Country/entity	Iraq
Region	Middle East and North Africa
Agreement name	Law of Administration for the State of Iraq for the Transitional Period
Date	8 Mar 2004
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Iraq Wars and the Iraqi Insurgency (1989-1990) (2004 -)

In the aftermath of the Iraq-UN conflict following President Saddam Hussein's invasion of Kuwait in 1989, the UN enforced no-fly zones and set up a monitoring commission of the arms capacity of the Iraqi government. By the late 1990s, Iraqi officials had increased their resistance against the implementation of these programmes. In the aftermath of the 2001 terrorist attacks on New York, the U.S. accused the Iraqi government of having weapons of mass destruction. In 2003, a U.S.-led coalition overthrew the government of Saddam Hussein, but failed to maintain security in the country as ex-Bathist and Islamist groups launched a counter-campaign. Violence reached a peak in 2006 as the conflict took on sectarian traits leading to mass human rights violations by domestic Sunni and Shi'a groups, as well as occupying forces. Despite the failure to stabilize the country, the U.S.-led forces withdrew in December 2011. Since then Iraq has effectively been split into three territories based on ethno-religious identity including the Shi'a in the south, the Kurds in the north, and a Sunni band in the middle, which is currently occupied by the organisation known as the Islamic State (formerly of Iraq and the Levant).
Close
Iraq Wars and the Iraqi Insurgency (1989-1990) (2004 -
)

Stage	Framework/substantive - comprehensive
Conflict nature	Government
Peace process	Iraq peace process - second Iraq war
Parties	The Iraqi Governing Council

Third parties	The Iraqi Governing Council was established by the Coalition Provisional Authority
Description	The agreement signed by the Iraqi Governing Council, came into effect on June 28, 2004, after the Coalition Provisional Authority transferred power to the Iraqis. It was to function as Iraq's provisional constitution until it superceded by the permanent Iraqi Constitution in May 2006, which was approved in October 2005. The Law contains provisions for; rights; political structure including executive and legislature; the judiciary; the special tribunal and national commissions; provisions for the sub-regions, governorates and municipalities and the road map for the transitional period.

Agreement document	IQ_040308_Law of Administration for the State of Iraq for the Transitional Period.pdf (opens in new tab) | Download PDF

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	Groups→Elderly/age→Substantive Page 10-11, CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY, Article 31. ... (B) A nominee to the National Assembly must fulfill the following conditions: .... (1) He shall be an Iraqi no less than 30 years of age. Page 13, CHAPTER FIVE – THE TRANSITIONAL EXECUTIVE AUTHORITY, Article 36. ... (B) It is a prerequisite for a member of the Presidency Council to fulfill the same conditions as the members of the National Assembly, with the following observations: (1) He must be at least forty years of age.
Migrant workers	No specific mention.

Racial/ethnic/ national group

Groups→Racial/ethnic/national group→Rhetorical
Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 4.
...The federal system shall be based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession.
Groups→Racial/ethnic/national group→Anti-discrimination
Page 3, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 6.
The Iraqi Transitional Government shall take effective steps to end the vestiges of the oppressive acts of the previous regime arising from forced displacement, deprivation of citizenship, expropriation of financial assets and property, and dismissal from government employment for political, racial, or sectarian reasons.

Page 4, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 11.
... (D) Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship.

Page 4-5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 12.
All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, liberty, and the security of his person. No one may be deprived of his life or liberty, except in accordance with legal procedures. All are equal before the courts.

Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 20.
... (B) No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy.
Groups→Racial/ethnic/national group→Substantive
Page 18-19, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 53.
... (D) This Law shall guarantee the administrative, cultural, and political rights of the Turcomans, ChaldoAssyrians, and all other citizens.

Religious groups

Groups→Religious groups→Anti-discrimination
Page 3, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 6.
The Iraqi Transitional Government shall take effective steps to end the vestiges of the oppressive acts of the previous regime arising from forced displacement, deprivation of citizenship, expropriation of financial assets and property, and dismissal from government employment for political, racial, or sectarian reasons.

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Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 20.
... (B) No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy.
Groups→Religious groups→Substantive
Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 3.
(A) ... Likewise, no amendment may be made that could abridge in any way the rights of the Iraqi people cited in Chapter Two; extend the transitional period beyond the timeframe cited in this Law; delay the holding of elections to a new assembly; reduce the powers of the regions or governorates; or affect Islam, or any other religions or sects and their rites.

Page 4, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 11.
... (D) Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship.

Page 6, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
... (C) No one may be unlawfully arrested or detained, and no one may be detained by reason of political or religious beliefs.

Indigenous people

No specific mention.

Other groups

No specific mention.

Refugees/displaced persons

Groups→Refugees/displaced persons→Substantive

Page 3, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 6.
The Iraqi Transitional Government shall take effective steps to end the vestiges of the oppressive acts of the previous regime arising from forced displacement, deprivation of citizenship, expropriation of financial assets and property, and dismissal from government employment for political, racial, or sectarian reasons.

Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 19.
No political refugee who has been granted asylum pursuant to applicable law may be surrendered or returned forcibly to the country from which he fled.

Page 20-21, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 58.
(A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:
(1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.
(2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.
(3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.

Social class

Groups→Social class→Anti-discrimination
Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 4.
The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations. The federal system shall be based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession.

Page 4-5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 12.
All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, liberty, and the security of his person. No one may be deprived of his life or liberty, except in accordance with legal procedures. All are equal before the courts.

Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 20.
...(B) No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy.

Gender

Women, girls and gender

Page 1, CHAPTER ONE – FUNDAMENTAL PRINCIPLES
Article 1. (B) Gender-specific language shall apply equally to male and female.

Page 4-5, CHAPTER TWO – FUNDAMENTAL RIGHTS
Article 12., All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, liberty, and the security of his person. No one may be deprived of his life or liberty, except in accordance with legal procedures. All are equal before the courts.

Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS
Article 20., (A) Every Iraqi who fulfills the conditions stipulated in the electoral law has the right to stand for election and cast his ballot secretly in free, open, fair, competitive, and periodic elections.
(B) No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy.

Page 10, CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY
Article 30, (C) The National Assembly shall be elected in accordance with an electoral law and a political parties law. The electoral law shall aim to achieve the goal of having women constitute no less than one-quarter of the members of the National Assembly and of having fair representation for all communities in Iraq, including the Turcomans, ChaldoAssyrians, and others.

Men and boys

No specific mention.

LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)

Page 1, Preamble, ... These people, affirming today their respect for international law, especially having been amongst the founders of the United Nations, working to reclaim their legitimate place among nations, have endeavored at the same time to preserve the unity of their homeland in a spirit of fraternity and solidarity in order to draw the features of the future new Iraq, and to establish the mechanisms aiming, amongst other aims, to erase the effects of racist and sectarian policies and practices.

Page 3, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 7.
A) Islam is the official religion of the State and is to be considered a source of legislation. No law that contradicts the universally agreed tenets of Islam, the principles of democracy, or the rights cited in Chapter Two of this Law may be enacted during the transitional period. This Law respects the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice.
(B) Iraq is a country of many nationalities, and the Arab people in Iraq are an inseparable part of the Arab nation.

State configuration

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 2.
... (B) The transitional period shall consist of two phases.
(1) The first phase shall begin with the formation of a fully sovereign Iraqi Interim Government that takes power on 30 June 2004. This government shall be constituted in accordance with a process of extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations. This government shall exercise authority in accordance with this Law, including the fundamental principles and rights specified herein, and with an annex that shall be agreed upon and issued before the beginning of the transitional period and that shall be an integral part of this Law.

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 2.
... (B) The transitional period shall consist of two phases.
... (2) The second phase shall begin after the formation of the Iraqi Transitional Government, which will take place after elections for the National Assembly have been held as stipulated in this Law, provided that, if possible, these elections are not delayed beyond 31 December 2004, and, in any event, beyond 31 January 2005. This second phase shall end upon the formation of an Iraqi government pursuant to a permanent constitution.

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 4.
The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations. The federal system shall be based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession.

Self determination

No specific mention.

Referendum	Page 22, CHAPTER NINE – THE TRANSITIONAL PERIOD, Article 61. ... (C) The general referendum will be successful and the draft constitution ratified if a majority of the voters in Iraq approve and if two-thirds of the voters in three or more governorates do not reject it. (D) If the permanent constitution is approved in the referendum, elections for a permanent government shall be held no later than 15 December 2005 and the new government shall assume office no later than 31 December 2005. (E) If the referendum rejects the draft permanent constitution, the National Assembly shall be dissolved. Elections for a new National Assembly shall be held no later than 15 December 2005. The new National Assembly and new Iraqi Transitional Government shall then assume office no later than 31 December 2005, and shall continue to operate under this Law, except that the final deadlines for preparing a new draft may be changed to make it possible to draft a permanent constitution within a period not to exceed one year. The new National Assembly shall be entrusted with writing another draft permanent constitution.
State symbols	Page 3, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 8. The flag, anthem, and emblem of the State shall be fixed by law.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.
Border delimitation	Page 21, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 58. ... (B) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator. (C) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 8, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 24.
(A) The Iraqi Transitional Government, which is also referred to in this Law as the federal government, shall consist of the National Assembly; the Presidency Council; the Council of Ministers, including the Prime Minister; and the judicial authority.
(B) The three authorities, legislative, executive, and judicial, shall be separate and independent of one another.
(C) No official or employee of the Iraqi Transitional Government shall enjoy immunity for criminal acts committed while in office.

Page 8, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 25.
The Iraqi Transitional Government shall have exclusive competence in the following matters:
(A) Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; formulating foreign economic and trade policy and sovereign debt policies;
(B) Formulating and executing national security policy, including creating and maintaining armed forces to secure, protect, and guarantee the security of the country's borders and to defend Iraq;
(C) Formulating fiscal policy, issuing currency, regulating customs, 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;
(D) Regulating weights and measures and formulating a general policy on wages;

Page 10, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 28.
(A) Members of the National Assembly; the Presidency Council; the Council of Ministers, including the Prime Minister; and judges and justices of the courts may not be appointed to any other position in or out of government. Any member of the National Assembly who becomes a member of the Presidency Council or Council of Ministers shall be deemed to have resigned his membership in the National Assembly.
(B) In no event may a member of the armed forces be a member of the National Assembly, minister, Prime Minister, or member of the Presidency Council unless the individual has resigned his commission or rank, or retired from duty at least eighteen months prior to serving.

Page 10, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 29.
Upon the assumption of full authority by the Iraqi Interim Government in accordance with Article 2(B)(1), above, the Coalition Provisional Authority shall be dissolved and the work of the Governing Council shall come to an end.

Page 10, CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY, Article 30.
(A) During the transitional period, the State of Iraq shall have a legislative authority known as the National Assembly. Its principal mission shall be to legislate and exercise oversight over the work of the executive authority.
(B) Laws shall be issued in the name of the people of Iraq. Laws, regulations, and directives related to them shall be published in the official gazette and shall take effect as of the date of their publication, unless they stipulate otherwise.
(C) The National Assembly shall be elected in accordance with an electoral law and a political parties law. The electoral law shall aim to achieve the goal of having women constitute no less than one-quarter of the members of the National Assembly and of having fair representation for all communities in Iraq, including the Turcomans, Chaldo-Assyrians, and others.

Page 10, CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY, Article 31.

Elections

Page 1, Preamble, ... This Law is now established to govern the affairs of Iraq during the transitional period until a duly elected government, operating under a permanent and legitimate constitution achieving full democracy, shall come into being.

Page 1, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 2.
(A) The term "transitional period" shall refer to the period beginning on 30 June 2004 and lasting until the formation of an elected Iraqi government pursuant to a permanent constitution as set forth in this Law, which in any case shall be no later than 31 December 2005, unless the provisions of Article 61 are applied.

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 2.
... (B) The transitional period shall consist of two phases.
... (2) The second phase shall begin after the formation of the Iraqi Transitional Government, which will take place after elections for the National Assembly have been held as stipulated in this Law, provided that, if possible, these elections are not delayed beyond 31 December 2004, and, in any event, beyond 31 January 2005. This second phase shall end upon the formation of an Iraqi government pursuant to a permanent constitution.

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 3.
(A) ... Likewise, no amendment may be made that could abridge in any way the rights of the Iraqi people cited in Chapter Two; extend the transitional period beyond the timeframe cited in this Law; delay the holding of elections to a new assembly; reduce the powers of the regions or governorates; or affect Islam, or any other religions or sects and their rites.

Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 20.
(A) Every Iraqi who fulfills the conditions stipulated in the electoral law has the right to stand for election and cast his ballot secretly in free, open, fair, competitive, and periodic elections.
(B) No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy.

