Iraq's adolescent democracy

Where to go from here

CRU Report

Hamzeh al-Shadeedi
Erwin van Veen

Clingendael
Netherlands Institute of International Relations

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About the authors

Hamzeh al-Shadeedi is a researcher at the Institute of Regional and International Studies (IRIS) at the American University of Iraq, Sulaimani, whose work focuses on security and the rule of law in Iraq. He used to work for the Conflict Research Unit of the Clingendael Institute, dividing his time between country analysis of Libya and Iraq.

Erwin van Veen is a senior research fellow with the Conflict Research Unit of the Clingendael Institute. His research focuses on the political-economy of conflict in the Levant – Lebanon, Syria, Iraq and Palestine/Israel – against the backdrop of Iranian, Turkish and Saudi foreign policy.

The Clingendael Institute
P.O. Box 93080
2509 AB The Hague
The Netherlands

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Website: www.clingendael.org/cru

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Summary

Iraq's emergent democracy stands at an important junction. The continuing intensity of the protests that have rocked Iraq since early October 2019 shows that its citizens are only too aware of this. Moreover, the necessity of going through three government formation attempts to install a new prime minister and cabinet after the resignation of Adil Abdul-Mahdi in December 2019 suggests that Iraq's political elites are conscious of the precarious state of 'their' democracy as well. Although, so far, with the intent to block rather than enable reform.

From this junction, one road leads to further entrenchment of an oligopoly of interconnected and foreign-linked elite networks. It would see Iraq slowly join the region's more authoritarian states in all but name. Another road – the high road – leads to rejuvenation of Iraq's democracy. It creates greater political inclusivity in gender, generational and ethnic-sectarian terms, improves accountability and produces more effective public policies that will allow Iraq to progress as a nation. Both paths will be long, winding and hazardous. Democracies tend to develop through crises during which politically influential elites forge painful, imperfect and partial compromises, whether piecemeal or radical. From this perspective, Iraq's current problem in pursuing the high road is that its political elites have largely united to maintain the status quo with the support of at least some of their constituents, while grassroots protests clamour for change, supported to some extent by the country's Shi'a religious authorities in Najaf.

On the upside, Iraq's tentative democracy has survived several civil wars amid a wave of regional authoritarian retrenchment. Its elections continue to matter, contestation between political parties remains intense, there is less sectarian rhetoric and acknowledgement of the need for democratic rejuvenation is growing among citizens and some politicians. Yet, the current governance mechanisms and practices – both formal and informal – of Iraq's democracy do not, on balance, produce the public policies and public goods the country needs in order to accelerate its national development.

On the downside, several problems block the change that is needed to take the high road. One issue is the yawning gap between the paper stipulations of Iraq's decentralising constitution and the practical reality of its much more centralised rule. Another problem lies in the informal Al-Muhasasa practice, the system that upholds a sectarian quota-based allocation of government jobs and resources, reduces accountability and creates a closed system of elite rule. A further problem is the deep penetration of the civil service by political parties for their own gain, sometimes to the point that administrators and party members are difficult to distinguish.
Yet another problem is the fact that Iraq is governed by a number of elite networks

that centre on groups and individuals that may or may not hold formal positions. Such networks tend not to be accountable, fuse operations across different strategic domains (politics, economy, security…), privatise public goods, and maintain a closed system of political representation. A final part of the problem is the strong external links that many Iraqi political parties – especially their leaders – have, and which at times overlay domestic priorities with foreign ones, particularly in times of regional tension.

Consequently, accelerating Iraq's national development requires governance improvements at different levels. First, the mechanics that make its system of political representation and democracy tick, need adjustment so that formal rules and informal practices become better aligned with each other. Also, more meaningful political competition requires more substantial incentives for political parties to compete on the basis of credible policies that serve Iraq's national development and expose them to greater electoral accountability. Second, Iraq's political elites and its political culture need rejuvenation and generational change on a non-sectarian basis. The current closed patriarchal mechanism of circulating the same cast of older politicians with appreciable vested interests needs fresh air in the form of new ideas, groups and individuals. The recent appointment of Prime Minister Mustafa al-Kadhimi can be considered a cautious step in this direction, albeit not necessarily with the objective of breaking the existing mold. Third, Iraq's country's public administration needs reform in ways that create more space for competence- and rule-based governance that is oriented towards citizen priorities.

This report largely focuses on how international actors can help address the first point, i.e. strengthening the democratic mechanisms of Iraq's political system. From this perspective, one contribution that they can make is to facilitate (not influence or determine) processes of contestation between Iraq's social forces (its political parties, elite networks, tribes, ethno-sectarian groups, religious authorities and protestors) about the hierarchy of systemic reform priorities for the country's political system, and the balance between the speed, scope and feasibility of their implementation so that such reform can be undertaken as peacefully and as well-informed as possible.

Examples of initiatives that can be appropriate include:

- Providing open and safe spaces to discuss and contest key political problems such as reducing corruption, economic diversification, the use of coercive capabilities, Kurdish-Arab tensions or US versus Iranian affiliations throughout Iraq's political elites, and in particular what mechanisms are necessary to resolve them
- Developing a better understanding of how an Al-Muhasasa type system can support both the quality and inclusivity of governance in a diverse society that is fragmented along ethnic-sectarian, gender and generational lines
- Growing future leaders through (a) cross-sectarian leadership 'development' programme(s) to improve the quality of political leadership. Such a programme

should work both with candidates from the existing political elite and with ‘opposition’ and professional elites, while ensuring adequate generational representation
- Providing examples of how difficult political reforms have been introduced elsewhere and what successful reformist electoral strategies have looked like in other countries, paying attention to the quality of political leadership, and the development of political parties and effective opposition.

The conclusion contains more detail on the practicalities of such initiatives, i.e. who could do what with whom and with what tools. By themselves, such initiatives will not resolve Iraq’s pressing governance problems. But undertaken correctly, they can help Iraq’s social forces in figuring out how to address them more comprehensively and more peacefully.

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The contents of the report naturally remain the responsibility of the authors.

Introduction

The aftermath of the 2018 Iraqi elections – which saw a low voter turnout, a recount due to persistent accusations of fraud and a 10-month delay before a fully-formed government commenced its duties – showed how vulnerable Iraq's democracy remains to elite capture. It also demonstrated the persistence of a sectarian system for allocating government jobs in which horse-trading over key positions and portfolios is institutionalised and subject to factional as well as personal interests. Incidentally, the cabinet formation by Prime Minister-designate Al-Kadhimi in April 2020 illustrated a similar dynamic. At the same time, however, the 2018 elections saw parties conducting a more issue-based electoral campaign – albeit without proposing much by way of solutions – and adhering to a more nationalist discourse. They also featured intra-Shi'a splits, which create scope for more cross-communal politics.[1] While these developments are in the early stages, they could be signs that Iraq's fragile democracy is 'coming-of-age'.

Nevertheless, the growth of street protests across Iraq in 2018/19 indicates broad popular dissatisfaction with government performance now that the fight against Islamic State (IS) no longer consumes all political focus and public resources.[2] By ransacking the party offices and premises of the government, political parties, and groups that are part of the Popular Mobilization Forces (PMF), the protests are essentially accusing the country's entire political class. They have made it abundantly clear that the population of a rentier state with plenty of public revenue (mostly from oil production) is fed up with the unequal distribution of these proceeds, deteriorating standards of living[3] and the wholesale plunder of the public coffers.[4] While some protests used to be instigated by

1 See for example: Dodge, T. et al., *Iraq synthesis paper: Understanding the drivers of conflict in Iraq*, London: LSE, Conflict Research Programme, undated.

2 Al-Rikabi, H., *The inevitable co-variance of summer heat and protests* (Section 5).

3 Despite its natural resource wealth, Iraq ranks 120th out of 189 on the 2018 Human Development Index with a score of 0.685. For its country profile: http://hdr.undp.org/en/countries/profiles/IRQ (consulted 25 August 2019).

4 For example, between 2004 and 2011, an estimated US $8,8 billion that should have been in the accounts of the Development Fund for Iraq remained 'unaccounted for'. It never surfaced. See: https://www.globalpolicy.org/humanitarian-issues-in-iraq/development-fund-for-iraq.html. Al-Bayan's analysis of the inefficiency and lack of productivity issues associated with State Owned Enterprises is also of relevance. Online: http://www.bayancenter.org/en/2018/10/1723/ (both accessed 25 August 2019).

the same political parties that compete in Parliament, the waves of protest that started in early October 2019 do seem to be propelled by a groundswell of popular discontent.[5]

In addition, the fact that Iraq's political elites only managed to agree on a new prime minister and a new government on their third pass[6] – in the face of a Covid-19 health crisis, a plummeting oil price and a defunct national budget as well as a resurgent Islamic State – indicates how fragmented Iraqi national politics have become, how deeply elite interests have entrenched themselves into the country's governance structures and how polarizing the US – Iranian standoff has been for Iraq. In short, the 'whack-a-prime-minister' period of February to April 2020 mostly illustrates that current attitudes, interests and alliances to rule of Iraq's political elites no longer serve the interests of many of its citizens.[7]

The above notwithstanding, in the regional context of deepening authoritarianism – consider Turkey, Egypt, Saudi Arabia, Syria and the United Arab Emirates – Iraq's emergent democracy has stood out for having survived three successive civil wars since 2003, including the fight against IS.[8] The country's elections are vigorously contested, its once-dominant political party (Da'wa) had to relinquish its hold over Iraqi politics during the 2018 elections, and political dissent has not been as brutally repressed as in Syria, Turkey and Saudi Arabia.[9] Nonetheless, the violent government response to recent protests in Baghdad and southern Iraq highlights the fragility of Iraq's democratic transition.[10]

5 Al-Rikabi, H., *The inevitable co-variance of summer heat protests* (section 5). See also: Al-Rikabi, H., *The Rising Tide of Change in Iraq: An Assessment of the 2018 and 2019 Protests*, Arab Reform Initiative, online, 2019.

6 Iraq's three prime ministers designate were successively: Mohammad Alawi (February 2020), Adnan al-Zurfi (March 2020) and Mustafa al-Kadhimi (April 2020). Only Mr. Al-Kadhimi assumed office on 7 May 2020.

7 For more in-depth analysis: Jiyad, S., *Time for a reset: Iraq's new prime minister and the US-Iran rivalry*, ECFR, online, 2020; Mercadier, S. and M. Shiaa, *Irak. Mission (presque) impossible pour le nouveau premier ministre*, Orient XXI, online, 2020.

8 Iraq's aggregate freedom score according to Freedom House is 32 out of 100 (100 being the 'most free'), corruption, insecurity and impunity being key 'reducers' of freedom. See: https://freedomhouse.org/report/freedom-world/2019/iraq (accessed 25 August 2019).

9 There is a worrying emergent trend to imprison and/or assassinate civil society activists. Consider, for example, the assassination of Suad al-Ali. 'The assassination of Suad al-Ali: Iraqi human rights activist was shot dead in Basra', *BBC News* online, 25 September 2018.

10 Louisa Loveluck and Mustafa Salim, 'Iraqi military admits to "excessive force" in crackdown against protesters', *Washington Post* online, 7 October 2019.

This short report focuses on the question how the democratic character of Iraq's political system can be strengthened, including what practical administrative measures are needed to that effect. While we leave the larger – but essential – topic of public sector reform to another paper, we hope that the analysis below can help Iraq's democracy transition gradually to the next stage of its development.

At about 16 years old, Iraqi democracy bears a resemblance to an adolescent facing key life choices. How should it respond to inadequate governance; significant reconstruction and reconciliation problems; meagre economic growth; a historically low oil price that already played havoc with the national budget and will soon ruin the Treasury; the growing remnants of IS; inadequate basic administration and a shortfall in essential services? Whether adolescence leads to delinquency or maturity depends in large part on whether Iraq's democracy can rejuvenate its game rules. This needs to include closing the gap between its (on paper) federal, decentralised constitution and the centralised rule that exists in practice. Such reform is likely to decrease political party fragmentation, enable new political voices to emerge that transcend ethnic-sectarian, gender and generational divides,[11] reduce the impact of the Al-Muhasasa system on the business of government, empower local governance and improve the quality of (local) administration.[12]

To arrive at its recommendations, the report starts with a short reflection on the political legacy of Iraq's 'Saddam Hussein era' before discussing, in turn, the problem of elite inclusivity, the 2018 elections, growing disillusionment with the output performance of Iraq's adolescent democracy and the growth of popular protests throughout the country.

