

**The Kingdom of Bahrain:**  
**A Guide to Parliament**

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## **Introduction**

The Parliament is the legislative authority, or branch of government, responsible for passing laws and monitoring the performance of the executive authority. The Parliament's importance to the state stems from the fact that its members are directly elected by the people. Consequently, the Parliament is a representative of the people and exercises their authority.

This manual aims to enable members of the general public understand Bahrain's parliamentary system, especially the constitutional role and significance of the Council of Representatives, Bahrain's elected legislative authority. Additionally it serves as a resource for Members of Parliament and their staff.

This manual outlines explores common governance structures in parliamentary systems and then focuses on the specific aspects of the Bahraini Council of Representative, including its regulations and procedures stipulated by the Bahraini constitution and internal council bylaws.

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## Chapter One Types of Legislative Systems

The relationship between the legislative and executive authorities is affected by the type of system governing the state's affairs. Any government system allots some basic privileges and responsibilities to the legislative and executive authorities and various factors that can enhance cooperation or increase the degree of confrontation between these authorities. Additionally, each system contains some ambiguous areas of responsibility that enable a strong legislative authority or an ambitious executive leader to expand the scope of their influence.

There are three common types of legislative systems found worldwide:

- 1) The Presidential System
- 2) The Parliamentary System
- 3) The Hybrid System

With respect to the types of legislative systems, most democratic governments can be categorized as purely parliamentary or purely presidential. However, there are some hybrid systems with characteristics of both the presidential and parliamentary systems. These systems differ in some basic areas depending on the degree of separation between the legislative authority and the government's executive duties.

### **1. The Presidential System**

The presidential system is based on the principle of the separation of powers, and under this system, each authority or branch of government (e.g. executive, legislative, judicial) makes its decisions independently from the other(s). The United States of America is a well-known example of this type of system. In this system the president has the freedom and opportunity to play a decisive role in administrating the affairs of government.

In the presidential system, the president is elected by the people and is directly responsible before them. The president and the legislative council members are usually selected in separate elections for fixed terms. The president then appoints a council of ministers (or cabinet) whose members may not also be members of the legislative council. The majority of legislative council members may or may not be affiliated with the president's party.

Under the presidential system, the president of the executive authority is responsible for leading the state and the government and enjoys broad powers. However, the executive authority does not allow the president to dissolve the representative legislative body, and the legislative body does not have the right to oust the president; both have powers that do not allow one to dominate the other. The only case in which the legislative authority may depose the president is if the President has been found to have behaved in an inappropriate or illegal manner. Then the legislative authority may vote on whether to remove the president from office.

While some presidential systems allow the president to propose bills, the legislative authority alone has the power to pass legislation. However, in keeping with the balance of power, the president has the ability to veto legislation, which is one of the most important presidential powers. Most presidential systems allow the legislative authority to override a presidential veto with a special majority of votes.

### **Presidential Systems: The American Model**

The United States of America is an example of the traditional presidential system that differentiates between the legislative and executive authorities, granting each its own independent electoral authorization. It is possible (and increasingly common) to see cases of divided/split governments, where the majority of the legislative authority members belong to a different party from that of the president.

In the presidential system, the legislative authority has the ability to oust the president if he/she has been found to have behaved in an inappropriate or illegal manner. In contrast, a vote for maintaining confidence in the British parliamentary system is considered a means of demonstrating political support (or the lack thereof).

The president can appoint his/her cabinet members and they frequently come from the president's own party. Cabinet members tend to enact the president's policy rather than formulating their own.

## **2. The Parliamentary System:**

Under this system, the government (the executive authority) is formed by a particular party or a group of parties that is able to win the majority of votes in the Parliament. The leader of the largest party usually becomes the prime minister (Sonia Gandhi of India is one example of a party leader who did not become prime minister). The prime minister then selects ministers for his/her cabinet from the available members in Parliament. Though there may be another head of state (e.g. a president or monarch) the prime minister serves as head of the government and the executive authority.

Under the parliamentary system, the separation of powers, while present, is less defined and the powers of the legislative and executive authorities overlap, which requires cooperation between the two authorities. For instance, the executive authority shares the powers of the legislative authority with regards to proposing laws, which is a legislative job. In fact, in the parliamentary system, the legislation process tends to start from the government, although individual members may initiate the process, though it rarely succeeds.

### **Parliamentary Systems: The British Model**

The British Parliament (the Westminster System) is a traditional example of parliamentary government. Under this system, the head of the government (the prime minister) and his/her ministers are considered members of the ruling party (or parties in case of a coalition government) in the legislative authority. However, the government depends on the legislative authority's support and can be easily dissolved by a vote of no confidence. These officials, including the prime minister, are selected through an official parliamentary vote following internal negotiations between party leaders.

The legislative authority has the power to appoint and dismiss cabinet members (ministers). Meanwhile, in the parliamentary system, the prime minister has a political power greater than that of his/her fellow ministers. The whole ministry tends to work in cooperation, as it makes decisions concerning government policy by consensus.

### **3. The Hybrid System:**

Under the hybrid system (also called a semi-presidential or semi-parliamentarian system), there are elements of both the presidential and parliamentary systems. The French model is the most well known example.

The hybrid system has both a president and Parliament, and the former is selected from elections that are separate from the legislative polls. The president then appoints the prime minister from the party/parties with the majority of seats in Parliament. It is not necessary for the prime minister to be from the president's party. When the prime minister isn't affiliated with the president's party it results in a "cohabitation government." In this case, the president and government end up proposing most of the legislation.

While the hybrid system is supposed to embody features of both presidential and parliamentary systems, some critics argue that the hybrid system functions as only one of the two systems, whether or not the president and Parliament's majority belong to the same party.

### **Hybrid Systems: The French Model**

An increasingly common political option is to combine elements of both the parliamentary and presidential systems, as seen in France. Under this system, voters elect Members of Parliament and the president directly. The president then appoints ministers and the ministry according to the proportional representation of each party in Parliament. This may lead the president to appoint a prime minister from a party other than his/her own and this cohabitation can contribute to increased political competition within the executive authority. However, tradition stipulates that the French President controls all the political areas concerned with foreign affairs while the prime minister and the ministry manage the government's daily affairs.

## Chapter Two

### Parliament's Role in Democratic Systems

#### Concepts of Parliamentary Work

##### Parliamentary Principles

- **Independence:** The Parliament is an independent authority with its own laws and procedures.
- **Generality:** (Non-exceptionality) The Parliament's procedures and laws apply to everyone without exception.
- **Understanding the nature of procedures:** The conventional laws, procedures, and practices require all MPs to understand them.

##### Concepts of Parliamentary Work:

###### **1. The Political Majority's Vote**

The political majority's vote authorizes any matter or government activity. One of the most important principles of parliamentary procedure is to respect the political majority's vote on any matter; even if there are differences in the viewpoints of the political majority and minority. All the members must accept the results of a vote and the ensuing decision taken by the parliamentary majority.

###### **2. Protecting the Political Minority**

Respecting the rights of the political minority in Parliament is also an important democratic value. Members of Parliament who belong to the parliamentary minority must be granted the freedom to speak and ask questions during discussions, question periods, and committee meetings.

###### **3. Equality Between Members of Parliament**

Achieving equality between all members regarding rights, privileges, duties, and freedom of speech is an important legal principle in parliamentary work. All MPs have to be granted the right to speak when discussing any issue, amendment process, or contentious issue. However, this necessitates that the Parliamentary Procedural Law includes an article stipulating that members with opposing opinions must show respect for others and not make personal comments. Also, parliamentary procedures must include a sequential system so that parliamentary questioning is dealt with in a prompt and fair manner, regardless of who requested it.

###### **4. Appropriate Behavior**

To ensure the regularity of discussions and respect for opinions, parliamentary laws have to clarify what is and is not appropriate behavior inside Parliament. No personal defamation,



physical acts of violence, or harsh criticism between MPs can be tolerated. Everyone must act in an appropriate manner and procedural law must include an article regarding the course of action that may be taken against any MP who doesn't respect these principles.

## **5. Citizens' Awareness**

People have the right to be informed of what takes place in Parliament and to know about parliamentary procedures. Parliament, as the public's representative, must be a transparent institution and citizens must know what their elected officials are doing to defend the people's interests and discuss their concerns. Additionally, parliamentary procedures must allow citizens and the media access to attend and cover events in official newspapers, parliamentary publications, or on the Internet.

## **6. The Neutrality of the Speaker of Parliament**

All parliamentary procedures must stress the neutrality of the Speaker of Parliament. The Speaker can not participate in any activity of his/her party, nor can he/she participate in any discussion. The Speaker's role is not partial to any party bloc or political force inside Parliament, a position necessary to ensure that the system and procedural laws are respected by all Members of Parliament.

## **7. Following a Fixed System for Making Decisions**

Parliament has to know the manner in which its work progresses; there should be a work program and an established system for any issue that may arise in Parliament. This allows discussion and debate, but sets a specific period of time for MPs to reach a decision. Any delay, chaotic discussion, or absence of a deadline to finish discussions will lead to Parliament's ineffectiveness. While the political minority has the right to debate issues, it is also important for it to ultimately respect the will of the majority in Parliament.

