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Iraq: Eroded Institutions, Sectarianism and Iranian Influence

→ Sami Daoud



Iranian Vice President in a meeting with Iraqi Prime Minister Haidar al-Abadi in Tehran, October 2014. © EPA



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Iraq's modern political experience, which began amid civil war and the disastrous programme of de-Baathification, laid foundations based on sectarian and ethnic tensions that have crippled the state and its ability to build sound institutions. Paul Bremer's orders to de-Baathify the public sector and dissolve the Iraqi army in 2003, which were later integrated into the Iraqi Constitution in 2005, were followed in short order by sectarian violence between 2006 and 2008. The subsequent Accountability and Justice Law of 2008, which served to implement de-Baathification but targeted one sector of Iraqi society only, further fuelled sectarian tensions as reflected in the slogans and sit-ins protesting the law in Sunni governorates in 2011.

This situation has crippled Iraq and prevented it from steering its political experience away from sectarian and ethnic rivalry. Indeed, even the idea of a quota system, which came from an agreement among opposing Iraqi forces, as an administrative tool to distribute power, derailed as soon as the balance of power changed among Iraqi parties. In Iraq today, political trends on all sides are not independent of religious influence. As a result, political activity struggles to be purely political. The history of sectarian conflict deepens societal divides and undermines possible paths for building common interest under an authority with a rotating power monopoly. It also opens the door for retaliatory behaviour, possibly leading to the suspension of the constitution and freezing of the law as a mediation tool among conflicting parties.

Such a situation undermines the basis for agreement among Iraqi communities, and risks making differences between groups a catalyst for mutual destruction. Fleeting coalitions among the major ethnic and religious communities highlight the absence of political pluralism on the Iraqi scene since 2003.

Iraq's transformation into a constitutional dictatorship backed by an electoral process built on ethnic and sectarian representation has been buttressed by the discriminatory use of emergency laws and certain articles of the Constitution, which target Sunni communities and fuel civil war-like conditions. This process has also been reinforced through Iranian guardianship over Iraqi decisions.

Instrumentalizing the Constitution,



Reinforcing Sectarian politics

The post-Bremer Iraqi Administration Act included the democratic mechanisms necessary to go from the transitional phase into a permanent Constitution, based on the separation of powers. However, the principle of separation of powers between authorities and major institutions disappeared gradually in Iraq. Al-Maliki ran the government primarily by his office as a prime minister and by several other ministries that he ran by proxy – namely the ministries of interior and defence. As power in Iraq is parliamentary and the government is formed by the leader of the largest parliamentary bloc, similarities between the legislative and executive authorities can reach a point that undermines the principle of separation of powers. Moreover, the ethnic and religious background of Iraqi voters – whose socio-political history binds them to their local environment – shows how the Iraqi judicial system risks subordination. Article 92 of the Constitution states that the parliament must agree by a two-third majority on the selection and appointment of judges in the Federal Court. This renders the judicial authority a mere extension of the executive authority, which is itself fragmented along religious and sectarian allegiances.

In addition, the Constitution and its various articles have been instrumentalized at key moments to marginalize Sunni and Kurdish groups, furthering sectarian and ethnic tensions. This has also been the case with the use of Article 4 of the Anti-Terrorism Law, the de-Baathification Law, and the State of Emergency, which has created civil war-like conditions on the ground.

In his work on the “the Islamic Revolution of Iran,”¹ Dariush Shayegan highlights the contradictions between the modernity of the republic and the state’s Islamist character, as represented by the domineering Supreme Leader of the Islamic Revolution. In Iraq, there are multiple religious Shia currents that mirror such contradictions and sponsor the sectarian path of the political leadership while providing it with the legitimacy necessary to access positions of authority. Such religious authority figures are often hereditary and run within families, such as al-Hakeem and al-Sadr.

To compete in the quota system that enabled Shia leaders to reshape governance based on their interests, Sunni communities established the Association of Muslim



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Scholars in 2003. However, since 2006 and the outbreak of sectarian violence, Article 4 of the Anti-Terrorism Law has been used to prosecute leaders of this body. For Sunni communities, the use of Article 4 and the de-Baathification Law was a pretext to impose new power allegiances. The tensions that this provoked peaked in 2013, after the protests that took place in Sunni governorates when Harith al-Dhari, then chairman of the Association of Muslim Scholars, welcomed the arrival of the Islamic State of Iraq into Sunni areas. This saw the collision of two fatwas – a Sunni one welcoming ISIS and a Shia one establishing a popular mobilization movement – followed by human rights violations on both sides.

