

OPEN DEBATES #5:

The Quota System: Limiting or Securing the Representation of Ethnic and Religious Minorities in the Kurdistan Region of Iraq

Date: August 16th, 2018

Venue: Erbil, Kurdistan Region of Iraq

Number of Speakers: 10 Speakers, 3 moderators, 3 concluders

Number of Audience Guests: 92 registered participants

OPEN THINK TANK (OTT) organized its fifth conference under the name of *Open Debates #5* in partnership with Konrad Adenauer Foundation (KAS), Syria/Iraq office. The *Open Debates* is a series of public events such as conferences, meetings and workshops held by Open Think Tank in collaboration with its partners.

Introduction

The Kurdistan Region of Iraq (KR-I) is home to a religious, ethnic and cultural diversity. Along with the Kurds, other ethnic groups such as Chaldo-Assyrians, Turkmen, Armenians and Arabs live in the KRI. In addition to the Sunni and Shia divisions of the Islam, there are other ancient religious groups, such as Christians, Yeazidi, Kakaís, Shabaks, Zoroastrians and Sabis. The Sunni Muslim Kurds are the majority of the region and they hold the majority of the power and positions. The institutional arrangements of the KR-I grant a legal right to the ethnic minorities to hold a secure representation at the parliament due to a quota system. The quota system in KR-I secures 11 seats for the Assyrian-Chaldean, Turkmen and Armenian out of 111 seats of the region's parliament. This system gives a secure representation for these three ethnic groups but do they really feel represented? What are the advantages of the quota? There is also a significant number of ethnic and religious minorities who are not represented and this quota system does not include them in decision making. Therefore it is important to debate the reason for the misrepresentation of the other ethnic and religious groups.

The dominant political parties in the KR-I, are frequently accused of manipulating the minority quota for their own interest. This is done through their support to certain candidates who are usually members of their party within the minorities. This issue needs a closer look and deeper debate in order to understand the way quota system is manipulated by the dominant parties for their own interest. There is also a high demand by the represented and misrepresented parties in the government to amend the election law (Law 1, year 1992, amended) in a direction that it could grant the minorities a real representation.

The objective of this one-day Open Debate is to debate the representation of the minority groups and their participation in decision making. The conference aimed at determining to what extent the representatives of ethnic and religious minorities in KR-I agree regarding the current e quota system. In addition, this Open Debate attempted to identify possible prospectives and improvements for future amendments. The main objective of this project was to create a space where the representatives from ethnic and religious minorities and also those in decision making gather for a dialogue to reveal to what extent the ethnic and religious minorities elites are satisfied with the existing quota system and what can be done for further improvements.

The participants of the Open Debates #5 were mainly legislators, decision makers, political party leaders, community leaders from Ethnic and religious minority groups in KRI. In addition, a number of policy makers, experts, academics, media and civil society representatives, representatives of embassies, consulates and diplomatic missions to KRI and Iraq were present at the event.

The Three Panels, Panelists and the Questions Raised:

Opening Session: Welcoming words by **Mohammedali Taha**, President of Open Think Tank and the **Laure Fargelat** representative of Syria/ Iraq Office of the Konrad Adenauer Foundation

Panel 1: Ethnic and Religious Minority Parliamentary Representatives in the KRI

The panelists:

1. **Dr. Vivan Dakhil**, Former Member of Iraqi Parliament, Yezidi
2. **Aydin Ma'ruf**, Member of Kurdistan Parliament, Turkmen Front
3. **Dr. Srood Matti**, Member of Kurdistan Parliament, Descendants of Mesopotamia
4. **Yerwant Amenian**, Member of Kurdistan Parliament, Armenian
5. **Hozan Nayif**: Lecturer at University of Duhok, Panel Chair
6. **Dr. Madhat Suleiman**: Senior Advisor of Kurdistan Parliament, Panel Conclusion

The main questions raised during this panel were the following:

- o How does the quota system function in securing the representation and participation of the minorities in the KR-I?
- o What are the main concerns regarding the quota system for minority representation in the KR-I?
- o Does the present quota system secure or does it limit the representation of the minorities within the decision-making process?
- o What are the law amendments can be brought to improve the quota system in the KR-I?

Panel 2: Political Parties and the Quota System

The panelists:

1. **Dr. Ja'far Eminky**, Deputy President of Kurdistan Parliament, KDP Politburo Member
2. **Mr. Adnan Mufti**, Former President of Kurdistan Parliament, PUK Politburo Member
3. **Dr. Farsat Sofi**, MP of Kurdistan, Panel Chair
4. **Dr. Abdulhakeem Khosro**, Lecturer Salahaddin University, Panel Conclusion

The main questions raised during this panel were the following:

- o What are the advantages and what are the limitations of the present quota system?
- o What place for does the present quota system provides for the ethnic and religious minorities in the decision-making process in the KRI?
- o Does the present quota system secure or does it limit the representation of the minorities within the decision-making process?
- o What can be improved in the application of the quota system in future?

