



**Iraqi Turkmen Human  
Rights Research  
Foundation**



**Unrepresented Nations  
and Peoples  
Organization**

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## Conference Concept Note

**Name of Conference:** "Kerkuk Problem and Article 140: Defining Alternatives"  
**The views of Kerkuk's Turkmen and Arabs**

**Organizers:** Organized by the Iraqi Turkmen Human Rights Research Foundation (**SOITM**) in partnership with Unrepresented Nations and Peoples Organization (**UNPO**) with the assistance of the **office of** Ms. Ana Maria Gomes, Member of the European Parliament

**Location:** European Parliament, Brussels, ASP 5G2

**Date:** 23 June 2008, 01:00pm – 04:30pm

**Topics:** Kerkuk is a city rich in both oil and history. Home to Turkmen, Kurds, Arabs, Chaldean-Assyrians, and other indigenous communities, Kurdish claim of the city is at present subject to both conflict and controversy. The Turkmen and Arab leaders, citing their historic presence in the city, have expressed opposition in particular to its proposed inclusion in the nearby Kurdish region. Selecting from article 58 of the Transitional Administrative Law (TAL) for Iraq, article 140 of the Iraqi constitution was extracted to mandate a resolution of this dispute through a process of normalization and a census, followed by a referendum to be held no later than 31 December 2007. This mechanism had however proved largely ineffectual and was not realized. The referendum appears as a consequence potentially set to deliver yet further instability and volatility.

The shortcomings of the process so far stem in part from a failure to define adequately a number of the key provisions outlined in article 140; the link between the components of normalization, census, and referendum; eligibility to vote; the threshold needed for a decision; and the boundaries of voting districts. Most crucially however, there has been little discussion of what options are to be presented to voters in an eventual referendum. This, in particular, has resulted in discussions reducing to a simple dispute between those who would see Kerkuk included in the Kurdish region and those who oppose this. There has consequently been little room for constructive compromise.

Acknowledging that the prevailing status-quo serves none of its citizens, Iraqi Turkmen participants opposed to the city's inclusion in the Kurdistan region will be invited to present a proposal by which Kerkuk might be administered as a distinct Governorate or federal region within Iraq. This is already the solution preferred for Baghdad, as well as many other disputed cities around the world.

Iraqi Turkmen have remained marginalized during the process of reconstructing the Iraqi state after 2003, arguing that relatively little has been achieved with respect to correcting the past injustices they have suffered. The recent waves of disproportionate Kurdish immigration into Kerkuk raises suspicions of the role this might play in the imminent referendum on the city's future status.

The conference would aim therefore to begin a process of rephrasing the discussion of Kerkuk's future status in more constructive terms, principally by offering an alternative picture of its final status.

This conference aims to convene representatives of Iraq's new institutions with European policy makers with an interest and opportunity to influence the reconstruction of the Iraqi state. The concerns of the Kerkuk's Turkmen and Arabs will be presented by some of their most prominent figures in an effort to ensure that the next crucial steps in the reconstruction process proceed in a manner consistent with the principles of democracy, human rights, and the genuine inclusion of all affected not-ruling communities (minorities) in the region. These are principles without which a stable Iraq will inevitably remain illusive.

**Invited contributors:**

**Ana Maria Gomez**, MEP, *Parliament's Rapporteur on Iraq*

**Ali M. Sadeq**, *member of Kerkuk City Council*

**Marino Busdachin**, *UNPO General Secretary*

**Mohammed Kh. Nasef**, *Member of Kerkuk City Council, member of article 140 committee*

**Mohammed Mahdi Ameen**, *Member of the Iraqi Parliament*

**Muzaffer Arslan**, *Advisor on Turkmen Affairs to the President of Iraq H.E. Jalal Talabani*

**Rakan S. Ali**, *member of Kerkuk City Council*

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