



Iraq: Politics, Governance, and Human Rights

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Summary

After extensive sectarian conflict during 2006-2008, but with U.S. troops still present, Iraq's political system evolved into relatively peaceful political competition and formation of cross-sectarian alliances. However, the dominant factions have, by several accounts, often exercised questionable use of key levers of power and legal institutions to arrest or intimidate their opponents. This infighting is based on the belief of many factions that holding political power may mean the difference between poverty and prosperity, or even life and death. The schisms significantly delayed agreement on a new government following the March 7, 2010, national elections for the Council of Representatives (COR, parliament). With U.S. diplomatic help, on November 10, 2010, major ethnic and sectarian factions finally agreed on a framework for a new government under which Prime Minister Nuri al-Maliki is serving a second term.

As the completion of the U.S. withdrawal from Iraq at the end of 2011 approached, relations among major factions frayed, and worsened substantially after the last U.S. troops left Iraq on December 18, 2011. Sunni Arabs, always fearful that Maliki sought unchallenged power for Shiite factions allied with him, accused him of an outright power grab as he sought to purge the two highest ranking Sunni Arabs from government (a deputy President and deputy Prime Minister). The Sunnis have sought to enlist the help of the Kurds to curb Maliki's perceived ambitions; the Kurds also distrust Maliki over territorial, political, and economic issues. The apparent unraveling of the political consensus has created conditions under which the insurgency that hampered U.S. policy during 2004-2008 continues to conduct occasional high casualty attacks, including over a dozen near-simultaneous bombings on December 22.

The open break within Iraq's government in December 2011 has called into question many of the assumptions that justified a full U.S. withdrawal – a withdrawal that was announced by President Obama on October 21, 2011 when Iraqi factions refused to grant legal immunity to any U.S. forces after the end of 2011. That date had been specified as a final withdrawal date under the November 2008 U.S.-Iraq Security Agreement, but U.S. negotiations with Iraq during 2011 sought to extend the agreement to allow for the presence of 3,000 – 5,000 U.S. forces after that time. Despite the lingering doubts, when the decision to withdraw all U.S. troops was announced, Administration and Iraqi leaders asserted that Iraq's governing and security maintenance capacity is sufficient to continue to build democracy, enact long delayed national oil laws, and undertake other measures without a major U.S. military presence. Iraq's security forces number over 650,000 members, increasingly well armed and well trained – enough to justify selling Iraq such sophisticated equipment as U.S. F-16 aircraft. Some movement on national oil laws had occurred since August 2011. The assertions have sought to rebut outside criticism that Iraq's factions lacked focus on governance, or on improving key services, such as electricity.

The view of the Administration and others is that Iraqi factions, with U.S. and other help, will be able to work through the severe political disputes and ongoing violence, and will also be willing and able to resist increased Iranian influence in Iraq. The Administration states that U.S. training will continue using programs for Iraq similar to those with other countries in which there is no U.S. troop presence, and about 15,000 U.S. personnel, including contractors, remain in Iraq under State Department authority to exert U.S. influence. Continuing the security relationship in the absence of U.S. troops in Iraq, and developing the civilian bilateral relationship, was the focus of the U.S. visit of Prime Minister Maliki on December 12, 2011.

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Overview of the Political Transition/First Elections

During the 2003-2011 presence of U.S. forces, Iraq completed a formal political 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. However, disputes over the relative claim of each community on power and economic resources permeate almost every issue in Iraq, including security, elections, economic decision making, and foreign policy. The constant infighting over these issues has contributed to popular frustration over a failure of government to deliver services.

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.

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, a secular, non-sectarian faction but whose supporters are mostly Sunni Arabs. Allawi is a Shiite Muslim but many INA leaders were Sunnis, and some of them were formerly members of the Baath Party. The president was Sunni tribalist, Ghazi al-Yawar.

January 30, 2005, Elections for an Interim Government

A series of elections in 2005 produced the full-term government structure that is in place today. 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 formed 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 persons). A total of 111 entities were on the national ballot, of which nine 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 one seat on the 51-seat Baghdad provincial council. That council was dominated (28 seats) by representatives of the Islamic Supreme Council of Iraq (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.)

Radical Shiite cleric Moqtada Al Sadr, whose armed faction (the militia operated under the name Mahdi Army) 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 (Shiite party) leader Ibrahim al-Jafari was prime minister. Sunnis were Assembly speaker, deputy president, a deputy prime minister, and six ministers, including defense.

Permanent Constitution

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

- 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;¹
- a 25% electoral goal for women (Article 47);
- families choosing 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 women opposed the two latter provisions as giving too much discretion to male family members. It made all orders of the U.S.-led occupation authority (Coalition Provisional Authority, CPA) applicable until amended (Article 126), and established a “Federation Council” (Article 62), a second chamber with size and powers to be determined in future law (not adopted to date).

The major disputes—never fully resolved—centered on regional versus centralized power. The draft permitted two or more provinces together to form new autonomous “regions”—reaffirmed in passage of an October 2006 law on formation of regions. Article 117 allows “regions” to organize internal security forces, legitimizing the fielding of the Kurds' *peshmerga* militia (allowed by the TAL). Article 109 requires the central government to distribute oil and gas revenues from “current fields” in proportion to population, and gave regions a role in allocating revenues from new energy discoveries. 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.

¹ <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>.

With contentious provisions unresolved, Sunnis registered in large numbers (70%-85%) to try to defeat the constitution, prompting a U.S.-mediated agreement (October 11, 2005) providing for a panel to propose amendments within four months after a post-December 15 election government took office (Article 137), to be voted on within another two months (under the same rules as the October 15 referendum). The Sunni provinces of Anbar and Salahuddin (which includes Saddam's home town of Tikrit) had a 97% and 82% "no" vote, respectively, but the constitution was adopted because Nineveh province only voted 55% "no," missing the threshold for a "no" vote by a two-thirds majority in three provinces.

December 15, 2005, Elections

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 predetermined 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" 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 the Islamic Supreme Council of Iraq (ISCI) and Tariq al-Hashimi, leader of the broad Sunni-based coalition called the Accord Front ("Tawafuq"—within which Hashimi leads the Iraqi Islamic Party). Another Accord 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; nine Sunnis; eight Kurds; and one Christian. Four were women.

Post-2005 Elections: Sectarian Conflict and Steps Toward 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. Some argue that the elections in 2005 worsened the violence by exposing the new-found subordination of the Sunni Arabs. The Sunni-led insurgency accelerated in the two subsequent years, in turn prompting the empowerment of Shiite militia factions to counter the insurgency. 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.

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 used the waiver provision. The law also mandated an assessment by the GAO, by September 1, 2007, of the degree to which the benchmarks have been met, 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 the Iraq Study Group as recommending a temporary surge of troops as one possible policy choice that could salvage what was perceived as a failing mission, along with other measures such as linking the continued U.S. military presence to Iraqi leaders’ commitment to reconciliation. As 2008 progressed, citing the achievement of many of the major 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**.

The Strengthening of Maliki and the Iraqi Government: 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, enhanced Maliki’s political position. 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. This contributed to a decision in July 2008 by the Accord Front to end its one-year boycott of the cabinet. Other cabinet vacancies were filled with independents. 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.

Attempts to Decentralize Governance: Provincial Powers Law and January 31, 2009, Provincial Elections

Although Maliki gained adherents within the political structure, the January 31, 2009, provincial elections represented an opportunity to try to ensure that neither he, nor any future prime minister, could centralize power to the extent witnessed under Saddam Hussein’s rule. In addition to the checks and balances established in the central government, a 2008 “provincial powers law” was intended to decentralize Iraq by setting up powerful provincial councils that decide on local allocation of resources. The provincial councils in Iraq choose each province’s governor and governing administrations—in contrast to Afghanistan, where provincial governors are appointed by the president. Some central government funds are given as grants directly to provincial administrations for their use, although most of Iraq’s budget is controlled centrally.

The provincial elections had originally been planned for October 1, 2008, but were delayed when Kurdish restiveness over integrating Kirkuk and other disputed territories into the KRG caused a presidential council veto of the July 22, 2008, election law needed to hold these 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. On September 24, 2008, the COR passed a final election law, providing for the elections by January 31, 2009, and putting off provincial elections in Kirkuk and the three KRG provinces.²

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 30,³ down from a set number of 41 seats per province (except Baghdad) in the 2005-2009 councils. The Baghdad provincial council has 57 seats. This yielded an average of more than 30 candidates per council seat. 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.⁴ 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 and several election/political workers were killed. There were virtually no major 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. Other voters had been displaced by sectarian violence in prior years and were unable to vote in their new areas of habitation.

The vote totals were finalized on February 19, 2009, and 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.

² 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.

³ Each provincial council has 25 seats plus one seat per each 200,000 residents over 500,000.

⁴ The threshold for winning a seat is the total number of valid votes divided by the number of seats up for election.

Outcomes

Some concerns of Maliki's opponents—and of those who favor decentralized power—were realized when his allies in his “State of Law Coalition” were clear winners of the provincial elections. ISCI, which had already been distancing itself from its erstwhile ally, Maliki's Da'wa Party, ran under a separate slate in the provincial elections—thus splitting up the formerly powerful UIA. It fared poorly. With 28 out of the 57 total seats, the Maliki slate gained control of the Baghdad provincial council, displacing ISCI. Da'wa also emerged very strong in most of the Shiite provinces of the south, including Basra, where it won an outright majority (20 out of 35 seats). Nor did ISCI did win outright in Najaf province, which it previously dominated and which, because of Najaf's revered status in Shiism, is considered a center of political gravity in southern Iraq. It won seven seats there, the same number that was won by the Maliki slate. ISCI won only three seats on the Baghdad province council, down from the 28 it held previously, and only five in Basra. Some observers believe that the poor showing for ISCI was a product not only of its call for devolving power out of Baghdad, but also because of its perceived close ties to Iran, which some Iraqis believed was exercising undue influence on Iraqi politics. Others say ISCI was perceived as interested in political and economic gain for its supporters.

