SOVEREIGNTY, REPRESENTATION, AND THEIR EFFECT ON POLITICAL PERFORMANCE
A COMPARATIVE STUDY BETWEEN MALAYSIA AND IRAQ

Maher Jabbar ALKAHEELI

Abstract:
In light of the regional and international changes, the need for more in-depth studies of the concepts of sovereignty and representation appeared, especially in countries that adopt democratic frameworks in their political system.
The topic of the conference is of great importance in bringing historical lessons from the experience of the Turkish National Assembly, in which sovereignty was of utmost importance and priority within the framework of its political and legal work, as well as the right to real representation of the people's opinion, aspirations and real aspirations away from governmental or politicized representation according to the wishes of the ruler.
In recent times, the concept of sovereignty has become the forefront of many news bulletins, newspaper headlines, and media articles, as a result of the continuous violations of a number of regional and major states to the sovereignty of states without reference to international or local laws. Therefore, studying these concepts in a more in-depth and more realistic way has become a broad scientific requirement.
This research deals with the concepts of sovereignty and representation in the constitution and laws and their practical applicable effect in both Malaysia and Iraq through a comparative study to clarify the results that resulted from the application and the development, modernization and international standing reached by the two countries in a clear scientific comparison.
The researcher relied on many political and historical sources in both countries by virtue of the researcher's specialization in the Malaysian modernization experience, and adopted the historical and political research methodology with statistics, pictures and a special Iraqi questionnaire related to the recent demonstrations.
The research plan included its division into topics, the first dealt with the study of concepts of sovereignty and representation in domestic and international laws, while the second was concerned with studying the issue of sovereignty and representation in Malaysia at the level of the constitution and political performance, and the third was concerned with the study of sovereignty and representation in Iraq historically since the inception of the Iraqi state as well as the Iraqi constitution For the year 2005 and their impact on the political performance from 2005-2019.
Key words: Iraq, Malaysia, Sovereignty, Representation, Constitutions.
Introduction

First: The concepts of sovereignty and representation

The concept of sovereignty is linked to the state in both political and legal terms, as it is an essential component of the state, which exercises its powers in its local and international sphere in accordance with the principles and support of international law.

There are several meanings to the concept of sovereignty, once with the concept of independence, sometimes with the concept of authority, another with power, and sometimes with political freedom.

Sovereignty in the Arabic language is the name of a source (prevailing), and it refers to the meanings of (authority, hegemony and conquest, control, freedom of action), and there is another meaning (prevail: any honor and glory prevail), and his people prevailed: they became their master, and sovereignty also means an honorary title: meaning His Sovereignty and His Highness. ¹

Sovereignty in general means supremacy, status and honor of status, as it is a concept that denotes victory, power and status, the sovereignty of the country (its elevation, its authority, its glory) and a sovereign state (an independent state) and the rule of law (respect and application of it to all).²

The Arab scholar Abd al-Rahman Ibn Khaldun identified the authority or the presidency (it is still in its quorum specific to the people of Tribal intolerance), and he also said (and the policy of the king and the ruler requires that the ruler be subject to oppression, otherwise his policy will not be straightened), and he also said (that it is the nature of the king to be alone with glory ... And that is because the king is only tribal, and the tribalism is made up of many topics, and one of them is stronger than the other all, so it overcomes and seizes them until they are all within them.) ⁴

Sovereignty in ancient Greek thought is “freedom, independence and supreme authority.” Plato described it as being adjacent to the person of the ruler, but more than that, he made them identical (sovereignty is the ruler), while Aristotle described it in his book (politics) as “a higher authority within the state” and established His philosophy is that there should be a supreme law or a constitution, on which the group is governed, and he considers that the constitution represents (the rational idea) and that the rule must be the law and not the ruler. ⁵

As for sovereignty in Roman thought, it differs somewhat from Greek thought, as the Roman king had a number of powers, all of which stemmed from the authority (absolute power - the imperium) vested in him, which was the cornerstone of building the government in all periods of its history, and it was not. The imperium “is granted to a citizen except by a decision of the people, and it must be approved by the gods, through a number of traditional decrees. It is worth noting that” imperium “denotes three types of authority that were granted to the king, namely:

Religious authority:

where the king had the first religious authority on the grounds that he was responsible for achieving (the peace of the gods Pax deorum), meaning by their consent, and the judicial authority: where the king enjoyed unlimited judicial power to adjudicate disputes and impose penalties, including the death penalty, and he who declares War, peace, and military authority: The king's authority in the military field is absolute and unrestricted, and the commander exercises it in war.⁶

Sovereignty is a symbol of the existence of the state, and it is based in that on the legal, political and administrative frameworks, globally, regionally and locally, and sovereignty in this context is applied more than theorizing, meaning that the state's policy, after gaining legitimacy, is an active and influential role in governance and imposing control over the people and before the world, and the legal authority acquired by the state By imposing its sovereignty over its land, its people, and its legitimate representation, it has the unchallenged legal right to demand that others, states and individuals, abide by the state's sovereignty according to the law.

From a political perspective, sovereignty is defined as “the imposed and unrestricted legal force capable of imposing obedience and respect on the people.” It also means refusing to interfere in the affairs of the state by any external hegemony, meaning that the state is
not subject to any external authority, whatever its nature, influence and power. Sovereignty is in the general form (legitimate control within a specific region).  

But from the popular perspective, sovereignty means that the government’s policies are truly representative of the people’s supreme interests and do not intersect with part or all of the people, their dreams and aspirations, and this reflects the opposition, demonstrations and sit-ins that have spread in some countries and which in reality represent a feeling of injustice, marginalization and injustice towards certain policies. However, this does not prevent us from saying that there are some of the demands and slogans that are real, moral and patriotic, and some of them are fabricated, politicized, and paid for. The basic criterion remains the supreme interests of the country and the people, which are superior to none.

