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IRAQ'S FEDERAL EXECUTIVE: OPTIONS FOR EXECUTIVE POWER SHARING

A report of the Iraq Constitutional Review Committee (CRC), dated July 7, 2008, refers several disputed issues to the Presidency Council for its advice and consideration, including the powers of the President of the Republic. The CRC report sets forth multiple formulations for the redistribution of powers to the President, ranging from the President being given "the right to information and advice on all affairs of the State" to making the President Commander-in-Chief in times of war or emergency. However, the CRC report also proposes formulations that go beyond merely enhancing the powers of the President. One option envisages the establishment of a "Supreme Council for Defense" to undertake leadership of the armed forces during war and emergency. Another option enhances the role of the Council of Ministers. In this way one might characterize the CRC report not as a list of ways to increase the powers of the President, but rather options for how to make the executive government more inclusive and effective by allowing it to govern through a broader consensus-based decision making process.

This memorandum draws upon examples from other democratic states that have parliamentary systems, from other federations, and from other post-conflict countries. Importantly, this paper does not address options set forth in the CRC's July 7, 2008 report (such as granting the President the power of Commander-in-Chief), but instead is intended to set forth additional options for thought and consideration. It is for Iraqis to interpret their constitutional law on federal executive authority, and to make such modifications to its operation as they see fit – by informal consensus, by statute, or by constitutional amendment. The United States Institute of Peace is pleased to be able to provide these options as part of its ongoing effort to support Iraq's constitutional review and the rule of law, and stands ready to provide additional follow-up assistance on this and other issues as requested by the CRC.

The Implications of Iraq's Electoral Politics on Executive Power

The current political landscape of Iraq makes it unlikely that one majority party will dominate the Council of Representatives in the foreseeable future. Iraq is a country of extensive diversity, which is made more inclusive and easier to manage through its system of proportional representation. The party-list proportional representation system,

importantly, radically reduces the possibility of a parliamentary majority emerging that does not have the support of a majority of voters at election time. Even if one list in Iraq wins an absolute parliamentary majority it is very likely to be a multi-party list. In short, Iraqis will have to manage multi-party coalition arrangements for the foreseeable future.

This paper therefore presumes that majority coalition governments at the federal level will dominate Iraq's future, and it reviews options Iraqis might consider to assist the effective and legitimate operation of its federal executive authority.

Options for Executive Power-Sharing

Broadly speaking, if one accepts that Iraq will have coalition governments for the foreseeable future then Iraqis have several options for modifying the existing framework of executive decision making to build in opportunities for more inclusive and consensual government. Many of these options may also be combined.

- (1) Institutionalizing the deputy premiers: Strengthening the Deputy Prime Ministers, e.g. through obligating the Prime Minister and his office to consult widely with the Deputy Prime Ministers.
- (2) Enhancing collective cabinet responsibility: Strengthening the Council of Ministers, both individually and collectively, which may be accomplished through a voluntary reduction in the size of the Council; obligating public officials (the civil service) to work for the Council as a whole (instead of just the Prime Minister) on all matters that relate to the powers of the Council; and through adopting a range of informal co-coordinating mechanisms used in other parliamentary systems.
- (3) Enhanced presidentialism: Strengthening the President to create a more inclusive and balanced executive. Within this option Iraqis may also consider proposals to retain rather than abolish the transitional Presidency Council.
- (4) Adopting a sequential ministerial portfolio allocation system: A sequential ministerial portfolio allocation system is a method of government formation that respects proportionality and inclusiveness, prevents the exclusion from office of any party or list that has won a significant number of seats in Parliament and is prepared to abide by the Constitution, and avoids protracted bargaining.

Option 1. Institutionalizing the Deputy Premiers

Article 139 of the Constitution mandates two Deputy Prime Ministers for the first term of the Council of Representatives. The Constitution is silent

on whether this arrangement shall continue in future – it is neither required, nor forbidden. There may be a case, however, for institutionalizing the existence of at least two Deputy Prime Ministers – either through a law, which would be easier, or through a constitutional amendment – both because it will facilitate future coalition governments and because it allows for a more inclusive executive without mandating quotas.

