

## *IIST IRAQ CRISIS Report - 2012*

# **Maliki and the Rest: A Crisis within a Crisis**

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*[This is IIST's fifth strategic conflict assessment report researched October 2011-May 2012. For previous reposts, consult our website: [www.iraqstudies.com](http://www.iraqstudies.com)]*

The multifaceted crisis engulfing Iraqi politics since the US final withdrawal in late 2011 may look like a continuation of the same Hobbesian ‘war of all against all’ that has beleaguered Iraq’s polity and society; in point of fact it is the war of ‘one against all’, pitching State of the Law (SOL)’s head, Iraqi Prime Minister Nuri al-Maliki and his growing Da’wa party, not only against Sunnis, but also against, the Provinces, Kurds and some Shi’i allies, particularly the *al-Ahrar* bloc, the official name of the Sadr Movement. On the surface, the crisis began with an arrest warrant issued against Vice-President Tariq al-Hashimi and a number of his security staff on alleged charges of terrorism (17 December 2011) and the concurrent dismissal of Deputy PM Salih al-Mutlaq; but ended up with a wider confrontation, inviting an array of broad forces working either to constrain and limit the PM’s seemingly unlimited powers, or, if need be, unseat him through a no-confidence motion. Maliki may well seem firmly in the saddle, concentrating the reins of power in his own and loyalists’ hands, and receiving somewhat favourable ratings in recent polls (following his showdown with Hashimi/Mutlaq and subsequently with Iraqi Kurd President Barzani/Turkish PM Erdogan).

Yet the potential to have him removed from office cannot be altogether discounted, as three major blocs challenge the PM: al-Iraqiya, the Kurdistan Alliance (KA), and *al-Ahrar*. The latter forms the backbone of the National Coalition (*al-Itlaf al-Watani*) inclusive of Ja’fari, Hakim, Sadr and Ya’qubi of *Fadhil* (Virtue Party). Iraqiya, at present, wields some 85 seats (after allowing

for withdrawals and new affiliations), the KA has 43, Kurdish *Goran* has 8, Kurdish Islamists have 4+2; and the Sadrists have 40; altogether numbering 180-182 and exceeding the 163 quorum required. Thus, *theoretically*, the potential for a no-confidence vote has been growing, if each bloc maintains both internal cohesion and commitment to collective objectives, and if ‘political money or largesse’, or interest-group maneuvering fail to buy votes. Paradoxically, it is not Iyad Allawi of Iraqiya who is spearheading the anti-Maliki drive, but rather Barzani and Sadr, the very 2010-saviors of Maliki. The nuances of the crisis show a political landscape that is far from merely complex.

The root causes of the current crisis are ramified, and, in part, have direct links to Maliki’s strategy that has developed from one of survival (2006-8) to one of mega-centralized power (2010-present). His methods of implementing it and the consequences flowing from them invited broad opposition that eventually reached his parliamentary base, which resulted in a schism within the United Iraqi Alliance (*Tahaluf Watani*). A trans-ethnic and trans-communal broad alliance has emerged for the first time in the post-2003 transition, perhaps ushering Iraq into an embryonic phase of pan-national politics revolving around redefining the basics of division of power and institutional checks and balances.

## **Background of the Current Crisis: From Survival to Authoritarian Strategy**

In 2006 Maliki was ‘selected’ by the United Iraqi Alliance (UIA is the single Shi’i bloc) as a replacement to Ibrahim al-Ja’fari following strong US-Kurdish-Sunni pressures to replace Ja’fari (PM throughout 2005, the one year term of the Constituent Assembly that drafted the constitution). Ja’fari was not only a prosaic man of words, but also a bad tactician, who, by dint of his rapprochement with Iran and unfriendly moves against the Kurds, not to mention his strong sectarian character, unwittingly antagonized all other players, save the UIA. His replacement, Nouri Maliki, by contrast, was seen by his Shi’i proponents in the UIA, and his Kurdish-Sunni opponents as a weak figure, most convenient for them. First, he was living in obscurity; second his Da’wa party had only a dozen or so of the seats in parliament (the shares of UIA, 148 out of

274 seats, were divided at will by the strong leaders: the late Aziz al-Hakim of *Majlis al-Islami*, Sadr, and, to some extent, Grand Ayatollah Ali Sistani)<sup>1</sup>.

The ‘weak-man’ theory was the invention of Aziz al-Hakim, but embraced to heart by president-to-be Jalal Talabani, accepted lukewarmly by Masoud Barzani, and reluctantly believed by Iyad Allawi and his allies. Indeed, the Da’wa party was the weakest link in the UIA, and Maliki was not so strong a figure in the Da’wa party. The very idea of blocking Ja’fari in a second term seemed a valuable political asset of setting a precedent to assert the primacy of the parliament and its influential blocs.<sup>2</sup> In a sense, both Hakim and Sadr were the two giants overshadowing Shi’i politics, each of whom feared the rise of the other at his own expense, and both opted for a third ‘weak’ actor.<sup>3</sup> A similar, though slightly different, logic prevailed among others: a weak PM in Baghdad would allow more latitude for Kurdish federal or con-federal desires<sup>4</sup>; and for Iraqiya, Maliki was an easier pray to target.<sup>5</sup> All proved wrong. The weak-man theory was based on personal traits, not institutional capacity or international and regional factors. A strong-man with weak institutions, meager revenues, and no international and regional support is weak; a weak-man with growing state institutions, revenues, and external back-up is, by definition, strong. But this is to anticipate.

Indeed Maliki was timid, but only in the early years of his first term in office. While that was enough to secure the support of Hakim, Sadr, and the Kurds, it also explained the *Don Quixotic* nature of the attempts to topple Maliki’s cabinet by the Iraqiya and Virtue blocs, who withdrew their cabinet ministers triggering a major political crisis, at a time when the US and Maliki were focused on a mid-course change of strategy to curb the sectarian war.<sup>6</sup> In the meantime, Sadr and Hakim were escalating their semi- and extra-institutional armed effort in the sectarian conflict, to win the ‘Savior’ title amongst their communities, and to build their own militia-embedded power bases against each other, and, consequently, against Maliki. Sadr-Badr frictions weakened both contenders vis-

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<sup>1</sup> Consult the results of the late 2005 elections for the National Assembly.

<sup>2</sup> Interviews with Jalal Talabani advisors, Baghdad, Beirut.

<sup>3</sup> Interviews with Aziz Hakim advisors, Baghdad, Beirut.

<sup>4</sup> Interviews with Jalal Talabani advisors, Baghdad, Arbil and Beirut.

<sup>5</sup> Interviews with Iyad Allawi and his advisors.

<sup>6</sup> Rend al-Rahim, “Political Progress in Iraq during the Surge,” *USIP Special Report* No. 196, December 2007.

à-vis Maliki, who at last, took the bold measure to strike at the *Mahdi* Army in 2008. His campaign, code-named ‘Operation Knights’ Charge’ (*Sawlat al-Fursan*), was conducted mainly in Basra (but also in Missan, Baghdad and elsewhere via negotiations) and quelled extra-institutional armed activities, removed an internal Shi’i challenge, garnered greater US support, and temporarily gained Iranian wrath.

Undoubtedly, Maliki emerged stronger than ever, with wide middle class support, whose yearning for a civil and normal life, at least in the South, far surpassed the need for sectarian militia protection. The consequences were soon clearly felt in the 2009 provincial elections: the rise of *Da’wa* and the relative decline of all others. In ten provinces (Baghdad plus all southern governorates) there are now seven governors directly from *Da’wa* and three independents supported by it. (Consult the results of the provincial elections below).

**Table 1 Provincial Elections 2009**

المجموع Total	الحزب الإسلامي العربي <sup>7</sup> The Islamic Party	القائمة العراقية الوطنية Allawi- Iraqiya	تيار الأحرار المستقل Sadr- Tiyar al- Ahrar	قائمة شهيد المحراب والقوى المستقلة Hakim- Shaheed al- Mihrab	ائتلاف دولة القانون State of the Law- Maliki	المحافظة Province
7.5	7.5	0.0	0.0	0.0	0.0	نينوى Ninawa (Mosul)
9.2	0.0	9.2	0.0	0.0	0.0	الأنبار Al-Anbar
24.1	0.0	19.2	0.0	0.0	4.9	صلاح الدين Salahudin (Tikrit)
20.9	0.0	12.7	0.0	0.0	8.2	ديالى Diyala
75.1	0.0	10.8	11.0	6.7	46.6	بغداد Baghdad
66.5	0.0	7.6	13.5	18.1	27.3	بابل Babylon (Hilla)
49.8	0.0	0.0	14.9	15.0	19.9	كربلاء Karbala
90.1	0.0	11.8	14.8	24.8	38.7	واسط Wasit (Kut)
68.6	0.0	0.0	19.0	23.7	25.9	النجف Najaf
75.3	0.0	12.5	9.8	17.6	35.4	القادسية Qadisiya(Diwani ya)
45.0	0.0	0.0	9.6	16.4	19.0	المثنى Muthana (Simawa)
78.2	0.0	0.0	21.9	18.2	38.1	ذي قار ThiQar (Nasiriyah)
84.9	0.0	0.0	26.5	26.5	31.9	ميسان Misan ('Amara)
88.1	5.5	4.7	7.8	16.7	53.4	البصرة Basra

<sup>7</sup>The Islamic Party does not put forth its official name in several provinces.

