

APRIL 2013

MARISA SULLIVAN

MIDDLE EAST SECURITY REPORT 10

MALIKI'S AUTHORITARIAN REGIME



Cover Photo: Prime Minister of Iraq, Nouri al-Maliki, listens to an opening speech during the Sarafya bridge opening in Kadimiya, Iraq in 2008. (U.S. Air Force photo/Staff Sgt. Jessica J. Wilkes)

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EXECUTIVE SUMMARY

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- Today, political and military power in Iraq is highly centralized in the Prime Minister Maliki's personal office. The national unity government that was formed in the wake of the 2010 parliamentary elections has given way to a de-facto majoritarian government in which Maliki has a monopoly on the institutions of the state. This will have important implications for the future of Iraq and the trajectory and durability of its democratic transition.
- Maliki is the dominant force over Iraq's conventional military forces, special operations units, intelligence apparatus, and civilian ministries. Maliki began his security consolidation not long after taking office in mid-2006.
- Maliki's security consolidation enables the prime minister to prevent any coup attempts, to aggressively target Sunni terrorist groups, and to check political rivals through the implicit or explicit threat of force.
- Since 2007, Maliki has used the creation of extra-constitutional security bodies to bypass the defense and interior ministries and create an informal chain of command that runs directly from his office to the commanders in the field, allowing him to exert direct influence over the both the targeting of individuals and the conduct of operations. Chief among these are the Office of the Commander in Chief (OCINC) and provincial-level operations commands.
- OCINC reports directly to the prime minister and is staffed by Maliki loyalists. The extra-constitutional body has no legal framework to govern its existence and therefore no accountability or oversight, yet it has significant powers and resources. Maliki has also attached Iraq's most elite units to his military office, and has used them for political purposes.
- Maliki relies on the operations commands to coordinate government responses to security challenges. He maintains direct control over these headquarters through OCINC and through the appointment of trusted commanders.
- The lack of oversight on military appointments has allowed Maliki to choose his preferred officers (nearly all Shi'a) to head the most significant command positions in Iraq—those of the Iraqi Army Divisions and Operations Commands. Maliki has appointed these senior military officers in acting capacities to bypass requisite parliamentary approval and oversight. The individuals who benefit from these appointments become, in turn, invested in Maliki's success and continuation as prime minister.
- After the 2010 election, Maliki greatly expanded his control over many of Iraq's civilian institutions, including the judiciary and independent bodies such as the elections commission, central bank, and the anti-corruption watchdog.
- Through his consolidation of power, Maliki has subverted the system of checks and balances that was intended in the Iraqi constitution. His growing influence over and limitations on supposedly independent institutions have tarnished the legitimacy and efficacy of these bodies, particularly the judiciary and the parliament.
- Politicization at the national level has effectively compromised the role of the judiciary as an independent check on the other branches of government. The judiciary has been an accomplice to the centralization of power by Prime Minister Maliki through a series of controversial rulings that have empowered the executive and restrained or removed his political rivals.
- Maliki has used his parliamentary allies and favorable judicial rulings to remove key personnel deemed obstacles to his control of Iraq's independent bodies, the most important of which are the Iraqi High Electoral Commission (IHEC), the Central Bank of Iraq (CBI), and the Integrity Commission. The prime minister has also used his influence over these bodies to check his political rivals and shield his political allies.
- Free and fair elections will be nearly impossible in the current political environment without an impartial and independent IHEC. Thus, Maliki's efforts to influence, if not control, IHEC are particularly concerning because it suggests his effort to subvert Iraq's electoral process.
- The Council of Representatives (CoR) has not been an effective check on executive authorities. The parliament's internal dysfunction, combined with Maliki's own efforts to undermine the body, has limited its oversight ability. Maliki has adopted a strategy meant to keep his parliamentary opposition fragmented and prevent the coalescing of a broad anti-Maliki bloc. This has proved largely successful, aided by the opposition's own internal divisions.

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- Maliki's requests have prompted judicial rulings that have curbed the legislating and accountability powers of the parliament, namely by preventing the CoR from initiating legislation and limiting its ability to question ministers.
- Maliki uses his control over the security and civil institutions mentioned above in various ways to advance his interests. One objective is to dismantle Iraqiyya's senior leadership, while another is to expand his control over Iraq's financial institutions. Maliki has also used his control over the security forces and judiciary to defuse a federalism challenge from several Iraqi provinces. De-Ba'athification, along with accusations of terrorism and corruption, have become convenient political tools to discredit and even remove opponents. Maliki is not the only politician in Iraq to use these tools, but he has the most latitude in doing so on account of his growing executive authority.
- Maliki still faces some challenges to his power that he will likely have to face in the near future. The first stems from his rivalry with the Sadrists for political dominance among Iraqi Shi'a. The second comes from the growing Sunni discontent with the status quo. While the demonstrations have thus far remained largely peaceful, they have mobilized a significant number of Sunnis in opposition to the government, something that Maliki has sought to avoid.
- There is also the danger that Sunni discontent and the instability in Syria may translate into a resurgence of al-Qaeda in Iraq. Any security crackdown or further actions seen as disenfranchising the Sunni participation might actually exacerbate the drivers of instability that could fuel a regeneration of al-Qaeda in Iraq.
- Maliki will seek to keep the Sunni fragmented by alienating or removing leaders from rival political parties (such as Nujaifi, Issawi, and Allawi), while cultivating allied Sunni politicians and political groups. The promise of patronage that participation in the Maliki government affords is often a strong motivator for politicians.
- The upcoming provincial and parliamentary elections present an important political test for Maliki. If the status quo prevails in the coming months, Maliki will emerge from these next elections in a better political position. A strong electoral showing in the provinces would allow him to increase his number of seats in the parliament, to regain the premiership, and to make the parliament even more of a rubber stamp, ideally by installing a more pliable speaker to accelerate the move toward majoritarianism.
- The United States has largely stayed quiet on the issue of Maliki's consolidation. This silence gives the perception of consent, even if the United States harbors reservations about Maliki's authoritarian behaviors and intentions.
- U.S. engagement with Iraq in recent years has focused more on the need for preserving stability and providing Iraq with security assistance. Such assistance has ignored the political context that is helping to fuel security challenges and has only strengthened the hand of the prime minister, especially given Maliki's tight control of the security forces.
- Maliki—in his willingness to support the Assad regime in Syria and unwillingness to abide by U.S. sanctions on Iran—is pursuing a regional policy that is much closer to Iran's than that of the United States.
- The U.S. does retain leverage within Iraq, but it must use it more effectively. In light of these factors, the United States should reevaluate its relationship with Maliki and be more vocal in rejecting any actions that undermine the democratic process in Iraq.
- The United States should seek a better understanding of how power is exercised within the Iraqi state. Additionally, American officials should engage more broadly in the political sphere and not simply focus on security cooperation. Greater attention to the timing and means of engagement will also be necessary to break the perception of unwavering U.S. support for Maliki's actions.
- The United States and other international actors can play a vital role in enabling (or inhibiting) Iraq's exit from Chapter VII. A willingness to speed, slow, or stop weapons sales under the Foreign Military Sales program may also serve as a vehicle to exert influence.
- Supporting an authoritarian leader in the name of stability will have the opposite outcome and only exacerbate tensions and divisions within Iraq. Ultimately, the United States must recognize that stability in Iraq will only come through an inclusive, representative, and fair political system that protects the rights of all Iraqis—goals that run counter to Maliki's current aims, policies, and behaviors.

MALIKI'S AUTHORITARIAN REGIME

By Marisa Sullivan

Politics in Iraq is a competition for power and resources. This struggle has manifested itself in a battle for control of state institutions. At various times in Iraq's recent history, political factions have sought to expand their influence over state ministries, security forces, and societal groups as a means to enhance their power. This competition has also become deeply personalized, and political success in Iraq is increasingly tied to personal survival.

Given these political realities, then, Iraqi Prime Minister Nouri al-Maliki's centralization of control over the last five years is not surprising. Prime Minister Maliki has eclipsed his political rivals in this competition for state control. The prime minister's security consolidation began in late 2006, shortly after his ascent to the premiership. Today, Maliki exerts tight control over Iraq's armed forces and intelligence apparatus through an alternate chain of command that runs directly to his office and through a network of loyalists within senior defense positions. His control of the coercive arm of the state enables him to deter coup attempts, maintain relative security to enhance his political legitimacy, and implicitly or explicitly threaten political rivals.

Maliki has also increased his control over Iraq's civil institutions. This consolidation process has accelerated since the 2010 parliamentary election, when Maliki faced the greatest political challenge to his tenure as prime minister. Since that time, Maliki has exerted significant influence over the judiciary, which he has used to expand executive power. He has used favorable judicial rulings to limit any potential checks on his authority that might come from the parliament or from Iraq's independent bodies, including the electoral commission or the integrity commission. The prime minister has expanded his control of Iraq's financial institutions, giving him greater access to financial resources that he can use to advance his interests. Using his control of the security forces, judiciary, and other civilian institutions, Maliki has also fended off parliamentary challenges to his power by fragmenting, coopting, or coercing rivals, although he has been aided in this endeavor by the dysfunction of his political opponents.

Maliki has justified his expansive executive powers, arguing for a strong central government on the grounds of security necessity, political expediency, and stability. He has also cited parliament's dysfunction as a reason

for greater prime ministerial powers, and has faulted his rivals for presenting obstacles to political progress. These arguments, while not without some merit, do not account for Maliki's own role in contributing to the weakness of the parliament and the divisive nature of Iraqi politics. Maliki's behavior suggests he is increasingly linking his own personal survival to that of his regime. His desire to centralize and maintain power, therefore, stems more from political paranoia, distrust, and fear, than from strong ideological impulses. Yet, the net result is the same: Iraq is more authoritarian today than at any point in the last ten years.

The national unity government that was formed in the wake of the 2010 parliamentary elections has given way to a de-facto majoritarian government in which Maliki has a monopoly on the institutions of the state. This will have important implications for the future of Iraq and the trajectory and durability of its democratic transition.

This paper will explore the prime minister's consolidation of power in detail, in order to understand how the Iraqi state functions today and how it may evolve. The first section documents Maliki's security consolidation through his creation of an alternate chain of command, as well as his expanded control of Iraq's intelligence apparatus. The second part of the paper considers Maliki's expanded control over Iraq's civilian institutions, namely the judiciary and independent bodies, and his efforts to reduce the role of the parliament. The third section examines how Maliki's institutional control has enabled him to use de-Ba'athification and accusations of corruption and terrorism as political tools to advance his interests at the expense of his rivals. Two key themes that emerge throughout these sections are: Maliki's use of acting appointments to bypass parliamentary oversight; and his creation of a network of loyalists, often members of the Da'wa party, co-religionists, or other trusted allies. The final section of the paper examines

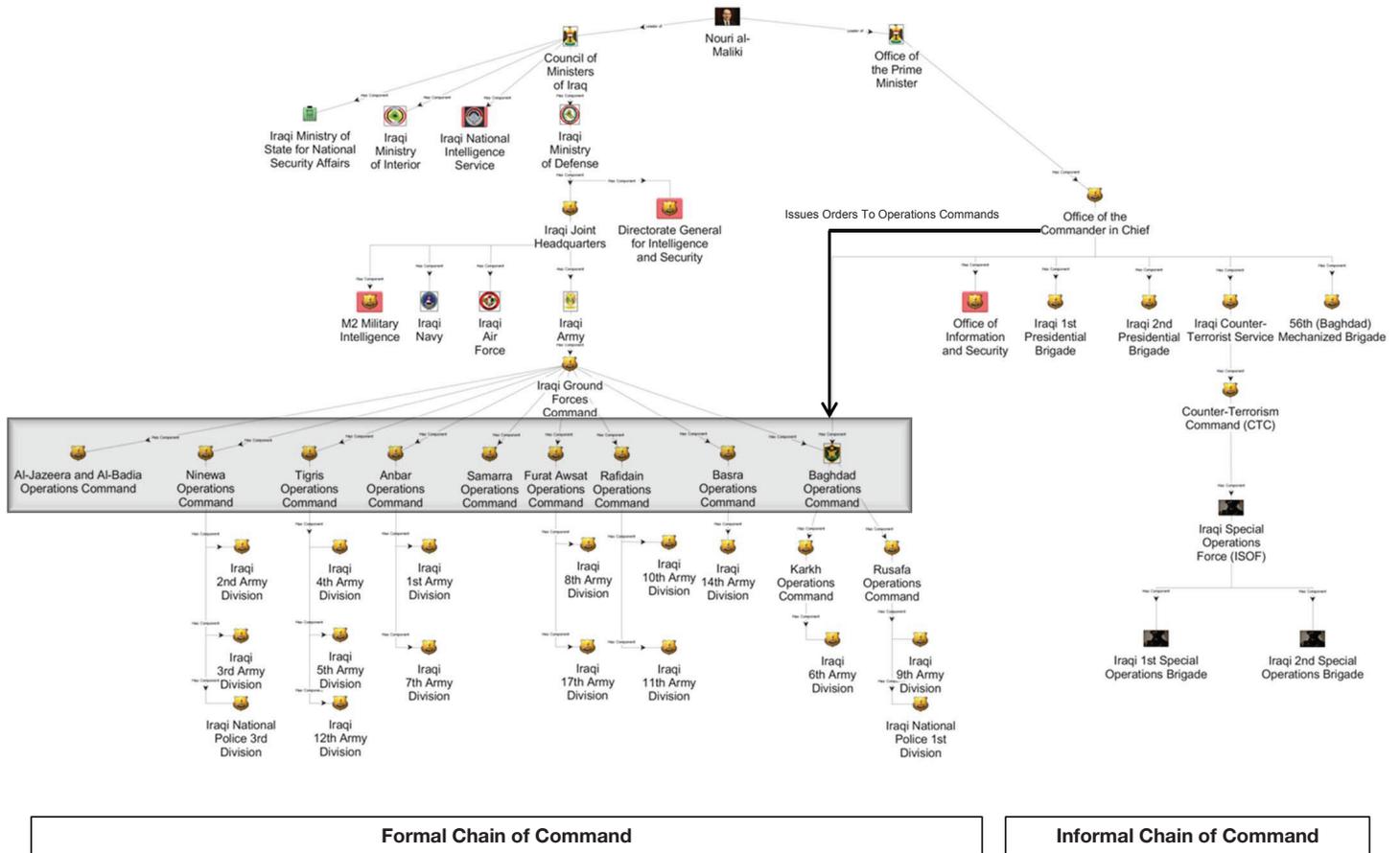


CHART 1 | FORMAL AND INFORMAL CHAINS OF COMMAND

the consequences of Maliki’s consolidation and assesses the implications for the approaching provincial and parliamentary elections in 2013 and 2014, respectively. It will also consider what other steps Maliki may take to further strengthen his political position and consider the ramifications of Maliki’s dominance for U.S. interests in Iraq and the region.

MALIKI’S SECURITY CONSOLIDATION

Maliki was confronted with a weak, ineffective state and worsening security situation when he assumed the premiership in mid-2006. Iraq was engulfed in a bloody civil war. Violence reached new highs as al-Qaeda in Iraq (AQI) fighters and Shi’a militants were locked in a sectarian battle, killing thousands of civilians each month. With the announcement of the “Surge,” the immediate priority for coalition forces was to bring the security situation under control. Iraqi and U.S. forces initiated various programs to improve the effectiveness of Iraq command and control as they embarked on a new counterinsurgency strategy. The security exigencies and new security bodies created during the Surge period gave

Maliki greater latitude to assert government control of security in Iraq and consolidate his own control over Iraq’s security apparatus.

