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Legislative Strengthening Program

GUIDE TO THE LEGISLATIVE PROCESS IN THE IRAQI COUNCIL OF REPRESENTATIVES

July 2011

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

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GUIDE TO THE LEGISLATIVE PROCESS IN THE IRAQI COUNCIL OF REPRESENTATIVES

July 2011

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Forward

This guide is prepared by AECOM. The audience will be members, committees and staff of the Iraqi Council of Representatives. It can be circulated to Iraqi civil society organizations, academics, development practitioners, students, researchers, think tanks and donors.

This guide is now available at:

<http://www.iraqlsp.com/Guide to the Legistrative Process in the Iraqi COR.pdf>

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Executive Summary

This guide provides the reader with a broad overview of the path of legislation as it moves through the Iraqi Council of Representatives (COR), and the procedural steps that must be adhered to according to the Rules of Procedure as they currently stand as of July 2011, although amendments to the Rules of Procedure are currently pending in the COR. It is unclear what new Rules of Procedure may be adopted by the COR in the near future. This guide describes how bills originate in the Executive and Legislative Branches and the legislative drafting procedure for each entity. It illustrates the procedural moves, according to the Rules of Procedure, that legislation must undergo through the COR's legislative process as legislation is examined and reviewed for final passage. Also, it describes what authority is given to the COR to examine and pass legislation.

Iraqis elected 325 Members of Parliament in the national elections held in March, 2010. The new parliament opened on June 14, 2010 and a government was formed on November 11, 2010. The guide includes the division of roles and responsibilities provided by the Iraqi Constitution that established the principle of the separation of powers within the three branches of government: the Legislative, the Executive and the Judicial. The Iraqi Constitution mandates that the Parliament be competent to enact federal laws and monitor the powers of the Executive Authority under Article 61. This guide outlines the roles and responsibilities of the different actors and processes in the parliament according to the Rules of Procedure, including the role of entities and persons, such as the Speaker's Council, MPs, Ministers and Ministries, and the COR's Standing Committees.

In any democracy, critical examination of legislative proposals is needed. This guide provides the Rules of Procedure that must be adhered to for summoning government officials, such as Ministers, by MPs or Standing Committees in this review process. The reader will be provided with a description of how COR sessions are established, and the rules for COR Members for debate, including procedures for voting during 2nd and Final Readings. The work of Standing Committees is also outlined including how their role in the legislative process can increase public input and transparency into the legislative process. Committee reports are described as well as the influence that they can have in shaping final legislation.

The reader is provided with a brief overview of: the process for creating and drafting legislation in Iraq; the critical examination and analysis of legislation in any parliament; the considerations for oversight provided within legislation; and the points to consider when legislative revisions and amendments should be offered to a bill.

In Iraq, legislation typically originates in the Executive Branch by the Ministries and is sent to the COR for examination and possible passage. Critical steps are taken before introduction by the Executive Branch through the Shura Council that assures proposed legislation is within the principles established by the Iraq Constitution. The COR's Legal Committee also examines legislation for constitutionality and for any irregularities with existing law that may preclude a bill's introduction and consideration. There is also a mechanism for the Legislative Branch to draft and introduce legislation into the COR. This, according to the Rules of Procedure, is accomplished either by ten MPs or a COR Standing Committee. Standing Committees or MPs can also recommend amendments to legislative proposals.

The reader will become familiar with the deliberative steps necessary for consideration of bills generated by the Executive and Legislative Branches. Once a draft law is received by the COR, the Speaker's Office will refer it to the Standing Committee with the appropriate jurisdiction. The Standing Committee will put the Legislation to a First Reading, which is actually the

announcement of the bill. Legislation is then critically examined by Committee Members, legal advisors and experts. This guide also contains an overview of the work by the CORs Standing Committees. The reader will be guided through the legislative procedure for bills and how a bill is presented for a 2nd Reading; how amendments can be introduced according to the Rules of Procedure; how rules govern the discussion of bills by MPs during COR sessions; how a bill reaches Final Reading; and how a bill is voted upon during the Final Reading. As in all democracies, legislation must be signed into law. The guide accordingly reviews endorsement steps and veto possibilities by the Presidency Council.

Transparency, public input, rules of order during consideration of legislation, and critical examination is needed in all democracies in order to create laws that will benefit the nation.

Legislation and Law

Legislation

Legislation can be a single proposal for a new law or a change to existing law(s). Legislation is discussed, debated and typically has many changes before final passage into law. In Iraq, legislation is typically proposed by a Ministry, although ten MPs or a Standing Committee (the formal name for COR Committees) can propose new legislation. MPs can also recommend amendments to proposed legislation.

Law

Laws are established by a competent authority, have a clearly defined purpose and benefit, are codified and communicated to all citizens. A law can be in the form of a statute, local ordinance, ministry rules, administrative regulations or subsidiary legislation.

The Structure of the Iraqi Government

The Iraqi Constitution was ratified in October 2005 and established the principle of the separation of powers with three branches of government: the Legislative, the Executive and the Judicial. The Federal Legislative Authority resides in the COR and is composed of 325 MPs democratically elected in 2010 by the citizens of Iraq. There are a total of 317 members elected for a four year term by an optional open-list, and proportional representation system. A small number of seats (8) are reserved for minorities. The number of Member seats is directly related to the population of Iraq so all citizens can have equal representation.

