

The Government Formulation and its Impact on the Shape of the Iraqi State

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Abstract: The aim of this brief is to answer the following question: What does the contentious government formation process mean for the future of the Iraqi state and the nature of its politics? Through explaining the drivers influencing the government formation process, we believe we can predict the most likely scenario for the shape of the next Iraqi government. Namely, we argue that divisions plaguing the country's political forces are not only influencing the formulation of the new government, as emphasized in current debates, but also impact the type of 'state' Iraq will have in the future.

On May 12, 2018, Iraq held its fourth parliamentary election since the beginning of the 2003 Occupation. In all previous elections, pre-election alliance-forming and post-election coalition-building processes were predictable given the confessional nature of Iraq's political system. Essentially, this system centered on a consensual power-sharing arrangement among the country's three ethno-sectarian groups: the Shia, the Sunnis and the Kurds. According to this informal system of power-sharing in Iraq, the Prime Minister's post is held by the Shia, a Sunni is speaker of parliament, and a Kurd holds the presidency. Though many believed that this election would be 'cross-sectarian', the 2018 elections have not altered this trend. The patent lack of state capacity to secure electoral credibility has introduced new uncertainties, exacerbating Iraq's existing vulnerabilities to foreign interference and civil war.

The 2018 election's complicating factors

1- The military victory against the Islamic State

This year's parliamentary elections were held just 6 months after the outgoing Prime Minister Haider al-Abadi's declaration of victory over the Islamic State (IS). The impacts of the war against IS in Iraq and the region, at large, on Iraqi politics are only just beginning to materialize. They nonetheless appear instrumental in contributing to the complexities of Iraq's current political process. Following the IS takeover of one-third of Iraq's territory beginning in June 2014, more than 3 million people, mostly Sunni Arabs, fled for safety from the Sunni-majority provinces of Nineveh, Salahaddin, Diyala and al-Anbar. Thus, hundreds of thousands were still living in camps or struggling to survive elsewhere when the vote took place in May, vastly limiting their political participation. The result of internal displacement was limiting the Sunni bloc's ability to mobilize their interests in Sunni-majority governorates, and further widening the disconnection between the Sunni population and Sunni parties.

In addition, when the Iraqi Security Forces (ISF) collapsed in the face of IS advances in 2014, Iraq's most senior religious cleric, Grand Ayatollah al-Sistani, issued a fatwa for all men to enlist in the ISF. As a result, a plethora of sub-state armed groups, spearheaded by Shia militias backed by Iran, rapidly emerged under the banner of the Hashd al-Shaabi (HS). In 2016, Iraq's parliament formally recognized

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HS as a state-sanctioned organization within the Iraqi Army. Despite this, HS groups have often competed rather than cooperated with the army¹ and acted as independent non-state actors divorced from Baghdad's command and control, further diminishing citizen's confidence in the functioning of their government. Now these emboldened groups exert tremendous influence on Iraq's political outcomes, as they have participated in the elections and came in second with 47 seats.

2- KRI's 2017 referendum for independence

Since 2014, several radical political transformations have affected the de facto statehood of the Kurdistan Region of Iraq (KRI). Nowhere was this more evident than in the aftermath of the September 25, 2017 independence referendum. On this day, eligible voters from the KRI-controlled areas of the governorates of Kirkuk, Diyala and Nineveh voted 'yes' or 'no' to the question: "Do you want the Kurdistan Region and the Kurdish areas outside the administration of the Region to become an independent state?" Upon tallying up the votes, KRI's Independent High Elections and Referendum Commission reported that an overwhelming 92.73 percent majority voted 'yes.' However, the plebiscite backfired with many unfortunate consequences for the KRI.

Baghdad, seeking to avenge former KRI president Masoud Barzani's decision to hold the referendum against its wishes, imposed multi-sectoral sanctions against Erbil minimizing the Kurdistan Regional

Government's (KRG) de facto powers. Erbil's unilateral decision left al-Abadi with almost unanimous support from Iraq's parliament, regional countries and the international community, including the U.S., when he emphasized his own "[obligation] as commander-in-chief of the armed forces to take all legal and constitutional steps to protect the unity of Iraq and its people"² including deploying ISF troops to replace the Peshmerga forces in all disputed areas; banning international flights to Erbil and Sulaimaniyah on September 29, 2017 and demanding the KRG relinquish control of its airports, border gates and crossing points. Then on October 16, 2017, Iraqi forces, backed by HS militias, seized Kirkuk and all other disputed areas, including Mosul Plain, Shingal and Makhmoor, causing the Peshmerga to retreat from all territory taken from IS since late 2014. These actions reverted the KRI boundaries along the disputed frontier to those drawn in 2003, striking a punishing political blow to some of the KRG's hard-won de facto powers. To reduce political tensions with Baghdad, Prime Minister Nechirvan Barzani made the controversial decision on October 24, 2017 to "Freeze the results of referendum conducted in Iraqi Kurdistan."³ It was within this context that the Kurdish bloc participated in Iraqi elections with the aim of recovering some of its losses.

