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The Kurdistan Autonomous Region: risks and challenges for peace

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SUMMARY

Since the end of Saddam Hussein's regime in 2003, the Kurdistan Autonomous Region has faced many challenges in the bid to establish and consolidate a lasting peace. Some of these challenges have arisen from the legacy of widespread and organised violence carried out by the previous regime, but also from the unfinished business of a recent history marked by armed conflict between Kurdish factions. Another set of challenges, made more complicated by a lack of related accords, derive from the relatively recent post-2003 scenario: on the one hand, through issues related to the new Iraqi constitutional framework, in particular the status of the so-called "disputed territories", and resolving the tensions that have arisen in the Baghdad-Erbil relationship; on the other, internal questions in the Kurdistan Autonomous Region related to political and social norms, especially in regard to governance and democratic participation, human rights and gender issues. Although the matrix and the risks of violence vary on a case-by-case basis, this report deals with fundamental challenges to the establishment of peace in a region, Kurdistan, which oscillates between a legacy of violence and a populace weary of conflict.¹

¹ This report is the result of an exploratory mission to the Kurdistan Autonomous Region in May, 2009, during which a wide range of local and international figures from political and social life were interviewed. At their own request, these people are not named. Responsibility for the content of the report is entirely that of the authors who would like to thank all the interviewees for their contributions. Núria Tomàs and Ana Vilellas are researchers in the Conflict and Peace-building Programme (School of Peace Culture, Universitat Autònoma de Barcelona).

1. Introduction

The fall of Saddam Hussein's regime in 2003 brought about numerous changes for the Kurdistan Autonomous Region. If since 1991 the area had enjoyed *de facto* autonomy within an area defined by the 36th parallel, the military intervention by coalition forces in 2003 marked a turning point: for the first time, Kurdish rulers participated in central government and brought into the public domain the repression suffered by the Kurds over a period of decades. The brutality of the Baath party regime was on a scale that remains visible today. The use of chemical weapons against the population of Halabja in 1988, which killed 5,000 people, embodied Saddam's policy of annihilation of the Kurdish people

While the Kurdistan Regional Government (KRG) took the lead in this new era for the region, 2003 saw the beginning of large-scale and hugely lethal conflict in the rest of Iraq which submerged the country in a spiral of violence. Since then, as well as attacks against US military forces, there have been attacks between the Sunni and Shia communities, and later against the Christian community, in parallel with actions by al-Qaeda, the Iraqi army and international troops' "counter-insurgency" activities and a multitude of destabilising elements. Combined, they have created one of the biggest humanitarian crises in the world, with two million people already seeking refuge in other countries, principally Syria and Jordan, and two million more having fled to other parts of the country, many of them to Kurdistan.

In the context of this extreme violence, the situation in the Kurdistan Autonomous Region is extremely positive. For a start, from a security standpoint, there have hardly been any attacks in the past six years –the last was in 2007. Furthermore, the country is overcoming its own violent past, which included a civil war in the 1990s, which caused wounds that have not yet healed. For that reason the country is divided in half physically, with the administrative and institutional structure divided between the two big, opposing parties, the PUK and the KDP.

In the current climate of violence in Iraq, the authorities have focused their efforts, on the one hand, on guaranteeing military security, but also on trying to bring social and economic prosperity to the Kurdistan Autonomous Region, create its own legislative body, develop institutions, maintain the autonomy acquired in 1991 and negotiate with Baghdad over all matters of regional interest. However, they have not had an easy relationship with the central power. Tension has recently arisen over disagreements about the degree of federalism in the new Iraqi state, how the Kurdistan Autonomous Region fits into Iraq, litigation over the distribution of income derived from the country's wealth and, above all, disputes over the enormous reserves of oil under Iraqi soil. But the unending dispute over the so-called "disputed territories" has been even more problematic.²

The situation regarding this strip of land, which extends from Syria to Iran along the southern edge of the Kurdistan Autonomous Region, and which includes cities such as Kirkuk, fuses the past and present tension between Kurds and Arabs. Once the stage for the Arabization policy of Saddam Hussein's regime, followed by the expulsion of the Kurdish population, the situation in these areas constitutes the principle axis of growing tension between the Kurdish government and the central powers in Baghdad, along with other interested parties, both internal and external. While the Kurdish authorities insist that the status of these zones be defined within the framework of the 2005 Constitution, a number of factors have made this impossible up till now, to the point that a year and a half of the time-frame set out for holding a referendum have passed without any prospect of it taking place.

Tension has mounted in the "disputed territories" to the point where areas such as Mosul or Kirkuk have become part of the most troubled in Iraq and, indeed,

² In this report the formula "disputed territories" is used, being the most commonly used term, but in inverted commas because the formula is also the subject of dispute.

in the Middle East. Three dangers arise from this: that the escalating violence will spill over into the hitherto peaceful Kurdistan Autonomous Region and that the expected withdrawal of US troops may be exploited by various interested parties to impose their agenda in a violent and unilateral manner, both in these areas and in the country as a whole. Furthermore, the deadly threat to the inhabitants of these areas is so great that many have felt obliged to flee. At the same time, in terms of coexistence, the polarisation between ethnic and religious groups in the country as a whole has grown, and the sense of belonging to a group more than any broader idea of citizenship contributes to this phenomenon and inflames tensions.

Alongside the open violence in the “disputed territories”, the Kurdistan Autonomous Region has been the scene of air attacks on its territories by Turkey and Iran, aimed at the bases of armed Kurdish groups operating in the region. Although not without significant consequences, the destabilising effect of these attacks within the Kurdistan region has been limited, above all in view of the growing economic relations between the KRG and Turkey, in which it appears that both parties have opted to prioritise a strategic entente over confrontation. The delivery of the first barrel of oil from the Kurdistan Autonomous Region to the Turkish port of Ceyhan on June 1 this year illustrates this new stage in the relationship between neighbours.

Aside from the security threats, the situation in the “disputed territories” and how exactly the Kurdistan Autonomous Region will fit into an Iraqi state that is still being configured, Kurdistan faces numerous internal problems. In terms of governability

and democratic participation, the lack of a fully implemented constitutional state and the limited development of civil society constitute democratic deficits. On the other hand, improving the human rights situation and the rights of women continue to be challenges that have to be faced up to. As for social welfare, the lack of improvement, indeed, the decline in living standards of a large part of the population (who have electricity only a few hours a day, no running water and whose low salaries make it hard for them to cope with the rising cost of living) is another major factor that has to be confronted. Even so, despite this challenging scenario, the region is optimistic about the future and is struggling to consolidate what it has gained. For example, the discussion of human rights at an institutional level is itself a remarkable fact, and steps are being made towards their implementation.

This study aims to identify the risks and challenges currently facing the Kurdistan region in Iraq, with a view to the establishment of peace. The study also incorporates a gender perspective within its analysis. The report is made up of two parts: in the first place (Section 2), it deals with the axis of the confrontation between the Kurdish and central governments, and the way in which this conflict has materialised in the “disputed territories”, analysing the factors underlying the tension; secondly (Section 3) there is an analysis of the Kurdistan Autonomous Region’s own internal tensions, including those associated with political involvement, human rights and the situation of women. At the same time, each of these sections deals with matters that might contribute to a lasting and sustainable peace, such as initiatives that various people, although still a minority and fragmented, are proposing within the region.

2. The Kurdistan Autonomous Region in the Iraqi framework: risks of conflict and challenges for peace

The outstanding and defining characteristic of the Kurdistan Autonomous Region is that, in spite of the extreme conflict which has engulfed Iraq since 2003, with the death toll reaching 3,000 a month in 2006, the Kurdistan region has been almost untouched by the violence. The intense security controls around and inside Kurdish territory, the efficiency and loyalty of the *peshmergas* and the cooperation of the civilian population are among the factors most often cited to explain this.

In order to analyse the situation in terms of conflict and assess the risks of this increasing, crossing frontiers or of a new conflict arising, we must tackle two questions: firstly, the tension between the Kurdish political class and their Arab neighbours in Iraq, and second, the situation in the “disputed territories”. The rise of violence in these “disputed” zones, the increase in aggressive statements regarding them and the nature of what is at stake mean that they represent a considerable risk of conflict. The first part (section 2.1) puts this tension in context, while the second (section 2.2) maps out the battleground from which it arises. In the last section (2.3) this report will look at the relevant factors in regard to building a peace that can ease the tension.

2.1. Baghdad – Erbil: a troubled relationship

Recently there has been rising political tension between Erbil, the capital of Iraqi Kurdistan, and Baghdad, the state capital. Bellicose rhetoric and incidents on the ground have raised fears of a worse conflict that could add to the already delicate situation in the rest of the country. Riddled with both tangible factors and intangible suspicions, the troubled relationship between both powers is at present the main focus of conflict associated with Kurdistan.

