On October 15, 2005, the majority of Iraqis voted to adopt a constitution – and a federal government structure. An impressive 63 per cent of Iraq’s 9.8 million voters participated in the country’s referendum, which received 78 per cent approval, with only 21 per cent of the population against the proposal.

Results of the vote clearly fell along ethnic lines: those who approved the constitution were largely Shia and Kurds; those opposed were mainly Sunni Arabs. Sunnis voted against the constitution in large numbers in two provinces, Salahuddin (82 per cent) and Anbar (97 per cent). However, in order to block the constitution, a two-thirds vote against the constitution was required in three provinces. The majority yes vote came largely from provinces with Shia and Kurd populations, with a staggering majority (99 per cent in one Kurdish province) in favour of a federal structure. In an effort to address Sunni concerns and gain support for the referendum, the Iraqi Parliament on October 11 approved a mechanism that will allow revisions to be made to the Constitution in 2006.

The constitution grants a high level of autonomy to the provinces, giving them exclusive access to future oil fields (current oil production is shared among all provinces), many of which are located in Shia and Kurd regions. Under the constitution, provinces are allowed to join together to develop regional security forces. Sunnis fear that the constitution will divide Iraq into a Kurdish north and Shia south, thus excluding centralized Sunnis from Iraq’s lucrative oil production; they also worry that the Shia area in the south will come under the influence of Iran.

**Sunnis voter turnout: a step toward democracy?**

Despite strong Sunni rejection of the constitution, some observers view the referendum optimistically. In January 2005, Sunni Iraqis boycotted the transitional assembly elections, so their participation in this vote is seen as a step towards democracy in Iraq.

Hope that Sunnis will be drawn into the political process (and away from violent protest) is strengthened by the news that three Sunni parties have formed a coalition in anticipation of the upcoming December election in which Iraqis will choose the country’s first full-term parliament. In forming this alliance, the Iraqi Peoples Gathering, the Iraqi Islamic Party and the Iraqi National Dialogue aim to increase Sunni representation in the new National Assembly, representation that is currently lacking in the transitional government due to the previous election boycott by Sunnis.

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**Canadian province says no to sharia law**

*Would sharia law contradict Charter of Rights and Freedoms?*

Dalton McGuinty, premier of the Canadian province of Ontario, has rejected suggestions that Islamic sharia law should be used as a legal mediation process for family disputes in the province. He expressed concern that religious family courts could “threaten our common ground.”

According to sharia law, spousal support for divorced women ceases after three months while men receive most of the couple’s assets and custody of any children.

Faith-based tribunals have been acting in Ontario since 1991, when the provincial Arbitration Act gave religious leaders the authority to mediate civil issues, such as divorce, inheritance, property disputes and child custody.

In 2003, however, the Canadian Society of Muslims called for a formalized tribunal wherein legally binding decisions could be made based on the law of the Islamic faith. This drew attention from critics who feel that sharia law contravenes Canada’s charter of rights and freedoms, and from those who worried how the law would be interpreted in Canada.

Proponents of a legalized family court operating under sharia law stress that participation in religious arbitration is voluntary and that both men and women are able to appeal decisions in civil court.

Former attorney-general Marion Boyd was commissioned by the Ontario government to review the Arbitration Act. She found no evidence of discrimination against women in faith-based arbitration. However, in response to accusations of discrimination, McGuinty vowed to ban any form of religious arbitration; as a result, existing Catholic and Jewish-based courts will no longer be allowed in the province.

If the proposition had been accepted, Ontario would have been the first Western government to recognize sharia law.