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The Premiership

Summary

- The institution of Iraq's prime minister has evolved since the previous national government was formed in 2006. The success of incumbent Prime Minister Nuri Al-Maliki in building an independent power base around the office and the diminishing U.S. presence in Iraq have transformed the perception and stature of Iraq's chief executive.

- This evolution of the position helps to explain why negotiations over the government's formation have struggled to move beyond the top post to discuss other assignments and the new government's agenda. The talks are not just about agreeing on a prime minister in the context of inconclusive, close election results, and competing regional influences; these talks are trying to define the role of the premiership and possible checks on its power.

- Understanding the debate on possible checks and balances is important because of its potential ramifications for Iraq's democratic experiment, and also because agreement on this issue might pave the way for the nomination of a prime minister.

> "Given Iraq's history of authoritarian government and the complexities of the current political transition, resolution of the separation of powers debate may be as important to Iraq's future as the identity of the individual who ultimately occupies the premiership."

The Premiership

In Baghdad, the focus of the government formation process is almost entirely on one position, prime minister, and largely on one man, incumbent Prime Minister Nuri Al-Maliki. While the role of neighboring countries and the perceived declining U.S. interest get substantial attention, it is Maliki—the relatively unknown compromise candidate from 2006—who now plays the lead role in this transition as the most independent, ambitious and unpredictable actor on the scene.[1] Win or lose, Maliki serves as a lightning rod for a growing debate on the role of Iraq's chief executive that could leave a major imprint on Iraq's system of government.

It is well known that Maliki's success since 2006 in building an independent power base as prime minister is a common concern among his rivals in the secular and Sunni Iraqiya bloc, the Shiite Iraqi National Alliance (INA) and the Kurdistan Alliance. What is less appreciated is that the ongoing U.S. military drawdown also increases the authority of the premiership, particularly its commander in chief role. The nature of the office has clearly evolved from four years ago, when tapping an assumedly weak compromise figure to be the prime minister was largely acceptable. It is this transformation that helps to explain why Iraqis are now struggling to move beyond the top position to discuss other posts and the new government's program. The negotiations this time are not just about finding a mutually acceptable prime minister, but also the powers of the office itself.

2006 Versus 2010

In 2006, government formation took almost six months. It is difficult to predict a timeline for the current process, but Iraqis characterize the present situation as more complex than 2006 due to a combination of internal and external factors.

The first source of increased complexity is the nature of the electoral coalitions and hence the election results in 2010. In 2006, the grand Shiite electoral alliance won 47 percent of the parliamentary seats and it was clear that this entity would nominate the prime minister. In 2009, Prime Minister Maliki split from the unified "Shia house" to form his own separate list, the State of Law (SoL). This consequential decision resulted in the inconclusive nature of the March 2010 election results, where Iraqiya, Maliki's SoL, and the INA (the remainder of the Shiite alliance) all won between 22 percent and 28 percent of the seats on offer. Furthermore, while Maliki ended up receiving the most votes of any individual candidate (over 600,000 personal votes), it was former Prime Minister Ayad Allawi's Iraqiya bloc rather than one of the two main Shiite lists that achieved a narrow overall plurality. The closeness of the results has left it unclear which bloc will nominate the prime minister, has stimulated electoral appeals and constitutional disputes over government formation procedures, and has led to painstaking coalition-building efforts.

Stepping back from the intricacies of government formation, the second source of complexity is the experience of the last four years. As one parliament member (MP) in the State of Law list frankly admitted, the prime minister position has grown in importance so as to "dominate every-thing."[2] The manner in which this enhanced power has been wielded—such as Maliki's broadly popular campaign against the Sadrists' Mahdi Army in 2008 or the establishment of special military units that report directly to the prime minister's office—has been widely noted across the political spectrum. The bottom line is that the authority of the premiership has increased—thus making the compensation prize of other posts less appealing.

Finally, the complexity of the government formation process in 2010 results from increased involvement of regional actors. Many Iraqis view neighboring countries as vying to fill the space left by the declining American presence in Iraq. A senior Kurdish official summarized this situa-tion, albeit from the Kurds' pro-American standpoint, by saying that "everyone is interfering in government formation except for the party we want to."[3] This interference is generally resented by Iraqis who perceive their neighbors as taking advantage of Iraq's difficult circumstances in order to secure their own interests in a country that has historically been of pivotal importance to the region and has tremendous energy potential.

