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IRAQ

Legislative Strengthening Program

OVERSIGHT MANUAL

February 2011

Contract No. 263-I-03-06-00015-00 (REDI Task Order No. 3)

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OVERSIGHT MANUAL

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EXECUTIVE SUMMARY

Through adoption of the Constitution, the people of Iraq created a **Representative Democracy**, granting substantial authority to the country's Federal Legislative Authority, the Council of Representatives (COR).

In order to represent the views of the people, the Legislative Authority must serve as a check on the power of the Executive Authority through comprehensive **oversight** of government actions and programs.

Article 61 of the Iraqi Constitution requires the COR to enact federal laws and **monitor the performance of the executive authority**. The Constitution vests substantial power in the legislature as the representative body of the people. To protect individual rights and religious freedoms, the Constitution embodies the clear principle of the separation of powers with three branches of State—the legislative, executive, and judicial authorities.

Monitoring the performance of the Executive is a key factor in the strength and the ability of the COR to function as the supreme authority, because it represents people of Iraq. To perform its constitutional duties, the COR has the “right to know” what the other branches of government are doing including the actions of the Executive at all levels. The COR’s “right to know” is a key function of oversight.

As it is the duty of the COR and its Members to represent the people of Iraq and provide a balance to the power of the Executive and to ensure the ability of the COR to function properly and as an equal branch of government, the Constitution provides legal protections for Members of the COR. There is no issue therefore that is above scrutiny by the COR, and Members enjoy constitutionally-guaranteed legal protections while conducting official business.

There are informal and formal ways of conducting thorough oversight of the Executive and the Constitution provides Members of the COR with authority through a number of oversight mechanisms including, building relationships with Ministers and their staff to create a continuous dialogue between the COR and the Executive as means of influencing decision making processes; confirming the Council of Ministers and withdrawing confidence; questioning ministers and ministry staff; public hearings; information requests and inspection visits; request changes to, and approval of, the budget; and investigations.

Key steps of the oversight process include Setting an Agenda, Issue Research, Consultations, Public Hearings and Follow-Through.

INTRODUCTION

This oversight manual will serve as a guide to Members of the COR as they seek to fulfill their obligations as legislators, responsible to the people of Iraq. One of the key factors in any government's oversight process is the legislature's "right to know." Members of the COR have a "right to know" which decisions are being made by the Executive and which actions are being conducted by the Executive. This "right to know" ensures that the COR has the information it needs to hold the Executive accountable for its decisions and conduct.

From outlining a typical oversight process to detailing the internal and external resources available to every Member of the COR, this manual seeks to empower the representatives of the Iraqi people. Some key steps in the oversight process include:

Setting an Agenda—understanding the needs of the electorate and prioritizing issues.

Issue Research—understanding the facts and using that information to shape opinions.

Consultations—working with outside experts and stakeholders to inform the policy process.

Public Hearings—harnessing the power of public opinion and working to find solutions.

Follow-Through—ensuring a satisfactory resolution.

OVERSIGHT AUTHORITY

Iraq's Constitution vests substantial authority in the legislature as the representative body of the people. To protect individual rights and religious freedoms, the Constitution embodies the clear principle of the separation of powers with three equal branches of government—the legislative, executive, and judicial authorities.

In Iraq the Federal Legislative Authority is the Council of Representatives (COR). The COR is democratically elected by the citizens of Iraq. The number of seats in the COR is tied directly to the size of the population to ensure equal representation for all the citizens of Iraq.

The Federal Executive Authority (Executive) in Iraq is comprised of the President of the Republic and the Council of Ministers.

The Federal Judicial Authority in Iraq is comprised of the Higher Juridical Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution

Oversight

Monitoring, questioning, and scrutinizing the actions of government to ensure transparency and accountability on behalf of the people.

Representative Democracy

A system of government in which the people freely and fairly elect government leaders to represent their views for a finite period of time.

Department, the Judiciary Oversight Commission, and other federal courts that are regulated in accordance with the law.

In order to perform its duties, the COR has an inalienable “right to know” what the other branches of government are doing. The “right to know” includes the actions and decisions of the Executive at all levels. Without equal information, the COR cannot discharge its constitutional duties. Exercising the COR’s “right to know” is a key function of oversight.

Article 61 of the Constitution mandates the COR be competent in enacting federal laws and monitoring the performance of the Executive authority, and provides it the power to:

- Ratify international treaties and agreements
- Approve the appointment of the Iraqi Army Chief of Staff, the Director of the Intelligence Service, and Ambassadors
- Question and remove the President of the Republic
- Question and remove the Prime Minister and the members of the Council of Ministers
- Withdraw confidence from one or a group of Ministers
- Consent to the declaration of war

These combined duties highlight the COR’s role in the constitutional framework and its importance as a strong representative democratic institution.

Monitoring the performance of the Executive is a key factor in the strength of the COR and the ability of the COR to function as the Executive’s equal. By executing its responsibility to monitor the actions of the Executive and openly communicating its findings, the COR can strengthen its role within the constitutional democracy.



LEGAL PROTECTIONS

To ensure the ability of the COR to function properly and as a supreme branch of State, the Constitution provides legal protections for Members of the COR.

Article 63.2 of the Constitution

Ensures that a Member of the Council of Representatives:

1. shall enjoy immunity for the statements made while the Council is in session, and the member may not be prosecuted before the courts for such
2. may not be placed under arrest during the legislative term of the Council of Representatives, unless the member is accused of a felony and the COR members consent by an absolute majority to lift the member's immunity or the member is caught in the commission of a felony
3. may not be arrested after the legislative term of the Council, unless the member is accused of a felony and with the consent of the Speaker of the Council to lift the member's immunity or if the member is caught in the commission of a felony.



RESPONSIBILITY TO CONDUCT OVERSIGHT

It is the duty of the COR and its Members to represent the people of Iraq and provide a balance to the power of the Executive. In doing so, Members of the Council of Representatives have a responsibility to safeguard the interests of the people, protect public and private liberties, preserve the independence of the Judiciary, and enact legislation.

Article 32 of the COR's Rules of Procedure

The COR shall exercise oversight of the Executive branch. The oversight function shall include the following powers:

First: Question members of the Council of Presidency and members of the Council of Ministers including the Prime Minister, and any other official in the Executive branch.

Second: Conduct investigation with any of the above officials concerning any incident the COR sees that it has a relationship with the public interest, or with the rights of citizens.

Third: Request information and documents from any governmental agency regarding any subject related to public interest, rights of citizens, implementing or applying laws by the Executive.

Fourth: Request the presence of any person to give a testimony or explanation over certain subjects, or deliver information about any subject being discussed by the COR.

Fifth: COR members have the right of inspection visits to the ministries and the governmental institutions to observe the good implementation of the laws.



One of the most effective tools any legislature has available to protect against acts of government corruption, mismanagement, and incompetence is the ability to bring public attention to these failures. Public scrutiny allows for the enactment of corrective measures. The Constitution provides the COR with the tools necessary to scrutinize the Executive's decisions and actions.

