



مركز المنصة للتنمية المستدامة
PLATFORM CENTER FOR SUSTAINABLE DEVELOPMENT

Issue and Analysis

Executive Positions

In Iraq



Issue & Analysis

Monthly publication from PSDIraq that sheds light on a salient issue that dominates policymaking circles and public opinion



About the Center

Platform Center for Sustainable Development (PSDIraq) is a registered NGO at the Directorate of Non-governmental organisations in the General Secretariat of the Council of Ministers under the number (1S2106012). It is a space for thinking, discussing, and working towards positive change in Iraq.

Vision

We seek to establish a platform for dialogue and policies to contribute to achieving sustainable development goals in Iraq.

Mission

Bridging the gap between the state and society in a way that ensures the realization of the essence of democracy represented by the participation of citizens in the decision-making processes, through training, monitoring, analyzing, researching, awareness raising, and advocacy campaigns.

Strategic Goals

Preparing Youth to fulfill their societal obligations by analyzing root causes of problems, proposing feasible and desirable policy alternatives and advocating for their implementation

Presenting statistics and issues that occupy the political and societal scene to reflect a deeper understanding of Iraq's realities

Encouraging youth to work towards achieving sustainable development goals

Establishing a network of active, informed, and committed citizens towards Iraq's state-building project

Issue

- The current Prime Minister of Iraq, Mohammed Shia Al-Sudani, submitted a lawsuit to the Federal Supreme Court on September 2023 ,14, seeking to issue a judicial order to suspend Article 71 of the Federal General Budget Law (2025-2023) and declare it unconstitutional.
- Article 71 of the budget law obliges the government to end the acting positions of all state institutions by November 2023 ,30. The Cabinet is also required to send the names of those appointed to head independent authorities, high-ranking positions (A, B), ministry deputies, and advisers to the Council of Representatives at least 30 days before the aforementioned date.
- The current government formed a committee to evaluate the performance of general directors in ministries and non-ministerial entities, and it enlisted the support of a team of academics. This committee created a database of general directors in state institutions and evaluation forms based on three criteria. The committee assessed 447 general directors in two phases, resulting in 57 general directors being labeled as underperforming, leading the Cabinet to dismiss 47 and reshuffle 10. The second phase identified 76 general directors as underperforming, with actions including 3 being moved to lower positions, 12 having their assignments terminated, 3 being reshuffled, 1 being transferred, and 57 being reevaluated after six months.
- High-ranking positions (A, B) in Iraq serve as the executive leaders in state institutions with authority spanning the executive, legislative, and judicial branches of government, state departments, and the public sector. They play a significant role in delivering public services.
- Since 2003, the appointment of individuals to high-ranking positions in Iraq has been linked to the ruling political parties. The issue of high-ranking positions has been a point of contention during the formation of successive governments and a component of the political agreements necessary for government formation.
- Holders of high-ranking positions possess extensive powers under existing legislation, enabling them to make decisions and exercise significant discretionary authority in managing the institutions they are assigned to. They also enjoy special privileges concerning salary, housing, protection, vehicles, and other benefits not available to their peers.
- Most successive governments have pledged to end political and sectarian quotas for high-ranking positions or temporary appointments but have failed to resolve this issue. Selecting individuals with integrity and competence for high-ranking positions is a crucial step in combating corruption, bureaucracy, and enhancing the state's administrative apparatus.

Analysis

First, the Reality of High-Ranking Positions in Iraq:

- Following the regime change in 2003, there was a significant vacuum in high-ranking positions within the state system. This vacuum provided an opportunity for governments to appoint individuals to these positions through nomination and endorsement by ruling political parties or those aligned with them, particularly in the absence of an internal system for the Cabinet at that time.
- The legal framework surrounding this issue is highly complex, with several conflicting legal interpretations stemming from resolutions by the dissolved Revolutionary Command Council and various laws dating back to the 1960s. These legal ambiguities have contributed to differing interpretations of the issues of temporary appointments and high-ranking positions.
- Additionally, this matter became enmeshed in political agreements between political blocs, notably with the formation of the National Balance Committee, which was jointly managed by the Prime Minister and the Speaker of Parliament in accordance with the Erbil Agreement for the formation of the government (2014-2010). This deepened political sectarianism in high-ranking positions.
- In 2014, the government of Haider al-Abadi included specific criteria for selecting general directors and holders of special ranks in its government program. In 2015, Abadi's government implemented a series of executive reforms, including an attempt to end acting appointments in high-ranking positions. However, this issue was not fully resolved, with some individuals being rotated or replaced due to the increased parliamentary seats of certain political parties after elections.
- Furthermore, the government of Mustafa Al-Kadhimi (2018-2020) attempted to address this issue within its government program, but it was unable due to its caretaker nature, with some of its decisions being reversed by the current government.
- The efforts and measures taken by previous and current governments do not correspond to the magnitude of the problem. The predominance of political and sectarian quotas in appointments to high-ranking positions continues, often prioritized over competency and professionalism.
- The recent request by the current government to issue a provincial order to suspend Article 71 of the budget law further complicates this matter, signaling the significant challenges the government faces in resolving it.

