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Decentralization in Iraq: Addressing the State – Society Gap

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Abstract:

The implementation of decentralization in Iraq was asymmetrical, leading to different forms and paces of implementation. Comparing four cases of Basra, Kirkuk, Nineveh, and Sulaymaniyah indicate that these cases differ in their political autonomy in a way that lead to different forms of decentralization. This paper argues that the higher the level of political autonomy from the federal government, the more efficient the governance model will be, and the more legitimate the system ;and the more legitimate a system can be, the more accountable elected officials will be. Therefore, this paper recommends reforming the institutional setup of decentralization by having districts, instead of provinces, as the building block of decentralization.

Keywords: decentralization, service delivery, accountability, Iraq, legitimacy.

اللامركزية في العراق: معالجة الهوة بين الدولة والمجتمع

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الملخص:

ان تنفيذ اللامركزية في العراق كان عشوائياً مما ادى الى مستويات وسرع مختلفة في التنفيذ، ومن خلال مقارنة اربعة حالات الا وهي البصرة وكركوك ونينوى والسليمانية يتضح ان اختلاف الطبيعة السياسية والاستقرار السياسي يؤدى الى مستويات مختلفة من

الاداء للوحدات اللامركزية. ان هذه الورقة تحاول اثبات علاقة ارتباط ايجابية بين مستوى الاستقلال السياسي واداء اللامركزية، فكلما كان مستوى الاستقلال السياسي أكبر، كلما كان تنفيذ اللامركزية أكثر كفاءة، وان الاخير يعزز من ثقة الناخبين ويزيد من امكانيات المسائلة الجماهيرية للمسؤولين المنتخبين، لذلك توصي هذه الورقة بإصلاح الهيكل التنظيمي للامركزية من خلال نقل الصلاحيات الى الاقضية بدلاً من المحافظات.

الكلمات المفتاحية: اللامركزية، تقديم الخدمة، المساءلة، العراق، الشرعية.

Introduction:

The inefficient functioning of the post-2003 system in Iraq pushed citizens to opt for 'out of state' channels, such as protesting and boycotting, instead of pursuing state channels to deliver their voices, such as contacting Members of Parliaments (MPs), signing petitions, and joining parties. Therefore, this paper attempts to answer the question, can a more decentralized system work in Iraq? To bridge the state-society gap, especially the post-2003 system was constructed based on decentralization as enshrined in the 2005 Iraqi Constitution.

This paper focus on the institutional setup of decentralization, as having provinces as the building block of decentralization led to unstable local governments, occupied by brokering political deals that could sustain their tenure amid a fractured and fluctuating political scene. Therefore, having districts as the cornerstone of decentralization could mitigate this problem, as the number of rivaling power centers is limited on the district level, and further attention and resources could be shifted to service delivery.

Such reform might be much harder to obtain in light of current attempts to reverse decentralization. For example, former First Deputy Speaker Kaabi, affiliated with then the largest parliamentary bloc-Sadrist, called to reverse the decentralization of education and health ministries, following the incident of Ibn al-Kathib hospital. (NasNews 2021) However, elected officials in this parliamentary round (2021-2025) will likely be motivated to serve

their districts more than provinces; therefore, further decentralization could be considered by having powers transferred to council districts instead of provincial councils.

Prior studies identified decentralization in Iraq in more horizontal terms, focusing on elite dynamics without paying much attention to the vertical relation between policymakers and their constituents. (Dodge 2020). Also, literature on decentralization has not paid attention to such relationships. Studying this vertical relation is essential, given that the essence of decentralization is bringing policy-making closer to people. However, to assess this vertical relationship is necessary to measure efficiency and accountability on the supply level (policymakers) and trust on the demand level (constituents). Studying this relationship could help test the desirability of having a more decentralized system in Iraq.

The paper argues that the higher the level of political autonomy from the federal government, the more efficient the governance model, and the more efficient the governance model, the more legitimate the system (trust), and the more legitimate a system, the more accountable elected officials.

Methodology:

This paper is based on selecting 4 cases: Basra, Kirkuk, Nineveh, and Sulaymaniyah. These cases differ in their level of political autonomy and political stability, as appears in Table 1, hence could be studied to assess the desirability of decentralization based on the most similar design method, where differences in the independent variables (political autonomy) lead to variance in the dependent variable (functioning decentralization). *Political autonomy* is the extent to which sub-national unity exercises its powers with a limited role for the federal government.

