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# Iraq First



## **Iraqi National Security strategy**

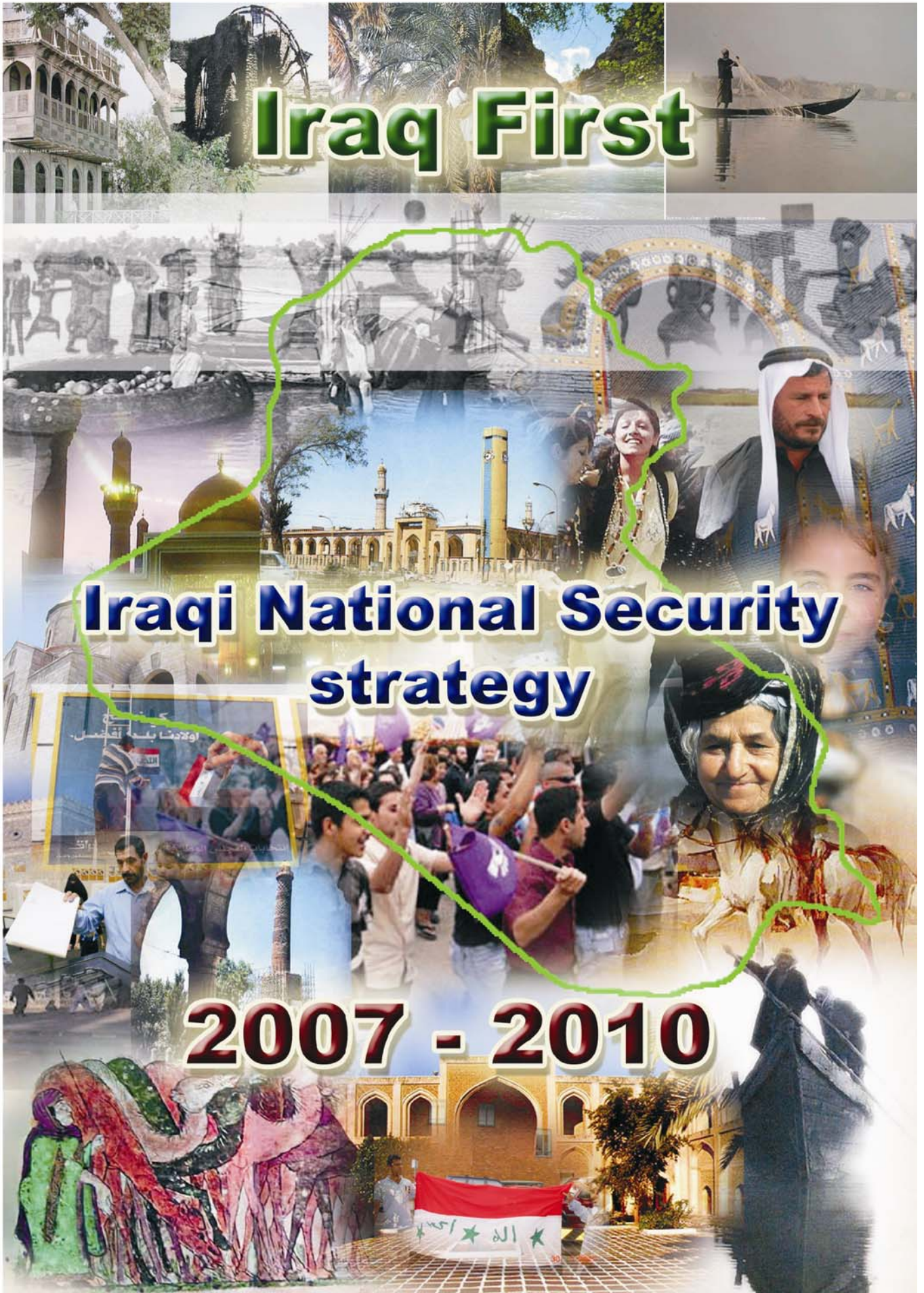
**2007 – 2010**



# Iraq First

## Iraqi National Security strategy

2007 - 2010





بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



**In the Name of Allah the Most  
Beneficent, the Most Merciful**

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Allah calls to the home of  
peace (Paradise) and  
guides whom he wills to a  
straight path.

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



**In the Name of Allah, Most Gracious and Most Merciful  
Message from the Prime Minister of Iraq**

Progress of countries and nations is measured by the presence of a clear strategy that is scientifically based and adopts practical criteria for measuring progress and success. The success of our democratic approach depends on the general framework of the national security strategy; in which all security domains including political, economic, security and informational are the foundation for democracy.

Throughout its history Iraq was governed and oppressed by despotism and dictatorship, did not have clarity in its objectives and policies, and adopted a self-contradictory defective ideology and practices that resulted in many crises.

Therefore, in order to establish a federal democratic Iraq, the national security strategy was created.

**Noori al Maliki  
Prime Minister of Iraq  
July 2007**

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#### **Message from the National Security Advisor of Iraq**

#### **In appreciation and acknowledgement**

Article (110) of the Constitution states that national security policy is one of the tasks of the Federal Government; therefore the national security strategy represents a constitutional requirement presented by the Government to announce its vision of the national interests, threats, and the means available to defeat these threats.

The national security strategy represents the general framework to be followed by the Government in achieving the national interests of the Iraqi people in light of the threats Iraq confronts; the concerned ministries will use this strategy in establishing detailed programs for the implementation of the principles of the strategy.

Distribution of the strategy to the world will make the world more reassured of Iraq's intent to establish positive and cordial relationships with its neighbors and other countries; and reemphasize Iraq's position in refusing to make its territory a starting ground, a headquarters, or a passage to terrorists and criminal groups that threaten the security of Iraq and its neighbors — this will pave the way to rebuilding practical relationships with other countries, especially neighboring countries. The distribution of the strategy, also, contributes to informing the citizenry of the Government's directions and intent to achieve its supreme interests such as security, welfare, stability and peace.

This strategy is the result of weeks of a collective effort and hard work of an Iraqi team, in which Iraqis demonstrated the spirit of dedication and seriousness.

I am most thankful to all those officials from all security ministries and institutions who contributed to this strategy, especially my colleague ministers for their invaluable notes. I also present a special acknowledgment to the Joint Planning Center in the National Security Advisory Team and its director Mr. Ali Abdul Aziz and to all those who contributed to completing this major effort.

**Dr. Mowaffak al Rubaie**  
**National Security Advisor**  
**July 2007**

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- Fifth.** Establishing a national media policy to reinforce national reconciliation and to confront the media inciting of violence and terrorism

## 1. Introduction

### **A. The Iraqi national vision**

The Iraqi national vision fulfills the Iraqi people's aspirations for establishing a unified, democratic, federal state, in which both security and stability prevail; all citizens have equal rights and responsibilities under a constitutional government; all look forward to building a prosperous economy opened wide to the world; and the country is an active member in regional and international organizations.

### **B. The Iraqi strategic environment**

First. Iraq is experiencing a historically dangerous period which is a transition between the quick collapse of a dictatorial, abusive, totalitarian regime; and the transformation of the Iraqi people into a civilized community. This period is characterized by a number of challenges and opportunities that form the strategic environment for the next few years.

Second. The greatest challenge in this period is that the transformation itself provides a fertile environment for religious, sectarian, and ethnic groupings in a diverse

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community. This environment permits interference and short-range policies, by regional countries, that are built on special interests and exaggerated fears toward the new Iraq.

Third. The followers of the previous regime represent another big challenge. The previous dictatorial regime relied on a small group of the citizenry that possessed weapons, money, and experience but lacked the simplest of values, ethics, and knowledge. This group will not easily let go of the authority and national resources that they possessed for decades. They are ready to die to retake their past power and authority by any means.

Fourth. The current Government has to protect the newly born democracy from the dangers of conspiracy and intervention, while differentiating between the remainder of those who were misled and those who entered into the disbanded Baath Party in order to live under the previous abusive conditions.

Fifth. Another challenge is represented by the growth of terrorist groups that have adopted Takfirist ideology which has deviated from the ideologies of the region and the world. These groups have found an opportunity for expansion due to the lack of security after the collapse of the previous regime. They also exploited the presence of foreign forces and the general attitude against America in Arab and other regional countries, to get more support from the region.

Sixth. Another challenge stems from the nature of the wars that the previous regime started. Its misguided policies resulted in international sanctions and the complete isolation of Iraq, and left a heavy heritage for the builders of the new Iraq. It left a debt of more than 120 billion dollars; an internally devastated economy that relied solely on oil exports; an infrastructure neglected for more than 20 years; a low level of individual income; an increase in inflation to destructive levels, seriously damaging the middle class and crushing the poor class; an increase in underemployment; a serious increase in the level of administrative and financial corruption; and

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the emergence of organized crime run by members of the previous regime.

Seventh. The previous regime's policy of minimizing the legitimate roles of government institutions led to their collapse after the collapse of the Head of the Government. All this resulted in significant difficulties and conditions that permitted the growth of corruption and organized crime, especially as the result of the lack of security that followed the collapse of the previous regime. These difficulties came simultaneously with the rise of people's expectations for immediate improvement in all aspects of life.

Eighth. With the collapse of the previous regime, and the beginning of building the new Iraq, it is now time to disband the militias that fought the previous regime and reintegrate them into the society. Dealing the issue of militias formed after the collapse of the previous regime due to the lack of security, and the growth of terrorism and mutual fear poses perhaps a more difficult challenge, if the Iraqi Government wishes to confront it.

Ninth. Counterterrorism represents another challenge for the Government in that it cannot set aside human rights and freedoms, or interfere with freedom of expression and an independent media which are among its primary commitments. Nevertheless, these security circumstances should not affect the transparency of the Government.

Tenth. These challenges and dangers are offset by opportunities and national resources: Iraq is a rich country that has a huge reserve of oil and mineral treasures, water, and fertile land; and is also rich with human resources qualified in a way that offers the opportunity for building and a rapid rise of an advanced, multi-resource economy.

Eleventh. The cultural heritage of Iraq, its history of peaceful coexistence by all its societal components, and the rejection of extremism by the people, offer the opportunity to have a unified multi-group society under a federal democratic system.

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Twelfth. Although these factors and others do not decide the future of Iraq, yet they represent the strategic environment of the current period in which the new Iraq will develop. Iraq must accommodate these factors as it becomes a secure, stable, and prosperous country.

## 2. National Interests

### A. Political interests

#### **First. Strengthening national sovereignty**

The Government of Iraq endeavors to achieve self-reliance, to assume full responsibility for security, and to organize relations with friendly countries, including countries in the region and in the wider international community, through equitable treaties and agreements.

#### **Second. Federalism**

The federal system is the best solution to sharing authority between the central government and the local authorities of the provinces in order vest more authority in local authorities according to the Iraqi Constitution. Consequently, the federal system is considered an appropriate model for good governance that represents all Iraqi groups, and that enhances and strengthens the government of unity.

#### **Third. Protecting civil rights and freedoms**

The Government of Iraq endeavors to raise the standard of living of the Iraqi people, to provide security, to promote human dignity, and to ensure equal rights as contained in the Iraqi Constitution and international conventions. It endeavors to free its citizens from injustice and deprivation; to provide education, housing, health care, and nutrition programs; and to promote civil and political rights.

#### **Fourth. Establishing and organizing regional and international relationships**

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Iraq has a vital interest in establishing equitable mutual relationships with all countries, especially neighboring countries. Iraq seeks to enhance harmony and understanding with all countries, in order to create a stable environment, allowing economic, political and security normalization, so as to make Iraq an active member in all international and regional organizations.

#### **Fifth. The rule of law**

The Government of Iraq exerts extensive effort to reform the judiciary in Iraq, including completing legislation, reconsidering laws and regulations that are not compatible with the Constitution, reinforcing the capabilities of law-implementing services, and completing and reforming the system of rehabilitation institutions [including corrections] to be congruent with human rights principles and the rule of law.

## **B. National security**

#### **First. National unity**

One pillar of the modern Iraq is to safeguard national unity and the Iraqi social structure, including different religions, sects and nationalities. The most important characteristic of Iraqi unity is that all citizens share one national Iraqi identity regardless of other affiliations.

#### **Second. Security of the nation and its territory**

The fundamental responsibility of a state is ensuring the security of the nation and its territory. This responsibility is embedded in Iraq's Constitution and is the responsibility of the Federal Government.

#### **Third. Security of individuals and property**

One of the primary commitments of the Government of Iraq is to protect the lives and property of Iraqis and other individuals who are legal residents in Iraq.

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#### **C. Economic interests**

**First. Developing a multi-resource economy and making the best use of natural treasures\_**

Petroleum receipts represent 90% of Iraq's Government revenues. This resulted from ineffective economic policies for decades. This represents a threat to Iraq's long-range economic security. Therefore, the Government of Iraq is attempting to establish a policy that promotes a multi-resource economy that guarantees the interests of the next generations, and includes: investment in natural resources, development of the agricultural and industrial sectors; and investment in the infrastructure including communications networks, transportation and other services.

**Second. Developing human resources**

Protecting citizens, improving their welfare and labor productivity, and mobilizing the human capital are among the basic elements essential to social stability, economic growth, and public trust in the Government's capabilities. The Government of Iraq provides high quality basic services, supports poor families and weak groups; and does not discriminate between them in providing these services.

**Third. Promoting welfare and raising the standard of living**

Every Iraqi citizen has the right to life, security, and freedom. It is forbidden to deprive him of these rights or restrict them. The Government will ensure the welfare of all Iraqi people through providing work opportunities, fighting unemployment; providing a healthy environment, security, and stability; and achieving social justice.

#### **D. Social interests**

**First. Education, Public Health, Social services and preserving the environment**

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#### **(1) Education**

The Government of Iraq endeavors to expand, rehabilitate and improve the educational system – including private education – as an essential factor for the progress of society, and a right guaranteed for all levels of education, in order to create enlightened generations of specialists, educated persons, and skilled workers contributing to the progress of our country and protection of our interests. It creates the appropriate conditions for the return of intellectuals, professors and scientists, so that they may contribute to building the various sectors of the country that need direction, development, and education. In addition, the Government of Iraq should obtain help from clerics, reformers and religious men in enhancing values and ethics adopted by the sacred heavenly religions.

#### **(2) Public Health and Social Services**

Among the responsibilities of the Government of Iraq are to provide nutrition, health care, social and health insurance in sickness, old-age, and inability to work; and to provide the basics for a free and dignified lifestyle.

