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# Governorates Authority in Appointment in the Public Jobs in Iraq

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## Abstract

An improvement in the Administrative system has been held over years by which the process of Provincial Administration has been changed from the administrative centralization system to the administrative decentralization system, the consequent expansion of powers in the field of appointments, and the selection of employees to fill the position in particular. Generally, Iraqi Constitution of 2005 recalled the idea of Formation of a Federal Public Service Council to handle the issue of employment so it is accompanied challenges because the main aim of youths is to get a job. After the decline of the role of the private sector, the spread of the principle of favoritism, and interference in the selection of employees without considering the adoption of scientific standards and Efficiency.

**Keywords:** Public job, - Provinces, - Powers, - Federal Public Service Council, - Appointment, General employee.

## 1. INTRODUCTION

The principle of selecting a public employee to be appointed in the management of the public facility is a sovereign practice of the government for the purpose of selecting the elements capable of advancing the reality of the institutions and managing them properly, as they are responsible for the conduct and regularity of providing services in the country.

Therefore, the issue of appointment in the Iraqi state was not exclusively in the hands of the central authority in the capital, as it was entrusted Part of these powers goes to the governorates in some departments, considering that the governorates are the most capable of selecting those who have qualifications, but after the issuance of several legislations, the governorates' powers have expanded in this field, but the legal texts have not been fully applied to the exercise of this competence by the administrative units until now.

### First: The problem of the research:

We will highlight, in our governmental studies in state departments, their needs of employees, and the extent to which the Federal Public Service Council No. 4 of 2009 applies to the formation of civil service councils in the governorates

### Second: Research hypothesis:

The research hypothesis highlights that the right to work is constitutionally guaranteed, but obtaining an employment opportunity requires the presence of certain qualifications and conditions, and the selection process has become unacceptable because it was marred by many suspicions, so the Federal Public Service Council was formed and at the same time the governorates were granted powers of appointment. The law of the Federal Public Service Council stipulated the formation of civil service councils, as they are the most capable and most qualified to manage this file in the areas granted to them by law.

### Third: Research Methodology:

In this research we relied on the inductive scholastic approach, which depends on moving from the part to the whole so as to find out the common denominator of the problem of the current study.

#### **Fourth: The importance of the research:**

The administrative units represented by the governorates are the components of our dear country, Iraq, so these units have enjoyed wide powers, especially with regard to employment. Normally, these powers were not newly born, as the powers of employment were granted to governors even under the repealed laws. However, these powers increased after the adoption of the administrative and financial decentralization system in the constitution of Iraq of 2005 and the issuance of legislation regulating this issue taking into consideration that the governorates have the exercise of jurisdiction in this area and must exercise this mandate according to the data specified by law.

**Fifth: Structure of the research:** In order to understand what we mentioned above, we divided the research into

## **2. THE FIRST TOPIC**

### **The public employee and the concerned authorities about appointment in Iraq**

The concept of the public appointment is embodied by the human persons who work in the name and account of the administration and their status and positions are regulated by the laws and regulations that govern the public appointment which is guaranteed by the applicable constitution (public appointment) as a sacred honesty and a social service.

Accordingly, we will divide this topic into defining the public employee and the laws regulating his status in the first requirement. The second requirement will include the competent authorities to appoint him under Iraqi legislation.

#### **The first requirement**

##### **The public employee and his appointees**

The employee is the tool or means of the public office in accomplishing and performing its tasks and managing the activity of the institution, as he represents the administration's hand in accomplishing its work. Thus, the employee is considered the basic criterion for the advancement of the administration's work and its success in managing its duties in the best way. Moreover, he may contribute to exposing the administration to failure and regression if he fails to perform his assigned duties.

