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# Path to Government Formation in Iraq

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## How Violence and Elite Sectarianism Lead to Consensus Governments

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The October 2021 elections were the sixth federal elections in Iraq since 2003. They marked not only a change to single non-transferable vote,<sup>1</sup> but were also held months earlier than planned, i.e. Iraq's four-year electoral cycle was truncated for the first time since the constitution was adopted in 2005. This was due to the demands of the 2019 protest movement, which also led to the involvement of new parties and political leaders coming from the protest camp, like Alaa Al-Rikabi of the Emtidad Movement, in electoral politics. An important constant in all elections is that no single electoral list<sup>2</sup> has ever won an outright majority, thereby resulting in the formation of coalition governments. The 2021 election results are no different. Although the tedious process of addressing formal complaints, holding manual recounts, and awaiting Federal Supreme Court approval took months, government formation negotiations began immediately after the initial results were announced. Having said that, the tone of the negotiations shifted from celebrating or contesting seat counts to contesting positions of power.

The results of the elections determine the bargaining power of political parties and will ultimately impact how the government pie will be divided. What is at stake is not only choosing the three presidencies<sup>3</sup> and the Council of Ministers but also the most powerful bureaucratic positions such as the prime minister's chief of staff, secretary general of the Council of Minister's Secretariat, deputy ministers, director generals and heads of independent commissions.<sup>4</sup> Some of these positions are reserved for political appointees, but most are meant to go to public servants that have risen through the system.

Given these stakes, elections in Iraq remain relevant despite the decreasing turnout of only 43.54%. As a first-time runner of the Emtidad Movement described in an interview, "according to the Iraqi Constitution<sup>5</sup>, 5% or 20% turnout still gives legitimacy to the government that is formed".<sup>6</sup>

This report examines the current government formation process and compares it to previous ones, outlining themes that have emerged and theorizing how they might impact the formation of future governments. While this government formation process shares many commonalities with previous ones, it will nevertheless usher in some changes. The current discourse surrounding the results of the election has extensively covered the commonalities, but it has failed to address three emergent themes: first, the return of the debate surrounding consensus government, and how that will influence the selection of the prime minister; second, the new type of violence occurring amidst government formation, which signals a shift from indiscriminate violence to targeted political violence; third and finally, the re-sectarianization of the electoral system and the entrenchment of *muhāsasa* (informal ethno-sectarian quota) at a time when the public has strongly rejected it. I outline each of these themes in turn, utilizing interviews, public documents, reports, and public opinion data to describe the transformations that have occurred from 2005 to 2021. I conclude by reflecting on these themes and how they impact the duration of government formation and the prime minister who will eventually be selected.

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<sup>1</sup> For 2021 elections, Iraq switched from an open list proportional representation system with 18 electoral districts to a single non-transferable vote system with 83 districts. This change meant that parties could no longer run multiple candidates in order to tally votes and divide them into seats, but instead they had to run more strategically to ensure that their candidates' votes were not wasted or counteracted each other.

<sup>2</sup> Electoral lists can be individual parties or a coalition of parties.

<sup>3</sup> The term the three presidencies refers to the president, prime minister, and speaker of the Council of Representatives.

<sup>4</sup> Toby Dodge and Renad Mansour, "Politically sanctioned corruption and barriers to reform in Iraq," *Chatham House*, June 2021, <https://www.chathamhouse.org/sites/default/files/2021-06/2021-06-17-politically-sanctioned-corruption-iraq-dodge-mansour.pdf>.

<sup>5</sup> Here the interviewee is referring to the fact that there is no legal threshold for voter turnout.

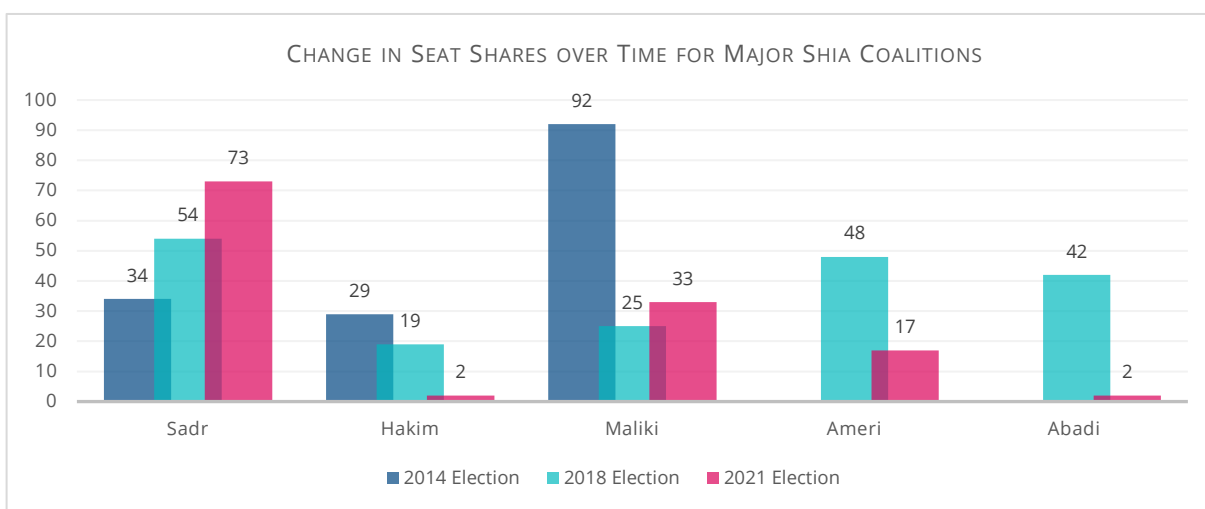
<sup>6</sup> Interview with female candidate from Emtidad Movement in 2021 elections in Qadisiya (December 2021).

## Background: The 2021 Election Results

The elections were held on October 10, 2021<sup>7</sup>, and the initial results were announced over the span of two days, despite the promise of complete results within 24 hours of polls closing. Before Iraqis went to the polls, there was a lot of fanfare about the technical advancements of the 2021 elections. The United Nations Assistance Mission for Iraq (UNAMI) played a large role in providing technical assistance and in promoting voter turnout. According to the last of their Electoral Preparations and Processes report, UNAMI reported that the Independent High Electoral Commission (IHEC) had tested all their electoral devices in pre-election simulations, including the voter verification devices, polling station optical count scanners and results transmission systems.<sup>8</sup> In light of the technical preparations and the low turnout, observers expected that the promise of timely election results would not be far-fetched.