Panel 3: Ethnic and Religious Minority Advocates and Activists in the KRI

The panelists:

1. **Nawzad P. Hakim**, General Coordinator/NFK
2. **Karim Suleiman**, Advisor of the Ezidi Spiritual Council
3. **Rajab Kakeyi**, Kakeyi Activist
4. **Sarmad Bahaei**, Bahaei Community Official Representative in KRG
5. **Hogir Chato**, President of Public Aid Organization, Panel Chair
6. **Dr. Abdulrahman Darwesh**, head of K24 research center, Panel Conclusion

The main questions raised during this panel were the following:

- o What are the advantages and what are the limitations of the present quota system?
- o Do the larger political parties manipulate the quota system for their own interest? If yes, how? If not, what makes the minorities to feel the need for amendment?
- o Do the larger parties interfere in the minority quota? How?
- o What can be improved in order to secure the representation of ethnic and religious minorities in future in the KR-I?

The Outcomes of the Open Debates #5:

The conference created a space to better understand the political and civil participation of the minorities in the extent of KR-I. The main question of the conference was whether the existing quota system secures or limits the political participation of the minorities in the KRI. The three panels of the Open Debates #5 were aimed at determining the extent to which the existence of the quota system is in favor of the minority groups and identifying the need for amendments, legal provisions and the possibility of presentation of new legislations in this regard. In addition, the factors that are limiting the effective application of the rights of minorities in KR-I, to certain extent were identified by the speakers and the participants.

Panel One:

In the first panel, the representatives of the minorities in the KR-I presented their perspectives on the subject. The speakers of this panel represented Chaldo-Assyrian, Turkmen, Yezidi, and the Armenian minorities in the region. The panel took one hour and forty-five minutes. The four speakers presented in one hour and the next forty-five minutes of the first panel were dedicated to the debate of the speakers and the conference participants. The following are the main points raised during the first panel:

- The existing law and the quota system that guarantees the political participation and secures 11 seats of the Kurdistan Parliament-Iraq is a positive step and it needs to be improved.
- Coexistence in the KR-I compared to the other parts of Iraq is more secured. The minority rights and their participation is in a better shape in the KR-I in comparison to the federal government in Baghdad.
- The quota system is currently the only way to secure the representation of the minorities. They won't be represented otherwise.
- The existing quota is based on the ethnicity of the minority groups. The possibility of introducing the **Religious Minority Quota** was debated.
- A quota for Yezidis is important to be considered in the amendment of the law.
- There is a 30% quota for women to enter the Kurdistan Parliament which is also a positive step towards securing women participation.
- In the last two elections women have proven that they are able to enter parliament without a gender quota. The women quota also needs an amendment.
- The proposal to have a special ballot for the minority voting was discussed. This proposal suggests having a completely separate voting and ballots for different minorities. It even suggests a different day than the general elections for the minorities to vote. Voters from minorities have the right to vote only for the candidates of their respective minority group. The candidates from each minority receive votes only from members of his/her community not from outside.
- There is a quota system which secures the representation of the minorities but there is no such system for the executive power. There is a need for a legislation that secures the representation of the minorities in the executive power.
- The dominant political parties manipulate the minority quota for their own interests. They always have their own candidates within the quota lists and they prioritize them by mobilizing their members from outside the minorities to vote for those candidates. Therefore, other minority candidates are not able to compete with the ones that are supported by the larger political parties.
- The proposal for the Yezidi quota is mainly rejected by the political parties of Silemani. This is because the Yezidis are mainly populated in Duhok area where the KDP is

powerful. This makes the parties of Silemani to think that the Yezidi quota will be in favor of KDP.

Panel Two:

The two speakers of the second panel represented the two main political parties in the KR-I. Jaafar Eminki, the current deputy present of the Kurdistan Parliament and KDP politburo member and Adnan Mufti, the former president of the Kurdistan Parliament and PUK politburo member. The two parties are considered as the main designers of the political institutions in the KR-I since 1992. Having them at the Open Debates on this particular subject of the minorities political participation is of a great importance since both have been in the position of decision at the parliament from the two main political parties. The following are the main reflections of the second panel:

- The existing laws in the KR-I guarantee the political participation of the minorities.
- The KR-I dominant political parties are supportive towards securing the rights of minorities.
- The dominant political parties have proposed to change the usage of the term *minorities* into *components*. This is at least to avoid using it in the formal setting with a political claim that no one is minority and all are components of this region.
- Religious minorities urge for an active representation and participation by amending the electoral law and changing the quota system.
- Special Ballot system to be considered for the minorities in future amendments of the electoral law.
- The disputes among the KR-I political powers especially after 2013 played a negative role in guaranteeing a better participation or representation of the minorities.
- The disputed territories and the unwillingness of the federal government to solve the issue according to the article 140 of the Iraqi constitution, has made the issue more complicated.
- The minority rights need to be secured within the government institutions as well, their participation and representation in the executive power is not fully secured.

