

The Iraqi legislations regulating the granting of credit facilities

Introduction:

No one can deny the vital and pivotal role played by the banking sector in supporting and developing the macroeconomy across various industrial, agricultural, and service sectors. Economic activity in any country operates within two spheres: the first is the sphere of real, tangible activity, i.e., "production," and the second is the sphere of monetary flows necessary to finance productive activity. Banks act as intermediaries between these two spheres of economic activity by providing credit facilities. Banks accept savings in the form of deposits with varying terms and diverse saving instruments, then allocate a portion of these savings to various investments, while a significant portion is issued to clients as credit facilities and loans that benefit numerous sectors.

The credit policy adopted by a bank forms the foundation of its financial planning processes, especially since the credit facilities granted to clients represent a risk. Although banks generate substantial returns from credit facilities, they also face significant potential risks associated with these facilities.

Because the process of granting bank credit involves numerous risks, primarily those related to the borrower and their ability to repay the principal loan amount along with the accrued interest on time, the decision to grant credit is one of the most challenging decisions for bank management. This is particularly true in light of increasing competition among banks in the field of credit facilities, which requires a capable banking management that can address these challenges, balance the volume of deposits with the volume of loans, and minimize risks associated with borrowers.

Governments assist banks in this regard by establishing a comprehensive legal framework governing the granting of credit facilities. These regulations ensure that such facilities align with the state's economic policies. To accomplish such credits, the Central Bank of Iraq Law No. 56 of 2004 includes some provisions related to banking facilities. Additionally, the Instructions for Credit Information Exchange of 2014 were issued based on the provisions of Paragraph 3 of Article 4 of the Central Bank of Iraq Law No. 56 of 2004, as amended, and Paragraph A of Article 104 of the Iraqi Banking Law No. 94 of 2004.

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35 From this perspective, this research addresses the Iraqi legislations regulating the
36 granting of credit facilities through the following points:

37 **First: The Importance of the Research**

38 The significance of this research lies on focusing on the scale of risks that banks
39 may face due to the increasing value of non-performing loans resulting from credit
40 facilities. These risks have repercussions on the national economy, necessitating
41 the existence of protective legislative policies for these banks.

42 **Second: The Objective of the Research**

43 A well-integrated banking sector that provides necessary financing to institutions,
44 individuals, and even the government at times contributes to increased investment
45 and drives economic growth. There is a positive correlation between the rate of
46 economic growth and the volume of credit provided by the financial and banking
47 system. Given the risks of loan defaults that banks may face due to credit facilities,
48 there is a need for a legal framework to regulate these transactions. Therefore, this
49 research primarily aims to explore the Iraqi legislations regulating banking credit
50 operations and their role in safeguarding the national economy and protecting
51 banks from the problem of non-performing loans.

52 **Third: The Research Problem**

53 Banking credit is a significant and influential factor in boosting economic growth.
54 Financial institutions provide banking services to both depositors and investors.
55 However, this process is accompanied by the risks of loan defaults. Thus, the
56 research problem is as follows:

- 57 1. Do banks have the capacity to reduce non-performing loans?
58 2. Do government legislations provide sufficient protection for banks to address
59 the issue of non-performing loans?
60 3. Do banks objectively adhere to the regulations governing the granting of credit?

61 **Fourth: Research Hypotheses**

62 Based on the presentation of the research problem, its importance, and objectives,
63 the following main hypothesis has been formulated:

64 *Government legislations contribute to reducing the phenomenon of non-
65 performing loans arising from banking credit operations.*

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67 From this main hypothesis, the following sub-hypotheses can be derived:

68 - The extent to which credit management departments in banks can reduce non-
69 performing loans.

70 - The extent to which credit management departments in banks adhere to the
71 requirements for granting credit.

72 - The extent to which credit management departments in banks comply with the
73 legislations regulating banking credit operations.

74 **Fifth: Research Methodology**

75 The research relies on the descriptive-analytical approach, which is considered the
76 most suitable methodology for such studies. This involves reviewing literature
77 related to the research topic, examining relevant legal texts, and subsequently
78 analyzing them.

79 **Sixth: Previous Studies**

80 • Study by Musaed Al-Nuwairee (2010) titled: "Loan Default and Its Impact on
81 the Financial Performance of Commercial Banks in Sudan":

82 This study aimed to identify the causes of loan defaults and their impact on the
83 overall economic situation, particularly on the banking sector in Sudan. The study
84 found that the prevalence of defaults is attributed to several reasons, including:

85 - The absence of clear credit policies, leading to unfair valuation of collateral.

86 - Inadequate flow of customer information.

87 - Weak performance of human resources in the banking sector.

88 **The study concluded with several recommendations, the most important being:**

89 - The necessity of having qualified and reliable expertise to evaluate the collateral
90 provided by borrowers.

91 - The need to adopt more effective information flow systems, such as credit
92 scoring systems.

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- 94 • Study by Al-Arabid (2007) titled: "An Analytical Study of Non-Performing
95 Loans in the Iraqi Industrial Bank":

96 This study aimed to analyze the relative importance of non-performing loans and
97 their evolution from 1998 to 2005 through an analytical study of the Iraqi
98 Industrial Bank, relying on financial data. It highlighted the measures taken by the
99 bank to address non-performing loans.

100 The study concluded that the Iraqi Industrial Bank had shortcomings in preparing
101 credit studies and lacked continuous field monitoring of client activities after
102 granting loans, leading to defaults in some cases.

103 The study recommended:

- 104 - Continuous field monitoring of client activities.
105 - Utilizing financial analysis indicators for early prediction of potential defaults.
106 - Conducting objective credit risk analysis by re-evaluating collateral and
107 ensuring its relevance to the purpose of the loan.

- 108 • Chiang, Y. and Cheng, E. (2010), "Revealing Bank Lending Decisions for
109 Contractors in Hong Kong":

110 This study aimed to explore and understand the perceptions of commercial banks
111 regarding lending decisions for contractors in Hong Kong. The researchers sought
112 to identify the factors influencing lending decisions and the variables shaping
113 evaluation criteria. They initially identified a set of financial and non-financial
114 factors based on previous studies and then applied them to a group of borrowers.

115 The researchers developed a model for evaluating borrowers based on the assumed
116 variables to assist banks in making lending decisions. They concluded that the
117 lending policies followed by banks in Hong Kong are internationally recognized.

- 118 • Study by Adel Hebal titled: "The Problem of Non-Performing Bank Loans – A
119 Case Study of Algeria (2012)":

120 This study aimed to identify the causes of loan defaults in Algerian primary banks.
121 It concluded that non-performing loans cannot be entirely avoided but can be
122 reduced in volume and mitigated in impact. Incorrect credit facility decisions can

123 lead to significant losses for banks, emphasizing the need to monitor collateral
124 provided to banks.

