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## Text of Iraq's Draft Constitution

By THE NEW YORK TIMES

*The text of the draft constitution was translated from Arabic by the U.N. Office for Constitutional Support and edited by staff members from the Baghdad bureau of The New York Times.*

*The constitution addresses some of the major conflicts between the Sunnis, Shiites and Kurds, but still leaves much to be resolved. Noah Feldman, a law professor at New York University and an adviser in the writing of the transitional law now in effect in Iraq, explains below some of the critical passages.*

### THE PREAMBLE

In the name of God, the most merciful, the most compassionate.

We have honored the sons of Adam

We are the people of the land between two rivers, the homeland of the apostles and prophets, abode of the virtuous imams, pioneers of civilization, crafters of writing and cradle of numeration. Upon our land the first law made by man was passed, the most ancient just pact for homelands policy was inscribed, and upon our soil, companions of the Prophet and saints prayed, philosophers and scientists theorized and writers and poets excelled.

Acknowledging God's right over us, and in fulfillment of the call of our homeland and citizens, and in response to the call of our religious and national leaderships and the determination of our great (religious) authorities and of our leaders and reformers, and in the midst of an international support from our friends and those who love us, marched for the first time in our history toward the ballot boxes by the millions, men and women, young and old, on the 30th of January, 2005, invoking the pains of sectarian oppression sufferings inflicted by the autocratic clique and inspired by the tragedies of [Iraq's](#) martyrs, Shiite and Sunni, Arabs and Kurds and Turkmen and from all the other components of the people and recollecting the darkness of the ravage of the holy cities and the South in the Sha'abaniyya uprising and burnt by the flames of grief of the mass graves, the marshes, Dujail and others and articulating the sufferings of racial oppression in the massacres of Halabja, Barzan, Anfal and the Fayli Kurds and inspired by the ordeals of the Turkmen in Bashir and as is the case in the remaining areas of Iraq where the people of the west suffered from the assassinations of their leaders, symbols and elderly and from the displacement of their skilled individuals and from the drying out of their cultural and intellectual wells, so we sought hand-in-hand and shoulder-to-shoulder to create our new Iraq, the Iraq of the future free from sectarianism, racism, locality complex, discrimination and exclusion.

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

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

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

## **SECTION ONE: FUNDAMENTAL PRINCIPLES**

### Article 1:

The Republic of Iraq is an independent sovereign state. Its system of government is republican, representative (Parliamentary), democratic and federal.

### Article 2:

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

*A. No law that contradicts the established provisions of Islam may be established.*

*B. No law that contradicts the principles of democracy may be established.*

*C. No law that contradicts the rights and basic freedoms stipulated in this constitution may be established.*

*[MR. FELDMAN: This passage tries to balance Islam and democracy by putting them on an even footing. It all but guarantees future debate about what are that the fixed rules of Islam or the principles of democracy.]*

Second: This Constitution guarantees 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 such as Christians, Yazedis, and Mandi Sabeans.

### Article 3:

Iraq is a country of many nationalities, religions and sects, and is a part of the Islamic world, is a founding and active member of the Arab League, and is committed to its covenant.

### Article 4:

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

Second: The scope of the term official language and the means of applying the provisions of this

article shall be defined by law which shall include:

- A. Publication of the official gazette, in the two languages;
- B. Speech, conversation and expression in official settings, such as the Council of Representatives, the Council of Ministers, courts, and official conferences, in either of the two languages;
- C. Recognition and publication of the official documents and correspondences in the two languages;
- D. Opening schools that teach the two languages, in accordance with the educational guidelines;
- E. Use of both languages in any settings enjoined by the principle of equality such as bank notes, passports and stamps.

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

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

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

Article 5: The law is sovereign. The people are the source of authorities and its legitimacy, which the people shall exercise in a direct general secret ballot and through their constitutional institutions.

Article 6:

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

Article 7:

First: No entity or program, under any name, may adopt racism, terrorism, the calling of others infidels, ethnic cleansing, or incite, facilitate, glorify, promote, or justify thereto, especially the Saddamist Baath in Iraq and its symbols, regardless of the name that it adopts. This may not be part of the political pluralism in Iraq. This will be organized by law.

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

Article 8:

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

Article 9:

First:

A. The Iraqi Armed Forces and Security Services will be composed of the components of the Iraqi people with due consideration given to its balance and its similarity without discrimination or exclusion and shall be subject to the control of the civilian authority. The Iraqi Armed Forces shall defend Iraq and shall not be used as an instrument of oppression against the Iraqi people, shall not interfere in the political affairs and shall have no role in the transfer of authority.

