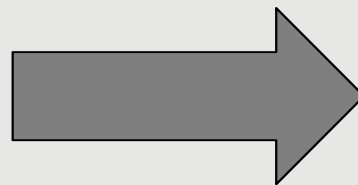




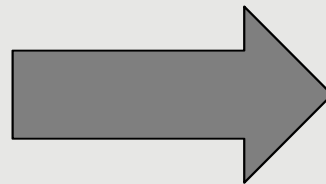
Legal Requirements for the Implementation of Administrative Decentralization and Implementation of Article 45

Administrative
Centralization



Administrative
Decentralization

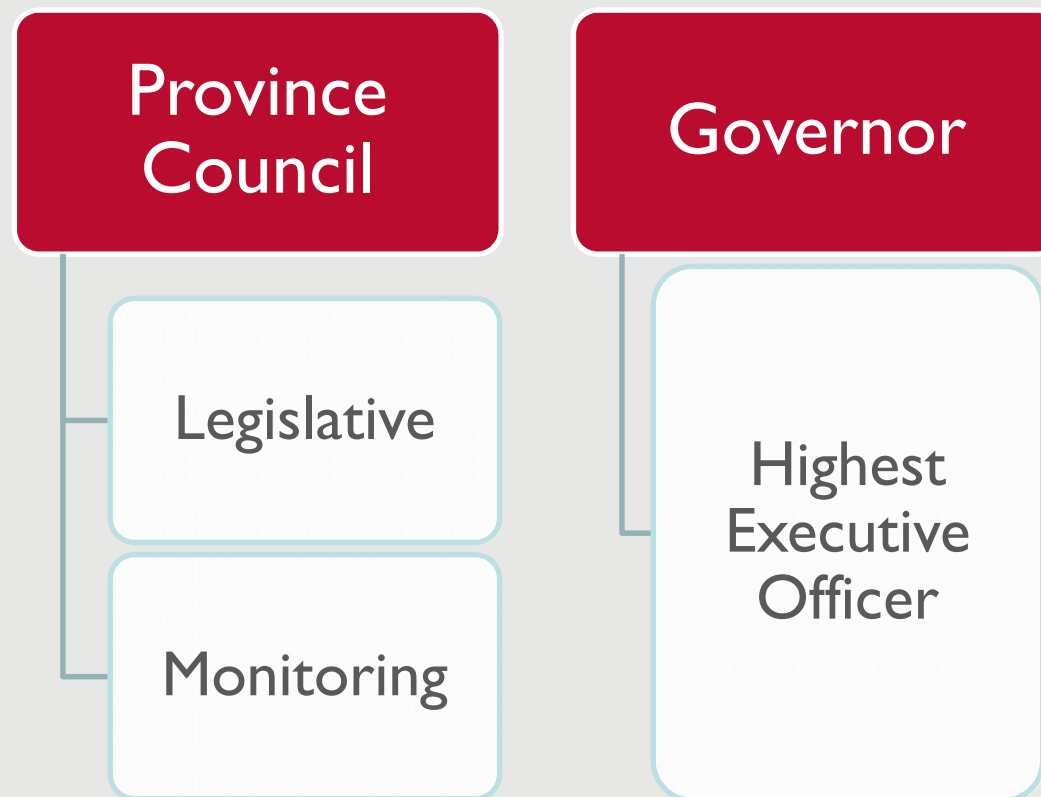
Federal
Ministries



Article 122 of the Constitution

- Second: Provinces not incorporated into a Region are given broad administrative and financial authorities, so that they can manage their affairs according to the principle of Administrative Decentralization, and is regulated by law.
- Fifth: The Province Council is not subjected to the control or supervision of any ministry or any party unrelated to a ministry, and shall have an independent finance.

Local Authorities



Article 45 of the Law 21

- Establishing a commission called the High Commission for Coordination between Provinces
- Headed by the Prime Minister
- And membership of:

Minister of State for Provincial Affairs, Minister of Planning, governors and Province Councils Chairs

High Commission for Coordination between Provinces

Ministry of:

- 1- Municipalities and Public Works
- 2- Labor and Social Affairs
- 3- Construction and Housing
- 4- Education
- 5- Health
- 6- Agriculture
- 7- Finance
- 8- Youth and Sport

Duties of the High Commission for Coordination between Provinces

Gradual transfer of sub-directorates, agencies, jobs, services and competencies exercised by the eight ministries, along with their financial allocations in the general budget and the staff and workers to the provinces within the scope of their tasks outlined in the Constitution and the relevant laws.

The role of the ministries remains in planning for the public policy.

Terminology of Article 45

- **Transfer:** This means that directorates are no longer linked to the ministry; rather, they are administratively and financially linked to the Governor, being the highest executive official in the province. The supposed administrative link to the ministry is incompatible with an important principle of the public employment, namely, (the non-multiplicity of administrative authority).
- **Sub-directorates:** - are all the administrative entities affiliated to the ministry and working within the local level (provinces).
- **Agency:** - is an administrative formation established under a law having a kind of powers and competences of certain privacy ,for example, (the executive agency of eradication of illiteracy).

Terminology of Article 45

- Functions: - is the group of tasks exercised by the ministry through the directorates-general or the directorates working in the provinces to facilitate their works and activities predetermined in the laws that regulate their work.
- Services: - includes all the services and necessary needs provided by the ministry of the citizens for example, (tiling and paving streets service) - (cleaning of main and sub-streets of residential areas).
- Competences: - means all the administrative, financial and technical competences that are currently exercised by the ministry and to be transferred to the provinces.
- Funds: - means all the funds allocated to the ministry within the general budget

Terms of Article 45

Planning for Public Policy:

- This term is a general term that needs a clear definition and identifying the role of the ministry by the High Commission for Coordination between Provinces.

The Responsibility of Local Governments

- Fourth: the local governments are responsible for all the requirements of the administrative unit management according to the principle of Administrative Decentralization.

The Application of Administrative Decentralization

Implementation of administrative decentralization needs to:

- Review the legal system and amend it.
- Create the appropriate legal environment for the transfer of function.

Reviewing the Legal System and Amending it

- Making an inventory for the laws that regulate the work of ministries.
- Extracting ministries' occupations and classifying them into (financial, administrative, technical.)
- Function analysis and the identification of local functions and functions that remain ministerial.
- Identifying local functions that transfer without the need for an amendment of a law.
- Identifying the jobs that need an amendment of a law and identifying the laws conflicting with the transfer of function from ministries to local levels.

The Steps for Identifying the Laws Conflicting with the Implementation of Decentralization and the Implementation of Article 45

- Making an inventory for the laws according to which ministries are working .
- Making an inventory for ministerial functions and classifying and analyzing them.
- Studying the laws and identifying the ones that conflict with the decentralization in general (and the implementation of Article 45 in particular) and preparing the necessary recommendations for amendment.

Ministries	Common laws that conflict with decentralization and need to be amended	Ministries laws that need to be amended		
		Law passed by the Council of Representatives	A regulation issued by the Council of Ministers	Instructions
Health	15	5	1	-
Education		4	3	-
Municipalities		2	-	-
Water and Sewer		1	-	1
Ministry of Urban Planning		-	-	3
Planning and Follow-up		-	-	-
Total Legislation			35	

The Objectives of the Workshop

- Sharing the proposed recommendations and amendments among the provinces participating in the workshop.
- The approval of the representatives of the Provincial Councils of the executive directorates on the proposed amendments.
- The unification of views and the agreement on the next steps in order to solve the law conflict with the administrative decentralization.

THANK YOU

