

C-5

SUMMARY REPORT
on the status of the Constitution-making Process and OCS support thereto

21st July 2005

Introduction

A comprehensive report on the OCS's activities, targets and current status in regard to meeting those targets is under preparation and this report constitutes a summary of it.

1. Support to the Constitutional Committee

The Constitutional Committee is in the process of finalising and more precisely, harmonising, the reports of its six subcommittees. In these subcommittees consensus has been reached on roughly seventy to eighty percent of the text, the remaining un-agreed text having been bracketed. The Chair of the Constitutional Committee, Sheikh Hamoudi has promised to let us have a copy of the draft harmonised text by Saturday 23rd July 2005. The Committee intends to proceed by way of negotiating the un-agreed text in a small committee comprising party leaders and the three vice chairs of the Committee.

The major clusters of areas of disagreement relates to the precise form of autonomy to be enjoyed by the Kurdistan region, the form in which the rest of Iraq would be comprised, i.e., in governorates or regions together with a modality for moving from one to the other. The second area concerns the topics dealt with in Sub-Committee 1 relating to the way in which the Iraqis express their national identity, or particularly their Islamic and / or Arab identity. In particular, the in-principle commitment to a federal state remains contested. Hamoudi has invited us and our experts to comment on the draft.

We view our engagement on the draft as the most important stage of the rendering of assistance to the process. It will for the first time enable the OCS or its experts to make direct, specific suggestion on questions of substance.

2. Support to the theme Sub-Committees of the Constitutional Committee

Members of the OCS team have been designated to each of the Sub-Committees, so as to facilitate a close dialogue between the Sub-Committees and OCS as well as to better tailor OCS research and support activities to the needs of the Sub-Committees. In some cases, OCS officers have succeeded in building a close rapport with members of the Sub-Committees and we have been able to deliver useful material, research support and expertise to the deliberations of the Sub-Committees

3. Support for Sunni participation in the Constitution-making Process

We have employed our good offices to encourage and ensure Sunni participation in the process from the inception. With the entry of fifteen Sunni representatives into the Constitutional Committee, we have continued to facilitate by way of informal meetings between leaders (and other means) inclusive participation of all relevant groups in the deliberations relating to the new constitution. We are attempting, with the co-operation of the Chair and other members of the Constitutional Committee, to extending programmes regarding public participation to the Sunni areas as well.

Sunni participation was subjected to severe strain with the tragic assassination of Mr. Mijbil Sheikh al-Issa, a senior Sunni representative in the Constitutional Committee on 19th July 2005. At a pre-planned dinner meeting the same evening hosted by the SRSg with the OCS to facilitate an informal dialogue between representative members of the Constitutional Committee and a visiting team of experts from the Forum of Federations and National Democratic Institute, Dr. Adnan al Janaabi (senior Sunni spokesperson) stated that the Sunni group would withdraw from the constitution-making process in view of the assassination. He also said, however, that the Sunnis remained determined to engage with the constitution-making process in other ways. SRSg and OCS reiterated the commitment of the UN to support all communities and groups in Iraq to participate in the process, and urged Dr. al Janaabi to reconsider the Sunni withdrawal.

At a press conference on 20th July 2005, Dr. al Janaabi took up the position that Sunni participation would not be suspended. Following a short period of mourning for their slain colleague, the Sunnis would be re-joining the deliberations of the Committee in attempting to find a resolution to the outstanding issues. However, the latest position is that the Sunni team have issued a set of demands pending their return including an international investigation into the assassination of Mujbil al-Issa.

4. Infrastructural Support

OCS has discharged its obligation to provide infrastructural support to the Committee including cars, computers, staffing, accommodation, telephones and office equipment. We are also providing assistance to members of the Committee to engage assistants and meet the expenses of running offices. Most recently, we provided internet facilities to the Committee offices, although there has been some criticism relating to the delay in providing this service and regarding the identity of the contractor who was appointed against our advice.

5. Provision of Research and Written Comparative Materials

The OCS has provided three sets of dossiers to the subcommittees and to the Committee itself relating to the constitutional options they are engaged with including comparative material (most of which have been translated into Arabic). A fourth dossier on federalism and resources is under preparation. The most useful of the materials produced has been the charts of comparative provisions traversing several the constitutions of several countries.

6. Research

The OCS is currently undertaking specialised research on the areas identified as difficult areas for negotiation. These include sharing of revenue from natural resources, the management of divided cities (Kirkuk) and minority protections.

7. Provision of Experts

The OCS has engaged directly or co-hosted with other organisations five experts on federalism, four experts on comparative constitution-making, two experts on public outreach, one expert on elections and further intends to bring approximately five experts

who have been identified by the OCS or by the Committee. These experts fairly reflect the international character of the UN. In addition, OCS has arranged written opinions, video conferences and other forms of engagement with experts. It needs to be reiterated that more than twelve experts approached to participate in our programmes have declined for reasons of unavailability, the fact that the invitations were necessarily issued at short notice, the security situation in Baghdad and the requirement until recently of attending SAIT. Nonetheless, some of these have offered to provide their expertise in other ways.

The European Union, which has offered to solicit experts from its member-states has been notified that such expertise shall be more useful in regard to the design and establishment of new or existing constitutional institutions, and the implementation of the new constitution.

8. Public Outreach Unit

The OCS has worked closely with the Committee in establishing its Public Outreach Unit and its component elements, the details of which are set out below. Much of the brainstorming regarding the setting up of this Unit and its various programmes was undertaken by the OCS at an early stage.

9. Media Campaign

The OCS has assisted the launch of a fourteen week media campaign which involves the use of 18 radio stations, 19 TV stations, the placement of advertisements in 46 newspapers, production of over 1 million posters, 300 banners, 500 billboard advertisements regarding the constitution and the public's participation in it. The OCS is now considering promoting an initiative outside the Outreach Unit to target the Sunni areas.

10. Public Meetings and Civil Society Outreach

Through the Outreach Unit, the OCS has supported the establishment in 18 governorates of offices and their programme to hold 300 regional meetings and conferences of which 60 have taken place. Together with the various international partners, the target of 3000 meetings has been set. According to our international partners, this target is likely to be met and meetings are taking place throughout the country on a daily basis. The OCS has supported or funded through other organisations numerous meetings for sectoral groups (journalists, women, religious leaders) to enable such groups to make submissions to the Constitutional Committee. The Outreach Unit itself convened two meetings last week; one attended by 1400 Imams, the other attended by 1500 representatives of women groups.

The OCS together with UNIFEM facilitated an engagement between the Committee and a platform group of women's organisations.

11. Receipt of Submissions and Analysis Unit

Two million questionnaires have been distributed by the Outreach Unit to facilitate public input. Amongst other means of distribution, the food distribution system is being used which will reach 75% of all families in Iraq. The UN has assisted in the supply by the

Outreach Unit of 900 blue boxes throughout the country into which submissions can be deposited.

To assist in the analysis and processing of this information, an Analysis Unit has been established in the Outreach Unit, and the OCS has been intimately involved in the planning, and staffing of this unit. It is currently under expansion to accommodate the deluge of questionnaires and submissions expected in the next three weeks. The OCS has been involved in discussions and plans to design the appropriate software to handle and analyse the submissions together with one of our international partners.

12. Website and Library

The OCS has developed a website which has been handed over to the CC. This website is also designed to facilitate public submissions on the constitution. Efforts are under way to merge this website with that of the Constitutional Committee.