B. The formation of military militia outside the framework of the armed forces is prohibited.

C. The Iraqi Armed Forces and its personnel, including military personnel working at the Ministry of Defense or any subordinate departments or organizations, may not stand for election to political office, campaign for candidates, or participate in other activities prohibited by the 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 cast their vote in the elections.

D. The Iraqi National Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government. This service shall be under civilian control and shall be subject to legislative oversight and shall operate in accordance with the law and pursuant to the recognized principles of human rights.

E. The Iraqi Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and shall prohibit associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

Second: National service will be stipulated by law.

Article 10:

The holy shrines and religious places in Iraq are religious and cultural entities. The State is committed to confirming and safeguarding their sanctity, and guaranteeing the free practice of rituals in them.

Article 11:

Baghdad is the capital of the Republic of Iraq.

Article 12:

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

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

Article 13:

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

Second: No law shall be enacted that contradicts this constitution. Any text in any regional constitutions or any other legal text that contradicts it is deemed void.

## SECTION TWO: RIGHTS AND LIBERTIES

### CHAPTER ONE: RIGHTS

#### FIRST: Civil and Political Rights

##### Article 14:

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

##### Article 15:

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

##### Article 16:

Equal opportunities are guaranteed for all Iraqis. The state guarantees the taking of the necessary measures to achieve such equal opportunities.

##### Article 17:

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

Second: The sanctity of homes is inviolable and homes may not be entered, searched, or put in danger, except by a judicial decision, and in accordance with the law.

##### Article 18:

First: An Iraqi is any person born to an Iraqi father or mother.

Second: Iraqi nationality is the right of every Iraqi and shall be the basis of his citizenship.

##### Third:

A. An Iraqi citizen by birth may not have his nationality withdrawn for any reason. Any person who had his nationality withdrawn shall have the right to reclaim it, and this will be stipulated by law.

B. The Iraqi nationality shall be withdrawn from the naturalized in the cases stipulated by law.

Fourth: An Iraqi may have multiple nationalities. Everyone who assumes a senior, security sovereign position must abandon any other acquired nationality. This will be organized by law.

Fifth: Iraqi citizenship shall not be granted for the purposes of the policy of settling people that cause an imbalance in the population composition of [Iraq](#).

Sixth: A law shall regulate the provisions of nationality. The competent courts shall consider the suits resulting from it.

#### Article 19:

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

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

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

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

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

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

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

Eighth: Punishment is personal.

Ninth: A law does not have a retroactive effect unless the law stipulates otherwise. This exclusion shall not include laws relating to taxes and fees.

Tenth: Criminal law does not have a retroactive effect, unless it is to the benefit of the accused.

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

Twelfth:

A. (Unlawful) detention is prohibited.

B. Detention or arrest is prohibited in places not designed for it, pursuant to prison regulations covered by health and social care and subject to the scrutiny of the law.

Thirteenth: The preliminary investigative documents must be submitted to the competent judge in a period not to exceed 24 hours from the time of the arrest of the accused. It may be extended only once and for the same period.

#### Article 20:

The citizens, men and women, have the right to participate in public affairs and to enjoy political rights including the right to vote, to elect and to nominate.

#### Article 21:

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

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

Third: No political asylum shall be granted to a person accused of committing international or terrorist crimes or any person who inflicted damage on Iraq.

SECOND: Economic, social and cultural liberties

Article 22:

First: Work is a right for all Iraqis so as to guarantee them a decent living.

Second: The law regulates the relationship between employees and employers on economic basis and with regard to the foundations of social justice.

Third: The State guarantees the right of forming and joining professional associations and unions. This will be organized by law.

Article 23:

First: Personal property is protected. The proprietor shall have the right to benefit from, exploit and utilize personal property within the limits of the law.

Second: No property may be taken away except for the purposes of public benefit in return for just compensation. This will be organized by law.

Third:

A. Every Iraqi has the right to own property throughout Iraq. No others may possess immovable assets, except as exempted by law.

B. Owning property for the purposes of population change shall be prohibited.

Article 24:

The State guarantees freedom of movement of Iraqi manpower, goods and capitals between regions and province. This will be organized by law.

Article 25:

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

Article 26:

The state guarantees the encouragement of investments in the various sectors. This will be organized by law.

Article 27:

First: Public property is sacrosanct, and its protection is the duty of each citizen.

Second: The provisions related to the protection of State properties and its management and the conditions for its disposal and the limits under which none of these properties can be relinquished

shall all be regulated by law.

