

**CHALLENGES TO THE IRAQI PARLIAMENT'S FUNCTIONS  
IN THE POST SADDAM HUSSEIN REGIME**

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**CHALLENGES TO THE IRAQI PARLIAMENT'S FUNCTIONS IN THE  
POST SADDAM HUSSEIN REGIME**

**BY**

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Thesis Submitted to Ghazali Shafie Graduate School of Government,  
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## **DEDICATION**

**To:**

My late father & My beloved mother

**&**

My wife

Tahany Shaheed Albadran

**&**

My children

Rania – Abdullah - Muhammad

**&**

My martyr brother

Laith Saadoon Salman

*Whose pray for my success had never stopped*

*“May Allah Subhanahu Wat”ala always grants you His blessings”*

## ABSTRAK

Meskipun lebih sepuluh tahun rejim Saddam berakhir, peranan institusi berparlimen dalam sistem politik Iraq masih menghadapi masalah sebelum ini seperti pembangunan sejarah negara, cabaran struktur sosio-politik dalam dan kewujudan campur tangan yang mempengaruhi politik dalam. Oleh itu, tujuan umum kajian ini adalah untuk menjelaskan mengapa, bagaimana dan sejauh mana cabaran sejarah, dalam dan luaran memainkan peranan penting dalam mempengaruhi prestasi parlimen baharu Iraq dalam rejim pasca-Saddam. Kajian ini berorientasikan pendekatan penyelidikan kualitatif sebagai metodologi utama. Teori “Historical Institutionalism” digunakan sebagai asas kerangka teori tesis ini. Wawancara elite pula merupakan antara sumber data primer. Responden telah dibahagikan kepada tiga kumpulan utama – ahli parlimen Iraq, diplomat, pensyarah fakulti sains politik. Pendekatan temu bual bersemuka dan temu bual telefon dengan ahli akademik dalam bidang ini telah diguna pakai. Laporan parlimen dan kerajaan, serta undang-undang juga merupakan sumber utama bagi data primer kajian ini. Data sekunder pula diperolehi daripada tulisan-tulisan ilmiah seperti buku, artikel jurnal dan tesis. Dapatkan kajian menunjukkan bahawa peranan perundangan dan penyeliaan Parlimen baharu Iraq telah banyak dipengaruhi oleh warisan budaya politik, konflik etno-agama, kesan serangan Amerika Syarikat pada tahun 2003, rasuah politik, ketiadaan undang-undang yang berkesan mengenai parti politik, peraturan pilihan raya, cabaran ekonomi dalam kattività minyak dan gas, serta ketiadaan campur tangan pembangkang dan negara jiran dalam proses politik dan urusan keselamatan Iraq. Kajian ini mencadangkan, antara lain, bahawa terdapat keperluan segera untuk menjana kedinamikan baru budaya politik demokrasi di Iraq dengan merancakkan perbaasan di Parlimen; meminda perlembagaan untuk mempunyai taburan kuasa seimbang di kalangan cawangan utama kerajaan; menggubal parti baru dan undang-undang pilihan raya, melindungi kepentingan ekonomi negara dengan mempunyai undang-undang minyak dan gas yang ketat; mengaktifkan badan Pencegah Rasuah dan Perdamaian Nasional, bagi memastikan kedaulatan negara dipertahankan.

**Kata kunci:** Parlimen baru Iraq, pasca rejim Saddam, peranan fungsional, cabaran dalam dan luaran.

## ABSTRACT

In the context of the parliamentary institution in Iraq, despite more than ten years after the end of the Saddam regime in 2003, the functional role of the new parliament in the Iraqi political system is still problematic with a set of inherited problems such as the country's historical development, internal socio-political structural challenges, and the regional undertakings that tend to intervene and influence domestic politics. Therefore, the general aim of this study is to explain why, how and to what extent do historical, internal and external challenges play a vital role in influencing the performance of the new Iraqi parliament in the post-Saddam regime. This study used qualitative approach in undertaking the research. The Historical Institutionalism theory was a reference for the study's framework of analysis. It employs elite interviews as one of the primary data sources. The interviewees were divided into three main groups - members of the Iraqi parliament, diplomats, and lecturers of political science. Both face-to-face and telephone interview techniques with those practitioners and academicians in the field were adopted. Parliamentary and governmental reports, statutes and laws were also sources for primary data in this study. Secondary data were mainly from academic writings such as books, journal articles, and theses. The findings of the study show that the legislative and supervisory role of the new Iraqi parliament has been heavily influenced by the inherited political culture, ethno-religious conflicts, the consequences of the U.S. invasion in 2003, political corruption, absence of effective laws regarding political parties, election rules, economic challenges in oil and gas activities, absence of opposition and neighbouring countries' intervention in the Iraqi political process and security predicaments. The study recommends, among others, that there is an urgent need to generate a new dynamism of democratic political culture in Iraq by activating lively debates in the parliament; amending the constitution in order to have balanced power distribution among the key branches of the government; enacting new parties' and election laws; safeguarding the economic interest of the country by having stringent oil and gas laws; activating the anti-corruption body, and national reconciliation, to ensure the sovereignty of the country.

**Keywords:** Iraqi new parliament, post-Saddam regime, functional roles, internal and external challenges.

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**AMMAR SAADOON SALMAN**

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## **LIST OF ABBREVIATION**

ACC	Anti-Corruption Committee
COR	Council of Representatives
CPA	Coalition Provisional Authority
DFAT	Department of Foreign Affairs and Trade
IDP	Islamic Da'wa Party
IGC	Iraq Governing Council
IHEC's	Independent High Electoral Commission's
IIP	Iraqi Islamic Party
INA	Iraq National Accord
IOHRC	Iraqi Organization for Human Rights Coordination
IPU	International Parliamentary Union
ISDP	Iraq Sustainable Democracy Project
KRG	Kurdish Regional Government
MNF-I	Multi National Force-Iraq
MOI	Ministry of Interior
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NCRC	National Council of the Revolutionary Command
OFFP	Oil-for-food program
PKK	Kurdistan Workers Party
RCC	Revolutionary Command Council
TAL	Transitional Administrative Law
HNDC	Higher National De-Ba'athification Commission
U.S.	United States of America
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Program
USD	United States Dollar

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## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.0 Background**

Parliament in any democratic political system is the main institution that plays an important role in the expression of the citizens' wills and resolution of policy conflict. One of its main functions is to enact laws, according to the will of the electorate as well as to ensure accountability while paying attention to the interests of diverse groups (Douglas et al., 2005).

The parliamentary institution plays an important role in representing, supervision, and legislation: "... There needs to be a certain degree of cooperation between the parliament and the government in policy making (each side must be willing to bargain and compromise in order to get some policy benefits)". The parliament must have some capacity to monitor the government, and the government needs to be willing to comply with parliament enactments. (Thomas, 2004: 9).

The main targets of the parliament in most democratic regimes are supervision and legislation. Supervision fights corruption and re-corrects wrong policies, while legislation imposes the rule of law, ensures citizens' rights and interests, and provides the legal framework economy, politics and service. So any defect in the performance of the Council of Representatives (COR) for these two functions means the collapse of the

popular power of the State Administration and then this state will tend to fall into chaos and corruption (Conference of Information Center, 2013).

Parliament is considered one of the main bodies of the current parliamentary system in Iraq, where this system consists of a three main bodies, namely the executive (the government) the legislature (parliament) and the judiciary (federal court). Iraq has adopted this system for several reasons. First and most importantly, the Iraqi populations have several ethnic and racial groups. Therefore, this system is the best because it ensures the participation of all ethnic groups in parliament. To support this argument, Sayeed (1992: 24) argued that some countries adopted the parliamentary system because parliament derives its power directly from the consent of the people, as demonstrated through periodic elections.

Iraq is one of the Middle East countries and is bordered by Jordan, Syria, Turkey, Iran, Kuwait and Saudi Arabia. Iraq has a population of nearly 32 million people. Islam is its official religion. Nearly 97% of Iraqi people are Muslims, with the Shiite and Sunni Muslims accounting for approximately 60% and 37% of the population, respectively (Hafedh et al., 2007: 477). The remaining 3% consists of Christians (Chaldo-Assyrians and Armenians), Yazidis (ethnic Kurds), and Mandaeans (Gnostics) as well as a small number of Jews, who were forcibly relocated to Israel in the early 1950s. Arabs are the largest ethnic group, accounting for 77% of the overall Iraqi population. This ethnic group is classified into two groups, namely, the Shiite and Sunni Arabs. The Shiite Arabs are geographically concentrated in the south. A large number of Shiite Arabs also

reside in Baghdad and have communities in most parts of the country. The Sunni Arabs are geographically concentrated in the Midwest and northwest of Iraq. The Kurds, who comprise the second largest ethnic group (approximately 20% of the Iraqi population), are mostly Sunnis. They reside in the uplands in the northeast of Iraq. Finally, the Turkmen is the third largest ethnic group and they reside throughout Iraq (Kirmanj, 2010: 24) See Figure 1.1 Map of Iraq: Distribution of ethno-religious groups and major tribes).

Figure 1.1: Iraq Ethno Religious Groups and Major Iraqi Tribes Map



Source: Anderson, L. & Stansfield, G. (2004: xi)

To this day, the religious and ethnic diversity has become a major problem threatening the stability of the political process in Iraq because of the outbreak of a lot of conflicts that affected the performance of the political institutions, including the parliamentary institution specifically.

Iraq has practised democracy for more than five decades through temporary constitutions, emergency conditions, and special courts. Each of these constitutions was not issued by the parliament, but by the rulers who were in power. As a result, these constitutions vested the government to those with higher status, enabling them to outperform the authorities of the parliament (Shaaban, 2005: 36).

The idea of parliament in Iraq started in the early 20th century. Iraq has long experience with a non-representative government. Its first beginnings were with British colonialism in 1914, followed by a monarchy rule (1921 to 1958), a republican system led by President Abdul Karim Qasim (1958 to 1963), President Abdul Salam Mohammad Aref (1963 to 1966), and President Abdul Rahman Mohammad Aref (1966 to 1968), an Arab Ba'ath socialist party (one-party system) led by President Ahmed Hassan Al-Bakr and his deputy Saddam Hussein (hereafter Saddam) (1968 to 1979), the fifth republic led by president Saddam (1979 to 2003), and finally the parliament that emerged after the removal of the Saddam regime by the U.S. forces in 2003 (Iraqi Organization of Human Rights Coordination IOHRC, 2006: 4).

Iraq, during the period of British rule, held parliamentary elections under a League of Nations mandate (from 1920 until Iraq's independence in 1932). Iraq did not have any previous experience with a parliamentary government; the monarchy (1921-1958) has been of the Hashemite dynasty "Sunni Muslim" (Eisenstadt & Mathewson, 2003). Iraq had a province of the Ottoman Empire until British forces defeated the Ottomans in the First World War, and took control of Iraq in 1918. Britain's presence in Iraq, which relied on the Iraqi Sunni Muslims (as did the Ottoman), ran into repeated resistance, facing a major Shiite-led revolt in 1920 and a major anti-British uprising during the second World War in 1941. Faysal bin Hussein was the first Hashemite king of Iraq. He was the son of Sharif Hussein of Mecca who led the Arab revolt against the Ottoman Empire during the First World War. King Faysal ruled Iraq, and then his son, King Ghazi, who came after him to power, who was assassinated in a car accident in 1939. King Faysal II, who was only four years old, took over after his father, King Ghazi (Katzman, 2006: 1).

Democratic institutions such as the parliament are not entirely unknown in Iraq. Under the Hashemite monarchy (1921 to 1958), Iraq adopted a parliamentary modeled after the United Kingdom (hereafter UK). Political parties and the opposition existed; the dissent and disagreement were generally tolerated. The discussions in the parliament have been often vigorous, the legislators were usually allowed to argue and vote against the government without fear of penalty. Parliament often managed to influence policy, although the palace and the cabinet set the agenda (Dawisha et al., 2003:36-50).

In the sixties of the twentieth century, Iraq witnessed several coups, including the 1963 coup to overthrow the rule of Abdul Karim Qasim, a counter-coup in November 1963 with Abdul Karim Qassim's efforts to purge nationalistic factions of the government and the Baathist coup in June 1968. With this coup a new era started in Iraq. Saddam was the most prominent political figure that entered Iraqi politics in that period, and the ideology of the Baath Party became the dominant ideology on political life until 2003, when Iraq was occupied by the U.S. military. These conditions helped to strengthen the autocracy of Saddam after 1979. During Saddam's rule, Iraq enacted the new interim Constitution of 1990, which was different from the 1968 Constitution. This Constitution came into force with a questionable referendum in 1995. This referendum was questionable because of the enormous power of Saddam on the Iraqi people and it had an indirect relationship with the approval of the Constitution instead of Saddam's term of presidency. However, there was no real power of the parliament (the National Council) until 1980, when all the legislative, executive, and judicial authorities were under the control of the Revolutionary Command Council (RCC) (Galvani, 1972:7).

In 1980, parliamentary elections were held for the first time in Iraq. Considering the rights empowered to the parliament within the Constitution, the parliament was not expected to be functional in practice, because the 1970 constitution granted parliament authorities formality, and entrusted the function of legislating to the RCC. The most important condition for nomination to this Council, was the candidate had to be a believer in the leadership role of the Baath Party (Saleh, 1999:17-35). In addition, Saddam required the candidates who would compete in the elections, to get

confirmation from the Election Committee, which was under the Ministry of Interior. In this sense, the recognized rights (although limited to the constitutional level) meant nothing in practice; consequently, the Constitution obtained a symbolic characteristic. Besides this, except the Baath Party, other parties were forbidden to enter the elections and carry out political activities until 1988 (Pirincci, 2007: 93-99).

After the ousting of the Saddam regime in April 2003, Iraq faced political upheaval due to the military intervention of the United States of America (U.S) that led Iraq to a stage of political chaos, insecurity and deteriorating economic conditions. The chaos continued until October 2005. During that period, the Iraqis participated in a referendum on the shape and content of the political system of their country in the context of a new contemporary constitution, and they voted on the adoption of the federal system and parliamentary government (Atwan, 2011:1).

The Coalition Provisional Authority (CPA) established the Governing Council (GC) in July 2003. According to the text of the authorities and responsibilities of the GC, its mandate included appointing interim ministers, working with the CPA on policy and budgets, and establishing procedures to write a new constitution. Then, the national elections were conducted on December 15, 2005, and a new president (Jalal Talabani) was reelected in April 2006, representing a new political figure to form a united national government (Hafedh et al., 2007: 10). During that period, Iraq witnessed accelerated democratic changes in the government. Elections took place at the provincial level, and parliamentary elections were held, confirming the realization of democratic

development in the Iraqi political scene. Iraq took rapid and steady steps toward democracy, prompting the international community to pay tribute and support to the new State of Iraq (Ghazi, 2009).

Nevertheless, in the confused and hasty circumstances when the Iraqi constitution was written and approved, there were disparate and mutually irreconcilable interpretations in several key areas. Many of these areas involved the current disputes on absence of laws relating to the organization of political parties and parliamentary elections, the definition of the regional government in Iraq Kurdistan, its powers, the limits of its legislative and executive authorities, the manner through which oil wealth was divided, and the borders between the various provinces. It can be argued that the constitution was clear about these issues, but the different parties interpreted the constitution according to their interests in the presence of the passive role of the Supreme Court (Al-Kadhimi, 2013).

Political crisis continued in the new political system in Iraq after the announcement of the constitution in 2005, due to a variety of political, economic and social factors, e.g., declining economic and social conditions, the escalation of the security crisis, political corruption, and the continuation of foreign interference. The new political system in Iraq was subjected to a certain degree of rejection based on political and social factors, which sometimes took the form of armed violence employed by political opponents. Turbulent political reality has had a negative impact on the government's performance, whose deficiencies were increasingly glaring in the form of dwindling public services and

inadequate administrative capacity, not to mention the spread of poverty (Atwan, 2012: 1).

On another side, the regional countries sought political instability by providing support to some Iraqi political forces because these forces and their interests were in harmony with the agenda of these regional states. Money flowing from those states and the impact of the media in these countries against the policies of Iraq had a profound impact in weakening national unity. The escalation of the political crisis in Iraq, transformed the political conflicts into sectarian conflicts by ignoring the higher national interests. Such regional intervention led to the elimination of any project that unified the nation and which aimed to solve the Iraqi crises, e.g., the deteriorating security situation due to terrorism, poor administrative performance of the government, poor living conditions of the citizens, widespread unemployment, and the deterioration of human rights (Swailem, 2010). As a result, these political realities were reflected in the ability of the Iraqi parliament in the performance of its legislative and supervisory functions as an effective body in the Iraqi political system.

Therefore, the analysis of the roles and functions of the parliament after the Saddam regime requires a systematic study, through an examination of the challenges and issues that emerged during the creation of the Iraqi parliament (e.g., structural challenges, regional challenges, etc), and their impact on the parliament functions in the Iraqi political system. The success and failure of this parliament should also be evaluated. This thesis aims to address those challenges.

## **1.1 Statement of the Problem**

The Iraqi parliament is the highest lawmaking body of the country. In addition to its core legislative function of lawmaking, representation and supervision, the parliament is empowered by the constitution to appoint and dismiss the president of the Republic, the Prime Minister, and Ministers. It has the powers to aggregate the opinions and inputs of citizens into draft legislations, approve budget estimates, and exercise oversight of executive branch agencies on issues of public interest and in the interest of transparency and accountability.

In April 2003, Iraq witnessed political transformation after the fall of the Saddam regime. Iraq adopted a parliamentary system in its new constitution of 2005, instead of the presidential system that has prevailed for more than 35 years. Despite the enormous constitutional role of the new Iraqi parliament in the political system as the immediate representatives of the people, it remains a young institution. Hence, its functional role is still facing criticisms resulting from its weak performance. This negative functional role of the parliament came as a result of a set of challenges in the creation of the Iraqi parliament (e.g., the inherited political culture, ethno-religious conflicts and the adoption of consensual democracy, and U.S. blunders in Iraq), the inherent structural challenges (e.g., the constitutional problems, corruption, the absence of an effective parliamentary opposition), and external challenges (e.g., the deterioration of the security situation and the influence of regional neighbouring countries).

The problem that this research aims to address can be summarized as follows: the new Iraqi parliament, as an effective institution in the Iraqi political system is often perceived as having weak and less effective performance of its legislative and supervisory functions compared with its executive counterpart as a result of the issues and challenges it has to confront. Some of these issues include continuous domestic political conflict, socio-political, structural problems, and the regional undertakings that tend to intervene and influence domestic politics, among others. In fact, this study includes observations and analyses of these challenges.

## **1.2 Research Inquiries**

This study addresses four main research inquiries. The first inquiry focuses on the challenges and issues that accompanied the establishment of the new Iraqi parliament after the demise of the Saddam regime. To answer this question, this study explores the challenges of the past events and issues that accompanied the creation of the Iraqi parliament, and their impact on the functionality of the Iraqi parliament after the collapse of the Saddam regime in 2003. A comprehensive assessment of the relevance of the parliament is also presented.

The second inquiry highlights the structural challenges (e.g., institutional problems) of the new Iraqi parliament. To answer this inquiry, this study discusses and analyzes the results of the impacts of these problems relating to the constitution, culture, and political corruption on the role and functions of the parliament in the Iraqi political system.

The third inquiry is on the challenges imposed on some of the regional neighbouring countries (Iran, Turkey, Saudi Arabia, and Syria), faced by the new Iraqi parliament after the end of the Saddam regime, through their contribution to destabilize the security situation of the country. To answer this inquiry, this study examines and discusses the general assessment of these regional challenges and their impact on the functions of the parliament in the political system of Iraq.

The fourth inquiry is about the parliamentary performance and the recent reforms of the Iraqi parliament. To answer this inquiry, this study discusses the achievements of the Iraqi parliament during the two electoral sessions (2006–2010 and 2010–2014) and their evaluation; it then analyzes the policies and mechanisms that contribute to the sustainability of the parliament's functional roles.

Based on these four research inquiries, the research questions are listed below:

1. What is the influence of the challenges that accompanied the establishment of the new Iraqi parliament on its functions in the post-Saddam regime?
2. How did the structural challenges of the Iraqi parliament affect its functions in the post-Saddam regime?
3. To what extent can external challenges affect the functions of the Iraqi parliament in the post-Saddam regime?
4. What is the progress made in the functional performance of the Iraqi parliament during the two electoral sessions in the post-Saddam regime?

### **1.3 Research Objectives**

Having identified the relevant research problems, the general aim of this study is to examine the various challenges that threaten the effectiveness of the new Iraqi parliamentary institution during the democratic transition stage that took place in the country. The specific objectives of this study are as follows:

1. To analyze the key challenges and issues that accompanied the creation of the new Iraqi parliament, which influence its functions in the post-Saddam regime;
2. To investigate the structural challenges (relating to the constitution and political corruption) facing the new Iraqi parliament in the post-Saddam regime;
3. To identify the effects of the regional neighbouring countries on the functional role of the Iraqi parliament in the post-Saddam regime; and
4. To investigate the functional performance of the new Iraqi parliament in the post-Saddam regime, and suggest strategies for improving these parliamentary functions.

### **1.4 Significance of the Study**

This study intends to make significant theoretical and practical contributions. In terms of theoretical contributions, it largely aims to contribute to the related literature, adding to the general entity of knowledge. Specifically, this study bridges the existing gap in the

literature with regards the challenges faced by the parliament after the Saddam regime. The findings of the study on the challenges that impede the functions of the Iraqi parliament provide a road map for further research on this topic. Furthermore, this study attempts to promote the minimization of the negative effects of the challenges and issues (e.g., historical, structural, and regional) on the functional role of the Iraqi parliament and establishes a benchmark for future studies for other parliamentary institutions in the Middle East that experience the same challenges. Finally, the study of the role and functions of the parliament can benefit the studies of other Arab regimes that have seen shifts in their own political, cultural, and social structures.

In terms of practical contributions, the parliament as a political institution in Iraq is a relatively new experience after the Ba'ath Party dictatorship that lasted for more than 35 years (1968–2003). As a result, many of the basic political concepts related to the parliamentary institution are unknown to the Iraqi society. Therefore, the study serves as a source of information to different researchers for varied purposes. These consumers include, among others, researchers, policy makers, government institutions, non-government organizations (NGOs), and civil society organizations (CSOs) who all aim to understand the role and functions of the parliament in the new political regime after the removal of Saddam Hussein.

Furthermore, this study is a pioneering work among a few studies that investigate the challenges faced by the parliament in Iraq after the U.S. occupation in 2003. It also supplies proactive information about some of the challenges before they develop into

problems that may threaten the political life in Iraq, e.g., the constitutional problems, security concerns, corruption issues, power-sharing, democratic culture, issues related to the parliamentary opposition, and regional impacts.

## **1.5 Theoretical Framework**

Theoretically, all phenomena can be explained and analyzed for clarity and understanding. This research study adopted the historical institutionalism approach as an analytical framework, in order to have a better understanding and interpret the historical and environmental challenges that adversely affected the Iraqi parliament's functions. In addition, this study attempts to explain the importance of the functions of parliament in the Iraqi political system, and evaluates its role in the post-Saddam regime.

There are four basic institutionalism approaches: three older “new institutionalisms” (rational choice, historical, and sociological institutionalism) plus a fourth newer “new institutionalism” (discursive institutionalism) (Schmidt, 2006: 1).

In this study, the historical institutionalism approach has been selected, because it is best understood as an approach to studying politics. This approach is distinguished from other social scientific theories by several properties:

1. It sheds light on real-world empirical questions.
2. It focuses on historical orientation.

3. It emphasizes the ways of institutions structure and the results of political behavior.

According to this school (historical institutionalism), five features are relatively distinctive, which are as follows:

1."Historical institutionalists tend to conceptualize the relationship between institutions and individual behavior in relatively broad terms" (Hall & Taylor, 1996:938). Two approaches give different explanations on why the regularized patterns of behavior associated with institutions display continuity over time. "The calculus approach suggests that institutions persist for a trenchant characterization of this position. That is, individuals adhere to these behavioral patterns because deviation will cause them to be worse off than willing adherence" (Shepsle, 1986: 51-81). For this reason, as the input of a certain institution to the resolution of collective action problems increases, the benefit it obtains from the exchange also augments. Cultural approach explains the persistence of institutions by noting that many of the conventions associated with social institutions cannot readily be the explicit objects of individual choice; instead, they should be construed as the elemental components from which collective action is constructed (Graftstein, 1992).

2. Historical institutionalists emphasize the asymmetries of power associated with the operation and development of institutions. Historical institutionalists have

been especially attentive to the ways through which institutions distribute power unevenly across social groups. For instance, instead of positing scenarios of freely contracting individuals, they are more likely to assume a world in which institutions provide several groups or interests with disproportionate access to the decision-making process; instead of emphasizing the degree to which an outcome makes everyone better off, they tend to emphasize how some groups lose while others win (Weir, 1992: 188-216).

3. Historical institutionalists “tend to view institutional development as emphasizing path dependence and unintended consequences. The argument of this approach is that the policy and structural choices made at the inception of the institution will have a persistent influence over its behavior for the remainder of its existence” (Thelen et al., 1992:19). Historical institutionalists commonly deal with path dependency, or, as Peters (2000) views it, the legacy of the past, as it concentrates on the consequences of earlier events for later events. Path-dependent explanations have two common features. Firstly, a contingent event places a causal chain in motion. Secondly, this causal chain is relatively deterministic. These features make path-dependent processes demonstrate the following particular characteristics (Vandenabeele et al., 2005: 4): (a) path-dependent processes are relatively unpredictable, considering that early events are contingent events and many outcomes are possible, (b) the effects of early events are greater than those of later events, (c) path-dependent processes demonstrate

inertia. As a certain path evolves, its ability to leave this option becomes more difficult, and (d) contingent events cannot be cancelled out by later events.

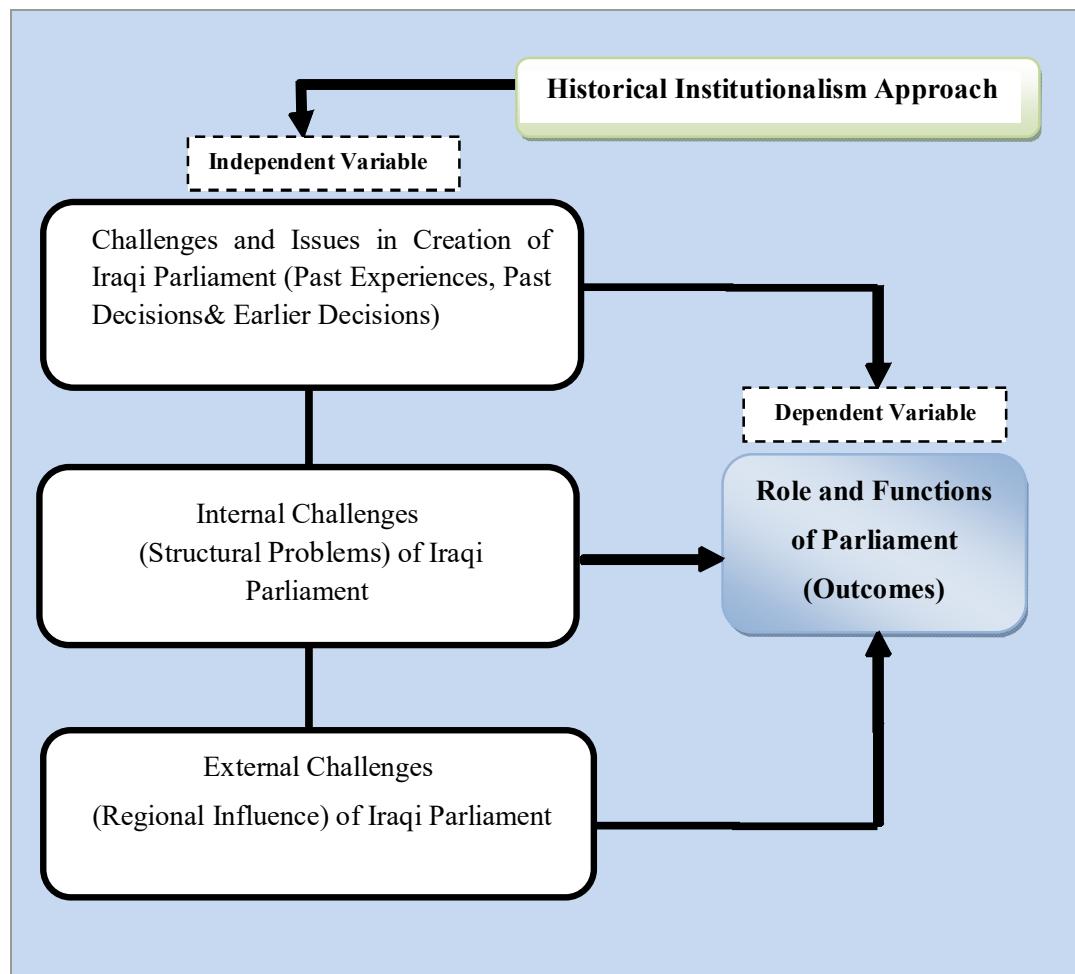
4. Historical institutionalists are especially concerned about integrating institutional analysis with the effects of other factors, e.g., ideas on political outcomes. “Although they draw attention to the role of institutions in political systems, historical institutionalists rarely insist that institutions are the only causal force in politics, they seek to locate institutions in a causal chain that accommodates a role for other factors, especially socioeconomic development and the diffusion of ideas” (Hall et al., 1996: 938).

5. Historical institutionalists are similar to environmental biologists who believe that examining a particular organism or its behavior in the ecology or the context in which it lives help to understand the fate of this organism. Alternatively, the effects of the atmosphere on the specific organism in the past have a greater effect on its future.

In due course, the historical institutionalism approach proves to be a predominant framework that suggests how the past issues and events (e.g., weakness of the democratic culture, ethno-religious conflict and the adoption of consensual democracy, de-Ba‘thification and the disbanding of the Iraqi army), structural challenges (internal) of the Iraqi parliament (e.g., constitutional problems, corruption, and absence of strong parliamentary opposition), external challenges of the Iraqi parliament (e.g., the deterioration of the security situation, and influences of neighbouring countries) are

linked through a dynamic and interactive process and its effect on the role and functions of the Iraqi parliament. Linking this theory to our overall framework is essential in understanding the key challenges of the functional role of the Iraqi parliament in the post-Saddam regime. Figure 1.2 demonstrates the historical, institutional approach as a comprehensive theoretical framework for this study.

Figure 1.2: Theoretical Framework of Analysis



Source: Adopted from Hall and Taylor (1996: 938).

According to this approach, past issues and events and structural and regional challenges clearly affect the functional role of the Iraqi parliament. The study conceptualizes these categories below as follows:

### **1.5.1 The Effects of Past Issues and Events on the Functions of the Iraqi Parliament**

There are several challenges and issues related to the establishment of the Iraqi parliament in the post-Saddam regime. These challenges subsequently affect the functional role of this institution, e.g., weakness of the inherited political culture and its impact on parliament performance. Al-Fatlawi (2006: 1-29) identifies political instability as a major cause of the disruption of the idea of parliament. He stresses that Iraq can be described as a country that has never witnessed political stability for hundreds of years because of coups and successive revolutions. He argues that the situation worsened largely because of the Ottoman and British occupations and the governance of a group of individuals, who would not have had a firm clutch on power had it not been for putsches or revolutions or any other terms that expressed unlike visions. He concludes that these issues negatively influenced the culture and perceptions of the Iraqi citizens on the parliament and the government. Both Jabr and Al-Fatlawi agree that the ruler's fear of putsches and rebellion against him, made him seize all of the authorities (especially the authorities of the parliament) and exploit the law for his regime's interest.

Furthermore, there is another challenge to the performance of the Iraqi parliament; it is represented in many past decisions made by the former CPA after the U.S. occupation of Iraq in March 2003 created serious challenges to parliament. The U.S. did not have a well-thought-out plan for post- Ba'athist Iraq; there are several evidences, e.g., failure of the U.S. military to prevent the widespread looting after the fall of Baghdad in addition to its failure in the protection of cultural sites, such as the national library and the Iraqi Museum. CPA administrator Paul Bremer disregarded the warnings of the Iraqi and American military experts and dissolved the Iraqi army shortly after the war, putting nearly 400,000 troops out of work. As a result, many former soldiers provided weapons to insurgents or participated in attacks on the U.S. forces in return for money, which they often needed to feed their families. Also, Bremer dismissed most Ba'ath party members from government posts, ignoring the fact that many of these members had joined the Ba'ath party only to maintain their positions. Dismissing these members denied Iraq the important professional skills of those who were merely nominal Ba'athists (Davis, 2005: 237).

As for the challenges of the ethno-religious conflict in Iraq and the application of consensual democracy (power sharing) between the political blocs, impeded public policy and established the sectarian, and then disabled the voting on laws within the parliament in cases of failure to get consensus between the political blocs to take part in the political process.

### **1.5.2 The Effects of Internal Environment on the Functions of the Iraqi Parliament**

Internal environment challenges (structural problems) are one of the key factors which had a heavy impact on the performance of the parliament, e.g., constitutional problems, corruption, and absence of parliamentary opposition.

Parker (2009) argues that the biggest challenges that the Iraqi parliament faced was brought about by the new election law. He opines that the national and provincial elections law debates about Kirkuk are a good example of how the broader Arab-Kurd conflict (involving territory, oil, and constitutional revision) impeded political development in Iraq.

On the other hand, Nasrawi (2010) stresses that administrative and financial corruption (e.g., bribery, extortion, and looting of public funds) also represent one of the key challenges faced by the parliament in Iraq. Corruption destroys the foundations of the state by weakening the administrative capacity and authority of the legislative and legal branches, and the breaching of prestige and the mechanisms of law enforcement. The ability of the democratic state in fighting against corruption is derived from its ability to build regulatory institutions, account for devices, promotion of transparency, protection of press freedom, and enforcement of laws.

Kadhum (2013: 166) reveals another challenge to the functional role of the Iraqi parliament- the absence of the role of the opposition in parliament. He puts his utmost emphasis on the importance of the close relationship between political parties and the

role of the opposition and the effectiveness of the parliament. He believes that the opposition represents the mainstay in democratic systems and its presence depends on the nature of the existing political system. In a real democratic system, parliamentary opposition must coexist peacefully and work side by side with the ruling party. He emphasizes that one of the inherent key activities in the democratic countries and as an indicator of the effectiveness of its legislative authority and the peaceful transfer of authority is the existence of a shadow government that represents the opposition.

### **1.5.3 The Effects of External Environment on the Functions of the Iraqi Parliament**

According to Al-Ayari and Al-Fadl (2010), the neighbouring countries, especially Iran and Syria, adopted policies to disrupt the political process and the new parliamentary experience in Iraq as an instrument of putting pressure on the United States" pointing to Iran's use of Iraq's file as a card in the game of its conflict with the United States and especially on its (Iran's) nuclear program .They argue that most of the foreign fighters who took part in the terrorist operations in Iraq came from both Iran and Saudi Arabia. They stress that Saudi Arabia had a noteworthy interest in Iraq to thwart its relegation to the influence of Shiite Iran. They pointed out that there was a strong competition between Riyadh and Tehran to expand their influence in Iraq, where Saudi Arabia was trying to limit the extension of Iranian influence in the region, for domestic reasons, pointing to the Shiite minority, which lived in the Iraqi-Saudi border, an area rich in oil, which could harm the economic interests of the country, if the contagion of sectarian conflict spilt into its territory.

The important challenge that impeded parliament was the loss of trust. For example, sometimes the politicians and the parliamentarians responded to the interests of other countries in the region rather than to the interests of their constituencies, sects, or religions. They responded to their own selfishness regarding their personal and political agenda in order to stay in authority longer (Abu Bakr, 2007:9).

On the other hand, Al-Ayari and Al-Fadl (2010) believed that Turkey also had effects on Iraqi affairs, despite the different motives of Turkey from the rest of the neighbouring country. They say “Turkey is seeking various means to prevent the disintegration of Iraq, for fear of the Kurdistan region getting independence, given their impact on the situation of the Kurds within its borders”. There was continuing concern in Turkey that there were responses to the demands of the Kurdish annexation of Kirkuk. From the Turkish perspective, this was an important step toward gaining greater autonomy from the central government in Baghdad. Finally, regional interference in Iraqi affairs contributed to the deterioration of the security environment of the parliament and this reflected negatively on its performance.

## **1.6 Research Methodology**

This study used qualitative methods in the analysis of the performance of the Iraqi parliament to enhance the understanding of how this institution works, the processes and interactions occurring therein, and the current body of literature. Current works, particularly in areas of the role and functions of the new Iraqi parliament as well as the

structural and regional challenges, remain inconclusive. Further studies on several areas and concepts required exploration and description before conducting additional analyses. These analyses and interpretations will help the researcher to present the findings truthfully to individuals who are interested in the parliament in Iraq.

### **1.6.1 Research Strategy**

This study examined the challenges faced by the new Iraqi parliament after the Saddam regime (2003 to 2014) by investigating the challenges and issues in the creation of a new Iraqi parliament, the structural and external challenges that influenced the functions of the new Iraqi parliament. Qualitative techniques of data collection and analysis were used for several reasons. Firstly, the qualitative method helps analyze the phenomena, processes, and activities occurring within the parliament. Secondly, the data collection had a qualitative characteristic instead of a quantitative feature, that is, the data used numeric amounts, which was only for the purpose of explanation; therefore, the numeric amounts were not used to determine the significance of the correlation between or among two or more variables. Thirdly, the qualitative method is commonly used to explain or describe as well as to build a hypothesis, in which the causes of the process can be meticulously understood (Cho& Trent, 2006 :319-340). Fourthly, the qualitative research 'aims to provide an in-depth understanding of people's experiences, perspectives and histories in context' and is often characterized by a concern to find the actors' perspective, semi-structured context-sensitive methods, rich data, explanations at the level of meaning and how and why questions (Spencer et al., 2003: 3).

Fifthly, "qualitative research can provide information on the values, beliefs, understandings, and interpretations of individuals at considerably greater detail compared with quantitative research in general" (King & Verba 1994: 5). Finally, the qualitative research ensures a high quality research with validity that is based on multiple evidence sources (Yin, 2003).

The research strategy involved the use of elite interviews (five members of the Iraqi parliament, two diplomats, and three lecturers of the Political Science Faculty of the University of Baghdad). This technique enabled the researcher to talk to legislators and others involved in politics and policy decision-making processes, to identify their perspectives and/or what went on backstage away from the final formal institutional story. "Elites in this case may be defined as a group of individuals who hold, or have held, a privileged position in a society" (Richards, 1996: 199) or more flexibly as "any interviewee who is given special, non-standardized treatment, because he/she has specialist knowledge the researcher is eager to be taught of" (Dexter, 1970: 5).

This intent is often achieved through a semi-structured interview with open-ended questions, which enable the interviewers to ruminate and express themselves within their own framework and introduce new perspectives. This technique helped to obtain their opinions, perspectives, and experiences about the Iraqi parliament.

### **1.6.2 Data Collection Procedure**

In this study, primary and secondary data were collected by the researcher:

### **1.6.2.1 Primary Data**

The primary data in this study are divided into two types, the first is the elite interviews and the second is the reports and official documents.

#### **1.6.2.1.1 Elite Interviews**

Research interview is “a special kind of conversation in which the interviewer questions the respondent on a topic of interest to the interviewer, and of some relevance to the interviewee” (Warner& Karner, 2005: 115). According to Nachmias, C., and Nachmias (1996: 232) “the personal interview is a face-to-face and an interpersonal role situation in which an interview asks respondents questions designed to elicit answers pertinent to the research hypotheses”.

In this study, the researcher selected this method because of the nature of the research. Elite interviews become very relevant whenever a respondent is treated as an expert about the topic on hand. The respondents, namely the members of the Iraqi parliament, diplomats, and lecturers of the Political Science, Faculty of the University of Baghdad, shed important information during the interview, some of which were not available anywhere else (See appendix C: List of Elite Interviews).

Interviews were geared toward providing answers to the research questions on the challenges affecting the role and functions of the Iraqi parliament and the strategies adopted in order to improve its functional role. Dates, time and venues were agreed

upon by the researcher and the respondents and the interviews were conducted with small hitches which were related to security conditions and privacy. Despite these shortcomings the researcher succeeded in interviewing about 10 respondents.

According to Leedy and Ormrod (2001), the interview can be classified into structured, semi -structured, and unstructured interviews. The choice of the interview technique largely depends on the aims and objectives of the research.

This study employed the semi-structured interview for data collection. This method is non-standardized and is commonly used in qualitative analysis. The researcher had a list of questions (Appendix A presents the interview guide followed throughout the fieldwork) that covered the most important challenges affecting the functions of the Iraqi parliament after the removal of the Saddam regime. In other words, the researcher was guided by the research Inquiries. However, the researcher did not deal with all of these questions in each interview. The arrangement of questions was also changed depending on the direction taken by the interviewer. Additional questions were asked, including unanticipated ones at the start of the interview as new issues arose. The responses were documented by note-taking or tape-recording the interview.

The importance of using the semi-structured interview technique with the members of the Iraqi parliament, diplomats, and lecturers, was that it allowed for the probing of views and opinions through which the respondents were expected to expound their answers. This technique is vital when a phenomenological approach is taken in which the aim is to an investigation may also allow for the diversion of the audience into new

pathways that, although not originally conceived as part of the audience, also help meet the research objectives (David, 2004).

Also, this technique allows the researcher to guide the interview with broad questions, but gives the respondent flexibility to offer complex answers. Often these responses render more information than a structured interview question because the respondents are able to venture beyond the scope of the question. According to Flick (2014, 76) “in particular, the semi-structured interviews, have attracted interest and are widely used. This interest is linked to the expectation that the interviewed subject’s viewpoints are more likely to be expressed in a relatively openly designed interview situation than a standardized interview or questionnaire”. This departure from the guide questions was advantageous because the respondents raised subjects not discussed or guided by the questions which developed interesting and important aspects to this project.

Interviews were performed face- to- face or through phone calls, depending on the complexity of the issues involved, the likely duration of the interview, the convenience of both parties, and the geographical area covered by the survey (Fontana et al., 2008: 124).

Sekaran (2003) shows that face-to-face and telephone interviews have different advantages. In face-to-face interviews, the researcher can adapt the questions as necessary and ensure that the responses are properly understood by repeating or rephrasing the questions. The researcher can also receive non-verbal cues from the

respondent, e.g., discomfort, tension, or problems that the respondent experiences through body language.

In telephone interviews, many respondents could be reached in a relatively short period of time. Any discomfort that the respondents may feel might also be eliminated. Most of the respondents feel less uncomfortable disclosing personal information over the phone than in a face-to-face interview.

The interviews with the members of the Iraqi diplomats in the Malaysian capital, Kuala Lumpur, lasted two weeks in May 2013. The interviews with the members of the Iraqi parliament, and the lecturers of the University of Baghdad in the Iraqi capital, Baghdad, lasted two months in June and July 2013. The researcher contacted all the respondents one to two months before the actual sessions. In most cases, the date of the interview was changed to suit the respondents' constantly changing schedules. The researcher obtained permission from the respondents to record the interviews and to disclose the data to other people. The interviews occurred in the offices of the Iraqi embassy in Kuala Lumpur, offices of the Iraqi parliament, and offices of the lecturers at the University of Baghdad. The interviews lasted for thirty to forty-five minutes. The researcher conducted these interviews in Arabic, the primary language of the majority of the respondents.

All the interviews were performed personally and recorded using a digital voice recorder which allowed the respondents to speak freely and allowed the researcher to capture all the nuances of the interview. The questions used to guide the interviews for this study

are provided in Appendix A. An English translation of the questions administered in Arabic is also provided in Appendix B.

In order to get more up - to- date and in-depth information, interviews were conducted and properly recorded to avoid misinterpretation. The interviews became a reliable tool for supplementing the data collected from archival documents and other secondary sources of information and it also provided the much needed answers in exploring the major challenges and possible solutions to problems associated with the functional role of the Iraqi parliament.

To ensure the validity, reliability, and trustworthiness of this study, the interviews were guided by several steps cited in Merriam (1998) as follows:

1. Multiple sources of evidence that will confirm the emerging findings must be involved.
2. Members check by allowing the participants to examine and evaluate the findings and interpretations.
3. Verification of research bias should involve explaining and clarifying the researcher's assumptions and theoretical orientation at the outset of the study.
4. Pattern matching (how the findings match reality).

#### **1.6.2.1.2 Reports and Official Documents**

The researcher used a set of reports and government documents, including parliamentary reports obtained from the Parliamentary Office of the COR, laws relating to the most important issues that were completed during the parliamentary sessions, and the most important regional events that affected parliamentary supervision. In addition to governmental reports, the Rules of Procedure of the parliament 2006, the Iraqi Constitution of 2005, the Iraq Interim Constitution 1970, and the Constitution of the Kingdom of Iraq 1925 were used.

#### **1.6.2.2 Secondary Data**

Secondary data was collected. The secondary data included previous research reports, Newspapers, magazines, and journal contents. Existing findings in journals, books and theses were also used.

Qualitative interpretation was also conducted. The data for problem definition and literature review were mostly gathered from journal articles, previous studies, theses, research reviews, dictionaries, and books in many libraries, e.g., Sultanah Bahiyah library at UUM, the Kuala Lumpur library, the University Baghdad library, the Mustansiriya University library, and the Iraqi parliament library. Simultaneously, the researcher accessed the Internet for further data. This study used most of the refereed journals in the Emerald and Scholar sites at [www.lib.uum.edu.my](http://www.lib.uum.edu.my) and [www.scholargoogle.com.my](http://www.scholargoogle.com.my), respectively.

### **1.6.3 Data Analysis Technique**

In this study, thematic analysis was used to analyze the data collected from the interviews as well as from the library. Thematic analysis is defined as a method for identifying, analyzing, and reporting patterns (Themes) within the data. It minimally organizes and describes the dataset in (rich) detail (Braun & Clarke, 2006:6). The thematic analytical procedures identified by Denscombe (2003); McNamara (20 09); and Gibson (2006) were used to analyze the qualitative data.

Gibson (2006) stresses thematic analysis as an approach dealing with data that involves the creation and application of ‘codes’ to date. The ‘data’ analyses might take any number of forms. They could be interviewed transcripts, field notes, policy documents, photographs, and video footage. In other words, the analysis process included the preparation of the data relating to the Iraqi parliament for analysis through several steps, as summarized in Table 1.1.

These stages were strictly observed in this study by arranging the recorded information collected from the interviews according to themes and coding it for ease of analysis. The interviews were conducted in order to provide answers to the research questions on past issues and challenges, institutional challenges, regional challenges faced by the functional role of the Iraqi parliament and strategies to be adopted in order to improve the role and functions of the Iraqi parliament.

Table 1.1: Steps in Thematic Analytical Process

S/N	Steps /Phase	Thematic Analytical Process
1.	Step One	Transcribe the interview into text and format the document, so the margin could be used for identifying individual bits of data.
2.	Step Two	Read and re-read data in order to become familiar with what the data entails, paying specific attention to patterns that occur.
3.	Step Three	Generate the initial codes by documenting where and how patterns occur. This happens through data reduction where the researcher collapses the data into labels in order to create categories for more efficient analysis.
4.	Step Four	Combine codes into overarching themes that accurately depict the data. It is important in developing themes that the researcher describes exactly what the themes mean. The researcher should also describe what is missing from the analysis.
5.	Step Five	At this stage, the researcher looks at how the themes support the data and the overarching theoretical perspective. If the analysis seems incomplete, the researcher needs to go back and find what is missing.
6.	Step Six	The researcher needs to define what each theme is, which aspects of data are being captured, and what is interesting about the themes.
7.	Step Seven	When the researchers write the report, they must decide which themes make meaningful contributions to understanding what is going on within the data. Researchers should also conduct “member checking.” To see if their description is an accurate representation.

Braun & Clarke (2006: 93)

The time, dates and venues were arranged by the researcher with the stakeholders involved. The responses generated from the respondents on the nine research questions were also classified into four themes for ease of interpretation, namely challenges and issues that accompanied the establishment of the parliament, structural problems of the parliamentary institution, regional impacts on the functions of the parliament, and strategies to improve the performance of the Iraqi parliament. Based on these themes, the discussion and conclusion of this research were derived, as discussed in Chapters four to seven. The recorded version of the interview was transcribed into themes for easy analysis on the three research questions as shown in the tables below.

The Thematic Analysis used in this study because it is considered the most appropriate for any study that seeks to discover using interpretations. It provides a systematic element to data analysis. It allows the researcher to associate an analysis of the frequency of a theme with one of the whole content. This will confer accuracy and intricacy and enhance the research's whole meaning (Marks & Yardley, 2004). Also, it allows the researcher to determine precisely the relationships between concepts and compare them with the replicated data. By using, thematic analysis, there is the possibility to link the various concepts and opinions of the learners and compare these with the data that has been gathered in different situation at different times during the project. All possibilities for interpretation are possible (Namey et al., 2008). In other words, thematic analysis is still the most useful in capturing the complexities of meaning within a textual data set. It is also the most commonly used methods of analysis in qualitative research.

Table 1.2: Themes on Research Question 1 (Historical challenges)

S/N	Codes	Themes
1.	PC1	Weakness of democratic culture
2.	PC2	Ethno-religious conflict
3.	PC3	Iraqi constitution drafting
4.	PC4	De-Ba'thification Law and disbanding of the Iraqi army

Table 1.3: Themes on Research Question 2 (Internal challenges)

S/N	Codes	Themes
1.	SC 1	The parties' law
2.	SC 2	The election law
3.	SC 3	The oil and gas law
4.	SC 4	Corruption
5.	SC 5	Absence of parliamentary opposition.

Table 1.4: Themes on Research Question 3 (External challenges)

S/N	Codes	Themes
1.	RC 1	Security challenges
2.	RC 2	Iranian influence
3.	RC 3	Turkish influence
4.	RC 4	Saudi influence
5.	RC 5	Syrian influence

## **1.7 Scope of Study**

The scope of this study was limited to the parliament in Iraq after the US occupation and the fall of the Saddam regime, arguing that Iraq never had a real parliament experience in the 35 years of the Saddam regime. The focus period was more than 10 years (from 2003 to the beginning of 2014), because two parliamentary elections (in 2006 and 2010) occurred in Iraq within that period. Therefore, that period included all the details about the Iraqi parliament in the review. The interest areas had many aspects: (a) the challenges and issues in the establishment of the Iraqi parliament, structural problems of the Iraqi parliamentary institution, and regional influences, (b) the role and functions of the Iraqi parliament in the new political system during the post-Saddam regime, and (c) the historical institutional approach, which was employed in the analysis of the Iraqi parliament model. Moreover, the study is qualitative (descriptive) in nature.

## **1.8 Limitation of Study**

In the course of completing this thesis, the researcher came across some limitations to this study. For example, the limitation related to the time of the primary data collection in Iraq, where the researcher was given only two months from June to July 2013 to conduct the interview and collect data. This time limit posed a major challenge to the researcher, due to the unstable security situation in Iraq. As a result, the Iraqi government sometimes imposed tight security to prevent the movement of individuals between the cities to confront the terrorist acts. Maybe these security measures

prevented the researcher from reaching the Iraqi parliament building to conduct the interviews. Nevertheless, the researcher interviewed the members of the Iraqi parliament by telephone and then obtained their responses in the same method or way.

## **1.9 Operational Definition**

**Parliament:** (Sometimes named legislature, the Council of Representatives, Assembly, the National Council). It is one of the central institutions of the state, alongside the executive and judiciary. The more common meaning of parliament refers to a country's legislative (law-making) body and the accountability of the government regarding government legislation, spending and implementation of policies (Bosley, 2007:4). Laundy, (1989:1) argues that the term "Parliament" is usually associated with the British system of parliamentary government, a system which has influenced the development of representative assemblies in many parts of the world. Silk & Walters (1995) claim that the word "Parliament" was used to describe a building. The word can also be used to describe an aspect of the constitution. The narrowest technical sense of the word comes when we speak of "a parliament". "A parliament" is the cycle between the calling of one general election and the calling of the next. Generally, the parliament plays a monitoring role, evaluating the work carried out by the government, ensuring that they carry out their mandate, as well as ensuring that the legislation enacted by parliament meets the needs of the society, hence: parliamentary oversight, constituency period, and obviously other means.

**Parliamentary system:** It is a kind of regime dividing the ruling “power” into two bodies; one represents the government (Council of Ministers), and the other represents the parliament, which is composed of elected members of the people from which directly emerges the government. It is a cooperation-based system generated with a balance of powers, and the responsibility of the government to the parliament (Mirza, 1969:275).

**Historical challenges:** it means all the political issues and events that occur within a historical context, which have a direct impact on the later decisions or events (Steinmo, 2008b). In short, it means all the issues and events, decisions and crucial moments in the creation of the Iraqi parliament.

## **1.10 Organization of the Thesis**

The thesis consists of seven chapters. It is organized as follows:

Chapter One includes the background of the study, problem statement, research inquires, research objectives, significance of the study, theoretical framework, research methodology, scope of the study, study limitation, operational definition, and organization of the thesis.

Chapter Two focuses on related literature, to elaborate on the Iraqi parliament post-Saddam regime, studies on the historical institutionalism approach, studies on the role and functions of the Iraqi parliament, studies on the challenges related to building the

Iraqi parliament, studies on the institutional environment challenges of the Iraqi parliament, and studies on the external environment challenges of the Iraqi parliament.

Chapter Three discusses the evolution of the Iraqi parliament in pre and post- Saddam regime. This chapter addresses the characteristics and features of the parliament during the British mandate of Iraq (1921–1958), the parliament during the republic systems (1958-2003) including the parliament during the Saddam regime from 1979 to 2003, and finally the parliament after the U.S. occupation and removal of the Saddam regime (after 2003).

Chapter Four discusses and analyzes the challenges and issues in the creation of the Iraqi parliament after the Saddam regime in 2003. It examines the structure of the Iraqi parliament, functions of the Iraqi parliament in the Iraqi system according to the Iraqi constitution, and the challenges related to the construction of the Iraqi parliament and its effects on the functional role of the parliament in the political system, e.g., weakness of democratic culture, the ethno-religious conflict which produced the consensual democracy (power sharing), as well as the failed policies of the CPA and the U.S. such as the hasty drafting in writing of the constitution , the de-Ba‘thification law and the disbanding of the Iraqi army.

Chapter Five discusses and analyzes the most important structural challenges of the Iraqi parliament. These challenges are the constitutional problems (e.g., the parties' law, the election law and the oil and gas law), in addition to the spread of financial and administrative corruption, and the absence of parliamentary opposition.

Chapter Six discusses and analyzes the external challenges of the Iraqi parliament. These challenges are the deterioration of the security situation in Iraq (e.g., the violence stemming from the ethno-sectarian conflict and international terrorism), and influences of regional neighbouring countries of the Iraq (Iran, Turkey, Saudi Arabia, and Syria).

Chapter Seven concludes the study. It presents the implications of the study on the Iraqi parliament after the Saddam regime and the theoretical implications. It discusses the Iraqi parliament assessment in 2006 and 2010, and it presents the practical and theoretical contributions to the study. It also discusses the limitations of the study, and gives suggestions for future research.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.0 Introduction**

This chapter reviews several studies on the parliament in Iraq. The primary objective of this literature review is to shed light on the leading theories and empirical studies on the subject. Existing studies occasionally contain references to parliamentary experience in Iraq, but only a few provide an in-depth analysis of the new Iraqi parliament and its expected results. Furthermore, existing literature does not consider the key challenges that affect the sustainability of an Iraqi Functions of parliament. Consequently, numerous questions relevant to the Iraqi parliament remain unanswered. This chapter aims to fill the gap in the literature by providing a comprehensive picture of the Iraqi parliament in the post-Saddam regime. Considering the significant volume of scholarly literature on the relationship between the challenges and the role and functions of the Iraqi parliament in the new Iraqi political system, specifically, a number of books and articles have been written on the subject matter therefore, a critical review of the existing sources was made possible. In doing so, effort was exerted on conceptualizing the various aspects of the thesis in order to enhance the understanding of the issues that would be raised in the course of this research. The existing previous studies can be divided into five categories: studies on the historical institutionalism approach, studies on the role and functions of the Iraqi parliament, studies on the challenges related to

creation Iraqi parliament, studies on the institutional environment challenges of the Iraqi parliament, and studies on the regional environmental challenges of the Iraqi parliament.

## **2.1 Studies on the Historical Institutionalism Approach**

Steinmo (2008 a: 1) in his definition of institutional history, confirms that although the term “historical institutionalism” was not coined until the early 1990s, the approach is far from new. Many of the most interesting and important studies on politics, from Karl Polanyi’s classic (Great Transformations) to Theda Skocpol’s (States and Social Revolutions) and Philippe Schmitter’s (Still a Century of Corporatism)” are inspired by the approach.

