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Re-formation State: The Political Procedures in Iraq (2003-2006)

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Abstract. The political procedures in Iraq which began during the American occupation in 2003, passed through several phases. After toppling Saddam Hussein American, officials laid down several political imperatives to draw the boundaries of the form of the political system of the future of Iraq. However, these outward boundaries did not constitute a vision of what the United States saw as the provisional arrangements for the governance of Iraq or of the manner in which these arrangements would prepare for transition to a permanent Iraqi sovereignty.

This paper discusses the political and constitutional process in Iraq after the US occupation on April 9, 2003. This war leads to dissolution all political institutions in the country and United States through its direct managing could put arrangements for the new Iraq government with help of Iraqis. The importance of this study lies in the fact that it marked an important phase that left its influence on Iraq for decades.

Keywords: US-Iraq Relations, Iraq's politics, political processes, Iraq war, International Politics.

INTRODUCTION

The 1988-2003 period saw the end of the Saddam era. By May 2003, Saddam was no longer President of Iraq, and the country began the long and dangerous road toward political, social, and economic regeneration. The

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magnitude of the task confronting those who seek to rebuild Iraq cannot be understood without reference to the 35 years of Ba'athist rule. The period left a highly traumatized and divided society-not the most conducive environment in which to implant any sort of sustainable democratic structure. Furthermore, the period heightened the internal divisions within Iraqi society by sharpening the ethnic Arab-Kurdish divide, and by strengthening Sunni domination at the center. The (re)emergence of further groupings-such as tribes and religious leaders in the south- will also prove to be influential in the future Iraq.

Attaching Iraq in 2003 and occupying it by the American and British forces marked a significant turning point in international relations in modern era. This was viewed as a serious precedent in the relations between states, particularly in an age of organized relations that prohibit the use of force in international relations.

This occupation led to the end of the Iraqi government and placement the Iraq under the guardianship of the occupying American forces. The decision to dissolve the Iraqi army and the rest of the state institutions is one of the most wrong decisions taken by the US leadership in Iraq. This led to the state of chaos in the country, which lasted for a long time.

After occupying Baghdad on April 9, 2003, the political process in Iraq proceeded under American occupation in several stages. American officials confirm that: "The United States will not allow the Baath Party to return to power or let others to grab power by un-democratic means, and will not set up a transitional government formed of former Iraqi exiles nor will it allow Iran to re-shape Iraq in the image of Iran."

The Important of the Research :The importance of this research lies in clarifying the wrong and unclear foundations for the future of Iraq after the end

of Saddam Hussein's rule, which let to exacerbated the results of this wrong vision.

The aim of the research :The research aims to clarify the constitutional procedures that the political process in Iraq went through after its occupation in 2003 until formation of the first elected government in Iraq.

The problem of the research :The problem of the research lies in answering a question: Did the American occupation of Iraq completely dismantle the political system in Iraq or not?

Research Hypothesis :The hypothesis of the research confirms that the American occupation of Iraq completely dismantled the Iraqi state, and this dismantling was a shock system and was not based on a scientific or legal basis.

Method of Research :This study has followed the historical method, and the inductive analytical method, through analyzing some of the facts that occurred during this period and then drawing conclusions from them.

Study Divisions :The study was divided into several sections, the first one will discuss the American plans for Iraq in 2003, and the second division will talk about the political situation in Iraq after occupation. The third division will discuss Iraqi-American efforts to hand over sovereignty to an Iraqi government.

1- AMERICAN PLANS FOR IRAQ IN 2003

If a powerful country attempts something like what the United States has attempted in Iraq, the opportunity for successful regime change in general and constitution making in particular will be very small. The chances of failure will be much higher. Complicating the Transition in Iraq was the evolution in Iraq

attitudes toward the U.S. presence. The U.S. "occupation" of Iraq and its symbols, such as large military convoys, aerostats around U.S. facilities, and the ever-present armored had always been distressing to the Iraqis, who are strong nationalists across the political spectrum.

