

A Comparative Study of the Constitutional Scope of Third Generation Human Rights

Dr. Maitham Manfi Kadhim
Assistant Professor, Imam Al-Kadhim College, Babylon Departments, Iraq

* Corresponding Author: **Dr. Maitham Manfi Kadhim**

Article Info

ISSN (online): 2583-8261
Volume: 04
Issue: 01
January-February 2025
Received: 12-12-2024
Accepted: 11-01-2025
Page No: 114-110

Abstract
The tremendous development witnessed by the globe in all fields has led to the growth of legal ideas at the constitutional level. The constitutional document is a means of expressing the mechanism of directing the political authority of any state and regulating human rights. These rights have developed in all fields. Hence, modern types characterized by modernity and development have emerged. The global effort to organize human rights is no longer just philosophical views, but basic codified rights on which the constitutional system of any state is based. The most prominent of such rights is economic and social development and permanent peace away from wars and guaranteeing the rights of future generations as well as the rights of peoples' self-determination constitutionally.

Keywords: Constitutional System, Third Generation, Solidarity, Development, Peace, Generations, Self-Determination

Introduction

First: The Topic

The constitutional document is a set of legal rules that regulate the relationship between individuals and those who hold political power. It defines their rights and duties. These approaches are a reflection of the political, economic, and social conditions of society. These rules are characterized by their ability to develop and change with the change in the conditions of any country. From this standpoint, the document is divided into several sections, most notably the issue of human rights. In the body of the document, the constitutional legislator stipulates a number of rights that constitute a basis for the protection of human beings in any country where the democratic system is adopted as a form of political system. It is recognized that rights vary to several generations, including the traditional rights of the first generation and the rights of the second generation. As for modern rights, they are called modern rights or solidarity rights.

The issue of consolidating solidarity rights reflects the size of the major developments witnessed in the constitutional documents in modern times. It also reflects the principle of the correlation between the democratic system and human rights and contributes greatly to achieving the principle of the rule of law and reducing differences between political systems in most countries because these rights are collective and are a common international constitution for all democratic systems. For the purpose of activating these rights, a set of constitutional guarantees are required. Such guarantees are represented in adopting the constitution or providing protection for the constitutional judiciary, especially the right of peace and the right of development.

Second: The Significance

Researching the subject of the constitutional scope of modern human rights in the democratic system in the state with the constitutional system has a great influence on the statement of modernity with human rights. The legislator's adoption of the types of these rights in the core of the document is measured by the degree of awareness of those who bear the burdens of political power and then the theoretical concepts are established and embodied on the ground so that no individual institution has the right to override those rights.

The statement of the right of peace has a great influence on the philosophy of governance and is very much related to the consolidation of the principles of comprehensive development of any state to achieve the features of good governance and respect for all public authorities for those rights.

Third: Objectives

The aim of studying the subject in the Constitution of the Republic of Iraq of 2005 and some constitutional systems that are close to this system is to highlight the extent to which the constitutional legislator adopts these types of rights, as well as to find appropriate solutions to adopt other types of solidarity rights that the constitutional legislator omitted to stipulate in the constitutional document, as well as to indicate the development in the field of these rights, which contributes to the protection of the constitutional legislator of these rights and to keep pace with the international trend, especially the newly promulgated or amended constitutions that have adopted these approaches.

Fourth: Problem Statement

Investigating the subject of the constitutional scope of third-generation human rights raises several problems, including:

1. The problem of constitutional texts and their limitation to regulating a limited number of these rights.
2. Effectiveness of the influencing factors in regulating solidarity rights.
3. The extent of distinction between modern human rights and the overlap between modern and traditional rights.
4. The problem of applying the provisions of the right of peace and its impact on the balance between rights and state sovereignty.
5. Effectiveness of the right to development and the constitutional role of the judge in achieving the guarantees of this right.

Fifth: The Research Methodology

The research on the subject of constitutional approaches to modern solidarity rights is conducted according to the analytical approach in the Constitution of the Republic of Iraq of 2005 and reference to some supportive constitutional systems that adopt approaches to those rights with reference to the views of the judiciary and constitutional jurisprudence on this subject.

Sixth: The Study Structure

The present study adopts a scientific plan. It consists of two sections. Section one is devoted to the constitutional regulation of solidarity rights. Section two is dedicated to tackling some aspects of third-generation rights. The study is concluded with a set of results and recommendations.