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126 Key recommendations included:

127 - Adopting modern information systems for risk management.

128 - Ensuring the availability of competencies and expertise to adopt new standards
129 and decisions on risk measurement in line with international standards.

130 **Keywords:** Credit, Credit Facilities, Credit Risk, Economic Legislation.

131 Based on the above, the research will be divided into several axes that help answer
132 the research questions. Each axis branches out into a set of explanatory and
133 interpretive points, as follows:

134 1. **First Axis:** The concept and objectives of credit policy.

135 2. **Second Axis:** Determinants of credit policy.

136 3. **Third Axis:** General rules for granting credit facilities.

137 4. **Fourth Axis:** Balancing the returns and credit risks of granting credit
138 facilities.

139 5. **Fifth Axis:** Iraqi regulations governing the granting of credit facilities.

140 Finally, the research concludes with a set of results and recommendations

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First Axis

The Concept of Credit Policy

151 The definitions of credit policy vary and take different forms according to the
152 perspectives of researchers. Some define it as: "The general framework that
153 includes a set of factors, foundations, and guiding trends adopted by the bank's
154 management in general and the credit management in particular to achieve its
155 objectives and make credit decisions. It can also be defined as: "The general
156 framework that includes a set of principles and rules that organize the process of
157 studying, approving, granting, and following up on credit facilities, determining
158 the areas of activity that can be lent, related credit ceilings, cost elements, and time
159 limits that should not be exceeded, and the conditions that must be met for each
160 type of facility¹.

161 Therefore, the credit decision-making process in banks must be within the
162 framework and objectives of the credit policy, which differs from one bank to
163 another according to the specific conditions of each bank, and sets the controls for
164 the bank's activity in granting credit facilities. In another definition, the bank's
165 credit policy is described as: "The general framework that includes a set of
166 principles and rules that organize the process of studying, approving, granting, and
167 following up on credit, determining the areas of activity that can be lent, related
168 credit ceilings, cost elements, and time limits that should not be exceeded, and the
169 conditions that must be met for each type of credit. Many models have been
170 developed to measure credit risks and credit ratings².

171 In the same context, we refer to the definitions of both credit strategy and credit
172 procedures:

- 173 • **Credit Strategy:** "The general framework or the main direction and path that
174 the bank takes to achieve its short-term and long-term objectives. The bank's
175 credit strategy aligns with the national credit strategy set by the central bank at
176 the macroeconomic level."
- 177 • **Credit Procedures:** "The detailed steps and specific analytical methods within
178 the framework of implementing the bank's credit policy. These are phased
179 procedures that deal with the credit process from the beginning, starting from

¹ Hassan Hussein Qala', Muaid Abdulrahman Al-Douri, *Bank Management: A Quantitative Approach and Contemporary Strategy*, Wael Publishing House, Amman, Jordan, 2003, p. 126.

² Chen, Xiaohong A., Xiaodhig Wang A, Desheng Dash Wu B. (2010). Credit risk measurement and early warning of SMEs: An empirical study of listed SMEs in China. *Decision Support System*, Vol. 49, No. 10, pp. 301–310.

180 the customer's request for facilities, going through its various stages until its
181 completion, and until the customer repays the credit and interest to the bank³.

182 **First: Controls of Credit Policy**

183 Based on the previous definitions of the concept of credit policy, a set of
184 considerations governing credit policies can be derived, including⁴:

- 185 1. **Economic Activity Needs:** Credit policies adopted by banks should not be
186 unrestricted but should fundamentally serve and help in the growth and
187 stability of the national economy. Therefore, credit policy should reflect the
188 needs of the society in which the bank operates.
- 189 2. **Loan Amounts and Types:** Clear accounting and financial standards must
190 be followed by the bank when granting credit, such as the volume of
191 deposits, available resources, and the type of loan. As previously mentioned,
192 the credit process involves risks, so each bank must have an approved policy
193 for issuing loans, which may vary from one bank to another.
- 194 3. **Loan Conditions:** These are the conditions related to repayment methods,
195 purposes, and guarantees provided by the borrower. The bank cannot exceed
196 these conditions.
- 197 4. **Determining Loan Safety Requirements:** The main objective of credit
198 policy is to achieve profits for the bank, but this should not come at the
199 expense of the degree of safety the bank seeks to ensure. Therefore, credit
200 management in banks must verify certain conditions related to the borrower
201 that help ensure the safety of the loan, such as the borrower's reputation,
202 attributes, and financial capabilities, consistent with the size of the granted
203 loan or credit⁵.
- 204 5. **Legal Considerations:** These include the legal terms and restrictions on
205 granting credit to avoid discrepancies between the bank's policies and
206 banking regulations, credit policies, and restrictions imposed by the
207 monetary authority.

208 **Second: Objectives of Credit Policy**

³ Hamza Mahmoud Al-Zubaidi, *Bank Credit Management and Credit Analysis*, Al-Warraq Publishing and Distribution, Amman, 2002.

⁴ Khaled Wahib Al-Rawi, *Banking Operations Management*, 3rd edition, Dar Al-Manahij Publishing and Distribution, Amman, Jordan, 2003, pp. 166-167.

⁵ Mounir Ibrahim Hindi, *Financial Institutions Management and Financial Markets*, El-Maaref Establishment, Alexandria, Egypt, 2006, p. 100.

209 The primary objective of establishing a credit policy is to provide a general
210 framework and specific factors to guide credit officers in their decision-making
211 process regarding the granting or denial of bank credit. Additionally, it serves as a
212 tool to help management in defining and planning its objectives and monitoring
213 them. The presence of such factors ensures uniformity in the bank's work, whereas
214 their absence leads to differing decision-making bases. Thus, the objectives of
215 establishing a bank's credit policy are numerous, and this research highlights the
216 most important of these objectives⁶.

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- 218 1. Despite the bank's freedom in its credit policies, these policies must align
219 with the state's general financial policy issued by the central bank, which
220 aligns with the state's economic development plans. Therefore, credit
221 policies in banks should support and assist the state's economic policies.
- 222 2. Credit is one of the most important sources of income for banks. To achieve
223 profitability from it, the bank must operate on two fronts: maximizing profits
224 and minimizing losses. This results in an increase in the bank's market value
225 due to the strength and solidity of its financial position.
- 226 3. The bank's credit policy should follow a clear policy for both the bank's
227 credit management and its clients to prevent decision-making conflicts.
- 228 4. Each bank has a lending policy through which it aims to achieve its overall
229 objectives and mission. Therefore, it may prioritize financing certain
230 activities. Consequently, the bank may find itself committed to rationalizing
231 its credit decisions to finance some activities over others to maintain the
232 safety of the granted credit.
- 233 5. The bank may identify areas of credit that are prohibited from financing for
234 religious, ethical, environmental reasons, or due to high risks in these areas.
235 Regardless of the rationale behind this prohibition, the bank's credit policy
236 may include areas that are not allowed to be financed.

