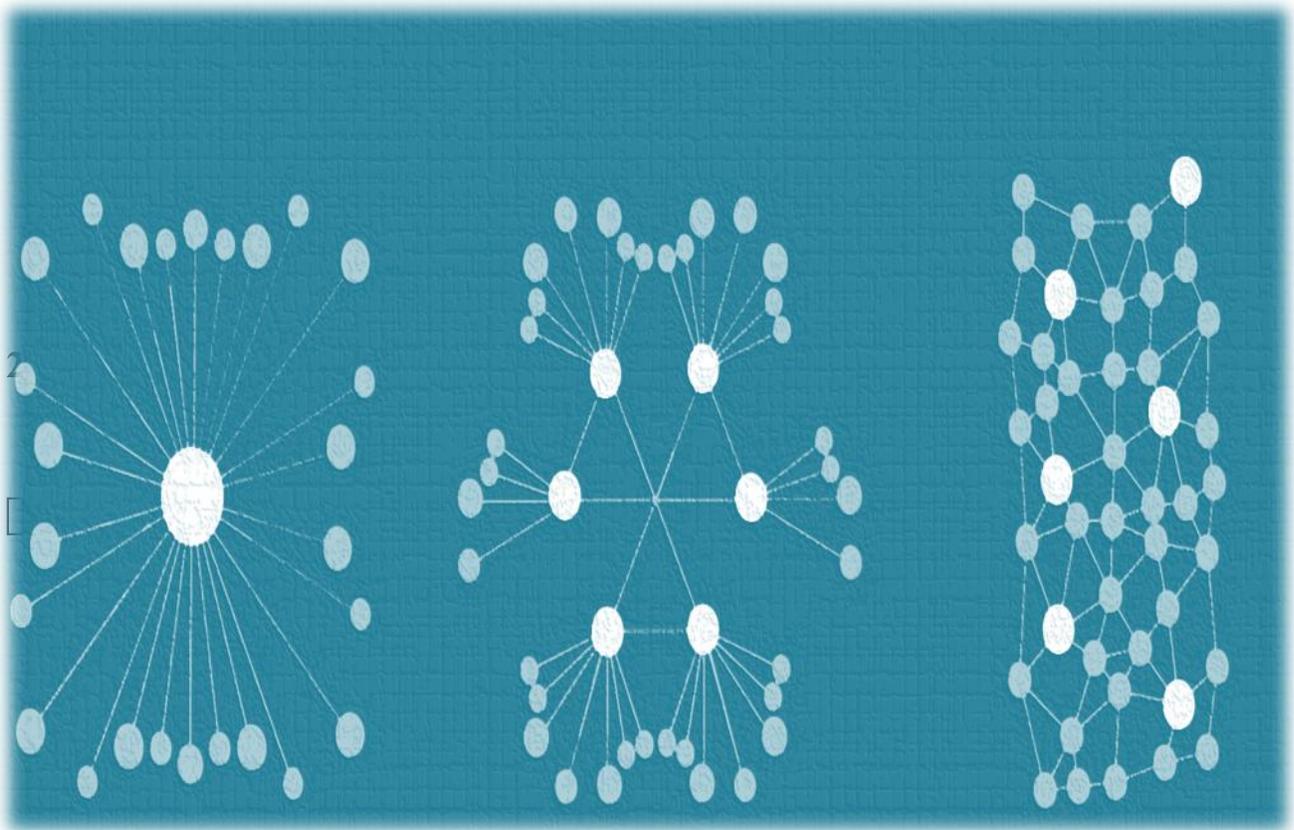




Alternative Network for Development and Democracy

The Intersection of Decentralization in Kurdistan Region



June 2020

No. of Series (1)

Subject: Analytical Report

**Name of the Report: The Intersection of
Decentralization in Kurdistan Region**

Year of the Report: 2020

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Introduction

The Kurdistan liberation movement struggled for years in Kurdistan Region of Iraq to gain decentralization from Iraq that sometimes was in the type of (autonomy) and later developed to (federalism) within Iraq during the 90s of the last century. The only station of the struggle that deviated from this path was the decision of Kurdistan Referendum on September 25, 2017 which ultimately its objective was not achieved!

Although Kurd was able to achieve his demands in the administrative decentralization in Iraq through practising autonomy for several years, hence; the willingness of the Iraqi rulers for the central state aborted the experience. Currently, Kurdistan Region is facing lots of conflicts and challenges in practising federalism which their source is the willingness of Baghdad to reduce the federal powers and the willingness of Erbil to expand these powers!

"The objective of this report is to know the attitude of the citizens regarding the implementation of decentralization within the federalism of Kurdistan Region and the readiness of the government, parliament and Kurdistan parties to agree on the establishment of this administrative system and its success horizons in Kurdistan Region"

Parallel to this conflict with Baghdad, the white smoke rose from the roof of Sulaimaniyah Provincial Council demanding to implement the administrative decentralization system within the Federal of Kurdistan Region. The white smoke came at a time which all the countries around the world are engaged with Corona pandemic and the effects of this pandemic have shaken the Kurdistan Region condition economically and administratively. Especially what's related to the rapid decline of oil price that the economy of the region was affected by this great damage either of the share comes from Baghdad or from the oil sold by itself. Besides the political change has occurred inside Kurdistan Region, Kurdistan Democratic Party (KDP) and his allies have the majority of the parliament since the last Kurdistan parliamentary elections, on the other side the results of the last congress of Patriotic Union of Kurdistan (PUK) are not in favor of remaining the former relationship between KDP and PUK. This is the first time since the end of civil war in 1998

between KDP and PUK to have such an equation. The movement of Sulaimaniyah Provincial Council for decentralization and forming a specialized committee for this purpose is in line with the motion of PUK leadership for the same purpose as they had several meetings within the governorate with the political parties of the zone. In contrast and so far, except some of the governmental and party statements by KDP neither the joint meeting between government and Kurdistan Parliament with the Sulaimaniyah Provincial Council has been taken place nor bilateral meeting between KDP and PUK has been taken place regarding this issue. Hence; everyone is awaiting the final movement of the Competent Committee of Sulaimaniyah Provincial Council and the government's and the Kurdistan parliaments' position over this issue after the meetings between KDP and PUK.

