

# ARAB PARLIAMENTARY BULLETIN

Quarterly newsletter published by UNDP's Parliamentary Development Initiative in the Arab Region (PDIAR) with the contribution of Arab parliaments and parliamentarians.

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## EDITORIAL

*2011 has been a year of critical changes in the Arab region. Amidst popular movements calling for*

*more rights and freedoms and regime change, the eyes of the world remain riveted on the region's countries to see if they can and would take confident steps towards achieving more democratic societies. Among the key junctures and challenges facing the countries of the region are the constitutional amendments and new legislation needed to bring about reform and change.*

*This ninth issue of the Arab Parliamentary Bulletin encloses a contribution by Mr. Sirwan Al Zahawy, a former member of Iraqi Council of Representatives, who has shared with us his financial oversight expertise in an insightful article coinciding with the Iraqi Parliament's enactment of the Law of the Commission on Public Integrity (CPI).*

*Also in this issue is a contribution by parliamentary development specialist, Mr. Elie Khoury who compares the legal framework regulating the functioning upper houses in Arab parliaments, shedding light on their legislative and oversight functions and their role in ratifying the budget and overseeing its implementation.*

*With regard to elections in the Arab region, this issue focuses on Tunisia's historic election of the National Constituent Assembly of 23 October 2011. A brief article also covers the election of UAE's Federal National Council.*

*As in previous issues, we have also selected recent news on Arab parliaments' activities and legislation and some of the latest publications on parliamentary development from the region and beyond.*

*We hope that Arab lawmakers and experts will find this issue useful and look forward to pursuing our cooperation in support of parliamentary democracy in the Arab region.*

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OUR WEBSITE:  
[www.arabparliaments.org](http://www.arabparliaments.org)**

## Arab Parliaments' News

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### Algeria

Celebrating the International Democracy Day on 14 September 2011, the Algerian Parliament organized a parliamentary day under the theme, "What do citizens expect from their parliament?" The event was hosted by the National Council and the sessions debated the voters' expectations from parliament and parliamentarians and means of strengthening the relation between citizens and parliamentarians.

### The United Arab Emirates

The General Secretariat of the Federal National Council organized a four-day workshop on the "Methodology of Preparing Papers and Technical Reports on the Sessions' Deliberations" on 24-28 September 2011. Bringing together the General Secretariats' staff in the upper and lower houses of all parliaments in the GCC countries, the workshop aimed to promote an exchange of parliamentary experience among all GCC countries and develop the staff experience in preparing explanatory notes of the sessions' agenda, the contents of the technical papers presented during plenary sessions, as well as the technical papers on the oversight tools employed during plenary sessions. In addition to training staff on drafting sectoral parliamentary studies, the workshop sought to build the parliamentary staff's capacity to prepare plenary reports, objective reports to analyze minutes, and quality reports presented to all members during sessions.

### The Arab Region Parliamentarians Against Corruption Launches a Project to Promote Transparency in the Electoral Process

برلمانيون عرب  
ضد الفساد  
arab parliamentarians  
Against Corruption



In cooperation with the International Foundation for Electoral Systems (IFES), the Arab Region Parliamentarians Against Corruption launched a project on "Enhancing Transparency in Political Finance in the Arab Region." The project seeks to raise the awareness of politicians and citizens on the importance of transparency and accountability in electoral spending and its impact on electoral outcomes.

### Arab Parliament

The Arab Parliament held its second ordinary session on 20-21 September 2011 at the headquarters of the League of Arab States in Cairo. The sessions addressed the current developments in the region and discussed the reports of the ad-hoc committees, including the report submitted by the Legislative, Legal and Human Rights Committee on a pilot Arab bill to combat human trafficking.

### **Association of Secretaries General of Arab Parliaments**

The Association of Secretaries General of Arab Parliaments held its first annual meeting in Rabat on 21-22 September 2011. Focusing on the issue of parliamentary immunity, the

meeting was held following a decision taken by the General Assembly in February 2011 to hold an annual meeting in September of every year in one of the Association's member states to promote coordination and exchange of parliamentary experiences and best practices.