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Second Axis

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Determinants of Credit Policy

239 Credit determinants are a set of controls and conditions set by the authorities
240 regulating economic activity in the country to organize the credit process. These
241 determinants are established in the banking sector by the monetary authority due to
242 the importance of credit, its role in economic activity, and its impact on achieving

⁶ Nassar, 2005, pp. 56-57.

243 objectives such as safeguarding depositors' funds in banks, maintaining the value
244 of the monetary unit, controlling the general price level, or creating economic
245 prosperity and breaking periods of economic recession.

246 These determinants may also be set by credit-granting banks to avoid as much
247 credit risk as possible, collect their debts, maximize shareholders' equity, and
248 maintain an appropriate level of liquidity.

249 There are a set of determinants that should be considered when setting the credit
250 policy, taking into account that these determinants are numerous. Some are specific
251 to each bank and its policy, while others pertain to the country, general policies,
252 and the current economic situation. These can be summarized as follows:

- 253 1. **The monetary policy adopted by the central bank:** This clearly affects credit
254 policies, whether in terms of determining interest rates, exchange rates,
255 commercial financing decisions, and other banking regulations.
- 256 2. **The prevailing economic situation in the country:** Reflecting the economic
257 conditions the country is experiencing, such as recession, inflation levels,
258 unemployment rates, and growth.
- 259 3. **The risk and profitability associated with types of loans:** Each economic
260 activity has a certain degree of risk that corresponds to a certain profitability.
261 Therefore, the difference in risk and profitability between types of loans and
262 credit affects credit policies.
- 263 4. **Legal considerations:** One of the most important determinants to consider
264 when setting credit policies is the legislation governing banking operations and
265 the instructions issued by central banks, along with legal restrictions and
266 conditions related to granting credit, to avoid discrepancies between the bank's
267 policies and the credit policy set by the central bank⁷.
- 268 5. **The volume and composition of deposits:** The amount of money deposited in
269 the bank and its nature affect the credit policy, making it open and encouraging
270 lending if the deposit volume is large or if the deposits are long-term, for
271 example, or making it stringent if the deposit volume is not large.
- 272 6. **The size and components of the bank's capital:** The size of the bank's capital
273 and its equity play an important role in shaping the credit policy and setting its
274 broad outlines.
- 275 7. **The human element:** The expertise of bank employees plays an important role
276 in setting the credit policy. Therefore, the bank must have trained personnel
277 with sufficient experience to manage the credit policy efficiently.

⁷ Amjad Izzat Abdul-Maazouz Issa, *Lending Policy in Banks Operating in Palestine*, Master's Thesis, Graduate Studies College, An-Najah National University, Nablus, Palestine, 2004, p. 53.

278 8. **The society's need for credit:** The need for credit varies between societies,
279 from sufficiency to need. The need for credit also varies among different
280 economic sectors within the society. Therefore, when setting the credit policy,
281 these needs must be covered in various sectors with a degree of balance.

282 **Third Axis**

283 **General Rules for Granting Credit Facilities**

284 The banking system plays a crucial and central role in the economic life of
285 both developed and developing countries. This role comes from the banks'
286 acceptance of cash deposits and the granting of credit facilities that contribute to
287 stimulating demand in the national economy, which in turn significantly and
288 effectively increases production. Credit facilities are the channels through which
289 funds flow to various branches of economic activity.

290 Despite the importance of credit facilities provided by banks to their clients,
291 as credit is considered the most attractive investment for bank activities due to its
292 high profitability sources, in addition to the significant role that credit plays in the
293 economic development of countries, this process carries a substantial amount of
294 risk. Banks may face crises affecting the collection of these debts in case some
295 borrowers default on their loans. Therefore, bank managements must handle the
296 credit facilities portfolio according to controls and standards that reduce the
297 potential risks resulting from granting credit facilities.

298 **First: The Concept of Credit Facilities**

299 The definitions of credit are numerous and varied in perspective. Credit has
300 an economic meaning, which is the ability to lend, and a conventional meaning,
301 which is the commitment of one party to another to lend or finance. It involves the
302 creditor granting the debtor a period of time in which the debtor is obliged to pay
303 the debt's value. It is a financing investment formula adopted by banks of various
304 kinds.

305 Bank credit is defined as a process in which the bank, for a certain and
306 specific interest or commission, grants a client (individual or business entity), upon
307 their request, either immediately or after a certain period, facilities in the form of
308 funds or any other form to cover liquidity shortages to enable the client to continue
309 their usual activities. It may also involve lending the client for investment purposes

310 or in the form of a guarantee, represented by the bank's guarantee for the client or
311 the bank's commitment on behalf of the client to others⁸.

312 It is also defined as: "The exchange of present value for a promise of an
313 equivalent future value, often in the form of money⁹."

314 Additionally, it is defined as: "A debtor-creditor relationship where the
315 creditor grants funding (in the form of money, goods, or services) and the debtor
316 receives the funding. It is based on the trust and honesty between both parties and
317 includes an obligation for the debtor to repay within a specific period between
318 granting and repayment, where the value is sometimes recovered through a series
319 of cash payments over the maturity period¹⁰

320 **Second: Elements of Credit¹¹**

321 From the previous definitions of the nature of credit, four elements of credit can be
322 distinguished:

- 323 1. **Debtor-Creditor Relationship:** The foundation of this relationship is trust
324 between two parties: the creditor ("credit grantor") and the debtor ("credit
325 receiver").
- 326 2. **Existence of Debt:** A credit relationship cannot exist without a "debt,"
327 which is the amount of money given by the creditor to the debtor, who is
328 obligated to repay it to the creditor when it becomes due.
- 329 3. **Time Period:** There must be a specific and precise period for repaying the
330 debt. This period is the time between the occurrence of the debt and its
331 repayment. This time difference is a core element of credit and differentiates
332 between immediate transactions and credit transactions.
- 333 4. **Risk:** This represents what the creditor can bear as a result of waiting for the
334 debtor, including the possibility of the debtor defaulting on the debt.

335 **Third: Foundations of Granting Credit**

⁸ Hamza Mahmoud Al-Zubaidi, *Bank Credit Management and Credit Analysis*, Al-Warraq Publishing and Distribution, Amman, 2002, p. 18.

