

AUTONOMY LAW

On 11.3.1974, President Ahmed Hassan Al-Bakr announced the Law enacted by the Revolution Command Council for the implementation of autonomy in the Region of Kurdistan. He also announced the pertinent constitutional amendments.

Below is the text of the President's statement and the text of the Autonomy Law :

STATEMENT BY PRESIDENT

AHMED HASSAN AL-BAKR :

In the Name of God,

Great People,

Masses of our Glorious Nation,

In confirmation of the bonds of citizenship and the historical brotherhood between all the sons of Iraq — Arabs, Kurds and fraternal minorities ...

In compliance with the democratic principles of the July 17 Revolution and in fulfilment of its pledge ...

In application of the March 11, 1970 Manifesto ...

In adherence to the National Action Character ...

In consolidation of the common struggle and the common interests of all the sons of the people ...

In realization of what the progressive national and nationalist forces demanded and struggled for ...

The Revolution Command Council decided to apply autonomy in the Region of Kurdistan.

The application of autonomy, on a democratic basis, in the Region populated with a Kurdish majority provides the adequate means for our Kurdish people to exercise their full legitimate national rights within one homeland and under

relations of brotherhood, equality and common responsibility.

It also consolidates national unity and the gains secured by the Revolution in all fields for the benefit of the masses and wards off the intrigues of imperialism and reactionary forces.

Furthermore, the exercising of their full rights by the sons of our Kurdish people in national organs together with the guarantee of cultural rights to the fraternal minorities (in accordance with the laws promulgated by the July 17 Revolution and under the Revolution's democratic principles and institutions and within the framework of the joint national action of the National and Nationalist Front) are capable of removing the injustice inflicted on the sons of our Kurdish people and on the fraternal minorities during dictatorial and reactionary regimes that pursued chauvinistic and tyrannic policies. This will also enable introducing an extensive economic, social and cultural development in the Region of Kurdistan and opening wide horizons to all sons of the people to advance forward, in a firm confidence and a spirit of security and constructive work, on the path of progressive democratic transformations to the ultimate goal of building socialism.

LAW No. 33 OF 1974,

AUTONOMY FOR THE REGION OF KURDISTAN :

PART ONE

FUNDAMENTALS OF AUTONOMY

Chapter One

GENERAL PRINCIPLES

ARTICLE ONE :

A) The Region of Kurdistan shall enjoy autonomy and be called "the Region" whenever it is mentioned hereinafter.



B) The Region shall be so defined as to be populated by a majority of Kurds and the general census shall specify the demarcation of the Region in accordance with the provisions of March 11 Manifesto and the general census records of 1957 shall be the foundation for defining the national nature of the absolute population majority in the places where general census is to be conducted.

C) The Region shall be considered an integral administrative unit, enjoying a juridical personality and autonomy within the framework of the legal, political and economic integrity of the Republic of Iraq, and the administrative divisions therein shall be conducted in accordance with the provisions of the Governorates' Law, with due consideration to the provisions of this Law.

D) The Region is an integral part of the Iraqi territory and its people is an integral part of the Iraqi people.

E) The city of Arbil shall be the Chief-Town for the administration of autonomy.

F) The administrative organs of autonomy shall be part of the administrative organs in the Republic of Iraq.

ARTICLE TWO :

A) The Kurdish language shall be the official language, beside the Arabic language in the Region.

B) The Kurdish language shall be the language of education for Kurds in the Region, and the teaching of Arabic shall be compulsory in all stages and institutions of education.

C) Educational institutions shall be established in the Region for the Arabs , wherein education shall be in Arabic and the Kurdish language shall be taught in a compulsory manner.

D) All citizens in the Region shall enjoy the option



to join the schools for their education, regardless of their mother tongue.

E) Education shall be subject, in all stages in the Region, to the general educational policy of the state.

ARTICLE THREE :

A) The rights and liberties of the Arabs and minorities in the Region shall be guaranteed in accordance with the provisions of the Constitution, laws and resolutions promulgated in that connection, and the autonomy administration shall be bound to guarantee their exercise.

