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Introduction

Iraq's history, particularly its historical approach to governance, did not provide the foundation for decentralization at the national or the sub-national levels. The country's government has been run by colonial administration, monarchy, and dictatorship. The country has witnessed military coups, wars, sanctions, and a brutal police state.

Pursuant to Section F.7 (C) of contract AID-267-C-11-00006, the contractor is required to submit a Comprehensive Baseline Report (CBR). Phase I of the CBR will provide a historical overview of the government of Iraq (GoI) to serve as the base for in-depth analysis of all aspects and factors that are relevant and directly affect the development of the local government sector in Iraq.

Early History

After its existence under the Ottoman Empire for hundreds of years, Iraq was invaded by the British in 1916 and became British-mandated territory in 1920. The British established a monarchy and selected the Hashemite ruler Faisal bin Hussein bin Ali al-Hashemi as the king, created a constitution, and established a formal alliance in 1922 (*Britain and the Americas*, 2005). Iraq then remained a semi-independent state in alliance with Great Britain until it became independent under King Faisal I in 1932. Iraq continued to be ruled as a Hashemite monarchy until 1958, when a bloody coup resulted in the execution of the king, the dissolution of the kingdom, and the establishment of the Republic of Iraq (*Philip's Encyclopedia*, 2008).

The Republic of Iraq was ruled by President Mohammed Najib ar-Rubai'i and Prime Minister Abd al-Karim Qasim from 1958-1963. Qasim, who held most of the power, promoted a civic Iraq nationalism that recognized Arabs and Kurds as equal citizens in the state of Iraq. Kurdish leader Mustafa Barzani became Qasim's strong ally and was granted the right to return to Iraq after having been exiled by the former monarchy. However, political strife and power struggles continued in Iraq. In 1963, Qasim was overthrown and killed by a coalition of Ba'athists, army units, and pan-Arabist groups. President ar-Rubai'i retired from politics. Abdul Salam Arif, of the Iraqi Revolution Command Council, became president and Ahmed Hassan al-Bakr, a Ba'athist, became prime minister. Prime Minister al-Bakr held more power, and in 1964 the Ba'ath Party attempted to depose Arif but failed when their plan was uncovered. Arif had the Ba'ath conspirators, including Saddam Hussein (al-Bakr's cousin), arrested. Abdul Salam Arif died in a plane crash in 1966 and his brother, Abdul Rahman Arif, became president (*World Politics Since 1945*, 2008).

The Ba'ath Party's Rise to Power

The Ba'ath Party was founded in 1943 as an Arab political party supporting socialism and Arab unity and is strongest in Iraq and Syria (*Philip's Encyclopedia*, 2008). In the 1960s, the Ba'ath Party became a vocal critic of the Iraqi government. Al-Bakr was elected the Party's Iraqi cell Secretary General (the head) and appointed his cousin, Saddam Hussein, to be the Deputy Leader. Ba'ath Party, under the leadership of al-Bakr, regained power in the coup of 1968. In the coup's aftermath, al-Bakr was elected Chairman of

the Revolutionary Command Council (RCC) and President; he was later appointed Prime Minister. Saddam Hussein then became Deputy Chairman of the RCC and Vice President, and was responsible for Iraq's security services. The RCC became the highest legislative and executive authority of the party and the state of Iraq (*World Politics Since 1945*, 2008).

On taking power, the Ba'ath Party promised wealth distribution and a more equal society. Immediately after taking power, Al-Bakr introduced subsidies on basic commodities and introduced tax relief and a limited social welfare program. The introduction of subsidies and the removal of financial burdens were a part of Al-Bakr's plan to create a patrimonial system with him at the top. This system gave economic power to the political elite, which it used to confiscate the properties of its political opponents. The continued sequestration of land increased the strength of the patrimonial system with members of the political elite bestowing lands to people to increase the support for the regime. The regime could do this without consequence because the government was Iraq's biggest landowner. Al-Bakr's policies were based on nepotism, cronyism, and patronage (Tripp, 2010).

This patrimonial system also favored those who already owned land; of the roughly one-third of agricultural land was still owned by the estimated 3 percent of landowners. Instead of confiscating their property, and evening out the distribution of land, the regime kept the system in place. To quell public discontent, but to maintain control, the government began to provide farmers with land. Farming cooperatives were established and membership was mandatory if farmers wanted to benefit from government subsidies and investment. By 1976, 71 percent of state-owned land was given to 222,000 new farmers. These farmers were also given up-to-date agricultural equipment (Tripp, 2010).

Another measure taken by Al-Bakr and the RCC was to take control of Iraq's oil. The Iraqi Petroleum Company (IPC) was a private enterprise but was forced by the Iraqi government to give the government shares in the company, and the IPC was nationalized in 1972. The standard of living increased due to the nationalization of the IPC. The country's electricity grid was expanded, and for the first time in Iraq's history, it reached the countryside. Government was still highly centralized, but Iraqi citizens saw a better life and were content (Brown, 1979).

Further steps were taken to increase the country's wealth and power. Al-Bakr sent Saddam Hussein to Moscow to negotiate a treaty with the Soviet Union to buy some of Iraq's oil. A deal was also struck with the French in which they bought nearly a quarter of Iraq' oil production. This strategy proved successful, especially with the significant increase in oil prices after the 1973 Arab–Israeli War (Tripp, 2010). The oil revenues strengthened the political elite's patrimonial system. To further strengthen the Ba'ath Party and ensure its ability to control Iraq, a decree was passed in 1978 which made all non-Ba'thist political activity illegal and membership of any other political party punishable by death for all those who were current or former members of the Armed Forces (Metz, 1988).

Al-Bakr maintained his seat at the top of his patrimonial system for several years. During his rule, Iraq was blossoming. High economic growth due to high oil prices and increased production strengthened Iraq's role in the Arab world and increased citizens' standard of living. However, Al-Bakr gradually lost power to Saddam Hussein in the 1970s, when the latter strengthened his position within the party and

the state through his influence and control over the security services. In 1979, Al-Bakr resigned from all public offices for "health reasons" and died in 1982. Many believe that Saddam ordered his death (Metz, 1988).