According to some political thinkers, sovereignty is of two types: the first is internal sovereignty: it means that the state’s authority has full sovereignty over the region’s citizens and is comprehensive and does not compete with any other authority within the region’s borders, and the second: external sovereignty: it means that the state’s government is not subject to any external pressure or hegemony from any group, internal or external party, or foreign authority, and that it enjoys complete independence in all areas, and its international obligations are purely national, but if it loses these international rights and international obligations, such as if a state undertakes its external obligations (guardianship, mandate or protection) then the state here becomes lacking sovereignty.

As for the concept of representation, we start with the Arabic language, representation as a proverb: the verb is a proverb, a representation, and the object is represented, the object is represented: likened to it and its ability according to its destiny, the representation of its people in a state or conference: it is an example of them, it is an analogy: For example: A lesson.

Representation is in several meanings according to the context, where the term representation is used: in rhetoric: likening a compound image to a composite one, and in philosophy and Sufism: appending a part to another part in its judgment for a common meaning between them, and from this is the jurisprudential analogy, and in (the law) assigning a specific person to do something in the name Others and for its account under the terms of power of attorney, acting in (culture and arts), performing roles in theatrical, cinematic or television work, and proportional representation in politics: trying to allocate seats or positions in relation to the competing political forces in political positions and positions.

The concept of political representation in various languages refers to the similarity or typically and similarity in most of the characteristics between the origin and its representative, and a convention of procedures and stages that ultimately reach a delegation process aimed at expressing the voters’ priorities through the election mechanism, and political representation is interpreted in two parts, socially as having a character A symbolic symbol in which the elected is an image of the society they represent, and legally revolves around the concept of contracting, and the visions of Western political thinkers about political representation have varied, as John Stuart Mill defended the idea in a way that leads to the values of individual freedom, and Montesquieu has practical additions to political representation in related aspects. As for Max Weber, the source of the legitimacy that rulers acquire is another aspect of political representation.

Second: International protection of human rights and its implications for sovereignty:

The internationalization of human rights, considering it of international obligations under the Charter of the United Nations, and the issuance of many international human rights documents in the form of declarations and international agreements placed objective restrictions on the sovereignty of absolute states in issuing laws and their application.

Within the general legal framework defined by Article (27) of the Vienna Convention on the Law of Treaties of 1969, it is not permissible for any party to invoke the provisions of its internal law to justify failure to implement its obligations, as well as what is stipulated in Article 103 of the Charter of the United Nations, and this means that A state’s commitment by virtue of a treaty removes issues that have been included in the treaty from the domain reserved for states, but without detracting from their sovereignty.
1) The Universal Declaration of Human Rights:

In the area of detail, we start with the Universal Declaration of Human Rights, which includes more than one article influencing in one way or another on the issue of sovereignty, where Article (7) of the declaration on the issue of equality before the law indicated the following text: “All people are equal before the law, and they are equal in right Enjoying the protection of the law without discrimination, and they are equally entitled to enjoy protection from any discrimination that violates this declaration and from any incitement to such discrimination. "This text constitutes a justification for interfering in the affairs of states that violate the rights of individuals under special mechanisms and procedures included in the activities of field institutions and periodic reports that they adopt United Nations.

In the same context, we find Article (11) of the declaration talking about legal trials and the right to self-defense for individuals under special standards for fair legal trials and according to the following text consisting of two paragraphs: “1 - Every person accused of a crime is considered innocent until proven guilty of it legally in a public trial. It provided him with all the guarantees necessary to defend himself.2 - No person shall be convicted of a crime due to any act or omission that did not constitute a crime under national or international law at the time, nor shall he be subjected to any punishment more severe than that which was in force in The time when the criminal act was committed, "a text that carries with it legal and public force that may be a justification for violating the sovereignty of states, according to the periodic reports of the United Nations institutions."

As for the text of Article (14), which also consists of two paragraphs, it clearly referred to international law and according to the following text: 1 - Everyone has the right to seek refuge in other countries and to enjoy it free from persecution. 2 - This right cannot be invoked if there is persecution. Actually arising from a non-political crime or from actions that contradict the purposes and principles of the United Nations. "This article contains restrictions, but at the same time it provides a justification for the intervention.

Finally, we find that Article (22) contains personal legal force for the individual, local to the country, and internationally to a high degree. It stipulates: “Every person, as a member of society, has the right to social security, and he has the right to be provided to him, through national effort and international cooperation, in a manner consistent with the structure of each country and its resources, the economic, social and cultural rights that are indispensable to his dignity and the growth of his personality in freedom, "as the text included strong meaning, clear and international legal force, so the phrase (a member of the international community) gives care to all individuals in the world regardless of nationality and nationality And the phrase (through national effort and international cooperation) refers to joint efforts to protect the individual between the local and the international.

2) The International Covenant on Civil and Political Rights: 14

The second paragraph of Article (2) of the Covenant stipulates that “every state party to this covenant undertakes, if its existing legislative or non-legislative measures do not in fact guarantee the implementation of the rights recognized in this covenant, to take, in accordance with its constitutional procedures and the provisions of this covenant, It is necessary for this implementation of legislative or non-legislative measures. “This is a clear text in which all signatory states undertake measures that guarantee civil and political rights, and in the event of a violation of these rights, there will be special measures from the international community according to specific contexts.

