

Country/entity Iraq

Region Middle East and North Africa

Agreement name Agreement on Political Process

Date 15 Nov 2003

Agreement status Multiparty signed/agreed

Interim arrangement Yes

Agreement/conflict level Intrastate/intrastate conflict

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

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

Close

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

Stage Pre-negotiation/process

Conflict nature Government

Peace process Iraq peace process - second Iraq war

Parties Jalal Talabani, For the Governing Council; L. Paul Bremer and David Richmond, For the Coalition Provisional Authority.

Third parties -

Description Short agreement between Coalition Provisional Authority and the Governing Council of Iraq for the establishment of a Fundamental Law, the selection Transitional National Assembly, and the eventual restoration of sovereignty to Iraqi governing bodies.

Agreement document

[IQ_031115_Agreement_on_Political_Process.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

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

Religious groups Groups→Religious groups→Anti-discrimination
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Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

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

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

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

State configuration No specific mention.

Self determination No specific mention.

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

State symbols No specific mention.

Independence/secession No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

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

Governance

Political institutions (new or reformed)

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

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

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

Page 2, 4. Restoration of Iraq's Sovereignty

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Elections

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

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Page 2, 5. Process for Adoption of Permanent Constitution

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

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

Page 2, 5. Process for Adoption of Permanent Constitution

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

**Electoral
commission**

No specific mention.

**Political parties
reform**

No specific mention.

Civil society

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

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**Traditional/
religious leaders**

No specific mention.

**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making

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

Page 1, 1. The "Fundamental Law"

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

- Elements of the "Fundamental Law":

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

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

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

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

o Statement that Fundamental Law cannot be amended.

o An expiration date for Fundamental Law.

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

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

Page 2, 5. Process for Adoption of Permanent Constitution

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

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

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

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

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

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

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Power sharing

Political power sharing

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

3. Selection of Transitional National Assembly

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

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religious groups. Nominees must meet the criteria set out for candidates in the

Fundamental Law. To be selected as a member of the Governorate Selection Caucus, any nominee will need to be approved by an 11/15 majority of the Organizing Committee.

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

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

Territorial power sharing

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

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

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

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Power sharing→Territorial power sharing→Other

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

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Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

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

Treaty incorporation No specific mention.

Civil and political rights Human rights and equality→Civil and political rights→Equality
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Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion
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Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

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

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

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

Cultural heritage No specific mention.

Environment No specific mention.

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

Security sector

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

Ceasefire No specific mention.

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

Armed forces Page 1, 1. The "Fundamental Law"
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DDR No specific mention.

**Intelligence
services** No specific mention.

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

Transitional justice

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

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Global Policy Forum, <https://www.globalpolicy.org/component/content/article/168/36091.html>