Thus, the public employee is defined in the Civil Service Law No. 24 of 1960 as every person entrusted with a permanent position within the personnel staff<sup>(1)</sup>. In addition, it is defined by the State Employees Discipline Law No. 14 of 1991 as every person entrusted with a position within the cadre of the ministry or an entity that is not affiliated with a ministry<sup>(2)</sup> for different definitions. The difference in the definitions of the employee in the Civil Service Law from the state Discipline Employees law lies in the issue of permanence in the employee's relationship in ministries and agencies not affiliated with a ministry, bearing in mind that this accountability was settled on the ground, as a decision was issued by the dissolved Revolutionary Command Council and it became clear from it that the temporary employee is governed by the laws of landlords and the civil service, which is any temporary employee in an organizational center because the administration can prejudice his position without his will<sup>(3)</sup>.

Accordingly, it has been emphasized that employees are subject to the same laws. It should be noted that the amended Unified Retirement Law No. (9) of 2014 included in its provisions employees as temporary employees<sup>(4)</sup> who are covered by council of ministers Resolution No. 315 of 2019<sup>(5)</sup>, provided that retirement contributions are deducted from their peers. The permanent owner in the department to which the temporary employee belongs is entitled to a pension if the period of contractual service is not less than 15 years and he has completed the age of fifty at 70% of the minimum pension salary.

Thus, we tend to the president, who does not establish the employee's relationship with the state in the capacity of permanence. We learned that Iraq adopted this method so long ago, as several legislations were issued even before 2003, allowing the state to contract with employees, including retired employees<sup>(6)</sup> for example, the dissolved Revolutionary Command Council Resolution No. 361 of 1969 was issued, according to which contracting with expected retired employees was permitted. Regarding the relationship that binds the employee to the state, it is an organizational relationship. The employee is in a relationship or an organizational center that is subject to the rules set by the state to organize this center without the right to object. For instance, If the state reduces salaries according

to the salary scale, or lowers or raises the retirement age, the employee has no right to object. In general, the status of the employee or job in Iraq is governed by certain laws, which are:

- 1- Civil Service Law No. 24 of 1960
- 2- Owners Law No. 25 of 1960
- 3- State Employees Discipline Law No. 14 of 1991
- 4- State Employee Salaries Law No. 22 of 2008
- 5- Unified Retirement Law No. 9 of 2014

A distinction should also be made between an employee and a person charged with a public service. An employee is every person who has a job title in the table attached to Law No. 25 of 1960, while the person charged with a public service was specifically mentioned in the Iraqi Penal Code No. 111 of 1961 that the persons charged with a public service are the prime minister, ministers, members of parliament and municipal councils, etc<sup>(7)</sup>.

There are practical applications marred by confusion between the employee and the person charged with a public service, such as the fact that one of the provincial councils in Iraq formed an investigative committee and imposed a penalty to draw attention to the deputy governor based on the State employees Discipline Law and the Public Sector No. 14 of 1991. However, the deputy governor appealed the decision of Punishment in front of the Administrative Court of Justice in Iraq in 2012. After considering the appeal by the court, it decided to cancel it, because the deputy governor is charged with a service that is elected by the provincial council according to the mechanism specified in the Law of Governorates Not Organized in Region No. 21 of 2008, and not an employee. So, the imposition of disciplinary penalties has legal effects as determined by the State Employees Discipline Law relating to the employee's entitlement to the bonus and promotion, and this effect cannot be applied to the deputy governor<sup>(8)</sup>.

Thus, it becomes clear that there is a difference in the two concepts of the employee and the person charged with a public service, as this must be taken into consideration. Therefore, we conclude from the above that the public job is a set of works and tasks performed by a natural person, an employee who should achieve the public interest and that the employee bears duties such as Performance of work, good job behavior, obeying orders, keeping secrets, and otherwise, the penalties specified in the legislation are imposed on them, as well as the employee has material and moral rights, vacations, grants, etc.

Consequently, the origin of this principle is to create an appropriate environment for the employee as the basis on which this source is built.

## **The second requirement**

### **The authorities concerned with appointing the public employee in Iraq**

The employee cannot begin his duties in the service of state departments and perform the duties entrusted to him except through the issuance of an administrative decision appointing him to the public position according to certain conditions that must be met by the applicant, which are often specified in the civil service laws as a general rule that does not accept Exceptions. In addition, the employee shall continue to perform his duties until the termination of the functional association in accordance with the legally defined framework, whether in the case of retirement, death, disability, resignation, etc.

