

After Iraq's Elections: A New Government by September?

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Brief Analysis

The campaigns for the March 7 parliamentary elections have proven to be the most competitive in recent Iraqi history. Hundreds of parties and other entities are fielding thousands of candidates to vie for 325 seats. The contest has been heated, vibrant, and, at times, controversial and violent. Yet the ups and downs associated with the campaign season will pale in comparison to the immediate postelection period. Following the December 2005 elections, the new government took six months to form, and the process will likely take longer this time. As the Obama administration continues to draw down U.S. forces to 50,000 troops by August, it will need to remain patient with a process that will have a tremendous impact on the future of bilateral relations and Iraq's democratic consolidation.

Constitutional Factors

Iraq's constitution contains no provisions for how the country is to be governed in the period between elections and government formation. Determining the status of the transitional government -- and Prime Minister Nouri al-Maliki's role in it -- will therefore be the first challenge. If a new government is not formed quickly, the only way to avoid a constitutional crisis will be for the federal supreme court to issue a decision on the issue. Unfortunately, Iraq is unlikely to take such a step until a crisis has already developed. In short, resolving the transitional issue alone could cause a substantial delay in government formation if the political wrangling is heated enough.

Even if this issue is resolved quickly, the constitutionally outlined procedures and associated deadlines for government formation will still create conditions for a lengthy process. First, the final results must be announced by the Independent High Electoral Commission (IHEC). Given the grace period for examining fraud allegations, however, there is no deadline for when the IHEC must release certified results. For example, the 2005 results were not announced until three months after election day.

Once the certified results are announced, current president Jalal Talabani will have fifteen days to call for the new parliament to convene. The first session of parliament then elects a speaker and two deputy speakers, each of whom must receive an absolute majority, or 163 votes. Next, a new president must be elected by a two-thirds majority. The constitution provides thirty days to accomplish this feat, and it could take much longer.

Once elected, the new president has fifteen days to charge the leader of the largest bloc with forming a government. The prime minister-designate then has thirty days to comply. If he or she fails to present a cabinet within the specified time, or if said cabinet fails to garner the votes required for ratification, then the president must choose another prime minister-designate within fifteen days. The new designate -- who need not be the second-highest vote recipient in the elections -- then has another thirty days to form a government, and so on.

Thus, even if certified results are announced within a month and every constitutional deadline is met, the process would likely take up to four months. Any delay would likely extend the process to five months or longer.

Coalition Factors

Current polls show that no faction is expected to win the 163 seats needed to form a government on its own. Therefore, coalition- and consensus-building will be major postelection requirements. Although these processes are critical for Iraq's evolving democracy and will likely produce a more centrist government, they also draw out the government formation schedule.

The strongest coalitions at the moment are Prime Minister al-Maliki's State of Law Alliance (SLA), former prime minister Ayad Allawi's Iraqi List ("Iraqiyah" in Arabic), the Kurdistan Alliance (KA), the pro-Iranian Iraqi National Alliance (INA), the predominantly Sunni Arab Iraqi Consensus List (ICL), and interior minister Jawad al-Bolani's Unity of Iraq Alliance (UIA). None of them is expected to gain more than a plurality, which means any governing coalition would require at least two partners to elect a president and form a government. And this scenario assumes that the winning coalition holds together immediately after the elections. Given the already-visible tensions within certain factions, this is not an assumption that should be made lightly. For example, the INA may be split between the Islamic Supreme Council of Iraq (ISCI) and Muqtada al-Sadr, while Hadba, a faction of Iraqiyah, may bolt the coalition if it wins a large bloc of seats in Ninawa province.

At the moment, the most likely coalition partners would seem to be the SLA and INA. The former is presumed to hold an edge among Shiite parties while the latter appears to be experiencing a last-minute surge. Although their Shiite Islamist roots and close relations with Iran give them an incentive to work together, personal and political rivalries may complicate matters.

For example, al-Maliki refused to join his erstwhile partners in the INA before the elections in large part because they would not guarantee him the premiership in advance. If his SLA garners the largest number of seats, he will likely make the same demand when negotiating the new government's shape. And if the INA does well, it will continue to balk at the request despite the fact that it does not seem to have an internally agreed candidate of its own. If the INA performs poorly, however -- it was eviscerated in the January 2009 provincial elections -- then al-Maliki will be in a better position to dictate his demands and may be able to peel off some of its constituent elements.

Other coalitions are possible as well. SLA could partner with Allawi's Iraqiyah to form an anti-INA government. Alternatively, the INA could join with Iraqiyah to form an "anyone but al-Maliki" government. Whatever the case, any coalition will require at least one other partner to form a government, and it might choose more than one in order to establish a national-unity orientation.

The Kurdish Factor

Political realities suggest that the Iraqi Kurdish faction will be a sought-after partner in any government formation scenario. Their relationship with the INA's Islamic Supreme Council of

Iraq is warmer than their relationship with al-Maliki; in visits to the Kurdish northern provinces, ISCI leader Ammar al-Hakim has called for a joint front after the elections. The Kurds will not lend their support unconditionally, though.

The majority of Iraq's outstanding political and territorial issues -- and by far the most potentially explosive -- revolve around Kurdish-Arab tensions. Accordingly, the Kurdish leadership seeks guarantees regarding the future of Kirkuk, the distribution of oil revenue, the final borders of the Kurdish Regional Government, and the status of the peshmerga fighters. And they are unlikely to compromise much given the impending U.S. withdrawal and the perception that they must get the best deal they can while American forces are still on the ground. Any such negotiations would take time, further lengthening the government formation process.

If the Kurds push too hard or allow the process to drag on too long, however, an anti-Kurdish coalition could form. For example, the SLA, INA, and Iraqiyah might be tempted to form a government without the Kurds. Although numerically possible, such a step could be catastrophic for Iraq, perhaps even sparking a civil war -- U.S. policymakers should therefore keep a lookout for this potential political development, however remote.

Washington Must Be Patient

The inevitable delays before the next Iraqi government forms will cause understandable anxiety within the Obama administration as it contemplates the appropriate speed for U.S. withdrawal. Nevertheless, Washington will need to remain flexible throughout the process. Ultimately, Iraqi politicians will reach the necessary compromises and, in doing so, will create a new partner government for the United States. Until then, the administration should avoid personalizing policy as it did in the run-up to the elections (e.g., attacking Ahmed Chalabi as an Iranian agent), emphasizing rule of law instead. Once the new government forms, a number of issues critical to Iraq's future and the U.S. withdrawal will require urgent attention -- exercising patience in the meantime will put Washington in the best position to help address these issues down the road.

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