

Iraqi Civil Society Solidarity Initiative
مبادرة التضامن للمجتمع المدني العراقي

**Six Years Later:
The Political Landscape in Iraq**

A Report for the Iraqi Civil Society Solidarity Initiative

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Six Years Later: The Political Landscape in Iraq¹

The Iraq Civil Society Solidarity Initiative conference will be held in March 2008 to facilitate the process of building concrete and meaningful links of solidarity between the global movement against the occupation of Iraq and Iraqi civil society through practical projects that support the struggle against occupation, dictatorship, and sectarian divisions.

Achieving the initiative's objectives, however, will be difficult without understanding the problem and the needs of the Iraqi civil society. This, in turn, requires understanding of the complex political environment in which Iraqi civil society organizations and movements operate and the political actors with which they have to interact with in Iraq.

This research will try to describe the general situation of Iraq, nearly 6 years after the invasion. It will discuss the result of the 'sectarianisation' of the country, the sectarian war, and the strategy initiated at the end of 2006 by the American forces. Then, we will try to analyse the problem posed by the establishment of a 'failed state' by the occupation. Third, we will explain and analyse the core political issues which are still stacked upon each other, unresolved and deeply interlocked. Finally, we will give an overview of the main Iraqis and international actors in Iraq.

1) The aftermath of the Chaos:

The 'Sectarianisation' of Iraq:

One can trace the roots of sectarian division in both the long and recent history of Iraq and in doing so can find a lot of factors and reasons behind it. It has to be emphasized, however, that since the Islamic conquest of the region more than one thousands years ago, Iraq has never seen sectarian cleansing or civil war of this present scale. How can we explain the implosion of Iraqi society and its descent into the horrors of sectarian war?

Of course, the last thirty years deeply damaged and wounded the Iraqi society.

First, decades of Saddam Hussein regime divided the society not only on sectarian or tribal bases. Especially after the 1991 war and the crushing of the south *intifada*², the 'divide and rule' tactic of the regime was also using the opposition between the urban area and the countryside, and between the classes of the society themselves³. In the meantime, Saddam's regime organized the eradication of all oppositional parties and political expressions, even inside the ruling Baath party. Then, and because it was the only space that the regime was not able to control⁴ or erase completely, the only alternative voice which remained was the religious one.

1 A Report for the Iraqi Civil Society Initiative, written by Thomas Sommer-Houdeville

2 Insurrection of mostly Shiites population in the south of Iraq after the second gulf war in 1991. See Peter Harling, "Saddam Hussein et la débâcle triomphante. Les ressources insoupçonnées de Umm al-Ma'ârik", in Hamit Bozarlan (dir), *l'Irak en perspective*, revue des mondes musulmans et de la méditerranée, 2007.

3 Peter Harling, *ibid.*

4 Nevertheless the regime tried to used to its credit the growing religious feelings within the Iraqi society by launching a governmental religious campaign in 1993 (*al hamlah al imaniyyah*).

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Second, the Iraq-Iran war in the eighties ended the era of economic development of Iraq and the integration⁵ of the Iraqi society. The Iranian revolution and the Iraq-Iran war also signified the aggravation felt over coercion by the Baath regime and especially against the Shia clergy⁶.

Third, the society was also greatly wounded by the twelve years of international embargo, which cost the lives of more than 500,000 Iraqis. But also, as former UN coordinator for the 'Food For Oil' program Denis Halliday, said in 1999: "*The sanctions have bitten deeply into the fabric of the Iraqi society and norms*" (...)⁷. During this time, the society was eroding, with the rise of corruption, criminality, prostitution, child labour, illiteracy, and the emigration of tens of thousands of people, mainly middle class and highly educated Iraqis⁸.

However, the US-led occupation gave the last blows to every single thing which still kept the society together. One of these blows, with the destruction of the Iraqi state⁹, was the 'sectarianisation' of Iraq. In fact, by trying to keep control of the political transition it imposed in Iraq, the American occupation introduced an "ethno-sectarian quota sharing system"¹⁰ inside both the State institutions and the political space since the very beginning. One example is the creation at the end of 2003 of the first Interim Governing Council (IGC), which was supposed to be the Iraqi body preparing a real transition toward sovereignty and advising ministries under the control of the Coalition Provisional Authority (CPA)¹¹. The IGC was not based on a political project but on two conditions: the sectarian affiliation and the approval of the occupation of Iraq by the US-led coalition. Thus, the old Iraqi Communist Party, with a long history of secular ideologies and rhetoric, mixing Sunni, Shi'a, Christians and Kurdish militants, suddenly became a Shi'a Party in order to be able to enter the IGC. And this trend encouraged by the American administration did not stop there. The CPA distributed positions for the empty and destroyed ministries, the new Army, and the police by sectarian affiliation of each political group and according to the kind of alliance the US-led occupation was making with each of these factions¹². Of course, this process was aggravated by all the external powers, including neighbouring states which used sectarian division as a tool to intervene through proxies. So in a way, each of the several communities which existed in Iraq became a kind of political actor and, controlling or representing a community became the way to get money and power inside the institutions of the new Iraq. In turn, this transformation pitted one faction against the other in a power grab rather than power-sharing climate thus aggravating the sectarian trend and sentiment of the population. The US-led occupation authority remained as sole referee of what became a violent and dangerous encounter especially between the three major communities of Iraq: the Arab Shiites, the Arab Sunnis and the Kurds.

5 Faleh A. Jabar, *The Shi'ite Movement in Iraq*, Saqi : London, 2003.

6 Pierre Jean Luizard, *la question irakienne*, Paris:Fayards, 2002 and Faleh A. Jabar, *op.cit*

7 Denis J. Halliday, "The Impact of the UN Sanctions on the People of Iraq", *Journal of Palestine Studies*, Vol. 28, No. 2, (Winter, 1999), pp. 29-37, <http://www.jstor.org/stable/2537932>

8 Géraldine Chatelard, "Iraqi forced migrants in Jordan: Conditions, religious networks, and the smuggling process", UNU-WIDER, Vol 2003/34, Helsinki, 2003. Url : http://www.wider.unu.edu/publications/workingpapers/discussionpapers/2003/en_GB/dp2003-34/_files/78091728636347261/default/dp2003-34.pdf

9 See Chapter two.

10 Reidar Visser "The 22 July Opposition Alliance Is Still Alive and Well – and Gets Some Support from Maliki", 8 February 2009, www.historiae.org.

11 The CPA, whose head was L. Paul Bremer, was set up in April 2003 and run Iraq until June 2004.

12 Iyad Allawi : "(...)And their setting of the Iraqi Governing Council along sectarian and ethnic lines also helped generate the sectarianism we are still struggling with today(...)" Interview by InterPressService, January 2008.

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“The Battle of Baghdad” and ‘the Surge’:

What happened since 2003 and especially between the end 2005 and the end of 2007 was a civil war of unprecedented scale in Iraq. This civil war was the result of three factors: The ‘sectarianisation’ of Iraq and of its institutions, the state of general violence, and the destruction of the Iraqi State as described below. If the occupation quickly gave birth to an Iraqi guerrilla against it, a real change in the nature of political violence happened after the January 2005 elections. Massively boycotted by the Sunni community, the elections of 2005 gave birth to a government and related institutions which were under the domination of Shiite and Kurdish parties¹³. From then on, it seemed that the majority of the Shiites and Kurds were collaborating with the occupation, while the majority of the Sunnis were fighting against it¹⁴. Thus, what was seen as a violent encounter between those who fought the occupation and those who collaborated was distorted by the confessional prism. At the end of 2005, it could be said that Iraq entered a civil war which was waged on three fronts:

_A guerrilla conflict on all the territory against the occupying forces and the Iraqi State seen as a collaborator apparatus (Mostly Guerrilla groups¹⁵ and the Sadrist militia against the US troops and some security forces of the Government).

_A guerrilla conflict between Sunni armed groups and Shiites militias (with also some sectarian elements, mainly Shiite, of the Iraqi security apparatus like the ‘Wolf brigade’ or the ‘Scorpion brigade’ of the Ministry of Interior¹⁶) in the south and the centre of the country.

_A guerrilla conflict between Arabs and Kurds in the North around Kirkuk and Mosul.

The entire situation was characterized by a multiplication of the main actors of the conflict¹⁷, mass bomb killings, destructive ‘pacification’ campaigns and displacements of populations which looked more and more like ethnic or confessional cleansing.

After the bomb attack of Samara in February 2006 and within the context of social and economic chaos in Iraq, militias, armed groups and the guerrilla front were breaking up into a multitude of disenfranchised or loosely affiliated sub groups and sub-militia. This was true for nearly all militias and armed organisations, like the Sadrist militia (Jeish al Madhi), Sunni armed organisations like the Islamic Army in Iraq, and Al Qaeda in Mesopotamia (AQM)¹⁸. This fragmentation appears to have followed a trend of ‘territorialisation’. This means that the main actors of the civil war -the militias or

13 Mainly the parties following: ISCI, Al Da'wa, PDK, PUK, Al Sadr. See below, Chapter 4.

14 Robert Fisk, “Not even Saddam could achieve the divisions this election will bring”, The Independent, 22 January 2005.

15 We think this is important to try to differentiate the different protagonists.

Guerrilla Group: groups involved in act of guerrilla warfare against the US-led coalition and sometimes against Iraqi Government security forces, but without sectarian motivation.

Militia: Armed branch of a political movement like the Madhi Army (*Jeish el Madhi*), the militia of the political movement led by Moktada Al Sadr. Most of the militia are Shiites or Kurdish and may be considered as sectarian militias. Sunni Armed Group: Armed group from a Sunni background and with sectarian motivation.

But as the country falls into an all out civil war, these differences will be blurred and Iraqi people will mostly use the term militia for every groups and actions.

16 See International press. http://news.bbc.co.uk/2/hi/middle_east/4719252.stm and

17 Mainly three different kinds of actors which were 1) militias such as Jeish al Madhi, The Badr Brigades, Sunni armed groups like The 1920 Revolution brigade, Al Qaeda in Mesopotamia (AQM), The Islamic Army in Iraq...; 2) the different Iraqi security apparatus and 3) the US-led coalition troops.

18 Interview with an Iraqi intellectual in Damascus with ties within elements of the resistance. June 2007. See also International Crisis Group, Iraq's Civil War, The Sadrists and The Surge, Middle East Report N°72, February 2008 and Ashraf al-Khalidi, Victor Tanner, “Sectarian Violence: Radical Groups Drive Internal Displacement in Iraq”, An Occasional Paper, The Brookings Institution—University of Bern Project on Internal Displacement, October 2006.

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armed groups- were no longer fighting to inflict a political or military defeat to the enemy, but to control a territory which would in turn provide the resources needed by the militia to survive. Thus, some of these groups or sub-groups were losing their political centre or command. In other words, they were out of control. From this point of view, cleansing areas of the population belonging to another sect and 'filling' the empty houses with an homogeneous population belonging to the sect of the militia was the principal way of enforcing the control of a neighbourhood¹⁹. The testimonies of civilians which were caught in the middle of the 'Battle of Baghdad'²⁰ indicate that it was more of a direct assault by the militia against the population to push Sunni or Shiites out of their neighbourhood than a fight between the militias themselves²¹. This sectarian cleansing of many part of Iraq and Baghdad has turned many old mixed areas into 'homogeneous' neighbourhood or towns, with two million displaced people inside, and about another two million outside Iraq, all unable to go back home²². The effects of this civil war on political, economic and demographic levels are huge. With tens of thousands dead and the homogenisation of entire areas of Iraq²³, the fear and the distrust between Shiites, Sunnis, Christians, and other sects is high²⁴. This begs the question of how the Iraqi society will be able to find a way back to the mixed and multicultural life which was once one of its characteristics.

