



A Legal Analysis of the Constitutional Disputes

Between the Iraqi Government and the Kurdistan Region (2005- 2013)

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ARTICLE INFO

Article History:

Received: **25/7/2017**

Accepted: **27/8/2017**

Published: **Fall 2017**

DOI:

10.25212/lfu.qzj.2.5.38

**Keywords: Constitution,
Disputes,
. disputed**

referendum

Article 140

ABSTRACT

This research paper will make a comprehensive legal analysis of the constitutional disputes between the Iraqi Federal Government and Kurdistan Regional Government in a way that authorities are divided between the Iraqi Federal Government and the Kurdistan Regional Government, Powers Exclusively Given to the Federal Government, Powers Shared Between the Iraqi Federal Government and the Kurdistan Regional Government and Powers that are Neither Given Exclusively nor Shared. This paper also discusses those conflicts that arise about the distribution of powers in the Iraqi constitution between the Iraqi Federal Government and Kurdistan Regional Government. Constitutional problems include oil and gas disagreements, disputed territorial areas between Iraq and the Kurdistan Region, article 140 in Iraqi constitution, and other issues including budget.

Table of Content

Page

Abstract.....	2
Introduction.....	2
Part One: The Division of Powers Under the Iraqi Constitution.....	4
a. Powers exclusively given to the federal government.....	5

b. Powers Shared Between the Iraqi Federal Government and the Kurdistan Regional Government.....	4
c. Powers are Neither Given Exclusively Nor Shared to the Kurdistan Region.....	5
Part Two: Conflicts About the Distribution of Powers under the Iraqi Constitution	6
a. Oil and Gas.....	6
i. Kurdistan Oil Contracts.....	6
ii. The Constitutionality of the Kurdistan oil and Gas Contracts.....	6
iii. Views of Both Iraqi Federal Government and the Kurdistan Regional Government About and Oil and Gas Dispute.....	8
b. Allocating Revenues.....	9
i. Disputes about the Method of Distributing Revenue.....	9
c. Disputed Territory Areas Between Iraq and the Kurdistan Region.....	9
i. What are the Disputed Areas?	9
ii. The Basis of the Dispute.....	10
iii. Article 140 – Normalization, Census and Referendum.....	10
iv. The Expiration of Article 140.....	11
d. Peshmerga – The Kurdish Official Military.....	12
i. The Disputes Arise About Peshmerga.....	12
Conclusion and Suggestions.....	13
a- Conclusion.....	13
b- Suggestions.....	13
References	15

Introduction

According to Article 1, Section 1, of the Constitution of the Republic of Iraq of 2005, Iraq has a federal, republican, representative, parliamentary, and democratic-system of government, and the Kurdish subdivision referred to as region. In Iraq, there is only one federal region called Kurdistan which is located in northern of Iraq and the other part of Iraq is a normal area which is govern by Iraqi federal government without being referred as “region.” This regionalized situation occurred after Operation Iraqi Freedom in 2003 due to the historical background of Kurdistan and the oppression that the region faced under Iraqi Governments which was given semi-independent state. Like in European Union law, powers are distributed between the European Union and the states in a way that can be classified into exclusive, supported and shared. In the new Iraqi Constitution, some powers are exclusively given to federal government, some powers are shared between Iraqi federal authority and regional authority, and all other

powers are given to regions within their geographic jurisdiction. Since there is only one region, those powers for the other part of Iraq reserved for the Iraqi Federal Government.

Problematic of Research:

This research is trying to answer the questions of why there are several conflicts between the Iraqi Government and the Kurdistan Region and why they were never get along with each other? What are the main reasons behind that, have there been any efforts made in order to have some advancement between the two governments?

Research Goal and Importance:

The goal of writing this research is analyzing the relevant articles in the Iraqi constitution which leads to an important understanding of the constitutional issues that has risen between the Iraqi Government and the Kurdistan Region as result of non-compliances or violations of the provisions of the Iraqi Constitution.

The Research Methodology:

The methodology of this research will be analytical legal analysis of the constitutional disputes between the Iraqi Government and the Kurdistan Region.

