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About Us	U.S. Citizen Services	Visas to the U.S.	U.S. Policy & Issues	Resources
----------	-----------------------	-------------------	----------------------	-----------	-------

ABOUT US

You Are In: [Home](#) > [About Us](#) > [Ambassador](#)



Ambassador

About the Ambassador



Ambassador's Speeches

Former Ambassador's
Speeches



About the Embassy



Latest Embassy News



Programs and Events

Khalilzad speeches

Ambassador Khalilzad Comments on Progress Drafting Iraq's Constitution

Baghdad Convention Center, Conference Room 3

August 16, 2005, 4:10pm (local)

Ambassador Khalilzad: Yesterday marked another step in Iraq's roadmap towards a democratic system. Iraq's leaders have worked tirelessly and made hard compromises in an effort to reach the Aug 15th deadline. Although Iraqi leaders and the world hoped Aug 15th would mark the completion of the draft permanent constitution for Iraq it did not happen.

Notwithstanding their success in narrowing differences Iraqi leaders made an important decision not to rush the completion of such an historic document they declared again that The new Iraq will be wholly different from the previous regime by their actions they proclaimed that the Rule of law will govern their decisions. Iraq's free will and its democratic process were on display for the world to see.

In an unanimous vote in the hall next door the transitional assembly clearly and legally voted to amend the Transitional Administrative Law to extend for 7 days the deadline for completing the draft constitution. Iraq needs a constitution that all sides can agree upon, that all Iraqis support and that bridges differences for the good of the Iraqi nation.

Although some will be disappointed as I do at missing the August 15th deadline I commend the Iraqi leaders for the compromises they have already made. It takes courage and statesmanship to compromise - I have confidence in the Iraqi leaders to produce a good draft constitution in the coming days. Thank you.

Question: -- (off mike) --

Ambassador Khalilzad: Yesterday it was very much possible and likely we thought until the very end that the draft would be finished. It was not finished because a couple of issues were not agreed to in detail and there were also some administrative issues with regards to the text, there had been changes made to the text, and a single text was produced, taking in to account the various changes.

Given the pressure of time, and the fact that everyone was tired, there was a concern that all the changes that were made were not perhaps reflected in the text, and the language may not be also appropriately edited. I found myself, for example, talking to leaders who said that some articles that were eliminated in an earlier draft were reappearing in a final draft. Rather than saying its finished and we're going to fine tune it in the coming days, they decided to go for a clean legal option which was to ask the assembly they needed a few more days to finish the job. I congratulate them for following a clear and legal option in this regard and we will work with them and do whatever we can to help them produce a good draft that meets their requirements in the coming days.

Question: John Finer from the Washington Post. I understand from talking to some of the members involved, it seems that they're as far apart as they have been at any time during this process. And I'm wondering if you can go into any more detail about what reason you have for optimism. And then the second question, if you don't mind, what is the exact U.S. position on the question of Kurdish self-determination?

Ambassador Khalilzad: With regard to the first question I think many of the key issues were agreed upon; one, with regard to the basic rights of the Iraqi citizen; two, in the role of Islam there was a basic agreement; with

regard to the structure of government, president, prime minister, how many houses in the parliament and functions of the judiciary. With regard to federalism -- broad agreement and some disagreement. I know that some of the Sunni participants on the outside have spoken out against federalism. People have a right obviously to be for or against what they want, but as far as the constitution is concerned -- the draft -- there is a broad agreement. On the day that the constitution is ratified the Kurdish entity will be de jure what it is de facto, an autonomous federal unit, a federal unit of Iraq. Federalism is bringing back the Kurdish region into Iraq. It has been away, separated from Iraq de facto for a long time.

But on detail of resource issues there was not a full agreement in detail. Of course there is also an issue of the powers of president or prime minister, some details with regard to that that had to be worked on. But on the -- many of the big issues, as I said, there was an agreement.

But one thing I would say about federalism, with regard to the remainder of Iraq, the draft that has been agreed to is that -- I'll describe it as a decentralized system, with rules and procedures and guidelines for how future federal units could be formed.

Now, as we know, as I have stated before, it requires compromises to get agreement. It doesn't mean once you have the final document every Iraqi or every participant in the Assembly or every participant in the committee will say "I like and support each and every article in this constitution, in this draft, because it reflects exactly the way I would have written it."

No, you will still have, when you have the agreement, when you have the draft, some people saying, "I would not agree. I have some reservations about this particular article." And you will find it from all sides, not from one side. You'll find that from all sides. And that is what a successful process in my view would entail, compromises that gives everyone what they basically need. Since each community is not writing a constitution only for itself, they are writing a constitution for all Iraqis, there is a need to compromise. If each was writing a constitution for itself, they would have words exactly the way they like but here there is a need for a compromise. I think on most issues, the critical issues as I said before -- role of Islam, basic rights, structure of government -- the agreement is reached. I would not take seriously posturing that goes on outside versus what happens inside -- in the real give and take -- when they are confronting each other in regards to the actual text. Your second question?