Functioning decentralization is measured by efficiency, legitimacy, and accountability. *Efficiency* is defined as the ability of sub-national unity in delivering services, measured numerically by the number of schools and hospitals compared to population size. On the other hand, *legitimacy* is the acceptance of the system and its

mechanism by the wider public to channel and implement popular demands, measured by election turnout. Accountability is defined as the ability of citizens to punish elected officials who fail to deliver on their promises/agenda.

The study is based on analyzing primary data, such as the distribution of schools and medical centers, to assess the effectiveness of decentralization as a governance model in Iraq, given literature establish theoretically and empirically that decentralization enhances service delivery, especially both education and health ministry were decentralized 2015/2016. Also, local governments varied in their performance in the area of construction of schools/medical centers. For example, the Maysan governor made good progress in the area of education, constructing 20 schools, and Basra has better performance in the area of health, constructing relatively advanced medical centers. It also studies elections turnout as an indicator of system legitimacy and re-election rate to assess the aspect of accountability.

Table I. Selected Cases

Province	Political Autonomy	Protest
Basra	Unitary	Most frequent, both socioeconomic and politically motivated
Kirkuk	Disputed	Least frequent, both socioeconomic and politically motivated
Nineveh	Unitary	Limited to a specific period, politically motivated
Sulaymaniyah	Federal	Frequent, mainly socioeconomic

First: The concept of decentralization

Theoretically, decentralization is the devolution of authority from the central government to the local government and its rationale is to avoid dictatorship and have governments more responsive by bringing them closer to the people. It is recommended as a policy choice to mitigate conflict, limit corruption, and enhance service delivery, leading to the most efficient and accountable form of governance. (White 2021, 2) To test such positive outcomes, empirical studies have focused on the nature of central/subnational relations (Kaiser 2006), the nature of political institutions

(Enikolopov & Zhuravaskaya 2004), the level and nature of local governments (Bahl & Martinez-vazque 2016). However, the nature of the relationship between policymakers and constituents has not received adequate attention in empirical studies.

Scholars adopted a horizontal perspective to understand the inner dynamics of the system in Iraq. For example, one study identified the system in Iraq as informal consociational where elites informally constructed and consolidated norms of forming a government, allocating resources, and function based on an ethno-sectarian basis, noting alternative norms have been nurtured since 2009 as materialized by the protest movement that is challenging the post-2003 norms. (Dodge 2020) This argument was taken one step further by calling for codifying the status quo as one alternative to remove "volatility and political heat from the federalism question." (Alkadiri 2020). Such analysis captures the realities of the Iraqi system, where the vertical relation is almost absent, which has become the driver for instability.

Recent studies have sought to redefine the concept of the state to acknowledge the vertical and the horizontal dimension of political competition, where political elites mobilize tools of ideology, economy, and coercion in their interactions with citizens. These tools are not mutually exclusive but are used simultaneously in reacting to significant social events, such as protest waves, to sustain the political system. (Mansour & Kathib 2021, 18).

Many studies assessed the extent of decentralization, its shortcomings, and its prospect in Iraq, reaching the conclusion that "decentralization has failed" in improving legitimacy, trust, efficiency, and living conditions. (Ala'Aldeen 2020). Another study also argued that "decentralization has mostly exacerbated incoherence within the Iraqi state," attributing such failure to insufficient political will and lack of capacity on the subnational level, political instability, and failure to sequence the processes of decentralization (Mawlawi & Sajad 2020, 8).

However, a comparative study to assess decentralization on the criteria of efficiency, legitimacy, and accountability could better capture the pros and cons of decentralization in Iraq. This study will contribute to the literature by highlighting the vertical relation in studying/assessing the implementation of decentralization and its potential, especially in the literature that does not shed adequate light on such vertical dynamics.

Second: Realities of decentralization in Iraq

Decentralization was introduced in post-2003 Iraq to avoid dictatorship, as it is easier to control a centralized regime than many capable subnational governments and have governments more responsive to citizens (Mingus 2003). The first step was the Coalition Provincial Authority order 71, which enshrines that "each governorate province shall have the right to form a Governorate Council (also known as provincial councils), name a Governor, and form municipal and local councils …. on the basis of decentralization." (2003). The 2005 Constitution incorporated the principle of decentralization, where Article 122, paragraph 2 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."

