



# Iraq: Politics, Governance, and Human Rights

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## Summary

Ten years after the March 19, 2003, U.S. military intervention to oust Saddam Hussein's regime in Iraq, accelerating violence and growing political schisms call into question whether the fragile stability left in place after the U.S. withdrawal from Iraq will collapse. Iraq's stability is increasingly threatened by a revolt—with both peaceful and violent components—by Sunni Arab Muslims who resent Shiite political domination. Sunni Arabs, always fearful that Prime Minister Nuri al-Maliki would seek unchallenged power, accuse him of attempting to marginalize them politically in part by arresting or attempting to remove key Sunni leaders. Sunni demonstrations have grown since late December 2012 and some have led to protester deaths. Iraq's Kurds are increasingly aligned with the Sunnis, based on their own disputes with Maliki over territorial, political, and economic issues. The Shiite faction of Moqtada Al Sadr has been leaning to the Sunnis and Kurds, and could hold the key to Maliki's political survival. Adding to the schisms is the physical incapacity of President Jalal Talabani, a Kurd who has served as a key mediator, who suffered a stroke in mid-December 2012 and remains outside Iraq. The rifts have impinged on provincial elections on April 20, 2013, and will likely affect national elections for a new parliament and government in 2014. Maliki is expected to seek to retain his post in that vote.

The violent component of Sunni unrest is spearheaded by the Sunni insurgent group Al Qaeda in Iraq (AQ-I). The group, apparently emboldened by the Sunni-led uprising in Syria, is conducting attacks against Shiite neighborhoods and Iraqi Security Force (ISF) members with increasing frequency and lethality. The attacks are intended to reignite all-out sectarian conflict, and some fear that goal might be realized. Should the violence escalate further, there are concerns whether the ISF—which numbers nearly 700,000 members—can counter it now that U.S. troops are no longer in Iraq.

U.S. forces left in December 2011 in line with a November 2008 bilateral U.S.-Iraq Security Agreement. Iraq refused to extend the presence of U.S. troops in Iraq, seeking to put behind it the period of U.S. political and military tutelage and arguing that the ISF could handle violence on its own. Since the U.S. pullout, many observers assert that U.S. influence over Iraq has ebbed significantly. Cornerstone programs of what were to be enduring, close security relations—U.S. training for Iraq's security forces through an Office of Security Cooperation - Iraq (OSC-I) and a State Department police development program—have languished. The U.S. civilian presence in Iraq has declined from about 17,000 to about 10,500 as of March 2013, and might fall to 5,500 by the end of 2013. However, the Administration—with increasing Iraqi concurrence—has asserted that the escalating violence necessitates that Iraq rededicate itself to military cooperation with and assistance from the United States. In December 2012 signed a new defense cooperation agreement with the United States.

Although recognizing that Iraq wants to rebuild its relations in its immediate neighborhood, the United States is seeking to prevent Iraq from falling under the sway of Iran. The Maliki government has built close relations with the Islamic Republic. Apparently fearing that a change of regime in Syria will further embolden the Iraqi Sunni opposition, Maliki has joined Iran in supporting Bashar Al Assad's regime. However, the legacy of Iran-Iraq hostilities, and Arab and Persian differences, limit Iranian influence among the Iraqi population. Another limitation on Iranian influence is Iraq's effort to reestablish its historic role as a major player in the Arab world. Iraq took a large step toward returning to the Arab fold by hosting an Arab League summit on March 27-29, 2012.

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## **Overview of the Post-Saddam Political Transition**

During the 2003-2011 presence of U.S. forces, Iraq completed a transition from the dictatorship of Saddam Hussein to a plural political system in which varying sects and ideological and political factions compete in elections. A series of elections began in 2005, after a one-year occupation period and a subsequent seven-month interim period of Iraqi self-governance. There has been a consensus among Iraqi elites since 2005 to give each community a share of power and prestige to promote cooperation and unity. Still, disputes over the relative claim of each community on power and economic resources permeated almost every issue in Iraq and were never fully resolved. These unresolved differences—muted during the last years of the U.S. military presence—have reemerged since mid-2012 and threaten to return Iraq to a period of sectarian civil conflict.

### **Initial Transition and Construction of the Political System**

After the fall of Saddam Hussein's regime in April 2003, the United States set up an occupation structure, reportedly based on concerns that immediate sovereignty would favor major factions and not produce democracy. In May 2003, President Bush, reportedly seeking strong leadership in Iraq, named Ambassador L. Paul Bremer to head a "Coalition Provisional Authority" (CPA), which was recognized by the United Nations as an occupation authority. Bremer discontinued a tentative political transition process and instead appointed (July 13, 2003) a non-sovereign Iraqi advisory body, the 25-member "Iraq Governing Council" (IGC). During that year, U.S. and Iraqi negotiators, advised by a wide range of international officials and experts, drafted a "Transitional Administrative Law" (TAL, interim constitution), which became effective on March 4, 2004.<sup>1</sup>

After about one year of occupation, the United States, following a major debate between the CPA and various Iraqi factions over the modalities and rapidity of a resumption of Iraqi sovereignty, handed sovereignty to an appointed Iraqi interim government on June 28, 2004. That date was two days ahead of the TAL-specified date of June 30, 2004, for the handing over of Iraqi sovereignty and the end of the occupation period, which also laid out the elections roadmap discussed below. The interim government was headed by a prime minister, Iyad al-Allawi, leader of the Iraq National Accord (INA), a secular, non-sectarian faction. Allawi is a Shiite Muslim but his supporters are mostly Sunni Arabs, including some former members of the Baath Party. The president was Sunni tribalist Ghazi al-Yawar.

### **Exile Factions Return and New Factions Emerge**

This interim government was weak and heavily influenced by parties and factions that had long campaigned to oust Saddam. These included long-standing anti-Saddam Shiite Islamist parties, such as the Da'wa Party and the Islamic Supreme Council of Iraq (ISCI), both of which were Iran-supported underground parties working to overthrow Saddam Hussein since the early 1980s. ISCI is led by the Hakim family—the sons of the revered late Grand Ayatollah Muhsin Al Hakim, who hosted Iran's Ayatollah Ruhollah Khomeini when he was in exile in Iraq during 1964-78. Another Shiite Islamist faction, one loyal to radical cleric Moqtada Al Sadr, whose family had lived under Saddam's rule, gelled as a cohesive party after Saddam's ouster and also formed an

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<sup>1</sup> Text, in English, is at <http://www.constitution.org/cons/iraq/TAL.html>.

armed faction called the Mahdi Army. Sadr is the son of revered Ayatollah Mohammad Sadiq Al Sadr, who was killed by Saddam's security forces in 1999, and a relative of Mohammad Baqr Al Sadr, a Shiite theoretician and contemporary and colleague of Ayatollah Khomeini. Also influential were the long-established Kurdish parties the Kurdistan Democratic Party (KDP) headed by Masoud Barzani, son of the late, revered Kurdish independence fighter Mullah Mustafa Barzani, and the Patriotic Union of Kurdistan (PUK) headed by Jalal Talabani.

## **Interim Government Formed and New Coalitions Take Shape**

Iraqi leaders of all factions agreed that elections should determine the composition of Iraq's new power structure. The beginning of the elections process was set for 2005 to produce a transitional parliament that would supervise writing a new constitution, a public referendum on a new constitution, and then the election of a full term government under that constitution.

In accordance with the dates specified in the TAL, the first post-Saddam election was held on January 30, 2005. The voting was for a 275-seat transitional National Assembly (which would form an executive), four-year-term provincial councils in all 18 provinces, and a Kurdistan regional assembly (111 seats). The election for the transitional Assembly was conducted according to the "proportional representation/closed list" election system, in which voters chose among "political entities" (a party, a coalition of parties, or people). A total of 111 entities were on the national ballot, of which 9 were multi-party coalitions.

Still restive over their displacement from power in the 2003 U.S. invasion, Sunni Arabs (20% of the overall population) boycotted, winning only 17 Assembly seats, and only 1 seat on the 51-seat Baghdad provincial council. That council was dominated (28 seats) by representatives of the ISCI, then led by Abd al-Aziz al-Hakim. (In August 2003, when Abd al-Aziz's brother, Mohammad Baqr al-Hakim, was assassinated in a bombing outside a Najaf mosque, Abd al-Aziz succeeded his brother as ISCI leader. After Abd al-Aziz al-Hakim's death from lung cancer in August 2009, his son Ammar, born in 1971, succeeded him.)

Hardline Shiite cleric Moqtada Al Sadr, whose armed faction was then at odds with U.S. forces, also boycotted, leaving his faction poorly represented on provincial councils in the Shiite south and in Baghdad. The resulting transitional government placed Shiites and Kurds in the highest positions—Patriotic Union of Kurdistan (PUK) leader Jalal Talabani was president and Da'wa (another Shiite Islamist party) leader Ibrahim al-Jafari was prime minister. Sunnis were Assembly speaker, deputy president, a deputy prime minister, and six ministers, including defense. Another significant longtime anti-Saddam faction was the Iraqi National Congress (INC) of Ahmad Chalabi, which had lobbied since the early 1990s for the United States to overthrow Saddam.

## **Permanent Constitution<sup>2</sup>**

The elected Assembly was to draft a permanent constitution by August 15, 2005, to be put to a referendum by October 15, 2005, subject to veto by a two-thirds majority of voters in any three provinces. On May 10, 2005, a 55-member drafting committee was appointed, but with only two

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<sup>2</sup> Text of the Iraqi constitution is at <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>.

Sunni Arabs (15 Sunnis were later added as full members and 10 as advisors). In August 2005, the talks produced a draft, providing for:

- The three Kurdish-controlled provinces of Dohuk, Irbil, and Sulaymaniyah to constitute a legal “region” administered by the Kurdistan Regional Government (KRG), which would have its own elected president and parliament (Article 113).
- a December 31, 2007, deadline to hold a referendum on whether Kirkuk (Tamim province) would join the Kurdish region (Article 140).
- designation of Islam as “a main source” of legislation.
- all orders of the U.S.-led occupation authority (Coalition Provisional Authority, CPA) to be applicable until amended (Article 126), and a “Federation Council” (Article 62), a second chamber with size and powers to be determined in future law (not adopted to date).
- a 25% electoral goal for women (Article 47).
- families to choose which courts to use for family issues (Article 41); making only primary education mandatory (Article 34).
- having Islamic law experts and civil law judges on the federal supreme court (Article 89). Many Iraqi women opposed this and the previous provisions as giving too much discretion to male family members.
- two or more provinces to join together to form new autonomous “regions”—reaffirmed in passage of an October 2006 law on formation of regions.
- “regions” to organize internal security forces, legitimizing the fielding of the Kurds’ *peshmerga* militia (Article 117). This continues a TAL provision.
- the central government to distribute oil and gas revenues from “current fields” in proportion to population, and for regions to have a role in allocating revenues from new energy discoveries (Article 109). Disputes over these concepts continue to hold up passage of national hydrocarbons legislation. Sunnis dominate areas of Iraq that have few proven oil or gas deposits, and favor centralized control of oil revenues, whereas the Kurds want to maintain maximum control of their own burgeoning energy sector.

These provisions left many disputes unresolved, particularly the balance between central government and regional and local authority. With this basic question unresolved, Sunnis registered in large numbers (70%-85%) to try to defeat the constitution, prompting a U.S.-mediated agreement (October 11, 2005): a panel would propose amendments within four months after a post-December 15 election government took office (Article 137), and the amendments would be voted on within another two months—under the same rules as the October 15 referendum. Despite that stipulation, the Sunni provinces of Anbar and Salahuddin had a 97% and 82% “no” vote, respectively, but the constitution was adopted because Nineveh province voted 55% “no,” missing the threshold for three provinces to vote “no” by a two-thirds majority.

### **December 15, 2005, Elections Establish the First Full-Term Government**

The December 15, 2005, elections were for a full-term (four-year) national government (also in line with the schedule laid out in the TAL). Under the voting mechanism used for that election,

each province contributed a set number of seats to a “Council of Representatives” (COR)—a formula adopted to attract Sunni participation. Of the 275-seat body, 230 seats were allocated this way, with 45 “compensatory” seats for entities that would have won additional seats had the constituency been the whole nation. There were 361 political “entities,” including 19 multi-party coalitions, competing in a “closed list” voting system (in which party leaders choose the people who will actually sit in the Assembly). As shown in **Table 5**, voters chose lists representing their sects and regions, and the Shiites and Kurds again emerged dominant. The COR was inaugurated on March 16, 2006, but political infighting caused the Shiite bloc “United Iraqi Alliance (UIA)” to replace Jafari with another Da’wa figure, Nuri Kamal al-Maliki, as Prime Minister.

On April 22, 2006, the COR approved Talabani to continue as president. His two deputies were Adel Abd al-Mahdi (incumbent) of ISCI and Tariq al-Hashimi, leader of the Iraqi Islamic Party (IIP). Another Sunni figure, the hardline Mahmoud Mashhadani (National Dialogue Council party), became COR speaker. Maliki won COR approval of a 37-member cabinet (including two deputy prime ministers) on May 20, 2006. Three key slots (Defense, Interior, and National Security) were not filled permanently until June 2006, due to infighting. Of the 37 posts, there were 19 Shiites; 9 Sunnis; 8 Kurds; and 1 Christian. Four were women.

## **2006-2011: Sectarian Conflict and U.S.-Assisted Reconciliation**

The 2005 elections were, at the time, considered successful by the Bush Administration but did not resolve the Sunni-Arab grievances over their diminished positions in the power structure. Subsequent events suggested that the elections in 2005 might have worsened the violence by exposing and reinforcing the political weakness of the Sunni Arabs. With tensions high, the bombing of a major Shiite shrine within the Sunni-dominated province of Salahuddin in February 2006 set off major sectarian unrest, characterized in part by Sunni insurgent activities against government and U.S. troops, high-casualty suicide and other bombings, and the empowerment of Shiite militia factions to counter the Sunni acts. The sectarian violence was so serious that many experts, by the end of 2006, were considering the U.S. mission as failing, an outcome that an “Iraq Study Group” concluded was a significant possibility absent a major change in U.S. policy.<sup>3</sup>

### **Benchmarks and a Troop Surge**

As assessments of possible overall U.S. policy failure multiplied, in August 2006, the Administration and Iraq agreed on a series of “benchmarks” that, if adopted and implemented, might achieve political reconciliation. Under Section 1314 of a FY2007 supplemental appropriation (P.L. 110-28), “progress” on 18 political and security benchmarks—as assessed in Administration reports due by July 15, 2007, and then September 15, 2007—was required for the United States to provide \$1.5 billion in Economic Support Funds (ESF) to Iraq. President Bush exercised the waiver provision. The law also mandated an assessment by the Government

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<sup>3</sup> “The Iraq Study Group Report.” Vintage Books, 2006. The Iraq Study Group was funded by the conference report on P.L. 109-234, FY2006 supplemental, which provided \$1 million to the U.S. Institute of Peace for operations of an Iraq Study Group. The legislation did not specify the Group’s exact mandate or its composition.



Accountability Office, by September 1, 2007, of Iraqi performance on the benchmarks, as well as an outside assessment of the Iraqi security forces (ISF).

In early 2007, the United States began a “surge” of about 30,000 additional U.S. forces (bringing U.S. troop levels from their 2004-2006 baseline of about 138,000 to about 170,000 at the height of the surge) intended to blunt insurgent momentum and take advantage of growing Sunni Arab rejection of extremist groups. The Administration cited as partial justification the Iraq Study Group’s recommending such a step. As 2008 progressed, citing the achievement of many of the major Iraqi legislative benchmarks and a dramatic drop in sectarian violence that was attributed to surge, the Bush Administration asserted that political reconciliation was advancing. However, U.S. officials maintained that its extent and durability would depend on the degree of implementation of adopted laws, on further compromises among ethnic groups, and on continued attenuated levels of violence. For Iraq’s performance on the benchmarks, see **Table 7**.

## **Iraqi Governance During the Troop Surge: 2008-2009**

The passage of Iraqi laws in 2008 considered crucial to reconciliation, continued reductions in violence accomplished by the U.S. surge, and the continued turn of many Sunni militants away from violence, facilitated political stabilization. A March 2008 offensive ordered by Maliki against the Sadr faction and other militants in Basra and environs (“Operation Charge of the Knights”) pacified the city and caused many Sunnis and Kurds to see Maliki as even-handed—willing to take on radical groups even if they were Shiite. This contributed to a decision in July 2008 by the Sunni-led Accord Front to end its one-year boycott of the cabinet. During the period in which the Accord Front, the Sadr faction, and the bloc of former Prime Minister Iyad al-Allawi were boycotting, there were 13 vacancies out of 37 cabinet slots.

## **Empowering Local Governance: Provincial Powers Law and January 31, 2009, Provincial Elections**

The first provincial elections, held January 31, 2009, continued Iraq’s political stabilization. The provincial elections followed adoption in 2008 of a “provincial powers law” intended to decentralize governance by setting up powerful provincial councils that could decide local allocation of resources. The provincial councils in Iraq choose the province’s governor and governing administrations. Some central government funds are given as grants directly to provincial administrations for their use, although most of Iraq’s budget is controlled centrally. There have been efforts in 2012 in some provinces to consult with district and municipal level officials to assure a fair distribution of provincial resources.

The provincial elections had been planned for October 1, 2008, but were delayed when Kurdish restiveness over integrating Kirkuk into the KRG caused a presidential council veto of the July 22, 2008, election law required to hold the elections. That draft provided for equal division of power in Kirkuk (among Kurds, Arabs, and Turkomans) until its status is finally resolved, a proposal strongly opposed by the Kurds because it would dilute their political dominance there. On September 24, 2008, the COR passed another election law, providing for the provincial

elections by January 31, 2009, but putting off provincial elections in Kirkuk and the three KRG provinces.<sup>4</sup> That election law was not vetoed and governed the election.

In the elections, about 14,500 candidates vied for the 440 provincial council seats in the 14 Arab-dominated provinces of Iraq. About 4,000 of the candidates were women. The average number of council seats per province was about 30,<sup>5</sup> down from a set number of 41 seats per province (except Baghdad) in the 2005-2009 councils. The Baghdad provincial council had 57 seats. However, the reduction in number of seats also meant that many incumbents were not reelected.

The provincial elections were conducted on an “open list” basis—voters were able to vote for a party slate, or for an individual candidate (although they also had to vote for that candidate’s slate). This procedure encouraged voting for slates and strengthened the ability of political parties to choose who on their slate will occupy seats allotted for that party. This election system was widely assessed to favor larger, well-organized parties, because smaller parties might not meet the vote threshold to obtain any seats on the council in their province.<sup>6</sup> This was seen as likely to set back the hopes of some Iraqis that the elections would weaken the Islamist parties, both Sunni and Shiite, that have dominated post-Saddam politics.

About 17 million Iraqis (any Iraqi 18 years of age or older) were eligible for the vote, which was run by the Iraqi Higher Election Commission (IHEC). Pre-election-related violence was minimal, although five candidates were killed, and there were few violent incidents on election day. Turnout was about 51%, somewhat lower than some expected. Some voters complained of being turned away at polling places because their names were not on file; others had been displaced by sectarian violence and were unable to vote in their new locations.

The vote totals were certified on March 29, 2009. Within 15 days of that (by April 13, 2009) the provincial councils began to convene under the auspices of the incumbent provincial governor, and to elect a provincial council chairperson and deputy chairperson. Within another 30 days after that (by May 12, 2009) the provincial councils selected (by absolute majority) a provincial governor and deputy governors. The term of the provincial councils is four years from the date of their first convention.