The Federal Executive Authority in Iraq comprises the Chief of State (the President), the Head of Government (the Prime Minister) and the Cabinet (the Council of Ministers that are appointed by the Presidency Council), as well as the Prime Minister and Deputy Prime Ministers). The Presidency Council is composed of the President of the Republic and three Vice Presidents. The Presidency Council must make all decisions unanimously. The members of the Presidency Council are elected by a two-thirds majority in the COR. The Presidency Council has the right to veto legislation passed by the COR which may override the veto with a three-fifths supermajority. The Council of Ministers includes the Minister of each Ministry, their departments and agencies. The Shura Council, within the Ministry of Justice, examines all legislative proposals to assure a legislative proposal's constitutionality.

The Federal Judicial Authority is composed of the Higher Juridical Council, the Federal Supreme Court, The Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission and other Courts.

Authority of the Iraqi Council of Representatives to Consider and Pass Legislation

Article 61 of the Iraqi Constitution mandates that the COR be competent to enact federal laws and monitor the power of the Executive Authority. It has the power to:

- Consider draft laws proposed by the Presidency Council or Council of Ministers under Article 31.3 of the Rules of Procedure and Article 60 of the Constitution
- Consider draft laws related to the general state budget and complementary budget approving final accounts under Article 31 of the Rules of Procedure
- Approve budgets related to the judiciary, COR and COR Committees under Article 31.4 and 31.5 of the Rules of Procedure
- Consider proposed legislative laws proposed by ten Members of the Parliament or by Standing Committees under Article 31.6 of the Rules of Procedure and Article 60 of the Constitution
- Question the Prime Minister and members of the Council of Ministers under Article 32.1 of the Rules of Procedure
- Hold public hearings under Article 32, such as requesting information and documents from any governmental agency related to the public interest when it implements laws by the Executive (Article 32.3). It can under Article 32.4 request any person to give a testimony or explain subjects that the COR is considering.

Rules That Govern Parliament Sessions

Under Article 22 of the Rules of Procedure, the COR has a yearly session with two periods each being approximately 4 months in duration in accordance with Article 57 of the Iraqi Constitution. During the second session, the budget is introduced on the 10th of October and must be approved or the session period will not end (on the 31st of December).

The 1st period starts March 1st and ends June 30th

The 2nd session starts September 1st and ends December 31st

Article 58 of the Iraqi Constitution provides that a legislative session cannot extend more than 30 days. A request for an extension must be made by the President, Prime Minister, Speaker of the Council, or fifty members of the COR. In order to begin a COR session, there must be a quorum. According to Article 23 of the Rules of Procedure and Article 59 of the Iraqi Constitution, a quorum is achieved with an absolute majority of the COR members (more than half of the total COR membership “163”). If there is no quorum, the Speaker will adjourn the session for 30 minutes. In adherence to Article 24, if a quorum can still not be obtained, the Speaker will adjourn the session and announce the future date for re-convening.

Decisions are made by a simple majority according to Article 24 and Article 59 of the Constitution, and in the instances where there is a tie vote, the Speaker will have the deciding vote according to Article 23.

A quorum is achieved with absolute majority of the COR members according to Article 23 of the Rules of Procedure and Article 59 of the Constitution

Decisions are made by a simple majority under Article 24 of the Rules of Procedure and Article 59 of the Constitution. In a tie vote, the Speaker casts the deciding vote under Article 23 of the Rules of Procedure

Responsibilities of COR Entities

The Speaker's Council, under Article 37.1 of the Rules of Procedure, is responsible for organizing the agenda of sessions of the COR in coordination with Standing Committee Chairs (Article 9.1). The Speaker's Council is responsible for distributing drafts, proposals and statements to MPs and the Council of Ministers and must be done at least two days before the session. Priority is given to drafts proposed by the Executive. The Speaker's Council assigns matters for deliberation and review to the Standing Committees. The Speaker's Council, under Article 9.2, ratifies the minutes of each COR session and resolves any jurisdictional problems or disputes between Standing Committees.

The Standing Committees study and revise legislative proposals within their jurisdiction. They make recommendations about legislative proposals and help legislation move forward. As in all countries, many legislative proposals "die" in committee and do not move forward due to political reasons, lack of interest or time for revisions or that the proposal is deemed unworthy of further deliberation. COR Committees can hold public hearings to receive feedback from experts and civil society to make substantive and required revisions to legislation. Committees have the expertise of legal advisors and researchers to review legislative proposals.

Rules on the Origins of Legislative Proposals

Bills Originating from the Ministries

Under Article 31 of the Rules of Procedure, the COR considers draft laws proposed by the Executive Branch including the general and complementary budget. The COR considers allocation changes of the budget among categories and a budget for the judiciary.

Bills Originating from the COR

Under Article 31 of the Rules of Procedure, the COR can consider laws proposed by MPs and COR Standing Committees. Article 87 specifically gives every Standing Committee the right to propose laws within its jurisdiction. Article 120 gives ten members of the COR the right to propose laws to the Speaker.

