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Iraq Struggles to Govern Itself

DANIEL SERWER

The political situation in Baghdad remains in limbo more than eight months after national elections that, while they signaled change, also denied any of the country's four main coalitions an unequivocal mandate to lead the government. The delay now amounts to an extraordinary one by any standard. It has left a "caretaker" government in charge of a nation still struggling to emerge from the virtual civil war of 2006–2007, even as US troops draw down, with plans to exit by the end of next year.

Iraq is engaged in the political equivalent of sumo wrestling. After appeals and recounts, the certified results of the March 2010 elections showed the "Iraqiya" slate got 91 seats in the parliament, while "State of Law" got 89. Each of their leaders—respectively, the former prime minister Ayad Allawi and the current prime minister Nuri Kamal al-Maliki—claims the right to form a government and act as prime minister. The Iraqi parliament has 325 seats; 163 constitute a majority.

During visits in July and August, US Vice President Joseph Biden tried to referee the match, with the objective of getting the two heavyweights to stop wrestling and join together to form a new government, a formula Washington prefers. So far, these efforts have not borne fruit.

More recently, Maliki has gained support from the Sadrists, a vigorously anti-American Shiite Muslim faction, pushing Allawi to the very edge of the circle. And the country's Supreme Court has decided that the parliament, rather than remaining in suspension, must proceed with electing a speaker, a move that could accelerate what has been a glacially slow process of government formation.

IT'S COMPLICATED

Maliki bases his claim to the prime ministry on his postelectoral agreement with the Iraqi National Alliance (INA), a coalition of mostly Shiite Islamist parties—only part of which, however, seems to have genuinely endorsed him for prime minister. As of early November, he could rely on about 130 seats, as long as he held the support of the followers of Moktada al-Sadr, whose faction of the INA won the lion's share of that coalition's seats (40). Maliki also points to the more than 600,000 votes he won in Baghdad, which helped make him the largest single vote-getter in the country.

With all the problems Iraq faces, Maliki asks, why cause further delay by allowing a group like Iraqiya to form a government with only 91 seats in the parliament? If the Americans want to get their troops out of Iraq according to their timetable (by the end of 2011) and leave it in relatively stable condition, is it not best to keep Maliki in place? Who better to face down the Iranians than a Shiite prime minister who is not in their pocket? Why infuriate the Iranians by installing a prime minister (Allawi) who they believe is a Saudi stooge?

Allawi bases his claim to the prime minister's office on the election results, which include his party's narrow lead in parliamentary seats and a massive vote for change, as 80 percent of the previous parliament members lost their seats. Allawi continues to court the 30 or so INA votes that are not committed to Maliki.

Why, Allawi asks, should Iraq not learn that alternation in power is part of the democratic game? How can Iraq be a democracy if the same prime minister is installed, with more or less the same majority coalition, despite such a dramatic

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vote for change? Why should voters, especially Sunni Muslims who strongly supported Allawi, bother to go to the polls in the future if their votes have no impact? How can Iraq remain a democracy if Maliki continues to strengthen his hold on security forces and other levers of power?

As of early November, Maliki's postelectoral alliance was shaky, but he remained in the prime minister's chair due to the advantages of incumbency, and with no parliament to provide oversight until the difficult business of installing a new prime minister was completed. Allawi had asserted that the constitution required formation of a government within 30 days of the convening of the parliament, which occurred on June 14, but Maliki rejected this claim, and many such deadlines have been ignored in Iraq.

In a similar situation in the American system, the executive branch would eventually run out of money and require a vote for appropriations in Congress, but the Iraqis seem to be running on the assumption that the government can continue to spend at previous levels indefinitely. And even though the Supreme Court has now weighed in, it remains unclear whether the parliament will follow the court's instructions to convene and elect a speaker.

The issue is the same one that dominates a junior high school dance: Who leads?

If one widens the aperture a bit, things get even more complicated. It is generally assumed that the speaker of the parliament, the president, and the prime minister will be elected as a preagreed "package"; the president has to be elected by two-thirds, or 217 votes, but only on the first ballot. Representatives of the Kurds—determined to remain together as a bloc—can provide the necessary margin. But they do not like some of the people on Allawi's slate, and they do not like Maliki. Meanwhile, they know that either one—or some third choice—will have to bring them into the parliamentary majority sooner or later, so they need not rush to choose sides.

