

The Role of the Parliament in the Promotion of Democracy in the Persian Gulf Arab Countries

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Abstract

Parliament in the transition to democracy and two sided and close relations with it, from the political aspects means the establishment of a chosen and responsible government, through free and fair competitive elections among all existing political forces. And from the social aspects, to mean the enjoyment of the people from freedoms, civil and political rights, and the appearance of active and effective associations and civil institutions. In this definition the role of the parliament in democracy include concepts and processes which are pertinent in the political development literature concept. The aim in its determination is to see what position parliament and parliamentary elections have among Persian Gulf Arab countries, and what potential status parliament has for the peaceful transition of these countries to the sustainable development process, and how can this be speeded up, and what is the theoretic status of parliament in political development, and most importantly after that, what is democracy? The existing theory is that parliaments in Persian Gulf Arab countries although in some are appointive and new, but depending on the efficiency level and power, has resulted in the promotion of democracy. In this research with the descriptive and analytical method and with the use of the theoretic foundations and presenting the numerous background history and related to the subject of research, it was expressed that with the further deepening and development of parliaments in Persian Gulf Arab countries, more long term horizons of development can be reached in the Middle East region.

Keywords

Democracy, parliament, Persian Gulf Arab countries, political development, developing countries.

Introduction

The transition from autocracy to the realisation of democracy and establishment of parliament has been one of the main objectives and characteristics of the political life of different societies. In the form of freedom seeking, advancement seeking, the rule of law and constitutionalisation of power in the region, creation of constitutional law and establishment of a constitutional government are the benefits of the establishment of parliament in the democratisation of society. The social base of players and democracy seeking discourse is reflected in parliament, and the paves the way for the relations between political players for transition to democracy, and can through parliament take steps to reaching and

strengthening democracy. Also through parliament the various processes of the transition to democracy which includes the two important stages of “the defeat of authoritarians” and “strengthening of democratic institutions” can be realised. And with the parliament mechanism and through legislation, monitoring and evaluation reach the important stage of “strengthening of democratic institutions.”

Democracy is pertinent as a method of governance and form of structure for a political system. As a form of government, democracy is defined on the basis of the paths that government takes and is applied on the basis of the government’s power resources and its work methods. In the parliament, the people have directly or indirectly participate or can participate in the decisions made related to them, and the leaders are chosen within the framework of a competitive, free and fair election, and are accountable towards the people. The replacement of leaders is possible without bloodshed through elections, and civil and political rights such as freedom of expression, freedom of press and media, and allowing the opposition to campaign. Parliaments and assemblies alter the destiny of democracies. This term is mentioned in the works of the great law philosopher Hans Coleson, which in a way connects the destiny of democracies in parliaments and believes that parliament will result in the strengthening of democracy. With the end of the First World War, new independent countries came into existence with new governments in international relations. According to political systems definition, a government without an independent legislative system cannot have the characteristic of a government in the modern era.

A review of the background of majlis (parliament)

The majlis or the legislative power is one of the main power branches of countries that have an electoral system. A term equal to majlis is parliament (parliament in French) which is given to the British legislative power and countries that follow the “Westminster” system of government. Of course the term parliament today might be referred to the legislative power of each country that has an electoral system of government.

Terminology

Majlis is an Arabic word, which means the place of sitting and place of the assembly and association of a group of people for consultations and talks. The term derives from the Arabic term jalas (meaning to sit), and is used in the concept of various types of private or public sessions or sittings. The French term parliament means to talk. The first use of this term dates back to 1236, when the king of England in a meeting with the nobles and figures of the country coined the term parliament.

Of course, in Farsi majlis or parliament is used with a connotation to meaning the assembly of representatives (the first and main part of the two assembly systems).

Legislative systems of the world

The parliament is usually made up of one or two parts, which are known as single, and two assemblies.

Of course, in some countries such as Qatar and Saudi Arabia they have one consultative assembly that are different to legislative assemblies and solely play an advisory role to the king or the emir.

