This paper will be the basis for a chapter in a book on six Middle East & North African states under the title 'State Functionality in the Middle East & North Africa'

September 9 2022

'Iraq: A Functioning or A Failing State?' by Neil Partrick

Objectives of this paper

This research paper seeks to assess whether Iraq is a functioning or a failing state. In doing so its unashamed focus is on what is happening in Iraq today through the perspective of those who are either actors in Iraq's exercise, or undermining, of statehood, or are close to what is happening. This paper will consider what a 'state' is, what its relationship is to notions of a 'nation-state', and what these concepts have to say about the functionality of the Iraqi state today. This paper, in common with the author's past focus on national identity and national coherence in the Middle East, will apply notions of statehood to Iraqi national identity and national loyalty. In doing so it will emphasise sovereignty as a key factor in understanding state functionality. It will argue that if sovereignty isn't commonly held and commonly exercised, then power is narrowly based and state coherence and legitimacy is brittle.

This paper assesses the strength of sectional interests and the extent to which they are written into the very fabric of the Iraqi polity and the operation of security forces, 'state' or 'semi-state'. Who controls the gun, and how much consent there is to its use, forms an important part of this examination of the coherence of the Iraqi state. This paper assesses who is therefore upholding the sovereignty of the state, and more particularly where *sovereignty lies, whether in political decision-making or the maintenance of security, whether at Iraq's borders, internally, or over Iraq's resources. This paper will explore the operation of confessional politics in what it will argue is a confessional (*muhasasa*) state, and will assess this reality in distinct analysis of Shia Arab, Kurdish and Sunni Arab politics. It will conclude that the state of Iraq is not functioning in a way commensurate with either statehood and national*

sovereignty, and that it has little prospect of doing so. Elections, it will argue, are largely incidental to ensuring state coherence and national belonging. Sect and militia spoils are a deeper reality than Iraqi state functionality.

Introduction

On the face of it, Iraq's struggle to function as a state is self-evident. At the time of writing the parliamentary general election held in October 2021 had still not produced a new government. In August 2022 the Sadrist movement occupied parliament in opposition to the prime ministerial candidate proposed by the Maliki-bloc, amidst mutual allegations by these two rival Shia blocs of Iranian manipulation. Having stood that pressure down, Moqtada Sadr then sought to further leverage his street power by sending his supporters into the offices of the judiciary and then those of the PM. Lacking wider support, and fearful of the uncertain outcome of any intensifying clash with militia loyal to his Shia rivals, Sadr once again stood down his decidedly non-state, direct action.

It is not unusual for Iraq's political system – a blend of parliamentary democracy and the sovereignty of arms – to take months to produce a new government, even if the length of this political impasse has easily outstripped what followed the 2018 election. Nor is the absence of an 'elected government' for months on end unfamiliar to the Middle East. In Lebanon, where institutionalised and externally manipulated confessionalism has obvious parallels with Iraq, there was no formal government from 2006-8, 2020-2021, and following its May 2022 election. Israel has been having elections *ad infinitum* over the last decade, and its governments often barely have time to get formed before another bout of balloting begins. In contrast Kuwait's ruling family regularly uses legislative elections to get its own, appointed, government out of a parliamentary jam.

Some European political systems over the last decade have had parallels with Iraq's electoral stasis too. The case of Germany in the first half of 2022, and Belgium 2010-11 come to mind. Iraq probably won't exceed Belgium's, Lebanon-style, 541 days without an elected government, but it might. Belgium's semi-confessional democracy has its critics but the political crisis was much less of a threat to national security than it is in Iraq in 2022. Italy has long had a caretaker premier who's not a member of parliament and who holds

power due to being invited by a non-executive, indirectly elected, president. In Iraq, Mustapha Kadhemi, prime minister from May 2020, was the first premier since meaningful parliamentary elections began in 2005 who was not an MP and he was caretaker PM from October 2021. Not because of the prerogatives of the president, however, but because of the political impasse. Kadhemi might be reinstated as PM proper, not simply as a caretaker, when this impasse is finally resolved. If so it won't be because of the significance in bargaining terms of the Iraqi president (unlike in Italy) but because the Iraqi president has been chosen as part of the usual stitch up of the top posts in the sectarian-based quota (*muhasasa tayfiya*) system.

