

UNOFFICIAL UNAMI TRANSLATION

In the Name of People
The Presidency Council

Based on what has been rectified by the Council of Representatives under the provisions of Article (61) of the Constitution, and based on Articles (110), (114), (115) and (122) of the Constitution,

The Presidency Council decided in its session held on / / 2008 to issue the following law:

Law No. () of 2008
Governorates not organized into a region

Preface

Article 1

For the purpose of this Law, the following terms shall have the meanings assigned to them hereunder:

The law: Law of Governorates not organized into a Region

Council of Representatives: the Iraqi Council of Representatives

Governorate: An administrative unit within its geographic borders; it shall be composed of districts, sub-districts and villages.

Council: Governorate Council.

Local Council: District Council and Sub-district Council.

Councils: Governorate Council, District Council and Sub-district Council.

Administrative Unit: Governorate, District and Sub-district.

Head of an Administrative Unit: Governor, Qa'im-maqam (District Director) and Sub-district Director

Senior Positions: Director Generals in the governorate and the heads of the security apparatus in the governorates except university presidents, judges and army commanders.

Absolute Majority: realized by half of the members + 1.

Simple Majority: realized by half of the present members + 1 only after the required quorum had been achieved.

Part One
Councils and Formation Procedures

Article 2

- 1.** A Governorate Council shall be the highest legislative and supervisory authority within the administrative borders of the Governorate. It shall have the right to

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adopt local legislations within the borders of the Governorate in a manner that enables it to run its affairs according to the administrative decentralization principle and in a way that does not contradict the Constitution and the federal laws.

- 2.** The Governorate Council and local councils shall be subject to the monitoring of the Council of Representatives.

Article 3

First

1- Governorate Council shall be made up of (25) seats with the addition of one seat for every (200,000) people for more than (500,000) people.

2- A District Council shall consist of (10) seats, with the addition of one seat for every (50000) people.

3- A Sub-District Council shall consist of (7) seats, with the addition of one seat for every 25000 people.

4- Council members shall be elected through direct secret ballots according to the Councils election law.

Second

The latest official statistics should be adopted to determine the number of seats to be added according to the provisions of Clause 1 of this Article.

Article 4

The electoral cycle of the Council shall be for four calendar years commencing with its first session

Chapter One Conditions and Expiry of Membership

Section One Conditions for Membership

Article 5

A candidate for membership of the Councils must;

1. Be an Iraqi citizen, fully eligible and not less than thirty years of age at the time of his candidacy;
2. Hold a secondary school certificate or its equivalent, at a minimum;

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3. Be of good conduct and repute and have not been convicted of an offence prejudicial to honor;
4. Be from the people of the governorate or a permanent resident for a period not less than ten years, and that his residency would not be attributable to reasons of changing the demography
5. Not be a member of the armed forces or the security agencies at the time of his candidacy;
6. Not be included in the provisions and procedures of the De-Baathification Law or any other alternative law;
7. Not have illegally gained wealth at the expense of the country and the public money pursuant to a court verdict.

Section Two
Expiry of Membership

Article 6

First

Membership shall expire by the expiry of the electoral cycle or in the following cases:

- 1- The death of a member or his infliction by a permanent handicap, disability or a dangerous disease that prevents him from pursuing his job pursuant to a decision by a specialized medical committee.
- 2-
 - A. A member of a Council or Local Council may submit his resignation in writing to the Head of the Council; the latter should present it at the first following session so as to take a decision about it;
 - B. The resignation shall be deemed accepted upon the approval of the Council by absolute majority or by the insistence of the resigning member, even if the Council rejects it by an absolute majority.
 - A member shall be deemed dismissed when he fails to attend four successive sessions or (1/4) the sessions of the Council during the period of four months without a lawful excuse. The Council shall invite the member so as to hear his statements in a session to be held at least 7 days after notification of the date of the session. A member shall be deemed resigned by a decision with the absolute majority of the Council;
4. In the event that one of the causes stipulated in Article 7 paragraph 8 of this Law applies, the Council may terminate the membership by an absolute majority of its members.
- 5- When a member does not meet one of the conditions of membership.

Second

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Replacement shall be due once the membership is expired and when one of the conditions stipulated in this Article is met, from the same list, provided that the elections were carried out under the list system or with the person who scored the highest number of votes pursuant to the electoral system applied.