The current relationship between the Kurdish and Arab political class in Baghdad is defined by disappointment and mistrust; disappointment on the part of the Kurds, and mutual mistrust. The two peoples share a history of uneasy relations and, after various confrontations during the 20th century, the more recent past, in which the central Arab power attempted to annihilate the Kurds, continues to overshadow the relationship. The portrait of Mustafa Barzani, father of the current Kurdish president, who fought against the Iraqi army, hangs in practically every public space in Kurdistan, a clear indication of how this memory lives on.

The events of 2003 mark a turning point, with Kurdish leaders taking a role in shaping the new Iraq, but it is out of this process that the Kurdish authorities’ principal complaints in regard to the current situation have emerged. They feel they have invested a lot of effort in creating a new framework in the hope that they could jointly create a democratic state, but say the Kurdistan Region has not received the benefits it deserves. In this regard, the current Iraqi prime minister, Nouri al-Maliki, is more and more often compared to the former dictator Saddam Hussein, and events such as sending tanks to the disputed zone of Khanaqin north of Baghdad in August, 2008, are held up as evidence of the central government’s aggressive and despotic attitude. The Kurdish authorities believe their people have been unjustly treated by Baghdad, pointing out that after the fall of Saddam Hussein they backed the return of the exiled Nouri al-Maliki. According to Erbil, the Kurds have deserved better treatment in many aspects of the governance of Iraq, all of which have become areas of tension and argument.

The Kurdish authorities cite numerous concrete offences committed against them by Baghdad. On the one hand, they pertain to the central government’s policy of delaying the implementation of the agreed budget or of not delivering the full amount. On the other, they refer to the fact that the KRG is not represented diplomatically at international meetings in which Iraq takes part, and at the same time they complain that Kurdish figures such as the Chief of Staff of the Iraqi army are ignored. There is also an ongoing disagreement about the presence and role of the *peshmergas* within the Iraqi army. But one of the biggest disputes between Erbil and the central authority has been over the question of oil. The KRG’s decision to grant exploration licences to foreign companies was fiercely opposed by Baghdad, which argued that it was unconstitutional, and this was a source of tension and discord between the two powers. Recently, however, the first barrels of Kurdish oil left for Turkey, after which the KRG and the government reached an agreement over its export.

Less tangible questions dog the relationship between Kurds and Arabs. The Kurds believe that they are viewed as inferior by the Arabs and claim that the rest of Iraq is united by anti-Kurd sentiment. They themselves interpret this as coming from a perception of the Kurds as being pro-Western, pro-US and pro-Israeli.

One of the issues underlying this tension and one of the main causes of mistrust, lies in the widespread Arab perception that the existing Kurdistan region is pursuing independence while, from a Kurdish point of view, Baghdad is perceived as trying to impose a new centralised state. It appears that this is at the root of

the Arab-Kurdish dispute and has had a marked effect on various recent political talks, from the future of the “disputed territories” –whose potential incorporation within the Kurdistan Autonomous Region is seen by Baghdad as a first step towards independence– to the negotiations over the hydrocarbon law and the distribution of wealth, all of which are seen as crucial to the viability of any hypothetical independent entity.

The Arabs fear the independence of an area which has such abundant natural resources, as well as having been the only area within Iraq as a whole that has functioned since 2003, especially within the context of a hugely weakened central state. The official Kurd position, however, is to stress that they wish to remain within a federal Iraqi structure. As proof of this they make the case that since 1991, when the area acquired increased levels of autonomy, and despite the very recent repression of the Kurdish people under Saddam Hussein’s regime, they have chosen to remain within a state framework. The Kurds also stress that it is not in the interest of the Kurdistan Autonomous Region to become an independent state, given its geographical and strategic position, and furthermore from being in a world that is daily more interconnected.

However, analysts who have been interviewed notice a degree of double-speak on the part of the Kurdish authorities regarding this question. According to them, when dealing with the outside world, Kurdish leaders deny that independence is an option, while for internal consumption it is presented as a desirable, if very long-term, goal. This creates greater mistrust among the Arabs while at the same time proposing a scenario that in any case is not within the grasp of the current rulers. The question they ask is: what is to be gained from suggesting that Kurdistan will be independent within 100 years?

The topic of the right to independence is legitimate but it needs to be assessed if, given the real context in the short term, its negative impact on Kurdish-Arab relations made a change of strategy desirable. The fact is, those same sources who deny any desire or interest in independence, recognise that there is a communication problem and that the Kurds need to present their position more clearly.³

The Kurdish authorities reproach the central government with adopting a “strong vs weak” mentality. According to this interpretation, Baghdad only takes an interest in the Kurds when it is “weak” and needs to reach agreement; on the other hand, it forgets them when it is “strong”. The Kurds also deplore the use of the terms majority/minority and insist that they don’t claim to be a majority, simply a “nation”.

According to people interviewed, the Kurds history of repression and suffering feeds their mistrust and the most prevalent sentiment among them is one of betrayal. It should be borne in mind that the violence suffered by the Kurdish people (though not only them) has created a society in which the majority of individuals have suffered trauma. According to experts, there isn’t a single Kurdish family that has not suffered a traumatic episode.

In this context, and despite the bringing down of Saddam Hussein, the Kurds point to the considerable power that Baathists still wield in the country. Kurdish authorities interviewed speak of the extremely worrying degree to which pro-Saddam Hussein elements are strengthening their position in the central government. They also attribute violence in the “disputed territories” to Baathists supported by Syria⁴, another sign of their mistrust of the Arabs.

As well as the above-mentioned factors, the main point of tension between the Kurdish and Arab authorities in Baghdad is over the “disputed territories”. In this regard, both parties have adopted an aggressive attitude, some in terms of the language they use, others on a military level. Recent events in Mosul, when a list of openly anti-Kurdish candidates triumphed in the provincial elections and ignored the results of the Kurdish candidates when it came to forming a government, illustrate the paradigm of confrontation.⁵ The increasing instability in the area also reflects how easily political tension could flare up into physical violence.

2.2. The “disputed territories”: a fertile ground for conflict

The areas generally known as the “disputed territories” cover a strip of land along the southern limits of the present-day Kurdistan Autonomous Region, extending from Syria to Iran. According to a report by the KRG’s Ministry of Extra-Regional Affairs, these zones currently come under the administration of Kirkuk, Nineveh (Mosul), Diyala and Wasit (Kut) and they are considered “disputed” because their internal frontiers, administrative bodies, resources and population were subjected to changes under the Arabization programs adopted decades ago by the central government.⁶ According to the KRG, these changes led to a decrease in the Kurdish population of each region, created new entities and transferred Kurdish and Turkoman land

4 Interview, Kurdistan Autonomous Region, May 2009.

5 According to Kurdish government sources, the KRG does not lay claim to Mosul, but does ask for recognition of the fact that at least a third of its inhabitants are Kurds. See Los Angeles Times, In Nineveh, tensions between Iraqi Kurds and Arabs simmer, 23 June, 2009, in <<http://www.latimes.com/news/nationworld/world/la-fg-iraq-kurds23-2009jun23,0,3375847.story>>.

6 Kurdistan Regional Government, Ministry of Extra Regional Affairs, Report on the Administrative Changes in Kirkuk and the Disputed Regions, 2009.

3 Interview, Kurdistan Autonomous Region, May 2009.

to Arab colonists. For this reason the KRG insists on looking at these policies again to define the status of these territories and, to this end, in 2003 the Kurdish authorities initiated a campaign to settle the question. On the other hand, central government is reticent about Kurdish claims and says the areas are only described as “disputed” because the Kurds claim them.⁷

Since then matters have evolved on two levels. In the legislative sphere, various articles relating to the “disputed territories” have been approved. Among the most notable is Article 58 of the 2004 Transitional Administration Law, which was later absorbed into Article 140 of the Iraqi Constitution approved in 2005, which lays out, with some ambiguity, three phases in order to arrive at a definitive status for these zones: “normalization”, carrying out a census and holding a referendum.⁸ On the ground, various experts say that the area has progressively come under the control of the KRG, although it remains *de jure* under the central government. In practice, and among other measures, what this means is that there are *peshmergas*, Kurdish regional forces, present. As for the proposed phases, although the cut-off date for a referendum set out in the Constitution (31 December 2007) has passed, parts of the other phases have been carried out. According to the Kurdish government, the normalization phase is complete and logistically everything is ready to carry out the census.⁹

While political tension has been rising, so has the violence within the “disputed zones”. The violence has manifested itself in various ways, with continuous bomb attacks that have killed dozens of people as well as assassinations and numerous incidents. The main areas of conflict are around Mosul and Kirkuk. The biggest bomb attack anywhere in Iraq during the past 15 months was carried out close to this city in the middle of June, killing more than 70 and wounding close to 200.¹⁰

The KRG accuses Baghdad of not implementing Article 140 of the Constitution, arguing furthermore that it was approved by a majority of Iraqis. The Arabs, for their part, criticise the KRG for carrying out a policy of forcibly removing the Arab population and colonising the land with Kurds.¹¹ Although it’s true that

the Constitution was ratified by the Iraqi people, it is also true that it was negotiated and approved at a time when the balance of forces favoured Kurdish sectors in Baghdad. Sources consulted say the KRG is exerting pressure on people to return to the “disputed zones”.¹² Paradoxically, while Erbil blames the situation on Baghdad, sectors within the Kurdistan Autonomous Region accuse the KRG of not pushing hard enough on the question. Various sources consulted, including those close to the opposition List for Change party, claim the Kurdish government is responsible for the situation and has missed the opportunity to ensure the implementation of Article 140 since it was approved in 2005.

