

Islamic Republic of Iran

(جمهوری اسلامی ایران)



Capital: Tehran

Inhabitants: 71.208.000 (2007)

Area: 1.648.195 km²



Iran is a large country covering an area of 1,622,000 km² with a population of 70.49 million inhabitants (2007). The country has 7780 km of land and sea frontiers and shares borders with 15 countries. Its population density is 43 inhabitants per square kilometre (2007).

Throughout its history, Iran has been ruled by a strong and centralised State. Public administration in Iran has traditionally been based on a national and local hierarchy of competences. Decision-making powers relating to all national, regional and sub-provincial competences have always been held by the central authorities.

The notion of decentralisation and decentralised institutions did not come about until the time of the Iranian Revolution; the "Constitutional Revolution" of 1906, which for a short period established a rule of law. It is this revolution that provoked the emergence of decentralisation as a theme in Iranian politics. Pioneers of the constitutionalist

movement insisted that the principle of administrative decentralisation should appear in the constitutional text itself. Therefore, an amendment to the Constitution in 1907 included five articles concerning the establishment of sub-provincial and district assemblies elected by the inhabitants of each sub-province or district. For the period prior to the 1979 Islamic revolution, the history of decentralisation can be divided into three periods:

- 1) Before the Constitution was adopted, but during the constitutionalist movement, when local authorities were spontaneously set up to naturally prolong certain ways of organising civil society.
- 2) Following the spread of the first Persian Constitution, when local authorities were recognised by the Constitution.
- 3) Today, after many decades of problems facing local authorities and a return to centralism, when territorial decentralisation is merely a mirage in the Iranian system.

After the 1979 Islamic Revolution, revolutionaries were so eager for the re-establishment of local authorities that they voted on a law for local councils before the Constitution had even been written. Other than a few general principles mentioned here and there, it is chapter seven of the Iranian Constitution that is dedicated to Councils, and it discusses the organisation



of local authorities in a level of detail that sometimes seems excessive.

Nevertheless, developments up to the present have been characterised by a succession of laws and stipulations that have never been implemented. It was only in 1999 that legislation relating to decentralisation began to be implemented. This was one of the main promises of reformer President Khatami's programme.

The law currently in place (of 23 May 1996) relates to "the frameworks, allocations and election of the country's Islamic councils, and the election of mayors". This law has been revised many times. The last revision was at the end of 2007.

2. Territorial structure

Iran is a nation, but it is also a multiethnic State composed of more than 80 different "ethnic groups". Most Iranians speak a language from the Indo-Iranian group and understand Persian. The main ethnic groups are: Persians (51%), Azeris in the north-west (Azerbaijan) and in Tehran (24%), Gilakis/Mazandarani (8%), Kurds in the west and north-west (Kermanshah and Kurdistan) (7%), Arabs in the south-west (3%), Baloch in the south-east (2%), Lurs (2%), Turkmen in the north-east (semi-nomadic) (2%), Qashgai, Armenians, Iranian Jews, Assyrians, Georgians, Circassians, Tats and others.

Each of these different ethnic groups plays a significant part in the implementation of decentralisation policy. Persian-speakers live in the central plateau of Iran, while other ethnic groups are located around the edges of the country in trans-border regions, and are therefore peripheral to the central authorities. This situation explains the need for, and the difficulty of, implementing a decentralisation policy. Ethnic and geopolitical complexities in the country are often used as a pretext for

delaying the implementation of existing laws, particularly following the Islamic Revolution. The Iran-Iraq war, which lasted eight years, exacerbated this trend.

In terms of administrative structure, Iran is split into 30 provinces (*Ostan*), 336 sub-provinces (*Shahrestan*), 889 districts (*Bakhsh*), 2400 rural agglomerations (*Dehestan*) and 1016 towns (*Shahr*). Each province is made up of many sub-provinces, and each sub-province is made up of various districts, which include a certain number of rural agglomerations and towns. The rural agglomerations include many villages (more than 34,000 in total). Villages do not have administrative or legal status in the Iranian system. In Iran there is no basic administrative unit, such as the *commune* in France, for example. This creates ambiguities regarding the State's central administration and contributes to an unequal distribution of wealth. Significant, and at times violent, protests have taken place following administrative changes, as a result of this administrative anomaly.

