Date: 27 November 2026

Legal and Constitutional Memorandum in Response to the Prime Minister's Decisions of 24 November 2026 and to Federal Supreme Court Interpretive Decision No. (268/Federal/2026)

Subject: The Unity of the Constitutional Text and the Invalidity of Selective Application of the Provisions of the Constitution of the Republic of Iraq of 2005

Summary

1. On 24 November 2026, the Prime Minister, in his capacity as Commander-in-Chief of the Armed Forces, issued a package of orders affecting the powers of the Kurdistan Region over border crossings, oil fields and oil exports, as well as the disputed territories. The following day, the Federal Supreme Court, at his request, issued an interpretive decision by majority, with two members dissenting.

2. We do not object to combating oil smuggling, nor to the established exclusive powers of the federal authorities. Our objection concerns two matters: that decisions of such gravity were issued by unilateral order bypassing the Council of Ministers, and that the Constitution has been read selectively, taking from its provisions whatever expands the powers of the centre while disregarding whatever restricts them. This selectivity went so far that the decision, in quoting the text of Article (112, First), omitted the clause concerning the share of the regions harmed by the former regime.

3. The Constitution is a single, indivisible whole: Article (110) must be read together with Articles (115) and (121); Article (111) with Article (112); and Article (53)(A) of the Transitional Administrative Law with Article (58) of the same law, and with Articles (117) and (140) of the Constitution.

4. We call for the suspension of the unilateral orders and their submission to the Council of Ministers; for the Court to reverse its interpretation insofar as it exceeded the limits of the

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text; for the implementation of Article (140); and for the enactment of the constitutional laws that have been stalled for twenty years.

Introduction

The Constitution of the Republic of Iraq of 2005 is not a grant bestowed by a central authority. It is a consensual social and political contract, approved by the Iraqi people in a referendum to end the era of dictatorship and oppressive centralism and to establish a federal state in which powers are distributed between the federal authorities and the authorities of the regions. This contract rests on a rule without which it cannot stand: its provisions form a single whole, and it is not permissible to apply some of them while setting others aside.

On 24 November 2026, having reviewed the report of the committee investigating oil smuggling at the North Oil Company, Prime Minister Ali Falih al-Zaidi issued, through a statement by the Spokesman of the Commander-in-Chief of the Armed Forces, a package of orders, including: restricting approvals for the export of crude oil and petroleum products to the Federal Ministry of Oil; transferring all border crossings in the Kurdistan Region to the Border Ports Commission; assigning the Ministry of Oil to manage the oil fields, with the Energy Police securing and monitoring them, including fields located within the federal administrative boundaries but under the security control of the Regional Government; closing unofficial crossings on the international borders, including the Region's crossings; closing the unpaved roads between the Region and the governorates of Kirkuk, Nineveh, Diyala and Salahaddin; establishing laboratories to test petroleum products at the entry checkpoints of Sulaimaniyah, Erbil and Duhok; relocating oxidised-asphalt and naphtha plants located outside federal security control within six months; and dismissing the Head of the Border Ports Commission, the Commander of Kirkuk Operations and the Governorate Chief of Police.

On the following day, 25 November 2026, the Federal Supreme Court issued its Interpretive Decision No. (268/Federal/2026), at the request of the Prime Minister by his letter No. (3056/2689561) dated 24 November 2026. The decision was adopted by majority, with two members dissenting, and comprised seven points addressing borders, border crossings and

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their automation, oil and gas, non-oil revenues, and the territorial scope of the Region's powers and the lands lying outside it.

Combating smuggling is a legitimate objective that we do not dispute, and the exclusive powers of the federal authorities are established by the text of the Constitution. However, the manner in which these orders were issued, and the reading of the Constitution adopted by the decision, strike at the foundations of the federal system. This memorandum demonstrates this on the basis of the text itself, grounded in the principle of the unity of the constitutional document and the impermissibility of its fragmentation.

