

MANIFESTATIONS OF THE FEDERAL SYSTEM IN THE UNITED ARAB EMIRATES

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Abstract

Aim of the Study: the problem of the study is to understand the manifestations of unity in the state of the Union. It will help to link the constitutional texts to this multiple reality of the UAE and its people. Through this study, we conduct an analysis of manifestations of independence with a statement of the distribution of competencies between the government of the federation and the governments of the Emirates.

Design/Methodology: In this study , the analytical approach of the constitutional texts has been followed.

Findings: The results indicate that The Constitution of the United Arab Emirates does not specify who holds the legislative power, contrary to what constitutions usually reason and despite the absence of the Constitution of the United Arab Emirates of an explicit text specifying who holds the legislative power, but we find that the Federal National Council is not alone in the legislative power or be accounted for, it is shared by the executive authority in all its bodies represented by the Supreme Council of the Federation, the president of the federation and the Council of ministers.

Originality/value: Since this study is a constitutional study, and not just an analysis of constitutional texts alone, it is only by understanding the social, economic, geographical, historical and cultural reality of the UAE and its people that the federal system of the UAE can be studied and its aims, objectives, features and demands understood and then the problem of the study was linked the constitutional texts to this multiple reality.

Keywords: constitutional jurisprudence, Manifestations, Confederation, United Arab Emirates.

I. INTRODUCTION

Political and constitutional jurisprudence settled on the division of states in terms of their composition into two types, Simple or unitary states and composite States. A simple or unitary state is based on unity in the Constitution and powers, that is, power in it is concentrated in the hands of one government. It has one Constitution and individuals are subject to the same laws. It does not affect the political and constitutional unity of the state and thus its characterization as a simple state to adopt in its administrative system is the method known as

decentralization. Ssince this decentralization is limited to the distribution of administrative function without politics and without the function of law-making. The composite state is based on a plurality in the Constitution and in the powers, depending on the plurality of the member states of the Union and the distribution of sovereignty and different governing powers to these member states International and constitutional jurisprudence usually distinguishes four main types or forms of federations: personal Union, actual Union,

treaty Union (Confederation) and central union (federation).

The United Arab Emirates has adopted the Central (Federal) Union, which consists in the accession of several countries to each other in the form of a single state called the Union state, where in this case the member states lose all their foreign sovereignty and part of their internal sovereignty and then the Union state alone appears on the international stage as a new legal person, Unlike the member states of the Union, which are called countries or states, where the international character fades away, central Union is usually formed between small states or multiple Emirates, which consider it in their interest to have a union in order to preserve their entity and independence, Especially since this union reconciles the desire of the member states to form an influential power on the one hand, and each of these states to retain the greatest independence and subjectivity on the other, such central federations are often established by constitutions decided upon and governed by the member states, unlike other federations, which are usually established by treaties concluded by the member states among themselves, and therefore the central or federal union is also called the Constitutional Union.

This union between the Emirates of the state of the "United Arab Emirates" under a constitution approved by the rulers of those seven emirates and pledged and announced the establishment of the one between their Emirates, and in order to this it was stipulated in the introduction of the Constitution that: "We are the rulers of the Emirates of Abu Dhabi, Dubai, Sharjah, Ajman, Umm Al Quwain and Fujairah, since our will and the will of the people of our Emirates have converged to create a union between these Emirates In order to provide a better life and stability possible, and a higher international status for it and all its people and a desire to establish closer ties between the Arab Emirates in the form of an independent and sovereign federal state, able to maintain its own entity and that of its members, cooperating with the brotherly Arab states, with all other friendly states members of the United Nations, and in

the international community in general, on the basis of mutual respect, exchange of interests and benefits..... For all this and until a permanent constitution of the union is prepared and declared before the Almighty Creator and before all the people, we agree with this Constitution removed by our signatures to be applied during the transitional period referred to therein.

"God is the one who is blessed and the one who is blessed and the one who is blessed".

The federal state shall exercise its sovereignty in the affairs entrusted to it by the Constitution over all the territories of the Emirates and for all its peoples, with the birth of the Union state, the member Emirates lost their pre-Union International personality, but these Emirates did not lose their own entities They have become internal constitutional units exercising on their territory some manifestations of independence and self-government, and this is confirmed by the interim constitution in its third article, which states that "The member Emirates shall exercise sovereignty over their territory and territorial waters in all matters not within the competence of the Union under this Constitution," as Article 116 of the interim constitution and its amendments states: "The UAE assumes all the powers not entrusted to the Union by this Constitution, and all participate in its structure, benefit from its existence, services and protection".

Hence, the main features and characteristics of the central and Constitutional Union of the United Arab Emirates (D. Suleiman Al-Tamawi, 1974) is the state of the Union alone without the member Emirates enjoys international personality, and exercises internal sovereignty over all the territory of the member Emirates. Those Emirates that are no longer internal constitutional units enjoy some autonomy in the exercise of their internal affairs, according to the distribution of competencies between the federal government and the governments of the member Emirates in accordance with the provisions of the interim constitution of the UAE.

After this introduction, through which we presented the types of composite unions, which is the Central Union (federal) It is one of the most important of these federations, which was taken by the United Arab Emirates.

2. OBJECTIVE OF THE STUDY

- To understand the manifestations of unity in the state of the Union.
- To conduct an analysis of manifestations of independence with a statement of the distribution of competencies between the government of the federation and the governments of the Emirates.

3. RESEARCH METHODOLOGY

In this study, the analytical approach of the constitutional texts has been followed.

4. MANIFESTATIONS OF UNITY IN THE UNION STATE

The state of the Union appears on the unified side of it as if it is a unified or simple state, where the state of the Union alone has an international personality without the rest of the Emirates of which the union is composed, and therefore it appears at the international level without other constituent states of the Union, Therefore, it alone shall direct its various international powers and competencies and thus bear the consequences for foreign states, the countries of the Union practices their full sovereignty in the international sphere, and in the UAE this is not only seen in the external sphere, It may even extend to some aspects of the domestic sphere, where it has its own constitution and has powers that may extend to all parts of the Constituent Emirates of the Federation Thus, the state of the Union appears as a unified state in two areas, external and internal, so we will allocate each of them an independent demand, as follows:

4.1 Manifestations of Unity in the External Sphere

The United Arab Emirates appears as a single political unit in the eyes of other countries, as public international law defines in its treatment only the state of the Union and its authorities, it is, i.e. the state of the Union. It has an international character without its constituent Emirates (Burdeau et. al. 1982) and therefore the state is unique in the exercise of manifestations of sovereignty in the international environment such as the declaration of war and the initiation of diplomatic and consular representation and conclude international treaties and conventions and finally bear international responsibility for the consequences of the acts of its authorities and its federal and regional bodies, which we will discuss through the following four branches:

4.1.1 Declaration of War

All constitutions of the federal states reserve the right to declare war to the federal authorities in view of the seriousness of this matter and the consequences that may result from the fate of the declared state of this war, which entails the risk of a decision of war for the constituent states of the Union state, whether among themselves or between them and other foreign states therefore any states have no jurisdiction in this regard as they are protected by the Union state and the central government, which alone has the right to declare war on foreign states as well as to make peace between them (Sabri, 1962). This is consistent with the federal nature of the Union state, it is any union state whose jurisdiction is legally and constitutionally subordinated to the central government (the Union state) and thus appears to be subordinate to it at the international level where Article 140 of the 1971 constitution amended in 2009 states that: "The declaration of defensive war shall be a decree issued by the president of the union after the approval of the Supreme Council, while offensive war is prohibited pursuant to the provisions of international covenants".

