



The Iraqi Parliament Monitor

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The First Quarterly Report of the Third Legislative Year
on the Work of the Iraqi Council of Representatives
(July, August and September / 2012)

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The Contents:

- 1- Introduction.
- 2- The Legislative Performance.
- 3- Monitoring Role.
- 4- The Council's Effectiveness (Attendance and Absence).
- 5- The Transparency in the work of the Council.

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Introduction

This report is the eighth quarterly report to monitor the performance of the Iraqi Council of Representatives for July, August and September 2012.

The report includes the legislative and monitoring performance of the Council of Representatives in general, in addition to the work of the different committees and its role in achieving of the draft laws and refer it to the Council's agenda in order to read it first reading.

The Iraqi Parliament Monitor depends on the constitutional items that legislated to the work of the Council and its tasks especially the article (61) of the Iraqi Constitution and on the Bylaws of the Council.

The team of the Monitor confirms through its reliance on design of a specific entry program for work data carried out in the Council's sessions on accuracy and neutrality of outputs and to avoid the errors ratio that could be occurred in case of manual entry or in case of unloading of data as well as the charts.

The Monitor established its own database depending on the information presented by:

- 1- Monitors who had been trained in Madarik Foundation.
- 2- The Parliamentary Department.
- 3- The Media Department in the Council of Representatives.
- 4- The Council's website.
- 5- The direct contact with the Council's Committees.
- 6- The Media.

The report depends in some of its data on accumulation in the performance of the Council based on the database that has been created especially for the Monitor in order to accurate measurement and show the differences in the performance in each month alone and each three months alone.

The Legislative Performance

The report includes following up the performance of the Council of Representatives for 23 sessions for the period from 10/7/2012 to 29/9/2012, starting from the 4th session of the first term for the third year held on 10/7/2012 to the 26th session of the first term for the third year held on 29/9/2012 distributed on the months as follows:

- 1- July: from the 4th session to the 11th session of the first term for the third year.
- 2- August: from the 12th session to the 18th session of the first term for the third year.
- 3- September: from the 19th session to the 26th session of the first term for the third year.

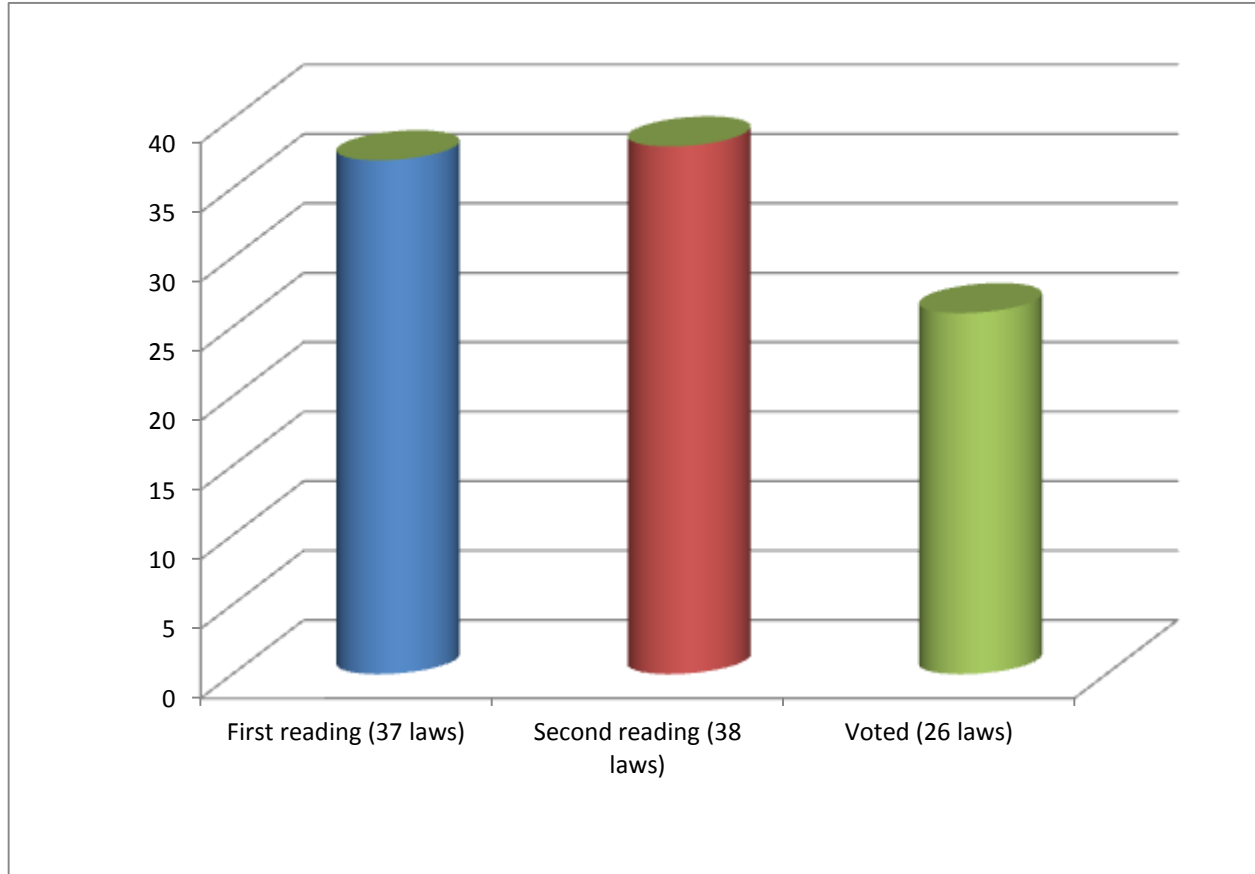
- The total number of draft laws (first reading, second reading and voted) is 101 detailed as follows:

- 1- First reading 37
- 2- Second reading 38
- 3- Voted 26

- July was the most voted on laws by 12 laws, and August was the lowest during this period by 5 laws.

- As for the effectiveness of the Council through the legislative movements for three months, July was the most effective by 39 legislative movements from first reading, second reading and voting, August came in the second place by 33 legislative movements and September in the third place by 29 legislative movements.

The laws summary for three months



- 1- The session (4/ First term/ Third year) was the most voted sessions in the Council of Representatives by six laws.
- 2- The session (7/ First term/ Third year) was the most sessions of first reading of laws by six laws.
- 3- The session (15/ First term/ Third year) was the most sessions of second reading of laws by six laws.
- 4- The highest ratio in the legislation was in the fourth and ninth sessions of the first legislative term for the third year where each session included ten legislative movements from first reading, second reading and voting.
- 5- The lowest ratio in the legislation was in the 25th session of the first legislative term for the third year where it didn't include any legislative movement.
- 6- The sessions (11, 25) of the first legislative term for the third year didn't include any legislative movement and hadn't been read any proposal or draft law.
- 7- The number of the laws that canceled the resolutions of the disbanded revolution command council was 1 first reading, 1 second reading and seven voted laws.
- 8- The sessions of the last months included reading a number of draft laws in the following details:

First reading..... 27 draft laws.

Second reading..... 27 draft laws.

Voting..... 17 draft laws.

and also included reading a number of proposed laws in the following details:

First reading.....10 proposed laws.

Second reading.....11 proposed laws.

Voting..... 9 proposed laws.