The problems associated with this sectarianization of politics have been further compounded by constitutional crises and the use of emergency laws. Iraqis are living under a constant state of emergency due to the polarization of the country's communities and their differing perceptions of good governance. As a result, civil war has been perpetuated by factors which echo Giorgio Agamben's definition of modern totalitarianism as "a process for establishing a legal civil war through the application of the 'state of emergency' allowing the possibility of physical extermination not only against political opponents but against whole segments of society that are considered by the authority, for one reason or another, as incapable of integrating in the political system."²

Nowhere is this crux of sectarianization and constitutional violation, and ensuing crisis, more evident than in the case of the Kurdish question and the management of Kurdish demands for independence. A civil war-like situation emerged in 2006, when a state of emergency related to the Sunni Arab and Kurdish communities was declared. This was repeated during the crisis over the referendum for independence from Iraq organized by the Kurdistan Regional Government (KRG). Rather than recognize the mediation of other institutions, such as the presidency or parliament, al-Abadi rushed to remove the constitutional powers of the KRG, including its authority over its airports, border entry points, telecommunications sector, or the movement of gold and foreign currency. Al-Abadi also violated the Constitution by using the army and the Popular Mobilization Forces (PMF) to take over disputed Kurdish territory on 16 October 2017. The Iraqi federal authorities imposed an embargo against the KRG and used military force to invade Kirkuk under the pretext of implementing the Constitution. Yet, this move bypassed



Article 9, which prevents the use of the army for political purposes.

The volatility of this situation led some government actors to label the Kurds as separatists and Sunnis as terrorists. Consequently, a new state of emergency was declared that was implicitly connected to certain groups rather than others. In this manner, the targeted application of certain constitutional articles and the various degrees to which branches of government are connected in relations of subordination have reinforced sectarian and ethnic tensions.

Iranian Guardianship Over Iraqi Decisions

Domestic parties and the US occupation are not the only causes of Iraq's political crisis; Iran has also played a considerable regional role in the promotion of sectarian politics in Iraq.

Iran's involvement in the conflict in Iraq is historical and doctrinal.³ The 1979 Iranian Revolution was pivotal as the Islamic Republic of Iran gradually established political influence by securing its position as a point of religious authority, spreading the Shia faith in the region as part of a strategy of "exporting" the Revolution. This was complemented by vast increases in military expenditure to guard against the possible recurrence of war with Iraq. The Shia opposition forces that carried out the 1991 popular uprising in Iraq were based in Iran, and the Dawa Party, the Supreme Islamic Council of Iraq, and all modern Iraqi leadership have gone to war together with – and sometimes from – Iran against the Baath Party.

The term "military consultant" was the formal means by which recent Iraqi administrations sought to present Iranian existence in Iraq. The same administrations also offered Iranian officers the freedom to enter and exit Iraq, mobilize troops, and even take these troops outside the country. The civil war between 2006 and 2008 deepened sectarian divides all over the country and led to segregation between Shia and Sunni areas. The latest waves of internal displacement resulting from the fight against ISIS in Sunni areas – which began as early as January 2014 when ISIS took over Fallujah – illustrated the scale of this schism as Sunni Arabs opted for asylum in Kurdistan rather than in other areas of



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central Iraq. In 2015, forcibly displaced people from Ramadi were prevented at Bzeibez Bridge from entering Baghdad without a sponsor. Similarly, those who fled Mosul preferred to seek refuge in Kurdish areas rather than return to their hometown, as thousands of young men had disappeared in Mosul and other Sunni areas under PMF control.

Iraq has thus become Iran's foothold in the Arab world, due to geography, history, and recent developments that helped extend Iranian influence. Funds transferred from Iraq to Iran, estimated at US\$13 billion in 2015, foil international efforts to embargo Iran. Similarly, Bank Melli Iran – the backbone of Iran's foreign currency business and the engine of its financial transfers – owns branches in Iraqi cities with ambiguity over their ownership, the origin of their capital, and the size of the deposits. Southern Iraq and Baghdad have become almost an unregulated market for poor quality Iranian merchandise, let alone Iranian monopoly over religious tourism to Shia shrines and electricity from Iran to the southern governorates and Baghdad – estimated at US\$1.2 billion annually.

The extent of the corruption that permeated the Iraqi army during al-Maliki's rule, the fall of Mosul to ISIS, and the lack of confidence in the military ushered in the arrival of parallel sectarian militias blessed by fatwas and justified by the need to fight ISIS. Al-Maliki publicly declared on 28 October 2016 that he had founded the PMF, which would later be led by Hadi al-Amiri and Abu Mahdi al-Muhandis,⁴ who reported to the Iranian al-Quds Force. As such, Iran acquired a parallel military force in Iraq that fought for its strategic interests and national security.

The official spokesman of the PMF, Ahmad al-Asadi, and then Vice-President al-Maliki, came up with explanation to defend Iran's role in Iraqi decision-making, stating that this was necessary within the principle of Iran's national security, and that since such wars were fought by an Iraqi budget and Iraqi troops, then it was a more beneficial strategy than the one adopted towards Lebanese Hezbollah, where the cost to Iran's treasury was considerably high. However, it is actually Iraq that is nourishing Iran's strategic goals for imposing its hegemony over the region by providing financial support, human resources, and military equipment received from the US to fight terrorism.