First: The Governing Principle: The Unity of the Constitutional Text and the Limits of Interpretation

1. **The limits of the interpretive function:** The Federal Supreme Court has jurisdiction to interpret the provisions of the Constitution (Article 93, Second), and its decisions are final and binding on all authorities (Article 94). We do not dispute this. But interpreting the Constitution is one thing, and amending it is another. The Court is not a constituent authority, and an interpretation that imposes on the Region's powers a restriction not necessarily derived from the text crosses from the function of interpretation into the function of amendment. The Constitution has expressly closed this door: Article (126, Fourth) prohibits any amendment that diminishes the powers of the regions not falling within the exclusive powers of the federal authorities, except with the approval of the legislative authority of the region concerned and the consent of the majority of its population in a general referendum. What may not be done by express amendment may not, a fortiori, be done by interpretation.

2. **Narrow construction of exclusive powers:** The Constitution distributes powers according to an explicit rule: matters listed in Article (110) are exclusive federal powers; matters listed in Article (114) are shared powers; all powers not stipulated as exclusive belong to the regions and to the governorates not organised in a region; and in shared powers, priority is given to regional law in the event of a conflict (Article 115). Exclusive powers must therefore be

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construed strictly, and may not be turned into a general competence covering every administrative or economic activity within the Region.

3. **The unity and sovereignty of the state:** The decision concluded its reasoning by affirming that the distribution of powers between the federal authorities and the authorities of the Region "does not affect the unity and sovereignty of the state, does not lead to the fragmentation of the exclusive powers established by the Constitution, and likewise does not permit the suspension of shared powers or the disregard of the requirements of coordination mandated by the Constitution." All of this is correct. But Iraq is a federal state by virtue of Article (1), and federalism is not an administrative distribution of powers; it means the Region holds original constitutional authority. The unity and sovereignty of the state may not, therefore, become a basis for expanding federal competence at the expense of what the Constitution has granted to the Region. Federal sovereignty and the Region's constitutional powers are not in conflict; they are exercised together within the distribution the Constitution has drawn. We call for adherence to the final part of the decision's own words: that shared powers not be suspended, and that the requirements of coordination not be disregarded.

4. **Stalled constitutional obligations:** It is untenable to invoke the provisions on federal competence while the obligations that complete the federal system have remained stalled for twenty years:

   4.1 The Federal Supreme Court Law, which Article (92, Second) requires to be enacted by a two-thirds majority of the members of the Council of Representatives, has yet to be enacted. The Court operates under Law No. (30) of 2005, issued before the constitutional referendum, as amended by Law No. (25) of 2021. This does not call the Court's existence into question, but it makes caution regarding the limits of its interpretive authority all the more imperative.

   4.2 The Federation Council, the second chamber of the federal legislative authority (Articles 48 and 65), has never been established. Article (137), which deferred the application of its provisions, linked their activation to a decision of the Council of Representatives adopted by a two-thirds majority in its second electoral term, a term

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that ended more than ten years ago. The absence of this Council deprives the regions and governorates of the safeguard the Constitution established against the numerical majority in the Council of Representatives.

4.3 The Oil and Gas Law (Article 112) and the Customs Administration Law (Article 114, First) have not been enacted, as the request for interpretation itself acknowledged. The laws of the centralist era therefore remain in force, among them Customs Law No. (23) of 1984.

It is a settled principle that no party may benefit from its own default. Whoever has failed to fulfil its constitutional obligation may not use the vacuum it created as grounds for stripping the other party of its powers.

Second: The Prime Minister's Decisions and the Usurpation of the Powers of the Council of Ministers

1. **What the Prime Minister holds alone and what the Council holds collectively:** The Constitution draws a clear line between the two. Under Article (78), the Prime Minister is "the direct executive authority responsible for the general policy of the State and the Commander-in-Chief of the Armed Forces"; he directs the Council of Ministers and presides over its meetings. Planning and executing the general policy of the State, and issuing regulations, instructions and decisions for the purpose of implementing laws, are powers of the Council of Ministers acting collectively (Article 80, First and Third).