The hopes of some Maliki opponents that the provincial elections would empower local authorities were dashed somewhat when Maliki’s “State of Law Coalition” (a coalition composed of his Da’wa Party plus other Shiite and a few non-Shiite allies) was the clear winner of the provincial elections. Maliki’s slate won 126 out of the 440 seats available. ISCI, which held nearly 200 provincial council seats before the election, won only 50 seats. Observers attributed ISCI’s poor showing to its perceived close ties to Iran and interest in political and economic gain for its supporters. Iyad al-Allawi’s faction won 26 seats, a gain of 8 seats, and a competing Sunni faction of Tariq al-Hashimi won 32 seats, a loss of about 15 seats. Sunni tribal leaders (“Awakening Councils”) who had recruited the “Sons of Iraq” fighters and who were widely credited for turning Iraqi Sunnis against Al Qaeda-linked extremists in Iraq, also participated. (Sunni tribalists had largely stayed out of the December 2005 elections because their attention

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<sup>4</sup> The election law also stripped out provisions in the vetoed version to allot 13 total reserved seats, spanning six provinces, to minorities. An October 2008 amendment restored six reserved seats for minorities: Christian seats in Baghdad, Nineveh, and Basra; one seat for Yazidis in Nineveh; one seat for Shabaks in Nineveh; and one seat for the Sabeen sect in Baghdad.

<sup>5</sup> Each provincial council has 25 seats plus one seat per each 200,000 residents over 500,000.

<sup>6</sup> The threshold for winning a seat is the total number of valid votes divided by the number of seats up for election.

was focused primarily on the severe violence in the Sunni provinces, particularly Anbar, and because of Al Qaeda in Iraq's admonition that Sunnis stay out of the political process.) The main "Iraq Awakening" tribal slate came in first in Anbar Province.

Although Maliki's State of Law coalition fared well, subsequent efforts to form provincial administrations demonstrated that he still needed to strike bargains with rival factions. The provincial administrations that took shape are discussed in **Table 5**. The next provincial elections are on April 20, 2013, as discussed below.

### **The March 7, 2010, Elections: Shiites Fracture and Sunnis Cohere**

After his slate's strong showing in the provincial elections, Maliki was the favorite to retain his position in the March 7, 2010, COR elections that would select another full-term government. Maliki derived further political benefit from the U.S. implementation of the U.S.-Iraq "Security Agreement" (SA), discussed below in the section on the U.S. military mission. However, as 2009 progressed, Maliki's image as protector of law and order was tarnished by several high-profile attacks, including major bombings in Baghdad on August 20, 2009, in which almost 100 Iraqis were killed and the buildings housing the Ministry of Finance and of Foreign Affairs were heavily damaged. Makeshift Ministry of Finance buildings were attacked again on December 7, 2009.

Politically, sensing Maliki's weakness and a more open competition for prime minister, Shiite unity broke down and a rival Shiite slate took shape as a competitor to State of Law. The "Iraqi National Alliance (INA)" formed as a coalition of ISCI, the Sadrists (faction of Moqtada Al Sadr), and other Shiite figures. The INA coalition believed that each of its component factions would draw support from their individual constituencies to produce an election victory.

To Sunni Arabs, the outwardly cross-sectarian Iraq National Movement ("Iraqiyya") of former transitional Prime Minister Iyad al-Allawi had strong appeal. There was an openly Sunni slate, leaning Islamist, called the Accordance slate led by IIP figures, but it was not expected to fare well. Some Sunni figures joined Shiite slates in order to improve their chances of winning a seat.

**Table 1. Major Coalitions for 2010 National Elections**

State of Law Coalition (slate no. 337)	Led by Maliki and his Da'wa Party. Included Anbar Salvation Front of Shaykh Hatim al-Dulaymi, which is Sunni, and the Independent Arab Movement of Abd al-Mutlaq al-Jabbouri. Appealed to Shiite sectarianism during the campaign by backing the exclusion of candidates with links to outlawed Baath Party.
Iraqi National Alliance (slate no. 316)	Formed in August 2009, was initially considered the most formidable challenger to Maliki's slate. Consisted mainly of his Shiite opponents and was perceived as somewhat more Islamist than the other slates. Included ISCI, the Sadrist movement, the Fadilah Party, the Iraqi National Congress of Ahmad Chalabi, and the National Reform Movement (Da'wa faction) of former Prime Minister Ibrahim al-Jafari. This slate was considered close to Ayatollah Sistani, but did not receive his formal endorsement.
Iraqi National Movement ("Iraqiyya"—slate no. 333)	Formed in October 2009. Led by former Prime Minister Iyad al-Allawi who is Shiite but his faction appeals to Sunnis, and Sunni leader Saleh al-Mutlaq (ex-Baathist who leads the National Dialogue Front). The coalition included the IIP and several powerful Sunni individuals, including Usama al-Nujaifi and Rafi al-Issawi.
Kurdistan Alliance (slate no. 372)	Competed again in 2010 as a joint KDP-PUK Kurdish list. However, Kurdish solidarity was shaken by July 25, 2009, Kurdistan elections in which a breakaway PUK faction called Change (Gorran) did unexpectedly well. Gorran ran its own separate list for the March 2010 elections. PUK's ebbing strength in the north did not jeopardize Talabani's continuation as president, although Sunnis sought that position.
Unity Alliance of Iraq (slate no. 348)	Led by Interior Minister Jawad Bolani, a moderate Shiite who has a reputation for political independence. Bolani was not previously affiliated with the large Shiite parties such as ISCI and Dawa, and was only briefly aligned with the Sadr faction (which has been strong in Bolani's home town of Amarah, in southeastern Iraq). Considered non-sectarian, this list included Sunni tribal faction led by Shaykh Ahmad Abu Risha, brother of slain leader of the Sunni Awakening movement in Anbar. The list included first post-Saddam defense minister Sadun al-Dulaymi.
Iraqi Accordance (slate no. 338)	A coalition of Sunni parties, including some breakaway leaders of the IIP. Led by Ayad al-Samarrai, then-speaker of the COR. Was viewed as a weak competitor for Sunni votes against Allawi's Iraqiyya.

**Sources:** Carnegie Endowment for International Peace; various press.

## Election Law Dispute and Final Provisions

While coalitions formed to challenge Maliki, disputes emerged over the ground rules for the election. The holding of the elections required passage of an election law setting out the rules and parameters of the election. Under the Iraqi constitution, the elections were to be held by January 31, 2010, in order to allow 45 days before the March 15, 2010, expiry of the current COR's term. Iraq's election officials had ideally wanted a 90-day time frame between the election law passage and the election date, in order to facilitate the voter registration process.

Because the provisions of the election law (covering such issues as voter eligibility, whether to allot quota seats to certain constituencies, and the size of the next COR) shape the election outcome, the major Iraqi communities were divided over its substance and the COR repeatedly missed self-imposed deadlines to pass it. One dispute was over the election system, with many COR members leaning toward a closed list system that gives the slates the power to determine who occupies COR seats after the election. Others, backed by Grand Ayatollah Sistani, called for an open list vote, which allows voters to also vote for candidates as well as coalition slates. Each

province served as a single constituency and a fixed number of seats for each province (see **Table 2**, for the number of seats per province).

There was also a dispute over how to apply the election in disputed Tamim (Kirkuk) province, where Kurds feared that the election law drafts would cause Kurds to be underrepresented. The version of the election law passed by the COR on November 8, 2009 (141 out of 195 COR deputies voting), called for using current food ration lists as representative of voter registration. The Kurds had sought this provision, opposing the use instead of 2005 voter lists that contained fewer Kurds. A compromise in that version of the law allowed for a process to review, for one year, complaints about fraudulent registration, thus easing Sunni and Shiite Arab fears about an excessive Kurdish vote in Kirkuk.

However, this version guaranteed only a small quota of seats for Iraqis living abroad or who are displaced—and Sunnis believed they would therefore be undercounted because it was mainly Sunnis who had fled Iraq. On this basis, deputy president Tariq al Hashimi vetoed the law on November 18, 2009, sending it back to the COR. A new version was adopted on November 23, 2009, but it was viewed as even less favorable to Sunni Arabs than the first version, because it eliminated any reserved seats for Iraqis in exile. Hashimi again threatened a veto, which he was required to exercise within 10 days. As that deadline was about to lapse, the major factions, at the urging of U.S. diplomats, adopted a new law on December 6, 2009.

## **Election Parameters**

The compromise version, not vetoed by any member of the presidency council, provided for

- Expansion of the size of the COR to 325 total seats. Of these, 310 were allocated by province, with the constituency sizes ranging from Baghdad's 68 seats to Muthanna's 7. The COR size, in the absence of a recent census, was based on taking 2005 population figures and adding 2.8% per year growth.<sup>7</sup>
- The remaining 15 seats to be minority reserved seats (8) and "compensatory seats" (7)—seats allocated from "leftover" votes; votes for parties and slates that did not meet a minimum threshold to achieve any seats outright.
- No separate electoral constituency for Iraqis in exile, so Iraqis in exile had their votes counted in the provinces where these voters originated.
- An open list election system.
- An election date set for March 7, 2010.

## **Flashpoint: De-Baathification and Disqualification of Some Prominent Sunnis**

The electoral process was at least partly intended to bring Sunni Arabs further into the political structure and to turn them away from violence and insurgency. As noted, Sunnis boycotted the January 2005 parliamentary and provincial elections but they did participate to some extent in the December 2005 parliamentary elections. This trend was jeopardized by a major dispute over candidate eligibility for the March 2010 elections. Although a Sunni boycott of the elections did

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<sup>7</sup> Analysis of Iraq expert Reidar Visser. "The Hashemi Veto." <http://gulfanalysis.wordpress.com/2009/11/18/the-hashemi-veto/>.

not materialize, there was a Sunni Arab perception that the election might be unfair because of this dispute. The acute phase of this political crisis began in January 2010 when the Justice and Accountability Commission (JAC, the successor to the “De-Baathification Commission” that worked since the fall of Saddam to purge former Baathists from government) invalidated the candidacies of 499 individuals (out of 6,500 candidates running), spanning many different slates. The JAC was headed by Ali al-Lami, a Shiite who had been in U.S. military custody during 2005–2006 for alleged assistance to Iranian agents active in Iraq. He was perceived as answerable to or heavily influenced by Ahmad Chalabi, who had headed the De-Baathification Commission. Both were part of the Iraqi National Alliance slate and both are Shiites, leading many to believe that the disqualifications represented an attempt to exclude prominent Sunnis from the vote.

The JAC argued that the disqualifications were based on law and not based on sect, even though most of the candidates disqualified were Shiites. The IHEC reviewed and backed the invalidations on January 14, 2010; disqualified candidates had three days to file an appeal in court. Apparently due in part to entreaties from Vice President Joseph Biden (during a visit to Iraq on January 22, 2010) and partner countries—all of which feared a return to instability—the appeals court ruled that disqualified candidates could run in the election and clear up questions of Baathist affiliation afterwards. However, about 300 disqualified candidates had already been replaced by other candidates on their respective slates. The slate most affected by the disqualifications was Iraqiyya, because two of its leading candidates, National Dialogue Front party leader Saleh al-Mutlaq and Dhafir al-Ani, both Sunnis, were replaced on their slates. Still, the slate campaigned vigorously, hoping to use high turnout to achieve political results. Even the JAC’s disqualification of an additional 55 mostly Iraqiyya candidates the night before the election did not prompt a Sunni boycott.

The crisis appeared to prompt the February 16, 2010, comments by General Ray Odierno, then the top U.S. commander in Iraq (who was replaced as of September 1, 2010, by his deputy, General Lloyd Austin), that Iran was working through Chalabi and al-Lami to undermine the legitimacy of the elections. General Odierno specifically asserted that the two were working with Iraqi allies of General Qasem Soleimani, commander of the Qods Force unit of Iran’s Islamic Revolutionary Guard Corps (IRGC).<sup>8</sup> Chalabi’s successful efforts to turn the election into a campaign centered on excluding ex-Baathists—which Sunnis view as a codeword for their sect—caused particular U.S. alarm. (Lami was assassinated on May 26, 2011, presumably by Sunnis who viewed him as an architect of the perceived discrimination. Chalabi, a member of parliament as of the 2010 elections, initially replaced Lami as manager of the JAC, but Maliki dismissed Chalabi, appointing instead the minister for human rights to serve in that role concurrently.)

## **Election and Results**

About 85 total coalitions were accredited for the March 7, 2010, election. There were about 6,170 total candidates running on all these slates and, as noted, Iraqis were able to vote for individual candidates as well as overall slates. The major blocs are depicted in **Table 1**. All available press reports indicated that campaigning was vibrant and vigorous. Total turnout was about 62%, according to the IHEC, although somewhat lower than that in Baghdad because of the multiple insurgent bombings that took place just as voting was starting.

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<sup>8</sup> Gertz, Bill. “Inside the Ring.” *Washington Times*, February 18, 2010.

The final count was announced on March 26, 2010, by the IHEC. As noted in **Table 2**, Iraqiyya won a plurality of seats, winning a narrow two-seat margin over Maliki's State of Law slate. The Iraqi constitution (Article 73) mandates that the COR "bloc with the largest number" of members gets the first opportunity to form a government. On that basis, Allawi, leader of the Iraqiyya slate, demanded the first opportunity to form a government. However, on March 28, 2010, Iraq's Supreme Court ruled that a coalition that forms after the election could be deemed to meet that requirement, essentially denying Allawi the first opportunity to form a government.

The vote was to have been certified by April 22, 2010, but factional disputes delayed the certification. On March 21, 2010, before the count was final, Prime Minister Maliki issued a statement, referring to his role as armed forces commander-in-chief, demanding the IHEC respond to requests from various blocs for a manual recount of all votes. The IHEC responded that a comprehensive recount would take an extended period of time. Several international observers, including then-U.N. Special Representative for Iraq Ad Melkert (and head of the U.N. Assistance Mission—Iraq, UNAMI), indicated that there was no cause to suggest widespread fraud. (Melkert was replaced in September 2011 by Martin Kobler.)

After appeals of some of the results, Iraq's Supreme Court certified the results on June 1, 2010, triggering the following timelines:

- Fifteen days after certification (by June 15, 2010), the new COR was to be seated and to elect a COR speaker and deputy speaker. (The deadline to convene was met, although, as noted, the COR did not elect a leadership team and did not meet again until November 11, 2010.)
- After electing a speaker, but with no deadline, the COR is to choose a president (by a two-thirds vote). (According to Article 138 of the Iraqi constitution, after this election, Iraq is to have a president and at least one vice president—the "presidency council" concept was an interim measure that expired at the end of the first full-term government.)
- Within another 15 days, the largest COR bloc is tapped by the president to form a government. (The selection of a president occurred on November 11, 2010, and Maliki was formally tapped to form a cabinet on November 25, 2010.)
- Within another 30 days (by December 25, 2010), the prime minister-designate is to present a cabinet to the COR for confirmation (by majority vote).

## **Post-Election Government**

In accordance with timelines established in the Constitution, the newly elected COR convened on June 15, 2010, but the session ended after less than a half hour without electing a COR leadership team. Under Article 52 of the Constitution, the "eldest member" of the COR (Kurdish legislator Fouad Massoum) became acting COR speaker. During the period when no new government was formed, the COR remained inactive, with most COR members in their home provinces while still collecting \$10,000 per month salaries.

Allawi's chances of successfully forming a government appeared to suffer a substantial setback in May 2010 when Maliki's slate and the rival Shiite INA bloc formed a broader "National Alliance." However, this coalition was not able to immediately agree to a prime minister selectee and the COR aborted its second meeting scheduled for July 27, 2010. The various factions made

little progress through August 2010, as Maliki insisted he remain prime minister for another term and remained in a caretaker role.

With the end of the U.S. combat mission on August 31, 2010, approaching, the United States reportedly stepped up its involvement in political talks. Some discussions were held between Maliki and Allawi's bloc on a U.S.-proposed formulas under which Allawi, in return for supporting Maliki, would head a new council that would have broad powers as a check and balance on the post of prime minister. Alternate proposals had Allawi being given the presidency, although the Kurds refused to cede that post, fearing loss of leverage on other demands. Part of the difficulty forming a government was the close result, and the dramatic implications of gaining or retaining power in Iraq, where politics is often seen as a "winner take all" proposition.

### **Agreement on a New Government Reached ("Irbil Agreement")**

On October 1, 2010, Maliki received the backing of most of the 40 COR Sadrist deputies. The United States reportedly was alarmed at the prospect that Maliki might be able to form a government primarily by allying with Sadrist, but they, Allawi, and the Sunni Arab regional states acquiesced to a second Maliki term. The key question that remained was whether Maliki would agree to form a broad based government that met the demands of Iraqiyya for substantial Sunni Arab inclusion. Illustrating the degree to which the Kurds reclaimed their former role of "kingmakers," Maliki, Allawi, and other Iraqi leaders met in the capital of the Kurdistan Regional Government-administered region in Irbil on November 8, 2010, to continue to negotiate on a new government. (Sadr did not attend the meeting in Irbil, but ISCI/Iraq National Alliance slate leader Ammar Al Hakim did.)

On November 10, 2010, with reported direct intervention by President Obama, the "Irbil Agreement" was reached in which (1) Allawi agreed to support Maliki and Talabani to remain in their offices for another term; (2) Iraqiyya would be extensively represented in government—one of its figures would become COR Speaker, another would be defense minister, and another (presumably Allawi himself) would chair an oversight body called the "National Council for Strategic Policies;"<sup>9</sup> and (3) amending the de-Baathification laws that had barred some Iraqis, such as Saleh al-Mutlaq, from holding political positions. Observers praised the agreement because it included all major factions and was signed with KRG President Masoud Barzani and then U.S. Ambassador to Iraq James Jeffrey in attendance. The agreement did not specify concessions to the Sadr faction.

### **Second Full-Term Government (2010-2014) Formed<sup>10</sup>**

At the November 11, 2010, COR session to implement the agreement, Iraqiyya figure Usama al-Nujaifi (brother of Nineveh Governor Atheel Nujaifi) was elected COR speaker, as agreed. However, Allawi and most of his bloc walked out of the session over the refusal of the other blocs to readmit the three senior Iraqiyya members who had been disqualified by the JAC (see above). The remaining COR members were sufficient for a quorum and Talabani was reelected president after two rounds of voting. Fears were further calmed on November 13, 2010, when most of Allawi's bloc attended the COR session and continued to implement the settlement agreement;

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<sup>9</sup> Fadel, Leila and Karen DeYoung. "Iraqi Leaders Crack Political Deadlock." *Washington Post*, November 11, 2010.

<sup>10</sup> The following information is taken from Iraqi news accounts presented in <http://www.opensource.gov>.



Allawi himself did not attend. On November 25, 2010, Talabani formally tapped Maliki as the prime minister-designate, giving him 30 days (until December 25, 2010) to name and achieve majority COR confirmation for a new cabinet.

Governmental formation advanced on December 19, 2010, when Allawi reaffirmed his intent to join the government. His cooperation came when the COR voted (with barely a quorum achieved after a Shiite walkout) to reinstate to politics the three barred members of his bloc, discussed above. Mutlaq was subsequently named one of three deputy prime ministers.

