a dominant manner.”⁽¹⁾

The demands of Christian representatives focus on the importance of some of the measures adopted by the state to improve the participation of minorities, but it is important to understand their true nature. These demands do not focus on giving minorities a privileged status. On the contrary, they aim to establish a balance and they would only put minorities at the same par with the majority parties, at best. Participating in the national political and social processes, contributing to policy-making and to public services (as well as benefiting from them) should help in ending their marginalization and exclusion. Countries that welcome the participation and integration of minorities do not only seek stability, but also want minorities to become more prosperous. However, it is clear, through the political participation of minorities in Iraq, that the state lacks such an attitude towards minorities.

(1) Interview with Adel Baqqal, a founding member (member of the founding committee) for the United Chaldean Democratic Forum, Michigan.

Restrictions on Christian Political Participation

Restrictions on the registration of political parties may disproportionately restrict the ability of minority members to exercise their freedom of assembly and association. The most prominent example is the condition required by the Independent High Electoral Commission (IHEC), which requires candidates to pay electoral insurances reaching up to fifty million dinars in order to be eligible to participate in the elections. This measure restricts the political participation of minorities because it puts a prohibitive financial burden on political parties of minorities that are incapable of paying such an amount. For example, the Chaldean Democratic Union was forced to withdraw from the elections because of its inability to secure this amount of money.⁽¹⁾ Furthermore, the Government itself creates a similarly restrictive environment for political parties of minorities through the political parties law, which requires parties to pay registration fees reaching up to 25 million dinars. Like the financial obligation of the IHEC, this amount does not take into consideration the financial conditions of the political parties of minorities, their inability to pay such amounts and it places disproportionate financial pressures on them.⁽²⁾

This example and others show there are legal, cultural, and linguistic injustices, which hamper the effective participation of minorities in public life. The setting of a high electoral threshold adversely impacts the ability of minorities to secure political representation and thus, indirectly discriminates against them. Moreover, the delimitations of electoral boundaries may lead to directing the distribution of votes and thus it might have a discriminatory impact on a certain group, or be favorable to the party that made the electoral delimitations. Despite this fact, the election law made each province a separate electoral district and this division had its negative impact on most small parties. In the implementation of the law, the candidates of Christian electoral slates were distributed among five provinces contradicting the key stipulation of the law that Iraq would be treated as one electoral district.

Every Christian that wins a high number of votes on the national level should be given a seat in his/her province. Many Christians who won thousands of votes on the national level were not able to reach the threshold, and thus, did not win any seats. Christians who nominated themselves in provinces where there is a quota for Christians won a seat with half the votes of those who were nominated on the national level, but did not win seats.⁽³⁾

Voter registration of minorities is an essential part to ensure their participation in the political process. It entails compiling accurate lists of residents eligible to vote in their districts. Something this simple is not without complications in Iraq. Christian political currents have many complaints about the process as it exists. They see many disadvantages that make it part of the discrimination against them. One of the major impediments is the great number of minority members who fled their areas due to violence and their names have not been transferred to their new areas of residence (where they have settled), thus they were deprived of their right to vote. Second, relates to the linguistic barrier as some members of minorities can't read or write Arabic. Third, relates to the complexity of voter registration of large numbers of minority members residing abroad.

(1) Interview with Ablahad Afram, Secretary-General, of the Chaldean Democratic Union Party, Michigan.

(2) Interview with Ablahad Afram, Secretary-General, of the Chaldean Democratic Union Party, Michigan.

(3) Interview with Ablahad Afram, Secretary-General of the Chaldean Democratic Union Party, Michigan.

One of the issues unanimously stressed by the different representatives of Christian political currents is the way majority political currents control the perspectives and the work of minority representatives when they ally themselves with majority currents and the reason why members of these minorities participate in majority parties. These parties do not give priority to issues of importance for minorities in their programs. Majority parties may defend minority rights, but their main motive for choosing minority candidates in their slates is to increase their popularity. Few exceptions might occur, but sparingly. Another issue raised by Christian political currents is that internal programs of majority parties do not focus on diversity.

In this respect, Abd al-Ahad Afram, secretary general of the Chaldean Democratic Union Party, said that political parties of minorities have weak influence and little resources. They think by aligning themselves with dominant parties and gaining their trust, they will help them to get their demands in return. However, when parties and blocs of equal power ally with one another, they are able to effectively negotiate with one another. But, in reality, when small parties and blocs, such as those of Christians ally themselves with big parties, negotiations become one-sided and their causes are not effectively represented.

Improving Christian Political Participation



Anwar Matti Hadaya

In addition to demands voiced by interviewed Christian representatives on raising the ceiling of the representation of Christians in the Parliament, the Federal Government and the Kurdistan Region, some Christian political currents voiced the importance of creating alliances among Christian currents. The aim is to improve the level of their representation and to coordinate their stance regarding common issues, especially in confronting emergency security challenges that threaten the presence of Christians in the country. In 2010, directly after the attack on the “Our Lady of Deliverance” church, a number of Christian political organizations - feeling the seriousness of the matter - met and formed the Chaldean-Syriac-Assyrian Political Organizations Assembly and developed its internal law to regulate relations among those organizations and political parties. They also agreed on a unified political program to be implemented by this assembly.⁽¹⁾

⁽¹⁾ Interview with Anwar Matti Hadaya, Chairman of the Independent Syriac Assembly Movement (ISAM) and the representative of the Christian quota in the Ninewa provincial council.



Joseph Saliwa

Others want more and think the alliance should be expanded. Joseph Saliwa said that “Christian representatives are like those who fight swords with their nails. Some of them succumb to the pressures of majority parties. In my viewpoint, the solution is in the formation of so to speak an ethnic or heritage based alliance among all Christian blocs as to be able to reduce the influence of big and influential parties and enjoy independence.”⁽¹⁾

⁽¹⁾ Interview with Joseph Saliwa, al-Warkaa Democracy bloc, Baghdad.

2. THE POLITICAL PARTICIPATION OF THE YEZIDIS

Before the second Gulf War in 1991, the social structure of the Yezidis was united to a certain extent and was represented by the Emiri Institution headed by Emir Tahseen Bek and the Yezidi Spiritual Council. The conditions changed as a result of developments that took place after 1991 (including the imposition of a safe zone by the United Nations Security Council Resolution 688, adopted on 5 April, 1991). It was then that Kurdish parties and militia controlled areas north of the 36th parallel including three major provinces, among them is Dohuk, where there were four large Yezidi population concentrations. Kurdish parties, with the administrative and security vacuum created after the withdrawal of the Iraqi state institutions from these provinces, decided to hold the first regional elections in Iraqi Kurdistan in 1992 with the participation of a number of opposition political parties and movements.

Yezidis Divided Between the Central Government and the Kurdistan Region

These developments divided the Yezidi community between the Central Government and the Kurdistan Region leaving them politically unorganized in areas under central authority. They were unable to organize because of the dominance of the Baath party in the political system. This situation continued until the toppling of the regime in Baghdad in 2003. In Kurdish areas, there were some political, cultural, and social developments, most important of which was the agreement reached between the “first elites – the elites of the first generation”⁽¹⁾ of the Yezidi intellectuals to establish a cultural heritage and a Yezidi history center. And thus came to life the Lalsh Cultural and Social Center in 1993. Notwithstanding this cultural and social development, the Yezidis did not establish any political party because of the influence and dominance of the main Kurdish parties on the scene, especially the Kurdistan Democratic Party (KDP), the Patriotic Union of Kurdistan (PUK), and the Kurdish nationalist Peoples’ Democratic Party.⁽²⁾ In their political programs and activities, those parties considered the Yezidis as part of the Kurdish ethnic heritage. From their point of view, there was no need to create a political party for the Yezidis based on religious differences as the Yezidis share ethnic origins with the Muslim Kurds.⁽³⁾

(1) On the Yezidi elite generations, see: Majid Hassan Ali: The loss of confidence between the Yezidi community and the Yezidi elites, Zahrat Nissan Magazine, April, 2011.

(2) Founded under the leadership of Sami Abdul-Rahman Sinjari, but it was later on dissolved and most of its leaders joined the Kurdistan Democratic Party (KDP).

(3) There is no doubt that such an approach is not acceptable to the majority of the Yezidis, because there are many Kurdish Islamic parties, which were founded on religious ideology basis, so why should the Yezidis be deprived of this

This historical background is necessary to explain why the Yezidis were represented by the Kurdish parties in the political process after 2003.

The result of this approach was that Yezidis were encouraged to join Kurdish parties on a large scale in the areas of the Dohuk province and they became members of the various Kurdish parties, while the role of Yezidi elites became limited to cultural activities. During the outbreak of civil war among the main Kurdish movements in the 1980's, the Yezidis avoided any involvement in the conflict and many of them, who were members of Kurdish parties, resigned and sought refuge in a number of European countries, while others permanently abandoned politics.⁽¹⁾

The Political Map of Movements and Political Currents which Represent the Yezidis

There is no one comprehensive political entity or current that represents Yezidis in Iraq. But in the midst of post-2003, some Yezidis formed a political party motivated by the interim authority resolutions and those of the Governing Council. The party was declared under the name of the “Yezidi Movement for Reform and Progress”, and was headed by Amin Farhan Jeju⁽²⁾ and Hamad Matwe (who later walked out of this party and formed his own party, the Yezidi Progress Party in Sinjar).⁽³⁾

The influence of the Yezidi Movement for Reform and Progress had become strong in Sinjar, but not in the Walati (Shikhan) area. This is because it was not allowed to practice its activities and extend its influence in areas which were directly under the region's authority, according to the claims of the movement's leaders.⁽⁴⁾ Kurdish parties had a different vision than that of the Yezidi Movement for Reform and Progress on the issue of Yezidi identity because the latter considers the Yezidi identity as a combination of independent ethnic and religious elements, different than those of the Arabs and Kurds, while the former, particularly the KDP, considers the Yezidis as part of the Kurdish national identity. This theoretical difference created a competition regarding who might ultimately dominate Yezidi areas.