## The Roots of the Crisis:

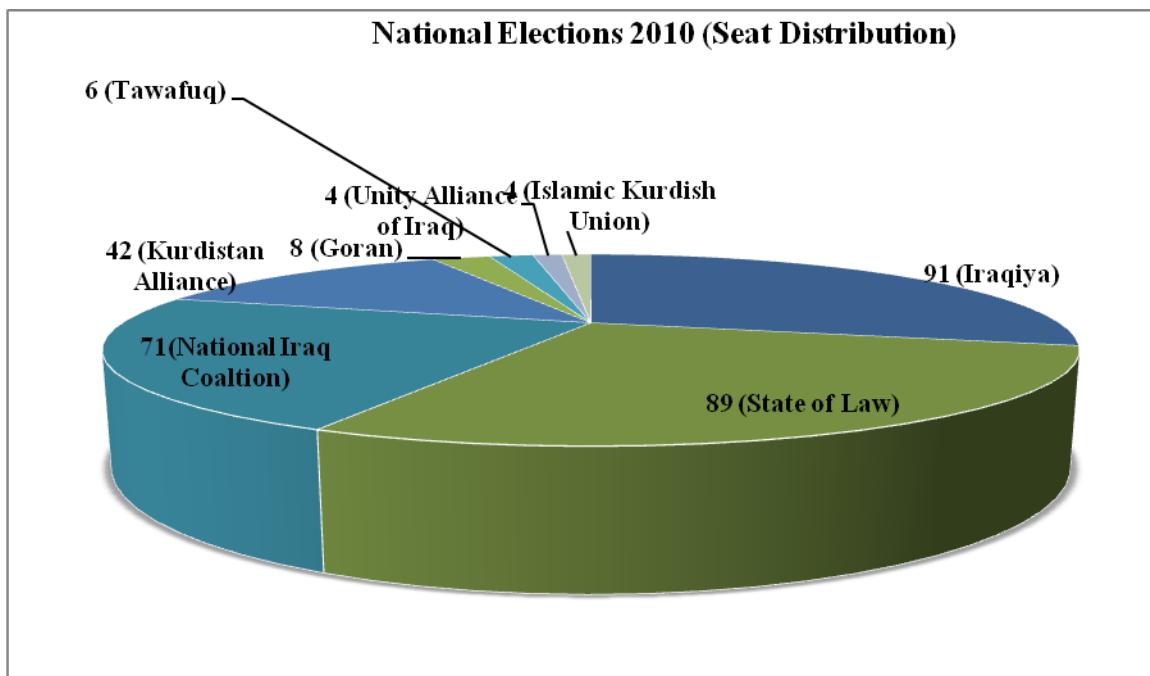
If Maliki began his premiership as the ‘weakest link’, he ended up at the end of 2009 as a strong, decisive statesman: his ‘Law and Order’ campaign was, for all intents and purposes, successful. Much credit goes to the US Surge and General Petraeus’ tactics to lure the *Sahwa* (Awakening) Sunni groups away from al-Qaeda and the Restorationists, and also the campaign to dislodge Sadr’s *Mahdi Army* from Basra, which was to Maliki’s credit. Challenging Iran on this score was another plus point. Lastly, his limited, but widely publicized, showdown with the Kurds (in Khanaqin, Diyala province), and the tough negotiations he had with the US over the Strategic Agreement won him the support of anti-militia, anti-Kurdish, anti-Iran, and, to some extent, anti-US segments.

His over self-confidence betrayed itself in the public onslaught he initiated in late 2009 against a basic principle of political life: consociationalism (*Tawafuqiya*), a new concept in the Iraqi political glossary, denoting broad communal based coalition governments. Anti-consociation was the prelude to Maliki’s over-centralization tendencies that ran counter to the federal structure of the state. It also contradicted the very fact that no community had absolute majority in the parliament, the very condition for the formation of any government in any democracy; and no single party had or might expect to have the monopoly of communal representation. This applies to all groups, even now, and shows a dual-dynamic in operation: competition is as much between communities as within them. Like *Janus*, the Greek god of doorways, quest for supremacy has, at least, two faces.

Thus, the 2010 general elections was the first to have two Shi’i Islamic camps. By dint of Sistani’s *fatwa*, *Marji’sm* (supreme religious authority) steered clear of all parties, and granted freedom of choice for the Shi’i electorate. Religious symbols (Sistani’s images) were prohibited, both by Sistani’s office and the Maliki cabinet. The result had Hakim’s *Majlis* reduced to a small partner; Sadr, although in exile in Iran, won considerably; and Ja’fari performed poorly. The three altogether received 70 seats. The relative supremacy of Maliki among his communal peers, 89 seats, was problematic. The whole Shi’i Islamic bloc was short of the 164 threshold to form a government, and Maliki’s candidacy for premiership was challenged by Iraqiya’s 91 seats, a slight edge ahead of all, but

enough to secure the status of the largest electoral group which, according to the letter of the constitution, is entitled to form the government (See Table 2, all seat figures are those won in the first count, i.e. before the reallocation of the votes of the losers).

**Table 2 – National Elections 2010**



Total Seats	Total Votes	Political List	
89+2	2,849,612	Iraqiya	1
87+2	2,792,083	State of Law	2
70+1	2,092,066	National Iraq Coalition	3
5+1	298,226	Tawafuq	4
3+1	150,063	Unity Alliance of Iraq	5
42	1,681,714	Kurdistan Alliance	6
4	243,720	Islamic Kurdish Union	7
8	476,478	Goran	8
8+2	61,153	Others (minorities)	9

It took ten arduous months (between March-December 2010), to find a way out of the Maliki-versus-Allawi impasse. A vote recount was denied, and a partial recount failed to change the results. Pressure from Iran and Syria was mounted to obstruct Allawi and support Maliki. Accordingly, Sadr changed direction, not without pressure from Tehran, and given his weak position, he acquiesced.

Talabani and his lieutenants were still adherents to the weak-man theory. Barzani was more cautious and put forward a list of 15 conditional points.<sup>8</sup> The US mediatory effort failed to push the two-Premiership plan through (two years for Maliki, and two years for Allawi), but secured support for the creation of a National Council for Strategic Policies to be headed by Allawi. This was defined in what has come to be known as the ‘Arbil Agreement’ of 2010. Much of the crisis lies therein.

The rise of Allawi with a strong ex-Ba’thist presence triggered Shi’i fears and helped re-unite a divided Shi’i Islamist camp; but the Talabani-Barzani misgivings over the strong Ba’thist presence in Allawi’s bloc and their differences over Maliki, was another factor that contributed to the amorphous, incoherent and, even contradictory couching of the text of the Arbil Agreement. It mixed strategic objectives with petty immediate demands (sometimes in the same sentence), and is almost bereft of clear cut definitions, roaming into generalities, ambiguities, and vagueness.<sup>9</sup> Not to mention that the actual agreement was simply a conversation between Maliki, Barzani, and Allawi in a room, and written on a blank sheet of paper. Worst still was the Allawi-Barzani failure not only to secure a parliamentary vote to endorse the agreement, or to put forward a concise all-inclusive parliamentary package to create the National Council for Strategic Policies, but also their failure to nominate the Defense and Interior Ministries, let alone propose parliamentary by-laws to regulate the workings of a coalition cabinet. As the presidential veto power was no longer valid, according to the constitution, and as the Supreme Constitutional Court was becoming more submissive to the executive’s central authority, the whole system grew more fragile. The glaring loopholes would allow the over-centralist tendencies to move on forward, unabated.

## **Maliki’s Multi-layered Strategy:**

Maliki’s political thinking and perspectives should be examined within the general framework of the Iraqi nation-state problematique: this ‘nation’ was

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<sup>8</sup>Interviews with Talabani and Barzani advisors

<sup>9</sup>The text was authored by politicians; no constitutional jurist were included or consulted.

structured by the British on the basis of a Shi'i-Sunni alliance with an element of Kurdish accommodation. In practice this structure gradually changed, and lastly turned upside down following 1958. The end result: Sunni-military supremacy, and Kurdish marginalization. In 2003, the US, intentional or otherwise, re-invented the 'nation'-state on the basis of a Shi'i-Kurdish alliance, with an element of Sunni accommodation, in a shaky political condition. Part of this is the making of the Sunni-backed insurgency. US attempts to remodel the order into a cohesive Shi'i-Sunni-Kurdish alliance were too little and too late.<sup>10</sup>

Shi'i Islamic politicians had already developed the 'majority rule syndrome', couched not in the liberal origin (parliamentary majority), but rather in a sectarian idiom: demographic Shi'i majority = democratic majority.<sup>11</sup> In behind the scene discussions, these politicians openly admitted that 'if the Shi'i majority acquiesced to the Sunni minority rule, the Sunnis, by *the same standard, would come to terms with Shi'i majority rule.*'"

Maliki's major power strategy is mainly, but not exclusively, a replica of the 'demography = democracy' syndrome; but given the mythical nature of the 'the Shi'i imagined community' as one monolithic, or flock-like group, the realities of socio-cultural and ideological fracture lines cutting across communal lines rendered Maliki to expand the scope of his strategy to include, now, two elements: these two, seemingly complimentary moments, are actually sundry and conflictual: 1- the drive to majoritarian rule (in the communal, not parliamentary sense) and 2- the drive to single or overwhelming representation of Shi'is.<sup>12</sup> This implied reducing what is conceived as the representative of Sunni power to naught, and marginalizing rivals within the Shi'i community.