Many of these opinions, such as those of the Kurdistan government, are based on the assumption that, if Article 140 were implemented, the population would opt to be part of the Kurdistan Autonomous Region. The KRG uses the 1957 census, carried out before Arabization. For example, the population of Kirkuk was between 63 and 65% Kurdish. However, a couple of riders should be added to this supposition. Firstly, it appears that there is considerable and growing discontent among the local population in regard to the KRG. People feel that, as well as suffering violent attacks, their needs are not being attended to. According to a variety of sources, not only do a majority of the population lack basic services, some of the families of returnees live in camps with only minimal services. Given the mistrust of the KRG, it is not clear if in a referendum the majority would vote to be part of the Kurdistan Autonomous Region, despite the attraction of living in a place that enjoyed greater stability. Secondly, Article 140 establishes a three-phase framework but doesn’t go into detail on what options would be on offer in a hypothetical referendum.¹³ Just as this ambiguity has not helped move towards a solution, so it has opened the possibility of there being more options than the two main ones, that is, for the area to come under the central government or the KRG. A third option, which is gathering support among certain sectors, posits the creation of an autonomous body in Kirkuk.¹⁴ At the same time, some elements want to broaden the agreement, given the fact that Article 140 is ambiguous about how the referendum would be conducted, such that it would be an opportunity to vote not only for various options but also to ratify earlier political accords. Judging by its latest report, this is the strategy currently favoured by the UNAMI.¹⁵

Two principal factors, each given different weight, depending on the point of view, stand out as the causes

7 International Crisis Group, Iraq and the Kurds: resolving the Kirkuk crisis, 19 April, 2007, in <<http://www.crisisgroup.org/home/index.cfm?id=4782&l=1>>.

8 Article 140 can be read at <<http://www.krp.org/eng/issues/article140.aspx>>. The term normalization is understood to mean the process of unravelling the Arabization process of previous decades. See the report by the International Crisis Group, Iraq and the Kurds: resolving the Kirkuk crisis, 19 April, 2007.

9 Interview, Kurdistan Autonomous Region, May 2009. According to this source, 20,000 Arab families who arrived under the Arabization policy have left Kirkuk. At the same time, 25,000 Kurdish families have returned to Kirkuk and 15,000 families did the same in Sinjar; in Khanaqin 14,000 families had returned while 1,700 Arab families left. At the same time, 1,700 agricultural contracts were cancelled in the “disputed territories”.

10 The Washington Post, Truck bomb kills dozens in Northern Iraq, 21 June, 2009, in <<http://www.washingtonpost.com/wp-dyn/content/article/2009/06/20/AR2009062000434.html>>.

11 International Crisis Group, Iraq and the Kurds: resolving the Kirkuk crisis, 19 April, 2007, in <<http://www.crisisgroup.org/home/index.cfm?id=4782&l=1>>.

12 Interview, Kurdistan Autonomous Region, May 2009. Specifically, an analyst interviewed claimed that, despite having lived in Erbil for years, the Government continued sending his food rations to Kirkuk. The source said that, although born in Kirkuk but forced to flee, it made no sense to return to live in a refugee camp with minimal facilities and that in any case this should be an individual decision.

13 International Crisis Group, Iraq and the Kurds: resolving the Kirkuk crisis, 19 April, 2007, in <<http://www.crisisgroup.org/home/index.cfm?id=4782&l=1>>.

14 Interview, Kurdistan Autonomous Region, May 2009.

15 Interview, Kurdistan Autonomous Region, May 2009. See International Crisis Group, Iraq and the Kurds: Trouble Along the Trigger Line, 8 July, 2009 in <<http://www.crisisgroup.org/home/index.cfm?id=6207&l=1>>.

of the dispute. On the one hand, the difficult area of the “disputed territories” is presented as a question of dignity and historical justice, rooting the problem in the policy adopted for decades by the Baghdad government. On the other hand, others see the existence of oil as the main factor in the dispute. According to the first point of view, there must be reparations for the damage suffered in the past, and to this end they see the application of Article 140 as the only and perfect solution. According to the second analysis, oil is the fundamental factor in the dispute, linked to the perceived aspirations towards independence and the centrifugal forces around of Erbil. From this point of view, the fact is that Kirkuk possesses 13% of Iraqi oil reserves, enough to establish the economic base of a future independent entity or, at the very least, to maximise autonomy, has become one of the key factors.¹⁶ In contrast, government sources indicate that the oil factor cannot be allowed to form part of the KRG’s position, pointing to the existing agreement that all oil be delivered to Baghdad and distributed from there.¹⁷ This is why official sources insist that the “disputed territories” question is dogged by misinterpretation that also affects the international community, such as NGOs and research centres.¹⁸

In this context, some analysts consulted during the drawing up of this report point to the possibility of finding a solution that separates the historical and geographical elements from the administrative ones. Under this option, recognition of Kurdish demands (historical grievances, cultural and demographic continuity, the need for reparations etc) need not be obstacles to reaching an agreement at an administrative level, with different formulas adopted through the consensus of all parties.¹⁹

It needs to be said that there are more parties to the dispute than the KRG and the Arab political class in Baghdad. The issues of Kirkuk and the “disputed territories” involve other religious and ethnic communities who live in these areas. As well as the Kurds and Arabs, there are, among others, Turkomans and Chaldean-Syrians. In some areas the Turkomans are particularly numerous and via their political representatives have often adopted positions fiercely opposed to the Kurdish ones, as have Arab leaders in these areas. For this reason the “disputed territories” should not be treated as a homogenous whole, given that the reality and

ethno-religious composition (both historically and on the ground) differ considerably from one case to the other. Thus there are areas where the Kurds are a majority, and others where they are not. One must also bear in mind that Kirkuk, a mosaic of different communities, has to be considered apart, having a symbolic importance for Kurdistan that has led to it being compared to Jerusalem. Within the framework of Kurdish nationalist rhetoric, it should be borne in mind that Moustafa Barzani, father of the incumbent leader, called Kirkuk the heart of Kurdistan, making its recovery a key question.

These groups’ outside links have contributed to a progressive internationalisation of the Kirkuk issue. Parts of the Turkoman community have received support from Turkey, a fact condemned by the Kurds, while others, such as some Yazidi groups, have been backed by Iran.²⁰ This has inflamed tensions and given rise to fears of the conflict escalating to a regional level. The foreign presence has not been limited to support from neighbouring countries, but also includes foreign Salafists. According to analysts consulted for this report, some of the violence in certain zones can be attributed to the presence of armed Islamic extremists from Yemen, Syria and Saudi Arabia. For example, in Mosul, according to local authorities, these groups of armed radicals control certain areas of the city to the point where nothing can be done without their consent. Their ideology extends to the persecution of anyone who doesn’t share their Muslim fundamentalist views.

However, it should be borne in mind that the violence in the “disputed territories”, which manifests itself in many ways and is in itself complex and multidimensional, sometimes becomes extremely diffused. According to some analysts, there is a perception that “everyone and no one” is behind the violence. Even so, various factors that contribute to violence in the “disputed territories” can be identified, although the origin of the violence is the subject of diametrically opposed points of view. For some – among them Kurdish government sources – the al-Qaeda network is the main source of the violence or, at least, them along with Baathist insurgents backed by Syria. Those who attribute the violence to outside forces also highlight the presence of violent Saudi and Yemeni elements as a key factor. Others blame neighbouring countries, such as Turkey, for supporting opposition groups.

Others, however, highlight the violence’s internal origin. In this respect, analysts interviewed lay some of the responsibility at the door of the KRG, for example, the massive presence of heavily armed *peshmergas* in such small areas (such as the city of Kirkuk) alongside other militias (Sunni Arabs and

¹⁶ However, some analyses suggest that the six existing oil fields in Kirkuk have used up a large part of their initial reserves, for which reason output is falling. Iraq Revenue Watch, in International Crisis Group, *The Brewing Battle over Kirkuk*, 2006.

¹⁷ Interview, Kurdistan Autonomous Region, May 2009. This position is in contrast with a KRG report that begins with a reference to oil in Kirkuk, claiming “oil plays a decisive role in the future of the Kurdistan Region in general and the government of Kirkuk in particular” (Kurdistan Regional Government, Ministry of Extra Regional Affairs, *Report on the Administrative Changes in Kirkuk and the Disputed Regions*, page. 9).

¹⁸ Interview, Kurdistan Autonomous Region, May 2009.

