



THE UNIVERSITY OF ARIZONA  
COLLEGE OF SOCIAL & BEHAVIORAL SCIENCES

# Center for Middle Eastern Studies

## Handout 1:

### Partial text of the Iraqi Constitution ratified in 2005 As published by UNESCO

The following is a portion of the Iraqi Constitution as translated from Arabic by the United Nations' Office for Constitutional Support, and the translation was approved by the Iraqi government. Items in parentheses are amendments approved by parliament and translated by The Associated Press. The amendments were made too late to be included in the U.N.-translated text being distributed to Iraqi voters and will be publicized in the press.

#### 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 thirtieth of January two thousand and five, 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, Al-Dujail and others and articulating the sufferings of racial oppression in the massacres of Halabcha, Barzan, Anfal and the Fayli Kurds and inspired by the ordeals of the Turkmen in Basheer 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:

Amendment (The Republic of Iraq is a single, independent federal state with full sovereignty. Its system of government is republican, representative 61/27Parliamentary63/47 and democratic. This Constitution is the guarantor of its unity)

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.

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 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.

Amendment (Third: The federal institutions and agencies in the Kurdistan region shall use the Arabic and Kurdish 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 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.

## 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 the 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:**

Amendment (First: Iraqi nationality is the right of every Iraqi and shall be the basis of his citizenship.)

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

(Second: An Iraqi is any person born to an Iraqi father or mother. This will regulated by law.)

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 twenty-four 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 25:**

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

**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.

Amendment: (Fourth: The State will promote cultural activities and institutions in a way that is appropriate with Iraq's civilizational history and culture. It will take care to depend on authentic Iraqi cultural trends.)

**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.

Amendment: (D. Every Iraqi has the right to engage in sports, and the State should encourage its activities and promotion and will provide its necessities)

**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 commitment to their personal status according to their religions, sects, beliefs, or choices. This shall be regulated by law.

**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 specialization 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 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.

**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 twenty-five 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 twenty-five 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 fifty 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.

**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 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.

**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 has completed forty years of age.
- 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 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 thirty 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 fifteen 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 fifteen days from the date of receipt.
- D. To call the elected Council of Representatives to convene during a period not to exceed fifteen days from the date of approval of the election results and in the other cases stipulated in the Constitution.
- 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 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.

**CHAPTER THREE: THE JUDICIAL AUTHORITY**

**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 91:**

Decisions of the Federal Supreme 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.

**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 governorates.

#### **Article 109:**

First: The federal government with the producing governorates and regional governments shall undertake the management of oil and gas extracted from current fields provided that it distributes oil and gas revenues in a fair manner in proportion to the population distribution in all parts of the country with a set allotment for a set time for the damaged regions that were unjustly deprived by the former regime and the regions that were damaged later on, and in a way that assures balanced development in different areas of the country, and this will be regulated by law.

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

Amendment: (Antiquities and antiquity sites, traditional constructions, manuscripts and coins are considered part of the national wealth which are the responsibility of the federal authorities. They will be administered in cooperation with the regions and governorates, and this will be regulated by law.)

#### **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 governorates 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 governorates 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 governorates that are not organized in a region.

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

Seventh: To formulate and 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 governorates 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 governorates, and local administrations.

#### **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.

**Article 134:**

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.