## Arab Laws

### **Iraq**

#### **Board of Supreme Audit Law**

On 20 September 2011, Iraq's Council of Representatives promulgated a new Board of Supreme Audit Law replacing the 1990 law. The Board of Supreme Audit (BSA) oversees public funds and keeps a check on all bodies placed under its authority. In addition to preserving and ensuring efficient use of public funds, the BSA seeks to develop the efficient performance of all bodies subject to oversight, disseminate the locally and internationally accepted accounting and auditing systems, and improve the rules and standards that can be continuously applied to management and accountability.

#### **Law of the Commission on Public Integrity**

On 24 September 2011, Iraq's Council of Representatives promulgated the Law of the Commission on Public Integrity (CPI). Placed under the parliament's supervision, this independent body's mandate is to prevent and fight corruption and ensure transparent management of all governance matters. To this end, it investigates cases of corruption, follows up the ones that its investigators do not

inquire into, promotes the culture of integrity in the public and private sectors, prepares bills that prevent or fight corruption, obliges officials to abide by financial disclosure, and issues codes of conduct that spell out the rules and criteria of ethical behavior in public office.

#### **Literacy Law**

On 8 September 2011, the Iraqi Council of Representatives enacted a literacy law to eradicate illiteracy. Under the law, a higher council for eradicating illiteracy was set up at the Ministry of Education to achieve the proclaimed goals of the law. To this end, the council is authorized to open literacy centers, coordinate with the provincial and local councils to combat illiteracy, train staff, form committees to carry out the necessary activities, hold conferences, seminars and workshops, prepare studies and researches as well as publish magazines and publications.

## Parliamentary Contribution

### 4 THE IMPORTANCE OF OVERSIGHT BODIES AND THEIR RELATION WITH THE PARLIAMENT: THE EXPERIENCE OF IRAQ

**MR. SIRWAN ZAHAWI**  
Former Member of Iraq's Council  
of Representatives



The State is generally bound to carry out a wide array of activities and to directly intervene in many areas of public life in order to preserve the rights, freedoms and

properties of individuals, at times with a view to maintain public order, and at others to preserve public assets and interests. As a result, independent and occasionally semi-independent bodies have been established, at varying degrees of autonomy from the traditional powers, such as the legislature, the executive and the judiciary.

There has been a pressing need for measures to monitor the action of the government and related departments and put them back on the right track should they stray away from their course or trespass their legal and constitutional boundaries and role to defend the citizens' rights, freedoms and property. This need became even more urgent with the growing belief that conventional oversight tools are not only insufficient to keep a check on the government but they are also flawed with their slow and costly bureaucratic procedures.

Applied in some Scandinavian European countries such as Sweden, Norway and Finland, the parliamentary ombudsman system has proven its effectiveness as an alternative oversight means by monitoring areas related to the protection of rights and freedoms. Another good practice is France's ombudsman system and the Soviet

Socialist Public Prosecutor's System, which many Arab countries have adopted.

With respect to financial oversight – the focus of this article – independent financial oversight bodies have been established in most countries of the world. Iraq is one of them and this particular contribution sheds light on the position and role of the Board of Supreme Audit (BSA) and the.

Articles 102 and 103 of the 2005 Constitution of Iraq describe the Board of Supreme Audit (BSA) and the Commission on Public Integrity (CPI) as financially and administratively autonomous bodies affiliated with the Council of Representatives. As a result, the relation between the financial oversight bodies and the Iraqi parliament is one of correlation that does not in the least undermine the BSA's autonomy (this correlation was provided for in one of the rulings of Iraq's Constitutional Court during the first parliamentary session).

#### ***Oversight Exercised by the Board of Supreme Audit***

Since its inception in 1927, the BSA has had a number of founding laws that have amended its powers, at times consistently with the current developments and at others depending on the philosophy of the regimes in place. Among these laws we find Law number 17 of 1927, Law number 42 of 1968, Law number 194 of 1980, Law number 6 of 1990, and most recently the Board of Supreme Audit Law enacted a few weeks ago.

