

In The Name Of God, Most Gracious, Most Merciful

**Republic of Iraq
Federal Supreme Court
Ref.64 /Federal/Media/2014**



Kurdish text

The Federal Supreme Court has been convened on 23/6/2014, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, and Hussein Abbas Abu Al-Temman, who authorized in the name of the people to judge and they made the following decision :

The Opinion:

The council of Wasit governorate requested – in the letter No.(52/8687) dated on (20/5/2014)- to clarify the explanation of the articles included by the letter:

- 1) the article (122/5th) from the Constitution of the Republic of Iraq ((The governorates shall be made up of a number of districts, sub-districts, and villages.)).
- 2) the article (2/1st) from the second amendment for the law of governorates incorporated into a region No.(19) for 2013 ((the council of the governorate is the legislative and oversight authority in the governorate and it has the right to issue local legislation and in a manner that would not contradict the Constitution and federal laws which are included within the exclusive cometences of the federal powers.)).
- 3) statement of governorates' councils' authorities to force, collect and spend fees and taxes.

FSC put the aforementioned listed requests under scrutiny and deliberation in its session on 23/6/2014 and it reached the following decision:

The Decision:

First: during scrutiny and deliberation by the FSC, it found from studying the request of explanation the article (122/5th) from the Constitution that the second amendment for the law of governorates incorporated into a region No.(21) for 2008 emphasized that The governorate council is legislative and oversight authority and shall have the right to issue local legislation so that it can carry out its affairs on the basis of the principle of administrative decentralization and in a manner that would not contradict the Constitution and federal laws which are included within the exclusive competences of the federal powers. This means that the governorates' councils are independent in the field of carrying out its affairs for what relates to competences granted by the Constitution and federal laws for the local affairs except for the exclusive competences of the federal powers.

Second: for what relates to the clauses (2,3) from the request of clarifying which relates to the request of explaining the article (2/1st) from the law of governorates incorporated into a region (amended). Also, to clarify the authorities of the governorates' councils. The answer is out of the FSC competences based on the text of the article (93/2nd) from the Constitution which determined the FSC competence to explain the Constitution texts only.