



Elements of administrative decentralization

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Abstract

This research investigates the administrative decentralization system, recognized as one of the most vital modern administrative models designed to distribute administrative functions between the central government and local bodies endowed with legal personality to manage specific institutions. The study conceptualizes administrative decentralization by reviewing its definitions to clarify its legal nature. Furthermore, it examines the core pillars necessary for the system's existence, which affirm the presence of distinct local interests managed by elected local bodies subject to central authority oversight (administrative guardianship). Additionally, the paper addresses the elements of administrative decentralization that secure the administrative and financial independence of local entities. Specifically, this study analyses the stance of Iraqi legislators regarding the decentralization of executive power, highlighting the nature of the relationship between local bodies and central authorities in light of the Iraqi Constitution of 2005 and the Law of Provinces Not Incorporated into a Region No. 21 of 2008. Finally, it outlines the scope of supervision imposed on local entities to ensure their autonomy without compromising the unity of national administration and finance.

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1. Introduction

In order to keep pace with the evolution of public and private needs, the geographic expansion of populated urban centers, and the steady, continuous increase in demand for essential services and given the diversification of administrative activities, the proliferation of public utilities serving citizens, and the multiplicity of administrative duties overburdening central administrative bodies, alongside the stabilization of the political system which expanded central duties it became imperative to adopt an administrative methodology that fulfills these needs and ensures the uninterrupted operation of public utilities to avoid dissatisfaction resulting from service disruption or obstruction (Maher, 2009).

Administrative decentralization is defined as the distribution of administrative functions and competencies between central administrative authorities and local bodies to satisfy the needs of residents within administrative divisions. It is predicated on key elements or pillars: first, the existence of local interests and services distinct from national interests; second, the independence of local bodies from central authorities; and finally, the subjection of local bodies to supervision by central authorities (Ali, Mahdi, & Issam, 2011).

Decentralization may be applied to a specific region or an administrative unit within the state's administrative framework, necessitating the granting of legal personality to that region or unit, as legal personality serves as the locus to which administrative activity applies and produces its effects. Alternatively, decentralization may be functional or service-based (service decentralization), wherein certain administrative competencies are delegated from national or central public entities to local utilities, given that local utilities are closer to and better acquainted with the actual needs of the population within administrative units (Allawi, 2009).

States vary in structure; they may be unitary (simple) or compound (federal). The former represents the majority of nations, while the latter is exemplified by federal states. Consequently, it is necessary to distinguish administrative decentralization from related concepts, such as administrative centralization (concentration), political decentralization, and financial decentralization. Furthermore, since local bodies are established by legislative act, it is essential to elucidate the legal basis of administrative decentralization, which may reside either within constitutional provisions or ordinary legislation.

On the same topic, legal scholars note that administrative decentralization relies on three elements or pillars. However, we prefer the term "pillars" (Arkan) of administrative decentralization, as a pillar is an intrinsic element defining the essence and reality of a concept, whose absence nullifies the existence of the concept itself, whereas an element constitutes a constituent part of a pillar. Thus, "pillars" is the term adopted in this study due to its higher conceptual precision.

2. First Section

2.1. The Concept of Administrative Decentralization

To any careful observer of the Constitution of the Republic of Iraq, it may appear that administrative decentralization is of recent origin in Iraq, introduced by the Law of Administration for the State of Iraq for the Transitional Period and Coalition Provisional Authority Orders No. (71) and (94) of 2004. However, administrative decentralization has a long-standing existence in Iraq as a method of administrative organization, having been known since the dawn of civilizations (For Further Details, 1972). It was subsequently adopted by the Ottoman Empire throughout its occupation of Iraq, during which Iraq was divided into four provinces: Basra, Baghdad, Kirkuk, and Mosul. During the Royal era, the Liwa Administration Law No. (58) of 1920 was enacted, followed in the Republican era by the Governorates Law No. (169) of 1969, and subsequently the Local People's Councils Law No. (25) of 1995 (For Further Details see Sada'a Dahham Al-Fahdawi, 2005). Furthermore, Article (116) of the currently active Constitution of the Republic of Iraq of 2005 stipulates that: "The federal system in the Republic of Iraq is composed of a capital, regions, decentralized governorates, and local administrations" (Published in the Official Gazette of Iraq, 2005).

