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**Firas Kadhim Hassooni**  
Lecturer, Directorate General  
of Education in Najaf Ministry  
of Education, Iraq

## The project of building a civil democratic state in Iraq after 2003

**Firas Kadhim Hassooni**

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### Abstract

The importance of the research was represented in highlighting the possibility of success through the inclusion of the development of institutions, the development of community awareness, and the economic and developmental successes. As for the second topic, it dealt with the search for alternatives in the project of building a civil democratic state in Iraq through the accompanying demands that included the emergence of political feudalism and the emergence of a new pattern of tyranny, as well as reliance on the Lebanese model in Iraq. It was a continuous effort through the maturation of the project and producing positive results. For the state-building project in Iraq.

**Keywords:** Project, civil democratic state

### Introduction

After the change that took place after the ninth of April 2003, Iraq witnessed an attempt to build a civil democratic state based on the rule of institutions and the law. Between the authorities, public rights and freedoms, and other foundations. Democracy is the rule of the people for the people or the authority of the people, meaning that the people rule themselves by themselves and are the source of the authorities in the country as they choose the governments and choose the form of government in addition to the form of the system in the state.

This building process is not easy, as all similar experiences that the world witnessed went through difficult stages. Therefore, in this research, I will address a topic under the title: (The possibility of success of the project of building a civil democratic state in Iraq after 2003). As for the future vision of this project, it will be present. By setting hypotheses for the success of the project, if a set of data is available to help it succeed, and in the event of failure, we will discuss the alternatives to this project.

### Research hypothesis

In this research we will try to verify the following hypothesis:

- The adoption of the constitution as a political and legal reference, the development of societal awareness as well as the existence of efficient political elites, all of these factors will lead to the success of the project of building a civil democratic state in Iraq after 2003.
- Confirming and strengthening the concept of a civil state collides with the dictatorial legacy and weak societal culture, as well as the failure of institutions to play the role assigned to them.

### Research Methodology

The study approach is a functional analysis approach in the future reading of the project of building a civil democratic state in Iraq after 2003.

### Research structure

This research was devoted to the future vision of the project of building a civil democratic state in Iraq after the year 2003, and it falls into two sections. It will discuss the possibility of failure by discussing the alternatives to the civil democratic state project, namely the emergence of political feudalism, the emergence of a new type of tyranny, and the adoption of the Lebanese model in Iraq, and then the conclusion, and praise be to God, Lord of the Worlds.

**Corresponding Author:**  
**Firas Kadhim Hassooni**  
Lecturer, Directorate General  
of Education in Najaf Ministry  
of Education, Iraq

**The first topic****The possibility of success of the project of building a civil democratic state in Iraq after 2003****The first requirement: the evolution of institutional performance**

The preamble to the Iraqi constitution in force for the year 2005 stipulates that the Iraqis are now willing to promote the idea of establishing a state that is governed by law <sup>[i]</sup>, and this law can only be governed by an institution that is governed by law and applies it, as we cannot imagine an institution that wants to implement it. Law, not governed by law, It is not governed by law, and what was stated in the first article of the 2005 constitution reinforced what was mentioned in the preamble to the constitution. Article (1) of the constitution stipulates that Iraq is a democratic state, and the concept of democracy is in complete harmony with the institution as a concept and mechanism of action <sup>[ii]</sup>. From the foregoing experiences of developed countries, we come to the following: Poor institutional performance was one of the problems that impeded the building of the Iraqi state after 2003, as many institutions had a role below the level required of them. Because it is weak in performance, or because it was not established at all, and one of the most prominent institutions with a weak role is the institution of the Presidency of the Republic, this important institution that we believe that if it performs its role in an effective, real, and developed manner, it will be an effective factor in the success of the project of the Iraqi experience to build a civil democratic state, The President of the Republic, according to Article (67) of the Constitution, is the head of state, and the symbol of the unity of the homeland. He represents the sovereignty of Iraq, and he ensures compliance with the constitution, and the preservation of Iraq's independence, sovereignty, unity, and territorial integrity. Here we note the following:

1. The President of the Republic is the symbol of the unity of the nation. In addition to the national anthem, the national emblem, and the national flag, there is the president as a national symbol, regardless of his affiliation or background.
2. The president represents the sovereignty of the country, and an attack on the president is an attack on the sovereignty of the state, all of its authorities and institutions.
3. The president is the one who is responsible for ensuring adherence to the constitution. The president is a supervisory authority that has an active role in protecting the constitution from violations and transgression.
4. The head of state takes care of preserving the unity of Iraq, just as the constitution, according to Article 1, is the guarantor of the unity of Iraq, so the head of state is the watchful one who preserves this unity through the protection of the constitution.

What has been mentioned above regarding the very important role of the Presidency institution is an indication of the importance of this institution, and the role that it can play to protect the Iraqi experience after 2003, and work to make it a success. It must be noted that the mandate of the President of the Republic begins with the election of Parliament, and ends with the end Parliamentary session, and the constitutional legislator equated the oversight roles of Parliament with the President of the Republic, as

Parliament monitors the performance of the executive authority and the Head of State monitors non-violation of the Constitution, and that this role, if it is promoted effectively and developed, will undoubtedly create a positive atmosphere supportive of building the Iraqi state <sup>[iii]</sup>.

Among the institutions that, if their performance develops, will have an effective role in building the Iraqi state is the Public Prosecution Institution, as the Public Prosecution Service is the conscience of society, and it is authorized to defend it if a violation occurs against it, and if the Public Prosecution Office obtains any information that shows a violation The rights of individuals individually or collectively, and move towards the protection of these rights, this will mean that the concept of citizenship has been achieved, and the concept of the institution protecting and serving the community has also been achieved, and we in Iraq are in dire need of that <sup>[iv]</sup>.

In addition, the Federal Supreme Court is one of the most important institutions that rely on developing its performance and carrying out its constitutional duties stipulated in the 2005 constitution. In a country like Iraq that has a recent experience in democracy, this experience will undoubtedly witness a clash between its institutions and ambiguity in the constitutional texts. Because of the conflict of interests between the different societal orientations emerging from a dictatorial era in which they were deprived of their legitimate rights, and in light of such an experience, the role of this important institution <sup>[v]</sup>.

In addition, important bodies characterized by independence stipulated in the Iraqi constitution of 2005 are viewed as effective and important institutions in making the Iraqi experience a success after 2003, and among the most important of these institutions is the High Commission for Human Rights; Because of its role in protecting political, social, economic, and other rights recognized by the Iraqi constitution of 2005, especially since Iraq inherited a heavy legacy of dictatorship, and one of the important institutions is also the Electoral Commission, as it is the safety valve preserving the arrival of the deserving to the helm of responsibility, whether at the level parliamentary or local elections, the Electoral Commission is the mechanism through which the people express their voice, and which preserves the right of citizens to express their votes towards their candidates. Hence, the citizen votes, knowing that his vote is respected, and that he will go wherever he wants. One of the bodies of exceptional importance is the Integrity Commission; Because of their role in preserving public money, and not wasting it, and now let us imagine that these institutions played their role, and developed their performance. Without a doubt, the return of this development will be very positive; To serve the building of the Iraqi state, and the success of its experience after 2003 <sup>[vi]</sup>. The aforementioned institutions are examples of what could happen if these and other institutions developed their performance, and how their positive role would be in building the experience of the Iraqi democratic civil state after 2003.