COURTING THE KURDS

Now that the Sadrists are supporting Maliki, definitively giving him the inside track, both he and Allawi are assiduously courting the Kurds, who have gladly fallen into the position of kingmaker. If the Kurds back Maliki, the government formed will be eerily similar to the one established in 2005, which was based on a Kurdish-Shiite alliance and included Sunnis only as an afterthought. Kurdish support for Allawi would only put him over the top if he wins over the non-Sadrist portions of the INA, which are not (at least yet) fully committed to Maliki as prime minister.

Widening the aperture a bit more: Allawi enjoys support, from Iraq's Arab neighbors and from Turkey, for his mostly Sunni slate. Iran supports the overwhelmingly Shiite INA and pressured Maliki into making the postelectoral agreement with that coalition. But Tehran is hesitant about Maliki, who in 2008 led Iraqi security forces in their successful fight against Sadr, the Iranian-influenced (if not Iranian-controlled) leader of the biggest part of the INA. And neither Allawi nor Maliki can govern effectively without some Sunni support, most of which is to be found in Allawi's group.

Although it is not official policy, many Americans who follow Iraq prefer Allawi because he is secular (albeit Shiite) and would reflect the electoral mandate for "change." But they would be glad to see Maliki and Allawi govern together, especially if such an arrangement meant marginalizing the more extreme parts of the Shiite Islamist INA as well as its Iranian backers. No one, however, can figure out how to give both of them jobs that they would accept. Personal relations between Maliki and Allawi have never been good. Today, it would be an understatement to describe their relations as strained.

Both men want to be prime minister. Neither wants the presidency. (In any case, the Kurds have already laid claim to the presidency for incumbent Jalal Talabani, despite the fact that the presidency loses its veto power in the next parliament and will therefore be weakened.) Neither Maliki nor Allawi will take the speaker's job, which is more important than the presidency but less important than the prime ministry.

Maliki insists on the prime minister's job for himself. Allawi accepts the notion that someone other than himself might be prime minister, as long as it is not Maliki or, according to some, someone from Maliki's Dawa Party. The only serious compromise candidate on the horizon at the moment is Adel Abdul Mahdi, a current vice president and member of the INA who is oddly a favorite of both the Americans and the Iranians. If Allawi throws his support to Mahdi, he has a

chance of winning over the INA (or most of it) and topping up a government with the Kurds.

WHAT EVERYONE KNOWS

Beyond the details lies an irony: Everyone knows, more or less, what the eventual government will look like. Come 2011, Iraq will most likely have a broad coalition government, one that will probably include at least three if not four of the main political alliances, as well as several smaller ones. Everyone agrees that no government can be formed without substantial Sunni, Shiite, and Kurdish participation.

Thus, whatever government emerges is unlikely to have a coherent program, beyond a commitment to democracy, prosperity, the fight against corruption, and other eternal verities. No smaller, more compact, and coherent government would include sufficient representation from the largest sectarian and ethnic groups. Everyone also knows that the parliamentary opposition will be weak and ineffective, while the majority will be large and likely also ineffective. Indeed the parliament may not be much of a counterweight to the increasingly powerful executive.

The main issue is not the eventual outcome, which like December's climate is more predictable than tomorrow's weather. The issue is the same one that dominates a junior high school dance: Who leads? "Negotiations" occur every day in Baghdad. In endless rounds of meetings Allawi and Maliki try to chip away at the other's voting bloc or win the Kurds over, or get the Iranians, Americans, Arabs, or Turks to exert pressure here or there. Maliki in October undertook a tour of neighboring capitals to try to bolster his chances.

Yet it all looks suspiciously like spinning wheels, with only enough traction gained at the moment to suggest that the vehicle of state may be sliding in Maliki's direction. It will likely be close to the end of the year before a broad, weak government emerges from this commotion. All Maliki really needs at this point is to co-opt a few of Allawi's Sunni supporters.

Maliki's prospects for success may depend at least in part on his willingness to accept some limits on the prime minister's powers. Maliki, originally chosen as prime minister because his small Dawa Party appeared not to threaten the larger political forces in the coalition formed in 2005, has proved adept at gaining control over security forces—he is said to appoint personally even lower-level commanders—and using them to his advantage.

Maliki's daring 2008 attacks on the Sadrists, first in Basra and subsequently in Sadr City (Baghdad), not only gained him some credit as a nonsectarian, but also put him in a politically commanding position. Yet, just for this reason, the Sadrists will be first among those arguing for limits on the prime minister's powers.