¹⁹ Interview, Kurdistan Autonomous Region, May 2009.

²⁰ Interview, Kurdistan Autonomous Region, May 2009.

Turkomans) – although on a much smaller scale – has inflamed the situation.²¹ To this must be added the aggressive statements made by all sides. President Jalal Talabani said that Kirkuk would become Turkey's graveyard²² and President Massoud Barzani is on the record saying he is willing to defend these areas with tanks²³. Some sources consulted also consider that maintaining a level of violence in the area is in Kurdish leaders' interest, adding that there is a developing power struggle between the PUK and the KDP. Central government has also made aggressive moves, such as the above-mentioned sending of tanks to Khanaqin in 2008. At the same time, the tight control maintained by the Iraqi National Police in Mosul significantly inflames the situation.²⁴

Whatever the source of the violence, it should be borne in mind that civilians are often the victims, whichever community they belong to. In the middle of 2008, the Christian community in areas such as Mosul suffered a wave of attacks, forcing thousands of people to move.²⁵ The violence against Christians has been kept up and at the end of May 2009 there was the particularly alarming murder of several Christian families in Kirkuk, something not seen before. Some sources consulted believe the cause of these killings is the Christians perceived affinity with the US. At the same time, as living space is occupied along sectarian lines, it appears that the distance between communities has increased. One revealing sign is that taxi drivers refuse to leave their communal area.²⁶

In this scenario, the UNAMI has acquired a greater role in the question of the "disputed territories", which has materialized in the form of a recent report which outlines four possible scenarios and which has been presented to all interested parties.²⁷ In this scenario, the UNAMI has acquired a greater role in the question of the "disputed territories", which has materialized in the form of a recent report which outlines four possible scenarios and which has been presented to all interested parties.²⁸

There is a general consensus that the more time that passes, the worse the problem will get. However, if some saw holding a referendum on the date scheduled as unilateral act, carried out without consensus and liable to lead to open conflict, the fact is that it wouldn't be implemented, nor was it likely to be,

as it is seen as a major element of confrontation. At the same time, the official Kurdish position is that a resolution of the issue of the "disputed territories" would unblock other unfinished business.

For all these reasons, there is evidently a risk of escalating conflict. To avoid it, it would help if the recent rhetoric were toned down in order to find consensus and initiate policies designed to meet the urgent need for increased trust and peace, given that the existing ones to date are limited in scope and bedevilled with problems.

2.3. Building peace in the midst of day-to-day violence

The failed political negotiations over the "disputed territories", manifest in the animosity between the Iraqi prime minister Nouri al-Maliki and the Kurdish president Massoud Barzani, threatens the possibility of a lasting and substantive peace. Even so, and in spite of the increasingly aggressive rhetoric used in relation to these territories, together with violence on the ground, there is an identifiable, if small, non-violent movement in Iraq, along with a variety of both local and international peace initiatives.

Regarding the peace and non-violent movement in Iraqi Kurdistan, there is the beginning of a merging of views. Sectors connected with this movement speak of there being both a clamour and an affirmation. The clamour is to find, in spite of the complex and delicate situation, a peaceful solution. The affirmation is that the Kurds, and the Iraqis in general, have lived through so much violence that they now have an almost primordial desire to leave it behind. It is said repeatedly that "people don't want to and are not willing to take up arms again".²⁹ On these two premises, and conscious of the enormous difficulties they face, a number of people work daily in Kurdistan and the rest of Iraq to transform the dynamics of violence into the dynamics of peace.

The work carried out by these non-governmental organisations centres on designing strategies directed towards conflict resolution, creating peace and the promotion of non-violence, all of which are seen as complementary and mutually reinforcing elements. Although it's true that these ideas, along with a culture of non-violence, are new to Kurdistan, it is possible to detect a change for the better, albeit one that is occurring extremely slowly. People consulted say that the opening up of the region after 2003 has also opened it to outside ideas that have been extremely useful. From an exchange of ideas with organizations in other countries in conflict, such as Palestine and Lebanon, the peace and non-violence movement has grown in size, organization and reach.

21 Interview, Kurdistan Autonomous Region, May 2009.

22 These claims refer to the belligerent postures adopted by Turkish-backed Turkomans. The comments coincided with the presence of Turkish troops in Kurdish territory in order to fight the PKK in February, 2008.

23 Interview, Kurdistan Autonomous Region, May 2009..

24 Interview, Kurdistan Autonomous Region, May 2009.

25 The New York Times, Iraqi Christians flee Mosul in the wake of attacks, 14 October, 2008, in <<http://www.nytimes.com/2008/10/15/world/middleeast/15iraq.html>>.

26 Interview, Kurdistan Autonomous Region, May 2009.

27 Interview, Kurdistan Autonomous Region, May 2009.

28 International Crisis Group, Iraq and the Kurds: Trouble Along the Trigger Line, 8 July, 2009, in <http://www.crisisgroup.org/home/index.cfm?id=6207&l=1>>.

29 Interview, Kurdistan Autonomous Region, May 2009.

For example, in 2007 the LAONF network was set up, bringing together 25 organizations in an annual forum on non-violence.

The fact that the movement is growing is a clear indicator of success, although those behind it underline its limitations: in the first place, the arrival of the war, which has contributed to the violence; secondly, the tribal mentality which encourages the settlement of disputes by non-peaceful means; thirdly, the lack of a clear commitment to peace on the part of the authorities. The work of these movements aims to teach, spread and raise consciousness about the principles of building peace. Within this framework, bridge-building between communities – in poor shape due to the rising tension – is potentially the most fruitful activity. Given that many of the people interviewed emphasised the growing sectarian tendencies, with group identity taking on increasing importance, looking for points in common rather than differences is especially relevant. Programs that try to create links between young people through sporting activities, regardless of religion or ethnic community, have borne fruit and are without doubt a good investment in peace.

The situation is especially worrying in the “disputed territories” where the problem stems from the complexity and number of profound and unresolved questions. Local experts say that, given the amount of violence on the ground, the affected population put guaranteeing their rights, such as the return of their possessions and meeting their immediate needs, above initiatives such as “establishing peace” between communities.

In the midst of an atmosphere of tension, one thing has emerged with both positive and negative implications: according to local people, the confrontation isn’t between the people but between their leaders. While it is positive that people are not confronting one another, clearly the risk is that while the confrontation is at a political level, this is also the level at which decisions are made. They also say that, in the circumstances, it is practically impossible to stop the violence, but at best mitigate it and limit its effects.

As for inter-communal peace initiatives in the “disputed territories”, sources consulted say that nothing is happening at an official level. However, there are some unofficial initiatives, all with international backing, and which have had relative success. For example, they have held workshops with politicians in Kirkuk to discuss power-sharing and the status of the city, and have also held meetings with people from other cities with experience of conflict, such as Belfast. People involved in these movements speak about basic initiatives, but of limited reach given the size of cities such as Kirkuk or Mosul.

In spite of the difficulties, the trajectory of the peace and non-violence movement in Iraqi Kurdistan and beyond is positive. That said, the challenge remains for institutions and society in general to make greater efforts to extend the influence of these initiatives.

3. Conflict and internal challenges in the Kurdistan Autonomous Region

Marked by a history of decades of violence, since the US invasion the Kurdistan region in 2003 has enjoyed a period of relative stability and a parallel process of gradual political normalization. In spite of this, there is a level of internal conflict, less visible than the conflict over the “disputed territories”, that stands in the way of creating an inclusive and substantive peace in the Kurdistan region.

These are areas of conflict that are not likely to lead to armed conflict³⁰ but which have a significant impact in terms of direct and structural violence and, in general, human safety,³¹ while at the same time slowing down the post-war peace process³² in the Kurdish region. This type of conflict is less visible because: 1) it is mostly associated with cultural and structural violence, 2) it especially affects people outside the political sphere, such as women, and 3) it occurs beyond the public gaze.

This type of conflict ranges across challenges and shortcomings of good governance and participation, including the relationship between government and opposition; human rights; women’s rights and their situation. In themselves they can serve as signposts pointing out the direction taken by peace-making in post-war Kurdistan, that is to say, over the idea of this being defined solely as an absence

30 Armed conflict is understood to mean any armed confrontation between regular or irregular armed groups with what are seen as incompatible goals and where the organized and continuous use of violence: a) causes at least 100 deaths a year and/or serious consequences for the territory (destruction of infrastructures or natural environment) and human safety (e.g people wounded, displaced, subject to sexual violence, food shortages, impact on mental health and the social fabric or disruption of basic services); b) has objectives distinct from normal criminal activity and is usually linked to: demands for self-determination or self-government, or issues of identity; the political, economic, social and ideological opposition to a State or a government’s domestic or international policy, which in both cases drives the struggle to gain or erode power; or for control of the territory’s resources. Escola de Cultura de Pau, Alerta 2009! Informe sobre conflictos, derechos humanos y construcción de paz, Icaria, 2009.

