European Parliament

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES

POLICY DEPARTMENT

Rebuilding the Iraqi State:

Stabilisation, Governance, and Reconciliation

AFET

EN

2018

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT

European Parliament

STUDY

Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation

ABSTRACT

The victory over the so-called Islamic State's territorial rule presents a chance for the Government of Iraq to rebuild its state institutions and re-assert its authority. In this transition, will the Iraqi leadership move past cycles of failure and address the structural problems that perpetuate state weakness and facilitate the emergence of groups like ISIS? To answer this question, this paper analyses the challenges of short-term stabilisation programming with longer-term governance reform at the local and national levels. It argues that, without establishing representative and responsive state institutions, the processes of reconciliation and integration will be unsuccessful. To conclude, this paper offers policy recommendations on how the EU can support the upcoming state-rebuilding process.

EP/EXPO/B/AFET/2017/07
February 2018 - PE 603.859

EN

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This paper was requested by the European Parliament's Committee on Foreign Affairs.

English-language manuscript was received on 15 December 2017 and completed on 12 February 2018.

Printed in Belgium.

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ISBN: 978-92-846-2553-6 (pdf)

doi:10.2861/254922 (pdf)

Catalogue number: QA-02-18-044-EN-N (pdf)

ISBN: 978-92-846-2554-3 (paper)

doi:10.2861/715290 (paper)

Catalogue number: QA-02-18-044-EN-C (paper)

To my teacher and mentor, Iraqi sociologist Dr. Faleh Abdul Jabar (1946-2018).

We will continue your work.

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1 Introduction

On 9 December 2017, Iraqi Prime Minister Haider al-Abadi announced the defeat of the so-called Islamic State (ISIS). In a victory ceremony, he told Iraqis, 'your lands have been completely liberated […] this page must be turned, and never repeated.'[1] To celebrate, he decreed a new public holiday. Yet, this is not the first time that Iraqis celebrate victory over such an organisation. In 2008, for instance, the government declared the defeat of the Islamic State of Iraq (ISI), ISIS's predecessor.

Since the 2003 US-led invasion, the Iraqi state has been engulfed in a cycle of destruction and repair. Instead of merely toppling Saddam Hussein's regime, the United States and its partners restructured the 1921 British-built state, establishing a new decentralised and federal state, based on a market economy. Thus far, this new state has proven unable to withstand pressure from local, national, regional, and international state and non-state actors. Iraq's weakness has allowed rival factions to compete for control and influence in a perpetual struggle for power. Yet, defying common predictions of the 'end of Iraq', the state has never completely collapsed.[2]

At times, this weakness has led to inter- and intra-ethno-sectarian violence, based on sub-national identities. The 2006-2008 civil war highlighted the excesses of the Sunni-Shia and Shia-Shia conflict. Following the defeat of ISI, in 2008, the Iraqi leadership began a phase of state-rebuilding, facilitating an era of good governance marked by widespread political participation. Yet state weakness squandered the rebuilding process. From 2011, inter- and intra-sectarian contestations at the local and national levels, stemming from a weak state susceptible to Prime Minister Nouri al-Maliki's hyper-centralisation of power, led to the rise of ISIS in 2014.

Today, following the end of ISIS's territorial control, Iraqis are again rebuilding their state. Will these efforts break the cycle of collapse and repair that has defined post-2003 Iraq? This paper argues that Iraq can only escape from this cycle if short-term solutions aimed at stabilisation are coupled with longer-term solutions that focus on governance. Short-term solutions include guaranteeing security and resuming essential services, particularly in recently-liberated areas. Longer-term solutions include enhancing relations between the central government and its peripheries (the Kurdistan Regional Government and the provinces); transitioning from identity politics to issue-based politics; tackling endemic corruption; supporting bottom-up, rather than top-down, processes in selecting leaders; taking power away from non-state actors; and prioritising good governance as an essential part of the reconciliation process. The problem of ISIS cannot be solved only by military means or through victory ceremonies, but requires political and economic settlements, which are discussed in this paper.

To better understand both the challenges to rebuilding and prospects for its success, this paper begins with a short-term discussion of the stabilisation process in recently liberated areas. Then, the analysis turns to the longer-term challenges of local and national governance, reconciliation, nation-building and the role of international actors in Iraq.

[1] Haider al-Abadi, 'Prime Minister Haider Al-Abadi's Historic Victory Address to the Iraqi People and the World,' Government of Iraq, 9 December 2017, (accessed 14 December 2017).
[2] Michael Crowley, 'The End of Iraq', Time, 19 June 2014, (accessed 9 November 2017).

2 Stabilisation

The two main determinants of stabilisation are the provisions of security and basic public services and infrastructure. This section focuses on the immediate-term considerations for stabilisation and how they impact issues surrounding governance and reconciliation. Specifically, it will highlight key considerations relating to the explosive hazards that ISIS systematically left behind and how, in the medium term, security forces can ensure sustainable stabilisation. The main determinants of locally-rooted governance solutions in the short term and reconciliation in the long term will be discussed. The short-term outcomes of these two considerations will impact whether Internally Displaced Persons (IDPs) will deem it acceptable to return home and take part in the state-rebuilding process.

Despite the ousting of ISIS, the security landscape remains unpredictable in many areas. A key priority for security stabilisation is to ensure that all security hazards left by ISIS are neutralised. This is a pressing issue for all provinces in northern and western Iraq, particularly those that ISIS occupied for longer periods of time. Subsequently, questions remain whether state (or para-state) and tribal forces can effectively reassert authority following the liberation of ISIS-occupied areas.

The cities and towns liberated from ISIS have faced immediate and acute food, healthcare, and water-sanitation challenges and wide public service-provision shortcomings. As such, the short-term state-rebuilding and stabilisation process is fragile. If they remain unaddressed, these issues will give IDPs additional reasons to avoid returning home. State authority and jurisdiction-rebuilding efforts must address these challenges and achieve local buy-ins that can establish enduring confidence and legitimacy.

2.1 Security

In recently-liberated areas, the main focus of Iraq's short-term security stabilisation has been the neutralisation of explosive hazards. This concern has primarily created a need for local security (and subsequently police) forces that are able to demine, impose the rule of law in the short- to medium-term, and then facilitate the return of IDPs in the long-term.

2.1.1 Explosive hazards

Mines, improvised explosive devices (IEDs), booby-traps and unexploded ordnances have been prevalent in operations in Anbar, Salahadeen, and Ninewah. While surveys that catalogue the presence of explosive hazards in recently-liberated areas are mostly incomplete, the number of devices ISIS left in its wake is likely high.[3] To be sure, Iraq has already been heavily contaminated by conflicts in recent decades. But according to the Mines Advisory Group, recently-liberated areas reveal levels of explosive hazard contamination not seen since the early 1990s.[4]

In Ninewah, the threat of explosive hazards is particularly high given the importance that ISIS gave to the province and to the city of Mosul. After capturing the city in 2014, the group laid the roots to obstruct access points and major areas in the city.

Moreover, the duration of ISIS's occupation, linked to the priority placed on the area, had a fundamental effect on stabilisation efforts. Cities which ISIS occupied for longer had greater levels of destruction and now face higher levels of explosive hazards. The presence of these explosives undermines stabilisation efforts. While cities such as Tikrit, which spent less time under occupation by ISIS, have lower levels

[3] Shelly Culbertson and Linda Robinson, *Making Victory Count After ISIS: Stabilisation Challenges in Mosul and Beyond*, (California: RAND Corporation, 2017), p. 28.
[4] Portia Stratton, 'Landmine Emergency: Twenty Years on from the Ottawa Treaty the world is facing a new humanitarian crisis', Mines Advisory Group, January 2017 (accessed 02 November 2017).

of contamination, the organisation planted explosive hazards more systematically in cities such as Ramadi, Fallujah and Mosul, where it had additional time to prepare defences.[5]

Because the Iraqi government and local authorities are incapable of tackling the explosive hazard threat on a national scale, it has employed contractors to demine liberated areas. The aim of these efforts is to clear key infrastructure to enable the resumption of essential services and to reopen roadways.[6] International companies have hired private contractors to demine. For instance, British Petroleum (BP) awarded a contract to the TA'AZ Group to conduct demining operations around the Rumaila area in southern Iraq.[7]

Moreover, the United Nations Development Programme (UNDP) and the Funding Facility for Stabilisation in Iraq (FFIS) have provided resources for the Iraqi authorities, alongside the UN Mine Action Service (UNMAS), to ensure that critical infrastructure that is under threat from mines and other explosive hazards are cleared and restored.[8]

Despite this privatisation and the additional international humanitarian support, demining has not met UN targets, according to the UN Assistance Mission for Iraq.[9] Explosive hazards will continue to pose a threat to local authorities, contractors and citizens who are seeking to restore normality in their daily lives. In the immediate term, explosives pose obstacles for the implementation of projects.

2.1.2 Security forces in liberated areas

A major challenge has been the limited capacity of 'hold forces' to stabilise and secure towns and cities, before working to establish locally-rooted police forces. This section analyses the determinants of short-term security in recently-liberated areas.

One challenge is the fraught relationship between the different hold forces that fought ISIS. The hold forces include a mix of the Iraqi security forces, Kurdish *Peshmerga*, armed groups under the Popular Mobilisation Forces (PMF), Sunni Arab forces allied to the PMF,[10] and local tribal forces. Although these groups fought together against ISIS - a common enemy - the unity was short term. Following the fight against ISIS, some of these groups turned their guns against each other. For instance, in Kirkuk in October 2017, Iraqi forces, supported by the PMF, retook the city from the Kurdish *Peshmerga*.

The local population's perception of these hold forces is vital to successful stabilisation. The presence of the PMF in certain areas worries the local population. In 2015, when retaking Tikrit, human rights groups reported a catalogue of abuses by the PMF.[11] In the battle to retake Mosul, however, a much more coordinated campaign between the Iraqi security forces and the PMF ensured that sectarian killings were not systematic or widespread.[12] As such, initial local confidence in Mosul was higher than in Tikrit. More critically, members of the Sunni-PMF, which fought to secure areas, are now attempting to win control over or co-opt local state institutions and transform into political movements.

[5] Culbertson and Robinson, Making Victory Count After ISIS, p. 31.
[6] Culbertson and Robinson, Making Victory Count After ISIS, p. 32.
[7] See: Dan Gawn, 'TA'AZ Demining Attention to Detail Pays Off', Taaz Group, 27 January 2016 (accessed 02 November 2017)
[8] UNDP Iraq, 'UNDP and the Funding Facility for Stabilisation in Iraq – Fast Facts', UNDP, October 2017 (accessed 02 November 2017).
[9] Culbertson and Robinson, Making Victory Count After ISIS, p. 32.
[10] Erica Gaston, 'Sunni Tribal Forces,' Global Public Policy Institute, 30 August 2017 (accessed 07 November 2017).
[11] Human Rights Watch, 'Ruinous Aftermath: Militia Abuses Following Iraq's Recapture of Tikrit,' Human Rights Watch, 20 September 2015 (accessed 02 November 2017).
[12] Renad Mansour and Faleh Jabar, 'The Popular Mobilisation Forces and Iraq's Future,' Carnegie Endowment for International Peace, 28 April 2017 (accessed 02 November 2017).

Another factor that complicates the task of stabilising areas liberated from ISIS is the relative homogeneity of their populations. Tikrit, where around 90 % of the population is Sunni Arab,[13] faces fewer problems with citizen reintegration than Mosul, where the population has substantial Christian, Yazidi, Turkmen and Shabak minority communities. A significant number of IDPs are from those communities, which seek greater security guarantees.[14] As such, stabilisation must be rooted in local dynamics and considerations, and requires a comprehensive understanding of how ISIS engaged and approached different minorities and tribes in each area.

Although police force training and recruitment can mitigate against these political disputes and issues related to the temporary hold forces, several of the hold forces seek to influence local police and security institutions.

The ability of a province to deliver projects and negotiate its security arrangement can build trust with IDPs seeking to return. For instance, although the initial campaign against ISIS was marred by sectarian tensions, Tikrit was able to rebound and move towards small successes in governance. The UNDP estimated that by 2017, 90 % of families had returned and were in the process of rebuilding their community. The establishment of governance can facilitate the political solution needed to sustain the short-term military victories against ISIS seen over the past year.