Example

To: COR Speaker

Dear Sir,

In accordance with Article 120 of the COR's Rules of Procedure

It is our great honor to introduce the following proposed law

on

due to its importance on

.....

With appreciation

Proposal submitted by MP's

1.....2.....

3.....4.....

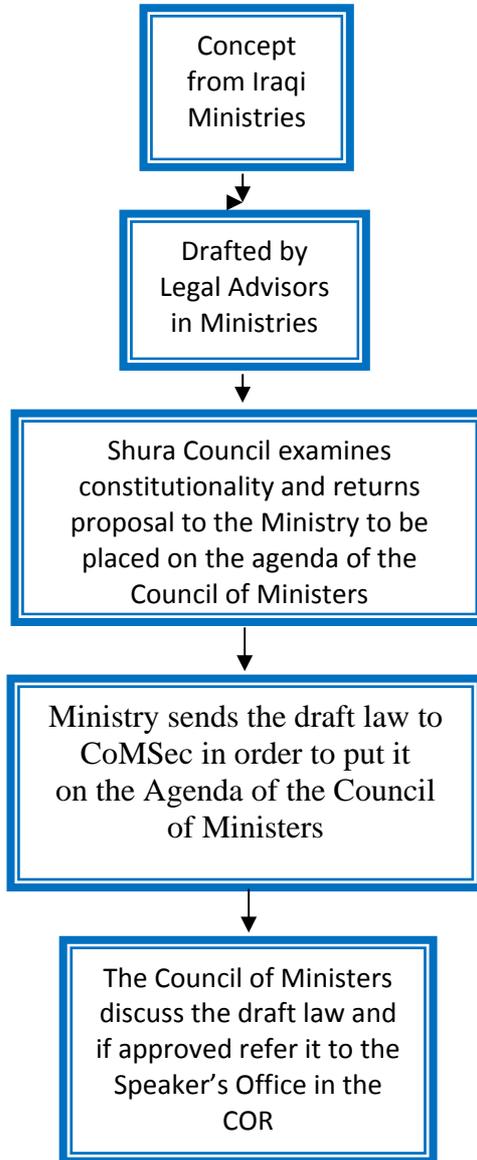
5.....6.....

7.....8.....

9.....10.....

Draft Laws from the Executive Branch (Ministries)

According to Article 31 of the Rules of Procedure, the COR considers draft laws proposed by the Presidency Council or Council of Ministers. Under Article 128, the Speaker of the Council refers the legislative proposals submitted by the Executive to the relevant Standing Committees for study and review, and to give their opinion on the proposal before submitting it to the COR for debate and discussion. The Committee Chair is present for the legislative proposal presentation and discussion at the session.



Iraqi Ministries can request the drafting of laws and revisions of current law or standing regulations. The drafting of various new laws, amendments or revisions to laws can transpire in various ways.

Ministers may propose new laws due to their oversight responsibilities on policy matters. Two or more Ministries may work together to form collaborative proposals on issues within their jurisdiction or that a number of Ministries have ultimate oversight for implementation.

Ministries may be approached by academic, legal and judicial experts, as well as business representatives, corporations or NGOs to write new legislation or to correct existing regulations that may be experiencing enforcement problems or deficiencies.

Legal Advisors

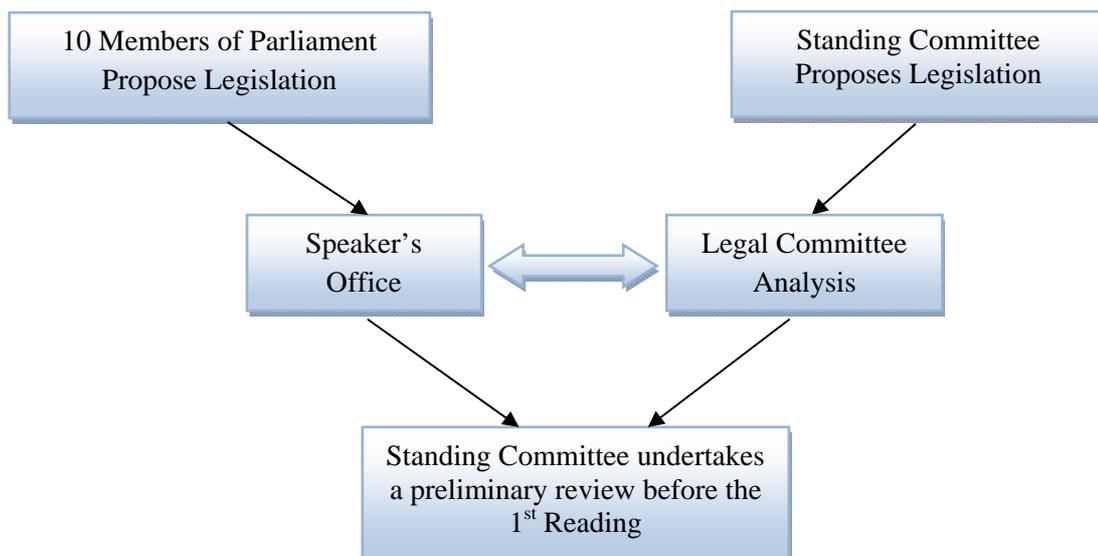
The Ministers consult with their legal advisors to write draft laws. The legal advisors may consult with various experts from the judiciary, academia, and international experts to write legislation that would be within the confines of the Constitution.