Monitoring Role

First: the Council hosted in its sessions:

- 1- In the 5th session held on 12/7/2012 the Council hosted each of Mr. Rafie Al-Issawi, the Minister of Finance, and Mr. Ali Shukri, the Minister of Planning about the draft law of infrastructure.
- 2- In the 8th session held on 26/7/2012 the Council of Representatives discussed with Muhannad Al-Saadi, the Minister of Water Resources, and the general manager of Mosul dam the issue of Mosul dam.
- 3- In the 10th session held on 30/7/2012 the Council hosted each of Mr. Sabir Al-Issawi, the Mayor of Baghdad, and Mr. Salah Abdul Razzaq, the Governor of Baghdad about the scarcity of water.
- 4- In the 22nd session held on 15/9/2012 the Council hosted each of Mr. Nouri Al-Maliki, the Prime Minister, and Ministers and advisors to discuss the law of infrastructure.
- 5- In the 23rd session held on 17/9/2012 the Council hosted Mr. Majeed Hama Amin, the Minister of Health in a general discussion about the reality of health institutions.

Second: the Council voted on the following issues:

1- The Council of Representatives held on 10/7/2012 the fourth session of the first legislative term for the third year. The session included the following:

- The Council voted on refusal in principle to continue to read the draft law on ratification of the convention on extradition of accused and sentenced persons between the Government of Republic of Iraq and the Government of Islamic Republic of Iran, submitted by the committees of foreign relations and legal.

2- The Council of Representatives held on 24/7/2012 the seventh session of the first legislative term for the third year. The session included the following:

- The council voted in principle to continue to read the draft law of care of disabled and people with special needs, submitted by the committees of woman and family and childhood, labor and social affairs, health and environment after finishing the first reading of the law.

3- The Council of Representatives held on 26/7/2012 the eighth session of the first legislative term for the third year. The session included the following:

- The council voted in principle on the draft law of social security submitted by the committees of labor and social affairs and legal.

4- The Council of Representatives held on 28/7/2012 the ninth session of the first legislative term for the third year. The session included the following:

- The Council voted to extend the work of the Electoral Commission for 10 days.

- The Council voted on the report regarding the situation and demands of the Turkmen in Iraq.

- The Council voted in principle to continue to read the amendment proposal of the law of the Independent Higher Commission for Human rights after finishing the first reading of the law, submitted by the committees of human rights and legal.

5- The Council of Representatives held on 30/7/2012 the tenth session of the first legislative term for the third year. The session included the following:

- The Council voted in principle on refusing to continue to read the draft law of Ministry of Municipalities submitted by the committee of service and construction.

- The council voted to approve a resolution regarding investment in electricity which included calling to establish a private investment commission in the field of electrical power to deal with the companies and to be its work in coordination with the Ministry of Electricity and relevant authorities, in addition to give the provinces enough authorities and coordinate with investment commission in order to enhance investment in the electricity field.

6- The Council of Representatives held on 31/7/2012 the eleventh session of the first legislative term for the third year. The session included the following:

- The Council voted on a resolution submitted by the committee of foreign relations that the Ministry of Foreign Affairs should stop start of the diplomatic rehabilitation course 27, till resolving of the legal and constitutional violations mentioned, and the committee will follow up the implementation of the resolution.

- The Council voted in principle to continue to read the proposed law to amend the law of the Independent Higher Electoral Commission No.(11) for the year 2007 after finishing the first reading of the law.

- The Council voted to make the session private to read the report on the bombing incident of Parliament.

7- The Council of Representatives held on 1/8/2012 the twelfth session of the first legislative term for the third year. The session included the following:

- The Council voted in principle on refusing to continue to read the draft law of the federal supplementary budget of Republic of Iraq for the financial year 2012, submitted by the committees of finance, legal, economy and investment.

8- The Council of Representatives held on 1/8/2012 the fourteenth session of the first legislative term for the third year. The session included the following:

- The Council voted in principle on allocation (300.000.000) three hundred million dollars to the Kuwait Airways Company to pay off the lawsuits filed by the company against the Iraqi Airways Company and Iraqi Government submitted by the committees of finance, service and construction and legal.

9- The Council of Representatives held on 6/8/2012 the sixteenth session of the first legislative term for the third year. The session included the following:

- The Council voted on a resolution included condemnation of the crimes committed against the Muslims in Myanmar (Burma) and calling on the international community to take urgent procedures to protect the Muslims and demanding the humanitarian organizations to exert efforts to preserve Muslims' rights in Burma.

10- The Council of Representatives held on 3/9/2012 the nineteenth session of the first legislative term for the third year. The session included the following:

- The Council voted to extend the work of the Electoral Commission for 15 days.

11- The Council of Representatives held on 17/9/2012 the twenty-third session of the first legislative term for the third year. The session included the following:

- The Council voted on choosing 8 out of 9 of the members of the Independent Higher Electoral Commission. They are as follows:

Safaa Ibrahim Jassim Al-Musawi

Sorour Abdul Hantoush Al-Hiti

Serbst Mustafa Ibrahim

Mohsen Jabbari Hassan

Qatya Mukhlif Qatya Al-Zobaie

Mekdad Hassan Salih Al-Sharifi

Sirwan Ahmed Rasheed

Wael Mohammed Abd Ali Al-Waili

12- The Council of Representatives held on 27/9/2012 the twenty-fifth session of the first legislative term for the third year. The session included the following:

- The Council voted for Ms. Kulshan Kamal to become the ninth member of the Independent Higher Electoral Commission.

- Voting to approve a resolution that one of the commissioners' agents of the Independent Higher Electoral Commission will be from Christians.

Attendance and Absence

The rate of attendance for three months

- 1- July.....197 members for each session.
- 2- August.....191 members for each session.
- 3- September....195 members for each session.

- The lowest session in attendance was the 13th session of the first legislative term for the third year where recorded the attendance of 168 members.
- The highest session in attendance was the 21st session of the first legislative term for the third year where recorded the attendance of 233 members.

Number of working hours by Parliament

The number of working hours by Parliament was divided as shown in the following table on months of this report. The final total was 97 hours out of the total of the sessions during these three months which equal four full days or 14 working days at the rate of seven hours a day.

Compare with the number of sessions for these three months which are 23, the rate of per session time is (4.2) hours approximately for each session.

Month	Number of hours
July	37
August	26.15
September	33.8
Total	97

The members with the most absence rate:

During the monitoring of the total 158 sessions since the beginning of the work of the Council of Representatives to 17th session of the first legislative term for the third year, the members with the most absence rate and the number of frequent absence times for them. They are as follows:

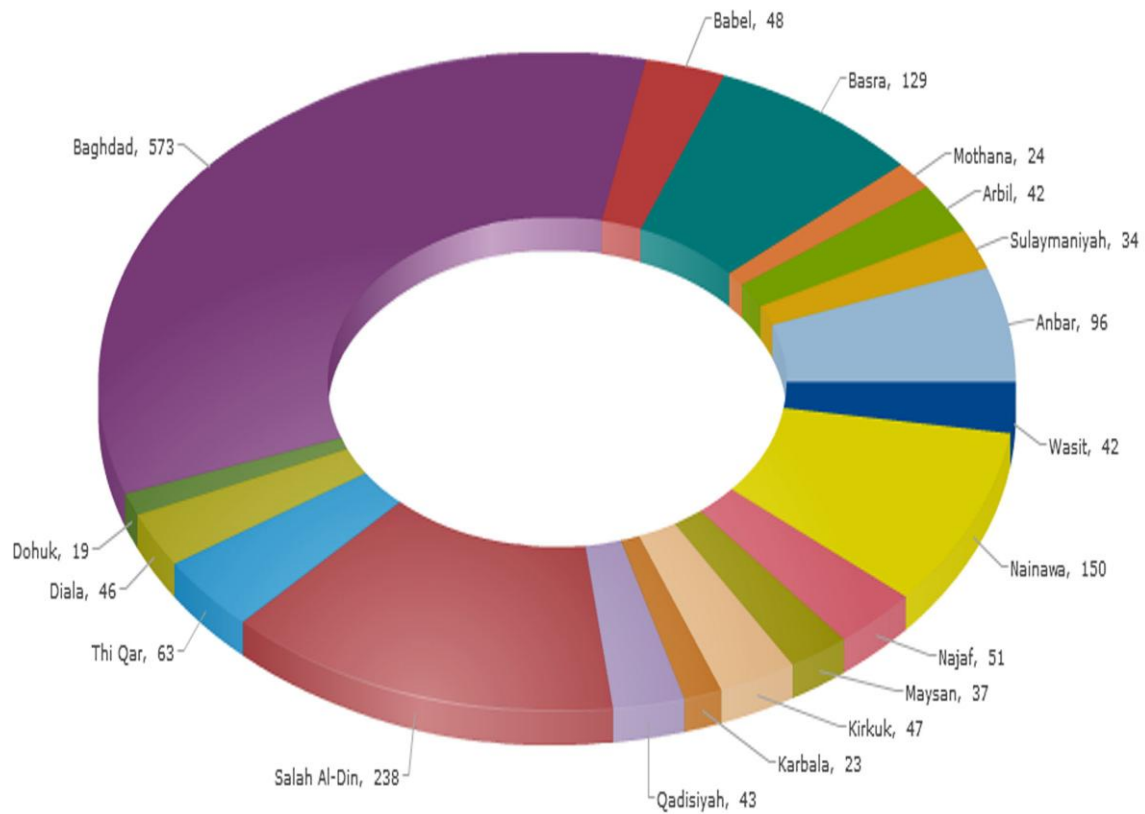
- 1- Falah Hassan Mustafa Al-Naqib: 108 unexcused absences (17 absences in a row, 17 absences in a row, 13 absences in a row).
- 2- Ahmed Abdul Hadi Al-Chalabi: 46 unexcused absences (8 absences in a row, 7 absences in a row).
- 3- Hajim Mahdi Salih Al-Hassani: 43 unexcused absences (9 absences in a row).
- 4- Ajeel Hamidi Ajeel: 43 unexcused absences (6 absences in a row, 5 absences in a row).

Distribution of absences by provinces

Distribution of accumulated absences by provinces during the 158 sessions

Council of Representatives Facts & Figures

Distribution of Absences by The Provincial House of Representatives



The percentage of absence by provinces

The Monitor used the following calculation in calculating the absences of members by provinces: the number of absences of members during the 158 sessions / number of sessions / number of members for each province.

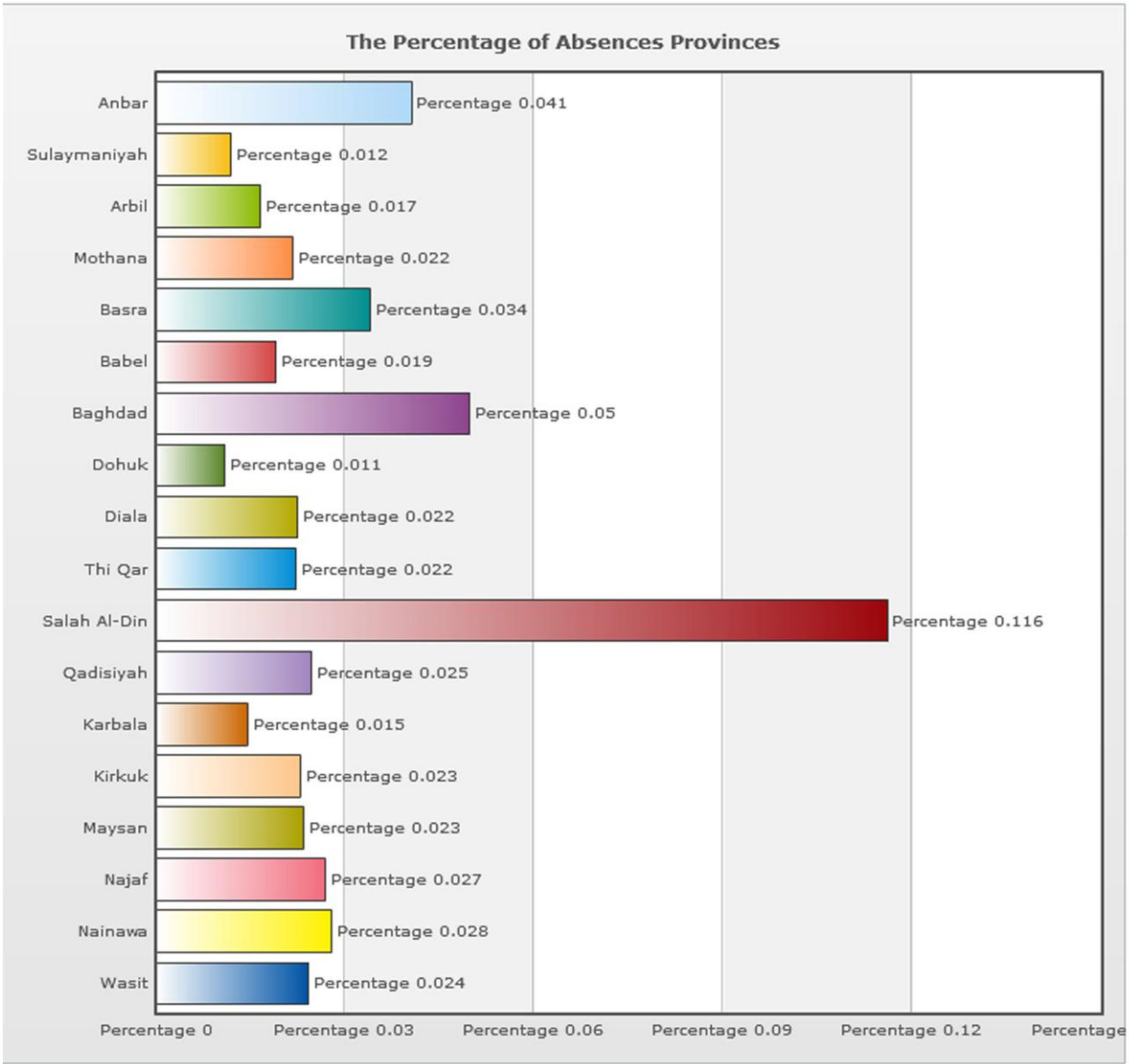
The absences were calculated for the 158 sessions, starting from the first session of the first legislative term for the first year to the seventeenth session of the first legislative term for the third year.

The results indicated that Salah Al-Din province was the highest among the provinces in the absence percentage by 11.6%, an increase from the rate in the past months where it was 11.1%. Baghdad province came in the second place by 5% which increased from the past period where it was 3.5%, as for the third place was Anbar province by 4.1%, and it has maintained the same sequence compared to the past months where it was 4.3%, with a slight decrease.

Sulaymaniyah province has remained the lowest provinces in absence by 1.2%, followed by Karbala province by 1.5%.

As shown in the following chart:

Council of Representatives Facts & Figures



The percentage of absence by the parliamentary blocs from the beginning of the work of the Council

In the same calculation, the absence percentages of the parliamentary blocs was calculated as follows: total number of bloc's absences/ number of bloc's members/ number of sessions, noting that the percentage mentioned was calculated for the 158 sessions.

The percentages indicated that the Iraq's Unity Alliance was the highest in absence among the other blocs by 11.7% with an increase in the absence percentage for the past months where it was 11.4%.