1.1. U.S. Options for the Postwar

U.S. intentions for the postwar reconstruction of Iraq were never clearly articulated prior to the onset of war. More precisely, a variety of proposals were mooted, almost certainly reflecting divisions within the Bush Administration as to the extend and duration of any postwar U.S. involvement. The configuration of a future Iraqi and the duration of a U.S. military occupation remain matters of conjecture. However, in essence the options for the U.S. can be distilled down to three: a short-term occupation during which the U.S. makes a serious effort to establish a functioning democratic system, then departs leaving full sovereignty in the hands of democratically elected Iraqi government; a long-term occupation (ten years or more) during which the U.S. reconfigures Iraqi society in its entirety and makes a concerted effort to establish democratic roots in the country; and, a short-term (two-year) military occupation, followed by the installation of puppet regime in Iraq and the withdrawal of U.S. troops. ([1])

1.2. U.S. Plans for the Postwar

Before the war, all statements made by American officials stated that American forces would occupy Iraq as part of an international coalition for an indefinite

[1]) Liam Anderson and Gareth Stansfield, (2004), The Future of Iraq, Dictatorship, Democracy, or Division? New York, Palgrave Macmillan Ltd, pp130-132.

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period in order to impose security and order in the country until the formation of a new government. Among the possibilities proposed was the formation of a military government in Baghdad to be administered by the United States. British defense sources admitted that "the United States and Britain will alone be able to assemble and run a peace-keeping force of tens of thousands of troops".

In the same context, the American famous newspaper disclosed an American plan: "appointing a high-level American General as an actual governor of Iraq. This governor would supervision the removal of the (alleged) weapons of mass destruction and ensuring US control of the oil fields. The plan would exclude potential risks of the establishment of a transitional government run by civilians only. Security in the country would be imposed by military forces. The Iraqi opposition groups would be kept out of the picture for months if not for years".([1])

A number of highly influential American officials, including military leaders, expressed their concern about the likelihood of continuation of the occupation for a long period. Henry Kissinger (former American Secretary of State) said that he was absolutely opposed to the occupation of an Islamic country at the heart of the Islamic world for a long time. ([2])

On January 2, 2003, the *New York Times* mentioned that the Bush Administration was planning a military occupation of Iraq lasting at least 18 months after the fall of Saddam Hussein. The new plan suggested the possibility of a civilian administration to ward off accusations of imperialistic

[1]) New York Times, 11 October 2002.

[2]) Indro Kambel, United States Planning to Post Military Roller in Baghdad During Occupation, The Independent, London, 19 October 2002, see Jeaff Simons, *Iraq al-Mustaqbal*, al-Saqi House, London, p.91.

leanings associated with a military government. Even the Europeans expressed their concerns about the idea of an American General taking up the administration of Iraq after the war. ([1])

The US Secretary of State Colin Powell in December 2002 spoke about the American plans to occupy Iraq saying "If that happen, we have to put better regime. Of course, we have emergency plans and we have many simple in the history such us Japan and Germany". ([2])

All that went wrong in the Iraqi process indicates what should be done differently, and with keeping such possible improvements in mind, it may be worthwhile to assess the applicability of the post sovereign method in an occupied country where the goal is the recovery of democratic autonomy and the establishment of the rule of law as soon as possible.

2- POLITICAL SITUATION IN IRAQ AFTER APRIL 2003

The most prominent features of this stage are: elimination of sovereignty; Iraq is no longer a state; it is an occupied territory (The Security Council Resolution 1483/ 2003([3]) referred to this fact; elimination of political institutions by dissolving them; the spread of political, social and cultural anarchy. Iraq is governed by the occupation authority directly.

After the end of the military operations, the United States faced the dilemma of the absence of a clear strategy for the future of Iraq, as it found itself in front of four options: the first is the establishment of direct military rule, the second: the

[1]) Steven Varel and Rojer Mathuos, *Iran Refuse US Plane to put Iraq under American Military Role*, The Times, 25 October 2002, see Jeaff Simons, *Iraq al-Mustaqbal*, al-Saqi House, OP. Cit., p.93.

