

## Governing Nineveh After the Islamic State: A Solution for All Components

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### Abstract

This paper lays out three administrative options for the post-Islamic State governance of Nineveh and analyses the benefits and drawbacks related to each option. Despite minorities and international lobbying groups tied to the minorities favouring separate minority provinces, this paper argues against the formation of a Nineveh Plain province. A separate province would prevent efforts for reconciliation, is likely to induce new conflicts, and will ultimately not benefit minorities in the ways proponents of the plan claim. Similarly, the paper highlights that although decentralisation to the province through Law 21 could address a number of important issues, it would leave minorities in Nineveh too vulnerable to being marginalised and politically dominated by Sunnis. The main argument, and thus recommendation, of the paper is that the best available option for all components of Nineveh is the creation of a Nineveh federal region with entrenched power sharing and decentralisation within the region. This will provide the components of Nineveh with a political arena in which to address and overcome differences, while protecting minorities as well as Sunnis from being marginalised. Moreover, the creation of a region for Nineveh will have a stabilising effect on the wider Iraqi political system.

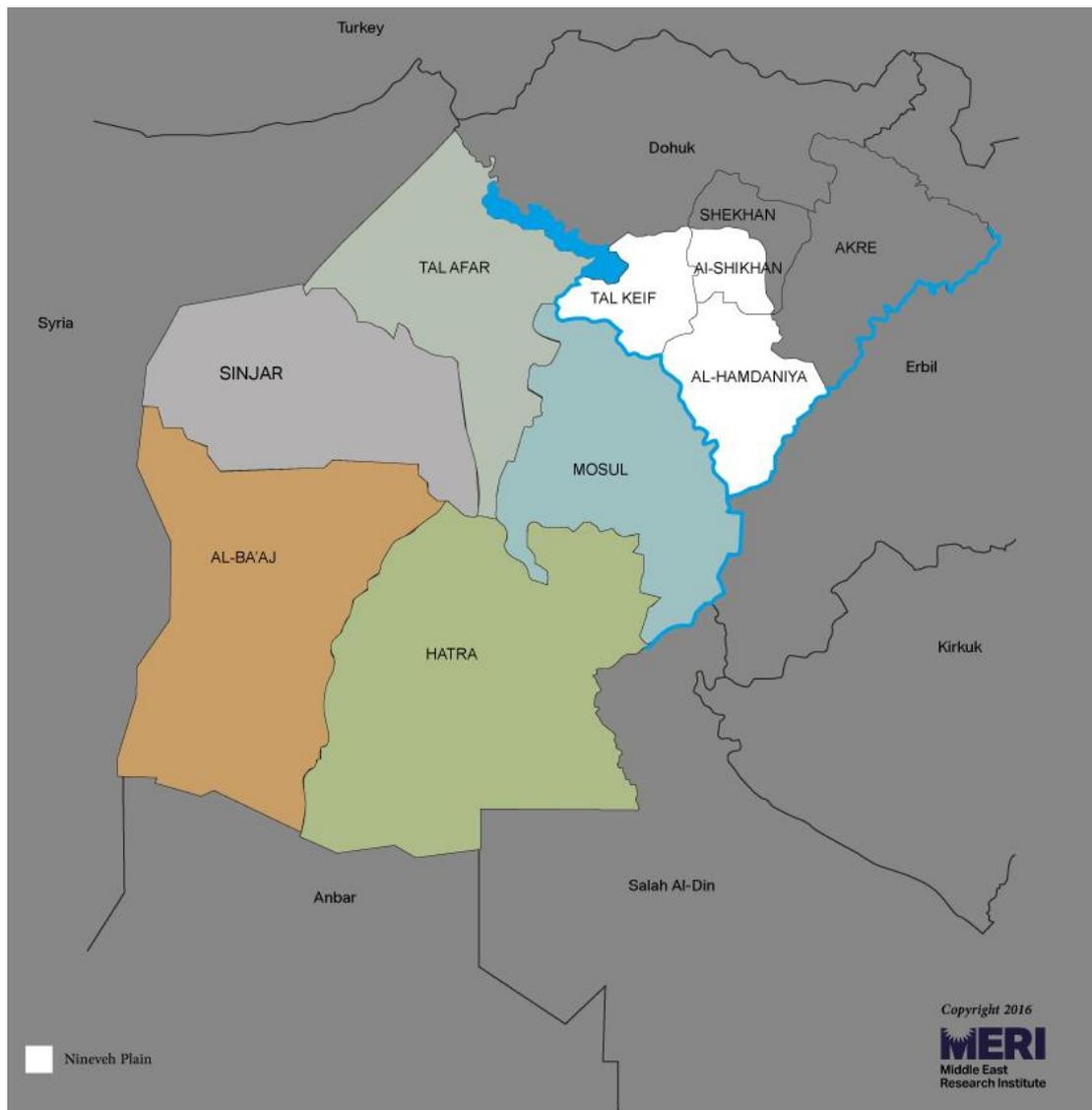
### Introduction

There is a growing call for the division of the current Nineveh Province, and for the creation of a Nineveh Plain province (Gaetan, 2016). The reasoning behind this proposal is that it would offer protection to the minorities of the area. Both exogenous and endogenous proponents of the plan argue that without a stand-alone province these groups might be forced out from the region permanently through emigration and genocide. The idea for the creation of a province has gained great traction within the Iraqi Christian diaspora community in the United States (US), who have begun lobbying for US support for the proposal. The success of their lobbying is evident in the fact that 12 members of the US House of Representatives presented a resolution to the Committee on Foreign Affairs of the House to ask the US Congress to promote the creation of a Nineveh Plain province.<sup>1</sup>

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<sup>1</sup> For the progress of the resolution, see: <https://www.congress.gov/bill/114th-congress/house-concurrent-resolution/152/all-info#major-actions>

However, there is currently very little understanding of the process and whether it will alleviate or create more conflict, or if the alternative options available offer a better solution for minorities, Nineveh, and Iraq as a whole. In order to redress this gap, this Policy Paper examines and compares the three main options available to a post-Islamic State (IS) Nineveh – the break-up of the province, decentralisation to the province under Provincial Powers Act (Law 21), or the creation of a Nineveh federal region. The main argument is that the creation of a federal Nineveh region with provinces within is not only the best possibility for all the communities in Nineveh, it is also best for the long-term stability of Iraq.



