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khalilzad speeches**U.S. Ambassador Congratulates Iraqi Leaders on Draft Constitution****Khalilzad says submission sets stage for "historic debate" among Iraqis**

Baghdad, Iraq

August 28, 2005

U.S. Ambassador to Iraq Zalmay Khalilzad welcomes the completion of Iraq's draft constitution and urges all Iraqis to read it and debate its merits before heading to the polls October 15 to approve or reject it in a referendum.

"The completed draft of the constitution provides a vision for the future, one based on democratic values and Iraqi traditions. It is a good document," Khalilzad said in an August 28 press release.

"The submission of this complete draft sets the stage for a historic debate among Iraqis about how to institutionalize their new democracy," he said.

The ambassador praised the document for protecting human rights, religious freedom, women's equality and Iraqi unity.

Khalilzad said that Iraqis should read the actual text of the proposed constitution because there has been much misinformation and disinformation about its contents over the past few weeks.

Iraq's Transitional National Assembly accepted the proposed charter August 28. It will be put before the Iraqi voters in a national referendum October 15. If the voters approve the document, it will serve as the basis for a new round of elections December 15.

Both President Bush and Secretary of State Condoleezza Rice issued August 28 statements of congratulations to the Iraqi people for successfully completing their new draft constitution. (See [related article](#).)

For additional information, see [Iraq's Political Process](#).

Following is the text of Khalilzad's statement:

FOR IMMEDIATE RELEASE
EXPANDED STATEMENT
U.S. AMBASSADOR ZALMAY KHALILZAD

AMBASSADOR KHALILZAD: Hello. The completed draft of the constitution provides a vision for the future, one based on democratic values and Iraqi traditions. It is a good document.

The submission of this complete draft sets the stage for a historic debate among Iraqis about how to institutionalize their new democracy.

The draft constitution protects human equality and human rights.

It establishes checks, balances, and the separation of powers.

The draft constitution protects the unity of Iraq through federalism for the Kurdish region. The Kurdish region has not been a part of Iraq for many years. Kurdish leaders are bringing their region back into Iraq of their own free will. It is through the principle of federalism that this reintegration is possible. This constitution can be the guarantor of Iraqi unity.

The draft constitution establishes the full equality of men and women before the law and equality of opportunity for all Iraqis.

Women have the right to participate fully in public affairs, and electoral laws will be designed to ensure that 25 percent of members of parliament are women.

The draft constitution is one of the most progressive governing documents in the Muslim world in terms of its protections of the rights of religious freedom and conscience.

It is based on an enlightened synthesis of universal human rights and democratic values and Iraqi traditions, including Islam.

Iraqis from all communities should review the draft. As the draft has evolved through negotiations, there has been much misinformation and disinformation about its content. Iraqis should read it, debate it, and decide for themselves how to vote on October 15.

This draft constitution - like all constitutions, including the U.S. Constitution - is a living document. It is designed to address Iraq's present political circumstances and is based on the present configuration of political forces. Assuming it is ratified it can, and must, evolve to address changing circumstances and new challenges in the future.

Thank you very much. I'll be glad to take your questions.

QUESTION: CBS. Are you disappointed that the Sunnis have chosen to reject this document and have refused to sign it en masse? And what is it going to mean if they do get (inaudible) in the referendum?

AMB. KHALILZAD: Of course I'm disappointed by their reaction. I was hoping that their reaction would be more positive. I understand their circumstances, they are in a difficult position. There are threats of intimidation, you've seen some of them saying that they like the document but they're afraid that if they openly support it that their lives could be at risk. You all know that terrorists and extremists who do not want Iraq to succeed have threatened those who would participate in the political process, including supporting the draft constitution.

With regard to the future, we will remain engaged with them. I believe Iraqis from various forces must remain engaged with each other. There is a period between now and October 15 for public debate, to have a discussion about the document. There will be opportunities for people to give their views, to be known, to other Iraqis, Iraqis in general or people in the political establishment here.