Subsequently, questions were raised in Iraq about the roots of “terrorism” and



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how to combat it in a manner that would benefit Iran. The ease with which ISIS emerged and spread opened the way for a discourse justifying the destruction of ISIS as a form of targeted sectarian terrorism. Had it not been for this narrative, Iran would not have been able to recruit Iraqi Shia through official Iraqi institutions represented by the prime minister, who tied the PMF to his position, the parliament, which approved the laws permitting the PMF, and the Iraqi Shia religious leaders that issued the fatwa to establish the PMF.⁵ As a consequence, the Iraqi army weakened, and its ethnic and sectarian structure further diminished its reliability. This added to the expansion of ISIS in Anbar, which Iraq's Foreign Minister Ibrahim Al Jaafari described in his speech at the UN General Assembly on 23 September 2017 as "the governorate of terrorism". Besides soliciting Iranian military experience to lead the PMF, these factors allowed Iranian General Qasem Soleimani to travel with ease between the Iraqi town of al-Qaim and the Syrian city of Abu Kamal as if he were travelling within Iran. Meanwhile, leaks emerged that the idea of the PMF appeared in Tehran during the sectarian war of 2006-2008, while al-Maliki stated that he initiated the idea in 2012.

Indeed, ISIS appeared during al-Maliki's second term as prime minister, when he expanded his executive power to form a constitutional dictatorship and assume full authority over the army, intelligence services, and financial institutions. Since then, a hybrid authoritarian pattern that could be described as a "political theology" has defined the new political structure in Iraq. Al-Maliki is secretary general of the Dawa Party, of which Prime Minister Haider al-Abadi is also a member. Leaders of this party have been succeeding one another as prime minister for the last 14 years, and despite his electoral loss to Ayad Allawi in 2010, Iran insisted that al-Maliki stay as prime minister – with the blessing of the US embassy in Baghdad. Additionally, President Jalal Talabani's withdrawal from the vote of no confidence against al-Maliki in 2012 came at Iran's request. The al-Maliki file, delivered to the Federal Court in Baghdad in 2015 by judge Rahim al-Akili, remains one of the most substantial cases of corruption and crime, yet al-Maliki was able to maintain himself as vice-president after two successive terms as prime minister. Preparations are underway for his return to the position of prime minister in the upcoming April 2018 elections – a situation which would allow Iran to maintain its close influence in Iraq and thus further entrench the sectarian and ethnic strife in Iraqi political life.



Conclusion

Reciprocal exclusion among the three Iraqi major communities feeds conflict and undermines stability in the country. The dominance of retribution and violence deprives Iraq of the ability to produce a unified identity encompassing all sectarian and ethnic groups. As a result, the institutions that are the foundation of the political process (the parliament, the council of ministers, and the judiciary) continue to promote sectarian or ethnic alignments at the expense of the national interests. Meanwhile, disharmony between these institutions and factional interests appears to be worsening.

Iraq will not see peace without bringing Sunnis and Kurds closer to autonomous institutions. The violated sovereignty induced by Iranian guardianship will not be able to consolidate Shia hegemony in Iraq into anything but a failed state. For several years now, Iraq has maintained a prominent ranking on the list of the most corrupt countries, and human rights violations in Iraq are found in all fields of life.

Moreover, it is vital to work on freeing government institutions in Baghdad and Erbil from traditional leaders that run them. Despite the internal divisions among Kurds over the future of Iraqi Kurdistan and the issue of independence from Iraq, Iraq's Constitution protects the federal status of KRG. Therefore, Baghdad and Erbil have no choice but to coordinate to maintain their mutual interests on constitutional grounds. Using the Constitution as a source of national unity rather than a tool for promoting the interests of some over others will at least, in part, help break the sectarianization of Iraqi politics and the ensuing crises it provokes.



Endnotes

1. Dariush Shayegan, Definition of the Religious Revolution, Traditional Civilizations in the Face of Modernity, translated by Muhammad alRahmouni, the Arab Institute for Intellectual Upgrade. al Saqi Publishing House, Beirut, 2004, p. 243.
2. Giorgio Agamben, The State of Emergency, the Taboo Man,.. Translated by Naser Ismail, Madarat for Research and Publishing, Cairo, 2015, p. 44.
3. George Tarabishi, Heresies II, Secularism as Islamist-Islamist Issue, al Saqi Publishing House, Beirut, 2008 (first edition), p. 11.
4. Hadi al-Amiri worked as an “assistant officer for Imam Khomeini’s forces” before becoming the leader of the Badr Brigades (Badr Organization). He carried out interrogations of detained Iraqi soldiers who were captured by the Iranian government during the Iran-Iraq War. Abu Mahdi al-Muhandis, who takes pride in being a soldier of Qasem Soleimani, and has his name listed on Interpol’s Red Notices, returned to Iraq in 2003 and ran in the elections on the Dawaa Party ticket headed by Nouri al-Maliki. He then joined the Iraqi Parliament under a fake name in 2005 and was discovered by American troops who tried to arrest him. He later fled to Tehran and could not return to Iraq until after the withdrawal of the American army in 2011.
5. On 13 June 2014, the Supreme Shia leader Ali al-Sistani issued the fatwa of “Kifa’i Jihad” adopted by the Iraqi government under the leadership of Haider al-Abadi to establish the PMF. On 26 November 2016, the Parliament passed the law legalizing the Popular Mobilization Commission.



About the author

Sami Daoud

Researcher

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arab-reform.net

contact@arab-reform.net



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