760 relevant books in Arabic have been provided to the Constitutional Committee together with 1500 publications to the Ministry of Human Rights and Justice.

13. Consensus-building

OCS is currently planning to host a cluster of settings at which religious leaders will meet each other across denominational lines to engage with the draft text. It is the intention of the OCS to hold similar settings for business and labour leaders.

14. International Coordination

OCS continues to convene meetings with our international partners and embassies so as to coordinate our joint efforts and remedy gaps and omissions in our activities.

15. Constitutional Corner

OCS provides regular articles for publication in three newspapers in Baghdad, Erbil and Basra, on topical constitutional issues.

16. Focus on Federalism

The OCS has been involved together with one of our international partners in a three week engagement with the Committee on the question of federalism. The last of the federalism experts completed their mission to Baghdad this week. The latest focus in this programme has been that of natural resource revenue sharing in a federal system and the experts were the Hon. Bob Rae, former premier of Ontario and Mr. George Anderson, CEO of the Forum of Federations and former Deputy Minister of Energy Affairs

17. Facilitating Agreement on the Constitutional Text

The OCS together with the SRSB continued to closely monitor and track emerging consensus and areas of disagreement. Simultaneously there has been an attempt to generate alternatives and process solutions to some of the more intractable issues. The OCS is developing background and position papers on these questions which could form of the basis of future intervention, should the parties deadlock

18. Areas of Concern

There are three primary areas of concern. The first concerns the capacity to properly discharge the duty to consult the public on the constitution in the short time set by the TAL. On this issue there is not much that can be done other than to intensify our efforts.

The second area of concern is in the apparent failure to activate civil society in the three governorates of the 'Sunni Triangle'. In this regard Sheikh Hamoudi has requested the UN to assist him in reaching out to Sunni groups and to take an active role in promoting constitutional debate and participation of civil society in these areas in the process. In particular, Sheikh Hamoudi has requested that Qazi and Haysom speak to the 15 Sunni representatives in the Committee to solicit their ideas for popular participation in the process. At this stage, although there is media coverage on the constitution the Outreach Unit has not managed to find groups who will put up posters, banners and billboards, or distribute questionnaires in these areas.

A third area of concern remains the security situation and a plan to hold a national conference of NGO representatives from all of the governorates has been placed on hold. Sheikh Hamoudi is of the view that any high profile event in Baghdad involving large numbers of people would pose a target for those opposed to the constitutional process.

MEMORANDUM

The Office of Constitutional Support

Post-Draft Constitution Strategy

Introduction

In fulfillment of the mandate of UNSCR 1546, UNAMI's Office of Constitutional Support ('OCS') has offered assistance to the Iraqi constitution-making process by promoting national dialogue and consensus-building. Specifically, this assistance has been channeled through: (1) provision of substantive input into the drafting process (provision of experts, suggested text and textual compromises); (2) provision of good offices and facilitation (discussion with all parties; advice on negotiation strategy); (3) outreach support (media; civil society; analysis unit; with a national reconciliation input); and (4) infrastructural support (including –among others- provision of offices, computers, and material resources for recruitment of staff). These activities have been undertaken by UNAMI, UNDP, and UNOPS, under the common umbrella of OCS.

In the period leading to the October 15th referendum, and in order to continue promoting dialogue and consensus-building, OCS will base its operational strategy on two major pillars: (1) public education, dialogue and nation-building; (2) foundation work for implementation of the constitution. Given the proximity to the date of the referendum, the initial focus will be placed on public education activities. Planned support in this regard will need to be grounded on dialogue and nation-building, in light of the more divisive environment this constitution has arguably created. At the same time, OCS will start laying the foundations in preparation for a potential institutional support role should the constitution be promulgated on 15th October. This preparation will specifically require comparative study for advice on legislation and institutions to be created by the constitution.

The following annexes to this paper support this strategy document: **Annex 1:** Detailed plan on outreach (UNDP); **Annex 2:** Needs assessment for regional outreach, e.g. Erbil, Sulaminier, Kirkuk; **Annex 3:** Neutrality framework and guidelines for funding projects; **Annex 4:** Audit of the constitution indicating the laws and institutions that need to be established.

Public education / Promoting dialogue and nation-building

Public education will continue being a key component in OCS' strategy in the post-draft constitution stage. The challenges that will be faced are not different from the ones already known. These include security situation, time constraints, illiteracy, lack of mobility, and difficulty of access to vulnerable groups (e.g. women, minorities, rural communities; handicapped). The operating environment has arguably only become more challenging due to criticisms on the way the constitution-making process have unfolded; namely that the way in which the draft constitution was designated by the TNA was improper, that the document itself is not agreed upon by all key constituencies, that TNA members felt excluded from the process, and that –linked to the above- there will be groups who feel their views have not been considered.

Cognizant of the divisive environment in which the post-draft constitutional discussion will take place, the objective of the UN public education programme must be to promote dialogue aiming at fostering unity and healing wounds. Constitution-making must be, first and foremost, an exercise of dialogue, nation-building and reconciliation. It can be argued that constitution-making contributes to national reconciliation, or conversely that without reconciliation first it is difficult for constitutional consensus to emerge. It is now increasingly evident that the framework within which the Iraqi constitution-drafting process evolved did not provide for the necessary roots for nation-building and consensus to emerge. Instead – and under intense time pressures – parties became more polarized and rigid in their positions as the negotiations progressed. As a result, Iraq's draft constitution is not supported by all stakeholders. The challenge in this context is to ensure that effective dialogue and debate on the merits and flaws takes place, and that reconciliation is fostered as a result of these efforts.

In accordance with the mandate of UNSCR 1546, promoting of nation-building has been a focus of OCS' support during the constitution drafting phase. Efforts in this regard have been primarily channeled through an ambitious public education programme encouraging participation and dialogue (including, for instance, meetings of tribal and religious leaders). In addition to this particular program, OCS continuously generated and supported initiatives in favor of reconciliation, in general fulfillment of its good offices provider role. Among them, it is relevant to mention in particular the elaboration and selective distribution of non-papers on inclusion and negotiation management; and the provision of potential compromise solutions to disagreements on constitutional provisions. All these initiatives were grounded in a framework of consensus building facilitation.

Building up on these initiatives, reconciliation efforts will need to continue being channeled through outreach and public education activities. They could be enhanced by the introduction of discreet conciliation projects that meet standards of best practice in national reconciliation. In order to be effective, they should target both grass roots and leadership level, involving all critical sectors of society. At the governmental and civil service level, promotion of reconciliation can include elaboration of strategies targeting government policy, civil service and administration departments. Projects can be both cross-sectoral in nature (thus directly aiming at dialogue across different sectors of society), and targeted to specific groups (such as politicians; civil society; tribal leaders; religious leaders; women; urban; rural; citizenship; youth; academia; or journalists). Comparative experience has shown that public acknowledgement and recognition can help communities confront the past and confront their common future. In this regard, the provision of a forum in which visible recognition and forgiveness can take place could also be contemplated.

On the specific route to the October 15th constitutional referendum, it is our belief that the United Nations must remain neutral. It is not a United Nations role to promote a specific vote, but to neutrally educate the public about the contents of the constitution. In this regard, OCS has devised a Neutrality Framework and Guidelines for Funding Projects to achieve this objective (please see **Annex 3**). OCS will, then, support media, civil society, and governmental actors in the promotion of neutral messages on the content of the constitution, targeting all communities directly and cross-sectorally. This support will be provided through specific projects (funded by UNDP and UNOPS) and in coordination other UN agencies and the international community.

