

مركز البيدر للدراسات والتخطيط

Al-Baidar Center For Studies And Planning



The role of parliamentary opposition (the shadow cabinet) in combating corruption

Ali Abdul Hussein Mohsen

About Center

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The Center seeks to contribute to developing the state and its institutions, by proposing ideas and practical solutions to the main problems and challenges facing the state, including improving public sector management, policies and strategic planning, using reliable data and best practices. The Center engages the relevant authorities in the state with regular meetings to support this objective and utilises the support of international organizations dedicated to assisting Iraq's development. The Center also seeks to support economic reforms, sustainable development and provide technical assistance to the public and private sectors. The Center also seeks to support development of the private sector to provide job opportunities for citizens through training and upskilling, in a way that reduces dependence on government institutions and contributes to supporting and diversifying the country's economy.

The Center aims to utilise the vast amount of potential in Iraq's human resources by organizing programs to prepare and develop promising young people, including leaders capable of proposing, adopting and implementing visions and future plans that advance society and preserve its value system based on the commitment to a high moral standard and rejection of all types of corruption.

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Introduction

The shadow cabinet emerged at the end of the 19th century in the United Kingdom and became an essential part of the political process there. Originally it was an informal cabinet including members who opposed to those in power, and representing the whole ministerial portfolios.

In Iraq, the shadow cabinet, has been heard a lot by Iraqis without real investment of it, for many reasons, mainly because of the agreement in establishing the government, and the policy of sharing the profit. And one can realize a different concept of the shadow cabinet in Iraq as it works under the cover of the real government, represented by the people of political, religious, sectarian and racial power.

In summary, the shadow cabinet is created through parliament. So, we advise those who call for boycotting the elections of 2021 and establishing a shadow cabinet outside parliament to be rational, because through parliament the government can be firmly established.

We will tackle through this simple research the shadow cabinet and its role in establishing the principle of accountability with the aim of reinforcing the concept in our great Iraq.

1. Parliamentary Opposition: Its significance and forms

Before discussing the definition of parliamentary opposition, we will mention what is meant by parliament.

Parliament means the legislative authority i.e, that organization that has the right to introduce the general abiding provisions that govern people's behaviour in

the entity of a country.¹

The government systems tend to grant the right of legislation and observation to parliament, or the National Assembly, the Chamber of Deputies or the public office.

The word (Parliament) is not originally Arabic; it is Arabized. It is a chamber for exchanging and discussing ideas and views to show the advantages and disadvantages of each. Also, the chamber of Deputies is the council whose members are elected among the people of nation from different levels.

The parliamentary system is established on many bases, mainly creating a parliament through election, and renewing it after a specific time or considering the member of parliament a representative of the people in a group not in the voting poll that elected them and the independence of the parliament from the voters during the parliamentary period.

The legal scholars recognize parliament as the essence of the parliamentary system in each country, the store of ideas, experience and the source of the power of progress of retreat, because of its higher position among the constitutional organizations in the country. And the view of the people who authorized them for legislation and deciding the policy of the country and investigating the government. So, parliament gets its importance from the responsibilities that are granted to it such as legislation or observation or even it represents people's opinions. Therefore, parliament is considered as comprehensive system applied upon the political institutions with a consultation nature, moreover, it certifies these institutions whatever the political and constitutional regime it was, even though it was not a parliamentary one.

So, parliament has several characteristics such as:

- 1- It is the base of a democratic system.
- 2- It is the only institution in the regime that joins two positions.
- 3- It is the only general authority that includes a large number of members exceeding those in the executive authority.
- 4- It often depends on the mechanism of election.

1. Abdul Aziz bin Hamad Allihaydan, the means of parliamentary Audit on the actions of executive authority (MA Study) 1428, p.3.

- 5- It works within the rule of equality among the members, majority and opposition which is called parliament equality impression.

The situation of parliament differs according to the government system in a country. So, in the presidential system which relies on the existence of a president of a country elected by the public. He joins two positions as a president of the country and as a leader of the government and he absolutely separates between the two authorities.