B) Members of the Arab nationality and minorities in the Region shall be represented in all autonomous bodies, in proportion of their ratio to the population of the Region, and shall participate in assuming public civil service posts, in accordance with laws and regulations governing them.

ARTICLE FOUR :

Judicature shall be independent and void of any other control of the law and the legal formations in the Region shall constitute an integral part of the legal system in the Republic of Iraq.

Chapter Two

FINANCIAL PROVISIONS

ARTICLE FIVE :

The Region shall constitute an autonomous independent financial unit, within the financial integrity of the state.

ARTICLE SIX

a) The Region shall have a special budget within the consolidated budget of the state.

b) For the preparation and compilation of the budget of the Region the same rules and principles of compiling the consolidated budget of the state shall be adopted.

ARTICLE SEVEN :

The budget of the Region shall consist of the following components :

- 1) The ordinary budget.
- 2) The annual investment budget of the Region.
- 3) The budgets of productive institutions and administrations of a local character established in the Region.
- 4) The budgets of local administrations and municipalities in the Region.

ARTICLE EIGHT :

The budgetary resources of the Region shall consist of the following components :

- (a) Self resources, comprising :
 - 1) Revenues from taxes and duties specified for municipalities and local administrations under relevant laws.
 - 2) Values of sales and charges of services.
 - 3) The share appropriated from the profits of administrations and institutions covered by the budget of the Region.
 - 4) Basic and additional estate tax within the Region.
 - 5) The agricultural land tax and share of agrarian reform from proceeds.
 - 6) Government (dead-hand) land tax.
 - 7) Estate tax.
 - 8) Estate registration duties.

9) Charges and fines imposed by courts of justice.

10) Revenue stamp duties.

11) Car registration and title-deed transfer charges.

b) Appropriations from the ordinary budget of the state, the annual investment programme and the national development plan, to cover the expenditures of the budget of the Region, so as to guarantee its balanced growth and development in consistency with all other parts of the Republic of Iraq.

ARTICLE NINE :

Accounts of the Region shall be subject to the supervision of the Board of the Supreme Auditing and Financial Inspection.

PART TWO

AUTONOMOUS ORGANS

Chapter One

LEGISLATIVE ASSEMBLY

ARTICLE TEN :

The Legislative Assembly is the legislative organ elected for the Region, and its formation, organization and process of work therein shall be defined by law.

ARTICLE ELEVEN :

A) The Legislative Assembly shall elect a chairman, vice-chairman and secretary from amongst its members.

B) Meetings of the Legislative Assembly shall be convened by the presence of the majority of its members, and its decisions shall be adopted by the majority of the present members unless otherwise provided for in this law or in the law of the Legislative Assembly.

ARTICLE TWELEVE:

The legislative Assembly shall exercise, within the definition of the Constitution and laws, the following competences :

- A) The formulation of its articles of association.
- B) The adoption of legislative decisions required for the development of the Region and promotion of its local social, cultural, constructional and economic affairs within the framework of the general policy of the state.
- C) The adoption of legislative decisions connected with the development of culture and the nationalist characteristics and traditions of citizens in the Region.
- D) The adoption of legislative decisions related to semi-official departments, institutions and administrations of local character after consultation with the competent central authorities.
- E) The ratification of projects covered by detailed plans drawn up by the Executive Council on the economic, social and developmental affairs, as well as the educational and health affairs, and the discharge of activity in accordance with the requirements of the general central planning of the state and prerequisites of its implementation.
- F) The proposition of the special budget of the Region.
- G) The adoption of final statements of accounts, following their auditing by the Board of the Supreme Auditing and submitting them to the Legislative Power for ratification.
- (H) Amendments to the special budget of the Region after their ratification within the scope of amounts allotted thereto and purposes allotted therefore, provided that such measures shall not contravene with the laws and development plans of the state.
- I) Discussion with and questioning of the Executive

Council members on the affairs covered by their fields of competence.