[2]) Jeaff Simons, *Iraq al-Mustaqbal*, al-Saqi House, OP. Cit., p.93.

[3]) UN/S/RES/1483(2003).

formation of a civilian administration to be used by the coalition, the third option, the formation of a civil administration to be taken over by the Iraqis, and the fourth option, announcing the formation of An interim Iraqi government, and the United States preferred the first option and formed a body to manage the Iraqi called (the Office of Reconstruction and Humanitarian Aid) and chose retired General J. Garner as its supervisor. This office was established by a decision of President George W. Bush authorizing the Department of Defense to plan for Iraq after the war. ([1])

Garner was facing difficult tasks represented in saving Iraq from chaos and insecurity and starting to implement the announced American plan of mobilizing national and international resources to finance the reconstruction efforts in Iraq, but due to the speedy completion of his duties, Iraq did not witness any significant development during Garner's era, and the situation did not improve but rather It worsened and failed to control, and unable to prevent public services. John Sawers, Tony Blair's special envoy to Iraq, described it as having "no leadership, no strategy, no coordination, no structure, and the doors were not open to Ordinary Iraqis.([2])

2.1. Bremer, (Ruler of Iraq)

Based on the continuing state of chaos and security chaos, the US administration appointed Ambassador Paul Bremer in May 2003 as head of the civil administration in Iraq, and the name of the Iraq Administration Office was changed to the “Coalition Provisional Authority. Security Council Resolution 1483 of 2003 was issued regarding Iraq and drawing the basic lines of work in

[1]) Aras Rasool Rahman, (2020), *al-Itar al-Distori li tibiat nidham al-Hukum khilal al-Fafra al-Inkalia*, al-Markaz al-arabi lil dirasat wal bohoth al-Ilmiya, Beirut, pp. 96-97.

[2]) Ibid, p. 98.

it, which marked the beginning of the start of the legal work of the Coalition Provisional Authority, and the decision concluded to redistribute values in Iraq according to the new frameworks and foundations and in a manner that suits the conditions of the new Iraq. creating a new political order, strengthening the market economy, strengthening civil society and encouraging institutional and social forces that found unrestricted freedom. ([1])

Paul Bremer As soon as he assumed responsibility, he made important decisions relating to Iraqi affairs. Among these decisions was: relating to alienating members of the Baath Party from working in government departments, schools and universities as well as from involvement in the political life; dissolution of the Iraqi army; and abolition of the Ministries of Defense and Information. These decisions resulting in hundreds of thousands of Iraqis losing their jobs and becoming unemployed with no source of income. ([2])

Many criticisms were leveled at Bremer's wrong decisions. Many problems arose because of the exclusion of Baathists and dissolution the Iraqi army, they had started demonstrating in protest against this policy. Some threatened to join the resistance if they did not get their job back. The British Prime Minister Tony Blair admitted that the dissolution of the entire former Iraqi army was a big mistake. ([3])

It is noticeable that Bremer was more inclined to unilateral decision-making and decision-making away from any influence or participation by the Iraqis. The Coalition Provisional Authority has officially become the only force in the

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[1]) (Ibid, p. 98.

[2]) Al-himis Muhammad Muhie (2010), *Binaa al-Dawla al-Iraqiya, Diyala* Journal for Humanity Research, vol. 43, 523-544..

[3]) Ibid, pp. 523-544.

state as it holds the legislative, executive and judicial powers, limiting the power to its own hands, without the participation of any other party or institution. in the exercise of its legal powers. More importantly, it has empowered itself to change, suspend or cancel laws that it did not issue by CPA, and this has left negative effects in terms of the state losing many of the bureaucratic class whom had administrative and scientific competencies. ([1])

2.1.1. The role of the Iraqi Governing Council in the post-April 2003 period

Later Bremer declared his intention to create a transitional administration as a political council whose duty was to nominate Iraqis to serve as interim ministers in an advisory capacity. This council would hold a constitutional conference to formulate a constitution ([2]). On July 13, 2003, Bremer announced the setting up of "the Governing Council of Iraq" with limited powers. The Council was comprised of a group of Iraqi leaderships, most of them had been living abroad in opposition to Saddam's regime and had come back after the fall of that regime.

