IRAQ'S 2018 GOVERNMENT FORMATION

UNPACKING THE FRICTION
BETWEEN REFORM AND THE STATUS QUO

RENAD MANSOUR

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Iraq's 2018 Government Formation: Unpacking the Friction between Reform and the Status Quo

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Abstract

This report analyses the 2018 government formation process in Iraq. It argues that the process is marked by two competing trends, a bottom-up movement demanding institutional change symbolised by a low voter turnout and incumbency rate, and a top-down system that reinforces identity-based politics and the post-2003 order. The failure to officially identify the largest governing political bloc exemplifies this friction and paves the way for political instability. This report is based on interviews with Iraqi officials and activists in Baghdad, Basra, Mosul, Ramadi, Erbil and Sulaymaniyah between March and December 2018.

This report is the final in a series of three produced by IRIS as the outcome of a project examining the mobilisation strategies and results of the 2018 Iraqi elections.

About the Conflict Research Programme

Introduction

In May 2018, 15 years after the US-led invasion toppled the Saddam Hussein regime and transformed the structure of the state, Iraqis went to the polls to vote for their fourth government. A sense of optimism surrounded the vote, which followed the military victory over the Islamic State (ISIS) and its loss of territorial control.[1] For the past few years, Iraqis throughout the country had been denouncing ethno-sectarian identity-based politics and calling for a more issue-based political system.[2] This election and the subsequent government formation process would serve as a test of the longevity of the military victory over ISIS and the credibility of the reform-minded movement.

Despite the optimism, however, the most telling aspect was the voter turnout, which was at its lowest since 2003. The low level of participation in the elections revealed Iraqi citizens' disillusionment with the political system. Although the government officially put it at 44.5 percent, several sources contended that turnout was much lower, particularly in major cities like Basra and Baghdad. In the lead-up to the vote, many Iraqis told the author that change could simply not come via elections. They argued that the same caste of leaders and political parties would reconvene to share power.[3]

What followed the elections was the familiar government formation process. Despite references to post-sectarianism, the *muhasasa* system (ethno-sectarian quota) continued to guide government formation. The so-called three presidencies – speaker of the parliament, president and prime minister – were again occupied by a Sunni Arab, Kurd and Shi'a Arab respectively. Moreover, the system played a major role in selecting another weak prime minister, Adil Abdul-Mahdi, and a divided cabinet. Political parties once again approached government formation as a rent-seeking exercise, with the process featuring the typical horse-trading for government posts that has defined post-2003 Iraqi politics.

Popular anger at the governing elite threatened the political system. For the past several summers, Iraqis had been taking to the streets to demonstrate against the *muhasasa* system of elite compact. Following the 2018 elections, the protest movement grew bigger and more violent, with Iraqis targeting political elites across the spectrum.[4] This movement influenced government formation, with all leaders, notwithstanding ideological underpinnings, adopting the same protest discourse and promising reform.

In the past, a Shi'a majoritarian logic had guided government formation. After competing in the election, the major Shi'a Islamist parties would all come together to strike a deal

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[1] Borzou Daragahi, 'Welcome to Iraq's First Post-Sectarian Election', *Foreign Policy*, 10 May 2018. Available at https://foreignpolicy.com/2018/05/10/welcome-to-iraqs-first-post-sectarian-election/ (accessed 31 January 2019).

[2] Faleh A. Jabar, 'The Iraqi Protest Movement: From Identity Politics to Issue Politics', *LSE Middle East Centre Paper Series* 25 (June 2018). Available at https://eprints.lse.ac.uk/88294/ (accessed 31 January 2019).

[3] Meetings in Basra, Baghdad, Mosul and Sulaymaniyah, April 2018.

[4] Toby Dodge, 'Iraq: A Year of Living Dangerously', *Survival* 60/5 (2018), pp. 41–48.

with the major Kurdish parties, forming the largest bloc and then negotiating government positions. The 2018 process departed from this convention, with the fragmentation of traditional blocs leading to internal contestations. For the first time, two rival Shiʻa Islamist leaders – Hadi al-Ameri and Muqtada al-Sadr – established competing blocs, each claiming to be the largest. Both sides gained Sunni, Kurdish and minority group allies.

This report focuses on the absence of a largest bloc during the 2018 government formation process. It argues that this absence establishes a government on shaky foundations and reveals the friction between the post-2003 political system and the changing realities on the ground in Iraq.

Government Formation in Post-2003 Iraq

Following elections, the Iraqi Constitution outlines the formal government formation process, which includes forming a largest bloc and electing the three presidencies – speaker of parliament, president and prime minister.

The first step, to be completed on the first day the new parliament convenes, is to identify the largest bloc, which is the coalition that acquires the largest number of seats in parliament, and then to select a speaker of parliament. By convention, this position has been filled by a candidate selected by the Sunni parties and approved by the largest bloc. Article 54 states that:

> The President of the Republic shall call upon the Council of Representatives to convene by a presidential decree within fifteen days from the date of the ratification of the general election results. Its eldest member shall chair the first session to elect the Speaker of the Council and his two deputies. This period may not be extended by more than the aforementioned period.

