AL SHARQ
STRATEGIC
RESEARCH

IRAQ: A TEMPORARY STALEMATE OR A SIGN OF LONG-TERM POLITICAL DYSFUNCTION?

KAMARAN PALANI
KHOGIR W. MOHAMMED

12 MAY 2022

ABSTRACT: Despite seven months passing from its early parliamentary elections, Iraq has yet to see a new cabinet. The country is witnessing yet another political quagmire that seems to have mired all the main powers in the country. Such a dynamic is not new. Iraq's post-2003 political history is replete with such challenges. Taken altogether, such deadlocks and their repercussions should clearly indicate the dysfunctionality of the entire political system that has emerged following the fall of the Ba'ath regime. In post-2003 Iraq, electoral victories have often failed to triumph over power on the ground, a paradox that has continually weakened public institutions and the democratic process.

INTRODUCTION

Recent developments in Iraq, especially the October 2019 protests, have challenged the post-2003 ethno-sectarian power-sharing arrangement and political process. Identity politics is increasingly questioned by the public as it has failed to push the country forward.[1] Additionally, powerful actors such as the Shia cleric Muqtada al-Sadr have made calls to form a majority government in a departure from the classic consensual government. The tough realties on the ground, however, may eventually force Al-Sadr to cede this quest. Iraq's October 10 elections also witnessed a new development in the major advances for independent candidates, who won over forty of the 329 seats in the parliament.[2] Despite these fissures, the status quo appears to have powerful local and external backers.

The start of the deadlock came when a bid led by Muqtada Al-Sadr in partnership with the Kurdistan Democratic Party (KDP) and Sunnis to alter the political system faltered. In February, the Iraqi Supreme Court, swayed by Iranian influence, interpreted Article 70 of the Iraqi constitution, stating "the quorum [to elect the president] is achieved in the presence of two-thirds of the total number of members of the parliament."[3] In practical terms, two-thirds of the parliament is equivalent to 220 members of the parliament, which in practical terms even the Shia majority cannot secure alone. The decree forces and institutionalizes a consensual government in the country, thus shielding the system adopted after the removal of the Ba'ath regime from tampering.

IRAQ'S THREE MAIN BLOCS

The Iraqi political landscape is presently divided into three camps. The first camp is represented by the "Save the Homeland Coalition." The coalition is made up of the Sadr Movement which has 75 seats, the KDP which secured 31 parliamentary seats, and the Sunni "Sovereignty Alliance" led by Mohamed Halbousi which secured 50 seats, otherwise informally dubbed as the tripartite alliance. The main goal of this camp appears to be to push for the formation of a national majority

The decree forces and institutionalizes a consensual government in the country, thus shielding the system adopted after the removal of the Ba'ath regime from tampering

government. In March this year, the coalition nominated Sadr's cousin, Mohammed Jaafar al-Sadr, for prime minister and the KDP's Rebar Ahmed for president, in a departure from the post-Baath regime agreement for the presidency to fall with the PUK. They, however, have thus far failed to reach the quorum necessary to vote in Ahmed, who, once elected, can task Jaafar to form a government.[4] The presence of a quorum is unlikely to be secured without a prior agreement with the second bloc: the Shia Coordination Framework, a move the cleric Muqtada al-Sadr has so far rejected. A key feature of the first bloc is that it is represented by the powers that won the majority of votes within their respective bases: Sadr among Shia, Halbousi among Sunnis, and Barzani among Kurds.

The second camp, the Coordination Framework, is a broader amalgamation of mainly Shia parties that includes two former prime ministers and some other influential Shia political figures. It is composed of the former PM Nouri al-Maliki who won 33 seats, the head of Al-Fateh Alliance Hadi al-Amiri with 17 seats, and a myriad of other leaders from the Hashd al-Shaabi. This seemingly identity-based bloc has been calling for the continuation of the classical post-2003 consensus model of governance, a demand shared by the former PM Haider al-Abadi and the leader of the Hikma Movement Ammar Al-Hakim. The Coordination Framework's demand is implicated in a fear that the Shia, who are the majority in Iraq, would become a minority in the Sadr-Barzani-Halbousi government. Such an outcome is readily rejected by Iran, which has been actively shuttling between the political powers in Baghdad and Erbil. Worth noting here is the stance of the Patriotic Union of Kurdistan (PUK) (18 seats), the KDP's rival in the Sulamaniyah province, which seems to share the Coordination Framework's vision for government formation. The PUK's stance might be a political gesture against the KDP or due to pressure from Iran, its main external backer. The bloc has secured enough seats to claim, "the blocking third,"[5] and has boycotted parliamentary sessions in a bid to prevent Sadr and his Sunni and Kurdish allies from electing a president.

