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THE LEGAL STATUS OF THE FIRST DEPUTY SPEAKER OF THE IRAQI COUNCIL OF REPRESENTATIVES

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ABSTRACT

The legal status of the First Deputy Speaker of the Iraqi Council of Representatives, or as it is called (member of the Presidency), is considered one of the essential sovereign positions in the structure of the government system due to its impact on decision-making, whether in the legislative, administrative or even political aspects. Despite this, the texts regulating this position were ambiguous and unclear, in addition to the lack of a unified direction in the directions of the Federal Supreme Court in this direction. Also, defining the tasks and duties of the First Deputy Speaker of the Council of Representatives is essential, especially in cases where the presence of the president is impossible, as he is the one who replaces him in this case.

The lack of studies in this aspect also made us search for it to clarify the tasks and duties of this crucial sovereign position. Therefore, we studied the legal status of the First Deputy Speaker of the House of Representatives in terms of the conditions for nomination and election and his role in the legislative and administrative aspects of the House of Representatives. Then, we provided a set of results and recommendations that will benefit researchers in the field of specialization.

KEYWORDS

Legal Status, Iraqi Council of Representatives.



INTRODUCTION

The 2005 effective Constitution of the Republic of Iraq adopted the parliamentary system and stipulated the powers of each authority, including the legislative authority, which consists of two chambers: the House of Representatives and the Council of the Federation. The Iraqi legislator determined the powers of the House of Representatives.

Then, the amended Iraqi Council of Representatives Law No. 13 of 2018 and the internal regulations of the Iraqi Council of Representatives No. 9 of 2020 were issued, according to which the legal status of the Deputy Speaker of the Council was determined, whether he is a member of the Council's Presidency or the powers assigned to him exclusively. The importance of this research is to determine the legal status of the First Deputy Speaker of the House of Representatives due to the role the legislator gave him in conducting the Council's work. Indeed, there are powers that cannot be effective without his presence, so the importance stems from clarifying these powers contained in the Law. The problem of the research is to draw the limits by which the First Deputy Speaker of the House of Representatives exercises his powers due to the lack of studies in this field, by the Iraqi Constitution and the bylaws, according to a plan that begins with an introduction and ends with a conclusion that includes the most important results we have reached, interspersed with two requirements. In the

first requirement, we addressed the legal organization of the position—the First Deputy Speaker of the Iraqi Council of Representatives. As for the second demand, we discussed the powers of the First Deputy Speaker of the Iraqi Council of Representatives. We will examine this study according to the descriptive, inductive approach by depicting the current situation and determining the relationship between phenomena and trends, which we will examine in this study.

The Constitution of the Republic of Iraq, in force in 2005, adopted the parliamentary system and stipulated the competencies of each authority, including the legislative authority, which consists of two chambers, the Council of Representatives and the Federation Council. The Iraqi legislator specified the competencies of the Council of Representatives.

After that, the amended Iraqi Council of Representatives Law No. 13 of 2018 and the internal regulations of the Iraqi Council of Representatives No. 9 of 2020 were issued, according to which the legal status of the Deputy Speaker of the Council was determined, or as he was called (member of the Presidency), whether he was a member of the Presidency of the Council or the powers entrusted to him exclusively.

This research is important because it determines the legal status of the First Deputy Speaker of the House of



Representatives. The legislator plays a role in conducting the work of the Council through the competencies entrusted to him. Still, some terms of reference can not be practical only with his presence, so the importance stems from the statement of these competencies contained in the Law.

The problem of research is to draw the boundaries by which the First Deputy Speaker of the House of Representatives exercises his powers for the lack of studies in this area by the provisions of the Iraqi Constitution and the rules of procedure by a plan that begins with an introduction and ends with a conclusion, including the most important results we have reached, interspersed with two requirements that we dealt with in the first requirement the legal organization of the position of the First Deputy Speaker of the Iraqi Council of Representatives, while the second requirement dealt with the terms of reference of the First Deputy Speaker of the Council of Representatives.

We will examine this study using the descriptive inductive approach to depict the current situation and determine the relationship between phenomena and trends, which we will discuss in this study.