Although Maliki's coalition fared well, the subsequent efforts to form provincial administrations demonstrated that he still needed to strike bargains with rival factions, including Sadr, ISCI, and even the Sunni list of Saleh al-Mutlaq (National Dialogue Front) that contains many ex-Baathists. The provincial administrations that took shape are discussed in **Table 5**. Aside from the victory of Maliki's slate, the unexpected strength of secular parties, such as that of former Prime Minister Iyad al-Allawi, corroborated the view that voters favored slates committed to Iraqi nationalism and strong central government.

The Sadr faction, represented mainly in the “Independent Liberals Trend” list, did not come close to winning outright control of any councils, although it won enough seats in several southern provinces to, through deal-making, gain senior positions in a few southern provinces. The showing of the Sadrists was viewed as reflecting voter disillusionment with parties that field militias—which many Iraqis blame for much of post-Saddam violence.

Another important trend noted in the 2009 provincial elections was the increasing Sunni entry into the political process. Participating in the provincial elections were 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. These Sunni tribalists had largely stayed out of the December 2005 elections because their attention was focused primarily on the severe violence in the Sunni provinces, particularly Anbar. These tribal figures were, at the time of the December 2005 election, still intimidated by Al Qaeda in Iraq's admonition that Sunnis stay out of the political process. However, in the 2009 provincial elections, as the violence ebbed, Sunni tribalists offered election slates and showed strength at the expense of the established Sunni parties, particularly the Iraqi Islamic Party (IIP) and the National Dialogue Council. The main “Iraq Awakening” tribal slate came in first in Anbar Province. The tribalists benefitted from the decline of the IIP and other mostly urban Sunni parties, including the National Dialogue Council. In Diyala Province, hotly contested among Shiite and Sunni Arab and Kurdish slates, the provincial version of the (Sunni Arab) Accord Front edged out the Kurds for first place, and subsequently allied with the Kurds and with ISCI to set up the provincial administration.

The March 7, 2010, Elections: Coalitions and Political Infighting

After his slate's strong showing in the January 2009 provincial elections, Maliki became the immediate favorite to retain his position in the March 7, 2010, COR elections. The elected COR chooses the full-term government, as discussed above. With many perceiving Maliki as the likely winner for another term, Maliki was able to include some political competitors in some provinces, including those dominated by Sunni Arabs and Sunni tribalists, into his State of Law coalition that would compete in the national elections for a new COR. However, Sunnis were not in high positions on his slate, and his slate was still perceived as primarily Shiite.

Maliki derived further political benefit from the U.S. implementation of the U.S.-Iraq "Security Agreement" (SA, sometimes referred to as the Status of Forces Agreement, or SOFA), 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 from mid-2009 to the eve of the election. Realizing the potential for security lapses to reduce his chances to remain prime minister, Maliki ordered several ISF commanders questioned for lapses in connection with the 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 alternate Ministry of Finance buildings were attacked again on December 7, 2009. After this latter bombing, which also resulted in the parliament's insistence that it hear Maliki's explanation of his responses, Maliki replaced the commander of the Baghdad Brigade. He also attempted to place substantial blame for the lapses on Interior Minister Jawad Bolani, who was heading a rival slate in the elections. (See **Table 1** on major slates in the election.)

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 Maliki's State of Law. The "Iraqi National Alliance (INA)" was composed of ISCI, 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 majority or clear plurality. Sistani remained completely neutral in the election, endorsing no slate, but calling on all Iraqis to participate.

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 ("Tawaffuq") led by IIP figures, but it was not expected to fare well compared to Allawi's less sectarian bloc. Some Sunni figures were recruited to join Shiite slates.

Table I. 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. Possible Potential prime ministerial candidate from this bloc was deputy President Adel Abd al-Mahdi, a moderate well respected by U.S. officials. However, some observers say Chalabi—the key architect of the effort to exclude candidates with Baathist ties—wanted to replace Maliki. 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 (Iraq National Accord) who is Shiite but his faction appeals to Sunnis, and Sunni leader Saleh al-Mutlaq (ex-Baathist who leads Iraq Front for National Dialogue). Backed by Iraqi Islamic Party leader and Deputy President Tariq Al-Hashimi as well as other powerful Sunnis, including Usama al-Nujaifi and Rafi al-Issawi. Justice and Accountability Commission (formerly the De-Baathification Commission) disqualified Mutlaq and another senior candidate on this slate, Dhafir al Ani, for supporting the outlawed Baath Party. An appeals court affirmed their disqualification, but the decision was legislatively reversed after the election).
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 breakaway factions of the Iraqi Islamic Party (IIP). Led by Ayad al-Samarrai, speaker of the COR. Viewed as a weak competitor for Sunni votes against Allawi slate.

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, the size of the next COR) have the potential to shape the election outcome, the major Iraqi communities were divided over its substance. These differences caused the COR to miss almost every self-imposed deadline to pass it. One dispute was over the election system, with many COR members leaning toward a closed list system (which gives the slates the power to determine who occupies actual COR seats after the election), despite a call by Grand Ayatollah Sistani 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 2009 food ration lists as representative of voter registration. The Kurds had sought this provision, facing down the insistence of many COR deputies to use 2005 voter lists, which presumably would contain 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, one of Iraq's deputy presidents, Tariq al Hashimi, a Sunni Arab, vetoed the law. The veto, on November 18, sent the law back to the COR. A new version was adopted on November 23, 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, reportedly at the urging of U.S. and other diplomats, adopted a new law (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 seven. The COR size, in the absence of a recent census, was based on taking 2005 population figures and adding 2.8% per year growth.⁵
- The remaining 15 seats were 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.

⁵ Analysis of Iraq expert Reidar Visser. "The Hashemi Veto." <http://gulfanalysis.wordpress.com/2009/11/18/the-hashemi-veto/>.

Flashpoint: De-Baathification and Disqualification of Some Prominent Sunnis

The electoral process was at least partly intended to bring Sunni Arabs ever further into the political structure and to turn them away from violence and insurgency. Sunnis boycotted the January 2005 parliamentary and provincial elections and were, as a result, poorly represented in all governing bodies. Sunni slates, consisting mainly of urban, educated Sunnis, did participate in the December 2005 parliamentary elections, an apparent calculation that it would not serve Sunni interests to remain permanently alienated from the political process.

The Sunni commitment to the political process appeared in some jeopardy in the context of a major dispute over candidate eligibility for the March 2010 elections. Although a Sunni boycott of the elections did 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 careful evaluation of candidate backgrounds and not based on sect, because many 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 the U.S. Embassy, Vice President Joseph Biden (during a visit to Iraq on January 22, 2010) and partner embassies in Iraq—all of which feared a return to instability—the appeals court at first ruled that disqualified candidates could run in the election and clear up questions of Baathist affiliation afterwards. However, reported pressure by Maliki and other Shiites caused the court to reverse itself on February 12, 2010, and to disqualify 145 candidates. Twenty-six candidates were reinstated. The remaining approximately 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 barred from running.

The Iraqiyya slate did not, as a whole, call for a broad boycott—nor did Mutlaq himself call for a boycott. Mutlaq was replaced as a candidate by his brother. The slate campaigned vigorously, and many Sunnis seemed to react by recommitting to a high turnout among their community, in order to achieve political results through the election process. Even the JAC’s disqualification of an additional 55 mostly Iraqiyya candidates the night before the election did not prompt a 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 Chalabi was in close contact with an Iraqi, COR member Jamal al-Ibrahimi, who is a purported ally of General Qasem Soleimani, who commands the Qods Force unit of Iran’s Islamic Revolutionary Guard Corps

(IRGC).⁶ 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.

Possibly because of the disqualification dispute, Lami was assassinated on May 26, 2011, presumably by Sunnis who viewed him as an architect of the perceived discrimination. Chalabi, now a member of parliament, replaced Lami as manager of the JAC, but Maliki dismissed him in that role, 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. Turnout was slightly lower in Baghdad because of the multiple insurgent bombings that took place there just as voting was starting.

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 issued a preliminary ruling that any group that forms after the election could be deemed to meet that requirement, laying the groundwork for Allawi to be denied the right to the first opportunity to form a government.

The vote was to have been certified by April 22, 2010, but factional wrangling delayed this 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 any recount decisions are under its purview and that a comprehensive recount would take an extended period of time. Several international observers, including then-U.N. Special Representative for Iraq Ad Melkert, indicated that there was no cause, at that point, to suggest widespread fraud. (Melkert was replaced in September 2011 by Martin Kobler.)

However, in response to an appeal by Maliki's faction, on April 19, 2010, an Iraqi court ordered a recount of votes in Baghdad Province. The recount in the province, which has 68 elected seats, was completed on May 15, 2010, and did not result in an alteration of seat totals. This followed a few days after the major factions agreed to put aside any JAC disqualifications of winning candidates. With the seat count holding, the way was set for Iraq's Supreme Court to certify the results.

The final certification came on June 1, 2010, and the following timelines were to apply:

- Fifteen days after certification (by June 15), the new COR was to be seated and to elect a COR speaker and deputy speaker. (The deadline to convene was met,

⁶ Gertz, Bill. "Inside the Ring." *Washington Times*, February 18, 2010.