No doubt, in this step, the occupation was disclosing an attempt to put Security Council Resolution 1483 into effect. The Resolution stated that the Provisional Coalition Authority should assist "a provisional administration led by Iraqis".

In an assessment of council, it could be said that the council was not a purely Iraqi choice. Besides, it is not an independent Council, for it derives its existence and structure from the occupation authority and the civil administration has been behind its establishment. Bremer administration had

[1] (Aras Rasool Rahman, Op. Cit. pp. 110-111.

[2]) Coalition Provisional Authority (CPA), Regulation no. 6 (Governing Council of Iraq CPA/Reg/13 July 2003).

the right to veto the council's decisions and has power to dissolve it, which makes it limited in function and powers. However, it is also true that the Council represented diversity in the national and political spectrum and the ethnic and religious makeup of Iraq. Bremer and his administration could not ignore major forces in Iraqi society, such as the Islamic movement in both its Sunni and Shiite divisions and Kurdish forces. It should be pointed out that when the civil administration adopted the Governing Council it also adopted a project for proportional sectarian and ethnic representation, instead of national and political representation. ([1])

Iraqi writer stated that "the Iraqi Governing Council was formed in accordance with the American vision, and Ambassador Bremer deliberately placed a special formation in the membership of the Governing Council based on sectarian, national and religious quotas, in addition to some members of the Governing Council who were outside Iraq and did not share the division's concerns and suffering". ([2])

He added, "The formation of the Governing Council was suffering from structural and structural weakness, because it was not at a level of competence to deal with the major problems facing the country, including the process of state building in Iraq. In short, the Transitional Governing Council was not an optional Iraqi council, nor was it an independent council. In its existence and functioning, it was subject to the will of the Coalition Provisional Authority, and from view of a legal point the Governing Council can be described as being closer to municipal or local councils. ([3])

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[1]) Rand Rahim Franki , Waqiyat al-Dimuqratia fi al-Iraq, al-Mustaqbal al-Arabi, vol. 297, Bairut 2003. pp. 60-86

[2]) Aras Rasool Rahman, Op. Cit. p. 116.

[3]) Ibid. p. 122.

The researcher maintains that it was the goal of the American Government to establish an Iraqi democratically elected government on a constitutional basis to serve as a prominent example in the region. In truth the American government was trying to escape form the dilemma it had caught itself in and the criticisms it had been exposed to as a result of its direct occupation of Iraq.

2.1.2. Constitutional Proposals

The story of Iraqi constitution making will not be forgotten, but it will be relegated to a dark chapter in the collective memory. At a time when there is a dramatic need to rethink the legal problems of when and how international interventions are permissible–and what to do during occupations after some interventions–forgetting or excluding some of the most important options available in constitution making is bound to have very negative consequences. ([1])

The U.S. administration faced many difficulties of its plans for writing an Iraqi constitution, which may follow by staging general elections and then transferring sovereignty to the elected government. One of these difficulties was the long period that the constitution needs to be written and the strong opposition on the legitimacy of such a constitution. With this in view, the civil administration in Iraq began to consider alternative proposals, such as; replacing the Governing Council by a larger and more representative assembly whose major task is to prepare the constitution and conduct elections; permitting the establishment of a provisional government prior to approving a new constitution and staging national elections. ([2])

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[1]) Andrew Arato, (2009), Constitution Making Under Occupation; The Politics of Imposed Revolution in Iraq, New York, Columbia University Press, pp. 163-165.

[2]) Ibid, p.165.