The relation between the legislative and the executive authorities in the presidential system is based on the false interpretation of separation principles between the authorities from its establishment, and this in turn denies any interrelation between the authorities. But in the parliamentary government, the system adopts the right interpretation of separation between the authorities as it is wanted by the followers of this principle and which allows the principle of cooperation and participation in the issues between the authorities while practicing their work, i.e, the separation between the authorities is not an obstacle that prevents the participation of many agencies in practicing some positions, nor does it prevent those agencies to do observation towards each other without interfering in the independence of each agency, which is completely independent in practicing its position, but can participate with each other and by this way the legislative authority interrelates with the executive authority as the former is elected directly by the president of the country, or (the king) or the Prime Minister.

As to what has been mentioned, there is a proponent and opponent to each opinion, and because the concept of parliament gets its strength from the different thoughts, to from this idea of opposition comes to existence. And this thought makes us tackle the following issues:

- 1- The concepts of opposition
- 2- Forms of opposition
- 3- The necessity of opposition

1.1 The Concept of Opposition

The word opposition or the disagreement in opinions should not be imagined as a word which implies negative meanings and passive concepts that harm without having any benefit because opposition does not mean accusation and insulting or any hurting words that degrade people or as it is out of the scale of right. Also, it

does not mean hiding hatred or enmity that hurt the homogeneity of the religious and national unity of people.

Opposition also does not mean struggling and fighting between the political entities in order to occupy them in conflicts, or keep them away from building and progressing and other positive deeds.

But opposition means hard working and continuous struggling to oversight the government institutions and its attitudes and plans.

It tries to enlighten and stir the public opinions in order to awake people to their affairs and what goes on around them, i.e, opposition means the protection of people's freedom to be away from the danger of hostility which is caused by the policy of the government in a sudden.

1.2 Forms of Opposition

Opposition is divided into many forms according to its nature and its domicile which will be studied through the following sections.

1.2.1 Opposition in regard to its nature.

1.2.1.1 The Negative Opposition

It is the opposition that is built on the basis of rejection or refusal whether the government has done well and provided services to people or not². This opposition adopts the slogan “we were born to reject”, and they do not have any mission to the nation. Opposition is required to be active, an innovator, a listener to the people's needs and suffering from the role of a doctor who diagnoses people's illness and prescribes remedy starting with reducing the pain if they do not have the ability to remove it, waiting to diminish the causes completely.³

Also, this opposition is based on continuous satiric criticism for any decision or project whether it is positive or negative, because they are used to conflicts and arguments even though they are confident that the decisions are beneficial for the people.

2. Hassan Al-Diraz-www.alahdnews.com

3. A study available on www.nawaat.com

1.2.1.2 Positive Opposition

Positive opposition means submitting the right opinion for the benefit of people and their affairs without or priority, but giving opinion and criticism aiming at building people's benefit and exploiting people's power and intellectual abilities towards restoration and towards combating corruption to fortify the values and principles and moral issues and self-love.⁴

1.2.2 Opposition according to domicile

Opposition according to domicile is divided into three parts

1.2.2.1 Opposition inside the country and outside the power

This type of opposition is available in the democratic countries, and have the full right to express their opinions and political plans, and such parties are missing in dictatorial countries. This opposition practices work secretly to avoid the people of power, because they oppose to their opinions and ideas.

1.2.2.2 Opposition in exile (outside the country)

This opposition comes to existence due to the dictatorship of the authority in some countries especially the countries of the third world which lack democracy and elections, and practice the prevalence of force to ascertain its illegal basis.

So the opposition puts its political opinions and plans through a regional or foreign country and uses legal means to deliver its voice to its people, like the radio, the TV, the internet or through publications and journals.

Some of the disadvantages of this opposition are:

It can be away from the subjugating circumstances which people suffer from the dictatorial authority and it can often be of fidelity to the country in which they reside, and this opposition endeavors to carry out its aims even though there is a risk on the people, and may even expose their country to the danger of a foreign occupation.

4 .Sheikh Fadhil Al-Saffar, Freedom of Dissent in Islam, in Political Freedom, p. 2.

A study available on www.nawaat.com

1.2.2.3 Opposition in Parliament (Shadow Cabinet)

This form of opposition will be the core of our study. We will discuss this form of opposition and study its significance in all fields, mainly the role it plays in combating corruption that constitutes a chronic disease, difficult to cure with out standing together both government and people and opposition.

