



USAID | IRAQ
FROM THE AMERICAN PEOPLE



The Relationship between the Local Authorities, Provincial Council, and the Governor

The Objectives of the Session

- Drawing the relationship between the province council (as a legislative authority) and the Governor (as the highest executive official).
- Concentrating on the principle of the separation of powers (legislative and executive).

Local Authorities

The Governor

Provincial Council

Highest

Legislative

Executive

Monitoring

Official

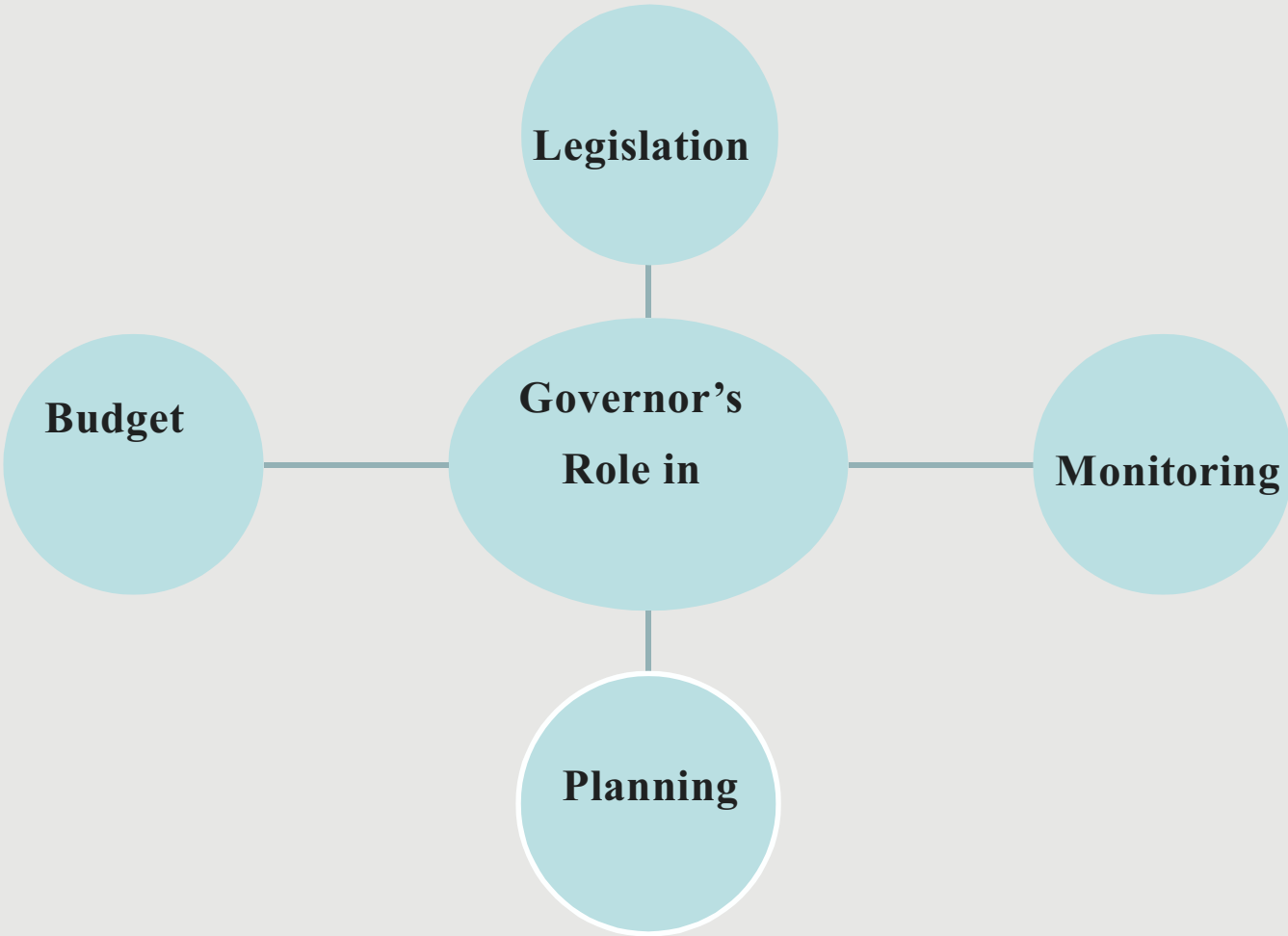
The Principle of the Separation of Powers