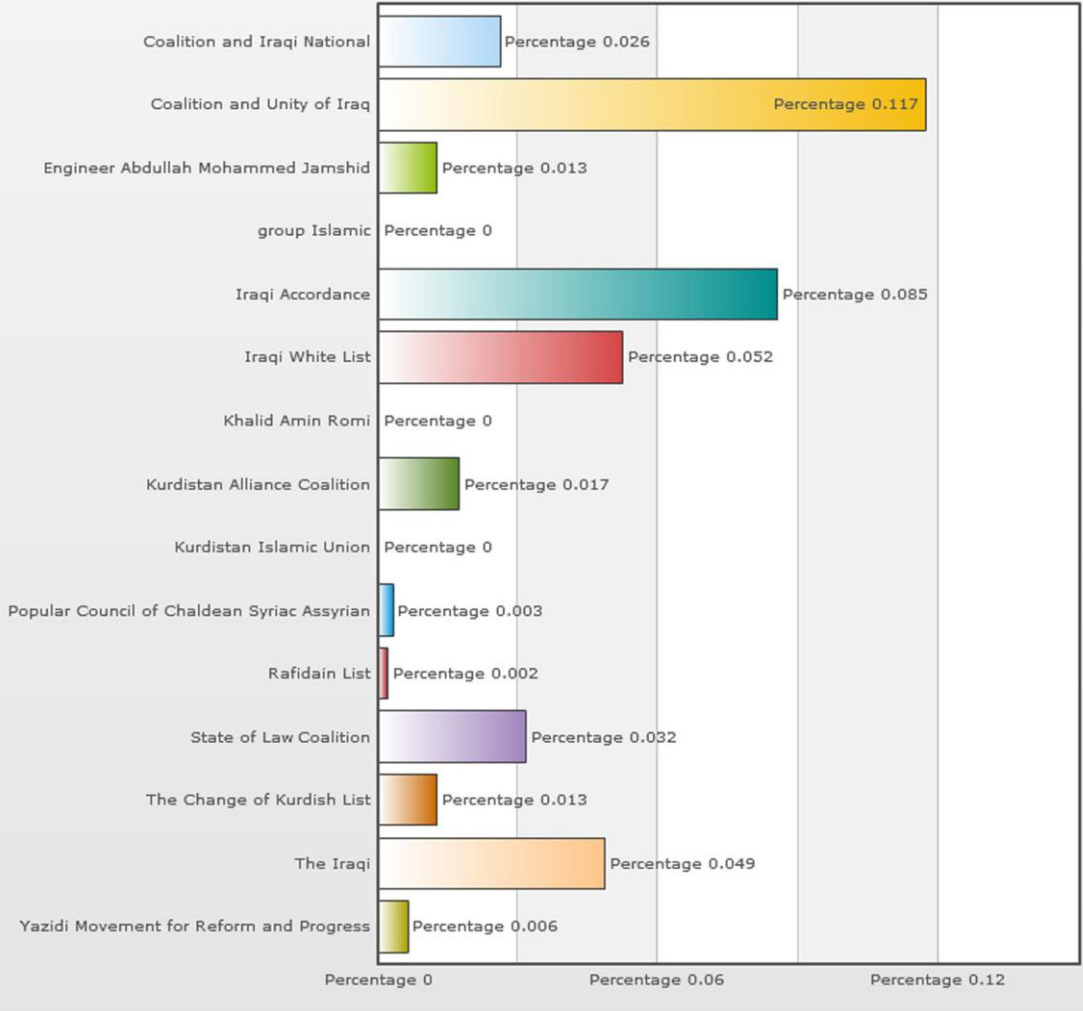
The Accordance Bloc came in the second place in the absence percentage by 8.5% with a decrease in the absence percentage for the past months where it was 9.5%.

In the third place was the white Iraqiya list by 5.2%.

As shown in the following chart:

Council of Representatives Facts & Figures

The Percentage of Absences from the Beginning of the Parliamentary Blocs Work of the Council

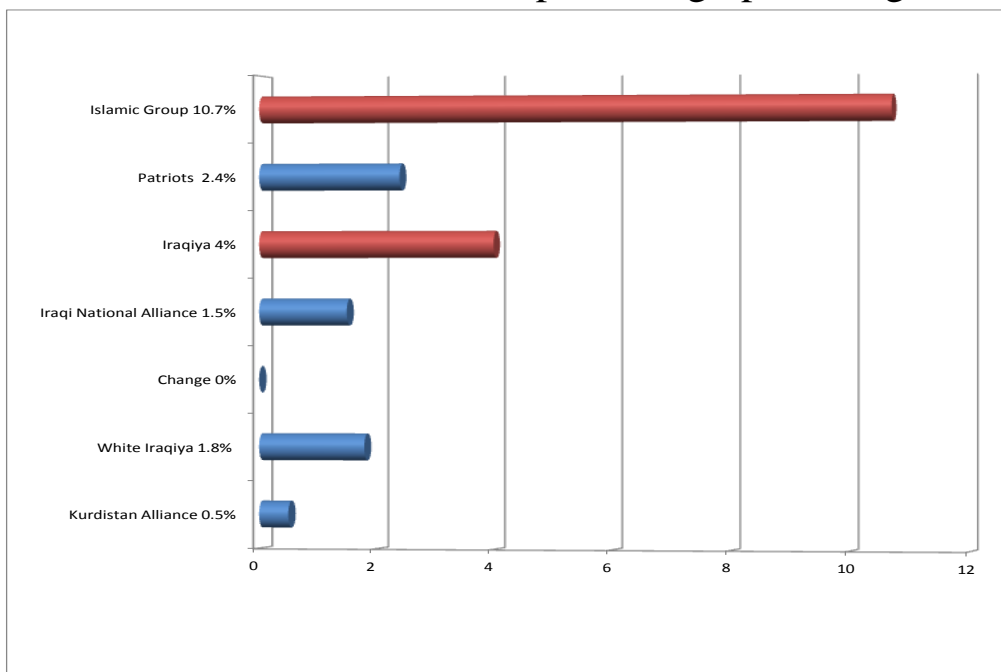


The percentage of the absence of the parliamentary blocs during the three months of this report

This percentage was calculated for the 14 sessions during the three months mentioned out of 23 sessions and haven't published the rest of the sessions by the Council of Representatives till the preparation of this report.

The percentage was calculated by dividing the number of absentees of the bloc during these months on the number of the 14 sessions divided by the number of members that bloc.

The percentage indicates that the Change Bloc hasn't recorded any absence during this period and Kurdistan Alliance recorded lowest percentage of absence after the Change Bloc by 0.5%, while the most bloc in percentage of absence was the Islamic Group by 10.7%, and was followed by Iraqiya by 4% where recorded 45 absences during fourteen sessions mentioned, and came after it Patriots Bloc by 2.4%, despite fact that the Islamic Group recorded only (3) absences, and Patriots Bloc recorded one absence, but the number of the small blocs impose a high percentage.



Distribution of absences by committees for the (158) sessions

The absences of members were distributed on different committees in variable rates for the past months. The absences have been calculated cumulatively according to the chart shown below. The absences of committees came as follows:

- 1- The committee of members' affairs and parliamentary development: 139 absences.
- 2- The committee of health and environment: 78 absences.
- 3- The committee of finance: 77 absences.