The Deputy Prime Ministers might be assigned roles and given powers within the Prime Minister's Office (again, either by law or constitutional amendment), including rights of access to all information forwarded to the Prime Minister, and the Prime Minister might be required, by law, to consult with the Deputy Premiers before setting the agenda of the Council of Ministers, or agreeing its minutes and decisions. Requiring unanimity or a majority among the Prime Minister and his Deputies on agenda-setting for the Council of Ministers would move the executive from a single toward a collective premiership. A law governing the conduct of the Prime Minister's Office might also require senior State officials to treat the Deputy Prime Ministers with equal esteem, and to follow such arrangements as the law mandates regarding their service to the Prime Minister and his Deputies. The Deputy Prime Ministers might also be given certain key portfolio responsibilities, such as finance or the ministry of the interior.

Another way to create a more inclusive and collective premiership would be to place extra-constitutional consultative requirements upon the Prime Minister – for example, an informal agreement (not a law) that requires the Prime Minister to consult with the deputies (or even other coalition leaders) on major questions, such as security and the economy, or before making ministerial appointments, reshuffles or dismissals. In the Netherlands, for example, the Prime Minister, who invariably heads a coalition government, lacks the power to dismiss members from the cabinet, or to re-shuffle ministerial portfolios without first consulting with his coalition partners.

The current practice of referring matters to the Presidency Council and Prime Minister, and sometimes the Kurdistan Regional President as well, accomplishes the same goal of making executive decision-making more collective. However, the Presidency Council is currently only a transitional body and is set to be replaced by a single President at the end of the current legislative term. Empowering one or two deputy prime ministers would be a way to maintain (and potentially even expand) the inclusive and collective nature of decision-making in Iraq.

Option 2. Enhancing Collective Cabinet Responsibility

Many stable democracies, such as the Scandinavian, Bene-Lux, central and west European democracies now have predominantly consensual, inclusive and shared-responsibility executive governments. So too does India

in practice. Iraq's Constitution mandates (i) exclusive powers to the Council of Ministers (Article 80), (ii) collective and individual responsibility to the Council of Representatives (Article 83), and (iii) requires the Council of Ministers to establish its own laws governing its operations (Article 85). Therefore, the Council of Ministers is already a constitutionally powerful body that could contribute to a more collective and consensual federal government. The following are possible ways to enhance the power of the Council based on the experiences of European parliamentary executives.

(1) The case for reducing the size of the Council of Ministers. In all parliamentary systems it is recognized that overly large cabinets weaken the powers of individual ministers, and decrease the ability of full cabinet meetings to engage in critical joint deliberation and decision-making. The larger the cabinet the weaker it becomes as a collective and deliberative institution, and the more likely it is to be dominated by the Prime Minister, or to fail to be coordinated at all. It may also tend to create an unaccountable inner cabinet, i.e. a small number of ministers around the prime minister, who control the key security and economic portfolios. Iraqis intent on enhancing the collective capability of the Council of Ministers might therefore seek to reduce the size of the Council of Ministers. The merger of ministries and departments can assist this goal; so can the appointment of junior ministers to run sections of larger ministries. Fixing the size of the Council of Ministers by law, e.g. at 15, 20, or 25, would help politicians to avoid bloating the cabinet when negotiating a coalition, and it would also help in the use of the sequential portfolio allocation mechanisms discussed in the last section of this paper (Option 4). Ireland, for example, caps the size of the Cabinet at 15 (in the Constitution), and the number of junior ministers at 15.

(2) The case for a structured committee system. In a proportional parliamentary system, particularly where no one party controls a majority, the coalition governments divide up ministerial portfolios among the members of the coalition (as in Iraq today). Such a system, however, can lead to a situation where each party "owns" its ministry without regard to the needs or wishes of its coalition partners, thus contributing to a less collegial, effective, and efficient government. These systems also risk being controlled by a smaller group of particularly powerful ministers. To help avoid such scenarios some parliaments have introduced various committees and/or offices to increase cooperation and interaction across the ministries and to provide additional political and technical support to individual ministers. The Scandinavian parliaments all have strong committee systems.

One way to increase cooperation and communication between the ministries is to establish a formal system of functional Cabinet Committees for each ministry, e.g., a security committee, or a finance committee, or an inter-governmental relations committee. Ministers and deputy ministers of each coalition partner staff Cabinet Committees. (So, for example, the

Minister of Finance may sit on a Cabinet Committee for security, water, or environment [in fact, each minister and/or deputy minister will likely sit on several Cabinet Committees]). The Cabinet Committees then meet weekly with the relevant minister to discuss agenda-setting, proposed bills, budget allocation, and other matters – thus keeping all coalition partners up to date on major ministry initiatives and allowing for broad coalition input into the development of ministry policy. The relevant ministry must share information with the Cabinet Committees, and the Cabinet Committees report their recommendations directly to the Council of Ministers. Temporary Cabinet Committees may also be created for key draft laws, so that the lead Minister can elicit input and review progress with his colleagues. In coalitions it is wise to publicize Cabinet Committee membership to increase transparency and accountability. The United Kingdom, for example, has some permanent cabinet committees (e.g. the defense committee), and regularly creates temporary cabinet committees to formulate and follow-up on key policy issues and pieces of legislation.