Page 9, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 27.
... (C) The Iraqi Armed Forces and its personnel, including military personnel working in the Ministry of Defense or any offices or organizations subordinate to it, may not stand for election to political office, campaign for candidates, or participate in other activities forbidden by Ministry of Defense regulations. This ban encompasses the activities of the personnel mentioned above acting in their personal or official capacities. Nothing in this Article shall infringe upon the right of these personnel to vote in elections.

Page 10, CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY, Article 30.
... (D) Elections for the National Assembly shall take place by 31 December 2004 if possible, and in any case no later than by 31 January 2005.

Page 19, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 55.
... (B) Each Governor and member of each Governorate Council who holds office as of 1 July 2004, in accordance with the law on local government that shall be issued, shall remain in place until such time as free, direct, and full elections, conducted pursuant to law, are held, or, unless, prior to that time, he voluntarily gives up his position, is removed upon his conviction for a crime involving moral turpitude or related to corruption, or upon being stricken with permanent incapacity, or is dismissed in accordance with the law cited above. When a governor, mayor, or member of a council is dismissed, the relevant council may receive applications from any eligible resident of the governorate to fill the position. Eligibility requirements shall be the same as those set

Electoral commission	No specific mention.
Political parties reform	Governance→Political parties reform→Other political parties reform Page 5: (C) The right of free peaceable assembly and the right to join associations freely, as well as the right to form and join unions and political parties freely, in accordance with the law, shall be guaranteed.
Civil society	Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 21. Neither the Iraqi Transitional Government nor the governments and administrations of the regions, governorates, and municipalities, nor local administrations may interfere with the right of the Iraqi people to develop the institutions of civil society, whether in cooperation with international civil society organizations or otherwise.
Traditional/ religious leaders	No specific mention.

Public administration	No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making
Summary: Agreement as a whole is an interim constitution.

Page 1, Preamble, ... This Law is now established to govern the affairs of Iraq during the transitional period until a duly elected government, operating under a permanent and legitimate constitution achieving full democracy, shall come into being.

Page 1, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 2.
(A) The term "transitional period" shall refer to the period beginning on 30 June 2004 and lasting until the formation of an elected Iraqi government pursuant to a permanent constitution as set forth in this Law, which in any case shall be no later than 31 December 2005, unless the provisions of Article 61 are applied.

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 3.
(A) This Law is the Supreme Law of the land and shall be binding in all parts of Iraq without exception. No amendment to this Law may be made except by a three-fourths majority of the members of the National Assembly and the unanimous approval of the Presidency Council. Likewise, no amendment may be made that could abridge in any way the rights of the Iraqi people cited in Chapter Two; extend the transitional period beyond the timeframe cited in this Law; delay the holding of elections to a new assembly; reduce the powers of the regions or governorates; or affect Islam, or any other religions or sects and their rites.

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 3.
...(C) This Law shall cease to have effect upon the formation of an elected government pursuant to a permanent constitution.

Page 22, CHAPTER NINE – THE TRANSITIONAL PERIOD, Article 60.
The National Assembly shall write a draft of the permanent constitution of Iraq. This Assembly shall carry out this responsibility in part by encouraging debate on the constitution through regular general public meetings in all parts of Iraq and through the media, and receiving proposals from the citizens of Iraq as it writes the constitution.

Article 61.
(A) The National Assembly shall write the draft of the permanent constitution by no later than 15 August 2005.
(B) The draft permanent constitution shall be presented to the Iraqi people for approval in a general referendum to be held no later than 15 October 2005. In the period leading up to the referendum, the draft constitution shall be published and widely distributed to encourage a public debate about it among the people.
(C) The general referendum will be successful and the draft constitution ratified if a majority of the voters in Iraq approve and if two-thirds of the voters in three or more governorates do not reject it.
(D) If the permanent constitution is approved in the referendum, elections for a permanent government shall be held no later than 15 December 2005 and the new government shall assume office no later than 31 December 2005.
(E) If the referendum rejects the draft permanent constitution, the National Assembly shall be dissolved. Elections for a new National Assembly shall be held no later than 15 December 2005. The new National Assembly and new Iraqi Transitional Government shall then assume office no later than 31 December 2005, and shall continue to operate under this Law, except that the final deadlines for preparing a new draft may be changed to make it possible to draft a permanent constitution within a period not to exceed one year. The new National Assembly shall be entrusted with writing another draft permanent constitution.

Power sharing

Political power sharing	No specific mention.

Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government
Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 3.
(A) ... Likewise, no amendment may be made that could ... reduce the powers of the regions or governorates...

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 4.
The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations. The federal system shall be based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession.

Page 15-16, CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY, Article 44.
(A) A court called the Federal Supreme Court shall be constituted by law in Iraq.
(B) The jurisdiction of the Federal Supreme Court shall be as follows:
(1) Original and exclusive jurisdiction in legal proceedings between the Iraqi Transitional Government and the regional governments, governorate and municipal administrations, and local administrations.
(2) Original and exclusive jurisdiction, on the basis of a complaint from a claimant or a referral from another court, to review claims that a law, regulation, or directive issued by the federal or regional governments, the governorate or municipal administrations, or local administrations is inconsistent with this Law.
(3) Ordinary appellate jurisdiction of the Federal Supreme Court shall be defined by federal law.
...
Page 15, CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY, Article 43.
... (D) Federal courts shall adjudicate matters that arise from the application of federal laws. The establishment of these courts shall be within the exclusive competence of the federal government. The establishment of these courts in the regions shall be in consultation with the presidents of the judicial councils in the regions, and priority in appointing or transferring judges to these courts shall be given to judges resident in the region.

Page 18-19, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 53.
(A) The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh. The term "Kurdistan Regional Government" shall refer to the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan region.

(B) The boundaries of the eighteen governorates shall remain without change during the transitional period.
(C) Any group of no more than three governorates outside the Kurdistan region, with the exception of Baghdad and Kirkuk, shall have the right to form regions from amongst themselves. The mechanisms for forming such regions may be proposed by the Iraqi Interim Government, and shall be presented and considered by the elected National Assembly for enactment into law. In addition to being approved by the National Assembly, any legislation proposing the formation of a particular region must be approved in a referendum of the people of the relevant governorates.
Power sharing→Territorial power sharing→Local/municipal government
Page 16-17, CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY, Article 46.
... (B) The decisions of regional and local courts, including the courts of the Kurdistan region, shall be final, but shall be subject to review by the federal judiciary if they conflict with this Law or any federal law. Procedures for such review shall be defined by law.

