

## **The Predicament of Interpreting the “Largest Parliamentary Bloc” in Iraq**

The Iraqi parliament is now facing a quandary due to a comment made by the head of the judiciary on the explanation of Article (76) of the Iraqi Constitution made by the Federal Supreme Court in 2010. In the Federal Supreme Court’s decision number (25/itihadia/2010), the court has explained the phrase of (Largest Parliamentary Bloc), which was mentioned in Article (76) of the Constitution that it is either the party which won the most parliament members in the elections, or it is the party with the most parliament members established inside the parliament. The biggest of them would have the chance to present their candidate for the position of Prime Minister.

On 25/3/2010, after a request from the prime minister at the time (Nouri al-Maliki), asking to interpret Article (76) of the Iraqi Constitution of 2005, which was about the meaning of (The Largest Parliamentary Bloc). In compliance with this request, the Federal Supreme Court’s decision number (25/itihadia/2010) has interpreted the phrase of The Largest Parliamentary Bloc as it is either the bloc which won the most parliament members in the election, or the bloc with the most parliament members established inside the parliament. The biggest of them would be able to present their prime minister candidate to the president of the republic. Due to that interpretation, Nouri al-Maliki, that his party only earned 89 seats, which was not the biggest, but after his alliance with other blocs inside the parliament, al-Maliki was able to be chosen as the next prime minister at that time against Ayad Allawi, whose party (which was the biggest) won 91 seats in the elections.

On 2/3/2026, Faiq Zaidan, who is the head of the judiciary, commented on the interpretation made by the Federal Supreme Court, stating that several constitutional flaws marred the interpretation, and the court had violated the apparent meaning of the text. The judge also has suggested either a constitutional change, specifically changing Article (76), or amending the Iraqi Parliament Law number 13 of 2018, which will give the chance to the biggest winner bloc to present its candidate for the position of the prime minister in the first parliament session. Based on what was mentioned, the interpretation of the biggest bloc might be changed in accordance with what was mentioned by Faiq Zaidan, which will lead to the cancellation of the candidate nomination of the Coordination Framework, Nouri al-Maliki, and choose Mohammed Shia' al-Sudani instead as a prime minister on behalf of Reconstruction and Development Coalition, which won the election with the most parliament members.

In conclusion, Article (76) has posed a dilemma for many successive parliaments for a long time. Because of the Federal Supreme Court’s interpretation of Article (76), the true interpretation of that article has deviated, which led to giving the losing parties always the chance to form the biggest bloc inside the parliament and choose the prime minister. But, by following the instructions suggested by Faiq Zaidan (the Head of the Judiciary), we can get rid of this dilemma.