

<b>Country/entity</b>	Iraq
<b>Region</b>	Middle East and North Africa
<b>Agreement name</b>	Agreement on Political Process
<b>Date</b>	15 Nov 2003
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	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 - )

<b>Stage</b>	Pre-negotiation/process
<b>Conflict nature</b>	Government
<b>Peace process</b>	Iraq peace process - second Iraq war
<b>Parties</b>	Jalal Talabani, For the Governing Council; L. Paul Bremer and David Richmond, For the Coalition Provisional Authority.
<b>Third parties</b>	-
<b>Description</b>	Short agreement between Coalition Provisional Authority and the Governing Council of Iraq for the establishment of a Fundamental Law, the selection Transitional National Assembly, and the eventual restoration of sovereignty to Iraqi governing bodies.

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**Agreement document**

[IQ\\_031115\\_Agreement\\_on\\_Political\\_Process.pdf \(opens in new tab\)](#) | [Download PDF](#)

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**Groups**

**Children/youth** No specific mention.

**Disabled persons** No specific mention.

**Elderly/age** No specific mention.

**Migrant workers** No specific mention.

**Racial/ethnic/national group** Groups→Racial/ethnic/national group→Anti-discrimination  
Page 1, 1. The "Fundamental Law"  
... - Elements of the "Fundamental Law":  
o Bill of rights, to include freedom of speech, legislature, religion; statement of equal rights of all Iraqis, regardless of gender, sect, and ethnicity; and guarantees of due process.  
Groups→Racial/ethnic/national group→Substantive  
Page 1-2, 3. Selection of Transitional National Assembly  
... o The purpose of the Organizing Committee will be to convene a "Governorate Selection Caucus" of notables from around the governorate. To do so, it will solicit nominations from political parties, provincial/local councils, professional and civic associations, university faculties, tribal and religious groups. Nominees must meet the criteria set out for candidates in the Fundamental Law. To be selected as a member of the Governorate Selection Caucus, any nominee will need to be approved by an 11/15 majority of the Organizing Committee.

**Religious groups** Groups→Religious groups→Anti-discrimination  
Page 1, 1. The "Fundamental Law"  
... - Elements of the "Fundamental Law":  
o Bill of rights, to include freedom of speech, legislature, religion; statement of equal rights of all Iraqis, regardless of gender, sect, and ethnicity; and guarantees of due process.  
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**Indigenous people** No specific mention.

**Other groups** No specific mention.

**Refugees/displaced persons** No specific mention.

**Social class** No specific mention.

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## Gender

**Women, girls and gender** Page 1, 1. The "Fundamental Law"  
... - Elements of the "Fundamental Law":  
o Bill of rights, to include freedom of speech, legislature, religion; statement of equal rights of all Iraqis, regardless of gender, sect, and ethnicity; and guarantees of due process.

**Men and boys** No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

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## State definition

**Nature of state (general)** Page 2, 4. Restoration of Iraq's Sovereignty  
- Following the selection of members of the transitional assembly, it will meet to elect an executive branch, and to appoint ministers.  
- By June 30, 2004 the new transitional administration will be recognized by the Coalition, and will assume full sovereign powers for governing Iraq. The CPA will dissolve.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** Page 2, 5. Process for Adoption of Permanent Constitution  
... - A final draft of the constitution will be presented to the public, and a popular referendum will be held to ratify the constitution.