**The second requirement: the development of community awareness**

Article (5) of the Constitution of the Republic of Iraq for the year 2005 stipulates the following: (Sovereignty is by law, and the people are the source of authority and legitimacy.

They exercise it by direct public secret ballot and through its constitutional institutions). This constitutional text is very important; As he pointed out that the legitimacy of any authority, and its source is the people, and if the Iraqi people act according to this text, they will be the ones in control, and not become a secondary factor participating in the elections, and their role will end there.

The development of community awareness is one of the most important reasons driving the building of the democratic state of Iraq, and from this standpoint we must lay clear foundations for the development of this role, and the most important of these foundations is upbringing, successive governments, and with more people using their powers that were proven in the 2005 constitution, we will find that generations carry the seeds of democracy; And then these generations, which are the guarantees that dictatorship will not return again to Iraq (Raad Hafez Salem, p. 112) <sup>[1]</sup>. In the event that Iraqi social awareness develops, every citizen will have a role, and citizens will not only become electoral figures, but will also be effective tools to bring about change for the better, and then contribute to the success of the Iraqi state project after 2003. The best by the citizens, went through several stages, and here you do not call for cloning the experiences of others, as much as we call for reducing the time of development by reading those experiences, and benefiting from them <sup>[vii]</sup>.

The Iraqis need to find new societal commonalities, such as the concept of citizenship, coexistence, acceptance of diversity and difference, everyone's participation in the homeland, and presenting the Iraqi interest in order to create a new form of integration concepts. Under dictatorial regimes, coercion was the only way to integration, and this coercion did not lead to integration as much It led to disharmony. We in Iraq need to recall the factors of history and geography that brought Iraqis together. To develop a societal awareness that evokes the importance of cooperation to build a modern state, and to move away from all factors of societal disharmony, so the factors of history and geography are evoked. It will inevitably lead to inevitable social integration, and if these factors are not clear and clearly visible, what is important to society is the final result. (Salim Matar, 2010, pp. 87-91) <sup>[2]</sup>.

The development of societal awareness will necessarily lead to internal societal cohesion to bring about change for the better, and external to protect the state from aggression. In a developed society with a conscious culture, all classes will participate in bringing about change for the better for the state.

It is up to the elites or the beneficiaries of the existing political system, and out of awareness, everyone will be a participant and an actor, and the result of that will be a broad, influential and effective popular participation, and this is very important. (Tawfiq Al-Saif, 2010, pp. 38-42) <sup>[3]</sup>.

In addition, a society that does not give women their rights to participate and interact in society will be ineffective. In addition, caring for children and their upbringing, and preserving the independence of bodies carrying out the duties of conducting free elections, or those concerned with defending human rights, are conditions for the success of societal development that will lead to a successful and effective political system. (The Arab Renaissance Project, 2011, pp. 83-84) <sup>[4]</sup>.

A developed society is a society that will oblige its political authority to follow up on global developments and the

output of international organizations, including what the United Nations has considered basic standards for achieving sustainable development in the third millennium in which we live, and among the most prominent of these standards is the duty of every society that seeks to develop to respect them. (Ahmed Khalil Al-Husseini and others, 2010, pp. 327-353) <sup>[5]</sup>.

1. Eradicating extreme poverty and hunger, by reducing or eliminating the existence of families that fall below the poverty line. In a country like Iraq that has great financial capabilities, this is an obligatory goal, especially with the presence of very many families that fall below the poverty line.
2. Eliminating illiteracy, and requiring all members of society to obtain at least primary education. In Iraq, one-fifth of the population is illiterate, and societal development cannot be achieved without eliminating illiteracy.

There is no doubt that societal development will lead to the production of an authentic culture specific to society, not an imported culture. Because awareness will be public and everyone will participate, and the language of communication is civilized, far from violence and belittling the other. And try to drive him away. All this will lead to the consolidation of the concept of a civil state (Muhammad Jawad Abu Al-Qasimi, 2008, p. 184) <sup>[6]</sup>. In a developed society, there will be a developed and competent politician, and an effective institution that is not linked to the person of its president, and as it came in the honorable hadith: (as you are, you will be charged) (Al-Muttaqi al-Hindi, p. 89) <sup>[7]</sup>, so we in Iraq need a societal development whose results will be an educated and competent politician, with the ability to bring about change <sup>[viii]</sup>.

Societal development is the capital of the success of countries. In a society with advanced performance, it will be developed, and the system of community relations will be based on mutual trust. Highlighting those customs and traditions that have a positive impact is important in this capital. In such a developed society, the individual will be important. But not at the expense of the group, as the group will have an active role in preventing the crushing of the individual and eliminating his privacy, and we in Iraq are the most likely to have such a societal approach between the individual and the group. (Samir Makdisi and others, 2011, pp. 175-176) <sup>[8]</sup>.

Societal development needs standards that society must measure against to show the extent of its development, and what it needs from the support of the authority to ensure the success of the development process. Finding these standards and maintaining them requires an awareness that evolves with time, and one of the most important criteria for development for my community is a long life for the population within a standard of living. decent, with an education and knowledge, and they also need freedom, human rights, and human dignity (Basil Bustani, 2009, p. 64) <sup>[9]</sup>. Among the most prominent things that impede societal development is the weak role of women, as women are still unable to enter the joints of the political process without involving them through the quota, and any society that does not give women their rights cannot be called a developed society, and the issue of women is a model for other issues that hinder development. Societal, and in order to address these issues, we need an integrated solution map

that begins first with knowing the problem and recognizing it, and then providing the appropriate environment for a solution politically and legally, and then adopting a set of legislation to solve these issues, and in order to ensure the implementation of these legislations, updated data must be available continuously to know what Whether or not an evolution occurred <sup>[ix]</sup>.

Societal development is not an option, but rather a necessity, especially in a society like the Iraqi society that has suffered for many years from wars and dictatorship. Therefore, the law alone is not sufficient for reform and development, but in addition to that, there must be a conscious societal thought that facilitates the application of the law, and this is an important factor in building the Iraqi state after 2003 <sup>[x]</sup>.

That a civilized society with effective awareness, capable of containing internal and external crises away from the language of emotions, and reactions is a society qualified to build a democratic state, in which power is transferred peacefully, and in the light of such a society constitutional concepts, human rights, and other manifestations of a democratic state civil grow. (Al-Sawaf, Muhammad Hamid, 2009, p. 6-5) <sup>[10]</sup>.