#### **(3) Preserving the Environment**

The Government of Iraq guarantees the right to live in healthy environmental conditions; and preserves these conditions. It, also, develops areas destroyed by the former regime, develops the marshes and green areas, and remediates radiologically polluted areas that resulted from the use of various weapons.

#### **Second. Reinforcing the role of the civil society institutions**

The Government of Iraq takes care to reinforce, to support, and to ensure the independence of

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the role of the civil society institutions in accord with their legal objectives.

#### **Third. Reinforcing the spirit of citizenship**

Affiliation with the country is a gift of Allah Almighty, and no powers on earth whatsoever has the right to control it. Although there are ethnic differences, yet all nations are proud of their affiliation with their countries. The country is for all, and affiliation with it represents the interaction between the members of the nation and the common fate of the country with which they are affiliated.

## **3. Threats**

### **A. Terrorism and insurgency**

These are among the most dangerous threats as they destroy the pillars of the Government and the political process, and weaken the spirit through targeting the community, infrastructure and governmental institutions. They also incite subversion and instability (terrorists and insurgents include Tackfirists and Saddamists).

### **B. Sabotage and corruption**

Sabotage and corruption result in slowing and impeding political, economic and security progress, the application of democratic mechanisms, free trade, the implementation of law, rebuilding, and production of goods. They deplete the national treasures and spread a feeling of inequality among citizens.

### **C. Organized crime**

Organized crime in all its types represents a threat to our national security. It develops and grows in the same environment in which terrorism and insurgency grow.

### **D. Regional and international threats, and interference in internal affairs**

Iraq faces dangerous regional and international threats, including terrorists and foreigners who enter Iraq and get

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support from neighboring countries. Due to the fact that Iraq has a political and military partnership with the Multinational Force in Iraq, these threats do not rise to the level of preparation for or intent to invade Iraq. Iraq will not accept the presence of any terrorist or illegal organizations such as Al Qaeda and other terrorist groups that represent a threat to the security of Iraq and its neighbors. Iraq will not harbor, permit, or support the work of such terrorist organizations on its territory.

#### **E. Illegal armed groups and militias**

The spread of illegal arms in the hands of illegal groups, militias, and organized gangs is considered one of the major threats confronting Iraq; as well as directly threatening the security of the Iraqi citizen.

#### **F. Mentality of dictatorship and isolation of groups**

The mentality of dictatorship and the isolation of groups concentrates power and authorities prevent practicing democracy and, therefore, represent a dangerous threat to our national interests. Due to the fact that the abusive and dictatorial procedures are still present in our memories and cultural heritage, this threat presages the return of this mentality. Although there are some exceptional cases requiring imposing emergency procedures for the purpose of stability according to the Constitution, yet such cases are vulnerable to misuse and consequently threaten the return of the dictatorship.

#### **G. Sectarian and ethnic violence**

The feelings of sectarian and ethnic affiliation that grew during decades of dictatorship represent a threat. In addition, terrorists and Takfirist groups attempt to attack religious and political symbols and provoke subversion in order to provoke sectarian violence among the elements of the Iraqi people for the purpose of dividing them and retaking power and authority.

#### **H. Emigrants, immigrants, and displaced people**

The collective and abusive displacement of people is a practice linked to the policy and behavior of the former

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regime until its collapse. This suppressive approach represented a danger whose consequences are seen in the current period. This policy started with stripping away the Iraqi identity of some people, confiscating properties and money, and persecuting intellectuals under the pretext that they opposed the regime. After 9 April 2003, terrorism, violence and Takfirism brought a new approach and more dangerous approach represented by forced displacement of people within the districts of a city according to their identity. Families have been split inside and outside Iraq. The phenomenon of forced displacement became more prevalent. It has become a problem whose consequences might remain for many years until Iraq establishes the appropriate security and legal conditions for their return.

#### **I. Unemployment**

The Government of Iraq realizes that most of those who commit terrorism or organized crime are unemployed. They represent the most important group on which the leaders of terrorism and organized concentrate because it is easy to attract and enlist.

#### **J. Ecological interdependence**

The problem of decreasing water levels in the Tigris and Euphrates Rivers is a dangerous phenomenon that directly threatens environmental and nutritional security. It affects the climate and wetlands, increases desertification, and even decreases the availability of potable water in the middle and southern regions. This problem stems essentially from the fact that there are large dams in Turkey and Syria for storing the water of the two rivers that do not take into consideration the rights of Iraq to water resources and the longer stretch of these rivers on its territory. Therefore, leaving this problem as it is due to the failure of joint committees formed to resolve it leaves Iraq subject to a catastrophe that threatens its current and future national security.

## **4. Strategic Means**

### **A. Political domain**

#### **First. General political domain**

##### **(1) National reconciliation and constitutional review**

###### **(a) National reconciliation**

- i. The constitutionally-elected Government of Iraqi established a comprehensive project for national reconciliation in which all its aspects are positive and transparent. The project credibly demonstrates openness and active participation by all parties in the political process, especially those that have reservations or reform preferences about the political process. Although the project includes those who bore arms to validate their existence and diverse perspectives, it excludes those criminals and killers who have been involved in killing Iraqis.
- ii. The National Committee for Reconciliation and Dialogue was formed and took the responsibility for this project (some meetings and conferences have already been held). The Committee has been taking charge of issues that help in unifying Iraqi people and bringing different viewpoints together.
- iii. Although important steps have been taken in this respect, the size of the challenges Iraq faces and the need for an immediate mending of the crack that occurred in the Iraqi community due to many factors including Al Qaeda activities in provoking sectarian conflict, requires exerting more effort to arrive at practical and appropriate strategy, policies, and mechanisms for achieving the mission.

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#### **(b) Constitutional review**

Some articles of the Constitution were the subject of dispute and disagreement among political fronts on the one hand, and between the Government and some civil society institutions and parties that did not participate in the political process on the other hand. Some of the objections are substantive and worth reviewing and some are just expressions of disagreement with the government and the political process. In any case, the Council of Representatives, after reaching consensus, formed an inclusive committee to carry out the constitutional review of the articles that are controversial and to make necessary modifications, additions or deletions. This was considered as a gesture of good will towards some of the political fronts to participate in the political process, to support the government, and to complete the national reconciliation process.

#### **(2) The Rule of Law**

The Government of Iraq is exerting efforts to reform the judiciary in Iraq, including completing legislations, reconsidering laws and regulations not compatible with the Constitution, reinforcing the capabilities of law execution services, and completing and reforming the Rehabilitation Institutions in harmony with human rights and the rule of law.

#### **(3) Completing the transition of security responsibility from the Multinational Force in Iraq to the Iraqi constitutional authorities**

The Multinational Force in Iraq has been assigned responsibility for security in Iraq by United Nations Security Council Resolution 1546 on 8 June 2004. The Iraqi Government and the Multinational Force in Iraq have been working together to transfer security responsibility to Iraqi constitutional authorities in the

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provinces that have met the appropriate conditions. The Iraqi Government endeavors with the help of its friends and the Multinational Force to accelerate transfer of security responsibility through achieving the required level of readiness for security forces, reinforcing governance capabilities in the provinces, and reducing the level of the various threats.

#### **(4) Reducing the requirements for the presence of the Multinational Force in Iraq**

The Government of Iraq, after completion of the transfer of security responsibility to the provinces and regions of Iraq, will coordinate with its friends the withdrawal of the Multinational Force from Iraq based on the reduction of requirements for their presence for the purpose of training and support according to the threats and security requirements.

#### **(5) Establishing positive international relationships**

Since the collapse of the former regime, Iraqis have realized that they need to establish serious regional and international relationships totally different from the aggressive relationships established by the former regime not only with Iraq's neighbors but also with the international community that resulted in strict laws and economic and informational sanctions according to international law. Iraq finds it now necessary to bring together the international community (governments and peoples) to stand with Iraq in the process of rebuilding Iraq as a civilized country, rich with its resources, history, and people. Thus far Iraq has succeeded in that it has taken historical steps in this respect, notwithstanding the difficult period of time and conditions. Regional and international conferences have been held on the levels of Islamic countries, the Arab League, Iraq's neighbors, and on the bilateral relationships level to create a new environment that governs relationships based on cooperation and joint and mutual interests. The International Compact for Iraq

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document is one of the bases for international relationships with Iraq.

#### **(6) Adhering to international agreements related to counterterrorism, collective security, and nonproliferation of weapons of mass destruction**

Since the establishment of the modern Iraqi Government, Iraq has entered into many international agreements and conventions that ban terrorism and weapons of mass destruction. The former regime violated these agreements and that was one of the reasons for the international intervention. Therefore, the new constitutional Iraqi Government is committed to fighting terrorism in all its forms, and respecting and implementing international commitments of Iraq related to banning the proliferation, production, and use of nuclear, biological, and chemical weapons. In addition to preventing all that relates to their development, manufacture, production, and use of equipment, technology, communications systems and to work with the international community on nonproliferation.

#### **(7) Concluding bilateral and multilateral security agreements**

The Government of Iraq realizes that terrorism and insurgency are being fed from outside Iraq. The long borders Iraq shares with its neighbors cannot be controlled solely by Iraqi Security Forces, and therefore concluding bilateral and multilateral security agreements with regional countries will benefit all these countries.

#### **(8) Reinforcing the participation of Iraq in the United Nations and international fora**

Iraq is an active and founding member of the United Nations. Iraq has substantial international commitments and active participation is one of the bases of the United Nations. The program of the Government of Iraq presented to the Council of Representatives focuses on:

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- (a) Establishing friendship, mutual respect, and cooperative relationships with neighboring countries and the world to achieve their joint interests;
- (b) Noninterference in internal affairs, and adopting dialog and negotiation to solve any issues;
- (c) Abiding by United Nations commitments so that Iraq will have the right to participate and vote on decisions under consideration; and
- (d) Participation in all the international organizations that respect the Iraqi people as part of the United Nations.

#### **(9) Reviewing agreements concluded by the former regime that harm Iraqi interests**

The former regime concluded a number of agreements with various parties; and established fake companies and offices run by local, regional, and international parties contributing to initiating financial and political commitments with Iraq that circumvented the unity and security of Iraqi borders. These agreements and contracts have been concluded for the interest of the regime and not the Iraqi people; therefore, these commitments, agreements, and contracts must be reviewed and reconsidered on all levels.

#### **(10) Reconsidering the law and procedures of the National De-Baathification Committee**

The National De-Baathification Committee Law generated a number of local and regional political disputes such that reconsidering it became an important element in the National Reconciliation Project in order to eliminate the injustices and fears perceived by some of those involved in this Project. It is necessary now to revise its procedures of implementation and transform it to a technically professional committee that resorts to law and the Judiciary and has no political purposes. It is also necessary to take the steps required to assure commitment to procedural rules and reconsideration of

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many of the previous procedures based on the new direction in the form of a new law in harmony with the Constitution.

#### **Second. Political-social domain**

##### **(1) Adopting international criteria within the national Judiciary**

The Government of Iraq must reinforce its capability to implement its commitments mentioned in items 14 and 36 of the Constitution concerning international human rights agreements, through establishing a modern and reliable statistical data base for human rights violations, in order to manage and reinforce legal and institutional protections for human rights in harmony with international criteria; especially for the weakest categories such as minorities, internally displaced families, refugees, returning families, and the disabled. The Government of Iraq manages the Judiciary in harmony with and support of international criteria, the international community, and the United Nations. The Government has to promulgate this management process to include Iraqi lawmakers, Judiciary employees, institutions of the Government, and all categories of Iraqi society.

##### **(2) Including human rights education in the cultural and educational sectors according to legislation**

This process starts with including principles of and education on human rights in the educational curricula of all stages. The Ministry of Human Rights will prepare and train cadres for this purpose.

##### **(3) Establishing a national committee for human rights and reinforcing the role of civil society institutions**

The Government of Iraq will implement a comprehensive strategy for transitional justice, encourage establishment of partnerships between institutions of the civil society that support human rights, and establish a transparent mechanism to

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reemploy and rehabilitate the employees of disbanded entities of the government the former regime.

#### **(4) Involving civil society institutions in helping to design, implement, and oversee reform, rebuilding and amassing Iraqi social capital in the process of growth**

The Iraqi Constitution states that the Government of Iraq will reinforce the role of civil society institutions, support their development and independence, and support their achieving of their legal objectives. This is accomplished through:

- (a) Establishing laws to protect civil society institutions, to legalize their participation in designing Government administrative policy, to protect legal interests of the people, to diminish the effect of social conflicts, and to oversee the work of local governments and the Federal Government;
- (b) Enlightening those who establish administrative policies and cadres that are to implement the law, and all the people, of the important role of civil society institutions; through clarifying the authorities and responsibilities, and ensuring participation of everyone in economic and social transformation, including economic freedom and distribution of authorities;
- (c) Establishing a comprehensive approach for transparency that reinforces the freedom of access to information through enacting laws and policies related to permitting official employees and institutions to reveal this information to the audience; and amassing social capital in the process of promoting growth.

#### **(5) Preparing a draft amnesty law in harmony with international criteria**

The preparation of the amnesty law must be in harmony with Item 73 of Paragraph 1 of the Constitution. It became one of the priorities of the

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national and international requirements and a strategic issue related to rebuilding trust with the Government. It is also one of the important elements for the national compact between the Government and Iraqi society. This law will be established in harmony with international and humanitarian criteria approved by all religions, take into account the characteristics of the current period, and also the balance between justice, amnesty, rewards and punishments.

#### **(6) Supporting and developing sports and positive youth activities**

The Government of Iraq endeavors to implement special programs and policies to develop a sports domain in all regions and provinces of Iraq in a well-studied and appropriate manner according to the numbers, ages, and valid needs of youth.

#### **(7) Adopting special programs for women and children**

In order to foster a healthy generation, the Government of Iraq focuses its research and scientific institutions on establishing and implementing special programs for women and children as two of the basic pillars of the building and continuity of the nation.