The operational plans for outreach activities to be undertaken by UNDP and UNOPS have been developed to meet OCS's public education objectives (see **Annex 1**). They include a measure of flexibility to ensure that the degree of implementation does not suffer as a result of potential changing circumstances on the ground. In the pre-referendum stage, efforts will be made to

improve the impact of public education activities across the country. In this regard, OCS plans to visit Erbil, Sulemanina, Kirkuk and Basra. A proposal for a needs assessment plan in this regard is attached as **Annex 2**.

Specific projects currently underway or planned include:

Distribution of the Constitution, User Guide, and Executive Summary of the Outreach Report (UNDP): The User Guide and Executive Summary of the Outreach Report have been written by OCS and approved by the Constitutional Committee. They have been translated into Arabic and Kurdish, and 5 million copies are being printed in Iraq for dissemination through the food distribution system.

Meetings: Meetings planned will include large scale town hall meetings in the regions, smaller meetings in security constrained environments, and explicit national reconciliation meetings. They constitute a useful way of conducting public education and of promoting dialogue and open discussion. In particular, plans include 40 x town hall meetings in governorates and 4 in Baghdad (UNOPS); 4 x televised town hall meetings in 4 governorates (UNDP); smaller house meetings (UNOPS, set up through networks, especially international partners); sectoral meetings, e.g. gender, professions, etc (to be planned, with UN agencies eg UNIFEM, UNICEF and other international partners); national reconciliation meetings, a) Iraqi driven, aimed at second tier players (UNOPS); b) aimed at community and political leaders (UNDP).

Public Opinion Polls: Polls usefully inform the public of their sentiment and act as a mirror to the work of both the constitutional committee/leadership and the United Nations. A first poll has been completed, and two more are in planning (UNOPS).

Seminars/Education Forums: These platforms represent a one-way flow of information and are therefore specifically oriented towards public education. They can be targeted to groups such as journalists (UNDP); women (potentially, UNIFEM); Government officials; students; professional groups; religious groups.

Traditional Media: A two track approach is suggested, which will continue to be funded by UNDP. The first track is anticipated as ongoing support to the Media Unit, housed in the Outreach Committee of the Constitutional Committee, and mandated to promote public participation in the constitution-making process. Taking into account that it is within the remit of the Constitutional Committee to promote a 'yes' vote at the referendum, the United Nations will need to comply with the Neutrality Framework when assessing its support to ongoing projects under the purview of the Media Unit. While contracts have been signed with print, radio, and TV stations with validity until 15th October, these can be cancelled in the event that the neutrality of the UN is compromised.

The second track UNDP will adopt consists on supporting alternative voices through the media. That can include providing a platform to different NGOs, and/or offering grants to media outlets to run constitution orientated programmes. The content of supported messages will need to be broadly educational.

Non-conventional outreach: Creative projects that contribute to achieve the identified objectives should be supported. They can include activities like theatre production (a project in this regard is currently being run by the British Council), posters, and billboards. Other potential activities can include competitions on posters (UNDP); marathon with T-shirts (UNOPS); painting competition about the constitution (UNOPS is supporting this initiative in Basra); animal husbandry project

handing out constitution pamphlets (UNOPS); and other initiatives supported by partners in the international community (e.g., newspaper editions of constitution with voting rights (USIP)).

Foundation work for implementation of the constitution

Constitution-making does not stop when a draft has been produced, or even when it has been promulgated. Instead, it is complete when the institutions it envisages are established, and when legislation stipulated as necessary to give effect to many of its articles is enacted. In order to have a clear understanding of the task ahead, OCS has undertaken a careful study of the constitution to determine the necessary laws and institutions that need to be created (**Annex 4**).

In the event that the constitution is promulgated at the 15th October referendum, OCS will be in position to provide advice on how to implement the constitution. This advice will be based on comparative constitutionalism, legislation, and best practice in the design of constitutional institutions. OCS will draw on the collective experience of its legal team and will again make use of international experts as necessary. The work of OCS in this area can only officially begin in the event that the draft constitution is promulgated. To do otherwise would rightly draw criticism for assuming the eventuality of a yes vote, when it is our requirement to remain neutral.

However, prior to the 15th October referendum, the foundations for this implementation work need to be prepared. In the event of constitutional ratification, immediate institutional and legal support need to be ready so as to enable the current and future governments to assure the public that ambiguities caused by constitution's heavy reliance on future legislation are indeed being addressed.

OCS's preparatory work until 15th October will thus include undertaking comparative analyses of the ways in which other countries have legislated to address the issues this constitution has left to be determined by law. In addition, research will be undertaken in order to identify and examine best practices in the design of constitutional institutions, taking into account models in the Arab world and beyond. OCS will also undertake a detailed examination of the necessary requirements, both at the central and regional level, to transform Iraq from a unitary state to a more decentralized federal structure.

UNAMI/UNDP Phase Two Support Implementation Plan

Background

As mandated by SCRC 1546, Article 7 (iii) i.e. *[to] promote dialogue and consensus-building on the drafting of a national constitution by the people of Iraq*, UNDP is implementing a broad-based assistance program designed to assist the Iraqi people with drafting and adopting a constitution in a transparent and participatory manner. Our support has three phases: pre-draft, pre-referendum and post-referendum.

During phase I, our objective was to support the constitutional committee in their efforts to draft a constitution in a transparent and participatory manner. Our main activities included institutional support to the Constitutional Committee and support to the Committee's public outreach campaign. The outreach campaign was conducted through the media and focused on raising awareness about the drafting of the constitution and calling for public submissions on the draft. The pre-draft phase has now been completed.

During phase II, our support will be targeted to public education on the draft. During this phase, limited support will continue to go to the constitutional committee, but support will also be channeled through a number of different implementers. This will help to ensure a wide-range of views and a healthy dialogue on the draft constitution.

As noted in the UNAMI policy memorandum dated August 23, 2005, the objective of the UNAMI/UNDP outreach program is "to educate as many people in Iraq about the draft constitution in order to facilitate a greater understanding of the text and to foster discussion and debate of the text by the nation in the lead up to the referendum."

This document lays out an implementation plan for phase two of UNDP's outreach support program. Implementation of this program will commence with the adoption of a draft text by the Transitional National Assembly and will continue through the October 15th referendum.

Funding

Following phase I of the support program, UNDP has \$4,085,000 that remain uncommitted. These funds have been allocated in the following way:

Phase II Funding Allocation	
Public education Campaign	\$2,500,000
Constitutional Committee/TNA Outreach	\$680,000
National Reconciliation Activities	\$500,000
Monitoring and Evaluation	\$300,000
Reserve Funds	\$105,000
Total	\$4,085,000

This document will outline an implementation plan for the Public education Campaign and Constitutional Committee/TNA Outreach. The implementation plan for National Reconciliation Activities will be deferred and outlined in a separate document. Monitoring and Evaluation and allocation of the reserve funds will be handled exclusively through the Amman office.

Program

Several broad principles should govern UNAMI/UNDP's support program. First, in order to avoid confusion and to ensure that our support is reaching the sectors it is most needed, UNAMI/UNDP's outreach program needs to be well defined, with clearly established programmatic parameters. Our funds need to be committed according to a broad plan and with clear guidelines for funding decisions. However, the program should retain an element of flexibility, so that we remain responsive to the rapidly changing situation.