On December 21, 2010, in advance of the December 25, 2010, deadline, Maliki presented a cabinet to the COR (42 seats, including the posts of prime minister, 3 deputy prime ministers, and 38 ministries and ministers of state) receiving broad approval. No permanent appointments were named for seven ministries. Still, the government formed was inclusive of all major factions. Among major outcomes were the following:

- As for the State of Law list, Maliki remained prime minister, and retained for himself the Defense, Interior, and National Security (minister of state) posts pending permanent nominees for those positions. The faction took seven other cabinet posts, in addition to the post of first vice president (Khudair al Khuzai of the Da'wa Party) and deputy prime minister for energy issues (Hussein Shahrastani, previously the oil minister).
- For Iraqiyya, in addition to Mutlaq becoming a deputy prime minister, Tariq al-Hashimi remained a vice president (second of three). The bloc also obtained nine ministerial posts, including the key Finance Ministry (Rafi al-Issawi, previously a deputy prime minister).
- For the Iraqi National Alliance, a senior figure, Adel Abdul Mahdi, remained a vice president (third of three). The alliance also obtained 13 cabinet positions, parceled out among its various factions. An INA technocrat, Abd al Karim Luaibi, was appointed oil minister. A Fadilah party member, Bushra Saleh, became minister of state without portfolio and the only woman in the cabinet until the February 13, 2011, naming of Ibtihal Al Zaidy as minister of state for women's affairs (not an INA member). Another Fadila activist was named minister of justice.
- Of the 13 INA cabinet seats, Sadr faction members headed eight ministries, including Housing, Labor and Social Affairs, Ministry of Planning (Ali Abd al-Nabi, appointed in April 2011), and Tourism and Antiquities. A Sadrist also became one of two deputy COR speakers. The Sadrists received additional influence when one of its members subsequently became governor of Maysan Province.
- The Kurdistan Alliance received major posts. Talabani stayed President; and the third deputy prime minister is Kurdish figure (PUK faction) Rows Shaways, who has served in various central and KRG positions since the fall of Saddam. Arif Tayfour is second deputy COR speaker. Alliance members had six other cabinet seats, including longtime Kurdish (KDP) stalwart Hoshiyar Zebari remaining as foreign minister (a position he's held since the transition governments that followed the fall of Saddam). Khairallah Hassan Babakir, was named trade minister in a February 13, 2011, group of ministerial appointments.

## Post-U.S. Withdrawal Political Unraveling

The agreements that led to the 2010 government formation did not resolve the underlying differences among the major communities. Subsequent disputes, particularly between Maliki and the Iraqiyya bloc of Iyad al-Allawi tarnished the U.S. assessment that Iraqi factions would continue to share power. The unraveling of the Irbil Agreement in the immediate aftermath of the December 18, 2011, U.S. withdrawal cast some doubt on President Obama's assertion, marking the U.S. withdrawal, that Iraq is now "sovereign, stable, and self-reliant." The sections below also discuss the various disagreements and their causes.

### Disputes over Maliki's Attempts to Monopolize Power

The central assertion of Maliki's opponents is that he seeks to centralize power in his own and his faction's hands. The criticisms that long predate the upsurge in demonstrations and violence of late 2012 and early 2013 included the following:

- *Security Ministerial Appointments.* Maliki's critics accuse him of monopolizing control of the major security posts. Maliki refuted Allawi's interpretation of the Irbil Agreement as requiring appointment of an Iraqiyya official as defense minister, asserting that the appointee could be any Sunni Arab, not necessarily a member of the Iraqiyya faction. Maliki subsequently appointed allies and associates as acting ministers of Defense, of Interior, and of National Security. Sadun Dulaymi—a Sunni Arab member of the Iraq Unity Alliance, not Iraqiyya—is acting Defense Minister. Falih al-Fayad, a Shiite in the faction of former Prime Minister Ibrahim al-Jafari, is acting Minister of State for National Security. Adnan al-Asadi, another Shiite aligned with Maliki, is acting Interior Minister. No permanent choices for any of these posts have been nominated.
- *Direct Control Over Security Forces.* Maliki's critics assert that he has sought to directly control the security forces and uses them for political purposes. In 2008, he began to restructure security organs to report to his office rather than the Defense or Interior ministries. Through his Office of the Commander-in-Chief, he commands direct command of the National Counterterrorism Force (about 10,000 personnel) as well as the Baghdad Brigade, responsible for security in the capital. Reports quoting U.S. commanders in Iraq in June 2011 said that lower-level commanders were routinely bypassing the official chain of command and reporting directly to Maliki's office. On at least one occasion, he ordered tanks deployed around the homes and offices of an opponent. In August 2012, Maliki formed a "Tigris Operations Command" composed of Arab troops in the north which the Kurds viewed as a Maliki attempt to exercise control over Kurd-Arab disputed areas. Maliki supporters say the move was intended to reassure Sunni Arabs in the north against Kurdish encroachment.
- *Exercise of Control Over Independent Bodies.* Maliki's critics assert that he has tried to put under his executive control several supposedly independent bodies. In late 2010, he requested that Iraq's Supreme Court rule that several independent commissions—including the Independent Higher Election Commission (IHEC) that runs Iraq's elections and the anti-corruption commission—be supervised by the cabinet. The court ruled in Maliki's favor on January 23, 2011, although the court also said in its ruling that the institutions must remain free of political

interference.<sup>11</sup> In March 2012, Maliki also asserted governmental control over the Central Bank, which is constitutionally independent. In October 2012, Maliki fired the Central Bank governor for allegedly allowing unauthorized bulk transfers of foreign currency out of the country.

### **Political Crisis Begins Immediately After U.S. Withdrawal Completion**

The political disputes discussed above intensified as U.S. forces drew down until the final withdrawal on December 18, 2011. In November 2011, security forces arrested 600 Sunnis for involvement in an alleged coup plot. Some Sunnis were reportedly purged from the security forces, and 140 faculty members from the University of Tikrit (Saddam's home town) were removed for alleged Baathist associations. Many of the latter have since been reinstated. As the last U.S. forces were exiting, and even as Maliki visited Washington, DC, on December 12, 2011, to meet with President Obama, the carefully constructed political power-sharing arrangements began to break down. As a part of what Sunni Iraqis—and also KRG President Barzani—call a power grab by Maliki, Iraq is experiencing its worst political crisis and sectarian unrest since 2006-2008. Still, Iraqi factions have, in the past, often cobbled together agreements when faced with the alternative of complete political collapse.

The day of the final U.S. withdrawal (December 18, 2011), Maliki asked the COR to vote no confidence against Deputy Prime Minister Saleh al-Mutlaq, a senior Sunni Iraqiyya figure. Iraqiyya parliamentarians walked out of the COR and most of the Iraqiyya members of the cabinet suspended their work. On December 19, 2011, the government announced an arrest warrant against Vice President Tariq al-Hashimi, another major Iraqiyya figure, accusing him of ordering his security staff to commit acts of assassination. Three such guards were shown on television “confessing” to assassinating rival politicians at Hashimi's behest. Hashimi fled to the KRG region and refused to return to face trial in Baghdad unless his conditions for a fair trial there were met. A trial in absentia in Baghdad convicted him and sentenced him to death on September 9, 2012, for the alleged killing of two Iraqis. There was not an international outcry over the sentence, corroborating the view of some U.S. diplomats that there might have been some truth to the allegations. Hashimi remains in Turkey, where he eventually fled, meaning the death sentence will likely never be implemented.

### ***Mid-2012: The Crisis Produces Failed Attempt to Vote Out Maliki***

Sensing possible political unraveling, U.S. officials intervened diplomatically, initially succeeding in containing the crisis. Maliki arranged the release of some of the Baathists arrested in early 2012 and he agreed to legal amendments to give provinces more autonomy over their budgets and the right of consent when national security forces are deployed.<sup>12</sup> These concessionary actions were sufficient to cause Iraqiyya COR deputies to resume their duties in January 2012 and Iraqiyya ministers returned to their offices on February 8, 2012.

In March 2012, the factions tentatively agreed to hold a “national conference,” to be chaired by President Talabani, respected as an even-handed mediator, to try to reach durable solutions to the outstanding fundamental Sunni-Shiite-Kurdish issues. A “preparatory committee” was named to

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<sup>11</sup> Parker, Ned and Salar Jaff. “Electoral Ruling Riles Maliki's Rivals.” *Los Angeles Times*, January 23, 2011.

<sup>12</sup> Tim Arango. “Iraq's Prime Minister Gains More Power After Political Crisis.” *New York Times*, February 28, 2012.

establish an agenda and format, but it repeatedly failed to meet. March 20, 2012 comments by KRG President Barzani, accusing Maliki of a “power grab” by harnessing control of the security forces dimmed prospects for holding the conference, although Maliki formally issued invitations to the major factions to convene on April 5, 2012. Barzani kept intact his plans to visit the United States at that time and the conference was not held.

With attempts to repair the rifts failing, during April 27-28, Maliki critics met in the KRG region at the invitation of Barzani. Attending were Iraqiyya leader Allawi, Iraqiyya member and COR speaker Osama Nujaifi, and Moqtada Al Sadr, in what reportedly was his first ever visit to the Kurdish north. At the conclusion of the meetings, the four reportedly issued a letter to Maliki threatening a vote of no-confidence within 15 days unless he adheres to the “principles and framework” of a more democratic approach to governance.

By mid-June 2012, the critics had obtained the signature of 176 deputies requesting a no-confidence vote. Under Article 61 of the constitution, signatures of only 20% of the 325 COR deputies (65 signatures) are needed to trigger a vote. However, President Talabani, who is required to present a valid request to the COR to hold the vote, determined that factions must demonstrate they have enough support to win such a vote. On June 10, 2012, Talabani stated that there were only 160 valid signatures, after some deputies asked their signatures be removed. On that basis he refused to ask the COR to go forward with the no-confidence vote. Some experts attributed the signature withdrawals, mostly by Sadrists, to Iran’s pressure on Sadr to support Maliki.<sup>13</sup>

As part of his efforts to thwart the no-confidence effort, Maliki began reaching out to Sunni leaders. Deputy Prime Minister Saleh al-Mutlaq resumed his duties, signaling an end to another of Maliki’s efforts against Sunni leadership figures. And, Maliki at least temporarily won the support of two other senior Iraqiyya figures in September 2012—COR Speaker Nujaifi and Finance Minister Rafi al-Issawi. On the other hand, Minister of Communications Mohammad al-Allawi, an Iraqiyya member, resigned in late August 2012 in protest of what he said was Maliki’s interference in the work of his ministry.

### ***Crisis Intensifies in Early 2013: Sunnis React with Protests***

With the no-confidence effort largely defeated, Maliki discontinued his outreach to Sunni leaders. A new crisis flared immediately after the widely respected political mediator President Talabani suffered a stroke on December 18, 2012. The day he was flown out of Iraq for treatment on December 20, 2012, Maliki again moved against his perceived Sunni adversaries with the arrest of 10 bodyguards of Finance Minister Rafi al-Issawi. That action touched off anti-Maliki demonstrations in the major Sunnis cities of Anbar, Salahuddin, and Nineveh provinces, as well as in Baghdad. The thrust of the unrest is based on perceived discrimination against Sunnis by the Maliki-dominated central government, for example the assertion that the overwhelming number of prisoners in Iraq’s jails are Sunnis, according to Human Rights Watch researchers. Demonstrators are demanding the release of prisoners, particularly women; a repeal of “Article 4” anti-terrorism laws under which many Sunnis are incarcerated; reform or end to the de-

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<sup>13</sup> “Embattled Iraqi PM Holding On To Power for Now.” Associated Press, June 12, 2012.

Baathification laws (discussed above) that is a perceived tool Maliki has used against Sunnis; and improved government services.<sup>14</sup>

Some observers believe that the protesters have been emboldened by the Syria rebellion, whether or not the Iraqi protests are supported by Sunni powers. Some protesters carried pictures of ousted dictator Saddam Hussein, prompting Maliki to warn that “former regime” elements might take advantage of the protests and to threaten measures to end the protests. The protest movement has insisted it is peaceful and has tried to distance itself from any attacks by Al Qaeda in Iraq, which, as discussed below, may be seeking to take advantage of the unrest. However, some Sunnis are reportedly calling for the formation of a “Sunni army” to protect demonstrators.

The use of force against demonstrators has caused the unrest to worsen and led Iraq’s central government to continue to fracture. Sunni demonstrators have been protesting every Friday, after prayers, and on some occasions have blocked the roads leading from Iraq to Jordan and to Syria. Some demonstrators have set up tents, primarily in the epicenter of the unrest, the city of Fallujah, to continue their protest full time. On January 7, 2013, ISF members fired into the air to disperse protests and, on January 25, 2013, the ISF killed nine protesters on a day when oppositionists killed two ISF police officers. A parliamentary committee began an investigation of the incident, but no findings have been released to date. Two more were killed in protests in Mosul on March 8, 2013. In part because of deployment of the ISF in Baghdad, protesters have, to date, refrained from marching into Baghdad—a city where Maliki has substantial support from the majority Shiite population.

Politically, the escalating Sunni unrest may jeopardize Maliki’s prime ministership. Allawi and Saleh al-Mutlaq have called on Maliki to resign and, in a potentially ominous sign for Maliki, Moqtada Al Sadr has shown cracks in Shiite solidarity by supporting the demonstrators. In the COR, as of January 9, 2013, more than the required twenty five deputies had signed on to a formal request for Maliki to appear before the COR to answer questions about the unrest. The COR has passed a law limiting Maliki to two terms (meaning he could not serve again after 2014 elections), although Iraqi courts are said likely to overturn that law.

As a result of the unrest, many Sunni officials, joined by some Kurdish officials, have largely pulled out of the central government. Issawi has resigned and taken refuge in Anbar province with many of the tribalists who sided with the United States against Al Qaeda in Iraq and other insurgents. Maliki has sought the arrest of some of these tribal figures, including Shaykh Ahmad Abu Risha, who is accused of “financing terrorism.” Another tribal leader, Shaykh Hussein al-Jabburi, has been arrested, and Agriculture Minister Izzedin Al Dowlah resigned in March 2013. As a result of the demonstrations, two Sunni-dominated provinces, Anbar and Nineveh, have requested and been granted postponements of up to six months in the provincial elections that will be held throughout the rest of Iraq on April 20, 2013 (see below). Sharing many of the Sunni concerns, many Kurdish officials have stopped attending high-level government or COR meetings, and no Kurdish leader went to Baghdad to meet with Secretary of State John Kerry during his March 24, 2013, visit to Iraq. Secretary Kerry used the visit, in part, to urge reconciliation and he called for the provincial elections in Anbar and Nineveh not to be postponed. Kerry did meet with senior Sunni and COR Speaker Osama al-Nujaifi during the visit.

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<sup>14</sup> Author conversations with Human Rights Watch researchers, March 2013.

Maliki has tried, without substantial success to date, to mollify the Sunni leaders and protesters. He has formed a committee, headed by deputy Prime Minister Shahrastani, to examine protester grievances and suggest reforms. He has released some imprisoned Sunnis, including 300 released on January 14, 2013. At the same time, he has sought to paint the protesters as surrogates of Qatar, Turkey, and other Sunni regional countries that are supporting the Sunni rebellion against President Bashar Al Assad in Syria.

Also unresolved—and perhaps adding to the unrest—is the incapacity of President Talabani. Because first vice president al-Hashimi has been convicted and sentenced, second vice president Khudayr Khuzai, a Shiite is serving as acting president. This has raised fears that Maliki will try to engineer the permanent replacement of Talabani with Khuzai or another Shiite figure. Doing so would upend the informal factional and ethnic balance in the top tiers of government, and add substantial Kurdish unrest. And, Talabani's incapacity has removed from the scene his substantial capacity to mediate resolutions among the major factions.

## **The Crisis and Upcoming Elections**

The political crisis has already affected upcoming elections in Iraq, including the looming April 20, 2013, provincial elections.

*April 2013 Provincial Elections.* Despite the crisis, preparations for the provincial elections are moving forward. The mandate of the current nine-member IHEC, which runs the election, expired at the end of April 2012, but the COR confirmed a new panel in September 2012. On October 30, 2012, the Iraqi cabinet set an election date (April 20, 2013), while deciding they would not be held in the three KRG-controlled provinces or in the province of Kirkuk. As noted, in March 2013 the elections were postponed for two Sunni-dominated provinces.

The deadline for party registration expired on November 25, 2012, and the IHEC subsequently published a list of 261 political entities that registered to run. The COR's law to govern the election was passed in mid-December 2012. The deadline to register coalitions of political entities was December 20, 2012, and 50 coalitions registered by that date. Individual candidate registration was completed by December 25, 2012, and about 8,000 candidates have registered to run. The JAC (see above) has excluded about 200 for alleged Baathist ties, but that figure is lower than the number many Sunnis expected would be excluded. The campaign period started on schedule on March 1, 2013, and the walls of major cities are reportedly plastered with campaign posters.

The election law for these elections improves the chances of smaller parties compared to past elections, but could mean that fewer women will be elected.<sup>15</sup> Still, the election is likely to be dominated by the larger coalitions. Maliki's State of Law coalition remains relatively intact from previous elections, consisting mostly of Shiite parties, including Fadilah (Virtue) and ISCI-offshoot the Badr Organization. ISCI has registered the Citizen Coalition (the name of its bloc in the COR). Sadr has registered a coalition called Al Ahrar, which threatens to further fracture the Shiite vote.

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<sup>15</sup> The IHEC requires that each coalition list include one quarter women, but women often receive the fourth seat on each coalition list. Smaller parties winning fewer than four seats would not be required to seat any women.

Allawi's Iraqiyya bloc has fractured somewhat: Iraqiyya and 18 other entities will run as the Iraqi National United Coalition; the separate United Coalition will consist of supporters of the Nujafis (COR speaker and Nineveh governor) and of exiled Vice President Tariq al-Hashim and Finance Minister Rafi al-Issawi; and a third Sunni coalition is loyal to Saleh al-Mutlaq. The two main Kurdish parties will run under the Co-Existence and Fraternity Alliance.

*KRG Elections.* Provincial elections in the KRG-controlled provinces were not held during the January 2009 provincial elections in the other areas of Iraq, nor were they held during the March 7, 2010, COR vote. These elections had been scheduled for September 27, 2012, but a June 2012 KRG announcement postponement them indefinitely because the IHEC ruled that Christian voters could only vote for Christian candidates, a ruling the Kurds said restricted the rights of minorities living in the KRG. The Iraqi National Assembly has not enacted an election law to govern these KRG elections and no date for them is scheduled.

*Kirkuk Referendum.* There is also to be a vote on a Kirkuk referendum at some point, if a negotiated settlement is reached. However, a settlement does not appear within easy reach as of early 2012 and no referendum is scheduled.

*District and Sub-District Elections.* District and sub-district elections throughout Iraq were previously slated for July 31, 2009. However, those have been delayed as well, and no date has been announced.

*Constitutional Amendments.* There could also be a vote on amendments to Iraq's 2005 constitution if and when the major factions agree to finalize the recommendations of the constitutional review commission (CRC). There has been no movement on this issue for at least three years, and no indication such a referendum will be held in the near future.

*Next COR Elections.* The term of the existing COR expires no later than early 2014. That schedule could change if the political crisis leads to early elections. Most observers in Iraq expect Maliki to seek to retain his prime ministership as a result of the 2014 elections.

## **The Insurgent Component of Sunni Unrest**

The 2012-2013 Sunni unrest has again exposed the simmering, unresolved sense among Sunnis that they are now "second-class citizens" in Iraq. These resentments provide "political space" for violent Sunni elements to escalate attacks on the political system.

### **Sunni Insurgent Violence/Al Qaeda in Iraq (AQ-I) and Naqshabandis**

Violent Sunni elements have taken advantage of the Sunni protests to escalate their activities. The primary target of the attacks have been Shiite pilgrims, Shiite neighborhoods, ISF personnel; government installations; and even some Sunnis who are cooperating with the government. The violent elements might be seeking to reinforce the effectiveness of the peaceful protest; to undermine the confidence of the ISF; to force Shiite ISF personnel out of Sunni areas; or to reignite the sectarian war that prevailed during 2006-2008. All of these motivations, in the view of the militants, could have the effect of destabilizing Maliki and his Shiite-led rule. The attacks have not, to date, accomplished these objectives, but some observers say that failure of Maliki to reconcile with Sunni leaders might further the insurgent objectives over the longer term.

