



The Federal Supreme Court (F.S.C.) has been convened on 6.5.2013 headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen whom are authorized in the name of the people to judge, and it issued the following decision:

The Request:

The Ministry of Foreign Affairs/Minister's Office/requested the Federal Supreme Court according to the letter (Mim. kha'. 1/23/41) on 7/4/2013:

According to Article 93 / Second of the Constitution, the Ministry requests the esteemed court to explain the meaning of the word (consultation) mentioned in Article 114 / Six of the Constitution.

And what is the legal value of the equalization decisions issued by the region if (consultation) was not conducted between the Federal Ministry of Higher Education and Scientific Research and its counterpart in the Kurdistan Region, or the consultation took place without reaching an agreement about it.

The Ministry wishes to present to your esteemed court the details of the matter related to this matter of consultation.



1. Some employees of the Ministry of Foreign Affairs submitted decisions related to the equivalence of academic certificates obtained from outside Iraq issued by the Ministry of Higher Education and Scientific Research in the Kurdistan Region of Iraq, and since the context followed is that the equivalence decisions are issued by the Federal Ministry of Higher Education and Scientific Research, so a department has been addressed Missions and cultural relations to find out their opinion on approving the decisions of the above-mentioned equation for the purpose of granting those who have them the job privileges they deserve according to the educational attainment of the certificate. However, the aforementioned department replied that it does not have the right to approve documents that have not been issued by it and does not approve the decisions of evaluation certificates issued by Committees not affiliated with it, on the basis of equivalent degrees No. (5) for the year 1976, Article Two / Paragraph (A).
2. In order to reach a final solution to the issue of equivalence of academic certificates, the Ministry of Foreign Affairs proposed the formation of a committee of the ministries of higher education and scientific research and its counterpart in the region, in addition to the Ministry of Foreign Affairs to study this topic and submit the necessary recommendations to the Council of Ministers for approval.



However, the Federal Ministry of Higher Education and Scientific Research responded by affirming its position mentioned above that (the laws issued by the regional government do not extend their effect outside the borders of the Kurdistan region and their application is limited to the region and its residents).

3. Regarding this issue of the equation, the Ministry of Foreign Affairs considers the following: Article (114/6) of the constitution stipulates that the following competencies be shared between the federal and regional authorities: (To formulate the public educational and instructional policy, in consultation with the regions and governorates that are not organized in a region). And Article 141 / Six of the Constitution stipulates: Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution. Therefore, and in light of what is stated in these two articles, the Ministry of Foreign Affairs believes that the Ministry of Higher Education and Scientific Research in the Kurdistan Region equivalent degrees is a correct procedure until the constitution comes into effect. As



for after its implementation, the matter requires the required consultation, and without it, the Ministry of Higher Education in the region remains competent to conduct the equivalence of certificates. With appreciation.

The request was put under deliberation and the court issued its follow decision:

The decision:

During scrutiny and deliberation by the F.S.C., it found that The Ministry of Foreign Affairs asks this court, according to the aforementioned book, to interpret the word (consultation) stipulated in Article 114/Six of the Constitution mentioned within the joint competencies between the federal authorities and the regional authorities, as indicated from the book subject of the interpretation request that there is a legal dispute between the federal authorities And the authorities of the regions (Kurdistan Region) on the matter inquired about, which requires submitting a lawsuit to the Federal Supreme Court for consideration and then adjudicating it in accordance with the law, based on the provisions of Article (1) of the Federal Supreme Court Bylaw No. (1) of 2005. So the court decided to reject the request. The decision has been issued by agreement on 6/5/2013.