That painful process became a lot more painful when Iraq's ostensible victor in October 2021, the Shia cleric Moqtada Al-Sadr, held the plurality of seats among the Shia-identifying political alliances that contested the election, and in parliament generally. Sadr, like Kadhemi, does not hold a seat in parliament. As someone from a leading clerical family, with a grand if not quasi-messianic[1] sense of his own importance to the destiny of Iraq, it wouldn't suit his image to have to constrain himself within such prosaic domestic parliamentary theatre. The success of candidates declaring fealty to Al-Sadr encouraged him to break with the 2003 governmental precedent of forming a so-called national i.e. all-inclusive government that by definition lacks an opposition, and try to ensure the formation of a majority administration instead. In the run up to the election Al-Sadr had already presented himself as a populist wanting to break the Iraqi political mold and end the *muhasasa* (quota) system, at least as far as the Iraqi government i.e. 'executive' was concerned. That Sadr controlled the plurality of seats in the Iraqi parliament following that election was almost incidental. If all the main Shia political blocs, including Sadr's, had performed poorly, and each had held less seats than either the different Sunni Arab or Kurdish blocs, it is almost certain that these Shia blocs, including Sadr, would have resumed their normal habit of bargaining as the *Beit Al-Shia* (the 'Shia House'), with their sectarian rivals. The all-inclusive 'national' system had, after all, supposedly ensured everyone was 'inside the tent'.[2]

The fact that Shia groups who lost out in the October 2021 election, and seemingly some within the Sunni Arab and Kurdish camps, didn't want a

[1] Comment made to author by a well-connected Iraqi political observer, Baghdad, October 2021

[2] Refers to the renowned metaphor for political management in which you keep those who might undermine your power 'inside the tent pissing out', rather than 'outside pissing in.' Legend has it that the phrase originated with US President Lyndon Johnson, who apparently privately gave this as his reason for not sacking J Edgar Hoover as head of the FBI.

majority government to be formed was hardly surprising. Their objection began with expressing opposition based on a professed conviction (among the Shia at least) that there had been widespread electoral fraud. However, following the federal court's ending of that claim, the discontents switched to an assertion of national unity against the supposed divisiveness of majority rule. This was perhaps understandable given the reported overall voting strength of the Shia blocs, minus Sadr, that came together, post-election, as the Coordination Framework (CF), but also smacked of the classic authoritarian politician's disdain that democracy's great failing is that it divides an otherwise unblemished national unity.[3] The CF was initially seeking to leverage all Shia factions back into a government in which Moqtada Al-Sadr's grouping (*Sairiyoon*) would in theory also sit, and presumably have weight in the determination of the premier. In that scenario Kadhemi would likely have been formally reinstated as PM, having become premier in 2020 following the upheaval of Iraqi protests and a consequent deal between Al-Sadr and former premier Nouri Al-Maliki, who headed the majority of Shia factions at that time. Al-Sadr's desire after the October 2021 result to form a majority government consisting of his bloc and the largest of the Sunni Arab and Kurdish groupings was in part premised on the appointment of a PM aligned with him, such as Mohammed Ja'afar Al-Sadr, the Iraqi ambassador to the UK and a relative of Moqtada.[4]

However, Iraq's struggle to function as a state is not just about the difficulties of resolving whether the next government is majoritarian or all-inclusive i.e. 'national'. This is something that will probably be resolved in favour of the *status quo ante*. Either way, *muhasasa* will continue. Making the executive government a majority one, potentially subject to meaningful parliamentary opposition, would not have ended Iraq's nearly two decade, Lebanese-style sectarian division of the top three jobs: PM, President and parliamentary speaker. More significantly, sectarian quotas would still be required to ensure that those politically 'representing' the three main groupings[5] were able to

[3] Expressed, for example by the 'father of African socialism' Ghana's Kwami Nkrumah, as being one of the consequences of western democratic politics.

[4] Moqtada's uncle/father-in-law, Mohammed Baqr Al-Sadr, founded the Shia Islamist party Al-Da'wa with which former premiers Al-Maliki and Al-Abadi were long aligned (albeit that the Da'wa Party in effect split when Haidar Abadi's rivalry with Maliki, and PM Abadi's less Hashd-friendly politics, eventually led to him forming a rival political front, Jabha Al-Nasr (Victory Front), with which Abadi partnered with Ahmar Al-Hakim in the 2021 elections). For description of the Da'wa division in the 2010s, see https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603859/EXPO_STU(2017)603859_EN.pdf

[5] Shia Arabs, Sunni Arabs and Kurds. Turkomans, Yazidis and Christians, including non-Arab Assyrians, tend to be 'represented' by one of the main three ethno-sect groupings seeking to use them in competition against the others.

adequately service those distinct interests, especially as they would be more vulnerable to rivals within their sectarian camp. This argument is contested however. For example, Dr Ahmed Al-Rushdi, a senior advisor to the Iraqi Parliament, says that the formation of a majority (i.e. not all-inclusive) government would represent a major break with the *muhasasa* politics favoured by 'the *Itar*' ('Framework', or CF).[6]

In other words, sect will remain a key mechanism of political power in Iraq and one that will continue to inherently weaken the state as an instrument of national power and as an expression of national sovereignty. This doesn't mean that cross-sect alliances or, evidently, intra-sect factional rivalry isn't a powerful motor of political division and state weakness either. However sect is a key political identifier for factions and their supporters, an identifier that feeds patronage and fierce competition to be the provider of largesse and favour.