Third

A Council member may appeal the decision of removal to the Administrative Judiciary Court during thirty (30) days of notification of the decision.

Fourth:

The provisions of termination of membership of this Article shall be applied on the local councils.

Chapter Two
Competencies of Governorate and Local Councils

Section One
Competencies of Governorate Councils

Article 7

A Governorate Council shall assume the following functions:

First

Election of the Council's Chairperson and his Deputy by the absolute majority of the Council members at the Council's first session upon the Governor invitation and within 15 days from the date of ratification of election results. The session shall be presiding by the oldest member.

Second

The removal of the Council's Chairperson or his deputy from office by absolute majority of the Council members in case that one of the causes stated in Clause 8 of this Article applies and upon the request of one third of the Council's members.

Third

To issue local legislations, regulations and instructions to regulate the administrative and financial affairs in a way that enables it to run its affairs according to the administrative decentralization principle in a manner that does not contradict with the provisions of the Constitution and federal laws.

Fourth

Outline the Governorate general policies in coordination with the competent ministries within the context of developing the plans of the governorate.

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Fifth

1. Prepare the budget of the Council to include it in the general budget of the Governorate
2. Ratify the general budget of the Governorate submitted by the Governor and transfer funds between its chapters with the approval of the absolute majority of the members, with the consideration of Constitutional standards in distribution for the Center of the Governorate, the Districts and Sub-districts, and refer it to the Federal Ministry of Finance to unify it with the Federal budget.

Sixth

Monitor all activities of the local executive bodies, except for courts, military units, colleges and institutions, in order to ensure good performance of all except the departments with Federal competencies.

Seventh

1. Election of the Governor and his deputies by the absolute majority of its members during a maximum period of thirty days of convening its first session;
2. In the event that no candidate gets absolute majority of the Council members, candidates who get highest number of votes shall contest in a second round of elections. The member who gets the highest number of votes of the second ballot shall be elected.

Eighth

1. Questioning the Governor and his Deputies shall be at the request of one third of the Council members. In case that the simple majority of members are not convinced, they shall vote to remove him in a second session. He shall be deemed resigned by the acceptance of the absolute majority of the Council members. The request or recommendation of removal should be based on one of the following exclusive reasons:

- a. Lack of integrity or exploitation of rank.
- b. Cause a waste of public property.
- c. Loss of one of the membership conditions.
- d. Intentional dereliction or negligence of duty and responsibilities.

2. The Council of Representatives may remove the Governor by an (absolute-simple) majority of its members based on a proposal by the Prime Minister for the same reasons above.

3. A Governor shall be deemed removed for lack of one of the conditions stated in Article 5 of this Law;

4. A Governor may appeal the decision of removal to the Supreme Federal Court within fifteen days from the date of notification of the decision. The Court must adjudicate the challenge within one month from the date of its registration. The Governor shall continue assuming the governorates daily duties until a decision by the Court is taken.

5. After the deadline for appeal stipulated in Clause (4) above or ratification of the removal decision by the High Federal Court, in case of appeal, the Governorate Council

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shall elect a new Governor in accordance with the provisions of Clause 7 of this Article, within a period not to exceed 30 days of ratification or deadline for appeal.

Ninth

1. Approve the appointment of three senior officials in the Governorate by an absolute majority of the Council members, from at least five nominees proposed by the Governor. The relevant Minister should appoint one of them.

2. Removal of senior officials of the Governorate by an absolute majority based on a request by one fifth of the members of the Council or upon a proposal by the Governor. The Council of Ministers has the right of removal on the basis of the reasons mentioned in section Eighth of this article

Tenth

Approve the local security plans submitted by the security agencies in the Governorate through the Governor, in coordination with the Federal Security Departments while taking into consideration their security plans.

Eleventh

Approve, with absolute majority, the administrative changes in districts, sub-districts and villages whether these changes are merger, creation, change of name and center and the resulting administrative formations within the borders of the Governorate, upon a proposal by the Governor or one third of the Council members.

Twelfth

Issue an official gazette in which all decisions and orders of the Council shall be published.

Thirteenth

Select a logo for the Governorate that embodies the historical and cultural legacies of the Governorate.

Fourteenth

Approve a bylaw for the work of the Council within one month of holding its first session. The by-law shall be approved by absolute majority.