2.2 Public service and infrastructure needs

Domestic and international actors in Iraq have made rebuilding infrastructure and resuming public services a priority. Some of the stabilisation initiatives that the Iraqi government sought to implement immediately after liberating areas from ISIS included access to clean water, healthcare, education, food security and electricity. These services are generally deemed by the government and its international supporters to be the necessary next steps to resuming functioning local governance. From Salahadeen, Anbar, Ninewah and Diyala, the resumption of key public services has played a central role in the successes of bottom-up stabilisation. Yet, challenges remain. In Mosul, only around 10 % of citizens surveyed thought the local municipality was in the best position to provide assistance.[15]

The resumption of key services in provinces across northern and western Iraq offer comparative insight into the challenges and dynamics at play. Tikrit is often viewed as a post-ISIS model for services resumption. The UN's Funding Facility for Immediate Stabilisation (FFIS) developed a strategy that resulted in the relatively swift resumption of key public services. Eight health centres, five water facilities, seven schools and three electric facilities were reopened by the end of 2016.[16] A number of reasons explain this successful stabilisation; they are discussed in greater detail in this section.

For instance, part of the reason that Tikrit was able to resume services swiftly is that federal and local authorities were able to work together effectively. Omar Tariq Ismail, the mayor of Tikrit, and Prime Minister Haider al-Abadi have both been credited by the UN for leading the stabilisation efforts through strong relations, which allowed the vast majority of families to return and rebuild their lives.[17]

Conversely, poor coordination between federal and local authorities has prevented reconstruction progress in other areas. Many reconstruction projects require a working relationship that is often missing

[13] Erica Gaston and Frauke Maas, 'Tikrit and Surrounding Areas', Global Public Policy Institute, 29 August 2017 (accessed 02 November 2017).
[14] UNDP Iraq, 'Funding Facility for Stabilisation Annual Report 2016,' UNDP, 05 March 2017 (accessed 02 November 2017), p. 55.
[15] Conflict Management Consulting survey, 'Voices from Mosul, p. 4.
[16] UNDP Iraq, 'Funding Facility for Stabilisation Annual Report 2016,' p. 17.
[17] UNDP Iraq, 'Mayor of Tikrit: With the help of UNDP, people have re-established essential services for our community,' 01 February 2016 (accessed 02 November 2017).

in failing stabilisation efforts. Controversies leading to the removal of the governors of Anbar (Suhaib Al-Rawi) and Ninewah (Nofal Hammadi) in recent times reveal poor relationships between the local and central governments.[18]

A poor local-central relationship also affects the bottom-up legitimacy of local actors. Many citizens in Mosul view senior Sunni political figures as propped up by external actors. They question whether these politicians carry any legitimacy. Nonetheless, international stakeholders continue to engage with the same leaders and, in doing so, assign legitimacy to them without taking into account shifts in local dynamics. The failure of international actors to focus on changing local legitimacy is a detriment to stabilisation.

Another determinant of the success or failure of public services resumption is the extent of road and bridge damage in recently-liberated areas. For instance, battles in Anbar were more drawn out and more destructive than those in Tikrit. Rebuilding Anbar was consequently more complicated because Anbar's bridges and roads were left damaged and littered with booby-traps, mines and explosive hazards, requiring several years to repair. These roads and bridges, which connect Anbar's cities, are critical for the logistics of reconstruction and stabilisation. The slow return of markets to cities such as Ramadi has been linked to the high level of damage sustained by key access roads to the city. As a result, the Iraqi government has had to provide emergency food supplies to Ramadi. Both Anbari cities of Ramadi and Fallujah struggled with issues surrounding food security due to road and bridge closures caused by the destruction.

Road infrastructure investment and repair should, as such, be a priority for economic stabilisation efforts. It should furthermore be coordinated effectively by the different Iraqi authorities. In Mosul, markets returned more easily to the east of the city than the west, where the battle against ISIS caused the heaviest levels of urban destruction. High numbers of IDPs have returned to Tikrit in part because of its largely intact road infrastructure, which enabled the swift return of economic activities to the city. The reopening of more than a hundred small businesses, such as bakeries, groceries and repair shops, has allowed returnees to rebuild their livelihoods.[19]

The social and tribal make-up of the province has furthermore enabled infrastructure reconstruction and the resumption of public services.[20] Buy-ins from local social actors were a key aspect of the stabilisation projects' success.[21] Inter-tribal relations, and tensions over resources and previous grievances, are important elements in how governance, reconciliation and wider state-building efforts can be taken forward in areas liberated from ISIS.

2.3 The return of IDPs

There are a number of security and socio-economic obstacles that inhibit the return of IDPs to their homes. Beyond the clearing of explosive hazards from residential areas discussed above, the unprecedented damage inflicted on private homes undermines work to restore public services and prevents the return of IDPs. According to UNISAT satellite imagery, approximately 5 700 buildings were damaged in Ramadi; a further 2 000 were destroyed.[22]

The prolonged stays of forces that participated in the liberation of areas in north and western Iraq also complicate the chances of IDP return. For instance, along the Iraq-Syria border, as well as in parts of Kirkuk and Diyala, the presence of PMF groups leaves IDPs reluctant to return without a clearer picture of the

[18] See: Daily Sabah, 'Iraq's Niniveh governor removed from office over corruption,' 1 November 2017 (accessed 2 November 2017) and The Baghdad Post, 'Revealed: Halbusi named as Anbar's new governor,' 29 August 2017 (accessed 2 November 2017).
[19] Ibid., p. 50.
[20] UNDP Iraq, 'Funding Facility for Stabilisation Annual Report 2016,' p. 26.
[21] Ibid., p. 21.
[22] UNDP Iraq, 'Funding Facility for Stabilisation Annual Report 2016,' p. 27.

security arrangements and guarantees in their province. IDPs fear retribution or discrimination from the mix of hold forces.

Furthermore, displaced minority communities face acute challenges caused by their minority status and traumatic memories of being targeted by ISIS. The Christian, Yazidi and Shabak communities in particular faced intimate violence and trauma, which hinders their desire to return home. This touches upon their low confidence in the Iraqi government and its ability to establish security at the local level, as well as the challenges facing reconciliation initiatives.

Finally, many IDPs see compensation as part of the reconciliation process and a necessary condition for their decision to return home.[23] Residents in IDP camps defined compensation to include both cash payments and the promise of job opportunities upon their return.[24] The underlying expectation with any form of compensation is that the state provide ways for returnees to both rebuild their livelihoods and become self-sufficient, and resolve local disputes and tensions developed by the ISIS occupation.

[23] UNDP Iraq, 'Funding Facility for Stabilisation Annual Report 2016,' p. 27.
[24] Ground Truth Solution, 'Perceptions of Internally Displaced Persons: Northern Iraq,' p. 12.

3 Good governance

3.1 Outlook

The UNDP defines governance as the 'proper functioning of institutions and their acceptance by the public' (legitimacy).[25] This paper employs a policy-oriented definition of governance to define it as the process whereby the state legitimately represents and responds to the needs of its citizens. As such, governance in Iraq is linked to legitimate representation and the gap between the elite and the citizen.

In the spirit of inclusivity vis-à-vis a heterogeneous population and to guarantee that all citizens were represented, the new post-2003 state was structured according to a quota system (*muhassasa*). This system provided ministries and agencies – wealth and power – to Shia, Kurd, Sunni and other non-dominant groups' leaders. As a result of this institutionalisation of identity-based politics, the initial state-building effort (2003-2005) was marred by intercommunity rivalry. Moreover, having spent decades in exile (in Iran, Syria, the UK or the US), many of the new leaders in post-2003 Iraq represented ethno-sectarian constituencies, rather than territories, issues or ideologies. The political groups were not necessarily sectarian, as such, but their political membership happened to mainly derive from their ethno-sectarian communities.[26]

More specifically, the new state was built by Shia and Kurdish leaders who represented their communities. Many Sunni Arab Iraqis, who lacked strong institutional representation mechanisms such as long-established political parties, boycotted the state-building process between 2003 and 2006. This rejectionism, coupled with a fragmented leadership, meant Sunni Arab voices were not heard in Baghdad as the new state was built from 2003 to 2006. Since this period, much of the same leadership continues to govern the country, swapping posts but retaining positions of influence. Under these leaders, the Iraqi state has gone through several cycles of failure and repair.

The most recent period of rebuilding took place between 2008-2010, when Iraqi leaders rallied their communities to participate in the 2009 provincial and 2010 federal elections. Sunni Arabs made a new bid to be included in the Iraqi state. The so-called *Abna al-Iraq* (Sons of Iraq) and *al-Sahwah al-Sunniyah* (the Sunni Awakening), backed by the United States and its allies, fought off the Islamic State of Iraq (the predecessor of ISIS). The Iraqi government started paying Sunni tribes and promising their members employment with state agencies. Candidates from the tribes also mobilised to compete in the 2009 provincial and 2010 parliamentary elections. In 2010 the *Iraqiya* coalition, which was preferred by Sunni Arabs, defeated the incumbent Nouri al-Maliki's State of Law Coalition, winning 91 parliamentary seats to al-Maliki's 89. These events and policies convinced many Sunnis to abandon their boycotts of government. The rebuilding effort eventually collapsed in 2014, when a few thousand ISIS fighters conquered one-third of the country's territory in their attempt to establish an Islamist proto-state.

The reversal of the state-building gains in 2014 is often attributed to inter-sect or inter-ethnic conflict – a structural problem in the makeup of the post-2003 state. According to this narrative, Prime Minister Maliki disenfranchised both Sunni and Kurdish leaders, causing these communities to resent the new Shia powers in Baghdad.[27] From 2011, for instance, Maliki targeted the Sunni protest movement (*al-Harak al-Shaabi*) and imprisoned many Sunnis. He used the state's security apparatus and allied militias to oppress activists by relying on counter-terrorism laws. His son Ahmad was notorious for using the Baghdad Brigades, a group of elite forces created in 2008, to torture Sunni prisoners. Maliki also targeted Sunni leaders

[25] David Bigman, Globalisation and the Least Developed Countries: Potentials and Pitfalls (Oxford: CABI, 2007), p. 150.
[26] Fanar Haddad, Sectarianism in Iraq: Antagonistic Visions of Unity (London: Hurst, 2011).
[27] Faleh Jabar, Renad Mansour, and Abir Khaddaj, 'Maliki and the Rest: A Crisis Within a Crisis,' Iraq Institute for Strategic Studies, 06 June 2012 (accessed 14 December 2017).

through various activities, including his support for the arrests of Vice President Tariq al-Hashimi and Finance Minister Rafa al-Issawi. He also refused to continue paying the Sunni tribes.

Yet, sectarianism and identity-based politics, as such, can only partly explain collapses in the cycle. As discussed above, leaders from the various ethno-sectarian communities have benefitted from the Iraqi state, to various degrees, since 2003. Moreover, identity-based political blocs have not been monolithic, and internal disputes are as prevalent as inter-ethnic and inter-sect disputes.

This paper argues that sectarianism and inter-ethnic conflict are a consequence of bad governance, which remains the structural driver of collapses in the state-building cycle. Today, Iraqis blame the gap between citizen and elite, rather than the Sunni-Shia conflict, for causing state collapse. In a 2017 poll conducted by the al-Bayan Center for Planning and Studies, for instance, respondents from Baghdad claimed they would prefer a political leader who is trustworthy (30.5 %) or politically independent (15.9 %) to one who represents a sect or identity (0.6 %).[28]

The governance failure is fuelled by rampant corruption and economic mismanagement, which plague state-building efforts at both the national and local levels. Iraqi leaders from all sides have acknowledged their roles in the corruption that followed 2003, when they vied for positions of power and divided the 'national pie'.[29] In a sense, Shia, Kurdish, Sunni and other elites all benefitted from both Iraq's oil wealth and American cash intended to help rebuilding efforts after the invasion. This wealth has not trickled down to Iraq's citizens, leading to a crisis of governance that can explain collapses.

Linked to this structural problem is the diffusion of power between political actors. This reality limits the ability of any one single actor to enact change, and creates relationships based on shaky grand compromises, particularly after government formation processes.[30]

Power is also shared between state and non-state actors. Today, non-state actors perform state activities, and state actors perform non-state activities. In assigning legitimacy and seeking representation, Iraqi citizens have made little distinction between state and non-state actors. Basic services are provided by political opposition networks, armed groups, local communities and identity groups. In sum, the failures of governance, based on the prevalence of corruption and the diffusion of power, has complicated state-building efforts.