Section One

Constitutional Organization of Modern Solidarity Rights

Modern solidarity rights are among the modern concepts of any constitutional system based on the principle of the peaceful transfer of power and the participation of the political people in ensuring this work. This guarantee is embodied in the organization of the subject constitutionally and the statement of its general framework in the core of the constitutional document because the latter is not just a document to start the affairs of government, but it is an integrated document that adopts the general foundations of modern human rights, which are of global concern. To explore the subject, this section is subdivided into two subsections. The first is dedicated to explaining the concept and features of the rooting of solidarity rights. The foundations of solidarity rights are tackled in the second subsection.

A. The concept and Features of the Entrenchment of Solidarity Rights

The emergence of modern solidarity rights is due to the framework of international law through international agreements and declarations in the last decade. These rights have been transferred into the constitutional system in countries. However, these rights are criticized for the difference of some rules according to the nature of the political system in each country and the suitability of internal factors to adopt the largest amount of them.

The origin of the word haq (right) in the Arabic language is due to the attributes of Almighty Allah. It is one of the most beautiful names. In the Glorious Quran, Almighty Allah attributes the origin of the word haq (right) to be an attribute that is related to Almighty Allahh (Surat Younus: 32).

Linguistically, huqouq (rights) are the plural form of the word haq (right) is the opposite of the word falsehood. It has several meanings, such as certainty, validity, and conformity (Ibn Mandhour).

From a terminological point of view, it is defined as a legal association under which a person is empowered by persons, whether individually or exclusively, to control something or require a specific performance from another person (Sorour, 1999) [3]. Some jurisprudence define it as a special branch of social studies focused on studying relations between people based on human dignity and determining those rights and licenses that are important for the development of the personality of every human being (Youssef, 1981) [3].

It is also defined as natural rights that are specific to man and that are linked to him/her and remain in existence in various cases until they are violated by one of the authorities in the state (Al-Majdhoub, 1986) [11]. As for the position of the United Nations regarding the definition of modern human rights, they are defined as international legal guarantees to protect persons and groups from the actions of governing bodies that affect fundamental freedom and affect human dignity. The law requires those bodies with some obligations and prohibits them from some of the actions that negatively affect those places (Levine, 1986) [10].

With regard to the legal definition of modern solidarity rights, jurisprudence has defined it as a set of rights that have been decided for man because of the development in the field of human life. It is also one of the requirements of contemporary life, which has moved from the field of international law to the constitutions of States (Al-Juwaili, 1994) [17]. It is also defined as a set of collective rights of a cooperative nature based on the solidarity of all governments and peoples in their realization and linked to developments in the contemporary world (Thabit, 2001) [12].

In light of the abovementioned, it is possible to define modern solidarity rights as the third generation of human rights based on modernity, solidarity, and cooperation between international organizations, states, and peoples. They reflect the magnitude of developments in human life. They are also distinguished by the dual international and constitutional legal nature.

A. Features of the Rooting of Modern Human Solidarity Rights

The details and historical development of modern solidarity rights can be traced back to the jurisprudential efforts at the end of the seventies of the last century. Some of those rights began to emerge after the Second World War and the formation of the United Nations Organization, whose one most prominent task is to maintain world peace. This goal constitutes the main cornerstone of the human right of peace, which is the most prominent modern solidarity right, in addition to the jurisprudential efforts of thinkers and jurists, whose most prominent goals are to defend human rights in the countries of the third world, which have witnessed instability, the depletion of raw resources, lack of development levels and other obstacles (Makri, 2008) [7].

The jurist Karl Vasak represents the spiritual father and the true founder of the idea of modern solidarity rights. He was credited with enumerating a set of rights called the rights of the third generation, most notably the right of peace, the right of development, the right of an adequate standard of living, and the right of exchanging information (Omar, 2013) [18].

It is worth mentioning that these rights have established their idea in addition to the role of jurisprudence as well as international charters and resolutions, specifically United Nations Resolution No. (2200) of 1966, which includes the recognition of the right of self-determination and economic growth. The second paragraph of the resolution also states the right of peoples to achieve the principle of mutual benefit from natural resources. As for the right of development as a right of solidarity, its features began to develop under the United Nations Resolution of 1977, which includes the recognition of the right of development. An integrated UN team was formed to crystallize this right in the Rio Declaration of 1993, as well as the supervision of the United Nations in organizing a summit conference on development in 1995.

