

# Avoiding Iraq's fragmentation

Barah Mikail

»» As Iraq heads towards parliamentary elections on 30 April, violence continues. Tensions have reached a new peak and a further degeneration of the security situation looks eminently possible. The risk of regional spill-over effects is considerable. External actors – such as the United Nations (UN) and the Arab League – need a nuanced appreciation of these security risks as they contemplate how they can help defuse tensions. Crucially, they must find a way to limit the authoritarian tendencies of Prime Minister Nouri al-Maliki (who currently looks likely to remain prime minister) as a core part of their approach to pull Iraq back from a new conflict. After more than 10 years of violence, this should entail supporting a more decentralised model of institutional development.

## DRIVERS OF INSTABILITY

Iraq's current unrest is due to three main factors: terrorist attacks, political disagreements and a paucity of good leadership.

Terrorism is one of the main dangers that currently loom in Iraq. The Islamic State in Iraq and al-Sham (ISIS, formerly al-Qaida in Iraq, AQI) remains active. It threatens the Iraqi population, the government and neighbouring countries. When conflict erupted in Syria, AQI found an opportunity to open a new regional front. It soon claimed a strong

## HIGHLIGHTS

- On the eve of parliamentary elections, a combination of political and sectarian divides, poor governance and terrorist attacks continue to add to instability in Iraq.
- Inter-communitarian divisions between Sunnis, Shiites and Kurds within Iraq are mirrored throughout the Middle East region, with the risk of domestic and regional tensions fuelling each other.
- While facing many political obstacles, progress towards decentralisation in Iraq offers the best option to prevent further destabilisation and preserve the unity of the country.

»»»»» presence in several strategic Northern Syrian towns (including Homs, Azaz, Raqqa, and Abu Kamal).

ISIS now operates on several fronts simultaneously. In Iraq, its actions in the towns of Fallujah and Ramadi led to a violent confrontation with the army, and the re-awakening of political tensions between the central government and Sunni tribes that had been put on hold since the end of the US-supported anti-al-Qaida surge strategy in 2008. In Syria, ISIS is battling against various Islamist groups – as part of their effort to become the leading Sunni militant group – including Jabhat al-Nusra (JAN), the Islamic Front, Ahrar al-Sham and the Army of the Mujahedeen. And in Lebanon, ISIS claimed responsibility for a car bomb attack in one of Hezbollah's bastions in early January 2014.

Iraqi Prime Minister Maliki justifies his ongoing quashing of popular protests against his authoritarian rule in Sunni-populated areas by claiming to be fighting against 'terrorism'. However, his brutal tactics have provoked popular radicalisation in these areas without succeeding in weakening ISIS. Indeed, as long as Arab Sunnis feel they are discriminated and persecuted, ISIS will be strengthened. This combustible combination renders the Iraqi state increasingly precarious. According to the United Nations Assistance Mission to Iraq, the total number of civilian casualties (including police) in 2013 has been the highest since 2008, with 7,818 killed (6,787 in 2008) and 17,981 (20,178 in 2008) injured.

Profound and persistent political issues add to Iraq's problems. Since it was first elected in 2005, the parliament has failed to address the country's most acute challenges. Three important issues are still pending today: the adoption of a national hydrocarbons law that would provide a legal framework for investment in the hydrocarbon sector; a tighter definition of what the constitutional provisions on Iraq as a "federal" republic means in practice; and the organisation of referendums in the governorates of Diyala, Kirkuk, Salaheddin and Ninawa to

determine the future of these territories. Disagreements over these issues reflect the national climate of political crisis and inter-communitarian tensions.

Oil stands as the most serious obstacle to Iraq's political reconciliation, first and foremost because of the disagreements between the central government and the Kurdistan Regional Government. Oil and gas are Iraq's main source of revenue but Kurds in the North want to get the largest percentage possible of the benefits. The same applies to the South. Between 2008 and 2010, former Minister of Oil Hussein Shahrstani (2006-2010) redistributed the concessions for the exploitation of Iraq's oil resources, and invited more than 100 foreign companies to express interest in the country's oil prospects.

But the government failed to agree with local authorities on the share that must go to each of the local Iraqi oil companies. The row between Baghdad and the Kurdistan Regional Government has stalled further progress. Likewise, the South Oil Company, a subsidiary of the Iraq National Oil Company, wants the central government to redistribute its share of the yearly revenues retroactively (dating back to 2010).