Fifteenth

Identify the priorities of the Governorate in all fields, outline its policy, and develop strategic development plans in a manner that does not contradict the national development.

Sixteenth

Exercise any other competencies stipulated in the Constitution or the laws in force.

Section Two

Competencies of Local Councils

First: Competencies of District Council:

Article 8

First

Election of the Council Chairperson and his Deputy shall be by the absolute majority of the Council members at its first session at the invitation of the Qa'im-maqam within 15 days from the date of ratification of election results. The session shall be preside by the oldest member.

Second

At the request of one third of the members, to remove the Chairman of the District Council by an absolute majority in case that one of the causes stated in Article7 paragraph 8 above applies.

Third

1. Election of the Qa'im-maqam by an absolute majority of the members of the Council. In the event that no candidate gets absolute majority of the Council members, candidates who get highest numbers of votes shall contest in a second round of elections. The member who gets the highest number of votes in the second ballot shall be elected.

2. In case that one of the causes stated in Article7 paragraph 8 applies, the Qa'im-maqam shall be dismissed by absolute majority at the request of one third of the Council members or at the request of the Governor.

Fourth

Monitor the work of the Local Administration of the District.

Fifth

1. Prepare the budget project of the District Council;
2. Ratify the budget plan of the departments of the District and refer them to the Governorate Council.

Sixth

Approve the naming of streets and the design of roads.

Seventh

Approve the major designs of the District in coordination with the Governorate Council and under the general plan of the Federal Government.

Eighth

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Monitor and evaluate the educational activities within the boundaries of the District and make recommendations through the Governorate Council.

Ninth

Oversee the organization of utilization of public lands within the geographical location of the District and work on the development of agriculture and irrigation.

Tenth

Approve the security plan submitted by directors of local security agencies and the Qa'im-maqam.

Eleventh

Exercise any other competencies authorized by the Governorate Council in a manner that does not contradict the laws in force.

Twelfth

Draft a bylaw for the District Council.

Article 9

To make its work a success, the District Council shall:

First: Submit scientific studies and researches on all areas related to the development of the District and refer them to the Governorate Council;

Second: Cooperate, coordinate and consult with the Sub-District Councils of the District to ensure public interest.

Article 10

Heads of administrative unit, security agencies and official departments may attend ordinary meetings of the Council as non-voting members at the request of the Council.

Article 11

In the event of a conflict between the decisions of the District Council and those of the Governorate, the latter shall prevail if the decision taken is related to the Governorate as a whole.

Second Competencies of Sub-district Councils

Article 12

A Sub-district Council shall assume the following competencies:

First:

Elect the Head of Council by an absolute majority of the Council members at its first session at an invitation by the Sub-district Director within 15 days from the date of ratification of election results. The session shall be presided by the oldest member.

Second:

At the request of one third of the members, remove the Head of Sub-district Council by an absolute majority in case that one of the reasons set forth in Article8/6 above applies.

Third

1. Elect the Sub-district Director by an absolute majority of the members of the Council. In the event that no candidate obtains the required majority, candidates who get highest numbers of votes shall contest and the one who obtains the highest number of votes shall be elected.
2. For the reasons stated in Article7 paragraph 8, remove the Sub-district Director at the request of one fifth of the Council members.

Fourth

Monitor the work of the Local Administration of the Sub-district.

Fifth

Monitor the local departments and submit the necessary recommendations in this regard to the District Council.

Sixth

1. Prepare the draft budget of the Sub-district Council;
2. Ratify the budget plans of the Sub-district departments and refer them to the District Council.

Seventh

By simple majority, approve the local security plan submitted by the Police Department of the Sub-district through the Sub-district Director.

Eighth

Submit scientific studies and researches on all areas related to the development of the Sub-district and refer them to the District Council.

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Ninth

Cooperate, coordinate, and consult with other Sub-District Councils and the District Council to ensure public interest.

Tenth

Draft a bylaw for the Sub-district Council.

Eleventh

Any other competencies authorized by the Governorate Council or the District Council in a manner that does not contradict the laws in force.

Article 13

The Qa'im-maqam shall have the right to attend the ordinary sessions of the Sub-district Council by an invitation from the latter without having the right to vote.