Furthermore, the state in Iraq will continue to struggle to function precisely because sovereignty is diffuse or fundamentally compromised by non-state, semi-state and para-state actors. In fact Iraq could easily become a failing state, which by some rubrics it already is. Iraq was in fact no longer a state at all in the aftermath of the US-led invasion of 2003 – it had collapsed; nor between 2013-17 when Da'esh (Islamic State) controlled a significant swathe of Iraqi territory. Da'esh, while nominally Islamic, arguably came close to being a state in more than name during this period. Albeit a state with limited legitimacy among its residents, shifting 'state' boundaries in a constant condition of warfare, and no international recognition other than informally by Turkey as an alleged oil trading partner and useful armed force against more pressing enemies.[7]

Defining the 'state'

In order to explore why Iraq is not only struggling to function as a state but may in fact be failing, and how it ceased to function twice in its recent history, it's necessary to define some terms. For this research paper – and for the

[6] Al-Rushdi, Dr Ahmed. Online video interview May 2022. Al-Rushdi is a senior foreign relations advisor to the Secretary-General of the Iraqi parliament, and a former adviser to Salim Jabouri (pron. 'Saleem'), when latter was speaker of the Iraqi parliament (2014-18).

[7] See *Saudi Arabia and Turkey*, p231-2 and p290 (Note 9), by Neil Partrick, in 'Saudi Arabian Foreign Policy: Conflict & Cooperation', edited by Neil Partrick, IB Tauris, London: 2016, 2018

ensuing series of papers on state functionality – a 'state' or 'the state' is understood as a distinct, recognised and territorially-delimited entity in which internal control and external border management is based on what Weber referred to as 'the monopoly of legitimate violence.' Obviously, the above working definition, part my own, part incorporation of Weber's classic and some would say outmoded notion, is contestable and problematic. It may strike some readers as reflective of a traditional power (as in force) orientated notion of the state, of politics, and of international relations. My working definition of a state is in part posited on the rhetorical question: Who controls the gun? Mao's notion of political power was that it grew 'out of the barrel of a gun.[8]' Mao largely controlled the gun, rather than the Chinese Communist Party whose 'principle', he wrote, was that it 'commands the gun' and could therefore create armed forces (militias) to do its work.[9] Mao nearly lost his control of the gun during the Cultural Revolution he had initiated. However, in managing to keep his finger on the collective trigger, the Chairman was more or less the sole repository of Chinese sovereignty. However, just as ideology was part of the glue that legitimised the Chinese communist version of the former imperial Chinese state, the above definition of the state also incorporates the importance of popular acceptance of the state – or *legitimate* violence.

The Iraqi state's authority and functionality is partly a question of whether it can control what goes on within its borders – itself dependent on being able to control the borders themselves. However, it also relies on the extent to which Iraqis see the state of Iraq as something to which they belong (as opposed to a convenient, or otherwise, provider of a passport).[10] Iraqi nationals' ability to identify with Iraq, to feel Iraqi, and to give loyalty to the Iraqi state as inclusive and able to embody its different communal components, is an important part of defining whether such a thing as the Iraqi state (a) exists, and (b) does so in a coherent, functional and sustainable manner.

This is an important and arguably equal part of the 'legitimate violence' notion of the state. It's an ideational notion of Iraq and what it means to identify with it, as much as a realist attachment to functioning regular armed forces able to

[8] See page 224-25, 'Selected Works of Mao Tse-Tung – Volume II', Foreign Language Press, Peking, 1967

[9] *Ibid.*

[10] See page 20 (and throughout) 'Nationalism in the Gulf States', Partrick, Neil; LSE Kuwait Programme, London: 2009. Accessible via http://eprints.lse.ac.uk/55257/1/Patrick_2009.pdf

project power and exercise weight, or not, on a regional or international stage. This is not just Iraq. *Any* nation is 'imagined' and born of national 'myth' if the state that seeks to embody the nation reflects the national identity of the greater part of its long-term inhabitants. If that identity is felt and not undermined by other collective loyalties (sub or para-state, political or politico-religious), then the state, in Iraq or anywhere else, has meaning.

Statehood, nationhood and consent

One way to measure whether Iraqi nationals buy in to something called 'Iraq' – as a nation and as a state - is whether the state can be equated with nation: a reflection of the national fealty and identity of the great majority of Iraqis on the whole territory of the Iraqi nation. In other words, is there an Iraqi *nation-state*?[11] If so then the state is more than the sum of its disparate *jinsia* (literally 'nationality'[12]) holders. Political buy-in brings us to the notion of consent and legitimacy. For contract theorists, power is wielded legitimately if adherence and allegiance to the state, to its sovereignty and to the leaders' exercise of that sovereignty, is consented to. So the state's ability to exercise authority effectively is about a coherent and unified exercise of power.

