Assessment Report

Iraq after the American military withdrawal

Policy Analysis Unit- ACRPS

Assessment Report

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the withdrawal of American forces from Iraq in 2011 should have been an opportunity for reconciliation between Iraqi elites, and for deliberation, consultation, and revision to build democracy on the basis of citizenship values, and not on the basis of tribal, sectarian, or religious affiliations. The withdrawal should have prompted the emergence of a new discourse, but what is taking place is the exact reverse.

As soon as American soldiers left the country, the issuing of an arrest warrant against Iraqi Vice President Tariq Al-Hashimi stirred the concern of Iraqis and observers, raising questions regarding the intentions of Prime Minister Nuri Al-Maliki. The Prime Minister was accused of escalating the situation in a dangerous manner that had no justification, except for his quest to increase his powers by eliminating political competitors. Weeks before the American military withdrawal, 2,200 Iraqi citizens were arrested under the charge of "conspiring with Ba'athists to topple the regime", including a large percentage of former Iraqi army officers and young people. The measure was so extreme that it was denounced by a majority of observers, including the New York Times, which wrote in its December 21st editorial that Al-Maliki "shows more interest in revenge from the Sunni minority than in encouraging the process of integration".

Bloody violence and bombs returned to the streets of Baghdad, in a climate of sectarian tension which was escalated by these measures. Mr. Nuri Al-Maliki appeared on national television threatening to abandon the concept of "partnership" in rule, and resort to his "majority" to form the cabinet if the Kurds did not comply with his demand to hand over Mr. Tariq Al-Hashimi to Baghdad to face trial. With this threat, Maliki was in fact undermining the fragile consensus on which his rule was founded. Would the new norm be an Iraqi system composed of one man rule on one hand and sectarian exclusion on the other in a regime that is supposed to be "democratic", at a time when the entire Arab region is witnessing protests against exclusion and repression?

The strategy of Al-Maliki: an iron hand in velvet gloves

Whether we like it or not, the dominant regime in Iraq, forces the analyst to use the same conceptual vocabulary that emanates from the country's division along ethnic and sectarian lines. For example, when we discuss the miniature civil war that overwhelmed Iraq for an entire year (between 2006 and 2007), it is impossible not to conclude that the war has enshrined the permanence of Shi'a leadership of the state. What took place since that time was a quasi-truce that Prime Minister Nuri Al-Maliki was capable of exploiting to support his authority and control over the security services, and, by transition, over the provinces. The main success of Al-Maliki was probably his ability to convince the various groups and factions (political, tribal, ethnic, and religious) that the benefits they stood to reap from an alliance with the Baghdad government (i.e. with him) are greater than what they might achieve through rejection and opposition. Al-Maliki, on the other hand, has failed to achieve a model of democratic and transparent rule, to the point where a recurrent critique of his leadership is that he has taken Iraq back to the model of despotic one-man leadership that reigned prior to 2003. Those who cross Maliki experience all forms of

pressures, beginning with persecution and ending with imprisonment or deportation. On the other hand, those who please Maliki guarantee themselves a place in the pyramid of power and protection from competitors and enemies.

So far, the strategy of Maliki has relied on "the iron hand in velvet gloves". It is a mixture of brute force and the promise of benefits; and it has been somehow successful in attracting the tribes and eliminating competitors. Gradually, Maliki's era has begun to reveal the image of a centralized state composed of a host of circumstantial deals with local leaders –a patronage system emerged, based on a network of relationships between the central authority and the beneficiaries, while institutional relations remained a formality.

Naturally, Maliki wants what every ruler wants: to remain in power for the longest possible period. For this purpose, he appears ready to play all the cards in his possession, and even to wager on what he does not possess: he, for instance, does not control the Da'wa party or the "state of law" parliamentary bloc, but he uses them. And he is not in possession of the ties of the alliance with Iran, but he uses them. And he does not own the state apparatus, but he puts it to use. However, he acts as if all these resources are available in a guaranteed and permanent manner, an over-extension that could lead him to wrongful conclusions and to actions that even his allies may oppose.