The lack of clear legislation on the roles, missions, and organization of the Iraqi armed forces and defense ministry, as well as the ambiguities in the roles and relations of senior civilian and military commanders, has also assisted Maliki’s security consolidation. Maliki and his close aides have defined his role as commander-in-chief in expansive and literal terms, planning operations and issuing orders. Working through an alternate chain of command, Maliki limits the influence of potential rivals in the ministry of defense.

Alternate Chain of Command

Command and control of the armed forces in Iraq formally runs through the Ministry of Defense to the Iraqi Joint Headquarters (JHQ), which oversees each branch of the Iraqi military. Underneath the JHQ is the Iraqi Ground Forces Command, part of the Iraqi Army, which formally has operational control over Iraqi ground

units.¹ Since 2007, Maliki has used the creation of extra-constitutional security bodies to bypass the defense ministry and create an informal chain of command that runs directly from his office to the military commanders in the field, allowing him to exert more direct control over the Iraqi armed forces. Chief among these are the Office of the Commander in Chief (OCINC) and provincial-level operations commands.

The Office of the Commander in Chief

The Office of the Commander in Chief is the central node for Maliki's centralized control over Iraq's security forces. The office, which reports directly to the prime minister and is staffed by Maliki loyalists, controls security matters in Iraq. OCINC can and does override the Ministry of Defense and Ministry of Interior. The extra-legal body has no legal framework to govern its existence and therefore no accountability or oversight, yet it has significant powers and resources. Some of the most elite Iraqi Army units, including the Iraqi Special Operations Forces and the Baghdad Brigade, report directly to OCINC. In recent years, some of these units have been implicated in politicized targeting and operations. The office also has its own intelligence unit, the Office of Information and Security. OCINC often issues orders to units in the field via the operations commands, but sometimes goes directly to unit commanders, therefore bypassing the formal military chain of command that runs through the Ministry of Defense.

Planning for OCINC's creation began in late 2006, and the office was formally established in early 2007. The office was initially intended to serve as a consultative and coordinating body for the prime minister and armed forces in order to improve the implementation of security operations. The first director was General Abboud Qanbar, a close Maliki ally with a background in naval infantry in the previous Iraqi Army. Abboud's tenure at OCINC was brief. In February 2007, he was selected to lead the newly formed Baghdad Operations Command, which was to oversee security force operations in the Iraqi capital.²

The powers of OCINC quickly expanded under the leadership of General Farouq al-Araji, who has directed the office since February 2007.³ Araji, a Shi'a, is a cousin of two prominent Sadrist leaders, Bahaa al-Araji, a member of parliament, and Hazem al-Araji, an influential cleric in Baghdad's Kadhimiyah neighborhood.⁴ A former officer in Saddam Hussein's

Army, Araji retired as a lieutenant colonel and pursued a career in law.⁵ When Abboud left OCINC, Maliki appointed Araji as the new head of his military office, promoting him to the rank of lieutenant general. Araji had a rocky relationship with U.S. forces in Iraq, and rebuffed American efforts to influence or limit the powers of OCINC.⁶

OCINC ran into controversy within months of its creation. U.S. military and intelligence sources accused OCINC of overruling the defense and interior ministries.⁷ The office was also implicated in sectarian practices that disproportionately targeted Sunnis and in the purging of officers who had taken aggressive action against Shi'a militias.⁸ OCINC bypassed the formal chain of command that ran through the Ministry of Defense, Joint Headquarters, and Iraqi Ground Forces Commands by issuing orders (sometimes by cell phone) directly to the operations commands and even to brigade and battalion commanders in the field.⁹ Through OCINC, Maliki could direct the movement and operations of units, issue specific targeting orders, and remove commanders at will. OCINC justified some of these practices using warrants of questionable legal validity, as they were produced by OCINC and not the Iraqi courts.¹⁰

OCINC oversees several of Iraq's most elite security units. The 56th Brigade of the 6th Iraqi Army Division, also known as the Baghdad Brigade, reports directly to the prime minister though OCINC, though it is nominally a part of the 6th Iraqi Army Division. The 1st and 2nd Presidential Brigades, which also report directly to OCINC, are the prime minister's guard force. Finally, Maliki exerts significant control over Iraq's special forces, which report to OCINC through the Counter-Terrorism Service (CTS).

The Baghdad Brigade is one of the best-trained units in the army, with roughly 3,000 soldiers and T-72 tanks.¹¹ It is responsible for security in Baghdad's fortified Green Zone, which contains the parliament building, the Ministry of Defense, and the homes of many Iraqi politicians, including Prime Minister Maliki. Yet, the Baghdad Brigade has also conducted special missions for the prime minister even beyond the capital, including the arrests of political rivals in Baghdad, Diyala, and Ninewa provinces.¹² More recently, the Baghdad Brigade conducted the raids against Vice President Tareq al-Hashemi and Minister of Finance Rafia al-Issawi in December 2011 and December 2012, respectively.¹³

OCINC also assumed greater authority over Iraq's roughly 4,000 special operations forces through the creation of the Counter-Terrorism Service. Maliki issued an executive order establishing the CTS in April 2007.¹⁴ The CTS reports directly to and receives funding from OCINC, rather than the Ministry of Defense.¹⁵ Dhia Kanani, the director of CTS, is a former Ba'athist general.¹⁶ Because the parliament has failed to pass a counter-terrorism law, the organization operates without any legal framework or oversight, much like OCINC and the operations commands.¹⁷ This extra-constitutional body controls Iraq's most elite fighting forces, the Iraqi Special Operations Force (ISOF).¹⁸ Both of Iraq's two ISOF brigades report to an operational headquarters, the Counter-Terrorism Command (CTC), which had previously been a part of the Ministry of Defense but was placed under the CTS in early 2007.¹⁹

ISOF targets had previously required approval from an executive committee from the Ministerial Council for National Security, which included the Prime Minister and the Ministers of Justice, Interior, and Defense, as well as the Chief of Staff of the Joint Headquarters. OCINC used the CTS to circumvent this process.²⁰ Many regional ISOF commanders are Maliki loyalists or even relatives, who have been personally selected by the prime minister.²¹ The CTS has also fired a number of seasoned ISOF officers and has prevented the units from targeting Shi'ite militants, including those who had launched attacks on U.S. soldiers in Iraq.²²

ISOF units have been implicated in politicized and sectarian targeting across Iraq.²³ In one of the most public incidents, an Iraqi Special Forces unit arrested two prominent Sunni politicians in a raid on the Diyala governor's office in August 2008 that killed one person.²⁴ In December 2008, ISOF arrested dozens of members of a rival Shi'a political party only weeks before provincial elections.²⁵ In 2010, Special Forces again arrested a rival politician who had criticized the performance of the security forces in Diyala Province.²⁶ Because of these and many other questionable raids, it is perhaps not surprising that some Iraqis have labeled ISOF the "Dirty Brigades" or the "Fedayeen al-Maliki," a reference to Saddam's paramilitary force.²⁷

The Baghdad Brigade and Counter-Terrorism Service oversee secret prisons in Baghdad, where detainees are tortured and held incommunicado for extended periods under miserable conditions.²⁸ These prisons, including facilities known as Camp Honor and Camp Justice, were

discovered in 2010. Despite Maliki's assurances that he would close the facilities and transfer detainees into prisons under the control of the Ministry of Justice, the secret prisons were still functioning more than a year later.²⁹ In some cases, detainees were simply transferred to other facilities under the control of the Baghdad Brigade and the Counter-Terrorism Service. There have not been public reports on the status of these prisons, but the indiscriminate arrests and allegations of torture persist, as is evident in the recent demands of 2013 Sunni protest movement.³⁰

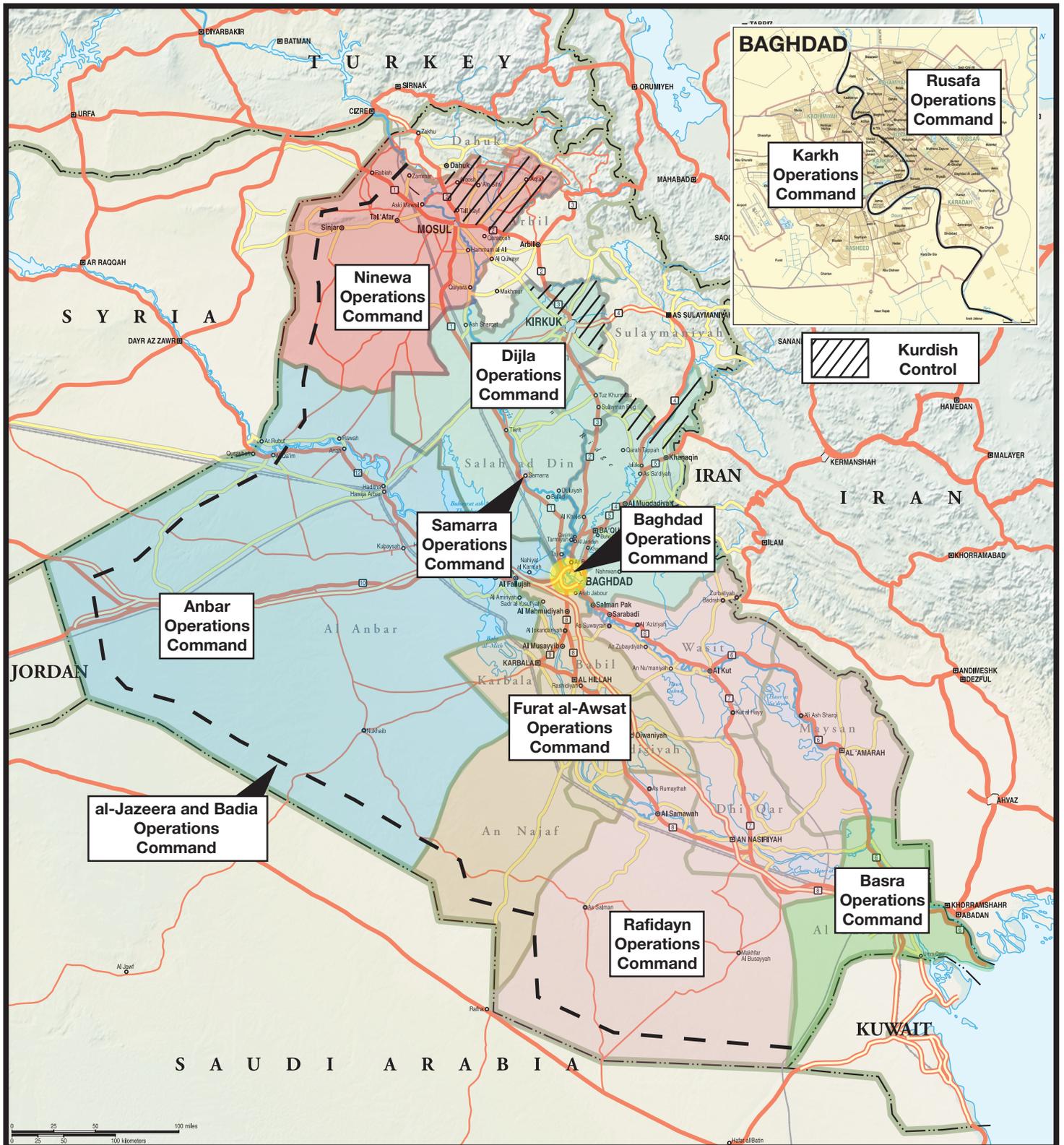
Operations Commands

Operations commands grew out of security necessity, but quickly proved a useful means for Maliki to assert more direct control over the Iraqi security forces. Currently there are eleven operations commands that effectively answer only to the Prime Minister's office.³¹ Iraqi security officials maintain that these are temporary bodies whose authorities will eventually transition back to the ministries of defense and interior; however, they are unlikely to be dismantled anytime soon because of their utility.

In 2007, with the launch of offensive counterinsurgency operations as part of the Surge, coalition and Iraqi forces sought a means to improve command and control and to better coordinate the actions of military and police forces in a given area. The operations command headquarters were therefore given authority over all operations and forces in their area. U.S. forces encouraged the creation of operations commands and even helped fund them.³²

The creation of a new echelon of command did create confusion. According to the Lieutenant General James Dubik, the commanding general of the U.S. training command in Iraq during the period in which the operations centers were created, the operations commands formally reported to the Minister of Defense, and were on par with the Iraqi Army.³³ Yet, in practice, these commands now report to OCINC.

Since its founding in February 2007, the Baghdad Operations Command (BOC) has remained the most important operations command, on account of the capital's importance for Iraq's stability and for the personal security of the prime minister. The BOC was launched at the start of the Baghdad Security Plan and served as the model for similar commands in other provinces.



MAP 1 | OPERATIONS COMMANDS

The operations commands proved quite successful at planning and executing security operations, coordinating the efforts of military and police forces in a given area, improving communication across the chain of command, and, consequently, reasserting government control over previously insecure areas. Not surprisingly, operations commands proliferated across Iraq. In 2007, operations commands were stood up in Diyala and Basra provinces. In 2008, the Ninewa Operations Command and the Anbar Operations Commands were created.

In the last year, Maliki has sought to reorganize some of these security commands, presumably in an effort to streamline command and control, to expand the purview of the operations commands, and to respond to new security challenges. In mid-2012, Maliki announced the creation of the Dijla (Tigris) Operations Command, which would control security forces in Kirkuk, Diyala,

and parts of Salah ad-Din province.³⁴ The move was controversial because it included disputed areas in its jurisdiction. Kurdish officials vigorously rejected the creation of the new command, and saw it as an effort by Baghdad to assert government control over these areas in Kirkuk, in violation of a previous understanding that local forces would be responsible for security.³⁵ Maliki denied these allegations, arguing that it was only intended to improve anti-terrorism efforts.³⁶ The disagreement over security control led to a gunfight between Kurdish Peshmerga and Iraqi Federal Police forces in Tuz Khurmato near Kirkuk in December 2012, in an incident that nearly escalated into broader conflict as both Maliki and KRG President Massoud Barzani dispatched reinforcements.³⁷ Although the incident did not escalate further, Arab-Kurd tensions remain high.

Operations Command	Formation Date	Current Commander	Previous Commanders
Anbar Operations Command	August 2008	Mardhi al-Mahlawi (2013-Present)	Tariq Abd al-Wahab Jasim al-Azzawi (2012-2013) Abd al-Aziz al-Obaydi (2009-2012) Mardhi al-Mahlawi (2008-2009)
Baghdad Operations Command	February 2007	Ahmad Hashim Awwad (2009-Present)	Abboud Qanbar (2007-2009)
Basra Operations Command	August 2007	Abd al-Amir Rasheed Yarallah al-Lami (2012-Present)	Muhammad Juwad al-Huwaidy (2008-2012) Mohan al-Furayji (2007-2008)
Dijla Operations Command	July 2012	Abd al-Amir al-Zaydi (2012-Present)	
Furat al-Awsat Operations Command	Prior to November 2010	Othman Ali Farhood al-Ghanimi (2010-Present)	
Al-Jazeera and Badia Operations Command	February 2013	Hassan Karim Khudhair Abbas al-Saadi (2013-Present)	
Karkh Operations Command (AKA Karkh Area Command)	February 2007	Ali Hamadi al-Musawi (2009-Present)	
Ninewa Operations Command	January 2008	Basim Husayn Ali al-Ta'i (2011-Present)	Hassan Karim Khudhair Abbas al-Saadi (2009-2011) Riyad Jalal Tawfiq (2008)
Rafidayn Operations Command	November 2012	Mezher Al-Azawi (2012-Present)	
Rusafa Operations Command (AKA Rusafa Area Command)	February 2007	Salahadin Mustafa Kamal el-Qradg (2012-Present)	Abd al-Karim Abdul-Rahman Youssef Izzi (2012) Nassir Ahmad Ghanim Al-Hiti (2011-2012)
Samarra Operations Command	2006, after the Askari Mosque bombing	Sabah al-Fatlawi (2012-Present)	Rashid Flayeh (2009-2012)
Diyala Operations Command*	Prior to August 2007	Abd al-Amir al-Zaydi (2011-2012)	Tariq Abd al-Wahab Jasim al-Azzawi (2009-2011) Abd al-Karim al-Rubay'i (2007-2009)

*NOTE: The Diyala Operations Command was subsumed under the Dijla Operations Command in 2012.