In conclusion, the issue of high-ranking positions in Iraq is a complex and deeply entrenched problem that has persisted for years despite numerous government efforts to address it. The prevalence of political and sectarian quotas in these appointments has hindered progress towards merit-based selections. The current government's move to challenge Article 71 of the budget law underscores the difficulties in finding a resolution to this issue.

Second: Mechanisms for Appointing High-Ranking Officials in Iraq

The appointment of high-ranking officials in Iraq involves three main mechanisms, each with its own complexities:

1. **Governors and Provincial Councils:** Governors and members of provincial councils are elected by registered voters in each province based on Law of Provinces not Incorporated into Regions no. 21 of 2008. Prime Minister possess the authority to appoint acting governors and suggest the resignation of governor to the Council of Representatives.
2. **High-Ranking (Category A) Officials:** These officials, including ministers, ambassadors, and top-level security personnel, are nominated by the Council of Ministers and subject to approval by the Council of Representatives. The constitutional provisions regarding their appointments are often vague and open to political bargaining.
3. **High-Ranking (Category B) Officials:** This category includes general directors and heads of government departments. They are selected by a vote within the Council of Ministers. The criteria for their selection should be based on relevant laws and regulations, but political considerations often play a significant role.

In practice, political considerations frequently override merit-based appointments, and officials with political affiliations often dominate high-ranking positions.

Third: The Distribution of High-Ranking Positions in Government Institutions

The number of high-ranking positions in Iraq, according to the latest published statistics by the state, is 6,309, including 6,117 high-ranking positions in centrally funded departments and 192 high-ranking positions in self-financed departments, as shown below:

High-Ranking Positions in State Departments	Number
High-Ranking Positions (A)	786
High-Ranking Positions (B)	5,523
Total High-Ranking Positions	6,309

Of these positions, %36.4 work in federal authorities, which include the legislative, executive, and judicial authorities. The legislative authority comprises the Council of Representatives and the yet-to-be-established Council of the Union. The executive authority includes the Presidency of the Republic and the Council of Ministers, while the judicial authority consists of the Supreme Judicial Council and the Federal Supreme Court. The numbers of special high-ranking positions in these authorities are as follows:

Federal Authorities	Institutions	High-Ranking Positions (A)	High-Ranking Positions (B)
Legislative Authority	Council of Representatives	19	17
Executive Authority	Council of Ministers	9	35
	Presidency of the Republic	19	21
Judicial Authority	Supreme Judicial Council	36	2128
	Federal Supreme Court	1	9
Total		84	2210

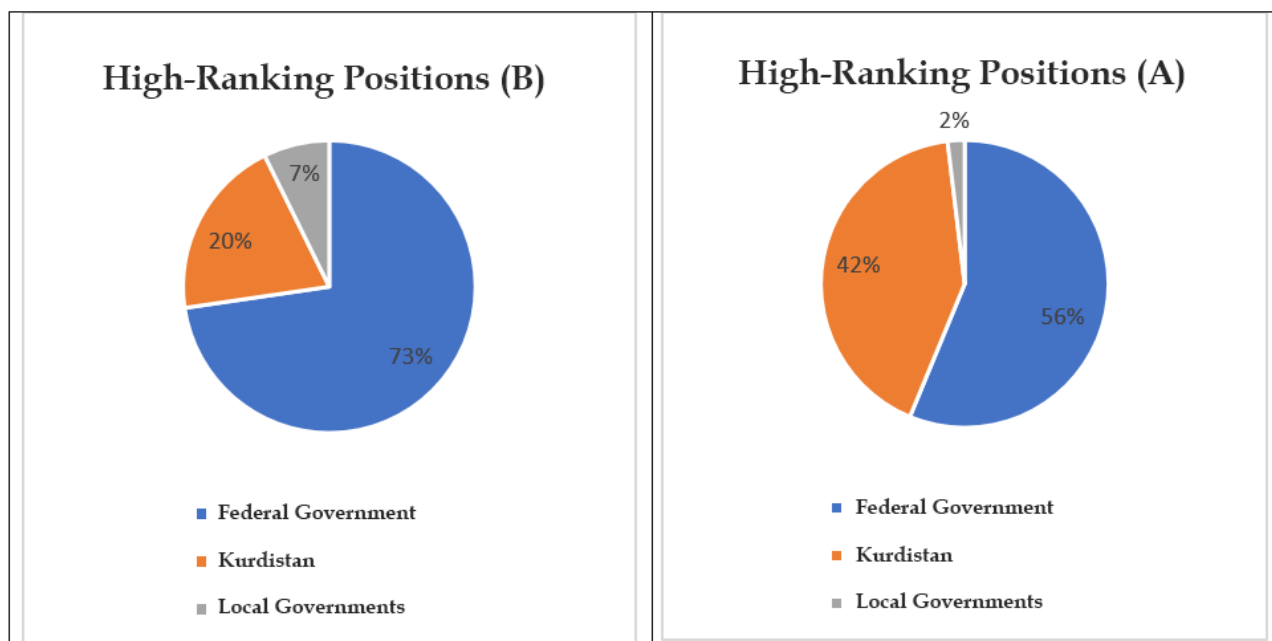
From the table above, it is evident that the judicial authority has the highest number of special high-ranking positions (A) with 37 positions, followed by the executive authority with 28 positions, and then the legislative authority. As for the numbers of high-ranking positions (B), there is a significant variation between the judicial authority and the legislative and executive authorities. This is because judges are classified within high-ranking positions (B).

