

# Government Formation in the KRG: A Perilously Slow Process

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## ABOUT THE AUTHORS

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## Brief Analysis

On January 9, US Secretary of State Mike Pompeo visited Erbil, where he underscored the value of the United States' "longstanding friendship" with the Kurdistan Region of Iraq and emphasized his government's support for the dialog between KRG and the federal government in Baghdad. The Kurdistan Region's election took place on September 30, 2018 and official results were formally announced on October 20, 2018. Yet negotiations to form the new KRG cabinet are facing gridlock due to deep-rooted political discord and recent changes in the balance of power, all as a new generation of Kurdish leaders assume the mantle.

Early that November, the Kurdistan Parliament duly held its first session for the members to take oath. Like their Iraqi counterparts, the parliamentarians kept the session open, a gambit that stalls government formation deadlines until the parties are ready to agree. However, unlike Iraq, where there are now rules against stalling the government formation process, there is little fuss about keeping the session open in the Kurdistan Region, where politicians are less concerned with deadlines or the odd twist in the democratic process. Meanwhile, the caretaker government is carrying on with its functions until the day that a new government is sworn in. This is made easier by the fact that the largest winning bloc, the Kurdistan Democratic Party (KDP) currently runs the government and will also do so in the future, with 45 out of 111 seats in the new parliament. The major change in KDP representation is that it has nominated the current Chancellor of Security Masrour Barzani to replace the incumbent Prime Minister Nechirvan Barzani, with Nechirvan likely to become president of the Region.

## Inter-party Negotiations

In the meantime, the KDP has held several rounds of negotiations to test the mood of other factions. Though the meeting with the smaller opposition party Gorran was amicable, its meeting with the second largest bloc—the Patriotic Union of Kurdistan (PUK)—was to some extent rocky. The PUK is demanding what they call "partnership status" in the government: not necessarily a 50-50 split in decision-making, but to be consulted fully as a partner, especially with policies involving the "Green Zone" half of the region, where the PUK's base in Sulaymaniyah is located. In contrast, Gorran lost fifty percent of its former seats during the recent elections and is now a shadow of the movement it once was in 2009 and 2013. Its leadership has pragmatically adjusted accordingly and are seeking to take advantage of the KDP-PUK feud. Gorran's price for cooperation with the KDP is a new second deputy prime

ministerial post, as well as a seat on the parliament presidency (deputy speaker or secretary) or the post of vice president.

It is likely that the KDP-PUK negotiations will continue until a government formation deal is reached sooner or later. Although the KDP has the numbers needed to pass any decision through parliament with the help of smaller parties, KDP politicians know for a fact that their government would be incomplete without the PUK given the lack of KDP support in Sulaymaniyah and adjacent areas such as Garmian and Halabjah. The PUK is aware of this shortcoming and has demands of its own: PUK leadership wants a single deputy prime ministerial post. Their nominee for the position is incumbent Qubad Talabani, who received the highest number of votes for a single candidate (182,000) during the elections. The PUK is also demanding certain Kurdistan Region or Baghdad ministries and the post of governor of Kirkuk for themselves.

Outside of coalition discussions, It is expected that both Islamic parties and the New Generation party will join the opposition instead of accepting token representation in the next government. The Islamic parties performed badly, although Komal (seven seats) fared better than the Kurdistan Islamic Union (five seats), with the former overtaking the latter in seats this election. In contrast, the newly formed New Generation—founded by businessman Shaswar Abdulwahid—burst onto the scene with a respectable eight seats. Nevertheless, the new party has struggled to find a voice in government formation.

### **The Road to Political Compromise**

Current KDP-PUK negotiations reflect the fact that the relationship between the KDP and the PUK that allowed them to rule Kurdistan for the past twelve years has almost reached the end of an era. The October 2018 elections for president of Iraq made this point clear: the KDP insisted for the first time that their representative should get federal Iraq's presidency over the PUK's nominee, though the PUK ultimately prevailed and elected Barham Salih to the presidency.