Other organizations were also formed such as the Yezidi Democratic Gathering, which was announced in the city of Hanover, Germany. In its political statement, it said that it focuses on “achieving recognition of the Yezidi religion and having it enshrined in the Iraqi Constitution and in the Kurdistan Region's Constitution and the recognition that all Yezidi areas are part of the Kurdistan Region.” the statement lists some other goals demonstrating that it is an organization created by Yezidis in the diaspora and it introduces itself as a democratic organization with political goals. It also declared that it “adopts a moderate thought with a humanitarian open and inclusive vision that encompasses national, ethnic and religious affiliations.”⁽⁵⁾ However, it has not been able to build a

option, while others can have it?

(1) Interviews with Yezidi activists in Hanover, Germany.

(2) https://en.wikipedia.org/wiki/Yezidi_Movement_for_Reform_and_Progress.

(3) Hamad Matwe disappeared after Daesh's occupation of Sinjar and since August 3, 2014, until the writing of this report nothing has been known about his fate.

(4) For more information on the current Yezidi national identity, see: Saad Salloum, *The Yezidis in Iraq - memory, identity, genocide*, Baghdad 2015, p. 23.

(5) The political statement of the founding commission of the Yezidi Democratic Gathering, May 2003, Hanover, Ger-

popular base in Iraq or the Kurdistan Region, especially because its activism in Iraq has gradually diminished. Nevertheless, it represents a current which is ideologically different from others and which stresses “modesty of thought.” Unlike, the Yezidi Movement for Reform, it did not adopt a religious or a nationalistic ideology.

The Free Yezidi Democratic Movement (TEVDA) was founded in 2004 and its preparatory committee held its founding congress in the city of Mosul (al-Sukkar Hall), on February 1, 2004.⁽¹⁾ The movement held its first conference February 18 2004, 20- and made Iraq the main center of its activities. It declared that “it is not a class movement and does not target a certain class, but rather aims at embracing all of the Yezidi community”. It also affirmed that it is “hostile to reactionary (backward-thinking), and narrow-minded tribal traditions” and stressed the freedom of women and the building of community awareness. Moreover, it justified its creation by claiming to be founded in response to the absence of an “independent Yezidi policy”.⁽²⁾ This organization remained active in Sinjar and its role grew after Daesh’s (ISIS) occupation of Sinjar because it served as a link in the formation of the Shangal Protection Forces Vanguard (YPS).

Working with Currents and other Political Parties

In this framework it is important to emphasize that political participation through larger political parties is advantageous to minority parties, especially if they can coordinate their agendas to coincide, thus forming a larger umbrella with more political muscle. And this is clear in the political work of the Yezidi parties. For example, representatives of minorities can enter into alliances with other minority or majority parties, but the structure of majority political parties may give them more influence, provided they keep balanced relations with other parties. This relationship is difficult to maintain in an environment where there is a conflict of interest arising from sensitive issues related to land ownership (disputed areas) and the distribution of wealth and power.

The alliances between Yezidi political currents and the majority political ones have resulted in intellectual and organizational links with these parties and other currents. This is evident through the examination of the documents and activities of these Yezidi movements and the statements of their leaders, including those that had emerged after the US invasion of Iraq in 2003.

The Yezidi Democratic Gathering developed a relationship with the PUK and the Lalsh Center received the support of the KDP. The TEVDA Movement revealed that it has relations with the PKK and the Yezidi Movement for Reform and Progress has good relations with Arab nationalist parties that represent the Sunnis. This shows that minority parties and institutions were able to build diverse alliances with other political parties and currents, but until now, they haven’t been able to work under a collective Yezidi political umbrella.

many.

(1) The founding statement of the Preparatory Committee, the Free Yezidi Democratic Movement, 01/02/2004.

(2) The final statement of the Free Yezidi Democratic Movement (TEVDA), 2004.

The Nature of the Yezidi Political Participation in the Political Process

In the first Iraqi National Council elections, which took place on December 30, 2005, the Yezidi Movement for Reform and Progress slate won one seat.⁽¹⁾ This seat was the quota seat, and was taken by Amin Farhan Jeju, who won 0.2% of the Iraqi votes (4326).⁽²⁾ Three other Yezidis also won seats, but they were nominated on the Kurdistan Alliance slate, which is comprised of Kurdish parties who formed a unified slate to compete in the elections.

In the 2005 provincial elections, the Kurdish slate won 31 seats of the total 41 provincial council seats in the Ninewa Plain and Sinjar areas, in the Ninewa province.⁽³⁾ Out of these 31 seats, only 3 were allocated for the Yezidis⁽⁴⁾ nominated on the slate, while the rest went to Kurds even though the majority of voters were Yezidis by virtue of their population density.

In the 2010 elections, the Yezidi Movement for Reform won the quota seat for the second time, taken by Amin Farhan Jeju, the head of the movement who won 10,171 of the Ninewa province's votes. Yezidis nominated by the Kurdistan slate won 6 Parliament seats, 2 of them for the PUK and 4 for the KDP.⁽⁵⁾ This was the first time the Yezidis won a high number (7) of seats. The quota seat of the Ninewa provincial council was won by Khadida Khalf Ido from Sinjar, who was nominated by the Yezidi Movement. The Yezidis, who were nominated on the Kurdish brotherhood slate, won 7 seats.

In the 2014 elections, the Yezidis emerged as the biggest losers of electoral seats. In those elections, two slates competed on the single quota seat. These were the Yezidi Movement for Reform and Progress, which won the seat represented by Hajji Kandour,⁽⁶⁾ and the slate formed by Mahma Khalil, under the Yezidi Democratic Front heading,⁽⁷⁾ which enjoyed the support of the KDP, but came short with only 3,543 votes. In contrast to the 2010 elections,⁽⁸⁾ the KDP won 11,546 votes.⁽⁹⁾ This implies that there was a gradual decline in the number of voters for Yezidi representatives affiliated with the different slates due to the increase in the numbers of candidates who were splitting the vote.

The Yezidis lost across the board in all slates they joined, with the exception of Vian Dakhil, who won a seat in the Iraqi Parliament with 5,467 votes through the women quota seat. Kurdish parties competed in the elections with separate and competing slates, each containing a large number of Yezidi candidates, which split their votes. The Yezidi

(1) Kenneth Katzman, Iraq: Elections, Government, And Constitution, CRS Report For Congress, 2005.

(2) https://en.wikipedia.org/wiki/Iraqi_parliamentary_election,_December_2005.

(3) The results of the High Commission for Elections in Iraq, 2005.

(4) The three winners were: Mirza Suleiman, from the Tal Kaif district and Qassem Saleh Murad from the Sinjar district (the two were KDP candidates) and Ali Darwish Ali, from the Tal Kaif Khatara village, who was a PUK candidate.

(5) <http://www.ihec.iq/ftpar/nenawa.pdf>

(6) Hajji Kandour Sammo, who was born in 1969 won 9,460 votes in the Iraqi parliament elections on April 30, 2014 from the Yezidi Movement list.

<http://ihec.iq/ihecftp/2014/kayanat/%D8%AA%D9%88%D8%B2%D9%8A%D8%B9%20%D8%A7%D9%84%D9%85%D9%82%D8%A7%D8%B9%D8%AF.pdf>

(7) <http://www.ihec.iq/ihecftp/2014/kayanat/qoraa.jpg.pdf>

(8) <http://www.ihec.iq/ftpar/nenawa.pdf>

(9) For the names of the candidates nominated by the different political lists, see:

<http://www.bahzani.net/services/forum/showthread.php?76849-توقعات-بترشيح-60-ايزيديا-لانتخابات-برلمان-العراق>

candidates for the Iraqi Parliament totaled 73:⁽¹⁾ 28 under the KDP, 21 under PUK, 12 under the Democratic Civil Alliance, 1 under the Arab coalition, 1 under the United for Reform, 3 under the National Coalition, 3 under the al-Rimah al-Wataniyah Coalition, 2 under the Yezidi Reform Movement, and 2 under the Yezidi Democratic Front slate.⁽²⁾

The Yezidis failed in being represented in a way which reflects their real population size because of the very large number of candidates.⁽³⁾ They did not have a collective (political or social) entity to represent them and lacked coordination among their parties and currents and thus they were unable to win a seat since they split the Yezidi vote.

The 2014 elections showed a loss in the support of the Yezidi community to the Yezidi candidates nominated by different slates. For example, in 2010 elections Vian Dakhil won 17,275 votes,⁽⁴⁾ while declined to 5,467 in 2014 elections. At the same time, the number of voters of the Yezidi Movement increased to reach 13,104 in 2014, while in 2010 it had reached only 10,171 votes.

The 2014 Law for Parliamentary Elections allocated only one seat for the Yezidis, although there are no official figures on their numbers. The seat was allocated despite the objections voiced by Yezidi activists, who claim that the Yezidis quota share is an unfair development.

Not only did the Yezidis witness a decline in their representation in the Parliament, but they also witnessed a setback in their presence in the ministerial formations. The only Yezidi to hold a ministerial position was Dr. Mamo Farhan Othman, who was chosen to serve as minister of civil society in Iyad Allawi's Government, but in none of the governments that followed did the Yezidis receive any ministerial position. This was despite the increasing demands by the Yezidis for more ministerial positions during the first and second term of Nouri al-Maliki as an obligation towards the Yezidi minority.