Economic power sharing	Power sharing→Economic power sharing→Sharing of resources Page 8-9, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 25. The Iraqi Transitional Government shall have exclusive competence in the following matters: . . . Page 8, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 25. The Iraqi Transitional Government shall have exclusive competence in the following matters: ... (C) Formulating fiscal policy, issuing currency, regulating customs, 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; ... (E) Managing the natural resources of Iraq, which belongs to all the people of all the regions and governorates of Iraq, in consultation with the governments of the regions and the administrations of the governorates, and distributing the revenues resulting from their sale through the national budget in an equitable manner proportional to the distribution of population throughout the country, and with due regard for areas that were unjustly deprived of these revenues by the previous regime, for dealing with their situations in a positive way, for their needs, and for the degree of development of the different areas of the country;
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general

Page 1, Preamble, The people of Iraq, striving to reclaim their freedom, which was usurped by the previous tyrannical regime, rejecting violence and coercion in all their forms, and particularly when used as instruments of governance, have determined that they shall hereafter remain a free people governed under the rule of law.

Page 1, Preamble, ... These people, affirming today their respect for international law, especially having been amongst the founders of the United Nations, working to reclaim their legitimate place among nations, have endeavored at the same time to preserve the unity of their homeland in a spirit of fraternity and solidarity in order to draw the features of the future new Iraq, and to establish the mechanisms aiming, amongst other aims, to erase the effects of racist and sectarian policies and practices.

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 3.
(A) ... Likewise, no amendment may be made that could abridge in any way the rights of the Iraqi people cited in Chapter Two; extend the transitional period beyond the timeframe cited in this Law; delay the holding of elections to a new assembly; reduce the powers of the regions or governorates; or affect Islam, or any other religions or sects and their rites.

Page 4, CHAPTER TWO – FUNDAMENTAL RIGHTS
Article 10.
As an expression of the free will and sovereignty of the Iraqi people, their representatives shall form the governmental structures of the State of Iraq. The Iraqi Transitional Government and the governments of the regions, governorates, municipalities, and local administrations shall respect the rights of the Iraqi people, including those rights cited in this Chapter.

Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 13.
(A) Public and private freedoms shall be protected.

Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 22.
If, in the course of his work, an official of any government office, whether in the federal government, the regional governments, the governorate and municipal administrations, or the local administrations, deprives an individual or a group of the rights guaranteed by this Law or any other Iraqi laws in force, this individual or group shall have the right to maintain a cause of action against that employee to seek compensation for the damages caused by such deprivation, to vindicate his rights, and to seek any other legal measure. If the court decides that the official had acted with a sufficient degree of good faith and in the belief that his actions were consistent with the law, then he is not required to pay compensation.

Page 8, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 23.
The enumeration of the foregoing rights must not be interpreted to mean that they are the only rights enjoyed by the Iraqi people. They enjoy all the rights that befit a free people possessed of their human dignity, including the rights stipulated in international treaties and agreements, other instruments of international law that Iraq has signed and to which it has acceded, and others that are deemed binding upon it, and in the law of nations. Non-Iraqis within Iraq shall enjoy all human rights not inconsistent with their status as non-citizens.

Bill of rights/similar No specific mention.

Treaty incorporation Page 17, CHAPTER SEVEN – THE SPECIAL TRIBUNAL AND NATIONAL COMMISSIONS, Article 50.
The Iraqi Transitional Government shall establish a National Commission for Human Rights for the purpose of executing the commitments relative to the rights set forth in this Law and to examine complaints pertaining to violations of human rights. The Commission shall be established in accordance with the Paris Principles issued by the United Nations on the responsibilities of national institutions. This Commission shall include an Office of the Ombudsman to inquire into complaints. This office shall have the power to investigate, on its own initiative or on the basis of a complaint submitted to it, any allegation that the conduct of the governmental authorities is arbitrary or contrary to law.

Civil and political rights

Human rights and equality→Civil and political rights→Life
Page 4-5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 12.
All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, liberty, and the security of his person. No one may be deprived of his life or liberty, except in accordance with legal procedures. All are equal before the courts.
Human rights and equality→Civil and political rights→Torture
Page 6, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
... (J) Torture in all its forms, physical or mental, shall be prohibited under all circumstances, as shall be cruel, inhuman, or degrading treatment. No confession made under compulsion, torture, or threat thereof shall be relied upon or admitted into evidence for any reason in any proceeding, whether criminal or otherwise.
Human rights and equality→Civil and political rights→Slavery
Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 13.
... (G) Slavery, the slave trade, forced labor, and involuntary servitude with or without pay, shall be forbidden.
Human rights and equality→Civil and political rights→Liberty and security of person
Page 4-5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 12.
All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, liberty, and the security of his person. No one may be deprived of his life or liberty, except in accordance with legal procedures. All are equal before the courts.

Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 14.
The individual has the right to security, education, health care, and social security. The Iraqi State and its governmental units, including the federal government, the regions, governorates, municipalities, and local administrations, within the limits of their resources and with due regard to other vital needs, shall strive to provide prosperity and employment opportunities to the people.
Human rights and equality→Civil and political rights→Freedom of movement
Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 13.
... (D) Each Iraqi has the right of free movement in all parts of Iraq and the right to travel abroad and return freely.
Human rights and equality→Civil and political rights→Freedom of association
Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 13.
... (C) The right of free peaceable assembly and the right to join associations freely, as well as the right to form and join unions and political parties freely, in accordance with the law, shall be guaranteed.
Human rights and equality→Civil and political rights→Fair trial
Page 6, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
... (D) All persons shall be guaranteed the right to a fair and public hearing by an independent and impartial tribunal, regardless of whether the proceeding is civil or criminal. Notice of the proceeding and its legal basis must be provided to the accused without delay.

Page 6, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
... (E) The accused is innocent until proven guilty pursuant to law, and he likewise has the right to engage independent and competent counsel, to remain silent in response to questions addressed to him with no compulsion to testify for any reason, to participate in preparing his defense, and to summon and examine witnesses or to ask the judge to do so. At the time a person is arrested, he must be notified of these rights.

Socio-economic rights

Human rights and equality→Socio-economic rights→Property
Page 5-6, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
... (B) Police, investigators, or other governmental authorities may not violate the sanctity of private residences, whether these authorities belong to the federal or regional governments, governorates, municipalities, or local administrations, unless a judge or investigating magistrate has issued a search warrant in accordance with applicable law on the basis of information provided by a sworn individual who knew that bearing false witness would render him liable to punishment. Extreme exigent circumstances, as determined by a court of competent jurisdiction, may justify a warrantless search, but such exigencies shall be narrowly construed. In the event that a warrantless search is carried out in the absence of an extreme exigent circumstance, the evidence so seized, and any other evidence found derivatively from such search, shall be inadmissible in connection with a criminal charge, unless the court determines that the person who carried out the warrantless search believed reasonably and in good faith that the search was in accordance with the law.