J) Withdrawal of confidence from the Executive Council, or one or more of its members, and those from whom confidence is withdrawn shall be relieved. The confidence withdrawal decision shall be adopted by the majority number of the Legislative Assembly's members.

Chapter Two

EXECUTIVE COUNCIL

ARTICLE THIRTEEN :

A) The Executive Council is the executive organ for the administration of autonomy in the Region.

B) The Executive Council shall consist of the chairman, Vice-chairman and a number of members equal to the number of administrations referred to in Article (14), or two members more.

C) The President of the Republic shall entrust one of the Legislative Assembly's members to preside over and form the Executive Council.

D) The chairman-designate shall select the vice-chairman and the Executive Assembly's members from among the members of the Legislative Assembly or from among those who enjoy the qualifications of membership therein, and shall submit to the Legislative Assembly, for confidence. Upon realization of confidence by the majority of the Assembly's members, a Republican ordinance shall be promulgated to the effect of calling the Executive Council.

E) The chairman and members of the Executive Council shall hold a grade of minister.

F) The President of the Republic may dismiss the Chairman of the Executive Council from his position, in which case the Council shall be considered as dissolved.

G) In the case of dissolving the Executive Council, or withdrawing confidence therefrom, the Council shall carry on with the discharge of current affairs only, pending the formation of a new council provided that this shall take place within a maximum period of fifteen days.

ARTICLE FOURTEEN:

A) The governorates of the Region shall be annexed to the chairman of the Executive Council.

B) The Executive Council shall seek, in the exercise of its powers, the assistance of the following bureaus:

1— The Executive Council Bureau.

2— The Follow-up and Inspection Bureau.

3— The Statistics and Planning Bureau.

C) (i) : The following administrations shall be affiliated with the Executive Council :

1— The Education and Higher Education Administration.

2— The Works and Housing Administration.

3— The Agricultural and Agrarian Reform Administration.

4— The Internal Affairs Administration.

5— The Transport and Communications Administration.

6— The Culture and Youth Administration.

7— The Municipalities and Summer Resorts Administration.

8— The Social Affairs Administration.

9— The Economic and Financial Affairs Administration.

10— The State Property Affairs Administration.

(ii) : The powers of the following administrations shall be defined in the following manner :

1— The Internal Affairs Administration: police, civil defence and civil affairs.

2— The Social Affairs Administration: health, labour and social affairs.

3— The Economic and Financial Affairs Administration: financial departments, and local, trade and industrial facilities:

D) Responsibility in the administrations provided for in the Para above shall be undertaken by Executive Council members, called "the Secretaries-General" each of whom shall have a Vice Secretary-General appointed to a special grade.

ARTICLE FIFTEEN:

The Executive Council shall exercise the following powers:

A) Securing the implementation of laws and regulations.

B) Abiding by the provisions of Judicature.

C) Realization of justice security and public order, and protection of national and local public amenities and the state public and private properties.

D) Promulgating decisions on all that is required for the implementation of the provisions of the local legislative resolutions.

E) Drawing up projects under the detailed plans for the economic, social and developmental affairs, as well as the educational, health and labour affairs, in accordance with the requirements of the general central planning of the state and prerequisites of its implementation, and submitting the same to the Legislative Assembly for ratification.

F) Supervising the local public amenities and institutions in the Region.

G) Appointing officials for the autonomous administration, whose appointment does not require the promulgation of a Republican ordinance or approval of the President of the Republic, in accordance with the service and personnel laws. Provisions of the laws applied to the civil servants of the Republic of Iraq shall apply on them, provided that the civil servants in the administrative formations where a Kurdish majority resides shall be Kurds or those who are well-versed in the Kurdish language, with due consideration to Article (3) thereof.

H) Implementing the budget of the Region in accordance with the laws and principles adopted in the accounting system of the state.

I) Preparing an annual report on the conditions of the Region, to be submitted to the President of the Republic and to the Legislative Assembly.