From this text it is clear to us that the Federal Constitution has categorically prohibited offensive warfare and therefore no law can be passed authorizing this type of warfare, this is an international duty that the state of the Union must abide by and respect, as Article (12) of this Constitution also provides for this principle, commitment and respect, which states that: "The foreign policy of the union is aimed at supporting Arab and Islamic issues and interests and strengthening the bonds of friendship and cooperation with all countries and peoples on the basis of the principles of the United Nations International ethics" as these principles and those international ethics "These principles and international ethics reject in principle aggression by one state against another, and reject the use of violence in international relations." It was therefore a constitutional duty to categorically prohibit offensive warfare.

On the other hand, defensive warfare is by its nature a national duty and a legitimate right of states to defend their territories and citizens. Thus, the Federal Constitution gives the executive power the right to declare defensive WAR, thus issuing an Amiri decree, issued by the head of state of the union, after ratification by the Supreme Council of the Union.

Here we wonder, is the Council of Ministers of the United Arab Emirates a constitutional role in this regard, or is it solely the Supreme Council of the Union?

Article 114 of the Constitution states that "a decree shall be issued only if approved by the Council of ministers and ratified by the president of the federation or the Supreme Council, each according to its competence and the decrees are published after their signature by the president of the Union in the Official Gazette".

This is confirmed by Article 115 of the Constitution, which states: "the Supreme Council may authorize the president of the federation and the Council of Ministers jointly to issue such decrees as may be required to be issued in the absence of the Supreme Council which the said council is competent to ratify it,

this mandate shall not include the approval of international treaties and conventions, the declaration and lifting of martial law, the declaration of defensive war or the appointment of the president or judges of the Federal Supreme Court".

Applying the previous texts, including constitutional provisions, to the state of Defense war, we find that as long as the declaration of Defense war is done by a decree issued by the president of the union after the approval of the Supreme Council, this means that the declaration of war must first be approved by the Council of ministers, then ratified by the Supreme Council and finally issued by the president of the Federation.

The right to declare defensive war is linked to the existence of armed forces used in military operations, and in this regard Article 138 of the Constitution states that:

"The Union shall have land, sea and air armed forces, with uniform training and command, and the general commander of these forces and the chief of the General Staff shall be appointed and relieved of their posts by a federal decree. The federation may also have federal security forces, and the Council of Ministers of the federation is directly responsible to the president of the federation and the Council of the Federation for the affairs of all these forces" (constitutional amendment, 1976).

In addition to the above, Article 141 of the Constitution provides for the establishment of A Higher Council for defense, which shall give opinion and advice in all matters relating to defense affairs, to maintain the integrity and security of the federation, to prepare, equip and develop the armed forces, to determine their places of residence and camps. The president of the federation is the chairman of the Supreme Council of defense and the Supreme Commander of the armed forces.

4.1.2 Diplomatic Representation

The unity of the federal state at the external level is achieved by the unity of diplomatic representation, the federal state has only and no other the right to send diplomatic missions to

participate in international bodies and organizations, this means that relations between the Union state and other foreign states diplomatically with other states are matters for the Union state and the federal government alone, without interference from the constituent states of the Union (Ali Sadiq Abu Haif 1995).

The Federal Government of the United Arab Emirates is solely competent to exercise foreign and international affairs in executive and legislative terms. As it is the one that sends the diplomatic missions representing the state of the Union abroad, not only this, but also receives the envoys of foreign countries to it, as provided for in Article 54 in its sixth and seventh clauses by saying: 6- Appoints the diplomatic representatives of the Union to foreign states and other senior civil and military federal officials (except the president and judges of the Federal Supreme Court) and he accepts their resignations and dismisses them based on the approval of the Council of Ministers of the Union, and this appointment or acceptance of resignation or dismissal is carried out by decrees and in accordance with federal laws 7- Signs the credentials of the diplomatic representatives of the Union to foreign states and bodies, accepts the accreditation of diplomatic and consular representatives of foreign states to the Union and receives their credentials, as well as documents of appointment and patents of accreditation of Representatives".

On the other hand, Article 123 of the second paragraph of the Constitution authorizes the UAE members of the Union to retain their membership in the organization of OPEC and the organization of Arab Petroleum Exporting Countries (OPEC) Or accede to it. However, the seven Emirates agreed among themselves to be represented by a unified delegation in these two organizations.

4.1.3 Conclusion of International Treaties and Conventions

Treaties are agreements concluded by states among themselves with a view to regulating international legal relations between them,

specifying the rules governing such relations and some of the jurisprudence. The term treaties means international agreements of a political form, such as treaties of peace and damage, and what is concluded between states in other matters are called conventions, but the work has been done to use the terms of the treaty and the convention as synonyms without being bound by the foregoing.

The right to conclude treaties in the United Arab Emirates is a right enjoyed by the federal government alone, according to Article 120 of the first paragraph of the Constitution, which states that: "The union is unique in legislation and implementation in the following affairs: 1 - Foreign Affairs".

The restriction means that the competent federal authorities must, before proceeding to conclude any international treaty or agreement that would prejudice to the status of one of the seven emirates, poll this emirate in advance when a dispute arises, the matter is submitted to the Federal Supreme Court for decision, as provided for in Article 124 of the Constitution.

After extrapolating this article, it is clear to us that this provision guarantees to the seven emirates that their special status will not be compromised as a result of a treaty that the federal government can conclude with neighboring states.

The exception is provided for in Article 123 of the Constitution, where the member Emirates of the Union are allowed to conclude limited agreements of a local administrative nature with neighboring countries and countries, provided that these agreements do not conflict with the interests of the union or with the laws issued by the Union, Provided that the Supreme Council is shown to have concluded such agreements, the matter shall be deferred until the Federal Supreme Court has pronounced the objection as quickly as necessary.

Not only that, but it is clear from this text that the seven emirates have the right to conclude international agreements, but it is a restricted and not absolute right, which is subject to several restrictions, as provided for in Article 123 of the Constitution.

Extrapolating the text of Article 123 of the Constitution, the restrictions on the exception enjoyed by the UAE in concluding international agreements are as follows:

First: the agreements concluded by the UAE must be limited and of a local administrative nature: this restriction means that these agreements relate to the regulation of the internal affairs of the UAE. Agreements on the construction of internal roads and the management of ports and airports. The operation of local television and radio stations, and therefore conventions of a military, political or economic nature do not fall within the scope of this exception because of the lack of administrative nature of such conventions (Yahya al-Gamal, 1981).

Second: the agreement should be with neighboring countries and countries only: this means countries that share borders with the state of the Union, and therefore the power to conclude agreements does not extend to include countries that are separated from the borders of the state (the state of the Union) other countries.

Third: these agreements shall not conflict with the interests of the union or with federal laws.