- 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), the prime minister-designate (Maliki) 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 did convene on June 15, 2010. However, the session ended after only 18 minutes and, because of the political deadlock, did not elect 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 their \$10,000 per month salaries. The resentment over this contributed to the popular unrest in February 2011.

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 agreed to an alliance called the “National Alliance.” However, the alliance was not able to agree to a prime minister selectee, with the Sadr faction and ISCI opposing Maliki. With no agreement, the COR aborted its second meeting scheduled for July 27, 2010. On August 3, 2010, this putative alliance splintered.

The various factions made little progress through August 2010, as Maliki insisted he remain prime minister for another term. With the factional disputes unresolved, Maliki remained prime minister in a caretaker role. Some observers assert that he continued to govern as a caretaker, having had little incentive to see a new government formed.

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 to another community, fearing loss of leverage on other demands. The Kurds’ insistence was despite the fact that there would not be a “presidency council” with an executive veto in the next government—the transitional provision for that power expired after the first four-year government ended. An expectation that the August 10-September 11, 2010, Ramadan period would enable the blocs to reach an agreement was not met.

On October 1, 2010, Iraq earned the distinction of having gone longer than any other country without an agreed government following an election. 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. Others blamed Allawi for the impasse, claiming that he was insisting on a large, powerful role for himself even though he could not assemble enough COR votes to achieve a majority there.

Political Agreement (“Irbil Agreement”) Reached

On October 1, 2010, Maliki received the backing of most of the 40 COR deputies of Shiite cleric Moqtada Al Sadr, bringing Maliki within striking distance of obtaining enough votes for another term as prime minister. The United States reportedly was alarmed at the prospect that Maliki might be able to form a government primarily by allying with Sadr, and by extension, Iran. However, in early November 2010, the United States, Allawi, and many of the Sunni Arab regional states acquiesced to a second Maliki term. The key question that remained was whether Maliki, and Iraq’s Kurds would agree to form a broad based government that meets 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, and for Iraqiyya to join the new government; (2) an Iraqiyya figure reportedly would become COR Speaker, another (presumably Allawi himself) would chair the enhanced oversight body discussed above, though renamed the “National Council for Strategic Policies;”⁷ (3) Iraqiyya would obtain several major cabinet posts, including the Defense Minister post; and (4) amending the de-Baathification laws that had barred some Iraqis, such as Saleh al-Mutlaq, from holding political positions. Although some of the provisions of the agreement have been subsequently disputed or not implemented, as discussed below, observers praised it as helpful to U.S. policy because an agreement was signed among major factions, with Masoud Barzani and U.S. Ambassador to Iraq James Jeffries attending. The agreement did not specify concessions to the Sadr faction, a development that observers viewed as a setback to Iran.

At the November 11, 2010, COR session to implement the agreement, Iraqiyya figure Usama al-Nujaifi (brother of controversial Nineveh governor Atheel Nujaifi) was elected COR speaker, as agreed. However, Allawi and most of his bloc walked out after three hours over the refusal of the other blocs to readmit the three Iraqiyya members who had been disqualified from running for the COR by the JAC (see above on the disqualification crisis). The walkout raised U.S. and other fears that the agreement might immediately unravel, but the remaining COR members were sufficient for a quorum and Talabani was re-elected president after two rounds of voting. Fears were calmed on November 13, 2010, when most of Allawi’s bloc attended the COR session and continued to implement the settlement agreement; 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) to name and achieve majority COR confirmation for a new cabinet.

⁷ Fadel, Leila and Karen DeYoung. “Iraqi Leaders Crack Political Deadlock.” *Washington Post*, November 11, 2010.

New Government Formed⁸

The stage was set for a new cabinet to be announced after December 19, when Allawi reaffirmed his intent to join the government. Allawi's assurance came the same day that the COR voted (with barely a quorum achieved after a Shiite walkout of the vote) to reinstate to politics the three senior members of his bloc, including Saleh al-Mutlaq, who had been barred from politics by the JAC, as 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, three 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 posts pending permanent nominees for those positions. The faction holds seven other cabinet posts, in addition to the post of first deputy president (Khudair Al Khuzai of the Da'wa Party) and deputy prime minister for energy issues (Hussein Shahristani, previously the oil minister).
- For Iraqiyya, in addition to Mutlaq becoming a deputy prime minister, Tariq al-Hashimi remained a deputy president (the second deputy).⁹ The bloc also obtained nine ministerial posts, of which a senior Iraqiyya figure, Rafi al-Issawi (previously a deputy prime minister), became finance minister.
- For the Iraqi National Alliance, a senior figure, Adel Abdul Mahdi, remained one of the three deputy presidents. 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, is a minister of state without portfolio and was the only woman in the cabinet until the February 13, 2011, naming of Ibtihal Al Zaidy as minister of state for women's affairs (although she is not from the INA). Another Fadila activist was named minister of justice.
- Of the 13 INA cabinet seats, Sadr faction members head 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 is one of two deputy COR speakers. However, these positions are relatively junior within the cabinet and appeared to represent less influence for the Sadrists than was anticipated. Still, the Sadr faction received some compensatory 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 have six other cabinet

⁸ The following information is taken from Iraqi news accounts presented in <http://www.opensource.gov>.

⁹ Some sources say that Hashimi and another figure, Adel Abdul Mahdi, may not have received permanent appointments to these second and third deputy presidential posts.

seats, including longtime Kurdish (KDP) stalwart Hoshiyar Zebari remaining in position. He has been foreign minister since the transition governments that followed the fall of Saddam. Khairallah Hassan Babakir, was named trade minister in the February 13, 2011, “second wave” of ministerial appointments.

Other Elections Possible

There had been speculation that the March COR elections would be held concurrently with a referendum on the U.S.-Iraq Security Agreement. The referendum was to be held by July 31, 2009, but the United States, which views the referendum as unnecessary, supported a delay. In mid-October 2009, Iraqi parliamentarians quietly shelved the referendum vote by failing to act on legislation to hold the referendum and focusing instead on the broader election law needed for the National Assembly elections.¹⁰

District and sub-district elections were previously slated for July 31, 2009, as well. However, those are delayed, and the United Nations Secretary General Ban Ki Moon said in a report on U.N. operations in Iraq, released August 3, 2009, that these elections would likely be held later in 2010, after the National Assembly elections. No date for these elections has been announced.

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 have been no recent major developments reported that would indicate if and when such a referendum might be ready.

As noted above, there is discussion of provincial elections in the Kurdish region, which were not held during the January 2009 provincial elections in the other areas of Iraq, and were not held in the March 7, 2010, nationwide vote. Nor were they held in November 2010, as was scheduled, and no date is set. There could be a vote on a Kirkuk referendum, if a negotiated settlement is reached.

Some Iraqis believe that the 2011 popular unrest, discussed below, has created a need for new nationwide provincial elections. However, existing provincial councils mostly maintain that doing so would be contrary to the constitution, which allows a four-year term to the councils elected in 2009.

Continuing Political Schisms and Post-Withdrawal Collapse

The Irbil Agreement did not resolve the underlying differences among the major communities, even though U.S. officials such as Ambassador to Iraq Jim Jeffries described the Iraqi government as inclusive and “focused on power sharing.” Subsequent disputes—particularly between Maliki and the Iraqiyya bloc of Iyad al-Allawi (who is himself Shiite but most of the bloc are Sunnis)—tarnished that assessment, particularly the major series of events surrounding and just after the December 18, 2011 completion of the U.S. troop withdrawal from Iraq. Some

¹⁰ Sly, Liz. “Iraqi Push Fades For Referendum on U.S. Troop Pullout.” *Los Angeles Times*, October 16, 2009.

describe these events as amounting to an unraveling of the Irbil Agreement. The sections below also discuss the various disagreements and their causes that led many experts to become skeptical that the Iraqi political consensus would hold beyond the pullout of U.S. forces.

Security Ministry Appointment Disputes

Throughout 2011, although still attempting to cooperate while U.S. troops remained in Iraq, the various blocs were unable to reach agreement on major security posts. Maliki interprets the Irbil Agreement as requiring appointment of a Sunni Arab as Defense Minister, and not necessarily a member of the Iraqiyya faction. Allawi's view is that an Iraqiyya member is required to be appointed. On July 9, 2011, with Talabani acting as mediator, the main political blocs attempted but again failed to reach agreement on nominees for the security-related ministries. With that dispute unresolved, on August 16, 2011, Maliki appointed Sadun Dulaymi as acting Defense Minister. Dulaymi is a Sunni Arab but he is a member of the Iraq Unity Alliance and not a member of Iraqiyya. Maliki claimed that Iraqiyya had suggested but withdrawn the names of some of its members for the position, and that he was forced to make a selection by an August 16, 2011, deadline agreed weeks earlier among major factions. No permanent choices for Defense, Interior or National Security ministers have been formally nominated to date.

The failure to agree on senior security posts reinforced Sunni and Kurdish fears that Maliki intends to consolidate control over all armed forces. In 2008, he began to create or 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 Counter-Terrorism 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 say that lower level commanders often bypass the official chain of command and report directly to Maliki's office. In an earlier example, in February 2010, Maliki's government reportedly directed the Iraqi Army's Fourth Division to cordon a provincial council building in Tikrit to influence the resolution of a dispute over the Salahuddin provincial council's ousting of the former governor of the province.¹¹

National Council for Strategic Policies Dispute

A further cause of tension between Maliki and Allawi during 2011 was the continuing stalemate over the formation of the National Council for Strategic Policies. As noted above, the formation of such a council, and with substantial powers, was a provision of the Irbil Agreement. Some proposals from those sympathetic to Allawi call for the council to include the prime minister, president, their deputies, and a representative of all major blocs—and for decisions of the council to be binding on Maliki if they achieve support of 80% of the council members. Maliki and his supporters want this Council to have as few powers as possible so as not to impinge upon the power of the Prime Minister. The body and its powers have not been voted on by the COR, and Allawi is considered unlikely to chair the body unless it is given significant authorities.