CHART 2 | IRAQ'S OPERATIONS COMMANDS

Maliki also formed the Rafadayn Operations Command in late 2012 to coordinate security in Wasit, Maysan, Muthanna, and Dhi Qar provinces.³⁸ In early 2013, he established the al-Jazeera and Badia Operations Command 2013 to handle security in the Jazeera desert area of Anbar and Ninewa provinces, in an effort to better protect the Iraqi border from spillover from Syria.³⁹ The creation of the al-Jazeera and Badia Operations Command proved controversial with local officials in Anbar and Ninewa, who said the move was taken without any consultation. KRG officials also condemned the move because the new command included disputed areas in Ninewa province and, as in the case with the Dijla Operations Command, would violate existing agreements on the deployment of forces.⁴⁰

The operations commands now appear to be permanent features of the Iraqi Security Forces, rather than a temporary creation in response to security demands.* Maliki continues to rely on the operations commands to coordinate government responses to security challenges, such as recent anti-government demonstrations in central and northern Iraq suggests. He maintains direct control over these headquarters through OCINC and through the appointment of only trusted commanders. Many of these commanders are seen as Maliki's personal security representative in the provinces, particularly those assigned to operations commands in central and northern Iraq, where security is more tenuous. A clear pattern of reliance on a small core of commanders is evident in the analysis of the appointment of officers and the units they command. This trend will be discussed in greater detail later in this report.

Control of Iraq's Intelligence Apparatus

Maliki has also consolidated control over intelligence organs, giving him the ability to collect information on and target his rivals. He has done so by cultivating rivalries amongst Iraq's various intelligence bodies, while also reshaping their composition through personnel changes.

*There is some question as to how the operations commands may evolve if there is a move towards police primacy in providing internal security. There has been little progress towards transitioning security to the police even in areas where security is good, such as southern Iraq. And Maliki's continued reliance on the operations commands and his creation of new headquarters suggests that he is unlikely to do away with them entirely.

Iraq's has six competing intelligence agencies: the Iraqi National Intelligence Service (INIS); the Ministry of State for National Security Affairs (MSNSA); the military intelligence directorate (M2) within the Ministry of Defense's Joint Headquarters; the Directorate General for Intelligence and Security (DGIS), also within the Ministry of Defense; the National Information and Investigative Agency (NIIA) within the Ministry of Interior; and the Office of Information and Security (OIS) within OCINC. The INIS and MSNSA are rival national-level intelligence agencies that collect human intelligence on internal and external threats. The M2 and DGIS provide operationally focused intelligence support to the Iraqi security forces, although the DGIS also conducts intelligence collection abroad from positions within Iraqi diplomatic missions.⁴¹ The NIIA is often compared to the U.S. Federal Bureau of Investigation, but it maintains a greater focus on domestic intelligence collection than its American counterpart. The OIS reports solely to Maliki through OCINC and "carries out undefined special intelligence and security missions."⁴²

The INIS was created in February 2004, with funding and support from the Central Intelligence Agency.⁴³ The head of the INIS was a Sunni named Mohammed Abdullah Shahwani, and his deputy was a Kurd.⁴⁴ The staff of the INIS, which numbered in the thousands, was mostly Sunni.⁴⁵ Shahwani was an outspoken critic of Iranian activities in Iraq, accusing Tehran of assassinating hundreds of INIS members, planning sabotage operations against Sunni Sahwa members, and even working with al-Qaeda in Iraq.⁴⁶

Maliki, like his predecessor Ibrahim al-Jaafari, was naturally suspicious of the INIS. The prime minister sought to reduce its influence through the creation of competing intelligence organizations. Maliki cultivated the Minister of State for National Security Affairs, Shirwan al-Waeli, as the primary alternative to Shahwani and the INIS. Maliki had appointed Waeli to his post in June 2006.⁴⁷ Waeli is a Shi'a who has trained in Iran and maintains links to Iranian and Syrian intelligence officials in Iraq.⁴⁸ Waeli's office expanded to 3,500 personnel (though some reports estimate its size to be much larger), and it soon eclipsed the INIS as the dominant intelligence body in Iraq.⁴⁹ Shahwani ultimately resigned (or was removed, depending on the source) from his post in August 2009, after a dispute with the Maliki government over Iran's purported involvement in a series of major attacks in Baghdad.⁵⁰ Shahwani's departure removed a major obstacle to Maliki's influence within the INIS.⁵¹

Iraqi Army Division	Area of Operations	Current Commander	Recent Commanders
1 st Iraq Army Division	Anbar	Adnan Jawad Ali (2012-Present; Shi'a)	Basim Husayn Ali al-Ta'i (2009-2011) Tariq Abd al-Wahab Jasim al-Azzawi (2007-2008)
2 nd Iraq Army Division	Eastern Ninewa	Ali Jassim Mohammed Hassen al-Furayji (2011-Present; Shi'a)	Nassir Ahmad Ghanim Al-Hiti (2010-2011) Abdullah Abdul-Karim (2008-2009) Mutaa al-Khazraji (2007-2008)
3 rd Iraq Army Division	Western Ninewa	Heaney Khoshnaw (2009-Present, Kurd)	Khorshid Saleem Hassan Muhammad al-Dosky (2006-2009)
4 th Iraq Army Division	Salah ad-Din	Hamed Mohammed Kamar (2012-Present; Shi'a)	Salahadin Mustafa Kamal el-Qradg (2007-2011) Abd al-Aziz Abdel-Rahman Al-Mufti (2005-2006)
5 th Iraq Army Division	Diyala	Dhia Kazim Danbus (2011-Present; Shi'a)	Khalid Jawaal Kahdim Muhsin Al-Rabai (2008-2011) Ahmed Obeidi (2011)
6 th Iraq Army Division	Baghdad	Qais Khalaf Ruhaima al-Muhamadawi (2012-Present; Shi'a)	Ahmad Ibadi al-Saidi (2010-2011) Abd al-Amir Rasheed Yarallah Al-Lami (2006-2009)
7 th Iraq Army Division	Anbar	Ismail Shihab Mohammed al-Dulaimi (2010-Present; Sunni)	Abdullah Mohammed Badir al-Jabouri (2008-2010) Mardhi al-Mahlawi (2007-2008)
8 th Iraq Army Division	Karbala, Najaf, Qadisiyah, and southern Babil	Hassan Mohamed Mowhoush (2012-Present; Shi'a)	Qais Khalaf Ruhaima al-Muhamadawi (2011-2012) Othman Ali Farhood al-Ghanimi (2005-2010) Abdulla Mohammed Khamis al-Dafi (2007)
9 th Iraq Army Division	North of Baghdad	Qassim Jassim Nazal Al-Maliki (2008-Present; Shi'a)	Riyad Jalal Tawfiq (2007) Bashar Mahmood Ayob (2006)
10 th Iraq Army Division	Dhi Qar, Maysan, Muthanna	Abd al-Amir al-Kamel Abdullah Mazaal (2011-Present; Shi'a)	Habib Talib Abbas al-Husseini (2007-2011)
11 th Iraq Army Division	Wasit	Imad Yasin al-Zuhayri (2011-Present; Shi'a)	Mizher Shaher Lateef (2007-2009)
12 th Iraq Army Division	Kirkuk	Muhammad Khalaf Sa'id (2012-Present; Shi'a)	Abd al-Amir al-Zaydi (2009-2012)
14 th Iraq Army Division	Basra	Abd al-Hussein Ali Hassan Kathim (2011-Present; Shi'a)	Abd al-Aziz Noor Swady al Dalmly (2008-2011)
17 th Iraq Army Division	Northern Babil	Nassir Ahmad Ghanim Al-Hiti (2012-Present; Sunni)	Ali Jassim Mohammed Hassen al- Furayji (2008-2011)

CHART 3 | IRAQ'S ARMY DIVISIONS AND COMMANDERS

In the months that followed Shahwani's ouster, Maliki's office accelerated its purge of Iraq's intelligence apparatus in an effort to gain greater control. In February 2010, Maliki sacked 376 intelligence officers from the Ministry of Defense, Ministry of Interior, Military Intelligence (M2), and the INIS.⁵² A spokesman for the INIS at the time accused Maliki of firing 190 employees for political reasons.⁵³ The head of the M2 at the time, Alaa al-Amiri, tried to limit the scope of the purge in his organization, but was unsuccessful and he too was eventually removed.⁵⁴ Many experienced Sunni officers were fired, and nearly all of those fired were replaced with inexperienced members of Maliki's Da'wa party.⁵⁵ Large numbers of these replacements had questionable educational credentials and had previously lived in Iran during Saddam's rule in Iraq.⁵⁶ De-Ba'athification and arrest warrants were also used to remove intelligence officials.⁵⁷ Through this series of purges and personnel changes, Maliki now exerts significant influence

over Iraq's intelligence apparatus, which has become both increasingly politicized and increasingly Shi'a-dominated.

Sectarian Imbalance and Informal Influence Networks within Command Positions

Maliki's increased control over the security forces has coincided with a shift in the sectarian composition of officers in senior command positions toward overwhelming Shi'a majorities. According to the Iraqi Constitution, the Council of Representatives is required to approve all military officers at the rank of division command and above. Yet the Iraqi parliament has not approved a single military commander. This is partially due to the parliament's inability or unwillingness to fulfill this role for political reasons and partially to the executive's reluctance to submit itself to legislative oversight. Whatever the reason, the lack of oversight on

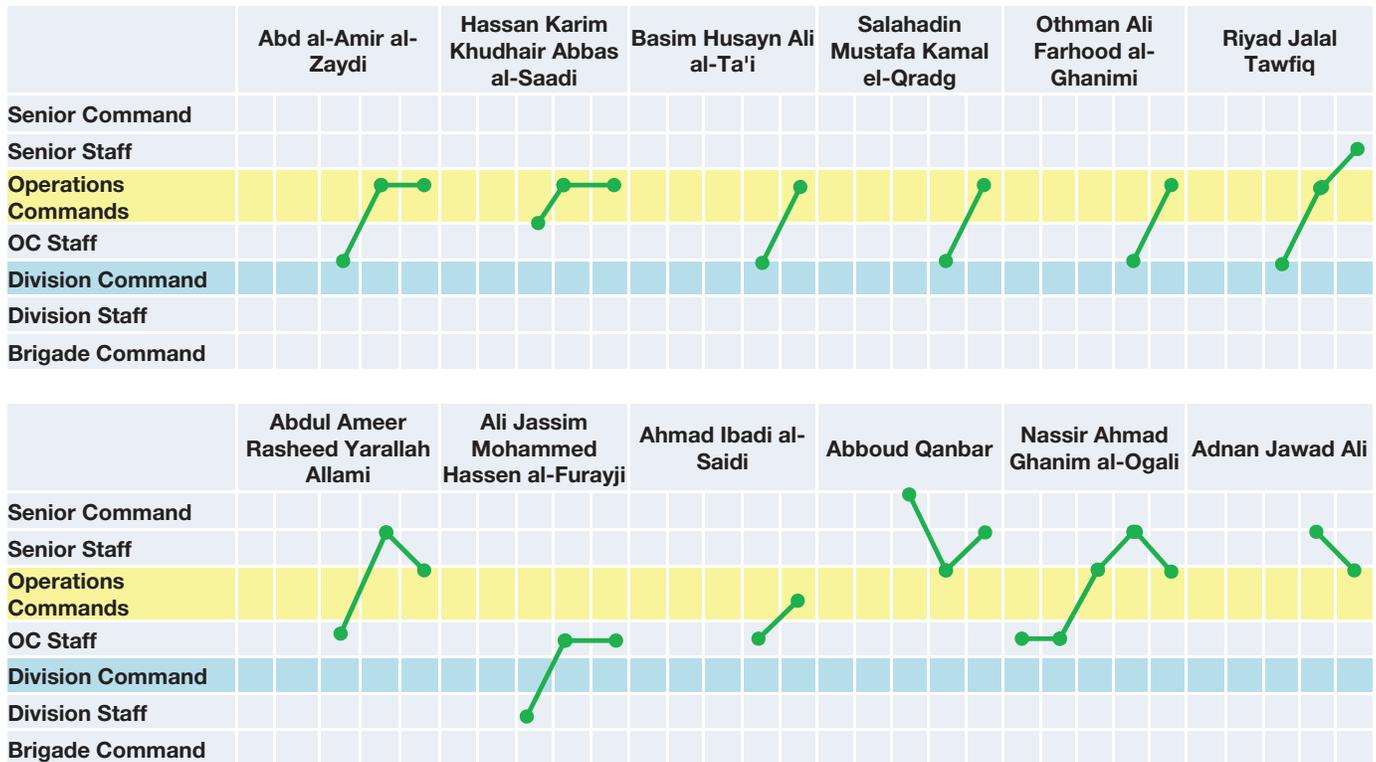


CHART 4 | COMMAND TRACKS

military appointments has been to the great benefit of the prime minister, who has chosen his preferred officers (nearly all Shi'a) to head the most significant command positions in Iraq—those of the Iraqi Army Divisions and Operations Commands. Maliki has appointed these senior military officers in acting capacities in order to further bypass requisite parliamentary approval and oversight.

Maliki has also used “acting” positions to control the top civilian security positions in the country. In December 2010, Maliki, already prime minister, was selected to also serve as the acting Minister of Defense, acting Minister of Interior, and acting National Security Advisor because Iraqi political parties were unable to come to a timely agreement during the prolonged negotiations over government formation. The intent had been to buy some time for political forces to come to a compromise agreement, but this did not occur. Maliki served as the defense minister until August 2011, when he selected Minister of Culture Sadoun al-Dulaimi as the acting chief over opposition from Iraqiyya to the move.⁵⁸

Dulaimi, a Sunni, remains in his position as acting Minister of Defense, but he is politically dependent on Maliki. That same month, Maliki also named Faleh al-Fayyad as the acting National Security Advisor.⁵⁹ Fayyad

is a Shi'a and a member of former Prime Minister Ibrahim al-Jaafari's National Reform Trend, but he has since become a trusted Maliki ally. Maliki continues to serve as the acting Minister of Interior. Adnan al-Asadi, a close Maliki associate and fellow Da'wa party member, effectively serves as the shadow minister from his position as Deputy Minister of Interior.⁶⁰ Maliki's lengthy tenure as acting Minister of Defense, Minister of Interior, and National Security Advisor ensured he remained firmly in control of nearly all of Iraq's security and intelligence apparatuses. Today, the prime minister retains practical control over these bodies, even though he no longer directly serves in two of the three roles.

