

IRAQI PARLIAMENTARY INSTITUTION: POWER SHARING IN IRAQ PARLIAMENT

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Abstract

Until now the adoption of consensual democracy otherwise known as power sharing by the Iraqis is still debateable. While many believe that consensual democracy is suitable for the Iraq system of government others believe that consensual democracy is a complete failure which has negatively affected the functional roles of the Iraq parliament. This study therefore, examines the historical challenge affecting the Iraqi parliament with particular focus on the power sharing otherwise known as consensual democracy. Due to this, a qualitative data was generated from eight respondents comprising of 2 diplomats, 4 parliament members; 2 staff from political science department in University of Baghdad, Iraq. Over, the finding revealed that consensual democracy is not suitable for Iraq as a system of government. The finding also revealed that the consensual democracy negatively affects the legislative and oversight role of Iraqi parliament and it is responsible for the complete failure of the Iraqi democracy. Discussion on the findings is highlighted with the implication and limitation of the study is equally provided.

Until now the adoption of consensual democracy otherwise known as power sharing by the Iraqis is still debateable. While many believe that consensual democracy is suitable for the Iraq system of government others believe that consensual democracy is a complete failure which has negatively affected the functional roles of the Iraq parliament. This study therefore, examines the effect of power sharing on the Iraqi parliamentary institution after Saddam's regime. It undertakes an in-depth study of face-to-face interview to examine how power sharing affects the Iraqi parliamentary institution.

Keyword: Historical challenge, Power sharing, consensual democracy, Parliament, Iraq

Introduction

Iraq is one of the countries suited in the Middle-East with a population of nearly 32 million people. Its official religion is Islam. This indicates that close to 97% of Iraqi people are Muslims, with the Shiite and Sunni Muslims accounting for approximately 60% and 35% of the population, respectively (Akoum, Zbib, & Ahmed, 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 forcefully 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 the Iraq. The Kurds, who comprise the second largest ethnic group (e.g., approximately 20% of the Iraqi population), are mostly Sunnis.

Politically, Iraq has adopted a parliamentary system of government which it operates until now. The parliamentary institution has played an important role such as adequate representation of the people, oversight and legislation. The system ensures certain degree of cooperation between the parliament and government particularly in policy making (e.g. 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 in such that the government will comply with parliament enactments (Thomas, 2004:9).

One of the elements of parliamentary system of government is power sharing which is also called consensual democracy 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” (Hai, 2006: 132).

This form of government is based on the background of contrast and retail among the people, and resorts to compatibility in the event that there is a lack of mutual trust between these powers. The need for consensual democracy arises in some countries due to the presence of various sectors and ethnicities (Amir, 2013: 135). Perhaps, these conditions informed the Iraqis present choice of consensual democracy. Iraq is a country with many sectors, tributes, ethnicities including divisions. These divisions and ethnicities however, have not helped the country’s political system and structure as one crisis or the other often crop up. Until now a critical

observation indicates that the adoption of consensual democracy otherwise known as power sharing by the Iraqis is still debatable. While many believe that consensual democracy is suitable for the Iraq system of government others believe that consensual democracy is a complete failure which has negatively affected the functional roles of the Iraq parliament. This study therefore, examines the historical challenge affecting the Iraqi parliament with particular focus on the consensual democracy.

Power-sharing

Power-sharing is also known as consensual democracy 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”(Hai, 2006: 132). As stated by Ghanim, (2011:138), power sharing is a form of democracy which has a practical application that makes it an antithesis of democracy. This form of government is based on the background of contrast and retail among the people, and resorts to compatibility in the event that there is a lack of mutual trust between these powers.

The need for consensual democracy arises in some countries due to the presence of various sectors and ethnicities just like the case of Iraqi (Amir, 2013: 135). This exact situation in Iraq where there are many ethnic groups, sect, and religions.

Experience has shown that democracy involves much more than voting. It encompasses the distribution of political power through institutions and laws that guarantee accountable rule. Whereas the elections produced a wave of optimism, the delay in forming a government was intolerable to Iraqis who risked their lives to vote based on the expectation that Iraq’s political leaders would quickly form a new government to address escalating violence and improve basic services. After more than two months of agonizing debate, Iraqi politicians finally agreed on a division of responsibilities. In other words, they agreed on power sharing among the political institutions. If they can build on this agreement, a deal may be in the offing among Iraqis which preserves Iraq as a unitary state and establishes a federal system of governance that is administratively viable (Phillips, 2005: v).