The dispute over the National Council added to suspicions on the part of Maliki's opponents that he lacks commitment to governing transparency. These suspicions increased in late 2010 when Maliki requested that Iraq's Supreme Court rule that several independent commissions—

¹¹ Myers, Steven Lee and Anthony Shadid. "Maliki Faulted On Using Army in Iraqi Politics." *New York Times*, February 11, 2010.

including the Independent Higher Election Commission 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.¹²

General Sunni Community Grievances and Reactions

Aside from the Maliki-Allawi disputes above, several other developments fed the Sunni belief that Maliki seeks a Shiite monopoly on power. These included the after-effects of the 2010 election disqualification crisis discussed above, the Shiite blocking of Allawi’s efforts to form a government after his bloc won the most seats in the 2010 election, and arrests of Sunnis allegedly linked to the banned Baath Party.

As the U.S. withdrawal completion approached, fears of some Sunnis were inflamed in October and November 2011 by a series of arrests by security forces. About 600 Sunnis were arrested, ostensibly for involvement in an alleged plot revealed by the new leaders of Libya (based on information captured from former leader Muammar Qadhafi and his regime) in which Sunni Iraqis were attempting to organize a coup against the Iraqi government. Some Sunnis were reportedly purged from the security forces, and 140 faculty members from the University of Tikrit (Saddam’s home town) for alleged Baathist associations. On November 7, 2011, tribal leaders close to the Sons of Iraq movement claimed government complicity in an assassination attempt on the governor of the overwhelmingly Sunni province of Anbar.

Sunni Moves to Form Separate Regions

Sunnis responded to the perceptions of inequity by attempting to use legal mechanisms to reduce central government control. The provincial council of the mostly Sunni province of Salahuddin (which contains Tikrit) voted on October 28, 2011, to start the process of forming a separate “region.” Overwhelmingly Sunni Anbar province took similar steps. On December 12, 2011, the provincial council of the mostly Sunni, but mixed, province of Diyala voted request a referendum to form a region. That move set off demonstrations by Shiites opposed to the move, and possibly instigated by the Shiite-dominated central government, causing Sunni members of the provincial council to flee into the Kurdish controlled areas just north of Diyala. Previously, the mostly Shiite provinces of Basra and Wasit had begun similar processes, although doing so involved full parliamentary concurrence and a popular referendum of approval; no single province has completed that process.

Sons of Iraq Fighters and Continuing Sunni-Inspired Violence

One of the most significant additional Sunni Arab grievances is the slow pace with which the Maliki government implemented its pledge to fully integrate the approximately 100,000 “Sons of Iraq” fighters (former insurgents who ended their fight and cooperating with U.S. forces against Al Qaeda in Iraq and other militants) into the Iraqi Security Forces (ISF) or provide them with government jobs. In 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, Ambassador Jeffries testified on February 1, 2011, that

¹² Parker, Ned and Salar Jaff. “Electoral Ruling Riles Maliki’s Rivals.” *Los Angeles Times*, January 23, 2011.

no payment difficulties existed as of that time, and no U.S. official has since amended or altered that assertion. As of December 2011, about half of them (about 50,000) had been integrated into the ISF or given civilian government jobs. However, in October and November 2011, reports resurfaced of governmental delay of payments to some of the Sons units.

The continuing fears and concerns within the Sunni community might account for some of the high profile attacks that continue in Iraq, as well as a perceived upsurge of Al Qaeda in Iraq (AQ-I) activities. 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.¹³ On August 15, 2011, AQ-I announced that it would undertake a 100 attack campaign to avenge the May 1, 2011, killing by U.S. Special Forces of Osama bin Laden. The group carried out 40 attacks that day around Iraq, killing 90. On August 28, 2011, a suicide bomber killed 28 at the major Sunni Umm al-Qura mosque in Baghdad, including one member of the COR. Several other attacks against Iraqi Shiites and pro-government Sunnis have taken place since, including a September 26, 2011, series of bombings in the mostly Shiite city of Karbala, possibly representing an effort by AQ-I to restart sectarian conflict. A multiple-bomb attack occurred in Shiite neighborhood of Baghdad on October 28, 2011.

KRG-Central Government Disputes/Combined Security Mechanism¹⁴

Although the Sunni –Shiite rift has the potential to unravel the central government entirely, there remain several significant KRG-central government disputes over territory, autonomy for the KRG, oil exports from the KRG, proposed oil laws, and several other issues. These differences between the Kurds and Maliki could cause a Kurdish shift toward Iraq's Sunnis if the political center unravels, although the Kurds have tended to try to play a brokering role between the Sunnis and Shiites that enhances the Kurds' own autonomy and status. The KRG-central government disputes were expected to widen once all U.S. troops leave Iraq, which could explain the rationale behind a November 2011 visit to Washington, DC, by KRG Prime Minister Barham Salih. The Kurdish nervousness about Maliki's intentions after the U.S. withdrawal might also account for the visit of President Talabani to Saudi Arabia in October 2011; the Saudis are seen as a counterweight to Iran's support for Maliki.

The United States has played a role since 1991 of protecting Iraq's Kurds from the central government. Since the overthrow of Saddam, however, the Kurds' "special relationship" with the United States has frayed somewhat because of the U.S. need to work closely with Maliki and the central government. In the run-up to the March 2010 national COR election, KRG President Masoud Barzani visited Washington, DC (January 2010), and, according to participants in his meetings, discussed with senior officials ways in which the Kurds would cooperate with Iraq's Arabs after the election. That was widely interpreted as an Administration admonition not to establish territorial-related preconditions to join a governing coalition after the elections. However, KRG Prime Minister Barham Salih said on June 15, 2010, that Kurdish leaders submitted 19 specific demands from Iraq's Arab leaders as a condition of providing Kurdish votes

¹³ Michael Schmidt and Eric Schmitt. "Leaving Iraq, U.S. Fears New Surge of Qaeda Terror." *New York Times*, November 6, 2011.

¹⁴ For more information on Kurd-Baghdad disputes, see CRS Report RS22079, *The Kurds in Post-Saddam Iraq*, by Kenneth Katzman.

for any new governing coalition. The most notable demand was that the Kurds retain the presidency for one of their own, and many of the others concerned the Kirkuk and other territorial disputes discussed below. Although receiving from Maliki only vague assurances on their key demands, the main Kurdish factions eventually threw their weight behind Maliki to continue as prime minister, as discussed above.

Additional friction was created in the context of the KRG's parliamentary and presidential elections on July 25, 2009. The KRG leadership had been planning, during that vote, to conduct a referendum on a separate KRG constitution. However, the central government asserted that a KRG constitution would conflict with the publicly adopted national constitution, and that the KRG draft constitution, adopted by the Kurdish parliament on June 23, 2009, claimed Kurdish control over disputed territories and oil resources. The KRG did not hold the referendum.

Broader Territorial Issues (“Disputed Internal Boundaries”)

There has been virtually no 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) 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 to begin on October 24, 2010. In early October 2010, Maliki postponed it until at least December 2010 to allow time for a full-term government to be put in place, which would oversee the census. The census has not begun, as of August 2011, in part because of continued factional disputes over how to account for movements of populations into or out of the Kurdish controlled provinces. Attempting to resolve these long-standing disputes is another issue within the mandate of UNAMI, and consultations with all parties are ongoing, according to UNAMI.¹⁵

The three Kurdish-controlled provinces and the disputed province of Kirkuk did not hold provincial elections with the rest of Iraq on January 31, 2009. Elections had been rescheduled for November 2010 but were not held. However, the Property Claims Commission that is adjudicating claims from the Saddam regime's forced resettlement of Arabs into the KRG region is functioning and about 10,000 Iraqi Arabs have relocated back to their original provinces.

There continues to be substantial friction between Sunni and Shiite Arabs in Diyala province. This is in part because of disputes over territory in the province that are inhabited by Kurds and Arabs. In addition, there is tension in the province between Sunni and Shiite Arabs there because Sunni militants drove out many Shiites from the province at the height of the civil conflict during 2005-2007. 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.

¹⁵ Meeting with congressional staff, February 24, 2011.

Combined Security Mechanism at Kurd-Arab Frontier

In the absence of resolution, the territorial disputes have grown more acute since the 2009 provincial elections, in which 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 had been preventing his visitation of areas of Nineveh where the Kurds' *peshmerga* militia operates.

In part to prevent outright violence between the KRG and the central government, in August 2009 then-top U.S. commander in Iraq General Odierno developed an unprecedented plan to partner U.S. forces with *peshmerga* units and with ISF units in the province to build confidence 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 and U.S. officials said on August 16, 2010, that the joint (ISF-U.S.-Kurdish) patrols, maintenance of 22 checkpoints, and U.S. training of participating ISF and *peshmerga* forces would continue until the U.S. pullout at the end of 2011. The mechanism has been administered through provincial level Combined Coordination Centers, which bring the parties together to play operations in disputed areas. Disagreements are referred to a Senior Working Group and a High Level Ministerial Committee.¹⁶ As of October 2010, the United States had ceased participating at four of the checkpoints, in concert with the U.S. change of mission to a non-combat role (Operation New Dawn) on September 1, 2010.