According to historic contract theory at least, this consent can provide popular legitimacy to those monopolising power, such as *the* sovereign (monarch), in return for the ruler maintaining security rather than being a threat to it. Or, of course, this consensual transaction can be democratic. Either way the operation of state authority must be seen to be dispassionately upholding order and to be protecting, at minimum, the lives of state nationals, otherwise the state and its leadership is illegitimate.

In 2011, parts of the Arab world were convulsed by popular uprisings that in their different ways challenged the leadership of the state. However, most of those conducting these 'revolutions' did not desire to overthrow the state. In fact they lacked any coherent understanding of what that would mean. The regimes that were being popularly challenged were deeply embedded in the state, so much so that the protests that helped bring down a leader or a family

[11] For further exploration of what it means to be a *nation-state*, and of Middle Eastern, and other, examples of what can be a 'nation-state' dilemma, see Partrick, Neil, 'Nationhood and Citizenship in the Gulf' (2018), via https://www.neilpartrick.com/books-papers

[12] *Jinsia* means 'nationality'. However, it is akin to simply meaning a passport holder, as opposed to the stronger *wataniya* that also literally means nationality. *Wataniya* is often translated as 'citizenship' but without regard to the latter's political as well as legal conception

clique failed to dislodge either the regime or the state apparatus.[13] In Iraq, which was part of the so-called second wave of the 'Arab Spring' from 2019, there were popular protests that left a legacy in the 2021 election of some independent MPs with connections to the Tishreen (October) movement.

In 2019/20 the protesters were arguably withdrawing their consent to the authority of the state in as much as the whole political system and its perceived symbols were attacked, including literally in some instances. That some of those who had been involved in Tishreen then decided to take their demands inside an elected parliament was, equally, a resumption of that consent. This was angrily rejected by some activists, not in these precise terms, but as a perceived neutering and counter-productive betrayal of a protest for which participants had in some instances literally given their lives in the face of repressive, state-connected violence (see below).

The 'legitimacy' of this state-related violence remains hotly contested in Iraq. The Governor of Najaf, Luay Yasseri, commented that there was no choice but to clamp down on protesters whom he portrayed as attacking the authority of the state (as represented by his governorate), a foreign embassy (Iran), and sacred sites (a Shia shrine was reportedly attacked in what some suggested was actually an isolated incident).[14] A Najaf analyst commented that Yasseri was in charge of security in Najaf when the clampdown happened and for legal reasons could not admit to having responsibility for any of the violence.[15] Nor could he acknowledge the role of the Sadrists in what the journalist described as the 'second phase' of the violence in Najaf.[16] An activist in Baghdad also noted the random and highly repressive nature of the operation of Iraqi security forces.[17]

A state, and a state leadership, without legitimacy can wield power, perhaps brutally as in Iraq's case for much of Saddam Hussein's rule, but the state itself

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[13] Partrick, Neil, 'Revolution: Meet the new boss', www.neilpartrick.com https://www.neilpartrick.com/blog/revolution-meet-the-new-boss

[14] Interview with the then Governor of Najaf, Luay Yasseri. His comments were made in response to the author's questions. The context was a meeting at the Najaf Governorate headquarters with members of the NCF Election Observer team, October 2021. The author was a member of the NCF Election Observer team visiting Iraq for the October 2021 General Election. NCF is a 'Track 2' dialogue-promoting UK NGO

[15] Interview, Najaf, October 2021.

[16] *Ibid.*

[17] Comment made in the context of a meeting with young Iraqi activists, Baghdad, October 7 2021. This was an informal NCF Election Observers' discussion during the latter's observing of the conduct of the Iraqi election that month. The NCF Iraq Election report, issued by NCF in the names of the monitors, Ja'afar Al-Ahmar, Neil Partrick, Lori Šramel Čebular and Khalid Issa Taha, can be viewed here: https://www.nextcenturyfoundation.org/international-observers-report-on-2021-iraq-election/

will not be strong. Following decades of war and international sanctions, by the time of its wholesale foreign occupation the Iraqi state under Saddam was weak and barely functioning. A state run solely to maintain power for a regime relying on an ever-decreasing circle of loyalists, and often deploying arbitrary force could not be anything but weak. For the state to function it has to be able to deploy power effectively and with consent. The complication in Iraq is that while Iraqis today overwhelmingly identify with Iraq and as Iraqis, they mostly continue to do so through the prism of sectarianism. Sectarianism went from being an inherent feature of Saddam's regime from the 1980s - one that influenced popular attitudes both to the state and inter-communally - to being an ingrained, semi-formalised, part of the division of power from 2003.

