



Organizational Structure of Governor's Office after Implementation of Article 45 of Law on Governorates not Incorporated into a Region number 21 of 2008 as amended



Definitions:

Province: an administrative unit with geographical borders which consists of districts, sub-districts and villages

Council: the provincial council

Local council: district council, sub-district council

Administrative units: Office of chairman of districts and sub-districts

Directorates general: directorates headed by director general

Formations: provincial directorates that are covered by Article 45 of Second Amendment to Law on Governorates not Incorporated into a Region number 21 of 2008

Directors of formations: directors of provincial directorates that are covered by Article 45 of Second Amendment to Law on Governorates not Incorporated into a Region number 21 of 2008

Targeted provinces by GSP/Taqadum: Baghdad, Wasit, Najaf, Diwaniyah, Diyala and Kirkuk

Ministries targeted by GSP/Taqadum: Ministries of Health, Education, and Municipalities and Public Works together with their provincial directorates

Introduction:

The structure of the Governor's Office is considered a major obstacle for provincial governments after transfer of functions, responsibilities and authorities according to Article 45 of Second Amendment to Law on Governorates not Incorporated into a Region number 21 of 2008 and disengage directorates general and departments from the eight federal ministries involved in this Article.

The creation of new structure of the Governor's Office after devolution of authorities should ensure streamlined decision making in order to positively affect the performance of provincial government through improving level of services to citizens which is considered a significant challenge facing executive and legislative authorities at provincial level.

GSP/Taqadum developed a sample organizational structure which shall be a guide for establishment of organizational structures by provinces in order to ensure streamlined operation after application of Article 45. The organizational structure is based on a group of criteria the most important of which are:

