Constitutional and Theoretical Foundations for a Relationship between the Council of Representatives and the Regions & Provinces

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ABSTRACT: This paper surveys and analyzes constitutional factors pertinent to greater engagement by the Iraqi national parliament (or Council of Representatives) with the Kurdish Regional Government and provinces organized according to Law 21 of 2008. In particular, it highlights the vertical relationship of the COR to the KRG and the provinces and the horizontal relationship between elected and appointed officials at both the national and sub-national levels. The author argues that although the Iraqi governmental system remains largely ministerial, there is scope within both the constitution and the national budget law for the assertion of parliamentary authority. He concludes that experience from the provinces suggests the involvement of elected officials increases the efficiency and accountability of appointed ones.

Introduction

The Iraqi Constitution of 2005 sketches out a government separated into legislative, executive and judicial powers. From the order of its chapters, it could be concluded that the legislative power is of first importance. In practice, however, the Government of Iraq operates as predominately executive. The constitution also does not articulate a working relationship between the legislative power and that of either the regions or provinces not incorporated into a region that the constitution allows. Five years since the ratification of the constitution and over two years since this adoption of a law of governorates, it is possible to offer a rationale for increased engagement between the national parliament and the provinces by examining questions of sovereignty and federalism contained in the constitution and some practical lessons from capital budgeting.

Sovereignty

Sovereignty rests with the state of Iraq. Whatever theoretical assertion of its ultimate source – be it Nature or God or the People – the Iraqi Constitution of 2005 states that "[t]he law is sovereign."[1] The voting population might grant a government legitimacy and authority[2] by electing it, but ultimately the constitution is 'preeminent and supreme,'[3] superior to any law that contradicts it and the creative force behind the regions and provinces. That constitution denotes three levels of government – central, regional and provincial.[4] It also recognizes a separate status for Baghdad as the nation's capital[5] and requires that both the provinces not incorporated into a region[6] and Baghdad be regulated by a law, presumably issued by the national parliament.[7] Although the constitution describes the new Iraq as federal and democratic[8] (and calls for the provinces to be organized in accordance with the principle of administrative decentralization[9]), it speaks of these things generally, leaving to a contemplated

[1] Iraqi Constitution of 2005, Article 5: "The law is sovereign."
[2] Article 5: "The people are the source of authority and legitimacy, which they shall exercise in a direct, general, secret ballot."
[3] Article 13: "First: This Constitution is the preeminent and supreme law in Iraq and shall be binding in all parts of Iraq without exception.
Second: No law that contradicts this Constitution shall be enacted. Any text in any regional constitutions or any other legal text that contradicts this Constitution shall be considered void."
[4] Article 116: "The federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, as well as local administrations."
[5] Article 124, First: "Baghdad in its municipal borders is the capital of the Republic of Iraq and shall constitute, in its administrative borders, the governorate of Baghdad."
[6] Article 119: "One or more governorates shall have the right to organize into a region based on a request to be voted on in a referendum . . ."
[7] Article 122, Fourth: "A law shall regulate the election of the Governorate Council, the governor, and their powers." [That law is Law 21 of 2008, the Law of Governorates not Incorporated into a Region]; Regarding Baghdad, see Article 124, Second: This shall be regulated by a law. [To date, despite competing drafts, no capital law has been adopted.]
[8] Article 109.
[9] Article 122, Second.

future parliament the task of defining them further with subsequent legislation. Of particular note is the breadth of choice left to subsequent parliaments to define the jurisdiction of each.

Articles 110, 114, 115 and 122 hint at a division of authority between incompletely defined central and provincial governments. Article 110 offers the most clarity when it describes national security and foreign affairs (for example) as being among the exclusive jurisdiction of the central government.[10] This exclusivity makes sense in that it is one of the attributes of state sovereignty to conduct foreign relations with other sovereign states. Nevertheless, some governors have occasionally demanded the same, believing that they should be able to enter into agreements for investment, for instance, directly with foreign powers. So far, however, the central government has not allowed them to do so, consistent with international standards.

Regarding the other and frankly more obvious exclusive authority of a sovereign state – defense – no similar challenges by the provinces have been noted.