A. The entrenchment of solidarity rights in the Iraqi constitutional system of 2005

Extrapolating the provisions of the Constitution of the Republic of Iraq for 2005, it is noted that it has followed the modern global trend in adopting the features of modern solidarity rights through mentioning a number of rights, whether explicitly or implicitly. The Constitution referred to the introduction of the right of peace through Iraq's respect for the rules of international law, as well as Iraq's contribution to international peace, which is a pillar of the right of peace, as well as the legislator's text on a number of rights, most notably the right of information and the right of development. Despite the adoption of part of those rights, the constitutional legislator has overlooked some of those rights. It is hoped that these fundamental rights will be included in the core of the constitutional document through the constitutional amendments made to the constitutional document, as well as the ratification by the House of Representatives of international conventions and treaties regulating modern rights, which Iraq joins as an active part of the international system.

Section Two

Foundations of Modern Solidarity Rights

Modern solidarity rights are based on a number of foundations and pillars that are essential for their existence. One of those foundations is the correlation between the democratic system and the rights of solidarity, both universally and collectively. To clarify the subject, it will be tackled in the following two subsections.

A. The Correlation between the Democratic System and the Rights of Modern Solidarity

The legitimate constitution expresses the general will of the people, in which clear emphasis is placed on rights and freedom, which are the rights of solidarity between them. Jurisprudence states that the constitution is the means to protect the rights of the modern citizen. Therefore, the failure of the constitution to maintain these rights leads to the failure to achieve the features of the democratic system and the obstruction of any social progress because modern rights are built through the text of the constitution first, as well as the legislation of the parliament representing the popular will. Second, that will depends on the effectiveness of other traditional human rights mechanisms, such as the right to run for office, vote, and express opinion (Madi, *et al*., 2023).

In addition to the foregoing, jurisprudence holds that there is a direct relationship and mutual influence between modern constitutional rights and democracy. Any right, whether the right of development, peace, or the exchange of information, is a necessary right within any democratic system. Therefore, the recognition of these rights means providing a valid environment for legitimacy and peaceful transfer of political power. On the other hand, the constitutional system in a modern state is a milestone in the existence of these rights. Thus, it is noted that modern constitutions or amendments made to these documents during the last period are keen to highlight the rights of solidarity, especially by mentioning the Constitution of France of 1958 in its recent amendment. Texts related to some modern rights have been added to the third generation (Al-Taweel, 2010).

With regard to the position of the Constitution of the Republic of Iraq of 2005 on the correlation between the democratic system and the rights of solidarity, it is noted that it explicitly stipulated in the preamble that the democratic system adopts a form of government and is keen to respect modern human rights, specifically when it explicitly recognized the renunciation of the policy of aggression, attention to women and their rights, spreading the culture of diversity and defusing terrorism. These words are the most prominent foundations of the right of peace, which is the main pillar of solidarity rights.

On the other hand, the Constitution of the Republic of Iraq (2005) stipulated in Article (1) that the Republic of Iraq is a single, independent, and fully sovereign federal state, in which the system of government is republican, representative, parliamentary and democratic. It also stipulates that this Constitution is the guarantor of the unity of Iraq.

The democratic system has also provided basic rights with a set of constitutional guarantees, the most prominent of which is the inadmissibility of the House of Representatives to legislate any law that contradicts its foundations. Article (2-FB) stipulates that it is not permissible to enact a law that contradicts the fundamental rights and freedom contained in this Constitution.

A.Globality and Collectivity

One of the foundations on which modern solidarity rights are based is collective rights as they relate to peoples and as

human rights. The collective dimension of the right of self-determination, which is the most prominent right established for peoples, is shown by the fact that the occupation of any state deprives people from exercising their constitutional rights because they fall under the jurisdiction of foreign authorities that do not take into account the standards of human dignity. Therefore, the collective brilliance of this right has become its most prominent characteristic (Donnelly, 1998) [21].

In addition, Iraq is part of the Charter of the United Nations of the implementation of the obligations. These obligations include saving future generations from the scourge of war and creating conditions under which justice can be achieved, respecting the obligations arising from international agreements, advancing social development, raising living standards, using good neighborliness, and renouncing aggression. This is achieved in accordance with collective mechanisms stipulated by international law and complementing national constitutional documents (Sorour, 1999) [3].