Muhassasa system is deeply rooted

In today's Iraq sectarian identity doesn't automatically equate with the hatreds that were rife in the civil war unleashed in the wake of the US-led occupation. However, sectarianism remains a major factor in political identification, organisation, and the scramble for resources. Sheikh Hameed Al-Hayes argues that the politics of 'interests' (*maslaha*) would be challenged if Al-Sadr succeeded in his expressed ambition to form a majority government. However, as ex- interior minister and former leading Shia politician Bayan Jabr observed,[18] *muhasasa* will not die easily given the above noted intra-sect pressures and the influence of regional actors and their political and financial patronage. Said Jabr: 'We won't leave the *muhasasa* (system)'. Jabr relates this to Iraqi factions' relationships with other countries. As he put it, 'X has the Gulf, Iran wants so and so, and another (faction) gets support from US'.[19]

Who controls the gun?

Interestingly, given that Bayan Jabr is an ex-interior minister and a former ISCI/SCIRI official, the interview with him took place within a compound of the *Qiyada Amaliya Al-Mushtaraka* (Joint Operations Command; JOC), the coordinating body for all Iraqi military and security forces, which is located inside the Green Zone, Baghdad. It is argued by some that the MoI is controlled

[18] Al-Jabr, Bayan, Baghdad, October 2021. Bayan Jabr made these comments in response to questions from the author. The context was a meeting Jabr held with the NCF Election Observer team.
[19] Al-Jabr. *Ibid.*

by the Badr Brigade (the former military wing of ISCI/SCIRI).[20] The truth, these days at least, appears a little more ambiguous. There is an overlap of Badr Hashd Al-Sha'abi militia with some senior MoI positions. However, this is less a matter of one faction wholly controlling the interior ministry than that ministry, let alone the interior minister himself, not being the sovereign controller of internal security. Nevertheless, the job of interior minister is keenly negotiated over. After the 2018 election it was subject to the intra-Shia bargaining that led to Adel Abdul-Mahdi, who had formerly been a Badr/SCIRI-connected figure but at this point was relatively unaligned and thus relatively powerless, becoming both PM and interim interior minister.

Bayan (Baqr) Jabr (Al-Zubaidi) at his Baghdad HQ (All photos c/o Neil Partrick unless otherwise stated)

Electoral limitations

The October 2021 election was both an affirmation of popular consent to the state and of the depth of sectarianism's penetration of politics and popular political identification, even though little more than 40% of those who had registered to vote actually did so. Few Iraqi voters seemed to have been

[20] This argument is made in a March 2018 report by 'The Century Foundation' ('TCF'; USA). *N.B.* The Century Foundation (TCF) *is not to be confused with the UK NGO,* the **Next** Century Foundation (NCF) with whom the author visited Iraq in October 2021

motivated by fear of the state in deciding to take part,[21] even if ultimately their electoral choices weren't necessarily altruistic. That said, sub-state identities and perceived self-interest are a commonplace influence on voter choices in elections throughout the world.

Electoral participation is not an adequate indicator of Iraq's identification with the nation of Iraq and of consent to the authority of the Iraqi state. Turnout of the kind seen in December 2005 (just under 80% of registered voters) in spite of threats from those *opposed* to participation, was a strong indicator of support for the re-emerging state. However, the turnout in 2021, and previously in 2018, do not give a conclusive sense of consent and identification with the state's political process. At present though this measure is pretty much all we have.

Perhaps a further indication of the difficulty in judging Iraq's state functionality is the nominal authority of the office of Prime Minister, compounded by the particular circumstances in which its occupant from May 2020 came to power. As stated, Kadhemi is the first Iraqi premier since 2003 to not be an MP. As also mentioned, an intra-party agreement on appointing a supposedly technocratic or non-factional leader to get out of a political crisis is a feature not confined to Iraq. Witness Italy at different times since the global financial crisis began in 2008.

Withdrawing consent

Iraq was and is in a deeper malaise than Italy however. Iraq's 2019/20 uprising had pitted essentially non-aligned youth, albeit predominantly Shia (and thus largely in Baghdad and throughout the south), against the state. Alleged corruption among the ruling political factions and state officials, and anger at joblessness and, to a degree, Iranian political influence, motivated young men (and some women) to take to the streets in angry and often violent exchanges with repressive state security forces. A minority among the protesters conducted violent assaults on a range of public buildings and even, allegedly, a religious shrine in Najaf. Eventually members of Sadr's Saraya Al-Salam militia shifted from sympathy to implementing their own harsh crackdowns, while shadowy plain clothes snipers were then deployed against protesters. Large

[21] This argument is based on the author's first-hand observation of voting in Baghdad and Kirkuk in October 2021. He was there as part of the NCF Election Observer team. See also the online publication of the 'NCF Iraq Election Observers report. *Op.Cit.*

numbers of protesters were shot and killed, whether by official state security or by these semi-official forces.