Beyond these two assertions of exclusive jurisdiction over foreign affairs and defense, the Iraqi constitution largely defers judgment. In Article 114, for instance, it says that some authorities shall be shared. Specifically, it lists seven 'competencies' to be shared between the central and regional governments.[11] The involvement of the provinces it anticipates is more nuanced. While it declares that a range of policy initiatives – from health to education – are to be shared between the central and regional governments, it limits the participation of provinces to either 'consultation,' 'coordination' or 'cooperation' or does not give them a role at all.[12] 'Consultation' is expected between the provinces and the central government in respects to education policy, 'coordination' with respects to customs duties and 'cooperation' with respects to environmental and health policy. In respects to electricity, water and development planning, by contrast it mentions only the regions.[13] What is significant about these distinctions is that they deny the provinces outright authority over health, education, environment or other policy. Instead, the regions are entitled to share authority and that sharing seems limited to the sharing of opinions. Frequently, Article 114 is cited as if the authority of the provinces over the seven policy areas listed were equivalent to that of a region or of the central government. Such an interpretation, however, is not supported by close

[10] Article 110, list nine exclusive powers of the central government, among them First, regarding foreign relations; and Second, regarding national security.
[11] Article 114: First**:** To manage customs,
Second: To regulate the main sources of electric energy and its distribution.
Third: To formulate environmental policy
Fourth: To formulate development and general planning policies.
Fifth**:** To formulate public health policy,
Sixth**:** To formulate the public educational policy
Seventh**:** To formulate and regulate the internal water resources policy
[12] Article 114 lists seven powers that are to be "shared between the federal authorities and regional authorities." "Cooperation" with provinces not incorporated into a region is urged for the setting of environmental and health policy, "consultation" with them is urged for education policy, and "coordination" with them for customs.
[13] Article 114: "Second: To regulate the main sources of electric energy and its distribution;" and "Fourth: To formulate development and general planning policies."

attention to the words actually used. Instead, the authorities of the regions and provinces are clearly distinguished.

Finally, Article 115 curiously asserts that the authorities not exclusive or shared belong to the provinces.[14] Although this assertion fits stylistically with its two predecessors – describing a repository of authority within the provinces that have not been captured either by the exclusive authorities mentioned in Article 110 or the shared ones articulated in Article 114 – it does not fit with the majority of articles of the constitution. In my opinion, this article was a mistake because, as we have discussed, the notion of sovereignty contained in the Iraqi constitution is not popular, and as the slogan painted across the city rightly proclaims, the priority of sources of power in this country are "Allah, al Watan, as Sha'b".[15] Elsewhere, outside of the oddball Article 115, the constitution is clear: the central government defines and regulates the provinces out of its sovereignty; the provinces have not surrendered some of their sovereignty to create the central government.

Federalism

Support for the foregoing interpretation of Articles 110, 114 and 115 can be found in the relations between the central government and the Kurdish Regional Government (KRG).[16] As proof that the KRG is a 'government' consider this definition:

> A government requires an elected council that chooses a chief executive officer.

If the definition ended there, we could describe the central, Kurdish regional and even the provincial as 'governments' because the central government has a parliament and elects a Prime Minister, the KRG has a parliament and elects its Prime Minister and the provinces have councils that elect a governor.[17] But if we extend that definition of a government to include the appointment of executive officers to oversee the administration of departments, then only the central and Kurdish governments deserve the name because only their Prime Ministers, in coordination with their respective parliaments, choose administrators (who in both places go by the title of 'minister'). The provincial councils and governors, in contrast, do not choose the directors or directors general responsible for the administration of departments on the territory of the province. Therefore, they cannot properly be described as 'governments.' Instead, the provincial councils are but one of numerous government actors working at the provincial level.

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[14] Article 115: "All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region."
[15] Article 5: "The law is sovereign. The people are the source of authority and legitimacy, which they shall exercise in a direct, general, secret ballot and through their constitutional institutions." Had the sentence read "the people are sovereign," the argument for 'popular sovereignty' would be stronger.
[16] Article 117 states: This Constitution, upon coming into force, shall recognize the region of Kurdistan, along with its existing authorities, as a federal region.
[17] Law 21 of 2008, Article 26, Second: "The governorate council may elect the governor from within or outside the council."

This difference in definition has significant implications for how the COR interacts with both the KRG and the provinces.