A second way to enhance collective cabinet responsibility (and in the process increase cooperation and interaction between the ministries) is to increase the capacity of the individual ministers. One way this can be accomplished is through the use of ministerial <<*cabinets*>>, a French innovation that is also used in the European Commission. These are small groups of personnel who are selected by each minister to provide both political and technocratic advice and assistance to the minister. The <<*cabinets*>> liaise with party leaders, provide technical advice to the minister, and manage media relations – all for the benefit of the minister. The personnel performing these roles have the status of civil servants (and have the right to see all papers and communications flowing to their minister) but they are not actually civil servants, and are therefore accountable to the minister instead of the governmental department in charge of the general civil service.

And finally, since most (if not all) members of the government coalition will head up at least one ministry, another way to strengthen inter-governmental coordination and cooperation is through strengthening the coalition's interactions. This can be done through the use of "Program Managers" – trusted party officials who monitor, review, and assess the implementation of coalition programs. This system was introduced in Ireland in the early 1990s. Like the "cabinets", the Program Managers are not part of the regular civil service and so are directly responsible to each individual minister (or other members of the minister's party). They periodically review the coalition's progress in meeting the agreed program of government and assure all parties that agreements are fulfilled. In addition, the Program Managers can also coordinate with each other to help ensure the common program of government is being followed.

(3) The role of the civil service. In parliamentary executives there is a key tension in the role of the civil service: do they serve the Prime Minister or the Council of Ministers? In Iraq they plainly wish to serve both the Prime Minister and the Council of Ministers, but in practice have tended to orient their services toward the Prime Minister. The Council of Ministers could establish a Council of Ministers Office, which would be explicitly made the servant of the Council as a whole, and which would be responsible for preparing and supporting Council committees and the Cabinet as whole, especially on those matters that are the explicit constitutional responsibility of the Council of Ministers. The management of this Office should be regarded as the most senior and highest remunerated position in the civil service. A Council Office could co-exist with a Prime Minister's Office, but it would be important for the Council Office to preserve its autonomy. The Council Office could also be charged with monitoring the agreed program of government, and reviewing progress. Symbolism is important: it may be wise to have offices exclusively for the Council of Ministers and a meeting room that is distinctly separate from that of the Prime Minister. It may be possible for the existing Council of Ministers Secretariat (COMSEC) to assume the role described above. The critical point is that such an office must truly be accountable to the entire Council of Ministers, and be regarded as the most senior echelon of the civil service.

(4) The role of the Ministry of Finance. In most parliamentary systems the Ministry of Finance, and its officials, informally co-ordinates with other ministries on matters with financial implications. Finance Ministry officials could also be assigned to service Cabinet committees, and to advise the Council of Ministers as a whole, not just their lead Minister or the Prime Minister, if there is to be decent prospects of genuine collective decision-making.

Option 3. Enhanced Presidentialism

Another way to enhance collective executive responsibility (and in the process make the executive more inclusive) would be to increase presidential power and responsibility. The President is defined as the head of state, and the symbolic representative of the country's unity and sovereignty, and as the guarantor of 'the commitment to the Constitution and the preservation of Iraq's independence, sovereignty, unity [and] the safety of its territories, in accordance with the provisions of the Constitution' (Article 67). Articles 67-75 lay out the powers, responsibilities and criteria for the President. As currently contemplated, the President's office, on paper, is primarily ceremonial.

(1) Strengthening the President without Constitutional Amendments

Some Iraqis have considered strengthening the President's powers in order to check the powers of the Prime Minister and the Council of Ministers.

One way to do that, within the spirit of the Constitution, would be to enhance the President's role as guarantor of the Constitution. The law that must be passed to establish the Federal Supreme Court ((Article 92 (2)) could be drafted to give the President the right to ask the court to rule on the constitutionality of any bill, and on the constitutionality of any decision of the Prime Minister and Council of Ministers – or of any inaction on their part. Such a provision would not require a constitutional amendment. It would, however, require widespread consensus because the law governing the composition and work of the Federal Supreme Court will require the approval of two thirds of the Council of Representatives. Another way to enhance the President's role as guarantor of the Constitution would be to have the President preside over the State Council (envisioned in Article 101), an institution that is largely unformed in Iraq today but in other countries provides constitutional advice to the executive government.