Generally speaking, the repealed and enforced laws have in common the fact that they all describe the Board of Supreme Audit as the supreme financial and accounting oversight body

in Iraq. The BSA submits periodical reports to the parliament on the financial accounts of the state apparatuses and the closing accounts of all government bodies. For its part, the government refers these reports to the parliament, as per Article 80 of the enforced 2005 Constitution of Iraq.

well in enacting, a few weeks ago, a new CPI law. This law is seen as better adapted to the current needs and more aligned with other oversight laws, such as the BSA law and the Department of the Inspector General in ministries.

#### **The BSA exercises oversight as follows:**

1. Ex-ante oversight: It oversees some contracts and exchange transactions ahead of their execution.
2. Post facto oversight: It oversees, for instance, the legitimacy of financial disbursements and their compliance with laws, regulations and instructions in force.
3. Continuous oversight and evaluation of performance: Through this type of oversight, the BSA determines how efficient the performance is of all institutions and officials under its supervision. The Board can also take corrective measures to put them back on the right track with a view to developing their efficiency further.

Needless to say, the BSA is compelled, when exposing evidence of financial corruption in the exercise of its duties and in the financial records of state institutions, to bring these irregularities automatically to the attention of the competent Commission on Public Integrity (CPI). The latter shall conduct the necessary investigations then refer the matter to the judiciary if need be.

#### ***Oversight Exercised by Iraq's Commission on Public Integrity (CPI)***

Driven by their belief that a competent financial oversight and auditing authority in the caliber of the BSA cannot alone fight financial and administrative corruption, Iraqi lawmakers have chosen to form a specialized body to investigate and inquire into cases of administrative and financial corruption. Consequently, the Commission on Public Integrity (CPI) was established as per the Coalition Provisional Authority Order number 55 of 2004. The CPI was, at a later stage, expressly referred to in Iraq's Constitution of 2005. Iraqi lawmakers have done

#### **The new law of 24 September 2011 sets out the most important functions of Iraq's CPI as follows:**

1. Investigate corruption cases as per the provisions of the said law through the Commission's investigators under the supervision of an investigating judge.
2. Follow up on the corruption cases that do not fall under the jurisdiction of the Commission's investigators through a legal representative officially mandated and authorized to represent the Commission.
3. Instill the anti-corruption culture in the public and private sectors and disseminate the culture of financial transparency across all sectors.
4. Draft anti-corruption bills, develop legislation and amend the laws in place to curb corruption.
5. Build the Iraqi people's trust in the government by compelling officials to disclose their properties and funds gained through external activities, investments, assets and donations... etc.
6. Develop codes of conduct that spell out the rules and criteria of ethical behavior to ensure sound and decent performance in public office.
7. Carry out all activities likely to help fight or prevent corruption on condition that
  - They are needed to fight or prevent corruption
  - They are effective and suitable to achieve the Commission's goals.

## Arab Elections

FIRST ELECTIONS OF THE ARAB SPRING:

### 6 TUNISIA ELECTS THE NATIONAL CONSTITUENT ASSEMBLY



The first elections since the outbreak of the Arab Spring were held in Tunisia, the country which sparked the wave of uprisings that ousted a number of Arab regimes since the beginning of the year. On 23 October 2011, Tunisian citizens went to the polls to elect their 217 representatives to the Constituent Assembly, which shall, within one year of its election, draft a new constitution to replace the original Constitution of 1959. The Assembly is also authorized to decide how to draft the constitution and whether or not to put it to referendum. In addition, it shall elect a president and form a government that will exercise executive powers for the duration of the Assembly's term.

#### *Electoral Law*

The elections were held in accordance with Decree number 35 of 2011, ratified on 10 May 2011 by Higher Authority for Achievement of Revolution Objectives. The law provided for one round of majority vote, with members elected through the largest remainder method. Seats were allocated through proportional representation within districts: 199 seats were allocated to 27 districts, while 18 seats were earmarked in 6 districts for Tunisians living abroad. The minimum voting age was set to 18 the age to run for elections was set to 23 years of age.