The Shura Council

The Shura Council is part of the Ministry of Justice. The Shura Council has a number of functions. It:

- Acts as an administrative court
- Examines draft primary legislation for constitutionality issues before the draft is passed to the COR
- Examines draft primary legislation to prevent contradictions of law before the draft is passed to the COR
- Examines secondary legislation issues by the various Ministries

Proposed Bills from the Legislative Branch (COR)



Ten members of the COR (under Article 120) have the right to propose laws to the Speaker, or a Standing Committee with related jurisdiction has the right to propose and introduce legislation (under Article 87).

The legislative proposal is sent to the Speaker. Under Article 121 of the Rules of Procedure, the Speaker can return the proposal to the MPs that proposed the bill if the Speaker's Council believes: it is not constitutional; violates other principles of law; does not follow the required format; or duplicates existing laws. If the Speaker returns the proposal and the MPs insist on submitting it, they must respond to the Speaker's concerns within one week under the Rules of Procedure (Article 121). If the Speaker's Council again returns the proposal to the MPs, the MPs can present the legislative proposal again to the COR after one week. The COR then votes on the proposal. The proposal is sent to the Legal Committee to assure constitutional conformity and that the proposal would not conflict with required and existing codified regulations and laws. Only then, does the legislative proposal move to a 1st Reading. After the 1st Reading, the

proposal is sent to the appropriate Standing Committee (with jurisdictional oversight) for review and study.

The Path of Legislation in the COR

The Parliamentary Affairs Directorate within the COR Secretariat assigns a number to the draft law and sends it to the Standing Committee designated by the Speaker for a preliminary examination. The bill is presented at First Reading, and if proposed by a Ministry, it must be in the presence of the executive branch official responsible for the draft law.

Standing Committees

The Standing Committees play a fundamental and crucial role. Committee meetings are scheduled by the Chair or Deputy Chair to discuss proposals and other business before all Committee Members. These meetings are closed to the public and can only be attended by members of the Committee, other MPs and COR staff, or individuals specifically invited by the Standing Committee. A specific invitation may be extended to the Minister that proposed the legislation or experts and academics well-versed in the issue. A Standing Committee must review and make recommendations on all matters that are referred by the Speaker's Council under Article 81.1.

Committee Meetings

- Committees meet as specified by the Chair or Deputy Chair under Article 75.1
- Members are invited by the Rapportuer under Article 75.1

Committee Decisions

- Decisions are made by an absolute majority of their members (Article 75.3)
- Decisions are given to Speaker's Council and signed by the Chair, Deputy Chair or member in their absence

Proceedings

- Committee minutes list the names of members present and absent, discussions and opinions offered
- In a tie, the Chair's vote wins under Article 81.2

Committee Reports

Standing Committee prepares a report on the proposed law and contains any procedures they used to study the bill. Clarifications may be requested by a Committee. A Committee can invite any government official with the knowledge of his/her superiors under Article 76.1. Under Article 71.1, a Minister can attend a formal meeting if clarification is needed on particular points in question, but only if there is agreement of a majority of Committee Members and after informing the Speaker of the COR and the Prime Minister under Article 77.2. The Minister must attend the Committee's meeting within seven days from the date of the invitation (Article 77.1). Ministers, deputies and other government officials can attend a Standing Committee meeting to receive information if there is an invitation by a majority of the Committee members. Article 78 contains provisions to obtain documents. This information can come from governmental departments and civil society organizations with due notification to the Speaker's Office.

The Standing Committee's report regarding pending legislation is due within 2-4 weeks according to Article 116 of the Rules of Procedure. If this does not occur, the Speaker can request an explanation of the reasons for the delay from the Committee Chair. The Speaker can set the time period needed by the Committee to complete their work. Committee and public

hearing reports can shape legislative revisions and amendments after studying comparative law, academic recommendations, cost-benefit analysis or civil society members. The Committee prepares its report in various ways:

Request necessary documents and information from civil society organizations (with notification to the Speaker) under Article 78 and provide justification for reaching its opinions under Article 115. Public hearings under Article 76.1 can invite experts to testify

Invite any person needed to assist the Committee in its review under Article 76.1, including Ministry reports of visits abroad under Article 118 and follow up on statements by the Ministers and make recommendations under Article 113

Public and Expert Input for Legislative Proposals

Public Input can be in the Form of:

- Public hearings and testimony by non-governmental organizations, experts, academics and members of the public under Article 76.1
- Field hearings to various areas in Iraq on issues under Article 76.1
- Town hall meetings or discussions with MP's in the regions

Public participation in the legislative process is a positive step towards an open democracy and participatory government. It signals an empowerment to the public by having a voice in , what affects their daily lives Open public hearings are formal and structured events by a Standing Committee to give official and non-governmental bodies the ability to present information and their views on pending legislation or particular issues. They allow for a transparent and open exchange of information on legislation.