The primary Sunni militant group is Al Qaeda in Iraq (AQ-I), which operates under the name of the Islamic State of Iraq (ISI). The leader of AQ-I is Abu Bakr Al Baghdadi. U.S. officials estimated in November 2011 that there might be 800-1,000 people in Al Qaeda-Iraq's network, of which many are involved in media or finance of operations.<sup>16</sup> An antecedent of AQ-I was named by the United States as a Foreign Terrorist Organization (FTO) in March 2004 and the designation applies to AQ-I. AQ-I appears primarily focused on influencing the future of Iraq (and possibly also Syria, as discussed below), although attacks and attempted attacks in neighboring Jordan have been attributed to the group. In October 2012, Jordanian authorities disrupted an alleged plot by AQ-I to bomb multiple targets in Amman, Jordan, possibly including the U.S. Embassy there. Yet, AQ-I does not appear to have close links to remaining senior Al Qaeda leaders believed mostly still in Pakistan, or to other Al Qaeda affiliates such as Al Qaeda in the Arabian Peninsula (AQAP) in Yemen. Some assert that AQ-I and other Sunni insurgent groups have been emboldened by the civil conflict in Syria, in which Sunni insurgents are challenging the Assad regime, which is linked to Shiite Iran. In sympathy with the Sunni-led "Free Syrian Army" armed opposition in Syria, some Iraqi groups have begun referring to themselves as the "Free Iraqi Army."

As examples of escalating AQ-I violence since the U.S. withdrawal, on February 7, 2012, the Islamic State of Iraq claimed responsibility for two attacks on Shiites—January 5 and January 14, 2012—that killed 78 and 53 Shiite pilgrims, respectively. From February 2012 until the end of 2012, there were about a dozen days on which AQ-I conducted multi-city attacks that killed twenty-five or more Iraqis each of those days; on four or five of these days, multiple attacks killed more than 100 Iraqis. In July 2012, AQ-I downed a government helicopter and compelled 15 Diyala Province "*mukhtars*"—chosen community liaisons with the central government—to resign. In mid-August 2012, AQ-I insurgents briefly captured a local government building in Haditha (Anbar Province) and raised an Al Qaeda battle flag over it.

Attacks attributed to AQ-I have become more frequent since the Sunni demonstrations began in late December 2012. About 32 Shiite pilgrims were killed in multiple incidents around Iraq on January 4, 2013. AQ-I organized a breakout of AQ-I and other Sunni insurgent figures from a prison at Taji on January 11, 2013. A member of the COR was killed by a suicide bomber on January 15, 2013. On January 17, 2012, militants killed 24 Shiite pilgrims and another 22 were killed by bombings in Baghdad on January 22, 2013. On February 4, 2013, a bombing killed 21 "Awakening" (see below) personnel in Taji, north of Baghdad. Thirty-six persons were killed in bombings in several cities on February 8, 2013. ISI claimed responsibility for attacks in the Shiite Sadr City district of Baghdad on February 17, 2013 that killed 28 residents of the area. On two occasions in early 2013 (January 23 and February 3), there have been attacks in northern Iraq against the Turkomen community and the Kurdish community. The attacks, which each day killed about 35 persons, bore the hallmarks of AQ-I but could have been carried out by other groups. On March 14, 2013, AQ-I conducted a significant attack on the Justice Ministry building, and, on March 19, 2013, about two dozen bombs in several cities killed about 65 Iraqis.

Prior to the spate of major attacks in summer of 2012, U.S. officials asserted that, by U.S. measures of "security incidents" (attacks against diplomats, the government, or civilians) levels of violence had not increased since the U.S. pullout, and remained roughly at a post-2003 low of about 100 such incidents per week. However, by the summer of 2012, the intensity of the attacks

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<sup>16</sup> Michael Schmidt and Eric Schmitt. "Leaving Iraq, U.S. Fears New Surge of Qaeda Terror." *New York Times*, November 6, 2011.



had produced a reassessment of that analysis. U.S. analysts say that, as of March 2013, violent incidents have increased to 800 per month, a major increase from the 200 per month in 2011.

Another Sunni group, linked to ex-Baathists, is the Naqshabandi faction, based in northern Iraq. Former Ambassador-nominee to Iraq Brett McGurk said in his June 6, 2012, confirmation hearings that the Naqshabandis are responsible for most of the attacks on U.S. diplomatic facilities in northern Iraq (particularly Kirkuk), although such attacks number only about 2-3 per week, a relatively low level compared to periods at the height of the U.S. military mission in Iraq. The attacks might have contributed to the State Department decision in mid-2012 to close the Kirkuk consulate. The faction has supported the Sunni demonstrations, and in February 2013 Sunnis linked to the Naqshabandi group circulated praise for the protests from the highest ranking Saddam regime figure still at large, Izzat Ibrahim al Duri.

### **Sons of Iraq Fighters**

Another Sunni grievance has been the slow pace with which the Maliki government implemented its pledge to fully integrate the approximately 100,000 “Sons of Iraq” fighters. Also known as “Awakening” fighters, these are former insurgents who abandoned anti-U.S. combat and cooperated with U.S. forces against AQ-I. The Iraqi government subsequently promised them integration into the Iraqi Security Forces (ISF) or government jobs. During 2009 and 2010, there were repeated reports that some Sons of Iraq had been dropped from payrolls, harassed, arrested, or sidelined, and that the Maliki government might want to strangle the program. However, according to Ambassador-nominee Brett McGurk in confirmation hearings on June 6, 2012, about 70,000 have been integrated into the ISF or given civilian government jobs, while 30,000-40,000 continue to man checkpoints in Sunni areas and are paid about \$300 per month by the government. In part to salve Sunni grievances and prevent the Sons of Iraq fighters from joining the growing Sunni rebellion, in early 2013 the government increased their salaries by about 66% to \$500 per month.

### **KRG-Central Government Disputes<sup>17</sup>**

Since the end of the U.S.-led war to liberate Kuwait in early 1991, the United States has played a role of protecting Iraq’s Kurds from the central government. Iraq’s Kurds have tried to preserve this “special relationship” with the United States and use it to their advantage. Iraq’s Kurdish leaders have long said they do not seek outright independence or affiliation with Kurds in neighboring countries, but rather to secure and expand the autonomy they have achieved. The issues dividing the KRG and Baghdad include not only KRG autonomy but also disputes over territory and resources, particularly the ability of the KRG to export its oil. The differences underpin KRG-Baghdad disagreements over proposed national oil laws. The Kurds themselves are not cohesive, divided principally between two main factions—the Patriotic Union of Kurdistan, PUK, and the Kurdistan Democratic Party, KDP. The two have strengthened their bargaining position with Baghdad by abiding by a power sharing arrangement formalized in 2007. The KRG has a President, Masoud Barzani, directly elected in July 2009, an elected Kurdistan National Assembly, and an appointed Prime Minister. Since January 2012, the KRG Prime Minister has been Nechirvan Barzani (Masoud’s nephew), who returned to that post after

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<sup>17</sup> For more information on Kurd-Baghdad disputes, see CRS Report RS22079, *The Kurds in Post-Saddam Iraq*, by Kenneth Katzman.

three years in which the post was held by PUK senior figure Barham Salih. PUK leader Jalal Talabani, as noted above, serves as president of Iraq. Masoud Barzani's son, Suroor, heads a KRG "national security council."

The Kurds also field their own force of *peshmerga* (Kurdish militiamen) numbering perhaps 75,000 fighters. They are generally lightly armed. Kurdish leaders continue to criticize Maliki for opposing paying the *peshmerga* out of the national budget, leaving the KRG to fund its operations. KRG President Barzani, during his U.S. visit in April 2012, discussed the reform of the *peshmerga* into a smaller but more professional and well trained force.

The increasing disillusionment of Kurdish leaders with Maliki could produce lasting political realignment. During 2012, Kurdish leaders echoed the Sunni Arab criticisms of Maliki. KRG President Barzani began to break with Maliki in March 2012, accusing him of monopolizing power. Following a visit to Washington, DC, in early April 2012, Barzani indirectly threatened to allow a vote on Kurdish independence unless Maliki resolves the major issues with the KRG.<sup>18</sup> In June 2012, the Kurds in the COR joined the Iraqiyya-led effort to vote no confidence against Maliki. This effort came despite historic Iraqi Kurdish hesitancy to side with the Sunni Arabs because of the legacy of repression of the Kurds by Saddam Hussein and other Sunni Iraqi leaders in the past.

In late 2012, the growing KRG-Baghdad animosity nearly produced all-out violent conflict between the KRG and Baghdad. In August 2012, as noted above, Maliki formed a Tigris Operational Command out of ISF units in the north. In mid-November 2012, a commercial dispute between an Arab and Kurd in Tuz Khurmatu, a town straddling the Baghdad-KRG territorial border, caused a clash and a buildup of ISF and Kurdish troops facing off. Several weeks of U.S. and intra-Iraq mediation resulted in a tentative agreement on December 6, 2012, for both sides to pull back their forces and for local ethnic groups to form units to replace ISF and *peshmerga* units along the Baghdad-KRG frontier. The agreement has not been implemented and the respective forces have not pulled back, although tensions seem to have calmed somewhat in early 2013.

### **Territorial Issues/"Disputed Internal Boundaries"**

The November 2012 KRG-peshmerga clash also relates to the lack of any progress in recent years in resolving the various territorial disputes between the Kurds and Iraq's Arabs. The most emotional of which is the Kurdish insistence that Tamim Province (which includes oil-rich Kirkuk) is "Kurdish land" and must be formally affiliated to the KRG. There was to be a census and referendum on the affiliation of the province by December 31, 2007, in accordance with Article 140 of the Constitution, but the Kurds have agreed to repeated delays in order to avoid jeopardizing overall progress in Iraq. Nor has the national census that is pivotal to any such referendum been conducted; it was scheduled for October 24, 2010, but then postponed until at least December 2010 to allow time for a full-term government to take office. It still has not begun, in part because of the broader political crisis (discussed below) as well as differences over how to account for movements of populations into or out of the Kurdish controlled provinces.

In the absence of movement on formally integrating Kirkuk into the KRG, the Kurds have attempted to steadily assert control in the province. The current governor of Kirkuk is Najmaddin

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<sup>18</sup> Interview with Masoud Barzani by Hayder al-Khoie on Al-Hurra television network. April 6, 2012.

Karim, a longtime Kurdish activist in the United States before he moved back to Iraq following the fall of Saddam Hussein. The Property Claims Commission that is adjudicating claims from the Saddam regime's forced resettlement of Arabs into the KRG region is functioning. Of the 178,000 claims received, nearly 26,000 were approved and 90,000 rejected or ruled invalid, as of the end of 2011, according to the State Department human rights report for 2011. Since 2003, more than 28,000 Iraqi Arabs settled in the KRG area by Saddam have relocated from Kirkuk back to their original provinces.

Nineveh Province, which is mostly Arab but includes many villages where Kurds predominate, is a component of the dispute. In the provincial elections of 2009, Sunni Arabs wrested back control of the Nineveh (Mosul) provincial council from the Kurds. The Kurds had won control of that council in the 2005 election because of the broad Sunni Arab boycott of that election. A Sunni list (al-Hadba'a) won a clear plurality of the 2009 Nineveh vote and subsequently took control of the provincial administration there. Al-Hadba'a is composed of hardline Sunni Arabs who openly oppose Kurdish encroachment in the province and who are committed to the "Arab and Islamic identity" of the province. A member of the faction, Atheel al-Nufaiji, is the governor (brother of 2010-2014 COR speaker Usama al-Nujaifi), and the Kurds have been preventing his visitation of areas of Nineveh where the Kurds' *peshmerga* militia operates. In October 2011, the central government ordered the Kurdish flags taken down from public buildings in Khanaqin, a Kurdish town in the province; the Kurdish police in the city disobeyed the order.

### *Attempts to Resolve or Mitigate the Dispute*

Attempting to resolve this dispute has been part of the work of the U.N. Assistance Mission—Iraq (UNAMI), which has been consultations with all parties for several years.<sup>19</sup> The mandate of UNAMI—which is also to facilitate national reconciliation and civil society, and assisting vulnerable populations—was established in 2003 and has been renewed every year since. U.N. Security Council Resolution 2061 of July 25, 2012, renewed the mandate for another year (until July 24, 2013).

During the U.S. military presence, the United States had set up mechanisms to prevent the tensions from flaring into conflict. In August 2009 then-top U.S. commander in Iraq General Raymond Odierno developed a plan to partner U.S. forces with *peshmerga* units and with ISF units in the province to build confidence along the frontier between the two forces. The process was also intended to reassure Kurdish, Arab, Turkomen, and other province residents. Implementation of this "combined security mechanism" (CSM) began in January 2010, consisting of joint (ISF-U.S.-Kurdish) patrols, maintenance of 22 checkpoints, and U.S. training of participating ISF and *peshmerga* forces. The mechanism was administered through provincial level Combined Coordination Centers, and disagreements were referred to a Senior Working Group and a High Level Ministerial Committee.<sup>20</sup>

These mechanisms have languished since U.S. troops left Iraq, although the United States continues to try to coordinate the joint patrols and checkpoints through Office of Security Cooperation—Iraq (OSC-I) personnel based in Nineveh Province. Previously, some experts have advanced alternatives to U.S. force participation in the CSM, including giving the U.S. role to a

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<sup>19</sup> Meeting with congressional staff, February 24, 2011.

<sup>20</sup> "Managing Arab-Kurd Tensions in Northern Iraq After the Withdrawal of U.S. Troops." Rand Corporation, 2011.

United Nations force, NATO, or civilians (Iraqi or international). It is not clear that any of these alternative ideas are supported by Iraqi factions.

## **KRG Oil Exports/Oil Laws**

The KRG and Baghdad have had repeated disputes over the ability of the Kurds to export oil that is discovered and extracted in the KRG region. The Kurds view it as their right to develop their resources, whereas Baghdad fears that Kurdish oil exports can potentially enable the Kurds to set up an economically viable independent state. Baghdad calls the KRG's separate energy development deals with international firms "illegal" but still allows KRG oil exports to proceed. Under a long-standing Baghdad-KRG agreement, revenues from KRG oil exports go into central government accounts, which distributes proceeds to the KRG and pays the international oil companies working in the KRG.

Oil exports from the KRG have been repeatedly suspended, for varying periods of time, over central government withholding of payments to the international energy firms. A suspension of oil exports through the national oil grid began in April 2012 after the KRG accused Baghdad of falling \$1.5 billion in arrears to the companies extracting 175,000 barrels per day of oil in the KRG region. The dispute escalated in July 2012 when the KRG began exporting crude oil by road to Turkey, some of which was refined into gasoline and returned to the KRG. The dispute was defused temporarily and KRG exports through the national grid resumed on August 9, 2012, although the KRG threatened another halt by September 15, 2012 if the international companies were not paid. A Baghdad-KRG agreement of September 14, 2012, provided for the Kurds to raise exports to 200,000 barrels per day as of October 1, 2012, to increase that to 250,000 barrels per day for 2013, and for Baghdad to pay about \$900 million in arrears due the international firms. The agreement held for several months, but the KRG reduced its oil exports in late November 2012 because of slow Baghdad payments to the oil firms involved as well as the broader KRG-Baghdad problems discussed above. KRG oil exports ceased again entirely on December 26, 2012. In February 2013, the dispute over the Iraqi payments to the firms working in the KRG held up COR approval of a final 2013 budget. The budget was adopted by the COR on March 7, 2013, but allocates only \$650 million to the companies exporting KRG oil; the Kurds had sought \$3.5 billion for that purpose. Because of this provision, Kurdish members reportedly boycotted the budget vote. If these issues were to be permanently resolved, the KRG has the potential to increase exports to 1 million barrels per day by 2019.<sup>21</sup>

The September 2012 KRG-Baghdad agreement had boosted hope for resolving their differences over national oil laws. The KRG adopted its own oil laws in 2007. The Kurds opposed oil laws adopted by the Iraqi cabinet in late August 2011, and sent on to the COR for ratification, as favoring a centralized energy sector that would impinge on KRG control of its energy resources. In connection with the visit to the United States of then KRG Prime Minister Barham Salih, Kurdish representatives said on November 8, 2011, that it is likely that the oil laws would be taken up by the COR by the end of 2011.<sup>22</sup> In part due to the political crisis, the issue did not progress. The Baghdad-KRG agreement in September 2012 included a provision to set up a six member committee to review the different versions of the oil laws under consideration and decide

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<sup>21</sup> Jane Arraf. "Iraq's Unity Tested by Rising Tensions Over Oil-Rich Kurdish Region." *Christian Science Monitor*, May 4, 2012.

<sup>22</sup> Author conversation with then KRG Washington, DC, representative Qubad Talabani, November 8, 2011.

which version to submit to the COR for formal consideration. No definitive movement on this issue has been announced to date.

In the absence of adoption of national oil laws, the issue of foreign firm involvement in the KRG energy sector also remains unresolved. The October 2011 KRG signing of an energy development deal with U.S. energy giant Exxon-Mobil represents a further dimension of the energy row with Baghdad. The central government denounced the deal as illegal, in part because the oil fields involved are in or very close to disputed territories. The KRG has sought to defuse this consideration by saying that if the territory of the oil fields is subsequently judged to be part of central government-administered territory, then the revenues would be reallocated accordingly. Still, the central government threatened to cancel the firm's existing contract to develop the West Qurna oil field near Basra, which was signed with the central government. On February 13, 2012, the central government announced its sanction against the firm as a prohibition on bidding for work on unexplored fields to be tendered later in 2012. On March 17, 2012, Baghdad claimed that Exxon-Mobil had frozen the KRG contract, but the KRG denies the company has stopped work in the KRG region. Energy industry observers corroborate the KRG view and say Exxon will likely begin production in the KRG in late 2012.<sup>23</sup> Further disputes occurred over a July 2012 KRG deal with Total SA of France; in August 2012 the central government told Total SA to either terminate its arrangement with the KRG or give up work on the central government Halfaya field.

### ***Turkish Involvement***

The growing relationship between Turkey and the KRG energy sector introduces additional tensions into the issue and has raised tensions between Turkey and Baghdad. The KRG and Turkey are reportedly discussing a broad energy deal that would include Turkish investment in drilling for oil and gas in the KRG-controlled territory as well as construct a separate oil pipeline linking KRG-controlled fields to the Turkish border.<sup>24</sup> That would reduce the KRG dependence on the national oil export grid—the key source of Baghdad's leverage over the KRG. Calling the potential deal an infringement of Iraqi sovereignty, the Iraqi government has blacklisted Turkey's state energy pipeline firm (TPAO) from some work in southern Iraq. In December 2012, Iraq turned back a plane carrying Turkey's energy minister to a conference in the KRG capital of Erbil. However, Turkey and the KRG continue to negotiate to finalize the large deal.

### ***Intra-Kurdish Divisions***

Further complicating the political landscape are divisions within the Kurdish community. The KRG National Assembly elections, conducted concurrently with the March 2010 national elections throughout Iraq, to some extent, shuffled the political landscape. A breakaway faction of President Talabani's PUK, called "Change" ("Gorran"), headed by Neshirvan Mustafa, won an unexpectedly high 25 seats (out of 111) in the Kurdistan national assembly, embarrassing the PUK and weakening it relative to the KDP. Gorran ran its own list in the March 2010 national elections to the COR and constituted a significant challenge to the Kurdistan Alliance in Sulaymaniyah Province, according to election results. As a result, of the 57 COR seats held by Kurds, 14 are held by parties other than the Kurdistan Alliance. Gorran has 8, the Kurdistan Islamic Union has 4, and the Islamic Group of Kurdistan has 2.

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<sup>23</sup> Iraq Oil Report. Exxon to Start Drilling in Disputed Kurdish Blocks. October 18, 2012.

<sup>24</sup> International Crisis Group. "Iraq and the Kurds: The High-Stakes Hydrocarbons Gambit." April 19, 2012.

These divisions may also have played a role in the popular demonstrations that occurred in Sulaymaniyah in early 2011. The demonstrations reflected frustration over jobs and services but possibly also over the monopolization of power in the KRG by the Barzani and Talabani clans. Some of these were suppressed by *peshmerga*.