#### *Elections and Results*

4,308,888 voters out of 8,289,924 registered voters cast their ballots during a long electoral

day, with a turnout of 52%. Tunisians living abroad, representing a total of 10% of the population, cast their ballots in 456 offices across the world, with a turnout of 40%, as estimated by the Higher Independent Authority for the Elections (ISIE).

Around 110 parties competed during the elections, with seats were distributed as follows:

#### *Women's Representation*

The Electoral Code provided for gender equality, with lists alternating between male and female candidates, and the lists that did not respect this rule were rejected. 49 women, i.e. a percentage of 22.58 emerged victorious in the 217-seat Constituent Assembly.

#### *Electoral Monitoring*

For the first time since the country's independence, an independent electoral authority monitored the elections that were, in the past, overseen by the Ministry of Interior. A number of civil society organizations took part in the observation process and so did an estimated 5000 Tunisian, Arab and foreign observers and representatives of international organizations. The authority oversaw political media during the electoral campaign in accordance with the two decrees that the transitional government approved on media coverage of electoral campaigns in the absence of a detailed legal framework on electoral media.



Party/Bloc	Number of Seats in the Constituent Assembly
Ennahda	89 seats
Congress for the Republic	29 seats
Popular Petition	26 seats
Forum for Labour and Liberties	20 seats
Progressive Democratic Party	16 seats
Democratic Modernist Pole	5 seats
The Initiative	5 seats
Afek Tounes	4 seats
Revolutionary Alternative (Tunisian Workers' Communist Party)	3 seats
Loyalty to the Martyrs	2 seats
List for a National Tunisian Front	2 seats
Democratic Patriots' Movement	1 seat
People's Movement	1 seat
Independent Voice	1 seat
Social Struggle	1 seat
Independent Hope	1 seat
Cultural Unionist Nation Party	1 seat
Movement of Socialist Democrats	1 seat
New Destour Party	1 seat
Free Patriotic Union	1 seat
Equity and Equality Party	1 seat
List of the Values of Justice	1 seat
Progressive Struggle Party	1 seat
Maghrebin Liberal Party	1 seat
Democratic Social Nation Party	1 seat

## THE UNITED ARAB EMIRATES ELECTIONS

On 24 September 2011, the United Arab Emirates (UAE) held its parliamentary elections, the second of their kind since the founding of the country in 1971. According to the constitution, the Federal National Council is composed of 40 members. 20 members (one half) are elected by 20 electoral colleges; the other 20 members are appointed by the seven governors of the UAE. It is worth-mentioning that the number of voters in electoral colleges has witnessed a considerable increase from 6,600 voters in 2006 to 129,274 voters in 2011.

468 candidates ran for the 20 seats, and a total of more than 36,000 voters, amounting to 28% of the electorate, took part in the elections. Candidates were divided as follows: 117 in Abu Dhabi, 124 in Dubai, 93 in Sharjah, 60 in Ras Al Khaimah, 34 in Ajman, 19 in Umm Al Quwain, and 21 in Fujairah.

Members of electoral colleges were distributed as follows: 47,444 in Abu Dhabi, 37,514 in Dubai, 13,937 in Sharjah, 16,850 in Ras Al Khaimah, 3,920 in Ajman, 3,285 in Umm Al Quwain, and 6,324 in Fujairah.

### *Women in elections*

Women represented a total of 46% of the voters (59,991 voters) compared to 54% of men (69,283 voters). 85 female candidates out of 468 candidates ran for the elections, but only one woman won a seat in the new parliament. During the competitive elections of 2006, when women represented 17.4% of voters, one woman won a parliamentary seat, and 8 out of the 20 appointed members were women, thus bringing the percentage of women in the 2006 FNC to 22.5%, one among the highest in the Arab region.