This report which is supported by Alternative Network for Development and Democracy consists of four parts:

First Part: The concept, principles and types of decentralization.

Second Part: The basis of decentralization.

Third Part: The attitude of a part of Kurdistan Region citizens regarding decentralization.

Fourth Part: Conclusions and recommendations.

The theoretical references are considered in the first part. In the second part, some of the legal documents and the platform of several government cabinets have been viewed. In the third part, the results of the questionnaire are presented which was made through the application of Google Form and they were published electronically during May 5, 2020 till May 10, 2020 that during this period 297 persons responded to the questions in Kurdish language across Kurdistan Region. In the final part, we present the conclusions and recommendations we have come up with in our report. This will be the first step of a series of special reports about this field.

The goal of this report is to know the position and the attitude of the citizens regarding the implementation of decentralization within the Kurdistan Regional

Federal, the readiness of the government, parliament and Kurdistan parties to agree upon the establishment of this administrative system and to know its success horizons in Kurdistan Region.



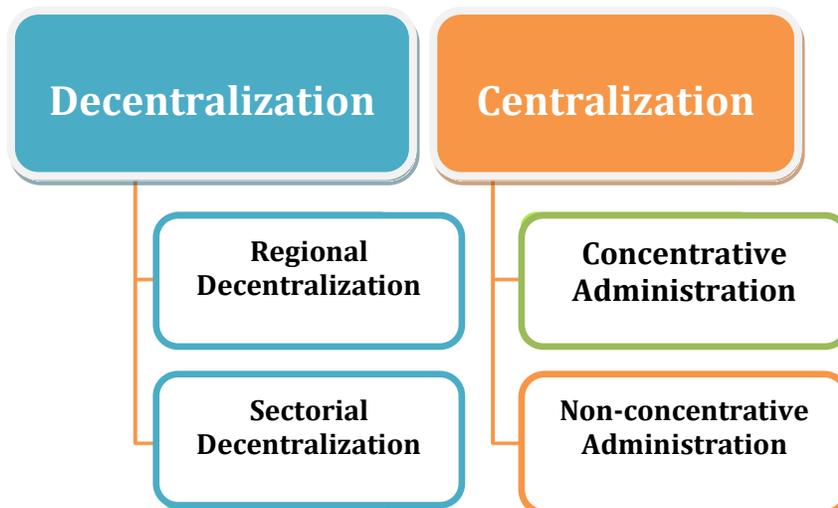
"The countries are not governed by one administrative system. There is difference in their administration system, even sometimes more than one administrative system is applied within the same country"



First Part: The concept, principles and types of decentralization

The countries are not managed by one administrative system. There is difference in their administration system, even sometimes more than one administrative system is applied within the same country. The selection of the administrative systems of the countries and the regions is related to various factors and is changed from a stage to another. For instance, the political reason or the political system of the country was one of the factors in most of the countries to decide on the type of the administrative system. For example, the absolute central administrative system was applied in the Iraq of Ba'ath era but with the fall of this regime, one of the radical changes was the change of the administrative system in Iraq to some kind of decentralization although it has not solidified yet.

In general, the experts of the governmental administration talk about two types of governmental administration system in the world and each one of them has different types that we can view it as follows:



The centralization is defined differently but as a common definition we can say that, "It's an administrative system that the authorities and powers are gathered either in the center or with its representatives in the regions and there is only one incorporeal entity". Administrative experts divide centralization into two parts (which is related to the concentration or non-concentration (gathering) of the powers in the center) that in the first type all the powers are controlled by the center whereas in the second type some of the powers are delegated to the representatives of the center within the geographical areas. Some call the first type absolute centralization and the second type as the moderate centralization but powers come from the central in both types. i.e. In general, on the level of the governmental administration, centralizations means that there is only one authority in the capital and all the decisions are taken either by this authority or her representatives in the other regions and areas. And this means that:

- The economic, political and administrative powers are controlled by the capital.
- All the administrative employees in the other areas are organized within a structure that they belong to the central authority, they act according her order and they are under her control.

On the contrary, decentralization is (an administrative form of governance which part of the administrative power is transferred to the other geographical areas or sectors besides part of the power still remains with the central government as per the legal and constitutional principles). This means that there is more than one incorporeal entity in the country, the source of all the powers is not the capital and there are other functions in the other areas and sectors which they require to be governed by other incorporeal personalities.

Decentralization means that there is more than one incorporeal entity in the country and the capital is not the source of all the powers.

Besides, there is political decentralization; the federalism of Kurdistan Region within Iraq and even the autonomy of 1970 – 1974 was a form of such political

decentralization. But our report is specific to the administrative decentralization which is our analytical destination.