Saddam Hussein's Dictatorship

Saddam Hussein joined the Ba'ath Party in 1957. In 1959, he was forced into exile for his part in the attempt to assassinate the Iraqi Prime Minister Qasim. Saddam returned to Iraq in 1963, was imprisoned in 1964, and escaped in 1967. He played a prominent role in the 1968 coup led by the Ba'ath party. By 1976, Saddam had strengthened his position and became the strongman of the government. In 1979, Saddam became the Chairman of the RCC, marking the beginning of his presidency. His rule was a dictatorship with extremely centralized control until his fall from power in 2003 after the US-led invasion of Iraq (Tripp, 2010).

Saddam consolidated power to himself and a trusted few. Those close to him were compensated well and often recognized with public awards. He took control of all national interests, including banks (Metz, 1988). In 1980, he invaded Iran, starting an eight-year war that would devastate Iraq in human and economic losses. In 1990, Saddam invaded Kuwait, resulting in the 1991 Gulf War and United Nations (UN) sanctions that would further devastate the Iraqi people and the economy (*Philips Encyclopedia*, 2008).

Iraq's ethnic and religious divisions and the brutality of the conflict laid the groundwork for postwar rebellions. In the aftermath of the fighting, social and ethnic unrest among Shi'ite Muslims, Kurds, and dissident military units threatened the stability of Saddam's government. Uprisings erupted in the Kurdish north and Shi'a southern and central parts of Iraq but were ruthlessly repressed by the dictator (Tripp, 2010).

The sanctions continued until 1996, when Saddam was allowed by the UN to sell limited amounts of oil for food and medication, known as the "Oil for Food Programme". Life in Iraq continued to deteriorate for its citizens yet there was no recourse. Saddam's resistance to allowing UN access to inspect for weapons of mass destruction led to airstrikes in 1997, 1998, and 2001. Saddam's end came after the US-led invasion of 2003 (Tripp, 2010).

Post-Saddam Iraq[1]

Since the invasion in 2003, Iraq has politically transitioned from a long-standing dictatorship to a pluralistic political system that is purposely structured to absorb and accommodate its various sects, ideological and political factions. Notwithstanding, disputes over power-sharing and economic resources, particularly oil revenues, permeate virtually every issue in Iraq: security, the electoral process, the economy, foreign policy, and interpretations of the constitution. The constant battle among

[1] This section is adapted from Katzman, Kenneth (2011). Iraq: Politics, Governance, and Human Rights. Congressional Research Service (CRS) Report for Congress, December 6, 2011.

political parties and political figures over these issues has contributed to a popular frustration about their perceived lack of focus on and commitment to improving governance and service delivery.

Coalition Provisional Authority

On March 18, 2003, the United States and Great Britain launched a military attack against Iraq, invading the country. The invasion resulted in the overthrow of Saddam Hussein, and the occupation of Iraq. On May 13, 2003, the Coalition Provisional Authority (CPA), headed by Ambassador L. Paul Bremer, was established. On May 16, 2003, Bremer promulgated the CPA's first regulation. It defined the CPA, stating its mission was to exercise "the powers of government temporarily in order to provide for the effective administration of Iraq,' that the CPA was 'vested with all executive, legislative and judicial authority necessary to achieve its objectives.' CPA Order Number 1 also dismembered Saddam's Ba'ath Party, banning past party members from participating in the new Iraqi government.

On May 22, 2003, the United Nations Security Council passed Resolution 1483, recognizing the CPA as an occupation authority. In July 2003, the CPA appointed the Iraq Governing Council (IGC), a 25-member Iraqi advisory body (political, religious and tribal leaders, unaffiliated with the previous regime, representing all of Iraq various ethnic and religious factions). The CPA, IGC, and a body of international officials and experts drafted an interim constitution, the Transitional Administrative Law (TAL), which became effective in March 2004. In reaction to a growing Insurgency, on November 15, 2003, the CPA and the IGC endorsed a fast-track process that would pass governing authority and responsibility to a transitional Iraqi government – no later than June 30, 2004.

On June 28, 2004, the CPA handed its power over to an appointed interim Iraqi government and dissolved itself. The interim government was headed by a prime minister, Iyad al-Allawi, leader of the Iraq National Accord (INA), a secular, non-sectarian faction whose supporters are mostly Sunni Arabs. Allawi is a Shiite Muslim but many INA leaders were Sunnis.

Elections for Interim Government

The transition from the CPA to the transitional Iraqi government was followed by an election on January 30, 2005. Voting was for a 275-seat transitional National Assembly, provincial councils in all 18 provinces (four-year term), and a Kurdistan regional assembly with 111 seats. Voters chose from a long list of "political entities" (political parties, coalitions of political parties, or candidates running without a party affiliation). A total of 111 entities were on the national ballot, of which nine were multi-party coalitions.

Upset over their fall from power after the 2003 US invasion, many Sunni Arabs (20% of the overall population) boycotted the election, consequently winning only 17 National Assembly seats and only one seat on the 51-member Baghdad Provincial Council in the election. The Baghdad PC was dominated by representatives of the Islamic Supreme Council of Iraq (ISCI), led during the campaign by Abd al-Aziz al-Hakim. ISCI won 28 of the council's 51 seats. Radical Shiite cleric, Moqtada al-Sadr, whose armed faction (the Mahdi Army), recently engaged in pitched battle with US forces, also boycotted the elections, leaving his faction poorly represented in PC councils in the Shiite south and in Baghdad when votes were counted.

Given the election's results, the newly installed transitional government placed Kurds and Shiites in the government's highest positions: Jalal Talabani, leader of the Patriotic Union of Kurdistan (PUK), became president; Ibrahim al-Jafari, Da'wa (Shiite party) leader, became prime minister. Sunnis took the positions of assembly speaker, a deputy president, a deputy prime minister, and six ministers, including defense. The Sunnis were guaranteed seats at table when policy was made and important decisions were taken, but they lacked the political muscle to directly affect outcomes.