Instead, initial election results were both late and difficult to interpret. Representatives of IHEC held a press conference after polls closed at 18:00 on election day during which they reviewed the vote counts from the 83 districts on a computer presentation, providing little contextualization or designation of winning candidates.<sup>9</sup> Analysts and candidates alike were left to interpret the results for themselves. Worse yet, they were left to grapple with the changes in Iraq’s electoral system. Entrenched parties had their own staff members at voting centers and were able to monitor the process and provide internal preliminary results. This left less resourced candidates and newer parties to piece together information from various sources, oftentimes leading to unwarranted mistrust of the conduct of the election.<sup>10</sup>

As analysts interpreted the results, a few were surprising: first, that a new political party stemming from the protest movement had achieved unexpected success; second, that independent candidates were doing remarkably well in south-central Iraq; third, that the once dominant Fateh Coalition led by Hadi Al-Ameri had suffered a loss; and fourthly and conversely, that former Prime Minister Nouri Al-Maliki’s State of Law Coalition recovered some of its 2018 election loss. The graph below shows how the established Shia coalitions<sup>11</sup> performed in the last three elections.<sup>12</sup>



The results were followed by many appeals submitted to IHEC over alleged irregularities and/or voter fraud. In addition, many of the electoral losers, namely Fateh, began protesting outside the International Zone in central Baghdad.<sup>13</sup> The political pressure and appeals forced IHEC to investigate and conduct manual recounts in many voting centres. The results were ultimately finalized on November 30,

<sup>7</sup> Special voting took place on October 8, 2021 and included military personnel (excluding the Popular Mobilization Units), internally displaced persons (IDPs) and incarcerated individuals.

<sup>8</sup> UNAMI, “Electoral Preparations and Processes Report”, no.11 (September 2021: Baghdad, Iraq), <https://iraq.un.org/en/144264-iraqs-electoral-preparations-and-processes-report-no-11-elecrep>.

<sup>9</sup> Ultimately, IHEC would create a more accessible online portal displaying the results, but this would not take place until mid-December 2021.

<sup>10</sup> Interview with female candidate in 2021 elections in Najaf (December 2021).

<sup>11</sup> Coalitions in the graph are referenced by leader, as leaders often choose different coalition names during different election cycles, e.g. Muqtada Al-Sadr’s coalition in 2018 was named Sairoon but in 2021 was called the Sadrist Movement.

<sup>12</sup> Hakim and Abadi formed a coalition in 2021, receiving a total of four seats together. In the graph, they are shown separately for the purpose of comparison to previous elections.

<sup>13</sup> Qassim Abdul-Zahra, “In Iraq, election fraud claims fuel uncertainty, divisions,” *Associated Press*, November 3, 2021, <https://apnews.com/article/middle-east-religion-iran-elections-united-states-cb47c3da595f8829ab59a67905b9fb05>.

2021,<sup>14</sup> taking IHEC 51 days to investigate and manually recount after election day, despite their use of electronic voting for the second time, which was meant to ensure greater transparency and faster counting. A week before finalization, on November 23, 2021, the Special Representative of the Secretary-General for Iraq and Head of UNAMI, Jeanine Hennis-Plasschaert, remarked that, “the elections were assessed as generally peaceful, well run, featuring significant technical and procedural improvements. All in all, a substantial achievement – which Iraq’s authorities and parties would do well to publicly acknowledge”.<sup>15</sup> This statement, while effectively providing a UN seal of legitimacy to the elections, disregarded the delay in results and the implications of that delay for the credibility of IHEC. Therefore, while the elections were considered sound, the delay in results and its disregard do not address the dwindling democratic buy-in of Iraqi citizens, as illustrated by an already low voter turnout.<sup>16</sup> In an interview, one of the protestors-turned-candidates cautioned of this happening: “the Iraqi citizens have lost faith in the electoral process and any error that happens can destroy the electoral process in Iraq. We are at a dangerous impasse and UNAMI did not recognize this”.<sup>17</sup>

The recount resulted in five seat changes and, other than causing delays, did not have a major impact on the government formation negotiations, since no significant increase or decrease in seat count occurred. However, the process of contesting those seats required political capital, which the political newcomers could not afford. By December 27, 2021, the Federal Supreme Court ratified the results of the election.<sup>18</sup> Following ratification, as per the constitution, President Barham Salih announced the date for the first session of the new Council of Representatives to be held on January 9, 2022.<sup>19</sup>

Out of 329 seats in the Council of Representatives, the Sadrist Movement won the most with 73, followed by Mohammed Al-Halbousi’s Taqadum Coalition with 37, former Prime Minister Nouri Al-Maliki’s State of Law Coalition with 33, and Masoud Barzani’s Kurdistan Democratic Party with 31. These were the four major winners, as the remaining electoral lists received 17 seats or less. The disgruntled Fateh Coalition won 17 seats but is known to wield influence over the Babylonian Movement, which won four of the five Christian quota seats, effectively giving Fateh a 21-seat bargaining chip. Notably, the protest based Emtidad Movement won nine seats and Ishraqat Kanoon won six seats.<sup>20</sup> In addition, there are 43 independents who won seats, though as my colleague Dr. Marsin Alshamary describes in her corresponding piece (*Iraqi Elections 2021: Independents and New Political Parties*), some of them are already aligned with existing coalitions.

Iraqi elections determine the bargaining chips for the numerous parties and coalitions. This has been the case from the first Iraqi election in January 2005, whose winners were tasked with writing the constitution in addition to forming a transitional government. The proceeding five elections have all taken place under the auspices of this constitution.

## Background – 2005-2018 Elections

Iraq’s first government formation negotiations, following the January 30, 2005 elections, produced a government in just over three months. Ibrahim Al-Jafari was sworn in as prime minister on May 3, 2005.<sup>21</sup> The next election, which took place that same year on December 15, 2005, had a longer negotiation process. Although Jafari’s coalition won the most seats again, the other parties required to form a government refused Jafari retaining the premiership. Pressure from the religious establishment, headed by Grand Ayatollah Ali Al-Sistani, prompted him to finally step down.<sup>22</sup> It took five and a half months before Nouri Al-Maliki, Jafari’s deputy, was agreed upon as a compromise candidate and a new government was formed from the winning coalition.