Another way to enhance the authority of the President, compared to the Prime Minister, which is fully compatible with President's role as guarantor of the Constitution, and which would not require a constitutional amendment, would be to add provisions under the law that has to be passed by the Council of Representatives that 'shall regulate the formation of ministries, their functions, and their specializations, and the authorities of the minister' (Article 86). Providing a role for the President in chairing emergency meetings of the entire federal executive authority of Iraq, in chairing reports of the National Intelligence Service to the Council of Ministers (and to a Committee of the Council of Representatives), and in ensuring that the Prime Minister and the Council of Ministers act within the provisions of the new law enacted under Article 86, would formally and jointly enhance a legitimate oversight role for the President.

(2) Strengthening the President by Constitutional Amendments

The powers of the Presidency could be enhanced by explicitly strengthening the President's existing functions. With constitutional amendments the President could be granted:

- the right of pardon and commuting sentences in his absolute discretion (modifying Article 73: 1);
- a delaying power over treaties and agreements (modifying Article 73: 2), a change that presumably would be accompanied with a legislative over-ride power (e.g. enabling three fifths or two thirds of the Council of Representatives to over-ride the President's delay);
- an outright veto power over treaties and agreements (modifying Article 73: 2), a change that presumably would be accompanied with a legislative over-ride power (e.g. enabling three fifths or two thirds of the Council of Representatives to over-ride the President's veto);
- a delaying power over laws passed by the Council of

Representatives (and the Federation Council) (modifying Article 73: 3);

- a veto power over laws passed by the Council of Representatives (and the Federation council) (modifying Article 73: 3).

Another explicit role that the President might be invited to play is in the formation of federal coalition governments. In some countries there is a formal process of government formation when no party commands a majority within parliament. Constitutional rules or norms may guide the conduct of the Head of State in such circumstances. Iraq's Constitution formally tasks the President to ask the leader of the largest bloc to make the first official effort to form a coalition government, but it might be possible to provide, formally, or informally, for the outgoing President to play a more expansive role in cabinet formation. The President might be responsible for bringing party leaders together to form a government and/or building a coalition. If Iraqis considered it appropriate a President might resign his party membership during this process.

(3) Retaining The Presidency Council

Article 138 temporarily retained a modified version of the Presidency Council, established under the Transitional Administrative Law, which shall transform into the office of the President after one parliamentary term. The Presidency Council, however, is thought by some parties to have performed several desirable functions. It has been an inclusive and deliberative body, in which each of Iraq's largest three communities has been represented but without the need for any explicit quotas. A constitutional amendment would be required to retain the Presidency Council. Such an amendment, however, might make granting some of the additional powers set forth above in paragraph (2) more acceptable to Iraq's diverse political interests.

(4) Other Ways to Make the Office of the President More Inclusive

If Iraqi officials are reluctant to retain the Presidency Council, there are other ways of making the Office of the President more inclusive. For example, a constitutional amendment might require the election of two Vice-Presidents, and not just one, as presently mandated in the future. It would then be for the President to determine whether he shared his authorities or responsibilities in some measure with his vice-presidential colleagues, thus creating an informal Presidency Council. Another possibility would be to create a rotating presidency, wherein each of Iraq's major constituencies took turns heading up the office of the president during the course of the parliamentary term.

Option 4. Sequential Cabinet Portfolio Allocation, Instead of Protracted Bargaining.

After parliamentary elections in which no party wins an absolute majority the political parties set out to form a coalition government, the negotiation of which normally involves the distribution of political offices and ministerial portfolios, and agreement on the programs and policies to be pursued by the new government. In most parliamentary coalitions (including currently in Iraq), the premiership usually goes to the party leader (or list leader) with the largest number of seats in parliament, and the deputy premiership (if it exists) to the party that contributes the second largest number of seats to the coalition government. The other ministerial portfolios are usually negotiated through pure bargaining, as occurred in Iraq in the spring of 2005, and 2006. Parties generally accept distributions through bargaining that are proportional to their respective strength in seats won in parliament: twenty per cent of the seats wins a party roughly twenty per cent of the ministries.