The experts of administrative decentralization generally talk about two types; firstly, a decentralization which depends on geography that a region, a governorate or an administrative area is to be delegated or transferred to them a portion of the power or authority. The second is a sector among various sectors or a specific area of administration to be granted with a part of the powers without returning to the center. The experts of this area have different explanation about the elements of decentralization. Some of them think that there are two main elements of decentralization and we can recognize them through these two elements:

First: Autonomous self-administration of the decentralization power.

Second: The central control over the decentralization authority based on legal and constitutional standards.

Regarding that autonomous self-administration, those experts believe that the goal is (to recognize the legal entity of this decentralized authority, her financial potentials, and her local interests). But on the other hand, the experts believe that the elements of decentralization are more than those and they explain the following:

1. The availability of various local interests different from the national interests.
2. The availability of the local units, boards and institutions that would be capable to protect these variuos interests.
3. The availability of the central monitoring over those decentralized units and institutions.

Undoubtedly, these elements are complicated and competitive subjects between the centralized and decentralized powers. For instance, if we talk about the first

element which is the availability of the various local interests different from the national and nationalistic interests). It's not an easy task; especially, in the countries where the rule of law doesn't exist yet, the development of democracy is not stable or there are economic and social problems. Because sometimes the zonal interests are mingled with the nationalistic interests in a way that cannot be separated and to be accepted by both sides and it's possible to have more than one interpretation. For example, the security, national security and natural resources issues...etc.). The task is not easy as well for the second element which is (The availability of the local units, boards and institutions that would be capable to protect these multiple interests). Because this element has also two sides; the first is to have the local institutions and recognized by the citizens of this area on the one hand and to be recognized by the central authority and to deal with on the other hand. i.e. there will be more than one incorporeal (legal) entity within the same country or the region that the legal foundations and procedures must be clear and exposed and when they have the conflict, which one of them has the powerful or authorized to settle it. The last element which is (the availability of the central monitoring over those decentralized units and institutions) is also not a problem free. Especially; if these decentralized units and institutions are elected and recognized, why overseeing or monitoring them, as they get legality from the people of their zones and from their official institutions? The experts think that it's important to keep this monitoring and control due to the following:

1. The monitoring of the central government ensures the commitment of the decentralized authorities to the public policy of the state or the region especially in the national subject.
2. The monitoring may lead to more stability within the decentralized authorities and oppositely.
3. It's possible the monitoring lead to providing better quality of services, better development of these areas and preventing the grievances of the local authorities if available!

Undoubtedly, this administrative monitoring without a legal framework might have the opposite effect that does not keep meaning for the decentralized authorities and dissolve them. The experience of monitoring is different from a country to another and there is not a specific experience to make it a pilot for the other countries.

The democracy is the rule of law, people engagement and respecting the minorities and democracy, administratively, is the distribution of powers and transferring them. Therefore; decentralization could be seen as a pillar of democracy and on the contrary, the potential of its promotion and sustainability is more within the democratic systems. This does not mean that is not possible to have administrative decentralization within non-democratic systems. Of course, the political decentralization exists only in the systems which are federal.

The decentralization better establishes democracy in administration. It increases the participation of people in administration on the local level. It reduces the danger of exclusivity

The administrative decentralization has pros and cons. We briefly show the advantages and risks of administrative decentralization as follows:

No	Advantages of decentralization	Risks of decentralization
1	It better establishes the principles of democracy in administration. It increases the participation of people in the administration on the local level. It reduces the danger of exclusivity	It may endanger the unity of the government, administrative power and even the country or the region. There is the risk of dominating it's administrative authority and produce tyranny instead of establishing democracy.
2	It reduces the burden over the central government and taking the affairs of these areas instead which helps the central government to implement the strategic and the national plan better.	It creates administrative conflict between the central government and the decentralization authority. The local authorities always attempt to dominate the local interests. This risk is getting bigger in the areas still stick to zonary and geographic ideas. (As belonging to a city or somewhere).
3	It's better to confronting the crisis of the areas. Because the people of the area know better to decide about the solutions for their problems and issues on the one hand and on the other hand, they don't wait for the decisions and bureaucracy of the central government, they make the decision faster regarding their needs and routine is reduced.	The personnel of the decentralized areas are less experience compared to their peers in the center according to the experience of most of the countries.
4	Developing the areas outside the capital through achieving equity in spending their own income for themselves and improve the basic services in their areas.	There is the risk of more expenses and wasting more income due to the establishment of the new administration and even because of democracy needs such as elections as well as due to the lack of managerial experience of the administrators.

Undoubtedly, the advantages of decentralization are more and more valuable than the risks and negativities that might be generated by decentralization. Certainly, If there was a proper legal and constitutional framework, the legal framework in the center to have the appropriate and modern codes as well as to have the appropriate legal principles for the decentralized authorities, to be endorsed and legitimized by people and recognized by the center, all these risks can be mitigated as well as the globally modern administrative orientation is towards decentralization.

Parallel to these forms of administration in the world, another form of structure used for the fiscal and administrative governance which is self-administration that every area manages its own area, distributes the authority completely, operates a sophisticated form of ruling and grants a semi-complete independent to the areas. The distribution is in the form of sectors. It's said that this is not easy for the administration of a small area and it has no impact but the system is for the administration of a proper world and even said that the world now is run accordingly.

"In addition to the centralization and decentralization, distribution of power and self-administration is another form of administration system that can advantage the experiences of human community"

Second Part: The basis of administrative decentralization in Kurdistan Region

Kurdistan Region is an (administrative – political) decentralization within Iraq. Before also, during 70s of the last century, she had experienced another form of such decentralization. Inside the region, in fact, there was practically more than one administration on the ground since the beginning of the civil war in (1994-1998) either formally such as the announcement of Sulaimaniyah Administration, having prime minister and the government or what's available currently that the two administrations exist due to de facto, despite of having a united government during 1992-1994.