2. **Two kinds of orders:** Deploying forces and closing unofficial crossings on the international borders fall within his capacity as Commander-in-Chief of the Armed Forces, provided that, within the Region's sectors, this is carried out in coordination with the Region's Guards, whose establishment and organisation Article (121, Fifth) assigns to the Regional Government. By contrast, restricting export approvals, taking over border crossings, managing oil fields, establishing testing laboratories at checkpoints and relocating industrial plants are decisions of general state policy. Their proper forum is the Council of Ministers, in which Kurdish ministers and representatives of Iraq's communities participate, not a unilateral order announced in a statement by the Spokesman of the Commander-in-Chief.

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This line was drawn by the interpretive decision itself, issued at the Prime Minister's own request. In its reasoning, the Court stated that establishing and managing the armed forces to protect the borders is a matter in which the State is "represented by the Commander-in-Chief of the Armed Forces" pursuant to Article (78), whereas, on setting fiscal and customs policy and regulating trade policy across the boundaries of the regions and governorates, it stated: "the State is represented in this matter by the Council of Ministers, in accordance with its competence stipulated in Article (80, First)." The request for interpretation itself stated that its purpose was to enable the government to "plan and execute the general policy of the State," which is the very wording of Article (80, First), the provision that makes this a power of the Council of Ministers.

3. **The dismissals:** The orders dismissed the Head of the Border Ports Commission, the Commander of Kirkuk Operations and the Governorate Chief of Police. The Federal Supreme Court itself, at the request of the current Prime Minister, ruled in its Decision No. (227/ Federal/2026) of 24 August 2026 that the power to dismiss directors-general belongs to the Council of Ministers under Article (80), and that the dismissal of holders of special grades requires the approval of the Council of Representatives. In an interpretive decision issued in late December 2025, at the request of the Minister of Industry and Minerals, it further ruled that the Prime Minister may not form investigative committees or impose disciplinary penalties directly on employees of ministries and bodies not administratively attached to his office, and that this must be done by request to the competent minister. Moreover, the Constitution makes appointments to special grades, and to the rank of division commander and above, subject to a proposal by the Council of Ministers and the approval of the Council of Representatives (Articles 61, Fifth and 80, Fifth). Under the principle of parallelism of forms, one who cannot appoint unilaterally cannot dismiss unilaterally.

4. **Civil decisions through a military channel:** Economic, industrial, oil and customs decisions were issued in a statement by the Spokesman of the Commander-in-Chief of the Armed Forces. Article (9, First, A) provides that the armed forces shall be subject to the control of the civilian authority, shall not be used as an instrument to oppress the Iraqi people, and shall not interfere in political affairs. Making the military establishment a party to a

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constitutional dispute over powers between the federal government and a federal region is inconsistent with this provision.

5. **The result:** Had these orders been submitted to the Council of Ministers, they would have become decisions of the Council following deliberations in which Kurdish ministers take part and vote, and those of a regulatory nature would have been issued as instructions published in the Official Gazette (Al-Waqa'i al-Iraqiya) under Article Two of the Publication in the Official Gazette Law No. (78) of 1977, as amended. Instead, they were issued as orders of the Commander-in-Chief, and thereby departed from the process that makes them documented, published decisions for which their author is accountable.

Third: The Proceedings Before the Federal Supreme Court

1. **A dispute, not a request for interpretation:** The matters put before the Court, from borders, crossings and customs to oil, non-oil revenues and the territorial scope of the Region, are not a theoretical inquiry into the meaning of constitutional provisions. They are an existing, specific dispute between the federal government and the Kurdistan Regional Government over particular measures. The Constitution made the resolution of such disputes a distinct jurisdiction of the Court: "Settling disputes that arise between the federal government and the governments of the regions and governorates, municipalities, and local administrations" (Article 93, Fourth). The difference between the two routes is fundamental: in a dispute, the other party is notified and its defence is heard; in a request for interpretation, there is no other party.