Article 55 then outlines that the new parliament must elect in its first session the new speaker, then his or her first and second deputy by absolute majority in a direct secret ballot.[5]

After determining the largest bloc and the parliamentary speaker and deputies, the next task is to elect the president of the Republic. This post is by convention given to the Kurdish parties. According to Article 70, 'the Council of Representatives shall elect a President of the Republic from among the candidates by a two-thirds majority of the number of its members'.[6]

After his election, the president's first task, to be completed within 15 days from the date of his or her appointment, is to charge the prime minister-designate nominee, as selected by

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[5] In the case of multiple candidates, the elections would consist of two rounds. During the second round, the top two candidates compete to win the majority.

[6] If none of the candidates receive the required majority vote, then the two candidates with the most votes shall compete again, and the one who receives the majority of votes in the second round is declared president.

the largest bloc, to form a Council of Ministers. By convention, this post is reserved for a Shi'a candidate. The prime minister-designate then has 30 days to name cabinet members.

According to Article 76, the prime minister-designate is 'deemed to have gained its [Parliament's] confidence upon the approval, by an absolute majority of the Council of Representatives, of the individual ministers and the ministerial programme.'[7] As such, the ratification requires a vote on each individual ministerial candidate and then another vote on the whole package. If the prime minister-designate fails to form a Council of Ministers during the 30-day period, the president must appoint a new nominee within 15 days.

The first time this new government formation structure was put to the test was following the December 2005 parliamentary elections.[8] The winning coalition was the United Iraqi Alliance (al- I'tilaf al-Iraqi al-Muwahhad, UIA), which won 128 out of 275 seats. This alliance of Shi'a Islamist parties included three main groups splitting a majority of the seats: The Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Da'wa Party and the Sadrist trend. Since the UIA could not form the largest bloc, it joined with the Kurdistan Alliance (KA) – consisting of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). This coalition, represented by the two major ethno-sectarian identity-based groups, made up the largest bloc and as such guided government formation for the 2006–10 cabinet. External actors, namely Iran and the US, were both instrumental in replacing UIA leader Ibrahim al-Jaafari with the new Prime Minister Nouri al-Maliki, who was chosen as a compromise candidate.

Following the next parliamentary elections of 2010, President Jalal Talabani initiated another round of government formation. In the lead up to this vote, both the Shi'a Islamist and Kurdish nationalist parties fragmented. The UIA, now named the National Iraqi Alliance (I'tilaf al-Watani al-Iraqi, NIA), had lost incumbent Prime Minister Nouri al-Maliki's Da'wa Party, which went on to form the State of Law Coalition (I'tilaf Dawlat al-Qanun, SOL). For the KA, the most notable split was by the Change Movement (Gorran), which decided to compete separately. The overall winner was Ayad Allawi and his al-Iraqiya List.

This time, a debate emerged around the definition of 'largest bloc': Allawi, who had won by two seats, claimed that the pre-election coalition with the most seats formed the largest bloc, while Maliki argued that the president was required to choose the leader of the largest post-election bloc, meaning the leader who had the confidence of most incoming MPs. Ultimately, the Federal Supreme Court (FSC) ruled in favour of Maliki.[9]

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[7] Cabinet of Iraq, *Constitution of the Republic of Iraq*, 2005. Available at http://www.cabinet.iq/PageViewer.aspx?id=2 (accessed 27 January 2019).

[8] In 2005, elections in January led to the creation of an assembly to draft the Constitution, followed by elections in December, which would form the Council of Representatives and nominate the three presidencies and Council of Ministers.

[9] Federal Supreme Court Ruling, 28 March 2010. The FSC's opinion was largely perceived, both in Iraq and internationally, as politically motivated. See: Charles P. Trumbull IV and Julie B. Martin, 'Elections and Government Formation in Iraq: An Analysis of the Judiciary's Role', *Vanderbilt Journal of Transnational Law* 44/2 (June 2012), pp. 331–88. Available at https://wp0.vanderbilt.edu/wp-content/uploads/sites/78/trumbull-cr.pdf (accessed 31 January 2019).

Against this background, and with support from both Iran and the US, Maliki reunited the Shi'a Islamist bloc by joining forces with the NIA. Even Muqtada al-Sadr, who had fought a civil war against Maliki in 2008, agreed to rejoin his nemesis. Maliki then targeted Allawi's bloc, courting Sunni leaders such as Saleh al-Mutlaq. As a result of his politicking and 'divide and conquer' strategy, Maliki was able to speak on behalf of the Shi'a Islamist parties and eventually formed the largest bloc by reaching a deal with Barzani's KA and Allawi's al-Iraqiya.

The next election cycle of 2014 saw a strong Maliki seeking to maintain his grip on power. This process revealed even greater fragmentation of the ethno-sectarian blocs due to political splits and disagreements within each identity-based group. A new 2013 electoral law stated the largest bloc could be either an electoral coalition that campaigned before the vote or one that emerged after the election, giving incentive for smaller groups to run for elections separately but then join with greater leverage during government formation.[10] The once united NIA was further split along political lines, with SOL winning with 92 seats, followed by Muqtada al-Sadr's al-Ahrar Bloc with 34 seats and Ammar al-Hakim's Citizen Alliance (al-Muwatin) with 29 seats. The Sunnis were split between Osama al-Nujaifi's Uniters for Reform Coalition (Muttahidoon) and Ayad Allawi's National Coalition (I'tilaf al-Watania). The KDP and PUK, once united under the KA, also ran separately.