Second, UNAMI/UNDP must strive to reach all areas of Iraq. An emphasis, though, should be placed on areas where less outreach took place during the previous phase. It is important, as well, to concentrate outreach activities in areas where it is more difficult for citizens to access information.

Third, activities should be chosen and planned with the values of national reconciliation, consensus-building and dialogue-promotion in mind. That is, when evaluating proposals, those that promote discussion between Shi'a, Sunni and Kurds will take priority over those that target only one group.

Fourth, UNAMI/UNDP must ensure that its funds are being used to support neutral information, education and discussion. It is important not to support yes/no campaigns, even if done in equal measure. Neutrality should be established first before funding is decided. UNAMI/UNDP should include a neutrality clause in all contracts and MOU's that are signed.

Fifth, UNAMI/UNDP should emphasize cross-sectoral groups, such as journalists, lawyers and public officials. In this way, issues can be formulated based on the inherent interests of sectors of society, rather than ethnic groups.

Public education Program:

The largest portion of funding has been allocated for a public education campaign. UNDP's public education program will be divided into six key areas, into which funds will be earmarked. These six areas are media, televised town hall meetings, support for outreach by government and ministries, universities/contests, associations, sunni outreach and small grants. The allocation of funds in these areas is shown in the table below.

Allocation of Funds Public education Program	
Media	\$800,000
Government and Ministries	\$550,000
Universities/Contests	\$150,000
Associations	\$200,000
Sunni Outreach	\$300,000
Small Grants	\$500,000
Total	\$2,500,000

Media

Building upon UNDP's successful media outreach campaign in phase I, UNDP will continue to emphasize outreach through the media. As the contracts from phase I for television, radio and newspaper advertisements through the Constitutional Committee run through October 15th, additional funds will not be allocated to the Committee for media outreach.

During Phase II, UNDP will conduct an RFP, through which media organizations can submit their proposals for evaluation. Members of the international community will be asked to join an evaluation panel. Grants of up to \$100,000 will be given to media outlets ensuring equal geographic distribution and ethnic balance. Proposals will be evaluated on neutrality, feasibility, educational value, and creativity. Proposals that target women, youth and other disadvantaged groups will be given priority.

UNDP may also conduct its own media campaign. For example, UNDP may fund an organization to conduct televised town hall meetings with Iraqi legal experts or commission explanatory television programs on key issues like decentralization and federalism.

Government and Ministries

Government entities have access to sectors of society, such as public servants and teachers that it is difficult for civil society organizations to access. Therefore, UNDP will allocate a portion of its funding to the government and selected ministries to conduct public education for these targeted groups. For instance, the Ministry of Culture plans to

work with the Ministry of Education to print and distribute pamphlets that explain the constitution. If this activity is funded, these pamphlets will be given to the teachers and distributed through the school system.

Universities/Contests

UNAMI/UNDP will identify implementing partners to conduct essay, poster, or other contests on the constitution. As contests are a useful tool for raising awareness in a neutral and non-political manner, and as this is a gap in the program of the international community, UNDP believes that funds during phase II should be allocated for this purpose. Contests also ensure a multiplicity of views is received. UNAMI/UNDP will identify organizations, including universities that are interested in this activity and work with them to determine both the type of contest and the method of choosing and then publicizing the winners.

Associations

UNAMI/UNDP will identify professional associations for funding. Associations of journalists or lawyers, for example, will be asked to submit proposals. Activities for funding might include conferences and seminars to educate their own members or drawing upon their resources to educate other citizens.

Sunni Outreach

Given the current security situation on the constitution. Therefore, UNAMI/UNDP will set aside some funding for innovative proposals to inform and educate citizens in these areas. Funding will be provided for neutral education and information on the draft constitution and general constitutional principles. Proposals will be evaluated on neutrality, feasibility and population reached. Proposals that target women and youth and other disadvantaged groups will be given priority.

Small Grants Program

UNAMI/UNDP will work with USIP to identify proposals of merit that do not fall into the above categories. USIP receives large numbers of proposals from Iraqi NGOs, evaluates them and identifies funders for them. They then work with the NGO's on financial accountability and reporting. UNAMI/UNDP will use this mechanism to fund activities that educate and inform citizens in a neutral manner. Proposals will be evaluated on neutrality, feasibility and population reached.

Constitutional Committee/TNA Outreach

UNAMI/UNDP will make available \$680,000 to the Constitutional Committee, the TNA or both to educate citizens on the draft of the constitution. UNAMI/UNDP will work with these groups to design activities that are neutral and inclusive.

First steps to activate the program

Following discussions with UNDP, it has been mutually agreed that the following first steps will be undertaken to activate the program:

- 1) Establish project vetting committee to entertain project applications. Composition: Ahmed (Haysom), Martin (Shashaa, Al-Nuaimy), Horbach(Alexander);
- 2) Agree the Neutrality Guidelines with UN stakeholders (3 September);

- 3) Agree guidelines for funding of organizations with UNDP/Amman (3 September);
- 4) Issue public request for proposals (September 5);
- 5) Meet with Constitutional Committee / Media Unit to agree roll out in line with Neutrality Guidelines ((3 September);
- 6) Obtain procurement waiver from New York (UNDP/Amman) (5 September);
- 7) Solicit and approve applications for grants, including in a first instance Al-Mada proposal

Office of Constitutional Support

Needs Assessment for Regional outreach

The constitution-making process is part of the larger transformational process to reconciliation and stability, leading to greater legitimacy of the political leadership locally as well as nationally. The engagement of UNAMI so far has been mainly on a national level. The regional political outreach will entail the first steps to a broader inclusiveness and interaction with local politicians and leaders with the long term perspective to set up a wide regional and local political network relevant for implementation of future UN programs. In the short run, engagement with regional/local civil society organizations and regional/local political leadership will be focused on public education and exploration of options for institutional support, in the context of the constitution-making process.

In order to obtain first-hand information on the capacity and needs for engagement with the regional and local political and social leadership, OCS will endeavour fact-finding missions to the Iraqi Kurdistan, Kirkuk and Basrah.

These missions will have political as well as a constitutional focused goal. With respect to the constitutional regional outreach, missions will focus on:

1. **Providing an initial needs assessment to support public education, and to design and strengthen institutional support activities.**
OCS will interact and hold discussion with the local and regional leadership on the constitutional process in general as an evaluation mechanism for the potential implementation of programs. OCS will assist in the assessment of the post-constitution-drafting scenario in the region so as to provide an initial analysis on how the political interlocutors, local NGOs and others have experienced the constitutional process and what they would expect in the next stage.
2. **Establishing NGO and I-NGO networks.**
OCS will develop a needs assessment of the outreach activities that have been put in place and of the level of public awareness they have generated on the content of the constitution on the road to the October 15th referendum. OCS will support the establishment of networks of NGOs and I-NGOs which can provide support in the above-mentioned areas.
3. **Assessing potential roles regarding Kirkuk.**
The normalisation of Kirkuk will be one of the most important and possibly volatile political processes in the next two years. It should be assessed whether there is a role for the UN to play in this process, be it as a monitor or arbiter. Article 58 gives room for a possible role for the UN in this process.