Allowing for interactive dialogue by MPs, officials and non-governmental groups, increases the diversity of opinions, information on issues and input to provide the best legislative drafting and revisions for pending legislation. As Standing Committees become more proficient in holding public hearings and gain expertise in incorporating civil society's recommendations through hearings in Baghdad and the regions, necessary revisions in legislative proposals will increasingly reflect Iraqi society's specific needs and gaps in law and policy.

Rules for Submitting Questions to a Member of Government

Under Article 50 of the Rules of Procedure, at least 25 MPs can submit written questions to any member of government, including members of the Presidency Council, the Prime Minister, his deputies, ministers, their deputy ministers, and heads of commissions on any matter that is within his/her jurisdiction. This request must be submitted to the Speaker under Article 55 of the Rules of Procedure. The Prime Minister selects a date within a time table set by the Speaker for the individual, as referred to above, who has direct oversight or responsibility for the policy in question to appear. This individual will appear before the COR to answer these inquiries.

This may be the individual that either proposed the legislation, such as a Minister, or the individual with oversight responsibilities for the legislative proposal. MPs must give notice of these questions to the Speaker's Council.

The Speaker's Council lists the questions that require verbal answers in the agenda for the next possible session and at least one week after the COR has sent the written questions to the concerned government official with oversight responsibilities. The period to respond to these questions cannot exceed two weeks under Article 51 of the Rules of Procedure. Members cannot submit more than one question in any one COR session under Article 52 of the Rules of Procedure. Questions must be answered in the order that they were recorded. An MP has the right to withdraw his/her question at any time under Article 54 of the Rules of Procedure.

The Need for Amendments in Existing or Proposed Law

Laws are intended to remain in force for long periods of time but sometimes the nation's societal, budgetary, judicial, or development needs change a laws must be amended, or a new laws passed Despite this, pending legislation should be critically examined to assure a future law's longevity. Pending legislation can be amended or changed if and when it is apparent that certain provisions or language is no longer appropriate after research, discussion, review, or hearings.

Any MP can submit amendments to the concerned Standing Committee **after the 1st Reading**. Amendments must be submitted in writing no less than 24 hours **before the 2nd Reading** under Article 130 of the Rules of Procedure. Current practice for the submission of amendments is through the Committee Department of the Parliamentary Directorate. If an amendment is properly proposed and submitted to a Standing Committee and rejected by the Committee, it can be proposed again during the 2nd Reading by any MP.

If an amendment is passed despite objection from the Council of Ministers, the Members of Parliament must be told of this objection

Under Article 130 of the Rules of Procedure, if an amendment creates a financial burden, it must be submitted to the Finance Committee to obtain the opinion of the Council of Minister.

Reasons for amendments can include:

- The addition or insertion of new provisions; deleting existing provisions or refining certain legislative language. This can take the form of sections, articles, chapters, wording, numbering or punctuation
- The replacement of provisions or legislative language with other provisions entirely in the form of articles, sections, chapters or words
- The addition of words or phrases to clarify ambiguities in meanings or definitions
- The addition of words or phrases to correct contradictions in legislative text or meaning.
- In order to make a draft or proposed law consistent with current law
- To consolidate, improve and update a current law

Analysis of Legislative Proposals

There are six specific rule of law drafting principles that should be observed. Legislators should review proposals to assure these rules are maintained.

- ❖ **Constitutionality** – All proposals must be within the confines of the Iraqi Constitution
- ❖ **No retroactive application of law** – Laws should not punish past conduct that was lawful in the past. Laws must be applied from the time of their adoption
- ❖ **Standard format** – Legislative proposals should be in a standard format in line with prevailing international standards
- ❖ **Sanctions, penalties and remedies** – The penalties for not complying with a law should be clearly defined. Remedies and recourse should be identified
- ❖ **Legal certainty** – Laws should grant a limited and clearly defined authority to government officials
- ❖ **Legal integrity** – The bill proposed must fit into the larger legislative framework and not conflict, overlap or undermine other legislation in existence

A Bill's Formal Structure

As outlined previously, all legislation has a formal structure that should be adhered to when drafting legislation. These drafting rules are recognized internationally. Adhering to this structure will ultimately assist legislators to critically and systematically study the legislative proposal. A formal structure also helps legislators and individuals with future implementation and oversight to understand the bill's goals, reasons for the bill, how it should be implemented and any costs associated with implementation.

Legislative proposals should contain:

Title: The legislation may contain a short and long title. The title sets out the purpose of the bill, in general terms, and must accurately reflect its content. The short title is used mainly for citation purposes, and does not necessarily cover all aspects of the bill. The first clause of the bill normally sets out the short title.

Number: Every bill receives a number at introduction.

Summary: The summary is a general description of the bill's purpose. It consists of a clear, factual, non-partisan summary of the purpose of the bill and its main provisions.

Enacting Clause: The enacting clause is an essential part of the bill. It states the authority under which the bill will be enacted.

Interpretation Provisions: A bill may include definitions or rules of interpretation, which provide a legal definition of the key expressions used in the legislation and how those expressions apply to the ultimate implementation of the bill.