#### Article 28:

First: No taxes or fines may be imposed, amended, exempted or pardoned from, except in accordance with law.

Second: Low wage earners shall be exempted from taxes in a manner that ensures the upholding of the minimum wage required for survival. This will be organized by law.

#### Article 29:

First:

A. The family is the foundation of society; the State preserves its entity and its religious, moral and patriotic values.

B. The State guarantees the protection of motherhood, childhood and old age and shall care for children and youth and provides them with the appropriate conditions to further their talents and abilities.

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

Third: Economic exploitation of children shall be completely prohibited. The State shall take the necessary measures to protect them.

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

#### Article 30:

First: The state guarantee to the individual and the family -- especially children and women -- social and health security and the basic requirements for leading a free and dignified life. The state also ensures the above a suitable income and appropriate housing.

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

#### Article 31:

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

Second: Individuals and institutions may build hospitals or clinics or places for treatment with the supervision of the state and this shall be regulated by law.

#### Article 32:

The State cares for the handicapped and those with special needs and ensure their rehabilitation in



order to reintegrate them into society. This shall be regulated by law.

Article 33:

First: Every individual has the right to live in a safe environment.

Second: The State undertakes the protection and preservation of the environment and biological diversity.

Article 34:

First: Education is a fundamental factor in the progress of society and is a right guaranteed by the state. Primary education is mandatory and the state guarantees to eradicate illiteracy.

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

Third: The State encourages scientific research for peaceful purposes that serve man and supports excellence, creativity, invention and the different aspects of ingenuity.

Fourth: Private and public education is guaranteed. This shall be regulated by law.

## CHAPTER TWO: LIBERTIES

Article 35:

First:

A. The liberty and dignity of man are safeguarded.

B. No person may be kept in custody or interrogated except in the context of a judicial decision.

C. All forms of psychological and physical torture and inhumane treatment shall be prohibited. Any confession coerced by force, threat, or torture shall not be relied on. The victim shall have the right to compensation in accordance with the law for material and moral damages incurred.

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

Third: Compulsory service (unpaid labor), serfdom, slave trade (slavery), trafficking of women and children, and the sex trade is prohibited.

Article 36:

The state guarantees in a way that does not violate public order and morality:

A. Freedom of expression, through all means.

B. Freedom of press, printing, advertisement, media and publication.

C. Freedom of assembly and peaceful demonstration. This shall be regulated by law.

Article 37:

First: The freedom of forming and of joining associations and political parties is guaranteed. This will be organized by law.

Second: It is prohibited to force any person to join any party, society or political entity or force him to continue his membership in it.

Article 38:

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

Article 39:

*Iraqis are free in their adherence to their personal status according to their religion, sect, belief and choice, and that will be organized by law.*

*[MR. FELDMAN: In the middle of a progressive bill of rights, this provision is interpreted by some to apply Shariah, or Islamic law, to family issues. In fact, the legislature and courts will have to work out what to do if a couple do not agree if Shariah should be applied to their marriage.]*

Article 40:

Each individual has freedom of thought, conscience and belief.

Article 41:

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

A. Practice of religious rites, including the Hussein ceremonies (Shiite religious ceremonies)

B. Management of the endowments, its affairs and its religious institutions. The law shall regulate this.

Second: The state guarantees freedom of worship and the protection of the places of worship.

Article 42:

First: Each Iraqi enjoys the right of free movement, travel, and residence inside and outside Iraq.

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

Article 43:

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

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

Article 44:

There may not be a restriction or limit on the practice of any rights or liberties stipulated in this constitution, except by law or on the basis of it, and insofar as that limitation or restriction does not violate the essence of the right or freedom.

### **SECTION THREE: FEDERAL POWERS**

Article 45:

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

#### **CHAPTER ONE: THE LEGISLATIVE POWER:**

Article 46:

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

FIRST: The Council of Representatives

Article 47:

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

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

Third: A law shall regulate the requirements for the candidate, the voter and all that is connected with the elections.

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

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

Sixth: No member of the Council of Representatives shall be allowed to hold any other official position or work.

Article 48:

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

(I swear by God the Almighty to carry out my legal tasks and responsibilities devotedly and honestly and preserve the independence and sovereignty of [Iraq](#), and safeguard the interests of its people, and watch over the safety of its land, skies, waters, resources and federal democratic system, and I shall endeavor to protect public and private liberties, the independence of the

judiciary and adhere to the applications of the legislation neutrally and faithfully. God is my witness).