Question: Kurdish self-determination, the U.S. position --

Ambassador Khalilzad: That's not on the table. What's going on at the present time is how to build a united Iraq, which Kurdistan will be a federal unit of, a democratic Iraq, a pluralistic Iraq. That is what is on the table. Nobody has raised in any meeting I have been involved, the issue of independence or separation from Iraq. Kurdish leaders have said repeatedly they want to be a participant, a stakeholder, a shareholder in this new Iraq, they don't want to go their separate way. I know that some people assert that the Kurds have the right to ask for self-determination. But they have decided of their own free will not to seek [separation] but to be part of this new democratic, united, pluralistic Iraq. This is what this project is all about. This constitution is a national compact between the communities of Iraq, to have a roadmap for the future so they can live together in mutual respect and mutual tolerance. And that's why it's so important and why at the same time why it's so difficult.

Question: Thank you. Luke Baker from Reuters. You're obviously very involved in these negotiations in recent days. Is it time for you to get more involved, or do you think actually you should step back and let it take its own course?

Ambassador Khalilzad: My approach has been, and will continue to be, that I'm here to help. If my help is needed, I'm available. My help is not to tell them what to do, they are writing a constitution for themselves. My role is, when there are differences and they ask for my help, to bridge those differences, to ask what are the options to provide that. And sometimes they find it easier to communicate to each other through me because of certain circumstances in which they find themselves, and I'm prepared to do this as well. But the decision is theirs.

We have a lot at stake, I'm not going to be shy about that. We want Iraq to succeed. A lot of American treasure and blood has been spent here. There's no secret that we want Iraq to succeed. So am I going to stand by if they need my help and say well, no, you sink or swim on your own, don't call me? No. I'm going to say I'm available, I will say it, I have said it, I am available at any time. If you need my help, I am available to help. But the

decision is theirs. You will not find anyone to say that I said you must choose this option, or you must choose that option. No. I try to say -- here are some options for you if you need it.

Question: (Through interpreter.) Your Excellency, you mentioned at the outset of your speech that you were disappointed to the result that was reached by the National Assembly writing the constitution. In the case that they do not reach an agreement, God forbid, during the coming seven days, what will be the position of the American government politically with regard to the political process in Iraq?

Ambassador Khalilzad: I am optimistic that an agreement will be reached, based on my detailed knowledge of the state of discussions among Iraqi leaders, and the agreements that have already been arrived at, and based on what remains. I believe that an agreement will be arrived at if the leaders continue with an attitude of compromise. They need to put themselves in the shoes of the other side, and ask -- why are they raising these concerns. Looking at options, not remaining stuck with positions that may have been appropriate for a different set of circumstances.

I'll give you an example. There has been concern about the central government, Iraqi central government by some of the forces and people in different regions of Iraq, that the central government has not been fair, just in dealing with the people of the region. And therefore their position is that the center should not have some powers, some authority, because of that. Now, as it relates to Saddam's regime, that would have been understandable, I can appreciate that people would have those attitudes. I'm sure Iraqi leaders who have a different view could appreciate that as well.

But this new center that is being built, is in this new Iraq, will be democratic, it will be elected, it will have checks and balances. Those regions will be represented. The regions will be part of the center as well as they are in the region. Given that, what is the right balance? What you may see projecting a dictatorial, perhaps racist center, well, you want one sort of relationship with that. But if you project -- assume a center that is representative, with a system of checks and balances, is the same attitude appropriate towards this new center? I think now, too, there are issues that we worked out, and I believe that they will be worked out. I'm optimistic.

Question: Dexter Filkins with the New York Times. Ambassador, some of the Iraqi leaders have said that if they don't reach an agreement by the 22nd, and given that the language of the TAL is pretty clear on this point, that they will move to dissolve the parliament and hold new elections. What is the American position on that?

Ambassador Khalilzad: We believe that the idea that if you hold elections, that the issues that the constitution has to deal with will go away is a mistaken concept, because analytically it's possible that in a new election some seats will change hands. I don't know how many seats will change hands, but some could. How many, who knows? But I do not believe it will change the issues that have to be dealt with -- compromises that will have to be made in order to have a national compact for the future of Iraq. For those who advocate federalism, whether in Kurdistan or other parts of Iraq, do they believe that in a new election these issue will disappear, along with the issues of Islam, and its role in the life of Iraqis, in the government, or outside. Will these issues disappear, as a result of the changing of hands of 20 or 30 or 40 seats? What will disappear? How will the debate, in terms of its fundamentals, change? Yes, there may be some shift in the balance of power, that is a possibility clearly, but will it change things, the issues that the Iraqis have to address in order to be able to live together and to have a road map for success? I believe not. So rather than posturing for electoral advantage, it is very important to focus on resolving the remaining differences with regard to the issues and build up and build on the success and major strides that have been made.

Question: Ashraf Khalil with the L.A. Times. Is there any legal means that they can extend again? Is it -- or is this, by definition, a one-time thing? Can they take another vote? Just to clarify that. And what's happening today? Are there negotiations? Is it a leadership meeting? Is it the Constitutional Committee? Or is everyone taking a breather?