There are two paths post-October 15, obviously. One is that the constitution gets ratified, the other is that it does not. It's the democratic right of Iraqis to decide on that. This is a draft. If the decision is made by Iraqis not to go ahead with this draft, there will be elections at the end of December. Then in December a new assembly will be formed based on that election. The task of writing a constitution will fall on the shoulders of this new assembly. That is what's called for in the process that everyone has agreed to.

The time has come now to look carefully at the document, read it carefully. I urge Iraqis don't just listen to what others are saying about the document. I would like Iraqis to consider that a constitution is different than a political party platform. This is a document on which Iraqis with different views have to agree. This is not a document written for one party, one group, one sect, one ethnicity. No one has gotten, in my view, all of what they wanted.

The question is, is this is a good enough compromise, and that's the judgment that they'll have to make. Does it protect everyone's rights? Does it produce a system that can work? Does the system in it have enough checks and balances that can preclude, decrease the prospect, prevent abuse of power, domination of the entire system by one group, by one faction, without necessary checks and balances from the others.

QUESTION: (Arabic) Omar Mohammed - Hurra TV. There are fears that security will stay unstable in the Sunni area and they will not be able again to vote like what happened during the last election. What are the American procedures that will be taken at that time?

AMB. KHALILZAD: Of course the terrorists and extremists are likely to try to interfere with the participation by the public in the referendum. There is a plan that is being developed jointly by the multi-national security forces and Iraqis to provide security, both for the referendum and the elections. I have every confidence that they will do their very best to provide as much security as they can.

I am very encouraged by what I hear people that I have talked to, including Sunni Arab leaders, around Iraq that they recognize that it was a mistake for them not to have participated in the previous election. That lack of participation, that absence by a substantial part of the Sunni community produced an assembly that was not entirely representative of them. That assembly was given the task, as you know, to produce this constitution, and tried to compensate for their absence by adding some members.

The encouraging thing from all these discussions is that there is a greater desire than ever before by the Sunnis to participate in the political process, in the discussion and debate, in the referendum, and in the elections.

Security wise, there is a plan that already had been developed jointly, and Iraqis with the multi-national forces will try their best to provide as much security as they can.

QUESTION: Andrew Hammond from Reuters. As you may have heard, a Reuters television soundman was killed today while driving in Baghdad; he was killed by US soldiers, and a cameraman was wounded. (inaudible) Are you concerned that US troops are running amok on the streets of Baghdad, and how long can they stay in Iraq killing innocent civilians with impunity?

AMB. KHALILZAD: Our soldiers, men and women who are here at great risk to themselves to provide new opportunity for Iraqis for the Iraqis to build a new country for themselves based on democratic principles and with respect for everyone's rights and with absence of a kind of dictatorship that was the case here during the previous era. They've made huge sacrifices, these men and women, and we are grateful to each and every one of them for their sacrifices. Military operations unfortunately, are not a perfect science. Every effort is obviously made to go after those who would threaten them or threaten Iraq's future. But sometimes mistakes are made, and when they are made we investigate. Then report on our findings. This is an unfortunate adjunct that goes along with military operations, that sometimes mistakes are made. We don't target civilians, the role here is to help a new Iraq stand on its own feet. This is unlike the terrorists, unlike the extremists, the purpose of their mission often seems to be to target civilians, to destroy Iraqi infrastructure, destroy targets that are important for normal life, they seem to attack. Attacking electrical generation systems, attacking pipelines, attacking people who have come here to help, Iraqis who are participating in the process. Sometimes accidents do happen and mistakes sometimes are made and when they are made, we do investigate and we do what's right.

QUESTION: Al-Iraqiya TV. How can the United States increase its role in establishing the democratic process?