On the political side, from 2011 Prime Minister Maliki has gradually sidelined his most threatening Sunni opponents, including Deputy Prime Minister Saleh al-Mutlaq and Vice-President Tareq al-Hashimi. Maliki is also suspected by his critics of being involved in attacks that targeted the convoys of two other Sunni opponents of his policies, Usama al-Nujayfi and Rafi al-Issawi. These actions have intensified tensions between Maliki's coalition – the State of Law Alliance – and other political parties. Divisions along sectarian lines have come to dominate Iraqi politics. Maliki's authoritarian

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methods are widely regarded to have deepened the divide among the Sunni, Shiite and Kurdish communities. That said, none of Iraq's three main communities is itself fully united. Politics is still corrupt and autocratic. Most politicians act for their own interests, devoid of any strong belief in democracy and the rule of law.

Maliki has sought to build cross-sectarian political alliances with the objective of increasing his chances of winning the April 2014 elections. To broaden his support base, he has opened the State of Law Alliance to representatives of other communities. But this tactical move is largely symbolic and so far ineffectual. None of the Kurds, Turkmens or Shabaks that have joined him is highly popular or representative. Plus, he now confronts some significant political rivals, including former (Shiite) Prime Minister Iyad Allawi and (Sunni) Speaker of the Parliament Usama al-Nujayfi. Yet, the other camps are divided. Hence, April's election could return a similar result to those of 2005 and 2010, with Maliki winning a third mandate. This could take Iraq to the brink of fragmentation.

### REGIONAL RISKS

Iraq's main communities have counterparts across the Middle East. This is why the country's inner divides are mirrored in tensions at a regional level. Inter-communitarian fault lines are serious; but their eventual regional reach remains uncertain.

Iraq's internal dynamics reinforce the regional relevance of the Kurdish question. Syrian Kurds have sought an equivalent of the state of semi-autonomy enjoyed by Iraq's Kurds. Members of the Democratic Union Party (PYD) have taken the opportunity of the Syrian crisis to press for a more autonomous government, apparently based on an agreement with the Syrian regime. Though Iraq and Syria's Kurdish communities do not constitute a single block – both are internally divided –, Turkish Kurds' hopes for a similar degree of autonomy in the future have been reinforced, even if they are unlikely to press for

that at this stage. Iran's Kurds are, for the moment, too weak to press the regime in Tehran.

Iraq's complex Sunni politics have a read over to Syria too. Following the Arab Spring, some Sunni tribes decided to support Syrian opposition groups. They provided logistical and financial support to armed rebels in Syria. Many Sunni Iraqis seem to believe in the benefits of overthrowing the non-Sunni Bashar al-Assad and have him replaced by a Sunni regime. Two dimensions prevail here, one based on sectarian loyalty, the other on a Sunni feeling that they lost considerable power and social ranking with the fall of Saddam Hussein. Many Iraqi Sunnis believe their own position would be strengthened if Syria had a Sunni regime – on the grounds that this would provide a counterbalance to Maliki's pro-Iranian policies. However, Sunnis in Iraq and in Syria are not united over whether they should support Assad or the rebels, and they have not pursued any kind of 'pan-Sunni' strategy.

Shiites in Iraq do not constitute a coherent block either. Furthermore, their involvement in Syria's conflict has been limited, with the exception of Asaeb Ahl al-Haqq, a battalion that split from Shiite Moqtada al-Sadr's Jaysh al-Mahdi in 2004 and that is said to have a presence in Lebanon too. The Islamic Supreme Council of Iraq, the Fadhlila party, the Dawa party and several other parties and militias have been focused on internal issues and have not yet established a strong regional presence. While spiritual Shiite authorities in Iraq (the *Maraje*) have followers across the Muslim world, they have generally not encouraged their bases to interfere in regional political issues. A noteworthy example is the case of Ayatollah Ali Sistani, the most popular and venerated *Marja'*, who made the choice of not interfering (officially, at least) in politics. Even where absorbed by very local, community agendas, Shiites retain their *'asabiya wataniya* (feeling of national belonging).

