

A Provisional Constitution of the Federal Republic of Kurdistan

This provisional Constitution shall be presented to a public plebiscite within one year from the institution of the Federal Republic of Kurdistan. If ratified by a simple majority of the ballots cast, it shall attain permanency. In the occasion that this document shall not meet the approval of a majority of the electorate, a Constitutional Congress of ninety-nine popularly elected Constitutional Representatives shall form to compose another document that shall become the law of the land upon its ratification by two-thirds majority of the Constitutional Representatives. The Representatives to Constitutional Congress shall have free choice to alter this Provisional Constitution in any and all matters excepting Articles One, Two, Three, Four and Sixteen, declaring the federal republican nature of the government, the fundamental right of the provinces to cultural and administrative autonomy and the basic rights of the citizens. These clauses shall remain in perpetuity without alteration or omission in any and all such constitutions that may be legally composed and popularly ratified for the Federal Republic of Kurdistan.

§ Article One. The free state of Kurdistan shall be a federative republic, and shall be known as the Federal Republic of Kurdistan.

§ Article Two. All self-declared Kurds everywhere and in any state shall have the right to claim citizenship of the Federal Republic of Kurdistan. Dual citizenships shall be allowed for the period of twenty-five years from the coming into force of the Constitution.

§ Article Three. The Federal Republic of Kurdistan shall consist of autonomous federated provinces, each encompassing an historic province or a segment of Kurdish society with its distinct culture and recognized geographical parameters. The number and extent of provinces shall be determined by the Federal Parliament within two years from the formation of the Federal Republic of Kurdistan. Any future change in the number and boundaries of the provinces shall be through plebiscites or referenda among the citizens who ask for change in their status. The Federal Supreme Court shall order a ballot if it finds the demands not to be frivolous and not in conflict with any provisions of the Federal Constitution. To take effect, at least four-fifths of the citizen group asking for the change must cast a ballot of whom four-fifths must support the change. All federated provinces of the Federal Republic of Kurdistan sharing a common border with a neighboring country shall have the right of secession, with the same balloting process needed for the change of provincial boundaries.

§ Article Four. The constituent provinces of the Federal Republic of Kurdistan shall have the right in perpetuity to

One. Autonomy in electing their local government and provincial officials.

Two. Appoint judges to the provincial court system. The Federal Supreme Court, however, shall be the last in the hierarchy of all judicial bodies in the Federal Republic of Kurdistan, and the only judicial body whose authority and decisions supersedes those of all other Federal and provincial court systems. All entities and individuals shall have the right of appeal to the Federal Supreme Court as the last resort.

Three. Appoint the local police body. The Federal Government shall have the right of inspection of local investigative processes and documents. A Federal Bureau of Police shall have the right of investigation of irregularities or crimes in any province when ordered by a Federal Court.

Four. Conduct their own cultural and educational affairs, free from Federal intervention, excepting an undertaking deemed by the Federal Parliament to adversely affect the Nation's heritage and integrity or compromise the basic rights of the citizens. Only in the matter of quality of education shall the provincial standards be superseded by the Federal standards.

Five. Use a local dialect or language as the province's operating language alongside the language of the Federal Government. The local dialects and languages have the right to be taught alongside the official language of the State and at equal level.

Six. Engage in inter-provincial commerce unfettered by Federal intervention or regulation, excepting federally established health and safety standards.

Seven. The provinces shall make no law that contradicts or supersedes the Federal Constitution.

§ Article Five. All such powers and privileges not specifically and clearly reserved for the Federal Government on provincial affairs by the Constitution, shall be that of the governments of the provinces.

§ Article Six. The capital of the Federal Republic of Kurdistan shall be at or near the geographical center of the Land. The Federal Capital shall be within a Federal District to contain the city.

§ Article Seven. The state language of the Federal Republic of Kurdistan shall be Kurdish in a standard form devised by the Republic's National Academy of Arts and Sciences. Such a standardized national language shall be developed and federally adopted as the State Language within one year from the coming into being of the Republic. All State documents, official correspondence with provincial governments and ordinary citizens shall be in the State Language. It shall be taught in all schools and used as the primary medium of broadcasting by the State and alongside the federally-recognized dialects and minority languages in the federated provinces.

§ Article Eight. The government of the Federal Republic of Kurdistan and those of its constituent federal provinces shall be elected periodically by the people, from the people and for the people of Kurdistan in concordance with Federal and provincial laws and regulations qualifying the electoral process and duration of terms of office. All elections and public referenda shall be direct and universal, through secret ballot and open to all adult citizens of the Republic.