Single assembly

The single assembly system overall includes one representatives assembly who are the representatives of the people or the king and such, and legislate the laws.

Two assemblies

Most countries have the two assemblies system, which includes the assembly of representatives or the lower assembly and the senate or higher assembly. The representative's assembly is the main part, which is like the single assembly system. The second assembly has other duties and at times is complements the representatives assembly.

History of the parliament act

Although the parliament act has over the centuries and through trial and error and without any previously drawn plan was set in the British Parliament, but it is said that it has roots in the democracy of ancient Greece.

According to the editorial of the "Policy" book written by Aristotle and translated by the late Hamid Enayat, in 325BC Aristotle wrote a book entitled "Constitutional Laws" and in it reviewed the constitutional laws of 158 city-states of Greece. To understand the quality of democracy in ancient Athens, article one of the Athenian Constitutional Law Book states: "if an Athenian citizen does not resist an autocratic government, his and his family's rights shall be taken away."

Power levels of parliament and its relation to democracy

In various systems, legislative assemblies have different levels of power. The legal systems of countries are different and in proportionate to that the authority levels of the legislative powers differ. The elections systems are also determinative in what duties for the legislative powers to have, their power and weak levels become clear. In addition, the conditions of the electors and the elected are also important. Nevertheless, the most important of all is that all of these legal characteristics are defined in what political system. In each of authoritarian, patrimonial, neo-patrimonial, autocratic, authoritarian bureaucracy, authoritarian corporatist, charismatic, oligarchy, pseudo-democratic and democratic systems, the status and power levels of the assembly will vary.

Today, parliaments in many countries are dealing with crises. Of course it cannot be said that parliaments do not have a role in the realisation of democracies, but in fact, today, a lot of restrictive laws dominate parliaments which reduce their power.

Even some law experts such as Mirken Getrovich regarding this common parliamentary crisis uses the term the rationalization of parliamentary. Moreover, when we note this rationalization, we find out that the rationalisation of parliamentary means to tie its hands and handing the legislative power to the executive power. According to this law expert's belief, if the parliament is given excessive authority, the political authority of the government

gets lost. Some also believe the appearance of very orderly political parties cause the weakening of parliament. In other words instead of working for the people, most of the representatives work for their parties.

The reasons for weakness in parliament

The growth of governments or the executive branch is one of the reasons for the weakening of parliaments. At whatever level we hand economic, political, welfare and cultural mandates to the government, the authority of the government increases, and the role of the parliament is diminished. The lack of leadership and organizational weakness of parliaments is another reason for weakness of parliaments. A heterogeneous assembly cannot take the leadership of society and usually executive branches are given this task. The growth of beneficiary groups and lobbies are some of the other reasons for weakness in parliaments. In other words, they can better represent the demands, interests and objections of the people. These are instances, which must be studied in the pathology of parliaments.

Overall, a powerful parliament indicates an advanced democracy. A parliament whose popular and democratic legitimacy is higher, it will have more authority. Therefore to whatever levels we mix the formation method of parliaments and assemblies with strict monitoring, we will not face a real parliament, and the subsequent damages that seems in crisis creating in parliamentary systems, is the multiplicity of the legislative bodies. If an institution is the legislative institution, there should not be a parallel institution next to it. A power is that is split and if official and unofficial bodies want to work simultaneously, they will face challenges.

The history of legislation in Persian Gulf Arab countries

One of the main objectives of the forming of assemblies in countries of the world is for the people to send their voices to the rulers and have pivotal roles in decision settings. Following the end of the Second World War and the start of political developments in the Persian Gulf region, small states gained independence along the coastlines of the Persian Gulf, prior to which they did not have any political systems and the running of the people's affairs in tribal and nomadic forms.

The Persian Gulf Arab countries mostly gained legislative assemblies in the late 60s. The assembly life of some of these countries is very short. These assemblies often have different authorities, at times, they function as consultative assemblies and at times are just for show and in some instances, and they do legislative work. Here we shall review the assembly structures of these countries in brief.