As Members hold the Executive accountable, the voters will also hold Members accountable, primarily during elections. Voters expect to see results from their elected representatives; producing results through effective oversight will help build a record of accomplishments.

Shaping the way the federal government allocates resources is a measureable accomplishment for a Member who is up for re-election, but only if these actions are free of malice and personal gain.

The COR and individual Members should routinely disclose their activities to the public. The COR and its Members have the responsibility to be transparent to the people of Iraq through public addresses, interviews with and observation by the media, and the internet. Members who routinely perform their duties in public forums will also benefit from an additional layer of protection against potential retribution by individuals from the Executive Branch who may have come under scrutiny due to Members' oversight actions. Creating a culture of open and transparent government at all levels will enhance the ability of Members to debate issues openly and defend dissenting or alternative positions.

TYPES OF OVERSIGHT

Informal Oversight

One of the easiest and often most effective ways to conduct oversight is through building relationships with Ministers and their staff. Finding common ground (e.g. same bloc, coalition, or policy interests/goals) is an important first step in building these relationships.

Through the development of these relationships, a Member of the COR can ensure he/she is kept informed of decisions being made within a particular ministry and have the opportunity to provide direct input into the decision making process. A Member may also be able to obtain data and other pieces of information that may be necessary to check on the status of federal services or helpful in drafting legislative proposals.

Strong relationships and regular meetings with officials from the Executive can encourage proactive disclosure of information that will be necessary to conduct effective oversight.

Useful Tips to Create Informal Working Relationships

1. Request an Introductory Meeting with a Minister or Ministry Staff—it is advisable to keep an introductory meeting short. You should highlight a few key issues that interest you and areas in which you hope to work collegially with the Minister.
2. Regular Meetings, Phone Calls, or Staff Contact—try to leave a meeting with an action plan on the best way to routinely follow up on topics of interest.
3. Find Ways to be Helpful to a Minister—while it is an obligation of the Executive to provide the COR with information, you are likely to get more accurate and timely information if you find ways to be helpful to a Minister—sharing information is a two-way process.

Tips

Formal Oversight

While building informal relationships and processes can be helpful, formal oversight is the more common and visible practice of legislatures.

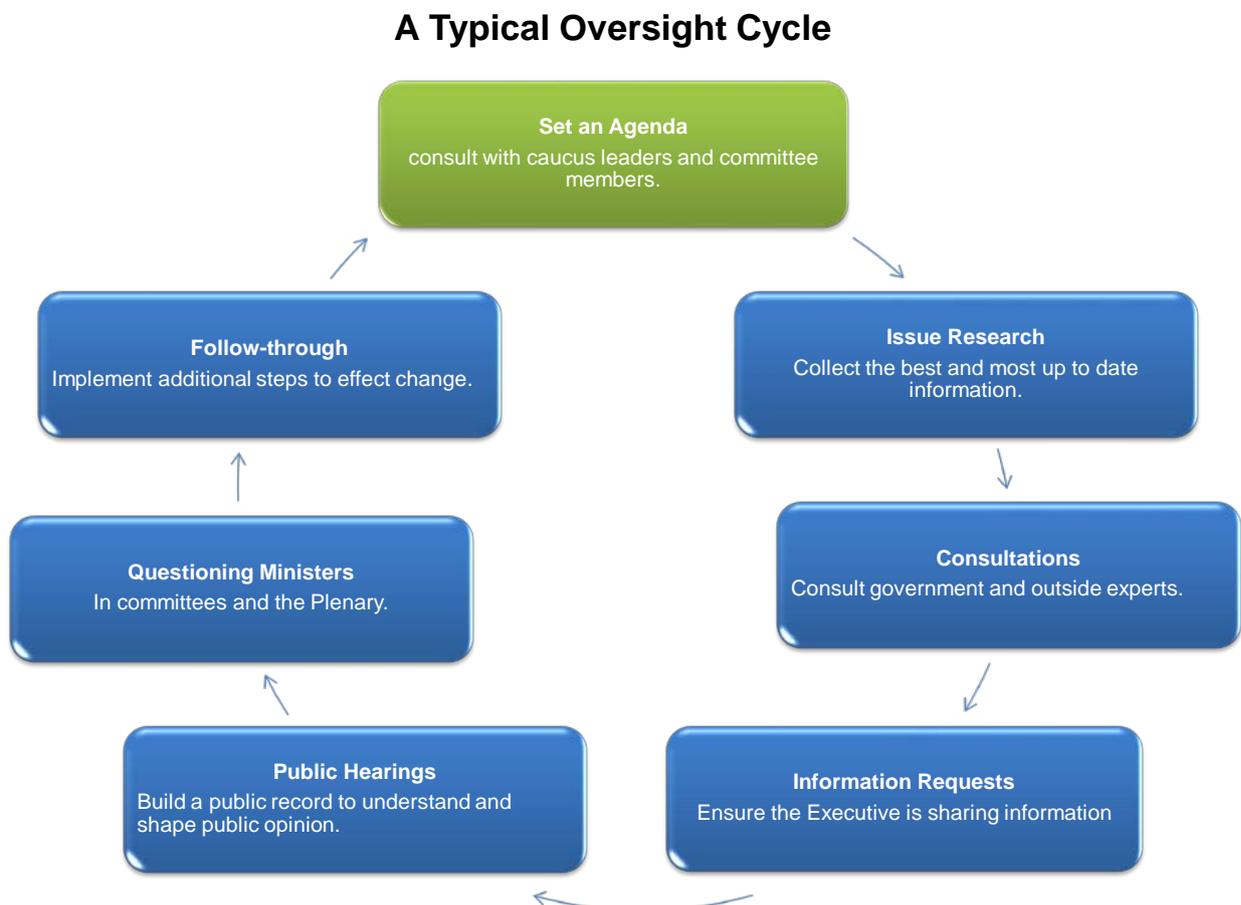
Formal Oversight is the official means by which the COR monitors and scrutinizes the policies and actions of the Executive through hearings, document requests, site visits, and public questioning of ministers. There are several stages to a typical oversight process. However, different issues may require different approaches.

Article 61.7 of the Constitution and Article 50 of the COR Rules of Procedures

These provisions mandate that Ministers and their staff have an obligation under the law to be responsive to requests from the COR.

Public scrutiny is often the quickest and most effective way to institutionalize changes in the Executive's management of government services and the execution of its duties.

A TYPICAL OVERSIGHT PROCESS



Setting an Agenda

Setting an oversight agenda is a key to staying focused during the legislative session and in helping define and communicate a Member's priorities to the electorate.

Some Members of the COR may choose to become subject-matter experts on particular issues, such as education or health care, and build their agendas around those issues. Some Members will set their agendas based on local or regional needs, such as the availability and distribution of electricity or other government-provided services. Other Members will focus on the agenda of their assigned committees.

Whatever path a Member chooses in defining an agenda, it is important to set achievable goals. Setting some short-term goals can help build a record of accomplishments, while longer-term goals may be necessary to set the government on the right path. Longer-term goals, however, may take multiple parliaments to achieve.