Fourth: The Supreme Council must be notified in advance of the subject matter of the agreement: This means that notification is made before the convention is bound and considered binding and enforceable, and in this regard if the Supreme Council considers that this agreement is contrary to the interests of the federation or beyond the scope established by the Constitution. The Supreme Council may object and this objection is a suspension objection that entails two orders, the first of which is to stop the emirate from continuing the procedures for concluding the agreement, including taking steps that lead to compliance with it, The objection does not cancel what has been done of the procedures, but stops what will be done of the procedures and the second:

Submit the objection of the Supreme Council to the Federal Supreme Court for decision as soon as possible (Mohammed Ibrahim).

4.1.4 International Responsibility

After we touched on the manifestations of unity in the international sphere of the Union state in terms of declaring war, diplomatic representation and the conclusion of international treaties and agreements. However, here is another manifestation of great importance for the manifestations of unity at the international level: international responsibility, which means that the federal state bears sole responsibility for acts and refrains from acts caused by its various authorities and bodies that violate its international obligations resulting from a treaty or agreement concluded between it and foreign states. the responsibility of the state of the union is not limited to acts committed by its federal bodies, but extends to acts issued by the local authorities of the member Emirates. The state of the Union shall be responsible for criminal or quasi-criminal acts committed by the local authorities of the member Emirates, and the state of the Union shall be responsible in the event that one of the Emirates violates an agreement concluded with one of the neighboring countries or countries within the limits granted to it by the Federal Constitution.

Some view of jurisprudence (D. Adel Al-Tabtabaei, 2009). That the federal state (the state of the Union) bears responsibility even if the emirate concludes an agreement outside its constitutional jurisdiction, and then violates it, the federal government has the means and methods to prevent the emirate from exceeding its jurisdiction.

It is inconceivable that the federal government does not know for the entire period that passes until the treaty or the convention is completed its existence two laws, where it must go through several stages, namely negotiation, approval and ratification, the subject of the treaty or agreement, especially since the Constitution requires the emirate wishing to conclude an agreement within the limits permitted by the Supreme Council to notify in advance of its intention to conclude the agreement, If the federal government learns of the agreement and is silent, then it must bear the responsibility of agreeing to violate the

constitutional provisions, and if it did not know throughout this period, this is evidence of its weakness and negligence in monitoring its constitutional units and therefore bear the responsibility of its negligence.

Finally, the state of the union is responsible for contracts entered into by one of the member Emirates.

4.2 Federal Constitution

The Constitution is the governing document of the state, if the Constitution in a simple or unified state represents its supreme legal base, it is the legal basis in the federal state. The Federal Constitution is the instrument that defines and defines the boundaries of federal and local authorities and is the guarantor of the autonomy of the states participating in the Federation (Burdeau, 1982).

The promulgation of the Constitution of the United Arab Emirates on the second of December 1971 resulted in the establishment of an independent and sovereign federal state in accordance with the text of Article (1) of the Constitution, And has one capital according to the text of Article IX and one flag according to the text of Article V.

Its citizens shall enjoy the same nationality, in accordance with the provisions of Article VIII, and any of its emirates shall refrain from seceding from it, as it has become an integral part of the Union state.

Article II of the Constitution provides that the Union shall exercise in respect of the affairs entrusted to it under the provisions of this Constitution. The most important manifestation of the superiority of the state of the union is the existence of the Federal Constitution, which is superior to the constitutions of the seven member Emirates in the state of the Union, in accordance with the text of Article (5) of the constitution.

Extrapolating the texts of the Constitution of the United Arab Emirates, it is clear to us that this Constitution, like other constitutions, some of the characteristics that distinguish it both formally as a written official document or objectively considering the rules involved in

the organization of government affairs in the state of the Union, as follows:

4.2.1: In terms of Formal Characteristics

4.2.1.1 Written Constitution: Meaning it is a constitution drawn up by the knowledge of the constitutional legislator, It formulates its provisions in texts issued in the form of an official document, but this does not mean that written constitutions are attached only to written documents like them, Laws and regulations, as constitutional custom, which is not codified, always stands next to the codified constitution and plays a role in the field of governing systems in the State.

The written constitution is clear and stable, they are explicit and clear texts, and although they are adjustable, they are closer to stability, this helps to stabilize the system of government in the state, and the proof of the public rights and freedoms of citizens in explicit, clear and consistent texts guarantees the guarantee and protection of them, although the written constitutions have not been without criticism as the rise of sovereign and nationalist thought leads to continuous development, which makes these fixed texts among the texts characterized by underdevelopment, This may make it unable to keep up with the development, because of the procedures and conditions required to amend it may not be available in all circumstances and at times, although the Federal Constitution must be a written constitution, Non-codified or customary constitutions are inconsistent with their ambiguity and delusion with the precise extension required by federal states of the distribution of competencies between the federal government and the states, and the manner in which the states contribute to the formation of federal decisions Moreover, the secretariats of constitutional amendment are also not consistent with the idea of unwritten or customary constitutional rules, and finally, the Federal Constitution is issued to express the will of a group of states, peoples or states to join each other to form a single state, the federal state, This expression is usually expressed explicitly and clearly and is embodied in the document of the Union, which

is the Constitution of the state of the Union, Thus, it is not conceivable that a federal state could emerge through custom or tacit will, but an Express will must be expressed in this regard in the written constitution (Mohammed Ramzi al-Shaer, 1983).

For the United Arab Emirates, the Federal Constitution is the first to be issued, not only that, and even codified in the whole of the Emirates, the systems of government in them were and still are based on customary constitutional rules until the union between them, a written document announcing the establishment of the federation and regulating its foundations and principles of governance was itself required, and the written constitution was undoubtedly an important event in the history of the United Arab Emirates, codification by its nature accelerates the pace towards the adoption of contemporary constitutional systems, and helps to develop political awareness among the Emirati people.

The Constitution of the UAE consists of a single document, but this does not mean that that constitutional document contains all the rules related to the system of government in the country in accordance with the provisions of the Constitution, the public authorities of the state are competent to establish constitutional rules, which are so-called supplementary rules to the constitution.

Moreover, not all of the rules contained in the Constitution relate to the system of government, for example, what Article 18 stated that Individuals and entities may establish private schools in accordance with the provisions of the law, subject to the supervision and guidance of the competent public authorities " as well as the provisions of Article 28 stated that the punishment is personal, and the accused is innocent until proven guilty in a lawful and fair trial The accused has the right to entrust the person who has the capacity to defend him during the trial, the law specifies the funds in which a lawyer for the accused must be present, and harm to the accused physically or morally is prohibited".

Such matters provided for in constitutional provisions are unconstitutional in their subject matter and are provided for in the Constitution only with a view to disappearing their constitutional character and elevating them to the status of the Constitution. In addition to the constitutional document, there are rulings and interpretations of the Federal Supreme Court, which has binding force on all state bodies It goes without saying that these interpretations of the Federal Supreme Court, through their different interpretations, can create a constitution that differs in its application from the content of the written constitution.

4.2.1.2 Provisional Constitution: it's who shall work in accordance with its provisions for a certain predetermined period so that the operation of these provisions shall end upon the end of that period, unless a resolution is passed extending it for another period and so it was transformed into a permanent constitution in 1996, where the Supreme Council of the federation approved an amended text of the Constitution that made the country's interim constitution a permanent constitution.

The timing of the Constitution in the UAE makes sense because it was the first written constitution in the UAE, The Federal experience was also new to these Emirates, Thus, a transitional phase was necessary to test the political conditions that the UAE has not experienced before, Thus, the constitutional rules that translate these political conditions should have been temporary and subject to testing.