Page 6-7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 16.
(A) Public property is sacrosanct, and its protection is the duty of every citizen.
(B) The right to private property shall be protected, and no one may be prevented from disposing of his property except within the limits of law. No one shall be deprived of his property except by eminent domain, in circumstances and in the manner set forth in law, and on condition that he is paid just and timely compensation.
(C) Each Iraqi citizen shall have the full and unfettered right to own real property in all parts of Iraq without restriction.
Human rights and equality→Socio-economic rights→Health
Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 14.
The individual has the right to security, education, health care, and social security. The Iraqi State and its governmental units, including the federal government, the regions, governorates, municipalities, and local administrations, within the limits of their resources and with due regard to other vital needs, shall strive to provide prosperity and employment opportunities to the people.
Human rights and equality→Socio-economic rights→Education
Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 14.
The individual has the right to security, education, health care, and social security. The Iraqi State and its governmental units, including the federal government, the regions, governorates, municipalities, and local administrations, within the limits of their resources and with due regard to other vital needs, shall strive to provide prosperity and employment opportunities to the people.
Human rights and equality→Socio-economic rights→Social security
Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 14.
The individual has the right to security, education, health care, and social security. The Iraqi State and its governmental units, including the federal government, the regions, governorates, municipalities, and local administrations, within the limits of their resources and with due regard to other vital needs, shall strive to provide prosperity and employment opportunities to the people.
Human rights and equality→Socio-economic rights→Other
Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 13.
... (E) Each Iraqi has the right to demonstrate and strike peaceably in accordance with the law.

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizen, general
Page 3, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 6.
The Iraqi Transitional Government shall take effective steps to end the vestiges of the oppressive acts of the previous regime arising from forced displacement, deprivation of citizenship, expropriation of financial assets and property, and dismissal from government employment for political, racial, or sectarian reasons.

Page 8-9, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 25.
The Iraqi Transitional Government shall have exclusive competence in the following matters:
... (F) Regulating Iraqi citizenship, immigration, and asylum; and
Rights related issues→Citizenship→Citizens, specific rights
Page 8, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 23.
The enumeration of the foregoing rights must not be interpreted to mean that they are the only rights enjoyed by the Iraqi people. They enjoy all the rights that befit a free people possessed of their human dignity, including the rights stipulated in international treaties and agreements, other instruments of international law that Iraq has signed and to which it has acceded, and others that are deemed binding upon it, and in the law of nations. Non-Iraqis within Iraq shall enjoy all human rights not inconsistent with their status as non-citizens.
Rights related issues→Citizenship→Citizen delimitation
Page 4, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 11.
(A) Anyone who carries Iraqi nationality shall be deemed an Iraqi citizen. His citizenship shall grant him all the rights and duties stipulated in this Law and shall be the basis of his relation to the homeland and the State.
(B) No Iraqi may have his Iraqi citizenship withdrawn or be exiled unless he is a naturalized citizen who, in his application for citizenship, as established in a court of law, made material falsifications on the basis of which citizenship was granted.
(C) Each Iraqi shall have the right to carry more than one citizenship. Any Iraqi whose citizenship was withdrawn because he acquired another citizenship shall be deemed an Iraqi.
(D) Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship.
(E) Decision Number 666 (1980) of the dissolved Revolutionary Command Council is annuled, and anyone whose citizenship was withdrawn on the basis of this decree shall be deemed an Iraqi.
(F) The National Assembly must issue laws pertaining to citizenship and naturalization consistent with the provisions of this Law
(G) The Courts shall examine all disputes airising from the application of the provisions relating to citizenship.

Democracy	Page 1, Preamble, ... This Law is now established to govern the affairs of Iraq during the transitional period until a duly elected government, operating under a permanent and legitimate constitution achieving full democracy, shall come into being. Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 4. The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations. The federal system shall be based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession.
Detention procedures	Page 5-6, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15. ... (G) Every person deprived of his liberty by arrest or detention shall have the right of recourse to a court to determine the legality of his arrest or detention without delay and to order his release if this occurred in an illegal manner. (H) After being found innocent of a charge, an accused may not be tried once again on the same charge. (I) Civilians may not be tried before a military tribunal. Special or exceptional courts may not be established.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	Rights institutions→NHRI→New or fundamentally revised NHRI Page 17, CHAPTER SEVEN – THE SPECIAL TRIBUNAL AND NATIONAL COMMISSIONS, Article 50. The Iraqi Transitional Government shall establish a National Commission for Human Rights for the purpose of executing the commitments relative to the rights set forth in this Law and to examine complaints pertaining to violations of human rights. The Commission shall be established in accordance with the Paris Principles issued by the United Nations on the responsibilities of national institutions. This Commission shall include an Office of the Ombudsman to inquire into complaints. This office shall have the power to investigate, on its own initiative or on the basis of a complaint submitted to it, any allegation that the conduct of the governmental authorities is arbitrary or contrary to law.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Reform to specific laws
Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
(A) No civil law shall have retroactive effect unless the law so stipulates. There shall be neither a crime, nor punishment, except by law in effect at the time the crime is committed.

Page 9, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 26.
(A) Except as otherwise provided in this Law, the laws in force in Iraq on 30 June 2004 shall remain in effect unless and until rescinded or amended by the Iraqi Transitional Government in accordance with this Law.
(B) Legislation issued by the federal legislative authority shall supersede any other legislation issued by any other legislative authority in the event that they contradict each other, except as provided in Article 54(B).
(C) The laws, regulations, orders, and directives issued by the Coalition Provisional Authority pursuant to its authority under international law shall remain in force until rescinded or amended by legislation duly enacted and having the force of law.

Page 11, CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY, Article 34.
Each member of the National Assembly shall enjoy immunity for statements made while the Assembly is in session, and the member may not be sued before the courts for such. A member may not be placed under arrest during a session of the National Assembly, unless the member is accused of a crime and the National Assembly agrees to lift his immunity or if he is caught in flagrante delicto in the commission of a felony.
Justice sector reform→Criminal justice and emergency law→Delimitation of powers in Criminal Justice System
Page 5-6, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
… (I) Civilians may not be tried before a military tribunal. Special or exceptional courts may not be established.

