

Decentralisation in Iraq:

Process, Progress and a New Tailor-Made Model



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The Middle East Research Institute engages in policy issues contributing to the process of state building and democratisation in the Middle East. Through independent analysis and policy debates, our research aims to promote and develop good governance, human rights, rule of law and social and economic prosperity in the region. It was established in 2014 as an independent, not-for-profit organisation based in Erbil, Kurdistan Region of Iraq.

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**Decentralisation in Iraq:
Process, Progress
and a New Tailor- Made Model**

MERI Policy Report

Dlawer Ala'Aldeen

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Acronyms and Abbreviations

BCAL	Brotherhood and Coexistence Alliance List
CoR	Council of Representatives (Iraqi Parliament)
DC	District Council
DG	Director General
DLSD	District-Level Service Director
DM	District Mayor
FGD	Focus Group Discussion
GnIR	Governorate not Incorporated into a Region
HCCP	High Commission for Coordinating among the Provinces
IDP	Internally Displaced Person
IS	Islamic State
KII	Key Informant Interview
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq
KDP	Kurdistan Democratic Party
NPC	Nineveh Provincial Council
OPCSC	Office of Peaceful Co-existence and Social Cohesion
PC	Provincial Council
PMF	Popular Mobilisation Forces
PUK	Patriotic Union of Kurdistan
SDC	Subdistrict Council
SDD	Subdistrict Director

Executive Summary

The Iraqi state has become increasingly fragile for decades and is plagued with instability, social conflicts and wars. Many drivers have contributed to the country's intractable fragility, one of which relates to its highly centralised and poorly institutionalised governing system, which has failed to manage centre-periphery tensions and integrate local communities into the country's politics. Rebuilding Iraq's governance along the lines of its democratic Constitution, which adopts decentralisation at its core, will be a critical step toward stabilisation, reconstruction, and socioeconomic recovery.

The Iraqi Council of Representatives adopted two transformative legislations in 2008, namely Law No. 21 of the Governorate not Incorporated into a Region, and Law No. 36 of the Provincial, District and Subdistrict Council elections. These put Iraq on a decentralisation pathway that is still evolving. However, after more than a decade of experimentation, the decentralisation process has failed to tackle the on-going crises of legitimacy and a lack of trust in government. It has failed to address problems of rampant corruption, inefficiency and an inability to improve the lives of citizens. It is, therefore, paramount to review the existing system and propose ways forward, hence this timely report. Here, Nineveh is used as a representative governorate to review the challenges facing the decentralisation process and explore possible models that can be piloted.

Considering Iraq's political, demographic and economic nature, there are several models that have been contemplated previously, including:

1. Evolving the current model: gradual devolution and separation of authority.
2. Administrative re-structuring and provincialisation of Nineveh's Districts.
3. Federalisation of governorates.

However, these options (top-down approaches) have their drawbacks and in effect fail to deliver on key constitutional objectives, including preserving the unity and integrity of the country, empowering local communities and securing legitimacy. Importantly, they fail to trickle down the decentralisation or devolution with separation of authority within the provinces, away from the Governor and Provincial Council (PC) down to District and Subdistrict levels.

Here, a fourth model (bottom-up approach) is therefore proposed that builds on existing culture, history and understanding of decentralisation, and is designed to provide solutions for the numerous challenges and problems that local governments currently face. It is designed to better empower the local government, make it more citizen-focused and implement greater checks and balances to ensure quality. Furthermore, this model is in line with the current decentralisation process and the overall legislative framework that has evolved over the past ten years, including amended Laws No. 21 and 36 of 2008 (which may need further adjustments).

The model consists of using District (not Provincial) Councils as the building blocks of the institutional architecture, upon which the rest of the legislative and executive branches of government are constructed.

- a. Constituencies for District Council (DC) elections must be redrawn on the basis of Subdistricts, proportional to their population sizes, to ensure full representation. Preferably, a man and a woman

should be elected in each constituency, which renders the quota system unnecessary.

- b. Once elected, DCs will oversee the inauguration of the District and Subdistrict level executive directorates, which will become the face of the government and a one-stop-shop for citizens' needs.
- c. DCs send their elected Chairs and Vice-Chairs to the provincial Capital to form the PCs, which will then oversee the inauguration of the Governorate's executives, including the Governor. Therefore, no election for PCs would be required.
- d. Power and authority must be devolved (separated) down to District and Subdistrict level executives, to make them self-sufficient for all public service with no requirement to seek authorisation from officials at the governorate or federal levels.
- e. The role of District Mayors (DM) must change from micro-managers to strategic leaders who will provide strategies, planning, coordination and auditing for their constituencies. Day-to-day management and delivery of services to citizens will be managed by directorates, namely Subdistrict Directors and District-level service Directors. The DM should be responsible to the laws, regulations and policies laid down by the legislative bodies (Parliament, PC and DC) and government (at the federal and governorate levels).
- f. Similarly, Governors must be protected from day-to-day micro-management, dedicated to leadership at the provincial level and set free to play an ambassadorial role at the national and international stage to attract inward investment to their provinces. Governors would be responsible for providing visions, strategies and plans for the entire province, and ensuring their implementations in each District.
- g. Currently, local government executives are overseen by the Parliament, the High Commission for Coordinating among the Provinces, and the courts. However, more robust and comprehensive checks and balances are required where District-level executives are subject to audits and performance appraisals by PCs, Governors, DCs, DMs, relevant ministries, the Financial Audit Department, Public Prosecutors and civil society.

The concept and changes proposed under this model are neither radical nor alien to the Iraqi public, as they are already embedded in the existing culture or can be accommodated within existing legislation.

* * * *

Methodological Note: The data for this report were collected from August 2019 to February 2020. To maximise the breadth and depth of the information collected, a mixed qualitative methods approach was adopted, which included: a preliminary desk review of the existing literature and 28 semi-structured interviews with local and national government officials, district and sub-district mayors, community and religious leaders, and subject matter experts. In addition, five Focus Group Discussions were conducted in Erbil and Baghdad for Nineveh representatives, Iraqi government officials, Kurdistan Regional Government leaders, local civil society actors and other key stakeholders. The roadmap, proposed by this report, has been presented, shared and discussed with participants of the FGDs for further verification and contextuality.

(A)

Project Methodology

In order to attain a thorough understanding of the governance structure in Nineveh, the Middle East Research Institute (MERI) team of experts devised a rigorous qualitative data collection methodology. A data collection process was initiated for this and other parallel studies that lasted for six months, spanning from August 2019 to February 2020. The methodology utilized for this study was comprised of the following:

1. A desk review that synthesised and analysed available literature pertaining to the topics of decentralisation and governance in Iraq, with a special lens on Nineveh province. Sources included academic and policy reports, as well as legal and public domain documents. Collectively, these sources shed light on governmental decisions and decrees, as well as the structural processes and procedures followed in Nineveh. They also highlight the challenges that the existing system of governance and current decentralisation process face in this religiously and ethnically diverse province.
2. Key Informant Interviews (KIIs) with key stakeholders. For this study, 28 semi-structured key informant interviews were held, where the researchers either met stakeholders in person or through virtual means (such as Skype calls, phone calls, or emails). Interviewees included local and national government officials, district and sub-district mayors, community and religious leaders, and subject matter experts. On average, each interview lasted for an hour.
3. Focus Group Discussions (FGDs) with key stakeholders. MERI conducted a total of five focus group discussions in Erbil (for KRG and Nineveh officials and NGOs) and Baghdad. Participants included local and national officials, international stakeholders, community representatives, officials from the Kurdistan Regional Government, civil society activists and representatives of minority groups.

Throughout the course of the data collection process, MERI researchers solicited the participation of youth, women, and minorities to ensure robust representation across the categories of age, gender, sect, and ethnicity. For all participants, the researchers obtained verbal consent that acknowledged the ownership, purpose and use of the research; the voluntary and confidential nature of participation in the study; and the freedom to opt out at any time during the data collection process.

Data and transcripts were collected in three languages (English, Arabic and Kurdish). Unless stated otherwise, all interviews and FGDs were conducted under Chatham House Rules; therefore, the names of KIIs and FGD participants are not listed in this report. The roadmap proposed by this report has been presented, shared and discussed with the FGD participants for further verification and contextuality.

(B)

Iraq: A Centralised and Increasingly Fragile State

Political and administrative decentralisation is widely believed to promote efficiency, liberty, accountability, participation and representation [1]. Conversely, history has shown that fragile states with highly centralized governance systems almost invariably fail to ensure equitable and inclusive resource allocation, which in itself can negatively impact key elements of stability and prosperity, including service delivery, economic opportunity, welfare, and legitimacy. Iraq is an obvious case in point.

Iraq has become increasingly fragile for decades, and has been plagued by instability, wars and social conflicts. Iraq adopted a democratic constitution in 2005 which was designed to act both as a social contract and a roadmap to nation-building. However, fifteen years later, Iraq's fragility has worsened and, left to its current trajectory, is destined to deteriorate further.

State fragility is not a stagnant status or a stationary phase but is a highly dynamic and bi-directional continuum that shifts from one end of a spectrum of functionality to another. Its dynamics are energised by numerous drivers, as well as by independent state and non-state actors. Left to nature, fragile states deteriorate with time and may descend into chaos, failure and ultimate collapse. Conversely, they retain the potential to emerge from crisis toward stability and full recovery, subject to the availability of numerous factors [2].

One of the key drivers of Iraq's fragility and habitual violent conflicts is the state's highly centralised yet poorly institutionalised governing system, which has failed to manage centre-periphery tensions, integrate regions and minorities into larger polities and provide public goods and services to all [2]. Clearly, Iraq's successive governments have failed to garner enough legitimacy to maintain citizen confidence. The country's citizens have become increasingly polarised in ethnic, religious and sectarian groups with long histories of grievance, distrust and violent conflict. As a result, the government, the diverse communities and individual citizens of Iraq have a much lower capacity to cooperate, compromise or reconcile than ever before [3-5].