The third bloc was formed on December 15th between Kurdistan's New Generation movement, the Imtidad Movement, and independent members of the parliament. The first two have 9 members each and the independents have 15 parliamentarians. The three joined in a coalition named 'Alliance for the People.' Though the coalition has appointed to itself the duty of opposition, it remains unclear how long the coalition can hold given the ambiguity around its objectives. In fact, the coalition has already sustained breakaways

> *This seemingly identity-based bloc has been calling for the continuation of the classical post-2003 consensus model of governance*

as some of its members have supported the re-installment of Al-Halbousi as speaker of parliament. It is highly likely that further fissures will surface over visions of not only the system of governance, but also leadership of the coalition itself, which remains short of any tangible policies that could lead to a sustainable and united vision.[6]

WHY IS THERE A STALEMATE?

While the Sadrist movement may have the upper hand in deciding on any agreement and the nature of the next government, it is highly likely that its call for a majority government is not the main stumbling block. Rather, it remains likely that the main cause for the stalemate is the prospect of Maliki's return to power and his leadership position in the other camp. While all traditional Shia leaders, except al-Sadr, saw declining vote shares in the 2021 elections, Maliki made a comeback from 25 seats in 2018 to 33 in 2021 which allowed him to take the lead in the Shia Coordination Framework, including the Iranian-aligned groups. If al-Fateh had the seats Maliki currently holds, an agreement between Sadr and the Shia Framework would have already happened in the likes of the 2018 government formation.

Therefore, the lack of agreement over the election of the Iraqi president is not the primary cause for the stalemate, as is the dominant narrative in many analyses,[7] but rather the lack of intra-Shia agreement on the next prime minister, which according to the post-2003 informal configuration is reserved for the Shia. A quorum of 220 members in the parliament is only required for the election of the president. The premiership meanwhile needs a simple majority presence (165 members), a number that can be easily attained by the tripartite alliance should it successfully deal with the presidency. In simpler terms, the stalemate over swearing in the president is not due to the lack of agreement over the presidency among the Kurds, but rather disagreement among the Shias over who the next prime minister should be after the president is sworn in.

Interestingly, while both of the first two blocs have their own internal political differences, they have both remained united, only perpetuating the political stalemate. Despite the two different proposals suggested by the first two camps, there are many commonalities between them. In general, all the main members of the first two camps, including the Sadr-Barzani-led camp, have been defenders and beneficiaries of the post-2003 system at one point or another. While today the KDP has joined Sadr in calling for majority government, in the

It remains likely that the main cause for the stalemate is the prospect of Maliki's return to power and his leadership position in the other camp

past it was Maliki who called for majority government.[8] Therefore, the current conflict is not driven by ideology or a specific vision of governance, but by a struggle for power. Secondly, all three blocs are cross-ethno-sectarian. These intra-communal divisions make the call for communal representation difficult and will have significant implications for the stability of each of these communities. Thirdly, the first two blocs also include parties that have their own armed groups, such as the Sadr movement, the KDP, the PUK, and al-Fateh. None of these parties are ready to dismantle their military wings for the good of the country and its political development.

THE FIGHT FOR IRAQ PRESIDENT

After 2003, two power-sharing configurations resulted in the post of Iraq's president being the choice of the PUK. The first was a consensual power-sharing arrangement among the country's three largest ethno-sectarian groups: Shia Arabs, Sunni Arabs, and Kurds. This arrangement allotted the presidency to the Kurds, the premiership to the Shia, and the speaker of parliament to the Sunnis. A second agreement was struck between the rival Kurdish parties KDP and PUK to grant the post of presidency of the Kurdistan Region of Iraq (KRI) to the KDP, while the Iraqi presidency went to the PUK.[9]

With regards to the number of seats, in the last parliamentary elections, Kurdish parties increased their presence in the Iraqi parliament by 5 seats, pushing up the total number from 58 in the last parliamentary round to 63 now. Sunni factions have around 70 seats in total, but unlike the Kurds, do not hold a similar sway within the political arena owing to the multiplicity of powers within their camp and a perceived subordination to the powerful ruling Shia political parties. For these reasons, compared to the Sunnis, the Kurds are better positioned to play the role of kingmaker. The Kurds' chances of playing gray eminence are all the more bolstered by the fragmentations within the Shia political elite over the premiership and the form of governance. The Kurds, nonetheless, in a manner that borders on being a recurrent pattern, have undermined their own leverage due to the persistent cleavage between the KDP and the PUK. Before the election of the speaker of parliament on January 8, the two Kurdish rivals were to hold government formation talks in Baghdad as a united front. While they went to Baghdad together, they once more failed to remain united. Two issues have obstructed their unity.