In the Iraq’s current constitution, a form of political system has been adopted which is now referred to as consensual democracy which is intended to take care of transitional phase and for a single-election session. This agreed upon by the presidency council consisting of President Kurdish and first Shiite and Sunni his 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. Even since this time, Iraq has been practicing consensual democracy which is now operational in all state institutions (Jawad, B., 2008). The principle of consensual democracy is depicted in Table 1.

Table 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	RowschShaways	Kurd
Deputy Prime Minister	AbdMetalq 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	ArifTayfur	Kurd

Source: Middle East Journal, 4 April2005.

Although the consensual democracy has been operational in Iraq since its adoption by the presidential council, yet many have seen it as a complete failure in resolving the Iraq crisis and repositioning the country's political structure for a better economic growth. One major factor associated with the failure of consensual democracy in Iraq is the experience of the Iraqi parliamentary. For instance, it is observed that the Iraqi parliament since its inception, has adopted a sectarian, political, and ethnic approach. This is obvious in its formation of electoral lists and the election law and policies formulated by the new government. The whole of this event has negatively reflected on the performance of the Iraqi Parliament as they are unable to hold the government accountable in this failure. For example, the parliament is unable to withdraw its confidence from any minister and this has been attributed to the manner which the government is being structured and formulated. In fact, it has also resulted to the distribution of shares among the winning blocs. Besides, the members of the Iraqi parliament now represent only the interests of their respective parties rather than the interest of the parliament as a whole or the interest of the people who voted them in power. Due to this, Kata (2006) noted that the government is nothing but the sum of the wills of political parties and not the Iraqi parliament as a national institution.

Another major problem of the principle of consensual democracy in Iraq is the support of American politicians. For instance, it is observed that the American politicians did not support the principle of consensual democracy in Iraq just to help them but they did it with a view instill the principle of quotas as a model for political rule. This can be clear seen in the

segmentation of Iraqi society into Shiites, Sunnis and Kurds instead of into political parties such as Islamic, secular liberals and socialists. Their support also neglected the most important principle of democracy which is the principle of the parliamentary majority rule; they have only succeeded in making the people to be under the rule of an election winner. This democracy principle encourages the winner and the loser to form a participatory government by creating a safeguard that prevents the winner from having the absolute freedom of decision. Even the current government is a good example, it is popularly known as the “Partnership” or the National Unity Government (Jabber, 2009: 6).

Furthermore, the consensual democracy and its role have badly affected the legislation of laws and parliamentary oversight. This can be seen in three perspectives. First is the absence of political opposition because everyone is in power. Second is the process of distribution of positions is done by political consensus while the third is concern with the process of issuing laws and decrees through political consensus among the political forces. This process allows them to participate in the political process (Hadi, 2010: 103). In all, the consensual democracy has given opportunity for all parliamentary blocs to have quotas in the government and this has negatively reflected on the role of the Iraqi parliament particularly to monitor the performance of the government. This argument can be clearly seen from way the political blocs take cover under their unsuccessful Ministers as well as the defending process and justifying minister’s mistakes and wrong doings while in the office. The political blocs are deemed very powerful to the extent that they prevent the activation of parliamentary control, the main pillars of the democratic and parliamentary systems (Al-Anbuge, 2012). From the ongoing and coupled with our observation, it is believed that the political consensus among the leaders of the political blocs has weakened the Iraqi parliament due to the fact that they have prevented the latter to take its own decisions and enact important laws. Thus, they all end up in weakening the parliament’s oversight role the more.

Research methodology

Our study adopts a qualitative research technique with a face-to-face interview approach to elucidate information from the key informants. Ahmad and Seet (2009); Salkind (2009); Sekaran & Bourgie (2009) argued that the use of qualitative approach would provide better insight in understanding the way people think about issues. Ahmad & Seet (2009) noted that the use of the quantitative survey approach for a study of this nature drives dissonant responses. Therefore, toeing the same line, this study opted for a qualitative research technique with a face-to-face structured interview approach. The need for a face-to-face interview is to have first-hand knowledge of the

respondents on why Iraqi people chose a consensual democracy (Salkind, 2009). The essence of the structured questionnaire was to have a clear and apparent focus and call for an explicit answer (Salkind, 2009). In all, eight people were interviewed comprising of 2 diplomats, 2 parliament members; 2 staff from political science department in University of Baghdad, Iraq. The interviews were conducted once and only for 30 minutes for each interview and these were then transcribed, coded and analysed to drive the key themes on consensual democracy which are associated with historical challenges affecting the legislative and oversight role of the Iraqi parliament.