They will not be alone. Virtually all of Iraq's political forces other than Dawa would now like to see Maliki's powers reduced significantly. The October 2010 WikiLeaks release of almost 400,000 US military documents, some of which report abuses by the Iraqi security forces under Maliki's command, caught the prime minister on the wrong foot, though he quickly countered that his government would use the documents to prosecute abuses by foreigners. Proposals to reduce the prime minister's powers include some sort of national security council that would constrain his freedom of action. However, a similar council created in 2005 has achieved little in this regard.

A stronger presidency is another possibility—especially if Allawi agrees to occupy the office, pushing Talabani aside and leaving the Kurds to take the speaker's position in the parliament. One way or another, there will be an attempt to constrain Maliki's powers if he is returned to the prime ministry; it is less clear how much success any such attempt is likely to have.

LOOMING CHALLENGES

While the wrestlers continue their long bout, with Allawi being pushed ever closer to the edge of the circle, several problems that confront Iraq are becoming more acute. The next government will need to resolve complex Kurdish-Arab disputes over territory and oil. It will also face a growing challenge from the Sunni population, which regards itself as marginalized, and which will feel even more so if Maliki returns to the prime ministry without Allawi and his coalition.

The Kurdish-Arab disputes over territory range along an arc beginning on the Syrian border in the west, peaking near Mosul, and extending south through Kirkuk to the border of Diyala province with Iran. The Kurdistan Regional Government's political structure and authority are clearly outlined in the current Iraqi constitution, but the physical boundaries of Kurdistan are not.

Kurdish claims, included in Kurdistan's most recent draft constitution, are extensive. The most neuralgic point is Kirkuk, a city that once had a Turkmen majority embedded in a province with

a Kurdish plurality, but both the city and the province—rich in oil resources—were partially Arabized during the Saddam Hussein dictatorship.

The Iraqi constitution provides for the Kirkuk dispute to be settled by a referendum once the situation is "normalized." This provision was intended to mean that people displaced during Hussein's reign should return, and the Arabs who moved into their homes should move out. The deadline for the referendum is long past, normalization has not been completed, and there is no agreement on exactly what issues the referendum should involve.

The Kurdish militia (*peshmerga*) and Iraqi army forces are lined up all along the arc of disputed internal boundaries, with American forces helping to institute joint checkpoints and patrols. But those Americans are slated to be withdrawn during the next year, opening up the potential for clashes, whether intentional or unintentional. The Kurds would of course like a serious commitment to fulfilling the constitution's provisions and holding the referendum before the formation of the new government. Similar commitments in the past have not been sufficient to get the job done.

Another looming problem is the "Awakening," the mostly Sunni tribal forces that took up arms against Al Qaeda in Iraq starting in 2006 and that were largely responsible for the success of President George W. Bush's "surge." They split during the March 2010 elections, with some joining Allawi, others Maliki, and some running on their own. They did not do brilliantly well in any of those configurations, and in the meantime Maliki has continued to crack down on at least some of their leadership.

The result is substantial attrition, with some of the cadres appearing to return to insurgency, whether via Al Qaeda or in a more nationalist form. Maliki no doubt feels in better shape to repress this insurgency than past ones, but doing so will further alienate a Sunni population that is not seeing much return on its decision to participate in the electoral process.

A DISTASTEFUL RESULT?

What does all this tell us about Iraq's fledgling democracy? First, it looks much like other parliamentary democracies whose electorates are fragmented. Even in highly developed democracies, negotiations over government formation can easily take months. The Dutch and the Italians, however, can draw on decades of experience in such undertakings. The Iraqis are doing this for only the second time since the fall of Hussein.

Many of the arguments that the Iraqi factions are advancing to buttress their claims for power—regarding the number of votes they received or seats they won, this or that constitutional provision, opinions of the courts or of the electoral commission, and pacts among the political coalitions—are notably democratic or at least involve institutional measuring sticks, and many factions would not have advanced such arguments five years ago. At that time, the Sunnis had boycotted elections and demanded revision to the constitution. While many still want constitutional amendments, this time the Sunnis were very much part of the electoral process.

The Iraqi electorate in both the March elections and provincial elections in January 2009 shifted away from established sectarian and ethnic parties, but ethnicity and sect are still powerful forces in Iraqi politics. The most important differences between recent results and those from five years earlier were, first, that this time Sunnis voted heavily for a non-Islamist slate led by a secular Shiite who appealed across sectarian lines, and second, that Shiites were not united. But the bulk of Sunni votes still went to one coalition, and the bulk of Shiite votes to two other, predominantly Shiite coalitions. This is certainly identity politics.