Rebuilding Iraq's governance along the lines of its democratic constitution, which adopts decentralisation at its core, is therefore a key step toward stabilisation, reconstruction, and ultimately the transition to socioeconomic recovery. Evidence shows that local governments can play indispensable roles in fulfilling the state's key functions, including governing its security, administration, economy and politics [6]. They not only complement the role of the central government, but can be more effective in:

- providing security while keeping the monopoly on force.
- preserving law and order.
- ensuring the effective and efficient delivery of quality public goods and services.
- managing political participation and accountability.
- sustaining legitimacy through the separation of powers, accountable government, inclusive political representation, and the protection of basic rights for all citizens.

B1. Decentralisation in Principle

The ultimate aim of decentralisation is to transfer (i.e. permanently devolve) power, authority and responsibility for political, fiscal and administrative decision-making from the central government to the peripheral level [7]. Clearly, there are several government tasks that are best managed at the central level. These include some external (sovereign) duties, such as international relations and defence, and several overarching internal functions, including: state security (monopoly on the use of force), economic regulation, fiscal and monetary policy requirements, and trans-regional or nationwide infrastructure programs [8]. The rest, which includes the bulk of public services, can be devolved or decentralised.

There are numerous proven benefits of focusing on local governance in fragile states, as they are often poorly institutionalised with weak roots beyond the centre and are inherently inefficient, with poor allocation of resources and distribution of services [9]. Therefore, decentralisation is often used as a way to:

- tackle sources of conflict, including centre-periphery tensions as well as ethno-religious and sectarian inequalities;
- improve administrative efficiency and effectiveness.
- enhance financial cost efficiency and add to accountability.
- increase local participation and autonomy, giving local units greater control over resources and revenues.
- address distributional inequities, redistribute power and enhance legitimacy.
- increase the speed of service delivery to citizens.

Paradoxically, decentralisation can also exacerbate territorial or ethnic group inequities, particularly in resource-rich countries like Iraq, unless accompanied by rule-of-law, robust checks and balances, and intensive (expedited) capacity building. Otherwise, a decentralisation process that devolves decision-making authority and extensive revenue-raising capacity can be exploited locally by a network of influential leaders for corruption, replicating similar issues to those faced by the central government [10].

Therefore, it is critical to create conditions conducive to engaging citizens in a participatory government and to encourage dialogue, problem-solving and conflict resolution on a manageable scale around local issues. Local governments should create multiple platforms and opportunities for smaller groups and communities to contest for power locally, because they have much less chance of winning national platforms.

B2. Decentralisation in Iraq

In the post-monarchy period until regime change (1958-2003), the Iraqi governorates' finance and administration were governed by the Revenue of Municipalities Law 130 of 1963 [11] and the Governorates Law 159 of 1969 [12]. The Governors and District Mayors (DMs) held executive powers over their respective constituencies and were empowered to raise revenues through various charges and duties, as well as by levying rent income from municipal properties. However, these revenues were forwarded to the central government in Baghdad. Similarly, tax and service charges were directly collected and managed by their respective ministries with little or no local government involvement [13].

Under the Municipality Administration Law 165 of 1964, the Ministry of Municipalities and Public Works delivered basic municipal services and controlled both the income and expenditure of local revenues. Local governments were never in a position to generate surplus or to re-invest in infrastructure developments.

Instead, funding flowed top-down through the various ministries' hierarchy all the way to Subdistrict level [13].

The Ba'ath regime (1968-2003) created Provincial Councils (PCs) which were no more than instruments of central control. Their members consisted of centrally-appointed, senior government and party officials whose primary role was to advise the Governor – who was himself appointed by Baghdad and accountable to the Ministry of Interior. Thus, the local government was by no means accountable to local populations.

B2a. Decentralisation Between 2003-2005

From the outset, after the regime change in 2003, there was a general realisation in Iraq that a new institutional architecture was necessary for the governing system to adequately meet the needs and expectations of local populations. The highly centralised pyramid structure of the Iraqi government needed to be replaced by smaller, more autonomous, and decentralised administrative units. This was the only credible way to achieve legitimate governance and fulfil the social contract between the state and society [10].

Between 2003-2005, over 1000 Provincial, District and Subdistrict councils were formed throughout Iraq. Some early councils, including those in Nineveh, were appointed by the occupying military forces, while others were elected by province residents [9, 14]. These laid the foundation for further evolution of the system and instilled a culture of local government that had a positive impact on citizens' perceptions of governance.

During the period between regime change and the adoption of the constitution, Iraq's occupation government (the Coalition Provisional Authority, or CPA), suspended the 'Transient' Constitution of 1970 and dissolved existing council (PC) structures. They initiated steps for diluting Baghdad's powers and prepared the ground for a decentralised system. Two key documents were introduced, namely the CPA Order 71 and the Transitional Administrative Law (the interim constitution), which included provisions for local governments. These became the precursors for subsequent legislations and adjustments in the governance architecture [15].

CPA Order 71 declared that:

“The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates (also known as provinces), municipalities, and local administrations and that each Governorate shall have the right to form a Governorate Council, name a Governor and form municipal and local councils and that regions and governorates shall be organized on the basis of the principle of de-centralization and the devolution of authorities to municipal and local governments.” [16]

The Order asserted that PCs “shall perform their responsibilities independently from the control or supervision of any ministry,” and that PCs “may, by majority vote, and within two weeks following the appointment, approve or veto the appointment by the ministries of Directors General” [16].

CPA Order 71 placed locally elected officials in charge of basic public services in their own constituencies. However, with the departure of the CPA in June 2004, PCs (including the newly elected ones in January 2005) found themselves in an uneasy coexistence with ministerial branches of the central government who often reverted to the description used in the Iraqi Law of Governorates of 1969, which considered decentralisation as administrative [17]. However, the provisions of the 2005 Constitution and Law 21 of 2008 replaced CPA Order 71 and TAL provisions, and put the system on its current trajectory.

B2b. Decentralisation after the 2005 Constitution

The 2005 Constitution of Iraq includes several articles that directly or indirectly address the issue of decentralisation. Article 122 states that:

“Governorates that are not incorporated in a region shall be granted broad administrative and financial authorities to enable them to manage their affairs in accordance with the principle of decentralized administration, and this shall be regulated by law. [...] A law shall regulate the election of the Governorate Council, the governor, and their powers.”

According to the Constitution, the federal government maintains superseding power and authority with regards to certain sovereign matters; otherwise, all aspects of governance can be devolved locally, as defined in Article 115. There is no limit for this in theory. For example, Article 122 grants Governorates not incorporated in a region (GnIRs) “broad administrative and financial authorities,” whereas Article 123 allows each governorate to acquire as much or as little power as they choose, with or without becoming a Region – hence the term ‘asymmetrical.’

Although these powers must be mutually agreed with the federal government, Article 115 gives legal supremacy to regional and provincial governments over the federal government. Furthermore, where shared power arrangements are disputed, Article 121 allows regional authorities to override federal laws if those laws fall outside the exclusive jurisdiction of the federal government.

Despite these provisions, Iraq’s central governments have all been extremely slow in translating and implementing the current democratic constitution, particularly in terms of decentralisation and transforming the government’s institutional architecture.

However, a leap forward for decentralisation occurred in 2008 when two transformative legislations were adopted by the Council of Representatives (CoR), namely Law No. 21 of the GnIR, and Law No. 36 of the Provincial, District and Subdistrict Council elections. New elections soon followed in January 2009. Meanwhile, a process for creating a sub-national policy framework for service delivery was initiated. The Ministry of Finance created a recurrent budget transfer process to allocate 15-20% of the central capital investment budget to the provinces for their discretionary use [9].

B2b1. Law No. 21 of 2008

From January 2006, several PCs started drafting legislation to specify the statutory base for local government under the constitution. Representatives from all 18 provinces met in August 2006 and approved a final draft which was later submitted to the CoR. Finally, on February 13, 2008, this became Law No. 21 of GnIR. On 24 September 2008, Law No. 36 on Elections of the Provincial, District, and Subdistrict Councils was also passed by the CoR. The latter was immediately amended by Law No. 44 of 2008 to include minority representation. Interestingly, the entire political establishment in Baghdad supported and expedited the process as a way of incentivising provinces to remain within the unitary set of 15 governorates and preventing them from coalescing and creating new regions, akin to the Kurdistan Region of Iraq (KRI).

To facilitate the decentralisation process, monitor the affairs of GnIRs and manage the relationship of these governorates to the federal government, the CoR Committee for GnIRs was empowered to fulfil the task defined by Article 98 of the Iraqi CoR Bylaws.

Article 45 of Law No. 21 enforced the creation of the High Commission for Coordinating among the Provinces (HCCP), which was designed to assist and support the central and local governments throughout

the decentralisation process. The HCCP is coordinated by a Cabinet Minister and chaired by the Prime Minister. Its membership includes relevant ministers, governors of GnIRs, and chairs of provincial councils. It is also tasked with transferring various departments and responsibilities from the ministries to the provinces, as well as coordinating among the provinces on local administration and tackling any problem or obstacle faced.

In the years since the adoption of this law, precedents and conventions evolved in ways that provided opportunities for the central government and provincial officials to accommodate their competing interests and give meaning to many vague or silent articles.

(C)

Decentralisation in Action

“Decentralisation is designed to bring centres of decision making closer to the citizens; reduce bureaucracy and integrate service delivery; improve monitoring, institutionalisation and accountability; create equal opportunity for participatory governance; and keep the country united.” (Torhan Mufti, Chairman of HCCP, 2019)

C1. Provincial Governance: Structure and Function

The local government in Iraq consists of the PC and the Governor’s office as the legislative and executive pillars, respectively.