Legally and constitutionally; some of the experts in the field of decentralization think that the constitutional text is not a basic condition for the administrative decentralization and just the legal text is sufficient so as to have decentralization. Undoubtedly, due to the lack of constitution in Kurdistan Region, we don't have a constitutional text to work on and consider it as a constitutional base as well as we cannot work on the constitution project of the region because it's just a project and it doesn't have the legitimacy to build hope upon. Therefore; some of those people and parties that work on decentralization in Kurdistan Region including both sides (the supporters and opponents of decentralization) work on three bases:

First Orientation:

Those who are working on the reality (de facto), especially working on (Sulaimaniyah administration) where is ruled by PUK and (Erbil administration) where is ruled by KDP.

Second Orientation:

Those people who depend on the constitutional texts of the Iraqi Constitution of 2005. We will come to that later and this constitution works on two decentralization orientations.

One of them is the political decentralization which the experience of the current Iraqi rule has proven that the political decentralization is only for Kurdistan Region and the authorities must be limited. The constitution does not explain the details of the administrative authority of Kurdistan Region. The other orientation related to the provinces that are not organized within any region. There, it talks about the administrative decentralization and even there is a law in Iraq for the management organization in this field.

Third Orientation:

Those people who depend on some legal texts of Kurdistan Parliament, for example the law of governorates of KRI which was issued in 2009. They also depend on the platform of the new cabin of KRG where indicates to decentralization in one of it's items.

"The Iraqi constitution does not talk about the administration system within Kurdistan Region and other regions once established but it has left it for the region itself".

We'll try to explain in more detail about each of these orientations in the following:

First: The orientation of imposing the reality (de facto).

Kurdistan Region was a semi-independent administration before 2003. With the fall of Ba'ath regime in Iraq, the experience of federalism had been imposed in Iraq as de facto. In this sense, the previous areas of Sulaimaniyah administration where governed by PUK and his allies might be made the de facto and imposing the administrative decentralization within the federalism of Kurdistan Region but if it did not succeed might be arranged outside the federalism of Kurdistan Region as a province within Iraq and according to the Iraqi constitution procedures. The first hypothesis within the federalism administration of Kurdistan Region is more predictable whereas the occurrence of the second hypothesis cannot be excluded! This orientation is more linked to the political analyses and the joint experience of governance between KDP and PUK as well as the harmonization and non-harmonization of these two powers rather than been related to the legal texts and the governmental platform. It's more working on entrenching the two administrations and attempting to have a zone where they can rule rather than the importance of sharing the powers and authorities, people engagement and development of the areas. This orientation looks for his legal existence as he believes that the central authority want to vanish and marginalize him rather than thinking about the importance of the form of this incorporeal entity.

Besides, there are several significant factors for the interpretation of this orientation, among them are the following:

1. There are various peculiarities in the region that are different from the social and political ones in the center.
2. It has the previous experience of self-administration. So far, in addition to Sulaimaniyah administration, it has Halabja Governorate, two independent departments in Garmiyan and Raparin as well as Koya District has had peculiarity so far.
3. Although the security and military of these areas have been under control of the Ministries of Peshmarga and Interior, the force of PUK is more effective on the ground.
4. In terms of natural resources, the area has the majority of discovered fields of oil and gas. It also has many other natural resources, especially, the production of cement where the majority is produced in this area on the level

of Kurdistan Region.

5. The territory is bordering with Iran. The strong relations of the influential political powers with Iran will have impact as well.
6. The prevailing mentality among the majority of people that KDP historically could have worked less on it. The people of the area have been loyal to other powers than KDP. Therefore; if there were less balance within the central government between those powers and KDP, the authority of the central government in these areas will be weak.

All these issues, according to the supporters of this orientation, pressure to grant these areas with decentralization as soon as possible. Its delay affects the center and these areas as well and the governance in Kurdistan Region cannot be promoted. One of the other criticisms from the supporters of this orientation is that this issue was developed after the congress of PUK and they want to copy the self-administration experience of PKK in Kurdistan Rojava (West Kurdistan) as it's and, especially; they also adopted the co-chair system for their party in their last congress!

Second: The orientation of depending on Iraqi constitution for decentralization in Kurdistan Region.

The ruling experience in the Iraq State was central till the fall of Ba'ath Regime in 2003 except two stations; first, there had been a form of decentralization called autonomous in the governorates of Erbil, Duhok and Sulaimaniyah during 1970-1974, the second, Kurdistan Region had a kind of recognized independency on the level of Iraq following the uprising of 1991 till 2003 which it had been protected by the international force without been given the legal legitimacy within the Iraqi legal and constitutional texts.

The experience of decentralization emerged formally in Iraq in 2003. At that time, when the coalition forces led by USA came to and run Iraq, they issued several laws before the ratification of the constitution in 2005. Hence, we're talking about three different phases during a period of three years as following:

"The decentralization that is demanded is wider than the one found in the legal texts of Kurdistan Region.

Therefore; it needs the amendment of law the implementation of the laws.

1. The Iraqi Transitional Administration Law of 2003.
2. The Order No. 71 of the International Coalition Authority in Iraq of 2004.
3. The ratification of the Iraqi Constitution of 2005 and its enforcement.