1.2.3 Opposition in points of its effect

This Opposition is divided into two forms

1.2.3.1 Classical Opposition

The most concern of this opposition is to change the direction of the policy that is adopted by government without any violation to the pillars of the political system as is the case in the United Kingdom and in the USA.

1.2.3.2 Ideological Opposition

It is the opposition that endeavors to make essential and radical changes in the political and social structure. This form of opposition emerged in many countries during the cold war between the capitalist and socialist camps.

1.3 The Necessity of Opposition

The political opposition is not luxuriously adorned intellect or a practice on sid line needed to spend leisure time and discuss useless talks, but the real life, also it is not a useless work.

A lot of the nations spend most of their days in situations full of suppression and terrorism created by dictatorial authorities. This is due to the lack of regular opposition.

There are also a lot of governments and rulers who hold national principles and thoughts aiming at developing their countries and delivering better lives for their people and achieve big steps or small ones. Those steps face failure and breakdown, and also due to the lack of strong opposition.

The political growth does not depend only on creating a characteristic change

in the economical structure, as it plays a role in increasing the growth rates, and uplifting the local product, and people's standard of living. But also it encloses to create a fundamental change in the social structure in regard to increasing the population of the middle class, such as the number of engineers and technicians and combining the modern technology with the product.

So the political growth means the transformation into a modern society, more professional and effective.

This strategy reinforces people to change common situation in their societies, although there are people who want to put obstacles in the way of the wheel of change, but this change reflects the benefits of the great mass of the majority of the population.

This importance of the role of parliamentary opposition comes from the importance of parliament itself due to its mandatory power, such as the power of regularities that enforce the authority people to reveal their bank accounts at foreign banks, also arranging the provisions and rules that prevent corruption on the international level and fulfilling harmony between them besides, making international and regional agreements and treaties to combat corruption.

2. Parliamentary opposition (Shadow Cabinet); Its Concept, Its Importance and Its Weapons

It is not possible to have a real democracy without opposition. In the representative democracy, opposition occupies a special place. It is also dominant after the typical modern changes in the field of comparative policies. This section discusses the following:

1. The concept of Shadow Cabinet
2. The importance of Shadow Cabinet
3. The Weapons of Shadow Cabinet

2.1 The concept of Shadow Cabinet

The term “opposition” did not exist in political literature until the end of the first quarter of the twentieth century before its actual presence on the political scene in Western Europe since the Renaissance. However, its growing role in restoring the drawbacks of the deep-rooted democracies in those regions, and maintaining their balance, has created space or echo in political writings. Parliamentary opposition has been defined as:

(Groups that have political goals, within the existing legitimate framework, and positions that are different from the views and positions of the government, with practical expression of their ideas through peaceful politics)⁵.

Another idea is that the parliamentary opposition is (a form of political opposition of the government inside parliament)⁶. Some call it (the shadow cabinet). It is the government that is constructed inside parliament and is parallel to the legal government. This concept appears in the countries considered as an impediment that destructs the work of the legal government, and pushes it to do reformation in the country.

2.2 The importance of parliamentary opposition (Shadow Cabinet)

3- The so-called shadow cabinet had not been known by countries even with the development and flexibility of political systems at the present time after the demise of the idea of the ‘king is God’, but the only country that has shadow cabinets is the United Kingdom (Britain), which enjoy that right under the dome of the British Parliament.

The importance of the shadow cabinet emerges from the legitimate government’s sense of the presence of monitoring eyes on its executive work.

The idea of shadow cabinet is as follows:

The shadow cabinet is established by the opposition parties inside parliament or by the groups that have votes in parliament, but were taken away for one reason or another. So the president of this fictitious government appoints imaginary ministries in this government equivalent to the legal government, and each minister observes

5. Sami, **Muayed**, towards active opposition in an exhausted democracy available on www.forum.com.

6. Available on www.forum.com.

the work of the legal minister and discloses it in parliament by interrogation. Therefore, the legal ministries would be careful in their ministerial works fearing the observation done by the shadow cabinet's members.

And the criticism of the shadow cabinet has to be transparent based on raising the legal government's mistakes, not a destructive criticism causing dishonesty.

The importance of parliamentary opposition originates from the principles mentioned before besides, establishing an active system of observation and investigating the writing practices of executive authority. In addition to examining the international agreements and treaties and reassuring their compatibility.