According to Steinmo (2008 a: 164-166), “Historical institutionalism is a social science method that uses institutions to find sequences of political, economic, social behavior and change across time”. It is a comparative theory to the study of all aspects of human organizations and does so by relying heavily on case studies (Tilly, 1984: 60-86).

In the analytical study of the Institutional Change in Varieties of Capitalism, Hall and Thelen (2006) argue that historical institutionalism focuses on how institutions, which are understood as sets of regularized practices with rule-like qualities, organize actions and outcomes. This perspective tends to emphasize sequences on the development, timing of events, and phases of political change. It examines not only the asymmetries of power related to the operation and development of institutions, but also the path

dependencies and unintended consequences that result from such historical developments.

Many studies (Thelen & Steinmo, 1992: 19; Hall, 1986; Ikenberry et al., 1988: 226) have pointed out how historical institutionalists define institutions. According to institutionalists, the institutions can be defined as formal or informal norms, procedures, routines, and conventions in the organizational structure of the polity or political economy. Institutions can range from the rules of a constitutional order or the standard operating procedures of a bureaucracy to the conventions governing trade union behavior or bank firm relations. Historical institutionalists generally associate institutions with organizations and the rules or conventions promulgated by formal organizations.

In an analytical study of institutional approach, Steinmo (2008b:164) emphasizes that historical institutionalists examine history, because they believe that history has a greater importance than merely increasing the reference points for analyses (as performed in time series analyses). The Steinmo's study concludes that history is significant in at least three important ways:

- a. Political issues and events occur within a historical context, which has a direct impact on the decisions or events.
- b. History is important, because agents or actors can learn from experience.

Historical institutionalisms assert that attitudes, behavior, and strategic choices

take place in particular political, economic, social, and cultural contexts. They explicitly and intentionally attempt to situate their variables in the appropriate context.

- c. Expectations are also molded by the past.
- d. The effects of the environment on the particular organism in the past had a greater impact on the future of this organism.

After reviewing all the major works, it is interesting to find that most other research theories and approaches do not provide an overview of parliamentary challenges, with the aim of clarifying the gap in knowledge. Therefore, this study uses the historical, institutional approach, because it offers easier and more efficient generalizations as well as observation and measurement compared with other approaches. It also focuses on government institutions, e.g., executives, legislatures, courts, constitutions, political parties, and election commissions. By studying the institutional approach, this research is expected to fulfill these gaps, and the research topic will be in a better position to explain how the Iraqi parliament is functioning properly as a legislator and a supervisory institution in the political system.

## **2.2 Studies on the Role and Functions of the Iraqi Parliament**

According to Getman & Sanders (2006:2), the word “parliament” is derived from the English word “parley,” meaning to speak. The Oxford English Dictionary provides a detailed examination of the etymology of the word “parliament”. The first English

Parliament was formed during the reign of King Henry III in the UK in the thirteenth century. The parliament in the UK is a three-tiered legislative system composed of the Council of Commons, the Council of Lords, and Monarch. Parliament is the institution that introduces bills and passes them into laws. In his analysis of the work involved in parliament, Laundy (1989: 1) argues that “Parliament is derived from the Latin word “parliamentum” and the French word “parler” which originally meant “a talk”, talking is obviously what parliaments do most of the time.

Khudair (2007) discusses that a number of eminent writers have written about the Iraqi parliament in particular and about the parliament as an institution in general. For instance, Fayyad A, former dean of the Faculty of political science at the University of Baghdad, says that the parliament has historically exercised the recognized and routine functions of all parliaments of the world. These functions include the legislating laws and monitoring the performance of the government, a process through which the parliament learns. Learning and education are inherently a form of awareness that promotes democracy as an ideal and a mode of action. In countries where the parliamentary system is new, the parliament has the mandate to learn first before educating. Fayyad agrees with Khudair about the existence of a number of problems within the framework of the Iraqi parliamentary system. Both stress that the right of all members of parliament is to provide what they have based on their experience and expertise. Not surprisingly, some cases reflect the plurality of the conflict-ridden environment characterized by the absence of dialogue and an inharmonious pluralism.

In assessing the parliamentary functions based on the Iraqi constitution, Jassim (2008) explains that the Iraqi state is divided into three authorities: legislative, executive, and judiciary. He indicates that the primary function of the legislative authority, that is, the COR, is not limited to one task or issue, but expands to different areas, e.g., in the legislation of laws, approval of projects and governmental programs, and the monitoring of government performance and accountability. Jassim affirms that the functional role of the Iraqi Parliament during the previous period (before 2003), in which the Council performed was poorly and failed to fulfill its responsibility. Nevertheless, a fertile ground and democratic atmosphere remain; the Iraqi Parliament still has the opportunity to attain the aspirations of Iraqi citizens who voted for them and are the reason for the former's establishment.

Al-Maliki (2011) in his article “ Functions of the parliament from the constitutional standpoint “discovers in his analysis, it is wrong to say that the Iraqi parliament has two functions only, namely the legislation of laws and monitor the performance of the executive authority, the Iraqi parliament is one of the more Councils in the world have important and multi functions. It has a political function is to ratify the international treaties and conventions, electoral function through the election the President of Republic, financial function is a ratification of the general budget, regulatory function through an organization the membership of its member. Finally the judicial function is relieving the President of the Republic after being convicted by the Federal Supreme Court in one of the following cases: perjury, violating the constitution, and high treason.

For issues that are inconsistent with the functions of the Iraqi parliament, Radi (2005) analyzes the problems that may stem from the functions of the parliament and its relationship with the government. Radi argues that despite the importance of parliamentary control over the actions of the executive in terms of the rule of law, the role of the former is restricted by the authority of the party prevailing in the parliament. At times, the party may be in opposition to the will of the government, specifically if the government happens to be from the same party, thus resulting in the government being the judge and jury at the same time. In addition, the political immaturity of the parliament members, their lack of experience, as well as the weakness of the opposition can lead to weakness of such a guarantee, thus resulting in the failure to protect individual rights and freedoms. Radi adds that Article 44 in Iraq's new constitution may grant the executive branch the right to restrict the exercise of any of the rights and freedoms set forth therein at the time. The only body that has the right to do so is the representative of the general will of the parliament. Finally, Radi confirms that the existing political parties are still far from achieving its real roles of monitoring the work of the government and criticizing its policies in case it disregards the rule of law and when they are out of authority because of either their vulnerability or their hope to form an alliance with the government in the future. This observation is evident in the non-claim on any of the political parties for an investigation of the financial irregularities committed by some ministers during the transitional governments following the occupation. Such act prevented the parties from being a realistic political guarantee of the respect for the constitution.

To support this argument, Douglas et al. (2005), argues that Iraqi officials recognize that the new government must develop national unity and address the needs of its regions simultaneously. Thus, the parliament must guarantee a strong central government that can maintain and promote national solidarity while respecting and granting regional power across the nation to ensure that various ethnic concerns are addressed. These legal writers concluded that the drafters of the new constitution of Iraq should select a government structure that allows for the election of representatives in support of regional and minority interests and national unity. Such decision will require a delicate balance, particularly in light of the country's long history of a non-representative government based on principles of exclusion.

Another interesting work is the article written by Steven (2006: 5–20), which started with a comparative survey of democratization in post-communist states. He notes that “the power and effectiveness of the parliament determine the level and quality of democratization in a country.” This observation can be attributed to the role of stronger parliaments as a weightier check on governments, thus providing a strong stimulus for party building. The survey concludes by stating that the strength of the national parliament may be one if not the only institutional factor that can usher in an era of democratization. In polities with weak parliaments, democrats should make initiating constitutional reforms that strengthen the parliament a top priority; they must also guarantee a strong central government that can maintain and promote national solidarity, while respecting and granting regional powers across the nation, to ensure that various ethnic concerns are addressed.

On the other hand, report of the International Crisis Group indicates that the parliament is the most important body in the new supervisory framework for it can reform all areas of governance, is perhaps the most ineffective of all aspects of the legislation. The inner mechanism of the parliament is hopelessly sectarian, and its bylaws are so deficient and cumbersome that since 2003, it has been incapable of enacting long-overdue legislation designed to repair the damage to state institutions. As a result of the delicate political balances struck following the December 2005 and March 2010 elections, in which broad coalition governments deprived of a real parliamentary opposition emerged, the parliament has been unable to exercise effective supervision of government for fear of upsetting the political alliances undergirding it (“Failing Supervision”, 2011: 1).

Furthermore, a Member of Parliament (MP) Ahmad Suleiman Jamil argues that “parliamentary supervision has been ineffective. He explains that the failure of the parliament to exercise supervision can also be attributed to structural difficulties. The broad power-sharing agreement between political blocs that has been at the center of the government since 2003 has subordinated the parliament to the government, to the extent that the former’s main objective has become merely to ensure the continued survival of the government”. In the same context, a former parliamentary adviser, Sami Al-Atrosh strongly criticized the functions of parliament. He asserts that “parliamentary supervision has been further weakened by its poor relationship with the board of Supreme Audit and the Integrity Commission. Constitutionally, both institutions are required to report the information they collect through their investigations directly to the parliament; consequently, the parliament should use such information to hold the

government accountable. However, the lack of communication between the parliament and the two agencies has impaired this arrangement. Nevertheless, the parliament has barely consulted any of the reports it has received and has failed to refer to the findings of the agencies during debates, thus preventing effective supervision.” (“Failing Supervision”, 2011: 18-22).

In an article written by Al-Shammari (2008: 25-42), which is entitled “Mental perceptions of the Iraqi public about the Iraqi Council of Representatives ”, the author indicates that most of the Iraqi public are unconvinced of the capabilities of the Iraqi COR to arrive at sound decisions that can make them true representative of the Iraqi people. The Iraqi people also lack belief in the ability of the COR to carry out its oversight role in the follow-up and the reform of the government's performance. The study presented significant results in strengthening the performance of the COR, e.g., researchers interested in the Iraqi parliament should work to strengthen the results that point to the positive image of the COR if they want this institution to be effective in the performance of duties assigned to them. In the case of the results that point to the negative image of the COR, they should set up an effective public relations program for correcting this image, leading to the creation of an atmosphere of trust and harmony between the COR and the Iraqi public.

After reviewing all the major works, various literatures have been developed in order to address the issue of the functional role of the Iraqi parliament in legislation and supervision. . However, it did not point out what elements that allow us to understand

the role of the parliament in the legislative and supervision process, it also did not explain the new mechanisms governing the functioning of the legislation of laws necessary to the life of the Iraqi people. This study, therefore tries to fill the gap by identifying the new mechanisms governing the functioning of the legislation of laws necessary to the life of the Iraqi people. In addition to pursuing the government's performance through the establishment of a national project to ensure finding the mechanisms modern governing the functional conduct of projects and programs without an obstruction to it, and to ensure get tangible results lead to improve the functional role of the Iraqi parliament.

### **2.3 Studies on the Challenges Related to the Creation Iraqi Parliament**

The argument of historical Institutionalism approach is that the policy and structural choices made at the inception of the institution will have a persistent influence over its behavior for the remainder of its existence. To support this argument, Hussein (2008) argues that the constitution is the most important document in people's lives. The constitution is the Basic Law that regulates the relationship between rulers and the people. Therefore, a well-written constitution incorporates three important factors, namely, the expertise and competence of the drafters, political stability, and reasonable time for writing. Hussein concludes that these elements were unavailable when the Iraqi constitution was written because it was written in a hurry less than two years since the fall of the Ba'ath Party in the ninth of April 2003. During this time, Iraq was facing serious problems with public safety in addition to terrorism and organized crime.

In relation to the earlier decisions and their impact on the functional role of parliament, in an article entitled "History matters: past as prologue in building democracy in Iraq," Davis (2005: 237) points out that one challenge faced by the parliament in Iraq comprises U.S. blunders during its occupation of Iraq in 2003. To understand why the insurgency has been able to destabilize Iraq and impede the movement toward democratization, Davis argues that there is a need "to examine U.S. policy in Iraq. Ironically, many decisions taken by the former CPA after the invasion in March 2003 strengthened the insurgency and inadvertently created serious challenges to a democratic transition."

In another study, Leonard (2010: 4) highlights that although parliament passed the Accountability and Justice Law (formerly the de-Ba'athification law) in January 2008, the Iraqi government has yet to fully implement the law. Nevertheless, this law remains in place and has shown its influence on the political landscape. A recommendation was made to decertify hundreds of election candidates because of their Ba'athist ties and to disqualify several Ba'athist candidates who won the 2006 and 2010 elections. Al-Fatlawi (2006: 8) confirms that the Iraqi people considerably suffered from the Ba'ath Party, especially after the 1968 coup when the party assumed power. Therefore, to prevent such a tragedy from recurring, a quasi-consensus was made by the most influential Iraqi political blocs to ban this party for being racist and having sectarian methodology and to prohibit it from participating in the political process under any name. However, several political blocs argued against banning the activities of the party. Most of these blocs had previous relations with the Ba'ath Party, despite their opposition

to the Saddam regime. Al-Fatlawi adds that the final compromise was to refuse all requests to allow this party to resume political activity, according to Article 7 of the constitution: “The Ba’ath Party is banned, especially the Saddamist Ba’ath Party in Iraq and its symbols, under any name. It will not be allowed to be part of the multilateral political system in Iraq, which should be defined according to the law” (Constitution of the Republic of Iraq, 2005).

Another important work on earlier events and their impact on the functional role of parliament were written by Al-Jaasur (2009:20) in article entitled “Provincial elections: Results unexpected introduction for the upcoming legislative elections.” The writer highlights that after its occupation of Iraq in 2003, the U.S. established the worst constitutional experience based on the sectarian and ethnic quotas and political consensus, which led to the creation of a weak political process that was far from Actual democracy principles. The author adds that the U.S. forcibly imposed the democratic model that fit its own ideals on the Iraqi people. He concludes that the policies pursued by the U.S. in Iraq led to the absence of the political culture, political awareness weakness of the political experience for the Iraqi people, the growing partisan conflicts, as well as the loss of confidence of citizens in the parliamentary institution, which is part of the political process.

While, in another study Cordesman et al (2013:5-6) indicates that the ethno-religious conflict in Iraq is one of the key challenges to the work of parliament, he stresses that divisions between Arab Sunni and Arab Shiite, divisions within each sect, and ethnic

divisions between Arab and Kurd remain a key source of tension and violence, and continuing disputes over petroleum resources, threaten to divide the country .Thus threaten the stability of the Iraqi parliament.

In the same context, Visser (2012: 231–242), in article entitled "The emasculation of government ministries in consociational democracies: The case of Iraq," reports that this ethno-religious conflict encouraged the adoption of power-sharing as a means to solve the problem of ethnic and religious diversity in Iraq. He explains that the power-sharing in Iraq as a case of consensual democracy represents another historic challenge to the democratic process. He argues that in post-2003 Iraq, consociational features have been employed to an extent that goes beyond what is normal for power-sharing democracies. Unspoken ethno-sectarian quota arrangements were not only used in the country's parliament and executive, there were also frequent attempts to impose such features through extra-constitutional Councils aimed at weakening existing executive and prime ministerial powers. He concludes that support for the moves towards greater dispersal (and fragmentation) of state power in Iraq comes not only from the Kurds, but also from the secular Iraqiya party, the U.S, and Iran.

On the other hand, Reynolds (2007: 28) analyzes the most important factors that contribute to the success of the democratic system in a multi-ethnic society; firstly, all ethnic groups must be contributed to the formation and participation in government and parliament. The second factor involves the design of the electoral system; that is, how the vote translates into parliament seats. The electoral system has a profound impact on

the democratic system and on power sharing. For instance, the electoral system adopted by the Iraq National List System in the January 2005 elections resulted in the low number of Sunni representatives in the constitutional Convention, which led to an increase in violence in the subsequent months.

In an analytical study conducted by the Sustainable Democracy Project on constitutional institutions in Iraq, it found that a bicameral arrangement in Iraq is better rather than unicameral, it is important to create a senate in Iraq. It will provide for regional representation and also gives space for more power-sharing arrangements between ethnic and sectarian groups. Fundamentally, it provides another safeguard for accountability within the governance system, thereby allaying remaining fears of the Potential for marginalization or victimization by the state (“Constituting democracy”, 2005:6).

While, Jassim (2008) finds that the parliament founded by the GC after the fall of Saddam, arrested social integration in the country by its adoption of sectarianism and sub-nationalism. These factors seriously affected the performance of the parliament and paralyzed its full operation. Most of the political blocs that participated in the government came from the parliament. These blocs used their ministers to place pressure on the prime minister and threaten to withdrawal and disrupt the political process.

In another study, the United Nations Development Program UNDP (2009: 4) discovers through analysis of parliament experience after Saddam regime, that the nature of the

emergence of parliamentary experience in 2005 has greatly affected the performance of the parliament in future. It concludes that the parliament experience was incomplete for the following reasons:

1. The parliament was elected on the basis of an election law that established all of Iraqi territory as a single electoral district.
2. Many political parties in Iraq were either formed in exile or existed in exile for a long period and thus created a gap between citizens and their representatives.
3. The parliament met when security concerns and political and sectarian tensions were particularly complex; thus, many debates were held in closed sessions.
4. The democratic tradition was evidently weak throughout the tenure of the parliament given that members have often been unaware of their specific responsibilities and debates did not follow proper procedure.
5. The first parliament of Iraq was elected at the end of 2005 in accordance with the provisions of the Transitional Administrative Law in 2004 and with the contemporary constitution which previously approved by referendum on 15 October 2005. The Council has been in session since then and ended its first full term in January 2010.

In a critical study of the relationship between parliamentary work and historical factors , Lapalomban & Weiner(1969: 188-216) and Hamid (1997: 81) define a historical factor as the decisive factor in the emergence of political parties, but Lapalomban and Weiner

argue that the historical crises faced by states during the formation of political parties (namely, the crisis of legitimacy, a national unity crisis, and a crisis of participation) provide the environment in which political parties arise and are the determining factors in the style of these parties. Hamid agrees with Lapalomban and Weiner on the importance of historical factors and confirmed that most of the political parties in Iraq did not have sufficient knowledge of political practice in the parliament context because these parties were created to work merely under harsh conditions.

In contrast, Bellin (2004: 595–608), in article entitled “The Iraqi intervention and democracy in comparative historical perspective,” studies the establishment of democracy in Iraq through the comparative historical method, and compares the rebuilding of Germany and Japan after the second world war with that of Iraq. Bellin considers three important differences between the two cases. First, Germany and Japan are ethnically homogeneous societies, whereas Iraq is a multi-ethnic society. Second, Iraq never had real democratic institutions e.g., parliament. Finally, the political elites in Germany and Japan, both of which have homogeneous societies, significantly influenced society into establishing a democratic system. He concludes that the political elite in Iraq influence only a single specific ethnic group; thus, a leader who can influence the whole society to establish a democratic system is difficult to find. As a result, these challenges and differences may have affected the performance and efficiency of the parliament in Iraq.

Other studies reveal another challenge for the Iraqi parliament is the weakness of the inherited political culture, the UNDP (2009: 4) argues that the democratic traditions in Iraq are particularly weak. Despite recent improvements, progress has not been proportional to the weight of challenges faced by the country. Thus, this situation is partly a result of circumstances particular to Iraq (including the fact that a large part of the new political class of the country lived and were educated abroad) and partly a result of the lack of attention of the international community in this particular area of governance.

Hafez (2006:75) analyses that the process of socialization and politics based on the cultural heritage of the old (the culture of submission and tyranny) to a MPs reflect negatively on his legislative and supervision performance, through the transfer of the culture of the old generation to the current generation, therefore this inherited political adversely affect the contribution culture of the MPs adopted by the current political system.

In another analytical study of the political culture, Jabr (2007) argues that the historical periods of Iraq played a major role in the formation of this culture; he insists that despite the negative aspects of the parliamentary experience during the monarchy (1921 to 1958), the parliamentary system remains a pioneering experiment. However, parliamentary system stopped because of the outbreak of the revolution on July 14, 1958. The revolution brought down the monarchy and promoted the establishment of the republican system, which cancelled the parliament. This event brought a negative image

to the future of the parliament in Iraq. Moreover, Jabr believes that if the parliamentary system during the monarchy continues until the present, it may contribute to the development and maturation of the current parliament experience.

While, Al-Maliki (2010) points out that the most important gap in the Iraqi parliament experience, is modernity its experience. The negative impact of modernity of the parliamentary experience is because of several factors, including the fact that the current political class did not exercise parliamentary work earlier and the lack of parliamentary traditions. He emphasizes that the legal culture is facing a crisis as a result of decisions on legislative or political problems affected transactions and agreements between the parties outside parliament. And decided that the policy by the non-parliamentary parties. He concludes that the Iraqi government formed according to quotas and political balances that affect the role of the Council and strengthen the government. The government then exceeds its authority because the parliament (e.g., legislation and supervision) becomes ineffective because of the quota system and agreements.

After reviewing all the major works, it is interesting to find that most researchers examined the events and issues that have accompanied the establishment of the Iraqi parliament after Saddam's regime from a cash perspective, with limited studies on the impact of such events and issues on the declining performance of the Iraqi parliament during this phase. This study differs from others as it aims to examine the relationship between events and previous decisions, on the one hand, and the functional role of the Iraqi parliament, on the other hand. Specifically, how previous events and decisions

affect the supervisory and legislative role of the Iraqi parliament after the Saddam regime. In addition, the study aims to cover the significant lack of future solutions to mitigate the impact of historical factors on the performance of the parliament after the removal of Saddam's regime in Iraq. This research is expected to fulfill the very important missing gaps of knowledge, and hopes to contribute to the challenges related to the establishment of the Iraqi parliament.

#### **2.4 Studies on the Institutional Environment Challenges of the Iraqi Parliament**

The problems related to the structural environment of the Iraqi parliament include constitutional problems, corruption, and Absence of parliamentary opposition.

Naji (2013:21) confirms in his analysis of the constitutional problems in Iraq, that considering the myriad confusions and divisions underlying the constitution's drafting process, it is not surprising that the document has created more problems than it has solved. He adds that the constitution has been a major factor in perpetuating the chaotic situation that pervades most of Iraq. More than ten years after the invasion, and following three rounds of elections, Iraq is now one of the most dangerous and corrupt countries in the world. The security situation is fragile and municipal services like electricity, sewage, and clean water are almost non-existent. . The coalition that formed the government in 2010 after a delay of eight months is still incomplete; it has no defense, interior or national security ministers and all these bureaus are currently run by the prime minister himself.

Parker (2009) explains that the greatest challenges of the Iraqi parliament are the problems brought about by the election law. Parker argues that the legal debates about Kirkuk during the national and provincial elections accurately illustrate how the broader Arab–Kurd conflict (over territory, oil, and constitutional revision) impedes political progress in Iraq beyond the specific issues involved. Parker adds that the other main point of contention concerns whether to use (open list mechanism), in which Candidates are chosen directly by voters, or (closed-list mechanism), in which voters vote for parties. The closed-list was eventually chosen over the open list. Parker concluded that Iraqis consider the open list mechanism (which was used in the January 2009 provincial elections) more democratic because a closed-list allows party leaders to choose individuals who will serve in parliament.

In another study, Reynolds (2007: 28) analyzes the key factor that contribute to the success of the parliamentary work in a multi-ethnic society .This factor involves the design of the electoral system; that is, how the vote translates into parliament seats. The electoral system has a profound impact on the democratic system and on power sharing. For instance, the electoral system adopted by the Iraq National List System in the January 2005 elections resulted in the low number of Sunni representatives in the constitutional Convention, which led to an increase in violence in the subsequent months.

In another constitutional problem of the Iraqi parliament, Jawad and Ali (2006: 143) emphasized that the transformation of the political system in Iraq from a dictatorial regime to a democratic system necessitated a change from a one-party system to a multi-

party system. However, they argued that this pluralism was excessive and non-specific because of the absence of a legal framework (The parties' law) that determines the establishment of political parties and organizes their work.

In this context, Dreier et al. (2006) argues that the constitution called for a second body (Federation Council) to represent the regions to be created, but no such action was taken. This argument was based on an analysis of the December 2005 election results, which were consistent with the sectarian: the Shiite coalition won over 40 percent of the seats; its coalition partner, the Kurdistan Alliance, garnered another 20 percent; Sunni parties accounted for roughly 20 percent; and secular parties generally fared poorly.

In an analytical study to detect the disadvantages of the current parliament, Abdullah and Fayyad (2006) argue that the parliament during hereditary monarchy in the absence of quotas more effectively raises political awareness than the current parliament, which is based on quotas. They describe several disadvantages of the Iraqi parliament. For example, the government has formed a parliament since the creation of electoral lists and election law; thus, parliament cannot hold the government accountable for their failures and cannot betray the confidence of its ministers because parliament is formed through quotas. Parliament members representing and support their parties. Fayyad agrees with Abdullah, asserting further that Iraqi policy is based on the principle of quotas and not on political participation. Fayyad added that politicians resolve the issues of Iraqi society in accordance with the principle of challenge and resistance rather than the principle of management and interaction to address these issues.

While, Al-Maliki (2010) highlights the lack of clear regulations on the political process and the domination of political thought over laws led to not develop the parliament into a political institution real. Thus, the number of disputes among political parties continued to increase. For example, a conflict took place between political parties regarding the definition of “parliamentary blocs,” the largest group among the winners in the legislative elections in 2010.

On the other hand, Kopecký (2001) argues that the relationship between the legislative and executive branches depends on how the links between parliament and government are institutionalized. The government is accountable to the COR, which can introduce a motion of “no confidence” against the government. The parliament also approves of international treaties and makes major decisions concerning declarations of war and dispatching armed forces outside the country. He concludes that the relationship between the legislative and executive authorities as defined in the constitution also indirectly defines the relationship between the two chambers of the parliament. The constitution, states that the government is accountable only to the parliament.

Moreover, Suerawi (2010) stresses that the political factor significantly affect the functional role of the Iraqi parliament due to of the differences between political blocs in the parliament. These differences negatively impact the performance of the executive authority represented by the government and expand the gap between the parliament as a legislative and regulatory authority and the government as the executive authority. In the same context, Snedden (1980:78) agrees with Suerawi “regarding the relationship

between parliament and government and asserted that this relationship is the buckle that joins a system of government. This relationship determines the character of national politics, the influence of key public institutions”.

As for corruption, it was and still represents the most serious challenge to Iraqi parliament; Kadhim (2010:4) argues that the new democratic Iraq is plagued by rampant corruption with bribes, kickbacks and embezzlement a routine part of politics and everyday life. In 2012, Transparency International ranked Iraq as the 8th most corrupt country in the world. In the same context, the report of the international crisis group, corruption spread like a virus throughout state institutions during the years of lawlessness that prevailed until 2008. One of the major causes of this depressing state of affairs is the state’s failing supervision framework, which has allowed successive governments to operate un-checked. The 2005 constitution and the existing legal framework require a number of institutions e.g., the Board of Supreme Audit, the Integrity Commission, the Inspectors General, parliament and the courts to monitor government operations. Yet, none of these institutions have been able to assert itself in the face of government interference, intransigence and manipulation, a deficient legal framework and ongoing threats of violence(“Failing Supervision”,2011: ii).

Another analytical article was written by (Onaizah and Alfattla ,2012: 205-206) entitled ” Methods of Developing Top Monitoring Systems' Performance To Confront Governmental Staffs ‘Administrative & Financial Corruption “ clearly reveals the prevalence of the massive corruption that has plagued the legislative and executive

institutions of the political system in Iraq after the U.S. occupation . The study indicates that there are several reasons behind the spread of corruption phenomenon, including the absence of the active role of the supervisory institutions, as well as the failure of these institutions and lack of its independence. The study suggests several ways to improve the performance of the supervisory institutions in order to reduce a wasting in the state resources and tampering with public money, including: an emphasis on the oversight role of the legislative authority of the parliament through the strengthening of legislation and laws that contribute to the support the three supervisory bodies (Integrity Commission, Office of the Inspector General, Office of Financial Supervision), amend legislation and laws that contribute to the reduction of administrative and financial corruption in proportion to the change in the work environment ,and lift the immunity of all tempted to tamper with public money under any name.

In another analytical study, Ghazwi (2000:53) addresses the absence of parliamentary opposition and its impact on the political life in Iraq .He asserts that the parliament is the appropriate political place of the political opposition, because it provides them with representation and participation, the formation of the parliament is the one who determines what is the opposition and what is the majority, and as a result, the question of the representation of the opposition in parliament by one of their parties will confer official status on the work of the opposition. He adds parliament is a platform that allows for the opposition leader to criticism of the government that it must listen to the

opposition and to answer its questions, the opposition also involved in the work of parliamentary committees, and supervision of the government.

On the other hand, Kadhum (2013) indicates that one of the most important problems facing the new Iraqi political system after 2003 is the lack of the parliamentary opposition that could correct the political process and the governmental or parliamentary performance. He believes that the most serious indicator in democratic systems is the lack or absence of activating the opposition in the parliament.

In conclusion, after reviewing several studies that are relevant to this study, there is an inherent lack of sufficient research on the relationship between the structural factors and functional role of the parliament and ways to minimize the effects of these factors on the parliamentary performance in the future. In addition, there is no clear definition of what constitutes the institutional factors. This research hopes to contribute to fill the very important missing gap pertaining to the institutional challenges faced by the Iraqi parliament.

## **2.5 Studies on the External Environment Challenges of Iraqi Parliament**

In a comparative study between the influence of the U.S. in nation building in the Balkans and its rule in Iraq, James et al (2003: 163) found that many differences exist between the two cases and that three problems related to these differences are linked to Iraq. First, Iraq's neighbouring states, namely, Iran, Turkey, and Syria, have their own interests in the new Iraq. Second, the Hussein regime has a political and economic

legacy of human rights abuse (by military and security forces). Therefore, the military and security forces should be reformed, and the people who suffered under that regime should be given justice. Finally, Iraq has faced ethnic and national identity problems because the country was ruled from 1921 to 2003 by only one ethnic group (Arab Sunni) while the two other ethnic groups (Kurds and Shiite) were rendered powerless. On all these issues, the ethnic problem has been the most significant since 2003.

According to Al-Iqabee (2012:1–23), in article entitled "The impact of U.S. withdrawal from Iraq on the Arabian Gulf," the U.S.' withdrawal from Iraq in 2011 is considered a major challenge for different and contrastive parties. However, it is a challenge for the Iraqis themselves to prove their ability to manage their own affairs and maintain internal security, without despotism and new dictatorships that threaten to seize the country under the pretext of maintaining security and stability. He adds that there are also challenges faced by the Iraqi political powers, which are allied with Iran, Saudi Arabia and Turkey, where these political powers failed to achieve political stability and independence in their policy decisions away from the effects of these states, especially after the withdrawal of U.S. troops that provide an equivalent source of power for these countries. Al-Iqabee concludes that, after the U.S' withdrawal, regional neighbors continued to interfere in the internal affairs of Iraq and its support for terrorism, thus fueling the conflict between the political blocs, which reflected negatively on the stability of the legislative and executive institutions of the Iraqi political system.

Swalem (2010) asserted that foreign intervention (particularly by Arab and regional countries) in the Iraqi decision has significantly impacted the political process at the

expense of the sovereignty and independence of Iraq. The international actors have supported only a few Iraqi political forces because these forces and their interests match the agenda of these foreign entities. He adds that the money from these countries and media discourse against Iraqi policy in these countries have profoundly undermined national unity, escalated political crisis in the country, and transformed the conflict into a sectarian one by ignoring national interests. Such international intervention precluded any project that aimed to solve the Iraqi crises, e.g., deteriorating security because of terrorism, poor administrative performance of the government, financial corruption, poor living conditions of citizens, widespread unemployment, and the violation of human rights.

In the same context, Al-Ayari (2010) in a discussion with Felle, D about the political situation in Iraq .He confirms that neighbouring countries, especially Iran and Syria adopt policies to disrupt the political process in Iraq as an instrument of putting pressure on the American United States. He describes Iran's uses of the Iraq file as a card, as it were, in its game of conflict with the U.S., particularly with regard to its nuclear program. Also suggests that Turkey affects Iraqi affairs although Turkey has different motives from those of other neighbouring countries. While, Felle ,D an expert in research on international crises and conflicts, he confirms that Turkey is seeking various means to prevent the disintegration of Iraq lest the Kurdistan Region does not gain independence. The independence of this region impacts the situation of the Kurds within Turkey's borders. Felle indicated a growing concern in Turkey with regard to responses to the demands of the Kurdish annexation of Kirkuk to Kurdistan, which Turkey is

considered an important step toward gaining increased autonomy from the central government in Baghdad.

The next article was written by Al-Qaisy & Hekmat (2011: 63–86) entitled "Study in the financing of political parties in Iraq." In this study, the authors highlight that the political parties play a vital role in mature democracies and following the importance of their role in the effectiveness of the results of the elections which they participated in, either by receiving power (e.g., running the government and dominating the parliament) or being in the opposition (e.g., playing the role of overseeing the COR's performance and checking the accountability of the parties in the government). The authors add that the practice of political parties for their activities requires the availability of a huge potential finance, whether this money is needed for the exercise of the daily activities of political parties, or comprises the necessary funds to finance the election campaigns supported by the party in favor of its candidates. Al-Qaisy & Hekmat conclude that funding is an essential component of any political party; thus, the sources of funding this should be national and public sources, not foreign sources. In addition, there is a need for the Iraqi legislature to tighten its control on donations to political parties granted by foreign parties, in order to protect the local political parties from the possible influence the donor countries may have on the former's decisions and activities to achieve their goals in the legislative and regulatory institutions.

Cordesman et al. (2012: 2) further argues that the domestic challenges in Iraq interact with the broad patterns of instability in the region. He adds that Iraq is caught up in the

political struggles between the U.S. Arab states, and Iran. Iraq is a key focus of the competition not only between the U.S. and Iran, but also between Iran and the southern Gulf states. Iraq is caught up in the civil conflict in Syria and broad struggles between the Sunni and Shiite; these struggles affect much of the Islamic world.

For security challenges and their impact on the functional role of the Iraqi parliament, UNDP (2009: 4) indicates that the lack of security was an important factor that played a role in blocking parliament. On the one hand, members of parliament are prevented from freely traveling within Iraq or from speaking to ordinary citizens. On the other hand, ordinary citizens are often too concerned with security concerns to involve themselves in the democratic process. As a result, the parliament's performance of its duties is inconsistent.

In another study Al-Anbuge (2012) Illustrates that Iraq has witnessed in the past four years that accompanied the work of parliament, particularly in the years 2006-2007, deterioration in the security situation even to the extent of total collapse, he argues in spite of the substantial improvement in the security situation in the country, but the security challenges still remained , it was only natural that this is reflected negatively on the performance of other state institutions, including the legislative institution (parliament), thus was the deteriorating security situation has prevented the parliament to perform its supervision and legislative role.

After reviewing all the major works, these studies do not give much space to the external challenges that affect the legislative and supervisory role of the Iraqi parliament, how neighbouring countries affect the performance of the parliamentary institution, the relationship between external and structural challenges, which challenges have more impact on the parliament, and what policies and strategies should be influenced to reduce these challenges. The researcher hopes to fill these missing gaps through this study.

## **2.6 Summary**

This chapter reviews literature on the concept of the new parliament experience that emerged after the downfall of the Saddam regime in 2003. Despite more than 10 years of parliamentary experience, the function of the parliament continually suffers from several challenges in the creation of Parliament, structural problems and external challenges. These challenges are generally reflected by the negative effects on the functions of the Iraqi parliament. The continuation of these challenges and their impact on the parliament will reveal the fragility of the performance of the institution and thus bring the country into a serious legitimacy crisis.

## CHAPTER THREE

### **EVOLUTION OF THE IRAQI PARLIAMENT IN PRE AND POST- SADDAM**

#### **3.0 Introduction**

This chapter presents an overview of the historical evolution of the Iraqi parliament since the early 20th century until the fall of Saddam regime. It describes the parliament during the British mandate, the formation of the first Iraqi parliament, Approval of the Iraqi Basic Law in 1925, and reasons weakness of the parliament's role in monarchy e.g., The King's domination over the authorities, political instability in Iraq, disadvantages of the Basic Law, and the electoral problems of the parliament. This chapter also describes the role of parliament during the five republics systems in Iraq. Finally, this chapter discusses the stages that preceded the emergence of the parliament after Saddam regime. In other words, this section in particular discusses overview of the political transition that occurred after the U. S. occupation of Iraq such as the elections of the Iraqi parliament in January 2005, the drafting of a permanent Iraqi constitution, and the legislative election in December 2005.

#### **3.1 Iraqi Parliament during the British Mandate of Iraq**

Political life in Iraq's modern history is often characterized by foreign interventions, e.g., control of the Ottoman and the British occupation (Qzhangi, 1989: 27). During the

Ottoman domination of Iraq (1534–1918), the legislative power (Parliament) during this period was managed by the application of the Ottoman law (envoys), the first electoral legislation applied in Iraq. Such law was administered by the legislative authority of the Ottoman Empire in Istanbul, because Iraq was part of this empire during that time. In that era, the representatives of the three Iraqi provinces (Baghdad, Basra and Mosul), which made up the Council, were appointed regardless of their population. Notably, this Council did not have legislative competence, especially in the legislation of laws. This was limited to the Council of agents, which served as the Council of Ministers, under the control of the Ottoman Sultan (Iraqi Organization, 2006: 4).

The First World War played a key role in the development of the entire Middle East. The Ottoman Empire had allied with Germany against the victorious Britain, France, and Russia. Iraq thus became a battleground, along with other provinces of the empire. Britain sought control over the region and landed an Ottoman army in Basra in 1914; however, it was forced to surrender before reaching Baghdad. The British did not control the three provinces of Basra, Baghdad, and Mosul until 1918. At that time, there were numerous issues facing the British administration, including the conflicts between villagers and tribes, and the need of merchants and other businessmen to have an effective legal system with laws to protect their interests and courts to enforce the laws (Johnson, 2008: 12).

The British implemented a direct military rule over Iraq in all aspects of life. Thus, the Iraqi National Movement eventually demanded full independence and parliamentary

constitutional rule. Likewise, Iraqis expressed their desire through two separate referendums for independence conducted by the royal governor general in December, 1918 and January 1919, in elected government, Council elections constrained by law, and the need to enact a constitution through a parliament (Shaaban, 2007: 172).

During the British occupation, Iraq witnessed the establishment of a parliamentary representation system. In April 25, 1920, the League of Nations issued the mandate decision following the signing of the San Remo Treaty, which determined the British and French areas of influence throughout the Arabian region. According to the Paragraph 4, Article 22 of the first chapter of the League of Nations' Charter, the main allies in the First World War shall recognize Iraq as an independent state, provided the latter accepts administrative advice and assistance from the mandated state until it is able to run its affairs on his own. The allied countries selected Britain, which accepted the mandate on behalf of the League of Nations, and in accordance with the mandate conditions. The first article of the mandate mentioned that "The mandated state should put a basic law for Iraq during three years from the implementation of the Mandate." (Al-Naqshbandi, 2006: 1).

The decision of the allies at the San Remo Conference in April 25, 1920, which included the situation in Iraq under the British Mandate, contributed to the outbreak of the Iraqi revolution on June 30, 1920. Formally, this revolution forced Britain to declare the end of military rule. Afterwards, Sir Percy Cox was appointed as High Commissioner of

Iraq, and consultations began to form a national government under the care and guidance of the High Commissioner (Bill, 1971: 1-2).

Meanwhile, in Iraq, the British Deputy Military Commander issued a statement on June 17, 1920, whereby Sir Percy Cox projected an Iraqi National Conference to be elected by all the people of Iraq and to be essentially entrusted to draft an Iraqi constitution. On November 1920, the British High Commissioner issued a clear statement confirming that all Iraqi people ought to be represented: “The form of government is a matter to be decided by the Iraqi people themselves; such a decision shall not be made without a fully representative conference.” Britain acknowledged the parliamentary shape of the Iraqi state with a statement issued by the British Military Commander on the 10th of November, 1920, stating that “The cabinet of His Majesty, the King of Britain, authorized the formation of an elected parliament aiming at drafting a constitution for Iraq.” This statement is viewed as the first official declaration from Iraq regarding the shape of the Iraqi state (Al -Naqshbandi, 2006:5).

### **3.1.1 The Establishment of the Iraqi Monarchy System (1921–1958)**

Iraq’s long history of non-representative government began with British rule. During this period, Iraq witnessed important political transformations that contributed to the creation of different political systems, which took over the management of the affairs of the country since 1921 until the present (Constitution of the Kingdom of Iraq, 1926: 383-402). A constitutional monarchy continued in Iraq from 1921 to 1958, with the

succession of 39 Ministries over 37 years, along with three kings, namely, King Faisal I, then his son King Ghazi, and King Faisal II (Iraqi Organization 2006: 4).

In March 1921, Britain declared the establishment of the Iraqi state in the Cairo Conference held in Egypt. The government was modeled after that of Great Britain a constitutional monarchy with a parliament and a king. The British chose Prince Faisal bin Hussein, a non-Iraqi member of an influential family in the Arab world, to be the first monarch. Then in June 1921, the Council of Ministers formally declared him King. Thereafter, a plebiscite gave him a 96% approval rate (Johnson, 2008: 13).

The first official bill of the Iraqi parliamentary government appeared when the Iraqi Council of Ministers issued a decision on July 11, 1921. This was made upon recommendation by the Chief, Baghdad Sharif Abdul Rahman Al-Naqeeb in a session, which also appointed Prince Faisal Bin Al-Hussein as King in Iraq. The said decision of the Council of Ministers predetermined the Government of Iraq to be a democratic parliamentary constitutional monarchy subject to the law. The second official initiative of the Iraqi parliamentary system was the speech of the King of Iraq on August 23, 1921 during his inauguration at tower Square, “Burj Al-gashlah” in Baghdad. In his speech, King Faisal Bin Al-Hussien promised that his first few actions would be focused on the election of a parliament (called the National Assembly) that shall draft the first constitution for the nation on a democratic basis, and endorse the Iraqi-British treaty to determine the form of relations between Iraq and Britain (Al-Naqshbandi, 2006:2).

### 3.1.2 The Formation of the Iraqi Parliament

The idea of establishing local democratic institutions within the framework of a modern state, and the annexation of Iraq to Britain under Britain's direct rule, are compatible with British interests. However, the divergence of views among the Ministry of War, the Government of India, and the British authorities in Egypt and Iraq, respectively, was an important consideration at this point. The latter played a role in the occurrence of several factors, e.g., establishing local democratic institutions, new entrants to the international community, the entry of the U.S. into the First World War, declaration of U.S. president Woodrow Wilson's Fourteen Points<sup>1</sup>, the wishes of the Iraqi people, and the drafting of Article 22 of the Charter of the League of Nations mandate and obligations. All these factors contributed to the emergence of the Iraqi state (Fayyad, 1990:168).

Britain was determined to form the parliament due to its legal obligation, on the one hand, and in consideration of its future interests in Iraq, on the other hand. The formation of the parliament was a British interest, as confirmed in Article 18 of the Iraqi-British treaty draft of 1922, which stipulated that "The treaty is not to be ratified by both parties unless it is endorsed by the forthcoming Iraqi parliament (called National

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<sup>1</sup>The Fourteen Points were first outlined in a speech Wilson gave to the American Congress in January 1918. Wilson's Fourteen Points became the basis for a peace programme (Self-determination and guarantees of independence for the German colonies (e.g., Balkan states, Belgium, France, Italy, Austria and Hungary) and it was on the back of the Fourteen Points that Germany and its allies agreed to an armistice in November 1918. in addition, these Fourteen Points have indicated to set up the League of Nations to guarantee the political and territorial independence of all states (Baaz, 2005:50-56).

Assembly)." In other words, British efforts for the establishment of the Iraqi parliament were to ensure the endorsement of an Iraqi-British treaty<sup>2</sup> to secure its presence and interests in Iraq (Al-Naqshbandi, 2006:2).

Therefore, on October 19, 1922, the Royal Order to hold elections on November 24, 1922 was issued. However, this election faced stiff opposition, which led to its failure for several reasons. These reasons included religious edicts calling for a boycott of the elections by some religious figures, the positions of the national forces and some organizations of the elections, the Kurdish boycott of elections due to the Kurdish issue, tribal demands to assume independent representation in the elections, and refraining from registering in the elections for fear of forced military recruitment (Kamel, 1974: 46).

This election succeeded after it was held again on July 12, 1923. The members of first Iraqi parliament were henceforth elected on February 25, 1924. Henceforth, the delegates identified three tasks of the parliament as follows:

- a. To decide on the Iraqi-British Treaty;

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<sup>2</sup> The Iraqi-British treaty signed in 1922 stipulated the following:-

- a. Britain will support the new Iraqi state to join the League of Nations;
- b. A military alliance must be established between Iraq and Britain; and
- c. Britain retains its High Commissioner who shall serve as an ambassador in the future and the question of sovereignty in Iraq (Kamel, 1974: 46).

- b. To enact the constitution; and
- c. To enact the election law of the new Iraqi parliament.

In June 1924, the parliament was approved the Iraqi-British treaty, in the presence of 69 out of 100 representatives (37 representatives voted in favor, 8 representatives abstained from voting, while 24 representatives rejected the treaty). Hence, the Iraqi- British Treaty took effect. Upon approval of the Iraqi-British treaty by the parliament, it had another mission is the ratification of the constitution of the new Iraqi state (Al-Hasani, 2008: 119-252).

The establishment of the parliament was considered a historic event with a significant impact on Iraq's political, economic and social development, as well as on the lives of its citizens. Considered as the first institution of representative and constitutional taking place in Iraq, this parliament has given the people of Iraq a sense of belonging to a political reference, which crystallized a form of common identity after being under the sprawling Ottoman empire, as well as the Council lays the groundwork for a system of government that lasted until 1958 (Al-Adhami, 1989: 307-308).

### **3.1.3 Approval of the Iraqi Basic Law in 1925**

The process of approving the Basic Law of Iraq (1925) was the second task carried out by the parliament. The King signed the law on March 21, 1925, after which the Law was immediately implemented (Johnson, 2008: 14). This Law established that the

government of Iraq must consist of a representative system and a hereditary constitutional monarchy.

Prior to its passage, much of the discussion centered on how much of a ruling role the monarch would have. In the final version, the King was given a great deal of powers, including the rights to confirm all the laws, to call for general elections, to discontinue a session of the parliament or dissolve it, and the right to issue required ordinances to fulfill the treaty obligations without consulting parliament. The King also selected the Prime Minister and appointed the other ministers based on the Prime Minister's recommendations (Tripp, 2006: 37-334).

The parliament outlined in the Basic Law was divided into two chambers, namely, a Senate appointed by the King and an elected COR. The representatives were elected every four years, with free manhood suffrage under an indirect voting system. Every group of 250 primary voters selected one secondary elector, who in turn, elected the representative. It was a British-style parliamentary system, e.g., the cabinet was responsible for the COR and can be forced to resign by a vote of no confidence (Constitution of the Kingdom of Iraq, 1926: 383-402).

Furthermore, legislation could be proposed by any representative, with the support of at least ten others. However, the parliament did not have the power to enact legislation on financial matters, as the British retained control over finances under the Treaty. Given that King Faisal was greatly influenced by his British sponsors, this Basic Law gave Britain a great deal of indirect power over the country. In all, ten general elections were

held under the constitutional monarchy from 1925 to 1958. Within the course of this period, there were 50 sets of Cabinet members appointed due to frequently changing governments resulting from the political instability of the country (Johnson, 2008: 15).

The Iraqi Basic Law of 1925 included two key principles: Firstly, establishing a democratic government by linking the formation and survival of the ministry with the approval of an elected legislative authority. Secondly, adopting the principle of separation of powers (Hissou, 1984: 50-60). The Basic Law originally contained 123 Articles, including the introduction and ten chapters. Eventually, the number of Articles increased to 125 after the addition of the three amendments, which lasted until 1958. The Basic Law described the Iraqi government and the Iraqi regime in the institution of the monarchy. In relation to this, the terms of reference and the relationship among them according to the foundations and principles of the regime can be considered democratic (Constitution of the Kingdom of Iraq, 1926: 383-402).

In addition to the work of parliament as supervisory authority for the work of the executive power, it has the constitutional right (Article 54) to ask questions to the Ministers for the purpose of clarification and interrogation. Recognized as the Constitution of the year in 1925, the principle of control over the Constitutionality of laws adopted judicial supervision in this area, because Article 81 of the Basic Law provides that “constitute the supreme court to try ministers ..., accused of political crimes or crimes related to their functions in public and to prosecute the rulers of the ... Court of Cassation, and decide matters relating to the interpretation of this law and other

laws for approval of its provisions"(Constitution of the Kingdom of Iraq, 1926: 383-402).

Thus, the Iraqi Basic Law of 1925 can be likened to a Western democratic Constitution. It included rules of modern parliamentary democracy, ensured fundamental rights of individuals, and established the foundations of a parliamentary democratic Constitution clearly highlights the role and functions of parliament in the political system.

### **3.1.4 The Weakness of Parliament in Monarchy System**

The constitutional life in Iraq under the Constitution of 1925 suffered from several problems that were behind the weakness of the role and functions of parliament. Such problems are discussed below:

#### **3.1.4.1 The King's Domination Over the Authorities**

One of the most important problems is that the Constitution 1925 grants the King a broad range of powers, for example, the authority to select and dismiss the ministry without the consent of a majority in the parliament, the authority to choose prime ministers who are not members of the COR, and the dismissal of the Prime Minister, which is inconsistent with the principle of non-responsibility (King). All of these powers demonstrate the King's dominance (Rashid, 2006:144). However, it must be understood that the King acquired such authorities due to the support of British colonialism to him. The colonialism, British were behind the creation of the first Constitution, forming the

political system of Iraq, the principle of power sharing, and mechanism of forming the Iraqi institutions (Al-Naqshbandi, 2006:4).

During this period, the parliament was not successful in Iraq because of a series of challenges (e.g., weakness of its role and performance), and as such, the executive branch is always flexing its authoritarian power over the parliament. The parliament was not even accepted by the ruling elites who tried to disable it many times. E.g., former Prime Minister Nuri Al-Sa‘id attempted to disable the parliament because its sessions had 10 opponents of some 134 members. The parliament was also disabled from 1925 to 1958, during which it was unable to withdraw or withhold the confidence from the government even for a one time (Jabr, 2007).

Some researchers believe that the Basic Law of 1925 did not achieve the balance between the three authorities, given that the executive branch dominated the legislative and judicial authorities. In 1943, the Basic Law was amended and several powers of the King were added, including the authority to dismiss the ministry, despite the fact that the Basic Law held the government responsible in front of the parliament and not in front of the King (Jamil, 1983:19). Others believe that despite the fact that Iraq's Basic Law ensures the separation of powers, there was an overlap between these authorities because of the requirements of the political circumstances during that period (Researchers group, 2006: 25-26).

### **3.1.4.2 Political Instability in Iraq**

Political instability in Iraq and the emergence of political disorders ultimately affected the performance of parliament. These were heightened due to the manipulation of the Basic Law, the rule of special laws, and ease of martial law declaration. These can be identified by the following facts: one of the negative outcomes of the government was declaration of martial law for 16 times during the monarchy rule, a Sixteen parliament founded during this period, only one completed its constitutional period, also formed in that era Fifty-nine Ministry, and the fact that the ministries were headed by a Twenty-one minister. For example, Prime Minister Nuri Al-Sa' id headed over 14 ministries, while Jamil Al-Madfaai was presided over seven ministries (Al-Zubaidi, 1979). Martial law was imposed from September, 1924 until January, 1952. The country was subjected to Martial law for 3,992 days out of the total 10,267 days of its existence 39% (Al-Hassani, 1988: 153-350).

There were also several factors that contributed to the political instability, and these included the ones listed below:

1. On September 1933, King Faisal, who had become a unifying symbol in Iraq, died while he was out of the country seeking medical treatment. He was succeeded by his son, King Ghazi, who was inexperienced and largely uninterested in political events (Spencer, 2000: 63-83).

2. King Ghazi died in an automobile accident in April 1939. His son, who became King Faisal II, was still a young child, so a cousin, Amir Abdul Allah, was appointed regent.
3. There occurred a severance of diplomatic relations between Iraq and Germany, and the country, then offered full support to the Allies during the World War II.
4. There were six military coups between 1937 to 1941, including Bakr Sidqi led coup on October 1936, and that led by Rashid Ali Al-Kaylani in April, 1941 (Johnson, 2008: 18).

#### **3.1.4.3 The Disadvantages of the Basic Law**

One of the more important points that can be observed from the 1925 Constitution was that its Articles were drafted in a very prosaic style. Hence, it was possible for it to address many of the things discussed by ordinary legislation (Al-Jeddah, 1998: 40-131). Meanwhile, the emergence of the new Iraqi regime was not the result of the will of the Iraqi people; rather it was a result of the British movement to establish their presence and ability to control Iraq. As a result, Iraq was forced to sign an agreement with Britain in 1924, one which explained the general guidelines of the new state. This agreement stipulated in the third Article that the fundamental law to be drafted by the parliament would not violate any of the provisions of the Treaty of 1922. As a result, the majority of the members of the parliament did not discuss the details and only attempted to modify the Law. However, most of the proposals to amend paragraphs in the Basic Law

made by members of the parliament were refused. After this, the parliament voted to approve drafted the Constitution (Alawi, 2005: 107-108).

The Constitution 1925 was not a grant from the King, because at that time, he no longer had the power in his hands. As a result, the drafted Constitution was not a true contract between the Authority and the people. It was also not drafted through a legitimate parliament, because its task of drafting the Constitution was severely restricted by the treaty of 1922. Furthermore, the first draft of the 1925 Constitution was formulated back in 1921. This meant that the first draft was created three years before the establishment of the parliament. For this reason, the 1925 Constitution was imposed on the power and the people, and only gained legitimacy after the acceptance of the citizens (Mirza, 2004:133).

#### **3.1.4.4 Electoral Problems of the Parliament**

At that time, Iraq still had no previous experience with a democratic form of government, despite the fact that parliament elections were held under British rule in accordance to mandate the League of Nations from 1920 until Iraq's independence in 1932, and during the monarchy of the Muslim Hashemite dynasty from 1921 to 1958 (Eisenstadt & Mathewson, 2003).

The falsification of elections in that period was a natural occurrence in the parliamentary history of Iraq, e.g., Tawfiq Al-Suwaidi headed the government three times during the monarchy, and said that in the first parliamentary elections of 1925, the elections ended

by simply choosing candidates after obtaining approval of their appointment from the King, the Interior Minister, the British Chancellor, and Presidential Minister (Jamil, 1983:19). Over and above this, women were deprived of the right to vote until the 1952. The method of election was done in two phases to the year 1952. Without a doubt, voters in the second phase were susceptible to the influence of the government (Hissou, 1984: 50-60).

The weakness of the parliament was not only due to the dominance of the executive branch, but also due to the nature of the legislative authority (parliament) and the lack of modern political parties (Rashid, 2006:144). Parliament, since founding it in 1925, was comprised purely of the elite. There were no true representatives of workers and peasants, despite the fact that the majority of the population of Iraq was composed of these two classes. Instead, the majority of members of both the COR and the Senate were feudal heads, landlords and capitalists, who supported the ministry as long as the latter committed to the protection of the former's interests (Al-Hasani, 2008: 119-252).

Iraq at this stage was characterized by having a few men dominating the government, a King who was often subject to the will of the British, and people who suffered from disease, ignorance, underdevelopment, and poor economy. All of these factors formed an important incentive that motivated people to work towards changing this system. The events that unfolded on July 14, 1958 marked the beginning of a new stage in Iraq's history. This was the abolition of the monarchy and the declaration of the republican regime in Iraq (Abdul Zahra, 2009: 20).

From the above historical rundown of the parliamentary life in the monarchy system, it is apparent that the Iraqi parliamentary institution has rapidly grown since the establishment of the State, yet it has remained under restriction, which prevented it from undertaking its actual roles in promoting the advancement, rehabilitation, and progress of the Iraqi society (as is the case in the parliamentary institution of other countries) and despite the negative issues that accompanied the parliamentary institution during the monarchy. However, this phase formed the core of the first constitutional representative institution, contributing to the establishment of a culture of parliamentary democracy to the Iraqis a culture that can influence the future of parliament as a legislative and supervisory institution.

### **3.2 Iraqi Parliament During the Republic System**

After the change from a monarchy to a republic, Iraq witnessed the rise and fall of five republics from 1958 until 2003. The parliament history during this time is briefly discussed below.

#### **3.2.1 The First Republic (1958–1963)**

The First Republic began after the revolution of July 14, 1958, which led to the collapse of the monarchy. The Republicans abolished the Basic Law of 1925, or the so-called First Constitution, and all existing institutions under this Law, including the parliament

(Council of Nations and its two bodies, the Senate and COR) (Al-Ani& Al-Harbi, 2005: 194-195).

