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Welcome

The second installment of the Iraqi Draft Constitution is on page 3. You can obtain the rest of the document (my condensed version, or as translated by the Associated Press) on the web site, under Documents. The referendum on the constitution is scheduled for today, October 16th.

Last-minute (well, the day before yesterday) changes were made to ease some Sunni worries about the breakup of the country, and the persecution of ex-Baathists, but it is probable that these amendments will be added later, rather than into the constitution as it is.

Email your responses to pkclark@pmbx.net & check the web for back issues.

In the News

If the map on the right seems familiar, then you must be a long-time reader of *e-NEWS*. It was used in issue 25 to illustrate the *Mountain Republics* of Russia. These are semi-autonomous republics that had been granted special status by the Soviet Union, hoping to ease some of the ethnic strife in the region. In later years, since the break-up of the Soviet Union in 1989 the independence movements in the region have been involved in increasing violence. This became evident to the West with the Beslan school siege of September 2004.

On Thursday of this week militants of the Caucasus Front launched a large-scale raid in Nalchik, involving perhaps as many as 200 rebels. They were armed with rocket launchers and other weapons, and made a frontal assault on Nalchik's police stations, military installations, and the airport. Reports say that 91 militants were killed and 36 arrested, some after a hostage-taking and siege of one of the city's police stations. Twelve civilians were killed in the raid, and 24 members of the military.

Kabardino-Balkaria
Population: About 900,000
48% Kabardine
9% Balkar
32% Russian
The population had converted to Sunni Islam during the 17th and 18th centuries, but this was repressed during the communist era. Karbadian is also spoken by the Cherkess peoples.

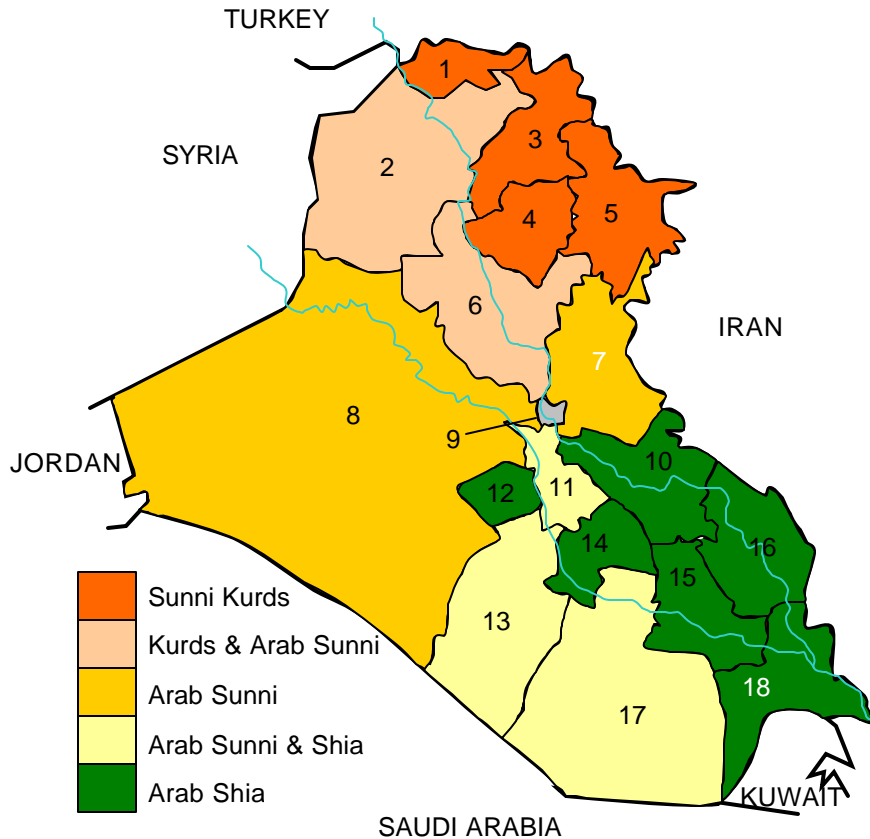


The Caucasus Front is based in Chechnya. They were apparently joined by Yarmuk, a militant group local to Kabardino-Balkaria. These two groups were involved in various incidents last winter between militants and security personnel. In December the Yarmuk group killed guards at a Russian Drug Control Agency office in Nalchik, escaping with a large cache of weapons. In January 7 some of the same militants were killed after a two-day siege of an apartment block, including the group's leader, Muslim Atayev, as the authorities attempted to remove Yarmuk as a threat. In February another siege led to the deaths of a number of rebels hiding from police in Nalchik.