Permanent Constitution

The elected Assembly was charged to draft a permanent constitution by August 15, 2005. The proposed constitution was scheduled to be put to a referendum by October 15, 2005. If the constitution was approved, the results of the referendum could be subject to a veto by a two-thirds majority of voters in any three provinces – a concession to the Kurds who controlled three Northern provinces that formed the Kurdish Regional Government (KRG). The arrangement also provided the Sunnis with political cover (Sunnis formed a majority in three provinces in central Iraq).

On May 10, 2005, a 55-member drafting committee was appointed. In August 2005, a draft constitution, subject to referendum approval, was produced by the committee. The draft included:

- A December 31, 2007 deadline to hold a referendum on whether the province of Kirkuk would join the Kurdish region (Article 140)
- Designation of Islam as a "main source" of legislation (Article 2)
- A 25% electoral goal for participation of women in government (Article 47)
- The choice for families to use religious courts or the state's courts to litigate family issues (Article 41)
- Made mandatory only primary education (Article 34)
- A provision that required Islamic law experts as well as civil law judges to be represented on the federal Supreme Court (Article 89)

The major disputes, remaining unresolved in the constitution, centered on regional versus centralized power. The draft permitted two or more provinces together to form new autonomous regions (reaffirmed by the passage of a law on the formation of regions in October 2006). Article 117 allows "regions" to organize internal security forces, legitimizing the Kurds' Peshmerga militia (previously recognized and allowed by the TAL). Article 109 requires the central government to distribute oil and gas revenues from "current fields" in proportion among the provinces, according to population. It also gives regions a role in allocating revenues from new energy discoveries. (Disputes over these provisions continue to hold up passage of national hydrocarbon legislation. Sunnis dominate areas of Iraq that have few proven oil or gas deposits, so they favor centralized control of oil revenues and proportional distribution of revenue. The Kurds control Iraq's northern oil field, beneath which most of the world's proven oil reserves lay.)

The referendum was held on October 15, 2005. Seventy-eight percent of voters approved adoption of the constitution. It passed in 16 of 18 provinces.

Elections for New Government

On December 15, 2005, elections were held to seat a full-term (four-year) national legislature and establish Iraq's first permanent government under the new constitution. Under the voting mechanism for the election, each province was represented by a pre-determined number of seats in the 275-seat Council of Representatives (COR). Voters chose from party lists. Most political parties were organized around ethnical and regional considerations. Shiites and Kurds dominated. Sunnis participated this time, but election results largely marginalized their ability to influence outcomes.

The COR was inaugurated on March 16, 2006. Political infighting among the Shiite bloc caused the United Iraq Alliance (UIA) to replace Jafari with another Da'wa figure, Nuri Kamal al-Maliki, as prime minister. Amid escalating violence that was plunging Iraq dangerously close to civil war, on April 22, 2006, the COR approved Talabani to continue as president. His two deputies were Abdel Abd al-Mahdi of the Islamic Supreme Council of Iraq (ISCI) and Tariq al-Hashimi, leader of the Accord Front, a Sunni-based coalition.

Strengthening Maliki and the Iraqi Government: 2008-2009

Many factors strengthened Maliki's political position: parliament's passage of laws in 2008 that were considered crucial to reconciliation, a steady reduction in violence accomplished by a ramp up in military strength and activity by the United States ('The Surge'), and the turn of many Sunni militants away from violence, toward alliances with the US military. A March 2008 offensive ordered by Maliki against the Sadr faction and other militants in the Basra area pacified the city and caused many Sunnis and Kurds to see Maliki as fair and even-handed. This contributed to a decision in July 2008 by the Accord Front (the Sunni faction in government) to end its one-year boycott of participation in the cabinet. During the period when the Accord Front, the Sadr faction, and the bloc of former Prime Minister Iyad al-Allawi were boycotting participation in Maliki's government (end of 2006 through the beginning of 2008), there were 13 vacancies in out of 37 cabinet slots. The ability to field a fully functional government was significantly hampered.

Attempts to Decentralize Governance: Provincial Powers Law and Provincial Elections

Although Maliki gained adherents within the political structure and began to consolidate power, scheduled January 31, 2009 provincial elections represented an opportunity to try to ensure that neither he, nor any future prime minister, could centralize power to a point anywhere near the extent the people of Iraq witnessed under Saddam Hussein's rule. In addition to the checks and balances caused by constantly having to deal with ethnic and religious factions, a 2008 "provincial powers law" (PPL) was passed that was intended to further decentralize Iraq by setting up potentially powerful provincial councils, empowered by provisions in PPL that allowed PCs to decide how to allocate resources for infrastructure improvements and public services within the province. (According to the PPL, PCs are given responsibility to choose the province's governor, who forms the province's government. Some central government funds are given directly to provincial administrations for their use, but the Ministry of Finance must review and approve provincial governments' annual operating budget, and director

generals (DGs) assigned to each provincial government by the central government's ministries manage most public services.)

ISCI, which had already been distancing itself from its former ally, Maliki's Da'wa Party, ran candidates under a separate slate in the January 2009 provincial elections, thus splitting up the formerly powerful UIA. Ideologically, ISCI favors more power for the provinces and less for the central government; Maliki prefers centralization.

The January 2009 provincial elections had originally been planned for October 1, 2008. They were delayed when Kurdish restiveness over integrating Kirkuk and other disputed territories into Kurdistan caused a presidential council veto of legislation passed July 22, 2008 that set up provincial elections. The bill the president vetoed provided for equal division of power in Kirkuk (among Kurds, Arabs, and Turkmen) until Kirkuk's status is finally resolved, a proposal strongly opposed by the Kurds. A local referendum on the status of Kirkuk was promised by the end of 2007 – as part of the deal that produced the constitution. The Kurds, confident their interests (inclusion of the northern oil fields within KRG's boundaries) would prevail in a local referendum, wanted no part of anything that might further delay that vote. But a compromise was eventually reached. On September 24, 2008, the COR passed a final election law. It provided for provincial council elections by January 31, 2009, while postponing provincial elections in Kirkuk and the three KRG provinces.