Again, the American led coalition bears a huge responsibility. For years, the US-led coalition troops pitted the Iraqi security apparatus against armed groups, but in the meantime they accepted to be themselves used by factions of the Iraqi security apparatus against other militias or political parties. And instead of preventing the cleansing of hundreds of thousand of people, the coalition troops followed the trend of the homogenisation by closing or surrounding entire neighbourhoods, like Al Adhamya in Baghdad or towns like Falluja or Tel Afar, with walls and concrete. In fact, nothing was done to prevent the blood bath. However, in January 2007, President Bush announced a change in the American strategy, the so-called 'Surge'. The 'Surge' designed by General David Petraeus provided 30, 000 extra American soldiers for the coalition troops. But, above all, the US-led coalition benefited from the context which prevailed since the period of the 'Battle of Baghdad'.

As stated earlier, the different fronts of the civil war disintegrated between the beginning of 2006 and the end of 2007. This led to an internal struggle for resources and power inside the Sunni camp in the centre of the country, especially in the governorate of Al Anbar. There, as early as 2006, the loose coalition between AQM, the various Sunni armed groups and the local tribes began to gradually fragment²⁵. The ultra-violent behaviour of AQM, but most of all, its attempt to supplant tribal prerogatives and impose its Islamic Emirate in Al Anbar in October 2006, infuriated all the other Sunni actors²⁶. In the meantime, since Sunni armed groups as well as AQM were deeply linked to the Sunni tribes, the internal fights between Sunni armed groups and AQM were threatening to turn into

19 Many testimonies accuse members or groups proclaiming to belong to Jeish al Madhi, The Badr Brigades, AQM and the Islamic Army in Iraq, as the main actors of the cleansing. Interviews with Iraqi Refugees in Damascus, Nov 2006_Dec 2008.

20 Patrick Cockburn, "Battle for Baghdad has already started", Counterpunch, 25 March 2006, www.counterpunch.org.

21 Interview with Christians, Sunnis and Shiites refugees in Damascus, Nov 2006_Dec 2008.

22 <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=470387fc2>

23 See for example Maps of Baghdad showing the result of the sectarian cleansing. GRAPHIC: Gene Thorp and Dita Smith - The Washington Post - December 15, 2007, <http://www.washingtonpost.com/wp-dyn/content/graphic/2007/12/16/GR2007121600060.html> and BBC NEWS "Iraq: Four years on , Mapping the violence", http://news.bbc.co.uk/2/shared/spl/hi/in_depth/baghdad_navigator/

24 Thomas Sommer-Houdeville, "Discours et représentations des Réfugiés Irakiens en Syrie :quelques éléments d'analyses" In "Territoires de pouvoirs et espaces de croyances au Machrek", A contrario, N°11, Mars 2009, www.unil.ch/acontrario et www.cairn.info.

25 Association of Muslim Scholars "We Are Now Waging Two Battles: Against 'the Occupation' and Against 'the Terrorists'", Al-Hayat, January 26, 2006. (The first real fights between some tribal groups and Al Qaeda in Mesopotamia occurred in Ramadi and then expand gradually to all al anbar and the rest of Iraq.)

26 Al Qaeda in Mesopotamia, even if it was able to recruit Iraqis and benefits from the help of tribes and part of the population, was always seen as a foreign organization.

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tribal wars²⁷. Moreover, the Sunni armed groups were losing the wars that most of them were waging on two fronts; one against the foreign forces and the new Iraqi government and one against Shiite militias for the control of Baghdad and some other areas. Within one year, all of this produced a complete reversal in the situation. Before the surge, the Sunni armed groups and AQM were leading the struggle against the American troops, the Iraqi government and the Shiite militias. In that battle, Sunni tribes were providing assistance, fighters and even making a pledge to the Sunni armed groups or AQM. But, in 2007 the tribes increasingly emerged as the leadership of a campaign directed mainly against Al Qaeda, though still also against Shiite militias (considered as proxies of Iran). In this new configuration, the Sunni armed groups²⁸ had a secondary role and the US forces were then considered as a subsidiary target. The American administration saw the opportunity to make an alliance with this movement of tribal revival and to bolster it in order to boost its fight against the AQM. Consequently, at the beginning of 2007, the *Sahwa* (the Awakening Movement) was officially created under the patronage of a disenfranchised sheikh population and the US Army²⁹. In this movement, sheikhs willing to fight and provide fighters against Al Qaeda would be armed and well paid by the US Army³⁰. One year later, the *Sahwa* also called 'the sons of Iraq' was widely expanded beyond the al Anbar governorate and gathered more than 90, 000 fighters. Even better for the US administration, as the *Sahwa* was growing faster and stronger everyday, the major part of the Sunni armed groups were either forced to stop their operations and remain in the shadows, or to enlist in the *Sahwa*. Still, some Sunni armed groups remained somehow active but at a lesser extent than previously.

This reshuffle of the Sunni landscape had a real military and political impact. In the first place, the number of operations against US troops and the Iraqi government dramatically diminished³¹. Then, the newly empowered sheikhs of the *Sahwa* sought to transform their fighting power and their alliance with the American administration into political power. They did so by running against the old Sunni Iraqi Islamist Party in the provincial elections in 2009. Still, there remain some questions about the future of this movement and its involvement either in the stabilization of Iraq or in the disintegration of the country. How long will the former armed groups, which enlisted in the *Sahwa*, accept the patronage of the tribal Sheikhs³²? How will these thousands of Sunni fighters, loyal to a dozen of sheikhs, be integrated in Iraqi Security Forces which are infiltrated by sectarian Shiite militias? And how will these fighters obey a government which most of them were denouncing as illegitimate? If it agreed to take the financial charge of the *Sahwa* for one more year, the Shia/Kurds-led government was very reluctant to absorb them in the security apparatus and promised to integrate only 20% of them. So what will the remaining 80 percent do?³³

27 John A. McCary, "The Anbar Awakening: An Alliance of Incentives", Center for Strategic and International Studies, The Washington Quarterly, January 2009.

28 Even if some tried to resist the growing power of the tribes. See International Crisis Group, "Iraq After The Surge I : The new Sunni Landscape", Middle East Report N°74 – 30 April 2008

29 "He was a well known thief. In Al Anbar everybody called him and his tribes, the *ali baba of the road*, because they were making their money in attacking the trucks and holding to ransom everybody on the road to Amman(...)", Interview with Iraqis from Al Anbar. Damascus 2007-2008.

30 Every fighter is paid around 300 dollars/months for a total budget of more than 300 millions of Dollars a year. Then each Sheikh will get 20% of the total wages of his fighters and sometimes weapons and cars. See Special Inspector General for Iraqi Reconstruction (SIGIR), Quarterly Report and Semiannual Report, July 30, 2008, page 94. <http://www.sigir.mil/reports/quarterlyreports/default.aspx>; International Crisis Group, *art.cit*, Middle East Report N°74 – 30 April 2008; and [International Press 2007_2008](#).

31 See SIGIR, "Quarterly Report and SemiAnnual Report to the United States Congress", January 2009.

32 "At one side the sheikhs are concerned about how to maximize and preserve the political and economical power they just acquired, while at the other side, political and military actors of the armed groups may want to resume the fight against the occupation and the government.

When this will happened 'Sahwa' will explode completely and it will be bloody". Interview Iraqi refugee with tie to the resistance. Damascus Dec 2008.

33 Ned Parker, Tina Susman, "Iraq's Sunni fighters leave U.S. Payroll", LA Times, November 11, 2008.

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A state of general violence:

Iraq can still be defined as a state of general violence, where criminal, economic, sectarian, political and military violence are effective every day and night, everywhere in Iraq. In the last few years, Iraqi society seems to have been absorbed by a centrifugal system whose centre is violence. Violence can be defined as: “(...) every physical or psychological infliction which may lead to terror, displacement, misery, suffering, or the death of a living being; all act of intrusion which is voluntary or involuntary leading to the dispossession of someone, to the damaging or the destruction of non living objects³⁴”. This Centrifugal System is leading to simultaneous forms of violence. As Hamit Bozarslan put it: “the Iraqi situation illustrates how a conflictual process can lead to a plurality of forms of violence.³⁵” and : “ (...) because it [the violence] is at the same time “militant”, communitarian, and more and more “biological”, as the different actors consider their very existence as a threat to each other(...)”³⁶ ”.

In fact, one can briefly note at least five types of violence taking place in Iraq:

_A Mafia-like violence which spreads to all parts of the country and against all social classes. This is directly related to the destruction of the Iraqi State which followed the invasion by the 'coalition forces'.

_An insurgency or counter-insurgency violence operated by guerrilla groups and militias or the 'coalition forces' and the government.

_A political violence engaged by and against political parties, or against individuals because of their opinions or political affiliations.

_A territorial cross-sectarian violence. The aim is the eviction of members of a community considered as 'the enemy' from a specific territory, or to conquer a territory inhabited by a community considered as the enemy. This is the case in a lot of clashes which opposed Sunnis and Shiites, but against Christian, Mandaean or Yazidi communities as well. Mostly, the actors of this type of violence are the sectarian militias or sectarian elements inside the security apparatus of the new State.

_An intra-territorial violence. The aim is to achieve the leadership and/or the control of a territory. It can involve guerrilla groups, militias or political parties (for example, between the Madhi army and the Badr militia in Basra or Peshmergas and 'Sons of Iraq' in the governorate of Ninewa). But it can also be waged precisely against specific targets because of their professions (DVD sellers or barbers...) or opinions.

Of course, these forms of violence are ebbing and flowing, and are taking place at different times and in different places. But also with different forms and affecting different victims according to whether it is against all the Iraqi population without discrimination or on the contrary when it focuses on specific individuals or community. Syria and Jordan as well as other nearby countries, are now flooded with hundred of thousands of refugees, the majority of whom fled this violence. There, one may find thousands of their testimonies. For example, some refugees who are living now in

34 Françoise Héritier, « Réflexions pour nourrir la réflexion », in F. Héritier (dir.), *De La Violence I*, Paris : Odile Jacob, 2005, p.17.

35 Hamit Bozarslan., *op.cit.*, p. 224.

36 *Ibid*

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Yarmouk, a suburb of Damascus, fled their city of Fallujah during its destruction by the American forces in 2004. Others fled from Baghdad later, in 2006, when they were driven out of their houses in Khazamia³⁷ by Shiite militias, because they were Sunnis or Christians. Others fled from Basra in early 2004, because they were professors and targeted by gangsters, etc... Moreover, in some cases, these different types of violence tend to intermingle³⁸. And in a context of a failed state, social chaos and military occupation, the political field turns out to be quickly and easily replaced by the military field as each actor begins to rely more and more on weapons and violence to achieve political gain and influence.