## **8. Working on Behalf of Citizens**

Parliament should propose solutions or mechanisms to settle disputes in society, particularly if these disputes involve issues between people or organizations and the government. The fundamental role of elected members, who are considered the sole representatives of society in Parliament, is to fill the gap between society and the executive authority. In other words, Parliament ensures that citizens' rights and concerns are expressed in Parliament during sittings, question periods, and committee discussions. By discussing working papers and amendments, MPs try to reach a compromise between what the executive authority wants to implement and citizens' interests.

## **9. Following Codes of Conduct**

In order to maintain the legitimacy of the country's parliamentary institution in the eyes of the people and their confidence in its work, elected MPs must behave well and demonstrate high moral standards. Frequently legislative authorities have "codes of conduct" to regulate both

members of the legislative authority and the government. To be effective, codes should not only be agreed upon, but must also be published both inside and outside the legislative authority so that Members can be held accountable to the code.

### **Internal Composition of Parliamentary Systems**

Within parliamentary systems, there exist a number of relationships between the various components (e.g. political parties, opposition groups, etc.), which affect the work and structure of the legislative authority.

### **The Government and the Opposition**

In the parliamentary system, the role of the ruling party/parties in the legislative authority is to work on transforming the government's policies into laws. However, most of the time this role is subject to a variety of pressures, for example, the distribution of seats within a single party (or between parties in the case of a coalition government), public opinion, and the strength of the opposition.

The role of opposition parties in Parliament is to make every effort to hold serious debates and challenge legislation proposed by the government if this legislation contradicts the public interest or favors the interests of the ruling party.

Naturally, the opposition, in such a case, has the right to defend an alternative set of priorities or a different method for tackling pressing issues. The opposition may propose amendments regarding the draft law presented for discussion to match its position. The best opposition is one that strives to be constructive and works for the best interest of constituents.

### **Shadow Governments**

The most successful opposition parties are those that prove they are capable of governing effectively. In parliaments, the opposition frequently appoints its own ministers for a shadow government to discuss, on the government's behalf, issues governed by the legislative authority in each ministry. Also, opposition members formulate alternative policies or criticisms in accordance with the program of their political party.

The shadow minister is an able and eligible minister, as he/she works along with opposition MPs to approve laws in a council dominated by members of another political party. The shadow minister works on countering the government's policy with the opposition's position by promoting his/her alternative policy. If the opposition succeeds in winning the public's support while the government fails to change its position accordingly, most of the government members will be considered unable to properly represent the people.

### **Parliament's Majority & Minority**

Following elections in most of the legislative councils, there is a party or parties having the majority of votes, which allows it/them to pass any platform. Also, there will be a political minority in Parliament from one or more parties that disagrees with the viewpoints of the majority.

In many circumstances, laws are passed by a narrow majority of parliamentarians' votes. In many democracies, there are particular types of legislation (e.g. constitution amendments, overturning the veto of the presidency, etc.) that require more than a simple majority to pass. In these cases, the legislation may require a considerable majority (two-thirds or three-fourths) of members' votes to pass a law or constitutional amendment.

The principle of majority and minority is an essential element of democratic government; when the majority makes a decision, the minority has to respect the decision. However, before making a decision, the political majority must allow the minority to question, discuss, debate, propose amendments, and utilize all procedural laws to promote its position.

### **Parties' Role in Parliamentary Systems**

In both the presidential and parliamentary systems, any partisan policy will significantly affect the legislative-executive relationship. However, mixing the executive and legislative authorities in parliamentary systems, in a way that contravenes the principle of separation of powers found in presidential systems, not only creates a stronger bond of dynamism within a single party, but also between the legislative and executive authorities.

### **Parliamentary Blocs**

A Member of Parliament can play his/her role individually or as part of a party bloc. A group of members of the same party or coalition can form an organization for themselves inside the legislative authority, under the name of a "party bloc". A party bloc often has offices in the Parliament and staff to help them achieve their work by conducting research and managing communications. Such party blocs help organize their members' activities, and provide opportunities for talks and strategies for daily work in Parliament. The parliamentary work regulations may provide entitlements for party blocs, such as opportunities to speak and funding for resources to administer their work. For instance, many parliaments allocate budgets, proportionally based on the number of MPs in each party bloc.

Every legislative authority has a minimum limit for the number of MPs required to form a party bloc, and most party blocs tend to have an executive party group to run their internal affairs and external relations with key officials in Parliament and other partisan groups. Party blocs can also be of a non-official nature like a party coalition on any issue. Many large political parties in Parliament often have party blocs for women through which female MPs hold meetings. Also, these large parties can have regional party blocs for MPs who belong to the same area, state, or city. Such party blocs help diversify and lead to effective discussion on areas of joint interest within a party or the legislative authority.

### **Committees**

Since the general sitting is the venue for public debates and decision-making, most of the detailed work of the legislative authority or government takes place in committees. The system of committees allows more flexibility for the legislature to perform its duty; it also allows the legislative authority to do its work much more efficiently by dividing the work into smaller and more specialized activities. Committees are able, for example, to deal with the executive authority, which is one way the government is held accountable for its actions.

Committees are usually assigned to study legislation and the draft legislation (as in the U.S.A.), suggest amendments to legislation, ask witnesses to prepare reports, offer advice, and call for government officials. Committees may be permanent or they may be disbanded as soon as their assignments are completed.

The structure of the committee leadership is usually set in the laws and procedures of the legislative authority. It may be a joint leadership divided between the government and opposition parties. For example, the committee Chairperson might be from the majority party, whereas his deputy might be from a minority party. In some committees, the Chair might be restricted to the majority party, while in other committees the chairpersons are from the opposition. For example, the General Accounting Committees in the United Kingdom and Canada, which are concerned with checking and observing the government's expenditure, are usually headed by a member of the key opposition party.

Permanent committees of the legislative authority oversee the same areas as a variety of government posts (e.g. finance, defense, health, human rights, trade, and environment). It is possible to form committees responsible for a number of similar governmental institutions. These committees can then closely monitor the performance of government institutions by setting up political initiatives and long-term plans. These committees can play a vital role in the development of the legislative process; they can check any document, sentence-by-sentence and present suggestions for amendments to the concerned committee.

Special or Ad Hoc Committees are appointed for a certain period of time to study a particular event or carry out a specific assignment delegated by the legislative authority. These committees may be given special authorities different from those of permanent committees. For example, committees in Canada may tend to ask for the assistance of independent officers, like the Ombudsman<sup>1</sup> or a conflict resolution specialist, whose positions require the support of all the stakeholders.

Sub-committees are the smallest committees, which are components of the larger committees to which they report. These committees are useful when the main committee has many important tasks to complete. They are usually established to study a certain issue related to the main committees. For example, the External Affairs Committee might have a sub-committee concerned with a specific country; the Trade Committee might have a sub-committee concerned with specific trade issues such as tariffs or the World Trade Organization.

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<sup>1</sup> Ombudsman: a title usually, though not always, used for an officer appointed by the government or Parliament whose duty is to represent the people's interests while investigating and following up on complaints presented by citizens. In some judicial authorities, the 'ombudsman' is considered a parliamentary committee member.

## Chapter Three

### The Parliamentary System in Bahrain: Formation & Structure

Bahrain's parliamentary system went through several stages before reaching its present state:

#### **1. The State of Bahrain**

- The National Assembly 1972-1975
- The Consultative Council 1992-2002

#### **2. The Kingdom of Bahrain**

- The National Assembly 2002- present

The 2002 Constitution of the Kingdom of Bahrain lays out certain rights for its citizens and democratic principles, including:

#### **Constitutional Article (1):**

d) "The system of government in the Kingdom of Bahrain is democratic, sovereignty being in the hands of the people, the source of all powers. Sovereignty shall be exercised in the manner stated in the Constitution.

e) "Citizens, both men and women, are entitled to participate in public affairs and may enjoy political rights, including the right to vote and to stand for elections, in accordance with this Constitution and the conditions and principles laid down by law. No citizen can be deprived of the right to vote or to nominate oneself for elections except by law."

Bahrain's Constitution also outlines a separation of powers in its government between According to the Constitution, legislative authority in Bahrain is shared between the King and the National Assembly:

#### **Constitutional Article (32):**

- a) "The system of government rests on a separation of the legislative, executive and judicial authorities while maintaining cooperation between them in accordance with the provisions of the constitution. However, limited legislative delegation for a particular period and specific subject(s) is permissible, whereupon the powers shall be exercised in accordance with the provisions of the Delegation Law.
- b) Legislative authority is vested in the King and the National Assembly in accordance with the Constitution. Executive authority is vested in the King together with the Council of Ministers and Ministers, and judicial rulings are issued in his name, the whole being in accordance with the provisions of the Constitution.

**Constitutional Article (35,a):** The King may amend the Constitution, propose laws, and is the authority for their ratification and promulgation.

## **The Council of Representatives**

Bahrain's legislative authority, known as the National Assembly, is composed of two houses: The Consultative Council and the Council of Representatives. Each house has 40-members who serve renewable four year terms. The King appoints the members of the Consultative Council (Constitutional Article 52), while the Council of Representatives' members are elected by the people (Constitutional Article 56).