More recently, the infirmity of Iraq's President and PUK leader Jalal Talabani has affected Kurdish politics. Barham Salih, mentioned above, is said to be pressing to replace Talabani as president, in part because the Kurds do not want someone of another ethnicity to become president. Another PUK stalwart, Kosrat Rasoul, is said to be lining up support to succeed Talabani as PUK leader should Talabani leave the scene. Talabani's son, Qubad, had headed the KRG representative office in Washington, DC, until July 2012, when he returned home to become more involved in Kurdish and PUK politics as his father's health fades. Talabani's wife, Hero Ibrahim Ahmad Talabani, is also a major figure in PUK politics and is said to be an opponent of Kosrat Rasoul—possibly to the point where she is willing to work with Gorran against him.

## **The Sadr Faction's Continuing Ambition and Agitation**

Within the broader Shiite community, the faction of Shiite cleric, Moqtada Al Sadr sees itself as the main representative for Iraq's Shiites, particularly the majority of Shiites who are poor or working class. The large Sadrist constituency has caused an inherent rivalry with Maliki and other Shiite leaders in Iraq. Although Sadr was part of an anti-Maliki Shiite coalition for the March 2010 national elections, he ultimately supported Maliki for a second term, as noted above. Suggesting that Sadr often shifts to maximize his faction's leverage, in May 2012 Sadr joined the effort to vote no-confidence against Maliki, discussed above, only to abandon that effort under Iranian pressure. Sadr has supported Sunni protests against Maliki in the late 2012-early 2013 Sunni unrest, although he has criticized protesters for using symbols of the Saddam Hussein regime.

Sadr's shifts against Maliki represent a continuation of a high level of activity he has exhibited since he returned to Iraq, from his studies in Iran, in January 2011. After his return, he gave numerous speeches that, among other themes, insisted on full implementation of a planned U.S. withdrawal by the end of 2011. Sadr's position on the U.S. withdrawal appeared so firm that, in an April 9, 2011, statement, he threatened to reactivate his Mahdi Army militia if U.S. forces remained in Iraq beyond the December 31, 2011, deadline. His followers conducted a large march in Baghdad on May 26, 2011, demanding a full U.S. military exit. The threats were pivotal to the Iraqi decision not to retain U.S. troops in Iraq beyond 2011.

## **Sadrist Offshoots and Other Shiite Militias**

Although Sadr formed what was the largest Shiite militia in post-Saddam Iraq, his efforts apparently unleashed Shiite militant forces that now compete with his movement. Several Shiite militias operate in Iraq, all of which are breakaway factions of the Mahdi Army. They operate under names including Asa'ib Ahl al-Haq (AAH, League of the Righteous), Khata'ib Hezbollah (Hezbollah Battalions), and Promised Day Brigade. (In June 2009, Khata'ib Hezbollah was named by the United States as a Foreign Terrorist Organization (FTO).) However, like Sadr's movement, these offshoots are increasingly moving into the political process in Iraq. In 2009, Sadr's Mahdi Army integrated into the political process in the form of a charity and employment network called *Mumahidoon*, or "those who pave the way."

The Sadrist offshoot militias reflected efforts by Iran to ensure that the United States completely withdrew from Iraq. U.S. officials accused Shiite militias of causing an elevated level of U.S. troop deaths in June 2011 (14 killed, the highest in any month in over one year). During 2011, U.S. officials accused Iran of arming these militias with upgraded rocket-propelled munitions, such as Improvised Rocket Assisted Munitions (IRAMs). U.S. officials reportedly requested that the Iraqi government prevail on Iran to stop aiding the militias, actions that subsequently, but temporarily, quieted the Shiite attacks on U.S. forces in Iraq. Some rocket attacks continued against the U.S. consulate in Basra, which has nearly 1,000 U.S. personnel (including contractors).

U.S. officials say that AAH, Khata'ib Hezbollah, and Promised Day Brigade have all become less active since the U.S. military withdrawal because the U.S. exit removed their justification for armed activity. AAH's leaders reportedly have returned from Iran and begun opening political offices, trying to recruit loyalists, and setting up social service programs. The group, reportedly supported by Iran, is not formally competing in the April 20, 2013, provincial elections but does plan to run candidates in the 2014 national elections. Maliki reportedly is backing the group as a counterweight to the Sadrists.<sup>25</sup> AAH's leader Qais al-Khazali, took refuge in Iran in 2010 after three years in U.S. custody for his alleged role in a 2005 raid that killed five American soldiers. Still, reflecting a view that some in these militias might be supporting terrorist activity, on November 8, 2012, the Treasury Department designated several Khata'ib Hezbollah operatives, and their Iranian Revolutionary Guard—Qods Force mentors as terrorism supporting entities under Executive Order 13224.

## **Governance and Human Rights Issues**

The continuing political crises discussed above have dashed most hopes that Iraq will become a fully functioning democracy with well-established institutions and rule of law.

### **National Oil Laws and Other Pending Laws**

Adopting national oil laws has been considered key to establishing rule of law and transparency in a key sector. Substantial progress appeared near in August 2011 when both the COR and the cabinet drafted the oil laws long in the works to rationalize the energy sector and clarify the rules for foreign investors. However, there were differences in their individual versions: the version drafted by the Oil and Natural Resources Committee was presented to the full COR on August 17, 2011. The cabinet adopted its separate version on August 28, 2011; there was some expectation that the COR would take up the issue when it reconvened on September 6, 2011, after the Eid al-Fitr celebration marking the end of Ramadan. It was unclear which version would form the basis of final legislation, amid opposition from the Kurds to what they see as an overly centralized energy industry encapsulated in the cabinet's draft law. The opposition and the presence of two competing versions of the oil laws accounted for the postponement of further COR action until at least the end of 2011, and the political crisis prevented movement on it subsequently. However, as discussed above, in concert with a temporary KRG-Baghdad agreement on some aspects of their dispute over the KRG energy sector, a six member panel has been working since September 2012 to decide which version of draft oil legislation the COR will consider.

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<sup>25</sup> Liz Sly, "Iran-Tied Group Is On Rise in Iraq," Washington Post, February 19, 2013.

Some believe that slow action on laws governing investment, taxation, and property ownership account for the slow pace of building a modern, dynamic economy, although others say the success of Iraq's energy sector is overriding these adverse factors. On the other hand, on April 30, 2012, the COR enacted a law to facilitate elimination of trafficking in persons, both sexual and labor-related.

## **Energy Sector/Economic Development**

The continuing deadlock on oil laws has not, however, prevented progress in the crucial energy sector, which provides 90% of Iraq's budget. Iraq possesses a proven 143 billion barrels of oil, and increasing exports enabled Iraq's GDP to grow by about 12% in 2012, according to the World Bank. Iraqi officials estimated in February 2013 that growth would be about 9% for 2013. After long remaining below the levels achieved prior to the ouster of Saddam Hussein, Iraq's oil exports recovered to about 2.1 million barrels per day by March 2012, roughly the level achieved during Saddam's rule. Production reached the milestone 3 million barrels per day mark in February 2012, which Iraqi leaders trumpeted as a key milestone in Iraq's recovery, and expanded further to about 3.2 million barrels per day by September 2012. It has remained at about that level since.

Iraqi leaders say they want to increase production to over 10 million barrels per day by 2017. The International Energy Agency estimates more modest but still significant gains: it sees Iraq reaching 6 mbd of production by 2020 if it attracts \$25 billion in investment per year, and potentially 8 mbd by 2035.

What is helping the Iraqi production is the involvement of foreign firms, including BP, Exxon-Mobil, Occidental, and Chinese firms. U.S. firms assisted Iraq's export capacity by developing single-point mooring oil loading terminals to compensate for deterioration in Iraq's existing oil export infrastructure in Basra and Umm Qasr.

The growth of oil exports appears to be fueling a rapid expansion of the consumer sector. Press reports in 2012 have noted the development of several upscale malls and other consequences of positive economic progress. The more stable areas of Iraq, such as the Shiite south, are said to be experiencing an economic boom as they accommodate increasing numbers of Shiite pilgrims to Najaf and Karbala. Iraqi officials said in mid-February 2013 that the country now has about \$105 billion in foreign exchange reserves, and that GDP will reach \$150 billion by the end of 2013.

## **Corruption**

The State Department human rights report for 2011 contains substantial detail on the continuing lack of progress in curbing governmental corruption. That assessment was corroborated by the quarterly report of the Special Inspector General for Iraq Reconstruction (SIGIR), released October 30, 2012, which said that corruption is one of the main obstacles to democratic progress and development in Iraq. The reports assess that political and other factors that have caused anti-corruption institutions, such as the Commission on Integrity (COI) and the Joint Anti-Corruption Council, to be regularly thwarted or hampered in attempts to investigate and prosecute corruption. The Joint Anti-Corruption Council is tasked with implementing the government's 2010-2014 Anti-Corruption Strategy. Another body is the Supreme Board of Audits, which monitors the use of government funds. The COR has its own Integrity Committee that oversees the executive branch and the governmental anti-corruption bodies. And, the KRG has its own separate anti-



corruption institutions, including an Office of Governance and Integrity in the KRG council of ministers.

The State Department's report on human rights for 2011 released May 24, 2012, states that, in a three month period in 2011, over 200 corruption investigations were halted on the authority of Iraqi ministers—presumably because they did not want their departments or political allies investigated. However, in September 2012, there was some cause for optimism on this issue because the Supreme Board of Audits discovered that about 80% of the \$1 billion in weekly government foreign currency purchases was being transferred out of the country under false pretenses. As a result of the discovery, Maliki removed longtime Central Bank governor Sinan al-Shabibi, although, as noted above, Maliki's control over the Bank runs counter to the constitutional provisions that the Bank be independent.

## **General Human Rights Issues**

The State Department human rights report for 2011 largely repeated the previous years' criticisms of Iraq's human rights record and the attribution of deficiencies in human rights practices to the overall security situation and sectarian and factional divisions.<sup>26</sup> The State Department report cited a wide range of human rights problems committed by Iraqi government security and law enforcement personnel, including some unlawful killings; torture and other cruel punishments; poor conditions in prison facilities; denial of fair public trials; arbitrary arrest; arbitrary interference with privacy and home; limits on freedoms of speech, assembly, and association due to sectarianism and extremist threats; lack of protection of stateless persons; wide scale governmental corruption; human trafficking; and limited exercise of labor rights. Many of these same abuses and deficiencies are alleged in reports by outside groups such as Human Rights Watch.

## **Use of Coercive Force Against Arab Spring-Related Demonstrations**

Iraq's government, although flawed, is the product of democratic choices. Therefore, many experts were surprised when protests—inspired by the uprisings taking place elsewhere in the Arab world and distinct from the unresolved ethno-sectarian conflicts discussed above—began in several provinces of Iraq on February 6, 2011. The protesters expressed frustrated by what they perceive as a nearly exclusive focus of the major factions on politics rather than governing or improving services. Many protesters expressed particular outrage at the still severe shortages of electricity in Iraq, as well as the lack of job opportunities and perceived elite corruption. Iraqis who cannot afford their own generators (or to share a generator with a few others) face repeated power outages every day. Twenty Iraqis were killed by security forces in the large February 25, 2011, "Day of Rage" demonstrations called by Iraqi activists. Unrest in the KRG region was even more intense; in Sulaymaniyah, three protestors were killed by *peshmerga* and Kurdish intelligence (*Asayesh*). The unrest rattled the top Kurdish leaders, who feared the KRG's image as an oasis of stability and prosperity was clouded.

The government enacted measures in addition to repression to calm the unrest. In February 2011, Maliki announced a voluntary cut in his salary (from about \$350,000 per year to half that) and indicated he would not seek a third term when his current term expires in 2014. On February 27,

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<sup>26</sup> [http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic\\_load\\_id=186428#wrapper](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186428#wrapper).

2011, he announced that his new cabinet would have “100 days” to prove its effectiveness or face replacement. That deadline expired on June 7, 2011, without significant incident, although U.S. diplomats say the government began public works projects and provided some fuel supplies as part of its efforts to show results by that time. In addition, on May 31, 2011, third deputy president Adel Abdul Mahdi resigned in an effort to show that the government is committed to cutting its bloated bureaucracy. To reinforce that commitment, the COR voted on July 30, 2011, to back Maliki’s plan to reduce the number of cabinet posts from the current 42 to 29. Another component of the response was to appoint several technocrats to permanently fill cabinet slots in ministries that deliver services to the public.

## **Trafficking in Persons**

The State Department’s Trafficking in Persons report for 2012, released on June 19, 2012, places Iraq in “Tier 2 Watch List” for the fourth year in a row. This is one rank short of Tier 3, the lowest ranking. For 2012, Iraq received a waiver from automatic downgrading to Tier 3 (which happens if a country is “watchlisted” for three straight years) because it has a plan to make significant efforts to meet minimum standards for the elimination of trafficking and is devoting significant resources to that plan.

## **Media and Free Expression**

While State Department and other reports attribute most of Iraq’s human rights difficulties to the security situation and factional infighting, apparent curbs on free expression appear independent of such factors. One issue that troubles human rights activists is a law, passed by the COR in August 2011, called the “Journalist Rights Law.” The law purports to protect journalists but left many of the provisions of Saddam-era libel and defamation laws in place. For example, the new law leaves in place imprisonment for publicly insulting the government. The State Department human rights report for 2011 noted continuing instances of harassment and intimidation of journalists who write about corruption and the lack of government services. Much of the private media that operate is controlled by individual factions or powerful personalities. There are no overt government restrictions on access to the Internet.

In March 2012, some observers reported a setback to free expression, although instigated by militias or non-governmental groups, not the government. There were reports of 14 youths having been stoned to death by militiamen for wearing Western-style clothes and haircuts collectively known as “Emo” style. In late June 2012, the government ordered the closing of 44 new organizations that it said were operating without a license. Included in the closure list were the BBC, Voice of America, and the U.S.-funded Radio Sawa. The COR is also considering an “Information Crimes Law” to regulate the use of information networks, computers, and other electronic devices and systems. Human Rights Watch said in July 2012 that the draft law “violates international standards protecting due process, freedom of speech, and freedom of association.”<sup>27</sup>

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<sup>27</sup> Human Rights Watch. “Iraq’s Information Crimes Law: Badly Written Provisions and Draconian Punishments Violate due Process and Free Speech.” July 12, 2012.

## **Labor Rights**

A 1987 (Saddam era) labor code remains in effect, restricting many labor rights, particularly in the public sector. Although the 2005 constitution provides for the right to strike and form unions, the labor code virtually rules out independent union activity. Unions have no legal power to negotiate with employers or protect workers' rights through collective bargaining.

## **Religious Freedom/Situation of the Christian Religious Minority**

The Iraqi constitution provides for religious freedom and the government generally respected religious freedom, according to the State Department's report on International Religious Freedom for 2011, released July 30, 2012. However, reflecting the conservative Islamic attitudes of many Iraqis, conservative Shiite and Sunni clerics seek to enforce aspects of Islamic law and customs, sometimes coming into conflict with Iraq's generally secular traditions as well as constitutional protections. On September 13, 2012, hundreds—presumably Shiites—took to the streets in predominantly Shiite Sadr City to protest the “Innocence of Muslims” video that was produced in the United States and set off protests throughout the Middle East in September 2012.

Concerns about religious freedom in Iraq tends to center on government treatment of religious minorities. A major concern is the safety and security of Iraq's Christian and other religious minority populations which are concentrated in northern Iraq as well as in Baghdad. These other groups include most notably the Yazidis, which number about 500,000-600,000; the Shabaks, which number about 400,000-500,000; the Sabeans, who number about 4,000; the Baha'i's that number about 2,000; and the Kakai's of Kirkuk, which number about 24,000. Since the 2003 U.S. intervention, more than half of the 1 million-1.5 million Christian population that was there during Saddam's time have left. Recent estimates indicate that the Christian population of Iraq is less than 500,000.

The State Dept. report details abuses or restrictions on the freedoms of religious minorities, both by Baghdad as well as the KRG. In the past, violent attacks on members of the community have occurred in waves. The body of Chaldean Catholic archbishop Faraj Rahho was discovered in Mosul on March 13, 2008, two weeks after his reported kidnapping. An attack on the Yazidis in August 2007, which killed about 500 people, appeared to exemplify the precarious situation for Iraqi minorities. In the run-up to the January 2009 provincial elections, about 1,000 Christian families reportedly fled the province in October 2008, although Iraqi officials report that most families returned by December 2008. The issue faded in 2009 but then resurfaced late in that year when about 10,000 Christians in northern Iraq, fearing bombings and intimidation, fled the areas near Kirkuk during October-December 2009. On October 31, 2010, a major attack on Christians occurred when a church in Baghdad (Sayidat al-Najat Church) was besieged by militants and as many as 60 worshippers were killed. The siege shook the faith of the Christian community in their security. Many Christian families fled their homes after the church attack, often going to live with relatives in Christian-inhabited locations around Iraq. Partly as a result, Christian celebrations of Christmas 2010 were said to be subdued—following three years in which Christians had felt confident enough to celebrate that holiday openly. Several other attacks appearing to target Iraqi Christians have taken place since.

Some Iraqi Christians blame all the various attacks on them on Al Qaeda in Iraq, which is still somewhat strong in Nineveh Province and which associates Christians with the United States. Some human rights groups allege that it is the Kurds who are committing abuses against Christians and other minorities in the Nineveh Plains, close to the KRG-controlled region.

Kurdish leaders deny the allegations, and the State Department human rights report for 2010 says the KRG has permitted Christians fleeing violence in Baghdad to relocate into KRG-controlled areas. Some Iraqi Christian groups advocate a “Nineveh Plains Province Solution,” in which the Nineveh Plains would be turned into a self-administering region, possibly its own province but affiliated or under KRG control. Supporters of the idea claim such a zone would pose no threat to the integrity of Iraq, but others say the plan’s inclusion of a separate Christian security force could set the scene for violence and confrontation. Even at the height of the U.S. military presence in Iraq, U.S. forces did not specifically protect Christian sites at all times, partly because Christian leaders do not want to appear closely allied with the United States. The State Dept. report said that during 2011, U.S. Embassy Baghdad designated a “special coordinator” to oversee U.S. funding, program implementation, and advocacy to address minority concerns.

### ***Specific Funding for Religious Minorities in Iraq***

The FY2008 consolidated appropriation earmarked \$10 million in ESF from previous appropriations to assist the Nineveh Plain Christians. A supplemental appropriation for 2008 and 2009 (P.L. 110-252) earmarked another \$10 million for this purpose. The Consolidated Appropriations Act of 2010 (P.L. 111-117) made a similar provision for FY2010, although focused on Middle East minorities generally and without a specific dollar figure mandated for Iraqi Christians. In the 112<sup>th</sup> Congress, a bill, H.R. 440, which would establish a post of Special Envoy to promote religious freedom in the Middle East and South Central Asia, passed the House on July 29, 2011, by a vote of 402-20. Ambassador-designate to Iraq, Robert Stephen Beecroft, testified at his Senate Foreign Relations Committee confirmation hearings on September 19, 2012, that the State Department has spent \$72 million total to protect religious minorities in Iraq.

### **Women’s Rights**

Iraq has a tradition of secularism and liberalism, and women’s rights issues have not been as large a concern for international observers and rights groups as they have in Afghanistan or the Persian Gulf states, for example. Women serve at many levels of government, as discussed above, and are well integrated into the work force in all types of jobs and professions. By tradition, many Iraqi women wear traditional coverings but many adopt Western dress. On October 6, 2011, the COR passed legislation to lift Iraq’s reservation to Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women.

### **Executions**

The death penalty is legal in Iraq. In June 2012, Amnesty International condemned the “alarming” increase in executions, which had by then put 70 persons to death. U.N. High Commissioner for Human Rights Navi Pillay also expressed shock in 2012 over the high number of executions in Iraq. On August 28, 2012, the government executed 21 people, including three women, convicted of terrorism-related charges.

