

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 97

POLITICAL PARTIES AND ENTITIES LAW

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and Resolution 1511 (2003);

Reaffirming the right of the Iraqi people, as recognized in Resolutions 1483 and 1511, to freely determine their own political future;

Noting that the Law of Administration for the State of Iraq for the Transitional Period (the "TAL") provides for the Iraqi people to choose their government through genuine and credible elections to be held by the end of December 2004 if possible and, in any event, no later than 31 January 2005;

Determined to achieve the transitional goals of the TAL, including the drafting and ratification of a permanent constitution, and the establishment of an elected government under that constitution;

Underscoring the need for international cooperation to achieve these goals and the essential role to be played by the United Nations and other internationally recognized experts in electoral administration;

Committed to establishing an impartial and internationally recognized body of Iraqi professionals and expert advisors to coordinate and oversee genuine and credible elections in Iraq;

Having consulted extensively with the representatives of the United Nations and benefited from their consultations with the Governing Council and a broad cross-section of Iraqis, I hereby promulgate the following:

Section 1 Purpose

This Order forms part of the legal framework for genuine and credible elections that fairly reflects Iraq's rich diversity of political thought by encouraging and impartially regulating the development of vibrant political entities across Iraq.

Section 2

Recognition of Political Entities

- 1) A “political entity” means an organization, including a political party, of eligible voters who voluntarily associate on the basis of common ideas, interests or views, for the purpose of articulating interests, obtaining influence and having their representatives elected to public office, so long as that organization of eligible voters is officially certified as a political entity by the Independent Electoral Commission of Iraq (“Commission”). A “political entity” also means an individual person who intends to stand for election to public office, so long as the individual person is officially certified as a political entity by the Commission.
- 2) The Commission shall establish regulations that govern the certification and decertification of political entities. Such regulations shall include the total number of eligible voters – as measured by signatures, personal marks, or other identifiable means – required for certification as a political entity, provided that the total number of eligible voters required for certification of organizations or individual persons shall not exceed 500.

Section 3

Status and Treatment of Political Entities

- 1) Each political entity, except certified individuals, shall become, upon certification, a distinct legal entity in Iraq, unless it already had such status.
- 2) As distinct legal entities, political entities shall be capable of owning, leasing or having legal tenure of property, entering into contracts, and conducting transactions. Political entities shall enjoy any additional legal entitlement or protection provided by the Commission through regulations, rules, procedures, and decisions.
- 3) All political entities, including certified individual persons, are equal before the law, and shall be treated equally at all times by all levels of government in Iraq.
- 4) No organization or group of individuals may offer candidates for elections in Iraq unless certified as a political entity by the Commission. No individual person may stand for election in Iraq unless certified as a political entity by the Commission.

Section 4

Recognition of Common Principles

- 1) Political entities will be bound by regulations, rules, procedures, and decisions promulgated by the Commission.
- 2) The Commission will duly establish actions and omissions that are electoral offenses and subject to sanction. Sanction for electoral offenses may include, without limitation, injunction, financial penalty, public notice, certification suspension and decertification. Such offenses and sanctions shall be in addition to criminal offenses set forth in Iraqi law.
- 3) The following principles shall apply to all political entities in Iraq and shall be incorporated into and implemented by the Commission's regulations governing political entities:
 - a) No political entity may have or be associated with an armed force, militia or residual element as defined in CPA Order No. 91, Regulation of Armed Forces and Militias within Iraq (CPA/ORD/June 2004/91);
 - b) No political entity may be directly or indirectly financed by any armed force, militia, or residual element;
 - c) No political entity may put forth any candidate who fails to meet the applicable legal criteria;
 - d) Political entities must abide by all laws and regulations in Iraq, including public meeting ordinances, prohibitions on incitement to violence, hate speech, intimidation, and support for, the practice of and the use of terrorism;
 - e) Political entities must operate pursuant to the code of conduct that will be promulgated by the Commission – such code must include, among other things, the requirements in Section 4(3)(d) of this Order;
 - f) Political entities other than individuals certified as political entities must promulgate a statute to govern their organization and operation, including the method or process for selecting leaders and candidates, and this statute must be available to any member of the public upon request;

- g) Political entities, to compete freely and openly in an election, are free to form coalitions to aggregate interests, and to build a campaign for candidates around coalitions of such interests; and
 - h) Political entities must strive, to the extent possible, to achieve full transparency in all financial dealings. In this regard, the Commission may issue regulations with respect to financial disclosure.
- 4) The Commission retains full discretion to define mechanisms for enforcing its regulations against any political entity.

Section 5
Modification and Further Regulation

All further matters regarding the regulation and certification of political entities lie with the Commission exclusively.

Section 6
Inconsistent Legislation

Any provision of Iraqi law that is inconsistent with this Order is hereby suspended to the extent of such inconsistency.

Section 7
Effective Date

The present Order shall enter into force upon the date of signature.

 6/15/04

L. Paul Bremer, Administrator
Coalition Provisional Authority