The Council of Representatives has both legislative and political powers and responsibilities. Legislatively, the Council reviews and votes on draft laws proposed by the King or the Government and can formulate its own bills. Politically, the Council provides oversight of the Executive Branch through its ability to questioning ministers and, when necessary, call for votes of confidence.

Through the duties allotted to it in the Constitution, the Council of Representatives has unique relationships with the King, the Government, and the Consultative Council:

### **The Council of Representatives' Relationship with the King**

With regards to its relationship with the King, the Council of Representatives:

- Reviews any decrees passed by the King while it or the Consultative Council are out of session and, along with the Consultative Council and decides whether to approve or not approve them (Constitutional Article 38); and
- As part of the National Assembly, may with a two-thirds majority request that a law previously returned to it by the King for reconsideration be ratified and promulgated by the King (Constitutional Article 35).

### **The King's Relationship with the Council of Representatives**

With regards to his relationship with the Council of Representatives, the King:

- Calls for elections for the Council of Representatives (Constitutional Article 42);
- Invites the National Assembly to convene and opens and closes the National Assembly's proceedings (Constitutional Article 42);
- Can dissolve the Council of Representatives by decree which states the grounds (Constitutional Article 42);
- May, with the Council of Ministers' recommendation, defer elections for the Council of Representatives for compelling reasons (Constitutional Article 64);
- Can reinstate a dissolved Council of Representatives if elections have not been held (Constitutional Article 64);
- Reviews draft laws approved by the Council of Representatives and Consultative Council and decides whether to ratify the law or return it to the Council of Representatives for further consideration (Article 35);
- May, if necessary, extend by Royal Decree the legislative term of the Council of Representatives by up to two years (Constitutional Article 58);
- Can summon the Council of Representatives (or Consultative Council) to meet in extraordinary sessions (Constitutional Article 75);

- Can postpone by Royal Decree the convening of the National Assembly for up to two months (Constitutional Article 90), and
- Communicates treaties to the National Assembly (Constitutional Article 37).

### **The Council of Representatives' Relationship with the Council of Ministers/Government**

With regards to its relationship with the Government, the Council of Representatives:

- Can question any minister on matters related to his/her relevant ministry and duties (Constitutional Article 65);
- May require a Minister to attend Council sessions or committee meetings pertaining to his/her ministry (Constitutional Article 93);
- Can with a two-thirds majority vote of no-confidence force any Minister, excluding the Prime Minister, to resign from office (Constitutional Article 66);
- Can with a two-thirds vote initiate discussion on no-confidence in the Prime Minister in the National Assembly and with a two-thirds majority in the National Assembly require the King to appoint a new Prime Minister and Government or dissolve the Council of Representatives (Constitutional Article 67);
- Requests the Government to formulate draft laws or draft Constitutional amendments (Article 92);
- Makes observations, as part of the National Assembly, on the government program (Constitutional Article 88); and
- Proposes its wishes to the Government (Constitutional Article 68);

### **The Council of Ministers/Government's Relationship with the Council of Representatives**

With regards to its relationship with the Council of Representatives, the Council of Ministers:

- Can recommend that the King defer elections for the Council of Representatives if dissolved or reinstate the Council of Representatives (Constitutional Article 64);
- Presents, through the Prime Minister, draft laws to the Council of Representatives, which have priority in debates (Constitutional Article 81);
- Submits, as soon as it is formed, its program to the National Assembly (Constitutional Article 88);
- Receives requests from the Consultative Council or the Council of Representatives to formulate draft laws or draft amendments to the Constitution (Constitutional Article 92);
- Is entitled, along with its deputies, to attend and speak at sessions of the Council of Representatives and Consultative Council (Constitutional Article 93);
- Reforms at the start of each legislative season (Constitutional Article 33);
- Is responsible to the Council of Representatives and must submit to questioning on their respective ministries (Constitutional Article 66); and
- Receives requests from the Council of Representatives on public matters and, if unable to meet the requests, must submit a written explanation to the Council of Representatives (Constitutional Article 68).

### **The Consultative Council's Relationship with the Council of Representatives**

With regards to its relationship with the Council of Representatives, the Council of Representatives:

- Convenes during the same periods as the Council of Representatives (Constitutional Article 55);
- Reviews bills passed by the Council of Representatives, which it may approve, reject, or amend (Constitutional Article 82); and
- Stops meeting if the Council of Representatives is dissolved (Constitutional Article 55).



# **Formation and Structure of the Council of Representatives**

## **Legal Frameworks Organizing the Bahraini Council of Representatives**

- The Constitution of the Kingdom of Bahrain
- The Council of Representatives' Internal Bylaw

## **The Parliamentary Term**

**Constitutional Article 56:** "The Council of Representatives comprises forty members elected by direct, secret general ballot in accordance with the provisions of the law."

**Constitutional Article 58:** "The term of the Council of Representatives is four years by the Gregorian Calendar from the date of its first session. Elections for a new Council of Representatives shall be held during the last four months of that term, while observing the provisions of Article 64 of the Constitution. A person whose period of membership has ended may be re-elected. The King may, when necessary, extend the legislative season of the Council of Representatives by Royal Order for a period not exceeding two years."

The King has the right to dissolve the Council of Representatives and is responsible for calling for new elections or restoring the dissolved Council.

### **Constitutional Article 42, c:**

The King is entitled to dissolve the Council of Representatives by a Decree that states the reasons for the dissolution. The Council cannot be dissolved for the same reasons once again.

### **Constitutional Article 64:**

- a) If the Council of Representatives is dissolved, elections for a new Council of Representatives must be held not later than four months from the date of dissolution. If elections are not held during that period the dissolved Council of Representatives shall regain its full constitutional powers, and meet immediately as though the dissolution never occurred, and shall continue its business until a new Chamber is elected.
- b) Notwithstanding the preceding clause, the King may defer election of the Council of Representatives if there are compelling circumstances whereby the Council of Ministers considers holding elections is not possible.
- c) If the compelling circumstances mentioned in the preceding clause continue, the King, taking the opinion of the Council of Ministers, may restore the dissolved Council of Representatives and invite it to convene. This Council of Representatives shall exercise its full constitutional powers. The provisions of this Constitution shall apply to it including those pertaining to the completion of the Chamber's term and dissolution. The session the Chamber holds in such a case shall be regarded as its first session irrespective of the date of its commencement.

## Parliament's Membership

As stipulated in Constitutional Article 57, a candidate for the Council of Representatives must:

- a. be a Bahraini registered to vote.
- b. be at least 30 years old by election day.
- c. be able to read and write Arabic fluently.
- d. not have had his/her previous membership in the National Assembly terminated due to a loss of confidence or for having violated the duties of his/her membership. A person whose membership was terminated may run again only if the legislative term during which their membership was terminated has elapsed, or if the Council decides to allow them to become a member again.

Concerning empty seats, the Constitution stipulates:

**Constitutional Article 59:** “If for any reason the place of a member of the Council of Representatives becomes vacant before his term is due to expire, his replacement shall be elected within two months from the date of the announcement of the vacancy by the Chamber, and the new member shall serve until the end of the term of his predecessor. If the vacancy occurs within the six months that precede the end of the legislative session of the Chamber, there shall be no election of a replacement member. “

Concerning the resignation of a member:

**Constitutional Article 63:** “The Council of Representatives is the authority competent to accept a resignation from its membership. The resignation shall be deemed final only from when the Council decides to accept it, and the place shall become vacant from the date of that acceptance.”

**Council By-law Article (198):** “A request to resign from membership in the Council shall be submitted in writing to the Speaker of the Council without any restrictions or conditions. The Speaker shall present the resignation within three days of receiving it to the Council’s office for examination in a meeting to which the submitter of the resignation shall be invited. The resignation shall be presented to the Council accompanied by a report prepared by the Council’s office at the next session [...] The resignation shall be considered accepted only from the time of the Council’s approval of it. The member may withdraw his/her resignation before the Council decides to accept it.”

Concerning the need to remove a member from their office:

**Constitutional Article 99:** “If a state of incompetence arises with respect to a member of the Consultative Council and the Council of Representatives during his membership, his membership shall be abrogated, and his place become vacant on a decision taken by two-thirds of the member of the chamber of which he is a member. The membership of a member of the Consultative Council or Council of Representatives may also be abrogated for loss of confidence or esteem or for being in breach of the duties of membership. A decision to abrogate membership must secure a two-thirds majority of the members of the chamber of which he is a member. If

taken by the Consultative Council, the decision shall be submitted to the King for approval.”

### **The Council of Representatives’ Components**

The Council of Representatives’ main components are:

1. The Speaker of the Council
2. The Council Office
3. The Committees of the Council

#### **1) The Speaker of the Council**

During its first meeting, the Council of Representative’s first duty is to select from among its membership a Speaker of the Council and two deputy Speakers (Constitutional Article 60).

The Speaker of the Council has authorities specified by the bylaw in the first chapter, Article (12) as follows:

**Internal Bylaw Article 12:** “The Speaker of the Council shall: represent the Council in its contacts with other entities, speak on behalf of the Council, supervise all of the Council’s proceedings, oversee the Council’s office and committees, and supervise the Council’s secretariat-general. In all of these duties, the Speaker shall apply the provisions of the Constitution, laws, and these bylaws. In this regard, he may seek the assistance of the office staff or any Council member or committee as he deems appropriate.