Regarding the distribution of high-ranking positions in the central government and the Kurdistan Region, as well as the unregulated provinces, the distribution is as follows:

State Institutions	High-Ranking Positions (A)	High-Ranking Positions (B)	Total	Percentage
Federal Government	442	4214	4656	74%
Local Governments	15	148	163	3%
Kurdistan	329	1161	1490	24%
Total	786	5523	6309	%100

When adding members of the Provincial Councils, who will be elected in the upcoming elections on December 2023, 18, all hold high-ranking positions (B) equivalent to Director-General positions, the total number of high-ranking positions will be 6,584.

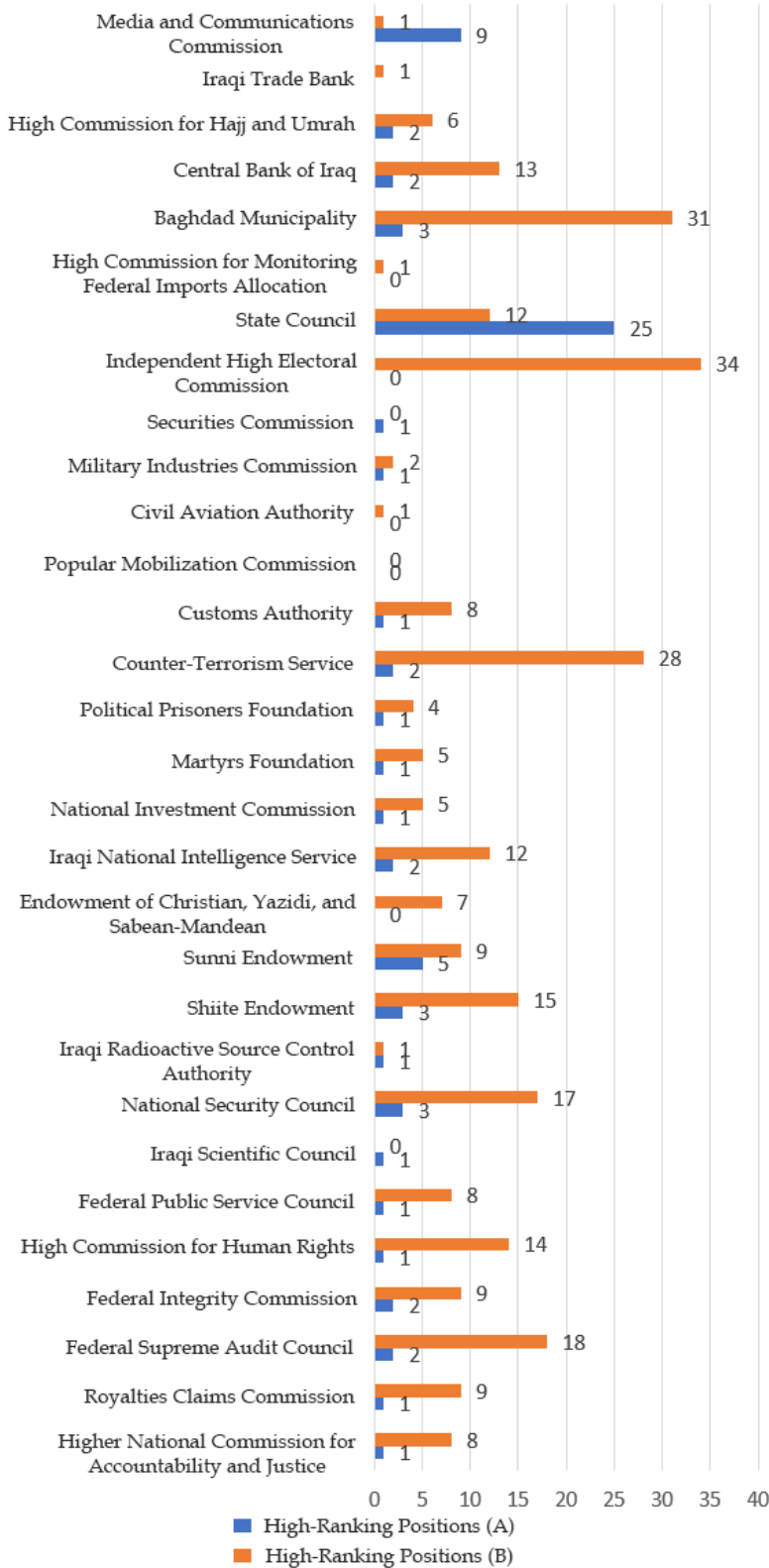
It's important to note that Provincial Council members are elected by voters in each province and are not appointed like the remaining high-ranking officials. The table above also shows a significant number of special high-ranking positions in the Kurdistan Region compared to their numbers in federal state institutions and the remaining 15 provinces.»



