

How to Form a New Iraqi Government while U.S. Combat Forces Withdraw

by [Ahmed Ali \(/experts/ahmed-ali\)](/experts/ahmed-ali), [Michael Knights \(/experts/michael-knights\)](/experts/michael-knights)

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ABOUT THE AUTHORS



[Ahmed Ali \(/experts/ahmed-ali\)](/experts/ahmed-ali)

Ahmed Ali is a program officer at the National Endowment for Democracy.



[Michael Knights \(/experts/michael-knights\)](/experts/michael-knights)

Michael Knights is the Jill and Jay Bernstein Fellow of The Washington Institute, specializing in the military and security affairs of Iraq, Iran, and the Persian Gulf states. He is a co-founder of the Militia Spotlight platform, which offers in-depth analysis of developments related to the Iranian-backed militias in Iraq and Syria.



Brief Analysis

In an August 2 speech, President Obama confirmed that regardless of the status of government formation in Iraq, the U.S. military remained committed to the withdrawal of all combat forces by the month's end. Meanwhile, Iraq is still struggling to form a government in the long wake of the March elections, and the Muslim fasting period of Ramadan -- when much political and business life slows almost to a standstill -- begins next week. If an Iraqi government does not form fairly quickly after Ramadan ends in mid-September, Iraq's political scene may worsen, including an increased risk for violence. Ramadan has always existed in Iraqi and U.S. minds as a break point, when a new government may finally come together. Failure to make progress during the month is thus likely to elicit at least mild panic amongst politicians and the public. So how might the deadlock be broken?

Government Formation and Ramadan

The process of Iraqi government formation is stuck at its earliest stage. The first session of the new parliament opened on June 14 but failed to yield the election of a permanent speaker and deputies. In addition, a new president was not elected within one month of the parliament's first meeting (i.e., by July 14), amounting to a breach of a constitutional requirement. Once the president is finally elected by the parliament, he will be required, within the next fifteen days, to call upon the leader of the largest Iraqi political bloc (probably the largest postelectoral conglomeration of lists) to form and ratify a Council of Ministers by parliamentary majority in thirty days or fewer.

In order to form a government in one fell swoop, Iraq's political lists appear willing to deviate from the constitutional timeline. Using this model, all government posts would be agreed upon in advance of a vote of confidence (i.e., parliamentary speaker and deputies; president and potentially vice presidents; prime minister and deputies; and the Council of Ministers). Certain aspects of future government policy might also be agreed upon in writing in advance of

the deal, including a new division of powers that reduces the prime minister's influence over security policy. Likewise, a written agreement may be made to implement Article 140 of the Iraqi constitution (which addresses the legacy of "Arabization" in parts of northern Iraq). If such measures are not implemented as legislation, an early no-confidence vote could be in the works for a new prime minister. But if such a deal does happen, the various milestones in the government formation process might quickly fall into place like so many procedural dominos. So goes the theory.

Ramadan, which begins August 11, may offer the political breathing room to hatch a deal like the one just outlined. After the holy month begins, the current dynamism of continuous negotiations among the political lists will likely intensify. To begin with, more politicians may be present in Iraq rather than abroad during Ramadan than during an ordinary month. Second, as noted, government and commercial activity slows during Ramadan, with social customs centering on the iftar (evening meal, at which the fast is broken), to which guests are often invited. What kind of deal might emerge from the meetings at such meals?

Separation of Powers

For a Ramadan deal to coalesce, the present deadlock must be transformed in certain ways. The main needed change regards the amount of power that will accrue to the next Iraqi prime minister. This factor is arguably more important than personal opposition to Prime Minister Nouri al-Maliki's reelection or to the appointment of any other specific candidate. If the prime minister's role continues to include significant security powers, sensitivity regarding his identity will continue to run very high and may block government formation. If, on the other hand, the role is diminished and a clearer separation of powers is invoked, the issue of the prime minister's appointment may be removed as a stubborn roadblock.

In reducing the prime minister's security role, likely approaches might include removal of prerogatives such as direct operational control of the Counterterrorism Command as well as of Iraqi army units through the Office of the Commander-in-Chief. In addition, a council for national security may be formed to create a national security decisionmaking system driven more by committee than a single individual, and the legislature and provinces might utilize the full extent of their legal powers to influence military and police appointments. Under such an arrangement, the role of prime minister might either be less attractive to Maliki (prompting him to seek other opportunities) or, conversely, make Maliki a more acceptable candidate to others owing to the role's limited powers. If events were to unfold as suggested here, prospects for a Shiite supercoalition consisting of the Iraqi National Alliance (INA) and Maliki's State of Law Alliance (SLA) would likely improve.

A possible alternative (or addition) exists to greater separation of powers for the Iraqi government. In particular, a new political concord might emerge among the INA, the Kurdish parties, and Ayad Allawi's Iraqi National Movement (INM, known as Iraqiyah). In this scenario, Maliki and the SLA would be removed from the equation as a brake on government formation, with his list reintroduced later in the process as a less-privileged outsider. Though such a combination remains less likely than a pan-Shiite supercoalition, the mere possibility of an Iraqiyah-led government may make Maliki and the SLA more likely to accept a clearer separation of powers.

Fostering Urgency

Once issues related to the personality and power of the premier are disentangled to some extent, the next challenge would be injecting a sense of urgency into the historically slow process of horse-trading for other government positions. Of course, some of this work has already been done behind the scenes during the recent months of deadlock, with the individual lists considering the ministerial portfolios they might find acceptable. Considering the huge number of variables, however, the process might still be lengthy. In early 2006, the trading of the allocation of ministries unfolded over a period of four months; today, a process of this length would be deeply unsettling, lasting

as it would into early 2011. Working in concert, forces outside the political lists will be required to foster and maintain a sense of urgency.

Though often discounted as a real motivator, rising public pressure could help spur Iraqi politicians to action. In autumn of 2009, massive bombings in Baghdad prompted parliament to question senior Iraqi leaders including Prime Minister Maliki as a result of public concerns about security. More recently, in Basra and Nasiriya, serious protests occurred regarding government failure to deliver electricity and other services during a heat wave. Though both of these responses were orchestrated (or exploited) by political lists, they also appear to have echoed genuine popular sentiments. With the perception gaining ground of an insecure Iraq, a few major bombings or a heavy-handed neighborhood security operation may be enough to create the sense that continued political deadlock is risking a real security crisis. If Ramadan ends with little visible sign of progress, Iraqi public sensitivity to a perceived state of chaos might become acute. Under certain conditions, Grand Ayatollah Ali al-Sistani could communicate such concerns privately to members of the political elite.

Implications for U.S. Policy

The formation of a new Iraqi government is strongly in the U.S. strategic interest. But what can the United States do to expedite the process beyond the persistent prodding in which it has engaged for months? If the Iraqis settle on greater separation of powers and civil-military oversight as the combined solution to the prime ministerial deadlock, then Washington could arrange for support from both the U.S. and other foreign governments as well as nongovernmental organizations. The United States might also continue reassuring Maliki, Allawi, and the Kurdish leaders that whoever is chosen to run the government will receive equal and significant attention and access from the U.S. embassy in Baghdad as well as the White House. As trusted friends in the hard-fought and successful stabilization of Iraq, these political actors may be especially sensitive to the level of U.S. political attention they receive at this moment, particularly as new U.S. ambassador James Jeffrey begins his term.

Ahmed Ali is a Marcia Robbins-Wilf research associate at The Washington Institute. Michael Knights is a Lafer fellow with the Institute. ❖

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