PART THREE

RELATIONSHIP BETWEEN THE CENTRAL AUTHORITY AND THE AUTONOMOUS ADMINISTRATION

ARTICLE SIXTEEN :

With the exception of the powers exercised by the autonomous bodies in accordance with the provisions of this law, the exercise of authority in the entire parts of the Republic of Iraq shall revert to the central bodies or their representatives.

ARTICLE SEVENTEEN :

A) Police, security and nationality formations in the Region shall be attached to their directorates general at the Ministry of Interior and their staff shall be subject to the

provisions of the laws, regulations and instructions applied in the Republic of Iraq.

B) The President of the Executive Council or his authorized representatives from among the Council members may assign to the formations mentioned under Para (a) of this Article duties within the Region, within the scope of their duties and within the framework of the general policy of the state.

C) The directors of the formations mentioned under Para. (a) of this Article shall be appointed and transferred by order of the Minister of Interior after consultation with the head of the Executive Council.

D) The ranks of police shall be transferred within the Region by the order of the Secretary-General of the Interior Affairs Administration or his authorized representatives, with due compliance with the provisions of Para. (C) of this Article.

(E) The ranks of the formations mentioned under Para (a) of this Article shall be appointed and transferred according to the rules and instructions valid in the Republic of Iraq with due compliance with the provisions of the previous paragraphs.

ARTICLE EIGHTEEN :

A) The offices of the central authority in the Region shall fall under the ministries they are attached to and shall discharge their duties within their jurisdictions. The autonomous bodies may submit reports on them to the respective ministries they are attached to.

B) The central authority may within the scope of its jurisdiction make general guidance to the local administrations mentioned under Article 14 of this law.

C) The central authority shall appoint a minister of state who will coordinate between the activities carried out in the Region by both the central authority and the auto-

mous organs. He may attend all meetings of such organs. The central authority may delegate any other minister to carry out such a mission.

D) The decisions of the autonomous bodies shall be conveyed to the minister of state as soon as they are taken.

E) The head of the Executive Council shall attend the cabinet meetings.

ARTICLE NINETEEN :

(a) Control of the legality of the decisions of the autonomous organs shall be exercised by the Cassation Court of Iraq through a Special Committee made up of the chief judge of the court and other four members selected by the members of the Cassation Court from among themselves for a period of three years renewable for one period only.

(b) The Minister of Justice or the Minister of State may object to the decisions of the autonomous organs before the control committee mentioned under the previous paragraph in case they violate the Constitution, laws or regulations within 30 days from the date the Minister of State is notified of them.

(c) Objection to the decisions of the autonomous bodies before the supervisory committee shall suspend their implementation pending the result of the settlement.

(d) The supervisory committee shall give a ruling on the objection within a maximum period of 30 days from the date such objection is submitted to it and its decisions shall be final.

(e) The decisions of the autonomous bodies which the supervisory committee rules as non-legal, shall be considered as wholly or partly abrogated from the date of their

issue and all legal consequences resulting therefrom shall be null and void.

(f) The supervisory committee shall submit its decisions to the objecting authority and to the head of the Legislative Assembly and the head of the Executive Council and the decisions shall be published in the Official Gazette.

ARTICLE TWENTY:

(A) The President may dissolve the Legislative Assembly in case it is not possible for the Assembly to exercise its authority due to the resignation of half of its members or due to failure of securing the legal quorum within 30 days from the date it is called for a session or due to failure in getting the confidence stipulated under Para (D) of Article 13 of this law for more than two successive times or due to its failure to comply with the decisions of the supervision committee stipulated under Article Nineteen of this law.

(B) In case the Legislative Assembly is dissolved, the Executive Council shall continue exercising its Assembly until the election of a new Legislative Assembly in a maximum period of 90 days from date the Republican ordinance has been issued to dissolve it.

ARTICLE TWENTY ONE:

This law shall come into force from the date it is published in the Official Gazette.

Taken in Baghdad this day the 17th of Safar 1394 the 11th day of March 1974.

Ahmed Hassan Al-Bakr,
Chairman of the Revolution Command Council.