### **b. Security domain**

#### **First. Completing the development, missions, and functions of Iraqi Security Forces**

The size and composition of Iraq's Security Forces are based on defeating the identified threats within Iraq's strategic environment. As the first priority in the current period, Iraq's Joint Forces will focus on defeat of terrorism and insurgency as their primary mission, with other threats accorded a lesser priority to the extent that available resources permit. In this current period, Iraq's Joint Forces will achieve self-reliance such that only minimal external assistance and support are needed for accomplishing the primary mission. As Iraq's

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security is reestablished and the terrorist and insurgency threats abate, Iraq's Joint Forces will transition to a conventional defensive posture for ensuring the security of the nation and its territory in conjunction with regional and international security arrangements. Likewise, Iraq's Police and Border Enforcement Forces will transition to conventional maintenance of domestic law and order and maintaining the integrity of Iraq's borders. Iraq's police forces will focus on local police self-reliance except in emergency situations that require reinforcement by National Police or the Iraqi Joint Forces. The capabilities of Iraq's Joint Forces will be such that they do not by their size or capabilities appear as threatening to Iraq's neighbors.

#### **Second. Enhancing the constitutional civilian command of the security institutions**

Articles (9) and (48) of the first part of the Constitution state that the Security Services and the National Intelligence Service are to be under the command of the civil authority – and should not be a tool for abusing the people and interfering in political affairs or the Government's transfer of authority. The Government is striving to achieve this principle through presenting its draft National Intelligence Law, in addition to continually monitoring the security ministries and directorates through the Security Ministries Reform Committee. The efforts exerted by the security training institutions and academies should be continued to rehabilitate the military and civilian cadres and they should focus on human rights topics, democracy, and constitutional civilian control of the security institutions.

#### **Third. Completing the transition of operational control of the Iraqi army divisions from the Multinational Force, Iraq to the Iraqi**

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#### **Government**

The Multinational Force has been assisting the Government of Iraq to create new security forces, police and military forces, so that it may become self-reliant in meeting its security needs. The Multinational Force established the Multinational Security Transition Command, Iraq in 2004 to assist Iraq in organizing, equipping, and training its security forces and transferring their operational control initially to the Multinational Force, Iraq. The Multinational Force and the Iraqi Government established a transition process whereby the Multinational Force would transfer operational control of divisions to the Iraqi Government when the divisions reached a level of readiness as demonstrated in actual operations that was mutually agreed by the Multinational Force and the Iraqi Government. This transition process will continue until all Iraqi Army divisions are under the operational control of the Iraqi Government. When all divisions are solely under Iraqi control, the Iraqi Government will have reached a major milestone in achieving security self-reliance.

#### **Fourth. Completing the development of the command and control system**

The Government of Iraq has started building a complete and advanced command and control system to control all government national security facilities through an advanced structure starting with the head of the executive authority (Prime Minister – Commander-in-Chief of the Armed Forces) to all other subordinate national security units of the Government. The next phase requires:

- (1) Completing a secure and reliable communications network Iraq-wide; and

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- (2) Completing a command and control system that includes security forces in the regions and the provinces.

#### **Fifth. Achieving security self reliance**

Iraqi Security Forces, including all services, are growing in numbers, becoming stronger and more experienced. Current conditions confirm the need for more forces to enforce the law, protect Iraqi citizens, and protect Iraqi territory, which requires:

- (1) Providing and rehabilitating training institutions and academies and adopting a recruiting policy that ensures accurate demographic representation of Iraq.
- (2) Completing the logistics system of the Armed Forces.
- (3) Completing the supply stocks, fire support capabilities and the Air Force.
- (4) Completing intelligence capabilities.
- (5) Completing counterterrorism capabilities.

#### **Sixth. Developing counterterrorism capabilities and programs**

- (1) The Government of Iraq is undertaking increasing and reinforcing its counterterrorism security forces;
- (2) Establishing and implementing a policy to mobilize all national capabilities towards counterterrorism; and
- (3) Actively participating in international efforts to counter terrorism through reinforcing Border Enforcement Forces, border entry and exit points, and security coordination with neighboring countries.

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#### **Seventh. Developing a policy to solve the problem of militias and to reintegrate them into the society**

Militias originated in Iraq under different circumstances; some of them fought the dictatorial Baathist regime, and some originated after the collapse of Saddam's regime for various reasons. The Government is endeavoring to establish a program to disband these militias and reintegrate them into the society in an effort to solve the security problem. This is accomplished through:

- (1)** Reaching a political agreement and a suitable balanced legislative framework to disband the militias in order to control weapons possession. In addition, a series of other procedures is being pursued that lead to building the trust of militia members with Government authority, such as a legislative decision for general amnesty based on transitional justice criteria and national loyalty.
- (2)** Creating political and economic conditions that contribute to implementation and balance the giving up of weapons with new social status as an encouraging factor for reintegration.
- (3)** Adopting – with the assistance of the international community and commitment to the International Compact with Iraq – a general program with suitable balanced funding that leads to disbanding of the militias and reintegrates them into the society taking into account International experience in post-conflict situations.
- (4)** Enhancing economic reforms to establish appropriate conditions leading to forming

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programs related to reintegration of the militias and other illegal armed groups.

#### **Eighth. Reforming, completing, and supporting the Judiciary**

Establishing a legal framework compatible with the Constitution and with national and international commitments on human rights requires conducting a general assessment of judicial institutions and their procedures to enforce the rule of law, to reinforce the administration of the judicial system according to international standards and support from the international community and the United Nations, in a way that removes fear from Iraqi people's souls. The Government of Iraq is also updating criminal and civil law to accommodate a civilized democratic society that requires qualified, independent legislators in addition to increasing the number of courts, judges and institutions that prepare law enforcement officials and conduct rehabilitation activities.

#### **Ninth. Developing rehabilitation institutions and their employees**

The development of rehabilitation institutions is a national objective and one of the pillars of the criminal justice system. This is accomplished through:

- (1)** Establishing care and rehabilitation programs (for inmates and other participants) according to international criteria.
- (2)** Assessing rehabilitation employees and increasing their numbers and capabilities in order institutions to be compatible with the nature of their tasks according to international rules of behavior.

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- (3)**Introducing technologies to assist in running these institutions.
- (4)**Cooperating with international humanitarian organizations and utilizing their procedures, expertise, and training.
- (5)** Undertaking to enact and implement laws for care of those released from rehabilitation institutions in order to be reintegrate them into the community to become active members.

## **C. Economic domain**

### **First. Transitioning to a free market economy and reforming the social, energy, and agricultural sectors**

#### **(1)Supporting the bases of economic growth**

The establishment of an appropriate environment for public, private, local, and foreign investment as an engine for economic growth, and creating and preparing appropriate conditions to achieve the utmost benefit of the integration to the international economy require developing many procedures and enacting laws to transition gradually from a centralized authoritarian economy to a free economy. Developing the private sector; creating appropriate conditions for investment; reinforcing the rule of law in financial, commercial, and industrial activities to protect private property; establishing businesses; facilitating the processes for obtaining loans; issuing licenses; and ensuring the justice and credibility of contracts to provide justice and equal opportunities to everyone are at the top of the list for supporting the objectives of

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economic growth. The following actions will be undertaken:

- (A) Restructuring the Government's general companies and establishing the correct basis for their privatization and economic management;
- (B) Establishing a Government office to manage real property on a commercial basis that is charged with attracting investors for general companies, is one of the important requirements for economic development; in addition to improving funding for small and medium private projects, providing loans, and facilitating banking processes for them;
- (C) Iraq's efforts to enter the World Trade Organization and the Economic Growth and Cooperation Organization of the Middle East and North Africa, to enter into bilateral commercial agreements with neighboring countries, and to overcome the basic obstacles for the return of Iraq to the world's free economies, are considered among the basic tasks of economic development.

#### **(2) Developing and reforming the energy and agriculture sectors**

It is important to develop an energy sector to meet the needs of Iraq, to achieve the maximum possible benefit for Iraqis, and to establish structural and institutional frameworks based on law and the Constitution that adopt the best local and international practices, taking into consideration the following:

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- (A) Establishing and implementing a policy for energy protection and security including all production, manufacture, transportation, and distribution facilities;
- (B) Endeavoring to increase oil production through increasing the Ministry of Oil's capabilities and encouraging foreign investment;
- (C) Attempting to satisfy local requirements for oil products, investing in natural gas through developing the oil industry, and increasing the capacity and reliability of the current transportation system;
- (D) Attempting to increase electrical power production through improving production facilities and building new facilities;
- (E) Attempting to increase the capacity and reliability of the electrical power transmission network;
- (F) Establishing a policy for water and land management, protection of water resources, and developing a strategic approach to solving water problems with neighboring countries;
- (G) Maintaining rivers and waterways; supporting farmers;
- (H) Reforming policies on trade to expand agricultural exports and imports; set prices; facilitate transportation, storage and refrigeration; and raise the efficiency of agricultural markets;
- (I) Capacity-building for agricultural planning, follow up and monitoring; and researching and fighting agricultural pests and diseases with special attention to quality standards.

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#### **Second. Activating the private sector and creating an appropriate competitive investment environment**

Constitution Articles (25) and (26) provide that Iraqi economic reform encourages private sector development and ensures freedom of competition in the various investment sectors. This requires:

- (1) Reinforcing the rule of law in relation to commercial activities, and ensuring the protection of private property and transparency in the process of contracting.
- (2) Creating an appropriate environment for private investment through: developing Iraqi commercial law in a way that facilitates the establishment of private commercial transactions; developing industrial growth law, company law, labor law, and property registration law; facilitating loans to industrialists, merchants and workers; and facilitating transactions and licenses (import, export, incorporation, acceptance, registration, exemption, insurance, , and bonds) for the business sector and to facilitate cross-border transfers.
- (3) Achieving justice and equal opportunity in trade negotiations, especially in the case of competition between the private and public sectors, and at the level of provinces and regions.
- (4) Creating programs that rely on the private sector to stimulate housing construction.
- (5) Developing industrial banks, and giving them bigger roles in contributing to providing loans, advanced payments, and credit for industrialists; enacting a new law

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for the banks, increasing their capital, facilitating the funding of private projects and concentrating on small and medium projects.

- (6) Organizing relationships between projects of the private sector, and adhering to international commercial and financial organizations that reinforce or enhance the value of the private sector and encourage its investment.
- (7) Transferring the bulk of the social protection networks budget to transform welfare beneficiaries into producers by encouraging the establishment of workshops and small industrial projects.

### **Third. Fighting corruption and reinforcing good governance**

#### **(1) Fighting corruption**

To build the capacity of institutions to fight corruption at all levels of government, the following measures must be taken:

- (a) Enacting a law on public integrity;
- (b) Reinforcing the capabilities of the Public Integrity Commission, the Financial Oversight Administration, and activating the roles of the inspectors general of the ministries;
- (c) Applying accounting and auditing standards, activating the role of internal oversight and monitoring, adopting a policy to stop corruption before it occurs, adopting regulations and rules of behavior for the performance of Government employees, and raising their standard of living;

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- (d) Enforcing the General Income Law; and disclosure of bank accounts;
- (e) Initiating a comprehensive national campaign to enlighten people about fighting corruption and highlight it as a dangerous and negative matter affecting the present and future of Iraq; not only for being something dishonest and disreputable but also legally and ethically unacceptable (disclosure of the names of those committing corruption and deception is one of the important means for fighting corruption);
- (f) Activating the role of mass media and civil society institutions in the process of oversight.

#### **(2) Good governance**

In order to ensure good governance, management must make appropriate selection of officials and commanders, and enforce appropriate rules of behavior in accordance the values and ethics of the institutions they manage; take into consideration the needs and concerns of the various social groups; and eliminate preferential treatment and nepotism; so that competence and loyalty to the country will be paramount in the conduct of official business. To achieve this we need to:

##### **(a) Policies, criteria of transparency and measurement of performance**

The Government of Iraq ensures the establishment of clear policies in all governmental offices, of criteria for transparency and their application in all public sector institutions; and

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adoption of rules for the measurement of performance.

#### **(b) Developing competencies**

The Government of Iraq develops and expands its institutions that develop administrative procedures, and its institutions devoted to employee rehabilitation.

#### **(c) Updating the administrative system**

The Government of Iraq continuously updates its administrative systems; establishes a program that provides for the capability of governmental offices to maintain the quality and continuity of services provided to the people; and utilizes electronic means in providing quality services to the people.

#### **Fourth. Investing national resources in an optimal, transparent, and fair manner**

According to Article (111) of the Iraqi Constitution, oil and gas are the property of all the Iraqi people in all the provinces and regions, since oil wealth is the main financial source for the budget and other energy and petroleum products that are necessary for daily continuous consumption for the people. The management of this sector in an objective, fair and transparent way is one of the priorities of our national security strategy. The development and organization of the oil sector, in harmony with the objectives of improving the society and the national economy according to long-range plans, decreases reliance on oil and gas revenues. In this context, the Government undertook the drafting of a hydrocarbon law, in addition to encouraging foreign investment in this sector. The provisions of this draft law call for establishment of a

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national oil company, regional committees which are the competent technical authorities in the regions, a Federal Oil and Gas Council to establish federal oil policies, exploration plans; develop oil fields and major oil pipelines; negotiate licenses and development contracts; and recommend policies and drafts of oil legislation. The Government will also maintain an oil and gas independent advisory office for the same purpose. The Government would also open a single account for oil and gas revenues which would be strictly overseen and audited annually by certified auditing companies with results published regularly. An independent council for auditing and monitoring would be established. A mechanism for managing oil revenues will be established to ensure equitable and transparent distribution based on the federal financial system, taking into consideration the effects of price volatility.

#### **Fifth. Attracting foreign investment**

This is among the top priorities for the reconstruction of a new Iraq, especially with regard to basic services and projects that fall outside the financial, administrative and technical implementation capabilities of today's Government. Additional funding support from foreign investments, providing all facilities and guarantees, is an important qualitative leap for the new Iraqi economy. Because Iraq is going through a state of instability, with the spread of chaos and financial corruption in governmental institutions, many foreign investors are prevented from investing their money and introducing their companies in the current circumstances. Therefore, the Iraqi government attempts to encourage investment by giving current investors priority in future investment, and facilitating their work in the insecure areas:

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#### **Sixth. Adopting a unified budgeting system and a single chart of accounts**

For the purpose of managing its funds in harmony with the best international practices, the Government of Iraq will provide for:

- (1) Unifying the budget within a single chart of accounts; making all implementation procedures harmonious and fair in all Iraq; introducing international funding and money transfers within the single chart of accounts; application of a budget categorization system based on the governmental financial data of the International Monetary Fund and UN's Governmental Positions Categorization System; and ensuring a high level of transparency through periodic reports, disclosing information, and regularly publishing the results of Governmental account audits;
- (2) Removing any administrative obstacles to improve capabilities related to tenders, capital and investment project contracts of the major projects for phases to be implemented in the short and middle ranges; and adopting a comprehensive contracting law and system for the provincial and regional levels including management of contracts and other expenditure items.
- (3) Periodic review of public spending to assess the quality of budget management, to overcome difficulties, to avoid errors, and to help local governments in reinforcing their capabilities in providing services and acting on good governance procedures through establishing a federal financial system between governmental offices based on clarity and transparency of

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allocations for revenues and expenditures.