“The Speaker shall open and chair the sessions. He shall announce the end of, and control sessions. He shall conduct discussions and permit members to speak. Questions shall be directed through the Council chairman. The Speaker shall announce the results of votes. He may speak at any time to maintain the order of or to clarify the discussion.

“The Speaker shall determine the topic of discussion and shall keep speakers from diverging from it. He shall warn of the need to keep order. He may clarify or seek clarification on an issue which he deems ambiguous. He may put forth issues for a vote. He shall announce the decisions issued by the Council. In general, he shall oversee the smooth operation of the proceedings of the Council.

“The Speaker may participate in discussions. In this case, he shall relinquish the speakership of the Council and shall not return.”

#### **2) The Council’s Office**

The Council’s Office is composed of the Speaker of the Council, the two Deputy Speakers, the Chairman of the Legislative and Legal Affairs Committee, and the Chairman of the Financial and Economics Affairs Committee. The Council’s Office convenes when called by the Speaker. Except in urgent circumstances, all members must be present for the meeting to

be valid and decisions are made by majority, with the Speaker casting the decisive vote in the event of a tie (Council By-law Articles 15 & 19)

According to Article 18 of the Council By-laws the Council's Office is authorized to:

- a) "Formulate the agenda for the Council's sessions, giving priority to draft laws submitted by the government which the competent committees have finished studying and to important current topics. The Speaker shall announce the agenda and inform the members and government of the agenda sufficiently before the first session is held.
- b) Decide on objections to what is recorded in the minutes of the sessions when the Council refers such objections to it.
- c) Examine the Council's draft annual budget and draft final account after they are referred to the Council's office by the Speaker and before they are presented to the Council for its approval.
- d) Monitor the proceedings and reports of the Council's committees, assist the committees in formulating rules to regulate the conduct of their proceedings, and coordinate among aspects of their activity.
- e) Recommend whomever it deems appropriate to represent the Council domestically based on the Speaker's nomination, which nomination shall be presented to the Council for its decision.
- f) Study reports submitted by delegations regarding their missions and visits before the reports are presented to the Council,
- g) Exercise the administrative authorities of the Council between terms based on the request of the Speaker.
- h) Study what the Speaker presents personally regarding cases of members who are not performing their duties or are behaving in a manner inconsistent with the dignity of membership before such cases are presented to the Council for the adoption of the appropriate measures.
- i) Study any other matters that must be voted upon at the discretion of the Speaker of the Council."

### 3) Council Committees

The constitution allows for the establishment of parliamentary committees (Constitutional Article 61), whose functions are regulated by internal council bylaw:

**Council By-law Article 28:** "The committees shall be responsible for discussion draft laws or issues relating to the ministries' activities that are referred to them. They must collect data and information on the issues referred to them to enable the Council to form its opinion on a given issues when the issue is discussed. For example, the committees may – through the Speaker of the Council and competent minister – request that the ministries, agencies, public establishments, and public authorities provide the committee with statements and documents which the committee deems necessary to study an issue referred to it. The requested entities must provide what is requested of them sufficiently before the committee formulates its report. "

Committees are responsible for issuing reports on matters referred to it to the Council chairman which "must include a statement of the committee's measures, its opinion on the issue referred to it, the reasons underlying its opinion, the opinion of the committee or committees which it consulted to obtain their remarks, and a summary of other opinions

provided in the committee's meeting on the issue and the written views and recommendations conveyed to the committee" (Council Bylaw 37 & 38).

Article 21 of the By-laws establishes the following committees:

- 1) Legislative and Legal Affairs Committee (8 members): It is responsible for "examining draft laws and the compatibility of such laws with the provisions of the Constitution; and assisting the Council and its other committees in formulating legislative provisions. It shall also be responsible for members' affairs and for examining the cancellation of membership, the lifting of immunity, and all matters that do not fall within the purview of another committee."
- 2) Foreign Affairs, Defense, and National Security Committee (7 members): It is responsible for "studying the international situation, international political developments, the foreign policy of the Kingdom of Bahrain, international agreements and treaties, and all affairs relating to internal security, the combating of crime, and external state security."
- 3) Financial and Economic Affairs Committee (8 members): It is responsible for "studying construction projects for economic and social development included in the state budget and economic plans. It shall provide remarks on such plans. It shall also study financial and economic plans. It shall provide remarks on such plans. It shall also study financial and economic aspects of the activities of different ministries and agencies, particularly budgets and final accounts."
- 4) Services Committee (7 members): It is responsible for "all levels of education, occupational training, illiteracy eradication, and issues relating to social, athletic, cultural, health, and information services and labor affairs."
- 5) Public Utilities and Infrastructure Committee (7 members) is responsible for "studying topics relating to housing, post, electricity, water, agriculture, communications, roads, municipalities, and the environment."

Each member of the House of Representatives serves on one of the Council's five committees. Representatives may request to join a particular committee, however the final committee composition is voted upon by the Council. Each Committee elects from among its members a chairman and deputy chairman. Sessions of the committees are not open to the public, however, any member of the Council of Representatives may read the committee minutes or, with permission of the relevant committee, observe a meeting (Council By-laws 22-25, 35).

Ministers, or their deputies, may attend sessions of any committee examining an issue pertaining to his/her ministry, however he/she is not allowed to vote, but their opinion will be recorded in the committee report. Committees may also request that the competent minister or one of their deputies attend a committee meeting. Government representatives have priority to speak, followed by committee members and members who are presenting the proposal referred to the committees. (Council Bylaw 36)

### The Council of Representatives' Sessions

Concerning the Parliament's sessions, the Constitution of Bahrain states that:

**Constitutional Article 71:** "The National Assembly shall convene on the second Saturday in the month of October unless the King decides to invite it to convene before this dates. If that day is an official holiday, it shall convene on the first working day following that holiday."

**Constitutional Article 72:** "The normal convening period for both the Consultative Council and the House of Representatives shall last for at least seven months, and this convening period may not be closed before the budget is approved. "

**Constitutional Article 75:** "Both the Consultative Council and the House of Representatives shall be called, by Royal Decree, to meet in extraordinary session if the King deems it necessary, or if so requested by a majority of members of either chamber. When in extraordinary session the two chambers may not consider matters other than those for which it has been called."

**Constitutional Article 90:** "The King may by Royal Order postpone the convening of the National Assembly for not more than two months, and such postponement shall not be repeated more than once in any one convening period. The period of postponement shall not be counted within the convening period provided by in Article 72 of this Constitution."

**Constitutional Article 42:** "The King shall invite the National Assembly to convene by Royal Order, and shall open its proceedings and bring them to close in accordance with the provisions of the Constitution."

### The Council of Representatives' Meetings

Concerning Parliament's meetings:

**Constitutional Article 79:** "Sessions of the Consultative Council and the Council of Representatives shall be open to the public. They may be held in secret at the request of the Government, the President of the Chamber, or ten members, and the request shall be debated in secret."

**Constitutional Article 80:** "For a meeting of both the Consultative Council or Council of Representatives to be valid, a quorum of more than half the members of each chamber must be present. Decisions shall be taken on an absolute majority of members present, except in cases where a special majority is stipulated. In the event of a tied vote, the matter shall be decided in favor of the side that includes the President of the chamber. If voting relates to the Constitution, voting shall be conducted by calling upon members by name.

"If there is a lack of quorum for either chamber to convene on two successive occasions, the meeting of the chamber shall be deemed valid provided that the number of members attending is not less than one quarter of the chamber's members."

**Constitutional Article 77:** “Any meeting of the Consultative Council or the Chamber of Representatives which is not held at the prescribed time and place shall be null and void and decisions taken there at shall be invalid.

**Council By-law Article 41:** “If a meeting of the Council begins validly, the meeting shall remain valid even if some of the members present leave the session chamber. The Council may in this case continue discussing the issues presented to it after the Speaker of the Council warns the absent members to report to the Council’s Chamber.”

**Council By-law Article 46:** “The Council shall hold a regular session on Tuesday of each week, unless it decides otherwise or there are no actions requiring a meeting.”

## **Tasks and Duties of the Council of Representatives**

The major duties and responsibilities of the Council of Representatives include:

- 1) Issuing Minutes of their Sessions
- 2) Voting
- 3) Considering Legislation
- 4) Expressing wishes to the Government
- 5) Questioning the Government
- 6) Holding Votes of Confidence

### **1) Issuing Minutes of the Session**

Concerning the meeting minutes, the Council By-law states that Council minutes, after approved will be published in the Official Gazette (Council By-law Article 84). Additionally: “The minutes of the session are an official statemnt of all matters that arrise, ans all remarks made, in the session. The minutes detail the memoranda, drafts, and proposals read in the session, the discussions and views thereon, and the decisions and recommendations issued. They state the names of members who voted and whether they voted in favor, against, or abstained, and the names of members absent. Council officials prepare minutes for each session under the supervision of the Council’s Secretary General. (Council By-law Article 83)

### **2) Voting**

Concerning the issue of voting, the Constitution of Bahrain states that:

**Constitutional Article 80:** For a meeting of both the Consultative Council or Council of Representatives to be valid, a quorum of more than half the members of each chamber must be present. Decisions shall be taken on an absolute majority of members present, except in cases where a special majority is stipulated. “in the event of a tied vote, the matter shall be decided in favor of the side that includes

the President of the chamber. If voting relates to the Constitution, voting shall be conducted by calling upon members by name.