<sup>14</sup> Independent High Electoral Commission, Twitter post, November 30, 2021, <https://twitter.com/IHECOfficial/status/1465680948738015241>.

<sup>15</sup> Briefing to the Security Council by SRGC Jeanine Hennis-Plasschaert, Press release, UNAMI, November 23, 2021, <https://reliefweb.int/report/iraq/briefing-security-council-srsg-jeanine-hennis-plasschaert-tuesday-23-november-2021-enar>.

<sup>16</sup> Independent High Electoral Commission figures: 9,629,601 voted of 22,116,368 registered voters, voter turnout at 43.54%, <https://ihec.iq>.

<sup>17</sup> Interview with female candidate from Emtidad Movement in 2021 elections in Diywaniya (December 2021).

<sup>18</sup> “The Federal Supreme Court ratifies the results of the 2021 Parliament elections,” *Federal Supreme Court*, December 17, 2021, <https://www.iraqfsc.iq/news.4767/>.

<sup>19</sup> “Iraqi President Calls the New Iraqi Parliament to Be Convened,” *Iraqi Presidency*, December 30, 2021, <https://presidency.iq/EN/Details.aspx?id=3490>.

<sup>20</sup> 2021 election results published by the Independent High Electoral Commission, <https://ihec.iq>.

<sup>21</sup> Caryle Murphy, “Iraqi Leader Appeals for Peace as Cabinet Is Sworn In,” *Washington Post*, May 4, 2005,

<https://www.washingtonpost.com/archive/politics/2005/05/04/iraqi-leader-appeals-for-peace-as-cabinet-is-sworn-in/1988ab65-5f6d-4c88-a8ca-7bf80f0ecf50/>.

<sup>22</sup> Roger Hardy, “Iraq conflict thwarts PM Jaafari,” *BBC News*, April 21, 2006, [http://news.bbc.co.uk/2/hi/middle\\_east/4932692.stm](http://news.bbc.co.uk/2/hi/middle_east/4932692.stm).

After the first full four-year term in office, elections were held again in 2010 and the election results were close. Iyad Allawi, of the Iraqi National Movement, won 91 seats and Nouri Al-Maliki won 89 seats. The two-seat difference ignited a constitutional crisis over the definition of “the largest bloc” (to whom the constitution accorded the right of first attempt to form a government), thus prolonging the government negotiation process. The Federal Supreme Court decided that the constitution defined the largest bloc as the largest coalition formed after election results, and not the coalition which won the most seats in the election.<sup>23</sup> Thus, after nine months, Maliki was able to overtake Allawi through forming a larger bloc and retained the premiership.

In 2014, Maliki won three more seats and had 92 seats. However, this time, there was no close competitor, with the runner up, Muqtada Al-Sadr, winning 34 seats.<sup>24</sup> Despite this large advantage, Maliki was unable to retain the premiership due to having fallen from favour with the other political elite. Like the 2006 scenario with Jafari, an informal message was delivered from Najaf,<sup>25</sup> and a compromise candidate, Haider Al-Abadi, was selected from the winning coalition.

Iraq’s fifth election followed the defeat of the Islamic State of Iraq and Syria (ISIS) and, given Haider Al-Abadi’s role in the war, many expected him to emerge victorious. However, the spoils of the war were divided between three major coalitions: Muqtada Al-Sadr with 54 seats, Hadi Al-Ameri’s Fateh Coalition with 48 seats and Abadi’s Victory Alliance with 42 seats. Due to internal rifts between Maliki and Abadi, Abadi ran separately from the State of Law Coalition, which won only 25 seats.<sup>26</sup> Had they been united, Abadi and Maliki would have been the largest coalition even after the announcement of the election results. Despite Abadi’s efforts, the two largest coalitions, Sairoon and Fateh, decided on a compromise candidate from outside the electoral process. Adil Abd Al-Mahdi, Iraq’s first independent prime minister, did not run in the elections.<sup>27</sup> Although the constitution does not require a prime minister to emerge from the Council of Representatives, this nevertheless marked a shift in choosing the premier and the widening of the pool from which electoral victors can choose from. This shift has implications for democratization in Iraq, coming at a time when the public is calling for a direct role in electing their leaders. This was one of the demands of the protest movement that has made its way into the political program of the Emtidad Movement, as one of its candidates in Karbala describes: “one of Emtidad’s goals is to change from parliamentary to semi-presidential, where we [Iraqis] elect a parliament, a president, and governors”.<sup>28</sup>

Abd Al-Mahdi’s tenure was short-lived as he was both brought to power and removed from office through non-electoral mechanisms. It was the backroom deals of party leaders that gave prominence to Abd Al-Mahdi and it was nation-wide protests that brought him down. Like Jafari and Maliki before him, the clerical establishment in Najaf provided the final push for him to step down, when Sistani’s representative in Karbala called for his resignation and the formation of a new government during the Friday sermon.<sup>29</sup> Iraq now faced another government formation negotiation, but without an election, this time it was rather, as if someone pressed the reset button.

The Council of Representatives, elected in 2018, was required to confirm a new prime minister. Although the president had to first designate a candidate, the options were informally presented by the political elite. The first candidate, Mohammad Tawfiq Allawi, was a former member of the Council of Representatives and a former minister. Like Abd Al-Mahdi, he was an independent who had not run in the 2018 elections. He ultimately failed to pass a government and a second candidate was presented, this time, a member of the Council of Representatives. Adnan Al-Zurfi, the former governor of Najaf, was not only unable to form a government, but was also forced to step down as prime minister-designate. The third and final candidate was Mustafa Al-Kadhimi, an independent who was heading the Iraqi National Intelligence Service, and who did not participate in any election.

The fact that Mustafa Al-Kadhimi did not run in the 2021 elections, while maintaining a clear desire to retain the premiership, suggests that the path to the premiership has changed to favour unelected

<sup>23</sup> “Federal Supreme Court Interpretations,” *Higher Judicial Council*, April 5, 2010, <https://www.hjc.iq/view.168/>.