§ Article Nine. The Government of the Federal Republic of Kurdistan shall harbor no official state political or religious ideology in any form or guise. The Government shall be dedicated solely to the education of its citizens, betterment of their material lives, protection of their Constitutional rights and property, preservation of the Nation's human and natural heritage, its defense and international relations.

§ Article Ten. Any right and privilege that is not specifically and clearly allocated to the government by the Constitution shall be that of the people.

§ Article Eleven. The Government of the Federal Republic of Kurdistan shall constitute of four sovereign branches. The number and duties of Federal Ministries at any time shall be decided by the executive branch and shall require the approval of the legislative branch of the Government to take effect. Only the Ministry of Justice shall be permanent and exempt from this rule.

§ Article Twelve. The executive branch shall be headed by a popularly elected president, whose combined terms of office shall not exceed ten years. The duration of a single term of office, election procedure, duties and authority of the Federal president shall be set forth in amendment(s) to the Constitution. The executive branch shall never have the right to rule by fiat under any condition, situation or circumstance. The President shall appoint his own vice president and ministerial cabinet. The Vice President shall assume the office of the President upon his death or incapacitation while in office. The Federal President shall be the commander-in-chief of the State's armed forces. He shall nominate all the commanders of the armed forces whose appointment shall be by the Federal Parliament. Bills, including the Federal budget, approved by the Parliament shall be submitted to the President who may sign or veto its content. A veto shall be accompanied by a written explanation to the Parliament and open to public inspection. The Federal President may be impeached by a three-quarters majority vote of the Parliamentarians. If indicted for any criminal act or violation of the Constitution, the President may be dismissed upon impeachment by the Federal Parliament. Upon dismissal, he shall forfeit all immunities, privileges and benefits designated for acting or retired Presidents of the Republic. All retired Presidents of the Federal Republic of Kurdistan shall continue receiving their full presidential salary for life, and upon conclusion of their term of office shall have the right of becoming honorary members of the Federal Parliament.

§ Article Thirteen. The legislative branch shall be a bicameral body elected periodically by popular vote. The Upper House shall be formed of provincial representatives of equal numbers for each federated province regardless of the size or population. The representatives to the Lower House shall each represent an equal number of citizens in the nation. The numbers and terms of office of the members of the Upper and Lower Houses of the Federal Parliament shall be specified by amendments to the Constitution. Only the Federal Parliament may declare war or make peace. All commanders of the various branches of the State's armed forces shall be appointed or dismissed by the Federal Parliament. All bills passed by the Lower and Upper Houses of the Federal Parliament shall become law upon receiving the mark of the Federal President and approval of the Federal Supreme Court of their constitutionality. A two-thirds majority of the Parliamentarians may override a Presidential veto of any bill.

§ Article Fourteen. The judiciary branch shall converge on a Federal Supreme Court, constituted of nine justices, nominated by the executive branch and appointed by the

legislative branch for life. The Federal Supreme Court shall examine all bills passed by the Federal or provincial parliaments for their constitutionality. Only upon its approval shall bills become law.

§ Article Fifteen. The economics branch shall be formed by the Federal Central Bank, the governor of which shall be nominated by the executive branch and appointed by the legislative branch for a single term of office not to exceed ten years. All monetary decisions, licensing and regulating all state and provincial banks shall be the domain of the economics branch of the Federal Government. The sole goal of the Federal Central Bank shall be the creation and maintenance of a flourishing economy and a stable currency to benefit the majority of the citizens.

§ Article Sixteen. This or any other subsequent constitutions of the Federal Republic of Kurdistan shall contain in perpetuity articles of basic rights of the citizens. These shall be unchangeable by any future legislation, government edicts or public referenda. The basic rights of citizens shall include

One. Freedom of expression in any and all forms to include, but not limited to art, literature, press and the mass media. Freedom of expression shall not be limited, regulated or otherwise qualified by laws except when such freedom transgresses on other citizens' basic rights as defined in this Article.

Two. Freedom to worship or not worship, subscribe or not subscribe to any religion or political idea. The Government shall neither encourage nor discourage through its acts, verbal or financial support any religion or political ideology, nor shall it maintain an official state religion or ideology. Citizens have the right to form associations or parties of any kind and at any time. President of the Republic, however, shall forswear in perpetuity membership of or association with any political group or party upon taking the oath of office, and shall serve the nation unimpeded by any religious or political allegiance.

Three. Freedom of habitation for all citizens to live at their own choice and volition anywhere within the confine of the Republic or to emigrate from it with full rights to their legal assets.