Despite this, there appears to have been a reduction in violence in Iraq since the end of 2007. The figures of Iraqi civilian victims reported by the US Army as well as others studies from Brookings, SIGIR, or UN, testify to this³⁹. It is too early now to fully understand if it is just a break in the all-out violence which was the characteristic of the conflict in Iraq or a real evolution. But a reduction in violence does not mean the suppression of violence⁴⁰. At best, what we see now is the vanishing, momentarily or definitively, of extreme forms of violence, especially sectarian cleansing, which has already achieved most of its aims, thus validating this reduction.⁴¹ Nevertheless, ongoing general violence is seriously undermining the possibility of a political settlement of the Iraqi crisis. There are paths to follow in order to reduce the violence and even to get out of this centrifugal system of violence. But two steps appear vital. One is the inclusion of all actors in a political National Reconciliation process. The other is the rebuilding of a non sectarian and non partisan State which will be able to provide the security and all the services needed for the Iraqi Society to get an adequate “(...)sense of group inclusion, trust and ontological security(...)”⁴².

2) The new Iraqi State, a failed State:

The 'Tabula Rasa formula':

The American adventure in Iraq began by a military operation with an evocative name: 'The Shock and Awe'. First, US troops dropped no less than 29 900 tons of bombs and other military software all over Iraq⁴³ and destroyed not only military sites but also civil infrastructures like universities, telecommunication centres... Then, columns of American soldiers travelled to Baghdad without showing mercy to anyone, soldiers and civilians alike, who would have dared to stand in their way⁴⁴. In 42 days of combat operations⁴⁵, the most conservative studies estimate the number of Iraqis killed

37 Interviews of Iraqi refugees Nov 2006-December 2008.

38 For example, there are numerous cases of people being kidnapped by gang, then sold to a militia which used it for political aims.

39 Lins de Albuquerque (Adriana), O'Hanlon (Michael E.), "Iraq index, Tracking Variables of Reconstruction and Security in post Saddam Iraq", The Brookings Institution, Washington, July 2008, www.brookings.edu/iraqindex_p12; Special Inspector General for Iraqi Reconstruction (SIGIR), "Quarterly Report and SemiAnnual Report to the United States Congress", January 2009.

40 See the weekly reports of political violence in Iraq of McClatchy: <http://www.mcclatchydc.com> and Reuters, <http://www.reuters.com>.

41 See for example Maps of Baghdad showing the result of the sectarian cleansing. GRAPHIC: Gene Thorp and Dita Smith - The Washington Post - December 15, 2007, <http://www.washingtonpost.com/wp-dyn/content/graphic/2007/12/16/GR2007121600060.html> and BBC NEWS "Iraq: Four years on, Mapping the violence", http://news.bbc.co.uk/2/shared/spl/hi/in_depth/baghdad_navigator/

42 Anthony H. Richmond, "sociological theories of international migration : the case of refugees", *International Sociological Association*, 1988. In this article, Richmond Richmond speaks about the development of a refugee crisis.

43 Project on Defense Alternatives of the Commonwealth Institute, www.comw.org

44 Reporters sans frontières, *La guerre en Irak, le livre noir*, la Découverte, Paris 2004, p49

45 Between the official beginning of the war, the 20 of March 2003 and the official end of the war the first of May 2003.

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between 15 000 and 45 000, and at least half of them were civilians⁴⁵. As Baghdad fell on April 8th, the Iraqi capital and also Mosul, Samawa, Basra and other cities were burned and looted for more than three weeks⁴⁶. Everything was ransacked, from the hospitals, the sewage water plants and the ministries to the schools and the museums. As retired General Jay Garner put it: *“They not only took everything out of there, but they stripped the electrical wires out of the wall, and they stripped most of the plumbing out and then they set the buildings on fire⁴⁷”*. Then, the three main Iraqi banks were robbed by a Mafia-like mob, and millions of dollars in cash disappeared. People were then attacked in the street and so began to try to protect themselves. All of this, without a single intervention from the coalition forces to prevent it⁴⁸. Indeed, for lots of people, the destruction of prisons or police stations or other governmental offices were a form of revenge against the era of fear and injustice of the Saddam regime⁴⁹. But these destructions and lootings of the capital were so dreadful that many Iraqis will remember them as equally outrageous as the destruction of the city by the Mongols in 1258 AD. A few months later, speaking of the events of April 2003 in Baghdad, an Iraqi translator told us: *“try to imagine what you would feel if Paris was burning, if the Louvre was burning, and the Sorbonne University and all your hospitals...it is what happened here⁵⁰”*. What is certain is that the infrastructure of the Iraqi State was badly hit twice - once by the war itself and then by the weeks of lootings which followed the invasion. No comprehensive estimates were made, but the SIGIR reports billions of dollars of damage⁵¹. Moreover, as the first hospital began to be looted, the rule of law disappeared as well as the feeling of security.

Then, on May 16th 2003, while burned ministries were still smoking and chaos in the street was still rampant, the head of CPA, Paul L. Bremer issued his first orders, the ‘De-Baathification of the Iraqi Society’ and ‘the regulation of entities [Disbanding of the army and all the Iraqi security forces]⁵²’. Nobody would dispute the fact that the former regime and the Baath party have to answer for the last three decades of terror in Iraq and their executioners have to be prosecuted. But, the ‘De-Baathification’ and the disbanding of the army programs were led on a very ideological stance without taking a single minute either to consider the chain of command inside the State Party and the different levels of guilt of the millions of members, or to consider the chance of a reconciliation process. In one day, more than 400, 000 soldiers and officers were fired without compensation, as well as thousands of civil servants, teachers, professors, doctors...As Lt. Gen. Ricardo S. Sanchez wrote: *“Essentially, it eliminated the entire government and civic capacity of the nation. Organizations involving justice, defence, interior, communications, schools, universities, and hospitals were all either completely shut down or severely crippled, because anybody with any experience was now out of a job.⁵³”* So, in one day and with just a signature, Bremer gave the last blow to what remained of the Iraqi State. And worse still, it may have sent the first signal of the ‘sectarianisation’ of Iraq. As Hazem Saghieh explained: *“Sunni circles viewed the De-Baathification ‘as the eradication of Sunni influence from the ministries and all the country’s vital institutions⁵⁴’.”*

4 5 As the coalition forces refused to count the Iraqi dead, we have to rely on ONG like IraqBodyCount (www.iraqbodycount.net) or the studies from publication like the Lancet or studies from O.R.B. (www.opinion.co.uk) and IIACSS (www.iiacss.org).

46 See the International press of the month of April 2003. BBC NEWS, Le Monde, 12 April 2003...

47 Quoted in SIGIR “Hard Lessons: The Iraq Reconstruction Experience”, February 2009.

48 Except for the oil ministry which was well guarded by American Tanks and Humvee.

49 *“Going in the street, or entering and opening the prisons was like taking back our dignity(...). Then some people began to burn the interior ministry, as if we were burning Saddam himself(...).”* Interviews with refugees in Damascus Nov 2006_Dec2008

50 Interview, Baghdad December 2003.

51 SIGIR, “Hard Lessons: The Iraq Reconstruction Experience”, February 2009.

52 CPA Regulation Number 1 & 2, “The Coalition Provisional Authority,” May 16, 2003.

53 Lt. Gen. Ricardo S. Sanchez, *Wiser in Battle: A Soldier’s Story*, New York: HarperCollins, 2008, p184.

54 Hazem Saghieh, “The life and death of the De-Baathification”, in Hamit Bozarslan (dir.), *l’Irak en perspective, Revue du Monde Musulman et de la Méditerranée*, N° 117-118, Aix en Provence : Edisud, 2007.

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Last but not least, the American occupation decided to change the Iraqi state-dominated economy to: “(...) a sustainable market-driven economic system” (...)⁵⁵. The economy was opened to the most fundamentalist forms of capitalism and 'laissez-faire' system. As Naomi Klein retraced it⁵⁶, Paul Bremer issued an unprecedented set of laws which were in complete contradiction with all the international law applicable to occupied territories⁵⁷. Iraqi Borders were completely opened to any kind of imports, without taxes or inspections, the corporate tax rate went from 40 to 15%, and more importantly, foreign companies would be able to own 100% of Iraqi assets without having to invest even 1% of the benefits in Iraq. Privatization was proposed for nearly two hundred State-Owned Companies (SOC/SOE) and their hundreds of factories producing olive oil, soap, food and agricultural products, or clothes, concrete or washing-machines. Unfortunately, the privatization plan did not go smoothly because of the lack of foreign investors, who were frightened by the quagmire that Iraq soon became. So, instead of privatizing the Iraqi State industry, the American administration left all state factories half working, idle or dying, and cancelled all their bank accounts and prevented them from receiving any support or help. But before the war they were employing 500, 000 people and accounted for “90 percent of the country's industrial capacity⁵⁸”.

Thus, a few months after the invasion, the Iraqis woke up to a country without operative schools, hospitals, electricity or water system, police or ministries, but with chaos in the street and millions of unemployed people.

Can't Provide Anything.:

'Can't Provide Anything', was the ironic nickname gave to the Coalition Provisional Authority by Iraqis and Americans soldiers alike during the time it was ruling Iraq. Unfortunately this nickname could also be attributed to the Iraqi Government which was born after the general elections of January 2005. In fact, after having completely destroyed the structures of the Iraqi State, with the notable exception of the oil sector, the American administration failed to restore and rebuild a State in Iraq⁵⁹. Because of complete inefficiency and huge corruption, neither the CPA nor the New Iraqi government achieved very much⁶⁰. Despite its rather soft language, claims made in SIGIR reports are noteworthy. It shows that in 14 months the CPA would have “lost track” of nearly 8.8 billions dollars⁶¹. Besides, the CPA and all its agencies as well as the contractors staff were filled with inadequate or unqualified personnel, and the turnover in the CPA was so high that: “*when the CPA dissolved on June 28, 2004, there were only seven people on the staff who had served for the CPA's fourteen-month duration*”⁶². Of course, inefficiency and corruption did not stop with the CPA dissolution. As said earlier, new institutions of the Iraqi State and the Iraqi government itself were built with the notion of preserving a sectarian and an ethnic vision of Iraq. And because the 'Debaathification' virtually discarded tens of thousands of experienced civil servants, ministries and state institutions had to be filled again. Ministerial positions began to be the prize of a huge bargain between political parties allegedly representing sects and communities among the Iraqi people. As different parties' strongholds began to appear in each ministry and in each branch of ministries, the recruitment of the staff was managed in regard to sectarian and partisan affiliation, but not to the

55 http://www.usaid.gov/iraq/economic_rfp_iraq_public.pdf.

56 Naomi Klein, “Baghdad Year Zero - Part I&II: Pillaging Iraq in pursuit of a neocon utopia”, [Harper's Magazine](#), September 2004.

57 Hague Convention (IV), sections III, articles 43,48, 53, 55.

58 SIGIR, “Hard Lessons: The Iraq Reconstruction Experience”, February 2009.

59 See Ferguson Charles, *No end in sight*, Documentary Movie, Magnolia productions, 2007.

60 Since 2007, Iraq is ranked 178 on 180 surveyed countries by the Transparency International Annual CPI reports.

http://www.transparency.org/policy_research/surveys_indices/cpi

61 SIGIR, “Hard Lessons: The Iraq Reconstruction Experience”, February 2009.

62 SIGIR, *ibid*.

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qualification or the experience⁶³. Thus, from the bottom to the top, the Iraqi State was 'sectarianised' and most of its staff inefficient. Therefore, the partisan and sectarian competition between ministries and institutions made the necessary coordination quite impossible. Elections of January 2005 led to a shift in part of the staff and parties stronghold in the ministries, but nepotism and corruption remained unchanged. As a very good example which can be applied to all ministries, Andrew Rathmell's report about the reconstruction of the Interior Ministry underlines the dire and continuous struggle between Al Da'wa party, the Islamic Supreme Council of Iraq, the Iraqi National Accord, the Sadrist and the Kurds to control the ministry and filling all the different services and agency with their supporters and even militias⁶⁴.