It might be useful for readers unfamiliar with Iraqi domestic politics to take a look at Annex 1 (The fragmentation of Shi'a, Kurdish and Sunni politics in Iraq) and Annex 2 (An overview of Iraq's main political parties) before embarking on the main analysis.

11 Dodge et al. (undated), *op.cit.*

12 Al-Mawlawi, A., *Exploring the Rationale for Decentralization in Iraq and its Constraints,* Arab Reform Initiative, 31 July 2019, online, 2019.

1 Iraqi politics after Saddam Hussein: the birth of a sectarian democracy

In 2003, Iraq emerged from decades of dictatorship during which political dissent was highly dangerous and brutally repressed.[13] In consequence, at the time of the US invasion there was little familiarity in Iraqi political culture with broad-based, institutionalised political parties, using politics as a venue for forging difficult compromises between opposing factional interests, or acceptance of the functionality of the rule of law in a democracy. Moderating political practices and institutions (e.g. parliamentary management, courts of law, organs of state) largely did not exist, or did not function in a meaningful sense. Instead, most political parties such as Da'wa or the Islamic Supreme Council of Iraq (ISCI) – existed outside of the country. Their leaders and dissidents returned *en masse* in 2003 with ideas and entitlements, but not with recent governance experience or even socio-economic familiarity with life in Iraq under Saddam Hussein.[14] The religious centres of Najaf and Karbala had kept the flames of social resilience, public duty and social obligation alive, but they had been stripped of their political role as the deaths in the 1980s and 1990s of a number of prominent religious leaders, such as Mohammed Baqir al-Sadr, Mohammad Taqi al-Khoei and Mohamad Sadiq al-Sadr, testified to..

It is in this context that the 2005 constitution defined Iraq as a unitary federal state with a 'republican, representative, parliamentary, and democratic' system of government.[15] Discussed, written, put to a referendum and a parliamentary vote in the span of barely two years, while being boycotted by the country's Sunni population, the Iraqi constitution introduced a set of governance principles, terms and conditions that were poorly understood, contested and inadequately thought out in terms of their implications for the actual business of governance. Plenty of practical, but highly important, issues – such as the precise authority of different bodies of state and the division of power between key public roles – were deferred to later parliamentary decision making. These decisions were subsequently gridlocked in sectarian strife and engulfed in the

13 For an account of the rise of the Ba'athist dictatorship, practices of collective punishment and methods of rule under Saddam Hussein: Blaydes, L., *State of repression: Iraq under Saddam Hussein*, Princeton: PUP, 2018.

14 See: Makiya, K., *The rope*, New York: Pantheon books, 2016.

15 As per Article 1 of the Iraqi constitution.

flames of the Sunni guerrilla resistance to US forces, the Sunni-Shi'a civil war, and internal Shi'a violence.[16] Major 'meta-rules' – i.e. rules that govern political contestation about rules, such as the political parties law – do not exist, remain vague or are not implemented, with little prospect for improvement since the resulting ambiguity largely suits Iraq's political elites.

Together with the fact that many of Iraq's leaders lack democratic experience, it should therefore hardly have been a surprise that a major gap opened up in Iraq's nascent democracy between its governance model as laid down on paper and its actual practices of rule. Iraq's constitutional framework rapidly transformed into a practice in which politicians are nominated and appointed based on their ethnic or sectarian identity rather than their politics, ideas, merit or competence. This system is known as *Al-Muhasasa.* Although it has no formal legal basis, it grafted easily onto existing ethno-sectarian identities that had been forged in the fire of the Ba'ath regime's repression and collective punishment of Iraq's Shi'a and Kurds.[17] Today, it continues to form the basis of Iraqi politics, although it is facing growing dissatisfaction across broad swathes of the Iraqi population, transcending ethno-sectarian divides, because of the poor output it produces (see Section 5).[18] To its credit, it can be argued that Al-Muhasasa has managed to maintain a degree of political stability at the elite level over the past 16 years and ensured a fair, albeit somewhat symbolic, representation of most of the ethno-sectarian groups that make up Iraq's diverse society.

The Al-Muhasasa system is applied top-down throughout the Iraqi government. Essentially, it combines a pre-arranged division of top-level political executive functions between Iraq's main ethno-sectarian groups – Sunni, Shi'a, Kurds and minorities – with a points system to take care of the actual distribution of jobs between particular parties and coalitions within a given ethno-sectarian group. The points system is based on parliamentary seats and gives parties or coalitions the basic political capital to

16 This period is analysed in detail in: Makiya (2016), *op.cit.* (especially in 'A personal note' towards the end of the book); also: Al-Qarawee, H., *Imaging the nation: Nationalism, sectarianism and socio-political conflict in Iraq*, Rossendale Books, 2012.

17 Blaydes argues that the relatively poor 'legibility' of these communities to the regime – due to e.g. their language (Farsi among Shi'a religious students and Kurdish among Kurdish communities), their autonomy and their transnationality – forced the Ba'ath regime to resort to collective punishment more than it would have liked. This strengthened ethno-sectarian identities based on collective grievances. Blaydes (2018), *op.cit.*

18 For example: Al-Monitor, 'Basra protests', 29 June 2019, online (accessed 25 July 2019). It should be noted that the use of sectarianism as political tool to mobilize popular support has been declining as it lost its effectiveness, but that the use of sectarianism as a mechanism to distribute political power is alive and well. The latter is the essence of Al-Muhasasa. See also: Dodge, T. and R. Mansour, 'Sectarianization and De-sectarianization in the Struggle for Iraq's Political Field', *The Review of Faith and International Affairs*, Vol. 18:1, pp. 58-69, 2020.

negotiate for jobs if they decide to explore the possibilities of forming a ruling coalition. For example, a party or coalition with 48 seats in Parliament had 24 points 'to spend' during the formation of the 2018 government.

To start with, the offices of President, Speaker of the Parliament and Prime Minister – the 'three presidencies' – are staffed by respectively a Kurd, a Sunni and a Shi'a by prior agreement. A party or coalition needs to spend roughly 15 points to obtain one of these positions, or 10 to obtain the position of one of their deputies on the proviso of an ethno-sectarian match. As to ministries, these are informally divided using the approximate formula: 54% Shi'a, 24% Sunni, 18% Kurdish, 4% minorities. Thus, in Adel Abdul-Mahdi's cabinet of 22 ministries, 12 ministries are allocated to Shi'a, 6 to Sunni, 3 to Kurds, and 1 to minorities (usually the Christian community).[19] A further distinction must be made between the 'sovereign ministries' that have greater status, authority and budgets (Interior, Finance, Oil, Foreign Affairs and Defence)[20] and other ministries as well as bodies of state. Since 2006, based on a 'gentlemen's agreement', a Sunni controls the department of defence and a Shi'a the Ministry of Interior. The finance and foreign affairs ministries are split between the Shi'a and Kurds. If the Kurds take the finance ministry, a Shi'a minister assumes the foreign affairs ministry and vice versa. To actually obtain any of these ministries, parties or coalitions must spend five points on a sovereign ministry and four on another ministry or body of state.[21] Only coalition parties with a meaningful number of seats in the Parliament assume ministerial posts. Ministries with little political influence and/or small budgets are sometimes allocated to minorities or women.[22] Positions pre-allocated to women tend to be divided on ethno-sectarian grounds and usually held by women with strong affiliations to the main political parties.[23] The result is that they tend to be party 'yes-women' rather than representatives of their gender. Finally, it should be noted that the points system is applied with some flexibility. In other words, if the situation warrants it, deviations can occur. A good example is the political deadlock in respect of the presidency in 2018. The Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) could not agree on a candidate and so both nominated one. The Iraqi Parliament voted overwhelmingly in favour of the PUK candidate – Barham Saleh – although it had only

19 Gilgamesh Press, 21 October 2018, online (Arabic) (accessed 25 July 2019).

20 Arguments over the top-level staffing of these ministries after the September 2018 elections meant that it took until June 2019 to form a government. The different parties could not agree on each other's nominations. See: Mansour, R., *Iraq's 2018 government formation: Unpacking the friction between reform and the status quo*, London: LSE, 2019.

21 Arabi Post, 14 August 2018, online (Arabic); Al-Hermizi, A., Middle East Online, 21 November 2010, online (Arabic) (all accessed 23 July 2019).

22 Adil Abdul-Mahdi's cabinet did not feature a single female minister. See: Yaseen Taha, Daraj, 29 October 2018, online (Arabic) (accessed 15 July 2019).

23 Lena Imad al-Musawi, Ultra Iraq, 16 January 2019, online (Arabic).

18 seats in Parliament. The points system is a set of guidelines rather than carved in stone.

Political parties also vie for posts at the provincial level. By acquiring the governorship of a province for one of their members, a political party obtains appreciable influence over the province's budget, bureaucracy, resources and state-funded projects. Iraq's federal system enables the governor and his council to function with a considerable degree of autonomy,[24] but governors are financially dependent on Baghdad and encumbered by burdensome bureaucracies at federal and provincial levels. Resource leakage typically occurs at both points: upon the transfer of funds from Baghdad to a province and within the provincial bureaucratic system. Provincial bureaucracies are highly politicised and entrenched mechanisms of corruption and nepotism allow officials to direct substantial funds towards their party and allies.[25] Leakage increases when several larger parties enjoy sizeable representation in the bureaucracy of a particular province as they each seek to appropriate a part of the provincial resources and budget. In such cases, levels of public service provision tend to deteriorate further. Basra exemplifies this kind of situation, which helps to explain the recurrence and increasing size of protests in this province (see Box 1 below).

Box 1 Governance in Basra province: Partisan interests replace public services

Over the past 10 years, no single party or coalition has been able to dominate Basra province, home to Iraq's greatest natural resource wealth. Al-Hikmah, Da'wa (State of Law) and the Sadrist movement are well established there, and recently Badr and Asa'ib Ahl Al-Haq have emerged as political competitors. The result has been a fierce competition over Basra's resources, which range from the procurement of gas and oil subcontracts, control over border crossings with Iran and Kuwait, a significant provincial budget, and control over seaports and major public infrastructure projects.

The competition between these parties is exemplified by the recent struggle over the governor's office. In 2017, Assad Al-Eidani (Al-Hikmah) was appointed governor via a political deal between all key parties. However, a series of partisan political incidents in 2018 – Al-Eidani supported Al-Abadi in the 2018 elections, Al-Abadi blamed Basra's government for the summer protests and Abdul Mahdi expanded the governor's executive powers so that Al-Eidani could credibly threaten to act independently – renewed the fight over this office.

24 Mohammed Sadiq al-Hashimi, Al-Medar, 3 February 2019, online (Arabic) (accessed 15 July 2019).

25 Iraqi New Network, 24 November 2018, online (Arabic) (accessed 15 July 2019).

Initially, the Sadrist movement sought to remove him from office altogether. However, as other political parties in Basra realised that this could cause more instability, the governor remained in place. Today, he is strongly opposed by the Hikmah movement that originally nominated him. Political parties have also zealously guarded their entrenched networks in the provincial bureaucracy, while Basra and its residents continue to suffer poor public administration and public services.

Sources: Ali Saleem, Z. and M. Skelton, *Basra’s Political Marketplace: Understanding Government Failure After Protests*, Sulaymaniya: IRIS, April 2019, online; Skelton, M. and Z. Ali Saleem, *The politics of unemployment in Basra: Spotlight on the oil sector*, Sulaymaniya: IRIS policy report, 2019.

2 The trouble with elite inclusiveness on sectarian grounds

Over time, the Al-Muhasasa system came to allow for a wide degree of elite inclusiveness in Iraq's governance and public revenue distribution.[26] It follows the so-called 'big tent' or 'inclusive coalition' model,[27] in which representatives of all the different ethno-sectarian elites at the horizontal level have a slice of the public pie corresponding to their size and bargaining power (based on a mix of their territorial control, power to mobilise their constituency, coercive capabilities and share of the vote).[28] The sectarian identity politics and narratives that underpin the Al-Muhasasa principle create a closed feedback mechanism that recycles the same political elites irrespective of their performance. How is it possible, for example, that Al-Maliki was still vice-president of the Iraqi republic in 2018 (until the elections) after the debacle of 2014, or that Sabah al-Bazuni (the former chairman of the Basra provincial council) still holds public office after having been sentenced for corruption charges?[29] The combination of Al-Muhasasa as a political ordering mechanism, along with the patriarchic, personality-centric nature of Iraqi political parties and the longevity of Iraq's political elites, causes democratic, governance and representational problems.