Many who asserted that at least some U.S. forces should to remain in Iraq after 2011 did so on the grounds that U.S. troops are needed to continue to participate in the joint patrols and training components of the CSM.¹⁷ However, Maj. Gen. David Perkins, commander of the 5,000 U.S. forces still in northern Iraq, said on September 29, 2011, that the CSM continued to work well even after the transition of U.S. forces out of the joint checkpoints, and that there is not the need for a substantial U.S. force in northern Iraq after 2011. That view supported that of those in the Administration who wanted to keep as small force as possible in Iraq after 2011. U.S. participation in the remaining joint checkpoints ceased as of August 1, 2011 and the headquarters of the 750 U.S. troops in the north closed on October 20, 2011, and those forces left the north.

Still, the United States has not abandoned the process. Senior U.S. officials said in November 2011 that, through OSC-I facilities in Nineveh Province, the United States will continue to participate in coordinating confidence-building joint patrols and checkpoints manned by Iraqi Security Force personnel and members of the security forces of the KRG. However, the United States will not participate in the patrols and checkpoints which are conducted along lines separating KRG-controlled territory from central-government administered areas. Previously, some have advanced alternatives to U.S. force participation in the CSM, including giving the U.S. role to a United Nations force, NATO, or civilians (Iraqi or international). It is not clear that any of these alternative ideas are supported by Iraqi factions.

¹⁶ "Managing Arab-Kurd Tensions in Northern Iraq After the Withdrawal of U.S. Troops." Rand Corporation, 2011.

¹⁷ Ibid.

KRG Oil Exports

Another issue remains over the ability of the Kurds to export oil that is discovered and extracted in the KRG region. Oil exports from the KRG had been suspended during 2010 over central government opposition to proposed mechanisms for paying the international investors who are performing the extraction and exportation. However, Ambassador Jeffries testified on February 1, 2011, that, as a consequence of the formation of a government and greater factional harmony, a compromise had been reached that would allow the KRG energy exports to resume, and exportation of about 100,000 barrels of crude oil per day has resumed from the KRG fields as of March 1, 2011. Still, the Kurds have opposed draft 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 of KRG Prime Minister Salih, Kurdish representatives told the author on November 8, 2011, that it is likely that the oil laws would be taken up by the COR, after further negotiation, by the end of 2011.¹⁸

Another issue that has exacerbated tensions is the October 2011 KRG signing of an energy development deal with U.S. energy giant Exxon-Mobil. The central government has denounced the deal as illegal, and some outside experts have criticized the arrangement 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 has threatened to cancel the firm's existing contract to develop the West Qurna oil field near Basra, which was signed with the central government.

Intra-Kurdish Divisions

Further complicating the political landscape are widening divisions within the Kurdish community. The KRG elections also, to some extent, shuffled the political landscape. A breakaway faction of President Talabani's PUK, called "Change" ("Gorran"), won an unexpectedly high 25 seats (out of 111) in the Kurdistan national assembly, embarrassing the PUK and weakening it relative to the KDP. KRG President Masoud Barzani, leader of the KDP, easily won reelection against weak opposition. Gorran ran its own list in the March 2010 elections 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.

These divisions may also be playing a role in the popular demonstrations that have occurred in Sulaymaniyah since February 2011. The demonstrations reflect 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 have been suppressed by *peshmerga*.

The Sadr Faction's Continuing Ambition and Agitation

Within the broader Shiite community, the young Shiite cleric, Moqtada Al Sadr, who is about 35 years old, sees his faction as the main representative for Iraq's Shiites, causing an inherent rivalry

¹⁸ Author conversation with KRG Washington, DC, representative Qubad Talabani, November 8, 2011.

with Maliki and other Shiite leaders in Iraq. As noted above, Sadr was part of the anti-Maliki Shiite coalition Iraqi National Alliance for the March 2010 national elections, but later reached a political arrangement with Maliki that paved the way for Maliki's success in achieving another term. Sadrists were given several seats in the cabinet and a Sadrist governor was later installed in Maysan Province, which includes the Sadrist stronghold of Amarah.

Moqtada Al Sadr himself became more politically visible and active since he returned to Iraq on January 5, 2011. Since his return, he has given numerous speeches that, among other themes, insisted on full implementation of a planned U.S. withdrawal by the end of 2011. Sadr has also issued statements opposing the awarding of Iraqi energy contracts to American firms and called on his followers to protest the failure of the Maliki government to improve public services. 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. Despite his indication in a May 13, 2011, sermon in Najaf that he might withdraw this threat if there were a strong consensus among the other blocs that U.S. troops should stay,¹⁹ his followers conducted a large march in Baghdad on May 26, 2011, against any extension of the U.S. presence. The threats were considered pivotal to the Iraqi government decision not to meet U.S. requirements for retaining U.S. troops in Iraq beyond 2011.

Sadr's threats against U.S. forces were considered not idle. In June and July 2011, U.S. officials accused pro-Sadr Shiite militias for an elevated level of U.S. troop deaths in June 2011 (14 killed, the highest in any month in over one year). These militias operate under names including Asa'ib Al Haq (League of the Righteous), Khata'ib Hezbollah (Hezbollah Battalions), and Promised Day Brigade. U.S. officials have accused Iran of arming the militias with upgraded rocket-propelled munitions, possibly in an effort to ensure a full U.S. withdrawal and to claim credit for forcing that withdrawal. U.S. officials reportedly requested that the ISF act against these militias and prevail on Iran to stop aiding the militias. Press reports and U.S. commander comments in August and September 2011 suggested the strategy had, at least temporarily, succeeded in reducing Shiite attacks on U.S. forces in Iraq. However, outgoing Joint Chiefs of Staff Chairman Mike Mullen testified before the Senate Armed Services Committee that Iran was providing the militias with increasingly capable Improvised Rocket Assisted Munitions (IRAM's) and that the United States would act against the militias if they act against U.S. forces. There were some attacks on U.S. forces in the Maysan area in October 2011, and journalists report that their continue to be regular rocket attacks against the U.S. consulate in Basra, which has nearly 1,000 U.S. personnel (including contractors).

While Sadr has long sought to highlight Maliki's failures to bolster his own influence, the Sadr faction's extensive participation in the post-2010 government complicates the Sadrist efforts to paint governmental failures as purely the fault of Maliki. In addition, the Sadr faction is said to be using its fundraising ability to develop charity and employment networks (so-called "Mumahidoon" or "those who pave the way") that rival or displace those of the central government—employing a political model similar to that of Hizballah in Lebanon.²⁰

¹⁹ Davis, Aaron. "Shiite Infighting May Be Key to U.S. Extension in Iraq." *Washington Post*, May 15, 2011.

²⁰ Healy, Jack. "Cleric's Anti-U.S. Forces Poised for Gains in Iraq." *New York Times*, December 20, 2010.

Post-U.S. Withdrawal Political Collapse

The political disputes discussed above intensified as U.S. forces drew down and approached the full withdrawal reached on December 18, 2011. As the last U.S. forces were exiting, and even as Maliki visited Washington D.C. on December 12, 2011 to discuss with President Obama the future of the relationship, the carefully constructed consensus was breaking down in what Sunni Iraqis have called a clear power grab by Maliki. Iraq might be in the throes of its worst political crisis since the U.S. invasion of 2003, and it is possible that the Iraqi central government might unwind, although most experts perceive that Maliki and his Shiite allies could reconstitute a central government overwhelmingly composed of Shiites.

The day of the final U.S. withdrawal, Maliki asked the COR to vote no confidence against the deputy Prime Minister Saleh al-Mutlaq, a senior Iraqiyya figure and prominent Sunni, as discussed above in the 2010 election disqualification crisis. That same day, Iraqiyya parliamentarians walked out of the COR and threatened to resign their government positions. On December 19, 2011, the government issued an arrest warrant against deputy President Tariq al-Hashimi, another major Iraqiyya figure, accusing him of ordering his security staff to commit past 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 for meetings with President Talabani and is refusing to return to face trial unless his conditions for a fair trial are met.

With the Irbil Agreement seeming to unravel, Vice President Biden has attempted to intervene with Maliki and other Iraqi leaders to promote a peaceful resolution to the crisis that keeps the government intact. His efforts were joined by Ambassador Jeffries, who cut short his stay in the United States to return to Baghdad, and CIA Director Petraeus, who traveled to Iraq for meetings with some of the close contacts he developed when he was overall U.S. commander in Iraq. He outlines of such a solution are unclear. Maliki, in a December 21, 2011 news conference, threatened the Kurds with unspecified “problems” for sheltering Hashimi, and threatened to reform a government overwhelmingly composed of Shiites. One theme he stressed, which was praised by U.S. officials, was that he envisions a government in which each faction works on behalf of the country and not the interest of their sect or faction. The potential for complete unraveling appeared to increase on December 26 when pro-Sadrist politicians said the COR should be dissolved and new elections held—statements that could suggest Sadr might break with Maliki and try to bring his government down. The crisis atmosphere worsened when insurgent groups, possibly agitated by Maliki’s actions, conducted 17 near-simultaneous bombings in and around Baghdad on December 22, 2011, killing at least 65 persons.

Related Governance Issues

The December 2011 crisis has dashed hopes that Iraq was well on its way to permanent stability, the strengthening of democracy and institution-building, and a turning of Iraqi official attention toward basic governance and economic issues. That hope was expressed by President Obama after his meeting with Prime Minister Maliki on December 12, 2011. U.S. officials, as testified by Ambassador Jeffries on February 1, 2011, had earlier seen signs that factional comity would enable the COR to move quickly on long-stalled initiatives.

Substantial progress was made in August 2011 when both the COR and the Cabinet drafted the needed oil laws, although there were differences in their individual versions. A version 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 account for the postponement of further COR action apparently until at least the end of 2011. The political crisis that erupted in December 2011 is almost certainly to delay it significantly further. Also not passed are laws addressing the environment, other elections, consumer protections, intellectual property rights, building codes, a new national flag, and the permanent rules for de-Baathification.