After the situation stabilized, specifically in 1996, a text was issued with the approval of the Supreme Council of the federation providing for the amendment of the constitution from a temporary to a permanent constitution, which is now in force.

4.2.1.3 Rigid Constitution: It is a constitution that requires to amend procedures and conditions more severe than those that require the amendment of ordinary laws and it is noted that most of the written constitutions, Rigid constitutions the Constitution of the United Arab Emirates is a rigid constitution.

As it is a constitution of a federal state and the recipe of inertia must be available in any federal constitution, as it is the separation between the federal authorities and the authorities entrusted to the states or Emirates of the constituent state of the Union, where It shows the competencies and powers of each of them, as well as the manifestations of the independence of the Emirates and the limits of this Independence, If the federal legislature could amend the Federal Constitution in the same way as ordinary laws, The autonomy of the states and the competencies they enjoy will remain at the mercy of the federal authorities.

We believe that the inertia of the Constitution of the state of the union is represented by two things:

The text of articles 144 / a, 144 / C where Article 144/R of the Constitution states that: "If the Supreme Council considers that the supreme interests of the Union require the amendment of this Constitution a draft constitutional amendment was submitted to the Federal Supreme Council." this text means that a proposal falls within the competence of the Supreme Council of the Federation, which is the supreme authority in the state and is formed from the rulers of all the Constituent Emirates of the federation or those who take their place in their Emirates.

Article 144 (C) states that: "The approval of the draft constitutional amendment by the Federal National Council shall require the approval of two-thirds of the votes of the lecturers." this provision means that a proposal for an amendment requires a special majority, which is the approval of two-thirds of the votes of the members present.

Article 95 of the Constitution establishes a federal Supreme Court; whose constitutional chamber is competent to monitor the constitutionality of laws in accordance with Article 99 of the Constitution.

4.2.1.4 Constitution Grant: The question of the methods of constitutions does not arise except for the written constitutions, and the methods of the formation of constitutions fall according to the extent of the role of the people in their

development and these methods are the grant, the contract, the Constituent Assembly, the popular referendum and extrapolating the texts of the UAE Constitution, We can exclude the method of the Constituent Assembly, the popular referendum and the contract, and therefore the UAE Constitution is issued on the basis of granting it by the rulers alone, the rulers of the Emirates combined to their people (Majed Ragheb El Helou,1986).

This is confirmed by the fact that this method leads to a small waiver from the donor of the Constitution of his powers and competencies and this is what we have seen in the Constitution of the UAE It is based on the concentration of legislative and executive power in the hands of the Supreme Council of the Federation, which consists of the rulers of the Emirates.

4.2.2 Objective Characteristics:

Extrapolating the texts of the Constitution of the United Arab Emirates, it is clear that it is characterized by several objective characteristics and features, namely:

Arab and Islamic Constitution: article VI of the Constitution states that: "The union is part of the Great Arab world, linked by the bonds of religion, language, history, common destiny and the people of the Union are one people, and it is part of the Arab nation. The preamble of the Constitution stated that it was aimed at establishing an Arab-Islamic Society.

A constitution that takes the individual direction influenced by social doctrine The Constitution of the United Arab Emirates has embraced a middle ground between absolute individualism, which grants freedom to individuals in economic activity and discourages the state from interfering in individual activity, The state shall have only the interests of individuals and their care, so that the role of the state shall be limited to the maintenance of security and order from within and outside and the administration of justice among individuals with the so-called Guard state, from one hand , and on the other Between the absolute socialist trend in which the state is a totalitarian state, i.e., all public utilities are

taken over and managed by themselves, It also controls all public finances, while restricting individual activity, all in the interests of the community, However, the UAE Constitution has adopted a middle ground between these two trends, which is the individual principle influenced by social doctrine, where the state is responsible for providing basic services to its people by recognizing certain social and economic rights of individuals, The Constitution of the United Arab Emirates has emphasized the protection of the interests of individuals through the policy of private property and prohibits the expropriation of private property except in funds required by the public interest of the country in accordance with the provisions of the law and in return for fair compensation.

In order to protect the interests of society and protect the vulnerable, the constitutional legislator has provided in several constitutional texts for the provision of basic services to the people of the UAE by recognizing certain social and economic rights of individuals.

The Constitution guarantees the right to work for individuals by stipulating in Article (20) of the constitution: "society values work as a fundamental pillar of its progress, works to provide it to citizens and qualify them for it. It shall create appropriate conditions for this through legislation, which shall safeguard the rights of workers and the interests of employers in the light of the evolving labour legislation.

Ensuring political and social freedoms and rights: The Constitution of the United Arab Emirates guarantees political and social freedoms and rights as follows:

A: Political rights and freedoms: The Constitution provides for many political rights and freedoms as follows:

- The right to equality without discrimination on the basis of origin, homeland, religion or social status.
- The right to liberty and protection from arrest, search, seizure or imprisonment except in accordance with the provisions of the law.
- The law defines crimes and penalties.

- The punishment is personal, and the accused is innocent until proven guilty according to a fair judicial verdict.
- The Constitution emphasized freedom of movement and residence
- The Constitution also affirms Freedom of opinion and expression by all legitimate means.
- Freedom and confidentiality of correspondence
- The Constitution further affirms the freedom to practice religion within the limits of Public Order and morals
- Freedom of Assembly and association
- Freedom of housing
- The right of a citizen to complain to the competent authorities about the violation of the rights and freedoms provided for in the Constitution

B- Social rights: with regard to social rights, the Federal Constitution guarantees the following rights:

- Family Protection
- Child and maternity care, protection and care of minors and the disabled
- The right to education is mandatory at the primary level and free of charge at all levels of education, and the law is mandated to develop the necessary plans for the dissemination and dissemination of education at various levels and the elimination of illiteracy
- The Constitution guarantees citizens health care and means of prevention and treatment of diseases and epidemics

4.3 Prelude to Parliamentary Democracy: It is well known that democracy has three forms that differ from each other depending on whether the people exercise power or sovereignty themselves, it is direct democracy or exercised through deputies or representatives; it is representative democracy or exercised through the participation of the

people with deputies or representatives; it is semi-direct democracy.

Extrapolating from the provisions of the Constitution of the United Arab Emirates, we note that it does not contain anything to the effect that the people can exercise the manifestations of sovereignty or power directly by themselves (direct democracy), The participation of the people in the representative body called the Federal National Council in the exercise of any manifestation of power (quasi-direct democracy) Therefore, these two images are excluded for the UAE, where we are left with the third image of democracy, which is democracy Procurator , does the Federal Constitution take this form of governance To answer this question, We must show that parliamentary democracy is based on four basic pillars, namely a parliament elected by the people exercising real and effective powers, and the term of the parliament's deputy is temporary for a specific time The deputy of Parliament represents the whole nation, not just his constituency, and finally the independence of the members of Parliament during their term of office.

In reference to the provisions of the Constitution of the United Arab Emirates, Chapter IV of Title IV provides for the Federal National Council as a legislative authority in the state, which is constituted in accordance with the text of Article 68 of the Constitution of thirty-four members representing all the Emirates, which varies according to the political, economic and demographic importance of each emirate.