Few Iraqi parties explicitly advocate sectarian-based partition. They want to avoid being accused of pouring oil on current fires. Rather, local communities are battling over the kinds of



»»»»» competences that the central government should devolve. Yet more serious territorial fractures remain a risk. If legally confirmed, Maliki's recent decision to turn the cities of Halabja, Tuz Khurmatu and Talafar into provinces, as well as his plan to do the same for the Nineveh plains and Fallujah, which entails redrawing some of the existing provincial borders, could fuel further sectarian violence.

Maliki's re-election would engender anger on the part of Arab Sunnis and Kurds. Victory for another candidate might radicalise Maliki's supporters. In short, sectarian tensions are real and serious, but the driving dynamic is opposition to the authoritarianism of Maliki's government. Sectarian violence and fragmentation can still be held at bay through political means.

### **THE FEDERAL SOLUTION**

Iraq's partitioning into several geographic and ethnic entities is not yet a foregone conclusion. But Iraq will struggle to weather another four years (a full parliamentary term) of insecurity, authoritarian rule and strong political disagreements. The country can be stabilised, if a more inclusive political model is devised. Therefore, it is important for Iraqis to clarify what kind of institutional rule could help defuse political tensions. The adoption of an adequate formula for federalism could help unlock change through progressive decentralisation. However, this prospect remains distant given the apparent lack of political and popular support within the country. Discreet external pressure to pursue decentralisation would be of considerable help but does not appear forthcoming either, as pointed out in the next section. That said, Iraqis must decide now whether they prefer to preserve the unity of the country, including a semi-autonomous Kurdistan, or continue to drift towards fragmentation.

Iraqis are very suspicious of the concept of federalism since it generally translates in their

mind into the word 'partition'. During his two mandates, Maliki avoided any push in favour of federalism, because he wanted to give the illusion that tough policies and centralisation were required to avoid the country's partition. Based on this record, it is difficult to foresee Maliki changing his mind on federalism if he gets re-elected. The country's constitution states that Iraq is a democratic, federal, representative, parliamentary republic. However, the adoption of legislative measures to turn these constitutional provisions into practice would require broad consensus in a parliament torn by sectarian-based, ideological and Islamist/secular disagreements.

In July 2013, with the support of the United Nations Development Programme (UNDP) and the United Nations Economic and Social Commission for Western Asia (UNESCWA), the Iraqi parliament passed an amended Provincial Powers Act that agreed to transferring by 2015 certain powers from seven central ministries to the provincial level, with a number of security powers being delegated to governors. But while this decision was welcomed as a step towards a decentralised federal system, its implementation is lagging behind, especially because of Maliki's attempts to concentrate a maximum of powers in his hands.

Any reform would need to build on and adjust to realities on the ground in a country fraught by multiple divides among communities. Decentralisation would require a clarification of the borders of the geographical entities that would benefit from new powers, taking into account certain particularities but avoiding sectarian-based administrative divisions. For instance, Kurdistan has its own local institutions represented by the Kurdish Regional Government and the Kurdish parliament. Any eventual form of federalism would have to recognise this *fait accompli*. The other 15 provinces may win less autonomy than the Kurdish Regional Government (which represents three Kurdish provinces), but they would gain some powers, as well as maintain both their current borders and association to the Iraqi state.

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Beyond the Kurdish region, giving more powers to each of Iraq's other 15 provinces would not necessarily lead to the emergence of a 'Sunnistan' or a 'Shiistan' in Iraq. Though Iraq's provinces have clear sectarian majorities, decentralisation based on current provincial borders can preserve the unity of the state while sectarian and ideological divides would be tempered. Provincial councils would be responsible for organising elections and dealing with political, economic and social issues at provincial level, which could strengthen accountability. If citizens feel they belong to both the province they live in and the Iraqi state, tensions would likely diminish. Plus, as long as decentralisation gives each of the provinces equal prerogatives, they would find fewer reasons to engage into rivalries with each other. The Iraqi central state would keep its sovereign rights (in defence, foreign affairs, finance, security and other key legislative competences). However, agreement with the government would still be needed on the sharing of oil revenues.