In theory, the PC consists of elected members, and is “the highest legislative and oversight authority within the administrative boundaries of the province.” It is empowered “to issue local laws, instructions, bylaws, and regulations to organise the administrative and financial affairs so that it can conduct its affairs based upon the principle of administrative decentralisation and in a manner that would not contradict the provisions of the Constitution and federal laws” (Law No. 21 of 2008).

The Governor’s office, on the other hand, implements the decisions of the Provincial Council, with the Governor being the highest executive official within each province. The Governor directs and manages citizens’ affairs, including legal issues, energy issues, media relations, and other administrative services. The Governor also has direct authority over local security agencies and investigative services. He/she may request additional manpower from the Minister of Interior if he/she believes that the security agencies in the province are “unable to fulfil their duties in maintaining peace and order on account of insufficient numbers” (Law No. 21 of 2008).

The Governor has oversight over the DMs, who are the executive officials of their respective District Councils (DCs) and are elected by a majority vote of the DC members. DMs may be removed by the DC by means of a process that parallels the PC-level mechanism. DMs are responsible for implementing the decisions of their respective DCs and serve as the primary liaison between their DC and the Governor. These executives remain under the authority of the national CoR despite being elected and empowered directly by their local councils.

C2. Evolution by Design

“Decentralisation in Iraq is now complete, an Iraqi model that is unique in the world.” (Mufti, 2019)

It was recognised from the outset that the process of devolving power was complex and new to Iraq, while capacity and incentives for decentralisation at the federal level were weak. Nonetheless, it was also recognised that the decentralisation process would require transformative political change, deep administrative structural modifications, and continuous administrative and technical capacity building. These were not easy and could not be expedited due to the numerous impediments and challenges which continue to hamper the process [18].

International experience would seem to indicate that change is more sustainable when the system is allowed to evolve over successive milestones, starting with de-concentration. A pattern of substantial devolution of resources and authority to local units is found more in states that have gone through a process of evolution spanning a decade or longer [9, 17, 19]. In addition, having been highly centralised and ruled by authoritarian regimes for decades, there are inherently strong tendencies within and outside the federal government of Baghdad toward retaining central control. Furthermore, many saw the prospect of sudden and radical decentralisation (e.g. federalisation) as a threat to Iraq's unity and integrity.

Therefore, the process started with deconcentrating the ministries while simultaneously creating the appropriate building blocks and institutional architecture at the governorate level. These steps were reflected in the three subsequent revisions of Law No. 21 (in 2011, 2013, and 2018) and Law No. 36 (in 2019).

The process went through the following phases:

- From 2010-2014 (under Noori Al-Maliki's second term of premiership), the HCCP spent time creating the structure, by-laws and administrative bureaucracy for the Commission.
- The actual devolution of power started under Haider Al-Abadi's term of office, between 2014-2018.
- Under the Adil Abdul-Mahdi administration (since 2018) the decentralisation process entered the phase of consolidation, monitoring and appraisal.
- In the near future, the federal government should start shrinking the devolved ministries at the federal level while bringing local administrations to maturity and creating capacity for local policy making.

As per Law No. 21, the PC is the ultimate source of power with only the parliament above it, and the Prime Minister (PM) cannot interfere with the PC's affairs. However, there are ways of influencing or undermining the PCs' decisions. In cases of conflict or confusion, the HCCP can arbitrate and pass a judgement, which all seem to accept and respect. *"No one has so far objected or rejected the [PM and HCCP Director]'s judgement. Even though the HCCP is not designed to be impartial, but the governors see it as such [...]. This is why our system is perfect and we do not need any more checks and balances"* (Mufti, 2019).

The HCCP has already finalised its own by-laws; unified the administrative structure of all governorates and their provincial councils; created management and finance directorates in governorates; created Planning and Development Boards in each province (already in place in 8 governorates, with the rest to follow); facilitated the devolution of over 800 authorities to over 30 directorates; created an audit and appraisal department; increased income opportunities; overseen the distribution of electricity and water among provinces; and arbitrated between governorates in cases of conflict.

To mirror the functions of the HCCP at the governorate level, the Commission has started creating a provincial equivalent to oversee decentralisation and coordinate governance issues among District Mayors. The governors will head these local coordination commissions. *"We achieved this at three governorates and the rest will happen in the fullness of time. We will at some point later create something similar at District level for Subdistrict coordination"* (Mufti, 2019). As for the question of potential disagreement between governors and the PM, the HCCP Coordinator only comments that *"this has not happened so far. There are no parties or partialities, we are all on the same side"* (Mufti, 2019).

C3. Decentralisation: Early Impediments

The decentralisation process faced numerous challenges along the way, including conflict between various laws, cultural and psychological barriers for accommodating change, and the lack of capacity and preparedness of the local government for the heavy burden that was suddenly bestowed on them. This is over and above the numerous conflicts of interests, corruption and more. That said, the HCCP Chairman emphasises that they “*have been able to deliver on many of the benefits of decentralisation*” (Mufti, 2019).

Law No. 21 of 2008 had to be amended several times to tackle these impediments and to fill in missing details, particularly in relation to the transfer of security, administrative and financial responsibilities between the federal and provincial governments. However, its implementation was slow, delayed and problematic until, in 2015, former Iraqi Prime Minister Haider al-Abadi issued an executive order to implement it actively.

Despite what is said by officials, however, it is obvious that the decentralisation process has been poorly executed (FGD, 2019 with Nineveh PCs). Some federal ministers have been reluctant to see it enacted at all, while the war against ISIS and the ensuing financial crisis in 2014-15 significantly hampered decentralisation initiatives. These issues have been exacerbated by many other underlying structural concerns, such as endemic corruption and the mismanagement of state assets and resources.

According to HCCP officials and several governors, the third amendment of Law No. 21 was seen as a retrograde step, as the second had given greater power to the governors and PCs than the third [20]. The latter was passed in a haste, and possibly “illegally.” The then Speaker of Parliament was formally accused of piggybacking certain clauses into the voting process which were not previously submitted to (and by) the relevant legal channels. Specifically, the issue of ‘transfer of power’ was not present in the original draft legislation submitted to the parliamentary Committees, but is now present in the law.

“The Speaker wanted to give greater powers to the Ministry of Education, a post allocated to his party in the Cabinet. This ministry has a lot of money in it with plenty of room for corruption. The HCCP submitted a formal complaint against the Speaker of CoR, but this was ignored.” (KII, Baghdad 2019)

As a result, instead of a separation of powers, there is now a ‘transfer’ of power to the governorates from seven ministries. The difference between transfer and separation is that the former can be reversed at the will of the Minister. The decentralised ministries include: Education, Health, Labour and Social Affairs, Sport and Youth, Construction and Housing, and Municipality. Only oversight and general strategy, which are sovereign tasks, remain with the Ministries.

Other Ministries are also allowed to transfer some of their authority, but this can be of limited nature since they are mostly sovereign ministries, such as the Ministries of Industry, Communication, Trade, Higher Education, etc. Electricity service is decentralised, but the Board of Electricity determines the share of power for each governorate.

C4. Issues with Provincial Powers

After more than a decade of experimentation with PCs and years of implementing Law No. 21, the local governments are facing crises along several fronts, not least of which relates to their legitimacy. Perceptions of illegitimacy largely stem from rampant corruption, inefficiency and an inability to improve the lives of citizens. However, local governments are also frequently blamed for failures in the process of decentralisation per se, which in itself has been hampered by the lack of local capacity and a host of other administrative, fiscal, and political issues.

C4a. Capacity

After decades of centralisation under authoritarian rule in Iraq, the periphery no longer possessed the requisite capacity and experience for oversight, autonomous policy and decision-making, priority-setting, planning, budget allocation and major programme implementations. As the role of Baghdad shifted increasingly toward supporting local service delivery, the gaps in central regulatory and oversight skills become more obvious and constraining. Importantly, local governments did not have the capacity or the experience to engage the communities in service delivery and governance [21]. These deficiencies and a lack of mutual trust became key limitations, both centrally and locally, for building and administering decentralisation institutions after the adoption of Law No. 21 of 2008.

Governorates across Iraq had limited prior experience to draw upon, and PC members adopted local legislations in a spontaneous, ad hoc manner with little reliance on evidence. As a result, local laws were no more than brief declarations without clear delineations regarding jurisdiction or the means of enforcement. This made the local laws full of holes, subject to different interpretations and on-going abuse [15].

C4b. Corruption

With decentralisation, the spending and revenue-raising authority is also transferred to the local government. However, in the absence of adequate administrative capacity as well as robust checks and balances, this can lead to financial mismanagement, wasted resources, and the transferral (and worsening) of corruption.

Over the past several years, PCs have complained about their limited freedom to exercise power, which hampers their ability to appoint local officials without the approval of the federal government or to make independent decisions on funding for local projects. The dependence of provincial authorities on federal budget allocations ensures that the central government retains a great deal of power. The federal government has rationalised this behaviour on the basis that corrupt individuals will embezzle allocated cash, while security, political, tribal and religious actors will influence, if not dictate, how posts are filled and budgets are spent. However, these local dynamics would be no different than those stemming from the corruption and patronage networks already in action at the federal level.

C4c. Administration and process

To accommodate the new authorities and employees transferred from federal ministries, new structures had to be created, and existing ones expanded, within the governorates. However, this process was fraught with problems and exacerbated grievances between the local and central governments.

Clearly, there are too many groups and networks with a vested interest in preserving the status quo, as they are likely to lose power, influence, and income as a result of decentralisation. Therefore, these groups are expected to oppose change. In addition, the decentralisation process itself has been poorly planned, coordinated and executed. Much of the transfer of power was vertical and many funds were earmarked before being handed over to the local government. This offered little flexibility at the local level for responsiveness or the optimal management of resources and rendered the budgetary aspects of the transition more complicated and disjointed. Additionally, duplication and/or overlapping roles between various departments created vague lines of responsibility and accountability. This ultimately created confusion over the roles of governorate and federal reporting structures (NPC FGD 2019).