Map of Nineveh Province and surrounding areas

### Escalation of Violence Towards Minorities in Nineveh

Nineveh is home to many of Iraq's minorities, including Yazidis, Christians, Shabaks, Turkmen, and Kaka'I, to name but a few. After the toppling of Saddam's regime in 2003, widespread sectarian violence and relentless extremist attacks

against the religious and ethnic minorities in Nineveh were perpetrated with impunity. Many minorities such as Shabaks and Yazidis were forced to leave Mosul City and join other community members in Sinjar and the Nineveh Plain villages in a desperate search for security. Yet attacks against their communities continued as extremist groups started to target those villages and communities outside of Mosul (Puttick, 2014).

Consequently, the city of Mosul gradually became off-limits for religious and ethnic minorities not adhering to a strict interpretation of Sunni Islam. When IS took control of Mosul and large parts of the Nineveh governorate in the summer of 2014, it immediately embarked upon a genocidal campaign aimed at ridding the areas under their control of minority communities through enslavement, forced conversion and mass killings (IILHR *et al.*, 2015). The extreme levels of violence perpetrated against minorities gave rise to deep grievances and trauma not easily overcome by the victims.

### **The Case For and Against an Independent Nineveh Plain Province**

After the atrocities committed by the Islamic State, many members of minority groups now consider the trust between their community and the Sunni Arabs to be irreparably broken.<sup>2</sup> Considering the traumas inflicted on the minority components of Nineveh, the notion of continuing to govern together with Sunni Arabs in a local administration is hard to accept for many. This is especially so since their communities constitute an overall minority to the Sunni Arabs living in Nineveh. In a country where democracy often means majoritarian-rule, and consensus or compromise are not yet fully entrenched in the political culture, minorities fear such a situation would fail to address issues of intolerance and discrimination – leaving them once again vulnerable to extremist attacks.

Minorities in favour of a Nineveh Plain province, separated from Mosul, see it as a way to cut ties with the Sunni Arab component and alleviate their community from the monumental task of rebuilding the relationship.<sup>3</sup> A separate province in the Nineveh Plain, they argue, would enable them to establish their own security forces and better protect its borders and the communities living within.<sup>4</sup> Moreover, the formation of a Nineveh Plain province would give minorities far reaching autonomy over budgetary policies, enabling them to address some key issues related to the chronic underdevelopment their areas have suffered over the last decades.

There are, however, a number of challenges and issues related to the formation of a Nineveh Plain province that seem to be largely ignored or played down by proponents of the plan. For starters, proponents of a Nineveh Plain province

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<sup>2</sup> Authors' interviews with Yazidi, Christian, Sunni Arab and Shabak leaders from Nineveh conducted from June to August 2016.