The Plan of the Research:

This research will be divided into two parts. The first part will discuss the division of powers under the Iraqi Constitution mentioning the powers exclusively given to the federal government, the powers shared between the Iraqi Federal Government and the Kurdistan regional Government and the powers that are neither given exclusively nor shared. Part two will be about the conflicts that arise about the distribution of powers under the Iraqi Constitution focusing on oil and gas, allocating revenues, disputed territory areas between Iraq and the Kurdistan Region, Article 140 – normalization, referendum and Peshmerga. This paper will be ended with a conclusion and few suggestions.

Part One: The division of powers under the Iraqi constitution

In the new Iraqi Constitution, some powers are exclusively given to federal government, some powers are shared between Iraqi federal authority and regional authority, and all other powers are given to regions within their geographic jurisdiction. Since there is only one region, those powers for the other part of Iraq reserved for the Iraqi Federal Government.

a- Powers Exclusively Given to the Federal Government

Under the Iraqi constitution, some exclusive authorities are given to the Federal Government. Those authorities are the following (Article 110):

“First: Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; negotiating, signing and ratifying debt policies and formulating foreign sovereign economic and trade policy; Second: Formulating and executing national security policy, including creating and managing armed forces to secure the protection, and to guarantee the security of Iraq's borders and to defend Iraq; Third: Formulating fiscal and customs policy, issuing currency, regulating commercial policy across regional and governorate boundaries in Iraq; drawing up the national budget of the State; formulating monetary policy, and establishing and administering a central bank; Fourth: Regulating standards, weights and measures; Fifth: Regulating the issues of citizenship, naturalization, residency and the right to apply for political asylum. Sixth: Regulating the policies of broadcast frequencies and mail. Seventh: drawing up the general and investment budget bill. Eighth: Planning policies relating to water sources from outside Iraq, and guarantee the rate of water flow to Iraq and its fair distribution, in accordance with international laws and norms. Ninth: General population statistics and census.”

Those nine powers are only given to the Iraqi Government under the constitution, and only the Iraqi government has been exercising those powers and no disputes has been arising about those exclusive powers between the Iraqi government and the Kurdistan regional government.

b- Powers Shared Between the Iraqi Federal Government and the Kurdistan Regional Government

According to the Iraqi Constitution some of the powers are shared between the Federal Government and Kurdistan Region (Article111).

Under that article, the following competencies shall be shared between the federal authorities and regional authorities, in the other words each of Federal and regional government can practice them alone or together:

“First: To manage customs, in coordination with the governments of the regions and governorates that are not organized in a region, and this shall be regulated by a law. Second: To regulate the main sources of electric energy and its distribution. Third: To formulate environmental policy to ensure the protection of the environment from pollution and to preserve its cleanliness, in cooperation with the regions and governorates that are not organized in a region. Fourth: To formulate development and general planning policies. Fifth: To formulate public health policy, in cooperation with the regions and governorates that are not organized in a region. Sixth: To formulate the public educational and instructional policy, in consultation with the regions and governorates that are not organized in a region. Seventh: To formulate and regulate the internal water resources policy in a way that guarantees their just distribution and this shall be regulated by a law.”

To sum up, however those powers are shared between the federal authorities and the regional authorities, but under the Iraqi Constitution the priority goes to the regional law in case of conflict between other powers shared between the federal government and regional government.

c- Powers that are Neither Given Exclusively nor Shared

Under the constitutional provisions, of the Constitution, all powers not stipulated in the exclusive authorities of the federal government shall be the powers of the region within its geographic jurisdiction (Article 114). In addition, the constitution indicates that this Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region (Article 117). Article 115 states that “all powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region. Therefore, with regard to other powers shared between the federal government and the regional government, priority shall be given to the law of the regions and governorates not organized in a region in case of dispute.