- (4) Developing criteria for the review of tax policy, customs and local fees and procedures in order to provide a stable means to increase federal resources and raise the level of growth.
- (5) Preparing a strategic program to build capacity for financial management, with comprehensive training for a competent staff in financial management at the local and national levels.
- (6) Developing a framework for governmental financial relations with rules applied to the transfer of fixed allocations to the province and district, as well as special requests about balancing investments and current and projected expenditures including estimated conditional grants to cover some expenses.

#### **Seventh. Eliminating the national debt, terminating interest payments, and obtaining international aid**

Iraq is attempting to inform the international community of the legacy of debts that resulted from the former regime's procedures and behavior that utilized all funds and resources in wars and suppression of the people. It is difficult for succeeding Iraqi generations to take responsibility for something for which they were not at fault or had a role. The Government of Iraq has succeeded in cooperation with and support from creditor countries, the United Nations, and other friends in attaining nullification of 80% of its external debt, and canceling a portion of the interest on the debt. Successful negotiations are continuing in order to schedule the rest of the debt payment and convince creditor countries to

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cancel additional interest or undertake mutually valuable exchanges that do not affect the general funding for the implementation of economic reform and growth programs which are considered among the most important achievements of the Iraqi Government. Iraq has been able to obtain international support in the form of financial grants to rebuild Iraq (Madrid Conference). Therefore, the most important commitment on the Iraqi Government side to terminate these debts and obtain support is to adhere to the agreements and conventions concluded with the international community; and then making good on the promises made to the Iraqi people.

#### **Eighth. Developing a stable agricultural sector capable of competing, improving, renewing nutritional security, preserving the natural environment, supporting agricultural producers, and developing agricultural funding programs**

In order to develop a stable agricultural sector capable of improving nutritional security, improving farmers' incomes especially in the countryside, finding work opportunities, and preserving the natural environment, it is necessary to:

- (1) Design a coherent agricultural policy to: provide nutrition; contribute to the trade and industrial sectors and economic growth by assuring appropriate conditions for the agricultural sector that relies on the market economy and principles of the competitive and supported private sector; provide agricultural extension services; encourage investment; increase all loans especially small loans; manage the distribution of water on agricultural lands; provide chemicals, implements and agricultural

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tools, fuel, and other items (federally); and to gradually transition from the full support phase to the price support phase.

- (2) Develop the capabilities of small agricultural producers and small agricultural product treatment factories; expand the small farmers' fund; improve the quality of the agricultural market; and assure the adequacy of product transportation means, delivery to markets, storage, and refrigeration.

#### **Ninth. Providing basic services and improving the standard of living**

The Government of Iraq employs its financial resources and directs its economic activities to:

- (1) Implement an economic policy aimed at finding work opportunities to reduce the percentage of unemployment, strengthen the middle class, and reduce the poor class;
- (2) Provide: equal basic educational opportunities to all citizens; public health; an increased funding for health and the environment;
- (3) Provide electricity, potable water, and improved sewage systems;
- (4) Establish a comprehensive policy to handle the problem of immigration and emigration in the long run; provide for the needs of the internally displaced; and monitor the status of emigrants and externally displaced people (in the short run);
- (5) Elevate the level of coordination between national and local administrative units in the field of services (planning and

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administration); establish regional growth strategies; provide services for those groups that were repressed; and respond to the needs of youth.

(6) Sponsor the handicapped and those who have special needs. (orphanages and rest homes).

(7) Provide appropriate housing and mass transport that are among the most important components of an acceptable standard of living. This strategy demonstrates that it is not possible to achieve security unless all the people of Iraq become part of a prosperous Iraq, since the deprived classes provide fertile environment for the leaders of terrorism and insurgency to enlist fighters whose presence is a threat to Iraq and its citizens. Therefore, providing housing and mass transport become important elements of achieving security self reliance.

#### **Tenth. Developing social protection networks and protecting the weakest and poorest groups**

In order to protect the most vulnerable population groups and compensate them for the effects of economic, political, and security changes, the Government of Iraq's reforms will be governed by the principles of efficiency and financial stability, equity and transparency. The Government should:

(3) Develop a special information management and statistics program in the Ministry of Labor and Social Affairs to identify poor households eligible for the social protection network, ensuring rigorous analysis and

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adherence to the principles of integrity and accountability;

- (4) Strengthen public and private partnerships to organize vocational training programs that encourage the participation of the poorest in the labor market; allocate a portion of the network budget to the establishment of small projects by these groups;
- (5) Introduce effective and reliable systems to deliver benefits based on the principles of coordination, accuracy and integrity;
- (6) Build Government capacity to prepare, plan and coordinate with civil society organizations for humanitarian emergencies to ensure the delivery of aid;
- (7) Develop a mechanism for the adjustment of social welfare network subsidies in order to preserve the purchasing power of beneficiaries; to counter inflation and increasing consumer prices for goods; in order to prepare for economic recovery in advance of lifting government subsidies;
- (8) Establish a special policy to deal with the increasing numbers of widows and divorcees resulting from past policies and current circumstances.

#### **Eleventh. Compensating victims of terrorism and political violence**

The Government of Iraq needs to modify and enforce the law for compensation of victims of terrorism and political violence. The current law, number (10) of 2005, needs to be modified to

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deal with the increasing numbers of victims, whether resulting from the previous regime or from current circumstances. At present, severe social consequences result from the large and increasing numbers of widows, orphans, and handicapped persons. Terrorism leave behind victims of vehicle-borne improvised explosive devices, improvised explosive devices, suicide attacks, forced displacements of people, robbery and looting of governmental properties, kidnappings, rapes, and sectarian killings.

#### **Twelfth. Creating work opportunities for the unemployed and eliminating poverty and physical and sexual abuse**

The numbers of unemployed increased after 9 April 2003 for many reasons, including delays in adopting strategic economic projects, delays in the engine of reconstruction, the closing of all including small factories due to terrorism and other factors such as the fuel and electricity crisis. All these factors dangerously maximized the percent of unemployed and imposed a real burden that demands solutions. The Government of Iraq has established a policy to rehabilitate factories and the employees of the disbanded military manufacturing committee to give life to the rebuilding of Iraq, and to the management of its economic projects with appropriate budget allocated for this purpose. The Government of Iraq is tightening monitoring and oversight in order to stop physical and sexual abuse; and to deal with the problem of beggary that is run by organized gangs by exploitation of minors to earn money. The Government of Iraq has to find solutions to deal with these inhumane, illegal, and ethically unacceptable phenomena; to punish those committing these crimes; to enact laws to fight trafficking in persons; and to carry out a comprehensive national media campaign

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that shows the humanitarian and ethical dangers and the illegal means used by companies and individuals that traffic in girls and children.

#### **D. Informational domain**

##### **First. Establishing accurate and timely information systems to support all national interests**

For decades, the former regime kept Iraq and its citizens isolated from most of the world. In no area was this more rigidly enforced than in information technology and the internet. To reverse this corrosive legacy, the Government of Iraq has decided to adopt as rapidly as possible the highest efficiency information technology systems for public and private sector use. By this means, Iraq intends to link itself and its citizens with the entire world community. Democracy and good governance demand accurate, complete, and timely information for citizens, private organizations, and government agencies. This is also an urgent matter in restoring security and prosperity to Iraq. The Federal Government, subordinate governmental levels, and the Iraqi security institutions will establish appropriate information and information management systems to maximize efficiency and effectiveness in accomplishing their missions.

##### **Second. Conducting information operations to influence target audiences to support all national interests**

Information operations are an integral element of government attempts to influence friendly and adversary groups. In modern strategy and warfare, the informational domain is coequal with the diplomatic, economic, and military domains. Therefore, the Government of Iraq and its Security Forces will undertake information operations to affect adversary information and information systems while defending its own information and information systems from

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adversary attack. In conducting its information operations, the Government of Iraq will make special efforts to prevent the misinformation and propaganda practices of the former regime.

#### **Third. Establishing electronic government (e-government) programs to support all national interests**

The Government of Iraq has decided to leap ahead in linking the citizenry to the Government, and the nation of Iraq to the world community. An important facilitator for these efforts is information technology. To the maximum extent possible, Iraq will emphasize wireless technology in order to minimize the need for time-consuming and costly reestablishment of physical land-line networks. The core Government program to lead this effort is the Electronic Government initiative. E-Government aims to link the citizenry to Government of Iraq agencies responsible for delivering basic services and conducting official business with citizens. The aim of E-Government is to satisfy citizen needs with a minimum of bureaucracy, with maximum use of the internet.

#### **Fourth. Promulgating legislation that guarantees freedom of the press and expression in a manner that does not violate public order and ethics**

Article (38) of the Constitution established a mutual obligation and a duty between the State and practitioners of freedom the press and expression, so as to guarantee the practice of freedom but also to commit to public order and morals. In order to establish those rights and obligations there should be a law regulating that relationship without prejudice to the substance of public freedoms guaranteed by the Constitution. In preparing such a law, the Government of Iraq will avail itself of support from the Multinational

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Force, and the experience of modern civilized countries that have made significant strides in relating to the visual, aural, and print media including the press and publishing houses.

#### **Fifth. Establishing a national media policy to reinforce national reconciliation and to confront the media inciting of violence and terrorism**

The birth of a new Iraq taking the democratic approach and the principle of public freedoms and openness is a strategic goal that requires engaging any information source, highlighting the positive facts and changes that taken place in Iraq. The welfare of Iraq would benefit the people of the entire region. Sometimes we should respond directly to the media source in a conciliatory manner, and at other times resort to legal prosecution. The Government of Iraq's media policy will be developed as a milestone in this respect. It will provide for the selection of experienced persons in all levels. The Government of Iraq will establish mechanisms to organize and coordinate the work of the agencies responsible for dealing with the Iraqi media, and sponsor Iraq's quest to adhere to international media treaties.

#### **References**

- a. Iraqi Constitution of 2005
- b. International Compact for Iraq
- c. National Reconciliation and Dialog project
- d. National security strategies of some of the developed countries

#### **Attachments**

- a. Copy of the Iraqi Constitution of 2005
- b. A summary of the International Compact for Iraq document
- c. Copy of the National Reconciliation and Dialog project

**IRAQI**  
**CONSTITUTION**

## **The Preamble**

*In the name of God, the Most merciful, the Most compassionate*

**{ We have honored the sons of Adam }**

We, the people of Mesopotamia, the homeland of the apostles and prophets, resting place of the virtuous imams, cradle of civilization, crafters of writing, and home of numeration. Upon our land the first law made by man was passed, and the oldest pact of just governance was inscribed, and upon our soil the saints and companions of the Prophet prayed, philosophers and scientists theorized, and writers and poets excelled;

Acknowledging God's right over us, and in fulfillment of the call of our homeland and citizens, and in a response to the call of our religious and national leaderships and the determination of our great authorities and of our leaders and politicians, and in the midst of international support from our friends and those who love us, marched for the first time in our history towards the ballot boxes by the millions, men and women, young and old, on the thirtieth of January 2005, invoking the pains of sectarian oppression inflicted by the autocratic clique and inspired by the tragedies of Iraq's martyrs, Shiite and Sunni, Arabs and Kurds and Turkmen and from all other components of the people, and recollecting the darkness of the ravage of the holy cities and the South in the Sha'abaniyya uprising and burnt by the flames of grief of the mass graves, the marshes, Al-Dujail and others and articulating the sufferings of racial oppression in the massacres of Halabcha, Barzan, Anfal and the Fayli Kurds and inspired by the ordeals of the Turkmen in Bashir and the sufferings of the people of the western region, as is the case in the remaining areas of Iraq where the people suffered from the liquidation of their leaders, symbols, and Sheiks and from the displacement of their skilled individuals and from drying out of its cultural and intellectual wells, so we sought hand in hand and shoulder to shoulder to create our new Iraq, the Iraq of the future, free from sectarianism, racism, complex of regional attachment, discrimination, and exclusion.

Accusations of being infidels, and terrorism did not stop us from marching forward to build a nation of law. Sectarianism and racism have not stopped us from marching together to strengthen our national unity, following the path of peaceful transfer of power, adopting the course of just distribution of resources, and providing equal opportunity for all.

We, the people of Iraq, who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, elderly, and youth to respect the rule of law, to establish justice and equality, to cast aside the politics of aggression, to pay attention to women and their rights, the elderly and their concerns, and children and their affairs, to spread the culture of diversity, and to defuse terrorism.

We, the people of Iraq, of all components and across the spectrum, have taken upon ourselves to decide freely and by choice to unite our future, to take lessons from yesterday for tomorrow, and to enact this permanent Constitution, through the values and ideals of the heavenly messages and the findings of science and man's civilization. The adherence to this Constitution preserves for Iraq its free union of people, of land, and of sovereignty.

## **Section One**

### **Fundamental Principles**

#### **Article 1:**

The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq.

#### **Article 2:**

**First:** Islam is the official religion of the State and is a foundation source of legislation:

- A. No law may be enacted that contradicts the established provisions of Islam
- B. No law may be enacted that contradicts the principles of democracy.
- C. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.

**Second:** This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabians.

#### **Article 3:**

Iraq is a country of multiple nationalities, religions, and sects. It is a founding and active member in the Arab League and is committed to its charter, and it is part of the Islamic world.

#### **Article 4:**

**First:** The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac, and Armenian shall be guaranteed in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions.

**Second:** The scope of the term “official language” and the means of applying the provisions of this article shall be defined by a law and shall include:

- A. Publication of the Official Gazette, in the two languages;
- B. Speech, conversation, and expression in official domains, such as the Council of Representatives, the Council of Ministers, courts, and official conferences, in either of the two languages;

- C. Recognition and publication of official documents and correspondence in the two languages;
- D. Opening schools that teach the two languages, in accordance with the educational guidelines;
- E. Use of both languages in any matter enjoined by the principle of equality such as bank notes, passports, and stamps.