2011 Unrest

Iraq's government, although flawed, is the product of democratic choices. Therefore, many experts were surprised when protests (which built to the point where they ousted leaders in Egypt and Tunisia) broke out in Iraq. Small protests began in several provinces on February 6, 2011, and later expanded to numerous provinces including Baghdad, Maysan, Sulaymaniyah, Basra, Anbar, Nineveh, Kirkuk, and Diwayniah provinces. Protests, although small and infrequent compared to those witnessed in several other Middle Eastern countries during 2011, resulted in 20 deaths on the February 25, 2011, "Day of Rage" demonstrations called by activists. Most experts agree that the protesters, although to some extent inspired by the uprisings throughout the Middle East, do not have the similar objective of toppling Iraq's leadership because Iraq's government is the product of democratic processes.

The spread of unrest into Iraq suggested to many that Iraqis have been frustrated by what they perceive as a nearly exclusive focus of the major factions on politics rather than governing or improving services. Many protesters have expressed particular outrage at the still severe shortages of electricity in Iraq, as well as to the lack of job opportunities and to 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.

Politically, the protests affected all factions. The demonstrations caused the resignations of provincial governors in Wasit and Basra provinces and of several municipal leaders in Anbar Province. The governor of Nineveh, discussed above, survived a political challenge there even though Maliki (backed by the Kurds who distrust governor Nujaifi) reportedly sought to use the unrest to oust this political rival from that post. Jafar Al Sadr, who obtained the second most votes in the March 2010 elections on Maliki's list (after Maliki himself), resigned from the COR on February 17, 2011, to protest what he sees as elite interest in politics over governing. The use of force was also at odds with statements by Grand Ayatollah Sistani supporting the right to peacefully protest; a Sistani representative reportedly attended the Day of Rage demonstrations. Moqtada Al Sadr also supported peaceful demonstrations, although its assumption of some of the service-related ministries has complicated the efforts of his faction to absolve itself for responsibility for governmental failures to provide services. In September 2011, Sadr followers held some small additional demonstrations against the government's failure to provide services.

Unrest in the KRG region appeared to reflect deep frustrations and was more intense than in the rest of Iraq. The unrest in Sulaymaniyah resulted in the deaths of at least three protestors at the hands of *peshmerga* and Kurdish intelligence (*Asayesh*), and is said to rattle the top Kurdish leaders who fear the KRG's image as an oasis of stability and prosperity in Iraq is being clouded. Demonstrations in Sulaymaniyah on February 17, also revived long-standing but suppressed

tensions between the PUK and the KDP as the KDP retaliated for protester attacks on some of its offices.

Both major Kurdish parties have used the unrest to advance pan-Kurdish issues rather than combat each other. After the February 17 clashes discussed above, the two parties ordered *peshmerga* forces into disputed Kirkuk ostensibly to protect demonstrators from Sunni Arab insurgents, although Sunni Arabs saw the move as an attempt to stake the Kurdish claim to Kirkuk through armed force. The governor and provincial council chairs of Kirkuk resigned on March 15, 2011, and a member of the Turkmen minority that is numerous in Kirkuk became the new council chair. The current governor is, like his predecessor, a Kurd; he is Najmaddin Karim, a longtime Kurdish activist in the United States before he moved back to Iraq following the fall of Saddam Hussein. Most, but not all, *peshmerga* had withdrawn from Kirkuk as of April 1, 2011.

Government Response and Prospects

The government was able to defuse popular unrest with varied measures. 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, 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.

Other government actions appear intended to assert long-standing positions. For example, in response to the unrest, 12 out of 28 members of the Najaf provincial council petitioned to convert the province to a “region,” as provided for in the constitution. Although the petition meets the constitutional requirement (one-third of a provincial council filing a petition) to start that process, it is not clear that a referendum will achieve a popular majority in the province to accomplish that transition.

Another component of the response was to appoint several technocrats to permanently fill cabinet slots in ministries that deliver services to the public. In a wave of appointments on February 13, 2011, an Iraqiyya technocrat, Raad Shallal, was appointed minister of Electricity and Power. In addition, Municipality and Public Works minister Adel Mohder was named, as were appointments to be ministers of state for tribal affairs, civilian community affairs, and national reconciliation. Shallal was removed in August 2011, most likely as a scapegoat for continued electricity shortages, although the stated cause of his removal was a failure to follow proper procedures in signing \$1.7 billion worth of power plant construction contracts with Canadian and German firms.

The government also used a modest amount of repression. In early June 2011, in advance of the June 7 “100 day” deadline, the government detained several dozen activists in order to preempt protests. Additional steps have been taken since to curb protests, including tolerating pro-government thugs to beat demonstrators on June 10, 2011. Either because of the repression or because of lack of popular support, demonstrations that continue have been relatively scattered and small.

General Human Rights Issues

U.S. and international officials say they expect the 2010-2014 government to make further progress establishing rule of law and adherence to international standards of human rights. The State Department's report on human rights for 2010 released April 8, 2011, largely repeated the previous year's characterizations of Iraq's human rights record as follows: "Extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread and severe human rights abuses."²¹ 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.

Trafficking in Persons

The State Department's Trafficking in Persons report for 2011, released on June 27, 2011, places Iraq in "Tier 2 Watch List." This is one rank below Tier 3, the lowest ranking. The relatively negative rating is on the grounds that, during the reporting period, Iraq did not demonstrate evidence of significant efforts to punish traffickers or proactively identify victims. The report says the Iraqi government has a written plan that, if implemented, would go a long way toward complying with minimum standards for the elimination of trafficking and, for that reason, was not given a Tier 3 ranking.

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. The State Department human rights report for 2010 noted numerous laws that restrict press freedoms, and instances in which officials have beaten or intimidated journalists who try to do their work. In some past cases, Maliki has sued publications that have written articles alleging corruption or nepotism on his part.

One issue that troubles human rights activists is a draft law on freedom of expression. The draft reportedly allows authorities to curtail rights in order to protect "the public interest." The draft was approved by the Council of Ministers (the cabinet) on May 16, 2011, and remains under consideration in the CoR. The draft allows for peaceful protest but would require demonstration organizers to obtain a permit.

Labor Rights

A 1987 (Saddam era) labor code remains in effect. Although Iraqis are legally allowed to join 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. However,

²¹ <http://www.state.gov/g/drl/rls/hrrpt/2010/nea/154462.htm>.

some of the February 2011 street demonstrations protesting lack of services have included demands for more worker rights.

Religious Freedom/Situation of the Christian Religious Minority

In regard to human rights, a major concern is the safety and security of Iraq's Christian population, which is concentrated in northern Iraq as well as in Baghdad. The situation of Christians is addressed in the State Department's "July–December 2010 Religious Freedom Report," released September 13, 2011. The report noted "no change" in the status of respect for religious freedom by the government for the reporting period, but did list numerous attacks on the community's houses of worship and its clergy. The report praised the COR's November 2010 approval of a document calling on the government to protect Iraq's Christians.

Attacks on members of the community appear to occur in spates. 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 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 112th 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.

Before the 2010-2011 rounds of violence against Christians, about 400,000 Christians had left Iraq since the fall of Saddam Hussein—a large proportion of the approximately 1 million–1.5 million Christian population that was there during Saddam’s time. Christian priests have been kidnapped and killed; 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 reflect the precarious situation for Iraqi minorities.

Corruption

The State Department human rights report for 2010 contains substantial detail on the relative lack of progress in curbing official corruption. The report discusses political and other factors that have caused anti-corruption institutions, such as the Commission on Integrity, to be regularly thwarted or hampered in attempts to investigate and prosecute corruption. The COR has its own Integrity Committee that oversees the executive branch and the governmental anti-corruption bodies. Some note that efforts to rein in official corruption have faltered because no comprehensive anti-corruption law has been passed.

Mass Graves

As is noted in the State Department report on human rights for 2010, the Iraqi government continues to uncover mass graves of 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.

Camp Ashraf

The Iraqi government treatment of the population of Camp Ashraf, a camp in which over 3,000 Iranian oppositionists (People’s Mojahedin Organization of Iran, PMOI) have resided, is an indicator of the government performance on human rights. 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. Maliki reiterated in November 2011 that the Camp will close at the end of 2011 and the U.N. High Commissioner for Refugees, the European Union, and other organizations are working to relocate the Ashraf residents within or outside Iraq to avoid violence or forcible expulsion from the Camp when Iraq enforces its closure deadline. Following international criticism, in late December 2011 Maliki announced that the residents could be relocated as late as April 2012, and he signed an agreement on December 26, 2011 with the United Nations to relocate the population to former U.S. military base Camp Liberty. The PMOI did not immediately accept the agreement, demanding that U.S. troops guard the residents during any relocation. This issue is discussed in substantially greater detail in CRS Report RL32048, *Iran: U.S. Concerns and Policy Responses*, by Kenneth Katzman.

Regional Dimension

For Iraq's neighbors as well as for the United States, the stakes in the outcome of the political process in Iraq have been high. Still at odds with Iran on virtually every issue in the Middle East, the United States has considerable concerns about Iranian influence in Iraq. Senior U.S. officials, include then Secretary of Defense Gates, argued that one compelling reason to keep some U.S. troops in Iraq past 2011 is to ensure that Iran does not gain preponderant influence in Iraq. These fears are shared by Iraq's Sunni Arab factions who see Iran as supporting the domination of Iraq by Maliki and other Shiite leaders.

Iran

Some argue that the decision to withdraw all U.S. troops will benefit Iran, and represents a success for Iranian strategy in Iraq. 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. However, to counter the impression that Iran might benefit from the complete U.S. pullout, 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.