Part Two: Conflicts About the Distribution of Powers Under the Iraqi Constitution

A. OIL AND GAS

i. Kurdistan Oil Contracts

Iraq is one of the countries that have a tremendous amount of oil and natural gas. Experts estimate Iraq's known oil reserves contain more than 110 billion barrels, the third largest in the world behind Saudi Arabia and Canada in 2011 and in 2012, according to the US Energy Information Administration (EIA), Iraq's oil

reserves of 112 billion barrels ranks second in the world, only behind Saudi Arabia. (Beehner, 2005) In Iraq, there are several oil and natural gas fields, and Kurdistan has several of these fields within its region. In Kurdistan, Kirkuk oil and gas fields has a significant portion of Iraq's oil and gas production, which is one of the best and purest source of quality oil in Iraq. Kurdistan has also explored other oil and natural gas fields in the recent years. (Beehner, 2005)

In 2012 oil and gas analyst in Seymour bank, Dr. Doug Youngson initiated coverage on eleven stocks and picked Kurdistan, East Africa and the North Sea as his “Top Regions”. After Saddam Hussein's fell in

2003, the Kurdistan Government signed oil and gas contracts with several oil and gas companies in 2008, and the companies started the production on June 1, 2009 (STANLY REED, 2012). Over the past few years, Kurdistan Regional Government signed oil and gas contracts with more than 35 private international companies through its own Ministry of Natural Resources (STANLY REED, 2012). Then the larger and

and larger companies showed their interests and developed their business in Kurdistan and today Kurdistan has dealings with several oil and gas companies including the huge and well-known oil and gas companies (Keystone XL, 2012). For example, Exxon Mobil and Chevron which are two of the largest oil companies in the United States came to Kurdistan and made oil contract with Kurdistan.

Companies are attracted to Kurdistan because Kurdistan offers financial terms that are more attractive than the service contracts Iraqi federal offers, and under Kurdistan profit-sharing contracts, the companies will earn \$3 to \$5 a barrel, compared with less than \$1 a barrel on oil deals in the south (STANLY REED, 2012). Bringing the oil and gas companies to Kurdistan and entering into oil and gas deals supports the regional government of that Kurdistan, which is run by an autonomous government that is often at odds with the Iraqi Federal Government (Beehner, 2005).

II. THE CONSTITUTIONALITY OF THE KURDISTAN OIL AND GAS CONTRACTS

Several debates and disputes between Kurdistan Regional Government (KRG) and Iraqi Federal government have taken place about the legality of the Kurdistan oil and gas contracts with international oil companies over the past few years, and in order to decide about the legality of Kurdistan's contracts, Iraqi constitution must be analyzed.

In examining the language of the Constitution in Article 110, 112, 115(4), a clear distinction is made about the distribution of powers between the Iraqi Federal Government and Kurdistan Region. The constitution allocates any power that is not reserved exclusively for the federal government to the regional government and gives priority to regional laws where there are disputes over power sharing. Under the Iraqi constitution, the authority to operate and manage oil and gas is not exclusively given to the Iraqi federal government. In Article 110, there are several authorities that are exclusively given to Iraqi federal government, but managing oil and gas is not one of them. Under the Iraqi constitution "oil and gas are owned by all the people of Iraq in all the regions and governorates" (Article 111). The article's language is clear enough that it should prevent disputes over the oil and gas matters.

Article 112 of the constitution establishes shared jurisdiction in certain petroleum matters by requiring that the federal government and the relevant region jointly manage extracted petroleum from 'present fields' and formulate strategic policies for petroleum development. It is important to mention that the Iraqi Constitution does not mention the future authority of managing oil and gas fields. Article 115 allocates any power which is not stipulated in the exclusive powers of the federal government to the regional governments, and gives priority to regional laws, where there are jurisdictional disputes over power-sharing.

Article 121 (Paragraphs 1 and 2) reinforces the division of powers because (paragraph 1) of the article states that "The regional powers shall have the right to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government." ; and (paragraph 2) states that "In case of contradiction between regional and national legislation in respect to a matter outside the exclusive authority of the federal government, the regional power shall have the right to amend the application of the national legislation within that region." Given the distinction in Article 112 between 'present fields' and 'other fields', the division of powers in Articles 110 and 115 and the primacy of regional power in Article 121, the legitimacy in asserting control over undiscovered fields located within the Kurdistan Region appears to lie with the KRG, rather than the federal government (Donovan, Debate continues on the legality of Kurdistan's petroleum contracts, 2011).