In the latest 2014 elections, none of the Yezidis won a seat in the Kurdistan Region's Parliament, which led to great resentment among the Yezidi circles. Thus, they pressured the KDP to facilitate the entry of Sheikh Shamo Shekhu to the Parliament, as he was able to reach a margin that qualified him to be a reserve member in the sequence of winning candidates. When one of the winning Muslim Kurds from the KDP bloc was nominated for a ministerial position, Sheikh Shamo became qualified to hold his position in the Parliament as the only representative of the Yezidis on the KDP slate. Incidentally, one of the Yezidis also won a seat in the Dohuk provincial council on the same slate.

Regarding the Yezidis representation in the Endowment Bureaus, there are two departments on the federal government level and the Kurdistan Region's level. The first is known as the Christians and other Religions Endowment in the Central Government in Baghdad, which was founded after the issuance of a special law in 2008. This Bureau became in charge of the affairs of Christians, Yezidis and Mandaeans, in accordance with a law passed in 2012, approved by the Parliament, and endorsed by the Iraqi presidency

(1) For more information see: <http://www.bahzani.net/services/forum/archive/index.php/t-84859.html>

(2) Unofficial statistics estimate the number of Yezidis in Iraq between 500 – 600 thousand people.

(3) See: <http://www.ihec.iq/ftpar/nenawa.pdf>

(4) Interview with Dr. Mamo Othman, Erbil.

council. The second is the Yezidi Affairs Endowment Directorate in the Kurdistan Regional Government in Erbil, but the scope of its work is still limited.

Obstacles to the Political Participation of Yezidis

Dr. Mamo Farhan Othman, the first Yezidi minister in the Federal Government, believes that: “It is unfair to give the Yezidis one seat in the Central Government, and one seat in the Kurdistan Government, according to the quota system, because they number about half a million in Iraq and they are also the second religion in the country by population size. Thus, their representation is disproportionate to their numbers and this is basically because the Yezidis are not politically and religiously organized and they do not have an organization to independently represent them. Moreover, they do not have international support (backing) that would act as a pressure factor, similar to the Vatican, which supports the demands of Christians.”⁽¹⁾



Amina Saeed

Amina Saeed, a former member of the Federal Parliament for the Yezidis, draws a link between weak political representation and the process of re-building trust between the Yezidis and the Government. She said that “the Federal Government and the Kurdistan Government should care for the Yezidi citizens to gain their trust, but the representation of the Yezidis is not up to the expected level. We did not see any Yezidi holding a high ranking position in any of the two governments. This is considered marginalization, on the one hand, and a factor that makes Yezidis lose confidence in the majority political currents which represent them, on the other hand.”⁽²⁾

⁽¹⁾ Interview with Amina Saeed, Erbil.

⁽²⁾ Interview with Dr. Mamo Othman, Erbil.



Mamo Othman

Mamo Othman identified the most prominent hindrances to the fair representation of Yezidi, saying: “the Yezidis do not have any persons to effectively represent them politically and socially in any key state institution. They are divided between two main parties in the Kurdistan Region. The Yezidi Emir and the Yezidi Spiritual Council played no role in improving the Yezidi representation because their influence was weak even among the followers of the Yezidi religion themselves.”⁽¹⁾



Arouba Bayezid Ismail

Arouba Bayezid Ismail Bek, a member of the Yezidi Emir’s family and the granddaughter of Emir Ismail Gul Bek (the pioneer of culture in the Yezidi society), who worked as a consultant for Atheel al-Nujaifi (former governor of Ninewa for the affairs of Iraqi components), agreed with this analysis. She confirmed that “the Yezidis do not have leaders that enjoy the support of the majority of the Yezidis, and this is undermining the legitimacy of the current leadership, because they do not enjoy popular support. They relied on external support and the result was they sacrificed our interests and our

⁽¹⁾ An interview with Princess Arouba Bayezid Ismail.

presence in view of the existing threat presenting itself today.”⁽¹⁾

For this reason, Yezidis tend to resort to other frameworks to strengthen their political participation such as the creation of the Yezidi Supreme Council. Mamo Othman explained the importance and justification for the formation of this framework as follows: “This Council will take it upon itself to represent the Yezidis in all political and social forums and participate in making decisions that affect their future in the Central Government as well as in the Kurdistan Government. It is a civilian and social council, not a political organization. We hope the secretariat of this body will play an effective role in participating in the Region’s Government and the Central Government when new governments are formed or when new general managers, ambassadors, or diplomats are appointed and contribute in solving internal problems and represent the Yezidis and other minorities in international forums.”⁽²⁾

(1) Interview with Dr. Mamo Othman, Erbil.

(2) Interview with Dr. Mamo Othman, Erbil.

3. THE POLITICAL PARTICIPATION OF THE SHABAKS

The Shabaks are considered a Muslim ethnic minority, but they have a language which is different from the Arabic and Kurdish languages. They live in the Ninewa Plain area, together with other religious minorities such as Christians, Yezidis, and Kaka'is.

Political Representation of the Shabaks

Working through political parties and currents is something new in the history of the Shabaks. They did not know such a work before 2003. After that year, a new political representation for the Shabaks emerged with the creation of the Shabak Democratic Gathering on May 20, 2003, the first political entity to represent the Shabaks. The gathering was composed of a number of intellectuals, tribal figures and a number of young people who took it upon themselves to represent the Shabaks and highlight their independent identity.

The Shabaks, as a small minority, are facing the challenge of losing their identity with the dominance of bigger Arab and Kurdish identities. They are either considered as Arabs or Kurds and the multiple determinants of their identity - as there are Sunni Shabaks and Shiite Shabaks- has had its impact on their political representation and their alliances with Kurdish and Shiite political currents.

The Map of the Shabak Political Currents



Qusay Abbas

The Shabaks were represented in the Iraqi Parliament and the Ninewa provincial council

with a number of Shabak politicians who had their own political orientations and alliances. They mainly belonged to two political currents: the Shabak Democratic Gathering and the Free Shabak Gathering. In 2006, al-Qadu, won the Shabaks quota seat in the Federal Parliament. In the 2009 provincial council elections, Qusay Abbas won the quota seat of the Ninewa provincial council. However, in the 2010 parliamentary elections, Mahdi Jamshid won the quota seat in the Parliament and, in the 2013 provincial council elections Hamid Hameed Ghazwan won the quota seat of the provincial council. In the 2014 parliamentary elections, al-Qadu won a seat outside the quota and Salim Juma won the quota seat. The most prominent position held by the Shabaks until now is the undersecretary of the ministry of displacement and migration position, which was held by Asaad Abdul-Razzaq.

Pressures on the Shabaks from Big Groups

The conflict between the Arabs and the Kurds over the Shabak areas in the Ninewa Plain, which is considered a disputed area, put the Shabaks under the pressures of these two major groups. Moreover, the absence of institutions to care for the culture, language, heritage and folklore of the Shabaks had its impact on their level of awareness, their voting behavior in elections and their selection of their political representatives.⁽¹⁾

The Shabak is one of the minorities that has not been mentioned in the 2005 Iraqi Constitution, although a quota seat was given to this minority in the Federal Parliament and another one in the Ninewa provincial council. For this reason, the Shabaks are facing the difficulty of being recognized as a national minority and thus their political representatives are demanding that the name of the Shabak minority should be mentioned in Article 125 of the Iraqi Constitution as one of the Iraqi ethnic minorities. They also want to be mentioned in the Constitution of the Kurdistan Region in the same way.⁽²⁾



Hanin al-Qadu

After the US invasion of Iraq in 2003, Dr. Hanin al-Qadu represented the Shabaks in the Ninewa provincial council when it was first formed and he was a member of the drafting committee of the Iraqi Constitution. In an interview with Masarat, Dr. al-Qadu said he had

(1) Saad Salloum, Minorities in Iraq, Masarat Foundation, Baghdad, 2013.

(2) Interview with Muhammad Shabaki, director of the Hema Center for Studies, Baghdad.

submitted his suggestions during the drafting of the Constitution, together with a petition signed by 25 thousand Shabak citizens, demanding the inclusion of the Shabak minority in the Constitution. According to him, this petition was not taken into consideration because of a political deal reached between the Kurdish and Shiite political movements to exclude the name of the Shabaks from the Constitution.⁽¹⁾

In order to become politically active the Shabaks had to form alliances with other major political currents. This has become part of the strategy of minority parties in order to achieve their demands. However, dealing with major parties made the representatives of the Shabaks face the challenge of succumbing to their will. In this context, al-Qadu said: “Right after the fall of the Baath regime in 2003, we tried to be open to Kurdish parties, but these attempts were hindered by the insistence of the Kurds on the Kurdification of the Shabaks.” He added: “In one of the meetings with Saadi Beera, a leading member of the PUK, he clearly told me that the Shabaks are Kurds and they should change their customs. He also said they should become Shiite and this was necessary for transition”. Al-Qadu expressed that he did not find any real responsiveness or respect for the rights of the Shabak as a distinct ethnic group during the meetings that were held twelve years ago with the KDP leaders, among whom were Fadel Mirani and Khasro Koran. “They only saw us as part of a bigger Kurdish identity. ... In 2006, I was supposed to meet President al-Barzani, but this meeting never took place. For this reason, the relations between the Shabaks and the Kurds have been a struggle as I cannot compromise my independent ethnic identity.”⁽²⁾

According to this viewpoint, the main obstacle to the improvement of the Shabak political representation is the special interests of major political blocs and their lack of consideration for the interests of minorities. According to al-Qadu, this lack of interest has led to conflicts with Kurdish political currents during the period extending from 2006 to 2010. “Shiite parties took a very cautious stance based on the interests of the Shiite-Kurdish alliance and the Arab Sunni currents changed their stances, because they entered into an alliance with the Kurds,” said al-Qadu, and confirmed “this has made the Shabaks confused and lost in the midst of the alliances of big parties and currents.”⁽³⁾

Factors Affecting the Shabaks Voting Behavior

There were two factors that had their impact on the voting behavior of the Shabaks and their political inclinations. First, discrimination against the Shabak as an ethnic/sectarian minority made them more united in confronting others. Most of the Shabaks are Shiites, and this makes them different from the majority Sunni Arab and Kurds living in areas where the Shabaks live. Second, they speak a different language than that spoken by the Shiite Arabs and they have a different ethnicity.⁽⁴⁾

The political representatives of the Shabaks were not united in their orientation and their

(1) Interview with Dr. Hanin al-Qadu, Baghdad.