First, overly broad elite inclusivity has reduced the need to develop ideas and forms of political participation that appeal to voters, lowered the need for performance accountability, and decreased the necessity of engaging in functional opposition. There are fewer incentives to undertake these activities because elite inclusion in

26 See also Dodge et al. (undated), *op.cit.*

27 Laws, E., *Political Settlements, Elite Pacts, and Governments of National Unity: A Conceptual Study*, DLP Background paper No. 10, 2012, online.

28 Post-2003 Iraq features an emergent but incomplete practice of elite accommodation (mostly Shi'a and Sunni) that works towards the establishment of a consociational system of government – meaning rule by a grand coalition in which all segments of society are represented, grounded in proportional representation, mutual vetos and a high degree of segmentary autonomy. Ambivalent and unfavourable factors for the development of such a system are, however, also present. These include an imbalance of power between the main segments (with the Sunni community disadvantaged) and stark economic inequalities between the main segments (with the Sunni and many Shi'a disadvantaged). See: Lijphart, A., *Democracy in plural societies: A comparative exploration*, New Haven: YUP, 1977.

29 See: https://www.iraqincontext.com/single-post/2019/07/16/Between-Basra-and-the-Bosphorus-Power-Sharing-After-Daesh (accessed 13 August 2019).

government at some level and in some role is virtually guaranteed through the political patronage networks that distribute privatised public goods. For example, even though Iraq has an Integrity Commission whose independence is assured by the Constitution, it has thus far failed to meaningfully prosecute high-level politicians or officials with ties to one of Iraq's larger political parties for corruption. The limited form of relational accountability that the system features is between peers and largely comes into play during processes that decide who leads an electoral list and who is nominated for office. Iraq's different ethno-sectarian elites perceive government representation, especially top government positions, as entitlements rather than ways of serving the Iraqi population. This expectation has remained consistent across government formations over the past 15 years. Cabinets not considered as reflecting a reasonable and adequate division of jobs as 'spoils' simply did not pass.[30]

Second, inclusivity at the horizontal level between elites has produced few vertical benefits for the ethno-sectarian constituencies these elites supposedly represent. For instance, even though the Sunni provide the Speaker of the Parliament and Minister of Defence, Iraq's Sunni have consistently been marginalised by successive post-2003 governments, including in the area of security.[31] A similar story can be told for Iraq's Shi'a and, to an extent, its Kurds (see Annex 1). Even though it is mostly Shi'a and Kurdish parties that have run the federal government since the US invasion of 2003, Iraq's Kurdish and Shi'a communities have not really reaped the fruits of their dominance.[32]

Third, broad elite inclusivity in government formation processes based on post-electoral alliances reduces both the legitimacy and functionality of elections. The number of votes obtained is, after all, only partially correlated with a slice of public power. Votes are needed to bargain for influence at the national level, but the sectarian logic of Al-Muhasasa pre-divides what can be won *and* encourages populist and sectarian rhetoric instead of clear political programmes and political accomplishments.[33] The system succeeds in enabling parties and individuals to gain votes and popularity,

30 Prime Minister Abdul-Mahdi's inability to complete his cabinet as a result of coalition pressures and sectarian politics is just the latest example. See: https://mail.waid-iq.com/reports/2003/ (accessed 13 August 2019).

31 See for instance: David Zucchino, 'As ISIS is driven from Iraq, Sunnis remain alienated', *The New York Times*, 26 October 2017, online: https://www.nytimes.com/2017/10/26/world/middleeast/iraq-isis-sunni.html (accessed 13 June 2019).

32 As illustrated by the protest wave in Shi'a-dominated southern Iraq and in Kurdistan. See: http://www.bbc.com/arabic/features-44848794; https://www.newiraqcenter.com/archives/3516 (accessed 13 June 2019).

33 Muhammad al-Waeli, 'Iraqis and the choice of the right leaders', Iraqi Thoughts, 5 March 2018: http://1001iraqithoughts.com/2018/03/05/iraqis-and-the-choice-of-the-right-leaders/ (accessed 13 June 2019).

but it fails to promote leaders with idea-based political agendas that can improve government performance.[34]

Fourth, the violent gestation of the post-Hussein Iraqi state has meant that it was mostly men that rose to prominence after the US invasion of Iraq or in one of the waves of violence that followed it – usually because of their linkage with, or leadership of, coercive capabilities. Combined with the patriarchic nature of party politics in Iraq, this development ensured that the Al-Muhasasa system was captured by a small group of men. Once in play, they have not only used the system to hang onto power themselves, stifling generational rejuvenation in a country with an expansive population pyramid,[35] but also barred both new political parties and new political voices – women in particular – from meaningful political participation.[36] Key political decisions are typically the result of backroom decision making within a small group of men. More inclusive and consultative processes only take place afterwards.[37]

Interestingly, the resulting poor input and output performance of the Iraqi political parties that have made up the country's governments has not, so far, had a very negative effect on their electoral results. There may be a variety of reasons for this, including the persistence of sectarian identity markers among Iraq's population, the extent to which sectarian-based patronage handouts and voting preferences have become intertwined, and the wholesale popular loss of confidence in the political system with its associated decrease in turnout – which allows ethno-sectarian 'clientelist' voters to exercise an outsized influence on elections. What has changed, however, is the frequency and intensity of protest across the country (see Section 5). Seen at least in part as an extra-system channel to convey political wishes and popular dissatisfaction, the wave(s) of protest – in Basra, Iraqi Kurdistan, Baghdad and, more recently, the south of the country and Nineveh – speak volumes about the inability of Iraq's political system to deliver on the basic priorities of its citizens, which clearly transcend ethno-sectarian divides.

34 Hamzeh Hadad, 'Iraq's weak political party syndrome', Iraqi Thoughts, 27 March 2019: https://1001iraqithoughts.com/2019/03/27/iraqs-weak-political-party-syndrome/ (accessed 13 June 2019).

35 It doesn't help that the minimum age for competing in national elections is 30 years. This effectively bars Iraq's young people from office. It also ensures that the majority of Iraq's population has no representatives of its own age group in Parliament as more than 50% of the population is below 30 years of age. See: https://population.un.org/wpp/Graphs/DemographicProfiles/Pyramid/368 (accessed 2 December 2019).

36 The parliamentary quota system for women has become something of an excuse for there not being deeper and more meaningful women's participation in Iraqi politics as 'they are already well represented'. This neglects the exclusion of women from executive positions, their marginalisation in the elite networks that run Iraq and their sidelining from decisive informal political discussions.

37 This particular point emerged especially strongly out of the September workshop with a number of Iraqi politicians, analysts and activists from across ethnic-sectarian, gender and generational segments.

In brief, during Iraq’s protracted fight against IS (2014– 2018), the sectarian-based distribution system of political power, which had emerged from the preceding civil wars, might have served to maintain elite consensus to focus on wartime exigencies. However, now that the country has emerged from this fight, the entrenched party-political networks that prioritise control over participation, loyalty over merit, and private gains over the public good, are holding back national development. Better governance requires that public interests are prioritised over private interests. This, in turn, demands critical review of, and innovative brainstorming about, the future of the Al-Muhasasa mechanism. Ideally, its influence would diminish while maintaining the representation of Iraq’s diverse communities, and without sidelining existing party-political interests too much or too abruptly.[38]

38 See also Dodge et al. (undated), *op.cit.*

3 The 2018 election shook the system... But, did it?

A number of commentators fielded the view that the May 2018 election and its aftermath disrupted Iraq's sectarian discourse and its power-sharing mechanisms based on the Al-Muhasasa principle.[39] Their argument was based largely on the inability of Iraq's Shi'a and Kurdish political elites to unite in electoral lists or post-election coalitions within their communities as was characteristic of previous elections (2005, 2010 and 2014),[40] in order to subsequently negotiate a predominantly Shi'a-Kurdish government. Instead, Iraq's Shi'a parties split into at least five main blocks under, respectively, Al-Sadr, Al-Abadi, Al-Hakim, Al-Maliki and Al-Ameri. The Kurdish elites, in the form of the Barzani's and Talabani's (KDP and PUK), could not unite either. This section briefly describes the 2018 elections with a view to analysing factors of change and continuity from a sectarian point of view. It acquires extra salience from the fact that Iraq may soon be heading to the polls again if the country's new Prime Minister Al-Kadhimi honours his promise.[41]

Part of the explanation for the 2018 lack of Shi'a and Kurdish electoral unity can be found in the radical changes that transformed Iraq's security and political landscape between 2014 and 2018: a) the rise and defeat of the IS, which delegitimised Al-Maliki and strengthened Al-Abadi, splitting their Da'awa party in the process; b) the increase in strength of political parties linked with Al-Hashd al-Sha'abi groups tied to Iran, which created a new Shi'a network of power; and c) the 2017 referendum on Kurdish independence, which created significant distrust within the Kurdish political elites (see also Annex 1).

39 For example: Mansour, R. and C. van den Toorn, *The 2018 Iraqi Federal Elections: A Population in Transition?,* London: LSE/IRIS, July 2018, online; Al-Khoei, H., *Making sense of Iraq's election*, 1001 Iraqi Thoughts, 17 May 2019, online.

40 It is worth mentioning that in 2010, former Prime Minister Ayad Allawi won the elections and secured 91 seats with a cross-sectarian list, followed closely by his rival Nuri al-Maliki (89 seats) who appealed largely to his Shi'a constituency. Despite his victory, Allawi was not able to form a coalition and assume the premiership, which al-Maliki was able to keep for another four years. See: https://www.dw.com/ar/علاوي-يفوز-في-الانتخابات-العراقية-والمالكي-يرفض-النتائج/a-5402579 and https://ar.qantara.de/content/shkly-tshkyl-lhkwm-fy-lrq-nzt-lmlky-lsltwy-tyq-myld-ldymqrty-lrqy (both accessed 7 June 2019).

41 See the new government programme that the Iraqi parliament approved on 7 May 2020: https://gds.gov.iq/iraqs-parliament-approves-government-programme/ (accessed 16 May 2020).

Electoral strategies and voter choices also played a role in preventing Shi'a unification for electoral purposes. Al-Abadi's, and to a lesser extent Al-Ameri's, electoral strategies used nationalist rhetoric and pursued a more issue-based approach to politics. Their approach de-emphasised sectarianism but did not challenge the bases of sectarian rule in Iraq. In contrast, Al-Sadr and his Sairoun list used the grievances of Iraq's protest movement to advance a reformist agenda centreed on the demands of disfranchised citizens.[42] This was essentially an anti-elite agenda. Popular disappointment in the ruling political leadership (Al-Abadi in particular) and a low voter turnout marginally favoured Al-Sadr whose agenda was, however, difficult to reconcile with the prevailing political system.[43] This made achieving Shi'a unity more difficult.

Box 2 Nationalist narratives competing with populist discourse: the case of Al-Abadi

During the 2018 elections, Haider al-Abadi adopted a nationalist and performance-oriented strategy in a bid to attract voters who might otherwise vote along sectarian lines. Because his Al-Nasir coalition built its campaign around Al-Abadi's personality and the defeat of IS, his nationalist agenda lacked meaning and narrative compared with more populist/sectarian campaigns. The lack of achievements-in-office beyond the defeat of IS also reduced the credibility of his nationalist performance-oriented narrative.

This lack of 'other results' was in large part due to the fact that Al-Abadi did not have a significant political base of his own. This reduced his ability to exercise power effectively, strengthen state institutions and initiate durable reform. Most important has been his failure to address corruption. Despite a grand campaign and unequivocal support from Grand Ayatollah al-Sistani (who exhorted him 'to strike corrupt officials with an iron fist'), Al-Abadi's lack of a stable political base and his inability to confront corrupt officials associated with armed groups meant he produced negligible results. His tense relationship with the Al-Hashd al-Sha'bi, Iran and his perceived association with the United States also had a negative effect on his political future. Finally, his inability to resolve the Kurdish issue peacefully followed by an aggressive – although legitimate – response to the Kurdish referendum soured his relationship with Erbil's political elites.

42 Paper dedicated to the late Iraqi scholar Faleh Abdul Jabar, 'Iraq Votes 2018: Election Mobilization Strategies', *Institute of Regional and International Studies,* 11 May 2018: http://auis.edu.krd/iris/sites/default/files/IraqVotes2018_MobilizationStrategies1.pdf

43 Al-Sadr's victory should not be exaggerated as his 54 seats still fell 111 seats short of being able to form a government without coalition.