The Kurdistan Regional Government passed the *Oil and Gas Law* of the Kurdistan Region in 2007 (Oil and Gas Law of the Kurdistan Region of 2007 No. 22 of 2007). Articles 1(16) and (17) of the law includes several definitions, "current field" and "future field" are defined as "Current

Field: a Petroleum Field that has been in Commercial Production prior to 15 August 2005; "Future Field: a Petroleum Field that was not in Commercial Production prior to 15 August 2005, and any other Petroleum Field that may have been, or may be, discovered as a result of subsequent exploration." In addition, Article 2 of the same law states that "Second: Pursuant to Article 115 and paragraphs (1) and (2) of Article 121 of the Federal Constitution, no federal legislation, and no agreement, contract, memorandum of understanding or other federal instrument that relates to Petroleum Operations shall have application except with the express agreement of the relevant authority of the Region." Since the Iraqi Constitution does not exclusively give the power to the federal government over oil and gas matters, the Kurdistan Oil Law prevails. Further, under Article 111, whenever there is conflict between regional and federal laws, the Constitution gives priority to regional authorities.

iii. Views of the Both Iraqi Federal Government and Kurdistan Regional Government About and Oil and Gas Dispute

After Saddam Hussein's regime fell in 2003, the Kurdistan government tried seriously to bring international oil companies in to develop oil and gas in Kurdistan and they signed oil and gas contracts with several oil and gas companies in 2008. These contracts angered the Iraqi federal government against the Kurdistan government, and the disputes over oil and gas have continued between both governments. The Kurdistan government's argument about this dispute is based on interpretation of the Iraqi constitution, but the Iraqi Federal Government's argument is based on a policy argument that is conflicting with the constitution. The Kurdistan Government interprets the term "present fields" in Article 112 section (4) in the constitution, includes all oil and gas fields that existed up to passing the constitution in 2005. The constitution omitted any mention of the future fields of oil and gas. Therefore, those oil and gas fields that were discovered after 2005 are not included in the list of authorities that are shared between the two governments. The Iraqi Government argues that the Iraqi government should make all decisions on every oil and gas fields including oil and gas fields in Kurdistan. The Iraqi Federal Government denies the Kurdistan Regional governments interpretation of the constitution without any constitutional bases. The Iraqi Federal Government's argument is more self-serving than based on any legal authority. It remains possible that, as the process of governance continues, and as greater consensus arises than has hitherto occurred, a general agreement about constitutional amendments could also arise. (Al-Istrabadi F. A., 2009) The Iraqi government does not obey all the provisions of the constitution and prefers to amend some of the provisions. However, there are still huge barriers to being able to amend the Constitution (Al-Istrabadi F. A., 2009).

The definition of the term "present fields" in article 112(1) is the main focus of the argument that the Kurds will present to justify control over the region's oil. The federal government may expressly assert management over only the "present" oil fields, and since no mention is made of "future" oil fields, Article 115 reserves all other powers to the regions. Therefore, this opens the door for Kurdish control over resources which do not fall under the definition of "present fields". (Donovan, Debate Continues on the Legality of Kurdistan's Petroleum Contracts, 2011)