A political system whose quota system (*muhasasa*) brought everybody 'inside the tent' was able to find a common interest in promoting a new, perceptibly more ameliorative, premier, when the incumbent Adel Abdul-Mahdi had proven a liability given the excess of force that the state and elements connected to it had deployed to snuff out the protests. The fact that Abdul-Mahdi had presumably not directed the deployment of Sadr's forces and had an unclear relationship to snipers presumed to be at least state-connected, didn't stop him being a convenient focal point for the blame. Primarily though this was not because the prime minister was formally the commander-in-chief of all armed forces, including internal security and all state-related militia, it was more because the violence on both sides was escalating. In the eyes of both protesters and political factions, someone had to take the blame. The factions were keen to keep the focus on a suitable scapegoat rather than on the political system (*nizam*). The PM was merely a symbol of that political system, and not the defender of state sovereignty that his title constitutionally defined him as.

Abdul-Mahdi was a target of anger from protesters who, two months in, saw his ameliorative promises as at best inadequate and at worst merely rhetorical. He'd wanted to resign earlier. Escalating violence was followed by a sermon from the region's most senior Shia cleric, Grand Ayatollah Sistani. Sistani (or more specifically his representative) complained that the Abdul-Mahdi government was unable to deal with the crisis, and called on the Iraqi parliament to, in effect, replace the government it had spent months determining. At this Abdul-Mahdi announced his resignation. He made it clear that it was the words of Sistani (a quietistic cleric with an exclusive and ostensibly non-political authority) that directly led Abdul-Mahdi to decide to offer his resignation, and that of his government, to parliament. It would be another six months before the new government was agreed and Abdul-Mahdi could actually end his caretaker role.

Although Shia, the 'outsider' Kadhemi wasn't perceived as a product of the Shia House, much less any of its factions. However, he had been very much a part of the political system in the sense that he had been director of the *Mukhabarat* (literally 'intelligence'; or Iraqi National Intelligence Service (INIS)) for nearly four years. While Kadhemi was not a *muhasasa* player, the operators

of the Iraqi political system within Iraq and its key influencers without (Iran and the US), blessed his appointment in an arrangement that suggested his power would be limited.

The gun is sovereign

The Iraqi state has gone from being a platform for a narrow familial and related tribal concentration of power, to being a platform for the disbursal of power among often overlapping politico-security networks.

In other words Iraq proves Mao's dictum that 'Political power grows out of the barrel of a gun'.[22] Sovereignty is not embodied in the state, and it's far from being held by the Iraqi people. Power is what these networks seek to gain a generous slice of in their contest for control of the state. In that sense no one unitary actor holds, embodies, or operates Iraqi sovereignty or is sovereign. Sheikh Hameed Al-Hayes said that the proliferation of armed groups drives the practice of politics in the Iraqi state. 'Weapons control the government, the government does not control the weapons', he said.[23] This is precisely what Mao argued should not happen. The 'Party', which he put in control of the state, must 'command the gun'.[24] As noted, Sheikh Al-Hayes was part of the effort to build up a Sunni Arab armed front in Anbar to contest Al-Qaida. In other words, militia have been a key part of the Iraq political fabric since 2003.

In pure power terms the new Iraqi state that followed state collapse in 2003 was a more plural state but not politically pluralist. 'Iraq 2.0' is still, like all of Iraq's incarnations since sovereign statehood began in 1932, primarily a security state. In other words, the exercise of power is largely about attempted leadership control over external borders and internal order.

In keeping with all other Arab majority states (including the supposed 'exception' Tunisia), the exercise of Iraqi sovereignty is essentially a matter of who has the greatest role in the security of the state. Kadhemi, as prime minister, is merely one of the players in this equation although he has taken some steps to extend his, and therefore state, control of the official security

[22] Mao. *Op.Cit.*

[23] Interview, October 8th 2021, Al-Ramadi, Al-Anbar, Iraq

[24] Mao, *Op.Cit.*

apparatus. Some aspects of this have impacted on the operation of some parts of state security and on the Hashd Al-Sha'abi.