By the end of a Member's term, s/he will have a record of accomplishments on behalf of the Iraqi people, a record of failures, or both. In many cases, Members will be able to make progress on their agendas by strictly overseeing the Executive and by changing the Executive's policies informally. In other cases, however, Members will need to pursue legislation as a means to achieve their goals.

Most good legislative proposals will come from extensive research, consultations with stakeholders and outside experts, and exhaustive oversight of the Executive. **Oversight is a key step in developing sound legislative proposals.**

Tips for Setting an Agenda

1. Understand the needs of the electorate.
2. Take stock of available resources, including your assigned committees, outside experts including stakeholder groups, and COR support offices, such as the COR Budget Research Department.
3. Talk to Committee Chairs and your caucus leadership to get a sense of their interests for the legislative session.
4. Choose issues that interest you—if you are not solidly committed to issues included in your agenda, you will not achieve your goals.
5. Set short-term and long-term goals, and make sure that you can articulate your goals to both the media and the public.

Tips

Resources Available for MPs in Conducting Oversight

Knowledge is power and good research is a Member's best tool. Knowing as much as COR colleagues or the Executive on any given issue gives Members the ability to effectively debate issues and effect change

In general, a single MP does not have the capacity to perform a deep analysis of Government performance, particularly its efficiency, because it requires huge amounts of work - requesting documents, comparing costs, checking specifications etc. That is why there is a dedicated unit, the **Board of Supreme Audit (BSA)**, that is responsible for performing the research and reporting to the COR. The BSA is intended to be an "efficiency watchdog" on behalf of Parliament and each MP in the Parliament. BSA reports clarify for MPs that designated funds were spent in the most optimal way or not. The BSA is also an excellent source of information for Members on a wide range of topics

But even if funds were spent correctly, the best suppliers were found, and the best price to quality ratios were achieved in procurements, the voters care about results, about more real income, less unemployment, a better electricity supply and so on. For the average MP, the issue of comparison emerges: How much did the Government or a single ministry spend in previous years to provide the same service to the public? What were the promises made by the Government or ministries; and have they been kept? How much are Governments or ministries in other countries spending to provide similar services? What are the current trends in the International Commonwealth in dealing with the given challenges?

The point of contact for these questions is the **Research Directorate of Parliament**, more specifically the **Budget Research Department (BRD/BO)**, which can provide the MP with necessary information regarding every aspect of the Budget.

Committee Staff are available to advise Members on subject matter within their committee's jurisdiction. While committee staff are tasked by the Chairperson of the committee, they also have a responsibility to work with Members on their committees to advance issues of importance to an individual Member.

Caucus Staff help to set the caucus agenda and implement it. They have varied levels of expertise, but can be helpful in getting support for a Member's agenda within the caucus leadership and among the caucus membership.

Consultations

Once a Member has identified key issues and has engaged in preliminary conversations within the COR, the next step is to conduct consultations with outside experts.

Members of the Public affected by an issue are often best positioned to offer practical observations and propose solutions. Routine meetings with the public not only provide a Member with subject-matter knowledge, but also give a Member opportunities to engage with the electorate who will judge the records of Members and vote in the next election. Training and resources are available within the COR to help a Member conduct regular town hall meetings with the public.

Stakeholder Groups/Syndicates are formed to support issues and policies important to their members. They are often some of the best subject-matter experts available on issues that affect their membership.

Academics are often helpful in providing historical context and in using their knowledge to propose new solutions to old problems. A Member can engage academics in Baghdad, but there is also regional expertise that can be harnessed at universities throughout Iraq.

Civil Society Groups form to promote issues important to them and many Iraqi voters. Civil Society Groups are some of the best resources available to engage on issues affecting women and children. The Civil Society Committee has an extensive list of Civil Society Groups based on issue topics.

Formal Information and Document Requests

To enforce the COR's "right to know", document and information requests should become routine. A letter signed by a Member of the COR requesting specific information or documents is an important step in the oversight process. Ensuring the COR has all the relevant information on a topic puts the COR on equal footing with the Executive.

In some cases, the submission of an information request alone will bring about enough pressure on a Ministry to obtain the desired information. However, if a Ministry is not being responsive to a request, the Member(s) sponsoring the request for information will have to decide on the appropriate next steps.

See ANNEX 3: Example Document Request.

Article 32.5 of the COR's Rules of Procedures

Provides COR Members the right to hold inspection visits at the ministries and other governmental institutions to observe the good implementation of the laws.

Article 32.3 of the COR's Rules of Procedures

States that the COR has the right to request information and documents from any government agency regarding any subject related to public interest, rights of citizens, and the implementation or application of laws by executive agencies.

Scheduling an inspection may be the added pressure needed to force the release of the requested information, but if a ministry continues to be non-responsive, Members have the right to conduct an onsite visit.

Options to Seek Compliance with Information Requests

1. Make a document request public through the media in an effort to shame the Ministry into providing the requested information.
2. Ask the committee of jurisdiction over the Ministry to support your request in writing or through direct conversations with the Minister.
3. Notify the Ministry of your intent to call for a public hearing or public questioning of the Minister.



Public Hearings

Public hearings can be used to highlight successes and failures of government. They are a way to hold the Executive accountable to the COR and an opportunity to understand and shape public opinion on an issue. COR Committees have the right and obligation to call Ministers and other senior government officials to appear before them for questioning. The Executive has an obligation to respond to Committee requests.

Public hearings are also an important step in getting input from non-governmental stakeholders and ensuring their views are represented in the policymaking process. On any given issue, a Member or committee should try to include representatives of the general public, stakeholder groups, civil society organizations, and academics, who have been or will be affected by a policy. Inviting stakeholders and other outside experts will ensure Members have the best available information.

Including these voices can also help Members shape public opinion and the opinions of colleagues in the COR on any given issue, which will be necessary to encourage change within the Executive or make the case for passing legislation to mandate change.

Article 76.1 of the COR Rules of Procedures

Ensures the right of each committee to invite any government official with the knowledge of his/her seniors.

Article 114 of the COR Rules of Procedures

While committee sessions are generally closed, Article 114 provides committee chairs with the authority to extend invitations to experts, advisors, government officials, and the media.

A committee may also choose to include other COR Members to offer their views in an effort to harness expertise and build coalitions.

The primary venue for conducting a hearing is through the standing committees of the COR. Committees have the authority to conduct hearings in the COR and through “field hearings” offsite. “Field Hearings” are a useful tool because they physically take the Members outside the capital and into the regions, bringing them to the root of a problem in hopes of better understanding the issues involved. There are programs and resources available within the COR to help a Member learn the ins-and-outs of holding public hearings.

Conducting an Effective Hearing

1. Draft a summary of the policy issue or concern.
 - Include a timeline of events if relevant and who is impacted.
 - Generate interest among your colleagues in the COR before a hearing takes place.
2. Committees have limited time to conduct hearings.
 - Talk to the relevant committee chairperson early and often.
 - Make the case as to why your issue is deserving of the committee's attention.
3. Target outside experts who can provide credible testimony—the public, stakeholder groups, civil society organizations, and academics.
4. Brief selected media on the hearing topic and allow media coverage of the hearing. A press conference may be necessary to inform the public of the day's events.
5. Come prepared with questions for witnesses within their areas of expertise.