Sectarian imbalance of commanders in the Iraqi Army has long been an issue of concern, particularly for the Kurds. Babekir Zebari, the chief of staff of the Iraqi Joint Headquarters and a Kurd, addressed this issue directly in a report to President Talabani in which he alleged an intentional and systematic effort on the part of Maliki loyalists within the defense and interior ministry to purge Kurdish officers and install more Shi'a commanders in positions of importance. It is difficult to verify independently whether such a specific plot existed, but the personnel changes described in Babekir's memo match publicly reported information.⁶¹

Name	Farouk al-Araji	Mohan al-Furayji	Abboud Qanbar	Hassan Karim Khudhai Abbas al-Saadi	Abd al-Amir Rasheed Yarallah al-Lami	Abd al-Amir al-Zaydi	Nasser Ahmad Ghanem al-Hiti	Qais Khalaf Ruhaima al-Muhamadawi
								
Current Position	Director, Office of the Commander in Chief	Military Spokesman and Secretary General, Ministry of Defense	Deputy, Iraqi Joint Headquarters	Commander, al-Jazeera and Badia Operations Command	Commander, Basra Operations Command	Commander, Dijla Operations Command	Commander, 17 th Iraqi Army Division	Commander, 6 th Iraqi Army Division
Former Positions		Commander, Basra Operations Command	Commander, Baghdad Operations Command	[Unconfirmed position], Rusafa Operations Command	Chief of Staff, Iraqi Ground Forces Command	Commander, Diyala Operations Command	Commander, Rusafa Operations Command	Commander, 8 th Iraqi Army Division
			Director, Office of the Commander in Chief	Commander, Ninewa Operations Command	Commander, 6 th Iraqi Army Division	Commander, 12 th Iraqi Army Division	Commander, 2 nd Iraqi Army Division	
				Deputy Commander, Ninewa Operations Command			Commander 24 th Brigade, 6 th Iraqi Army Division	

CHART 5 | TRUSTED SENIOR MILITARY OFFICERS

Today, 11 of the 14 Iraqi Army division commanders in Iraq are Shi'a. Only one commander—the head of the 3rd Iraqi Army Division (IAD)—is a Kurd. Of the two Sunni division commanders, one is a trusted Maliki ally known for his harsh tactics who has been implicated in sectarian violence against Sunnis. Until very recently, when Maliki appointed a Sunni as head of the Anbar Operations Command, likely in response to recent unrest, the heads of the provincial-level operations command were all Shi'a. While there are Sunnis and Kurds in senior roles at the division level and in the operations commands, they are usually deputies to Shi'a commanders and lack real command responsibility. Maliki has placed trusted commanders in areas of great importance or where security is most challenged. This includes positions in the Iraqi capital and the restive provinces of Diyala, Ninewa, and Kirkuk. Maliki often draws from a small pool of trusted commanders to rotate between these posts.

Maintaining security in the capital is of the utmost importance for Maliki, not only for upholding the stability of the Iraqi state but also for ensuring the prime

minister's own personal survival. Maliki has placed some of his most trusted commanders in charge of the areas that are most important to his own survival or to the stability of the Iraqi state. These are Baghdad and its surrounding areas, as well as the restive provinces of Diyala, Ninewa, Anbar, and Kirkuk. The division commanders and operations commanders in these areas are selected from a small pool of officers, nearly all of whom are Shi'a. Maliki has rotated these individuals between command positions in these areas to ensure that he has trusted allies able to head off any security or political threats that arise. The graphic below identifies some of Maliki's most trusted commanders and their pattern of rotation between command positions.

The prime minister's control of the coercive apparatus of the state is without question. Maliki is the dominant force over Iraq's conventional military forces, special operations units, intelligence apparatus, and civilian ministries. He has used the creation of an informal chain of command to exert direct influence over the both the targeting of individuals and the conduct of operations. He has attached Iraq's most elite units to his military

office, and has used them for political purposes. Maliki has also placed trusted officers in the most important command positions in the armed forces, and relies on this informal influence network to prevent any security or political threat to his regime. The individuals who benefit from these appointments become, in turn, invested in Maliki's success and continuation as prime minister. With so much control over Iraq's security forces and the ability to explicitly or implicitly threaten rivals, it is not surprising that Maliki has been able to further consolidate control over the civilian institutions of the Iraqi state.

IRAQ'S CIVILIAN INSTITUTIONS

In theory, the Iraqi Constitution establishes the separation of powers between three branches of government—the legislature, executive, and judiciary. Maliki has sought to remove institutional checks on his power and expand the authorities of the executive branch over Iraq's other branches of government and nominally independent civilian institutions. Since early 2010, the judiciary has come under the increased sway of the executive branch. Maliki's control of the judiciary has been essential to his broader consolidation because it has given him the legal justification to exert his influence over other nominally independent branches. A series of favorable but controversial judicial rulings have expanded Maliki's control over other institutions that might otherwise present a threat to his power. This includes the electoral commission, the central bank, and the anti-corruption watchdog. Judicial rulings have also limited the legislative and oversight ability of the parliament, as has Maliki's political strategy to maintain a fragmented parliamentary opposition. Maliki has been largely successful to date in ensuring that the parliament presents no real threat to his hold on power.

Judiciary

The Iraqi Constitution establishes an independent judiciary above all powers but the law. This has, however, proved more difficult in practice, as the judiciary is not immune to security and political pressures. The security of judges in Iraq has long been a problem. Militant groups have targeted judges and their families for nearly a decade. In an atmosphere of insecurity and intimidation, Iraqi judges are also vulnerable to political influence. There are many other well-documented shortcomings of the judicial system, including rampant corruption, abuses, and lack of due process.⁶² This paper, however,

will focus on politicization of the judiciary at the highest levels, as it has been integral in Maliki's centralization of power. Politicization at the national level has effectively compromised the role of the judiciary as an independent check on the other branches of government. The judiciary has been an accomplice to the centralization of power by Prime Minister Maliki through a series of rulings that have empowered the executive and restrained or removed his political rivals.

Chief Justice Medhat al-Mahmoud exerts a dominant role over the Iraqi judiciary through his posts as president of the Federal Supreme Court, head of the Higher Judicial Council (which oversees the judiciary), and head of the appellate court.⁶³ Decision-making within these bodies is highly centralized in Medhat, a tendency reinforced by the absence of a legal framework governing the work of the judiciary.⁶⁴ Medhat has also come under criticism from members of parliament for attending political meetings and for interfering in politically sensitive legal cases.⁶⁵ On account of his central role in the judiciary, Medhat has come under increasing political pressure from Prime Minister Maliki. The timing and content of Medhat's rulings in recent years indicate the success of this pressure.

The politicized role of the Iraqi high courts was especially evident during the 2010 parliamentary elections. Prime Minister Maliki's State of Law came in second place behind the Iraqiyya list in a close election result that surprised many. State of Law and the other predominantly Shi'a bloc, the Iraqi National Alliance, sought to reverse the results through a series of measures—by seeking to deny Iraqiyya the ability to form the ruling coalition through a reinterpretation of the meaning of "largest bloc," by arguing for a recount of votes in Baghdad in an effort to change the final tally, and by seeking to disqualify rival candidates through de-Ba'athification.

On March 21, several days before the final results were released, Prime Minister Maliki sent a letter to the Federal Supreme Court asking for an opinion on the meaning of the "largest bloc" in Article 76 of the constitution.⁶⁶ Chief Justice Medhat ruled on March 24 (one day before the final election results were released) that the largest bloc could mean either the electoral lists or a coalition formed after the election. This paved the way for a post-election alliance between State of Law and the INA to create the largest bloc and form the government. The move was controversial because it contradicted the original intent of the constitutional

Date	Ruling
March 2010	The Federal Supreme Court issued a ruling on the meaning of the “largest bloc” in Article 76 of the Iraqi Constitution in response to a request by Prime Minister Maliki.
April 2010	A special judicial panel ordered a recount of votes in Baghdad in response to a request from Prime Minister Maliki.
July 2010	The Higher Judicial Council issued a ruling that only the cabinet or the president could introduce new legislation, which would be submitted to the parliament for approval. The parliament could only modify the legislation.
January 2011	The Federal Supreme Court issued a ruling placing all of Iraq’s constitutionally independent bodies under the supervision of the cabinet, in response to a request by Maliki’s government for an interpretation of Articles 102 and 103 of the Iraqi Constitution.
April 2012	The Federal Supreme Court issued a ruling stating that parliament could only question ministers if there is clear legal evidence of criminal wrongdoing.

CHART 6 | TIMELINE OF KEY JUDICIAL RULINGS

framers and came amidst reports of political pressure on the judiciary from Maliki.⁶⁷

In April 2010, a special judicial panel ordered a recount of votes in Baghdad, in response to a request from Prime Minister Maliki and over objections from the Iraqi High Electoral Commission (IHEC) and the United Nations.⁶⁸ The recount concluded without any changes to the electoral results, but it demonstrated that the judiciary was responsive to pressure from Maliki. In another example of the politicized role of the judiciary during the election, that same judicial panel upheld the disqualification of seat-winning candidates by the Accountability and Justice (de-Ba’athification) commission in response to a request submitted by State of Law.⁶⁹ The judiciary’s decision came at the end of a questionable legal process that began months before the election in January 2010. The Accountability and Justice commission lacked clear legal legitimacy, the process of disqualification and appeal lacked transparency, and electoral candidates with a sectarian bias spearheaded the effort. That the de-Ba’athification crisis was ultimately settled following a political deal in May 2010 further demonstrated the suspect legal basis of the affair and the weakness of the judiciary.⁷⁰

There have also been several important rulings since 2010 that have eroded the legislative and oversight powers of the parliament, while boosting the powers of the executive. The Higher Judicial Council issued a ruling in July 2010 that only the cabinet or the president could introduce new legislation, which would then be submitted to the parliament for approval.⁷¹ The parliament retained the right to modify laws introduced by the cabinet, but the ruling gave Maliki a greater say over the Iraqi legislating process. For example, Maliki’s allies have used this ruling in the debate over the hydrocarbons law, arguing that their preferred cabinet draft of the law superseded a parliamentary draft.⁷²

One of the most controversial rulings occurred in January 2011, when the Supreme Court issued a ruling that placed all of Iraq’s constitutionally established independent bodies, including IHEC, the Central Bank, and the Integrity Commission, under the supervision of the cabinet.⁷³ The move came in response to a request by Maliki’s government for an interpretation on Articles 102 and 103 of the constitution.⁷⁴ The judiciary stated that the decision was final and not subject to appeal, despite widespread domestic and international outcry that the move overrode clear constitutional parameters

and was another example of executive encroachment.⁷⁵ The judiciary's decision to subordinate the independent bodies to the executive contradicted clear constitutional language that these organizations "are considered independent commissions subject to monitoring by the Council of Representatives."⁷⁶ The move provoked strong outcry from Maliki's political rivals, as well as Iraqi legal experts.⁷⁷ The ruling on the independent bodies was one effort in a series of actions by the Maliki government to gain control over these organizations. Other steps will be detailed later in the report.

A third blow to the oversight powers of the parliament came with an April 2012 ruling that limited the ability of the Council of Representatives to question ministers. According to the Supreme Court, ministers can only be questioned if there is clear legal evidence of criminal wrongdoing.⁷⁸ The decision came at an opportune time for Maliki. At the time of the ruling, the parliament sought to bring Ali al-Adeeb, the Minister of Higher Education and a Maliki ally, before the parliament for questioning. But the decision had broader implications because it undermined parliament's ability to bring about a no-confidence vote in the prime minister. Under the Iraqi constitution, parliament can remove confidence in the prime minister in two ways: first, the president can ask parliament for a vote of no confidence; or second, one-fifth of MPs can initiate the questioning of the prime minister, followed by a no-confidence vote. The restrictions on the terms of parliamentary questioning thus make it extremely difficult to initiate a no-confidence vote (without the cooperation of the president), and remove a key parliamentary check on the executive.

Rulings by the judiciary have also been used to limit the ability of Maliki critics to speak freely. The judiciary upheld a controversial Saddam-era law in September 2011 to prosecute an outspoken Maliki critic, MP Sabah al-Saidi, after he leaked a report on the Maliki government's involvement in an assassination attempt against him. A Maliki ally announced at a press conference that a warrant had been issued for his arrest on grounds of slander.⁷⁹ Several days later, a spokesman for the Supreme Court affirmed the existence of the warrant. The move set a precedent for Maliki's ability to use the same law (formerly Article 226, but now designated Article 225) that Saddam Hussein had used to prosecute his rivals. In February 2012, the judiciary cited the same law when asking parliament to remove the

immunity of two MPs, Haider al-Mulla and Adnan al-Janabi, for their criticism of the judiciary in the handling of the trial of Vice President Tareq al-Hashemi.⁸⁰ The request was not successful and parliament upheld their immunity.

Other actions by the Supreme Court to enhance the executive branch or apply selective justice are also worth noting. When several Sunni provinces threatened to form federal regions in late 2011, the Supreme Court aided Maliki by refusing to rule on a request for clarification of processes for forming regions, declining jurisdiction over the matter despite its clear constitutional relevance.⁸¹ This favored Maliki because the political consequence was that it effectively prevented any further move towards the creation of federal regions that would have limited the powers of the central government. The judiciary has selectively prosecuted corruption, dropping charges against former Minister of Trade (and member of Da'wa) Faleh al-Sudani citing a lack of evidence.⁸² In other cases, however, the judiciary has issued warrants for rivals to the prime minister on charges of corruption. Examples of such use of the judiciary as a political weapon will be discussed below.

Some have argued that the judiciary's rulings that favor the executive are a legacy of the Saddam era. This is likely an issue, given that many judges served under Saddam. This includes Chief Justice Medhat, who began his legal career in 1960 and served continuously in the judiciary under Saddam.⁸³ Yet, the nature and timing of requests for legal interpretations by Maliki and his allies indicate that the prime minister has intentionally manipulated the judiciary for political ends. Maliki's rivals, presumably in an effort to reduce the prime minister's influence on the parliament, sought to have Medhat removed through de-Ba'athification in February 2013 (this attempt, which proved unsuccessful, will be discussed later in this report). Nevertheless, the net result of the judiciary's rulings has been to expand Maliki's control over government institutions, undermine parliament's ability to serve as a check on the executive, and sideline Maliki's political rivals.

Independent Bodies

Iraq's independent bodies—namely Iraq's elections body, central bank, and anti-corruption watchdog—are important guarantors of the democratic process. The Iraqi Constitution states that these independent institutions are subject only to monitoring by the Council

of Representatives. The Independent High Electoral Commission administers Iraq's elections and ensures the impartiality of the electoral process. The Central Bank of Iraq (CBI), an important pillar of the Iraqi economy, implements Iraq's monetary and exchange policy. The Integrity Commission is responsible for preventing and investigating corruption within the Iraqi government. The ability of these institutions to work unimpeded and free from political interference is central to the proper functioning of the Iraqi state. Yet Iraq's independent bodies have come under sustained political pressure.

The previously mentioned judicial ruling that gave the Cabinet oversight of the independent bodies was just one step in a series of actions by Maliki to take greater control over these bodies in order to secure and enhance his own position. The Maliki government has impeded the work of these commissions through undue political pressure. In the cases of IHEC and the CBI, Maliki has used his parliamentary allies and favorable judicial rulings to remove key personnel deemed obstacles to his control of Iraq's independent bodies. The prime minister has also used his influence over these bodies, particularly the Integrity Commission, to check his political rivals and shield his political allies.