31 Human safety is understood to mean “people’s safety in their daily lives which is not achieved through the military defence of a country’s frontiers but through human developments, that is to say, the guarantee to all to make a living, satisfy their basic needs, be valued in themselves and to freely take part in the community. The idea of human safety, although used by some before, is defined by the UN in its Report on Human Development, 1994. The fact is that human safety is closely linked to the idea of human development, if this is defined as the expansion of a person’s options, and thus the security to exploit these options”. Pérez de Armiño, Karlos; Areizaga, Marta, Diccionario de Acción Humanitaria y Cooperación al Desarrollo. En <<http://dicc.hegoa.efaber.net/listar/mostrat/204>> [Accessed 14.07.09].

32 In a 1992 report entitled A Peace Program, the UN secretary-general Boutros Boutros-Ghali, defined Post-war Peace Building as “measures to individualize and strengthen structures that will reinforce and consolidate peace with the aim of avoiding the recurrence of conflict” Un programa de paz. Diplomacia preventiva, restablecimiento de la paz, mantenimiento de la paz, A/47/277 – S/24111, 17 June 1992, in <<http://www.un.org/Docs/journal/asp/ws.asp?m=S/24111>>, para. 63.

of violence or, on the other hand, to tackle points of conflict beneath the surface. The lessons that can be learned from the Kurdistan region are useful for understanding post-war challenges, especially those associated with a deep-rooted legacy of violence.

This part is divided into various sections. Firstly it deals with points of conflict concerning government and participation (part 3.1), including government-opposition relations and electoral tensions, as well as matters concerning political openness and participation. Secondly, it looks at conflict associated with human rights (3.2), drawing out points of conflict, obstacles and challenges. Thirdly, and intrinsically linked to the preceding section, it looks at gender issues specifically, and the situation of women in the region (3.3).³³ Finally it examines challenges for and steps taken by various people towards advancing the cause of peace in the region (3.4).

3.1. Control of the political terrain as a cause of tension

In the political sphere, the normalization of political life is dependent on a variety of questions that give rise to instability in the region: unresolved divisions in the Administration that are a legacy of the civil war; material and democratic shortcomings in the Government;³⁴ and tensions between government and opposition which are at their most explicit during elections.

During the Kurdish civil war (1994-1998) Kurdish territory was split into two, the north, controlled by the KDP, and the south, in the hands of the PUK. The Washington Peace Agreement (1998), promoted by the US, established a power-sharing basis as a way of ending the conflict. The accord assumed an end to hostilities and joint administration. Since then the region has been caught up in a complex process of overcoming administrative division, but according to analysts the issues at the heart of the conflict have yet to be resolved.³⁵

³³ To a large extent, the three areas of conflict dealt with in this section revolve around human rights. The fact is that the tension between Government and opposition as well as the problems of the region's governability are closely linked to the existence and exercise of civil and political liberty. At the same time, violence against women and the perpetuation of gender roles which feed the violence that is typical of the both the country and the region, is closely linked to women's lack of human rights. Also, though it is not studied in detail in this report, lack of services and financial problems are up to a point linked to the precariousness of the social and economic problems of the region, although things are not nearly as precarious as in the rest of the country or others in the Middle East. Nevertheless, although all these areas are linked, up to a point, with human rights, they are dealt with in separate parts with the aim of bringing out the nuances in each of them.

³⁴ Using classifications of fields of operation in the process of post-war rehabilitation established by, among others, the Center for Strategic Studies, one of the focal points for action in the context of rehabilitation is "government and participation". This area brings together the development of good government and the encouragement of participation; drawing up a Constitution; forming a Government; power sharing; development of local government; transparency and anti-corruption and a plurality of media; empowerment of civil society (understood to mean the process of setting up associations, development of social movements, organization of discussion forums and social training programs). Escola de Cultura de Pau, Barómetro 15 sobre conflictos, derechos humanos y construcción de paz, October, 2007.

³⁵ Interview, Kurdistan Autonomous Region, May 2009.

After a period of stasis, the unification process received a boost after 2003, reinforced by the election campaign (2005) and the Regional Kurdistan Government's Unification Agreement (2006).³⁶ This agreement shared out ministries between the PUK and KDP, although the ministries of the Peshmergas, Finance and Justice were excluded temporarily from the agreement, with one per party, given the sensitivity of these areas.³⁷ In 2008 the justice ministry was unified, while in 2009 agreement was reached over the rest.

Nevertheless, delicate questions remain unresolved. Some local analysts point out that Asayesh, the security service, is in practice duplicated, with each party maintaining their own service, making accountability difficult. In any case, the Kurdish Autonomous Region's Protection Agency has said publicly that the two security bodies cooperate with one another and that the aim is to unify them.³⁸ An added problem, according to some analysts, is that the security and intelligence services come under the wing of the president, not the Government, which the same sources say limits Parliament's control over them.³⁹

In any case, and although there are unresolved questions, the intense rivalry that led the PUK and KDP into a civil war seems to be easing, as can be seen by the gradual process of administrative reunification. This, along with a general weariness with violence, suggests that the points of conflict that led to armed internal conflict can be overcome and also that war may no longer be seen as an acceptable way of settling political differences. Nevertheless, what was a political power struggle between the two main parties now seems to have shifted to division and tension between government and opposition, which will be dealt with later. This emphasises the weight that rivalry between the big parties carries in Kurdistan as a source of tension and the importance of each party's popular and territorial support when it comes to political conflict.

In relation to government and democratic participation, from the analysis put forward by a wide spectrum of people interviewed, it is possible to draw various conclusions, useful for understanding and tackling the challenge of building an inclusive and lasting peace in the region.

One thing that stands out is the different perception between the authorities and those outside the ambit of government in regard to: 1) the separation

³⁶ Kurdistan Regional Government, Kurdistan Regional Government Unification Agreement, 21 January, 2006, in <<http://www.krg.org/articles/detail.asp?rnr=223&lngnr=12&nr=8891&smap=02010100>>.

³⁷ Kurdish Human Rights Project, A fact-finding mission in Kurdistan, Iraq: Gaps in the human rights infrastructure, KHRP, July, 2008.

³⁸ Asharq Al-Awsat, A talk with Kurdistan Security Chief, Masrur Barzani, Asharq Al-Awsat, 15 August, 2008, in <<http://www.krp.org/eng/articles/display.aspx?gid=1&id=255>>, [Accessed 10.07.09].

³⁹ Interview, Kurdistan Autonomous Region, May 2009.

between government and political parties; 2) the political scope for criticising the government; 3) the role and strength of the media in the region and, by extension, the degree of freedom of speech and information; 4) the degree (and importance given to) transparency and accountability on the part of the authorities; 5) the existence, or absence, of political corruption; 6) the independence of the judiciary; and 7) the attention given to people's needs and the level of services provided, among other things. Given this gap, there is inevitably a serious problem of communication, trust and mutual rejection between the authorities and sectors not linked to them.

Thus the picture painted by many of the people interviewed who are outside the ambit of government is of a region dominated by the two parties that are omnipresent in almost every public sphere (political, economic, judicial, media, social etc) as well as the strength of the connections between the main parties and the government, limiting its independence or the ability to separate or criticise them. There is a widespread perception of an excessive corporatism on the part of the KDP and PUK. It is also said that there is a serious lack of transparency and accountability in regard to public spending, with cases of corruption documented and condemned in the media not being investigated.⁴⁰ They also say that there is a lack of official response to the needs of the people in terms of infrastructure, housing, electricity supply, drinking water and, in general, problems linked to the cost of living (e.g. the disparity between wages and housing costs).

For its part, the Government points to the democratic framework through which the region is governed, rejecting as unfounded allegations of a democratic deficit. From the Government's point of view, the region is confronted by the legacy of the Saddam Hussein era (a legacy of destruction, psychological and social impact, lack of resources, lack of education etc) as well as other practices (delays in sending money from Baghdad, outside threats to the security of the region, unresolved problems with the central government – the hydrocarbon law, the unresolved status of the "disputed territories" etc, among others) and structural problems (e.g the conservatism of tribal structures) which, with the best will in the world, make the Government's work more difficult. They highlight advances in the region's political normalization and say what the Government wants is to improve the general welfare and the running of the region. In this regard, what stand out are advances such as the announcement in mid-July of an initiative to promote good government and transparency.⁴¹

40 Various analysts concur with a large section of the political class about unfounded allegations appearing in media with low standards, but add that information brought to light through independent and inquiring journalism is not taken into account by the Administration. Interviews, Kurdistan Autonomous Region, May 2009.

41 The initiative announced by the Kurdish prime minister Nechirvan Barza-

ni, developed with PricewaterhouseCoopers, focuses on the development of four principles: the constitutional state, public confidence, transparency and open government and budgeted public spending. The plan envisages the implementation of a series of measures designed to promote these principles, among them the establishment of an Executive Office of Government and Integrity, a code of conduct for all government officers, a functioning penal code – including, among others, anti-corruption laws – public access to Government information and social awareness of these issues, integrity pacts in key civil infrastructure projects etc Kurdistan Regional Government, Good Governance and Transparency Initiative. Executive Summary. 12 July, 2009. In <http://www.krg.org/uploads/documents/Good_Governance_and_Transparency_Executive_Summary.pdf> [Accessed 14.07.09].