### **Mass Graves**

As is noted in the State Department report on human rights for 2010, the Iraqi government continues to uncover mass graves of Iraqi victims of the Saddam regime. This effort is under the authority of the Human Rights Ministry. On April 15, 2011, a mass grave of more than 800 bodies

became the latest such discovery. The largest to date was a mass grave in Mahawil, near Hilla, that contained 3,000 bodies; the grave was discovered in 2003, shortly after the fall of the regime.

## Regional Dimension

Iraq's neighbors, as well as the United States, have high interest in Iraq's stability and its friendship. Iraq's post-Saddam Shiite leadership has affinity for Iran, which supported them in years of struggle against Saddam. Yet, Iraq also seeks to reintegrate into the Arab fold—of which Iran is not a part—after more than 20 years of ostracism following Iraq's invasion of Kuwait in August 1990. That motive mitigates, to some extent, Iranian influence in Iraq because the Arab world is primarily composed of Sunni Muslims and much of the Arab world is either at odds with or highly suspicious of Iran.

Iraq's reintegration into the Arab fold took a large step forward with the holding of an Arab League summit in Baghdad during March 27-29, 2012. Iraq hailed the gathering as a success primarily because of the absence of major security incidents during the gathering. However, only 9 heads of state out of the 22 Arab League members attended, and only one Persian Gulf leader, Amir Sabah al-Ahmad Al Sabah of Kuwait, attended. Building on that success, and on its relations with both the United States and Iran, on May 23-24, 2012, Iraq hosted nuclear talks between Iran and the six negotiating powers (United States, Britain, France, Germany, Russia, and China).

Iraq is also sufficiently confident to begin offering assistance to other emerging Arab democracies. Utilizing its base of expertise in chemical weaponry during the Saddam Hussein regime, Iraq has provided some technical assistance to the post-Qadhafi authorities in Libya to help them clean up chemical weapons stockpiles built up by the Qadhafi regime. It has also donated \$100,000 and provided advisers to support elections in Tunisia after its 2011 revolution.<sup>28</sup>

## Iran

The United States remains at odds with Iran and seeks to limit Iran's influence over Iraq. Some argue that the withdrawal of all U.S. troops from Iraq represented a success for Iranian strategy and that Iranian influence in Iraq is preponderant. Some assess that evidence of Iranian influence can be seen in Iraq's alignment, in general, with Iranian policy that seeks to keep Bashar Al Assad in power in Syria. This has put Iraq in a difficult position between its two allies, the United States and Iran, in that the United States seeks Assad's ouster and is demanding Iraq not cooperate with any Iranian efforts to keep Assad in power. This is discussed further below. Others argue that it was U.S. policy that created this opportunity for Iran by bringing to power Iraqi Shiite Islamist politicians long linked to Iran. To counter the impression that Iran might benefit from the complete U.S. pullout, then Secretary of State Clinton said on October 23, 2011, that:

I think Iran should look at the region. We may not be leaving military bases in Iraq, but we have bases elsewhere. We have support and training assets elsewhere. We have a NATO ally in Turkey. The United States is very present in the region.

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<sup>28</sup> Tim Arango. "Iraq Election Official's Arrest Casts Doubt on Prospects for Fair Voting." *New York Times*, April 17, 2012.

That theme was echoed by then Secretary of Defense Leon Panetta that same day, saying that the United States, even without U.S. troops present in Iraq, would be able to counter any threat from Iranian influence or from Iran-backed Iraqi Shiite militias.

Prime Minister Maliki has tried to calm fears that Iran exercises undue influence over Iraq. In so doing, he has stressed themes that are advanced by many experts that Iraqi nationalism is resisting Iranian influence. Experts also note lingering distrust of Iran from the 1980-1988 Iran-Iraq war, in which an estimated 300,000 Iraqi military personnel (Shiite and Sunni) died. In a December 5, 2011, op-ed in the *Washington Post*, entitled “Building a Stable Iraq,” Maliki wrote:

Iraq is a sovereign country. Our foreign policy is rooted in the fact that we do not interfere in the affairs of other countries; accordingly, we oppose foreign interference in Iraqi affairs.

Defense and security ties between Iran and Iraq have been discussed but little has materialized. In an interview with CNN broadcast on October 23, 2011, Iran’s President Mahmoud Ahmadinejad said Iran planned a closer security relationship with Iraqi forces after U.S. troops depart. After the U.S. withdrawal was completed December 18, 2011, Iran welcomed closer defense ties to Iraq, including training Iraqi forces, although no such training has been reported to date.

Iraq’s Shiite clerics also resist Iranian interference and take pride in Najaf as a more prominent center of Shiite theology and history than is the Iranian holy city of Qom. In late 2011, representatives of Ayatollah Mahmud Shahrudi, an Iraqi cleric long resident in Iraq, opened offices in Najaf, Iraq. This was widely seen as an effort to promote Shahrudi as a possible successor as *marja taqlid* (“source of inspiration,”—the most senior Shiite cleric) to the increasingly frail Grand Ayatollah Ali al-Sistani. During an April 22-23, 2012, visit to Iran, Maliki met with Shahrudi, in addition to meeting senior Iranian figures. However, observers say the offices have not created a wave of support for Shahrudi as successor to Sistani.

There are indications the Shiite-led government of Iraq has sought to shield pro-Iranian militants who committed past acts of violence against U.S. forces. In May 2012, Iraqi courts acquitted and Iraq released from prison a purported Hezbollah commander, Ali Musa Daqduq, although he subsequently remained under house arrest. He had been in U.S. custody for alleged activities against U.S. forces but, under the U.S.-Iraq Security Agreement (discussed below) he was transferred to Iraqi custody in December 2011. In July 2012, U.S. officials asked Iraqi leaders to review the Daqduq case or extradite him to the United States, but Iraq released him in November 2012 and he returned to Lebanon, despite U.S. efforts to persuade Iraq to keep him there.

Still others see Iranian influence as less political than economic, raising questions about whether Iran is using Iraq to try to avoid the effects of international sanctions. Some reports say Iraq is enabling Iran’s efforts by allowing it to interact with Iraq’s energy sector and its banking system. In July 2012, the Treasury Department imposed sanctions on the Elaf Islamic Bank of Iraq for allegedly conducting financial transactions with the Iranian banking system that violated the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (CISADA, P.L. 111-195). On the other hand, Iraq is at least indirectly assisting U.S. policy toward Iran by supplying oil customers who, in cooperation with U.S. sanctions against Iran, are cutting back buys of oil from Iran. Iranian officials said in mid-September 2012 that Iran’s exports to Iraq would reach about \$10 billion from March 2012-March 2013, a large increase from the \$7 billion in exports in the prior one year.

## **Iranian Opposition: People's Mojahedin/Camp Ashraf and PJAK**

The Iraqi government treatment of the population of Camp Ashraf, a camp in which over 3,500 Iranian oppositionists (People's Mojahedin Organization of Iran, PMOI) have resided, is an indicator of the government's close ties to Iran. The residents of the camp accuse the government of repression and of scheming to expel the residents or extradite them to Iran, where they might face prosecution or death. An Iraqi military redeployment at the camp on April 8, 2011, resulted in major violence against camp residents in which 36 of them were killed.

In November 2011, Maliki insisted that camp will close at the end of 2011, and the U.N. High Commissioner for Refugees, the European Union, and other organizations worked to broker a solution that avoids violence or forcible expulsion. In late December 2011 Maliki signed an agreement with the United Nations on December 26, 2011, to relocate the population to former U.S. military base Camp Liberty. The PMOI later accepted the agreement, dropping demands that U.S. troops guard the residents during any relocation, and all but a residual 200 Ashraf residents have completed their relocation to a former U.S. base, Camp Liberty (renamed Camp Hurriya). There, each case is being evaluated by the U.N. High Commissioner for Refugees for the potential for relocation outside Iraq. The relocation was a major factor in the U.S. decision, formalized on September 28, 2012, to take the PMOI off the U.S. list of Foreign Terrorist Organizations. Still, the PMOI alleges that Iraq is denying some services to the residents of Camp Liberty and that these residents are suffering in the conditions there. The group blamed pro-Iranian militias, particularly Khata'ib Hezbollah, discussed above, for a mortar attack on Camp Liberty on February 16, 2013 that killed six PMOI residents of the camp. This issue is discussed in substantially greater detail in CRS Report RL32048, *Iran: U.S. Concerns and Policy Responses*, by Kenneth Katzman.

Iran has periodically acted against other Iranian opposition groups based in Iraq. The Free Life Party (PJAK) consists of Iranian Kurds, and it is allied with the Kurdistan Workers' Party that opposes the government of Turkey. Iran has shelled purported camps of the group on several occasions. Iran is also reportedly attempting to pressure the bases and offices in Iraq of such Iranian Kurdish parties as the Kurdistan Democratic Party of Iran (KDP-I) and Komaleh.

## **Syria**

One of the major disagreements between the United States and Iraq is on the issue of Syria. U.S. policy is to achieve the ouster of President Bashar Al Assad. Maliki's government generally perceives that post-Assad Syria would be run by Sunni Arabs and align with other Sunni powers, and that Assad's continuation in power therefore suits the Maliki government's interests. During March 2011-August 2011, Iraq refrained from sharp criticism of Assad for using military force against protests, and Maliki received several high-level business and other delegations from Syria. In September 2011, Iraq backed Iran's calls for Assad to make major reforms, but opposed the 22-country Arab League move in November 2011 to suspend Syria's membership. Iraq formally abstained on the vote, with Yemen and Lebanon the only two "no" votes. Perhaps to ensure Arab participation at the March 2012 Arab League summit in Baghdad, Iraq voted for a January 22, 2012, Arab League plan for a transition of power in Syria. As an indication of Iraq's policy of simultaneously engaging with the United States on the Syria issue, Foreign Minister Hoshiyar Zebari has attended U.S.-led meetings of countries that are seeking Assad's ouster.

An issue that has divided Iraq and the United States since August 2012 has been Iraq's reported permission for Iranian arms supplies to overfly Iraq en route to Syria.<sup>29</sup> Iraq had been preventing such flights at times during March-August 2012. Following high level U.S. demands that Iraq request the Iranian flights land in Iraq for inspection, Iraq stopped a North Korean flight to Syria on September 21, 2012, and announced on September 30, 2012, that it would conduct random searches of Iranian overflights. The first search of an Iranian flight was conducted on October 2, 2012, but it was allowed to proceed when no arms were found aboard. Iraq again compelled an Iranian cargo flight to land for inspection on October 29, 2012, although after it had already been to Syria, and again allowed it to proceed after determining no contraband was aboard. Stopping the flights was a major focus of the March 24, 2013, visit of Secretary of State Kerry to Baghdad. Maliki reportedly continued to argue—contrary to U.S. information—that there is no evidence the Iranian flights contain anything other than humanitarian goods. The Secretary Kerry visit reportedly resulted in only an agreement for the United States to provide Iraq with information on the likely contents of the Iranian flights in an effort to prompt Iraqi reconsideration of its position.

As further indication of Maliki's support for Assad, on February 20, 2013, the Iraqi cabinet approved construction on a natural gas pipeline that will traverse Iraq and deliver Iranian gas to Syria. The project is potentially sanctionable under the Iran Sanctions Act that provides for U.S. penalties on projects of over \$20 million that help Iran develop its energy sector, including natural gas.

Aside from official Iraqi policy, the unrest in Syria has generated a scramble among Iraqi factions to affect the outcome there. In addition to becoming emboldened by the Syria rebellion, AQ-I members have reportedly entered Syria to help the mostly Sunni opposition to President Assad.<sup>30</sup> On March 4, 2013, suspected AQ-I members killed 48 Syrian military personnel, and their Iraqi military escorts; the Syrians had fled a battle on the border into Iraq and were ambushed while being transported south within Iraq pending repatriation to Syria. On December 11, 2012, the United States designated a Syrian jihadist rebel group, the Al Nusrah Front, as a Foreign Terrorist Organization (FTO), asserting that it is an alias of AQ-I. At the same time, there have been numerous reports that Iraqi Shiite militiamen have entered Syria to fight on behalf of the Assad regime; it is not clear that the Iraqi government has sought to prevent these fighters from going there.

The KRG appears to be assisting the Syrian Kurds, who joined the revolt against Assad in July 2012. KRG President Barzani has hosted several meetings of Syrian Kurds to promote unity and a common strategy among them, and the KRG reportedly has been training Syrian Kurdish militia forces to prepare them to secure an autonomous Kurdish area if and when Assad falls. On November 6, 2012, Barzani warned the two major Syrian Kurdish factions—the Democratic Union Party (PYD) and the Kurdish National Council—to avoid discord after the two had been clashing inside Syria.

## Turkey

Turkey's concerns have historically focused mostly on the Kurdish north of Iraq, which borders Turkey. Turkey has historically been viewed as concerned about the Iraqi Kurdish insistence on

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<sup>29</sup> Kristina Wong, "Iraq Resists U.S. Prod, Lets Iran Fly Arms to Syria." *Washington Times*, March 16, 2012.

<sup>30</sup> Sahar Issa. "Iraq Violence Dips Amid Rise in Syria." *Philadelphia Inquirer*, February 21, 2012.



autonomy and Iraqi Kurds' ethnically based sympathies for Kurdish oppositionists in Turkey. The anti-Turkey Kurdistan Workers' Party (PKK) has long maintained camps inside Iraq, along the border with Turkey. Turkey continues to conduct periodic bombardments and other military operations against the PKK encampments in Iraq. For example, in October 2011, Turkey sent ground troops into northern Iraq to attack PKK bases following the killing of 24 Turkish soldiers by the PKK. However, suggesting that it has built a pragmatic relationship with the KRG, Turkey has emerged as the largest outside investor in northern Iraq and is building an increasingly close political relationship with the KRG as well.

As Turkey's relations with the KRG have deepened, relations between Turkey and the Iraqi government have worsened. Turkey's provision of refuge for Vice President Tariq al-Hashimi has been a source of tension; Maliki sought his extradition for trial, but Turkey has not turned him over. On August 2, 2012, Turkish Foreign Minister Ahmet Davutoglu visited the city of Kirkuk, prompting a rebuke from Iraq's Foreign Ministry that the visit constituted inappropriate interference in Iraqi affairs. And, tensions have been aggravated by their differing positions on Syria: Turkey is a prime backer of the mostly Sunni rebels there where. And, as noted above, Baghdad has sought to block Turkey's attempts to broaden energy relations with the KRG.

## **Gulf States**

Iraq also has unresolved disputes with several of the Sunni-led Persian Gulf states who have not fully accommodated themselves to the fact that Iraq is now dominated by Shiite factions. However, Iraq has tried, with some success, to settle some of these issues to encourage maximum Gulf participation in the March 27-29, 2012, Arab League summit in Baghdad. All the Gulf states were represented at the summit but, among Gulf rulers, only Amir Sabah of Kuwait attended. Qatar sent a very low-level delegation which it said openly was meant as a protest against the Iraqi government's treatment of Sunni Arab factions.

Saudi Arabia had been widely criticized by Iraqi leaders because it has not opened an embassy in Baghdad, a move Saudi Arabia pledged in 2008 and which the United States has long urged. This issue was mitigated on February 20, 2012, when Saudi Arabia announced that it had named its ambassador to Jordan, Fahd al-Zaid, to serve as a non-resident ambassador to Iraq concurrently. However, it did not announce the opening of an embassy in Baghdad. The Saudi move came after a visit by Iraqi national security officials to Saudi Arabia to discuss greater cooperation on counterterrorism and the fate of about 400 Arab prisoners in Iraqi jails. The other Gulf countries have opened embassies and all except the UAE have appointed full ambassadors to Iraq.

The government of Bahrain, which is mostly Sunni, also fears that Iraq might work to empower Shiite oppositionists who have demonstrated for a constitutional monarchy during 2011. Ayatollah Sistani is revered by many Bahraini Shiites, and Iraqi Shiites have demonstrated in solidarity with the Bahraini opposition, but there is no evidence that Iraq has had any direct role in the Bahrain unrest.

## **Kuwait**

The relationship with Kuwait has always been considered difficult to resolve because of the legacy of the 1990 Iraqi invasion. However, a possible indication of greater acceptance of the Iraqi government by the state it once occupied (1990-1991) came when Kuwait's then prime minister visited Iraq on January 12, 2011. Maliki subsequently visited Kuwait on February 16,

2011, and, as noted above, the Amir of Kuwait attended the Arab League summit in Baghdad in March 2012.

These key exchanges took place after the U.N. Security Council on December 15, 2010, passed three resolutions (1956, 1957, and 1958) that had the net effect of lifting most Saddam-era sanctions on Iraq, although the U.N.-run reparations payments process remains intact (and deducts 5% from Iraq's total oil revenues). As of the end of December 2012, a U.N. Compensation Commission set up under Security Council Resolution 687 has paid \$38.8 billion to claimants from the 1990-91 Iraqi occupation of Kuwait, with an outstanding balance of \$13.6 billion to be paid by April 2015.

A U.N. envoy, Gennadi Tarasov, remains empowered by the Security Council to clear up the issues of Kuwaitis and other nationals missing from the Iraqi invasion of Kuwait, and the issue of the missing Kuwaiti national archives that Iraq allegedly took out of Kuwait. Very little progress on these issues has been made in recent years, as was made clear in a Security Council statement of December 15, 2011 (SC/10490) as well as in Security Council documents issued December 14, 2012 (S/2012/931 and S/2012/932). The remains of 236 of the approximately 605 missing Kuwaitis have been found, but efforts to find 369 missing Kuwaitis have been unsuccessful, despite continued research and investigation of possible burial sites. On the other hand, the U.N. reports of December 14, 2012 indicated that Iraq had, in 2012, found and returned to Kuwait some Kuwaiti media archives, as well as keys to safes from the Central Bank of Kuwait. Still, the Kuwaiti national archives remain missing. Other mutual suspicions persist—in August 2011 Iraqi politicians accused Kuwait of intruding on Iraq's oil through slant drilling at the border.

Some other bilateral issues moved forward during the March 15, 2012, visit of Maliki to Kuwait. After Maliki's meetings, the two announced that Iraq had agreed to pay its share of the cost of maintaining border markings between the two. Iraq also agreed to pay \$300 million to the Kuwaiti government and to invest \$200 million in a joint venture of the two as settlement for Kuwait Airways' claim for \$1.2 billion in compensation for planes and parts allegedly stolen by Iraq during the 1990-1991 occupation. These agreements paved the way for Amir Sabah to attend the Arab League summit in Baghdad. Iraq-Kuwait direct flights resumed in January 2013 for the first time since Iraq's 1990 invasion of Kuwait. Kuwait's Prime Minister Jabir al-Mubarak Al Sabah is scheduled to visit Iraq in April 2013 to continue the reconciliation process.

## **U.S. Military Withdrawal and Post-2011 Policy**

A complete U.S. military withdrawal from Iraq by the end of 2011 was a stipulation of the November 2008 U.S.-Iraq Security Agreement (SA), which took effect on January 1, 2009. Following the SA's entry into force, President Obama, on February 27, 2009, outlined a U.S. troop drawdown plan that provided for a drawdown of U.S. combat brigades by the end of August 2010, with a residual force of 50,000 primarily for training the Iraq Security Forces, to remain until the end of 2011. An interim benchmark in the SA was the June 30, 2009, withdrawal of U.S. combat troops from Iraq's cities. These withdrawal deadlines were strictly adhered to.

### **Question of Whether U.S. Forces Would Remain Beyond 2011**

During 2011, with the deadline for a complete U.S. withdrawal approaching, continuing high-profile attacks, fears of expanded Iranian influence, and perceived deficiencies in Iraq's nearly

700,000 member security forces caused U.S. officials to seek to revise the SA to keep some U.S. troops in Iraq after 2011. Some U.S. experts feared the rifts among major ethnic and sectarian communities were still wide enough that Iraq could still become a “failed state” unless some U.S. troops remained. U.S. officials emphasized that the ongoing ISF weaknesses centered on lack of ability to defend Iraq’s airspace and borders. Iraqi comments, such as an October 30, 2011, statement by Iraqi Army Chief of Staff Lieutenant General Babaker Zebari that Iraq would be unable to execute full external defense until 2020-2024, reinforced those who asserted that a U.S. force presence was still needed.<sup>31</sup> Renegotiating the SA to allow for a continued U.S. troop presence required discussions with the Iraqi government and a ratification vote of the Iraqi COR.