<sup>24</sup> “Iraq elections: Maliki’s State of Law ‘wins most seats,’” *BBC News*, May 19, 2014, <https://www.bbc.com/news/world-middle-east-27474518>.

<sup>25</sup> Loveday Morris, “A letter from Sistani turned the tide against Iraq’s leader,” *Washington Post*, August 12, 2014, [https://www.washingtonpost.com/world/middle-east/a-letter-from-sistani-turned-the-tide-against-iraqs-leader/2014/08/13/3b3426cf-60ee-4856-ad26-d01a9c6cc9c3\\_story.html](https://www.washingtonpost.com/world/middle-east/a-letter-from-sistani-turned-the-tide-against-iraqs-leader/2014/08/13/3b3426cf-60ee-4856-ad26-d01a9c6cc9c3_story.html).

<sup>26</sup> Jessa Rose Dury-Agri and Patrick Hamon, “Breaking Down Iraq’s Election Results,” *Institute for the Study of War*, May 24, 2018, <https://www.understandingwar.org/backgrounder/breaking-down-iraqs-election-results>.

<sup>27</sup> Even if his independence was questioned (due to his political history), Abd Al-Mahdi had no partisan support from within the Council of Representatives. Interestingly, Abd Al-Mahdi was one of two candidates considered by the United Iraqi Alliance in 2006, but ultimately lost out in an internal vote.

<sup>28</sup> Interview with male candidate from Emtidad Movement in 2021 elections in Karbala, (December, 2021).

<sup>29</sup> Marsin Alshamary, “Prophets and priests: religious leaders and protest in Iraq,” *Massachusetts Institute of Technology*, 2020, <http://34.201.211.163/handle/1721.1/130603>.

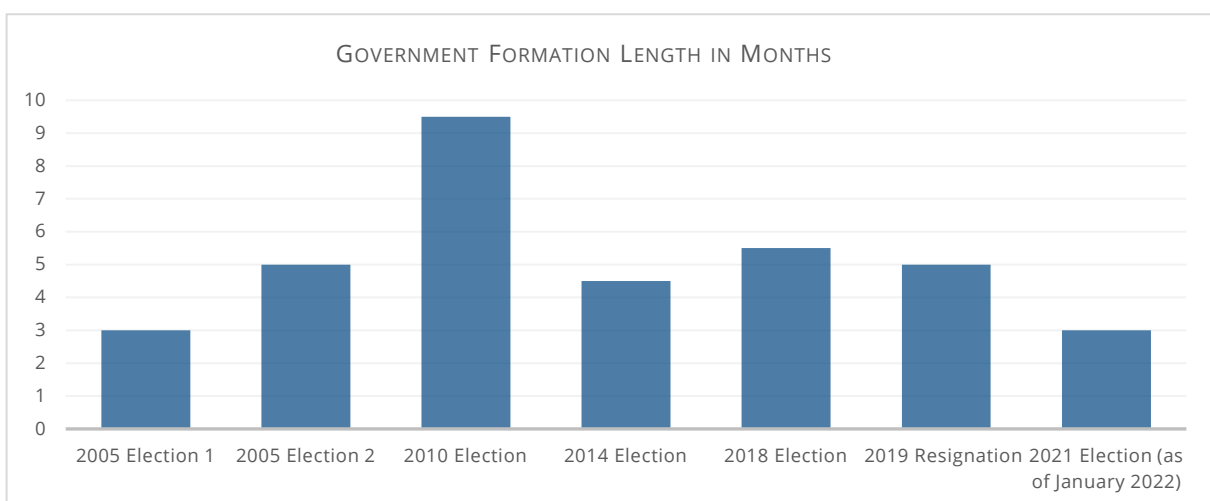
individuals, as long as no party wins a clear majority. This shift from a compromise candidate within the winning coalition and a compromise candidate from outside the electoral process has altered the nature of government negotiations, as the subsequent section of this report details. More alarmingly, this shift has weakened the office of the prime minister.

## Consensus Government versus Oppositional Government

Despite talks of an opposition government following nearly every election, Iraq is yet to see one emerge. This government formation process is likely to be no different, although the winner (Muqtada Al-Sadr), has been adamant about steering away from a consensus government. After initial results were announced, Sadr simultaneously fought to maintain pressure on those challenging the credibility of the elections, while pushing for his vision of what the next government should be – a majority coalition with an opposition. He made this clear during a press conference held on November 18, 2021,<sup>30</sup> stating that he will not participate in a consensus government. He repeated this claim in a televised discussion with 12 independent winners in the election,<sup>31</sup> who he encouraged to support a majority government, warning them that they will, “suffer by staying in the middle”. He stated that he would rather protect his reputation by becoming the opposition, than submitting to “the apothecary’s mix” of government formation. Even after meeting with the Coordination Framework – a group of Shia electoral victors sans the Sadrists – a member of Sadr’s office reiterated that they would not be joining a national consensus government.<sup>32</sup>

This rhetoric has emerged before, most notably during the lead up to the 2014 elections when Nouri Al-Maliki was leading in the polls and was adamant about the need to move towards a majority government. At that time, Maliki was well placed to pull this off: he had 92 seats, which was triple the amount of the next biggest party. In other words, he did not need many more seats to reach the 165 seats required to form a majority. However, as discussed in the next section, different factors at play forced another national consensus government to be formed.

The debate surrounding consensus government versus majority government was not in the headlines in 2018. The seats were split across the political spectrum and no party emerged as a decisive winner with an incentive to utilise the rhetoric of majority government. The Sadrists obtained the highest number of seats, but with a narrow margin of victory. The Sadrist Movement ran with the Iraqi Communist Party as the Sairoon Coalition and won 54 seats, the most, with the runner up behind by six seats. In 2021 the Sadrist Movement ran alone and increased their seat count by 19 and nearly doubling the runner ups, a more pronounced electoral victory. However, in all the previous elections with higher seat winners,<sup>33</sup> they still fell short of winning 50%+1 to form a majority government on their own. Therefore, government formation in Iraq takes many months and has, historically, resulted in a national consensus government.



<sup>30</sup> Speech of the leader of the Sadrist Movement, Muqtada Al-Sadr, *Iraq Media Network*, November 18, 2021, <https://www.youtube.com/watch?v=8esaWW9r3Eo>.