It is no secret that Iran prefers a unified Shi'a front ruling Iraq, this sentiment has been known since 2004, with the establishment of a Shi'a-led regime in Baghdad being a point of transformation in Iran's foreign policy. From Iran's perspective, supporting the leadership of the Shi'a of Iraq will have effects and repercussions on the international level that benefit Iran and its interests. Furthermore, it would create new opportunities for Iran's foreign policy while constituting a challenge to the Sunni governments in the region. It is logical for the Iranian analysis to follow these lines given the political-religious-sectarian framework upon which the regime of the Islamic Republic itself is founded. Therefore, Iran's intervention was decisive in reconstituting the Shi'a bloc, following the electoral victory of the "Iraqiya" list, which Maliki – mistakenly- believed that he could forego when he waged elections with a separate list (the State of Law).

The source of the problem
It is important to note that the current crisis expresses the failure of the American recipe for Iraq, which has resulted in being a recipe for division rather than a recipe for democracy. The real problem lies in the fact that those battling each other today with all available means had themselves acquiesced to the "political game" being run in this manner. Since the fall of the Saddam regime, these figures were united their quest for authority and power, which fulfilled –to varying degrees- their factional and personal interests, making them accept the introduction of sectarian power-sharing as a price for acquiring their posts in the state. It is the same interests

that are now prompting them to battle in an attempt for each side to acquire "more". In this regard, it should be noted that this is not the first crisis to paralyze political life in Iraq, and it is unlikely to be the last, as long as the root causes for these crises remain unchanged.

It should be remembered that, exactly a year ago in mid-November 2010, Iraqi political parties reached an agreement to form a coalition government grouping representatives of the three largest ethnic and sectarian groups in the country. The deal ended a crisis which had prevented the formation of the cabinet for over eight months after the announcement of the elections' results, which were conducted in March of the same year. The deal –as with the crisis- carried the implicit acknowledgement of the Iraqi leaders of the necessity of the government reflecting the image of ethnic and sectarian division; and herein lies the likely source of the disease.

Following the occupation and the abolition of the national state and its political institutions, the philosophy of the system of rule in Iraq was built on the basis of sectarian power-sharing. It was odd for this formula, which had failed in Lebanon causing a distructive fifteen-year civil war, to have been put forward and applied in Iraq, and accepted by the same elites who are denouncing its results today. Sectarianism was clearly established since the formation of the Iraqi Interim Governing Council at the hands of Ambassador Paul Bremer, the head of the Coalition Provisional Authority, on July 13, 2003. The council, which was endowed with consultative powers with the American civil administration in Iraq, was composed of 25 members, with 13 seats given to the Shi'a, and the others distributed among the Sunni Arabs (5), the Kurds (4), the Turkmen (2), and the Christians (Chaldo-Assyrians:1). The task of rewriting the constitution was given to a commission that emerged from the constitutional assembly, with the addition of Sunni Arab representatives from outside (around 25 individuals). The main opposition against the constitution draft that was proposed by the American Noah Feldman and adopted by the Governing Council and the political parties (who continue to maintain this position), was that the proposed constitution enclosed Iraqi society along fragmentary ethno-sectarian lines; and that it prepared for future fragmentation at a time when it adopts "federalism" as a system of rule in Iraq. The occupiers, who were at the same time responsible for building the new system of Iraq, pushed in the direction of a sectarian constitution. As such, the new constitution was no "achievement" in the field of human rights and the building of the democratic system on the basis of equal citizenship. Sections of the Iraqi opposition abroad contributed by offering advice that went in that same direction.

The constitution indicated that it would only be passed if voted on by 66 percent of citizens throughout the country's provinces, and that the draft would not be promulgated if it did not receive that percentage in at least two provinces. The text was rejected by the provinces of Al-Anbar (97 percent) and Nineveh (around 76 percent); however, strong pressure was applied to the Islamic party and its general secretary Tariq Al-Hashimi to approve the constitution in exchange for adding an article promising a radial revision with the aid of a parliamentary

commission within six months at the most – and this has not taken place yet. Regardless, Tariq Al-Hashimi accepted the position that was granted to him, i.e. he has practically aided in covering up the failure to apply many agreements, which is the case for many of Maliki's former and present victims.