The devolution of powers and missions to the governorates and local councils to follow the radical federalization of the State further aggravated this disarray. Either because the governorates did not receive the necessary budget to accomplish their mission or because local heads of governorate opposed national policies, lots of reconstruction projects were unfinished or left idle or not even started. Trying to reshape the state in the context of occupation and internal war, the occupational authority and the Iraqi political actors involved, gave birth to a shapeless state.

By 2009, nearly \$125 billion (more than half of it from Iraqi public funds) will have been committed for the reconstruction of Iraq. So far, all the goals and benchmarks of the reconstruction are far from being achieved⁶⁵. One example among others, six years and nearly \$5 billion later, the daily electricity production is only slightly greater than the pre-war production when Iraq was under international embargo⁶⁶. And there is still less than 6 hours of electricity a day in Iraq. It is also notable that since 2003 the price of domestic fuel has multiplied by 35⁶⁷, or that the average inflation rate since 2003 was around 50% to 60% a year until it began to stabilize in 2007. Also, six years later, 60 % of the Iraqi population is still consuming the monthly food rations of the World Food Program which was supposed to end in June 2004. And 25% (nearly 6.5 million people) are highly dependent on this program set up by the UN, during the infamous years of international sanctions following the first Gulf war. Moreover, only 40% of the Iraqi population has access to drinking water⁶⁸. As a consequence, there were numerous outbreaks of cholera from 2006 to 2008⁶⁹. Last but not least, the policy concerning the State-Owned Companies did not really change, even if some were granted some budget to start their operations again. But most of them are still kept idle or with a minimum of outputs⁷⁰. Developing a dynamic policy toward the State Owned Companies would have helped to “ (...) support the [reconstruction] work in the electrical, oil, health, water and sewage, and

63 ICG Middle East Report N°27, "Iraq's Transition: On a Knife Edge", 27 April 2004.

64 (...)it was restructured with the explicit purpose of reflecting and accommodating the political power balance of post-Saddam Iraq. At the time, there were only three state security agencies. The nascent Iraqi army and civil defence corps were run by the Coalition. The nascent Iraqi National Intelligence Service was run by the CIA. This left the MOI [ministry of interior] and its subordinate entities as the only central security apparatus over which Iraqi politicians could exercise influence and through which they could deploy state-sanctioned coercion. (...) the structure was designed to give the key power-brokers. (...) This meant that each could use their parts of the ministry to build up patronage networks and paramilitary and intelligence capabilities through official channels.(...)" Andrew Rathmell, "fixing Iraq's Internal Security Forces, why is reform of Ministry of Interior so hard ?", Center for Strategic and International Studies, November 2007.

65 It should be noted however that in February 2009 in a survey conducted for BBC, ABC News and NHK Iraqis interviewed claimed an overall improvement in some services, including water and electricity, since 2007.

http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/13_03_09_iraqpollfeb2009.pdf

66 4,077 Megawatts in 2002, 4,997 in 2009. See SIGIR, "Quarterly Report and SemiAnnual Report to the United States Congress", January 2009.

67 Lins de Albuquerque (Adriana), O'Hanlon (Michael E.), *op.cit.*

68 International Compact with Iraq, "A New Beginning: Annual Review," May 2007-April 2008.

<http://www.sweden.gov.se/content/1/c6/10/36/08/dfdaeead.pdf>

69 ICRC, "Iraq : No Let-Up in, The Humanitarian Crisis", March 2008.

70 And the Iraqi government is still thinking about the total privatization of this companies: "I think it is very easy for the industrial sector to privatize. We can privatize it, and it would be successful and profitable. No need at all for government to intervene in those sectors. The government can be a partner [in other areas of the economy] and some services could be mixed, like education and health(...)." Interview of Ali Baban, Iraqi Minister of Planning, in SIGIR, "Quarterly Report and SemiAnnual Report to the United States Congress", January 2009, p10.

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*transport sectors(...), it would have revitalized Iraq*⁷⁰ Instead, the unemployment rate is still estimated around 60%⁷¹ and the Iraqi market is now flooded with foreign products, from everywhere in the world at exorbitant prices, and with Halliburton and Bechtel selling concrete for \$1000 a ton and making millions in profit.

Today, the Iraqi state is still poisoned with corruption and nepotism. And despite slight improvements it is far from providing the basic services and resources, or the structures of these services, which are the marks of a modern state, i.e. health, education, transport, energy, in addition to security. Of course, this incapacity has considerable effects, emphasizing the terrible economic and social crisis which affects Iraq now. But it has also sociological side effects, which could be described as 'disaffiliation' with the state and the nation. This underlines the trend to rely more on sectarian or community -mainly tribal- affiliations to get resources and security.

Monopolizing the Violence?

Reading Max Weber, one understands that a State is an enterprise seeking to monopolize the legitimate use of violence in a given territory. In his theory, domination or monopoly of violence and legitimacy are deeply linked. Domination and legitimacy provide in return the security and the framework in which the society can move and political competition can happen.

Looking at the Iraqi situation, one can argue that the new Iraqi State has neither domination nor legitimacy. In the context of general violence, the arms of the State, the Iraqi police and the Iraqi army, were both instrumentalised by many forces,⁷² including the US-led occupation authority. Consequently, they were far from succeeding in imposing a break in the general violence and providing security for the people. In fact, by many aspects they were⁷³, and, in a lesser measure are still, responsible of the general violence. As far as legitimacy is concerned, the new Iraqi state and its government ruled by Maliki did not enjoy much of it. It was seen first as a creation of the foreign occupying power. Then, after the elections of 2005, where a slight majority of the Iraqi people participated⁷⁴, many were disillusioned by the way the elected parties managed the State and the governorates⁷⁵. In fact, Iraqi institutions appear more as a tool which provides resources and power in the military and political struggles than anything else. Finally, the government of Iraq was seen as an actor in the conflict like the others, without the legitimacy to negotiate or the domination to impose a settlement of the crisis.

True, for few months, it seems that the situation has been changing. As stated earlier, violence diminished, and the number of civilian victims of the violence has been diminishing. In the meantime, the number of the actors in the civil war seems to have reduced. On one side, the Sunni armed groups were either incorporated in the *Sahwa* movement or weakened and al Qaeda was substantially beaten. Indeed, the future of the relation between the Maliki government and the *Sahwa* movement and its integration within the Iraqi Security Forces are still precarious. But until now this movement is acting like an official security force of Iraq. On the other side, a big part of Jeish al Madhi, or sub-militia associates to it, has been either disbanded by the al Sadr Movement (following

7 0 Interview of Dr. Sami Al-Araji in SIGIR, "Hard Lessons: The Iraq Reconstruction Experience", February, 2009

71 Lins de Albuquerque (Adriana), O'Hanlon (Michael E.), *op.cit.*, Brooking Institute, December 2008.

72 Among others, by the Badr militia of the ISCI, Al Da'wa party, al Sadr militia in some governorates, the Kurdish parties.

73 There is numerous report of the existence of death squad, shadow units among the security apparatus of the State. See International Press and Robert Fisk and Darh Jamail reports.

74 Around 58% (with the notable exception of the Sunni Arabs and some segments of the rest of Iraqi population). See Independent Electoral Commission of Iraq, <http://www.ieciraq.org>.

75 International Crisis Group, "Iraq's Provincial Elections: The Stakes", Middle East Report N°82, 27 January 2009.

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the official truce declared by Moktada al Sadr in March 2008) or crushed in 2008 by the Iraqi government with the help of the American forces in Baghdad and in the South of the country⁷⁶. From the point of view of the reconstruction of the Iraqi state, this new tendency on the ground, the diminishing violence and the reduction of its actors, may facilitate the quest for the monopoly of violence and perhaps help create a security framework within the society. Of course, among the many obstacles which remain, one is the partisan and sectarian colour of the institutions of the Iraqi state and especially its security apparatus. As already mentioned, the Iraqi security forces are still seen, and for good reason, as a tool in the hand of partisan and sectarian forces. Needless to say, this is completely undermining any legitimacy of the State. Furthermore, the political process engaged by the American-led occupation is still lacking legitimacy for some actors. Thus, and also because of their inefficiencies, all the institutions and the Iraqi government which were established from this political process are still suffering the same condition. The quest for legitimacy is still a long way to go.

3) Core issues:

Since the beginning of the American-led occupation, the international media mostly focused on the occupation, the civil war between Iraqis, and the human cost of these six disastrous years. But even if they are worth knowing, these facts and figures do not help us understand what remains behind the scene of the sectarian war and the occupation and which are in the end the core issues of the political argument between the different actors of this conflict and which will determine the future of the country. Ultimately, we see five decisive questions arising from concerns relating to democracy, rights and freedoms⁷⁷, which represent still unresolved issues and stack one upon the other. As the International Crisis Group put it, the main problem is that: *“The interlocking nature of these issues means they cannot be solved individually or sequentially”*⁷⁸.

The withdrawal of foreign forces and the recovery of total sovereignty:

First of all, the United States waged an illegal and illegitimate war against Iraq⁷⁹. Thus, in spite of the UN resolution, and now the Security Agreement signed with the Iraqi Government, the US presence in Iraq remains illegitimate and illegal. Furthermore, the US failed to prevent Iraq from falling into economic and social chaos. On the contrary, with its sectarian and ethnic-oriented policy, the US-led occupation prepared the ground for the sectarian civil war. Today, its presence can still fuel new conflicts in Iraq. Furthermore, its presence is still preventing the inclusion of many political actors in the political process like *Hayat al Ulema* or the Iraqi National Foundation Congress⁸⁰. Also, it is still undermining the legitimacy of the Iraqi Government. From this point of view, the Security Agreement (ex SOFA) and the Security Framework Agreement which were signed at the end of last year are ambiguous steps in the direction of a withdrawal and the return of the sovereignty of Iraq. Most US forces should have gone by 2011. But the SA is not clear at all about the military bases which were built by the US military in Iraq since 2003. Also, it still gives the opportunity for the next Iraqi government to keep US military forces in Iraq beyond 2011, with fifty thousand troops likely to remain post-withdrawal. Concerning the conduct and the legal immunity of such foreign forces on

76 But the Badr brigade as well as the “Peshmergas” remain.

77 For example, the place of the religion inside the constitution, the place of women inside the Iraqi society, etc...

78 International Crisis Group, “Iraq After The Surge II: The Need For A New Political Strategy”, Middle East Report n°75, April 2008.

79 Ewen MacAskill, Julian Borger, “Iraq war was illegal and breached UN charter, says Annan”, Guardian.co.uk, Thursday 16 September 2004.

80 See below Chapter 4 on political actors.

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Iraqi soil, it is worth noting that the SA has already been violated at least twice by the US forces, since it was signed in December 2008⁸¹. Also, the continuing presence of the notorious and unpopular Private Military Security Companies who are accused of war crimes against innocent civilians, has yet to be fully addressed by the new US Administration. Moreover, the US presence, because of its international policy, especially in the region, is and will keep luring other regional powers, like Iran or Saudi Arabia, into a war of influence inside Iraq. This war of influence and proxies inside Iraq is definitely spoiling the possibility of a political settlement of the conflict.