<sup>31</sup> Speech of the leader of the Sadrist Movement, Muqtada Al-Sadr with independents, *The Private Office of Muqtada Al-Sadr*, November 24, 2021, <https://fb.watch/9UVwnCCpAZ/>.

<sup>32</sup> “The Sadrist Movement: we will not be part of any consensus government,” *Al-Arabiya*, December 4, 2021, <https://www.alarabiya.net/arab-and-world/iraq/2021/12/04/التيار-الصندي-يعلن-تكوين-حزب-أمن-أي-حكومة-مشتق-اقتيم-في-العراق>.

<sup>33</sup> In 2005, the National Iraqi Alliance as a Shia umbrella coalition won 140 seats in the first election and 128 seats in the second election. In 2010, Iyad Allawi’s Al-Iraqiya coalition won 91 seats and runner up Maliki’s State of Law Coalition won 89. The next election in 2014, State of Law won 92 seats.

The discussion over the type of government has now reappeared because the Sadrist Movement has won significantly more than the others. Ironically, Maliki – who had once campaigned for a majority government<sup>34</sup> – is now strongly in favour of a national consensus government.<sup>35</sup> However, Iraq's political divisions make it difficult for a majority government to be elected and since no party has ever won an outright majority, coalition-building is required, whether to create a majority government or a national consensus government. Therefore, it comes as no surprise that Sadr has, as of early January 2022, met twice with the coordination framework and is planning future meetings.<sup>36</sup>

There are other mechanisms within the constitution that require a certain degree of high-level consensus. Most notably, the presidency, which requires a two-thirds majority to pass, unlike speaker of the Council of Representatives and the prime minister who only require an outright majority.<sup>37</sup> Therefore, even if Sadr pulls off his majority, he still needs a national consensus government to select a president who is needed to designate a prime minister candidate. While *muhasasa* is not enshrined in the constitution, it will be difficult for anyone to break away from it, especially if Kurdish and Sunni parties demand to keep it.

Currently, Kurdish and Sunni political parties have distanced themselves from this debate and have stated that they are waiting for the Shia political parties – the Sadrists and the Coordination Framework – to settle their differences before they weigh in and engage in government negotiations.<sup>38</sup> While Kurdish and Sunni leaders have met with Sadr and leaders of the Coordination Framework, these meetings have not been conclusive. In other words, they do not want to unnecessarily challenge Sadr, knowing that a national consensus government is the most likely outcome. They are more interested in negotiating the division of the political pie: the apportionment of ministries and minister-level positions (e.g. heads of the independent commissions) and the presidency and speakership.

## Violence in Government Formation

After supporters of the losing political parties took to the streets to oppose the election results, protests took to a violent turn in early November. Two days after security forces clashed with protestors, the prime minister's residence was targeted in retaliation. In the early morning of November 7, 2021, explosive-laden drones injured members of the prime minister's security detail.<sup>39</sup> The prime minister appeared within hours of the attack with a bandaged arm in a public address during which he claimed that the perpetrators were known and will be exposed. Despite the enormity of an attack on a sitting prime minister during political transition, the government's response was underwhelming. The prime minister's national security advisor appeared in a press conference,<sup>40</sup> nearly a month later, beseeching the public to provide information about the perpetrators of the attack. The national security advisor's press conference was only held as a response to a tweet<sup>41</sup> by Sadr prodding the government into action. This was a direct contradiction of Kadhim's promise to expose the perpetrators, who he claimed to know.

Iraq is no stranger to violence. Moreover, violence during elections is a global phenomenon. According to the REIGN Dataset of International Elections and Leaders, the rate of electoral violence worldwide in 2020 was 54%, meaning that over half of the elections that took place in 2020 involved violence.<sup>42</sup> This was an increase from the still high median annual rate of 30% (tracked since 1975).<sup>43</sup> Violence occurs during government formation and during elections because the state is not equipped to

<sup>34</sup> Mushreq Abbas, "Maliki Seeks 'Majority Government' in Iraq," *Al-Monitor*, April 8, 2013, <https://www.al-monitor.com/originals/2013/04/iraq-maliki-majority-government-obstacles.html>.

<sup>35</sup> "Al-Maliki to the BBC: political differences with Muqtada Al-Sadr hinder the formation of the largest Shia bloc," BBC News Arabic, November 17, 2021, <https://youtu.be/EShpKGxfH60>.

<sup>36</sup> "Iraq...a delegation of prominent Shia forces meets Al-Sadr in Najaf to convince him of a consensus government," Al Jazeera, December 29, 2021, <https://www.aljazeera.net/news/politics/2021/12/29/العراق-وفد الاطباء-التنسيق-يلتقي>.

<sup>37</sup> The constitution does stipulate that if no candidate achieves the two-thirds majority required, the highest two contenders compete for a majority in a run-off election. In practice, Iraqi presidents have won the run-off election with a high enough number of votes to suggest that the strategizing leading to their nomination was premised on getting as close to the two thirds requirement as possible.

<sup>38</sup> Firas Adnan, "Sunnis and Kurds are waiting for a unified Shia position before starting negotiations to form a government," *Sot Al-Iraq*, December 8, 2021, <http://www.sotaliraq.com/2021/12/08/السنة-الكرديتتظرون-موافقة-شيعيا-سوا/>.

<sup>39</sup> "Iraq PM Mustafa Al-Kadhimi decries 'cowardly' attack on his home," *Aljazeera English*, November 7, 2021, <https://www.aljazeera.com/news/2021/11/7/mustafa-al-kadhimi-iraqs-pm-survives-assassination-bid>.

<sup>40</sup> "The press statement of the national security advisor on the latest investigations into the attack on the residence of the prime minister," *Media Office of Prime Minister*, November 28, 2021, <https://www.youtube.com/watch?v=oEbidY16b-Y>.

<sup>41</sup> Muqtada Al-Sadr, Twitter post, November 26, 2021, [https://twitter.com/Mu\\_AlSadr/status/1464179909883043846?s=20](https://twitter.com/Mu_AlSadr/status/1464179909883043846?s=20).

<sup>42</sup> Clayton Besaw, "Election violence spiked worldwide in 2020 - will this year be better?," *The Conversation*, February 18, 2021, <https://theconversation.com/election-violence-spiked-worldwide-in-2020-will-this-year-be-better-153975>.

