



Republic of Iraq

Presidency of the Council of Ministers

**Committee for the Implementation of
Article (140) of the Constitution of the
Republic of Iraq**

**The Fourth Annual Report of the Committee
2010**



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Of the Committee for the Implementation of Article 140 of the Constitution of the Republic of Iraq
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Introduction



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Alsalam Alaykom

The previous regime, throughout its rule which continued for more than three decades, has practiced the most horrid crimes and the most horrible violations against the Iraqi people from north to south, where it tried to obliterate its existence, practiced genocide against the Iraqi people, and depriving the people from their simplest rights in living in peace.

In order to achieve chauvinistic and discriminatory policy objectives, the previous regime resorted to change the demography of certain districts including Kirkuk, by practicing Arabization policy against the Kurds and Turkmen through series of unjust acts, including confiscating their money, lands and properties and their agricultural lands, by expelling and displacing, them from their places of residence, inflicting damage to their properties and settling individuals alien to the region, repressing them and forcing them on what is called “correcting the nationality”, and our people in the middle and the South of Iraq, were also subjected to severe oppression and discrimination by the defunct regime and suffered from its arbitrary policies through coercive exile, evacuation and displacement, deprivation, confiscating the possessions, scooping and destroying villages, drying the marshes and confiscating the agricultural lands and distributing them to the supporters and loyalists to the previous regime who are alien to the region and fighting their inhabitants in order to force them to leave their home territories, in addition to what was inflicted to them as a result of the popular uprising in the month of Shaaban (March) 1991 of killing and displacing outside Iraq and demolishing and confiscating their properties.

In the framework of its policies to alter the demographic character of the region for ethnic, nationalist and sectarian aims, the previous regime changed the administrative boundaries of the governorates for political reason through detaching many of the cities, boroughs and townships from some governorates and attaching them to other governorates.





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And in order to remove the injustices caused by the policies of the previous regime, the article 140 of the Constitution stated that the executive authority should complete the implementation of a set of measures and arrangements mentioned in article 58 of the Law of Administration for the State of Iraq for the Transitional Period , so as to ensure normalization of the situation in the disputed territories and all the territories included by the provision of the article, solving their problems and deciding their future situation according to the will of the people of those territories. Our Committee was entrusted by his Excellency the Prime Minister and the Government , the charge of implementing the obligations incurred on the executive authority according to article 140 of the constitution. The Committee was keen on implementing this task in all honesty and sincerity, and was guided in all its acts and decision by the text and spirit of the Constitution and the principles of justice, equity and equality among citizens in their various national, religious and sectarian affiliation, and in the spirit of consolidating the climate and conditions of fraternity among the constituents of our people and respecting the rights of each of them. The Committee adopted in its actions transparency and working according to clear legal and administrative regulations as guiding principles. We are pleased to present the fourth annual report of the Committee for the implementation of article (140) of the Constitution of the Republic of Iraq for the year 2010. The report has importance as it sheds light on the activities of the Committee and includes data and information related to the achievements of the Committee during the past four years.

In conclusion, I present sincere thanks and appreciation to his Excellency the Prime Minister, Mr. Noori Al-Malikey for his continued support to the Committee, and thanks to all the members of the Committee for continuing their work in the Committee .

While the committee hopes that it succeeded in its steps, it welcomes any remarks or views that may develop the level of work and performance of the Committee to achieve its aims and we hope that we were successful in our work.

**Raid Jahid Fahmi
Chairman of the Committee for the Implementation
of Article (140) of the Constitution of the Republic of Iraq
January 2011**



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Chairmanship of the Committee for the Implementation of the Article (140) of the Constitution of the Republic of Iraq

- | | |
|--|-----------------------------|
| 1- His Excellency the Minister Mr. Raid Jahid Fahmi | Chairman of the Committee |
| 2- Her Excellency the minister Mrs. Narmin Othman Hasan | Member |
| 3- His Excellency the Minister Dr. Mohammed Ihsan Ramadhan –representative of Kurdistan Region in the Committee | Member |
| 4- Dr. Hanan Al-Fatlawi – Member of the Iraqi Council of Representatives-Representative of the office of his Excellency the Prime Minister in the Committee | Member |
| 5- Mr. Ahmed Ali Muhsin Al-Khafaji – Undersecretary of the Ministry of Interior for the affairs of the supporting forces –Representative of Mr. Minister of Interior | Member |
| 6- Mr. Tahseen Mohammed Ali Kahia-Member of Kirkuk Governorate Council | Member |
| 7- Mr. Mohammed Khalil Nsaif Al-Jeboori – Member of Kirkuk Governorate Council | Member |
| 8- Mr. Babakir Sadeeq Ahmed-Member of Kirkuk Governorate Council | Member |
| 9- Mr. Ashor Yalda Binjameen – Lawyer –Kirkuk Governorate | Member |
| 10-Mr. Salar Abdolkareem Abdoljabar Al-Shekh | Committee Secretary General |



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Summary about the formation of the Committee



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By virtue of article (58) of the Law of Administration for the State in the Transitional period, of article (140) of the Republic of Iraq Constitution and paragraph (22) of the program of the Government of his Excellency the Prime Minister for the year 2006, and in order to accomplish the measures called for in these articles, the Committee for the implementation of the article (140) of the Constitution of the Republic of Iraq was formed .

Article 58, Law of Administration for the State of Iraq for the Transitional Period

- **A. The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:**
 - **1. With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.**
 - **2. With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.**
 - **3. With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.**
 - **4. With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.**



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- B. The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.
- C. The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.

Article (140) of the constitution of the Republic of Iraq

- First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.
- Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007.

Paragraph (22) of the program of the government of His Excellency the Prime Minister for the year 2006

22- The Government is committed to implement article 140 of the constitution depending on article 58 of the law of administering the state represented in determining three stages: normalization, census and referendum in Kirkuk and other disputed territories and the government upon its formation starts taking the necessary steps for the procedures of normalization including returning the boroughs and townships belonging originally to Kirkuk, this stage ends on 29/3/2007 G, and the census period in them starts on 31/7/2007 G and the final stage, which is the referendum is accomplished on 15/11/2007G.