More generally, the political assessment will have the following goals:

1. **Strengthening UN's facilitation role.** The generic role provided by the UN in the area of political facilitation will be assessed by providing a first needs assessment based on dialogue with several key political interlocutors.
2. **Promoting national reconciliation.** In the context of the post-constitutional drafting process, OCS will establish a post-constitution reconciliation and nation-building dimension in its public education strategy by facilitating programs in both of these areas. In this regard, activities will be planned and launched in Erbil.
3. **Coordinating international assistance to constitutional implementation.** Building up on the efforts for international coordination in the constitution-drafting period, OCS will undertake efforts to coordinate the constitutional implementation support activities of the international actors operating in Kurdistan.
4. **Political network.** By performing the above-mentioned tasks, a political network will be established for future liaison.

Office of Constitutional Support

Neutrality Framework and Guidelines for Funding Projects

Introduction

There is now a more divisive environment in Iraq brought about by a less than inclusive constitution making process. The draft constitution is being criticized by many key players and sectors of society. The motivation of many to seek to draw the United Nations into a compromised position by accusing it of adopting partisan behaviour through funding decisions cannot be underestimated.

It is essential that OCS' public education programme continues to educate and promote dialogue and debate about the constitution among as many Iraqis as possible. However, more so than ever, public education must be achieved in a neutral way. Given the importance of keeping a neutral role in the constitutional debate, the UN must be able to defend criticism that a 'no' or 'yes' vote is promoted, by being able to refer to robust neutrality guidelines.

At the outset, it must be noted that the operating environment in Iraq is such that it is often hard to distinguish between those civil society organizations that are neutral and those that are backed by political leaders or platforms. It is therefore unrealistic to decide – as would be easiest – to simply fund civil society organizations. Instead, political parties and entities should be considered for funding. In this context, neutrality can be achieved by ensuring a balance of funding between as many groups as possible.

Neutrality must be achieved at an overall level, i.e. balance of projects geographically, between civil society organisations, political parties and entities, minorities, gender groups. In addition, it must be achieved at the specific project level, i.e. a project must only be educational, well designed, be given to authenticated entities. A Neutrality Review Committee will audit all potential projects against the neutrality guidelines recorded below, and will decide on the basis of consensus before any project is funded.

These neutrality guidelines will form the basis of UNAMI' continued engagement with the Transitional National Assembly's Constitutional Committee.

Neutrality Guidelines

Overall neutrality

Calling for projects: In general, UNAMI will issue a formal call for project proposals. However, if the vetting committee determines that neutrality is not being achieved at the overall level – for instance, that some regions, ethnic groups, political parties or entities, civil society sectors- are not receiving funding, UNAMI can encourage funding proposals from underrepresented groups. Those proposals will need to meet the neutrality guidelines.

All sectors of society: UNAMI will seek to fund projects that target all sectors of society across the whole of Iraq. In doing so, the following points should be stressed. UNAMI shall use its best endeavours to achieve geographic balance in the distribution of funding for projects. UNAMI shall use its best endeavours to achieve a balance of projects between Sunni, Shia, and Kurdish political parties, entities and groupings. It shall prioritize projects jointly promoted by representatives of these groupings. UNAMI shall prioritize funding of minority groups. UNAMI shall use its best endeavours to fund projects from the various religious communities within Iraq and shall prioritize projects jointly promoted by representatives of these groupings.

Specific Project Neutrality

Calling for projects: In general, UNAMI will issue a formal call for project proposals. However, in the context of the limited timeframe available before October 15th and with the desire to achieve neutrality at the overall level, UNAMI will also seek out projects and then ensure that they meet the neutrality guidelines.

Neutrality of Content: UNAMI shall support activities that are purely educational. Education must focus on the draft of the text, international norms, or comparative constitutionalism.

Opportunity for Debate: UNAMI shall support projects that encourage debate among sectors of society or across sectors of society on the text of the constitution as a whole, on specific clauses, and on the implications of the constitution. UNAMI will want to ensure that equal time is allowed for debate between all sides, that all sides are fairly represented, and that a neutral safe environment is provided for such debate.

Yes/No Vote: UNAMI shall not support any project that can be considered as actively or tacitly supporting a campaign for a yes or no vote.

Neutrality of implementing partner: UNAMI shall not support political parties or entities engaging in partisan political activities. Support may be given if the neutrality of content can be clearly established. UNAMI shall support civil society and media organizations based on their past performance, the quality of their proposal, the audience they intend to reach and their adherence to the neutrality of content clause.

Priority Funding: UNAMI shall prioritize activities that promote discussion between Shi'a, Sunni and Kurds. Projects targeting three or more communities shall take priority over those that target only one group. It shall also prioritize assistance for cross-sectoral groups, such as journalists, lawyers and public officials. It shall prioritize projects that formulate issues based on the inherent interests of sectors of society, rather than ethnic groups. Finally, UNAMI shall prioritize assistance for groups that are likely to be marginalized, including women, minorities and the illiterate.

Neutrality Review Committee

A joint UNAMI/UNDP review committee shall be established that reviews all proposals for funding to ensure their compliance with the neutrality guidelines. The committee shall also ensure that proposals are funded according to the funding priorities. Finally, the committee shall monitor the project's ongoing compliance with the neutrality guidelines.

26. Similar assistance to other concerned legislative or executive bodies as above, including assistance on drafting legislation required by the constitution or necessitated by the constitutional review.
27. OCS will facilitate access to international resources and expertise through its existing network where necessary.
28. OCS, consistent with its previous commentaries, would urge the inclusion of constitutional provision that enables the direct exercise of rights guaranteed by international treaties to which Iraq is a party.
29. OCS would support an appropriate review of the personal status clause so as to remove ambiguity and facilitate non-discrimination and freedom of choice in this matter. In this respect, OCS would be prepared to conduct specialised research into comparative personal status legal regimes and contemporary thinking in the Islamic world and beyond.

C) Supporting Institutions for the Constitutional Framework on the Rule of Law and Human Rights: Design and Implementation

30. The constitution requires the establishment of a 'High Commission for Human Rights'. Other independent institutions employed elsewhere for ensuring good governance as well as the protection and promotion of human rights may well be included through the constitutional review exercise, and the OCS will draw appropriate attention to such models with the Constitutional Review Committee.

Action:

31. OCS will propose amendments of the constitution in line with the commentaries already conveyed to the Drafting Committee.
32. OCS will assist in the conceptualisation, design and implementation of the proposed Human Rights Commission and any other similar bodies that maybe deemed necessary. This would involve technical assistance in statutory and regulatory drafting, capacity-building and resource support.

Interlocutors

33. For the implementation of this programme, the OCS will be collaborating with key institutional interlocutors: the Chief Justice, the judges of the Federal Supreme Court, members of the committees of the Council of Representative dealing with rule of law and human rights, Constitutional Review Committee, Ministries and other independent institutions where relevant.

Office of Constitutional Support

Plan for decentralization and federal government

1. The constitution defines Iraq as a federal country, lists the different levels of government, and indicates the powers assigned to both the national and the regional level in an exclusive, concurrent or residual form. OCS strategy in support of the establishment and implementation of constitutional instruments for decentralization and regional governance will be based on:

- 1.1. the need for a constitutional framework that allows for the organization of a structured and coherent federal system;
- 1.2. the need for legal and institutional instruments to regulate and implement the explicit or implicit mandates provided by the constitution;
- 1.3. the use of comparative best practices as the substantive basis of engagement with the key actors regarding the above-mentioned; and
- 1.4. the consideration that a well-structured federal system thereby constitutes an incentive for unity while still providing for regional self-government, and generating incentives for political cooperation among the different units of government. Both sets of incentives are conducive towards the promotion of broader strategies for national reconciliation.