The federal government has been blamed for many delays and the slow transfer of power. It remained in charge of overall regulations and guidelines, and often insisted on traditional means of documentation and communication; these may have been functioning adequately within the integral ministries but proved to be impractical or inefficient mechanisms between the centre and governorates, as well as between cities and towns within governorates like Nineveh.

In some ministries, such as Health and Education, the decentralisation process was halted prematurely by the order of the Ministers, creating split loyalties and legal and administrative confusion in the governorates. The ministries and governorate started acting independently, and without adequate coordination, in the processes of appointing civil servants (at the Director General level), launching new projects and issuing decrees. Several disputes were brought to the Federal Supreme Court in 2018, which ruled in favour of the federal government, further complicating the decentralisation process [22].

C4d. Financial administration issues

Provinces experience many difficulties in relation to how government works as an organisation, both internally and externally, particularly with regard to the income generation necessary to fund government operations, revenue sharing with Baghdad and accountability to both central and local governments.

Historically, the Iraqi central government has followed traditional lines of budgeting that are fit for highly centralised state institutions. This tradition has been maintained in broad terms to date, with a very slow evolution since 2005. Despite significant changes in the budgetary law and process, the government's capacity to budget is still annually based, only accounting for one fiscal year of projections on revenues and expenditures [22].

“In 2019 around 30 billion IQD returned to Baghdad, as the local government failed to spend them during the period of 2019. The budget was supposed to be activated in January of each year but was only be made available halfway through the year. Consequently, the local governments would not have enough time to spend the allocated budget, and much of it will return to the Ministry of Finance in Baghdad. And there is no transparency. What will happen to the returned budget there?” (KII, Nineveh Planning, 2019)

The government's operational budget (staff salaries, fuel, and maintenance costs) grew suddenly after seven federal ministries devolved authorities and transferred employees in their directorates. The number of employees and their operational costs in the governorates expanded by several fold. This is over and above continued hiring and “ghost employees.” In Iraq, the number of public sector employees grew from 850,000 before regime change to 6.5 million in 2019, according to the Finance Minister [22]. Thereafter, the operational budget continued to grow, drawing money away from the investment budget.

The investment budget (project payments, new contracts, and land purchases) across Iraq at the federal level has consistently faced a deficit as the state has had to shift funds in response to oil price fluctuation, internal conflicts and the war on the Islamic State (IS). Investment budgeting has been consistently low, with oil investments accounting for the majority of the budget. The lack of a reliable funding source also impacts the ability of the directorates to plan for, and execute, projects and service delivery.

In terms of revenue generation (taxes, customs and fee collection), the governorates still lack adequate means to diversify sources, as well as to collect and allocate funds. Article 44 of Law No. 21 of 2008 outlines different means by which the governorates can collect revenue. However, PCs have been slow in legislating for the development of localized revenues, while the federal government has not been transparent on customs

revenue in each governorate – where half of the generated income should be returned. Furthermore, when governorates explored new means for revenue generation in line with Law No. 21, the amounts were deducted from their federal budget allocations. This practice removes a major incentive to diversify sources of income or declare all the real income, thereby promoting corruption.

(D)

Nineveh as a Model



D1. Why Nineveh

Nineveh is often described as unique in terms of its geography, history, demography, culture, and political and security dynamics. It has some of the greatest District-to-District and Subdistrict-to-Subdistrict variations, too. However, in terms of its governing structure, administrative challenges and centre-periphery relations, it has plenty in common with the rest of Iraq's GnIRs. It is, therefore, a suitable model for assessing the progress of the current decentralisation process and piloting new, tailor-made ones that can be universally applied in due course.

Nineveh is the second most populous (estimated at 4 ± 0.5 million) province in Iraq. It is divided into nine Districts, including: Mosul (Nineveh's capital city), Tel Kaif, Sheikhan, Tel Afar, Shingal (Sinjar), Ba'aj, Al-Hatra, Makhmour and Hamdaniya (whose town centre is Qaraqosh). The Tigris River divides the province both geographically and demographically.

- The plains to the right of the river, Nineveh Plains, include the Districts of Tel Kaif and Hamdaniya, which were historically populated predominantly by Syriac Christians (mainly Assyrians and Chaldeans who speak Aramaic). A small number of Armanians also live there. A minority of Shabaks (Sunni and Shi'ite) inhabit the rural area Al-Hamdaniya, and particularly its Bartilla Subdistrict.
- Sheikhan District is inhabited mainly by Kurds with a Yezidi majority.

- Tel Afar’s town centre, west of Mosul, has a sizeable Turkman (majority Sunni and minority Shiite) population, in addition to an Arab minority and some Kurds.
- The Subdistrict towns and villages of Shingal District are predominantly inhabited by Yezidi Kurds, whereas the town centre has Kurdish Muslim majority. There are Sunni Arabs living in Sinjar District too, particularly in the District’s town centre and the rural areas close to the Syrian border.
- The villages of South Shingal, close to Ba’aj, and the District of Ba’aj, are inhabited mainly by Sunni Arab tribes.

Over the past few decades, as a result of the Arabisation policies of the Ba’ath regime, many Districts of Nineveh were subjected to administrative changes that ultimately resulted in having them classified as “Disputed Territories” under Article 140 of the 2005 Iraqi Constitution. The Districts of Shingal, Tel Afar, Tel Kaif, and Sheikhan have “disputed boundaries” with the Dohuk governorate of the KRI, whereas Al-Hamdaniya District shares a disputed boundary with the Erbil governorate.

The Ba’athists also carried out significant demographic changes in Nineveh, some of which were sustained by the various governments in Baghdad following regime change in 2003. Collectively, these events have caused grave demographic changes and a significant reduction in the number of Christians, Yezidis Kurds and other minorities in the province.

Christian community leaders are vocal about their distress over demographic change and accuse Baghdad (and the PMF) of supporting Shabaks, both financially and militarily, to facilitate their migration from their traditional villages to the Districts and Subdistrict town centres (such as Ba’shiqa), which have been traditionally inhabited by Christians and Yezidis [23]. The Shabaks are now increasingly influential within the security sector (mainly via the PMF). The influx of Shabak residents, combined with the persistent displacement and migration of Christians and Yezidis from Nineveh Plain, have caused local leaders to fear that their communities may finally be driven to “extinction.”

“Saddam Hussein was open about Arabising Kurdish, Turkman and Christian areas, but the sectarian Shiite government of new Iraq is doing it by stealth. Baghdad-supported Shiite Shabaks and Arabs are migrating in large numbers from the rural areas to the town centers of Qaraqosh and Bartilla which are of Christian majority. We have Assyrians and Yezidis who lived there forever. The Shabaks are buying land with money they never had. With our people displaced or migrating abroad, we are going to become minorities in our own home towns and are at risk of losing identity, language, heritage and way of life.” (A Christian KII, 2019)

The Shabaks, on the other hand, deny the existence of any such policy.

“We are all Iraqis and should be free where we move to or settle. We are natives of Nineveh and its Districts, like the Christians.” (A Shabak KII, 2019)

Interestingly, Christians, Yezidis and Shabaks all blame Mosul City’s Sunni Arab political elite for being complacent.

“The Sunni Arab leaders in Mosul city who dominate local government institutions do not really care about us in the rest of Nineveh. They are in charge of the whole of Nineveh and the “Ba’ath doctrine and Arab Sunni supremacy” runs deep in their mentality. After all, Mosul was a Ba’ath Party stronghold where a quarter of the city’s population worked for Saddam in the party, government or security. They were running the show under the Ba’athists, implementing Saddam’s policies across Iraq.” (A Kurdish KII, 2019)

In addition to the tensions mentioned above, Nineveh has faced a recurrent and protracted internally displaced persons’ (IDP) crisis since 2003. Ethno-religious conflicts, land ownership disputes, security

proliferation and political polarisation have caused recurrent internal population displacements and onward migrations [18]. Currently, there are almost a million IDPs – mainly Christians, Yazidis and Sunni Arabs – in displacement, mostly in the KRI. The barriers to return are many, but security, livelihood and reconstruction concerns are highest on the list.

After Nineveh's liberation from the IS, local government officials have been vocal in criticising the federal government for withholding power and slowing down the decentralisation process (NPC FGD, 2019). This is attributed mainly to Baghdad's lack of trust in the local government's capacity, competence and legitimacy (Presidential Advisor KII, 2019).

D2. Power and Governance

The Nineveh Provincial Council (NPC), elected on 20 June, 2013, consisted of 39 members. The alliance of the two main Kurdish parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), won 11 seats. The Arab Sunni coalition, the Brotherhood and Coexistence Alliance List (BCAL), won eight seats (down from 22 in 2009). Other lists that included Sunni Arabs, Kurds, Turkmen, Christians, Yazidis and Shabaks also won seats, ranging from one to four. In effect, all components of Nineveh's demography, as well as both genders, were represented in the NPC. In 2013, the NPC assembled and a Kurd, Bashar Al-Kiki, was elected President, with a Turkman (Nour ad-Din Qablan) as Vice-President. This Council remains active despite the CoR's October 2019 ruling to abolish all PCs in GnIRs across Iraq.

Interestingly, since the last local elections in 2013, Nineveh has had four successive governors whose selection and deselection exemplified the great weaknesses in the system of governance. Despite the BCAL's loss in the local election, Atheel Al-Nujaifi, was re-appointed Governor. He remained in this position until after the IS occupation of Nineveh but was finally removed from office in May 2015. He was replaced by Nawfal Hamadi Al-Agoub, who worked from Erbil until Mosul was liberated.