Iraq has suffered for decades, since the founding of its state in 1920, and even after the overthrow of Saddam Hussein's regime in 2003, from a culture of violence, a culture that has become entrenched in Iraqi society due to several factors. Therefore, Iraq and its society need a culture of tolerance instead of a culture of violence, and in order to achieve this, and to build a state that has a different methodology from its predecessors before 2003, we need to address the policies of the previous dictatorial regimes, and cancel some of the policies of the occupation despite its end, as some of these policies had a negative role in Building the Iraqi society and the Iraqi state properly after 4/9/2003, and we also need to stop the interference of neighboring countries and the region, and to a different political discourse based on the principles of civil democratic states, and this can only be achieved in a developed and conscious society capable of bringing about this change <sup>[xi]</sup>.

Iraq and its society have lived through years of dictatorship with all the accompanying policies of ignorance and impoverishment, and these policies have negative effects on Iraqi society, so that Iraqis have become at the forefront of the peoples of the world in frustration and negativity in their lives, as many Iraqis suffer from feelings of anger, psychological tension, anxiety, and sadness, and physical pain. We need to change this image, as these are characteristics of any society that cannot be auxiliary factors for building a civil democratic state. Therefore, the Iraqi society needs to diagnose its problems and work to solve them with courage and boldness. To advance the societal role that is indispensable in building its modern state <sup>[xii]</sup>.

### **The third requirement: economic and developmental successes**

The Arab Gulf states do not possess any of the elements of democratic systems. In fact, sometimes there are not even three authorities, even if they are not separate from each other. But what makes the Gulf states politically stable is the existence of a large financial surplus and a large income for the citizens of the peoples of those countries. So, based on this equation, Iraq can achieve great success in its experiment to build a civil democratic state if we know that Iraq is one of the rich countries in the world, and one of the

most important reasons for this wealth is the oil that Iraq possesses. Existing resources, if exploited successfully, will be one of the most important factors in the success of the Iraqi experience after 2003 <sup>[xiii]</sup>. 2003. The oil revenues obtained by Iraq were clearly reflected in the increase in the amounts of financial budgets for Iraq, which exceeded (100) billion dollars <sup>[xiv]</sup>.

However, an important percentage of these resources goes to infrastructure reconstruction projects, or to pay Iraq's debts. As a result of Iraq's occupation of Kuwait, or often times marred by financial and administrative corruption; Therefore, it is possible to benefit from the experiences of other countries in the field of direct distribution of part of the oil revenues to the Iraqis. This makes the Iraqis who were deprived of the blessing of benefiting from oil feel that the change that took place after 2003 brought positive results to the reality of their lives, and makes the pillars of the existing state after 2003 more solid and stable. Then the whole experiment will work <sup>(xv)</sup>. The huge imports that Iraq obtains from the revenues from the sale of oil, if they are reflected positively on Iraqi citizens through the provision of health, educational, social security, and other services) will have a definite and clear impact on the success of the experience in which Iraq is living after 2003, but until In 2013, Iraqis are still suffering from poor services provided to them. This was reflected in their belief in the experience of building a civil democratic state, but this can be completely reversed if the Iraqis get good services commensurate with the high and annually increasing oil revenues. (Al-Sabri Zayer Al-Saadi, 2008, p. 63) <sup>[11]</sup>.

The Iraqi constitution of 2005 stipulates that Islam is the main source of legislation, and since Islam emphasizes the issue of sponsoring orphans, the incapacitated, the need for education, and other issues of a moral and social nature that lead to the creation of a stable and cohesive society; Therefore, Iraq can benefit from its large financial resources in creating a harmonious form.

between the democratic state and the modern economy based on achieving social justice for Iraqi citizens, and it is possible to benefit from the experiences of countries that have a history of making the most of the concepts of modern economy without taking the American-British capitalist model, or what is known as savage capitalism that categorically rejects state intervention even in aspects of social dimensions (Hadi Hassan, 2006, pp. 329-354) <sup>[12]</sup>.

The injustice that Iraqis suffered as a result of the rule of the dictatorial regimes of Iraq before 2003 can be mitigated through the fair distribution of resources to all Iraqi citizens. These resources will reflect positively on all components of Iraqi society. Which destroys the boundaries between the merging of these components and their fusion in the crucible of Iraq in its capacity as the giver as a state for all Iraqis, especially since the Iraqi constitution has set important criteria for distributing wealth to Iraqis, which can be summed up as follows:

1. Oil and gas are the property of all Iraqis, regardless of race, religion, sect, nationality, or the location of oil and gas in one province and not another. <sup>(xvi)</sup>
2. Revenues collected for the Iraqi treasury are distributed fairly among the governorates and regions, according to population distribution and the percentage of disadvantaged areas that were previously deprived of development <sup>[xvii]</sup>.

Iraq's success in optimally exploiting its imports will make Iraq a country away from external pressures exerted on countries in need of subsidies and debt. Because his revenues suffice him, and thus his decision becomes independent, and more expressive of the orientations of Iraqi society, and this is what consolidates the experience of the Iraqi state after 2003. (Journal of International Studies, 2007, pp. 105-120) <sup>[13]</sup>.

The available resources of Iraq can contribute to consolidating the pillars of its existing political system after 2003, in addition to that it will definitely contribute to rebuilding the Iraqi person culturally or intellectually, and making him more capable of absorbing the changes taking place in the world. Iraq, in addition to its financial resources, has potential Great human resources, with an impact on the scientific and academic level, and the effective exploitation of the human factor will contribute to the process of producing the aware, working, competent, and specialized citizen; Hence, this will be reflected in the form of the ruling political system resulting from the awareness of the citizen. So there is the human wealth in addition to the financial wealth that can make a real difference in building the Iraqi state of a civil and democratic character. (Abdul Moneim Al-Sayed Ali, 2006, pp.75-98) <sup>[14]</sup>.

With the overthrow of the ruling dictatorial regime in Iraq before 2003, accumulations from the stages of exclusion, marginalization, and the approaches of the ruling authority at that time to abolish the Iraqi societal diversity appeared to the public. Mechanisms for restoring cohesion, but we also need an economic vision that is an essential factor in social cohesion, as recent scientific studies have clearly linked the concepts of ethnic diversity and economic growth. Which inevitably leads to a more powerful and entrenched state. (Journal of Economic Studies, 2007, pp. 47-57) <sup>[15]</sup>.

Achieving great economic and developmental achievements undoubtedly requires the disbursement of huge sums of money. In a country such as Iraq, it suffered from the absence of oversight for many years before 2003, and lacked well-established institutions in combating corruption even after 2003; Therefore, we need more efforts to control and monitor the disbursement of these funds. To give a successful model for a country that respects its citizens and preserves their rights <sup>[xviii]</sup>, Iraq, with its societal diversity, does not constitute an unfamiliar phenomenon in the world, as many countries of the world have great societal diversity, and these countries have been able, through economic development, to melt all this diversity into the crucible of the state, and diversity has become a factor of strength rather than a factor of weakness, and experience Malaysia is one of the successful global models, as the races and religions in Malaysia are diverse, but its economic model is based on respecting all societal components, considering them as active elements in economic development, and securing the elements of balanced growth for all sectors. Reducing societal inequality economically, developing creative human resources, working on the principle of national integration, and adopting scientific methods in economic development. This model was very successful in raising the status of the Malaysian state with all its societal components, and Iraq can benefit from this successful model. (Nawal Abdel Moneim Bayoumi, 2011) <sup>[16]</sup>.