Questioning the Prime Minister and other Ministers

One of the easiest and most direct ways to conduct oversight is through questioning a Minister in the Council of Representatives.

Article 61.7 of the Constitution

Provides Members of the COR with the right to direct questions to the Prime Minister and the other Ministers on any subject within their specialty.

A group of 25 Members of the COR may also call the Prime Minister or any other Minister before the COR to discuss a general issue or to inquire about a policy and the performance of the Council of Ministers or one of the Ministries.

The effectiveness of questioning Ministers can be significantly increased if a Member takes the time to conduct thorough research on an issue and makes findings public prior to questioning.

See *COR Rules of Procedures Manual: Guidelines for Questioning a Minister or Other Officials* for more information.

Laying the Foundation: Adopting an Effective Budget

No single budget is enough to deal with all the challenges faced by a State, that's why one of the primary responsibilities of the Government is setting the proper priorities for spending public funds. Understanding how clearly those priorities match the actual demand from citizens, as well as the sustainable development goals of the State, is vitally important for the proper oversight of the Executive Branch. It is common in emerging democracies that Government is dealing with only some of the challenges and missing other ones. In such cases, only Parliament has a mandate to address those issues. It is always an exclusive right of Parliament to accept or deny priorities set by the Government, but it is the duty of the Executive Branch to comply with those priorities.

But proper defining of the priorities is not enough; those priorities must be fully implemented. That is why setting priorities requires setting measurable goals- it is impossible to improve what is not measurable. The performance of the Government can be evaluated by how closely the results of its work match the goals and priorities defined by its Parliament. If Parliament is to set measurable standards, the Government cannot use such broad terms for goals as: "economic growth", "reduction of unemployment", "better supply of electricity for citizens" and so on. Rather, the Government has to take direct responsibility for setting measurable goals, for example, by what rate the GDP per capita will increase during the year, or by what rate the unemployment will decrease, how many hours of uninterrupted supply of electricity will be provided, etc.

On the other hand, it is clear that the BRD/BO cannot provide information that does not exist in budget or that had not been addressed by a Governmental agency. That is why it is in the best interest of every MP, on behalf of the people they represent, to question the Government as much as possible during the first stages of budget adoption. Establishing priorities and measurable criteria are essential in the ability of MPs to properly evaluate the budget and its goals, before being asked for a final ratification of the budget following a robust and resilient process of oversight.

OVERSIGHT FOLLOW-THROUGH

The goal of oversight is to ensure the government is working effectively, equitably, and free of corruption on behalf of the Iraqi people.

The key to effective oversight is seeing it through. Writing a letter and holding a hearing alone is not oversight without follow-through. Calling in a minister for a public lecture may be politically helpful, but without follow-through it does little to benefit the Iraqi people.

Cooperative Follow-through

The most productive form of follow-through is extracting an agreement from a Minister or Ministry official on a proposed solution and then working behind the scenes to ensure that it happens.

In some cases, a committee may conduct follow-up hearings to celebrate successes along the way, but in other cases a committee may hold a public hearing to keep the Ministry on the agreed upon path.

Antagonistic Follow-through

Depending on the issue and how much public attention is focused on it, the Executive may not be willing to change course. The decision of the Executive may be based on principle, which could lead to an impasse, but sometimes the decision to stay the course is a matter of overconfidence.

Before determining next steps, a Member should attempt to find the root cause of the opposition to change—this could significantly improve the chances of success.

Options to Ensure Follow-through

Hearings: Conduct additional hearings with a goal of forcing the Executive to make policy or behavioral changes from within.

Committee Reports: Publicly issue findings through committee reports.

Press Conferences: Build the public pressure required to effect change.

Passage of Legislation: Mandate changes in the actions of the Executive. Enacting legislation can be time consuming, but it is often the most effective and definitive approach.



Reporting Requirements

Reporting Requirements are information sharing requirements placed on the Executive through passage of legislation.

Reporting requirements can differ in substance, frequency, and audience. When Members and committees consider the creation of a new program or funding for an existing program, they should also think about what information they will need in the future to measure the success or failure of a program. Requiring information sharing through legislation is a key step in protecting the COR's "right to know."

For example the COR, through legislation, could require:

1. The Minister of Oil to report on the state of oil production on a quarterly basis to the Committee on Oil, Gas, and Natural Resources and the Finance Committee.
2. The Minister of Electricity to report monthly on the distribution of services to the Committee on Labor and Services.

The more specific a reporting requirement is, the better information the COR will receive when the Executive reports.

Navigating an Impasse

At some point, the COR may encounter an impasse with the Executive where the information flow has come to a halt. Members of the COR will have to decide which other tools are at their disposal to force the hand of the Executive.

Using Constitutional tools may be necessary to extract information from the Executive or to change their behavior, but Members will need to weigh the importance of their goals with the severity of tools used to enforce compliance.

In some cases, the threat of reducing a Ministry's budget may be enough pressure to move past the impasse. In other cases, the COR may need to vote on legislation to enact budget cuts in order to make the Executive change course.

A vote of no confidence is an extreme measure and should not be taken lightly, and threatening a vote of no confidence too often could damage the credibility of the COR. Members who are able to strike the right balance will be more effective.

Article 62.2 of the Constitution

Provides the COR with the power to make changes to the Executive's proposed Budget

Article 61.8 of the Constitution

Provides the COR with the power to hold a vote of no confidence in Minister(s).

The Importance of Follow-Through

Public embarrassment of the Executive alone may be good politics, but it does little to serve the Iraqi people. COR Members were elected by the people of Iraq to represent their best interests. Effective oversight and follow-through is one of your best tools to serve the electorate and retain your seat in the COR.

All Members should familiarize themselves with the tools available to them by studying the Constitution and the COR's Rules of Procedures.



EXAMPLES OF OVERSIGHT

A TYPICAL OVERSIGHT PROCESS

Set the Agenda	<ul style="list-style-type: none"> • Understand the needs of voters through town halls and meetings with constituents • Consult local and provincial leaders • Consult caucuses and committees • Evaluate available resources to implement an agenda • Set short-term and long-term goals
Issue Research	<ul style="list-style-type: none"> • The COR Research Directorate • Committee Staff • Ministries • Publicly available data
Consultations	<ul style="list-style-type: none"> • Civil society organizations • Stakeholder groups • Academics • The Public • Relevant committee chairs and/or committee members • Other COR Members with expertise
Formal Information Request	<ul style="list-style-type: none"> • Contact Ministries in writing to gather additional information • Set deadlines for responses • Follow up until the Ministry complies with the request
Public Hearing	<ul style="list-style-type: none"> • Define the goals of a hearing • Invite witnesses or suggest appropriate witnesses to a committee • Invite the media (with concurrence of the Chairperson) • Invite the public • Prepare a briefing paper for Members who sit on the committee, including draft questions for witnesses
Follow-Through	<ul style="list-style-type: none"> • Additional Hearings • Regular meetings and/or phone calls with Ministry Officials • Supplementary document requests • Press conferences • Statements in the COR Plenary • Committee Reports

