National Conference on Decentralization and Local Governance in Iraq

Instigating an Evidence-based and Home-Grown National Strategy for the Promotion of Decentralization and Local Governance in Iraq

Erbil – Iraq
14-15 June 2011
A. Background

1. Local Governance in Iraq:

Since 2003, the Republic of Iraq has embarked upon structural reforms when it adopted a federal system made up of federal-led authorities: (i) a federal region, the Kurdistan region, comprising three governorates, and (ii) 15 governorates outside of a region structure, comprising the capital Baghdad and 251 Municipalities. The experience of decentralized governance in Iraq is still in its early stages despite legal, procedural and institutional reforms undertaken by the Government. The Constitution of the Republic of Iraq, endorsed by a nation-wide referendum in October 2005, takes the reform process further and provides for a model of decentralized political and administrative government through devolution of authority to the governorates (or provinces). Despite the fact that the Government of Iraq issued the “Law of Governorates Not organized into a Region” (Provincial Powers Act) in March 2008, this newly introduced legislation does not suffice to instigate a decentralized system. The law does not delineate the scope or limits of each tiers of government authority in terms of revenue sources or level of services, gender considerations are still weak, and reference to inclusion and participatory mechanisms is lacking, which are critical for increasing people’s voice in decision making and public services and improving public perception of the authorities. Iraq has embarked on a fundamental transformation from a highly centralized unitary state to a federal state where local governments have their own authority and funding to serve their citizens. The intention is that this new arrangement will provide better service to the public by basing government decisions, services and funding closer to the people. There is hence a high need to further define, clarify and develop the decentralization intentions of the Government of Iraq so as to make delegations of authority and accountability clear with the necessary regulations and procedures that spell out how local authorities are to take on their new authority through incorporating legal and procedural reforms that would ensure the bearing in mind that the purpose of decentralization is the enhancement of service delivery as well as public participation at the local level.

2. Project Overview:

The “Support to Decentralization and Local Governance for Service Delivery Project” consists of a United Nations and Government of Iraq (GoI) effort aiming at supporting the adoption of decentralized governance in Iraq, as outlined in the Constitution of Iraq and highlighted in the National Development Strategy (NDS) 2007-2010 and the International Compaq with Iraq (ICI).

By providing support and enhancing the technical capacity of local governments on policy-making, planning and service delivery, the project would be contributing to addressing the following concerns: (i) the procedural and institutional discrepancies of the Provincial Power Law passed in March 2008 and granting 15 sub-national level of government planning and financial authority and greater financial resources, (ii) the lack of cohesiveness in organizational development and strategy formulation of some governorates while setting up their own structures and administrative systems, (iii) capacity constraints faced by some governorates in disbursing financial allocations received over the last two years, (iv) government is not the primary service developer and provider in Iraq, and (v) little progress has been made in defining an overarching decentralization framework.

The project is structured around four pillars:

1. Legal, policy and institutional frameworks for decentralized governance;
2. Strengthening local government systems and capacities;

1 Municipalities are present at the district (Qada’a) and sub-district (nahiya) levels. The term “Municipality” refers to the administrative unit below the governorate. The term Local Government refers to governorate, district and sub-district levels.
3. Local government civic education and participation strategies;
4. Inter-governmental relations and local government networks.

Through these four pillars with their respective outputs and inputs, the project aims at preparing the groundwork for institutional development, policy dialogue and legislative reform recommendation in the prospect of clarifying and enabling decentralization and local governance and revisiting the systems and processes for local authorities to make them more modern and efficient and subsequently improve service delivery at the local level; as well as support structured dialogue and coordination on governorate and municipal affairs.

In the prospect of achieving the above, ESCWA and UNDP Iraq performed in partnership with selected national counterparts the situation analysis and baseline assessment on Decentralization and Local Governance in Iraq. The objective of this assessment was to generate a common understanding of the existing legal frameworks governing local governance in Iraq, in addition to a comprehensive mapping of existing institutional structures, processes, human capacities, service delivery mechanisms and constraints existing at the level of the 18 governorates in Iraq – inclusive of the district and sub-district levels – in addition to performing an assessment on local government training facilities and capacities. Particular attention was also given to the e-government component as a means to improving the efficiency of government in service provision.