> *The Kurds, nonetheless, in a manner that borders on being a recurrent pattern, have undermined their own leverage due to the persistent cleavage between the KDP and the PUK*

First, today, the KDP has twice the seats than that of the PUK in both the Kurdistan and Iraqi parliaments, and thus considers the model of 50-50 power-sharing as a relic of the past.[10] Encouraged by the PUK's own internal splits, the KDP is attempting to use its superior numbers to nullify the previous agreement it held with the PUK. Such a tactic is seen as an attempt to further undermine its historic rival and prevent Barham Salih from another term as president. The PUK, meanwhile, despite the reduction in its number of seats, still has the de facto power on the ground, given its military and economic power in its area of control in Sulamaniyah. As such, the PUK often aligns with and advances narratives in opposition to the KDP. For the PUK, the post of Iraqi president lends much force to their political weight in Iraq and regional politics. **Second**, the PUK is strategically aligned with Iran and is not likely to join the Sadr-Barzani-led camp, a front that poses an obvious challenge to Iran's interests in Iraq. Even if the KDP agrees on the PUK's candidate for the presidency, without receiving the consent of Shia leaders, the PUK is unlikely to join any attempt that aims to form a majority government.

THE FIGHT BEYOND IRAQ

Iraq's two main most powerful external actors, the US and Iran, pursued a policy of non-interference in the first rounds of talks and coalition formations. For Iran, while this position might have been driven by a recognition of its declining popularity among the Iraqi Shia population, it could have also hoped to send the message to all parties, including its allies, that the Shia house cannot reach agreement without Iran. What started to change the Iranian position was the tripartite alliance's threat to elect a president in the same way they elected the speaker of parliament in January. Iran has exerted considerable efforts since the fall of the Ba'ath regime to formulate a stable Shia front that is friendly to or at least accepting of Iran's role in Iraq. The tripartite alliance's efforts to form a national majority government represents one of the significant threats to its interest in the country since 2003. Iran's pressures and threats manifested themselves in the recent decrees of the Iraqi Supreme Court that ruled Hosyar Zabari, Barzani's uncle and the Save the Homeland coalition's first candidate, ineligible for the presidency due to ongoing corruption allegations. It has also stipulated a two-third configuration for the presidential election session in the parliament and passed a momentous ruling against the legal foundations of Kurdistan's energy sector.[11]

Encouraged by the PUK's own internal splits, the KDP is attempting to use its superior numbers to nullify the previous agreement it held with the PUK

Moreover, Iran has begun to tip the balance against Sadr by ensuring that none of the Coordination Framework's factions break off to join Sadr's project.[12] Iran's recent rocket attack on Erbil was viewed by many as an attempt to punish Erbil's position in the government formation as well as its gas cooperation with Turkey. While the KDP is not the majority within the tripartite alliance, Iran-aligned groups accuse Barzani of attempting to unite the Sunnis under the patronage of Turkey and the United Arab Emirates to divide the Shia house. Turkey's role in forming the tripartite alliance should not be underestimated, as it played a role in the deal between Sunnis' two main rivals Halbousi and Khamis Khanjar,[13] paving the way for a broader deal between the Sunnis and KDP. However, Ankara's influence over the Kurdish and Sunni power dynamics has not yet transformed into influence over the real power in Iraq: the Shia house. In the short term, Iran and its allies do not want to confront the Sadr movement, not only because it is an armed and popular movement, but above all because Sadr is a prominent Shia figure. Therefore, Iran has mostly applied pressure on Erbil as it is a less divisive matter among the wider non-Kurdish Iraqi communities.

Similarly to Iran, the US approach from the onset was one of non-interference. It was in favor of the continuity of the status quo: Mustafa Al-Kadhimi, Barham Salih, and Mohammad Halbousi, hoping that this would sustain the Iraqi government's desire to integrate into regional politics independent from Iran. In addition, the US sees the Kurdish alliance with the Sunni parties and some "moderate" Shias as an opportunity to sideline pro-Iran elements in Baghdad. The lack of an agreement between its Kurdish allies on the largely symbolic presidency of Iraq has thus far undermined the possibility of distancing Iranian influence in the political arena. However, as mentioned above, even a Barzani-Bafel agreement on the Kurdish candidate for the president of Iraq is unlikely to convince the PUK leadership to take the risk of joining a government that is viewed as "anti-Iran." Iranian sway in Iraq is unlikely to wane.

WHAT IS NEXT?