It is worth mentioning that the collective and international character of solidarity rights has been recognized by the Vienna Declaration issued in 1993 under the auspices of the United Nations. The Declaration maintains that human rights are a collective obligation that all countries officially have and protect at the global level in accordance with conventions and instruments. In this context, international cooperation in the field of human rights is essential to achieve the goals of the United Nations. The protection and promotion of these rights is the primary responsibility of governments. Paragraph (5) of the Declaration also states that all human rights, especially solidarity, are universal and indivisible. All countries shall professionally observe these foundations. Paragraph (6) of the Declaration states that international efforts to protect human rights contribute greatly to stability and are necessary to establish peaceful and friendly relations between States to achieve peace, which is one of the most prominent concepts of solidarity rights and economic and social development in accordance with the Charter of the United Nations.

With regard to the position of the Constitution of the Republic of Iraq for 2005 on the adoption of international declarations and charters regulating the rights of the third generation, it is noted that the constitutional legislator has organized the subject of ratification of international treaties in accordance with a law issued by a majority of two-thirds of the members of the House of Representatives as required by Article (61), which stipulates that The House of Representatives is competent..... Regulating the process of ratifying international treaties and agreements by a law enacted by a two-thirds majority of the members of the House of Representatives. These charters were activated through the Commission on Human Rights and the competent parliamentary committees as well as federal and local bodies.

Section Two
Constitutional Aspects of Modern Solidarity Rights

Within the framework of constitutional law, it is recognized that most types of solidarity rights have not been legally codified in the body of constitutional documents. The reason for this is that these rights have been characterized by renewal and development and that legal efforts have not been completed in codifying them like the other rights, whether at the level of the first generation or the second generation. Although they have not been codified, some of them have been regulated through modern constitutions or through amendments.

A. Constitutional Aspects of the Right of Economic and Social Development and Peace

Legal efforts in the legal field have resulted in regulating the right of development in modern constitutional documents. This right is a manifestation of modernity in any constitutional system. As for the right of peace, it is one of the goals and purposes of any democratic state established in accordance with respect for international security and the promotion of the philosophy of democratic governance. It will be discussed in the following two subsections.

1. Economic and Social Development

The right of economic and social development is one of the most prominent and oldest modern solidarity rights. It is stated that a set of rules and foundations form the basis of which the individual can obtain all the necessary social and economic needs that maintain dignity and the development of personality as a member of society within the framework of what is possible (Muhammad, 2015) [4]. The time frame in codifying this right may be interrogated. To answer this question, the origins of this right shall be clarified. These origins go back to the rules of international law, specifically in 1992. The United Nations oversaw the holding of a summit in Brazil that officially launched the term or concept of the right of development.

Extrapolating the constitutional texts, it is noted that the constitutions have been divided into two directions on the organization of the subject, namely:

Trend 1: Explicit Constitutional Trend

There are some constitutions that have explicitly stipulated the right of economic and social development. The Constitution of the United Arab Emirates of 1971 represents this trend. In Article (24), it stipulates that the national economy is based on social justice and sincere cooperation between public and private activity. The goal of national economy is to achieve economic development, increase production, raise the standard of living, and achieve the prosperity of employees within the limits of the law (Zaki, 2023) [16]. The same approach was followed in the Constitution of Tunisia of 2014. In Chapter (29), it is stipulated that the Sustainable Development Authority shall be consulted. It is obligatory in the draft laws related to its field of competence. By extrapolating this constitutional text, it is pointed out that the constitutional legislator has succeeded in the subject of regulating this right, in addition to the fact that it has not only stipulated its promise as a structural right or guidance, but has created constitutional protection for this right by restricting the authority of Parliament by legislating laws related to development. Therefore, every law that violates the concepts of development is null and unconstitutional and is not effective.

Trend 2: Implicit Constitutional Trend

This trend represents the Constitution of the Republic of Iraq for 2005. It did not explicitly stipulate this right in the core of the constitutional document. Although it is not explicitly regulated, some texts are understood to be related to

economic development. Article (25) states that the state guarantees the reform of the Iraqi economy on the basis of modern economic foundations to ensure the full investment of its resources, diversification of its sources, and the encouragement and development of the private sector.