<sup>43</sup> Ibid.

deal with instability when there is a political vacuum. Those who seek to disrupt the state are well-aware of this fact.

In Iraq's electoral history, there have been various incidents of violence around election times, with an impact on government formation. Where the Kadhim assassination attempt was different was that it was a directed attack against a high-level politician. In the past, violence was more indiscriminate, attempting to destabilize the country, rather than to capture the state. The incident with the Kadhim assassination was the response of armed political factions to electoral loss. In the past, violence was committed mainly by terrorists seeking to dismantle the political system and draw the country into a civil war.

For example, after Iraq's second election in December, 2005, when Jafari was negotiating for a full term in office, the Holy Shrine of Al-Askariyan Imams was bombed in Samarra two months later.<sup>44</sup> This terrorist attack sent a tidal wave across Iraq, sparking the sectarian civil war. The attack was not directed at the prime minister individually, but against the largest ethno-sectarian group in Iraq and ultimately was an attempt to undo the nascent democratic process taking place in Iraq. Jafari's inability as commander-in-chief to contain the violence in the fallout of the bombing ultimately triggered his removal from office.<sup>45</sup>

Violence dropped significantly once the civil war came to a gradual end by 2009.<sup>46</sup> Following the end of the war, the 2010 elections saw the longest process of government formation, taking over nine months.<sup>47</sup> The negotiations were long, largely due to the intense debate over the interpretation of the constitution. Although violence continued in Iraq, it had decreased by 2010. Although the country had emerged from a civil war, the elections and government formation occurred during a time of relative state strength, as most armed actors that had attempted to undermine it, were neutralized. As a result, despite losing by two seats, Maliki was able to maintain the premiership through another consensus government, as explained above.

Terrorism re-emerged by the next election, taking advantage of not only a political vacuum but also of a divided society. A third of Iraqi territory had fallen to the terrorist group Islamic State of Iraq and Syria (ISIS), including the critical northern city of Mosul. The loss of territory coincided with the election as well as the following government negotiations forcing Maliki (among other reasons) to relinquish his efforts for a third term, despite winning more seats in 2014 and having triple the seats of his closest competitor. At this time, outside powers interfered, as the Iraqi government was in dire need for military support against ISIS. Though it was militarily capable of staving ISIS from Baghdad and to its south the government needed assistance to take back its territory. This assistance came from the United States and Iran, which gave them significant influence on government negotiations. President Barack Obama and his Vice President, Joe Biden were adamant that support would only come if a change in leadership took place under a consensus government. By way of explanation, the United States government claimed that Iraq needed new leadership with widespread support, if it stood a chance to defeat ISIS.<sup>48</sup> As a result, like Maliki in 2006, a compromise candidate from the winning electoral list was chosen as prime minister, this time it was Haider Al-Abadi.

Prime Minister Abadi announced the territorial defeat of ISIS on December 9, 2017,<sup>49</sup> six months before the election. With violence at an all-time low, and security returning to Baghdad and many of the liberated areas, it did not seem like another incident of terrorism could affect the political process after elections. However, it became apparent that a new type of violence had emerged. When mass protests erupted in Basra, in 2018, the state security apparatus responded with violence, marking the end of Prime Minister Abadi's time in office.<sup>50</sup> Abadi's opponents used him as a scapegoat, offering the cancellation of his candidacy to pacify the protestors, whose stance challenged the entire political elite. Later, the same would happen with Adil Abd Al-Mahdi during the 2019 protest movement, however, this did not happen during an election.

Two types of violence have emerged to accompany elections and government formation: destabilizing terrorist attacks and targeted violence by political elites contesting the electoral process. The

<sup>44</sup> Robert F. Worth, "Blast Destroys Shrine in Iraq, Setting Off Sectarian Fury," *New York Times*, February 22, 2006,

<https://www.nytimes.com/2006/02/22/international/middleeast/blast-destroys-shrine-in-iraq-setting-off-sectarian.html>.

<sup>45</sup> Shaheen Mozaffar, "Elections, Violence and Democracy in Iraq," *Bridgewater Review*, 25(1), 5-9, (2006), [http://vc.bridgew.edu/br\\_rev/vol25/iss1/6](http://vc.bridgew.edu/br_rev/vol25/iss1/6).

<sup>46</sup> Iraq Body Count Database, <https://www.iraqbodycount.org>.

<sup>47</sup> Martin Chulov, "Iraq names cabinet after nine-month power struggle," *The Guardian*, December 21, 2010, <https://www.theguardian.com/world/2010/dec/21/iraq-new-cabinet-named>.

<sup>48</sup> Martin Chulov, Luke Harding and Dan Roberts, "Nouri al-Maliki forced from post as Iraq's political turmoil deepens," *The Guardian*, August 12, 2014, <https://www.theguardian.com/world/2014/aug/11/nouri-al-maliki-iraq-forced-out-prime-minister>.

<sup>49</sup> Margaret Coker and Falih Hassan, "Iraq Prime Minister Declares Victory Over ISIS," *New York Times*, December 9, 2017, <https://www.nytimes.com/2017/12/09/world/middleeast/iraq-isis-haider-al-abadi.html>.

<sup>50</sup> Rebecca Collard, "The End Is Near for Haider al-Abadi, Iraq's U.S.-Friendly Leader," *Time*, September 13, 2018, <https://time.com/5394596/haider-al-abadi-iraq-basra-iran-protest/?amp=true>.

latter form is new. Violence, by terrorists, will continue to be an issue for Iraq, at least in its near future, and will likely emerge during weaker moments, such as the political vacuums that accompany elections. In fact, there were attacks by ISIS in Diyala and Kirkuk in the aftermath of the 2021 elections, and the attacks – particularly the ones in Diyala – have threatened sectarian escalation.<sup>51</sup> However, what has changed is that political actors, on the losing side, have for the first time resorted to outright violence and intimidation to contest the results of the vote. Maliki had opposed the election result in 2010, but this was not the same as it utilised state institutions. He resorted to the Federal Supreme Court, which provided him a controversial constitutional definition that consequently allowed him to form a government. The direct attack on Prime Minister Kadhimi in 2021 signals a new and worrying trend in Iraqi politics.