Today, Iraq is entering a new phase of rebuilding. In his victory speech on 9 December 2017 (following the military defeat of ISIS), Prime Minister Abadi declared that 'the fight against corruption is a natural extension of the liberation of our land and people. The corrupt have no place in Iraq, just as Daesh have no place here.'[31] This phase calls for a move from identity- to issue-based politics. Yet, it is led by the same leadership that has been unable to push the country out of its cycle of failure.

This paper analyses the attempt to rebuild state institutions in a post-ISIS context. These include the executive, legislative and judiciary branches of government, along with the security apparatus, the constitutionally mandated independent electoral commission, integrity commission and human rights commission and the central bank. The 2018 contestation for power will involve divergent visions of how these state institutions can or should be rebuilt.

[28] Khaled Saget, Ahmed Moftin, and Ali Taher al-Hamoud. 'Voter Attitudes Towards the Next Round of Elections in Iraq: Participation, Preferences, Priorities,' al-Bayan Center for Planning and Studies, Fall 2017 (accessed 09 January 2018).
[29] Youtube (2014), 'Hanan al-Fatlawi acknowledges the obtaining of contracts, tenders, and commissions,' (*Hanan al-Fatlawi taetarif bi al-husul 'ala 'aqud wa munaqasat wa nisba al-kawmisheen*) 9 April 2014 (accessed 09 November 2017).
[30] Fanar Haddad, 'Developments in the Middle East Insight Series-As the War Winds Down, What Next for Iraq,' MEI Insight No. 170, 26 September 2017 (accessed 09 November 2017).
[31] Abadi, 'Prime Minister Haider al-Abadi's Historic Victory Address.'

3.2 Reconciliation

Today, calls for national reconciliation are linked to the events of 2014, when ISIS took over almost one-third of Iraqi territory. ISIS's takeover exacerbated ethno-sectarian relations and led to intimate violence between individuals who knew each other. Following the military defeat of ISIS, the Iraqi government is beginning to focus on national reconciliation as part of a new cycle of state-rebuilding. The challenges to this rebuilding effort include the deep emotional scars, injustices, and traumas caused by ISIS and the need to rehabilitate Iraqi communities that suffered from them.

National reconciliation is not a new subject in Iraq. For most of Iraq's post-2003 history, it has been a priority. In November 2006, for instance, the EU called on Iraqi leaders to prioritise reconciliation.[32] For much of his term (2005-2012), former Iraqi president Jalal Talabani referred to the need for national reconciliation. More recently, populist Shia cleric Muqtada al-Sadr announced his 'Initial Solutions' for post ISIS Iraq, including among them the need for national reconciliation.[33] Similarly, Ammar al-Hakim, who now leads the National Wisdom Trend, announced national reconciliation as a priority in his 'Historic Settlement'.[34]

Reconciliation efforts continue to fail partly because Iraq lacks the capacity to meet these challenges. The judiciary, as discussed below, lacks the expertise to administer justice and reconciliation. The parliament, governed by political parties, has thus far been unable to achieve a compromise among various leaders. According to a National Democratic Institute (NDI) survey, most religious, tribal, community and protest movement leaders in the disputed areas complain that 'while many conferences and forums have been held in Iraq, most leaders felt they have not produced any results and, instead, have resulted only in bickering among the representatives of different political parties that were coerced and influenced by outside parties.' They view political parties as the primary barrier to reconciliation.[35]

Rather than re-tread the continued failure of elite-driven attempts at national reconciliation, this paper argues that good governance is the key to reconciliation. Since cycles of state collapse are a consequence of bad governance, rather than sectarianism as such, incentives for cooperation go further than rhetoric of inter-community dialogue. In transitional justice, pragmatism drives reconciliation. As such, reconciliation is tied to good governance.

In Iraq, successful reconciliation will require rebuilding the state and curbing corruption, which most view as the primary cause of reconciliation's failures. This process can then establish trust-building mechanisms and allow for differences and the rights and freedoms of all religious and ethnic groups. The challenges of reconciliation, therefore, stem from the state system itself; for the issue of reconciliation to be solved, the fundamental issue of bad governance must be addressed.

Reconciliation is also linked to nation-building, which is contingent on the state (re)building process. As Juan Linz posits, nation-building can only come after state-building. However, state-building efforts (or reinforcement in this case) are only successful if they can convince the state's citizens that the state being built is legitimate and representative of their society.[36]

In post-2003 Iraq, this nation-building programme has failed largely due to state failure. The government has been unable to convince the population that the state represents their best interests or is best able to

[32] BBC News, 'Iraqi PM hails Saddam's sentence,' 6 November 2006, (accessed 09 November 2017).
[33] NRT Arabic, 'Pictures: Sadr's Project for Mosul in the Post-Restoration Phase,' (Sur.. *Nas mashrou' al-Sadr li-marhalat ma ba'd 'astieadat al-Mosul*), 20 February 2017 (accessed 09 November 2017).
[34] Al-Mada Press, 'The National Alliance Prepares to Launch a 'Historic Initiative' with International and Regional Support,' (*al-tahaluf al-watani yisted li al-etlaq 'mbadarat tarikhiya' bi-da'am ummy wa iqleemi*), 31 October 2016 (accessed 09 November 2017).
[35] National Democratic Institute, 'Iraq's Road to Reconciliation,' October 2015 (accessed 09 November 2017).
[36] Juan Linz, 'State building and nation building,' *European Review* (1993): pp. 355-369.

respond to their needs. Whereas this legitimacy gap was excused for a long time under the pretext of sectarian victimhood and the splitting of the national pie, in the post-ISIS context Iraqis are demanding more from their government. Without a government and state institutions that they believe represent their needs, there will be no chance at building a new Iraqi nation.

4 Government formation in the centre

The upcoming elections in May 2018 will have implications for the post-ISIS political settlement and the future of governance in Iraq. Yet, elections themselves do not wholly determine outcomes, particularly because power rests in both state and non-state arenas. In the three parliamentary elections since 2003, the winning individual has not become prime minister. In 2005, Ibrahim al-Jaafari won as leader of the *Dawa* party, yet was overruled by his fellow party member Nouri al-Maliki, a compromise candidate. In 2010, Ayad Allawi narrowly won by two seats yet could not form a government, leading to the re-election of Maliki. In 2014, Maliki won with a clear mandate, yet was pushed aside, following the emergence of ISIS, for another compromise candidate, Haider al-Abadi.

Given the nature of power in the fledgling Iraqi state, it is unlikely that one actor or side will gain complete control of the government. Therefore, the struggle for dominance over key state institutions will be an indicator of the next balance of power in Baghdad. In previous government-formation processes, blocs have aligned with and against each other based on ethno-sectarian identities. The question, this time, is whether the issue-based trend cutting across these lines is strong enough to propel the state past identity-based politics to a position where it can more readily tackle governance problems.

At the central government level, the main contestation is primarily linked to an intra-Shia rivalry between three forces.[37] At one end of the spectrum is a right-wing camp aligned with former Prime Minister Nouri al-Maliki and inclusive of senior PMF leaders such as Hadi al-Ameri and Qais al-Khazali. This group derives power and legitimacy from its role in fighting ISIS since 2014 and its close relations to Iran. At the other end of the spectrum, a protest movement has emerged that challenges the right-wing camp. Although the movement includes a diverse array of civil society actors from Islamists to secularists, it features the populist cleric Muqtada al-Sadr. This group derives power and legitimacy from its ability to assemble demonstrations and protests; these included the notorious invasion of the Green Zone in April 2016. Although Sadr does not seek an institutional role himself, he will support various allied blocs in an effort to ensure the right-wing camp does not gain power. Finally, nestled in between these camps is current Prime Minister Haider al-Abadi, who comes from the same political party as Maliki but who steers a more centrist camp. His legitimacy and power is derived from ISIS's defeat, and his successes in repairing key ministries such as the Ministry of Defence. Abadi faces pressures from the other two camps and will likely have to find a compromise. Several other Shia political actors, such as Ammar al-Hakim's National Wisdom Trend (*tayar al-hikmat al-watani*) or Humam Hamoudi's Islamic Supreme Council of Iraq (ISCI), operate in between this tripartite system of power.

The success of the upcoming cycle of rebuilding is contingent on the interplay between these three groups. The question is whether a compromise will be reached. For most of post-2003 Iraqi politics, the Shia leadership has not been a monolithic bloc. Yet, after every election it has come back together during the process of government-formation. For instance, in 2008 Maliki fought a civil war against Sadr and his Mehdi Army (*Jaysh al-Mehdi*). Following the 2010 elections, however, the two sides came together when Sadr's parliamentary party (*al-Ahrar*) supported Maliki's re-election as prime minister.

Several reasons explain why rivals come together following elections. Since 2003, the Shia leadership has been organised under the United Iraqi Alliance (*al-itilaf al-Iraqi al-muwahad*, or UIA) and later the

[37] This Shia power reality is due mainly to the demographic majority that Shia leaders enjoy in the post-2003 political system. Sunni and Kurdish leaders remain weak due to internal rivalries, weak institutionalisation, and their off-and-on boycotts of Baghdad. Over the past several years the Kurdistan Region's leadership, for instance, has embarked on a rejectionist programme that includes boycotting the central government and refusing to send senior leaders to be part of the Iraqi government. Although the Sunnis and the Kurds may act as kingmakers or spoilers for the next Iraqi prime minister, the leader will most likely come from the Shia camp outlined in this paper.

National Iraqi Alliance (*al-itilaf al-watani al-Iraqi*, or NIA). The communal distribution of resources and the diffusion of power has partly driven this unity, allowing many leaders to have a piece of the national pie. The leadership has also relied on traumatic memories and a discourse of victimhood to bring together political communities vis-à-vis an external threat. At times, this unity is also driven by clerics. For instance, during the 2005 government formation process, Grand Ayatollah Ali al-Sistani's support for the UIA was interpreted by his supporters as an endorsement of the group, and thus of Shia unity. Then, in the 2010 government-formation process, Shia cleric Kadhim al-Haeri forbade support for secular parties and obliged Shia Islamists to support the incumbent Maliki.

These fragile government formation reunifications have not led to effective state-building — and rather led, eventually, to collapses in the cycle. The section below analyses the upcoming government-formation process. It first begins with an outline of the key actors and then analyses the main points of contestation between the groups and their impact on state-rebuilding.

4.1 The actors

The Dawa Party

The single largest Shia political party in Iraq remains the *Dawa* party, which serves as the largest party in the governing State of Law (*Dawlut al-Qanoon*, or SOL) coalition. In 2014, SOL won 92 out of 328 seats, gaining a clear victory over its Shia rivals: the *Sadrist al-Ahrar* party received 39 seats and Ammar al-Hakim's *al-Muwatin*, which primarily included the Islamic Supreme Council of Iraq (ISCI), received 29 seats.

The *Dawa* party is the oldest Shia Islamist party, dating back to the late 1950s and the teachings of Grand Ayatollah Mohammed Baqir al-Sadr, who emphasised *wilayat al-umma* (governorship by the people) rather than *wilayat al-faqih* (governorship by the clerics; this was adopted by Ayatollah Ruhollah Khomeini). In the 1970s, *Dawa* rose as a leading Shia Islamist opposition party, and gained considerable power after 2003. From the first parliamentary elections onward, all of Iraq's prime ministers have been members of *Dawa*, including Ibrahim al-Jaafari (2005), Nouri al-Maliki (2006-2014), and Haider al-Abari (2014-present).

Although they come from the same party, Abadi and Maliki are political rivals, and the *Dawa* party is now in a schism over divergent visions of governance and statehood. Maliki and Abadi will compete against each other for power and influence in the upcoming rebuilding part of the cycle. Despite the political schism, neither Abadi nor Maliki have split from *Dawa* to establish a new political party.

Dawa - the Abadi Side

In 2014, Abadi became prime minister at a time when the Iraqi state was in collapse. He was seen as a compromise or weak candidate. Abadi argues for strong state institutions, and remains committed to two key issues: the need for a strong state security apparatus (rather than reliance on paramilitary groups) and the need to steer away from both *wilayat al-faqih* (governorship by the clerics) and Iranian influence.

Abadi considers the normalisation of paramilitary groups or militias as problematic for the state and a divergence from the *Dawa* party's ideological underpinnings.[38] Unlike other Shia Islamists groups, such as ISCI or the Sadrists, *Dawa* historically did not have a military wing during its opposition years. Since becoming prime minister, Abadi's priority has been to restore the competencies of the state, particularly the security forces, which collapsed in 2014. He has been competing against Maliki and his PMF allies, including Hadi al-Ameri's *Badr* organisation, which controls the Ministry of Interior.

