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ANALYSIS

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NOBODY'S CLIENT: THE REAWAKENING OF IRAQI SOVEREIGNTY

EXECUTIVE SUMMARY

Iraq today is in a very different place from where it was just two years ago. Violence has decreased due to the implementation of a military surge strategy and the country is on the cusp of regaining full sovereignty after negotiating a Status of Armed Forces Agreement (SOFA) that stipulates an end to the U.S. military's presence. Once projected to be America's new client state in the region, Iraq is shaking off this affiliation and pursuing its own interests with less regard for its relationship with America.

The dynamics of three key political issues will be discussed in this paper:

- *The passage of a Status of Forces Agreement (SOFA). The nature and negotiations behind the SOFA signaled an important shift in relations between the two countries.*
- *The rise of particular political forces that have introduced a new political landscape in Iraq following the 2009 elections.*
- *The ominous escalation of the Arab-Kurdish tensions and the potential for more violent conflict at a time when the United States is drawing back its military presence and is seeing its political leverage decline.*

It will be these internal, domestic Iraqi drivers that will shape Iraq's stability more so than a reworked military or diplomatic strategy. Iraq will be nobody's client.

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Barack Obama, America's 44th president, was sworn into office on 21 January 2009. One of the central tenets of his election platform was his promise to 'end' the Iraq war and bring American troops home within 16 months of taking office. Obama's Iraq policy was formulated during the thrust of an intense presidential campaign. The war was as unpopular as ever, with Iraq beset by sectarian violence and the American public increasingly skeptical that a continued military presence would reduce violence, let alone further U.S. strategic interests.

Once President Obama took office, the initial campaign promise was tempered only slightly due to uniform pressure from the military brass warning of a hasty U.S. withdrawal. In a speech at Camp Lejeune, Obama formally announced that all U.S. troops except a residual support force of 50,000 would remain in Iraq after August, 2010 and *all* U.S. troops would depart at the end of 2011 as per the recently negotiated Status of Forces Agreement (SOFA) agreement.¹

Iraq today is in a very different place from where it was when Obama outlined his initial Iraq policy. Violence has decreased dramatically due to the implementation of a military surge strategy coupled with a Sadrist ceasefire and the reorienting of the Sunni insurgency towards politics. Prime Minister Nouri al Maliki is strengthened in his position and Iraq is on the cusp of regaining full sovereignty after negotiating a SOFA that stipulates an end to the U.S. military's free rein in Iraq.

As the President stated in his Camp Lejeune speech,

The drawdown of our military should send a clear signal that Iraq's future is now its own responsibility. The long-term success of the Iraqi nation will depend upon decisions made by Iraq's leaders and the fortitude of the Iraqi people. Iraq is a sovereign country with legitimate institutions; America cannot – and should not – take their place.²

President Obama's speech recognises that Iraq will be shaped less by U.S. leverage and more by internal Iraqi political considerations. Iraqi politics has matured and is no longer as susceptible to or tolerant of overt direction from the United States. Once projected to be America's new client state in the region, Iraq is shaking off this affiliation and pursuing its own interests with less regard for its relationship with America.

The Bush Administration originally expected to hold considerable influence over the country and retain a significant military presence for however long it felt necessary. As complications gathered and sectarian conflict and insurgency took hold of Iraq, the Administration began to scale back its expectations. No longer willing to carry that torch, the Obama Administration clearly wants and needs to focus on other pressing matters such as the global financial crisis and trying to salvage Afghanistan.

Furthermore, U.S. failures in Iraq have made Iraqis distrust its policy choices. Many blame the United States for fomenting sectarianism, and the military presence and tactics for

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spurring the insurgency. All this has contributed to a decline of U.S. leverage in Iraq.

Paradoxically, declining American leverage is due not only to the failures but also the unheralded successes of U.S. policy in Iraq. One of the major American goals was political reform of the Iraqi state, ushering in participatory government while expanding Iraqi politics and consolidating democracy. Though some remain doubtful, the U.S. has indeed succeeded in doing this. Iraq’s raucous politics has allowed opposition voices to be heard, a necessary condition for any participatory government. But it is also this emerging, yet robust, democracy that has challenged U.S. policy.

Iraqi politics, once the purview of a handful of exiled politicians with long-standing ties to the United States, now includes many more actors with a wide variety of political intentions. With a broader range of Iraqi interests represented, Iraqis feel greater ownership of their government and nationalist sentiment has grown. The surge and military aid have bolstered Maliki. Newly assertive, he is intent on making the restoration of Iraqi sovereignty his primary legacy – even though it was U.S. support that paved his path to power.

The maturation of Iraqi politics, coupled with a growing desire for disengagement on the part of the U.S., means the United States will have a significantly reduced ability to direct outcomes in Iraq. It will be internal, domestic Iraqi drivers that will shape Iraq’s stability more so than a reworked U.S. military or diplomatic strategy under a new administration. Iraq is coming into its own, and that means that no country, the United States nor any other

country, will be able to unabashedly project its regional interests through Iraq.

The dynamics of three key political issues will be discussed in this paper:

- **The passage of a Status of Forces Agreement (SOFA).** The nature and negotiations behind the SOFA signaled an important shift in relations between the two countries.
- **The rise of particular political forces that have introduced a new political landscape in Iraq following the 2009 elections.** The interplay of these political interests over the coming years will define the new Iraq much more so than U.S. policy.
- **The ominous escalation of the Arab-Kurdish tensions** and the potential for more violent conflict at a time when the United States is drawing back its military presence and is seeing its political leverage decline.

With the Obama Administration pledging to hold Iraqi politicians accountable and Iraqi actors themselves eager to grab the golden ring of sovereignty, the resolution to these political puzzles will rest largely in Iraqi hands.