b. Allocating Revenues**I. DISPUTES ABOUT THE METHOD OF DISTRIBUTING REVENUE**

While the constitution is explicit about equal division of revenue, disputes have been continuing about sharing the revenues and the main reason behind this dispute is Kurdistan's quota of the federal revenue which it should be 17% according the Iraqi Budge Law, but the Iraqi Federal Government decreased this quota through trickery (Siegfried Weissner, 2004). By this trick, the Iraqi Federal Government took out the sovereign expenditures and federal expenditures before taking out Kurdistan's quota of the revenue. In this manner, the share allocated Kurdistan after taking out the sovereign and the federal expenditures is 11-12% of the whole revenue and not 17%. The expenditures are a very large amount of money every year. The expenditures are for defense, weapon, police, protecting borders...etc. For instance, in 2012 the federal and sovereign expenditures were approximately \$27.5 billion. This information was verified by Dr. Mahmoud Othman, a previous member of parliament in the Iraqi parliament, in a private communication. This means that Kurdistan Region's 17% shares not allocated from the total budget, but it was allocated from the remaining portion after the federal and sovereign expenditure is deducted, and in this case Kurdistan is deprived of the difference which is 6%, it is also deprived from the Peshmerga's budget and then lately deprived from the budget. The Iraqi government's justification is that the Kurdistan region should refer all the oil and gas revenues to the federal government in order to get the percentage of the Iraqi budget, because it's unfair if Kurdistan gets the quota of the budget and the oil and gas revenue of the region at the same time.

c. Disputed Territory Areas between Iraq and the Kurdistan Region**i. What are the Disputed Territories?**

Disputed territories of Iraq are areas that mentioned in the Article 140 of the Iraqi constitution as being Arabized under the ethnic cleansing (Arabization theory) during the Baath party in Iraq. Arabization was a program run by Saddam's Ba'ath party for ethnic cleansing, the program included changing the identification of Kurdish people to Arabic by forbidding Kurdish education, giving Arabic names to children, using Arabic language as a government and business language...etc. Also the program meant to change the identification of Kurdish areas by forcing Kurdish people to leave their places and bringing Arabs to those areas. Those areas were inhabited by the minorities of non-Arab and Kurdish majority but then Arabized by the act of transferring Kurdish people and settling Arabic people in those areas. Therefore, thousands of Kurds lost their homes and relocated somewhere else in order to make home for Sunni Arab families. (Kelly, 2010) The Kurdish regional government has strong catalogued, document by document, the displacement of the Kurdish population from Kurdish areas and Kirkuk in a 2007 report and one of the largest disputed area is Kirkuk, which is now a multi-ethnic city with a mixed population of roughly 52% Kurds, 35% Arabs, 12% Turkmen (ethnic cousins of Turks) and about 12,000 Christians. (KRG Ministry of Extra Regional Affairs, 2007) The Committee for implementing article 140 defines the disputed territories as "those areas arabized and whose border modified between 17th July, 1968 and 9th April, 2003".

ii. The Basis of the Dispute

It is undisputed that all these regions have Kurdish identity established by history. According to a map of the Ottoman Empire in 1878, Kirkuk, which is the largest part of the disputed areas with the largest portion of the dispute, was pointed as the capital of Kurdistan (Kelly, Michael J., 2010).

The Kurds believe that the oil rich city of Kirkuk is the “Jerusalem of Kurdistan” and should become part of Kurdistan through constitutional referendum (Cynthia A. Bolden & Jerrod Fussnecker, 2009). There are several reasons behind the disputes over those areas. The most significant reason of the dispute is the historical background of those areas. As mentioned before, from 1920 to 1991, Kurdistan was under Iraq’s control, but after the Kurdish revolution of 1991, the Kurdish people were able to achieve an autonomous region in the north of Iraq. The disputed areas mentioned in this paper were not included in the new autonomous region. Therefore, those areas were strongly tied to Iraq, and Iraq does not want to give them up to Kurdistan region, because they are rich areas of oil and natural gas especially Kirkuk city. For instance, Kirkuk's oil field contains up to 13% of Iraq's oil reserves. (Cynthia A. Bolden & Jerrod Fussnecker, 2009) Another reason is that due to the strong Kurdish identity of those areas, giving up those areas was never an option. Therefore, Iraq’s long control over those disputed areas, the areas’ very rich oil and natural gas fields, the regions’ strong Kurdish identity and ties to Kurdistan, are all reasons of making disputes over those disputed areas.