Because the relationship between the central government and the KRG is federal in nature, it is distinguished by autonomy. The relationship between the two is the relationship between two governments. While ultimate sovereignty still resides with the state of Iraq, the Constitution of Iraq has devolved much of the attributes of sovereignty onto the KRG, making it largely autonomous of central decision making. The KRG therefore enjoys a degree of latitude in how it governs. Most notably, while still obligated to abide by the constitution, the KRG is not obligated to abide by other law passed by the COR or regulations issued by most Baghdad-based ministries (except for those of exclusive jurisdiction like foreign affairs and defense). Instead, it can exercise autonomy to enact laws and regulations that it thinks best for its region, regardless of what standards the center has adopted.

Provincial – Central

In contrast to the KRG, the provinces do not exercise the same amount of autonomy. As we have defined it, they therefore should not unthinkingly be called a provincial 'government' because the elected officials at the provincial level currently possess no authority to appoint administrators of departments active in the same territory. That remains the responsibility of a central government – of ministers and indeed of the national parliament itself – whose decisions, regulations and legislation are binding on government actors in the provinces, whether elected or appointed.

It remains a matter of debate whether elected actors at the provincial level should have jurisdiction over departments. As is well-known, legislation introduced by COR members before last year's elections would have transferred responsibility for Social Affairs from the Ministry of Labor to provincial governors[18] and would have entirely devolved the Ministry of Public Works to governors.[19] Many commentators saw this as the first step towards decentralization and the eventual dissolution of those Baghdad-based ministries that are not necessarily required by state sovereignty, such as defense, foreign affairs, and probably oil. As it turned out, of course, the Iraqi Supreme Court declared both laws unconstitutional because they had been introduced to the COR by parliament members themselves, rather than by the Council of Ministers'

[18] February 16, 2010, Presidency Council Decision No. 16, approved Law 18 on the Dissociation of the Department of Social Affairs from the Ministry of Labor and the transfer of staff and property to the provinces. Art 1, Second of the law declares that: "Provincial councils in the governorates not incorporated into a region shall pass a legislation to develop in detail the structure and duties of the General Directorate of Social Affairs." Includes: directorates of 1. Social Care, 2. Social Protection, and 3. Juvenile Rehabilitation. Article 5 declares that "all powers of the Minister. . . shall be vested in the governors."

[19] January 25, 2010, Presidency Council Approved Law 20 on the Devolution of the Ministry of Municipalities & Public Works and transfer of its staff and property to the provincial governors. Article 1, Second directs PCs to issue legislation regulating the structure of the general directorate and its functions. Includes directorates of 1. municipalities, 2. water, 3. sewage, and 4 urban planning. States the Ministry will handover "projects under implementation and ongoing." Article 5, Third declares "all powers of the Minister. . . will be moved to the governors."

Executive Committee (COMSEC).[20] Therefore, at the present time, whatever one's opinion about what is best for Iraq or how relations between the central government and provinces ought to be defined, provincial elected officials have no direct oversight of departments. To restate it in terms of sovereignty, the central government has retained jurisdiction over the exclusive functions articulated in Article 110 and has chosen to keep whatever shared functions might be implied by Article 114. As the real source of authority, the state has not ceded power to the provinces, and so elected and appointed bodies at the provincial level remain separate.

In the event that elected and appointed bodies stay separate, what remains to the national parliament? In other words, what is the authority of parliament over the provinces?

If we look back at the constitution, and indeed the bylaws for the COR, we would conclude that the national parliament's principal responsibility is to issue law.[21] As the constitution instructs, the national council is a legislature,[22] and their bylaws articulate the process through which that legislature legislates.[23] While the legislative authority of a national legislature ought to be obvious from the nature of legislatures all over the world, and while that obviousness is re-enforced by explicit words in the constitution and an entire chapter in the bylaws, the Supreme Court's opinion from last summer challenges the assumption that the parliament itself is exclusively in charge of law making.

The court's opinion asserted that legislation, to be constitutional, had to be introduced into the parliament by the Council of Ministers.[24] This assertion, while correctly grounded in the constitution, ignores both the obvious meaning of a legislature and the COR's bylaws. It also, not inconsequentially, ignores other parts of the constitution itself, which, while acknowledging a process by which legislation can be introduced by COMSEC to the COR,[25] permits COR members themselves to initiate legislation on their own.[26] Indeed, before the Supreme Court's

[20] July 12, 2010, Supreme Court opinions No. 43 & 44. The rationale given for the holding was the distinction between 'draft' and 'proposed' laws made by Article 60, First and Second. In the first paragraph, the constitution says that the President and Council of Ministers shall introduce 'draft' laws, whereas the second paragraph says that at least 10 members of the parliament or one of its specialized committees are to introduce 'proposed' laws. Though the constitution does not define the difference between draft and proposed laws, the Court concluded that there was enough of one to void laws introduced for passage without prior Council of Ministers' approval.