In short, it is difficult to translate more nationalist and performance-oriented agendas into political power because existing power bases, including substantial voter constituencies, are organised on a sectarian basis. Although Al-Allawi won the 2010 elections with a cross-sectarian list and message, this did not translate into political power. Al-Abadi faced a similar difficulty in 2018, the difference being that his coalition came only third. These examples highlight that the resilience of sectarianism in Iraq lies less in the country's political discourse – sectarianism has been toneddown across the political spectrum – and more in existing mechanisms of political organisation and vested interests.

Sources: Al-Sumaria, 7 August 2015, online (Arabic); Middle East Online, 19 August 2018, online (Arabic); Hadad, H., *Iraq's weak political party syndrome*, 1001 Iraqi Thoughts, 27 March 2019, online.

Allegations of election fraud sowed further disunity within both the Shi'a and Kurdish political elites because any changes in the results of the closely fought elections represented a zero-sum game. It therefore came as no surprise that, even after a manual recount of some of the election results and the annulment of the votes of internally displaced people, diaspora voters and Kurdish security forces,[44] the results remained largely unchanged. They were ratified on 19 August 2018.[45] The top contenders were Al-Sadr's Sairoun coalition with 54 seats, Al-Ameri's Fatah alliance with 47 seats, and al-Abadi's Al-Nasr alliance with 42 seats. No list obtained a clear parliamentary majority.

Once the fraud allegations were settled, the debate on which faction commanded the largest bloc of parliamentarians reignited. The Iraqi constitution confers the right to name the Prime Minister and form a government upon the largest bloc.[46] A problematic aspect of this arrangement is that ambiguity exists about whether parliamentarians (individually and in groups) can switch allegiances after the elections, or whether they are subject to factional discipline and remain bound by their pre-electoral engagements in the post-election period. In the event of the 2018 elections, this ambiguity was not

44 Al-Sumaria, 6 June 2018, online (Arabic) (accessed 20 June 2019).

45 Al-Sumaria, 19 August 2018, online (Arabic) (accessed 20 June 2019).

46 See Article 76(1) of the Iraqi Constitution: The President of the Republic shall charge the nominee of the largest bloc in the Council of Representatives with the formation of the Council of Ministers within fifteen days from the date of the election of the President of the Republic: http://ar.parliament.iq/الدستور-العراقي/.

resolved,[47] creating space for co-optation and bribery as well as producing a generally febrile atmosphere in which parties and individuals offered political allegiance in return for posts and influence. As the Shi'a parties were unable to form a coalition bloc, intense competition unfolded between Al-Sadr as 'reformist champion' and Al-Maliki as 'conservative champion'. Al-Sadr was initially able to secure an alliance with Al-Hakim, Allawi and Al-Abadi to form the largest bloc (the Reconstruction and Reform Coalition – *Islah*).[48] Al-Sadr even managed to gain allegiance from Al-Ameri's Fatah alliance to create a solid parliamentary majority.[49]

At risk of drawing the short straw, Al-Maliki engaged in a bout of clever divide-and-conquer politics. He first created a rift between Asa'ib Ahl al-Haq's leader Al-Khazali (part of the Fatah coalition) and Al-Ameri (leader of the Fatah alliance), which forced the latter to break off his engagement with Al-Sadr to keep the Fatah alliance intact. Furthermore, Al-Maliki and Al-Ameri convinced Al-Fayadh to break off from Al-Abadi's Nasr coalition (he served under Al-Abadi as National Security Council chair) in exchange for the position of Minister of the Interior (the nomination later failed). By engineering both splits, Al-Maliki created an opposing bloc to Islah – called *Bina* – that prevented Al-Sadr from claiming to lead the largest parliamentary bloc.

Interestingly, the arithmetic of this acrimonious intra-Shi'a lobbying, and counter-lobbying, was not disrupted from the outside as Sunni and Kurdish parliamentarians were unable to maintain internal discipline and, for reasons of their own, split between the Islah and Bina blocs. Sunni leaders Allawi and Al-Nujaifi chose to join Islah, while the Sunni Al-Khanjar-Karboli alliance joined Bina – to everyone's surprise, given the historical enmity between Al-Khanjar and Maliki. In similar vein, Barzani surprised the Iraqi political establishment by joining Bina in a bid to restore his relations with influential leaders in Baghdad and Iran after the 2017 referendum, despite Kurdish animosity towards both Al-Maliki and the PMF. The PUK chose to work with the rival Islah in an effort to maintain its claim on the Iraqi presidency (see Annex 3 for greater detail on these politicians, parties and coalitions).

During this sustained period of politicking, summer protests erupted in Basra and other southern provinces. An escalating series of incidents – which included the torching of party offices (including those of Hashd groups) and government buildings and the breaching of the Iranian consulate – focused minds in Baghdad to break

47 The federal Supreme Court settled a similar dispute on the nature of the largest bloc in 2010 by ruling that the largest bloc is the one formed within the Parliament and not necessarily the bloc or coalition that wins the elections. Yet, the court refused to provide its judgment in 2018, preferring not to meddle in political affairs. Al-Hurra, 3 September 2018, online (Arabic) (accessed 24 June 2019).

48 Al-Hayat, 9 June 2018, online (Arabic) (accessed 24 June 2019).

49 Ahmed Abu al-Einen, *Reuters,* 13 June 2018, online (accessed 24 June 2019).

the deadlock and form a government.[50] Still unable to settle the question of which bloc was biggest, Al-Sadr (leading the Islah bloc) and Al-Ameri (leading the Bina bloc with Al-Maliki behind the scenes) reached an agreement to share government positions equally. After taking account of their respective red lines (Bina refused the return of Al-Abadi as Prime Minister, preferring an experienced politician voted in by a majority of parliamentarians;[51] Islah refused a Bina nominee, favouring an independent or technocratic Prime Minister), the blocs agreed on Adel Abdul-Mahdi, an experienced independent politician with a relatively neutral status.[52] Reflecting on these developments allows a few conclusions about the 2018 parliamentary elections to be drawn:

- The Al-Muhasasa system remains alive and well. It served as the basis for the Sairoon (leading Islah) and Fatah (leading Bina) coalitions to negotiate the new Iraqi government. Paradoxically, the fact that neither intra-Shi'a nor intra-Kurdish unity could be achieved may have made the system more durable by enabling many parties to claim a slice of power despite a drop in their negotiating power due to greater fragmentation. On the upside, the new cabinet includes some experienced technocratic ministers, such as Mohammed al-Hakim (foreign affairs) and Luay al-Khateeb (electricity).This has less to do with the system itself, however, and more to do with Al-Sadr relinquishing his claim to his share of ministerial posts. Notably, he did not relinquish his claim to his share of sub-ministerial, general director or provincial posts.[53]

- The fragmentation of political elites during the process to form a government after the 2018 election, combined with the practices of Al-Muhasasa, further reduced the space available for women and young people. During the elections, female candidates were subjected to more extortion and threats than their male counterparts. Some had their reputation tainted, which forced them to withdraw. Political parties used youth issues and representatives mostly to look good on the campaign trail and the quota of parliamentary seats allocated to women to win additional seats. Once in government, they paid little attention to supporting women's and young people's participation and, when forming his cabinet, Abdul-Mahdi did little to involve women or youth.[54] Although Abdul Mahdi recently appointed Hanan al-Fatlawi as adviser on 'women affairs', she is seen among women's rights organisations as yet another member of the political establishment.[55]

50 Sputnik Arabic, 23 July 2018 online (Arabic) (accessed 24 June 2019); Mansour (2019), *op.cit.*

51 Al-Araby, 29 September 2018, online (Arabic) (accessed 24 June 2019).

52 France24, 2 October 2018, online (Arabic) (accessed 24 June 2019).

53 See for instance: https://www.rudaw.net/arabic/middleeast/iraq/051020184 (accessed 25 August 2019).

54 Lena Imad al-Musawi, Ultra Iraq, 16 Jan. 2019, online, (Arabic).

55 Dua' Youssef, Irfaa Sawtak, 9 Aug. 2019, online, (Arabic).

- The government formation process resulted in yet another weak Prime Minister (following on from Al-Jafari in 2005, Al-Maliki in 2006 and Al-Abadi in 2014) in the sense that Abdul-Mahdi lacked a strong political base of his own and was dependent on a wide range of political parties for his position and policies. As a result, the person in charge of governing lacked the political capital to steer decisions through Iraq's minefield of vested interests. The recent appointment of Mustafa al-Kadhimi as prime minister reconfirmed rather than changed this logic given the fact that he similarly lacks a political power base of his own.[56]

- The post-electoral period highlighted the fragmentation of Iraq's political party landscape, the lack of party discipline within parties and factions, and the inability of coalition and alliance leaders to control 'their' parliamentarians. In part, these features are rooted in Iraq's socio-ethnic diversity, which tends to generate a high number of parties for representative purposes. Until truly national parties develop, this factor will persist. These features also result from elements of Iraq's electoral law,[57] which reduce inclusion (stimulating party proliferation) and accountability (making it easy to create parties as vehicles for personal advancement) (see Figure 1 below).

56 See: Alkadiri, R., *Can Mustafa Kadhimi, the Latest Compromise Candidate, Repair Iraq's Broken System?*, LSE, online, 2020. Although Prime Minister Al-Kadhimi may be helped by the fact that Iraq faces a triple crisis in the form of a Covid-10 health pandemic, a tanking oil price and significant US – Iranian tensions, not to mention a growing threat of Islamic State elements.

57 On 24 December 2019, the Iraqi Parliament voted on a new election law that allows for individual ('single') candidates to run for election and creates smaller electoral districts (each district of 100,000 residents within a province would constitute one electoral district). *Source*: Dr. Muhanad Mahdi al-Bayati, *An Analysis of the New Iraqi Election Law (a translation of the original title in Arabic),* Al-Mada Paper, 30 December 2019, online. At the time of writing, the law had not yet been signed into effect.

Figure 1 Key features of Iraqi's electoral law (as of October 2019)

Proportional representation (1 seat for every 100,000 Iraqis) / closed party lists / 18 large electoral districts (each province) / largest parliamentary bloc names Prime Minister (composition of bloc fluid, vulnerable to defections) / seats allocated according to modified 'Sainte-Lague' method (current denominator 1.9, favouring larger parties) / 25% of seats reserved for women

Advantages

Ensures Iraq's diverse groups and communities are all represented in Parliament / makes the rise of one-man and one-party rule difficult / compatible with the federal nature of the Iraqi state

Disadvantages

Promotes competition between candidates on the same list / encourages participation of blocs and candidates with negligible support / modified 'Sainte-Lague' method benefits larger parties // excludes independent candidates // electoral districts too large to ensure accountability or adequate representation

Note: Figure 1 above reflects the current ('old') Iraqi electoral law as the new one remains in the making. See footnote 57 for a short overview of the main differences.

Sources: Iraq's electoral law, Musawy, L. *Electoral reform: What's really needed in Iraq*, Washington DC: The Washington Institute, 2018; Al-Rikabi, H., *Reforming the Electoral System in Iraq*, Baghdad: Al-Bayan Center, 2017.

- Some commentators have concentrated on the various adaptations of Iraq's use of the Sainte-Lague method (its 'divisor' in particular)[58] for translating votes into parliamentary seats during its 2014, 2018 and 2020 (forthcoming provincial) elections as a key factor influencing political party fragmentation. Such a focus is, however, partial since this votes-to-seats distribution method is only one of the elements

58 In its 2014 and 2018 elections, Iraq alternated between favouring smaller and larger parties in its use of the modified Sainte Lague method. Higher divisors tend to favour larger parties in the distribution of seats. For its 2018 elections, Iraq used a divisor of 1.7. By way of context, the unmodified version of the Sainte Lague formula is as proportional as the 'largest remainders' formula (the most proportionate of all methods of proportional representation) for translating votes into seats. The modified versions of the Sainte Lague formula are still the second-most proportional method. See: Grofman, B. and A. Lijphart, *Electoral laws and their political consequences*, New York: Agathon Press Inc., 2003; Al-Rikabi, H., *Reforming the electoral system in Iraq*, Baghdad: Al-Bayan, 2017.

influencing fragmentation. Other factors include the ease/difficulty of setting up a new political party (see Figure 2 below), district size, the lack of clarity on the rules for forming and claiming the largest 'bloc', and the use of a seat threshold (currently nominal).[59]

- The post-electoral period has also shown that, when Iraq's political elites face threats from outside the system (such as IS in 2014 and widespread protest in 2018), they are able to identify short-term solutions rapidly and pragmatically to complex political power plays. In contrast, solving longer-term policy problems fundamentally challenges the system. Its tortuous decision-making processes, large number of players, politicised judiciary and corrupt bureaucracy form major barriers to developing policy.[60]

On a final note, modifying the rules of Iraq's political game via constitutional reform is difficult. While the Constitution allows for amendments (Articles 126 and 142), these need to be approved by national referendum, which is expensive, slow and uncertain.[61] A majority of Iraqis would need to agree and no more than three provinces must vote against the proposed changes.[62]

59 The Sainte Lague 'divisor' was recently changed to 1.9 for the 2020 provincial elections. See: https://www.al-monitor.com/pulse/originals/2019/08/iraq-provincial-election.html (accessed 25 August 2019).