2.2. Law of Administration for the State of Iraq for the Transitional Period

Accordingly, on November 15, 2003, the Provisional Coalition Authority and the Iraqi Governing Council agreed on a timetable for the establishment of a fully sovereign Iraqi government. The timetable included the following:

a. The Council should by March 8, 2004, agree on an interim administrative law as a provisional constitution, guarantee basic rights, determine the structure of the interim government and specify the procedures for the selection of delegates for a constitutional conference.

b. The provisional government should, by June 30, 2004, assume full sovereignty on Iraq. By then, the Governing Council and the Coalition Authority would have been dissolved. ([1])

Accordingly, the Law of Administration for the State of Iraq for the Transitional Period ([2]) was promulgated on March 8, 2004, which was regarded as an interim constitution until a permanent constitution would be prepared. The Law of Administration met with many objections. It was considered illegal, because it had been prepared by the administration of the ambassador Bremer and not by Iraqis, and even that the Governing Council had ratified it but had not been a party to its preparation. If we say, that the Governing Council had been a party to its preparation, the Council itself was illegal because it had been established by order of the Occupation Authority. It should be stressed that the Occupation Authority is not entitled to make any changes in the legislative structures, government institutions, regulations and instruction of the occupied country . The researcher holds that when the U.S. Administration failed to push

[1]) https://govinfo.library.unt.edu/cpa-iraq/regulations/

[2]) See the full text of Law of Administration for the State of Iraq for the Transitional Period at https://govinfo.library.unt.edu/cpa-iraq/regulations/

the Iraqis into making a permanent constitution, this Administration push the Governing Council to adopt the Administration Law ([1]).

3- U.S.-IRAQ EFFORTS TO DELEVER THE SOVEREIGNTY TO IRAQIS

In accordance with the Law of the State Administration for the Transitional Period, the Governing Council elected two of its members: Ayad Allawi, as a Prime Minister in the interim government, and President of the Iraqi Governing Council Sheikh Ghazi Al-Yawar for the post of Iraqi President. A new Iraqi government was formed on June 1, 2004 and on the same day, the Prime Minister Allawi announced the names of the ministers who would form the interim government cabinet. Furthermore, the Governing Council was dissolved ([2]). On June 28, 2004, the interim Coalition Authority officially handed over power to the Iraqi interim government, and occupation was proclaimed to have been ended. Also, on the same day Paul Bremer left Iraq, announcing the termination of his mission and the arrival of the new ambassador Negroponte as the first ambassador to Iraq since the events of the Gulf War 1990-1991.Thus, restoration of diplomatic relations between the two countries was announced ([3]).

Prof. Adam Robert (a professor of international law) described the process of the transfer of sovereignty to an interim Iraqi government by saying: "if we take matters by their appearances, the change that took place on June 28 was a major change, approved by major parties – the United States, the United

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[1]) Interview with Dr. Dhari Rashid al-Yassin, Chairman of International Studies Center-Baghdad University, Samarra 27 September 2005.

[2]) Al-Juburi, Khalfan Ramadan, al-Siyadah fi Dhil al-Ihtilal, Dirasat Dawliya, vol. 4, issue 6, January 2007, pp. 202202-224.

[3]) *Ibid, pp. 202-224.*

Kingdom, the Iraqi interim government and the Security Council. When all these announce a major change in the government of Iraq, it is inconceivable that there should not be a fundamental change". Prof. Robert adding that "However, foreign interference in the administration of the country and in the military operations after June 28 will not have been totally stopped. The huge numbers of foreign troops and advisers will inevitably have a great influence".([1])

This view was expressed by Hachim Al-Hassani, Minister of Industry in Allawi's government, during an interview with him by the researcher. He said: "We are today part of the political process, and sovereignty has in actual fact devolved to us. As a proof of this no one has interfered in my work as a Minister of Industry". Al-Hassani also mentioned that the security dossier was still in the hands of the Americans and the only way to terminate foreign presence in the country was by building a strong army and security forces that could impose control of the country. Al-Hassani further asserted that dissolving the Iraqi army was a big mistake and one of the major reasons for the continued security disorder in Iraq. ([2])

The researcher thinks that it was good step to deliver the sovereignty to Iraqi government. But it was good too for U.S. Administration to announce the plan for full withdrawal from Iraq within acceptable period. This step will convince the Iraqi people that the U.S. administration is serous in its efforts to end the occupation.