The provincial elections were conducted on an "open list" basis, which meant that voters were able to vote for a party list or for an individual candidate, though the party was credited for a vote when someone on its list received a vote. This procedure strengthened the ability of political parties to choose who on their slate would occupy seats allotted for that party. The system greatly favored larger, well-organized parties, who often included the most popular and well-known politicians on their lists. The smaller parties with less-known candidates on their list found it more difficult to meet the vote threshold necessary to obtain any seats on a provincial council. This dashed the hopes of some Iraqis that the elections would weaken the Islamist parties that have dominated post-Saddam politics.

Outcomes

Concerns about the election results by Maliki's opponents -- and of those who favor decentralized power -- were, for the most part realized. His allies in his "State of Law Coalition" were clear winners in the provincial elections. His Shiite opponents (former allies), ran separate slates and fared poorly. Maliki's coalition won control of the Baghdad Provincial Council, filling 28 of its 57 seats. His slates emerged very strong in most of the Shiite provinces of the south, including Basra, where his coalition won an outright majority (20 out of 35 seats).

But while Maliki's coalition fared well, it fell short of winning absolute majorities everywhere except Basra. The process of forming provincial administrations showed that he still needed to strike bargains with rival factions, including Sadr, ISCI, and even the Sunni list of Saleh al-Mutlaq (the National Dialogue Front).

The second story emerging from this round of provincial elections was the unexpected strength of secular parties like former Prime Minister Iyad al-Allawi's Iraqi National Movement (Iraqiyya). Their

performance corroborated the view that voters favored slates committed to Iraqi nationalism and strong central government.

The apparent big loser in the elections was ISCI, which had been favored because it is well-organized and well-funded. ISCI did not even win outright in Najaf province, where it had previously dominated. Because of Najaf's revered status in Shiism, it is considered a center of the Shiites' political gravity in southern Iraq. ISCI won seven seats there, the same number that Maliki's slate won. ISCI won only three seats on the Baghdad Provincial Council (down from the 28 it held previously), and only five in Basra. Many election observers believed that ISCI's poor showing was a product of its call for devolving power out of Baghdad and its perceived close ties to Iran, which some Iraqis believed was exercising undue influence on Iraqi politics.

The Sadr faction, the "Independent Liberals Trend" list, did not come close to winning outright control of any of the provincial councils, although it won enough seats in several southern provinces to, through deal-making, gain senior key positions in a few southern provincial governments. The showing of the Sadrists was viewed as reflecting voter disillusionment with political parties that maintain militias -- which many Iraqis blame for much of Iraq's post-Saddam violence.

Another important trend noted in the 2009 provincial elections was increased Sunni involvement in the political process. Sunni tribal leaders, ("Awakening Councils") who had recruited the "Sons of Iraq" fighters and who were widely credited with turning Sunnis against Al-Qaeda-linked extremists in Iraq, participated in the elections. The "Iraq Awakening" tribal slate finished first in Anbar Province. In Diyala Province, highly contested among Shiite and Sunni Arab and Kurdish slates, they edged out the Kurds for first place. They allied with the Kurds and ISCI to set up the provincial administration.

COR Elections: Coalitions and Political Power Struggles

After his slate's strong showing in the January 2009 provincial elections, Maliki was favored to retain his position in the March 7, 2010 parliamentary elections. Because he and his supporters were picked to win the elections, Maliki was able to include some of his competitors into his State of Law coalition. But Sunnis were not in high positions on his lists. So his slate was still perceived as being sectarian, primarily Shiite.

As 2009 progressed, Maliki's image as 'protector of law and order' was tarnished by several high-profile attacks, including bombings at the Finance and Foreign Affairs ministries in Baghdad. Maliki replaced the commander of the Baghdad Brigade and attempted to place substantial blame for high-profile security lapses on his Interior Minister, who was heading a rival slate in the elections.

Shiite unity broke down and another rival Shiite slate formed -- the "Iraqi National Alliance (INA)," composed of ISCI, Sadr, and other Shiite figures. Former Prime Minister Iyad al-Allawi and his cross-sectarian Iraq National Movement slate had strong appeal among many Sunnis.

Election Law Dispute and Final Provisions

Under terms prescribed in the Iraqi constitution, the elections were to be held by January 31, 2010. After continued dispute over Kirkuk – this time, about who was eligible to vote there -- and veto of a previously passed elections bill by one of Iraq's deputy presidents, Tariq al Hashimi, a Sunni Arab, a new version was adopted on December 6, 2009. The compromise version provided for expansion of the COR's size to 325 seats.

The electoral process was partly intended to bring Sunni Arabs further into the political structure and to turn them away from violence and insurgency. But the Sunni commitment to the political process appeared in jeopardy due to a major dispute over candidate eligibility for the March 2010 elections. In January 2010, the Justice and Accountability Commission (JAC), successor to the "De-Baathification Commission" that purged former Baathists from government, invalidated the candidacies of 499 people (out of 6,500 candidates running). The slate most affected by the disqualifications was al-Allawi's Iraq National Movement.

Election and Results

Like the provincial council elections, Iraqis were able to vote for individual candidates as well as overall slates. In spite of its JAC problems, al-Allawi's Iraq National Movement won a plurality of seats, winning a narrow two-seat margin over Maliki's State of Law slate. Article 73 of the Iraqi Constitution states that the COR "bloc with the largest number" of members gets the first opportunity to form a government. On that basis, al-Allawi demanded the first opportunity to form a government. But on March 28, 2010, Iraq's Supreme Court issued a ruling that any group that forms after the election could be deemed to meet that requirement, laying the groundwork for al-Allawi to be denied the right to the first opportunity to form a government.