Now a year after the referendum, there is almost a consensus among the KRI's political parties that it is not possible to return to the territory's pre-referendum status, meaning the Peshmerga regaining control over Kirkuk and some 40,000 square kilometres of land abandoned by the ISF in 2014. At the same time, they reject its current status. Therefore, Kurdish political actors believe that a strong presence in Baghdad is instrumental for supporting the position of the Erbil



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leadership in their negotiations with the victorious blocs in Baghdad. While the intra-Shia division has strengthened the position of the Kurds, the Kurdish position is constrained by the conflicting interests and interference of Tehran and Washington. The U.S. needs the Kurds to back a U.S.-friendly candidate, as the case with outgoing Prime Minister Haider al-Abadi, who came in third in the elections, although his chances of gaining the presidency were negligible after Sistani's intervention to reject it.⁴ Here, we need to point out the huge mistake the U.S. committed in the wake of the referendum by sacrificing the Kurds for Abadi to win re-election while his chance of success wasn't certain.⁵ At the same time, Iran wants the Kurds to join the Maliki-led bloc that includes the HS, which is the most powerful military actor in the disputed territories. Another constraint is that neither Maliki nor Abadi are popular among the Iraqi Kurds due to their stances on various issues against KRI over the past years.

3- Low turnout, fraud allegations and the eruption of mass demonstrations in Shia-majority provinces

First, in the election Iraq saw a record low turnout, with only 44 percent of eligible voters casting ballots. In fact, it would have been even lower if the ballots had been fairly counted. After the elections, several political parties made allegations of voting irregularities. As a result, on June 6, 2018 the Iraqi parliament voted in favor of amending the country's electoral law, demanding a manual ballot recount for the May elections, and replacing Iraq's Independent High Elections Commission

with the Board of Judges to undertake the recount.⁶ This has left serious questions about the legitimacy of the entire political process and the ruling class. And this lack of trust in political parties and political class appear to be the most appealing reason for people's decision to boycott the elections. Now, it is the message of those who did not vote driving the mass demonstrations in Iraq, and significantly shaping its future.

Second, the civil disorder in the south over the decrepit state of basic public services and high unemployment, especially in Iraq's second-largest city of Basra, marks a significant change in the relationship between the provinces and Baghdad and perceptions of legitimacy and loyalty in the country, forcing the government of Prime Minister (PM) Adil Abdul-Mahdi to re-prioritize some issues. A robust restructuring of the governmental system and a redefinition of the relationship between the provinces and the central government based on provincial and local characteristics is essential. This will force the next government to prioritize economic and administrative reforms aiming at addressing the concerns of different provinces throughout Iraq. However, this is constrained by the conflicting identities/interests of the parties that are supposed to be forming this government.

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4- Intra-Shi'a divisions along three different lines

There were strong rivalries between the three main Shia coalitions to form the largest parliamentary bloc and lead the next government, and competition over influence the policies of PM Abdul-Mahdi is likely to be potent. The election results itself are a complicating factor. Even the most three powerful winning blocs – the Sayirun (54 seats), the Fatih (47 seats) and the Nasir (42 seats) – were not able to form a government alone. The divisions within the Shia are changing and complicating power dynamics in Iraq. In the past three elections, all the Shia parties were able to unite into one bloc, thus, the creation of the largest parliamentary bloc under the National Iraqi Alliance was not such a difficult task. For the other parliamentary powerhouses, for example the Kurds in the past three elections, it was almost pre-determined that they would support the U.S.-backed Shia bloc and its candidate for the PM. The 2018 election has changed power dynamics within the Shia bloc, one that has been dominated by the Islamic Dawa Party and the Islamic Supreme Council of Iraq since 2003. This time the Dawa failed to participate in one list; and Abadi and Maliki are both from Dawa but competed on different electoral platforms.

The Sayirun Alliance led by Moqtada al-Sadr and the Fatih Alliance led by Hadi al-Ameri topped the ballot with significant popular support. The Sadr movement can be called an Iraqi nationalist front, calling for a less sectarian government and a more independent and sovereign Iraq in its foreign relations with the U.S. and regional countries. The winning Sayirun bloc has developed concepts like 'the National Majority' and 'Paternal Government', meaning that unlike past governments the government should be

inclusive, but does not necessarily need to include parties within all three main ethno-sectarian components of Iraq. In addition to enjoying popular support, the movement has its own armed group. The second front is led by the outgoing PM Haider al-Abadi, it is also known as the American-backed front. It is aligned with the Sayirun when it comes to their interest in redefining Iraq's external relations and creating a balance in its relations with neighboring countries.