All this could be a motive to adopt democracy and prevent the spread of corruption which causes the deviation of the authority and the whole society.

2.3 The weapons of parliamentary opposition

The parliamentary opposition works under the dome of parliament, and this grants it a big role to maintain the weapons it uses to build up democracy.

The weapons that the parliamentary opposition uses are the following:

2.3.1 Questioning

The questions aim at interrogating the member of parliament of what they ignore, or checking about an accident, knowing about the government intention, examining the government's plans and projects. So, questioning is considered as a means of control that is practiced by the members of the government in two ways:

1. The intensive number and the big variety of the content of the questions
2. The variety of the parties whether in the opposition or the parties of the government or the independents.

2.3.2 The request of information

It means that the member of parliament informs the government about an issue which they ignore, or he requests the government the government to inform the member about an issue he ignores in order to find out the deficiencies and corruption inside the governmental ministries and these weapons add more capability to the shadow cabinet to face corruption, and this reflects the interaction between the

parliamentary opposition with the voice of the public specially the corruption issues which are considered as the heated issues that need to be hampered.

Although this factor may be sometimes inactive but the opposition can use it skillfully to discover the truth in a certain issue through the response of the government whether this issue is related to what the opposition member raised or went beyond it.

2.3.3 Interrogation

Interrogation is considered as a tool for questioning and accountability practiced by facing a member of parliament of the executive authority and it is one of the weapons parliamentary opposition carries to face the government to account for their practice and what it follows as a reward or punishment because it consists of evaluating the government practices and deciding the extent of progress and growth in the work of the member of parliament in the job assigned to him.

And questioning emphasizes the elevation of parliament authority against the executive authority.

3. Requirements for parliamentary opposition to play its role in the against corruption

Despite the fact that corruption is very prevalent in societies, yet addressing this topic demands quite an effort. Therefore, setting forward a one-and-fits all definition is difficult for researchers. It represents a reflection of the unbalanced powers relationship between the elite that founded corruption, and the various segments of society in the bureaucratic state.

The current study highlights the following:-

3.1 The Concept of Corruption

Giving a comprehensive definition to corruption is hard task as mentioned above, yet we try, through our study, to review some of the definitions given by jurists and law makers.

Transparency International defines corruption as: “the abuse of entrusted power for private gain.”

Dr. Jassim Al-Dhahabi considers corruption as the use of public power to achieve profits or private benefits, including all kinds of bribery of local or national officials or politicians.

Judge Rahim Hassan Al-Aghaili states that that corruption is the deviation with the given authority from the purpose it was basically given for to achieve illegal gains. This includes different types of behavioral patterns, mostly: (bribery – embezzlement – abuse of power – extortion – waste of public money – employment of public funds in illegal places – evasion and aiding in tax evasion – mediation – information leakage – nepotism – preference for kin in contracts – moodiness in issuing administrative resolutions without observing laws and regulations – gaining shares in exchange for awarding contracts or tenders considerable negligence that causes serious damage to public funds.

Likewise, Dr. Ahmed Rasheed defines corruption as the abuse of power to achieve private gain.

On the other hand, Dr. Nasir Obaid Al-Nasir argues that corruption is a deviant bureaucratic conduct aims at achieving self-interest in an illegal and unjustified manner.

The researcher believes that corruption is the abuse of power in order to achieve material or moral utilitarian goals, breaking the laws, and violation of the system of values and morals in the absence of an effective political administration and ineffective civil society control.

3.2 Indicators of corruption: the parliamentary opposition's prescription to treat it

In principle, corruption indicators and criteria are general; they do not draw lines between the highest levels of corruption practiced by senior officials and influential people, and the lower levels of corruption practiced by junior officials.

Despite the damage caused by corruption in all its forms on society, something is said about the functional dimension of corruption and its positive role in improving performance quality in terms of simplifying procedures, facilitating transactions, and promoting the treatment of bureaucratic employees to citizens.

The parliamentary opposition can play an important role in fighting against corruption, despite the fact that the international system in light of globalization has marginalized the parliamentary institutions and their role in creating a democratic environment that would allow for more popular participation in political and economic decision-making and contribute to achieving a balance between the state on the one hand and civil society organizations on the other hand. ⁷

The parliamentary opposition that lurks for the actions of the executive authority has a major role in curbing the corruption pest and finding the appropriate medicine that alleviates its impact or ends it permanently. Among the prescriptive measures for corruption are the following:

First: The measures by which the parliamentary opposition aims to fight against corruption and bury its obscene features, which are:

1- Practicing pressure towards enacting a job rotation law for government officials from time to time; because the long-term stay of the administrative official in his position creates a hotbed for/ and leads to corruption.