Sitting on the SOFA

The new U.S. – Iraq dynamic was amply demonstrated in the negotiation and final passage of the Status of Forces Agreement (SOFA) or ‘Withdrawal Agreement’ as it is referred to in Iraqi parliament. Since the U.N. Mandate legalising the presence of foreign troops was due to expire on 31 December 2008,³ it was widely believed that an agreement

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defining the future presence of U.S. troops in Iraq would be negotiated well before the end of the Bush Administration. The U.S. hoped it could engineer an agreement that would allow its military to carry on in much the same way it had under the U.N. mandate. But every time the U.S. put forwards its considerations, it was rebuffed by Iraqi officials eager to see an end to the status quo.

The SOFA's final passage did not end up being the mere administrative manoeuvre it was once believed it would be.⁴ The negotiations were difficult, and the Iraqis extracted unprecedented concessions from the United States. When the final document was approved by Iraqi parliament on 27 November 2008 and ratified by cabinet on 4 December 2008, it was a long way from the original clauses the U.S. had in mind.⁵

The final draft of the SOFA included a timetable for withdrawal and also called for the United States to give up exclusive extraterritorial jurisdiction over its troops.⁶ It was at one point unthinkable that the United States would agree to such clauses. The Bush Administration had repeatedly claimed that inserting a timetable 'would send a signal to our enemies that if they wait long enough, America will cut and run and abandon its friends.'⁷

The draft agreement incorporated many more concessions. Military operations are to be conducted only with the notification and approval of Iraqi authorities. U.S. military personnel agreed to draw back from patrolling major Iraqi cities by June 2009. Iraqi airspace is now jointly controlled by the U.S. and Iraq. And significantly, the U.S. military will not

have the ability to detain Iraqi citizens without the express approval of Iraqi authorities.⁸ Original proposals put forward to the Iraqis called for contractor immunity and other 'less controversial' clauses such as the ability to detain Iraqis.⁹

Why did the United States appear to fold in the face of Iraqi demands? A combination of factors was clearly at play: growing Iraqi fortitude; domestic political pressures in both Iraq and the United States; and the Bush Administration's desire for a resolution – any resolution – to the conflict that would contribute to the President's legacy.

Even for the architects of the war, by 2007, the desire for resolving the U.S.'s military commitment in Iraq was keen. The sectarian violence and insurgency of 2006-2007 permanently disrupted the original vision of Iraq as a secure base from which the United States could project its interests in the region.

One administration official anonymously quoted in newspaper article stated, 'President Bush wanted this deal more than the Iraqis did.'¹⁰ Administration officials wanted to finish what they started and did not want to leave the resolution to the incoming Obama Administration who clearly wanted out.

Furthermore, as the expiration date of the U.N. resolution governing the Coalition presence loomed near, neither the United States nor Iraq wanted to go to the Security Council for an extension. Neither side was confident that a renewal would pass without complicating the situation further. It was these considerations that drove the Bush Administration to accept a

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myriad of concessions and to retreat from the original SOFA proposals they put forward.

As Prime Minister Maliki grew in his position and President Bush conversely diminished, there was even greater incentive for Iraqi politicians to maximise their position in their future relationship with the United States. As one Iraqi lawmaker put it, 'Because of the mistakes of the Bush Administration, the situation of the U.S. in Iraq became very weak, that meant that we could deal with them.'¹¹ The former patron-client relationship was transformed.

Though the Iraqis extracted major concessions from the U.S. and the SOFA paved the way for an exit on terms less favourable than the Americans expected, not all of Iraq wholeheartedly embraced the agreement. The relatively short time-frame of three years for a withdrawal was too long for some of the U.S.'s foes like Moqtada al Sadr and his supporters and it was too soon for the Kurds, who counted on the U.S. presence to safeguard their hard-won autonomy. Iraqi lawmakers had their own political considerations that informed their positions either for or against the SOFA.

In the past, especially during periods of interim government, Iraqi politicians may have subordinated domestic political constraints in favour of striking a quick deal with the U.S. This time around they did not have the inclination to do so. Their positions were not solely or even exclusively based on their relationship with the United States. The Iraqis used the SOFA agreement to delineate the position on a number of domestic political issues and demonstrate their bona fides regarding sovereignty.

One major political consideration drove most of it – the provincial elections that took place in January 2009 and the parliamentary elections slated for later in the year.

With the Iraqi public having little tolerance for a protracted U.S. presence, no political party currently in government could have been perceived as accommodating in its support of the SOFA. No party in opposition could have backed down. In a large way, the provincial elections were a referendum on the SOFA and Iraq's relationship vis-à-vis the United States. Though there is also an actual referendum planned, domestic rivalries between Iraqi political groups challenged each group to withhold or barter their support for the SOFA.

The Maliki government had the most to gain or lose in the SOFA negotiations. The agreement's clauses, how it was negotiated, whether it was passed by parliament and how it was presented to the Iraqi people carried enormous significance for Maliki.

Early in his tenure, Maliki was viewed as a weak and ineffectual leader, a lowest common denominator appointment propped up by the United States. His opponents twice tried to engineer votes of no confidence against him and for much of his early term he was straitjacketed by his reliance on Sadrist backing. It was not until mid 2008 that Maliki was able to shake off accusations and perceptions of 'weakness and inefficacy'. Only after the security operation in Basra and Sadr City did he regain his footing and authority.¹² According to noted Iraq expert Reidar Visser '... A year and a half ago, any suggestion that Maliki would be the next strongman of Iraq would be met by ridicule. Today, his emergence

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as a powerful figure with an increasingly independent position vis-à-vis his political coalition partners is an undeniable fact...'.¹³

Maliki also became independent enough to challenge the United States through tough negotiations on the SOFA. The issue of Iraqi sovereignty was at the heart of the SOFA issue and as prime minister he could not be seen to fritter it away, even at the expense of potentially inducing a security crisis with the removal of Coalition troops. At the same time, Maliki had a vested interest in seeing through its final passage, as he used it to position himself domestically. The passage of the SOFA would consolidate his power and influence in office.