Singapore is another success story that Iraq can benefit

from. On August 9, 1965, after a series of turmoil, Singapore declared its independence from Malaysia. Singapore, which was considered by Malaysia to be a burden due to its economic and social problems, became within three decades one of the best developed and civilized countries in the world. Singapore is a multi-ethnic country where people of Chinese, Japanese, Maoist, and different religions, Muslims, Buddhists, and Christians mix. This disease-ridden island has become a country where the income of individuals is among the highest in the world, and the economy has helped to build a country, and in Iraq the economic experiment can succeed in building a modern country <sup>[xix]</sup>.

India is also one of the most successful stories in the world, as India became independent in 1947, but today it is one of the best growing global economies, as the size of the middle class in India is more than (250) million people, and the population explosion in India has declined from (2%) to (1.7), which led to an increase in per capita income from the gross domestic product from 1178 dollars in 1980 to 3051 dollars in 2006, and Indian exports increased from only 100 million dollars in 1990 to 100 billion dollars. In 2007, India is a success story, as it is one of the third world countries, and it lives in a great community diversity, and its population.

They exceeded a billion people, but it succeeded in providing the world with a role model, and we in Iraq, if we succeed economically, can be a model for other countries in the world. What has been mentioned above from the models of these countries and others is an indication of the possibility of the economy achieving successes for the state and society alike, as the economic success of the state helps to put it on the world map in terms of strength and influence, and economically successful societies are cohesive societies, looking for commonalities and factors of strength, And we in Iraq are in dire need to search for the factors of strength and commonalities. For the success of building the experience of the civil democratic Iraqi state after 2003 <sup>[xx]</sup>.

## **The second topic**

### **Alternatives to the project of building a civil democratic state in Iraq**

#### **The first requirement: the emergence of political feudalism**

The Iraqi political experience, since the formation of the Governing Council, has relied on the principle of sectarian and national quotas, and many politicians have talked about the quota stage being a transitional stage, which will be passed once the pillars of the Iraqi state are established and its institutions developed, but this has not been done on the ground, and since sectarian and national quotas It is the appropriate environment for political feudalism, since state positions are now distributed on the basis that they are entitlements of the allocating parties, not responsibilities entailing obligations. The possibility of the concentration of the principle of (political feudalism) is possible and strongly in light of the Iraqi situation. This possibility has evidences that we will try to discuss in this demand, the most important of which are: the misunderstanding of the concept of federalism, and the Constitution of the Republic of Iraq for the year 2005 stipulated the principle of federalism as a basis for the administration of the Iraqi state after 2003, so it came in Article (1) of the constitution what reads: (The

Republic of Iraq is a federal state.)<sup>[xxi]</sup>

The constitution also granted the regions and governorates that are not organized in a region wide powers, so that the powers of the federal government were limited to nine specializations, in addition to seven common specializations between the federal authorities and the authorities of the regions, and as for all other specializations, they are the prerogatives of the regions and governorates that are not organized in a region, and even those common specializations The law of the region shall have priority if it conflicts with the federal law issued in its regard.<sup>[xxii]</sup>

What is remarkable, however, is that the procedures for forming regions have been tolerated to the extreme. Despite the fact that the powers of the regions are wide, and they need administrative grounds and economic competence to carry out their responsibilities, the Executive Procedures Law for the formation of regions No. (13) of 2008 came with very easy procedures. To form the regions at a time when the pillars of the Iraqi political system are still unstable, and the experience of the Kurdistan region, although it has many positives, is still suffering from many strained relations with the federal government; There are two ways to form a region. The first is a request submitted by a third of the members of the provincial council that intends to turn into a region. Second: a request submitted by one-tenth of the voters in each province that wants to turn into a region<sup>[xxiii]</sup>.

Law No. (13) of 2008 regarding executive procedures for the formation of regions has pushed the relationship between some provinces and the federal government to tension. The two governorate councils (Salah al-Din and Diyala) voted in favor of forming regions, while the federal government refused to do so, considering that the formation of regions In light of the current conditions in Iraq, it will lead to division. The claims of the provinces wishing to form regions revolved around the powers granted to them, and the exclusivity in making decisions, especially those of a security nature by the federal government, in addition to other dimensions of sectarian sameness such as the marginalization of the population of those provinces (most of them of Iraqi Sunni Arabs). Unfortunately, it can be said: Many of the political decision makers in Iraq view what they own as a political fiefdom, and this is what makes thinking about the regions as close as possible to division in light of what Iraq is experiencing today<sup>[xxiv]</sup>.

The issue of fear of political feudalism appeared clearly when the Kurdistan Region of Iraq announced the cessation of pumping oil extracted from the oil fields in the region, which are exported through national export pipelines. On whether the federal government or the regional government, and although the general federal budget law obligated the Kurdistan region to export (150) thousand barrels per day, the region stopped exporting oil for about (4) months, and although oil and gas belong to all the Iraqi people According to Article (111) of the Constitution, and despite this constitutional provision, the political will has taken control of the. Extremely dangerous<sup>[xxv]</sup>.

The model of the relationship between the federal Iraqi government and the Kurdistan Regional Government is not a positive model, and it does not help to think that federalism, if applied in Iraq, will be positive and have a good effect on the level of the Iraqi general situation, as the Kurdistan Regional Government behaves suspiciously in matters related to With armaments, foreign relations, and

international land border crossings or airports, although these specializations are among the exclusive competences of the federal government, and this is what generates concern that the Iraqi situation based on quotas of both national and sectarian nature to form political fiefdoms through the dress of regions<sup>[xxvi]</sup>.

What Iraq experienced after 9/4/2003 through what was known as consensual democracy was considered a suitable environment for the concentration of the principle of political feudalism, whereby a group, sect, nationality, party, or sometimes even a person controls a joint of the state, considering it a share produced by political consensus.; The state has become a cover for factionalism, and this entails the presence of followers whose competence does not matter in choosing them, as far as the existence of loyalty or not. (Hussein Darwish Al-Adly).

Many political analysts have diagnosed the phenomenon of political and administrative feudalism in Iraq, and even some of the most important officials of the Iraqi state have diagnosed this issue as well. The Iraqi is a distorted system that has no known form, and what has increased its distortion is what he called (administrative fiefdoms), such as ministries and others, and these fiefdoms are supported by everyone; Because of the attempt to please everyone and include them in the circle of consensus, the second government of (Nuri al-Maliki) came, and the problem was in 2010 with (43) ministerial positions<sup>[xxvii]</sup>.

