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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 -))
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](#)  | [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
Page 1, 1. The "Fundamental Law"
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Groups→Religious groups→Substantive
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... 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.

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)	<p>Governance→Political institutions (new or reformed)→Temporary new institutions</p> <p>Page 1-2, 3. Selection of Transitional National Assembly</p> <ul style="list-style-type: none">- 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.<ul style="list-style-type: none">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. <p>Page 2, 4. Restoration of Iraq's Sovereignty</p> <ul style="list-style-type: none">- 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.
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Elections	<p>Page 1-2, 3. Selection of Transitional National Assembly ... - 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.</p> <p>Page 1-2, 3. Selection of Transitional National Assembly ... 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.</p> <p>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.</p> <p>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.</p>
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	<p>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.</p>
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.

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.
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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

- 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.

Territorial power sharing	<p>Power sharing→Territorial power sharing→Federal or similar sub-divided government</p> <p>Page 1, 1. The "Fundamental Law" ... - Elements of the "Fundamental Law": ... o Federal arrangement for Iraq, to include governorates and the separation and specification of powers to be exercised by central and local entities.</p> <p>Page 1-2, 3. Selection of Transitional National Assembly ... - 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.</p> <p>Power sharing→Territorial power sharing→Other Page 1-2, 3. Selection of Transitional National Assembly ... 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.</p>
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	<p>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.</p>
Treaty incorporation	No specific mention.

Civil and political rights	<p>Human rights and equality→Civil and political rights→Equality</p> <p>Page 1, 1. The "Fundamental Law"</p> <p>... - Elements of the "Fundamental Law":</p> <ul style="list-style-type: none"> 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. <p>Human rights and equality→Civil and political rights→Thought, opinion, conscience and religion</p> <p>Page 1, 1. The "Fundamental Law"</p> <p>... - Elements of the "Fundamental Law":</p> <ul style="list-style-type: none"> 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.
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" ... - Elements of the "Fundamental Law": ... o Statement of civilian political control over Iraqi armed and security forces.
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>