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The Committee for the Implementation of Article (140) of the Constitution of the Republic of Iraq is a constitutional, executive and legal committee formed in accordance with the Diwan order No(46) No.(MRN/48/1373) on 9/8/2006 nominating the chairman and the members of the committee .

The chairmanship of the higher committee is undertaken by his Excellency the Minister Raid Jahid Fahmi in a decision taken by the Council of Ministers in the thirty third ordinary session held on 31/7/2007 in assuming the chairmanship of the committee and according to the letter of the general secretariat No. SH.O/8/1/13093 on 2/8/2007 after the resignation of the former Committee chairman Mr. Hashim Al-Shibly, the Minister of Justice, from the cabinet and the Committee on 4/4/2007.



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Duties of the Committee



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Removing the wrong and injustice that afflicted the Iraqi people as a result of the policies and practices of the former regime. represented by the evacuation and exile of individuals from the places of their residence displacement, coercive migration and settling individuals alien to the region , depriving the population from work and dismissing them from their employments confiscating the properties and agricultural land, expropriating and amortizing the disposition rights , through the demographic change and changing the nationality, the demographic change of the territories included in the provisions of article (140) of the Constitution of the Republic of Iraq including Kirkuk and changing the administrative boundaries of the disputed territories, including Kirkuk, for political reasons and restoring the situation to what it was before 17 July 1968.



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The decisions issued by the Committee



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- 1- Decision No. (1) on 16/1/2007 stipulating the return of all employees who are from the original population of the disputed territories (Kurds, Turkmen, Assyrians, Chaldeans ,Arabs) and who were dismissed and ousted from the disputed territories, including Kirkuk, for political, ethnic, sectarian or religious reasons for the period from 17 July 1967 up to 9 April 2003.
- 2- Decision No.(2) on 16/1/2007 treating the resettlement of the evacuated , displaced persons and emigrated families who were evacuated and displaced persons, and who migrated from the disputed territories, including them Kirkuk as a result of the policies of the former regime for the period from 17 July 1967 up to 9 April 2003, to their pervious original regions with compensation.
- 3- Decision No. (3) on 4/2/2007 regulating the returning the families who have come to the disputed territories, including Kirkuk as a result of the policies of the former regime during the period from 17 July 1967 up to 9 April 2003 , to their original regions with compensation.
- 4- Decision No.(4) on 4/2/2007 on the repealing of all the agricultural contracts which were concluded within the framework of the policies of demographic change (Arabization) in the disputed territories, including Kirkuk and restoring the situation to what it was before concluding those contracts.
- 5- Decision No. (5) on 13/8/2007 authorizing the commencing of the payment of compensations .



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- 6- Decision No.(7) on 21/7/2009 relating to removing the wrong and injustice on the population of the middle and South of Iraq through evacuation and displacing from their regions as a result of the policies of the former regime .

The decisions mentioned above issued by the Committee were approved by the Council of Ministers in its third extraordinary session held on 19/3/2007 and notified by the letter of the general secretariat of the Council of the Ministers No. L /2/1/27/6756 on 19/4/2007 .

- 7- Decision No.(6) on 1/10/2007 calling for the removing the wrong and injustice afflicted of the people of the two districts Tisaen and (Hamza Ali) through returning the lands appropriated and returning all the agricultural lands appropriated and confiscated contrary to the legal dealings to their lawful owners .

This decision has not been approved till now by the Council of Ministers in spite of the continued confirmations by the committee of implementing article 140 of the constitution of the Republic of Iraq.



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**The mechanisms put in place to implement the decisions and to
organize work**



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- 1- Preparing the regulations relating to those covered by the decisions of the Committee in the territories that come under the article (140) of the Constitution .
- 2- Forming seven offices for the Committee in (Kirkuk, Basra, Misan, Babel, Wasit, Thi Qiar, Sinjar , Khanaqeen) in order to distribute and receive the forms from the citizens covered by the decisions of the Committee, together with appointing liaison members for these offices in the remaining governorates .
- 3- Forming facts finding committees in (Kirkuk, Basra, Misan, Babel, Wasit, Thi Qiar, Sinjar, Khanaqeen) to check the applications and investigating the facts.
- 4- Forming a technical committee in Kirkuk and Babel to coordinate with the related departments and prepare all the technical requirements for the offices and the facts finding committees.
- 5- Establishing the forms concerning the relocated persons and the displaced persons families wishing to return to their previous original regions and establishing the forms pertaining to those covered by the article 140 in the governorates of the middle and South of Iraq.
- 6- Preparing a mechanism to transfer the civil status registers for the relocated persons and the displaced persons wishing to return to their previous original regions in coordination with the Directorate General of Nationality, Passports and Residence.
- 7- Preparing a mechanism to transfer the food ration card of the relocated persons and the displaced persons wishing to return to their previous original regions in coordination with the Department of *Supply* and Planning in the Ministry of Trade.
- 8- Preparing a mechanism to remedy the effects resulting from repealing the agricultural contracts in coordination with the Ministry of Agriculture and the legal department.
- 9- Forming a specialized committee to prepare the necessary recommendations relating to the changes introduced, for political reasons, to the administrative boundaries of the areas North, Middle and South of Iraq .
- 10- Forming specialized committee to remedy the effects resulting from repealing the agricultural contracts included in decision No. (4) issued by the Committee.