- It does not mean the complete separation of powers, but it is based on the coordination between authorities.
- The Governor presents local legislation proposals to the provincial council.
- Attending the Council meetings and participating in discussions without voting.
- The Council's inquiries of the Governor about technical and other issues.
- Presenting proposals on drawing the general policy for the province.
- Reporting about the performance of the executive authority in the province.
- Joint monitoring for the purpose of achieving public interest.

The Provincial Council

It is the legislative and monitoring authority in the province. It has the right to make local legislation enabling it to administrate its affairs in accordance to the principle of Administrative Decentralization. This is without conflicting with the constitution and the federal laws that fall within the exclusive specializations of the federal authorities.

What the Province Council Needs from the Governor to Practice its Duties



Legislative Power

Issuing local legislation, regulations and instructions to organize the administrative and financial affairs in a way that enables it to manage its affairs in accordance with the principle of Administrative Decentralization without conflicting with the Constitution and the federal laws.

Monitoring Power

- Monitoring all the activities of provincial directorates to ensure a good performance of their works.

Planning Power

- Drawing the public policy of the province and identifying its priorities in all aspects in joint coordination with the ministries and the related parties.
- In case of disagreement, the priority is for the decision made by the Provincial Council (Item Fourth of Article 4 of the Law of the second amendment)

Planning Power

- Identifying the province's priorities in all aspects, and formulating its policy and setting the strategic plans for its development in a way not conflicting with the national development (Item 15 of Article 7 of the Law).
- The approval to local security plans and the agreement to the announcement of a curfew.

The Budget

- Preparing the Provincial Council budget to include it in the public budget.
- The approval to the provincial public budget referred by the Governor and making the transfer among its items with the approval of the absolute majority of the members.

Allotment of Land

Allotment of land belonging to the ministries and entities not associated to a ministry to the province for the purpose of establishing service and construction projects in the province and with the approval of the Council of Ministers, with the exception of the following kinds of land: -

- A. Land situated outside the municipal boundaries of the province, district or sub-district.
- B. Agricultural land and orchards of different types.
- C. Lands on which projects are being constructed, or are allotted for projects.

Allotment of Land

- D. Land allotted for investment in the province.
- E. Land allotted for the two institutions of Martyrs and Political Prisoners.
- F. Land allotted for Endowment.
- G. Green areas and the land not opposing with the basic design of the province and the oil and archaeological sites.

Allotment of Land

- The approval to the establishment of housing projects on the land belonging to the ministries and been allotted to the province by these ministries.

The Governor

The Governor is the highest executive official in the province to exercise his authorities granted to him by the Council (Item 3 Article 122 of the Constitution).

The Governor is the highest executive official in the province is granted the authority of the related Minister to take the administrative and legal measures against the employees of the state working in the province.

Governor Responsibilities

- Preparing the public budget of the province according to the Constitution standards.
- Implementation of the decisions made by the provincial Council in a way not conflicting with the Constitution and the laws in force.
- The implementation of the public policy decided by the federal government within the boundaries of the province.

Governor Special Duties

- Supervising and inspecting the course of the public utilities in the province with the exception of courts, military units, universities, colleges and institutes.
- Taking the administrative and legal measures against the employees of the state working in the province in accordance to the laws specific to them and the governor is granted the authority of the related minister.
- The objection to the decisions made by the province council or the local council.
- In addition to the other security specialities.

THANK YOU