Article (72) of the Constitution provides for a two-year term of office (Article 72 & 144 of the Constitution).

The Constitution also decided in Article (77) of it on the third pillar of parliamentary democracy, which is that the deputy of the council in the Federal Parliament represents the whole nation and not the administration that elected him, according to the text of the previous article, which states that: "The member of the Federal Council represents the

people of the federation as a whole, not just the emirate he represents within the council".

Therefore, the residents of the emirate that chose the member of Parliament do not have to drop him or withdraw his membership, especially since Article (76) of the Constitution requires that the National Council decide on the validity of the behalf of its members and to drop the membership if they lose one of its conditions by a majority of all its members , On the proposal of five of them, he is competent to accept the resignation from the membership, and the resignation shall be considered final from the date of its acceptance by the council (Article 76 of the Constitution).

The National Council was established in accordance with the provisions of the interim constitution initially adopted by the government of the UAE in 1971, At this stage, all members were appointed by the rulers of the UAE, in 2006, which reconsidered the way of the brother of the current representatives of the UAE members in the Federal National Council to be by mixing election and appointment, the decision stipulated that only half of the members (20) be appointed by the rulers of the UAE and the other half (20) by the people according to a popular system called electoral bodies, whereas the second article in its paragraph (C) states: "the Electoral College shall elect from among its members by direct election half of the number of members of the council specified for the administration by virtue of the Constitution, and the other half shall be chosen by the ruler of the emirate".

But with the success achieved in the UAE in the fourth cycle of the Federal National Council Elections 2019, The UAE stands on a new bright spot for the political empowerment program announced by the president of the UAE in 2005, This will increase the representation of Emirati women in the Federal National Council to 50%.

However, the first pillar of parliamentary democracy, namely the existence of a parliament elected by the people, exercising real or actual powers, has not been achieved in real terms, as not all members of the Federal

National Council are chosen by election, but it is left to each emirate to choose its representatives in accordance with the provisions of Article 69 of the Constitution (Article 69 of the Constitution). In 2006, the Supreme Council of the federation issued Decision No. 3 of 2006, which was adopted by the president of the state, that the members of the council be chosen by means of a combination of election and appointment equally.

Therefore, we appeal to the federal legislator to make the appointment rate of members of the Federal National Council not exceed 20% of the number of members in each emirate so that the role of voters is influential and objective and does not leave this matter to political whims so as to reach the Parliament of the UAE to the ranks of the parliament, which is based on true parliamentary democracy.

Moreover, the National Council is in fact a mere de facto authority, as it does not have the right to propose laws, this right is limited to the Council of ministers, If Article 89 of the Constitution provides for the submission of draft laws to the National Assembly, in practice its power is limited to approval , If an amendment is made to it, this amendment shall not be implemented unless it is accepted by the president of the federation and the Supreme Council of the federation, and if he insists on the amendment or rejects the whole project, the president of the Federation, The law should be promulgated after the approval of the Supreme Council, thereby bypassing the role of the national council altogether, which is why we believe that the power of the National Council to legislate is very limited.

Not only that, but we believe that the oversight power of the council is also restricted, since it has the right to ask questions to ministers and to the Prime Minister (Article 89 of the Constitution). However, he does not have the right of questioning or the right to raise confidence in the ministry or one of its members, since the ministry is not accountable to him, but the ministers and their chairman are politically and jointly responsible to the president of the federation and the Supreme

Council for the implementation of the general policy of the federation, and each of them is personally responsible for the work of his ministry or office.

Therefore, the Federal National Council has not yet arrived to be a real representative council similar to the parliaments in the countries that adopt these systems, in fact, the framers of the interim constitution were honest with themselves when they indicated in the preamble of this Constitution that they wished to, "Establishing the rules of federal governance in the coming years on sound foundations, in line with the reality of the UAE and its capabilities at present.... At the same time, it prepares the people of the Union for a free and dignified constitutional life while moving them forward towards a full-fledged representative democratic government....".

For our part, we see that more than fifty years after the establishment of the United Arab Emirates and the issuance of its interim constitution and the establishment of its parliament, which at the beginning of its establishment included 34 members and the occurrence of constitutional and legal amendments to move the UAE to the ranks of democratic countries , We appeal to the constitutional legislator to follow the example of the developed countries in their democracy and to give the parliament more important effective powers and to give it the power to propose laws so that the state can follow the progress and prosperity that it has been spreading since its inception.

5. MANIFESTATIONS OF INDEPENDENCE, INDICATING THE DISTRIBUTION OF COMPETENCIES BETWEEN THE FEDERAL GOVERNMENT AND THE GOVERNMENTS OF THE UAE

The Federal Constitution is keen to try to reconcile the requirements of the formation of the Union state with the commitment or keenness of the rulers of the Emirates to retain as much independence and autonomy as possible for the member Emirates of the Union,

Despite the demise of the international personalities of the UAE and its inclusion in the new personality of the Union state, These Emirates, however, remain autonomous entities that enjoy a degree of independence within the state, whether in the face of the federal state or in the face of each other.

The Constitution affirms the independence and internal sovereignty of the UAE (Article 3, 116, 117). On the other hand, the distribution of competencies between the federal government and the governments of the member states or Emirates is one of the most difficult and accurate issues facing the establishment of Central or constitutional federations, This distribution is not subject to customary assets or rules, but is subject to the political circumstances experienced by the federal state at the time of the drafting of its constitution, In particular, the prevailing political tendencies of the member states, they may be federal tendencies and thus strengthen the trend to expand the competencies of the Union state at the expense of the UAE, she may have conservative Independence tendencies despite her faith in the infidels of the Union, Thus, the union is strong not to expand the competencies of the Union state, while ensuring the independence of the UAE in the bulk of its internal affairs.

5.1 Manifestations of UAE Independence

5.1.1 In the External Field

If the Federal Constitution provides that the United Arab Emirates, an independent and sovereign federal state, that is, it has only international character and is therefore exclusive of external sovereignty, However, an exception has been made for the member Emirates to appear on the stage of international relations and to exercise some manifestations of foreign sovereignty in special circumstances, which relate to the following matters:

1- The member Emirates of the Union may conclude limited agreements of local administrative flexibility with neighboring countries and countries provided that they do not conflict with the interests of the union or with federal laws and notify the Supreme

Council of the Union in advance, If the council objects to the conclusion of such agreements, the matter must be stayed until the federal court decides on the objection (Article 123).

2- Article 147 of the Constitution provides for the right of the UAE members of the Union to retain treaties or agreements with states and international bodies, in agreement with the parties concerned (Article 147).

It should be noted that the practice of the Emirates forming the Union state of the manifestations of foreign sovereignty in these special cases does not confer upon them, i.e. the UAE, the description of the state or the international character.

This is because its exercise of certain manifestations of external sovereignty is exempt and based on a special provision in the Constitution and may therefore be amended or withdrawn at any time, and that is not the authority of the International person, it is an inherent authority that derives from general international law rather than from domestic law and therefore cannot be withdrawn from it.