That theme was echoed by Secretary of Defense Leon Panetta. That same day, he said Iraq, even without U.S. troops present there, would be able to counter any threat from Iranian influence or from Iran-backed Iraqi Shiite militias. However, doing so relies heavily on Iraqi cooperation and, as noted, the U.S. consulate in Basra has come under some rocket fire from Sadrist and other Shiite militias.

Prime Minister Maliki has tried to disabuse experts of the idea that Iran will exercise undue influence over post-U.S. military Iraq. In his 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...

Still, in the days after the U.S. withdrawal that was completed December 18, Iran announced it would welcome closer defense ties to Iraq.

Still others see Iranian influence as less political than economic. Observers report that Iran is heavily promoting brands of its products, such as yogurt and jams, in Iraqi shops primarily in southern Iraq. Some Iraqi businessmen are said to resent what they believe is Iranian dumping of cheap products in Iraq which is depressing the development of Iraqi industries.

Syria

Another question is whether Iraq will help or hinder U.S. policy in Syria, which is a close ally of Iran. Maliki's government may believe that the likely successor to Bashar al-Assad of Syria, should he fall, would be mostly Sunni Arab and likely to be close to Saudi Arabia, Turkey, and Jordan, and less friendly to Iraq than Assad is now. U.S. policy is that the government of

President Bashar Al Assad has lost legitimacy due to its extensive use of force against peaceful protesters, and should step down. Iran has invested resources (advice, technology, and possibly some types of weapons) to try to protect the Assad government from the large demonstrations since March 2011. During March 2011- August 2011, Iraq, as did Iran, refrained from sharp criticism of Syrian President Bashar Al Assad for using military force against protests in 2011. During that same period, Maliki received high level business and other delegations from Syria in a show of support for his government. In September 2011 Iraq moved closer to the Iranian position by calling on Syrian President Bashar Al Assad to make major reforms or risk unrest that could spill into Iraq itself. Still, both Iraq and Iran have opposed any calls for President Al Assad to step down and both are perceived as wanting his regime to remain in power. Iraq opposed the Arab League move in November 2011 to suspend Syria's membership.

Turkey's concerns focus mostly, although not exclusively, on northern Iraq, which borders Turkey. Turkey has historically been viewed as concerned about the Iraqi Kurdish insistence on 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. In August 2011, Turkey conducted the latest in a historic pattern of periodic bombardments and other military operations against the PKK in Iraq. In September 2011, Turkey said it would likely conduct joint operations with Iran against PKK and anti-Iran Kurds (Free Life Party, PJAK) based in Iraq. In October 2011, Turkey sent troops into northern Iraq to attack PKK bases following the killing of 24 Turkish soldiers by the PKK.

Gulf States

Iraq also remains at odds with some of the Sunni-led Persian Gulf states who have not fully accommodated themselves to the fact that Iraq is now dominated by Shiite factions. Saudi Arabia still has not, to date, opened its embassy in Baghdad, a move Saudi Arabia pledged in 2008 and which the United States has long urged. The other Gulf countries have opened embassies and appointed Ambassadors to Iraq.

A possible indication of greater acceptance of the Iraqi government by the state it once occupied (1990-1991) came when Kuwait's prime minister visited Iraq on January 12, 2011. Maliki subsequently visited Kuwait on February 16, 2011. 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 which deducts 5% from Iraq's total oil revenues). However, mutual suspicions persisted, and in August 2011 Iraqi politicians accused Kuwait of intruding on Iraq's oil through slant drilling at the border.

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, although there is no evidence that he has had any direct role in the Bahrain unrest.

Wind Down of the U.S. Military Mission

A complete U.S. withdrawal from Iraq was required by 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. This was strictly implemented by U.S. forces, to the point where U.S. forces pulled out of locations in the restive Mosul area and from Sadr City, where U.S. commanders felt U.S. forces should stay. Maliki hailed this interim milestone as a "victory" and declared it a national holiday.

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

With the end of 2011 deadline in the SA for all U.S. troops to be out of Iraq approaching, continuing high profile attacks, fears of expanded Iranian influence, and perceived deficiencies in Iraq's 650,000 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 potential for rifts among major ethnic and sectarian communities to widen to the point where Iraq could still become a "failed state" unless some U.S. troops remain. Still others noted that U.S. troops are required to ensure that the Kurd-Arab tensions in northern Iraq do not escalate into all-out conflict. In his semi-annual report to Congress dated July 30, 2011, the Special Inspector General for Iraq Reconstruction (SIGIR) stated that Iraq has become less safe in the past twelve months than it was previously. Renegotiating the SA would require discussions with the Iraqi government although not necessarily a formal vote of the Iraqi COR.

Others feared an escalation of high profile attacks if all U.S. forces withdrew. For example, on October 13, 2011, five explosions targeting Iraqi police forces shook Baghdad and killed at least 22 people, mostly police officers. A spate of major bombings in November and December 2011 all had multiple casualties. Many blame much of the continuing violence on Al Qaeda in Iraq, which was assessed to have about as many as 1,000 members in Iraq, as noted above. The SIGIR and other reports also note Shiite militia operations as a factor in Iraq's future stability.

Despite doubts, in public, U.S. officials, as well as Prime Minister Maliki in a *Washington Post* op-ed published December 5, 2011, expressed full confidence in the ability of the ISF to secure Iraq on their own. U.S. officials have been publicly praising the dramatic progress of the Iraqi Security Forces (ISF) over the past two years to prevent such security incidents from leading to an unraveling of Iraq's political system. U.S. Army Major Gen. Jeffrey Buchanan said on August 17, 2011, two days after a wave of bombings discussed above, that the Iraqi government can defeat the extremists carrying out such attacks. In arguing for a continued U.S. presence after 2011, U.S. officials couched their ongoing concerns about the ISF primarily in terms of questioning Iraq's ability to defend its airspace and borders, and assert that the ISF continues to need U.S. training. Some of these concerns were reflected in an October 2011 audit by the SIGIR on potential deficiencies in the training program for the Iraqi police forces as that responsibility was transferred from Department of Defense to Department of State on October 1, 2011.²² Iraqi comments, such as an October 30, 2011, statement by Iraqi Army chief of staff Lt. Gen. Babaker Zebari, to that effect that Iraq would be unable to execute full external defense until 2020-2024, reinforce those who are pessimistic about Iraq's prospects without U.S. forces present.²³

²² <http://www.sigir.mil/files/audits/12-006.pdf#view=fit>.

²³ "Iraq General Says Forces Not Ready 'Until 2020.'" Agence France Presse, October 30, 2011.

U.S. Efforts to Convince Iraq to Request A Continued U.S. Military Presence

The purpose of many high-level U.S. visits and statements in early-mid 2011 was to urge the Iraqis to consider making such a request. On April 22, 2011, then Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, on a visit to Iraq, said U.S. logistical and operational considerations required that an Iraqi request for U.S. troops to remain in Iraq beyond 2011 come within a few weeks of his visit.²⁴ Prime Minister Maliki told visiting Speaker of the House John Boehner, during his April 16, 2011, visit to Baghdad, that Iraqi forces were capable of securing Iraq after 2011, but that Iraq would welcome U.S. training and arms after that time.²⁵

Subsequent to Boehner visit, Maliki appeared to lay the groundwork for a possible extension of the U.S. presence. He stated that a request for U.S. troops might be made if there were a “consensus” among political blocs, which he defined as not necessarily unanimity but at least 70% concurrence.²⁶ This statement appeared to be an effort to isolate the Sadr faction, which has been 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 a decision on whether to request U.S. troops remain, and that such a decision be affirmative given the continuing need. Joint Chiefs Chairman Mullen, on an August 1, 2011, visit, his last to Iraq before leaving his post on September 30, 2011, again stressed the urgency of any Iraqi request. The visit appeared to galvanize the Iraqi political system to make a firm decision and, on August 3, 2011, major factions (except the Sadrists) gave Maliki their backing to negotiate an SA extension. Press reports indicated that the Defense Department shaped its final withdrawal schedule to allow for certain units to remain if a U.S.-Iraq agreement to keep U.S. troops materialized very late in 2011.

Secretary Panetta said on August 20, 2011, that it is likely that Iraq would request a continued U.S. presence primarily to train the ISF but possibly to help secure Iraq more broadly, adding that negotiations underway between the two countries would shape the size and scope of the post-2011 U.S. presence. As of early September 2011, a figure of about 15,000 U.S. troops, reflecting recommendations of the U.S. military, was being widely discussed.²⁷ 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, after 2011.²⁸ Many experts and some Members of Congress criticized that figure as too low to ensure force protection and carry out the intended missions. The Administration responded that no decisions on the size of the post-2011 U.S. force had been made. For its part, Iraqi officials said on September 22, 2011, that COR debates over its 2012 budget (estimated at \$110 billion total) delayed Iraqi approval of the post-2011 U.S. mission because Iraq did not know how much money it will have available for its share of the costs.

President Obama Announces Decision on Full Withdrawal

The difficulty in the negotiations became clearer on October 5, 2011, when Iraq issued a statement that it agreed on the need to keep U.S. military personnel in Iraq as trainers, but that

²⁴ Schmidt, Michael and Tim Arango. “Iraq Must Decide Within Weeks If U.S. Troops Will Stay Past 2011, Top Official Says.” *New York Times*, April 23, 2011.

²⁵ Prashant Rao. “Maliki Tells US’ Boehner Iraqi Troops Are Ready.” *Agence France Presse*, April 16, 2011.

²⁶ Aaron Davis. “Maliki Seeking Consensus on Troops.” *Washington Post*, May 12, 2011.