On the same day, a military coup replaced Iraq's deeply unpopular monarchy with a Republic. Coup leader General Abdul Karim Qasim quickly marginalized his rivals, setting the precedent of autocratic rule after Iraq's post-monarchical leadership. However, while Qasim's revolutionary government initiated sweeping reforms on behalf of Iraq's long-exploited lower class, he did nothing to build a stable government, or national institutions in a country long split along ethnic sectarian lines (Robert, 2011: 10).

On July 27, 1958, an interim Constitution to replace the Basic Law was announced. As a result, Iraq opened temporary constitutional conventions, which lasted until 2005 (Abdul Zahra, 2009: 20). From 1958 to 1963, elections to create a legislative authority (parliament) representing the people were non-existent. The 1958 Constitution assigned the legislative power to the Council of Ministers by virtue of Article 21, which stipulated that the Council of Ministers was to be entrusted with the legislative authority under the endorsement of the Sovereignty Council, which consisted of the Republic Presidency of a President and two Vice Presidents (Article 2) (Al-Naqshbandi, 2006: 5).

The political system implemented after July 14, 1958 was not a presidential system because the Council of Sovereignty entrusted with the functions of the presidency did not have any real powers. It was also not a parliamentary system because the system did not yet have a proper acquired power through force (Al-Ani, 1986: 33-39).

In conclusion, the form of the political system that followed the July 14, 1958 military coup was based on the legitimacy of a revolution. This has led to the emergence of a non-parliamentary government, in which the Prime Minister is the decisive force. This is because the Council of Ministers now has the legislative and executive branches without the presence of a parliament either through election or appointment.

### **3.2.2 The Second Republic (1963-1966)**

On February 8, 1963, military units led by Qasim's opponents took over key government sites, including radio stations and the Ministry of Defense building. Qasim was then executed without trial (Spencer, 2000: 63–83). It was the Ba'ath Party that organized the coup, thus gaining power to establish the National Council of the Revolutionary Command (NCRC) as the highest decision-making body (Tripp, 2006: 37-334).

Two months after the coup on February 8, the coup leaders forwarded the 1963 Constitution (April 4, 1963), in a move that aimed to legitimize the acts and decisions of the NCRC. The 1963 Constitution stipulated that “the Parliament is the institution who undertakes the legislative authority.” Article 62 of the same Constitution stipulated the way the Parliament must be formed, the number of its members as well as the procedures of holding and calling for elections. It was also proposed that the National Revolutionary Council, together with the Council of Ministers, must assume legislative authority (Al-Naqshbandi, 2006: 5).

Following that short-lived phase, Abdul Salam Aref led a coup against the leaders of the former coup, his Ba'athist comrades, whom he overthrew on November 18, 1963. Thereafter, Abdul Salam Aref ruled Iraq single-handedly from 1963 until 1966. On April 22, 1964 he issued a new Constitution, which consisted of 17 Articles that dealt mostly with the management of power in Iraq, the powers of the President of the Republic, and membership of the NCRC. On April 29, 1964, the Second Interim Constitution of Iraq was promulgated, which included 106 Articles, making it the broadest constitutional document since the start of modern Iraqi history. However, there was no ratification of the Constitution made by the people, and it was promulgated based solely on the signatures of the President, the Prime Minister, and his Cabinet (Al-Jeddah, 1998: 83-84).

The task of the legislative authority in the Second Interim Constitution was granted to two bodies, namely, the National Council for the Leadership of the Revolution and the Council of Ministers. However, this division was canceled by an amendment made in the Constitution of 1964, which stipulated that the task of legislation was the sole responsibility of a new Council called the Al-Shura Council (Shendel, 1978: 192).

In 1965, the military nature of the regime was changed. The NCRC was dissolved, and a civilian cabinet began to exercise legislative power. Despite this movement, the National Defense Council retained overall control over the cabinet. Abdul Al Rahman Al-Bazzaz became the first civilian Prime Minister in July, 1958. His reform program called for rational socialism, stability, the rule of law, an end to political arrests, the

permission of free political expression, and the reinstatement of the parliamentary system. Political parties were still outlawed, although Al-Bazzaz claimed that elections would begin again in the future (Farouk & Sluglett, 1987: 97-377).

### **3.2.3 The Third Republic (1966–1968)**

President Abdul Salam Aref died in a helicopter crash on April 1966, and power once again shifted from him to his brother Abdul Rahman Aref, who was elected by the Council of Ministers and the NCRC. These two Councils were neither elected nor appointed by Abdul Salam Aref (Batatu, 1992: 377). This period lasted from 1966 to 1968 without any constitutional change; likewise, a parliamentary government was not practiced during this period (Al-Naqshbandi, 2006:5).

### **3.2.4 The Fourth Republic (1968-1979)**

In July 1968, army officers associated with the Ba'th party seized power over the course of two coup uprisings led by Ahmed Hassan Al-Bakr and his deputy, Saddam (Bertelsmann Stiftung, 2012: 3). The political system in Iraq from 1968 to 1979 was characterized by the dominance of one leading the party. From 1979 to 2003, the system changed to one that was ruled by one person and family. Here, one person controlled the legislative executive and judiciary branches of government, despite the presence of several check-and-balance institutions. Furthermore, these institutions were not elected by the people and existed solely because of their partisan character, e.g., the RCC and the Council of Ministers (Kamel, 2004: 126).

After issuing the Constitution of September 21, 1968, all the power was concentrated in the hands of the so-called RCC. By the end of 1970, the Council had issued more than three thousand resolutions. Unfortunately, it took no heed of any authority except that of the Ba'th, the formality authority. For more than three decades, this unelected Council controlled Iraq and its people (Hashim, 2003: 184-279).

In 1970, the Government issued a new interim Constitution, which contained Article 67. The Constitution 1970 directed the parliament (called National Council) to announce and hold general elections in 1980 for the selection of its members. However, a decade after the issuance of the 1970 Interim Constitution, the parliament remained without real powers, as the RCC was still the highest authority in the country (Deeb, 2003: 131).

Nevertheless, Iraq's 1970 Constitution established a unicameral parliament state; it also stated that the parliament (National Council) was to consist of 250 members, representing an equal percentage of the population. However, all parliament Representatives required prior government approval. As a result, the parliament was reduced to a "puppet" legislature during that period (Douglas et al., 2005) (Also, see Iraq Interim Constitution 1970, 1971:2-13).

The 1970 Constitution remained in force until the overthrow of Saddam in 2003. In other words, this Constitution was implemented for 33 years, despite a movement to promulgate a contemporary Constitution in 1990. Article 42 of the 1970 Constitution remained the core law in Iraq, as this was the Article that empowered the unelected RCC

to issue laws and decrees with the full force of law. In this sense, it was the Council that ruled Iraq until the fall of the regime in 2003 (Al-Jeddah, 1998: 129-131).

The political and constitutional structure established by the 1968 Ba'ath Coup lasted until 1990 without undergoing substantial change. For example, the parliament was elected in accordance with the 1968 Constitution. The RCC was established in order to make laws and to elect the President by a two-thirds majority. The Secretary-General of the Ba'ath Party Regional Command would also hold the office of the President of the RCC, as well as that of the President of the Republic. In addition, the RCC had all the power, and became the only authority in legislative, executive, and judicial branches. In 1990, the legislative structure changed as the Ba'athist government delegated legislative functions to a non-representative parliament. As a result, the parliament functioned as a rubber stamp for laws created by the RCC, an executive Council made up of the elite members of the Ba'ath party and controlled personally by Saddam (Bangio, 1998: 58).

### **3.2.5 The Fifth Republic, 1979–2003 (Saddam's Rule)**

On July 1979, Saddam, a Ba'athist leader, succeeded in the removal president Ahmed Hassan Al-Bakr from the authority after forcing him to resign and placing him under house arrest. On 1980, the military might of Iraq was put on display on the world stage during its war with the larger nation of Iran. After eight years, the war caused enormous financial strain on the Iraqi economy. In August 1990, Saddam invaded yet another neighbouring country, Kuwait, and annexed it as its 19th province. Then U.S. president

George H. W. Bush Sr., in collaboration with North Atlantic Treaty Organization (NATO) and its 29 allies, and under authorization from the U.N. Security Council, launched military attacks to evict Iraq from Kuwait.

After Kuwaiti occupation and its subsequent liberation in 1991, the Security Council in the U.N imposed further economic sanctions on Iraq, prohibiting any trade with the outside world. The only exception is the UN- sponsored Oil-for-food program OFFP, which has led to a very devastating impact on all aspects of Iraqi life. The Relations between the U.S. and Iraq since the conclusion of the first Gulf War in 1991 remained poor. Fearing that Saddam was developing weapons of mass destruction in violation of U.N. Sanctions, the U.S. Congress passed the Iraq Liberation Act of 1998, which stated: “It should be the policy of the United States to support efforts to remove the regime headed by Saddam from power in Iraq.” (Hafedh et al., 2007: 10).

Iraq’s economic activities experienced a boost during this period, and it climbed to the summit of third world countries in terms of per capita income. It also reached a high level of education, increasing number of experts and skilled workers, advanced technology and abundant reserves of foreign currency. However, such growth was a result of the continuous efforts for over half a century, and began to decline rapidly due to the entry of the Baathist regime in a number of major wars (Hamid, 2005). For example, the results of the invasion of Kuwait during Saddam regime were devastating for Iraq. At that time, 100,000 Iraqi citizens died and about 1.5 million other citizens were displaced. Iraq lost around USD 170 billion, according to statistics (Farouk&

Sluglett, 1987:377). In addition, Iraq lost tens of thousands of children because of economic sanctions imposed by the UN, which resulted in malnutrition and lack of health services (Idriss, 2009:35). The economic sanctions left the entire infrastructure, oil industry, institutions, and the economy of the nation in shambles. The country spent most of its annual national revenue on military for more than a quarter of a century (Hafedh et al., 2007:8).

Meanwhile, Saddam used his control over the party and its security apparatus to ensure his monopoly of power and assume control of the country, both as president and as chairman of the RCC (Bertelsmann Stiftung, 2012:3). This period is considered a continuation of the previous period because the Ba'ath Party has dominated Iraq since the rule of Ahmed Hassan Al-Bakr. During this period, the parliament (National Council) Law No. 229 of 1970 was cancelled and replaced by Law No. 55 of 1980, whereby both the Election Law and the parliament Law were combined, the authority of legislation was entrusted the parliament, and the selection of members of the Council was made through free election. It should be noted that the Ba'ath Party dominated the parliament, as most members were elected from within the party. Furthermore, the state of emergency under the Assembly's session was extended for any period that the Government deemed suitable. Furthermore, most observers of the legislative process in Iraq during the same period stated that this was an artificial process due to the domination of the ruling Ba'ath party. In other words, the RCC led by Saddam enjoyed broad legislative and parliamentary powers as it drew laws, according to the will of the ruling Ba'ath party (Al-Naqshbandi, 2006: 5-6).

Sometimes the legislative authority under the Saddam regime was also exercised by the parliament (National Council). It consisted of 250 members who were elected every four years, under the condition that all members should first be members of the Ba'ath party. This Council was established in 1980. Its last session after electing new members was in 2000. Its powers were limited to proposing draft-laws submitted to the RCC, which was at the head of the pyramid, preceded by Saddam the exclusive decision-maker. The parliament was entitled to approve or reject unanimously, according to Saddam's desire, without giving opinions in a free discussion (Al-Fatlawi, 2006: 1-29).

Based on the above mentioned, In the era of the five republics, there were no general elections and parliamentary Councils until 1980, when the first general elections were held to elect the members of the first parliament. The second, third, and fourth election rounds were conducted in 1984, 1988 and 1999, respectively. During these elections, the candidates represented the ruling party, and its supporters disqualified all other parties and independent candidates. Thus, these elections lost their pluralistic nature, which is one of the most important foundations of any election. In other words, the elections did not represent the will of the people (Radi, 2005). Even though the parliament seemed to have the right to prepare the draft laws with the exception of issues related to military, finance and public security, the RCC still reserved the right to reject and modify all drafts prepared by the parliament. Furthermore, even if the parliament insisted on its draft, it was only accepted in a common session of the RCC and parliament with a two-

thirds majority. We note here that any such challenge to the authority of the RCC never occurred (Bengio, 1998: 58).

The true democracy has been absent from the scene during the rule of the Baath Party, illustrated through some points, e.g., there is no opposition parties in the parliament, all decisions made by the RCC, The Council represents the image of false democracy. During 1979-2003, any Iraqi citizen did not nominate himself to the position of President of the Republic, e.g., in a referendum in 1999, the former Iraqi president Saddam won 99.99 % of the vote, and this is clear evidence of the lack of credibility of the referendum, especially since there are armed opposition lead the struggle against the authority in the South (Marshes) and the north (mountains) of Iraq. In addition, the Ba'ath Party under the Saddam regime kept the government highly centralized. Generally, the government prevented active public participation and selected members of a single political party (excluding from the Baath Party) to manage legislative functions. (Douglas et al, 2005).

In mid-July 2005, Saddam was tried by a CPA court, where Saddam was charged with crimes against humanity for the massacre in (Dujail village) in Salahaddin Province 35 miles north of Baghdad due to Saddam exposure to a failed assassination process in that village. Hussein, who was subsequently convicted on nearly all counts (displacement, detention, torture, and execution of nearly 150 people in Dujail village), was sentenced to death by hanging and was executed in December 2006, thus ended the Baath era in Iraq (Katherine, 2008: 119).

Based on the foregoing, the five Iraqi republic regimes have never experienced dealing with parliament as an institution despite the constitutional stipulation on the establishment of a Legislative Council. This Council has several functions, including the power of passing laws, regulations, and international treaties and agreements. However, the Revolutionary Command Council (RCC) assumed all the powers of the legislature, which deprived Iraq of a real democratic process during this period.

### **3.3 Iraqi Parliament Post Saddam Regime**

The period after 2003 has seen several stages, was instrumental in the formation of the new parliament, these stages are as follows:

#### **3.3.1 The Political Transition in Iraq**

After the September 11 terrorist attacks in New York and Washington, D.C., the United States and some of its allies, e.g., Britain waged a war to topple the Hussein regime. This war was based on Iraq posing a threat to the national security of the United States as well as to regional and international peace and security. The invasion in 2003 succeeded in bringing Hussein down (Hafedh et al., 2007: 477-478).

After the collapse of the Saddam regime in April 2003, the U.S. set up an occupation structure with the ulterior motive that the immediate sovereignty would be in the favor of the major factions and once that is done, it would fail to produce democracy. In May 2003, President Bush, who was seeking strong leadership in Iraq, assigned Ambassador

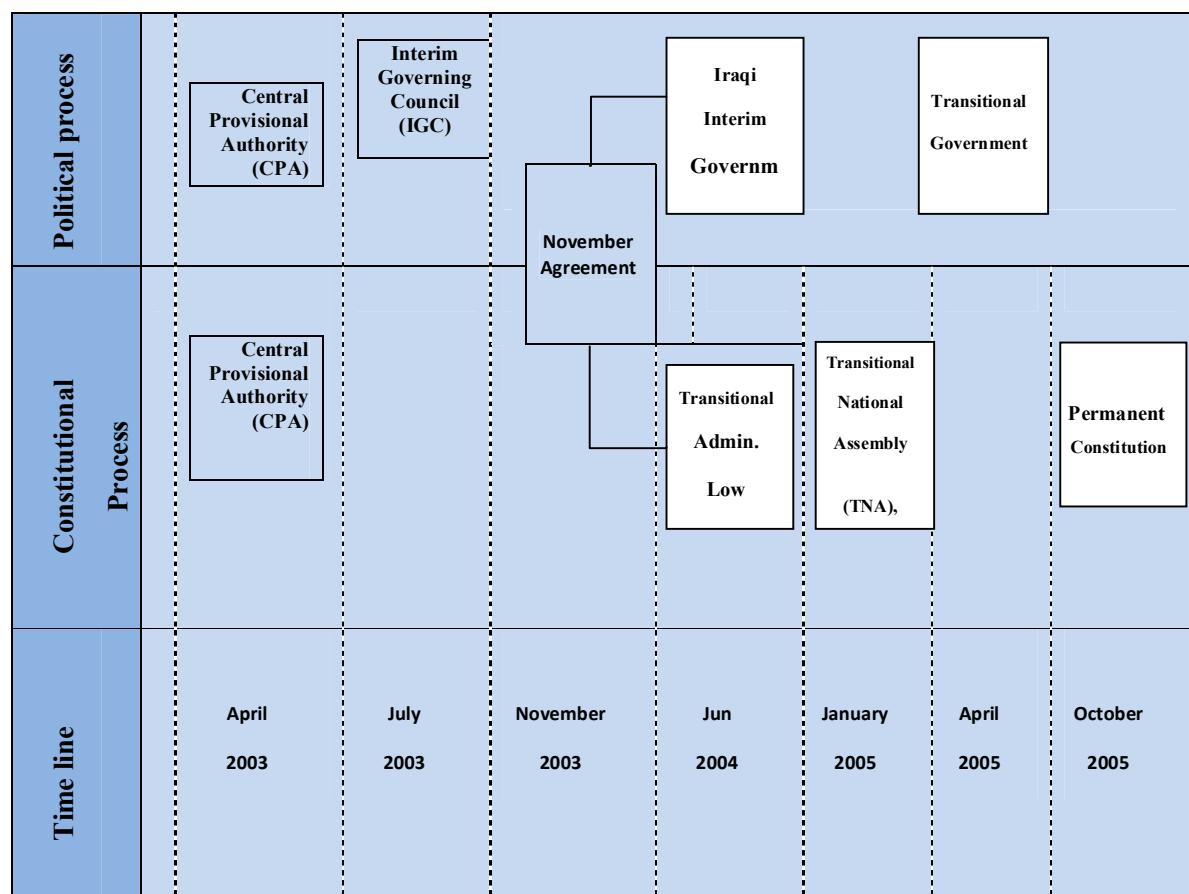
L. Paul Bremer to head a CPA recognized by the United Nations. As an occupation authority, Bremer discontinued the tentative political transition and appointed by the Iraqi Governing Council (IGC) consists of 25 members as a non-sovereign Iraqi advisory body on the 13th July, 2003 (Frederick, 2010: 2). The IGC was the second largest administrative body in Iraq during the U.S. occupation. The Council was observed to have a very weak role in the management of the internal affairs of the country during that particular period, because the Council's authority was once an advisory capacity and is subject directly to the authority of the Governor Bremer (Abdullah, 2006:117).

The United States-led forces remained in Iraq under the authority of the United Nations. The Security Council Resolution 1546 which was adopted on June 8, 2004, creates the Multi National Force-Iraq and giving it “the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq” working with the IIG (Human Rights Watch, 2005:2).

The first steps on the Iraqi political and constitutional process were taken with the November Agreement of 2003 between the CPA and the IGC. This agreement included a timeline on the transfer of sovereignty from the CPA to the Iraqi Interim Government (IIG) in June 2004. Prior to this date, a Transitional Administrative Law (TAL) was established on 8 March 2004 which became take effect after the establishment of the Interim government. The TAL laid out further steps toward a contemporary constitution (Heuvel, 2009:25).

The November Agreement 2003 and TAL set out the timelines for the constitution and the political process in the interim period. An overview of the interim period and the political and constitutional processes is shown in Figure 3.1 (Heuvel, 2009:26).

Figure 3.1: Overview Interim Period in Iraq



Source: Heuvel, A.V. (2009:24).

After about a year of occupation, the United States handed sovereignty to an appointed IIG on June 28, 2004, a date considered the handover of sovereignty to the IIG. The interim government was headed by Prime Minister Iyad Allawi, who was the leader of

the INA, which is a secular, non-sectarian faction. Allawi was a Shiite Islamist, but many INA leaders were Sunnis; some of them were former members of the Baath Party. The president of this interim government was Ghazi Al-Yawar, a Sunni tribal figure that spent many years in exile in Saudi Arabia (Frederick, 2010:2).

During this transitional period, the TAL represented the most important legal, social, and economic document prepared by the GC that represents the Iraqi people; some of the powers were granted to GC under the resolutions of the UN Security Council 1483 and 1011 (Latif, 2012:66). In other words, the TAL represents the supreme law of the land. It stipulates on the following: First, the legal system shall be based on civil and Islamic law under the IIG". Second, the system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations. The federal system is based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession. The TAL also includes a bill of rights of the Iraqi people, which states that "the government must respect the rights of the people (Hafedh et al., 2007: 477–478).

However, it is clear that the transitional period in Iraq was a necessary stage to build its political system, so Iraqis people and their political representatives found themselves after the U. S. occupation in 2003 deeply involved in reconstituting the sovereignty of Iraq. Douglas et al (2005) confirms that "rebuilding a country is a difficult process and contentious for any country; the challenges were magnified substantially for Iraq

because of its complex mosaic of ethnic and religious identities and the repression under Hussein regime”.

### **3.3.2 Elections of the Transitional Parliament**

Elections were held on the 30th January, 2005 for 275 seats in transitional parliament, 18 provincial Councils, and a Kurdistan regional assembly. Most of the Sunnis Arab who are still resentful of the U.S. invasion boycotted the election. Thus, no major Sunni slates were offered, and this enabled the UIA to win a slim majority (140 of the 275 seats) and then joined with the Kurds (75 seats) to dominate the national governments in which they subsequently formed the provincial Councils. PUK leader, Jalal Talabani was named the president while Ibrahim Al-Jafari became the Prime Minister. Although the government had a Sunni-Arab as the parliament speaker; deputy president; deputy prime minister; Defense Minister; and five other ministers, yet they failed to draw Sunni popular support (Katzman, 2007:18). Furthermore, the Iraqi groups that took the most active interest in the January elections were those best positioned. These groups include the Shiite Islamist parties, the Kurds and established secular parties as shown in the Table 3.1.

The most prominent party was the Shiite Islamist “United Iraqi Alliance” (UIA), which has 228 candidates from 22 parties that are primarily the Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the Islamic Da’wa Party (IDP). The first candidate on this slate was SCIRI Leader, Abed Al-Aziz Al-Hakim; the seventh was

IDP Leader Ibrahim Al-Jafari. Shiite Cleric Moqtada Al-Sadr, who denounced the election as a United States-led process, yet 14 of his supporters, was at the UIA party and eight of them won seats. The two main Kurdish parties, the Patriotic Union of Kurdistan and the Kurdistan Democratic Party together offered 165 candidates. The interim Prime Minister, Iyad Allawi in 2004 filed a six party, 233 candidates for the “Iraqi List” led by his Iraqi National Accord party (INA) (Katzman, 2006:2).

Table 3.1: Election Results (January, 2005)

Slate/Party	Seats
United Iraqi Alliance UIA (Shiite Islamist); Sadr formally joined list for a Dec. Vote (Of the 128: SCIRI~30; Da'wa~28; Sadr~30; Fadila~15; others~25)	140
Kurdistan Alliance (PUK and KDP)	75
Iraqis List (secular, Allawi); added some mostly Sunni parties for Dec. vote	40
Iraq, Concord Front (Sunni). Main Sunni bloc; not in Jan. vote	-----
Dialogue National Iraqi Front (Sunni, Saleh Al-Mutlak) Not in Jan. vote	-----
Iraqi National Congress (Jalabi). Was part of the UIA list in a Jan. 05 vote	-----
Iraqis Party (Yawar, Sunni); Part of Allawi list in Dec. vote	5
Iraqi Turkmen Front (Turkomen, Kirkuk-based, pro-Turkey)	3
National Independent and Elites (Jan) /Risalyun (Mission, Dec) pro-Sadr	3
People's Union (Communist, non-sectarian); on Allawi list in Dec. vote	2
Kurdistan Islamic Group (Islamist Kurd)	2
Islamic Action (Shiite Islamist, Karbala)	2
National Democratic Alliance (non-sectarian, secular)	1
Rafidain National List (Assyrian Christian)	1
Liberation and Reconciliation Gathering (Sunni, secular)	1
Ummah (Nation) Party. (Secular, Mithal Al-Alusi, former INC activist)	0
Yazidi list (small Kurdish, heterodox religious minority in northern Iraq)	-----

Source: Katzman, K. (2007: 6)

The Sunni Arab (20% of the overall population), perceiving electoral defeat and insurgent intimidation also boycotted the elections and thus, won only 17 seats spread over several lists. The Sunni Iraqi Islamic Party (IIP) filed a 275-seat slate but withdrew in December 2004. Accordingly, the hardliner, the Iraqi Muslim Scholars Association (MSA) preferred to be close to the insurgents and called for a Sunni boycott election due to the fact that most of the Sunni parties were resentful of the U.S. invasion of Iraq and they cast doubt on the legitimacy of the election (Katzman, 2006:2-3).

The UN Special Representative, Lakhdar Brahimi played a crucial role in the establishment of an interim government during the leadership dialogue and discussions among the CPA, the GC and other Iraqi parties. Although, the interim government lasted only until the elections on October 30, 2005, the CPA was ended and Bremer left Iraq at this stage (Aziz, 2005:11).

On May 3, 2005, the transitional government was formed instead of the interim Iraqi government, which was unable to cope with the problems of the new phase of the country because of its limited powers. One of the priorities of the transitional government was to prepare for the establishment of an elected four-year Iraqi government, write a draft constitution, and vote on it (Al-Saadi & Khayat, 2013).

### **3.3.3 Drafting the Permanent Iraqi Constitution**

Drafting the Iraqi constitution was one of the most difficult processes faced by the farmers as a result of the construction phase of the democratic system which is

considered new according to the foundations and principles of the constitution (Kadhim, 2007:9). Aware of the importance of the constitution for the future of the Iraqi people, all Iraqi ethnic groups were eager to participate in writing the constitution to guarantee their future. Even the Sunnis, who decided to boycott the General parliament Election, decided to participate in writing the contemporary constitution. Both the IIP and the Association of Muslim Scholars in Iraq, which represented the religious decision to Iraqi Sunnis refrained from boycotting the election and participated in writing the constitution (Wong, 2005).

Furthermore, the task of writing the constitution in accordance with Article 60 of the TAL was given to the elected parliament in January 2005 which states that the parliament shall write a draft of the permanent constitution of Iraq. This parliament shall carry out this responsibility in part by encouraging debate on the constitution through regular general public meetings in all parts of Iraq and through the media, receiving proposals from the citizens of Iraq as it writes the constitution. Based on this, the parliament formed a committee consisting of 55 members of the parliament, most of whom were Shiites Arab and Kurds with only two Sunni Arab members to write the draft of the constitution (Jabbar, 2009:262).

The Constitution-drafting committee faced a major problem of low representation of the Sunni Arab members and this threatened the constitution in two ways. First, the constitution would be considered illegitimate in the case of non-participation of major ethnic groups in Iraq (Sunni Arab, Shiite Arab and Kurds). Also, the Sunnis Arab did

not participate in the election. Second, the constitution could fail in the general referendum because of the condition of the Article 61 of the TAL that considers “the general referendum to be successful and the draft constitution ratified if a majority of the voters in Iraq approve and if two-thirds of the voters in three or more governorates do not reject it” (Allawi, 2007: 431-432). Because the Sunni Arab makes up the majority of the population in more than three provinces, they determine the success or failure of the referendum in the case they failed to participate in the election. To solve the problem, the United States called for the participation of the Arab Sunnis in the constitution committee. Due to this, 25 new Arab Sunni members were added to the constitution committee. 15 of them had voting rights, whereas the other 10 members only had a consolation position (Stansfield, 2007: 186).

Finally, the draft was put to a referendum on the date stipulated in the TAL on the fifteenth of October, 2005. According to the official results, the draft was approved by 78.59% of the voters. Even though, the result was strongly challenged by many Iraqi politicians, especially the Sunni Arab politicians (Morrow, 2006:3), still the constitution was declared approved by the majority of the voters despite the objections to the results of the referendum. Thus, the first task of the transitional government of drafting and approving was completed. The remaining tasks are how to hold the parliamentary elections, establish a parliament and construct a permanent four-year government.

### 3.3.4 The Legislative Election of Parliament

On December 15, 2005, each province contributed a predetermined number of seats in the parliament, a formula adopted to attract Sunni participation, for the elections for a four-year national government in accordance with the schedule laid out in TAL. (230) seats represent (18) province of Iraq, and the rest (45) “compensatory” seats were allotted for entities that would have won additional seats on the national level. Later, 361 political “entities,” including 19 multi-party coalitions, competed. As shown in Table 3.2. voters chose lists representing their sects and regions, and the Shiites and Kurds emerged dominant (Frederick, 2010: 3).

Table 3.2: Election Results (December, 2005)

Slate / Party	Seats
UIA (Shiite Islamist); Sadr formally joined list for a Dec. Vote (Of the 128: SCIRI-30; Da'wa-28; Sadr-30; Fadila-15; others-25)	128
Kurdistan Alliance (PUK and KDP)	53
Iraqis List (secular, Allawi); added some mostly Sunni parties for Dec. vote	25
Iraqi Concord Front (Sunni). Main Sunni bloc; not in Jan. vote	44
Dialogue National Iraqi Front (Sunni, Saleh Al-Mutlak) Not in Jan. vote	11
Iraqi National Congress (Jalabi). Was part of the UIA list in a Jan. 05 vote	0
Iraqis Party (Yawar, Sunni); Part of Allawi list in Dec. vote	-----
Iraqi Turkomen Front (Turkomen, Kirkuk-based, pro-Turkey)	1
National Independent and Elites (Jan)/Risalyun (Mission, Dec) pro-Sadr	2
People's Union (Communist, non-sectarian); on Allawi list in Dec. vote	-----
Kurdistan Islamic Group (Islamist Kurd)	5
Islamic Action (Shiite Islamist, Karbala)	0
National Democratic Alliance (non-sectarian, secular)	-----
Rafidain National List (Assyrian Christian)	1
Liberation and Reconciliation Gathering (Sunni, secular)	3
Ummah (Nation) Party. (Secular, Mithal Al-Alusi, former INC activist)	1
Yazidi list (small Kurdish, heterodox religious minority in northern Iraq)	1

Source: Frederick M. G. (2010:2-3)

Despite the continued violence during the elections in Iraq, the turnout in the elections was considered good with 58.32% voters participating in the voting (International parliamentary union- IPU, 2010).

Election results were announced on January 20, 2006. The National Alliance won 128 seats, and responsibility of forming the government became the prerogative of the coalition, which won the majority (Ahmed, 2008: 18).

Although, the parliament was inaugurated on the 16th March, 2006, however, the political infighting caused the Shiite to block UIA and then replace Ibrahim Al-Jaafari with another figure, Nuri Al-Maliki from the Da'wa party, as the Prime Minister (because because the former prime minister disagreed with some of the Kurdish leaders with regards to securing Kirkuk as part of Iraq). On 22nd April, 2006, the parliament approved Jalal Talabani (from Kurdistan Alliance) to continue as the president. His two deputies were Adel Abed Al-Mahdi of the Islamic Supreme Council of Iraq and Tariq Al-Hashimi, the leader of the Sunni-based Iraqi Concord Front (Tawafuq), In addition to the selection Mahmoud Al-Mashhadani (From National Dialogue Council) as parliament Speaker (Katzman, 2009:2).

Based on the aforementioned condition, the Iraqi Council of Representatives is a more effective institution than its predecessors were in all the historical periods of Iraq, despite all the setbacks that came with the political processes in the post-Saddam era.

This conclusion is supported in terms of the conduct of elections, the manner of selecting the House of Representatives members, and the enactment of laws.

### **3.4 Summary**

Since its establishment as a state in 1921, parliament has not seen real and effective practice to its functions within the political system. However, there were some functional roles and effective practices of the parliament that differed from one period to another, e.g., Iraq's monarchy brought great freedom to parliament for the exercise of its functions within the government, and many texts emphasized the parliamentary foundations guaranteed by the Iraqi Basic Law of 1925, but application of these texts had been very difficult, because of the dominance of the King and government on the parliament. As well as, it should be noted that since July 14, 1958 up to the fall of Saddam regime in 2003, all legislative bodies (parliament) have been under the control of unelected Councils, e.g., in the Fifth Republic, the RCC led by president Saddam Hussein enjoyed broad legislative and executive powers as it enacts laws according to the will of the ruling Ba'ath party.

## CHAPTER FOUR

### CHALLENGES AND ISSUES IN THE CREATION OF THE IRAQI PARLIAMENT

#### 4.0 Introduction

This chapter presents the analysis on the key challenges confronting the Iraqi parliament after the Saddam Hussein regime. It also highlights the issues of the new parliament experience after 2003. The first section discusses the parliament in the Iraqi political system, where it discusses the structure of the Iraqi parliament, and its powers according to the contemporary Iraqi constitution. Finally, the second section analyses the challenges and issues that accompanied the establishment of the parliament in the early stages and its effect on the role and functions of the Iraqi parliament. The section also covers the findings.

#### 4.1 The Iraqi Parliament in the Permanent Constitution of 2005

The Constitution of 2005 points to the nature of the regime in Iraq; under Article I of Section I of the Constitution (Basic Principles), the Republic of Iraq is a single federal, independent, and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic. This Constitution is a guarantor of the unity of Iraq. This current constitution adopted by Iraq was put on referendum on October 15, 2005. It includes the organization of the state authorities and the political

institutions (e.g., executive, legislative, and judicial). As stated in Section III under Federal Authorities, Article 47, “The federal powers shall consist of the legislative, executive, and judicial powers, and they shall exercise their competencies and tasks on the basis of the principle of separation of powers”(Constitution of the Republic of Iraq, 2005).

In addition to the legislative, “There is executive power which consists of the President of the Republic and the Council of Ministers and exercises its powers in accordance with the Constitution and the law” (Constitution of the Republic of Iraq, 2005: Article 66). The presidency Council consists of one president and up to three vice presidents. The Council of Ministers consists of one prime minister, three deputy prime ministers, and thirty cabinet ministers. The president is the head of the state, protects the Constitution, and represents the sovereignty and unity of the state. Conversely, the prime minister has direct executive authority and is the commander-in-chief (Ghai, & Cottrell, 2011: 14-20).The president has the authority to approve international treaties and agreements, and the right to approve the draft laws sent from the COR and accept ambassadors. The prime minister is directly responsible for executing the policies of the state (Pirincci, 2007:102).

As for the judiciary, it is composed of the Higher Judicial Council, the Federal Supreme Court, the Court of Cassation, the Public Prosecution Department, the Judiciary Supervision Commission, and other federal courts. The Higher Judicial Council supervises the affairs of the federal judiciary. The Federal Supreme Court has limited

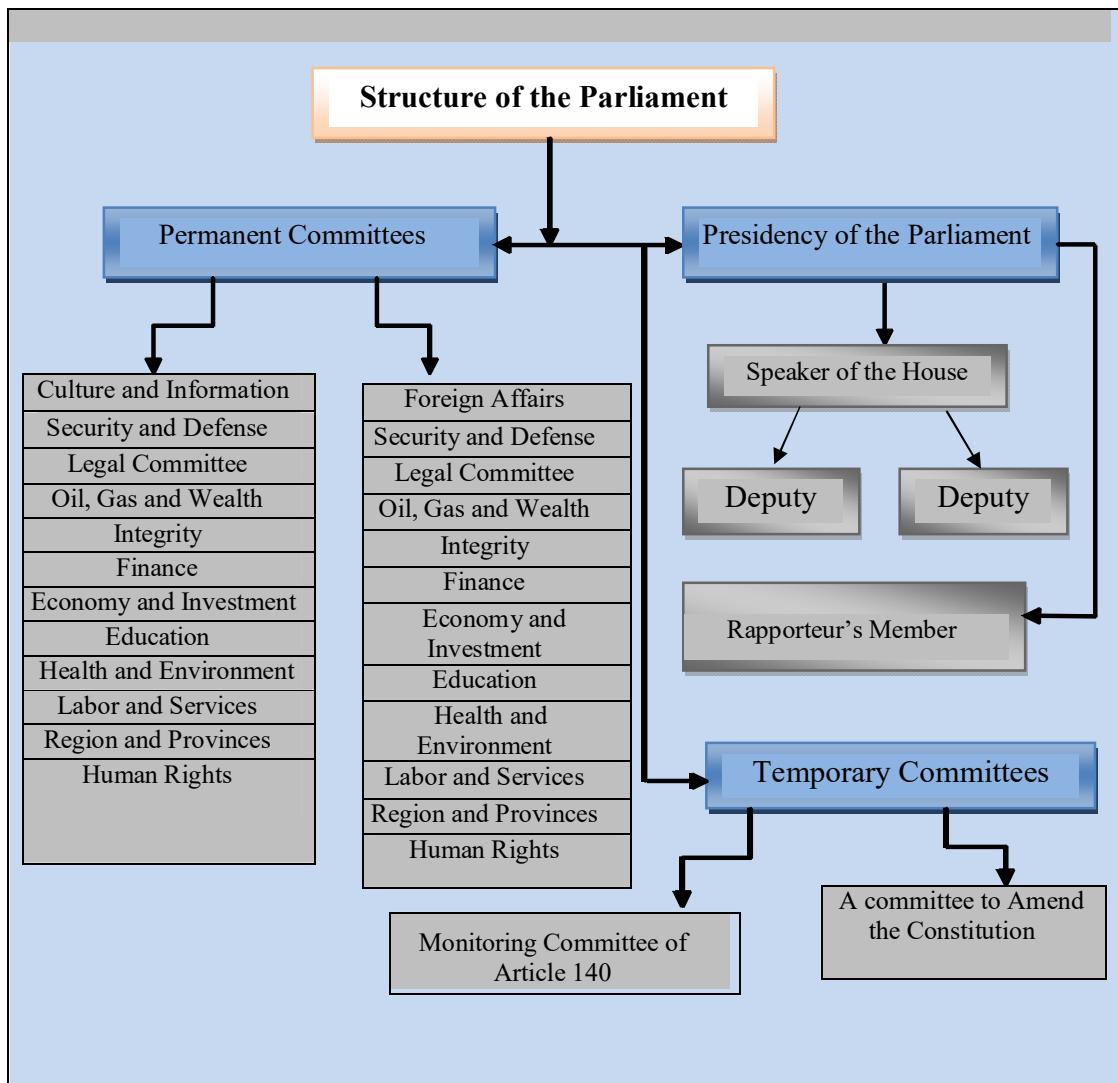
jurisdiction related to intra-governmental disputes and constitutional issues. The establishment of the federal courts, their types, and methods for judicial appointments is set forth by laws enacted by the COR (Ghai, & Cottrell, 2011: 22-23). The legislative branch in Iraq consists of a parliament elected in 2005. Several constitutional Articles address the structure of the parliament, the powers, and functions of the parliament as well as its dissolution.

#### **4.1.1 Structure of the Iraqi Parliament**

The Iraqi parliament of 2005 consisted of the Council of the Presidency and the parliamentary Committees. The Council of the Presidency consists of a president and two deputies who were selected from among the members of the Council by secret ballot in the first session with an absolute majority of its members in accordance with Article 55 of the Constitution as well as Article 7 of the Rules of Procedure (see Appendix E: Rules of Procedure of Iraqi parliament, 2006).

As for the parliamentary committees, there are twenty-four standing committees that have been formed in the parliament in the first meeting of the Council after the rules of procedure were taken into account in its formation: firstly a member's approval to work in these committees, secondly their competence and experience. Each committee consists of not fewer than seven and not more than eleven member. An overview of the structure of the Iraqi parliament is shown in Figure 4.1. (Mohammed, 2009: 2).

Figure 4.1: Structure of the Iraqi Parliament



Source: Mohammed H.M (2009:2).

Shareef (2006:16) clarifies that the Presidency Commission performs the following tasks: organizing the agenda of each session of the plenary in coordination with the chairman of the related committee, ratifying the minutes of the previous COR session, resolving disputes among committees regarding their specialization of subjects submitted to them, preparing the plan related to COR's work and administration, and

following their implementation after ratification, organizing the relationship of COR with the Presidency Council, Council of Ministers and the Judiciary, and organizing the relationships of COR with other Councils and parliaments of the brotherly and friendly countries and parliamentary unions to which the COR is a member of it.

According to the Article 46 of the Iraqi Constitution of 2005, “The legislative branch is composed of the COR and the Federation Council.” The Federation Council is non-existent and vaguely outlined in the Article 65 of the Iraqi constitution as a body of representatives from various regions it is merely included in the constitution for names are .Thus is because the parliament keeps postponing anything that the federation Council bring up. The framers of the Iraqi Constitution in 2005 added another Article number 133 that stipulates “postponement of Application of the provisions of the Articles related to the Federation Council, wherever it may be cited in this Constitution, until the COR issues a decision by a two-thirds majority vote in its second electoral term that is held after this Constitution comes into force”. However, its authority and structure are to be determined by the COR (Salman, 2012: 231-247). Therefore, the postponement in forming the Federation Council until the constitution came into force would makes the COR as the sole representative of the legislative authority.

The first paragraph of Article 49 of the constitution points to the mechanism of the formation of the COR: “The COR shall consist of a number of members, at a ratio of one seat per 100,000 Iraqi persons representing the entire Iraqi people. They shall be

elected through a direct secret general ballot. The representation of all components of the people shall be upheld in its" (Latif, 2012:107).

The electoral term of the parliament is four calendar years, starting with its first session and ending with the conclusion of the fourth year. The new COR shall be elected forty-five days before the conclusion of the preceding electoral term .The COR shall have one annual term, with two legislative sessions, lasting eight months. Decisions in the sessions of the COR shall be made by a simple majority after the quorum is achieved, unless otherwise stipulated (Shareef, 2006:15).

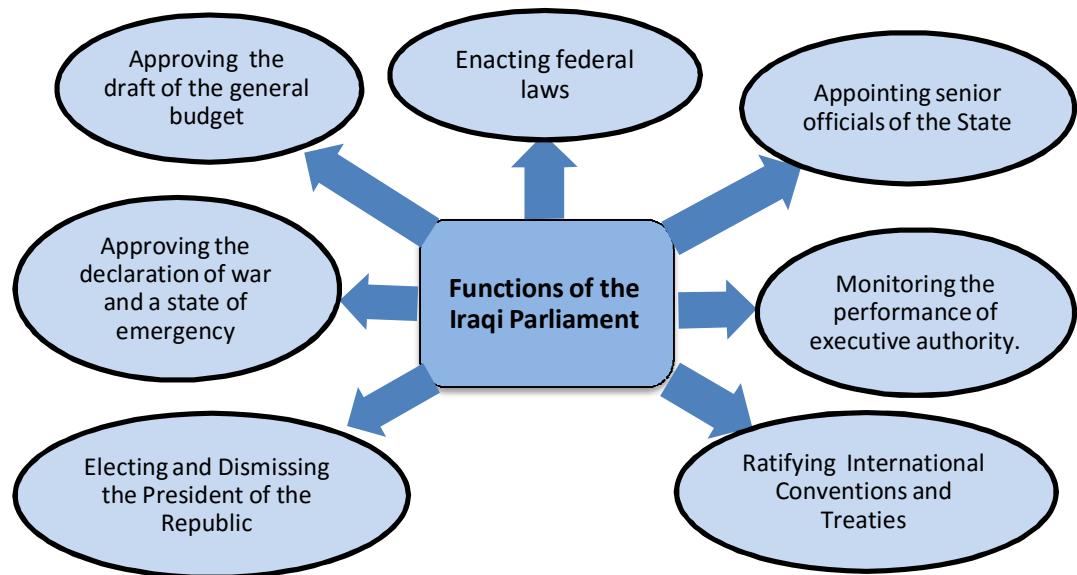
The parliamentary committees are one of the main means of supervision that enables the parliament to understand the government's policy before discussing of the political situation in its sessions (Al-chukrawi, 2011:4).These committees are more like mini-parliaments that have the same powers, immunities and privileges enjoyed by the Council; also they perform legislative and supervisory functions. They are composed of two types of committees (permanent and temporary) (National Democratic Institute for International Affairs, 2007: 11).

Parliamentary committees are formed at the first meeting of the Council after the adoption of the rules of procedure. Its formation depends on the willingness of the members to join these committees and their competence and experience, for committee consists of at least seven and not more than fifteen members (Hadi, 2010:145-146).

#### 4.1.2 Powers and Functions of the Iraqi Parliament

The Iraqi parliament under Article 61 of the 2005 Constitution exercises broad powers. Some parliamentary powers have political characteristics, and others have legal characteristics. These powers can be classified as shown in Figure 4.2. (Salman, 2012:232).

Figure 4.2: Model Demonstrates the Functions of the Iraqi Parliament



Source: Salman, S.D. (2012: 231-247).

While the parliament in Saddam's regime, according to the 1970 constitution, had no real legislative powers in Iraq, all powers were concentrated under the control of the President of the RCC, Saddam Hussein. Parliament too did not have any real oversight

role on the government. It was subject to the decisions of the ruling regime (Khayat, 2013).

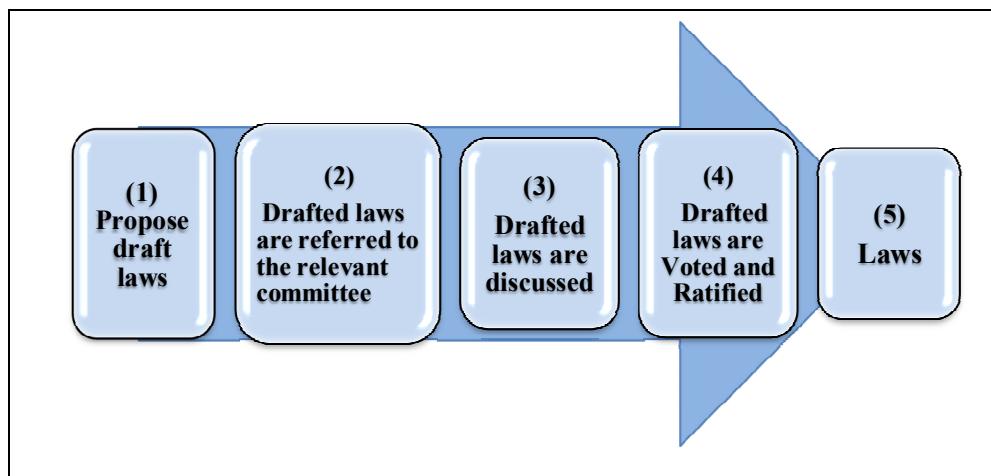
#### **4.1.2.1 Enacting Federal Laws**

According to Ardoling (2008) the Article 61/I of the Constitution of 2005 entrusts the legislation of laws to the COR .He emphasizes that the legislature is one of the pillars of the parliamentary system set by the Constitution. He adds that laws are legislated in two ways: initiated by the executive branch, then passed on to the COR for debate and ratification or on the other hand, initiated by the parliament, passed on to the executive power institutions, and then returned to the parliament. Usually, the office of the Prime Minister proposes laws which are then debated and approved by the Council of Ministers. This is a body of the executive branch which consists of about 40 ministries. Then the draft laws are moved for discussion, revision, potential judicial review, and approval by the parliament.

The approval of the laws according to Articles 59 and 73, are through a simple vote of the majority of the COR (approval of 50% of MPs+1). After this, the next stage is the ratification of the law by the Presidential Council. Finally, the law is published in the official Iraqi Realities Newspaper “Alwaka'a” (Constitution of the Republic of Iraq, 2005). The processes of legislating and enacting laws in Iraq are depicted in Figure 4.3. (Mohammed, 2009:3).

When comparing the legislative function of the institution parliamentary in Saddam regime with the current parliament, it can be seen that the parliament in Saddam regime did not exercise any legislative process, as is the case in the current parliament, because of that Articles 52 and 53 of the constitution of 1970 restricted the role of the parliament just to consider the draft laws submitted to it by the Rican the President of the Republic. The projects proposed by a quarter of its members is submitted to the RCC for consideration and legislation (Obaid, 2011: 23).

Figure 4.3: Steps Enacting Legislation and Laws in Iraq



Source: Mohammed, H.M. (2009: 3)

#### 4.1.2.2 Monitoring the Performance of the Executive Authority

Supervisory function is considered one of the most important official functions of the parliament. The main objectives of parliamentary supervision are going to fight corruption, and re-correct the wrong policies. Legislation then moves to impose the rule

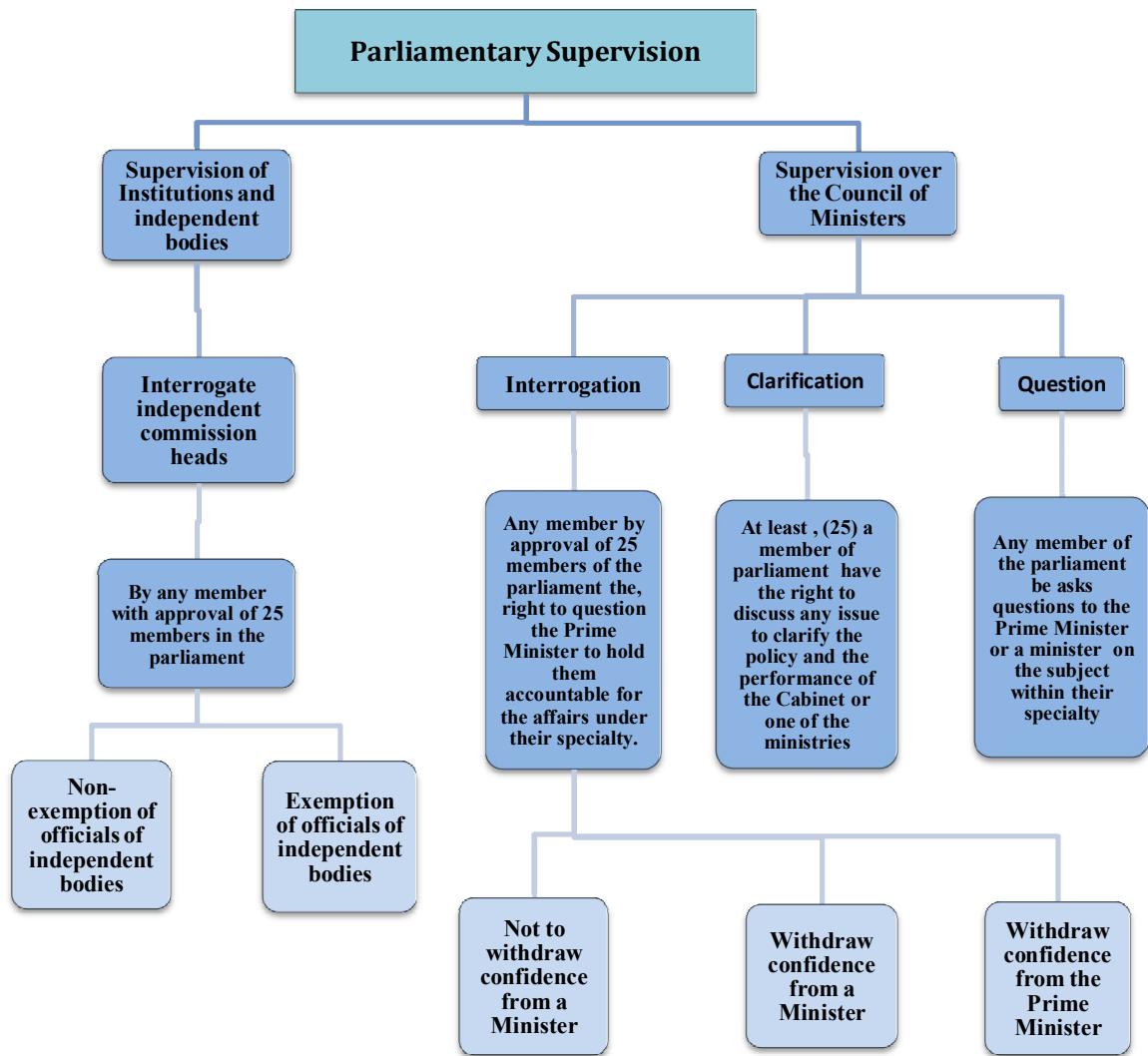
of law, which sometimes can be characterized by good performance and sometimes by inconsistencies due to the multiplicity of the agencies responsible for the supervision, and the contradiction of their goals and political affiliations (El Din, 2008:16).

According to the Iraqi Constitution of 2005, Article 61 discusses the methods of parliamentary supervision of the executive branch that consists of the Prime Minister, the cabinet and the associated bodies. These methods are as follows: right of questioning, raising a general issue for discussion, right of inquiry, and right of withdrawing confidence (Constitution of the Republic of Iraq, 2005). These methods of the parliamentary supervision can be classified as shown in Figure 4.4.

With regard to the means of parliamentary supervision, Shareef (2006:19-20) indicates that member of the parliament may direct questions to the Prime Minister and the Ministers on any subject within their specialty and each of them shall answer the members' questions. Only the member who has asked the question shall have the right to comment on the answer. She adds that at least twenty-five members of the parliament may raise a general issue for discussion in order to inquire about a policy and the performance of the Council of Ministers or one of the Ministries and it shall be submitted to the Speaker of the parliament. She also explains that a member of the parliament, with the agreement of twenty-five members, has the right to direct an inquiry to the Prime Minister or the Ministers to call them to account for the issues within their authority. This method is considered the most dangerous of the means of

parliamentary control, because of their impact is to withdraw confidence from the government.

Figure 4.4: Methods of Parliamentary Supervision



Source: Iraqi Organization of Human Rights Coordination IOHRC, (2006: 26).

As for the Withdraw of confidence in the case of a MP being proven guilty, parliament initiates the process of withdraw of confidence from the minister according to Article 61 of the Rules of Procedure of the Iraqi parliament which confirms “The withdraw of confidence from the convicted minister, when that MP is not convincing to his answer” (Appendix E: Rules of Procedure of Iraqi parliament, 2006). E.g., the withdraw of confidence from the former trade minister “Abdul Falah Al-Sudani” after being questioned over suspicions of massive corruption in the Public Food Distribution System “Food Baskets”. The Minister of Trade allegedly paid for large quantities of high-quality imported wheat flour yet families received insufficient amounts of low-quality domestic flour. He considered resigned on 13/9/2009 because the members of parliament were not convinced with his answer (Al Rubai’I, 2005).

Regarding the supervisory role of the committees of the Iraqi parliament, Article 77 of the Rules of Procedure of the Council has identified it as follows. The Committee with the approval of the majority of its members may invite deputy ministers and persons of special ranks and other government employees directly for clarification or asking for information with notification to the speaker and the Prime Minster (Hadi, 2010:145-146).

Compared with the Saddam regime, the parliament in that era had no authority to real control the works of the government, because Article 55 / B of 1970 gave the parliament the right of to invite any member of the Council of Ministers for clarification or to interrogate him without dismissal. Parliament only writes a recommendation to the

President of the Republic, and this recommendation is Non- binding (Iraqi Interim Constitution 1970:11).

#### **4.1.2.3 Electing and Dismissing the President of the Republic**

Another function in the Iraqi constitution according to Article 70 is to “The candidate, who obtains a two-thirds majority of the MPs votes, is declared the president”(Constitution of the Republic of Iraq, 2005).

In addition, the parliament has the right to dismiss the president in certain cases, in accordance with Article 61/6 of the Iraqi constitution, which states that “Relieving the President of the Republic by an absolute majority of the COR after being convicted by the Federal Supreme Court in one of the following cases: perjury of the constitutional oath, violating the Constitution, and high treason.”(Iraqi Organization, 2006: 25).Compared with the Saddam regime, the parliament does not have the authority to elect or dismiss the president. This authority is with the RCC, which is the highest authority in the country. The RCC exercises this authority in with accordance Article 38 of the Constitution of 1970 in electing a President from its members, and in taking the decision concerning the resignation of the President, the Vice-President or any of the Council's members by a two-third majority of its members (Iraq Interim Constitution 1970:6).

#### **4.1.2.4 Approving the Draft of the General Budget**

In addition to the previous functions, parliament, according to Article 62/also has a financial function via the ratification of the drafted budget, where “the Council of Ministers shall submit the draft of the general budget bill and the closing account to the parliament for approval. In addition, the parliament may equally conduct transfers between the sections and chapters of the general budget and reduce the total of its sums. It may also suggest to the Council of Ministers that they should increase the total expenses when necessary” (Constitution of the Republic of Iraq, 2005).

Researchers Group (2005:81) confirms that the role of the parliament in the process of the ratification of the budget is of great significance to ensure give the parliament an idea about all sources of income that have been collected and what has been spent from it, and give parliament role to supervise the major projects, by forming supervisory bodies of experts to review the information provided by the executive body.

#### **4.1.2.5 Approving the Declaration of War and a State of Emergency**

Iraqi parliament has another function no less important than other functions. According to Article 61/9, parliament has the right “to consent to the declaration of war and the state of emergency by a two-thirds majority of the MPs based on a joint request from the President of the Republic and the Prime Minister. The state of emergency shall be

declared for a period of thirty days and can be extended after approval" (Constitution of the Republic of Iraq, 2005).