Third: The federal and official institutions and agencies in the Kurdistan region shall use both languages.

Fourth: The Turkomen language and the Syriac language are two other official languages in the administrative units in which they constitute density of population.

Fifth: Each region or governorate may adopt any other local language as an additional official language if the majority of its population so decides in a general referendum.

Article 5:

The law is sovereign. The people are the source of authority and legitimacy, which they shall exercise in a direct, general, secret ballot and through their constitutional institutions.

Article 6:

Transfer of authority shall be made peacefully through democratic means as stipulated in this Constitution.

Article 7:

First: Any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing, especially the Saddamist Ba'ath in Iraq and its symbols, under any name whatsoever, shall be prohibited. Such entities may not be part of political pluralism in Iraq. This shall be regulated by law.

Second: The State shall undertake to combat terrorism in all its forms, and shall work to protect its territories from being a base, pathway, or field for terrorist activities.

Article 8:

Iraq shall observe the principles of good neighborliness, adhere to the principle of non-interference in the internal affairs of other states, seek to settle disputes by peaceful means, establish relations on the basis of mutual interests and reciprocity, and respect its international obligations.

Article 9:

First:

- A- The Iraqi armed forces and security services will be composed of the components of the Iraqi people with due consideration given to their balance and representation without discrimination or exclusion. They shall be subject to the control of the civilian authority, shall defend Iraq, shall not be used as an instrument to oppress the Iraqi people, shall not interfere in the political affairs, and shall have no role in the transfer of authority.
- B- The formation of military militias outside the framework of the armed forces is prohibited.
- C- The Iraqi armed forces and their personnel, including military personnel working in the Ministry of Defense or any subordinate departments or organizations, may not stand for election to political office, campaign for candidates, or participate in other activities prohibited by Ministry of Defense regulations. This ban includes the activities of the personnel mentioned above acting in their personal or professional capacities, but shall not infringe upon the right of these personnel to cast their vote in the elections.
- D- The Iraqi National Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government. This Service shall be under civilian control, shall be subject to legislative oversight, and shall operate in accordance with the law and pursuant to the recognized principles of human rights.
- E- The Iraqi Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and shall prohibit associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

Second: Military service shall be regulated by law.

Article 10:

The holy shrines and religious sites in Iraq are religious and civilizational entities. The State is committed to assuring and maintaining their sanctity, and to guaranteeing the free practice of rituals in them.

Article 11:

Baghdad is the capital of the Republic of Iraq.

Article 12:

First: The flag, national anthem, and emblem of Iraq shall be regulated by law in a way that symbolizes the components of the Iraqi people.

Second: A law shall regulate honors, official holidays, religious and national occasions and the Hijri and Gregorian calendar.

Article 13:

First: This Constitution is the preeminent and supreme law in Iraq and shall be binding in all parts of Iraq without exception.

Second: No law that contradicts this Constitution shall be enacted. Any text in any regional constitutions or any other legal text that contradicts this Constitution shall be considered void.

## **Section Two**

### **Rights and Liberties**

#### **Chapter One**

##### **[Rights]**

#### **First: Civil and Political Rights**

##### Article 14:

Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.

##### Article 15:

Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

##### Article 16:

Equal opportunities shall be guaranteed to all Iraqis, and the state shall ensure that the necessary measures to achieve this are taken.

##### Article 17:

First: Every individual shall have the right to personal privacy so long as it does not contradict the rights of others and public morals.

Second: The sanctity of the homes shall be protected. Homes may not be entered, searched, or violated, except by a judicial decision in accordance with the law.

##### Article 18:

First: Iraqi citizenship is a right for every Iraqi and is the basis of his nationality.

Second: Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi. This shall be regulated by law.

##### Third:

A. An Iraqi citizen by birth may not have his citizenship withdrawn for any reason. Any person who had his citizenship withdrawn shall have the right to demand its reinstatement. This shall be regulated by a law.

B. Iraqi citizenship shall be withdrawn from naturalized citizens in cases regulated by law.

Fourth: An Iraqi may have multiple citizenships. Everyone who assumes a senior, security or sovereign position must abandon any other acquired citizenship. This shall be regulated by law.

Fifth: Iraqi citizenship shall not be granted for the purposes of the policy of population settlement that disrupts the demographic composition of Iraq.

Sixth: Citizenship provisions shall be regulated by law. The competent courts shall consider the suits arising from those provisions.

Article 19:

First: The judiciary is independent and no power is above the judiciary except the law.

Second: There is no crime or punishment except by law. The punishment shall only be for an act that the law considers a crime when perpetrated. A harsher punishment than the applicable punishment at the time of the offense may not be imposed.

Third: Litigation shall be a protected and guaranteed right for all.

Fourth: The right to a defense shall be sacred and guaranteed in all phases of investigation and the trial.

Fifth: The accused is innocent until proven guilty in a fair legal trial. The accused may not be tried for the same crime for a second time after acquittal unless new evidence is produced.

Sixth: Every person shall have the right to be treated with justice in judicial and administrative proceedings.

Seventh: The proceedings of a trial are public unless the court decides to make it secret.

Eighth: Punishment shall be personal.

Ninth: Laws shall not have retroactive effect unless stipulated otherwise. This exclusion shall not include laws on taxes and fees.

Tenth: Criminal laws shall not have retroactive effect, unless it is to the benefit of the accused.

Eleventh: The court shall appoint a lawyer at the expense of the state for an accused of a felony or misdemeanor who does not have a defense lawyer.

Twelfth:

- A. Unlawful detention shall be prohibited.
- B. Imprisonment or detention shall be prohibited in places not designed for these purposes, pursuant to prison laws covering health and social care, and subject to the authorities of the State.

Thirteenth: The preliminary investigative documents shall be submitted to the competent judge in a period not to exceed twenty-four hours from the time of the arrest of the accused, which may be extended only once and for the same period.

Article 20:

Iraqi citizens, men and women, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office.

Article 21:

First: No Iraqi shall be surrendered to foreign entities and authorities.

Second: A law shall regulate the right of political asylum in Iraq. No political refugee shall be surrendered to a foreign entity or returned forcibly to the country from which he fled.

Third: Political asylum shall not be granted to a person accused of committing international or terrorist crimes or to any person who inflicted damage on Iraq.

**Second: Economic, Social and Cultural Liberties**

Article 22:

First: Work is a right for all Iraqis in a way that guarantees a dignified life for them.

Second: The law shall regulate the relationship between employees and employers on economic bases and while observing the rules of social justice.

Third: The State shall guarantee the right to form and join unions and professional associations, and this shall be regulated by law.

Article 23:

First: Private property is protected. The owner shall have the right to benefit, exploit and dispose of private property within the limits of the law.

Second: Expropriation is not permissible except for the purposes of public benefit in return for just compensation, and this shall be regulated by law.

Third:

- A. Every Iraqi shall have the right to own property anywhere in Iraq. No others may possess immovable assets, except as exempted by law.
- B. Ownership of property for the purposes of demographic change is prohibited.

Article 24:

The State shall guarantee freedom of movement of Iraqi manpower, goods, and capital between regions and governorates, and this shall be regulated by law.

Article 25:

The State shall guarantee the reform of the Iraqi economy in accordance with modern economic principles to insure the full investment of its resources, diversification of its sources, and the encouragement and development of the private sector.

Article 26:

The State shall guarantee the encouragement of investment in the various sectors, and this shall be regulated by law.

Article 27:

First: Public assets are sacrosanct, and their protection is the duty of each citizen.

Second: The provisions related to the preservation of State properties, their management, the conditions for their disposal, and the limits for these assets not to be relinquished shall all be regulated by law.

Article 28:

First: No taxes or fees shall be levied, amended, collected, or exempted, except by law.

Second: Low income earners shall be exempted from taxes in a way that guarantees the preservation of the minimum income required for living. This shall be regulated by law.

Article 29:

First:

- A. The family is the foundation of society; the State shall preserve it and its religious, moral, and national values.
- B. The State shall guarantee the protection of motherhood, childhood and old age, shall care for children and youth, and shall provide them with the appropriate conditions to develop their talents and abilities.

Second: Children have the right to upbringing, care and education from their parents. Parents have the right to respect and care from their children, especially in times of need, disability, and old age.

Third: Economic exploitation of children in all of its forms shall be prohibited, and the State shall take the necessary measures for their protection.

Fourth: All forms of violence and abuse in the family, school, and society shall be prohibited.

Article 30:

First: The State shall guarantee to the individual and the family - especially children and women – social and health security, the basic requirements for living a free and decent life, and shall secure for them suitable income and appropriate housing.

Second: The State shall guarantee social and health security to Iraqis in cases of old age, sickness, employment disability, homelessness, orphanhood, or unemployment, shall work to protect them from ignorance, fear and poverty, and shall provide them housing and special programs of care and rehabilitation, and this shall be regulated by law.

Article 31:

First: Every citizen has the right to health care. The State shall maintain public health and provide the means of prevention and treatment by building different types of hospitals and health institutions.

Second: Individuals and entities have the right to build hospitals, clinics, or private health care centers under the supervision of the State, and this shall be regulated by law.

Article 32:

The State shall care for the handicapped and those with special needs, and shall ensure their rehabilitation in order to reintegrate them into society, and this shall be regulated by law.

Article 33:

First: Every individual has the right to live in safe environmental conditions.

Second: The State shall undertake the protection and preservation of the environment and its biological diversity.

Article 34:

First: Education is a fundamental factor for the progress of society and is a right guaranteed by the state. Primary education is mandatory and the state guarantees that it shall combat illiteracy.

Second: Free education in all its stages is a right for all Iraqis.

Third: The State shall encourage scientific research for peaceful purposes that serve humanity and shall support excellence, creativity, invention, and different aspects of ingenuity.

Fourth: Private and public education shall be guaranteed, and this shall be regulated by law.

Article 35:

The state shall promote cultural activities and institutions in a manner that befits the civilizational and cultural history of Iraq, and it shall seek to support indigenous Iraqi cultural orientations.

Article 36:

Practicing sports is a right of every Iraqi and the state shall encourage and care for such activities and shall provide for their requirements.

**Chapter Two**  
**[Liberties]**

Article 37:

First:

- A. The liberty and dignity of man shall be protected.
- B. No person may be kept in custody or investigated except according to a judicial decision.
- C. All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall

not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.

Second: The State shall guarantee protection of the individual from intellectual, political and religious coercion.

Third: Forced labor, slavery, slave trade, trafficking in women or children, and sex trade shall be prohibited.

Article 38:

The State shall guarantee in a way that does not violate public order and morality:

- A. Freedom of expression using all means.
- B. Freedom of press, printing, advertisement, media and publication.
- C. Freedom of assembly and peaceful demonstration, and this shall be regulated by law.

Article 39:

First: The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law.

Second: It is not permissible to force any person to join any party, society, or political entity, or force him to continue his membership in it.

Article 40:

The freedom of communication and correspondence, postal, telegraphic, electronic, and telephonic, shall be guaranteed and may not be monitored, wiretapped, or disclosed except for legal and security necessity and by a judicial decision.

Article 41:

Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law.

Article 42:

Each individual shall have the freedom of thought, conscience, and belief.

Article 43:

First: The followers of all religions and sects are free in the:

- A- Practice of religious rites, including the Husseinian rituals.
- B- Management of religious endowments (waqf), their affairs, and their religious institutions, and this shall be regulated by law.

Second: The State shall guarantee freedom of worship and the protection of places of worship.

Article 44:

First: Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq.

Second: No Iraqi may be exiled, displaced, or deprived from returning to the homeland.

Article 45:

First: The State shall seek to strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals, and this shall be regulated by law.

Second: The State shall seek the advancement of the Iraqi clans and tribes, shall attend to their affairs in a manner that is consistent with religion and the law, and shall uphold their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights.

Article 46:

Restricting or limiting the practice of any of the rights or liberties stipulated in this Constitution is prohibited, except by a law or on the basis of a law, and insofar as that limitation or restriction does not violate the essence of the right or freedom.

## **Section Three**

### **Federal Powers**

#### **Article 47:**

The federal powers shall consist of the legislative, executive, and judicial powers, and they shall exercise their competencies and tasks on the basis of the principle of separation of powers.

#### **Chapter one**

#### **[The Legislative Power]**

#### **Article 48:**

The federal legislative power shall consist of the Council of Representatives and the Federation Council.

#### **First: The Council of Representatives**

#### **Article 49:**

**First:** The Council of Representatives shall consist of a number of members, at a ratio of one seat per 100,000 Iraqi persons representing the entire Iraqi people. They shall be elected through a direct secret general ballot. The representation of all components of the people shall be upheld in it.

**Second:** A candidate to the Council of Representatives must be a fully qualified Iraqi.

**Third:** A law shall regulate the requirements for the candidate, the voter, and all that is related to the elections.

**Fourth:** The elections law shall aim to achieve a percentage of representation for women of not less than one-quarter of the members of the Council of Representatives.

**Fifth:** The Council of Representatives shall promulgate a law dealing with the replacement of its members on resignation, dismissal, or death.

**Sixth:** It is not permissible to combine membership in the Council of Representatives with any work or other official position.

Article 50:

Each member of the Council of Representatives shall take the following constitutional oath before the Council prior to assuming his duties:

**“I swear by God Almighty to carry out my legal duties and responsibilities with devotion and integrity and preserve the independence and sovereignty of Iraq, and safeguard the interests of its people, and ensure the safety of its land, sky, water, wealth, and federal democratic system, and I shall endeavor to protect public and private liberties, the independence of the judiciary, and pledge to implement legislation faithfully and neutrally. God is my witness.”**

Article 51:

The Council of Representatives shall establish its bylaws to regulate its work.

Article 52:

First: The Council of Representatives shall decide, by a two-thirds majority, the authenticity of membership of its member within thirty days from the date of filing an objection.

Second: The decision of the Council of Representatives may be appealed before the Federal Supreme Court within thirty days from the date of its issuance.

Article 53:

First: Sessions of the Council of Representatives shall be public unless, for reasons of necessity, the Council decides otherwise.

Second: Minutes of the sessions shall be published by means considered appropriate by the Council.

Article 54:

The President of the Republic shall call upon the Council of Representatives to convene by a presidential decree within fifteen days from the date of the ratification of the general election results. Its eldest member shall chair the first session to elect the speaker of the Council and his two deputies. This period may not be extended by more than the aforementioned period.

Article 55:

The Council of Representatives shall elect in its first session its speaker, then his first deputy and second deputy, by an absolute majority of the total number of the Council members by direct secret ballot.