But Maliki's double-track strategy added two new elements: 3- a tendency towards a *centralized* (*versus de-centralized*) polity, and 4- a push towards a *unitary* (*versus federal*) political order, with or without Islamization of the

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<sup>10</sup> Actually, this was masterminded by General David Petraeus in 2004, when he was operation in Mosul. His removal delayed the attempt; when Petraeus returned to Iraq as the Commander of the Multi-National Forces-Iraq, he resumed his plans to co-opt large swaths of Sunni armed groups.

<sup>11</sup> Rend Rahim put it this way: demography=democracy; Rahim, 2007.

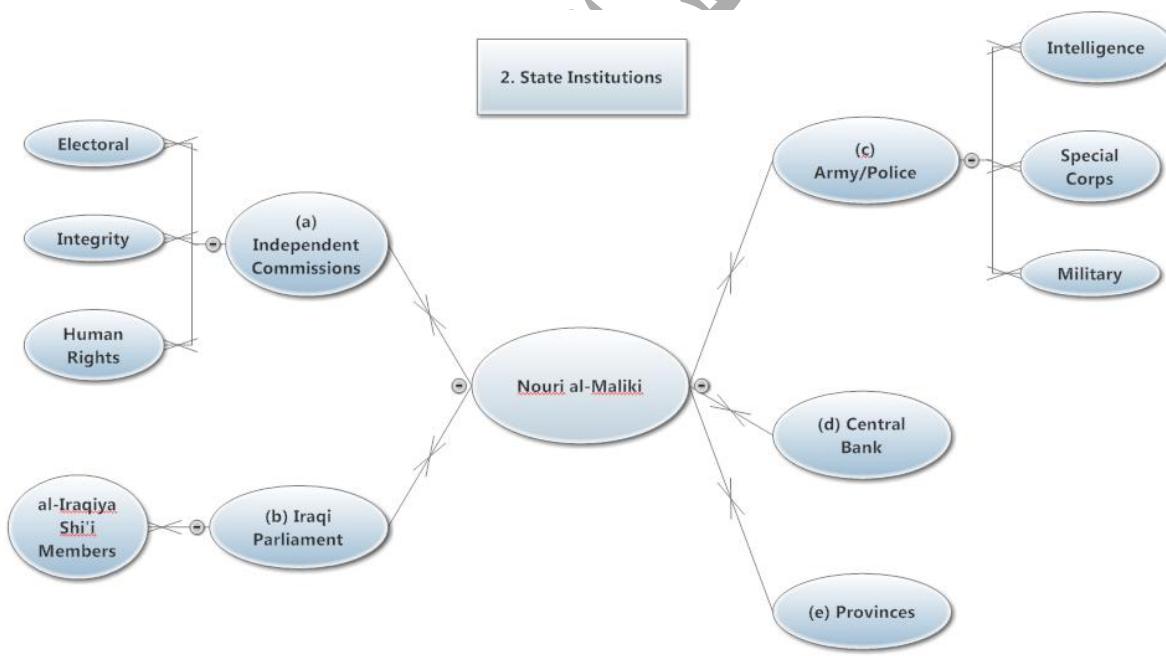
<sup>12</sup> These two concepts have different histories, but both were strongly developed before, during and after the US-led invasion; and more importantly during and after the US Surge in 2007-8, to curb the two flanks of the Sunni-Shi'i insurgency, *al-Qaida and Jaish al-Mahdi*, which had succeeded in enflaming a sectarian uncivil war.

polity. These last two elements developed unevenly overtime; both were part of an age-old political legacy of the country. At present, however, both imply conflicts with the federal and decentralized political order, antagonizing the KRG and the other Provinces (Governorates).<sup>13</sup>

Obviously these four major moments of strategic thinking were intricately overlapped, and not mutually exclusive. Nevertheless, Maliki focused his energies on the set of the first two aspects: majoritarian supremacy plus Da'wa primacy. In fact the two were, in the minds of their actors, identical.

The next section examines how the two sets of strategy components were laid out and how they eventually unfolded.

## Institutional Hegemony:



<sup>13</sup>Recent conflict assessments focused either on Kurds, or central/provincial confrontation, or the growing authoritarian tendencies at the federal level. The findings of this report suggest a more intricate complex of dormant and active tendencies in Iraqi and regional politics. See, among others, Ottawa and Kaysi, “the State of Iraq,” *the Carnegie Papers*, February 2012; International Crisis Group, “Iraq and the Kurds: The High-Stakes Hydrocarbons Gambit, *ICG Middle East Report* 120, April 2012; Sean Kane, Joost Hilterman and Raad Alkadiri, “Iraq’s Federalism Quandary,” *the National Interest*, 28 February 2012; Toby Dodge, “The Resistible Rise of Nuri al-Maliki,” *Open Democracy*, 22 March 2012.

### *Iraqi Security Forces (Army/Police)*

When Maliki assumed his office in 2006, capacity building and enhancement of the central institutions of power were in their infancy. He continued the process under highly unfavourable conditions (2006-7). Capacity-building and centralization of state institutions are in themselves benign within the confines of the federal, decentralized, and consociational structure. Due to the urgency of the 2006-8 conditions, concentration of decision-making and resources were necessary, though hasty and unbalanced. These measures were somehow tolerated or accepted under the precarious war conditions existing at that time. Capacity build-up and centralization went ahead, tainted by over-reliance on loyalists, hometown networks, and next of kin. Such centralization of decision and resources were hailed by the public as a tool to end sectarian war, but were loathed by other contenders/partners in the coalition as an overgrowth of personal and partisan power within state institutions. The opposition increased even stronger as the tendency to personalize and over-centralize state institutions continued to grow unchecked albeit the sectarian war receded, rendering this ‘temporary necessity’ not only superfluous but precarious.<sup>14</sup>

The most glaring example of this, a form of ‘hard power’, is the breakup of the chain of command of the security apparatus, which has been altered to link the paramilitary units, the senior armed forces commanders, and the intelligence services to the PM, personally.<sup>15</sup> At a regional level, operational commands linked the army and the police together under one regional organization – ultimately falling under a central office for regional command in Baghdad and allowing the PM or his functionaries to bypass ministerial and parliamentary oversight. At the national level, since the 2010 elections, Maliki has held, via himself and then hand-picked leaders, the Ministries of Defense and Interior, as well as the Iraq Special Operations Force, established in 2007 as an alternative mechanism for the PM to even more directly control a special force of about 6000. Currently, the almost million-man Iraqi Security Forces (ISF), and particularly the upper-levels of the leadership, including divisional commanders,

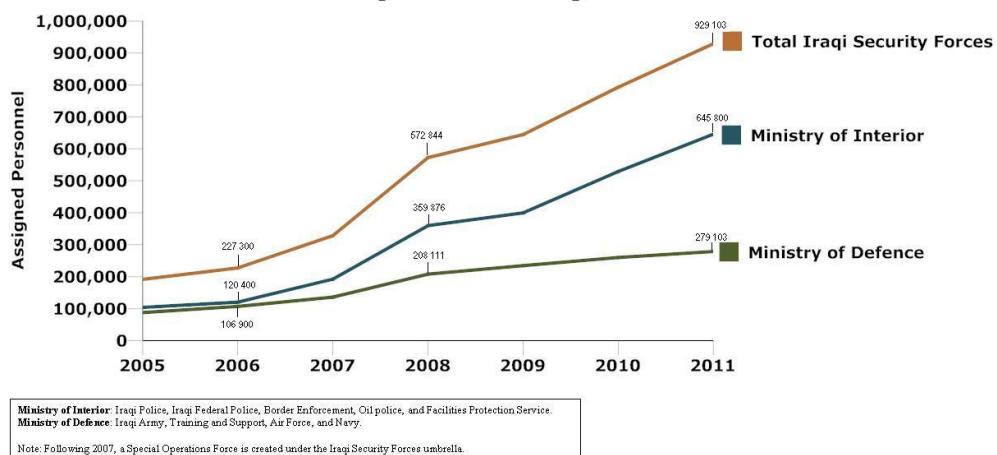
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<sup>14</sup> Several leaders overlooked the ‘personalization’ aspects of the PM’s policies because they were focused on ending the civil war. Although many of them were admittedly concerned, none publicly voiced their worries. Interviews.

<sup>15</sup> Dodge, 22 March 2012.

are Maliki-loyalists. Table 3 shows a rapid increase in ISF personnel, and more strikingly, unprecedented spikes in manpower are apparent for the years 2006 (Maliki's ascension to power), and 2008 (Operation Knights Offensive), and ultimately reached one-million by 2011 (centralization of the ISF, bypassing parliament).

**Table 3**  
**Iraqi Security Forces**



The Office of the Commander in Chief, created in 2007, is another platform to award loyal officers. The direct result of this administrative transformation and total-concentration can be seen in Maliki's influence in Baghdad's Green Zone. Beyond the power of his own son, Ahmad, who is in charge of much of Baghdad's security detail, the Baghdad Brigades (a group of elite forces created in 2008) enjoy an unchecked authority to detain prisoners and, reportedly, to use systematic torture to extract confessions.<sup>16</sup>

### *Independent Commissions*

Independent commissions, a brainchild of CPA head Ambassador Bremer, were enshrined in the 2005 permanent constitution, and were created as auxiliary monitoring organs to place additional checks and balances on the executive

<sup>16</sup> For the military and intelligence, see Dodge, 22 March 2012.

branch. The creation of provincial governments was part of a decentralization scheme to reduce the power of the centre, and enhance local- and grassroots democracy. The autonomous nature of commissions and governorates, and their free operation, were intolerable, and seemed incongruent with the centralization-personalization proclivities at the federal level. The strategy to reduce their autonomy aims to shrink civil society and minimize checks against executive power.