State of emergency provisions

No specific mention.

Judiciary and courts

Page 4, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 11.
... (G) The Courts shall examine all disputes airising from the application of the provisions relating to citizenship.

Page 5-6, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
... (B) Police, investigators, or other governmental authorities may not violate the sanctity of private residences, whether these authorities belong to the federal or regional governments, governorates, municipalities, or local administrations, unless a judge or investigating magistrate has issued a search warrant in accordance with applicable law on the basis of information provided by a sworn individual who knew that bearing false witness would render him liable to punishment. Extreme exigent circumstances, as determined by a court of competent jurisdiction, may justify a warrantless search, but such exigencies shall be narrowly construed. In the event that a warrantless search is carried out in the absence of an extreme exigent circumstance, the evidence so seized, and any other evidence found derivatively from such search, shall be inadmissible in connection with a criminal charge, unless the court determines that the person who carried out the warrantless search believed reasonably and in good faith that the search was in accordance with the law.
… (I) Civilians may not be tried before a military tribunal. Special or exceptional courts may not be established.

Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 22.
If, in the course of his work, an official of any government office, whether in the federal government, the regional governments, the governorate and municipal administrations, or the local administrations, deprives an individual or a group of the rights guaranteed by this Law or any other Iraqi laws in force, this individual or group shall have the right to maintain a cause of action against that employee to seek compensation for the damages caused by such deprivation, to vindicate his rights, and to seek any other legal measure. If the court decides that the official had acted with a sufficient degree of good faith and in the belief that his actions were consistent with the law, then he is not required to pay compensation.

Page 14, CHAPTER FIVE – THE TRANSITIONAL EXECUTIVE AUTHORITY, Article 39.
... (C) The Presidency Council shall, as more fully set forth in Chapter Six, below, appoint, upon recommendation of the Higher Juridical Council, the Presiding Judge and members of the Federal Supreme Court.

Page 15, CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY, Article 43.
(A) The judiciary is independent, and it shall in no way be administered by the executive authority, including the Ministry of Justice. The judiciary shall enjoy exclusive competence to determine the innocence or guilt of the accused pursuant to law, without interference from the legislative or executive authorities.
(B) All judges sitting in their respective courts as of 1 July 2004 will continue in office thereafter, unless removed from office pursuant to this Law.
(C) The National Assembly shall establish an independent and adequate budget for the judiciary.
(D) Federal courts shall adjudicate matters that arise from the application of federal laws. The establishment of these courts shall be within the exclusive competence of the federal government. The establishment of these courts in the regions shall be in consultation with the presidents of the judicial councils in the regions, and priority in appointing or transferring judges to these courts shall be given to judges resident in the region.

Page 15-16, CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY, Article 44.
(A) A court called the Federal Supreme Court shall be constituted by law in Iraq.

Prisons and detention	No specific mention.
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction	Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development Page 23, ANNEX TO THE LAW FOR THE ADMINISTRATION OF IRAQ IN THE TRANSITIONAL PERIOD On the basis of Article 2(1)B of the Law of Administration for the State of Iraq in the Transitional Period, the Governing Council decided in its session of 1/6/2004 to issue this Annex. Section One: Formation of the Iraqi Interim Government The Iraqi Interim Government, formed on the basis of wide-scale consultations with all segments of Iraqi society, and consisting of individuals known for their ability and integrity, will assume sovereign authority for governing Iraq no later than 30 June 2004. The Interim Government will administer Iraq's affairs, in particular by providing for the welfare and security of the Iraqi people, promoting reconstruction and economic development... Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance Page 23, ANNEX TO THE LAW FOR THE ADMINISTRATION OF IRAQ IN THE TRANSITIONAL PERIOD On the basis of Article 2(1)B of the Law of Administration for the State of Iraq in the Transitional Period, the Governing Council decided in its session of 1/6/2004 to issue this Annex. Section One: Formation of the Iraqi Interim Government The Iraqi Interim Government, formed on the basis of wide-scale consultations with all segments of Iraqi society, and consisting of individuals known for their ability and integrity, will assume sovereign authority for governing Iraq no later than 30 June 2004. The Interim Government will administer Iraq's affairs, in particular by providing for the welfare and security of the Iraqi people, promoting reconstruction and economic development...
National economic plan	No specific mention.
Natural resources	Page 8-9, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 25. The Iraqi Transitional Government shall have exclusive competence in the following matters: ... (E) Managing the natural resources of Iraq, which belongs to all the people of all the regions and governorates of Iraq, in consultation with the governments of the regions and the administrations of the governorates, and distributing the revenues resulting from their sale through the national budget in an equitable manner proportional to the distribution of population throughout the country, and with due regard for areas that were unjustly deprived of these revenues by the previous regime, for dealing with their situations in a positive way, for their needs, and for the degree of development of the different areas of the country;

International funds No specific mention.

Business No specific mention.

Taxation Socio-economic reconstruction→Taxation→Power to tax
Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 18.
There shall be no taxation or fee except by law.

Page 19, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 54.
(A) The Kurdistan Regional Government shall continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the exclusive competence of the federal government as specified in this Law. Financing for these functions shall come from the federal government, consistent with current practice and in accordance with Article 25(E) of this Law. The Kurdistan Regional Government shall retain regional control over police forces and internal security, and it will have the right to impose taxes and fees within the Kurdistan region.

Page 20, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 56.
(A) The Governorate Councils shall assist the federal government in the coordination of federal ministry operations within the governorate, including the review of annual ministry plans and budgets with regard to activities in the governorate. Governorate Councils shall be funded from the general budget of the State, and these Councils shall also have the authority to increase their revenues independently by imposing taxes and fees; to organize the operations of the Governorate administration; to initiate and implement province-level projects alone or in partnership with international, and non-governmental organizations; and to conduct other activities insofar as is consistent with federal laws.
(B) The Qada' and Nahiya councils and other relevant councils shall assist in the performance of federal responsibilities and the delivery of public services by reviewing local ministry plans in the afore-mentioned places; ensuring that they respond properly to local needs and interests; identifying local budgetary requirements through the national budgeting procedures; and collecting and retaining local revenues, taxes, and fees; organizing the operations of the local administration; initiating and implementing local projects alone or in conjunction with international, and non-governmental organizations; and conducting other activities consistent with applicable law.