Headings: Headings contain the legislative concept or single rule that will be expounded upon in the section.

Chapter or Division: Chapters are typically numbered consecutively.

Definitions: Definitions may describe a complex concept, but typically they help to avoid vagueness in what the legislation wants to accomplish by clearly defining its scope and to avoid confusion over its meaning if it is passed into law.

Statement of Purpose

Legislation is typically accompanied by a document that explains the purpose of the legislation. This informs legislators of the reasons for the new legislation and any problems that may be associated with existing laws. COR staff can assist in the research, analysis and writing of these documents.

A statement of purpose should be within the rule of law norms and contain the following:

- ✓ A summary of the principle issues that the proposed legislation intends to address
- ✓ Reasons why the legislation is the best policy choice
- ✓ A summary of the proposed legislation's coverage
- ✓ The impact of the proposed law on existing legislation and how legislative integrity will be maintained
- ✓ Whether the proposed law is consistent with international obligations, regional issues or country needs
- ✓ Guarantees that there are resources and support within the government to ensure that the law will be implemented fairly and efficiently

Parliamentary Oversight

COR Members, Ministers and legal advisors must analyze and review legislative proposals. There are key matters that must be addressed. The most important of these include the following:

- Why the legislation was needed or necessary revisions called for in current and existing law (the legislative problem should be well defined)
- The legislation should address the problem in the best manner possible with all data and be the best solution
- The government action proposed in the legislation should be justified
- The level of government action should be appropriate. The benefits of the legislation should justify the costs

Penalties, remedies or sanctions involved must correctly interact with current law. There should be a timetable for issuing regulations and any foreseen problems addressed. Officials that need to be trained to administer the new law must be identified and education costs included in the legislation. Resources should be available to implement the law, including the enforcement costs. The compliance costs for enforcement should be included and what oversight agency will be involved for compliance oversight.

Second Reading of Legislation

The Speaker's Council places the legislative proposal on the COR agenda for a 2nd Reading after consultation with the relevant Committee Chair. A representative of the Committee reads the legislative proposal and Committee Report, including minority opinions of the Committee Members (Rules of Procedure Article 131). The COR members discuss the legislative proposal article by article and reach an agreement on amendments. Under Article 128 of the Rules of Procedure, a representative of the Ministry that submitted the draft law must be present during the COR session debate.

The Standing Committee will incorporate any changes made by the COR during the 2nd Reading and send the revised text to the Speaker's Council. The Speaker's Council sends the draft proposal to the Legal Committee (under Article 90). The Legal Committee and relevant Standing Committee that have been involved in the deliberative process send the draft legislation to the Speaker's Council to be placed on the COR's agenda for the Final Reading. (Article 136 of the Rules of Procedure). Current practice is for the Legal Committee, the particular Standing Committee that was involved with the proposal, and the Executive Authority to meet jointly to conduct a final review of the legislative drafting of the proposed law.

Rules for Discussion during Sessions

Members can speak when they are recognized (in parliamentary terms – ‘the right to speak’) by the Speaker or his designated chair of the session. They should speak only within the time limit they are recognized by the Speaker or designee. They should discuss the issue that the Speaker has recognized them for and not discuss other unrelated issues.



- ❖ Members can speak only when recognized by the Speaker or his designated chair of the session.
- ❖ They should only speak one time on an issue, for the time limit they are recognized, and on the subject matter they are recognized for, unless given permission
- ❖ Members should not discuss a subject that has already been resolved
- ❖ Members should not interrupt another member that has the floor (Only the Speaker or Session Chair can do so under the Rules of Procedure Article 44)
- ❖ Members can object by raising a point of order if it violates the Rules of Procedure or is beyond the agenda of the session
- ❖ Members can make a statement about an issue that is not on the agenda if it is related to a serious or urgent matter after receiving approval from the Speaker's Council
- ❖ Under Article 45, the Speaker can strike a statement from the minutes made by a member if the statement contradicts the Rules of Procedure
- ❖ Members should not act in a way that violates the dignity and prestige of the COR

Votes during Sessions

- ❖ There must be a quorum present to have a vote (Article 25)
- ❖ A COR quorum is an absolute majority of its members (Article 23)
- ❖ A session cannot be opened unless an absolute majority is present
- ❖ Decisions are made by a simple majority of the members present under Article 23 (half plus 1)
- ❖ If there is a tie, under Article 23 of the Rules of Procedure, the Speaker shall have casting vote