In Article (18), we find four important paragraphs related to the issue of sovereignty: 1- Every human being has the right to freedom of thought, conscience and religion. This includes his freedom to condemn a religion, his freedom to embrace any religion or belief of his choice, and his freedom to express his religion or belief in worship Conducting rituals, practicing and teaching, alone or with a group, and in public or separately .. 2- It is not permissible to subject anyone to a coercion that would undermine his freedom to profess a religion or his freedom to embrace any religion or belief he chooses. Subordination to the freedom of a person to manifest his religion or belief, except for restrictions imposed by law and which are necessary to protect public safety, public order, public health, public morals, or the rights and fundamental freedoms of others. 4- The States Parties to this Covenant undertake to respect the freedom of parents or guardians. When they are there, in securing the religious and moral upbringing of their children according to their own convictions.

According to this text, the international legal force is strong in content and meaning through
the phrases (in front of the public ... Paragraph 1 / not permissible ... Paragraph 2 and Paragraph 3 / Pledge ... Paragraph 4)

3) The International Convention on the Elimination of Racial Discrimination:

Article two, paragraph (c) of this convention states, “Each state party shall take effective measures to review national and local governmental policies and to amend, abolish or abolish any laws or regulations that lead to the establishment or perpetuation of racial discrimination wherever it exists.” A clear legal text that has the necessary power to take international measures. Indeed, a set of measures have been taken in the experience of the state of South Africa with racial discrimination, and not only that, but Article 4 of Paragraph (c) states: “Public authorities or public institutions, national or local, are not allowed, By promoting or inciting racial discrimination, “incitement to racial discrimination shall be classified as an international crime, even if it is a public institution or a public authority.”

The second topic / Sovereignty and representation in Malaysia between the constitution and reality

The Malaysian constitution promulgated on August 31, 1957 represents the legal basis for the Federal Kingdom of Malaysia, which is made up of sixteen different provinces, including nine on the monarchy, four on the semi-republican system, and three federal capitals.

The issue of community representation in the Malaysian political system was mentioned in Article 45, which concerns the formation of the Senate of elected and appointed members according to the fact that two members are elected to each state, with the exception of Labuan state one member, so that the number becomes (31) elected member, while the state ruler appoints forty members who have provided civil services Great, or have accomplished distinguished work in their professions, or the social service that they practice, or be representatives of ethnic minorities or are able to represent the interests of indigenous people, and thus representation is conditional and restricted according to the ruler’s vision, and the number of forty specific members compared to 31 elected makes the final decision tilting in favor of The appointed member is according to the elected member. 16

In the same context, we find that Article 46 of the constitution concerns the formation of the House of Representatives, and the question is about the extent of its representation of the Malaysian society, and the constitutional text confirms that the number of members is (222) two hundred and twenty-two elected members, distributed among the Malaysian states according to the size of the state and its population, while giving a special advantage. The three capitals have (11) members for the Federal Capital (Kuala Lumpur), one member for the Administrative Capital (Putrajaya) and one member for the capital (Labuan). In the general framework, representation is good in this distribution and depends on the application of an appropriate electoral system for this distribution.17

Article 114 of the Constitution stipulates a mechanism for the formation of the Electoral Commission, as it is appointed by the Ruler of the State after consulting with the Council of Rulers, and this means appointment at the expense of the election and the Council of Rulers usually includes the nine kingdoms, and does not represent the entire Malaysian state, in addition to the committee that supervises the elections of the Council Representatives and the second part of the Senate, which represents the primary role of the committee in a true representation of Malaysian society. 18

In the area of the issue of sovereignty, Malaysia has suffered and suffers from several problems related to sovereignty, including what it inherited from the old British colonialism, including what is new. In this context, we diagnose the problems of sovereignty:

First: Constitutional texts related to sovereignty:

The beginning is with the Malaysian constitution, some of which referred to the issue of sovereignty, including:

A) Article 4 refers to the constitution as the supreme law of the Malaysian Federation, and its first paragraph refers to this content with the addition of the phrase “Any law issued after Independence Day that does not contradict the provisions of this constitution is considered null as far as it does not agree with it.” This article indicates the strength of the constitution Legal and federal supremacy over all Malaysian states, and while sovereignty
was not stipulated directly, but violating the constitution means violating the country's sovereignty. 19

B) Article 10: This article gives freedom of expression, gathering and forming associations, but the same article in its second paragraph permits Parliament to "impose necessary restrictions on the rights granted or restrictions in favor of the security of the Malaysian Union or any part thereof, or that serve friendship relations with other countries, or Public order or public morals and the restrictions in place to protect the privileges of Parliament or any legislative assembly or to prevent contempt of the court, defamation or incitement to commit a crime." This constitutional text is very important for the issue of preserving the country's sovereignty and not violating it and granting Parliament permission to take the necessary measures in all cases Mentioned. 20

Second: Sabah Island 21

Sabah province was formed in 1877 AD when the British government ceded an area of land to the Austrian Baron (Overbeck), and after three years Overbeck sold its interests to the British brothers (Dent) in London, who obtained the royal decree to form a company in the name (British Chartered Company of North Borneo) Which focused on administrative development and continued to rule the region until the outbreak of World War II. 22

The British took over the administration of Sabah territory in July 1946, and this prompted them to pay attention to social and economic matters and to rehabilitate them by establishing the Legislative Council in 1950 AD, and the British organized the local administrative authorities in 1952 AD. 23

The declaration of the constitution and the beginning of independence was on August 31, 1957 under the title (Union of Malay), and after exhausting negotiations by the Prime Minister of the Federation of Malay and the Prime Minister of Singapore announced the establishment of the (Federal Kingdom of Malaysia) on September 16, 1963, which included (the Federation of Malaya, Borneo Island, Sarawak, and Brunei 24 as well On Singapore) 25, but in 1965, Singapore withdrew from the federation to become an independent country 26.