⁹ Zainab Awadallah, Osama Mohamed Al-Fouli, *Fundamentals of Monetary and Banking Economics*, Al-Halabi Legal Publications, 2003, p. 77.

¹⁰ Abdul Salam Lafta Saeed, *Bank Credit*, Academy of Graduate Studies and Economic Research, Tripoli, Libya, 2000, p. 17.

¹¹ Hamza Mahmoud Al-Zubaidi, *previous reference*, p. 18.

336 For bank credit facilities to be conducted within their correct legal and legislative
337 framework and according to established and well-known banking work rules, they
338 must adhere to the following rules and standards:

- 339 1. **Security:** Granting credit facilities should not compromise the security
340 measures that banks must consider, especially as credit facilities are one of
341 the main income sources for banks due to the returns they generate.
342 However, this process carries risks of debtor default on debt repayment and
343 interest at the specified times. If this default exceeds safe limits, it poses a
344 significant problem for the bank.
- 345 2. **Profitability:** The main objective of credit facilities is to achieve a good
346 profit return for the bank. Therefore, the returns from these facilities should
347 exceed the expenses, resulting in a return on the invested capital.
- 348 3. **Liquidity:** One of the biggest problems banks may face is a shortage in
349 available liquidity, especially as banks are required to meet clients'
350 withdrawal requests without delay. This necessitates that bank management
351 ensures maintaining a safe level of liquidity to cover such requests.
352 However, this may conflict with the bank's desire to achieve profits, of
353 which credit facilities are a major source. Therefore, a balance must be
354 struck between maintaining liquidity levels and profits.

355 Based on the above, each bank must formulate its credit policies according to these
356 foundations and market needs. These policies are essentially a "framework that
357 includes a set of standards and guiding conditions provided to the relevant credit-
358 granting management to ensure uniform handling of the same subject, provide
359 confidence for the employees of the management to enable them to work without
360 fear of making mistakes, and offer sufficient flexibility, i.e., quick action without
361 referring to higher levels as long as it falls within the delegated authority¹²

362 **Fourth: Rules of Granting Credit**

363 The lending study, which forms the basis for the decision to grant or reject credit,
364 is significantly linked to two types of credit analysis:

- 365 1. **Qualitative Analysis:** Its purpose is to determine the client's willingness to
366 meet their obligations on time, measured outside the financial statements.
- 367 2. **Quantitative Analysis:** Its purpose is to determine the client's ability to
368 meet these obligations on time, measured through the financial statements.

¹² Abdel Ghafar Hanafi, Abdel Salam Abu Qafh, *Modern Management in Commercial Banks*, University House, Alexandria, Egypt, 2004, p. 140.

369 There are several models that credit management in banks relies on to reach
370 principles and standards of good lending, each characterized by the
371 creditworthiness of the borrower¹³. One of the latest developments in the banking
372 industry for credit analysis and future reading is the "PRISM" model, which
373 reflects the client's strengths and weaknesses. This model is based on deficiency,
374 repayment ability, credit purpose, and guarantees. The elements of this model are:

- 375 1. **Concept:** This refers to having a comprehensive understanding of the loan
376 risks and expected returns from the loan, meaning the ability to identify the
377 risks and returns associated with the client and the operational and financial
378 strategies that would improve performance and maximize the stock's market
379 value.
- 380 2. **Repayment Ability:** This refers to the client's ability to repay the loan and
381 its interest within the agreed-upon period, by determining the type of
382 repayment source linked to the operational ability to generate cash flows that
383 will be used to meet obligations¹⁴.
- 384 3. **Purpose of the Loan:** This forms the basis for studying the sector to which
385 the loan is directed. The purpose or aim of the loan must be clear, specific,
386 and understood by the bank's management. One of the main reasons for
387 borrower default is using the loan for purposes other than those it was
388 granted for¹⁵.
- 389 4. **Collateral:** These are the guarantees provided by the borrower to the bank,
390 forming a security element in case the borrower fails to repay. Collateral can
391 be internal, relying on the client's strong financial position, in addition to the
392 conditions set in the loan agreement. Collateral acts as a preventive measure
393 the bank demands to address the risks arising from lending¹⁶.

¹³ In addition to the PRISM model mentioned, there are several standards that banks rely on for credit decision-making. Among these standards is the 5Cs model, which is based on five elements: "Character, Capacity, Collateral, Capital, Conditions." There is also the lending standard model based on the 5Ps method, which consists of five basic elements: "Person, Purpose of Credit, Payment Capacity, Protection, Prospects." Another lending standard model is the 8Cs method, meaning that there are eight elements to be studied when the bank is lending, which are: "Character, Capacity to Borrow, Capital, Collateral, Conditions, Past Experiences with the Borrower, Coverage, Cash Flows."

¹⁴ Abdul Salam Lafta Saeed, Alaa Ihsan Ali, *Using the 5S Model in Granting Credit: A Proposed Model*, Baghdad College of Economic Sciences University Journal, Issue 51, 2017, p. 109.

¹⁵ Ali Abdullah Ahmed Shaheen, *A Scientific Approach to Measuring Bank Credit Risk in Commercial Banks in Palestine: An Analytical Study*, Islamic University, Gaza, Palestine, 2010, p. 12.

¹⁶ Abdel Latif Belghersa, *The Knowledgeable Guide in Banking Management*, Publications of the University of Baji Mokhtar, Annaba, Algeria, 2007, p. 172.

394 5. **Management:** This involves analyzing the administrative methods and
395 procedures of the credit applicant, in addition to determining how the loan
396 will be utilized and information about the management personnel¹⁷.

397 **Fourth Axis**

398 **Balancing Returns and Credit Risks in Granting Credit Facilities**

399 There is a strong connection between the profits that a bank achieves and the
400 level of risks surrounding its investment operations and the extent to which
401 these risks can be avoided. However, there are inherent risks in the prevailing
402 economic climate of financial markets that cannot be avoided. Banks may face
403 various risks, including liquidity risks, exchange rate risks, interest rate risks,
404 operational risks, capital risks, in addition to credit risks, which are the focus of
405 this study, and which will be discussed in more detail.

406 **First: Credit Risks**

407 The Banking Organization and Risk Management Committee of the United
408 States Banking Sector defines banking risks as: "The possibility of incurring
409 losses either directly through losses in business results or capital losses, or
410 indirectly through constraints that limit the bank's ability to achieve its
411 objectives and goals. Such constraints weaken the bank's ability to continue its
412 operations and conduct its activities on one hand, and limit its ability to exploit
413 available opportunities in the banking environment on the other hand¹⁸.