AMB. KHALILZAD: With regard to the political process, it is an Iraqi process, and our role has been and will continue to be, to help where we can. I have said repeatedly since I have been here that I am the happiest, and I can say it for the administration as whole, for the American government, that we would be the happiest if our help was not needed, if Iraqis can work together solving their problems, coming to a national compact, a common vision, and a road to getting from here to there. But we have a lot at stake here. A lot of American blood and treasure has been spent here, and is being spent, and we are not indifferent to what happens here. If our help is needed, we are ready to help. That's what has happened in the course of the last three or four weeks with regard to the Constitution and that's what will happen with regard to the future. But make no mistake about it: this is an Iraqi process, it is an Iraqi decision, and our role on the political track is to assist where our help is needed.

QUESTION: Larry Kaplow with Cox Newspapers. Do you think that negotiations had to stop today, and could it have benefited from more time? How were you informed, did you get a call from President Talabani or someone today saying we were just going to go ahead with it (inaudible)?

AMB. KHALILZAD: I believe that as a result of discussions with the Kurds, there was an agreement that once a response had been made to a set of requests on behalf of the Sunni members of the commission and there had been a judgment made and an agreement made that those would be the last requests. And that to those requests a response had been made, and a response that had been judged by most, to have been by most of the participants - not by most of the Sunnis; by most of the participants - to have been a reasonable response. A lot of effort had been made to accommodate those demands ... that the time had come to end it. And that had been made clear some two days ago. And I was not called by anyone in particular; I was very much aware of this process and how it was going to come to an end.

QUESTION: (Arabic). How will women's rights be guaranteed in the Constitution in the presence of Islam as a source of legislation?

AMB. KHALILZAD: The constitution states very clearly that Iraqis are equal before the law, it disallows discrimination based on race, gender, religion and so forth and so on. With regard to your question on the role of Islam: there were people with responsibility for drafting the constitution, the draft constitution, who believed that Islam should be the only source, the main source, for law. Of course there were people who believed that should not be not the case. There weren't very many of them who said that there should be no reference to Islam as a source. The compromise that was struck was that it was not to be, Islam was not to be the source, although some of the people who have objected to the draft today based on the news conference that I heard and based on the statement that they made yesterday from the 15 members who are generally referred to as Sunnis: at no time during the discussion that we had with them did they as a group push for Islam to be made the source. That had come from another part of the spectrum and that was present there. I was surprised to see them today argue that Islam should have been made the source of legislation. The compromise that was made between those who wanted Islam not to have a role at all, or a very little role, to those wanted it to be the sole source, that's what happened, it was described a - a - main source. In addition, there was the requirement that no law can be against principles of democracy - that was added - and also, that no law can be against the principles of human rights that has been enshrined in the draft of the constitution. That's what I was referring to earlier, that if one group could have written the constitution, if it was an Islamist group that wrote the Constitution, they would have said Sharia is the law of land, and everything would have been based on it. If the secularists were to write the Constitution, they would have said something different with regard to the law.

The reality of Iraq in the current circumstances is that you have an assembly, or that Iraq has an assembly, in which over half are Islamists and the other half who have different views. The compromise that was struck was a compromise, that recognizes Islam, its role, but also recognizes universal values and principles, and in that sense I've called it a synthesis. This was the same issue that I faced when I was the US Ambassador to Afghanistan when they drew a constitution and the same sort of a compromise was struck there, the issue that I felt was that some of the Iraqi women who have been in touch with me, have been more with regard to the personal law part of the draft. The same thing is true, except the freedom of choice: that you can choose, people can choose their personal law that can apply to them. The next legislative assembly will regulate that.