Iraq: *is a country that despite neighbouring other Persian Gulf countries, it is neither historically, nor politically and socially similar to the rest of the Persian Gulf countries. The demographics of Iraq and the social-political levels in this country are different to other Persian Gulf countries.*

The first assembly opened on the orders the king in 1925 following gaining independence from the Ottoman Empire. According to the order of the king, the legislative system was divided into the House of Representatives and House of Sheikhs (senate). The House of Representatives members were elected by the people and the Senate members were elected on the suggestion of the king. Since the fall of Saddam Hussein in 2003, two assemblies were established. According to the constitution that was ratified in Iraq in 2005, the legislative system has two pillars, House of Representatives and the House of Unity.

House of Representatives

The first assembly was held in 2005 and the second was held in 2010. In the first assembly there were 275 seats which increased to 325 in the second one. In a democratic process the Iraqi assembly representatives are elected through the direct ballot of the people. At least one quarter of the seats must be allocated to women members. Some of the duties of Iraqi assembly are, the legislation of laws, selection of president and also monitoring the performance of the government. The Iraqi House of Representatives or the lower house, plays the role of the legislative power. In this House laws regarding the legislation system and treaties are ratified. The house leadership has three members who are elected by the representatives, and their task is to set the duties of the president. The Iraqi assembly which has notable power, itself is formed from ethnic and religious blocks. These groups work together inside the assembly in coordinated and integrated way, and each group only pursues its own interests that might not have a logical link with the national interests of the country.

House of Unity

The House of Unity has been set up according to article 48 of Iraq's constitutional law and is made up of representatives from various regions of the country. The duty of the House is matters related to the provinces. Due to the financial problems that this House has and the existence of problems in allocation of budget among different provinces, the House has not yet held a session.

United Arab Emirates

Before the independence of the UAE, the House of Sheikhs debated and discussed local laws in a consultative way with the Emirates Sheikh. The first assembly was held in 1972. The legislative power includes the National Federal Assembly (Majlis Al-Itihad Al-Watani), which has 40 seats. Prior to the amendment of the constructional law all the members of the Assembly were from the seven emirates (based on their population). With the amendments that were made to the constitution, 20 seats are allocated by the emirs and 20 seats are elected by the people (indirect vote of local councils). The members of this Assembly are elected to serve a two-year term. The first new elections based on the new constitutional law were held in 2006.

Before having legislative duties, the National Federal Assembly, has a advisory role and in some instances responsible for the amendment of laws. Setting the government's annual budget is also done by this Assembly. It can question the performance of members of the cabinet but cannot appoint or dismiss ministers. U

The National Federal Council has 40 seats; 20 seats are allocated by the emirs and 20 seats are elected by the people (indirect vote of local councils). The members of this Assembly are elected to serve a two-year term. The Supreme Leadership Council is made up the seven emirs of the Emirates, and one of them is elected as the leader of the government.

Bahrain

The parliament history of Bahrain dates back to the 70s. But this parliament was dissolved by the then kin in 1975, and the duties of the legislative power were given to the ministers' council. In December 1992, the Consultative Assembly the members of which are appointed by the king was formed. This Assembly can be seen as the experts committee of the government which reviews and debates proposals and bills in its sessions and hands their findings over to the government.

In 2002 it was decided that a parliament with two representatives and consultative assemblies. According to Bahrain's constitutional law, the two assemblies will hold a session in the event of disagreements regarding legislative decisions. The Consultative Assembly has the power to approve or reject all parliaments' approvals.

The Bahraini parliament has two assemblies; the Representatives Assembly (Majlis Al-Nawab) and Consultative Assembly (Majlis Al-Shori). Both have 40 members each who the members of the former are elected by popular votes, and the latter appointed by the king.

With the amendment to the Constitutional Law in 2002, it has the power to legislate and approve laws, and has 40 members that serve a four year term and are voted by direct popular votes. Currently there are three women members in the House.