414 The Basel Committee¹⁹ defines risk in the banking sector as: "The risk of loss
415 resulting from inadequate or failed internal processes, people, and systems, or

¹⁷ Mohamed Abbadi, *Evaluation of Trade in Granting Credit: An Analytical Study for the Period from 1989 to 2009*, Journal of Communication in Economics, Administration, and Law, Algeria, 2014, Issue 39, p. 34.

¹⁸ Mohamed Dawood Othman, *The Impact of Credit Risk Mitigants on Bank Value: An Applied Study on the Sector of Jordanian Commercial and Foreign Banks Using Tobin's Q Ratio*, Ph.D. Thesis, College of Financial and Banking Sciences, Arab Academy for Banking and Financial Sciences, Department of Banking, Specialization in Banking, Jordan, 2008, p. 54.

¹⁹ The Basel Committee is a technical advisory committee not based on any international agreement but established by a decision from the central bank governors of industrial countries. This committee meets four times a year and is assisted by working groups composed of technicians to study various aspects of banking supervision. This committee has played a significant role in providing an international framework for banking supervision and creating a common understanding among central banks in different countries of the world, aiming for coordination between various supervisory authorities and finding mechanisms to address the risks faced by banks, recognizing the importance and seriousness of the banking sector. Thus, this committee has become a cornerstone for international cooperation in banking supervision. Hayat Najjar, *Bank Risk Management According to Basel Agreements: A Study on the Situation of Public Commercial Banks in Algeria*, Ph.D. Thesis in Economic Sciences, Ferhat Abbas University, Setif, 2014, p. 94.

416 from external events that cause damage to fixed assets, or loss of these assets
417 due to disasters or other events²⁰.

418 Therefore, it is now commonly accepted that banks have a specialized risk
419 management department. One of its main tasks is to identify, measure, and
420 evaluate all significant potential risks and report them to management to
421 prevent, control, or mitigate their damage in a timely manner.

422 Regarding the risks associated with granting credit facilities, it is the
423 responsibility of risk management to evaluate the adequacy of banks' capital
424 and liquidity in comparison to their risk levels and market and economic
425 conditions. This also includes developing and reviewing emergency measures,
426 taking into account the specific circumstances of the bank. The process of
427 managing credit risks should be proportionate and balanced with the returns
428 from granting credit facilities.

429 Credit risks are related to the quality of assets and the probabilities of default.
430 There is a significant challenge in evaluating the quality of assets due to the
431 scarcity of available high-quality information.

432 Credit risk metrics focus on loans because they are subject to the highest default
433 rates. Most ratios examine net loan losses and non-performing loans. Total loan
434 losses equal the amount written off due to uncollectibility during a specific
435 period.

436

437 Credit risk arises when the bank cannot assess the client's ability to fulfill their
438 obligations to repay the loan principal and interest. The financial decision is
439 based on identifying two critical variables: the expected return and the level of
440 risk, known as the trade-off between return and risk.

441 The optimal and correct decision is one where management feels the generated
442 return balances or exceeds the surrounding risk level. Based on this principle,
443 the credit management's activity in its credit decisions is determined. The
444 principle is a state of balance between the return variable and the risk variable.
445 The balance state means that the expected return from the credit decision is
446 sufficient to compensate the bank for the risks surrounding that return, which
447 the credit management demands for the funds it provides to credit applicants.

²⁰ Tarek El-Gamal, *Risk Management Strategy*, First Edition, Police Printing Press, Egypt, 2011, p. 9.

448 Therefore, the process of credit risk analysis is one of the essential pillars on
449 which the decision to grant bank credit relies. Through this process, the
450 borrower's quality is usually classified, and the level of risk surrounding the
451 requested loan is assessed, based on which the loan applicant's fate is decided
452 either with approval or rejection. If the application is approved, the interest rate,
453 type of collateral, or guarantees to be provided are determined.

454 Because an imbalance in the process of balancing returns and credit risks in
455 granting credit facilities results in adverse effects and outcomes that harm the
456 bank's financial position, the credit policy must be strong enough to reduce
457 these risks to the lowest possible level.

458 **Second: Types of Credit Risks**

459 1. Liquidity Risks: These occur when there is a mismatch between customers'
460 cash withdrawals and loan repayments.

461 2. Pricing Risks: These arise when the bank incorrectly sets fair prices for loan
462 products borne by the customer. Prices should be linked to the level of risk the
463 bank may face.

464 3. Execution Risks: Banks are expected to maintain a database of customers and
465 classify them based on their loan repayment quality. However, banks must
466 regularly and accurately update this data.

467 4. Collateral Erosion Risks: Collateral obtained by the bank against credit
468 should be strong and not susceptible to erosion under any emergency
469 circumstances, such as exchange rate changes or changes in the central bank's
470 monetary policy.

471 5. Political and Legal Risks: Legislative and legal policies issued by legal
472 authorities in the country should be monitored to ensure the legitimacy of the
473 bank's credit decisions. Political changes in the country should also be
474 considered, as security and political instability are among the major risks facing
475 the credit process.

476 6. Non-Performing Loan Risks: These are credit facilities obtained by the client
477 from the bank that have not been repaid by the due date, transforming credit
478 from a source of income for the bank into overdue debt balances.

479 **Third: Risk and Return Measures**

480 All types of risks previously mentioned must be evaluated both descriptively
481 and regularly. They should also be quantitatively assessed whenever possible,
482 considering the impact of expected and unexpected events.

483 Building a quantitative model to determine, measure, and predict the extent of
484 exposure to specific risks is the second fundamental pillar of financial
485 engineering in its role in risk management. This pillar relies on utilizing
486 available quantitative techniques and methods within the framework of
487 operations research and single and multiple variable statistical analysis, as well
488 as existing econometric methods. Regardless of the model used, it must be
489 designed to fit the nature of banking work and serve the bank's risk
490 management objectives.

491 The profitability of a bank directly varies with the level of risk surrounding its
492 investment portfolio and operations, and what can be avoided of these risks.
493 Given the nature of banking work, it is difficult to completely eliminate risks.
494 However, a sound system and clear identification of risks surrounding banking
495 activities contribute significantly to reducing these risks, predicting them, and
496 taking sufficient precautions to avoid them as much as possible.

497 **Fourth: Methods for Measuring Credit Risks**

498 1. Standard Approach: This primarily relies on assigning risk weights according
499 to different exposure positions ("governments, banks, companies") based on the
500 rating given by external rating agencies to these entities. The role of the central
501 bank is evident here in accrediting these agencies and approving them as bases
502 for determining customer ratings and thus the degree of risk weights²¹.