[38] Author's interview with Haider al-Abadi when he was an Iraqi MP, Cambridge, October 2013.

Abadi has also positioned himself as wary of Iran's hegemonic influence in Iraq. During the evolution of the battle against ISIS, Abadi gained an upper hand by seeking support from allies beyond Tehran. In the 2015 battle to re-take Tikrit from ISIS, he asked for support from the US coalition – much to the distaste of Iran and the pro-Khamanei[39] PMF groups, which believed that they were fit to win the battle without US support. For Abadi, the key has been to balance Iranian hegemony by dealing with the United States, Saudi Arabia and other regional and foreign players. He does not want one single foreign power to dominate Iraq and is aware that Iran's influence runs deep into his state.

Dawa - the Maliki side

Today, in Iraq, Maliki represents a major part of the right-wing camp. In 2006, he was selected as a compromise candidate. Many Iraqi and foreign officials considered him an unknown and weak leader. However, as his term continued (and particularly during his second term from 2010-2014), he began centralising power and building status as a strongman. Maliki enjoyed significant popularity on the ground, evident in his 2014 election victory and the clear margin between SOL and the *Sadrist al-Ahrar*, which came second.

Part of this policy included targeting opponents. As discussed, he targeted Sunni opponents and refused to work on US General David Petraeus' initiative to employ and fund the Sunni tribes. Maliki also targeted Shia opponents by exploiting their internal differences. For instance, he courted both Qais al-Khazali and his paramilitary *Asaib ahl al-Haq* (AAH) away from the *Sadrist* movement and Hadi al-Ameri and his *Badr* organisation paramilitary away from ISCI.

Rather than building strong state institutions, Maliki personalised his power and began relying on paramilitary groups and militias – a departure from the *Dawa* line. Under his premiership seven paramilitary groups were operational in Iraq and some in Syria. They include the *Badr* organisation, *Asaib ahl al-Haq* (AAH), *Kata'ib Hezbollah* (KH), *Kata'ib Sayyid al-Shuhada*, *Harakat Hezbollah al-Nujaba, Kata'ib al-Imam Ali*, and *Kata'ib Jund al-Imam*.[40] Some of these groups defended the Bashar al-Assad regime in Syria. Following ISIS's emergence, Maliki, who was prime minister at the time, decided to form the Popular Mobilisation Forces (PMF) commission (*hayat al-hashd al-shaabi*). This would institutionalise the seven paramilitary groups that were operating under his premiership and call for the creation of other paramilitary groups.[41] Ultimately, the PMF turned into an umbrella grouping of some 60 militias with divergent ideological underpinnings and interests.[42]

Moreover, Maliki began to embrace Iranian support, particularly following his re-election as prime minister in 2011. Since then, he has remained a strong ally for Iran and has created relationships with pro-Khamanei and pro-*wilayat al-faqih* (governorship by the clerics) proxies operating in Iraq.

Eventually, Maliki was forced to step down after Grand Ayatollah Ali al-Sistani, in a letter to Iran, requested his resignation. Despite resigning his post, Maliki remains influential and enjoys strong relations with both Iran and the stronger groups in the PMF. Stepping down from an institution does not equate to a loss of power in Iraq. However, Maliki's poor track record in 2014 has led several political figures to conclude that it unlikely that he will return to institutional power. As such, he is likely to continue to rely on proxies in parliament, the executive and the judiciary to maintain influence

[39] Ali Khamenei is the second Supreme Leader of the Islamic Republic of Iran, following the first Supreme Leader, Ayatollah Ruhollah Khomeini.
[40] Mansour and Jabar, The Popular Mobilisation Forces and Iraq's Future.'
[41] Sistani's fatwa was a call for all Iraqi citizens, notwithstanding sect, to join as volunteers for the Iraqi state security forces – the army or police. It did not call on volunteers to join the militias and was bereft of sectarianism and did not mention Shiism.
[42] Aymenn Jawad al-Tamimi, 'Hashd Brigade Numbers Index,' 31 October 2017, (accessed 14 December 2017).

The Sadrist movement

Muqtada al-Sadr represents a populist wing in the Iraqi Shia political community. Although Sadr himself prefers not to be part of the institutional political establishment, he heads a political party, al-Ahrar, and a paramilitary group, *Sarayat al-Salam*.

Sadr is sometimes considered a chameleon of Iraqi politics, an appellation that refers to his drastic shift from the head of the Mehdi Army, accused of committing sectarian killings during the Iraqi civil war (2006-2008), to an Iraq-first nationalist calling for an end to militias. In the spring of 2016, Sadr enjoyed a return to prominence when he joined forces with the protest movement, which had been active since the summer of 2015. Sadr brought the movement to the mainstream and organised several marches and demonstrations in Baghdad's Tahrir Square. He also staged a sit-in inside the parliament and, eventually, protestors stormed the Iraqi parliament and called for reforms against the corrupt elite. His relationship with the protest movement has brought him into an alliance with secularist, nationalists, communists and women's rights activists.

Picking up from the protest movement, Sadr's main stance is twofold: target corruption and push back against foreign interference – Iranian or American or other – in Iraq. He views the two as interrelated. To address criticisms that he has been part of the corrupt elite, Sadr has on occasion dismissed or rebuked his own political leaders. For instance, Iraqi Deputy Prime Minister Baha al-Araji, a leading Sadrist figure, was asked by Sadr not to leave the country until a court case accusing him of corruption was settled.[43] Sadr also seeks to invoke Iraqi nationalism under the slogan 'we are all Iraqis.' From this stance, he now even enjoys popular support from Iraqi Sunnis.[44]

In the past few years, Sadr's attention has turned to limiting the influence of Iranian-backed allies and removing the corrupt class from Iraqi politics. Sadr's main rival remains Nouri al-Maliki and his PMF allies, including Ameri's *Badr* organisation and Khazali's *Asaib ahl al-Haq* (AAH). Sadr accuses the latter of being both corrupt and a pro-Khamenei proxy for Iranian influence in Iraq. Sadr enjoys an on-and-off relationship with Abadi, based on a marriage of convenience to limit Maliki and Iranian influence. However, as discussed, Sadr will also work against Abadi if he believes the prime minister is too weak or not doing enough to limit Maliki or his PMF allies.

In the 2014 parliamentary elections, the Sadrist movement (*al-Ahrar*) won the second most seats. However, the party was considerably behind the ruling SOL (34 seats to SOL's 92). Sadr will struggle to single-handedly defeat the Maliki and pro-Khamenei camp. As such, he will rely on cross-sect and cross-ethnic alliance-building with other actors.

The Islamic Supreme Council of Iraq (ISCI)

Previously known as the Supreme Council for the Islamic Revolution in Iraq (SCIRI), ISCI was founded in 1982 following Saddam's offensive against *Dawa*, and enjoyed strong relations with Iran. Its fighters, who made up the *Badr* corps (later renamed the *Badr* organisation), coordinated and fought with Iran against Iraq during the Iran-Iraq war.

ISCI was destined to be one of the ruling parties in post-2003 Iraq. However, the party failed to succeed politically largely because of its historic ties with Iran. To distance itself, in 2007, the organisation changed its name and shifted its primary religious allegiance away from Iranian Supreme Leader Ayatollah Khamenei and to Grand Ayatollah Ali al-Sistani. Sistani has stated he believes religious leaders should not be involved in the administration of the state.

[43] Reuters, 'Iraqi deputy PM resigns, faces corruption investigation,' 10 August 2015 (accessed 09 November 2017).
[44] A Sunni protest movement activist conveyed his support for Sadr by telling the author that he would rather have a Sadrist as the governor of Baghdad than a Sunni leader. Meeting in Beirut with protest movement leaders, May 2017.

From 2009 on, ISCI was led by Ammar al-Hakim, who assumed control after the death of his father Abd al-Aziz al-Hakim. Hakim continued to put distance between the organisation and Iran, and ran on his own, rather than with SOL, in the 2014 elections. In March 2012, the *Badr* organisation split from ISCI over a squabble between Ameri and Hakim over support for Maliki and the poor 2010 electoral performance. Ameri moved closer to Maliki, whereas Hakim remained on the fence concerning the former prime minister.

Unlike *Dawa* or the Sadrists, ISCI remains open to the ideological concept of leadership by clerics (*wilayat al-faqih*). Finally, ISCI still maintains a military wing, which includes PMF paramilitary groups such as the Ashura Brigades and the Supporters of the Faith Brigades.

Today, ISCI is still run by an elite that includes leaders such as Hamoudi and Adil abd al-Mehdi. However, this elite is at times out of touch with the population – hence ISCI's poor performance in elections. In 2017, Hakim left ISCI to form the National Wisdom Trend (*tayar al-hikmat al-watani*). Hakim cited as reasons for his departure the internal power struggles within ISCI's senior leadership, which made running the party difficult, and the elitist party structure that was out of touch with the 'man on the street'. ISCI's current leader is Humam Hamoudi, who is also the deputy speaker of parliament.

The National Wisdom Trend (Hikma)

Ammar al-Hakim framed his new *Hikma* movement as a modernising party that seeks to bring together a new generation of Iraqi leaders – versus the elitist and out-of-touch ISCI.

Hakim's reputation in Iraq is of a leader who prefers not to take a position or stance – and has often gone back and forth on the Maliki-Sadr-Abadi power struggle. Many Iraqis do not consider him a strong leader, based both on his hereditary rule as well as his soft-spoken style. Yet, when he left ISCI, he took much of its financial support, media channels and constituency with him, in an effort to bolster his new party.

The Badr organisation

As discussed, during his second term as prime minister, Maliki courted the *Badr* organisation, which competed in 2014 as part of the SOL. In the elections, it won 22 seats, or roughly 20 % of SOL's total seats. Since then, *Badr* has risen to greater prominence, capitalising on the collapse of Iraq's security apparatus and its fight against ISIS to become one of the most popular groups in Iraq. *Badr* is the largest group in the PMF.

Hadi al-Ameri, who has been the historic leader of *Badr*, has become one of the most popular politicians in Iraq. He is closely allied to Maliki and Iran. Ameri was in the lead during the initial battles against ISIS, such as in Jurf al-Sakhr. He has at times challenged Abadi's authority, arguing the prime minister is a weak leader. Ameri was vying for the post of Interior Minister in 2014, but was overlooked by Abadi.

Ameri will look to use his role in the fight against ISIS, and his relationship with Maliki and Iran, to unseat Abadi. In an effort to gain support, the *Badr* organisation has displayed posters for several years in Baghdad and elsewhere that depict its martyrs. For most of post-2003 Iraq, *Badr* has controlled the Ministry of Interior. Badr is also powerful in the province of Diyala, with Ameri serving as the head of security. In the upcoming elections, Ameri will again compete under the banner of the *Badr* organisation, which he separates from the *Badr* corps because military units are legally banned from running for political posts.[45]

[45]Al-Sumaria News, 'Ameri Directs the Badr Corps to Cut its Ties with the Political Organisation and to Remain the PMF,' (*Al-Ameri yuajih 'alwiat Badr bi qate alaqatihim al-hizbiya bi al-munadhama wa al-baqa' bi al-hashd al-shabi*), 14 December 2017, (accessed 14 December 2017).

Asaib ahl al-Haq (AAH)

Another paramilitary group aligned with Maliki, though not SOL, is AAH, which won a parliamentary seat in the 2014 national elections. It is led by Qais Khazali, a former Sadrist who now challenges both the Sadrists and Abadi.

Following the departure of US forces in December 2011, AAH began expressing its desire to participate in Iraqi politics. Under the PMF, in 2014, it rebranded itself as a nationalist organisation dedicated to Islamic resistance. It has established political offices throughout the country and has instituted religious and social outreach programmes.

4.2 The visions: competing ideas for governance

Strongman versus strong institutions

The next government formation process will again yield a coalition. The actors highlighted above will seek to influence the state-rebuilding process by pursuing divergent visions. This main contest will be between the right-wing Maliki-PMF camp, the protest movement, and the incumbent Prime Minister Abadi, who will seek the centre.

The main ideological contest in the upcoming state-rebuilding process will take place over the question of 'strongman' versus strong institutions. In this contest, the right-wing camp led by Maliki, Ameri and Khazali stress the need for a strongman to rule Iraq and want to centralise power in the executive. To them, one method to do so involves establishing a presidential system. It would be difficult for Maliki himself to return to power, but he will push for one of his proxies, who shares his vision for Iraq, to take the helm. The protest movement will push for an institutions-based and reform-inspired vision of the state. Abadi will also push for stronger state institutions.