The Federalism issue and the rebuilding of the State:

The question of federalism is still undermining the stability of Iraq.

The problem is not federalism in itself, but the context in which it is implemented. First, it is still seen by a majority of Iraqis as an imported and unwanted political solution⁸². Second, it is seen by lot of political actors, but also a vast part of the Iraqi population as a tool to weaken the state and maybe to provide a legal way to split the country⁸³, at the very same time when the rebuilding of the Iraqi state is still not accomplished. Above all, the question of division of resources between the federal state and the regions or governorates has fuelled the fear of unequal development between the areas which have oil and those which don't. Also, interpretation of the law relating to decision making between all the different levels of the federal government, the governorates, and the provincial councils is still a source of confusion and heated debate. There is a real need for clarifying the different missions, fields and areas of competence of each level of the federal institutions.

Finally, the possibility engendered by the current Iraqi federalist system to create super-regions may reinforce the sectarian trend and the instability of Iraq. In this context, the main problem is not the existence of the Kurdistan region which has been an entity *de facto* since the 1991 war. Due to the historical and national struggle of the Kurdish people, it is mainly accepted by the Iraqi political actors. But the projects⁸⁴ led by the ISCI and other Shiia political actors for the creation of a super region including nine governorates (or maybe eleven, including Baghdad⁸⁵) is a direct projection of a sectarian vision of Iraq. With a mostly Shiite Southern region⁸⁶, a Kurdish region (containing three governorates, but still trying to incorporate surrounding territories⁸⁷) in the North, the only solution for the remaining governorates will be to gather in a third super region which will be seen as mainly Sunni. Consequently, many think that this will inevitably lead to the partition of Iraq on sectarian lines.

The hydrocarbons resources:

The question of the management and distribution of the hydrocarbon resources remain unresolved and highly controversial.

Historically, and especially following the period of decolonisation, the question is highly symbolic, but also vital for the economy of Iraq. Around 90% of the Iraqi national budget comes from the

81 ALISSA J. RUBIN, "U.S. Military Violated Security Agreement Twice in 2 Weeks, Iraqi Leaders Say", NY Times, February 6, 2009.

82 See among others, polls realized in Iraq these last years. Lins de Albuquerque (Adriana), O'Hanlon (Michael E.), *art.cit.*, December 2008. And also, International Crisis Group, *art.cit.*, Middle East Report n°75, April 2008.

83 Reidar Visser, "Iraq Federalism Bill Adopted Amid Protests and Joint Shiite-Sunni Boycott", October 2006, www.historiae.org.

84 There are two other projects. One supported by the Fadila party and other Bassori political actors, about the transformation of Basra as a federal entity. This project already entered a legal phase and a governorate petition should be organized in few weeks. Another project promotes the gathering of three governorates around Basra ("Al iqlim al Junub" the region of the South which contains Basra Maysan and Dhi Qar)

85 Reidar Visser, "Suffering, Oil, and Ideals of Coexistence: Non-Sectarian Federal Trends in the Far South of Iraq", Paper presented to the MESA 2007 annual meeting, Montreal, November 17-20, www.historiae.org.

86 With the notable exception of the governorate of Basra, in which the Sunni population account for maybe 15-20%

87 See below about Kurdistan and its boundaries.

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revenue of oil⁸⁸. Until now, the Council of Representatives have failed even to agree to vote on the Hydrocarbon Law⁸⁹, an action supported by the Council of Ministers⁹⁰. Without entering into technical details, the argument between political actors concerning the Hydrocarbons Law focuses on two main points. As discussed earlier, linked to the question of federalism is the question of the management and the development of the hydrocarbons fields and the resources they provide. As International Crisis Group puts it, “*at the core of the oil dispute lie two opposing views on the role of the state in the economy as well as the struggle between Kurdish and Arab nationalism*”⁹¹. Given that the hydrocarbon resources are only present in and around the Kurdistan region in the North, and around Basra in the South of the country, the question of who is entitled to monitor natural resources and their products is an extremely sensitive one. For many actors, the central state should be in charge of monitoring the hydrocarbon in the entire Iraqi territory and redistributing the benefits of the hydrocarbon production fairly to the regions and governorates. For others, the federal regions or governorates where hydrocarbon is located must have the last word about the production, the development and the share of the hydrocarbon resources. If the main argument on this question is between the Kurdish regional authority and the Arab Iraqi political actors (including Prime Minister al Maliki⁹²), in Basra governorate too, there are some voices calling for a special share of the oil⁹³. To argue their case, both Kurds and pro-federalist political actors speak of the continuous history of oppression, dispossession and marginalisation of the Kurdish and Southern area by the central state during the last decades, but also of the “erratic release of agreed budgetary resources by the current government”⁹⁴.

The other source of debate is the contracts for control of the hydrocarbons field which would be signed between the Iraqi state or the federal entities and the international oil companies. Most recently particular concern has been over Production Sharing Contracts (PSCs), or Production Sharing Agreements. These are individual contracts negotiated between an oil-producing country and an oil company. The contractor oil company is permitted to carry out all exploration, production and marketing in respect of the oil in the designated area, for a given period of time or until recovery cost and agreed fees are earned by the contractor. These kinds of agreements are considered by political and social actors as very detrimental to the national interest of the oil host countries. Whilst nobody inside the Iraqi government is stating publicly their position on the privatization of the hydrocarbon sector⁹⁵, the Hydrocarbons Law project and the nature of the current contracts signed between the Iraqi regional companies⁹⁶ and the international oil companies is already infuriating many political actors and oil specialists⁹⁷. For many of them and as put by former Executive Director and Vice Chairman of Iraq National Oil Company Tariq Shafiq, “*The oil ministry’s plan to grant PSCs with International Oil Companies undertaking the operator’s role, for a 20-year term and with 75% participation, removes from INOC and/or the North and South Companies the operator’s role and reverses a three-decade-old practice, placing operatorship back into the hands of IOCs.*”⁹⁸

88 See SIGIR, “Quarterly Report and SemiAnnual Report to the United States Congress”, January 2009 p94.

89 Should be included in this law: The revenue sharing among private companies, governorates, and the federal government; restructuring of the Ministry of Oil; and regeneration of the Iraq National Oil Company.

90 For the second time the Hydrocarbons law was submitted to the Council Of Representative but returned without action to the Council of Minister on October 2008.

91 International Crisis Group, *art.cit*, Middle East Report n°75, April 2008.

92 Julian Borger, “Kirkuk dispute threatens to plunge Iraq into Kurdish-Arab war”, guardian.co.uk, Tuesday 28 October 2008.

93 Reidar Visser, “Basra Crude The Great Game of Iraq’s ‘Southern’ Oil”, Working Paper, Norwegian Institute of International Affairs, NUPI No. 723 – 2007. See also AFP, “Basra vote aims to benefit from Iraq oil wealth”, November 2008.

94 International Crisis Group, *art.cit*, Middle East Report 75.

95 But in reports meant to be read abroad, Ali Baban, Iraqi Minister of planning declares: “...*The oil sector and the electricity sector should also be privatized, in our point of view.*” Quarterly Report and Semiannual Report to the United States Congress, January 2009, p10.

96 The Southern Oil Company based in Basra, The Maysan Oil Company based in Al Amarah, the North Oil Company based in Kirkuk.

97 Ahmed M. Jiyad, “Oil and Gas Law in Iraq- Comprehensive and Critical Assessment”

98 Tariq Shafiq, “Iraq’s Technical Support And Production Service Contracts: Pros And Cons”, Middle East Economic Survey, VOL LI

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The Kurds, the boundaries of Kurdistan and Kirkuk:

The issue of Kurdistan is still a real factor of instability in Iraq and for the whole region. For decades, Kurdish people fought the Iraqi state to achieve their aspiration for self determination. They were confronted by oppression, 'pacification' campaigns, deportations and finally horrific gas attacks that occurred mainly during the 'Anfal' campaign in the eighties. After the Second Gulf war in 1991, the Kurds obtained a *de facto* autonomous region mainly behind the Green Line established by the United Nations. As noted by Joost Hilterman, this area corresponded to the territory granted by the autonomy agreement signed in 1970 with the Baath regime, which was never respected⁹⁹. There, they had their own administration, the Kurdish Regional Government (KRG)¹⁰⁰ and were maintaining 100,000 Kurdish soldiers, the Peshmerga. After 2003, they succeeded in securing the autonomy of the Kurdistan Region¹⁰¹ within the new Iraqi constitution. But what at first glance looks like a happy ending after decades of conflict, with further examination proves more elusive. Nothing has been settled and agreed, neither for the Kurds nor for the new Iraq State. Again, deeply interlocked questions need to be answered. If not, fears are growing that the new quagmire of Iraq will be called 'the battle of Kirkuk' and it might involve all communities in Northern Iraq¹⁰².

First of all, the question of the boundaries of the Kurdistan Region should be addressed. For nearly 60 years, previous Iraqi regimes conducted what was called the 'Arabisation' campaign to change the ethnic balance in Northern Iraq in order to drive out support for the Kurdish aspiration in areas considered critical by the power in Baghdad. While hundreds of thousands of inhabitants¹⁰³ from Northern Iraq were expelled or had their locality razed to the ground, Arabs from the South of Iraq and civil servants from Baghdad were sent to settle in and around Kirkuk or Mosul or even Tal Afar. Following this, boundaries of governorates were redrawn in order to maximize the effects of the Arabisation of Northern Iraq. When the Saddam regime fell in 2003, the Kurdistan Regional Government hastily deployed thousands of Peshmerga and civil servants beyond the Green Line in order to take control of these long claimed territories¹⁰⁴ which were stretching from the border of Syria around the town of Sinjar in the North East of Iraq to the border with Iran in the governorate of Dyala. But good portions of these territories, heavily mixed with communities, remain highly disputed between the communities themselves and between the KRG and the Iraqi state. And they are far from being officially integrated in the Kurdish Region.

A perfect example of the problem is the situation of the city of Kirkuk. Lying on 13% of the oil resources of Iraq, the Kirkuk governorate and the city itself are historically mixed between Kurds, Arab, Turcoman and Assyro-Chaldean communities. For decades it was claimed as 'the heart of Kurdistan' by the two main Kurdish parties¹⁰⁵. True, the census of 1957, prior to the establishment of the Iraqi Republic, shows that the Kurds counted for 49% of the inhabitants of the governorate of

n°30, July-2008

99 Joost Hilterman, "To Protect or to Project? Iraqi Kurds and Their Future", Middle East Report, 4 June 2008.

100 The Kurdish Regional Government (KRG) whose president is Masoud Barzani.

101 The Kurdish Region (KR) includes the three historical Kurdish governorates of Dohuk, Sulaymaniyah, Erbil.

102 Mostly Kurds, Arabs, and Turcomans inhabitants of the areas around Kirkuk and Mosul but also other religious and ethnic minorities like the Assyro-Chaldeans. See Leila Fadel, "Iraq's Kurdish-Arab tensions threaten to escalate into war" McClatchy Newspapers, February 2009.

103 In their majority the Kurds, but also Turcomans and even Assyro-Chaldeans were victims of the different "Arabisation" campaigns in the North of Iraq and especially in the region of Kirkuk since the 60's.