Article 49:

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

Article 50:

First: The Council of Representatives shall decide by a two-thirds majority, the membership authenticity of its members within 30 days from the date of filing an objection.

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

Article 51:

First: Sessions of the Council of Representatives shall be public unless it deems them otherwise.

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

Article 52:

The President of the Republic shall call upon the Council of Representatives to convene by a presidential decree within 15 days from the date of the ratification of the general elections results. Its eldest member shall chair the first session to elect the president of the Council and his two deputies. This period may not be extended by more than the aforementioned one.

Article 53:

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

Article 54:

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

Second: The new Council of Representatives shall be elected 45 days before the conclusion of the previous electoral term.

Article 55:

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

Article 56:

First: The President of the Republic or the Prime Minister or the President of the Council of Representatives or fifty members of the Council of Representatives may call the Council to an

extraordinary session. The session shall be restricted to the topics that necessitated the request.

Second: The President of the Republic, or the Prime Minister or the President of the Council or 50 members of the Council of Representatives, may ask for an extension of the legislative session of the Council of representatives for no more than 30 days in order to complete the tasks that required the extension.

Article 57:

First:

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

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

Second:

A. Bills shall be presented by the President of the Republic and the Prime Minister.

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

Article 58:

The Council of Representatives specializes in the following:

First: Enacting federal laws.

Second: Monitoring the performance of the executive authority.

Third: Elect the President of the Republic.

Fourth: A law shall regulate the ratification of international treaties and agreements by a two thirds majority of the members of the Council of Representatives.

Fifth: To approve the appointment of the following:

A. The President and members of the Federal Court of Cassation, Chief Public Prosecutor and the President of Judicial Oversight Commission based on a proposal from the Higher Juridical Council, by an absolute majority.

B. Ambassadors and those with special grades based on a proposal from the Cabinet.

C. The Iraqi Army Chief of Staff, his assistants and those of the rank of division commanders and above and the director of the intelligence service based on a proposal from the Cabinet.

Sixth:

A. Question the President of the Republic based on a justifiable petition by an absolute majority of the Council of Representatives members.

B. Relieve the President of the Republic by an absolute majority of the Council of Representatives members after being convicted by the Supreme Federal Court in one of the following cases:

1- Perjury of the constitutional oath.

2- Violating the Constitution.

3- High treason.

Seventh:

A. The Council of Representatives member may direct questions to the Prime Minister and the Ministers on any subject within their specialty and they may answer the members' questions. The Member who has asked the question solely has the right to comment on the answer.

B. At least 25 members of the Council of representatives may table a general issue for discussion to obtain clarity on the policy and the performance of the Cabinet or one of the Ministries. It must be submitted to the President of the Council of Representatives, and the Prime Minister or the Ministers shall specify a date to come before the Council of Representatives to discuss it.

C. A Council of Representatives member with the agreement of 25 members may direct a question to the Prime Minister or the Ministers to call them to account on the issues within their authority. The discussion on the question shall begin at least seven days after submitting the question.

Eighth:

A. The Council of Representatives may withdraw confidence from one of the Ministers by an absolute majority and he is considered resigned from the date of the decision of confidence withdrawal. The issue of no confidence in the Minister may be tabled only on that Minister's wish or on a signed request of 50 members after an inquiry discussion directed at him. The Council of Representatives shall not issue its decision regarding the request except after at least seven days of its submission.

B.

1- The President of the Republic may submit a request to the Council of Representatives to withdraw confidence from the Prime Minister.

2- The Council of Representatives may withdraw confidence from the Prime Minister based on the request of one-fifth (1/5) of its members. This request may be submitted only after a question has been put to the Prime Minister and after at least seven days from submitting the request.

3- The Council of Representatives shall decide to withdraw confidence from the Prime Minister by an absolute majority of its members.

C. The Government is considered resigned in case of withdrawal of confidence from the Prime Minister.

D. In case of a vote of withdrawal of confidence in the Cabinet as a whole, the Prime Minister and the Ministers continue in their positions to run everyday business for a period not to exceed thirty days until a new cabinet is formed in accordance with the provisions of article 73 of this constitution.

E. The Council of Representatives may interrogate independent commission heads in accordance with the same procedures as for the ministers and may dismiss them by an absolute majority.

Ninth:

A. To consent to the declaration of war and the state of emergency by a two-thirds majority based on a joint request from the President of the Republic and the Prime Minister.