Different scenarios are likely to take place, ranging from Sadr becoming opposition, to the continuation of the legal vacuum with a caretaker government until another election is held.[14] The above-mentioned challenges in the way of the tripartite alliance mean that a political stalemate will likely continue until a partial consensus government is agreed

> *The tripartite alliance of Al-Sadr, the KDP and the Sunnis may not withstand the mounting pressures either*

upon, which would be nothing new. However, what is new is that it would be a Sadrist-led consensus government, in which al-Sadr would have a significant say in its national performance, political direction, and regional and international alignment. Such a scenario may prove fragile and endure heavy shocks given Iranian dissatisfaction and the presence of various internal adversaries and spoilers. Rather than being seen as an outsider to the post-2003 governance system, such an al-Sadr led consensus government would therefore come to be seen as yet another contributor to the country's ailments. Therefore, if protests and overall instability continue, they could not only harm an Al-Sadr led government's capacity to perform, but also the reputation of its patron, al-Sadr.

The tripartite alliance of Al-Sadr, the KDP and the Sunnis may not withstand the mounting pressures either. As strong as it has been in the face of the dragging overtures and its incapacity to form the government, the Save the Homeland coalition may come undone. The Sunnis, or at least parts of them, may leave the coalition, robbing it of the privilege of being the largest bloc. In this case, the chances of a return to the classical consensus government become even more likely as everybody would continue to take their share of the pie.

Endnotes

1- Jabar, F. (2018). The Iraqi protest movement: from identity politics to issue politics. LSE Middle East Centre papers series (25). LSE Middle East Centre, London, UK.

2- Al-Aseel, Z. (2021, December 7). Divisions emerge among independent candidates after Iraq's elections. Available at: https://amwaj.media/article/infection-of-divisions-reaches-independent-winning-candidates

3- Alaaldin, F. (2022, February 8). Iraq's federal court kills off majority government project. Available at: https://www.rudaw.net/english/analysis/08022022

4- Ahmed, H. (2022, March 28). Cross-sectarian bloc emerges in Iraq. Available at: https://www.al-monitor.com/originals/2022/03/cross-sectarian-bloc-emerges-iraq

5- Ibid.

6- Alaaldin, F. (2022, March 10). Patronage, self-interest and the federal court delay Iraq's government formation. Available at: https://www.rudaw.net/english/analysis/10032022

7- See, for example, Schenker, D. (2022, April 5). Kurdish infighting could undermine a sovereign Iraqi government. Available at: https://thehill.com/opinion/international/3257826-kurdish-infighting-could-undermine-a-sovereign-iraqi-government/

8- Abbas, M. (2013, April 8). Maliki Seeks 'Majority Government' In Iraq. Available at: https://www.al-monitor.com/originals/2013/04/iraq-maliki-majority-government-obstacles.html

9- Palani, K. (2021, December 15). The Kurds could be kingmakers in Iraq's new government. Available at: https://www.aljazeera.com/opinions/2021/12/15/the-kurds-could-be-kingmakers-in-iraqs-new-government

10- See: Palani, K. & Mohammed, K. (2021, December 27). Intra-PUK rivalry and its Implications for the Iraqi Kurdish Political Landscape. Available at: https://research.sharqforum.org/2021/12/27/iraqi-kurdish-political/

11- See: Wahab, B. (2022, February 18). The Death of Oil Federalism? Implications of a New Iraqi Court Ruling. Available at: https://www.washingtoninstitute.org/policy-analysis/death-oil-federalism-implications-new-iraqi-court-ruling

12- Al-Salhi, S. (2022, April 18). How foreign powers are being sucked into Iraq's political stalemate. Available at: https://www.middleeasteye.net/news/iraq-foreign-powers-sucked-into-political-stalemate-how

13- See: Alaca, M. (2021, December 8). Will Turkey go 'back to the future' in its Iraq policy? Available at: https://amwaj.media/article/does-turkey-s-return-from-sunni-centred-policy-in-iraq-work

14- Mamouri, A. (2022, April 13). Iraq's political deadlock: three scenarios. Available at: https://www.al-monitor.com/originals/2022/04/iraqs-political-deadlock-three-scenarios

ABOUT THE AUTHOR

Kamaran Palani is an Associate Fellow at Al Sharq Strategic Research and a Lecturer in International Relations at Salahaddin University-Erbil. Palani is also a Research Fellow at the Middle East Research Institute. Palani holds a PhD from Leiden University (Faculty of Governance and Global Affairs). Research Interests: Iraqi politics, regional Kurdish politics, de facto statehood in the international system, and violent extremism in the Middle East.

Khogir W. Mohammed is a Researcher at Social Inquiry. He specializes in conflict resolution and peacebuilding. As a researcher at Social Inquiry, he investigates prospects for building peace, resolving conflicts, and entrenching coexistence, with a special lens on the disputed territories in Iraq.