Maliki's tough stance paid off politically. Maliki's allies formed the 'State of Law' coalition and campaigned on a platform of security, nationalism and a centralised state. They came in first in every Shia majority province except Karbala and won a majority in Baghdad and Basra by expanding his appeal beyond sectarianism, actively courting Sunnis and independents.¹⁴ Maliki's victory signaled that Iraqis valued the rule of law above sectarian interests and believed Maliki to be the leader who is best able to secure these goals. Maliki is now widely viewed as the man who brought security to Iraq.¹⁵ With the passage of the SOFA, Maliki hopes to be viewed as the man who also regained Iraqi sovereignty.

The Sadrists sought to block the passage of the SOFA, not only because of ideological opposition to U.S. presence, but in order to counter Maliki's growing power.¹⁶ The Sadrists officially boycotted the provincial elections but supported two coalitions, Integrity and

Construction and the Independent Free People's Trend. They used anti-U.S. rhetoric in their campaigning for their supported independents and tried to link Maliki's support of the SOFA with the U.S. This strategy did not work as well for them as it did in the past – not only because Iraqis were rejecting sectarianism, but also because they recognised the waning power of the U.S. in their internal affairs. It was not enough this time to simply rail against the United States.

The Sadrist-backed independents did not do nearly as well as they hoped using this strategy. Though they did well in some Shia provinces like Maysan, they lost votes in Baghdad, even in Sadr City, where they received only 9% of the vote and 5% in Basra.¹⁷ The Sadrist movement has clearly waned, but the question remains whether or not they can stage a comeback in the parliamentary elections.

The other powerful Shia block, the Supreme Iraqi Islamic Council (SIIC), also used the SOFA to position itself politically. However, it did so much less successfully than Maliki's Dawa party or even the Sadrists. SIIC was also unable to articulate a clear position on the SOFA. If SIIC were seen to wholeheartedly endorse Maliki's negotiated SOFA, it would have only served to enhance his status, something that SIIC did not want, as it would ultimately like to insert one of its own in the prime ministership. But neither did SIIC want Maliki's support to collapse completely. He is an important buffer between SIIC and its other Shia rival, Moqtada al Sadr and his supporters. It was Maliki's Basra offensive that weakened the Sadrists, advantaging both Maliki and SIIC.¹⁸

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SIIC was unable to parlay its ambivalent stance towards the SOFA into any political victory. Its losses in the provincial elections were substantial and do not bode well for their prospects in the parliamentary elections. SIIC, like other exiled Iraqi groups that cooperated with the Coalition's political transition plan, had a head start in politics and were the cornerstone of the ruling Coalition that led parliament for the past four years. But there is broad dissatisfaction with Iraq's governing parties, especially the religious parties, and SIIC is both.¹⁹ This hurt them considerably in the provincial elections.

After dominating almost every Shia majority province, SIIC has lost out to Maliki's party and received only 10% or less of the vote in most provinces. It lost control of the Baghdad provincial council and lost votes even in its home base of Najaf. SIIC's loss and Maliki's victory is a clear indication that Iraqis are rejecting sectarian labels. According to Visser, 'These elections... mark a rejection of sectarian identity politics. The cleavage between ISCI [aka SIIC] and Da'awa [Maliki's party] during the elections campaign ran precisely along these lines: Maliki tried to emphasise Iraqi nationalism, ISCI tried to emphasise sectarian Shiism. Maliki won.'²⁰

But the SOFA was not only about Shia politics, In a sharp reversal, former Sunni insurgents who carried out a four-year insurgency against Coalition troops are now supporting an agreement that would retain a foreign military presence. A recent *al Arab* poll of Iraqi Sunnis in Baghdad, Anbar and Mosul found *eighty per cent* supported the agreement.²¹ They are largely in favour of the SOFA because they now see the U.S. military presence as a hedge against

Iranian influence.²² But it would be a mistake to claim that all Sunni parties support the security agreement. Some Sunni clerics from the influential Muslim Scholars Association have issued anti-SOFA fatwas and other Sunni figures also have reservations.²³

Sunni and centralist leaning political parties finally learned to use a key political tool – leverage. They used the parliamentary vote on the SOFA to press some of their own political goals. So while they supported the agreement in principle, their practical support in terms of votes in parliament was dependent upon the Maliki government giving in on some of their long-standing political demands. Sunni parliamentarians made their vote conditional on the release of prisoners held by American security forces, three quarters of whom are Sunni. They also wanted an end to de-Ba'athification, progress on constitutional reform, and better reintegration of the Awakening Movement's Sons of Iraq.²⁴ Though they did not secure all of their demands, it was enough to show that they were not squandering the opportunity of their vote.²⁵

The Kurds also attempted to use the SOFA to further their aims. They lobbied hard for permanent U.S. military bases in Iraq, preferably located in the Kurdistan Regional Government (KRG), the autonomous Kurdish region in Iraq's north. The Kurds reasoned that a continued U.S. presence could only serve to protect their autonomy, an autonomy that is under constant threat by regional neighbours and a growing domestic opposition to their special status. The Kurds' close relationship with the United States served them well in the past as they had traded their support of U.S. policy positions in exchange for the U.S.

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backing when it came to establishing their autonomous status vis-à-vis the rest of the Iraqi state.