60 Mansour (2019), *op.cit.*; Foltyn, S., *Will Iraq's Old Divisions Undermine Its New Prime Minister,* Foreign Policy, 5 February 2019; Al-Araby, 16 June 2019, online, (Arabic) (accessed 20 August 2019).

61 Iraqi Constitution, online: http://ar.parliament.iq/الدستور-العراقي/.

62 Iraqi Constitution, Article 142; One Iraq News, 26 July 2019, online (Arabic) (accessed 20 August 2019).

Figure 2 Political party law in Iraq

1 Registration

- Any Iraqi older than 25 without a criminal record can establish a political party. He/she cannot be a former Baathist or hold a position in another party at the time of formation
- Parties must show names & signatures of 2,000 members. Minorities' parties need only 500 members
- Parties should have a recognisable name, logo and bank account
- A party becomes a legal entity once approved by the Department of Parties, endorsed by the Independent High Electoral Commission and publicised in two local newspapers

2 Membership

- Any competent Iraqi older than 18 without criminal record can become a member
- All Iraqis have the right to join/establish a political party except members of the Judiciary, the Independent High Electoral Commission, the Integrity Commission, the High Commission for Human Rights, Iraqi Intelligence Service and the Iraqi Security Forces
- Iraqis cannot be a member of more than one political party

3 Operations

- Parties have the right to open representative offices and hold regular meetings. Their premises cannot be searched without a court order
- Parties can receive domestic, but not foreign, contributions
- Parties cannot build their platform on Ba'athism, sectarianism, racism, terrorism or radicalism
- Parties cannot have armed wings, violate the constitution, threaten state integrity or engage in foreign policy

4 Challenges

- Registering a party is a long and bureaucratic process
- Larger parties often sabotage new and smaller parties
- Creating a political party remains a particular challenge for women and youth. Most parties are led by men and, while any Iraqi can form a party on turning 25, they cannot run in elections until they are 30 (subject to change if the new electoral law passes)
- Fundraising is difficult for smaller and newer parties
- Smaller parties participate in elections hoping to join a coalition, few win seats
- There is no effective enforcement of regulations

Source: Iraqi Law for Political Parties: http://arb.parliament.iq/archive/2015/08/27/20218/, adopted on 17 September 2015.

4 Growing disillusionment with the political system

The limited success of successive post-2003 Iraqi governments in translating the end of a brutal dictatorship into better lives for ordinary citizens has created a profound sense of disillusionment with the political elite.[63] Politicians are commonly thought to abuse their positions for private gain, while neglecting their public duties to improve the country's economy, security, services, and infrastructure.[64] The disillusionment with the political system was on full display during the May 2018 parliamentary elections. Despite the period of optimism that followed the symbolic defeat of IS, the turnout rate was the lowest since 2005, with the accuracy of the official turnout rate (44.5%) being widely disputed.[65] For example, participation in major Iraqi cities, such as Basra and Baghdad, was probably lower.[66] This suggests that many Iraqis no longer consider elections a possible solution to the array of public policy problems the country faces.[67]

The Parliament, in particular its dominant blocs, have become associated with widespread corruption and ethno-sectarianism. Former Prime Minister Abdul Mahdi was perceived as weak and unable (or unwilling) to challenge influential political elites. This was evident in the 10 months it took to form a cabinet (September 2018 to June 2019). In addition, Mahdi did not manage to fulfill his government programme, which promised better services and more jobs within 100 days. Near daily electricity shortages are a visible reminder of these broken promises.

Another factor contributing to poor government credibility and legitimacy is the unsettled status of the territories disputed between Iraq and the Kurdistan region. After the Iraqi army retook these territories following the 2017 Kurdish independence referendum, many armed groups and political factions have come to operate in

63 Simona Foltyn, *Iraq's disillusioned give up on political leaders*, Financial Times, 14 August 2018: https://www.ft.com/content/00488e80-9970-11e8-9702-5946bae86e6d

64 France24, 11 May 2018, online.

65 Al-Sumaria, 13 May 2018, online (Arabic) (accessed 25 August 2019).

66 *Ibid.*

67 Gilgamesh Nabeel & Jacob Wirtschafter, *Young Iraqis have reason to be disillusioned with politics. Instead many are backing a new generation of leaders,* PRI, 10 May 2018, online & Zaid al-Ali, *Why Iraq's surprising election does not signal major change,* The Washington Post, 16 May 2018, online & DW, 12 May 2018, online & Stephens, H., *Frustration in Iraq: Protests and Politics*, World Politics Review, 15 February 2019, online.

the area under the guise of working with, or representing, the Iraqi government.[68] These forces are not unified, but engaged in building their own patronage networks and applying ethno-sectarian rhetoric when it suits them. In short, the pre-IS conflict between Baghdad and Erbil has become more difficult to resolve as the Kirkuk area now features starker multi-sectarian/ethnic competition between political factions and military groups over loyalty and resources.[69] This has several knock-on effects. For a start, the Iraq state is unable to effectively control the territories it retook (for example, Kirkuk still does not have an elected governor).[70] Key administrative decisions are not taken, and public services are deteriorating, and public investment is non-existent. In addition, those parts of the disputed territories without Peshmerga or Iraqi Security Forces remain useful recuperation areas for IS. The group has skillfully exploited this vacuum to conduct hundreds of small hit-and-run attacks, as well as kidnappings.[71]

Yet another factor contributing to poor government credibility and legitimacy is the slow pace of reconstruction and reconciliation in areas formerly held by IS – especially greater Mosul. Two years after its liberation, whatever progress there has been exists mostly on paper. While the challenge is formidable and estimated to require US$40 billion (at a rate of US$1,8 billion a year), even the modest US$560 million allocated in the 2019 national budget[72] suffered from significant leakage in the form of corruption, nepotism and poor planning.[73] For example, some contractors have stated that winning a tender – if one is issued – requires bribing the local director of the reconstruction authority as well as side-payments to several other officials.[74] The process of compensating people for the physical damage to their properties also remains slow and marred by corruption.[75]

68 Gaston, E. and A. Derzsi-Horvath, *It’s Too Early to Pop Champagne in Baghdad: The Micro-Politics of Territorial Control in Iraq*, War on the Rocks, 2017, online; GPPI, *Iraq after ISIL: Local and sub-state forces in Iraq*, online.

69 See for instance: Skelton, M. and Z. Ali Saleem, *Iraq’s disputed territories internal boundaries after ISIS: heterogeneous actors vying for influence*, Sulaymaniya: IRIS, 2019.

70 Aktham Saif al-Deen, Al-Araby (Arabic), 20 Jan. 2019: https://www.alaraby.co.uk/politics/2019/1/19/مناطق-الصراع-العراقية-بغداد-تريد-حلولا-لا-تستفز-الأكراد.

71 RT, online: https://arabic.rt.com/middle_east/1021476-جبار-ياور-الجيش-العراقي-البيشمركة-خطر-المنطقة/, 24 May 2019 (Arabic).

72 Al-Mada, 24 February 2019, online (Arabic).

73 Al-Arabiya, 13 Feb. 2019, online (Arabic) & Ghamdan al-Dehimi & Manhal al-Kalak, Irfaa Sawtak, 21 June 2019, online, (Arabic)

74 Al-Basaer, 27 September 2018, online (Arabic).

75 Anecdotally, a citizen of Mosul had to pay a bribe of US$200 to accelerate the process. Such reports are not uncommon. See: Al-Basaer, 27 September 2018, online (Arabic).

In this context, incidents like the ferry capsizing on the Tigris river on 21 March 2019 (causing 103 people to drown due to overloading) rapidly turned into explosive manifestations of public anger and popular frustration with the slow pace of reconstruction and poor government performance.[76] Following the incident and the associated protests, Mosul's governor was dismissed and a new one elected.[77] However, any positive effect of this prompt response was undone when backroom deals emerged revealing how politicians had manipulated the appointment process, trading consent for personal gain.[78] At the same time, it should be noted that a change of governor hardly presents a solution for the problems of poor administration that beset Mosul and other places. Provincial and municipal bureaucracies remain so thoroughly penetrated by political parties and their affiliates that rent seeking displaces administrative performance and efficiency as core activities.

The final factor that substantially magnified and accelerated popular disillusionment with the Iraqi government has been its non-accommodating and disproportionately repressive response to the protests that have rocked the country since October 2019. While such protests are not new in themselves, their larger scale, greater intensity and the escalating nature of their demands – nothing short of wholesale replacement of the ruling class – posed a major challenge to Iraq's political establishment. This establishment chose to respond with widespread and lethal repression, leading to an estimated 600 deaths as well as thousands of injured and imprisoned protestors.[79] Only in December, after about three months of protests, did the Iraqi Prime Minister, Abdul Mahdi, resign and only five months later was a new Prime Minister, Mustafa al-Kadhimi, appointed. Elite resistance to change, lack of government responsiveness and the crackdown against protesters eroded whatever confidence still existed in Iraq's political system of rule and patronage.[80]

76 Al Jazeera, 22 March 2019, online.

77 France24, 24 March 2019, online (Arabic) and Al-Zaman, 13 May 2019, online (Arabic).

78 Erem News, 14 May 2019, online (Arabic).

79 According to Amnesty International, online, 23 January 2020.

80 See for example: Mansour, R., *Iraq's new republic of fear: How youthful protests provoked an authoritarian turn*, Foreign Affairs, online, 20 November 2020.

5 The inevitable co-variance of summer heat and protests

Street protests in Iraq are a mixture of those driven by political parties and those that are more grassroots in nature. The former are typically an extra-parliamentary tool in which political parties use organised demonstrations to mobilise their base, emphasise particular political messages and put pressure on partners as well as rivals. For example, in June 2018 supporters of the State of Law coalition protested against the Independent High Electoral Commission to have the 2018 parliamentary electoral results released as they were not in favour of a recount.[81] Such politically orchestrated protests are centralised, large scale and frequent. They are relatively effective in getting their messages heard, but this does not mean that their demands are addressed. Often, they are protests against the foreign policies of other states, not in the expectation of influencing those countries, but to show where the sympathies of the protesting party(ies) lie(s), or to put pressure on domestic allies in crafting the Iraqi position on the particular issue. A good example is the 2019 storming of the Bahraini embassy in protest against the conference in Manama where President Trump's Palestinian peace plan was discussed.[82]

It is the Sadrist party that has perfected the art of political street protest, especially in Baghdad's Tahrir Square area. The party's protests tend to be louder and more frequent than those of its political competitors due to the Sadrist movement's large and loyal base which is capable of mobilising within and outside of Baghdad. The staunch loyalty of his followers allows Al-Sadr to initiate protests through a simple tweet or Facebook post while his political offices across Baghdad and southern Iraq facilitate logistics. Other political parties such as the State of Law coalition and Al-Hikma also mobilise large protests in Baghdad. However, they lack the edge of the Sadrist demonstrators,

81 Ben Robin-D'Cruz, 'South Iraq Security Report: May 2018', *Iraq After Occupation,* https://www.iraqafteroccupation.com/2018/06/01/south-iraq-security-report-may-2018/.

82 Seth Frantzman, 'Protesters Storm Bahrain Embassy in Baghdad after U.S.-Backed Summit – Watch', *Jerusalem Post,* 28 June 2019, https://www.jpost.com/Breaking-News/Protesters-storm-Bahrain-embassy-in-Baghdad-after-US-backed-summit-593949.

who have shown that they are willing to turn violent when necessary, such as when they stormed the Iraqi Parliament on 30 April 2016.[83]

In contrast, there are more grassroots-based, street-driven protests that tended to be more scattered and issue-specific and are mobilised through social media. Such protests typically revolved around poor services, high unemployment and inadequate pay (see Table 1). The political establishment has generally responded more meaningfully to such protests because of the short-term opportunities they offer, such as increasing government popularity through quick-fix measures and symbolic announcements or canvassing new constituencies. Grassroots protests have also tended to be supported by Grand Ayatollah Ali al-Sistani, which gives them moral force, and being seen in sync with his pronouncements offers politicians a chance to 'borrow' some of this moral legitimacy.[84] Nevertheless, political responses have fallen well short of addressing the issues these grassroots protests raise,[85] creating an escalating cycle of protests as well as growing levels of repression.[86] The Government's response improved somewhat under Prime Minister Abdul Mahdi who, in contrast to the reactive attitude of Al-Abadi, met with the Basra local government early on during his tenure (October 2018), appointed Al-Ameri (leader of the Fatah alliance) as special envoy to Basra,[87] and maintains good relations with neighbouring countries to ensure steady electricity connections with Iran, Kuwait and Saudi Arabia.