EXAMPLE OF OVERSIGHT: INDIVIDUAL MEMBER

Set the Agenda	<ul style="list-style-type: none"> • A Member visits his constituency to conduct a series of town hall meetings with constituents. • During the meetings, several constituents raise concerns with the lack of government produced electricity in their communities. • The Member informed the constituents that he will make increased electricity production a priority during his term in office.
Issue Research	<ul style="list-style-type: none"> • While still in constituency, the Member decided to consult government, provincial, and local officials on electricity production and other infrastructure projects. • Upon returning to Baghdad, the Member contacts the COR's Research Directorate. • He also reaches out to the staff of the Labor and Services Committee, of which he is not a Member, to collect available information on the state of electricity production in respective province, but also asks the staff to provide analysis on electricity rates compared to the other provinces. • The Member next turns to the COR's Budget Research Department to provide a history on government spending in the areas of electricity production and distribution. • The Member also researches public statements made by the Prime Minister and Minister of Electricity with respect to their goals for increasing and/or stabilizing electricity production and distribution.
Consultations	<ul style="list-style-type: none"> • The Member has already consulted local and provincial leaders, so he decides to find outside experts in the area of engineering. • He asks an engineering professor at Baghdad University to review the issue research and help prepare questions for the Minister of Electricity.
Formal Information Request	<ul style="list-style-type: none"> • The Member submits written questions to the Minister of Electricity with a deadline of 2 weeks for a response from the Minister. • He also sends a copy of the correspondence to the Chairperson of the Labor and Services Committee.
Public Hearing	<ul style="list-style-type: none"> • The Member meets with the Chairperson of the Labor and Services Committee to request that a hearing be held on the need for increased electricity production and distribution in his constituency. • The Chairperson informs the Member that the Committee's schedule is quite full and he is not sure when they will be able to hold the requested hearing. • The Member renews his request for a hearing at the earliest available time.
Follow-Through	<ul style="list-style-type: none"> • The Member decides to make a series of speeches in the COR Plenary to highlight his constituents' concerns. • He also schedules monthly meetings with the Ministry of Electricity to receive status updates and communicates the relevant information to his constituents through the media. • The Member follows up on a weekly basis with the Labor and Services Committee in an effort to schedule his requested hearing. • He also reaches out to other Members representing the same province to create a coalition and generate support for the issue.

EXAMPLE OF OVERSIGHT: COMMITTEE

Set the Agenda	The Education Committee includes higher education in the committee's agenda for this legislative session.
Issue Research	<p>Committee staff works with the Research Directorate to identify what additional information is needed and agree on a delineation of duties to complete work in a timely manner. They decide to look at the following issues:</p> <ul style="list-style-type: none"> • The number of student enrollments over the past 5 years. • The average cost of a 4-year college education over the past 5 years. • Federal funding for higher education over the past 5 years. • The number of students receiving degrees in Iraq compared to those being educated in other countries. • The gender breakdown of teachers and students at higher education Institutions in Iraq.
Consultations	<ul style="list-style-type: none"> • The Chair and committee staff decides to consult the President and other administrators at the University of Baghdad because of its proximity and size to hear about their progress and challenges. • They also reach out to several international organizations that have been working to increase higher education capacity in Iraq. • They also meet with several student organizations to hear their views.
Formal Information Request	In our example, the scope is very limited and a formal information request is not needed before proceeding with a hearing.
Public Hearing	<ul style="list-style-type: none"> • The Chair announces that he will hold a hearing on "The State of Higher Education in Iraq." • He has invited the Minister of Higher Education to appear and a second panel of witnesses, including a representative from a teachers syndicate, the President of Baghdad University, and the President of the Baghdad University Student Association. • The Chair has also invited the media and the public to observe the hearing.
Follow-Through	<ul style="list-style-type: none"> • During the hearing, the Chair was able extract an agreement from the Minister of Higher Education for quarterly meetings between his staff and the committee staff. • The Minister further agreed to follow up with the Chair of the Committee prior to submitting his next budget request to the Minister of Finance.

The Federal Budget

Article 62.1 of the Constitution

Requires COR approval of the Executive's proposed budget.

Article 62.2 of the Constitution

Provides the COR with the power to make changes to the Executive's proposed Budget

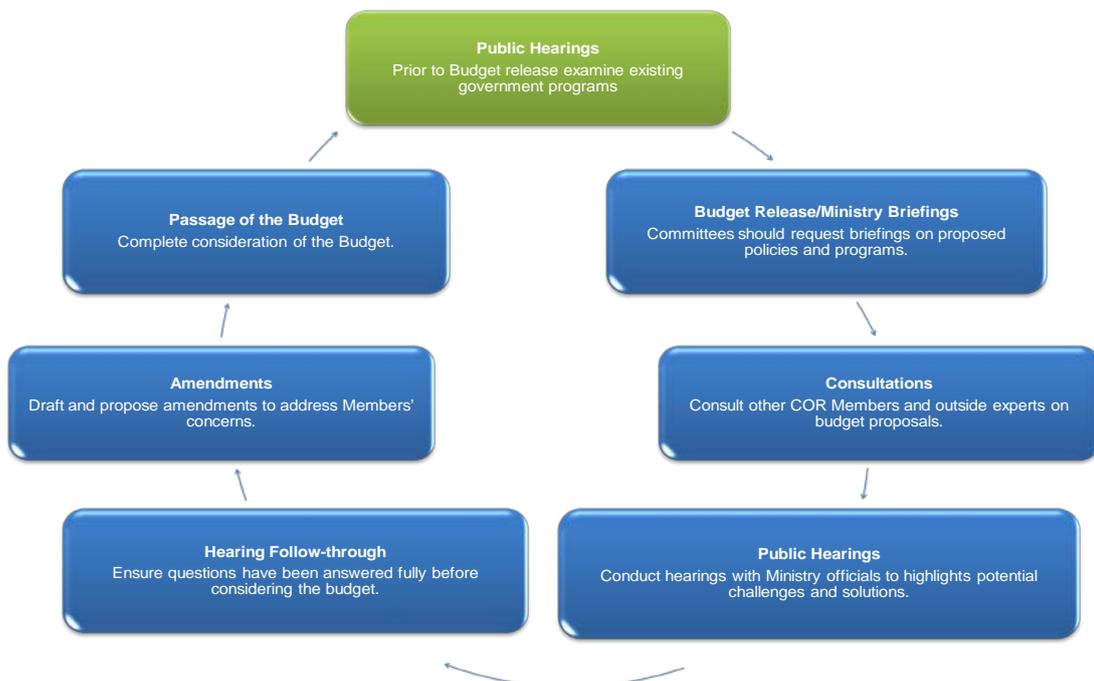
The annual consideration of the federal budget serves as a critical opportunity for committees and individual Members of the COR to conduct oversight and effect change in the Executive's policies.

The annual budget process is one time each year that a Member will be guaranteed a look at the operations of the entire Executive. Following funding patterns is one of the easiest ways to track what the government is actually doing versus what they claim to be doing.

While the COR's Finance Committee has primary jurisdiction over the proposed budget, each standing committee has the responsibility to oversee the functions of Ministries within their jurisdiction. Budget Review should be a collaborative process between COR committees. Every Member of the COR shares the right to review and propose amendments to the Executive's proposed budget.