The negotiated SOFA fell far short of the Kurds' goals. They objected to a timetable and, because the final agreement excluded permanent U.S. bases, the Kurds held back their earlier profuse support. The Kurds also objected to articles that articulated the central government's right to use force against internal rebellions and commit the U.S. military to supporting the operations. The Kurdish leadership believes that the central government can use this article against them, as the Iraqi state has oppressed Kurds in the past by using the same prerogative.

However, the Kurds quickly found themselves swimming against the political current. The Kurds' opposition to the SOFA because it cut short the U.S.'s stay in Iraq alienated them from the consensus that the U.S. military presence must end, and they had to repress their objections. U.S. support could no longer insulate the Kurds from the prevailing political climate.

In the United States, the rhetoric and debate surrounding the SOFA and implications of U.S. withdrawal were largely and inexplicably removed from this Iraqi political context. During the negotiation period, U.S. officials and pundits failed to grasp this emerging dynamic of diminishing U.S. leverage set against the complexities of Iraqi politics.

While debate among the U.S. electorate swirled around different positions on troop withdrawal vs. troop maintenance during the presidential campaign, the final agreement on the SOFA

rendered the debate moot. Had the SOFA agreement not been passed by the Iraqi parliament, U.S. troops would have been confined to their bases after December 31, 2008. As the SOFA agreement did pass, U.S. combat troops are set to withdraw by 2011 and will no longer be a significant presence in major Iraqi cities by June, 2009.²⁶ These are the certain realities and limitations that are now placed on the United States' Iraq policy because of Iraq's emerging domestic political realities.

The SOFA's ultimate passage still rests on the approval of Iraqi voters through a national referendum to take place no later than July 30, 2009.²⁷ They will base their decision on whether to stall or reject the SOFA on their own domestic political considerations and their keen desire to restore sovereignty rather than alliance management with the United States.

Iraq's new political landscape and the centralism/regionalism debate

The 2009 provincial elections were an attempt to undo some of the legacies of the 2005 round of voting. Many Iraqis, particularly Sunni Arabs, boycotted the elections in '05 and this led to an underrepresentation of certain interests and communities. This in turn led to sectarian violence, Sunni Arab marginalisation, and constitutional confusion. But despite past disappointing experiences with elections and greater skepticism on the part of the Iraqi public, the latest round of voting helped consolidate and transform Iraqi politics.

Though we continue to discuss Iraqi politics using sectarian labels, Iraq is actually moving *away* from sectarian politics towards a political

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landscape demarcated by one's position on where the concentration of political power should lie. The central question facing post-Saddam Iraq is how much government power remains in the centre and how much should be devolved to the provinces.

Key governance issues remain unresolved. Iraq still does not have the necessary comprehensive hydrocarbons legislation to provide a basis for the rebuilding of its all-important oil sector. Disputes over Kurdish autonomy, and the fate of constitutional amendments put forward by the Constitutional Review Committee, (CRC), remain unknown. All of these very important issues are awaiting a new parliament and provincial councils. All of these unresolved issues centre on the broader decision of power concentration. Secular, nationalist, and religious groups are using this issue to garner strength and forge new alliances.

The initial reflex after the 2003 invasion, encouraged by U.S. policy aiming to correct the excessive centralisation of the Saddam era, was to decentralise as much as possible. However, as previously marginalised actors such as the Sadrists and Sunni Iraqis, both of whom have centralist leanings, began to have a greater role in governance, the trend towards decentralisation and federalism was curbed. This put centralist political actors in conflict with the ruling parties, who were strong regionalist parties like the Shia Alliance led by SIIC, and the Kurdish bloc.

The first concrete indication of this shift came with the passage of the Provincial Power Act in February, 2008. The Iraqi political forces behind the passage of the Provincial Powers Act are often referred to as the '22nd July

Movement'. The Movement is made up of Iraqi parliamentarians from the Iraq List, the National Dialogue Front, Tawafuq, National Reform Movement, Sadrist trend and the Fadhila party, as well as independents. It is a cross-sectarian alliance that seeks to challenge the Lebanon-like sectarian political power-sharing model (*mubasasa*) and strong regional interests of the ruling SIIC-Kurd coalition.

It was these politicians with centralist leanings who pushed through the Provincial Powers Act and successfully advocated that the next provincial elections should take place before the end of January 2009, a date far earlier than the dominant SIIC-Kurdish bloc had wanted.

Despite heavy opposition from the traditional power brokers with strong regional leanings, the Provincial Powers Act reversed the trend towards decentralisation and federalism. It mandated that the Iraqi parliament could continue to legislate regarding local matters, despite a constitutional advisory opinion that previously stated otherwise. It also granted parliament the power to remove governors and other senior officials and dissolve local councils. Regions would also continue to derive their budgets from federal budget allocation.²⁸

The Provincial Powers Act also had implications for the execution of another important piece of legislation, the Law for Implementing Federalism, which came into effect in April 2008. The law allows any other areas of Iraq wishing to form federal regions similar to the Kurdistan Regional Government (KRG) to initiate proposals for parliamentary approval. SIIC has already begun its initiative

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to create a 'South of Baghdad Region'²⁹ made up of the nine southern provinces.³⁰

However, the impetus to form these federal regions has been dampened down due to the growth of centralist forces like the 22nd July Movement and the growing popularity of the Maliki government which is, not surprisingly, favouring centralisation. Whichever form a new region takes, it will have the powers and authorities outlined in the Provincial Powers Act, powers limited by a resurgent bloc of centralist parliamentarians.