5.1.2 The Domestic Sphere

The manifestations of the exploitation of the UAE in the internal sphere appear in the retention of each of them many manifestations of internal sovereignty, as the method adopted by the Federal Constitution in the distribution of manifestations of internal sovereignty, makes this sovereignty as a general asset of the Constituent Emirates of the Union, and the state of the union has this sovereignty only some of its manifestations specified in the Constitution as an exception, It follows that each emirate enjoys its constitution and powers, as well as many other manifestations of internal sovereignty, in the following detail:

1- Each emirate has its own independent constitution, as provided for in Article 151 of the Constitution, which confirmed the supremacy of the provisions of the Federal Constitution over the constitutions of the Emirates, each emirate has its own constitution that regulates the affairs of government in it, However, they are non-codified constitutions,

which are customary constitutions, sometimes supplemented by some codified constitutional norms (the rules of Law No.1, 1974).

2- each emirate has its own legislative, executive and judicial powers:

A) legislative power: The UAE members of the Union have the power to legislate in all domestic matters of concern to each of them, provided that such legislation is in accordance with the provisions of the Federal Constitution (1). Where the Executive Council of each emirate approves draft laws and decrees before submitting them to the ruler, for ratification and issuance, and takes the necessary decisions to implement them.

B) the executive branch: If the federal executive authority, with its organs and employees, is responsible for the implementation of federal laws, whether issued by it in matters of a federal nature or in local matters in which the federation is unique in its legislation, but also the implementation of domestic legislation issued by their public authorities in their internal affairs.

C) Judicial authorities: The UAE maintains its judicial bodies that adjudicate disputes that are not within the jurisdiction of the federal judicial authority. Article 104 of the Constitution provides that "All judicial matters not entrusted to the federal judiciary under the provisions of this Constitution shall be handled by the local judicial bodies in each emirate".

Article 105 also states that: "A federal law issued at the request of the Principality concerned may transfer all or some of the competencies of its local judicial bodies Under the preceding article to the federal courts of First Instance.

The federal law also determines the cases in which the decisions of local judicial bodies in criminal, civil, commercial and other cases may be appealed to the federal courts, at the time of the decision on such appeal, its jurisdiction shall be final.

Due to the plurality of judicial bodies with multiple member Emirates and their independence from each other, the Federal

Constitution has taken into account the need to coordinate judicial relations between these bodies and to ensure cooperation between them in order to achieve justice and combat crimes. (1).

3 - Each emirate has a ruler who governs it in accordance with the rules and Customs prevailing in it, and the union has no involvement in his choice, which chooses his crown prince from among the members of his family, The Constituent Emirates of the federation do not adopt the principle of separation of legislative, executive and judicial powers .rather, the powers are grouped in the hands of the ruler of each emirate who exercises them as he sees fit to achieve the interests of his subjects, with the assistance of certain departments, departments or advisory councils(2).

The seven emirates can be divided in terms of their constitutional and administrative organizations into two groups, the first group includes only the emirate of Abu Dhabi because it is the only emirate among the seven constituent Emirates of the union that has developed its constitutional and administrative regulations, the second group includes the rest of the six Emirates, which have only a group of administrative departments, as follows:

5.2 Group I: Constitutional and Administrative Regulations in the Emirate of Abu Dhabi:

5.2.1 Executive Board:

The emirate of Abu Dhabi has an executive council to manage governance affairs under the supervision of the ruler, which replaced the Council of ministers that had existed since 1971, It is the highest local authority in the emirate of Abu Dhabi and its members are heads of government departments and some local bodies and those appointed by the governor.

The UAE and the Abu Dhabi administration, The Federal movement and its tendency towards strengthening the federal apparatus, to reconsider the law on the organization of the government apparatus where Law No. 1 of 1974 was issued on the reorganization of the

government apparatus in the emirate of Abu Dhabi.

Article 8 of this law clarifies the powers of the Executive Council, which are mainly based on the maintenance of security and order in the administration, the provision of public facilities and the achievement of economic and social progress. In particular, it exercises twelve competencies provided for in the previous article.

5.2.2 National Advisory Council

Which is the Parliament of the emirate in order to expand the participation in the management of Public Affairs in IT, Law No. (2) of 1971 was issued indicating how to form this council and its terms of reference as follows (Article 19):

Formation of the National Advisory Council:

This council shall consist of a number of members not exceeding fifty members as stipulated in Article (2) of Law No. 2 of 1971 concerning the National Advisory Council in the emirate of Abu Dhabi.

The ruler is chosen for them from among the notables and dignitaries of the emirate, among those with opinion and prestige in it, and those who have provided few services to the emirate of Abu Dhabi, and the original citizens of the Arab Gulf emirates, their resignations are accepted by an Emiri decree issued by the ruler of the emirate, and the term of membership in the council is two years renewable starting from the date of its first meeting. Members whose term of office has expired may be re-selected, and the meetings of the council shall be held in the presence of a majority of its members, Its decisions shall be made by an absolute majority of the votes of the members present, except where a special majority is required, the council shall hold a regular session of not less than eight months beginning in the first week of October of each year and may be convened in an extraordinary session whenever the need arises (Article 3 of Law 2 of 1971), The invitation and the text of the session of the council shall be by Emiri Decree, By Amiri decree shall dissolve the council,

provided that the decree of dissolution shall include the invitation of the new council to convene again for the same reasons.

The Advisory Board shall, by secret ballot and by an absolute majority of its members, elect its chairman and vice-chairman at the first meeting of the annual ordinary session. As an exception, the governor appoints the chairman and deputy chairman of the National Consultative Council for its first session. The Legislature has added to law 2 of 1971 a new Article No. 17 BIS, which reads as follows: "During the session of the council and other than in flagrante delicto, no criminal proceedings may be taken against any of its members except with the permission of the council. In the event such proceedings are taken in the absence of the council, they shall be notified thereof, all as set forth in the rules of procedure of the council".

5.2.3 Terms of Reference of the National Advisory Council

The terms of reference of the National Advisory Council for Abu Dhabi management include:

Discuss any of the general topics related to the affairs of the emirate and this is done in the presence of the competent ministers and to express his wishes and recommendations on these topics to the governor or the Executive Council (Article (8) of Law 2 of 1971), The Council of ministers also presents draft laws to the National Advisory Council during its meeting for discussion and recommendations to the Council of ministers in preparation for submission to the governor for ratification.

The council shall be informed at its first meeting of the laws that have been issued during the non-meeting period (Article 6 of the aforementioned Act No. 2 of 1971) and in respect of which there is no authority.

Review international treaties and conventions concluded with other states and various international organizations and communicated to it by the Executive Council, together with an appropriate statement (Article (7) of Law 2 of 1971).

Members of the council have the right to ask ministers questions concerning matters within their competence, which shall be answered in accordance with the procedures established in the rules of procedure of the council (Article 8 of the aforementioned Act No. 2 of 1971).

5.3 Second Group: Constitutional and Administrative Regulations in Other Emirates

As a general rule, the Emirates of the federation have only a set of administrative departments, each of which carries out a specific task, under the direct supervision and control of the ruler, these Emirates share many common features, including that the ruler is the holder of the highest authority in all matters related to governance and administration, he is the one who exercises the power of legislation and implementation, these Emirates also share that no emirate has a legislative or advisory body in the known sense, but the ruler is the one who issues the necessary legislation to regulate the affairs of the emirate in what is not within the competence of the federal government, Each emirate also has a range of departments such as municipality, water and electricity, police and Public Security, Justice, Customs and ports.... Etc, there is also a governor's office and a group of advisers as auxiliary organs of the governor and administration, and finally there is a crown prince for each governor to exercise his powers when he is absent, and even if he has many competencies related to governance and administration.