The 2005 Constitution also granted provinces the power to legislate local laws that enjoy legal supremacy over the federal government and override federal laws. However, the constitutional requirement of legislating a law on decentralization was only fulfilled in 2008, where Law No. 21 of Governorate Not Incorporated into Regions was approved. Article 45 of the law establishes the High Commission for Coordinating among the Provinces (HCCP), chaired by Prime Minister, and its membership includes governors, chairs of provincial councils, and relevant ministers. It is tasked with coordination, devolution, and mitigating obstacles of implementing decentralization. However, the actual implementation of decentralization only started under the

premiership of Haider al-Abadi, 2015 – 2018,[1] where the devolution of several federal ministries has started, namely Education, Health, Labor and Social Affairs, Sport and Youth, Construction and Housing, and Municipalities.

Such devolution of power was not smooth as certain ministers were reluctant to give away their powers, including Ministries of Health and Education. Still, the pressure of then-PM Abadi imposed such change. However, provinces that fell to ISIS were exempted, and only after the liberation, the devolution of power has started. Decentralization has been more of administrative, as it deprived sub-national units of revenue-generating capacity, mainly due to the Finance Ministry's rejection of opening bank accounts for sub-national units to deposit locally generated revenue and utilize it according to its priorities, as well as the finance Ministry centralized allocation of taxation and customs in the Federal Budget, instead of allocating 50% to the province directly.[2] The dissolution of provincial councils by parliament on 28th October 2019 (Parliament 2019), and the appointment of governors directly and frequently by the Prime Minister reversed political decentralization[3]. Hence, comparing the realities of decentralization in different provinces could better assess the desirability of further decentralization in Iraq.

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1. This is due to then-PM Maliki submitted an appeal against the law at the Federal Supreme Court and when PM Abadi assumed his role, he withdraws the lawsuit and started the actual implementation.

2. Interview with Rapporteur of HCCP (Interview 21 March 2022), and Decentralization Advisor at one of the selected governorate (Interview 20 March 2022).

3. For example, PM Abdul Mahdi installed Nadhem Waeli on 30 April 2020 as Thi Qar governor (https://bit.ly/3h7nYc3) and PM Kadhimi removed him and installed National Security Service Chief Abdul Ghani al-Asady as a temporary governor and eventually installed Dr. Ahmad al-Kafaji as governor of Thi-Qar (الكاظمي يكلف محافظاً جديداً لذي قار (shafaq.com)

Third: Assessing decentralization efficiency

Decentralization is recommended as a policy choice to enhance service delivery (Kaiser 2006). Covid_19 pandemic highlighted the shortcomings of the health sector in Iraq, where lack of proper storage, central fire systems, and adherence to medical measures led to the Ibn al_Katheeb incident, resulting in 82 dead due to an explosion of an Oxygen cylinder (CBS News 2021). Still, there are disparities among provinces, as seen in Table II, which could be used to measure efficiency. Sulaymaniyah has the highest number of hospitals and medical centers, despite having the second-lowest population, more than double the number of hospitals and clinics of Nineveh and Basra, despite their population intensity and richer resources, as the case of Basra. Access to health during the pandemic is an indicator of the effectiveness of decentralization.

Table II. Numbers of hospitals and medical centers

Province	Hospitals 2018	Medical Centers 2018	Population 2019 Millions
Basra	13	244	2.98
Kirkuk	7	123	1.64
Nineveh	16	210	3.83
Sulaymaniyah	35	513	2.22

Source: Data from the Central Statistical Organization Iraq/Ministry of Planning (2020)

This is also reflected in the education sector, as appears in Table III, where Sulaymaniyah has the highest number of schools, more than double the number of schools in Kirkuk and almost %50 more of the number of schools in both Basra and Nineveh. Such disparities could be attributed to several factors, mainly political autonomy, but also political stability, among others, such as corruption, but given that corruption is a nationwide problem, this study will focus on both political autonomy and stability to explain such variance in the performance of decentralization at the sub-national units.