When comparing the numbers of high-ranking positions in ministries with those in non-ministerial entities and independent authorities, there was a significant difference between the numbers, reaching up to 7 times. High-ranking positions, categorized as (A, B), are distributed among ministries, non-ministerial entities, and independent authorities according to their organizational structure, as shown in the following table:

Institution/Grade	Number	High-Ranking Positions (A)	High-Ranking Positions (B)	Total
Ministries	22	286	1725	2011
Non-Ministerial Entities and Independent Authorities	30	72	279	351
Total	52	358	2004	2362

Non-Ministerial Entities Not Associated with Ministries



Ministries



The ranking of ministries and non-ministerial entities was as follows:

The highest-ranking ministries are (Higher Education, Defense, Interior, and Foreign Affairs), while the highest-ranking non-ministerial entities and independent authorities are (the State Council, Baghdad Municipality, the Independent High Electoral Commission, the Counter-Terrorism Bureau, the National Security Council, and the Federal Financial Control Bureau). The distribution of high-ranking positions in state institutions, as categorized above, can be summarized in the following table:

State Institutions	High-Ranking Positions (A)	High-Ranking Positions (B)
Legislative Authority	19	17
Executive Authority	28	56
Judicial Authority	37	2137
Ministries	286	1725
Non-Ministerial Entities and Independent Authorities	72	279
Provinces not Incorporated into Regions	15	148
Kurdistan	329	1161
Total	786	5523



Challenges in the high-ranking positions file

1- Political Patronage: Political patronage in high-ranking positions remains prevalent, as the privileges associated with these positions, including broad discretionary powers, are granted by laws.

2- Acting Appointments: Prime Ministers pledged after 2014 to end acting appointments in high-ranking positions, but this important file has not witnessed real change. Appointments to high-ranking positions (Grade A) and their equivalents by proxy have become common. These appointments are made by the Prime Minister and are supposed to be nominated by the Council of Ministers and then voted on by the Council of Representatives. For high-ranking positions (Grade B), the Director-General and their equivalents are appointed by the minister by proxy and nominated to the Council of Ministers for approval. Previous and current governments have managed to reduce the number of acting appointments in high-ranking positions (Grade B).

3- Bureaucratic Influence: High-ranking officials, whether confirmed or acting, possess the ability to shape and frame their activities as unique. Many of them continue to create the illusion among top officials that they possess scientific knowledge and leadership skills unique to managing the institutions they oversee, implying that work cannot continue without them.

4- Lack of Unified Legislative Framework: There is no law that clearly regulates the process of proposing and appointing officials to high-ranking positions (both acting and confirmed). Additionally, there are varying legal opinions on the authorities of each entity, making this file more complex and difficult for any government to resolve.

5- Instability: Political, security, and economic instability in previous years has made the high-ranking positions file in Iraq less of a priority, despite its importance. Any administrative reform process requires stability to make different decisions.

6- Weakness of the Prime Minister's Authority: The consociational method of electing the Prime Minister through different blocs and the absence of a large supporting bloc in the Council of Representatives subject the Prime Minister to political pressures and balances that often do not prioritize professionalism and competence. This limits the Prime Minister's ability to enact desired changes.»

Sources:

- The Iraqi Constitution (2005).
- Internal Regulations of the Council of Ministers, Law No. (2) of 2019.
- Law No. (1) of the Federal General Budget for the Fiscal Year 2019.
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- Official website of the General Secretariat of the Council of Ministers.





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