Malaysia shared the island of Brunei with the Sultanate of Brunei and Indonesia, and (Sabah) was the share of Malaysia through the desire of the people of the region despite its proximity to the troubled southern Philippines, and it was a refuge for many immigrants and sometimes militants, as the number of Filipinos working in the state of Sabah is estimated at (eight hundred thousand) (27)

The tradition followed for more than two hundred years to pay a fee (to the Sultan of Solo) in the Philippines, and the Malaysian government inherited it from the British colonialism, based on a lease document signed in the year 1878 AD, indicating a persistent problem regarding the claim of the Philippines and the Sultan of Sulu for the entire state of Sabah, as it is part of the Sultanate of Old Solo, and this is a clear breach of sovereignty. The successive Malaysian governments have been able to deal with it with great caution and firmness as well 28.

This issue constitutes a real crisis for Malaysia, as it always suffers from the Philippines not adhering to its previous decisions regarding recognition of Malaysia in its entirety, and it always tries to violate the Malaysian sovereignty, sometimes under the pretext of Filipino workers, sometimes under the pretext of the presence of armed rebels, and sometimes under the pretext of the rights of Sultan Solo in the state, and every time Malaysia is forced to Confronting these violations politically and sometimes militarily.

Third: the currency crisis in Malaysia 1997-1998

The beginning of the Asian financial crisis dates back to March 1997 on Thai banks after the government publicly announced the potential failure of ten financing companies, and with the announcement in the financial press led to a 25% net rise in the Bangkok stock market as foreign investors rushed to get cheap deals. Forcing the Thai central bank to abandon its exchange rate, which is linked to the US dollar, and when the Thais announced the devaluation of the currency, the local stock market and the exchange rate fell rapidly by about 30%, and the Malaysian ringgit, the Philippine peso and the Indonesian rupiah also fell, and as investors withdrew from the region The adjustment of currency values has turned into a complete crisis with currencies losing up to half their value, and there are those who are linked to the large deficit in the current account and a fixed rate
system, which makes foreign investors speculate in the currency and determine their terms and interest in light of that.  

In addition to the devaluation of currencies, the "Asian Tigers" suffered from a contraction in the values of local assets, including stocks and property, and financial turmoil spread across global financial markets in late 1997, and the Dow Jones index in the United States was affected by a 7% decline on October 27, 1997. After the International Monetary Fund refused to provide additional loans, while the Malaysian authorities imposed capital controls after a series of public statements by Prime Minister Mahathir denouncing the role of speculators in causing financial turmoil.  

The governments of Thailand, Indonesia and the Philippines requested assistance from the International Monetary Fund, while the Malaysian government led by Prime Minister Dr. Mahathir Mohamad refused the request for assistance, as he denounced the International Monetary Fund and accused its officials of being "racists" and mentioned George Soros and blamed him for the events of the crisis in an international conspiracy.  

Prime Minister Dr. Mahathir strengthened his power base within the government with a coalition government that follows the capitalist system, and through that imposed restrictions and controls on the exit of foreign capital, while determining foreign and domestic investments with new controls similar to those taken in central countries. Not only that, but he removed his potential political rival, Anwar Ibrahim from the position of Minister of Finance, accused him of corruption and another unethical accusation, and also accused him of collaborating with groups in Washington in an attempt to create his own spheres of influence in international politics and evading the control of the ruling party (UMNO), but by using Party treasuries.

The Malaysian leadership was able to safely cross the crisis and prevented a breach of financial and economic sovereignty, whether through the International Monetary Fund, billionaire George Source, or the United States of America, and this is a unique achievement that has been written about multiple studies in many research centers and famous universities.

Research Results

Through following up on the issue of sovereignty and representation in Malaysia, we point out the following conclusions:

1) Community representation in Malaysia is real and not fake through the constitution and the election mechanisms without resorting to other laws. The constitution specified members of the council as representatives of states without the nationality, religion or sect involved in representation, and thus it guaranteed the participation of all as well as limiting the number of council members without that there is a possibility of an increase that burdens the state budget annually due to population increases.

2) The king of the country retained the power to appoint the Electoral Commission in consultation with the Council of Rulers, and this constitutes an important constitutional restriction in the neutrality of the Commission, even if it was a defect, as the king was a Muslim and Malay, and he also retained the power to appoint 40 members of the Senate, which in itself represents a symbolic and patriotic aspect, Although the king represents the national and religious majority, and this is a clear defect in representation, on the other hand, and from other negative experiences, it represents a safety valve for the country, and the responsibility is doubled in assessing the social crises that affect the country, and the constitutional determination cuts the way to trolling in troubled waters.

3) We notice the issue of sovereignty through the constitution, which focused on the high and supreme legal force of the constitution over all other laws, including those before the constitution came into force in the colonial era of 1957, and its supremacy over all laws issued after this date. This in itself is a broad authority for the king and the prime minister using all that is necessary to preserve the integrity of the country and the sovereignty of the homeland.

4) The issue of freedoms is one of the important topics that give the way to the violation of sovereignty through international laws, and therefore Article 10 gave the Malaysian decision-maker all the powers in order to prevent the breach of sovereignty under the pretext of freedoms, and this is a double-edged sword, which may be used in the negative direction in suppressing freedoms, but at the time The same prevents the breach of
sovereignty with arguments in most cases that come for the sake of known external interests.

5) The Sabah Island crisis demonstrated the strength of the Malaysian state’s determination towards the state’s lands, and the lack of abandonment of it, as well as the wisdom and rationality in managing the file, without political or military escalation, despite the difficulty of the crisis and its historical length.

