

Country/entity	Iraq Kurds-Kurdistan
Region	Middle East and North Africa Cross-regional
Agreement name	Erbil Agreement
Date	7 Nov 2010
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

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

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

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

Stage	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	Kurdistan/Iraq territorial conflict
Parties	The meeting minutes were signed by: Rose Nuri Shaways, Deputy Prime Minister, Representative of Kurdistan Region President and Kurdistan Alliance, leader of National Coalition, Hassan Al-Sunaid, leader of IS, Salman Al-Jumaili.

Third parties

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Description

Short agreement providing for substantial governmental reforms, encompassing the executive, legislature, and judiciary. Primary among them, the balance law seeks to provide some 'balance' between various government positions.

Agreement document

[IQ_101107_Erbil Agreement.pdf \(opens in new tab\)](#) | [Download PDF](#)

Groups**Children/youth**

No specific mention.

Disabled persons

No specific mention.

Elderly/age

Groups→Elderly/age→Substantive
Page 2, Aspect Four: Security Reform Paper
...
6 - Establish research centers to benefit from the experience of retirees [from security forces]

Migrant workers

No specific mention.

**Racial/ethnic/
national group**

No specific mention.

Religious groups

No specific mention.

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**

No specific mention.

Men and boys

No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

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)→General references

Page 1, Aspect One: Administration and Finance:

1. Privileges of Members: review legislations with regard to privileges of members and their replacement (entitlements, salaries, protection, pension and administrative and financial powers).
2. Reform of the Parliament: strengthening the capacities of CoR's cadres to enable them perform their duties with regard to drafting legislations, and following up with the laws of different Committees within a specific time frame. Additionally, draft laws or legislations submitted to or received by the Council should not be neglected.

Page 1, Aspect Two: Legislations/Laws:

2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:
 - ... – Law of the Federation Council
 - ... – The Executive Authority Law

Page 2, Aspect Three: The Oversight Role

1. Activation of linking independent bodies/commissions with the Council of Representatives: in accordance with the Constitution (the Integrity Commission, Bureau of Financial Audit, Media Network, Media and Communication Commission) and in accordance with the decision of the Federal Court.
- 2 – Address and resolve the issue of acting officials (acting minister, commission chairman, deputy minister, etc.) within three months from the beginning of the term of the Council of Representatives (CoR) while ensuring constitutional balance.
- ... 4 - Adopt a clear and agreed mechanism for summoning and questioning members of the executive authority and not leave this to the interpretations of the Presidency.

Page 4, Balance in state institutions

Aspect VI: Achieving national balance in:

- ... 5 - Activate the Constitution and laws related to appointment and employment and speed up the establishment of the Federal Civil service Council provided for in Article 107 of the Constitution which was endorsed by the CoR in its last term.

Page 4, Aspect V11: Reform of the Executive Authority

- ... 4- Approval of an agreed-upon by law that regulates the work of the Council of Ministers and identifies the powers of the Council and its members.

Page 4, Aspect V11: Reform of the Executive Authority

- ... 7- Activation of the supervisory role of the Council of Ministers over the performance of ministries.

Page 4, Aspect V11: Reform of the Executive Authority

- ... 10- Combination of legislative and executive positions shall be barred.
- 11- Direct interference in the work of Ministries through agents, advisors and director general for the benefit of any party shall be banned and the Minister shall be dealt with in his/her capacity as the supreme president of his/her ministry.

Page 5, Aspect V11: Reform of the Executive Authority

- ... 12- The Prime Minister and all Ministers shall comply with the decisions of the Council of Ministers and applicable laws as they represent the State at their Ministries and not their components or political blocs. Required measures to sack those who violate thereof shall be taken.

Elections

Page 1, Aspect Two: Legislations/Laws:

2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:

... – Electoral law

– Electoral Commission Law

**Electoral
commission**

Page 1, Aspect Two: Legislations/Laws:

2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:

... – Electoral law

– Electoral Commission Law

**Political parties
reform**

No specific mention.

Civil society

Page 1, Aspect Two: Legislations/Laws:

2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:

... – Law on [Political] Parties

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

Page 4, Aspect V11: Reform of the Executive Authority

- 1- Adoption of efficiency and professionalism principle and achievement of constitutional balance in public service in accordance with the Public Service Council Law.
- 2- Restoration of the constitutional balance resulting from the appointments that were made in the past period and guarantee of the constitutional representation of Governorates (not agreed upon).