If there is a lack of quorum for either chamber to convene on two successive occasions, the meeting of the chamber shall be deemed valid provided that the number of members attending is not less than one quarter of the chamber's members."

### **3) Considering Legislation**

In Bahrain, legislation may be initiated by either the King, the Government, the Consultative Council, or the Council of Representatives. With respect to the Consultative Council and Council of Representatives:

**Constitutional Article 92,a:** "Fifteen members of the Consultative Council or the Chamber of Deputies are entitled to request proposing an amendment to the Constitution. Any member of the two chambers is entitled to propose laws. Each proposal shall be referred to the relevant committee in the chamber in which the proposal was made for an opinion. If the chamber sees fit to accept the proposal, it shall refer it to the Government to formulate it as a draft amendment of the Constitution or as a draft law and present it to the Chamber of Deputies during the same or succeeding period."

Every approved draft law is reviewed by the Consultative Council, the Council of Representatives, and the King:

**Constitutional Article 70:** "No law shall be promulgated unless approved by both the Consultative Council and the Chamber of Deputies, or the National Assembly as the situation demands, and ratified by the King."

### **Legislation in the Council of Representatives**

The Constitution and Council By-law outlines the steps taken for considering and passing legislation:

The government may submit bills to the Council:

**Constitutional Article 91:** "The Prime Minister shall present bills to the Chamber of Deputies, which is entitled to pass, amend or reject the bill. In all cases the bill shall be referred to the Consultative Council, which is entitled to pass, amend or reject the bill or to accept any amendments which the Chamber of Deputies had introduced to the bill, or had rejected or amended them. However, priority of debate shall always be given to bills and proposals put forward by the Government.

Additionally, any member of the Council of Representatives may submit a bill to the Speaker of the Council. No more than five members may sign a bill (Council By-law Article 93).

If the bill is constitutional and does not duplicate a law already on the books, then the Speaker will refer the law to the relevant parliamentary committee, which shall prepare a report on the bill for the entire council. If the bill affects the government's general budget by



increasing expenditures or reducing revenue, then the Financial and Economic Affairs Committee's opinion must also be included in the relevant committee's opinion. The committee will recommend whether the Council should discuss, reject, or defer the bill. If the Council decides to examine the bill, then it will submit it to the Government to formulate a draft law. (Council By-law Articles 94- 96)

The Speaker of the Council will present any draft laws, including those initiated by the Government, to the entire Council, which will decide whether or not to refer them to the relevant committee(s) for its review. If the relevant committee makes significant changes to the wording of the draft law, it may request the expert opinion of the Legislative and Legal Affairs Council before submitting its opinion on the draft law to the Council. (Council By-law Articles 97 & 100)

When a draft law is first introduced to the Council, Council By-law Article 104 stipulates that: "The discussion of draft laws shall begin with a recitation of the original draft, the competent committee's report, and the amendments contained in the report unless the Council is satisfied with the distribution of all or some of these documents and the recording thereof in the minutes. When a draft is discussed, the committee's reporter shall be allowed to speak first, followed by the government and Council members. The discussion shall begin with mention of the general, overall principles and foundations of the draft. The Council's refrainment from agreeing to the draft in principle shall be considered a rejection of the draft.

"If the Council agrees to the draft in principle, it shall proceed to discuss its articles, one by one, after reciting each article and the recommendations submitted regarding each article. Each article shall be voted on separately. Then the entire draft shall be voted on."

During the consideration of a draft law, any member may propose amendments to the laws. The Council may ask relevant committees to review any amendments and issue their opinion (Council By-laws Articles 105 & 106).

As stated in Constitutional Article 80, "Decisions shall be taken on an absolute majority of members present, except in cases where a special majority is stipulated. In the event of a tied vote, the matter shall be decided in favor of the side that includes the President of the chamber."

If a bill is passed by the Chamber of Deputies, then it is referred to the Consultative Council, which may pass, amend or reject the bill (Constitutional Article 81). If the Consultative Council approves the bill as submitted by the Council of Deputies, it then refers it to the Prime Minister to submit to the King (Constitutional Article 86).

However, if the Consultative Council does not approve a bill as submitted by the Council of Representatives, then the Constitution stipulates the following course of action:

**Constitutional Article 82:** "If the Consultative Council does not approve a bill passed by the Chamber of Deputies, whether the Consultative Council's decision involves rejection, amendment, deletion or addition, the President of the Council shall return it to the Chamber of Deputies for reconsideration."

**Constitutional Article 83:** "If the Chamber of Deputies accepts the bill as it receives it from the Consultative Council, the President of the Consultative Council shall refer it to the Prime Minister who shall submit it to the King."

**Constitutional Article 84:** “The Chamber of Deputies may reject any amendment made to a bill by the Consultative Council, and may insist on its previous decision without introducing any new amendments to the bill. In such a case the bill shall be returned to the Consultative Council for reconsideration. The Consultative Council may accept the decision of the Chamber of Deputies or insist on its previous decision.”

**Constitutional Article 85:** “If the two Chambers differ twice over any bill, the National Assembly shall convene in joint session under the chairmanship of the President of the Consultative Council to discuss those clauses in dispute. For the bill to be accepted, the decision of the National Assembly must be taken on a majority of members present, and when the bill is rejected in this manner it shall not be presented to the National Assembly again in the same convening period.”

**Constitutional Article 86:** “In all cases in which a bill is approved, the President of the Consultative Council shall refer the approved bill to the Prime Minister so that he submits it to the King.”

Once a law is referred to the King he may either ratify the law or refer it back to the Council of Representatives or the Consultative Council as stipulated by the following constitutional provisions:

**Constitutional Article 35:**

- c) A law shall be deemed ratified and the King shall promulgate it if six months have elapsed from the date on which it was submitted to him by the Consultative Council and the Council of Representatives without it being returned to these Chambers for reconsideration.
- d) With due regard for the provisions pertaining to amendment of the Constitution, if within the interval prescribed in the preceding clause the King returns to the Consultative Council and the Council of Deputies for reconsideration the draft of any law by way of a Decree in justification, he shall state whether it should be reconsidered in that same session or the next.

If the King rejects a draft law, the Speaker of the Council of Representatives will notify the Council and convene an urgent session of the Council to discuss the objection and to refer the draft law to the Legislative and Legal Affairs Committee, which shall issue a report. If two-thirds of the Council re-approves the draft, it will be sent to the Consultative Council. (Council By-law Article 121)

According to Constitutional Article (35), clause d: “If the Consultative Council and the Chamber of Deputies, or the National Assembly, re-approve the draft by a majority of two-thirds of their members, the King shall ratify it, and shall promulgate it within one month of its approval for the second time.”

### **Decree Laws**

Concerning decree laws, the Constitution states:

**Constitutional Article 38:** “If in between the convening of both the Consultative

Council and the Council of Representatives sessions, or during the period in which the national Assembly is in recess, any event should occur that requires expediting the adoption of measures that brook no delay, the King may issue relevant Decrees that have the force of law, provided they do not contravene the Constitution.

“Such Decrees must be referred to both the Consultative Council and the Council of Representatives within one month from their promulgation if the two chambers are in session, or within a month of the first meeting of each of the two new chambers in the event of dissolution or if the legislative term had ended. If the Decrees are not so referred, their legal force shall abate retrospectively without a need to issue relevant ruling. If they are referred to two chambers but are not confirmed by them their legal force shall also abate retrospectively.”

### **Constitutional Amendments**

Concerning Constitutional amendments:

**Constitutional Article 92,d:** “Fifteen members of the Consultative Council or the Chamber of Deputies are entitled to request proposing an amendment to the Constitution. Any member of the two chambers is entitled to propose laws. Each proposal shall be referred to the relevant committee in the chamber in which the proposal was made for an opinion. If the chamber sees fit to accept the proposal, it shall refer it to the Government to formulate it as a draft amendment of the Constitution or as a draft law and present it to the Chamber of Deputies during the same or succeeding period.

“Any proposal for a law which has been presented in accordance with the preceding paragraph and rejected by the chamber to which it was presented may not be re-represented.”

Concerning the ratification of Constitutional amendments:

**Constitutional Article 120:**

- a) “Exceptionally to clauses b, c and d of Article 35 of the Constitution, for any provision of the Constitution to be amended the amendment must be approved by a two-thirds majority of the members of whom both the Consultative Council and Council of Representatives are composed, and the amendment must be approved by the King.
- b) If an amendment to the Constitution is refused, it may not be re-submitted earlier than one year from that refusal
- c) It is not permissible to propose an amendment to Article 2 of the Constitution, and it is not permissible under any circumstances to propose the amendment of the constitutional monarchy and the principle of inherited rule in Bahrain, as well as the bi-cameral system and the principles of freedom and equality established in the constitution.
- d) The powers of the King stated in the constitution may not be proposed for amendment in an interval during which another person is acting for him.”