(2) Interview with Dr. Hanin al-Qadu, Baghdad.

(3) Interview with Dr. Hanin al-Qadu, Baghdad.

(4) Saad Salloum, The Shabaks: A sect lost between ethnic intolerance and cultural genocide, al-Mada Newspaper, issue no. 3363, May 19, 2015.

demands because they had succumbed to the wills of the majority Arab and Kurdish political blocs. Some of the Shabaks believe they are Kurds, others believe they are Shabak, and some believe their Sunni or Shiites sectarian affiliation is the most important factor that determines their identity. For this reason, the Shabaks remained divided on ethnic and sectarian grounds even after being subjected to the Arabization policy of Saddam Hussein for decades.⁽¹⁾



Ghazwan Hamid

Ghazwan Hamid, a member of the Ninewa provincial council for the Free Shabak bloc, who was interviewed by Masarat, believes that “the level of the Shabaks political participation was good, in general, despite the fact that there has not been any coordination among the Shabak candidates, who are members of various parties and currents. According to him, “if the Shabaks were politically united in one electoral slate, they would have won more seats in the Parliament and would not have had to depend on the nominations of majority political parties, and would have been able to raise the ceiling of their demands.”⁽²⁾

The Political Demands of the Shabaks

The political demands of the Shabaks are limited to getting mentioned in the Iraqi Constitution and the Constitution of the Kurdistan Region as an ethnic minority, distancing their areas from the Arab-Kurdish conflict, through turning them into one province, or at least deciding on their future in accordance with Article 140 of the Constitution and distancing themselves from the dominance of the Shiite and Kurdish political currents.

In this regard, Ghazwan Hamid said: “As a representative of the Shabaks, I believe that Article 140 of the Constitution should be applied and a referendum should be held for the people in the disputed areas, including the Shabaks. This would allow people to decide whether to become part of the Kurdistan region or stay within the Ninewa province.” However, Ghazwan believes that “it is in the interest of the Shabaks to become part of the Kurdistan region”, since they faced killings and displacement in the recent history and their rights as citizens were violated.⁽³⁾

⁽¹⁾ Interview with Saad al-Shabaki, an activist, Baghdad.

⁽²⁾ Interview with Ghazwan Hamid, member of the Ninewa provincial council for the Free Shabak bloc, Erbil.

⁽³⁾ Interview with Ghazwan Hamid, member of the Ninewa provincial council for the Free Shabak bloc, Erbil.

For his part, Qusay Abbas, a Shabak politician who was a member of the Ninewa provincial council from 2009 to 2013, believes that “the stance of most of the Shabaks is linked to the seriousness of the Region’s Government in acknowledging them as one of the components of the Kurdistan Region. Evidence of this acknowledgement would enshrine the name of the Shabak minority in the Kurdistan Region’s Constitution, especially in its chapter 2, article 35, on ethnic and religious rights of the different components. If this does not happen, then it is in the interest of the Shabaks to choose other parties who respect their rights and acknowledge them.”

He believes that “it is important to give the Shabaks the freedom to choose either to join the Kurdistan Region or to make the Ninewa Plain area a province.” He further stressed that for him “the second option is better and it pleases all parties.”⁽¹⁾

(1) Interview with Qusay Abbas, former member of the Ninewa provincial council, al-Diwaniyah.

4. THE POLITICAL PARTICIPATION OF THE TURKMEN

Turkmen are the third major ethnic group in Iraq after the Arabs and Kurds. Most of the Turkmen are Sunni and Shiite Muslims, but there are some Catholic Christians as well. Turkmen mainly live in northern Iraq in an arc of towns and villages stretching from Tal Afar (west of Mosul) through Mosul, Erbil, Altun Kopru, Kirkuk, Tuz Khurmatu, Kifri and Khaniqin and they have their own Turkmen language, which is one of the Azerbaijani Turkish dialects.⁽¹⁾

Political Currents Representing the Turkmen

Before 2003, Turkmen formed the Turkmen Front as their political umbrella. The Front is composed of a number of Turkmen parties, such as the Independent Turkmen Movement, the Turkmen National Party, the Turkmen Islamic Union Party, as well as a number of other parties. Now, the Turkmen Front has become an independent party and is no longer an umbrella. The leadership of the front used to be changed every three years through elections and its prominent leaders are: Sanaan Ahmad Agha and Dr. Torhan Katana, its founder.

Today, active and officially registered Turkmen political parties are as follows: The nationalist Turkmen al-Haq party, which is headed by Torhan al-Mufti, the Turkmen Front, which became a party and is headed by Arshad Salehi, the Turkmen Justice Party, the Islamic Union Party, which is headed by Abbas al-Bayyati and the Loyalty Movement, headed by Faryad Tozlo. In addition, there are a number of Turkmen gatherings, associations and movements such as the National Turkmen Movement, the National Gathering, and the Decision Party.⁽²⁾

Conflicts with Major Political Currents

The Turkmen minority is geographically dispersed, living amongst other population components and have areas falling within the borders of disputed area. For this reason, the demands of their political currents have collided with those of the bigger groups, when the policy of dividing power and areas, based on sectarian and ethnic divides, started to surface. An example of this is the Turkmen demand to acknowledge the Turkmen

(1) Saad Salloum, Minorities in Iraq, Masarat Foundation, Baghdad, 2014.

(2) Interview with Dr. Torhan al-Mufti, the head of the national al-Haq Party and the former state minister for provincial affairs.

presence in Kirkuk, which is considered the Jerusalem of Kurdistan. Two more examples are the presence of Sunni Turkmen in Diyala, which is supposed to be the share of the Shiites, and the presence of Shiite Turkmen in the Ninewa province, which is supposed to be the share of the Sunnis. Thus, the creation of pure ethnic/sectarian areas has targeted the Turkmen presence in mixed areas.⁽¹⁾

In addition to the conflict between majority political currents that have influence in Turkmen areas, Turkmen are considered a model sample of the negative impact of forming dividing lines within some of the minority groups, which has weakened their effectiveness and influence in attaining adequate political representation. Among the Turkmen, many political entities have emerged in the form of parties, movements and associations that did not join together to form one representative body. For this reason, their voting behavior was influenced by a variety of parameters.

Some Turkmen political currents found that by moving forward to forge alliances with some Shiite political currents, they will be recognized as a component beyond that of just a minority group status. It will also give them a winning card in confronting Kurdish aspirations threatening their presence in disputed areas.



Torhan al-Mufti

In this context, Dr. Torhan al-Mufti believes that the Turkmen alliance with Shiite currents brought good and positive results. He presents his own experience, as an example. Explaining it further, he said: “When I served as a minister, I used to have good relations with Baghdad Government and this made me capable of pushing forward the demands of the Turkmen. Fulfilling some of these demands was considered a fantasy and politicians used to talk about them in their meetings, but they were never realized, such as changing the status of Tal Afar and al-Douz to provinces, the creation of a general directorate for Turkmen studies, allowing Turkmen to have their own satellite station, issuing a special law to organize the rights of the Turkmen and returning back some of the Turkmen lands

(1) Saad Salloum and others, In the wind: Iraq's minority communities after Daesh's tsunami, A report on violations of minority rights, No. 1, Masarat Foundation, Baghdad 2015.

to the Turkmen. These projects were submitted by the Government to the Parliament, but they did nothing about them because there was no big bloc to vote for them. To sum it up, it is clear that the political participation of the Turkmen was becoming more effective at various degrees of the executive and legislative branches.”⁽¹⁾



Muhammad Mahdi al-Bayyati

For his part, Muhammad Mahdi al-Bayyati, head of “Save the Turkmen Commission” and the human rights minister in 2014, believes that the alliance between the Turkmen and these currents were not up to the par and they were under the mercy of tides. “These big blocs had given the Turkmen three ministries and an independent commission in the previous sessions, but in the present cabinet the gains have diminished. The Turkmen were not given any ministerial position or any of the independent commissions. They also lost their only seat in the council of ministers within the reform package, which was submitted by Prime Minister Haider al-Abadi,” he said.⁽²⁾

Internal Factors Weakening Turkmen Political Participation

As evident from interviews held with the Turkmen representatives, the absence of coordination among the different Turkmen political currents for the purpose of unifying their demands had its negative impact on the effectiveness of their political participation. According to Muhammad Mahdi al-Bayyati, “Turkmen movements, parties and figures bear a heavy responsibility because of their inability to form a unified Turkmen project. This is due to the fear among the Turkmen elite of losing privileges given to them by bigger parties.”⁽³⁾

(1) Interview with Dr. Torhan al-Mufti, the head of the al-Haq National Party and the former state minister for provincial affairs.