Operationalization of power sharing: Our working definition for power sharing in this study is refers to as “consensual democracy” which is one of the historical challenges affecting the legislative and oversight role of the Iraqi parliament. Based on this definition we probed further into different consensual democracy that affect legislative and oversight role of the Iraqi parliament.

Results and Discussions: The effect of consensual democracy on the Parliament function roles.

Our objective is to examine the effect of consensual democracy on the legislative and oversight role of the Iraqi parliament. From the interviews, all the respondents affirmed that consensual democracy is an historical challenge which has been with Iraq as a country. They confirmed that consensual democracy is negatively impacting on the Iraqi parliamentary legislative and oversight roles.

Our interview revealed that consensual democracy is one of the major historical challenges confronting legislative and oversight role of the Iraqi parliament. According to Dawisha 2003:36-50), the absence of the political culture caused by the consensual democracy has affected the oversight role of the Iraqi parliament. The interview conducted on the 12th of December, 2013 at the cultural attaché, Malaysia with Hassan Hashim al-Sharaa observes:

“Consensual democracy in Iraq which is built on quotas at the political level and to participate in government has not been understood correctly and has not been take advantage of the positive aspects. For me, it is better for the politicians in Iraq to adopt consensual democracy as a transition stage from the case of division and fragmentation experienced by the political parties to the case of health of liberal democracy. But in practice the consensual democracy is becoming the basis for political action and everyone became involved in power. As well as the political forces kept on consensual democracy to preserve their privileges and interests, and this

has affected the development of the parliamentary system and the failure of the opposition”.

In another view, we found that consensual democracy has negatively impacted on the functions of Iraqi parliament. For instance, the parliament often fails to reach a political consensus in many political issues concerning the country. The Iraqi Ambassador to Malaysia, Prof. Dr. Basim Hattab Toama on the 16th of December, 2013 observes:

“The consensual democracy is among the actors in the political process in Iraq. It has a very negative impact on the functions of parliament, worth noting when there is a political consensus among the political parties on the enactment of law certain, the role of parliament clearly shows as a legislative institution to vote on this law, while in the case of disagreement among the political parties, notes that the parliament could not vote on any law, in addition to this that sectarianism and nationalism plays a major role in determining this role”.

Apart from the above, the study also found that does not fit with the Iraqi parliamentary system)but certain conditions have imposed it on the Iraqi political system. Our interview with the MP, Humam Hamoudion Feb 18, 2014 observes:

“Yes it has affected, but there are certain conditions imposed consensual democracy, social structure of Iraq was balanced and cannot pass any legislation on the principle of majority because this gives impression that there is an Arab majority or a majority Shiite control to others, so in the first stage would have required building confidence between the political parties and the culture of participation Political by everyone after the out of Iraq from occupation and sectarian accumulations, in other words, that this country should be run and judge by everyone and with the consent of the others. Consensual democracy was suitable for the new phase in Iraq, but it is understood incorrectly by the political parties that participate in the government, which reflected negatively on the performance of the Iraqi parliament”.

Furthermore, the former parliament Speaker, Dr. Mahmoud al-Mashhadanion 15th January 2014 agreed that consensual democracy as not only badly affected Iraqi parliament but also has determined scope of parliamentary legislative and oversight. He reported:

“I believe that the performance of the Iraqi parliament is influenced by the extrusive consensual democracy after 2003. That is, consensual democracy had created the determinants of the new

scope of work parliamentary legislative and oversight 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”.

Accordingly, we also found that consensual democracy is a historical challenge which is negatively affecting parliamentary oversight in Iraq. Expressing his view, he commented:

“The consensual democracy had a negative impact on parliamentary oversight, because the mistakes that occurred in the performance of parliamentary was caused by all the parties compliant, and therefore did not get there any oversight over the government, where all the parties involved in the government has representatives in the House of Representatives are working to disable the oversight role of Parliament”.