On 18 January 2011, a Constitutional Court ruling adjudicated authority of the Electoral Commission, the Integrity Commission, the Central Bank, and the Human Rights Commission, among others, to the purview of the Council of Ministers - more directly, under the PM's Office – and effectively rendered these institutions no longer independent. According to the constitution, these commissions were to be under parliamentary supervision. Controlling these bodies allows the PM Office to maneuver the legal and political processes in such a way that authority is no longer under the parliament, but rather under the PM's personal control. A major target was the Electoral Commission, perhaps to ensure that future votes and referendums, such as provincial referendums for autonomy (namely from Salahudin, Basra, Wasit, Diyala, etc.), never take place. Beyond this, the PM now had actual power to dictate the terms for provincial and national elections, and marginalize rivals via institutional means. The incarceration of the head of the Electoral Commission, Faraj al-Haidari, on 12 April 2012, signaled the new resolve. Under a similar tactic, control over the Central Bank was attempted and publicly asserted, with an intention to use currency reserves freely – creating an array of suspicions concerning the motives in this quest for direct control over issuing currency and dictating monetary policy whilst also managing the movement of funds, domestically and abroad. Controlling the Integrity Commission, moreover, allowed the PM to protect sensitive information concerning his proteges, while at the same time using alternative files in the collection against opponents (some 70 000 files<sup>17</sup>). After citing grievances against executive interference, the head of the commission, Rahim al-Ugaili, resigned in September 2011. With control over integrity, the

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<sup>17</sup>Interviews with Integrity Commission Officers.

terms of anti-corruption initiatives could now be dictated by executive functionaries at will.<sup>18</sup>

The parliament, albeit not very substantively, challenged this centralist hegemony in an attempt to protect the institutions. Speaker Nujaifi sent a letter that defended the Central Bank's independence and warned against any interference. 3-month renewals (occurring twice) of the Electoral Commission's mandate under head Haidari were another direct challenge by the legislators. Nevertheless, parliament lost much of its influence as a result of successive rulings by the constitutional court, to the point of undermining its authority.<sup>19</sup>

Looking at the makeup of the constitutional court that granted this undemocratic (in the sense of removing parliamentary checks and balances) authority sheds light into their decisions. Most of these members are well known professionals, impartial and respected for practicing in a manner of integrity; but some have been ultimately held hostage, in fear of their pasts.<sup>20</sup> A number of these senior jurists are ex-Ba'athists and have been in constant fear lest 'de-Ba'athification' measures would be used against them. The submissive character of the constitutional court has become a notorious feature of the system.<sup>21</sup>

A similar attitude was taken versus Iraq's provinces (governorates). The irony is that the group that once argued for a decentralized Iraq, namely Maliki's Da'wa Party, has now opted not only in favour of re-centralization, but has rejected provincial bids for greater autonomy. This is in defiance of Law 13 (2008) titled 'Law for the Creation of Regions', which establishes the formal process wherein autonomous regions can be formed. When the provincial councils of Basra and Wasit, for example, sent formal referendum requests under this law in 2010, Maliki simply (unconstitutionally) ignored them. Then, when Diyala attempted a

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<sup>18</sup>Interviews with senior staff members of the Higher Electoral Commission and Integrity Commission.

<sup>19</sup>Interviews with Iraqiya MPs.

<sup>20</sup>According to private sources, de-Ba'athification files are present and target many members of the courts.

<sup>21</sup>In a letter to several members of the constitutional court (dated 22 January 2011), the Iraq Institute for Strategic Studies (IIST) argued for the autonomy of the 'Independent Commission'. The response it received, however, was a miserable defense of centralism. Few referred to 'De-Ba'thification', as 'the sword of Damocles' hanging over their heads.

referendum on 12 December 2012, the request was not only ignored, but Iraqi forces were deployed to the region and established de-facto martial law.<sup>22</sup>

‘Benefits’ is another tactic. Lucrative business contracts and ‘gifts’ have been reportedly transferred to officials in the governorate of Salahudin, for example,<sup>23</sup> to stifle their autonomy movements. Unsurprisingly, they became more content. Beyond this, in a more aggressive strategy, funds mandated to provinces under the constitutional revenue distribution scheme were slowed down, or even checked, limiting thereby, intentionally or otherwise, the power of governorates. Defying the manipulation of financial installments, among other restrictive measures, 15 Arabic governorates signed a joint letter submitted to the PM Office in October 2011. In what has becoming too familiar, however, this attempt to quell centralist appetites was simply ignored. Few conciliatory measures may have soothed tensions but never resolved the issues.

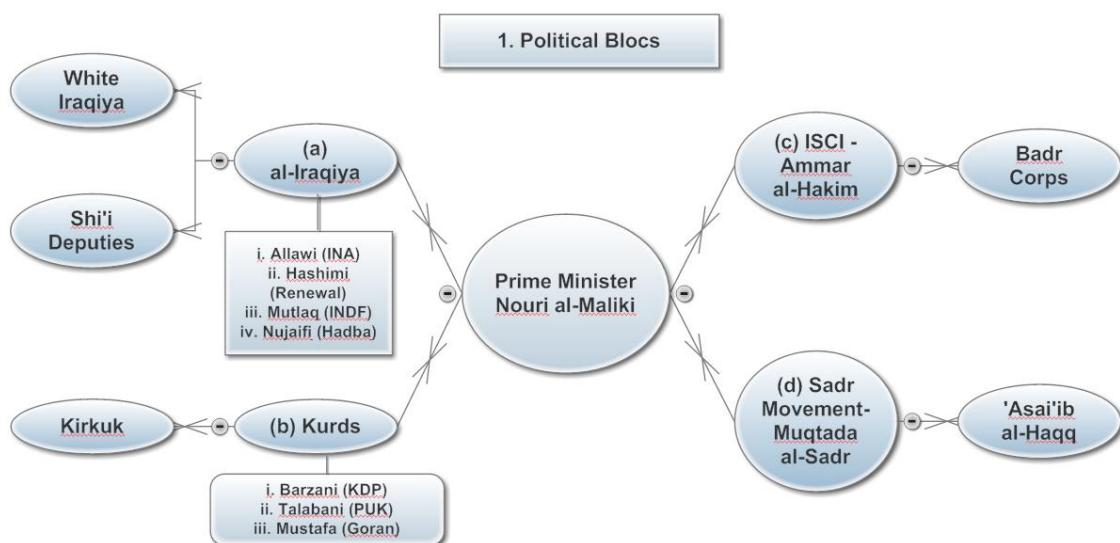
Finally, in addition to enjoying a complete monopoly over the Iraqi Media Network (IMN), the Iraqi free press, or what was left of it, became a target, considering that a majority of Iraqi media is subject to party interests. The advertisement market is almost entirely government funded, and this naturally led to a monopoly for the executive over the free press by means of economic influence. Iraqi ‘free press’ is now confined to partisan media, and it is only because of conflictual reporting that the public is not completely kept in the dark. In essence, bias reporting from each side has become the status-quo.

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<sup>22</sup> The best reportings on this score are: Ottaway and Kaysi, 2012; Kane et al, 2012.

<sup>23</sup> Interview with a leading member of the Governorate Council.

## Marginalizing the Political Blocs:



The major thrust of Maliki's campaign for his version of Shi'i supremacy was directed at Iraqiya, the challenger with the clearest potential to bring together Shi'i-Sunni non-Islamic groups.<sup>24</sup> Albeit its Shi'i segment is relatively thin, the potential to augment it seemed, in the eyes of SoL, an encroachment on the Shi'i vote, and consequently a looming threat. If the head of Iraqiya was the target of a calculated exclusion, blocking the formation of the National Council for Strategic Policies as envisaged by the Arbil Agreement, it was the Shi'i MPs in Iraqiya who were next to be severed by various methods, ranging from reported lucrative business contracts to disguised intimidation, or other means. Iraqiya MPs, from Basra, Babylon and elsewhere, left the bloc, reducing thereby its political weight. But the grand assault was directed against Iraqiya leaders: namely, Hashimi and Mutlaq. The scheme was systematized between June-October 2011, following the *Tahrir* Square marginal protests, and continued unabated under the garb of 'conspiracy theory'. Baghdad was awash with rumors of pending Ba'thist coups, and indeed some SoL figures talked publicly of a

<sup>24</sup> Iraqiya achieved some electoral gains in 4 Shi'i provinces (Babylon 3 MPs, Karaba 1 MP, Wasit 2 MPs, Thi Qar 2 MPs). It also fared well in mixed provinces (Basra 3 MPs, Diyala 8 MPs, and Baghdad 25 MPs - although these cities maintain a Shi'i populace greater than 70%. Taken altogether, apart from Baghdad, Iraqiya received 19 MPs in Shi'i provinces.

‘coup’ (*Inqilab*), which they later explained as meaning ‘reversal of the political process’. Usually, the ‘conspiracy theorists’ equate Ba’th with Sunni and both with Iraqiya. The massive arrests in the Salahudin (Tikrit) and Diyala provinces contributed to the reinforcement of this theme, and were a prelude to the uncovering of yet another ‘terrorist’ conspiracy which implicated Vice President Tariq al-Hashimi (Dec 2011). To enhance the impact, Da’wa networks organized massive street demonstrations in Basra and other major cities. In addition, Maliki’s team intensified efforts to win over the Arabs of Kirkuk away from Iraqiya, using their ‘tough’ stance against Barzani and the concerns of Arabs and Turkmen in that and other provinces. Lastly, the scheme was to create a new Iraqiya ‘leadership’. Few figures accepted the offer to play this role.<sup>25</sup> This, to a great extent, worked.