6) The Asian financial crisis of 1997 showed the regional link between East Asian countries, financial and economic, and the cross-border influence of sovereignty and borders, but at the same time the uniqueness of Malaysia in confrontation measures and solutions to other countries, and the success in crossing the crisis with the least losses, depends on wisdom, rationality, ability and courage. The director of the file or the ruling leadership and the decision maker, the issue is a double-edged sword that may lead to a financial and economic collapse, or to cross to safety, and this is what the Malaysian leadership, headed by Mahathir Muhammad, succeeded in.

6) The Asian financial crisis of 1997 showed the regional link between East Asian countries, financial and economic, and the cross-border influence of sovereignty and borders, but at the same time the uniqueness of Malaysia in confrontation measures and solutions to other countries, and the success in crossing the crisis with the least losses, depends on wisdom, rationality, ability and courage. The director of the file or the ruling leadership and the decision maker, the issue is a double-edged sword that may lead to a financial and economic collapse, or to cross to safety, and this is what the Malaysian leadership, headed by Mahathir Muhammad, succeeded in.

**The third topic / Sovereignty and Representation in Iraq**

Regime change in Iraq following the US occupation in 2003, and the process of change began with American actions at the political, military and economic levels before 2003 through periodic meetings with the opposition outside Iraq, thus Iraq lost its full sovereignty in favor of the international coalition forces, specifically the US occupation forces.

The Coalition Provisional Authority was formed to administer Iraq, headed by the civil administrator in Iraq, Paul Bremer, who issued many orders related to the administration of the state during the occupation phase, including changing the currency, establishing municipal councils, governorate councils, and the Governing Council, as well as the temporary political parties law of Order No. 97 of 2004, in preparation for to conduct elections.

According to the law, many political parties and entities were formed on sectarian, ethnic, sectarian and national foundations, and those fronts were led by figures of the external opposition, who possessed military strength and political and media experience, unlike the people of the Iraqi interior who lived under the weight of a dictatorial system of one party that did not allow pluralism or opposition.

On June 28, 2004, the Iraqi government headed by Dr. Iyad Allawi took control, and two days before the date officially set for sovereignty, and in a simple and closed official ceremony inside the Conference Palace, it was decided to dissolve the US occupation authority and leave the civilian governor Paul Bremer, and replace the military forces with the US military police. Helicopters remain in the skies of Baghdad, and it appears that the transfer of sovereignty was formal or partial due to the lack of readiness of the Iraqi forces.

In July 2005, Kuwait bypassed the Iraqi borders and set up an iron barrier. This overrun triggered Iraqi reactions at the public and official levels without taking real action to curb these abuses, which were repeated a lot in the following years.

After great negotiation efforts, the Iraqi government reached a security agreement with the United States of America, known as “Sofa”, which is an agreement that defines the security relationship between the two countries. It was signed by Iraqi Foreign Minister Hoshiyar Zebari and US Ambassador Ryan Crocker in 2008, and it planned the American withdrawal from Iraq. During the three years until 2011, the Iraqi forces handed over the security of Iraq, while the American forces were stationed in agreed centers and areas.

This agreement was approved by the Iraqi Council of Representatives by Law No. 52 of 2008, as approved by US President Barack Obama in accordance with his powers, and a copy of the agreement was deposited with the United Nations in accordance with Article 102 of its charter.
The Iraqi authorities organized a military parade for their security forces to celebrate the withdrawal of US forces from the cities, which they considered "the Day of National Sovereignty", June 30, 2009 as an official holiday, and this was done in accordance with US President Barack Obama's pledge to withdraw all American forces from Iraq by December 31, 2011. On December 15, 2011, an official ceremony was held for the withdrawal of US forces from Iraq, in the presence of the US Secretary of Defense (Leon Panetta) at the headquarters of the US embassy, in the Green Zone in central Baghdad, and the American flag was lowered and the Iraqi flag raised. 

According to these new data, the Iraqis are promising the return of real security, political and economic sovereignty, and the decision becomes a pure Iraqi without regional, international or colonial influence, but unfortunately, things have gone downhill due to poor strategic planning.

From this introduction, we understand the issue of Iraqi sovereignty in the general framework that it is an American industry and influence, in the same context was the issue of community representation. Representation was on ethnic, national and sectarian bases far from citizenship. (The Governing Council formed by Bremer of 25 members was classified in this context), and the making A new political reality in Iraq and an alternative to the dictatorial regime, represented by seven party formations that were in opposition and became ruling 40, under the American military and political cover, but in reality they only represent themselves, their interests and their vision, far from representing society.

The imposition of the opposition’s vision of preparing the constitution and the nature of the political formations, which led to the entry of Iraq into many internal and external crises, and it was confirmed through the semi-formal elections for the years (2005/2010/2014/2018) that these formations do not represent the reality of the Iraqi people, their aspirations and dreams. The nature of the breach of Iraqi sovereignty by several regional and international countries.

The widespread resentment of many groups of people was the boycott of the last elections of 2018, which were accompanied by many clear and open fraud, and concluded with the demonstrations and sit-ins that spread in many Iraqi governorates, and many martyrs and wounded were killed.

The issue of sovereignty and its importance is related to the vision and philosophy of the political performance of the prime minister and the executive procedures that follow at the level of decisions and daily dealings, and it is natural for the prime minister’s office to represent the vision of its president, as it is the executive formation that oversees the country’s public policy, according to Article 78 of the 2005 Iraqi Constitution In which it was stated (The Prime Minister is the direct executive responsible for the general policy of the state, and the Commander-in-Chief of the Armed Forces, who runs the Council of Ministers and presides over its meetings), in addition to the exclusive jurisdiction of the Council of Ministers related to foreign policy and diplomatic representation in accordance with Article (110) of the constitution. In it (formulating foreign policy and diplomatic representation, negotiating international treaties and agreements, borrowing policies, signing and concluding them, and formulating foreign sovereign economic and trade policy).