Saudi Arabia

The first assembly during the rule of the Al-Saud family goes back to the time of Abdolaziz. To strengthen his ruling foundations in 1926 Abdolaziz took steps in proposing the formation of an assembly by tribal chiefs and important figures of Arabia. Of course later on this assembly was suspended. While crown prince, Fahad promised to set up a 9 member commission to review a plan to set up a representatives assembly. But no assembly was set up. The only assembly that currently exists in Saudi Arabia is the Assembly of Sheikhs, which is made up of the richest tribes, and they do not have the right to interfere in political and economic matters. This Assembly played a key role in the dismissal of Malek Saud and his replacement with Malek Feisal.

The legislative power in Saudi Arabia is in fact a consultative assembly of intellectuals and high figures who have the duty to give consultation to the king. This assembly cannot legislate. The number of the members of the assembly currently is 152 whose appointment and dismissal is done by the king. The assembly runs a four year term.

In an edict in 2011, Malek Abdullah ordered the 20 percent presence of women in the Saudi Consultative Assembly, which was seen as a historic development in the country.

Kuwait

Kuwait has one assembly called the Nation's Assembly which has 50 members. They are elected by popular votes. Candidates must be at least 30 years old, and be able to read and write in Arabic. The Assembly has a four year session, and following the annual break, it officially opens again in late October with the speech of the emir.

The Constitutional Law of Kuwait does not permit more than 16 ministers in the cabinet (the number of ministers must not exceed one third of members of Assembly. In 2013 the Constitutional Court of Kuwait voted for the dissolution of parliament and with the continuation of differences with the Nation Assembly, the cabinet officially handed over its resignation to the emir of the country, Sheikh Sabah Al-Ahmad, and following that the king issued the order for the dissolution of the Assembly)

From the adoption of its constitutional law, to-date Kuwait has witnessed the dissolution of its national assembly 11 times, in a way a record number. The last time this took place in 2013.

The Nation Assembly (Majlis Al-Omeh) is responsible for legislation. It is the only assembly in Kuwait which has 65 members, fifty of which are elected by a popular vote for a four year term. The other 15 are members of the cabinet. The Kuwaiti Assembly is in session for at least 8 months each year, whose duty is to approve next year's government budget by the end of its session

Another duty of the legislative power is the ability to impeach ministers, and if a minister is impeached he must receive a vote of confidence by the Assembly. The emir can dissolve the Assembly or dismiss the head of the Council of Ministers. But in the event of the dissolution of the Assembly, the new Assembly must begin its session immediately after two months. In Kuwait's history the emir has dissolved the Assembly several times. When necessary the Assembly has extensive powers with regards to the annual budget presented by the government, expenses and costs, and or even amending of budget laws. For this reason a commission called "Financial Commission" has been set up.

The parliamentary elections of Kuwait took place in August 2006. This was the first time that women could take part in elections and 340 thousand people registered to vote, 57percent of which were women. In these elections 249 candidates battled for 50 parliamentary seats, 27 of which were women.

Oman

The parliamentary system in Oman has 2 assemblies which are the Representatives Assembly and the Al-Doleh Senate Assembly. According to article 58 of the constitutional law, these two Assemblies together form the Omani parliament, which has an independent status and legal identity, and whenever the Sultan deems it pertinent, the parliament holds a session to debate and review specific issues. The parliament presents its findings as recommendations to the Sultan. The parliament is opened by the Sultan and with the presence of all members, the royal family, the heads of the armed forces and council of ministers. The Consultative Assembly has 86 members who are elected every four years by direct electoral votes.

The Senate

Is made of a speaker and members and is opened on the orders of the Sultan. The members are appointed by the Sultan who rank from former ministers and representatives, ambassadors, former judges, retired military officers, scientific and cultural experts, university lecturers, businessmen and traders, people who have a history of serving the country and or those that the Sultan deems worthy. The Senate has 59 members which include 14 women members. The members serve a 4 year term. This Assembly was set up for the purpose of the development and enrichment of the debate and consultation in the parliamentary system, and work closely with the Representatives' Assembly. The Senate gives some recommendations and suggestions to the Sultan.