#### **4.1.2.6 Ratifying International Conventions and Treaties**

This function is characterized by political nature and differs from other functions of the parliament. The constitution of 2005 grants parliament in Article 61/4 the right to "Regulate the ratification process of international treaties and agreements by a law to be enacted by a two-thirds majority of the members of the parliament". However, this law has not been enacted yet, because of continuing differences between the political blocs in parliament (Mohammed, 2009:5).

#### **4.1.2.7 Appointing Senior Officials of the State**

It is one of the main functions that is entrusted to the parliament according to the Iraq Constitution of 2005, Article 61/5. This function gives parliament the right to "Ratify the appointments of the President and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the President of Judicial Supervision Commission by an absolute majority by the MPs, based on a proposal from the Higher Juridical Council, Ambassadors and those with special grades, based on a proposal from the Council of Ministers, and the Iraqi army Chief of Staff, his assistants of the rank of division commander and above, and the director of the intelligence service, and based on a proposal from the Council of Ministers" (Iraqi Organization, 2006: 25).

## **4.2 Challenges and Issues Related to the Creation the Iraqi Parliament**

The process of establishing the Iraqi parliament after the U.S. invasion in 2003 was associated with some issues that formed the major challenges overtime. Apart from that, they reflected negatively on the parliament and led to continued political instability and also weakened the legislative and supervisory role of the parliament. These issues are discussed and analyzed below.

### **4.2.1 Weaknesses of Inherited Political Culture**

Every country has a political culture, that is, a set of attitudes, beliefs and sentiments that give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political system". A political culture is the product of both the collective history of a political system and the life histories of the members of the system and thus it is rooted equally in public events and private experience (Sills, 1968: 218). A good understanding of a country's political culture can help us make sense of the ways by which its political culture can influence the legislated laws and supervision in the Iraqi political system.

The Iraqi society has suffered through periods of colonial rule, monarchy, Arab nationalism, and fascist revolution from the absence of political culture. In such a society, the prevailing level of political trust, social tolerance, popular support for political liberty, and gender equality fall far short of what is found in all established

democracies (Sterngold, 2003). Under the Ottoman occupation and then the British occupation, Iraq witnessed a political culture based on family, tribal and sectarian interests, which led to the prevalence of submission, obedience, and hierarchical relationships rather than the values of freedom, cooperation, and equality. These, in turn, led to the emergence of people in the community who are afraid of power, and a government that has ruthlessly subjected society to its authority (Batatu, 2007:89–191).

Indeed, the main dilemma of Iraq's democracy is the absence of a true political culture. Building blocks of democracy are supportive cultural values. The long - term survival of democratic institutions requires a particular political culture. Iraq lacks virtually every possible precondition for democracy. Iraqi culture has several characteristics that are at odds with democratic values. First, Eighteen million (32 million) Iraqis belong to the tribes whose decision - making is dominated by tribal elders (Basham, 2004: 1–9). Another feature is nepotism, where “Most Iraqis view political nepotism as a moral duty rather than a civic problem” (Tierney, 2003:1).

Hussein Al-Beige (Interview, June 3, 2013) argued that the Iraqi people have been unable to practice true democratic processes inside parliament since the founding of the modern Iraqi state in 1921 until the present time, despite the existence of a kind of multi-party system. He added that this pluralism has been under the rule of colonial power and acceptance of its dominance. He concluded that during a period of the Ba'ath Party rule (1968 to 2003), especially since Saddam Hussein came to power in 1979, the

political culture in Iraq became equal to the culture of submission and tyranny (PC1- Professor of political and constitutional systems).

A similar view was expressed by Khamis Hezam Al-Badri (Interview, July 6, 2013), who emphasized that the Iraqi cultural heritage from 1921 (when the Iraqi state was established) to 2003 was based on the culture of submission and not on the culture of participation. He added that the system of rule in Iraq was based on fixed culture, which was supported by the existence of a real single political system. Hence, a real parliamentary and pluralistic democracy based on the rule of the majority, as well as a political opposition, as is the case in a parliamentary system, does not exist. Therefore, the cultural heritage is negatively inherited. Al-Badri realized that this heritage was the source of difficulty in moving forward to establish a democratic parliament parallel to the parliaments in other countries (PC1- Professor political and constitutional systems).

The characteristics of the existing Iraqi political culture after the ouster of the regime of Saddam reflect the reality of the political system experienced by the country. These characteristics relate to the continuity of past values, such as tyranny, individuality, and the absence of constitution and institutions, as well as theory of governance and founding contract. The absence of individuality and institutions has been observed on the state institutions level, as well as in the political parties within the parliament. Therefore, the relationship between these parties and the people is not representative in nature, but an exploitative one (Abdul Mahdi, 2010:2).

In the same context, Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) argued that the cultural heritage in Iraq is based on the sanctification of personality where the Iraqi people love strong leaders to rule. She concluded “unfortunately the consolidations for sectarianism in the Iraqi community led to the emergence of political leaders who believed in sectarianism rather political leaders who believed in nationalism, and this has negatively reflected on the functional role of the Iraqi parliament” (PC1-Member of the Iraqi parliament).

The Iraqi parliament witnessed an odd event that contrasted with parliamentary traditions, where the listening session or debate concerning a specific issue within the parliament can be turned into a questioning session. However, a questioning session turned into a listening session or debate is not reasonable. This event happened during the allocated session to question the minister of defense related to the deteriorating security situation in Iraq. As a result of pressure from several political blocs in parliament, the questioning session turned into a listening session. This example reflects the weakness of the parliamentary culture among the members of parliament (MPs) and the lack of their knowledge of the supervisory tools and laws of parliamentary procedure (Minutes of the Iraqi COR, Session 69, 2007).

Yassin Mohammed Al-Issawi (Interview, June 15, 2013) opined that there are a lot of members of parliament who suffer from the lack of parliamentary experience, Lack of parliamentary traditions, and the weakness of the representation culture, this is the normal state to the community has been live a dictatorial regime to more than 35 years

under Saddam regime. He argued that these features have a negative impact on the performance of the parliament especially in that the work of the parliamentary committees is characterized by specialization and has its own traditions. It includes exercising control within the idea of separation between the authorities, preparing the draft laws, discussing the laws, drafting materials and modifying them ...etc. He said that "Unfortunately, the parliamentarians who trained abroad were preoccupied with tourism, shopping festivals and residence in five-star hotels, without getting the actual experience in parliamentary work" (PC1 - Professor of political and constitutional systems).

Hassan Hashim Al-Sharaa (Interview, May 12 , 2013) on the same issue , argued that the weakness of the parliamentary culture is intended specifically how a MP exercises his legislative and supervisory role, undoubtedly effects on the functional role of the parliament. The weakness of this role is clearly shown when discussing draft laws or general topics as well as in parliamentary participation at the level of parliamentary forums. He concluded that the main reason for the weakness of the parliamentary culture is the weakness of the parliament itself, because it did not give sufficient opportunity to consolidate the political traditions that contribute to the development of parliamentary performance (PC1- Iraqi Cultural Attaché).

In line with the previously mentioned responses, Hussein Al-Safi (Interview, July 12, 2013) argued that the old cultural heritage negatively affected political life in Iraq after 2003 because this culture left citizens, both the elite and the masses, without any

political role, only the duty to obey the leader of the political pyramid. He stressed that this culture is reflected on the members of the Iraqi Parliament through their continued submission to the executive branch, which leads to the weakness of the legislative and the supervisory role of the MPs. He said that “There is a need for Iraq to build a new political culture based on citizenship and political participation and respect for human rights, thus improving the performance of the functional role of the parliament” (PC1- Member of the Legal Committee in the Iraqi Parliament ).

The data gathered from the interviews indicated that all the respondents agreed that the weakness of the inherited political culture was among the main factors obstructing parliamentary performance. Thus, the current study suggests that MPs should acquire a parliamentary culture to develop their functional performance, given that such culture was non-existent for more than 35 years during the rule of Saddam. MPs are accepted to exercise legislative and supervisory competence, as well as the political role of the parliament in parliamentary diplomacy. Thus, they must be knowledgeable on the manner by which parliament exercises these competencies through the constitution and bylaws, the laws approved by parliament during its existence, as well as the parliamentary customs acquired through practice.

#### **4.2.2 Ethno-Religious Conflict and the Adoption of Consensual Democracy**

Historically, the division between the Sunnis and the Shiites (whether they are Arabs or Kurds) was caused by disagreements on political, theological, and doctrinal issues, but its modern expression is driven by competition for power, resources, and status. This

ethno-religious conflict encouraged the adoption of a consensual democracy (power-sharing)<sup>3</sup> as a means to solve the problem of ethnic and religious diversity in Iraq, but the political relations have increasingly been dominated by the idea of communal representation as opposed to citizens' representation, which has exacerbated rather than eased the existing division (Al-Qarawee, 2014). As a result, the consensual democracy a negatively impacted the legislative and supervisory role of the Iraqi parliament.

The need for consensual democracy arises in many countries e.g., Belgium, Switzerland, Germany, Lebanon, and Sweden due to the presence of various sectors and ethnicities (Amir, 2013: 135). This exact situation exists in Iraq where there are many ethnic group, sects, and religions.

Yassin Mohammed Al-Issawi (Interview, June 15, 2013) argued that In Iraq's contemporary Constitution, a form of political system has been adopted consensual democracy as a transitional phase for a single-election session. He stressed that consensual democracy was adopted in determining the positions of the Presidency Council, which consisted of a Kurdish president and a Shiite and Sunni as his first deputies, the Council of Ministers as the Prime Minister (Shiite) and his first (Sunni) and second (Kurdish) deputies, and the Chairman of the parliament (Sunni) and his first (Shiite) and second (Kurdish) deputies. Since then, consensual democracy has been

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<sup>3</sup> Consensual democracy which is also called power sharing which is described as "a form of governance applied in some inhomogeneous countries. In this kind of democracy, the right of judgment for the basic issues in the state is by consensus among the groups, differentiated from each other in ethnic and linguistic assets"(Abdul Hai, 2006:132 ).

applied in the operation of all state institutions (PC2- Professor of political and constitutional systems). The principle of consensual democracy (power-sharing) is demonstrated in Table 4.1.

Table 4.1: Transitional Government (Senior Position)

POSITION	NAME	ETHNICITY
President	Jalal Al Talibani	Kurd
Vice President	Adel Abdul - Mahdi	Shia
Vice President	Ghazi AlYawer	Sunni
Prime Minister	Ibrahim Jaafari	Shia
Deputy Prime Minister	Rowsch Shaways	Kurd
Deputy Prime Minister	Abd Metalq Al-Jubouri	Sunni
Deputy Prime Minister	Ahmed Al-Ghalabi	Shia
Parliament Speaker	Hachim Al-Hasanies	Sunni
Deputy Parliament Speaker	Hussain Al Shahrstani	Shia
Deputy Parliament Speaker	Arif Tayfur	Kurd

Source: Transitional Government, (April 4, 2005:5)

The current parliament adopted a sectarian, political and ethnic approach that led to the obstruction of the application of consensual democracy. This is evident in the formation of the electoral lists, the election law and the policies formulated by the new government. This reflected negatively on the performance of the Iraqi parliament which is unable to hold the government accountable in the event of its failure (e.g., the parliament was unable to withdraw its confidence from any minister in the case of failure to perform his duties). This incident can be attributed to the manner in which the government was formulated which resulted from the distribution of seats among the winning blocs (e.g., the distribution of government positions and ministries among the

Sunni Arabs, Shiites and Kurds). In addition, the MPs now represent the interests of their respective parties that nominated them rather than the interest of the people as a whole. Therefore, the government has simply become the sum of the wills of political parties and not the Iraqi parliament as a national institution (Kata, 2006).

Consensual democracy is one of the major challenges confronting the legislative and supervisory roles of the Iraqi parliament. According to Dawisha (2003: 36-50), the absence of political culture caused by consensual democracy has affected the supervisory role of the Iraqi parliament. In the interview conducted on 12th May 2013, at the cultural attaché in Malaysia, Hassan Hashim Al-Sharaa argued that consensual democracy in Iraq which is built on the quota system at the political level to participate in the government has not been understood correctly and has not been taken advantage. He said that “For me it is better for the politicians in Iraq to adopt consensual democracy as a transitional stage from the case of divided and fragmented rule by different political parties to a healthy liberal democracy. He deduced that consensual democracy in practice is becoming the basis for political action and everyone is becoming involved in power. The political forces retain consensual democracy to preserve their privileges and interests. This has affected the development of the parliamentary experience and then failure of the parliamentary opposition (PC2- Iraqi Cultural Attache in Malaysia).

Consensual democracy has negatively affected the functions of the Iraqi parliament. The parliament often fails to reach a political consensus in many political issues concerning the country (Mohammed, 2011:71). For example, the parliament held an open session in November 2009 based on the signed request of the 140 deputies to question Oil Minister

Hussein Al-Shahristani (from the ruling Dawa Party) regarding the issues of corruption, financial manipulation of oil contracts, failure in the oil industry development, decline in oil production, and the opening of new refineries. The session was a failure because of government pressure on the MPs (Minutes of the Iraqi COR, Session 15, 2009).

The Iraqi Ambassador to Malaysia, Basim HattabToama (Interview, May 16, 2013) confirms that consensual democracy is among the actors in the political process in Iraq. It has a very negative impact on the functions of parliament. He said that “when there is a political consensus among the political parties on the enactment of a certain law, the parliament plays its role as a legislative institution to vote on this law, while in the case of disagreement among the political parties, the parliament cannot vote on this law”. He concluded that sectarianism and nationalism plays a major role in determining the legislative and supervisory role of parliament (PC2- Iraqi Ambassador to Malaysia).

On another side, Khamis Hezam Al-Badri, (Interview, July 6, 2013) added that consensual democracy in Iraq is built on sectarian quotas through the participation of all political forces; however, it lacks comprehensive understanding. This implies that the positive aspects of democracy have not been used to the peoples' advantage. He further added that it was better for the politicians in Iraq to adopt consensual democracy at the transition stage in order to tackle the problem of division and fragmentation and come up with a healthy liberal democracy. In reality, consensual democracy is becoming the basis for political action, because all the political blocs became participants in the power. He concluded that all the political blocs should be encouraged to apply consensual democracy instead of the party that won the election forming the

government. This will ensure access to the privileged to achieve their own interests. These factors affected the functional role of parliament and led to the absence of parliamentary opposition (PC2- Professor of political and constitutional systems).

Apart from the above, many studies found that consensual democracy (power-sharing) do not fit with the Iraqi parliamentary system, but certain conditions have imposed it on the Iraqi political system. Of the same view, Humam Hamoudi<sup>4</sup> (Interview, July 18, 2013) argued that consensual democracy has affected the functional role of the parliament, but there are certain conditions imposed consensual democracy, e.g., the social structure of Iraq is balanced and cannot pass any legislation on the principle of majority because this gives the impression that there is an Arab majority or a Shiite majority controlling others. So he justified that the first stage required building confidence between the political parties and the culture of political participation by everyone after the occupation. He concluded that this country should be run and judged by everyone and with the consent of the others. Consensual democracy was suitable for the new phase in Iraq, but it was understood incorrectly by the political parties that participated in the government, which reflected negatively on the performance of the Iraqi parliament (PC2-Chairman of the Constitution Drafting Committee).

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<sup>4</sup>Dr Humam Hamoudi is a member of the Iraqi parliament representing the United Iraqi Alliance (UIA). He was Chairman of the Committee that drafted the Iraqi Constitution in 2005. Currently, he is also the chief of the parliamentary Foreign Relations Committee .See Biography of MP. (2010).

On the same issue, Mahmoud Al-Mashhadani<sup>5</sup> (Telephone interview, June 20, 2013) agreed that consensual democracy has not only badly affected the Iraqi parliament but also has determined the scope of parliamentary legislation and supervision. He reported that the performance of the Iraqi parliament is influenced by extrusive consensual democracy after 2003. He added that consensual democracy had created the determinants of the new scope of work of parliamentary legislation and supervision, and these determinants were the main reason for the failure of parliament to reach a consensus on legislation and supervision. Consensual democracy has cancelled a lot of things in the constitution including the executive decisions and vote on specific legislation. He concluded that consensual democracy is a historical challenge which is negatively affecting parliamentary supervision in Iraq because the mistakes that occurred in the performance of the parliamentary were caused by all the compliant parties, and therefore did not have get there any supervision over the government, where all the parties involved in the government had representatives in the COR are working to disable the supervisory role of the parliament (PC2- the Former Speaker of the Iraqi parliament).

The effect of consensual democracy and its role in impeding the legislation of laws and parliamentary supervision is clarified by three factors which are:

1. The absence of parliamentary opposition due to the fact that everyone is in power;

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<sup>5</sup> Mahmoud Al-Mashhadani is a former Speaker of the Iraqi parliament from April, 2006 to December 2008. He was elected to the parliament as part of the Sunni Arab-led Iraqi Accord Front list. See: Biography of MP (2010).

2. The process of distribution of positions is done via political consensus; and ;
3. The process of issuing laws and decrees via political consensus among the political forces allowed participation in the political process (Hadi, 2010: 103).

In line with this, Hussein Alwan Beige (Interview, June 3, 2013) revealed that consensual democracy has led to the complete failure of the Iraqi political system. He argued that consensual democracy influenced the legislative and supervisory role of the Iraqi parliament, because consensual democracy permits all the political parties to participate in the government and hence there is no political opposition. He concluded that this situation led to the adoption of the trend disrupting the meetings of the parliament by political parties by not having a quorum to vote on the laws that conflicted with their personal interests (PC2- Professor of political and constitutional systems).

Ahmed Al-Jalabi <sup>6</sup> (Interview, July 22, 2013) has concurred that consensual democracy should be blamed for the performance of the parliament members because it is responsible for many wrong decisions taken by the executive. He opined that consensual democracy affected the functional role of the parliament, because the consensus among

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<sup>6</sup>Dr Ahmed Al-Jalabi is an Iraqi politician. He was chairman of the Supreme National Commission for De-Baathification in 2003, interim oil minister in Iraq in April–May 2005 and December–January 2006, deputy prime minister from May 2005 until May 2006, head of the Iraqi National Congress and a member of the Iraqi parliament .See: Lynch ,J.& Franks, T.(March 19, 2013).

the political parties was in all issues related to the parliament and the government (e.g., the sharing of government positions and the privileges for these positions). He added that consensual democracy was a major reason for canceling a lot of executive decisions and voting on specific legislative decisions at the expense of other decisions. He stressed that the adoption of a consensual political system in Iraq is an unsuccessful step to the democratic process (PC2- Chairman of the Iraqi National Congress).

Lack of consensus among the political block is another effect on parliament's supervision role. The presence of consensual democracy in Iraq has brought about the failure to achieve a consensus among the political blocs to participate in the political process. This has further obstructed public policy and affected many policies. In other words, the application of consensual democracy between the political blocs is a major issue. It has led to the obstruction of public policy, established quotas, and disabled political decisions in the case of failure to get consensus between the blocs to participate in the political process (Al-Fatlawi 2006: 1-29). Consensual democracy influences also the supervisory role of the parliamentary committees in the COR. The supervisory role is just limited to holding dialogues between the parliament and the government to interrogate the government official without any punishment or formation of a committee to investigate the facts, because each political bloc tries to protect its corrupt official who belongs it (Parliamentary Office of the Iraqi Council of Representatives, 2008:74).

In the same context, Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) clearly showed that consensual democracy negatively affected the Iraqi parliament's functional

roles. This is the much reason why they failed to effectively discharge their functions as parliament members. She argued that consensual democracy has a negative impact on the Iraqi parliament. First, it has shown that the parliament could pass any law without consensus among the heads of the political blocs. Even if the law was passed, it was done not necessarily achieve national interest but to achieve the interests of political consensus. She illustrated that everyone in executive positions supervised (e.g., the right of the representative to question the ministers and the right of the representative to interrogate ministers for negligence in the performance of their work) subject to political consensus. For instance, the failure to interrogate some members of parliament during this current session due to the lack of political consensus and the inability to form a quorum for the Withdraw of confidence from the government official who was being questioned, as happened in the case of questioning the Electoral Commission and Former Governor of Baghdad (PC2-Member of the Iraqi parliament).

Based on the analysis of the aforementioned views expressed by the respondents, divergent views on the influence of consensual democracy on the parliamentary performance during the post-Saddam regime are noted. Half of the number of government officials who were interviewed asserted that consensual democracy is the main challenge that adversely affects the legislative and supervisory roles of the Iraqi parliament. By contrast, the other half of the government officials who were interviewed emphasized that consensual democracy is a positive phase of political action in serving the interest of the people. They added that adopting a consensual democracy as a transition from the state of division to real democracy is better for the Iraqi politicians.

Finally, the current study determined that the ethno-religious conflicts between the Sunnis and Shiites, on the one hand; and the Arabs and Kurds, on the other hand, have played a significant role in the adoption of consensual democracy in Iraq. However, power sharing in this country has failed despite the success of such sharing experience in many countries. Regarding this experience, all parliamentary blocs have quotas in the government. This condition has reflected negatively on the role and functions of the Iraqi parliament, particularly in monitoring government performance. This situation is clearly demonstrated in the political blocs that protect their unsuccessful and corrupt ministers, as well as in the process of defending them and justifying their mistakes. The political blocs prevented the activation of parliamentary control, which is one of the main pillars of parliament as an institution.

#### **4.2.3 U.S. blunders in Iraq**

More than ten years after the U.S. invasion, Iraq remains as one of the most dangerous, unstable, and corrupt countries in the world. After three rounds of elections, the Iraqi parliament still suffers from several weaknesses in its legislative and supervisory functions, owing to the policies and decisions adopted by the U.S. to transform Iraq after the war to a democratic state according to its belief. To adequately understand and analyze of these decisions and how they affect the functional role of the Iraqi parliament requires detailed study below.

#### **4.2.3.1 The Hasty Drafting of the Constitution**

The U.S. hastily drafted the contemporary Iraqi constitution in just two months between the periods of 13th June, 2005 and 15th August, 2005, under the pretext of helping Iraq to achieve political stability. This was responsible for the numerous shortcomings found in the final version of the constitution. This also caused the problems after the constitution enactment (Jawad, 2013: 5). By implication, this had a negative effect on the functions of the Iraqi parliament.

In May 2007, the parliament held its seventh session in the 1<sup>st</sup> legislative year to discuss the Constitutional Review Commission report on the necessary amendments to the 2005 Constitution. This session was held after more than six months from the date of the first session of the commission held on November 15, 2006. This delay was a clear constitutional violation because the constitution mandates that the period granted to the commission to provide recommendations to the parliament on the necessary constitutional amendments should not exceed four months. Parliamentary debates failed to provide possible solutions on various constitutional points of contention because of the lack of compatibility between the political blocs (Minutes of the Iraqi COR, Session 7, 2006).

Mahmoud Al-Mashhadani (Telephone interview, Jun20, 2013) argued that the U.S. decisions (decisions often referred to as the decisions of the Bremer ruling) have dramatically affected the performance of the parliament in all its stages especially during the years of his tenure as the Speaker in parliament (2006-2008). He said that “I

tried as parliament speaker to minimize the risk of the effects of these decisions, but the effects lasted until the present time due to wrong applications of these decisions". Thus, these decisions have caused many political crises that have contributed to the deterioration of the political and security situation in Iraq (PC3 - Former parliament Speaker).

Same view was expressed by Hussein Alwan Al-Beige (Interview, Jun 3, 2013) who affirmed that all the U.S. decisions on Iraq were disruptive to the work of the parliament because the decisions were all established by the U.S. occupation without the consideration of the will of the people (PC3 - Professor of political and constitutional systems).

It is clear that the ill-conceived the U.S. experiment to remake Iraq has failed. The deep structural, legal and political failings of the Iraqi constitution, for which both U.S. officials and the Iraqi politicians bear responsibility, have contributed to this failure. In 2005, the Iraqis approved the passage of the constitution in a referendum, not knowing that they had voted on an incomplete and badly written draft (e.g., lack of human rights issues, lack of principles of democracy, lack of women's constitutional rights and the defects in the art of writing the constitutional drafting), which would eventually deepen Iraq's misery instead of alleviating it (Jawad, 2013: 1).

In tandem with the above assertion Yassin Mohammed Al-Issawi (Interview, June 15, 2013) argued that the hasty manner in which the Constitution was drafted, the many unhelpful external interventions, the absence of Iraqi constitutional expertise, and the

sidelining of Sunni Arab representation have all contributed to the precarious situation that prevailed in Iraq in the subsequent years. He asserted that considering the confusion and a division underlying the constitution's drafting process, it is not surprising that the document has created more problems than it has solved. The constitution's vagueness and ambiguity have hindered its application. He added that the excessive concessions granted to the Kurds (on the issues of federal government and natural resources) and the Kirkuk (and their subsequent refusal to renegotiate) serves as major factors in maintaining the chaotic situation that has pervaded throughout Iraq (PC3 - Professor of political and constitutional systems).

Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) produced a similar opinion. She acknowledged that the hasty manner in which the Iraq constitution was drafted should be the major issue affecting the functional role of the Iraqi parliament. She further admitted that the process of writing the constitution within a short period of time negatively affected the legislative role of the parliament particularly with regard to the provisions of the constitution itself, which referred to the powers of the parliament. This also includes other phrases that stipulated that the parliament presents suggestions of the laws. However, the Federal Court has interpreted as the parliament cannot enact laws without showing these laws to the executive branch and this has limited the authority of the parliament in addition to the executive authority used by the judicial to marginalize the legislature (PC3-Member of the Iraqi parliament).

By contrast, Humam Hamoudi (Interview, July 18, 2013) attempted to reduce the effects of the U.S. decisions on parliamentary performance. He argued that the historical challenges of previous resolutions have no effect on the legislative and supervisory roles of parliament, and that no link exists between the two roles. The parliament was not affected by either the U.S. decisions or the hasty manner by which the constitution was written. According to Hamoudi, the real problem is that having a parliament is a new experience in Iraq, and that a balance between the executive and the legislature does not exist. The executive branch cannot dissolve the parliament, as is the case in all democratic countries. Numerous important government positions (e.g., security and ambassadorship positions) are under legislative control, which has contributed to the protection of the legislative power at the expense of the executive branch. Hamoudi concluded that these decisions were weak in terms of influence on the work of parliament because the people who contributed to the drafting of the constitution were elected by the Iraqi people and had experiences from the former regime. Therefore, they established the foundation to prevent the return of a dictatorship in the country (PC3 - Chairman of the Constitution Drafting Committee).

Most disagreements between the political parties stem from the text's ambiguous wording, which is open to interpretation. The minority Sunnis voted overwhelmingly to reject the document in October 2005, but said they were promised that key clauses of the text could be amended after the formation of the government regarding a range of issues such as federalism, revenue sharing, and de- Ba'athification (Beehner, 2006). In line with this statement, Basim Hattab Toama (Interview, May 16, 2013) justified the reason

for the text's ambiguous wording of the constitution saying that "The short duration of the process of preparing and drafting of the constitution marked a period of complex and difficult condition. This was compounded by the presence of the U.S. occupation forces". He believed that the American management of the affairs of the state and society including their interference in of the wording of the constitution were major problems reflected in the constitution as they featured many formal and objective editorial errors in the texts. (PC3 - Iraqi Ambassador to Malaysia).

The controversial issues that faced the Constitution Drafting Committee were Articles related to the structure of the Iraqi parliament, which is a unilateral or a bilateral Council. Furthermore, the powers of the Federation Council mentioned, a few times in the constitution, were not clear, unlike the COR, which has been mentioned in detail. This was because of the lack of the need for the Federation Council and all the constitutional powers were the prerogative of the COR (Al-Qaisi, 2006: 6–7). Regarding the same issue Hussein Al-Safi (Interview, July 12, 2013) argued that one of the dilemmas here is that some of the old bylaws also violate the Iraqi Constitution. For example, the old internal bylaws state that there should be 275 MPs in the Iraqi parliament. The contemporary Iraqi Constitution says there should be one parliamentary seat per 100,000 people, which, according to some figures, suggests there should be 320 MPs. In reality, there are currently 325. Balancing these figures entails a constitutional amendment or the insertion of some new internal bylaws He added that there are 144 adjustable Articles in the constitution. The Constitution Drafting Committee reported substantial amendments to the 36 constitutional Articles and more than 66 Articles were

added to the Constitution. This vast amount of amendments which indicates a considerable disruption in the Constitution reflected negatively on the functional role of the parliament (PC3- Member of the Legal Committee in the Iraqi Parliament).

One of the biggest flaws in the 2005 constitution is the attribution of the constitution to the parliament, that is, the jurisdiction to dissolve itself. This totally contradicts the principle of cooperation and balance of powers in the parliamentary system. Article 64 of the Iraqi constitution states the issue of dissolution of the parliament as follows: “First, the COR may be dissolved by an absolute majority of its members, or upon the request of one-third of its members by the Prime Minister with the consent of the President of the Republic. Accordingly, the Council shall not be dissolved during the period in which the Prime Minister is being questioned. Second, upon the dissolution of the COR, the President of the Republic shall call for general elections in the country within a period not to exceeding sixty days from the date of its dissolution. In that case, the Council of Ministers is deemed resigned, and the Ministers continue to carry on their duties until their successors shall have been appointed” (Constitution of the Republic of Iraq, 2005).

Concerning the case of the shortcomings of the issue of censorship in the drafting of the constitution, the internal bylaws of the Iraqi parliament in 2005 revealed several shortcomings in the formal and substantive requirements of the tools of parliamentary supervision when compared with the internal bylaws of the parliaments of other Arab countries. Where some legal texts required approval of the responsible minister when

the senior officials are summoned for questioning or investigation in corrupt cases by the parliament, it impedes the supervisory role of the parliament. In line with this, Article 136 /b of the Law of Criminal Procedure No. 23 / 1971 states that “The anti-Corruption committee is not allowed to refer the accused to trial for a crime committed during or because of his official job without the permission of the responsible minister “. This in itself reveals a significant weakness in the internal bylaws of the parliament threaten its supervisory function, and provides protection for many employee spoilers. (Hamza, 2010: 97).

From another side ,Khamis Hezam Al-Badri, (Interview, July 6, 2013) gave other examples of the shortcomings of the issue of censorship as follows, He observed that the internal bylaws of the Iraqi parliament do not stipulate in Article 16 any punitive action against an MP who is absent from the parliamentary sessions. It only stipulates that “The MP shall be committed to: first, attending the parliament meetings and its committees of which he is a member, and shall not be absent without excuse that is deemed valid by the President of the parliament or the chairman of the competent Committee”. Therefore, this legal text does not make the MP accountable when he is absent for more than ten consecutive times. He added that the internal bylaws of the Iraqi parliament do not stipulate which MPs should submit the interrogation report and which minister should officiate the questioning. MPs are merely prescribed to distribute copies of the questions and the answers of the minister before a certain period that is determined by the internal bylaws of the Iraqi parliament; this is to guarantee that the MP knows the nature of the discussion which takes place between the MP and the

minister responsible, thus aiding the formation of a range of information about the questions and answers to verify the validity of the minister's claim (PC3- Professor of political and constitutional systems).

As evident from the data gathered from the interviews that seven out of the eight respondents agreed that the hasty manner by which the Iraq constitution was drafted is the major issue affecting the functional role of the Iraqi parliament. The eighth respondent, who is a former president of the constitutional drafting committee, confirmed in his analysis that no link exists between the hasty manner by which the constitution was written and the functional role of the parliament. He justified the poor performance of parliament to the relatively new parliamentary experience in Iraq. Finally, the manner of drafting the constitution lacked several factors, including the use of the methods and techniques developed in the formulation of ideas, perceptions, and purposes that reflect political realities, as well as the comparative studies using the methods employed in other countries in formulating the constitutional provisions. Moreover, the drafting of the constitution lacked scientific, linguistic, cultural, and economic bases that enable citizens to monitor compliance with the rule of law, as well as the performance of the state through the legislative. These shortcomings are related to the censorship issue that accompanied the drafting of the constitution. Hence, such shortcomings have reflected negatively on the role and functions of the Iraqi parliament.

#### **4.2.3.2 De-Ba'athification and Disbanding the Iraqi Army Decisions**

The U.S. made significant mistakes during the occupation of Iraq in May 2003. During this time, two key decisions were made by the U.S. administrator, Paul Bremer. These decisions jeopardized the U.S. chances to achieve success in Iraq. The decisions are explained below. Firstly: it was the de-Ba'athification decision<sup>7</sup> which barred the Iraqi Baathists from working for the government particularly those who ranked in the top four levels of Saddam's Ba'ath Party or those who held positions in the top four membership levels of each ministry .See Table 4.2. Ba'ath party membership levels (Pfiffner, 2010: 76).

The party had seven tiers of membership with the vast majority, estimated to be 1.5 million members, in the lower fifth, sixth and seventh categories. The decision also denied the top four ranks the right to a state pension and they had to be investigated for "criminal conduct" (Cogan, 2008). This decision includes 85,000 to 100,000 people who Bremer strongly believes were the "true believers" and adherents of the Saddam regime (Bremer, 2006: 39). The decision also covered the 40,000 school teachers who had joined the Ba'ath Party simply to keep their jobs.

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<sup>7</sup> De-Ba'athification: It refers to a CPA policy outlined in CPA Order which entered into force on 16 May 2003. The policy's goal was to remove the Ba'ath Party's influence in the new Iraqi political system. It has declared that all public sector employees affiliated with the Ba'ath Party were to be removed from their positions and to be banned from any future employment in the public sector. See Bremer, L. P. (2003: 1-2).

Table 4.2: Ba'ath Party Membership Level

Level in Party Hierarchy	Rank - English Title	Rank - Arabic Title
Highest level - symbolic only	National command member	Adw qiyada qawmiyya
Highest level of Iraqi leadership (In Ba'ath terminology “region” referred to a country and “nation” referred to the entire Arab world).	Regional command member	Adw qiyada qutriyya
Offices could be geographical or professional: e.g., Office of Students. This level of membership was omitted from the CPA orders.	Office member	Adw maktab
↑	Branch member	Adw fara'
	Section member	Adw shu'ba
The level from which most De-Ba'athification measures have been applied since 2003	Group member	Adw firqa
Actual membership commenced	Active member	Adw 'amil
	Trainee member	Adw mutadarib
↑	Candidate	Murashah lil adwiyya
	Advanced	Nasir
	Partisan	Mutaqadam
Lowest level of association	Supporter	Muwayyid

Source: Sissons, M et al, (March 2013:15)

Furthermore, the U.S. also removed all Ba'ath Party members above the four levels from the state organizations. The Arab Sunni members thought that the law was enforced excessively, and that it was sometimes used to silence opposition to the Shiite and Kurdish domination of the government. They also argued that in a democracy, nobody should be alienated from participating because of their political views (Jawad, 2013: 13).

The Higher National de-Ba'athification Commission (HNDC), which is now known as the Accountability and Justice Commission, in accordance with Article 135 of the Iraqi Constitution banned anyone who had been a member of the Ba'ath Party from participating in the political process. Critics alleged that mere membership of the governing party in a totalitarian state was insufficient to ban someone from standing for election; arguing that the HNDBC's methods were opaque. It was being used to disable the Sunni opposition as well as to settle old scores (Smith, 2010:4).

In clarifying the main objective of the de-Ba'athification law and its impact on the functions of the Iraqi parliament, Mahmoud Al-Mashhadani (Telephone interview, July 22, 2013) stressed that "The overall alienation experienced by many Sunni Arabs was reflected in their lack of representation in the initial formations of the governments especially in the parliamentary institution because of their high affiliation with the Ba'ath Party among the Sunni Arab population". He added that some blame for the lack of representation of the Sunni Arabs in the government and the parliament with Sunni Arabs who chose to boycott the electoral process, but the policy of de- Ba'athification was really an attempt to target the prominent leaders of the Sunni Arabs (e.g., the expulsion of prominent leaders of the Iraqi National List just before the 2010 elections). He concludes that the main aim of the de- Ba'athification law was the domination by the Shiite and Kurdish blocs in the legislation of laws and supervision within the parliament at the expense of the Sunni in addition to controlling all the government positions (PC4- Former Speaker of the Iraqi parliament).

The political opposition believed that the de-Ba'athification law was used as a political tool. For example, on the 7th January 2010, the Accountability and Justice Commission in Iraq prevented nine political parties, mostly Sunni with around 458 members from participating in the parliamentary elections in March 2010. The commission justified that they were connected to Saddam Hussein's regime or were defenders of his political ideologies (Cogan, 2008).

Providing a solution to the same issue, Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) argued that the decision to de- Ba'athification decision had negative effects on the role of the Iraqi parliament via the use of the law as a political tool against the parliamentary opposition. She revealed that it was worthwhile to develop objective criteria for the de- Ba'athification process which must be a national reconciliation to support the process of de- Ba'athification especially those who's their crimes have not been proven by the Iraqi people. Also, she pointed out that the issue of sectarian quotas was negatively affecting the process of implementing de- Ba'athification decision (PC4- Member of the Iraqi parliament).

The Iraqi parliament has recorded a marked increase in the withdrawal of several members of the political blocs from the parliament sessions because of the problematic de-Ba'athification law. The Iraqi List stipulated during the normal session (1) in the 1<sup>st</sup> legislative year to raise the ablation of its leaders who have been including them in de-Ba'athification measures before electing the president. When this demand was rejected by several political blocs, the Iraqi List members left the parliament session, which led

to its postponement and, consequently, the postponement of the enactment of several laws (Minutes of the Iraqi COR, Session 1, 2010).

In the same context, Basim Hattab Toama (Interview, May 16, 2013) confirmed that the enormous crises caused by de-Baathification led to growing conflicts between the political blocs in parliament as a result of the demands of some political forces to cancel of this law while other political parties wanted this law to be adopted, This led to disruption of the legislative and supervisory role of the Iraqi parliament (PC4- Iraqi Ambassador to Malaysia).

On the contrary, Ahmed Al-Jalabi (Interview, July 22, 2013) argued that the de-Ba'athification law the was right decision to prevent the return of the Baath Party to power again, and this law was not used against the opposition to keep them away from political participation. He revealed that the de- Ba'athification law had been applied impartially to all sects of the Iraqi people, where as the law referred to only people who were of the rank of Group member and above in the Baath Party, and those who had committed crimes against humanity. They were prevented from being appointed to the main jobs of the state and participating in the elections of the Iraqi parliament .He concludes that there is no effect of the de-Baathification law on parliamentary performance (PC4- Chairman of the Iraqi National Congress).

Secondly, it was the decision to disband the Iraqi army and the Iraqi security forces and replace them with a new army built from scratch. This decision thus threw hundreds of thousands of professional officers and soldiers out of work, and consequently created a

large pool of unemployed people among who carried arms because they felt humiliated and were hostile to the U.S. occupation. As a result, the disbanded army and the Iraqi security forces which were sources of stability consequently caused instability in Iraq. 385,000 persons in the armed forces; 285,000 persons in the Interior Ministry (police) and 50,000 persons in the presidential security units were affected by this decision. Twenty-four thousand of them in the police and military units who served as Saddam's top enforcers (e.g., The Special Republican Guard) were barred from working in the government sectors (Pfiffner, 2010: 76–85).

The same view was expressed by Hussein Al-Safi, (Interview, July 12, 2013) who lamented that the decision to disband the Iraqi army and the state institutions was one of the gravest mistakes because disbanding these institutions was not just aimed to topple the regime of Saddam, but also led to the topple the Iraqi state itself. He added that the disbanding of these institutions, which was considered as a wrong decision, affected the standard of living of many citizens who had lost their jobs. The situation also brought about poor security in Iraq. All these factors reflect on the legislative and supervisory role of the parliamentary institution. He concluded that government institutions were not supposed to be disbanded because they are difficult to re-establish (PC4- Member of the Legal Committee in the Iraqi Parliament).

Hassan Hashim Al-Sharaa (Interview, May 12, 2013) agreed with Hussein Al-Safi about this decision. He argues that the decision to disband the military and security institutions was a wrong decision, which influenced not only the parliamentary performance but also the prestige of the state and its security .He affirmed that parliament could not

perform its functions properly in an unstable environment dominated by conflict and political violence (e.g., the increasing conflict between the political blocs threatened the security of the state and therefore many members of parliament missed attending the parliament sessions(PC4- Iraqi Cultural Attaché in Malaysia).

On the contrary, Humam Hamoudi (Interview, July18, 2014) argued that there were no effected the decision to disband the army on the legislative and supervisory role of the parliament. The decision came after the destruction of the army by the U.S. forces .So in practice, the disbanded army existed. Theoretically, the decision had negative effects (at least psychologically) (PC4-Chairman of the Constitution Drafting Committee).

Based on the aforementioned interviews, six respondents insisted that the decision related to the de-Ba'athification and the disbandment of the Iraqi army have played important roles in disrupting the legislative and oversight roles of parliament. By contrast, two respondents emphasized that these decisions were necessary for the stability of the political process after the ouster of Saddam. In addition, these decisions have no effect on the legislative and oversight functions of parliament. The current study determined that the two decisions related to the de-Ba'athification and the disbandment of the Iraqi army had serious repercussions on both the security and the stability of Iraq. The decisions encouraged the Sunnis to launch an insurgency campaign against the government that continues to this day. Moreover, the political parties and the Sunni forces have expressed their opposition to the de-Ba'athification decision because of their fears of the possibility of using such decision to deprive them of parliamentary and government positions. Hence, these parties have asked several times to cancel the de-

Ba'athification law in the Iraqi parliament. The unstable security environment and the conflict between the Shiite and the Sunni parties caused by the de-Baathification law played a significant role in destabilizing numerous legislations and weakened the parliamentary supervision on corruption cases.

### **4.3 Summary**

It is clear from the discussion that the Iraqi parliament under the 2005 Constitution enjoyed wide powers compared with the limited or totally lost powers during the period of Saddam regime. In addition to the issues that are associated with the historical evolution of the Iraqi parliament after the reign of Saddam in 2003 led to the challenges which included the emergence of political crises that contributed to the threat of the parliamentary experience. Apart from that, others challenges were the U.S. policies and mistakes in Iraq (e.g., the decision to disband the army and the de- Ba'athification law, and the hasty drafting of the Constitution), the application of the principle of consensual democracy in governance, and the absence of political culture. It is believed that all of these challenges have contributed to the deterioration of the security situation and the spread of corruption in Iraq. It also weakened the functional role of the parliament and its ability to create an effective and stable government.

Other challenges related to the structure of the parliament will be addressed in the next chapter.

## CHAPTER FIVE

### KEY STRUCTURAL CHALLENGES OF THE IRAQI PARLIAMENT

#### 5.0 Introduction

This chapter discusses the challenges faced by the parliament in Iraq. These challenges are the key factors that are greatly influencing its behavior and performance. This chapter discusses the constitutional problems and their negative effects on the Iraqi parliament. Among these problems are the absence of parties' law, the problematic election law and the disagreement among political blocs with regard to the type of list (open or closed) used in the elections, and the absence of oil and gas laws to regulate the relationship between the central and regional governments. This chapter also provides analysis the reasons behind the spread of corruption in the state is institutions and its negative effects on the proper execution of the functions of the parliament. In addition, this chapter presents the absence of parliamentary opposition in the parliament and its effects on the functions of the Iraqi parliament.

#### 5.1 Constitutional Problems

Complex constitutional issues are the key factors that have threatened the democratic transformation in Iraq and hindered the work of many government institutions (Dawisha

et al., 2003:36:50). Many constitutional problems in Iraq led to the obstruction of the functional role of the Iraqi parliament. These problems are discussed below.

### **5.1.1 The Absence of Parties' Law**

Parties' law is a set of laws established by the state which determines the legality and illegality of partisan political activities. The objectives of the parties' law are to determine the elements of a political party; to specify the kinds of activities that a political party is supposed to engage in; and to identify appropriate forms of partisan organization and behavior that can be maintained (Gand, 2006:3).

Although the Iraqi constitution emphasizes the need for pluralism, pluralism has suffered from the absence of parties' law in Iraq after the Saddam regime. Pluralism in Iraq has remained following the parties' law and Political Bodies No. 97 of 2004 issued by the CPA who took over the leadership of Paul Bremer. The political party system in Iraq remains highly volatile despite its transition from the hegemonic party system. The post-2003 period has seen the merging and disintegration of party systems with these parties coming back from exile to take over power. Also, the division among the parties has led to the widening of the gaps between citizens and these parties since the formation of a larger number of Iraqi parties (UNDP, 2009). Such a large number of political parties, without the presence of organized law led to chaos and confusion in many of the functions of the parliamentary institution in Iraq.

Ahmed Al-Jalabi (Interview July 22, 2013) argued that Iraq witnessed a multi-party system after 35 years of central rule by the Saddam regime which was characterized by a one-party system. His regime prevented the establishment of any political party, group, or organization. He considered such formations as a serious security breach. Apart from that, the political system that prevailed in Iraq from 1968 to 2003 also did not allow political pluralism and intellectual or partisan pluralism .Therefore, the success of the performance of the Iraqi parliament after the removal of the Saddam regime and its ability to build a democratic government requires effective legal regulation to control the political parties in order to ensure political stability and the sustainability of the parliament (SC1- Chairman of the Iraqi National Congress).

In the same context, Mahmoud Al- Mashhadani (Telephone interview, June15, 2013) added that"During the presidencies of the Council between 2006-2008, I warned all politicians about the serious implication of the absence of parties' law in Iraq after the fall Saddam of 2003 prescribed by constitution, because it would lead to chaos in the formation of political parties which would reflect negatively on the job role of the members of parliament" (SC1-Former Speaker of the Iraqi parliament).

Also, Yassin Mohammed Al-Issawi (Interview, June15, 2013) criticizes the parties' law and Political Bodies No. 97 and called for a new law to organize the work of the political parties in Iraq. He argued that the parties' law and Political Bodies No. 97 included many negative issues including the following:

Firstly, the authority, which issued this law, was an unelected authority because this law was issued by the U.S. governor Bremer as part of his role as the managing director of the CPA.

Secondly, any political entity made up by any person or organization must be subjected to the official approval by the Commission under the authority of the coalition, and finally this law gives individual persons the right to become political entities for the purpose of contesting the political electoral process. This principle is very strange for electoral legislation in other countries (SC1- Professor of political and constitutional systems).

On the same issue Khamis Hezam Al-Badri (Interview, July 6, 2013) opined that the period after 2003 saw the formation of hundreds of parties, groups, and civil society organizations in Iraq. For instance, in the January 2005 elections, the number of entities and political parties hit more than 200 parties. This number further increased to over 300 parties during the December 2005 and March 2010 elections .He added this pluralism requires the presence of specific, fair, and objective controls that would govern the existence of parties, and such controls must be contained in a modern law for political parties .This is stipulated in Article 39 of the Iraqi Constitution of 2005:"The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law"(SC1- Professor of political and constitutional systems).

The parties' law is very important because it determines and restricts the number of parties in the political system. For instance, the presence of a large number of political parties does not reflect healthy political conditions (Ahmed, 2009:57). Accordingly, the parties' law tends to put an end to the formation of political parties based on secondary affiliation and not on Iraqi national identity. However, most political parties were formed on the basis of sectarian and this was found to be in contrast with the text in Article 7 of the 2005 constitution. Article 7 of the 2005 constitution bans entities that adopt atone, incite, facilitate, glorify, promote, or justify terrorism or ethnic cleansing (Constitution of the Republic of Iraq, 2005). The same view was expressed by Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013). She laments that there was no law regulating the work of the political parties in parliament. The political consensus only governs the work of the parliament because there are no legal limitations (parties' law). Thus, this political consensus contributed to the postponement of the ratification of the parties' law in the parliament. She argued that the continuous postponement of "parties' law" led to wide debates and controversies between the political blocs related to the action of the Iraqi parties and their relationships with local and international parties, and ways of their funding. Ultimately, these discussions in the parliament led to a loss of a lot of time which was necessary for the legislation of laws and parliamentary supervision (SC1- Member of the Iraqi parliament).

In depending the parties' law, Basim Hattab Toama (Interview, May 16, 2013) argued that it was one of the laws necessary for the stability and functional performance of the

parliament, because this law highlighted the basic conditions for the formation of political blocs and monitored the programs of the political parties. He stressed the law also specified the acceptable sources of financing for political parties in order to prevent donations from countries and organizations outside the state (SC1- Iraqi Ambassador to Malaysia).

Voting on the political parties' law was deferred it since 2003. It faced many problems, e.g. the parliament postponed a vote on the parties' law in its session numbered 24 in the 1<sup>st</sup> legislative year, held in October 2013 because of differences in views between the political parties. Some argued that the law did not address sufficiently some aspects that should be touched upon in order to uproot the different interpretations that cause conflicts between different entities from such alliances and mergers and conditions of party formation and its registration in the Commission for Supreme Elections (Minutes of the Iraqi COR, session 24 ,2013).

In contrast, Hussein Al-Beige (Interview, June 3, 2013) revealed many of the problems which accompanied the electoral sessions of the Iraqi parliament in the years 2006 and 2010 due to the absence of the parties' law, and gave suggestion to solve these problems. He stated that the elections of the Iraqi parliament in 2006 and 2010, witnessed several violations of as a result of the absence of the parties' law, including the difficult process of registering entities election, blurring the terms of acceptance of the candidate or excluding him from the elections, the difficulty of controlling the size

of the electoral propaganda of the parties, the increase in external funding for parties, and weakening the role of the Independent High Electoral Commission (IHEC). He affirmed that parliament must enact a new and neutral parties' law regulating the work of the political parties to avoid the chaos in life and the election of the Iraqi parliament, and improve the work of the Electoral Commission. He concluded that the law must be characterized by the following features: transparency, independence, freedom, justice and equality (SC1- Professor of political and constitutional systems).

As evident from the data gathered from the interviews , it is glaring that there was a consensus among the responses that the parties' law was of great importance for its contribution to the organization of political life and just practices related to the management of public affairs, the establishment of different parties, the way the parties are managed, the process of decision-making within the party, and determining the financial funding of the party is based on the organized parties' law. This is reflected positively on the performance of the parliament, legislation and overseeing functions. On the other hand, the study concluded that the absence of the parties' law effectively influenced the legislative and supervisory role of the Iraqi parliament. It was observed that the absence of the parties' law contributed to chaos in political life after 2003 where there was a lack of legal determinants. It was revealed that one major reason for the absence of the parties' law was the fact that the members of parliament did not want to enact the laws as a result of differences among the political blocs. Clear indicators of

such chaos in political life were seen in elections held consecutively in Iraq in 2006 and 2010.

### **5.1.2 The Election Law**

Some analysts believed that the Iraqis were presented the opportunity to enjoy their freedom and democracy after the end of the Saddam regime in Iraq in April 2003. One major component of democracy was the holding of free and fair elections to choose representatives to the parliament. Since 2003, three national elections have been held in Iraq. Each of these elections was governed by different electoral laws (Hanish, 2011:126). Different electoral laws and the lack of a fixed law, led to the emergence of many problems which reflected negatively on the Iraqi parliament.

The post-Saddam regime (2003–2013) witnessed the application of three electoral laws. The first electoral law was law number 96 of 2004 issued by the American-dominated CPA in Iraq with the support and influence from the U.N. The second electoral law was law number 16 of 2005 proposed by the newly elected Iraqi National Council and approved by the Iraqi Presidential Council. This law laid the foundation for the election of the parliament in Iraq in December, 2005 and considered Iraq as one electoral

national district with proportional representation system<sup>8</sup>. The third electoral law was law number 20 of 2009 adopted by the Iraqi parliament. This law was implemented during the national elections held on March 7, 2010. The 2009 electoral law was an amendment of election law number 16 of 2005 (Hanish, 2011:126).

During the December 2005 election, a total of 275 representatives were elected. Then Iraq was a single electoral constituency. All the seats in the parliament during this period were allocated through a system of proportional representation. There were 361 political “entities,” including 19 multi-party coalitions, competing in a “closed-list” voting system<sup>9</sup> (in which party leaders chose the people who would actually sit in the Assembly). The seats in the parliament were allocated to the candidates according to their ranks and order in the list(Katzman, 2012:3).

Mahmoud Al-Mashhadani (Telephone interview, June 15, 2013) argued that the issue of the absence of a unified election law had political, social, partisan and other related effect, on the performance of the parliament in all the elections that were conducted in Iraq. He added that it is better to use the open-list system rather than the closed-list

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<sup>8</sup>Proportional representation systems: These voting systems are used by some other advanced Western countries that practice democracy. The systems are designed to ensure that the parties are represented proportionally in the legislature. They include party list systems, mixed-member proportional systems, and the single transferable vote system (See King, 2000).

<sup>9</sup>Closed-list system: It means that the order of candidates elected by that list is fixed by the party itself and voters are not able to express a preference for a particular candidate. As is the case in South Africa. See: Open, Closed and Free Lists: In Electoral System Design (2006).

system in any election according to the system 325 electoral constituencies, that is, one representative for each electoral constituency in all parts of Iraq. This is to allow the voters to know their representative in their region for the purpose of accountability when mistakes are made. However, it is quite unfortunate had not worked in the 2014 elections (SC2- Former Speaker of the Iraqi parliament).

The same view was expressed by Khamis Hezam Al-Badri (Interview, July 6, 2013) who affirmed that there was a clear impact of the absence of the electoral law, and this absence of the electoral law contributed to the disruption of the legislative and supervisory role of the parliament. He confirmed that parliament failed to conceive a legal framework to regulate the work of the political parties and contribute to the success of the parliament in Iraq. He revealed that there was a tacit agreement by the political blocs regarding the absence of this law. It is a fact that there were several parties benefiting from the absence of this law. Thus, they took advantage of this power, making parliament a subject of speculations, extortion, quotas and regional and international influences (SC2- Professor of political and constitutional systems).

Humam Hamoudi (Interview, July 18, 2013) argued that the election of the parliament at the end of 2005 saw a slight change from the former electoral system, where according to this system Iraq considered having of several constituencies, where every Iraqi province became a constituency and used the closed-list system and the proportional representation system. He added that one of the major flaws in the proportional

representation system was that some minorities did not get seats in parliament, especially if there was a reluctance of some its voters (SC2- Chairman of the Constitution Drafting Committee).

In the same vein, Yassin Mohammed Al-Issawi (Interview, June 15, 2013) criticized the system of proportional representation and stressed that the electoral law that adopted the closed-list mechanism and the proportional representation system was full of confusion. Thus, it weakened the supervisory role of the parliament. It allowed a closed-list system to nominate neither partisan personalities of the parliament nor effective scientific personalities. Accordingly, the conditions set by this law negatively reflected the performance of the parliament and the quality of its members. He concluded that parliament was affected in terms of job performance, a situation where some members came to parliament under the closed-list mechanism, lacking professional knowledge, and experience (SC2- Professor of political and constitutional systems).

However Basim Hattab Toama (Interview, May 16, 2013) revealed that after the electoral processes that took place in 2005 there were many demands calling for change and modification of the electoral system to give voters more flexibility in the selection of candidates, not choose from the closed-list system in which the voter did not know the names of the candidates, the voted for a particular party or a coalition of multiple parties instead of voting for a candidate he knows. He added that after extensive consultations ahead of the provincial elections in 2009, the electoral system was

changed from the closed-list to the open-list system, which meant any voter could vote for candidate and in the list. This system was applied in the provincial elections of 2009 and 2010 for the COR (SC2- Iraqi Ambassador to Malaysia).

But on the contrary, the response to what was stated above revealed that despite the amendments to the electoral system in Iraq, in all elections there were still those who wanted change and a more equitable representation in the election, but everyone should know that there is no perfect electoral system, free of defects. Most of the countries that recently knew democracy amend their electoral laws from time to time and it is vital for the system to mature and be acceptable in that state to get to the best system and most suitable to them.

The election in March 2010 was the most controversial because of the significant change in the electoral law that did not favour the representation of small and diverse political groups (Hanish, 2011:126). Furthermore, Iraq had failed to properly categorize its electoral system according to the electoral system categories (e.g., plurality/majority systems<sup>10</sup>, proportional representation, and semi-proportional systems<sup>11</sup>(King, 2000).

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<sup>10</sup>Plurality/majority systems: This system is mainly practiced in the U.S. The system is called “winner-take-all”. In other words, it is a system where the candidate with the majority of the valid votes was in the case of an individual election, and the seat is reserved for the electoral constituency (see King, 2000).

<sup>11</sup>Semi-proportional systems: These systems have garnered some interest in the U.S. They tend to produce more proportional results than the plurality/majority systems but with less proportional results than the fully proportional systems. They also include cumulative voting and limited voting (see King, 2000).

