



June 8, 2009

The Honorable Martin S. Indyk
Director
Saban Center for Middle East Policy
Brookings Institution
1775 Massachusetts Ave, NW
Washington, DC 20036

Dear Ambassador Indyk:

I am writing to express the disappointment of the Kurdistan Regional Government (KRG) of Iraq with the “Working Paper” released by the Saban Center last week entitled “Stability in Iraqi Kurdistan: Reality or Mirage?” We recognize that this paper was authored by Ms. Lydia Khalil, who is not formally affiliated with the Saban Center or the Brookings Institution. We further understand that as a “Working Paper”, this document does not have the same stature as an “Analysis”, and therefore the Saban Center is less accountable for its content.

The paper nevertheless was published under your auspices, and therefore readers reasonably can expect it to rise to the same high level of scholarship usually associated with the Saban Center. Regrettably, this paper falls well short of that standard.

The paper is poorly researched and reasoned, rests on factual assertions that are either completely inaccurate or no longer accurate, and reflects the authors unmistakably skewed perception of the realities on the ground. Examples of these deficiencies are set forth below. They are so profound that, in our opinion, they discredit the paper and render it unusable as a guide to U.S. policy with respect to Iraqi Kurdistan.

Factual Inaccuracies

Unification of the KRG Government—Khalil asserts that “. . . the entire administration of the Kurdistan Regional Government is a large playing field for the KDP-PUK rivalry,” and further that “unification between the two fiefdoms of the KRG has stalled.” As proof, she claims that “The most important ministries—finance, interior, and peshmerga affairs—have yet to be unified.” Khalil apparently is unaware of the KRG’s April 7, 2009, announcement that the merger of these ministries has been completed. In fact, there has been enormous progress on the unification of the KRG administration since the KDP and PUK reached agreement on it in 2006, and that progress is continuing.

Political Space in Iraqi Kurdistan—Khalil complains that “Though there are smaller parties in the KRG, they are only allowed to exist because they are part of either the KDP or PUK coalitions.” Khalil apparently is unaware of the recent emergence of the Change List, headed by a former PUK official, Nawshirwan Mustafa, which will compete in the July 25th election, and which opposes both the PUK and the KDP. The PUK and KDP will also be challenged in this election by the Service and Reform List, a coalition of four political parties. A total of 42 political entities will compete in the upcoming election.

Provincial Elections—Khalil argues that “the decision not to participate with the rest of [Iraq’s] provinces in the January 2009 elections” is a sign that democracy is not taking root in Iraqi Kurdistan. She goes on to assert that “Kurdish government officials finally agreed to supervision by the Iraqi High Electoral Commission (IHEC) though they actively resisted this measure.” Khalil apparently is unaware that provincial elections were delayed in Iraqi Kurdistan by the need (1) for the Kurdistan National Assembly to approve provincial election laws, and (2) for the federal government in Baghdad to agree to fund the elections. The KRG never resisted IHEC supervision of the provincial elections, which will take place on July 25th, and will be conducted by the IHEC and observed by such credible international observers as International Foundation for Electoral Systems (IFES), the National Democratic Institute (NDI) and the International Republican Institute (IRI).

UNAMI and Article 140 of the Iraqi Constitution—Khalil asserts that the situation regarding Kirkuk “has become so complex and volatile that all the parties eventually agreed to abandon Article 140 (despite continued public protestations by the Kurds that Article 140 will eventually be implemented) and instead allow UN Special Envoy Staffan de Mistura to conduct a step-by-step process intended to resolve the status of the city.” Some in Iraq no doubt hope that the United Nations Assistance Mission for Iraq (UNAMI) will propose abandoning Article 140 of the Iraqi Constitution as the basis for resolving the status of Kirkuk, but that is not the intention of all parties to the dispute. UNAMI certainly will not propose to resolve that dispute in a manner inconsistent with Article 140, but rather will seek to find solutions that are respectful of the Iraqi Constitution.