The new leader of the Chechnya rebel movement announced in May that Kabardino-Balkaria was the new front in the resistance against the Russian presence.

Tomorrow...

- October 19th Saddam Hussein's trial to begin.
- October 20th Mahmoud Abbas to meet Pres. Bush
- November 8th Egyptian parliamentary elections
- January 25th Palestinian Legislative Elections

Iraq in the NewsIraq has 18 provinces (*muhafazat*)

	Province	Capital
1	Dahuk	⊙ Dahuk
2	Nineveh	⊙ Mosul
3	Erbil	⊙ Erbil
4	At Ta'mim	⊙ Kirkuk
5	Suleimaniyeh	⊙ Suleimaniyeh
6	Salah Ad Din	⊙ Samarra
7	Diyalah	⊙ Ba'quba
8	Al Anbar	⊙ Ramadi
9	Baghdad	
10	Wasit	⊙ Kut
11	Babil	⊙ Hilla
12	Karbala	⊙ Karbala
13	An Najaf	⊙ Najaf
14	Qadisiyah	⊙ Diwaniyah
15	Dhi Qar	⊙ Nasariyah
16	Maysan	⊙ Amara
17	Al Muthanna	⊙ Samawa
18	Al Basra	⊙ Basra

Today, October 15th, the Iraqi people will vote in a referendum on whether or not to accept the new constitution. This is the latest in a series of steps in the rebuilding of the state, and one which has been in process since soon after the January elections. The constitution will provide the framework for the administration of the country, and for regular (every 4 years) parliamentary elections.

If the constitution is approved the first parliamentary election should be held on December 15th, with a new government sworn in by December 31st. If it is not approved, the December 15th election will be for a new provisional parliament (such as the current one is) which will then begin the process of writing a new constitution all over again.

The vote today, then, is not just a vote for the constitution as proposed by the current, temporary, parliament. It is also a vote for Iraq to move closer to independence, out of this period of temporary, provisional, administration. Once a government is elected and installed further amendments to the constitution can then occur – and almost certainly will.

In fact, there has been a certain leniency to the process, with some slight modifications being introduced even in the last couple of weeks. Out of the glare of the media – which is where the most effective negotiations occur, in the Arab world – the Arab League had been working to mediate between. The Sunni *Iraqi Islamic Party* recently expressed their willingness to accept the constitutional process, being the only Sunni group that has done this. (Two days later their offices in Baghdad, Fallujah and Baiji were attacked and burned).

Our condensed constitution can be found on page 3, opposite. It includes the first part of Chapter 3, Parliament, the Presidency and the Cabinet. The last part of Chapter 3 covers the Supreme Council, the Supreme Court, General Provisions (legal) and Independent Associations (banking, etc.).

Chapter 4 – the Powers of the Federal Authorities: Articles 107-112

Chapter 5 – the Powers of the Regions: Articles 113-135 (in sections paralleling that of chapter 3, the Federal).

Chapter 6 – Final & Transitional Guidelines: Articles 136-153.

The full constitution can be downloaded from the web site (click on Documents) in the full version (as translated by the Associated Press) or condensed, as it has appeared in *e-NEWS*.

The Draft Iraqi Constitution

Chapter 3: the Federal Authorities. Part One: Legislature – Parliament & Council of Union (Articles 47-63)

(47) Legislative authority is the Council of Representatives [*Parliament*] and the Council of Union.

(49) Members of [Parliament] shall take the constitutional oath: "I swear by God almighty to carry out my legal duties and responsibilities with dedication and devotion and to preserve the independence and sovereignty of Iraq and to look after the interests of its people and to see to the safety of its land, sky, water, wealth and democratic, federal system and to work to preserve the public and private freedoms and the independence of the judiciary and to abide by honestly and impartially implementing the legislation. God is the witness of what I say."