104 "Iraqi Kurdistan consists of the Governorate of Dohuk in its current administrative boundaries; and, in its administrative boundaries prior to 1968, the Governorates of Kirkuk, Sulaymaniyah, and Erbil; the districts of Aqra, Sheikhan, Sinjar, Tel Afar and Qarqoush, and the sub-districts of Zammari, Ba'shiqa and Askal Kalak in the Governorate of Ninawa; the sub-districts of Khanaqin and Mandali in the Governorate of Diyala; and the district of Badra and sub-district of Jassan in the Governorate of Wasit". Quoted by the International Crisis Group, "Iraq and the Kurds resolving the Kirkuk crisis", Middle East Report n° 64, April 2007, p9.

105 Patriotic Union of Kurdistan (PUK) led by Jalal Talabani, now the President of the Iraqi Republic. Kurdistan Democratic Party (KDP) led by Masoud Barzani.

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Kirkuk, whilst the Arabs and the Turcomans were respectively 28% and 21%¹⁰⁶. But it also shows that the Turcomans predominated in the city of Kirkuk¹⁰⁷. And after decades of 'Arabisation' campaigns¹⁰⁸ in Kirkuk and its vicinity, figures were reversed and Arabs became the biggest community in Kirkuk. After the 2005 elections which were boycotted by most of the Arabs and Turcomans alike, the Kurds secured the control of the new council of both the town of Kirkuk and its governorate. Moreover, thanks to the new Iraqi constitution, they obtained the possibility to integrate Kirkuk in the KRG through a process of three phases¹⁰⁹. The first phase, called "normalization" should entitle all the victims of deportations of the former Iraqi regimes, to resettle in their previous properties and encourage the Arabs, also called *wafidin*¹¹⁰, which were sent by the previous regime, to settle back in the South. Then, after a census to establish the demographics of each community, a referendum should be held in order to ask the inhabitants if they want to be integrated into the KRG. However, because of the predominance of the Kurds in the council of the town and in the normalization commission, Turcoman and Assyro-Chaldean communities accuse it of favouring Kurdish refugees and preventing the other groups from coming back to Kirkuk. Besides, lots of the *wafidin* who are not represented at all in the commission refuse to resettle. In fact, for most of the non-Kurdish actors, any 'normalisation' process in its current form is perceived as a tool to reverse the ethnic balance of Kirkuk; in other words, the "Kurdification"¹¹¹ of Kirkuk in preparation for its integration into the new Kurdistan. Thus, fearful of becoming minorities inside a Kurdish Region, which might soon become independent, all non-Kurdish communities refuse the implementation of the census and reject even more strongly the referendum on the status of Kirkuk. As a result, the process which should have ended in December 2007 remains at a standstill. It is fair to say that thousands of Kurds native to Kirkuk are still waiting, with great restraint, to get their belongings and their lost memories back, and that the Kurdish communities in Erbil or Suleymaniah still dream fervently of the return of their 'lost capital'. But it is also a reality that thousands of non-Kurdish native to Kirkuk adamantly stand against any move in this direction.

Since the Kurdish leadership is highly involved in the new Iraqi state¹¹², lots of Iraqi political actors accuse the Kurds of playing a double game; whilst playing down their will to gain the independence for Kurdistan, the Kurdish leadership is being further integrated into the Iraqi new political system and using its strong position within it so as to expand its control on portions of Iraqi territories, like Kirkuk. More worryingly, the Kurdish leadership and its allies are accused of fuelling the sectarian violence when they pushed for the kind of 'ethnic quota sharing' federalist system that was established after 2003. The fear is that when they see fit, Kurds will call for independence. To demonstrate this, some political actors ask why the Iraqi flag is still forbidden inside the KRG, as well as during a referendum on the independence¹¹³ which took place in the Kurdistan Region. Others also wonder why the KRG is already conducting negotiations and signing oil fields development contracts with International Oil Companies, which would imply that the oil around

106 International Crisis Group, "War In Iraq: What's Next For The Kurds?", Middle East Report N°10, March 2003 and also Yücel Güçlü, "Who Owns Kirkuk? The Turkoman Case", Middle East Quarterly, Winter 2007, pp. 79-86

107 "(...)By, 1959, they [the Kurds] had swollen to more than one-third of the population and the Turcomans had declined to just over half, the Assyrians and Arabs accounting, in the main for the rest of the total of 120 000." in Hana Batatu, *The Old Social Classes and New Revolutionary Movements of Iraq*, London, al-Saqi Books, re-edition 2004, p942.

108 As far as 100 000 Kurds, Turcomans and Assyro-Chaldeans were deported from Kirkuk. Brookings Institutions. John Fawcett and Victor Tanner, "The Internally Displaced People of Iraq", An Occasional Paper, Washington, D.C., The Brookings Institution. SAIS Project on Internal Displacement, October 2002, <http://www.brookings.edu>

109 Article 140 of the Iraqi Constitution.

110 Also called *mustawafidin*, which means the new comers in Arabic.

111 Interview with Iraqi Intellectual in Damascus_Dec 2008.

112 The president of the Republic, the Deputy Prime minister, the Foreign Minister are Kurds with Kurdish Nationalist background.

113 A Non official petition, but with material help of the KRG, on the issue of independence was done in the three governorates of Kurdistan and abroad in 2004.

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Kirkuk already belongs to the Kurdish Region¹¹⁴? All these concerns and fears can be summed up by what one Iraqi intellectual said: *“It is true that the Kurds suffered a lot from the last regimes. So if they want to take their independence, they should take it. But in this case, what is Jalal Talabani, who fought Iraq for more than thirty years, doing as President of the Iraqi Republic? And why all this fight for Kirkuk? It was always mixed since hundred years ago. So why not let it like that? Why willing to make it Kurd only? The Kurds need Kirkuk and its oil only if they want to get their independence. But, they should understand that if they take their independence, they will never take Kirkuk with them. Never.”*¹¹⁵

Finally, there is a need for a reconciliation process between the Kurds and the Iraqi state after the trauma of the past few decades. This process must lead to a true and sincere recognition of the oppressions and atrocities inflicted on the Kurds by the previous Iraqi regimes. Above all, trust must be nurtured between all communities and political actors. An understandable distrust and defiance against the Iraqi state remains among the Kurds, who fear to live the same events as the Anfal campaign again. And after their suffering, no one can deny their legitimate quest for a secure and viable entity based on the territories historically inhabited by the Kurds. But at the same time, this cannot be achieved at the expense of the non-Kurdish communities inhabiting the disputed territories. It cannot be achieved either if the Kurdish aspiration appears to most Iraqi political actors as undermining, or contradictory to, the reconstruction of a viable Iraqi state.

National Reconciliation:

The different political actors as well as the Iraqi society itself need to find a way towards national reconciliation in order to rebuild a normalized public space in which debates and political arguments will not be settled through violence but compromise. This reconciliation must allow the society to cure itself of the wounds it suffered in the last thirty years, due not only to the Saddam regime, but also to the embargo imposed by the international community and then by the invasion of Iraq by the US-led coalition, and finally by the sectarian civil war. As with reconciliation processes that have taken place in other countries, the victims' voices have to be heard, and all responsibilities and crimes have to be revealed. But there has to be a compromise between the need to reveal the crimes of these last years and the necessity to preserve the possibility of a rebuilding of the Iraqi state as well as the inclusion of all political actors in the public sphere.

From this point of view the DeBaathification campaign launched by the CPA and the Interim Government was a typical example of a counter-productive policy. It was a huge mistake because it sent back home a huge number of civil servants who were vital for the reconstruction of the State¹¹⁶ and also closed the door of the public space to many political actors; and finally, because it was perceived as an 'anti Sunni tool', it increased the sectarian tensions¹¹⁷. The Supreme National Commission for Accountability and Justice Law which was passed on January 2008 was supposed to correct the side effects of the 'DeBaathification'. Unfortunately, it did not really address the problems described above¹¹⁸. In fact, in order to be effective, national reconciliation can not be led through an ideological or partisan stance.

114 Interviews conducted in Damas with member of the INFC, Hayat Hulama and independents in 2007-2008.

115 Interview done with an Iraqi intellectual in London. December 2007.

116 International Crisis Group, *art.cit.*, Middle East Report n°75, April 2008.

117 Hazem Saghieh, «The Life and Death of De-Baathification», *Revue des mondes musulmans et de la Méditerranée*, N° 117-118 - L'Irak en perspective, Juillet 2007.

118 Miranda Sissons, “Briefing Paper: Iraq’s New 'Accountability and Justice' Law”, International Center for Transitional Justice, New York, January 2008.

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4) The actors of the conflict:

Since the overthrow of the Saddam regime and the occupation of Iraq by the US-led coalition, hundreds of political organisations, gatherings and fronts appeared on the public scene. Six years later, some of them have dissolved, others merged, but few remain as they emerged 6 years ago. We will not try to make an exhaustive list of all of these organisations, but rather to focus on the main actors of the Iraqi crisis. Also, in trying to understand the Iraqi situation, one should acknowledge that in six years the Iraqi political scene saw a lot of reshuffled alliances and political fronts according to power sharing priorities, foreign alliances and military evolution on the ground. But for the first time, the military situation on the ground and the political scene seem to evolve toward the same direction which is the consolidation of the State, a more inclusive political process and the rejection of the Federalisation of the State, seen as a sectarian 'Pandora's Box'. Three factors can explain this new situation. One is the Security Agreement, as ambiguous as it is, which officially announces a withdrawal timetable of the US troops which has definitely helped the Iraqi government and especially its Prime Minister Al Maliki regain legitimacy and credibility. The second is the inclusion in the political process of parts, if not all, of the previous armed groups inside the *Sahwa* and their participation in the provincial elections. The third is the relative mistrust toward the organisations which were involved in the sectarian war, such as the Al Sadr movement or the Islamic Supreme Council of Iraq (ISCI). The provincial elections of the 2009, in which the lists which focused on Iraqi nationalism and a strong and centralized State, rather than on federalism sectarianism or religion, appeared to have won. Now as usual after each election in Iraq, the big business of power-sharing in the councils between every organisation and political personality has begun, and as the professor Reidar Visser underlines it: "*One of the biggest questions now is whether there will be moves towards ideological or opportunistic alliances. (...) Recently, the secular Iyad Allawi has apparently been in dialogue with ISCI (and the heavily-decimated Fadila party has hinted at the possible reconstitution of the (Shiite-led) United Iraqi Alliance. These are both examples of moves that would negate the declared aim of these parties to move away from a political system of ethno-sectarian quota-sharing (...)*"¹¹⁹. And unfortunately, the record of this last 6 years does not play so much in favour of all of these political organisations and personalities.

Political Movements:

The government coalition:

In 2005, two lists won the general elections and were the key brokers of the Iraqi government. The United Iraqi Alliance, which was the gathering of the main Shiites parties (ISCI, Da'wa, al Sadr, al Fadhila) and the Kurdish alliance which was the gathering of the two main Kurdish parties and other smaller formations (KDP, PUK, and some Assyrian and Christian groups). At that time, because of the ethnic quota sharing system, some Sunni parties like the IIP and the Iraqi accord front, entered the government. Since then, this loose coalition of vested and partisan interests has split several times. Also, lots of organisations are no longer part of the government coalition, while others joined later.

Islamic Supreme Council of Iraq, ISCI, (formerly known as the Supreme Council for the Islamic Revolution in Iraq, SCIRI): Led by Sayyid Abdul Aziz al-Hakim. It was long considered as the biggest Shiite party, with the al Sadr movement. After the provincial and general elections of 2005, it

119 Reidar Visser, "The Provincial Elections: The Seat Allocation Is Official and the Coalition-Forming Process Begins", 19 February 2009, www.historiae.org.