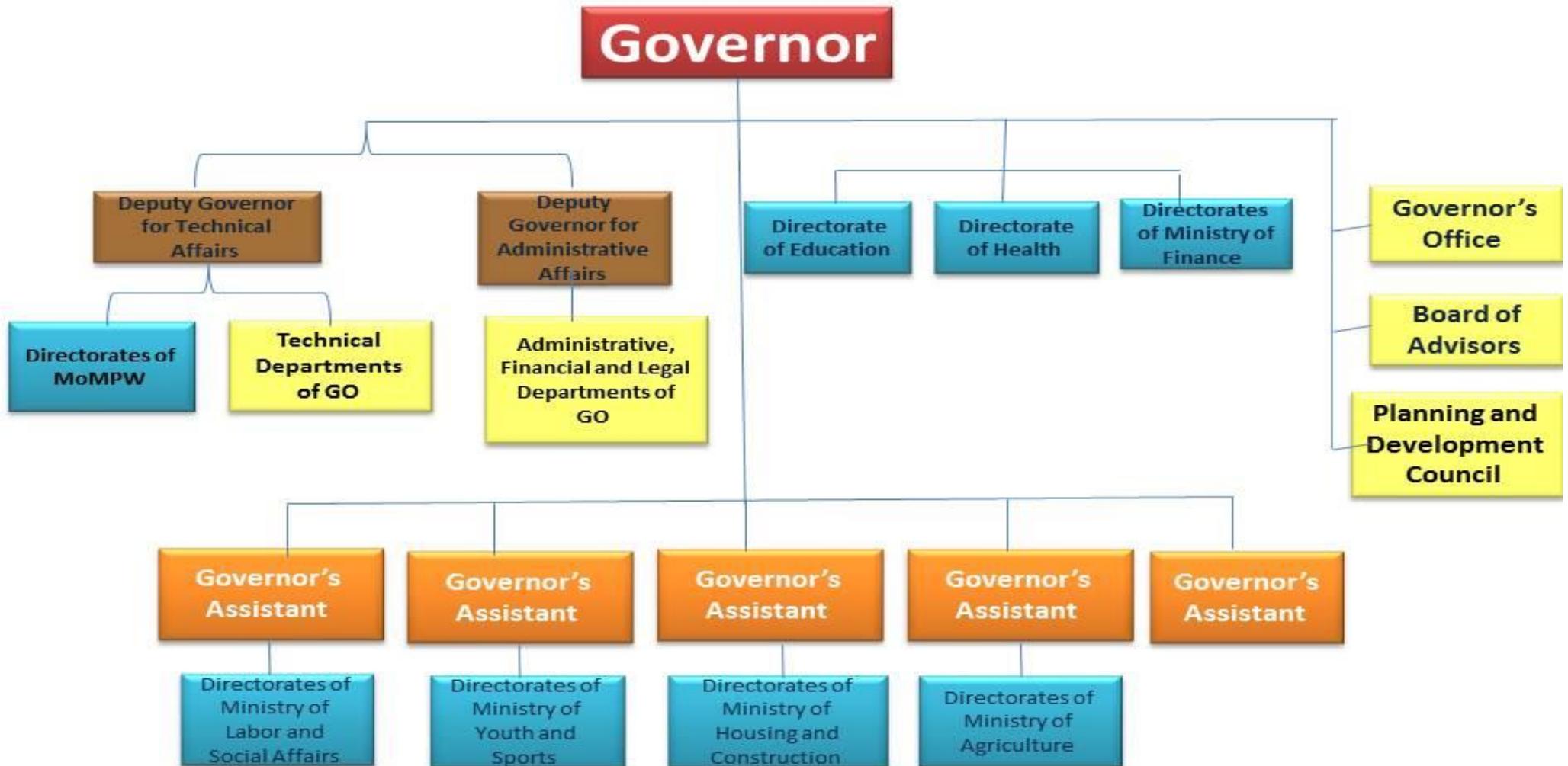
1. it should be in agreement with articles of the aforementioned law so that each unit within the structure has a legal basis
2. rely on material and human resources that exist in Governors' Offices to avoid establishment of new directorates general and formations that increase burdens and entail extra effort for enactment of legislations or introduction of amendments that may delay the implementation of Article 45 according to the deadline specified in the law
3. take into account the exclusive character of directorates general and formations (whether a directorate or department) in terms of affiliation
4. take into consideration the distribution of responsibilities with regard to administration and supervision of directorates general and new formations to be exercised in agreement with application of the article indicated above by the Governor's Office based on principle of devolution of authorities
5. meet the requirements of the targeted seven provinces for introducing slight changes into the new organizational structure and bringing flexibility to the proposed structure
6. the new structure should not contradict with the tasks assigned in the current time to provincial directorates, directorates general and formations involved by the aforementioned law and should ensure easy and smooth accomplishment of daily tasks without any delay
7. observe the actual capabilities of decision makers of the Governor's Office and provincial directorates involved in the aforementioned law to whom the responsibility of administration of new formations shall be assigned

This organizational structure is the easiest form to implement after application of Article 45 of Second Amendment to Law on Governorates not Incorporated into a Region number 21 of 2008 as it does not provide for creation of new directorates, departments and sections but it employs the structure drawn by Law on Governorates not Incorporated into a Region number 21 of 2008 as amended. The human and material resources are available to apply this structure at provincial level. After implementation of the article above, the provinces may draw their own structures in accordance with comparative advantage of each province in coordination with federal government.

Procedures:

GSP/Taqadam Project worked in coordination with the targeted seven provinces to develop a model that modifies the organizational structure of the Governor's Office after application of decentralization. The Project held a series of meetings and workshops at local and provincial levels, discussed all items and received feedback from officials in provincial governments, sectorial directorates and affiliated formations to ensure provincial participation in development of the proposed model. Consequently, the final version of the proposed model has been prepared as follows:

the proposed organizational structure developed by GSP/Taqadum after discussions with the targeted seven provinces



Benefits of this model:

1. connect directorates general in direct manner to the governor to avoid any dispute between authorities since these directorates are headed by directors general who assume positions of the same level as of deputy governors
2. connect deputy governors with governors according to Article 33 First of Law 21 of 2008 as amended which stated that the governor may have a number of deputies for administrative and technical affairs provided they do not exceed five persons who shall undertake activities assigned to them by the governor and who shall act under his supervision. According to the law, the deputies shall be connected with the governor in an exclusive manner.
3. develop a group of deputies in the near future with specialty in specific areas leading to improved service delivery at an exponential rate
4. this model allows the governor, elected deputies and, in case of devolution of technical authorities, DGs and deputies who shall head formations to assume supervisory role and develop the vision of the province
5. the technical deputy of the governor currently administers and supervises Directorates of Water, Sewer, Municipality and Municipalities affiliated to Ministry of Municipalities and Public Works and thus these formations shall be connected to the technical deputy

Formations of the proposed organizational structure:

The new proposed organizational structure shall consist of:

1. The Governor: is the highest executive officer in the province and assumes the authorities of the competent minister. He undertakes the responsibilities of implementation of local and federal policies, preparation of public plans and budgets according to the said policies and constitutional standards and supervision of work at public utilities in the province (directorates and administrative units) according to Articles 24, 31 and 32 of Law number 21 of 2008 as amended.

The following shall be attached to the governor:

a. Governor's Office: shall be in charge of the following:

- Daily administrative procedures of the Office
- Coordinate administrative correspondences and submit them to the governor to obtain the needed approvals
- Follow up on implementation of the governor's decisions

b. Board of Advisors

As stated in the law above, a board of advisors of no more than seven advisors shall be established in each province and includes officials chosen by the governor with legal, technical and financial backgrounds. The board is attached in direct manner to the governor and acts under his supervision. It shall undertake the following tasks:

- The members shall study matters referred by the governor, each according to his own respective specialty, and present written recommendations as per Article 34 of Law 21 of 2008 as amended
- Present the technical advice to the governor with respect to provision and development of services, in particular to formations that shall be connected with the province
- Participate in technical committees formed by the governor as technical member

c. Planning and Development Council

It has been formed according to instructions issued by Ministry of Planning in letter # 4/6/22296 on 7 November, 2012. The council shall be headed by the governor with membership of technical deputy, directors of provincial directorates affiliated to ministries, heads of administrative units, academics, civil society organizations and private sector. The council shall concentrate on the following:

- Implement national policies issued by the concerned ministries and provincial council, define their priorities, convert them into development plans and follow up on their implementation
- Coordinate with ESDOs and Citizen Service Desks formed in provinces to define the requirements and develop the level of service through obtaining real data on services delivered to citizens and using them as key data for preparation of developmental plans

- Discuss action programs of formations involved in Article 45 and coordinate these programs at provincial level to ensure better utilization of available resources and capabilities in the province
- Discuss the investment budget of the province and formations involved in the article above before submission to the provincial council for approval
- Coordinate development efforts between the concerned provinces and neighboring provinces to achieve regional integration and optimal utilization of comparative advantages of provinces

This board shall play a major role in administration of provincial affairs through:

- Develop an action program for administration of the council through holding periodical meetings with directors of formations, deputies, heads of administrative units, assistants, directors of service formations (to whom the administration of formations shall be tasked) and the governor to follow up on implementation of development plans, assess the current status of service delivery, come up with short and long term solutions for service problems and present recommendations on public services so that the council works on them
- According to instructions on establishment of planning and development councils included in the letter of Ministry of Planning above, meetings shall be conducted between directors of formations, technical deputy, heads of administrative units, deputies (to whom the administration of formations shall be tasked), representatives of private sector, academics, and civil society organizations to discuss the proposed developmental plans and identify the priority projects which improve the quality of services delivered to citizens.

d. Pubic Directorate of Education

The directorate is headed by a director general and is directly attached to the governor to ensure administrative order in accordance with the applicable laws. The directorate shall implement the national educational policy in the province and monitor the educational process and projects to ensure quality service delivery.