B. The period of the state emergency shall be limited to 30 days, extendable after approval each time.

C. The Prime Minister shall be authorized with the necessary powers that enable him to manage the affairs of the country within the period of the state of emergency and war. A law shall regulate these powers that do not contradict the constitution.

D. The Prime Minister shall present to the Council of Representatives the measures taken and the results within the period of declaration of war and within 15 days of the end of the state of emergency.

Article 59:

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

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

Article 60:

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

Second:

A. Each member of the Council of Representatives shall enjoy immunity for statements made while the Council is in session, and the member may not be prosecuted before the courts for such.

B. A Council of Representatives member may not be placed under arrest during the legislative term of the Council of Representatives, unless the member is accused of a felony and the Council of Representatives members consent by an absolute majority to lift his immunity or if caught in flagrante delicto (the act) in the commission of a felony.

C. A Council of Representatives member may not be arrested after the legislative term of the Council of Representatives, unless the member is accused of a felony and with the consent of the speaker of the Council of Representatives to lift his immunity or if he is caught in flagrante delicto in the commission of a felony.

Article 61:

First: The Council of Representatives may dissolve itself with the consent of the absolute majority of its members, upon the request of one-third of its members or upon the request of the Prime

Minister and the consent of the President of the Republic. The Council may not be dissolved during the period in which the Prime Minister is being questioned.

Second: Upon the dissolution of the Council of Representatives, the President of the Republic shall call for general elections in the country within a period not to exceed 60 days from the date of its dissolution. The Cabinet in this case is considered resigned and continues to run everyday business.

SECOND: The Federation Council

Article 62:

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

## CHAPTER TWO: THE EXECUTIVE POWER

Article 63:

The Federal Executive Power shall consist of the President of the Republic and the Council of Ministers and shall exercise its powers in accordance with the constitution and the law.

FIRST: The President of the Republic

Article 64:

The President of the Republic is the Head of the State and a symbol of the unity of the country and represents the sovereignty of the country. He safeguards the commitment to the Constitution and the preservation of [Iraq's](#) independence, sovereignty, unity, the security of its territories in accordance with the provisions of the Constitution.

Article 65:

A nominee to the Presidency must meet the following conditions:

- A. Must be an Iraqi by birth, born to Iraqi parents.
- B. Must be fully eligible and be at least 40 years old.
- C. Must be of good reputation and political experience, and known for his integrity, righteousness, fairness and loyalty to the homeland.
- D. Must not have been convicted of a crime involving moral turpitude.

Article 66:

First: A law shall regulate the nomination to the post of the President of the Republic.

Second: A law shall regulate the nomination of one deputy or more for the President of the Republic.



Article 67:

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

Second: If any of the candidates does not receive the required majority vote then the two candidates who received the highest number of votes shall compete and the one who receives the highest number of votes in the second election shall be declared as President.

Article 68:

The President shall take the Constitutional Oath before the Council of Representatives in the form stipulated in Article 48 of the Constitution.

Article 69:

First: The President of the Republic's term in office shall be limited to four years and may be elected for a second time and no more.

Second:

A. The term of the President of the Republic shall finish at the end of the Council of Representatives' term.

B. The President of the Republic will continue to exercise his functions until the elections for the Council of Representatives is completed and until it meets. The new President shall then be elected within 30 days of its first meeting.

C. If the position of president of the republic is vacant, for whatever reason, a new president will be elected in order to fill the vacancy for the remaining period of that president's term.

Article 70:

The President of the Republic shall assume the following powers:

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

B. To ratify international treaties and agreements after the approval by the Council of Representatives. Such international treaties and agreements are considered ratified after 15 days from the date of receipt.

C. To ratify and issue the laws enacted by the Council of Representatives. Such laws are considered ratified after 15 days from the date of receipt.

D. To call the elected Council of Representatives to convene during a period not to exceed 15 days from the date of approval of the election results and in the other cases stipulated in the Constitution.

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

F. To accredit Ambassadors.

G. To issue Presidential decrees.

H. Ratify death sentences issued by the competent courts.

I. Perform the duty of the Higher Command of the armed forces for ceremonial and honorary purposes.

J. Exercise any other presidential powers stipulated in this Constitution.

Article 71:

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

Article 72:

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

Second: The "Vice" President shall assume the office of the President in case of his absence.

Third: The Vice President shall assume the duties of the President of the Republic or in the event of the post of the President becomes vacant for any reason whatsoever. The Council of Representatives must elect a new President within a period not to exceed 30 days from the date of the vacancy.

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

justice in appropriating funds to the governments of the regions and province that are not organized in a region in accordance with the established percentages.

