



The Federal Supreme Court (F S C) has been convened on 4.3.2018 headed by the Judge Madhat Al-Mahmood and membership of Judges Farouk Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Aboud Salih Al-Temimi, Hussein Abbas Abu Al-Temmen, Mohammed Rijab AL-Kubaisi, Suleiman Abdullah Abdul AL-Samad and Mohammed Qasim AL-Janabi who authorized in the name of the people to judge and they made the following decision:

The Request

The ICR sent according to its letter number (1/9/3660) dated on 3.28.2018 the request of Kurdistan National union bloc which included the FSC's opinion about constitutionality and legality of Halabcha governorate according to the letter issued by Kurdistan National Council in Iraq number (11) on 9.22.1999 (not as listed in the ICR letter on 9.22.2009) with its attachment the letter of Kurdistan National union bloc number (756) on 2.17.2018, and it texts as following: we pleasing you to approve on overture the FSC to know its opinion about the constitutionality and legality of Halabcha governorate. This matter shall be done according to the decision issued by Kurdistan parliament number (11) on 9.22.2009, and it is considered a permanent governorate according to articles:

1. Article 121/5th of the Republic of Iraq Constitution which stipulates (the regional government shall be responsible for all the administrative requirements of the region). Also what clause 1st of article (121/1st) of the Constitution stipulated as a right of the region rights in exercising legislative powers (the regional powers shall have the right to exercise executive, legislative, and judicial powers).
2. Article (141) which stipulates on that 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. With respect and appreciation.

The request set for scrutiny and deliberation by the FSC in its session convened on 4.3.2018, and issued the following decision:

The Decision

After scrutiny and deliberation by the FSC, and by reading the request and its attachments, the Court found that there is an objection from the federal Cabinet according to its decision number 568 for 2013 dated on 12.31.2013 which related to the procedure that shall be taken to create the governorates. This objection forms a type of conflicts which occurs between the federal government and the governments of regions, governorates, municipalities and local administrations which stipulated in article (93/4th) of the Republic of Iraq Constitution. Taking a decision in such cases requires initiating the case before the FSC according to provisions of article (93/5th) of the Constitution and article (4/1st) of the FSC's law number (30) for 2005. The decision issued unanimously on 4.3.2018.