The most dangerous manifestation of political feudalism in Iraq is the principle of political succession, as this issue has become a substitute for choosing the best to hold positions, and this is what Iraq never needs<sup>[xxviii]</sup>.

### **The second requirement: the emergence of a new type of tyranny**

It is not easy for a country that has lived under dictatorship for more than five decades since 1958, to witness a smooth transition towards democracy and the state of institutions, and the possibility of the emergence of a new type of tyranny. For it to be the alternative to the civil democratic state in Iraq after 2003 is expected, especially with the existence of political feudalism, which can be the best environment for the emergence of political tyranny in particular, but the concept of tyranny must first be clarified. To Montesquieu he mentioned despotism as another form of government, in addition to republican and monarchical government. (Khadr, Dolla, 1995)<sup>[18]</sup>.

Here, an important question arises about the possibility of the return of tyranny to Iraq under its existing political system after 2003. The Constitution of the Republic of Iraq for the year 2005 approved the principle of separation of powers as a guarantee of the non-dominance of one authority over another, and the possibility of the return of tyranny in any form<sup>[xxix]</sup>.

The constitution also established the principle of nominating the executive and judicial authorities for those with special degrees in the Iraqi state, and the approval or rejection of this nomination by the legislative authority. In an attempt not to give one authority the powers of nomination and approval at the same time; to prevent the return of tyranny<sup>[xxx]</sup>.

All of the aforementioned articles contained in the constitution, from which I want to consolidate the pillars of a democratic state, and prevent the possibility of a return to tyranny, or the emergence of new forms of it, all of these

articles are not sufficient to reassure all Iraqis that a party, party, entity, or component will not tyrannize power., or opinion, or institutions at the expense of others, as many of the practical applications of the articles of the constitution are seen by the parties as tyranny for a special understanding of these articles, and one of the most controversial issues is the powers of the Prime Minister according to the 2005 constitution, as many accuse the current Prime Minister (Nuri al-Maliki) of tyranny with opinion and decision-making And the prime minister replies that he is starting from the constitution, accusing others of obstructing the constitution, or trying to do so, and that their understanding of the constitution is wrong <sup>[xxxii]</sup>

But others argue that the prime minister's attempt to strengthen his constitutional powers is not considered a form of dictatorship, and if Iraq is currently facing a set of problems, then dictatorship is undoubtedly not among them, and among those who hold this view is (Michael Rubin), an American expert working at the American Institute for Research Public policy. In an article he published in this regard, Rubin argues that, after the withdrawal of foreign forces from Iraq at the end of 2011, Al-Maliki is trying to regain the initiative and find solutions to the intractable problems in Iraq that were exacerbated by the quota system and consensualism that shackled the political process in Iraq since the establishment of the Governing Council., and even the formation of the second al-Maliki government <sup>[xxxiii]</sup>.

Fears about the return of tyranny or the emergence of a new form of it exist, and it is not specific to a position where power is exercised in Iraq and in all its federal and local authorities are represented. They are elected, but they are often isolated from their electoral bases, and decisions in the positions they assume are often taken based on narrow partisan and factional consensus. The great popular discontent with the ruling political class, whether at the level of the legislative or executive branches, is clear and obvious. (Latif Al-Qassab).

The separation between the decision-makers and the electoral forces that brought them to power in part of it is the responsibility of the people. When the people do not have an audible voice, do not expect an elite that lived under the shadow of dictatorship to be responsive to the desires and aspirations of the people, and with the weakness of popular control exercised by Iraqis over decision-makers, the emergence of tyrants is undoubtedly possible, especially with the weakness of the role of oversight institutions such as parliament the Presidency of the Republic, and so on. (Salem Boulos Ibrahim, 2012) <sup>[20]</sup>.

History says that tyranny, at the height of its strength, may be closer to collapse than at any time.

And Iraq could be living in this situation, but the question arises: How will it respond action on the state of political tyranny that Iraq can live in if tyranny appears, and becomes clear, active, and ruling. The second is the conservative revolution that was led by some elites and led to fascism or Nazism, even if it came a century later than the bourgeoisie. The third form was the revolution of the hungry, or the peasantry, which ended with communism. (Barrington Moore, 2008, pp.473-474) <sup>[21]</sup>.

Iraq is no exception to its Arab surroundings, which witnessed and still is a popular movement rejecting the dictatorial regimes that have ruled, and some of them are still ruling for decades, some of which ended in success, such as what happened in Tunisia, Egypt and Libya, but

these change movements that Iraq witnessed through foreign intervention, or through revolutions Popularity, as happened in Egypt and Tunisia, had no precursors, that is, there was no clear vision for change, and where it would go. Societal awareness did not reach the level of understanding the problems at the level of building the state, and developing effective solutions for them. Yes. the claims were in the field of improving societal conditions, and linking the bad conditions of these conditions to the tyrannical, dictatorial ruling regimes, but the fact of the matter is that these regimes were nothing but a natural offspring of unconscious societies, that do not have the ability to influence the regimes that ruled them, and the evidence for that is that the regimes which was overthrown by what was known as the (Arab Spring) and ruled for decades; Therefore, what Iraq is experiencing today is a project of governance, not a project of a state, and the difference between the two is very large, and unless we resolve our issue towards building the state, the project demanding governance will succeed, and in the end we will see Iraq ruled by tyrants. (Khaled Jassem Al-Saadoun).

The possibility of the emergence of a new type of tyranny exists for it, especially in light of fragile democracies as is the case with Iraq, as there is no economic, social, or cultural environment to embrace the democratic newborn, with an overwhelming popular desire to bring about rapid social and economic differences, and this is something that cannot be Achieving it easily, in addition to the fact that the ruling elites are not at the level of responsibility, but are mostly weak and exploitative, giving narrow interests over the interests of the country. All these factors combined that Iraq is experiencing now, it is a very serious matter that the rulers today seized the reins of state institutions that are supposed to express the conscience of the people and defend the concept of citizenship, but with everything subject to quotas, including those independent bodies such as the Electoral Commission, the representative in Parliament has become dependent on his bloc, and even his party, and sometimes to his political leader. These are indicators that warn that the emergence of tyranny, and its crystallization in the form of a person, or a group of people, is something that Iraq may experience in the future, if the project to build a civil democratic state fails.

### **The third requirement: adopting the Lebanese model in Iraq**

The Iraqi situation is similar in its tendency towards division on a sectarian and national basis to what is happening in Lebanon, which legalized political sectarianism in its institutions, and became the adopted standard in all aspects of Lebanese political life, despite the fact that the Lebanese constitution is one of the oldest Arab constitutions, as it was approved in 1926, however, many of the provisions of the Lebanese constitution are suspended and are of a democratic nature <sup>[xxxiii]</sup>.

The Lebanese constitution has clearly included very important elements that represent the elements of the democratic system. Which qualifies the Lebanese constitution to be a democratic constitution, including <sup>[xxxiv]</sup>:

1. Lebanon is a parliamentary democratic republic, based on respect for public freedoms, foremost of which is freedom of opinion and belief, on social justice, and equality in rights and duties among all citizens without distinction or preference.