The Financial Management Law, which all government Ministries are required to follow, includes budget and financial reporting requirements that must be delivered to the COR. These reporting requirements were designed to ensure that Members have the information they need before making decisions about the budget.

The Annual Budget Oversight Cycle



Submitting new requests for resources to compensate for past program failures is not a substitute for comprehensive oversight of existing government programs. The COR and the people of Iraq have a “right to know” whether or not government programs are performing as intended and in compliance with stated goals.

See ANNEX 4: Example Questions for New Funding Proposals for more information.

Prior to the release of the Executive’s proposed budget, committees should conduct hearings on issues important to Members of the COR to build a public record on funding challenges and priorities. This is a good opportunity to engage and solicit input from stakeholders. Committees can and should report their findings and recommendations to the full COR.

Once the proposed budget has been submitted to the COR, each standing committee should conduct hearings with the Ministers and other officials under its jurisdiction to examine the priorities of the Ministry.

In some cases, the hearings may highlight successes. In other cases, the hearings may draw attention to shortfalls within the budget. Public questioning of the Ministers is critical to a representative democracy—the electorate (the public) has a “right to know” what proposals are before the COR and the reasoning behind such proposals.

Once hearings have concluded and available information has been reviewed, Members may find that the information necessary to make an informed decision is missing. COR committees and individual Members are obligated to demand answers from the Executive before voting on the budget.

Once committees and individual Members feel they have all of the information necessary to make informed decisions, it may be necessary to draft amendments to change funding priorities within the proposed budget. Committees should report their findings and proposed amendments to the Finance Committee.

COMMITTEES

The COR has the authority to create standing committees, temporary committees, and investigation committees.

Standing Committees are traditionally tasked with overseeing the actions of ministries within their jurisdiction generally and proposing legislation.

Temporary and Investigation Committees are traditionally created with a narrow focus where results can usually be achieved in a short period of time.

Consideration of the Budget—Potential Committee Actions

Meetings with Ministers Prior to Release—this is a good opportunity for a committee chair to share the committee’s views with Ministers during the budget formulation process—informal attempt to shape the proposed budget.

Public Hearings Prior to Release—it is important to have a basic knowledge of the status of government programs prior to the consideration of a new budget. A committee can hold public hearings with stakeholder groups, civil society organizations, academics, and other outside experts to investigate issues within its jurisdiction.

Member Listening Sessions—A committee may choose to have listening sessions with members of his/her committee or the membership of the full COR to solicit their views on government funding priorities.

Public Hearings on the Executive’s Proposed Budget—this is an opportunity to directly question Ministers on their reasoning for their budget proposals and an opportunity to highlight the committee’s priorities in full view of the electorate.

Individual Members of the COR

An individual Member also has significant authority to conduct oversight of the budget on behalf of the electorate. To ensure that a Member understands the needs of the voters, he/she can conduct outreach through the COR’s Provincial Offices.

A Member can write a Minister with concerns about or suggestions on program funding levels. A Member can also request meetings with Ministers and their staff to discuss federal program funding levels.

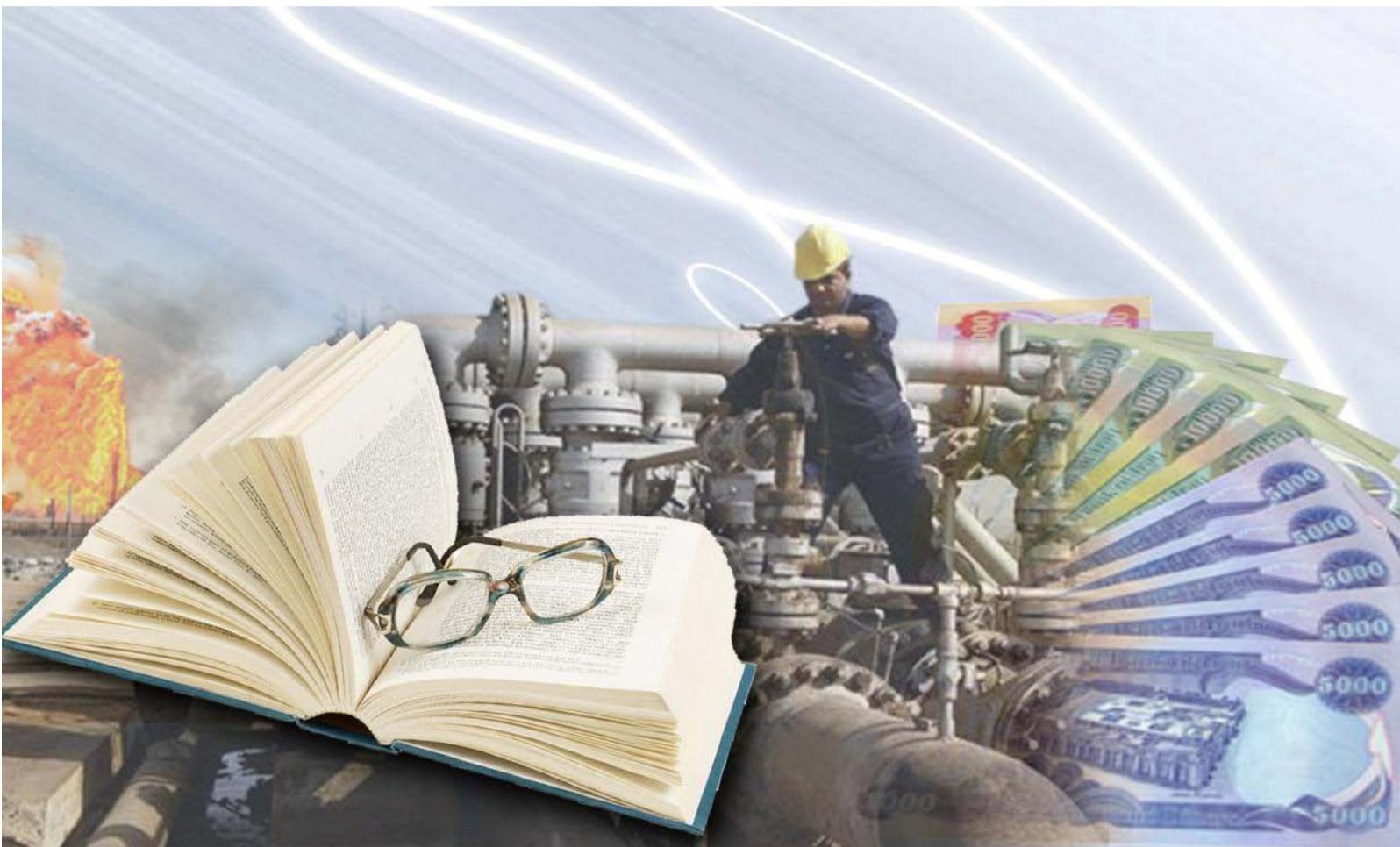
The best ally in shaping the views of a particular Ministry is the Chair of the committee with jurisdiction over the particular Ministry. If a member successfully solicits the support of a committee chair, he/she will significantly improve the chances for success.