Article 56:

First: The electoral term of the Council of Representatives shall be four calendar years, starting with its first session and ending with the conclusion of the fourth year.

Second: The new Council of Representatives shall be elected forty-five days before the conclusion of the preceding electoral term.

Article 57:

The Council of Representatives shall have one annual term, with two legislative sessions, lasting eight months. The bylaws shall define the method to convene the sessions. The session in which the general budget is being presented shall not end until approval of the budget.

Article 58:

First: The President of the Republic, the Prime Minister, the Speaker of the Council of Representatives, or fifty members of the Council of Representatives may call the Council to an extraordinary session. The session shall be restricted to the topics that necessitated the call for the session.

Second: The legislative session of the Council of Representatives may be extended for no more than 30 days to complete the tasks that require the extension, based on a request from the President of the Republic, the Prime Minister, the Speaker of the Council, or fifty members of the Council of Representatives.

Article 59:

First:

The Council of Representatives quorum shall be achieved by an absolute majority of its members.

Second:

Decisions in the sessions of the Council of Representatives shall be made by a simple majority after quorum is achieved, unless otherwise stipulated.

Article 60:

First:

Draft laws shall be presented by the President of the Republic and the Council of Ministers.

Second:

Proposed laws shall be presented by ten members of the Council of Representatives or by one of its specialized committees.

Article 61:

The Council of Representatives shall be competent in the following:

First: Enacting federal laws.

Second: Monitoring the performance of the executive authority.

Third: Electing the President of the Republic.

Fourth: Regulating the ratification process of international treaties and agreements by a law, to be enacted by a two-thirds majority of the members of the Council of Representatives.

Fifth: Approving the appointment of the following:

- A. The President and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the President of Judicial Oversight Commission by an absolute majority, based on a proposal from the Higher Juridical Council.
- B. Ambassadors and those with special grades, based on a proposal from the Council of Ministers.
- C. The Iraqi Army Chief of Staff, his assistants, those of the rank of division commander and above, and the director of the intelligence service, based on a proposal from the Council of Ministers.

Sixth:

- A. Questioning the President of the Republic, based on a petition with cause, by an absolute majority of the members of the Council of Representatives.
- B. Relieving the President of the Republic by an absolute majority of the Council of Representatives after being convicted by the Federal Supreme Court in one of the following cases:
  - 1- Perjury of the constitutional oath.
  - 2- Violating the Constitution.
  - 3- High treason.

Seventh:

- A. A member of the Council of Representatives may direct questions to the Prime Minister and the Ministers on any subject within their specialty and each of them shall answer the members' questions. Only the member who has asked the question shall have the right to comment on the answer.
- B. At least twenty-five members of the Council of Representatives may raise a general issue for discussion in order to inquire about a policy and the performance of the Council of Ministers or one of the Ministries and it shall be submitted to the Speaker of the Council of Representatives, and

the Prime Minister or the Ministers shall specify a date to come before the Council of Representatives to discuss it.

- C. A member of the Council of Representatives, with the agreement of twenty-five members, may direct an inquiry to the Prime Minister or the Ministers to call them to account on the issues within their authority. The debate shall not be held on the inquiry except after at least seven days from the date of submission of the inquiry.

Eighth:

- A. The Council of Representatives may withdraw confidence from one of the Ministers by an absolute majority and he shall be considered resigned from the date of the decision of withdrawal of confidence. A vote of no confidence in a Minister may not be held except upon his request or on the basis of a request signed by fifty members after the Minister has appeared for questioning before the Council. The Council shall not issue its decision regarding the request except after at least seven days from the date of its submission.
- B.
  - 1- The President of the Republic may submit a request to the Council of Representatives to withdraw confidence from the Prime Minister.
  - 2- The Council of Representatives may withdraw confidence from the Prime Minister based on the request of one-fifth of its members. This request shall not be submitted except after an inquiry directed at the Prime Minister and after at least seven days from the date of submitting the request.
  - 3- The Council of Representatives may decide to withdraw confidence from the Prime Minister by an absolute majority of the number of its members.
- C. The Government is deemed resigned in case of withdrawal of confidence from the Prime Minister.
- D. In case of a vote of withdrawal of confidence in the Council of Ministers as a whole, the Prime Minister and the Ministers continue in their positions to run everyday business for a period not to exceed thirty days until a new Council of Ministers is formed in accordance with the provisions of Article 76 of this Constitution.
- E. The Council of Representatives may question independent commission heads in accordance with the same procedures related to the Ministers. The Council shall have the right to relieve them by absolute majority.

Ninth:

- A. To consent to the declaration of war and the state of emergency by a two-thirds majority based on a joint request from the President of the Republic and the Prime Minister.
- B. The state of emergency shall be declared for a period of thirty days, which can be extended after approval each time.
- C. The Prime Minister shall be delegated the necessary powers which enable him to manage the affairs of the country during the period of the declaration of war and the state of emergency. These powers shall be regulated by a law in a way that does not contradict the Constitution.
- D. The Prime Minister shall present to the Council of Representatives the measures taken and the results during the period of the declaration of war and the state of emergency within 15 days from the date of its end.

Article 62:

First: The Council of Ministers shall submit the draft general budget bill and the closing account to the Council of Representatives for approval.

Second: The Council of Representatives may conduct transfers between the sections and chapters of the general budget and reduce the total of its sums, and it may suggest to the Council of Ministers that they increase the total expenses, when necessary.

Article 63:

First: A law shall regulate the rights and privileges of the speaker of the Council of Representatives, his two deputies, and the members of the Council of Representatives.

Second:

- A. A member of the Council of Representatives shall enjoy immunity for statements made while the Council is in session, and the member may not be prosecuted before the courts for such.
- B. A Council of Representatives member may not be placed under arrest during the legislative term of the Council of Representatives, unless the member is accused of a felony and the Council of Representatives members consent by an absolute majority to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.
- C. A Council of Representatives member may not be arrested after the legislative term of the Council of Representatives, unless the member is accused of a felony and with the consent of the speaker of the Council of

Representatives to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.

Article 64:

First: The Council of Representatives may be dissolved by an absolute majority of the number of its members, or upon the request of one-third of its members by the Prime Minister with the consent of the President of the Republic. The Council shall not be dissolved during the period in which the Prime Minister is being questioned.

Second: Upon the dissolution of the Council of Representatives, the President of the Republic shall call for general elections in the country within a period not to exceed sixty days from the date of its dissolution. The Council of Ministers in this case is deemed resigned and continues to run everyday business.

**Second: The Federation Council**

Article 65:

A legislative council shall be established named the “Federation Council,” to include representatives from the regions and the governorates that are not organized in a region. A law, enacted by a two-thirds majority of the members of the Council of Representatives, shall regulate the formation of the Federation Council, its membership conditions, its competencies, and all that is connected with it.

**Chapter Two**

**[The Executive Power]**

Article 66:

The federal executive power shall consist of the President of the Republic and the Council of Ministers and shall exercise its powers in accordance with the Constitution and the law.

**First: The President of the Republic**

Article 67:

The President of the Republic is the Head of the State and a symbol of the unity of the country and represents the sovereignty of the country. He shall guarantee the commitment to the Constitution and the preservation of Iraq’s independence, sovereignty,

unity, and the safety of its territories, in accordance with the provisions of the Constitution.

Article 68:

A nominee to the Presidency of the Republic must be:

First: An Iraqi by birth, born to Iraqi parents.

Second: Fully qualified and must be over forty years of age.

Third: Of good reputation and political experience, known for his integrity, uprightness, fairness, and loyalty to the homeland.

Fourth: Free of any conviction of a crime involving moral turpitude.

Article 69:

First: The provisions for nomination to the office of the President of the Republic shall be regulated by law.

Second: The provisions for nomination to the office of one or more Vice Presidents of the Republic shall be regulated by law.

Article 70:

First: The Council of Representatives shall elect a President of the Republic from among the candidates by a two-thirds majority of the number of its members.

Second: If none of the candidates receive the required majority vote then the two candidates who received the highest number of votes shall compete and the one who receives the majority of votes in the second election shall be declared President.

Article 71:

The President shall take the constitutional oath before the Council of Representatives according to the language stipulated in Article 50 of the Constitution.

Article 72:

First: The President of the Republic's term in office shall be limited to four years. He may be re-elected for a second time only.

Second:

A- The President of the Republic's term in office shall end with the end of the term of the Council of Representatives.

B- The President of the Republic shall continue to exercise his duties until after the end of the election and the meeting of the new Council of Representatives, provided that a new President of the Republic is elected within thirty days from the date of its first convening.

C- In case the position of the President of the Republic becomes vacant for any reason, a new President shall be elected to complete the remaining period of the President's term.

Article 73:

The President of the Republic shall assume the following powers:

First: To issue a special pardon on the recommendation of the Prime Minister, except for anything concerning a private claim and for those who have been convicted of committing international crimes, terrorism, or financial and administrative corruption.

Second: To ratify international treaties and agreements after the approval by the Council of Representatives. Such international treaties and agreements are considered ratified after fifteen days from the date of receipt by the President.

Third: To ratify and issue the laws enacted by the Council of Representatives. Such laws are considered ratified after fifteen days from the date of receipt by the President.

Fourth: To call the elected Council of Representatives to convene during a period not to exceed fifteen days from the date of approval of the election results and in the other cases stipulated in the Constitution.

Fifth: To award medals and decorations on the recommendation of the Prime Minister in accordance with the law.

Sixth: To accredit ambassadors.

Seventh: To issue Presidential decrees.

Eighth: To ratify death sentences issued by the competent courts.

Ninth: To perform the duty of the High Command of the armed forces for ceremonial and honorary purposes.

Tenth: To exercise any other presidential powers stipulated in this Constitution.

Article 74:

A law shall fix the salary and the allowances of the President of the Republic.

Article 75:

First: The President of the Republic shall have the right to submit his resignation in writing to the Speaker of the Council of Representatives, and it shall be considered effective after seven days from the date of its submission to the Council of Representatives.

Second: The Vice President shall replace the President in case of his absence.

Third: The Vice President shall replace the President of the Republic in the event that the post of the President becomes vacant for any reason whatsoever. The Council of Representatives must elect a new President within a period not to exceed thirty days from the date of the vacancy.

Fourth: In case the post of the President of the Republic becomes vacant, the Speaker of the Council of Representatives shall replace the President of the Republic in case he does not have a Vice President, on the condition that a new President is elected during a period not to exceed thirty days from the date of the vacancy and in accordance with the provisions of this Constitution.

**Second: Council of Ministers**

Article 76:

First: The President of the Republic shall charge the nominee of the largest Council of Representatives bloc with the formation of the Council of Ministers within fifteen days from the date of the election of the President of the Republic.

Second: The Prime Minister-designate shall undertake the naming of the members of his Council of Ministers within a period not to exceed thirty days from the date of his designation.

Third: If the Prime Minister-designate fails to form the Council of Ministers during the period specified in clause "Second," the President of the Republic shall charge a new nominee for the post of Prime Minister within fifteen days.

Fourth: The Prime Minister-designate shall present the names of his members of the Council of Ministers and the ministerial program to the Council of Representatives. He is deemed to have gained its confidence upon the approval, by an absolute majority of the Council of Representatives, of the individual Ministers and the ministerial program.

Fifth: The President of the Republic shall charge another nominee to form the Council of Ministers within fifteen days in case the Council of Ministers did not win the vote of confidence.

Article 77:

First: The conditions for assuming the post of the Prime Minister shall be the same as those for the President of the Republic, provided that he has a college degree or its equivalent and is over thirty-five years of age.

Second: The conditions for assuming the post of Minister shall be the same as those for members of the Council of Representatives, provided that he holds a college degree or its equivalent.

Article 78:

The Prime Minister is the direct executive authority responsible for the general policy of the State and the commander-in-chief of the armed forces. He directs the Council of Ministers, presides over its meetings, and has the right to dismiss the Ministers, with the consent of the Council of Representatives.

Article 79:

The Prime Minister and members of the Council of Ministers shall take the constitutional oath before the Council of Representatives according to the language stipulated in Article 50 of the Constitution.

Article 80:

The Council of Ministers shall exercise the following powers:

First: To plan and execute the general policy and general plans of the State and oversee the work of the ministries and departments not associated with a ministry.

Second: To propose bills.

Third: To issue rules, instructions, and decisions for the purpose of implementing the law.

Fourth: To prepare the draft of the general budget, the closing account, and the development plans.

Fifth: To recommend to the Council of Representatives that it approve the appointment of undersecretaries, ambassadors, state senior officials, the Chief of Staff of the Armed Forces and his deputies, division commanders or higher, the Director of the National Intelligence Service, and heads of security institutions.

Sixth: To negotiate and sign international agreements and treaties, or designate any person to do so.

Article 81:

First: The President of the Republic shall take up the office of the Prime Minister in the event the post becomes vacant for any reason whatsoever.

Second: If the event mentioned in “First” of this Article occurs, the President shall charge another nominee to form the Council of Ministers within a period not to exceed fifteen days in accordance with the provisions of Article 76 of this Constitution.

Article 82:

A law shall regulate the salaries and allowances of the Prime Minister and Ministers, and anyone of their grade.

Article 83:

The responsibility of the Prime Minister and the Ministers before the Council of Representatives is of a joint and personal nature.

Article 84:

First: A law shall regulate the work and define the duties and authorities of the security institutions and the National Intelligence Service, which shall operate in accordance with the principles of human rights and shall be subject to the oversight of the Council of Representatives.

Second: The National Intelligence Service shall be attached to the Council of Ministers.

Article 85:

The Council of Ministers shall establish internal bylaws to organize the work therein.

Article 86:

A law shall regulate the formation of ministries, their functions, and their specializations, and the authorities of the minister.

**Chapter Three**  
**[The Judicial Power]**

Article 87:

The judicial power is independent. The courts, in their various types and levels, shall assume this power and issue decisions in accordance with the law.

Article 88:

Judges are independent, and there is no authority over them except that of the law. No power shall have the right to interfere in the judiciary and the affairs of justice.

Article 89:

The federal judicial power is comprised of the Higher Juridical Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission, and other federal courts that are regulated in accordance with the law.

**First: Higher Juridical Council**

Article 90:

The Higher Juridical Council shall oversee the affairs of the judicial committees. The law shall specify the method of its establishment, its authorities, and the rules of its operation.