In light of the foregoing, and following the enactment of the Law of Governorates Not Incorporated into a Region No. (21) of 2008, the following questions naturally arise.

Did the 2005 Iraqi Constitution and the Law of Governorates Not Incorporated into a Region follow the established rules of administrative jurisprudence, or did they introduce a novel approach? What type of decentralization was established by the Constitution and the law?

These two questions will be answered across two subsections: the first is dedicated to defining administrative decentralization, while the other addresses its types or forms, comparing the stance of the Iraqi legislator with those of other legislators.

3. First Subsection

3.1. Definition of Administrative Decentralization

The issue of defining administrative decentralization has sparked widespread debate among administrative law jurists. Nevertheless, they concur that it rests upon three pillars, as previously noted. This consensus has resulted in the absence of a unified definition. Consequently, several jurisprudential definitions of administrative decentralization will be presented, followed by an earnest attempt to formulate a comprehensive and restrictive definition.

Administrative decentralization has been defined as "the distribution of administrative functions between the government and elected local bodies that genuinely represent the local population, possessing the authority to decide and act upon matters concerning local residents under the supervision of the central authority" (Ali Mahdi, 1999).

A closer examination of this definition reveals that it inherently incorporates the pillars of administrative decentralization by addressing the distribution of powers between central and local entities. It also emphasizes the autonomy of these local bodies through their elective nature and highlights the supervisory role exercised by central authorities over local entities. However, the definition is weakened by its failure to mention the legal personality (juridical personality) enjoyed by local bodies, which is vital for securing their financial independence. Furthermore, the inclusion of the phrase "gently/truly represent" (acting honest) introduces a linguistic flaw in legal drafting, as it raises the rhetorical question of whether an "untrue representation" exists. Additionally, the definition uses two distinct terms with synonymous applications in this context: "government" and "authority." While "government" denotes the executive branch exercising executive and

political functions, "authority" refers broadly to the three branches of state power legislative, executive, and judicial.

Administrative decentralization has also been defined as "the distribution of administrative functions between the central government and elected local or functional bodies, such that these bodies exercise their administrative functions under the supervision and control of the central government" (Sulaiman Muhammad Al-Tamawi, 2007).

This definition highlights the three pillars of administrative decentralization and distinguishes its forms whether territorial or functional/service-based. It also clarifies the autonomy of local bodies derived from their elective origin and employs the term "oversight/control" rather than "guardianship" to describe the central government's supervision over local bodies.

In another definition, administrative decentralization is stated to be "a method of administrative practice centered on distributing the powers of the administrative function between the central authority and elected or independent councils /bodies distinct from the central authority, which nevertheless exercise their competencies under the supervision and control of the state represented by its central authority" (Ali Muhammad. Bdeir, Issam, & Mahdi, 1993).

This definition underscores the fundamental pillars of administrative decentralization and the autonomy of local entities, whether elected or appointed. The authors of this definition imply that election alone does not serve as absolute proof of local autonomy. However, from our perspective, election remains the most effective and appropriate mechanism to guarantee local autonomy, as any entity responsible for appointing such bodies inherently retains significant influence over them.

Furthermore, administrative decentralization is defined as "the recognition of the public legal personality of a segment of the state's territory, resulting in the elected body representing that region enjoying a degree of autonomy in managing its local public utilities under the supervision of the central authority" (Muneer Al-Watri, 1976).