4.3 Corruption

Following the fight against ISIS, Abadi declared, 'our next war is against corruption.[46] For Abadi, reducing corruption will take centre stage in the next process of state-rebuilding. Many Iraqis now point to corruption, above sectarianism, as the root-cause of the collapses in the state-building cycle.[47] Yet, for a large part of his current term, Abadi has failed to institute reforms that might meaningfully curb corruption.

In the summer of 2015, a protest movement emerged to pressure the Iraqi government to pursue reforms. This movement was originally organised by civil society activists and members linked to secular, nationalist, monarchist and women's rights groups. This movement grew in 2016 when it gained the support of populist Shia cleric Muqtada al-Sadr. Today, it represents a vast swath of society, including religious and secular organisations. Its demands include electoral, constitutional and legislative reforms. Common slogans from the movement, which calls for an end to *muhassasa* (the quota system), include 'the corrupt is the same as the terrorist'.[48] Most critically, this movement represents a movement away from identity-based politics, as Shia citizens protest against their own Shia leaders, Kurds protest against their own Kurdish leaders and Sunnis express increased wariness of their own leaders in the upcoming stage of reconstructing recently-liberated areas.

In 2015, Abadi sought parliamentary approval for an economic, political and administrative reform package. The reforms included abolishing the posts of vice president and deputy prime minister, removing

[46] Asia Sat, 'Abadi: Our Next War is against Corruption,' (*al-Abadi: harabna al-muqbila dhud al-fasad*), 07 November 2017 (accessed 09 November 2017).
[47] National Democratic Institute, 'Improved Security Provides Opening for Cooperation in Iraq: March to April 2017 Survey Findings,' 7 June 2017 (accessed 09 November 2017).
[48] As seen on a poster from the protest movement in Baghdad, April 2016.

special allocations for governmental bodies and institutions, pursuing cases of corruption under the auspices of a supreme committee and prosecuting corrupt individuals. The legislative reforms also called for the end of *muhassasa* and the need for judicial reforms to prosecute corruption. With the declared support of Grand Ayatollah Ali al-Sistani, Abadi was able to get parliament to pass his reform package in the summer of 2015.

Despite parliament's approval, the reforms have not been implemented. The judiciary has been too weak to act as an independent body, instead remaining politicised and unwilling to reform. For instance, the Iraqi Supreme Judicial Council ruled in 2016 that Abadi's removal of the office of the vice presidency was unconstitutional, and thus reinstituted the office. The integrity commission, which is constitutionally mandated to serve as an independent body, has thus far been unable to independently tackle corruption. In August 2015, Grand Ayatollah Ali al-Sistani issued a statement that demanded Abadi strengthen the anti-corruption reform process. He promised to support the process. Yet Sistani has been unable to convince the leadership to effectively pursue reform.

The right-wing camp has positioned itself as anti-corruption. Yet, rather than pursue institutional reform, this group perceives anti-corruption activities as opportunities to target opponents for political advantage. For instance, the Maliki-aligned group in parliament, which includes MPs such as the head of the corruption committee Haitham al-Jabouri, has targeted Kurdish Finance Minister Hoshyar Zebari and Sunni Arab Defence Minister Khalid al-Obeidi. Yet no senior figure from the bloc has been investigated, despite mounting evidence of corruption. This selective use of anti-corruption measures further complicates Abadi's attempts at reform.

Despite their failures in 2015 to 2017, the protest movement will continue to demand reforms in the upcoming government-formation and state-rebuilding process. Moving forward, the key areas for reform will be electoral (the most immediate given the upcoming election), security sector, and judicial/constitutional.

4.4 Electoral reform

A key issue dividing the above-mentioned camps is electoral law. In 2014, the leaders of large parliamentary blocs raised the minimum threshold of votes needed to win a first seat. Under the electoral system, candidates who exceed the electoral threshold can redistribute the surplus votes to other parties or individuals from the same list. As such, if a specific candidate does not win, their votes are allocated to another candidate on the same list. This system has led to the election of many MPs who have not won significant votes and the rejection of others who may have won more votes but failed to reach the threshold. Since 2014, the system has favoured larger parties who have more surplus votes and can thus dictate which smaller parties join parliament.

The right-wing camp supports the continuation of the threshold reform: individuals such as Maliki or Ameri win large numbers of votes which they can then redistribute to smaller loyal parties or individuals that could not win enough to gain seats in parliament. After the reform passed in 2014, Maliki's State of Law Coalition won comfortably, creating the largest gap between first and second place in post-2003 Iraq. As a result, the Maliki bloc has been able to control parliament ever since.

The protest movement, which includes the Sadrists, have made electoral reform a priority and have at times threatened to boycott parliament in the absence of meaningful reform. In previous elections, the protest movement was unable to compete with the Maliki-aligned bloc, and fears that under the current system, it will not be able to win control of the parliament.

Part of the dispute is over the formula's divisor, which determines seat allocation. Sadr and the protest movement want the divisor to be much lower, complaining that a high divisor again privileges their opponents. Sadr's movement is the only larger bloc pushing for this change.

Another point of contestation is the make-up of the electoral constituency. The electoral districts are based at the provincial (governorate) level, meaning that MPs represent their provinces as single constituencies. Yet MPs in many of these provinces can only represent certain districts. The protest movement wants to increase the number of constituencies so that they are no longer province-sized entities. The protest movement prefers an open list system and multiple constituencies, which it believes will more closely link voters with their representatives.

Abadi is caught in the middle on this issue, and has said he is open to either amendment or continuation. However, the parliament has failed to make amendments on several occasions. On 1 August 2017, parliament voted to maintain the electoral system as is. As long as the right-wing bloc remains dominant in parliament, electoral reform will be challenging. Abadi has not made electoral reform a priority, focussing instead on internal State of Law politics.

4.5 Security sector reform

In his victory speech over ISIS in December 2017, Abadi stated, 'I salute all the victorious: our valiant security, police and armed forces, the Popular Mobilisation Forces, our counter-terrorism service, our air force and army aviation, the *Peshmerga*, and all the different formations of our armed forces including engineering, medical and logistics units, as well as all those citizens and tribal leaderships who offered support and cooperation.'[49] As of 2017, Iraq has a number of effective and legitimate armies beyond forces directly accountable to the ministries of defence and interior and the prime minister's office.

The Iraqi state has also recognised as state actors the predominantly Shia PMF and the Kurdish *Peshmerga*. For instance, according to Iraq's chief justice, the PMF has the same level of legality as the Iraqi army.[50] Beyond recognition from the state, the PMF and the *Peshmerga* enjoy high levels of legitimacy from their constituencies and from international actors, who often directly support the groups with training, tactical support, funding and arms. The United States and its allies have supported the *Peshmerga*, while Iran has supported the PMF. Both sides enjoy legitimacy on the ground for their fight against ISIS and display banners that pay tribute to their martyrs.

Yet the PMF and the Kurdish *Peshmerga* represent hybrid security actors, since they at times compete and at other times cooperate with the state security forces.[51] For instance, after the 25 September 2017 Kurdish referendum the Iraqi security forces turned their attention to defeating the *Peshmerga* and re-taking Kirkuk and other disputed territories. The PMF, similarly, has a chain of command that at times overrides the prime minister.

In the upcoming state-building process, these various political actors also hold competing visions of the role of paramilitary groups, militias and non-state military actors. The PMF's status exposes the intra-Shia feud between the right-wing bloc, the protest movement and Abadi. The right-wing camp has prioritised the recognition of the PMF as a legal entity, whereas the protest movement calls for the integration and disbandment of all militias.

Within the PMF umbrella, the groups that existed as military-political organisations before the fall of Mosul in June 2014 are better funded and equipped, and more powerful. These groups include the original seven groups of the *Badr* organisation, *Asaib ahl al-Haq* (AAH), *Kata'ib Hezbollah* (KH), *Kata'ib Sayyid al-Shuhada*, *Harakat Hezbollah al-Nujaba*, *Kata'ib al-Imam Ali*, and *Kata'ib Jund al-Imam*. They make up or are close allies of the right-wing camp and enjoy a close relationship with Abu Mehdi al-Muhandis, who has served as the

[49] Abadi did not mention the *Peshmerga* when delivering the speech, but added the *Peshmerga* reference to the published version. Abadi, 'Prime Minister Haider Al-Abadi's Historic Victory Address.'
[50] Meeting with Chief Justice of Iraq, London, October 2017.
[51] Renad Mansour and Erwin Van Ween, 'Iraq's Competing Security Forces After the Battle for Mosul,' War on the Rocks, 25 August 2017, (accessed 14 December 2017).

PMF's de facto administrator. This group believes that the fight against ISIS is far from over and seeks to remain relevant. It shares strong relations with Iran and some of its leaders have political ambitions. For instance, as discussed above, Ameri's *Badr* organisation has 22 parliamentarians and is vying to unseat Abadi. Benefitting from the right-wing camp's parliamentary power, the group supported the November 2016 parliamentary law that legalised the PMF into a statutory but separate state security institution. These leaders will continue to operate parallel to the state's forces and block any outright moves for integration or greater state control.

Sadr and the protest movement remain antagonistic toward the PMF leadership. Although he possesses his own paramilitary forces and is the notorious leader of the Mehdi Army,[52] Sadr calls for the abolition of the PMF and the integration of its fighters into the state security apparatus. This would give the executive and government better oversight over the paramilitary groups that operate autonomously. The protest movement claims that Article 9 of the Iraqi Constitution clearly states that 'the formation of military militias outside the framework of the armed forces is prohibited.'[53] Sadr has repeatedly stated that he will disband his Peace Brigades (*Sarayat al-Salam*) if the other groups follow suit.

Grand Ayatollah Ali al-Sistani is also in favour of integration. His office argues that the right-wing camp misused his 2014 fatwa, which called for *volunteers* to rise up to fight ISIS. Sistani refuses to acknowledge the PMF in name, and prefers to call them volunteers. A majority of the groups in the PMF formed as a reaction to the collapse of the state security sector and Sistani's appeal for volunteers.

Although Abadi has strengthened the state's army since 2014, the prime minister has, at times, needed the PMF. In his offensive to retake Kirkuk and other disputed territories from the Kurdish *Peshmerga*, the prime minister relied on the PMF to show force. The state's forces suffered substantial attrition rates from the battle against ISIS in Mosul, where the state security forces were on the front line. For instance, Iraq's Counter Terrorism Service (Golden Division) of some 8 000 elite troops suffered an attrition rate of 40 % in Mosul.[54]

Abadi will attempt to balance strengthening the state security apparatus with relying on the PMF. As the prime minister looks to rebuild the state, he will seek to fill gaps and limit the influence of the PMF. His victory over ISIS speech in December 2017 was a message to the PMF, which is seeking to remain relevant in Iraq after ISIS loses its territorial control.

Security sector reform will address the central government's 'monopoly over legitimate violence' in the next stage of state-rebuilding. Strengthening only the state army without a plan for the other state-recognised *Peshmerga* or PMF forces ignores the influence of these groups. The central government will need to incorporate the PMF and the *Peshmerga* under the prime minister's auspices, yet still grant autonomy to local forces. Over-centralising security is problematic, however, as it could replicate the policies Maliki pursued during his second term.

[52] The Mehdi Army emerged in 2004 to launch an armed confrontation against the US and its allies in Iraq. It served as the largest Shia militia and was led by Shia cleric Muqtada al-Sadr. Nicholas Krohley, *The Death of the Mehdi Army: The Rise, Fall, and Revival of Iraq's Most Powerful Militia*, (Hurst: London, 2015).
[53] This was referred to the author by a protest member, Beirut, May 2017. Cabinet of Iraq, 'Constitution of the Republic of Iraq,' (*Destour jumhuriyya al-Iraq*), 2015 (accessed 09 November 2017).
[54] Michael Knights and Alex Mello, 'The Best Thing America Built In Iraq: Iraq's Counter-Terrorism Service and the Long War Against Militancy,' War on the Rocks, 19 July 2017, (accessed 14 December 2017).