The Situation Analysis comprised the below listed components and succeeded in appraising successes and limitations of the Iraqi decentralized model, in addition to providing policy and institutional recommendations that could serve as the basis for policy reform endeavours.

1. Legislative and procedural aspects of decentralization, which will consist in relevant legislation, in particular the Constitution, the Provincial Powers Law, the Civil service Law, the Fiscal Law as well as procedures in place;
2. Assessment of service delivery at the municipal level (MMPW assessment at the central and local levels);
3. Profiling of the 18 governorates of Iraq through socio-economic and governance indicators.
B. National Conference on Decentralization and Local Governance in Iraq

1. Purpose

The National conference on Decentralisation and Local Governance in Iraq will aim at assessing the current status of decentralization in Iraq - based on the undertaken situation analysis that evaluated the existing decentralization and local governance infrastructure in Iraq - and at supporting the development of a nationally supported strategy that would further enhance the decentralized model and promote local governance in Iraq.

2. Specific Objectives

(i) Analysing and validating the outcomes and recommendations of the in-depth situation analysis on decentralization and local governance performed on the legal, procedural and service delivery aspects by four national counterparts in partnership with ESCWA and UNDP;
(ii) Providing policy recommendations for central and local level authorities that would culminate into platforms of action planning and strategy identification;
(iii) Providing specific recommendations for capacity building and skill building strategies and tools at the local level to enhance decentralized service delivery systems within the governorates and municipalities.

3. Methodology

- The conference will focus on the following early elements in decentralization, vis-a-vis the:
  o Need to further define, clarify and develop the legislative framework and regulations so that contradictions, gaps, duplications and vagueness are eliminated;
  o Need to enhance understanding of the stakeholders so that they know what their powers, authorities and accountabilities for decentralization are;
  o Need to build sustained momentum and commitment to the decentralization endeavour on the part of its stakeholders;
  o Need to build citizen participation in the process so that a demand emerges from the people for decentralization. Experience shows that decentralization cannot succeed if it is only supply-driven by a bureaucracy. There must be demand for it from the citizenry.
- The conference will be based on a participatory and interactive methodology, departing from the seminar approach;
- Presentations will be supported by audio-visual techniques (powerpoints), which shall be made available to all participants;
- Discussions shall be the main driver of the conference as all sessions will be followed by dedicated discussion sessions, which foster an interactive exchange of expertise and ideas;
- The conference will also comprise a strategy development component, which would organize major recommendations into a comprehensive document that would constitute a reference document for the prioritization of the Iraqi decentralized framework and endeavours.

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2 Bayt al Hikma, the National Center for Consultancy and Management Development (NCCMD), the Central Organization for Statistics and Information Technology (COSIT) and the Kurdistan Region Statistics Office (KRSO).
4. Stakeholders/Beneficiaries

The National Conference on Decentralization and Local Governance is expected to include the following:

- Senior decision makers from the central government (Secretariat of Council of Ministers, Prime Minister Advisory Committee, KRG Prime Minister Office)
- Senior officials from concerned ministries from the central and regional governments, with particular emphasis on planning, strategy formulation and service provision ministries (Ministry of Planning, Ministry of Municipalities and Public Works, Ministry of Health, Ministry of Education, Ministry of Labour and Social Affairs, Ministry of Science and Technology etc.)
- Governors and/or Deputy Governors
- Presidents of Governorates Councils
- Iraqi Local Governments Association (ILGA)
- Officials representing the Sectoral Directorates within Governorates linked to the Ministries
- Academics
- Civil society representatives
- Private Sector Representatives
- Legislators
- UN agencies

5. Languages

The National Conference will be administered in the Arabic, Kurdish and English languages. Simultaneous translation will be made available.

6. Venue and Timing

The Conference will be held at the Erbil Rotana Hotel in Erbil-Iraq on 14-15 June 2011.