83 Ghassan Adnan and Matt Bradley, 'Protesters Storm Iraqi Parliament', *The Wall Street Journal,* 30 April 2016, https://www.wsj.com/articles/protesters-storm-iraqi-parliament-1462019469.

84 Hamzeh Mustafa, 'Sistani supports the demonstrations in Basra ... and Abadi trying to calm them *Asharq Al-Awsat,* June 14, 2018, www.shorturl.at/amBKW.

85 There have been some improvements in service delivery and water supply (though mainly because of heavy rainfall). Also, thousands of extra public sector jobs were created (e.g. within the Ministry of Electricity). See: 'Prime Minister's weekly press conference', *Iraq News Agency,* 21 May 2019, http://www.ina.iq/videos/520/; 'Council of Ministers Resolutions', *Prime Minister's Office,* 12 March 2019, http://pmo.iq/press2019/12-3-201902.htm.

86 For analysis of the protests across Iraq in October 2019 (Baghdad and the south): Ezzeddine, N. and E. van Veen, *A paralyzed status quo: expect more protests and violence in Iraq*, The Hague: Clingendael, 2019; see 'also: Ben Robin-D'Cruz, 'South Iraq Security Report: July 2018', *Iraq After Occupation,* https://www.iraqafteroccupation.com/2018/08/02/south-iraq-security-report-july-2018/.

87 Ali al-Aqily, Jassim al-Jabiri, Samya Kullab and Staff, 'Hadi al-Amiri appointed "czar" of Basra', *Iraq Oil Report,* April 11, 2019, https://www.iraqoilreport.com/news/hadi-al-amiri-appointed-czar-of-basra-39293/.

Table 1 Top-3 grievances as expressed in protests (August 2017 – July 2019, nationwide)

#	Grievances	Incident count
1	Services (electricity, water, housing, health, sewage, roads, infrastructure)	652
2	Unemployment	279
3	Pay and benefits	206

Source: Based on monthly reports from Ben Robin-D'Cruz, *South Iraq Security Reports: August 2017 - July 2019*, iraqafteroccupation.com.

While most grassroots protests were small scale until well into 2018, July of that year was a turning point.[88] It saw accelerating and broadening protests in Basra especially, where summer heat coupled with worsening electricity cuts pushed Basrawis towards larger demonstrations.[89] There is a threefold explanation for these protests. First, there are the practical service delivery failures the province faces, in areas like water and electricity. Second, although Basra is Iraq's economic (oil) hub, it sees little benefit from its underground riches in terms of its provincial and municipal development. Third, Basra is Iraq's Shi'a heartland, where most Shi'a political parties have key constituencies and where many Hashd recruits hail from. However, it is marginalised by the same political parties (i.e. the Sadrists, Al-Hikma, Da'wa, Badr and Asaib ahl al-Haq). This creates an explosive mixture. For example, hundreds of protestors stormed a Chinese Oil firm (PetroChina) in Al-Kahla (Maysan) on 13 July 2018; hundreds closed roads around the home of al-Khidir district's mayor in Muthana province on 16 July 2018; and hundreds of protestors rallied in Umm Qasr on 15 July 2018.[90] As protests grew, their organisation changed from primarily relying on social media influencers who determined the location and date of the protests (like Kadhim Sahlani with 6.5k followers on Facebook) to tapping into tribal networks and civil society organisations to coordinate and represent demands.

88 This is underlined by the fact that more and more Iraqi's are willing to make their voices heard. An NDI poll registered 76% of respondents in support of protests, for example (conducted from August to October 2018). See: 'NDI Poll: Iraqis call on new government for equitable reconstruction, services and jobs', *National Democratic Institute,* November 20, 2018, https://www.ndi.org/publications/ndi-poll-iraqis-call-new-government-equitable-reconstruction-services-and-jobs

89 John Catherine, 'Iran cuts off electricity to sweltering Iraq due to unpaid fees: Ministry', *Kurdistan 24,* 7 July 2018, https://www.kurdistan24.net/en/news/5109cf38-809b-4098-aca7-3c5bbc2c1253.

90 Ben Robin-D'Cruz, 'South Iraq Security Report: July 2018', *Iraq After Occupation,* https://www.iraqafteroccupation.com/2018/08/02/south-iraq-security-report-july-2018/.

While Basra is a key 'protest nucleus' for the reasons mentioned, it is remarkable how grassroots protests have spread to include Baghdad and Iraq's Shi'a south, Kurdish Iraq, and Nineveh province. In Baghdad and the south, the protests acquired a new character in October 2019. No longer limiting themselves to demanding 'better basics' (water, electricity and jobs) they have powerfully voiced a demand for wholesale political change, including the reduction of foreign influence on Iraqi governance (mostly in relation to Iran, also the US), which puts them squarely at odds with the elite networks running the state. The protests of October–December 2019 also featured very high participation rates of both women and young people, who face especially poor prospects in Iraq's patriarchal political system that expropriates public goods for the private benefit of the elite networks running the state. Unsurprisingly, yet tragically, this triggered sustained repressive violence that resulted in hundreds of protestors being killed, in part at the hands of armed forces that are only partially linked to the Iraqi state. While the resignation of PM Abdul Mahdi represents a clear victory for the protestors, no structural reforms have so far been seriously entertained that can address the limited inclusivity, poor accountability and poor performance of national governance in Iraq. Without a credible alternative political platform, clearer leadership of the protest and resolution of the Iran–US regional stand-off, such measures are unlikely to affect the existing power balance in the short term.[91]

In Kurdistan, over the past few years local grievances have increasingly spilled onto the streets as its citizens feel the material impact of a weakened economy due to the war against IS and the emotional impact of unfulfilled promises, such as the independence referendum of 25 September 2017.[92] These protests have been instrumental in forcing the KDP and PUK to improve their relationships with Baghdad to secure a budget transfer deal that enabled them to re-start paying public servant and Peshmerga salaries in full (2019).

In Nineveh, most grassroots protests have been specific and local. For example, following the ferry accident of 21 March 2019, Mosulawis protested against the incompetence of the provincial authorities *en masse* once the incident had gone viral on social media.[93] In some sense their demands were met with the dismissal of Governor Naufal Al-Akoub, but the underlying poor quality of provincial administration has been

91 Ezzeddine and Van Veen (2019), *op.cit.*; Al-Rikabi (2019), *op.cit.*; Al-Shadeedi, H., *No time like the present for democratic reform in Iraq*, 1001 Iraqi Thoughts, online, 2019.

92 It should be noted that the PUK in Sulaymaniyah is relatively tolerant of protests while the KDP in Dohuk and Erbil is not. Generally, protests mostly take place in Dohuk/Erbil to express discontent vis-à-vis Baghdad. The increase in 'unauthorised' protests in Dohuk/Erbil is therefore a serious sign of popular dissatisfaction with the KDP.

93 Kosar Nawzad, 'Mosul protesters demand ouster of Iraqi governor after tragic drownings', *Kurdistan 24, 22* March 22 2019, https://www.kurdistan24.net/en/news/6a3b2e4b-d9ff-448a-9ec9-8bac90c3362f.

left unaddressed.[94] In fact, protests against the backroom dealing that led to the election of the new governor, Mansour Al-Maraid, were completely ignored.[95] This suggests that if there is sufficient consensus among Iraq's political parties, popular demands can be ignored.

In short, the growth of grassroots protests indicates that the Iraqi political system suffers from chronic legitimacy and performance issues. Disillusioned Iraqis from Mosul, Baghdad, Basra, and Kurdistan have all protested to obtain better services, more job opportunities, greater accountability of their political elites and better performance of their public administrations. Nonetheless, there has been little cross-ethnic/sectarian cooperation, and this has so far prevented local demonstrations from turning into a larger national class struggle against corruption and the ruling elite.

94 'Iraq's parliament fires governor over Mosul ferry disaster', *Al Jazeera English,* 24 March 2019, https://www.aljazeera.com/news/2019/03/iraq-parliament-fires-governor-mosul-ferry-disaster-190324140231272.html.

95 Video and analysis of protest tweeted by Mustafa Habib, *Twitter, 13* May 2019, https://twitter.com/mustafa_habib33/status/1127891793629122561?lang=en.

Conclusion and recommendations

This short report has focused on the question of how the democratic character of Iraq's political system can be strengthened, including what practical administrative measures are needed to that effect. The preceding analysis has highlighted that the democratic character of the Iraqi state remains a work in progress. This is wholly unsurprising if one considers the deep and recurrent cycles of conflict that the country has gone through since the 1980s, and the fact that its current constitution and government mechanisms were created after invasion and in times of political fragmentation, followed by further violence, civil war and radicalism.

It would be easy to draw the conclusion that application of the Iraqi Constitution needs major revision, electoral law should be reformed, the Al-Muhasasa system discarded, the creation of new cross-sectarian political parties facilitated, and the civil service staffed on the basis of merit. However, while the Iraqi government certainly has an obligation towards its citizens and national development to improve the democratic nature of its rule, institutions and practices, flights of fancy will not do the job.

In other words, while the issues listed are significant and reform is pressing, they cannot be tackled simultaneously, and must be addressed in a way that gives entrenched interests the option of contributing and changing course. This is not because such interests are benign or altruistic, but because their resistance to change could easily trigger protracted violence, such as can be witnessed today in the repression of protests, or even civil war. At the same time, change that is too gradual is unlikely to satisfy the ongoing cycle of protests, or to deliver the improvements in governance that are so urgently required.

In short, there is a fine balance to be struck between the speed and scope of change that a divided country run by an oligarchy of elites can accept and implement. Pressure will need to be combined with patience.[96] What exact balance works is up to Iraq's social forces to establish: its politicians, citizens, tribes, armed groups, young people, women and religious authorities. Short of violence, coups or revolution, the negotiation and contestation between the interests of such social forces requires extraordinary and long-term processes to be put in place to organise and enable them. These must

96 Ezzeddine and Van Veen (2019), *op.cit.*

be complementary to existing procedures and institutions, since it is precisely the problematic functionality of these procedures and institutions that creates the need for an additional impulse.

Against this backdrop, international actors can help by maintaining the moral parameters for the contestation between Iraq's social forces based on the UN Charter, the International Declaration of Human Rights and other relevant elements of international law to ensure that the rights and dignity of individuals and groups are respected and proceedings are as peaceful as possible. As the guardian of the world's corpus of moral standards, the UN in particular has a key role to play in both upholding the rights and assuring the safety of protestors to voice their demands, stressing the duty of the Government to maintain public order and hold those responsible for excessive violence accountable.

International actors can also facilitate, rather than influence or determine, processes of contestation between Iraq's social forces – such as its political parties, elite networks, tribes, ethno-sectarian groups, religious authorities and protestors – by helping to ensure that they are peaceful and well informed. This can be done by, for example:

- **Providing open and safe discussion spaces.** Create (a) well-organised, well-facilitated, safe and informed space(s) for Iraq's social forces (see above) to discuss and contest political issues in need of change. Topics should be defined by participants but can include concrete challenges such as the functionality of Iraq's Constitution and its electoral law and broader social issues that have political relevance, such as the role of women and young people in the political future of Iraq. The key is to ensure that such spaces are inclusive, informed by the analysis of approaches and solutions to similar political problems elsewhere, and that they are safe – i.e. that participants can meet and disagree without fear of repercussions. Such spaces do not need to produce or agree solutions – Iraq already has fora for this purpose – but they should stimulate contact, promote rational discussion, increase confidence and develop ideas.

  Especially international non-governmental organizations are well placed to undertake this kind of work, preferably of course together with Iraqi counterparts (but note this can be challenging in the current environment). The Beirut Common Space Initiative provides one kind of example[97], but past work in the area of

97 On the Common Space Initiative: http://www.commonspaceinitiative.org/ (accessed 30 October 2019).

dialogue facilitation by the Berghof Foundation[98] or mediation organizations like the HD Centre or the Dialogue Advisory Group (DAG) can also serve as sources of inspiration.