Post-Election Government

Regardless, al-Allawi's chances of successfully forming a government appeared to have suffered a substantial setback when Maliki's slate and the rival Shiite INA bloc agreed to an alliance called the "National Alliance." However, the alliance was not able to agree on who should be Prime Minister, with the Sadr faction and the ISCI opposing Maliki. On August 3, 2010, the alliance splintered. While no faction was able to form a coalition government through August 2010 (now five months after the election), Maliki insisted he remain prime minister for another term. With the factional disputes unresolved, Maliki remained, in a caretaker role.

The Erbil Agreement

Finally, on November 10, 2010, the "Erbil Agreement" was reached in which: (1) al-Allawi agreed to support Maliki (PM) and Talabani (president) remaining in their offices for another term, and for al-Allawi's Iraq National Movement (Iraqiyya)to join the new government, (2) an Iraqiyya member would become COR Speaker, another would chair an enhanced oversight body the new government would establish, (3) Iraqiyya would obtain several major cabinet posts, including the Defense Minister post, and (4) the de-Baathification laws that had barred some Iraqis from service in government would be amended to allow more Sunnis to be able participate in government.

New Government Formed

On December 21, 2010, Maliki presented a cabinet to the COR (42 seats, including the posts of prime minister, three deputy prime ministers, and 38 ministries and ministers of state) receiving broad approval, ending a nine-month long deadlock after inclusive elections the previous March.

Significant events since the government's formation in December 2010 suggest Maliki continues to try to consolidate his power and authority, while fragile elements of Iraq's recent history come askew and promises and deals made during Iraq's nine-year nation-building experience remain unfulfilled:

- **January 2011:** Radical Shia cleric Moqtada Sadr returns to Iraq after nearly four years of self-imposed exile in Iraq
- **February 2011:** Oil exports from Iraqi Kurdistan resume, amid a lengthy dispute between the KRG and the central government in Baghdad over contracts with foreign firms
- **March 2011:** The Kurdish Peshmerga move into positions around Kirkuk
- **December 2011:** United States finishes its troop pullout from Iraq
- **December 2011:** Maliki's unity government faces disarray. An arrest warrant is issued for Vice President Tareq al-Hashemi. The Maliki government accuses al-Hashemi of aiding and abetting terrorism. The Iraqiyya bloc boycotts parliament and the cabinet as a result. Al-Hashemi stays in Kurdistan to avoid arrest, where he remains
- **January 2012:** A wave of bombings begins targeting Iraqi Shia Muslims, continuing intermittently through March

Iraqi Government Structure

The framework for Iraq's government prescribed in its constitution establishes an Islamic, democratic, federal parliamentary republic, augmented by several independent commissions, including the Central Bank of Iraq, Independent High Electoral Commission, and Board of Supreme Audit, among others. The central government in Baghdad has three branches: legislative (an elected Council of Representatives, executive (headed by a president and a prime minister, chosen by COR), and judicial (an independent judiciary -- courts of different levels of authority and competencies).

Iraq is sub-divided into 18 provinces (called governorates), each of which has its own government structure, described in the constitution. Of the 18 provinces, three are part of the KRG, a largely autonomous political institution. The remaining 15 provinces are separately organized, but the Iraqi constitution includes a procedure for them to be able to reorganize themselves as regional governments like KRG. Beneath the provincial government level in the federalism structure are local district government administrative units (qada'a) and sub-district governments (nahiya). Their principal function is to help assure service delivery responds to local needs.

Central Government

Article 48 of the Iraqi constitution states that "federal legislative power shall consist of the Council of Representatives and the Federation Council." The Council of Representatives is a 325-seat body. Its members serve four-year terms. Representatives assume their seats based on their place on a party

list. Political parties or slates are assigned a number of seats based on the party or the slate's proportion of the total vote received in the parliamentary election. The COR chooses the prime minister and president. The prime minister runs the government and serves as long as a majority of the representatives have confidence in his leadership; the president is mostly a ceremonial post. The COR also elects the council's leadership: a speaker and two deputies.

Article 61 of the Iraqi Constitution stipulates that the COR is responsible for "enacting federal laws, monitoring the performance of the executive authority, and electing the President of the Republic." The most recent round of parliamentary elections was held on March 7, 2010.

The Iraqi Constitution prescribes that executive power is given to the President and the Council of Ministers (Article 66). The "Presidency Council" consists of the President and two Vice Presidents. The Presidency Council consists of the President and two Vice Presidents, elected as one list by a two-thirds vote by the Council of Representatives after the formation of a new Iraqi government. According to the constitution, the Presidency Council has limited formal powers, such as the right to veto legislation from the Council of Representatives by unanimous vote, but it cannot introduce new legislation as can the Prime Minister and the Council of Ministers. Jalal Talabani was re-elected to his second term as president as part of the political arrangement that was formed to determine the new government in December 2010, after the last round of parliamentary elections.

The three positions in the Presidency Council are traditionally held by a Kurd, a Shi'a, and a Sunni. Any member of the presidency council can veto legislation passed by the COR. In the system that the Iraqi constitution establishes, the prime minister is the country's true leader. He is usually the leader of the political party or the slate (a coalition of political parties) that receives the most votes in the parliamentary election. The prime minister runs the government through his cabinet (Council of Ministers). The PM's government: the prime minister, three deputy prime ministers, and ministers he appoints to manage 23 line ministries: six sovereign ministries, and 12 state ministries.

Figure 1 on the next page, produced by the Carnegie Endowment for International Peace, shows the organization and composition of the Council of Representatives and the Government of Iraq after the most recent parliamentary elections and subsequent negotiations that formed the basis for Iraq's current government.