## In Focus

### 8 UPPER HOUSES IN ARAB BICAMERAL PARLIAMENTS: OVERVIEW OF THEIR ROLES AND FUNCTIONS

**BY MR. ELIE KHOURY,  
Parliamentary Development Expert**

The number of bicameral parliaments has increased significantly in the past four decades, going from 45 parliaments in 1970 up to 80 in 2010. In general, upper houses are established to achieve two main objectives: first, they serve to guarantee the representation of states in federal countries and regional divisions in unitary states; second, they ensure the representation of specific social categories in the legislative institutions.

In the Arab region, there are 10 bicameral parliaments. Some are entirely elected (Sudan, Morocco and Mauritania) and some are entirely appointed (Jordan, Bahrain, Oman and Yemen). A third group includes upper houses which are partially elected (two-thirds), and where one third of the members are appointed by the head of state (Tunisia, Algeria, Egypt). In these countries, the heads of state benefit from a broad authority to select the nominees for upper house membership.

***The legislative, oversight and financial powers*** vested in Arab upper houses are quite diverse. Indeed, some houses are not granted any legislative, oversight or financial powers (Oman's State Council and Yemen's Consultative Council), while some others enjoy limited and restricted legislative powers (Egypt's Advisory Council). A third category

includes parliaments where the two houses have similar powers and functions. In a few countries, the legislative power is constitutionally vested in the parliament with its two houses; this is the case in Jordan, Algeria, Bahrain, Sudan, Morocco, Tunisia and Mauritania. Generally speaking, the two houses of parliament enjoy financial, administrative, and security autonomy and exercise multiple forms of parliamentary diplomacy.

#### ***The legislative function of Arab upper houses***

In seven countries, laws are constitutionally promulgated once ratified by the two houses of parliament. Upper houses enjoy the right to take legislative initiative in five countries (Jordan, Bahrain, Morocco, Mauritania, Sudan in matters related to states) and in some parliaments, bills are first referred by the government to either one of the two houses (Tunisia, Morocco, Mauritania and Sudan, in matter related to states). Those upper houses entitled to amend bills and propose laws adopt law-enacting mechanisms which are almost identical to those applied in the lower houses.

#### ***The oversight function of Arab upper houses***

The role of upper houses in overseeing the action and performance of the executive varies across the region according to several trends. One category includes upper houses stripped of any oversight function (Oman, Yemen, Egypt and Tunisia) with their role limited to expressing opinion, submitting non-binding proposals and recommendations, seeking

information from public administrations and even summoning ministers for exchange of opinion sessions. The second group comprises upper houses that are constitutionally authorized to interpellate ministers, ask questions and engage in debate but do not have the power to impeach the government or one of its members (Jordan, Sudan, Mauritania, Bahrain, Algeria). The third category is limited to Morocco's House of Councilors, which is entitled to submit motions of censure and warnings that may result in impeachment. This power, although enshrined in the constitution, is seldom resorted to.

With regards oversight tools, Arab upper houses make use of standing committees, questions, interpellations (that do not lead to a vote of no confidence), ministerial hearings, debates, commissions of enquiry, as well as complaints and petitions.

### ***The role of Arab upper houses in ratifying the public budget and overseeing its implementation***

Most Arab upper houses are constitutionally empowered to debate the public budget and oversee its implementation (Jordan, Bahrain, Tunisia, Algeria, Morocco and Mauritania). However, within this group of countries, upper houses are not always entrusted with the same powers as lower houses. This is observed when comparing the parliaments of Tunisia and Algeria, where the upper houses have a very limited role in the budget process, to the upper houses of Morocco and Mauritania, which play a complete role in ratifying the budget and

overseeing its implementation with the finance committee playing a key role in the process.

In Sudan, Oman, Egypt and Yemen, the upper houses do not play any role at all when it comes to discussing, amending, approving and monitoring the budget.

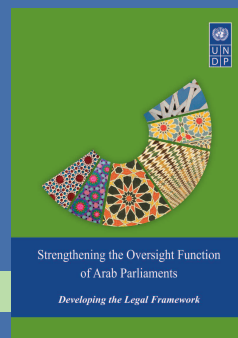
In general, and this statement may be true in all Arab parliaments, the executive certainly plays a dominant role in elaborating the budget and determining the conditions, regardless of the structure of the parliament.