Consultative Assembly

The members from all provinces are directly elected by the people. Each province has one representative who serve a four year term. Currently the Consultative Assembly has 85 members, and currently there is one female member. Each member can be member in both Assemblies.

According to the law, the duties of the Assembly include the review of draft legislations, amendment of laws, five-year development programmes, determining the needs of the provinces, protection of the environment from pollution, increasing welfare services for citizens, and presentation of recommendation with regards to sustainable development without interfering with defence, foreign policy and sensitive issues. To reach these goals and fulfil duties, the Assembly has mechanisms such as hearing ministers' annual reports, debate and discussion sessions with ministers and officials. The Sultan appoints the speaker of the Assembly.

Qatar

According to article 76 and 77 of the constitutional law, the Consultative Assembly is in charge of the legislative branch. The Assembly approves the government's general budget and supervises the judiciary. The Consultative Assembly is comprised of 45 members, 30 of which are directly elected by the people in a secret ballot, and the emir from ministers and other individuals appoints the other 15.

The judiciary branch is in fact the Consultative Assembly, whose duties include determining various national policies, reviewing draft legislations sent by the cabinet of ministers before the approval of the emir, and reviewing budget proposals are some of its important duties. The Assembly has legal and legislative, financial and economic, public utilities and electricity and telephone, domestic and international, cultural and information committees, and plays an information provision role for the emir in an organized manner from top sheikhs and important families. In appearance, the Assembly alongside city councils seem democratic from the aspects of non-concentration of power, but in view of the vast privileges of the emir, in practice the Assembly has no authority. This is a process, which takes place based on elections in Qatar. However, in 2017 it was postponed. The current Assembly in the country is not from public elections it has 35 members and the emir appoints its members for a six-year term.

Conclusion

Overall, in most Persian Gulf Arab countries, the assembly does not exist as an independent legislative body that is raised from the will of the people; whereas in fact the parliament is the beating heart of a democracy. The parliaments and assemblies that exist in Persian Gulf Arab countries are mostly as advisory or consultative bodies, which can ratify laws. Conducted studies showed that the selection of members of parliaments is undemocratic. The consequence of this is the domination of a specific group on governmental institutions, the low participation of the people, the instability of civil institutions, the lack of the circle of intellectuals and the insignificant legitimacy of the ruling group, which ultimately will result in a gap between the government and the people. Parliaments in Persian Gulf Arab countries face problems in many of this function. In its legislations, the parliament must represent the will of the people, whereas in most instances this is not so.

Of course, this does not mean that assemblies in Persian Gulf Arab countries do not have any roles in the promotion of democracy. Nevertheless, it means that they are faced with challenges in their main function. Although with the establishment of these assemblies, steps, however small, have been taken for the promotion of democracy. Another point is the traditional consultation among Arabs, tribal and nomadic tradition, are important. The Persian Gulf Arab countries, in spite of having a short history do not have political and modern governments. But with reliance on their nomadic traditions they have managed with a legislative system in a particular definition, give themselves the running of political matters to an extent in the modern world.

A point that is missed by many regional political analysts is that by conforming the nomadic system with new political structures, the Persian Gulf Arab countries have managed to create particular political systems; systems that in spite of zero or limited political participation to an extent have popular support in comparison with other Arab countries such as Iraq and Egypt.

Some deem the relative popular support of the current political systems of these governments to be the vast revenues generated by oil, which provides economic welfare and relative satisfaction of the people. But in the last decade and with the escalation of social developments as a result of the existence of thousands of foreign workers, marriages with non-Arabs, the strong presence of westerners in these countries, and more importantly the internet among the youth, the political comprehension of society and its expectations have seen great developments.

Developments which following the Arab Spring wave, have increased the political demands of the people for reaching greater political participation. But it seems that efforts may be made in the future to place strong parliaments extensively and based on majority vote and extensive participation in the Persian Gulf Arab countries development models and economic welfare models be aligned with political development models in order to achieve a higher level of security and maximum provision of the national security of Persian Gulf Arab countries and subsequently to peace and security in the region.

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