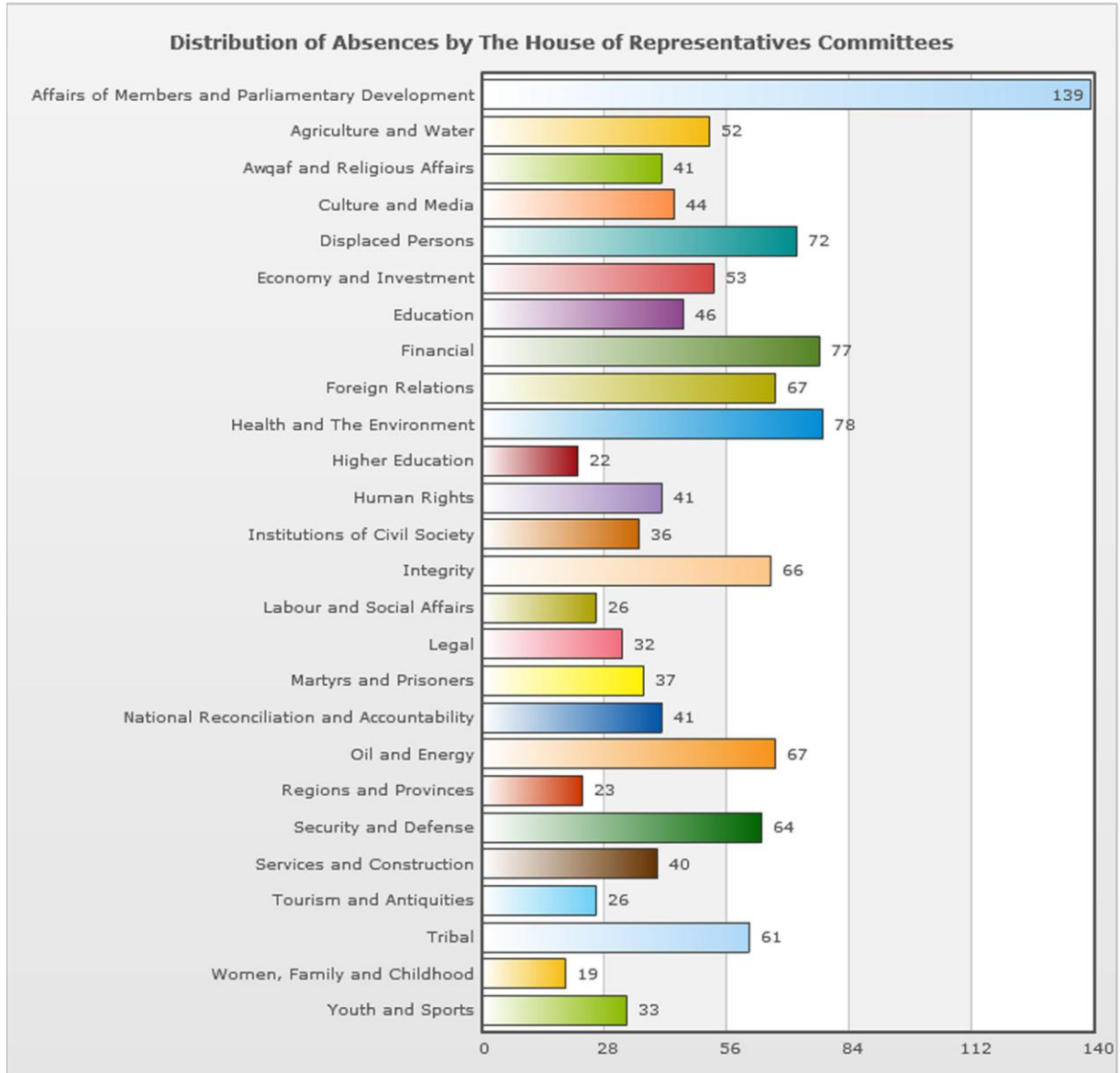
The lowest committees in absence as follows:

- 1- The committee of women, family and childhood: 19 absences.
- 2- The committee of higher education: 22 absences.
- 3- The committee of regions and provinces: 23 absences.

As shown in the following chart:

Council of Representatives Facts & Figures

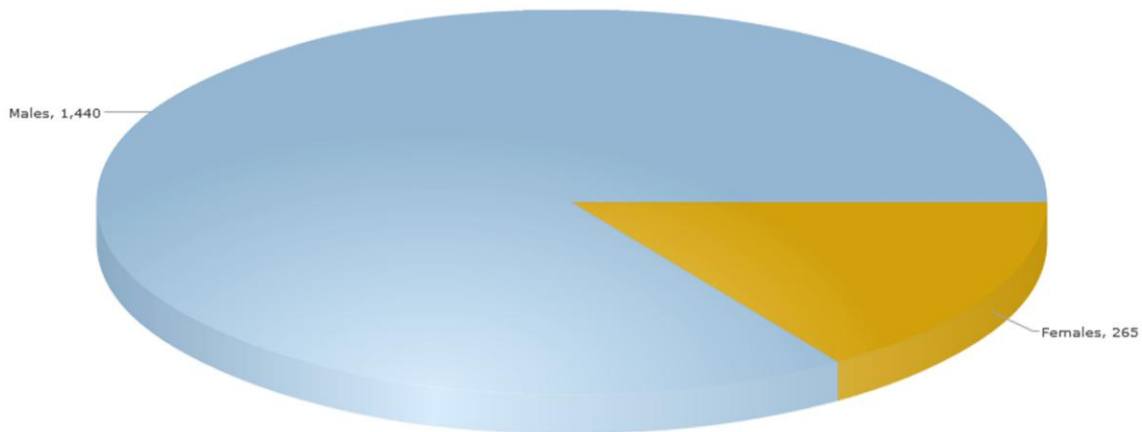
Distribution of Absences by The House of Representatives Committees



Absences by sex

Council of Representatives Facts & Figures

The Distribution of Absences House of Representatives by Sex



The Iraqi Parliament Monitor indicators showed that women in the Council are more committed in attendance, where the absence percentage of women compared to the absence of men was as follows:

- The absence percentage of women = 2%.
- The absence percentage of men = 3.8%.

This percentage was calculated by dividing the number of absentees on the total number of sessions divided by the number of members in the Council by sex which is:

Women = 83
Men = 241

Which means that the absence rate for each session:

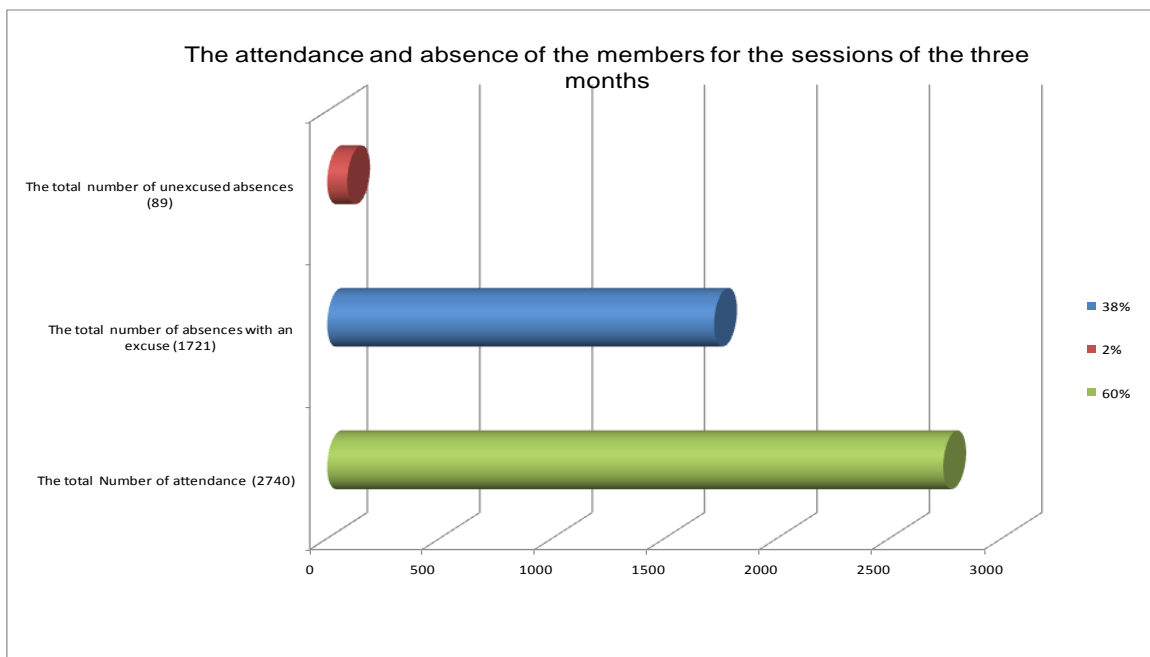
Women = 1.7 members for each session.
Men = 9.1 members for each session.