First Requirement

Legal regulation of the position of First Deputy Speaker of the Iraqi Council of Representatives

The Iraqi laws in this regard have indicated that every Iraqi has the full right to

To nominate himself for membership of the Iraqi Council of Representatives if he meets several conditions and to indicate these.

Conditions We will deal with this requirement in two sections. The first section deals with the general conditions for membership in the Iraqi Council of Representatives, and the second section deals with the role of the First Deputy Speaker of the Council of Representatives in parliamentary committees.

First Section

General conditions for membership in the Iraqi Council of Representatives and conditions for the election of the First Deputy Speaker of the Council of Representatives

The conditions to be met by a member of the House of Representatives are regulated in the Constitution and electoral laws. However, the constitutions differed in this matter, as most constitutions referred to an organic law that determines the number of deputies, the election method, and the membership conditions.

Article (49 / II and III) of the Constitution of the Republic of Iraq for 2005 stipulates (Second: The candidate for membership of the Council of Representatives must be a fully qualified Iraqi. Third: The conditions of the candidate and the voter and



everything related to the elections shall be regulated by Law)

Article (8) of the Iraqi Council of Representatives Elections Law No. (9 of 2020), as amended, also stipulates the conditions that must be met by the candidate for membership of the Council of Representatives, which is the age of completing (28) years and the certificate that he holds a preparatory certificate or its equivalent, and that he is a resident of the province and is not convicted of a felony or misdemeanor involving moral turpitude, or cases of administrative or financial corruption, and is not covered by accountability and justice procedures, and that he is not a member of the armed forces or security institutions. Or from the judges in service or members of the Board of Commissioners of the High Commission for the current and previous session or from its employees who continue to serve.

Therefore, each candidate for membership of the Council must meet the conditions of the voter (nationality, age, registration in the voter register, and full eligibility), which are the same conditions that are required in the candidate for membership of the House of Representative as follows:

First: Nationality:

The right to nominate for parliaments and other political rights is limited to citizens who only enjoy the state's nationality without foreigners. It is noted that

some countries resort to discrimination between the original national and the national by naturalization and do not recognize these rights unless the person is a citizen of the state who holds their nationality. Therefore, we find that the Constitution of the Republic of Iraq for the year 2005 in force in (Article 49/II) indicated that the candidate for membership of the House of Representatives must be Iraqi. Therefore, foreigners do not have the right to nominate for membership in the House of Representatives and obtain a seat in the Council, no matter how long their stay is, because they do not hold the nationality of the state.

Second / Age:

It is the case in which the citizen can exercise his political rights (the age of the political majority) to distinguish him from the civil majority. Most political systems require the citizen to reach a certain age to exercise political rights, including candidacy for parliaments, except the monarchy. The Iraqi Election Law stipulates that a candidate for membership of the Council of Representatives must be 28 years old on polling day. Since the Iraqi legislator did not specify the age required for candidacy for the presidency of the Council, so every member of the Council has the right to nominate for the presidency, whatever his age, and that the age set by the Iraqi legislator is considered an appropriate age to assume responsibility and duties, whether legislative or supervisory responsibilities and



this condition does not prejudice the principle of equality in candidacy.

Third: Registration in the voter register:

The candidate must meet the same conditions as the voter and according to the rule (every candidate is a voter, and not every voter is a candidate).

Concerning (Article (6) of the Elections Law No. 16 of 2005, as amended, stipulates that he must be a voter. Registration in the voter register is essential for the House of Representatives candidacy.

A candidate for membership in the House of Representatives must be registered in the voter register to be eligible to run for membership in the House under the provisions, regulations, and procedures issued by the Commission and must have an electronic voter card.

Fourth: Perfection of eligibility:

The Constitution of the Republic of Iraq for 2005 states in (Article 49 / II) that the candidate for membership of the Council of Representatives must be fully competent. It means the perfection of mental and moral capacity. Mental capacity means attaining the age of majority by a person who entitles the owner to direct all legal actions that entail rights for him, and he has an obligation, provided that he has mental powers and is not detained.

The Iraqi Constitution of 2005 indicated the mechanism for electing the Speaker of the Council of Representatives and his two deputies, as it stipulated (The President of the Republic invites the Council of Representatives to convene by presidential decree within fifteen days from the date of ratification of the results of the general elections. The session shall be held under the chairmanship of the oldest member to elect the Speaker of the Council and his two deputies, and it is not permissible to extend for more than the period above).