SECOND: Council of Ministers

Article 73:

First: The President of the Republic shall name the nominee of the Council of Representatives bloc with the largest number to form the Cabinet within 15 days from the date of the election of the president of the republic.

Second: The Prime Minister-designate shall undertake the naming of the members of his Cabinet within a period not to exceed 30 days from the date of his designation.

Third: In case the Prime Minister-designate fails to form the cabinet during the period specified in clause "Second," the President of the Republic shall name a new nominee for the post of Prime Minister within fifteen days.

Fourth: The Prime Minister-designate shall present the names of his Cabinet members and the

ministerial program to the Council of Representatives. He is deemed to have gained its confidence upon the approval, by an absolute majority of the Council of Representatives, of the individual Ministers and the ministerial program.

Fifth: The President of the Republic shall name another nominee to form the cabinet within 15 days in case the Cabinet did not gain the confidence.

Article 74:

First: The conditions for assuming the post of the Prime Minister shall be the same as those for the President of the Republic, provided that he is at least 35 years old and has a college degree or its equivalent.

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

Article 75:

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

Article 76:

The Prime Minister and members of the Cabinet shall take the Constitutional Oath before the Council of Representatives in the form stipulated in Article 48 of the Constitution.

Article 77:

The Cabinet shall exercise the following powers:

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

Second: To propose bills.

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

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

Fifth: To recommend to the Council of Representatives to approve the appointment of under secretaries, ambassadors, State senior officials, Chief of Staff of the Armed Forces and his assistants, Division Commanders or higher, Director of the National Intelligence Service, and heads of security institutions.

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

Article 78:

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

Second: The President must designate another nominee to form the cabinet within a period not to exceed 15 days in accordance with the provisions of article 73 of this Constitution.

Article 79:

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

Article 80:

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

Article 81:

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

Second: The National Intelligence Service shall be attached to the Cabinet.

Article 82:

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

Article 83:

A law shall regulate the formation of ministries, their tasks, their responsibilities and the authorities of the minister.

### CHAPTER THREE: THE JUDICIAL AUTHORITY

Article 84:

The Judicial authority is independent. The courts, in their various types and classes, shall assume this authority and issue decisions in accordance with the law.

Article 85:

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

Article 86:

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

FIRST: Higher Juridical Council

Article 87:

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

Article 88:

The Higher Juridical Council shall exercise the following authorities:

First: To manage the affairs of the Judiciary and supervise the Federal Judiciary.

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

Third: To propose the draft of the annual budget of the Federal Judiciary Authority and present it to the Council of Representatives for approval.

SECOND: Supreme Federal Court

Article 89:

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

*Second: The Supreme Federal Court will be made up of number of judges, and experts in Shariah (Islamic) and law, whose number and manner of selection will be defined by a law that should be passed by two-thirds of the parliament members.*

*[MR. FELDMAN: The Supreme Federal Court will decide the difficult questions about federalism, who owns the oil and how democracy and Islam should be balanced. The drafters punted when they declined to state how the judges would be selected. But they did say that some will be experts in religious law, so Shiite clerics, and probably some Sunni ones, will play a crucial role.]*

Article 90:

The Supreme Federal Court shall have jurisdiction over the following:

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

Second: Interpretation of the provisions of the constitution.

Third: Settle matters that arise from the application of the federal laws, decisions, regulations, instructions, and procedures issued by the federal authority. The law shall guarantee the right of each of the Cabinet, the concerned individuals and others of direct contest with the Court.

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

Fifth: Settle disputes that arise between the governments of the regions and governments of the province.

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

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

Eight:

A. Settle competency dispute between the Federal Judiciary and the judicial institutions of the regions and province that are not organized in a region.

B. Settle competency dispute between judicial institutions of the regions or province that are not organized in a region.

Article 91:

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

THIRD: General Provisions

Article 92:

Special or exceptional courts may not be established.

Article 93:

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

Article 94:

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

Article 95:

A judge or public prosecutor may not:

First: Combine a position in the judiciary, and a position in the legislature and executive or any other employment.

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

Article 96:

A law shall regulate military judiciary and shall specify the jurisdiction of military courts, which will be limited to crimes of military nature that occur by members of the armed forces, security forces and within the limits stipulated by law.

Article 97:

It is prohibited to stipulate in law the immunization from appeal of any administrative work or decision.

#### Article 98:

It is permitted to regulate in a law the establishment of a State Council specialized in the functions of administrative judiciary, interpretation, drafting, and the State and various public institutions representation before the judicial bodies except those exempted by law.