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Both Sadr and outgoing PM al-Abadi are attempting to sustain relations with Iran while also trying to regain Iraq's sovereignty in accordance with the will of Iraqi nationalists, including those within the Shia community. In addition to other international actors, both Turkey and Saudi Arabia have welcomed and encouraged al-Abadi's rhetoric about preserving Iraq's independence. In fact, Washington's decision to back the Iraq's central government and dismiss the results of the Kurdistan region's independence referendum was at least partly inspired by its broader agenda of limiting Iran's influence in the region through encouraging a sense of nationalism among the Shia. However, Iran's historical influence still manifests in Iraqi society with a heavy sway over a multitude of political, military, social and religious actors in the country. For example, Iran prior to the regime change in 2003 acted as a safe haven for many Shia politicians and religious leaders and



even KRI political parties. Following the 2003 Occupation, Tehran began to provide more support to the Shiite militias that it helped to create in the 1980s (the Badr Brigade was one example). Now, these people have substantial control over key ministries, the parliament and the army. By all estimates, neither al-Abadi nor any other candidate can secure the position of PM without the endorsement of parties strongly allied with Iran, including the Iran-backed Shia-dominated HS. Therefore, Iraq is unlikely to forge a path free of Iran in the near future. In addition, Sadr and Abadi are divergent on the role of the U.S., as the former is still calling the U.S. an 'occupying' force.

The third group is categorized as an Iranian-backed front led by the former PM Nouri al-Maliki, along with Hadi al-Ameri and Qais al-Khaz'ali. With its anti-U.S. sentiment, this bloc has so far found it difficult to form an alliance with other two blocs. The use of violence against diplomatic missions, including those of the U.S. in Basra and Baghdad, has led to negative consequences and further complicated the formation of the government. Moreover, the division within the Shia has made it also difficult for Sunnis and Kurds to choose a bloc. However, in the short term the Shia factions may come together if they feel that others are capitalizing on their division and weaknesses. Now, we are seeing this with Ameri and Sadr, while they are trying to reach an agreement to nominate the PM. This is when the role of Ayatollah al-Sistani comes in to prevent an intra-Shia civil war at least in the short term.

What's next?

The Erbil Agreement in 2010 and the Document of the Political Agreement⁷ among the Political Blocs in 2014 both did

produce two governments but later failed to address the divisions between them. The factors that encourage or force the parties to overcome the difference and obstacles to the formation of a government are also the factors that legitimize divisions later. For example, any agreement with the Fatih, needed to form the government, would automatically legitimize HS and enable it to benefit from state resources. Therefore, this makes more difficult to reintegrate or dissolve HS militias in later stages.

In a broader context, Iraq's future will be greatly shaped by the rivalry between the U.S. and Iran. In situations of conflict, Iraqi entities are more likely to turn to their external patrons for support. The Sadr movement is exceptional; it has the potential to resort to becoming the opposition

Current developments indicate that the creation of a new government in Iraq doesn't automatically produce solutions to the divisions within the Shia factions, but it will likely lead to the institutionalization of these divisions and the their incorporation into state institutions.

To survive, the new government of PM Abdul-Mahdi need the support of both Iran and the US. One of them is not enough. In this context the most likely scenario is the formation of a government by those who want to strengthen Iraq's state institutions with a more nationalist agenda, and those who want to create a 'parallel state' within the state structures. The first group has the support of international actors, including the U.S., the UK and the EU. And the other group has the full support of Iran. In a broader context, Iraq's future will be greatly shaped by the rivalry between the



U.S. and Iran. In situations of conflict, Iraqi entities are more likely to turn to their external patrons for support. The Sadr movement is exceptional; it has the potential to resort to becoming the opposition if Sadr's concept of a 'National Majority' failed to materialize. This form of political arrangement results in specific tensions that necessitate a balance between state and non-state, dependence and independence.

Moreover, having all these parties participating in the government is a big obstacle to addressing the structural weaknesses of Iraq's political system, because of the lack of the consensus needed to take any initiative. Here, the role of Najaf (Marja iyya) is important for its mediating capacity to help settle entrenched disputes between warring parties. As a sustainable solution, Iraq's constitution can become a framework to produce solutions to many Iraqi problems, especially between Erbil and Baghdad. Failure to address these problems will have a negative impact mainly on the relationship between Iraqi Council of Representatives and the prime minister over the next four years. The result would be a fragile and poorly-defined state. In the short term, Iraq has few practical options to address the challenges explained above, but increasing pressure from the population will require the next government to prioritize effective governance and respond to the demands of the population, a development which is needed to increase the legitimacy of state institutions.



Endnotes

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