However, before negotiations to form the largest bloc could get underway, in June 2014, ISIS captured Mosul, Iraq's second largest city, and put incumbent Prime Minister Maliki's campaign under pressure. Given the impending crisis, the Shi'a Islamist groups replaced Maliki with a new compromise candidate, Da'wa party member Haider al-Abadi. Again, this process was undertaken with the support of Iran, which for the first time turned against Maliki and forced him to step down.[11]

The 2005, 2010 and 2014 government formation cycles offer insights into the post-2003 Iraqi political order. First and foremost, the processes revealed the importance of the largest bloc as the foundation for all post-election negotiations. They also exposed the increasing fragmentation of the once united ethno-sectarian blocs. Over the years, the Constitution has also proven to be fallible, with leaders interpreting fundamental definitions to suit their interests. Moreover, external players – namely the US and Iran – played a key role in supporting candidates. Finally, and particularly evident in 2014, political crises have served to rush the process and encourage unity. This paper will analyse these trends vis-à-vis the 2018 government formation process.

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[10] Myriam Benraad, 'Al-Maliki Looks at a Third Term in Iraq', *Al Jazeera Centre for Studies*, 29 April 2014. Available at http://studies.aljazeera.net/en/reports/2014/04/201442211509688896.html (accessed 31 January 2019).
[11] Grand Ayatollah Ali al-Sistani had sent a letter to Iran stating that Maliki had to step down following the ISIS onslaught.

Government Formation in 2018: Convergences and Divergences

Two Competing Largest Blocs: An Intra-Shi'a Affair

For the 2018 election cycle, the results of the May vote were not ratified until 19 August, primarily due to accusations of widespread fraud as well as problems with the newly instated electronic voting system. Following the vote, the outgoing parliament suggested a manual recount of all votes. This was rejected by a panel of judges who instead ordered a recount of specific ballot boxes where allegations of fraud were most common. This recount resulted in minimal changes to the results, which were then ratified.

Even before the ratification, the political parties and electoral coalitions had begun attempts to form the largest bloc. Although the Shi'a Islamist parties ran against each other, many argued that these major groups would reunite – as they had in the past – following the vote. However, internal Shi'a rivalries and the inability of the judiciary to rule on the definition of the largest bloc led to competing claims for the position by two factions.

Sadr versus Maliki, Again

The initial coalition building process, directly after the vote, appeared to support the thesis of Shi'a Islamist cohesion in government formation. Ultimately, however, these initial efforts did not yield another unified Shi'a Islamist bloc, as the fragmentation proved too great to unify political actors along ethno-sectarian lines.[12] The intra-Shi'a conflict featured two poles: a conservative movement under Maliki and a reformist wing under Sadr.[13] During the 2018 government formation process, this divide reached a point of no return.

After the holy month of Ramadan, Sadr's winning Saairun Coalition swiftly entered into alliances with Hakim's National Wisdom Movement (Tayar al-Hikma al-Watani), Ameri's Fateh Alliance and Abadi's Victory Alliance (I'tilaf al-Nasr). With these initial agreements, and the accompanying 163 seats, the Shi'a Islamists were well on their way to again forming the largest bloc. Sadr had invested his political capital in co-opting the protest movement in order to bring down the *muhasasa* system and the elite, and his number one enemy was Maliki.[14] This bloc was more anti-Iran and attempted to represent the protest and reform movement in Iraq. However, its organisational structure remained fluid throughout the process.

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[12] Renad Mansour, 'Iraq After the Fall of ISIS: The Struggle for the State', *Chatham House*, 4 July 2017. Available at https://www.chathamhouse.org/publication/iraq-after-fall-isis-struggle-state (accessed 31 January 2019).

[13] This characterisation of Shi'a politics was first conceptualised by late Iraqi sociologist Faleh A. Jabar at a meeting in Beirut in March 2016.

[14] Interviews with Sadrist advisors in Baghdad, November 2018.

On the other side, representing the conservative camp, Fateh leader Hadi al-Ameri worked with SOL leader Maliki to form the Construction Bloc (Tahalof al-Binaa', or Bina). This bloc, closer to Iran and the Popular Mobilization Forces (PMF), had more institutional power with particular influence within the security sector and judiciary.

As a result, for the first time since regime change, two competing Shi'a Islamist lists – symbolised by the Sadr and Maliki dispute – sought to form the largest bloc. On paper and immediately following the vote, Sadr's Reform and Reconstruction Coalition (Tahalof al-Islah wal-'amar, or Islah) had more seats and was in better shape to form the government – signalling an early victory for Sadr.

Maliki's Divide Strategy

Maliki, on the losing side at this point, devised a strategy to maintain power and counter Sadr's attempts to sideline SOL from any governing coalition. To pursue this aim, he sought to divide his opponents – a key policy which he had employed in all previous government formation processes.[15]

Maliki disrupted the initial alliance announced by Sadr and Ameri on 12 June by meeting with Asa'ib Ahl al-Haq (AAH) and Fateh senior leader Qais Khazali on the same day.[16] From this meeting, Maliki, speaking on behalf of SOL, and Khazali, speaking on behalf of Fateh, declared a national alliance. To save face and maintain unity, Ameri quickly retreated from his alliance with Sadr. With Fateh leaders moving closer to Maliki, Ameri as head of the bloc could not make any agreement with Sadr that did not involve SOL. As a result, Fateh left the alliance with Saairun, complicating the bid for the largest bloc.