It also stipulates that (the House of Representatives shall elect in its first session a president, then a first deputy, and a second deputy. By the absolute majority of the number of members of the Council by direct secret election). By absolute majority, we mean two-thirds of the votes of the members of the Council, which are adopted by the most important matters and decisions, as well as we mean direct secret election is a term that describes the system of selection of political office holders, where voters vote directly to choose the person, persons or political party who wish to assume political office, which is one of the most common systems used.

The First Deputy of the House of Representatives is chosen based on several factors such as party affiliation, political experience, support from members of the House, his ability to lead the organization of sessions, his understanding of parliamentary laws and



procedures, in addition to his ability to communicate with the rest of the members of the House and deal effectively with the media, represent the Council with dignity and competence in foreign relations, according to his previous experience in the field of politics, and commitment to the principles of democracy and human rights.

The Constitution of the Republic of Iraq of 2005 and the amended Iraqi Council of Representatives Elections Law No. 9 of 2020 did not require the candidate for the presidency of the Council or for the position of First Deputy to meet certain or special conditions that differ from the conditions of candidates for membership of the Council of Representatives, but rather they are the same conditions. The constitution did not stipulate only two conditions included in Article 49 / II of the constitution, namely (to be Iraqi and fully competent). In contrast, the rest of the conditions have been referred to the Law for the purpose of organizing them.

As for what is meant by Iraqi, Article 18 / II of the Constitution stipulates that (someone born to an Iraqi father and an Iraqi mother, Law regulates this) based on that, the Iraqi Nationality Law No. (26) of 2006 was issued, which indicated who is Iraqi. He assumes a high sovereign position because his loyalty is dual, and the interest of the country of Iraq may conflict with the interest of the other country of which he is a citizen. The legislator did not define sovereign positions by

Law. The Presidency of the House of Representatives is considered one of the essential sovereign positions, and the president nominated for this position or nominated for the position of First Vice President must renounce foreign nationality, whether original or acquired, before assuming the office. The candidate for this position was also required to have mental strength and a sound mental and psychological state that enables him to realize things correctly.

Section Two

The role of the First Deputy Speaker of the House of Representatives in parliamentary committees

The First Deputy Speaker of the House of Representatives is generally a high-level position in the structure of the legislature. He works to ensure respect for the rules of procedure of the House. In some circumstances, the First Deputy can represent the Speaker and direct discussions and debates when necessary. In addition, the First Deputy Speaker of the House of Representatives is a prominent figure in political life and enjoys the confidence of deputies and other officials in Parliament. Occupying this position requires high administrative skills and the ability to communicate and resolve disputes between members, as it is represented in several things, including the responsibility of preparing the agenda of the committees, organizing their sessions, directing the members of the committees, and facilitating the



effective workflow, as the First Deputy Speaker of the House of Representatives is committed to discussing the members of the House of Representatives and the decisions they take with the provisions of the Constitution and the House of Representatives Law No. 13 of 2018.

It also organizes with the Speaker of the Council and the Second Deputy Speaker of the Council the agenda of the committees in coordination with the Chairman of the concerned committee or their representatives from the committees for the sessions of the House of Representatives and distributed to the members, the President of the Republic and members of the Council of Ministers, accompanied by draft laws and reports placed for discussion, taking into account the priority of including draft laws submitted by the government. As well as ratifying the minutes of the previous session of the House of Representatives. It also decides on the conflict of competence between committees about the issues referred to. It has the right to assign one of the parliamentary committees to study a specific topic.

The role of the First Deputy Speaker of the Council of Representatives in managing parliamentary committees is that the workflow within the committees reflects the composition of membership in the permanent committees of the various forces and parties represented in the Legislative Council as a whole. For example, the principle of party balance governs distributing committee membership. This rule

stipulates that the composition of parliamentary committees must be consistent with the electoral support each party enjoys. It is worth noting that the chairmanship and membership of committees in the Iraqi Council of Representatives are subject to the principle of quotas, as Articles (72, 73, 74) of the Internal Regulations of the Council of Representatives No. (1) of 2022 specified the method of forming these committees, the number of their members, their chairpersons, and their deputies, and gave each representative the right to nominate himself for any committee and belong to it, provided that the number of members does not exceed (21) members and is not less than (7) members. The Internal Regulations of the Iraqi Council of Representatives also stipulate that each committee shall elect, within ten working days following the beginning of its formation, from among its members, a chairman, a vice chairman, and a second vice chairman by an absolute majority of the total number of members. For committee members.