Though Iraq is often still referred to as a country beset by sectarian violence, the growth of a cross-sectarian nationalist bloc which saw regionalism and decentralisation as jeopardising the territorial integrity and sovereignty of Iraq has changed the political landscape. The Provincial Powers Law's passage can be viewed as the potential beginning of a critical transition from identity politics towards political-ideological configurations in Iraq because of the cross-current of those who supported the bill.

Constitutional review

This revised political landscape will also determine the fate of the recommendations of the Constitutional Review Committee (CRC). The CRC was formed even before the Iraqi constitution was approved and put into effect. Since Sunni Arabs largely boycotted the 2005 elections, they had little say over the drafting and passage of a permanent Iraqi constitution; a compromise was reached to garner Sunni support. A clause was inserted in the constitution that called for the first elected

parliament to form a CRC to determine whether the document should be amended. The CRC became a second chance to get national buy-in for the Iraqi constitution. Currently the CRC is grappling with a number of changes that will be informed by, and likewise inform, the centralism vs. regionalism debate.

In May, 2007 the CRC presented to parliament a list of proposed amendments that include changes to constitutional clauses on the distribution of oil revenue, de-Ba'athification, presidential authority, taxation and federal powers. The CRC also proposed the creation of a Federation Council that would act like an upper house of parliament and called to strengthen the power of a number of independent commissions.³¹ However, parliament still has not voted on any of its recommendations because of opposition by the Kurdish block and its Shia allies.

The CRC's recommendations will be revisited after the 2009 parliamentary elections. This will be an important turning-point in Iraqi politics. A resolution on these issues will shape the future governance and identity of Iraq for years to come. If the results of the provincial elections foreshadow the parliamentary ones, there will be a larger bloc in parliament who will push for these reforms.

Moving towards the center

The days of U.S. Congressional proposals like the Biden Plan advocating a three-region confederacy in Iraq are over.³² Centralism has gained more ground in Iraq through its advocates in 22nd July movement and elsewhere. As the Obama Administration prepares to draw

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down its combat forces from Iraq and as Iraqi parliamentary politics heats up, Iraqis will decide on their own provincial arrangements as they come to a consensus on the centralism vs. regionalism debate.

However, just because U.S. influence is now declining should not diminish the way previous U.S. actions contributed to Iraq's growing polity. One of the major goals of the United States' Iraq policy was democracy promotion and political reform. U.S. policy consistently tried to increase political participation by expanding Iraq's political space. It has attempted to work with the Iraqi government to bring in non-violent opposition and neutralise violent resistance through the surge strategy.

The devolution of power strategy implemented by the United States and supported by some of Iraq's powerful political players allowed the emergence of provincial councils, local councils, governors, and police chiefs as independent local power centres. This has made more room for Iraq's diverse and contentious political players and ideas. Local power centres can influence national-level politics and largely direct their regional affairs. This would not have been possible were it not for the United States' explicitly advocating devolution at a time when it could still direct Iraqi governance in the early postwar period.

Detractors of this policy point to the fact that it has increased regionalism at the expense of national unity and that it went against the historical centralist tendencies of the Iraqi state. Many also blame the U.S. for emphasising sectarian identity when it employed a quota system for interim government appointments.

However, because of the pull of U.S.-encouraged decentralisation and the push of centralists, we have two competing trends that will ultimately balance each other out, making Iraq more stable in the long term. The move towards equilibrium would not have been possible without the U.S. redirecting the excessive centralism of the Ba'ath regime and promoting political reform and participation. U.S. devolution policy has also made Iraq, despite all its troubles, one of the region's more robust and authentic forms of government. But paradoxically, it is this robust democracy that the U.S. midwived, that has challenged some U.S. goals.

The Kurdish question³³

For the most part, Iraqi Kurdistan has been a good-news story. Kurdistan is largely free from the violence that has gripped the rest of the country and its leadership has held considerable power and influence in national level politics. They have begun luring foreign investment into their region and can boast they provide more stability than the rest of Iraq's regions. But there is a simmering discord between the Kurds and other Iraqi players over a number of domestic political issues, particularly constitutional amendments and disputed territories like Kirkuk.

After Saddam was deposed in 2003, the Kurds formalised the de facto autonomous status they enjoyed under the northern No Fly Zone established after the 1991 Gulf War. They did this by participating early in the transition process and negotiating key constitutional clauses that would guarantee their regional government, the Kurdistan Regional

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Government (KRG), would remain autonomous and free from central government interference.

The Kurds were able to successfully negotiate this autonomy while still remaining nominally under the protection of the Iraqi state. They also benefited from disproportionate parliamentary power due to the Sunni Arab election boycott in 2005, and they used their alliance with powerful Shia parties to push through many of their demands. They have had four years to expand their autonomy and continue to push for greater powers. But resentment over Kurdish gains by other Iraqi actors, the declining leverage of their erstwhile advocates, the United States, and the growth of new centralist political forces have curbed this trend and escalated Arab-Kurdish tension.

Kirkuk is the most obvious and potentially explosive focus of the Arab-Kurdish dispute. Kirkuk is not under KRG administration yet, but the Kurdish leadership is doing everything within its power to ensure that it will be. The Maliki government and centralist politicians are determined to thwart them.

The Kurds employed a constitutional strategy to gain Kirkuk legally by negotiating a key article in the constitution, Article 140. Article 140 calls for a period of 'normalization', followed by a census and referendum among the residents of the province to decide whether it should become a part of the KRG or remain a separate province under central government control. They have staked their entire approach on the implementation of Article 140.

The Kurds have been slowly but aggressively establishing facts on the ground in the oil-rich,

multi-ethnic province. They have been altering the demography of Kirkuk through the unofficial repatriation of Kirkuki Kurds displaced by Saddam's Arabisation policy. They are also working behind the scenes to change Kirkuk's administrative boundaries so that it encompasses majority Kurdish villages. The Kurds also gained control of the Kirkuk provincial council in 2005, holding 26 of the 41 seats, and controlled other important local government posts and dominated the security sector.