Article 91:

The Higher Juridical Council shall exercise the following authorities:

First: To manage the affairs of the judiciary and supervise the federal judiciary.

Second: To nominate the Chief Justice and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the Chief Justice of the Judiciary Oversight Commission, and to present those nominations to the Council of Representatives to approve their appointment.

Third: To propose the draft of the annual budget of the federal judicial authority, and to present it to the Council of Representatives for approval.

**Second: Federal Supreme Court**

Article 92:

First: The Federal Supreme Court is an independent judicial body, financially and administratively.

Second: The Federal Supreme Court shall be made up of a number of judges, experts in Islamic jurisprudence, and legal scholars, whose number, the method of their selection, and the work of the Court shall be determined by a law enacted by a two-thirds majority of the members of the Council of Representatives.

Article 93:

The Federal Supreme Court shall have jurisdiction over the following:

First: Overseeing the constitutionality of laws and regulations in effect.

Second: Interpreting the provisions of the Constitution.

Third: Settling matters that arise from the application of the federal laws, decisions, regulations, instructions, and procedures issued by the federal authority. The law shall guarantee the right of direct appeal to the Court to the Council of Ministers, those concerned individuals, and others.

Fourth: Settling disputes that arise between the federal government and the governments of the regions and governorates, municipalities, and local administrations.

Fifth: Settling disputes that arise between the governments of the regions and governments of the governorates.

Sixth: Settling accusations directed against the President, the Prime Minister and the Ministers, and this shall be regulated by law.

Seventh: Ratifying the final results of the general elections for membership in the Council of Representatives.

Eight:

- A. Settling competency disputes between the federal judiciary and the judicial institutions of the regions and governorates that are not organized in a region.
- B. Settling competency disputes between judicial institutions of the regions or governorates that are not organized in a region.

Article 94:

Decisions of the Federal Supreme Court are final and binding for all authorities.

**Third: General Provisions**

Article 95:

The establishment of special or extraordinary courts is prohibited.

Article 96:

The law shall regulate the establishment of courts, their types, levels, and jurisdiction, and the method of appointing and the terms of service of judges and public prosecutors, their discipline, and their retirement.

Article 97:

Judges may not be removed except in cases specified by law. Such law will determine the particular provisions related to them and shall regulate their disciplinary measures.

Article 98:

A judge or public prosecutor is prohibited from the following:

First: Combining a judicial position with legislative and executive positions and any other employment.

Second: Joining any party or political organization or performing any political activity.

Article 99:

A law shall regulate the military judiciary and shall specify the jurisdiction of military courts, which are limited to crimes of a military nature committed by members of the armed forces and security forces, and within the limits established by law.

Article 100:

It is prohibited to stipulate in the law the immunity from appeal for any administrative action or decision.

Article 101:

A State Council may be established, specialized in functions of the administrative judiciary, issuing opinions, drafting, and representing the State and various public commissions before the courts except those exempted by law.

**Chapter Four**  
**[Independent Commissions]**

Article 102:

The High Commission for Human Rights, the Independent Electoral Commission, and the Commission on Public Integrity are considered independent commissions subject to monitoring by the Council of Representatives, and their functions shall be regulated by law.

Article 103:

First: The Central Bank of Iraq, the Board of Supreme Audit, the Communication and Media Commission, and the Endowment Commissions are financially and administratively independent institutions, and the work of each of these institutions shall be regulated by law.

Second: The Central Bank of Iraq is responsible before the Council of Representatives. The Board of Supreme Audit and the Communication and Media Commission shall be attached to the Council of Representatives.

Third: The Endowment Commissions shall be attached to the Council of Ministers.

Article 104:

A commission named The Martyrs' Foundation shall be established and attached to the Council of Ministers, and its functions and competencies shall be regulated by law.

Article 105:

A public commission shall be established to guarantee the rights of the regions and governorates that are not organized in a region to ensure their fair participation in managing the various state federal institutions, missions, fellowships, delegations, and regional and international conferences. The commission shall be comprised of representatives of the federal government and representatives of the regions and governorates that are not organized in a region, and shall be regulated by a law.

Article 106:

A public commission shall be established by a law to audit and appropriate federal revenues. The commission shall be comprised of experts from the federal government, the regions, the governorates, and its representatives, and shall assume the following responsibilities:

First: To verify the fair distribution of grants, aid, and international loans pursuant to the entitlement of the regions and governorates that are not organized in a region.

Second: To verify the ideal use and division of the federal financial resources.

Third: To guarantee transparency and justice in appropriating funds to the governments of the regions and governorates that are not organized in a region in accordance with the established percentages.

Article 107:

A council named the Federal Public Service Council shall be established and shall regulate the affairs of the federal public service, including appointments and promotions, and its formation and competencies shall be regulated by law.

Article 108:

Other independent commissions may be established by law, according to need and necessity.

## **Section Four**

### **Powers of the Federal Government**

#### **Article 109:**

The federal authorities shall preserve the unity, integrity, independence, and sovereignty of Iraq and its federal democratic system.

#### **Article 110:**

The federal government shall have exclusive authorities in the following matters:

**First:** Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; negotiating, signing, and ratifying debt policies and formulating foreign sovereign economic and trade policy.

**Second:** Formulating and executing national security policy, including establishing and managing armed forces to secure the protection and guarantee the security of Iraq's borders and to defend Iraq.

**Third:** Formulating fiscal and customs policy; issuing currency; regulating commercial policy across regional and governorate boundaries in Iraq; drawing up the national budget of the State; formulating monetary policy; and establishing and administering a central bank.

**Fourth:** Regulating standards, weights, and measures.

**Fifth:** Regulating issues of citizenship, naturalization, residency, and the right to apply for political asylum.

**Sixth:** Regulating the policies of broadcast frequencies and mail.

**Seventh:** Drawing up the general and investment budget bill.

**Eighth:** Planning policies relating to water sources from outside Iraq and guaranteeing the rate of water flow to Iraq and its just distribution inside Iraq in accordance with international laws and conventions.

**Ninth:** General population statistics and census.

#### **Article 111:**

Oil and gas are owned by all the people of Iraq in all the regions and governorates.

Article 112:

First: The federal government, with the producing governorates and regional governments, shall undertake the management of oil and gas extracted from present fields, provided that it distributes its revenues in a fair manner in proportion to the population distribution in all parts of the country, specifying an allotment for a specified period for the damaged regions which were unjustly deprived of them by the former regime, and the regions that were damaged afterwards in a way that ensures balanced development in different areas of the country, and this shall be regulated by a law.

Second: The federal government, with the producing regional and governorate governments, shall together formulate the necessary strategic policies to develop the oil and gas wealth in a way that achieves the highest benefit to the Iraqi people using the most advanced techniques of the market principles and encouraging investment.

Article 113:

Antiquities, archeological sites, cultural buildings, manuscripts, and coins shall be considered national treasures under the jurisdiction of the federal authorities, and shall be managed in cooperation with the regions and governorates, and this shall be regulated by law.

Article 114:

The following competencies shall be shared between the federal authorities and regional authorities:

First: To manage customs, in coordination with the governments of the regions and governorates that are not organized in a region, and this shall be regulated by a law.

Second: To regulate the main sources of electric energy and its distribution.

Third: To formulate environmental policy to ensure the protection of the environment from pollution and to preserve its cleanliness, in cooperation with the regions and governorates that are not organized in a region.

Fourth: To formulate development and general planning policies.

Fifth: To formulate public health policy, in cooperation with the regions and governorates that are not organized in a region.

Sixth: To formulate the public educational and instructional policy, in consultation with the regions and governorates that are not organized in a region.

Seventh: To formulate and regulate the internal water resources policy in a way that guarantees their just distribution, and this shall be regulated by a law.

Article 115:

All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region. With regard to other powers shared between the federal government and the regional government, priority shall be given to the law of the regions and governorates not organized in a region in case of dispute.

## **Section Five**

### **Powers of the Regions**

#### **Chapter One** **[Regions]**

##### **Article 116:**

The federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, as well as local administrations.

##### **Article 117:**

**First:** This Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region.

**Second:** This Constitution shall affirm new regions established in accordance with its provisions.

##### **Article 118:**

The Council of Representatives shall enact, in a period not to exceed six months from the date of its first session, a law that defines the executive procedures to form regions, by a simple majority of the members present.

##### **Article 119:**

One or more governorates shall have the right to organize into a region based on a request to be voted on in a referendum submitted in one of the following two methods:

**First:** A request by one-third of the council members of each governorate intending to form a region.

**Second:** A request by one-tenth of the voters in each of the governorates intending to form a region.

##### **Article 120:**

Each region shall adopt a constitution of its own that defines the structure of powers of the region, its authorities, and the mechanisms for exercising such authorities, provided that it does not contradict this Constitution.

##### **Article 121:**

First: The regional powers shall have the right to exercise executive, legislative, and judicial powers in accordance with this Constitution, except for those authorities stipulated in the exclusive authorities of the federal government.

Second: In case of a contradiction between regional and national legislation in respect to a matter outside the exclusive authorities of the federal government, the regional power shall have the right to amend the application of the national legislation within that region.

Third: Regions and governorates shall be allocated an equitable share of the national revenues sufficient to discharge their responsibilities and duties, but having regard to their resources, needs, and the percentage of their population.

Fourth: Offices for the regions and governorates shall be established in embassies and diplomatic missions, in order to follow cultural, social, and developmental affairs.

Fifth: The regional government shall be responsible for all the administrative requirements of the region, particularly the establishment and organization of the internal security forces for the region such as police, security forces, and guards of the region.

## **Chapter Two**

### **[Governorates that are not incorporated in a region]**

#### Article 122:

First: The governorates shall be made up of a number of districts, sub-districts, and villages.

Second: Governorates that are not incorporated in a region shall be granted broad administrative and financial authorities to enable them to manage their affairs in accordance with the principle of decentralized administration, and this shall be regulated by law.

Third: The governor, who is elected by the Governorate Council, is deemed the highest executive official in the governorate to practice his powers authorized by the Council.

Fourth: A law shall regulate the election of the Governorate Council, the governor, and their powers.

Fifth: The Governorate Council shall not be subject to the control or supervision of any ministry or any institution not linked to a ministry. The Governorate Council shall have independent finances.

Article 123:

Powers exercised by the federal government can be delegated to the governorates or vice versa, with the consent of both governments, and this shall be regulated by law.

**Chapter Three**  
**[The Capital]**

Article 124:

First: Baghdad in its municipal borders is the capital of the Republic of Iraq and shall constitute, in its administrative borders, the governorate of Baghdad.

Second: This shall be regulated by a law.

Third: The capital may not merge with a region.

**Chapter Four**  
**[The Local Administrations]**

Article 125:

This Constitution shall guarantee the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.

## **Section Six**

### **Final and Transitional Provisions**

#### **Chapter One** **[Final Provisions]**

##### **Article 126:**

**First:** The President of the Republic and the Council of the Ministers collectively, or one-fifth of the Council of Representatives members, may propose to amend the Constitution.

**Second:** The fundamental principles mentioned in Section One and the rights and liberties mentioned in Section Two of the Constitution may not be amended except after two successive electoral terms, with the approval of two-thirds of the members of the Council of Representatives, the approval of the people in a general referendum, and the ratification by the President of the Republic within seven days.

**Third:** Other articles not stipulated in clause “Second” of this Article may not be amended, except with the approval of two-thirds of the members of the Council of Representatives, the approval of the people in a general referendum, and the ratification by the President of the Republic within seven days.

**Fourth:** Articles of the Constitution may not be amended if such amendment takes away from the powers of the regions that are not within the exclusive powers of the federal authorities, except by the approval of the legislative authority of the concerned region and the approval of the majority of its citizens in a general referendum.

##### **Fifth:**

A- An amendment is considered ratified by the President of the Republic after the expiration of the period stipulated in clauses “Second” and “Third” of this Article, in case he does not ratify it.

B- An amendment shall enter into force on the date of its publication in the Official Gazette.

##### **Article 127:**

The President of the Republic, the Prime Minister, members of the Council of Ministers, the Speaker of the Council of Representatives, his two Deputies, members of the Council of Representatives, members of the Judicial Authority, and people of special grades may not use their influence to buy or rent any state properties, to rent or sell any of their assets

to the state, to sue the state for these assets, or to conclude a contract with the state under the pretense of being building contractors, suppliers, or concessionaires.

Article 128:

The laws and judicial judgments shall be issued in the name of the people.

Article 129:

Laws shall be published in the Official Gazette and shall take effect on the date of their publication, unless stipulated otherwise.

Article 130:

Existing laws shall remain in force, unless annulled or amended in accordance with the provisions of this Constitution.

Article 131:

Every referendum mentioned in this Constitution is deemed successful with the approval of the majority of the voters unless otherwise stipulated.

**Chapter Two**  
**[Transitional Provisions]**

Article 132:

First: The State shall guarantee care for the families of the martyrs, political prisoners, and victims of the oppressive practices of the defunct dictatorial regime.

Second: The State shall guarantee compensation to the families of the martyrs and the injured as a result of terrorist acts.

Third: A law shall regulate matters mentioned in clauses “First” and “Second” of this Article.

Article 133:

The Council of Representatives shall adopt in its first session the bylaws of the Transitional National Assembly until it adopts its own bylaws.

Article 134:

The Iraqi High Tribunal shall continue its duties as an independent judicial body, in examining the crimes of the defunct dictatorial regime and its symbols. The Council of Representatives shall have the right to dissolve it by law after the completion of its work.

Article 135:

First: The High Commission for De-Ba'athification shall continue its functions as an independent commission, in coordination with the judicial authority and the executive institutions within the framework of the laws regulating its functions. The Commission shall be attached to the Council of Representatives.

Second: The Council of Representatives shall have the right to dissolve this Commission by an absolute majority after the completion of its function.

Third: A nominee to the positions of the President of the Republic, the Prime Minister, the members of the Council of Ministers, the Speaker, the members of the Council of Representatives, the President, members of the Federation Council, their counterparts in the regions, or members of the judicial commissions and other positions covered by de-Ba'athification statutes pursuant to the law may not be subject to the provisions of de-Ba'athification.

Fourth: The conditions stated in clause "Third" of this Article shall remain in force unless the Commission stated in item "First" of this Article is dissolved.

Fifth: Mere membership in the dissolved Ba'ath party shall not be considered a sufficient basis for referral to court, and a member shall enjoy equality before the law and protection unless covered by the provisions of De-Ba'athification and the directives issued according to it.