During the Iraqi parliamentary elections in March 2010, nearly 6281 candidates contested in the election to win 325 seats in the parliament. These candidates spread across 12 large coalitions and 167 political entities. For this, a total of 310 seats were divided into 18 provinces with 8 seats allocated to the minorities (5 seats for Christians and one seat each for the Sabians, Yazidis, and Shabaks) and 8 compensation seats awarded to the party with the largest number of votes. For the first time, the new law called for an open list system rather than a closed-list system (Hanish, 2011: 130).

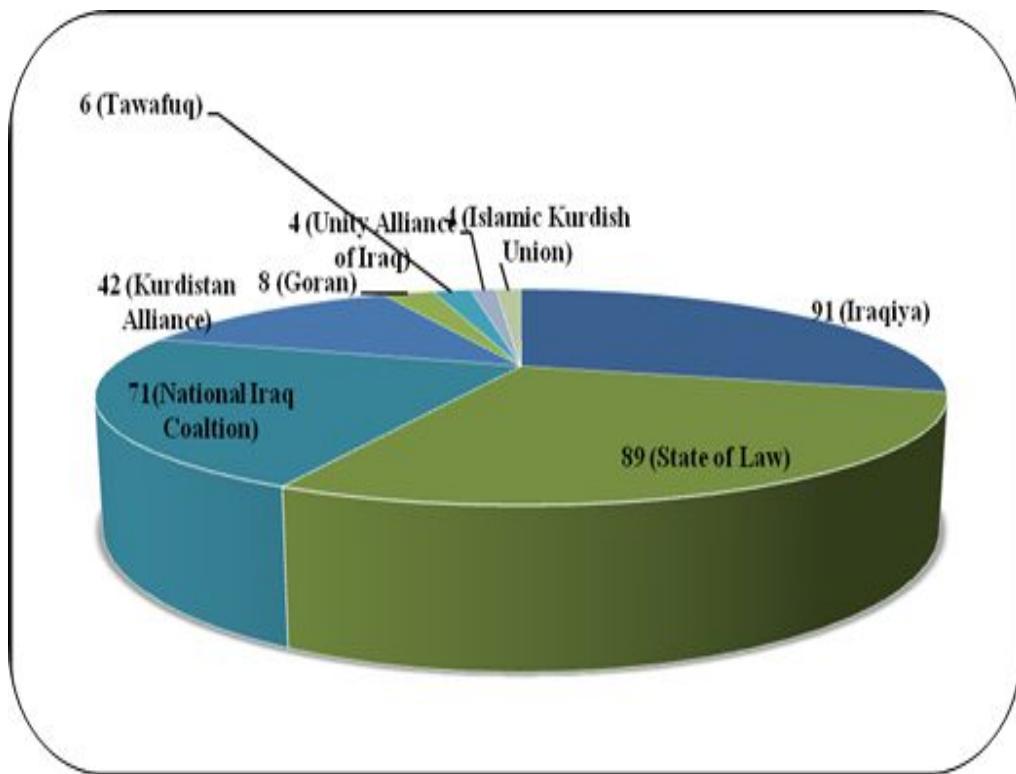
The results of the 2010 elections and seat distribution among the alliances and the parties are shown in Table 5.1 and Figure 5.1.

Table 5.1: Summary of the Election March 2010 for Parliament

No	Alliances and parties	Votes	%	Seats	+/-Vs. 1 /2005
1.	Iraqi National Movement (Al- Iraqiya)	2,849,612	24.72%	91	+54
2.	State of Law Coalition	2,792,083	24.22%	89	+64
3.	National Iraqi Alliance	2,092,066	18.15%	70	-35
4.	Kurdistan Alliance	1,681,714	14.59%	43	-10
5.	Movement for Change (Gorran)	476,478	4.13%	8	+8
6.	Unity Alliance of Iraq	306,647	2.66%	4	+4
7.	Iraqi Accord Front (Al-Tawafuq)	298,226	2.59%	6	-38
8.	Kurdistan Islamic Union	243,720	2.12%	4	-1
9.	Islamic Group of Kurdistan	152,530	1.32%	2	+1
10.	Minorities	61,153	-----	8	+6

Source: Hanish, Sh. B. (November 2011:130)

Figure 5.1: National Election 2010 (Seat Distribution)



Source: Jabbar, F. A. (2012:8).

The results of the March 2010 elections showed that the Iraqi National List (Al-Iraqiya), led by former Prime Minister, Iyad Allawi, won 91 seats, the State of Law Coalition, led by the current Prime Minister, Nuri Al-Maliki, won 89 seats, the National Iraqi Alliance won 70 seats, while the Kurdistan Alliance won 43 seats. After the conclusion of the election, the constitutional Court ruled that the 2009 electoral law, which was an amendment of the 2005 electoral law, was unconstitutional but it could not reverse the election results or call for a new election (Hanish, 2011:30)

Responding to the law used in the parliamentary elections in 2010, Hussein Alwan Al-Beige (Interview, June 3, 2013) argued that the electoral law No (20) of 2009 dividing Iraq into 18 electoral constituency, instead of one electoral constituency, and choosing the open-list mechanism, resulted in preventing many small parties or groups from entering the parliament, especially the secular and leftist democratic parties. He stressed that under the current electoral law, the possibility of getting the electoral denominator to gain seats in one of the 18 provinces are tough in a country marked by sectarianism, nationalism, and tribalism. Due to the provisions of the law, the competing parties in the election are not allowed to combine votes from different provinces to win a parliamentary seat, as it was in the previous election in 2005 (SC2- Professor of political and constitutional systems). This is what happened in the parliamentary session No (30) in the 4<sup>th</sup> legislature year, the Kurdistan Alliance bloc demanded the adoption of a single constituency to gain 50 seats, while the State of Law Coalition led by former Prime Minister Nuri Al-Maliki , in alliance with the Iraqi List, demanded that the election law be passed based on the adoption of the electoral constituencies law, which led to the postponement of the parliamentary session because of disagreements between the political blocs whereby many of the laws that were ready to be voted in this session would be passed (Minutes of the Iraqi COR, session 30 ,2013).E.g., The parliament has postponed its meeting No. 15 because of the outbreak of scuffles between members of the Iraqi List bloc Sunni which demanded the remove of picture commander of the Iranian revolution (Khomeini) from the Baghdad streets and members of the National

Alliance bloc Shiite, which has rejected these demands, which led to the creation of a mess hall inside the parliament and the postponement of the parliamentary session, and whereby many of the laws that were ready to be voted in this session would be passed such as election law , the civil service law and discuss the deteriorating security situation (Minutes of the Iraqi COR, session 15 ,2013).

In tandem with the above assertion, Hassan Hashim Al-Sharaa (Interview, May 12, 2013) argued that “It is very clear that the election law in Iraq is faulty. The major contention is the kind of election method which takes the following forms: an “open - list” mechanism (voters choose the candidates directly), or a “closed-list” mechanism (voters vote for the parties). Irrespective of these two kinds of election methods, almost everyone settled for the former”. He emphasizes that the Iraqis saw the open- list mechanism used in the January 2009 provincial elections were considered more democratic than the closed-list mechanism that allowed the party leaders to choose specific individuals who would serve in the parliament. Meanwhile, some Iraqi parliamentarians were reluctant to choose the open list mechanism for fear of losing their seats in the parliament (SC2- Iraqi Cultural Attaché in Malaysia).

Hussein Al-Safi (Interview, July 12, 2013) revealed some of flaws during the analysis of the election law. He confirmed that the election law in Article 12 focused on the interests of the parties and party leaders and condoned poor competencies. Therefore, the parliament was only a reflection of party leaderships and not the parties or the party

lists based on the recruitment of candidates from each political party. He concluded that all these factors put together incapacitated the MPs from performing legislative and parliamentary supervisory functions. In fact, this became very obvious when the total number of laws voted in 2006 and 2007 in the parliament were as few as only 144 laws (SC2-Member of the legal committee in the Iraqi parliament).

Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) argued that the proportional representation system involved the distribution of seats to the political parties' lists. She stressed that it ensured minority representation in the parliament but led to an increase in the number of political parties represented in the parliament. She concluded that this rise in political parties contributed to political instability and the recurrence of ministerial crises, because during this period, the voters were not able to nominate the majority from a particular party to the parliament. This gave the smaller parties the opportunity to control the formation of the government (SC2- Member of the Iraqi parliament).

On the contrary, Ahmed Al-Jalabi (Interview, July 22, 2013) argued that the election law was not the main reason for blocking the functions of parliament. There was another reason .It was that among the majority that participated in the government, some political parties worked to form a coalition government which resulted in problems which delayed the vote on the laws and weakened supervision particularly in the period of democratic transition as in the case of Iraq. He pointed out that after 2003, a coalition government emerged, starting from the GC to the transitional government and finally to

the government of Nuri Al-Maliki. These governments have been characterized by political corruption as well as poor supervisory performance resulting in political conflicts between the representatives of the political parties in the parliament and the executive authority that followed the partisan and sectarian quotas. In other words, conflicts between the political blocs in parliament because of the lack of consensus on the election law led to the obstruction of the functional role of parliament (SC2-Chairman of the Iraqi National Congress).

Looking at the views expressed above by the respondents, it is glaring that the absence of the election law has a negative impact on the functions of parliament hence diminishing the performance of the parliament in the legislation of many laws, and control over the works of the government. If the response of the last person interviewed is anything to go by, it is imperative to assert that the essence of the problem in the electoral law is related to two truths: first, the insistence of the political forces on the system made every Iraqi province a constituency; second the election shall be in favour of the candidate who won the most number of votes in the list. Finally, it can be concluded that the absence of electoral law influenced the functions of the Iraqi parliament the study suggests that to reach a standard of justice and true representation of the MPs under the Iraqi parliamentary system finding other formulas to vote, e.g., the distribution of the electoral constituency according to the number of seats or voting for individual in a certain percentage and adding the voting to the party lists .But the adoption of such options would allow the rise of new parties and independent figures to

top the parliamentary scene, which was unacceptable to the powers that dominated the parliament and monopolized the representation of the social components (Sunnis, Shiites and Kurds) as an eternal division for the distribution of power in Iraq. Therefore there was a tacit agreement by the political blocs on the absence of this law.

### **5.1.3 The Absence of Oil and Gas Law**

The oil and gas law in Iraq was perhaps, one of the most eagerly awaited and contentious piece of legislation in the oil industry, worldwide. Iraq holds some of the largest remaining untapped global oil resources more than 140 billion barrels of discovered reserves, plus much more still to be found. Yet production is just 2.8 million barrels a day (b/d) (Myers, 2011:12-13). "Iraq's economy is solely dominated by the oil sector which provides more than 90% of the government revenue and 80% of foreign exchange earnings" (Cordesman et al., 2012:6).

However, the oil and gas sector that generates the revenue has suffered much due to the absence of a law to regulate the oil and gas industry. This situation was among the many factors affecting the functions of the Iraqi parliament because of the permanent conflict between the political blocs (Arab and Kurdish), which had representation in the parliament on how to distribute oil revenues among the provinces. The oil and gas revenues for running Iraq's economy was central important to the people of Iraq. This was all the more reason why most groups accepted the need to create new laws and

policy guidelines for the development of the country's oil and natural gas resources. However, the Iraqi parliament deferred considering the many proposed legislations as a result of the ongoing political disputes due to the absence of this law (Blanchard, 2008).

On the same issue, Humam Hamoudi (Interview, July 18, 2013) argued that the lack of an oil and gas law has led to conflicts over Iraq's natural resources. These conflicts have had a significant impact on the domestic politics of the government and functions of the Iraqi parliamentary institution. Consequently, Iraq has found itself amid political fallout between the central government and the Kurdish Regional Government (KRG) on the energy contracts and the right to invite and award lucrative contracts to international companies. He added that in April 2012, the KRG halted its supply of oil for export through Iraq's national pipeline, claiming that the central government owed over \$1.5 billion in operating costs to companies in the Kurdish region. For its part, the central government in Baghdad threatened it would deduct that lost oil revenue from the KRG's share in the Iraqi budget. He concluded that this result led to the intensification of the conflict between the Arab bloc MPs and the Kurdish bloc in the parliament and staggered its legislative and supervisory function (SC3- Chairman of the Constitution Drafting Committee).

Mahmoud Al-Mashhadani (Telephone interview, June 15, 2013) opined that "It has become clear that the disagreement between the central government and the KRG on the issues of the oil and gas law including the export of oil and the budget for the province

has seriously affected the supervisory and legislative roles of the parliament". He believed that this issue has forced the representatives of the Kurdistan region in the central government parliament to vote or not to vote on important laws according to the orders and the values of the Kurdistan region government, which has increased the tension in the legislative and supervisory role of parliament, the same situation applies to other political blocs (CS3- Former Speaker of the parliament).E.g., the Shiite National Alliance bloc withdraw from the COR session No (24) in the 2<sup>nd</sup> legislative year ,after the first reading of the draft oil and gas law .Due to that the proposed law came directly to parliament without submission to the competent ministries in the Council of Ministers. In addition to the differences with the Kurdistan Alliance bloc on the law, which led to postponement of the parliamentary session and thus many of the laws that had been scheduled for this meeting could not be discussed. An example was inviting the Deputy Prime Minister for Energy Hussain Al-Shahristani to discuss the phantom contracts signed by the Ministry of Electricity with German and Canadian companies (Minutes of the Iraqi COR, session 24 , 2011).

In line with the previous responses Hussein Al-Safi (Interview, July 12, 2013) argued that the constitution is also vague on how to distribute the billions of dollars from the oil revenues. This is a great concern for the Sunni Arabs who mostly control Iraq's resources. He added that Article 110 calls for the oil revenues to be "distributed fairly in a manner compatible with the demographical distribution". However, the Article is not clear about whether such distribution should apply to future oil fields or only to existing

ones. He showed that Sunni Arab believe that the biggest beneficiary of this arrangement are the Shiites Arab who control the oil-rich southern regions, and also the Kurds are beneficiaries from the arrangement of an equitable revenue-sharing agreement, mostly likely to reap roughly 17 percent of their portion of all oil revenues (SC3-Member of the Legal Committee in the Iraqi Parliament).

Sharing the same view, Khamis Hezam Al-Badri (Interview, July 6, 2013) commented that the problem of ambiguity about the roles and powers of the federal, regional, and provincial authorities in the Iraqi Constitution have significantly contributed to the ongoing impasse between the members of parliament over the oil and gas law. Regarding this, Articles 111 and 112 of the Iraqi Constitution state that Iraq's natural resources are the property of "All the people of Iraq in all regions and province" and that "The federal government, with the producing province and the regional governments, shall undertake the management of the oil and gas extracted from the present fields". These provisions are included as a means to ensure consensus among the Iraqis and the adoption of the constitution (SC3- Professor of Political and Constitutional Systems).

Hassan Hashim Al-Sharaa (Interview, May 12, 2013) further argued that the relationship between the central government and the Kurdistan region is not clearly defined in the constitution. Their relationship needs to be identified. Due to this, it is better to change the laws and regulations on the application of federalism in the Constitution, because the issue of federalism in the constitution seems vague". Therefore, it is better to take

advantage of the experience and ideas from some countries in this matter. He added that the strained relationship between the central government and the Kurdistan region is due to the oil and gas law, Article 140 concerning the status of the city of Kirkuk and the disputed territories of Northern Iraq<sup>12</sup>, and also included is the sit-ins and protests against the government that have occurred in the provinces of Nineveh, Anbar, Diyala and Salah Al-Din in 2013. They are all reflections of ethnic sectarian conflict which negatively impacted on the functions of the parliament (SC3- Counsel of the Iraqi Cultural Attaché in Malaysia).

In another interview with Hussein Alwan Al-Beige (Interview, June 3, 2013) revealed other constitutional problems that helped to compound the problem of conflict between the partisan blocks over the distribution of wealth and the absence of oil and gas laws. He confirmed that constitutional problems have hindered the legislative and supervisory roles of the Iraqi parliament, e.g., the Article 121 of the Iraqi Constitution of 2005 has authorized the local governments to acquire the natural resources that will be discovered in their regions in the future. They are also allowed to conclude deals with foreign companies without referring to the central government. This condition is considered wrong and a disruptive factor in the Constitution, because it would lead to the

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<sup>12</sup>The Disputed territories of Northern Iraq:"are regions defined by the article 140 of the Constitution of Iraq as being arabised during the Baath Party rule in Iraq. Most of these regions had previously been inhabited by non-Arab minorities, most notably Kurds, and were later arabised by transferring and settling Arab tribes in those areas. The disputed areas have been a core concern for Arabs and Kurds, especially since the US invasion and political restructuring in 2003". Kurds gained territory to the south of Iraqi Kurdistan after the US-led invasion in 2003 to regain what land they considered historically theirs (Bartu, 2010: 1329-1343).

marginalization of the central government's role (SC3- Professor of Political and Constitutional Systems).

To provide more information about how the impact of the absence of a oil and gas law on the role and functions of the parliament Azhar Abdul Karim Al-Shaykhli (Interview, July 5,2013) asserted that the disagreements between the central government and the KRG have reflected negatively on the role of the parliament particularly in its execution of its functions. In the legislation of laws for example, several laws were breached because of the constant threats from the Kurdistan Alliance members to withdraw from the government and parliament. The members of the Kurdistan Alliance have withdrawn more than once from the parliament sessions in an attempt to pressure the government to approve on the oil contracts. Another contributor to the negative performance of the supervisory role of the parliament was the compromises exercised by the members of the Kurdistan Alliance bloc with other political blocs to intentionally weaken the government. Finally, she reveals that the dispute between the two sides has also contributed to the postponement of the parliament's approval of the 2014 state budget because the KRG had yet to pay its debt from its oil imports amounting to 15.8 trillion Iraqi dinars. This budget has to be sent to the parliament for approval after deducting the required share of the province amounting to 17% of the budget (SC3-Member of the Iraqi parliament).

As evident from the data gathered from the interviews that all who were interviewed agreed that the absence of an oil and gas law has played a significant role in the conflicts between the members of the Arab and Kurdish blocs in the parliament. These conflicts have led to the emergence of successive political crises which worked to disrupt the legislative and supervisory role of the parliament. Finally, the study concludes that the Constitutional Articles, in clarifying the relationship between the central and the local governments, contributed a negative impact in the absence of an oil and gas law. It is suggested that the oil and gas law must be the first law to be voted in during the next parliamentary session, because approval on the law would prevent any party from interpreting the Constitution according to their whims. The adoption of this law needs to be clear for the next parliament, especially since it has become a big point of contention not only between the central and the regional governments but also between the central and the rest of the provinces.

## **5.2 The Political Corruption**

Political corruption can be defined as a deviation in the use of the authority granted to the politicians under the Constitution and the law, individually or collectively to serve the self-interest of the decision - makers and ignoring the institutional role of the political structure of the state in order to increase their power or wealth, or both. Political corruption in the case of Iraq is the subordination of the national and popular

will (of the parliament), by conflicting political wills (of parties), leading to narrow partisan interests prevailing on public interest. (Mohammed, 2011:15).

Gunter (2008) believes corruptions the abuse of public power for private benefit. Corruption occurs if a government official has the power to grant or withdraw something of value contrary to the laws and publicized procedures. This government official then trades this something of value for a gift or reward. Corruption is a form of rent seeking. Among all the corrupt acts, bribery has received the most considerable attention. Apart from bribery, corruption also includes nepotism, official theft, fraud, certain patron-client relationships, and extortion.

Iraq has a history of massive corruption. For instance, "The previous Baathist regime of Saddam bankrupted the country through massive embezzlement of public funds for personal palaces and other conspicuous and wasteful consumption at the expense of the average citizen" (Gunter, 2010:2). Presently, Iraq is among the worst countries in terms of the degree of corruption (Aswat Al-Iraq News Agency, 2010). This degree of corruptions attributed to the sectarian and political power- sharing that has turned the sectors of public administration to sectors owned by one person or many groups (Abdulla et al., 2011).

Parliament as part of the Iraqi political system is one of the major institutions that have failed to survive the effects of corruption. Britain's Newspaper published a report

pointing out that the Iraqi parliament was a spoiled institution in history" because of the large number of funds and privileges obtained by the members of the parliament who do not actually introduce any law to serve the country. Iraqi parliamentarians receive more than a thousand dollars for only twenty minutes' worth of work, which does not include effective legislation. They also have access to a fee estimated at \$90,000 and a monthly salary of \$22,500. This jumbo salary is far greater than the salary of the members of the U.S. Congress. The Newspaper added that "there is popular discontent about the Iraqi representative because the representative gets 22,500 thousand dollars a month while many people struggled to cover the costs of their everyday miserable expenses (e.g., an average government employee gets \$600 a Month). These privileges and funds have diverted the interests of the members of parliament from performing their legislative and supervisory functions ("How Iraqi politicians", 2010).

Yassin Mohammed Al-Issawi (Interview, June 15, 2013) argued that each security personnel assigned to protect the current and former members of parliament (13 thousand personal) get \$ 900 thousand (myR) dinars monthly as salary. This means that the state currently spends over 11 billion Iraqi dinars (myR) monthly on the salaries for those who protect the members of the parliament. Thus amounts to more than 132 billion (myR) dinars annually. An MP receives 10 million (myR) dinars a month with 80 percent of his salary for life after the end of this parliamentary tenure. These expenses represent a tremendous waste of public money and a means of financial corruption (SC4- Professor of Political and Constitutional Systems).

To get a clear picture about the reasons for corruption, Ahmed Al-Jalabi (Interview July 22, 2013) revealed that corruption is one of the main factors affecting the legislative and supervisory roles of parliament due to the power- sharing among all the political blocs. Since there are always opportunities for all political parties to be financially corrupt, there is no political will to expose corruption. He added that in some cases, parties and individuals try to oppose and criticize political issues but not to the level of regular opposition inside the parliament. He asserted that the reasons for corruption in Iraq are the contractors and the businessmen who depend on politicians to get the project tenders, making the politicians to become brokers for businessmen (SC4- Chairman of the Iraqi National Congress).

Hussein Al-Safi (Interview, July 12, 2013) revealed the key reason for the weakness of parliamentary supervision. He affirms that most Iraqi politicians hold foreign passports and live outside Iraq, making it very difficult to prosecute them in corruption issues. The Iraqi constitution stipulates in Article 18 that, "An Iraqi may have multiple citizenships. Everyone who assumes a senior, security or a sovereign position must abandon any other acquired citizenship. This shall be regulated by law." Nevertheless, most of the politicians have violated the constitution. He stressed that this nationality stated by the constitution has become a means to for the politicians to evade prosecution for corruption and the thieves for stealing public funds. In some instances, these individuals flee the country along with the stolen money e.g., escape the former Defense Minister,

Abdul Qader Al-Obeidi, who holds U.S. citizenship escaped to the United States after being accused of corruption and misappropriation of the funds for military armament (SC4-Member of the Legal Committee in the Iraqi Parliament).

Responding to the same issue Khamis Hezam Al-Badri (Interview, July 6, 2013) opined that corruption has contributed to the complete absence of supervision in the Iraqi government e.g., for more than three years (2006–2009), it was observed that no single government official was called by the parliament for any questioning, because the speaker of parliament was assumed to be biased towards the government as he was an ally of the government. He pointed out that Iraq's ruling parties had a tacit agreement in which the state's assets are to be shared jointly among them. Therefore, the issue of prosecuting any minister was never in the agenda. Hence, there was no evidence of a crackdown on graft due to the agreement (tacit or otherwise) among all senior politicians (SC4- Professor of Political and Constitutional Systems).

After 2005, corruption has spread widely among the MPs and the Iraqi government as a result of the absence of supervisory role of the parliament and the lack of legal action against the corrupt. This reflected negatively on the performance of the parliament. There are several examples at the governmental and the parliamentary level.

At the government level, in 2005, the Iraqi Oil Ministry sacked 450 employees suspected of selling fuel in the black market. It was noticed that oil smuggling

operations were active in the Iraq southern pipeline (Al-Rubai'I, 2005). In May 2005 issued arrest warrants were issued for the former Defense Minister, Hazem Shaalan, and his advisor, Ziad Al-Qattan and a number of ministry officials after their involvement in embezzling \$400 million worth of fraudulent defense contracts with Poland (Mohammed, 2011:94). Money wasted due to government corruption is shown in the Table 5.2 below.

Table 5.2: Money Wasted Due to Government Corruption

Proportion of corruption	Money wasted	Ministry
32,33%	4 billion dollars	Ministry of Defence
13,33%	1 billion	Ministry of Electricity
2,95%	515 million	Oil Ministry
2,81%	201 million	Department of Transportation
2,11%	200 million	The Ministry of the Interior
2,11%	150 million	Ministry of Commerce
1,69%	150 million	Central Bank
98%	120 million	Ministry of Construction and Housing
70%	70 billion	Ministry of Communications
77%	55 billion	Baghdad Municipality
70%	50 million	Ministry of Youth and Sports
70%	50 million	Ministry of Health
0.42%	40 million	Justice
0.28%	30 million	Water Resources
0.14%	10 million	Supreme Commission for Elections
0.14%	10 million	Tourism Authority
0.7%	5 million	Education
0.7%	5 million	Ministry of Justice
	<b>6810 billion dollars</b>	<b>Total</b>

Source: Al-Bakri (2010:89).

An important examples of the role of parliament in the fight against corruption are ,in October 16, 2009, the Minister of Electricity, Dr. Karim Waheed and several other senior officials were questioned in the parliament after being accused of accepting kickbacks for assigning contracts to non-existent companies ("Questioning Minister", 2009). In May, 2009, the Minister of Trade, Abdul Falah Al-Sudani (senior member of the ruling Dawa party), was Charged with massive corruption issues in the Public Distribution System (food baskets) after being questioned in parliament amounted to 6 billion U.S \$ (Hadi, 2010:77). But the parliament failure to withdraw confidence from the Minister of Trade in its session No .13 due to of some political blocs, which refused to vote on a resolution to withdraw confidence, prompting the minister to resign and escape out of the Iraq. As a result, this incident reflected the weakness of the supervisory role of the Iraqi parliament (Minutes of the Iraqi COR, session 13, 2009).

As for corruption At the parliamentary level 'in the first election session (2006-2010) some MPs who were given protection allowances of \$ 20, 000 provided fictitious names after pocketing the money. Although the Integrity Commission issuance arrest warrants against to some former MPs due to their involvement in purchasing property belonging to the former regime and its cronies (Saddam regime) no action was taken or penalty against them because they enjoy the protection by their parties. Also some MPs exploited their positions to further their personal interests (Mohammed, 2011:37-38). In addition, in 2009, the Inspector General of the Higher Education Ministry revealed that

as many as 4,000 among the 14,000 candidates in the January 2009 elections had forged university degrees (Al-Jawari, 2009).

In light of the growing problem of corruption, Azhar Abdul Karim Al-Shaykhli (Interview, July 5,2013) explained the reasons for the weakness of the anti-Corruption institutions, saying that despite the presence of three national organizations playing important roles in the battle against corruption(the Board of Supreme Audit, the Inspector General office which was created during the post-Saddam regime, and the Commission on Public Integrity), these three organizations was slow, only very few corrupt cases have been prosecuted until 2014. She added that another body tackling corruption called the Iraqi Anti-Corruption Committee (ACC) is also currently suffering the same fate like the previous three, major weaknesses such as insufficient funding, lack of training, outdated equipment and facilities, and a lack of high-level political support and difficulties of dealing with new procedures. She confirmed that these weaknesses have resulted in very low numbers of investigations, prosecutions and convictions (SC4- Member of the Iraqi parliament).

The various factions in the Iraqi parliament, particularly the large groups, must ask their members who are in parliament and in the government to disclose their finances before or just after the formation of the government. Distributing those forms to government officials and parliamentarians is a favorable approach and will generate positive effects.

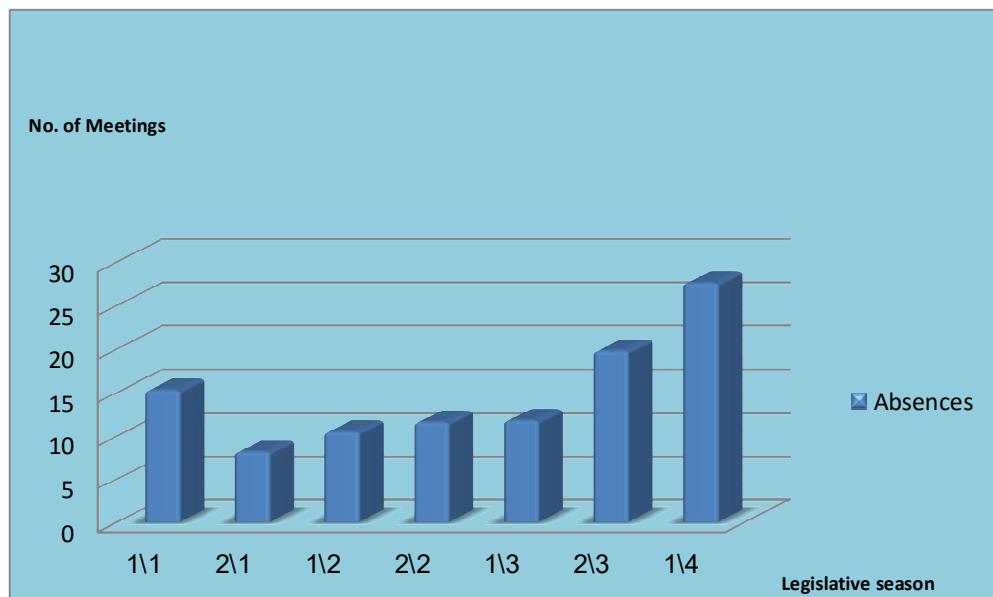
This mechanism demonstrates the existence of a Committee that monitors officials, and this Committee must remain active in the future (Kurd Net, 2011).

The same view was expressed by Basim Hattab Toama (Interview, May 16, 2013) who lamented that the corruption Committee (ACC) in Iraq has performed well in the past, but Iraq's political and security situation have prevented it from improving its work, e.g., ministerial portfolios are given to political parties which are ready to defend their corrupt ministers in order to protect their reputations. In the Middle East, in particular Iraq, asking for the disclosure of politicians' and parliamentarians' assets and funds is seen as a normal and natural exercise yet the process has not been successful. This is due to the lack of an effective banking system (SC4-Iraqi Ambassador to Malaysia).

Hassan Hashim Al-Sharaa (Interview, May 12, 2013) indicated that the absence of a parties' law is one of the main reasons for the spread of corruption within the parliamentary institution. He argued that the root cause of corruptions there is no legal framework (e.g., parties' law) for the functioning and financing of political parties in Iraq. For this reason, the financial sources of Iraq's political parties remain unknown. None of them maintains accounts that can be associated with them. He strongly believed that the public funds illicitly find their way into the parties' coffers and their private bank accounts in neighbouring and Western countries (SC4- Iraqi Cultural Attaché in Malaysia).

An experimental study was conducted with a view to evaluate the extent of corruption in the performance of the parliament as well as the absence of deterrent laws that are associated with the representative's absence in the parliamentary sessions. The study revealed that the total working hours of the parliament during the parliamentary session between 2010 and 2014 were 937 hours, which is equivalent to 39 days or an integrated 134 business days, representing an average of 7 hours per day. The study also revealed that the attendance rate of the representatives at parliament meetings was 190 out of 325 in 2012 and 202 out of 325 in 2013. In the 2013 session, the study discovered that only 203 laws were passed by the Council. Figure 5.2 shows the absence percentages of the representatives during the parliamentary session between 2010 and 2014.

Figure 5.2: Absenteeism Rate for Each Legislative Session 2010-2014



Source: "Sum of the work" (14 February, 2014)

Where the figure shows that the absences members of parliament in a continuous increase with each legislative term, this is due to lack of deterrent penalties against MPs who absent from the parliament sessions. In addition Table 5.3 presents the absence and attendance rate of the representatives during the sessions from 2010 to 2014 (Sum of the work, 2014).

Table 5.3: Attendance Rate of Deputy per Two Sessions 2012 and 2013

MONTH	Representative Attendance rate / per session 2012	Representative Attendance rate / per session 2013
January	186	189
February	197	220
March	188	167
April	183	175
May	180	172
June	216	194
July	197	234
August	191	228
September	195	215
October	183	225
November	175	198
December	187	211
<b>The overall rate for the sessions</b>	<b>190</b>	<b>202</b>

Source: Sum of the work (14 February, 2014)

In the same context, a report issued by the Parliamentary Office of the Iraqi COR (2008:57) revealed that corruption clearly shows through the frequent members of absenteeism of parliament from the meetings of the parliamentary committees, e.g.,

number of meetings of the Committee of Displacement and Migration in the COR at the end of 2008, was about thirty-eight meeting compared to ninety-two meetings. This few number of meetings compared with the required number, reflected the poor performance of the parliamentary Committee despite the presence of thousands of displaced people and displaced Iraqis inside and outside the country in that period, as well as the deteriorating conditions of service and the health and living conditions of these displaced families

The absence of the MPs has made the parliamentary institution a weak legislative authority suffering from eroding public confidence. In the same context, an interview was conducted with Hussein Alwan Al-Beige. He revealed that the absence of the MPs from the parliament sessions is considered a tool of corruption because it disables and cripples the work of the parliament. He added that no one cares about corrupt officials or even tries to monitor the government. This is because they are all beneficiaries of this corruption. He further expressed that the absence of a deterrent law regarding the issue of absence is considered a very serious issue that would destroy the functional role of the parliament, if not urgently addressed. He concluded that the conflict and the incompatibility among the political blocs have led to the direct search for other contexts in strengthening their position even though it involves using illegal means (SC4- Professor of Political and Constitutional Systems).

The absence of MPs has a negative impact on the role and functions of parliament Mahmoud Al-Mashhadani (Telephone interview, June 15, 2013). He stressed that the absence of MPs at the parliament sessions also has a significant role in delaying the ratification on the general budget of the state. Any delay in the ratification of the general budget will lead to the delay in detecting cases of corruption and waste of public money e.g., the delay in the ratification of the general budget for 2008 because of more than 70 representative went to perform Hajj during the debate of the general budget, and this is contrary to the rules of procedure of the COR in Article 57, that Stipulates "The session in which the general budget is being presented shall not end until approval of the budget."(SC4- Former Speaker of the Iraqi parliament).

As evident from the data gathered from the interviews, it is glaring that there was a consensus among the responses that most Iraqi institutions, including the parliament, were all corrupted since 2003. This has been attributed to many factors such as the weakness of laws, security challenges and consensual democracy. Until now, corruption remains the most serious challenge threatening the performance of the Iraqi parliament in the areas of legislation and supervision. Finally, based on what has been mentioned it can be concluded clearly that that the weakness in the supervisory role of the parliament led to widening financial and administrative corruption in all state institutions. Corruption has spread widely as a result of a lack of accountability by the parliament and even the Integrity Commission as a regulatory body qualified legally to conduct the investigation in corruption cases. It has been ineffective and unable to reduce corruption.

Therefore, the study advises Iraqi officials to put greater emphasis on controlling corruption. Whether in the parliamentary institution or the government, one thing is certain: corruption is spreading like cancer. Corruption has become a pivotal obstacle for parliamentary performance.

### **5.3 The Absence of the Parliamentary Opposition**

Parliament is the appropriate political place of the political opposition, because it provides them with representation and participation. The parliament determines what the opposition is and what the majority is, and as a result one of their parties will be conferred the official status of the opposition. Parliament is the platform that allows the opposition leader to criticize of the government. It must listen to the opposition and answer its questions, as the opposition is involved in the work of parliamentary committees and supervision of the government (Ghazwi, 2000: 53).

Parliamentary opposition can be defined as "a political grouping within a legislature unable to constitute a government due to getting the second largest number of seats in the COR". An MP plays several roles in the legislature, sometimes summarized as a legislator enacting laws, a representative of his or her constituents, a scrutinizer of the work of the executive, and a supporter or critic of proposals laid before the House. Members of the opposition must accept that opportunities for their work as initiators of legislation will be limited but their role as representatives is undiminished and greater burdens devolve on opposition members than on government backbenchers in regard to

scrutiny and supervision and providing alternative policy options for public consideration (Blackburn et al.,2003).

The opposition aims to prevent a single person or party from taking over authority and to allow the people to understand the activities behind closed doors. The Constitution allows the setting up of a party or a coalition of parties to rule the country. In this case, the opposition should have a unique program different from that of the ruling party. This program is publicized through the opposition's debate with the ruling party. However, this process has been lacking in Iraq over the past 10 years. This paradox should be properly looked into because on the one hand, it has contributed to the failure of democracy and its mechanisms in Iraq (Jama, 2013).On the other hand it has contributed to the failure of the legislative and supervisory functions of the parliament.

On the same issue, Basim Hattab Toama (Interview, May 16, 2013) argued that the absence of the opposition has had a clear impact on the functional role of the parliament. He said "In fact, we cannot imagine the existence of a democratic system without parliamentary opposition". He added that some political parties tried to make the parliament free from opposition that because it opposes corruption and failure the performance of parliament. The complete absence of the opposition in the parliament makes the parliament look like an inefficient institution without any regulatory or legislative role or power (SC5- Iraqi Ambassador to Malaysia).

In the same context, Yassin Mohammed Al-Issawi (Interview, June 15, 2013) argued that at present, the parliamentary opposition in Iraq is ineffective in terms of criticism and error detection. This condition is associated with the nature of the political system based on consensus and alliances that bring the political party to power and in addition the government exercises political pressure against the opposition MPs who oppose its policy. He concluded that the opposition has a dual nature because it stands with the movement at times but fights against it at other times (SC5- Professor of political and constitutional systems). The best proof of that is what happened in parliament session No 24 .The government tried to exert political pressure against the opponents to its policy, including, e.g, fabricating malicious charges against MP Sabah Al-Saadi (from the Virtue Party) in order to withdraw his judicial immunity, because of his role in the detection of corruption in the government (Minutes of the Iraqi COR, session 24, 2007).The parliament also voted at its session No. 46 to lift the immunity of MP Mohammed Al-Daini and accused him of supporting terrorism because of his demand to disclose the abuses suffered by the detainees in Iraqi prisons (Minutes of the Iraqi COR, session 46 , 2009).

To justify the absence of the opposition in parliament, Hussein Alwan Al-Beige (Interview, June 3, 2013) asserted that the absence of the opposition in the parliament is contrary to the disposition of the election results in a democracy, in which the winner forms the government, and the loser joins the opposition. In other words, no one loses, because all parties participate in the government whereby the political process is divided

into three presidencies (president, prime minister, speaker of parliament) among the three winning lists in the election (Shiite, Sunni, and Kurdish). This division is not actually based on electoral merit. Hence, no parliamentary opposition exists at this stage (CS5- Professor of constitutional and political systems).

During the analysis of the role of the parliamentary opposition in the parliament, Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) expressed that although the opposition plays a vital role in the parliament, it has handcuffed itself by taking part in the national partnership government which is considered nothing but a functional tool to paralyze the ability of the opposition. By this, the opposition lost its influence on the masses that now see it as a partner of the government. Each decision in the parliament is treated as a deal among different political elites to safeguard their interests against peoples' daily worries and pain .In addition, Iraq is suffering from a lack of opposition culture and this has contributed to the disabling of the supervisory and legislative roles of the parliament, with many politicians from the opposition not even understanding the language of rejection and transcendental criticism (SC5- Member of the Iraqi parliament).

In tandem with the above assertion, Hassan Hashim Al-Sharaa (Interview, May 12, 2013) added that the opposition forces inside the Iraqi parliament have handcuffed their hands on their own by taking part in what is called the national partnership government which was nothing more than a functional tool to paralyse the ability of the opposition

and overcome the problem of the Iraqi masses filled with banners and slogans calling for reforms that the government is unable to fulfill. He concluded that the opposition has lost its influence on the masses that look to act as a partner of the government, which they do not favour .It is also difficult to understand how some lawmakers can criticize the government while they are a part of a coalition which is a part of the government itself.

In the same context,Mahmoud Al-Mashhadani (Telephone interview, June 15, 2013) lamented that the current opposition, through its participation in the government, exercises a negative role that hinders the executive policies and legislative decisions and fails to distinguish between the legislations that serve public interest and those that do not serve public interest. The bargaining through their rejection to vote on the legislation of the law of infrastructure and the general amnesty law in 2013 proves that the opposition practices pragmatism roles (achieve private benefit) instead of promoting reform (SC5- Former Speaker of the Iraqi parliament).

As for the performance of the current opposition in the parliament, Khamis Hezam Al-Badri (Interview, July 6, 2013) emphasized that the opposition is ineffective. In fact, their presence is not felt in Iraq. For instance, in the 2010 elections where the State of Law list won the majority did not go to form the government. Instead, the government enticed the opposition by giving some government positions to the opposition thereby making them political partners. All these created the absence of opposition in the

parliament. He added that the absence of the opposition further created the absence of surveillance that was subject to bargaining and sectarian quotas among the political forces. This is what made the censorship not be able to detect the reasons for the deterioration of the parliamentary performance and other mistakes committed by the government and political blocks during the parliamentary sessions of 2006 and 2010. He concluded that there was a decline in the performance of the parliament during the parliamentary session of 2010 compare to the parliamentary session in 2006 in terms of the number and quality of laws, and the number of officials called for questioning in the COR or for discussion and investigation (SC5- Professor of Political and Constitutional Systems). See Table 5.4 about the parliamentary performance for two sessions electoral.

Table 5.4: Achievements of the Iraqi Parliament (2006&2010)

Parliamentary session	Year	Number of legislations	Number of officials interrogations In parliament
2006-2010	2007	24	31
	2008	120	15
	2009	110	20
	2010	79	6
	<b>Total</b>	<b>333</b>	<b>72</b>
2010-2014	2011	40	40
	2012	117	9
	2013	43	4
	2014	7	----
	<b>Total</b>	<b>207</b>	<b>56</b>

Source: Parliamentary Office of the Iraqi Council of Representatives (2014)

Ahmed Al-Jalabi (Interview July 22, 2013) directed several criticisms of the government that ruled the country from (2006 to 2014). He stated that one of the main criticisms of the government of Prime Minister Nuri Al-Maliki was that he worked on the distortion of the concept of parliamentary opposition in the country, because the treason and corruption charge went to any political block in the parliament trying to criticize the works of the government .This made all parliamentary blocs want to be in the government, rather than in the opposition bloc. Added to this, the Prime Minister Nuri Al-Maliki government has always been to ignore the decisions of the parliament and its powers in many cases, e.g., the Prime Minister Nuri Al-Maliki who was the commander chief of the armed forces refused to attend parliament three times to answer questions about the deteriorating security situation in Iraq (SC5- Chairman of the Iraqi National Congress).

In the detection of the most important effects of the absence of the political opposition on the performance of the parliament, Humam Hamoudi (Interview, July 18, 2013) affirmed that generally, the presence of a political opposition in the parliament is natural to parliamentary life. The absence of this opposition weakens the functions of the parliament in the parliamentary supervision and legislation of laws that serve the Iraqi people in all areas of life. Therefore, the absence of a political opposition in the parliamentary sessions of 2006 and 2010 resulted in a dramatic spread of corruption, unemployment, and the deterioration of services and security because no entity

monitored and assessed the performance of the government. In addition, many important laws, such as the law of the Federal Court, the parties' law, and the law of retirement, were postponed to the next session in 2014 because of the absence of parliamentary opposition (SC5- Chairman of the Constitution Drafting Committee).

The data gathered from the interviews demonstrated that all an respondents agreed that the absence of political opposition weakens the functions of the parliament in parliamentary supervision and legislation of laws that serve the Iraqi people in all areas of life .They add that the government always tries to weaken the parliament to prevent MPs from the implementing the core functions of their work which were monitoring the work of the government, the accountability of the ministers, officials and military commanders .Therefore, everyone realized the futility of the government of sectarian quotas . Finally ,the study found that in order to improve the performance of the parliament and the elimination of corruption, the opposition must understand their new role through crystallizing a new vision commensurate with the requirements of the stage and corresponding with the political reforms required to integrate the democratic experiment through the existence of two main poles: the government and the opposition.The political forces in the parliament also need to leave their wrong concepts.

## **5.4 Summary**

The parliament in Iraq by virtue of its interaction with the structural environmental factors surrounding it has created many other emergency factors that are now posing challenges and disrupting the legislative and supervisory role of the parliament for more than 10 years. The Constitution itself is a major driver of the problems as it does not cover certain laws such as those that govern elections, politics, the relationship between the central government and the local governments, and the equitable distribution of wealth among the people. The constitution is also found to be responsible for the spread of corruption because it failed to address the issues of the formation of the government in accordance with the power-sharing system based on sectarianism and the proper specification of the role of the opposition in the parliament. The Iraqi parliament has not been able to take total control of these issues, even the issue concerning corruption within the government institutions. It is also noted that the Iraqi parliament lacks accountability and they are unable to ratify several laws that concern the citizens' affairs. Parliament's performance has not just been affected by the structural environmental factors but it has been equally affected by other external challenges which obstructed parliament from playing its role as a legislative and supervisory institution which will be studied in the next chapter.

## CHAPTER SIX

### EXTERNAL CHALLENGES OF THE IRAQI PARLIAMENT

#### 6.0 Introduction

External challenges to the role and functions of the Iraqi parliament are as important as the structural challenges described in the previous chapter. Therefore, the current chapter discusses the deteriorating security situation in Iraq (e.g., the violence stemming from ethno-sectarian conflict and international terrorism) and its impact on the performance of the Iraqi parliament in terms of legislation and supervision. The current chapter also analyzes how neighbouring countries (e.g., Iran and Turkey) and Arab states (e.g., Saudi Arabia and Syria) influence the Iraqi parliament by intervening in the parliamentary elections, supporting terrorist operations in Iraq, influencing the enacting laws relating to external affairs, and providing financial support to political blocs in the Iraqi parliament that are loyal to these countries.

#### 6.1 Deterioration of the Security Situation

Generally, security can be defined as "the quality or state of being secure - to be free from danger. This definition is very broad and covers the protection of life and assets from intentional and unintentional human actions or natural threats" (Al-Dini et al.,

2007: 210). The Institute for Security and Open Methodologies (ISECOM) has described security as "a form of protection where a separation is created between the assets and the threat." These separations are commonly referred to as "controls," which can also cover changes to the asset or the threat (Herzog, 2010: 210).

More than ten years after the invasion of Iraq by the U.S. forces, the country remains in total shambles. One major factor that affects this situation is the lack of security, which is considered as an indispensable factor to the Iraqi political system as well as to the effective functioning of the Iraqi parliament. The violence in Iraq may be the most unpleasant and the most widespread incident of violence in human history. Many Iraqis are victimized by violent acts every day. Furthermore, violence affects the parliamentary process.

In the same context, Mahmoud Al-Mashhadani (Telephone interview, June 15, 2013) revealed that the security challenges have heavily affected the political process in terms of threats to the personal security of the parliament members. These security threats, which came in the form of terrorism, corruption cases, party conflicts, and so on, are part of the deteriorating security situation that affected the performance of the government as well as that of the parliament, preventing them from properly performing their duties, such as legislation and supervision of the laws (SC1- Former Speaker of the Iraqi parliament).

Khamis Hezam Al-Badri (Interview, July 6, 2013) affirmed that the security crises in Iraq have worsened to the extent that many of the MPs boycotted the parliament sessions, which obstructed the work of the parliament and consequently affected some of their functions. Khamis also notes that security concerns hindered the MPs from moving freely within the country and therefore prevented them from identifying the problems of the citizens and meeting their needs (RC1- Professor of constitutional and political systems).

The same view was expressed by Hussein Al-Safi (Interview, July 12, 2013) who lamented that the security challenges significantly affected the political lives of parliament members. For instance, poor security has facilitated several kidnapping incidents and the assassination of MPs in Iraq. These occurrences include the assassination of MP Mohammad Reda from the Kurdistan Alliance in 2006, the abduction of MP Taysir Al-Mashhadani from the Iraq Concord Front in 2006, the death of MP Mohammed Awad from a bomb blast in the Iraqi parliament building in 2007, the assassination of MP Saleh Al-Ugaili from the Sadrists bloc in 2008, the assassinations of MP Qassem Sahlani from the Da'wa Party and MP Harith Al-Obeidi from the Iraqi Accordance Front in 2009, and the bombing of the home of independent MP Mithal Al-Alusi (who was unharmed) in 2008 (RC1-Member of the legal committee in the Iraqi parliament).

As a result of these events and killings of members of the MPs, , many members of parliament urged a boycott of the parliamentary sessions in protest at what was happening to them from terrorist killings crimes (Minutes of the Iraqi COR, session 14 , 2008). In addition, some lawmakers gave their resignations from the board in protest against these terrorist activities which were threatening their life, e.g., the MP for the Virtue Party Seham Kazem Salman submitted her resignation, where was accepted by the Iraqi parliament, which led to stagger the work of the Iraqi parliament (Minutes of the Iraqi COR, session 16 , 2008).

Violence in Iraq is political violence. The main reason for it is conflict on power. The violence in Iraq continues to escalate because of the following:

- a. Establishment of the military plan by the former Saddam regime. This action, which aims to mobilize and train associates of the Baath Party, has prepared them for attacks against American and Iraqi forces. These groups have been converted to the resistance groups after receiving support.
- b. Proliferation of weapons in Iraq after the collapse of the Saddam regime. This development increased armed violence and led to the emergence of mafia-like groups. Incidents of murder, assassination, and abduction have considerably increased in Iraq in an unprecedented manner (Al-Fatlawi, 2006, 1–29).

c. Implementation of several U.S. military operations within Iraqi territories during the U.S. occupation of Iraq (Diamond, 2012).

d. The process of political transition to the Saddam regime. The process resulted in the relegation of some Sunni Arabs to the lower level in the pyramid of power. Consequently, they lost their positions, which they have kept for decades. In essence, they became the biggest losers. This sudden shift produced psychological, social, and economic effects that created a feeling among some people that participating in the political process will provide legitimacy to the Shiite and Kurdish parties while weakening that of the Sunnis and their leaders. Therefore, some Sunni parties chose to participate in politics, whereas others chose to boycott the new government or resort to armed violence (Hussein, 2010: 58–59).

e. Sectarian conflict between Sunnis and Shiites. Incited by regional countries, the conflict played a role in promoting terrorism and igniting sectarian strife in Iraq. The conflict was a result of an exchange of accusations between the two sides, in which the Shiites were accused of using the presence of emerging security forces and their party-based militias to commit atrocities against the Sunnis. Similarly, the Sunnis were accused of attacking Shiite civilians (Katzman, 2006: 30).

f. Ethnic conflict between Arabs and Kurds on the oil-rich city of Kirkuk. The conflict is one of the main threats to the security and political stability of the country. A related reason is the ongoing conflict between the Iraqi government and

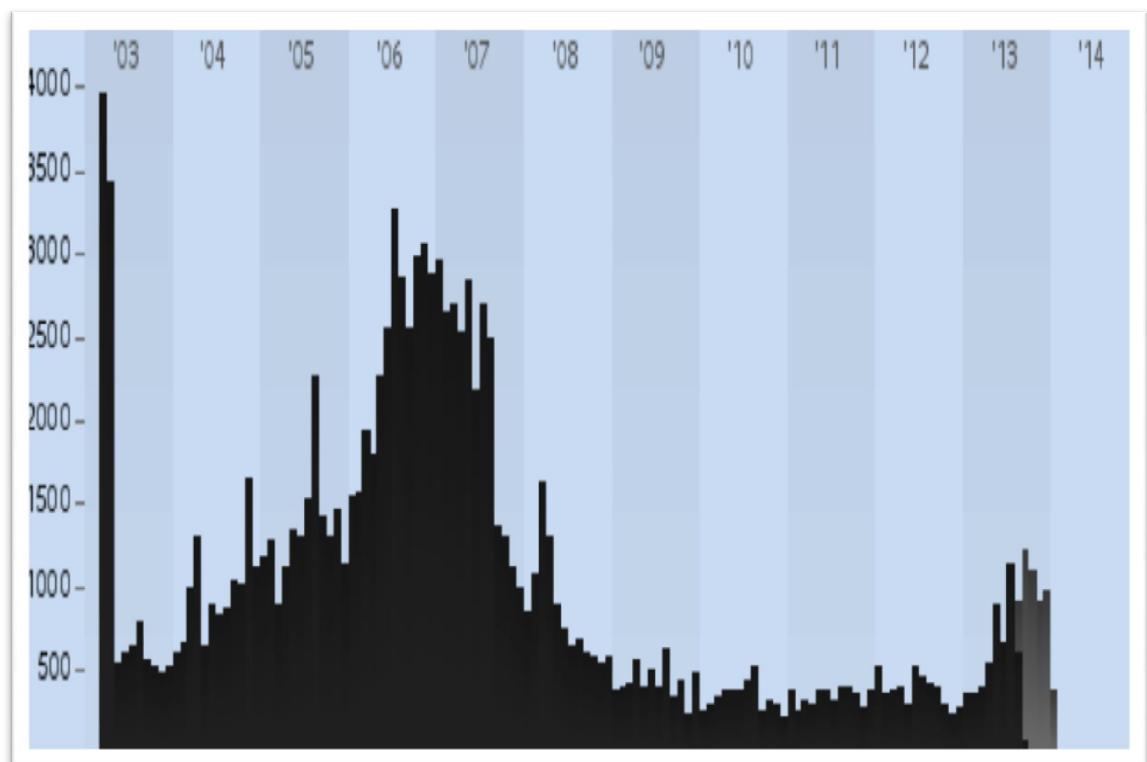
the KRG, which has enjoyed autonomy since 1991, on the distribution of oil wealth and in relation to certain disputed areas (Carlson, 2013: 3–4).

After the fall of Saddam in 2003, the authoritative power was transferred to an interim Iraqi government in June 2004 (Carlson, 2013: 3). Seven months later, Iraq held its first multi-party elections after 50 years, which brought an overwhelmingly Shiite-dominated coalition to power. This government struggled to enforce order among insurgents (with Al Qaeda in Iraq among the most violent) that targeted civilians and the security forces.

The sectarian conflict between Shiites and Sunnis turned into warfare between 2006 and 2007 when the Al-Qaeda organization bombed the Al-Askari Mosque in the province of Samarra, which is a holy site of the Shiite Muslims. This incident set off a wave of Shiite reprisals against the Sunnis, which was immediately countered by the Sunnis. During this time, Iraq experienced the highest level of sectarian violence between the two groups. These acts of violence have been the most prevalent in the country since the U.S. invasion in 2003 (Katzman, 2009: 29). These acts involved the use of firearms, abductions, and attacks on the mosques, markets, and buildings inhabited by members of the rival sect (Knickermeyer, 2006: 29). In mid-2013, the incidents of violence in Iraq escalated again when bombings between the Sunni and Shiite communities increased. The country remained volatile as the insurgents (Al-Qaeda and the Islamic State of Iraq

and Syria- ISIS<sup>13</sup>) continued to use violence against the Shiites, moderate Sunnis, and the government institutions. Figure 6.1.and Table 6.1.show the Iraqi casualties of sectarian violence and the deterioration of security within the country from 2003 to 2013 and from 2007 to July 2010 (Cordesman et al., 2013: 26).

Figure 6.1: Iraqi Body Count Estimate Trends in Casualties (2003-2013)



Source: Cordesman et al. (2013:26)

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<sup>13</sup>Islamic State in Iraq and al-Sham (or Islamic State in Iraq and Syria):" a radical Sunni Muslim organization whose aim is to restore an Islamic state, or caliphate, in the region encompassing Syria, Lebanon, Israel, Jordan, the palestinian territories, and southeastern Turkey". See :( Collins English Dictionary,n.d).

Table 6.1. Deaths in Iraq: 2003 – July 2013

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
<b>Jan</b>	3	601	1138	1543	2948	844	366	263	389	524	357
<b>Feb</b>	2	660	1266	1569	2607	1049	402	304	252	356	358
<b>Mar</b>	3977	1001	871	1940	2682	1623	426	336	311	377	394
<b>Apr</b>	3436	1304	1119	1769	2495	1270	565	385	289	392	544
<b>May</b>	545	656	1336	2250	2809	881	387	387	381	304	527
<b>Jun</b>	598	900	1299	2553	2180	747	498	385	386	529	
<b>Jul</b>	647	818	1528	3279	2671	623	407	443	308	469	
<b>Aug</b>	794	868	2266	2833	2457	627	615	516	401	422	
<b>Sep</b>	560	1031	1415	2548	1360	584	332	254	397	396	
<b>Oct</b>	518	1011	1298	2965	1286	575	435	312	366	290	
<b>Nov</b>	486	1653	1465	3037	1095	521	226	307	279	240	
<b>Dec</b>	527	1105	1135	2885	982	576	475	217	388	275	
	<b>12,093</b>	<b>11,608</b>	<b>16,186</b>	<b>29,171</b>	<b>25,572</b>	<b>9,920</b>	<b>5,134</b>	<b>4,109</b>	<b>4,147</b>	<b>4,574</b>	<b>2,180</b>

Source: Cordesman et al., (2013:26).