Maliki and his bloc also began to target other rival alliances. To split the Victory Alliance, which had come third in the vote, they approached Faleh al-Fayadh, who was Abadi's National Security Council Chairman and who had campaigned alongside the Victory Alliance throughout the election. Based on promises that he would receive the Ministry of Interior portfolio, Fayadh agreed to endorse Ameri's side and as such take his loyal MPs away from the Victory Alliance. Ultimately, Maliki succeeded in blurring the largest bloc equation and stopping Sadr's initial attempts to form a government.

Islah versus Bina: Competing Largest Blocs

The ratification of the election results on 19 August kicked into motion the formal government formation process. President Fuad Masum had 15 days to call upon Parliament to convene its first session, where the largest bloc was to be announced. The weekend prior to the vote, the two Shi'a Islamist sides formerly announced their blocs: Sadr, along with

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[15] For an account of Maliki's 2010 divide strategy, see: Faleh A. Jabar et al, 'Maliki and the Rest', *Iraq Institute for Strategic Studies*, June 2012. Available at http://iraqstudies.com/books/featured3.pdf (accessed 31 January 2019).
[16] 'Head of State of Law Coalition, Nuri al-Maliki Receives Delegation of the Fateh Alliance Headed by Sheikh Qais Khazali', *Afaq*, 13 June 2018. Available at https://afaq.tv/contents/view/details?id=59268 (accessed 31 January 2019).

Abadi and Hakim, announced the formation of Islah,[17] while Maliki, supported by Ameri and Khazali, announced the registration of Bina.[18] Both groups made competing claims – with contradictory numbers – to be the largest bloc. As a result, the first parliamentary session, on 4 September, ended in deadlock.

Confusion over numbers stemmed from a legal dispute which echoed the 2010 question over what constituted the largest bloc. At its core, the dispute was over whether the bloc leader can control all of his seats, or whether MPs are free to move between blocs. Islah – due to splits within the Victory Alliance and the National Coalition – argued that the bloc leader should control all of his seats. Bina – who had worked to split MPs from Islah – argued that MPs were not confined to their pre-election list. Parliament could not settle the debate, which was then referred to the Supreme Court. However, the court decided not to offer a judgement on the issue and sent the issue back to Parliament, where the dispute was never definitively resolved.

The failure of either side to successfully form the largest bloc signalled the complete fragmentation of the political forces that, in the past, could negotiate government formation, and led to a breakdown in parliamentary procedure. Sadr even tweeted, 'Iraq is greater than the largest bloc'.[19] This in turn led to a failure to select a speaker, as both Bina and Islah offered their own candidates. As a result, Parliament was forced to adjourn until 15 September – again defying the constitutional time frame of 15 days.

The Basra Protests and the Sadr–Ameri 'Understanding'

With the courts unwilling to offer a judgement on the largest bloc question and Bina sticking to the 2010 ruling, protests erupted again in Basra. Many protestors expressed their frustration at the failure of the political class to meet constitutional expectations or solve the political impasse. These protests turned violent, as demonstrators burned government buildings, attacked party offices across the political spectrum (including groups linked to the PMF), and invaded the Iranian consulate. Protestors also expressed their disillusionment with the chaos that had characterised the end of the Parliamentary session, with MPs offering no clear plan to deliver services to the destitute province.

Fearing the escalation of protests, Sadr and Ameri joined forces to form an 'understanding' based on an equal split of positions. Both sides made clear to the author that this was not an alliance or an electoral bloc, but an understanding to guide the government formation process given the current political stalemate and the deterioration of the situation in Basra.[20]

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[17] 'Saairun Announce Registration of "Islah Bloc" as Biggest Bloc in Parliament', *Baghdad Today*, 3 September 2018. Available at http://tiny.cc/o4yz2y (accessed 31 January 2019).

[18] Afaq TV, 'Head of State of Law Coalition Announces the Biggest Parliamentary Group, Bina Bloc', *YouTube*, 2 September 2018. Available at https://www.youtube.com/watch?v=gA4_Ope7Hik (accessed 31 January 2019).

[19] See tweet by Muqtada al-Sadr, @Mu_AlSadr, 2 October 2018. Available at https://twitter.com/Mu_AlSadr/status/1047129780821344256 (accessed 26 January 2019).

[20] Meetings with Bina and Islah leaders, September 2018.

This announcement was not wholly unexpected given Sadr and Ameri's relationship building over the summer and their earlier attempt to form an alliance. While Sadr and Ameri had proven willing to work with each other, the framework of their understanding relied on a few red lines they would not tolerate: the return to power of Maliki and Abadi, for Sadr and Ameri respectively.[21] Sadr and Ameri were working to form a government that was not led by the Da'wa Party, a first since government formation processes began in 2005. However, the understanding was unstable, namely due to internal rifts within each bloc, leading to further delays.

New MPs Questioning Party Discipline

Another theme to emerge from the 2018 government formation process was the lack of party and bloc discipline. This trend was first exposed in the undermining of alliances that bloc leaders negotiated, like the Sadr–Ameri alliance that had failed due to internal pressures. Members of Ameri's Fateh had refused an alliance with Sadr, preferring instead to work with Maliki. Similarly, many new Saairun MPs told the author that they did not wish to be in an alliance with the PMF.[22] As a result, leaders were at times constrained from negotiating alliances because they could not exert full control over their bloc's members. Another sign of weak party discipline was the breakdown of pre-electoral alliances, with MPs, such as supporters of Faleh al-Fayadh and Ayad Allawi, deciding to walk across the aisle.