The Independent High Electoral Commission

Maliki has sought to exert greater control over IHEC ever since the 2010 election. Maliki disputed the results of the election, in which his State of Law coalition came in second place behind the rival Iraqiyya coalition by only two seats. Even after the judiciary ordered a recount of votes in Baghdad at Maliki's request, the election results remained unchanged, and domestic and international election monitoring groups hailed the vote as free and fair. Still, Maliki believed that IHEC, with support from the United Nations, had manipulated the electoral results to deny him a victory.⁸⁴

The January 2011 judicial ruling gave Maliki greater influence on the activities of the commission, but he also sought to change its membership. Maliki had been unhappy with the existing nine-member commission, as its members were selected years earlier when rival political parties were more influential. State of Law parliamentarians spearheaded a move to withdraw confidence in the commission on allegations of corruption and sectarianism in July 2011.⁸⁵ Ultimately, the effort to sack IHEC's members through a parliamentary motion failed, gaining only 94 of 245 votes.⁸⁶ Few MPs outside

of State of Law voted for the measure; Iraqiyya, ISCI, the Sadrists, and the Kurds opposed to the move. This demonstrated that issue-based opposition is possible, but it has proved limited and short-lived.

The argument over IHEC's board members resurfaced in 2012, with the scheduled expiration of the existing board in April of that year. Sharp disagreements over the selection of new board members prompted discussions of an extension of the current term. Maliki and his allies sought to impede the proposed extension and shape the selection of a new, and more favorable, elections board.

In mid-April 2012, two weeks before the expiration of the IHEC term, Iraqi security forces arrested IHEC Chief Faraj al-Haidari and another member Karim al-Tamimi on charges of corruption. They were accused of improperly giving bonuses of approximately \$130,000, charges both men denied.⁸⁷ The arrest of Haidari over such a small sum seemed a politically motivated maneuver in a country where graft has run into the millions. Haidari accused State of Law parliamentarians, namely MP Hanan al-Fatlawi, of orchestrating the move on Maliki's behalf.⁸⁸ Fatlawi had initiated a parliamentary investigation of the matter in the preceding months.⁸⁹ Maliki's political opponents strongly denounced the move. For example, Shi'a cleric Muqtada al-Sadr denounced the move as a manifestation of dictatorship, and suggested that Maliki intended to obstruct the electoral process.⁹⁰ Four days after Haidari's arrest, the parliament voted to extend the IHEC mandate by three months despite opposition from Maliki's bloc. Haidari was later released on bail shortly after his arrest, but a court convicted him of corruption in August 2012.⁹¹ The sentence has effectively barred him from any future government service under Iraqi law.

In the months that followed the April incidents, Iraq's political blocs argued over the composition of the elections body ahead of the 2013 provincial elections. Maliki's bloc wanted the commission expanded from nine to fifteen, in an effort to seed the next IHEC board with a greater number of loyalists.⁹² The proposed expansion would potentially give Maliki seven seats and thus greater say over the bloc.⁹³ However, Iraq's fractious political parties had difficulty agreeing on who would fill the nine existing seats and were unwilling to expand it further.

The parliament named eight new IHEC board members in September 2012. Four were from the Shi'ite National

Alliance (two from State of Law, one each from ISCI and the Sadrist), two were from Iraqiyya, and two were Kurds.⁹⁴ A Turkmen woman was later appointed as the ninth member, in response to calls for the need for female representation. The previous IHEC composition was similar in sectarian allocation, but the political parties varied and Da'wa had only one member on the board. Maliki's efforts to shape the new electoral board met with mixed success. State of Law was unsuccessful in its effort to expand the number of IHEC commissioners—and therefore its representation on the committee—but it did gain an additional seat on the nine-member commission.

Free and fair elections will be nearly impossible in the current political environment without an impartial and independent IHEC. Thus, Maliki's efforts to influence, if not control, IHEC are particularly concerning because it suggests his effort to subvert Iraq's electoral process. With provincial and parliamentary votes slated for April 2013 and 2014 respectively, any doubt of IHEC's independence could negatively affect the outcome of the vote and undermine Iraq's democratic transition. Maliki has already begun to shape the timing and conduct of the vote with his decision to postpone provincial elections in Anbar and Ninewa provinces for security reasons, a move taken without consulting IHEC and despite statements from the elections body that their preparations were complete.⁹⁵

The Central Bank

Maliki has followed a similar course with the Central Bank as he has with IHEC. Not only have Maliki and his allies sought to influence the work of the bank, but when faced with resistance from the head of the bank, they instigated his ouster through means similar to those used in the Haidari case. Maliki now has significant influence over Iraq's monetary policy and the country's \$63 billion in reserves.

The CBI is a constitutionally designated independent body that ensures the stability of the Iraqi dinar, manages state reserves, and oversees Iraq's banking sector. Like IHEC, the Central Bank was placed under Cabinet supervision in January 2011, despite constitutional provisions for parliamentary oversight. The CBI was, until recently, headed by Sinan al-Shabibi, a former United Nations economist who many deemed as professional, effective, and honest.⁹⁶ Al-Shabibi had frequently clashed with the Maliki government over the

bank's policies, and resisted Maliki's moves to assert greater control over the bank.

The CBI formally announced in June 2011 that it would move forward with monetary reforms that would drop three zeros from the dinar in an effort to strengthen the currency and make it more manageable. The bank had been planning such reform since the previous fall, despite opposition from the Maliki government, which has preferred to keep the dinar weak.⁹⁷ The currency reform controversy came to a head in April 2012. Speaker Osama al-Nujaifi sided with Shabibi. Nujaifi publicly criticized Maliki's influence on the CBI, and reaffirmed parliament's oversight citing the judiciary's 2006 ruling in preference to its 2011 ruling.⁹⁸ Within days of a meeting between Shabibi and Nujaifi, the Cabinet's General Secretariat—the administrative body of the Council of Ministers—issued an executive order halting any movement on the currency reform plan.⁹⁹ The Cabinet's General Secretary, Ali al-Allaq, stated that the CBI's plan would be too disruptive to Iraq's economy and its implementation too difficult to oversee. It is important to note that by issuing an executive order through the General Secretariat, Maliki avoided discussing the issue with his ministers, some of whom might have supported the CBI plan. This was not the first time that Maliki had used the General Secretariat as a means to circumvent Cabinet ministers.

The Maliki government and Shabibi had also clashed over currency exchanges, in addition to currency reform. Regional developments in Iran and Syria—notably the imposition of sanctions on Iran, combined with the worsening civil war in Syria—dramatically increased the demand for foreign currency sold at CBI auctions in late 2011 and 2012. U.S. dollars purchased in the auctions were believed to be flowing to Syria and Iran by the hundreds of millions.¹⁰⁰ Shabibi, who supported efforts to limit the currency exchanges as a way to prevent capital flight, later stated that since the beginning of 2012 there had been a “currency attack” that prompted an increase of between 40 and 50 percent in demand for dollars.¹⁰¹

The CBI took several steps to stabilize the Iraqi dinar in the first part of 2012, as the value of the currency fluctuated sharply. To reduce the flight of dollars purchased in Iraq to Syria and Iran, the CBI reduced the quantity of currency auctions, and introduced new regulations new rules that required increased documentation of buyers from banks.¹⁰² Likely in an effort to impede the CBI's efforts to prevent capital flight, Maliki stated that

any policy changes at the CBI would require Cabinet approval. The prime minister argued that Article 110 of the Iraqi Constitution gave his government control over Iraq's "financial policy," though the judiciary's 2011 ruling would have also supported his actions.¹⁰³

Shabibi's resistance to Maliki led the prime minister and his allies to seek the CBI head's ouster. This effort began in August 2012, when a State of Law parliamentarian Haytham al-Jiburi claimed that corrupt senior officials in the CBI were involved in a money-laundering scheme.¹⁰⁴ Nujaifi sought to assert the parliament's oversight role and promised an investigation. By October 2012, the parliamentary inquiry found evidence of corruption related to the currency auctions, but there appeared to be a dispute amongst the committee members over who was responsible. Pro-Maliki members pointed to individuals close to Shabibi, while others suggested that Shabibi was not to blame. Media reports also surfaced that Shabibi had previously attempted to remove several CBI officials who were close with Maliki and suspected of involvement in corruption, but that the prime minister had blocked the move.¹⁰⁵ Ultimately, the pro-Maliki members of the investigation committee submitted a report to the judiciary that named Shabibi in the CBI corruption case.

On October 14, 2012, Jiburi announced that the judiciary had issued a warrant for Shabibi's arrest, a claim that the Higher Judicial Council spokesman confirmed several days later.¹⁰⁶ The Maliki government suspended Shabibi on October 16, 2012 and appointed Abd al-Basset Turki as the new CBI head. Turki, a Maliki ally, is also the head of the Board of Supreme Audit and was a member of the committee tasked to investigate the allegations against Shabibi.¹⁰⁷ Shabibi, who was absent during the entire affair attending an International Monetary Fund conference in Tokyo, rejected the charges that he illegally manipulated the currency auctions.¹⁰⁸ In statements following the arrest warrant, Shabibi denounced his ouster as an effort by Maliki to control the bank and also suggested one reason for his removal was his refusal to allow Maliki to use CBI funds for infrastructure projects.¹⁰⁹

The removal of the politically independent Shabibi after his disagreements with Maliki was another politically motivated step by the prime minister to assert greater control over Iraq's financial institutions. Maliki's influence over the CBI will grant him freer access to Iraq's reserves and greater control over Iraq's monetary policy.

The loosening of restrictions on currency auctions also suggests that the Maliki government is turning a blind eye to the kind of corruption that was cited in Shabibi's ouster.¹¹⁰

The Integrity Commission

The Integrity Commission is Iraq's primary anti-corruption watchdog. It has investigative authority and coordinates with the Board of Supreme Audit and the Inspectors General across Iraq's ministries on corruption cases. Corruption is pervasive throughout the Iraqi government, so it is not surprising that Iraq ranked 169 of 174 on Transparency International's 2012 Corruption Perception Index.¹¹¹ Not only have Iraqi officials financially benefitted from corruption, but it has also become a useful political tool. For example, the Sadrists have used the issue of corruption and poor service provision to mobilize supporters in an attempt to gain political leverage.¹¹² Other politicians have leveled allegations of corruption against rivals in an effort to sideline them. The importance of corruption as a political tool makes control over the Integrity Commission a sought-after prize, enabling one to protect allies from investigation and target opponents.

Though nominally independent, the Integrity Commission has been hobbled by political interference, in addition to security, bureaucratic, and legal challenges, since its founding in 2004.¹¹³ Much of this interference has stemmed from the Office of the Prime Minister.¹¹⁴ In early 2007, Maliki ordered that the commission could not investigate any current or former ministers without his approval.¹¹⁵ A report by the U.S. Embassy in September 2007 stated that the Maliki government had withheld resources from the Integrity Commission and prevented the body from submitting corruption cases involving high-ranking officials to the courts.¹¹⁶ Maliki's office has also intervened in personnel decisions, which have favored the selection of Shi'a Inspectors General.¹¹⁷

In September 2007, the same month as the U.S. Embassy report, the head of the Integrity Commission, Judge Radhi Hamza al-Radhi, resigned from his role.¹¹⁸ Radhi cited the prime minister's interference as his chief reason for quitting. In an interview shortly after his resignation, Radhi also claimed that he had received numerous death threats from government officials, which had prompted him to flee Iraq and seek asylum in the United States.¹¹⁹

Organization	Mission	How it has been affected by Maliki's Consolidation
Iraqi High Electoral Commissions (IHEC)	IHEC administers Iraq's elections and ensures impartiality of the electoral process.	IHEC has come under pressure from Maliki since the 2010 election. Maliki's parliamentary allies have attempted to withdraw confidence in the commission through a no confidence vote. The former IHEC Chief Faraj al-Haidari was removed on charges of corruption. Parliament named new IHEC board members in 2012. After unsuccessful attempts to expand the number of commissioners, Maliki allies comprise 2 of the panel's 9 members. In March 2013, Maliki postponed provincial elections in Ninewa and Anbar Provinces without consultation from IHEC.
Central Bank of Iraq (CBI)	The CBI implements Iraq's monetary and exchange policy.	Former CBI head, Sinan al-Shabibi, clashed with the Maliki government over currency exchanges and currency reform. Shabibi, a well-regarded technocrat, was removed on charges of corruption and the judiciary issued a warrant for his arrest. Since then, the CBI has loosened restrictions on currency exchanges.
Integrity Commission (IC)	The IC is responsible for preventing and investigating corruption within the government.	The IC has been hobbled by political interference from the Prime Minister's Office since its founding in 2004. Two previous directors of the IC have resigned citing this interference. Maliki has since appointed a close ally to head the commission.

CHART 7 | KEY INDEPENDENT BODIES

Radhi's acting replacement was Mousa Faraj, but he was forced out within weeks after echoing his predecessor's claims of political interference.¹²⁰ The Maliki government then appointed Judge Rahim al-Ogaili as the new head of the Integrity Commission in January 2008. Ogaili was appointed in an "acting" role and was never confirmed by the parliament as is required. This enhanced Maliki's leverage over Ogaili because the prime minister could remove him at will.¹²¹ During his tenure, Ogaili removed unqualified personnel, curbed sectarian hiring practices, and worked to improve the functioning of the commission.¹²² Ogaili headed the anti-corruption watchdog until September 2011, when he submitted his resignation in a close echo of events four years earlier. Ogaili slammed the Maliki government for its obstruction of the commission's work in a letter to the parliament following his resignation.¹²³

According to interviews by the International Crisis Group with well-placed Iraqi sources, Ogaili's resignation was linked to the discovery of an extensive corruption racket that had links to senior officials in the Ministry of Defense and the Prime Minister's Office.¹²⁴

In the scheme, government contracts were granted to shell companies registered abroad, which in most cases pocketed the money without fulfilling the terms of the agreements.¹²⁵ The Maliki government blocked the Integrity Commission's efforts to prosecute these cases, prompting Ogaili's resignation.

Maliki now enjoys even greater control over Iraq's anti-corruption body. Within days of Ogaili's ouster, the prime minister appointed Izzat Tawfiq, a member of State of Law, to head the Integrity Commission on an acting basis.¹²⁶ Maliki visited the commission in October 2011, where he chastised them for not doing enough to fight corruption and suggested that if the inaction continued he would have to take a more direct role in matters.¹²⁷ Afterwards, Maliki appointed Alaa al-Saidi, who purportedly has close ties to Da'wa, to head the commission, assigning Tawfiq to the deputy role.¹²⁸ Maliki's control over Iraq's anti-corruption apparatus has enabled him to shield his political allies, including former Minister of Trade Faleh al-Sudani who was embroiled in corruption scandal in 2009.¹²⁹

An April 2012 decision by the judiciary dealt a further blow to the Integrity Commission's independence and anti-corruption efforts. Citing delays, the judiciary announced it was taking over all of the body's major corruption cases. This move flouted existing legislation that stipulated that the Commission and the Bureau of Financial Oversight were the highest authorities in corruption cases. It also reduced the likelihood that senior government officials would be held accountable for the endemic corruption within Iraq. It has, however, meant that Maliki has greater freedom to apply selective corruption charges against his political opponents—such as in the previously mentioned case of Haidari.