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received the majority in most of the governorate councils in the 9 governorates of the South and one of the biggest numbers of seats in the Iraqi national assembly. Today, it seems that the party has lost much of its influence and support among the Shiite community since 2005. This may be due firstly to its failure to adequately clear itself of the accusations that it is an Iran proxy or an Iran-oriented party. Secondly, its management of the governorate and some ministries also appear to have been a huge failure¹²⁰. Finally, its sectarian stance and practices and its long sectarian campaign for an autonomous Shiite region was opposed by a large number of Iraqis, including the Shiite Iraqis.

The Iraqi Islamic Party: led by Tariq al-Hashimi, who is also one of the two Vice-Presidents of Iraq. Established in the sixties, this Sunni Islamic party, close to the Muslim Brotherhood¹²¹, spent most of the thirty years of the Baathist regime underground. After 2003, it entered the political process created by the US-led coalition, claiming to defend the Sunni Arab community from “isolation” and “suppression”¹²². In the elections of December 2005, it was the main body of a loose Islamist Sunni coalition named the Iraqi Consensus Front. As virtually the sole Sunni participant it did well in the general elections of 2005 despite or because of the huge boycott of most of the Sunni community. Since then the party has been accused of having failed both in representing the interests of the Sunni community and in managing the governorate of al Anbar. Finally, they are accused of having backed the federalisation of the State and its “ethno-sectarian quota sharing system¹²³” and in some ways benefiting from it. However, its results in the provincial elections in 2008 were better than expected and especially in the al Anbar governorate. This has meant that somehow the party has kept considerable influence in the Sunni community and notably in the province of al Anbar.

The Kurdish Alliance, (Kurdish Democratic Party, Patriotic Union of Kurdistan): Since the US invasion, the two Kurdish parties have succeeded in securing and promoting the Kurdish agenda inside the new Iraqi constitution and in the general elections of 2005. Thus, they obtained the position of President of the Iraqi Republic as well as the positions of foreign minister, deputy prime minister and deputy army chief of staff. They mainly focused on the control of the so-called contested territories and in particular the city of Kirkuk, and, in alliance with the ISCI, they tried to promote their conception of a loose and Ethno-sectarian based federalism. Today, it seems that they are slightly losing their grip on Kirkuk and the territories. But they are likely to face an even bigger challenge: the reversal of fortune of the federalist idea in Iraq, and the weakening of federalist parties like ISCI that may follow, and also the new commitments of Prime Minister al Maliki to reinforce and re-centralize the State.

Al Da'wa Party: led by Prime Minister Nouri al Maliki. Established in the fifties, the Da'wa reappeared on the political scene after the 2003 invasion as the older and one of the weakest of the Shiite parties. As a part of the Shiite coalition in the general elections of 2005, it participated in the founding of the Iraqi government and because or in spite of its weakness, the party received the post of Prime Minister. After the fall of Prime Minister al Jafari in 2006 and an intense bargaining between the ISCI, the Sadr movement, the Da'wa and the US administration, Nouri al Maliki was chosen as the lower common denominator. Since then, Maliki has proved to be much more resilient than originally thought. Though he started his mandate as the weak Prime Minister of a government clearly lacking legitimacy, he managed to bolster his position at the head of the Iraqi state, and the

120 Patrick Cockburn, « Corruption blamed as cholera rips through Iraq » The Independent, Friday, 10 October 2008 and Joost R Hiltermann, "Iraq's elections: winners, losers, and what's next », Open Democracy, 10-02-09, <http://www.opendemocracy.net/article/iraq-s-elections-winners-losers-and-what-s-next>

121 Erik Rendek, "Entretien avec Muhammad Ahmad Al-Rasheed, consultant auprès du Parti Islamique Irakien", May 2004, www.oumma.com.

122 Ahmed Janabi, "Interview of Tarek al Hashimi", Aljazeera.net, October 2005, www.Aljazeera.net.

123 Reidar Visser, *art.cit.*, 8 February 2009.

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position of his party in the Iraqi political scene. For two years, he has been credited for having crushed Shiites militias in the South and Baghdad¹²⁴. Then, he used this campaign against militias to weaken his two Shiite rivals, the ISCI and Al Sadr movement. He also strongly opposed the Kurdish stance on Kirkuk and on the management of oil fields in the North. Then, he made strong declarations about the Iraqi state and against Federalism. Finally, all of this and the announcement of the withdrawal of the US troops scheduled for 2011 enabled him to raise his credibility as a potent Iraqi nationalist leader. The impressive results of his list in the provincial elections of 2008¹²⁵ and his recent apparent moves towards working with the '22nd July block'¹²⁶ of the parliamentary opposition could entrench him in this position¹²⁷.

The Opposition:

Al Sadr Movement or Al Sadr II movement: led by Moktada al Sadr since 2003. Inheriting the huge popularity and the massive bases of the movement founded by Moktada's father, Sayyed Muhammed Muhammed Seddiq al Sadr¹²⁸, the movement al Sadr II enjoyed the biggest popularity among the young and the impoverished Shiite population¹²⁹ in Baghdad and in the south of Iraq. But it seems that this Islamic movement has lost ground in the Shiite community. First, the Al Sadr movement suffered two military defeats against the US in 2004 and 2005, with a good number of its cadres killed or arrested. Secondly, it paid for the terrible behaviour of its undisciplined militia, the Madhi Army (al Jeish el Madhi). Even if the direction of the Al Sadr movement and Moktada himself condemned the sectarian cleaning and sectarian acts of terror, and also dismissed armed groups who were claiming to be Jeish el Madhi¹³⁰, a vast majority of Iraqis accuse the Madhi army of being one of the main actors in the sectarian civil war and of the horrors which took place¹³¹. In addition, the political strategy of the movement never really stopped oscillating between an all-out fight against the US troops and a very broad nationalist rhetoric involving sectarian alliances and gestures. In this way, the Sadrist participated in the 2005 election and in the government which resulted from it, although Moktada himself has refused to participate in elections¹³². In 2008, after two and a half years of participation in the government of Maliki, the two Sadrist ministers resigned and the parliamentary members of the movement joined the opposition. This unclear, or at the very least acrimonious, strategy did not help give the movement the credibility needed to overcome the

124 In fact, the US troops were obliged to intervene and save Maliki from a disastrous military campaign notably in Basra.

125 His list, "the state of law" took the lead in 8 of the South governorates and in Baghdad. In the Northern governorate of Ninewa, the Al Habda list which has the support of Maliki also obtained the majority of seats. See Independent High Electoral Commission (IHEC), Preliminary Result, Unami Unofficial Translation, 05/02/2009.

126 On the 22nd July 2008, a cross sectarian and cross partisan gathering of Iraqi parliament members voted a new provincial electoral law which banned the use of religious symbols during the elections and challenged the control of the Kurdish parties on Kirkuk. Even if the law was vetoed by the presidential council, this gathering took the name of the "22 July block", (Tajammu al-Thani wa al-Ishrin min Tammuz), and is considered as an oppositional, nationalist and anti sectarian parliamentary block.

127 "(...)a more profound overhaul of the Iraqi political system is needed, with institutional checks against the quota-sharing system that a large group of Iraqi parliamentarians are now rebelling against(...)Hence, only when Maliki moves in the direction of constitutional revision will his flirtation with the 22 July parties and his conversion to Iraqi nationalism become truly convincing(...)" Reidar Visser, *art.cit.*, 8 February 2009, www.historiae.org.

128 Most probably assassinated by the Baathist regime in 99. See Faleh A.Jabar, *op.cit.*, 2003.

129 See Faleh A.Jabar, *op.cit.*, 2003 and also Juan Cole, "The United States and Shi'ite Religious Factions in Post-Ba'athist Iraq", Middle East Journal, August 2003.

130 "This days, anyone can wear a black shirt and shout Moktada while he is doing horrible things. Like what happened in some area of Baghdad, in Khazamia or Shula. But we don't recognize this people and they don't obey us. They are gangster! That's it." Interview Sayyed Hassan al Moussawi, Ulema Shiite, member of Al Sadr movement, Damascus 2007.

131 "(...)They are the Talibans of Iraq, they did terrible things against everyone, Shiites, Sunnites, everyone(...)", "They called themselves Jeish el Mehdi, but they are just a bunch of thugs(...)." There is numerous testimonies from Iraqi refugees, Damas Nov 2006 _Dec 2008.

132 « [Moktada Al Sadr] : I personally will stay away from the elections until the occupiers stay away from them, and until our beloved Sunnis participate in them, ... otherwise they will lack legitimacy and democracy."quoted by Anthony Shadid, Washington Post Foreign Service, Monday, January 24, 2005.

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sentiment that, above all, it was a gathering of restless youngsters without real leadership¹³³. Nowadays, the parliamentary members of the movement are part of the 'the 22nd July Block', an unofficial and cross-sectarian gathering which is rising up against the decentralized and ethno-sectarian federalist constitution of the State. The al Sadr movement did not present its own list in the last provincial elections, but backed independent lists.

_al Fadhila: led by the Shiite cleric Mohammed al Yakoubi. Al Fadhila is a breakaway faction of the Al Sadr movement. Al Yakoubi was a top aide cleric of Ayatollah Muhammed Muhammed Sediq al Sadr. When Moktada took the lead of the Sadrist movement in 2003, al Yakoubi refused to accept it. He founded al Fadhila party with other Sadrists. In 2005, Al Fadhila was part of the United Iraqi Alliance and obtained some seats in the Iraqi Assembly, but joined the opposition a few months later. It is also part of the '22 July Block'. This Islamic party established its stronghold in the south of Iraq and notably in Basra where it led the governorate council. While supporting a centralized government and holding an anti-sectarian stance, it also campaigned for a quasi autonomy for Basra. But the last provincial elections turned out to be quite disastrous for the party, which lost the governorate of Basra and won few seats in only two more provinces in the South.

_Al Wifaq or Iraqi National Accord Movement (INAM): Secular gathering led by Iyad Allawi. Allawi is the former Prime Minister of the Transitional government of 2004. Despite massive help from the US administration, Al Wifaq lost the 2005 elections and secured only a few seats in the National Assembly. Since then, the Wifaq joined the opposition and is part of the informal '22 July Block'. The party has also developed ties with other secularist organisations such as the Iraqi Communist Party and the Iraqi National Front led by Saleh al Mutlaq.

Outside of the Political Process:

_The Iraqi National Foundation Congress led by Sheikh Jawad Madhi al Khalissy. For years, the INFC served as a loose gathering and meeting space between, personalities, political organisations, guerrillas and armed groups which all either completely refused the political process and the US led-occupation or openly criticised it.

_Al Hayat al Ulema (Muslim Scholars Association) led by Sheikh Harith Al-Dhari. The Muslim Scholars Association was established directly after 2003 and enjoyed a huge popularity among the Sunni community and Sunni armed groups, especially with the 1920 Revolution Brigades. Until now the MSA had always refused any participation in the political process.

But after the years of civil war (during which both leaders have been forced to leave the country and take refuge in Syria and Jordan) and also, because of the recent political developments, they appear to have lost some of the influence they enjoyed among political organisations and Iraqis in general.