As for social development, Article (30) of the Constitution implicitly states that the State guarantees social and health security to Iraqis in the event of old age, illness, inability to work, homelessness, orphanhood, or unemployment. It also works to protect them from ignorance and fear. It should provide them with housing and special curricula to qualify and care for them.

The researchers believe that the Iraqi constitutional approach does not adequately regulate the right of economic and social development and that it is better to regulate the right according to the Tunisian constitutional legislator. Therefore, the researchers propose to amend the constitution and add a paragraph to Article (2) of the constitution to become as follows: Legislations contrary to economic and social development are prohibited. The researchers also propose the formation of an independent body concerned with economic and social development to plan, follow up, and implement development plans, which promotes economic and social reform.

1. The Right of Peace

Constitutions do not have a specific definition of the right of peace. The reason for this is that the explicit regulation of this right is only recently completed despite the implicit references. For the purpose of developing a statement of its concept, it can be defined as the interest of a group of people to live in a specific region or country away from the scourge of wars, conflicts, and to prevent disturbances that threaten the stability of their lives. The right of peace falls within the rights of modern solidarity, which is the basis of collectivity. From this point of view, some constitutions have referred to this right as being close to the whole. One of those constitutions is the Tunisian Constitution of 2014. In Chapter (6), it indicates that the state is committed to spreading the values of moderation and tolerance and to protecting the sacred and preventing undermining them. The state also refrains from preventing and confronting calls for blasphemy and incitement to hatred and violence.

It should be noted that the year 2016 was pivotal in codifying this right, as a declaration was issued by the United Nations, which included many decisions. The right of peace does not mean the absence of conflict, but rather is a mechanism for coexistence, enabling all peoples to achieve and protect their basic rights. The right of peace belongs to the rights of the third generation. This right affects all countries and peoples. This type of right has a number of components, most notably the absence of violence, the achievement of social justice, the promotion of disarmament initiatives, and peacekeeping (https://www.ohchr.org/ar/prevention).

It is worth mentioning that the right of peace is closely related to the other basic rights because the violation of the right of security by the public authorities means the violation of the right of security and the spread of chaos as well as the right of education by weakening the state budget allocated to the field of education and suspending the work of educational institutions as well as affecting the right of health as it hinders some of the services provided by health institutions.

Regarding the position of the Constitution of the Republic of Iraq of 2005 on regulating the right of peace, reference should be made to the fact that the constitutional legislator does not explicitly regulate this right, but refers to some of its foundations in some constitutional articles, especially Article (8), which stipulates that Iraq sponsors the principle of good neighborliness and is committed to non-interference in the internal affairs of other countries. Iraq seeks to resolve disputes by peaceful means. It establishes its relations on the basis of common interests and reciprocity and respects its international obligations.

The researchers propose to the Iraqi constitutional legislator to add a constitutional article regulating the right of peace when amending the constitution. The proposed text is as follows: The state is committed to the right of individuals to live in peace and non-interference in regional and global conflicts. The state is also keen to implement the foundations of the right of peace and consolidate it within a law issued by the House of Representatives. The other text shall be as follows: The House of Representatives is prohibited from enacting any law that affects the constitutional constants of the state in lasting peace and good neighborliness.

1. The Right to Guarantee Generational Rights and Self-Determination

The constitutional recognition of modern solidarity rights has expanded to a limited extent to include another type of rights. Those who hold political power are keen to highlight them in the form of constitutional articles. This development reflects the change of circumstances in the scope of countries.

A. The Right to Guarantee the Rights of Subsequent Generations

The concept of subsequent generations starts with the meaning of the population inhabiting the planet in the subsequent or future period (Abdulameer and Falah, 2021) [15]. This type of right is distinguished by its legal recognition, which takes a dual form at the international and constitutional levels. This interest has led to the inclusion of constitutional articles regulating it in detail (Amina, 2018) [14].

Iraqi constitutional jurisprudence does not have a specific concept of this right. In light of this, the right to guarantee subsequent generations can be defined as a right of the third generation, which includes recognizing the interest of future generations in ensuring their lives, providing all requirements, not exhausting all resources, and refraining from harming everyone. Regarding the constitutional organization of this right, it is noted that many constitutions have recognized this right. One of those constitutions is the 2014 Constitution of Tunisia, which devotes more than one article, noting in its introduction that the safety of the climate should be maintained in order to ensure the sustainability of our natural resources with the continuity of a safe life for future generations. The Constitutional Legislator also devotes Chapter (42), which refers to the state's duty to guarantee the rights of future generations.