The KDP contested the PUK's nominee for the federal presidency because KDP politicians knew that a prominent national role for PUK-presidential nominee Barham Salih might undo all of its relative gains after the PUK's poor showing during the Kurdish regional elections. The last three months have confirmed the KDP's fears that the energy Barham Salih brings to the high-profile role could help the PUK to come back as a near-equals to the KDP.

Thus, the old formula is dead and a new formula is emerging. Both sides are testing new waters and trying out new methods of reaching agreement on how to share revenue and power. The hawks of the KDP and the PUK are calling for drastic measures, going as far as to call for recreating the two administrative regions with governments in Erbil and Sulaymaniyah. Others still call for setting aside some of their differences in order to reach a deal.

### **The Need for Speed in Government Formation**

Time-wise, the KDP wanted to complete the government formation by the second or third week of January. However, this is unlikely. The new government program or the intentions of the incoming prime minister are not yet known. It is widely expected that none of the current ministers will remain in office, with the possible exception of Minister of Natural Resources Ashti Hawrami. It is also predicted that the government will focus on security, services and investment. Unless things speed up, early March is more realistic.

Yet government formation needs to pick up the pace, and both the KDP and the PUK should start delivering on the electoral promises they made to their constituencies. There are many challenges that the parties must face once the new parliament is in session, and this leisurely crawl to the finish line is not in the interest of the people of Kurdistan.

## Resolving the Presidency of the Kurdish Regional Government

There are technical issues that must also be ironed out in order to proceed with government formation. On the issue of the Kurdish regional presidency, likely to be filled by incumbent Prime Minister Nechirvan Barzani, it is not clear as to what system they will use for his election. Law 10 of 2018 which suspended the Presidency as an institution and divided its authorities, needs to be nullified and the presidency Law of 2007 reenacted to elect a new president in a parliamentary vote prior to cabinet ratification.

An alternative mechanism would be to reconsider the draft constitution, perhaps making a few changes to the presidential powers that were previous sticking points in 2015. The constitution would then need to be ratified in parliament prior to a referendum to approve it. Only then would a general public vote be held to elect the president. This long route to appoint a new president would be difficult, but it is still on the table for decision makers.

## The Role of New Leadership

The traditional Kurdish leadership has aged and the transition to the new generation has started. The KDP has made the first move by nominating the relatively young Masrour and Nechirvan Barzanis for posts of prime minister and president, respectively. Their nominations underline the KDP's intention for renewal within the younger generation but also the continuation of the party since its formation in 1946.

Meanwhile, the internal debate over leadership within the PUK is picking up pace, with pressure building for a party congress to elect a new leadership council where the young leaders of the PUK are expected to displace the old guard and carry forward the torch that was lit when the party formed in 1976.

Between both changes, and no matter if the leadership is older or younger, one matter remains constant, which is the ongoing political difference between the KDP and the PUK. These differences will linger on for the foreseeable future and with it, Kurdistan will continue to suffer.

The people of Kurdistan have had their trust broken with the ruling elite; they expected far more than what they received and it is the duty of the Kurdish leadership to start delivering on the promises made during the elections. The government should move quickly to offer better services, create new jobs, bring in investment, and fight the corruption that has its roots dug deep in the system. The caretaker government will not be able to deliver on these issues, but the hope of fixing these issues may lie with the new government waiting to be formed. ❖

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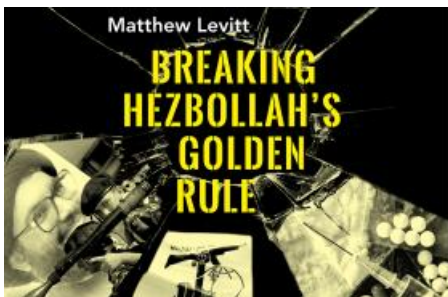
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