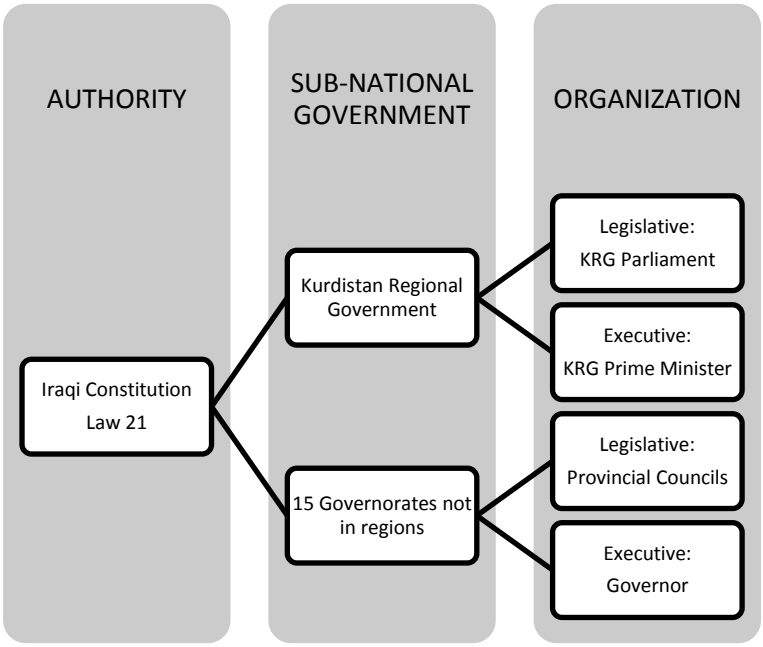
Figure 1: Government of Iraq Structure[2]

[2] Carnegie Endowment for International Peace (2010). http://carnegieendowment.org/publications/special/misc/iraqielections2010/

Provincial Government

The 15 provinces not part of a regional government are organized and operate according to provisions in Law 21. Law 21 was intended to help decentralize Iraqi government by establishing Provincial Councils in each province -- independent, elected bodies that are, per Article 7, "the highest legislative authority within the administrative boundaries of the governorate and shall have the right to issue local legislation within the boundaries of the governorate so that it can carry out its affairs on the basis of the principle of administrative decentralization and in a manner that would not contradict the Constitution and federal laws."

Figure 2: Sub-National Government Structure



The administrative side of provincial government is run by a governor. The governor and his two deputies are chosen by the provincial council. According to Article 24 in Law 2, "the governor shall be considered the highest ranking executive officer in the governorate at the rank of a deputy minister as regards rights and service." The governor's official appointment is under a republican degree. Once appointed, the governor assumes a rank of deputy minister in the prime minister's government.

Provincial governments receive fund transfers from the central government that can be allocated based on priorities set by provincial councils. The governorate's annual operating budget and its long and short-term plans (identifying and prioritizing services, infrastructure improvements, capital improvement projects) must be reviewed and approved by the Ministries of Finance and Planning before they can become effective. It often takes six to ten months into the budget year for the ministries to conclude their review and approval process.

The central government's ministries also maintain offices in each governorate, headed by director generals (DGs), who are employed by and report to their ministries. These ministries provide most of the basic public services provided by government, namely health care, education, planning, and water and electricity service.

Provincial governments in Iraq do, in fact, operate based on the principle of administrative decentralization – but just barely. The parameters of most of the policies provincial councils make and the decisions they take are set by central government; some of them must be reviewed and approved by central government before they take effect. Provincial governors are deputy ministers in the prime minister's government.

Provincial Councils: Administrative and Organizational Structure

Law 21 Overview

Article 2 of Law 21 ('Law of Governorates Not Incorporated into a Region') describes the governorate's provincial council as "the highest legislative and oversight authority within the administrative boundaries of the governorate [province] and shall have the right to issue local legislation within the boundaries of the governorate [province] so that it can carry out its affairs on the basis of the principle of administrative decentralization in a manner that would not contradict the Constitution and federal laws."

Through devolution of authority to the governorates, Iraq's constitution (ratified in 2005) established a potential model for decentralized political and administrative government. Law 21 defines the roles and responsibilities of elected provincial councils. The law provides a strong basis for empowering sub-national government in Iraq. But it does not provide the insight and detail that establishes a functional, effective and efficient decentralized system of governance.

Councilors serve four year terms. (As previously noted, provincial council elections are conducted on an "open list" basis. Voters are able to vote for a party list or for an individual candidate.) At a minimum, each PC has 25 seats. An additional seat is authorized for every 200,000 inhabitants that exceed a base of 500,000. The provincial council's first order of business is to elect its leader and the deputy council's deputy leader; its second order of business is to elect the governor and the governor's two deputies.

Besides choosing the governor and the governor's deputies, Law 21 authorizes the provincial council to:

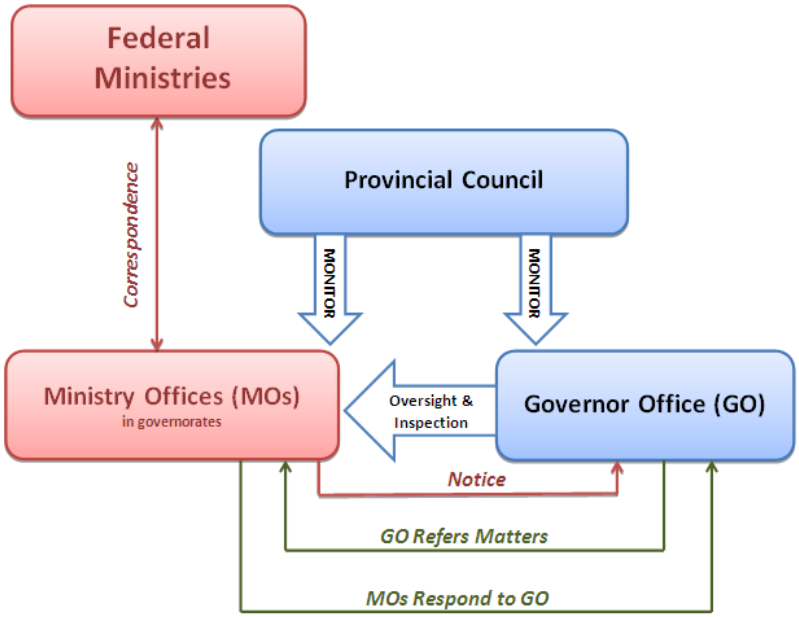
- Develop short and long-term plans for the governorate that outline its general policies, implemented in coordination with the central government ministries that provide services to its residents
- Prepare the council budget (to be included in the general budget of the governorate developed by the governor)
- Review and approve the governorate draft general budget plan referred to the council by the governor, and transfer funds between its headings (provided that appropriate constitutional criteria are observed). Its actions fulfilling fiscal management responsibilities are submitted to the Ministry of Finance of the federal government to ensure uniformity with the federal budget
- Monitor all the activities of the local executive authority (excluding the courts, military units, colleges and institutes, offices under central government's jurisdiction) in order to ensure its good performance.