Despite this clear gap, which causes social unrest and tension, people on both sides offer some self-criticism and point out that in recent years there have been moves to open up the political system. For example, some civilians say that since 2003 positive steps have been taken regarding the separation of political parties and non-governmental organizations, compared to the early period (1990-2003) when they were too much under the control and political line of the parties. At the same time they say that the Kurdish Government is showing a real determination to be more democratic, despite current shortcomings. At the same time, again adopting a self-critical stance, some non-government figures point to a lack of initiative on the part of society as a whole in its relationship with the government and also in its behaviour in public life. They attribute this to the legacy of the repressive Saddam Hussein regime and what they call the "Iraqi mentality", which includes a lack of personal initiative and willingness to take the lead, combined with a tendency to blame others.⁴²

On the other hand, and as another way of looking at it, there are two visions or mentalities about the conflict. The majority, and "traditional" view, stems from the collective and hierarchical structures on which Kurdish society is built and which are seen as profoundly affected by the Saddam Hussein regime (e.g. centralization, terror, hierarchy and the impossibility of taking initiatives). The other, minority "civic" view also recognizes the legacy of Saddam Hussein but focuses more on distancing itself from tribal structures and consolidating a democratic system and a constitutional state in the region, driven largely by opening up the region to the wider world. While the first tends to be conservative regarding traditional practices and structures, the second proposes a change that would make the citizen and the individual the driving force of political action. It is a division that runs across the board, that transcends the division between government and non-government figures. As an example, some political figures from the main parties cite the process of approving the new media law as evidence of these two visions.⁴³

42 Interviews, Kurdistan Autonomous Region, May 2009.

43 The text was rejected at the first vote, with a large parliamentary majority reacting against the idea of the media dealing with issues of religion, culture, national or regional security, and therefore rejecting the idea of there being access to information on these issues. The law was only backed by 11 parliamentarians, with a hundred against. However, thanks to outside pressure, the mobilization of the media and the efforts of government leaders, the text went back to Parliament where it was finally approved. Interview, Kurdistan Autonomous Region, May 2009.

As for relations between government and opposition, this is cited as one of the main sources of tension within the region. It is a relatively new tension which has gathered strength since the appearance of a new opposition party, the List for Change, a PUK splinter group, which stood in the parliamentary elections on 25 July 2009. The tension is greatest in Kurdistan's political context, in which the exercise of power on the part of the two hegemonic parties has left little room for criticism, according to local analysts. For example, some social activists point to the tension surrounding a strike in the sub-district of Suleimaniya, organized to protest at lack of services and unemployment, which was fiercely opposed by the government and ended with one person dead. Social activists say that the manner in which the government deals with problems is in itself a source of conflict.

For the ruling parties the appearance of a new political list, which can count on some social support – especially in Suleimaniya – and which questions both party and government policies, having tried to change them from within, is a challenge.

Nawshirwan Mustafa, the leader of the List for Change, resigned from the PUK in 2008 but this resignation had still not been approved by the end of May, and another nine resigned. According to local analysts and human rights observers the PUK have tried without success on several occasions to bring Nawshirwan back into the party, at the same time as expelling members close to the List for Change from various party branches and committees.⁴⁴ Human rights observers say threats have been made against List for Change sympathisers and journalists in the Erbil and Suleimaniya areas, especially in the Kakar district.⁴⁵

Some analysts warn of a risk of violence during the election campaign, while opposition figures are already complaining of coercion of journalists and opponents. The way the parliamentary elections are managed will be a sign of the direction the region is taking in terms of a political normalization, after decades of violence and states of emergency. Although it seems likely that the official PUK and KDP parties will win, the popular perception of the legitimacy of the final results – including those of the List for Change – as well as the hypothetical acceptance on the part of the main parties of a the List for Change getting a good result – will be crucial factors in how this political tension develops.

Whatever the result, it's worth noting that the official position of the governing parties is that the increase in parties taking part in elections is a positive sign of democracy opening up in the region. Everyone interviewed, whatever their standpoint, says that a positive step has been taken towards a more inclusive

system. Furthermore, all parties agree that high levels of government-opposition violence are unlikely, given that people are weary of violence and due to the progressive opening up of the social and political terrain. However, there are those who don't dismiss the possibility of episodes of limited violence in the post-election period, such as the acts of intimidation and repression already taking place.

3.2. Towards human rights

Human rights in Kurdistan have undergone a profound transformation in the past three decades, leaving behind the epoch of the violation of the human rights of the Kurds and other groups by the Saddam Hussein regime. The path taken in the 1990s and followed since the US invasion marks a before and after for the autonomous region, demonstrating a general respect for the region's diverse ethnic and religious minorities.⁴⁶ This new, open era calls for a new analysis of the human rights situation, bearing in mind the legacy of their systematic violation, in order to assess the current situation not just in relation to the past but to the priority given to human rights by the regional government and how that relates to international human rights norms and thinking. Leaving aside comparisons with the Saddam Hussein era, and although there have been advances, there are significant shortcomings in respect to human rights.

One positive aspect is that the rights of minorities are respected within the RAK, just as political representatives of minorities (mainly Turkomans and Christians) stand out among those involved locally and internationally in the human rights field. In this respect the situation of minorities in the Kurdistan Autonomous Region is much better than in the rest of the country, from which large numbers of people have fled the violence and systematic human rights violations, seeking refuge in Kurdistan. The situation of minorities within Kurdistan's recognised borders contrasts sharply with the problems faced by those in the "disputed territories".

The respect enjoyed by minorities in the Kurdish Autonomous Region should not be underestimated, given that it shows a responsible exercise of power on the part of a nation that has moved from suffering massive human rights violations to having regional power and sharing it with central government. In this respect, we should highlight the absence of violence against the Sunni Arab population, a minority of little importance in the region but which could have been equated with the Baathist regime and therefore suffered reprisals. This fact is subject to different and sometimes contradictory interpretations. Some social and political commentators link the lack of revenge to people's desire to avoid more violence and to see the

⁴⁴ Interviews, Kurdistan Autonomous Region, May 2009.

⁴⁵ Interviews, Kurdistan Autonomous Region, May 2009.

⁴⁶ Interviews, Kurdistan Autonomous Region, May 2009.

Kurdish region advance in a democratic manner. To others, albeit a minority, the absence of reprisals is in fact a gesture of revenge in the context of the culture of violence that characterises – according to this point of view – Kurdish society's tribal structure. These people argue that not resorting to violence in a context in which tradition dictates that it must be carried out could be seen as the "worst revenge", that is, as a way of dishonouring those who, according the code, should be made to suffer. Therefore, if the absence of violence is a positive sign for the region, the way in which it is interpreted suggests very different ways forward for non-violence and human rights in the region.

The main problems related to human rights in the region transcend inter-communal relations and have more to do with the vertical relationship between the regional apparatus (political, judicial and security forces) and the populace. Some human rights experts highlight a number of problems. One of them is a lack of freedom of expression, which affects journalists above all. Quite apart from cases of low-quality and one-sided journalism, human rights workers say that journalists who expose instances of corruption or bad government run the risk of being persecuted, while the cases in question are not investigated. Thus journalists who don't tow the official line are an endangered sector in the region.

On the other hand, local analysts also point to shortcomings in regard to prisons, especially regarding prisoners serving long sentences or those accused of terrorism, although people in the field say there have been significant improvements, including the way in which prisoners are treated.

A problem running through the humans rights issue is the limitations of the judicial system which, according to sources that specialize in the field, is subject to long delays, which entail delays in the periods of detention. One problem is a shortage of judges although attempts are being made to remedy this. At the same time, some blame the judicial system's lack of independence. For example, some local sources cite the fact that various cases of honour killings and violence against women were not investigated because, among other factors, the perpetrators had influence in the courts. This, combined with the pre-eminence of tribal structures in some circumstances, leads to a tendency to have recourse to ways outside the law in order to protect rights or hand out justice, methods supported by the group (family, tribe etc) and which often contribute to perpetuating a culture of violence and complicate the work of establishing a constitutional state.⁴⁷

According to people interviewed in the field of human rights, civil society and universities, all of this can be linked to a structural problem, the lack of a culture of human rights in the region, itself linked to the

prevailing culture of violence. In this regard, according to local views, various factors are in play: among them a) the legacy of violence from the Saddam Hussein presidency, in the form of hierarchical abuses of power at a familial, educational, community or political level; b) the tribal structures of the autonomous region in which individual interests are often subordinate to the dominant interests of the group and which are channelled through strict and conservative codes of honour; and c) Kurdish society's hierarchical and patriarchal dimension, with the result that the interests of the dominant groups within the collective demarcate the rights of the rest. Among these factors, the legacy of violence is hared by all, including the government, while the impact of tribal structures and the framework of human rights generally only affects civil society.