<sup>3</sup> This sentiment is often-heard but perhaps most boldly captured in a comment one Shabak interviewee from Bartalla made: "We are done with it, we want something like the Berlin Wall between us and them." (Authors' confidential interview, Bardaresh, 24.08.2016)

<sup>4</sup> Authors' interviews with Yazidi, Christian, and Shabak leaders from Nineveh conducted from June to August 2016.

frequently cite improving security as the primary reason for the proposal (Dolamari, 2016). They are banking on far-reaching levels of international support, either in the form of UN Peacekeepers or at the very least international sponsorship of a new security force during the first couple of years of its inception (Doran *et al.*, 2016). However, neither the United Nations (UN) nor the US – two actors who could conceivably answer these requests – have indicated any willingness to provide such assistance.<sup>5</sup> Furthermore, the formation of a Peshmerga-like force would require a constitutional change to be approved in the Iraqi Parliament, which again is unlikely to find sufficient support.

The lack of analysis on the potential creation of a Nineveh Plain province is worrisome, as it allows for the prevalent assumption that its creation will somehow solve all the current issues. As already highlighted, the minorities in the Nineveh Plain have numerous problems with the Sunnis, however they also have issues with Baghdad, the Kurdistan Regional Government (KRG), as well as with other minorities and even within their own groups.

In particular the long-standing tensions between Shabaks and Christians regarding land and property ownership are likely to be magnified by the formation of a Nineveh Plain province (Minority Rights Group International, 2016). At the same time, representatives from both communities are keen to claim that such issues can be easily overcome.<sup>6</sup> However, critical reflection on the situation reveals high levels of distrust between community leaders on both sides. This, coupled with the fact that both groups have recently mobilised into various armed factions means the formation of a province encompassing both communities is likely to lead to a zero-sum game for control of the area with a significant risk of conflict between the two parties turning violent (O’Driscoll, 2016). Additionally, internal issues also exist within the Shabak and Yazidi communities over whether they should become part of the Kurdistan Region of Iraq (KRI) or not. Consequently, there is a deep divide between those that are pro-Kurdistan Democratic Party (KDP), which is the dominant ruling party in this area, and those that are anti-KDP (Fitzherbert, 2015; Salloum, 2016).

The formation of a separate province in the Nineveh Plain, an area disputed between Baghdad and the KRG, is likely to intensify competition and tensions between the two governments and within the communities living there. The Nineveh Provincial Council elections have in the past been plagued by acts of coercion, intimidation and even assassinations (Human Rights Watch, 2009). Establishing a Nineveh Plain province will significantly increase the prospect of an unlawful settlement regarding the future status of the area. There have already been complaints from the people of Nineveh Plain that both Baghdad and Erbil only want their territory and have offered little in return; the increased pull from these actors due to the creation of a province will only intensify this feeling (Al-Shibeeb, 2015). Given the current turmoil and volatility of dynamics on the ground – with a large number of armed groups operating under diffuse

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<sup>5</sup> During private conversations with the authors, high-level officials within the US and the UN reinforced the unlikelihood of deploying international peacekeepers.

<sup>6</sup> Authors’ interviews with Christian and Shabak leaders from Nineveh conducted from June to August 2016.

leadership in an uncertain security framework – the run-up to any potential settlement in the near future is likely to be violent and contested. It is therefore questionable whether a rigorous redrawing of borders at this point will serve to foster stability in the future.

Moreover, in addition to the well-backed calls for a Nineveh Plain province there are also calls for the creation of new stand-alone provinces in Tal Afar where Turkmen form the majority, and Sinjar where Yazidis form the majority (Bassem, 2016). The formation of such provinces seems to aim at an ever-increasing homogenisation of communities and their administrative units. It ignores issues of interdependence, denies the importance of promoting tolerance and seeks to avoid the necessity of overcoming differences and past grievances. It promotes social and political segregation, in a time where reconciliation is desperately needed instead. The implicit logic underpinning a separate province is that it enables minority communities to cut ties between them and the Sunni Arab component, thus rendering the plan both undesirable and unrealistic. Breaking up Nineveh will essentially lead to dismantling the shared political arena in which issues can be addressed, resolved and overcome. It should also be emphasised that the creation of a Nineveh Plain province will not change the fact that it is neighbour to a large Sunni population with an important economic base in Mosul. Maintaining a connection to the city is, in that sense, of vital importance for the economic and social wellbeing of the people of the Nineveh Plain.