**State symbols** No specific mention.

**Independence/secession** No specific mention.

**Accession/  
unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border  
provision** No specific mention.

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**Governance**

**Political institutions (new or reformed)**

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

Page 1-2, 3. Selection of Transitional National Assembly

- Fundamental Law will specify the bodies of the national structure, and will ultimately spell out the process by which individuals will be selected for these bodies. However, certain guidelines must be agreed in advance.
- The transitional assembly will not be an expansion of the GC. The GC will have no formal role in selecting members of the assembly, and will dissolve upon the establishment and recognition of the transitional administration. Individual members of the GC will, however, be eligible to serve in the transitional assembly, if elected according to the process below.
- Election of members of the Transitional National Assembly will be conducted through a transparent, participatory, democratic process of caucuses in each of Iraq's 18 governorates.
  - o In each governorate, the CPA will supervise a process by which an "Organizing Committee" of Iraqis will be formed. This Organizing Committee will include 5 individuals appointed by the Governing Council, 5 individuals appointed by the Provincial Council, and 1 individual appointed by the local council of the five largest cities within the governorate.
  - o The purpose of the Organizing Committee will be to convene a "Governorate Selection Caucus" of notables from around the governorate. To do so, it will solicit nominations from political parties, provincial/local councils, professional and civic associations, university faculties, tribal and religious groups. Nominees must meet the criteria set out for candidates in the Fundamental Law. To be selected as a member of the Governorate Selection Caucus, any nominee will need to be approved by an 11/15 majority of the Organizing Committee.
  - o Each Governorate Selection Caucus will elect representatives to represent the governorate in the new transitional assembly based on the governorate's percentage of Iraq's population
- The Transitional National Assembly will be elected no later than May 31, 2004.

Page 2, 4. Restoration of Iraq's Sovereignty

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**Elections**

Page 1-2, 3. Selection of Transitional National Assembly

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Page 2, 5. Process for Adoption of Permanent Constitution

... - A permanent constitution for Iraq will be prepared by a constitutional convention directly elected by the Iraqi people.

- Elections for the convention will be held no later than March 15, 2005.

Page 2, 5. Process for Adoption of Permanent Constitution

- Elections for a new Iraqi government will be held by December 31, 2005, at which point the Fundamental Law will expire and a new government will take power.

**Electoral  
commission**

No specific mention.

**Political parties  
reform**

No specific mention.

**Civil society**

Page 1-2, 3. Selection of Transitional National Assembly

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**Traditional/  
religious leaders**

No specific mention.

**Public  
administration**

No specific mention.

**Constitution**

Governance→Constitution→Constitutional reform/making

[Note] Fundamental Law refers to the Transitional Law, which takes the form and scope of an interim constitution.

Page 1, 1. The "Fundamental Law"

- To be drafted by the Governing Council, in close consultation with the CPA. Will be approved by both the GC and CPA, and will formally set forth the scope and structure of the sovereign Iraqi transitional administration.

- Elements of the "Fundamental Law":

o Bill of rights, to include freedom of speech, legislature, religion; statement of equal rights of all Iraqis, regardless of gender, sect, and ethnicity; and guarantees of due process.

o Federal arrangement for Iraq, to include governorates and the separation and specification of powers to be exercised by central and local entities.

o Statement of the independence of the judiciary, and a mechanism for judicial review.

o Statement of civilian political control over Iraqi armed and security forces.

o Statement that Fundamental Law cannot be amended.

o An expiration date for Fundamental Law.

o Timetable for drafting of Iraq's permanent constitution by a body directly elected by the Iraqi people; for ratifying the permanent constitution; and for holding elections under the new constitution.

- Drafting and approval of "Fundamental Law" to be complete by February 28, 2004.

Page 2, 5. Process for Adoption of Permanent Constitution

- The constitutional process and timeline will ultimately be included in the Fundamental Law, but need to be agreed in advance, as detailed below.

- A permanent constitution for Iraq will be prepared by a constitutional convention directly elected by the Iraqi people.

- Elections for the convention will be held no later than March 15, 2005.

- A draft of the constitution will be circulated for public comment and debate.

- A final draft of the constitution will be presented to the public, and a popular referendum will be held to ratify the constitution.

- Elections for a new Iraqi government will be held by December 31, 2005, at which point the Fundamental Law will expire and a new government will take power.

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## Power sharing

### Political power sharing

Power sharing→Political power sharing→Proportionality in legislature  
State level

#### 3. Selection of Transitional National Assembly

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- The transitional assembly will not be an expansion of the GC. The GC will have no formal role in selecting members of the assembly, and will dissolve upon the establishment and recognition of the transitional administration. Individual members of the GC will, however, be eligible to serve in the transitional assembly, if elected according to the process below.

- Election of members of the Transitional National Assembly will be conducted through a transparent, participatory, democratic process of caucuses in each of Iraq's 18 governorates.

o In each governorate, the CPA will supervise a process by which an "Organizing Committee" of Iraqis will be formed. This Organizing Committee will include 5 individuals appointed by the Governing Council, 5 individuals appointed by the Provincial Council, and 1 individual appointed by the local council of the five largest cities within the governorate.

o The purpose of the Organizing Committee will be to convene a "Governorate Selection Caucus" of notables from around the governorate. To do so, it will solicit nominations from political parties, provincial/local councils, professional and civic associations, university faculties, tribal and

religious groups. Nominees must meet the criteria set out for candidates in the Fundamental Law. To be selected as a member of the Governorate Selection Caucus, any nominee will need to be approved by an 11/15 majority of the Organizing Committee.

o Each Governorate Selection Caucus will elect representatives to represent the governorate in the new transitional assembly based on the governorate's percentage of Iraq's population

- The Transitional National Assembly will be elected no later than May 31, 2004.