The most recent evidence of the politicized nature of Iraq's anti-corruption efforts occurred in a recent scandal over a \$4.2 billion Russian arms deal. After a much-touted visit to Moscow by Prime Minister Maliki, reports soon surfaced that individuals close to the prime minister were linked to corruption in the arms deal.¹³⁰ Maliki quickly distanced himself from the scandal, cancelling the contract and ordering an investigation.¹³¹ He has used his control over the Integrity Commission to shield his closest political allies, while directing blame for the scandal at those whom he deems politically expendable, including government spokesman Ali al-Dabbagh and acting Minister of Defense Sadoun al-Dulaimi.¹³² Dabbagh, who resigned from his post during the scandal, had reportedly lost political influence within Maliki's inner circle on account of a rivalry with Maliki's media advisor Ali al-Mussawi. Conflicting statements on the status of the arms deal from Dulaimi, an independent Sunni, suggest he is also not a member of Maliki's inner circle.¹³³ Ultimately, the deal was resumed in March 2013, although there are reports that the investigation of Dabbagh, Dulaimi, and State of Law MP Izzat al-Shabandar continues.¹³⁴

Parliament

The Council of Representatives (CoR), Iraq's primary legislative body, is one of the main constitutional checks on executive authority. The Iraqi parliament is tasked with monitoring the performance of the executive, among other responsibilities. The parliament elects the Iraqi president and must approve the prime minister and ministers in his cabinet. The CoR can question ministers over their policies and performance and remove them through a vote of no confidence. Parliamentary approval is required for key executive appointments, including members of the Federal Court

of Cassation, ambassadors, the Iraqi Army Chief of Staff, Iraqi Army officers at the division rank and above, and the head of the intelligence service. The parliament can threaten Maliki's consolidation of power, given these constitutionally defined checks and ability to remove the prime minister through a no confidence measure. The Speaker of the CoR, one of the most powerful positions in the government, is held by Osama al-Nujaifi, a prominent Iraqiyya leader. Nujaifi is, in theory, well placed to spearhead parliamentary efforts to curb the expansion of executive power. Yet the parliament's internal dysfunction, combined with Maliki's own efforts to undermine the body, has limited its oversight ability.

The parliament remains a weak body, often paralyzed by poor attendance and fragmentation. Absenteeism has long been a problem for the CoR, and the inability to achieve a quorum has impeded the parliament's ability to debate and pass legislation. A review of parliamentary minutes reveals that since the last election in 2010 the parliament achieved a quorum less than 120 days during each annual term.¹³⁵ During the lengthy government formation period of 2010, the parliament was effectively adjourned for five months.¹³⁶ Often, attendance is just above the 163 MPs required for a quorum; even then, there have rarely been more than 200 out of 325 MPs present. State of Law parliamentarians and their allies have also boycotted sessions of parliament in order to prevent a quorum, most recently during an emergency session of parliament to discuss the demands of protestors in early January 2013.¹³⁷

In early 2012, the CoR speaker instituted measures to reduce absenteeism through increased fines for non-attendance, but this practice does not appear to have improved attendance, and it remains an issue in early 2013.¹³⁸ With the parliament adjourned more than two-thirds of a year and with one-third of MPs absent at any given time, it is no surprise that the parliament has not been able to muster its legislative and oversight powers. Rarely has the parliament exercised its right to question ministers or approve executive appointments.

The bureaucratic hurdles required for the resolution of disputes and passage of legislation has encouraged Iraq's political parties to bypass the CoR as a venue for political debate and negotiation.¹³⁹ Most of the heads of the political blocs either hold positions in the executive branch or are do not have formal roles in the central government (as in the case of Muqtada al-Sadr or KRG President Massoud Barzani). Moreover,

tight party discipline promotes a lack of independence for elected officials as well as a lack of responsiveness to constituents. Key measures are often discussed amongst the key political leaders outside of the body before they are enacted in the parliament. The negotiation over government formation in 2010 is a prime example of this dynamic. The tendency to look beyond the parliament as the mechanism for political compromise has prevented the institution from wielding greater influence.

The fragmented political parties and increasingly sectarian nature of Iraq politics also make legislating and compromise difficult. There has been strong anti-Maliki sentiment amongst the Iraqiyya, Sadrist, and Kurdish constituencies in the CoR. As previously mentioned, anti-Maliki sentiments were evident when these parliamentary blocs successfully halted Maliki's effort to remove the IHEC board in July 2011. Yet Maliki's opponents have not successfully channeled their discontent into a broader parliamentary push to curb the prime minister's centralization of power and they have since faced greater challenges in their ability to hold the executive accountable. Even if an anti-Maliki bloc did coalesce, it would have a difficult time instigating a no-confidence process following the limitations on the questioning of ministers.

No Confidence Vote Attempts

Maliki's moves against Vice President Hashemi in December 2011 and a growing standoff between Erbil and Baghdad prompted members of Iraqiyya and the Kurds to seek seriously the prime minister's ouster in the spring of 2012. Maliki's opponents courted Sadrist support, which was necessary to reach the 163 votes required to pass a no confidence measure. Sadr ultimately proved unwilling to break with the other Shi'a blocs and side with Maliki's Kurdish and Sunni opponents in a no confidence move, despite high-profile meetings between top Kurdish, Iraqiyya, and Sadrist officials (including Sadr himself) in Erbil and Najaf.¹⁴⁰ Defections from Iraqiyya and internal Kurdish disputes undermined the opposition's unity and further impeded efforts to oust Maliki. President Jalal Talabani, under pressure from Iran to back Maliki, refused to initiate a no confidence vote in the parliament, citing a lack of support for the move.¹⁴¹ By June 2012, it was clear that the no confidence push had faltered. There were indications that President Talabani may have changed his position on a vote of no confidence in light of growing Arab-Kurd tensions in late 2012.¹⁴² Whether or not this was the case, Talabani

suffered a stroke in December 2012, effectively ending any chance of a renewed push to remove Maliki through a no confidence measure.

The failed push for a no confidence vote highlights the main problem facing Maliki's opponents. Conflicting political objectives and lingering mistrust amongst Iraq's Sunni, Shi'a, and Kurdish factions has meant that there is little to unify them other than a resistance to Maliki. Opposition to Maliki alone has not been enough to spur concerted action given the difficulty, risks, and potential consequences of a no confidence move. The April 2012 judicial ruling limiting the ability to question ministers makes a parliamentary-led no confidence vote even more unlikely, even if Maliki's parliamentary opponents could muster a majority in the CoR. A presidential request for a no confidence vote is also unlikely, following President Talabani's December 2012 stroke and subsequent medical absence.¹⁴³ It is worth noting that the current vice president is a Maliki loyalist, and would also resist any effort to remove Maliki.

Thus, the parliament has not been an effective check on executive authorities. Instead, actions by the prime minister and his allies have further undermined the oversight role of Iraq's legislature. As previously discussed, Maliki's requests have prompted judicial rulings that have curbed the legislating and accountability powers of the parliament, namely by preventing the CoR from initiating legislation and limiting its ability to question ministers. Yet even prior to these restrictions, Maliki allies in the parliament, including former Deputy Speaker Khaled al-Attiah, used procedural means to impede efforts to question Maliki allies, including then-Minister of Oil Hussein Shahrastani.¹⁴⁴

Maliki has adopted a strategy meant to keep his parliamentary opposition fragmented and prevent the coalescing of a broad anti-Maliki bloc. This has proved largely successful, aided by the opposition's own internal divisions. At times, Maliki has stoked anti-Kurdish sentiment to garner Sunni support, making it more politically difficult for Iraqiyya members to side with the Kurds. Maliki has also used sectarian fears of a Ba'athist resurgence to maintain Shi'a unity and discourage ISCI and the Sadrists from siding with Iraqiyya. Maliki has also reportedly offered political concessions to encourage Shi'a defections from Iraqiyya.¹⁴⁵ Not surprisingly, Iraqiyya has suffered a series of defections, mostly by Shi'a members from central and southern Iraq.¹⁴⁶ Differences amongst Iraqiyya's component Sunni parties

have also undermined the bloc's standing, much to Maliki's benefit. As mentioned above in the discussion of the judiciary, Maliki has also attempted to use his influence over the judiciary to remove the immunity of outspoken MPs.¹⁴⁷

Despite its many limitations, the CoR has tried to reinvigorate its efforts to limit Maliki's influence in the wake of his December 2012 raid targeting the Minister of Finance Rafia al-Issawi. The arrest of 150 of Issawi's security guards and staff members provoked widespread outrage in Iraq's largely Sunni provinces of Anbar, Ninewa, and Salah ad-Din. Anti-government protests have persisted to the time of this report. Demonstrators have called for an end to the use of Article 4 of the anti-terrorism law, which they say has been used to unfairly arrest and detain Sunnis. Article 4 gives the government broad powers to arrest "[any] person who incites, plans, finances, or assists terrorists to commit the crimes stated in this law shall face the same penalty as the main perpetrator," that is, the death penalty.¹⁴⁸ They have also demanded the release of Sunni detainees, many of whom have been held without charges under Article 4. Speaker Nujaifi has called for a parliamentary push to reform the anti-terrorism law.¹⁴⁹ For his part, Maliki has sought to circumvent the parliament and has formed a committee to negotiate directly with the protest movement.¹⁵⁰

In January 2013, MPs submitted a request to question the prime minister, with more than the required 25 signatures.¹⁵¹ So far, Maliki has not responded to the request, and he is unlikely to appear before the parliament. There has also been a parallel move in the parliament aimed at limiting Prime Minister Maliki. The Sadrists have pushed for the imposition of term limits on the president, prime minister, and parliamentary speaker as a way to remove Maliki from office in 2014, in lieu of a no confidence vote.¹⁵² Maliki had at one time stated he would not seek a third term in office, he has not repeated this claim and his behavior suggests he does not intend to step down.¹⁵³ Parliament passed a term limit measure in late January, with support from a broad coalition of 170 MPs, but Maliki's parliamentary allies have indicated they will appeal it in the courts and that the judiciary will overrule it.¹⁵⁴ The prime minister's influence over the judiciary makes it unlikely that such legislation on term limits would successfully end Maliki's premiership.

All of these initiatives are in their early stages and face many legal and procedural hurdles. Yet the renewed

efforts by CoR suggest that Maliki has not neutralized political threats stemming from the parliament and may still face challenges to his consolidation. Some of these remaining threats will be discussed in the final section of this paper.

MALIKI'S USE OF DE-BA'ATHIFICATION, CORRUPTION, AND TERRORISM AS POLITICAL TOOLS

Maliki uses his control over the security and civil institutions mentioned above in various ways to advance his interests. One objective is to dismantle Iraqiyya's senior leadership, while another is to expand his control over Iraq's financial institutions. Maliki has also used his control over the security forces and judiciary to defuse a federalism challenge from several Iraqi provinces. De-Ba'athification, along with accusations of terrorism and corruption, have become convenient political tools to discredit and even remove opponents. Maliki is not the only politician in Iraq to use these tools, but he has the most latitude in doing so on account of his growing executive authority.

Targeting Iraqiyya's Leadership

Since the 2010 election, Maliki has sought to undermine Iraqiyya by targeting its senior leadership. Maliki has helped marginalize and discredit Ayad Allawi. He has effectively ousted Vice President Tareq al-Hashemi on charges of terrorism. The prime minister has alternately coerced and coopted Deputy Prime Minister Saleh al-Mutlaq, and he has threatened legal actions against Issawi and Nujaifi. While Maliki is not the sole source of Iraqiyya's fragmentation in recent years (the group's own internal squabbles and dysfunction are much to blame), the prime minister's actions have aided in the political demise of the predominantly Sunni bloc.

As a secular Shi'a leader of the Iraqiyya coalition, Ayad Allawi posed a serious political threat to Maliki in 2010. Allawi was promised a role in the new government as head of the National Council for Higher Policies, a committee that was to be created as a venue for discussion of high-level political issues. As the wrangling over the creation of the NCHP and the selection of the security ministers continued, the animosity between the two men deepened. Maliki sought to discredit Allawi and alienate him from Iraqi Shi'a by painting him as a Ba'athist with links to terrorism. Pictures soon surfaced of Allawi shaking hands with a man who was accused of involvement in a 2006 wedding massacre that killed 70

people in a mostly Shi'ite town north of Baghdad.¹⁵⁵ At the same time, members of Maliki's bloc made statements that Allawi was a Ba'athist.¹⁵⁶ Maliki supporters staged pro-government protests in which they denounced the Iraqiyya leader. The pro-government protest turned violent when participants accused democracy activists at a nearby anti-government protest of being Ba'athists and attacked them.¹⁵⁷

The feud continued in late June 2011 when, in response, Allawi gave a blistering critique of Maliki in a televised statement from Amman, Jordan.¹⁵⁸ Maliki supporters threatened to take legal action against Allawi, including removing him from parliament on account of his prolonged absences. This did not prove necessary, as Allawi's own political weaknesses and miscalculations have undercut his standing and marginalized him politically. Allawi has been criticized for his extensive absences abroad, managerial and administrative shortcomings, and sometimes-unpredictable behavior.¹⁵⁹ Disagreements within Allawi's own Wifaq party over his actions further eroded his political influence.¹⁶⁰ Iraqiyya's Sunni leaders have since distanced themselves from Allawi, and he no longer has the political influence he previously possessed.*

Maliki has played a more central role in the political fall of Vice President Tareq al-Hashemi. On December 17, 2011, as Prime Minister Maliki was returning from his visit to Washington, the spokesman of the Baghdad Operations Command announced he had an arrest warrant for Hashemi. Tanks surrounded the home of the vice president, and security forces were also posted near the homes of Mutlaq and Issawi.¹⁶¹ The next day, Hashemi was briefly detained at the airport while trying to flee to Iraq's Kurdish region. The vice president was allowed to fly to Sulaymaniyah, but several of Hashemi's guards were detained in the initial and subsequent raids.¹⁶²

Within 48 hours after the first arrests, Iraq's state-owned media channel aired televised confessions from three of Hashemi's guards alleging that the Vice President had paid them to conduct targeted killings.¹⁶³ A court in Baghdad formally issued a warrant for Hashemi citing Article 4 of the anti-terrorism law, two days after the Baghdad Operations Command's announcement and the same day as the televised confessions.¹⁶⁴ In the months

that followed, Iraqi courts tried Hashemi in absentia, despite multiple appeals by the defense.¹⁶⁵ Politicization, allegations of torture, and a lack of transparency, marred the legal process, making it difficult to determine the validity of the allegations.¹⁶⁶ Ultimately, the Vice President (who has remained outside of Iraq since December 2011) was convicted of running death squads and sentenced to death in absentia in September 2012.¹⁶⁷

Just a few days before the move against Hashemi, Deputy Prime Minister Saleh al-Mutlaq gave an interview with CNN in which he called Maliki a dictator.¹⁶⁸ Mutlaq continued his criticism of the prime minister in the ensuing weeks. Maliki attempted to remove Mutlaq from his post when the latter joined the Iraqiyya boycott of the government in protest of the Hashemi affair.¹⁶⁹ Maliki cited as the basis for Mutlaq's ouster Article 78 of the Iraq Constitution, which grants the prime minister the ability to remove ministers with parliamentary consent.¹⁷⁰ Even though the parliament did not approve of the ouster, Maliki effectively banned Mutlaq from the cabinet. In late January 2012, Maliki's allies in parliament demanded that Mutlaq either resign his post, that Iraqiyya should replace Mutlaq with another Iraqiyya member, or that Mutlaq issue an apology to the prime minister.¹⁷¹

The public standoff continued for several months. Mutlaq ultimately returned to his post in mid-2012, following private talks to mediate the standoff.¹⁷² The terms of the reconciliation are not known, but rumors circulated that members of Mutlaq's party would defect from the Iraqiyya coalition.¹⁷³ Maliki's willingness to accept Mutlaq's return was likely an effort to coopt the deputy prime minister and further splinter Iraqiyya. This calculus proved correct, as Mutlaq's return to the cabinet did weaken his political standing. Many Sunnis viewed Mutlaq's deal with the prime minister as an effort for personal and political gain, though he has been joined by Minister of Education Mohammed Tamim, who belongs to Mutlaq's Hiwar party, and Minister of Industry and Minerals Ahmed al-Karbouli, who is a part of the al-Hal party that is running on Mutlaq's Arab Iraqiyya list in upcoming provincial elections.¹⁷⁴

Minister of Finance Rafia al-Issawi and CoR Speaker Osama al-Nujaifi are now the primary national-level Sunni political rivals to Maliki. Both have come under pressure from the prime minister. Maliki had long suspected Issawi, who is from Fallujah, of links to terrorism. To allay Maliki's concerns, General Raymond Odierno, then the head of U.S. forces in Iraq, conducted

*For more information on the fragmentation of Iraqiyya, see ISW's forthcoming report by Stephen Wicken.

an investigation into the charges in August 2010 and found them baseless.¹⁷⁵ During the 2011 Hashemi crisis, Maliki allies indicated that the government might pursue similar terrorism charges against Issawi.¹⁷⁶ Maliki did not press the allegations at the time, but he did seek to use Iraqiyya's boycott to replace Issawi with a Sadrist (who refused Maliki's offer).¹⁷⁷ Issawi returned to the cabinet in early February 2012 when Iraqiyya ended its boycott.¹⁷⁸ As finance minister, Issawi sought to limit Maliki's powers through his control of the budget.