Previous study 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. As expressed by the Iraqi Cultural Attaché in Malaysia, Dr Hassan Hashim al-Sharaaon the 12th of December, 2013:

“The consensual democracy affected the functional role of the parliament, because the consensus among the political parties was in all issues related to the parliament and the government, e.g., the sharing of government positions and privileges for these positions. Consensual democracy was a major reason for canceling a lot of executive decisions and vote on specific legislative decisions at the expense of other decisions, adoption of a consensual political system in Iraq is a blow to the democratic process”.

Also, the study found consensual democracy to be a complete failure of the Iraqi democracy. Literature revealed that consensual democracy has led to the complete failure of the Iraqi political system. In line with this, the interview with a faculty member of the Political Science department at the University of Baghdad, Dr Hussein Alwan Beige on the 3rd of February, 2014revealedthat:

“Consensual democracy influenced on the legislative and oversight role of Iraqi parliament, because the consensual have made all the political parties in one location, does not exist for those who govern as well as there is no opposition, all the political parties participate in the government with the apparent absence of the opposition, and this led to the

adoption of the style disrupt the meetings of parliament by political parties through failure to achieve a quorum to vote on the laws that conflict with their personal interests”.

Lack of consensus among the political blocs is another effect on the parliament oversight role.. The presence of consensual democracy (power-sharing) 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 the public policy and affected many policies. Al-Fatlawi (2006: 1-29) stated:

“The application of consensual democracy (power-sharing) between the political blocs is a major issue. It has led to the obstruction of public policy, established quotas, and then disabled the political decisions in the case of failure to get consensus between the blocs to participate in the political process.”

At the interview held on the Feb 5, 2014 with an Iraqi MP, Azhar Abdul Karim al-Shaykh clearly show that consensual democracy negatively affected the Iraqi parliament functional roles. This is the more reason why they failed to effectively discharge their functions as parliament members. He commented:

“Consensual democracy has a negative impact on the Iraqi parliament. First it has shown that the parliament cannot pass any law without consensus among the heads of political blocs. Even though the law is passed, it is done to not necessarily to achieve national interest but to achieve the interests of the political consensus. The same goes to the role of the parliament's oversight that the participation of everyone in the receipt of executive positions makes the censorship (e.g., right of deputy to ask questions to the ministers, right of deputy to interrogation ministers for negligence in the performance of their work) subject to the political consensus. For instance, the failure to interrogate some members of the parliament during this current session due to the lack of political consensus and the inability to form a quorum for the withdrawal of confidence from the government official who is being questioned, as happened in case questioning the Electoral Commission and Former Governor of Baghdad”.

Conclusion and Implication

The findings of the in-depth study revealed that power sharing negatively affect the legislative and oversight role of Iraqi parliament. It showed that consensual democracy is responsible for the complete failure of the Iraqi democracy. In line with the finding, this paper argued that consensual democracy is not suitable for Iraq parliamentary system of government especially at this transition stage or period. However, If Iraq can build on this agreement, a deal may be in the offing among Iraqis which preserves Iraq as a unitary state and establishes a federal system of governance that is administratively viable, with a view to making each federated unit or region independent in terms of resources and administration.

The overall findings of this study agree with the institutionalism approach which posits that certain factor such as power sharing affects the role of institution outcomes such as the functional role of the Iraqi parliament. The institutionalism approach also assumed that actions and outcomes of the functional role of the political system of a country are greatly determined by their historical institutions which are then influence by other factors such as power sharing. Our findings suggest that the adoption of a consensual political system in Iraq is a major blow to the democratic process. Hence, Iraq could have opted for a different political system other than consensual democracy.

The major implication of this study is on both the politicians and the member of the Iraqi parliament. The finding provided by this study would be a guide for both politicians and the member of the Iraqi parliament to re-think on the present political system operational in Iraq. It would also help them to reshape and modify the existing political system to suit their present need. Researchers in this area of study would equally find this study very useful since it would stir up further research in this domain.

Acknowledgments

I should also thank the Ministry of Higher Education and Scientific Research in Iraq, deserves mention for granting me the scholarship and offering the financial support and encouragement needed for the pursuit of this lofty height.

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