

Report

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Subject: Undemocratic aspects of the new Iraqi constitution draft

In a country like Iraq which is constituted from different ethnic and religious groups and after a dictatorial rule which continued for about 35 years, the writing of the constitution should be approached very carefully.

The first Iraqi constitution in 1925 stated: "No difference between the Iraqis in front of the Law, even their ethnicity or religion". According to the letter of the Iraqi government to the League of Nations on 30th May 1932, the Turkmen language was used as official language in the courts and became the language of study in the Turkmen regions, principally Kerkuk province and Kifri region.

With the establishment of the Iraqi republic in 1958, the constitution changed undemocratically. The following statement: "the Arabs and the Kurds are participants in this homeland" is put in the introduction of the constitution. As if the 13% Iraqi Turkmen, plus the Chaldo-Assyrian and other minorities were not Iraqi citizens.

The policy of the American occupation is clearly undemocratic. The U.S. Grant the Kurds all types of facilities and the leading positions in the north of Iraq, particularly in the oil-rich Turkmen province of Kerkuk which was handed to the Kurds. The Administrative State Law, which was written by the Americans in 2004 'to democratize Iraq', included many undemocratic items, such as:

- As the constitution of 1958, it made discrimination between the different Iraqi communities by saying that Iraq is constituted from the Arabs and Kurds, in contradiction with all the international laws and the Universal Declaration of Human Rights.
- Thereby, it grants to the Kurdish minority which represents 17% of the Iraqi population, rights equal to those of the Arab majority which represents 65% of the Iraqi population while ignoring the rights of the Turkmen who represent 13% of the Iraqi population and also ignoring the rights of the Chaldo-Assyrian community, which represents about 5% of the Iraqi population and other minorities. Accordingly, the Kurdish language must be studied in all Iraq while the Turkmen and Chaldo-Assyrian languages could not be used officially in government schools, even in the regions where these nationalities constitute the majority.
- This Law gives the 3 Kurdish provinces the right to reject any decision made by the Iraqi parliament.

The major undemocratic aspects of the published version of the new Iraqi Constitution are the item 3 and 4 of section I. In this section - item 3, the Iraqi people

are classified into 2 major ethnics groups, Arabs and Kurds, and to other basic ethnic groups, i.e. the Turkmen, Cheldo-Assyrians and others.

In item 4, the Arabic language continues to be the official language of Iraq and the Kurdish beside the Arabic language in the Kurdish region, while other languages should be decided in the referendum. In this case, several factors will negatively affect the referendum against the Turkmen:

- It is well documented that almost purely Turkmen cities were subject to Kurdish emigration from the beginning of the previous century, e.g. Erbil, Kerkuk, Kifri, Altun Kopri ... etc. After occupation, these Turkmen cities had been exposed to the systematic Kurdification processes.
- The Turkmen are scattered in different provinces: In a 4 million populated Mosul province, an almost half million Turkmen cannot win the majority. Likewise, the Turkmen can no way win in both Diyala and Baghdad cities.
- Under the occupation circumstances with the Kurdish hegemony in Turkmen regions, it is almost impossible to achieve a decent referendum.

Presently, there are several hundreds of Turkmen schools in Iraq. According to the published new constitution all these schools will be closed or changed to the Kurdish or Arabic school.

Any discrimination and marginalization of any Iraqi community in the new constitution will weaken its legality, in addition that it will be written under the hegemony of an occupier. As a consequence, the communities who have been ignored and marginalized will continue to fight for their rights.

Note: reviewed for Language by M. Kelenchy