Neither Allawi nor Maliki can govern effectively without some Sunni support.

Then again, identity politics is a lot better than civil war, an eventuality that in Iraq still cannot be ruled out. Identity politics is also, paradoxically, a barrier to dictatorship: Where would a resurrected Saddam Hussein find the unified security forces required to impose his will on the entire country? Maliki is strong, but nowhere near that strong.

External forces are still buffeting Iraq's politics, threatening to make the country a battlefield for broader Sunni-Shiite and Arab-Kurdish-Turkish confrontations. The United States, oddly, is among the least resented of the external forces: Shiites and Sunnis both want American protection from each other, as do the Kurds from the Arabs. Right now, the Americans are trying hard to convince the Kurds not to support Maliki's alliance with the Sadrists, which Washington sees as a threat to US interests. The Americans are, however, focused mainly on

continuing their drawdown, which by September 1 had resulted in the number of US troops falling below 50,000. As US troops become less and less visible, they are more and more appreciated.

As things stand now, it seems possible that a substantial winner in Iraq's process of government formation will turn out to be Tehran, particularly if the process produces a Shiite-Kurdish coalition that includes only a few Sunni allies cherry-picked from Allawi's coalition or from smaller political groups. This would provide Tehran the Shiite alliance that it unsuccessfully tried to engineer before the elections and leave the Sunnis in a distinctly secondary position.

Tehran might still find itself surprised by the Iraqi nationalist tendencies of both Maliki and the Sadrists, but it would certainly find such a government more to its liking than one with Allawi's strong participation. The Americans might find such a government distasteful, but there is not much they can do about it if that is the direction in which the Iraqi state slides.

MIXED SUCCESS

Americans in general and the Barack Obama administration in particular are determined to keep to the drawdown schedule. Nothing happening on the Iraqi political scene seems likely to endanger that goal. The horrific acts of violence that occur on a more or less weekly basis are not having the political impact that they did three years ago, largely because all the major groups have joined the political process and are determined to control the violence.

A tougher question concerns the American presence after the end of 2011. Current agreements call for all US forces to depart the country completely, but it is widely assumed in both Washington and Baghdad that the next Iraqi government may want major military assistance, if only because the Iraqi navy and air force are still in a rudimentary state. Asking for such assistance and approving the agreement will be difficult for whoever holds power in Baghdad. It will be all the more difficult if the Sadrists have a weighty role in the next government.

How weighty their role will be is still unclear, but the Americans will more than likely find Sadr's people in the next government rather than outside it. The Sadrists played a smart electoral game and won most of the INA votes in the parliament. They will want to reap some rewards. Across the political spectrum, the Iraqi leadership agrees that it is better to have them in the tent than outside it. Washington will need to come to terms with the Sadrists' return to government, where they have previously shown a penchant for using state resources to strengthen their political base. But what else is new in politics?

The more important question for the United States is whether the next Iraqi government will be heavily influenced by Iran. A government that emerges out of either an Iraqiya-Maliki alliance or an Iraqiya-INA alliance is more likely to resist Iranian influence than one emerging out of a Maliki-INA alliance.

In other words, Washington has a real interest in keeping Iraqiya in a lead role, an interest that is best pursued quietly but firmly. The current skid seems to be in the opposite direction, but that is the thing about skidding: It does not take much to wind up in a place quite different from the one toward which you thought you were headed.

Whichever direction Iraq ends up taking, the emerging state is starting to look like other parliamentary democracies—measuring itself with democratic yardsticks, and paying at least a modicum of attention to court decisions. Internal sectarian and ethnic frictions remain strong, but they are being worked out at least partly through politics. Meanwhile, all sides must contend with neighbors who will not leave the country alone.

This is far from the Bush administration's idea of a beacon of democracy, but it may be something the Obama administration will want to call a foreign policy success, provided the security situation holds. This, anyway, has been the administration's inclination in recent months.

"Success" in Baghdad may include a Shiite-dominated government relatively friendly to Tehran, an outcome that the Americans are still trying to avoid but that they may ultimately have to accept. In fact, this is nothing new: The Bush administration found itself befriending the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Shiite group that was dominant in the immediate post-Hussein period, even though SCIRI had been founded in Iran.

Managing the relationship with the new government, and in particular with the Sadrists, will pose significant diplomatic challenges, especially if the issue of Iran's nuclear ambitions remains unresolved. It is time the Americans developed a more normal dialogue with the Sadrists, who appear to have become an indispensable fixture on the Iraqi political horizon. ■