(52-1) Sessions shall be public unless it is necessary to do otherwise.

(54) [Parliament] shall elect by absolute majority its president, first deputy and a second deputy.

(55-1) The duration of the council's cycle is four calendar years.

(58-1) Quorum for [Parliament] is the attendance of the absolute majority of its members.

(59): [Parliament] is given the following duties:

1. Legislating federal laws.
2. Examining draft laws.
3. Overseeing the performance of the executive.
4. Certifying treaties.
5. Approving appointments.

6. (a) Questioning the president of the republic, & (b) Relieving the president of the republic of his duties for:

- 1 - Violating the constitutional oath,
- 2 - Violating the constitution,
- 3 - Grand treason.

7. (a) A member of [Parliament] has the right to ask questions about any subject that falls under their specialties,
(b) At least 25 members of the [Parliament] may propose a general topic for discussion

8. (a) The [Parliament] may withdraw confidence from a minister by absolute majority.

9. (a) Approving the declaration of war and a state of emergency by a two-thirds majority.

(60-1) The Cabinet presents the general budget bill and the final accounting statement for approval.

(62-1) [Parliament] shall be dissolved by the absolute majority, based on a request from a third of its members...

(63-1) A legislative "Council of Union" will include representatives of regions and provinces to examine related bills.

Part Two: 1. Executive – Presidency (64-73)

(64) The federal executive authority consists of the President of the Republic and the Cabinet.

(65) The President is...oversees adherence to the constitution and preservation of Iraq's independence and unity.

(66) The president must: 1. be Iraqi by birth from Iraqi parents, 2. be legally competent and 40 years old,
3. have a good reputation and devotion to the homeland, 4. not have conviction of a crime that violates honour.

(68-1) [Parliament] selects from among the candidates a president of the republic by a two-thirds majority.

(70-1) The term of president of the republic is limited to 4 years.

(71) Presidential powers: (a) amnesty to those convicted in international crimes, terrorism, corruption, etc., (b) endorsing international agreements, (c) issuing laws enacted by [Parliament], (d) calling for [Parliament] to convene after election results are ratified, (e) awarding medals, (f) receiving ambassadors, (g) issuing protocols, (h) endorsing execution verdicts, (i) taking leadership of the armed forces for ceremonial purposes, (j) practicing other constitutional presidential powers.

(73-1) The president can present a written resignation to the PM. A deputy of the president replaces him during his absence.

(73-3) [Parliament] elects a new president within 30 days. The president of [Parliament] replaces him if there is no deputy.

2. Cabinet (74-87)

(74-1/2) The candidate of the majority forms a Cabinet within 15-30 days of the first session of [parliament].

(74-3) The president assigns a new candidate to be prime minister if the 1st candidate fails to select a cabinet.

(74-4) The PM is considered to have won confidence when his ministers and platform are approved by a majority.

(74-5) The president will assign another candidate to form a cabinet if the Cabinet does not win confidence.

(76) The PM is the executive responsible for the policy of the nation, commander of the armed forces and carries out the administration of the Cabinet and presides over its sessions. The PM has the right to remove ministers.

(78): The Cabinet duties: 1. planning & implementing state policy; supervising the work of ministers. 2. proposing laws.
3. issuing decisions to implement laws. 4. preparing the budget. 5. recommending appointments of undersecretaries of ministers, ambassadors, military & security staff. 6. negotiating and signing treaties and international agreements.

(79-1) The president of the republic becomes the acting prime minister when the position is empty for any reason.

(80) The salaries and allowances of the prime minister and the ministers and those at their rank shall be fixed by law.

(82-1) The work of the security apparatuses and intelligence service shall be fixed by law; their duties and powers shall be specified and they shall work according to the principles of human rights and shall be subjected to [parliament].

(86) Judges are independent, with no authority over them in their rulings except the law.

(87) The federal judiciary will include the Supreme Judiciary Council, Supreme Federal Court, Federal Cassation Court, the Prosecutor's Office, the Judiciary Inspection Department and other courts that are organized by law.