It is worth noting that the Federal Supreme Court went in its decision No. 87/Federal/2010 issued on 2/12/2010 that (there is no constitutional text that stipulates the existence of a presidium of the House of Representatives and that the Constitution defined the exclusive competencies of the Speaker of the Council).

It is clear from the decision of the court above that it violates the rules of a broad interpretation of the constitution; the constitutional rules according to the



objective criterion are not limited to the provisions of the constitution only but also go beyond it to all the laws that regulate the work of the authorities and their relations among themselves, and as long as the internal system of the Iraqi Council of Representatives has considered the Presidency of the Council of Representatives one of the organs of the Council of Representatives and specialized in many texts, so what the Federal Court went to the right side in this direction. We, in turn, call on the Federal Supreme Court to reverse its opinion on the decision mentioned above for inconsistency with the provisions of the Constitution on the one hand. On the other hand, some powers can only be exercised by the Presidency, which is carried out jointly with the President of the Council, and among what the Constitution wanted for this orientation is the position in the event of a vacancy of the position of the Speaker of the House of Representatives, so how is it dealt with in the absence of a Presidency of the Council, which we will show later and according to the direction of The Federal Supreme Court itself.

Second Requirement

Competences of the First Deputy Speaker of the House of Representatives

In this requirement, we will deal with the powers and competencies of the First Deputy Speaker of the Iraqi Council of Representatives in two sections, the first of

which deals with legislative powers. At the same time, the second has the administrative powers of the First Deputy Speaker of the Council of Representatives.

First Deputy Speaker of the House of Representatives Legislative Powers

The Speaker of the House of Representatives shall refer the draft laws submitted by the executive authority to the competent committees for study before presenting them to the House for discussion, provided that this is in the presence of a representative of the committee submitting the draft. Therefore, it is necessary to clarify the role of the First Deputy Speaker of the House of Representatives in legislation, which we will show. As the First Vice President enjoys legislative powers shared with the rest of the Presidency members, there are exclusive legislative powers for this position.

First: The joint competencies of the First Deputy Speaker of the House of Representatives.

The constitution is defined as a set of legal rules that regulate the exercise and formation of powers, guarantee rights and freedoms, and work to create a degree of solidarity or harmony between the exercise of power and the enjoyment of rights and liberties. Parliamentary systems are based on cooperation and balance between the legislative and executive authorities, and the features of this cooperation and balance appear through what the constitution grants



to each of the two authorities in terms of manifestations of influence and overlap between each authority versus the other authority. The manifestations of the influence of the legislative authority on the executive authority are represented in the right of members of Parliament to direct questions and interpellation to the government and the right of Parliament to form parliamentary committees to monitor the work of the government. The role of the internal regulations of Parliament comes to share a large part of this function with the constitution, as it undertakes the internal organization of one of the three most important authorities, the legislative authority. The internal regulations of the Parliament include the rules related to the formation and powers of its central bodies, how the Parliament and its bodies perform the legislative and oversight function, and the means necessary to carry it out. These internal regulations organize the powers of the Parliament, including the powers enjoyed by the two deputy speakers of the Council of Representatives as members of the Presidency of the Council of Representatives, which they exercise in conjunction with the Presidency. These powers or tasks are stipulated in Article (9) of the internal regulations of the Iraqi Council of Representatives, in addition to other powers included in various articles of this system. These powers include organizing the agenda in coordination with the head of the relevant committee or their representatives from the committees for the