²⁷ Author conversations with Iraq experts in Washington, DC, 2011.

²⁸ Eric Schmitt and Steven Lee Myers. “Plan Would Keep Military in Iraq Beyond Deadline.” September 7, 2011.

Iraq would not extend the legal protections contained in the existing SA. That stipulation failed to meet the requirements of the Defense Department, which fears that trying any American soldier under the Iraqi constitution (which states that no Iraqi law shall contradict Islam) could lead to serious crises at some stage. With little evident Iraqi flexibility, 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. The last U.S. troop contingent crossed from Iraq into Kuwait on December 18, 2011.

After the withdrawal announcement, senior U.S. officials, including Defense Secretary Leon Panetta, stated that the United States would still be able to help Iraq secure itself using programs commonly used with other countries. Some detail was provided at a hearing on November 15, 2011, before the Senate Armed Services Committee, at which Secretary Panetta and Chairman of the Joint Chiefs of Staff General Martin Dempsey testified the following:²⁹

- An Office of Security Cooperation – Iraq (OSC-I), under the authority of the U.S. Ambassador to Iraq, would continue to train and mentor the Iraq Security Forces (ISF). OSC-I, which reportedly will have nearly 1,000 total personnel, of which – and subject to apparently successful subsequent negotiations with Iraq—about 147 will be U.S. military personnel and the remainder mostly contractors. The office, working out of the U.S. Embassy in Baghdad and 10 locations around Iraq, will help train and mentor the Iraqis, and manage nearly 370 Foreign Military Sales (FMS) cases totaling over \$9 billion arms sales to Iraq. 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.
- The United States will continue to cooperate with Iraq on counter-terrorism, naval and air defense, and cooperation through joint exercises.
- U.S. personnel will continue to be “embedded” with Iraqi forces as trainers not only tactically, but at the institutional level [by advising Iraqi security ministries and its command structure]. Ongoing discussions with the Iraqis will determine whether these personnel would accompany Iraqi forces on counter-terrorism missions.
- There will be approximately 16,000 total U.S. personnel in Iraq after all U.S. troops are out, most of which will be contractors. Of the contractors, most will be security contractors protecting the U.S. Embassy, U.S. consulates in Basra and Irbil, and State Department and OSC-I facilities throughout Iraq.

The withdrawal—and perhaps the political crisis that broke out immediately after the completion of the withdrawal—has provoked some criticism of the Administration. Some argue that U.S. gains have been jeopardized by the full pullout and that the Administration should have pressed Iraqi leaders harder to allow a U.S. contingent to remain. Those who support the Administration view say that political crisis was likely no matter when the U.S. withdrew and that it is the responsibility of the Iraqis to resolve their differences.

²⁹ Senate Armed Services Committee. “Senate Armed Services Committee Holds Hearing on Iraq Security Issues.” November 15, 2011.

Regional Reinforcement Capability

There are reportedly has been consideration within the Administration about trying to station additional forces in the Gulf states after the withdrawal from Iraq, presumably to be in position to assist the ISF were it to falter, and to demonstrate continuing U.S. interest in Iraq's security. The United States has defense cooperation agreements with all six Gulf Cooperation Council (GCC) states to access their military facilities and, in several cases, to station forces and preposition even heavy armor. The United States reportedly proposed to station about 4,000 additional U.S. forces in Kuwait, over and above those there already to support U.S. rotations into and out of Iraq.³⁰ These forces would presumably be available to intervene in Iraq quickly. There does not appear to be firm agreement, to date, to host additional U.S. forces, but Kuwait has always extended all possible cooperation with the United States when Kuwait's own security is at stake, which could be the case in this situation. At the November 15, 2011, hearing cited above, Joint Chiefs Chairman Dempsey advanced a version of this options saying "it would be my view that we should have some kind of rotational presence [of additional U.S. forces in Kuwait], ground, air, and naval." However, suggesting this option has been discarded, deputy National Security Adviser Ben Rhodes told journalists that "There are not really plans to have any substantial increases in any other parts of the Gulf as this war winds down."³¹

Future Bilateral Relations Under the Strategic Framework Agreement

The separate Strategic Framework Agreement (SFA), signed and entered into effect at the same time as the SA, presents a framework for long-term U.S.-Iraqi relations. U.S. civilian aid programs are intended to fulfill the objectives of the Strategic Framework Agreement, according to State Department budget documents.

U.S. officials have indicated that the intent of the Strategic Framework Agreement is 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. These objectives, and the reliance on civilian aid programs to achieve them, have become even more central now that U.S. military personnel will not be in Iraq after 2011. The SFA provides for the following (among other provisions):

- 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.

³⁰ Pauline Jelinek. "Kuwait, US Still Talking About Troop Plan." Associated Press, November 7, 2011.

³¹ "The Cable: Foreign Policy's Josh Rogin." Washington Post, December 22, 2011. p. 17.

- Cultural cooperation through several exchange programs, such as the Youth Exchange and Study Program and the International Visitor Leadership Program.

In his October 21 withdrawal announcement, President Obama announced that Maliki would visit Washington, D.C. on December 12, 2011, to discuss the way forward in the relationship. President Obama added in his statement that, through assistance programs such as those discussed above, the United States would be able to continue to develop all facets of the bilateral relationship with Iraq, help Iraq strengthen its institutions, and “partner with an Iraq that contributes to regional security and peace...”³² The bilateral relationship was the focus of a visit to Iraq by Vice President Biden in early December 2011, just prior to the 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.

State Department As Lead Agency Post-2011

As the U.S.-Iraq relationship evolves into a more normal government-to-government relationship, virtually all of the responsibility to retain U.S. influence in Iraq falls on the State Department. The State Department became the lead U.S. agency in Iraq as of October 1, 2011, with all attendant responsibilities. In July 2011, as part of the transition, the United States formally opened planned consulates in Basra and Irbil. Embassy branch offices are in various stages of opening in Mosul and Kirkuk, although there are continuing security issues in Mosul.

There is a vibrant U.S. debate over whether the State Department, using security contractors, will be able to fully secure its personnel in Iraq. A staff report of the Senate Foreign Relations Committee, released January 31, 2011, expresses substantial skepticism.³³ No matter the outcome of that debate, State Department officers will continue to promote Iraqi political reconciliation and peaceful dispute resolution, as well as economic ties, cultural ties, educational ties, and broader relations under the Strategic Framework Agreement. **Table 4** provides information on U.S. assistance to promote Iraqi democracy and peaceful political competition and consensus building. If Iraq’s major factions have permanently shifted away from supporting violence and toward peaceful political competition, some might argue that U.S. funding has contributed to that transition. Others might argue that the change was caused by numerous factors, such as the improvement of security and rejection of foreign terrorist influence, and that it is virtually impossible to assess the contribution made by U.S. assistance.

³² Remarks by the President on Ending the War in Iraq.” <http://www.whitehouse.gov>, October 21, 2011.

³³ Senate Foreign Relations Committee. “Iraq: The Transition From a Military Mission to A Civilian-Led Effort.” S.Prt. 112-3. January 31, 2011.

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
Total Seats	325	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-FY2012 Request

(appropriations/allocations in millions of \$)

	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	Total FY2003- FY2011	FY2012
IRRF	2,475	18,389	—	10.0	—	—	—	—	—	20,874	—
ESF	—	—	—	1,535.4	1,676.8	429.0	541.5	382.5	?	4,890	325.7
Democracy Fund	—	—	—	—	250.0	75.0	—	—	—	325.0	—
IFTA (Treasury Dept. Asst.)	—	—	—	13.0	2.8	—	—	—	—	15.8	—
NADR	—	—	3.6	—	18.4	20.4	35.5	30.3	?	138.0	—
Refugee Accounts (MRA and ERMA)	39.6	.1	—	—	78.3	277.8	260.0	300.0	—	1,251.8	—
IDA	21.8	—	7.1	.3	45.0	85.0	50.8	42.0	—	269.0	—
Other USAID Funds	469.9	—	—	—	—	23.8	—	—	—	493.7	—
INCLE	—	—	—	91.4	170.0	85.0	20.0	702.0	?	1,183.0	1,000.0
Foreign Military Financing	—	—	—	—	—	—	—	—	—	—	1,000.0
IMET	—	1.2	—	—	1.1	—	2.0	2.0	?	8.3	2.0
DOD - ISF Fund	—	—	5,391	3,007	5,542	3,000	1,000	1,000	1,500	20,440	—
DOD - Iraq Army	51.2	—	210.0	—	—	—	—	—	—	261.2	—
DOD - CERP	—	140	718	708	750	996	339	263	70	3,958	—
DOD - Oil Repair	802	—	—	—	—	—	—	—	—	802	—
DOD - Business Support	—	—	—	—	50.0	50.0	74.0	—	—	174.0	—
Total	3,859	18,548	6,329	5,365	8,584	5,042	2,322	2,721	1,570	55,085	2,327

Sources: State Department FY2012 Foreign Operations Congressional Budget Justification; SIGIR Report to Congress, April 30, 2011; and CRS calculations.

Notes: Table prepared by Curt Tarnoff, Specialist in Foreign Affairs, on December 1, 2011. FY2011 amount is appropriation/allocation figure available to date. 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 \$5.7 billion. IG oversight costs estimated at \$322 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.

Table 4. Recent Democracy Assistance to Iraq

(in millions of current \$)

	FY2009	FY2010 (act.)	FY2011	FY2012 (req.)
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
Totals	304.62	286.9	169.33	202.0

Source: Congressional Budget Justification, March 2011.

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. Musa Daqduq, Hezbollah allegedly responsible for killing American soldiers, transferred to Iraqi control in December 2011 for Iraqi trial.
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 re-accelerated 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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