Four. Right to speedy court trial; protection from arrest and confinement without clear, public and legal charge at the time of the arrest and protection against cruel and inhumane punishments.

Five. Right to private property and privacy. The principle of eminent domain may be invoked by the State for the public good. A fair and current market value of the seized property shall be compensated to the affected citizen or citizens by the State. Citizen or citizens shall have the right to appeal the seizure or the value of the compensation to the Federal Supreme Court. The State shall make no law limiting or compromising the privacy of the citizens including but not limited to the citizens' dietary and grooming habits. All information about a citizen is the property of the citizen and subject to same laws protecting private property.

Six. Right to free and basic health care, education, shelter and sustenance. All able-bodied citizens who invoke their constitutional right to shelter or sustenance shall be required to work in community and habitat improvement projects instituted and administered by the state. All citizens with physical handicaps shall have the right of reasonable access to every and all public spaces, facilities and services. Private property and services are exempt from this requirement in perpetuity.

Seven. Right to equality before the law and equal access to privileges embodied in the Constitution. No discrimination or privilege shall ever distinguish a citizen from another based on race, sex, religion or ethnic origin. All offices of the Federal and provincial governments can be occupied by any qualified citizen of any race, sex, religion or ethnic origin.

§ Article Seventeen. Courts of law shall be presided over by three judges, who shall decide on the final judgment and sentencing by a majority vote. All citizens shall represent themselves directly in any and all court trials. If deceased or physically or mentally incapacitated, the parties shall be represented by a kin or an unpaid representative. Only trials deemed to be political in nature or involving the state as a party to the case shall be tried by a jury, who shall be selected randomly from a pool of well-established social figures, nominated in equal numbers by the parties involved in a case. A defendant shall have the right to petition the provincial courts or the Federal Supreme Court to declare a case political. Disputes between commercial entities not involving private citizens may be represented by paid legal counsels. Class-action suits on behalf of a group or all citizens shall be represented at the court by unpaid representatives of all sides.

§ Article Eighteen. All children born to the citizens of the Federal Republic of Kurdistan shall be wards of the State, living with their natural or adopted parents by the consent of society. As such, all children citizens of the Republic shall have the perpetual right to free and compulsory education until the age of eighteen and shall invoke the constitutional right to shelter and sustenance without requirement of work, if the natural or adopted parents are found incapable of its provision. Destitution shall not be a ground for the State's removal of children from their parental homes.

§ Article Nineteen. All ethnic minorities that inhabit Kurdistan at the time of its declaration of independence shall enjoy equal rights with Kurdish citizens of the Republic, including the inalienable basic rights that are set forth in Article Sixteen. Ethnic minorities are defined as those who consider themselves of non-Kurdish ethnicity and heritage, and are natively conversant in a language other than Kurdish. Ethnic minorities shall enjoy the right to preserve and foster their own culture and heritage unfettered by State or provincial interference or regulation beyond those set forth in the Constitution. No ethnic law or practice shall infringe upon the basic rights of the citizens set forth in Article Sixteen of this Constitution.

§ Article Twenty. The State shall provide free and universal education in the language of the minority ethnic groups, and in addition to Kurdish, at all academic levels within the home area of the ethnic minority. Outside the home area of such minority, primary education alone shall be provided by the state in the language of the ethnic minority wherever they attain one thousand students. Privately funded schooling for ethnic minorities everywhere and at anytime is a privilege of the minorities insomuch as they meet the Federal minimum standards for education of the citizens. Religious schools funded privately and including seminaries, shall enjoy similar rights and be subject to similar requirements as ethnic schools.

§ Article Twenty One. All clauses of this Constitution that are open to emendation, alteration, deletion or addition may be changed by a three-quarter majority vote of both houses of the Federal Parliament followed by a presidential signature and submission to the provincial legislatures for their ratification. Any such change to the Constitution shall become law if within two years of its submission to the provincial legislatures it has been ratified by a three-quarters majority of the provinces and has been certified by the Federal Supreme Court. The certificate shall be issued when an amendment is declared by the Federal Supreme Court not to be frivolous nor alter, transgress or otherwise compromise the provisions of Articles One, Two, Three, Four and Sixteen declaring the federal republican nature of the government, the fundamental right of the provinces to cultural and administrative autonomy and the basic rights of the citizens. The certificate by the Federal Supreme Court shall be issued or denied within six months of receiving an amendment to the Constitution.

Original composition by, Prof. M. R. Izady, on the occasion of the 50th anniversary of the Republic of Kurdistan at Mahabad.

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