Article 14

In the event of conflict between the decisions of the Sub-district Council and the District Council, the decisions of the District Council shall prevail when the decision taken concerns the Sub-district as a whole.

**Section Three
Rights and Privileges**

Article 15

- 1- Members of the Councils shall enjoy the freedom of expressing their views during discussions.
- 2- The Councils may decide by majority of its attending members to prevent a member from attending one or more of its sessions if his behavior leads to disrepute the Council of which he is a member.

Article 16

During the period of membership, members of the Council or Local Councils shall be considered entrusted with a public service for the purposes of applying the Penal Code.

Article 17

First

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For service at the Council, members of the Council shall receive a monthly remuneration equivalent to the salary and allowances of a Director General.

Second

For service at the Councils, members of the Local Councils shall receive a monthly remuneration equivalent to the salary and allowances of a Deputy Director General.

Third

The provisions of this Article shall apply to members of the Councils who have taken office after 9 April 2003.

Article 18

First

Membership of the Councils may not be combined with any other official position or work and the members shall have the right to return to their first offices at the expiry of their memberships. Relevant official authorities must facilitate approval on full time secondment from office and return to it at the expiry of membership of the Council.

Second

The term of membership of Councils shall be considered service for purposes of allowance, upgrading and retirement.

Third

- A. Council members, heads of administrative units and the two Deputy Governors who have taken office after 9 April 2003 shall receive a pension of not less than 80% of the monthly remuneration determined under this Law provided that the actual service is not less than one year or in case of disability that prevents him from performing duties during the membership period.
 - B. Council members, heads of administrative units and the two Deputy Governors who have taken office under the provisions of this Law shall receive a pension of not less than 80% of the remuneration they receive under this Law after end of election cycle or in case of disability that prevents him from performing duties.
2. In accordance with the Pension Uniform Law, the legitimate heirs shall receive the pension of the Council member, head of the administrative Unit and the two Deputy Governors in case of death or being martyred during the period of membership.

Article 19

First

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Quorum of sessions of the Councils shall be considered obtained by the attendance of the absolute majority of Council members.

Second

During the sessions of the Governorate Council and Local Councils, decisions shall be taken by simple majority, unless otherwise stipulated.

Article 20

First

The Governorate Council and the Local Councils shall be dissolved by absolute majority of members upon request of one third of the members in the following cases:

1. Gross violation to duties and tasks assigned thereto.
2. Violation of the Constitution and laws.
3. If one third of the members lose membership conditions.

Second

The Council of Representatives may dissolve the Council by absolute majority upon the request of the Governor or one third of the members of the Governorate Council in the event that one of the reasons mentioned above is met.

Third

1. The Governorate Council may dissolve the Local Councils by absolute majority of its members upon the request of the District Director (Qa'im-maqam) for the District Council, Sub-District Director for the Sub-District Council or one third of the members of the Local Council in the event that one of the reasons mentioned above is met.
2. The dissolved Council or one third of its members may appeal the decision of dissolution before that Supreme Federal Court within fifteen (15) days from the date of its adoption. The Court shall rule on the appeal within thirty (30) days from the date of registration thereto.

Article 21

First: In the event that a decision of dissolution of the Council is endorsed or the legal period for appeals is expired, the Governor shall call on the Governorate Council for elections.

Second: The Council shall be ended as of the date of the first session of the new elected Council.

Third

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The provisions of this Article shall apply to the Local Councils provided that the call for new elections for the District Council be by the District Director (Qa'im-maqam), and the elections for Sub-District Council by the Sub-District Director.

Part Two Heads of Administrative Units

Article 22

Each administrative unit shall have a juridical personality and financial and administrative independence. For the purpose of performing its functions, it shall:

First

Collect taxes, fees and wages pursuant to the federal laws in force.

Second

Exercise the powers granted by the Constitution.

Third

Undertake functions and duties assigned thereto according to the laws and in a manner consistent with the Constitution.

Article 23

Each of the Governor, District Director (Qa'im-maqam) and Sub-District Director shall be considered the highest – ranking executive officer in his respective administrative unit and staff. He shall be subject to the provisions of the Civil Service Law in terms of the post and its rights in a manner consistent with this Law.

Chapter One The Governor

Article 24

The Governor shall be considered the highest-ranking executive officer in the governorate. He shall hold the rank of a deputy minister in terms of the rights and career service.