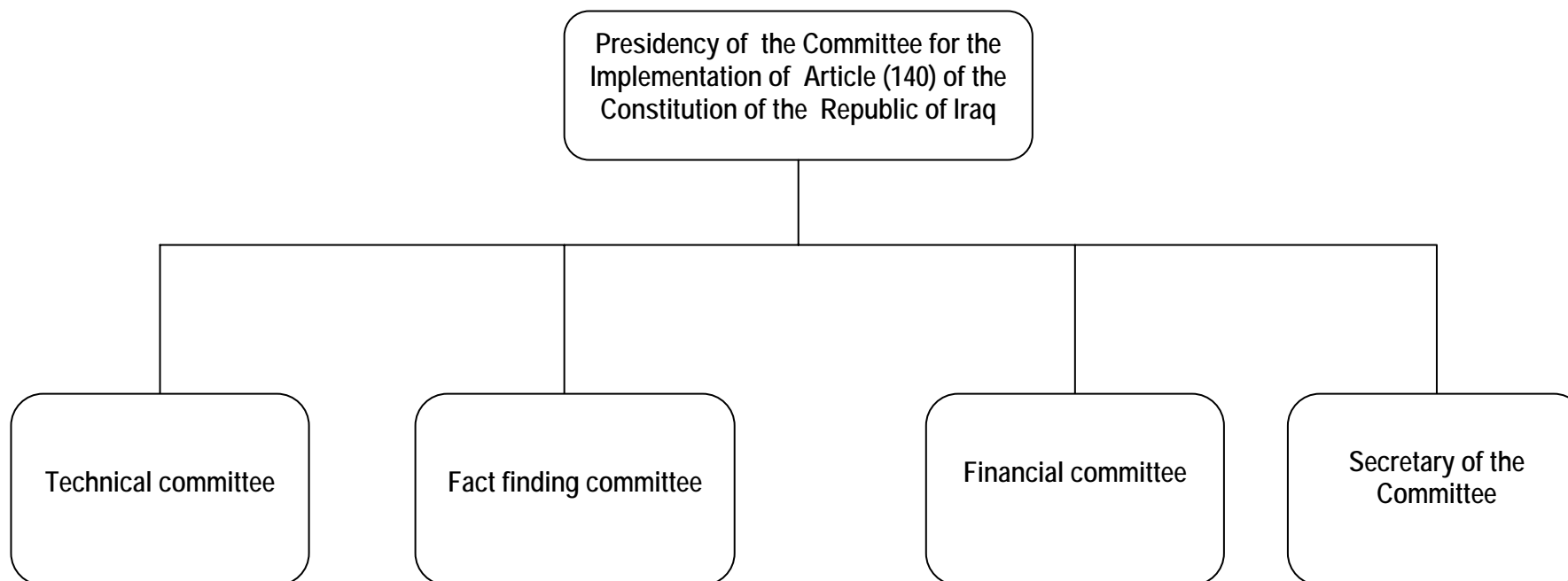
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The organization framework of the Committee



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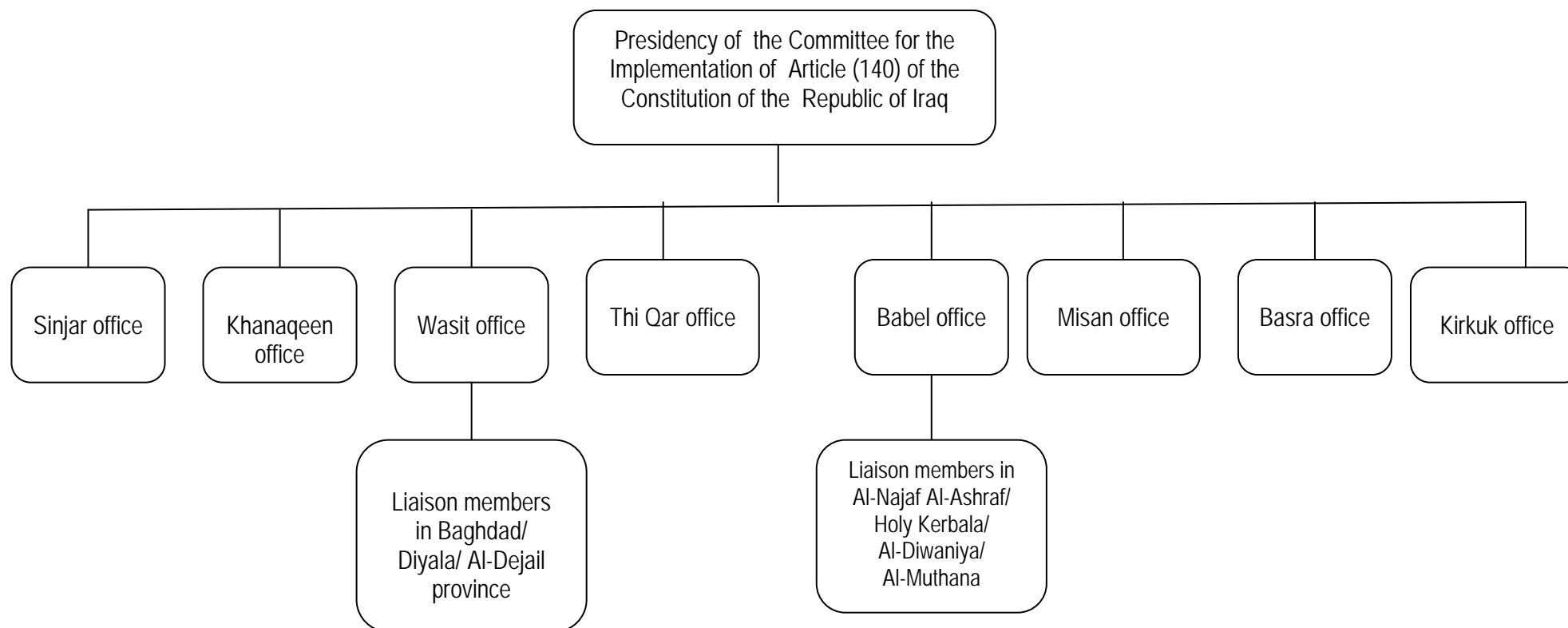




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The offices of the Committee (140) of the Constitution of the Republic of Iraq