Panel Three:

Four speakers from Bahayi, Yezidi, Christian and Kakeyi minorities presented their thoughts on the topic. The speakers were invited according to their social and civic activism within their respective communities specifically in what is related to their civic and political participation. Meanwhile, the panelists were a part of a campaign to advocate for the minority rights in KR-I specifically urging amendment to certain laws in order to secure their participation. The third panel created the space for the panelists and the speakers to reflect on the topic and exchange views and perspectives as summarized below:

- The civil society activists from the minority groups work towards securing the rights of their respective communities. They are positive towards the coexistence in Kurdistan and they work towards improving it.
- The existing laws protect the rights of minorities but there is a need for amendment.
- The minority civic activists have been actively advocating for their right of participation. Their steps in this direction have been supported by the dominant parties in power.
- The law Number 5 of the year 2015, “Minority rights protection law” is considered as a positive step towards securing the rights of the minorities. The civil Society is able to take this law as a basis to advocate for the rights of the minorities.
- The needs, appeals and demand of the minorities from different minority groups are not the same. Their requirements and needs differ from a group to another.
- The civil society plays an important role in spreading the awareness and advocating for the rights of the minorities.
- The Freedom of Religion or Belief is not fully protected in the KR-I.

Recommendations

The Open Debates #5 attempted to contribute to the unfolding of the informal dialog among the ethnic and religious minority, representatives, decision-makers, lawmakers and stakeholders regarding the political participation of the minorities. One of the main goals of the Open Debates is to disseminate the positions of these actors to a broader local, regional and international public through the event report, video and printed proceedings. The following are a set of recommendations derived from the Open Debates #5.

1. The minorities and the dominant political parties

- The parties or the representatives from the minority groups tend to adhere to one of the dominant parties in order to guarantee and win a seat within the quota. This has become the main concern for most of the minority groups. The minority parties' main fear is from the manipulation of the quota seats for the interest of dominant political parties. The possible solution to this issue could be achieved through dialogue between both the dominant/majority parties and the representatives of the minorities. These attempts could possibly lead to a legislation that guarantees the participation of the minorities with no interference by the dominant parties.
- Minorities in the KR-I need to feel represented and that they belong to the system. This could be secured by guaranteeing their representation starting from the local representation up to the parliament and the executive. It is important to have active local councils especially in the areas inhabited by the minorities.
- Changing the terms, words or phrases does not necessarily change the minority situation towards better. The term "minority" is a legal status and is internationally used. What matters more is that the minorities must be represented, secured and protected.
- The dominant political parties need to responsibly act to secure the rights of the minorities. Both minority and dominant parties need to talk with each other to find solutions rather than accusing each other.
- For some of the minority groups, retaining security and coexistence is more important than anything else. Political participation, quota or representation does not matter as

much as their protection does. The dominant parties in power should secure the protection of the minorities.

2. The Proposition of Religious Quota

- A number of panelists and participants proposed a **Religious Quota** as the solution that secures the participation of all minority groups in KR-I. This might solve the problem to some extent but it might also lead to further fragmentations or might have negative impacts on the coexistence in the KRI. The proposition of religious quota needs to be studied carefully and in details.
- The demands of the minorities from different groups are not the same. Their requirements and needs also differ from each other. Different approaches for different minority groups must be adapted. For Instance; Kakeyis have the problem of being officially recognized as a religion. Bahayis do not care much about the political positions and they rather demand securing their religious identity within the institutions. Yezidis demand for an active political participation as well as protection.

3. Article 140 and the quota system

- The implementation of the article 140 of the Iraqi constitution leads to the partially solving of the problem for the minority quota. For instance, minorities such as Yezidis would not need a quota to arrive to the parliament seats. Their voters will secure their representation. This would also change the situation of the Christians, Kakayis, Shabaks, and Sabis.
- Any amendments to the electoral law and the changing of the quota system must consider securing the participation of all the minorities in the KR-I including the Arabs.

4. Freedom of Religion and Beliefs

- The existing laws do not protect the right to convert to another religion; this should be taken into consideration in the amendments and drafting the laws.

- The Freedom of Religion or Belief should be secured, the existing laws need to be amended in this direction and new laws need to be legislated to secure the FoRB.

5. Guaranteeing participation of the minorities in the executive

- The existing laws only guarantees the ethnic minorities to be represented at the parliament. There is a need for the minorities to be represented in the executive power as well. Legislating a law to guarantee the minority participation and representation in the executive power.