Three difficulties often arise during and after the negotiation of a coalition. First, government formation, including portfolio allocations, especially among parties or electoral alliances that did not make a pre-election agreement, often takes a long time. Delay in government formation can lead to major difficulties, lost opportunities, and disillusionment among the public. Second, disputes within government among coalition parties – either over ministerial allocations or policies may lead to the fall of the government. This difficulty may create rapid turnovers of governments, demands for ministerial reshuffles, and for fresh elections, and again create public disillusionment. Third, government formation according to the normal rule of a majority vote of confidence by the parliament as a whole creates no assurances to the losers, who may have no access to the executive, even if they have won a very large share of votes and seats. To take an extreme example, a coalition of five parties, each of which has won 11% of the vote and seats, may exclude a party or list from any office even though it has won 45% of the vote and seats. (Since the five parties will collectively control 55% of the parliamentary seats.) This possibility is likely to create difficulties in a deeply divided place – especially where likely losing parties may be tempted either to support a coup d'état or to resort to violence.

Sequential cabinet portfolio allocation (in the absence of a pre-election agreement) can alleviate some of these difficulties. Under the sequential cabinet portfolio allocation system, each party that abides by the Constitution is entitled to a proportionate share of cabinet seats, provided it wins a minimum threshold number of seats in the Parliament. Parties pick one ministerial portfolio at a time according to a sequence established by a formula. Usually that will mean the largest party picks first, the second largest party picks second, and so on. In this way the sequential cabinet portfolio allocation system saves on bargaining and transactions' costs, stabilizes the ministries, and addresses many of the core difficulties in coalition formation and maintenance – including the fear of an overly

powerful Prime Minister who may ignore the consensual nature of executive decision making.

In any such system, parties' prior agreement on the number and content of government portfolios is important. Parties may also wish to agree ahead of time that the same party may not occupy a certain combination of posts, e.g., the ministries of Defense and Interior since they, collectively, constitute the security sector. If different lists pick these two different ministries that will make it much less likely that any one party will be able to dominate the entire security sector. Under a sequential portfolio allocation system if a minister from a particular party resigns from a Ministry or is removed from office because of corruption or criminality then the party that nominated him chooses his replacement. (However, if the entire party decides to leave the government then their ministerial portfolios may be re-allocated to other parties.) It is also best not to allow parties that stand on a common list to change electoral bloc partners (for the purpose of ministerial portfolio allocation) after the election, or for individual representatives to be allowed to change their party identity (if such change is to be permitted then it should be confined to one change per election cycle).

The advantages of using sequential allocation rules are: (1) they can be used either formally or informally; i.e. they can be made part of Iraqi law, or they can simply be the rule of allocation which parties informally agree to use to resolve their bargaining difficulties over cabinet formation; (2) government formation is not delayed, since there is no need for negotiation over the make-up of the government; (3) coalition governments are more stable and less likely to breakdown since a party's withdrawal from government need not bring down the government, but may merely lead to representatives from other parties filling their vacated ministerial portfolios (in a re-run of the entire allocation); (4) each party is guaranteed their fair share of ministries (and the ministries of their choice) according to the system; (5) the coalition government enjoys wider parliamentary and popular support (and therefore more legitimacy) since it includes majority and larger minority parties in parliament; and (6) the system is fair to minorities who win votes, but it does not require quotas.

There are, however, criticisms of sequential portfolio allocation systems. One major criticism is that it forces inclusive coalition governments – since all parties that receive a certain number of seats automatically are entitled to at least one ministerial portfolio there is no ability for parties to form smaller coalition governments. Sequential portfolio allocation systems are also sometimes criticized for creating a weak opposition, since most parties are included in the coalition. Parties, however, may choose not to participate in the coalition and band together with others who did not receive enough votes to command a ministry to form a stronger opposition.

So how do these allocation systems work?

Example:

To understand how ministerial portfolios are allocated using the sequential cabinet portfolio allocation system, please refer to Annex 1, below. Annex 1 contains two tables, each one demonstrating a different sequential cabinet portfolio allocation system. In both tables, the party blocs are laid out along the top horizontal axis in order of number of seats won. Each party bloc is given two columns below it, one marked (S) and one marked (M). The (S) column indicates the number of parliamentary seats for the bloc and the (M) column indicates in what order the party bloc will select its ministries. On the vertical axis of the table are a series of numbers called 'divisors' – these numbers are divided into the number of seats a party has in parliament. The key difference between the two sequential cabinet portfolio allocation systems is that they use different sets of divisors. Table 1a (which illustrates the d'Hondt rule) has a series of divisors based on sequential numbers (1, 2, 3, 4, etc.) while Table 1b (which illustrates the Sainte-Laguë rule) uses only odd numbers (1, 3, 5, 7, etc.).