Nawfal Al-Agoub was subsequently accused of poor leadership and corruption, including embezzling millions of US Dollars in humanitarian aid, which had been earmarked for IDPs [24]. Al-Agoub's case highlights weaknesses in the rule-of-law and checks and balances within local governments, which allow Governors in all Iraqi provinces to dominate the province. Governors can forge powerful political and security alliances with local or national actors (including PCs), and thereby dominate the system of governance across the province and remain in power irrespective of their policies or behaviours. Not surprisingly, it took a major disaster (the infamous capsizing of a ferry in Mosul on 21 March 2019, which killed 102 people) to force the CoR in Baghdad to override the local NPC members and successfully remove Al-Agoub after previous failures [25].

The responsibility of appointing his replacement was handed back to the NPC. However, Baghdad officials, particularly National Security Advisor and Head of the PMF, Falih Fayadh, lobbied personally to impose their candidate of choice, Mansour Mareed, who was voted in by the NPC [26]. However, Mareed was subsequently accused of being pro-PMF and pro-Iran, and the pressure against him mounted until he was finally removed from office in a controversial vote by the NPC in late November 2019. He was replaced by retired Brigadier General Najm Abdulla Abdul-Saleh Al-Jiburi [27].

Al-Jiburi is the former commander of the Nineveh forces, who led the military operation for the liberation of Nineveh from IS. He is widely accepted by Moslian (Moslawi) political and security elites, unlike his last two predecessors, who were dismissed by the elites as non-Moslawis.

“The philosophy of local administration is based on ethnic and religious issues, not population. The Sunni Arabs in Mosul want the governor’s position. They reject people outside the city as though they are strangers and not Iraqis. The Moslems give the right to themselves to govern others but will not allow non-Moslems, from Rabia or Sinjar or Ba’aj, to rule Nineveh.” (A Presidential Advisor, KII, 2019)

“The Governor and his election should be from within but now is from outside. The governor must be from Mosul city, not the rural areas, because the Mosul center people will not accept people from Ba’aj. We as Shummar are proud of our roots, but we as a tribe prefer a Governor from the majority inhabitants of native Moslems. Now, Mosul people are a minority and their choice of Governor is now causing more damage than good. The governor is backed by people in Baghdad, not Mosul.” (KII, A tribal leader, 2019)

The decision to appoint Al-Jiburi was endorsed by the CoR’s leadership and the President of Iraq in November 2019 [28, 29], despite the fact that all PCs in Iraq had been dissolved in October 2019, pending the provincial elections (which had been previously scheduled for April 2020 before being postponed). Expectedly, Mareed questioned the legality of his dismissal, submitted his appeal to the judicial authorities, and currently awaits a final verdict [30, 31]. Meanwhile, the NPC has questioned the legality of its dissolution by the CoR, and adheres to its decision pending a verdict from the Administrative Court [32].

Of course, such frequent and dramatic changes of leadership in the Nineveh governorate have been associated with numerous other changes in terms of local government policies, prioritisation, and stakeholder engagement at the local, national and international levels. Some of these have negatively impacted public confidence in both the local and federal authorities.

D3. Institutional Weaknesses

Interviews and FGDs with NPC officials and others showed that neither the NPC nor the Governor’s office have fulfilled their roles as laid out in the constitution or the law. Local and national politics, armed state and non-state actors and other influential groups have all influenced the decision-making process. Coordination between the governorate and the PC has been very poor and, at times, non-existent.

A member of a FGD in Baghdad, originating from Mosul, emphasised that:

“... people do not trust the authority. We have lost our political capital where PC members are corrupt and are trading with the post. They disagree on everything. We have lost our financial capital. Mosul is half destroyed, and we have one million IDPs. Social capital, and economic capital are all denied to people. The Central government has the power to control Hashd. It can solve at least half the problems, but it does not. The PCs would issue decrees which do not get implemented in the Districts or the Governors may choose to ignore them without fearing accountability.” (FGD Presidential Advisors, 2019)

According to several NPC members, the problems with governance and decentralisation are not inherent within the law, but stem from poor implementation by the Ministries, security forces, local officials and communities. As one member put it:

“We consider Law No. 21 our constitution. We want everyone to adhere to it. From there we look up to the Iraqi Constitution. If we implement Law 21, and the Constitution, all our problems will be solved.... Decentralisation is applied selectively, differently in different institutions. Decrees, decisions and regulations from Baghdad contradict each other... or contradict our local ones. Baghdad government still acts as it pleases, not as per the constitution. There are violations of the Constitution all the time. We too, locally, issue a lot of decrees or decisions, some of which will be implemented and others not. i.e. The executives are being selective in implementing what suits them.” (NPC FGD participant, 2019)

Both the legislative and executive bodies at Province, District and Subdistrict levels are easily and frequently out-powered by various local or national political or security actors. This has caused frustration, a lack of adequate service delivery, rampant corruption, and a loss of trust between citizens and the authorities.

“Hundreds of arrest warrants are issued every year against corrupt officials, yet the majority remain in place and only a powerless minority are arrested, among which fewer still are convicted. Several Iraqi Governors had arrest warrants against them or were publicly accused of corruption, with published evidence, yet they remained in post unhindered.” (KII, academic from Nineveh, 2019)

D3a. Corruption

Widespread and increasing corruption has been the main outcome of institutional weakness and poor governance over the years, and is in itself a driver for further rivalry and conflict. There is a general consensus among NPC members who participated in a FGD that there is no sign of corruption coming under control and that the checks and balances in place are either too weak to tackle these issues or are, in themselves, corrupt. An academic who had worked both in Nineveh and Baghdad as a government advisor explains:

“Corruption is widespread, top-down to the smallest official, and is increasing with no sign of it coming under control. The Governor and PC are a big part of the problem. They all are after getting rich. They came to serve people but now they see it as a harvest season. Everyone wants to milk the system. The audit and integrity committees are corrupt in themselves. The auditors and inspectors are themselves co-operators with the corrupt perpetrators. So, our institutions are weak, and allow for growing corruption. Nineveh has 35 MPs who have lost touch with the PC or the people. Part of the solution is to empower the judiciary, get the civil society and international community involved, and publish the budget on social media. So, we need the will and determination as well as funds.” (KII, academic, 2019)

D3b. Civil servants' vacancies

NPC members taking part in the FGDs provided further reasons for poor institutions and weakness in applying the rule of law. According to one of the NPC members:

“There are too many senior positions run by deputisation. Director Generals (DGs) of Education, Health, Investment, Police are the only DG positions in Nineveh and are all run by deputies. So, these deputies cannot plan for Nineveh for the long term.

Every million population needs 100 judges [Law 21 allows the governorates to decide who sits on its judiciary]. Now in Nineveh, there are 100 judges for 4 million population. Meanwhile, there are 9,000 people in custody waiting for a hearing and for their cases to be finalised. We need to appoint 400 judges and from Nineveh people, not from outside.

Currently, there is a budget to fill all the positions in Nineveh. Appointment and follow up are within the authorities of the Province. The province has 32,000 allocations for police, but only 16,000 are filled, and the rest are impeded by the ministries of Finance and Interior.” (NPC FGD participant, 2019)

According to the HCCP’s interpretation of the law, however, DGs can be appointed and/or fired by the local PC or the Cabinet. Once appointed, the DG belongs to the province and is answerable to the PCs. If the two entities disagree, the final say should belong to the PC or the Federal Court. The latter “might be biased towards the Cabinet as the highest executive body” (Mufti, KII 2019).

However, a KII (and member of NPC), cast doubts on the HCCP’s claim as being more of “paper exercise,”

and states:

“While the HCCP passed a judgement on Education and Health that these should be considered local government tasks and totally devolved, nonetheless the ministries insist on centralisation. Ministers in Baghdad have the ability to manoeuvre, play around and devolve as much or as little power as they like [...]. So, the decentralisation in many ways remains superficial because Ministries still hold power. [...] In Education, for example, much of the academic and administrative powers were devolved except for inspection and examinations, which are considered key to key functions.

DGs are appointed through a legal mechanism. They are voted in or out by the PC, but recently the Minister of Health ended the Health DG’s employment from his side. Head of the Directorate for School Buildings (who manages renovation funds), was replaced too by the Minister. Essentially, the ministries interfere with details, invariably related to money and corruption.” (NPC KII, 2019)

Recently, the High Administration Court ruled in favour of the Ministry of Health and Ministry of Education in re-connecting their respective governorate-level directorates to the federal government Ministries and not the PCs, and the Ministers retaining the authority to dismiss DGs. This was based on the Court’s interpretation of the third amendment of the Law No. 21 of 2008 [33].

D4. Security Challenges in Nineveh

Nineveh experiences an unusual and exceptionally tense security environment, with its diverse communities divided, polarised and militarised. Dozens of armed state and non-state actors with widely varying capabilities, loyalties, and popular perceptions exercise control throughout the province. As of December 2019, the security actors active in Nineveh include the formal Iraqi Security Forces (ISF), the Popular Mobilisation Forces (PMF, al-hashd alsha’abi, Hashd), Kurdish Security Forces and foreign forces.

“Most of the security problems will be solved if the ISF and Police take over, and the rest, including PMF, Peshmerga or PKK should be asked to withdraw.” (KII, A member of Al-Shummary tribe (Sunni Arab) who had worked in Nineveh’s governorate, 2019)

“This is funny and interesting. People did not trust ISF and blamed them for the failure, and we came to liberate Nineveh, and now they are trusting the ISF and want us out. What a transformation of feelings.” (KII, A PMF leader, 2019)

D4a. Formal Iraqi Security Forces

All forms of formal ISF are present in Nineveh, including:

- i. The Iraqi Army, which began to recover gradually under a new structure over the past few years and started regaining the confidence of Nineveh’s local population due to its major contributions to the liberation of the province, as well as its professional conduct compared to the PMF groups.
- ii. The Nineveh Province Police, which consists mostly of locally recruited employees. Prior to its collapse in the face of IS onslaught in 2014, this force had over 30,000 officers. Currently they have hundreds of unfilled positions.
- iii. The National Security Service, which is meant to be dedicated to intelligence, but, in keeping with Iraqi tradition, remains a feared force that carries out its own raids, arrests, and interrogations.
- iv. Other ISF organisations, less visible in the province, include: the Counterterrorism Service, the Iraqi

Border Guards on the Syrian border, and the Ministry of Interior's Federal Police and Emergency Response Division.

