

Erbil Agreement

Erbil, 7 November 2010

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 timeframe. Additionally, draft laws or legislations submitted to or received by the Council should not be neglected.

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.

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

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.

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

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.

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.

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.

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.

6 - Establish research centers to benefit from the experience of retirees.

- 7 - Control and protect borders using modern technologies in a manner that ensures border control.
- 8 - Deal strictly with illegal border infiltrators.
- 9 - Establish a special emergency agency to be concerned with cases of national disasters and to provide immediate solutions and responses to affected areas.
- 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.

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 law.
- 5 - Prohibit the work of judges outside HJC formations.
- 6 - Review the Anti-Terrorism Law.

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.

4 - 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.

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).

3- Guarantee genuine participation of the parities allied in the Government in decision making (political, security and economic).

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.

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

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.

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

8- Addressing of administrative and financial corruption phenomenon.

9- Abidance by one government's official discourse.

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.

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.

13- Inspector General of the Ministry shall not be member in the same bloc of the Minister.

Aspect Eight: National Accord (Consensus)

1- Vote on crucial issues like (war and peace, strategic agreements, constitutional amendments) shall be by 100 percent consensus.

2- Vote on strategic and important issues shall be by absolute majority (one half plus one).

3- Vote on daily procedural issues shall be by half plus one.

Part Nine: Accountability, Justice and national reconciliation

1- Suspension of decisions of the present Commission except routine works.

2- Formation of Commission of Accountability and Justice in accordance with law.

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.

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-Sunaïd, leader of IS, Salman Al-Jumaili.

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