## The Return to Muhasasa and Ethno-sectarian Based Parties

Another worrying trend in Iraqi politics is the re-sectarianization of political parties. The post-war conception of Iraqi politics as falling along Shia, Sunni and Kurdish identities had been chipped away by accumulating small changes across previous elections. For example, in 2010, the State of Law Coalition broke off from the umbrella Shia bloc, the National Iraqi Alliance,<sup>52</sup> inspiring the continuously resurfacing debates on whether this was the beginning of the end of the “Shia House”. Another example is that from 2005 to 2010, the two Kurdish parties – the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) – ran together. However, by the 2014 election, they decided to run in the elections separately. Similarly, Sunni political parties united behind the Iraqiya List in 2010, but by 2014 they began to run independently, as did the other Shia parties. The type of change that occurred during this time was not a shift away from sect-based parties, but the breakdown of large sect-based coalitions.

In the 2018 election, by contrast, a shift away from sect-based parties emerged at the national level. The most powerful turning away from sect-based parties are the coalitions that were formed in 2018, after the defeat of ISIS. Abadi’s Victory Alliance included politicians across the ethno-sectarian divide and ran in all 18 governorates. In addition, small sect-based parties readapted their identity to be a local governorate-based identity rather than a sect-based one, for example: Anbar is our Identity, Ninawa is our Identity and Salahuddin is our Identity.

This trend was reversed in the 2021 election, when the electoral law changed as well. Iraq moved away from 18 governorate-level electoral districts to 83 electoral districts with a single non-transferable vote system. This was meant to introduce greater accountability between elected representatives and their constituents, but it also inadvertently re-enforced ethno-sectarian divisions in diverse governorates like Baghdad, Diyala, Kirkuk and Ninawa. By dividing diverse areas, without the guidance of a census, it created a fear of misrepresentation that had voters and candidates running along identity lines. In a way, it created a pseudo census, where community members feared that if they did not vote by identity, they would be undercounted.

As a result, coalitions like the Victory Alliance no longer ran in all governorates and had less diverse candidates running. The same occurred for the Sunni politicians who either ran with Mohammed Al-Halbousi’s Taqadum Coalition or Khamis Al-Khanjar’s Azm Coalition. As for the Kurdish parties, the PUK and Gorran Movement ran as the Kurdistan Coalition, and the KDP ran alone. An exception to this was the Emtidad Movement, which rejects ethno-sectarian politics.

The political parties running in the election were forced to utilize local support in their areas to win seats, something the Sadrists did tactically well, but it also forced many parties to not bother with running candidates outside their main governorates. As a result, the 2021 election saw half the number of candidates run than in 2018.<sup>53</sup> While this helped independents and political newcomers have a better chance at winning seats, it also discouraged major political parties from embarking on a national political agenda, though they always pay lip service to it.

This re-sectarianization of political parties comes at a time when the Iraqi public is most rejectionist of sectarianism, as evidenced by both the rhetoric of the 2019 protest movement as well as public opinion.

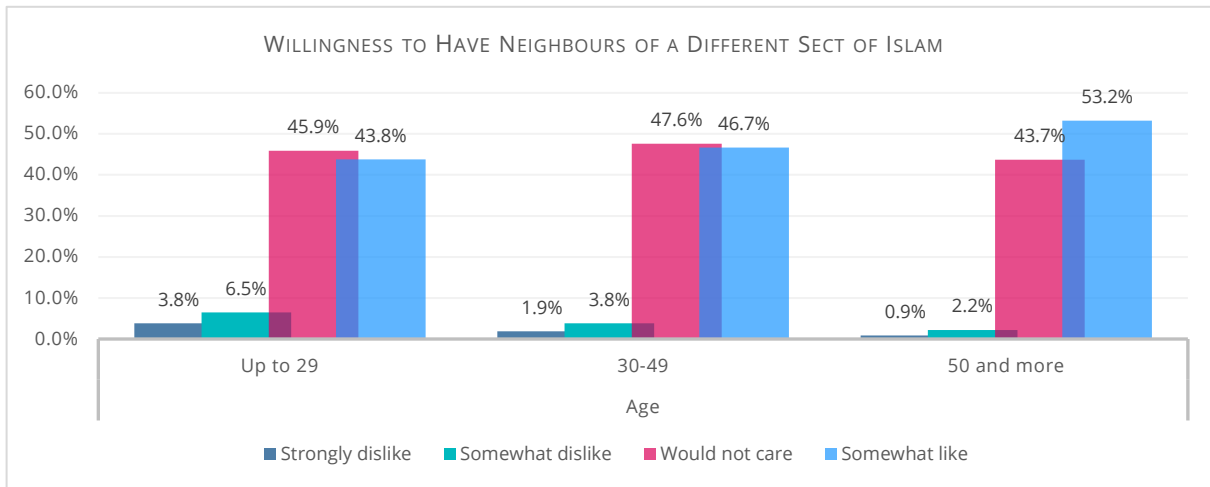
<sup>51</sup> Amir Ali, Araz Mohammed, Mohammed Hussein, Lizzie Porter and Rawaz Tahir, “Suspected Islamic State attack triggers deadly sectarian reprisal in Diyala,” *Iraq Oil Report*, October 29, 2021, <https://www.iraqoilreport.com/news/suspected-islamic-state-attack-triggers-deadly-sectarian-reprisal-in-diyala-44191/>.

<sup>52</sup> The National Iraqi Alliance formerly ran as the United Iraqi Alliance in 2005.