### ***Iraqiya’s Blunders:***

Much of Maliki’s success is of Iraqiya’s own making. Its 2010 outfit, while broad, was not in the least cohesive. It had four major leaders, and five factions. Internal divisions were no secret; and were glaringly visible throughout the ‘distribution’ of offices in December 2010. Almost all partners were eager to get their share, and in their greedy haste, left Allawi in the open. It is thanks to Maliki’s blunt assault against almost all Iraqiya leaders, including the speaker of the National Assembly, Nujaifi,<sup>26</sup> that they restored a degree of unity of purpose.

Iraqiya was also dense with ex-Ba’th figures and activists, a fact exploited to the utmost to link Iraqiya with the ‘Ba’th conspiracy theory’. Maliki’s Iraqi nationalist discourse of 2008-9 was accordingly replaced by a communal approach, depicting Iraqiya as the ‘representative’ of the Sunnis. Allawi and his aides made no effort to give a solemn pledge against any ‘restoration’, armed or otherwise, as stipulated in the constitution. This was all the more necessary, since Ba’th websites and leaders abroad notably instructed their affiliates to support the Iraqiya list, and also threatened a ‘pending comeback’, inviting a re-

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<sup>25</sup> Among the co-opted figures are Qutaiba Juboori, Mish’an Juboori, and Abdul Latif al-Hameem.

<sup>26</sup>Nujaifi was not and could not be unseated; yet, Maliki, in a telephone conversation with the speaker, threatened to remove him. The two exchanged harsh remarks in public.

invigoration of the de-Ba'thification crusade.<sup>27</sup> Thus ex-Ba'th support was not an electoral asset, but a political liability for Iraqiya.

Finally, the presence of Hashimi had a similar effect but in sectarian terms. An ex-medium ranking officer, and a mediocre politician by any standard, Hashimi was not in the habit of diplomatic representation of his awkward sectarian views, much to the embarrassment of Iraqiya, and much to the delight of SoL leaders.<sup>28</sup> His arrest was even a more devastating blow. An important aspect of this problem must be explained. Because of these liaisons with ex-Ba'th and ex-Sunni Islamist, part of their entourage, aides, bodyguards and the like, had been involved in clandestine armed activities with various groups, including al-Qaeda. Their inclusion in the entourage was perhaps meant to neutralize them. An attempt to purge these elements proved precarious, as was the case with ex-Deputy PM Zaubai, who, a few years ago, barely escaped an assassination attempt by his 'own' bodyguards. Out of fear of retribution by al-Qaeda<sup>29</sup>, Hashimi, among perhaps others, steered clear of vetting their staff, let alone pursuing any meaningful 'purge' or even standard 'security clearance'.<sup>30</sup>

Maliki also sought to weaken al-Iraqiya in the strategic cities of Mosul and Kirkuk. For the latter, he travelled to Kirkuk<sup>31</sup> in May 2012 and, called it an 'Iraqi city' in an effort to both garner support from the city's Arab and Turkmen residents away from al-Iraqiya, and send a clear, antagonizing, message to the Kurdish leadership.

### *Kurds, led by Barzani:*

The Kurdistan Alliance, and the Iraqi Kurd President Masoud Barzani, would not have become an integral part of the SoL-Iraqiya confrontation, had Baghdad

<sup>27</sup> It should be remembered that Salih al-Mutlaq and his brother, among others, were barred from candidacy shortly before the 2010 elections, only to be removed from the black list after hard negotiations.

<sup>28</sup> Interviews with Iraqiya leading figures and Maliki advisors.

<sup>29</sup> Interviews with Iraqiya figures.

<sup>30</sup> This aspect legitimizes 'security fears' on part of Maliki or any other administration official.

<sup>31</sup> In Kirkuk, Iraqiya received 6 out of 12 parliamentary seats, relying heavily on Turkmen and Arabs, both of which have deep concerns over the influence of the Kurds in the province and could easily be lured away from Iraqiya if and when the later cooperates with the Kurds. The same may well apply to some of Arabists in Mosul, where Iraqiya holds 20 seats, where similar concerns over Kurdish demands are present.

steered clear of exacerbating Hashimi's and other controversial issues. Federal-Kurdish relations have already been strained by a host of publicly known problems: the hydrocarbon law, Iraqi-Kurdish oil contracts, distribution of revenues, the disputed areas, the final status of Kirkuk, the status of the *peshmerga* (the paramilitary Kurdish formation), the national flag dispute, etc. Two not so widely circulated issues were also at work: the continuous dismissal of Kurdish officers from the regular army, and the confidential military report submitted to Maliki allegedly suggesting the ability to '*drive the Kurds back to the mountain*, once F16s are procured'.<sup>32</sup> Most of these issues have become a 'national folklore', implying low profile ongoing differences, and had no direct bearing on the crisis.

Hashimi's arrival in Iraqi Kurdistan, by invitation of President Talabani, and by dint of his mediatory effort with Maliki,<sup>33</sup> ignited a snowballing conflict between Maliki and Barzani. A war of words ensued, in which Barzani was now an 'accomplice', harbouring a fugitive, and the KRG was served a note to hand over Hashimi, although a confidential letter from Baghdad encouraged Barzani to facilitate the departure of Hashimi to Turkey.<sup>34</sup> Thus, Barzani was forcibly entangled in the general crisis. Maliki's hasty tactics and undiplomatic attitude towards Barzani was, by Kurdish standards, humiliating. And in the eyes of Barzani, it was adding insult to injury (the F16s threat). This ultimately led Barzani to up the stakes, in rhetorical terms, by threatening an independence referendum in Iraqi Kurdistan for 16 September 2012. While it is a card played by Barzani and clearly signifies his emotional level at any given time, it is still understood to be quite a weak threat.

Perhaps Maliki's boldness was rooted in his belief that his good relations with Talabani might prove to be an asset; whereas Barzani-Talabani differences would allow such maneuvering, and if Barzani ever sided with Iraqiya, he would not receive the full voting force of the Kurds.<sup>35</sup> In this sense, Allawi-Barzani

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<sup>32</sup>Barzani raised these issues in a TV interview on the *al-Hurra* Network, April 2012 and reiterated them shortly thereafter in Arbil at a meeting with a host of Iraqi Arab intellectuals, 6 May 2012.

<sup>33</sup>This is typical of Talabani; he salvaged Hashimi, but threw the burden on top of Barzani's shoulders.

<sup>34</sup>*Al-Hurra*, April 2012.

<sup>35</sup>Interviews in Arbil restated that Barzani did have differences with Talabani; the latter was in Baghdad in direct contact with actors, and more sensitive to Baghdad-based politics, whilst the former was not.

rapprochement was, on the one hand, to unite their common forces, but, on the other hand, to cause them potential or actual loss of allies. In a gesture of solidarity, however, Talabani put forward a letter of his resignation at the disposal of Barzani, signaling Kurdish solidarity. It may have also been a signal to Maliki implying the limited lengths he would go to oppose Barzani in order to salvage the PM. But the full-scale criticism waged by Talabani's close aides against Barzani,<sup>36</sup> and the criticism, verging on satire, against Iraqiya, was not out of context, but rather at the heart of it: the President was not in favour of the confrontation, and was more inclined to middle of the road compromises.

The 'Arabist' nature of Iraqiya, that caused concern among the Kurds in 2010, was apparently still at work, at least on part of the leaders from Talabani's Patriotic Union of Kurdistan (PUK). More to the point is the actual liaisons and interests that the Talabani teams have gained and established in Baghdad politics over the last six or so years. Barzani, however, was on the receiving end, and being the broker of the first Arbil Agreement, his status as well his political future seemed at stake. The divergence was clear. Thus, Arbil turned into a political hub for an anti-Maliki crusade; whereas Baghdad, where Talabani is based, turned into a hidden safe haven for engineering compromises.

### *Sadr, a Surprise Autonomous Move:*

The SoL-Sadr conflict was initially partly dormant and then partly active. It centered on the dealings of Maliki with a Sadr splinter group known as '*Asa 'ib al-Haqq*', (The League of Righteousness'). Official efforts to co-opt the group definitely alarmed Sadr, who made his concerns public.<sup>37</sup> The dissident faction had already been denounced by a *fatwa*, 'religious ruling'. But Sadr's rage surfaced right after the expulsion of Salih al-Mutlaq on the grounds that the latter had denounced Maliki as "a dictator, worse than Saddam". A note was served to the National Assembly to remove Mutlaq from office, and he was even denied access to his office, an unprecedented measure that, in the words of

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<sup>36</sup> Among the critical remarks was that Barzani never visited Baghdad, and has no experience or knowledge of politics at the federal, i.e. Baghdad, level. Such and other notes served in great passion revealed an early inclination to compromises.

<sup>37</sup> Sadr's aides spoke clearly of the growing power of Maliki and Da'wa. In their eyes, the Maliki of 2011 was not that of 2006: he was now stronger in institutional and legitimacy terms; his party was growing and in control of the provincial governments in nine governorates

Sadr and other figures, treated him as “a petty employee”, and revealed “flagrant arrogance on part of PM, Maliki.”<sup>38</sup> Indeed, shortly thereafter, Sadr responded in a clear challenge by publicly denouncing Maliki as “a dictator”. Again, a snowballing tit-for-tat followed. Sadr was served two mortifying notes by Maliki’s aides: a reminder of the murder case, of Majid al-Kho’i (assassinated on 13 March 2003 by Sadr’s followers in Najaf), and another reminder of the 2008 Basra ‘Knights Charge’, Maliki’s victorious crusade to dislodge the *Mahdi Army* and force Sadr to take refuge in Iran.