4.6 Judicial reform

A central challenge to Iraqi state-building is the weakness of its judiciary. Since 2003, the Iraqi judiciary has fallen prey to political interference and pressure, corruption and bribery, religious interests and tribal forces. According to Freedom House, 'due to distrust of or lack of access to the courts, many Iraqis have turned to tribal bodies to settle disputes, even those involving major crimes.'[55] In state prisons or detention centres, human rights groups often report that the prisoners face torture, forced confessions, overcrowding, solitary confinement and extensive delays before trial. Beginning in summer 2015, judicial reform has been one of the main demands of the protest movement.

A key issue within the judicial reform debate is Iraq's 2005 anti-terrorism law[56], which has allowed individuals to be detained and imprisoned without charge or pre-trial. Amnesty International claimed in 2010 that 30 000 Iraqis were detained without trial – at a time when Iraqis were giving the state another chance by politically reengaging.[57] Since its inception, Article 4 of the counter-terrorism law has been used by political elites to target opponents.[58] Maliki used the law to target Sunni political leaders, such as Tariq al-Hashimi. More recently, human rights groups have criticised Iraq's handling of ISIS fighters at various stages, including screening, detention and prosecution. Human Rights Watch reported that an absence of a national strategy for ISIS prosecutions has led to 'major due process violations in the thousands of ongoing trials of Iraqi and foreign ISIS suspects.'[59]

Another major flaw in the judicial system is the relative impunity given to certain non-state actors, including paramilitary groups. Although Abadi has attempted to bring certain PMF groups under control, human rights activists claim that certain paramilitary groups have engaged in mass kidnapping, extortion, murder, theft, and destruction of property. These remain unaddressed by the Iraqi judicial system. In Diyala, for instance, a report claims that certain PMF fighters killed 56 Sunni men without any trial.[60]

Finally, calls to reform the 2005 Iraqi constitution have made little progress. The key sticking points in the constitution are: the formation of regions (Article 119), the disputed territories (Article 140), the power of the Federal Supreme Court (Article 192), oil and gas fields exploration (Article 112), the National Guard (Article 121), and the role of the independent commissions (Article 102). These issues will remain a source of conflict between federal- and local-level political elites. In July 2016, parliamentary speaker Salim al-Jabouri announced the formation of a constitutional reform committee. Yet, since then, no steps have been taken. Constitutional reform has been attempted twice before, in 2006 and again in 2010; neither attempt went anywhere. Part of the problem in constitutional reform is parliament's comparative weakness as an independent branch of government.

Judicial reform is nonetheless a necessary step for both establishing better governance and working towards national reconciliation. Judicial reform requires scrutinising the use of Iraq's counterterrorism law and better enforcing the rule of law against certain paramilitary groups. Another reform, related to the war against ISIS, can include Iraq accepting the International Criminal Court (ICC). Members from the protest movement call for a complete reorganisation of the judiciary to bring in judges who are independent and not influenced by political actors and agendas.[61]

[55] Freedom House, 'Iraq: Profile,' 2017 (accessed 09 November 2017).
[56] Iraqi Council of Ministers, 'Anti-Terrorism Law,' 07 November 2005 (accessed 09 November 2017).
[57] Amnesty International, 'Thousands of Iraqi detainees at risk of torture after US handover,' 13 September 2010 (accessed 09 November 2017).
[58] According to Article 4 of the anti-terrorism law, anyone accused of committing or inciting a terrorist act is given the death penalty and anyone who harbours or conceals terrorist activity is given a life sentence.
[59] Human Rights Watch, 'Flawed Justice Accountability for ISIS Crimes in Iraq,' 05 December 2017, (accessed 14 December 2017).
[60] Amnesty International, 'Punished for Daesh's Crimes' – Displaced Iraqis Abused by Militias and Government Forces' 18 October 2016 (accessed 09 November 2017).
[61] Meeting with protest movement leaders, Beirut, Lebanon, May 2017.

Abadi has committed to addressing gaps in the judiciary, but has been unable to bring about change, due mainly to a lack of political will from parliament. Yet, his anti-corruption reform package is predicated on the judiciary, which will supervise its own reforms. As such, the rebuilding can only be achieved if reforms and changes are governed by an independent judiciary free from the influence of political actors – a tall order for the current political class in Baghdad.

4.7 Economic challenges

The economy serves as another arena for contestation. The state-rebuilding process will be conducted within the context of Iraq's economic challenges. These challenges remain stark. The shrinking of Iraq's agricultural and industrial bases has led to an acute imbalance between imports and exports — and to a state unable to meet the demands of citizens. Moreover, according to the Ministry of Planning, the cost of reconstructing physical infrastructure is estimated to be around USD 100 billion. Yet it is not clear who will pay for this process; a number of potential local and international state donors are in play.

Oil rentierism remains a major challenge in the state-rebuilding project. The protest movement has placed this issue at the centre of its call for reforms. In Iraq, 95 % of the state's revenues come from oil. The power of oil is economic, social and political. Oil has been used as a tool of authoritarianism, war, and state patronage. The resource has allowed leaders to personalise state institutions. The ease of receiving cash leads to expansive and bloated bureaucracies rather than cost-effective and accountable governance. Linked to corruption, the rentier state's resources are sent to ministries, divided by the elite, and do not trickle down to the population.

The dramatic decline in the price of oil has forced the government in Baghdad to rethink its economic policy.[62] Abadi has made economic reform a priority, and has worked to attract private investors to rebuild the economy and to work on the upcoming reconstruction. Iraq's oil wealth has historically drawn investors into the economy and markets. Abadi's next plans are to privatise Iraq's electricity and banking (including commercial banking) sectors to make the state more competitive in the region. The prime minister's office will also support the emergence of small- to medium-size businesses in the fields of energy, oil services, manufacturing, construction and consumer goods. Despite these ambitions, Abadi will continue to face strong structural challenges from both formal and informal economies, which rely on patronage systems and individuals who will resist reform. Many of these individuals are either influential in politics, or politicians themselves.

[62] Ahmed Tabaqchali, 'Iraq's Economy after ISIS: An Investor's Perspective,' Institute of Regional and International Studies, (accessed 14 December 2017).

5 Centre-periphery relations

The post-2003 state in Iraq was designed to be decentralised and federal in order to guard against a return to the old state – a return which both the Shia and Kurdish state-builders rejected. Yet, since 2003, the centre-periphery relationship, that is Baghdad's relations with its provinces and region (the Kurdistan Regional Government), has faced an impasse. Relations between the central government and the localities, however, will be a key indicator of success or failure in the upcoming state-building process.

5.1 Southern Iraq

Although more stable than other parts of Iraq, the predominantly Shia southern provinces face challenges vis-à-vis the central government. The protest movement in the south involves Shia protestors demonstrating against their Shia leadership in Baghdad. An active protest movement in Basra, Dhi Qar and Maysan in particular have targeted corruption. The protest movement here also opposes the right-wing camp aligned with Maliki. In December 2016, protestors ambushed Maliki while he was visiting Basra.[63]

The southern provinces also suffer from bad governance and will therefore be part of the state-rebuilding programme. Although it presides over most of Iraq's oil, Basra has suffered from power blackouts, drug epidemics, the mismanagement of garbage and corruption. As part of the protest movement, many Basrawis believe that the same corrupt elite, along with their Iranian proxies, have not been able to support the oil-rich province. These problems have led to calls, at times, for greater autonomy from Baghdad in the form of a semi-autonomous region, akin to the Kurdistan Region Government (KRG)'s rule over Kurdistan. Although it is unlikely Basra will become a region[64] or increase its autonomy vis-à-vis the central government, the problem of representation between southern provinces and the elite in Baghdad will continue to fuel the protest movement and affect the upcoming attempt to rebuild the state

5.2 The Kurdistan Region of Iraq

5.2.1 Divergence from pragmatism

After 2003, the Kurdistan Region leadership sought to further its autonomy, gain land and increase its resources. The Kurds were a chief builder, along with the Shia, of the new Iraqi state. They worked to constitutionally enshrine their new-found power and autonomy. For instance, the 2005 Iraqi constitution includes Article 121(2), which decrees that 'in case of a contradiction between regional and national legislation in respect to a matter outside the exclusive authorities of the federal government, the regional power shall have the right to amend the application of the national legislation within that region.'[65] Kurdish leaders also refused to allow the new state to have an air force, citing Saddam Hussein's use of his air force to attack their nationalist movement.

The general strategy was to employ pragmatism over nationalism. The leadership was aware of the structural challenges it faced: a landlocked entity with neighbours who historically feared irredentism, and foreign allies that prefer the territorial integrity of Iraq to the creation of new states. Within this structure, from 1992 onward, the Kurds built a de facto state with significant autonomy, not by unilaterally declaring independence, but by building relationships of trusts with their neighbours.

[63] Ali al-Aqily, 'Maliki draws violent protests in Basra,' Iraq Oil Report, 15 December 2016 (accessed 09 November 2017).
[64] Article 119 of the Iraqi Constitution states, 'One or more governorates shall have the right to organize into a region based on a request to be voted on in a referendum submitted in one of the following two methods: first: a request by one-third of the council members of each governorate intending to form a region; second: a request by one-tenth of the voters in each of the governorates intending to form a region'. Cabinet of Iraq, 'Constitution of the Republic of Iraq.'
[65] ibid.

Since 2003, Erbil's strategy for building a Kurd-friendly Iraqi state involves developing de facto realities on the ground while maintaining strong relations with neighbouring countries and international allies – perceived by Erbil as a lifeline for the landlocked regional government.

5.2.2 Influencing the centre from within

One strategy pursued by Erbil involves influencing Baghdad from the inside. During the early state-building process, the Kurdistan Region's leadership sent senior Kurdish leaders to be part of the central government in Baghdad. The Patriotic Union of Kurdistan (PUK)'s leader Jalal Talabani was Iraq's president, PUK senior official Barham Salih was deputy prime minister, the Kurdistan Democratic Party (KDP)'s senior leader Hoshyar Zebari was foreign minister, and KDP official Rowsch Nuri Shaways was deputy prime minister. These individuals were critical to building an Iraq that could work with an autonomous Kurdistan Region.

Yet by 2017 the Kurds had given up on playing politics in Baghdad and were on the way to rejectionism, signalled by boycotts of parliament. No senior Kurdish official is influencing the state-rebuilding project. The only Kurdish political figure in Baghdad is Iraqi president Fuad Maasoum, who is not a politburo member of his own PUK. When Hoshyar Zebari was impeached as Iraqi finance minister in 2016, Erbil refused to send a replacement, claiming it had given up on Baghdad.

This gradual move away from Baghdad has made the Kurdish leadership less able to influence the central government and less aware of the intricacies of the political situation in the centre. The 25 September 2017 Kurdish independence referendum revealed the effects of moving away from this pragmatic tactic. Erbil misjudged the relationship between Abadi and the United States. Kurdish leaders could not see that Washington was investing in Abadi to guide the post-ISIS state-building project in Iraq and that the referendum threatened this process. United States leaders and their allies were furious after the referendum and assented to Abadi's military move into Kirkuk and other disputed territories, despite the presence of PMF groups alongside the military. In short, the Kurdish leadership was unable to affect Abadi's move into Kirkuk because Erbil had given up on playing politics in Baghdad.

5.2.3 Kurdish unity vis-à-vis the centre

Another strategy Erbil has used involves stressing unity vis-à-vis Baghdad. A strategic agreement between the KDP and PUK translated into the establishment of the Kurdistan Alliance (*al-tahaluf al-Kurdistani*) in the 2005 and 2010 elections. Even when the Change Party (*Gorran*) emerged in 2009 as an opposition movement in the Kurdistan Region, its leader, Nawshirwan Mustafa, emphasised at the time that he was solely interested in Kurdistan's domestic politics. His intention was to leave 'external' policy – including state-building vis-à-vis the central government – to the region's leadership in Erbil.[66] Unity allows the Kurds to play kingmaker in Baghdad. In a sense, the leadership can use its seats to help form new governments in exchange for concessions. This has helped consolidate Kurdish autonomous aspirations since 2003. They Kurds backed Maliki in 2006 and again in 2010.[67]

Since 2017, however, the leadership is divided. Inter- and intra-party contestations have impacted on the centre-periphery relations with Baghdad. The two traditional parties, the KDP and the PUK, are embroiled in internal tensions, undermining their ability to present a united front. This gives Baghdad an upper-hand, allowing it to play either side against the other. In October 2017, Abadi retook Kirkuk after reaching a deal with PUK-official Bafel Talabani, who withdrew *Peshmerga* troops and thereby allowed Iraqi state forces

[66] Renad Mansour, 'How the Kurds Helped Draw the United States Back to Iraq,' Carnegie Middle East Center, 29 June 2015 (accessed 09 November 2017).
[67] This is not to say that the Kurds have always been united. Disunity was most evident in 2012, when Talabani went against a Barzani-Sadr-Allawi alliance that sought to impeach Maliki via the parliament. In the final hours, when Maliki's fate seemed in jeopardy, Talabani withdrew his MPs from the vote and saved the prime minister.

and PMF groups to take the city. President Barzani was outraged over the withdrawal of the *Peshmerga*. However, the KRG's weak security sector, coupled with the intra-Kurdish divisions, meant that Barzani could not do anything and had to renounce most of his claims to the disputed territories – eventually leading to his resignation. As such, internal divides exposed the Kurds to the Iraqi government, leading to territorial losses.