The employee's human element is the basis for the success of the public job when it rises to its level and meets certain conditions and qualifications. In this case, it contributes to giving an outstanding performance for the job, and the opposite leads to the demolition of its pillars and regression in the performance of its work.

By reviewing the historical stages of appointment since the establishment of the Iraqi state, the process of assigning positions through appointment first came in the Iraqi Basic Law of 1925, where the texts in this law delegated, to the king, the power to choose for higher positions and for a king based on the proposal of the minister and judges<sup>(9)</sup>. In light of the spread of government institutions in the country, a serious need emerged to increase the number of employees employed in these institutions, and as a result, the need to address the conditions of workers and set procedures emerged. As a result, the first civil service law in Iraq No. 103 of 1931 was issued, which defined the mechanism for appointing public employee. Through the employee's passing the exam in which the type and subjects it contains are determined.

Normally, appointment for the lower primary grades was done by the minister or his authorized representative<sup>(10)</sup>, so the issuance of this law opened an organized process for selecting the employee who must meet certain conditions, including nationality, age, qualifications, the presence of a vacant job, physical ability, right behavior and integrity of character. Then another law was issued after this law which is Civil Service Law No. 64 of 1939, which came in its article:

The first is that it applies to all employees and employees who receive their salaries from the general budget or the endowment budget, counting army officers and soldiers, taking into account what is stipulated in other laws<sup>(11)</sup>. Thus, the authority to appoint employees under this law was delegated to the committees stipulated in this law, which are the employee selection committees. In this case, these committees were conducting tests for those applying for a job in state utilities, with the exception of holders of higher degrees<sup>(12)</sup>.

It is noted that the last law is that it included an organization from the law that preceded it. These committees dealt with all kinds of jobs, and thus the appointment process became almost exclusively in the hands of these committees, which appoint holders of higher degrees. However, they were not covered by the appointment test. This is the reason for the scarcity of holders of higher degrees in that period and in the remarkable development of the Iraqi state institutions. So, the Service Council, whose tasks were set by the distribution of employees to job grades according to the qualifications of each employee and the obtained education<sup>(13)</sup>.

It is noted that there was a change in the basics of appointment in Iraq after the establishment of the Service Council Who distributes employees according to the vacancies in the ministries even after changing the system of government from the monarchy to the republican, the work of the Public Service Council continued under the applicable Civil Service Law No. 24 of 1960. When the Public Service Council was established, its functions and the most important duties of the Council were in appointment and re-appointment<sup>(14)</sup>, with the exception of jobs stipulated by law and identified.

They are the special jobs of the Director General, the Inspector General, the Minister delegated, the governorate, the legal blogger and the Dean of the College<sup>(15)</sup>, as the appointment process for these jobs is carried out through the issuance of a republican decree based on the proposal of the Minister and the approval of the Council of Ministers, despite all the powers granted to the Public Service Council under Civil Service Law No. 24 of 1960 in force. The Public Service Council was abolished by the decision issued by the dissolved Revolutionary Command Council No. 966 of 1979, which delegated powers of appointment to ministers or those whom you authorize among the persons who take on special grades in appointment, re-appointment, determining the amount of salary, etc<sup>(16)</sup>.

The motive may be to cancel the service council is the large number of graduates, and to impose space for the ministries to select qualified people and the specialization that represents the need, given that the minister is the most able to choose and estimate the needs of his ministry and that the issue of the discretionary power to appoint was not within the framework of the severe centralization in the hands of the Public Service Council even before the issuance of the dissolved Revolutionary Command Council Resolution No. 996, where the authority to appoint was granted to the governor as a special degree and that he represents the executive authority in his administrative unit and that he is the most aware of the needs of the geographical area.

Therefore, the repealed Provincial Law No. 159 of 1969 authorized the governor to request directly to the Public Service Council to appoint and promote employees of the departments he supervises except for courts, universities, and military units, in addition to submitting a request for appointment and promotion of the local employee in the governorate<sup>(17)</sup>. That, he has the right to appoint employees in the (7 and 8) degrees of the Civil Service Law without referring to the Public Service Council, provided that they are residents of the administrative units in which they will be assigned<sup>(18)</sup>. This indicates the high position of the governor as the representative of the authority that contacts citizens and is known as the person of their needs.