There is also a governor's office and a group of advisers as auxiliary organs of the governor and administration, and finally there is a crown prince for each governor to exercise his powers when he is absent, and even if he has many competencies related to governance and administration.

5.3.1 Each Emirate Shall Be Independent By Certain Special Features That Confirm Its Independence, Namely

A) each emirate shall maintain its own flag for use within its territory (1- Article 5 of the Constitution) it is noted that some emirates have decided to abolish their flag and replace it with the Federal flag, however, this does not

diminish the reality of their autonomy, this is a formality and indicates something that indicates the desire of these Emirates to strengthen the federal entity.

B) the wealth and natural resources of each emirate are publicly owned by that Emirate (Article 23 of the Constitution).

C) two or more Emirates May, after encountering the Supreme Council, coalesce into a political or administrative unit, unite all or some of their public facilities, or establish a single or joint administration to carry out any of these facilities (3- Article 118/2 of the Constitution).

It is clear to us from the previous presentation of the manifestations of independence of the UAE members of the Union, whether in the internal or external field, That the UAE has inherent competence in the conduct of all its affairs and that the Federation exercises its competencies as an exception to this general origin, which confirms the predominance of the manifestations of the independence of the UAE over the manifestations of unity in the state of the Union.

6. DISTRIBUTION OF COMPETENCIES BETWEEN THE FEDERAL GOVERNMENT AND THE UAE GOVERNMENTS

The distribution of competencies between the federal government and the member governments of the Emirates is one of the most difficult and delicate issues facing the establishment of Central or constitutional federations, this distribution is not subject to customary rules or rules, but is subject to the political circumstances experienced by the federal state at the time of the drafting of its constitution, in particular the prevailing political tendencies and tendencies of the member states, they may be Federalist tendencies, thus strengthening the tendency to expand the competencies of the Union state at the expense of the states, and they may be conservative Independence tendencies despite their belief in the idea of Union, thus

strengthening the tendency not to expand the competencies of the Union state, while ensuring the independence of the states in most of their internal affairs (D. Mohamed Bakr Hussein, 1997).

6.1 : Ways of Distributing Competencies in Federal Constitutions

6.1.1 Method One: Inventory of The Competencies of the Federal Government and the States

This method is based on the multiplicity of the Federal Constitution of the subjects within the competence of the central government and those within the competence of the states, the competence of the federation and the States is thus clearly defined, but the disadvantage of this method is that the constitutional legislator cannot be familiar with all these competencies when drafting the Constitution, even if this is the case, the competences evolve as circumstances and circumstances evolve and thus new issues may arise that are not regulated by the constitutional legislator and thus the dispute revolves around the jurisdiction, and therefore such a method is not envisaged in the work much.

6.1.2 Method Two: Determine the Competencies of the Federal Government

In this way, the Federal Constitution exclusively defines the competence of the federal government and leaves the rest to the states, as a result, general jurisdiction has become vested in the states and the competence of the federal government is only exceptional, limited to certain matters.

For our part, we believe that this method of distribution of competencies is a manifestation of the predominance of independence among the member Emirates of the Union and its tendency to preserve its own entities and the greater part of its internal sovereignty, therefore, many federal constitutions, including the United States of America, Switzerland and Australia, tend to adopt this method.

6.1.3 Method Three: Defining Competencies in the UAE

This method is the opposite of the previous one, the Federal Constitution exclusively defines the competencies of the UAE and leaves the rest to the Federation, thus making the competence of the federal government the general competence, it includes all subjects that are not mentioned in the list of specific competencies of the UAE.

The adoption of this method is a manifestation of the predominance of Unitarian tendency among the member Emirates and its tendency towards strengthening the Union and increasing its powers, and one of the constitutions adopted in this way, the Canadian Constitution.

However, there are some constitutions that make some competencies common between them and this is achieved in one of three ways

A) the Constitution shall specify some of the optional powers of the union, so that the Union shall have the choice whether to exercise them by itself or to leave them to the states.

B) The Federal Constitution provides that the federal legislator shall establish the general principles or Basic Rules of certain jurisdictions, leaving the states free to state their own detailed or executive matters.

C) the Federal Constitution shall leave legislation to the states on certain matters, provided that they obtain the consent of the federal government such as putting them into effect, if the federal government objects to the legislation, the state shall refrain from implementing it.

Whatever the method adopted by the Federal Constitution in its distribution of competencies between the federal government and the member states, the basis of this distribution remains the same, which is that all important subjects or those related to the public interests of the total federal states must be included in the list of federal competencies ,Conversely, matters that concern only local interests or that need not be subject to a single rule should remain within the jurisdiction of the states.

6.2 Second: Ways of Distributing Competencies in the Constitution of the United Arab Emirates

In accordance with the provisions of Title VII of the Constitution of the United Arab Emirates, we believe that it dealt with the distribution of legislative, executive and international competencies between the state of the Union and its constituent Emirates, By extrapolating these texts from the text of Article 120 to Article 125, the second and previous method is adopted, that is, the method of determining the competence of the federal government exclusively, However, it provides for some common competencies that may be undertaken by the federation or the UAE, in the following detail:

6.2.1-Define the Competencies of the Federal Government Exclusively:

They are of two types

Type I: These are competencies unique to the Union by exercising legislation and implementation (Article 121 of the Constitution) and Type II competencies unique to the Union by legislation only as follows:

However, Article 123 of the Constitution exempts the Union from the sole exercise of legislation and implementation on two issues: The second issue concerns the competence of the federal authorities to represent the state in states and international organizations, as the Constitution allows the UAE to retain its membership in the organization of OPEC and the organization of Arab Petroleum Exporting Countries (OPEC).

Following the Constitution's determination of the exclusive competence of the Federal Government, Article 122 establishes the general competence of the UAE, when it provided for its competence in all matters not exclusive to the Union in accordance with the provisions of the previous two articles (article 120 and Article 121).

By examining these texts, we see that they have included a wide range of competencies that are unique to the federal government, which indicates the intention to strengthen the federal

entity, if the exclusive statement of these competencies amounted to an amount that hardly leaves anything mentioned to the UAE, if we assume that the Federal Supreme Court can take in its interpretation of this exclusive statement by the theory that has settled in American jurisprudence and the judiciary that this statement also carries a number of implicit competencies necessary to implement the competencies authorized to replace us the competence of the union is very comprehensive and extensive.

Noteworthy, that constitutional texts alone do not always cover the true picture of what is happening in practice, this is because most of the exclusive competencies of the federal government are often locked in legal texts, where there are many obstacles that federal authorities face and are shocked by, because of the negative attitudes of some emirates, those arising from tribal and tribal conditions and connections, as well as the keenness of the rulers of the Emirates and their families and associates to retain their old influence (D. Ramadan Mohammed battih).

Joint Terms of Reference

Extrapolating from Article 149 of the Constitution, we see that there are common competencies between the federal government and the UAE, where it states: "an exception to the provisions of Article 121 of this Constitution.

The UAE may issue the necessary legislation to regulate the affairs designated in the said article without prejudice to the provisions of Article 151 of this Constitution, where Article 151 of the Constitution makes the provisions of the Federal Constitution prevail over the provisions of the constitutions of the UAE, It also makes federal laws prevail over legislation, regulations and decisions issued by UAE authorities.