2. OCS will coordinate its plans of support regarding decentralization and regional governance with regional outreach initiatives aimed at both a) providing institutional support for the configuration / strengthening of regional institutions, and b) encouraging debate on federalism's relevant technical issues from a good governance perspective. It may be the case that the constitutional review process fundamentally alters the federal / decentralization schema set out in the constitution. If this is the case, OCS will review its federalism / decentralization legislative program on an ongoing basis, so that its recommendations are consistent with what evolves through the constitutional revision.

Based on these parameters, OCS will stand ready to offer support regarding the following:

Constitutional review process

3. The constitution mandates the Council of Representatives resulting from the December 15 parliamentary elections to establish a committee –representing not only those elected in parliament, but “the key components of the Iraqi society” in general - to “present a report within four months including the recommendations of the necessary amendments to the constitution”.

4. The current text contains significant omissions, inconsistencies and difficulties in the organization of the territorial structure of the State. The constitutional review process provides an opportunity for a structured discussion on how to address these issues and how to ensure the good functioning of the resulting model. OCS will define the specific needs for engagement with the political leadership at the national level, in the process leading to the four-month review of the constitution. Building upon the support provided during the drafting phase, this exercise will involve, in particular,

4.1. analysis of the federal model provided for by the current draft;

4.2. specific consideration of positive and negative elements in the model, on the basis of best international practices and good governance;

4.3. provision of potential alternative solutions and/or formulations.

5. **Action:** Following up on the commentaries provided by OCS to the constitutional committee in the context of the constitution-making process, OCS plans to engage with the leadership of the constitutional review committee in order to provide an equivalent form of knowledge-based support. The specifics of this engagement will need to be developed once this committee is formed. In the meantime, however, OCS plans to engage the leadership of the different political parties / groups in order to underline the importance of addressing the problems of the current draft and the need for revision from the perspective of good governance. As in the previous phase, OCS will continue engaging the diplomatic community in order to promote international coordination and support for its knowledge-based initiatives.

Development of key constitutional mandates on region formation and regional representation at the federal level

6. The constitution leaves many key aspects on the institutional structure of a federal state for further consideration and legislative development. In particular, the constitution refers to methods of expressing the right to become a region, but the actual “executive procedures to form regions” are left for the new Council of Representatives to legislate on). This constitutional mandate provides the opportunity, among others, to consider the inclusion of a capacity assessment mechanism in the schedule for regional formation, which could be based on comparative best practices as presented by different federal

states. Such instrument would allow for an asymmetric form of federalism based on the capacity of the different regions to assume decision-making and implementation responsibilities. This option would allow for a generic compromise solution to the current political dispute over the adequacy of the current political decentralization schema to the current reality of Iraq. On the other hand, the constitution provides for legislative regulation of the right for national and regional governments to delegate powers to the other level of government by consent. This provision technically allows for a flexible and asymmetric form of federalism, provided this legislative mandate is fully developed.

7. At the same time, the constitution provides for a Federation Council to be established by law. This law will also need to define its membership conditions and competencies. The particular role of this second chamber in the legislative process, together with its internal regulations, will need to be developed. The significance of this chamber in providing for regional representation and decision-making capacity at the federal level – together with the incentive it provides for the consolidation of incentives for unity – indicate the importance of the legislation to be drafted and discussed. At the same time, adequate institutional mechanisms for the participation of regions in a common body at the federal level can be instrumental in providing for strong incentives for national/regional and inter-regional cooperation.

8. **Actions:** As above, and following up on the commentaries provided by OCS to the constitutional committee in the context of the constitution-making process, OCS will assist the constitutional review committee and the relevant parliamentary committee in the consideration of comparative procedures for regional formation and structure / legislative role of territorial chamber in federal countries. As mentioned in the previous section, OCS will also involve party leadership in the consideration of these proposals, and will attempt to coordinate efforts and views with the members of the international community operating in the country.

Legislative development of constitutional mandate

9. The constitution lists areas of exclusive national competence and areas of concurrent jurisdiction, leaving residual powers to the regions. Some of the areas listed as powers of shared competence are constitutionally mandated to be regulated by law. Others are not. In any case, frameworks –legal or institutional - will need to be developed for an adequate regulation of:

9.1. areas of exclusive national powers particularly affecting the regions – for instance, even though the constitution includes the formulation and execution of national security policy within the areas of exclusive national legislation, it also provides for the establishment and organization of regional internal security forces. It seems right to assume that there will be a need for coordination of national armed forces and regional militias;

9.2. areas of concurrent jurisdiction – the constitution leaves the following concurrent areas to be regulated by law: management of oil and gas from current fields, cooperation on matters of “national treasure”, administration of customs, regulation of electric energy, environmental policy, internal waters- In the particular area of foreign affairs, the constitution recognizes the rights of regions to establish offices in foreign missions in order to “follow up cultural, social and developmental affairs.” Specific mechanisms for cooperation between national and regional authorities in this regard will be necessary. Also, the constitution provides for the formulation of fiscal policy to be undertaken by the federal government, but at the same time explicitly indicates that regions and governorates “shall be allocated an equitable share of the national revenues sufficient to discharge their responsibilities and duties” considering “their resources, needs and the percentage of their population.” Specific frameworks will need to be developed in order to quantify the specific allocations;

9.3. residual areas where national standards are essential or where best practice suggests regulation at the national level. This would include management of oil and gas from future fields, and areas not necessarily covered as explicit competences in the constitution, such as those where national legislation is necessary in respect of a matter that a single governorate / region cannot deal with (e.g., international air traffic, contagious animal diseases).

9.4. areas where different regional capacity suggests different degree of assumption of competences. A scenario where a region could decide not to assume residual areas of competence could arise either from the configuration of a capacity assessment mechanism (if included in legislation regulating procedures for regional formation), or – as previously indicated - from the use of the prerogative provided by article 122, according to which powers exercised by the federal government can be delegated to the governorates or vice versa, with the consent of both governments.

9.5. instances of administrative decentralization in areas where national legislation is supreme. This affects specially governorates that are not incorporated into a region, for which the constitution grants “broad administrative and financial authority to enable them to manage their affairs in accordance with the principle of decentralized administration,” with a specific mandate for legislative regulation.

10. Actions: OCS will undertake comparative research on best practices regarding legislative development in federal countries, and will liaise with the relevant executive and parliamentary offices to provide them with the relevant comparative information. In the cases where the constitution mandates legislative development, OCS will focus its engagement to the relevant parliamentary committees and will attempt to involve ministerial offices and regional authorities as necessary. Specific plans will be developed to promote academic participation in the debates on legislative development of constitutional federal provisions, both in the capital and in the different regions or governorates. In the case of areas where specific legislation is not mandated by the

constitution, OCS will promote the configuration of institutional cooperation mechanisms involving the relevant actors (see below).

Cooperation between national/regional and regional/regional levels of government

11. Beyond the establishment of legislative frameworks for national-regional cooperation, effective decision-making and implementation will require instances of coordination / cooperation between the central and the regional level. This will be especially relevant in the context of areas where national/regional concurrent decision-making is necessary. Beyond those competence areas, intergovernmental cooperation will be necessary in a wider set of issues when decision-making and implementation are carried out by different instances of government, and even where decentralization is not of political but of administrative nature. The need for inter-governmental cooperation will call for:

11.1. institutional support to the development / strengthening of regional institutions. As described in Annex 5, OCS attempts to undertake needs assessment missions to different regions and governorates in order to evaluate the need for institutional support in the establishment / strengthening of regional institutions / regional legislation. The need for institutional support must be assessed both in terms of material and knowledge-based support. This also includes provision of institutional support to strengthen mechanisms of administrative decentralization in governorates that are not incorporated into a region.