This definition emphasizes legal personality as the legal framework upon which administrative activity operates and the cornerstone for conducting such activities. It confirms that the autonomy of local bodies stems from their election, thereby deliberately avoiding any mention of appointment, which impairs their independence. Nevertheless, this autonomy remains relative due to the subjection of local bodies to the oversight and supervision of central authorities.

English scholars define administrative decentralization or "local government," as they often term it as "a local government administered by elected local bodies entrusted with administrative and executive duties concerning residents within a limited local scope, thus possessing the authority to issue decisions, rules, and regulations" (Al-Watri, 1976).

Having presented the aforementioned array of definitions, we offer our own definition of administrative decentralization as: an administrative organizational method based on the distribution of administrative functional competencies between central authorities and local entities that are granted an appropriate degree of legal personality, enjoying administrative and financial autonomy to satisfy local needs under the supervision and oversight of central authorities. Our definition emphasizes the existence of distinct local interests as distinguished from national interests, while explicitly incorporating the grant of legal personality to local bodies which serves as the locus and subject of administrative activity. Furthermore, this definition highlights the autonomy of these entities without restricting its form; autonomy may be relative (where some members of the local body are elected and others appointed, resulting in relative or partial decentralization) or absolute (where all members of the local administrative unit are elected by its residents, resulting in complete decentralization). In referencing administrative autonomy, our definition captures the capacity of local entities to issue administrative decisions, rules, and instructions. It likewise clarifies their financial independence, which enables them to fulfill local needs. Additionally, it encompasses both forms of administrative decentralization territorial and functional without overlooking the administrative oversight exercised by central authorities over local bodies. From these definitions, it becomes clear that administrative decentralization rests upon two primary pillars: the distribution of administrative functions between central and local entities, and the absence of subjection to a strict administrative hierarchy. Furthermore, it incorporates three essential elements: the existence of both national and local interests, the fulfillment of local needs by local entities, and the subjection of local bodies to central oversight. We shall examine these pillars and elements in detail sequentially.

First: Pillars of Administrative Decentralization Administrative: Decentralization relies on two fundamental pillars: the distribution of administrative functions between central and local entities, and the non-subjection of local bodies to an administrative hierarchy in the exercise of their functions.

First Pillar: Distribution of Administrative Functions Between Central and Local Entities: Since the ultimate objective of administrative decentralization is to satisfy the local needs of residents within administrative units, achieving this fulfillment requires distributing administrative functions between central and local authorities. The latter are better positioned to comprehend the specific needs of local populations, which positively impacts service delivery and fulfills the legislative intent behind adopting administrative decentralization (Saeed, 2012).

The distribution of administrative functions or competencies between central and local authorities cannot be left to the discretion of either the central or local bodies themselves. Rather, these competencies are

allocated directly by the legislator, who brought those entities into existence and is thus best positioned to delineate their respective functions. Entrusting the distribution of administrative functions solely to central or local authorities risks either failing to meet local needs leading to the underdevelopment of local administrative units or allowing local interests to predominate to an extent that fosters local parochialism, potentially undermining the political order and raising threats of secession (Mustafa, 2007).

In distributing the administrative function between central and local entities, two primary systems exist: the Anglo-Saxon system, prominently exemplified by Great Britain, and the Latin system, prominently exemplified by France (Ali Muhammad Bdeir, Issam, & Mahdi, 2009).

3.2. *The Anglo-Saxon System*

Under this system, the administrative functions and competencies exercised by local authorities are strictly enumerated (exhaustive enumeration). Local bodies are not permitted to exercise any new function or power without new legislation. Furthermore, uniform powers are not granted across all local entities; instead, each local authority receives competencies tailored to its specific local needs, taking into account population size, urban development significance, financial resources, and the nature of the public utilities lacking in that administrative unit (Jean-Paul Pastorel, 2007).

3.3. *The Latin System*

Under this system, the legislator distributes administrative functions and outlines local competencies by establishing general rules applicable to all local bodies across the state's territory, barring functions explicitly prohibited by clear statutory provisions. Thus, a municipal council oversees administrative functions within the municipality, a regional council handles regional matters, and so forth (Sami, 2004).