[1]) Adam Roberts, *Nihayat al- Ihtilal fi al-Iraq, (2004), al-Musakbal al-Arabi*, vol.307 , Beirut September 2004, p.44.

[2]) Interview with Dr. Hachim al-Hasani, Tokyo 18 June 2005.

4- ELECTIONS OF NEW IRAQ IN 2005

4.1. Election of January 2005

In implementation of the Law of Administration for the Transitional Period, Ayad Allawi's transitional government called for general parliamentary elections on January 30, 2005, to elect 275 parliament members. Subsequently parliament would elect a prime minister and an interim government that would undertake the writing of a permanent constitution for the country. Owing to the deteriorated of security situation many Iraqi political parties refused to participate in the elections and called for deferring them until the security situation improved. ([1])

The researcher was in Iraq at that time, and witnessed how it was difficult for people to go to election centers for voting, especially in Sunni areas because of threaten of the terrors to kill everybody go to vote in that election. It was very necessary to postponed the election to later date so most of Iraqis can vote.

The elections were conducted on January 30, 2005, which were the first multi-party elections in Iraq for 50 years. The United Iraqi Alliance won 140 seats; Kurdish Alliance won 75 seats; Iraqi National List (Ayad Allawi) won 40 seats; and the other parties won the remaining seats. Agreement was made between the Unified Iraqi Alliance and the Kurdish Coalition to form government. Ibrahim Al-Ja'afari elected as a Prime Minister, and the latter nominated Jalal Talabani as a President of the Republic. Likewise, all parties agreed on handing the

[1]) Falih al-Khatab, Mubarirat al-Muardheen wal Muaideen Li Tawqeet al-Intikhatbat al-Iraqia, https://www.aljazeera.net/news/arabic/2005/1/27/مبررات-المعارضين-والمؤيدين-لتوقيت/

post of Speaker of the National Assembly to Dr. Hachim Al-Hassani. On April 27, 2005, the Prime Minister announced formation of the new government. ([1])

4.2. Disagreements over writing and approving the permanent Iraqi constitution

The constitutional process in post-conflict Iraq began at the initiative of the Coalition Provisional Authority in August 2003 after the formation of the Iraqi Governing Council. Security Council Resolution 1511 in October 2003 confirmed the obligation of the Governing Council to set a timetable and program for drafting the constitution and holding elections. A permanent constitution for Iraq and the transfer of sovereignty to change the political path in the middle of the road to confront the Iraqi resistance, despite the fact that the constitution was written by unelected legislators. The drafting of the constitution faced several obstacles, such as the need to build consensus between the Iraqi parties, the intensification of external pressures, the necessity of distributing participation for all sects of the Iraqi people, and the pressures of time. ([2])

The provisional Iraqi National Assembly formed a committee for writing the constitution chaired by the deputy Humam Hammoudi. The Committee started on June 13, 2005, hoping to finalize the writing of the constitution by not later than August 15, 2005. Argument arose on the insufficiency of the time period for writing a permanent constitution for the country. In an interview between the researcher and Mariam Al-Rais, Spokeswoman of the Constitution Writing

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[1]) https://ar.wikipedia.org/wiki/انتخابات-البرلمان-العراقي-كانون-أول-2005

[2]) Falih abduljabar, *dostor al_iraq, al-irlaqat al- althnia wal dinia, partial study.* Minority rights group international, posted on this link:
https://minorityrights.org/wp-content/uploads/old-site-downloads/download-98-The-Constitution-of-Iraq-Religious-and-Ethnic-Relations-Arabic-edition.pdf

Committee, she said that the constitution would entirely be written by the Committee and that the Constitution would not depend on the State Administration Law. She added that "it is an independent Iraqi constitution written by independent Iraqis and would be presented on the specified date". ([1])

On October 15, 2005, the Iraqis went to the ballot boxes to vote for or against the draft constitution amidst a vast participation by the Sunni Arabs who had boycotted the previous elections. On August 25, 2005, the High Commission of the Elections declared approval of the draft constitution that had been submitted for referendum. The HCE declared that 78% of Iraq voted for the draft and of constitution and 21% voted against it. ([2])

In fact, the constitution was tainted by a lot of deficiencies, and it had been opposed by many of the Iraqi parties, including the Iraqi Islamic Party whom was representative of the Arab Sunni in that period. But the Islamic party received assurances from several powers of the possibility of changes to the constitution later. and still until now the Sunni Arabs demand an amendment of the constitution, their demands always refused.