Regional Cross Currents

With the region's increased interest in the government formation process, it is perhaps natural that Iraq's main competitors for the premiership frame their candidacy in terms of regional dynamics. Ayad Allawi and other members of Iraqiya blame Iraq's difficult relations with its Arab neighbors, and especially Saudi Arabia on Maliki. They contend that Iraq will be unable to regain its rightful place in the region and find internal stabilization while he is prime minister.[4] Maliki, known for portraying himself as a Iraq's national leader in domestic politics, has in turn tried to signal his independence from regional actors by stating that he would rather withdraw from the political process than allow any outside forces to interfere in Iraq.[5]

The most heavily scrutinized neighbor in this process is, of course, to Iraq's east. Iraqi politicians generally agree that Iran views an Iraqiya-formed, Allawi-headed government as a red line and they believe that the Islamic Republic is seeking to forestall such an outcome by encouraging

the two main Shiite lists of the INA and the SoL to reunify. Ammar al-Hakim, head of one of the two main blocs in the INA, recently acknowledged that Iran's desire for the merger was "undeniable."[6] Likewise, a senior adviser to Prime Minister Maliki believed that the SoL's effort to break from the Shiite alliance had proven premature and the SoL now had to be "realistic" about Iranian preferences and coalition-building (especially because it did not finish first in the elections).[7] Not surprisingly, the statement of principles—widely perceived as being Iranian-brokered—reached between the INA and the SoL on May 4 states that the two lists' prospective nominee for prime minister must "commit to…maintaining the unity of the two coalitions" and "pledge" not to form a "separate unilateral electoral list" during the term of the next government.[8]

Thus far, it appears that Maliki has navigated the treacherous regional currents more adroitly than his opponents. Maliki's uninterrupted presence in Iraq contrasts well with Iraqiya leaders' extensive travels to the Gulf and Turkey on the one hand (fueling the perception that Allawi is the Arab and U.S.-favored candidate for prime minister) and, on the other hand, the high profile, post-election visits by key INA members to Tehran. Maliki's backers argue that he is neither Iran's nor the United States' preferred man in Iraq, but ultimately acceptable to both and capable of tip-toeing the highwire of Iraq's two most important strategic relationships.

National Partnership

The inconclusive election results and competing regional influences have generated a sentiment among Iraq's political class that the country remains in transition and requires a government of "national partnership" that includes representatives of all of its communities. While some key political figures expressed disappointment that Iraq's politics have not been able to progress beyond the "sectarian boundary," there is a basic shared view that a government in which either the Sunni or Shia communities were left wholly in opposition would be dangerous to internal stability and could provoke further regional competition inside Iraq.

National partnership may be necessary from a reconciliation standpoint, but it could also undermine an active parliamentary opposition, typically a major check on the executive branch's power. In place of this, during the coalition formation process, political parties are seeking guarantees from prime ministerial candidates on collective decision-making. In what is an increasingly polarized subject, Maliki supporters disparage efforts to turn the prime minister into a "traffic cop" as opposed to a decision-maker as a "fatal error against Iraq."[9] They stress that Maliki's independence is crucial in buttressing Iraqi institutions against the re-emergence of sectarian militias (particularly those linked to his political rivals in the Sadrist bloc).[10] Non-SoL interlocutors point to Maliki's unilateral decision-making style and tight control of security as potentially representing a threat to Iraq's democracy. The drawn-out election appeals process has heightened these concerns, particularly among Iraqiya members, some of whom accuse Maliki of "embracing" ad hoc and politically motivated efforts as a means to disqualify Iraqiya electoral candidates in order to cling to power.[11]

Checks and Balances

The sharpness of this back-and-forth illustrates how defining the premiership's power has become an integral part of the negotiation over who will occupy the post. Indeed, the Kurdistan Alliance has gone as far to state that it does not care which individuals occupy senior posts, and that the focus should instead be on ensuring true partnership in government.[12] It is also clear that while assurances on governing multilaterally will be sought from any nominee, the bar will be set higher for a second Maliki term. An understanding of the checks and balances under consideration is

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therefore important because of their potential ramifications for Iraq's system of government, and also because agreement on this issue might pave the way for the nomination of a prime minister. The remainder of this section lists some of the mechanisms currently under consideration.