The attendance and absence of the members for the sessions of the three months

The Iraqi Parliament Monitor team followed up the accumulated attendance and absence movement for the members of the Council for fourteen sessions of the three months sessions and came out with the following numbers:

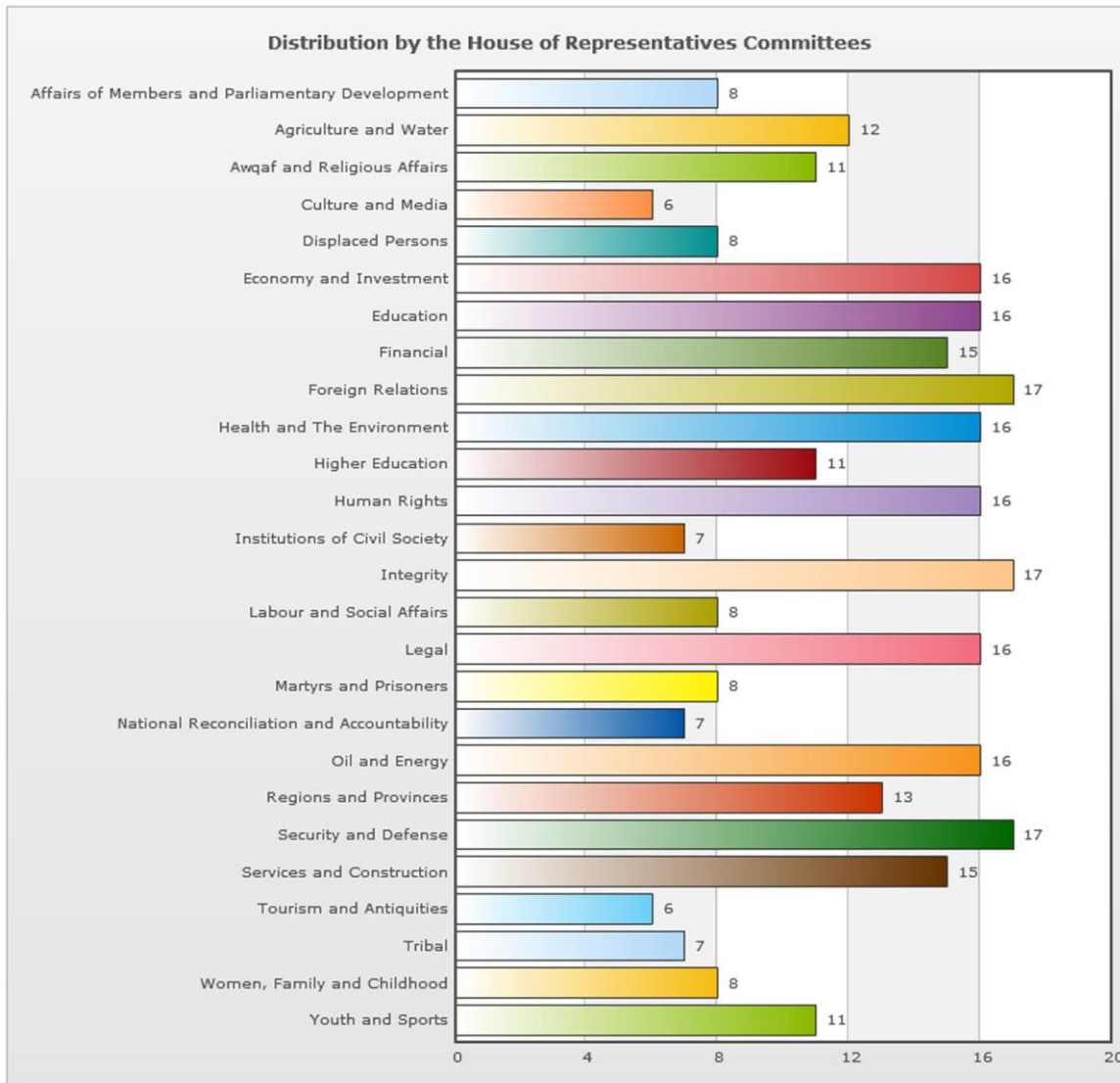
- 1- The total number of unexcused absence was 89 which represents 2%.
- 2- The total number of absence with an excuse was 1721 which represents 38%.
- 3- The total number of attendance for the members of the Council was 2740 which represents 60%.
- 4- The highest attendance of the members during the period covered by the report was 235 members in the 12th session of the first legislative term for the third year held on 1/8/2012.
- 5- The lowest attendance of the members during the period covered by the report was 168 members in the 13th session held on 2/8/2012.

As shown in the following chart



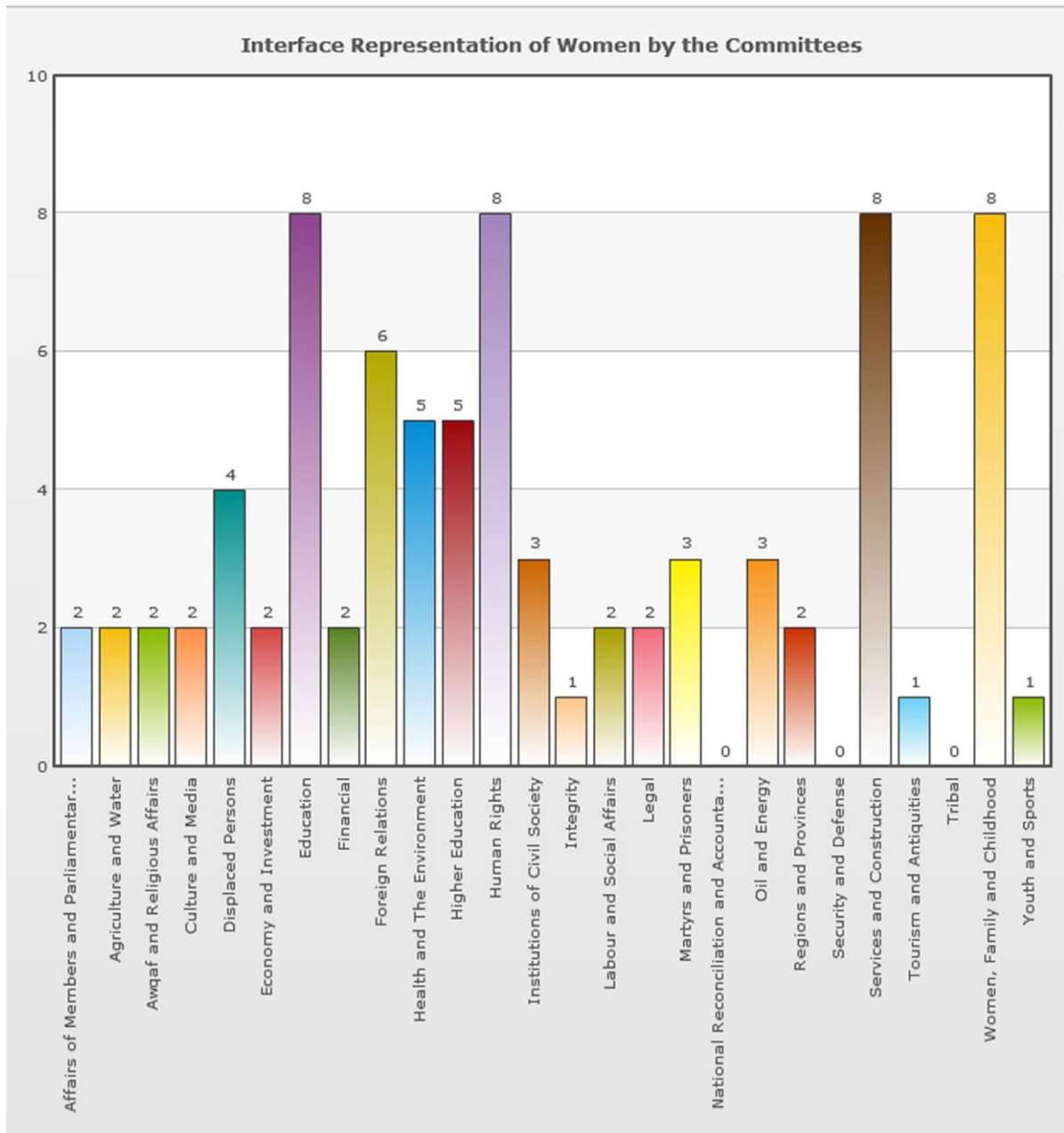
Distribution of the Council of Representatives by committees