Most public services offered to people who live and work within the jurisdiction of the governorate are managed by the central government -- through director generals (DGs) and their administrative apparatus, assigned to each governorate by their respective ministries in Baghdad The provincial council and the governor's office have no authority to direct how these services are managed.

Formation of Committees

In addition to electing a PC chairman and a vice-chairman and the governor and his deputy governors, in order conduct its oversight, legislative and decision-making activities, the provincial council forms committees. Membership is based on a council members' willingness to serve on a particular committee, relevant qualifications and experience. Political considerations are also a factor. A political party or a political faction's ratio of representation on a standing committee reflects its ratio of seats on the full council.

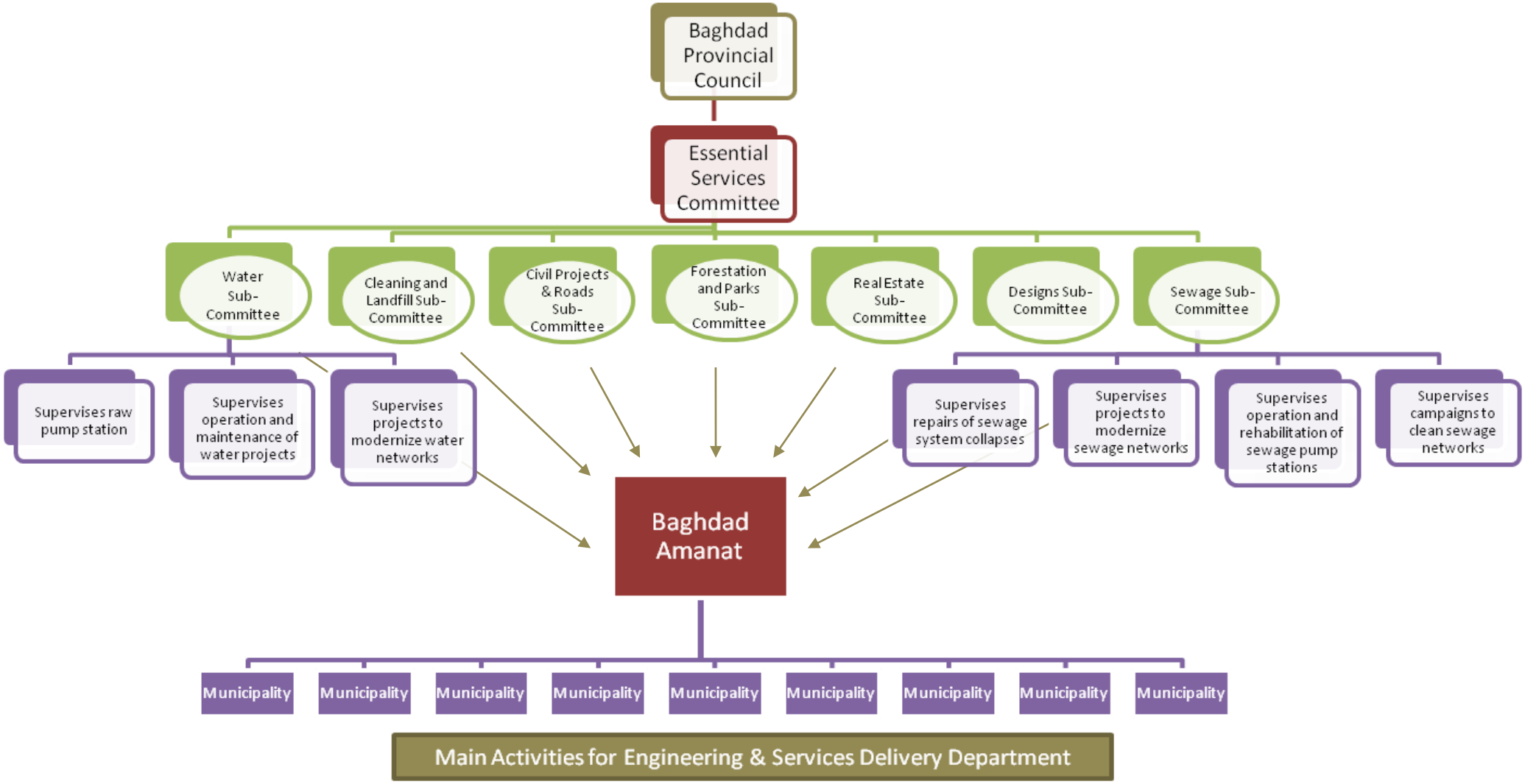
Figure 3: Provincial Governance Roles



The Chair and Vice Chair of each committee are elected by the committee members during the first committee meeting. Staff is chosen by appointment of the provincial council's leadership.

One of each provincial council's most important standing committees is the Essential Services Committee. Figure 4 shows how Baghdad's provincial council has organized its Essential Services Committee, and how the committee relates to local government and national ministries working within the Baghdad Governorate that manage the 'essential services' within the committee's area of interest.

Figure 4: Baghdad Provincial Council[3]



[3] Baghdad Engineering and Services Delivery Department, 2008.

Gubernatorial Offices: Administrative and Organizational Structure

The governor is chosen by the elected provincial council. The process is similar to how Iraq's prime minister is determined, to the extent that the governor's appointment is made by a coalition that reflects the majority of the council's political allegiances. Like the prime minister, the governor serves in his post as long as he enjoys the confidence of a majority of members on the provincial council.