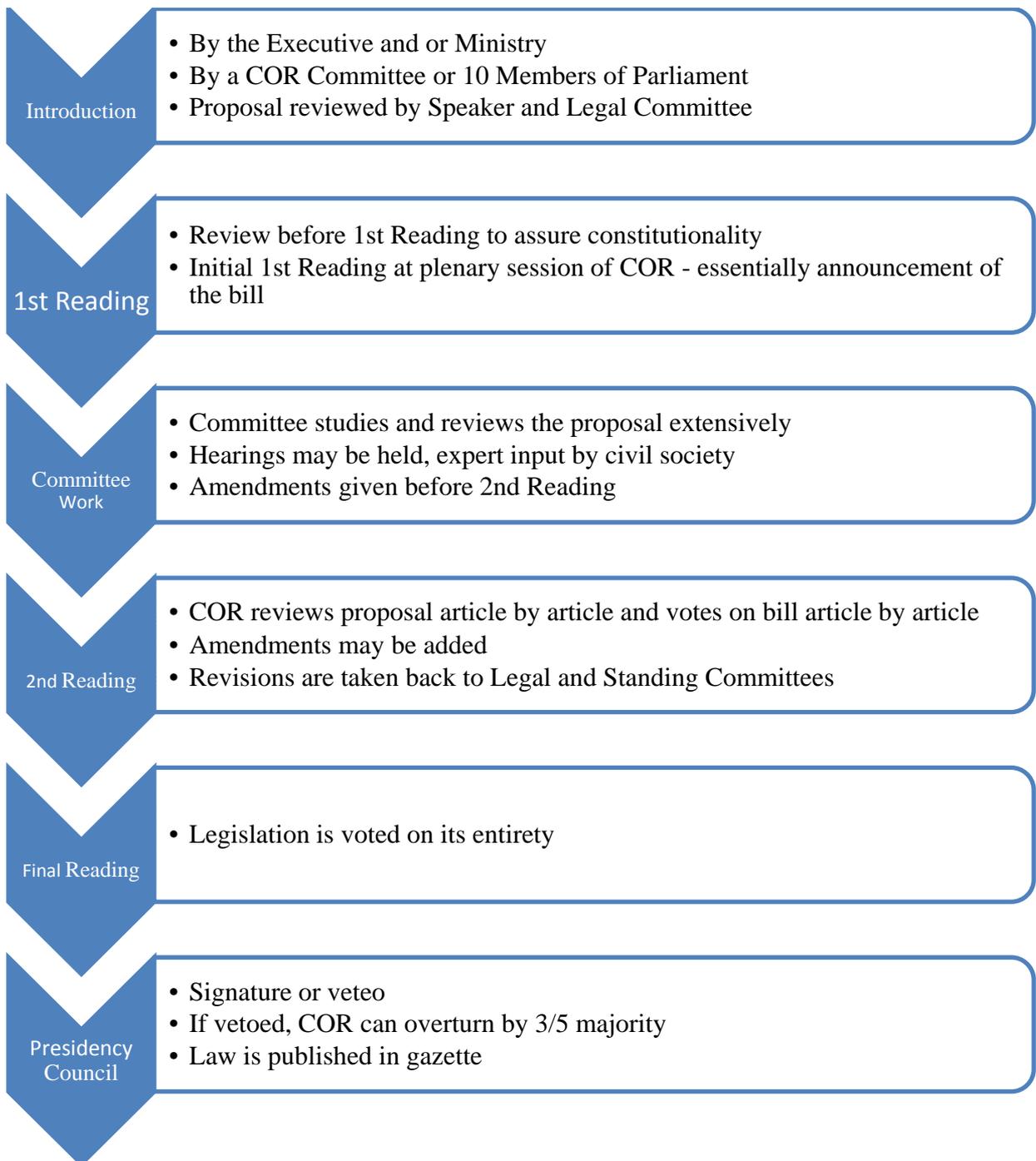
Final Reading and Endorsement by the Presidency Council

The legislative proposal is read article by article so as to permit a vote on each article in the affirmative or negative before proceeding to vote on the proposal in its entirety. Subsequently, the entire legislative proposal is voted on by the COR's MPs. If it is passed, it is sent to the Presidency Council. The Presidency Council, under Article 137, may approve or reject the law.

If the Presidency Council vetoes the draft law, it is returned to the COR (Article 137). The COR sends the vetoed law back for further study to the same Standing Committee that examined it earlier during the previous deliberative process in the COR. The Committee must again make a report on the proposal to the COR. If the COR approves the draft law by a majority vote, it is sent back to the Presidency Council for approval.

If, within 10 days, the Presidency Council again vetoes the legislative proposal, the COR can pass the law with a 3/5 majority vote of its members under Article 138.2. Once a draft law has been passed by a final vote in the Final Reading, it cannot be changed in any way without the vote of the COR.

Annex 1: Legislative Path Summary Overview



Annex 2: Useful Terms

Absolute Majority- More than half of the total COR Membership (more than 162 members)

Simple Majority – More than half of the members of the COR in attendance

Quorum – The minimum number of Members needed to convene a session (more 162 members)

Draft Law – Legislation that is submitted by the Executive Branch (Ministers)

Legislative Proposal – Legislation submitted by ten Members of Parliament of the COR or by a COR Standing Committee

Legislative Period – The two legislative terms in one calendar year

Legislative Term – One of the two four month terms within the legislative period

Executive Branch – Presidency Council (composed of the President of the Republic and three Vice Presidents), the Council of Ministers and its departments and agencies. The Shura Council is within the Ministry of Justice

Legislative Branch – The 325 Members of Parliament elected by the people of Iraq that compose the Council of Representatives.