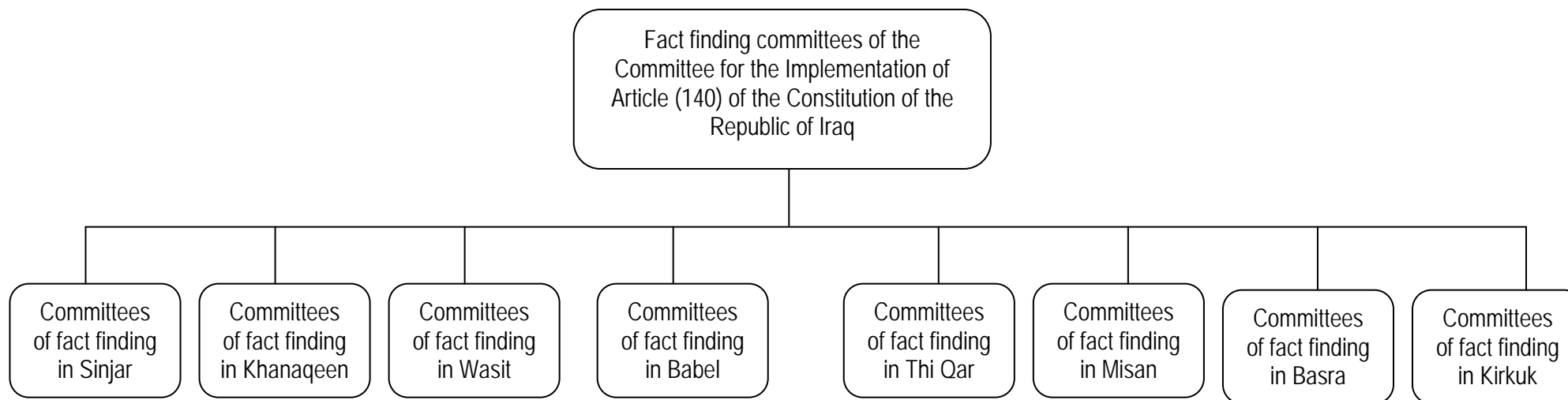




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The fact finding committees of the Committee (140) of the Constitution of the Republic of Iraq

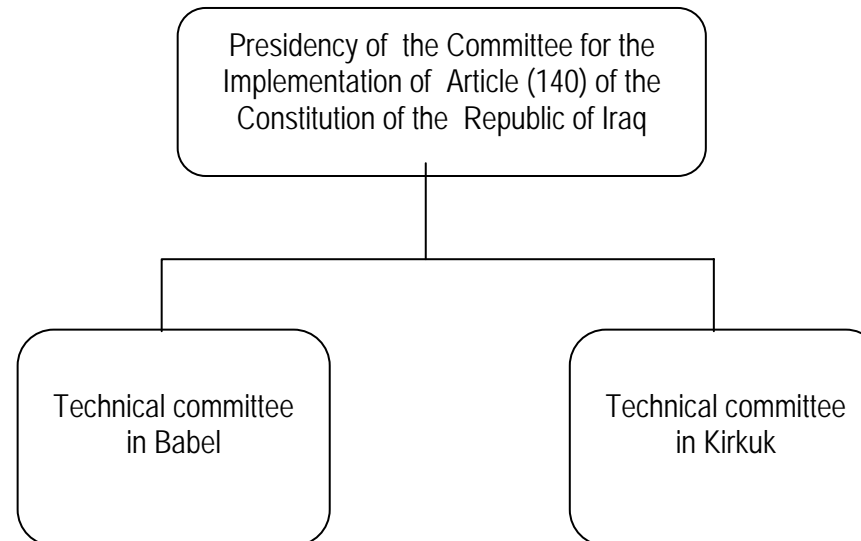




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**Technical committees for the Committee for the implementation of article (140) of
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Statistic with number of the employees of Committee Implementing Article (140) of Iraq Republic Constitution

Location	No. of members
Headquarters of Presidency of committee of executing the item (140) of Iraq Republic Constitution	6
Financial committee	34
Internal auditing	7
Kirkuk Office	37
Al-Basrah office	15
Misan Office	10
Babel Office	20
Wasit Office	12
Thi Qar Office	8
Sinjar Office	8
Khanaqeen Office	4

Location	No. of members
Committees of fact finding in Kirkuk	10
Committees of fact finding in Al-Basrah	3
Committees of fact finding in Misan	3
Committees of fact finding in Babel	3
Committees of fact finding in Wasit	3
Committees of fact finding in Thi Qar	3
Committees of fact finding in Sinjar	1
Technical committee for disputed areas/ headquarters in Kirkuk	3
Technical committee for Wasit and South of Iraq Area/ headquarters in Babil	2
Total	192



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The Meetings of the Committee

- 1- No. of meetings of the Committee since its formation up to 31/12/2010 added up to (43) meetings.
- 2- No. of informal meetings of the Committee since its formation up to 31/12/2010 added up to (12) meetings.



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Budget of the Committee



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The total amount allocated to the Committee for the Implementation of Article (140) of the Constitution of the Republic of Iraq since its formation on October 2006 up to 31/12/2010 amounted to (942 190 896) million (nine hundred forty two billion one hundred ninety million eight hundred ninety six thousand) dinar, as it is shown below:

Year of allocation	Amount allocated (I.D)
2006	29 520 000
2007	267 000 000 000
2008	200 000 000 000
2009	272 835 396 000
2010	172 835 500 000
Total amount	896 000 942 190



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Normalization

- 1- Returning the relocated persons and the displaced persons to their previous original regions from which they came, displaced persons, expelled and emigrated as a result of the policies of the previous regime.
- 2- Abrogation of the decrees issued by the Revolutionary Command Council (dissolved) and the North Affairs Committee (abolished).
- 3- Repealing the agricultural contracts concluded within the Arabization policies.
- 4- Returning the employees to the disputed territories, including them Kirkuk.
- 5- Remedying the changes occurred in the administrative boundaries for political reasons.
- 6- Settling the claims filed in the Property Claims Commission.



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1- Returning the relocated persons and displaced persons to the previous original regions from which they came displaced and migrated as a result of the policies of the former regime.

This process includes the following:

- A-** Returning ,voluntarily, the families who were brought to the disputed territories, including Kirkuk as a result of the policies of the former regime to Arabize the region, to the places where which they migrated from, as provided by decision No. (2) issued by the Committee, and compensating them by an amount of (20 000 000) dinar (only twenty million dinar) , in addition to a residential plot of land allocated to them in the districts from which they came.
- B-** Returning the families which were evacuated displaced persons and migrated from the disputed territories including Kirkuk to the governorates of the middle and south of Iraq as a result of the policies of the former regime, and return them to their previous original districts, as provided by decision No. (2) issued by the Committee and compensating them in amount of (10 000 000) dinar (only ten million dinar), in addition to residential plot of land allocated to them in the districts from which they were evacuated.
- C-** Returning the families which were evacuated, displaced persons and migrated from the districts of the middle and south of Iraq due to the policies of the former regime and return them to their previous original places, as provided by decision No. (7) issued by the committee and compensate them in amount of (10 000 000) dinar (only ten million dinar) together with a residential plot of land allocated to them from the districts from which they were evacuated.