Banks Socio-economic reconstruction→Banks→Central bank
Page 8, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 25.
The Iraqi Transitional Government shall have exclusive competence in the following matters:
... (C) Formulating fiscal policy, issuing currency, regulating customs, 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;

Land, property and environment

Land reform/rights

Land, property and environment→Land reform/rights→Property return and restitution
Page 3, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 6.
The Iraqi Transitional Government shall take effective steps to end the vestiges of the oppressive acts of the previous regime arising from forced displacement, deprivation of citizenship, expropriation of financial assets and property, and dismissal from government employment for political, racial, or sectarian reasons.

Page 17, CHAPTER SEVEN – THE SPECIAL TRIBUNAL AND NATIONAL COMMISSIONS, Article 49.
(A) The establishment of national commissions such as the Commission on Public Integrity, the Iraqi Property Claims Commission, and the Higher National De-Ba'athification Commission is confirmed, as is the establishment of commissions formed after this Law has gone into effect. The members of these national commissions shall continue to serve after this Law has gone into effect, taking into account the contents of Article 51, below.
(B) The method of appointment to the national commissions shall be in accordance with law.

Page 20-21, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 58.
(A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:
(1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.
(2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.

Pastoralist/ nomadism rights

No specific mention.

Cultural heritage	Land, property and environment→Cultural heritage→Intangible Page 3, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 7. A) Islam is the official religion of the State and is to be considered a source of legislation. No law that contradicts the universally agreed tenets of Islam, the principles of democracy, or the rights cited in Chapter Two of this Law may be enacted during the transitional period. This Law respects the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice. (B) Iraq is a country of many nationalities, and the Arab people in Iraq are an inseparable part of the Arab nation. Page 3, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 9. 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 Turcoman, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions, shall be guaranteed. The scope of the term “official language” and the means of applying the provisions of this Article shall be defined by law and shall include: (1) Publication of the official gazette, in the two languages; (2) Speech and expression in official settings, such as the National Assembly, the Council of Ministers, courts, and official conferences, in either of the two languages; (3) Recognition and publication of official documents and correspondence in the two languages; (4) Opening schools that teach in the two languages, in accordance with educational guidelines; (5) Use of both languages in any other settings enjoined by the principle of equality (such as bank notes, passports, and stamps); Page 4, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 9. 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 Turcoman, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions, shall be guaranteed. The scope of the term “official language” and the means of applying the provisions of this Article shall be defined by law and shall include: ... (6) Use of both languages in the federal institutions and agencies in the Kurdistan region. Land, property and environment→Cultural heritage→Promotion Page 18-19, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 53. ... (D) This Law shall guarantee the administrative, cultural, and political rights of the Turcomans, ChaldoAssyrians, and all other citizens.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees

Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 17.
It shall not be permitted to possess, bear, buy, or sell arms except on licensure issued in accordance with the law.

Page 8, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 25.
The Iraqi Transitional Government shall have exclusive competence in the following matters:
... (B) Formulating and executing national security policy, including creating and maintaining armed forces to secure, protect, and guarantee the security of the country's borders and to defend Iraq;

Page 9-10, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 27.
... (E) The Iraqi Transitional 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 associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

Page 19, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 54.
(A) The Kurdistan Regional Government shall continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the exclusive competence of the federal government as specified in this Law. Financing for these functions shall come from the federal government, consistent with current practice and in accordance with Article 25(E) of this Law. The Kurdistan Regional Government shall retain regional control over police forces and internal security, and it will have the right to impose taxes and fees within the Kurdistan region.

Page 23, ANNEX TO THE LAW FOR THE ADMINISTRATION OF IRAQ IN THE TRANSITIONAL PERIOD
On the basis of Article 2(1)B of the Law of Administration for the State of Iraq in the Transitional Period, the Governing Council decided in its session of 1/6/2004 to issue this Annex.
Section One: Formation of the Iraqi Interim Government The Iraqi Interim Government, formed on the basis of wide-scale consultations with all segments of Iraqi society, and consisting of individuals known for their ability and integrity, will assume sovereign authority for governing Iraq no later than 30 June 2004. The Interim Government will administer Iraq's affairs, in particular by providing for the welfare and security of the Iraqi people, promoting reconstruction and economic development, and preparing for and holding national elections by 31 December 2004, if possible, and, in any case, no later than 31 January 2005. The Government, as an interim government, will refrain from taking any actions affecting Iraq's destiny beyond the limited interim period. Such actions should be reserved to future governments democratically elected by the Iraqi people. The members of the Interim Government will swear a legal oath in front of the Head of the highest judicial authority in Iraq. The Interim Government will dissolve upon the formation of the Iraqi Transitional Government following national elections.

Ceasefire

No specific mention.

Police

Page 5, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
... (B) Police, investigators, or other governmental authorities may not violate the sanctity of private residences, whether these authorities belong to the federal or regional governments, governorates, municipalities, or local administrations, unless a judge or investigating magistrate has issued a search warrant in accordance with applicable law on the basis of information provided by a sworn individual who knew that bearing false witness

Page 19, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 54.
(A) The Kurdistan Regional Government shall continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the exclusive competence of the federal government as specified in this Law. Financing for these functions shall come from the federal government, consistent with current practice and in accordance with Article 25(E) of this Law. The Kurdistan Regional Government shall retain regional control over police forces and internal security, and it will have the right to impose taxes and fees within the Kurdistan region.

Armed forces

Page 2, CHAPTER ONE – FUNDAMENTAL PRINCIPLES, Article 5.
The Iraqi Armed Forces shall be subject to the civilian control of the Iraqi Transitional Government, in accordance with the contents of Chapters Three and Five of this Law.

Page 6, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 15.
... (I) Civilians may not be tried before a military tribunal. Special or exceptional courts may not be established.

Page 9, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 27.
(A) The Iraqi Armed Forces shall consist of the active and reserve units, and elements thereof. The purpose of these forces is the defense of Iraq.
(B) Armed forces and militias not under the command structure of the Iraqi Transitional Government are prohibited, except as provided by federal law.
(C) The Iraqi Armed Forces and its personnel, including military personnel working in the Ministry of Defense or any offices or organizations subordinate to it, may not stand for election to political office, campaign for candidates, or participate in other activities forbidden by Ministry of Defense regulations. This ban encompasses the activities of the personnel mentioned above acting in their personal or official capacities. Nothing in this Article shall infringe upon the right of these personnel to vote in elections.

Page 10, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 28.
... (B) In no event may a member of the armed forces be a member of the National Assembly, minister, Prime Minister, or member of the Presidency Council unless the individual has resigned his commission or rank, or retired from duty at least eighteen months prior to serving.