After the first four years of the end of the Saddam regime and in the midst of the incidents described above, the security conditions of Iraq completely collapsed. Such collapse was most evident in 2006 and 2007. The security challenges negatively affected the performance of other state institutions, particularly the function of the legislative institution (parliament) as a government observer and its power to make laws. The role of the parliament as a protector of freedom and rights was significantly affected as well (Al-Anbuge, 2012).

In the same context, Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) indicated that security issues are certainly among the crucial challenges that affected parliamentary functions. In fact, security issues are the most crucial challenges that the political process has to contend with. “ I believe that a healthy environment represents stability, attracts investment, and therefore guarantees the freedom of movement from one place to another within the country”. Politically, the deteriorating security situation in Iraq has led to chaos in all institutions, including the parliament, and has hampered the supervisory functions of the parliament (RC1-Member of the Iraqi parliament).

Furthermore, many politicians, including the parliament members, have been accused of supporting terrorism and violence as a result of the security challenges in Iraq. According to Al-Fatlawi (2006: 1–29), Iraqi government officials made several attempts to fight armed violence and terrorism as part of their government programs, yet many officials are still being suspected of supporting violence and terrorism.

In response to the above events, Humam Hamoudi (Interview, July 18, 2013) revealed that the security challenges clearly pose a threat to a representative or to one of his relatives in case the representative tries to reveal files on corruption. Apart from the critical view of the government, accusations of supporting terrorism can place the representative in a precarious situation. This situation can lead to punishment in

accordance with Article 4 of the Iraqi law on terrorist operations<sup>14</sup>, under the pretext of maintaining national security (RC1- Chairman of the Constitution Drafting Committee).

Basim Hattab Toama (Interview, May 16, 2013) identified another negative impact of the deteriorating security conditions on the performance of the Iraqi parliament. He asserted that a state of emergency is borne out of the poor security status in the country. The government declaration of a state of emergency was often extended. Such declaration was viewed as an obstacle to the fulfilment of the supervisory function of the parliament, considering the reservation of several security ministers when answering questions from the parliament based on the principle of confidentiality of information and the protection of national security. Therefore, MPs could not determine whether the government neglected their duties because of the limited access to information (RC1- Iraqi Ambassador to Malaysia).

Apart from the above argument, Yassin Mohammed Al-Issawi (Interview, June 15, 2013) argued that the military campaigns waged by the Iraqi forces to eliminate terrorism in some parts of Iraq were identified as key factors that affect the roles and functions of the parliament. He asserted that more than 44 representatives from the “united” block of the Iraqi parliament announced their resignations in protest of the Iraqi

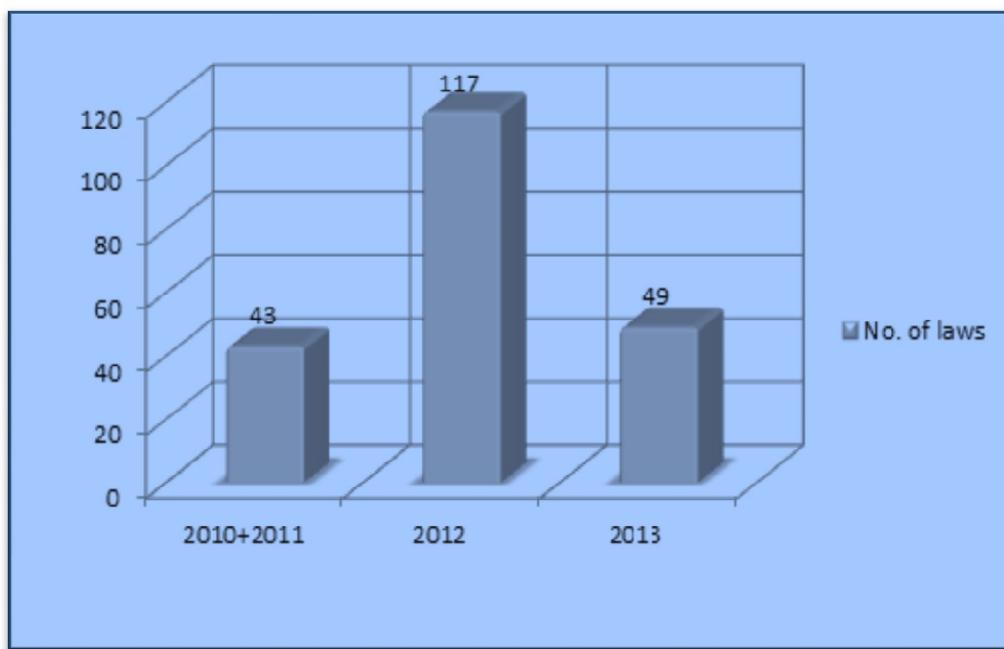
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<sup>14</sup> Article 4 terrorism stipulate that “Anyone who committed, as a main perpetrator or a participant, any of the terrorist acts stated in the second & third articles of this law, shall be sentenced to death. A person who incites, plans, finances, or assists terrorists to commit the crimes stated in this law shall face the same penalty as the main perpetrator”, and also stipulate that “Any one, who intentionally covers up any terrorist act or harbors a terrorist with the purpose of concealment, shall be sentenced to life imprisonment”(Anti-terrorism law,2005:3).

military operations in December 2013, which aimed to break up the sit-ins for the Sunni tribes in Anbar province based on a supposition that the sit-ins were a hiding place for Al-Qaeda terrorists. This withdrawal has therefore prevented parliament members from voting on many important laws (RC1- Professor of constitutional and political systems).

"Sum of the work " (2014) reported that security in Iraq is fast deteriorating to the extent that the parliament was unable to discharge its functions effectively. For example, the function of the parliament to vote on laws was reported to have become very ineffective in 2012 in which (117) laws were voted on, followed by (49) laws in 2013 and (43) laws in 2010–2011, see Figure 6.2.

Figure 6.2: Number of Voted Laws in the Parliament (2010-2014)



Source: "Sum of the work "(February 14, 2014)

In response to the above, Hussein Alwan Al-Beige (Interview, June 3,2013) argued that the security challenges in Iraq have heavily affected the performance of the parliament in several levels including the level of the ability of all institutions to perform their political roles, the level of activity of the politicians in parliament, and the level of threats to MPs. Hussein Alwan Al-Beige noted that the deteriorating security situation and the rise of terrorism in the country have resulted in confusion with regard to the process of implementation of both government and parliament activities. This phenomenon has therefore rendered the parliament unable to perform its duties smoothly and properly at all levels and to meet the demands of the popular forces in the legislation and control of laws (RC1- Professor of constitutional and political systems).

Hassan Hashim Al-Sharaa (Interview, May 12, 2013) provided suggestions on how to mitigate the effects of security challenges on the performance of the Iraqi parliament. He stated that the functions and roles of the parliament would continue to suffer if the security challenges are not properly addressed. To minimize the effects of this problem, the politicians and members of the Iraqi parliament must re-evaluate the present security situation or challenges in Iraq. He concluded that such action would help the Iraqi officials in reshaping and modifying the existing security policies and laws into those that are suited to the present security needs of the country (RC1- Iraqi Cultural Attaché in Malaysia).

Based on the analysis of the aforementioned views expressed by the respondents, all the respondents agreed that the security challenges in Iraq heavily influenced the political activity of the politicians, as well as the activities of the parliament. In particular, the security issues that led to threats on the lives of the MPs undermined the ability of the parliament members to perform their roles. The poor performance of the Iraqi parliament was due to the security challenges, which assume several forms such as terrorism, violence, and militant and sectarian conflicts among the tribes. For instance, many members of the parliament felt very insecure; thus, they fail to attend the parliament sessions regularly. Even when the parliament members attended the sessions, they failed to provide significant contributions to the issues being raised. The parliament was therefore unable to pass many laws because of the security challenges. In sum, the study found that the security crisis in Iraq was the biggest challenge to the enactment of necessary laws. Moreover, the crisis was a major contributor to the weakening of the functions of the parliament in overseeing government operations and the enactment of laws.

## **6.2 Influences of Neighbouring Countries**

Iraq is one of the countries in West Asia that extends to the northwestern end of the Zagros mountain range, the eastern part of the Syrian Desert, and the northern part of the Arabian Desert. Iraq borders Syria to the northwest, Turkey to the north, Iran to the east, Jordan to the southwest, and Kuwait and Saudi Arabia to the south. Iraq has a

narrow coastline on the northern Persian Gulf (Ernst et al., 2011: 3). Figure 6.3 shows the borders of Iraq and its neighbouring countries.

Figure 6.3: Map of Iraq and its Neighbour Countries



Source: Blanchard et al (2009:7)

These neighbouring countries influenced the political events after the collapse of the Saddam Hussein regime in 2003. The political developments in Iraq had political,

economic, and security implications for these neighbouring countries and for the greater part of the Middle East (Blanchard et al., 2009). The instability of Iraq after the fall of the Saddam Hussein regime urged neighbouring countries such as Iran, Turkey, Syria, and Saudi Arabia to intervene in Iraqi politics (James et al., 2003:175). Neighbouring countries have affected the political process in Iraq by destabilizing the security situation and porous border for terrorists. They have influenced the outcome of elections by providing financial support to parties allied with it, provided support for militias and armed groups, fueled conflict between political parties within the government, sparked sectarian strife among the Iraqi people, which reflected negatively on the legislative and supervisory process of the Iraqi parliament.

### **6.2.1 Iranian Influence**

The relations between Iraq and Iran created tension as observed through some instances of armed confrontation over the past decades. Each party has attempted to expand its control at the expense of the other. For example, during the Ottoman and Iranian regime, Iraq became an arena in which different countries battled one another for control over the Iraqis (Al-Rubaie, 2007: 61).

The Iranian regime was significantly challenged by the U.S. intervention in 2003. Before September 11, 2001, Iran considered Saddam Hussein-ruled Iraq and Taliban-ruled Afghanistan as their nearest enemies. Iran fought against Iraq for eight years and

suffered major casualties, including those resulting from chemical warfare. The war ended in 1988 after Iran agreed to a ceasefire that signaled their surrender to Iraq. Such loss was partly attributed to the isolation of Iran from the rest of the world (Kemp, 2003: 4).

Accordingly, the interests of Iran over Iraq have been reflected by the long-standing regional ambitions and desires of Iran to resolve its ongoing dispute with the U.S. over the development of nuclear technology and over the Arab-Israeli conflict. After threats of conventional military weapons and weapons of mass destruction (WMD) were removed following the fall of Saddam Hussein in 2003, Iran aimed to prevent Iraq from re-emerging as a threat with or without the presence of U.S. forces. The prevalence of Shiites in Iraq was viewed by Iran as a potential strategic asset that could advance its interests. Therefore, the intentions of Iran over Iraq slightly differed from those of the U.S., which aimed to establish a democratic government in Iraq that could support the interests of the majority and therefore empower potential Shiite allies. The control over Shiite parties provided Iran with "strategic depth" and ensured the compliance of Iraq with the interests of Iran. The support provided by Iran to many Iraqi Shiite parties and militias prevented the U.S. from promoting stability in Iraq and therefore made Iran a potential threat to the U.S. (Blanchard, 2009: 8).

The overthrow of the regime of Saddam Hussein in 2003 provided the Islamic Republic of Iran with a historic opportunity to transform its relationship with Iraq, formerly one

of its most implacable enemies. Iran has used the long, porous border with Iraq, longstanding ties with key Iraqi politicians, parties and armed groups, and its soft power in the economic, religious and informational domains to expand its influence and thus establish itself as the key external power broker in Iraq (Eisenstadt et al ,2011: xi).

Iran adopted two strategies to help Iraq free itself from U.S. occupation. First, Iran engaged in direct military confrontations with the U.S. and provided material support to other militias that also resisted the American rule (Al-Ugaili, 2006: 24). Second, Iran increased its political presence by controlling Iraqi political, religious, and military organizations that sought refuge in Iran during the Hussein regime (Researchers Group, 2007:69).

These strategies played a major role in the deterioration of security environment of the parliament and inflamed sectarian strife among politicians, which reflected negatively on the parliamentary institution, which is one of the main bodies of the Iraqi political system. Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) argued that the objectives of Iranian policy on Iraq after the regime change in 2003 were achieved by participating in the decision making of the Iraqis and by ensuring that Iran exerts a strong and active influence on the internal affairs of Iraq. She added that Iran presents itself as the regional head of the stability and security arrangements in Iraq and in the Middle East. She concluded that the influence of Iran heightened the preoccupation of the U.S. with Iraqi affairs, through which Iran could avoid being targeted next by the

U.S. and other Western nations for its insistence on developing its nuclear programs (RC2- Member of the Iraqi parliament).

The U.S. has accused Iran of meddling with Iraqi affairs. Iran was one of the first countries that recognized the Iraqi Governing Council after its foundation in 2003. Iran also supported the first Iraqi parliamentary elections in 2005 and upheld the results of these elections, which resulted in the victory of the Shiite political blocs and parties that had ties and good relations with Iran. These blocs and parties helped Iran regain its relations with Iraq (Al-Mahdawi, 2006: 298). On the issue of interference by neighbouring countries in the internal affairs of Iraq, Khamis Hezam Al-Badri (Interview, July 6, 2013) revealed that the political change in Iraq in 2003 was not a result of internal decisions, but external forces. The fear of oppression and cruelty of the Saddam regime caused most leaders and members of the parties in Iraq to flee to neighbouring countries such as Iran, which was against the Saddam Hussein regime. This situation, coupled with the work and the activity of these politicians in Iraq, enhanced their relations with Iran. This was clearly revealed after the change in the regime. All these changes show how Iran has influenced some actors in the political process in Iraq, some of whom even took orders from Iran, as evidenced by their frequent visits to such countries during the crisis. Khamis concluded that Iran disrupted the role of the Iraqi parliament by imposing their will on political settlements of the conflict within Iraq. These countries also imposed its decisions and conditions on the

political blocs and pushed political decisions towards a certain direction (RC2-Professor of constitutional and political systems).

One of the important examples of the strong relations between some Iraqi parties and Iran, was the failure of parliament debates in its session No (2) to reach a resolution condemning the daily bombardments of Iranian artillery on villages and border areas of the Kurdistan region of Iraq under the pretext of prosecuting the Kurdistan Workers' Party (PKK) resulting in the death of many citizens. The MPs protested the silence of the Maliki government and his deputies from the Dawa Party, about the Iranian attacks, and demanded the Iranian ambassador to be summoned to the parliament (Minutes of the Iraqi COR, session 2, 2007).

According to Hussein Al-Beige (Interview, June 3, 2013) the external challenges reflected by the extensive influence of Iran negatively affected the supervisory and legislative roles of the Iraqi parliament, especially after the announcement of the election results in 2006 and 2010. He further revealed that the political polarization of the regional powers especially Iran have had a decisive influence in determining the form and composition of the government, which was an influential factor in the role and powers of the parliament (RC2- Professor of constitutional and political systems). E.g., the parliament has postponed its meeting No. 15, because of the outbreak of scuffles between members of the Iraqi List bloc Sunni which demanded the removed of the picture of the commander of the Iranian revolution (Khomeini) from Baghdad streets but

members of the National Alliance bloc Shiite rejected these demands. This led to chaos within the parliament and the postponement of the parliamentary session causing many of the laws that were ready to be voted in this session would be passed such as the election law , the civil service law and discussion of the deteriorating security situation to be postponed (Minutes of the Iraqi COR, session 15 ,2013).

On the contrary, Ahmed Al-Jalabi (Interview, July 22, 2013) downplayed the effects of regional influences on the Iraqi parliament. He believed that the neighbouring countries such as Iran have no real impact on the performance of the Iraqi parliament and noted that the legislative and regulatory problems of the parliament can be attributed to the internal party agenda and not to regional influences. He argued that the concept of Iranian interference in Iraqi political decisions is exaggerated, and might be aimed at promoting sectarian agenda despite the common interests between Iraq and Iran in the areas of politics, economics, tourism, and trade, (RC2- Chairman of the Iraqi National Congress).

Some reports have suggested that U.S. military commanders claimed the existence of evidence of attempts by Iran to influence the Iraqi parliamentary election results through financial and military assistance and various proxies in Iraqi politics. Moreover, then-U.S. Secretary of State Clinton, in a hearing before the Senate Foreign Affairs Committee, noted that the U.S. was doing all it could to promote participation in the elections to counteract the effects of Iranian efforts to manipulate the election results

through bribery and financial support of candidates (Guzansky,2011: 90). In response to the same issue, Mahmoud Al-Mashhadani (Telephone interview, June 15,2013) expressed that in 2010, although Iran did not achieve its goals, the election results and repeated visits of Iraqi parliamentarians and officials to Iran after the elections and during the formation of the government revealed that Iran has become more powerful and influential. Moreover, the visits of Iraqi parliamentarians and officials to the Arab countries decreased. Mahmoud Al-Mashhadani added that Iran was able to manipulate Iraqi elections for the benefit of certain parties at the expense of others, and managed to control alliances in the Iraqi parliament to form a government (RC2- Former Speaker of the Iraqi parliament).

Hassan Hashim Al-Sharaa (Interview, May 12, 2013) added that the Iranian influence in Iraq was caused product of the “special relations” that linked Iran with a large number of Iraqi politicians from the Shia and the Kurds, who stayed for long periods in Iran when they were opposed to the regime of Saddam Hussein, as well as the weakness of Iraqi politicians and the divisions and conflicts. Such Iranian influence exerted a degree of control on political decisions in Iraq, whether in parliament or the government (RC2- Iraqi Cultural Attaché in Malaysia). Although that the parliament deplored and condemned in its session No (15) in the 4<sup>th</sup> legislative year, the repeated attacks of the Iranian authorities on the Iraqi fishermen in the Gulf region; the Council called on the government to determine the territorial waters, but this session did not reach positive

results in this regard because of the common interests that bound some of the political parties and the Iranian government (Minutes of the Iraqi COR, session 15, 2009).

In the same context, Mahmoud Al-Mashhadani (Telephone interview, June 15, 2013) stated that according to the commander of the American forces in Iraq, U.S. intelligence reports revealed that Iran tried to bribe members of the Iraqi parliament in an attempt to disrupt the bilateral security agreement between Iraq and the U.S.,<sup>15</sup> which stipulated the extension of U.S. presence in Iraq by one year. He added, "We know that Iran has strong links with a number of Iraqi officials, and I think they take advantage of those relationships to influence the final votes in the COR of Iraq" (RC2- Former Speaker of the Iraqi parliament). However, in a parliamentary session attended by 198 deputies out of a total number of 275 member of COR and the parliament approved in its session No. 35, in the 3<sup>rd</sup> legislative year by a majority of 144 votes the security agreement with the U.S. deputies of the Sadr movement led by Shi'ite cleric Moqtada Al-Sadr refused to vote on the security agreement because they believed that this agreement did not serve the interests of the Iraqi people. The Iraqi parliament during several sessions failed to vote on the security agreement with the United States because of the refusal by many of the political blocs. This disrupted the works of the Iraqi parliament (Minutes of the Iraqi COR, session 35, 2008).

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<sup>15</sup> Iraqi-American Security Agreement is the agreement between the United States of America and the Republic of Iraq on the withdrawal of United States Forces from Iraq and the organization of their activities during their temporary presence in Iraq. This agreement, signed by President George W. Bush in 2008, stipulated that U.S. combat forces would withdraw from Iraqi cities by June 30, 2009, and all U.S. forces will be completely out of Iraq by December 31, 2011 (Bruno, 2008).

Furthermore, Yassin Mohammed Al-Issawi, in his assessment of the performance of the Iraqi parliament under Iranian influence (Interview, June 15, 2013), argued that Iran has continued to interfere in Iraqi affairs even after the withdrawal of U.S. troops in 2011. For instance, Iran used Iraq to maintain the influence of the Assad regime in Syria for the purpose of maintaining the alliance between Iran and Syria and Iran's influence on Lebanon because the civil war in Syria threatened to deprive Iran of its only important ally in the Arab world. He added that for this reason, Iran pressured the Iraqi government to support Assad regardless of his violence against his own people. Iran also blocked Sunni insurgents in Iraq from transferring their weapons to Sunni opposition movements in Syria. Therefore, the civil war in Syria had a negative impact on the political stability and security in Iraq. He concluded Iranian interference in Iraq negatively affected the performance of the Iraqi parliament because the parliament cannot function in a turbulent political environment. In addition, the alternative strategies of Iran with regard to Iraq might have also affected the ongoing political violence within the country after the regime change. This influence was reflected in the performance of the Iraqi parliament (RC2- Professor of constitutional and political systems).

The data gathered from the interviews indicated that six of those interviewed agreed that the external challenges reflected by the extensive influence of Iran negatively affected the supervisory and legislative roles of the Iraqi parliament, while one respondent believed that the neighbouring countries such as Iran had no real impact on the

performance of the Iraqi parliament, He added that the legislative and regulatory problems of the parliament could be attributed to the internal party agenda. In sum, the study found that Iran clearly interfered in Iraqi political decisions. The weakness of the policies pursued by the U.S. during the period of the occupation of Iraq, and the weakness of the Arab regimes played significant roles in the expansion of Iranian influence after the fall of the Saddam regime. Iran's strategic policies based on stirring sectarian might have also affected the ongoing political violence within Iraq after the change of regime. As a result, this violence led to the instability of the security of the parliament, and negatively affected the role and functions of the Iraqi parliament. Furthermore, Iran exploited pro-religious parties in Iraq to influence the decisions of the Iraqi parliament and the government.

### **6.2.2 Turkish Influence**

Similar to Iran, Turkey is one of the most influential regional players in the Iraqi politics in two major aspects. The first aspect is the manipulation of official ethnicity, which is done by claiming the protection of Turkmen in Iraq as a reason. This claim caused Turkey to lose historical rights over Mosul-Kirkuk as a result of the British pressure from the resolution league in December 16, 1925, along with the rejection of a Kurdish state in northern Iraq (Siwan, 2008: 350). The second aspect is the attempt of Turkey to control the water sources in its territory (Al-Ugaili, 2006: 18).

The influence of Turkey on the foreign policy of Iraq was clearly shown when Turkey participated in the power struggle under the auspices of the United Nations to protect Iraqi Kurds from Saddam after the 1991 uprising in northern Iraq (Al-Naimi, 2004: 27). At the beginning, Turkey did not support the war waged by the U.S. against Iraq in 2003 because of public pressure. However, on March 21, 2003, the Turkish Parliament permitted Americans to use Turkish aircraft to bomb Iraqi territories and topple Saddam's regime (Mahdawi, 2006: 39).

Turkey faced internal challenges (e.g., PKK) as well as regional challenges (e.g., the presence of Kurds in Iraq and their aspirations for a state of Greater Kurdistan) after the invasion of Iraq in 2003. The initial interest of Turkey was on the development of a political system in Iraq, yet it refused to recognize the Iraqi Interim Governing Council for two reasons. One, this body allowed Kurds to expand their political influence over the country, and two, the Turks were unfairly represented in the Council (Mahdawi, 2006: 177). Furthermore, other challenges emerged after the formation of the Iraqi government, in which Kurds secured several important positions (e.g., the presidency, deputy speaker of parliament, minister of foreign affairs, and army chief of staff). Based on such changes, Turkey rejected several Articles of the Iraqi constitution after its official promulgation in December 2005. These Articles included those on federalism and the disputed areas over Kirkuk (e.g., Article 140 of the Constitution on the disputed areas between Arabs and Kurds). In view of this, Turkey continued to interfere in northern Iraq by flying Turkish planes within the aerial territories of Iraq (20 km) in July

2006, bombarding the Iraqi Kurdish villages near the Turkish border by the Turkish artillery, issuing statements such as those of the Turkish General Staff in June 2006 on the possibility of entry of Turkish troops (more than 140,000 Turkish troops) into northern Iraq, and the decision of the Turkish parliament in October 2007 to allow Turkish troops to enter Iraqi territory and hunt PKK, and so on (Siwan, 2008: 348–375).

The Iraqi political system after the Saddam regime experienced chaos and instability as a result of Turkish intervention in the political decision-making process at the parliamentary and government levels, e.g., the Foreign Relations Committee discussed in parliament session No. 30, the meeting which brought together the so-called political Council of the Iraqi resistance (a group of former members of the Baath Party) and the American officials under the auspices of Turkey. Where the Council issued a statement of condemnation and denunciation and considered it as interference in Iraqi affairs. The Council asked the Iraqi government to summon the ambassadors of the two countries and notify them of the formal protest of the Council. (Minutes of the Iraqi COR, session 30 , 2009). However, the parliament did not reach satisfactory outcome on this matter.

In the context of this topic ,Hussein Al-Safi (Interview, July 12, 2013) stated that the Turkish effect on the Iraqi political process was highlighted after the collapse of the Saddam regime. This influence took on many forms, including intervention in the parliamentary elections by supporting some members of Iraqi Sunni parties pro to Turkey, granting political asylum to MPs and politicians accused of corruption and

terrorism, destabilizing the political environment by supporting all forms of terrorism and stirring sectarian strife among politicians, and supporting rebels in neighbouring regions (RC3-Member of the legal committee in the Iraqi parliament).

A similar view was expressed by Humam Hamoudi (Interview, July 18, 2013), who lamented that the role of Turkey in Iraq reflects a clear interference in the internal affairs of the latter, and that this intervention does not deviate from the circle of influence of Turkey on the political parties that were affiliated with it. He stressed that in the 2010 elections, several indicators confirmed the existence of pressure from Turkey to grant the position of Speaker of the House to a member of some of the parties loyal to it. This revelation led to chaos in the parliament because these parties will work for the agenda of Turkish politics instead of the national policy agenda (RC3- Chairman of the Constitution Drafting Committee).

In line with the above responses, Hassan Hashim Al-Sharaa (Interview, May 12, 2013) argued that the insistence of Turkey to build dams on the Euphrates and Tigris rivers and deprive Iraq of its share of water had a negative impact on arable land in Iraq. He added that in spite of a meeting conducted by several committees in the Iraqi COR, and despite the issuance of several resolutions warning Turkey of the negative effects of these dams on the Iraqi economy, Turkey did not heed these decisions because of its strong influence in Iraq. Consequently, the prestige of the Iraqi parliament as an important institution in the Iraqi political system was tarnished (RC3- Iraqi Cultural

Attaché in Malaysia). E.g., the parliament in its session No. 8, discussed the issue of ensuring the quota of water for Iraq from Turkey, and Turkey's attempts to reduce the quota of water (water war) and the Iraqi parliament requested the Turkish government not to reduce the quota that was previously agreed upon., but the parliament failed to reach a positive outcome on this topic (Minutes of the Iraqi COR, session 8, 2009).

In the same context, Mahmoud Al-Mashhadani (Telephone interview, June 15, 2013) expressed that one of the major regional events that affected the functional role of the Iraqi parliament is the bombardment by Turkey of the border areas and the massing of its military forces on the border of the Iraqi Kurdistan region under the pretext of chasing the PKK opposition to Turkey. Although the Iraqi parliament adopted a draft resolution condemning the decision of the Turkish Parliament to allow the government to conduct Turkish military operations inside the Iraqi border to hunt down Kurdish rebels, Turkey continued to interfere with the internal affairs of Iraq and violate its territorial integrity (RC3- Former Speaker of the Iraqi parliament).E.g., parliament discussed in its session No. 18 the Turkish shelling of border areas and Turkish military buildup on the Iraqi border of the Kurdistan region of Iraq ,and voted on a statement denouncing the Turkish artillery shelling , but parliament was not been able to reach positive results on stopping the Turkish artillery shelling the Kurdistan region because of the positions of some Sunni and Turkmen parties loyal to Turkey as well as the weakness of the foreign policies of the Iraqi government(Minutes of the Iraqi COR, session 18 , 2007).

Apart from the issues described above, the future of the conservative oil-rich Kirkuk presented a major concern for Turkey. Authority over Kirkuk induced a heated dispute between Turkey and Iraqi Kurdistan, in which the former asserted that most residents of Kirkuk province were Turkish citizens. Turkish military leaders threatened the Kurds because of their insistence on the annexation of Kirkuk Province into Iraqi Kurdistan (Ahmed, 2006: 28). The attempts by Turkey to extend its influence over the northern oil fields and trade routes were fueled by historic and economic motives. However, the U.S. asserted that oil from Iraqi territories was the property of the Iraqi people. This statement was probably aimed at dissuading Turkish greed. However, Turkey asserted its wish to promote the interests of Iraqi Turkomans, but in reality, Turkey wanted to influence the Iraqi polity through the Turkoman minority. This support could potentially spill over into support for Turkoman militias (James et al., 2003: 175).

Hussein Alwan Al-Beige (Interview, June 3, 2013) opined that the major aim of the Turkish position on the Kirkuk issue is to prevent Kurdish insurgents, primarily the PKK, from using the Turkish-Iraqi conflict as an opportunity to consolidate their rear areas. Turkey government feared that Iraqi Kurds might transfer arms or support to the Turkish Kurds, which could encourage the latter to seek autonomy or independence from Turkey. This position was demonstrated during the Iraqi parliamentary elections 2005, in which the position of Turkey government on the results of the elections differed from those of other neighbouring countries. Turkey government believed that the

election results unfairly represented various religious groups and failed to reflect Iraqi nationalism; therefore, well-balanced elections, especially in Kirkuk should be demanded (RC3- Professor of constitutional and political systems).

Journalistic sources indicated that the Turkish Prime Minister "Recep Tayyip Erdogan" and his Foreign Minister "Ahmed Davutoglu" made some unannounced contacts in Ankara with some heads of Iraqi Sunni parties, especially the head of the united bloc, Osama Najafi ,who was the chairman of the parliament and leader of the Islamic Party, Ayad Al-Samarrai, the journalistic sources revealed attempts carried out by the Turkish government to unite the political Sunni blocs not to elect the Iraqi Prime Minister Nuri Al-Maliki for the third time. The journalistic sources added that "Ankara can influence all nearby Sunni parties to form a political bloc. It can conduct negotiations with all of Shiites and the Kurds to prevent the third term of the Al-Maliki". The Turkish government accuses the Prime Minister Nuri Al-Maliki of following sectarian policies against the Sunnis in Iraq (Asharq Al-Awsat Newspaper, 2014).

In response to the same issue, Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) added that the weakness of the role of parliament is clearly shown by the continued attempts of Turkey to play the role of mediator or provider of an alternative to the Iraqi state and institutions in resolving the internal problems of Iraq. Such weakness was caused by the conditions of instability experienced by the Iraqi political system. At the same time, these attempts reflect the growing influence of Turkey on Iraq .For example, the Oil and Energy Committee in the Iraqi parliament considered the proposal of Turkey

to intervene between the governments of Baghdad and the Kurdistan region in 2013 to resolve disputes over oil imports as “a violation of Iraqi sovereignty,” and that this crisis is an internal Iraqi issue caused by the lack of oil and gas legislation. However, Turkey has continued to intervene and fuel the conflict between the parties (RC3-Member of the Iraqi parliament).

Based on the analysis of the aforementioned views expressed by the respondents, all the respondents agreed that the growing Turkish influence in Iraq's foreign policy has had a negative impact on the political system and the parliamentary institution in Iraq. The evolution of the political situation in Iraq and the Kurdistan region had serious repercussions and implications for the Turkish internal and external affairs. Thus made it increase the Turkey intervention in Iraqi affairs further. This influence took on many forms, supporting some members of the Iraqi Sunni parties and Turkmen parties pro to Turkey, intervention in the parliamentary elections, attempts of Turkey to play the role of mediator or provider of an alternative to the Iraqi state and institutions in resolving the internal problems of the Iraqi government, destabilizing the security situation and intervening in the formation of the Iraqi government. This Turkey intervention weakened the parliamentary institution and prevented it from performing its functions because of the lack of political stability and security. In the end, the study found that the Turkey intervention also weakened the Iraqi government, which contributed to the loss of credibility of the parliamentary decisions in terms of strength and effectiveness.

### **6.2.3 Influences of Neighbouring Arab Countries**

The religious conflict between Sunnis and Shiites, along with the issue of “Arab identity” in the midst of the growing tension between these groups, is also one of the critical issues that affected the relations of Iraq with the Arab world. Attempts by Iraq to reach out to the Arab world yielded limited success because the Arab states remained reserved about the relations of Iraq with Iran and its shift from a Sunni-dominated political structure to a Shiite-dominated one (Cordesman et al., 2012: 9).

The growing support of Iran for various Iraqi militias, particularly the Shiites, has driven the neighbouring Sunni-dominated countries to support their fellow Sunnis in Iraq. The countries have been suffering from problems caused by the civil war, such as the increasing number of refugees, prevalent terrorism, and the radicalization of their own people, economic dislocation, and the danger of secessionist movements. However, the active intervention of Iran in Iraqi affairs exacerbated the situation, thereby causing these countries to fear that Iranian support would ensure the victory of Shiites and complete domination of Iran over Iraq. Thus, these countries aimed to prevent such events and subsequently supported various Sunni insurgents and militias. As a result, the civil war escalated and deteriorated security situation in Iraq (Pollack, 2013: 6). As a result, the performance of the Iraqi parliament regressed because of the growing influence of these countries, and the loss of the necessary security environment to the work of the parliamentary.

### 6.2.3.1 Saudi Arabia Influence

The relationship between Iraq and Saudi Arabia has been marked by instability. Given that the actions of Iran negatively affected Saudi Arabia, Iraq was financially supported by Saudi Arabia during the first Gulf War (1980 to 1988). However, the relationship between these two countries deteriorated after the Iraqi invasion of Kuwait in 1990. The situation between these countries worsened after Saddam asked Saudi Arabia to cancel the Gulf War debts of Iraq, which amounted to \$12 billion (Luizard, 2006: 219).

Saudi Arabia was wary of the Iraqi regime change in 2003 because the new political forces (Shiite forces) that ruled Iraq differed from those that ruled Saudi Arabia. Nevertheless, Saudi Arabia congratulated the Iraqi government after the 2005 parliamentary elections. The former viewed the elections as a huge step toward the sovereignty and independence of the country. However, the perception of Saudi Arabia changed when the election results were released and win the Shiite blocs. For instance, the Saudi Foreign Minister during that time, Saud Al Faisal, announced that “Saudi Arabia has the custody of the results of the elections being conducted, the process of which did not include certain segments (Sunni Arab) of Iraq” (Ahmed, 2006: 36). Accordingly, the Saudi Prince, Saud Al Faisal (Interview, 2005), is concerned about the drafting of the Iraqi constitution before the elections, fearing that such event could divide Iraq and strip Sunni Arabs of their political rights.

Hassan Hashim Al-Sharaa (Interview, May 12, 2013) revealed that Saudi intervention in the political process in Iraq reflected negatively on the performance of the Iraqi parliament through interference in the results of parliamentary elections, supporting some members of the Iraqi Sunni parties in the Iraqi government, destabilizing the political environment by supporting terrorism and stirring sectarian strife among politicians, and supporting rebels in Sunni areas of western Iraq. He added that the growing Iranian influence in Iraq, especially after the emergence of the so-called Shiite Crescent<sup>16</sup>, was the real reason that prompted Saudi Arabia to interfere in the political affairs of Iraq. Both Saudi Arabia and Iran were therefore interested in thwarting each other's attempts to gain the widest influence over Iraq. He stressed that the intervention of Saudi was aimed at preventing Iraq from exporting oil to world markets and therefore enabling Saudi Arabia to maintain their monopolistic leadership over the Organization of Petroleum-Exporting Countries. He added that the intervention of Saudi in Iraq was a result of its concern over the development of a Shiite state in Iran, which could encourage the Shiite minority in Saudi Arabia (approximately 10% of the total population, and mostly located in eastern oil-rich regions) to claim their rights (RC4-Iraqi Cultural Attaché in Malaysia).

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<sup>16</sup> The Shia Crescent is a geo-political term used to describe a region of the Middle East where the majority population is Shia Muslim. A region including most of Iran, Iraq, Syria and Lebanon thought to be a destabilizing influence in the Middle East and posing a challenge to the Sunni states (such as Saudi Arabia, Egypt and Jordan). The term was coined by Abdullah II, King of Jordan in 2004, after which it became popular in political debates (Nishapuri, 2011).

In response to the same issue, Hussein Alwan Al-Beige (Interview, June 3, 2013) argued that the political system of Saudi Arabia played a major role in spreading chaos and destruction in Iraq, despite its claims to the contrary, causing a negative impact on the performance of the political and parliamentary institutions . Physical evidence confirms this claim, including a 2009 telegram from Christopher Hill, the former U.S. ambassador to Iraq, addressed to the American Congress in which he stressed that Saudi Arabia posed the greatest challenge to Iraqi politicians who were trying to form a stable and independent government. Hill noted that Saudi Arabia held hostile positions against other communities and exerted a strong influence over some places within the region. Hill added that Saudi Arabia was attempting to incite a sectarian conflict in Iraq to destabilize the political process and the Iraqi parliamentary to protect its totalitarian political system from the concept of devolution of power (RC4- Professor of constitutional and political systems).

At the governmental level, Iraqi Prime Minister Nuri Al-Maliki, in a television interview, accused Saudi Arabia of stimulating terrorist organizations, including al Qaeda of supporting politically and financially. In the media Al-Maliki pointed out that Saudi Arabia waged war on the political system in Iraq by harboring terrorist leaders and Al-Qaeda and extremist groups and recruiting terrorists who came from European countries like Belgium and France. He concluded that Saudi Arabia announced directly the war on Iraq on sectarian and political backgrounds, because they wanted to weaken Iraqi politics in the Arab region (France 24 News, 2014).

While at the parliamentary level ,the presidency of the Iraqi parliament has remained silent about the document of U.S. ambassador, Christopher Hill in 2009, which referred to the role of Saudi Arabia in support of terrorism in Iraq, in addition to its role in inciting a sectarian conflict in Iraq to destabilize the political process and parliament. It was assumed the presidency of parliament had directed letters to the Union of Arab parliaments , Union of African parliament , Union of European parliament and the UN about the document of ambassador Hill to detect the Saudi role to weaken the Iraqi political system .Iraqi parliament failure to condemn the hostile Saudi foreign policy on Iraq contributed to transform this institution into a political organization dedicated to political conflict and permanently abandon its responsibility in supervision and legislation(The strategic importance of the document of Christover Hall ,2013).

On the other hand ,the Los Angeles Times, an American publication, published an article by journalist, Ned Parker about the significant role played by Saudi Arabia in spreading chaos and destructing the Iraqi government, He stated that 45% of all foreign fighters who attacked American troops, civilians, and Iraqi security forces were from Saudi Arabia, whereas 15% were from Syria, 15% from Lebanon, and 10% from North Africa. Therefore, nearly half of the 135 foreigners detained in Iraq were from Saudi Arabia. In addition, Saudi fighters were believed to be responsible for most of the suicide bombings in Iraq (Hussein, 2007).

Khamis Hezam Al-Badri (Interview, July 6, 2013) affirmed that the unstable security situation caused by the terrorist attacks which were Saudi-backed indirectly, contributed to the decline in the performance of the parliament in legislation and supervision. He added that the Saudi foreign policy began to extend its dominance over the Iraqi political system after the Saddam regime by providing material and moral support to several armed terrorist organizations in Iraq. Official sources estimated that approximately 2,000 to 3,000 Saudi Arabian troops have been entering the Iraqi territory. Most of these troops were from an organization known as “Jahafil Al-Tawhid Wal-Jihad fi bilad Al-Rafidain” (Tawhid and Jihad in Mesopotamia). Furthermore, most of the suicide attacks in Iraq were carried out by Saudi Arabian insurgents who filmed themselves before performing terrorist operations (RC4- Professor of constitutional and political systems).

Iraqi parliament rejected in its session No. 7, in the 4<sup>th</sup> legislative year to vote on the agreement to exchange of convicts between Saudi Arabia and Iraq. The Shiite blocs in parliament were justified not to vote on this agreement because of Saudi Arabia's position on Iraq and its support and funding for terrorist operations. In addition to this the Saudis prisoners were accused of terrorism and killers of the Iraqi people. The Iraqi prisoners were just smugglers of sheep or drinks. As the Sunni bloc in the parliament (united list, the Iraqi List) was absent from voting because they saw the need to follow the Iraq foreign policy with Saudi Arabia seriously, and resolve all contentious issues to gain its help in the fight against terrorism in Iraq. At the same time the parliament voted

to accept the exchange of convicts Agreement between Iraq and Iran (Minutes of the Iraqi COR, session 7, 2014). Thus it can be concluded that the neighbouring countries had impacts and wide through the support of the pro political blocs to it in the parliament. Thus, reflected negatively on the role of parliament in legislation and control of many of the laws on foreign relations.

On the sectarian contrast between Iraq and Saudi Arabia and their impact on the political and institutional stability in Iraq, Hussein Al-Safi (Interview, July 12, 2013) opined that the expiatory “Fatwa” that were issued by the Wahhabi scholars and approved by the Saudi government called for the demolition of the holy places in Iraq and incited Saudi youth to volunteer to fight the “Shiite” in Iraq. He added that these “Fatwa” have played a significant role in the instability of Iraq and the outbreak of civil war in 2006 between Iraqi communities. Thus the volatile environments in Iraq contributed in foment sectarian conflict between the political blocs in the House of Representatives, which led to weakening its legislative and supervisory role (RC4 -Member of the Legal Committee in the Iraqi Parliament). E.g. although the Iraqi parliament the issue of expiatory “Fatwa” during its session No. 52, in the 2<sup>nd</sup> legislative year, the parliament failed to yield results on this issue because of the conflicts within the parliament between the Shiite and the Sunni parties that had common interests in Saudi Arabia. In addition, Saudi Arabia did not show any interesting in Iraqi’s demands to stop these “Fatwa” (Minutes of the Iraqi COR, session 52, 2007).

In response to the above events, Humam Hamoudi (Interview, July 18, 2013) asserted that the sectarian hostility between the Iraqi and Saudi governments had a negative impact on the development of relations between the two countries and destabilized the political and parliamentary stability in Iraq because of the Saudi government's attempts to use this sectarian hostility as an essential tool in its foreign policy against the Iraqi political system. He added that the relationship of Saudi Arabia with Iraq is not new; it has its historical roots dating back to the establishment of the two states, Saudi Arabia by King Abdulaziz Al-Saud, and the modern Iraqi state by King Faisal I. In addition, the "Wahhabi" movement against the Iraqi people was the running ideological doctrine. Motivated by sectarianism, the "Brotherhood" of Wahhabis Bedouins waged brutal attacks and looting on Iraqi cities such as Najaf and Karbala in the last quarter of the nineteenth century. Thousands of inhabitants were killed and the coffers of Shiite holy sites were plundered (RC4- Chairman of the Constitution Drafting Committee).

Also, the Iraqi parliament condemned in its session No. 21, in the 4<sup>th</sup> legislative year abusive statements made by the Wahhabi cleric in Saudi Arabia, Muhammad Al-Arifi, against Shiite religious authority, Ayatollah Ali Al-Sistani. The Iraqi parliament called on the Saudi government to take a transparent position on the issue because it was offensive to the religious symbols of Iraq and provoked sectarian conflicts among the people. Saudi Arabia did not show any interest in Iraq's demands to stop these abusive statements. This result reflected the weak role of the parliament in making decisions

regarding the countries abusive to Iraq's religious symbols and national issues (Minutes of the Iraqi COR, session 21, 2010).

The reasons for the deterioration of the security and the political of towns in Iraq, especially in Baghdad and the Sunni areas in Mosul and Diyala, Salahuddin were backed by Saudi interference in Iraqi affairs through financial aid that was been distributed by Saudi Arabia to the pro-Iran political parties in Iraq, especially the Baathist groups and Al-Qaeda. After the U.S. withdrawal from Iraq in 2011, Saudi Arabia encouraged sectarianism by claiming that the "Sunni" in Iraq risk genocide. Saudi Arabia spent more than USD 75 billion in supporting the secret project called "re-Arab Iraq to an embrace of the Arabs"(The strategic importance of the document of Christover Hall, 2013).

In relation to the assertion above, Basim Hattab Toama (Interview, May 16, 2013) argued that the Saudi Arabia intervention in supporting terrorism in Iraq had an effect on governmental and parliamentary performance. He stressed that the Saudi regime feared that terrorism that was backed by other countries such as Iran might affect Saudi policy. This concern extended to terrorism in the Iraqi territory and reflected negatively on the security situation in Saudi, as was the case from 2003 to 2007 (RC4 - Iraqi Ambassador to Malaysia).

As evident from the data gathered from the interviews most respondents agreed that Saudi Arabia's growing influence in Iraq had a serious role in disrupting a lot of

decisions, both at the government or parliamentary level. This influence became evident after the collapse of the Saddam regime through the destabilization of Iraqi security, support for terrorism, encouraging Sunni tribal revolt, interference with the results of the parliamentary elections, and the invitation of Iraqi Sunni leaders to visit Saudi Arabia and discuss the elections and the formation of the government. Saudi intervention in Iraqi politics was a result of the fear of Iranian influence in Iraq, the parliamentary experience, and the devolution of power in Iraq. This Saudi influence in Iraq reflected negatively on the role and functions of the parliament because of the conflict between the Shiite parties that were loyal to Iran and the Sunni parties that were loyal to Saudi Arabia. This situation led to the failure to pass several laws and decisions, including those related to the presidential elections, the formation of the government, and the ratification of some of the conventions pertaining to Iraq and Saudi Arabia, such as the convention on the exchange of prisoners between the two countries, which was signed on June 25, 2013.

#### **6.2.3.2 Syrian Influence**

The relationship between Iraq and Syria has been characterized by tension, inertia, and competition. After the Baath Party rose to power in both countries (February 8, 1963 in Iraq and March 8, 1963 in Syria), Syria decided to support Iran in the Gulf War against Iraqi political system. Syria also supported the coalition forces during the second Gulf War in 1991 to expel Iraqi forces from Kuwait. In 1996, Iraq and Syria reached a certain

level of reconciliation motivated by economic interests. The flow of Iraqi oil through the Syrian territory to the Port of Banias in Syria, Tripoli, and to Lebanon generated billions of dollars every year and led to the signing of numerous trade agreements between the two countries (Hussein, 2010: 99–100).

Syria suffered a huge economic loss after Iraq was invaded by the U.S. in 2003. For instance, Syria lost its control of the Iraqi market, and the flow of Iraqi oil through the Syrian territory was blocked by the U.S. forces in April 2003. Syria was also highly concerned about the desire of the U.S. to change the dictatorship political regimes in the Middle East region (Sattar, 2008: 199). As a result, Syria sought in its foreign policy towards the Iraqi government after the U.S. occupation of Iraq to strengthen its own influence through thwarting the U.S. project in Iraq and in other Middle-Eastern countries .To achieve its own purposes, Syria sought to support terrorism in Iraq as well as support and harbor opponents of the Iraqi Baathist leaders of the former Saddam regime. These policies followed by the Syrian regime contributed to destabilize the security and political stability of the Iraqi regime, therefore this situation reflected negatively on the role and performance of the Iraqi parliament because the parliament was unable to function in an environment where security was unstable.

In line with the above opinions, Ahmed Al-Jalabi (Interview, July 22, 2013) confirmed that the growing Syrian influence in Iraq after the U.S. occupation had a negative impact on the performance of the Iraqi political institutions, including the Iraqi parliament. He

argued that the Syrian regime played a role in the deterioration of security in Iraq because it served as the main gate through which foreign fighters entered Iraq during the war between March 2003 and April 2003. He adds that based on the statistics from the U.S. Army Chief of Staff, Richard Myers, the majority of the foreign fighters that infiltrated Iraq came from Syria. , At least 80 fighters who trained for several months in a Syrian camp before infiltrating Iraq were identified. Ahmed Al-Jalabi added that many leaders and members of the estimated 30,000 to 40,000 members of the Iraqi Baath Party relocated to Syria with the aim of resuming their political activities and preparing themselves against the new political regime in Iraq. The Bashar Al-Assad regime harboured Iraqi operatives and former Baath party officials, and used these groups as leverage in their negotiations with the U.S. and with the Iraqi government over the improvement of the economic relations between the U.S. and Syria, and between Syria and Iraq. He concluded that these strategies in the Syrian foreign policy has had a negative impact on the security environment of the parliament and reduced its role in legislation and supervision. (RC5 - Chairman of the Iraqi National Congress).

Syrian foreign policy has been since the beginning of the U.S. occupation of Iraq hostile of the political system in Iraq, e.g. the Syrian stance from the political changes that occurred in Iraq, particularly on the Interim Governing Council that was founded in 2003, was that of reticence. Despite the visits of many Council members to Syria, it viewed this Council as a sectarian body that could not represent the interests of the Iraqi

people. Syria believed that the Council was formed by U.S. will and had excluded a considerable number of politicians and political parties (Hameed, 2005: 68).

Although, the Iraqi parliament in its session No. 21, in 2008 condemned the attack by a U.S. military helicopter on Syrian territory, which used the follow-up terrorists who had entered Iraqi territory as an excuse. It killed eight people in a strike which the government in Damascus condemned as "serious aggression "and the parliament told the U.S. troops that the Council does not allow any attack from its territory on neighbouring countries. Nevertheless, the Syrian regime continued with its hostile policies against the Iraqi government to destabilize the security and political stability in Iraq (Minutes of the Iraqi COR, session 21, 2008).

On the same issue, Azhar Abdul Karim Al-Shaykhli (Interview, July 5, 2013) argued that there was a close relationship between the growing influence of the Syrian government based political instability of the Iraqi regime and the weakness of the Iraqi institutions, including the parliament in the performance of its functions .She added that the U.S. presence in Iraq and its policies hostile to the Syrian regime was the main reason for the deterioration of the Syrian-Iraqi relations at that time. She concludes that the Syrian regime's support for the Iraqi resistance and terrorist organizations to fight against U.S. forces had a serious impact on the political stability in Iraq (RC5-Member of the Iraqi parliament).

In 2009, the Iraqi-Syrian relations witnessed a diplomatic crisis when Maliki accused the Syrian-based Iraq Ba'th Party of plotting a series of devastating bombings in Baghdad. It recalled Iraq's ambassador and demanded that Syria hand over a hundred Iraqi Ba'thists living in Syria, which Syria refused (Hinnebusch, 2014:20). As a result, the Iraqi parliament discussed in its session No. 2, the political crisis between Iraq and Syria resulting from the exchange of accusations and tension in the bilateral relations between the two countries. The Council recommended to the Iraqi-Syrian Friendship Committee to improve the atmosphere between the two countries and resolve the crisis diplomatically. However parliament failed to reach a positive result because of the conflict between the political blocs in the Iraqi parliament (Minutes of the Iraqi COR, session 2, 2009).

Before and after Iraq's 2010 parliamentary elections, Syria became a venue for bargaining by rival Iraqi leaders. The leaders of the Iraqiyya bloc, Tariq Al-Hashimi and Ayad Allawi were the main threat to Prime Minister Nuri Al-Maliki's hold on power (Hinnebusch, 2014:20), but after the National Alliance bloc, headed by al-Maliki won in the election , the Syrian Foreign Minister stated that the Syrian government did not recognize the current government, and Syria was waiting for a new Iraqi government. Parliament in its session No. 21, condemned these statements. Also it did not reach any results, which led to the loss of prestige of parliamentary work, which was a part of the prestige of the Iraqi government(Minutes of the Iraqi COR, session 21, 2010).

Mahmoud Al-Mashhadani (Telephone interview, June 15, 2013), in stating the main causes of Syrian interference in Iraq, expressed that the withdrawal of the U.S. from Iraq in 2011 and the integration of Western elements into the interests of Syria became the determinants of Syrian interference in Iraqi affairs. For instance, in the cases where the U.S. seeks to impose more restrictions on Syria or threatens the security and territorial integrity of the country, Syria will move to intervene in Iraqi affairs to show the importance of regional stability. Al-Mashhadani confirmed that Syria has demonstrated that it has the necessary mechanisms for protecting its interests in Iraq. For example, Syria has a wide common border with Iraq (385 km), has good relationships with armed resistance organizations inside Iraq, and serves as home to many Baath party leaders, military officers of the former Saddam regime after the U.S. occupation of Iraq, and massive considerable number of Iraqi refugees. He concluded that these mechanisms have had a negative impact on the political and parliamentary process stability in Iraq (RC5- Former Speaker of the Iraqi parliament).

The Syrian crisis that resulted from the uprising against the Assad regime in 2011, negatively affected the security situation in Iraq. This effect was engendered by the increase in the smuggling of weapons from Syria to Iraq, and vice versa. These smuggling incidents were made possible by the absence of border patrols on both sides. This rampant smuggling created a favorable environment for Jihadist organizations (e.g., the Islamic State of Iraq and the Levant organization) and allowed such organizations to continue their activities and establish their presence within Iraq. The

evolution of these Jihadist organizations and the increasing influence of Syria over Iraq contributed to the instability of the political and security systems of Iraq (Haidar, 2012).

Hussein Al-Safi (Interview, July 12, 2013) argued that the stance of the members of the Iraqi parliament regarding the Syrian crisis and the divergent views of the various political blocs about such crisis led to large discrepancies, e.g, some MPs sustained the support of the government for the regime of Bashar Al-Assad, whereas others have declared their support for the revolution of the Syrian people, which claimed to adhere to a peaceful manner in obtaining freedom. Al-Safi adds that a sectarian conflict was present within the parliament, particularly between Sunni parties that supported the revolution and the Shiite parties that supported the regime of Bashar Al-Assad. This partisan conflict contributed to the weakening of the legislative and supervisory role of the parliament (RC5-Member of the legal committee in the Iraqi parliament).

By contrast, Hassan Hashim Al-Sharaa (Interview, May 12, 2013) asserted that the challenges of the neighbouring countries, such as Syria, affected the legislative and supervisory role and functions of the parliament, although the effect was not complete. This effect was a result of intervention of the neighbouring countries in Iraq to ensure its interests. Al-Sharaa adds that the real problem was caused by the Iraqi parliamentarians and politicians themselves and their respective loyalties to the neighbouring countries. He concluded that Iraq has become a main base of the external forces, especially the states that enjoy seeing Iraq in conflict and chaos because these conditions can serve

their own interests. Furthermore, some regional powers believed that their strength lies in meddling with Iraqi affairs (RC5- Iraqi Cultural Attaché in Malaysia).

As evident from the data gathered from the interviews four out of five respondents agreed that the growing Syrian influence in Iraq after the U.S. occupation had a negative impact on the performance of Iraqi political institutions, including the Iraqi parliament. The fifth respondent tried to minimize the impact of Syrian influence on the performance of the Iraqi parliament and insisted that the real problem was caused by the Iraqi parliamentarians and politicians themselves and their respective loyalty to the neighbouring countries. The study concludes that the emergence of the U.S. as the most influential factor in Iraq created the so-called “new Middle-East”, which at present involves the fight against terrorism and other forms of political, social, economic, and cultural rehabilitation of the Middle Eastern societies. All these activities have evidently increased the fear of the neighbouring countries of Iraq including Syria. Unfortunately however, Iraq has become an open arena for neighbouring countries to settle their issues with the U.S., measure their influence within Iraq, and achieve their own interests. In addition, the Syrian influence produced security disruptions that hindered the work of the parliament and the government, thereby causing inconsistencies in the positions of political parties regarding the Syrian crisis. Therefore, political conflicts within the parliament negatively affected the performance of the parliament.

### **6.3 Summary**

The war between the U.S. and Iraq, as well as the policies implemented by the U.S. government in Iraq, resulted in the collapse of the Iraqi state and created a political and security vacuum. Regional and international powers attempted to fill the vacuum by interfering in the internal affairs of the political system in Iraq. However, this situation transformed Iraq into a battle arena where different countries grappled to achieve their interests and expand their influence and control over the political decision of supporting terrorism and the political opposition , buying the loyalty of the political parties , inflaming sectarian conflicts and intervening in the parliamentary and presidential elections .The political violence and deteriorating security situation that emerged from such conflicts negatively affected the stability of the political institutions in Iraq, including the parliament. Therefore, the role and functions of the Iraqi parliament amid the above mentioned external challenges remain substandard.

## CHAPTER SEVEN

### CONCLUSION AND RECOMMENDATIONS

#### 7.0 Introduction

This study investigated the major challenges of the Iraqi parliament and how these challenges affected the functional roles of the Iraqi parliament, particularly after the Saddam Hussein regime, with a view to proffer possible recommendations on how to address these challenges. Iraq is faced with numerous challenges that are historical, structural, and external in nature, and these challenges have posed a big threat to the effective performance of the Iraqi parliament. To investigate these challenges, the study adopted the qualitative interview approach, through which several factors that contribute to the problems of the Iraqi parliament were identified. These problems include the absence of election law, the absence of oil and gas law, influence of neighbouring countries, and so on.