Council of Representatives Facts & Figures



Representation rate of women in committees

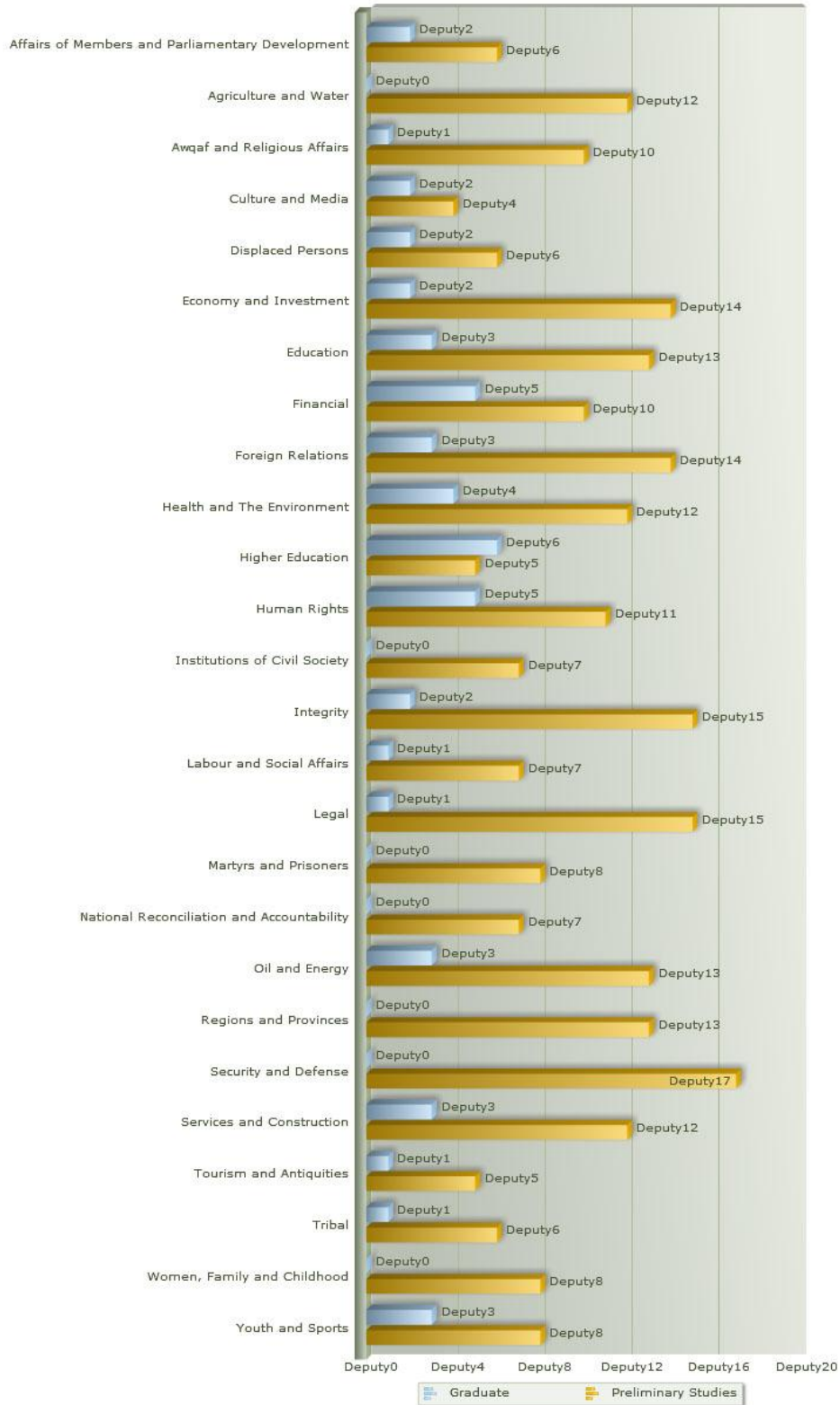
Council of Representatives Facts & Figures



Distribution of committees by educational attainment

Council of Representatives Facts & Figures

Distribution of Committees by Educational Attainment



The Transparency in the work of the Council

First:

Mr. Osama Abdul Aziz Mohammed Al-Nujaifi, the chairman of the Council of Representatives, said in the second session of the first legislative term for the first year:

“I think it's possible to vote for the continuation of the old Bylaws into force until the Bylaws in its new form is completed, so I call you to vote on this subject in particular”

Note:

The members of the Council of Representatives voted on continuation of the old Bylaws into force without an amendment knowing that article (2) of the Bylaws stipulates:

Article (2) (the Council of Representatives consists of 275 members. It will be elected according to the elections law).

Second:

Article (69)

The standing committees will be formed in the first session of the Council convened by the ICR after ratification of the Bylaws. The desire, specialty, and experience of the member will be taken into account.

Note:

Voting on the continuation of the Bylaws into force starting from the second session which means according to the Bylaws should be voting on the standing committees in the third session.

Haven't voted on the standing committees until the 24th session where had been voted on the members of the standing committees in the Council of Representatives. The delay in adoption of the committees is a clear violation of the article 69 for delaying it more than 23 sessions.

Third:

Article (31)

The Council will practice the following legislative functions:

Fifth: Authentication on the budget of the Council of Representatives and its committees.

The Presidency Commission violated the Bylaws where it hasn't submitted the budget of the Council of Representatives as stipulated in the article.

Article (9)

The Presidency Commission will perform the following tasks:

Seventh: Organize the annual budget for the ICR, and submit it in the ICR for approval, oversee its implementation and prosecute transfers between items.

The Presidency Commission also committed a clear violation where it hasn't submitted the final accounts of the Council to the members of the Council of Representatives for approval as stipulated in the article.

Article (143)

The Council's financial department will prepare the final accounts for the Council. These will be presented to the Council's Presidency for approval and submittal to the financial affairs committee that will, in turn, submit its report to the ICR for approval.

Fourth:

The Presidency Commission violated the article (80) of the Bylaws by not electing new members to the committees that haven't completed the number, and moving the members to the committees by consensus without voting.

Article (80)

In case there is a vacancy in the membership of a committee the Council will elect a new member replacing him.

Fifth:

The Presidency Commission violated the law No.(49) for the year 2007 for replacing members especially the article.

Seventh:

The member will be dismissed in case of his unexcused absences exceed a third of the sessions of the Council out of per legislative term total.

