

In the name of People  
Presidency Council

This law was enacted based on the decision passed by CoR and approved by Presidency Council and according to articles 117/ second, 118, 119, 120 and 121 of the Constitution:

Law No. (13) of 2008

**Law of the Executive Procedures regarding the Formation of Regions**

**Chapter One**

**Article (1)**

A region consists of one governorate or more.

**Chapter Two**

**Ways of Forming a Region**

**Article (2)**

A region would be formed by a referendum, by one of the following ways:

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

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

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

## **Chapter Three**

### **Procedures of Forming a Region**

#### **Article (3)**

- a. A request to form a region should be submitted to the Council of Ministers signed by heads or legal representatives of governorate councils or legislative councils of regions within one week.
- b. The Council of Minister would task the IHEC, within 15 days of submitting the request, to start organizing a referendum for the desired regions, within three months period.

#### **Article (4)**

First: if the request is submitted according to Article 2/ second, it should be initially submitted by 2 % of voters to the IHEC Office in the governorate explaining the shape of the region desired. The IHEC should announce the request within 3 days from submitting the request, in newspapers and media. A period of one-month at minimum should be given for all eligible voters, wishing to support that request, to register in a specially prepared register 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 governorate council acceded 2/3 of the members then the procedures mentioned in Article 3 should be followed.
- B. The IHEC office in the governorate 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 approved is the one that wins the majority of votes of those participated in the questionnaire.

## **Chapter Four**

### **Referendum Procedures**

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

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

Second: the IHEC has the right to extend, once, for one month provided that it notifies the Council of Ministers.

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

The referendum would pass if it gets the majority of the voters' votes in each governorate of the governorates 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 IHEC is responsible for organising, conducting and supervising 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 governorate or legislative council should meet in seven days of approving the formation of the region to undertake preparation for electing transitional legislative council.

**Article (12)**

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

**Article (13)**

First: Holding elections for transitional 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 public direct secret voting according to the following proportions:

- A. One seat representing 50,000 of the population of the region formed of one governorate 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 governorate or region.

Second: IHEC is responsible for preparing and supervising the legislative governorate elections for the regions.

Third: the transitional 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 first session of the transitional legislative council convenes when the eldest member of the council requests that after approving 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. The head of the transitional legislative council and his two deputies are to be elected at the first session by direct secret voting.
- b. Transitional legislative council to set internal regulations within one month of convening the first session.

**Article (18)**

- a. Transitional 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 provided that it does not contradict with the federal constitution.
- c. The draft is then put into referendum and pass, after the obtaining the approval of the transitional legislative council, 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 Six**

**Final Procedures**

**Article (20)**

The head of the legislative council for a region and his two deputies will be elected according to the articles stipulated in this law.

**Article (21)**

Federal laws and laws regarding the authorities of governorates 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 (22)**

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 governorates, this law was promulgated.