- *Council of Ministers*—In addition to Iraq's now ceremonial presidency, the Council of Ministers (CoM) comprises the rest of Iraq's executive branch. A senior INA member asserted that the prime minister should be an "employee" of the CoM, not issue orders to it, and that the constitutional requirement to develop a set of bylaws for the CoM should be undertaken as a "national project" by the new government.[13]

- *Power of the Purse*—An outgoing member of the parliament's finance committee identified the Ministry of Finance as a key check on the prime minister's power, explaining that while the Ministry of Oil generates the money in Iraq, it is the Ministry of Finance that controls how it is spent.[14] Under Iraqi law, approval from the Finance Ministry is required before funds can be released; meaning it can block most projects and investments, even those originating from the prime minister.

- *Security Ministries*—Pointing to the lackluster performance of the current security ministries in the elections, interlocutors did not generally see these institutions as an effective legal check on a powerful commander-in-chief. However, according to press reports, ideas put forward in the INA-SoL merger talks include establishing a deputy prime minister for security affairs or forming a high-level committee with representation from each Shia bloc with full authority over security matters.[15]

- *Speaker of Parliament*—With the evolution of Iraq's presidency to a more symbolic role, the speaker of parliament is probably the second most powerful position in government. The outgoing speaker, Iyad Samarrai, observed that parliament can be a "balancing force" with a "professional and capable" speaker.[16] (The implication being that mercurial figures, such as former Speaker Mahmoud al-Mashhadani, are not able to play this role.)

- *The Judiciary*—Several interlocutors identified the politicization of the judiciary as the "main problem" that needed to be addressed by the coming government, and said that the comprehensive reform was required. Iraqiya members in particular charge that pressure from Maliki caused the judicial system to lose its "independence and integrity" during the vote certification process.[17]

- *Political Agreement*—In addition to formal government structures, coalition agreements may go a long way towards defining the powers of the next prime minister. For example, the initial INA-SoL agreement would establish a 14-person committee that could make "binding" strategic decisions on the government and states that the prime minister "will be committed to the policies agreed on by the two coalitions in the various aspects of the state."[18]

Conclusion

Iraq's democratic experiment is passing through an important stage. As a SoL MP observed, four years ago much of the power was in hands of the U.S., especially in the security realm, but now power is under the prime minister.[19] For good or for ill, it is clear that Prime Minister Maliki has transformed the role and perception of the institution. This has stimulated important deliberations over the power of Iraq's chief executive, and possible checks and balances on its authority. Given Iraq's history of authoritarian government and the complexities of the current political transition, resolution of the separation of powers debate may be as important to Iraq's future as the identity of the individual who ultimately occupies the premiership.

Endnotes

1. For more on Maliki as the "reference point" for Iraqi politics, see "Maliki's Iraq Between Two Elections," by Daniel Serwer and Sam Parker. United States Institute of Peace, May 2009.

2. Meeting with State of Law MP, Baghdad (30 May 2010).

3. Meeting with senior Kurdish official, Baghdad (May 28, 2010).

4. Meeting with senior Iraqiya official, Baghdad (May 27, 2010).

5. Nouri al-Maliki interview with al-Summariya Satellite Channel (May 17, 2010).

6. "Ammar al-Hakim on Coalition between Iraqi National Alliance, State of Law," Ash-Sharq al-Awsat (May 26, 2010).

7. Meeting with an official in the Prime Minister's Office of Advisers, Baghdad (May 27, 2010).

8. "Agreement" between the Iraqi National Alliance and the State of Law, Baghdad (May 4, 2010). The agreement is not publicly available at this time.

9. See comments "Analysis: Iraq's Shi'ite Powers Haggle over Powers of PM," Reuters World Service, May 31, 2010.

10. Meeting with State of Law MP, Baghdad (May 30, 2010).

11. Meeting with a senior Iraqiya leader, Baghdad (May 27, 2010).

12. Remarks by Qubad Talabani, Kurdistan Regional Government Representative to the U.S., at the Nixon Center in Washington, D.C. (June 8, 2010).

13. Meeting with ISCI politburo member, Baghdad (27 May 2010). Article 85 of the Constitution requires the CoM to establish internal by-laws to organize its work.

14. Meeting with independent MP, Baghdad (28 May 2010).

15. See "Analysis: Iraq's Shiite Powers Haggle over Powers of PM".

16. Meeting with Iyad Sammarrae, Baghdad (28 May 2010).

17. Meeting with a senior Iraqiya vote winner, Baghdad (27 May 2010).

18. "Agreement" between the Iraqi National Alliance and the State of Law, Baghdad (4 May 2010).

19. Meeting with State of Law MP, Baghdad (30 May 2010).