The planned referendum as outlined in the constitution was scheduled for December, 2007. But owing to Iraqi government inaction and fierce opposition by the Arab community, the referendum was not held. A UN-mediated delay until 30 June 2008 also passed without event. Article 140 has still not been implemented and there has been no new extension or alternative way forward proposed. Kirkuk remains in limbo.

Not only has the Kurdish constitutional strategy *not* forced the implementation of Article 140, it has contributed to the stagnation of national political progress, the worsening of inter-communal relations, and even a decline of their political leverage within Kirkuk. Through their aggressive Kurdish repatriation strategy and monopoly over Kirkuk's political and security institutions, the Kurds have alienated Kirkuk's Arab, Assyrian and Turkomen communities.

Unwilling to remain subordinate to Kurdish control, Arab and Turkomen representatives of the provincial council demanded a 32-32-32-4 per cent power-sharing agreement that would allocate executive positions equally in Kirkuk

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among the Arabs, Kurds, Turkomen and the smaller percentage for Christians.³⁴ While the various groups agreed in principle to the power-sharing formula after contentious debate, it has yet to be implemented and no provincial elections can be held in Kirkuk until it is.

The struggle over provincial politics has substantially increased strife among the various ethnic groups and between the KRG and Baghdad. Bickering over the power-sharing agreement almost derailed the passage of the provincial elections law³⁵ and has spilled over to stall the passage of oil legislation and important constitutional amendments. Greater tensions between the ethnic communities have made it all the more difficult to chart an alternative, conciliatory course to resolve the Kirkuk dispute now that implementation of Article 140 has stalled.

The referendum's postponement has also fueled domestic frustration with the Kurdish leadership inside the KRG. Kurds living under KRG administration have been fed a steady diet of nationalist rhetoric regarding Kirkuk over the years and have been given continual assurances that Kirkuk will become a part of the KRG. To Kurds, regaining Kirkuk has become a matter of ethnic pride and righting historical wrongs. Now that the Kurdish leadership is unable to fulfill these, and other promises, internal dissatisfaction with the current Kurdish leadership is on the rise.³⁶

The rhetoric and actions taken by the Kurdish leadership to appease its domestic constituents have the potential to invite intervention from Turkey and elsewhere in the region. KRG President Massoud Barzani has repeatedly

peppered his speeches with statements like 'Kirkuk is the heart of Kurdistan'.³⁷ Insurgents and jihadis are also setting their sights on Kirkuk and attacks are on the rise as they try to prevent it from becoming incorporated into the Kurdish region.³⁸ Kirkuk also has the potential to become a cause of renewed strife between the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) – the two dominant Kurdish political factions – as they both vie for dominant influence in this key city. In short, Kirkuk threatens to upend any progress that has been made in Iraq thus far and has the potential to spark civil conflict.

The United Nations Assistance Mission to Iraq (UNAMI), led by Staffan de Mistura, is heading the effort to help Iraq resolve the status of disputed territories, particularly Kirkuk. All options are now on the table. To the Kurds' dismay, Security Council Resolution 1770, which enhanced UNAMI's role as mediator in the conflict, outlined that 'a process' be constructed to resolve the Kirkuk dispute. It made no specific mention of Article 140, further impeding their constitutional strategy.³⁹

The United States has backed the UN effort out of a recognition that the solution it earlier helped broker with the Kurds – Article 140 – was not working.⁴⁰ But some, like the International Crisis Group, have recommended that the United States go further and, through the UNAMI process, spearhead a grand bargain in an effort to resolve the disputes between the Kurds and the central Iraqi government. Correctly assessing that Iraq's principal disputes over oil, federalism/constitutional revisions and disputed territories have become so interwoven that they must be addressed comprehensively, they have suggested an 'oil

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for soil' strategy. For renouncing their exclusive claims on Kirkuk, the Kurds would receive a guarantee that they can independently manage oil resources from within their current territories.⁴¹

While 'oil for soil' is a worthwhile proposal, it overestimates U.S. influence over the Kurds and its ability to successfully broker this deal. The report warns, 'There is little time to waste. As U.S. forces are set to draw down in the next couple of years, Washington's leverage will diminish, and along with it, a workable deal.'⁴² Arguably, that time has already come.

ICG also suggests that this bargain could be guaranteed by some international protection of the current Kurdish region through the establishment of a U.S. military base or separate U.S. security agreement with the KRG.⁴³ Given the decline in U.S. leverage, and the desire for both the central Iraqi government and the Obama Administration to draw down from Iraq, recommendations highlighting a greater U.S. role are unrealistic.

Iraqi Arabs view the Kurdish position on Kirkuk as symptomatic of Kurdish expansionism. According to Sheik Walid Kraimawi, a Sadrist lawmaker who signed an agreement to oppose the Kurdish position, 'We are thinking that Kurdish demands have grown larger and larger gradually... Some of those demands are impossible to achieve and this is a clarification for the Kurds that their demands are too large and irrational. They have to recognize their true size in the political process.'⁴⁴

But the Kurds are used to playing an outsized role in national and provincial politics. Due to

the Sunni Arab boycott of the 2005 elections, the Kurds not only exercised autonomy within the KRG, but also controlled several provincial councils in Mosul and Diyala with mixed Arab-Kurdish populations. But the Arab community in Mosul and elsewhere has become more politically active and has begun to challenge the Kurds. Though there were no provincial elections in Kirkuk, the recent elections in Mosul attest to the shifting political dynamic.