Article 25

First

The candidate for the position of Governor should meet the conditions requested for the member of Governorate Council. He should hold a university degree or its equivalent.

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Second

The conditions stated in item 1 of this Article shall apply to the Governor Deputies.

Article 26

First

The Governor shall be appointed by a Republican Decree issued within fifteen (15) days from the date of his election by the Council. Then, he shall assume his duties.

Second

The Governorate Council may elect the Governor from the Council or non-Council members.

Article 27

First

The Governor shall have two deputies at the rank of Director-General elected by the Council from inside or outside the Council and an order by the Governor shall be issued for their appointment within fifteen (15) days from the date of their election.

Second

The two Governor Deputies should meet the conditions required for the member of the Governorate Council as stipulated in Article 5 of this Law. They should have a University degree.

Article 28

In the event that the Governor fails to fulfill his duties for any reason for a period not to exceed three (3) months, he shall be pensioned off and the Council should elect a new Governor following the same election mechanism stated in Article 7 paragraph 7 of this Law. The First Deputy shall assume the duties of the Governor until the new Governor is elected.

Article 29

Prior to assumption of duties and functions, the Governor and his Deputies shall take the following oath:

“I swear by Allah Almighty to preserve Iraq and safeguard its interests and safety, protect the people, respect the Constitution and laws, be responsible for the affairs of the Governorate and discharge my duties sincerely, honestly, faithfully and impartially and may Allah be my witness.”

Article 30

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The Governor, his deputies and heads of administrative units shall continue to manage the daily affairs after the end of the election cycle of the Councils pending the election of their successors by the new Councils.

Article 31

The Governor shall:

First

Prepare the general budget of the Governorate according to Constitutional criteria, other than what is under the Federal Government jurisdiction, to refer it to the Governorate Council

Second

Carry out the decisions of the Governorate Council in a way that does not contradict the Constitution and laws in force.

Third

Implement the general policy developed by the federal government within the borders of the Governorate.

Fourth

Oversee and inspect public facilities within the Governorate except for the courts, military units, universities, colleges, and institutes.

Fifth

Represent the Governorate in conferences, symposiums and forums on the affairs of the Governorate and its local administration. He may delegate the staff of the Governorate in accordance with the law and norms.

Sixth

Establish universities, colleges and institutes in the Governorate in coordination with the Ministry of Higher Education and Scientific Research within the Governorate budget and upon the approval of the Council by absolute majority of its members.

Seventh

1. Decree appointment of local staff in the Governorate in grade 5 and below within the employment scale stipulated in the Law upon nomination of the competent departments in accordance with the cadre plan approved by the Council.

2. Appoint local staff in the Governorate in grade 4 and above of the employment scale stipulated in the Law, except for higher positions, upon nomination of the competent departments and in accordance with the guidelines of the Council.

Eighth

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Take the administrative and legal procedures against Director Generals and staff of the Governorate upon approval of the Council by simple majority.

Ninth

The Governor may:

1. Order the police to investigate the crimes that take place within the administrative borders of the Governorate in accordance with the law and submit the investigation reports to the competent judge provided that the Governor be informed of the investigation result.
2. Establish or remove police stations upon the approval of the Council by absolute majority of the Council members and in accordance with the conditions stipulated in the relevant laws and the guidelines of the Ministry of Interior.

Tenth

1. The Governor shall have direct authority over the local Security Agencies (except for the Armed Forces) as well as all the departments operating in the Governorate and charged with duties of protection, land conservation and order.
2. If the Governor believes that the Security Agencies in the governorate are inefficient to fulfill their duties in maintaining security and order, he may raise the issue immediately to the Interior Minister stating the size of the force sufficient to perform those duties.

Eleventh

1. The Governor shall have the right to contest the decisions of the Governorate Council or the Local Council if they are:
 - a. Inconsistent with the Constitution or laws in force
 - b. Outside the terms of reference of the Council.
 - c. Entail violation to the general plan of the federal government or the budget.
2. The Governor shall refer the decision back to the relevant Council accompanied with his notes and reasons for objection within a maximum period of fifteen (15) days from the date of notification.
3. If the relevant Council insists on its decision or amends it without removing the contravention pointed out by the Governor, he should refer it to the Supreme Federal Court for a final decision.