Any other form of decentralisation would only add more complexity to Iraq's problems and bar the road towards a federal Iraq. For example, a redrawing of internal provincial borders or encouraging communities to mix with each other before decreeing further decentralisation is not politically realistic. The majority of Iraqis could interpret such a move as a provocation, similar to Saddam Hussein's previous attempts to 'Arabise' Kurdish-populated areas. Likewise, a sectarian-based or ethnic-based decentralisation would risk empowering communities while increasing Iraq's political tensions. It could lead to a unification of each of Iraq's main communities behind strong local leaders, leading to tenser inter-communitarian divisions. Plus, the splintering of communities would surely attract more regional interference. Gulf countries would support Sunnis while Iran would seek to develop more influence within Shiite communities. Kurds and Christians would more likely be supported by Western states. But Kurds would also have to deal with additional Turkish suspicions towards them. The result could be that Iraq becomes a proxy theatre for regional rivalries.

## THE POTENTIAL ROLE OF THE INTERNATIONAL COMMUNITY

The international community must be ready to cope with whatever results emerge from the 2014 legislative elections. It can contribute to Iraq's transition to federalism through progressive decentralisation by playing a discrete but important role at the political level. The divided Iraqi political class is very unlikely to move quickly on this issue, which is why external support may be required. At the same time, this would entail a shift in the position of key regional actors, which have so far looked at Iraq mainly through the prism of sectarian divides and have not invested in strengthening the Iraqi state.

Some members of the international community are well-placed to exert discreet influence on Iraq's political class. Iraqis, for example, do not view the UN and the Arab League with hostility. A UN-backed Arab League plan of support to any Iraqi constitutional transition process towards a federal structure may be required to help convince the government and MPs. Such a plan should come with the appointment of qualified legal and constitutional specialists that would monitor its implementation. The future role of the Arab League will crucially depend on the role of heavyweights therein, such as Saudi Arabia and Qatar.

More broadly, regional countries that have an active role in Iraq (Iran) and those that are pessimistic or fearful over its future (Saudi Arabia, Kuwait, United Arab Emirates) could help considerably by proclaiming their support for whatever political formula Iraqis reach. The chances of this move are slim at the moment. But the prospect of a further destabilisation of Iraq may suggest a new calculus in regional capitals on how best to preserve respective interests in the volatile country. In addition, since the Organisation of the Islamic Conference is a moral body that Muslim communities in general – and Sunnis in particular – perceive as unbiased, its proclaimed support for such a process would considerably strengthen the prospects for success.



»»»»» On the Western side, the US and the UK have a negative image in Iraq. Any direct contribution from their side would probably be counterproductive. But the backing of this plan by the EU could help achieve progress. Granted, the EU could only adopt a low profile and act discretely because of the population's reluctance to deal openly with Western actors. That said, the EU should be prepared to contribute to a long-term transition towards federalism based on the conditions outlined in the previous section. For example, it could appoint constitutional advisers and dedicate significant funds to an Iraqi transitional process, and encourage more private-sector investment. The development of better economic prospects and job-creation would be vital for convincing Iraqis that decentralisation can benefit the population as a whole, making them less likely to focus on sectarian-based matters and bringing more security.

International bodies and non-governmental organisations could also be important contributors to Iraq's transition to federalism and good governance via a coordinated development effort. Day-to-day prospects for ordinary Iraqis are undermined by insecurity, nepotism, corruption, a lack of financial transparency, and human rights abuses. According to the World Bank, 28 per cent of Iraqi families live below the poverty line, the infant mortality rate is close to that of Djibouti and Yemen, service delivery is unreliable, only 40 per cent of Iraqis are employed, and economic growth is vulnerable to oil price fluctuations, not forgetting the impact of the grim security situation. Working with civil society organisations, UNDP would be the best placed body to coordinate such a development strategy. But it would need to dedicate adequate financial and human resources to such

undertakings, while support should prioritise the following areas: health, anti-corruption, justice, the rights of minorities along with youth, local and national economic projects.

## **CONCLUSION**

The outcome of the April 2014 elections is unlikely to lower Iraq's internal tensions. This is why it is important to de-escalate tensions by engaging a positive track to decentralisation. This will be an uphill struggle, but developing Iraq's federal system would carry two advantages: it would help dealing with Iraq's problems in a peaceful way, while offering an experience of institutional reform that could become relevant to some other countries in the region. Otherwise the risk of partition will become greater in Iraq, which would set a negative precedent for other countries torn by confessional, political or tribal tensions such as Bahrain, Libya, Saudi Arabia, Syria, and Yemen.

*Barah Mikail is senior researcher at FRIDE.*

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**e-mail: [fride@fride.org](mailto:fride@fride.org)  
[www.fride.org](http://www.fride.org)**