- **Develop a better understanding of Al-Muhasasa.** Develop a more refined understanding of the advantages and disadvantages of the Al-Muhasasa system as it was originally intended, how it works today and how it can, or cannot, serve Iraq in the future. Such discussion should step away from easy condemnation of the practice and take account of the fact that Iraq will remain a highly diverse society characterised by many conflicting interests that require effective – and permanent – mediating institutions and processes. Overcoming the system's current gender and generational limitations would, for example, already be a major achievement that requires cultural, systemic and party-political changes.

  This is a more analytical intervention that should be undertaken by a cross-sectarian, cross-gender and cross-generational team of Iraqi analysts supported by international researchers that provide comparative insights, methodological insights and quality assurance. Such a research team should furthermore be championed, and report to, a board that mixes high-level representatives of Iraq's main political parties (see Annex 2) with more neutral voices, such as the country's religious authorities.

- **Growing leaders.** Initiate a cross-sectarian leadership 'development' programme that seeks to improve the quality of political leadership and build a shared political vision for Iraq (e.g. via the use of scenario planning)[99] and to increase confidence different segments of Iraq's social forces, such as its political parties, tribes, socio-ethnic, armed groups and religious authorities.[100] Participants should be a mix of the established order, i.e. leaders from among existing political parties; more neutral, outside voices such as leaders of Iraq's various religious authorities and tribes; and leaders from Iraq's protest movement(s). Using the experience of leadership programmes elsewhere, these programmes should also focus on empowering women and youth groups to overcome gender and generational divides.

98 For example, design, ground rules and toolbox suggestions for effective dialogues can be found in: Ropers, N., *Basics of Dialogue Facilitation*, Berlin: Berghof Foundation, online, 2017; see also: https://www.berghof-foundation.org/en/publications/glossary/facilitating-negotiation-dialogue/ (accessed 26 February 2020).

99 Consider the use of scenarios in South Africa: Galer, G., 'Scenarios of change in South Africa', *Round Table*, Vol. 93., Issue 375, 2004; http://www.clemsunter.co.za/ (accessed 15 December 2016).

100 Such as for instance: Wolpe, H. et al., 'Rebuilding Peace and State Capacity in War-torn Burundi', *Round Table*, Vol. 93, No. 375, 2004; or: https://www.wilsoncenter.org/the-burundi-leadership-training-program (accessed 30 October 2019).

This is a sensitive intervention that could be initiated by a newly constituted or revamped Iraqi civil service council, college or board. To give it an external impetus in Iraq's tense political environment, it is best supported by a trusted bilateral partner of the Iraqi government (i.e. another country) with a neutral reputation that works through a non-governmental organization with an established reputation for leadership development, either from the global private sector or in the development sphere. It could be analytically supported by the internationally renowned Development Leadership Program, a global research effort that 'explores how leadership, power and political processes drive or block successful development'.[101]

- **Offering examples of difficult political reforms elsewhere.** Set up, or 'task', a(n) (existing) knowledge centre to examine and share other experiences with large-scale governance reform and political change that offer evidence and examples of key considerations, conditions and parameters.[102] Its work should be guided by asking how tough political reform has been enabled elsewhere and how these experiences are useful to Iraq today. A focus on the Arab world and on countries with similar levels of development and riches would enhance relevance and comparability. Such work should include advice on effective electoral reform strategies, with due attention to political leadership, conducting effective opposition and political party development.

  Such an intervention could usefully tie in with the creation of safe spaces for dialogue and enrich these with the necessary reflections and insights. It could be undertaken by a think tank or non-governmental organization from the Arab world (e.g. Lebanon, Turkey or Tunisia) partnering with a Western counterpart to capture both reform struggles in the region and further afield. These would have to work with a range of existing Iraqi research centers such as Al-Bayan, the American University of Sulaymaniyah, MERI and the Al-Nahrain Center for Strategic Studies to distill implications for the Iraqi political context. It should also benefit from UN patronage and support, either via UNAMI or UNDP, leveraging the experience of its Governance Center in Oslo (Norway).

All these initiatives require a local office and strong presence of any international actor wishing to engage in them, a capable local Iraqi partner to work with, and capable staff that speak Arabic, are familiar with Iraqi culture and have knowledge of the political landscape of the wider Middle East. By themselves, such initiatives will not resolve Iraq's pressing governance problems. But, if undertaken well, they can help the country's social forces to figure out more comprehensively and more peacefully how to address them.

101 See: https://www.dlprog.org/ (accessed 26 February 2020).

102 The Spanish transition from dictatorship to democracy comes to mind, for example: Maravall, J., *The transition to democracy in Spain*, New York: St. Martin's Press, 1982; Desfor Edles, L., *Symbol and ritual in the new Spain: The transition to democracy after Franco*, Cambridge: CUP, 1998.

Annex 1 The fragmentation of Shi'a, Kurdish and Sunni politics in Iraq

An interesting feature of the development of Iraqi national politics over the past decade-and-a-half has been the growing party-political fragmentation of its different ethno-sectarian groups. The US invasion of 2003 was followed by a Kurdish-Shi'a political takeover of national-level governance around 2005. On the one hand, the PUK and KPD teamed up and made themselves useful to the US, gaining quasi-autonomy over the Kurdistan Region of Iraq (KRI) in the process. The mix of their unity and autonomy turned them into essential coalition partners in Baghdad until the 2018 elections, fulfilling a role akin to that of 'kingmakers'. On the other hand, key Shi'a parties, such as Da'wa and ISCI, did the same at the national level and captured the central government as a result, with Da'wa providing all prime ministers until 2018. This loose Kurdish–Shi'a alliance dominated Iraqi politics until 2014–2018, when Al-Maliki's removal from office, Da'wa's internal split, Al-Sadr's 'transformation' into a more 'Iraqi politician', and the rise of Shi'a parties based on the Al-Hashd al-Sha'abi fragmented the Shi'a political landscape, just as the Kurdish independence referendum ruptured Kurdish unity in 2017. All the while, Iraq's Sunni political parties essentially went from one phase of fragmentation to another. These trends are discussed in greater detail below.

Iraqi Kurdistan: Once allies in Baghdad, the PUK and the KDP sink into acrimony

Fragmentation within the Kurdish political landscape can historically be traced back to the 1975 emergence of the PUK as a breakaway faction from the KDP and the Kurdish civil war of the 1990s. The 2017 Kurdish referendum is only the most recent manifestation of the lingering animosity, although it did forcefully rupture the tactical PUK-KDP alliance that had existed since 2003. The referendum was a KDP-led initiative that did not enjoy support across the Kurdish political spectrum. Yet, its national-emotional appeal ensured that other Kurdish parties, leaders and intellectuals struggled to criticise both its occurrence and its timing. Most Kurdish political parties shared the drive for independence and recognised the KDP's ability to push the plan through, but substantial disagreement existed over the timing and the approach. Nevertheless, the 'not now' campaign failed to gain sufficient popular support. Holding the referendum proved to be a costly mistake as the Iraqi Security Forces and the Hashd retook Kirkuk

and the majority of the disputed territories on 16–17 October 2017, areas that the KPD and PUK had themselves opportunistically retaken from IS between 2014–2017. In the PUK-held areas, Peshmerga forces withdrew before the arrival of the ISF, suggesting that the party was aware of the ISF advance, while minor clashes occurred between KDP Peshmerga and the ISF. To some observers, this implied that a deal had been negotiated between Baghdad and Sulaymaniyah.[103]

After this episode, the KDP accused the PUK of collaborating with the ISF and betraying Kurdish interests.[104] In the event, the developments of October 2017 were just the first in a new cycle of tensions between the PUK and KDP that continues to this day. These tensions have manifested themselves in the parties pursuing different electoral strategies (for example, the PUK ran in Kirkuk during the 2018 elections, the KDP refused to do so), disagreeing to create the usual Kurdish coalition to compete in the national elections and their lack of agreement on the allocation of key positions in Baghdad and Erbil.[105]

Tensions between the PUK and KDP escalated even further in September 2018, when Kurdistan held parliamentary elections in which the KDP won more than 50% of the vote. The PUK also performed relatively well, managing to win the elections in its stronghold, Sulaymaniyah, despite existing tensions, political competition and a debatable governance track record. Agreement on the nomination of ministers and allocation of key positions within the KRI was only reached in April 2019.[106] In a surprising about-face, the PUK subsequently boycotted the 28 May parliamentary session that sought to elect a new president for the KRI.[107] When this process nevertheless went ahead, the PUK subsequently participated in Nechervan Barzani's inauguration ceremony and agreed to implement the earlier KDP-PUK arrangement to

103 Al-Mada, 16 October 2017, online (Arabic) and Orient, 17 October 2017, online (Arabic); see also the interview with Alaa Nuri Talabani, 2 June 2019, online; Al-Araby, 18 October 2017 online, (Arabic).

104 Crisis Group (Arabic) 31 Oct. 2017: https://www.crisisgroup.org/ar/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/kurds-are-right-back-where-they-started

105 For example, the PUK and KDP had historically agreed to nominate a PUK president for Iraq and a KDP president for Kurdistan. After the 2018 elections, however, both parties insisted on their own nomination for the Iraqi presidency. As it happened, Sunni and Shi'a parliamentarians decided in favour of the PUK's candidate, Barham Salih, who also enjoys an outstanding reputation among Arab Iraqis. Naturally, the KDP viewed this as another stab in the back by the PUK, which further decreased confidence. See: Awsat, online: https://aawsat.com/home/article/1414606/برهم-صالح-رئيساً-للعراق, 2 October 2018 (Arabic); also: Al-Araby, online: https://www.alaraby.co.uk/politics/2018/10/27/الوزارات-المتبقية-بحكومة-عبد-المهدي-العراقية-تعمق-الخلافات-الكردية, 27 October 2018 (Arabic).

106 Kurdistan24, online: https://www.kurdistan24.net/en/news/bd5a01b8-fcdb-4842-b83f-524baaaa87d4, 3 April 2019 (Arabic).

107 The Baghdad Post, online: https://www.thebaghdadpost.com/en/Story/41255/KDP-releases-deal-signed-with-PUK-over-election-boycott, 2 June 2019 (Arabic).

divide government positions.[108] In short, it appears that if the stakes are high enough, the PUK and KDP remain capable of pragmatically working together to preserve their influence and interests despite their increased mistrust.

Majority rule: Shi'a parties compete over Iraq's leadership[109]

Despite their shared belief, Iraq's Shi'a are far from politically united. Their parties compete vigorously with one another, using historical legacies, religious differences, leadership charisma and other available means to increase their share of the vote – and power. Apart from Grand Ayatollah al-Sistani, who is politically 'quietist', nationalist and promotes a 'good governance' agenda, no Shi'a political or religious leader can claim influence across Iraq's entire Shi'a population. Religious figures with a strong political profile, such as Al-Sadr, have a substantial impact on political issues that unite the Shi'a community, but their influence is limited where opinions differ. Despite such competition, Iraq's Shi'a are dominated by a limited number of individuals and families that have consistently upheld their influence over Iraqi politics (this is comparable to the situation in Iraqi Kurdistan, with the Barzanis and Talabanis).

The majority of Iraq's Shi'a political parties were united in their opposition to Saddam Hussein. The main ones – such as Da'wa, ISCI and the Sadrists – were relatively homogenous under strong leadership during the 1990s, but became more fragmented towards and directly after the end of Saddam's regime in respect of issues such as the desirable level of influence of leaders in exile versus those at home (e.g. the Sadrists), the demerits and merits of pacifist versus quietest approaches to politics on the part of the Shi'a clergy, and the role of Iran in Iraqi politics.[110] Most Shi'a politicians in exile returned to Iraq after the US-led invasion of 2003. The patron-client relationships between these politicians and the US and/or Iran evolved over time to accommodate domestic agendas and objectives and became more pragmatic (and correspondingly less ideological). Competition between Shi'a political parties also intensified during this period. The split of the Badr organisation from ISCI, the Al-Fadhila party from Al-Sadr and Asaib ahl al-Haq from Al-Sadr in the second half of the 2000s all offer instructive examples. Actors like Muqtada al-Sadr and Abdel Aziz al-Hakim were able to leverage their inherited status as prominent religious leaders and/or their family influence to increase their political legitimacy and authority.