Finally, MPs also proved at times unable to toe the party line on major votes, including for the presidency and the cabinet. On a number of occasions, rogue MPs protested against their own party by signing petitions against decisions. For instance, on 22 October, 120 MPs submitted a written request to Prime Minister Adil Abdul-Mahdi to adopt a secret vote on the cabinet after their bloc leaders were unable to reach any agreement, leading to further delays in cabinet formation.[23]

The Islah Sunnis and the Bina Sunnis

The ethno-sectarian split was not specific to the Shi'a parties. Prior to the vote, the Sunnis were represented by two main camps: Ayad Allawi's National Coalition, which pursued a centrist and anti-sectarian line and Osama al-Nujaifi's Iraqi Decision Alliance (Tahalof al-Qarar al-Iraqi), which followed a more Sunni-centric political line.[24]

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[21] Officials from both sides told the author that Abadi's support of US sanctions against Iran was the ultimate trigger, though not the only reason, for his inability to maintain his post as prime minister. Abadi's poor election showing and inability to politic between the bigger Shi'a Islamist actors ultimately led to his demise.

[22] Interviews in Baghdad with MPs, September 2018.

[23] 'Angry Iraqi MPs May Topple Prime Minister-Designate before he is Sworn in', *The National*, 23 October 2018. Available at https://www.thenational.ae/world/mena/angry-iraqi-mps-may-topple-prime-minister-designate-before-he-is-sworn-in-1.783532 (accessed 31 January 2019).

[24] 'Iraq Votes 2018: Election Mobilization Strategies', *Institute of Regional and International Studies*, May 2018. Available at http://auis.edu.krd/iris/latest-iris-publications/iraq-votes-2018-election-mobilization-strategies (accessed 31 January 2019).

However, after the elections, Sunni businessman Khamis al-Khanjar worked with Jamal al-Karbouli's National Movement for Development and Reform (al-Hal) to form a new electoral coalition, the National Axis Alliance. The group picked away at existing electoral blocs, taking MPs away from the different Sunni sides and becoming the largest Sunni group with some 50 MPs.[25]

The Sunni split also played into the larger intra-Shi'a competition. The Khanjar–Karboli alliance eventually sided with Bina, taking many by surprise given Khanjar's previous antagonism towards the Bina senior leadership. Khanjar had in the past accused Maliki of destroying Iraq and continuously violating the Constitution.[26] In return, Maliki accused Khanjar of supporting the rise of ISIS, forcing him into exile following legal procedures. However, during the 2018 government formation process, Khanjar returned to Baghdad after being granted amnesty. Khanjar explained, 'when we lived outside of Iraq, we did not see the true picture of politics [...] now that we are here, we see that working with Bina is more stable.'[27] The relationship was guided by a sense of pragmatism, as the Bina leadership promised support for the National Axis Alliance, while Islah had refused to commit.

The rest of the Sunni MPs remained with Allawi's National Coalition and Nujaifi's Iraqi Decision Alliance, thereby siding with Islah. They maintained that the Bina leadership, particularly Nouri al-Maliki, was not capable of rebuilding Iraq.

Kurdish Divisions vis-à-vis Baghdad

Similarly, the Kurds were also split along the lines laid down by the two competing largest blocs. In 2005 and 2010, the two major parties – the KDP and PUK – remained unified under the KA. In 2014, although they ran separate campaigns, they reunited during government formation. In 2018, however, the rivalry between the two parties inhibited any rapprochement. Moreover, the emergence of several opposition groups, including Gorran, New Generation and the Coalition for Democracy and Justice (CDJ), further diluted Kurdish representation and decreased the chance of unity, while also challenging the KDP–PUK duopoly.

Although no formal agreements existed, the Kurdish seats in 2018 were also split between Bina and Islah. Led by Masoud Barzani, the KDP tended to side with Bina. Just a year prior, the KDP had accused the PMF leadership of committing war crimes following the independence referendum and the Iraqi state taking control of Kirkuk. Moreover, Barzani had for several years decried Maliki as a dictator. However, like Khanjar, the KDP leadership saw the value in siding with the more powerful and pragmatic Bina in a short-term calculation to gain influence in Baghdad and pick away at the PUK–Iran relationship.

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[25] Interviews in Baghdad, September 2018.

[26] Al Rased, 'Khamis al-Khanjar: Maliki is Ready to Destroy Iraq for the Post and Violated the 2010 Constitution', *YouTube*, 24 February 2018. Available at https://www.youtube.com/watch?v=6pS-vw9NKaM (accessed 31 January 2019).

[27] Interview with Khamis al-Khanjar, Baghdad, November 2018.

According to a KDP source, 'following the loss of Kirkuk last year, we realised it is better to work with Iran to maintain our influence in Iraq'.[28]

Other Kurdish parties, such as the PUK and New Generation, remained critical of the KDP and tended to side with Islah. This internal contestation versus the KDP, and versus each other, was playing out in Baghdad. The presidential elections similarly revealed the fragmentation of the ethno-sectarian blocs and the inability of bloc leaders to gather votes. For the first time in post-2003 Iraq, the Kurdish parties could not agree upon a single candidate. The PUK, which has dominated the post since 2005, put forward veteran Kurdish leader Barham Salih. This was challenged by the KDP who offered their own candidate, Barzani's Chief of Staff Fuad Hussein. Other Kurdish candidates also competed for the post, including Sirwa Abdulwahid, Sardar Abdullah and Latif Rasheed.