3. 3. The gender perspective: the challenge of an inclusive peace

The relative peace and stability of the Kurdish Autonomous Region is in stark contrast to the high level of violence perpetuated against women, and their relegation to "second class citizens". As in other areas, legal advances or at the level of debate regarding women contrast with a lack of significant advances, or even a deterioration, in the actual circumstances of Kurdish women, according to gender analysts. From a gender perspective⁴⁷ both the conditions of women in the area and the way local people approach the topic, call for an in-depth examination of the causes and, ultimately, to map a path towards equality.

The condition of women is also a measure of the depth and nature of the process of building a post-war peace. That is to say, to determine whether they focus on dealing with the immediate causes of past violence (e.g. rivalry and power struggles between the KDP and PUK; the relationship with Baghdad etc) or if they also face up to other points of conflict, such as gender inequality, in order to extend these processes of change.

According to gender analysts who also work in the field of democratization and civil society, the exclusion of and violence towards women in the Kurdistan Autonomous Region occurs at many levels, and is accepted as normal practice in most of the region and in the rest of Iraq. Their exclusion is part and parcel of Kurdistan's strict gender roles, which make women (and above all their bodies and their sexuality) a repository of the honour of the

47 Gender is "the category that underlines the cultural construction of sexual difference, that is, the differences between the conduct, activities and functions of women and men are culturally constructed more than they are biologically determined. The gender perspective alludes not only to the analytical potential of this category but also its political potential to transform reality. From this angle, gender is not only a tool for analysing the condition of women, it is also a political proposal in that it demands a commitment to the creation of just and equitable gender relations." Murguialday, C. "Género" en Hegoa, *Diccionario de Acción Humanitaria y Cooperación al Desarrollo*, 2000, Icaria.

family, community, nation etc. and relegates them outside decision-making roles, public areas and salaried work, among other things. Deviations from gender roles are punished by those who have power over women and, often, by their own inner circle, including other women close to them.⁴⁸

Although on a formal level there have been legal advances that support, if in some cases only partially, women's rights (e.g. viewing honour killing as a crime, restrictions on polygamy, lifting restrictions on the women's right to a passport, the law concerning personal status) according to local analysts many more steps need to be taken (e.g. a draft law against domestic violence, drawn up years ago by local parliamentarians but still not approved) and in practice violence against women continues to be the norm. This violence covers a wide range of practices, including honour killing, family pressure to commit suicide, forced marriages, marital rape or the "visual violence" towards women in the public arena, among many others.

There are no accurate statistics regarding violence against women in the region, making it difficult to deal with the problem. But whatever the case, and in spite of limited statistical information, all those interviewed, including government representatives, agree that the violence is widespread or very widespread. Some analysts claim, with reference to UNIFEM, that there are some 400 honour killings a year across the region.⁴⁹ In fact, honour killing is thought to be one of the main causes of death, aside from natural causes, of women in the northern Kurdish region of Iraq.⁵⁰ To these figures must be added an unknown number of suicides, most of which are concealed murders or suicides brought about by family pressure, according to local experts, as well as other forms of violence. According to the body linked to the Interior Ministry that deals with violence against women in the Suleimaniya area, during the first three months of 2009, 290 cases of violence against women were recorded, of which 101 were cases of maltreatment or beatings, 85 threats, 53 burns in uncertain circumstances and 20 of sexual exploitation, to cite some.⁵¹ Local sources say that

48 Some experts interviewed point to the "complicity" of some women in the exercise of violence against women, especially within the family or inner circle, because of the internalization of the strict gender codes. Interviews, Kurdistan Autonomous Region, May 2009.

49 Interview, Kurdistan Autonomous Region, May 2009.

50 The Government puts the population of the Kurdistan Autonomous Region at 3,757,058 inhabitants, citing figures from the UN's 2002 Oil for Food Program. In <http://www.krg.org/articles/detail.asp?rnr=141&lngnr=12&smap=03010400&nr=18657#endnote_01>, [Accessed 10.07.09].

For comparison with contexts viewed as "femicide" scenarios, Ciudad de Juárez (1.400.891 inhabitants, according to 2005 figures), 370 women were murdered between 1993 and 2003. In Guatemala (population 13 million) 978 women were murdered between 2001 and 2003 and 489 in 2004. Escola de Cultura de Pau, Alerta 2006! Informe sobre conflictos, derechos humanos y construcción de paz, Icaria, 2006.

51 UN News Centre, Violence against Iraqi women continues unabated, says UN expert, 25 November, 2008, in <<http://www.reliefweb.int/rw/rwb.nsf/db900SID/FBU0-7LQE86?OpenDocument>>.

the majority of honour killings, suicides and other acts of violence against women go unreported. One expert went so far as to say that women in the region live in a state of "femicide".⁵²

Despite not being exhaustive, these figures, once extrapolated, stand in sharp contrast to the few fatal victims of terrorism in the Kurdish Autonomous Region, in spite of which the government prioritises and dedicates considerable security measures to preventing terrorism that has no parallel with the problem of violence against women, which takes a much higher human toll in the region. One of the main problems put forward by the majority of people interviewed concerning the situation of women is the failure to implement legal measures against this type of violence, the failure to investigate and prosecute the perpetrators of the violence, and the lack of accountability of both the perpetrators and those who either cover up for or don't prosecute them.

All of this must be seen within the broader picture of women's exclusion from political decision-making bodies, especially government, in spite of the 30% quota introduced by the Kurdistan Autonomous Region. This measure of positive discrimination is welcomed by gender analysts and political and parliamentary women candidates, who see it as a means and not an end towards confronting the "invisible" restrictions that limit women's political participation. Assessments of the real impact of the quota are more disparate, and while none is completely negative, some of those interviewed are positive in terms of legislative advances and the visibility of women in political life, while others see it as of limited impact compared to the work of some sectors of women parliamentarians, and others see it as being more about loyalty to the government than parliament's commitment to standing up for women's rights.

At the same time, various people interviewed emphasised that the situation of women in the "disputed territories" is much worse than in the autonomous region, where they face a double conflict: the same abuse and exclusion as women in the Kurdish Autonomous Region as well as the open conflict in those territories. In these cases, the priority is often to "survive the bombs".⁵³

Due to the lack of definitive facts about levels of violence and patterns of exclusion of women in the autonomous region, views about what is happening vary. Some analysts interviewed say the available data points to irregular patterns, without being able to extract definitive conclusions from them, except

52 Human Resource Databank (2009), Statistics of Directorate of Follow Up of Violence against Women in Suleimaniya 2009, 11 May, 2009. In <http://hrdb.org/DirejeAmar_E.aspx?Besh=Amar&Cor=Mafimrov&Jimare=11> [Accessed 7.07.09].

53 Interview, Kurdistan Autonomous Region, May 2009.

that the problem is continuing. Others, taking a qualitative rather than a quantitative view, see a largely deteriorating situation, such as the honour killings (concealed or not), forced suicides, forced prostitution and trafficking in women. A third tendency, mainly espoused by members of the political class interviewed, both government and the new opposition, see real recent improvements, with a reduction in violence towards women. What this diversity of opinion confirms is the need for more exhaustive statistics and closer examination of the problem.

Beyond the above tendencies, it is necessary to deal with the factors that people based in Kurdistan see as the main causes of the exclusion and inequality of women. A primary cause, they say, are the patriarchal structures that permeate the Kurdistan region, as in the rest of Iraq. These are manifest in ideas and institutions based on the unequal power of women and hold true across other divisions, such as rural-urban, age, ethnicity, class etc. This is seen as a key factor by some people interviewed, especially local and international women who work directly in the field of gender or human rights. They don't see it as the only factor, but regard it as fundamental, and a majority of those consulted, including those in mainstream politics (government and opposition) allude to patriarchy as a major cause of inequality. A second causal factor is the general absence of a culture of human rights in the region, which is also linked to the prevailing culture of violence, as mentioned earlier. At the same time, religion, tribal structures and the dominant culture are steeped in inequality, which some local commentators also attribute to patriarchy.

Various commentators from civil society point to the government's lack of practical commitment – beyond the level of discussion – and unwillingness to promote or prioritize the implementation of legal measures, accountability or the fight against impunity, which contributes to perpetuating the problem.⁵⁴

Based on what we can gather from the analysis of people on the ground, gender issues face an ambivalent future in the region. On the one hand, nearly everyone agrees that, as a result of social pressure and with government backing, there have been advances towards the formal acquisition of women's rights, and that this is a positive trend as it has brought the issue of exclusion and violence into the public domain and has improved women's legal right to protection. On the other hand, the analysis of those most directly involved in the issues emphasises problems such as deeply entrenched violent practices and the social structures that allow them to continue, the limited implementation of legal changes (and the lack of accountability for this failure to implement them), the lack of an independent judiciary or of the

judicial prosecution of the perpetrators of violence. They also highlight how those working for the cause of women's rights face problems and obstruction, including threats and personal attacks, in carrying out their work. From the viewpoint of this analysis, women in the region face a difficult future in the short and medium term.