### **The Problem With Law 21 in Nineveh**

Although the call for a Nineveh Plain province is understandable, on closer investigation the negatives outweigh the positives and thus an alternative is necessary. There are two options capable of addressing the issues whilst maintaining the unity of Nineveh. The first, perhaps most obvious, is full implementation of Law 21 for 'Provinces not Associated in a Region'.<sup>7</sup> Implementing Law 21 would succeed in giving significant autonomy to the people of Nineveh regarding budget allocations and security arrangements while keeping the borders intact. However, implementation of the law has met fierce resistance in Baghdad due to a strong preference for a centralised state by those in power. At the same time, if considered from a minority perspective, implementation of the law in Nineveh could prove disastrous, as it allows for most decisions to be made through absolute majority. Absolute majority, as defined in the 2013 Amendment of the law, means 50 percent + 1 vote.<sup>8</sup> In a political arena where it is rare for debates and decisions to transcend identity-politics and cross ethnic boundaries, the law would essentially legitimise Sunni Arabs dominating politics and decision-making while providing little incentive for compromise. Thus, while the implementation of Law 21 does address some of the aforementioned issues and is arguably preferable to the formation of a separate province, it does not bode well for the minorities in Nineveh.

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<sup>7</sup> Also known as Iraq's Provincial Powers Act.

<sup>8</sup> A definition of concepts used in Law 21 (in Arabic) is available at:  
<https://www.almadapress.com/ar/NewsDetails.aspx?NewsID=14077>

## A Nineveh Region: The Best Alternative?

A better option could be the formation of a federal Nineveh Region. Through remaining within the wider Nineveh, but with *entrenched power sharing and decentralisation* to and within the region, many of the issues raised above can be successfully addressed (O'Driscoll, 2016). The creation of a federal region for Nineveh would have the added benefits of giving Nineveh more power to decentralise internally, allowing for the creation of provinces within, and of placing Nineveh in a better position regarding negotiations at the federal (Baghdad) level.<sup>9</sup> The creation of a Nineveh region is sought by a number of local Sunni political actors whose aim is to mitigate the risk of Sunni marginalisation returning.<sup>10</sup> It is now left to analyse whether this system could also benefit the minorities, Nineveh as a whole, and what impact it may have on the wider Iraqi political system.

By remaining within the wider Nineveh in a federal region with institutionalised power sharing the minorities would have a political sphere to negotiate their grievances with Sunnis, whilst maintaining control of local governance through the creation of their own provinces. Thus, the minorities would have a level of self-governance at a local level as well as having a share in the wider governance of the region. It is imperative that the minorities maintain a strong link to Mosul city, as it is an important city-hub – with education, hospitals, services, etc. – for those from the Nineveh Plain and they therefore need to retain legitimate access to these services and have a say in the governance of the issues that pertain to them.

Through the minorities gaining provinces, but being involved in power sharing within the region at the centre, they would also be more likely to form alliances with each other in governance and negotiations for legislation (Erk & Anderson, 2009). These alliances could potentially counteract some of the key issues the minorities have with each other by not creating zero-sum-game negotiations against one another. From a minority point of view this is extremely important, as replacing one conflict for another will do nothing to facilitate the significant development that these areas need and that self-governance and a budget share should aid. For Nineveh as a whole, preventing smaller localised conflicts is also important for the stability of the region.

The creation of a federal region for Nineveh would have to include proportionate division of budget and civil positions. As a result, the minorities of the Nineveh Plain would be in a better position in negotiations with the central government for these elements than if they were alone in a separate province. There is the counterargument that the Sunnis as the dominant group could deny the minorities their rights, however in a properly functioning system this would lead

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<sup>9</sup> Creating a new region would involve negotiations and would thus address many intra regional issues that could develop (such as those seen in the KRI) by ensuring that elements such as the proportionate distribution of the budget and civil positions, entrenched power sharing and fair decision-making are established as norms of the regional processes.

<sup>10</sup> This was opined to one of the authors in a number of interviews with leading political actors from Nineveh.

to Baghdad withholding their budget and thus making such undesirable actions less likely. Moreover, the potential of the minority provinces joining the KRI in the future would in turn force Sunnis to ensure that they provide the minorities with their rights for fear of losing the territory. According to the literature, federalism works better in a context in which there is no dominant group (McGarry & O'Leary, 2009). Thus, it would be preferable if Sunnis did not make up the majority of Nineveh. However, as already argued this will be counteracted through the role of the central state – where Sunnis are not a majority – and the threat of the minority regions leaving.