2- Working towards enacting the necessary legislation to raise the level of wages for government workers and employees; because low salaries lead to the attrition of efficient employees and the survival of inefficient employees who have tendency for corruption.

3- Working towards enacting legislation to reinforce penalties on employees who violate the job responsibilities and public order.

4- Monitoring and verifying administrative decisions and developing the accountability system to improve government services and reduce corruption practices.

5- Continuous pressure to expand the internal control bodies at the level of performance of government institutions, and granting them broad powers in holding accountable those who are negligent and neglectful in the performing their duties.

6- Endeavoring to issue an anti-corruption law.

7. Khaled Ahmed Al-Mohaisen Al-Amoush, The Role of Parliaments in Fighting Corruption, available on www.nscovemen

Second: Preventive measures and policies to reduce corruption:

1- Contacting the public, educating them, making them aware and informing them of the laws and regulations in force; to make them aware of their rights and duties.

2- The permanent accountability of senior officials of the source of their property before and after the termination of their public service.

3- Practicing pressure to develop financial systems to prevent capital flight.

4- Assigning independent regulatory bodies concerned with monitoring cases of corruption and holding its perpetrators accountable, including confiscation of property obtained illegally.

5- Permanent observation of steps for issuing public tenders, concluding contracts and signing economic cooperation and trade exchange agreements with other countries.

6- Tracking information about ministers and their ministerial resolutions; to expose these resolutions.

7- Attempting to apply the illegal gains law (where did you get this from?).

3.3 The obstacle of corruption in the way of development

The problem of corruption constitutes the main obstacle in the way of economic and social development, which makes its confrontation imperative to limit its negative repercussions on the development path. Without knowing the causes of corruption by the parliamentary opposition, addressing the consequences is then useless, and it continues as long as the causes exist and persist.

Corruption is more common in developing countries than in developed countries that strive to control it through a package of economic mechanisms to limit its destructive effects, although corruption has become rampaging worldwide, but to varying degrees, yet increasing in the third world countries.

When the impact of corruption is limited, then its combat becomes simpler, revealing its causes is easier, and eliminating its effects take shorter time. But if corruption spreads and turns into a public phenomenon, curbing it requires great

time and effort, and its elimination becomes very costly to the society.

Hence, the role of the parliamentary opposition in finding solutions and preventive measures to obstruct the work of corrupts stands out by the following:

1- Corruption lessens the citizen's confidence in the effectiveness of law and public order, which requires continuous coexistence of the parliamentary opposition among the public to expose the corrupt methods of the government, deliver the voice of people and defend their rights.

2- Corruption decreases justice of distributing wealth and national income, and distributing this wealth to the ruling authority with its ruling party and their cohorts.

3- Corruption is used as a means to buy off someone, and their political loyalty to the regime, and this requires exposing these policies and clarifying their purpose.

4 - Corruption stimulates the establishment of non-productive projects of abundant and quick profit at the expense of productive projects that are the basis of comprehensive and independent development, and this makes it imperative to expose, clarify and reveal the areas of government corruption.

4. Parliamentary Opposition in Iraq

The political changes in Iraq have a significant role in provoking the spirit of opposition, and the contradiction of ideologies. This leads to political maturity and the multiplicity of ideas and political visions, and to address the role of the parliamentary opposition in combating corruption, which requires investigating the historical gradation of the Iraqi parliament, its powers, corruption in Iraq, and the causes of absence of the Iraqi opposition's role.

4.1 The historical gradation of the Iraqi parliament

The Iraqi parliament was formed during the monarchy after completing the foundations of the Iraqi constitution in 1953 when the first parliamentary elections were held on January 17, 1953. Then, Nuri al-Saeed ⁸ dissolved this parliament;

8. Nuri Saleh Al-Saeed, born in Baghdad in 1888. He became prime minister for fourteen terms, and minister of the interior for two terms. His political slogan was (take and demand). He founded the Constitutional Union Party in the fifties to support his ministry. His death was disputable; some said he had committed suicide, others said he was killed in 1958.

because of the chaos and controversy resulting from Iraq's decision to join the Baghdad Pact.