[21] June 14, 2006, Bylaws for the COR. Chapter 5, Article 31, lists the "legislative functions" of the COR. Chapter 16, Articles 128-136 & Chapter 17, Articles 137-8 details the legislative process.

[22] Article 48: "The federal legislative power shall consist of the Council of Representatives and the [never formed] Federation Council."

[23] Article 51: "The Council of Representatives shall establish its bylaws to regulate its work." And June 14, 2006, Bylaws for the COR. Chapter 5, Article 31, lists the "legislative functions" of the COR. Chapter 16, Articles 128-136 & Chapter 17, Articles 137-8 details the legislative process.

[24] July 12, 2010, Supreme Court Declares devolution of the Ministry of Municipalities & Public Works unconstitutional in violation of Art. 92 of the Iraqi Constitution and Art 5 of the Iraqi Supreme Court's internal regulations. Holding No. 43 of 2010 & the Court Declares dissociation of the department of Social Affairs from the Ministry of Labor unconstitutional in violation of Art. 92 of the Iraqi Constitution and Art 5 of the Iraqi Supreme Court's internal regulations. Holding No. 44 of 2010.

[25] Article 60, "First: Draft laws shall be presented by the President of the Republic and the Council of Ministers."

[26] Article 60, "Second: Proposed laws shall be presented by ten members of the Council of Representatives or by one of its specialized committees."

opinion, other law had been introduced by COR members, without first passing COMSEC. One example of that is Law 21,[27] which did not originate in the Council of Ministers, and has not been voided as a result of it. Nevertheless, since the court's opinion this summer, it is certainly questionable whether any similar, future initiative would be struck down by the Court.

The question is not merely academic. It touches the very center of the national parliament's means of relating to the provinces. If, for instance, COR members may not initiate legislation on their own, their ability to respond to the needs of their constituents in the provinces is limited. Instead of taking action on their own, they must first convince COMSEC of the need and the means to address it before the COR can act. In either event, of course, the constitution prescribes that legislation, once passed by the COR, has to be reviewed by the Shura Council for conformity to the constitution and other law in effect. In this guise, the Shura Council operates more like an office of legislative council, working as an adjunct to the COR than as a judicial body, passing judgment.

Returning to the question of where legislation originates, the constitution supports both the COR and COMSEC as permitted points of origin.[28] Reasserting that constitutional authority in light of last summer's Supreme Court ruling would seem critical to keeping the national legislature relevant to the provinces.

Assuming the COR as a permissible point of origin of legislation, there are at least three ways that it could contribute to the development of the provinces and exercise some influence over the performance of both the appointed and elected bodies there. The first of these is by further refinement of the authorities of provinces not incorporated into a region by amending Law 21.

As has already been stated, the fact that the constitution requires the provinces to be regulated by a law demonstrates incontrovertibly that the center gives to the provinces whatever authority they may exercise.[29] Implicit in that power to give is the power to take away, and in its first amendment to the law, the previous COR demonstrated its willingness to take back powers it had previously given. In January of last year, the COR passed the first amendment to the law of the provinces. In it, the national parliament asserted the power to overturn a decision by a provincial council and even dissolve it if the COR disagreed.[30] That amendment, along with the underlying law that preceded it, refutes any notion of residual powers resting in the provinces or a version of popular sovereignty that asserts the central government was somehow created by the provinces. Despite the remedies the COR gave itself for correcting provincial councils with which it disagrees, the amendment did not create a hierarchy between the provincial council and the national legislature. The provincial councils do

[27] March 19, 2008, COR adopts Law 21 of 2008, the Law of Governorates not Incorporated into a Region.
[28] Article 60.
[29] *Supra*, note 5.
[30] January 25, 2010, Presidency Council Approved Amendment No. 1 to Law 21 of 2008. Article 3, Second, Paragraph A gives the COR the authority to void decisions of PCs by simple majority; Paragraph B gives the COR the power to dissolve a PC by absolute majority.

not now report to the COR any more than nahiya councils report to qada'a councils or qada'a councils report to provincial councils.[31] Neither in the text of Law 21 nor the amendment to it is such a vertical reporting relationship mandated. Indeed, the condition imposed by the amendment reaffirms the role of the COR as guardian of the constitution as it is only authorized to overturn decisions or orders of provincial councils that contradict the constitution or other central government law. It does not establish a hierarchy or make the COR otherwise responsible to oversee the actions of 14 different provincial councils.