These hardly veiled threats were perhaps meant to hush Sadr up, but they backfired. It seems that the Maliki camp was still in the 2008 mind-set, oblivious to the changes thereafter. Sadr was no longer in exile and Iran was in no position to dictate his stance. Back in 2010, he reluctantly had to come to Maliki’s rescue during the parliamentary impasse. If Iran patronized him and his group as an asset in their strategic quest to force the US out, it also spared no effort to penetrate and manipulate at least part of his armed-men taking refuge in Iran, much to his apparent, but silent, distaste. Sadr was now a freer actor, conscious of what he once termed: “the faith commonality with Iran is *not* a commonality of political ends.”<sup>39</sup> Sadr’s Iraqi nationalist pride has all along been underestimated. In addition, his networks were back in full force, with iron-like discipline.<sup>40</sup> His status was enhanced by being the cardinal force in the National Coalition (*al-Itilaf al-Watani*). The concern versus the overgrowth of Maliki-Da’wa was a strong motive to unseat the latter. Perhaps the only obstacle setting some limits on this course of action was this: a move to unseat or curb the power of a Shi’i PM might publicly look like curbing the power of the Shi’i community at large.<sup>41</sup> But the survival instincts have been stronger.

The fate of the Badr Corp (*Failaq Badr*), headed by al-Amiri, who is now serving as Minister of Transportation, that broke away from Hakim’s *Majlis*,

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<sup>38</sup> Interviews.

<sup>39</sup> “*Wahdat al-Math-hab La Ta’niwahdafil al-Siyasa*”.

<sup>40</sup> Guests visiting Sadr’s office in Najaf (April 2012) to discuss a motion of no-confidence, were impressed by the reception: Two rows of young, well-dressed guards lined up from the Najaf airport down to the main headquarters. In addition, Sadr’s MPs and cabinet ministers were not invited to the meeting. The discipline and control contrasted sharply with the loose nature of the movement back in 2003-8.

<sup>41</sup> In fact, Grand Ayatollah Kazem al-Husseini al-Haeri issued a fatwa (June 2012) forbidding Shi’is from voting for secular groups – this was a warning against Sadr, who was allying with Allawi and Barzani.

drew clear parallels with Maliki's attempts to take Sadr's breakaway group under his wing. In other words, if the first leg of Maliki's strategy to enhance 'majoritarian' (i.e. Shi'i) rule garnered him a great measure of support, the second leg, that of seeking supremacy among the Shi'is, neutralized the effects of the first leg, at least as far as Sadr was concerned.

Sadr took a clear cut position in his visit to Arbil (April 2012), condemning Maliki's attitude that 'threatens to isolate the Shi'is from the Kurds and Sunni [Arabs]'. To thwart accusations of 'weakening Shi'i rule', Sadr faced Maliki with two alternatives: 'reform or remove'. Thus, his 15-day ultimatum for Maliki was soon followed by a series of futile meetings of the National Coalition, then the National Alliance, and again the National Coalition. At these, Hakim and Ja'fari betrayed their weaknesses and hesitations, due to fears of retribution and further marginalization by Maliki, and the latter firmly continued the same course.

## **Conspiracy Theory: the Perspectives of Maliki and his opponents**

How could Maliki pursue such an impudent and risky course? In the particulars, he relied heavily on his opponents' divisions, their six-year long proven impotence verging on inaction, and the existence of weak links that could be manipulated. But in general, he relied on conspiracy theory as a tool to bring about the disintegration of Iraqiya (a Sunni bloc in the official conception). Once victorious, his approval ratings would dwarf other Shi'i actors and crown him as the supreme Shi'i leader. The conspiracy theory has been a unifying electoral device, benefiting from the spread of communal identity politics; but it was also anchored in genuine traumatic Shi'i fears of the past, and of possible 'restoration', a fact that has been totally ignored by Maliki's rivals.

In the current crisis, conspiracy theory was not only overstated to absurd lengths, but its long impact was threatened by growing dissatisfaction over living standards. This explains why the 'conspiracy theory' was complemented by raising high expectations over the coming oil boom, when Iraq would presumably reach the 10 billion barrel per day threshold, propagated by the

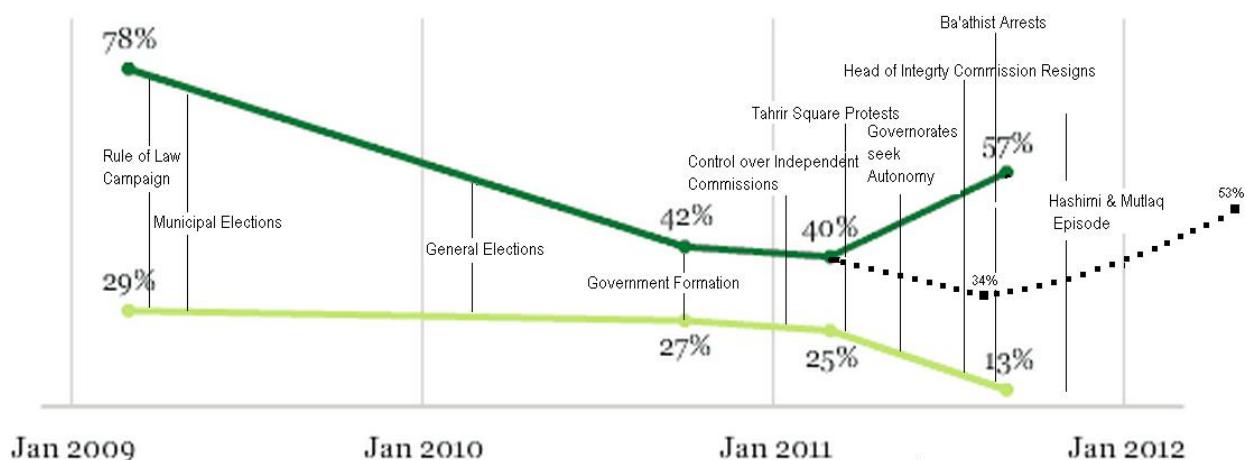
Ministry of Oil and by Deputy PM Shahristani. But Maliki's soaring ratings at the same time as when dissatisfaction over living standards was dramatically soaring signified the fragility of the conspiracy theory. This apparent contradiction was evident in a series of public opinion surveys by Gallup, titled "Discontent and Division in Iraq." They showed the PM's approval rating dropping from 78% (January 2009) to 40% (January 2011), which was at the height of Maliki's quarrel with the independent commissions and the governorates, and during the *Tahrir* square discontent. However, this was only to rise again steeply to 57% (October 2011) following the massive arrests of alleged Ba'thist conspirators, who were mostly released in the spring of 2012. Probably, after the removal of Hashimi and Mutlaq, the same upward trend has apparently continued thereafter<sup>42</sup> (see the dotted curve in the diagram below), as according to the National Democratic Institute (NDI) survey, in April 2012 Maliki's rating was at 53%.<sup>43</sup>

### *In Iraq, do you have confidence in the national government, or not?*

Percentage "yes, have confidence"; results exclude residents of Kurdistan autonomous region

■ Shiite Muslims

■ Sunni Muslims



\*The dotted line signifies NDI polling data. The latest figure puts Maliki's approval rating at 53% for April 2012

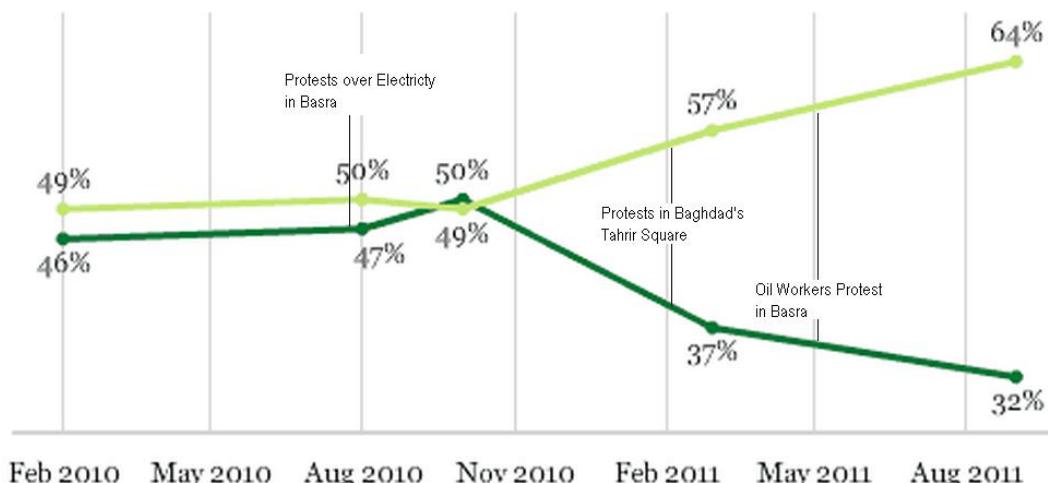
<sup>42</sup> This is based on random interviews and partial surveys conducted by our Institute, IIST.