III. ARTICLE 140 – NORMALIZATION, CENSUS AND REFERENDUM

Article 140 in the Iraqi constitution is a very significant article, because it is a road map to normalize and settle the disputes about those areas, and deciding on returning those areas to Kurdistan Region. According to the article normalization must be complete before census and referendum occur, and the entire process of normalization, census, and referendum were to be completed by December 31, 2007. Article 140 of the Iraqi Constitution ratified in October 2005, adopted the Transitional Administrative Law, Article 58 process of normalization, census, and referendum in determining whether the disputed areas will join the Kurdistan Regional Government.

Under Article 140 “the executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.

Article 58 mentioned that the Ba’ath regime changed and manipulated administrative boundaries for political ends. In order to remedy the unjust changes that were driven by the previous regime, the Presidency Council of the Iraqi Transitional Government need to give recommendations to the National Assembly in the permanent constitution. In order to make the permanent resolution of disputed territories, including Kirkuk, the measures that were determined in Article 58 (A) must be accomplished and a fair and transparent census has been conducted and the permanent constitution has been ratified. The permanent resolution that is mentioned here must be in accordance with the principle of justice, and the will of people of those areas should be considered.

Therefore, under the constitution normalizing the disputed territories requires four steps to be undertaken. First, returning Kurdish people back to their original areas. Second, changing

the disputed territories' administrative boundaries to the time before the Ba'ath party made Arabization its official policy. Third, is compensating those people who were brought from other areas under Arabization policy, in order to return them back to their original areas, because they were paid money and houses by Ba'ath party in order to stay in those disputed territories. The fourth step is promoting job opportunities to those people who deprived of employment in Kirkuk under the Ba'ath Regime. However, article 140 is a key to solve many conflicts about the disputed territories, it has not been implemented yet.

IV. THE EXPIRATION OF ARTICLE 140

Since Article 140 of the Iraqi Constitution has not expired, it provides for a process for a referendum within disputed areas to determine whether they will join the Kurdistan Region and the referendum about this issue, which was supposed to be held by December 31, 2007, has been postponed for an indefinite time because of many different political conflicts (Al-Istrabadi F. A., 2009). The Iraqi Parliament has submitted

a question about Article 140 to the Iraqi Supreme Court for the Court's advice about how the article should be implemented, but the Court has not responded the question yet. The Iraqi government was not successful to implement Article 140 before the deadline date on December 31, 2007. In the fall of 2007, Staffan de Mistura, the UN Secretary General's special representative for Iraq and the leader of the United Nations Assistance Mission for Iraq (UNAMI), mediated an agreement with Iraqi leaders including Iraq's Prime Minister and Kurdistan Regional Government Prime Minister to delay Article 140 and let UNAMI "facilitate its implementation during the following six months." UNAMI was not able to implement Article

140 by June 30, 2008, and the new deadline was passed without Iraqi government even defining what the result of this process was and what the status of Article 140 is. (Elizabeth Ferris & Kimberly Stoltz, 2008)

The last sentence of the preamble to the Iraqi Constitution states, "The adherence to this constitution preserves for Iraq its free union of people, of land, and of sovereignty" this part of preamble of the Iraqi constitution is interpreted by the Kurds to give them authority not to be obligated to stay part of a united Iraq if Article 140 is not implemented. A civil war might be the result of these remaining conflicts, if the Iraqi government fails to implement Article 140 because of the multiethnic background of the article. This consequence will significantly affect the Iraqi civilian people including Kurdish people not those who are in high official positions. A civil war like this will destroy the plan to reconstruct Iraq that has never start as it was the main purpose of government after Iraqi War in 2003.

d. Peshmerga- The Kurdish Official Military

THE DISPUTES ARISE ABOUT PESHMERGA

Under the Iraqi Constitution, the Kurdistan region is granted the right to form security forces as part of the national defense system. Even though Peshmerga acts not only as the security force for the Kurdistan government, but Peshmerga is also involved in the defense and security operations in Iraq, especially when the security situation in Iraq is not stable. Nonetheless, since

2007, the Iraqi government has neglected to finance the Kurdish Peshmerga despite an agreement with the Kurdistan Regional Government; however, financing and arming Peshmerga are from the constitutional responsibilities of the Iraqi Federal Government. (Toomeh, 2012) from 2007 to 2013, a total budget of \$50 million has been allocated to Iraq's Ministry of Defense; the Kurdistan Regional Government's Ministry of Peshmerga was entitled to 17 percent of the budget, which makes for a total of \$7 million. (Toomeh, 2012) In the 2012 budget of Iraq, about 5.83 billion dollars was allocated for the Iraqi Defense System, without providing a part of this amount for Peshmerga, who defend the Region and the Iraqi's borders with Turkey, Syria and Iran.