One of the main deficiencies of the new Iraqi system is in that it represents a dangerous precedent in dividing Iraqi society into factions, without taking into consideration the actual size of each. Secondly, there was no legal basis for the proportions adopted by the occupying forces, in the absence of statistical data covering sects (the last census was conducted in 1997). In addition to that, the duality of division, along sectarian lines (Sunnis/Shi'as), and ethnic ones (Arabs/Kurds), that indicates to the main deficiency, will later have dangerous repercussions on the Iraqi situation.

Sectarian division leads to sectarian war

As was expected, the situation began to escalate with Ibrahim Al-Jafari's cabinet assuming power and the appointment of Baqur Sulagh as Minister of the Interior (May 3, 2005), which led to the integration of Shi'a militias into the forces of the interior ministry and the defense ministry. At that point, many were targeted under the pretext of terrorism and accused of belonging to Al Qaeda, the Saddamist Ba'ath, and other extremist groups. As a result, all the conferences held to end violence and to reach a real national reconciliation failed, including two conferences held in Cairo and Mecca in the presence of the most senior figures in Shi'a political parties and representatives of Sunni Arabs; even factions of the Iraqi resistance were represented through known opposition figures. This failure has led to the outbreak of operations of liquidation and sectarian cleansing following the bombing of the shrine of the Imams Ali Al-Hadi and Al-Hasan Al-'Askari in Samarra –an attack which remains shrouded in mystery, as the government has not revealed the results of the investigation, and made accusations against extremist groups such as, Al Qaeda and the Saddamist Ba'ath, without producing any evidence. In the political-sectarian language of the religious Shi'a parties, the above concepts mean the Sunni Arabs. A fatwa attributed to Ayatollah Al-Sistani, the senior Shi'a Source of Emulation, ordering the defense of sacred shrines led to the Mehdi Army militia taking to the streets with the purpose of controlling Sunni mosques in Baghdad and other areas, and beginning to purify many mixed areas of their Sunni residents. This has led to hundreds of thousands of Sunnis leaving Baghdad and moving into the neighboring Arab territories, notably Syria and Jordan.

Sunni Arabs made a sizable gain despite the near-comprehensive boycott of the 2005 elections, garnering around 60 seats through the lists of the Accord Front, Dr. Al-Mutlaq, and the list of Mish'an Al-Jubburi; while the mixed-sectarian list of Dr. Allawi (the former prime minister) earned 25 seats. Despite that, these results were ignored by the cabinet that emerged from these elections headed by Nuri Al-Maliki, who succeeded in controlling the Da'wa party by removing its leader Ibrahim Al-Ja'fari. This took place despite the tribes of Al-Anbar expelling Al Qaeda

from their regions, which prefaced the liquidation of the organization's leader, Al-Zarqawi, at the hands of the American forces at a later date.

In the 2010 elections, Sunni Arabs (also despite limited participation) made an important achievement with the list that they supported earning the first place and gaining 91 seats, compared to 89 seats for Al-Maliki's list. As a result, the "Iraqi List" was deprived of its right to form the government as the bloc with the largest number of seats; consequently a coalition was formed under Iranian pressure between the State of Law bloc and the Sadr camp –despite the endemic conflict between them. Iranian intervention was not theoretical; it was confirmed through the meetings led by Qasim Suleimani to pressure everyone in order to form the National Iraqi Coalition, and then pressurizing the Sadrists to accept Nuri Al-Maliki as prime minister – which they had strongly opposed. This pressure was not limited to Iraq but extended to the regime of Bashar Al-Asad to convince him to abandon his support of Allawi and support Al-Maliki; and this gives us a clear picture of the depth of Iranian influence in Iraq.

A partnership that never came into effect
A deal was struck in Irbil sponsored by Mas'oud Al-Barzani to form the government with Nuri Al-Maliki at its helm. An agreement was signed whose most prominent articles were:

1. Creating a council for strategic policies headed by Dr. Ayad Allawi, which will be charged with formulating and enacting strategic decisions.

2. Achieving balance in the government formation, and the armed and security forces will open the way for Sunni Arabs to practice their natural right in participating in the running of the state.

3. Achieving a real partnership in the management of the state with the announcement of the Law of the Council of Ministers, which limits the powers of the prime minister and prepares the ground for real partnership in the process of the running of the country.