D4b. Popular Mobilisation Forces

The PMF consists of numerous armed groups, many of which played active, if not leading, roles in the liberation of Nineveh province from IS. However, since then, they have remained in the province and currently play a dominant role in the local security, political, social and economic dynamics. These groups vary in size, capacity, doctrine, ethno-religious affiliation, loyalty and style of engagement with locals [34]. In broad terms, they can be divided into two main groups:

- i. The trans-provincial Shiite groups who are considered the backbone of the PMF and who dominate the security landscape, particularly since the eruption of violence following the Kurdish Referendum for Independence in October, 2017. This group of PMF units includes:
 - Kata'ib Hezbollah, Asaib Ahl al-Haq and Badr Organisation which are known for their loyalty to Iran's supreme leader.
 - Units loyal to Al-Marjaiya in Najaf, Shiite cleric Muqtada Al-Sadr (Saraya al-Salaam), or the Imam Hussein Shrine in Karbala (Ali al-Akbar Brigad). These units are perceived to be more moderate and less prone to sectarian tendencies than the pro-Iranian ones.

The on-going presence of this trans-provincial group of PMF units in Nineveh (at various geographical locations and at various points in time) remains controversial, and is a source of concern for Sunni Arabs, Turkmen, Christians and Kurdish populations.

- ii. Local PMF units that recruit from all components of the Nineveh population. These are mostly (but not entirely) non-Shiite units who enjoy only minimal support within the PMF leadership and minimal political backing from Baghdad compared to the trans-provincial Shiite groups. Significant units within this group of PMFs include, among others:
 - Shiite Turkmen units, primarily within the 16th and 52nd PMF Brigades, which are operational in the Tel Afar area.
 - The Nineveh Guards, which is a largely Sunni Arab group led by former Governor Atheel Nujaifi and backed by Turkey.
 - The Nineveh Plains Protection Units (Christian) and Babylon Brigade (which is headed by a Christian but has mixed membership).
 - The Lalish Regiment (Yezidi).

Interestingly, Law No. 21 allows the governorates to decide if, and where, Iraqi military units should be stationed locally. However, this law does not seem to apply in the case of Nineveh. The PMF leaders view their presence in the province as critical, and question both the integrity of the Iraqi Army and the possibility of integrating the two forces. A PMF leader interviewed for this study said:

“The [Iraqi] army was not able to organise itself or raise its fighting capacity. The army and security institutions still do not have a national military doctrine. This has not developed, so what has changed that makes the army suddenly in a better position compared to the past? There is no evidence for such recovery within the security apparatus. So, total dependence on the Ministries of Defence and Interior (police) is a very dangerous notion.

You know that the army and security institutions were broken, demoralised and collapsed. Have they really been

repaired? Have they been reformed? There is huge corruption among these institutions. Has this been dealt with? Have you heard of any of these files being opened? Have they sacked any officer responsible for the defeat? The answer is no. There has been no change. So, they can face another defeat any time if left alone. The military is simply incapable of protecting [the country]. They are not paid or dressed or trained properly. Had it not been for the fully doctrine-oriented Hashd, we would not have been able to win. However, the double standard among politicians makes them ignore the truth. You will never see a Hashd doing what the unprincipled police or army do. If the Prime Minister decides for Hashd to hand over the security responsibility to ISF and get out of cities, we will. So, it is not Hashd that refuses.

.... There are simple and basic codes for Hashd. Everything is linked to money. If the government is ready to merge the forces and stop paying Hashd members unless they join the army, then everyone will switch and move to the army. So, you can clip Hashd's wings through salaries.

.... Remember, Hashd is no longer the same as before. Hashd now has its own intelligence units which do not only work on the security of Hashd, but a lot more. It fights drug trafficking and has many achievements on many fronts. So, you can think of alternatives, but it has to be the right one.

.... The security institutions have also accumulated many problems which need solutions. Hashd is a new institution and can be put in a better legal framework than now. So, why create a whole new mechanism or new entity and end up with new problems? Improve this one. There is no option for protecting the security without protecting Hashd. You must keep Hashd, but invest in it to make it part of the state.” (KII, PMF leader, 2019)

It is clear that the challenge of reigning in the PMF under central command and control will not be achievable in the foreseeable future. In an attempt to reign in all paramilitaries, Prime Minister (and Commander-in-Chief) Adil Abdul Mahdi issued a decree, stating that: “All Hashd al-Shaabi forces will work as an inseparable part of the armed forces. All rules applied to the armed forces will be applied to them, unless special letters decree otherwise” [35]. He set a deadline of 31 July 2019 for all PMFs to integrate into the Iraqi army. However, the deadline passed and no progress was made.

D4c. Kurdish Security Forces

During the IS war, the Kurdish forces played a leading role in the liberation of Kurdish-majority towns and villages in Nineveh. However, they lost control over many of these territories in post-referendum clashes with the PMF and ISF in October, 2017. Nevertheless, Kurdish forces (mainly the KDP-affiliated Peshmerga, Zeravani and Asayish) still maintain dominance over parts of Makhmour, Tel Kaif and Hamdaniya Districts.

In addition, there are a number of KRG-aligned armed groups operating in various parts of Nineveh, including the Nineveh Plains Forces (Christian), Nineveh Plains Guard Forces (Christian), Dwekh Nawsha (Christian), Jazeera Brigade (Sunni Arabs) and Rojava Peshmerga (Syrian Kurds). The track record and conduct of Kurdish forces in Nineveh province have been mixed, therefore the degree of their acceptance and preference by the local population, including Christians and Yezidi Kurds, is mixed too.

Other Kurdish armed groups, not supported by the KRG, also operate in the area with the approval of the Iraqi government. These include: the Ezidkhan Defense Forces (Yezidi), Kurdistan Workers' Party fighters and the Shingal Protection Units.

D4d. Foreign Security Services

There are also foreign actors and armed forces present in Nineveh with or without the Iraqi government's

blessing, including:

- i. Iran's Quds Force, a division of the Iranian Revolutionary Guard Corps, usually embedded within Shiite PMF units.
- ii. The Global Coalition to Defeat the Islamic State, comprised of the American and European Combined Joint Task Force: Operation Inherent Resolve.
- iii. Turkish Armed Forces, mainly in Ba'shiqa Camp, northeast of Mosul.
- iv. The Kurdistan Worker's Party, based in Mount Shingal.

(E)

Options for Future Decentralisation in Nineveh

There are no easy or quick fixes for Iraq's governance crisis or its current fragility, particularly in the absence of requisite will and determination to enhance the rule-of-law and expedite state and nation-building processes. However, the deepening political and security crises that have plagued the country for decades are signs of the system's dysfunctionality and underline the urgent need to transform the institutional architecture of the governing system and meaningfully decentralise authority. Fortunately, the 2005 Constitution emphasises empowering local governments while maintaining the strength of the centre, and provides ample flexibility (asymmetry) to develop a tailor-made approach for Iraq as a whole or for Nineveh, specifically.

Considering Iraq's political, demographic and economic nature, there are several models that can be pursued. So far, a number of models have already been contemplated, initiated, and/or piloted, including:

1. Evolving the current model: a gradual devolution and separation of authority
2. Administrative re-structuring and the provincialisation of Nineveh's Districts
3. Federalisation of the governorates

However, these options each have their drawbacks and have, in effect, failed (or appeared to fail) to deliver on key constitutional objectives, including: preserving the unity and integrity of the country, empowering local communities, and securing legitimacy by building trust between the government and its citizens. Importantly, these models have also failed to ensure a robust decentralisation or devolution (transfer and separation) of authority within the province, from the Governor down to District and Subdistrict levels.

A fourth model (4) is therefore proposed here, which builds on existing culture, history and understandings of decentralisation and is designed to provide solutions for the numerous challenges and problems that local governments currently face.

E1. Evolving the Current Model: Gradual Devolution and separation of Authority

Currently, Iraq continues to proceed with partial decentralisation, a process that waxes and wanes due to numerous political, cultural, legal and administrative barriers, both at the federal and local levels. The federal government has been slow to transfer authority, power, and funds in a manner timely enough for the execution of various projects, or for effective service delivery in the provinces. Corruption, political agendas and security dynamics have all had an effect on decentralisation efforts at various individual ministries, too. The mentality and personality of the Prime Ministers or individual ministers have also played a major role. Some ministries have been keen to selectively decentralize specific administrative components of their organisations, but retain personnel and authorities related to financial management.

The current decentralisation process is focused on the transfer of authority from Baghdad to the governorates (and to governors, more specifically). However, it fails to further distribute that authority, in an effective

and democratic fashion, at District and Subdistrict levels. Instead, it relies on highly centralised executive pyramids that have been built largely around the positions of governors at the provincial level. Of note is that fact that provinces are in themselves geographically and demographically too large (bigger than many independent states) to be micro-managed by a Governor, with or without the PCs' oversight. In effect, the current model of decentralisation simply replaces the nation-wide authoritarian system which was centralised in Baghdad with one that is equally centralised in the Capital Cities of provinces. Therefore, the institutional architecture and decision-making processes remain incomplete and inadequate, as they fail to cater for the needs and aspirations of local populations at the District and Subdistrict levels.

Despite this, Baghdad officials will always remain reluctant to relinquish too much power too quickly. A common concern in Baghdad is that the governorates cannot execute complex projects or manage large budgets. While this is correct for the most part, programmatic training of governorate staff via capacity building and "on the job" learning initiatives can lead to positive change. Indeed, the governorates have seen significant gains in their ability to take on further authorities and develop the appropriate budgeting standards to execute on those responsibilities. Provincial leaders also appreciate the value of understanding political dynamics at both central and local levels, engaging influential political and institutional leaders, and communicating their visions to the media and civil society.