Foreign Interference

Interventions from international actors have been a common feature of government formation in post-2003 Iraq. Regional and international actors manoeuvre through diplomatic channels and local allies to ensure that their preferred candidates gain influential posts. This process, in the past, was simplified by the presence of the largest bloc, which was endorsed by both Iran and the US.

The 2018 government formation process features two key challenges to the old practice. First, intra-ethno-sectarian contestations complicated the political landscape and led to the inability to form the largest bloc, pinning foreign actors – Iran and the US – against each other. The US preferred Abadi and Islah, whereas Iran favoured Ameri and Bina.[29] As a result, neither external actor was able to completely get its way, signalling a more complicated political landscape in Baghdad and an inability to ensure stability based on neatly built ethno-sectarian blocs.

The 2018 government formation process also revealed a growing rejection of foreign influence on the part of the Iraqi protest movement that had influenced the new parliamentarians. Former Prime Minister Haider al-Abadi, for instance, claimed that 'several regional and international actors interfered in government formation'.[30] Several MPs also told the author that the largest challenge to government formation was foreign meddling in the process.[31] Moreover, when UK Ambassador to Iraq Jon Wilks tweeted about his meeting with his Iranian counterpart to discuss government formation and policies moving forward, many Iraqis took to the streets to protest against foreigners discussing or engaging in their domestic politics.[32]

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[28] Telephone interview with KDP source, December 2018.

[29] Mansour, 'Iraq after the Fall of ISIS'.

[30] Al Hadath, 'Haidar al-Abadi Reveals to *Al Hadath* Secrets of ISIS Defeat', *YouTube*, 10 December 2018. Available at https://www.youtube.com/watch?v=0kA0L7e46QU (accessed 31 January 2019).

[31] Interviews in Baghdad, September 2018.

[32] Interviews with protesters in Baghdad, September 2018. See tweet by Jon Wilks, @JonWilksFCO, 20 September 2018. Available at https://twitter.com/JonWilksFCO/status/1042665131015118848 (accessed 31 January 2019).

Negotiating the Three Presidencies

The Speaker of Parliament

As a result of the failure to form a largest bloc and subsequently elect the speaker of parliament, a number of candidates put forward their candidacy for the position. The previous speaker, Salim al-Jabouri, had failed to win a seat and as such was out of the running. Several other names were presented, including Osama al-Nujaifi, Mohammed al-Halbousi, Ahmed al-Jubouri (Abu Mazen), Raad al-Dahlaki and Khaled al-Obeidi.

The contest culminated in a showdown between representatives of the two competing largest blocs, Bina's Mohammed al-Halbousi and Islah's Khaled al-Obeidi. Halbousi was from Anbar and a former governor of the province. He was the head of the 'Anbar is our Identity' bloc and was backed by Bina as representing the Khanjar's followers amongst the Sunnis. Obeidi was from Mosul and was Abadi's Defence Minister before being impeached for corruption in a political conflict with senior members who were now part of Bina. Ultimately, Halbousi won by a landslide over Obeidi – 169 to 89. The vote was conducted by secret ballot, after a confidential deal was reached between Bina and others.

Because of the Sadr–Ameri understanding, with the speakership going to Bina, the first deputy speaker position went to Saairun's Hassan Karim al-Kaabi, who secured 210 votes. KDP candidate Bashir al-Haddad became second deputy speaker after defeating Ahmed al-Haj Rashid by 185 to 53 votes. The KDP and PUK remained unified behind Haddad whereas opposition parties supported Rashid.

The vote for speaker of the parliament once again revealed that the absence of a single largest bloc had led to the decline in party discipline. MPs had not voted along bloc lines, as the Bina candidate Halbousi won by more than the bloc's numbers. To prove their loyalty, some MPs even took photos of their secret ballot, just in case they were questioned on their vote.[33]

The President

While the KDP and PUK each put their own candidate forward, Shi'a coalition leaders across the spectrum made clear their preference for a single candidature. They did not want the controversial vote to reveal internal disunity. According to a senior Bina MP, the reason for this insistence was partly due to internal rifts on the issue.[34] As such, the leaders stressed for a backroom deal, rather than an open vote in Parliament.

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[33] Moreover, accusations of paying for seats emerged. Immediately after losing the vote, Khaled al-Obeidi claimed that Halbousi had bought the position for some $30 million.

[34] Interviews with MPs in Baghdad, September 2018.

A deal was not reached between bloc leaders and, for the first time, MPs directly voted for the president. In the first round, Salih won 165 and Hussein 89 votes. Neither met the required 166 votes threshold, leading to a second round during which Hussein unilaterally decided to pull out of the contest. The KDP cited grievances that the PUK had abandoned a back-room deal in bad faith. Parliamentary Speaker Halbousi, who was overseeing this process, decided that Hussein was in violation and could not withdraw his candidature after the start of the voting process. In the second vote, Salih won by 219 to 22 votes, and was sworn in as president.