2. **A single day, without a hearing:** The orders were issued on 24 November 2026 and the decision on 25 November 2026, without the Regional Government being notified or heard, although the matters directly concern it. The letter requesting the interpretation stated that the federal government was "studying" the adoption of measures and that it sought the interpretation "before adopting them," and the Court itself described them in its reasoning as "the measures that the federal government intends to adopt." Yet the orders were issued on the very date borne by the letter of request. The interpretation thus came after the orders were issued, not before.

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3. **The decision did not rule on the orders:** The decision does not mention the orders of 24 November 2026 anywhere, nor does it rule on their constitutionality; rather, it answered six general questions on the meaning of constitutional provisions. Some of these orders are not addressed by any of its seven points, such as establishing testing laboratories at the entry checkpoints of Sulaimaniyah, Erbil and Duhok, relocating the oxidised-asphalt and naphtha plants, closing the unpaved roads, and dismissing the Head of the Border Ports Commission, the Commander of Kirkuk Operations and the Governorate Chief of Police. Media reports that the Court upheld the constitutionality of these measures are therefore not supported by the text of the decision.

4. **Two dissenting members:** The decision was adopted by majority, with two members of the Court dissenting. This alone shows that its reasoning is not the only possible reading of the provisions.

Fourth: An Analysis of the Points of the Interpretive Decision

We do not regard the affirmation of the exclusive powers of the federal authorities as unconstitutional in itself; those powers are established by the text. Our criticism is directed at the breadth of their interpretation and their severance from the provisions that limit them.

1. **Borders and the deployment of forces (Articles 109 and 110, Second, versus Articles 117 and 121, Fifth):** Protecting the international borders is a federal competence under Article (110, Second), and we do not dispute it. In its reasoning, the decision addressed Article (121, Fifth), which assigns to the Regional Government the establishment and organisation of the Region's internal security forces, such as the police, security forces and Guards of the Region (the Peshmerga), and stated that the competence of these forces "relates to the requirements of administration and internal security." In the same reasoning, however, it conditioned the deployment of federal forces on its being carried out "with due regard to the requirements of security cooperation and coordination in matters that so require," yet the first point of its operative part contains no such condition. The operative part must be read in light of its reasoning, and a condition laid down by the Court itself may not be dropped in application.

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The Region's Guards are a partner in protecting the borders and fought alongside the federal forces in the war against terrorism, and Article (117, First) recognises the Region and its existing authorities as a federal region. The exercise of federal competence within the Region's sectors must therefore take place in coordination with its constitutional authorities, not through a unilateral military decision that bypasses them.

2. **Border crossings, customs and their automation (Article 110, Third, versus Articles 114, 115 and 121):** The Constitution distinguishes between three levels. The first is setting customs policy, an exclusive federal competence (Article 110, Third). The second is customs administration, a shared competence: Article (114) provides that "the following competencies shall be shared between the federal authorities and regional authorities," the first of which is "to manage customs, in coordination with the governments of the regions and governorates that are not organised in a region, and this shall be regulated by a law." The third is implementing procedures at the crossings, which must take place within a framework that respects this shared competence. Whoever holds the power to set policy does not thereby hold all powers of administration and implementation.

   The decision itself conditioned federal supervision of the crossings, and the establishment of the national system for their automation, on coordination under Article (114, First). What the second point of its operative part granted is "supervision, oversight and control over the performance of the departments operating at all border crossings" under the Border Ports Commission Law, while customs administration remains a matter of coordination with the governments of the regions. Supervising the performance of departments is not the same as taking over the crossings; the order transferring all of the Region's crossings to the Border Ports Commission therefore goes further than what the decision itself granted.

   The absence of a customs administration law is acknowledged by both parties. The request for interpretation asked about competence "in the absence of a law regulating customs administration," and the decision answered that "the absence of a special law regulating customs administration does not alter this," meaning that its absence does not suspend the application of the laws in force. But the Court qualified this in the same sentence: "provided that those provisions do not contravene the requirements of constitutional coordination."