Constitution

Governance→Constitution→Constitutional reform/making

Page 1-2, Aspect Two: Legislations/Laws:

1. Reformation of the Constitutional Review Committee: in a manner that ensures actual participation of all winning blocs in the Committee and the implementation of the agreed amendments.
2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:
 - The Federal Court Law
 - Oil and Gas Law
 - National Reconciliation Law
 - Law for Organizing Security Apparatus
 - Law on [Political] Parties
 - Law of the Federation Council
 - Electoral law
 - Electoral Commission Law
 - Media Network Law
 - The Integrity Commission Law
 - Law of Inspectors General
 - Law of Bureau of Financial Audit
 - Balance Commission Law
 - Federal Revenues Law
 - The Executive Authority Law
 - Law of Journalism and Protection of Journalists.

Page 2, Aspect Two: Legislations/Laws:

3. Formation of permanent parliamentary committees: Chairs, Deputy Chairs and Rapporteur should be appointed in accordance with the electoral entitlements and constitutional equilibrium.
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Power sharing

Political power sharing

Power sharing→Political power sharing→General State level
Balance in state institutions
Aspect VI: Achieving national balance in:
A – Deputy Ministers
B – Ambassadors
C - Heads of agencies and the Independent Commission.
D - In federal ministries and military and security institutions at the rank of director general and above or its equivalent (division commanders, ministries secretariat, etc.)
2 - The national balance commission law shall be enacted within a period not exceeding six months from the date the parliamentary committees begin their work. The commission shall be established immediately after the entry into force of the law upon agreement of the blocs.
3 - The commission shall adopt constitutional balance and ensure the rights of all regions and governorates in all state institutions including the military and security institutions at all levels.
- Activate the role of the ministries councils and independent bodies and grant appropriate powers to deputy ministers and deputy chairmen of independent bodies to achieve participation.
5 - Activate the Constitution and laws related to appointment and employment and speed up the establishment of the Federal Civil service Council provided for in Article 107 of the Constitution which was endorsed by the CoR in its last term.
Power sharing→Political power sharing→Executive coalition
State level
Page 4, Aspect V11: Reform of the Executive Authority
...2- Restoration of the constitutional balance resulting from the appointments that were made in the past period and guarantee of the constitutional representation of Governorates (not agreed
...
3- Guarantee genuine participation of the parities allied in the Government in decision making (political, security and economic).

Territorial power sharing

No specific mention.

Economic power sharing

No specific mention.

Military power sharing

No specific mention.

Human rights and equality

Human rights/RoL general Page 2, Aspect Four: Security Reform Paper
... 4 - Investigate with all security leaders and personnel against whom human rights violation claims are received. No one should be given immunity under any pretext.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

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 Rights related issues→Media and communication→Media roles
Page 1-2, Aspect Two: Legislations/Laws:
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... – Media Network Law
... – Law of Journalism and Protection of Journalists.

Page 2, Aspect Three: The Oversight Role
1. Activation of linking independent bodies/commissions with the Council of Representatives: in accordance with the Constitution (the Integrity Commission, Bureau of Financial Audit, Media Network, Media and Communication Commission) and in accordance with the decision of the Federal Court.
... 3 - Activate the role of the various media outlets as the fourth power and pass the journalism law and the journalists' protection law.
...

Mobility/access No specific mention.

Protection measures

Rights related issues→Protection measures→Protection of groups

Page 1-2, Aspect Two: Legislations/Laws:

2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:

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... 3 - Activate the role of the various media outlets as the fourth power and pass the journalism law and the journalists' protection law.

Rights related issues→Protection measures→Other

Page 1, Aspect One: Administration and Finance:

1. Privileges of Members: review legislations with regard to privileges of members and their replacement (entitlements, salaries, protection, pension and administrative and financial powers).

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

Justice sector reform→Criminal justice and emergency law→Reform to specific laws

Page 3, Aspect V: Judicial Reform Paper

... 6 - Review the Anti-Terrorism Law.

Page 5, Part Nine: Accountability, Justice and national reconciliation

...3- Reconsideration of the Accountability and Justice Law by making agreed upon amendments thereto to prevent the use of the law with double standards or to use the law for political purposes. And the issue shall be addressed in accordance with the Law.

State of emergency provisions

No specific mention.

Judiciary and courts

Page 1, Aspect Two: Legislations/Laws:
2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:
– The Federal Court Law

Page 3, Aspect V: Judicial Reform Paper
1 - Combining the positions of Chairman of the Higher Judicial Council (HJC), the Federal Supreme Court, and the Court of Cassation is prohibited.
2 - Speed up enactment of the Federal Court Law and agree on the names of its members.
3 - Speed up enactment of the judicial authority law in accordance with the Constitution and activate and enhance the work of the Public Prosecutor.
4 - Speed up enactment of the HJC [Higher Judicial Council] law.
5 – Prohibit the work of judges outside HJC formations.

Prisons and detention

No specific mention.