#### **4) Expressing Wishes**

The Constitution and Council By-laws establishes a procedure by which the Council may express its wishes to the Government:

**Constitutional Article 68:** “The Council of Representatives may express its wishes in writing to the Government on public matters. If the Government finds itself unable to meet these wishes, it must give its reasons in writing to the Chamber.”

The Council of Representative’s by-law stipulates that “No proposal may include a matter that violates the constitution or law or damages the state’s supreme interest. A proposal may not contain expressions that are inappropriate or that damage the honor of individuals or organizations. A proposal may not be outside the Council’s purview.” (Council Bylaw Article 129).

The Council of Representatives’ By-laws stipulate that any member may submit in writing to the Speaker of the Council a wish relevant to his/her jurisdiction who will present it to the Council. The Council will then either refer it to the relevant committee or, if the wish is urgent, vote immediately on whether it should be referred directly to the Government or relevant minister (Council By-law Articles 127 & 128).

#### **5) Questioning and Interpellation**

As one of its duties, the Council of Representatives oversees the works of Ministers:

**Constitutional Article 66, a:** “Each minister shall be responsible to the Council of Representatives for the business of his Ministry.”

In order to oversee the Government, the Council may question government officials on their performance through written or oral questioning.

##### **Written Questions:**

**Constitutional Article 91:** “Any member of the Consultative Council or the Council of Representatives may direct written questions at Ministers to clarify matters coming within their sphere of competence, and only the questioner may comment once on the reply. If the Minister adds anything new, the member shall be further entitled to comment. The question may not relate to an interest of the questioner or his relatives to the fourth degree, or be made by proxy.”

Additionally, the Council By-laws state that in order for the Council’s office not to discard the question, it “must be written as clearly and succinctly as possible, and the subject must be defined. The question should concern a matter of public importance. It should not pertain to special interest of the questioner, a relative of the questioner up to the fourth degree, or to one of the questioner’s constituents. It should be limited to matters about which the member wishes to inquire without commenting on them. It should not include expressions that are inappropriate, or that damage the honor of individuals or organizations, or that damage the country’s supreme interest. A question should not concern matters that do not fall within the purview of the minister to whom the question is directed. Nor should it include a request for information or statistics that do not relate to the subject of the question.” (Council By-law Article 134)

Any member of the Council of Representatives may submit up to one signed question per month to the Speaker, who will convey it to the relevant minister. The minister has 15 days upon receipt to respond to the question in writing and may be request a postponement of seven days. (Council By-laws Articles134-137)

### Interpellation

**Constitutional Article 65:** “Upon an application signed by at least five members of the Council of Representatives, any Minister may be questioned on matters coming within his sphere of competence. The question must not pertain to a private interest of the questioner or his relative to the fourth degree, or be made by proxy. The question shall not be debated until at least eight days after the day on which the question was posed, unless the Minister agrees to bring the debate forward.”

The minister may request and be granted an extension two additional weeks. Interpellations have priority over all other Council agenda, unless the relevant Council committee decides otherwise (Council By-law Articles 146-147).

## **6) Holding Votes of Confidence**

After the Council of Representatives has interpolated a minister it may request to hold a vote of confidence in that minister, as allowed by the Constitution:

### **Constitutional Article 66:**

- a) “Each Minister shall be responsible to the Council of Representatives for the business of his ministry.
- b) A question of confidence in a Minister may be put forward only at his own wish or upon an application signed by at least ten members of the Council of Representatives following the debate of the question put to him, and the Chamber may not give its decision on the application until seven days after its submission.
- c) If the Council of Representative decides by a majority of two-thirds of its members to give a vote of no-confidence in a Minister, he shall be regarded as having withdrawn from the Ministry from the date of the non-confidence vote, and he shall submit his resignation forthwith. “

Pertaining to votes of confidence in the Prime Minister:

### **Constitutional Article 67:**

- a) “The subject of confidence in the Prim Minister shall not be raised in the Council of Representatives.
- b) If, two-thirds of members of the Council of Representatives consider it not possible to cooperate with the Prime Minister, the matter will be referred to the National Assembly to consider it.

- c) The National Assembly cannot issue its decision on the lack of possibility of cooperating with the Prime Minister prior to seven days from the date the matter was referred to it.
- d) If the National assembly decides by a majority of two-thirds of its members that it is not possible to cooperate with the Prime Minister, the matter is submitted to the King for a decision, either by relieving the Prime Minister of his post and appointing a new Government, or by dissolving the Council of Representatives.”

## **Parliamentary Ethics**

The Constitution and the By-laws of the Council of Representatives lay out rules of conducts for its members.

### **Constitutional Article 89:**

- a) “A member of either the Consultative Council or the House of Representatives represents the people and cares for public interest. He/She shall not come under the sway of any authority in his/her work in either the chamber or its committees.
- b) No member of the Consultative Council or the House of Representatives shall be called to account for expressing his/her opinions or ideas in the Council or its committees unless the opinion expressed is prejudicial to the fundamentals of the religion or the unity of the nation, or the mandatory respect for the King, or is defamatory of the personal life of any person.
- c) Other than in a case of *flagrante delicto*, it shall be impermissible during the convening period for any detention, investigation, search, arrest or custodial procedures or any other penal action to be taken against a member except with the permission of the chamber of which he is a member. Outside the convening period, permission must be sought from the Speaker of the relevant chamber.”

**Constitutional Article 98:** “During his period of membership a member of the Consultative Council or Council of Representatives may not be appointed to the board of directors of a company or participate in contracts concluded by the Government or public institutions except in those cases prescribed by law. Nor during that period may he purchase or rent a State asset, or lease, sell or barter any of his assets to the State, unless by way of public auction or invitation to tender or application of the regulations governing expropriation in the public interest.”

**Constitutional Article 100:** “Members of the Consultative Council or the Council of Representatives shall not be awarded metals or decorations during their term of membership.”

**Council By-law Article 185:** “A member must observe the requisite respect for the constitutional institutions of the state and the rules of decorum with his colleagues in the Council and in the Speaker of the Council.”

**Council By-law Article 186:** “A member may not perform acts inside or outside the Council that violate the provisions of the Constitution, the law, or the by-laws.”

**Council By-law Article 187:** “A member shall be prohibited from permitting the exploitation of his capacity to improperly obtain special benefits.”

**Council By-law 188:** “As soon as the election of a member is announced, the member may not accept an appointment in any foreign company or membership on the boards of directors of joint-stock companies or the control boards in limited partnerships and limited liability companies unless he/she was one of the founders thereof or an owner of at least 10 percent of the capital shares of the company, or was previously a member of such boards before his election was announced.”

**Council By-law Article 189:** “A member, immediately upon the announcement of his election, must provide the Speaker of the Council with a statement of his/her membership in the companies mentioned in [Article 188], or a liberal profession that he practices, or any commercial, industrial, or agricultural activity in which he engages. The member must notify the Speaker of the Council of any change that occurs in the aforesaid statement during the period of his/her membership in the Council.”

**Council By-law Article 190:** “When a discussion is held on any issue presented to the Council, the Council’s office, or one of the Council’s committees that concerns a personal interest of a Council member, one of his/her relatives up to the fourth degree, or one of the member’s constituents, the member must so inform the Council, office, or committee before the discussion.”

## Evaluating the Parliament's Legislative and Supervisory Performance

### **The degree of legislative supervision practiced by the Legislative Board**

<p>Weak/ No legislative supervision Committee supervision is absent; the committee sittings rarely have ministers or other high ranking government officials present; the legislature's written request for information are neglected.</p>	<p>Limited legislative supervision Committees only respond to the issues that attract their attention, but they lack the comprehensive or effective ability to supervise; they may also lack the experience or necessary resources.</p>	<p>Comprehensive legislative supervision Committees have members with appropriate experience and capabilities; ministers participate in supervisory sittings and respond quickly to written requests for information; committees are likely to conduct investigations or field visits.</p>	<p>Committee Supervision</p>
<p>There is no General Accounting Committee; there is either no legislative supervision on the financial policy or there are insufficient resources.</p>	<p>There is a General Accounting Committee, but it lacks staff, officers, and funding.</p>	<p>The General Accounting Committee is characterized by independence, high funding, and experienced staff; it conducts an organized supervision of the government expenditure; its efforts are coordinated with the General Auditor.</p>	<p>General Accounting Committee</p>
<p>Parliamentary questions, if any, are limited; ministers ignore written questions and do not participate in sitting for "question periods."</p>	<p>The legislature accepts parliamentary questions but the ministers usually avoid them or give insufficient answers; the opposition may use suitable opportunities for its own benefit.</p>	<p>Parliamentary questions are frequent; the ministers are required to answer duly and quickly. The Prime Minister and other ministers participate in sessions for "general questions."</p>	<p>Parliamentary questions</p>
<p>There are no independent external review bodies; the Parliament specifies the issues for review and monitors itself.</p>	<p>Some institutions are present, but they may suffer from low funding, limited staff, and may not always be consulted by the Legislative Board.</p>	<p>There are independent external review bodies with sufficient staff, such as a General Auditor, Financial Inspector, and a Complaint Officer.</p>	<p>Independent external review</p>



# Appendices

## Parliamentary Terms By Abdul-Qawi Al-Qaisi

<b>A</b>
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**Absolute majority:**

Voting in support or against an issue by more than half of the Members of Parliament casting votes.