503 2. Internal Rating Approach: Banks estimate the probabilities of customer
504 default, and the remaining inputs for calculating credit risks are provided by the
505 central bank. This approach consists of two methods²²:

506 - **Basic Method:** This method allows banks to assess the creditworthiness of
507 the borrowing customer within certain criteria. Borrower's eligibility translates

²¹ Naima Khadraoui, Bank Risk Management: A Comparative Study between Conventional and Islamic Banks - Case of Agricultural and Rural Development Bank and Al Baraka Bank Algeria, *Master's Thesis in Economic Sciences, Specialization in Money and Finance, Mohamed Khider University, Biskra, 2009, p. 113.*

²² Jamal Al-Isani, Capital Adequacy Calculation for Islamic Banks under Basel II Requirements: An Applied Study on Al Baraka Bank Algeria for the Year 2008, *Master's Thesis in Economic Sciences, Specialization in Finance and Banking, Amar Telidji University, Laghouat, 2012-2013, p. 73.*

508 into estimates for potential future losses, on which the minimum capital
509 requirements are based.

510 - **Advanced Method:** This method is adopted by banks themselves to
511 calculate their estimates of default probability, loss given default, exposure at
512 default, and the maturities of credit facilities.

513 **The Fifth Axis**

514 **Iraqi Legislations Governing the Granting of Credit Facilities**

515 The Iraqi banking sector suffers from structural problems and faces market
516 challenges and risks due to the instability of the investment environment. This
517 has led to its lack of development and weak connection with the global banking
518 system. After 2003, Iraq inherited a deteriorated banking system characterized
519 by weak confidence in Iraqi banks and the weak role of banks in economic and
520 developmental activities. During this period, the role of the Central Bank of
521 Iraq was subject to the management of the Ministry of Finance. Its main task
522 was to create money as liabilities corresponding to the monetary authority's
523 possession of government debt instruments, the most significant of which were
524 treasury transfers, a phenomenon known as "monetization of debt." This policy
525 only resulted in an increase in the money supply and high inflation rates²³.
526 Therefore, banking reforms were necessary, especially concerning the
527 organizational structure, identifying financial, operational, and supervisory
528 problems, and issuing appropriate regulatory frameworks by the Central Bank
529 to regulate the work of government and private banks and exercise supervision.

530 To face these challenges, the Central Bank of Iraq Law No. 56 of 2004 was
531 issued, along with the Banking Law No. 94 of 2004, which allows foreign
532 banks to operate. Based on the market economy methodology, some measures
533 were taken, including:

534 - Cancelling the annual credit plan prepared by the Central Bank for banks and
535 leaving each bank the authority to set its plan.

536 - Allowing banks to provide large joint loans contributed by more than one
537 bank.

²³ Hussain Jawad Kazem – Mundhir Jabbar Dagher, "The Banking Sector in Iraq and the Obstacles to Adapting to the International Banking Supervision Standard – Basel II," p. 168.

538 - Providing loans based on economic feasibility studies with appropriate
539 guarantees and monitoring their use for the intended purposes.

540 - Implementing a credit classification guide and setting financial allocations
541 commensurate with the risks of each category, from excellent credit to losing
542 credit, to ensure the safety of banking operations.

543 - Reviewing banking legislation in Iraq to improve the banking sector. The
544 Central Bank of Iraq prepared a workshop to amend Law No. 56 of 2004 and
545 Law No. 24 of 2004.

546 As a culmination of the Central Bank of Iraq's efforts to enhance financial
547 inclusion, the balance of deposits in the banking sector increased from 76.9
548 trillion dinars in 2018 to 82 trillion dinars in 2019, an increase of 6.6%,
549 continuing the relative improvement in economic conditions in 2019²⁴.

550 The credit provided by banks to the public and private sectors (cash credit²⁵ and
551 contingent credit²⁶) increased by 5.5% in 2019, reaching 67.3 trillion dinars in
552 2019 after being 63.8 trillion dinars in 2018.

553 This increase occurred in cash credit, which rose to 42 trillion dinars in 2019
554 after being 38.5 trillion dinars in 2018, a 9% increase, raising its relative
555 importance to total credit from 60.30% in 2018 to 62.46% in 2019. The growth
556 rates of cash credit granted to the central government and public institutions and
557 the private sector increased by 17.7% and 4%, respectively, while the growth
558 rate of cash credit to public institutions decreased by 0.8% in 2019²⁷.

559 As for contingent credit, it slightly decreased from 25.33 trillion dinars in 2018
560 to 25.26 trillion dinars in 2019, a negative growth rate of 0.26%, reducing its
561 relative importance to total credit from 39.7% in 2018 to 37.5% in 2019.
562 Contingent credit granted to the central government and the private sector
563 declined by growth rates of 3.32% and 0.38%, respectively, while contingent
564 credit granted to public institutions saw a slight increase of 0.94%.

²⁴ Central Bank of Iraq, Monetary and Financial Stability Department, Financial Stability Report for 2019, p. 4.

²⁵ Includes all outstanding balances for all types of cash credit facilities and direct financing operations (overdrafts, discounted commercial papers, advances and loans, and any other facilities) provided by commercial banks to all economic sectors, Central Bank of Iraq, General Directorate of Statistics and Research, Annual Statistical Bulletin, p. 7.

²⁶ Includes all outstanding balances for all types of contingent credit facilities (letters of credit and guarantees) provided by commercial banks to all economic sectors, Central Bank of Iraq, General Directorate of Statistics and Research, Annual Statistical Bulletin, p. 7.

²⁷ Central Bank of Iraq, Monetary and Financial Stability Department, Financial Stability Report for 2019, p. 11.

565 This reflected an increase in cash credit from 38.5 trillion dinars in 2018 to 42
566 trillion dinars in 2019, a 9% increase, while contingent credit decreased from
567 25.33 trillion dinars in 2018 to 25.26 trillion dinars in 2019, a decrease of
568 0.26%, reducing its relative importance to total credit from 39.7% in 2018 to
569 37.5% in 2019.

570 Also, the volume of overdue debts decreased from "4.8" trillion dinars in 2018
571 to "4.1" trillion dinars in 2019, with a reduction rate of "15%," reflecting an
572 increase in the repayment of due loans. The percentage of total overdue debts to
573 total cash credit decreased from "12.8%" in 2018 to "9.89%" in 2019. This was
574 due to the decrease in the value of non-performing loans of government banks,
575 reflecting a decline in the risks faced by the banking system, especially the risks
576 arising from the activity of the private sector, whose non-performing loans
577 constitute the largest proportion of defaults²⁸.