Article 32

The ministries and extra-ministerial entities should notify the Governor of all correspondence with their respective departments and facilities within the Governorate for information and monitoring their implementation. The heads of the departments and public facilities within the Governorate should adhere to:

First

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Inform the Governor of all official correspondence with their respective departments at the office center.

Second

Submit reports to the Governor on matters referred by the Governor.

Third

Inform the Governor of activities related to security or other important matters, as well as issues related to more than one department within the Governorate or the conduct of their employees.

Fourth

Inform the Governor of the dates of assumption of duties and separation from work.

Fifth

Complete the tasks and activities of committees assigned by the Governor.

Article 33

First

The Governor shall have a number not to exceed five assistants for administrative and technical affairs. They shall carry out tasks assigned to them by the Governor and shall work under his supervision.

Second

The assistants must have at least ten-year experience in their specialization and must meet the conditions required for a Deputy Governor.

Third

The assistant shall be at the grade of Director-general.

Article 34

First

A consultative board consisting of not more than seven advisors selected by the Governor shall be established in each Governorate. It shall include legal, technical and financial specialists as required. This Board shall report directly to the Governor and work under his supervision and guidance.

Second

Each employee at the Board should have at least ten years of experience in his specialization. Each specialist shall be appointed at the grade of an Assistant Director General.

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Third

The Board referred to in paragraph (1) of this Article shall study subjects referred by the Governor, each according to his specialization and submit relevant written recommendations.

Article 35

The Governor may delegate some of his powers to his deputies and assistants. He may not delegate the powers delegated to him.

Article 36

The service of Governor Assistants, Advisors and Heads of administrative units, in case they were public employees, shall be transferred to the staff of the administrative units for which they were elected or appointed for a post therein throughout the term of the post.

Article 37

First

The Governor, his Deputies and the Heads of administrative units may submit their resignation to the councils that elected them. The resignations shall be deemed accepted as of the date of their submission.

Second

Their replacements shall be elected pursuant to the procedures stipulated in this Law.

Article 38

The provisions of removal of office of the Governor stipulated in this Law shall apply to the Governor Deputies.

Chapter Two
District Director (Qaim-maqam) and Sub-District Director

Article 39

First

The District Director (Qa'im-maqam) and Sub-District Director are the highest executive officials in their respective administrative units. Each shall be elected in accordance with the provisions of Paragraph 3 of Articles 8 and 12 of this Law.

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Second

The District Director (Qa'im-maqam) and Sub-District Director should meet the conditions required for the member of Governorate Council stipulated in Article 5 of this Law and that he should be a holder of a university degree.

Third

An administrative order shall be issued by the Governor regarding the appointment of the District Director (Qa'im-maqam) and Sub-District Director. They shall be under the supervision and guidance of the Governor.

Fourth

The District Director (Qa'im-maqam) and Sub-District Director shall be at the level of Director General.

Article 40

First

In the absence of the District Director (Qa'im-maqam), the Governor shall designate one of the Districts Directors (Qa'im-maqam) to carry out his duties.

Second

In the case of the Sub-District Director absence, the District Director (Qa'im-maqam) shall designate one of the Sub-Districts Directors to carry out his duties.

Third

The District Director (Qa'im-maqam) should inform the Governor and the Sub-District Director should inform the District Director (Qa'im-maqam) of their absence during an appropriate period in advance so that they designate their replacements.

**Section One
Powers of the District Director (Qa'im-maqam)**

Article 41

The District Director (Qa'im-maqam) shall:

First

Carry out the decisions taken by the District Council which are consistent with the Constitution and laws in force.

Second

1. Directly supervise and inspect the government departments and their employees within the District except for the army, courts, universities and institutes. He shall impose the

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penalties established by the law against the violators upon the approval of the District Council.

2. The District Director (Qa'im-maqam) may order the police to investigate the crimes that take place within the borders of the District and referred to the competent investigation judge provided that he is informed of the investigation results.

Third

1. Maintain security and order; protect the rights, lives, and properties of the citizens.
2. Preserve the rights of the State, maintain its property, and collect its revenues in accordance with the law.

Fourth

Develop the local draft budget of the District and refer it to the District Council.

Fifth

The District Director (Qa'im-maqam) may order the establishment of temporary police stations and patrols in the District in order to maintain security as required.