**Acclamation:**

Indication by a Member of Parliament, either publicly or through a secret ballot, favoring any of the presidential candidates.

**Ad hoc/ Special Committee:**

A committee set up temporarily by Parliament to carry out a specific assignment and dissolved as soon as it finishes.

**Adjournment/Recess**

The period between the termination of one meeting of Parliament and the start of the next meeting.

**Agenda:**

The subjects to be discussed by Parliament during a specific period of its session.

**Annual session:**

The Parliament holds two sessions during the year.

**Arresting in the act:**

A witnessed crime that does not require the prosecution to provide evidence to prove the identity of the perpetrator.

**Attendance sheets:**

Lists on which the Members of Parliament sign their names to prove that they attended the sittings of Parliament and committee meetings.

**Attention:**

It is notifying the talking member by the Speaker not to go beyond the subject being discussed or that the idea he is explaining in the Parliament is completely clear.

**Avoidance of voting:**

Refusal by an MP to vote on the subject being presented to Parliament. Avoidance of voting requires MPs to justify their position.

## B

**Ballot:**

The paper used for voting in an election, which has the names or symbols of the candidates running.

**By-election:**

An election held to fill a vacancy arising in Parliament due to the resignation, death, or assumption of another position by a member.

**Bylaw:**

The set of rules approved by Parliament to organize its activities.

## C

**Candidate:**

A person chosen to represent a political party for an election in a specific constituency or a person who runs as an independent in an election.

**Caucus:**

The groups of elected members of parliament who represent a specific party.

**Caucus Chair:**

The MP elected to chair of a bloc by a group of members representing a specific party in Parliament.

**Caucus of the majority/Majority Caucus:**

The group of elected members representing a specific party that received the most parliamentary seats in comparison with the other parties.

**Ceding the Floor:**

The term an MP uses to withdraw his/her right to speak when he/she finds out that his/her point has already been presented by a previous MP.

**Challenge on validity of membership:**

A written petition presented to a special court or Parliament that challenges the qualifications of an MP and requests the nullification of his/her membership.

**Closed constituency:**

An electoral constituency where an independent or party candidate is assured to win the election.

**Closed sitting:**

A sitting that the Parliament approves to be closed. No one, other than members of Parliament or those officers authorized by Parliament, is allowed to attend or to see the minutes of this sitting.

**Closure**

The procedure by which a debate may be terminated by a majority decision of the Parliament, even if there are members wishing to continue.

**Coalition government:**

A government formed from two or more parties when no single party receives enough parliamentary seats to allow it to form a government independently.

**Commentary on the government platform:**

A report prepared by a committee delegated by Parliament to study the government program; this report includes the Parliament's view on the program.

**Committee office:**

The permanent secretariat of a committee which is composed of administrators, specialists, experts, and consultants.

**Committee rapportuer:**

An MP elected by committee members and considered the Deputy Head of the committee.

**Committee Secretary:**

A public officer of Parliament appointed from the General Secretariat to arrange and organize committee work.

**Comprehensive minutes:**

The written minutes that include, in detail, all procedures of sittings, the subjects presented, debates held, and decisions made, as well as the names of the members who spoke and their viewpoints.

**Conditions of membership:**

Conditions stated in the constitution concerning the nomination of a candidate running for Parliament.

**Conflict of interest:**

The involvement by more than one of the state's three authorities in a legal disagreement on the priorities of a certain issue.

**Constitutionally- driven meeting:**

A meeting initiated by the constitution (e.g. the meeting held by Parliament if the President of the Republic issues a decree dissolving Parliament without conducting either a general public referendum or parliamentary elections in the time stipulated by the constitution).

**Constitutional oath:**

The oath in the constitution which all MPs swear before taking office.

**Constitutional amendments:**

Amending some or all of the articles of the constitution by request of the President of the Republic or a third of the Members of Parliament.

**Constituency:**

Electoral boundaries defined by population and geographical location within which citizens exercise their right to vote; the constituency consists of a number of voting centers.

**Constitutionality of a law:**

A bill which does not violate the constitution.

**Constitutional vacancy:**

An unusual political situation in which the constitutional terms of the President of the Republic as well as the Parliament are concluded, or when the resignation of the President of the Republic is presented and no Presidential elections are conducted in the required time period.

**Continuous Sitting:**

The Parliament is considered to remain in session/sitting even if they stop meeting for a specified period of time.

**Cooperation agreement:**

A legal formula for organizing the relationship between parties on an agreement in a certain area.

<b>D</b>
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**Deciding Vote:**

The vote that determines the outcome of a specific issue when the number of votes in favor is very close to the number of opposing votes.

**Declaration of assets:**

The financial testimony that each minister writes about his/her money and stable assets before occupying his/her new ministerial post.

**Decree by law:**

The right of the President of the Republic to issue republican decrees with the power of law; they are issued during periods when Parliament is not in session, so long as they are presented to Parliament in its first subsequent sitting. This right was removed in the 2001 constitutional amendments.

**Democracy:**

A system of government wherein the supreme power is vested in the people and exercised indirectly through their elected representatives. It comes from two Greek words: 'demos' meaning people and 'kratos' meaning strength.

**Directive:**

The right of Parliament to make the government commit to implement some of its recommendations related to public issues.

**Dissolution of parliament:**

Means by which Parliament comes to an end as the result of a decree from the President of the Republic after conducting a public referendum on the issue.

**Division:**

The case when the number of the votes in favor of an issue equals the number against it.

**Two-House system:**

The system in which there is a second council of appointed members who have responsibilities and expertise that exists alongside the elected Parliament.

**Draft:**

The initial wording of a bill presented by the government or an MP to Parliament for debate and approval.

<b>E</b>
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**Early elections:**

Parliamentary elections that are called for by the President of the Republic before their scheduled time.

**Election:**

The process by which citizens choose a person to act as their representative in Parliament or in local councils.

**Electoral platform:**

The set of ideas, views, and positions presented by a party or an independent candidate to win constituents' confidence and votes

**Expository memo:**

A letter the government encloses with a draft or general agreement presented to Parliament; the memo explains the reasons and justifications that support the contents being presented.

**Extraordinary session:**

An exceptional/ extraordinary session Parliament calls while out of session.

## F

**Facts finding committee:**

A committee formed by Parliament to study a specific subject or examine the activity of a ministry or institution and present a report to Parliament.

**Filibustering:**

The use of long speeches and discussions aimed at postponing voting on a subject presented to Parliament.

**Final account:**

The government report presented to Parliament showing the results of the general state budget implemented during the previous year.

**Final voting:**

The process of voting on a draft bill as a whole after finishing the debate on the draft once.

**Financial law:**

The set of rules that organize the process for setting up and implementing the state's general budget.

**Financial oversight:**

The set of jurisdictions that the constitution and law bestow on Parliament for overseeing the financial performance of the government and the degree of its compliance to the law concerning issues related to the expenditure of public funds.

**Financial statement:**

A summary including the basis, goals, and monetary and financial policies of the general budget presented by the government, along with the state's general budget, to Parliament.

**First reading:**

The first time the Parliament reads the report of a special committee on any draft transferred to it.

**Fiscal year:**

Twelve months whose beginning and the end is identified in the Financial Law.

## G

**General Secretariat:**

The executive apparatus of Parliament.

**General budget:**

The comprehensive schedules outlining all estimated revenues to be collected and all anticipated expenditures during a fiscal year.

**General government program/ platform:**

The program the government presents after its formation to Parliament in order to gain confidence; it includes the basis for the future plan of government work.

**General mobilization:**

The constitutional right of the President of the Republic to call the military, security, and reserved forces to prepare to confront an internal or external danger threatening the security of the country.

**Giving opinion:**

Voting for or against or avoiding a vote on any subject presented to Parliament for the sake of polling the opinions of members.

**Government formation:**

The process of nominating ministers for ministerial posts; this process is carried out by the Prime Minister in consultation with the President of the Republic.

**Government representative:**

The Member of Cabinet or officer assigned by the government to attend the sittings of Parliament.

**Government statement:**

A plan presented by the government to Parliament when it adopts a new policy that may not match the program on which it previously received a vote of confidence.

**Grave treachery:**

An act that violates the constitution and law and that endangers the independence, sovereignty, and security of the state.

**Group responsibility:**

The responsibility of the Prime Minister and Ministers to the President of the Republic and the Parliament for the government's functions.

<b>H</b>
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**Hansard:**

The official, verbatim record of parliamentary debates and proceedings, which includes the subjects presented and decisions taken in every sitting.

**Hearings:**

Sittings that are called by committees for citizens to attend and listen to debates held on a certain subject.

## I

**Impeachment:**

A decision taken by Parliament, with a majority of two thirds of its members, accusing the President of the Republic, the Prime Minister, one of his/her deputies, or a Minister in preparation for beginning an investigation and trial of whatever crimes they committed during their occupation of these posts.

**Individual responsibility:**

The sole responsibility of the Prime Minister, one of his deputies, ministers, or one of their deputies before the Parliament for any topic that arises in their jurisdictions.

**Indecent statement:**

Any speech by an MP during a debate which disrespects the dignity of individuals, boards, or institutions.

**Independent member:**

An MP who is not a member of any political party.