A second parliamentary elections were held in 1954, but it was considered sham by political observers; since Nuri Al-Saeed prevented his opponents from participating in the elections.

This council continued to exercise its powers until the 1958 coup led by (Abdul Karim Qaseim)⁹. At that time. Iraq did not experience any aspect of democracy; he seized power, ruled military dictatorship, and abolished all manifestations of partisan pluralism, except for the Communist Party, which shortly turned against him.

Likewise, Iraq did not witness a parliamentary opposition during the time of the brothers, Abdul Salam ¹⁰ and Abdul Rahman Arif ¹¹. It continued as such during the rule of Ahmed Hassan al-Bakr ¹².

After Saddam Hussein ¹³ assumed the presidency of the Iraqi Republic, elections were organized to form the Iraqi parliament, which was called the (National Council), but the Council was a sham as well since all the members of the Council belonged to one party.

9. Abdul-Karim Qasim; Muhammad Bakr al-Zubaidi. He was born in 1914. He joined the Military College in 1932. He participated in the 1948 Palestine War. He joined to the Free Officers Organization in 1956. He staged a military coup in 1958 and overthrew the monarchy, killing most of the royal family. He declared the republic, and his rule lasted for nearly five years.

10. Abdul Salam Muhammad Arif, born in 1921 in the city of Ramadi. He was a member of the Free Officers Organization. He participated in the overthrow of the monarchy and was appointed ambassador of Iraq in Germany. He became president of Iraq after the overthrow of Qasim's regime. He was killed when his plane crashed in Basra.

11. Abdul Rahman Muhammad Arif, born in 1916. He became the president of Iraq in 1966, after the murder of his brother Abdul Salam. He was toppled by a military coup in 1968. He died at the beginning of the third millennium.

12. Ahmed Hassan al-Bakr: Born in Tikrit in 1914, he held the position of Prime Minister in the government of Abdul Salam Arif, and assumed the position of President of the Republic in 1968. He was overthrown after a bloodless coup masterminded by his comrade Saddam Hussein.

13. Saddam Hussein al-Majeed: born in 1937. He became the president of the Republic of Iraq after a coup against his eldest comrade in 1979. He seized power over Iraq with one hand. Several wars broke out during his reign with Iran, Kuwait and the international coalition. In 2003, after the entry of foreign forces into Iraq, he was arrested, tried, and hanged.

After the fall of Saddam Hussein's regime in 2003, the entry of foreign forces into Iraq, and the coalition forces declaration of occupation of Iraq, the Governing Council was established, which signed in March 2004 a draft of provisional constitution stipulating that elections for the Iraqi National Assembly would be held no later than the end of 2005. The Council drafted the permanent Iraqi constitution to be approved by the Iraqi people in a general referendum. The elections for the Iraqi Council of Representatives were held on June 30, 2005, and according to these elections the Iraqi Council of Representatives was formed, the President of the Republic was elected from the Kurdistan National Alliance bloc, and Prime Minister was nominated from the largest bloc, the United Iraqi Alliance.

No parliamentary opposition came into being in the sense of a shadow cabinet; This is due to the consensual nature of the Iraqi government and the distribution of ministerial portfolios among the competing politicians, but this did not stop the some opposition voices, which questioned some ministers and the prime minister in the wake of deteriorating the security situation and loss of many casualties among Iraqi civilians.

The new electoral period came in March 2010, and created a relatively political balance after two slates appeared with equal harvest of votes, yet each with different political program and ideologies. This created a complex and major problem in the convening of the Council of Representatives of Iraq, and the formation of the new Iraqi government. The dispute soon faded away due to the consensus of the winning forces and the distribution of cake to everyone, which was the case for the 2014 and 2018 elections. After the popular protests in October 2019, and the resignation of Adel Abdul-Mahdi's government, Iraqis aspired to consolidate the concept of democracy with a legitimate government and a shadow cabinet, but this has vanished with the formation of a consensus government that would shoulder preparing for the early elections on 10/10/2021.