A special report prepared by the American Institute of Peace under the title "The Iraqi Political Process" stated that "the committee for writing the constitution started its work late and completed it early, and the substantive discussions to involve Sunni Arab representatives did not begin until the end of June, and on August 8, the negotiations were transferred from the committee

[1]) *Al* Interview with Mariam al-Rais, the Iraqi constitution committee speaker, Tokyo 20 June 2005.

[2]) Hamadi, Mohammad Abid, *al-nidham al-intikhabi wa binaa al-Amliya al-Dimuqratia,* al-Arabi for publishing, Cairo 2019, pp.73-74.

to A series of irregular, private meetings between Kurdish and Shiite party leaders that often sidelined Sunni Arab negotiators.

The report added that many Iraqi organizations and parties criticized the draft constitution, and the reasons for the opposition varied. They often included procedural complaints of exclusion from negotiations and substantive objections. The report added that this constitutional process was a unique missed opportunity to build new institutional legitimacy and alliances between ethnic groups and sects, and there is still an additional opportunity to engage Sunni Arabs and other groups in a federal Iraq that should not be ignored. ([1])

It should be noted that the permanent Iraqi constitution of 2005 provided for the formation of a committee of the House of Representatives, from its members, comprising the main components of Iraqi society, whose mission is to provide recommendations for the necessary amendments to the constitution. After a long wait, the committee issued the initial report in which it proposed a number of amendments to the constitution. In June 2008, the committee issued the final initial report and the committee submitted the final report on the proposed changes to the Iraqi parliament at the end of 2009. However, the constitutional review committee's proposal was not discussed in parliament. It was not put to a referendum and therefore these amendments were not adopted. ([2])

4.3. Election of December 2005

To implement the final stage of progression in the political process stated in the State Administration Law, the interim government called for conducting

[1]) Jonathan Morrow, Iraq Constitutional Process, United States Institute of Peace, posted at: https://www.usip.org/sites/default/files/sr155_arabic.pdf

[2]) Zaid al Ali and Yousof Aouf, (2020), *al-Distor al-Iraqi, tahlil lil mawad al khilafiya*, Markaz al-bayan lil dirasat wal takhtit, Amman, pp. 20-21.

legislative elections to elect a permanent house of deputies for the country. The Sunni Arabs showed a great measure of enthusiasm to participate in the elections that were to take place on December 31, 2005.([1])

The elections were conducted on their due date, December 15, 2005, amidst wide participation by all components of the Iraqi people. About one month later, the High Commission for the Elections announced the final results. As expected, the Unified Iraqi Alliance won first rank, getting 128 seats, the Kurdish Coalition came second, getting 53 seats, the Iraqi Tawafuq Front came third, 44 seats. ([2])

4.4. The Problem of Forming New Iraqi Government

On February 12, 2006, the Iraqi Unified Alliance nominated Dr. Ibrahim Al-Jaaferi to the post of Prime Minister. Nomination of Jaaferi was strongly rejected by the majority of the remaining lists, due to his bad administration of the country during the past period and his way of taking many individual decisions without recourse to the Presidential Council or the National Assembly. ([3])

Since Jaaferi refused to give up and the other lists rejected the nomination of Jaaferi, the US Secretary of State Condoleezza Rice and the British Foreign Minister Jack Straw visited Baghdad on April 3, 2006. Their visiting came with a view to pushing forward the political process and expediting the formation of the new Iraqi government that had been long overdue. Under the heavy pressures, the Unified Iraqi Alliance held a meeting on April 21, 2006, and

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[1]) Al-ebadi Eisa Ismail (2014), *Mostaqbal al-Ilaqat al-Iraqia al-Amriciya*, The International and Political Journal, vol. 25, .263-307.