### CHAPTER FOUR: INDEPENDENT COMMISSIONS

#### Article 99:

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

#### Article 100:

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

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

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

#### Article 101:

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

#### Article 102:

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

#### Article 103:

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

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

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

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

Article 104:

A council named the Federal Public Service Council shall be established and shall regulate the affairs of the federal public service, including the appointment and promotion. A law shall regulate its formations and competencies.

Article 105:

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

## **SECTION FOUR: POWERS OF THE FEDERAL GOVERNMENT**

Article 106:

The federal authorities shall preserve the unity, integrity, independence, sovereignty of [Iraq](#), and its federal democratic system.

Article 107:

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

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

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

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

Fourth: Regulating standards, weights and measures;

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

Sixth: Regulating telecommunications and mail policy.

Seventh: To draw up the general and investment budget bill.

Eighth: Plan policies relating to water sources from outside Iraq, and guarantee the rate of water flow to Iraq and its fair distribution, in accordance with international laws and norms.

Ninth: General population statistics and census.

Article 108:

Oil and gas are the ownership of all the people of Iraq in all the regions and province.

*Article 109:*



*First: The federal government will administer oil and gas extrated from current fields in cooperation with the governments of the producing regions and provinces on condition that the revenues will be distributed fairly in a manner compatible with the demographical distribution all over the country.*

*[MR. FELDMAN: This is both trickiest and most important provision. Revenue from existing oil fileds is to be distributed across the country by population, but what does it mean for the federal government to do so "with" the regional governments? And what about future wells not covered by the word "current"?]*

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

Article 110:

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

First: To administer customs in coordination with the governments of the regions and province that are not organized in a region. This will be organized by law.

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

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

Fourth: To formulate the development and general planning policies.

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

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

Seventh: To formulate and organize the main internal water sources policy in a way that guarantees fair distribution. This will be organized by law.

Article 111:

All powers not stipulated in the exclusive authorities of the federal government shall be the powers of the regions and province that are not organized in a region. The priority goes to the regional law in case of conflict between other powers shared between the federal government and regional governments.

## **SECTION FIVE: POWERS OF THE REGIONS**

### **CHAPTER ONE: REGIONS**

Article 112:

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

Article 113:

First: This Constitution shall approbate the region of Kurdistan and its existing regional and federal authorities, at the time this constitution comes into force.

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

Article 114:

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

Article 115:

*One province or more have the right to form a region, based on a request for a referendum, which can be submitted in one of two methods:*

*A. A request by a third of the members of each of the provincial councils in the provinces that desire to form a region.*

*B. A request by one-tenth of the voters in each of the provinces that desire to form a region.*

*[MR. FELDMAN: Iraq's provinces can be united to form "regions" like the Kurdish one in the north. Regions will have control over nearly all aspects of day-to-day life. Whether Shiite provinces form their own mega-region may determine whether Iraq holds together as a nation. Many Sunnis objected to this provision.]*

Article 116:

The region shall adopt a constitution that defines the structure of the regional government, its authorities and the mechanisms of exercising these authorities provided that it does not contradict with this Constitution.

Article 117:

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

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

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

Fourth: The regions and province shall establish offices in the embassies and diplomatic missions,

in order to follow up cultural, social and developmental affairs.

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

## CHAPTER TWO: province THAT ARE NOT INCORPORATED INTO A REGION

### Article 118:

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

Second: province that are not incorporated in a region shall be granted broad administrative and financial authorities to enable it to manage its affairs in accordance with the principle of decentralized administration. This will be organized by law.

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

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

Fifth: The governorate council shall not be subject to the control or supervision of any ministry or any institution not linked to a ministry. The governorate council shall have an independent finance.

### Article 119:

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

## CHAPTER THREE: THE CAPITAL

### Article 120:

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

Second: A law shall regulate the status of the capital.

Third: The capital may not merge with a region.

## CHAPTER FOUR: THE LOCAL ADMINISTRATIONS

### Article 121:

This Constitution shall guarantee the administrative, political, cultural and educational rights for the various nationalities, such as Turkmen, Caldeans, Assyrians and all other components. This will be organized by law.

## SECTION SIX: FINAL AND TRANSITIONAL PROVISIONS

### CHAPTER ONE: FINAL PROVISIONS

#### Article 122:

First: The President of the Republic and the Council of the Ministers collectively or one-fifth (1/5) of the Council of Representatives members may propose to amend the Constitution.