Armed Movement or Militia:

_The Badr brigade: Militia of the ISCI founded by the party in Iran in the eighties. Claimed to be

133 “(...)Al Sadr movement(...), they don't have a strategy, they are opportunist(...)They are jumping from one rope to another rope. Yesterday they said: 'we are with the movement of Sheikh Khalissy and we are Arabs against the occupation', today they say: 'we are with the Dawaa Party' and after they go and kiss the hands of Sistani', tomorrow they will ask Al Hakim: 'We are Shiites like you, so tell us what should we do?'(...)” Interview with Iraqi Journalist and Intellectual in Damascus. March, 2007.

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disbanded by the ISCI. It is accused of having infiltrated many security apparatus, especially those of the Ministry of the Interior, where it formed death squads responsible for sectarian and political kidnapping and assassinations. It is also accused of sectarian cleansing.

_The Madhi Army (Jeish el Madhi): Militia of the al Sadr movement, founded in 2003. The militia was essentially a loose gathering of youngsters and inexperienced fighters. The militia is widely accused of being involved in the sectarian cleansing, especially in Baghdad. The majority of the militia was officially disbanded by the Al Sadr movement and the forces which remained and still claimed they belonged to the Madhi army were crushed by the Iraqi government and US forces in 2008.

_The Peshmerga: 'Peshmerga' is the name of the fighters of the militias of the two Kurdish parties. Now, the Peshmerga are the official security apparatus of the Kurdish Regional Government.

_The Sahwa: (*Sahwa, Local Concerned Citizen, sons of Iraq*), As mentioned above, the Sahwa movement is a loose gathering of mostly Sunni tribal fighters under the command of tribal sheikhs. Well-known Sunni armed groups such as the 1920 Revolution Brigades, part of the Islamic Army, and part of the secular nationalist groups integrated the *Sahwa*. At the beginning, the *Sahwa* had three main goals: crushing of Al Qaeda in Mesopotamia, being a counterweight to the Shiite militias and influencing the political balance in favour of the Sunni community. Today, most of the *Sahwa* members are waiting for their integration into the Iraqi security apparatus. Also the heads of the movement, mainly sheikhs, enlisted in politics and ran in the provincial elections of 2009. In al Anbar province, the list led by the Sheikh Ahmed abu Risha, leader of the *Sahwa* in the governorate, ranked second just below the list backed by the Iraqi Islamist Party¹³⁴.

_Al Qaeda In Mesopotamia (AQM): After making enemies of virtually all the communities of Iraq, AQM is in an all out fight against the *Sahwa*, the Shiite militias, the Iraqi government and the US troops since 2007. It now appears to have been largely weakened, but it is difficult to judge whether such an organization will ultimately survive or die. .

Of course, other small armed groups or disenfranchised factions remain, but they appear not to have the same capacity or at least the same space in the Iraqi society as a few years ago. This and the fact that most of the biggest militias integrated into the state apparatus or have been disbanded, does not mean an end to violence, but merely a reduction of it. And the situation still remains precarious.

International Actors:

Since the beginning of the conflict Iraq has been and is still the target of many foreign interventions which have interest in this country. As with other conflicts and civil wars, like in Lebanon or the former Yugoslavia, foreign interventions, overt or covert, have rarely solved anything. Mostly, foreign interventions tend to aggravate the divisions and the use of violence between the local actors and, by developing proxies, multiply these actors¹³⁵. Iraq did not avoid this fate and political organisations, militias and armed groups have all received the assistance of foreign 'friends'. Syria, Turkey, Saudi Arabia, Iran and of course the US are the most active in Iraq.

134 See Independent High Electoral Commission (IHEC), Preliminary Result, Unami Unofficial Translation, 05/02/2009.

135 "(...)Each time that a faction or a militia receives some money or weapons because it belongs to a broader alliance or directly from a foreign country, it will use it in order to increase its power against the other factions. On the other side, the neighboring country have to support groups or militias if they want to conserve some influence on Iraq". Interview with a member of the Iraqi National Foundation Congress, Damascus, March 2007.

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Syria: This country is stuck between its biggest enemy (US) and its biggest friend (Iran). That means that the involvement of Syria in Iraq is always on the edge, in a manner that will not completely infuriate the US and not embarrass Iran. Of course, Syria and Iran agree on the necessity to prevent a long establishment of the USA in Iraq. The problem is the shape of the future Iraq. Because of ideological reasons (Arab nationalism is one of the main pillars of the Syrian regime) and sociological reasons (around 65% of the population is Arab Sunni, and the remaining 35% are divided between Christians, Allawi, Druze, Kurds and Shiites) the Syrian regime is clearly opposed to the idea of a religious Shiite-led Iraq, or to a loose sectarian federation. The regime fears, with good reason, that the outcome of such a new Iraq will have real destabilizing effects on its own country. However, Syria remains influential among secular organisations, ex-Baathists, a lot of Sunni tribes and some Sunni armed groups. Also, because it has generously welcomed around one million Iraqis who fled the civil war, Syria now holds considerable sway in the international resolution of the crisis.

Jordan & Saudi Arabia: The main concerns of the two countries are the development of Iran as a regional super power and related to it, the rising of a so-called 'Shiite crescent'. What is more, in Saudi Arabia the Wahhabi regime fears that the Iraqi Shiite led-government could be seen as an example by the vast Saudi Shiite minority who live under pressure and discrimination. Mainly, the two countries are influential among Sunni clergy, the Iraqi Islamic Party and some Sunni armed groups. Of course, because of their alliance with the USA, they cannot openly criticise the political process initiated in Iraq by the US-led occupation and which resulted in the victory of the Shiites organisations in 2005. But as Jordan also has hundreds of thousands of Iraqi refugees in its territory, it will have some role to play in the resolution of the crisis.

Turkey: Turkey is perhaps the country on which the future of the Iraqi crisis will have the most impact in terms of foreign policy. Historically, one of the closest allies of the US in the region (just after Israel), the soft but firm Turkish rejection of the invasion of Iraq was a milestone in relations between the two countries. Since then, Turkey and the United States have tried to recover the level of cooperation and relations that they used to enjoy but with limited success. For Turkey, aside from ethical concerns¹³⁶, the invasion of Iraq meant that the Iraqi/Kurd problem which had been somewhat frozen since 1991 could resurface on its border. This would bolster Kurdish community, organisations and armed groups (like PKK) from Turkey. In addition, the general empowerment of the Kurdish Regional Government, the federalisation of Iraq and finally the *de facto* control of Kirkuk by the KRG, even if not recognized by the other Iraqi actors, has pushed Turkey to act in three directions. It has developed stronger diplomatic ties especially with Syria and Iran in the region¹³⁷. It also intervened militarily in the Kurdistan province of Iraq. And in Iraq, Turkey first backed the important Turcoman community and notably the Iraqi Turcoman Front, but it also developed links with Arab nationalist personalities and secular or Islamic organisations, such as the Iraqi National Accord Front.

Iran: Iran has two widely acknowledged concerns regarding Iraq. The first one is to prevent Iraq from becoming a threat against Iran again. For good reason: Iranians (and Iraqis as well) still remember the eight years of terrible war they fought against Iraq which at that time was backed by the West. More broadly, they want to prevent a government which would be a threat against the Shiite community and especially the Shiite clergy. The second concern is the large and powerful

136 After all, the President Ahmet Necdet Sezer of Turkey declared the war "illegitimate" and "unjustifiable" in 2003.

137 see for example Robert Tait, "Iran sought Turkey's help to mend links with US, says Erdogan" , guardian.co.uk, Tuesday 24 February 2009, <http://www.guardian.co.uk/world/2009/feb/24/turkey-iran-erdogan-interview>

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presence of the US in Iraq. Given the hostility between the US and Iran, Iran cannot let Iraq fall completely under the US influence and become an US proxy, or worse, let Iraq be a base for the next US attack on Iran. With this in mind, there is not one Iranian strategy but many aimed at resolving these issues, at least three of which we can summarise here. First is the support of the establishment of a friendly Shiite-led government of a united Iraq which will gradually extricate the US influence. Second is the support of a very loose Iraqi federation on sectarian bases, which means that a south Iraqi autonomous region (even as far as Baghdad) will be under the complete influence of Iran. The last is, as one Iraqi respondent puts it, “*the creation of a small hell for US in Iraq to keep them busy, [so they will not be able to attack Iran].*”¹³⁸. These strategies are not antagonistic, but more like cards which are played in regard to the evolution of the situation and with different partners and factions. Thus, because of historical and ideological reasons or sectarian proximities, Iran is particularly influential among the ISCI and the Badr Brigades, with some factions of the D'awa party, with other smaller Shiites organisations like the Iraqi Hezbollah and to a lesser extent with some factions inside the al Sadr movement and possibly some Sunni armed groups¹³⁹. For obvious reasons it is quite difficult to determine how this influence in each organisation is translated in terms of money, weapons, military trainings etc, but it seems that all levels of support were granted. In this regard, as with other influential foreign countries, Iran bears a responsibility in the sectarian war which happened during the years 2005-2007. But it should be emphasized that if Iran was accused by many, especially Iraqi actors and US administration alike¹⁴⁰ of being widely involved in the destabilisation of Iraq and the political process, in the final analysis there is little evidence to suggest that Iran was by itself the prime spoiler in the Iraqi chaos¹⁴¹.

_US: A lot has already been said about the US. But it should be emphasised that its strategy, if there is one¹⁴², is still very obscure. It is difficult to understand if the virtual destruction of Iraq as a State and as a Nation was only a mistake or if there were ideological aims. The same is true about the development of the sectarian-based federation. Today, it seems that the US is slightly backing the idea of a united somehow centralized Iraq and the inclusion into the political process of the Sunni and nationalist actors. But who really knows if it is just a limited trend to provide a counterweight to the Iranian influence or a real and tentative step to help rebuild and stabilize the Iraqi State. Finally, the US government accepted with great difficulties a timetable withdrawal of his troops in 2011. But there is still a real ambiguity about the meaning of the withdrawal: Does that mean the complete return of its sovereignty to Iraq, or the continuation of the US influence and its control by other means? The time has come for the US realise that all the roads which can be taken to solve the Iraqi crisis meet at the same point - a complete withdrawal and return of Iraqi sovereignty.

138 Interview with nationalist Shiite cleric, Ayatollah Ahmed al Hussein Al Baghdadi, Damascus, March 2007.

139 Also since the Iran-Iraq war, Iran had excellent relations with the Kurdish Democratic Party. See Pierre Jean Luizard, *La question irakienne*, Fayards: Paris, 2002. and Habib Ishow, *structures sociales et politiques de l'Irak contemporain, pourquoi un Etat en crise ?*, l'Harmattan: Paris, 2003.

140 Dlovan Brwari, “Iraq Says It Has Proof Of Iranian Meddling, Tehran Funneling Weapons, Officials Say”, Washington Post, 5 May 2008.

141 “(...)the evidence of attempted destabilising Iranian intervention is far less extensive and clear than is alleged; the evidence of successful destabilising intervention less extensive and clear still.” in International Crisis Group, “Iran In Iraq : How Much Influence ?”, Middle East Report n°30, March 2005.

142 “The first priority of United States policy now is to become more realistic about the situation inside Iraq. (...) During the election campaign, Barack Obama and John McCain alike gave no public sign that they understood the evolving situation, and in particular the degree to which political and military developments inside Iraq had an autonomous existence - and were not simply a resultant of US policy and shifting priorities.” Fred Halliday, “The Future of Iraq”, 04 December 2009, www.opendemocracy.net.