Table III. Numbers of preliminary schools

Province	Schools 2018	Population 2019, Millions
Basra	1439	2.98
Kirkuk	1013	1.64
Nineveh	1509	3.83

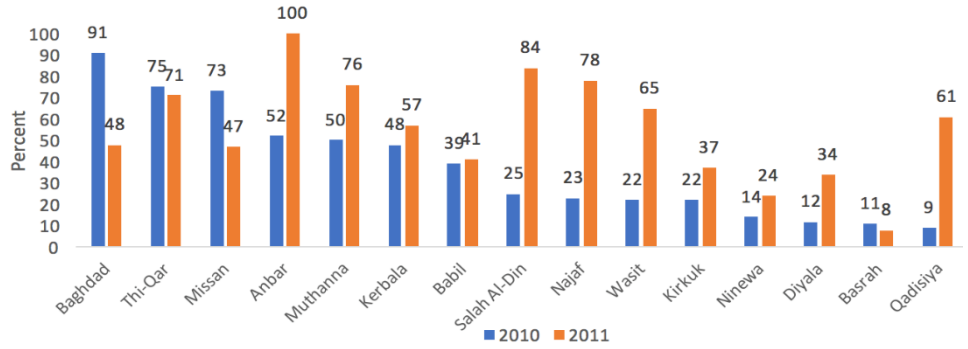
Sulaymaniyah	2232	2.22

Source: Data from the Central Statistical Organization Iraq/Ministry of Planning (2020B)

An analysis of budget execution rate at a period of relative stability highlights the importance of political autonomy and stability, where Baghdad and Anbar have the highest rate, mainly because State of Law Coalition, led by then PM Maliki, obtained 28 out of 55 seats, enabling them to secure both the governorship and the chairperson of the provincial council which was reflected positively on the budget execution rate in 2010 in Baghdad, 91%, as seen in Chart I. Comparing budget execution rate among selected cases, in years of relative stability, 2008 – 2012, shows that budget execution rate averaged 52.2% in Basra, 66.2% in Kirkuk, 70.4% in Nineveh, as seen in Chart II. Further investigation of these numbers reveals that most budget implementation is mostly recurring rather than capital spending.

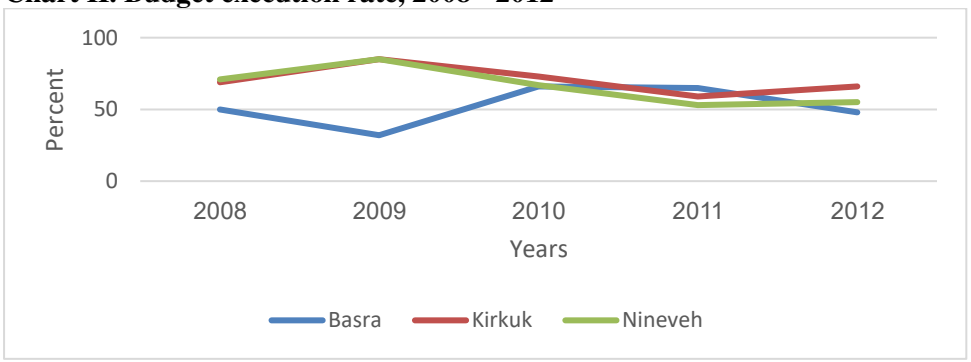
The lack of budget execution rate could be attributed to political stability, where political wrangling among a high number of winning parties usually engages in lengthy negotiations to form governing coalitions to select the governor. Sulaymaniyah has relatively the highest level of political stability among selected cases, in terms of having one political arrangement dominate the scene, PUK-Gorran, in contrast to other instances in which political wrangling leads to frequent changes of the governor and directorates of service/police units, for example, Nineveh witnessed three governors post-2014, two governors in Basra, two governors in Kirkuk, and one governor in Sulaymaniyah.

Chart I. Budget Execution Rate in Provinces Not Incorporated into Regions.