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

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

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

#### Fifth:

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

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

#### Article 123:

The President of the Republic, the Prime Minister, members of the Council of Ministers, the Speaker of the Council of Representatives, his two Deputies and members of the Council of Representatives, members of the Judicial Authority and people of the special grades may not use their influence to buy or rent any of the State properties, or to rent or sell any of their assets to the State, or to sue the State for it or to conclude a contract with the State under the pretense of being building contractors, suppliers or concessionaires.

#### Article 124:

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

#### Article 125:

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

#### Article 126:

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

#### Article 127:

Every referendum mentioned in this constitution is valid with the approval of a simple majority of the voters unless otherwise stipulated.

## CHAPTER TWO: TRANSITIONAL PROVISIONS

### Article 128:

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

Second: The State guarantees compensation to the families of the martyrs and those injured due to terrorist acts.

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

### Article 129:

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

### Article 130:

The [Iraq](#) High Criminal Court shall continue its duties as an independent judicial body, in examining the crimes of the defunct dictatorial regime and its symbols. The Council of Representatives shall have the right to dissolve by law the Iraqi High Criminal Court after the completion of its work.

### Article 131:<

First: The National Assembly will form a parliamentary committee from its members to oversee and review the executive activities of the Supreme De-Baathification Commission and state agencies to guarantee justice, objectivity and transparency.<

*MR. FELDMAN: This change, made this week, created legislative oversight of the de-Baathification commission, which some Sunnis say has gone too far.]*

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

Third: The nominee to the Position of the President of the Republic, the Prime Minister and the members of the Ministers Council, the Speaker and the members of the Council of Representatives, the President and members of the Federation Council, the corresponding positions in the regions, members of the Judicial committees and other positions included in the De-Ba'athification pursuant to the law may not be subject to De-Baathification judgments.

Fourth: The conditions stated in clause "Third" of this article shall remain in force unless the commission provided for in clause "First" of this article is dissolved.

### Article 132:

First: The Property Claims Commission shall continue its functions as an independent commission in coordination with the Judicial authority and the Executive institutions in accordance with the

law. The Property Claims Commission shall be attached to the Council of Representatives.

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

Article 133:

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

Article 134:

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

Second:

A. The Council of Representatives shall elect the President of the State and two Vice Presidents who shall form a Council called "the Presidency Council," which shall be elected by one list and with a two-thirds majority.

B. The provisions to remove the President of the Republic present in this constitution shall apply to the President and members of the Presidency Council.

C. The Council of Representatives may remove a member of the Presidency Council with a three-fourths majority of its members for reasons of incompetence and dishonesty.

D. In the event of a vacant seat in the Presidency Council, the Council of Representatives shall elect a replacement by a two-thirds majority vote of its members.

Third: The members of the Presidency Council shall be subject to the same conditions as members of the Council of Representatives and must also:

A. Have completed forty years of age.

B. Enjoy good reputation, integrity and uprightness.

C. Have quit the defunct Party ten years prior to its fall, in case he was a member of the dissolved Baath Party.

D. Have not participated in suppressing the 1991 uprising and the Anfal campaign. He must not have committed a crime against the Iraqi people.

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

Fifth:

A. Legislation and decisions enacted by the Council of representatives shall be forwarded to the

Presidency Council to approve it unanimously and to issue it within ten days from the date of delivery to the Presidency Council, except the stipulations of Articles (114) and (115) that pertain to the formation of regions.

B. In the event the Presidency Council does not approve, legislation and decisions shall be sent back to the Council of Representatives to re-examine the disputed issues and to vote on by the majority of its members and then shall be sent for the second time to the Presidency Council for approval.

C. In the event the Presidency Council does not approve the legislation and decisions for the second time within ten days of receipt, the legislation and decisions are sent back to the Council of Representatives who have the right to adopt it by a three-fifths non-appealable majority vote and shall be considered ratified.

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

Article 135:

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

Article 136:

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

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

*At the start of its functioning, the National Assembly shall form a committee from its members, which will be representative of the main components of Iraqi society. Its goal will be to make recommendations in a periods not to exceed four months for necessary amendments that can be made to the Constitution.*

*[MR. FELDMAN: This concession made to Sunnis this week creates an expedited process for amending the constitution. The change swayed some Sunni politicians to support the constitution, but whether it will sway Sunni voters is unknown.]*

Article 137:

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

Article 138:

The Transitional Administrative Law and its Annex shall be annulled on the seating of the new

government, except for the stipulation of Article 53(A) and Article 58 of the Transitional Administrative Law.

Article 139:

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

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