However, increasing capacity alone cannot ensure that local discretion will result in choices that are democratic or responsive to citizen demands. Without appropriate checks and balances, as well as rigorous monitoring schemes across the various levels of government, this strategy may simply enhance the power of local elites [36]. Sub-national networks of interest, which include local officials, politicians, and community leaders, can become major barriers for progress and derail the process of decentralisation. Iraq, and particularly Nineveh, exhibit sectarian-based patronage politics and competition over natural and financial resources which will inevitably impact the decentralisation process and the choices that Nineveh can make. Various armed state and non-state actors who are beyond local government control have added to these destructive dynamics and made it very hard to empower the local government. Thus, the current process remains a half-hearted and only partial decentralisation that has not yet delivered – and may never deliver – on the key objectives of decentralisation.

E2. Administrative Re-structuring and Provincialisation of Nineveh's Districts

The concept of the provincialisation of certain districts, or groups of districts, is an old idea which has been entertained by local communities and become a topic of passionate advocacy in times of crisis. District community leaders across Nineveh see it as a recipe for protecting their culture, language, and identity while attracting substantial investment and operational budgets. They frequently refer to the dominance of 'Moslawis' and the majority Sunni Arab elite over Nineveh province and attribute many of their historic grievances to the Moslawis' ultra-nationalistic policies. The local District authorities invariably complain of the "complacency of the governing executives" who are seen as focusing on Mosul at the expense of the Districts and Subdistricts. Therefore, they consider the provincialisation of the Districts a way of empowering local executives to manage their own affairs, particularly in relation to security, economy and finance.

A former member of Parliament from the Shiite block, now advisor to the government of Baghdad, observes:

“The minorities are turning to federalisation, decentralisation, etc. However, there is a better solution. Instead of asking for Federalisation, we should increase the number of governorates. There was a prepared project to increase [the number of] governorates from 18 to 36. Sinjar can become a governorate. Nineveh Plain can become a governorate. Tel Afar can become a governorate. These local administrations and their communities can solve their own problems.” (KII, Baghdad, 2019)

Indeed, in 2014, the Iraqi Cabinet under Prime Minister Noori Al-Maliki submitted two draft legislations to convert Tel Afar and Halabja to Governorates. However, these projects were never voted on in the Parliament. The same Cabinet also decided to submit four additional draft legislations to convert Shingal, Nineveh Plain, Faluja and Tuz Khurmatu to provinces. These drafts were never submitted to the Parliament. According to Turhan Mufti:

“The best way to achieve decentralisation, with wide-reaching authority, transparency in providing services, and minimised corruption, is to create new governorates in Iraq, until we end up with 33 provinces. In this way, the territorial and population sizes of the current provinces will be much reduced while we turn their current internal rivalry in to competition.”

E2a. Province of Nineveh Plain

Nineveh Plain is the basin to the east and north of Mosul, which includes the historically Christian-majority Districts of Tel Kaif and Hamdaniya. Christian local authority leaders believe that creating a Province in Nineveh Plain will empower them to protect their diverse communities, particularly if accompanied by several administrative changes, as follows:

- Ba’shiqa, currently a Subdistrict, should be elevated to a District, while two of its Shabak-majority villages (Baimokh and Khur Sabat) must be elevated to one Subdistrict. This will help the town center of Ba’shiqa to maintain its historically Christian and Yezidi majority, while Shabak villagers will gain access to two new Subdistricts and have fewer incentives to migrate to the Ba’shiqa town centre.
- Tel Kaif currently has three Subdistricts, Wana, Fayda and Alqosh, that vary greatly in terms of demography, administration and security arrangements. While Fayda and Alqosh are under the control of the KRI, the rest are under the control of the PMF and ISF. These subdistricts need to be unified under Tel Kaif.

Interestingly, members of the Office of Peaceful Co-existence and Social Cohesion (OPCSC) in Baghdad have seriously considered a degree of administrative restructuring in Nineveh Plain, but emphasise that Shabaks feel threatened by these arrangements and have concerns that they are being unfairly blamed for Christian grievances.

“The administrative reorganisation has long been proposed, but was always a problem. The Shabaks think if Subdistricts are created for them, the top positions will go to Sunnis not Shabaks. [...] Nowadays, Christians are in the city centre of Qaraqosh [Hamdaniya’s capital town], whereas Tel Kaif is virtually empty of Christians. [...] Some think that Hamdaniya can be divided, and the eastern side with its villages and Subdistricts, where most of the Shabaks and Kakayees are, can be moved to Kalak District, which is under the KRG. [...] Ba’shiqa [to the west] is a Subdistrict within Mosul District, and if it becomes a District, and Bizwaya village becomes a Subdistrict, we can reduce the pressure on Bartella by moving many of the villages to Bizwaya. So, as you can see, it is complex, and we may solve some problems but create new ones.” (KII, OPCSC, 2019)

E2b. Shingal (Sinjar) Province

The local authorities of Shingal argue for the provincialisation of their District, which has one of the largest District populations (approx. 460,000) in Iraq and has many crowded Subdistricts which could become viable Districts. These include: Sinuni, Gir Ezer (Uzer, Al-Qahtaniya, to be detached from Ba'aj), Khana Soor, Borek and Belij (Qairawan). They propose that Belij's Tal Qasab and Tal Banat villages, which contain Kurdish and Turkman populations, should jointly form a Subdistrict and remain within the new province of Shingal District, while the rest of the southern villages, along with Belij town, become part of Ba'aj District (outside the new Shingal Province).

E2c. Tel Afar Province

According to Tel Afar's District Mayor (KII, 2019) and members of the District Council (FGD), there was an application submitted to the Baghdad authorities in 2011 to convert Tel Afar (then a population of 400,000) to a province. This was born out of local authorities' long-standing perceptions of disenfranchisement at the national and institutional levels. They believed this would protect their town's Turkman identity and benefit their own economic resources. The Federal and local Nineveh governments did not approve this idea, however.

Undoubtedly, elevating Districts to the province level and Sub-districts to the District Level would offer numerous advantages to local communities who would be in charge of their own governance, independent of Mosul and its dominant Sunni Arab elite. However, Baghdad officials find such restructuring unrealistic and not desirable because:

- i. The drive for provincialisation stems from the past grievances of ethno-religious communities, and proposed borders are drawn on the same basis. This may resolve one problem but create new areas of conflict.

"These are driven by ethno-religious motives, and we will be replacing one dominant community with another one. Where do we stop?" (KII, Baghdad, 2019)

- ii. Provincialisation may partially empower the local District communities. However, in the decentralisation process, new provinces will continue to suffer the same drawbacks as the existing system currently does in all other governorates.

E3. Federalisation of Governorates

The 2005 Constitution is designed to facilitate the development of a decentralized system in a culturally and ethno-religiously diverse country, based on the principle of subsidiarity and allowing for asymmetrical relationships between the centre and periphery. Article 119 allows one or more governorates hold a referendum, form a region, and adopt a regional constitution that (as per Article 120) defines the region's structure of powers, authorities, and mechanisms, and outlines how such powers may be exercised. Article 121 allows regions to create and administer their own internal security forces and police, outside of federal forces.

Currently, the KRI is the only federalised region in Iraq. This entity pre-dates the 2003 regime change and was incorporated, in its entirety, as a decentralisation model within the federal constitution. From the outset, the very concept of federalisation was frowned upon by Shiite and Sunni Arab political leaders, who feared

that the federalisation of Iraq along ethno-religious lines would further divide it. Therefore, Baghdad's relationship with the KRI was long considered unique, born out of history and political evolution, and not necessarily applicable to the rest of Iraq. The degree of power and autonomy that the KRI retains has not been experienced in Iraq since the abolition of the Ottoman system of vilayets.

As it stands, Iraq's governance is characterised by sectarian politics and strong sub-nationalistic tendencies. This has been exemplified by spates of sectarian violence since 2006 and successive election results where none of the parties represented both national and regional identities or won on their programmatic platforms.

In light of this, a presidential advisor argues:

"Forming federal entities, we will fail because they would be too independent from the centre and they would be swallowed by the neighbours. Iran can swallow the southern ones. We are not ready for non-sectarian federal regions. We will all be like Kurdistan, which is an ethnic Federal Region. There will be no nationalism." (KII, Baghdad, 2019)

These anti-federalisation sentiments are not necessarily shared by all, however, and the alternative (as evidenced by the current decentralisation process) has failed to empower the local government and brought about many of the very outcomes that Iraqi politicians feared from federalisation. Thus, demand for federalisation continues to grow across several governorates, including Nineveh.

Interestingly, in the opinion of policy makers in Baghdad, including the HCCP, federalism is "not suitable" for provinces like Nineveh because federal regions are highly centralised units; Nineveh, in contrast, would require an internal decentralisation and devolution of powers because of its demographic nature. Of course, this may be a false dichotomy, as federal regions do not have to be highly centralised and can follow a model for deeper decentralisation to the District level, as proposed below.

Finally, many religious leaders, including the Marjayia of Najaf, advocated against federalisation based on the belief that it protects corrupt local officials by placing them outside the reach of the federal authorities. However, these figures have not provided credible alternatives to federalisation; meanwhile, the current system allows governors and PCs to act in isolation from Baghdad and has increased corruption exponentially at both central and local levels.

E4. Tailor-made Model: District-Based Government

The previously described top-down models (1-3) share fundamental drawbacks, as well as structural and functional weaknesses. They all focus almost entirely on the devolution of decision-making from a relatively centralised federal Cabinet to highly centralised governorates (or regions). This approach merely replaces a number of centralised ministries with highly centralised governorships which command authority over disproportionately large swaths of provincial territories and populations. Therefore, each of the above models will inevitably fail to achieve efficiency or become responsive to the needs of local communities. Here, a bottom-up approach is proposed, which is designed to better empower the local governments, make them more citizen-focused, and tighten them by implementing greater checks and balances to ensure quality.