Maliki again moved against Issawi in December 2012, in a raid reminiscent of that against Hashemi the year before. Iraqi security forces stormed Issawi's residence and office, arresting members of his staff and bodyguard. The number of arrests is disputed, with Issawi saying roughly 150 people were detained, while the government claimed it was holding ten of Issawi's guards on charges of terrorism.¹⁷⁹ The move sparked widespread anti-government protests demanding reforms to the anti-terrorism laws and the release of detainees. When Iraqiyya began a boycott of Cabinet meetings in response to the crackdown and in solidarity with protesters' demands, Maliki used the opportunity to appoint a Sadrist as acting finance minister in early February 2013.¹⁸⁰

This series of events effectively removed Issawi, who formally resigned from his post on March 1, 2013.¹⁸¹ In a speech shortly after the announcement, Maliki indicated he would not accept the resignation until the government had concluded an investigation of "financial and administrative irregularities"—a threat that the government might take legal action against Issawi.¹⁸² With the political crisis ongoing, it is unclear whether the Maliki government will press a case against the finance minister. Iraqi Security Forces stopped Issawi's convoy in mid-March as it travelled to a funeral in Anbar.¹⁸³ Issawi was not arrested and the incident was likely an intimidation effort. Issawi's powerful political base may risk a potentially violent Sunni backlash, so Maliki will likely weigh the costs and benefits of bringing charges against the former finance minister.

As the speaker of the parliament, Osama al-Nujaifi is the highest-ranking Sunni in the government. Nujaifi's efforts to oust the prime minister through a vote of no confidence have made him a Maliki target. He has also disputed the judicial rulings limiting the independence of the electoral commission and central bank, as well as the powers of the parliament. As discussed earlier in this report, Nujaifi has used the December 2012 political crisis

to reinvigorate parliamentary efforts to curb Maliki's powers and answer the protestors' calls for reform of the anti-terrorism law. In response, State of Law MPs have attempted a separate parliamentary initiative to oust Nujaifi.¹⁸⁴ It is doubtful that such a move will succeed in the parliament, as the pro-Maliki faction is not likely to garner much support for the move beyond the State of Law bloc. With parliamentary elections slated for 2014, it is likely that Maliki will instead seek other ways to undermine and discredit Nujaifi prior to the vote.

Takeover of the Trade Bank of Iraq

The prime minister's influence within the judiciary and Integrity Commission has enabled him to wield corruption charges as a political tool. As in the case of Iraq's Central Bank, Maliki's moves against the Trade Bank of Iraq (TBI) illustrate how Maliki has used corruption to eliminate rivals and expand his control over Iraq's financial sector. The TBI is Iraq's largest commercial bank, and for years the TBI was the only bank in Iraq that could access foreign lines of credit. In early 2011, the bank reported ending the previous year with almost \$16 billion in assets.¹⁸⁵

In early June 2011, Maliki personally led a security raid on the bank and ordered an investigation into corruption at the bank.¹⁸⁶ The longtime head of the bank, Hussein al-Uzri, quickly fled to Lebanon via Iraq's Kurdish region.¹⁸⁷ Within days, Maliki appointed Hamida al-Jaf as the acting TBI head and Cabinet General Secretary Ali al-Allaq revealed that a warrant for Uzri's arrest had been issued.¹⁸⁸ Jaf had previously led the state-owned Rafadayn Bank, and is a Maliki associate.

In the wake of the TBI raid, both sides exchanged accusations. The Maliki government accused Uzri and several other senior bank directors of stealing millions of dollars in TBI funds.¹⁸⁹ Uzri accused Maliki of moving against the TBI director after Uzri refused to finance a \$6 billion dollar deal without a sovereign guarantee, which would require approval from the parliament and finance ministry.¹⁹⁰ Maliki had apparently directly negotiated a deal with a South Korean electricity company to build more than two-dozen power plants exclusively in southern Iraq.¹⁹¹ A British advisor to the TBI, Sir Claude Hanks, echoed Uzri's claims, stating that the charges were politically motivated and that the bank had resisted government pressure to make "improper banking transactions."¹⁹² Some analysts have also noted that the move against Uzri, the nephew of Ahmed Chalabi, was

also timed with a broader effort by Maliki to marginalize Chalabi.¹⁹³

Whether or not the charges against Uzri were true, the well-timed corruption charges gave Maliki control over Iraq's largest commercial bank. Under Jaf's tenure, the TBI has vastly increased the volume of credit that it has issued to various Iraqi ministries and private banks. In 2011 the TBI issued roughly \$13 billion in loans, a dramatic increase from the \$386 million in loans the previous year.¹⁹⁴ The scale of the increase suggests that Maliki may be using the bank to finance his desired projects.

De-Ba'athification

Decades of Saddam Hussein's Ba'athist rule have left a legacy of deep societal mistrust and sectarian divisions. The de-Ba'athification institutions created after Saddam's ouster in 2003 were quickly politicized, and bans on former members of the Ba'ath party were unevenly applied. The head of the Shi'a-dominated commission and his deputy—Ahmed Chalabi and Ali al-Lami, respectively—were viewed as deeply sectarian with links to Iranian-backed militant groups.¹⁹⁵

In January 2008, the Iraqi parliament passed the Accountability and Justice Law, which replaced legislation from the Coalition Provisional Authority era. The law revised the de-Ba'athification process to allow many former Ba'athists to return to their jobs or receive government pensions; it also called for the creation of an Accountability and Justice Commission (AJC) to replace the controversial CPA-era de-Ba'athification Commission.¹⁹⁶ The Iraqi parliament, however, failed to appoint new members to the AJC, and members from old de-Ba'athification Commission continued in their posts despite the questionable legality of the move. De-Ba'athification remains a useful tool to stoke sectarian fears, maintain Shi'a unity, and remove Sunnis from government posts.

The issue of de-Ba'athification played a central role during the 2010 election. In January 2010, just weeks prior to the March 7 vote, the Accountability and Justice Commission banned more than 500 candidates from participating in the election because of their purported links to the Ba'ath party. Most of the banned candidates were Sunnis and members of the Iraqiyya coalition, inviting accusations over the political and sectarian nature of the move. The process of selection and appeal

was opaque, and weeks of political turmoil ensued. Iraq's Shi'a parties held anti-Ba'athist rallies to consolidate electoral support and local Shi'a politicians, including members of State of Law, spearheaded provincial-level de-Ba'athification efforts in southern Iraq.¹⁹⁷ Meanwhile, Sunni politicians denounced the move and threatened to boycott the vote. The banned candidates sought to appeal the decision; Iraqi courts issued conflicting rulings; and Iraq's political leaders negotiated privately (with each other and with Chief Justice Medhat) amidst strong international pressure to resolve the crisis.¹⁹⁸ The court upheld the ban, in a blow to the Iraqiyya list.

Iraq's Shi'a parties used a second round of de-Ba'athification to bar candidates who had won seats in the election, following Iraqiyya's surprise victory. Ultimately, the crisis was settled through a political deal that enabled the winning candidates to keep their seats. Still, Iraqiyya emerged in a weakened political position and was denied the ability to form the government. More importantly, the 2010 de-Ba'athification crisis recast Iraqi politics in sectarian terms after a period during which nationalism and non-sectarianism were ascendant sentiments in Iraqi politics. Maliki was not the architect of the de-Ba'athification crisis, but he has benefitted from the increasingly sectarian nature of Iraqi politics. The prime minister has used the threat of a Ba'athist resurgence to undermine political rivals and justify security measures, while shoring up support from Shi'a in central and southern Iraq through anti-Ba'athist rhetoric.

The Maliki government initiated another Ba'athist crackdown in late 2011. Ali al-Adeeb, the Minister of Higher Education and a senior Da'wa member, announced he was initiating a "reform" program in the ministry, and a media outlet linked to State of Law indicated as many as 700 teachers might be removed under de-Ba'athification.¹⁹⁹ Reports soon surfaced that Adeeb was conducting a survey of ministry employees as a pretext to the purges.²⁰⁰ Several months later, the ministry fired 140 instructors and staff of the University of Tikrit in Salah ad-Din province under the Accountability and Justice law.

Adeeb blamed his predecessor, a Sunni from the Iraqi Islamic Party, of hiring practices that promoted Ba'athists.²⁰¹ State of Law members argued that the move was intended to restore sectarian balance to the ministry.²⁰² Hundreds more employees of universities in predominantly Sunni provinces of Salah ad-Din and

Ninewa were reportedly slated for removal.²⁰³ The move provoked a strong denunciation from Iraqi Sunnis, who believed they were being unfairly targeted. Sunni outrage intensified when the prime minister simultaneously launched a campaign to purge the security forces of former Ba'athists.

Security forces arrested more than 600 people that were, according to Maliki, threats to "state security and stability."²⁰⁴ Most of those detained were Sunnis, and the legal justification for these arrests lacked consistency and transparency. For example, some officials indicated the arrests were made under the Accountability and Justice law, while others cited the anti-terrorism law as the grounds for the arrests.²⁰⁵ Whether there were warrants for the arrests was also disputed. Maliki's supporters offered various justifications for the move, stating, for example, that it was necessary to thwart a planned Ba'athist coup or joint al-Qaeda and Ba'athist attacks timed with the U.S. pullout.²⁰⁶ The conflicting rationales and the questionable legal underpinnings made the crackdown seem to be driven by political and sectarian calculations on the part of the prime minister.

Just as Maliki has pressed Ba'athist charges against his rivals, he has also shielded his allies from de-Ba'athification. A primary example is the recent unsuccessful attempt to remove Chief Justice Medhat by a Sadrist-led coalition in the Accountability and Justice Commission.²⁰⁷ Maliki allies on a de-Ba'athification appeals panel overturned the decision and reinstated Medhat to his position as head of the Iraqi judicial system.²⁰⁸ Maliki has also protected senior military officers and civilian officials from scrutiny over their time in Saddam's army, despite calls from Iraqiyya to have them removed.²⁰⁹

The Medhat de-Ba'athification attempt has sparked a political showdown between Maliki and his political rivals for control of the de-Ba'athification commission. Nujaifi has emerged as the leader of the anti-Maliki bloc in his role as parliamentary speaker. Whoever wins this competition for control of the Accountability and Justice Commission will be able to harness a powerful political tool. This may be one area in which an anti-Maliki bloc gains traction. Yet the prime minister's control of the judiciary may limit its ultimate success. Indeed, the Cabinet's introduction of proposed reforms to the de-Ba'athification law may be an effort to gain greater leverage over the process.²¹⁰ The parliament has yet to approve the proposed reforms, and this initiative may become area for further political jockeying.

Averting the Federalism Challenge

The October 2011 security and de-Ba'athification crackdown prompted several Sunni provinces to initiate a process to form federal regions, in an effort to gain greater independence from the central government. The subsequent December 2011 raid against Vice President Hashemi also fueled the move. Federalism bids in Salah ad-Din, Diyala, and Anbar provinces posed a major threat to the Maliki government not only because they would undermine Baghdad's power over these provinces, but because they might prompt Basra province to renew its federalism push. The inability to directly control Basra's oil revenues would deal a major blow to the central government. Thus the prime minister moved quickly to quash the federalism challenge using various levers of power.

Prior to the October 2011 crisis, Salah ad-Din's provincial government had been locked in a dispute with Baghdad over the central government's obstruction of development projects in the province. The security crackdown and education purge only added to the province's discontent with the Maliki government. The standoff culminated when the Salah ad-Din provincial council voted to create an autonomous federal region on October 27, 2011. The move was arguably illegal, as the constitution sets out a clear process for the creation of a federal region that requires a local referendum before any declaration of autonomy. The provincial council sought to circumvent the central government, which had obstructed their initial attempt at federalism by refusing to enact a referendum on legal grounds.²¹¹

Maliki later secured support from the Supreme Court, which refused to rule on the matter citing that the matter was outside the court's jurisdiction—a questionable move given that the issue at stake related to an article in the constitution.²¹² Salah ad-Din officials also appealed to President Talabani for his assistance in forcing a vote, to no avail.²¹³ By early December 2011, Salah ad-Din officials announced they would get enough local support to enable to provincial council to submit their federalism request directly to IHEC, rather than rely on the central government.²¹⁴ Within days of this announcement, Maliki met with the Salah ad-Din governor, council members, and tribal leaders to resolve the dispute and he promised to address the council's grievances with Baghdad.²¹⁵

This pledge did not immediately end the standoff, giving the security forces greater latitude in the province. Maliki

increased his pressure on Salah ad-Din in January 2012 when he threatened to bring back old criminal charges against the provincial governor, Ahmed al-Jabouri.²¹⁶ Reports also circulated that an arrest warrant had been issued for the deputy governor.²¹⁷ The standoff between the Salah ad-Din government and Maliki abruptly ended when the governor decided no longer to support the federalism bid. The governor also broke with Iraqiyya to form his own political party.²¹⁸ Jabouri said Maliki's actions to remedy the dispute prompted his change of position, but it is likely that Maliki's threats and inducements also influenced his decision. The provincial council attempted to move forward with its federalism bid in early 2012, but the move went nowhere once Maliki had the governor as an ally.

Maliki ended Salah ad-Din's federalism bid through procedural and legal obstruction, threats, and conciliation. He adopted a similar approach to Anbar province, where the provincial government also discussed federalism as a means to address their grievances with Baghdad. The prime minister held meetings with Anbar officials and tribal leaders in which he agreed to their demands for greater provincial powers.²¹⁹ Anbar officials later accused Maliki of failing to enact his promises.²²⁰ Tension between the provincial government and Baghdad remained, but Anbar did not renew its push for federalism.

Maliki was not so accommodating to Diyala's federalism push. Diyala's provincial council voted to form a federal region in mid-December 2011.²²¹ Within days, Shi'ite demonstrators opposed to the move occupied the provincial council building, forcing many council members to flee the capital of Baqubah.²²² Diyala's Sunni lawmakers accused the local security forces of cooperating with the protesters. Maliki dispatched Ground Forces Commander Ali Ghaidan to Diyala and a de-facto martial law was established.²²³ Diyala's governor, Abd al-Nasir al-Mahdawi, and other Sunni members of the provincial council fled to Khanaqin, the Kurdish-controlled area of the province. Mahdawi resigned in March 2012 and his replacement Hishem al-Hayali came to a fragile accommodation with Maliki until his death in a car accident in August 2012. The province has essentially remained under martial law since the late-2011 standoff. For example, security forces raided the meeting to arrest an Iraqiyya candidate when the provincial council met to elect a new governor in September 2012.²²⁴ Maliki's use of the security forces successfully stopped Diyala's federalism bid and ensured

his greater control over provincial affairs.