2. The people are the source of power, and the holder of sovereignty exercises it through the constitutional institutions. The system is based on the principle of separation, balance, and cooperation between powers.

Article (7) of the Lebanese Constitution stipulates the following: (All Lebanese are equal before the law, and they equally enjoy civil and political rights.), and another article indicated that everyone is equal in assuming public office without distinction except in terms of merit and merit., according to the law <sup>[xxxv]</sup>. Many of the articles of the Lebanese constitution are of a democratic nature, but the practical application is something different, as it included some of the articles of the Lebanese National Accord Document that took place in Taif, where a conference was held for all the Lebanese parties, which ended a civil war that lasted about (15) years, and included some of its articles. In the Lebanese constitution, it was even indicated that any authority that violates the coexistence pact will not have any legitimacy <sup>[xxxvi]</sup>.

The aforementioned texts mentioned in the amended Lebanese constitution of 1926, and those mentioned in the Taif Agreement signed in 1989 between the Lebanese parties, have a great similarity with the Iraqi situation, as the Lebanese constitution requires that the parliament be equally between Muslims and Christians, and this requires the development of an electoral law that preserves This equation, although the Lebanese constitution itself endorsed the principle of equality for all Lebanese in rights and duties, including the right to run for office and vote, but political consensus became dominant even over the constitution, as a clause of equal seats for Christians and Muslims was added to the Lebanese constitution in accordance with the Taef Agreement <sup>[xxxvii]</sup>.

In Iraq, the Iraqi constitutional life suffers from the omission of constitutional articles many times, and the matter of political agreements takes precedence over it, as it was mentioned in what was known as (the Erbil Agreement), according to which the second government of (Nuri al-Maliki) was formed in 2010, and based on it, the presidents of the republic, the representatives, were chosen. And the ministers contained articles that violate the Iraqi constitution, including: the formation of the National Council for Supreme Policies (it was not formed), and the freezing of the decisions of the Accountability and Justice Commission, which operates according to a law legislated by the Iraqi Council of Representatives <sup>[xxxviii]</sup>.

In Lebanon, the sectarian dimension had an impact on Lebanese political life after the Taif Agreement of 1989, as the powers of the President of the Republic in Lebanon were reduced after the Taif Agreement, and the powers of the Prime Minister were increased. The main reason for that is to create a position for the Sunni Muslims in Lebanon. The fact that the presidency of the republic was decided for Christians of the (Maronite) sect, and the position of Parliament for Shiite Muslims <sup>[xxxix]</sup>.

Although he ended about (15) years of the Lebanese civil war, and reconfigured the Lebanese state, which was shattered as a result of the internal fighting, he created very big problems in Lebanon. We fear from him in Iraq that temporary agreements such as the Erbil agreement, according to which the second government of Nuri al-Maliki was formed in 2010, after nearly seven months of Iraq remaining without a government, would turn into a

gateway to deeper problems that would increase sectarian and sectarian divisions in Iraq <sup>[xli]</sup>.

In Lebanon, it is possible to talk about many conflicts, and attempts to adjudicate these disputes, and not to talk about institutions based on the separation of powers. Disagreements are permanent and the space for agreement is always shrinking, and with all this the depth of societal division increases. Harmony is always the solution, but it is a consensus that guarantees that everyone will not give up. And in light of this lived reality, the Lebanese are not treated on the basis of their citizenship and affiliation to their homeland, but rather on the basis of their sects, religions, and sometimes even their regions, thus violating the most important element of Civil State. (Youssef Hamid Moawad, 2012, pp. 63-75) <sup>[23]</sup>.

New to democracy, which is witnessing societal diversity; Lebanon presented, and still is, an undesirable model for how to build a state. It presented a state that is based on sect, religion, citizenship, or what has come to be known as (Lebanonization).

In Iraq, we do not want to present the (Iraqization) model based on the national sectarian state, not the citizenship state, and in Iraq we are closer to being multiple entities than to being a state. Yes, political sectarianism was not explicitly mentioned in the constitution, but the hadith For the national balance, and the components of the Iraqi army is another form of division, and sectarian and national quotas.

The alternatives to the civil democratic state are an uncivilized model based on political feudalism, political succession and tyranny.

### Conclusions and Recommendations

What this experiment needs most to achieve success is the agreement of all societal parties on the importance of resorting to the constitution as the ceiling of laws, and in the event of objections to some of its paragraphs, work is done to amend them without disrupting the constitution.

The stabilization of constitutional institutions and the development of their work is a very important issue for the success of the state-building project after 2003. Institutional performance will prove the concept of citizenship and work to make the citizen feel reassured that his rights are guaranteed. with its constitutionally defined responsibilities, and this is something that needs immediate correction; for its importance.

The most prominent thing that is taken against the existing constitutional institutions, including the Parliament, is the weak legislative performance. Dozens of constitutional laws have not been approved, and this leads to differing jurisprudence, and conflicting powers between the opposing parties and the beneficiaries of those laws. The oversight performance is weak, and is almost non-existent.

Reproducing the same executive authority figures that do not achieve success in their tasks is not a wise matter, and it will only lead to more failure. The increase in indicators of corruption, lack of services, and security deterioration are not positive, and they do not show success for the executive authority, and we here do not carry any party or party. A person is responsible for the failure, but all participants in the executive authority are responsible for this failure.

The judicial authority in Iraq suffers from weakness, and it appears in many cases that it is subordinate to the executive authority, and it is not possible to build a civil democratic



state in light of the weakness of the judicial authority; Therefore, reviewing the officials of this authority, and the laws governing its institutions, is very important.

The concept of citizenship must move from slogans to practical applications through the legislated laws, and to give priority to the interest of the citizen and the homeland over the narrow partisan, sectarian and national interests, and this is what the Iraqi experience suffers from after 2003. There is a misunderstanding of the concept of (federalism), as it ranges between separation and expansion of powers through special readings of the constitution. Therefore, the laws enacted for the establishment of regions must be reviewed, and the quality of the relationship between the Kurdistan region and the Iraqi government; Because it is in the wrong frame.

The cohesion of the Iraqi state after 2003, especially with regard to issues of importance, is missing. Therefore, consideration must be given to the state as the unifying identity of all authorities and societal orientations. The dictatorial legacy is one of the most important factors that impede the success of the state-building project. The Iraqis have suffered from the repercussions of this legacy, so it is illogical to skip over what the dictatorship produced. Hence, the repercussions of the dictatorship must be dealt with wisely. The responsibility of the ruling elites is great, and influential in the success of the project, but the ruling elite today is not qualified to play this role. Therefore, the responsibility for producing elites capable of making the Iraqi state project succeed after 2003 rests with the Iraqi people as the holder of power and sovereignty.

The possibility of project failure exists due to a combination of internal and external factors. Therefore, the Iraqi people must protect and defend this experience of theirs. Because alternatives to a civil, democratic state in Iraq are bad options, and their failure has been proven, and they cannot be relied upon.