As for the most important bodies that were entrusted with managing appointments in the country after they were withdrawn from the Public Service Council in 1979 and were entrusted to the ministers and continued to work with them until the formation of the Federal Public Service Council in 2020<sup>(19)</sup> were:-

First: The House of Representatives: where Article (61) of the Constitution clarifies the powers of the House of Representatives, and paragraph (fifth) of it clarifies the powers of the Council to appoint special ranks as the president and members of the Federal Court of Cassation, the Chief Public Prosecutor, ambassadors and military leaders based on the proposal of the Council of Ministers.

Second: Heads of departments not associated with a ministry: Within the legally set limits, it is noted that the Central Bank of Iraq Law No. 56 of 2006 empowered the governor, as the chief executive officer of the bank, the power to appoint and dismiss Central Bank of Iraq employees based on the general guidelines approved by the bank's board of directors <sup>(20)</sup>. In addition to authorizing the heads of departments, entities not affiliated with the Ministry of others have similar powers in the laws that define the objectives and activities of their bodies.

### **3. THE SECOND TOPIC**

#### **Conservation and its growing role in successive legislation**

The administrative units before the year (1969) were called brigades. Now the first law for the governorates in Iraq was issued, Law (109) of 1969, and it enjoyed the legal personality as it exercises the powers of the executive authority over part of its lands in a specific geographical area. Really speaking, the bodies of these councils have become elected by the sons of each governorate. Accordingly, we will discuss in this topic the governorates and the most important powers entrusted to them by law in light of the legislation in force in the first requirement.

#### **The first requirement**

##### **Governorates and the powers assigned to them before 2003**

The first use of the term (the governorate) as an administrative unit was mentioned in the Iraqi Provincial Law No. (159) for the year 1969, as the governorates were called brigades since the beginning of the Ottoman era and until the issuance of this last law referred to above. Article (2) of the Provincial Law No. 159 stipulated For the year 1969 on dividing the Republic of Iraq into administrative units, and these units consist of governorates, which are divided into districts and sub-districts.

First: The Provincial Law No. 159 of 1969, which was repealed, included dividing the Republic of Iraq into administrative units on the basis of a decentralized administrative system based on granting broad powers exercised by councils to administrative units and delegated that these councils be elected, but these elections were never held. Rather, these units were managed by persons appointed by the central authority. Thus, the administrative decentralization system before 2003 can be described as being on paper only, while the application was a centralized management system<sup>(21)</sup>

In fact, Powers were granted to the governor, who was appointed by the central, represented in supervising all departments except (and universities, courts and the army) and he had the power to appoint and promote the employees of the departments that fall under his authority in the governorate and he has the right to install the employees of local departments up to the fourth degree of the Civil Service Law in addition to his responsibilities About security, public order and services in the governorate<sup>(22)</sup>.

Whatever the case, the governor, who is considered the head of the administrative unit (the governorate), represents the central government's arm and critic of its policy, because his appointment is made by a republican decree <sup>(23)</sup>based on the minister's proposal and the approval of the Council of Ministers 1995 and the holding of elections, these councils did not have any powers except to implement the policy and directives of the ruling regime<sup>(24)</sup>. Thus, it becomes clear that the governorates, under the abolished governorates law, had no authority because they were reduced to the hand of the governor originally appointed by the central authority, and there was no role for the people of these areas and thus the system is closer to the central authority.

## The second requirement

### Powers under the Unorganized Governorates Law No. 21 of 2008

With the issuance of the Constitution of Iraq for the year 2005, the reality of Iraq is that it has a republican federal system consisting of the capital of regions and governorates managed by the administrative decentralization system<sup>(25)</sup>. A method of administrative work through which the competencies of the administrative function are distributed between the central authority and between elected bodies and councils under the supervision and control of the central authority<sup>(26)</sup>.