During these three years, a new legal basis was established for Iraq. Kurds were able to fix in the constitution whatever they wanted politically parallel to Shiite and in cooperation with the USA and her allies. The USA and her allies didn't go under all demands of Kurds and Shiite completely even in the first step they identified themselves as rescuers but later they decided that they're invaders. This made them liable to demonstrate their program and plan for the reconstruction and their exit in Iraq as invaders. Amid these circumstances, they announced the Iraqi State

Administration Law for the transitional phase of 2003 and they published in the Iraqi Al-Waqiah Newspaper No. 3981 on December 31, 2003. That's true it was a law but in fact it was undeclared constitution to run Iraq. In this law and for the first time, the federalism of Kurdistan Region was officially recognized in the Iraqi legal texts as well as decided to adopt the approach of decentralized administration for the Iraqi provinces and fixed the issue of sub-district, district and provincial councils.

It made the provincial council the reference to appoint the governor and authorized the governors within their governorates to impose and collect taxes.

If this law was general, later, on April 6, 2004 and more specifically, the International Coalition Authority in Iraq issued the Order No. 71 for the local authorities that established decentralization system completely. The political decentralization on the level of Kurdistan Region within Iraq and the administrative decentralization for the other governorates of Iraq which undoubtedly involved Kurdistan Regional Governorates as well because following the issuance of this order after some time, the provincial councils' elections were held in Iraq and Kurdistan Region. At that time, there wasn't any law in Kurdistan Region by the Parliament of Kurdistan for this issue even the regional political powers were not happy a lot for the election of the council. In a way, they considered it an intervention by the US and her allies. On the other hand, there was some kind of power balance between regional authorities as they didn't want to distribute the powers and share them with the bottom of the hierarchy. Even, some considered it a blow to the Kurdish national issue in Iraq. Hence, the elections were held and the provincial councils were founded. They were not effective in the region due to the reasons mentioned above and because the other laws of the region had been legislated on centralized bases. There was some kind of incompatibility between the functions of the provincial councils, the ministries and the regional government.

The writing phase of the Iraqi constitution for 2005 was full of conflicts between Kurdistan parties, Iraq, regional, coalition and America. There were many demands

for different forms of new Iraq including the independency to Kurdistan reaching to confederate, federal and decentralization to the provinces even rejecting the whole process. The independence movement of the Kurds was in its development, according to the informal voting in the polling day for the Iraqi constitution, 90% of the voters asked for the independence as well with the absolute approval of the constitution by the people of the region! The majority of Shiite decided in the elections and continued supporting the system of federalism for Kurdistan Region and decentralization for the governorates as well as the majority of Sunnis boycotted the process.

Despite of their criticisms, the majority of the religious and ethnic minorities approved the constitution.

The 2005 Iraqi constitution, for the designing and formulation of the Iraqi ruling and governance structure, relied on the State Administration Law of 2003 and the Order No. 71 of 2004, therefore; in the fifth part of the article 116, its fixed that (the governance system in Iraq consists of the capital, regions, decentralized governorates and independent departments). This means that the Iraqi governance and administration system consists of more than one section where there is capital in the center, regions and decentralized governorates and independent departments. Politically, this is the acknowledgement of administrative and political decentralization, or we can say that in the Iraq of after 2005, an absolute decentralization has been fixed in the constitution text.

As per the Article 171, First, in the Iraqi constitution, Kurdistan Region is recognized but never talks about the administrative authority whether to be centralized or decentralized but it leaves it for the authorities of the region. Moreover, in the Article 119, authorizes a governorate or more to hold referendum to form region or territory in two ways; firstly, to the request of 1/3rd of the provincial council members or, secondly; to the request of 1/10th of the governorate voters. For the governorates their affairs are not arranged within a region, the Iraqi constitution has arranged for them the centralized administration approach and even grants them with large authorities in the sections of the Article 122 and 123. In the section 4 of the Article 121, the constitution grants them to have development, social and

cultural bureaus within the Iraqi consulates.

Therefore; the supporters of the orientation that they rely on the Iraqi constitution for the administrative decentralization resolution within the governorates of the region are before several probabilities:

1. Although, the administrative decentralization within the regions has not come as per the constitutional text, the political and administrative decentralization are in line with the soul of the constitution and when asking the relative body for the interpretation of the constitution, they might win their request!
2. Although there isn't any text in the constitution to explain if a governorate within a region regretted and wanted to exit the authority of this region, this is also another assumption to exit the authority of the region and organize herself as a governorate as per the Iraqi laws and constitutions and to obtain the administrative decentralization.
3. As per the constitution and especially according to the Article 119, the supporters of the administrative decentralization can ask for the establishment of another region but this time will become the political decentralization and may bring about the administrative decentralization for the other areas as well. Hence, it will be a region within Iraq but not within Kurdistan Region because none of the items of the constitution explains the existence and non-existence of a region within a region!

Third: The supporters of the orientation of relying on the legal texts of the region and the platform of the government for the administrative decentralization.