The governor's primary responsibilities are to direct local security, develop the province's budget, and enact it after it receives necessary approvals. The governor's power is restricted because of his dependence on the provincial council. It is important that the governor maintains a good working relationship with the provincial council's chairman – in order to receive the endorsements he needs for his security and budget initiatives. The governor is also dependent on both the provincial council and appropriate national ministries to approve his appointments for senior positions in provincial government. (As previously noted, neither the governor nor the provincial council has authority over functions of the national ministries; the governor's official appointment is made by the prime minister; the post is accompanied by the rank of deputy minister in the prime minister's government.)

Article 31 of Law 21 lists the governor's powers:

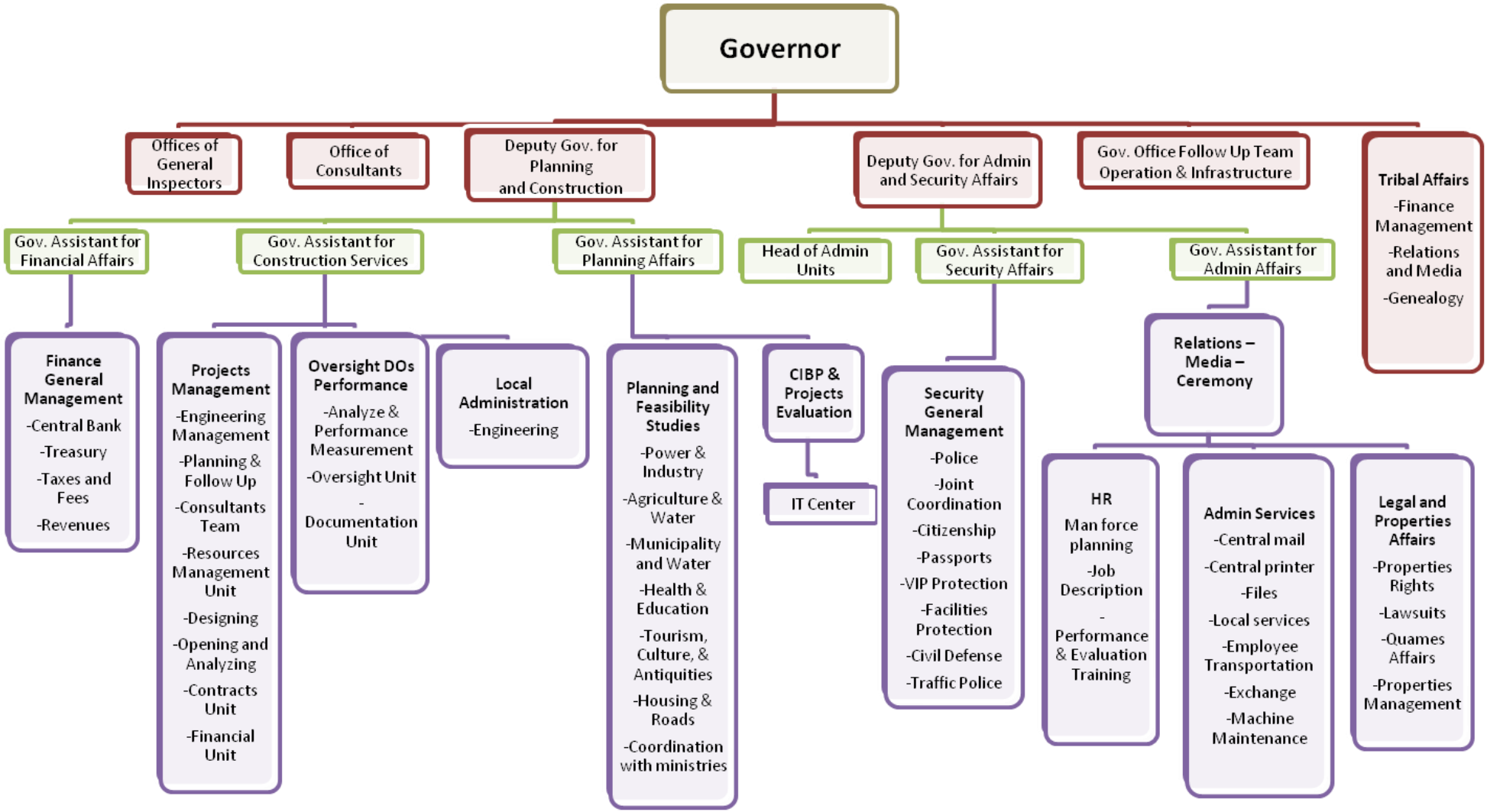
- Draft the governorate's annual operating budget
- Execute the provincial council's decisions and policies, as long as they are consistent with applicable national laws and the provisions of the Constitution
- Execute federal policy within the boundaries of the governorate
- Oversee and inspect public facilities in the governorate (except judicial courts, military units, universities and colleges and institutions)
- Represent the governorate at public and ceremonial events
- Manage all aspects of the provincial government's staffing and personnel practices and procedures
- Limited police powers, but direct authority over the local security agencies and authorities tasked with protection duties relating to peace and order within the governorate (except the armed forces)
- Right to officially object to decisions or actions taken by the provincial council, if the governor believes those actions are inconsistent with federal law or provisions in the constitution.

Figure 5 represents an organizational structure for the governor's office in Ninawa Province, adopted in November 2010.

Provincial government is in the process of finding its voice and its role in Iraq's evolving political system. The constitution and Law 21 leave large areas for interpretation about what exactly is the provincial council's legislative responsibility and authority, what the governor's role is in the delivery of basic public services, the type and extent of decentralization national leaders in Iraq are comfortable with and

committed to. Thus, the administrative and organizational structure of provincial councils and gubernatorial offices are works in progress.

Figure 5: Ninewa Governor's Office 2010[4]



[4]Adapted from Iraq Local Governance Program (LGP) – Phase III, Quarterly Report, January-March 2010.

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