

The Kurds rule their region independently, disproportionately share in the administration of the Iraq and control the Iraqi legislative mechanism in two levels

It is a huge mission to introduce the democratic system into a society which has never dealt with the democratic culture. Additionally, there are several other factors complicate the democratization processes and obstruct the functioning of the Iraqi Parliament:

- The inexperienced and newly built total administrative framework of the Iraqi state
- The **inevitable** Iraqi general elections, which it was structured in a state lacking the simplest requirements, consequently brought the legislators to write a muddled constitution under the circumstances of racism and sectarianism.
- The state of occupation and the occupation authorities who works for its own interests.
- The Kurdish factor, which will be discussed in this article

The odd demands of the Kurdish actors can be considered one of the major threats to the political stability in Iraq, which indirectly influences the security and economical stabilities.

The Kurds rules their region independently

The Kurdish region is now almost completely administered by the Kurdish authorities. Today, the boundaries of the Kurdish region are controlled with the numerous checking points. The Iraqis from out of the Kurdish region should have permission from the Kurdish authorities to enter or reside in the region. The militant Kurdish Peshmerages are hold as military forces. They hold freely external contracts, such as with the oil companies. The Kurds also dominate the administration of numerous towns in the disputed areas, such as Kerkuk and Mosul.

The Kurdish presence in the Iraqi Government

In addition to the independency in their region, the Kurdish involvement in the Iraqi government is much higher than their size in Iraq. The Iraqi census of 1957 enumerated the percentage of the Kurds in Iraq as 13%, the estimation of the English mandate officers put the figure to 17%. Today, the Iraqi government include five Kurdish ministers, the deputies of prime minister, president of the Iraqi parliament and the president of Iraq. There are large numbers of Kurdish high-ranking staffs in all the Iraqi ministries.

The Kurdish presence in the Iraqi Parliament

The number of the Kurds in the Iraqi parliament is also much higher when compared to their population size in Iraq. They constitute 58 of 275, which makes 21%. This was mainly due to the manipulations of the election and increase of the voter lists in both Kurdish region and disputed areas whitch they control. The Sunni protest of the elections can be considered another cause.

A Scene from the Iraqi Parliament: Kurdish actors control the legislative mechanism

Nowadays, the Iraqi parliament discusses the Provincial Election Law, which is certainly considered one of the major issues in the way of building the democratic Iraq. Kirkuk city and its issues continued to form the major disputed subject, during the latter several sessions of the Iraqi Parliament. During these sessions, the Iraqi parliament examined different suggestions of which the two were prepared to be presented for voting in the parliament: to postpone the election in Kerkuk, either with or without power sharing. ***Then the majority voted in favour of the delaying Kerkuk election with power sharing and preparation of a neutral environment for a fair referendum.***¹ The Law was passed and presented to the Iraqi presidency for approval.

The validity of the Law

Two hundreds twenty seven members(227) of the Iraqi parliament participated in the session of 22 on July 2008, during discussion of the article 24, which is related to the election in Kerkuk, some of the parliamentarians enquired the secret ballot and others wanted the public voting procedure. This was presented for voting by the parliamentarians. The majority voted for secret ballot. (Rejecting the secret ballot), the Kurdish bloc and several members mainly of the Supreme Islamic Iraqi Council and its allies **Badr** subgroup walked out. Hundred and forty (140) members stayed in the hall which forms the absolute majority according to the Iraqi constitution. Hundred twenty seven of 140 voted in favour of the Law. According to the Iraqi administrative regulations and constitution the procedure is legal and valid.

The Kurdish attempts to abort the Law

With the beginning of secret ballot, the Kurdish group started attempts to discard the Law. The Kurdish bloc left the session. The Kurdish assistant of **Al-Mashadani**, the speaker of the Iraqi parliament, **Arif Tayfur** addressed the members of the Iraqi Accordance Front, saying that the Kurdish bloc supported the appointment of their ministers in return of support of the Kurds with Kerkuk Issues. **Tayfur's** unalienable attempts, to frustrate the Law, continued by saying that the non-parliamentarians have participated in the ballot. Noting worth that the Kurdish bloc foiled the same law in the different session when they walked out too. The head of the Kurdish bloc in the parliament, **Fuad Masum**, accused the president of the Iraqi parliament of conspiracy and warned that the Law will never be passed without permission of the Kurds.

