

# **Law of the executive procedures regarding the formation of regions**

## **Chapter One**

### **Article (1)**

A region is a legal entity that consists of one province or more.

## **Chapter Two**

### **Ways of forming a region**

### **Article (2)**

A region would be formed by a referendum, and by submitting a request in one of the following ways:

First: a request presented by third of the members of each of the provincial councils, formed according to the constitution, wishing to form a region.

Second: a request presented by 1/10 of the voters in each province of the provinces wishing to form a region.

Third: in the case of a province wishing to join a region, third of the provincial council members should submit a request accompanied by the approval of third of the legislative council members of that region.

## **Chapter Three**

### **Measures of forming a region**

### **Article (3)**

A request to form a region should be submitted to the Council of Ministers signed by chairs, legal representatives of provincial councils or legislative councils for regions within one week.

The Council of Minister would task the Independent Electoral Commission, within 15 days of submitting the request, to start arranging a referendum, for the future region, within three months period.

### **Article (4)**

First: if the request is submitted according to Article 2/ second, it should be submitted by 2 % of voters to the Independent Electoral Commission (IEC) Office in their

province explaining the shape of the region desired. The IEC should announce the request within 3 days in media and should give a one-month period at minimum for all eligible voters, wishing to support that request, to register in a specially prepared record in order for their votes to be calculated to achieve a quorum.

Second: if there are many requests reflecting different desires according to Article 2 of this law, then the following procedures should be followed:

- A. If one of the requests is submitted according to Article 2/first and the approval by the provincial council acceded 2/3 of the members then the procedures mentioned in Article 3 should be followed.
- B. The IEC office in the province should put a questionnaire to indicate the type of the region desired. The questionnaire should be distributed to voters, to choose the type of region, in a period of two months from the date of submitting the request. The type of region that would be implemented is the one that wins the majority of votes of those participated in the questionnaire.

## **Chapter Four**

### **Referendum Procedures**

#### **Article (5)**

First: the IEC, through its offices in provinces or regions, should take the steps needed to have a referendum, as mentioned in Article 3 in this law and according to the date of the Council of Ministers delegation.

Second: the IEC has the right to extend, once, for one month but it should notify the Council of Ministers.

#### **Article (6)**

The referendum would pass if it gets the majority of the voters' votes in each province of the provinces wishing to join a region and the results should be announced within 15 days from the date of referendum, taking into consideration that the percentage of participants is not less than 50% of the voters.

#### **Article (7)**

- A. All parties, who might be affected by the result of the referendum, have the right to appeal within one week of announcing the results. The relevant authorities should announce their decision within ten days of submitting the appeal.
- B. The relevant authorities should approve the final results and submit them to the Prime Minister within 3 days of their approval.

#### **Article (8)**

First: the Prime Minister issues an order to form the region within two weeks.

Second: PM's order should be published in the official gazette.

#### **Article (9)**

If the referendum did not succeed, it could be repeated a year later from the date of announcing the results and through following the same procedures.

#### **Article (10)**

The national office of the IEC is responsible for organising, conducting and overseeing all the procedures related to the referendum and has the right to issue regulations and guidelines related to this matter.

### **Chapter Five**

#### **Forming a region**

#### **Article (11)**

Councils formed in the region, whether provincial or legislative council should meet in seven days of approving the formation of the region to undertake preparation for electing provisional legislative council.

#### **Article (12)**

Provincial councils and formed regions continue their work until the expiration of permanent constitution of the region.

### **Chapter six**

#### **Region's provisional powers**

#### **Article (13)**

First: Holding elections for provisional legislative council for the region, which is formed of number of members, representing the whole population of the region and meet all required conditions listed in the federal elections law. They should be elected in a direct secret ballot according to the following proportions:

- A. One seat representing 50,000 of the population of the region formed of one province on condition it is not less than twenty-five members.
- B. One seat representing 75,000 population of the formed region of more than a province or region.

Second: IEC is responsible for preparing and overseeing the legislative provincial elections for the regions.

Third: the provisional legislative council, for the region, shall exercise its authorities until the elections of their permanent legislative council of the region.

Fourth: the region constitution shall regulate the legislative, executive and judicial authorities.

#### **Article (14)**

The provisional legislative council convenes when the eldest member of the council requests that after ratifying the final results of the election.

#### **Article (15)**

Member of the legislative council takes the oath, in front of the council, before starting his work and according to the text mentioned in Article (50) of the federal constitution.

#### **Article (16)**

The eldest member heads the first session.

#### **Article (17)**

- a. Provisional legislative council to elect at its first session a head and two deputies from its members by direct secret ballot.
- b. Provisional legislative council to set internal regulations within one month of convening the first session.

#### **Article (18)**

- a. Provisional legislative council for a region should form a temporary committee, within thirty days of holding its first session, to prepare a draft permanent constitution of the region.
- b. The committee should conclude drafting the permanent constitution within four months of its formation. The draft should be submitted to the legislative council to discuss and pass unanimously under the condition that it does not contradict with the federal constitution.
- c. The draft is then put into referendum and pass if the majority of voters approve it.

#### **Article (19)**

The judicial authority of the region is independent and is exercised by courts according to the federal and regional constitution and the related federal laws.

## **Chapter Seven**

### **Final Procedures**

**Article (20)**

Federal laws and laws regarding the authorities of provinces remain valid unless other laws, to cancel or amend them, are issued according to the constitution of the region and in a way that does not contradict with the federal constitution.

**Article (21)**

This law would be implemented 18 months after being passed.

**Justifying reasons**

According to Articles 117/second, 118, 120, 119, 121 of the Iraqi constitution, to enhance the basis of the federal system and to regulate the procedures of forming regions of provinces this law was promulgated.