Kadhemi removed Faleh Fayyad as the head of the Iraqi National Security Council (INSC) and appointed Qassim Awaji in his stead. The INSC is one of several state security/intelligence organisations. It is also supposed to oversee the Hashd under arrangements made in 2014 by then premier Nouri Al-Maliki when, in response to Da'esh and to Grand Ayatollah Ali Sistani's *fatwa* urging 'citizens' to fight for this 'holy purpose'[25], he initiated Hashd's formation as an amalgam of preexisting Shia militia under a *hiya'*, or commission.[26] Fayyad is the 'president' or 'supreme leader' of the Hashd; or rather of its *hiya'* (organisation, or commission).[27] The suggestion that Kadhemi might remove Fayyad from the Hashd too, and appoint Awaji in his stead[28] is in practice unlikely given the limitations on Kadhemi's ability to act as the commander-in-chief that he nominally is. Kadhemi's attempt to be seen to take greater control of the INSC by changing its head, however, was in keeping with an Iraqi PM's ability to affect bodies that are wholly state. It is also likely to have been done in close consultation with those leading Shia political factions that enabled Kadhemi to come to office.

The will of the militia not of the people

These Shia factions are more representative of semi-state security actors - militia - than they are articulators of the will of the Iraqi people who voted for them. In fact notions of the will of the Iraqi people are alien to the operation, language and understanding of players in the Iraqi *nizam*. This is in part because of its evolving sectarian *muhasasa* system and the numerically limited 'mandate' that it gives political factions, despite the vast number of groups that are usually absorbed by, or find weight and financial benefit in, a broad electoral and parliamentary faction. Kadhemi oversaw some changes, after the *Tishreen* protests, to some of the personnel running the INIS. He vowed to do this as part of a clean-up following the violence. However little else followed, despite a still apparently ongoing state enquiry into the violent repression of

[25] See textual quotes and analysis of Sistani's *fatwa* in 'Holy Mobilisation: The Religious Legitimation behind Iraq's Counter-ISIS Campaign', Trends Research & Advisory, ICSR, Department of War Studies, King's College, London

[26] See page 4 of Renad Mansour, *Networks of Power – The Popular Mobilisation Forces and the State in Iraq*, RIIA, February 2021

[27] *Ibid.*

[28] Iraqi analyst, Najaf, October 2021

the 2019/20 *Tishreen* protests. There have been no prosecutions of state or state-related militia personnel involved in the repression such as Sadr's Saraya Al-Salam (Peace Brigades).

The PM's authority in security terms is clearer in the case of Iraq's regular armed forces (sometimes referred to as the Iraqi Security Forces (ISF), a generic term for all security forces including the regular armed forces and those of the MoI too. As will be discussed below, the Hashd are defined as part of the state's regular armed forces under official directives issued since the premiership of Haidar Abadi. However in practice they don't function like this. When it comes to the different branches of external defence – land forces (army), air force and navy – these fall, as would be expected, under the control of the Iraqi minister of defence. The latter ostensibly reports to the PM, as commander-in-chief. However the reality of Iraq's political system is that the position of defence minister – who, appropriately enough, heads one of the so-called *siyada* ('sovereign') ministries – is typically a prized source of power and patronage for whichever faction captures the post as part of the *muhasasa* division of the spoils. They may not put an overt faction member in office, but they can ensure that the incumbent – usually a Sunni Arab and often a military figure - understands who put them there. That said, factions hold different portions of the defence ministry and use that to exercise significant influence on security and financial decisions. Defence contracts are lucrative, and the mark-up potentially accruing to senior defence ministry officials and senior military officers can be large.

The power of the Iraqi armed forces themselves has historically been overstated. Iraq no longer has the classic Arab majority state differentiation between a regular and a regime armed force, with the latter typically better funded and equipped. Iraq's official armed forces aren't seen by the key Iraqi factional power networks as central to the state that they either have partly captured or desire to do so. In terms of the post-2003 security of the Iraqi state, the armed forces have not been key actors. In fact they largely melted away in the face of a more determined adversary and superior fire power in 2003, and again in 2014 when the Iraqi army's parlous condition amidst a highly divided polity saw it collapse with the advance of Da'esh. Hashd Al-Sha'abi were thus born, and they and the Kurdish Peshmerga became vital to 'national' security. The Iraqi state had collapsed twice in a little over a decade ('Iraq 2:0' arguably didn't take a recognisable sovereign form until 2009 with the US handover of several but not all of Iraq's 18 provinces).

Of more importance in discussing Iraq's sovereignty today is the role of the official state internal security forces in border security. What are loosely referred to as ISF, cover a wide range of forces ostensibly split between ministries, or not part of any, and all supposedly reporting direct to the PM. These include the Mukhabarat (INIS); the security arms of the ministry of the interior (MoI), including its Border Guard, the Emergency Response Directorate (ERD), and the MoI's Defence Forces; the CTF (US-trained Counter-Terrorism Forces); and the Iraqi Armed Forces, especially the Army and Air Force.