Several high-level U.S. visits and statements urged the Iraqis to consider extending the U.S. troop presence. Maliki told visiting Speaker of the House John Boehner, during an April 16, 2011, visit to Baghdad that Iraq would welcome U.S. training and arms after that time.<sup>32</sup> Subsequent to Boehner’s visit, Maliki, anticipating that a vote of the COR would be needed for any extension, stated that a request for U.S. troops might be made if there were a “consensus” among political blocs, which he defined as at least 70% concurrence.<sup>33</sup> This appeared to be an effort to isolate the Sadr faction, the most vocal opponent of a continuing U.S. presence.

In his first visit to Iraq as Defense Secretary on July 11, 2011, Leon Panetta urged Iraqi leaders to make an affirmative decision, and quickly. On August 3, 2011, major factions gave Maliki their backing to negotiate an SA extension, and then Secretary Panetta said on August 20, 2011, that it was likely that Iraq would request a continued U.S. presence primarily to train the ISF. In September 2011, a figure of about 15,000 remaining U.S. troops, reflecting recommendations of the U.S. military, was being widely discussed.<sup>34</sup> However, the issue became a subject of substantial debate when the *New York Times* reported on September 7, 2011, that the Administration was considering proposing to Iraq to retain only about 3,000-4,000 forces, mostly in a training role.<sup>35</sup> Many experts criticized that figure as too low to carry out intended missions.

## **President Obama Announces Decision on Full Withdrawal**

The difficulty in the negotiations—primarily a function of strident Sadrist opposition to a continued U.S. presence—became clearer on October 5, 2011, when Iraq issued a statement that some U.S. military personnel should remain in Iraq as trainers but that Iraq would not extend the legal protections contained in the existing SA. That stipulation failed to meet the requirements of the Defense Department, which feared that trying any American soldier under the Iraqi constitution could lead to serious crises at some stage.

On October 21, 2011, President Obama announced that the United States and Iraq had agreed that, in accordance with the November 2008 Security Agreement (SA) with Iraq, all U.S. troops would leave Iraq at the end of 2011. With the formal end of the U.S. combat mission on August 31, 2010, U.S. forces dropped to 47,000, and force levels dropped steadily from August to December 2011. The last U.S. troop contingent crossed into Kuwait on December 18, 2011.

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<sup>31</sup> “Iraq General Says Forces Not Ready ‘Until 2020.’” *Agence France Presse*, October 30, 2011.

<sup>32</sup> Prashant Rao. “Maliki Tells US’ Boehner Iraqi Troops Are Ready.” *Agence France Presse*, April 16, 2011.

<sup>33</sup> Aaron Davis. “Maliki Seeking Consensus on Troops.” *Washington Post*, May 12, 2011.

<sup>34</sup> Author conversations with Iraq experts in Washington, DC, 2011.

<sup>35</sup> Eric Schmitt and Steven Lee Myers. “Plan Would Keep Military in Iraq Beyond Deadline.” September 7, 2011.

The continuing Sunni unrest and violence has caused some to argue that U.S. gains were jeopardized and that the Administration should have pressed Iraqi leaders harder to allow a U.S. contingent to remain. This view has been expressed by several commentators assessing Iraq 10 years after the 2003 U.S. intervention. Those who support the Administration view say that political crisis was likely no matter when the United States withdrew and that it is the responsibility of the Iraqis to resolve their differences.

## **Structure of the Post-Troop Relationship**

After the withdrawal announcement, senior U.S. officials stated that the United States would be able to continue to help Iraq secure itself using programs commonly provided for other countries. Administration officials stressed that the U.S. political and residual security-related presence would be sufficient to exert influence and leverage to ensure that Iraq remained stable, allied to the United States, continuing to move toward full democracy, and economically growing and vibrant. At the time of the withdrawal, there were about 16,000 total U.S. personnel in Iraq, about half of which were contractors. Of the contractors, most are security contractors protecting the U.S. Embassy and consulates, and other State Department and Office of Security Cooperation-Iraq facilities throughout Iraq. However, staff cuts discussed below have left the total number of U.S. personnel in Iraq at about 10,500 as of March 2013, with further reductions planned.

### **Office of Security Cooperation-Iraq (OSC-I)**

The Office of Security Cooperation—Iraq (OSC-I), operating under the authority of the U.S. Ambassador to Iraq, is the primary Iraq-based U.S. institution that continues to train and mentor the Iraqi military, as well administer the Foreign Military Sales (FMS) programs (U.S. arms sales to Iraq). OSC-I, funded with the Foreign Military Financing (FMF) funds discussed in the aid table below, is the largest U.S. security cooperation office in the world. It works out of the U.S. Embassy in Baghdad and five other locations around Iraq (Kirkuk Regional Airport Base, Tikrit, Besmaya, Umm Qasr, and Taji), but OSC-I plans to transfer its facilities to the Iraqi government by the end of 2013.

The total OSC-I personnel numbers over 3,500, but the vast majority are security and support personnel, most of which are contractors. Of the staff, about 175 are U.S. military personnel and an additional 45 are Defense Department civilians. About 46 members of the staff administers the Foreign Military Sales (FMS) program and other security assistance programs such as the International Military Education and Training (IMET) program. Since 2005, DOD has administered 231 U.S.-funded FMS cases totaling \$2.5 billion, and 201 Iraq-funded cases totaling \$7.9 billion. There are a number of other purchase requests initiated by Iraq that, if they all move forward, would add bring the estimated value of all Iraq FMS cases to over \$19 billion.<sup>36</sup>

The largest FMS case is the sale of 36 U.S.-made F-16 combat aircraft to Iraq, notified to Congress in two equal tranches, the latest of which was made on December 12, 2011 (Transmittal No. 11-46). The total value of the sale of 36 F-16s is up to \$6.5 billion when all parts, training, and weaponry are included. Iraq has paid \$2.5 billion of that amount, to date. The first deliveries of the aircraft are scheduled for September 2014.

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<sup>36</sup> Iraq Signs Arms Deals Worth \$4.2 Billion. *Washington Post*, October 10, 2012; Tony Capaccio. "Iraq Seeks Up to 30 General Dynamics Stryker Vehicles." *Bloomberg News*, November 19, 2012.

Another large part of the arms sale program to Iraq is for 140 M1A1 Abrams tanks. Deliveries began in August 2010 and the last of them were delivered in late August 2012. The tanks cost about \$860 million, of which \$800 million was paid out of Iraq's national funds. Iraq reportedly is also seeking to buy up to 30 Stryker armored vehicles equipped with gear to detect chemical or biological agents—a purchase that, if notified to Congress and approved and finally agreed with Iraq, would be valued at about \$25 million. On December 23, 2012, the U.S. Navy delivered two support ships to Iraq, which will assist Iraq's fast-attack and patrol boats that secure its offshore oil platforms and other coastal and offshore locations.

In addition to administering arms sales to Iraq, OSC-I's mission—involving about 160 personnel—is to conduct train and assist programs for the Iraqi military. Because the United States and Iraq have not agreed on a Status of Forces Agreement (SOFA) document (which would grant legal immunities to U.S. military personnel), the personnel involved in these programs are mostly contractors. They train Iraq's forces on counterterrorism and naval and air defense. Some are “embedded” with Iraqi forces as trainers not only tactically, but at the institutional level by advising Iraqi security ministries and its command structure. If a SOFA is agreed, some of these missions could be performed by U.S. military personnel, presumably augmenting the effectiveness of the programs. In some cases, not limited to OSC-I personnel, Iraq has been detaining U.S. security contractors at checkpoints, complicating not only the U.S. security assistance effort but also the U.S. effort to protect its own personnel and facilities.

On October 2, 2012, OSC-I officials said they planned to review their operations because the Continuing Appropriations for FY2013 (P.L. 112-175), did not reauthorize for FY2013 (that began October 1, 2012) U.S. funding to train the ISF. Defense Department spokespersons subsequently said they had identified other funding to continue OSC-I training activities in Iraq through the end of 2012.

### ***Police Development Program***

A separate program is the Police Development Program, which is the largest program that has transitioned from DOD to State Department lead. An October 2011 audit by the SIGIR (Special Inspector General for Iraq Reconstruction) identified deficiencies in the U.S.-funded training program for the Iraqi police forces (Police Development Program, PDP) as that responsibility was transferred from DOD to State on October 1, 2011.<sup>37</sup> That program draws on International Narcotics and Law Enforcement (INCLE) funds. However, Iraq's drive to emerge from U.S. tutelage has produced apparent Iraqi disinterest in the PDP. It now consists of only 36 advisers, about 10% of what was envisioned as an advisory force of 350. Two facilities built with over \$200 million in U.S. funds (Baghdad Police College Annex and part of the U.S. consulate in Basra) are to be turned over to the Iraqi government by December 2012. Some press reports say there is Administration consideration of discontinuing the program entirely.<sup>38</sup>

### ***Late 2012-2013: Iraq Rededicating to U.S. Security Programs?***

Heightened AQ-I and other insurgent activity since mid-2012 has apparently shaken the Iraqi leadership's confidence in the ISF somewhat, and apparently prompted the Iraqi government to

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<sup>37</sup> <http://www.sigir.mil/files/audits/12-006.pdf#view=fit>.

<sup>38</sup> Tim Arango, “U.S. May Scrap Costly Efforts to Train Iraqi Police,” *New York Times*, May 13, 2012.

reemphasize security cooperation with the United States. On August 19, 2012, en route to a visit to Iraq, Chairman of the Joint Chiefs of Staff General Martin Dempsey said that “I think [Iraqi leaders] recognize their capabilities may require yet more additional development and I think they’re reaching out to us to see if we can help them with that.”<sup>39</sup>

General Dempsey’s August 21, 2012, visit focused on the security deterioration, as well as the Iranian overflights to Syria discussed above, according to press reports. Regarding U.S.-Iraq security relations, Iraq reportedly expressed interest in expanded U.S. training of the ISF, joint exercises, and accelerated delivery of U.S. arms to be sold, including radar, air defense systems, and border security equipment.<sup>40</sup> Some refurbished air defense guns are being provided gratis as excess defense articles (EDA), but Iraq was said to lament that the guns would not arrive until June 2013. Iraq reportedly argued that the equipment was needed to help it enforce insistence that Iranian overflights to Syria land in Iraq for inspection. The ISF Iraq pressed its attempts to speed up weapons deliveries during a visit by Deputy Defense Secretary Ashton Carter on October 18, 2012.

After the Dempsey visit, reflecting the Iraqi decision to reengage intensively with the United States on security, it was reported that, at the request of Iraq, a unit of Army Special Operations forces had deployed to Iraq to advise on counterterrorism and help with intelligence, presumably against AQ-I.<sup>41</sup> (These forces presumably are operating under a limited SOFA or related understanding crafted for this purpose.) Other reports suggest that Central Intelligence Agency (CIA) paramilitary forces have, as of late 2012, largely taken over some of the DOD mission of helping Iraqi counter-terrorism forces (Counter-Terrorism Service, CTS) against AQ-I in western Iraq.<sup>42</sup> Part of the reported CIA mission is to also work against the AQ-I affiliate in Syria, the Al Nusrah Front, discussed above.

Reflecting an acceleration of the Iraqi move to reengage militarily with the United States, during December 5-6, 2012, Under Secretary of Defense for Policy James Miller and acting Under Secretary of State for International Security Rose Gottemoeller visited Iraq and a Memorandum of Understanding (MOU) was signed with acting Defense Minister Sadoun Dulaymi. The five year MOU provides for:

- high level U.S.-Iraq military exchanges
- professional military education cooperation
- counter-terrorism cooperation
- the development of defense intelligence capabilities
- joint exercises

The MOU appears to address many of the issues that have hampered OSC-I from performing the its mission to its full potential. The MOU also reflects some of the more recent ideas, such as joint exercises, that were advanced during the August 2012 Dempsey visit. There are no indications to date, however, that the apparent phase-out of the State Department-run Police

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<sup>39</sup> “U.S. Hopes For Stronger Military Ties With Iraq: General” Agence France-Presse, August 19, 2012.

<sup>40</sup> Dan De Luce. “U.S. ‘Significant’ in Iraq Despite Troop Exit: Dempsey.” Agence France-Presse, August 21, 2012.

<sup>41</sup> Tim Arango. “Syrian Civil War Poses New Peril For Fragile Iraq.” New York Times, September 25, 2012.

<sup>42</sup> Adam Entous et al. “CIA Ramps Up Role in Iraq.” *Wall Street Journal*, March 12, 2013.

Development Program is being slowed or reversed. However, it is possible that the United States and Iraq might agree to continue to phase it out and perhaps replace it with a DOD-led program with similar objectives.

Still, Iraq seeks to diversify its arms supplies. Maliki visited Russia on October 8, 2012, and signed deals for Russian arms worth about \$4.2 billion. The arms are said to include 30 MI-28 helicopter gunships and air defense missiles, including the Pantsir. However, a few days later, Iraq said it was reviewing the deal because of allegations that corruption was involved in its negotiation. It is not clear where the deal stands as of December 2012. Iraq might also buy MiG fighter jets in the future, according to press reports. In mid-October 2012, Iraq agreed to buy 28 Czech-made military aircraft, a deal valued at about \$1 billion.<sup>43</sup>

### ***Regional Reinforcement Capability***

In conjunction with the withdrawal, Defense Secretary Panetta stressed that the United States would retain a large capability in the Persian Gulf region, presumably to be in position to assist the ISF were it to falter, and to demonstrate continuing U.S. interest in Iraq's security as well as to deter Iran. The United States has about 50,000 military personnel in the region, including about 15,000 mostly U.S. Army forces in Kuwait, a portion of which are, as of mid-2012, combat ready rather than purely support forces. There are also about 7,500 mostly Air Force personnel in Qatar; 5,000 mostly Navy personnel in Bahrain; and about 3,000 mostly Air Force and Navy in the UAE, with very small numbers in Saudi Arabia and Oman. The remainder are part of at least one aircraft carrier task force in or near the Gulf at any given time. The forces are in the Gulf under bilateral defense cooperation agreements with all six Gulf Cooperation Council (GCC) states that give the United States access to their military facilities and, in several cases, to station forces and preposition even heavy armor.

### **The Diplomatic and Economic Relationship**

In his withdrawal announcement, President Obama stated that, through U.S. assistance programs, the United States would be able to continue to develop all facets of the bilateral relationship with Iraq and help strengthen its institutions.”<sup>44</sup> The bilateral civilian relationship was the focus of a visit to Iraq by Vice President Biden in early December 2011, just prior to the December 12, 2011, Maliki visit to the United States, which reportedly focused on these issues but also exposed some U.S.-Iraq disagreements, such as over policy toward Syria.

The cornerstone of the bilateral relationship is the Strategic Framework Agreement (SFA). The SFA, signed and entered into effect at the same time as the SA, presents a framework for long-term U.S.-Iraqi relations, and is intended to help orient Iraq's politics and its economy toward the West and the developed nations, and reduce its reliance on Iran or other regional states.

The SFA provides for the following (among other provisions):

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<sup>43</sup> Adam Schreck. “Iraq Presses US For Faster Arms Deliveries.” Yahoo.com, October 18, 2012.

<sup>44</sup> Remarks by the President on Ending the War in Iraq.” <http://www.whitehouse.gov>, October 21, 2011.

- U.S.-Iraq cooperation “based on mutual respect,” and that the United States will not use Iraqi facilities to launch any attacks against third countries, and will not seek permanent bases.
- U.S support for Iraqi democracy and support for Iraq in regional and international organizations.
- U.S.-Iraqi dialogue to increase Iraq’s economic development, including through the Dialogue on Economic Cooperation and a Trade and Investment Framework Agreement.
- Promotion of Iraq’s development of its electricity, oil, and gas sector.
- U.S.-Iraq dialogue on agricultural issues and promotion of Iraqi participation in agricultural programs run by the U.S. Department of Agriculture and USAID.
- Cultural cooperation through several exchange programs, such as the Youth Exchange and Study Program and the International Visitor Leadership Program.

State Department-run aid programs are intended to fulfill the objectives of the SFA, according to State Department budget documents. These programs, implemented mainly through the Economic Support Fund account, and based on the State Department budget justification for foreign operations for FY2013, are intended to:

- Promote Iraqi political reconciliation and peaceful dispute resolution.
- Strengthen the ability of COR deputies to represent their constituents.
- Make the electoral institutions, such as the IHEC, more effective.
- Strengthen the delivery of services to citizens.
- Improve primary education.
- Assist local governing bodies, such as the provincial councils.
- Promote Iraqi economic growth and the development of the private sector, particularly the financial sector.
- Continue counterterrorism operations (NADR funds).
- Institute anti-corruption initiatives.

U.S. officials stress that the United States does not bear the only burden for implementing the programs above, in light of the fact that Iraq is now a major oil exporter. For programs run by USAID in Iraq, Iraq matches dollar for dollar the U.S. funding contribution.

### *The State Department as Lead Agency*

Virtually all of the responsibility for conducting the bilateral relationship falls on the State Department, which became the lead U.S. agency in Iraq as of October 1, 2011. With the transition completed, the State Department announced on March 9, 2012, that its “Office of the Iraq Transition Coordinator” has closed. In concert with that closure, the former coordinator, Ambassador Pat Haslach, assumed a senior post in another State Department bureau.



In July 2011, as part of the transition to State leadership in Iraq, the United States formally opened consulates in Basra, Irbil, and Kirkuk. An embassy branch office was considered for Mosul but cost and security issues kept the U.S. facility there limited to a diplomatic office. The Kirkuk consulate close at the end of July 2012 in part due to security concerns and to save costs.

Not only have U.S. plans for some consulates been altered, but the size and cost of the U.S. civilian presence in Iraq is undergoing reduction. In part this is because Iraqi leaders chafed at continued U.S. tutelage and have been less welcoming of frequent U.S. diplomatic exchanges. Press reports say the Iraqis are increasingly displacing foreign firms and contractors from the International Zone (Green Zone) in favor of Iraqi institutions, and U.S. diplomats have had trouble going outside the Zone for official appointments because of security concerns. U.S. officials said in mid-2012—including former Ambassador-nominee to Iraq Brett McGurk<sup>45</sup> in his June 6, 2012, confirmation hearings—that the U.S. Embassy in Baghdad, built at a cost of about \$750 million, carries too much staff relative to the needed mission. From nearly 17,000 personnel at the time of the completion of the U.S. withdrawal at the end of 2011, the number of U.S. personnel in Iraq has fallen to about 10,500 as of March 2013, and is expected to fall to about 5,500 by the end of 2013.<sup>46</sup> Of the total U.S. personnel in Iraq, about 1,000 are U.S. diplomats or other civilian employees of the U.S. government.<sup>47</sup> The Ambassador in Iraq is Robert Stephen Beecroft, who was confirmed by the Senate in September 2012. The size of the U.S. presence is related to the debate over whether the State Department, using security contractors, can fully secure its personnel in Iraq. No U.S. civilian personnel in Iraq have been killed or injured since the troop withdrawal.

Some believe that the reduction in personnel reflects waning U.S. influence in Iraq. The March 24, 2013, visit by Secretary Kerry might have been intended to try to reverse the apparent decline in the U.S. profile in Iraq. His visit was the first by a Secretary of State since 2009. Others say that U.S. influence in private remains substantial.

As shown in **Table 3** below (in the note), the State Department request for operations (which includes costs for the Embassy as well as other facilities and all personnel in Iraq) is about \$2.7 billion for FY2013, down from \$3.6 billion requested for FY2012—with FY2012 considered a “transition year” to State Department leadership, and requiring high start-up costs.