(2) Interview with Muhammad Mahdi al-Bayyati, the head of the Save the Turkmen Commission and the former human rights minister, Baghdad.

(3) Interview with Muhammad Mahdi al-Bayyati, the head of the Save the Turkmen Commission and the former human rights minister, Baghdad.



Torhan Katana

For his part, Torhan Katana, an independent Turkmen politician, believes that “the majority of the Turkmen political elites get their orders from outside Iraq or from bigger political blocs inside Iraq.” He added: “This is the main factor which has made Turkmen political currents and figures ineffective.”⁽¹⁾

For this reason, an active Turkmen collective effort has emerged to create a collective organizational structure capable of responding to the weaknesses of Turkmen representation and in an attempt to overcome the disagreements on Turkmen identity. This effort was culminated by the creation of the Turkmen Rescue Supreme Commission on June 29, 2015 by the Loyalty to Iraq Turkmen Movement, the Turkmen al-Haq Party, as well as other organizations. They aim to face what the Turkmen consider “the marginalization of their rights,” and to lift the oppression and injustice felt by the Turkmen. The new commission calls on all Turkmen political forces, personalities and institutions to cooperate in order to achieve common public interests. It also called on various factions to participate actively in its program based on mobilizing all people to face the crises and uniting the Turkmen discourse, by agreeing on general principles in order to face the various challenges collectively.⁽²⁾ The importance of this step stems from the concern for the cultural and religious identity of the Turkmen, which came under threat of extinction by Daesh (ISIS) as a result of the failure of the Turkmen political elites, over the past years in raising the level of Turkmen political participation and giving the Turkmen presence its real size and dimension.

⁽¹⁾ Interview with Torhan Katana, an independent Turkmen politician, Kirkuk.

⁽²⁾ Interview with Dr. Ali Akram al-Bayyati, Save the Turkmen Commission, Baghdad.

Political Demands of the Turkmen

Turkmen want the enactment of “the Turkmen Rights Law”, the creation of the predominantly Turkmen Tal Afar and Tuz Khurmatu provinces, and granting the Kirkuk province a special status to ensure preservation of the city’s diversity and the Turkmen status in the city, or to make it a region.

These demands are summarized by Dr. Torhan al-Mufti as follows: “Changing Turkmen areas into provinces, a special law regulating Turkmen affairs, a special budget for Turkmen areas, the recovery of Turkmen land robbed by the Revolutionary Command Council and the laws of the Northern Affairs Committee.”⁽¹⁾ However, he stressed that the Turkmen have not been able to recover any of these lands because of the overlapping of laws under which these lands were confiscated.”

(1) Decisions taken by the Revolutionary Command (between 1975-78) related to confiscation of agricultural lands of none-Arabs in the Kirkuk Province and given to Arab tribes from the South (the translator).

5. THE POLITICAL PARTICIPATION OF THE KAKA'IS

The Impact of the Religious Factor on the Political Participation of the Kaka'is

Political participation seems more complicated for religious minorities, such as the Kaka'i religion, which follows a non-missionary doctrine that does not tolerate conversion. According to this religion, if one is not born a Kaka'i, one will never be a Kaka'i. This secretive group faces a lot of speculations and accusations regarding the nature of its beliefs.

Accordingly, the religious identity of being a Kaka'i is a major impediment to their political representation. The Kaka'is do not have any independent political representation because they did not join any united electoral slate in order to compete in the elections and they do not have any representation outside the framework of Kurdish parties. Recently, the Kaka'is started to demand recognition of their religion in the Federal Constitution and the Kurdistan Constitution similar to other minorities. Moreover, the Kaka'is started to demand a quota for their minority and for the first time ever in the history of Iraq, they were given a quota seat in the Halabja provincial council.

Weak Political Representation of the Kaka'is

The Kaka'is is another example of the problematic absence of separate political parties to represent minorities independently. This led to the dispersion of their votes among other political currents. The Kaka'is had a tendency to join the different Kurdish parties, and vote for them. In addition, they tend to vote for leftists or secular parties whose presence was weak in the election results. According to Dr. Nabil al-Muthafari, "it is expected there will be no improvement, in the political representation of the Kaka'is as long as, the electoral system continues to be based on open slates." This is not due to the few numbers of this minority group, but rather due to its geographical dispersion and its presence in a number of Iraqi provinces. It is for this reason this minority has not been able to win any Parliament seats. In addition, many Kaka'is are members of the various Kurdish parties and for this reason they tend to vote for the PUK and the KDP and to a lesser extent to the Change Movement.⁽¹⁾

Al-Muthafari believes that the participation of the Kaka'is in the Iraqi ministries is not only

(1) Interview with Dr. Nabil Akeed Mahmoud al-Muthafari al-Kakai, head of contemporary history department at the Kirkuk University, College of Humanities, Kirkuk.

weak, but nonexistent. This is not only on the level of ministers, but also on the level of general secretaries. In this regard, he said he doubts, but he cannot confirm, that there is single Kaka'i general manager in any Iraqi Federal Ministry. "The Kaka'is were only given high ranking positions in the Kurdistan Region. Falakuddin al-Kaka'i was appointed as a minister of culture in one of the Kurdistan Governments and on the administrative level, a general manager position was given to a Kaka'i, who was appointed as the Kirkuk agriculture director in the Kirkuk province."⁽¹⁾



Nabil Akeed Mahmoud al-Muthafari al-Kakai

Moreover, the Kaka'is were not included in the minority quota system and they have no one to independently represent them in the Iraqi Parliament. In addition, they did not have any representation on the level of provincial councils before the changes that took place in 2003 and even after, with the exception of the newly created Halabja province. Through the quota system, the Kaka'is have been able to get one seat in the provincial council of this province, despite the fact that their numbers in Halabja are much lower than their numbers in other provinces. Though in Kirkuk the number of Kaka'is is double their number in Halabja, as it is in Ninewa province, they still had no seats. It is worth mentioning that according to al-Muthafari, unlike the Kaka'is who live in other provinces, the Kaka'is in Halabja proclaim that they embrace a religion different than Islam and they openly declare this belief, and that is why they were given a quota seat in the Halabja province.⁽²⁾

Obstacles to the Political Participation of the Kaka'is

Al-Mudafari listed a number of obstacles standing in the way of improving the political representation of Kaka'is, among them is the absence of agreement among the Kaka'is regarding their religious status (i.e., the question of whether to officially, declare the Kaka'i, as a religion independent of Islam, or a part of it.) In addition, there are security concerns,

⁽¹⁾ Interview with Nabil Akeed Mahmoud al-Muthafari al-Kakai, Kirkuk.

⁽²⁾ Interview with Nabil Akeed Mahmoud al-Muthafari al-Kaka'i, Kirkuk.

especially with the rise of the “Takfiri” militant Islamic movements and their targeting of religions and sects that do not conform to their ideas, including the Kaka’i religion. This is of a special concern, as the demographic distribution of the Kaka’is form a geographical line extending from the Ninewa province to the Diyala province, along the demarcation zone separating hot security areas, from those under the rule of the Kurdistan Regional Government. Thus, the future of the Kaka’i areas is full of uncertainties and these areas are under the direct threat of radical currents, including Daesh (ISIS).

The geographical distribution of the Kaka’is, as a dispersed group, (rather than a concentrated minority in one geographical area), is another obstacle to their political representation.⁽¹⁾ The geographical distribution of the Kaka’is, in different provinces such as Kirkuk, Ninewa, al-Sulaymaniyah, Diyala, Erbil, Dohuk and Baghdad, is a clear example of this problem. And since the representation system in Iraq (i.e. the Parliament) considers the country as one constituency, the Kaka’is lost their population weight in all Iraqi provinces. This is one of the factors hindering them from reaching decision-making positions in the Federal Government as well as in the Kurdistan Region’s Government.

A Quota for the Kaka’is in the Halabja Province

In an extraordinary session, attended by a number of ministers, along with government and party officials in the Kurdistan Region, held on February 2, 2015, the Kurdistan Parliament unanimously voted on a draft making Halabja a province by law. With this vote Halabja became a new province in Kurdistan. On that day, a number of Kaka’is from Erbil, Kirkuk, and al-Sulaymaniyah submitted a request to the Parliament members demanding a quota for the Kaka’is in the provincial council, which is composed of 25 members.

According to figures revealed by Akko Shawis, the representative of the Kaka’i quota in the Halabja provincial council, there are no more than 430 Kaka’i families in Halabja. “Internal elections took place on February 20, 2015, with the participation of 11 candidates and I won in these elections,”⁽²⁾ he said.

(1) On the classification of spread and concentrated minorities, see: Saad Salloum, Unity in diversity/ pluralism and citizenship fostering diversity in Iraq, Masarat Foundation, 2015.

(2) Interview with Ako Shawis, representative of the Kaka’i quota in the Halabja provincial council.

Political Demands of the Kaka'is



Ako Shawis

One of the most prominent demands of the Kaka'is, according to Ako Shawis, is the recognition of the Kaka'i religion. In Article 6 of the Kurdistan Region's Constitution there is a reference to the religions of the region, but the Kaka'i religion is not mentioned. "For this reason, we held a series of meetings and on April 2, 2015, we visited the Kurdistan Parliament and held meetings with its members and with the Parliament Speaker," said Shawis. "Our demand was to recognize the Kaka'i religion in the Region's Constitution and specifically in articles 6, 19, and 30. We also demanded the representation of the Kaka'is in the Ministry of Endowment and Religious Affairs and within the minority rights' law in the Region," he added. However, he confirmed that until now the Kaka'is have not been able to get quota seats, neither in the Region's Parliament, nor in the Federal Parliament.⁽¹⁾

Kaka'i activists, including Rajab Asi, confirm that the most important demand for the Kaka'is is recognizing them as one of the Iraqi components in the Iraqi and the Region's Constitutions, similar to other Iraqi components, thus allocating quota seats for them in the Iraqi Parliament, ministries, Kurdistan Parliament, and in the provincial councils. They all believe this is the only way that can allow the Kaka'is to be represented.