The chapter discusses the major findings obtained from the interviews of key informants and covers other aspects such as the contributions of the study to both theory and practice. The chapter also discusses the conclusions drawn from the findings, as well as the limitations of the study. In addition, the possible recommendations and suggestions for future study are highlighted. The discussion of the findings is organized into three

major aspects, namely, historical challenges, structural challenges, and external challenges.

## **7.1 Discussion of the Findings**

For the purpose of achieving the objectives of this study thematic analysis was used to answer research questions three and four geared towards exploring potential challenges confronting the Iraqi parliament after the Saddam Hussein regime, and to suggest strategies to improve the quality of parliamentary performance in legislation and supervision. The discussions on the qualitative findings are as follows:

### **7.1.1 Historical Challenges (Challenges and Issues in the Creation of the Iraqi Parliament)**

In an attempt to investigate the challenges of the Iraqi parliament after the Saddam Hussein regime, the study addressed the following research questions:

1. How the political cultural heritage affects in the disruption legislative and supervision role of the Iraqi parliament?
2. What is the effect of ethno- religious conflict and adoption of consensual democracy (power sharing) in Iraq on the legislative and supervision role of the Iraqi parliament and? How?
3. Are the challenges and issues related to the establishment of the Iraqi parliament in 2005 (the U.S. decisions relating to disband the Iraqi army and de-

Ba'athification, and the writing of the Constitution in a hurry) have affected in the legislative and supervision role of the Iraqi parliament? How?

Based on the questions listed above, the findings first revealed that the culture of submission, not the culture of participation is the basis of Iraqi cultural heritage. In other words, the cultural and ruling systems in Iraq are based on the fixed culture and on the existence of a single political system. In addition, the Iraqi MPs do not possess the necessary political traditions of parliamentary institutions. So it was better for the government and the parliament to work on creating a political culture among the ruling political parties grounded on a liberal basis, which emphasizes the principle of citizenship and not the principle of sectarianism.

On the question as to how ethno-religious conflict and the adoption of consensual democracy disrupted the legislative and supervisory role of the Iraqi parliament, the findings revealed that the problem of ethno-religious conflict in Iraq has significantly contributed to the promotion of consensual democracy (power sharing) as a suitable solution to this problem. However, the findings further revealed that consensual democracy, as a system of government, is not suitable for Iraq. Moreover, consensual democracy negatively affected the legislative and supervisory role of the Iraqi parliament and such form of democracy was responsible for the complete failure of the Iraqi political system. In line with this finding, Amir (2013: 180) showed that the requirement of consent among the political parties in a legislative institution was a

disabling mechanism that affected legislative decisions, as well as the supervisory functions of the parliament. The present study demonstrated that consensual democracy served as a safety valve that limits the arbitrariness of executive power in a democratic country. The findings equally revealed that consensual democracy was suitable for the new phase in Iraq. However, the system was incorrectly conceived or understood by the political parties, which negatively affected the performance of the Iraqi parliament in the investigation of several corruption cases. In addition, voting was cancelled on numerous important decisions concerning the Iraqi citizens because of the incompatibility of the views of the political blocs on such laws.

The findings further revealed that the best solution to address this challenge is to activate the National Reconciliation Commission, because the Iraqi political system has many factions, religions, tribes, political parties, and ethnic groups, including the old regime and new regime factions. These factions and groups are not at peace with one another and hold grievances. These grievances which affect the stability of the parliamentary institution in Iraq. The National Reconciliation Commission could play a vital role in addressing the grievances and encourage the groups to forget the past and forge ahead for the betterment of parliamentary performance. These groups should be brought together regardless of religion, tribe, political affiliation, ethnic division, and faction under one umbrella for the development of the performance of the parliamentary and governmental institutions in Iraq.

For the third question, which is concerned with the decisions of the U.S. and how such decisions affect the legislative and supervisory role of the Iraqi parliament, the findings revealed that U.S. decisions negatively affected the performance of the parliament in all stages, especially after the Saddam regime. These decisions, particularly “the decisions of the Bremer American ruler” and that of the de-Ba’athification law were found to have caused several political crises that contributed to the deterioration of the political and security situation in Iraq. This finding is consistent with that of Pfiffner (2010: 76), who asserted that de-Ba’athification and disbanding of the army produced insurgents who possess weapons and arms, and were extremely angry with the U.S. occupation of Iraq. Trumbull and Martin (2011: 352) affirmed that de-Ba’athification is perhaps one of the most damaging processes in post-Saddam Iraq. The process caused schism in the country, which was used by opportunists to root out rivals without truly holding into account those from the Saddam regime who deserved punishment.

For the biggest blunder committed by the U.S. in the hasty manner in drafting the Iraqi Constitution and its impact on the role of parliament in the performance of its functions, the findings revealed that the deep structural, legal and political failings of the Iraqi constitution, for which both the U.S. officials and the Iraqi politicians bear responsibility, have contributed to the weakness of parliamentary performance. The study further found that there are several reasons that have weakened the proper drafting to the Constitution. The constitution lacked the use of the methods and techniques developed in the formulation of ideas, perceptions, purposes that reflect political

realities, the comparative studies using the methods employed in other countries in formulating the constitutional provisions. The drafting of the constitution lacked scientific, linguistic, cultural, and economic bases that enable citizens to monitor compliance with the rule of law. All these reflected negatively on parliamentary performance. As a result, the study found that it is necessary to make serious and necessary amendments to the Constitution in accordance with the constitutional mechanism of democracy in order to get rid of a lot of contradictory items which are considered as temporary bombs. In other words, the amending of the Iraqi constitution would go a long way in addressing some of the problems related to the current parliamentary system in Iraq, specifically those related to the powers of the parliament, and the relationship between the parliament and the government. Amendments can improve the performance of the supervisory functions of the parliament.

Generally, the study further revealed that all the U.S. decisions on the Iraqi people and the Iraqi political system were disruptive to the work of the parliament. These decisions were made by the U.S. without proper consultation with the Iraqi people. Experience has shown that unilateral decisions deter the involvement of people and are therefore often disruptive. The U.S. could have allowed for the participation of the Iraqi people in deciding how to rule and govern their country rather than just make decisions on their behalf. Such action could have prevented the numerous crises in Iraq, which continue to exist at present.

### **7.1.2 Internal Challenges (Structural Problems)**

The data obtained from the respondents were used to address the following research questions:

1. Did the institutional structural challenges (constitutional problems related to the absence of a law on political parties, election law, and oil and gas law), effectively influence the legislative and supervisory roles of the Iraqi parliament? How?
2. What is the effect of the absence of parliamentary opposition, and that of administrative corruption on the legislative and supervisory roles of the Iraqi parliament?

For the first question, the findings revealed that the absence of Parties' Law in Iraq after 2003 significantly affected the roles of the members of the parliament. Such absence also led to chaos in the formation of political parties. Consequently, the roles and functions of parliament members were negatively affected. The finding shows that the political parties in Iraq were operating without any form of law or regulation. Therefore, the lack of a law regulating political parties contributed to the political chaos in the country after 2003, a situation that was aggravated by the lack of legal determinants. One major reason for the absence of such regulation is the lack of desire of the parliament members to enact the law because of differences among the political blocs. This finding is consistent with that of Kadhum (2013: 163), which explained that the adoption of a law on political parties ensures a true multi-party system and provides

means for a peaceful transition of power and fair competition among parties, whether in the government or in the opposition. Also, the law would help determine the legality of partisan political activities of the parties in Iraq. The law should establish or state the elements of a political party, specify the kinds of activities that a political party is supposed to engage in, and identify the means by which appropriate forms of partisan organization and behaviour can be maintained. Subsequently, political parties could begin to operate within their specific boundaries, which is not the case at present. Many political parties in Iraq are operating without any guiding laws and this has caused significant problems to the parliamentary functions.

Apart from the absence of such law, the lack of other laws, such as election law and oil and gas law, which could have regulated oil export and provincial budgets, significantly affected the supervisory and legislative roles of the parliament. The effect of the absence of an election law and an oil and gas law is similar to that of the absence of a law on parties. For instance, the study found that the absence of an election law and an oil and gas law contributed to the political, social, and partisan effects, as well as other related effects on the performance of the parliament in all elections conducted in Iraq. The absence of these laws was disruptive to the legislative and supervisory role of the parliament, which caused the failure of the parliament to conceive political parties that would help operate the elections. Accordingly, the disagreement between the central government and the KRG regarding the issue of an oil and gas law basically increased the tension in the parliament, thereby affecting their supervisory functions and roles.

The findings further revealed that it is necessary to reconsider the parliamentary election law and consider Iraqis as single constituency and this guarantees the rights of large and small parties to achieve political and social justice .In other words, enact workable electoral laws because most of these laws are not even suitable for elections. Therefore, a need for electoral laws that would guide the elections in Iraq exists. Moreover, the election laws should fit and be suitable to the current situation in Iraq. For instance, the law should define that only those qualified can participate in the election process, unlike at present where unqualified individuals rule the country. For to the absence of an oil and gas law, the finding revealed that the conflicts between the members of the Arab and Kurdish blocs in the parliament due to the absence of an oil and gas law led to the emergence of successive political crisis which worked to disrupt the legislative and supervisory role of the parliament. Therefore the oil and gas law must be the first law to be voted in during the next parliamentary session, because approval on the law would prevent any party from interpreting the Constitution according to their whims.

For the second question, the findings revealed that the absence of parliamentary opposition and administrative corruption were significantly disruptive to the supervisory and legislative roles of the Iraqi parliament. In addition, the political framework of Iraq failed to provide sufficient opportunities that would enable the consolidation of political traditions toward the development of parliamentary performance. This failure resulted in the unsuccessful performance of the parliament in relation to their supervisory roles and

functions. This result concurs with that of Kadhum (2013:192-194), which showed that the lack of opposition in the parliament weakens the legislative authority very weak and leads to incapability of checking the executive arm. Such absence of opposition also leads to administrative corruption, as well as to the financial recklessness of the parliament and the inability to account for the actions of the government. In other words, a parliament without opposition is a weak institution; it is unable to assess its functions as well as the functions of other state institutions. Moreover, a parliament without an opposition is unable to exercise its supervisory roles of confronting and correcting errors and proposing alternatives. The findings further revealed that it is necessary to establish a genuine democratic system based on the two sides of the democratic equation (government and opposition). This step will only succeed if the current political map is changed through the option of the government of the political majority.

For corruption, the study revealed a high degree of financial recklessness and wastage and corruption among the parliament members and politicians as a whole. The findings show that corruption became a cankerworm that severely affected the legislative and supervisory role of parliament. Another effect is the lack of political will to expose corruption because all parliament members were fully involved and benefiting from such corruption. The expenses of the parliament alone represent a tremendous waste of public money and a form of financial corruption. Part of the findings revealed that in the midst of corruption, politicians become brokers for businessmen because both contractors and businessmen depend on politicians to acquire projects and to have their

tenders approved. Furthermore, partisan conflict within the parliament, which was, in fact, for competitive political purposes rather than for the public interest, revealed several cases of corruption.

The study further revealed that the work of parliamentary committees was limited to the accounting of some lower-ranked officials, which proves that after 2003, the Iraqi parliament did not condemn or punish any corrupt minister or public official through the withdrawal of the confidence of corrupt minister and forwarding him to the judiciary. So it is necessary to work on the application of a new system and an effective anti-political Corruption programme through the application of the law and the development of strict legislation and promotion of the national culture.

### **7.1.3 External Challenges (Regional Influences)**

The following research questions were addressed:

1. Is the security situation deterioration challenges reflected negatively on the legislative and supervisory roles of the Iraqi parliament? How?
2. How are external challenges related to the Influence of neighbouring countries on the legislative and supervisory roles of the Iraqi parliament?

For the first question, the findings revealed that the security situation deterioration challenges were reflected negatively on the legislative and supervisory roles of the Iraqi

parliament. Iraq is still in total shambles because of the lack of security, which is considered as an indispensable factor to the political process and to the effective functioning of the Iraqi parliament. The study also found a strong correlation between the absence of security and the weakness performance of the Iraqi parliament. The parliament was unable to perform its legislative and supervisory functions in a turbulent environment. Further, the absence of security in Iraq also led to the failure of the parliament to perform its supervisory and legislative roles. Such failure is a result of the frequent absences of representatives in parliament sessions, as well as the inability of the MPs to move within the country and identify the problems of citizens and meet their needs, assassinations and kidnappings that affected the representatives, exploitation of the emergency law to accuse some representatives who oppose the government of supporting or sponsoring terrorism, and the boycott of parliament sessions by representatives because of military governmental operations that target their respective areas. The findings further revealed that the security crisis in Iraq was one of the biggest problems that prevented the enactment of several necessary laws, and a major factor that weakened the function of the parliament to oversee government operations.

The findings further revealed that one of the major mechanisms that can reduce the security crisis in Iraq is the negotiation with various armed groups (not terrorist groups). Consequently, the government would be able to understand the grievances of such groups and what they can contribute to the aim of achieving peace. The government should also encourage the adoption of peaceful methods in resolving grievances, rather

than using armed conflict. The government should also establish an amnesty program to integrate members of such armed groups into the society. Specifically, these members can serve either in the police or in the army. Most of these individuals can be trained or given scholarships to further their education abroad.

For the second question, the findings revealed that the impact of external challenges such as the intervention of neighbouring countries on the legislative and supervisory role of the Iraqi parliament was very serious, particularly after the Saddam regime. The Iraqi parliament and government failed in the aspect of regional interventions, which is considered as one key factor that led to the conflict and the lack of security and stability in Iraq. This failure stopped the activities and intervention of other countries such as Turkey, Iran, Saudi Arabia, and Syria in the affairs of Iraq. The findings further revealed that insecurity, instability, terrorism, and institutional chaos were the major impacts of external challenges relating to the interventions of neighbouring countries on the legislative and supervisory role of the Iraqi parliament. For instance, security in Iraq after the Saddam regime seriously deteriorated, to the extent that it caused institutional chaos, which consequently affected the legislative and supervisory role of the Iraqi parliament. The external challenges were also found to have caused terrorism, which led to the numerous killings and bombings that have taken the lives of many Iraqi people, particularly the civilians.

Again, the study further revealed that the neighbouring countries exercised a significant influence on the work of the Iraqi parliament through the loyalty of most political blocs in the parliament to these countries. These political blocs voted on decisions based on foreign agenda, whereas these neighbouring countries financed the political blocs and provided support during the parliamentary elections. The study also revealed the need to establish political and economic relations with regional and international countries on the basis of the principle of respect, equality and mutual benefit in international economic relations and non-interference in internal affairs. These and other factors will help to make governmental and parliamentary performance a success.

#### **7.1.4 Performance of the Iraqi Parliament**

The research question below was addressed:

1. What is the assessment of the performance of the Iraqi parliament during two parliamentary sessions (2006 and 2010), and to what extent have the political reforms aided decision-makers in developing policies for the sustainability of the Iraqi parliament?

This question was asked specifically to evaluate the Iraqi parliament between 2006 and 2010, and the two legislative sessions (the first was conducted in 2006 to 2010 and the second was conducted in 2010 to 2014) after the American occupation and the fall of the Saddam regime. The findings revealed two dimensions of assessment.

First, the findings revealed that the Iraqi parliament achieved a certain level of success in many areas that benefited citizens in all areas of life. The assessment revealed that members of the Iraqi parliament showed improvement in their functional roles, particularly in 2005 after the Saddam regime. Findings further showed that after the Saddam regime, the parliament exhibited positive aspects; however, such finding cannot be compared with the negative aspects that produced disastrous results on the parliamentary roles and functions. The assessment also revealed that the parliament reported success on their legislative and supervisory roles between 2006 and 2010, notwithstanding crises and conflicts. The performance of the Iraqi parliament in terms of legislation was good, especially when compared to the performance of the parliaments of neighbouring countries. According to the Parliamentary Office of the Council of Representatives (2014), 333 laws were enacted during the first legislative session (2006 to 2010), among which, the federal budget for the year 2008, the General Amnesty Law, and the Law on Governorates not organized in a region, were the three most important.

Although the number of laws enacted in the second legislative session (2010 to 2014) was 227, most of these were not significant, such as laws for ratification or accession to international treaties or agreements 33%, law to abolish the laws of the former regime 12%, and amendments to previous laws 14%. The performance of the parliament in 2006 was found to be better than that in 2010 because of the higher level of maturity and experience of the lawmakers in 2006 compared with those of the parliament members in

2010, which belonged to interest groups. In addition, the second session (2010) marked a growing conflict between the political blocs that consequently prevented the legislation of many laws. The assessment indicates that the first Iraqi parliamentary session in 2006 was far better than the second parliamentary session in 2010. For instance, the parliament achieved 20% success on legislation and supervision, which indicates that the parliament helped improve the social, political, and parliamentary awareness of both the Iraqi politicians and citizens.

Second, contrary to the above findings, the assessment revealed that the parliament was unable to resolve some of the major problems confronting the Iraqi citizens. For example, the parliament was unable to meet the needs of the citizens in terms of laws that could have assisted in building a true democratic state.

The results of the assessment of the Iraqi parliament also revealed that between 2010 and 2014, the parliament suffered from poor management and leadership, as well as weak legislation and supervision. The parliament was unable to pass the laws that were deferred from the previous parliamentary sessions. The party's law, the oil and gas law, the Federation Council law, the infrastructure law, and other laws related to the control of the government and the management of the Iraqi state, were significantly impaired by the weak performance of the parliament and the lack of experience of the parliament members. This finding is affirmed by a number of researchers who observed that the parliament can be considered weak because it lacks the required commitment to carry

out its fundamental role of representing and serving the interests of the people. The continued absence of the parliament members in meetings emphasized their inexperience.

With regard to the performance of the parliament in terms of supervision, the Council conducted three interrogations of state officials, but such interrogations ended without a decision because of the lack of cooperation between the government and the parliament, which negatively affected the supervisory role of the parliament. The Iraqi parliament also interrogated 128 government officials, but these interrogations did not yield positive effects because of the lack of effective follow-up of the results. In addition, the supervisory committee of the Iraqi parliament was characterized by weak parliamentary performance because of the lack of meetings and that relegation of its supervisory role to hosting government officials without questioning them or to the formation of a committee to investigate the facts.

Through the foregoing review of the performance of the Iraqi parliament in previous parliamentary sessions, the study showed the failure of the parliament to perform its legislative and supervisory duties, as well as the lack of responsiveness to the real demands of the Iraqi people. Political reforms can play a significant role in the development of performance of the parliament. Recommendations for such reforms are discussed later. Furthermore, these reforms may help improve the stability and

sustainability of the parliamentary institution on the one hand, and the stability of the political process of Iraq on the other hand.

## **7.2 Contribution of the Study**

The contribution of this study is categorized into two aspects, namely, theoretical and practical. The theoretical contributions are intended for the academic domain and the body of knowledge, whereas the practical contributions are designed for practitioners and the society.

### **7.2.1 Theoretical Contributions**

First, the study contributes to the understanding of the effects of the historical, structural, and external challenges on the performance of the functional roles of the Iraqi parliament, with particular focus on the post Saddam Hussein regime. The focus on the Saddam Hussein regime distinguishes this research from previous studies. Second, the study contributes to the body of knowledge by providing additional insights on the supervisory roles and functions of the Iraqi parliament. These insights were derived by extending the existing knowledge on the challenges of the Iraqi parliament, but maintaining a specific distinction by focusing on the period after the Saddam Hussein regime.

The study has evidently laid a foundation for future studies. In other words, the findings could serve as a springboard for other studies. Furthermore, the study has provided a framework that could guide future studies in this area.

### **7.2.2 Practical Contributions**

From a practical standpoint, the line of inquiry of this study is highly relevant to the following people:

1. Parliament members, politicians, and policy makers could employ the information provided by this study toward the formulation of useful guidelines on the best possible political system suitable for Iraq. The study has helped identify and reveal the critical challenges of the Iraqi parliament that have hindered the performance of its parliamentary function after the Saddam Hussein regime, which many of the parliament members are not possibly aware of until the present.
2. The members of the society can utilize the results to gain understanding of the reasons why the Iraqi people, including the politicians, have adopted a parliamentary system rather than other political systems after the collapse of the Saddam regime. The critical challenges facing the country, as well as those facing the parliament, which the study has revealed are likewise helpful to this endeavor.

3. Political consultants would equally benefit from the findings, which defined some of the critical areas which consultants can give proper advice on.

### **7.3 Directions for Future Research**

This study only employed the qualitative approach, using both face-to-face and telephone interview approaches. However, face-to-face and telephone interviews do not provide enough interaction and observation in the same manner that an ethnographic research approach can. The latter allows the researcher to become fully involved with the participants. The researcher can live among the respondents or research subjects for the purpose of obtaining detailed and holistic understanding of their problems.

Second, the focus of the study was restricted to the challenges of the Iraqi parliament on their functional roles, and therefore did not take into consideration the activities of the neighbouring countries and the Iraqi political parties that were later observed to have significantly affected the supervisory functions of the Iraqi parliament.

Although the present thesis has tried to address all the research questions highlighted in this study, many areas or aspects of this topic require further investigation. Thus, the authors recommend the implementation of the following:

1. Studies of other ethno-religious and political conflicts;

2. Further research on the impact of neighbouring countries such as Iran, Syria, Turkey, and Saudi Arabia on the political challenges in Iraq, as well as the impact of the neighbouring countries on the performance of the legislative roles and supervisory functions of the Iraqi parliament;
3. Research on the behavioral factors that are responsible for the religious and tribal crises in Iraq;
4. Further research on factors that brought about disagreement among parliament members and among the political parties in Iraq;
5. Replication of the issues investigated in this study in other countries having similar cases with that of Iraq in order to validate the findings of this study;
6. Further investigation to adequately understand certain U.S. decisions on Iraq and how these decisions affected the functional roles of the Iraqi parliament; and
7. Quantitative study on this particular issue with a view to include a larger sample size that would help generalizes and validates the findings of the present study.

#### **7.4 Conclusion**

In conclusion, the present study has provided additional insight into the effects of historical challenges, structural challenges, and external challenges on the functional role of the Iraqi parliament after the Saddam regime. The findings comprise empirical evidence that support the idea that historical challenges, structural challenges, and external challenges contribute to the poor performance of the Iraqi parliament. Such finding is consistent with what is posited by the institutionalism approach that actions

and outcomes of the functional role of the political system of a country are significantly determined by its historical institution, which in turn, is influenced by other factors such as power sharing, corruption, constitutional problems, and regional impacts. In view of this finding, the following conclusions are presented:

1. Historical challenges and issues related to the creation of the Iraqi parliament, which were referred to in this study as ethno-religious conflict and the adoption of consensual democracy (power sharing), weakness of the inherited political culture, and U.S. blunders in Iraq negatively affected the legislative and supervisory role of the Iraqi parliament. The Iraqi people do not have the capacity to understand fully consensual democracy and how it is applied, therefore affecting parliamentary performance negatively. Thus, the present culture must contribute to building a strong parliamentary institution that can carry out its functions. Based on the hasty decisions of the U.S. and the impact of these decisions on the performance of the parliament, this effect does not only reflect the future of the functional role of the Iraqi parliament, but also the prestige of the state and the threats to its political stability. In sum, the parliament will not be able to render and function properly in an environment dominated by conflict and political violence.
2. Structural (institutional) challenges such as the lack of a law on political parties, the lack of electoral laws, and the absence of oil and gas laws seriously disrupted the legislative and supervisory role of the Iraqi parliament. One

reason for the delay of the endorsement of such laws was the sensitive nature of these laws and their effect on the political parties in the country.

3. External challenges, such as insecurity and terrorist activities, as well as the activities of neighbouring countries including Iran, Syria, Turkey, and Saudi Arabia negatively contributed to the failure of the Iraqi parliament in fulfilling its roles. Furthermore, the political violence that emerged from this volatile environment and from interventions of neighbouring countries negatively influenced the stability of the parliamentary institution, and added to the decline of the already inadequate performance of the parliament.
4. Finally, although the Iraqi parliament has been engaged in a unique democratic experiment of political life in Iraq since the founding of the Iraqi state in 1921 and until 2003, these challenges affect the performance of the parliament in terms of decision making and addressing problems and challenges.

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## **APPENDIX (A)**

### **Interview Questions – English**

1. How the political cultural heritage affects in the disruption legislative and supervision role of the Iraqi parliament?
2. What is the effect of ethno- religious conflict and adoption of consensual democracy (power sharing) in Iraq on the legislative and supervision role of the Iraqi parliament and? How?
3. Are the challenges and issues related to the establishment of the Iraqi parliament in 2005 (the U.S. decisions relating to disband the Iraqi army and de-Baathification, and the writing of the Constitution in a hurry) have affected in the legislative and supervision role of the Iraqi parliament? How?
4. Are the institutional structural challenges (constitutional problems related to the absence of the parties' law, election law, and oil and gas law), may have influenced effectively disrupt legislative and supervision role of the Iraqi parliament? How?
5. In your opinion, what is the effect of the absence of parliamentary opposition, and political corruption in disrupting legislative and supervision role of the Iraqi parliament?
6. What is the effect of external challenges related to the deteriorating security situation in Iraq on the legislative and supervision role of the Iraqi parliament and? How?
7. What is the impact of external challenges related to the influences of the neighbouring countries on the legislative and supervision role of the Iraqi parliament?
8. What are the policies and strategies that contribute to improving the performance of the parliament in Iraq?
9. To what extent the political reforms may help decision-makers in developing policies for the sustainability of parliamentary democracy in Iraq?
10. What is your assessment of the performance of two parliamentary experiences in Iraq during 2006 and 2010 ?And do you think that the Iraqi parliament has succeeded in the legislation of a number of laws that contributed to the service of the citizen in all areas of economic, political, and social?

## APPENDIX (B)

### Interview Questions – Arabic

- 1- كيف يؤثر الموروث الثقافي السياسي في تعطيل دور التشريعي والرقابي للبرلمان العراقي؟
- 2- كيف اثر الصراع الطائفي العربي وتبني الديمقراطية التوافقية (تقاسم السلطة) في تعطيل دور التشريعي والرقابي للبرلمان العراقي؟
- 3- هل التحديات والقضايا المتعلقة بإنشاء البرلمان العراقي (القرارات الأمريكية المتعلقة بحل الجيش العراقي واجتثاث البغدادي، كتابة الدستور بشكل متسرع عام 2005) أثرت على دور الرقابي والتشريعي للبرلمان العراقي؟ كيف؟
- 4- هل التحديات الهيكلية المؤسسية (المشاكل الدستورية المتعلقة بغياب قانون الأحزاب والانتخابات والنفط والغاز) قد أثرت بشكل فعال في تعطيل دور التشريعي والرقابي للبرلمان العراقي؟ كيف؟
- 5- برأكم غياب المعارضة السياسية، والفساد الإداري هل كان لهما تأثير سلبي فعال في تعطيل دور التشريعي والرقابي للبرلمان العراقي؟ كيف؟
- 6- ما هو تأثير التحديات الخارجية المتعلقة بالوضع الامني المتدهور على دور التشريعي والرقابي للبرلمان العراقي؟
- 7- ما هو تأثير التحديات الخارجية المتمثلة بتدخلات دول الجوار الإقليمي على دور التشريعي والرقابي للبرلمان العراقي؟
- 8- ما هي السياسات والإستراتيجيات التي تساهم في تحسين أداء المؤسسة البرلمانية في العراق؟
- 9- إلى أي مدى الإصلاحات السياسية قد تساعد صانعي القرار في وضع سياسات لاستدامة الديمقراطية البرلمانية في العراق؟
- 10- ما هو تقييمكم لاداء التجربتين البرلمانيتين في العراق خلال الدورتين 2006 و 2010؟ هل تعتقد ان البرلمان العراقي نجح في تشرع عد من القوانين التي ساهمت في خدمة المواطن في جميع المجالات الاقتصادية والسياسية والاجتماعية؟

## APPENDIX (C)

### - List of Elite Interviews -

NO	Respondents	NAME	POSITION
A.	Members of the Iraqi parliament	1. Dr.Mahmoud Al-Mashhadani	Former Speaker of the Iraqi parliament
		2. Dr.Humam Hamoudi	Chairman of the Constitution Drafting Committee. Also chief of the parliamentary Foreign Relations Committee.
		3. Dr.Ahmad Jalabi	Chairman of the Iraqi National Congress
		4. Dr.Azhar Abdul Karim Al-Shaykhli	A member of the Human Rights Committee in the Iraqi parliament. Also, she the former Minister of Women
		5. Hussein Al-Safi	A member of the Legal Committee in the Iraqi Parliament
B.	Diplomats	1. Dr.Basim Hattab Toama	Iraqi Ambassador to Malaysia
		2. Dr.Hassan Hashim Al-Sharaa	Iraqi Cultural Attaché in Malaysia
C.	Lecturers of the political science Faculty of the University of Baghdad	1. Dr.Khamis Hezam Al-Badri	Professor of political and constitutional systems
		2. Dr.Hussein Alwan Al-Beige	Professor of political and constitutional systems
		3. Dr.Yassin Mohammed Al-Issawi	Professor of political and constitutional systems

## APPENDIX (D)

Drafts of the Laws for Two Parliamentary Sessions (2006 &2010)

**Republic of Iraq**  
**Iraqi Council of Representatives**  
**Parliamentary Office**  
**Legislative Monitoring Department**



**جمهورية العراق**  
**مجلس النواب**  
**الدائرة البرلمانية**  
**قسم المراقبة التشريعية**

NO	The draft law	Parliamentary Committee	Reading	Confirmation
1.	The draft law on ratification of the convention on determination of trade and investment fields between the Government of Republic of Iraq and the Government of the United States of America	Economy and Investment	First and Second Reading	Approved
2.	the draft law on ratification of the convention on establishment of the International Academy for anti-Corruption as an international organization	Integrity	First and Second Reading	Approved
3.	The proposed law of the Integrity Commission	Integrity	First and Second Reading	Approved
4.	Cancellation of the resolutions of the disbanded revolution command Council No.(427) for the year 1991 and No.(293) for the year 1992	Legal	First and Second Reading	Approved
5.	Draft law of establishment of private health institutions	Legal	First and Second Reading	Not Approved
6.	Draft law of Martyrs Foundation	Martyrs and Prisoners	First and Second Reading	Not Approved
7.	Draft law of Ministry of Health	Legal	First and Second Reading	Not Approved
8.	Draft law of rehabilitation of inmates and depositors	Labour and Social Affairs	First and Second Reading	Not Approved
9.	draft law of the eighth amendment for the law of Ministry of High Education and Scientific Research No.(40) of 1988	Higher Education	First and Second Reading	Approved

10.	Draft law of the first amendment for the law of protection of Iraqi products No.(11) of 2010	Legal	First and Second Reading	Approved
11.	Draft law of the first amendment for the law of service and military retirement No.(3) of 2010	Legal	First and Second Reading	Approved
12.	Draft law of the first amendment to the law of Political Prisoners Foundation No.(4) of 2006	Martyrs and Prisoners	First and Second Reading	Approved
13.	Draft law of the Iraqi Scientific Academy	Higher Education	First and Second Reading	Not Approved
14.	Draft law of the private universities and colleges	Higher Education	First and Second Reading	Not Approved
15.	Draft law of University of Defense for Military Studies	Security and Defense	First Reading Only	Not Approved
16.	Draft law on compensation of justice victims	Legal	First Reading Only	Not Approved
17.	Draft law on ratification of the convention on cultural cooperation between the Government of the Republic of Iraq and the Government of the Republic of Ukraine	Foreign Relations	First and Second Reading	Approved
18.	Draft law on ratification of the convention on economic and technical cooperation between the Government of the Republic of Iraq and the Government of the Republic of South Africa signed in Cape Town on 15/2/2012	Legal	First and Second Reading	Approved
19.	Draft law on ratification of the convention on economic cooperation and trade development between the Government of the Republic of Iraq and the Government of Czech Republic	Foreign Relations	First and Second Reading	Approved
20.	Draft law on ratification of the convention on encouragement and protection of investment between the Government of the Republic of Iraq and the Government of Japan	Foreign Relations	First and Second Reading	Approved
21.	Draft law on ratification of the convention on establishing a joint committee for cooperation between the government of republic of Iraq and the government of state of Kuwait.	Culture and Media	First and Second Reading	Approved

22.	Draft law on ratification of the convention on organizing the maritime navigation in Khowr Abd Allah between the government of republic of Iraq and the government of state of Kuwait	Legal	First and Second Reading	Approved
23.	Draft law on ratification of the convention on partnership and cooperation between the Government of the Republic of Iraq and EU signed in Brussels on 11/5/2012	Foreign Relations	First and Second Reading	Approved
24.	Draft law to amend the law of seizing of the smuggled money and prohibited traded in the local markets No.(18) of 2008	Legal	First and Second Reading	Approved
25.	Federal budget for 2011	Finance	First and Second Reading	Approved
26.	Proposed law of the first amendment for the law of service and retirement for the interior security forces No.(18) of 2011	Security and Defense	First and Second Reading	Approved
27.	The cooperation convention between the Republic of Iraq and the International Organization for Migration (IOM)	Displaced Persons	First and Second Reading	Approved
28.	The draft law of agricultural modern villages	Agriculture and Water	First and Second Reading	Approved
29.	The draft law of agricultural quarantine	Agriculture and Water	First and Second Reading	Approved
30.	The draft law of Al-Nahrain Islamic Bank	Finance	First and Second Reading	Approved
31.	The draft law of animal health	Legal	First and Second Reading	Approved
32.	The draft law of anti-smoking	Health and The Environment	First and Second Reading	Approved
33.	The draft law of anti-trafficking of humans	Human Rights	First and Second Reading	Approved
34.	The draft law of Border Crossings Commission	Services and Construction	First Reading Only	Not Approved
35.	The draft law of capital reserves exemption for the mixed sector companies	Finance	First and Second Reading	Approved
36.	The draft law of care of disabled and people with special needs	Women, Family and Childhood	First and Second Reading	Approved

37.	The draft law of civil defense	Security and Defense	First and Second Reading	Approved
38.	The draft law of communications and informatics	Services and Construction	First Reading Only	Not Approved
39.	The draft law of creation of administrative formations	Legal	First and Second Reading	Approved
40.	The draft law of customs saving fund	Finance	First and Second Reading	Approved
41.	The draft law of decorations and medallions	Security and Defense	First and Second Reading	Approved
42.	The draft law of development projects support	Finance	First and Second Reading	Not Approved
43.	The draft law of diwan of Christians, yazidis and mandaean awqaf	Awqaf and Religious Affairs	First and Second Reading	Approved
44.	The draft law of diwan of shiite awqaf	Awqaf and Religious Affairs	First and Second Reading	Approved
45.	The draft law of diwan of Sunni awqaf	Awqaf and Religious Affairs	First and Second Reading	Approved
46.	The draft law of dormitories support fund in Ministry of Higher Education and Scientific Research	Higher Education	First and Second Reading	Approved
47.	The draft law of electronic signature and electronic transactions	Services and Construction	First and Second Reading	Approved
48.	The draft law of expression freedom and gathering and peaceful demonstration	Security and Defense	First and Second Reading	Not Approved
49.	The draft law of farmlands rent	Agriculture and Water	First Reading Only	Not Approved
50.	The draft law of first amendment for the law of agricultural lending fund for peasants and small farmers No.(28) for the year 2009	Agriculture and Water	First and Second Reading	Approved
51.	The draft law of foreigners residency	Security and Defense	First and Second Reading	Not Approved
52.	The draft law of forensic medicine	Health and The Environment	First and Second Reading	Approved
53.	The draft law of informatics crimes	Security and Defense	First Reading Only	Not Approved

54.	The draft law of infrastructure reconstruction and service sectors	Economy and Investment	First and Second Reading	Not Approved
55.	The draft law of Iraq's money refund and compensations	Finance	First and Second Reading	Approved
56.	The draft law of Labor	Labour and Social Affairs	First and Second Reading	Not Approved
57.	The draft law of literacy	Education	First and Second Reading	Approved
58.	The draft law of midwifery occupation	Health and The Environment	First and Second Reading	Approved
59.	The draft law of Military Criminal Procedure	Security and Defense	First and Second Reading	Not Approved
60.	The draft law of Ministry of Agriculture	Agriculture and Water	First and Second Reading	Approved
61.	The draft law of Ministry of Communications and Information Technology	Services and Construction	First Reading Only	Not Approved
62.	The draft law of Ministry of Construction and Housing	Services and Construction	First and Second Reading	Approved
63.	The draft law of Ministry of Defense	Security and Defense	First Reading Only	Not Approved
64.	The draft law of Ministry of Foreign Affairs	Foreign Relations	First and Second Reading	Approved
65.	The draft law of Ministry of Industry and Minerals	Economy and Investment	First and Second Reading	Approved
66.	The draft law of Ministry of Interior	Security and Defense	First Reading Only	Not Approved
67.	The draft law of Ministry of Municipalities and Public works	Services and Construction	First and Second Reading	Not Approved
68.	The draft law of Ministry of National Security	Security and Defense	First Reading Only	Not Approved
69.	The draft law of Ministry of Science and Technology	Higher Education	First and Second Reading	Approved
70.	The draft law of Ministry of Tourism and Antiquities	Tourism and Antiquities	First and Second Reading	Approved

71.	The draft law of Ministry of Trade	Economy and Investment	First and Second Reading	Approved
72.	The draft law of Ministry of Transportation	Services and Construction	First and Second Reading	Not Approved
73.	The draft law of Ministry of Women and Family Affairs	Women, Family and Childhood	First and Second Reading	Not Approved
74.	The draft law of Mukhtars	Regions and Provinces	First and Second Reading	Approved
75.	The draft law of Opinion Commission	Legal	First and Second Reading	Approved
76.	The draft law of ownership of the documents carrying the nicknames for the displaced and migrants	Displaced Persons	First and Second Reading	Approved
77.	The draft law of public holidays	Awqaf and Religious Affairs	First and Second Reading	Not Approved
78.	The draft law of registration and approval and protection of the agricultural varieties	Agriculture and Water	First and Second Reading	Approved
79.	The draft law of registration and approval of pesticides	Agriculture and Water	First and Second Reading	Approved
80.	The draft law of renewable energy	Economy and Investment	First Reading Only	Not Approved
81.	The draft law of salaries and allocations of the Cabinet	Finance	First and Second Reading	Approved
82.	The draft law of sale and rent of State funds	Legal	First and Second Reading	Approved
83.	The draft law of seeds	Agriculture and Water	First and Second Reading	Approved
84.	The draft law of service and retirement of the Interior Security Forces	Security and Defense	First and Second Reading	Approved
85.	The draft law of small projects support (income generating)	Finance	First and Second Reading	Approved
86.	The draft law of social care network	Women, Family and Childhood	First and Second Reading	Not Approved
87.	The draft law of social security	Labour and Social Affairs	First Reading Only	Not Approved

88.	The draft law of stamp fees	Finance	First and Second Reading	Approved
89.	The draft law of students grant of universities and institutes of Iraq	Higher Education	First and Second Reading	Approved
90.	The draft law of the Commission of Media and Communications	Services and Construction	First and Second Reading	Not Approved
91.	The draft law of the convention of trade and economic and technical and cultural cooperation signed between the Government of the Republic of Iraq and the Government of the Republic of Azerbaijan	Foreign Relations	First and Second Reading	Approved
92.	The draft law of the convention on economic and trade and technical cooperation between the Government of the Republic of Iraq and the Government of the United Kingdom of Great Britain and Northern Ireland	Finance	First and Second Reading	Approved
93.	The draft law of the convention on the convicts and sentenced delivery between the Government of Republic of Iraq and the Government of Islamic Republic of Iran	Foreign Relations	First and Second Reading	Approved
94.	The draft law of the federal budget for the financial year 2012	Finance	First and Second Reading	Approved
95.	The draft law of the federal budget of the Republic of Iraq for the financial year 2013	Finance	First and Second Reading	Approved
96.	The draft law of the Federal Court	Legal	First and Second Reading	Not Approved
97.	The draft law of the federal supplementary budget of the Republic of Iraq for the financial year 2012	Finance	First Reading Only	Not Approved
98.	The draft law of the fifth amendment for the law of the State Consultative Council No.(65) for the year 1979	Legal	First and Second Reading	Approved
99.	The draft law of the first amendment for the law of antiquities and heritage No.(55) for the year 2002	Tourism and Antiquities	First and Second Reading	Not Approved
100.	The draft law of the first amendment for the law of commercial agency organization No.(51) for the year 2000	Legal	First Reading Only	Not Approved
101.	The draft law of the first amendment for the law of customs tariff No.(22) for the year 2010	Economy and Investment	First and Second Reading	Approved

102.	The draft law of the first amendment for the law of maritime agencies No.(56) for the year 1985	Services and Construction	First and Second Reading	Approved
103.	The draft law of the first amendment for the law of military sanctions No.(19) for the year 2007	Security and Defense	First and Second Reading	Approved
104.	The draft law of the first amendment for the law of Ministry of Labor and Social Affairs	Labour and Social Affairs	First and Second Reading	Approved
105.	The draft law of the first amendment for the law of night guards No.(8) for the year 2000	Legal	First and Second Reading	Approved
106.	The draft law of the first amendment for the law of private investment in crude oil refining No.(64) for the year 2007	Oil and Energy	First and Second Reading	Approved
107.	The draft law of the first amendment for the law of public roads No.(35) for the year 2002	Services and Construction	First and Second Reading	Approved
108.	The draft law of the first amendment for the law of state employees and general sector salaries No.(22) for the year 2008	Finance	First and Second Reading	Approved
109.	The draft law of the first amendment for the order of Coalition Provisional Authority No.(86) for the year 2004 (traffic law)	Security and Defense	First and Second Reading	Approved
110.	The draft law of the first amendment for the order of CPA No.(87) of 2004	Legal	First and Second Reading	Approved
111.	The draft law of the first amendment for the resolution of the disbanded revolution command Council No.(120) for the year 2002	Finance	First and Second Reading	Not Approved
112.	The draft law of the fourth amendment for the law of Cancer Council in Iraq No.(63) for the year 1985	Health and The Environment	First and Second Reading	Approved
113.	The draft law of the fourth amendment for the law of maintenance of irrigation and paracentesis networks No.(12) for the year 1995.	Agriculture and Water	First and Second Reading	Approved
114.	The draft law of the framework convention on trade preferential system among the member states	Foreign Relations	First and Second Reading	Approved
115.	The draft law of the Higher Institute for embryo researches and infertility treatment	Higher Education	First and Second Reading	Approved
116.	The draft law of the Iraqi Employees Commission in intergovernmental organizations	Foreign Relations	First Reading Only	Not Approved
117.	The draft law of the Iraqi Housing Fund	Services and Construction	First and Second Reading	Approved
118.	The draft law of the Iraqi Media Commission	Culture and Media	First Reading Only	Not Approved

119.	The draft law of the Iraqi National Monitoring Commission to prevent the proliferation of mass destruction weapons	Security and Defense	First and Second Reading	Approved
120.	The draft law of the Iraqi National Oil Company	Oil and Energy	First Reading Only	Not Approved
121.	The draft law of the Islamic Conference convention on anti-international terrorism	Foreign Relations	First and Second Reading	Approved
122.	The draft law of the journalists' rights.	Culture and Media	First and Second Reading	Approved
123.	The draft law of the main system for the Islamic Union of telecommunications.	Foreign Relations	First and Second Reading	Approved
124.	The draft law of the Ministry of Education	Education	First and Second Reading	Approved
125.	The draft law of the Ministry of Youth and Sport	Youth and Sports	First and Second Reading	Approved
126.	The draft law of the Monetary and Banking Training Center	Finance	First and Second Reading	Not Approved
127.	The draft law of the monthly grant for immune deficiency patients	Health and Environment	First and Second Reading	Approved
128.	The draft law of the National Commission of Informatics	Services and Construction	First and Second Reading	Not Approved
129.	The draft law of the National Council for Construction and Development	Economy and Investment	First Reading Only	Not Approved
130.	The draft law of the National Council for Water	Legal	First and Second Reading	Not Approved
131.	The draft law of the official language	Legal	First and Second Reading	Approved
132.	The draft law of the overall economic partnership convention between the Government of the Republic of Iraq and the Government of the Republic of Turkey	Economy and Investment	First Reading Only	Not Approved
133.	The draft law of the parties	Legal	First and Second Reading	Not Approved

134.	The draft law of the parties	Legal	First and Second Reading	Not Approved
135.	The draft law of the second amendment for the discipline law of state employees and general sector No.(14) for the year 1991 as amended	Finance	First and Second Reading	Approved
136.	The draft law of the second amendment for the law of customs tariff No.(22) for the year 2010.	Finance	First and Second Reading	Approved
137.	The draft law of the second amendment for the law of Ministry of Water Resources No.(50) for the year 2008	Agriculture and Water	First and Second Reading	Approved
138.	The draft law of the second amendment for the law of re-employ politically dismissed No.(24) of 2005 as amended	Legal	First and Second Reading	Approved
139.	The draft law of the Supreme Judicial Council	Legal	First and Second Reading	Approved
140.	The draft law of the the third amendment for the law of Central Organization for Standardization and Quality Control	Finance	First and Second Reading	Approved
141.	The draft law of Trade Bank of Iraq	Economy and Investment	First Reading Only	Not Approved
142.	The draft law of treaties concluding	Foreign Relations	First and Second Reading	Not Approved
143.	The draft law of weapons	Security and Defense	First and Second Reading	Not Approved
144.	The draft law on accession of Iraq to the international treaty on genetic resources for food and agriculture	Agriculture and Water	First and Second Reading	Approved
145.	The draft law on accession of Republic of Iraq to the international trade convention in endangered species from the groups of wild animals and plants signed in Washington on 3/3/1973, which entered into force on 7/1/1975	Foreign Relations	First and Second Reading	Approved
146.	The draft law on accession of the Republic of Iraq to the convention of investment disputes settlement between states and citizens of other states	Economy and Investment	First and Second Reading	Approved

147.	The draft law on accession of the Republic of Iraq to the agreement signed between the League of Arab States and the Government of the United States of Mexico to establish the Mexican fund of the international cooperation for development in 2006	Foreign Relations	First and Second Reading	Approved
148.	The draft law on accession of the Republic of Iraq to the Arab charter for human rights issued by the League of Arab States 2004	Human Rights	First and Second Reading	Approved
149.	The draft law on accession of the Republic of Iraq to the basic system of Islamic States institute for standards and metrology	Foreign Relations	First and Second Reading	Approved
150.	The draft law on accession of the Republic of Iraq to the convention of Arab Organization for communication and information technology	Services and Construction	First and Second Reading	Approved
151.	The draft law on accession of the Republic of Iraq to the convention of physical protection for the nuclear materials	Security and Defense	First and Second Reading	Approved
152.	The draft law on accession of the Republic of Iraq to the convention on establishment of plant protection organization in the Near East	Agriculture and Water	First and Second Reading	Approved
153.	The draft law on accession of the Republic of Iraq to the convention on establishment of the International Islamic Institution for Trade Funding	Foreign Relations	First and Second Reading	Approved
154.	The draft law on accession of the Republic of Iraq to the convention on protection and promotion of cultural expression variety	Culture and Media	First and Second Reading	Approved
155.	The draft law on accession of the Republic of Iraq to the convention on suppression of unlawful actions against the safety of maritime navigation	Services and Construction	First and Second Reading	Approved
156.	The draft law on accession of the Republic of Iraq to the convention on the plastic explosives distinction in order to detect it for the year 1991	Foreign Relations	First and Second Reading	Approved
157.	The draft law on accession of the Republic of Iraq to the international convention of anti-doping in sport	Youth and Sports	First and Second Reading	Approved
158.	The draft law on accession of the Republic of Iraq to the international convention of terrorist attacks suppression by bombs.	Foreign Relations	First and Second Reading	Approved
159.	The draft law on accession of the Republic of Iraq to the international convention on suppression and funding of terrorism	Foreign Relations	First and Second Reading	Approved

160.	The draft law on accession of the Republic of Iraq to the Protocol of anti-manufacturing of firearms and its parts and components and trade it illegally supplementing to the UN convention of anti-organized crime through the national borders	Security and Defense	First and Second Reading	Approved
161.	The draft law on accession of the Republic of Iraq to the UN convention on rights of persons with disabilities	Human Rights	First and Second Reading	Approved
162.	The draft law on accession the Republic of Iraq to the Protocol on privileges of the international seabed authority and its immunity	Agriculture and Water	First and Second Reading	Approved
163.	The draft law on Iraq's accession to the international convention on suppression of acts of nuclear terrorism	Security and Defense	First and Second Reading	Approved
164.	The draft law on ratification of the Arab convention for organizing transport of passengers on the roads among the Arab States and others	Foreign Relations	First Reading Only	Not Approved
165.	The draft law on ratification of the Arab convention of anti-corruption	Foreign Relations	First and Second Reading	Approved
166.	The draft law on ratification of the Arab convention of anti-informatics crimes	Foreign Relations	First and Second Reading	Approved
167.	The draft law on ratification of the Arab convention of anti-money laundering and funding of terrorism	Foreign Relations	First and Second Reading	Approved
168.	The draft law on ratification of the Arab convention of anti-organized crime through the national borders	Foreign Relations	First and Second Reading	Approved
169.	The draft law on ratification of the Arab convention of transferring inmates of punitive and correctional institutions in the framework of the implementation of criminal sentences.	Foreign Relations	First and Second Reading	Approved
170.	The draft law on ratification of the Arab convention to facilitate transition of Arab production between the Government of the Republic of Iraq and ALECSO	Culture and Media	First and Second Reading	Approved
171.	The draft law on ratification of the convention between the UN and the Republic of Iraq on the activities of the UN mission to provide assistance to Iraq	Legal	First Reading Only	Not Approved
172.	The draft law on ratification of the convention of economic and technical cooperation between the Government of Republic of Iraq and the Government of People's Republic of China	Economy and Investment	First and Second Reading	Approved

173.	The draft law on ratification of the convention of economic and technical cooperation between the Government of Republic of Iraq and the Government of the United States of America	Economy and Investment	First and Second Reading	Approved
174.	The draft law on ratification of the convention of encouragement and mutual protection of investments and its protocol between the Government of the Republic of Iraq and the Government of the Federal Republic of Germany	Economy and Investment	First and Second Reading	Approved
175.	The draft law on ratification of the convention of investment incentives between the Government of Republic of Iraq and the Government of the United States of America	Economy and Investment	First and Second Reading	Approved
176.	The draft law on ratification of the convention of legal and judicial cooperation in civil issues and personal status between the Government of Republic of Iraq and the Government of Islamic Republic of Iran	Foreign Relations	First and Second Reading	Approved
177.	The draft law on ratification of the convention of legal and judicial cooperation in criminal issues between the Government of Republic of Iraq and the Government of Islamic Republic of Iran.	Foreign Relations	First and Second Reading	Approved
178.	The draft law on ratification of the convention on cooperation in the field of agricultural quarantine and plant protection between the Governments of Iraq and the Hashemite Kingdom of Jordan	Agriculture and Water	First and Second Reading	Approved
179.	The draft law on ratification of the convention on encouragement and protection of investment between the Government of Republic of Iraq and the Government of Republic of France	Foreign Relations	First and Second Reading	Approved
180.	The draft law on ratification of the convention on establishment of a trade organization between the Government of the Republic of Iraq and the Hashemite Kingdom of Jordan	Economy and Investment	First and Second Reading	Approved
181.	The draft law on ratification of the convention on international road transport for persons and goods between the Government of Republic of Iraq and the Government of Hashemite Kingdom of Jordan	Foreign Relations	First and Second Reading	Approved

182.	The draft law on ratification of the convention on organization of electronic signature provisions in the field of electronic transactions among the Arab States	Legal	First and Second Reading	Approved
183.	The draft law on ratification of the convention on settlement of claims between the Government of the Republic of Iraq and the Government of the United States of America	Finance	First and Second Reading	Approved
184.	The draft law on ratification of the convention on technical cooperation in animal health field between the Governments of Iraq and the Hashemite Kingdom of Jordan	Agriculture and Water	First and Second Reading	Approved
185.	The draft law on ratification of the convention on training of Iraqi Security Forces between the Government of Republic of Iraq and NATO.	Security and Defense	First and Second Reading	Approved
186.	The draft law on ratification of the convention to amend the convention on establishment of the Arab Company for the construction and repairing of ships approved by the law No.(58) for the year 1974	Services and Construction	First and Second Reading	Approved
187.	The draft law on ratification of the friendship, partnership and cooperation convention between the Government of the Republic of Iraq and the Government of the Republic of Italy	Services and Construction	First Reading Only	Not Approved
188.	The draft law on ratification of the main system of the Arab Environment Facility (AEF)	Health and Environment	First and Second Reading	Approved
189.	The draft law on ratification of the memorandum of understanding between the Government of the Republic of Iraq and the European Union regarding the strategic partnership in the energy field	Oil and Energy	First and Second Reading	Approved
190.	The draft law on ratification of the memorandum of understanding in the field of reform support (building the abilities of the agricultural sector) between the Government of Republic of Iraq and the Government of the United States of America	Economy and Investment	First and Second Reading	Approved
191.	The draft law on ratification of the memorandum of understanding signed between the Government of Republic of Iraq and the Government of Republic of Italy about the conditions and materials of the project regarding the rehabilitation program of the Iraqi	Services and Construction	First Reading Only	Not Approved

192.	The draft law on ratification of the Republic of Iraq on the charter of Islamic Conference Organization	Awqaf and Religious Affairs	First and Second Reading	Approved
193.	The draft law on ratification of the Republic of Iraq on the international convention of anti-taking of hostages.	Foreign Relations	First and Second Reading	Approved
194.	The draft law on ratification of the Republic of Iraq on the international convention on establishment of the Organization of the International Agency for Renewable Energy	Foreign Relations	First and Second Reading	Approved
195.	The draft law on ratification of the Republic of Iraq on the typical additional protocol of the overall guarantees system of the International Atomic Energy Agency (IAEA)	Health and The Environment	First and Second Reading	Approved
196.	The draft law on ratification of the Republic of Iraq on the UN treaty on comprehensive ban of nuclear test for the year 1996	Security and Defense	First and Second Reading	Approved
197.	The draft law on ratification of the Republic of Iraq to amend the convention of crude oil pipeline signed on 27/8/1973 between the Republic of Iraq and the Republic of Turkey	Oil and Energy	First and Second Reading	Approved
198.	the draft law on ratification of the treaty of prohibition, usage, upgrading and transfer of cluster ammunition for the year 2008 (CCM)	Foreign Relations	First and Second Reading	Approved
199.	The draft law on ratification of the two mutual letters and memorandums and the minutes of discussions between the Republic of Iraq and the Government of Japan concerning the Japanese loan	Finance	First and Second Reading	Approved
200.	The draft law on ratification of the two mutual letters and memos and the minutes of discussions concerning the Japanese loan to the Republic of Iraq signed on 29/5/2012 (rehabilitation of the health sector) and (development of communications networks .	Finance	First and Second Reading	Approved
201.	The draft law on ratification of the two mutual letters and memos and the minutes of discussions concerning the Japanese loan to the Republic of Iraq signed on 29/5/2012 for funding the upgrading project of Al-Basrah refinery /1.	Finance	First and Second Reading	Approved
202.	The draft law to amend the law of sanctions No.(111) for the year 1969 regarding the item (261)	Legal	First and Second Reading	Not Approved
203.	The draft law to amend the law of social care No.(126) of 1980	Labour and Social Affairs	First and Second Reading	Approved