The Iraqi constitution, with the legal provisions in force, including constitutional law and international law, link the breach of the borders of the state's territory with the state's sovereignty and to clarify the matter according to the following:

1) The concept of sovereignty has developed steadily with the progress of civilization and the introduction of modern technology. Therefore, the definition approved by specialists in constitutional law and international law is that sovereignty (a permanent and continuous authority that remains in place and is not linked to the rulers who exercise power temporarily), the owner of this power is the people, and its source is the law. According to what was approved by the 2005 constitution of Iraq in Article (5) in which the following is stated (Sovereignty is the law, and the people are the source of powers and their legitimacy, which they exercise by direct, general secret ballot and through their constitutional institutions).

2) Sovereignty is over the state's territory consisting of (land, sea and air), as the Paris Agreement of 1919 stipulated full sovereignty of the state over its air region above its territorial territory and its territorial waters, according to the 1944 Chicago Convention for International Civil Aviation.
The sovereignty of Iraq has been overridden on several occasions, as a number of senior foreign officials entered Iraq, including the President of the United States of America (Donald Trump). Sovereignty, and he was aware of that visit, but in reality it does not prevent him from describing the act of the US President as a violation of Iraqi sovereignty, because knowledge is not the acceptance and permission of the visit.\textsuperscript{43}

As a result of this dialogue regarding weak societal representation in political entities, and a continuous breach of Iraqi sovereignty, a special questionnaire was prepared on this subject, represented by distributing the questionnaire to 1,890 people, and the number of questions reached (10) according to the following statistics:

**Table No. (1) Represents the distribution by gender**

![Distribution by Gender Chart]

According to the above table, the largest percentage, as usual, is for males, reaching 59% and 41% for women, which is an acceptable but good percentage compared to the reality of the Iraqi male community.

**Table No. (2) Represents the distribution according to the certificate**

![Distribution by Certificate Chart]

According to the table, the sample is distributed according to the certificate, so the PhD was 38%, followed by the Masters by 24%, while the Bachelor's 23%, and this is an indication of the reliability of the sample size in terms of answers, and the researcher focused on the advanced learner category in order to come up with the best results.

**Table No. (3) Represents the distribution according to age**

![Distribution by Age Chart]
The table indicates the progression of the age group over 40 years of age over the remaining ages by 36%, followed by the age group over 50 years by 29%. This is another indication of the reliability of the sample and the importance of its answers.

**Table No. (4) Represents the distribution according to job title**

<table>
<thead>
<tr>
<th>According to Job</th>
<th>University Prof.</th>
<th>Free-lance business</th>
<th>Educational Supervisor</th>
<th>Employee</th>
<th>Retired</th>
<th>Student</th>
</tr>
</thead>
</table>

Table No. (4) Indicates the work side of the sample, where university professors provide a rate of 44%, which is a large percentage, followed by the profession of business, which also indicates the importance and reliability of the answers.

After these preliminary statistics on the nature of the sample, its size, its impact and its credibility, we ask the following ten questions, with answers to them and an accurate analysis:

**Table No. (5) Q1 what is your understanding of national sovereignty?**

With the reading of Table No. (5), we find that the most expensive answers were compatible with (political, wise and rational leadership) by 75%, which is a large and understandable percentage and clearly indicates a deep understanding of the Iraqi intellectual community the importance of wise and rational leadership at the expense of auctions in military force or attempts to expel foreigners and even Who uses the concept of sovereignty for auctions and political bargaining.
Table No. (6) Q2 Does the Iraqi constitution of 2005 affirm sovereignty.

The importance of amending the Iraqi constitution for the year 2005 was indicated by the existence of some deficiencies in the issue of sovereignty, no more than one article, as the answers came with a high rate of 59% compared to 24% who said yes.

Table No. (7) Q3 Do the Iraqi parties believe in Iraqi sovereignty?

The question came to confirm the existence of a defect in the party's vision and philosophy in Iraq, as 68% answered the Iraqi parties 'lack of belief in sovereignty, as they prefer dealing with foreign countries, and 32% of them prefer that some parties do not believe in sovereignty, but the strangest answer is that yes, it had a zero share of the answers. This is an important indicator and a clear diagnosis of the role of the parties in violating Iraqi sovereignty.

Table No. (8) Q4 what are the reasons for the weakness of Iraqi sovereignty?

The above mentioned reasons
The fourth question was more diagnostic of the reasons for the weakness of Iraqi sovereignty by answering all the above reasons with a high rate of 79%, and the answer that came after (the failed parliamentary system) 9%, while the answer (the multiple sources of decision) was ranked third by 5%, and these answers give us more than one indicator. The first is that there is a set of basic factors created by the political system after 2003 that led to a weakening of sovereignty, including regional and international interventions and weakening the principle of citizenship, but the second indicator is the failed parliamentary political system that led to the perpetuation of this exhausted political situation, and the last indicator is that the quota system and the preference for sectarian representation led to a multiplicity of decision sources, which confused and weakened the executive authority.