Article 42

Heads of official departments in the Governorate shall send a copy of the orders and decisions sent to the branches of these departments in the District to the District Director (Qa'im-maqam) for information and to follow up implementation with regards to Judiciary.

Section Two Powers of Sub-District Director

Article 43

The Sub-District Director shall:

First

1. Directly supervise and inspect the official departments and their employees within the border of the Sub-District except for the army, courts, universities and institutes.
2. The Sub-District Director may order the police to investigate the crimes that take place within the borders of the Sub-District. The investigation shall be referred to the competent investigation judge provided that the Sub-District Director is informed of the investigation results.

Second

1. Maintain security and order within the borders of the Sub-District.
2. Preserve the rights of the State, maintain its property and collect its revenues in accordance with the law.

Part Three
Financial Resources

Article 44

The financial resources of the Governorate shall consist of the following:

First

The budget granted to the Governorate by the Federal Government according to the constitutional standards prepared by the Ministry of Finance and approved by the Council of Representatives;

Second

Revenues from the services provided by the Governorate and investment projects.

Third

Revenues from duties and local fines imposed in accordance with the Constitution and federal laws in force.

Fourth

Donations and grants given to the Governorate in a way that does not contradict the Constitution and the federal laws in force.

Fifth

Revenues from sale and lease of the movable or immovable property of the State in accordance with Law of Sale and Lease of the State Property and other laws in force.

Part Four
Final Provisions

Article 45

First

A high commission for Governorate administration headed by the Prime Minister shall be established. It shall include in its membership the governors and shall be competent to consider the affairs of the governorates, their local administrations and means of coordination among them. It shall further address the problems, obstacles and all matters related to common issues.

Second

The Commission shall convene every sixty days at the invitation of its head or if there is a necessity.

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Third

The Head of the Commission may invite any person whose presence deemed necessary to the sessions of the Commission.

Article 46

The Governorate and its Council shall follow the adopted accounting systems in accounting operation.

Article 47

The Governorate departments and councils shall be subject to the monitoring and auditing of the Board of Supreme Audit of Iraq and the branches of the independent bodies formed in accordance with the Constitution.

Article 48

The term of the Governor, his Deputies, Assistants, Advisors and Heads of Administrative Units shall be considered a virtual service for purposes of raises, promotion and retirement.

Article 49

The Head and members of the Council and the Local Councils, the Governor, his Deputies and Heads of Administrative Units shall take the legal oath stated in Article 29 of this Law before the highest judicial authority in the administrative unit prior to assuming their duties.

Article 50

The Council and Local Councils shall decide on the validity of membership of its members by absolute majority within thirty days from the date of the first session.

Article 51

All orders of removal from office or dismissal stipulated in this Law shall be preceded by a questioning session for the relevant person.

Article 52

The Governorate budget included in the Federal budget shall be delivered directly to the Governorate by the Ministry of Finance after subtracting the strategic costs.

Article 53

By this Law entering into force, each of the following shall be abolished:

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First

Governorates Law No. 159 (1969) and its amendments.

Second

People's Local Councils Law No. 25 (1995) and its amendments.

Third

The provisions of Municipality Administration Law No. 165 (1964) amended on the structure and powers of the municipal councils.

Fourth

Coalition Provision Authority Order No. 71 dated on 6 April 2004 and its amendments.

Fifth

All laws, decisions and regulations incompatible with the provisions of this Law.

Article 54

First:

The Council of Representatives shall enact the Electoral Law of the councils to be established in accordance with this Law within 90 days from the approval of this Law by the Council of Representatives.

Second:

The next Council Elections shall be held by a date not to exceed 01/10/2008.

Article 55

First:

This Law shall enter into force as of the date of its publication in the Official Gazette and shall apply to the governorates not organized into a region after the next council elections with the exception of what was referred to in Paragraph Second of this Article.

Second:

The provisions of the Articles in Law related to the occupational grades and retirement rights of the council members, heads of administrative units and Deputy Governors enter into force as of 09/04/2003.

Justifying Reasons

Due to the wide scope of competencies and powers granted to the Governorates and their administrations by the Constitution of the Republic of Iraq, and in order to organize these competencies and powers in accordance with the form of the

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new State that is based on the Federal System and the decentralized system, and because current legislations lack such a matter, this law was enacted.