The creation of a Nineveh region would also benefit the disputed territories by allowing for a period of stabilisation and development in these up until now widely ignored areas. It would in turn give the minorities much greater control of their own future, as it would be entirely up to them, and under consensus, if they wish to enact their constitutional right to join the KRI. It is imperative that any decision to join the KRI is made by the local population as a whole, rather than through political deals made by individual actors. It would therefore be beneficial for this decision to be delayed in order to develop the region, provinces, and allow for the improvement of inter-community relations.

One of the issues with security in Nineveh province in the lead up to IS gaining large swathes of territory was that it was not decentralised and thus the leadership and many of the forces came from outside of the province through politicised appointments (Knights, 2016). This led to a number of violent acts being carried out against the community by the security forces, as well as the total lack of a military component willing to prevent IS from taking control of the city. In a decentralised federal region, the security would also have to be decentralised with proportionate representation, thus giving the minorities active participation in the wider security – a foremost priority for minorities in the region. Moreover, this would ensure that the Sunnis are also represented and have an important role, which in turn would act as a barrier to the actions of armed Sunni militants.

As argued in a recent report by MERI, the creation of a Nineveh region would also have a stabilising effect on Iraqi politics, and it would thus act to further enhance security (O'Driscoll, 2016). Firstly, it would prevent Iraq from transferring into three ethnosectarian regions – Kurdish, Sunni and Shiite – which would lead to a majority Shiite region that would dominate politics, likely ignore the minorities, and play the ethnosectarian groups against each other, thus limiting the number and prevalence of alliances that can be made (McGarry & O'Leary, 2009). Secondly, through more regions being created the KRI would gain alliances in seeking the constitutional rights of a region, which would help to alleviate conflict between Baghdad and Erbil. Moreover, this would lead to the further development of the principles of federalism in Iraq at both a national and regional level.

Those who argue against federalism often believe it is the first step towards secession, however, a) nationalism amongst Arab Iraqis is strong and they are not likely to seek the break-up of the country, b) it is not federalism per se but

the lack of democracy and the denial of rights that leads to secession, c) Iraq is constitutionally a federal system and if the federal elements are not further developed and implemented, it will break up regardless (O'Driscoll, 2015). What the creation of a Nineveh Region could achieve is to take away many of the aspects that led to Sunni marginalisation and thus in turn allowed for IS to thrive in the province. The main threat to the minorities is the security risk that radical entities pose to them, thus by removing one of the leading causes of these entities' existence this threat will be considerably diminished.

## Conclusion

IS has preoccupied the minds of both regional and international actors for almost two and a half years. Consequently, there has been significant focus on defeating them militarily. However, without considerable focus on post-IS governance, victory could lead to the creation of multi-layered conflict in Nineveh. The politics of domination that has scarred Iraq has played a major role in the creation of conflict and thus understandably there is a lack of will to return to a strong centralised state, which is commonly associated with the previous regime or the authoritarian turn of Maliki's second mandate. Although there is a growing campaign for a Nineveh Plain province, under closer inspection it becomes evident that this will in fact harm the minorities, the people of Nineveh, and Iraq as a whole.

Decentralisation under Law 21 is popular within the international community as they see it as an alternative that will help to maintain the territorial integrity of Iraq. However, as highlighted this would leave the minorities in Nineveh extremely vulnerable to being marginalised and may be better suited to provinces that do not include a numerically dominant group alongside a number of minorities. The creation of a federal Nineveh region with provinces within is, as has been demonstrated, not only the best possibility for all the communities in Nineveh, it is also best for the long-term stability of Iraq. Nevertheless, it must be acknowledged that whatever system is implemented minorities will always be under threat from Sunnis, however as highlighted this can be managed best through a federal region. Furthermore, it is important to note that any federal region in Nineveh would not be implemented immediately; it would take time for the process to constitutionally invoke it and then there would have to be negotiations on the intra-regional governance. There is also the likelihood that elections would have to happen before the process could begin.

The term federalism is burdened by negative connotations that mainly stem from a lack of analysis of past failures and a fear that it will lead to the division of Iraq (Bermeo, 2002; Wolff, 2013). This policy paper has aimed to counter this view by demonstrating that a federal region for Nineveh is indeed the best way forward and that contrary to much of the debate, federalism in Iraq can be an asset rather than a threat.

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