The proposed model utilizes District (rather than Province) Councils as the building blocks of the government's institutional architecture, upon which the rest of the legislative and executive branches are constructed. Once elected, DCs will oversee the inauguration of District and Subdistrict level executive Directorates, which will become the proverbial face of the government and a one-stop-shop for citizens' needs. Importantly, DCs will send their elected Chairs and Vice-Chairs to the provincial Capital to form

the PCs, which will then oversee the inauguration of the Governorate's various executives, including the Governor. Thus, DCs and local executives comprise a comprehensive basic unit of governance in charge of implementing federal, provincial and district level laws and policies.

E4a. District Council: The Building Block and Face of Government

The foundation of this model rests on redefining the term "local government" and re-drawing the boundaries of its constituencies. In this context, local means District, and the term "local government" refers to District-level legislative (DC) and executive bodies. Fortunately, while the 2005 Iraqi Constitution dictates that legislative Councils must be elected, their actual compositions, mechanisms and powers are defined by the law (specifically CoR legislations). Laws No. 21 and 36 of 2008, along with their amendments, have evolved in ways that will make it easy to accommodate this model after additional amendments.

The starting point of this model is the DC membership, which must represent all communities and territories within the District's boundaries, including all Subdistricts and their rural areas. Therefore, constituencies must be redrawn on the basis of Subdistricts, and made proportional to their population sizes. The District capital town should be divided into 2 or 3 Subdistricts, depending on the size of its population. Provincial Capitals should also be divided into Districts and Subdistricts, which will serve to enhance neighbourhood-level services and ensure proportional representation within local government Councils. Currently, the large provincial capitals, such as Mosul, are administered as single Districts; this is problematic, but justified based on the integrated nature of the city. However, big towns and cities can, and should, be divided into smaller administrations, while mechanisms should be put in place to ensure connectivity, coordination of services, and the ability to implement city-wide projects.

Preferably, a man and a woman should be elected in each constituency (i.e. Subdistrict), which would render the quota system unnecessary. Upon their election, members will select a DC Chair and Vice-Chair (preferably a man and a woman), and oversee the appointment of the District Mayors (DM, Qaimqams); Subdistrict Directors (SDD), who will deputise for the DM at the Subdistrict level; and District-level Service Directors (DLSD), who will be responsible for managing specialised services such as health and education. DC meetings can and should also be attended by ex-officio members, including DMs and one or two representative SDDs (in rotation). They can attend in a voting or non-voting capacity.

E4b. District-Level Executives

Under this model, the executive branch of government at the District and Subdistrict levels will become self-contained and self-sufficient for all public services with no requirement to seek authorisation from the governorate or federal levels. DMs will be selected either via election from within the DC membership or directly by the people in the District. Alternatively, they may be appointed by a majority vote of the DCs in an open competition, based on merit. The DC should be the only authority with the right to withdraw confidence from the Mayor and oversee a new replacement process. Similarly, the DC should be responsible for endorsing the appointment of SDDs and DLSDs or withdrawing confidence from them, based on evidence and subsequent to an adequate appraisal.

DMs will act as strategic leaders, rather than micro-managers, in their respective Districts. They will be responsible for providing strategies, plans, coordination and auditing services for their constituencies. The day-to-day management and delivery of services to citizens will be managed by the directorate, namely SDDs and DLSDs. Interestingly, this is how the Qaimqams were empowered and viewed by the public

from Ottoman rule all the way to 2003. Therefore, this model is an inherently Iraqi one, and in line with the local tradition and culture of governance.

The DM should be responsible for leading the local administration in accordance with the laws, regulations and policies laid down by the legislative bodies (Parliament, PC and DC) and the government (at both federal and governorate levels). He/she will be responsible for management and leadership.

Currently, there are numerous small DLSDs with complementary or overlapping mandates, who are vertically managed by their corresponding federal ministries through upstream directorates or DGs at the provincial level. This complicated management structure, along with confused remits, renders their efforts disjointed and ill-coordinated. The existing small and complementary DLSDs could be turned into units or departments within larger and more overarching DLSDs. For example, the Directorate of Municipalities could incorporate all relevant services, including: district-level planning, land allocation, housing services, infrastructure projects, electricity provision, clean water, and sewage and rubbish disposal. All Directorates should have corresponding departments at each Subdistrict which provide the same functions. At the governorate level, the current Directorates (and/or DGs) should be reduced in size and function, and dedicated to providing vertical (Ministry to Province) and horizontal (inter-district) coordination, as well as province-wide strategic planning. In this way, as emphasised above, the DC, DM and DLSDs would be empowered to provide full services for their district's population in a self-sufficient manner, insulated from any governorate or ministry-level interference. No citizen should need to visit a governorate's capital city or Baghdad for routine government services, particularly those related to public service issues.

E4c. Provincial Councils

No PC elections are required in this model. Instead, Chairs and Vice-Chairs of the elected DCs within province boundaries will automatically become members of the PC, and a Chair and Vice-Chair will be elected for the PC from among them. In this way, the most powerful members of each DC will be chosen to provide oversight across the province. They will add clout and authority to the PC, far more than is the case now where governors dominate the elected bodies. Similar to DCs, the PCs will include ex-officio members, such as governors and a couple of DMs. Ex-officio members can be granted the right to vote within the PC or not.

The PC will oversee the appointment of the Governor by internal election or by application in an open competition. Alternatively, governors can be elected directly through a one-man one-vote process across the province. The PC must retain the power to withdraw confidence from the governors and oversee their replacement. Similarly, PCs have the right to refer DMs to their respective DCs for votes of confidence. PCs could be given the power to call for new elections, in any District, should they lose confidence in the functionality of a particular DC.

E4d. The Governor and Governorate Executives

Currently, governors lead and micro-manage a rigid and comprehensive administrative pyramid with very weak checks and balances, as well as a limited devolution of power, authority and funds to the District level. In this model, however, the governor's powers are better defined and separated from those of District level executives. Governors will be protected from day-to-day micro-management, dedicated to leadership at the provincial level, and set free to play an ambassadorial role on the national and international stage in order to

attract inward investment for their provinces.

Governors would, however, be responsible for providing visions, strategies and plans for the entire province, and for ensuring their implementations in each District. They must also have a small number of Directorates at their disposal in order to:

- Coordinate between ministries at the federal level and the DLSDs, and harmonise policies vertically and horizontally.
- Oversee and coordinate security across the province.
- Ensure quality in the implementation of projects and delivery of services.
- Provide monthly, quarterly and annual reports to the PCs on progress.
- Represent the province and its interests in Baghdad and internationally for all executive and economic matters.

In other words, the task of the various executive units at the governorate level is to assist the Governor with his/her duties, and to coordinate strategies and harmonise guidelines between the federal government ministries and the District level directorates. Governors have no managerial responsibility over DMs, but need to coordinate security, administrative and economic plans and their execution.

E4e. Additional Checks and Balances

Currently, PCs and DCs are overseen exclusively by the Parliament. Governors are overseen by the Parliament, the HCCP and the courts. However, the Iraqi Parliamentary Committee for GnIRs has traditionally been very passive and generally complacent. Attendance at Committee meetings is poor and irregular, and the Committee invariably fails to respond to the governorates' needs. Also, PCs and DCs do not have internal audit systems (apart from financial auditing) to ensure due diligence and the implementation of anti-corruption measures. Therefore, reliance on the Parliamentary Committee is not a sufficient mechanism for monitoring the conduct of local governments and PCs. A much more robust and comprehensive system of checks and balances is required. For example, every DM, DLSD and SDD must be subject to audits and performance appraisals by the PCs, governors, DCs, DMs, relevant ministries, Financial Audit Department, Public Prosecutors and the civil society.

E4f. Change of Legislation

The changes proposed under this model are not radical in terms of the decentralisation process, and much of it can be accommodated within existing legislation with minor amendments, including: better definition of local election boundaries on the basis of Subdistricts; devolution of selected authorities; empowerment of DCs and DMs; and the introduction of new performance management tools and guidelines, along with a clear delineation of performance targets. Otherwise, the basic concept of having DMs empowered to represent the federal government is deeply embedded in Iraq's culture and tradition, and the legitimacy of DCs has been well established for the past decade. Therefore, piloting this model in Nineveh or any other province should be perfectly feasible before its universal application.

E4g. Challenges and Weaknesses

Of course, there is no perfect model that can be transplanted to (or tailor-made for) any one country. However, models can be piloted and allowed to evolve into full functionality. The proposed system has drawbacks, some of which can be remedied. For example:

- i. Developing new regulations and guidelines and amending existing legislations will require time. Once enacted, however, the system will look after itself and gather momentum.
- ii. As with any new model, the level of acceptability at both the federal and local government levels is likely to be limited, at least initially. Therefore, an active educational and promotional campaign will be required to engage stakeholders and the wider public. The new model should be piloted in one or two Districts in one or more Governorates before it can be rolled out at full scale.
- iii. The new model dilutes power and authority both at the federal and governorate levels, and thus goes against the interests of many executives and their networks. It may be hard to win these stakeholders over and expect them to lead the process. Therefore, stakeholders need to be assured that this system will not eliminate their respective roles but will merely protect them from micro-management and provide them the opportunity to lead at a much more strategic level.
- iv. Legislative and executive capacity at the District level is currently limited. DMs and DLSDs have rarely been given such significant autonomy and responsibility in their recent history. Therefore, they will require extensive investment, expedited capacity building and considerable technical support. However, this will not be any more onerous than the process that had to be implemented after Law 21 of 2008 was passed. Importantly, the proposed model builds on a system that has been evolving over the past ten years; the pool of available local experts is now broad and deep enough to increase the chances of its success.

(F)

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