There was a lot of discussion, as to people think, people of faith want their personal matters decided by religious conditions, why shouldn't they have the right to go in that direction? And in Israel, this, I know maybe Iraqis don't like to hear that, but in Israel the same situation applies, that there is the question of choice, and in some other countries as well. So it leaves you that choice in this current draft and allows the next legislature to decide. I think that on the other hand that there is 25 percent (inaudible) for women in parliament, there is a requirement of no violence against members of the family, encourages political participation ... I think in this part of the world, what this says, what this document says about human rights, political rights, is one of the best - if not the best - in the region. And as I said, this will have to be debated, this will have to be discussed, there are parts that people are unhappy about that can be amended, there is still a lot of conversation to be made. Iraqis will have to decide ultimately, as I said before, to see whether they will ratify it or not. This process can be very difficult. We remember from our own history in the United States how complicated and difficult it was to get the US Constitution ratified, some of those who were in the US Constitutional Convention said I'd rather cut, we'd rather cut our hand than sign this document. It took a long of time in some places to get the Constitution ratified; one of the states, Rhode Island, was called rogue island for awhile, because it would not ratify the Constitution, and New York had to threaten it for the Constitution to be ratified. We all tend to think that it's all very easy, and what we have in places like the United States has come very easy, without difficulties. I have to tell you that Iraq is moving obviously at a much faster pace, because of the news cycle, and the attention that the world is paying to it, but making constitutions in a country where there are a lot of different views is not easy because it requires compromises, sometimes difficult compromises, I think myself the result of what has happened it is a good document, but we'll see what the Iraqis decide about it.

QUESTION: Robert Worth, I'm a reporter with The New York Times. Just to get back a little bit to the political process. My understanding is that the Shiites compromised (inaudible) on something like eight different points. Can you give us a little more detail about that?

AMB. KHALILZAD: Sure. Let me tell you a little bit about the process. One, because of the last election, you have a situation in the assembly where the Shia alliance and the Kurds dominated. That's a fact. This assembly has the responsibility to produce the draft constitution. The first thing that happened was an agreement broadly on the draft between the Shiites and the Kurds - both them and their friends like ourselves thought that for this constitution to be what it should be, it needed Sunni buy-in and participation. So, the Sunni members were brought in, and the draft was given to them, as they were aware of it all along, but the draft was given to them and said, "What would you like to see in here, add or subtract, that would meet your requirements?"

They raised a number of issues, the most important of which was federalism. The Sunni Arab representatives generally argued that there should be no reference in the constitution to federalism. That was their initial position. They believed that federalism means fragmentation. They believe, they argued that federalism means the disillusionment of Iraq.

What came as compromise was in several stages. In stage one, they accepted that yes, the Kurdish area could be a federal region, they can accept that. They argued that they could not go to an election, and stand for an election in their communities if federalization of the rest of Iraq, the Arab part of Iraq becomes automatic. They argued that they needed for their political purposes, given the attitudes of their communities for this issue to be legislated, regulated by the next assembly, post election, an assembly that would be more representative than the current one. The attitude of the alliance, the Shia alliance, has been that no other regions of Iraq would have the automatic right, similar to the Kurdish area, to form federal entities without reference to the national assembly because the Kurdish federation has been formed without reference to the assembly, they argued. In response to conversations with us and with others they agreed to a compromise which is that yes indeed the next assembly will do the legislation on implementation of federations beyond Kurdistan, and that the process can start by one third of the local council and 10 per cent of the overall population to request that they will become a federal entity.

There were several other issues. There was a reference to Shia majorities in the preamble they were unhappy with that they wanted out, that came out. There was a reference to majority in an earlier draft, they wanted that out, that came out. They wanted some changes with regard to de-ba'athification. I don't want to take, that's a very complicated discussion. They didn't get full satisfaction; they got significant satisfaction on that. There was also an issue with regard to oil and that oil resources should not be controlled by regions. Oil and gas has been declared as belonging to people of Iraq to be managed jointly by the government and provincial ... provinces. There was a number of things that they got, but of course as you know from them yesterday they gave an additional list of items of concerns to them and that went beyond what was initially agreed to that initial list will be the final set of issues to be dealt with.

Now, they have an opportunity to be part of the process. They have an opportunity to continue to discuss, to talk with each other. I have encouraged both the Shia as well as the Kurds to remain engaged with the Sunnis; I will remain engaged with them and with others. As I said, the process allows for changes even beyond the ratification period to amendments but now is the period that the work of the commission has been done. It's in its initial phases. We are in a new phase, and there is a path for how to proceed from here on.