In addition to the above, activists also stress the importance of appointing Kaka'is to administrative positions in the different Iraqi provinces, given the fact there is a large number of Kaka'i intellectual elites who are specialized in the varied fields, as well as many Kaka'i university graduates, academicians and holders of higher education certificates.⁽²⁾

Dr. Nabil al-Kaka'i, believes "the Kaka'is consider that a secular system which is based on the separation of religion and state can free them from worries regarding their future in Iraq and particularly in Kurdistan, where for this reason they tend to join the two major Kurdish parties, which adopt secular principles."⁽³⁾

(1) Interview with Ako Shawis, the representative of the Kaka'i quota in the Halabja provincial council.

(2) Interview with Rajab Asi, the director of the Yaristan Institution, Kirkuk.

(3) Interview with Dr. Nabil al-Kaka'i, Kirkuk.

6. THE POLITICAL PARTICIPATION OF THE MANDAEANS

The Mandaean minority is the oldest religious minority in Iraq. Mandeans live in Baghdad and southern Iraq, particularly in the Maysan province which is considered their historical capital. They speak the Mandaic language, one of the dialects of the Eastern Aramaic languages. It is considered the language of the first Iraqis, after the Sumerian language. In 2006, the Mandaic language was classified by UNESCO as one of the critically endangered languages.

Changes in the Representation Structures of the Mandeans

In the beginning of the 1980's, there was a clear shift in the social, cultural and political structures of the Mandaean community. That became evident through a serious movement aimed at the crystallization of the religious and cultural identity of Sabean-Mandeans. And three councils were formed to lead this sect:

The Spiritual Council which is composed entirely of clergy and tackles the religious affairs of this minority. It is headed by the Spiritual Leader of the Sabean-Mandaean Religious Minority, Sheikh Sattar Jabbar al-Hilu.

The General Assembly which is composed of representatives from each family or tribe elected by their families in direct free elections. This council is considered the parliament of the Mandeans and has legislative and supervisory tasks.

The Affairs Council whose members are elected exclusively from the General Assembly members in direct free elections and manages the daily living affairs of the Sabean-Mandeans through a number of departments it formed.⁽¹⁾

Limited Political Participation of the Mandeans

The Mandeans did not participate in the Governing Council in 2003, despite their attempts to be represented in it. Later on, however, they were allowed to participate in the National Assembly. The representative of the Mandeans was Subhi Mubarak Mal Allah. His name was nominally added to one of the sub-committees to draft the Constitution, but he did not have any real impact.

In the second (2010-2014) parliamentary elections, Khalid Amin Romi was nominated for membership in the Parliament and there was no one to compete with him over the quota

⁽¹⁾ Saad Salloum, Minorities in Iraq, memory, identity and challenges, Masarat, Baghdad, 2014.

seat. In the 20142018- parliamentary elections, Hareth Shanshal al-Snaid won the seat by winning the highest number of votes among five candidates competing for the quota seat. In the provincial council elections, one seat was allocated for the Mandaeans in the Baghdad provincial council and in the second session (20092013-), the quota seat was occupied by Hussein Zahroun with no other candidates to compete with him among the Mandaeans.⁽¹⁾

Mandaeans interviewed by Masarat believe that Mandaean participation is symbolic and it has no significant political weight because the Sabeen-Mandaeans have no representation in any of the Iraqi ministries and none of them hold the position of general manager. The only high ranking position given to them in the ministerial cabinet is the post of general manager of Mandaeans and Sabeen affairs at the Endowment Bureau of Christians, Yezidis, Sabeen and Mandaeans. This is rather disturbing for the Mandaeans, who are considered as one of the oldest religious groups that had existed in Iraq.

The Formation of the Supreme Political Committee

The small number of Mandaeans, coupled with their dispersion across most of Iraq's provinces, and their reluctance to officially join any party or any political alliances, had its impact on their representation in the first Parliament session covering the period from, 2006 to 2010. The Mandaeans did not form any ethnic, religious or political organization to represent them, but after 2003, with the growing number of political parties and organizations, a supreme committee was formed to fill the vacuum in the representation of Mandaeans. This committee was made up of 9 to 15 persons under the Supreme Political Committee heading, with its goals to build bridges of cooperation, strengthen relations with decision makers and to represent the Mandaneans in political forums. By creating this committee, the Mandaeans were able to fill the gap created in the absence of a Mandanean political organization.⁽²⁾

On the other hand, unlike other minorities, there is a high degree of coordination between the leaders of the sect and its Supreme Political Committee, which is trying not to involve the head of the sect and its religious leader in the details of the daily politics, because he is a religious leader and a cleric who should only be concerned with the religious affairs of his community.

Nevertheless, the head of the sect has an important role to play in the nomination of the candidates. His approval of any candidate is considered a recommendation or endorsement for the candidate's nomination and election. However, the final decision in nominating any candidate should be taken by the sect's general assembly. In addition, the head of the sect plays a very important role in taking and making critical decisions.⁽³⁾

(1) Interview with Mandaean activists in Baghdad and an interview with Raad Jabbar Saleh, a member of the Baghdad provincial council for the Mandaeans.

(2) An exclusive interview with members of the Sabeen-Mandaean Affairs Council, Baghdad, 2015.

(3) Interview with Raad Jabbar Saleh, a member of Baghdad provincial council for the Mandaeans.

The Mandaean Quota



Raad Jabbar Saleh

After being unrepresented in the Federal Parliament in its first session, the Mandaeans started to press for their right to be represented. Thus, they were given one seat in the quota system in the Baghdad provincial council, in its second session, extending from 2008 to 2012, and a seat in the Parliament, in its second session, extending from 2010 to 2014. The Mandaneans were also able to increase their representation at the level of local governments by getting a quota seat, in the al-Rasafah district of the Baghdad province, and another quota seat in the al-Amarah district, center of the Maysan province (which will become effective in the next session). They are still making efforts to get a quota seat in the al-Basra provincial council, and to increase the number of seats reserved for them in the Parliament, from one seat to two.⁽¹⁾

Resorting to the Judiciary to Improve their Political Participation

To improve the existing electoral mechanisms in a way that increases their political participation, the Mandaeans resorted to the judiciary system. A lawsuit was filed by Sattar Jabbar al-Hilu, the head of the Mandanean sect in Iraq, against the Speaker of the Parliament, and his post, at the Federal Supreme Court which was formed in 32010/3/, and was headed by Judge Medhat al-Mahmoud. The court issued a verdict, and in its opinion, the quota seat reserved for the Sabeian component within one electoral district is an adequate representation, sighting the same representation for the Christians as a comparison.⁽²⁾

Internal Democratic Mechanisms for the Selection of Candidates

What distinguishes the Mandaeans from other minorities is the fact they hold internal elections within the sect for their quota seats. Now, it is considered the right of the three presidential councils of the sect (the spiritual, the general assembly and the general affairs) to supervise the process and nominate any person for high ranking positions in the Iraqi state institutions, through internal elections within the sect and in the presence of the three presidential councils. The name of the candidate is then submitted in a letter issued by the sect to the state departments.

(1) interview with Raad Jabbar Saleh, a member of the Baghdad provincial council for the Mandaeans.

(2) The Republic of Iraq, decision of the Federal Supreme Court, Itihadiya, 7, 2010.

By doing so, they have tried to prevent major political currents from taking advantage of their representatives. However, this did not stop these currents from dominating the quota seats allocated for the Mandaeans by selecting Mandaean candidates loyal to their parties. And this is considered by the Mandaeans as a theft of their rightful quota.⁽¹⁾

Political Demands of the Mandaeans

The Mandaeans believe their culture is under the real threat of extinction. For this reason, one of their demands, in order to face this challenge, is to be gathered in one country instead of being dispersed in the diaspora.⁽²⁾ Inside Iraq, the Mandaeans are demanding increased political representation in the Federal Government by at least granting them the post of minister in one of the service-providing ministries.⁽³⁾



Nadia Fadel

Nadia Fadel, the head of the Mandaean Endowment at the Christians and other Religions Bureau, believes there is a neglect of the demands of the Mandaeans, and she gives her work at the Endowment as an example. On this issue she asked: “How could the Mandaeans introduce their religion without the allocation of money to print publications that would make our beliefs known to others or to produce films and cultural programs? This is of extreme importance given that official media does not have any role in introducing our religion and ignorance about it is almost a general phenomenon.” She further added that she is surprised “the Mandaeans cannot even print their holy book, The Ginza Rba because of the lack of financial allocations.” Moreover, “the Mandaean clerics are the poorest among other religious communities because they are fully devoted to the religious affairs of their sect and do not have any financial resources or salaries from the Government. We, in Iraq, are a forgotten sect, threatened of extinction.” For this reason, she demanded “providing the Mandaeans with at least a Mandi (a worship place), an administrative complex, hosting houses, Mandaean schools and cultural centers in each province where there are Mandaeans.”⁽⁴⁾

(1) Interview with members of the Mandaean affairs council, in Baghdad.

(2) Interview with Mandaean activists, in Baghdad, and correspondences with Mandaean activists, outside Iraq.

(3) Interview with Raad Jabbar Saleh, a member of Baghdad provincial council for the Mandaeans.