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The absence of the law is a federal failure, and the application of Customs Law No. (23) of 1984 and Border Ports Commission Law No. (30) of 2016 is conditional on coordination under the text of the decision itself. This coordination may not be reduced to a formality under which a single party takes every executive decision, nor may it be replaced by the takeover of the crossings through a unilateral order.

Automating the crossings and exchanging customs data is a legitimate objective, to be achieved through a joint interconnection system that respects the powers of the Regional Government (Article 121, First), not through unilateral subordination to central departments. In shared competences, regional law prevails in the event of conflict (Articles 115 and 121, Second).

3. **Oil and gas (Articles 111 and 112, First, versus Article 115):** A distinction must be drawn between three concepts: the ownership of oil and gas, their management, and the oversight and supervision of petroleum operations. Article (111) makes oil and gas the property of all the people of Iraq, but ownership does not mean that executive management is reserved exclusively to the federal government. Article (112, First) subjects the federal government's role to three conditions: that management be carried out "with the producing governorates and regional governments," that it be confined to oil and gas extracted "from present fields," and that it be regulated by law. We read "present fields" as the fields in production when the Constitution was approved in the 2005 referendum; fields explored and developed in the Region thereafter are governed by the rule in Article (115).

   The decision itself affirmed this partnership in its binding operative part: its fourth point provides that the management of extracted oil and gas "shall be undertaken by the federal government together with the governments of the regions and the producing governorates," and the request for interpretation had asked about "the limits of the role of each of them in this management." Assigning the Federal Ministry of Oil to manage the fields, without the Regional Government and the producing governorates, is thus inconsistent with the operative part of a decision issued at the request of the very author of the order. We note two observations on the operative part. First, it dropped the phrase "from present fields" contained in the text of the Article, even though the decision's reasoning cited it. Second,

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the reasoning assigned contracting with international companies to "the competent federal authorities," whereas the binding operative part states: "contracts relating thereto shall be concluded by the competent authorities and in accordance with the law," and the law that would designate these authorities has yet to be enacted.

If the Federal Ministry of Oil's powers of supervision, oversight and audit are interpreted so as to render the Regional Government's role a mere formality, or to eliminate its effective participation in management, this contradicts the express wording of Article (112). Article (111) is not sufficient to cancel a participation established by Article (112). On this point, the decision relied on the Court's Decision No. (59/Federal/2012) and its consolidated case No. (110/Federal/2019), issued on 15 February 2022. In our view, no prior decision may be read so as to nullify the provision of Article (112) on joint management; a judicial decision interprets the Constitution, it does not amend it. As for the federal authorities' failure to enact an oil and gas law since 2005, it does not entitle the Ministry of Oil to take the place of the Regional Government, nor does it permit the seizure of the fields by the Energy Police to impose a fait accompli.

It is on this point that selectivity appears in the text of the decision itself. At the outset of its reasoning, the Court committed itself to reading the Constitution "in a manner that does not lead to the suspension of any of its provisions or the diminution of its content." It then quoted the text of Article (112, First) and replaced with ellipsis points the clause: "specifying an allotment for a specified period for the damaged regions which were unjustly deprived of them by the former regime, and the regions that were damaged afterwards." The omitted clause is the only wording in the Article that recognises a right of the damaged regions, foremost among them the Kurdistan Region, in light of what it endured in the Anfal campaign and the chemical bombardment of Halabja.

4. **Non-oil revenues (Article 110, Third, versus Article 121, Third):** The decision affirmed federal supervision of non-oil revenues throughout Iraq, including the Region, and their remittance to the public treasury, relying on Article (110, Third) and on the Court's Decision No. (224/Federal/2023) and its consolidated case No. (269/Federal/2023), issued on 21 February 2024. Article (121, Third) counterbalances this with an explicit obligation: "Regions

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and governorates shall be allocated an equitable share of the national revenues sufficient to discharge their responsibilities and duties, having regard to their resources, needs and the percentage of their population."