The Iraqi parliament in light of the 2005 constitution

The Iraqi constitution in force for the year 2005, according to Article One, states that the Republic of Iraq has a democratic, representative (parliamentary) republican system. That is, the constitution has laid the foundations of governance in Iraq on a parliamentary basis, and the constitution regulates what concerns Parliament in Articles (48–65) of it.

Paragraph (sixth) of Article (61) granted Parliament the right to question the President of the Republic based on a request by an absolute majority of the number of Parliament members, and relieve him by an absolute majority after his conviction in cases of perjury, violation of the constitution, and high treason.

With regard to the Prime Minister and his ministers, Paragraph (7), Article (61) states: a member of Parliament may raise questions to the Prime Minister and the ministers on any subject that falls within their competencies, and each of them may answer the members' questions, and the questioner alone has the right to comment on the answer. At least twenty-five members of Parliament may raise a general topic for discussion. To clarify the policy and performance of the Council of Ministers, or one of the ministries, and submit it to the Speaker of Parliament. The Council of Ministers or ministers set a date to come before Parliament to discuss it. A member of Parliament, with the approval of twenty-five members, directs an interrogation to the Prime Minister or ministers; to hold them accountable in matters that fall within their competence, and no discussion takes place in the interrogation until at least seven days after its submission.

Also, Paragraph (8) of Article (61) of the Constitution granted Parliament the right for a no-confidence in a minister by an absolute majority, and the minister is considered resigned from the date of the decision of no-confidence.

The constitution also granted Parliament to vote no-confidence in the Prime Minister at the request of the President of the Republic, or at the request of one-fifth of its members. The confidence of the absolute majority of its members, and the ministry is considered resigned in the event of no-confidence in the Prime Minister.

The constitution also gives Parliament the right to question the officials of independent bodies in accordance with the procedures related to the ministers, and it has the right to relieve them by an absolute majority.

As for the internal system of the Iraqi parliament, which was voted on 15/6/2006, it showed that Parliament has the supreme legislative and superintendence authority. The internal system indicates the same constitutional procedures in asking, questioning and holding accountable the Prime Minister and the ministers.

4.2 Reasons for the absence of parliamentary opposition (shadow Cabinet) in Iraq

There are many reasons for why a shadow cabinet does not exist under the dome of the Iraqi parliament under the new political system; among the most important of which according to the researcher, are:

4.2.1 No certain slate obtained votes that qualify it to form the government

This is a major reason for not forming a shadow cabinet; because of the disagreement of political visions, and the quasi-absence of political culture among the people; hence, the voter gives his vote to the candidate who belongs to his ethnicity, religion, sect, or other expressions of discrimination and racism, which leads to a scattering of votes according to those terms.

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4.2.2 Forming Consensus Government

The failure of slates in the elections makes them merge with each other, despite the fact that some slates obtained many seats in Parliament; this is because of Paragraph (First) of Article (76) of the Iraqi Constitution in force, which stipulates:

(The President of the Republic assigns the candidate of the most numerous parliamentary bloc, to form the Council of Ministers, within fifteen days from the date of the electing the President of the Republic).

Hence, this paragraph was interpreted in many ways on the part of constitutional law jurists, but the view of Federal Court has put an end to the interpretations of legal jurists and of politicians. The Per Curiam (Judicial Opinion) of the Federal Supreme Court came was¹⁴:-

(The Federal Supreme Court found from extrapolating the text of Article (76) of the Constitution of the Republic of Iraq with its five paragraphs, and from extrapolating the rest of the relevant constitutional texts, that the provisions of Article (76) of the Constitution apply after the Council of Representatives convenes in its first session as a speaker, a first deputy, then a second deputy according to the provisions of Article (55) of the Constitution, after which the Council shall elect the new President of the Republic according to what is decreed in Article (70) of the Constitution. After the election of the President of the Republic, s/he assigns, within fifteen days from the date of his/her election, he assigns the candidate of ((the most numerous parliamentary bloc)) to form the Council of Ministers.

The Federal Supreme Court finds that the expression ((the most numerous parliamentary bloc)) means: - Either the bloc that was formed after the elections through one slate, entered the elections with a specific name and number and won the most number of seats, or the bloc that collected from two or more slates and entered the elections with different names and numbers and then coalesced into one bloc with one entity in the Council of Representatives, whichever is more numerous. The President of the Republic assigns the candidate of the parliamentary bloc whose parliamentary seats in the first session of the Council of Representatives became more numerous than the other bloc or blocs to form the Council of Ministers based on to the provisions of Article (76) of the Constitution¹⁵.