3.4. *The Position of the Iraqi Legislator*

Regarding the allocation of functions between central authorities and provinces not incorporated into a region, Article (110) of the Iraqi Constitution exclusively enumerates the sovereign powers reserved to the central authority, which include foreign policy, national security, fiscal and customs policy, and the management of water resources (Republic of Iraq, 2005).

The Constitution subsequently provides an exclusive list of shared competencies between the central government on one side, and regions (under the federal framework) as well as provinces not incorporated into a region (under administrative decentralization) on the other. These shared competencies concern the management of oil and gas extracted from local producing fields, the administration of archaeological sites, the regulation of electrical energy sources, and the formulation of environmental, health, and educational policies (Republic of Iraq, 2005). Furthermore, the legislator granted.

Furthermore, broad powers were granted to provinces not incorporated into a region, as stipulated in the Constitution: "All powers not stated in the exclusive authorities of the federal government shall belong to the authorities of the regions and governorates that are not incorporated into a region" (Republic of Iraq, 2005).

It is worth noting here that the constitutional provisions governing the distribution of administrative functions blended political decentralization with administrative decentralization by incorporating the competencies of both regions and non-regional governorates within the very same texts. This conflation introduces ambiguity, given the distinct and clear differences between the two forms of decentralization.

Nevertheless, the powers of provincial legislative councils are delineated in Article (7) of the Law of Governorates Not Incorporated into a Region of 2008, enacted pursuant to Article 122(2) of the Constitution. Article (6) of the aforementioned law provides that provincial councils are responsible for supervising all activities of local administrative bodies excluding courts, military units, colleges, and research institutes to ensure the performance of their duties, with the exception of departments under federal jurisdiction. Departments under federal jurisdiction are those exercising the exclusive powers set forth in Article (110) of the 2005 Constitution.

Similarly, Article (31) of the Law of Governorates Not Incorporated into a Region specifies the competencies of the Governor. Paragraph (Fourth) of this article provides that the Governor is empowered to "supervise and inspect the operation of public utilities in the governorate, with the exception of courts, military units, universities, colleges, and institutes."

We observe here that the Iraqi legislator followed the French system in defining the competencies of local entities and allocating administrative functions between central and local authorities namely, by providing that these entities hold jurisdiction over all local public utilities, except those expressly excluded by statutory law (here, the judiciary, the armed forces, and higher education). As previously noted, the legislator exercised limited discretionary authority in adopting this orientation, as it was bound by the overriding provisions of the Constitution.

Second Pillar: Non-subjection of Local Bodies to Administrative Hierarchy: Local entities, as previously demonstrated, possess broad powers in exercising administrative functions within local administrative units, maintaining administrative and financial autonomy from central authorities as conferred by the legislator. In light of this expansive authority, it becomes necessary to clarify the degree of independence enjoyed by these

entities specifically, whether it constitutes a complete non-subjection to central authorities or an incomplete one.

Adopting the principle of non-subjection to a strict administrative hierarchy has its justifications: it serves to ensure that local entities comply with the law by monitoring their adherence to legal frameworks (Lilo, 2008).

Furthermore, incomplete subjection does not lead to the disintegration of the state's territorial administrative unity, as granting local entities expansive powers without subjecting them to central authority oversight may encourage secessionist tendencies and lead to the abuse of delegated powers (Ali et al., 2011).

What, then, is the position of the Iraqi legislator regarding the subjection of local entities to central authorities?