(4) Interview with Nadia Fadel the head of the Mandaean Endowment at the Christians and other Religions Bureau, Baghdad.

7. MINORITIES DEPRIVED OF POLITICAL PARTICIPATION: THE BAHA'IS, CIRCASSIANS AND IRAQIS OF AFRICAN ORIGIN

Ensuring the rights of minorities, including the right to political participation requires recognition of minorities. There are certain indicators that show states recognize their minorities such as being mentioned in the Constitution, the presence of legislation that protect their rights and providing them quotas in elections and being represented in the Endowment Bureau for Christians, Yezidis, and Sabeen Mandaean (for religious minorities).

Non-recognition of Minorities and Political Participation

In the context of recognition, it is important to examine the Iraqi Constitution and the minorities mentioned in it. Article 22- of the 2005 Iraqi Constitution mentions the Christian, Yezidi, and Sabeen Mandaean, religious minorities by name. But Article 125 acknowledges the Turkmen, Chaldean and Assyrians as “ethnic minorities”, and mentions in its provisions “other components”, but without mentioning specifically who they might be?!

The absence of any mention of the Kaka'is, Baha'is or Iraqis of African origins has restricted their political participation. Although the Shabaks have not been established as a minority group by Article 125, or the Constitution, they started to demand official acknowledgement and to be represented in the Federal Parliament. The Shabaks are demanding amendments to Article 125 and be given the right of a quota for their minority. The non-recognition of these minorities is an obstacle to their enjoyment of internationally acknowledged rights and ultimately leads to their marginalization, and exclusion from the political process. Thus, the first important step towards ensuring the rights of minorities and granting them a status equal to the rest of Iraqis is to recognize each minority by name in the Constitution.

While the absence of state recognition for minorities, plays an important role in depriving them of their right to participate in the political process, there are other factors within the minorities themselves that hinder their participation, such as the nature of the religious beliefs followed by the minority members or the intertwined components they share with other ethnicities (like being a Turkmen, but Shiite). Coupled with different elements of the

minority identity (a different religious, sectarian or linguistic identity, despite a common ethnic identity) and you have a complex mix, and an identity crisis. And last, but not least, the absence of political currents to represent these minorities.

Chechens, Dagestanis and Circassians

In addition to the factors mentioned above, there are two other reasons that make the political presence of some minorities weak and hinder their participation. These are the number of members in a minority group and their geographical dispersion. Examples of such minorities are the Iraqi Caucasus tribes (Chechens, Dagestanis and Circassians) who were victims of forced displacement carried by Tsarist Russia in 1864.

They were displaced from the North Caucasus to the Turkish territory and the Ottomans, in turn, displaced them to Jordan, Syria and Iraq.

In Iraq, members of these minorities have become forgotten because they are few in number and their families became integrated into Arab, Kurdish, and Turkmen societies. Although the Dagestani Minority are scattered throughout Iraq and do not live in concentrated areas, Iraqis, however, became aware of this minority through the presence of some prominent Dagestani symbols and personalities. Moreover, people are more familiar with the Dagestani name compared to other components, such as the Circassians,⁽¹⁾ and for this reason, the latter started to call themselves Dagestanis because the Dagestanis are their cousins in terms of kinship. However, until today, they are not recognized as a component in Iraq and they are neither represented in the existing political parties, nor do they have their own parties to represent them, according to Dr. Ahmad Kato, one of the prominent representatives of the Circassians in Iraq.



Ahmad Kato

In Regards to the reasons for the Circassians' lack of political parties or currents to represent them, Kato said: "Instead of creating a party, the Circassians started to establish a charity organization in 2004 headquartered in Kirkuk and as the representative of the Circassians in Iraq, I served as the Vice President of the organization. A Chechen was nominated as a president of the organization because, according to our protocols, the

(1) For more information, see: Ethnic minorities lost in the Mesopotamia. The Iraqi Caucasus tribes integrated in the hot land and lost their language but preserved their memories, Al-Hayat, No. 16681, dated 05-12-2008.

elders should have a symbolic honorary position and the secretary general was chosen from the Dagestani component. The general assembly with a membership of 450, held its elections, but under the prevailing security conditions we were not able to transform the organization into a political entity. In addition, we were afraid of the dominance of major political currents, in case we declare the birth of an independent political stream and for this reason our final decision was to continue as a charitable and cultural organization.”⁽¹⁾

Decisions on the Prohibition of Baha’i activities

The Baha’is, also do not have political representation because of their religious beliefs, which prohibit political action, but they demand the repeal of laws prohibiting the Baha’i faith and they want the freedom of religion and belief to be constitutionally guaranteed to minorities.

Law No. 105 was issued in, 1970. Known as “The Prohibition of Baha’i Activity” Law, whereby it penalizes promoters of the Baha’i faith, persons who become part of any Baha’i forum, work to promote or call on people to join it in any way, with imprisonment. The law also stipulates that all Baha’i forums should be closed and all their activities should be suspended in Iraq. This law is still in force despite the fact that it violates the Iraqi Constitution.

The Baha’i faith teaches that, the essence of religion is a call for brotherhood, reconciliation and coexistence and is against all means by which it views clashes or divisions may occur. This places politics - the art of compromise and negotiation, having at its heart a struggle between conflicting interests - in distinct conflict with the Baha’i faith. Thus, the Baha’i faith and its adherents are against involvement in partisan politics.⁽²⁾

Abdul Razzaq al-Abayji, one of the main representatives of the Baha’is in Iraq, said: “For us, as Baha’is, participation in public life does not mean involvement in the political activities. For this reason, the Baha’is feel they serve the society by participating in the elections to choose the best person who can serve the society. They do not choose a party, an ideology or a specific political doctrine, but they rather choose persons who do not belong to any political parties and who are most qualified to serve the people.”⁽³⁾

The Representation of Iraqis of African Origin

Iraqis of African origin are a concentrated minority that lives in al-Zubair, in the al-Basra province, which is considered its stronghold. The number of Iraqis of African origin living in this city is about 200,000 according to organizations active in the field of protecting their rights.

An equal number of Iraqis of African origins live in other areas of al-Khaseeb, al-Hussein, and the al-Jumhuriyah neighborhoods and there are some who live in the al-Sadr city of the Baghdad province, forming the majority of the residents in these areas. This

(1) Interview with Dr. Ahmad Kato, one of the prominent representatives of the Circassians in Iraq.

(2) Saad Salloum, Re-examining the history of the Baha’is in Iraq, part 8, al-Mada Newspaper, issue number 3340, 18 April, 2015.

(3) Masarat interview with Abdul Razzaq al-Abayji, Dohuk, 10/10/2015.

demographic concentration allows them to be represented in the Parliament and in the provincial council if they politically organize themselves, but they tend to vote for political parties that do not represent them or defend their causes.

The year 2007 was a witness to the birth of the Free Iraqi Movement, the first political movement to represent Iraqis of African origin in the history of modern Middle East. It is a political movement that expresses their aspirations, defends their causes and seeks to revive their identity. However, it seems that it has failed in its endeavor to have any representatives in the Parliament and in the provincial council. It has been faced with a number of hitherto insurmountable challenges, such as weak financial means and the dominance of bigger political currents that would not allow the loss of a big voting bloc.

Salah Rakhis, head of the Supporters of Human Freedom Association, which protects the rights of Iraqis of African origin in Basra, said that: “Representatives of his minority have competed more than one time in the local elections, but they were not able to win any seats.” He added that 8 candidates, among them two women, competed in the 2009 provincial elections, but the prevailing social conditions and the “inferior way” people treat Iraqis of African origin, made it difficult for them to win enough votes, especially as some tribal leaders issued strict instructions to their tribes not to vote for them.⁽¹⁾



Salem Shaaban

In an interview with Masarat Foundation, Juma Salem Shaaban al-Salem al-Idani, the Secretary General of the Free Iraqi Movement, explained the difficulties that hinder the political participation of Iraqis of African origin. He said that he, and other members of the Free Iraqi Movement, were nominated for the Federal Parliament and for the 2010 al-Basra provincial elections and that he depended on his fame as an international athlete hero among sports circles. “I won more than 200 votes and my fellow colleagues too won a number of votes, but none of us was able to win a seat in the provincial council because other competing currents and parties had huge resources and distributed money and aid to people to vote for them,” he said, “while we did not have anything to offer to people, other than our electoral promises!.”⁽²⁾

⁽¹⁾ Interview with Salah Rakhis, the head of the Supporters of Human Freedom association, al-Basra, 8/10/2015.

⁽²⁾ Interview with Salem Shaaban Juma al-Salem al-Idani, the Secretary General of the Free Iraqi Movement, al-Basra.

In his attempt to improve his winning chances, al-Idani entered into alliances with some political currents, but he was not able to achieve any gains. On these attempts, he said: “In the 2011 parliamentary elections, I was nominated by the Ethnic Groups Interests bloc, which is a Kurdish slate, but it did not provide me with any support and for this reason I withdrew from the elections, because the insurance amount requested by the Independent High Election Committee (IHEC), was beyond my personal financial capacity. Small parties and independent persons cannot compete with major parties that receive enormous support and huge financial resources.”⁽¹⁾

The assassination of Jalal Thiab, an activist in the defense of the rights of Iraqis of African origin in 2013, was a serious blow to the demands of Iraqis of African origin. These demands focus on ending social discrimination against them and giving them the opportunity to be represented by allocating a quota for them, similar to the quotas allocated for other minorities, both in the National Parliament and at the level of local governments, in order to have their voices heard.⁽²⁾

(1) Interview with Salem Shaaban Juma al-Salem al-Idani, the Secretary General of the Free Iraqi Movement, al-Basra.