Judicial Branch - The Higher Juridical Council, the Federal Supreme Court, The Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission and other Courts

Speaker's Council – The Speaker and two Deputy Speakers

Motion – A formal procedure to introduce a matter for consideration. A Member makes a motion after being formally recognized

Second – A formal procedure to support a motion by another person (Member of Parliament). It is necessary for a substantive motion to be seconded before it can be voted upon.

Substantive Motion – This can include motions to pass legislation, exercise Constitutional powers and Executive oversight. Legislative powers can include referring an issue to a committee to prepare a draft law, amending a bill, readings of the bill and proposing draft laws. Constitutional powers may include ratifying treaties, electing the President, withdrawing confidence in a Minister, approving the appointments of senior officials or judges or removing a member of the Speaker's Council. Executive oversight motions may be the submission of formal questions to a Minister, recommending a course of action or summoning a Minister. Substantive motions usually require written or implied notice

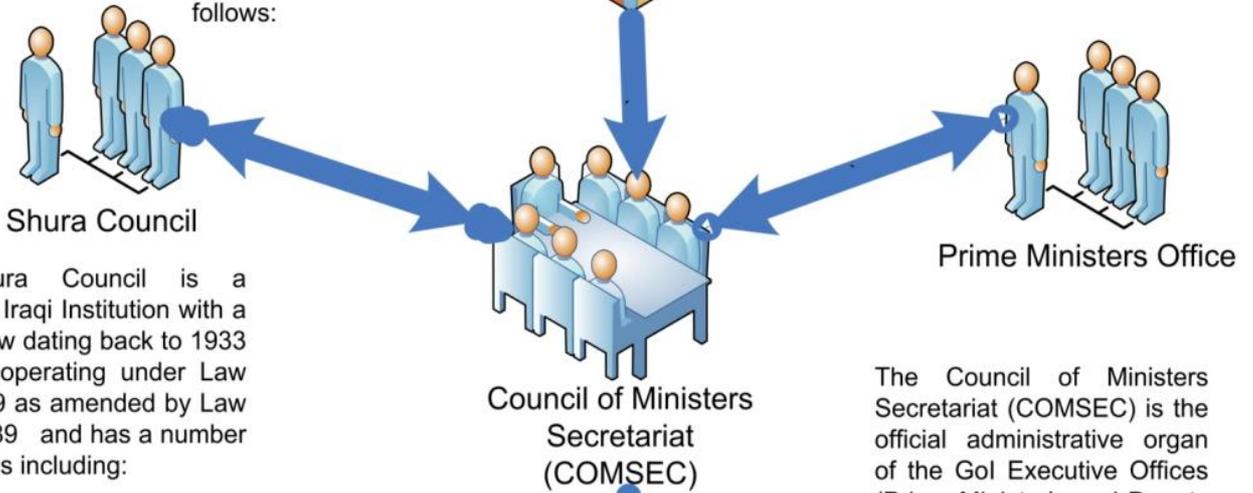
Procedural Motion – This motion determines the course of debate. It can end the debate and call for a vote; delay a vote to another time or indefinitely; limit the time for discussing an issue or before a decision is taken; define the order of speaking or business; call for a quorum count, vote or recount; adjourn a session or rescind a decision. If a motion would significantly affect procedures, this should be debated. The Speaker can reject a motion if it would result in an unreasonable restriction of discussion or debate.

Iraq GOI Flow Draft Laws

7/20/2011

Draft Laws are initiated at each individual Ministry for subsequent submission to the Council of Ministers Secretariat (COMSEC) as follows:

The **Prime Minister of Iraq** is Iraq's head of government.



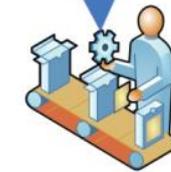
The Shura Council is a venerable Iraqi Institution with a basis in law dating back to 1933 and now operating under Law 65 of 1979 as amended by Law 106 of 1989 and has a number of functions including:

1. Acting as an administrative court;
2. Vetting of draft primary legislation to ensure constitutionality and avoid contradictions with the Iraqi legal system prior to the draft being passed to the Council of Representatives;
3. Vetting of secondary legislation issued by the various Ministries.

The Council of Ministers Secretariat (COMSEC) is the official administrative organ of the GoI Executive Offices (Prime Minister's and Deputy Prime Ministers' Offices).

It acts as the official link and channel of communication between these Offices and all GoI ministries and public agencies.

Minister of State for Parliamentary Affairs



The Ministry of State for Parliamentary Affairs is responsible for operating as the portal from the GOI to the COR through the Speakers office in conjunction with the Parliament Affairs Directorate.

The Presidency council consists of one President and two deputies, or Vice-Presidents, and the Presidency Council must make all decisions unanimously.

The Presidency Council has the right to veto legislation passed by the Council of Representatives which may override the veto with a three-fifths supermajority. The override required a two-thirds supermajority.



The Official Gazette of Iraq *العراقية الوقائع (Alwaqai Aliraqiya)* has been published since August 1922 as a means of introducing legal measures into force via publication.

According to Article 129 of the Constitution, National Laws should be published in the Official Gazette and shall take effect on the date of their publication unless stipulated otherwise.

Council of Representatives (COR)



Official Gazette

Executive Veto

Presidential Council

Iraq Legislative Flow Draft Laws

2/28/2010