The second of the three ways that the COR can relate to the provinces is by passing other legislation. As we have just seen, the first amendment to Law 21 gives the COR the power to overturn decisions that contravene the constitution and other, national law. A simple example of such a potential conflict could be the amount of a national pension. If, for instance, Social Affairs had been dissociated from the Ministry of Labor and handed over to the governors to execute, and if the provincial council of some province had passed local legislation setting the pension to be paid in its provinces to 10% less than the national standard, the COR would have been right to strike down the new law as in conflict with a national one. Of course, MOLSA was not dissociated, but the example is useful when talking about the extent of the COR's law making authority.

So far, we have talked about the COR's relationship to elected provincial officials – provincial council members and governors – but as we have defined it, there is no provincial 'government'. Instead there are multiple actors working at the provincial level, and the majority of them still work for provincial level departments of central government ministries. So, if the COR can pass legislation affecting provincial councils, can it also not pass legislation affecting provincial departments?

Theoretically, the answer to this question must be yes, but the mere raising of this question raises the conundrum of a legislature in what amounts to a ministerial system. The Supreme Court's opinion from last summer reasserts the centrality of ministries by insisting that COMSEC be the exclusive origin of law introduced into the COR. And the rulemaking authority of ministers – their power to issue regulations without the endorsement of the national parliament – further seems to limit what the COR can do. If the majority of government actors at the provincial level are appointed, and if ministries themselves, rather than the COR decide what they are to do and how they are to perform, then the legislative authority of the national legislature is greatly circumscribed. I do not argue that it ought to be circumscribed; only that clarity ought to be obtained as to the extent of power that elected officials at the national level – specifically members of parliament – exercise over appointed ones, specifically ministers. Answering that question will answer the extent to which laws passed by the COR can determine the standards and practices of departments at the provincial

[31] As is argued in "The Power of the Purse" section below, the provincial council's involvement in and oversight of the provincial budget does give it some control over what capital projects are undertaken at the level of qada'a and nahiya.

level. In other words, the relationship between the legislature and the executive needs to be further defined.

While the extent of the parliament's influence over ministries and ministerial departments at the provincial level is a matter for debate, the COR does possess one, current power that could be the basis for its interaction with the provinces, and that is the third way the COR has to engage with provincial actors – passing a budget. According to CPA Order 95, the national parliament adopts an annual budget. That that budget might be prepared through a process involving ministries and departments does not diminish the fact that the annual budget has to be made law. Once passed, of course, the budget forms the foundation of ministerial regulations on how to implement that law, promulgated by the Ministry of Finance, but neither the process of how a budget is put together nor how it is implemented lessens the importance of the COR. Without an act of parliament, there can be no budget, and instead ongoing expenses such as salaries are paid on a 1/12 pro rata 'continuing resolution' until such time as a budget is passed. Because it can delay the progress of government by delaying a budget the COR holds an extraordinary power, and with it an extraordinary opportunity.

The Power of the Purse

Simply put, that opportunity is to direct the reconstruction and development of the country first by passing a national budget *deliberately* and second by overseeing its implementation *carefully*.

Although CPA Order 95 imposes the obligation of passing a budget on the COR,[32] it does not simultaneously articulate any obligation for thoroughness before passing it. As a result, the budget formulation process is largely dominated by the Ministry of Finance, but such continued domination is neither required by the law or constitution nor healthy in itself if the COR is to play a participating role in Iraq's development. Instead, to play that role, the COR could make use of its authority over the budget to guide the direction of resources expended by ministries and therefore development of the provinces. By simply giving greater scrutiny to the budget submitted by the Ministry of Finance, and by tracking the development of budgets by other ministries, the COR could guide a process that, without their intervention, would be entirely executive. If the ministries themselves develop their budgets and the Ministry of Finance aggregates their budgets into a national one that the COR only sees when it passes into law, then a great opportunity for accountable, elective government is being lost.