5.2.4 The referendum: the radical nationalists

The 25 September 2017 referendum, inspired by Kurdistan Region's president, Masoud Barzani, was a departure from the leadership's post-2003 tactics vis-à-vis Baghdad. The nationalist call for independence, which began shortly after ISIS's removal from Mosul, took a step away from the pragmatism espoused by Erbil since 2003. As a result, many of the gains made in that period were lost, including de fact control of Kirkuk and other territories.

There are several explanations for this difference in strategy. Over-confidence following international support for Erbil's leaders and its *Peshmerga* made the referendum committee believe that it could move ahead with little backlash, since it was now on the map and part of the so-called international community. Internal disputes pushed the leadership to use the referendum to mask its troubles and unite Kurds around a nationalist discourse. In sum, most officials and scholars now agree that the referendum was a blunder.

5.2.5 Post-Referendum: Going back to pragmatism

Moving forward, the Kurdistan Region's leadership now seeks dialogue with Baghdad and the international community more broadly. Doubling back on their referendum, they will participate in the upcoming Iraqi elections and return to the post-2003 tactics that facilitated their de facto state status.

The KDP remains the strongest Kurdish party in the upcoming elections. Yet, with the stepping down of Masoud Barzani, an internal power struggle pits the Kurdistan Regional Government (KRG) prime minister Nechirvan Barzani (Masoud's nephew) against Masrour Barzani (Masoud's son), who heads the Kurdistan Security Council (KSC).[68] Since the referendum, Nechirvan Barzani, who quietly opposed the referendum, represents the party's pragmatic camp and seeks to build the de facto state without employing radical nationalism and secessionism. With the support of foreign allies, he has grown stronger and has become Erbil's chief negotiator vis-à-vis Baghdad and foreign states. Moreover, he is now spending more time meeting domestic constituents and citizens in an attempt to overcome the elitist policies of the past.[69]

Since Jalal Talabani's stroke in December 2012, the PUK have suffered from a lack of leadership, leading to splits. These splits include the question of the PUK's relationship with the KDP. Members such as Kosrat Rasol or Qubad Talabani are closely aligned with the KDP, while others, such as Lahur Talabani or Bafel Talabani, are opposed to the KDP. As discussed, the latter struck a deal with Baghdad in which Abadi retook Kirkuk and other disputed territories. Yet, the PUK still enjoys some support in the provinces of Kirkuk, Sulaimania and Halabja.

Goran, which has seven MPs from Sulaimani and two from Erbil, has also struggled to maintain momentum following its establishment in 2009.

Several new political lists and leaders seek to move away from the established parties in the upcoming elections in Baghdad. For instance, former KRG prime minister and Iraqi deputy Prime Minister Barham Salih has officially broken away to establish a new party, the Coalition for Democracy and Justice, which has a diverse membership base and will campaign for good governance and accountability. It will

[68] The Kurdistan National Security Council is responsible for coordinating the Kurdistan Region's security, military intelligence, and other intelligence services.
[69] Nechirvan Barzani, 'Twitter,' 21 November 2017 (accessed 14 December 2017).

serve as an opposition party to the KDP-PUK establishment, which led the region into the crisis of 2017. Salih enjoys close relations with the West and will seek to use his reputation as an Iraqi diplomat to return to Iraqi politics, which he sees as the key to building both the Kurdistan Region and Iraq as a country.

A lesser-known actor seeking to gain influence is Shaswar Abdulwahid, who now heads the New Generation (*Neway Nwe*) Political Movement. Abdulwahid, who is a wealthy businessman, seeks to take advantage of *Goran*'s losses in previous years and address the needs of the protest movement.

With a plethora of parties and internal rivalries, the Kurdistan Region will face difficulties uniting sufficiently in the upcoming government formation process to make another Kurdistan List, which can bring all seats together and again play kingmaker over the next Iraqi prime minister. Without unity, however, the Kurdish prospects for increasing the region's autonomy during the upcoming state-rebuilding process remain minimal.

5.3 Recently-liberated areas

5.3.1 A note on non-dominant groups

In recently-liberated areas, reconciliation efforts are also linked to non-dominant groups that were targeted by ISIS in genocidal acts. As a result, many of the citizens who managed to flee ISIS emigrated to the west, where governments were willing to host them. Others remained as IDPs in the Kurdistan Region. Some of the members who stayed behind picked up arms to defend their lands.[70]

Although this paper focuses on the struggle for power in Baghdad, the state-rebuilding process will also include affected non-dominant groups such as the Yazidis, Christians, Turkmen, Shabak, Mandaeans, and Kakai, who make up a small percentage of the overall population but significant proportions in the so-called disputed territories.

These groups struggle with political representation. Their leaderships, which are also forced to employ identity-based politics in post-2003 Iraq, remain divided and often act at the behest of greater powers in the region. Many of the leaders have thus 'bandwagoned' with stronger parties. For instance, Christian political parties and officials are split over a number of competing patrons. This divide complicated the question of whether these groups should engage with either the Kurdistan Regional Government or Government of Iraq. Yet, these citizens face the same issue-based political problems that are discussed below.

5.3.2 Rethinking the Sunni predicament

5.3.2.1 The national level

Much of the post-2003 analysis on the Sunni question in Iraq has focused on inter-sect contestation. In the post-2003 identity-based political system, the greatest weakness for the Sunnis was the absence of institutional representation. The Kurds and the Shia had political parties dating back to the mid-20th century. Yet, Sunnis did not have a strong political party. The Islamic Party (a Muslim Brotherhood-affiliated group) was unable to achieve momentum in elections or government-formation. Part of the Sunni leadership was barred from political involvement because of its alleged links to the former Ba'ath party, leading to a new sense of victimhood in a politicised de-Ba'athification process.

[70] Christian militias that emerged included the Ninewah Plains Protection Units (NPUs), Ninewah Plains Forces (NPFs), *Dwekh Nawsha*, and the Babylon Brigades, which fight under the PMF. The Yezidis fight under the Sinjar Alliance. The Turkmen, also, have groups fighting under the PMF, particularly in the Kirkuk area.

The weakness of institutional representation at the national level led to Sunni boycotts and low voter turnout.[71] In 2005, Iraqi Sunnis refrained from voting for parliament or ratifying the constitution. As such, they had minimal say in the creation of the post-2003 Iraqi state. The Sunnis' lack of trust in the central government created a political and security vacuum. In the worst-case scenarios, this rejectionism led to the emergence of groups like ISIS.

However, Sunnis have also at times engaged with the central government, such as through the Sons of Iraq programme mentioned in Section 3.1. Today, Iraqi Sunnis have defeated ISIS in their territories. They view the Iraqi state and the army more favourably and are moving into another period of engagement with Baghdad. According to an April 2017 al-Mustakilla for Research poll, 51 % of Sunnis believe the country is heading in the right direction. In 2014, less than 10 % held such a view.[72]

The question, then, is whether this renewed engagement is part of the cycle of collapse and failure that has marred Sunni engagement with the central government. Most of the Sunni leadership is no longer in denial of the post-2003 Iraq order and have accepted Iraqi Sunnis' reality as a less dominant group in the new Iraq. Whereas decentralisation concepts such as federalism were rejected by Sunnis in 2003, many Sunni leaders are now strategising on how best to gain autonomy as smaller players in the Iraqi political system.

The Sunnis of Iraq have faced divide-and-conquer campaigns leading to a history of fragmentation, which will influence their engagement in the upcoming state-rebuilding process. Saddam Hussein's divide-and-conquer campaign attempted to change political and tribal realities among the Sunnis by propping up leaders with top-down legitimacy. Similarly, the US-led coalition also administered policies to prop up different Sunni tribal leaders, and again assigned top-down legitimacy that was rejected by many Sunni residents on the ground. Most recently, ISIS pursued the same strategy of creating leaderships. The effect of this top-down legitimacy, which at times is out of touch with the local populations, has been fragmentation.

Today, at the central government level, the Sunnis are now part of the greater contestation for power between the Shia actors. Islamists such as parliamentary speaker Salim al-Jabouri and his Islamic Party represent one bloc that will compete to represent Sunnis. Jabouri enjoys influence from his role as the head of a broad-based parliamentary Sunni alliance and his warm relations with Maliki and the right-wing camp. This political alignment puts Jabouri at odds with other Sunni leaders such Iraqi vice president Usama al-Nujaifi, who is critical of Maliki and supports either Abadi or the protest movement. Nujaifi is allied to wealthy businessman Khamis Khanjar, former Iraqi deputy Prime Minister Salih al-Mutlaq and former governor of Ninewah Athil al-Nujaifi. This bloc is sympathetic to Abadi and the protest movement and believes that the right-wing camp is problematic for the next stage of state-rebuilding.

5.3.2.2 The local level

A major reason for the ineffectiveness of international peacebuilding and state-building efforts has been the failure by state-building parties to navigate local dynamics and actors in recently-liberated areas.

Tribal systems fill in where the unitary state retreats. At the local level, tribes based in the recently-liberated areas seek to have greater roles in state-rebuilding and conflict resolution. The Abeed tribe, for example, has established a Council of Elders to pursue conflict resolution in recently-liberated areas. According to a draft law on tribes by the Iraqi parliament, tribes and clans will become legal entities with financial and

[71] In the Sunni-majority Anbar Province, for instance, voter turnout was as low as 2 %.
[72] Joel Wing, 'New Iraq Opinion Polls Find Sea Change in Views,' Musings on Iraq, 16 September 2017 (accessed 09 November 2017).

administrative independence. A tribal council of five representatives from local councils will be headquartered in Baghdad.

Politically, the intra-Sunni contestation resonates at the local level. Again, the dispute is linked to the greater political contestation at the central government level. For instance, Sunni religious leader Mehdi al-Sumaidae receives support from Maliki's allies and thus remains closer to the right-wing camp of Shia politics. Yet, other local leaders, such as Abdul Latif al-Humaim, who heads the Sunni endowment, has presented himself as closer to the Abadi group.

Similarly, certain Sunni groups are now part of the PMF, known as the Sunni-*hashd*. They receive funding from the right-wing camp's PMF administration. For instance, Sunni leader Mishan al-Jabouri[73] is part of the PMF and supportive of Maliki and the right-wing camp. Yet, others who had received support at some point, such as Athil al-Nujaifi, remain critical of Maliki. Armed groups linked to the Sunni-*hashd,* supported by the PMF and the right-wing camp, are now vying for political office and to capture the institutions of the state. Many militants are attempting to become civil servants of the various districts and provincial councils. This process complicates the bottom-up legitimacy-building process needed for rebuilding the state.

The provinces of Kirkuk, Diyala and Ninewah will face acute political contestations and gaps in Sunni Arab political representation in the state-rebuilding process. These problems stem from a conflict over the presence of various armed actors and hold forces, as discussed above. In Ninewah, Sunni politicians are constrained by tribal forces, the PMF, Kurdish leaders and regional supporters, who all vie to influence the local institutional-rebuilding process. Similarly, in Kirkuk, the competition between Kurdish leaders, the central government and pro-Iranian proxies (Turkmen and Shia Arabs) will mean continued instability for the Sunni tribal and political leaders who reside in the province. Finally, in Diyala, the *Badr* organisation enjoys considerable influence. Yet, Sunni Arab residents, who account for almost 50 % of the population, remain divided. Many of them do not want PMF groups to take part in their local political process. Yet Salim al-Jabouri, who is from Diyala but aligned to the right-wing camp, is unlikely to contest the PMF in the province, leaving a vacuum in the Sunni leadership. As a result of these complications, in September 2017 the Iraqi parliamentary committee on Security and Defence warned that ISIS could stage a comeback in Diyala.[74]

Civil society activists at the local level question the legitimacy of these same elites who are again vying for political positions.[75] The Sunni protest movement, overshadowed by the destruction left by ISIS, is now stirring to life. Unlike previous protests, such as those of 2011, however, the blame is no longer specifically focused on the Shia government in Baghdad. By 2017, many Sunni protestors are now looking inward and blaming their own leaders – a trend of issue-based politics similar to those of the Shia and Kurds of Iraq.