4. Abolishing de-Ba'athification measures taken against some opposition members, allowing them to participate in political life, and these figures include leaders in the Iraqi List such as Dr. Salih Al-Mutlaq.

However, this remained a agreement on paper only that never entered into effect, and no practical measures were taken to enforce it.

The performance of the government remained deficient, while the date of complete US withdrawal from Iraq approached, and Maliki remained attached to individual power, rejecting to appoint any of the candidates proposed by the Iraqi List for the position of defense minister. The post remains unoccupied to this day, along with the other security ministries, which allowed the prime minister/commander in Chief of the Armed Forces to dominate the security ministries

(including their failures, which are often neglected). In tandem, the lack of basic services persists in Iraq, as well as the government's failure to upgrade electricity, healthcare, education, and others –despite the spending of massive sums to the tune of hundreds of billions of dollars.

Many sections of Iraqi society, with its different currents, expressed their rejection of the present state through protests resembling those of the Arab Spring; these demonstrations, however, were not politicized, and the forces and militias of Al-Maliki violently suppressed these protests, most notably the demonstration of February 25, 2011. This situation has highlighted the importance of effectuating some change in the government's structure, i.e. Maliki taking responsibility for the outcome, and the agreement on a new prime minister.

Disintegration and collapse

On the eve of the American withdrawal, Iraqis were surprised to see Al-Maliki launching a campaign targeting the main "Sunni figures" in the state (to use the language of the current regime in Iraq); a hunt that started at the highest position in the executive power, vice president Tariq Al-Hashimi, whose house was raided and who was prevented from departing to Suleimaniyya to meet the president (December 19, 2011). This was followed by the issuing of an arrest warrant against him, while a request was made to the parliament to lift the immunity of Dr. Salih Al-Mutlaq, the vice prime minister, under the pretext that he declared that Al-Maliki rules Iraq in a dictatorial manner. Leaks also indicate that Dr. Rafi' Al-Isawi, minister of finance, is also in the firing line. This surprising position prompted the leadership of the Iraqi List to boycott the parliament and the cabinet, "until Al-Maliki's intentions become clear", following the prime minister's threat to terminate the frail and weak partnership. In reality, the "national unity government" was not capable of unifying efforts and objectives; instead, it transferred conflicts and struggles to the heart of the state apparatus, which practically paralyzed the abilities of the government. However, the longer this partnership lasts, hope rests on the possibility of accord and reconciliation on the basis of mutual concessions –which has not taken place.

What appears today to be a breakdown of the politics of the governmental elite in Iraq is largely due to the fact that Iraqi leaders have not yet adopted the terms of democratic behavior, in addition to the country's lack of the kind of institutions that could force them along the state path, even in the absence of a democratic moral compass. It is unfortunate to say that the American presence played the role of the "pressuring catalyst" in setting the rules of the political game; and that in the absence of that role that pushed Iraqi politicians to make concessions, these politicians may no longer exert the necessary restraint to face the truths that they may not like in an appropriate manner. What the country needs today is the courage to confront mistakes, admit them, and express the desire to correct them and move forward. Iraqis will not be capable of reaching this stage if the elite does not become aware of its responsibility in placing the country, either on the path of progress and growth and stability, or on one of fragmentation and strife, and even civil war. The elite will not be capable of confronting these facts without a revision of the

basics of the political game, beginning with the Iraqi constitution, which needs revisions and amendments to extricate the country from sectarianism and to establish democracy coupled with good governance. However, it is apparent that the current Iraqi political leaderships are a creation of this game, and are not in a position to revise it. There is no avoiding the fact that a country like Iraq, composed of various religions, sects, and ethnicities, needs to have a regime built on a rational basis acknowledging the religious rights of the people and rejecting discrimination according to these belongings. It must be noted that this decision, which is supposed to be that of the Iraqi people, was never proposed to the Iraqi people. It was as if the Iraqi elite had its proper prearranged agenda to write a constitution according to specific standards in order to take over power and manage the political game in a manner serving the interests of the new rulers and their allies domestically and abroad.

This has led to the situation currently witnessed in Iraq: political impotence, security deterioration, administrative corruption, economic inefficiency, with many international monitoring organizations confirming these facts. If present policies continue, this would lead to the breakdown of the partnership which was based on the partitioning of positions –under the hegemony of the prime minister and the security services that he controls.