Regardless of recommendations made by the Finance Committee, every Member of the COR has a right to offer amendments to the Executive’s Proposed Budget. While the amendment process during consideration of the budget is tightly structured, Members have the right to propose amendments transferring funds from one account to another and to propose amendments that provide for an overall increase in the budget.

If a Member chooses to contact a Ministry regarding funding priorities, it is critical that the suggestions serve the public interest. Shaping the budget to gain personally is unethical and illegal, and the electorate will see this as a betrayal of the public trust.

Tools Available to Every Member of the COR

1. Conducting research on an issue and preparing arguments, with the help of the COR Budget Research Department.
2. Writing to a Minister expressing your views.
3. Requesting meetings with Ministers and/or their staff to highlight issues of importance to you.
4. Questioning Ministers formally in the COR.
5. Soliciting the support of Committees and Committee Chairs in advocating an issue.
6. Proposing amendments to the Executive's Proposed Budget.



CONCLUSION

It is the right and responsibility of every Member of the COR to participate in the oversight process. Ensuring that the Executive is governing in the best interest of the people is the key to a successful representative democracy. Members of the COR have been elected by the people for a finite period of time to represent their views.

Members will be involved in the oversight process at varied levels and capacities, but every Member has the opportunity to define themselves and demonstrate their capabilities by showing initiative and expertise on issues important to the Iraqi people. To be effective, Members must research and investigate issues thoroughly, consult outside experts, question the actions of the Executive on a routine basis, and follow through to ensure results.

Members of the COR play a critical role in ensuring that the voice of the people is heard by serving as a check on the Executives power. Conducting thorough oversight of the Executive is a duty of the COR and its Members.



ANNEX1: EXAMPLE OF THE USE OF OVERSIGHT MECHANISMS

Confirmation of the Council of Ministers and Withdrawing Confidence

The Constitution requires that the Prime Minister's nominees to the Council of Ministers receive the approval of the COR by an absolute majority. The Constitution also provides the COR with the authority to withdraw confidence in any Minister, removing a Minister from his/her post. The ability to approve and remove Ministers is a tool that can be used to hold them accountable for implementing laws as the COR intended and fulfilling their obligations under the law.

In May 2006, through the powers granted by the newly ratified Constitution, the first Council of Ministers was approved by the Council of Representatives

In May 2009, more than 100 COR Members called for a vote of "no confidence" in the Minister of Trade. The call for action followed two days of questioning by COR Members. The Minister resigned his position before a vote of no confidence took place.

Questioning Ministers and Ministry Staff

The Constitution provides Members of the COR with the authority to directly question all Ministers, including the Prime Minister. While there are rules regarding the timing, form, and substance of questioning, a group of 25 Members may raise any issue for questioning in the COR.

Article 76.4 of the Constitution

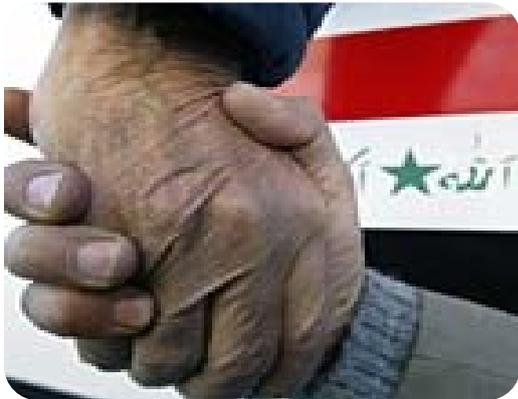
The Prime Minister-designate shall present the names of his members of the Council of Ministers and the ministerial program to the Council of Representatives. He is deemed to have gained confidence upon the approval, by an absolute majority of the Council of Representatives, of the individuals Ministers and the ministerial program.

Article 61.8.A of the Constitution

The Council of Representatives may withdraw confidence from one of the Ministers by an absolute majority and he shall be considered resigned from the date of the decision of withdrawal of confidence. A vote of no confidence in a Minister may not be held except upon his request or on the basis of a request signed by fifty members after the Minister has appeared for questioning before the Council. The Council shall not issue its decision regarding the request except after at least seven days from the date of its submission.



The COR's Rules of Procedures also provides tools that can be used to question Ministers and other government officials. Specifically, the Rules of Procedures ensure the right of the COR to request the presences of any person to give testimony on any issue being discussed by the COR, submit written questions to any Minister, and invite any government official to solicit expert opinions.



Article 61.7 of the Constitution

- A. A member of the Council of Representatives may direct questions to the Prime Minister and the Ministers on any subject within their specialty and each of them shall answer the members' questions. Only the member who has asked the question shall have the right to comment on the answer.
- B. At least twenty-five members of the Council of Representatives may raise a general issue for discussion in order to inquire about a policy and the performance of the Council of Ministers or one of the Ministries and it shall be submitted to the Speaker of the Council of Representatives, and the Prime Minister or the Ministers shall specify a date to come before the Council of Representatives to discuss it.
- C. A member of the Council of Representatives, with the agreement of twenty-five members, may direct an inquiry to the Prime Minister or the Ministers to call them to account on the issues within their authority. The debate shall not be held on the inquiry except after at least seven days from the date of submission of the inquiry.

Article 32.4 of the Rules of Procedures

The oversight function shall include the following powers:

Request the presence of any person to give a testimony or explanation over certain subjects, or deliver information about any subject being discussed by the COR.

Article 50 of the Rules of Procedures

Each Member may question members of the Presidency Council, the Prime Minister, his deputies, ministers, deputy ministers, or heads of independent commissions, and heads of offices not affiliated to a ministry or other members of the government in writing, with notification of the Presidency Commission (Speakers Council), regarding any of the matters that are within their jurisdiction, to ask about any subject the Member has no knowledge about, or to verify any event he came to know about, or to learn what the government intends to do regarding a particular issue.

Article 76.1 of the Rules of Procedures

Also, the committee shall have the right to invite any government official with the knowledge of his/her seniors, or may invite any expert or specialist who is not a member of the COR, in order to solicit their opinion.

Article 67 of the COR's Rules of Procedures

The COR has the right to interrogate the heads of independent commissions, according to the procedure of interrogating Ministers and may remove them, by an absolute majority vote.

On January 25, 2010, the COR Committee on Education held a public hearing on accreditation of Iraqi university degrees. The Minister of Higher Education, Abed Diyab Al-Ujaili, and the Deputy Minister for Scholarship, Hussain Ali, appeared before the committee to provide testimony. Members of the media and various outside experts were also present at the hearing.

Public Hearings

The Rules of Procedures provide Committee Chairman with the authority to conduct public hearings, including outside experts, members of the media, and the public.

On November 17, 2009, the Council of Representatives' Committee on Civil Society Organizations hosted the Iraqi Parliament's first open public hearing. Almost fifty people attended the event to listen to representatives of unions and syndicates discuss common challenges and concerns before the Committee. The CSO Committee conducted the hearing in preparation for legislative drafting. Along with the large audience, members of the Labor and Services Committee and Cultural Committee, State Minister of Civil Society Organizations, and media attended the event.