Although the government, after the issuance of a provisional constitution in 2004, this law on the management of the Iraqi state in the transitional phase granted the provinces the power to form a provincial council and local councils<sup>(27)</sup> stated that the organization of regional units.

The management of the governorates will be the basis of administrative decentralization<sup>(28)</sup>, and this work was regulated in detail by Coalition Authority Order No. 71 of 2004<sup>(29)</sup>, which gave a detailed description of the powers and responsibilities of the governorate and its local departments.

Generally, the formation of provincial councils, as this order stipulates the suspension of any text in Iraqi legislation that contradicts it, including the abolished provincial law, which was in force when the order was issued as the last beginning to enable the system of administrative decentralization and the issuance of the Iraqi constitution for the year 2005, which emphasized the system of administrative decentralization<sup>(30)</sup>, which is based on the issuance of the provincial law 21 for the year 2008, which organized the conditions and powers of the governorates and its institutions.

Upon the issuance of the Law of the Unorganized Governorates Region No. 21 of 2008, in which it was stated that one of the powers of the governor, who is at the rank of deputy minister<sup>(31)</sup>, is to issue an order to appoint local employees in the province who are in the fifth degree or below from the ranks of the career ladder to the mechanism stipulated in the Civil Service Law those who are nominated from the competent departments in accordance with the owners' plan. The law also authorized the authority to install local employees in the governorate who are in the fourth grade or above of the career ladder levels stipulated by law<sup>(32)</sup>, with the exception of senior positions. It is noted that this authority was present in the repealed Provincial Law No. 159 of the year 1969 where it allowed the governor to appoint and promote the employees of official and semi-official departments and confirm the employees of the departments up to the upper limit of the fourth degree of the civil service law<sup>(33)</sup> referring to any party.

The same law also authorized granting the governor the power to appoint a local employee in the seventh and eighth grades of the Civil Service Law, provided that they are residents of the administrative unit without reference to any party<sup>(34)</sup>. Thus, it is clear that authorizing the governor to appoint the authority and tasks is not a serious matter, as it exists under the repealed provincial law with reference to the law, the governorates are not organized in Region No. 21 for the year 2008, it is noted that the governor authorized the appointment of local employees in the governorate to the fifth degree limit, and again, Law No. 23 of 2008 on the salaries of state and public sector employees. It is noted that the appointment to the fifth degree is the full doctorate degree that cannot be obtained in less than (3) years<sup>(35)</sup>.

It is clear from the above that the authority granted to appoint local employees reaches the appointment of the holder of a doctorate degree, which is the highest degree to which the employee is appointed for the first time. Local residents in the governorate, at the fourth degree of the job ladder provided for by law<sup>(36)</sup>, And here we have a pause regarding confirmation in the fourth degree, if the highest degree of appointment is the full doctoral degree in the fifth degree (the third level)<sup>(37)</sup>. Iraq on calculating contractual service for the purposes of allowance, promotion and retirement<sup>(38)</sup>

When the Federal General Budget Law of the Republic of Iraq was issued subsequent to the year 2016, this law stipulated calculating the period of contracting or serving retirees for retirement purposes only!!<sup>(39)</sup>. Thus, the contracting period is not calculated for the purposes of the bonus and promotion, except by a legal text.

Thus, we arrive at the fact of confirmation in the fourth degree that it is obtained by a person who has contractual service, and it was calculated for the purposes of promotion and allowance, and it was carried out in accordance with a legal text.

It should also not be assumed that the Law of Governorates not organized in a region No. (21) for the year 2008, amended, emphasized the establishment of a supreme commission for coordination between the governorates headed by the Prime Minister and the membership of the Ministers of Municipalities and Public Works, Construction and Housing, Labor and Social Affairs' Education, Health, Planning, Agriculture, Finance, Youth and Sports, Minister of State for Provincial Affairs, Governors, Heads of Provincial Councils and Governors<sup>(40)</sup>. Note that the provincial councils have been suspended according to the Law of the First Amendment to the Law of the Council of Provinces and Districts by Law No. 27 of 2019<sup>(41)</sup>.