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The following table shows the number of cheques distributed to the included is the decision of the Committee and the number of the transactions remaining with the offices and the checking committees in order to check them and write cheques to their owners.

The committee started distributing forms in the disputed territories, including Kirkuk on 1/7/2007 up to 31/3/2008 and also started distributing cheques in these districts through the offices of the Committee in each of (Kirkuk, Sinjar, Khanaqeen) on 12/8/2007.

While the Committee started work in the governorates of the middle and South of Iraq and distributing the forms on the included on 1/7/2010 and will continue in distributing the forms up to 30/4/2011.



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Office	Total number of cheques distributed to citizens who benefit from the dispositions of the decision of the Committee from 2009 up to 31/12/2010		Total of the remaining applications with the offices, the facts finding committees and in the accounts of the Committee still under auditing, and cheques have not been drawn to their beneficiaries up to 31/142/2010	
	Relocated persons	Displaced persons	Relocated persons	Displaced persons
Kirkuk	9 890	32 794	7 995	47 227
Singar		21 327		30 825
Khanaqeen	1 096	10 136	588	7 067
Basra	0	31		7 964
Babel	0	20		11 980
Wasit	0	42		3 076
Missan	0	0		4 720
Thiqar	0	0		3 816
Total	10 986	65 350	8 583	116 725
Total cheques distributed to the relocated persons and displaced persons 76 336			The total number of applications under processing : 125 308	
Sum of the amounts of distributed cheques :	to the relocated persons : 10 986 x 20 000 000 = 219 720 000 000 I.D. (Two hundred nineteen billion and seven hundred and twenty million)		Sums required to cover these applications under processing : 1 424 740 000 000 I.D. One trillion four hundred twenty four million seven hundred and forty million	
	to the displaced persons: 65 350 x 10 000 000 = 653 500 000 000 I.D. (Six hundred (fifty three billion, and five hundred million)			
Sum of the amounts of the total number of cheques distributed to the relocated persons and displaced persons : 873 220 000 000 I.D. (Eight hundred and seventy three billion, two hundred and twenty million)				



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2- Abrogation of the decrees issued by the (dissolved) Revolutionary Command Council and the (abolished) North Affairs Committee.

A- Abrogating the decrees of the (dissolved) Revolutionary Command Council

The former regime issued a number of decrees by the dissolved Revolutionary Command Council contrary to the legal procedures in place. These were decrees appropriation , amortizing the rights of disposition and confiscating the lands of Kurdish and Turkman farmers , expropriating these properties and canceling the distribution decisions in addition to transferring the property of the agricultural lands to a group of Arab farmers from the governorates (in the middle and South of Iraq) to the governorate of Kirkuk. Of these decisions, are the decrees: No. (369) on 31/3/1975, No. (824) on 28/7/1976, No (949) on 23/8/1977, No (1065) on 13/8/1978 and No (189) on 15/2/1975.

A draft law was prepared in coordination between Committee (140) and the State Consultative Council to abrogate a number of the decrees issued by the dissolved Revolutionary Command Council, because they were issued contrary to the legal procedures followed and for not being consistent with the status quo. The draft was sent by the State Consultative council to the general secretariat of the Council of Ministers , according to the letter of the State consultative Council No. (2237) on 30/12/2008, and the confirmation letter of the Committee No. 452 on 28/6/2009, but the draft was not presented to His Excellency the Prime Minister and the Iraqi Council of Representatives in order to abrogate these decrees in spite of the continued confirmations.

B- Annulling the decisions of the (abolished) North Affairs Committee

The former regime has appropriated and confiscated the agricultural lands of the Kurd and Turkman farmers



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according to a set of decisions, orders and letter issued by the (abolished) North Affairs Committee and the security committee in Kirkuk governorate, where the Committee has sent the numbers of these decrees and letters to the office of His Excellency the Prime Minister according to the letters of the Committee (secret and personal) No. 256 on 30/9/2007 and 358 on 24/8/2008 in order to abrogate them, which in turn referred the letters to the legal department in the general secretariat of the Council of Ministers. The decisions have not been annulled till now, noting that annulling these decisions is within the power of His Excellency the Prime Minister, and there is no need to prepare a draft law or resorting to parliament.

3- Repealing the Agricultural Contracts Concluded within the Arabization Policies

A- The agricultural contracts that are to be repealed in the disputed territories, including Kirkuk according to decision No. (4) issued by the committee.

The decision calls for the repeal of the agricultural contracts concluded in the disputed territories, including Kirkuk, in the framework of the former regime policies to Arabize these areas. These agricultural contracts were concluded on lands carrying disposition rights for citizens of non- Arab nationality (belonging to Kurds and Turkman) the previous regime has appropriated them and amortized the right of disposition on them in the pretext of utilizing them for the purposes of public benefit, but they were distributed to person of the citizen of the governorate and from outside in the frame of its policy of demographic change of the governorate. As for the lands seized according to law 17 for the year 1970, they are not included in the decision of canceling the contract.

And the contracts included are the contracts which were concluded for the period from 17 July 1968 up to 9 April 2003.

The number of agricultural contracts included which were canceled by the specialized committee emanating from the Committee (140) amounted to (5676) contracts, all of them concluded in the framework of the policies of the former regime to Arabize Kirkuk. Then (3306) applications were submitted to the specialized committee by the farmers whose contracts were cancelled. The estimation of the compensation for these (3306) contracts is completed for the plantations for the year 2003 and the facilities built on the lands which were constructed on the charge of the contracting farmers .



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The estimated compensation for these contracts amounted to 14 704 062 317 I.D , (fourteen billion and seven hundred and four million and sixty two thousand and three hundred and seventeen I.D.).

The Committee sent the recommendations to the office of His Excellency the Prime Minister according to its letter No. 335 on 27/9/2010 in order to approve disbursing the compensations to the farmers from the budget of the Committee, but the Committee did not receive the reply till now .The Committee has sent several confirmations to its request.