Through regular interaction with ministries, through a committee structure that parallels the ministries, through commissions, investigations and reports – in brief through study – the COR can involve itself in the development of ministerial budgets before they are collected, harmonized and presented to the parliament for a formal review by the Ministry of

[32] June 2, 2004, Coalition Provisional Authority (CPA) issues CPA Order 95, Financial Management & Public Debt Law.

Finance. But that process of engaging with the ministries, the departments by and through specialized, parallel committees need not be limited to only the deliberate preparation of budgets. In fact, although active engagement by the COR in reviewing the draft submission of the Ministry of Finance could greatly increase the accountability of the ministry and increase what is known in the academic literature as "allocative efficiency" or a closer match between the needs of the electorate and the resources of the government, it need not stop at the preparation of the national budget. It could continue into ongoing monitoring of how the ministries, and in the provinces the departments, are implementing their budgets.

The constitutional authority for the COR to get involved with monitoring of budget implementation can be found in Article 61, which empowers the national parliament to both enact laws and monitor their implementation by the executive.[33] In addition to this constitutional obligation to monitor, there is a practical need for increased scrutiny of the ministries as their disaggregated execution rates exhibit a lower level of spending by appointed officials at the provincial level than elected ones.

Statistics published by the Ministry of Finance itself show a consistent failure on the part of central ministries to spend the money allocated to them for capital improvements around the country. To cite only a couple of examples, in Dhi Qar province, in 2003 the provincial department of education had a budget execution rate of 20% but in 2010, that rate increased to 65%. Similarly, the department of health in 2003 had an execution rate of 10% but in 2010 that had increased to 55%. Roads and bridges grew from only 5% in 2003 to 43% in 2010. One of the major distinctions between 2003 and today was the involvement of elected provincial officials in preparing development strategy of the province and in determining the capital budget. While all of these departments – along with the beladiya – appear to have increased their efficiency as a result of involvement of elected officials, one Dhi Qar service actually got worse, and not surprisingly it is a service where no local participation is permitted – electricity. Although officials statistics from 2003 show the budget execution rate for electricity in the province to be 100%, in 2010 it was only 34%. The conclusion that we have to draw is that the electricity department has failed to keep up with demand, in part because they have no engagement with elected officials to inform them accurately of the demand.

In high contrast to this failing, those provincial departments that work most closely with provincial councils have a consistently higher rate of budget execution. The numbers are tentative proof that elected and appointed officials can retain separate functions but work together. While I am not advocating that elected provincial councils or governors be given expanded jurisdiction over central government ministries operating on the territory of the same province, I am suggesting that appointed officials seem to work more efficiently if scrutinized by elected officials. I am also assuming that the same efficiency would result if elected members of parliament increased their engagement with central government ministries.

[33] Article 61: "The Council of Representatives shall be competent in the following:
First: Enacting federal laws.
Second: Monitoring the performance of the executive authority."

In summary, the Iraqi Constitution of 2005 acknowledges Islam, the nation and the people as sources of state sovereignty. The balance of its articles, however, suggests an empirical view that the provinces are the creation of the state; the state is not the creation of the provinces. The national parliament has been given the responsibility for defining both the boundaries of the provinces and the authorities of the governmental bodies operating there. Although the Constitution categorizes the authorities exercised by the central government and the provinces generally as exclusively national, shared and reserved, the state itself so far has only deemed to give to the provinces limited authority. Most significantly, by not giving elected officials at the provincial level direct authority over appointed ones there, it has not unified provincial 'government.' Instead, the relationship between elected and appointed officials at the provincial level remains separated. That relationship being defined by law, the national legislature can exercise influence over the direction and development of the provinces by amending existing or passing additional or supplemental law. While the ability of COR members themselves to introduce legislation for consideration and possible passage by the parliament has been called into question by a Supreme Court decision in the summer of 2010, being a legislature implies it can legislate. As the COR has already demonstrated its willingness and ability to first pass and then amend Law 21, it could, theoretically, pass equivalent legislation binding on the ministries. At a minimum, the authority given to it by CPA Order 95 to adopt the annual, national budget gives it an opportunity to insert itself into the processes of budget formulation and budget execution, the latter already showing greater efficiency at the provincial level when appointed officials work in concert with elected ones.

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