The law of governorates that are not organized in the effective region stipulated the transfer of sub-departments, devices, jobs, services and competencies exercised by (the ministries of municipalities, public works, construction, housing, labor, social affairs, agriculture Finance - Youth and Sports) with the appropriations allocated to it in the general budget and its employees and workers to the governorates!!<sup>(42)</sup> within the scope of their functions set out in the Constitution and related laws in a gradual manner and adopts the role of ministries in planning public policy - and the legislator has issued a time limit for the completion of this mission which is represented in the transfer of the powers mentioned above in the event of non-completion of these tasks these functions are considered transferred by law<sup>(43)</sup>.

Thus, it is clear that the governorates have transferred to them the power of employment (appointment) exercised by the ministries (municipalities, public works, construction, housing, labor and social affairs - financial agriculture, youth and sports) and that the capital, Baghdad, is treated as the rest of the governorates, given that there is no special law for the capital and thus it is subject to the law of other governorates Regulated in the Al-Nafez Region, bearing in mind that this authority is considered independent in terms of legality

According to the text of the law, when the specified time limit has been exhausted, which is a period of two years, starting from the date of the entry into force of the Third Amendment Law to the Governorates Law in 2018.

### **The third requirement**

#### **Powers under the Federal Public Service Council Law No. (4) of 2009**

The Federal Public Service Council Law No. (4) in 2009 was issued to embody the constitutional cover in Iraq under the Constitution of 2005, where it stated that (establishes a council called the Federal Public Service Council and undertakes the organization of the affairs of the federal public office, including appointment and promotion, and its composition and competencies are regulated by a law) <sup>(44)</sup>, which clarifies the law of the Council that the latter is linked to the Council of Representatives and enjoys a legal personality and independence financial and administrative<sup>(45)</sup>

So, the law defines the functions of the Federal Public Service Council in implementing the Federal Public Service Law when it is legislated and the authority of the Council on the basis of efficiency, control and supervision of state departments<sup>(46)</sup>. The law is effective after 60 days from the date of its publication, but in practice it continued to work according to the texts and laws that were in force before the legislation of this law, as the Federal Public Service was not formed and voted on in October of 2019 by the House of Representatives, since the Federal Public Service Council is linked Parliament by law<sup>(47)</sup>.

It seems that the step taken by the House of Representatives in that period to form a federal public service is the result of the demonstrations that were launched and which demanded the achievement of parity and equality in access to employment opportunities and for the purpose of defining the job from partisan and political influences and upgrading a professional institution that adopts standards of justice.

Referring to the Federal Public Service Council Law No. (4) of 2009, it becomes clear to us that the Council aims to (raise the level of the public service, develop the public service, provide equal opportunities, provide competitive presentation, and ensure the principle of equality for those qualified for its work)<sup>(48)</sup>. Moreover, this council consists

of a president, a vice president and seven members Branches, at least two of them must have at least an initial certificate (2) in law (2) in economics and one in each of medicine, engineering and agriculture, and the chairman of the council shall have a special rank, and the vice-chairman of the council and its members shall have the rank of general manager. They are nominated by the Council of Ministers and approved by the House of Representatives<sup>(49)</sup>, and that this Council has become the actual controller of the file of appointments in the private departments subject to the Civil Service Law.

Here the question arises about the role or health of the provinces in this matter. No. 21 for the year 2008 And in which it was stated on the transfer of subsidiary departments, organs, jobs and services exercised by six ministries with their appropriations allocated to them in the general budget, the employees and workers in them<sup>(50)</sup>. So, they are organized in a region, on the principle of equality, equal opportunities, and justice<sup>(51)</sup>. Thus we conclude that the civil service councils that were defined in a law on the federal public service are to exercise the authority of recruitment (appointment) in the governorates in which it will be established.