578 From the previous indicators, it is clear how the development of monetary
579 policy according to the steps taken by the Central Bank of Iraq, applied to the
580 Iraqi banking system, contributed to increasing its activity and development.
581 This development contributed to the growth of banking capital and assets on the
582 one hand and the development of bank deposits and banking credit on the other
583 hand.

584 As previously defined credit criteria as: "a set of controls and conditions set by
585 the authorities regulating economic activity to organize the credit process.
586 These criteria are set in the banking sector by the monetary authority, given the
587 importance of credit and its role in economic activity and its impact on the
588 goals it seeks to achieve, whether related to preserving depositors' funds in
589 banks or maintaining the value of the monetary unit, or controlling the general
590 level of prices. These criteria may also be set by commercial banks – credit
591 grantors – to avoid as much credit risk as possible to collect their debts,
592 maximize shareholders' equity, and maintain an appropriate level of liquidity."

593 Looking at the essential features of the banking sector in Iraq, particularly
594 concerning credit facilities – the subject of the study – there is a significant
595 imbalance in the volume of lending activity, and this imbalance can be observed
596 through:

²⁸ Central Bank of Iraq, Monetary and Financial Stability Department, Financial Stability Report for 2019, p. 4 and onwards.

597 - The Iraqi banking sector always operates on the basis of granting loans with
598 collateral guarantees, which has led to the exclusion of "95%" of the population
599 from borrowing, which poses a severe obstacle to the development of the
600 private sector.

601 - The volume of loans provided by private banks to the private sector by the end
602 of "2001" amounted to approximately "4" million dollars, representing more
603 than half of what the total government banking sector provided.

604 Monetary authorities and commercial banks, due to the surrounding economic
605 and financial changes in the banking sector and the conditions of the money
606 market, tend to change these criteria, either by adding other criteria, modifying
607 them, or canceling some, making them variable according to changing
608 conditions. The Iraqi legislator stated in the Banking Law No. of 2004 some of
609 these criteria to achieve a set of different goals, which can be summarized as:

610 - Control the redirection by the monetary authority to achieve its goals.

611 - Enhance safety measures within banks to contribute to achieving their general
612 objectives.

613 - Increase confidence in the performance of banks and reduce investment risks
614 to encourage investment.

615

616

617 **Types of Credit Limits:**

618 Credit limits are often established in a correlational relationship with the bank's
619 funds sources (liabilities) or the use of these funds (assets). The most common
620 credit limits imposed by central banks include:

621 - The mandatory cash reserve ratio on deposit liabilities in banks.

622 - The legal liquidity ratio to deposit liabilities.

623 - The total credit facilities ratio to total deposit liabilities.

624 - The credit facilities ratio for a single customer to equity (capital and reserves).

625 - Linking the value of facilities to the type and value of guarantees provided.

626 - Linking the type of facility granted to the total facilities granted or to total
627 assets.

628

629 To achieve these limits, Article "30" of the Iraqi Banking Law "Large Credit
630 Exposures" states that:

631 1. No bank shall grant credit to a person if it results in:

632 (a) The total outstanding amount of all credits to that person exceeds "15%"
633 or a lesser percentage specified by the regulations issued by the Central Bank of
634 Iraq of the bank's capital and sound reserves and the large credit exposure
635 without prior approval from the Central Bank of Iraq, or

636 (b) The total outstanding amount of all credits to that person exceeds "25%"
637 or a lesser percentage specified by the regulations issued by the Central Bank of
638 Iraq of the bank's capital and sound reserves.

639 (c) The total outstanding amount of all large credit exposures of the bank
640 based on subparagraphs (a) and (b) exceeds "400%" or a lesser percentage
641 specified by the regulations issued by the Central Bank of Iraq of the bank's
642 sound capital and reserves.

643 2. The restrictions specified in paragraph (1) do not apply to any original credit
644 amount that is fully secured by readily marketable collateral according to the
645 standards set by the regulations of the Central Bank of Iraq for this purpose,
646 provided that no bank grants secured credit of this type if the total outstanding
647 amount resulting from all its secured credits to the person receiving this credit
648 exceeds "20%" of the sound capital and reserves and a lesser percentage
649 specified by the regulations issued by the Central Bank of Iraq.

650 - The cash collateral ratio on credits and guarantees.

651 - Setting maximum limits for financing an individual client and related parties.

652 - Defining the areas in which employment is prohibited and the persons to
653 whom loans and facilities are prohibited, such as board members and others.

654 To achieve these limits, Article "31" "Transactions with Related Persons²⁹ and
655 Senior Bank Employees³⁰," of the aforementioned Iraqi Banking Law states:

656 1. No bank shall grant credit to a related person or a senior bank employee:

657 (a) Without the approval of the board of directors in the case of a local bank
658 on the credit and its financial terms and conditions.

659 (b) If the credit is granted to an administrator in the bank or a senior bank
660 employee and the credit results in the total credit amount granted by the bank to
661 that person, including credit granted to one or more subsidiaries of the bank,
662 exceeding "50%" of that person's annual compensation, or if the credit results in
663 the total credit amount granted to all related persons exceeding "10%" of the
664 sound capital and reserves or a lesser percentage specified by the regulations
665 issued by the Central Bank of Iraq, provided that the aforementioned percentage
666 limits do not apply to any credit secured by a mortgage on a property owned by
667 a local resident whose appraised value, in the opinion of the Central Bank of
668 Iraq, at the time of granting the credit exceeds the original credit amount by at
669 least one-third of the original credit amount, or

670 (c) If the credit is granted under terms and conditions less favorable to the
671 bank than the terms and conditions offered by the bank to the public according
672 to the usual practices of granting credit.

673 (d) If the credit is not fully secured to the extent and manner determined by
674 the regulatory guidelines issued by the Central Bank.

²⁹ Any bank manager, any person related to the manager either by kinship up to the second degree or by adoption or guardianship, including the manager's children or any other person residing in the manager's residence, any person holding a qualifying interest in the bank, a project in which such person or bank manager holds a qualifying interest, and any manager of such person or project, any project not subject to consolidation in the bank's financial statements in which the bank holds a qualifying interest, and any manager of such project, in addition to any spouses and children of related persons up to the first and second degrees or any spouses and children of such persons.

³⁰ The person (excluding the administrator) who holds a title or regardless of the title holds one or more of the following positions in a local bank or, in the case of a foreign bank, in the bank's branch in Iraq: Chairman of the Board, General Manager, President, Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Chief Lending Officer, or Chief Investment Officer, as well as the term "senior bank employee" includes any other person required by the Central Bank of Iraq to comply with the requirements stated in paragraph (4) of Article (18) of this law, in addition to any person related to the senior bank employee up to the first or second degrees or any spouses and children of such persons.