B - The agricultural contracts that are to be repealed in the areas of the middle and South of Iraq according to decision No. (7) issued by the Committee.

The decision calls for remedying the agricultural contracts which were concluded in the framework of the policies of the former regime

in the areas of the middle and South of Iraq. The Ministry of Agriculture and the agriculture departments in these governorates were contacted to provide the Committee with statistics and details on these contracts in order to remedy them and repeal these contracts according to the decisions of the Committee.

4- Returning the employees to the disputed territories, including Kirkuk.

This, clause calls for returning to their former posts the employees covered by the decision No. (1) and the decision No. (7) who were dismissed or transferred from the places of their residence as a result of the policies of the former regime.

This clause is still not implemented seriously in the disputed territories, including them Kirkuk by the ministries in the Federal Government, except for some ministries. This situation is due to the directives and instructions of the Ministry of Finance to these ministries which say (the transfer is made to the vacant posts and within the operating expenditures of the region, since it is not possible to increase the appropriations for it will be contrary to the provisions of article (16- Seventh) of the general federal budget of the State No. (10) for the year 2010, which fixed (17%) of the total operating expenditures and the expenditure on investment projects in the general federal budget. It is not possible to exceed this percentage.



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5- Remediating the changes that have occurred in the administrative boundaries for political reasons

This clause consists of remediating the changes that have occurred in the administrative boundaries of the disputed territories, including Kirkuk and the governorates of the middle and South of Iraq for the political reasons, as a result of the policies of the former regime. By virtue of these policies, many of the cities, boroughs and townships were detached and annexed to other governorates in order to change the demography of the districts for racial, national, sectarian and ethnic purposes.

According to the decision taken by the Council of Ministers in its third extraordinary session held on 29/3/2007, the Committee for the implementation of article (140) of the Constitution submits its recommendations with regard to the unjust changes performed by the former regime in the administrative boundaries of the governorates, to the General Secretariat of the Council of Ministers, which in turn will submit them to the Council of Ministers and to the Presidency, and then should be presented to the Council of Representatives. This procedure is defined by the provisions of article (58) of the Law of Administration the Iraqi State, clause 4/B, and as stipulated in article (140) of the Constitution of the Republic of Iraq.

The recommendations were prepared for this effect for the disputed territories, including Kirkuk and the governorates of the middle and South of Iraq and sent to the Council of Ministers according to our letter No. 362 on 31/12/2007, and a copy was sent to the Presidency of the Republic. To the extent of our knowledge, no action was taken regarding these recommendation up to now.

6- Settling the claims submitted to the Property Claims Commission.

To expedite settling the claims filed in the branches of the Property Claims Commission in the disputed territories, including Kirkuk, regarding the agricultural lands and restituting the rights of their lawful owners.



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Census



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No steps were taken to conduct the census in the disputed territories, including Kirkuk according to article (140) of the Constitution of the Republic of Iraq, noting that this census has no relation with the general census that the Federal Ministry of Planning. intends to conduct throughout Iraq .

To conduct the census and end the normalization process require:

- Increasing the budget of the Committee in order to pay compensations to the relocated persons and displaced persons covered by the dispositions of the article in order to return them to their previous original districts.
- Reaching a decision on remedying the changes in the administrative boundaries of the governorates performed by the former regime for political purposes, especially the disputed territories, including Kirkuk, The Cconstitution has defined the mechanism according to which this remedy is made based on what is mentioned in article 58 of the law of administering the state for the transitional period.



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Referendum



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In order to carry out the referendum process in the disputed territories as stated in article 140 of the Constitution, It is required that the normalization process is completed. This implies that a decision is reached with respect to the recommendations on the administrative boundaries for the disputed territories, including Kirkuk, and a census has been carried out, in order to establish the boundaries of the areas in which the referendum will be conducted, and to determine the electorates, that is the citizens who are entitled to participate in the referendum. In addition, the required legislation should be passed and the necessary financial appropriation is provided to organize the referendum.

It is to be noted that the Committee has studied this matter deeply with the legal committee in the previous Council of Representatives, the Ministry of Planning and the Independent High Electoral Commission.



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Conclusions



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It is clear from what has been mentioned here above, that there are still outstanding dossiers the solution of which is beyond the powers invested in the Committee. The treatment of these unresolved issues requires decisions from high authorities in the Federal Government (the Premiership, the Council of Representatives and the Presidency).

The outstanding dossiers are (the repealed agricultural contracts, the administrative, boundaries, the census , the referendum , the return of the employees covered by the decisions of the Committee, abrogating the decrees and orders issued by the former regime regarding confiscating, appropriating and amortizing the disposition rights, increasing the budget allocated to the Committee to pay the compensations to the eligible demanders , and settling the claims filed with the branches of the Property Claims Commission.



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Recommendations



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- 1- Increasing the budget of the Committee according to the estimated budgets submitted to the Ministry of Finance, so as to be commensurate with the volume of work and the compensations, bearing in mind that the work of the Committee was extended to include the governorates of the middle and South of Iraq.
- 2- Approving the propositions concerning the repeal of agricultural contracts, and treating the effects ensuing the repeal of the agricultural contracts and agreeing upon the recommendations submitted by the Committee to pay the compensations to the farmers whose contracts are repealed.
- 3- Annuling the decisions of the (abolished) North Affairs Committee for being inconsistent with the status quo, noting that these decisions were issued to achieve political aims by the former regime and that their annulment is within the power of His Excellency the Prime Minister and does not need a draft law.
- 4- Abrogating the decrees of the (dissolved) Revolutionary Command Council, noting that a draft law was prepared to abrogate these decrees in coordination with the State Consultative Council, and the draft was sent by the State Consultative Council to the general secretariat of the Council of Ministers according to the letter of the State Consultative Council No. (2237) on 30/11/2008.
- 5- The confirmation of the Council of Ministers of the decision No. (6) issued by the committee of article (140) regarding the two districts of Tisaen and (Hamza Ali) in Kirkuk to remove the wrong and injustice which afflicted the inhabitants of these districts as a result of the policies of the former regime.