Building a military institution that is subject to the authority of legitimacy and has roles, the most important of which is protecting the state and its legitimate institutions, and ensuring that it is not subject in any way to the authority of dictatorship. Those experiences with negative effects are repeated.

Disagreements between societal components exist, especially with the dictatorial legacy and the exclusion of the ruling regimes before 2003, so it is necessary not to resort to force to resolve these differences under any circumstances and whatever the reasons.

Any project to build a civil, democratic state, especially in a country like Iraq, will face obstacles in its infancy, but one of the most important reasons for its success is the desire to succeed, and the adoption of legal methods, even if they are long-term. Iraqis today are called more than ever before to abide by the language of the law and respect their suffering, the past, transcending the past, and looking to the future with the eye of the observer, and for that we put forward the following recommendations:

1. The importance of educating on the constitution as a political and legal reference, taking into account all the observations on some of its articles, and trying to find a societal agreement in order to amend them in the ways approved by the constitution for amendment.
2. The necessity of establishing constitutional institutions and enacting laws related to them, and the most important of these institutions is: the Federation

Council to guarantee the rights of the regions and governorates in the resources of the federal state, and in the functions of the federal government.

3. Promoting the concept of accountability, integrity and transparency is important due to the high rates and rates of administrative and financial corruption that Iraq is witnessing, and for this the role of parliament in oversight must be strengthened, and the judicial authorities and the Integrity Commission should carry out their duty to hold corrupt state officials accountable to enhance the concept of everyone being subject to the law, and promote the principle of The position is an assignment, not an honor.
4. We also recommend dealing with the dictatorial legacy wisely by restoring and compensating the rights of the victims, and punishing the offender without expanding the punishment.
5. It is the duty of the educated elites, and the national media and educational institutions, to assume the responsibility of upgrading the societal culture, because the informed and educated society has much better chances of finding competent ruling elites, effective institutions and successful policies.
6. The promotion and success of the project of the civil democratic state needs the concerted efforts of all, because the alternative to the success of the project of the civil democratic state will be very bad, so the success of the project must be a national concern.

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<sup>i</sup> The preamble to the 2005 constitution states: (Takfir and terrorism did not deter us from moving forward to build a state of law.)

<sup>ii</sup> Article (1) of the 2005 Constitution stipulates the following: [.. the system of government is republican, representative (parliamentary), democratic.

<sup>iii</sup> See Article (72), First, Second, of the Iraqi Constitution of 2005.

<sup>iv</sup> The Public Prosecution Service is one of the five pillars of the federal judicial authority, see Article (89), of the Iraqi Constitution of 2005.

<sup>v</sup> In the 2005 constitution, the Federal Court has eight jurisdictions, the most important of which are: subsequent oversight of the constitutionality of laws, interpretation of constitutional texts, adjudication of disputes that occur between the federal government and the governments of regions and governorates, and adjudication of accusations against the President of the Republic, the Prime Minister and the Ministers, for more see Article (93)), from the Iraqi constitution of 2005.

<sup>vi</sup> See Article (102) of the Iraqi Constitution of 2005.

<sup>vii</sup> In Europe, the development of electoral systems from reducing the electorate to the elite until all members of society were able to vote in several stages. For more on the stages of electoral systems development, see, Pierre Rozanvalan:

<sup>viii</sup> Ibrahim Al-Jaafari, the former Iraqi Prime Minister, says: (I can imagine a non-political intellectual, but I do not imagine a non-educated politician), 2008.

<sup>ix</sup> A summary book on the conditions of Iraq provided by the international partners in Iraq, December 2010, pp. (80-81).

<sup>x</sup> The National Report on the State of Human Development for the year 2008, Iraqi Ministry of Planning, p. 23.

<sup>xi</sup> For more on this subject, see the website of the Great Prophet Foundation. [www.alrsool.org](http://www.alrsool.org)

<sup>xii</sup> This poll was conducted by the American Gallup Institute, which specializes in polls in 2011, as Iraq ranked last in the countries of the Middle East and North Africa. For more on this poll, see Saqr Center for Strategic Studies: [www.saqrcenter.net](http://www.saqrcenter.net).

<sup>xiii</sup> Iraq's proven oil reserves are (112) billion barrels, or about 13.7% of the total OPEC reserves, noting that this percentage dates back to studies

conducted 40 years ago. Out of (526) known oil sites, only (125) sites have been drilled and exploited. Also, the price of extracting Iraqi oil is very low, not more than one dollar and eighty cents. For more, see Virado Ladoste: *Iraq in a New Map of Oil Supplies (Implications for Other Oil Producers in the Gulf)*, Emirates Center for Strategic Studies and Research, Abu Dhabi, 1st Edition., 2005, pp. (135-139).

<sup>xiv</sup> Iraq's budget for 2008 amounted to more than (50) billion dollars, and it increased in the 2010 budget to more than (60) billion dollars, and it is expected that the budget for 2013 will exceed (100) billion dollars. 3/13 and Issue 4145, 22/2/2011.

<sup>xv</sup> In the oil-rich US state of Alaska, 25 percent of the oil revenues deposited in investment funds are distributed among the citizens of the state. For more, Thomas A. Bali: *Revenue Distribution Funds to Citizens (Model of the Oil Problem in Iraq)*, Institute for Strategic Studies, Baghdad - Erbil, Beirut, 1st edition, 2008.

<sup>xvi</sup> Article (111) of the Iraqi Constitution of 2005 states the following: (Oil and gas are the property of all Iraqi people in all regions and governorates)

<sup>xvii</sup> The drafters of the constitution wanted, by setting the condition of indiscriminateness in the distribution of oil revenues, to lift the injustice on those regions and provinces that suffered discrimination and persecution under the rule of the dictatorial regimes that ruled Iraq before 2003, as giving additional resources to these regions and provinces will lead to the creation of balanced development in general. Iraq, see Article (112) of the Iraqi Constitution of 2005.

<sup>xviii</sup> The Iraqi state has worked to endorse what is known as the National Anti-Corruption Strategy for the period (2010-2017). Public funds from waste and theft. For more on this strategy, see the anti-corruption strategy issued by the Joint Council for Combating Corruption.

<sup>xix</sup> For more on the Singaporean experience, see Lee Kuan Yew's *Memoirs: The Story of Singapore*, translated by Hisham Dajani, Obeikan Publishing, Riyadh, 1st Edition, 2008.

<sup>xx</sup> In India there are 21 official languages recognized in the constitution, and more than 1,652 local dialects, and the latest census of the population of India refers to one billion, one hundred and seventy million people. For more on the Indian experience, see Muhammad Zia-ul-Haq and others: *India, Factors for Advancement and Challenges of Advancement*, Arab Science House Publishers, Beirut, 1st edition, 2011, and see also, Romila Thapar: *India (The Third Millennium)*, translated by Muhammad Khair Nadman, Saudi Ministry of Culture and Information, Riyadh, 1st edition, 2011.