First, Article (2), Paragraph (Second) of the law provides that "local and regional councils shall be subject to the supervision of the Council of Representatives." Legislators initiated this oversight mechanism by granting the Council of Representatives the authority to dissolve local councils pursuant to Article (20), Paragraph (Second), though without granting it direct authority over other councils (such as provincial and regional councils). Legislators also empowered the Council of Representatives to remove governors under Article (7), Paragraph (Eighth). Furthermore, Article (47) of the Law of Governorates Not Incorporated into a Region stipulates that "the administration of regional governments and councils shall be subject to the supervision and audit of the Federal Board of Supreme Audit and branches of independent commissions established under the Constitution." Under the Constitution, the Federal Board of Supreme Audit is affiliated with the Council of Representatives, while other constitutional independent commissions (excluding the Endowment Commissions) are either autonomous, affiliated with the Council of Representatives, or subject to its supervision (Hisham, 2012).

Regarding supervision over the executive authority (commonly termed "administrative guardianship"), all members of local institutions in Iraq ranging from local council members to the heads of various administrative units are elected without exception. Consequently, the executive branch possesses no authority to appoint them. Concerning the removal of members of local institutions, the Law of Governorates Not Incorporated into a Region provides that the Council of Representatives holds the power to dissolve provincial councils by an absolute majority and may, upon the recommendation of the Prime Minister, remove governors by an absolute majority as well. Thus, the Prime Minister exercises no direct executive authority to dismiss governors, as his role is restricted to proposing their removal to the Council of Representatives when deemed necessary a process subject to parliamentary approval under standards that often differ from those of the executive branch.

Accordingly, the non-subjection of local entities to central authorities constitutes a complete absence of hierarchical subjection, given that central executive authorities possess no power to appoint or directly dismiss governors. Nor do they hold sole authority to appoint heads of departments affiliated with central ministries, as the law empowers the governor to nominate three candidates for a position; following approval by the provincial council, the competent minister selects one candidate thereby circumscribing the minister's discretionary authority.

4. Second Subsection

4.1. Elements of Administrative Decentralization

Administrative decentralization is founded upon three essential elements: the existence of both national and local interests, the role of local entities in satisfying local needs, and the subjection of local entities to central authority oversight (Ali et al., 2011).

4.1.1. First Element: The Existence of National and Local Interests

Administrative decentralization recognizes the existence of distinct local interests that are best left to the supervision of those directly affected, thereby enabling central authorities to dedicate their efforts to managing interests of national scope. Thus, the central government retains control over security, defense, the judiciary, and transport networks. Conversely, services such as public health, electricity, water, sanitation, and public parks are most effectively managed by their direct beneficiaries, who possess firsthand knowledge of their needs and are best positioned to fulfill them. To ensure that national interests are provided equitably and uniformly, the administration of national utilities is assigned to central authorities, whereas local interests vary across administrative units and adapt to the evolving demands of their residents (Sami, 2004).

What criteria are adopted to distinguish between national and local interests, and what is the stance of the Iraqi legislator in this regard?

In addressing the first question, two main criteria are predominantly utilized: the exclusive method and the general method. Under the exclusive method, the legislator explicitly enumerates local needs by exhaustively listing the competencies of local bodies to address them; no additional need or power may be introduced without new legislative action. This method is characterized by simplicity and ease of application, and is widely adopted in nations adhering to the Anglo-Saxon tradition (Sasa'a & Rafah, 2008).

Under the general method, local interests and administrative competencies are delineated through broad, general statutory provisions, leaving it to local bodies to define the practical scope of these general principles under central oversight and supervision. The advantage of this approach lies in its flexibility, allowing local entities to establish new public utilities as novel local needs arise. However, its primary criticism stems from the potential risk of local authorities overreaching into central jurisdictions. This approach is prevalent in jurisdictions following the Latin system, most notably France (Ibrahim, 1983).

Regarding the position of the Iraqi legislator on defining national and local interests, Article (110) of the 2005 Constitution exhaustively enumerates national interests, granting exclusive administrative jurisdiction over them to the central government based on their direct connection to national sovereignty. The Constitution then delineates shared national and local interests, establishing joint administrative and supervisory jurisdiction between the central government and local bodies. Furthermore, Article (115) stipulates the precedence of regional and non-regional governorate laws in the event of conflicts in identifying local interests (Mahdi, 2009). This approach was subsequently reinforced by the Law of Governorates Not Incorporated into a Region under Articles (7) and (31). Consequently, Iraqi legislation at both constitutional and ordinary statutory levels has adopted the general method for delineating national and local interests.