These councils are in the departments mentioned in the irregular governorates law, which are each of the departments affiliated to the ministries, municipalities, public works, construction, housing, work, social affairs, agriculture, finance, youth and sports<sup>(52)</sup>, but so far these councils have not been formed, and perhaps the reason is that they are the work of provincial councils in Iraq in 2019 AD<sup>(53)</sup>, it is also noted that the Federal Public Service Council law did not mention the mechanism by which the civil service councils were established in the governorates, nor the manner in which they operate. It also did not provide for the issuance of instructions regulating the manner in which the Civil Service Council will be formed in the governorates, nor the number of council members and their specializations. The provincial law also notes the grant of the Minister of Health and the Minister of Education to undermine the necessary powers, which are issued by instructions from the Council of Ministers<sup>(54)</sup>.

A decision was issued by the Council of Ministers in this regard on undermining the competencies according to the third amendment to the Provincial Law, as it indicated State Council Resolution No. 79 of 2018, issued on 7/31/2018, because the delegation is a discretionary authority since the delegation was not issued, it does not exist<sup>(55)</sup>. The House of Representatives and during the session held on April 24 2021, which was devoted to discussing the repercussions of the Ibn Al Khasib Al Hadd Hospital fire incident on the reconnection of the health and educational departments from the governorates and their return to the ministries' center<sup>(56)</sup> to avoid conflicting powers.

Thus, it is clear that there were motives for transferring the powers of the departments of the Ministry of Health and Education to the governorates, indicating that several decisions were issued to return the powers of the governorates over these ministries to the center.

#### **4. FIRST, THE RESULTS**

1- The job is a social service and a sacred trust, and that the more successful and persevering the human element (the employee) is, the more he contributes to raising the level of the job and making the department to which he belongs a beacon of success and vice versa, i.e. in the event that the employee was a failure, it will lead to the failure of his department in its work.

2- There are several bodies identified under Iraqi legislation that exercised the task of appointment in public jobs until this task was currently limited to the Federal Public Service Council.

3- The powers of the governorates in appointment are not something new, but existed in Iraq even before the adoption of the principle of administrative decentralization before 2003.

4- The powers of the governorates expanded under the Iraqi constitution of 2005, and this expansion was followed by the increase in the authority of the governorates in appointment and confirmation.

5- The law of governorates not organized in a region transferred the powers of departments affiliated to six ministries with regard to employment to the governorates, which are the ministries (Municipalities and Works, Construction and Housing, Labor and Social Affairs, Agriculture, Finance, Youth and Sports).

6- Federal Public Service Council Law No. (4) of 2009 was issued embodying a constitutional cover. The aforementioned law referred to the establishment of civil service councils in the governorates, and they were supposed to undertake employment in the departments in which the authority to hire is by the governorates.

7- The House of Representatives realistically formed the Federal Public Service Council in 2020, and to the extent of writing this research, civil service councils have not been established in any governorate.



## 5. SECOND: SUGGESTIONS

- 1- Activating the role of the Public Service Council and adopting clear and studied mechanisms that adopt the principle of efficiency and competition, and allow departments and institutions to actively participate in the selection of applicants for public employment.
- 2- Activating the Federal Public Service Council Law by authorizing the Council of Ministers or the Ministry of Planning to set controls or instructions for the practice of civil service councils for their work and the actual formation of these councils.
- 3- Speeding up the legislation of the retirement and social security law for workers in the private sector in order to reduce the momentum to apply for public jobs and create a stable and safe environment, which is reflected in encouraging the private sector, as well as establishing a retirement fund for private education affiliates stipulated in the Civil Education Law No. 25 of 2016.
- 4- Speeding up the opening of jobs and selecting members in the civil service councils who have the competence, ability and experience in managing this process professionally and avoiding everything that affects this secretariat.
- 5- Oversight of expatriate workers by activating the role of the relevant institutions in preventing the spread of the entry of incoming foreign workers through the development of strict legislation that limits their entry except in cases of extreme necessity, which contributes to absorbing the widespread unemployment among young people and getting rid of economic and social problems that burden the country.
- 6- Encouraging students to study in active scientific departments that issue professional, agricultural and industrial certificates that put the labor force on the ground, instead of accumulating higher degrees and prestigious academic titles that do not sing or make us fat from hunger.

## 6. CONCLUSION

After we finished our research tagged (provincial authority by appointment in Iraq), we would like to mention the most important results that we have reached as well as the most important modest proposals that we make:

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