**Table No. (9) Q5 what are the reasons for weak party work in Iraq?**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Because they are parties that revere personalities</td>
<td>40%</td>
</tr>
<tr>
<td>There are no clear programs nor conceptions</td>
<td>31%</td>
</tr>
<tr>
<td>Lack of democracy in its system</td>
<td>20%</td>
</tr>
<tr>
<td>Dependence on public money in illegal ways</td>
<td>9%</td>
</tr>
<tr>
<td>Weakness of the laws regulating party work</td>
<td>5%</td>
</tr>
<tr>
<td>All the above-mentioned reasons</td>
<td>81%</td>
</tr>
</tbody>
</table>

The fifth question is about the reasons for the weakness of party work, and the diagnosis was 81% for the reasons mentioned in the answers, which confirm that the parties do not have clear programs for managing the country and do not believe in democracy in their systems and rely on illegal funding as well as they are individual parties and personalities, not state parties organized with laws and programs. She believes in formal institutions.

**Table No. (10) Q6 Does sovereignty conflict with national interests?**

<table>
<thead>
<tr>
<th>Choice</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>70%</td>
</tr>
<tr>
<td>Yes</td>
<td>20%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>9%</td>
</tr>
<tr>
<td>Identical</td>
<td>1%</td>
</tr>
</tbody>
</table>
The sixth question included the principle that sovereignty conflicts with national interests, and it is a controversial question, meaning that it is natural that sovereignty does not conflict with national interests, which was given by the majority of the answers compatible with a clear majority of 48%, and this is a good indication, but when 25% say sometimes it conflicts, and 15% Assert that there is a contradiction, so there is another indication of a defect in the structure of the political thinking of the political class, as national sovereignty takes precedence over interests, but the sovereignty is usually violated by parties represented in Parliament, and it is a major defect that must be reconsidered in the legal and organizational party work structure.

Table No. (11) Q7 In your opinion, does the concept of sovereignty contradict the concept of international relations?

The seventh question relates to the contradiction of the concept of sovereignty with the concept of international relations, and the answers came with 49% of the absence of conflict, 19% of the existence of contradiction, 17% according to the government’s vision, and 15% sometimes there is a conflict, and these answers give an indication that the majority confirms that there is no conflict, given that sovereignty is guaranteed by laws. Local and international, but in the case of Iraq there is a difference and overlap in concepts, especially after the US occupation of 2003 and the control of ISIS over a third of the area of Iraq in 2014, which made the country vulnerable to transient interference by regional and international sovereignty, clearly and significantly, far from national will and sovereignty, which must be repeated Considering it in its entirety in preparation for developing a realistic legal framework that excludes any real impact on Iraqi sovereignty.

Table No. (12) Q8 is there real community representation in the Iraqi electoral system?

The seventh question relates to the contradiction of the concept of sovereignty with the concept of international relations, and the answers came with 49% of the absence of conflict, 19% of the existence of contradiction, 17% according to the government’s vision, and 15% sometimes there is a conflict, and these answers give an indication that the majority confirms that there is no conflict, given that sovereignty is guaranteed by laws. Local and international, but in the case of Iraq there is a difference and overlap in concepts, especially after the US occupation of 2003 and the control of ISIS over a third of the area of Iraq in 2014, which made the country vulnerable to transient interference by regional and international sovereignty, clearly and significantly, far from national will and sovereignty, which must be repeated Considering it in its entirety in preparation for developing a realistic legal framework that excludes any real impact on Iraqi sovereignty.

Table No. (12) Q8 is there real community representation in the Iraqi electoral system?
Question No. (8) Relates to the issue of representation and does the electoral system produce a true representation of the components and segments of the Iraqi society? We find that the answers are close, but it seems that there is agreement that the electoral system is relatively represented by 39%, which is the highest, while the answer was no, 34% compared to 26 % Agreed with the electoral system, and here we record an indication that there are 74% of the educated elite that registers a defect in the electoral system and needs review and amendment in order to play its primary role in the true societal representation of Iraqi society.

Table No. (13) Q9 / how can societal representation in the political system be ideal?

<table>
<thead>
<tr>
<th>Q9 / how can societal representation in the political system be ideal?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through a fair and justice election system</td>
</tr>
<tr>
<td>Through a law for parties based on citizenship</td>
</tr>
<tr>
<td>Through rational and mature government</td>
</tr>
<tr>
<td>All the above-mentioned reasons</td>
</tr>
</tbody>
</table>

The ninth question concerned the possibility of finding an ideal system for community representation. The purpose of the question is to reveal the priority of the educated elites in improving the conditions of representation in Iraq. The answers were important, as some of them focused on the election law at 16% and others focused on the rational government by 11%, and the lowest percentage on The political parties law as a priority did not exceed 2%, while the largest percentage for all reasons was 71% above, and this is an indication of the Iraqi elites on the need to reform the electoral system and the political parties law and focus on rational and mature government leadership capable of running the country and crossing it to safety.

Table No. (14) Q10 Is the Iraqi economy free from external dependency and achieves sovereignty?

<table>
<thead>
<tr>
<th>Q10 Is the Iraqi economy free from external dependency and achieves sovereignty?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td>Relative</td>
</tr>
</tbody>
</table>

The last question is related to the economy and the extent of the credibility of sovereignty through it. The largest percentage of the answer was negative, 88%, which is a very high percentage indicating a defect in the Iraqi economic structure and the need to liberate the Iraqi economic decision from dependency and supremacy in order to achieve true sovereignty away from formal and media measures.
**Research results:**

1) That societal representation in Iraq has a major defect at the level of laws in force and political performance, which requires reconsideration of that in its entirety and in detail.

2) Sovereignty in Iraq is completely penetrated and there are multiple reasons, the most important of which are (poor political performance, the quota system, sectarianism, uncontrolled weapons, dependency on an external decision, administrative and financial corruption, weak professional staff, regional interference, international intervention), and many others that require reviewing the political process. In addition, the foundations on which it was built.

3) The weakness of the Iraqi economic structure due to the superiority of the political decision, and the deliberate absence of the scientific and national elites from the authority of the political and economic decisions.