Traditional Laws

No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 4, Aspect V11: Reform of the Executive Authority
... 6- The educational and agricultural initiative shall be connected with the competent ministries and any future initiative shall only be adopted by a decision of the Council of Ministers.

National economic plan

No specific mention.

Natural resources

Page 1, Aspect Two: Legislations/Laws:
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– Oil and Gas Law

International funds

No specific mention.

Business

No specific mention.

Taxation Socio-economic reconstruction→Taxation→Reform of taxation
Page 1, Aspect Two: Legislations/Laws:
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... – Federal Revenues Law

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 Page 3 Aspect Four: Security Reform Paper
... 9 - Establish a special emergency agency to be concerned with cases of national disasters and to provide immediate solutions and responses to affected areas.

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

Security sector

Security Guarantees

Page 1, Aspect Two: Legislations/Laws:

2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:

... – Law of Inspectors General

Page 2, Aspect Four: Security Reform Paper

[Note: clauses from section are coded elsewhere as appropriate.]

... 5 - Activate the role of the governorate councils in accordance with the Constitution as well as the law of the governorate councils to ensure the implementation of the security decisions of these councils.

Page 3 Aspect Four: Security Reform Paper

... 7 - Control and protect borders using modern technologies in a manner that ensures border control.

8 - Deal strictly with illegal border infiltrators.

Page 4, Aspect V11: Reform of the Executive Authority

... 5- Gradual integration of security institutions that are not prescribed in the Constitution at competent Security Ministries as conditions allow.

Ceasefire

No specific mention.

Police

Page 2, Aspect Four: Security Reform Paper

1 - Law of the security apparatuses and their powers.

Adopt the security apparatuses law which identifies the functioning security apparatuses and specifies the functions and powers of each apparatus to achieve integration and avoid overlapping jurisdictions of the security apparatuses.

2 - The need to rehabilitate security apparatuses in a manner that achieves the highest levels of professionalism.

3 - Security apparatuses shall be accountable to the CoR (in accordance with the constitutional texts). The necessary laws shall be enacted to impose the strictest legal penalties on parties that prove to be involved in providing intelligence to foreign entities.

Armed forces

Page 1, Aspect Two: Legislations/Laws:

2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:

... – Law for Organizing Security Apparatus

Page 2, Aspect Four: Security Reform Paper

1 - Law of the security apparatuses and their powers.

Adopt the security apparatuses law which identifies the functioning security apparatuses and specifies the functions and powers of each apparatus to achieve integration and avoid overlapping jurisdictions of the security apparatuses.

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3 - Security apparatuses shall be accountable to the CoR (in accordance with the constitutional texts). The necessary laws shall be enacted to impose the strictest legal penalties on parties that prove to be involved in providing intelligence to foreign entities.

DDR

No specific mention.

Intelligence services

Page 2, Aspect Four: Security Reform Paper

... 3 - Security apparatuses shall be accountable to the CoR (in accordance with the constitutional texts). The necessary laws shall be enacted to impose the strictest legal penalties on parties that prove to be involved in providing intelligence to foreign entities.

... 6 - Establish research centers to benefit from the experience of retirees [from security forces]

Page 3 Aspect Four: Security Reform Paper

... 10 - Enhance the role and powers of the Iraqi National Intelligence Service and build the capacities of its staff to meet the requirements of maintaining Iraq's national security. Combat espionage; monitor security intelligence activities on Iraqi lands; and enact effective laws in this regard.

Parastatal/rebel and opposition group forces

No specific mention.

Withdrawal of foreign forces

No specific mention.

Corruption	<p>Page 1, Aspect Two: Legislations/Laws: 2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority: ... – The Integrity Commission Law</p> <p>Page 2, Aspect Three: The Oversight Role ... 4 - Adopt a clear and agreed mechanism for summoning and questioning members of the executive authority and not leave this to the interpretations of the Presidency.</p> <p>Page 4, Aspect V11: Reform of the Executive Authority 1- Adoption of efficiency and professionalism principle and achievement of constitutional balance in public service in accordance with the Public Service Council Law.</p> <p>Page 4, Aspect V11: Reform of the Executive Authority ... 8- Addressing of administrative and financial corruption phenomenon.</p>
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	<p>Page 3, Aspect V: Judicial Reform Paper ... 6 - Review the Anti-Terrorism Law.</p>

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 Page 1, Aspect Two: Legislations/Laws:
2. Legislations timeframes: to set a timeframe for the enactment of all constitutionally approved legislations/laws which have not yet been enacted, in coordination with the Parliament, the Legal Committee and other competent parliamentary committees on the one hand and the Presidency of the Council and the political blocs on the other hand in order of precedence and priority:
– National Reconciliation Law

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 UN Peacemaker (which cites Unofficial translation by UNAMI language services – published in Arabic in AlSabah Newspaper)