Information Requests and Inspection Visits

The COR's Rules of procedure ensure access to information about the Executives actions and decision making processes. The rules ensure that the COR can diligently carry out its obligations under the Constitution with respect to monitoring the performance of the Executive.

Article 114 of the COR Rules of Procedures

The sessions of the committees are closed. The sessions may not be attended except by members of the committees, other members and staff of the Council of Representatives, and experts, advisors and members of the government whom the committee may seek help from. Representatives of the press and other media may not attend the meetings of the committees unless permission is granted by their Chairs.

Article 32 of the Rules of Procedures

The COR shall exercise oversight of the Executive branch. The oversight function shall include the following powers:

Article 32.3: Request information and documents from any governmental agency regarding any subject related to public interest, rights of citizens, implementing or applying laws by the executive agencies.

Article 32.5: COR members have the right of inspection visits to the ministries and the governmental institutions to observe the good implementation of the laws.

The Federal Budget

The Constitution mandates that the Council of Ministers submit a draft budget and closing account to the COR on an annual basis. The COR has the authority to make changes to the proposed budget and the Executive must receive the COR's approval of the budget before it can be implemented. In the absence of an approved budget, Ministries automatically receive funding based on the prior year's funding levels.

In 2007, the COR successfully adopted one of the first amendments to a proposed budget when it reduced funding for the Iraqi Media fund by half after resources remained unspent in the prior year.

In 2008, the COR's Labor and Services Committee offered an amendment, later adopted, to provide additional funding to the Ministry of Electricity. These additional funds allowed the Ministry to execute two contracts to help increase electricity production.

Investigations

The COR's Rules of Procedures allow for investigations and the creation of investigative committees. This authority allows the COR to dedicate resources to investigative efforts and compels the cooperation of the Executive in investigations. Additionally, committee chairs have the authority to invite the participation of the public and the media.

Article 62 of the Constitution

62.1 : The Council of Ministers shall submit the draft general budget bill and the closing account to the Council of Representatives for approval.

62.2 : The Council of Representatives may conduct transfers between the sections and chapters of the general budget and reduce the total of its sums, and it may suggest to the Council of Ministers that they increase the total expenses, when necessary.

Article 32.2 of the COR's Rules of Procedures

Conduct investigation with any of the above officials concerning any incident the COR sees that it has a relationship with the public interest, or with the rights of citizens.

Article 82 of the COR's Rules of Procedures

The COR may form subcommittees, temporary committees and investigation committees, based on work requirements and the issues presented to it.

Article 83 of the COR's Rules of Procedures

Temporary and investigation committees shall be formed by the approval of the majority of members present in the Council, based on a suggestion submitted by the COR Presidency or by 50 Members.

Article 84 of the COR's Rules of Procedures

The Investigation Committee shall have the power to investigate the facts, related to the cases presented to it. Further, the Committee shall have the right to invite any person to hear his statement as appropriate. In addition, it shall have the right to review whatever related to the case that has been presented to it, without prejudice to the cases that have been referred to judiciary. It may seek the assistance of experts; their fees will be agreed on with the COR Presidency.

ANNEX 2: OVERSIGHT CHECK LIST

Oversight Check List

- Set an Agenda**—define several issues important to you and those you represent.
 1. _____
 2. _____
 3. _____
- Issue Research to Identify What Information is Currently Available**—have you talked to the following resources?
 - The Research Directorate, including the Budget Research Department
 - Committees—Members and Staff
 - Caucus Staff
 - Syndicates and other Stakeholder Groups
 - Civil Society Groups
 - Academic Experts
 - Local and Regional Officials
 - The Public
- Identify Missing Information and the Best Way to Highlight Your Concerns.**
 - Meetings with Ministries
 - Document and Information Requests
 - Public Hearings
 - Questioning of Ministers in the COR
- Consult Stakeholders about Problems and Solutions.**
 - Members of the Public affected by an issue
 - Interest Groups with subject-matter expertise
 - Ministry Officials
 - Academics
 - Civil Society Organizations
- Follow-through**
 - Additional Hearings
 - Meetings with Ministries
 - Proposed Legislation
 - Building a Coalition of Members in the COR

ANNEX 3: EXAMPLE DOCUMENT REQUEST

September 30, 2010

Minister of Health
Baghdad, Iraq

Dear Minister:

I write you today regarding an issue of critical importance to millions of Iraqi citizens. Specifically, I am concerned about our nation's supply of drinking water. I have heard many reports of citizens falling ill due to contamination in our water supply, and I would like to know the facts about water contamination. I hope you will work with me to help determine the current status of Iraq's drinking water supply.

Please provide information regarding the following questions by Thursday, October 14, 2010:

- 1) What analysis is being conducted to determine the safety of our nation's drinking water?
- 2) Is there a consistent testing policy within all nine Provinces? If not, please detail what is being done in each on the nine Provinces to test and ensure the quality of drinking water.
- 3) How much of Iraq's drinking water is contaminated?
- 4) How many Iraqi's are currently receiving contaminated drinking water?
- 5) Are hospitals tracking outbreaks of disease caused by contaminated drinking water? If so, please provide a breakdown of outbreaks by Province.
- 6) What is the government doing to provide alternative sources of safe drinking water for the citizens of Iraq?

Please also provide copies of the following documents:

- 1) Memorandums or directives on how to conduct testing of Iraq's drinking water, including internal documents.
- 2) Memorandums or directives that instruct staff on how to answer questions regarding drinking water contamination.
- 3) Records and copies of communications between the Ministry of Health and government, provincial, and local authorities regarding the safety of Iraq's drinking water and the governments testing practices.

I know this is an issue that you and your Ministry are working to address, and providing this information will help better inform the Council of Representatives and the public. Your timely attention to this request is appreciated. Thank you in advance for your assistances.

Sincerely,

Member of Parliament

ANNEX 4: EXAMPLE QUESTIONS FOR NEW FUNDING PROPOSALS

Example Questions for New Funding Proposals

1. What are the goals behind the proposed funding increases?
 - If several new programs are being proposed within a spending unit, what are the goals of each proposed program?
2. How will the Iraqi people benefit from the proposed funding increase/program?
3. What is the regional breakdown of benefits provided by the proposal?
4. Has the Executive set benchmarks or other metrics to ensure the proposal is implemented successfully?
5. Will the funding increase include payments to contractors?
6. Has the Executive built safeguards into proposed contracts to ensure timely delivery of services by contractors?
7. What assumptions were used to determine the amount of increased funding?
 - How many new federal employees will be hired to implement the proposal?
 - What new equipment and infrastructure requirements will be necessary?
 - Will there be any direct payments to Iraqis?
 - How many Iraqis are estimated to receive direct payments?
 - What is the proposed duration of the proposal/program?
 - What other assumptions were used to determine the proposed funding increase?
8. Are there any existing resources within funding units that could cover the cost of the proposed increase?
9. Are there any poorly performing programs within the same funding unit that could be terminated and the savings be reallocated to the new proposal?
10. Did the Executive explore any other ways of providing the same service or product being proposed through this funding increase?