sessions of the Council of Representatives, to distribute it to the members, the President of the Republic, and members of the Council of Ministers, attaching to it draft and proposed laws and reports submitted for discussion, taking into account the priority of including draft laws submitted by the government that the relevant committees have completed their study, as well as critical current topics, at least two days before the session is held unless the constitution stipulates other periods. Also, the minutes of the previous session of the Council of Representatives should be approved, and the rules for organizing the minutes should be set. The Presidency of the House of Representatives also has the right to decide on conflicts of jurisdiction between committees regarding issues referred to it, prepare the Council's work plan and its administrative formations, follow up on their implementation after approval, approve the organizational structure of the Council's office and amend it, draw up the financial and administrative policy, and inform the Council members of that. The Presidency also organizes the Council's annual budget and presents it to the Council for approval, supervises its implementation, transfers between its chapters, assigns a committee to a specific topic, organizes the relationship of the House of Representatives with the Presidency Council (President of the Republic), the Council of Ministers, and the judiciary, organizes the relationship of the House of Representatives with the legislative councils in the regions and governorates not



organized in an area, and the relationship with the councils and parliaments in sister and friendly countries and the parliamentary unions associated with them.

Among the expected competencies of the Presidency is the nomination of rapporteurs from among the members of the Council

They also consult with the heads of parliamentary blocs to make decisions related to the dispatch of members of the presidency and members of the House of Representatives inside and outside Iraq. They supervise the presidency of the research department and ensure its neutrality.

Miscellaneous articles of the rules of procedure of the Iraqi Council of Representatives stipulate the terms of reference of the Presidency of the Council of Representatives, including those related to repeated absences by a member of the Council of Representatives without excuse five consecutive times or ten non-consecutive times during the annual session, to send a warning to the absent member to commit to attending. In the event of non-compliance with the Presidency, the matter shall be presented to the Council at the request of the Commission.

The Presidency also prepares a schedule for the House of Representatives' weekly work. After consulting with the heads of parliamentary blocs, the Presidency may issue statements on behalf of the House of

Representatives on important issues and developments that it deems necessary.

The Presidency also presents the names of the nominated members of each of the standing committees to the House of Representatives for voting in a single list to be agreed upon by the parliamentary blocs, and the Presidency also presents the committees' recommendations on the statements of ministers to the House of Representatives.

Article (10) of the rules of procedure of the Iraqi Council of Representatives stipulates that it gives him the authority of the Speaker of the Council of Representatives or the two deputies collectively to invite the Presidency to periodic meetings. He or they may collectively invite the Commission to emergency meetings, and the meeting shall be valid in the presence of the majority of the Commission.

Second: The exclusive powers of the First Deputy Speaker of the House of Representatives.

The First Deputy Speaker of the Council of Representatives has exclusive competencies brought by the rules of procedure of the Iraqi Council of Representatives. The Iraqi Council of Representatives has followed the comparative regulations in the presence of Vice-Presidents of the Council and determined their powers, as the Iraqi Council of Representatives rules of procedure stipulated in Article



(35) thereof (First: The First Deputy exercises the following functions.

A- Perform the duties of the Chairman of the Council in the absence or inability to perform those tasks

B- Follow up the work of the standing committees and submit reports thereon as agreed upon between the Chairman of the Council and his two deputies

C- Chairing the joint meetings of the Standing Committees of the Council

The Iraqi constitution in force did not address the issue of the vacancy of the position of the Speaker of the Council of Representatives or how to elect a replacement for him or the position of one of his deputies in the event of a vacancy in one of these positions for any reason. However, the rules of procedure dealt with these cases in Article (12) thereof, which indicates that although it dealt with the specific time that the Council must elect the replacement, it did not address the case of failure of the Council to elect a new president in the first meeting held by the Council after the vacancy of the position, and does the Council continue its tasks without a president or does it have to elect a president?

By extrapolating the text of Article (55) of the Constitution of the Republic of Iraq for the year 2005, which provides for the election of the House of Representatives in its first session as Speaker of the

Council and a deputy by the absolute majority of the number of members of the Council by direct secret election, as its rule is limited to the case of the start of the term of the electoral cycle of the House of Representatives.