Some constitutions state that the legislator has linked the right to ensure future generations with the rights of the environment, climate, and development, while it is more appropriate to expand this right to include natural resources, cultural heritage, and other places (Farchichi, 2015) [19].

The German Basic Law of 1949, amended in 2012, follows the same approach as the constitutions that regulate the right. It stipulates that the state bears its responsibility towards

future generations and protects the natural foundations of life. It follows the same approach as the Constitution of the Republic of Egypt of 2014. It points out that the constitution embodies the dream of generations of a prosperous and cohesive society and a just state that fulfills the aspirations of today and tomorrow for the individual and society.

In addition to the above, the Constitution stipulates that State resources belong to the people and the State is committed to preserving them, making good use of them, not depleting them, and respecting the rights of future generations. It is also stipulated that the State guarantees the right of adequate housing, security, and health, improving the quality of life for citizens, and preserving the rights of future generations.

To overcome constitutional shortcomings, the researchers suggest that the constitutional legislator pay attention to this right and include it in the core of the constitutional document when amending it. The researchers suggest that the text be: The state is keen to guarantee resources, wealth, and natural resources in a way that guarantees the rights of future generations. The researchers also suggest establishing a structure in the constitution called the life of guaranteeing future generations.

A.The Right of Self-Determination

The concept of the right of self-determination is divided to two directions. The first direction employs narrowness as a fundamental international legal right and is one of the most important principles of human rights (Nassir, 1995) [9]. As for the broad trend, it mentions more than one concept, the most prominent of which is the immediate and complete abolition of the control of any people over others, which means the freedom of peoples to determine their political, economic, social, and cultural status (Abdulmunim, 2003) [5]. It is also defined as the right of nations to possess independence from external control and to choose their political system and decide their own future.

According to the above, the right of self-determination can be defined as the interest of a people or a group of peoples in determining the appropriate constitutional system for them and imposing sovereignty in its internal and external appearance on all parts of the state and achieving the rule of law and the peaceful transfer of power.

Part of the Iraqi constitutional jurisprudence indicates that the constitutional legislator does not explicitly mention this right in the body of the constitutional document of 2005 and also stresses the prohibition of this right as this constitution is the guarantor of the unity of Iraq and this text constitutes a confiscation of the rights of minorities because the Iraqi people are multi-ethnic and religions (Muhammad and Munthir).

The constitutional legislator is recommended to amend the constitution and add this right to the constitutional document. The text could be: The constitution guarantees the right of the components of the Iraqi people to determine their destiny under the democratic pluralistic federal system.

The Results

1. There is no legal definition of the rights of the third generation (solidarity), which are modern types of human rights based on the development, solidarity, and cooperation between international organizations, states, and peoples. They reflect the size of the developments taking place in human life. They are distinguished by the dual international and constitutional legal nature.
2. The rights of the third generation are of international origins. Their codification has transferred them into constitutional documents, specifically newly established constitutions such as the constitutions of Tunisia and Egypt for 2014. The Constitution of the Republic of Iraq of 2005 has taken the features of those rights, whether explicitly or implicitly.
3. This type of rights is based on modernity, that is, it is associated in countries with advanced constitutional systems in terms of rights and democracy, as well as modern constitutional principles that are common to constitutional documents and evolve over time.
4. The right of economic and social development is one of the most prominent types of modern rights. The Iraqi constitutional legislator guarantees those rights in the document and in a non-explicit manner through the state's sponsorship of the national economy and attention to the family and childhood.
5. The right of peace is one of the most influential types of solidarity rights in the constitutional system of the state because it is related to providing security and keeping the population away from the danger of conflicts and chaos. Its organization in the 2005 constitution is implicit by stipulating Iraq's respect for international obligations.
6. The right to guarantee subsequent generations is one of the important constitutional rights that the constitutional legislator is keen to regulate, especially the Tunisian constitutional legislator. There are shortcomings in the Iraqi constitutional legislator in regulating them.
7. The right of self-determination is one of the collective rights of all the population, which gives them the right to choose the form of government and not to be subject to external impacts and manifestations of colonialism. This right is not constitutionally regulated in Iraq despite the multi-ethnicity and religion of the Iraqi people.