Federalism is no longer a realistic option for disaffected Sunnis. While provincial councils may vote to initiate a referendum on autonomy, Maliki's control of the central government, judiciary, and security forces has made it nearly impossible for such a vote to be implemented. It appears that provincial governments have recognized this reality. The political crisis that followed Maliki's raids against Issawi has not featured a push for regional autonomy.

IMPLICATIONS OF MALIKI'S CONSOLIDATION

Today, political and military power in Iraq is highly centralized in the Prime Minister Maliki's personal office. Maliki began his consolidation of power not long after taking office in mid-2006, in an effort to address the weakness of the Iraqi state and the worsening security situation. He used security exigencies in 2007 and 2008 to arrogate control of Iraq's armed forces and intelligence institutions, effectively building an informal chain of command that runs directly to his personal military office, the Office of the Commander in Chief. Maliki has also built a network of trusted loyalists in Iraq's security sector. Maliki's security consolidation enables the prime minister to prevent any coup attempts, to aggressively target Sunni terrorist groups, and to check political rivals through the implicit or explicit threat of force.

After the 2010 election, Maliki greatly expanded his control over many of Iraq's civilian institutions, including the judiciary and independent bodies such as the elections commission and the anti-corruption watchdog. Through his consolidation of power, Maliki has subverted the system of checks and balances that was intended in the Iraqi constitution. His growing influence over and limitations on supposedly independent institutions have tarnished the legitimacy of these bodies, particularly the judiciary and the parliament.

Iraqi politics today is increasingly polarized by sectarianism. This environment has benefitted Maliki in his effort to keep his political opposition fragmented because it becomes more difficult for rival Sunni, Kurdish, and Shi'a blocs to coalesce against Maliki. Heightened sectarianism has also facilitated Maliki's use of de-Ba'athification and accusations of terrorism as political tools to weaken or eliminate rivals, while maintaining Shi'a unity. His efforts to fragment, to

co-opt, or to exclude Sunni political rivals have proved successful, by weakening the influence of the Iraqiyya bloc and reducing the share of meaningful Sunni representation within the government. He has also used anti-Kurdish rhetoric to isolate the Kurds politically at the national level and to garner support from Sunni Arabs in the disputed areas of northern Iraq. The national unity government that emerged at great effort during the government formation negotiations of 2010 is effectively dead; instead, there is a de facto majoritarian government under the leadership of a prime minister who is exhibiting strong authoritarian behaviors.

Yet, Maliki still faces some challenges to his power that he will likely have to contend with in the future. The first stems from his rivalry with the Sadrists for political dominance among Iraqi Shi'a. Thus far, the Sadrists have maintained their tenuous alliance with Maliki, partially out of self-interest as they benefit from the patronage that control of state ministries and resources affords. They are also under great pressure from Iraq's other Shi'a blocs, as well as Iran, to maintain Shi'a unity and, consequently, Shi'a political dominance. The Sadrists cannot risk the political costs of being seen as siding with the Sunnis or the Kurds against the Shi'a. Yet, Muqtada al-Sadr and Maliki have had a rocky personal relationship. Maliki's security offensive against the Sadrists in 2007 and 2008 generated a great deal of animosity, which was especially evident in Sadr's deep reluctance to support Maliki in the 2010 government formation process.

Moreover, the Sadrists do harbor concerns about Maliki's consolidation of power. Therefore, the Sadrists, with their significant representation within the parliament, have pushed some initiatives to curb Maliki through legislation. As previously discussed, the Sadrists have supported legislation that would limit the prime minister, CoR speaker, and president to two terms in office. They have also recently pressed Maliki on the need to institute bylaws to govern the work of the Council of Ministers, possibly in an effort to define (and limit) the powers of the prime minister within the cabinet. It is unclear whether the Sadrists have the political leverage to succeed in either of these efforts, but should their discontent with and fears of Maliki grow, they may seek more aggressive action to limit the prime minister.

Even if they are unable to limit or unseat Maliki, the Sadrists can apply political pressure on the prime minister through public demonstrations and criticism of rampant unemployment and the government's poor provision of

essential services. The Sadrists have previously staged such demonstrations, including a massive protest in Basra in May 2012.²²⁵ This approach is not without its limits, however, as the Sadrists are also currently a part of the government. Maliki may try to deflect this criticism by blaming members of his cabinet, including the Sadrists themselves. How Maliki deals with the Sadrists will have important political ramifications, particularly as provincial and parliamentary elections approach. If the rivalry with Maliki intensifies, it is possible that the Sadrists may eventually decide to break with Maliki's coalition and function as a loyal opposition in the parliament, though this would deny them the valuable patronage that comes from holding ministerial positions.

The second challenge comes from the growing Sunni discontent with the status quo. Since December 2012, Sunnis in western and northern Iraq have voiced their grievances over the perceived unfair targeting and treatment of Sunnis in widespread and ongoing protests against the Maliki government. While the demonstrations have thus far remained largely peaceful, they have mobilized a significant number of Sunnis in opposition to the government, something that Maliki has sought to avoid. There is also the danger that Sunni discontent and the instability in Syria may translate into a resurgence of al-Qaeda in Iraq, which might undermine Maliki's efforts to derive political legitimacy by maintaining security gains. Alternately, a growing extremist threat might offer Maliki an opportunity to justify further security consolidation and troop deployments in restive provinces. Any security crackdown or further actions seen as disenfranchising the Sunni participation might actually exacerbate the drivers of instability that could fuel a regeneration of al-Qaeda in Iraq.

Thus far, Maliki has acted cautiously in response to the protest movement, suggesting that he is not willing to risk the fallout from a security crackdown. He has sought to curb the momentum of the movement over time, while seeking an opening to fragment the protesters and co-opt some of them through negotiations and limited concessions. The strategy appears to be working, as splits within the protest movement have emerged in March 2013 and elements appear more willing to negotiate with the Maliki government.²²⁶

Maliki may also take other steps to address these and other threats to his power. The prime minister will seek to tighten his control over the de-Ba'athification commission in order to retain the ability to target rivals

and protect allies. CoR Speaker Osama al-Nujaifi has been most active in trying to limit Maliki's influence on the de-Ba'athification commission and other bodies—such as the Central Bank and IHEC. Therefore, Maliki and his political allies within the parliament will likely seek to remove Nujaifi from the speakership. Given the powers of Nujaifi's office, it may be difficult to remove him through a procedural maneuver within the CoR. Maliki did not hesitate to pursue Hashemi and Issawi with criminal charges, and therefore it is plausible that Maliki, or more likely an intermediary, might take similar actions against Nujaifi. With a parliamentary election slated for early 2014, Maliki may only have to wait until the upcoming vote and then engineer Nujaifi's ouster in the negotiations to form the next government.

More broadly, Maliki will seek to keep the Sunni fragmented by alienating or removing leaders from rival political parties (such as Nujaifi, Issawi, and Allawi), while cultivating allied Sunni politicians and political groups. The promise of patronage that participation in the Maliki government affords is often a strong motivator for politicians. Maliki's approach already appears to be working. Maliki appears to have co-opted Deputy Prime Minister Saleh Mutlaq, once an outspoken critic of the prime minister. In April 2013, Mutlaq and his allies broke the Iraqiyya boycott by returning to cabinet sessions. Mutlaq has also played a prominent role in the delegation that is negotiating with the Sunni protesters on behalf of the Maliki government.

The upcoming provincial and parliamentary elections present an important political test for Maliki. The prime minister is determined to avoid a repeat of the 2010 election, where he came in second place. At the same time, the local and national votes present Maliki with the opportunity to expand his control of local and national governments by increasing number of seats held by his State of Law alliance. Maliki's control of the state gives him a powerful network of patronage and other resources to use in the upcoming elections. With few checks on his power already and a fractured political opposition, Maliki is already poised to do well in the provincial vote, particularly in the Shi'a-dominated areas of central and southern Iraq. A strong performance in the provincial elections, scheduled for April 20, 2013, would set him up well for 2014 parliamentary elections.

In both the provincial and parliamentary votes, Maliki's electoral strategy is likely to maximize gains in the southern provinces and keep opponents in the north

fragmented. Maliki will emphasize sectarian themes to shore up support amongst the Shi'a, at the expense of his chief political opponent in the south, the Sadrists. Maliki may also try to split off some of the Sadrist constituency by cultivating ties with Asa'ib Ahl al-Haq, a Sadrist splinter group.²²⁷ He will likely cultivate allied Sunni political groups within the northern and western provinces, as he has done in the past by creating Tribal Support Councils and distributing state patronage.

If the status quo prevails in the coming months, Maliki will emerge from these next elections in a better political position. A strong electoral showing in the provinces would allow him to increase his number of seats in the parliament, to regain the premiership, and to make the parliament even more of a rubber stamp, ideally by installing a more pliable speaker to finish the move toward majoritarianism. Maliki has already indicated his preference for a majoritarian government. Echoing previous comments on the need to abandon the existing power-sharing arrangement, Maliki stated in early April that, "We are in route to form a political majority government to manage the state's affairs, and will set aside sectarian quota; we will put our hands with whoever builds the country."²²⁸ Exactly what this majority government would look like is still an open question. It remains to be seen whether such a government would encompass only a majority of Shi'a parties; whether it would be based on the historic Shi'a-Kurdish alliance; whether it would include meaningful Sunni representation or simply those politicians aligned with Maliki; or whether a loyal opposition forms in response, comprised perhaps of the Sadrist Trend or elements of Iraqiyya.

Despite a previous statement in February 2011 that he would not seek a third term, Maliki's actions, especially his resistance to term limits, indicate otherwise. One may speculate on possible succession plans in the event that Maliki does not run, such as the cultivation of another leader from within Da'wa (such as Ali al-Adeeb) or even the possibility of whether Maliki may be grooming his son, Ahmed, for future rule. Yet, there is no evidence of splits within the Da'wa party, of which Maliki was recently unanimously reelected as head without any challenger.²²⁹ Moreover, Maliki's own actions suggest that he is focused on ensuring self-preservation and maintaining the premiership. It is not unreasonable to conclude, based on his previous actions, that Maliki would continue and even accelerate his efforts to consolidate political power and hasten Iraq's move towards authoritarianism. Thus,

the question of succession may be a longer-term issue, as is the viability of the Iraqi state if it continues to be tethered to Maliki's continuation in power.

Iraq's creeping authoritarianism will have important implications for the United States and the region. The United States has largely stayed quiet on the issue of Maliki's consolidation. This silence gives the perception of consent, even if the United States harbors reservations about Maliki's authoritarian behaviors and intentions. The U.S. response to Maliki's most blatant abuses of power, including his targeting of political rivals in the parliament and independent bodies, has been muted at best. For example, the timing of Maliki's move against Issawi's convoy in mid-March 2013, which followed Secretary of State John Kerry's visit to Baghdad, and the lack of an American response gave the strong impression that the United States is backing a new strongman in Iraq. This was not the first time that Maliki has moved against rivals after a high-level engagement with the United States—Maliki ordered the arrest of Vice President Hashemi while returning from a visit to Washington in 2011.

America has also been remiss in its support for democracy and human rights in Iraq. U.S. engagement with Iraq in recent years has focused more on the need for preserving stability and providing Iraq with security assistance. Such assistance has ignored the political context that is helping to fuel security challenges and has only strengthened the hand of the prime minister, especially given Maliki's tight control of the security forces. Various political factions within Iraq view the United States position as pro-Maliki, which has hurt the U.S. ability to mediate crises and advance U.S. interests within Iraq. Because of this and the American emphasis of disengagement from Iraq, U.S. influence is at its lowest since 2003.

While the Obama administration and the Maliki government share a concern about the danger of al-Qaeda in Iraq and its growing ties with regional terrorist groups, Maliki's interests diverge from American interests on many issues. U.S. policy has emphasized the provision of counter-terrorism assistance to the Maliki government in an effort to combat al-Qaeda in Iraq or other security threats, and the CIA has expanded its support for Iraq's Counter-Terrorism Service over the last year.²³⁰ The United States is also considering a request by Maliki to use drones to strike at militants along the border with Syria.²³¹ Yet, this approach empowers Maliki more directly given his control over the CTS and Iraqi Special Operations Forces, and there is a danger that he will use this counter-

terrorism support for personal political ends. Similar risks are present in U.S. plans to supply the Iraqi government with MIAI tanks and F-16s through the Foreign Military Sales program because it might strengthen Maliki's ability to act against political rivals.²³²

Maliki's push towards a majoritarian government and his efforts to reduce Sunni and Kurdish influence in governance will have serious negative consequences if it encourages one or both groups to turn to violence or separatism. Maliki—in his willingness to support the Assad regime in Syria and unwillingness to abide by U.S. sanctions on Iran—is pursuing a regional policy that is much closer to Iran's than the United States. Maliki has come under increased pressure from Iran, particularly since it was Iranian support that proved critical in obtaining Sadrism backing in the 2010 election. Maliki had previously preserved some independence by balancing Iranian and American demands, but the U.S. withdrawal and reduced role in Iraq no longer make this possible. Maliki's resistance to U.S. pressure to halt Iranian overflights during Secretary Kerry's visit to Baghdad demonstrated the divergence of interests. Since that visit, however, Maliki promised his government would increase its inspections of planes, while acknowledging that no flights had been inspected in nearly six months.²³³ Iraq did inspect two planes in early April 2013, but found only humanitarian supplies. It is not clear whether the planes had been alerted to the planned search, as was the case with the previous inspections. Whether these recent actions signify a real change on the part of the Iraqi government remains in doubt given the continuity of Maliki's interests vis-à-vis Syria.

In short, recent events demonstrate that Maliki is more confident in his position, more emboldened to act against his political rivals, and more resistant to U.S. pressure. The U.S. does retain leverage within Iraq, but it must use it more effectively. In light of these factors, the United States should reevaluate its relationship with Maliki and be more vocal in rejecting any actions that undermine the democratic process in Iraq. The Iraqi government is a party to various human rights treaties and international organizations;²³⁴ the United States should pressure Iraq uphold these commitments as a responsible actor in the international community. At a local level, the U.S. Embassy should also engage and support civil society groups within Iraq as a means to bolster the rule of law and human rights. This is particularly imperative in light of the upcoming elections.

The United States should seek a better understanding of how power is exercised within the Iraqi state. U.S. officials, particularly those in the Office of Security Cooperation-Iraq, often engage their institutional counterparts in the ministries, who may not wield much authority in the informal networks of power that exist. Additionally, American officials should engage more broadly in the political sphere and not simply focus on security cooperation. U.S. engagement with Maliki and his allies should be matched with extensive outreach to other Shi'a, Sunni, and Kurdish actors. Further, greater attention to the timing and means of engagement will also be necessary to break the perception of unwavering U.S. support for Maliki's actions.

Still other areas of leverage exist. Iraq is seeking to remove the remaining United Nations Chapter VII sanctions that are a legacy of the Saddam era. American support was essential in removing some of these sanctions in 2010.²³⁵ The United States and other international actors can play a vital role in enabling (or inhibiting) Iraq's exit from Chapter VII. A willingness to speed, slow, or stop weapons sales under the Foreign Military Sales program may also serve as a vehicle to exert influence.

U.S. officials may fear the consequences of adopting a more conditional and confrontational approach with Maliki. Yet Maliki is already pursuing policies that run counter to American interests with no repercussions. Supporting an authoritarian leader in the name of stability will have the opposite outcome and only exacerbate tensions and divisions within Iraq. Ultimately, the United States must recognize that stability in Iraq will only come through an inclusive, representative, and fair political system that protects the rights of all Iraqis—goals that run counter to Maliki's current aims, policies, and behaviors.

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