Referring to the direction of the Federal Supreme Court, it finds that the Constitution of the Republic of Iraq in force did not include a text dealing with how to elect a new speaker of the House of Representatives or his deputies during the period of the electoral cycle if the position is vacant for any reason, and the Court has confirmed that if the House of Representatives begins the procedures for electing a president in the first session that followed the vacancy of the position, it has fulfilled the requirements of (paragraph III) of Article (12) of the rules of procedure of the House of Representatives, whether approved in those The session or not succeeded, reasoning that it is constitutionally unreasonable for the Council to suspend its sessions just because of the vacancy of the office to elect a new president, as it must continue in its sessions not to perform the tasks stipulated in the Constitution and in the rules of procedure and its sessions are held under the chairmanship of one of the deputies in accordance with the laws of procedure of the House of Representatives. Here, the role of the First Deputy Speaker of the House of Representatives in managing the sessions and filling the vacancy for this critical position emerges.



There are also scattered articles that gave powers to the Deputy Speakers of the House of Representatives, including referring the ministerial curriculum to a special committee headed by one of the two Vice-Presidents of the Council to prepare a report submitted to the Council before voting on it. It has been customary in the House of Representatives that the first deputy is the head of the committee to prepare the report on that curriculum.

It is noteworthy that the rules of procedure of the Iraqi Council of Representatives showed in Article (12) paragraph (first/second) the case of resignation from the position of membership of the Presidency after the approval of the Council by a majority of the number of members present from the Council. The case of dismissal of a member of the Presidency by the Council of Representatives by the Law did not show the mechanism for dismissal in the rules of procedure. It was more appropriate that the rules of procedure contain how to end the position of the two deputy speakers of the House of Representatives as well as the President because of its great importance and essential role in the work of The Council and that the rules of procedure are the first to regulate such topics.

Section Two

Administrative powers of the First Deputy Speaker of the Iraqi Council of Representatives

Although parliaments are councils for deliberating discussions, these bodies have administrative aspects as large institutions and must have administrative support from employees who help them accomplish their constitutional tasks. This means that there is an administrative organization of the House of Representatives for which the President of the House or the Presidency is responsible.

The First Deputy Speaker of the House of Representatives enjoys many powers. As stipulated by Law, the powers enjoyed by the speakers of parliaments vary from one country to another according to the tired traditions and powers granted to him under the Constitution and the rules of procedure of the Council.

In Iraq, the Deputy Speaker of the House of Representatives exercises many tasks, as the Speaker of the Council represents him and speaks on his behalf. The House of Representatives elects a Speaker of the Council with two deputies to assist him in performing his duties or temporarily replacing the Speaker of the Council if the Speaker of the Council cannot do his work. The First Deputy Speaker of the Council of Representatives in Iraq assumes the functions of the Speaker of the Council in his absence or inability to perform those tasks, as well as following up the work of the standing committees and submitting reports thereon by what was agreed upon in the Presidency



and chairing the joint meetings of the standing committees in the Council.

The Ethnic House of Representatives Law No. (13) of 2018, as amended, stipulates (First: The President, in agreement with his deputies and with the approval of the Council, shall issue instructions specifying:

- 1- What is allocated to the president, his deputy, and deputies to enable them to perform their legislative, oversight, and representative functions
2. Allowances received by employees

Second: The teachings referred to in the first about the nominal salaries of those covered by the provisions of this Law shall be bound by the nominal salary ceiling granted to their peers in the Council of Ministers and the Presidency of the Council of Ministers.

Here came the role of the First Deputy Speaker of the House of Representatives in administrative matters as a pillar in the process of issuing instructions, as the issuance of these instructions is by consensus in the Presidency and the approval of the House of Representatives.

The appointment of staff in the House of Representatives is by consensus between the President and his two deputies.

The Law also stipulates that the president and each of the deputy offices shall form and manage and staff within the staff of the Council.

But the question that arises here is whether the First Vice President can take legal measures to implement the legislation in force in the details of administrative work on employees and board formations. What would the situation be if the Speaker of the Council could not carry out his constitutional duties?

Here we say that Article (48) of the amended influential House of Representatives Law settled this issue by giving the Speaker of the House of Representatives the authority to implement everything related to the implementation of legislation in force, whether exclusive to the House of Representatives or general legislation governing employees, either what was stipulated in the amended House of Representatives Law in force, as well as the internal regulations of the Iraqi Council of Representatives to give powers, whether exclusive or joint to the First Deputy Speaker of the House of Representatives, exercised according to the Law, In the event of exceeding the authority, the president has the right to cancel this decision as it was contrary to the Law and defective by the defect of jurisdiction.