QUESTION: (Arabic) Saleh al-Mutlaq, the head of the 15 person Sunni group said that the Constitution is not legal and he will call the Arab League to support his group in order not to approve this draft. What do you say to this? (paraphrased)

AMB. KHALILZAD: Well, there is a process of the ratification. There is a period of public debate. That is what's happened. The UN, of course, has been involved in helping with the process. The UN representatives were there at President Talabani's place when the Iraqi leaders announced the completion of this phase of the process. Of course they have the right to request assistance from whomever they want, but I think the important thing is for an honest and full debate and discussion on the draft, for the leaders to talk with each other, and for the UN and other friends of Iraq to provide whatever help they can to facilitate a constructive dialogue and discussion going forward

QUESTION: Ambassador, Ellen Knickmeyer with The Washington Post. The aim of the Americans and many of the Iraqi leaders throughout had been to bring the Sunnis on board so as to defuse the insurgency. And what you have now is a document that contains something to which Sunnis strongly oppose, federalism. We'll be going into an election where you've got two groups on opposite sides of each other. How concerned are you about the possibility this will inflame civil conflict?

AMB. KHALILZAD: Well, if this inflames conflict I would be obviously concerned. I believe that with regard to federalism, what is in the draft provides a good basis for a debate in the country. The people will have to decide, and the people will decide this by who they elect in the next assembly, besides deciding on the constitution draft itself. I have told some of those who have been opposed to the raising of federalism which constitute a minority of the delegates who had the responsibility to produce a draft. But if they are right in their analysis, which is that the Iraqis are opposed, the Iraqi Arabs are opposed to federalism. Now the responsibility for the federalization law is in the hands of the next assembly... what a good platform they have. They could say to the Iraqis, they will argue against federalization in the next assembly, then they could make it extremely hard for federalization to take place. "Why not elect us - go as an anti-federalist candidate?" Stand as an anti-federalist candidate.

Then there are rules and procedures for how laws are written or made, and if a majority in the next assembly is against rules and procedures to go forward with federalization, then they will have in effect stopped it. If that is the will of the Iraqi people. There is a path to do it, and that path has been enshrined. I hope that the Iraqi people, Sunnis and others, but in particular I want to address the Sunni Arabs of Iraq, that they need to look carefully at this document. Every effort has been made to protect their rights and the rights of all Iraqis. They should not listen to their enemies, who may want to get them to opt out of the political process, to go towards violence and war. That's a dead end street for them. They should look at their experience with regard to the previous election. It produced an outcome unfavorable to them, ultimately. The continuation of conflict in their area, will be unfavorable to their interests. Educated people, wealthy people, run away from zones of conflict. They become refugees, so their best people will leave that area. Education will suffer, reconstruction will suffer, extremism will dominate, and their enemies, or their rivals, will benefit. That is not the way to go forward. They should look at the experience of other places.

Some have said that in the 1920s, the Shias followed this approach, that is may be being followed in the Sunni areas now, and they've have learned from that, not to make that same mistake again. I urge the Sunni Arabs to look at the experience of other places, don't make that mistake. There is a better way for them to have their views heard, for them to influence the future of this country. That path is available in this draft.

Look at it carefully. Study it. It is paradoxical that the minority community, and I know everyone agrees that the Sunnis are not the majority of the population, would favor federalism, because they can control their own area and limit the influence or domination of the majority. But here in Iraq, it's paradoxical that the Shia who are the largest community and the Kurds favor federalism, and the minority community does not. That is their right, but I think there is a path, a way to influence this, to shape this, but that requires political participation, remaining engaged and not choosing the path of self-isolation, and allowing extremism, terror and war to dominate their region.

QUESTION: AFP. I'd like to go back to the issue of de-ba'athification. I know you said it's complicated. But the new text said it would ban Saddam's Ba'ath and removed the word "party." Does that mean that it would be possible to see a revival of the Ba'ath party, allowing it, saying this is not Saddam's now but going back to pre-Saddam Ba'ath (inaudible)?