Noting that many members haven't attended only one session, and the Presidency Commission hasn't issued a resolution to dismiss any of the absent members, as well as the clear violation of the article 18 which indicates to publish the absentees in a newspaper as in the case of the members listed below:

- 1- Falah Hassan Mustafa Al-Naqib: 108 unexcused absences (17 absences in a row, 17 absences in a row, 13 absences in a row).
- 2- Ahmed Abdul Hadi Al-Chalabi: 46 unexcused absences (8 absences in a row, 7 absences in a row).
- 3- Hajim Mahdi Salih Al-Hassani: 43 unexcused absences (9 absences in a row).
- 4- Ajeel Hamidi Ajeel: 43 unexcused absences (6 absences in a row, 5 absences in a row).

1- Article (18)

First: absence and attendance of the members should be published in the regular ICR newsletter and another newspaper.

Second: in case of repeated absence without an excuse for 5 sessions in a row, or 10 sessions separately during one parliamentary term, Presidency Commission will give a written notification to the member to attend and if no response, the Presidency Commission will submit the issue to ICR biased on a request from the Commission.

Sixth:

Some members in the Council of Representatives have been replaced by new members from different province of origin as in:

- 1- Mohammed Kadhim Fairouz from Karbala province instead of Hassan Halboss from Dhi Qar province.
- 2- Jawad Ghanim Al-Shahyla from Al-Basrah province instead of Nassar Zughayyar from Al-Najaf province.

Seventh:

The Iraqi Council of Representatives had incomplete number for one year and four months for the period from 19/4/2011 until 30/8/2012, specifically to the eighteenth session of the first legislative term for the third year. The member Khalaf Abdul Samad Khalaf was replaced for being elected as a governor of Basrah by Hassan Abdul Nabi Abbas.

Eighth:

The member Jaber Habib Jaber was officially appointed as an ambassador on 2/1/2012, and the Council of Representatives hadn't replaced him until 19/4/2012. The period between the two dates amounting to three and a half months is a clear violation of collecting two positions, the first one legislative and the second executive.

Ninth:

The case of holding one session in a week has been repeated for seventeen times during the past months.

Tenth:

Many committees haven't completed its quorum, especially the committees that consist of 6 members. As shown in the last amendment to the members of the Council and its committees.

Eleventh:

The Council's sessions didn't have any questioning to an executive official.

Twelfth:

The Presidency Commission hasn't activated the electronic voting, so that we couldn't follow up the members who vote on the laws and who abstain from voting, in addition to the lack of knowledge for the number of voters and the number of abstentions.

Thirteenth:

A poll has been conducted for the visitors of the Iraqi Parliament Monitor about the performance of parliamentary blocs, included 547 samples. The results were as follows:

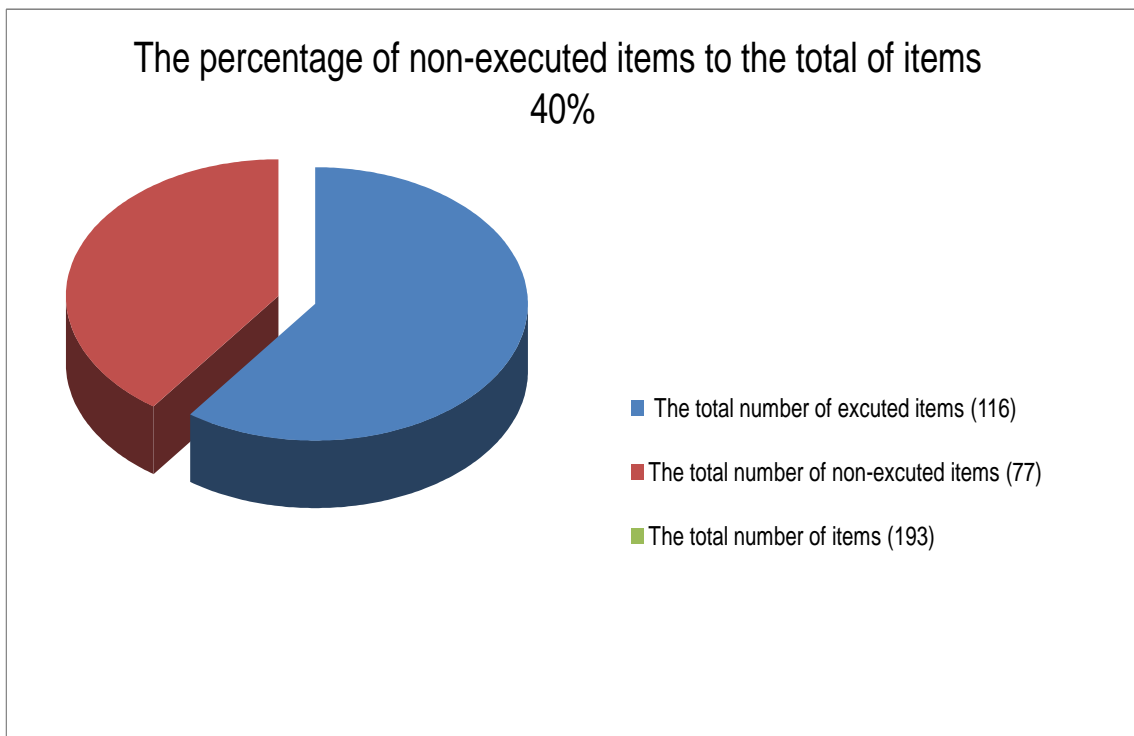
What is your opinion about the performance of parliamentary blocs?

- Very good 109 20%.
- Good 16 3%.
- Acceptable 41 7%.
- Weak 381 70%.

The voting program doesn't allow the visitor to vote more than once.

The number of executed and non-executed items:

The Council announced the items of the sessions in its agenda, and what each session includes from agenda. The total number of announced items was 193 items, carried out 116 at the same day and moved 77 items to another day. We couldn't follow up the items that have been moved because they are not in the same order in the later sessions which means that the Council puts in the agenda of a single session more than what cannot be accommodated by the session and cannot be implemented.



The numerical outcome for the work of the Iraqi Council of Representatives for July 2012

Number of sessions.....	8
Number of items.....	69
Number of non-executed items.....	21
Number of laws (first reading).....	18
Number of laws (second reading).....	9
Number of voted laws	12
Number of hosting.....	3
Number of read data.....	7
Number of voting times.....	11
Number of read speeches.....	0
Number of hearings.....	0
Number of reports.....	0

The numerical outcome for the work of the Iraqi Council of Representatives for August 2012

Number of sessions.....	7
Number of items.....	65
Number of non-executed items.....	25
Number of laws (first reading)	7
Number of laws (second reading).....	21

Number of voted laws	5
Number of hosting.....	0
Number of read data.....	1
Number of voting times.....	3
Number of read speeches.....	0
Number of hearings.....	0
Number of reports.....	0

The numerical outcome for the work of the Iraqi Council of Representatives for September 2012

Number of sessions.....	8
Number of items.....	59
Number of non-executed items.....	31
Number of laws (first reading).....	12
Number of laws (second reading).....	8
Number of voted laws	9
Number of hosting.....	2
Number of read data.....	5
Number of voting times.....	4
Number of read speeches.....	0
Number of hearings.....	0
Number of reports.....	0

Numerical summary for the performance of the Iraqi Council of Representatives

Title	July	August	September	Total
Number of sessions	8	7	8	23
Number of items	69	65	59	193
Number of non-executed items	21	25	31	77
Number of laws (first reading)	18	7	12	37
Number of laws (second reading)	9	21	8	38
Number of voted laws	12	5	9	26
Number of hosting	3	0	2	5
Number of read data	7	1	5	13
Number of voting times	11	3	4	18
Number of speeches	0	0	0	0
Number of hearings	0	0	0	0
Number of reports	0	0	0	0