[2]) [2] Abdul Satar Ibrahim al-Hadithi, *Qira Tashihia fi Nataij al-Intikhabat al-Iraqia, al-Munaqa*, vol. 12, Feb 2006 , al-Masar Center for Research and Studies, Baghdad, p.28.

[3]) https://ar.wikipedia.org/wiki/الحكومة-العراقية-الانتقالية

nominated Nouri Al-Maliki to assume the post of Prime Minister. All parties approved of Maliki for this post. The elected house of deputies held a session on April 22, 2006, in which Jalal Talabani was elected as President of the Republic. The house of deputies had before that elected the Iraqi Al-Tawafuq Front's nominee Mahmoud Al-Mashhadani as Speaker. ([1])

In his first intervention before the House of Deputies after his appointment, the Prime Minister Nouri Al-Maliki announced that he had intended to merge the armed militias into the security forces. He said that the armed forces should be attached to the government alone; pointing out that there was a law providing for merging the militias into the security forces. Al-Maliki added that there were 11 militias affiliated to political parties in Iraq, indicating that such a situation should end. ([2])

I think the U.S. Administration was facing a lot of problems in Iraq and this administration wanted to continue its efforts to complete the political process in Iraq and withdraw from it as soon as possible. This Administration found in Maliki the right man who can handle the responsibility to administrate Iraq in this period.

4.5. US Opinion of Maliki's Government

The United States welcomed the easing of the political crisis in Iraq, stating that the Shiite statesman Nouri Al-Maliki, who had been chosen to head a new government, was a person with whom Washington could work.

Likewise, the US President George Bush considered the agreement among the entire Iraqi political spectrum to form a new national unity government headed by Nouri Al-Maliki as a historical achievement that would make America safer.

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[1]) ttps://www.dw.com/ar/البرلمان-العراقي-يقر-تشكيل-حكومة-الوحدة-الوطنية/a-2026474

[2]) https://www.aljazeera.net/news/arabic/2006/4/22/المالكي-لرئاسة-الحكومة-العراقية/

In an address he made in Sacramento, California, Bush said that the agreement reflected the will of the Iraqi people who had defied whom he called terrorists. He added that the agreement showed that the Iraqis had rejected efforts to break them up and chosen unity. ([1])

CONCLUSION

1. After occupying Iraq in 2003, the United States did not constitute a vision of what it saws as the provisional arrangements for the governance of Iraq or of the manner in which these arrangements would prepare for transition to a permanent Iraqi sovereignty.

2. The issue of Iraq's sovereignty under the US occupation in 2003, especially after the establishment of the Governing Council in July 2003, and the issue of handing over sovereignty to the Iraqis, raised a wide debate in light of the continued presence of the US occupation forces, which dominates the public authorities in Iraq.

3. The occupation authority (the United States and Britain) promoted the spread of chaos, absence of law by dissolving the Iraqi army, security and judicial institutions and abolition of laws and legislation, which drove the Iraqis into a state of disorder.

4. The Civil Administration of Bremer when adopted the Governing Council it also adopted a project for proportional sectarian and ethnic representation, instead of national and political representation.

5. The first elections were staged, but were illegal because Iraq was under occupation and the security situation was in disorder in the capital. Another

[1]) https://www.aljazeera.net/news/arabic/2006/4/22 /المالكي-لرئاسة-الحكومة-العراقية/

cities where controlled by armed militias and it was difficult for election to be impartial.

6. When the United States found it is impossible to role Iraq through American Administration directly, they negotiated with new political powers and that led to the establishment of an Iraqi government which the American military presence would diminish gradually while it (the US) retains a special relation with Iraq to save face and preserve its political and economic interests at least in Iraq.

7. The establishment of a new constitution for Iraq is a re-establishment of the public institutions of the Iraqi state, through the reformulation of the constitutional, legal and political aspects.

8. The new Iraqi state was established on the quota systemin distributing the main positions in the state and not the system of majority and minority, and thus the distribution of powers during the transitional period according to the foundations of consensus between the blocs and political currents.