For many MPs, their refusal to vote for Fuad Hussein was due to two main reasons. First, Hussein had played an instrumental role in the previous year's independence referendum that sought to break the Kurdistan Region of Iraq (KRI) from the rest of the country. Barham Salih, however, had remained quiet on the vote and claimed it a grave mistake immediately afterwards. Second, whereas Salih was a well-known political figure in his own right – serving as Iraqi Deputy Prime Minister and Prime Minister of the Kurdistan Regional Government – Hussein's previous role was Chief of Staff to Masoud Barzani. Many MPs pointed to the difference in profile and feared that a weak president would be similar to outgoing President Fuad Masum, who was often criticised for his lack of activity.[35]

Salih's vision was to rejuvenate the role of the presidency to serve as the ultimate custodian of the Constitution. He also believed that the fate of the KRI was inherently linked to that of all Iraqi provinces and had to be settled in Baghdad – a divergence from the KDP's previous policies of antagonism towards the centre and threats of independence.

The Prime Minister

Salih's first act as President was to announce Adil Abdul-Mahdi as prime minister-designate, which was a backroom deal as part of the Sadr–Ameri understanding. The decision to appoint Mahdi was part of a greater debate among the political elite on the profile and capacities required for the post.

During the government formation process, a debate emerged over the ideal type of candidate who should serve at the executive branch level.[36] On one side, Muqtada al-Sadr's Saairun Coalition argued that the candidate should be independent and a technocrat. According to a Sadrist MP, 'independent' meant an individual who was not a current member of a political party and to be a 'technocrat' required the individual to have both academic and work experience relevant to the post.[37] Other leaders, such as Haider al-Abadi and Ammar al-Hakim, argued that the ideal candidate should be a political technocrat. According to a National Wisdom Movement MP, a political technocrat would be an individual from an existing party but with experience in the workings of the ministry. Finally, individuals such as Nouri al-Maliki and Hadi al-Ameri argued that the candidate

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[35] Ibid.

[36] The debate was about the next prime minister and the ministries, not the speaker of parliament.

[37] Interviews with Saairun MP in Baghdad, September 2018.

should be chosen by the largest bloc to win the elections, without the need to reach a compromise with all sides.

Another debate that arose during government formation was that of strongman versus compromise candidate. In the past, Iraqi prime ministers have been chosen as a compromise between the major parties in a backroom deal. During the 2018 process, some leaders argued for a strongman. This charge was primarily led by members of the Fateh Alliance. For instance, al-Sadiqoun Bloc leader Qais Khazali told the author that Iraq's crisis of governance was due to the constant reliance upon weak leaders.[38] His party advocated for a strongman to take over as prime minister and change the system to a presidential one. Other MPs, however, still believed that the prime minister had to be accepted by the majority in parliament.

The pre-election favourite according to many commentators was incumbent Prime Minister Haider al-Abadi, who sided with Islah during government formation. However, Bina leaders, namely Ameri and Maliki, were hesitant to support him. Abadi's campaign had been unsuccessful in building an electoral base and convincing Iraqis to give him a renewed mandate. His Victory Alliance came third and he personally placed fifth in his own province of Baghdad.[39] Further sealing Abadi's fate was the fragmentation of his electoral bloc. Unlike Saairun, Fateh, the National Wisdom Movement and SOL, the splits in the Victory Alliance were very public. Abadi's inability to keep his house in order exposed his weakness in politicking. According to MPs from across the board, the final straw for Abadi was his decision to publicly support US sanctions against Iran.[40] As such, Sadr considered Abadi weak and Bina and Ameri saw him as a risk, both of the latter rejecting the American sanctions.

The Sadr–Ameri compromise and the debate over independent technocrat versus political party power continued to guide the 2018 government formation process. The new prime minister had to be acceptable to both. According to sources, Ameri's Bina offered a series of names for the position, including Faleh al-Fayadh. However, Sadr refused to appoint any member who was part of a political party or who had moved from Islah to Bina.

Ultimately, both sides settled on Adil Abdul-Mahdi, who satisfied several core requirements. Mahdi was an independent not aligned to either side, had Islamist credentials going back to his political career with the Islamic Supreme Council of Iraq (ISCI), did not come from the Da'wa Party, and was weak and thus not a threat to centralised power.[41]

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[38] Interview with Qais Khazali in Baghdad, November 2018.

[39] Renad Mansour and Christine van den Toorn, 'The 2018 Iraqi Federal Elections: A Population in Transition?', *LSE Middle East Centre | Institute of Regional and International Studies*, July 2018. Available at http://eprints.lse.ac.uk/89698/ (accessed 31 January 2019).

[40] Interviews with MPs in Baghdad, September 2018.

[41] Interview with MP from Bina, November 2018.

Negotiating the New Cabinet

Beginning from a weak position and guided by an understanding rather than any largest bloc, Mahdi immediately struggled to form his cabinet at the behest of the Sadr–Ameri compromise, which included an agreement to evenly split the 22 cabinet posts. The three sovereign ministries: interior, defence and finance, would be split between Bina, Islah and the KDP respectively. However, the two sides took completely different approaches to filling their allocated spots.

For Ameri, the cabinet formation process became an opportunity to appease the many parties and coalitions that formed his bloc. The limited number of spaces however made Ameri's job difficult. As one Badr official claimed, 'consider that in Fateh alone we have 6 parties and each demand two ministries. That's already 12 not even considering the other groups within Bina.'[42] As such, Ameri had to play a delicate compromise game to ensure his members received posts.