Page 10, CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY, Article 31.
... (B) A nominee to the National Assembly must fulfill the following conditions:
... (8) He shall not be a member of the armed forces at the time of his nomination.

Page 14, CHAPTER FIVE – THE TRANSITIONAL EXECUTIVE AUTHORITY, Article 39.
...(B) The Presidency Council shall carry out the function of commander-in-chief of the Iraqi Armed Forces only for ceremonial and protocol purposes. It shall have no command authority. It shall have the right to be briefed, to inquire, and to advise. Operationally, national command authority on military matters shall flow from the Prime Minister to the Minister of Defense to the military chain of command of the Iraqi Armed Forces.

Page 21, CHAPTER NINE – THE TRANSITIONAL PERIOD, Article 59.
(A) The permanent constitution shall contain guarantees to ensure that the Iraqi Armed Forces are never again used to terrorize or oppress the people of Iraq.

Page 21-22, CHAPTER NINE – THE TRANSITIONAL PERIOD, Article 59.
... (B) Consistent with Iraq's status as a sovereign state, and with its desire to join other nations in helping to maintain peace and security and fight terrorism during the transitional period, the Iraqi Armed Forces will be a principal partner in the multi-national force operating in Iraq under unified command pursuant to the provisions of United Nations Security Council Resolution 1511 (2003) and any subsequent relevant resolutions. This arrangement shall last until the ratification of a permanent constitution and the election of a new government pursuant to that new constitution.

Page 23-24, ANNEX TO THE LAW FOR THE ADMINISTRATION OF IRAQ IN THE TRANSITIONAL PERIOD
Section Two: Institutions and Powers of the Iraqi Interim Government
The Interim Government will operate under the Law of Administration for the State of Iraq for the Transitional Period. It will consist of the Presidency of the State (comprised of

DDR	No specific mention.
Intelligence services	Page 9, CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT, Article 27. ... (D) The Iraqi 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 pursuant to law and in accordance with recognized principles of human rights. Page 14, CHAPTER FIVE – THE TRANSITIONAL EXECUTIVE AUTHORITY, Article 39. ... (D) The Council of Ministers shall appoint the Director-General of the Iraqi National Intelligence Service, as well as officers of the Iraqi Armed Forces at the rank of general or above. Such appointments shall be subject to confirmation by the National Assembly by simple majority of those of its members present.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	Page 7, CHAPTER TWO – FUNDAMENTAL RIGHTS, Article 18. There shall be no taxation or fee except by law. Page 10, CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY, Article 31. ... (B) A nominee to the National Assembly must fulfill the following conditions: ... (5) He shall not have enriched himself in an illegitimate manner at the expense of the homeland and public finance. Page 16-17, CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY, Article 47. No judge or member of the Higher Juridical Council may be removed unless he is convicted of a crime involving moral turpitude or corruption or suffers permanent incapacity. Removal shall be on the recommendation of the Higher Juridical Council, by a decision of the Council of Ministers, and with the approval of the Presidency Council. Removal shall be executed immediately after issuance of this approval. A judge who has been accused of such a crime as cited above shall be suspended from his work in the judiciary until such time as the case arising from what is cited in this Article is adjudicated. No judge may have his salary reduced or suspended for any reason during his period of service.
Crime/organised crime	No specific mention.

Drugs	No specific mention.
Terrorism	Page 21-22, CHAPTER NINE – THE TRANSITIONAL PERIOD, Article 59. ... (B) Consistent with Iraq's status as a sovereign state, and with its desire to join other nations in helping to maintain peace and security and fight terrorism during the transitional period, the Iraqi Armed Forces will be a principal partner in the multi-national force operating in Iraq under unified command pursuant to the provisions of United Nations Security Council Resolution 1511 (2003) and any subsequent relevant resolutions. This arrangement shall last until the ratification of a permanent constitution and the election of a new government pursuant to that new constitution.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.

Vetting

Page 10, CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY, Article 31.
... (B) A nominee to the National Assembly must fulfill the following conditions:
... (4) He shall not have been a member of the former agencies of repression and shall not have contributed to or participated in the persecution of citizens.

Page 13, CHAPTER FIVE – THE TRANSITIONAL EXECUTIVE AUTHORITY, Article 36.
... (B) It is a prerequisite for a member of the Presidency Council to fulfill the same conditions as the members of the National Assembly, with the following observations:
... (3) If he was a member of the dissolved Ba'ath Party, he must have left the dissolved Party at least ten years before its fall.
(4) He must not have participated in repressing the intifada of 1991 or the Anfal campaign and must not have committed a crime against the Iraqi people.

Page 17, CHAPTER SEVEN – THE SPECIAL TRIBUNAL AND NATIONAL COMMISSIONS, Article 49.
(A) The establishment of national commissions such as the Commission on Public Integrity, the Iraqi Property Claims Commission, and the Higher National De-Ba'athification Commission is confirmed, as is the establishment of commissions formed after this Law has gone into effect. The members of these national commissions shall continue to serve after this Law has gone into effect, taking into account the contents of Article 51, below.
(B) The method of appointment to the national commissions shall be in accordance with law.

Victims

No specific mention.

Missing persons

No specific mention.

Reparations	Transitional justice→Reparations→Material reparations Page 17, CHAPTER SEVEN – THE SPECIAL TRIBUNAL AND NATIONAL COMMISSIONS, Article 49. (A) The establishment of national commissions such as the Commission on Public Integrity, the Iraqi Property Claims Commission, and the Higher National De-Ba'athification Commission is confirmed, as is the establishment of commissions formed after this Law has gone into effect. The members of these national commissions shall continue to serve after this Law has gone into effect, taking into account the contents of Article 51, below. (B) The method of appointment to the national commissions shall be in accordance with law. Page 20-21, CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES, Article 58. (A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps: (1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation. (2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas. (3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories. (4) With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.

Referendum for agreement	No specific mention.
International mission/force/ similar	Page 22, CHAPTER NINE – THE TRANSITIONAL PERIOD, Article 59. ... (C) Upon its assumption of authority, and consistent with Iraq's status as a sovereign state, the elected Iraqi Transitional Government shall have the authority to conclude binding international agreements regarding the activities of the multi-national force operating in Iraq under unified command pursuant to the terms of United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions. Nothing in this Law shall affect rights and obligations under these agreements, or under United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions, which will govern the multi-national force's activities pending the entry into force of these agreements.
Enforcement mechanism	No specific mention.