11.2. provision of knowledge-based and material support for the development of specific institutional mechanisms (inter-regional bodies, inter-ministerial bodies). Based on the needs assessment referred to above and on the legal and managerial incentive for coordination between different levels of government, OCS will support the institutional development of mechanisms for inter-regional and inter-governmental cooperation. These mechanisms will be especially relevant in the context of the concurrent areas of jurisdiction, where different levels of government can coordinate their legislative agendas in a common direction;

11.3. institutionalization of a dispute resolution mechanisms. In a context where the constitution provides for regional preeminence in case of conflict between national and regional legislation in areas of concurrent competence – and where there is provision for judicial settlement of constitutional disputes -, best practice advises to encourage mechanisms for the facilitation of reconciliation of differences before they reach the judicial sphere;

11.4. institutionalization of mechanisms of representation of the central government at the regional level. Inter-governmental cooperation and resolution of political / legal disputes can be supported not only through instruments for representation of regions at the federal decision-making level or the existence of specific institutional

cooperation mechanisms, but also through the provision for institutional representation of the federal government in the regions.

11.5. promotion of public education initiatives aimed at informing Iraqi civil society about the features of federalism, and the institutional and legal implications of a federal model of territorial organization of the State (see Annex _). The aim would be to facilitate the understanding that a well-constructed federal model constitutes a guarantee for unity and is not a recipe for sectarian division;

12. **Actions:** Beyond the points outlined in the previous sections, OCS will develop specific plans for regional outreach on the basis of needs assessment missions, as well as programmes to interact with academics and professionals.

Local administration

13. The constitution makes mention of local administration in terms of representation of minorities, but leaves specific implementation of the mandate to legislative regulation.

14. **Actions:** Comparative best practice will be analyzed and presented to the relevant bodies. Engagement will be sought with parties' leaderships, municipal authorities, and – if existent- municipal associations' bodies.

In the implementation of this framework plan, OCS will be collaborating and interacting with:

- Governmental institutions. In particular, constitutional review committee, relevant Council of Representatives committees, government ministry responsible for constitutional issues, and government ministries responsible for substantive service delivery;
- Independent institutions when relevant;
- Universities and academics;
- Media and civil society, in the context of public education initiatives.

(to a lesser extent, engagement with these sets of actors has already taken place during the constitution-making process. In this phase, this collaboration will be reinforced and widened in order to encompass as many of the relevant actors in each are as possible)

Annex 4

Office of Constitutional Support

Public education and participation

Until now the public education and participation component of the constitutional process has been problematic. In the initial drafting phase, which was originally intended to run until 15 August, there was no official initial draft upon which civil society and the general public could make substantive comments (although there were a number of contradictory drafts leaked to newspapers). Furthermore there was too little time between the formation of the Constitutional Drafting Committee and the TAL deadline to sufficient engage with the public, although valiant attempts were made by both the Outreach Unit and by many NGOs, some funded by UNOPS and UNDP. By the time public submissions had been received and properly analyzed, the Constitutional Committee was no longer operative and negotiations had shifted outside the legal framework and to the level of the political leadership in a way that was not even transparent to former Committee members let alone the general public. As the content of the constitution was amended numerous times by the political leadership up until a few days before the referendum, and the text to be printed was only delivered to the UN a month beforehand, it was not possible to distribute the text as widely as had been hoped.

With the approval of the constitution, including a final amendment mandating a four month constitutional review process, it may now be possible to make up some of the deficit as regards public participation and education. There is now a specific text to educate people about and solicit their opinions, and there is potentially six months or more before the completion of the review process to feed these views into the process. For this purpose, unallocated funds from the previous phases can be used for a continuing program of small grants to NGOs and media work until the end of 2005.

A plan of action is:

1. Account for unspent funds and reserve them for ongoing work in public education and reconciliation
2. Convene the international coordination group to discuss potential activities and the role of other implementers such as NDI, IRI and the British Council Political Participation Fund.
3. Liaise with the TNA and Council of Ministers on public outreach.
4. Fund educational activities, particularly those informing citizens of their rights and other aspect of the new constitution directly bearing on their daily lives.

5. Ensure that consideration of public opinions is a component of the constitutional review process, but learning from the experience of the drafting period.

Reconciliation

Significant elements of Iraqi society felt excluded from and opposed to the Constitution, particularly the Sunni Arab community (around 80% of whom voted NO) but also other minorities. It is essential to address their concerns and ensure that these are channeled into the political process rather than splitting out into violence. This work is a component of the UN's broad mandate for national reconciliation and dialogue.

1. Identify the elements in the Constitution which could be amended to broaden national consensus on the country's fundamental law.
2. In cases where opposition to the constitution derives from misinformation or misinterpretation of the text, public education activities will correct common misperceptions.
3. Education activities should also emphasize the role of implementing legislation and institutions and involve those who voted NO in shaping these to address their fears.
4. The OCS will work to ensure that the constitutional review process is transparent and include fair representation of Sunni Arabs and minorities, ideally drawn from elected representatives in the TNA.
5. Promote engagement and dialogue across rather than within Iraq's fault lines.

Office of Constitutional Support

Plan for Regional outreach

The constitution-making process is part of a larger transformational process to social reconciliation and political stability, leading to greater legitimacy of the political leadership not only at the national, but also at the regional and local level. The engagement of UNAMI so far has been mainly on the national level. A plan for UN regional outreach will define the first steps to broader interaction with regional and local political, social and academic leaders. This will not only facilitate discussion and planning of constitutional issues, but will also contribute to set up a wide regional and local political and social network relevant for implementation of future UN programs. In the short term, engagement with regional/local civil society organizations and regional/local political and social leaders will be focused on exploration of options for institutional support and public education, in the context of the processes of constitutional review and constitutional implementation.

Given the direct impact in the regions of the constitutional debate on federalism, outreach will be substantially targeted towards consideration of elements and features of the federal model envisaged by the constitution. In this regard, particular efforts will be made -both at the institutional support and at the public education level- to encourage debate on federalism's relevant technical issues from a good governance perspective, rather than on identity-driven demands.

Addressing the decentralization debate from that perspective would contribute to a) develop a critical assessment among policy-makers and citizens of what are the key elements for a good functioning of a federal state; b) facilitate the understanding that a well-constructed federal model constitutes a guarantee for unity and is not a recipe for sectarian division; and c) explore benefits and options for inter-governmental and inter-regional cooperation.

1. Components

In general terms, UNAMI OCS' Plan for Regional Outreach contains the following components:

- 1.1. Provision of both written material and knowledge-based support regarding a) development and strengthening of regional institutions and legislation; and b) development and strengthening of regional representation at the national level. The OCS will build upon the knowledge-based support

initiatives already developed and implemented by OCS in support to the Transitional National Assembly's constitutional committee. Comparative material on federal institutions and legislation, based on international models and best practices, can be made available not only to the constitutional review commission, but also to the relevant national / regional / governorate authorities and party leadership.