If you search for the legal text and ground so as to use it as a base for the administrative decentralization in Kurdistan Region, you might just find some of the

articles of the Law No.3 of 2009 are appropriate. But there is something else taking place on the ground as following:

1. The Kurdistan Authority which practically began in 1992 till the establishment of its parliament and the government and issued several laws. In the half-life of the her first cabin of the government and the parliament, the civil war broke out in 1994 and the areas divided on both poles of the war and resulted in two administrations.
2. There was civil war from 1994 till 1998. The two administrations completely stabilized. Although, there weren't two parliaments, there were two governments on the ground. Each worked on its own affairs away from the other. They didn't have any mutual interest to gather them neither with themselves nor with Iraq.
3. From 1998 till 2005, how many joint governmental cabins were formed, still the effects of two administrations were there and worked to reshape the center and the central authority.
4. From 2005 till 2009, parallel with the efforts of the region to blending the two administrations so as to reshape the central authority and restore powers from the administrations, but the commencement of decentralization and provincial councils were imposed by the international coalition, the elections of the provincial councils took place and in each governorate, on the ground, another legal entity was formed alongside the regional government, although they didn't have power!
5. Since 2009 and so far, the provincial councils, more or less, have the role as per the legal texts for the them and they're exist according to this law, but in comparison with the Iraqi former provincial councils on the one hand and in accordance to the Iraqi constitution on the other hand, the provincial councils of the region don't have such an important role.

The Law No. 3 of 2009 which is issued by the parliament of Kurdistan and among the reasons for the issuance of the decision indicates that the purpose of the law is the decentralization and distribution of powers to facilitate and improve service delivery to the citizens. In the fifth article of the law stipulates that (the provincial council has the power to monitor and follow up within the governorate

administration and entitled to issue the decisions, regulations and instructions for the arrangement of the administrative and financial affairs within the governorate, so as to be able to supervise the management of the governorate affairs in accordance to the governance administration decentralization principles in line with the valid laws and constitution of the region). Although this is recognition of some of the powers to these councils, it's much less than the authority was granted to the provincial councils of Iraq. Besides, because of the other legal text which has impeded decentralization and due to the effects of centralization tendency in the central authority, it has led to the creation of two fronts in this regard. In the officials' statements of the parties have participated in the current region government seems that the supporters of decentralization within the Sulaimaniyah and Halabja Governorates as well as Raparin and Garmiyan Departments ask for more than that decentralization has come in the Law No.3 of 2009. Another group of supporters of decentralization in Erbil and Duhok state that they're also with the administrative decentralization and the Law No.3 must be implemented as it's and even some of them believe that the provincial council also has to be blamed for not using their power as per the law.

It seems that the new cabin of Kurdistan Region has also relied on this legal text for decentralization issue, because one of the issues has been mentioned in this cabin is, **(We work for the establishment of administrative decentralization in line with the legal and governance system of Kurdistan Region, delegation of powers and distributing responsibilities and tasks as per the law under the control the government presidency)**. Whatever you do with the text, in the best scenario, it can only bear another modification of Law No.3 and more than this is not expected. It's worthy to mention that this is not the first time this issue has been raised in the platforms of the cabins of Kurdistan Governments because the same had been raised within the outlines of the eighth cabin of the government, **(Upgrading basic services such as labor, water, electricity and roads in line with the prominent economic development of Kurdistan, upgrading the individual living, promoting of local and foreign investment through the operating of all potentials and human and financial resources of Kurdistan Region. In this regard, we have to work actively for the implementation and establishment of decentralization, separation of powers and agreeing to**

amend laws that have national dimension in our country). Nothing done in the legal field during the four years of the lifespan of the Eight Cabin, and no one spoke about it! Therefore; now one of the criticisms of decentralization, it states that when PUK and KDP have balance and working together, they don't have problem with the delegation of power and decentralization and when in conflict with each other, each of them wants to have their own influence territory, if not they don't want decentralization! But decentralization for some others is a necessity for democracy and improving the living of the citizens and must be achieved.

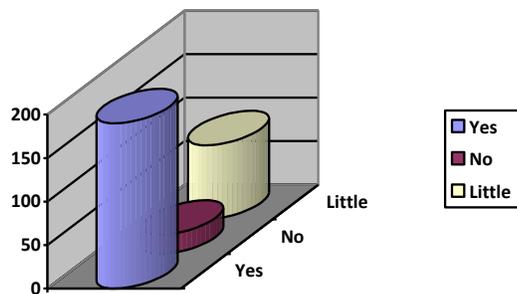
"In the platform of the former cabin (eighth) of Regional Government had been talked about the decentralization but a sentence from the platform was not implemented, because PUK and KDP were more balanced in centralization governance".

Third Part: The attitude of some citizens in Kurdistan Region about decentralization.

Alternative Network for Development and Democracy designed a questionnaire in Kurdish language which was made the Google Form application using semi-closed electronic approach and it was published electronically in the page of the Network on facebook and on the page of the members of the Network during May 5, 2020 till May 10, 2020. During this period, 297 citizens responded to the questions in all over areas of Kurdistan Region. We're presenting the conclusions here as follows:

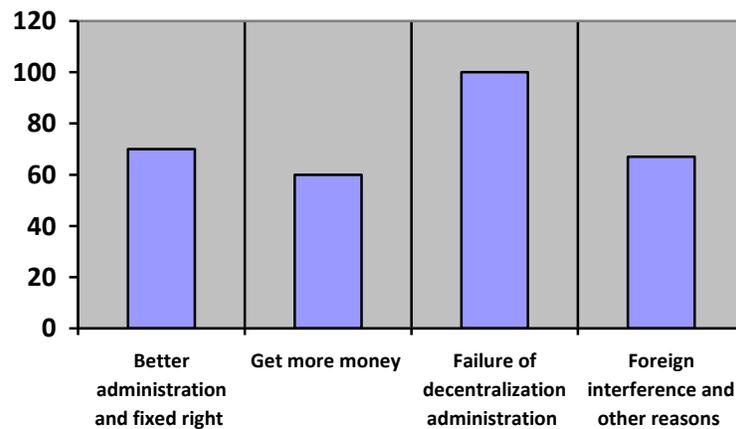
First: Do you have any knowledge about the difference between centralization and decentralization?