The January provincial elections were a victory for Sunni nationalists in Ninewah province with al Hudba winning a majority of the vote and the Kurdish alliance coming in second. Atheel al Juaifi, head of the Hudba Coalition, explained his victory, 'One of the main reasons people voted for us is that they object to the domination of the Kurdish parties.'⁴⁵

Before the political equilibrium shifted in Mosul, Prime Minister Maliki also moved to counter Kurdish provincial control over mixed provinces through the establishment of 'Tribal Support Councils.' These councils, modeled after the *sabwa* councils, were ostensibly created to bring together tribal representatives to assist in sectarian reconciliation and keep an eye out for insurgent activity. But the Kurds claim Maliki has set up these councils as another layer of government with no reference in the constitution to circumvent local councils once dominated by the Kurds.⁴⁶

Maliki's attempts to set up TSCs in northern Iraq – particularly in Mosul and Kirkuk, two areas where the Kurds are trying to consolidate their political control and potentially bring under KRG administration – have set off a power struggle between Maliki and the KRG.⁴⁷

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The Kurds are adamant that the TSCs be dissolved as they pose a direct challenge to Kurdish political authority. In their statements against the TSC they have accused the Maliki government of trying to 'undermine' the Kurdish region and have alleged that the tribal leaders the government has recruited to participate in the TSCs 'are former collaborators who were closely linked to the security and intelligence agencies of the defunct regime of Saddam Hussein.'⁴⁸

TSCs and Kirkuk are not the only issues over which the Kurds and the Maliki government have clashed. In a press conference announcing the TSCs in late November, Maliki outlined a litany of grievances against the Kurds – that they are overstepping the constitution, blocking oil legislation but independently signing regional oil contracts; their advocacy of establishing U.S. military bases in the Kurdish region; the restrictions the KRG government on travel to the region by non-residents, even Iraqis; infractions between the *peshmerga* and national security forces in Khanaqin; and their diplomatic representations abroad independent of the Iraqi Foreign Ministry.⁴⁹

Though the Kurds have butted heads with every post-war prime minister, from Allawi to Maliki, this time the conflict is more acute. Maliki, feeling newly confident in his power and support, has begun to do what other Prime Ministers lacked the nerve to do – confront the Kurds over their autonomy status and claims of regional jurisdiction, rather than merely stalling their ambitions.

Implications for Coalition position and strategy

The interplay of these domestic Iraqi political dramas will inevitably mean a changed role for the U.S. and its allies in Iraq. The current Obama Administration is intent on reducing its military presence, and while Iraq will by no means be relegated to the back burner, it will no longer be the sun around which all other foreign policy issues orbit as it was during the Bush Administration. So how exactly will these trends redefine an Iraq strategy for the United States and its allies?

Stepping up the political game

Though the U.S. has had capable ambassadors serving in Iraq, particularly the outgoing Ambassador Ryan Crocker, military strategy, organisations and personnel have largely driven Iraq policy up to this point. For far too long the U.S. has relied on military strategy and tactics to execute its policies in Iraq. It is part of a larger trend of the militarisation of U.S. foreign policy. As a result, many of its political instruments have become dull and blunt.

In his 'Plan for Ending the War in Iraq' President Obama has tried to reverse this trend. Claiming that, 'a phased withdrawal will encourage Iraqis to take the lead in securing their own country and making political compromises', the Obama plan stressed political solutions rather than military ones.⁵⁰

Though the resolution to these political issues rests with the Iraqis, it does not mean that the U.S. cannot use diplomatic tools to help foster resolutions that will further U.S. interest. First

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the U.S. needs to sharpen those tools before using them. One wonders whether the debate about the potential of premature withdrawal to cancel out security gains in Iraq is really a concern about whether the U.S. has the political and diplomatic tools to fulfill the role it has asked the military to perform.

U.S. policy towards Iraq not bolstered by a substantial military presence, and one which requires a return to normal political diplomatic relations, requires a deep and detailed knowledge of emerging Iraqi politics and how to influence them. The Iraqi dynamics discussed in this paper have no military solutions.

The expanded political landscape in Iraq requires a better understanding of Iraqi politics, players, and goals and intentions. With a robust military presence, the United States and Coalition partners were in a position to manage Iraqi politics: now the US must learn to shape outcomes by more subtle means, or in other words, come to terms with a more normal relationship with Iraq.

Kirkuk: go it slow

Declining U.S. leverage and involvement could spell trouble for Kirkuk and for other elements of the Arab-Kurdish dispute. If the UNAMI process runs into problems there will be no safety net in the form of U.S. troops. The conventional wisdom is that violence will increase in Kirkuk if a resolution is not reached soon. However, there is equal likelihood of violence if a resolution on Kirkuk is forced *too* soon. All sides in the conflict want to see an early resolution in their favour and are

complaining of the lack of progress from de Mistura and his team. However, forcing an early resolution is dangerous given the stakes and high emotions of all the stakeholders.

Given that the U.S. has decided to step back from actively leading the resolution process, it would do well to continue supporting UNAMI and become an important advocate for its 'go it slow approach'. Part of the go it slow approach, also advocated by the United Nations, is to focus first on the resolution of other, though less high-profile and high-stakes, provinces as a test case.

The 'go it slow' strategy will also allow Iraqi politics to take its course and come to a resolution on these issues through its own processes. Power brokers will change and stakeholders will hopefully take the time to make compromises.

Mosul, a center of the Arab-Kurdish dispute, is a good example of this. In the recent provincial elections, the Kurds lost a number of their seats, while Arab parties gained. This changed the provincial political dynamic completely. If any of the disputed areas around Mosul had been resolved prior to the election when the Kurds were in a stronger position, or if the two sides were forced into a premature agreement, the provincial elections may have nullified any agreement.

