

Kurdistan and the Unity of Iraq: A Referendum in a Powder Keg

The oil-rich northern province of Kirkuk is a “powder keg” that could explode destroying much of the rest of Iraq, writes Nermeen Al-Mufti in Kirkuk

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On 29 August, the Kirkuk Provincial Council voted on a demand from governor Najmaldin Karim, a Kurd and a high-ranking member of the Patriotic Union Of Kurdistan (PUK – the party of former Iraqi president Jalal Talbani), one of the leading Kurdish parties, on whether Kirkuk should take part in the referendum on Kurdish independence scheduled for 25 September.

On Tuesday, the Iraqi parliament has refused to accept the referendum on Kurdish independence, saying that Article 109 of the Iraqi Constitution states that MPs should work to ensure Iraqi unity and sovereignty. Article 50 obligates MPs to work for the unity of Iraq.

The parliamentary resolution asked the Iraqi government to protect the unity of Iraq and to take all necessary measures towards this end, including beginning dialogue with the Kurdish Regional Government (KRG) in northern Iraq to solve the region’s problems and head off the referendum.

The Turkmen and Arab blocs in the Kirkuk Provincial Council in August boycotted the meeting, which was attended by 24 of its 41 members, including governor Karim. Twenty-two voted in favour of participating in the referendum, leading to denunciations from the Turkmen and Arab members, who said it was unconstitutional and represented only the policy of the Kurds.

However, at a press conference Karim said that all ethnic groups had been represented.

“The Turkmen and Arabs who boycotted the meeting did not represent their people,” he said.

Majeed Ezzat, a member of the Turkmen bloc, told Al-Ahram Weekly that

“those who boycotted the meeting are the real representatives of our people. The others, whether Turkmen, Arab or Christian, are members of the Kurdish bloc and were on the Kurdish list in the local elections. They have been brought by the Kurds and follow Kurdish policies.”

Aziz Omer, a Turkmen political analyst, told the Weekly that during the former Baath Party

regime in Iraq there were Kurdish parties in Baghdad, but the “real Kurdish parties” did not recognise them.

“They used to say that the Kurdish parties in Baghdad were fake and parts of the regime,” he said, adding that “the leading Kurdish parties began doing the same thing after [the fall of the Baath regime in] April 2003, establishing and funding many Turkmen parties in the city of Erbil and so-called disputed areas in a bid to impose Kurdish policies.”

Iraqi Prime Minister Haider Al-Abadi and many leading political blocs in Iraq have rejected the decision of the Kirkuk Council because Kirkuk and the other disputed areas are not part of the KRG, and they have refused to accept the referendum that they say violates the Iraqi Constitution that confirms the unity of Iraqi territory.

Hadi Al-Amiri, head of the Badr Organisation, a political bloc, has asked the Kurds to choose either the referendum or Article 140 of the Constitution regarding the so-called disputed areas.

MP Hassan Turan, a Turkmen representative from Kirkuk and a member of the legal committee of the Iraqi parliament, told the Weekly that

“the Kurds’ pretext is that Article 140 has not been applied. But this article is controversial. The Kurds are demanding that it be applied and the Turkmen have said the article should be modified.”

“But the two parties [Turkmen and Kurds] have not asked the opinion of the Iraqi Higher Federal Court.”

Turan said the Arabs and the majority of the blocs in parliament had the same opinion, agreeing that Article 140 is inapplicable because it generates problems over borders that could lead to the amalgamation of governorates.

In a 2009 report, Staffan de Mistura, UN secretary-general special representative in Iraq from 2007 to 2009, had said that Kirkuk was a “perfect fit” for the province, Turan said. The report had set out a road map for solving the Kirkuk issue on the basis of agreement among all the ethnic components of Kirkuk.

“The Turkmen will boycott and refuse the results of the referendum and will go to the Federal Court,” Turan said, adding that “any problems regarding Kirkuk and the so-called disputed areas cannot be solved without the participation of the Turkmen.”

Torhan Al-Mufti, general-secretary of the Iraqi Higher Commission for Coordination among the provinces, told the Weekly that

“local elections have only been held once in Kirkuk since 2004 because there are doubts about voter-registration records. These should be reviewed according to Article 37 of the elections law.”

"If elections cannot be held, how can a referendum," he asked.

Al-Mufti said the result could not at present be taken into consideration either in Iraq or elsewhere. When the constitution was written, he said, there was the Taamim governorate and the term Kirkuk in Article 140 did not clarify whether it referred to the city, township or province.

MP Mohamed Tamim, an Arab representative from Kirkuk, told the Weekly that

"the real representatives of the Arabs in Kirkuk are those who were elected by the Arabs in the province, and we refuse the referendum."

"I have heard that the Kurds are using the referendum to push Baghdad into accepting their conditions, especially on the funding issue, but they should pay Baghdad \$28 billion from the proceeds of policing the northern borders and selling the oil of Kirkuk."

Tamim said that the Arabs in Kirkuk had been asked to boycott the voting, and "we have warned it could generate a new wave of ongoing violence."

MP Emad Youkhanna, a Christian from Kirkuk, issued a communiqué rejecting the referendum in Kirkuk and denouncing the Christian members of the council who had voted in favour of it.

Mohamed Mahdi Al-Bayati, a Turkmen politician and the commander of the Badr Northern Axis who is from Tuz Khormato 74 km south of Kirkuk, another disputed area with a Turkmen majority and part of the Salahuddin Province, told the Weekly that

"in Tuz Khurmato, the Kurds might put ballot boxes in their party buildings, but they could not put them in the Turkmen neighbourhoods because the political equation is different than it is in Kirkuk. Here the Turkmen have the power."

"We will refuse the results of the referendum in Kirkuk and elsewhere," he said.

The Diyala Provincial Council has rejected the referendum, yet many towns in Diyala will participate in it, among them Kara Tepe, where more than 60 per cent of the population are Turkmen, according to a source from Kara Tepe who spoke to the Weekly on condition of anonymity.

Three members (one Turkmen and two Arabs) from the 15-member town council have refused the referendum, and the Turkmen member has begun receiving threatening messages, he said. In Mandly (60 per cent Arabs and 25 per cent Turkmen) in Diyala Province, 90km northeast of Baghdad, the Arabs have organised protests against the referendum.

Masoud Barzani, the president of the Iraq Kurdistan Region who has insisted on holding the referendum on 25 September, has said that an independent Kurdistan "won't be a Kurdish national country, but will be a country for all ethnicities living in it".

One Kurdish political analyst who spoke to the Weekly on condition of anonymity said that

self-determination was the right of all the nations in Iraq, but that Kurdistan would need to be recognised as a new state by the UN.

When South Sudan became a new state, some 80,000 documents were presented to the UN, for example, he said.

However, Turkey, Iran, the Arab League, the US, the EU and the UN have either rejected the referendum or demanded that it be postponed for the time being.

Iraqis who fear another wave of civil war say that there is still the possibility of negotiations to maintain Iraqi unity before the drums of civil war explode the powder keg.

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