**Initial- letters of signed agreement:**

Any preliminary document of agreement between two parties. Both parties sign the document, although their signature is not considered official, and the agreement may be modified. Signing such an agreement does not require authorization from the Prime Minister.

**Initial voting:**

The process of voting on a draft, article by article, during the debate of the draft.

**Interjectional decision:**

The right of the President of the Republic to present a draft for the second time to Parliament, even though it has been previously approved, in order to amend all or some of its articles.

**Interrogation/Interpollation:**

The right of an MP to call a member of the government or the government as a whole accountable for any public issues related to its performance of duties.

**Intervention:**

Statement presented by an MP aimed at replying to a point of the debate.

## J

**Joint Meeting:**

A meeting that brings together both Parliament and the Shura Council.

**Judgment on validity of membership:**

The decision taken by the majority of MPs to either accept or terminate the membership of one of the members.



## L

**Law:**

The set of principles that determine the behaviors and actions of a group of people, a specific institution, or the entire society.

**Legislative term:**

The period of time stipulated in the Constitution for Parliament's first sitting after its election until its last sitting before new elections are conducted

**Loan agreement:**

An agreement between two parties in which one of the parties lends a specific amount of money with a specified interest rate and with a set period of time for the other party to repay it. The loan may also be subject to other conditions agreed upon by both the parties.

**Lobbying group:**

A group of like-minded MPs who work to convince others to adopt their views and suggestions on a certain subject presented to Parliament.

## M

**Majority Government**

The government that is formed from the single party that gained the majority of seats in Parliament.

**Majority of attendance:**

Voting for a subject by more than half of the attending members, so long as the votes are not less than a quarter of the total number of MPs.

**Meeting Hall:**

The location of the general sittings of Parliament.

**Member of Parliament:**

The individual elected to represent a constituency in Parliament.

**Minority Government**

The government that is formed from a coalition with fewer seats in Parliament than other parties.

## N

**Nomination:**

Approval for a citizen to run for a seat in Parliament.

**Notification of the Presenter:**

Notification by the Speaker of Parliament to a talking MP not to continue speaking because his/her points have already been made clear.

**Nullification of drafts:**

When the legislative course of the Parliament is finished, all drafts presented to the Parliament are then void and the government must resubmit them to the new Parliament for consideration.

**Nullification of immunity:**

The decision by the absolute majority of MPs to allow legal action (e.g. investigation, arrest, imprisonment, or any punishment) against any MP by request of the Minister of Justice to the Speaker of Parliament.

**Nullification of membership:**

The decision of Parliament, requiring support from the majority of its members, to nullify the membership of one of its MPs if he/she fails to continue to meet one of the membership requirements or if he/she commits a serious violation of their parliamentary duties.

## O

**Official journal:**

The publication issued by the Ministry of Legal Affairs, which includes all laws issued by Parliament, as well as all the decrees of the President of the Republic and the Prime Minister.

**Open sittings:**

Sittings held by the Parliament that are broadcast by the media.

**Opposition caucus:**

A group of elected members representing one or more parties in Parliament without any representation in the government.

**Opposition Leader**

The leader of the political party not participating in the government

**Ordinary session:**

One of the sessions that Parliament holds during a year; the period of each session is six months.

**Original articles:**

The original text of the articles of law of which a substitute draft is presented to Parliament; it may also be the articles of a draft that the government presented to Parliament and, in which, the relevant committee inserted their amendments.

<b>P</b>
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**Parliament**

The legislature or legislative authority that enacts laws, oversees the government's performance, and decides whether to grant or withdraw confidence in the government.

**Parliamentary culture:**

The list of conventions, values, traditions, and practices that influences the work of any Parliament.

**Parliamentary Immunity:**

Constitutional immunity preventing any judicial action (e.g. investigation, inspection, detention, or imprisonment) against any MP without first referring to Parliament or its presidium.

**Parliament's endorsement:**

Approval through a vote of any agreement or bill discussed in Parliament.

**Parliament's presidium:**

The permanent apparatus of the Parliament during the legislative term; it consists of the Speaker of Parliament and three deputies.

**Party of majority:**

The party that won more than the half of the seats of Parliament in any parliamentary election.

**Peaceful transfer of power:**

The principle that the ruling party will agree to transfer its power to another party which won in free and fair elections.

**Point of Order:**

The protest by an MP against illegitimate debate or procedures on an issue being discussed.

**Political asylum:**

The state's permission to allow one or more citizens of another country/ countries to live the state for a specific period, if these citizens fear for their lives as a result of the regime(s) in their own country/countries.

**Political Party;**

A group of individuals united by common political and economic ideas and beliefs about society's rights.

**Political plurality:**

A political system that legally allows a variety of political parties in the same country.

**Presenting a subject for discussion:**

Presenting a subject to Parliament for debate and voting.

**Presidential assent:**

The legal procedure by which the President of the Republic signs his/her name as the final approval to any agreement approved by Parliament.

**Presidential endorsement:**

A legal document in the form of decree signed by the President of the Republic, where his/her signature is considered the final endorsement of any agreement approved by Parliament.

**Press balcony:**

Seating designated for press and representatives of new agencies and radio stations to follow the work of Parliament.

**Proclamation:**

An official notice of the President of the Republic's approval of legislation previously passed by Parliament.

**Prorogation:**

The act by which the President of the Republic brings a session of Parliament to an end in preparation for conducting early Parliamentary elections.

**Public balcony:**

Seating set aside for citizens to sit and observe Parliament's work.

**Public referendum:**

Taking the public's opinion on a certain issue or issues through polling.

<b>Q</b>
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**Question:**

The right of an MP to ask the prime minister, any of his deputies, a minister, or any of their deputies questions related to their respective responsibilities.

## R

**Recommendations:**

Suggestions directed by the Parliament to the government for implementation.

**Re-holding deliberations:**

The request presented by the government or by five MPs to conduct a discussion again on an article or articles of a draft discussed and voted on in a previous deliberation.

**Rejection:**

Parliament's refusal to hear a subject presented to it for voting.

**Request for postponement:**

The right of the government or MPs to postpone the time of a debate or vote on any subject presented to Parliament.

**Request to speak:**

Asking for the permission of the sitting Chair to talk in Parliament about a subject presented for debate.

**Resignation:**

The written request by an MP to terminate their membership and to stop practicing their duties as a Member of Parliament.

## S

**Second reading:**

The period which follows the first reading and includes deliberation on the general principles of the draft and discussion of its articles one by one, followed by a vote on them.

**Secret ballot:**

A vote in any election process or referendum that does not reveal the voter's choice to anyone else.

**Separation of powers:**

A constitutional principle in which the law separates the three branches/authorities of the state (legislative, executive, & judicial) from one another and does not allow overlap in their jurisdictions and powers.

**Session:**

The two-week period during which the Parliament meets.

**Setting the record straight:**

The right of a Member of Parliament to talk about a certain issue presented to the Parliament in a different manner.

**Speaker of Parliament:**

The member who is elected by the other members to preside over all meetings of Parliament in a fair and non-partisan manner. The Speaker ensures that the work of Parliament is carried out according to the rules and guidelines.

**Special majority:**

A situation stipulated by the constitution or the by-law where votes on certain issues can only be passed by a majority greater than the simple majority of members in attendance.

**Standing committees:**

Parliamentary committees that are formed in the first session of the parliament.

**State of Emergency:**

A decree announced by the President of the Republic and approved by the Parliament that suspends some articles of the constitution and imposes an extraordinary situation on the public for a fixed period of time.

**Suffrage:**

The right of every citizen 18 years or older to vote on who represents them in Parliament or in the Local Counsels.

**System of the majority:**

An electoral system that allows a candidate to win in a specific constituency with the majority of votes regardless of whether a majority is considered 50% of the total voters or not.

T
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**Term of President of the Republic:**

The constitutional period of time that an individual can occupy the post of the President of the Republic.

**Term of the Parliament's presidium:**

The legal period of time for the Speaker of Parliament and his/her Deputies to occupy their positions.

U
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**Urgency feature:**

Introducing an urgent subject into Parliament's agenda in order to discuss it and reach a decision.

V
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**Vacant seat:**

A seat in Parliament that is vacant due to the death or resignation of an MP or the termination of their membership.

**Verification of membership:**

The case in which membership in Parliament is gained as soon as a candidate receives verification of their victory from the Supreme Commission for Elections and Referenda (SCER).

**Vote of No Confidence:**

The Parliament's vote against the government program or a statement presented to it for approval.

**Voter:**

A person who lives in a voting district and is eligible to vote in any elections.

**Voter's vote:**

The vote of an eligible citizen for the candidate of their choice in a specific election.

**Voting:**

The expression of opinion by MPs on a subject presented to Parliament.

**Voting ID card:**

An official document that includes the name, photo, and electoral residence of the voter that is used to vote in elections or referendum.

W
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**Warning the talking member:**

The right of the Speaker of Parliament to prevent an MP who is talking from continuing to speak because their viewpoint is already clear.

**Withdrawal of confidence:**

The decision taken by the majority of MPs, which results in the resignation of the Prime Minister and members of cabinet.

**Withdrawing speech:**

An apology by a member for their speech during a debate, which declares their willingness to remove it from the minutes of the sitting because it harms people's reputation without evidence.