For example, let us assume there are 20 ministerial portfolios in Iraq (though any number could have been chosen). Let us also assume that the Prime Minister's portfolio is one of these. We can see how ministerial allocations would have been determined based on the results of the 2005 election to the Council of Representatives under two different sequential cabinet portfolio allocations systems. The first step is to determine which party bloc has the largest number of parliamentary seats. Under both systems, at stage 1 the UIA is entitled to the first pick of ministries since it has the largest number of seats (128). Therefore, the number "1" is placed in the (M) column for the UIA. The UIA's parliamentary seat share is then divided by the second divisor – 2 (in the case of d'Hondt) and 3 (in the case of Sainte-Laguë). The UIA's parliamentary seat share then becomes 64 under the d'Hondt system and 42.6 under the Sainte-Lague system, and an examination of all party bloc seat shares demonstrates that UIA still has the most seats left. The UIA, therefore, also gets the second ministerial pick (and the number "2" is therefore placed in the (M) column for UIA. The UIA parliamentary seat share (128) is now divided by the third divisor – 3 in the case of d'Hondt and 5 in the case of Sainte-Laguë. The UIA parliamentary seat share is now 42.6 under d'Hondt and 25.6 under Sainte-Laguë. Upon examination of all of the party bloc parliamentary seat shares this time the Kurdistan Alliance (KA) has the highest available number of seats (53). The KA therefore gets the number 3 placed in its (M) column and its parliamentary seats are now divided by the second divisor (not the fourth divisor) since it has just received its first selection. The KA's parliamentary seat share then becomes 26.5 under d'Hondt and 17.7 under Sainte-Laguë. Now the party bloc with the highest number of available seats is the Iraqi Consensus Front, which has 44 parliamentary seats (UIA has 42.6 under

d'Hondt and 25.6 under Sainte-Laguë and KA has 26.5 under d'Hondt and 17.7 under Sainte-Laguë). The allocations continue, using the relevant divisors, until all twenty portfolios have been filled. (Ties between parties in seat-share at any stage of the allocation may be decided by giving the party with the higher share of the national vote precedence in ministerial choice.)

Under the d'Hondt rule (Table 1a), the UIA would be entitled to 11 ministries, whereas under Sainte-Laguë (Table 1b) it would be entitled to 10. Its pick-order would also be different. Under d'Hondt, the UIA has the 1st, 2nd, 5th, 6th, 8th, 11th, 12th, 14th, 16th, 18th and 20th choices. Under Sainte-Laguë, by contrast, it has the 1st, 2nd, 5th, 7th, 10th, 11th, 14th, 17th, 19th and 20th choices. This difference is due to the fact that the divisors under the Sainte-Laguë system increase more rapidly in size than in the d'Hondt system so that a party's seat share decreases more significantly after each pick. As a result, though both systems are proportional, the d'Hondt rule tends to help larger parties while the Sainte-Laguë rule helps smaller parties. We can see this easily in this example because under Sainte-Laguë, the UIA would pick one less ministry, and the order in which it would choose portfolios would be slightly less advantageous.

Under d'Hondt, on the results of the December 2005 elections, a 20-seat cabinet would have 11 ministers from the UIA, 4 from the Kurdistan Alliance, 3 from the Iraqi Consensus Front, and 2 from the Iraqi National List. Under Sainte-Laguë, by contrast, a 20 seat cabinet would have 10 ministers from the UIA, 4 from the Kurdistan Alliance, 3 from the Iraqi Consensus Front, 2 from the Iraqi National List, and 1 from the Iraqi National Dialogue.

Conclusion

This paper is intended merely to facilitate discussion of ways of modifying Iraq's federal executive arrangements, which are consistent with its Constitution, or which would require amendments and therefore widespread consensus. It is possible to apply all of the ideas considered here, i.e., to institutionalize the Deputy Prime Ministers, to strengthen the Council of Ministers as a corporate body, to strengthen the presidency, and to use a sequential portfolio allocation mechanism to facilitate government formation. It is also possible just to adopt, or adapt individual options set forth in this paper. USIP stands ready to discuss these ideas further, and to draft any proposed legislation or amendments.

19	6.7	20									
21	6.1										
23	5.6										
TOTAL		10		4		3		2		1	

Table 1b. Sequential Portfolio Allocation of Iraqi Ministries, cabinet-sized 20 ministries, using the Sainte-Laguë rule.