4) There is a clear defect in some texts of the Iraqi constitution 2005, with regard to the lack of clarity and ambiguity that led to the multiplicity of interpretations, as well as the contradiction in some texts, in addition to the failure to complete the institutions stipulated in the constitution such as the Federation Council, the Service Council and others, and the failure to issue Laws stipulated in the constitution in the necessity to regulate them with regard to
References

Mukhtar As-Sahah, subject: (Sawad ); Lisan al-Arab, article: [Sawad ], and Lisan al-Arab, article: [alleged].2 Al-Munajjid of linguistics and media, Dar Al-Mashriq, Beirut, 2000, p. 191; Glossaries: Website: https://www.almaany.com/ar/dict/ar-ar.

Ibn Khaldun: He is Abu Yazid Abd al-Rahman bin Muhammad bin Khaldun, born in 1332 AD, and he is Andalusian by birth, Tunisian by birth. He lived in a family of religious culture and a prominent political position in the Islamic Maghreb. He was a judge and left writings on history and society, most notably the definition. In Ibn Khaldun’s Journey "and" Introduction "which is considered the most important of what he wrote, and included a philosophy of the entire human life, he received the title of Father of History and Father of Human Sociology. Abd al-Rahman Ahmad, "Ibn Khaldun’s Contributions to Economic Thought," Journal of Islamic Economic Studies 2, 2006, pp. 8-9.


Mortedha Shanshul Sahi, Political Systems in Political Thought in Aristotle, The Political and International Review, Faculty of Political Sciences, University of Maysan, p. 197.

Rajab Salama Omran, Roman Military Thought between Defense, Offensive, Expansion and Colonialism until the End of the Republican Era (509 BC to 31 BC), Culture Library, Faggala - Cairo, pp. 18-21.


Same source. For more, refer to: Website: https://www.almaany.com/ar/dict/ar-ar/.

Same source


The International Covenant on Civil and Political Rights was adopted and offered for signature, ratification and accession by United Nations General Assembly Resolution 2200 A (XXI) of December 16, 1966, entry into force date: March 23, 1976, in accordance with the provisions of Article 49.


Malaysian Constitution, Article 145.
Malaysian Constitution, Article 145
Malaysian Constitution, Article 114
Malaysian Constitution, Article 4
Malaysian Constitution, Article 10

Sabah State: This state is one of the states of Borneo Island, and the second largest state in Malaysia, located in the northeastern part of the island. It has a diverse composition of ethnic minorities. Of the Indians looking for work and became a large part of the population composition, the Malay accounted for 5.7%, and the Bumiputra accounted for the highest percentage among minorities, reaching 20.6%, as they were largely concentrated in forests and high places, and the Chinese ranked third for the state’s population with a ratio of 9 22% is strategically located overlooking the South China Sea on one side and the Pacific
Ocean on the other hand, in attracting immigrants to it and forming the fabric of its population.

Isra' Kadhim Jasim Al-Husseini, The Ethnographic Structure of the Malaysian People and its Impact on the State Power: A Study in Political Geography, Requirements for the Degree of Doctor of Philosophy in Geography, Baghdad University, College of Education for Women, 2013, P. 172


Ibid, p.36.

Brunei withdrew from the negotiations to form the union and preferred to remain under British colonialism, and then became independent on 1/1/1984. Mustafa Fakhoury, Countries and Countries, A Geographical, Historical and Economic Encyclopedia, Beirut, Dar Al Marifa, 2007, p. 105.


Same source


George Soros (1930-) Hungarian-born, American, businessman, investor, and interested in philanthropy, known for his support for liberal policies and for his active role in the transition from communism to capitalist system in Hungary (1984-1989), George gave the largest grant offered to the European University in Budapest, the capital of Hungary, given that it was a donation against the Serbian invasion of Sarajevo in the 1990s. Soros has written several books, Alchemy of Finance (1987), The Crisis of Global Capitalism: Open Society Endangered (1998), and The New Paradigm for Financial Markets: The Credit Crisis of 2008. For more, see: Website: https://www.britannica.com/biography/George-Soros#info-article-history

For more on how to deal with the Asian crisis, analyzing it financially and economically, determining the causes and showing the results, see: Mahathir Muhammad, Dr. Muhdir Bin Muhammad's Encyclopedia, Volume Three (Asia), publishers (Egyptian Book House, Cairo, Lebanese Book House, Beirut / House of Thought Kuala Lumpur), Edition 1, 2004, pp. 49-69.

Same source

LAURA KAELHER, NATION-STATES, CAPITAL MARKET MANAGERS, AND SOVEREIGNTY: AN ETHNOGRAPHIC CASE STUDY IN MALAYSIA, Faculty in Anthropology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York, Copyright, Kaehler, Laura, 2009.


Saadoun Shalal and Hamida Abdul Hussein, a geopolitical analysis of Iraqi-Kuwaiti relations, Uruk Magazine, Issue 1, Volume 10, 2017, p. 125. DOI: 10.18018 / URRUK / 017-10 / 115-139

web site : https://baghdadtoday.news
web site : http://arabic.people.com.cn/31662/7678800.html
Formations are (the Kurdistan Democratic Party, the Patriotic Union of Kurdistan, the Islamic Dawa Party, the Supreme Council for the Islamic Revolution in Iraq, the National Accord Movement, the Iraqi National Congress Party, the Iraqi Islamic Party)

The Iraqi Constitution, the official website of the House of Representatives: http://ar.parliament.iq

Judge Salem Roudhan Al-Mousawi, Is a violation of Iraqi airspace a violation of state sovereignty? , Opinions and Ideas 06/01/2019, Website: https://www.iraqfsc.iq/news.4240

Same source