<sup>43</sup> Judith Yaphe, "Maliki's Maneuverings in Iraq," *Foreign Policy*, 6 June 2012

*Are you satisfied or dissatisfied with your standard of living, all the things you can buy or do?*

Results among adult Iraqis, excluding residents of Kurdistan autonomous region

■ Satisfied ■ Dissatisfied



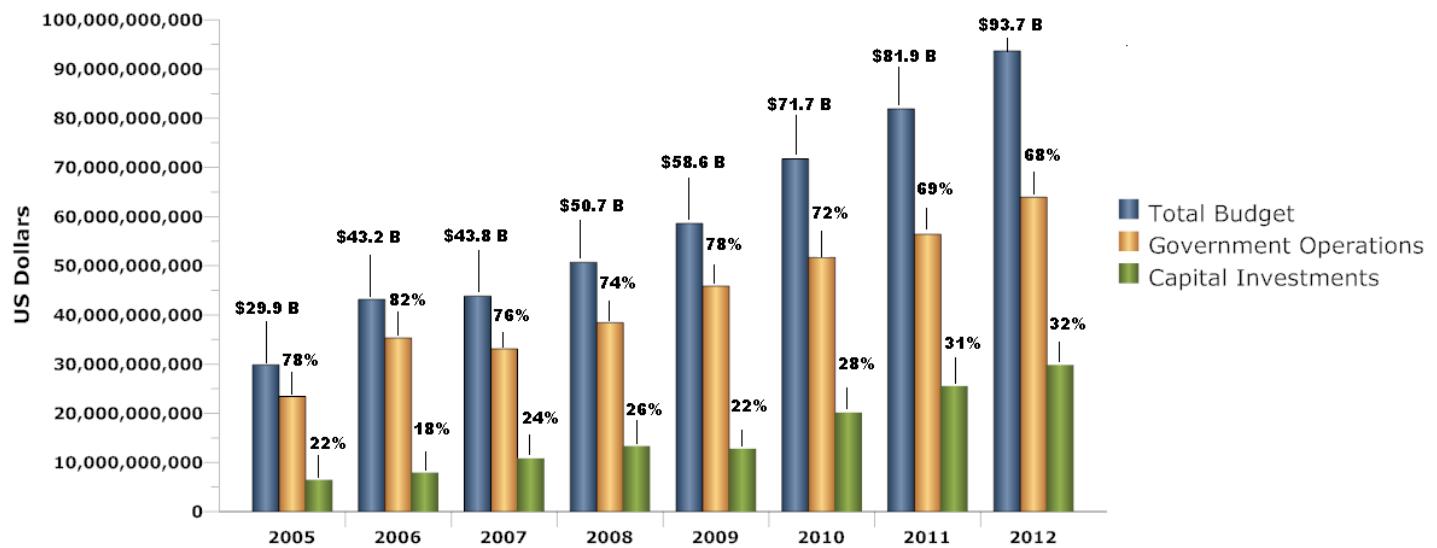
GALLUP<sup>®</sup>

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Conspiracy theories, however powerful, are notoriously short lived. Their impact can only be sustained by continuous battles that may well backfire if security – a major public interest – deteriorates, betraying official failure. Strong dissatisfaction over living standards, among other trends, can not be neutralized indeterminately. And Maliki’s ultra-focus on security and on his powerbase contains the seeds of over-exposure. The economy is in shambles; save oil there is hardly an economy. Worst still, is the pursuance of the same age-old objective: enhancement of command and, by extension, distributive economy. With no strategy to rehabilitate the market economy, the prospects of reducing unemployment (now at 19% nationwide), and alleviating poverty (23% of Iraqis live below international poverty standards), let alone restoring much needed basic services (electricity, housing), seems bleak. Examining the government’s budgets for the period 2005-11, the curve shows a steady growth that is contingent exclusively on soaring oil prices.

<sup>44</sup> Steve Crabtree, “Discontent and Division in Iraq,” Gallup US Foreign Policy Opinion Briefings, 6 March 2012.

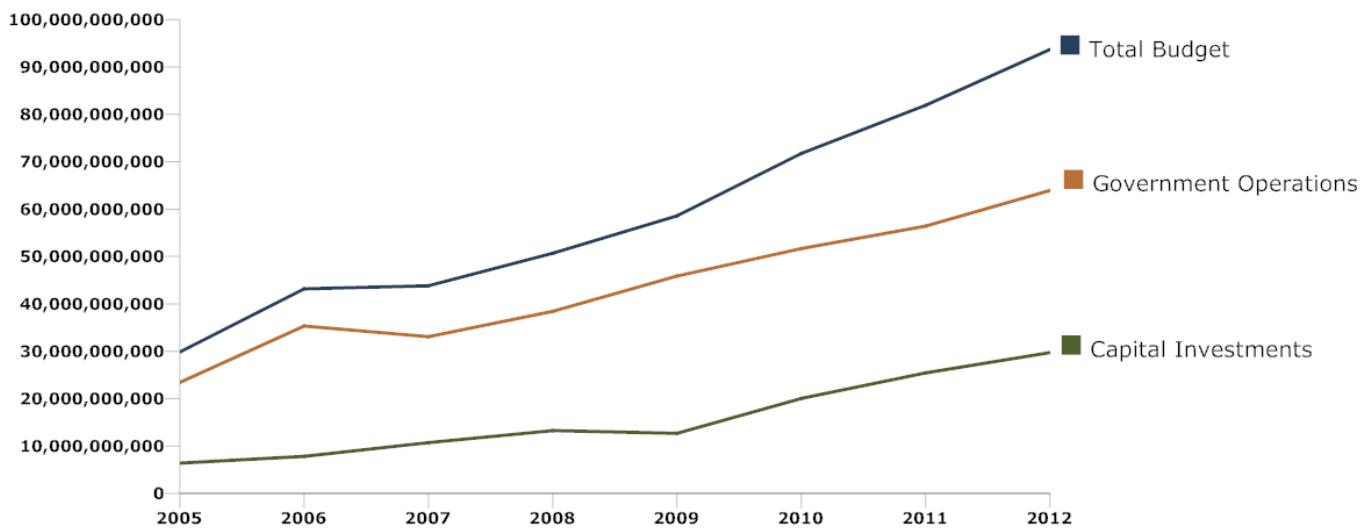
**Table 4**  
**Iraqi Budget (2005-2012)**



The Figures were converted from Iraqi Dinar (IQD) to US Dollar (USD). Rate of 1180 IQD / 1 USD (2005-2011) & 1250 IQD / 1 USD (2012).

Source: Iraqi Ministry of Finance ([www.mof.gov.iq](http://www.mof.gov.iq)).  
Note: A \$20 Billion supplement was later added to the 2008 Budget.

**Table 5**  
**Iraqi Budget (2005-2012)**



The Figures were converted from Iraqi Dinar (IQD) to US Dollar (USD). Rate of 1180 IQD / 1 USD (2005-2011) & 1250 IQD / 1 USD (2012).

Source: Iraqi Ministry of Finance ([www.mof.gov.iq](http://www.mof.gov.iq)).  
Note: A \$20 Billion supplement was later added to the 2008 Budget.

There has been a steady expansion of government employment, the major source of jobs, from 1.25 million in 2003, to some 5 million, inclusive of retired staff, in 2011. For this year, Maliki promised to provide for 250,000 jobs, but has only managed to deliver 57,000. In short, Maliki, or his potential replacement, face the old dilemma of command-vis-free market economy, and of small oil store or mega-oil-supermarket. There is a strong tendency to meddle with the reserves of the Central Bank to cover investment shortages.

On top of all that, political hegemony stemming from wielding political power as the major source of social wealth has reached a point where Iraq seems to be approaching the contours of single party system, at least in the Arabic part of Iraq – a daunting replica of the past.

#### ***Oil Rentierism and Other Sources of Unchecked Power:***

Almost all institutionally active politicians have not only been oblivious, but rather ignorant of the awesome power of *oil rentierism*, the magical black gold that reinvigorates political regimes or governments and relieves them from the constraints and counter-powers of social wealth.<sup>45</sup> Between 2006-2010, oil revenues and, by extension, the government's budget almost doubled: from \$40.2 B, to \$71.2 B. (See the aforementioned Tables 4 and 5).

Oil money, of course, has a direct impact on *security capacity building*: around a million-man police force and an army formation with some 14 divisions (See Table 6 and 7 for the proportion of funds allocated to Iraq's security apparatus under PM Maliki). Interestingly, security expenditure is hidden in many items, perhaps to camouflage the staggering increase of total defense-security allocations compared to health and education (see Table 6 and 7 below)

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<sup>45</sup> Almost all Iraqi leaders abhor the very idea of distributing oil revenues on the basis of a share-holding nation, and consider the central control over oil revenues a matter of fact; the only exception is Ahmad Chalabi, who managed to convince the Sadrists of his plan at least in part. The Sadrists are now the only party calling for a distribution of 20% of oil revenues to the people. Interviews conducted with leading figures in the Sadrists bloc, and with Ahmad Chalabi, in Baghdad and Beirut.