### *No Sanctions Impediments*

As the U.S.-Iraq relationship matures, some might focus increasingly on U.S.-Iraq trade and U.S. investment in Iraq. After the fall of Saddam Hussein, all U.S. economic sanctions against Iraq were lifted. Iraq was removed from the “terrorism list,” and the Iraq Sanctions Act (Sections 586-586J of P.L. 101-513), which codified a U.S. trade embargo imposed after Iraq’s invasion of Kuwait, was terminated. As noted above in the section on the Gulf states, in December 2010, a series of U.N. Security Council resolutions removed most remaining “Chapter VII” U.N. sanctions against Iraq, with the exception of the reparations payments to Kuwait. The lifting of U.N. sanctions allows any country to sell arms to Iraq. However, Iraq still is required to comply with international proliferation regimes—meaning that it is generally barred from reconstituting

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<sup>45</sup> Some press reports in March 2013 say McGurk has been appointed to head a State Department office that will combine Iraq and Iran affairs, previously constituting separate offices.

<sup>46</sup> Ernesto Londono. “U.S. Clout Wanes in Iraq.” *Washington Post*, March 24, 2013.

<sup>47</sup> Tim Arango. “U.S. Plans to Cut Its Staff by Half at Iraq Embassy.” *New York Times*, February 8, 2012.

Saddam era weapons of mass destruction programs. On October 24, 2012, Iraq demonstrated its commitment to compliance with these restrictions by signing the “Additional Protocol” of the Nuclear Non-Proliferation Treaty. Because sanctions have been lifted, there are no impediments to U.S. business dealings with Iraq.

**Table 2. March 2010 COR Election: Final, Certified Results by Province**

Province	Elected Seats in COR	Results
Baghdad	68	Maliki: 26 seats; Iraqiyya: 24 seats; INA: 17 seats; minority reserved: 2 seats
Nineveh (Mosul)	31	Iraqiyya: 20; Kurdistan Alliance: 8; INA: 1; Accordance: 1; Unity (Bolani): 1; minority reserved: 3
Qadisiyah	11	Maliki: 4; INA: 5; Iraqiyya: 2
Muthanna	7	Maliki: 4; INA: 3
Dohuk	10	Kurdistan Alliance: 9; other Kurdish lists: 1; minority reserved: 1
Basra	24	Maliki: 14; INA: 7; Iraqiyya: 3
Anbar	14	Iraqiyya: 11; Unity (Bolani): 1; Accordance: 2
Karbala	10	Maliki: 6; INA: 3; Iraqiyya: 1
Wasit	11	Maliki: 5; INA: 4; Iraqiyya: 2
Dhi Qar	18	Maliki: 8; INA: 9; Iraqiyya: 1
Sulaymaniyah	17	Kurdistan Alliance: 8; other Kurds: 9
Kirkuk (Tamim)	12	Iraqiyya: 6; Kurdistan Alliance: 6
Babil	16	Maliki: 8; INA: 5; Iraqiyya: 3
Irbil	14	Kurdistan Alliance: 10; other Kurds: 4
Najaf	12	Maliki: 7; INA: 5
Diyala	13	Iraqiyya: 8; INA: 3; Maliki: 1; Kurdistan Alliance: 1
Salahuddin	12	Iraqiyya: 8; Unity (Bolani): 2; Accordance: 2
Maysan	10	Maliki: 4; INA: 6
<b>Total Seats</b>	<b>325</b>	Iraqiyya: 89 + 2 compensatory = 91
	(310 elected + 8 minority reserved + 7 compensatory)	Maliki: 87 + 2 compensatory = 89
		INA: 68 + 2 compensatory = 70 (of which about 40 are Sadrist)
		Kurdistan Alliance: 42 + 1 compensatory = 43
		Unity (Bolani): 4
		Accordance: 6
		other Kurdish: 14
		minority reserved: 8

**Source:** Iraqi Higher Election Commission, March 26, 2010.

**Notes:** Seat totals are approximate and their exact allocation may be subject to varying interpretations of Iraqi law. Total seat numbers include likely allocations of compensatory seats. Total seats do not add to 325 total seats in the COR due to some uncertainties in allocations.

**Table 3. U.S. Assistance to Iraq: FY2003-FY2013**

(appropriations/allocations in millions of \$)

	FY '03	04	05	06	07	08	09	10	11	12	Total 03-12	FY'13 Request
IRRF	2,475	18,389	—	10	—	—	—	—	—	—	20,874	
ESF	—	—	—	1,535.4	1,677	429	541.5	382.5	325.7	299	5,190	262.9
Democracy Fund	—	—	—	—	250	75	—	—	—	—	325	
IFTA (Treasury Dept. Asst.)	—	—	—	13.0	2.8	—	—	—	—	—	15.8	
NADR	—	—	3.6	—	18.4	20.4	35.5	30.3	29.8	32	170	30.3
Refugee Accounts (MRA and ERMA)	39.6	.1	—	—	78.3	278	260	316	280	—	1,252	
IDA	22	—	7.1	.3	45	85	51	42	17	—	269	
Other USAID Funds	470	—	—	—	—	23.8	—	—	—	—	494	
INCLE	—	—	—	91.4	170	85	20	702	114.6	500	1,683	850
FMF	—	—	—	—	—	—	—	—	—	850	850	900
IMET	—	1.2	—	—	1.1	—	2	2	1.7	2	10	2
DOD—ISF Funding	—	—	5,391	3,007	5,542	3,000	1,000	1,000	1,500	—	20,440	
DOD— Iraq Army	51.2	—	210	—	—	—	—	—	—	—	261	
DOD— CERP	—	140	718	708	750	996	339	263	44.0	—	3,958	
DOD—Oil Repair	802	—	—	—	—	—	—	—	—	—	802	
DOD— Business Support	—	—	—	—	50.0	50.0	74.0	—	—	—	174	
<b>Total</b>	<b>3,859</b>	<b>18,548</b>	<b>6,329</b>	<b>5,365</b>	<b>8,584</b>	<b>5,042</b>	<b>2,323</b>	<b>2,738</b>	<b>2,313</b>	<b>1,683</b>	<b>56,768</b>	<b>2,045.2</b>

**Sources:** State Department FY2013 Executive Budget Summary, February 2012; SIGIR Report to Congress, January 30, 2012; and CRS calculations. FY2012 appropriations in Consolidated Appropriation, P.L. 112-74.

**Notes:** Table prepared by Curt Tarnoff, Specialist in Foreign Affairs, on February 17, 2012. This table does not contain agency operational costs, including CPA, State Department, and PRTs, except where these are embedded in the larger reconstruction accounts. Estimated operational costs to date are an additional \$9.3 billion, including \$3.6 billion estimated for FY2012. Approximately \$2.7 billion is requested by State Department for these costs in FY2013. Possible cuts in staff at the U.S. embassy and other locations are addressed in this report. IG oversight costs estimated at \$417 million. IMET=International Military Education and Training; IRRF=Iraq Relief and Reconstruction Fund; INCLE=International Narcotics and Law Enforcement Fund; ISF=Iraq Security Force; NADR=Nonproliferation, Anti-Terrorism, Demining and Related; ESF=Economic Support Fund; IDA=International Disaster Assistance; FMF=Foreign Military Financing; ISF= Iraqi Security Forces.

**Table 4. Recent Democracy Assistance to Iraq**

(in millions of current \$)

	<b>FY2009</b>	<b>FY2010 (act.)</b>	<b>FY2011</b>	<b>FY2012</b>
Rule of Law and Human Rights	32.45	33.3	16.5	29.75
Good Governance	143.64	117.40	90.33	100.5
Political Competition/Consensus-Building	41.00	52.60	30.00	16.25
Civil Society	87.53	83.6	32.5	55.5
<b>Totals</b>	<b>304.62</b>	<b>286.9</b>	<b>169.33</b>	<b>202.0</b>

**Source:** Congressional Budget Justification, March 2011. Figures for these accounts are included in the overall assistance figures presented in the table above.

**Table 5. January 31, 2009, Provincial Election Results (Major Slates)**

Baghdad—55 regular seats, plus one Sabean and one Christian set-aside seat	State of Law (Maliki)—38% (28 seats); Independent Liberals Trend (pro-Sadr)—9% (5 seats); Accord Front (Sunni mainstream)—9% (9 seats); Iraq National (Allawi)—8.6%; Shahid Mihrab and Independent Forces (ISCI)—5.4% (3 seats); National Reform list (of former P.M. Ibrahim al-Jafari)—4.3% (3 seats)
Basra—34 regular seats, plus one Christian seat	State of Law—37% (20); ISCI—11.6% (5); Sadr—5% (2); Fadhila (previously dominant in Basra)—3.2% (0); Allawi—3.2% (0); Jafari list—2.5% (0). Governor : Shiltagh Abbud (Maliki list); Council chair: Jabbar Amin (Maliki list)
Nineveh—34 regular seats, plus one set aside each for Shabaks, Yazidis, and Christians	Hadbaa—48.4%; Fraternal Nineveh—25.5%; IIP—6.7%; Hadbaa took control of provincial council and administration. Governor is Atheel al-Nujaifi (Hadbaa).
Najaf—28 seats	State of Law—16.2% (7); ISCI—14.8% (7); Sadr—12.2% (6); Jafari—7% (2); Allawi—1.8% (0); Fadhila—1.6% (0). Council chairman: Maliki list
Babil—30 seats	State of Law—12.5% (8); ISCI—8.2% (5); Sadr—6.2% (3); Jafari—4.4% (3); Allawi—3.4%; Accord Front—2.3% (3); Fadhila—1.3%. New Council chair: Kadim Majid Tuman (Sadrist); Governor—Salman Zirkani (Maliki list)
Diyala—29 seats	Accord Front list—21.1%; Kurdistan Alliance—17.2%; Allawi—9.5%; State of Law—6%. New council leans heavily Accord, but allied with Kurds and ISCI.
Muthanna—26 seats	State of Law—10.9% (5); ISCI—9.3% (5); Jafari—6.3% (3); Sadr—5.5% (2); Fadhila—3.7%.
Anbar—29 seats	Iraq Awakening (Sahawa-Sunni tribals)—18%; National Iraqi Project Gathering (established Sunni parties, excluding IIP)—17.6%; Allawi—6.6%; Tribes of Iraq—4.5%.
Maysan—27 seats	State of Law—17.7% (8); ISCI—14.6% (8); Sadr—7%; Jafari—8.7% (4); Fadhila—3.2%; Allawi—2.3%. New Governor: Mohammad al-Sudani (Maliki); Council chair: Hezbollah Iraq
Dhi Qar—31 seats	State of Law—23.1% (13); pro-Sadr—14.1% (7); ISCI—11.1% (5); Jafari—7.6% (4); Fadhila—6.1%; Allawi—2.8%. Governor—Maliki list; Council chair: Sadrist
Karbala—27 seats	List of Maj. Gen. Yusuf al-Habbubi (Saddam-era local official)—13.3% (1 seat); State of Law—8.5% (9); Sadr—6.8% (4); ISCI—6.4% (4); Jafari—2.5%; Fadhila—2.5%.
Salah Ad Din—28 seats	IIP-led list—14.5%; Allawi—13.9%; Sunni list without IIP—8.7%; State of Law—3.5%; ISCI—2.9%. Council leans Accord/IIP
Qadissiyah—28 seats	State of Law—23.1% (11); ISCI—11.7% (5); Jafari—8.2% (3); Allawi—8%; Sadr—6.7% (2); Fadhila—4.1%. New governor: Salim Husayn (Maliki list)
Wasit—28 seats	State of Law—15.3% (13); ISCI—10% (6); Sadr—6% (3); Allawi—4.6%; Fadhila—2.7%. Governor: Shiite independent; Council chair: ISCI

**Source:** UNAMI translation of results issued February 2, 2009, by the Independent Higher Election Commission of Iraq; Vissar, Reidar. The Provincial Elections: The Seat Allocation Is Official and the Coalition-Forming Process Begins. February 19, 2009.

**Table 6. Election Results (January and December 2005)**

Bloc/Party	Seats (Jan. 05)	Seats (Dec. 05)
United Iraqi Alliance (UIA, Shiite Islamist). 85 seats after departure of Fadilah (15 seats) and Sadr faction (28 seats) in 2007. Islamic Supreme Council of Iraq of Abd al-Aziz al-Hakim has 30; Da'wa Party (25 total: Maliki faction, 12, and Anizi faction, 13); independents (30).	140	128
Kurdistan Alliance—KDP (24); PUK (22); independents (7)	75	53
Iraqis List (secular, Allawi); added Communist and other mostly Sunni parties for Dec. vote.	40	25
Iraq Accord Front. Main Sunni bloc; not in Jan. vote. Consists of Iraqi Islamic Party (IIP, Tariq al-Hashimi, 26 seats); National Dialogue Council of Khalaf Ulayyan (7); General People's Congress of Adnan al-Dulaymi (7); independents (4).	—	44
National Iraqi Dialogue Front (Sunni, led by former Baathist Saleh al-Mutlak) Not in Jan. 2005 vote.	—	11
Kurdistan Islamic Group (Islamist Kurd) (votes with Kurdistan Alliance)	2	5
Iraqi National Congress (Chalabi). Was part of UIA list in Jan. 05 vote	—	0
Iraqis Party (Yawar, Sunni); Part of Allawi list in Dec. vote	5	—
Iraqi Turkomen Front (Turkomen, Kirkuk-based, pro-Turkey)	3	1
National Independent and Elites (Jan)/Risalyun (Message, Dec.) pro-Sadr	3	2
People's Union (Communist, non-sectarian); on Allawi list in Dec. vote	2	—
Islamic Action (Shiite Islamist, Karbala)	2	0
National Democratic Alliance (non-sectarian, secular)	1	—
Rafidain National List (Assyrian Christian)	1	1
Liberation and Reconciliation Gathering (Umar al-Jabburi, Sunni, secular)	1	3
Ummah (Nation) Party. (Secular, Mithal al-Alusi, former INC activist)	0	1
Yazidi list (small Kurdish, heterodox religious minority in northern Iraq)	—	1

**Notes:** Number of polling places: January: 5,200; December: 6,200; Eligible voters: 14 million in January election; 15 million in October referendum and December; Turnout: January: 58% (8.5 million votes)/ October: 66% (10 million)/December: 75% (12 million).

Table 7. Assessments of the Benchmarks

Benchmark	July 12, 2007, Admin. Report	GAO (Sept. 07)	Sept. 14, 2007, Admin. Report	Subsequent Actions and Assessments—May 2008 Administration report, June 2008 GAO report, International Compact with Iraq Review in June 2008, and U.S. Embassy Weekly Status Reports (and various press sources)
1. Forming Constitutional Review Committee (CRC) and completing review	(S) satisfactory	unmet	S	CRC filed final report in August 2008 but major issues remain unresolved and require achievement of consensus among major faction leaders.
2. Enacting and implementing laws on De-Baathification	(U) unsatisfact.	unmet	S	“Justice and Accountability Law” passed Jan. 12, 2008. Allows about 30,000 fourth ranking Baathists to regain their jobs, and 3,500 Baathists in top three party ranks would receive pensions. Could allow for judicial prosecution of all ex-Baathists and bars ex-Saddam security personnel from regaining jobs. De-Baathification officials used this law to try to harm the prospects of rivals in March 2010 elections.
3. Enacting and implementing oil laws that ensure equitable distribution of resources	U	unmet	U	Framework and three implementing laws long stalled over KRG-central government disputes, but draft legislation still pending in COR. Revenue being distributed equitably, including 17% revenue for KRG. Kurds also getting that share of oil exported from fields in KRG area.
4. Enacting and implementing laws to form semi-autonomous regions	S	partly met	S	Regions law passed October 2006, with relatively low threshold (petition by 33% of provincial council members) to start process to form new regions, took effect April 2008. November 2008: petition by 2% of Basra residents submitted to IHEC (another way to start forming a region) to convert Basra province into a single province “region. Signatures of 8% more were required by mid-January 2009; not achieved. Najaf, Diyala, Salahuddin, and Anbar have asked for a referendum to become a region.
5. Enacting and implementing: (a) a law to establish a higher electoral commission, (b) provincial elections law; (c) a law to specify authorities of provincial bodies, and (d) set a date for provincial elections	S on (a) and U on the others	overall unmet; (a) met	S on (a) and (c)	Draft law stipulating powers of provincial governments adopted February 13, 2008, took effect April 2008. Implementing election law adopted September 24, 2008, provided for provincial elections by January 31, 2009. Those elections were held, as discussed above.
6. Enacting and implementing legislation addressing amnesty for former insurgents	no rating	unmet	Same as July	Law to amnesty “non-terrorists” among 25,000 Iraq-held detainees passed February 13, 2008. Most of these have been released. 19,000 detainees held by U.S. were transferred to Iraqi control under SA.
7. Enacting and implementing laws on militia disarmament	no rating	unmet	Same as July	March 2008 Basra operation, discussed above, viewed as move against militias. On April 9, 2008, Maliki demanded all militias disband as condition for their parties to participate in provincial elections. Law on militia demobilization stalled.

Benchmark	July 12, 2007, Admin. Report	GAO (Sept. 07)	Sept. 14, 2007, Admin. Report	Subsequent Actions and Assessments—May 2008 Administration report, June 2008 GAO report, International Compact with Iraq Review in June 2008, and U.S. Embassy Weekly Status Reports (and various press sources)
8. Establishing political, media, economic, and services committee to support U.S. “surge”	S	met	met	No longer applicable; U.S. “surge” has ended and U.S. troops now out of Iraq.
9. Providing three trained and ready brigades to support U.S. surge	S	partly met	S	No longer applicable. Eight brigades were assigned to assist the surge when it was in operation.
10. Providing Iraqi commanders with authorities to make decisions, without political intervention, to pursue all extremists, including Sunni insurgents and Shiite militias	U	unmet	S to pursue extremists U on political interference	No significant change. Still some U.S. concern over the Office of the Commander in Chief (part of Maliki’s office) control over appointments to the ISF—favoring Shiites. Some politically motivated leaders remain in ISF. But, National Police said to include more Sunnis in command jobs and rank and file than one year ago.
11. Ensuring Iraqi Security Forces (ISF) providing even-handed enforcement of law	U	unmet	S on military, U on police	U.S. interpreted March 2008 Basra operation as effort by Maliki to enforce law even-handedly. Widespread Iraqi public complaints of politically motivated administration of justice.
12. Ensuring that the surge plan in Baghdad will not provide a safe haven for any outlaw, no matter the sect	S	partly met	S	No longer applicable with end of surge. Ethno-sectarian violence has fallen sharply in Baghdad.
13. (a) Reducing sectarian violence and (b) eliminating militia control of local security	Mixed. S on (a); U on (b)	unmet	same as July 12	Sectarian violence has not reaccelerated outright, although there are fears the political crisis in December 2011 could reignite sectarian conflict.
14. Establishing Baghdad joint security stations	S	met	S	Over 50 joint security stations operated in Baghdad at the height of U.S. troop surge. Closed in compliance with June 30, 2009, U.S. pull out from the cities.
15. Increasing ISF units capable of operating independently	U	unmet	U	ISF now securing Iraq under the SA. Iraqi Air Force not likely to be able to secure airspace and DOD has approved potential sale to Iraq of F-16s and other major equipment.
16. Ensuring protection of minority parties in COR	S	met	S	No change. Rights of minority parties protected by Article 37 of constitution. Minorities given a minimum seat allocated in 2010 election law.
17. Allocating and spending \$10 billion in 2007 capital budget for reconstruction.	S	partly met	S	About 63% of the \$10 billion 2007 allocation for capital projects was spent.
18. Ensuring that Iraqi authorities not falsely accusing ISF members	U	unmet	U	Some governmental recriminations against some ISF officers still observed.

Source: Compiled by CRS.



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