Under Article 13 of the Iraqi budget law, "The expenditures of the Kurdistan Region's Protection Forces (Peshmerga) will be agreed up on between the Iraqi Council of Ministers and the Kurdistan Regional Government, and it will be for wages, arms and other and other equipment and necessities." In order to determine how much money should be allocated, all these issues are subject to negotiations and political agreements between the Iraqi Federal Government and the Kurdistan Regional Government.

IV. CONCLUSION AND SUGGESTIONS

a- Conclusion

There are several conflicts between Iraqi Federal Government and the Kurdistan Regional Government, but disputes about oil and gas, sharing revenues, disputed territories and Peshmerga are the issues between the two. Finding out an absolute solution is impossible because Iraqi government is not ready to provide Kurdistan Region their rights that are mentioned in the Iraqi constitution and Kurdistan Region is not ready to give any rights up anything due to the historical background about that Kurds suffered enough to not believe and trust governments of Iraq. However the possibility of solving the disputes in an absolute way is difficult, but I would like to present some suggestions that may have role in normalizing the conflicts between the two in the next part.

b- Recommendations

First, referring to the constitution for solving and settling disputes and to be obligated to whatever solution the constitution sets. The reason why I believe this solution is because the provisions of the Iraqi constitution are clear enough to settle the disputes. To make this point more clearly, Article 140 about the disputed territories is a good example for this purpose. In this article, the process to solve this dispute is clearly presented in which requires three steps, which are normalization, census and referendum. Up to now still the Iraqi Government did not accomplish any step of this process and is not willing to do so. Now the disputed that arises about this issue is not due to absent of a constitutional provision nor about vagueness of the constitution, but it is about not being ready to be obligated to the constitution.

Second, as noted one of the biggest causes of the conflicts between Iraqi Government and Kurdistan Government arises about the shared powers in the field of oil and gas. Part of the conflict is about who practices that power and who and in what situation prevails, because in many times the Iraqi Government argues that because a given power will have effect on

the entire country therefore Federal Government need to have the authority to conclude it. The constitution of Iraq under shared authorities, determines that the management of oil and gas extracted from present fields is an authority that can be practiced by Iraqi Federal Government with the producing region or governorate.

As a possible solution for this matter and in order to give that authority to the right government, I suggest that the principle of subsidiarity and proportionality that is mentioned in Lisbon Treaty to be adopted as an amendment to the Iraqi Constitution. The reason for this is because then the government that can deal with the issues more efficiently and sufficiently will be given the priority and in this way the issue will have some one that deal with it rather than adding the issue of whose solutions and laws need to prevail to the existing issue. About who will have the power to decide on who can deal with the issue more efficiently and sufficiently, I think that Kurdistan and Federal Government need to negotiate about this since the reputation of the Iraqi Federal Court is under question.

Third, normalizing the political relations between Iraqi political parties in order to start discussion about the ways that can solve the disputes peacefully and in a diplomatic way through negotiations and making political agreements that make them obligate to their promises in obeying the constitution and other constitutional ways for this purpose. This requires the political players to give priority to the interest of the people and reach solution through compromise without insisting on unjust solutions that will only benefit their group.

Fourth, the last solution is the secession of the Kurdistan Region from Iraq and declaring an independent country. After trying all possible solutions, if the purpose was not accomplished then declaring an independent country is the last and the best solution. This solution is not a strange one and not new for the people in the area, Kurdish and Iraqi people too, due to the long desire of the Kurdish people to declare their own independent country. This way is beneficial for both Iraqi and Kurdish sides because each of them will be able to run their own government and not interfering in each other's business.

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