- 675 2. A bank is not allowed to purchase assets from or sell assets to a related
676 person, any natural person, any employee or official of the bank, or a related
677 person.
- 678 3. A bank is not allowed to purchase assets from a related legal person: a. If the
679 board of directors of the local bank has not approved the financial terms and
680 conditions for the purchase of the assets. b. If the assets are purchased under
681 less favorable terms and conditions for the bank than the terms and
682 conditions offered by the bank to the public according to customary
683 practices when purchasing assets.
- 684 4. The bank's audit committee must be immediately informed of any credit
685 provided by a local bank to or purchase of assets from a related person or a
686 senior bank employee. In the event that a bank provides credit to or
687 purchases assets from a related person in violation of paragraph (1), this
688 credit must be repaid immediately, and the board members or authorized
689 directors, as the case may be, are personally and collectively responsible for
690 paying the original credit amount granted in violation of paragraph (1) with
691 their knowledge and without their objection, as well as paying the interest
692 and other fees related to this credit.
- 693 5. The Central Bank of Iraq may issue instructions to a bank to deduct any loan
694 granted to a related person or a senior bank employee from the capital for
695 the purposes of calculating the ratio according to paragraph (1) of Article
696 (16).

697 In addition to the above, banks may impose other limits from time to time,
698 including:

- 699 • Linking long-term loans to stable deposits in the bank.
- 700 • Linking the rate of change in credit to the rate of change in deposits.
- 701 • Defining credit authorities for each functional level in the bank.
- 702 • Excluding certain sources of funds, such as government deposits and
703 seasonal deposits, from the employable funds.
- 704 • Determining the percentage of employment in each type of credit relative to
705 the sources of funds.
- 706 • Setting a ceiling for each type of credit and determining the purpose and
707 terms of granting.
- 708 • Establishing maximum limits for indebtedness outside the state, the required
709 guarantees for the indebtedness, and the concentration of these
710 employments.

711 **Conclusion**

712 **Results and Recommendations**

713 Legislative efforts to develop the Iraqi banking sector cannot be denied, but there
714 is still noticeable weakness in its performance, reflecting negatively on the banking
715 sector's contribution to development and investment. This is evident in³¹:

- 716 1. The Central Bank's decision to grant cash credit amounting to eight times the
717 capital, regardless of the size of deposits at private banks, leading them to
718 raise interest rates on credit, which hampers its granting.
- 719 2. Weak credit rating of borrowers, who are generally of high moral risk.
- 720 3. Weakness or difficulty in evaluating appropriate and sufficient guarantees
721 for granting credit, resulting from the impact of inflationary expectations or
722 what is called market risk.
- 723 4. Most banks, especially private ones, do not allow high solvency, enabling
724 them to expand their credit activities due to the short-term nature of their
725 deposit structure.
- 726 5. Low banking density, negatively affecting the performance of the credit
727 sector in banks, especially as most banks are concentrated in the capital.
- 728 6. The administrative structure is cumbersome in many banks, especially
729 government banks.

730 **Recommendations**³²

731 Despite the significant challenges facing the Iraqi economy in general and the
732 banking sector in particular, and despite the diligent efforts made to develop this
733 sector, especially after 2003 with the issuance of the Central Bank of Iraq Law No.
734 56 of 2004 and the Banking Law No. 24 of 2004, developing the banking sector
735 requires concerted efforts to advance and protect it, especially credit facilities and
736 loan granting. This is particularly important as the performance indicators of the
737 banking sector in Iraq have not revealed a clear model approaching the acceptable
738 ratios between capital, deposits, and credit. For instance, the ratio of cash credit to
739 deposits in government banks was "53%" in 2015, while the ratio of cash credit to
740 owned capital, including reserves, in government banks was "76%," an acceptable
741 average but significantly varying and higher in the Rafidain and Rasheed banks
742 from the generally accepted ratios. The ratio of cash credit to deposits in private
743 banks was "84%," an appropriate ratio, but exceeds deposits in "18" private banks,

³¹ Muntadhar Fadel Saad, "Challenges Facing the Iraqi Banking Sector," Journal of Financial, Accounting, and Administrative Studies, Issue No. 5, June 2015, p. 29.

³² It is worth noting that some of these recommendations were proposed by the Finance Committee in the Iraqi Council of Representatives, Council of Representatives, Finance Committee, 2015, pp. 44-47.

744 indicating that part of the credit is financed from capital. The ratio of cash credit to
745 capital in private banks was "93%," indicating significant capital idleness at the
746 sectoral level, confirming that the total banking capital exceeds the market's needs
747 due to the high number of banks. The total deposits in 2016 amounted to about
748 "62.4" trillion dinars, less than one-third of the GDP, with a high percentage of
749 current deposits, on which banks do not pay interest, indicating a low financing
750 cost. On the other hand, the volume of private deposits amounted to "23.7" trillion
751 dinars, a modest amount compared to the private sector GDP, with private banks
752 receiving "8592" billion dinars from these deposits, of which "73.6%" were current
753 deposits, indicating no financing cost but a shortage of deposits directed to them.
754 This issue becomes evident when compared to the capital, including reserves,
755 which amounted to "9902" billion dinars in 2016 for the total banks, excluding
756 government banks, meaning that the average deposits received by a single private
757 bank are roughly equal to its capital—a unique phenomenon.

758 As deposits are the source of credit financing and the main component of banking
759 assets, the ratio of the latter to capital is extremely low and does not align with the
760 minimum efficiency levels. This problem is likely to exacerbate with the entry of
761 new banks into the market, indicating that the private banking sector has not been
762 able to possess the inherent capacity to perform the banking credit function.
763 Moreover, the credit market is insufficient to absorb the banking capital.
764 Therefore, the researcher recommends:

- 765 1. Reconsider banking legislation to advance the Iraqi banking sector to keep
766 up with global developments and face challenges, especially in the credit
767 facilities market.
- 768 2. Focus on increasing credit, financing, and soft loans and activating deposit
769 employment.
- 770 3. Hold workshops and conferences to analyze the performance efficiency of
771 banks and how to improve credit management in banks.
- 772 4. Develop strategies to improve credit rules to attract and encourage foreign
773 investors to achieve economic development.
- 774 5. Develop human capital in banks and enhance their skills to increase
775 efficiency and effectiveness and keep up with rapid technological
776 developments.
- 777 6. Activate Article "26" of the Banking Law by developing effective strategies
778 and detailed annual plans.
- 779 7. Expand by opening new banks and branches of existing banks in major cities
780 outside the capital to increase banking density.

781 8. Prepare studies and research supported by reliable statistics on the Iraqi
782 credit market to develop effective solutions to address credit gaps.

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