In accordance to the responses of 297 respondents who have answered the question, it appears that 190 respondents who constitute 64% of the participants state that we have knowledge about decentralization. This rate constitutes the majority of the participants and those who didn't have knowledge are 22 persons who constitute 7.4% of the participants. But 85 persons who constitute 28.6% of the participants state that they have little knowledge about decentralization.



Second: How do you think about the current efforts of decentralization establishment?

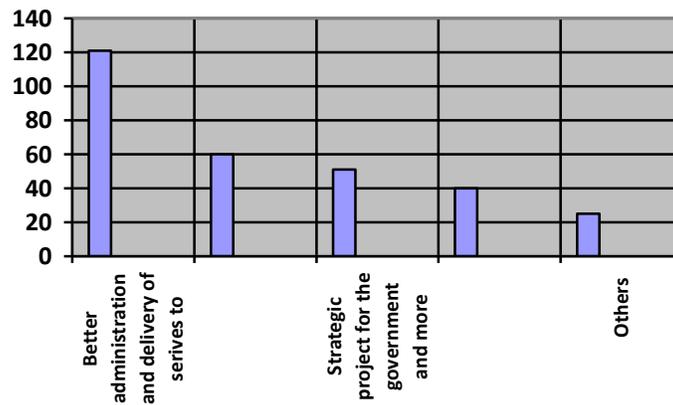
For this question, there were several answers. The respondent was able to choose more than one answer or he was able to add other answers. According to the results of the responses appear that 33.7% of the responses agree with the failure of decentralization experience in the region and this is the highest rate of the responses. 23.6% of the respondents believe that the decentralization is a fixed right in Kurdistan Region and it should be enforced as well as will have lots of advantages for the administration governance in Kurdistan Region. On the other hand, 22.5% of the responses believe that the decentralization is the outcome of the foreign intervenes. Some others believe that there are other reasons called them (parties' conflict, treason and separating Sulaimaniyah). 20.2% of the respondents think that the decentralization is a mean to get more money within the decentralized areas.



Third: What are the advantages of decentralization for Kurdistan Region?

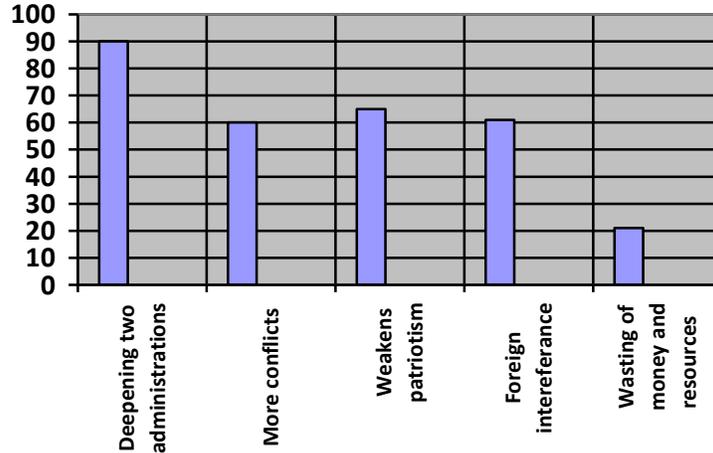
For this question, there were several answers. The respondent was able to choose more than one option or he was able to add other answers. According to the results of the responses found that 40.7% of the responses think that the most positive and advantage of the establishment of decentralization is better and faster implementation of the demands of citizens and better governance of governorates administratively and financially. In addition to that, 20.2% of the responses believed that the establishment of decentralization brings about more cohesion and harmonization between the governorates on the one hand, and with the Government of the Region on the other hand which ends the feeling of discrimination among the governorates.

Following that, 17.2% of the participants think that it increases the engagement of people in the administration of their cities and the Government of the Region will be more concentrated on the national and strategic projects. Meanwhile, 13.5% of the participants believe that the decentralization leads to the revival of the governorates. Finally, 8.4% have chosen others and among them have written (there is no advantage, increases corruption more for the corrupters).



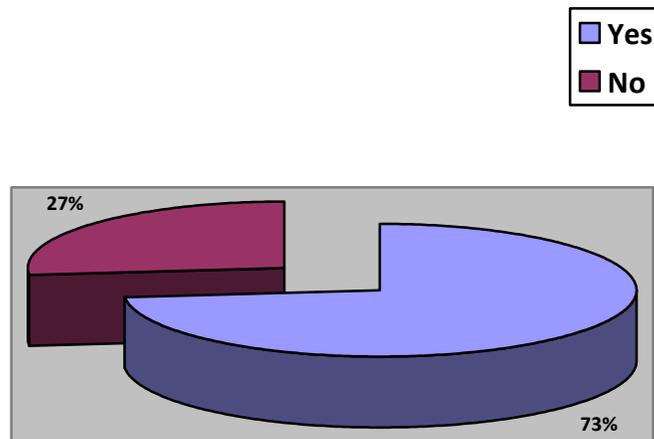
Fourth: What are the disadvantages of the implementation of decentralization in Kurdistan Region?