For Sadr, the idea was to not nominate anyone from Islah and to 'give Mahdi the free hand to select his own independent ministers'.[43] According to a Saairun official, 'it took some time but we eventually managed to convince the National Wisdom Movement, the Victory Alliance and other members of Islah that we were committed to not nominating anyone to the posts.'[44] However, Sadr's negotiations with Mahdi were underlined by the threat of walking out and forming an opposition – both on the street via protests and in parliament – if the prime minister did not select an independent cabinet to Islah's liking.

As such, Mahdi was stuck between the two poles. Although he attempted at various times to symbolise a change in politics – most notably through his issuing of online applications for ministerial posts or his decision to move the prime minister's office outside the Green Zone – Mahdi was another compromise candidate at the behest of the larger political parties that gave him his seat.

Moreover, the competition between the blocs, as the loose Sadr–Ameri understanding began to unravel, affected Mahdi's cabinet formation. In his first attempt to push forward a cabinet on 24 October, Mahdi was only able to get 14 ministers approved. For Islah, key victories included Thamir Ghadhban as Minister of Oil, Jamal al-Adili as Minister of Water Resources, Luay al-Khatteeb as Minister of Electricity and Mohamed Ali al-Hakim as Minister of Foreign Affairs.[45] Bina, on the other hand, appointed Fuad Hussein as Minister of Finance, Ahmed Riad Obeidi as Minister of Youth and Sports and Salih Abdullah Jabouri as Minister of Industry.

42 Interview with Badr official, Baghdad, September 2018.
43 Interview with leading Sadrist negotiator, Baghdad, November 2018.
44 Interview with Saairun official, Baghdad, November 2018.
45 Interview with Sadrist negotiator, Baghdad, November 2018.

However, the biggest story to emerge from this round was Mahdi's failure to fill eight ministries, most notably the sovereign ministries of defence and interior. However, Mahdi had little influence on the competition for these ministries. The conflict over these ministries revealed two separate contestations: horizontally between Islah and Bina and vertically inside each bloc. In both cases, the dispute was intra-sectarian, with Shi'a contesting for the position of Minister of Interior and Sunnis across the blocs contesting for the Ministry of Defence.

Moreover, internal bloc contestations revealed power rivalries between bloc heads and members. Already irked by Ameri's softer stance on Sadr, Bina members used the Fayadh issue to press Ameri to not make concessions. As such, he was left unable to compromise on the issue, fearing a large internal intervention. Similarly, according to an Islah official, members inside the bloc began questioning Sadr's decision to not put forward any of their members or allies, creating further internal rifts and power struggles.[46]

In terms of horizontal contestation, both Islah and Bina had several reservations over each other's candidates, despite the understanding. As such, conflict between the two blocs stalled the already loose agreement.

As a result, Mahdi was left unable to form his own cabinet and without senior ministers for several months. Rather than address the issue, however, the new prime minister decided to move on and pursue business-as-usual, laying a shaky foundation to his premiership.

The Friction between Changing Political Realities and the Post-2003 System

The 2018 government formation process was marked by the failure – for the first time – to ultimately identify the largest parliamentary bloc that could guide negotiations. This failure comes down to a growing friction between changing political realities on the ground and a rigid post-2003 political system.

In most parts of Iraq, the political realities have changed. Many citizens are speaking out against their ethno-sectarian leaders and local and federal governments. In Basra, for example, Shi'a citizens have protested against their own Shi'a leaders, including the political parties and armed groups that claim to speak on their behalf. Throughout Iraq, many citizens have called for an end to the *muhasasa* system of identity-based politics. *Muhasasa* is seen as a symbol of the post-2003 order, which has failed to provide for or represent the citizen.

To address the changing realities, in the 2018 electoral cycle, the elite adopted the language of the protest movement, promising reforms and a general mandate of civicness. Many commentators highlighted this changing political reality as a positive step for Iraq, going as far as labelling the trend 'post-sectarian'. Beyond rhetoric, however, the 2018

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[46] Interview with Islah negotiator, Baghdad, November 2018.

election cycle did not feature a genuine debate on issues. The leadership across the board promised to fight corruption, to provide services and jobs, and to drive forward change. However, the more important question of how to reform the system was left unanswered.

During the 2018 government formation process, these changing realities on the ground clashed with the more rigid post-2003 system, which reinforced identity-based politics.[47] The result was a much more fractured set of political blocs and, most critically, the inability of the elite to form the largest bloc. This led instead to a fragile understanding between the two major Shi'a sides which often broke down. Parliamentary sessions regularly ended in chaos – with walk-outs, disorderly protests, or MPs breaking parliamentary protocol and shouting at each other.

Prime Minister Mahdi has promised an ambitious programme of gradual reform to the system. However, his inability to navigate between the dominant political parties and actors forced the compromise candidate to have little say on forming his own cabinet team. At the behest of a wider intra-Shi'a competition for power, Mahdi's reform programme has been put in doubt, resembling his predecessor's failures to reform. Unlike his predecessors, however, Mahdi has neither a political party nor a political bloc.

The friction between changing political realities and the electoral system set up in 2005 led to a constitutional crisis and the inability to form the largest bloc. Today, the new government sits on shaky foundations. The main conclusion from this election cycle, therefore, is that the muddle-through thesis, which argues that business will proceed as usual notwithstanding political crises, will be tested before the end of this government term. According to many new MPs, protests are just around the corner.

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[47] 'Iraq Votes 2018'.