4.1.2. Second Element: The Function of Local Entities to Satisfy Local Needs

Residents of local administrative units require services that directly or indirectly impact their daily lives, which local public utilities are designed to satisfy. Given the continuous evolution in the nature of local needs and the delivery mechanisms of services, meeting these demands was one of the imperative drivers for adopting administrative decentralization. Local entities bear the responsibility of fulfilling these needs and, to accomplish this mission effectively, enjoy administrative and financial autonomy (Lilo, 2008).

The autonomy of local entities is vital for satisfying local needs, and such autonomy primarily stems from the selection mechanism governing their membership. On this matter, legal jurisprudence is divided into three distinct schools of thought.

First School: Proponents argue that fulfilling local needs through administrative functions can be effectively performed by appointed members, provided they are afforded adequate legal guarantees most notably, protection against arbitrary dismissal by central authorities. This model is adopted in the Sultanate of Oman and Qatar (Abdul-Badi, 1996).

Second School: Proponents mandate that members of local administrative bodies must be elected, ensuring that residents select representatives who possess firsthand understanding of their immediate needs. Election also confers democratic legitimacy upon council members. This model is followed in the United States, France, the United Kingdom, and Egypt (Ibrahim, 1983).

Third School: Proponents advocate a hybrid approach combining appointment and election. They contend that satisfying local needs requires technical expertise and administrative competence that elections alone may fail to secure due to gaps in electoral and administrative awareness among voters or the influence of political and personal biases thus necessitating the appointment of experts by central authorities (Ali et al., 2011).

Regarding the stance of the Iraqi legislator, the selection mechanism evolved alongside the historical development of administrative decentralization in Iraq. Under the Governorates Law No. (159) of 1969, the legislator adopted a dual system combining direct election and appointment to form administrative unit councils (Republic of Iraq. Governorates Law No. 159 of 1969, 1969). Similarly, the Local People's Councils Law No. (25) of 1995 maintained this hybrid method of direct election and appointment (Republic of Iraq, 1995). Conversely, the Coalition Provisional Authority Orders departed from prior legislation by stipulating that "members of each council shall be selected in each governorate according to standards agreed upon by the Governing Council and the Coalition Provisional Authority," without clarifying whether these standards entailed election or appointment (Coalition Provisional Authority, 2004).

However, the 2005 Constitution of the Republic of Iraq favored the elective mechanism for selecting provincial council members, stipulating that "the election of the provincial council, the governor, and their powers shall be regulated by law" (Coalition Provisional Authority, 2004). This elective framework was reaffirmed by the Law of Governorates Not Incorporated into a Region regarding both provincial council members and governors (Republic of Iraq, 2008). Consequently, decentralization under the 2005 Constitution and the Law of Governorates Not Incorporated into a Region represents absolute or full decentralization.

4.1.3. Third Element: Subjection of Local Entities to Central Authority Supervision

Local entities do not enjoy absolute or complete independence, nor is their autonomy a mere grant from central authorities; rather, it is an inherent autonomy derived directly from constitutional and ordinary legislative texts. This inherent independence operates under central supervision, a mechanism legally recognized as "administrative guardianship" or, as termed by some jurists, "administrative oversight" (Sulaiman Muhammad Al-Tamawi, 2007).

Oversight must not allow the influence of central authorities to suppress the volition of local entities, which would deprive them of initiative in administrative decision-making. Furthermore, oversight is not intended to restrict the freedom of local entities or impede their operations, provided it is exercised strictly within legal boundaries, positioning the central authority's role as one of support and partnership (Ameer Abdullah Ahmad, 2011).