[73] Dijla Satellite Channel, 'A Talk from Mr. Yazan Mishaan al-Jubouri, Political Advisor for the Commission of the Popular Mobilisation Forces,' (*hadith al-sayid Yazin Mishan al-Jabouri, al-mustashar al-siyasi li hayyat al-hashd al-sha'bi*), 6 April 2017 (accessed 09 November 2017).
[74] Baghdadiya News, 'Parliamentary Security: The Political Crisis in Diyala will Pave the way for the Return of ISIS in the Province's Territories,' (*al-amn al-nayibo: al-azma al-siyasiya fi Diyal sa tumahid li 'awdat daesh li-manatiq al-muhadha*), 7 September 2017 (accessed 09 November 2017).
[75] Meeting with Sunni civil society activists, Beirut, Lebanon, May 2017.

6 Iraq and international actors

6.1 The breakdown of the state and foreign interference

The breakdown of the unitary state has made Iraq a playground for regional and international powers. As a result, following 2003, many Iraqi political actors and groups sought external support from neighbouring or foreign powers in an attempt to gain top-down legitimacy. The right-wing camp remains closely allied with Iran. The protest movement, however, rejects Iraqi reliance on any single power. Abadi, as prime minister, has sought to re-establish Iraqi foreign policy independence by moving away from the post-2003 Iranian hegemony in Iraq and inviting other powers, such as the United States or Saudi Arabia, into the fold.

6.2 The Iran-US complex in Iraq

Since 2003, Iran has penetrated deep into the Iraqi state and has become the most successful regional or foreign influence on Iraq. Its policy has been to use local proxies from the right-wing camp, including officials such as Maliki, Ameri and Khazall, to influence the security and political future of Iraq. As such, Iran was in the best position to defend Iraq in the summer of 2014 when ISIS marched to the borders of Erbil and Baghdad. Even the Kurdistan Region's president Masoud Barzani admitted, 'The Islamic Republic of Iran was the first state to help us... and it provided us with weapons and equipment.'[76]

For much of the post-2003 era, Iran and the United States have been on the same page in Iraq. Both powers have shared similar interests, from defeating ISIS to ensuring a stable Shia government in Baghdad. In both 2006 and 2010, Tehran and Washington supported the incumbency of Maliki. The wider US-Iran feud has not featured in Iraq.

However, internal Shia contestations have led to a potential divide between the United States, which supports Abadi, and Iran, which is more supportive of the right-wing actors. The White House and the State Department have discovered that a Shia leader like Abadi can promote Iraqi-centric policies and limit Iranian hegemony.

To Abadi and the Government of Iraq, Iran is a foreign actor just like the United States. Iraqi leaders view Iranian officials such as the Iranian Revolutionary Guards Corps Qods Force leader Qassim Soleimani as international military advisors, just like American military advisors. Either group is looking out for their own country's national interests. Abadi needs both, and does not assign moral superiority to one over the other.

Since coming to power, however, Abadi has pushed back against Iranian hegemony in Iraq. He uses Iraqi nationalism and remains wary of Iran's dominance in his country. To balance against Iranian influence, Abadi has sought alliances with other local, regional and international players. He visited Iran's regional foe, Saudi Arabia, twice in 2017. Moreover, during the battle to retake Tikrit from ISIS in 2015, Abadi invited the US coalition to join. Iran strongly condemned this move, arguing that it was able to defeat ISIS without the need for other powers. In subsequent battles in Fallujah, Mosul and later in Kirkuk, Abadi used both the United States and Iran, and was also able to develop the state security forces to fight on the frontline. The prime minister has sought to balance one foreign power against the other.

Other Shia leaders are also wary of Iran's strong influence in post-2003 Iraq. Sadr, for instance, visited Saudi Arabia and Jordan in 2017 in an effort to garner regional support. Many members of the protest movement now view Iran as the occupying force in Iraq and, as such, are openly against Iranian influence. Moreover, Grand Ayatollah Ali al-Sistani also criticizes Tehran's interference. In September 2017, he refused a request to meet with the chairman of Iran's Expediency Council, Ayatollah Mahmoud Hashemi Shahroudi.

[76] AFP, 'Iran provided weapons to Iraq's Kurds: Barzani,' 26 August 2014 (accessed 09 November 2017).

In sum, the United States and the European Union, along with regional powers such as Saudi Arabia, have chosen to deal with Abadi and Sadr as a way to limit Iranian influence in Iraq. The main priority for this set of allies is to ensure that a cross-sect list empowering Abadi emerges following the government formation process that transcends the identity-based political system that imagines the Shia as a monolithic bloc.

6.3 Turkey in Kurdistan and the Disputed Territories

Turkey's influence remains primarily based in northern Iraq and the disputed territories. In 2003 Ankara rejected engaging directly with the Kurdistan Region. Yet by November 2013 the Turkish government signed a historic oil and gas agreement with the Kurdistan Regional Government (KRG). Ankara-Erbil relations are built on economic interdependencies and the work of Turkish president Recep Tayyip Erdogan's Justice and Development Party (AKP) and the Kurdistan Democratic Party (KDP). Turkey has been part of the Kurdistan Region's state-building project. For instance, Turkish companies, such as Makyol Cengiz have helped build infrastructure, including spending USD 550 million in Erbil and Duhok. More than one thousand Turkish companies operate in the region.[77]

The Kurdistan Region's negotiators with Turkey include Nechirvan Barzani, Safeeen Dizayee, and Ashti Hawrami, who have worked to build trust. Kurdish leaders developed relations with the Turkish intelligence organisation (*Milli Istihbarat Teskilati*) and Turkish military officials.

At times, trust-building included reprimanding Abdullah Ocalan's PKK (workers party). Following 2011, the Kurdistan Region aligned with Turkey to limit PKK influence in the Syrian civil war by delegitimising the PKK-linked Democratic Union Party (PYD). Erbil's leadership sought to allay some of the risk for Turkey, which was alarmed by the re-emergence of the PKK on its border with Syria. KRG negotiators also wished to prove their trustworthiness to Ankara.

Turkey has also been active with the Sunni community in Iraq, particularly in Mosul, which it lost under the 1923 Treaty of Lausanne after the First World War. Ankara's relations are particularly strong with the Nujaifi family, including Iraqi vice president Usama al-Nujaifi, and former vice president Tariq al-Hashimi, who resides in Turkey since fleeing an arrest warrant issued by Maliki. Through these actors, Turkey seeks to maintain an influence in the disputed territories. To that end, it also works with Turkmen leaders, who may also serve as proxies vis-à-vis increased Iranian influence in Iraq.

6.4 Saudi Arabia and Iraq

Since 2003, Saudi Arabia has sought to offset Iranian dominance in the region by striking at the heart of what it regards as Iran's key geostrategic partner in the region: Iraq.[78] Yet Riyadh has been an almost non-existent actor in Iraq. Its attempt to exert influence by supporting Sunni actors has not paid off due to the aforementioned problems with Sunni representation. As such, for most of the post-2003 period, it was left isolated in Iraq.

However, this started to change in 2015 as Saudi Arabia's regional policy, spearheaded by now-Crown Prince Mohammed bin Salman, sought to revise the dormant regional policy. According to the new Saudi Arabian leader, the key is to ensure that 'battle is there in Iran and not in Saudi Arabia.'[79]

Rather than support Sunni groups, Riyadh took advantage of the internal Shia contestation to establish greater diplomatic ties with Shia actors willing to combat Iranian influence, including Abadi and the protest

[77] Mehul Srivastava, Erika Solomon, and David Sheppard, 'Iraqi Kurdistan referendum poses challenge for Turkey,' Financial Times, 21 September 2017 (accessed 09 November 2017).
[78] Najmeh Bozorgmehr and Erika Soloman, 'Saudi Arabia to test Tehran's influence in Iraq,' Financial Times, 21 September 2017 (accessed 12 December 2017).
[79] Staff writer, 'Watch and Read: Muhammad bin Salman's full interview,' Al Arabiya English, 3 May 2017 (accessed 12 December 2017).

movement. Diplomatic visits by major Iraqi political figures to Saudi Arabia in 2017 included Abadi in June and October, and Sadr in July.

Abadi's decision to reach out to Riyadh follows a similar logic as his outreach to the United States insofar as he can dilute Iranian hegemony and the power of its proxies in Iraq. Similarly, Sadr reached out to Saudi Arabia in an effort limit Iran's influence. In sum, as Abadi seeks to create an independent foreign policy, his strategy is to find regional and international allies and create a balance of allies, rather than remain under the strong influence of Iran.

7 Recommendations for the EU

Some of the recommendations that the authors would urge governments and/or the EU to embrace are:

- Focus on understanding legitimate actors on the ground prior to engagement. Oftentimes international state-building can lead to dilemmas, including the attempt to institute top-down legitimacy, which may not reflect realities on the ground. As such, any actor-engagement initiative must be grounded in actor-mapping research that understands legitimate actors – state or non-state;
- Ensure the security of recently liberated areas. EU initiatives to support the systematic demining and removal of other explosive hazards to allow and encourage IDP return must be sustained. The EU must also offer support to the Iraqi government in providing resources and training for demining and ensuring that universal standards and practices are met in all areas that are being demined. Further, the EU should provide support and funding to conduct a full-scale survey of mining and explosive hazard contamination in all areas of northern and western Iraq to gauge the full scope of the threat;
- Support and provide training for locally-rooted police forces that are able to assume authority from post-combat hold forces to implement longer-term security stabilisation in liberated areas. Working with the Iraqi government, initiatives must be implemented that mitigate against any potentially divided loyalties, such as those of PMF groups. It must be made clear that all local security forces will be under the jurisdiction of the state;
- Build confidence and trust between the various state and hybrid security actors and the general population. This process should include a plan to integrate individuals, not groups, from the paramilitary groups and militias into state military or police. Integration based on individuals will help limit divided loyalties. Under security sector reform, the EU must also work to discourage military groups from entering into politics;
- Support and facilitate the formulation of a tailored roadmap for each region that prioritises the provision of public services and infrastructure to facilitate and encourage the return of IDPs. Giving and displaying assurances over the resumption of services and livelihoods will be central to these efforts. Each roadmap will require details of key public service provision and infrastructure rebuilding relating to food security, the restoration of water, electricity, healthcare and education facilities. The roadmap will also need to include key road infrastructures that can re-establish trade routes across the country;
- Promote dialogue between the central government and provincial councils. The Baghdad-Kurdistan Region relationship in particularly requires rebuilding following the 25 September 2017 referendum. The EU must channel and maintain lines of communication to avoid potential violent conflict and to ensure the centre-periphery challenges are tackled. Similarly, the Government of Iraq's relations with other provinces require strengthening to promote social harmony within recently-liberated areas. Ensuring that local residents and IDPs from all communities are consulted will be vital to securing local legitimacy for rebuilding and stabilisation efforts, and for gaining confidence in security guarantees for return;
- Serve as an alternative to the USA-Iran axis in Iraq. Many Iraqis perceive the United States and Iran to both be meddling in their affairs. The potential breakdown of the Iran-USA political alignment creates new challenges for the next state-rebuilding process. As such, the EU will have the space to support the process, given its less tarnished reputation throughout Iraq;
- Endorse a national strategy for dealing with ISIS's crimes, including judicial reform to meet basic due process and fair trail standards, as well as provide amnesty when applicable. This process will better facilitate reintegration of the recently-liberated areas;

- Pursue transitional justice and reconciliation as part of the state-rebuilding process, and not elite-driven attempts to convene cross-ethnic or cross-sect dialogue, as such. As discussed in this report, the keys to reconciliation lie in good governance, local buy-ins., and the longer-term goal of Iraqi reconstruction based on a successful state-building programme.

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QA-02-18-044-EN-C (paper)
QA-02-18-044-EN-N (pdf)

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PHOTO CREDIT: iStock International Inc.

ISBN 978-92-846-2554-3 (paper)
ISBN 978-92-846-2553-6 (pdf)
doi:10.2861/715290 (paper)
doi:10.2861/254922 (pdf)

Publications Office