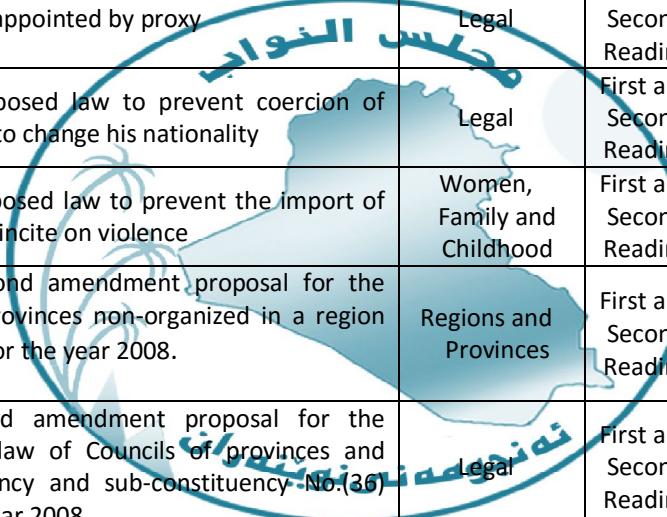
204.	The draft law to amend the law of state companies No.(22) for the year 1997	Economy and Investment	First and Second Reading	Approved
205.	The draft law to ban Al-Baath party and racial and terrorist and expiatory activities	Security and Defense	First and Second Reading	Not Approved
206.	The draft law to cancel the reservation of the Republic of Iraq on the item (9) of the convention on cancellation of all forms of the discrimination against women	Women, Family and Childhood	First and Second Reading	Approved
207.	The draft law to cancel the resolution of the disbanded revolution command Council No.(133) for the year 1985	Legal	First and Second Reading	Approved
208.	The draft law to cancel the resolution of the disbanded revolution command Council No.(196) for the year 1984	Legal	First and Second Reading	Approved
209.	The draft law to cancel the resolution of the disbanded revolution command Council No.(196) for the year 1999.	Legal	First and Second Reading	Approved
210.	The draft law to cancel the resolution of the disbanded revolution command Council No.(206) for the year 2000	Legal	First and Second Reading	Approved
211.	The draft law to cancel the resolution of the disbanded revolution command Council No.(55) for the year 1999	Legal	First and Second Reading	Approved
212.	The draft law to cancel the resolutions No.(21) and (36) for the year 2005	Legal	First and Second Reading	Not Approved
213.	The draft law to cancel the resolutions of the disbanded revolution command Council No.(1194) for the year 1983 and No.(456) for the year 1985.	Finance	First and Second Reading	Approved
214.	The draft law to cancel the resolutions of the disbanded revolution command Council regarding the educational field No. (1117) for the year 1977, (1150) for the year 1978, (1677) for the year 1979, (972) for the year 1982, (1382) for the year 1982, (391	Education	First and Second Reading	Approved
215.	The draft law to end the work of the Iraqi Supreme Criminal Court	Legal	First and Second Reading	Approved
216.	The draft law to exempt the borrowers farmers and peasants from the previous loans benefits	Agriculture and Water	First and Second Reading	Approved
217.	The draft law to extend the service of judges	Legal	First and Second Reading	Approved

218.	The draft law to merge the Socialist Bank with Al-Rafidain Bank	Finance	First and Second Reading	Approved
219.	The draft law to organize the handling of agricultural materials	Agriculture and Water	First and Second Reading	Approved
220.	The draft law to organize the provisions of nomination for President and provisions of selection of one Vice or more for the President	Legal	First and Second Reading	Approved
221.	The draft law to prevent the use and spread of silenced weapons	Security and Defense	First and Second Reading	Not Approved
222.	The draft law to reserve and confiscate the movable and immovable property belonging to the former regime	Finance	First and Second Reading	Not Approved
223.	The draft law to reward the members of the teaching and educational staff	Education	First and Second Reading	Approved
224.	The draft law to stop paying of production fees	Economy and Investment	First Reading Only	Not Approved
225.	The draft law to unlink Dar Al-Nahrain for Printing from the Central Bank of Iraq and append it to the General Secretariat of the Cabinet	Finance	First and Second Reading	Approved
226.	The first amendment proposal for the law of university service No.(23) for the year 2008 regarding the items (11 and 12)	Higher Education	First and Second Reading	Approved
227.	The law of Vice-Presidents	Legal	First and Second Reading	Approved
228.	The law to amend the law of Criminal Procedure No.(23) for the year 1971	Legal	First and Second Reading	Approved
229.	The law to cancel the law on ratification of the contract to upgrade and produce Ahdab oil field	Oil and Energy	First and Second Reading	Approved
230.	The proposal to amend the law of Independent Higher Commission for Human Rights	Legal	First and Second Reading	Approved
231.	The proposal to amend the law of minors' care, No.(78) for the year 1980	Women, Family and Childhood	First and Second Reading	Not Approved
232.	The proposed law of Al-Basrah, the economic capital of Iraq	Economy and Investment	First and Second Reading	Not Approved

233.	The proposed law of engineering allocations	Services and Construction	First and Second Reading	Not Approved
234.	The proposed law of Federation Council	Legal	First Reading Only	Not Approved
235.	The proposed law of general amnesty	Legal	First and Second Reading	Not Approved
236.	The proposed law of monthly grants for champions athletes and pioneers	Youth and Sports	First and Second Reading	Approved
237.	The proposed law of National Fund for supporting NGOs in development projects	Institutions of Civil Society	First Reading Only	Not Approved
238.	The proposed law of orphans care fund	Women, Family and Childhood	First Reading Only	Not Approved
239.	The proposed law of salaries and allocations of the Council of Representatives	Finance	First and Second Reading	Approved
240.	The proposed law of salaries and allocations of the Republic Presidency	Finance	First and Second Reading	Approved
241.	The proposed law of social security for unemployed	Women, Family and Childhood	First Reading Only	Not Approved
242.	The proposed law of students lending fund.	Higher Education	First Reading Only	Not Approved
243.	The proposed law of the Board of Supreme Audit	Integrity	First and Second Reading	Approved
244.	The proposed law of the Federal Council	Regions and Provinces	First and Second Reading	Not Approved
245.	The proposed law of the first amendment for the law of affected compensation by the military operations and military mistakes and terrorist attacks No.(20) for the year 2009	Martyrs and Prisoners	First and Second Reading	Not Approved
246.	The proposed law of the first amendment for the law of Board of Supreme Audit No. (31) for the year 2011.	Integrity	First and Second Reading	Approved
247.	The proposed law of the first amendment for the law of Integrity Commission No.(30) for the year 2011.	Integrity	First Reading Only	Not Approved
248.	The proposed law of the first amendment for the law of Ministry of Industry and Minerals No.(38) for the year 2011	Economy and Investment	First and Second Reading	Approved

249.	The proposed law of the fourth amendment for the elections law of Councils of provinces and constituency and sub-constituency No. (36) for the year 2008 as amended.	Legal	First and Second Reading	Approved
250.	The proposed law of the grant of primary school pupils.	Education	First and Second Reading	Approved
251.	The proposed law of the inspectors general.	Integrity	First and Second Reading	Not Approved
252.	The proposed law of the internal system.	Legal	First Reading Only	Not Approved
253.	The proposed law of the Judicial Investigation Offices and Judicial Investigators	Human Rights	First and Second Reading	Approved
254.	The proposed law of the National Anthem.	Culture and Media	First and Second Reading	Not Approved
255.	The proposed law of the second amendment for the law of university service No.(23) for the year 2008.	Higher Education	First and Second Reading	Approved
256.	The proposed law to amend the election law of constituency and sub-constituency Councils.	Regions and Provinces	First and Second Reading	Approved
257.	The proposed law to amend the law of affected compensation who lost a part of their bodies by the practices of the former regime No.(5) for the year 2009.	Martyrs and Prisoners	First and Second Reading	Approved
258.	The proposed law to amend the law of the Independent Higher Electoral Commission No. (11) for the year 2007.	Legal	First Reading Only	Not Approved
259.	The proposed law to amend the law of the Property Claims Commission No.(13) for the year 2010.	Displaced Persons	First Reading Only	Not Approved
260.	The proposed law to cancel the Article (40) of the federal budget law for the year 2012.	Finance	First and Second Reading	Approved
261.	The proposed law to cancel the resolution of the disbanded revolution command Council No.(120) on 17/7/1998.	Legal	First and Second Reading	Approved

262.	The proposed law to cancel the resolution of the disbanded revolution command Council No.(1559) for the year 1978 and No.(189) for the year 1978.	Health and The Environment	First and Second Reading	Not Approved
263.	The proposed law to cancel the resolution of the disbanded revolution command Council No.(190) for the year 1994.	Legal	First and Second Reading	Approved
264.	The proposed law to cancel the resolution of the disbanded revolution command Council No.(27) on 4/2/1992.	Legal	First and Second Reading	Approved
265.	The proposed law to cancel the resolution of the disbanded revolution command Council No.(276) on 27/2/1985	Legal	First and Second Reading	Approved
266.	The proposed law to cancel the resolution of the disbanded revolution command Council No.(50) on 3/3/2000.	Legal	First and Second Reading	Approved
267.	The proposed law to cancel the resolution of the disbanded revolution command Council No.(542) on 2/9/1989.	Legal	First and Second Reading	Approved
268.	The proposed law to cancel the resolution of the disbanded revolution command Council No.(800) for the year 1989.	Legal	First and Second Reading	Approved
269.	The proposed law to cancel the resolution of the disbanded revolution command Council No. (850) on 27/11/1988.	Legal	First and Second Reading	Approved
270.	The proposed law to cancel the resolution of the disbanded revolution command Council No. (96) for the year 1995 (legal committee).	Legal	First and Second Reading	Approved
271.	The proposed law to cancel the resolution of the revolution command Council No.(100) for the year 1995.	Legal	First and Second Reading	Approved
272.	The proposed law to cancel the resolution of the revolution command Council No.(349) for the year 1991	Legal	First and Second Reading	Approved
273.	The proposed law to cancel the resolutions of the disbanded revolution command Council No.(1360) on 17/11/1985 and No.(827) on 30/6/1987	Legal	First and Second Reading	Approved
274.	The proposed law to determine the tenure of the President of the Republic, Speaker of the Council of Representatives and the Prime Minister	Legal	First and Second Reading	Approved
275.	The proposed law to extend the service of Doctors.	Health and The Environment	First Reading Only	Not Approved



276.	The proposed law to organize the duration of those appointed by proxy	Legal	First and Second Reading	Not Approved
277.	The proposed law to prevent coercion of the Iraqi to change his nationality	Legal	First and Second Reading	Approved
278.	The proposed law to prevent the import of toys that incite on violence	Women, Family and Childhood	First and Second Reading	Approved
279.	The second amendment proposal for the law of provinces non-organized in a region No.(21) for the year 2008.	Regions and Provinces	First and Second Reading	Approved
280.	The third amendment proposal for the election law of Councils of provinces and constituency and sub-constituency No.(36) for the year 2008	Legal	First and Second Reading	Approved

## APPENDIX (E)

### Iraqi Council of Representatives: Rules of Procedure 2006

#### Chapter One

**Article 1:** The ICR (Iraqi Council of Representatives) is the highest legislative and supervision power and exercise the functions stipulated in Article 61 of the constitution and all related issues.

**Article 2:** The ICR shall consist of 275 Members. It shall be elected according to the Elections Law.

**Article 3:** The provisions of the Rules of Procedures shall guarantee the freedom to express opinions and ideology of all the ICR Members, no matter of their party or political affiliate in accordance with constitution provisions. Further, it shall guarantee objective opposition and constructive criticism, in addition to achieving cooperation between the ICR another constitutional institutions.

**Article 4:** The ICR Members shall comply in their debate and in the decisions they make with constitution, and this Rules of Procedures.

#### Chapter 2: ICR Presidency Commission

**Article 5:** The first session shall be chaired by the oldest present Member of the Council, whose mission shall be limited to managing the first session, and electing the ICR's President and two deputies.

**Article 6:** All members of the ICR in the first session should recite the following constitutional oath: In the name of God the most Merciful, the most compassionate ...I swear to God the Almighty that I shall perform my tasks and legal responsibilities diligently and sincerely, and maintain the independence and sovereignty of Iraq, and look after its people and the integrity of its territories, sky and waters and wealth, and its federal democratic system and work for maintaining public and private freedoms and the independence of judiciary, and respect applying legislations sincerely and impartially, and God witnesses my statement

#### Article 7

First: The temporary President shall announce the opening of the nomination process for the positions of the ICR's President, and his two.

Second: After closing the nomination, the ICR elect its president, First Deputy President then Second Deputy President by absolute majority of the ICR members and by direct secret ballot.

## **Article 8**

First: The temporary President shall announce the results of the ballot and ask the speaker and the two deputies to take their places on the Presidency Commission.

Second: The Presidency Commission consists of the Speaker and his deputies.

**Article 9:** The Presidency Commission shall perform the following tasks:

First: Organize the agenda of each session of the plenary in coordination with the chairman of the related committee or their representatives and report it to the Members, the Presidency Council and Members of cabinet along with projects, proposals and reports submitted to be discussed considering giving the priority to drafts proposed by the executive which the relative committees ends up considering in addition to other current important subjects at least two days before the session unless the constitution states other timelines.

Second: Ratify the minutes of the previous ICR session.

Third: Set up particular rules for organizing minutes.

Fourth: Resolve disputes among committees regarding their specialization of subjects submitted to them.

Fifth: Prepare the plan for the ICR's work and administration related to the ICR and follow their implantation after ratification.

Sixth: Ratify the organizational structure for the ICR staff offices and amend it and draw up the financial administration policy to be presented to the ICR.

Seventh: Organize the annual budget for the ICR, and present it in the ICR for approval, oversee its implementation and prosecute transfers between items.

Eighth: Task committees to study a certain subjects.

Ninth: Organize the relationships of the ICR with the Presidency Council, the Council of Ministers, and the Judiciary.

Tenth: Organize relations with ICR with other regional legislative Councils and governorate Councils not organized as regions.

Eleventh: Organize the relationships of the ICR with other Councils and parliaments of the brotherly and friendly countries and parliamentary unions to which the ICR is a Member of.

Twelfth:

A- The speaker should agree with his two deputies in monitor and supervision all employees of the ICR and Should make all decisions related to hiring and sending outside the Iraq in way approve balance and equality of opportunities to all Iraqis to

fill the government positions, and make decisions related to promotion, retirement and disciplinary actions accordance with laws related to the official employee and the decisions should be signed by the speaker or by his deputy in case of his absence.

B- In case of absence one of the presidency commission member the decisions issued by the agreement of the two presence members.

Thirteenth: Nominating two Reporters from the Members of ICR.

Fourteenth: Decision - making related to sending ICR members and presidency commission inside and outside of Iraq in consultation with parliamentary blocks.

Fiftieth: The Presidency Commission will supervise the Research Directorate and insure its neutrality.

**Article 10:** Either the President of the ICR or the two deputies together, may call the Presidency Commission together for periodic meetings and emergency meetings. And this meeting achieves a quorum with a majority of the commission.

## **Article 11**

First: In case the Speaker and his two deputies cannot assume their responsibilities; the presidency of the ICR shall be assumed by who has been temporary elected by the majority of the present Members for that session.

Second: The Speaker or the two deputies' shall jointly call to hold a session according to the session program agreed by the presidency commission.

Third: The session should adjourn by agreement of the presidency commission or the speaker with one of his deputies.

## **Article 12**

First: In case one of the Presidency Commission Members submits his resignation, the ICR shall accept it after the approval of the ICR by majority votes of its present Members.

Second: The ICR can remove any member of the Presidency Commission according to the law.

Third: In case one of the Presidency Commission Members submits his resignation, the ICR shall accept it after the approval of the ICR by majority vote of its present Members.

## **Chapter 3: Membership in the ICR**

**Article 13:** Each member of the ICR must have these conditions:

First: A legible Iraqi citizen as per Article 49(2) of the Constitution

Second: Not subject to de-Baathification according to Article 135.3 of the Constitution.

Third: Should have all other conditions stipulated in the election law.

**Article 14:** Elected candidate are considered Members of the ICR and enjoy all his membership rights from the date of the approving of the elections results. Members begin their duties after the recite of the constitutional oath.

**Article 15:** Any ICR Member who becomes a member of the Presidency Council or the Council of Ministers is considered to be resigned from the ICR and no more membership's privilege.

**Article 16:** Any member should comply with following:

First: Every Member is required to attend every session and committee session of which he is a member and should not be absent without excuse considered valid by the Speaker or the chair of the related committee.

Second: Every Member shall notify the Presidency Commission about travel outside Iraq.

### **Article 17**

First: The Speaker can grant Members ordinary vacation not exceeding 15 days, per parliamentary term.

Second: Members can enjoy their sick leave that is already granted to them and the Presidency Commission should take into consideration pregnancy cases.

Third: The delegation period granted by ICR not consider as absence period for the member.

### **Article 18**

First: Absence and attendance of Members should be published in the regular ICR newsletter and another Newspaper.

Second: In case of repeated absence without excuse for 5 sessions in a row, or 10 sessions separately during one parliamentary term, Presidency Commission shall give written notification to Member to attend and if no response, the Commission shall submit the issue to ICR biased on request from the speaker's Council.

Third: The ICR shall cut certain percentage decided by it from of the Member's monthly reward in case of his absence.

### **Article 19**

First: Members shall not combine membership in ICR with business or other official position according to the law

Second: Members shall not combine membership in ICR with membership in other Councils, and shall choose one of them. If the Member does not choose, they shall be considered a member of the ICR only

Third: Members should not have contracts with other official offices by himself or through others during his membership. He should not use his Membership for personal interests.

## **Article 20**

First: No member shall be questioned for the opinion he express or the fact that he presence while he perform his job in the Council.

Second: No one may arrest a Member of the ICR during the annual legislative period, unless they are previously accused of a crime. With the permission of ICR, by absolute majority, to left immunity from them or if he caught red handed.

Third: No one may arrest or detain a Member of the ICR after the annual legislative period, unless they are previously accused of a crime. With the permission of the speaker, to left immunity from them or he caught red handed.

## **Chapter 4: Plenary Meetings**

**Article 21:** The ICR shall convene in Baghdad, and may convene as well in any other places when necessary.

## **Article 22**

First: ICR has annual session with two sittings. Each session about 8 months. Starting from 1<sup>st</sup> of March finishing on 30th of Jun. Second, starting from 1st Sept finishing on the 1st Dec.

Second: Sitting at which they approve the budget will not end until they approve the budget.

Third: The ICR should meet at least 2 days a week, and the presidency commission has the right to make extension or limitation in necessary.

**Article 23:** A quorum is achieved with absolute majority of its members, Decisions by simple majority. Unless constitution states that other percentage needed. In case of tie, the Speaker casts deciding vote.

**Article 24:** The Session shall not be opened unless the quorum stated in Article (23) of this Rules of Procedure is achieved. If there is no quorum, the Speaker shall postpone the session for 30minutes. If the quorum not completed, the Speaker shall adjourn the session, and shall announce another date for the next meeting.

**Article 25:** A quorum is necessary in case of taking decisions but it is not necessary for a meeting to be correct.

**Article 26:** ICR continues its work, in accordance with the Article (56) of Constitution.

**Article 27:** Any member during the session of the ICR may object (point of order) on debates if it violate any constitution provision or ROP or it is not listed in the agenda of the session, and he has to declare the number of the Article and it is content that he is arguing.

**Article 28:** The Presidency Council, or the Prime Minister, or the President of the ICR, or 50Members of the ICR have the authority to call an extraordinary session of

the ICR, providing that the meeting be limited to discussion of the subject provided in the invitation.

### **Article 29**

First: Sessions should be open unless required otherwise by the President of the ICR, Presidency Council, Prime Minister or 35 Members, and with approval of majority of those present. In this case, no one else shall attend the session, including staff. The two Deputies and those assigned by the Presidency Commission shall organize the minutes.

Second: Minutes of session should be published by facility that the Presidency Commission deem suitable.

## **Chapter 5: Functions of the ICR**

**Article 30:** ICR exercises functions stipulated in Article 61 of the Constitution.

**Article 31:** The ICR shall practice the following legislative functions:

First: Issuing its Rules of Procedure.

Second: Enacting the law that deal with replacing its Members in case of resignation, dismissing, death, or loss of membership for any reason.

Third: Considering draft laws proposed by the Presidency Council or Council of Ministers including the two draft laws related to general budget of the state and complementary budget and approving the final account. The ICR also deals with changing allocations of budget among categories. It can also make suggestions to the Council of Ministers regarding increasing total expenditures when necessary, according to Article 62 of the Constitution.

Fourth: Approving independent and adequate budget to the Judiciary.

Fifth: Considering draft laws proposed by MPs and its committees.

Seventh: In case the presidency Council does not accept the draft law, then will be returned back to the ICR for reconsideration of the rejected elements. The ICR may then pass the bill by simple majority and again send it to the Presidency Council for consideration. If the Presidency Council again disapprove the draft law, the draft law returns to the ICR where it may be reconsidered again within 10 days. The ICR may pass the law over the objections of the Presidency Council by a 3/5ths majority of its members and it is which shall not be challenged and consider approved.

**Article 32:** The ICR shall exercise supervision of the Executive branch. The supervision function shall include the following powers:

First: Question members of the Council of Presidency and members of the Council of Ministers, and any other official in the Executive branch.

Second: Conduct investigation with any of the above officials concerning any incident the ICR sees that it has a relationship with the public interest, or with the rights of citizens.

Third: Request information and documents from any governmental agency regarding subjects related to approved powers, or to the way of implementing laws by the executive agencies.

Fourth: Request the presence of any person to give a testimony or explanation over certain subjects, or deliver information about any subject being discussed by the ICR

Fifth: ICR members have the rights to visit the ministries and any governmental institutions to observe the good implementation of the laws.

## **Chapter 6: Tasks of the Speaker and Deputies**

**Article 33:** The Speaker is the person who represents the ICR, and speaks in its name.

**Article 34:** The Speaker shall perform the following tasks:

First: Ensuring implementation the provisions of constitution, law and the ICR's Rules of Procedures.

Second: Opening and presiding over the sessions of the ICR.

Third: Call the ICR for extraordinary sessions.

Fourth: Request to extend legislative sitting by period not to exceed 30 days

Fifth: Running debates, maintaining order of discussions, specifying subjects of discussion, drawing the attention of the speaking Member to focus on the subject of the discussion, and maintain order. The Speaker can also explain or ask for explanation of any ambiguous issue.

Sixth: Submitting issues that need to be voted, and announcing the results of the vote.

Seventh: Representing the ICR in national celebrations and other events. The Speaker may authorize his Deputies or other Members for that purpose.

Eighth: Taking necessary precautions to maintain order and security inside the ICR.

Ninth: Supervising and supervision of all ICR staff and exercise all powers given to him in this regard, in accordance with the Article 9 of these rules.

## **Article 35**

First: Tasks of the First Deputy:

a) Take over the President of the ICR's tasks during the absence of the President of the ICR, or when the Speaker cannot perform his/her tasks for any reason.

b) Follow up on work of the standing committees and submit reports about their work in accordance with what they agree in the Presidency Commission.

c) Presiding joint meetings of the Standing Committees in the ICR.

Second: Tasks of the Second Deputy:

- a. Perform the functions of the President of the ICR, upon the absence of the Speaker and First Deputy President, or when both of them cannot perform their tasks.
- b. Follow up on work of the standing committees and submit reports about their work in accordance with what they agree in the Presidency Commission.
- c. Ensure that there is a quorum to convene the ICR, and monitor the process of registering the absence of Members with or without excuse.
- d. Organize a list of Members who ask to take the floor (to speak).

Third: Member of the Presidency Commission chairs the standing committee meetings when he is present, but he don't have the right to vote.

Fourth: Presidency Commission may assign additional tasks to any of deputies.

**Article 36:** The Rapportuers exercise the following tasks:

First: Monitor the counting of votes after the voting of the ICR Members.

Second: Supervise the preparation of minutes and summaries it and document it, and report it to the members.

Third: Any other tasks assigned to any of them by the Presidency Commission.

## **Chapter 7: Proceedings of the ICR**

### **Article 37**

First: The Presidency Commission prepares weekly agenda in coordination with related committee chairmen and distributes it to all members at least two days before the first weekly session.

Second: No subject shall be raised or discussed if not listed in the agenda, unless approved by the majority of present Members.

Third: Items on the agenda shall be discussed in accordance with their order and sequence on the agenda. No new items shall be discussed unless the previous ones had been totally and completely discussed. If it is difficult to complete the discussion, the Presidency Commission may postpone discussing it to another session.

### **Article 38**

First: The Presidency Commission, after consultation with caucus leaders, can make statement in the name of the ICR about an issue that seen it is important to make statement about it.

Second: A Member can make a statement about an issue that is not on the agenda if it is related to very dangerous issues or has urgent importance after the permission of the Presidency Commission.

### **Article 39**

First: The Speaker shall open the session as follows: In the name of God, the most merciful, the most compassionate .... On behalf of the people, we open our session.

Second: Reciting verses from holy Quran at the beginning of each session.

## **Article 40**

First: A member of the Council of Ministers may attend ICR sessions upon his/her request, ands per the approval of the Presidency Commission. The Minister may also participate in the debate related to his/her ministry affairs. The Minister may also be accompanied by senior officials from his ministry, as per permission from the President of the ICR.

Second: Citizens and media staff may attend the ICR's sessions with the knowledge of the Presidency Commission, unless the session is secret.

**Article 41:** The Member may speak in the session per permission from the President of the ICR. The Speaker may limit the period to speak. The Member shall not exceed this time limit, nor shall he speak more than twice on the same issue, unless the Speaker allows doing so.

## **Article 42**

First: The Member shall address his/her speech to the President of the ICR, provided that he/she sticks to the subject and avoids repetition. When the Member fails to adhere to that, the Speaker only, shall draw his/her attention to implement the provision of this Rules of Procedure.

Second: It is not allowed to re- discuss the subject which has been resolved “settled”.

**Article 43:** The Member, who takes the floor, shall express his opinion and point of view while maintaining the dignity and prestige of the constitutional institutes of the state and that of the ICR, its Speaker and Members, and shallot behave in a manner that violates order and respect of the session.

**Article 44:** No one shall interrupt the person who took the floor, or not even make a comment, other than the President of the ICR. The Speaker solely shall have the right to draw the attention of the person who addresses the Irate any time, about violating the provisions of the previous Article, or any other provisions of this Rules of Procedures, and that his/her idea is sufficiently clear, and that he does need to elaborate more in his speech.

**Article 45:** The Speaker may order to delete any statement made by a Member from the minutes of the session, which is in contradiction of the provisions of this Rules of Procedures Incise there is an objection, the Speaker shall present the issue to the ICR , which shall make its decision in this regard without discussion

**Article 46:** The Speaker may adjourn or postpone the session in case there is disorder inside the ICR, and he could not restore it.

## **Chapter 8: Procedures of the State Presidential Council**

**Article 47:** The ICR shall hold a special session to discuss the nomination and election for the positions of the President of Republic and his two deputies in accordance with Article 70 of the Constitution.

**Article 48:** The President and his deputies shall take the constitutional oath before the ICR, which is same text stipulated in Article 50 of the Constitution.

## **Chapter 9: Procedures for granting confidence to the Ministries and following up Ministries programs**

### **Article 49**

First: The Prime Minister shall present the ministerial “cabinet” statement and the names of his Ministers before the ICR.

Second: The statement shall be referred to especial committee in order to study it, and to prepare a report about it. The committee shall be chaired by one of the President of the ICR’s deputies. The Committee shall prepare airport before the vote on the cabinet.

Third: The ministry holds the confidence of their by approving the individual Ministers and Ministerial statement by an absolute majority.

## **Chapter 10: Questioning, Accountability and Investigation**

**Article 50:** Each Member may question members of the Presidency Council, the Prime Minister, his deputies, ministers, deputy ministers, or other members of the government or leaders of independent commissions, and offices in writing, with notification of the Presidency Commission, regarding any matters that are within their specialization, or to ask about any subject the Member has no knowledge about, or to verify any event he came to know about, or to know what the government intends to do regarding a particular issue.

**Article 51:** The Presidency Commission shall put the question that needs a verbal answer in its agenda for the next possible session, which shall be at least one week after sending it to the concerned official. The period to respond to the question shall not exceed two weeks.

**Article 52:** Questions related to subjects referred to ICR committees, shall not be included in the agenda, before the committee submits its report to the ICR. And should not include more than one question for the same member in each session answering the questions shall be in accordance with the order in which they were recorded.

**Article 53:** The Member who asked the question, and not any other member, may ask the concerned official for explanation, and may comment on his answer, However the Speaker may, if the question is of a public importance, permit the Chair of the relevant committee, or another Member to make a short comment or remark to the answer.

**Article 54:** The Member shall have the right to withdraw his/her question at any time. However, the question shall be dropped incise the capacity of the Member submitting it, or the person that question is addressed to, has changed.

**Article 55:** 25 Members have the right to request discussion of an issue and get clarification of policy or performance of the Council of the ministers or one of its ministries and submit this request to the Speaker and the prime minister shall specify a date to appear before the ICR.

**Article 56:** Members, with the assent of 25 other Members, may interrogate the Prime Minister, or one of his deputies, or Ministers about their specialization, however, no discussion may occur unless after a period of seven days.

**Article 57:** The ICR has the right to question the Presidency Council members by submitting a question with approval of an absolute majority of the ICR.

**Article 58:** The interrogation request shall be submitted in writing to the President of the ICR, signed by the interrogator with the agreement of 25 Members, stating generally the subject and issues of the interrogation, the facts and the main points about that interrogation, and the reasons at which the interrogation presenter count on, in addition to the nature of violation attributed to the person to be questioned, as well as proofs and evidences which support the person submitting the question. The interrogation shall not include issues that are contrary to the constitution, law, or improper phrases, or related to matters that are not within the jurisdiction of the government, or implies private or personal interests for the interrogator. Also no interrogation that deals with pre-discussed subjects could be submitted unless if new related events justify that.

**Article 59:** The Member shall have the right to withdraw his/her interrogation at any time. However, the question shall be dropped incase the capacity “character” of the interrogator submitting it, or the person the interrogation is addressed to, has changed.

**Article 60:** If a Member of the Presidency Commission desires to direct a question or submit an interrogation to any member in the Council of Minister, then he shall leave the bench and sit in the place designed for him in the chamber of the assembly.

**Article 61:** If the debate is completed and the ICR is convinced by the interrogator's point of view, then the issue it shall be considered settled. Otherwise the interrogation shall result in withdrawing the confidence in accordance with the procedures stipulated in the constitution.

## **Chapter 11: Deposition and Withdraw of Confidence**

**Article 62:** Any member of the President of the ICRs Council should be removed by absolute majority or all members if he is found guilty by the federal court in one of these cases:

First: Violation of constitutional oath

Second: Violation of the constitution

Third: Great treason.

**Article 63:** ICR has the right to withdraw confidence from any minister by absolute majority and he shall be considered resigned from the date of withdraw of confidence decision. This shall be initiated by a request from the affected Minister, or upon request signed by 50 Members of the ICR due to interrogation directed to him. The ICR shall not issue its decision for 7 days after the request.

**Article 64:**

First: The President of the Republic has the right to issue request to ICR to withdraw confidence from prime minister.

Second: The ICR, depending on request of 1/5 of its members, can make a request to withdraw confidence from PM due to interrogation directed to him. The ICR may not issue the request, unless after 7 days from the initial request.

Third: The ICR will ratify withdraw of confidence from the PM by an absolute majority.

**Article 65:** The ministry shall be considered resigned after withdraw of confidence in the Prime Minister.

**Article 66:** In case of voting to draw confidence from the Council of Ministers as a whole, the Prime Minister and the Ministers shall remain in their positions to run the business of the government for a period that shall not exceed 30 days, until forming a new Council of Ministers according to the provision of Article(73) of the Constitution.

**Article 67:** The Members of the ICR have the right to interrogate leaders of independent commissions, according to the procedure of interrogating Ministers and may remove them, by a vote of absolute majority.

**Chapter 12: ICR Committees Article 68**

Establishing temporary committee to make amendments to constitution and exercise tasks stipulated in Article 142 of the Constitution.

**Article 69:** The Standing Committees shall be formed and established in the first session convened by the ICR after ratification of the Rules of Procedure. The desire, specialty, and experience of the Member shall be taken into consideration.

**Article 70:** The following Standing Committees shall be established and formed in the Assembly:

- 1- Foreign Affairs Committee
- 2- Security and Defence committee
- 3- Legal committee
- 4- Oil, Gas and Natural Resources committee
- 5- Integrity committee
- 6- Finance committee

- 7- Economic, investment and reconstruction committee
- 8- Education and Higher Education committee
- 9- Health and Environment committee
- 10- Labour and Services committee
- 11- Regions and Governorates not organized in region committee
- 12- Human Rights committee
- 13- Culture, media, Tourism, and Archaeology committee
- 14- Endowment and Religious Affairs committee
- 15- Refugees, Displaced and Immigrants committee
- 16- Agriculture, Water and marshes committee
- 17- De-Beatification committee
- 18- Martyrs, Victims and Political Prisoners committee
- 19- Youth and Sports committee
- 20- Women, Family and Childhood committee
- 21- Civil Society organization committee
- 22- Member's Affairs and parliamentary development committee
- 23- Tribes committee
- 24- Complaints committee

**Article 71:** A temporary committee shall be formed to oversee implementation of Article 140 of the Constitution when it is executed.

**Article 72:**

First: Each Member shall have the right to nominate himself to serve as a member or chair of a committee.

Second: The Presidency Commission shall present the names of the candidates to each of the Standing Committees, in order to vote on, in one list according to the parliamentary caucuses' agreement.

**Article 73:** Each committee of the Standing Committees shall consist of at least seven members and no more than fifteen.

**Article 74:** Each committee within three days starting after its formation shall elect from its members a Chair, Deputy Chair and a Rapporteur by majority of the committee members.

**Article 75**

First: The Committee shall meet periodically according to the request of the Chair or Deputy Chair in case of his absence. The Members will be invited by the Rapporteur.

Second: The quorum of the committee meetings shall be achieved by the attendance of the majority of its Members.

Third: The Committee decisions shall be made by absolute majority of its member's and submitted to the Presidency Commission signed by the Chair of the Committee or his Deputy or members of committee in case of absence of leadership.

Fourth: Committees may seek the assisted of experts when needed; their fees shall verified by agreement with the Presidency Commission.

### **Article 76**

First: The committees may invite any Member of the Council of Representatives to express his/her opinion about the issues submitted to it, but that member shall not have the right to vote. Also, the committee shall have the right to call any governmental official with the knowledge of his/her seniors, or may call any expert or specialist who is not a member of the ICR, in order to solicit their input and opinion.

Second: Each member of the ICR has the right to attend the meeting of any committee with the approval of the Chair, and may express his opinion but may not vote.

### **Article 77**

First: The Committee with agreement of majority may invite any Minister or those who have the rank of a minister for clarification with notification of the Speaker and the Prime Minister, to attend the committees' meetings within seven days from the date of receiving the invitation.

Second: The Committee with the approval of majority of its members may invite deputies ministers and Persons of special ranks another government employees (civilian or in military) directly for clarification or asking information with notification of the speaker and the prime Minister.

Third: The state Minister of Parliamentary Affairs or who representing him/her may attend committee meetings after an invitation from the committee for coordination, cooperation and exchanging information between government and the Council.

Fourth: The committee have the right to record (audio and video) any meeting with any official within its jurisdiction.

**Article 78:** The Standing Committees may ask to be provided by documents and information that they need from any governmental departments and civil society organizations, with the notification of the presidency commission.

**Article 79:** The Member's attendance of committee meetings shall be considered similar to the attendance of the Council's session. He shall be subject to the provisions of this Rules of Procedures in case he is absent from attending its meetings.

**Article 80:** In case there is a vacancy in the membership of a committee the Council shall elect a new member replacing him.

## **Article 81**

First: The Presidency Commission shall refer subjects with all related documents to the committees, in order to study, discuss it and make appropriate recommendations about them.

Second: Every committee shall organize minutes of its sessions, and list the names of present and absent members. It shall record all debates and opinions and make its decisions by the majority and in case of a tie; the side which has the chair shall have the casting vote.

**Article 82:** The Council may form sub committees, Temporary Committees and Investigation Committees, in accordance with the requirement of work, and the subjects presented.

**Article 83:** Temporary and Investigation committees shall be formed by the approval of the majority of present Members in the Council, based on a suggestion submitted by the Presidency Commission or by 50 of the Members.

**Article 84:** The Investigation Committee shall have the power to investigate the facts, related to the issues presented to it. Further, the Committee shall have the right to call any person to hear his statement as appropriate. In addition, it shall have the right to review whatever related to the issue that has been presented to it, without any prejudice to the cases that have been referred to judiciary. It may seek the assistance of experts; their fees will be agreed on with the Presidency Commission.

**Article 85:** The committee shall upon the completion of investigation, submit its report and recommendations to the Presidency Commission, which shall in return submit them to the Council in order to take the appropriate action.

**Article 86:** The committee has the right to dismiss the Chair or the Deputy Chair or the Rapporteur in case of proved incompetence or in case they cannot perform their duties.

## **Chapter 13: Jurisdiction of the Standing Committees**

### **Article 87**

First: Every standing committee may propose laws related to its jurisdiction according to the procedures stipulated in the Rules.

Second: Each committee of the Standing Committees shall study the bills and draft law related to its jurisdiction, and shall give its opinion on these bills and on other subjects which have been referred to it by the Presidency Commission, as well as on the subjects related to the jurisdiction of each one of them, as indicated within this ROP.

Third: Each committee should follow up and monitor the balance in institutions related to its jurisdictions.

**Article 88:** Foreign Affairs committee shall be in charge of the following:

First: Study the International and regional position as well development of international policy.

Second: Follow up the foreign policy and diplomatic representation of the State

Third: Following up International Conferences.

Fourth: Studying International political agreements and treaties together with the Legal Committee.

Fifth: Proposing Legislation which regulates the diplomatic and consular affairs.

Sixth: Following up issues related to the bodies and agencies of the United Nation, international and regional organizations.

**Article 89:** Security and Defence committee shall be in charge of the following:

First: Following up the external security affairs of the state

Second: Following up the internal security affairs and control of terrorism and crime

Third: Following up armed force affairs

Fourth: Following up the Intelligence body affairs

Fifth: Proposing legislation relates to officers and personnel and members of the Iraqi armed forces, police and Iraqi intelligences bodies.

**Article 90:** Legal committee shall be in charge of the following:

First: Reviewing the former laws and their compatibility with the Constitution

Second: Studying legislation related to the Judiciary

Third: Assist the Council of Representatives and its committees drafting legislative texts

Fourth: Improve and develop legal and judicial systems

Fifth: Study draft laws submitted to it by the Council and the Government, give opinions about them, prepare and draft its texts according to the instructions of the Presidential Commission of the Council.

Sixth: Review the decisions of the dissolved Revolution command Council.

Seventh: Follow up the IECI.

**Article 91:** Oil, Gas and Natural Resources committee shall be in charge of the following:

First: Monitoring and supervision of the oil and natural resources policies.

Second: Monitoring the accounts of income son oil, gas and the rest of natural resources

Third: submitting draft laws to control wasting the oil and natural resources welfare

Fourth: following up rehabilitation and building oil constructions to insure fluency of oil products for the citizens

Fifth: following up the policy of oil for food and medicine basic needs; and Corruption files resulted by it

Sixth: following up rehabilitation and building projects related to natural resources.

**Article 92:** Integrity committee shall be in charge of the following:

First: following up cases of administrative and financial Corruption for different state part

Second: follow up and monitoring the work of integrity commissions and institute (integrity commission, general inspector office, financial auditing bureau and else of independent commissions)

Third: Proposing draft laws related to the integrity.

**Article 93:** Finance committee shall be in charge of the following:

First: Following up on the General Budget of the State and transfer of payments among its categories.

Second: Proposing Legislation related to customs, taxes, and fees.

Third: Following up on banks, credits, loans and insurance.

Fourth: Supervise the preparation of the Council of Representatives budget

Fifth: Follow up on the dispensing/ discharging of the debts and compensations imposed on Iraqi people.

Sixth: Following up financial policies of Government Ministries and Institutions.

**Article 94:** Economic, investment and reconstructions committee shall be in charge of the following:

First: Following up the economic plans of testate.

Second: Focus on the role of the private sector and privatization.

Third: Follow up on issues related to internal and external trade, fees and prices.

Fourth: Monitor contracts entered to import rationed material, ensure that there is streamlined, sound distribution process.

Fifth: Follow up the development of local industry.

Sixth: Follow up on national and foreign investment affairs, proposing laws and decisions that encourage the investment projects in Iraq.

Seventh: Follow up all faces of the reconstruction housing project and infrastructure....etc.

**Article 95:** Education and Higher Education committee shall be in charge of the following:

First: Follow up education related issues for all stages and curriculums.

Second: Follow up and develop Universities and scientific research centers.

Third: Follow up the spreading of culture of tolerance and Human Rights.

**Article 96:** Health and the Environment committee shall be in charge of the following:

First: Review the country's health policy and enhance and developing it in a manner that meets with the best governmental services.

Second: Pay due attention to the medical and health personnel and provide them with opportunities for stability to prevent immigration , because it consists of a loss of nation's potential.

Third: follow up the plans of providing medical drugs and equipment's from internationally recognized sources/origins

Fourth: follow up the implementation of laws and procedures for protection of environment in Iraq

Fifth: Follow up the protection and implementation of green zones in urban and rural areas of Iraq

Sixth: Follow up and urging the line ministries to address the desertification phenomenon.

Seventh: Monitoring the process of Burying detrimental waste and propose deterring draft laws to bury nuclear waste in the territories of Iraq.

**Article 97:** Labour and Services committee shall be in charge of the following:

First: follow up issues relate to municipal, drinking water and sewage services

Second: follow up issues related to electricity

Third: follow up issues related to communications

Fourth: follow up issues related to transportations

Fifth: Proposing law concerned with regulating relations between governments, employers and labours.

Sixth: Monitoring the implementation of the labour law

Seventh: Monitoring and follow up preparing skilled manpower according to the requirements work environment.

**Article 98:** Regions and Governorate not organized in regions committee shall be responsible for the following:

First: Focus on the affairs of regions and non-regional provinces, and their relationship with the Federal Government

Second: Follow up on issues related to Councils of regions, provinces and local Councils.

Third: Follow up commitment with fair participation in the management of the federal different governmental institutions and study tours, scholarships, international, and local conferences.

Third: Follow up the fair distribution of resources allocations among regions and provinces.

Fourth: Propose laws which regulate the relationship between legislative Councils in regions and governorates with the federal ministries.

Fifth: Propose laws to organize the work of two commissions mentioned in Article 105 and 106in constitution.

**Article 99:** Human Rights committee shall be in charge of the following:

First: Follow up Iraqi Human Rights, in accordance with the constitutional principles, monitor violations and suggest treatment.

Second: monitor violations of Human Rights by authorities

Third: follow up issues related to detainees and prisoners in prisons.

**Article 100:** Culture, arts, media, tourism and archaeology committee shall be in charge of the following:

First: focus on all cultural fields

Second: focus on developing arts and literature

Third: focus on tourism, particularly on religious tourism

Fourth: follow up on issues related to Archaeology and studying possibilities of retaining the stolen and missing archaeological items and maintaining them

Fifth: Follow up the media means and monitoring their performance.

Sixth: Follow up the media and communication commission.

**Article 101:** Endowment and Religious Affairs committees shall be in charge of the following:

First: follow up activities and decisions of endowments departments

Second: Submitting draft laws to activate and develop endowments.

Third: Follow up the supreme commission for pilgrimage and minor pilgrimage.

**Article 102:** Refugees, Displaced and Immigrants committee .The Committee on shall be in charge of:

First: follow up on returning the displaced by force to their place of residence before displacing them and returning their transferable and non-transferable funds

Second: follow up on returning the transferable and non-transferable funds which have been confiscated from the refugees and displaced without any justification during the previous regime

Third: follow up on the affairs of citizens who have been detained under the former regimes a result of evacuating their families outside Iraq

Fourth: Study draft laws related to nationality, in accordance with Article 11 of the Constitution in coordination with the Legal Committee.

Fifth: Follow up the higher commission for real-estate dispute resolution.

**Article 103:** Agriculture, Water and marshes Affairs committee shall be in charge of the following:

First: follow up and developing on agriculture.

Second: monitoring implementation of water resources policies and its local circulation (division)

Third: follow up on rural development and increase of its living standards for the farmers

Fourth: follow up on livestock and veterinary affairs

Fifth: Follow up and developing nomads affairs by settling them and provide the suitable environment for them.

Sixth: Follow up of revitalization of marshes

Seventh: Follow up on affairs of inhabitancy of marshes and developing their status.

Eighth: Developing the marshes as a national wealth and human heritage.

**Article 104:** Ba'ath Eradication committee shall be in charge of the following:

First: Monitoring and reviewing the procedures made by the High Commission for De-Ba'athification to ensure justice, objectivity, transparency and review that it complies with the law.

Second: Making recommendations in decisions of the High Commission for De-Beatification and its ministerial and governmental commissions, and shall be submitted to the ICR.

**Article 105:** Martyrs, victims and Political Prisoners committee shall be in charge of the following:

First: Follow up the work of the Martyr Institution.

Second: follow up the work of the Institution of Political Prisoners

Third: follow up on affairs of Martyrs and victims of military and terrorist operations

Fourth: Follow up on affairs related to people with special needs

Fifth: follow up politically dismissed affairs (fired) people.

**Article 106:** Youth and Sports committee shall be in charge of the following:

First: Follow up youth affairs and arising and developing their qualifications in different fields.

Second: Follow up athlete's affairs and sport institutions and developing it.

**Article 107:** Women, Families and Childhood committee shall be in charge of the following:

First: Propose draft laws that support the role and status of women in the society and in the political process.

Second: Put emphasis on the rights of women and defend them in accordance with the human rights instruments, taken into consideration the context and specificity of the Iraqi Society.

Third: Monitor violations by executive branch of Women's rights stipulated in the Constitution

Fourth: Follow up on the laws and procedures that protect the families in the Iraqi society.

Fifth: Pay attention to develop bills and laws relating to maternal and childhood care.

Sixth: Focus on and provide care to juveniles to prevent them from delinquency and homelessness.

Seventh: Follow up the social care institution and insure the rights of aged and incompetence persons.

**Article 108:** Civil Society Organizations committee The Committee on shall be in charge of the following:

First: Proposing and supporting legislation and procedures that ensure development and activation of the role of civil society organizations.

Second: Follow up on studies institutions enters which focusing on developing ideas and mechanisms of civil society institutions in manner compatible with the specificities of the Iraqi society.

**Article 109:** Member's Affairs and parliamentary development committee shall be in charge of the following:

First: The Committee shall be in charge with follow up on all matters related to the Member of Council of Representatives.

Second: verifying the conditions which must be fulfilled as Member of the Council of Representatives.

Third: Work towards improving the MPs through exposure to other countries by study tours....etc.

**Article 110:** Tribes committee shall be in charge of the following:

First: Follow up on the affairs of the tribes and activate their national role.

Second: Follow up on developing tribes and Iraqi communities, according to law and religion.

Third: oversee the consolidation of noble Human values which contributes developing society.

**Article 111:** Complains committee shall be in charge of the following:

First: Receiving opinions, suggestions and complains of citizen

Second: Considering these complains, suggestions and documents and referring it to the relevant committees

Third: Following up these suggestions with the relevant committees and informing the citizens about it.

**Article 112**

First: Each committee shall have the right to propose laws. And the committee shall present a proposal in writing to the Speaker which will refers it to the relevant committee.

Second: The relevant committee shall study the law and return it to the speaker

Third: The speaker shall refer the draft law to the legal committee to review it and checking it and referred it to the ICR.

**Article 113:** All committees shall, within their realm of specialization, follow up on the statements of the ministers on all subjects and make recommendations about them. The Presidency Commission may submit these recommendations to the Council.

**Article 114:** The committees' sessions are not to beamed public. Only members of the committees, other members of the Council of Representatives and office staff members as well as the experts, advisors and members of the government a committee may make use of may attend. Representatives of the press and other media may not attend the meetings of the committees unless permissions granted by their Chairs.

**Article 115:** Each committee shall submit to the Council a report on each subject matter that may be referred to it. The report shall include all procedures followed by the committee and the reasons they base their opinion on. The committee shall enclose with their report the stipulations/provisions of the bills or legislation subject of the report and their explanatory notes. The report shall also incorporate the opposing opinions that the members of the committee may have shown on this issue.

**Article 116:** With due observation to the matters for which a specific provision is provided, the committee shall submit its report within two to four weeks at the latest as of the date of referral of the subject matter to it unless another date was set by the Council of Representatives. If the set date lapses and the report are not submitted, the Speaker may request the Chair to give reasons for delay and set the period needed by the committee to complete their work. The Speaker may however present the issue to the Council to take the decision they deem fit.

**Article 117:** Copies of the Republic Decisions and cabinet's decisions/decrees shall be deposited at the office of the Council of Representatives' Presidency Commission; these copies shall be made available to the various COR's committees.

**Article 118:** The Committees may request from the ministers copies of the reports they have prepared on their visits abroad as well as international conferences and meetings they have taken part in. The competent committee may inquire the concerned minister about the content of such reports, or may call on the heads of delegations to report in person to discuss such reports with them.

**Article 119:** The Speaker may invite a Council's committee to discuss an urgent and important issue. The Speaker chairs all the committees 'sessions he/she attends. Correspondence between a COR's committee and the executive Branch or other parties outside the Council of Representatives shall be made through the Chair, in accordance with the procedures he/she shall set in this respect and sending a copy to the Speaker of the Council.

## **Chapter 14: Draft Laws Proposed by Members of the ICR**

**Article 120:** Ten members of the Council shall have the right to propose laws to the Speaker; such proposals shall be formulated into Articles, and shall have the causative reasons for this law.

**Article 121:** The Speaker may, in writing and after presenting the proposal to the concerned committees, notify the member who submitted the proposal about their

violation of the constitutional or legal principles, or a law. The Speaker may also do the same in case the proposal fails to meet the required format, or incise that the provisions of its Articles, are included in applicable laws. The proposing member may also be requested to withdraw such a proposal or to have it corrected. If the member insists on their viewpoint, then they shall submit a written memorandum to the Speaker reflecting their views in the light thereof, within a week from notification. The Speaker shall submit the issue to the Presidency Commission and notify the member in writing on the Commission's decision in this regard. If the member insists on their opinion within a week, the Speaker shall submit the issue to the Council of Representatives to decide on.

**Article 122:** The Speaker shall refer the bills (draft laws) to the legal committee for study it and to prepare a report about them to the Council of Representatives, including the committee's opinion on whether the proposal may be considered, rejected or postponed. The Speaker may propose to the Council to reject the proposal for reasons relating generally to its subject. If the Council of Representatives agrees to consider the proposal, they shall refer it to the concerned committee.

**Article 123:** In case a proposed draft law has been submitted, and is associated with another draft law or another bill that has already been referred to a committee - the Speaker shall directly refer such proposal to this committee, unless the committee had begun studying and reviewing the Articles of the proposed draft law or bill.

**Article 124:** Proposals of draft laws shall be subject to the special procedures, stipulated in these Rules of Procedures, and related to discussing draft laws. Due observance shall, however, be given to matters for which special provisions are made.

**Article 125:** Those who proposed draft laws may withdraw it by written application addressed to the President of the ICR any time and prior to the discussion by the Council of Representatives.

Such abandonment by the member of his/her proposal shall be considered as if the proposal was not submitted, unless another member would continue on this proposal through a written request to the Speaker – that consideration of the proposal be continued.

**Article 126:** The proposals for draft laws that are rejected by the Council of Representatives, or restored by the presenters, may not be resubmitted in the same Council of Representative's sitting. The Speaker will submit the above recommendation to the Council with the related statement at the first session than it will be referred to the relevant committee. The Speaker may refer it to the relevant committees directly with informing the Council about it at the first next session.

## **Chapter 15: International Treaties and agreements**

**Article 127:** The Council of Representatives has the authority of ratifying international treaties and agreements by majority of 2/3 of CoR members.

## Chapter 16: Legislative Procedures

**Article 128:** The President of the Council will refer the draft laws submitted by the Executive to the relevant committees, to study it and give opinion on it before submitting it to the Council for a debate with the condition it will happen in the presence of the representative of the Committee who submitted the draft.

**Article 129:** During the debate of the draft laws any member can submit amendments as deleting, adding or separating Articles. The amendments must be submitted to the chair of the committee at least 24 hours before the session/debate.

**Article 130:** The Financial Committee has to get the opinion of the Council of Ministers for every proposed amendment which is referring to draft budget allocations and they have to include in their report the government's opinion and arguments related to that. This provision will be valid on every proposed amendment submitted by any committee of the Council or any member if it will create financial consequences.

**Article 131:** The Chair of the session will read the report of the relevant committee including the opinions against the report in the second reading and the debate will follow the draft submitted by the committee.

**Article 132:** Deliberation shall start with a discussion of the entire general principles and bases of the draft law. If a majority of ICR members donor in principle approve of the bill, such no approval will be regarded a rejection.

**Article 133:** After such an in-principle approval of the draft law, the ICR shall move on to discussing its Articles by Article, after reading outreach one of them. Opinion is first solicited separately on each Article, and then it is taken on the entirety of the draft law after a full recitation of all Articles is made.

**Article 134:** On completion of discussion of the Article, and the proposed amendments submitted thereto, opinion is first taken on these proposed amendments starting with the broadest and most deviant from the original text. Opinion is then taken on the Article as awhile.

**Article 135:** If the ICR makes a judgment on an Article, which would require an amendment in another Article already approved of, the ICR shall have the right to revisit such an Article. The ICR may also - upon request by the government, the Chair of the committee or 50 of the ICR's members - re-discuss an Article already approved if new reasons are given before deliberations over the draft law are concluded.

**Article 136:** No vote on a draft law shall be taken before at least four days have passed after deliberations in accordance with the following:

First: The draft law has undergone first reading

Second: Second reading and debate of the draft law can occur no sooner than two days after the reception of written suggestions.

## **Chapter 17: Objections to Draft Laws**

**Article 137:** The Presidency Council may approve the laws that are enacted by the Council of Representatives within 10 days of their arrival with the exceptions as in Article 118 -119 of the Constitution. In case of non-approval the laws shall be resent to the Council of Representatives.

### **Article 138**

First: The Council of Representatives will hold a session for this purpose. And the Council will submit the veto decision and the statements related to it to the concerned committee to study the draft under objection. And the reasons based upon the decision of the veto. The report of the concerned relevant committee shall be submitted to the Council for consideration in emergency procedure. If the Council approves the draft law under objection by majority it will be sent to the Presidency Council for approving it.

Second: In case of not approving it the second time within 10 days of the receiving the Council of Representatives may approve it by the majority of 3 out of 5 the number of its members, which is unselectable and considered approved.

## **Chapter 18: Disciplinary Procedures**

**Article 139:** The Chair of the session shall apply one of the following penalties against the member who committed a violation against the order.

- 1- Remind the member of the rules of the session
- 2- If the member persists, the chair may warn him/her; such warning shall result in deleting their statements from the minutes
- 3- Prevent the member from speaking during the remaining period of the session.

**Article 140:** If the member does not comply with the ICR's decision, the Speaker may take the action that ensures implementation of such decision after warning the member to this same effect. The Speaker may suspend or adjourn the session, in which case the period of deprivation approved by the ICR shall be doubled.

**Article 141:** The member, who has been deprived of participation in the activities of the ICR, may request ceasing the execution of the deprivation decision. He/she can do so by writing to the Speaker that he/she feels sorry for not paying respect for the ICR's rules of procedures. This apology shall be recited during the session and the ICR's decision in this case shall be issued without discussion.

## **Chapter 19: the ICR's Budget**

**Article 142:** The ICR shall have a special budget, which shall be determined in coordination with the concerned "relevant" financial bodies, and shall be included in the General Budget of the Government.

**Article 143:** The Council's financial body shall prepare the National Assembly's final accounts. These shall be presented to the Council's Presidency Commission for approval and submittal to the Financial Affairs Committee who shall, in turn, submit its report to the ICR for approval.

**Article 144:** The Council's accounts shall be subject to the monitoring and auditing of the Financial Audit Bureau.

## **Chapter 20: Final Provisions**

### **Article 145**

First: The Council has the right to send Member delegates abroad "outside Iraq" for issues related to its work it must respect the jurisdiction of the committees.

Second: The ICR has the right to invite delegations and very important persons (VIPs) for meetings and to get review the situation in Iraq.

### **Article 146**

First: No armed person or armed forces may enter the premises of the Council, nor can they stay nearby its main gates unless prior approval is obtained from the Presidential Commission.

Second: No firearms or tools with cutting edges shall be allowed into the Council's Building which is defined by the Presidential Commission.

Third: No entry for any person inside the Council except with the prior approval of the Chair of the session.

### **Article 147**

First: The Presidency commission of the ICR shall be responsible for the ICR's Office.

Second: The Office of the ICR shall be assumed by an Office Manager with a 'special grade'. He/she shall exercise his/her tasks in accordance with the law and the powers vested in him by the Presidency commission of the ICR. He/she shall report to this commission, and shall be assisted by number of employees according to the requirements of the ICR.

Third: The advisors shall report directly to the presidency commission, They shall be responsible for rendering consultation and expertise to the ICR and its standing committees, preparing reports and conducting studies and researches related to work and jurisdiction of the ICR, in addition tony other tasks that might be assigned totem by the presidency commission.

**Article 148:** Amendments to the Rules of Procedures may be made, in accordance with a proposal submitted by the Council's Presidency Commission, or by 50 of the members, and shall be approved by a majority of the members.

**Article 149:** The Council's orders and decisions shall be recorded and published in Arabic and Kurdish languages.

**Article 150:** These Rules of Procedure will be revised and changed the Articles which have conflict with the constitution provisions after changing it.

**Article 151:** Offices shall be open to secure communication between the Members of the Council of Representatives and the people.

**Article 152:**

First: This ROP shall go into effect as of the date of approval by the Council.

Second: This Rules of Procedures shall be published in the official Gazette.