3. Local democracy

The highly reported first council elections finally took place on 8th March 1999, and the first councils were able to meet on 29th April of that year. This date remains symbolic as "*Councils day*", when many council-related demonstrations take place. The second local council elections took place on 28th February 2003 and had a poor turnout rate (49.96%) compared to both the first election (64.42%) and the legislative and presidential elections. Such a lack of interest in an election that really affects the lives of the people can be explained through political issues, such as disappointment linked to the first council mandate, which related to the Tehran council in particular and very quickly plunged into intense political bickering. In



the last council elections in December 2006, a total of 109,536 councillors were elected for 1016 town councils, 31,167 village councils and 522 nomadic councils. The number of female candidates in local elections was very low, despite the fact that candidacies were open to women. In the last election 3% of the candidates were women.

3.1 Representative bodies

Article 100 of the Iranian Constitution sets out the decentralised structures, their names and how many there are.

The Constitution lists the village, town, sub-provincial and provincial councils, as well as the *Provincial High Council*. These are the territorial authorities across the country that must ensure they fulfil their set requirements. The 1996 law added another council, which did not conform to the text of the Constitution: the small town council. These councils were never established on the ground and were removed in September 2003 by means of a revision.

All councils fall into two categories: minor councils, which include village, town and nomadic councils¹; and major councils, which include sub-provincial and provincial councils and the Provincial High Council. This distinction is based on the council's training methods and competences. In Iranian law, universal suffrage is limited to the election of minor councils. Major councils are assigned through indirect voting, involving those elected by decision-making authorities directly below them.

The number of counsellors varies according to the population of each town and village. It ranges from 3 to 5 persons for village

councils and between 5 and 11 persons for town councils. Tehran council has 15 counsellors². Such a limited number of counsellors makes it difficult for councils to function as participative bodies.

The Provincial High Council is the only council of its type in Iranian administrative and Constitutional law. Composed of representatives from provincial councils (whereby each province sends one of its members to it), the Provincial High Council is a unique assembly that resembles neither a senate nor a national assembly. Even though it meets at the national level, it is only concerned with local affairs. Article 102 of the Constitution states that "*the Provincial High Council has the right, within the limits of its power, to develop projects and submit them directly, or through the government, to the Islamic Consultative Assembly. These projects should be subject to examination by the Assembly*", thereby establishing this council's importance in Iranian decentralisation processes.

3.2 Elections

The Constitution gives power to the ordinary legislator to set the conditions to be eligible for the right to vote (law of 1996 and implementing decree of 20th December 1998).

Village and town councillors are elected via direct universal suffrage by a relative majority. Voting is secret. It is a four-year mandate.

Article 25 of the council law states that "*voters are male and female Iranians over the age of 15 who have lived in the area in which they want to vote for at least one year*". The minimum voting age has just

¹ Iran has a large nomadic population; one of the biggest in the world. Latest figures show there are 1.2 million nomadic persons. Given their particular way of life, it was necessary to devise a different way for this section of the population to participate.

² A reform to increase the number of counsellors has recently been unsuccessful. The number of counsellors in Tehran would have been 31 under this legal reform.



been increased to 18 for local elections, rather than 15.

All Iranians over the age of twenty-five who have lived for at least one year in the place where they want to present themselves as candidates and who can read and write may be elected to the Islamic councils so long as they fulfil two other very ambiguous and non-legal conditions. These conditions are that firstly, the potential candidate must believe in Islam and be a practicing Muslim. He or she must also believe in the concept of "the authority of a jurisconsult (*Velayat-e-Faghih*)". Secondly, the potential candidate must declare his or her dedication to the Constitution of the Republic of Iran. Members of other minority religious groups must believe in and practice their respective religions. These conditions introduce a subjective element to the exercise of citizens' rights. Each election, many candidacy applications are turned down. In local elections, it all rests on the personal opinions of the officers of the committees overseeing the election.

The prevention of overlapping mandates applies to the posts of minister, vice-minister, deputy, member of the *Council of Guardians of the Constitution*, military service member, director of a public governmental institution, bank manager, etc.