Whither Iran?

The implication of the Iraq war on the regional balance of power, particularly if it has unintentionally bolstered Iranian interests, is a question that preoccupies U.S. policy-makers.

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If Iraq is not a client state of the United States, does that mean it will become a client state of Iran? Is Iraq's resistance to overt American influence, as evidenced in the SOFA negotiations, a sign of a greater nationalism or is it a rejection of the West in favour of collaboration with its Shia neighbour? While a full treatment of Iran-Iraq relations and Iranian influences in Iraq are beyond the scope of this paper, it is important to explore whether the U.S.'s declining leverage will necessarily mean an increase in Iran's.

There is reason to be wary of Iranian influence on Iraq. The Iranians exerted considerable influence during the SOFA negotiations and it was one of the reasons that the run-up to the agreement was so difficult. The Iranians played upon Iraq's desire to restore sovereignty to get Iraqi negotiators to spur an agreement. The Iranians used their influence with Iraqi government officials, many of whom Iran supported in their days in exile, to press the case that a SOFA, even with a timetable, would extend, not end, the U.S. presence and would stifle Iraqi sovereignty further.

The Maliki government was frequently meeting with Iranian advisors such as Gen. Qaseem Suleimani who heads the IRGC to seek advice on the SOFA negotiations. It is rumoured that on the advice of the Iranians, Maliki replaced his long-standing SOFA negotiating team, a team that was familiar and comfortable with their American counterparts, with three new close advisors unfamiliar with the negotiations' history. The Iranian government also deployed a sophisticated propaganda campaign targeted towards the Iraqi people to discredit the SOFA process.⁵¹

But because the final draft of the SOFA agreement included a clause that prohibited the United States from using Iraq as a base from which to attack a neighbouring country, the Iranians eventually dropped their in-principle opposition.⁵²

The Iranians, like the Iraqis, eventually came around to the view that the SOFA was the beginning of the end of the United States' footprint in Iraq. The Iranians undoubtedly also saw it as an opportunity to extend their already deep reach into Iraq.

But do Iran's heavy levers of influence make Iraq its client state? By virtue of its proximity and shared religion and history, the Iranian-Iraqi relationship will remain close. But their shared history is a complicated history. Both countries vie for pre-eminence in the Shia community. Najaf is a rival to Qom. The legacies of the Iran-Iraq war are not forgotten and Arab/Persian rivalry continues.

Iran also faces a number of constraints on its influence. Iraq's sizable Sunni Arab community will strongly resist Iranian influence on Iraq. Dr. Abd al Wahhab Salim of the Desert Research Center in Anbar has stated, 'They [Sunni Arabs] see that the United States invaded them militarily, but the Iranian invasion was ideological, social and religious, which for their country is more dangerous and horrible than the military invasion.'

A reorientation towards centralism will also decrease the number of avenues by which Iran may be able to exert its influence. Iran was and remains a strong supporter of groups with a decentralisation agenda like SIIC, because, according to one report, 'many Iranians

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(including influential think-tanks such as the Tehran-based Center for Strategic Research) assume that a system where sectarian identity [and regionalism] is pushed to a maximum gives them the greatest possible influence in Iraq through the Shiite Islamist parties.⁵³ However, as earlier discussed, SIIC has moved from being a central to an increasingly marginalised player in Iraq.

Iraq's growing nationalist sentiment and self-confidence is another hindrance to Iran, just as it is for the United States. It is not only Sunni Arabs but the 22nd July movement and their allies that aim to resist overt influence from any country. Even Shia tribal leaders like famed resistance leader Abu Hatem, the 'Lord of the Marshes', of the Albu Mohamed tribe, have consistently opposed Iranian meddling in Iraq, long protecting the border area from infiltration by Iran.⁵⁴

And important as it is, Iraq is only one chess piece on the Middle East board that Iran can play. Iran's strategy and position in the Middle East is dependent on a myriad of issues and one move can affect its ability to direct or influence another. For example, the thawing of U.S. – Syrian relations impact Iran's position in the region which in turn impacts its ability to project its influence in Iraq. The situation remains fluid on this and other regional dynamics. Therefore Iran's ability to influence Iraq will also remain fluid.

It is not only regional considerations that constrain Iran's leverage in Iraq. Iran is facing many domestic challenges. Iran is experiencing double-digit inflation and 30 per cent unemployment rates. Real estate prices have skyrocketed and Iran's young people and

reformists are agitating for change to rigid social and political practices imposed by conservative theocrats.⁵⁵ Iran's preoccupation with domestic concerns will leave less time and resources for regional machinations.

And though we have discussed the various ways the United States' influence and leverage have declined, Iran's overt direction of Iraq is nevertheless tempered by the United States' residual troop presence and interest in Iraq. It is not only the U.S. military presence, but also Iran's strategic calculations which govern the future of U.S.-Iran relations, that influence Iran's actions in Iraq.

The Iranians have alternately cooperated with and foiled U.S. plans towards its neighbour. It is not in their interest to have a failed state next door, hence their tactical support on a number of issues, but neither do they want Iraq to end up a satellite of the United States from which it could direct attacks against their soil.

Iran's relationship with Iraq will inform, and is informed by, the larger struggle between Iran and the West as the new Obama Administration attempts to repair the decades-long rift while also dissuading Iran from its nuclear ambitions.

It appears that Iran faces the same constraints as the United States – an assertive Iraq, more pressing foreign policy considerations, domestic challenges, and uncertainty about how to manage its relationship with the other. Iraq has not become a client state of the U.S. Nor will it be one of Iran's. Iraq is nobody's client.

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