### ***Conclusion***

Arab bicameral parliaments fit into different moulds, in terms of their formation methods as well as legislative, oversight and financial powers. In comparison, upper houses in other parts of the world enjoy broader legislative and oversight powers, and are also empowered to appoint members of higher national bodies that oversee the state's strategic choices, hence their more effective role in the enactment of laws and the oversight of the executive.

## Our Publications

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### ***Strengthening the Oversight Function of Arab Parliaments: Developing the Legal Framework***

The latest publication of the Arab Parliamentary Development Initiative in the Arab Region focuses on strengthening the oversight function of Arab parliaments through developing the legal framework. It includes the knowledge products that have resulted from the Regional Working Group on Strengthening the Oversight Function of Arab Parliaments launched by UNDP-PDIAR in 2009. Activities of the working group have included two regional workshops (Beirut, October 2009 and Rabat, June 2010) attended by more than 80 parliamentarians, parliamentary secretaries general, and experts. A series of regional comparative studies presented during these meetings allowed the working group members to better understand the general background and historical circumstances that have shaped and influenced the oversight function of Arab parliaments, and to review and assess the powers and oversight tools available to Arab parliaments, as set out in their constitutions and bylaws. A one year-long learning process resulted in the identification of, and agreement on a number of principles that should be applied during any reform or revision process aiming to strengthen the oversight function of Arab parliaments.

The first part of this publication includes an overview of the evolution of parliamentary life and the oversight function in particular, and a regional study that provides an in-depth comparison of the constitutions and bylaws of the lower

houses or unicameral parliaments of 17 Arab countries (UAE, Jordan, Bahrain, Tunisia, Algeria, Sudan, Syria, Iraq, Oman, oPt, Qatar, Kuwait, Lebanon, Morocco, Egypt, Mauritania and Yemen). It also presents the General Principles for Strengthening the Legal Framework Regulating the Oversight Tools and Mechanisms in Arab Parliaments. This part was translated into English in order to ensure knowledge dissemination in other regions of the world.

The second part includes three comparative studies covering the Mashreq (Lebanon, Syria, oPt, Jordan and Iraq), the Maghreb and North Africa (Algeria, Morocco, Tunisia, Mauritania, and Egypt), and the Gulf (Bahrain, Kuwait, United Arab Emirates and Yemen) regions. The studies scrutinize the legal and constitutional framework regulating the exercise of parliamentary oversight. Each regional study is divided into three main sections addressing respectively the parliament's position in the constitutional and political system of the countries under review, the legal and constitutional mechanisms of the parliament's oversight over the government, and the potential areas for reform in view of strengthening the oversight function of the surveyed parliaments.

The last part of the book includes the reports of the regional seminars of the Regional Working Group on Strengthening the Oversight Function of Arab Parliaments, as well as the focus group meeting of the drafting committee for the General Principles.

# Knowledge Building

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## ***Assessing the Quality of Democracy: A Practical Guide***

This Guide has recently been published by International IDEA and presents the State of Democracy (SoD) assessment framework. The Framework was developed to be used by countries across the globe, and it has to date been applied in around 20 countries. The guide links the results of assessment to possibilities of reform through highlighting a number of achievements, challenges, and lessons learnt.

## ***State of Local Democracy in the Arab World***

This regional report, published by IDEA, uses a self-assessment tool to measure the state of local democracy, and provides insight on the state of local democracy in the Arab region. It is based on the findings of four national reports covering the cases of Jordan, Egypt, Morocco and Yemen.

## The Initiative

*The Parliamentary Development Initiative in the Arab Region (PDIAR) is a joint project launched by UNDP's Global Programme on Parliamentary Strengthening (GPPS) and the Programme on Governance in the Arab Region (POGAR), with the support of the Belgian government to address the increasing demand for parliamentary assistance in the Arab Region. It builds on recent activities, findings, and lessons learned, and aims at promoting democratic governance through enhancing the role, capacity and image of the legislative institutions in the Arab countries and supporting the work of their members and administrations.*

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