Thus, Article 149 allows the UAE to legislate in matters in which Article 121 has decided to legislate exclusively, but it should be noted that the UAE's domestic legislation in these matters must not go beyond the elaboration of supplementary and detailed rules of federal

legislation or the regulation of certain matters that it has overlooked, However, the local legislature is free to regulate these matters in the text of Article 121 of the Constitution, as long as the federal legislature has not yet regulated these matters, whereas, in the event that the federal legislature regulates them, the scope of the legislation shall be determined by the council not to violate the federal legislation and to invalidate from it any provision that contradicts it.

Allowing the UAE to exercise the right to legislate in matters set forth in Article 121 of the Constitution means in one way or another its full restoration of these powers as long as it is originally competent to implement them, but limiting this consideration and narrowing it, - is the obligation of the local legislator not to violate federal legislation on the one hand, its ability to regulate the issues mentioned in detail, making domestic legislation a mere repetition of its rules, this brings the local authority in the above matters back to the scope of establishing the necessary rules for their implementation, as required by Article 121 of the constitution.

From the previous presentation of how the competencies are distributed between the Union state and the UAE, it is clear to us that the United Arab Emirates has followed in its constitution the method of determining the exclusive competencies of the government

This means that the seven member Emirates have inherent competence in the conduct of all its affairs and that the Federation exercises its competencies as an exception to this general asset, this confirms the predominance of the manifestations of the independence of the Emirates over the manifestations of unity in the state of the Union, due in fact on the one hand to the method of the formation of the Union, as it was the result of an agreement or merger between independent Emirates that exercised before their entry into the Union manifestations of sovereignty, on the other hand, the rulers of these Emirates are keen to exercise many of the characteristics of sovereignty in order to confirm their independence and self-determination.

However, it should be noted that the policy of the federal authorities, led by the head of State, is aimed at strengthening and strengthening the federal entity of the state by all available means, this is in order to ensure that the state of the union consists of several small Emirates (seven emirates) if left alone in accordance with the current constitutional provisions that extend its autonomy, it would be unable to face many of the things that have arisen in the world today and therefore exposed to many risks.

Changes in the concept of the function of the state in general and the federal states in particular lead to the need for the federal government to be weighted, increasing the economic and social demands of individuals and the perception of resources Local authorities about meeting them undoubtedly leads to their tendency towards central governments to meet them and satisfy them, The strengthening of the federal entity helps to adopt the national planning method in all fields, which leads to the achievement of equality and justice in satisfying the different needs of the population of all emirates that are members of the Union.

It was hoped that many of the above obstacles would be overcome when the Permanent Constitution of the Union state was adopted, which abolished many of the manifestations of the independence of the Emirates, which the interim constitution was keen to confirm, such as the sovereignty of the UAE and its right to conclude international agreements and treaties and the joint competence between the, However, the rejection by some emirates of the new constitution and the subsequent decision to extend the application of the interim constitution made it necessary to work on strengthening the federal agencies and increasing their effectiveness and competencies, and not to wait until the implementation of the permanent constitution to achieve these goals, and if it is legitimate, The Permanent Constitution has failed to achieve these goals all at once, the policy aimed at strengthening the federal entity is enough to achieve the goals sought by the draft Permanent Constitution.

7. RESULTS AND FINDING

The UAE Constitution is characterized by its strengthening of the concentration of powers and competencies in the hands of the federal authorities, in addition to the concentration of executive and legislative powers in one hand represented by the Supreme Council of the federation, where he is the real legislative function as long as he has the final opinion in the adoption of laws.

Although the Federal National Council is supposed to represent the people of the Federation, in a sense, it represents the Popular Will and corresponds to the popular councils in the federal models, but the way it is formed and its terms of reference strip it of the real purpose for which it existed, which is to represent the people of the Federation.

The Constitution of the United Arab Emirates does not specify who holds the legislative power, contrary to what constitutions usually reason and despite the absence of the Constitution of the United Arab Emirates of an explicit text specifying who holds the legislative power, but we find that the Federal National Council is not alone in the legislative power or be accounted for, it is shared by the executive authority in all its bodies represented by the Supreme Council of the Federation, the president of the federation and the Council of ministers.

By reference to Resolution No. 4 of 2006 on determining the method of selecting the representatives of the UAE in the Federal National Council issued on 10/8/2006 and in effect from the date of its issuance, We note that he excluded the principle of universal suffrage and thus deprived many UAE citizens of their constitutional right to choose the right person to represent them in at least 50% of the seats as long as the other seats will be filled by appointment and on the other hand, It is very difficult to consider the system of direct election, since the voters themselves did not directly choose their representative in the National Assembly, and it is very difficult to consider it as direct election, given that a small group is chosen by the rulers of the seven

emirates and they constitute the Electoral College and elect half of the members of the council from them.

8. RECOMMENDATIONS

1. By reference to Article 69 of the constitution, although this article does not require that the members of the Federal National Council be chosen by election, Rather, it is left to each emirate to determine the method of choosing the citizens who represent it in this council, and we believe that the UAE constitutional project should have resolved in a manner that leaves no room for doubt by explicitly stipulating the method of election for the members of the National Council.

2. We appeal to the UAE legislator to reconsider the role of the executive authority in the legislative function, which exceeds the role of the Federal National Council so that the role of the Federal National Council is not limited to the advisory role only in the legislative field, Rather, it should be ensured that the council participates in the legislative function genuinely and effectively in the proposal, discussion and adoption of draft laws and that the opinion of the council on these subjects is taken as being at the heart of its work.

3. With regard to Resolution No. 3 of 2006 that the members of the council shall be chosen by means of a combination of election and appointment equally ,We appeal to the federal legislator to make the appointment rate of members of the Federal National Council not exceed 20% of the number of members in each emirate so that the role of voters is influential and topical and does not leave this matter to political whims so as to separate the Parliament of the United Arab Emirates to the ranks of parliaments based on true parliamentary democracy.

4. There is also a lack of Resolution No. 4 of 2006 regarding the selection of UAE representatives in the Federal National Council from this body, considering that appeals related to the electoral process are submitted to the National Elections Commission and not to the

judiciary, Appeals would have been submitted to the same commission that regulates the electoral process, and jurisdiction over such appeals should have been vested in a court of impartiality, impartiality and objectivity, not the commission.

9. CONCLUSION

In this study, we reviewed the manifestations of the federal system in the United Arab Emirates, where we showed the manifestations of unity in the state of the Union and the manifestations of the independence of the member Emirates and how to distribute competencies between the federal government and the governments of the UAE.

The interim constitution of the state of the union was promulgated in 1971 and the draft Permanent Constitution could not be agreed upon, despite the expiration of the transitional period (five years) established by Article 144 of the interim constitution. Indeed, the draft Permanent Constitution was prepared before the end of the first period of operation of the Interim Constitution, i.e. before 1976, but it remained in the drawers until 1996 with the continuation of the provisions of the interim constitution, which was defined in 1976, then in 1981, 1986, and 1991 and for five years, until the Permanent Constitution of the United Arab Emirates was issued in 1996, which represents a national document that clarifies the Basic Rules of political organization in the state and the legislative, executive and international competencies between the Union and its member Emirates.

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