Suggestions

1. The right of economic and social development should be explicitly organized in the Constitution, similar to the Tunisian Constitution, by adding a paragraph to Article (2) of the Constitution that indicates that legislations contrary to economic and social development are prohibited. An independent body concerned with economic and social development should be formed to plan, follow up, and implement development plans, which promotes economic and social reform.
2. Constitutional articles regulating the right of peace should be added according to the formula: The state is committed to the right of individuals to live in peace and non-interference in regional and global conflicts. The state is keen to implement the foundations of the right of peace and consolidate it within a law issued by the House of Representatives. It is prohibited for the House of Representatives to legislate any law that affects the constitutional constants of the state in lasting peace and good neighborliness.
3. The right to guarantee the rights of generations should be regulated to be in the following form: The state is keen to guarantee resources, wealth, and natural resources to ensure the rights of future generations.
4. The right of self-determination should be regulated according to the following text: The Constitution

guarantees the right of the components of the Iraqi people to determine their own destiny under a pluralistic democratic federal system.

References

1. Ibn Mandhour. Lisan al-Arab. Egypt: vol. 2.
2. Sorour O. Constitutional Protection of Rights and Freedom. Cairo: Dar Al-Shorouk; 1999.
3. Youssef B. Human Rights. Baghdad: Dar Al-Rashid; 1981.
4. Muhammad R. Sustainable Community Development. Amman: Dar Al-Bazouri Scientific Publishing and Distribution; 2015.
5. Abdulmunim. The New World Order between Modernity and Change. Cairo: Dar Al-Nahda Al-Arabiya; 2003.
6. Al-Taweel R. Sustainable Development and Economic Security under Democracy and Human Rights. Amman: Dar Zahran Publishing and Distribution; 2010.
7. Makri A. Problems of Development, Environment, and International Relations. Dar Al-Khaldouniya; 2008.
8. Madi A, *et al*. Constitutions and Democratic Transition. Beirut: Arab Center for Research and Policy Studies; 2023.
9. Nassir A. Characteristics of States in the Periphery of International Relations. Hittin Publishing House; 1995.
10. Levine L. Questions and Answers in Human Rights. Cairo: Dar Al-Mustaqbal Al-Arabi; 1986.
11. Al-Majdhoub M. Public Freedom and Human Rights. Beirut, Lebanon; 1986.
12. Thabit O. International Standards for Human Rights within the Framework of Legal Studies in Higher Education. Center for International Studies; 2001. No. 14.
13. Abdulwahab O. Training on Human Rights. A research paper submitted to the Conference on Human Rights in the Arab Society. Mutah University, Jordan; 2005.
14. Amina B. The Rights of Future Generations, Is There a Constitution in Light of the Constitutional Amendment? Journal of the Research Professor of Legal and Political Studies; 2018.
15. Abdulameer H, Falah H. The Relationship between Rights of Generations and Sustainable Development. Journal of Faculty of Law. 2021;Vol. III: Baghdad.
16. Zaki S. The Role of the Constitutional Judiciary in Protecting the Right of Sustainable Development in Iraq. Journal of Basra Studies. 2023;Issue 50.
17. Al-Juwaili O. Human Rights and the Development of Mechanisms. Journal of International Politics. 1994;No. 117: Al-Ahram Center, Cairo.
18. Omar M. Human Rights, Third Generation. A research paper published in the Algerian Platform. 2013;No. 883.
19. Farchichi W. The Rights of Future Generations in Tunisia. Al-Fikra Legal Journal. 2015;Issue 2: Tunisia.
20. Muhammad Y, Munthir W. The Right of Self-determination between international charters and constitutional texts. Journal of Legal Studies. No. 53: Mustansiriya University.
21. Donnelly J. Universal Human Rights between Theory and Practice. Translated by Mubarak Ali. Academic Library; 1998.
22. German Basic Law. 1945.
23. The Constitution of Brazil. 1988.
24. Constitution of Iraq. 2005.
25. Constitution of Tunisia. 2014.
26. The Egyptian Constitution.
27. United Nations. OHCHR Prevention. Available from: https://www.ohchr.org/ar/prevention