If it is not possible to carry out the duties entrusted to the President of the Council under the Constitution and the Law in his absence and the inability to elect a new



President of the Council according to the provisions of the Constitution and the Law and according to what has already been mentioned in this study, the decision of the Federal Court stipulated that the Council continues to perform its constitutional tasks, so the work of the Council cannot depend on the election of the President.

However, the decision referred to the assumption of the presidency of the Council by one of the two deputies. We believe that the exclusive powers stipulated by the Constitution and the Law of the Speaker of the House of Representatives, including the exclusive administrative powers, cannot be transferred to the deputy because they are exclusive to the president's person. When he is absent for any reason, it remains disabled until the absence disappears and a new president of the Council is elected with full powers.

This law deficiency must be avoided by amending it and providing for the transfer of exclusive powers to the first deputy in the president's absence without cause.

CONCLUSION

After we finished the research study (the legal status of the First Deputy Speaker of the Iraqi Council of Representatives) and reached essential results and recommendations that contribute to the development of the legislative system, we found it appropriate to stand on the most critical results extracted and derived

from the aspects of the research, in addition to putting forward the most essential recommendations related to addressing the imbalance that may affect some texts.

RESULTS

1- The Iraqi constitutional legislator stipulated the election of two vice-presidents of the Iraqi Council of Representatives according to direct secret polls. Thus, it is in line with most of the legislation in this aspect due to the importance of the position and the tasks entrusted to it.

2—The Constitution did not specify the powers of the Deputy Speakers of the House of Representatives or even the President but left it to the rules of procedure approved by the House of Representatives. Indeed, the rules of procedure were issued, which defined the powers of the President and deputies, including the First Deputy Speaker of the House of Representatives.

3- Powers are given to the Deputy Speaker of the House of Representatives as a member of the Presidency of the House of Representatives, and there are exclusive powers for the First Deputy.

4- The powers stipulated in the Internal Regulations of the Iraqi House of Representatives No. 9 of 2020, as well as the Iraqi House of Representatives Law No. 13 of 2018 amending the Presidency, are of great importance because they express a collective and joint



power in decision-making and were not given to the Speaker of the House alone. The purpose was to provide a more significant role to the Presidency in decision-making to reach sound results.

5- The Internal Regulations of the House of Representatives and the Iraqi House of Representatives Law did not stipulate the method of dismissing the Speaker and the deputies, including the First Deputy Speaker of the House, but rather sufficed with organizing the resignation. It would have been more appropriate to stipulate dismissal since these positions are considered sovereign positions and are not like members of the House. The work and organization of the House are linked to them. 6- The internal regulations of the Iraqi Council of Representatives and the Council Law did not specify the position if the position of the Speaker of the Council of Representatives becomes vacant for any reason, and what is the period during which the first deputy must replace the president in this regard, with clear and explicit texts. Therefore, the role of the Federal Court did not link the work of the Council of Representatives to the election of a president. Still, work can continue with the presence of the first deputy president until the election of a president for the Council.

Recommendations

1- We recommend that the internal regulations of the Iraqi Council of Representatives or the Council of Representatives Law include an explicit text that grants the powers of the Speaker of the Council of Representatives if the position becomes vacant for any reason to the first deputy speaker of the Council of Representatives, especially when it is impossible to choose a speaker of the Council of Representatives within the period specified in the Law.

2-We recommend that Iraqi legislation stipulate the method of dismissing the First Deputy Speaker of the Council of Representatives, as is the case with the resignation technique, but not the same method by which the deputy is dismissed since these positions are sovereign positions that must be surrounded by legal guarantees that enhance the status of this critical position.

3-We recommend that the nomination for the position of First Deputy Speaker of the Council of Representatives be from among the members of the Council of Representatives who possess the conditions for membership in the Council, in addition to another round, such as being from among the forces with the most votes in the Council and those with experience and expertise in managing the Council and previous membership, etc.

4- We recommend that there be a text in the legislation that grants the Speaker of the Council the authority to



delegate some of his powers to his deputies, including the First Deputy Speaker of the Council, whether administrative or otherwise.

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