Sixth: The Council of Representatives shall form a parliamentary committee from among its members to monitor and review the executive procedures of the Higher Commission for De-Ba'athification and state institutions to guarantee justice, objectivity, and transparency and to examine their consistency with the laws. The committee's decisions shall be subject to the approval of the Council of Representatives.

Article 136:

First: The Property Claims Commission shall continue its functions as an independent commission in coordination with the judicial authority and the executive institutions in accordance with the law. The Property Claims Commission shall be attached to the Council of Representatives.

Second: The Council of Representatives shall have the right to dissolve the Commission by a two-thirds majority vote of its members.

Article 137:

Application of the provisions of the articles related to the Federation Council, wherever it may be cited in this Constitution, shall be postponed until the Council of Representatives issues a decision by a two-thirds majority vote in its second electoral term that is held after this Constitution comes into force.

Article 138:

First: The expression “the Presidency Council” shall replace the expression “the President of the Republic” wherever the latter is mentioned in this Constitution. The provisions related to the President of the Republic shall be reactivated one successive term after this Constitution comes into force.

Second:

- A. The Council of Representatives shall elect the President of the State and two Vice Presidents who shall form a Council called the “Presidency Council,” which shall be elected by one list and with a two-thirds majority.
- B. The provisions to remove the President of the Republic present in this Constitution shall apply to the President and members of the Presidency Council.
- C. The Council of Representatives may remove a member of the Presidency Council with a three-fourths majority of the number of its members for reasons of incompetence and dishonesty.
- D. In the event of a vacant seat in the Presidency Council, the Council of Representatives shall elect a replacement by a two-thirds majority vote of its members.

Third: Members of the Presidency Council shall be subject to the same conditions as a member of the Council of Representatives and must:

- A. Be over forty years of age.
- B. Enjoy good reputation, integrity and uprightness.
- C. Have quit the dissolved (Ba’ath) Party ten years prior to its fall, in case he was a member of it.
- D. Have not participated in suppressing the 1991 and Al-Anfal uprisings. He must not have committed a crime against the Iraqi people.

Fourth: The Presidency Council shall issue its decisions unanimously and any member may delegate to one of the two other members to take his place.

Fifth:

- A- Legislation and decisions enacted by the Council of Representatives shall be forwarded to the Presidency Council for their unanimous approval and for its issuance within ten days from the date of delivery to the Presidency Council, except the stipulations of Articles 118 and 119 that pertain to the formation of regions.
  
- B- In the event the Presidency Council does not approve, legislation and decisions shall be sent back to the Council of Representatives to reexamine the disputed issues and to vote on them by the majority of its members and then shall be sent for the second time to the Presidency Council for approval.
  
- C- In the event the Presidency Council does not approve the legislation and decisions for the second time within ten days of receipt, the legislation and decisions are sent back to the Council of Representatives, which has the right to adopt it by three-fifths majority of its members, which may not be challenged, and the legislation or decision shall be considered ratified.

Sixth: The Presidency Council shall exercise the powers of the President of the Republic stipulated in this Constitution.

Article 139:

The Prime Minister shall have two deputies in the first electoral term.

Article 140:

First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.

Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007.

Article 141:

Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution.

Article 142:

First: The Council of Representatives shall form at the beginning of its work a committee from its members representing the principal components of the Iraqi society with the mission of presenting to the Council of Representatives, within a period not to exceed four months, a report that contains recommendations of the necessary amendments that could be made to the Constitution, and the committee shall be dissolved after a decision is made regarding its proposals.

Second: The proposed amendments shall be presented to the Council of Representatives all at once for a vote upon them, and shall be deemed approved with the agreement of the absolute majority of the members of the Council.

Third: The articles amended by the Council of Representatives pursuant to item “Second” of this Article shall be presented to the people for voting on them in a referendum within a period not exceeding two months from the date of their approval by the Council of Representatives.

Fourth: The referendum on the amended Articles shall be successful if approved by the majority of the voters, and if not rejected by two-thirds of the voters in three or more governorates.

Fifth: Article 126 of the Constitution (concerning amending the Constitution) shall be suspended, and shall return into force after the amendments stipulated in this Article have been decided upon.

Article 143:

The Transitional Administrative Law and its Annex shall be annulled on the seating of the new government, except for the stipulations of Article 53(A) and Article 58 of the Transitional Administrative Law.

Article 144:

This Constitution shall come into force after the approval of the people thereon in a general referendum, its publication in the Official Gazette, and the seating of the government that is formed pursuant to this Constitution.

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## **National Reconciliation Plan In The Name of God The National Reconciliation and Dialogue project**

In order to confirm the coherence between the Iraqi people, establishing the basis of national unity among their different components, to treat the remains of terrorism and administrative corruption, spreading the spirit of the loyal nationality to Iraq in order to build wide national front to confront challenges and to regain the pioneer position of Iraq regionally and internationally ...for all that we release the initiative of national reconciliation and dialogue that depends on two basic elements:

- 1- The reliable procedure.
- 2- Principles and required policies.

### **First: procedures**

- A- Forming national head committee (the head National Committee of National Reconciliation and Dialogue project) contains representatives from the three authorities, the state minister of the national dialogue and representatives from the parliamentary slates.
- B- Forming sub-committees in the governorates by the head national committee, it takes over the tasks of the committee to expand the reconciliation horizontally.
- C- Forming field committees to put horizontal cultural and media conceptions, follow up the process of reconciliation and evaluating it stages.
- D- Held conferences for the different slices of life such as:
  - 1- Conference to the religious leaders to support the reconciliation process and announcing (Fatwa) to convince people.
  - 2- Conference to the heads of tribes issues covenant of honor to confront the state fighting and fighting terrorism.
  - 3- Conference to the effective political parties pledge to support the government, protect the political process and confront the terrorist challenge and corruption.
  - 4- Calling all the NGOs to carry out activities, conferences, education campaigns to achieve the aims of reconciliation plan.

### **Second: the principles and policies required**

- 1- Adopting a political reasonable address by the political powers that take part in the political process, and by the government to bring back the alternating currents and to achieve media neutralism.
- 2- Adopting an honest national dialogue in dealing with all political visions and stances, which are opposite to those of the government in the political process.

- 3- Adopting the legal and constitutional legitimacy to solve the country's problems and to put an end to the assassination phenomenon.
- 4- The political powers, involved in the government should take a rejecting stance against the terrorists and Saddam's followers.  
This is a Government of Iraq Document. It is included without prejudice to mutual commitments to be agreed in the framework of the compact
- 5- Issuing an amnesty to the prisoners who are not involved in crimes against humanity or terrorist acts and forming committees to set them free immediately.  
The insurgent who seeks to gain the amnesty opportunity has to denounce violence, support the national government and to obey the rule of law.
- 6- Preventing human rights violations, working on reforming the prisons and punishing

#### **Annex II– National Reconciliation Plan**

those responsible for torture crimes and allowing the international organizations to visit the prisons.

- 7- Dealing with the MNF to put mechanisms to prevent human rights violations and the civilians' abuses through military operations.
- 8- Finding solutions for the personnel of the dissolved departments, especially in relation to economic part and to take benefits of their expertise.
- 9- Reconsidering the Debaathification Board according to the Constitution, the judicial authorities and the Law to take a constitutional and vocational pattern.
- 10- Taking prompt procedures to improve the services, especially in the hot areas.
- 11- Activating the preparatory committees, emanated from the Cairo Conference for National Accord, in coordination with the UN and the Arab League and encouraging the Baghdad Peace Initiation.
- 12- The government should make a balanced Islamic-Arabic-Regional movement to make the other government be acquainted with what is going on in Iraq and gain their support to the National Accord Process, especially those enhancing terrorism or overlooking it.
- 13- Taking a serious and quick step towards establishing the armed forces which will take the responsibility of managing Iraq's security in preparation of withdrawal of the MNF.
- 14- Taking a serious and quick step towards establishing the armed forces in both Ministry of Defense and Ministry of Interior on professional and national bases for they will take the responsibility

of managing Iraq's security instead of the MNF before they withdraw.

- 15- Activating the decisions that support victims of the former regime through compensations and making available all potentials to improve their living standards all over Iraq.
- 16- Removing all obstacles facing the Iraqi citizens or organizations to take part in building Iraq according to the Constitution if they did not commit any crime.
- 17- Giving compensations for those who have been suffering from terrorist acts, military operations or violence.
- 18- Activating the role of judiciary to punish the criminals, making it the only reference in dealing with crimes, former regime's top officials, terrorists and gangs of kidnapping and killing.
- 19- Making the armed forces independent on the influence of the competing political powers, disbanding the militias and illegal armed groups and treat them according to politics, economy and security.
- 20- Gathering the visions and stances towards the anti-Iraq terrorist and expiatory groups.  
This is a Government of Iraq Document. It is included without prejudice to mutual commitments to be agreed in the framework of the compact.
- 21- Starting a wide-scaled construction campaign all over Iraq to treat the unemployment phenomenon.
- 22- The elections led to the forming Parliament, constitution and a government of national unity as the only legal representative of the Iraqi peoples' will in dealing with sovereignty and the existence of MNF.
- 23- Make the deportees get back home. The government and the security systems are responsible for their return and safety to prevent the terrorists from harming them in addition to compensating them for all the damages they have and adopt a firm security plan that ensures protecting people and prevents them from being subject to blackmail.
- 24- Search and arrest operations happen according to judiciary orders before the raid or arrest. These orders should follow certain information, not vexatious one and should be in Annex II– National Reconciliation Plan conformity with human rights. The military operations should also occur on the basis of official orders.

This is a Government of Iraq Document. It is included without prejudice to mutual commitments to be agreed in the framework of the compact.

## **The International Compact with Iraq Summary**

The International Compact with Iraq (ICI) is an initiative of the Government of Iraq for a new partnership with the International Community. Its main objective is to establish a framework for Iraq to realize its National Vision.

The Compact aims to create a mutually reinforcing dynamic of national consensus and international support. Domestically the aim is to build a national Compact around the government's political and economic program and to restore the Iraqi people's trust in the state and its ability to protect them and meet their basic needs. Internationally, the Compact establishes a framework of mutual commitments that will support Iraq and strengthen its resolve to address critical reforms and policies.

It is recognized that the resolution of security and political challenges, good governance and the provision of basic services are pre-requisites for progress in all other areas, including economic revival. The Compact is premised on the belief of a symbiotic relation between peace-building and economic prosperity. Together national reconciliation, improved security, better governance, and continued economic and social reforms will help unlock Iraq's own development potential. Iraq's international partners will provide financial, technical and political support to help meet these challenges on the basis of mutual commitments.

The Compact aims to reintegrate Iraq with its region and with the International Community at large on the basis of mutual respect and the pursuit of common interests. It is a statement of solidarity with the Government and people of Iraq and recognition of the achievements of the past three years, especially the fulfillment of the political timetable of UNSCR 1546 and a commitment by the Government and its international partners to work together to complete the process of transition and reconstruction.

The Compact reaffirms the commitment of the Government of Iraq to fight corruption. It reflects the Government's responsibility to its citizens to establish transparent institutions and practices through which public servants will be held accountable for their actions. Its essential spirit promotes a unified Iraq, the fruits of which must be shared honestly and justly amongst the country's entire population, regardless of status.

Achieving prosperity is a key part of the Vision. Experience elsewhere has shown that sustainable growth in employment and living standards

has to be driven by a strong, diversified private sector. The Government has a key role to play in various ways – ensuring good management of Iraq's oil revenues, creating the legal and regulatory framework, managing the macro economy, protecting the vulnerable, providing security – but the real source of sustainable prosperity has to be the private sector.

Transformation of the economy will require broad public support and buy in. The Government is committed to building consensus around its program of action, and ensuring that the benefits of reform are well communicated to the Iraqi people.

The Compact outlines the program for achieving the Vision of the Government of Iraq in the political, security and socio-economic areas. On the economic front, it sets out the broad shape and major policy initiatives. The policy framework focuses on key areas identified in the National Development Strategy: public resource management, economic reforms, social sector reforms, and investment, energy and agriculture. The Compact includes broad reform and investment programs to arrive at measurable mutual commitments that the Government of Iraq and the International Community will implement together.

The Compact establishes a schedule for international partner's actions including tangible financial commitments calibrated to the Government's reform efforts and based on an internationally recognized framework by which Iraqi needs will be identified and quantified.

The Compact provides for transparent, inclusive and robust mechanism for coordination and planning with both domestic and international stakeholders.

# The team of preparing Iraqi Security Strategy

2007 - 2010



Composition of the teams participating in development of the National Security Strategy:

1. National Security Council Staff
  - a. National Security Advisor – Dr. Mowaffak Rubaie
  - b. Deputy National Security Advisor
  - c. Director General of the Joint Planning Center
  - d. The Military Advisor
  - e. Director General of Economic Policy
  - f. Director General of the Legal Department
  - g. Defense Policy Advisor
  - h. Internal Security Advisor
  - i. Director General of International Policy
  - j. Media Advisor
  - k. Deputy Director General of the Joint Planning Center
  - l. Secretary of the Ministerial Committee for National Security
  - m. Secretary of the Deputy Ministerial Committee for National Security
  - n. Secretariat of the Joint Planning Center
2. Ministry of Defense
  - a. Directorate of Military intelligence
  - b. Directorate of Planning
  - c. Directorate of Operations
  - d. Directorate General of Intelligence and Security
  - e. Directorate General of Defense Policy and Requirements
3. Ministry of Interior
  - a. Police Affairs Agency
  - b. Administrative Affairs Agency
  - c. National Investigation and Information Agency
4. Vice- President Tariq Al-Hashimy's Office
5. Ministry of State for National Security Affairs
  - Directorate General of Central Information
6. Iraqi National Intelligence Service
7. Ministry of Justice
  - Criminal Investigation Office
8. Ministry of Finance
  - Acting Director General of Free Trade Areas
9. Ministry of Foreign Affairs
  - a. Political Planning Office
  - b. Neighboring Countries Office
10. Ministry of Planning
  - Director General of Measurement and Quality Control
11. Public Integrity Commission

- Non-Governmental Organizations Office

12. Kurdistan Region representatives

13. Suggestions and recommendations were also received and considered from the three Presidencies (Republic of Iraq, Council of Representatives, and Council of Ministers), Ministries, non-governmental entities, and some university professors specialized in political science, law, and sociology.