For this question, there were several answers. The respondent was able to choose more than one option. The majority of those who answered, they have chosen more than one answer. 30% of the respondents think that the biggest disadvantage of the establishment of decentralization is the repeating of the experience of two administrations in Kurdistan Region. Following this, 22% of them believed that the other disadvantage of decentralization weakens the patriotism and the national feeling as well as dominates the zonal ideology. 20% of the responses believed that the decentralization paves the way for more foreign interference. Another 20% of the participants believe that the decentralization causes more conflicts and crises for the region especially between the powers of the governorates and the regional government. Finally, 7% of the responses think that another disadvantage of decentralization in Kurdistan will be wasting more money and resources of the governorates.



Fifth: In general, are with the establishment of decentralization for the administration of Kurdistan Region Governorates?

This question was designed as a close-ended question that the respondent has to answer the question with Yes and No. It was a condition that the respondent to respond to this question otherwise he/she will not be able to send back the questionnaire form. The answers were as 73.4% of the participants were with the implementation of the decentralization for Kurdistan Region, 26.6% of the participants have responded with "No" and they're not with the implementation of decentralization in Kurdistan Region.



Fourth Part: Conclusions and Recommendations

1. Conclusions

- 1.1: Practically, decentralization has existed in Kurdistan region in a form or another since 1994. The majority of this experience was de facto and not according to the legal context and even it didn't have legal support. It hasn't been according to the plan and or to the political agreement.
- 1.2: Once there was imbalance, for any reason, in the administration of the Regional Government between PUK and KDP, the demand had been more for the distribution of power in the areas otherwise when they were in harmony and had balance for the governance of the region; they made effort to recover the power of the governorates. Therefore; there is a strong attitude that asking for decentralization is for the separation of influence zone but not for the delegation or transfer of power!
- 1.3: The decentralization issue has not come only in the platform of the ninth cabin, but it was found within the broad lines of the eight cabin platform and it was not used because there was balance in the administration of the regional government as well as PUK and KDP had more understanding.
- 1.4: In Kurdistan Region, we don't have constitution so as to use it as a reference for the issues like decentralization and other issues as well. It's not easy to go back to the Iraqi constitution for this subject especially; the Iraqi constitution doesn't interfere with the administration issue of the region and leaves it for the region itself. The procedure of being decentralized in accordance to this constitution will become adverse for the governorates of the region. On the one hand, it's returning to the relative body for this issue to explain the constitution and on the other hand, it is exiting from the federal entity of the region. i.e Being decentralized as per the Iraqi constitution like any other Iraqi governorate. In

light of such a circumstance, trying to form another federal region within Iraq will be easier!

- 1.5: The items and clauses exist in the Law No.3 of 2009 of Kurdistan Parliament, are much less from what the supporters of decentralization asking for. Therefore; through the political agreement, they have to try the consensus to amend this law.
- 1.6: Each of these systems, centralization and decentralization, have their own advantages and risks. Although, according to the results of our questionnaire, decentralization has more advantages for the administration of Kurdistan Region and improving the service delivery, according to some who are not few believe that two administrations will be deepened, it will engender more zonal feeling on the account of patriotism and wasting money and resources will continue.
- 1.7: In accordance to the results of the questionnaire appears that majority of the citizens are with the establishment of decentralization for Kurdistan Region. But as it's seen on the party level and even on the level of the government, there is a lot of difference in the interpretation of the powers of this decentralization. The issue is more sophisticated than it's expected.
- 1.8: The development of decentralization in the countries was according to the need, awareness and agreement and according to the experience of the countries. Hence, the decentralization model or type differs from a country to another. Therefore; it's important when thinking about decentralization for Kurdistan Region to take into account the specifications and diversity of Kurdistan Region.

2. Recommendations:

- 2.1: The government and the political parties must have continuous and intensive dialogue about decentralization issue to come up with the common aspects and ensure the advantages of this experience. They must not rush to decide to agree

on decentralization or reject it.

- 2.2: It's important the researchers and research centers to pay attention to the conduct of research about decentralization, its advantages and its disadvantages, specifications and bases and its challenges and horizons...etc. as well as to provide their recommendations and proposals.
- 2.3: It is important that the citizens, people organizations and civil society to be aware and concise regarding this issue and all of them have to think about their advantages and benefits in such a process.
- 2.4: It is important that in addition to the provincial councils of the region, Kurdistan Parliament to look at to this process with attention but not to fight to reject such a request because it will be clear that there is a great desire to transfer the power from the center to the governorates. Hence, it's necessary for the parliament to have a role in drafting a robust legal framework for the protection of decentralization within Kurdistan Region. Decentralization needs legal amendment and the available law for this purpose is less than the demand by the supporters of decentralization in Kurdistan Region.
- 2.5: It is important that the supporters of decentralization to deal with their demands with cautious and carefully. However, there are lots of and important advantages of decentralization for governance, enhancement of democracy and more engagement of citizens, probably, the supporters of decentralization might be easily accused for the deviation from the national and patriotic cause and splitting of the region...etc.
- 2.6: Part of the demand for decentralization is related to the tough approach of central administration which exists in the legal texts of Kurdistan Region. Therefore; the establishment of decentralization not just needs the issuance of a new law but it needs to modify several other laws that directly or indirectly reduce the value of the governorates' decentralization.

According to this report, more than 74% of those their opinions have been taken in Kurdistan Region are with decentralization for the administration of Kurdistan Provinces. However, 36% of the participants believe that the decentralization deepens the two administrations in Kurdistan Region.



Alternative Network for Development and Democracy, is a network that founded and consists of a number of CSOs with the code No.5099 at the end of 2019, it's registered with the Department of NGOs of Kurdistan Region. It gives importance to the issues of development and democracy.

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