Source: Data from World Bank (2016)

Chart II. Budget execution rate, 2008 - 2012



Source: Data from World Bank (2016)

On the other hand, Sulaymaniyah has the highest level of political autonomy, given there is an almost absent role of the federal government and a limited role for regional government. In contrast, federal planning and finance ministries are heavily involved in implementing the investment budget of provinces not incorporated into regions, namely Basra, Kirkuk, and Nineveh, leading to lengthy procedures of listing projects into budget and delays in transferring financial allocations for these projects, once approved by parliament. In contrast, federal authorities do not intervene in implementing the KRI budget. Therefore, one could conclude that the higher the political stability and autonomy level, the more efficient the governance system.

Fourth: Assessing the impact of decentralization on the system legitimacy

Election turnout could serve as an indicator of the system legitimacy, as frustration with lack of services and jobs lead citizens to boycott elections to declare their rejection to legitimize the status quo. In general, voter turnout decreased in Iraq from 79.63 in 2005 to 44.84 in 2018. However, there were disparities in voter turnout across provinces. For example, turnout dropped by 25% in Basra from 61% in 2014 to 36% in 2018, registering the lowest turnout among selected cases, as appears in Table IV. However, Nineveh and Kirkuk recorded a higher level of turnout due to security gains that heightened aspirations. Liberation from ISIS mobilized residents of Nineveh towards elections to support then-Prime Minister Haider al-Abadi, whose list comes first in Nineveh (Andolu Agency 2018). Also, imposing federal state authority in Kirkuk in 2017 has been utilized to mobilize ethno-sectarian bases to maintain the gains of the operation or reverse it (Al-Hadidi 2021). Therefore, the case of Basra demonstrates that the inefficient functioning of the state erodes its legitimacy, as evidenced by the low turnout. However, low turnout is not only linked to lack of performance but is affected by a cluster of factors. For example, election turnout increased in Basra in 2021 elections to 43%, not because of rapid improvement in services but likely due to the entrance of new political forces that mobilized new constituencies towards electoral participation. Hence, there is no causal relation between performance and turnout; instead, the latter serves as an indicator of the system's legitimacy, the acceptance of the system, and its mechanisms by the wider public.

Table IV. Election turnout in parliamentary elections

Province	2018	2021
Basra	36%	43%
Kirkuk	55%	46%
Nineveh	59%	48%
Sulaymaniyah	51%	41%
Nationwide	44.85%	43.54%

Source: Data from Iraq High Electoral Commission (2021)

Fifth: Assessing the impact of decentralization on Accountability

Martin Rosema, in a study conducted to assess low turnout, found that incumbency advantage might increase in low turnout elections because those who approve of the government go to the polls more often than those who disapprove (Rosema 2007, 612 – 623). This limits the extent of accountability, the ability of citizens to punish representatives who fail to deliver on their program/promises. In contrast, higher electoral turnout diminishes the role of patronage network/partisan bases and pressure elected officials to accommodate the majority of interests/demands in their constituency. Therefore, having a functioning decentralization would short citizens trust in the system, leading to higher levels of turnout, which in its turn enhance the system accountability.

These dynamics were reflected in the 2018 parliamentary elections. MPs of Sulaymaniyah had the lowest re-election rate, 27.78%, compared to Basra, which had a 36% re-election rate, as shown in Table V. Therefore, the higher the electoral turnout, the more accountable elected officials.

Table V. Re-election rate in 2018 parliamentary elections

Province	New MPs	Re-elected MPs	Number of seats	Reelection Rate
Basra	16	9	25	36%
Kirkuk	8	5	13	38.46%
Nineveh	19	15	34	44.12%
Sulaymaniyah	13	5	18	27.78%
Nationwide	220	109	329	33.13%

Source: Data from Madarik Foundation (2022)

This comparison indicates that administrative decentralization is not sufficient. Still, political decentralization should be incorporated and sustained to have efficient functioning of the state, leading to a more legitimate and accountable governance system in Iraq. It also highlights the importance of a functioning governance system, as Basra rich resources were squandered and not reflected on services, compared to Sulaymaniyah, which enjoys relatively better services, despite its scarce resources.

Conclusion:

The asymmetric implementation of decentralization prompted analysts to label Iraq's nascent experience with decentralization as a failure. However, this study by comparing the cases of Sulaymanyiah, Ninveh, Kirkuk, and Basra found that having a higher level of political autonomy leads to better functioning of decentralization, measured by the number of schools and medical centers established, which in its turn enhance the system legitimacy, measured by voter turnout, and shore up the system accountability, measured by low rates of re-election rates. Therefore, fulfilling the essence of decentralization of bringing decision-making closer to the people does, in fact, lead to a relatively more efficient, legitimate, and accountable system of governance.