Central authorities exercise oversight over local entities through one of two primary systems.

First System (English System): Local entities enjoy a high degree of autonomy vis-à-vis central authorities, with the executive branch exercising only limited oversight. Primary oversight is conducted by parliament and the judiciary. Parliament exercises political oversight which carries significant weight as it represents the general will while the judiciary resolves administrative disputes. The executive authority's role is largely confined to providing advice and guidance, receiving reports, and inspecting local operations (Abdul Ghani Basiouni, 2004).

Second System (French/Continental System): The supervisory authority is granted extensive powers over local entities, including the power to dissolve councils, suspend operations, or initiate disciplinary actions against members. It exercises prior oversight requiring central authorization before certain actions are taken and reserving the right to approve local decisions as well as subsequent oversight, which includes the power to annul or revoke decisions issued by local entities. It may even extend to exercising substitution powers (*pouvoir de substitution*) to act in place of local bodies. As a safeguard against arbitrary action by central authorities, local entities are granted the right to seek judicial recourse when central oversight exceeds its statutory bounds (Sasa'a & Rafah, 2008).

It is observed here that the former system grants local entities broad latitude and substantial discretion, whereas the latter restricts local bodies in fulfilling local needs, narrowing their exercise of administrative functions and constraining them with rigid limitations.

What, then, is the position of the Iraqi legislator regarding administrative oversight of local entities?

A review of the constitutional provisions reveals with utmost clarity that the constitutional legislator prohibited executive oversight over the activities of local bodies (provincial councils). It explicitly stipulated: "The provincial council shall not be subject to the control or supervision of any ministry or any entity not affiliated with a ministry, and it shall possess an independent financial status" (Republic of Iraq, 2005).

In light of this absolute constitutional prohibition, how did the Law of Governorates Not Incorporated into a Region address this matter? Did it leave this independence unconstrained, or did it subject it to specific limitations?

In response, the legislator under the Law of Governorates Not Incorporated into a Region assigned supervisory authority over provincial councils to the legislative branch namely, the Council of Representatives stipulating: "The provincial council and local councils shall be subject to the oversight of the Council of Representatives" (Republic of Iraq, 2008).

Thus, the legislator adopted a model of political oversight over provincial councils. This arrangement severely restricts the central executive authority, giving rise to concerns regarding the potential fragmentation of the state's territorial administrative unity and an increased risk of regional non-compliance with executive branch decisions.

Regarding executive oversight, the legislative restriction placed upon the executive branch is evident: the executive authority's involvement in appointing heads of local administrative departments is limited to selecting from candidate lists. Specifically, the governor nominates five candidates, three of whom are approved by the provincial council by an absolute majority, or selection proceeds pursuant to a Council of Ministers decision based on specified grounds.

Conversely, executive oversight regarding the removal of department heads is relatively flexible; both the competent minister and the governor hold the power to dismiss a department head. Consequently, department heads are rendered subject to two supervisory authorities simultaneously, which risks compromising administrative efficiency in an effort to satisfy both entities.

Having examined the concept of administrative decentralization, we present the following conclusions and recommendations.

5. Conclusions

1. The essence of administrative decentralization relies on dividing the administrative function between central and local entities, with the latter not being fully subordinate to central authorities.
2. The jurisdiction of local entities is confined strictly to exercising administrative functions, excluding political functions.
3. Absolute decentralization aligns more closely with democratic principles, granting local entities complete latitude in exercising administrative functions.
4. Administrative oversight plays a vital role in guiding local entities and ensuring their compliance with the rule of law.
5. Administrative oversight does not constitute a restriction that paralyzes the functionality of local entities.

6. Recommendations

1. Define local needs through an exhaustive enumeration, while reserving the regulation of newly emerging needs to the legislative authority through future enacted legislation.
2. Adopt the French model in the realm of administrative oversight, while providing local entities with adequate legal safeguards against potential arbitrary actions by central authorities.

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