This campaign is supported by **the Kurdish president** of Iraq. The Law was rejected by his office before officially reaching to the presidency office. The presidency office constitutes, the president, a deputy from Shiite bloc and other from Sunni bloc, whom they all should have consensus for rejecting a Law. As violation of the regulations and disregarding the Sunni deputy, the Law was rejected by the presidency office. The **Kurdish regional government** rejected the Law and described it as not democratic and against the Iraqi Constitution without giving any explanation. The **Kurdified Kerkuk city council** refused the Law with the absence of the Arab and Turkmen members. **The Kurdish press** participates in this campaign by announcing that the speaker of the Iraqi parliament has betrayed the Kurds and he is the enemy of the Kurds.

The attempts to obstruct the procedure were supported by the several members from different blocs. The efforts of Arif Tayfur, Al-Attiya and Jalal al-Saghir to create pandemonium to stop the session were failed. When Jalal al-Saghir failed to force Al-Mashhadani to postpone the session, he ordered the blocs of Supreme Islamic Iraqi Council and Badr to leave the hall. Al-Attiya shouted to the face of Mr. Al-Mashadani saying that the Iraqi presidency council will veto the Law.

The invalidity of rejection of the Law

The Kurdish coalition refused the Law almost only due to the secret ballot.² The Kurdish president of Iraq claimed that the procedure has violated the Iraqi constitution without any clarification how the procedure violated the constitution. Those from the Supreme Islamic Iraqi Council, such as the Parliament's deputy Khalid al-Attiya, showed the absence of Kurdish bloc as a cause to the misconduct of the Law. All those who refused the Law, including the Kurdish president of Iraq, presented the absence of the conformity as a major reason of the invalidity of the Law.

It is well known that the secret ballot is not banned by the Iraqi constitution and the conformity and conventionality are not an entry in the Iraqi constitution. Additionally, the conformity was repeatedly violated in the sessions of the Iraqi parliament. The Law of the federalism passed with the absence of Sunni, Fadhila and Sadr blocs. Further more, the number of the parliamentarians participated in that session was 133, which is below the legal number which the Iraqi constitution requests. Hundred thirteen members voted for the Law. The Law which grants 17% of the Iraqi budget to the Kurdish region was also passed with the absence of complete groups, despite that 17% is much higher then the percentage of the Kurds live in that region and even in Iraq.

Why the Kurdish actors refuse the secret ballot?

The intimidation is the main reason for which the Kurdish blocs insist on the public ballot in the sessions of the Iraqi parliament. According to the different sources, the Kurdish parliamentarian **Arif Tayfur**, the parliament's Kurdish deputy, threatened to kill the parliamentarian Mohammed. Tamimi For trepidation, it is also reported that **Tayfur** photographed the parliamentarians who remained in the hall to vote on the Law.

Worth noting that the members of the constitutional committee Dr. **Mujbil Isa al-Jouburi**, a specialist in the international Law, Dhamin Hussain al-Ubaidi and Aziz Ibrahim who were gunned down at 19 July 2005 were strongly rejecting different items in the article on federalism. Dr. al-Jouburi was against most of the items of the Article 140. They were killed when they left the building of the Iraqi Parliament for lunch in a restaurant. Dr. **Sabri Abd al-Jabbar**, from the Open College for Education in Kirkuk was frequently participating in the television programs about the article 140, He was threatened to stop criticizing the article 140. Later on, he was kidnapped from the front of his house in late October 2007 and his body was found on 1 November 2007 on a road side in the north of Kerkuk. The recent killing of **Kadhim Abbas** from the Shabak (Shah Begs) community is another case to frighten the opponents.³

The other factor which makes the Kurdish actors refuse the secret ballot is to control the unlawful contracts which the Kurdish group hold with the individual parliamentarians or political blocs. During the public ballot the members of a bloc should obey the orders of their leaders.

The Kurdish solution of the problem

The Kurdish authorities persist on two options either to organize the election as in the other provinces or to postpone the election without power sharing. In both cases, they maintain on the realization of the normalization processes, census and referendum under the Kurdish hegemony of the Kerkuk administration. They already brought more than half million Kurds from surrounding areas and established them in Kerkuk.

-
1. The same option was included in between the suggestions of Stefan de Mistura for solving of the provincial election in Kerkuk.
 2. The Iraqi constitution doesn't prohibit the secret ballot, in contrary, the constitution states secret ballot in several occasions.
<http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>
 3. Press Release by SOITM entitled: "To the international community: The Iraqi people are in severe need of your help", http://www.turkmen.nl/1A_soitm/PR.20-G1308o.doc