Although the Constitution does recognise the freedom to form political parties, their impact is brief and very limited due to the country's political structure. New political parties appear before each election, only to disappear into the country's political landscape shortly thereafter. However, we must not underestimate the role played by certain political groups. The first local election took place a year after the reformist movement took force. Reform candidates won the majority of seats at local councils, particularly in large cities such as Tehran. The current President of the

Islamic Republic of Iran, Mahmoud Ahmadinejad, started out as part of a group formed at the time of the second local election. The group nominated him as Mayor of Tehran, a very sought-after position which opened the way to winning the presidency of the Republic. In the third election, the spread of seats between the different authorised political trends in Iran was more balanced.

3.3 Executive bodies

The town hall is the executive body of the council. The council elects the mayor for a four-year period. People external to the council can be elected as mayor. As a local institution, the town hall, which existed in practice before the implementation of local councils, is central to local life in Iran.

4. Central-local relations

Councils are managed on two levels: administrative and jurisdictional.

In terms of administrative management, each council is responsible to the council above it within the limits of its competences, and each upper council acts as a trustee to each lower council. Of the upper councils, the *Provincial High Council* has overall power over the lower councils. This is how an institutional monitoring system is implemented.

The law has allocated retrospective control over local authority activities to central bodies. Central authorities have ten days to object to council decisions. Where there is a dispute, provincial arbitration committees have the final say.

The dissolution of councils comes under jurisdictional control. Thus, Article 106 of the Iranian Constitution stipulates, "*Councils may only be disbanded when they have deviated from their legal duties. The body responsible for determining such deviation,*



as well as the manner for dissolving the councils and re-forming them, will be specified by law. When dissolution is appealed, the court must investigate immediately". Ordinary law sets out the procedure for appealing council decisions in those cases where their dissolution would be necessary. Three arbitration committees are created on three levels to implement this: at the sub-provincial, provincial and central levels. The central arbitration committee is composed of the Vice President of the Republic, the Director of political and social management of the Ministry of the Interior, one of the Vice Presidents of the legal authorities, one of the assistants to the public prosecutor and three deputies. The corresponding arbitration committee agrees dissolution and the council has one month to appeal the decision.

The Minister of the Interior (in the case of cities) and the Provincial Prefect (in the case of small towns) must approve the election of the Mayor by the council. This approval gives unsubstantiated control and particularly restricts the council's actions. It has been a source of conflict between central authorities and local bodies on many occasions and very recently led to the dissolution of the town of Kermanshah's council.

5. Competences

Article 100 of the Constitution grants local authority bodies a certain degree of authority with regard to health, education, culture, town planning, and social and economic programmes "in order to ensure that social, economic, town planning, public health, cultural and educational programmes, and other activities of general interest involving the population, are established quickly and take local issues into consideration, and that the management of issues relating to villages,

towns, sub-provinces, or provinces is under the control of a council known as the village, district, town, sub-provincial or provincial council, whose members are elected by the local population..." The term "control" is ambiguous in the Constitution with regard to the role of councils. It does not indicate the specific scope of the powers they have. Even within the clauses of the Iranian Constitution itself, it is not clear whether councils are actual decision-making bodies that can implement changes to local life in Iran or not. Although they are established now, there is no guarantee that one day certain trends do not oppose the idea of local democracy and undo all the partial work achieved to date.

Either way, it is very hard to consider this article as establishing a general clause of competence and as a way of making a distinction between local and national affairs. Therefore, we must use a second technique: listing the competences of each local body. Although these are listed in the 1996 law, many issues are ambiguous and vague. Also, the reference in Article 68 of the 1996 ordinary law to: "the justification and explanation of the government's policies" and to "cooperation with the State's authorities" demonstrates the limits of the Iranian concept of decentralisation. The distinction between affairs regulated by the State and those that rely on the competence of local authorities has resulted in contingent legislative requirements, and for each level of local authorities it is impossible to identify a concept of local affairs that corresponds to a general and *a priori* competence at that level. Indeed, the authorities appear to be merely a simple shift from the central administration.

With regard to village council duties, the 1996 law uses terms that are ill-suited to decentralisation. These terms, such as "the explanation and justification of State policies and support to villagers to implement them" (Article 68, paragraph 4),



“cooperation with State administrators” (Article 68, paragraph 6), “control over village development projects” (Article 68, paragraph 5), etc., do not even allow for relative decentralisation to be achieved.