**Table 6 – Total Security, Health, Education and Electricity Allocated Budget (USD)<sup>46</sup>**

Year	Health	Education	TOTAL SECURITY*	Electricity
2008	1,988,983,051	2,051,144,915	10,298,222,378	1,412,605,085
2009	N/A	N/A	N/A	N/A
2010	4,880,508,475	4,698,305,085	12,146,083,962	5,839,217,082
2011	4,849,510,169	6,426,275,424	12,776,233,362	4,196,971,186
2012	4,541,544,000	6,446,588,000	14,315,253,627	5,205,124,000

\*Total Security: Defense, Interior, Council of Ministers, Intelligence, Armed Forces, and the National Security Council

**Table 7 – Total Security Allocated Budget (USD)**

Year	Interior	Defense	Nat. Sec. Council	Com. Armed Forces	Intel. Services	Inspector-Gen. Intel.	Secretariat-CoM	Presidency-CoM
2008	3,993,651,059	5,158,897,759	11,937,288	33,050,847	84,745,763	N/A	267,466,102	748,473,559
2009	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2010	6,091,852,537	4,849,851,535	15,784,986	52,535,072	583,663,460	N/A	85,405,865	466,990,506
2011	6,259,914,375	5,795,789,100	8,060,601	59,316,261	171,446,790	2,206,114	119,960,762	359,539,359
2012	7,661,598,651	5,648,566,306	9,143,895	50,240,186	178,153,456	3,019,569	64,839,908	699,691,656

Oil also bolsters the usual exchange of benefits for consent. Indeed, employment in the administration, or payouts to tribal sheikhs, and other dignitaries (i.e. the *Majalis al-Isnad* formed during the spring of 2008 across the South), have expanded Maliki's and Da'wa's constituency.

The checks and balances in the nascent political system have been further weakened by the removal of the veto power, which the presidency had had throughout Maliki's first term. The apparent weakness of the Constitutional Court and the segmented nature of the parliament augmented the failings of the system.

Rentierism, growing capacity, unchecked power of the executive branch, and expanding patronage networks, all played well in the hands of the only Leninist

<sup>46</sup> There is insufficient data for the 2009 Budget from the Iraqi Ministry of Finance

type of Shi'i Islamic party. Maliki's personal talents should not be overlooked. Throughout his clandestine career, he was in charge of security for the Da'wa Party. His seemingly shy and quiet character contrasted sharply with the noisy, oratory Ja'fari, and garnered him a measure of popularity. He has been a down-to-earth man of action, not an incoherent idealist, roaming in the realm of theological niceties; but he was also a control-freak. He definitely benefited from regional animosity (Saudi Arabia and Qatar, for example) and as well from criticism (Turkey), but he also benefited from Iranian and US support, balancing each other out in his favour. His over-confidence might be injurious. Overconfidence is as detrimental as no confidence at all.

## The Battle of Count: Vote-Me, Vote-Me-Not

SoL figures, Da'wa leaders, and Maliki's entourage led a nervous campaign the moment the idea of 'no-confidence vote' surfaced, first in Arbil (28 April 2012), and second, but more firmly, in Najaf at the offices of Muqtada Sadr (19 May 2012). The reactions were a mix of serious statements, opaque information, disinformation, misinformation, threats, nervous protests, irrational 'constitutional' arguments, and street demonstrations, throughout which no change of course was evident on part of the PM.

SoL leaders rejected all demands made by Sadr-Barzani: put simply, to reform or remove. Instead, the PM suggested early elections, hoping against hope, to dissolve the National Assembly, and garner more support to dwarf his arch-rival, Sadr, and kill the no-confidence vote in the bud.<sup>47</sup> A few street demonstrations in Baghdad, Basra (March 2012) and, lastly in Diyala (June 2012) held Maliki aloft.

The scheme of a no-confidence vote received a large share of smearing and misinformation. Advocates and representatives of SoL wrote op. ads, sent massive email letters and SMS messages, posted on Twitter and Facebook, appeared on TV talk shows and news-commentary, and published print media

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<sup>47</sup> Muqtada Sadr clearly said the early elections proposal was to ensure Maliki's victory over the rest given his control over the security forces and independent commissions.

editorials, all suggesting that half of Iraqiya and half of the Kurdish MPs were actually *not* in favour of the no-confidence motion. When the 180 or so signatures were submitted to President Talabani, this smearing campaign changed course and began alleging forgery, or intimidation and even bribery of MPs, and protested over the presumed illegality of the very act of collecting signatures in the first place – since votes, in their opinion, should be voiced in the parliament, by raising hands, rather than via electronic buttons (as suggested by National Assembly Speaker, Nujaifi). In point of fact, it was President Talabani who designed the collecting of signatures.

More naive arguments were put forward, verging on absurdity. One SoL MP echoed dozens of editorials saying the PM is ‘the representative of the people and as such his removal is unconstitutional, and undemocratic’. Another theme, revolving around scare-tactic, focused on the political ‘vacuum’ that the removal of the PM would create, which would throw the whole nation into the abyss of the unknown, or bring back the 2006-8 atrocities of the militias. A more nuanced argument, put forward by former Deputy Speaker of the National Assembly, Khalid al- Attiyah, explained that Maliki, not Sadr, represented the Shi'i community, since the former had the majority of the Shi'i vote, whilst the latter did not. In that sense, he mutated parliamentary into communal representation, that is, the Shi'is first decide who their leader is and the rest of the country should then follow suit, irrespective of any parliamentary majority that may emerge and vote in the opposite direction. In other words, he elevated the National Alliance (which includes Da'wa-Sadr-Hakim-Ja'fari-and Ya'qubi) into a national assembly within a national assembly.

The President gave the green light for the collection of signatures, which on the surface looked as if he embraced the motion. Surprisingly, President Talabani seemed to slow down the process. He referred the list of signatures to the Criminal Investigation Department to verify the authenticity of signatures, and his office directly interviewed MPs on an individual basis. This may well have been a gesture of courtesy towards Maliki, or an invitation for him to reconsider his positions, or a prologue to maneuvering. The agenda remained hidden. Unsurprisingly, however, the drama was not over yet. Maliki's fate was thought to be almost totally contingent on whether or not Sadr would hold position. Together with Barzani, he had invested much of his political capital in this episode. Iran was on the alert, putting pressure on the Shi'i sides to change direction: Maliki to accept reform, and Sadr to withdraw the no-confidence

motion. But once the collection of signatures started, the strings were in the hands of President Talabani.

The no-confidence campaign was estimated to theoretically have a 180-vote majority. The list of signatories kept changing over the crucial period from 6 to 9 June, in terms of numbers or *dramatis personae*. The latest, 10 June at 10.30 pm (Baghdad time) included a list of 160 signatures, excluding the President's 14 PUK MPs; a new but last twist. Three MPs withdrew, and the list dropped to 157, again exclusive of the PUK MPs. A Presidential Statement was prepared and announced to the effect that the no-confidence motion fell short of the parliamentary quorum.<sup>48</sup> There are two conflicting reports on the exact attitude of the PUK MPs: one suggests 'not all of them agreed to sign on', implying a 'liberal' approach; the other implies 'all of them abstained', or 'withheld their votes'. In either case, the move relieved SoL leaders, the PM in particular, who had been shaken by the devastating prospects of removal.

The gratitude expressed in PM Maliki's letter addressed to the President said it all. Talabani was even described by pro-Maliki editorials as the 'wise *wali al-amr*',<sup>49</sup> a clerical idiom reserved for sacred Imams. The same move may have signaled to the Barzani-Allawi-Sadr camp that the President holds the final cards. The message to both warring sides, as one presidential advisor put it, is to urge all parties in the conflict to reach out for workable compromises, and perhaps if SoL fails to show flexibility, the no-confidence process may reemerge more forcefully within 'three months'.<sup>50</sup> But there has been no overt (or covert, but leaked) conditionality, or package, set by the President in exchange for this pattern of voting. It remains to be seen whether or not this move is a remarkable piece of conciliatory pragmatism, or a phenomenal piece of self-deception.

For all intents and purposes, the President emerged a powerful arbiter who undoubtedly overshadowed the vigorous rise of Barzani, and revealed the weakness of the PM. Undoubtedly, the PM who entered into the crisis is, somewhat, different from the one whom emerged from it. His comfortable parliamentary majority has been shattered.

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<sup>48</sup> On the field –Baghdad- research team followed these 'last moments' in direct contact with presidential advisors.

<sup>49</sup> Iraqi dailies, 11 June 2012.

<sup>50</sup> Interview.

The crisis within crisis is still at work, reviving the potential for trans-communal and trans-ethnic polarization, a fact that far exceeds the importance of the immediate success or failure of the no-confidence motion. As is known, this motion needs only 20% of MP signatures to initiate a no-confidence request, and an absolute majority (50%+1 vote) to withdraw confidence - however an initial questioning of the PM is mandatory (Article 58-8).<sup>51</sup> The possibility to achieve it cannot be discounted.<sup>52</sup>

Maliki has come to realize how crucial it is to go beyond the confines of his Shi'i constituency to seek allies among the Arabs of Kirkuk and Mosul, the Turkmen of Kirkuk, and the Kurds at the centre, without forsaking the 'Shi'i communal discourse' altogether<sup>53</sup>.

The other camp may have also learnt the same lesson. The broad Kurdish-Shi'i-Sunni alliance that has emerged was unthinkable just few months ago. The break-up of the grand blocs, though embryonic, is a prelude, in fact a precondition, to the prevention of over-concentrated power. Politics will be tougher and more arduous, and the need to master the art of multiple compromises will increase accordingly, until Iraq's political disorder orderly develops the right checks and balances.

#### **[Policy Recommendations to follow]**

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<sup>51</sup> The same Article 58 grants the President of the Republic to initiate a no-confidence motion by direct request to the National Assembly.

<sup>52</sup> Attempt to block the would-be questioning of the PM has come, not surprisingly, from the Supreme Court- in its latest ruling in June 2012.

<sup>53</sup> Throughout the crisis and up to mid June 2012, Baghdad, among other major cities, was awash with intense anti-Sadr propaganda that verged on character decimation. Sadr's response was: We are Iraqis first, Shi'is second.