<sup>xxi</sup> The Iraqi Constitution of 2005 divided the authorities in Iraq into federal, and special powers for the regions and governorates that are not attached to a region. For more, see Chapter Three and Chapter Five of the Constitution of the Republic of Iraq for the year 2005.

<sup>xxii</sup> See Articles (110, 114, 115) of the Iraqi Constitution of 2005.

<sup>xxiii</sup> The final approval of the transformation of any governorate into a region is in the hands of the residents of that province through a referendum conducted for this purpose, but for a third of the members of the provincial council, or one-tenth of the voters, to be able to apply for the commencement of the procedures of transformation into a region is a matter of a lot of unjustified leniency, to see the text: Law No. (13) of 2008, see, Al-Waqae' Al-Iraqiya Newspaper, Issue (4060), 11/2/2008.

<sup>xxiv</sup> The Salah al-Din Governorate Council declared by the majority that the province became a region on 27/10/2011, and the Diyala Council declared the province a region on 12/12/2011. For more details, see Al-Mashreq Newspaper, Issue 2244, 13/12/2011.

<sup>xxv</sup> For the region's procedures regarding the export of oil, the reasons it gave for stopping oil exports, and the relationship with the federal government, see the website of the Presidency of the Kurdistan Region, [www.krp.org](http://www.krp.org).

<sup>xxvi</sup> For more on the powers of federal and local governments, see, A group of researchers: *federal systems around the world*, Iraqi studies, Baghdad-Erbil-Beirut, 1st edition, 2009.

<sup>xxvii</sup> In China, the number of ministries does not exceed 20. For the full text of the article of the former Vice President of the Republic (Adel Abdul-Mahdi), see the website of Al-Mowaten newspaper: [www.almowatennews.com](http://www.almowatennews.com)

<sup>xxviii</sup> Faraj al-Haidari, the former head of the Independent High Electoral Commission, confirmed that the presidency of the Commission will remain for the candidate of the Kurdistan Alliance in a strange phenomenon related to the inheritance of institutions, and this is what actually happened, and this case applies to the Baghdad Municipality, which was considered part of the share of the Islamic Supreme Council. The fact that its resigned secretary (Saber Al-Issawi) belongs to the Supreme Council. For more on this issue, see Mustafa Jawad: *Political Succession in the New Iraq*, Al-Wasat Online website: a previously mentioned source.

<sup>xxix</sup> Article (47) of the 2005 Constitution stipulates the following: (The federal authorities consist of the legislative, executive, and judicial

authorities, which exercise their powers and tasks on the basis of the principle of separation of powers).

<sup>xxx</sup> Article 61/ Fifth of the 2005 Constitution states: Among the competences of the House of Representatives is to approve the appointment of the President and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the Head of the Judicial Oversight Authority; Based on the proposal of the Supreme Judicial Council, and the Council may approve the appointment of ambassadors, holders of special ranks, army commanders, and the head of the intelligence apparatus; Based on a proposal from the Council of Ministers.

<sup>xxxii</sup> Many, including Daa al-Shukraji, one of the former leaders of the Dawa Party, and one of the enthusiasts of liberal thought today in Iraq, argue that both parties, whether al-Maliki or his opponents, cannot be described as democrats, as they either represent (a dictator project), or at least not democrats, for more on this opinion. See, Daa Al-Shukraji: I do not say a dictator, but he speaks like a dictator, an article, and for the full text of the article, see the website: [www.nasmaa.com](http://www.nasmaa.com)

<sup>xxxiii</sup> This article (Michael Rubin) was published in (the commentary) magazine, which is an American magazine specialized in publishing the most prominent articles of American opinion writers. For the full text of the article, see the Al-Kashif Center for Follow-up and Strategic Studies website [www.alkashif.org](http://www.alkashif.org)

<sup>xxxiii</sup> The Lebanese constitution is a flexible one, as its amendment requires a constitutional law presented by the President of the Republic, and the Lebanese Parliament votes on it by a two-thirds majority; Because it is a flexible and easy-to-amend constitution, the constitution was amended several times. For the Lebanese constitution of 1926 and all its amendments, see Muntaser Al-Eidani: Leaders of Transition and Political Development (Iraq and Lebanon as a model 1990-2011), Al-Aref Publications, Beirut, 1st edition, 2012.

<sup>xxxiv</sup> See the introduction to the Lebanese constitution, paragraphs C, D, and E. We also find these contents in the preamble to the Iraqi constitution of 2005, as it says in it: (We, the people of Iraq, who have risen just out of their slumps, and are confidently looking forward to their future through a federal, democratic, pluralistic republican system, We resolved, with our men and women, our elders and our youth, to respect the rules of the law, and to achieve justice and equality.). Article 5 of the Constitution indicated that the people are the source of authority and its legitimacy, and they exercise these authorities through constitutional institutions.

<sup>xxxv</sup> This was stipulated in Article (12) of the Lebanese constitution, which states the following: (Every Lebanese has the right to hold public office, there is no advantage for one over another except in terms of merit and merit...), the Iraqi constitution of 2005, he indicated in Article (16) of it refers to the principle of equal opportunities, as it stipulates the following: (Equal opportunities are a guaranteed right for all Iraqis, and the state shall take the necessary measures to achieve this).

<sup>xxxvi</sup> The Taif Accord, or what is known as (the Lebanese National Accord Document), was signed on 10/22/1989, and this document was ratified by the Lebanese Parliament on 11/5/1989, and among the articles that were mentioned in the National Accord Document, and its contents included the Lebanese constitution, what Concerning the parity of members of Parliament between Christians and Muslims, for the full text of the National Accord Document, see the official website of the Lebanese Parliament.

<sup>xxxvii</sup> See Articles (7, 24), of the amended Lebanese Constitution of 1926.

<sup>xxxviii</sup> In the Erbil agreement consisting of eight axes, it was agreed between the State of Law blocs, the Iraqi List, and the Kurdistan Alliance, on issues related to the National Council for Supreme Policies, the internal system of the Council of Ministers, and reforming the work of the House of Representatives, in addition to reforming the work of the executive authority, the file of accountability and justice, and the reform paper Judicial, as well as the issue of national balance, and outstanding issues with the Kurdistan region, the agreement was signed in Erbil on 11/7/2010, and for the full text of the Arbil Agreement, see, Al-Sabah Newspaper, Issue 2524, 29/4/2012

<sup>xxxix</sup> In Iraq, the issue is worse, as positions are created for people, not sects, as happened with the National Council for Supreme Policies, which was agreed to be granted to the head of the Iraqi List after the 2009 parliamentary elections (Iyad Allawi). For more on political sectarian divisions in Lebanon, see Shadi Khalil Abu Issa: Non-United States of Lebanon, Publications Company for Distribution and Publishing, Beirut, 1st Edition, 2009, pp. (137-140).

<sup>xl</sup> For Lebanon after Taif on the political and social level, see Saeed Salman: Lebanon and Taif (its effects and results), Dar Al-Barq, Beirut, 2011.