### Territorial power sharing

Power sharing→Territorial power sharing→Federal or similar sub-divided government  
Page 1, 1. The "Fundamental Law"

... - Elements of the "Fundamental Law":

... o Federal arrangement for Iraq, to include governorates and the separation and specification of powers to be exercised by central and local entities.

#### Page 1-2, 3. Selection of Transitional National Assembly

... - Election of members of the Transitional National Assembly will be conducted through a transparent, participatory, democratic process of caucuses in each of Iraq's 18 governorates.

Power sharing→Territorial power sharing→Other

#### Page 1-2, 3. Selection of Transitional National Assembly

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**Economic power sharing** No specific mention.

**Military power sharing** No specific mention.

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## **Human rights and equality**

**Human rights/RoL general** No specific mention.

**Bill of rights/similar** Page 1, 1. The "Fundamental Law"  
... - Elements of the "Fundamental Law":  
o Bill of rights, to include freedom of speech, legislature, religion; statement of equal rights of all Iraqis, regardless of gender, sect, and ethnicity; and guarantees of due process.

**Treaty incorporation** No specific mention.

**Civil and political rights** Human rights and equality→Civil and political rights→Equality  
Page 1, 1. The "Fundamental Law"  
... - Elements of the "Fundamental Law":  
o Bill of rights, to include freedom of speech, legislature, religion; statement of equal rights of all Iraqis, regardless of gender, sect, and ethnicity; and guarantees of due process.  
Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion  
Page 1, 1. The "Fundamental Law"  
... - Elements of the "Fundamental Law":  
o Bill of rights, to include freedom of speech, legislature, religion; statement of equal rights of all Iraqis, regardless of gender, sect, and ethnicity; and guarantees of due process.

**Socio-economic rights** No specific mention.

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## **Rights related issues**

**Citizenship** No specific mention.

**Democracy** No specific mention.

**Detention procedures** No specific mention.

**Media and communication** No specific mention.

**Mobility/access** No specific mention.

**Protection measures** No specific mention.

**Other** No specific mention.

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## **Rights institutions**

**NHRI** No specific mention.

**Regional or international human rights institutions** No specific mention.

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## **Justice sector reform**

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.

**Judiciary and courts** Page 1, 1. The "Fundamental Law"  
... - Elements of the "Fundamental Law":  
... o Statement of the independence of the judiciary, and a mechanism for judicial review.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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## **Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** No specific mention.

**Taxation** No specific mention.

**Banks** No specific mention.

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## **Land, property and environment**

**Land reform/rights** No specific mention.

**Pastoralist/  
nomadism rights** No specific mention.

**Cultural heritage** No specific mention.

**Environment** No specific mention.

**Water or riparian  
rights or access** No specific mention.

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## **Security sector**

**Security  
Guarantees** Page 1, 2. Agreements with Coalition on Security  
- To be agreed between the CPA and the GC.  
- Security agreements to cover status of Coalition forces in Iraq, giving wide latitude to provide for the safety and security of the Iraqi people.  
- Approval of bilateral agreements complete by the end of March 2004.

**Ceasefire** No specific mention.

**Police** Page 1, 1. The "Fundamental Law"  
... - Elements of the "Fundamental Law":  
... o Statement of civilian political control over Iraqi armed and security forces.

**Armed forces** Page 1, 1. The "Fundamental Law"  
... - Elements of the "Fundamental Law":  
... o Statement of civilian political control over Iraqi armed and security forces.

**DDR** No specific mention.

**Intelligence  
services** No specific mention.

<b>Parastatal/rebel and opposition group forces</b>	No specific mention.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

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### **Transitional justice**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.
<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	No specific mention.

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**Implementation**

**UN signatory** No specific mention.

**Other international signatory** No specific mention.

**Referendum for agreement** No specific mention.

**International mission/force/similar** No specific mention.

**Enforcement mechanism** No specific mention.