Successive federal governments have reduced the Region's share from the 17% adopted in earlier budgets, and still do not abide by the results of the 2024 general population census: the draft 2027 budget sets the Region's population share at 12.7%, whereas the Regional Government regards 14.14% as the official census result. It is untenable to require the Region to remit all its local revenues under an ordinary statute, the Federal Financial Management Law No. (6) of 2019, while the federal authorities fail to honour their constitutional obligation to provide an equitable share, as well as the Region's other entitlements, including the Peshmerga budget and compensation for Anfal and Halabja. The Constitution's obligations are reciprocal: one party cannot be required to fulfil its obligations while the other is exempted from its own.

5. **The territorial scope of the Region and the lands outside it (Articles 117, 140 and 143, and Articles 53(A) and 58 of the Transitional Administrative Law):** This is the most dangerous point in the decision. It defined the territorial scope of the Region's powers in accordance with Article (53)(A) of the Law of Administration for the State of Iraq for the Transitional Period, kept in force by Article (143) of the Constitution, that is, by the territories administered by the Regional Government on 19 March 2003. In its seventh point, it then held that the administration of the lands outside this scope belongs to the federal authorities, and that the Region's de facto administration there does not create constitutional competence. We respond with five arguments:

    5.1 **Recognising the Region is not the same as defining its territory:** Article (117, First) recognises the Region of Kurdistan and its existing authorities as a federal region. A distinction must be drawn between recognising the Region as a federal entity and defining the territory its government administered on a given date. De facto administration on 19 March 2003 cannot substitute for the constitutional settlement of the disputed territories.

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5.2 **Article 53(A) cannot be read alone:** Article (143) exempted Articles (53)(A) and (58) from repeal together, and Article (140) refers to Article (58) in all its paragraphs. Article (58)(C) provides that the permanent resolution of the disputed territories, including Kirkuk, shall be deferred until the measures to remedy injustice have been completed, a fair and transparent census has been conducted and the permanent constitution has been ratified, and that it shall take into account the will of the people of those territories. The decision itself stated that keeping Article (53)(A) in force "requires giving effect to its constitutional consequences and not disregarding its significance." Article (58) was kept in force by Article (143) in the very same sentence, and is therefore entitled to the same treatment: its consequences must be given effect and its significance must not be disregarded, rather than the mere "observance" to which the operative part confined itself. Article (53)(A) may not, therefore, be interpreted in a way that empties Article (140) of its substance.

5.3 **The Court itself has ruled that Article 140 remains in force:** In its Decision No. (71/Federal/2019) of 28 July 2019, the Court ruled that Article (140) remains in force until its requirements are fulfilled and the purpose of its enactment achieved, and affirmed that the deadline it set was procedural and does not affect its substance. The present decision itself conditioned the territorial scope on observing Articles (58) and (140), and stated in its reasoning that such observance "requires implementing the constitutional provisions relating to those areas in accordance with the procedures laid down by the Constitution," which is an acknowledgement that Article (140) must be implemented. The seventh point must therefore be read in light of the sixth, not in isolation from it, and this is the rule of the unity of the text: federal administration of these territories is temporary and does not determine their constitutional status.

5.4 **The principle applies to both sides:** The decision stated that the territorial scope is determined by the constitutional basis "and not on the basis of mere de facto administrative practice or a subsequent reality on the ground." This holds true for the Region's administration after 2003, and equally for the federal authorities' control over most of these areas since October 2017, which is a subsequent reality on the ground in exactly the same sense. De facto control may not, therefore, serve as a basis for

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measures that alter the status of these areas before the referendum, such as relocating facilities, modifying administrative boundaries or changing the demographic composition.

5.5 **The line of 19 March 2003 is not a neutral line:** Article (58)(B) of the Transitional Administrative Law acknowledged that the former regime manipulated and altered administrative boundaries for political ends, and called for these unjust changes to be remedied. Adopting this line as a final reference rewards the very injustice that Article (58) was designed to remedy.

