

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

AMMAR SAADOON SALMAN ALBADRY

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POST SADDAM HUSSEIN REGIME

BY

AMMAR SAADOON SALMAN AL-BADRY

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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 system politik Iraq masih menghadapi masalah sebelum ini seperti pembangunan sejarah negara, cabaran struktur sosio-politik dalaman dan kewujudan campur tangan yang mempengaruhi politik dalaman. Oleh itu, tujuan umum kajian ini adalah untuk menjelaskan mengapa, bagaimana dan sejauh mana cabaran sejarah, dalaman 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. Dapatan 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 aktiviti 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 merencanakan perbahasan 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 dalaman 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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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

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