The scenarios of the phase of uncertainty

Today, a number of observers admit that the future of Iraq as a unified country remains unclear. The ongoing political conflict conceals another no less dangerous, conflict relating to the division of the wealth of the country –especially in what relates to the Oil Law and the distribution of its proceeds, and the final status of the city of Karkuk. In addition to the threats to stability represented by the fringe radical groups, it is obvious that political parties disagree among each other in terms of the basic pillars of the structure of rule and the distribution of power. Most political analysis, including those emanating from Iraq, focus on the lines of sectarian and ethnic demarcation, which increases the belief that the country –under the current conditions- is moving toward further strife.

In the first scenario, the crisis persists, drawing further crises, more violence, and a complete impasse; especially as the repercussions of the Syrian crisis may affect Iraq, causing a military coup as a reaction to the country slipping into sectarian violence. Even though the Iraqi army was re-organized to prevent Ba'athis from infiltrating it, it may still find itself forced to intervene if the country faced a major crisis. It is possible some officers may take the initiative with the influence and encouragement of some foreign parties in order to control the country, or to re-establish their control. This remains an unlikely scenario, and it also goes against the general climate in the region at the moment.

In the second scenario, faced with the insistence of the Shi'a (non-secular) bloc to be at the helm regardless of the nature of the regime, the Kurds insist on the necessity to maintain a federal

regime in which they enjoy a relative independence, while the Sunnis call for a just distribution of wealth between the different regions. With each of these large groups attempting to impose their will, the central authority of the state in Baghdad becomes threatened: Western and Northwestern province as well as Diyala, attempt to garner more independence, which would engender a virtual division and a practical formation of federal entities. This scenario is not unlikely, especially if the current or coming prime minister fails to prove that he is a seeker of unity and not division, and that the national interest at the current stage requires the joining of efforts to avoid polarization and conflict. This would not be possible without the appearance of a government with clean hands and real intentions for administrative reform, and which believes in the just distribution of the country's wealth.

In the third scenario, Mr. Nuri Al-Maliki insists on his position and maintains his course, suspending the ministers of the Iraqi List and then removing them (if they did not resign), forming a cabinet dominated by his political bloc, perhaps in alliance with the Kurds. This would produce feelings of political injustice and victimization in the Allawi bloc (which was the main victor in the elections). Under different circumstances, the result would be the List's shift to the camp of the opposition. However, the fragile Iraqi democracy cannot bear this kind of heavy maneuvering that would lead to the list's triumph in the elections to the ranks of the opposition, while many think that it belongs in power according to the constitutional text itself. The concern is that this political shaking could engender tense reactions, especially after the recent "legal" and "repressive" measures targeting figures among the political opponents. This would also cause the country to descend into violence along sectarian lines. In the fourth scenario: the parliament is disbanded, and early elections are held, as some political forces are currently demanding. While no scenario can be completely discounted in the event of a crisis, Al-Maliki will do everything in his power to paralyze his competitors and prevent the opposition from achieving a scenario that does not guarantee him a quick return to power. He may only accept such an eventuality grudgingly, when he becomes certain that his unseating is drawing close and that his only hope is to return through the ballots.

In the fifth scenario, a deal would be brokered between the Kurds, the Iraqi List, and the Maliki opponents in the (Shi'a) National Iraqi Coalition to remove Al-Maliki and to delegate another figure to form the cabinet. This scenario appears as a savior in the current situation. But it assumes the possibility of negotiation and rapprochement between various political powers, and the existence of an awareness that no individual cannot be replaced no matter how important, and that individuals derive their importance from the majority's acknowledgment of their competence in a specific task; and that some individuals may not understand their tasks in the manner best for public interest, which makes their replacement a necessity to avoid crisis and uncertainty.

This scenario could only take place once there is a public conviction that Al-Maliki has become part of the problem and not part of solution. In all these scenarios, the country's economic performance will be at its lowest, and the political crisis will be doubled with an economic recession lasting for a considerable period. This could lead to the emergence of a different scenario, the sixth, in which Iraq enters the tunnel of veritable fragmentation, with regional reactions supporting and opposing the outcome.