Despite the blames of the opinion of the Federal Supreme Court; as it came in the context of the rage of the electoral battle and the dust settled from off the winning slate, it is considered an argument and a task to implement, and a dedication to the formation of consensual governments that lead to the absence of the formation of the shadow cabinet under the dome of the Iraqi parliament.

14. The Federal Judicial Opinion No. (25/Federal/2010) was issued on 3/25/2010 in response to the letter of the Office of the Prime Minister No. (M.R.N./1979 on 3/21/2010), which includes the interpretation of Article (76).) of the Iraqi constitution in force of 2005.

15. Available on www.iraqjudicature.org

4.2.3 Contradiction of Partisan Ideologies

In normal course of events, many parties participate in the elections, some enjoy popular acceptance, and some do not. Each party has a political program, goals and slogan that differs from the other, which makes the compatibility and agreement of ideas of the parties hard to achieve. Hence, it will be difficult to apply the political rule (the enemy of my enemy is my friend); because of the sectarian affiliations of the parties, and the few number of secular parties that include different sects, religions and nationalities. All of this leads to the absence of the shadow cabinet under the dome of the Iraqi parliament.

4.2.4 Parties' insistence to obtain ministerial portfolios

The persistence of the political blocs on forming the government and participating in it, and the policy of (sharing the cake) to obtain the ministerial portfolios leads to failure to form a shadow cabinet under the dome of the Iraqi parliament.

It is concluded from the above that it is hard to form a shadow cabinet in light of the current political situation in Iraq, but the signs of hope lead us to say that the parliamentary opposition should be under the dome of the Iraqi parliament, as it is helpful, especially in combating corruption, and clarifying to the public the obstacles that are placed by the ruling parties to prevent voting on laws that limit their interventions.

Conclusion

1- The word opposition or disagreement should not be perceived with negative connotations and concepts that are harmful and not useful. Because opposition does not mean slander, accusation or offense, or any hurtful speech that degrades the human being, or deviates from the standards of truth and moderation. It does not mean either, concealing enmities, grudges and hatred that would tear the nation apart and break the bonds of religious and national unity among people. Opposition does not mean disagreement, conflict or fight between the political parties which engage them in marginal conflicts that distract them from construction, progress and positive actions. Rather, opposition means continuous work and struggle in monitoring the state's members, following up on their positions and plans, and trying to raise awareness and stir public opinion in order to be vigilant over its affairs and to be aware of the events it is going through and the positions it must take. In other words, opposition means protection of freedom and people's rights

from the perils of authoritarian oppression and dictatorship that the government policy may cause in while the people is inattentive.

2- The term “opposition” did not exist in political literature until the end of the first quarter of the twentieth century before its actual presence on the political scene in Western Europe since the Renaissance. However, its growing role in restoring the drawbacks of the deep-rooted democracies in those regions, and maintaining their balance, has created space or echo in political writings. Parliamentary opposition has been defined as:

(Groups that have political goals, within the existing legitimate framework, and positions that are different from the views and positions of the government, with practical expression of their ideas through peaceful politics).

3- The so-called shadow cabinet had not been known by countries even with the development and flexibility of political systems at the present time after the demise of the idea of the ‘king is God’, but the only country that has shadow cabinets is the United Kingdom (Britain), which enjoy that right under the dome of the British Parliament.

4- The importance of the shadow cabinet emerges from the legitimate government’s sense of the presence of monitoring eyes on its executive work.

Recommendations

1- The necessity of educating politicians and parties participating in the electoral battle with the culture of the spirit of opposition for the benefit of the people, rather than insulting the ruling authority.

2 - The need to stay away from consensus governments based on national and sectarian foundations, as there is no shadow cabinet in the absence of political will and consensus governments.

3- Arming the parliamentary opposition with measures that would limit or eliminate corruption and combat corrupts.

4- The shadow cabinet will not be established except by Parliament, hence we call on those calling for a boycott of the elections, and the formation of the shadow cabinet outside Parliament to return to their senses, as it is through Parliament the government is held accountable, and the democratic state is consolidated.

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