AMB. KHALILZAD: That was a compromise for those 15 Sunnis who were there, but for most of them it didn't go far enough, although for quite a number of them it did go far enough. If you remember in the article in that it says it would be regulated by law, so there will be an opportunity to debate and discuss this in the next assembly as to what kind of limits on what will be placed. The other part of the de-ba'athification debate was, in the transition section at the end of the constitution, with regards to the de-ba'athification commission. Although what they agreed to there ultimately was that this commission can be disbanded with a majority vote in the assembly. Initially there was a requirement of two-thirds and the Sunnis were concerned about that, they thought that was too demanding. Then

there was a compromise offered that there would be two-thirds for the first four years, the next assembly cycle, but then it would go to a majority in the second cycle. Ultimately there was compromise toward the Sunni position by saying it can be eliminated by majority vote at any time, meaning the next cycle if they had the votes for it. Steps were taken toward accommodation. Clearly, given the statements they have made, some of the majority of the group appears not to have been satisfied. But the map was done with regard to their concerns.

I do not believe on some of their concerns that anything further could have been done. I don't think you could have gotten an agreement and keep Iraq united if there was an agreement on making Islam the source, which is now they're insisting on as an additional demand, or some of the other issues that they have raised. Therefore, there is a sense, a judgment, that everyone's basic interests have been recognized and dealt with. No one has gotten everything they want, and it's time to go for a public debate and let the Iraqi people decide the fate of this draft. Of course as I talked before, there are two paths, depending on what the Iraqi people decide, one can go one path or another. But there is a path. Give the people the right to decide the fate of this draft. One last one.

QUESTION (Arabic): Turkia (ph) channel. Mr. Ambassador, the Iraqi people live in a bad situation in the area of security and services. The U.S. president said that he succeeded in making Iraq the front line in the combating terrorism away from New York. This does not make us all happy. Do you think that the Iraqi strategy is moving ahead correctly, especially after what happened with the constitution?

AMB. KHALILZAD: (Off mike) -- with the Iraqi people. They are going through a very difficult period. It's a difficult transition period that they are going through. But at the same time, it in some regards is the most exciting period in recent Iraqi history. You've got the freedoms in terms of media, speech, in terms of writing constitution, presenting very different views, perhaps unprecedented in the history of this region. And then on the other hand, you've got terrorism and war inflicted on them, and the services that they would like to have that they do not have. There is a security challenge and the services problem. And the two are not entirely unrelated, because as I mentioned before, the terrorists and extremists want to disrupt the provision of services to the Iraqis.

What is required for success, of course, is first a joint road map, and this constitution, hopefully, if it's embraced by the Iraqis, could be that, for the people, all people -- Sunnis, Shias, Arab, Kurds -- to see themselves as part of this new Iraq that's emerging. That's important for success. That's important for defeating the insurgency, to isolate the insurgents and extremists from the population, but at the same time, of course, it's very important to develop the security institutions that, together with international forces, reconfigured, smaller in size over time, can provide increased security and for reconstruction to take place so services can be more easily made available.

Building a country after its institutions have been destroyed is not easy, and it takes time. Building some things takes a lot of time, particularly institutions. And we are committed very much to work with the Iraqis for Iraq to get to where it needs to go, and we'll work with them to develop a joint strategy that can increase security and services for them.

But I do appreciate the difficulties that this transition has involved for the Iraqi people. I do salute the courage of many Iraqis in the face of these challenges to persist. And of course I appreciate the sacrifices of the American men and women who are here to help Iraq.

What's happening in Iraq -- I want to say one other thing -- is something extremely important, I want Iraqis and their supporters to know that of course we are focused on Iraq, but the struggle in Iraq is part of a much bigger struggle, and that struggle is about the future of this region. The forces that are trying to stop Iraq from succeeding are not just local forces. It involves other forces, as well, who fear a successful Iraq, who think that should Iraq succeed, it will transform the entire region, given how important this country is in its location, its size and its resources. And therefore, it's so important that we constantly think whether we are doing the right thing, but to persist because -- in helping Iraq succeed, because Iraq's success is everyone's success because this region is so important to everybody around the world.

Thank you very much.

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