(2) Interviews with Iraqi activists of African origin, al-Basra.

8. RECOMMENDATIONS

To the Iraqi Government:

1. The Iraqi Government should create adequate conditions for the effective participation of minorities, as an essential part of the reform package launched by the Iraqi Prime Minister, Haider al-Abadi.
2. It should take effective measures to improve the active participation of minorities, as means to ease tensions and work toward the goal of conflict prevention. This should be achieved as a part of any security plan or other plans that aim to achieve stability in the future.
3. It should take effective measures to eliminate discrimination, such as the development of independent commission to monitor complaints so as to prevent discrimination and fraud in elections. Intimidation policies and any actions that would prohibit the effective participation of minority members in the electoral processes should be removed. These instruments should be made available in the languages of the various minorities, in the central and southern areas of Iraq, and in the areas of the Kurdistan Region, in order to make it easier for minorities to voice complaints.
4. It should open channels of communications with political and religious representatives of minorities in order to ensure there is an objective, continuous and multi-directional dialogue. (This cannot be achieved if there are no effective channels of communications).
5. Considering all processes necessary to ensure proper resolution of minority grievances related to Government workings, efficiently. It should take measures to improve the participation of minorities in the Government (on both, the executive and administrative levels). These measures may include the allocation of seats for minorities in the membership of main committees, advisory bodies and other high-level apparatuses.
6. It should create a high-level commission, to address issues of importance to minorities. This commission should preferably be administered by persons who members of minorities.

To the Independent High Election Commission (IHEC)

1. IHEC should decrease the fees to register parties in the electoral process, from 50 million to 15 million dinars, in order to enable small and minority parties to register and participate in the elections. Ultimately, IHEC should exempt minority par-

ties from these fees altogether because electoral competition involves other costs which when added to the cost of registration may be prohibitive.

2. It should ease, the complicated and unjustified procedures, as it relates to, registrations for the elections, acquiring election cards and voting. For example, when it comes to voting procedures of voters outside Iraq, IHEC should accept old personal documents of voters or their passports, because they carry the name of the country of origin, of its bearer.
3. It should ensure that the above measures do not discriminate against anyone, on ethnic, religious, or sectarian, basis and they are not tedious for persons, who meet the required conditions.
4. It should consider putting in place necessary arrangements to ensure, the right of political participation of displaced minorities and other members of displaced communities. These arrangements should allow them to vote in their new precincts, because it is not unlikely, they lost their identity cards while fleeing their cities and towns, or they do not have any documents which prove their new places of residence.
5. It should provide displaced minority members, residing in neighboring countries, with needed facilities to enable them to participate in the elections.
6. It should provide information on voting procedures in all recognized minority languages, especially in the geographical areas in which these minorities are concentrated. This should be the responsibility of bodies responsible for the elections in the various regions and provinces.
7. It should take measures to overcome language barriers to minority participation in the electoral process and remove obstacles in their way that prevent them from exercising their electoral rights, such as illiteracy and poverty, which are exacerbated if the voting centers are relatively far from their places of residence or if they do not have the freedom to reach the voting centers.

To the international community

Training programs conducted and supported by UNAMI in Iraq or the international community should focus on building the capacities of minorities and training them to be able to participate effectively in public life. These programs should:

1. Involve minorities in all steps that lead to the development of programs and launch educational campaigns to promote the effective political participation of minorities.
2. Develop customized educational programs for minorities to raise their electoral awareness by providing them with adequate information on how to participate in the elections, stimulate their sense of responsibility and help them understand the importance of exercising their right to vote in a way which encourages them to get involved in politics. These programs should be conducted by qualified and knowledgeable personnel and customized to address the needs of the various minority groups.

3. Provide adequate training for youth of minorities and women in the areas of negotiations, communications, advocacy, policy-making and good governance skills, to allow a wider sector of minority members the opportunity to participate in public life.
4. Provide training for the political representatives of minorities in public administration, building alliances, public speaking, formulating programs and strategic planning.
5. Provide minority organizations with training to train local trainers capable of providing expertise in the field of campaigning and raising political participation levels.

To Civil Society Organizations (NGOs)

1. Civil society organizations, concerned with minority rights, should encourage constructive cooperation between minority communities and the Parliament, provincial councils, local councils and executive institutions of the Federal Government.
2. They should effectively coordinate and create networks among themselves and minority groups and organizations in order to exchange expertise, share effective methods and maximize available resource in order to mobilize minority members and energize them into participating in public life.
3. They should avoid redundancy and replication of similar projects and develop a precise strategy to be implemented step by step through more effective coalitions that focus on promoting diversity in all economic, social, cultural and political fields.

To Public and Private Media

1. The state should facilitate increased participation of minorities in public media (funded by public money), such as the Iraqi Media Network (General Authority for Broadcasting Services and Transmission IMN) by allowing minorities to participate in the council which administers this network, broadcasting services committees and production teams.
2. The state should not allow the IMN to become dominated by major political parties and in particular, by the party of the Prime Minister. This domination has become a common practice by successive governments, and it undermines the purpose for the creation of this network, which is financed by public money, and should therefore serve public interest, as stipulated in its law.
3. IMN should make efforts to inform Iraqi society about minority concerns by broadcasting programmes in the languages of minorities and by stressing the importance of their political participation.
4. IMN should prepare special programmes during elections that aim at raising electoral awareness among minority members and it should seek to provide a balanced coverage of events in order to allow all candidates, including those of the minorities (who are deprived of their own media outlets) to have access to the media and to promote their political agendas.
5. Private media and media organizations should take serious steps to ensure diversity of their employees to reflect the diversity of the society.

6. Private media and media organizations should encourage minorities to create and administer their own public and private media outlets and to publish their various publications in their own languages and in other languages.

Recommendations to Major Political Parties Regarding their Relations with Minority Parties

1. Major parties should curb their desire to interfere in the selection of candidates of the minorities' electoral slates or in directing voters to vote for a particular candidate or a specific list.
2. They should refrain from using members of minorities in their electoral slates in order to compete for the quota seats allocated to minorities or to distract minority voters by supporting candidates loyal to them to hinder minority candidates from winning seats (if major parties do not want them to win these seats).
3. They should not issue instructions to any minority party to vote for a certain list or candidate and they should not instruct their non-minority members (such as public employees and members of the army, police and security apparatuses) to vote for candidates loyal to them.
4. There should be restrictions on political parties' programs to prohibit inciting hatred as well as on the electoral propaganda that might incite violence to achieve political and electoral gains.
5. They should highlight the diversity of Iraqi society and make efforts to focus on preserving it in their political programs.
6. They should aim to diversify membership in their own parties and draw up plans to attract minority members to join them.
7. They should allocate part of their resources to support the effective participation of minorities in political, economic and social life and they should involve minorities in consultations aimed at mobilizing large segments of the society to adopt national policies that have public support.
8. The principle of political representation is built on the proportional representation of all population segments by elected members. Thus, these parties should support the political participation of minorities by listing minority candidates among the first names to appear on the parties' slates in order to increase their chances in reaching the legislative branch of government.

Recommendations Related to Minorities' Disputed Areas

Minority areas in Iraq are now scenes of violent conflicts (the Ninewa Plain, Sinjar in the Ninewa province, the Kirkuk province, and the Diyala and Salahuddin provinces). Minority rights should be taken into account in the negotiations aimed at reaching a peace agreement between all groups affected by the conflict, including those who are not active players in it (in this case the minority groups), all of whom should participate in the settlement process. Representatives of minorities fear they might be marginalized and prevented from participating in the peace negotiations and they fear the fate of areas considered their home or their geographical concentration areas in the post-Daesh era could be determined without their involvement.

For All the Above Reasons, this Report Recommends:

1. The adoption of an approach based on the involvement of minorities in any peace negotiations on the future of the disputed areas. This approach contrasts with the approaches adopted in many conflicts in which states and the international community usually focus on meeting the demands of groups associated with armed movements. This approach may lead to peace agreements that guarantee the rights of some groups at the expense of minorities.
2. The delegation of authority to minorities to administer their own affairs adequately. Currently, authority is given below provincial level and does not exempt the state from its general responsibility or reduce it. On the contrary, it relies on subdividing responsibilities into smaller circles, closer to the local residents and according to their needs.
3. Progress can be made in the realization of minority rights in active participation through instituting administrations to help them in managing their own affairs. However, in light of the lack of confidence in the local and Federal Governments, there might be a need to grant minorities some sort of a non-regional autonomy and to enable them to practice their right to administer their own affairs in small matters in order to restore their confidence and become capable of administering their own affairs independently.
4. The self-autonomy proposal may require the enactment of legislation in specialized areas such as education and cultural affairs (the interpretation of article 125 of the Iraqi Constitution may lead to this result) and even in other specialized areas such as the Personal Status Law. It should be noted that suggested “autonomy arrangements”, if not carefully designed, may lead to further disintegration of the state and this issue needs to be well thought out.
5. The aforementioned arrangements should take into consideration the protection of minority languages and propagate their use in public life in addition to spreading awareness of the cultures of minorities and aiding in the preservation of these cultures, thus meeting their demands relating to linguistic and cultural rights.
6. Another option that could be adopted is the creation of new provinces in areas populated by minorities to ease ethnic tensions and to create some kind of autonomy for minorities. This will reduce corruption and injustices resulting from the neglect of these areas by local governments. For example, the Ninewa province can make arrangements to create new provinces in Sinjar, Tal Afar, the Ninewa Plain, Sheikhan and the rest of the area represents the original Ninewa province, with Mosul as its center.