Achieving this requires devolving powers from the federal government to already mapped electoral districts, rather than provincial councils, to enhance political autonomy from the federal government and mitigate political instability. Given the 2020 electoral law has already divided Iraq into 83 districts, where each has 3 - 5 representatives in the legislature, it is better to devolve powers from federal levels to these districts after establishing a local council for each district. This requires amending draft law number 20 on provinces not incorporated into regions.

One risk rise of such a scenario is the capture of a district by tribal or armed networks. Still, there are mechanisms to impose accountability and transparency through the transfer of funds from the federal government, the inspection of anti-corruption entities, among other measures. For example, Indonesia requests accountability reports from district councils to transfer the allocated budget. Citizens would also be able to vote by their feet by moving to adjacent districts where their performance is better.

Adopting a majoritarian system for the 2021 elections and having elected officials tied to their constituents will likely incentivize

them to promote further decentralization in order to serve their constituencies in their efforts of secure reelection.

Annexes:

- **Amount of Budget, execution rate**

Year/Province		Basra	Kirkuk	Nineveh
2008	Allocated	497403.757	138192.211	291036.815
	Implemented	251114.287	95109.685	207492.268
2009	Allocated	441042.089	74669.6	167184.081
	Implemented	141590.859	63142.432	141590.859
2010	Allocated	978173.67	177404.21	225380.69
	Implemented	649605.378	129834.217	151879.005
2011	Allocated	1216443.7	113296.46	405682.9
	Implemented	793830.85	67012.142	213855.91
2012	Allocated	2109582.15	234185.442	527578.322
	Implemented	1016794.64	155631.487	289987.308

- **Re-elected MPs.**

	Name	Sex	Party	Reelected	# Rounds
Sulaymaniyah					
1	Ahmad Hama Rashid	M	Kurdistan Islamic Group	Yes	2
2	Bakhtiar Jabar Ali	M	Patriotic Union of Kurdistan (PUK)	Yes	2
3	Rayzan Dlare Mustafa	F	PUK	Yes	2
4	Muthana Amin	M	Kurdistan Islamic Union	Yes	2
5	Hoyshar Abdullah	M	Goran	Yes	2
Kirkuk					
1	Irshed Salihi	M	Turkoman	Yes	3
2	Beston Adil	M	PUK	Yes	2
3	Khalid Hamid	M	Mutehdon	Yes	2
4	Rebor Taha	M	PUK	Yes	2
5	Muhammed Tamim	M	National Forces	Yes	4
Nineveh					
1	Ahmad Abdullah	M	Tamdin	Yes	3
2	Ahmad Madlul	M	Arab Project	Yes	2
3	Usamah Nujaifi	M	Mutehdon	Yes	4
4	Intesar Jabouri	F	National List	Yes	3
5	Hassan Khalaf	M	Nat'l Masses	Yes	2

6	Hussien Nermo	M	Yazidi, PUK	Yes	2
7	Khaled Obaidi	M	Nasr	Yes	2
8	Abdul Rahim Mutlaq	M	Nsar	Yes	2
9	Fares Abdul Jabbar	M	KDP	Yes	2
10	Falah Zaydan	M	National forces	Yes	4
11	Mahasen	F	National forces	Yes	2
12	Muhammed Iqbal	M	Nat'l forces	Yes	3
13	Mayzer Hamadi	M	Democratic Approach	Yes	2
14	Naif Dabbas	M	Nat'l list	Yes	2
15	Nawaf Farhan	M	Nasr	Yes	3
Basra					
1	Jamal Mehos	M	Nasr	Yes	2
2	Hasan Khalati	M	Iraquon	Yes	2
3	Khalaf Abdul Samid	M	SoL	Yes	3
4	Safa Adnan	M	Nat'l list	Yes	2
5	Ammar Faiz	M	Fateh	Yes	3
6	Abdul Salam	M	SoL	Yes	3
7	Uday Uad	M	Fateh	Yes	2
8	Falah Hassan	M	Fateh	Yes	2
9	Maythaq Ibrahim	M	Fateh	Yes	2

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