- 1.2. Promotion of public education initiatives aimed at informing Iraqi civil society outside Baghdad about the features of federalism, and the institutional and legal implications of a federal model of territorial organization of the State. Special significance will be given to the potential of a decentralized model in terms of good governance and accountability. Thus, public education activities will focus on:

- a) explaining the general features of a federal model, both in terms of regional representation and implication in policy-making at the national level, and in terms of decentralization and regional self-government;

- b) exploring implications of the model in terms of bringing policy-making and policy implementation / service delivery closer to the people, and underlining the specific elements through which citizens can be empowered to have a more direct access to political decision-making;

- 1.3. Promotion of national reconciliation. In the context of the constitutional review and constitutional implementation processes, OCS will mainstream a post-constitution reconciliation and nation-building dimension in its institutional support and public education strategy. In this regard, activities will be planned with a focus on the country as a whole, and on the different relevant regions and governorates. The aim is to incorporate as many political/social leaders as possible in the general and specific initiatives taken. Given the close connection between the constitutional and UNAMI's political facilitation / national reconciliation efforts, OCS outreach and institutional support plans will be developed in close cooperation with UNAMI's Office of Political Affairs and the DSRSG.

2. Specific development

These three major components will be developed as per the following manner:

2.1. Analysis and review of already implemented institutional support / public education activities in the context of the constitution-making process, and design of initiatives to be undertaken at the national level.

2.2. Organization of fact-finding and assessment missions to the different regions and governorates.

In particular, the following will be covered:

a) Identification of the key regional actors in the political, non-governmental and academic sphere, and assessment of potential support to be provided at the three levels. OCS will interact and hold discussion with the local and regional leadership on the constitutional process in general as an evaluation mechanism for the potential implementation of programs. OCS will assist in the assessment of the post-constitution-drafting scenario in the region so as to provide an initial analysis on how the political interlocutors, local NGOs and others have experienced the constitutional process and what they would expect in the next stage. By performing these tasks, a political, social and academic network will be established for future liaison.

b) Assessment of the need for institutional support in the establishment / strengthening of regional institutions / regional legislation. The need for institutional support must be assessed both in terms of material and knowledge-based support;

c) Assessment of the need and capacity for public education initiatives regarding constitutional values in general and constitutional federal features in particular. OCS will develop a needs assessment of the outreach activities that have been put in place and of the level of public awareness they have generated on the content of the constitution on the road to the October 15th referendum. OCS will support the establishment of networks of NGOs and I-NGOs which can provide support in the above-mentioned areas. Academic discussion – organization of seminars and round tables at universities, among others- will be encouraged.

2.3. Given the fact that constitutional ratification provides for immediate constitutional recognition of the region of Kurdistan, the initial focus will be placed in this region, and it is contemplated that the first need-assessment visit should cover Erbil. Moreover, an OCS visit to Kurdistan can support the Office of Political Affairs and the Office of the DSRSG for Political Affairs in assessing the UN facilitation role in the normalisation of Kirkuk, be it in a general monitoring or arbitration context. A visit to Kirkuk has in fact already been undertaken. OCS

will endeavour to organize its second fact-finding mission to Basra. Other regions will then be considered against the security situation. Missions will be repeated depending on the outcome of the initial engagement.

Office of Constitutional Support

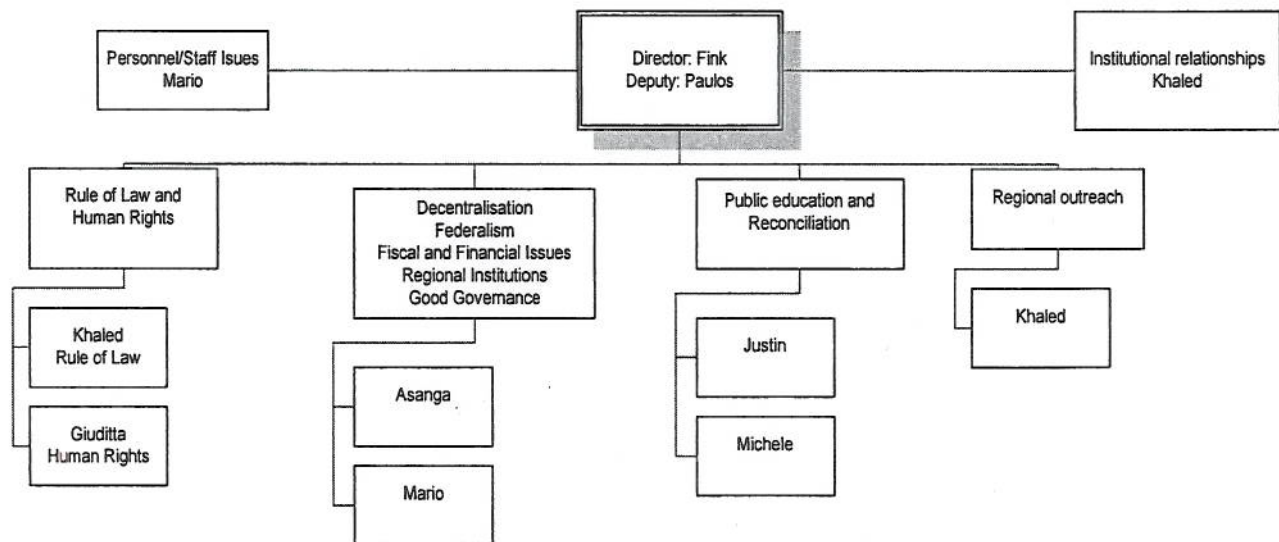
Staffing requirements. December 2005 – June 2006

Until the end of the constitutional review period OCS anticipates maintaining a small core team of staff, with the addition of two Arabic speaking lawyers (P4 and P2). We will draw on international experts as needed. The 2006 OCS budget did not anticipate a constitutional review period so it provides for a larger complement of staff at higher grades than we immediately require.

OCS's staffing requirements to deliver the operational plan envisaged in this document are based on some continuity of existing staff and are as follows: D1 (Director), 2 x P5 (Deputy Director), 2 x P4 (Legal Affairs Officers), 1 x P3 (Legal Affairs Officers), 3 x P2 (Legal Affairs Officers), 2 x P2 (Translator), 1 x P2 (Outreach Officer), 1 x local staff (Field Officer), 1 x local staff (Administration). Each work plan annexure indicates staff responsible for delivery, an organogram is provided below.

From now until December 2005 our key interlocutors will be focused on the national election. In January 2006 they will be occupied with negotiations over the formation of the next government. During this period OCS will maintain contact with key interlocutors, but due to their anticipated preoccupation with non-constitutional issues, OCS will focus its work on research and planning. A small team will be located in Baghdad in order to maintain a presence, however mindful of ceilings we will locate some staff in Amman and encourage others to take home leave as from early December till late January 2006. We anticipate that the work of the Unit will again reach taxing levels from February 2006.

ORGANOGRAM



Director: Nicholas Haysom¹
Deputy: Paulos Tesfagiorgis

Government Relations: Khaled/New Lawyer
Personnel/Staff Issues: Mario Buil-Merce

Constitutional Substance Issues:
Rule of Law: Khaled Ahmed
Human Rights: Guiditta Scordino / Khaled Ahmed
Decentralisation / Federalism : Mario Buil-Merce / Asanga Welikala
Good Governance / Central Government institutions²: Paulos Tesfagiorgis
Public Outreach/National Reconciliation: Michele Law / Justin Alexander
Regional Outreach: Khaled Ahmed

¹ Nicholas Haysom will engage and assist in all the substance areas.

² This may include such issues as the Civil Service, Civil-Military relations, and structure of Parliament.