The authority that has obstructed the implementation of Article (140) for nearly nineteen years since its deadline expired is the federal executive authority, not the Region, whose forces protected those areas from terrorism. This obstruction may not become grounds for imposing unilateral military or oil control over the disputed territories before their status is settled by the referendum stipulated in Article (140).

Fifth: Violations of Constitutional Rights and Administrative Decentralisation

The orders did not stop at the powers of the Region; they also infringed rights that the Constitution guarantees to all Iraqis:

1. **Freedom of movement of goods (Article 24):** The State guarantees freedom of movement for Iraqi manpower, goods and capital between the regions and governorates, and this is to be regulated by law. Establishing laboratories to test petroleum products at the entry checkpoints of the Region's three governorates is a restriction on this freedom, whereas the Constitution requires such regulation to be made by a law of the Council of Representatives, not by an order of the Commander-in-Chief.

2. **Property and investment (Articles 23, 25 and 26):** Requiring oxidised-asphalt and naphtha plants located outside federal security control to relocate within six months, without a court ruling and without any mention of compensation, infringes private property, which may not be expropriated except for the purposes of public benefit in return for just compensation

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(Article 23), and contradicts the State's obligation to encourage the private sector and investment (Articles 25 and 26).

3. **Freedom of movement (Article 44, First):** Closing the unpaved roads between the Region and the four governorates, roads also used by villagers and farmers, infringes the freedom of movement guaranteed by Article (44, First).

4. **Administrative decentralisation (Article 122, Second):** Imposing these measures in Kirkuk, Nineveh, Diyala and Salahaddin without consulting their local governments and councils exceeds the broad administrative powers the Constitution grants to governorates not organised in a region.

Sixth: Demands

In light of the foregoing, we call on the constitutional authorities and political forces to undertake the following:

1. Suspend the orders issued on 24 November 2026 insofar as they exceed the powers of the Commander-in-Chief of the Armed Forces; submit them to the Council of Ministers in accordance with Article (80); and address those affecting the powers of the Region in coordination with its government, as the Constitution requires.

2. For the Federal Supreme Court to reverse its interpretation insofar as it exceeded the limits of the text, and to read the sixth and seventh points of its decision in light of Articles (117) and (140) and its Decision No. (71/Federal/2019).

3. For the Council of Representatives to exercise its oversight of the Prime Minister's decisions under Article (61, Seventh), regarding his encroachment on the powers of the Council of Ministers and his involvement of the armed forces as a party in a constitutional dispute over powers.

4. Implement Article (140) in all its stages, normalisation, census and referendum, as the decision itself acknowledged to be mandatory, in order to determine the status of Kirkuk and

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the other disputed territories; halt every unilateral measure there by any party until the referendum is held; and administer these areas jointly during this period.

5. Complete the constitutional structure of the federal state as a single, indivisible package, through the enactment of:

5.1 The Federal Supreme Court Law, by a two-thirds majority of the members of the Council of Representatives (Article 92, Second), guaranteeing the representation of the regions on the Court and a right of veto in cases affecting the constitutional status of the Region. The Constitution is a consensual contract; mutual veto is a pillar of consociational democracy and the safeguard that prevents a numerical majority from becoming a tool for amending the contract on which the State was founded.

5.2 The Federation Council Law (Article 65), to complete the constitutional structure of the federal legislative authority and protect the rights of the regions and governorates.

5.3 The Federal Oil and Gas Law, by agreement between the federal government, the Regional Government and the producing governorates (Article 112), guaranteeing genuine joint management rather than centralised subordination.

5.4 The Customs Administration Law (Article 114, First), and the suspension of central laws that conflict with shared competences and with the priority of regional law (Article 115).

Conclusion

The Iraqi Constitution was drafted to protect partnership, consensus and balance. Whenever, in the hands of the executive authority, it becomes a selective instrument, from which whatever entrenches centralism is taken and whatever guarantees the rights of the Kurdish people and Iraq's other communities is disregarded, the very foundation on which the federal Iraqi state was built is placed in jeopardy.

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