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- 6- Returning the employees covered by the decisions of the Committee to their previous original positions in the disputed areas.
- 7- Urging further the Commission of Solving the Real estate Property Disputes to complete the claims concerning the disputed territories including Kirkuk and the other areas covered by article 140 in the middle and South of Iraq in addition to increasing the number of judges, the judicial committees and the appeal commissions in the Commission of Solving the Real Property Disputes.
- 8- Reaching a decision on the issue of the changes operated on the administrative boundaries according to clause (B) of article 158 of the Law of Administering the State for the Transitional period.
- 9- Conducting a census to determine the original population in the disputed territories for the purposes of implementing article (140) of the Constitution, so that it can participate in the referendum to determine the destiny of these territories, including Kirkuk.
- 10-Conducting the referendum in the disputed territories, including Kirkuk, to determine the will of their original population.



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Annex of decisions issued by the Committee



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No.: 16
Date: 16/1/2007

Decision No. 1

The Committee formed according to Diwan order No. (46) dated 9/8/2006 has held its tenth meeting on 10/1/2007 and for the purpose of implementing article (140) of the constitution of the Republic of Iraq and in order to normalize the situation in the disputed territories the committee decided the following:

"Returning all the employees of the original population of the disputed districts of the (Kurds, Turkmen , Assyrians, Chaldeans, Arabs) who were dismissed , ousted or transferred outside those districts for political, ethnic, sectarian or religious reasons for the period from 17 July 1968 up to 9 April 2003 to their previous positions or near them in their original districts according to Law" .

This decision is subject to the approval of His Excellency the Prime Minister .

-Sgd.-
Hashim Abdul-Rahman Al-Shibly
Chairman of the Committee
/1/2007

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No. : 24
Date : 16/1/2007

Decision No. 2

Our committee formed according to Diwan order No. (46) (MRN/48/1373) dated 9/8/2006 has held its eleventh meeting on 16/1/2007 and for the purpose of implementing article (140) of the constitution of the Republic of Iraq and in order to normalize the situations in the disputed districts and the committee decided the following :

First : Returning all the displaced persons and migrated formalities who were displaced persons and migrated from the disputed districts as a result of the policies of the former regime for the period from 17 July 1968 up to 9 April 2003 and included in article (140) of the constitution of the Republic of Iraq to their previous districts and taking the mechanisms below for implementation .

A- The displaced persons and migrated families are compensated in a residential plot of land allocated from the state in their original districts from which they were migrated and displaced persons provided that they are not of the benefiting in possessing a residential plot of land from the state previously .

B- Compensating all the displaced persons and migrated families in financial compensation amounting only Five Million Dinars and compensating the families and migrated residing inside Kirkuk municipal boundaries a sum amounting only Ten Million Dinars.

Second : The Commission of Solving the Real Property Disputes is to solve all the cases of the real estate and the properties confiscated and appropriated as a result of the policies of the previous regime in the disputed districts included in article (140) of the constitution of the Republic of Iraq as soon as possible at maximum (15/3/2007) .

The decision is subject to the approval of His Excellency the Prime Minister .

-Sgd.-
Hashim Abdul-Rahman Al-Shibly
Chairman of the Committee
/1/2007

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No. : 37
Date : 4/2/2007

Decision No. (3)

Our committee formed according to Diwan order No. (46) (MRN/48/1373) dated 9/8/2006 has held its Thirteenth meeting on 4/2/2007 and for the purpose of implementing article (140) of the constitution of the Republic of Iraq and in order to normalize the situations in the disputed districts and the committee decided the following :

First : Returning the families migrated to the disputed districts and included in article (140) of the constitution of the Republic of Iraq especially Kirkuk governorate to their previous districts from which they migrated as a result of the policies of the former regime for the period from 17 July 1968 up to 9 April 2003 and taking the mechanism below for implementation :

- A- Granting them a sum of Twenty Million Dinars with a residential plot of land in their original districts.
- B- Transferring the entry of the migrated families from the civil status departments from the disputed districts to the civil status departments in their original districts .
- C- Transferring the food ration card for the migrated families from the disputed to their original districts .
- D- Transferring all the remaining official documents of the migrated families from the disputed districts to their previous original districts .
- E- The grant is paid after submitting of the concerned what confirms the transfer of the civil stating records and the food ration card of the included in this grant .

Second : The Ministries of Interior and Trade and the related departments are to facilitate the task of the migrated in what is mentioned in (B,C,D) of first above .

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Third : The ministries and the related departments are to facilitate the task of the migrated if he is an employees to transfer his employment from the disputed districts to their original districts

Fourth : All the clauses of the decision above are to be implemented before 15/3/2007 .

Fifth : This decision is subject to the approval of His Excellency the Prime Minister .

-Sgd.-
Hashim Abdul-Rahman Al-Shibly
Chairman of the Committee
/2/2007

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No.: 38
Date: 4/2/2007

Decision No. (4)

The committee formed according to the Diwan order No. (46) No.(MRN/48/1373) dated 9/8/2006 has held its Thirteenth meeting on 4/6/2007 and for the purpose of implementing the article (140) of the constitution of the Republic of Iraq and in order to normalize the situations in the disputed districts the committee decided the following :

First : Repealing all the agricultural contracts which were concluded within the policies of the demographic change (Arabization) in the disputed territories included in article (140) of the constitution of the Republic of Iraq especially in Kirkuk governorate and restoring the status to what it was before concluding these contracts.

Second : The related departments are authorized to implement this decision .

Third : This decision is to be implemented before day 15/3/2007 .

Fourth : This decision is subject to the approval of His Excellency the Prime Minister .

-Sgd.-
Hashim Abdul-Rahman Al-Shibly
Chairman of the Committee
12/2007

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No. : 185
Date : 13/8/2007

Decision No. (5)

The Committee for the Implementation of Article (140) of the Constitution of the Republic of Iraq has held its Eighteenth meeting on 13/8/2007 and due to the approval of the premiership on the decisions of the committee in its Third extraordinary session held on 29/3/2007 notified to us by the letter of the general secretariat of the Council of Ministers No. L/2/1/27/6756 on 19/4/2007, the committee decided implementing what is mentioned in them and pay the compensations to the included in the decisions of the committee according to what is mentioned in clause (second/1/B) and clause (Third/1/A) .