The competences of town councils are less misleading than those of village councils, as there are fewer terms that contradict the decentralisation process and the clauses are more specific. Town councils have competence over the immediate area. They elect the mayor for four years. The town council also has competence over the public service duties in the town. There are many such duties in various different areas:

- Culture, such as overseeing cinemas, concerts, theatres and other cultural public areas, whether managed by the private or public sector.
- Regulation of billposters and advertising in towns.
- Public transport issues, particularly pricing.
- Green spaces and public places.

Overall, the law mentions various areas relating to the particular duties of local councils, yet it lacks order and clarity – such as the frequent use of the term “control” in Article 100 of the Constitution.

The competences of upper councils (the district, sub-provincial and provincial councils and the Provincial High Council) include more general duties, such as studying and approving town planning proposals put forward by lower councils. They play the role of guardian to each of the lower councils. Moreover, a hierarchy exists between these councils themselves. The duties of the Provincial High Council are split into three categories: controlling and coordinating council affairs, developing bills and working with State administration.

6. Local finance and management

The annual budget of each municipal region is voted on at town and village councils. In line with legislative requirements, resources for local authorities in Iran come from three sources: output from the many public services, output from public lands, local taxes and support from the State. The main municipal resource still comes from local taxes on products and services in the local area. Tenancy and construction charges also bring a large amount of income to towns. In 2004 they made up around 70% of Tehran town hall’s revenue.

Municipal law includes nearly 90 types of charges and taxes implemented at the local level. In practice, most of these never actually generate income for local authorities. Local finances in Iran are just as disorganised when it comes to revenue as they are in terms of expenditure.

Municipal regions can also take out loans. Only the Mayor can make the decision to take out a loan, yet this decision is passed to the council for prior approval at the Mayor’s request.

Council laws also include another form of financial resource linked to religion - alms (zakavât).³ This is very unclear in legal terms and is not considered a significant financial resource. Also, positive law has no mention of how purely religious taxes should be deducted.

Clauses regulating local authority resources are ambiguous and chaotic. Local authorities are restricted on two levels: on one hand, they do not benefit from State help and on the other, they do not have the

³ The first meaning of the Arabic work ‘zakât’ is purification. In fact, zakât is the third pillar of Islam and is a way, in line with its first meaning, of purifying the legal goods you acquire.



necessary autonomy to legally make decisions on their financial situation, which is a prerequisite for true decentralisation.

Before the Iran-Iraq war, State money made up 70% of municipal budgets. As the State had to channel its funds into defence, it implemented a financial autonomy policy for municipal regions. By the start of the 1990s, State support had decreased to 3% of local spending. This amount was almost zero in Tehran. To understand the reasons for this decrease, we must recognise that in preceding years there had been a very large financial resource in large metropolises such as Tehran. This took the form of sales revenues, known as "increased density", which was rife in certain areas of the city. Although "increased density" brought huge sums to Teheran town hall's budget, it was an illegal practice and created problems in terms of the social and economic balance between different areas of the city.

7. Ongoing developments

At the end of 2007, following a year of discussion and debate, an amendment was voted in at the Islamic Assembly (the Iranian Parliament) to revise the 1996 law. As feared, this amendment did not relate to increasing the autonomy of, and trust in, local authorities. Methods of control were increased and the influence of the State on these authorities can be felt more and more.

The current President, who started out in a local authority, gave false hope following his election with regard to strengthening the decentralisation movement in Iran. His ultra-conservative beliefs soon showed his limitations in this domain.

The issue of decentralisation in Iran relates first and foremost to a lack of political resolve to release control of power at the local level. Also, the culture of democracy

is not yet entrenched in this country. In addition, there is also a lack of experience, resources and staff able to move the reforms forward.

There is no doubt that Iran is currently moving towards deep-seated reforms that will affect the State's current foundation. During the reform process, decentralisation and local democracy should be placed at the forefront.

Despite these issues, this movement, which has been going on for ten years, is beginning to take its place in political and administrative life in Iran.

Prof. Mohammad Hachemi
University of Teheran

Mohammad Djalali,
University of Paris