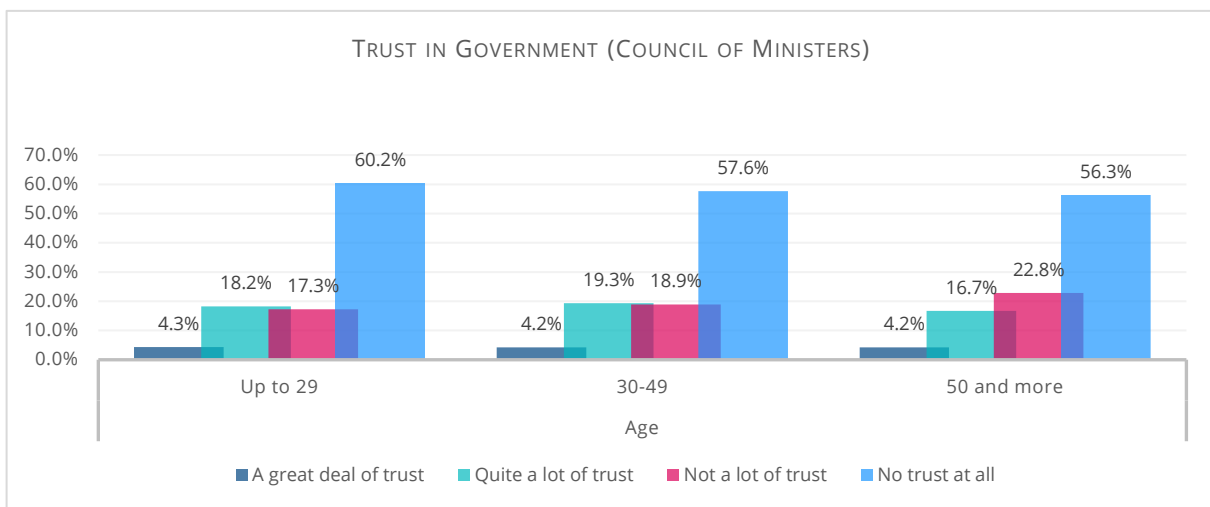
<sup>53</sup> Kurdish Institute for Elections, <https://web.facebook.com/kielelections/photos/261417619102831> كهمسكو دهمه - كاندیدانی - كهمسكو دهمه /rdc=1&\_rdc.



The most recent survey from the Arab Barometer,<sup>54</sup> for example, shows that Iraqis of all ages would either not care or would somewhat like to have, as a neighbour, someone from a different sect. Considering that the country had a sectarian civil war in the mid-2000s and had to fight off a terrorist group, ISIS, with a sectarian and genocidal agenda, this trend is positive. If the political elite continues to ignore it, the divide



between the public and the ruling class will continue to grow and to manifest itself in various forms, including protests. The data from the Arab Barometer shows as well that over half the population have no trust at all in the executive government, a trend that will not be reversed by re-entrenching identity politics.



The reason that protests are going one direction and the politicians are going another is because the status quo, based on *muhassasa*, makes escaping consociationalism and sect-based positions difficult. No matter how removed elections and parties are from sect-based identities, they will nevertheless confront the norm that the prime minister is Shia, the president is Kurdish, and the speaker of the Council of Representatives is Sunni. This was notable in 2018 when Khalid Al-Obeidi, former minister of defence, ran with the Victory Alliance and won the most votes in Ninawa, and second most across Iraq. Despite this large individual popularity, Obeidi was defeated by Mohammed Al-Halbousi for the speakership by 169 votes to 89.<sup>55</sup> One of the factors behind this decision was the fact that the Victory Alliance had both Obeidi running for the speakership and Abadi for the premiership. Iraq has never had a party hold more than one of the three presidencies in a national consensus government. This makes the incentive to run in a cross ethno-sectarian party or coalition unattractive for individual political success. Having learned this unfortunate

<sup>54</sup> Arab Barometer Wave VI: July 2020 – April 2021, <https://www.arabbarometer.org/surveys/covid-19-survey/>.

<sup>55</sup> "Iraq parliament elects Sunni MP Mohammed Al Halbousi as speaker," *The National*, September 15, 2018, <https://www.thenationalnews.com/world/mena/iraq-parliament-elects-sunni-mp-mohammed-al-halbousi-as-speaker-1.770442>.

lesson, Obeidi ran in 2021 elections with Azm, one of the two main Sunni political coalitions. Even a politician who has the intent to move beyond sect-based parties and beyond consensus governments has to contend with the reality of government negotiations.

### The future of Government Formation in Iraq

Iraq's new electoral law has made districts smaller and thereby increased accountability between elected officials and their constituents. However, this has no bearing on the fact that two of the three presidencies are unelected positions and, even the speakership relies on high-level negotiations that the average voter does not weigh in on. Nevertheless, the 2019 protests revealed that Iraqis have their own means to hold the prime minister accountable. This has impacted how the political elite makes a decision surrounding the premiership, giving them a preference for a weaker, disposable and replaceable candidate.

The candidates for the premiership can be described along two planes: first, whether they are compromise candidates or not; second, whether they are from a political party and had won a seat in the elections. These attributes impact the type of premier that emerges. We have witnessed shifts between compromise and non-compromise across the years, but the shift from elected candidate to an unelected candidate has correlated with a shift from broad political violence to targeted violence against individuals. The former patterns of violence came with the goal of destroying the electoral and political system all together. The patterns of violence we witness today are more concerned with state capture, rather than state destruction. The first waves of violence were orchestrated by terrorist groups and the second waves of violence are being orchestrated by paramilitaries attempting to capture the state.

TYPOLOGY OF PRIME MINISTERS		
	Compromise Candidate	Non-Compromise Candidate
Party Candidate / Electoral Winner	Maliki 2006 Abadi 2014	Jafari 2005 Maliki 2010
Non-party Candidate / Electoral Non- participant	Abd Al-Mahdi 2018 Kadhimi 2020	N/A

In this political environment, we can expect to see government negotiations take several months and result in a prime minister who falls into one of the two compromise quadrants, as its easier to split the pie and later, to scapegoat, this type of candidate.

All these themes factor into why Iraq has long convoluted government negotiations (with the rare deviation of 2005 being resolved in under three months). Moreover, with the exception of 2010, violence is always at play. This all contributes to a weak political environment that makes Iraq vulnerable to foreign influence. As a result, the country for the most part has had a weak prime minister leading the state, as they emerge from a weak political foundation, either as a compromise candidate from within, or a compromise candidate brought in. Unfortunately, this will further increase the frustration of the Iraqi people whose calls for directly voting their commander-in-chief have grown.

Government negotiations are a multifaceted topic, and this report has tackled one aspect that takes place from election day until the three presidencies are elected and the Council of Ministers is sworn in. Following this, political jockeying over other positions commences and further research is required to examine the process for selecting each of the many positions that are being politically auctioned. Further research can also provide insight as to why Iraqis have been demanding a more direct way of choosing their leader, and why the current system, although designed to be democratic, has weakened Iraqis' trust in democracy.

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