-Sgd.-
Raid Jahid Fahmi
Chairman of the Committee
12/8/2007

Copy to :
Office of His Excellency the Prime Minister Esq./ Kindly take note with highest respect and appreciation.
General Secretariat of the Council of Ministers . Office of Mr. General Secretary Esq./ Kindly take note with highest respect and appreciation .
Member of the Committee
Offices of the Committee
The Financial Committee

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No. : 263
Date : 1/10/2007

Decision No. (6)

The **Committee for the Implementation of Article (140) of the Constitution of the Republic of Iraq** formed according to Diwan order No. (46) No. (MRN/48/1373) dated 9/8/2006 has held its Twenty First meeting on 1/10/2007 and for the purpose of implementing article (140) of the constitution of the Republic of Iraq and in order to normalize the situations in the disputed districts among them Kirkuk and remove the injustice and wrong afflicted to the inhabitants of the Two districts of Tisaen and (Hamza Ali) the committee decided the following :

- 1- Returning the real estate appropriated contrary to the legal dealings due to the policies of the former regime in migrating and displacing for ethnic and sectarian reasons and which are not used for the public benefit till now to their lawful owners from whom they were appropriated and exempt them from the substitutes received by them.
- 2- Returning all the agricultural lands appropriated and amortized in them the disposition rights contrary to the legal dealings due to the policies of the former regime in migrating and displacing for ethnic and sectarian reasons in the estates (62) and (39) in the two districts of Tisaen and (Hamza Ali) and which are not used till now for the public benefit to their lawful owners.
- 3- Ordering the General Directorate of the Real Estate Registration not to perform any disposition on the real estate located in the estates (62) and (39) located in the two districts Tisaen and (Hamza Ali) appropriated from their lawful owners contrary to the legal dealings due to the policies of the former regime in migrating and displacing from ethnic and sectarian reasons and compensating their present owners fairly upon returning them to their lawful owners.

This decision is subject to the approval of His Excellency in Prime Minister.

-Sgd.-
Raid Jahid Fahmi
Chairman of the Committee
1/10/2007

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No. : 528
Date : 21/7/20097

Decision No. (7)

Based on the letter of the office of His Excellency (secret and personal) No. M.R.N./S/8/2231 dated 8/6/2008 about obtaining the consent of His Excellency to include all the cases in the middle and the south similar to the cases in Kirkuk governorate in article (140) of the constitution and based on the administrative order No. (35) on 23/1/2008 issued by the high committee to implement article (140) of the constitution of the Republic of Iraq pertaining the formation of the specialized committee for the middle and south of Iraq.

And based on the field visit performed by the specialized committee emanating from the high committee to implement article (140) of the constitution of the Republic of Iraq to the governorates of the middle and south of Iraq for the period from 26/10/2008 up to 1/11/2008. and after studying the documents, applications and reports which came to the specialized committee from Messrs. Members of the council of representatives, the Shaikhs and tribes of the middle and the south and the Messrs. Governors, and in order to implement the directive of His Excellency the Prime Minister to remove the injustice and wrong which afflicted the population of the middle and south of Iraq as a result of the policies of the former regime and based on the approval of the Council of Ministers on the decisions of committee (140) in its third extraordinary session held on 29/3/2007.

The committee decided the following:

- 1- Returning the wishers of the displaced persons and migrated families who are displaced persons and migrated from the districts included in the provisions of article (140) of the constitution in the middle and south of Iraq as a result of the policies of the former regime for the period from 17 July 1968 up to 9 April 2003 to their previous districts according to the following mechanism:
 - A- Compensating the displaced persons and migrated families in residential plot of land allocated from the state in their original districts provided that they are not of the benefiting in possessing a residential plot of land from the state previously.

- B- Compensated the displaced persons and migrated families a financial compensations amounting (ten million dinar only) in the districts in the provisions of article (140) of the constitution.
 - C- The commission of solving the real estate property disputes is to solve all the cases of the real estates and properties confiscated, appropriated and seized contrary to the legal dealings followed as a result of the policies of the former regime in the districts included in the provisions of article (140) of the constitution.
- 2- Remedying all the legal dispositions conducted on the agricultural contracts and the disposition rights among them canceling all the agricultural contracts concluded in view of the unjust discriminating policies of the former regime and concluding the canceled contracts according to the applicable regulations in the directorates of agricultural and resorting the status to what it was before performing the legal dispositions in the districts included in the provisions of article (140) of the constitution in the middle and south of Iraq.
- 3- Returning the employees of the population of the districts included in the provision of article (140) of the constitution in the middle and south of Iraq who were dismissed, ousted or transferred to outside those districts for political, religious, sectarian or ethnic reasons to their previous positions or to positions near to their specialization and according to law.
- 4- Compensating the families which were prevented from returning to their districts of residence in the city of Fao due to the policies of the former regime in displacing and migrating and whose lands were appropriated contrary to the legal dealings and governmental facilities were constructed on them, and compensating them with plots of land of equal value in addition to compensating them according to regulations.
- 5- Depending the mechanism of work depended in the disputed districts among them Kirkuk and appropriating a budget to implement the paragraphs mentioned above.

The specialized committee recommends presenting the decision to His Excellency the Prime Minister to approve it.



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Annex of Pictures



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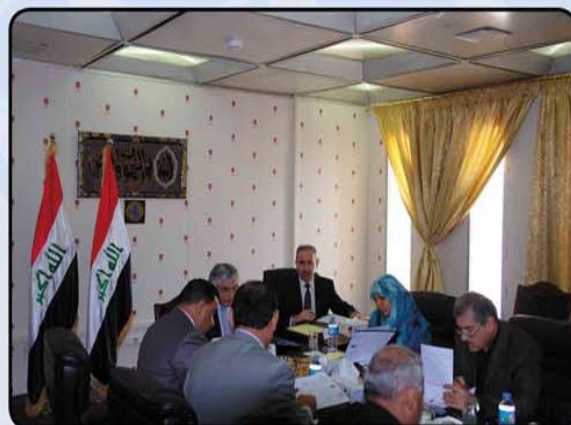


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