Ambassador Khalilzad: I told you about the technical issues. I think that making sure that all the changes are done and all the differences in a single text -- you cannot overestimate the technical part of this. I know you are all thinking about the big issues. But these issues that may appear simple you take it for granted, that the right text will be available at the right time, that with everything that's supposed to be in it actually in it - don't take it for granted that the changes that were made in the morning are consistent

with the changes in the afternoon - Don't assume that -

Today hopefully by the end of the day there will be a single text that includes all the agreed points, all the issues that remain, and the actions that have been either identified by them or proposed by others in the single text. People will be able to see where people we are, this will be done for the first time -- this will be done today.

My own view is -- so you can see the importance of what I am saying on these, what you would assume to be taking -- things that you ought to take for granted if you have a huge support staff and computers that work and multiple people typing simultaneously, and all that, if you don't assume that and you think it is one typist in one place, not necessarily where people are meeting in another place, and you have to transport the paper and wait for the changes to be made, to be brought back, assume that; that if we -- in my view, if we had a single draft yesterday morning with all the options that I have just described, we probably -- chances are that we would have the issue dealt with, resolved. But we are where we are - today there will be a single document with the options finished by the end of today and starting tomorrow at 10 o'clock, I understand the meeting will resume taking into account the single text.

Question: It seems that a Shi'ite-Kurdish deal might be easier to achieve than a deal that includes the Sunnis at this point. If the Sunnis refuse to give up their implacable opposition to any form of federalism for Arab areas, would you prefer to see the Shi'ites and the Kurds get a deal through parliament on the 22nd, or would it be, at that point, better to dissolve and go for a consensus later? And also, you weren't in the room last night when the vote was taken. Did you leave because you were disappointed that they weren't presenting a text?

Ambassador Khalilzad: I left because they told me the Secretary of State wanted to talk to me urgently so I had to bow out to take the phone call. I got a note when I was sitting there that she wanted to speak to me urgently, and since she's my boss I did leave the room. I had been with them all day, and we came together so it was no surprise to me what the decision was. I was surprised to see that some of you wrote I was smiling when I came in and then I left because I assumed that the thing was finished. No and I was with them all day and as you saw President Talabani and myself came together -- no I was perfectly in the picture -- I just had to deal with my official responsibilities to respond to a request from the Secretary of State to talk to her.

In regard to your first question I do not believe that will be the scenario. I think whether everybody as individuals or as small groups will buy into the draft and sign it enthusiastically I can't say that everyone will sign. But, I don't believe there is any scenario in which there is an agreement that will exclude a Major community - that is not in the cards. If you had to press me hard on this particular individual -- or this particular party -- will support or not that is a little too detailed for me at this point to answer. I don't think that this scenario is will be a Kurdish/Shi'a nor Kurdish/non-Sunni that's not a scenario that I assume would be the case.

Question: (Through interpreter.) BBC. In case there is no consensus with regarding to the remaining issues, would you agree to the delaying some of these issues till after the election, such as federalism? Or will you support the process of reelections?

Ambassador Khalilzad: I think there are issues that people would like to put in the Constitution that could be deferred, because they are not fundamental in terms of the structure of the states rights and responsibilities. Some will see this as an opportunity to settle everything and that's not necessarily the best way to resolve things. There are things that belong in the constitution and there are things that could be deferred or delegated to lawmakers -- they could be done administratively -- they could be done by laws other than the constitution. I don't necessarily believe that however you could --based on my conversations -- it is up to the Iraqis what to defer and what to deal with but I don't believe that, the federal issue in the totality could be deferred to later. It is a fundamental issue in regard to the structure of this new Iraq. I believe you know the Kurdish issue -- you cannot get an agreement without dealing with this issue -- but there is, on the other hand, a set of issues of lesser fundamental importance that you could send to the legislature, and be regulated by law. I think you will see in the draft, based on the agreements that have already been made, that there are things that are -- as it's normal -- they do it in other constitutions, too; I'm not saying anything that is unique here -- that they will say -- they state how, in principle, they should be dealt with, but in the details defer to legislatures, that it would be regulated by law.

Question: Joe Cochrane with Newsweek magazine. Could you please tell us what was Secretary Rice's reaction when you informed her that a deal had not been made? Was it anger or disappointment?

Ambassador Khalilzad: Not at all. The Secretary is a scholar as well as a foreign policy practitioner - she obviously understood that these are very difficult issues that the Iraqis are dealing with. People have been working very many hours. You know that it is perfectly understandable to her that the Iraqis want to take time to be sure they have everything right. There are other issues that remain that obviously needed to be dealt with. There was no anger. You have seen her statement during her press conference. That was her reaction when I spoke with her as well.

[back to top ^](#)

[Home](#) | [About Us](#) | [Citizen Services](#) | [Visas](#) | [Policy & Issues](#) | [Resources](#)
[Contact Us](#) | [Site Index](#) | [Privacy](#) | [Webmaster](#)

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