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f. Directorate of Financial Affairs

This directorate is suggested according to the new structure by authorities that devised the proposed structure and GSP/Taqadum Project. The directorate shall act as the provincial Ministry of Finance, provide financial allocations, prepare closing plans and accounts and administer the disbursement process. The directorate is composed of the following:

- Budgeting department: includes sections of expenses, revenues, information researches and coordination
- Accounting department: includes sections of monetary affairs, decentralized system audit and audit of plan and consolidation accounts
- Administration department: includes sections of HR, administrative and legal services and planning and follow up
- Provincial treasury department: includes commissions of audit and disbursement, accounts preparation commission, accounting and administration section, cashier unit, archiving section, warehouses department and IT department.

2. Deputy Governors:

Each governor has two deputies who assume director general positions. Both deputies shall be elected by the provincial council from the PC members or outside. The governor shall issue an order to appoint them within 15 days from election and may delegate to them some of his authorities provided that he does not assign the authorities delegated to him according to Articles 27 and 35 of Law 21 of 2008 as amended. The deputies are:

a. Deputy Governor for Technical Affairs:

The following directorates shall be affiliated to the deputy:

- Directorates of MoMPW since he monitors them and follows up on their work activities. They include:
- Directorate of Water
- Directorate of Sewer
- Directorate of Municipalities
- Directorate of Municipality
- Directorate of Urban Planning
- Directorate of Planning and Follow up

These formations are departments and sections at provincial level but they maintain the same authorities granted to directors. It is possible to establish a directorate general that includes these formations and is directly attached to the governor as suggested in the model of Directorate of Health and Directorate of Education. This directorate should be headed by a director general.

- The technical departments of governor's office which shall follow up and implement technical matters throughout the province such as administration of projects and key design departments...etc

b. Deputy Governor for Administrative Affairs:

The administrative, financial and legal departments of governor's office shall be attached to this deputy.

3. Assistant Governor:

The governor may have a number of assistants for administrative and technical affairs who may not exceed five persons. They undertake the works assigned to them by the governor and act under his supervision. The governor may delegate some of his authorities to the assistants provided that authorities delegated to him may not be transferred to the assistants according to Articles 33 and 35 of Law number 21 of 2008 as amended. Each of the following directorates is connected with an assistant:

1. An assistant to whom directorates of Ministry of Agriculture are attached
2. An assistant to whom directorates of Ministry of Housing and Construction are attached
3. An assistant to whom directorates of Ministry of Youth and Sports are attached
4. An assistant to whom directorates of Ministry of Labor and Social Affairs are attached
5. The responsibilities of the fifth assistant shall be determined according to exclusivity of each province.

The provinces proposed to keep on the governor's assistant for legal affairs so that he is able to provide legal advices to all formations included in the model in order to ensure:

- Uniformity of legal advices which are presented to the formations above
- The existence of one legal authority within governor's office
- Impartial legal opinion to be adopted by the province in case of disputes between formations within governor's office

Results:

After a series of meetings and workshops held with representatives of the targeted seven provinces from human resources departments of governor's offices, provincial directorates and formations involved in Article 45 of Law 21 of 2008 as amended, the organizational structure developed by GSP/Taqadum has been adopted taking into consideration the comparative advantages of each province. At the current time, these provinces work in coordination with the Higher Committee for Administrative Reform established by Council of Ministers' Secretariat to finalize the unified organizational chart of Iraqi provinces towards implementation of Article 45 of Law 21 of 2008 as amended.

As a result of National Organizational Development Workshop organized by GSP/Taqadum in Baghdad with attendance of officials from the targeted seven provinces representing managers of human resources departments, Governor's Office, Directorates of Municipality, Municipalities, Health, Education, Water, Sewer, legal assistants to the governor, administrative assistants to the governor and managers of legal departments of governor's office and after presentation of all the organizational structures proposed by provincial governments, the participants discussed and commented on all the structures and arrived at an official consensus over the need to utilize the second day of the national workshop to develop a unified organizational structure. Accordingly, a unified structure was developed for submission to the Higher Committee for Preparation of Organizational Structures headed by Dr. Kadhim Allqabi who gave the opening remarks at the first day of the workshop and recommended to put forward a suggestion that reflects the opinions of involved provinces.

Here below is the organizational structure agreed upon by the targeted seven provinces:

