

## **DECLARATION OF THE TURKMEN COMMITTEE FOR THE UNITY OF IRAQ**

Turkmen Committee working for two months has been monitoring closely the constitution drafting process which will determine the future of Iraq.

The Committee has been carrying out its activities in order to ensure a democratic state structure within Iraq's territorial integrity without any ethnic or religious discrimination with fair and constitutional assurance, unity and corporation.

Our Committee has welcomed the Constitution Preparatory Committee's invitation to notify decision on that issue.

Committee reviewed the establishment of the Constitution Preparatory Committee, its studies and the formation of its fundamental principles.

Apart from that, the Committee reviewed the status of Turkmens, regarding the previous Constitutions and the international documents since the establishment of Iraq. In that respect, it stated that in the Iraqi constitution of March 21, 1925, Article 6, the rights of Iraqis are guaranteed without discrimination. Article 6 stated that "while having ethnic, language and religious differences, Iraqis are equal and have same rights before the law". In other words, this article does not religious or ethnic minorities, or majority right.

1958 Constitution adopted following the proclamation of the brought a principle that "Arabs and Kurds are partners in this country. "By doing so, the Constitution while recognizing the constitutional rights of the Kurds, excluded the Turkmen despite the fact that they are also one of the founding nations of Iraq and their population is very close to that of the Kurds. Besides Turkmen, the Kheldo-Assyrian and Yezidi Communities have also been also excluded.

1968 Constitution also ignored Turkmen's existence and consequently violated their rights these injustices were committed through the constitutional order under the dictatorial regimes of Iraq. It is expected from the new administration, which declares a principle of guaranteeing the rights of all Iraq's, to justice to all Iraqis unlike previous administrations.

For these reasons, the violation of Turkmen's rights who constitute an inseparable part of Iraq is against the UN Universal Declaration of Human Rights adopted in 1948, the Resolutions of the UN identifying the minority rights and Islam Human Rights.

This intimidating and racist approach, and the refusal of Turkmens existence in Iraq are contrary to the document of assurance and obligatory that the Iraqi government submitted to the League of Nations. In this document that was submitted to the League of nations with the signature of Prime Minister Nuri El-Sait on May 30, 1932, the rights of education in Turkmen language in schools and using Turkmen language in courts are ensured, alongside the general citizenship rights.

In sum, rights given to Turkmens in 1932 are more than those given in the "Transitional Administrative Law". .

In March 2004, although TAL Adopted a nation federation it provided political and constitutional rights for only Kurds and accepted Kurdish as an other official language beside Arabic. This practice is contrary to the document signed in 1932 and ignores the reality that Turkmens are one of the main elements of Iraq.

The reality that Turkmens are one of the main elements of Iraq has been ignored once more in the D paragraph of 53<sup>rd</sup> article of Provisional Constitution through passing over the status

of Turkmens by saying that “the administrative, cultural and political rights of Turkmens are guaranteed”.

- 1.The main group that is composed of Arabs and Kurds
- 2.Secondary group which is composed of Turkmens, Assyrians, Kheldanis, Yezidis etc.

That approach is against all international laws, customs and Universal Human Rights Declaration, and violates the Declaration of 1932. It should be remembered that the Declaration of 1932 included that laws which would be adopted from now on can not be incompatible with that declaration, otherwise they would be invalid.

Turkmen Committee believes that any restriction on constitutional, ethnic or political rights of any societal group would decrease the solidarity among peoples. That situation only serves to the interests of the foreigners. Moreover, it should be kept in mind that benefiting from rights should not cause damage of other groups.

If justice and equality will not be provided among the groups in Iraq by the new constitution, this will lead to a dispute in the international arena. On the other hand, it will start up process for related groups to seek their rights and defense themselves, and damage the confidence among the groups. This fact will interrupt the rebuilding process of Iraq. We believe that everyone should act in a responsible manner

World public should know very well this reality:

Any constitution draft which ignores the rights of any groups in Iraq will get limited votes in the referendum. It is hard to demand from the members of a community to approve “the acceptance of their constitutional non-existence” whose physical existence is regarded absent and rights have not been granted.

It must not be forgotten that the constitution will be asked in a referendum that all Iraqi people will vote. For the ratification of the constitution, the majority should approve. Because of this reason, a modern and civilized constitution that can be accepted by everyone should be presented in referendum. If the constitution is not accepted by the people, Iraq will go through a chaos.

Our committee emphasizes the territorial integrity of Iraq, to share the future with other groups in Iraq and to be in favor of peace. The aim of the Turkmens is not to be the “portion of the part”, but to be “the part of the whole”.

Turkmens insist to take an active role in rebuilding Iraq and constitution preparation process. The pressure and massacre to which Turkmens have been subjected are not less than those of other groups have been subjected to. Our Committee, therefore, would like to draw your attention to following points:

1. We would like to underline that new Constitution should treat all groups fairly and the interests of the nation must be kept over all things. Realizing our national development in safety and through the rules adopted by the civilized countries should be our main principle.
2. We mention that we are for an Iraq ruled by republic and having a democratic, pluralistic and parliamentary system. The government should be rotating in Iraq. Free and fair election is needed for that The status of current 18 provinces of Iraq should be maintained and each province should be governed whether being self-governing territory or federal administration in accordance with the all Iraqis consensus. So,

federal system means that provinces have a federated structure. Here we'd like to emphasize the necessity to maintain Iraqi territorial and national integrity.

3. Rights and should be the official religion and one of the legislative sources of the Iraqi nation.
4. The religion of Islam should be the official religion and one of the legislative sources of the Iraqi nation.
5. As mentioned in the Transitional Administrative Law's Article 44, the Constitutional Court should be established in Iraq and the right of suing issues that are against the constitution should be given to the people and the political entities. Also, people and political entities should have the right to sue the government for acting against the constitution to the international court.
6. National and constitutional rights should be given to all Iraqis without discrimination. This principle should explicitly be mentioned in the constitution and none of the ethnic groups should be treated in secondary consideration and none of the ethnic groups role or position should be exaggerated.
7. We believe that is appropriate to mention that Iraq is a multinational and multi-religious country, the majority of Arabs are the part of the Arab world and the Muslims who are in majority in Iraq are the parts of Islam.
8. The official language of Iraq should be Arabic; however, Arabic, Kurdish and Turkish should be official language where Arabs, Kurds and Turkmens are majority. In Turkmen regions, the rights of education in Turkish should be guaranteed. Same rights should be given to Kheldo-Assyrians and others.
9. Families are the basis of a society. Therefore, nation-state should protect families, provide health and social services, and the right of education for them. It also should provide the rights of education and employment for women.
10. It has to be adopted that the future of Kirkuk and the adherence of it to any part are not regional matters and has to be decided by all the Iraqis.
11. Principles of separation of powers, independence of justice and subordination of armed forces to civil authorities should be adopted. All militia forces should be abolished. There should be army an army which is created to defend the country; and the army should not intervene in policy.
12. Including petroleum and water resources, all the natural resources are the property of all Iraqis. The way and method in the utilization of these resources have to be determined by a law through taking into consideration of a fair and accurate distribution.

Our Committee emphasizes that Transitional Administrative Law, which is accepted without approval of Iraqi people and for a limited period can be seen only as a step and that it is wrong to commit rules restricting the will of Iraqi people. We also believe that benefiting from all laws including this one in preparation of the new law is necessary.

General Secretariat of the Turkmen Commission