108 Nas News, online: https://www.nasnews.com/1254-3/, 9 June 2019 (Arabic).

109 This section is based on, and updates: Van Veen, E., N. Grinstead and F. El Kamouni-Janssen, A house divided: Political relations and coalition-building between Iraq's Shi'a, The Hague: Clingendael, 2017.

110 See for example: Makiya, K., *The Rope*, London: Pantheon, 2016.

Coalitions between Shi'a parties at the time of the 2005 and 2010 elections were unstable and mainly aimed at winning the vote, carving up public authority and resources, or responding to an imminent threat. Simply put, these coalitions were mostly opportunistic and aimed at acquiring power – not exercising it. In addition, the quality and stature of the leaders of their respective political parties – such as Al-Sadr (Sadrists), Al-Maliki (Da'wa), and Al-Hakim (ISCI, later SCIRI) – proved crucial for party political coherence and electoral success. In turn, intra-elite relations strongly influenced alliance formation and durability throughout this period, with significant Iranian influence behind the scenes. Because coalitions were not based on shared political ideology/programmes or negotiated policy agreements, and because leadership relations were often conflictual, these coalitions fragmented rapidly after electoral successes, undermining the quality of governance in the longer term. However, regardless of their differences and fragmentation, Shi'a political parties were able to remain united temporarily in the face of external/internal threats to their collective influence, especially if called upon by their religious leaders.

Between 2010 and 2014, Al-Maliki (Da'wa) was able to consolidate his power via increasingly authoritarian and exclusionary means. His coalition emerged victorious in both the 2010 and 2014 parliamentary elections as his opponents proved unable to translate their numerical advantage into political power due to infighting, and because of Al-Maliki's astute divide-and-conquer tactics that fused state with non-state resources to maintain his rule. It was only the capture of Mosul by IS in June 2014 that unified the divided opposition and enabled it to oust Al-Maliki. The latter was forced to step down and Haider al-Abadi (also Da'wa) was sworn into office. Replacing Al-Maliki with Al-Abadi remains at the root of the fragmentation of the Da'wa party, which has monopolised the premiership since 2003, especially as Al-Maliki remained Secretary General of the party. In addition to the fragmentation of the Da'wa party after 2014, Ammar al-Hakim also split from ISCI by creating the Al-Hikma Movement.

Al-Abadi managed to maintain his job during four long years of warfighting without a significant political base of his own, but this came at the price of being unable to govern beyond defeating IS – an interest all Shi'a parties shared. The growth of corruption, absence of public services, deteriorating quality of administration and his problematic relations with both the Hashd and Iraq's Kurds had a negative impact on Al-Abadi's 2018 electoral campaign. This facilitated another rift in the Shi'a political party landscape so that the 2018 elections saw Al-Ameri (heading the Hashd-based Fatah Alliance), Al-Sadr (Sairoun) and Al-Abadi (Al-Nasir with parts of Da'wa) emerge with comparable results (between 42–50+ seats), while Al-Hakim (Hikma movement) and Al-Maliki (State

of Law coalition with parts of Da'wa) took second-place positions (between 19 and 25 seats respectively).[111]

Internal strife and marginalisation continue: Sunni parties become accessories

Division among Iraq's Sunni factions has been a constant feature of the country's national politics for the past 16 years. There were no notable Sunni political parties or opposition groups before 2003. Furthermore, unlike Iraq's Shi'a and Kurds, the Sunni parties and movements that emerged after the US-led invasion had no unifying objective. While the Shi'a strove to undo their political marginalisation and capture power in Baghdad, and the Kurds championed their ethnic struggle, Iraq's Sunni political forces remained negatively associated with the *ancien regime*.[112] The disarray of the Sunni political party landscape reduced their participation in national governance, which was further worsened by Al-Maliki's sectarian and authoritarian policies. This practice was continued after 2014 in the military sphere when the PMF Committee – dominated by armed groups with ties to Iran – prevented the formation of effective and/or sizeable Sunni fighting formations that could have leveraged their IS battlefield credentials in the 2018 elections in the same way that Iran-affiliated groups did.[113] Although the Sunni fill the role of Speaker of the Parliament and 'take' two or three ministries (one of them always being the Ministry of Defence), they have nevertheless been sidelined by Shi'a and Kurdish political parties for all practical intents and purposes. One reason why Sunni political fragmentation persists is that many Sunni political leaders have only small constituencies that they have been unable to increase. This translates into limited influence at the national level. Another reason is that many of their leaders have sided with Shi'a and Kurdish politicians and alliances to advance their own personal interests rather than those of Iraq's Sunni population.

The selection process for the position of Speaker of the Parliament that followed the 2018 election illustrated how the lack of unity marginalises Sunni representatives. Iraq's Sunni parties fielded nine candidates for the country's highest legislative

111 Middle East Online, https://middle-east-online.com/خلافات-داخلية-تغذيها-إيران-تهدد-ائتلاف-العبادي, 19 August 2018 (Arabic).

112 Al-Jazeera, online: https://www.aljazeera.net/news/reportsandinterviews/2017/1/21/الأحزاب-العراقية-السنية-تشتيت-وتدخلات-خارجية 21 January 2017 (Arabic).

113 Ezzeddine, N., M. Sulz and E. van Veen, *The Hashd is dead, long live the Hashd! Fragmentation and consolidation*, The Hague: Clingendael, 2019; Ezzeddine, N. and E. van Veen, *Who's afraid of Iraq's Hashd?*, War on the Rocks, 10 September 2019, online: https://warontherocks.com/2019/09/whos-afraid-of-iraqs-hashd/

position – nearly one per party.[114] None was able to gain sufficient support across the Sunni political spectrum, with the result that Parliament failed to elect a speaker during its first session, violating the Constitution. It was only then that Al-Maliki – as leader of the Al-Bina coalition – intervened, with Iranian blessing, to support his Sunni ally, Mohammed Al-Halbousi. Al-Halbousi subsequently secured the position with the support of Shi'a and Kurdish votes. Moreover, the episode split the Sunni National Axis coalition into two camps.[115] One camp is now headed by Al-Halbousi, who was able to gather enough parliamentarians around him to reestablish the 'Sunni Forces Alliance', while another is grouped around Khamis al-Khanjar and Ahmed al-Jabouri.[116]

114 Al-Arab, online: https://alarab.co.uk/الكتل-السنية-العراقية-تواصل-الاتفاق-على-عدم-الاتفاق, 13 September 2019 (Arabic).

115 Bas News, online: http://www.basnews.com/index.php/ar/reports/521455, 17 May 2019 (Arabic).

116 Erem News, online: https://www.eremnews.com/news/arab-world/1811548, May 2019 (Arabic).

Annex 2 An overview of Iraq's main political parties and coalitions in 2019

SHI'A	SUNNI	KURD[117]
State of Law Coalition under Nouri al-Maliki (25) *(main party: Da'wa; part of the Al-Bina bloc)*	**Muttahidoon under Osama al-Nujaifi (14)** *(affiliated with the Reform and Construction Bloc)*	**The Patriotic Union of Kurdistan (PUK) under Kosrat Rasul and Barham Salih (18)**
This coalition won more than 90 seats in 2010 and 2014, governed for 8 straight years, and has the deepest reach into Iraq's civil service and public finances. During its final years, Al-Maliki and his party faced multiple corruption accusations and lost a third of Iraq's territory to IS. Although Al-Maliki won the 2014 elections, political opposition and Grand Ayatollah Al-Sistani's refusal blocked a third term. Al-Maliki has since repaired some of his relationships with Iraq's Sunni and Kurdish politicians, most Sunni parties have joined Al-Bina and relations with Masoud Barzani (KDP) have been normalised.	Al-Nujaifi previously served as Speaker of the Parliament and Vice President. Hailing from Mosul, he was once the most notable Sunni politician. However, he lost credibility over the IS occupation of Mosul (governed by his brother at the time). Al-Nujaifi has close ties to Turkey. His party ran with Al-Khanjar, but the coalition collapsed when the two leaders joined different blocs after the 2018 elections. Al-Nujaifi recently criticised the exclusive decision making in the Reform and Reconstruction bloc, threatening to disassociate his party from it (the 14 seats are shared between blocs).	The PUK is based in Sulaymaniyah province and influential in the Kurdish areas of Diyala and Kirkuk. Because it can work closely with other Iraqi actors, it is perceived in Baghdad as more pragmatic than the KDP. This enabled the party to maintain Iraq's presidency (Barham Salih). The PUK has positive, historical relations with Iran, including sitting at the heart of oil, fuel and goods smuggling. The party also supports the PKK, although this has decreased under recent pressure from Turkey. While the PUK tolerates opposition parties in Sulaimaniyah, it maintains a strong grip over the security apparatus.

117 The choice to focus on the KDP and PUK is based on their influence in Baghdad. There are of course also other parties in the Kurdistan Region.

SHI'A	SUNNI	KURD
Fatah Alliance under Hadi al-Ameri (47) *(part of the Al-Bina bloc)* The Fatah Alliance is the political branch of the Al-Hashd al-Sha'abi (PMF). The Alliance used its credentials from fighting ISIS to obtain a decent result in the 2018 elections andfor political and financial gain in the form of reconstruction contracts, local security budgets, governor positions and ministerial posts. It has close ties with Iran (Al-Ameri fought with Iran during the Iran-Iraq war).	**Al-Wataniyah Alliance under Ayad Allawi (21)**[118] *(part of the Reform and Construction bloc)* Allawi established his political base and reputation during the period of relative peace in 2004–2005 when Allawi served as Prime Minister. The Alliance lost influence after winning the 2010 elections but continues to be Iraq's prominent secular political entity. Since 2014, Allawi has served as Deputy President. Allawi's relationship with Iran, Arab neighbours and the US is unclear.	**The Kurdish Democratic Party (KDP) under Masoud Barzani (25)** Established in 1946, the KDP has become Iraq's most prominent Kurdish Party with influence extending beyond the KRI (e.g. via the Kurdish National Council into Syria). The [Iraqi] Kurdish ethnic struggle is at the heart of the KDP's rhetoric. The KDP also ran the 2017 Kurdish independence referendum. As a result, tensions and a lack of trust characterise KDP relations with the Baghdad political elite. The KDP is on good terms with both Turkey and the US.
Alliance Towards Reform (Sairoun) under Muqtada al-Sadr (54) *(part of the Reform and Construction Bloc)* Sairoun is a national alliance of mostly Shi'a candidates and the Communist Party. It prioritises fighting corruption and appointing independent technocrats while also preserving its interests, such as control over Najaf Airport. Muqtada al-Sadr is the most popular religious leader among low-income Iraqi Shi'a. He has a strong ability to mobilise his supporters on the street. Over the last few years he has become more nationalist in his discourse.	**The Arabic Project under Khamis al-Khanjar (14)** *(part of the Al-Bina bloc)* A wealthy Sunni businessman with regional interests, Al-Khanjar recently re-established his position among the Sunni leadership and rebuilt his relationship with Al-Maliki after earlier accusations of treason and corruption. He has also developed a good relationship with the KDP. His history of working with Hussein's sons and supporting IS by labelling them as 'Sunni resistance' hamper his political standing somewhat. The 14 seats are shared with Muttahidoon.	

118 While Allawi is originally Shi'a, he is known as a secular politician. Most of Al-Wataniyah's constituency is Sunni.

SHI'A	SUNNI	KURD
Al-Hikmah Movement under Amar Al-Hakeem (19) *(part of the Reform and Construction bloc)* Al-Hakeem maintains a nationalist discourse (not Shi'a). Benefiting from his family's religious credentials, he is one of few politicians that criticise the PMF and maintains good relations with Kurds, Sunni, Iran and Iraq's Arab neigbours. Basra's governor, the former Minister of Transportation and the Director of Iraqi Airways were part of/close to Al-Hikmah. All three were accused of corruption.	**Al-Anbari is Our Identity under Anbar Mohammed Al-Halbousi (6)** *(part of the Al-Bina bloc)* Mohammed al-Halbousi established this party following his relative success as governor of the Sunni province of Anbar. His positive attitude towards Iraqi-Iranian relations facilitated his appointment as the Speaker of the Parliament. Al-Halbousi cooperates closely with Al-Malki and the Al-Hashd al Sha'bi leadership.	
Victory Alliance (Al-Nasir) under Haider Al-Abadi (42) *(part of the Reform and Construction bloc)* Al-Abadi won the fight against IS and conducted a nationalist campaign but failed to bring about better governance and services. His tough response to the Kurdish referendum alienated the Kurds, while his association with the West reduced his popularity among Iran-affiliated Shi'a politicians.		

Note: The figure in brackets behind each party refers to its current number of seats in Parliament.