3.4. The road to peace: bridges and social dialogue

One of the main problems that has emerged from the Kurdish Autonomous Region is the division and lack of convergent views between different sectors – primarily between government and the rest – in relation to the aforementioned points of conflict: governability, human rights and women's situation. Given that these divisions can create offence, mistrust and, at worst, tension and instability, one of the immediate challenges facing the region is to build bridges between the various positions and protagonists as a means of building a substantive and inclusive peace. In this context, some elements already in place are positive signs, if in some ways insufficient in themselves.

It can be stated positively that, despite the identifiable differences and points of division, everyone interviewed shared the same goal, the desire for a common destiny centred on a self-governing body (with more or less autonomy) and based on the basic principles of respect for human rights. Having established the basis of the democratic discourse, it would be difficult – though not impossible – to roll back the legislative advances made on questions of rights and freedoms. There does exist, therefore, a common framework, that can facilitate better communication and understanding. In the context of this common framework, it is a positive sign that there is a general feeling of weariness with violence across the region as a result of the legacy of suffering. That said, the step towards openly embracing the philosophy of a culture of peace and non-violence, has yet to be taken. It is positive to see that advances in relation to three fields analysed (governability, human rights and women) have come about through a combination of local demands – with or without external support (or pressure) – and government backing. From this the importance of strategic alliances emerges, as well as a certain degree of heterogeneity in the Government, despite the homogeneity of its fundamental positions.

Among concrete examples of how the government supports inter-sectoral and common aspirations are: support for more party political participation in elections; the Kurdish government's constructive response to the last Amnesty International report;⁵⁵

⁵⁵ KRG, Statement in response to Amnesty International report, 20 April, 2009, in <<http://www.krg.org/articles/detail.asp?Ingr=12&smap=02010100&rnr=223&nr=28956>>; Amnesty International, Hope and fear. Human Rights in the Kurdistan Region, April, 2009, in <http://www.es.amnesty.org/uploads/media/Kurdistan_Report_-_Hope_and_fear.pdf>.

⁵⁴ Interview, Kurdistan Autonomous Region, May 2009.

or raising the quota of women candidates for the 2009 election from 25 to 30%. Furthermore, the recognition by non-government parties of the advances made by the Kurdistan government and parliament, as well as self-criticism regarding society's lack of initiative, independence and inability to mobilise, point to possible areas of understanding.

In spite of all this, and based on what local analysts are saying, there is a need for a serious attempt to open up social and political dialogue, beyond parliament and existing initiatives. In this respect, and given the divisions regarding perceptions of transparency and trust, means of communication need to be improved that clarify aspirations and commitments and take into account the commitment of all parties. Accountability, social and political debate, participation and social and political initiatives – all of these need to be reassessed, as well as tools to reinforce the process of democratic normalization which is backed, apparently, by all. At the same time, long-term, inclusive strategic plans are needed to deepen the region's democratic framework in the light of the social change (attitudes, social structures etc) that both government and non-government voices deem necessary.

4. Conclusions

The stability of the Kurdistan Autonomous Region and the respect it shows to ethnic and religious minorities stands in stark contrast to the violence that has characterised the rest of Iraq since the US invasion in 2003. Despite a recent past marked by the state violence of the Saddam Hussein regime against Kurds and other communities, as well as an internal civil war (1994-1998) the Kurdistan region has optimistically undertaken a rapid process of social and political normalization. There is much food for thought from the complexity the Kurdistan Autonomous region faces in dealing with a regional post-war process in the context of the framework of a state that is still at war.

On the one hand, the tension and the disparity between the dynamics of the autonomous region and the rest of the territory has increased in recent years which, according to various local commentators, exposes the artificiality and fragility of the Iraqi state once there was no longer an "iron fist" to maintain stability. In this respect, the tension between the conflicting State projects supported by the political class in the various communities, as well as the extensive, diffuse, complex and sometimes sectarian violence in southern Kurdistan, dims the prospect of a normalization of the new federal State and, therefore, of the entities it comprises. This is one of the fundamental areas of conflict in Kurdistan today: its place in a federal Iraq and, therefore, the cautiousness of the Constitution. From this flows the main destabilizing factor in the Kurdistan Autonomous Region, the process of deciding the status of the "disputed territories", the strip of land in the south of the region that stretches from Syria to Iran whose worrying tendency towards escalating violence throws up three great dangers for the future: a) even worse levels of violence in these territories with dramatic consequences for the civilian population, especially minorities such as Christians; b) a new descent into widespread violence such as that suffered across Iraq after 2003, a tendency that has started to reappear over the past year; c) although it's a lesser risk, the spread of violence to the Kurdish Autonomous Region, which up to now has offered refuge to people driven out of other areas by violence.

At the same time, the US withdrawal from Iraq, with a timetable that affects Iraqi cities and with a combat mission that ends in 2010, is raising fear and uncertainty at a local level. The main risk is the possibility that armed groups will fill the vacuum left by an exit that has not entailed the resolution of the main points of conflict – the status of the "disputed territories" among them – and which leaves behind state forces that are not fully effective. In the case of the "disputed territories", in addition to the mistrust and tension that exists between the Kurdistan Government and the central Arab political class over control

of these areas, on the ground this takes the form of tension between regional Kurdish forces (peshmergas) and the Iraqi army. Despite a few initiatives to mount joint patrols, there has been no lack of armed incidents which expose how easily political tension can flare into violence in such a fragile and volatile environment.

The growing political tension between Erbil and Baghdad and local leaders from other communities points to a dangerous tendency in regard to the chance of peace in the country and, specifically, in the "disputed territories". The combination of aggressive rhetoric, the stalled negotiation process over the status of these territories and tension over other unresolved questions (constitutional reform, the hydrocarbon law, budget etc), together with recorded incidents between various armed forces, presents an alarming picture. At the same time, in the context of the "disputed territories", where there is a pattern of a gradual increase in violence, it is discouraging to see the lack of either formal or informal peace initiatives to deal with the many forms that violence takes in these areas in parallel with, or perhaps as a consequence of, the increasing distancing from one another of the communities that live there.

On the other hand, and alongside the risks and challenges associated with the "disputed territories" and the relationship between Erbil and Baghdad, the Kurdish Autonomous Region faces important internal challenges if it is to create an enduring peace. These are linked to the process of social and political normalization in the region, after decades of organized violence by the Saddam Hussein regime and after years of de facto autonomy in the exclusion area established in 1991, years which included the outbreak of an internal, armed conflict. The road taken by the region has consisted of a formal commitment to the construction of Iraq and a democratic and inclusive, autonomous sub-entity.

In practice, Kurdistan has taken rapid steps towards healing the divisions of the civil war and to enhance an image of stability, security and democracy within a barely functioning, fragile and extremely violent Iraq. The institutionalization of this approach has been accompanied by practical advances in many fields, although to a large extent their lack of implementation and the failure to meet people's principal needs continue, according to local commentators, to be major obstacles. In this respect, the shortcomings that need to be addressed urgently to advance the cause of peace in the region are in the areas of government and direct participation, human rights and, specifically, women's rights and gender equality. And more than simply avoiding violence, local sources say what is necessary is to give the absence of violence some substance, and say the priorities, among others, are freedom of speech, building a constitutional state, an

independent judiciary, accountability, ending violence against women, strengthening civil society and education towards peace.

The ambivalence and tensions of the regions, with formal advances but uncertainty in practice, and the disparity of views between government and non-government forces, surfaced again with Parliament's approval of a draft Constitution at the end of June 2009. This includes definitions of Kirkuk and other "disputed territories" and appears to increase presidential powers.⁵⁹ Although the approval of a Magna Carta is just another part of the process of normalization of the region within federal Iraq, the basis and the form it takes has created more tensions both between forces in the region and between the Kurdistan Government and Baghdad.

What can be glimpsed across all of the problems and challenges mentioned is a great lack of communication and constructive dialogue between all the protagonists involved in and affected by these areas of conflict. At the same time, at the conjunction of a violent legacy and the general social and political weariness with violence, what is needed are people, the will and mechanisms to make the second of these the driving force towards peace.

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School for a Culture of Peace

The School for a Culture of Peace (*Escola de Cultura de Pau*) was founded in 1999 with the objective of organising a variety of academic and research activities related to the culture of peace, the prevention and transformation of conflicts, disarmament and the promotion of human rights.

The School for a Culture of Peace is principally financed by the Generalitat de Catalunya [autonomous government of Catalonia] via the Catalan Development Cooperation Agency, part of the Secretariat for Foreign Cooperation, and the Department for Universities, Research and the Information Society. It also receives support from other departments within the Generalitat and from local councils, foundations and other entities. The School for a Culture of Peace is run by Vicenç Fisas, who holds the UNESCO Chair on Peace and Human Rights at the Universitat Autònoma de Barcelona.

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