Minority Rights—Khalil states that “Minorities currently within the KRG have complained about the lack of representation and there is little mention of minority rights within the Kurdish Constitution.” Setting aside the fact that Iraqi Kurdistan currently has no constitution, Khalil disregards the fact that the region’s electoral law provides that 11 of the 111 seats in the Kurdistan National Assembly will be set aside for non-Kurdish minorities (five Turkomen seats, five Christian seats, and one Armenian seat), a level of representation that exceeds the percentage of these groups within the population of the region as a whole. Furthermore, Christians continue to flee to Iraqi Kurdistan to escape repression elsewhere in Iraq, where they receive not only protection from the KRG, but also economic benefits, much to the consternation of the Kurdish population which does not receive equivalent benefits.

Dated and Inadequate Sourcing

Khalil’s paper is rife with dated and inadequate sourcing. A large percentage of her claims, including her referencing a Human Rights Watch report dates back to 2007, while most of her assertions in the section titled “Corruption and Lack of Services” are sourced to interviews and news articles going all the way back to 2005. Her reliance on such dated and in many cases unnamed sources undermine the integrity of this report.

Lack of objectivity

Kirkuk—Khalil repeatedly demonstrates a propensity to accept the Iraqi-Arab narrative of the dispute over the final status of Kirkuk. She alleges that “. . . Kurdish officials have been making gradual, yet forceful moves on Kirkuk.” She fails to note the far more forceful moves on Kirkuk that Iraq’s federal government has made, including most recently the deployment of the 12th Army Division to the environs of the city. Khalil goes on to make the astonishing argument that “The failure to implement Article 140 is the result of a confused Kurdish strategy on Kirkuk that has not brought them any closer to placing the province within their territory and has exacerbated regional instability and deadlocked national politics.”

The KRG has done everything within its power to bring about implementation of Article 140. It is those political forces within Iraq that are determined to deny self-determination to the people of Kirkuk that are responsible for postponing implementation of Article 140. The suggestion that the KRG is responsible for these delays is preposterous. If Iraqi national politics is deadlocked as a result, it is not because of the KRG, but because of those who are obstructing implementation of Article 140.

Oil Law and Revenue Sharing—Khalil accuses the Kurds of “stall[ing] a vote” on proposed amendments to provisions of the Iraqi constitution relating to the distribution of oil revenue, de-Ba’athification, presidential authority, taxation, and federal powers “because they disagree strongly with proposed language on oil distribution.” Again, Khalil seems able only to fault the Kurds for being ‘unreasonable’ for delaying action on these reforms. It never occurs to her that perhaps some Iraqi Arab officials in Baghdad bear some or all of the blame for adopting unreasonable positions on national oil policy and equitable revenue sharing.

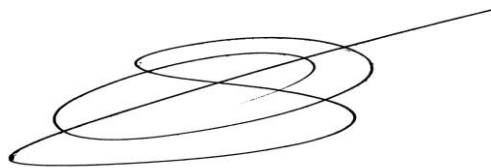
In fact, the paper insinuates that all the conflicts between the Kurdistan Region and the Federal Government are caused by supposed Kurdish stubbornness or maximalist stances, indicating a substantially imbalanced perspective of the situation, as in reality, both sides have been aggressive and entrenched in their positions.

Conclusion

While the Kurdistan Region does face substantial challenges, and we are well aware of our shortcomings, there *has* been great and continued progress on many levels. Such progress includes significant improvement in the delivery of essential services as well as greater political participation in politics as demonstrated by the plurality evident in the Kurdistan Region’s upcoming elections on July 25th. Moreover, the KRG has taken robust efforts to improve transparency, good governance and applying the rule of law, as demonstrated by the KRG’s nearly yearlong engagement with international consulting firm Price Waterhouse Coopers in order to address our shortcomings on good governance, transparency and combating corruption.

Therefore, as a result of the many factual inaccuracies and faulty analysis stemming from dated and incomplete sourcing, the Working Paper is not a reliable source of information with regard to the Kurdistan Region of Iraq. We hope that in the future you will insist on more rigorous scholarship in work commissioned by the Saban Center with respect to our Region.

Sincerely Yours,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Qubad Talabany
Representative to the U.S.