It wasn't the job of internal security forces like the Mukhabarat to defend the country from Da'esh in 2014. Border security then was largely the remit of the Iraqi Army. Since then a Ministry of Interior-run Border Guard has been established with US funding and training, and has gradually assumed more responsibility for border security. The Iraqi Army's role has, officially at least, become more one of border security support, a second tier of border defence as it were. In practice, a typical border post is likely to see Hashd forces, including irregulars, as well as the regular Land Forces (Army).[29] Anecdotal evidence from Anbar suggests that the Hashd role in that province's border security with Syria is as important as any regular Ministry of Defence (MoD) or MoI-related forces.[30] When the province was freed from Da'esh control in 2017, disparate Hashd forces were controlling the border crossing west of Qaim in Anbar with Al-Bukammal (Abu Kamal) in Syria, and the Syrian side was controlled by the Iranian Revolutionary Guard Corp (IRGC).

[29] p30, Mansour, *Op.Cit*

[30] Conversation with two senior Al-Ramadi sheikhs. *Op.Cit*; and with a member of a senior family in the area, October 2021. The author's guide and translator in Al-Ramadi was Khalid Issa Taha, a member of the NCF Election Observer team.

Sheikh Dr Humam Al-Hamoudi, leader of ISCI, Baghdad, October 2021

Sheikh Dr Humam Al-Hamoudi, leader of ISCI/SCIRI, asserts that it was the Hashd who upheld the sovereignty of the state when its official defenders weren't able to.[31] Echoing the argument of the two Ramadi sheikhs regarding the role of tribes absent the state, Al-Hamoudi argues that sovereignty was not being maintained on borders across which Da'esh were able to move into Iraq because regular Iraqi state forces weren't there. It was Hashd forces who upheld the state and upheld its sovereignty, he said. Another interpretation would be that the sovereignty of the Iraqi state had collapsed and authority was being exercised by irregular militias.

Al-Hamoudi also argued that the US is the preeminent infringer of Iraqi state sovereignty. In Iraqi Shia and wider Shia political circles, the US assassination of Iraq's Hashd leader Abu Mahdi Al-Mohandis and Iran's IRGC Qods Force chief Qassim Suleimani in Baghdad in January 2021 is still very raw. The assassinations prompted an angry storming of the Green Zone and attacks on the US embassy allegedly involving some Shia factions connected to the Hashd.

[31] Interview, October 15, 2021, Baghdad. Sheikh Dr Humam Al-Hamoudi met with the NCF Election Observer team at the ISCI headquarters. In the course of the meeting he answered questions from the author on these matters.

The Iraq Government shortly after became subject to a binding Iraqi parliamentary vote that it 'work towards' ending the US military presence in Iraq. Commander-in-chief, Kadhemi, had to then find a form of words, and arguably practice, that would mollify both the US and the Hashd, and lead to a reconfiguration of the US military role as 'training'. However, this is seen sceptically among many Iraq Shia political factions and the Hashd who remain angry about the blatant contravention of Iraqi sovereignty that killed both their leader and a close and respected Iranian ally.

The former Hashd militia brigade commander (and currently an 'overseer') stated that violent attempts to storm or attack the US embassy following the assassinations had nothing to do with them and that the Hashd had taken part in a peaceful protest. PM Kadhemi may not have liked protesters targeting the US embassy, he argued, but it is a reflection of the Premier's control over the Hashd that something much greater did not happen. 'Had the Hashd not been under the umbrella of the forces headed by the prime minister (Kadhemi), then they (the Hashd) would not have been satisfied with killing all the American soldiers in Iraq.' Because of these assassinations, he said that the US Government is seen by the Hashd as an 'enemy.'

It seems likely that the relative Iraqi restraint after the killing of Al-Mohandis and Suleimani was actually the result of a careful negotiation in which figures like Al-Amri would have been instrumental. His Badr movement leads several Hashd militia whose members overlap with official state security jobs. Al-Amri stated to the author that 'military relationships' (as opposed to political or economic ones) with 'neighbours and international actors' are not needed by Iraq. In practice however, Al-Amri walks a careful line between Iran, his own loyalists, and the USA with whom he has worked in different guises since before the 2003 US-led invasion. How much weight the supposedly sovereign Iraqi commander-in-chief had in the agreed 'reconfiguration' of US forces is debatable.

Hadi Al-Amri at his Baghdad HQ, October 2021

Tribal intermediaries?

Some argue that in order to be more coherent and functioning, the Iraqi state needs intermediate elements, and that the tribe is a valuable social force standing between state and citizen,[32] Liberal state theory, as supposedly applied in the west, would likewise posit that this is why the proliferation of genuinely non-governmental organisations (NGOs) is important. Arguably, in any political system, including to a degree in Iraq today, NGOs – as opposed to the oxymoronic regional norm of GONGOs – provide the basis for building social and political space between the state and the individual. Or absent a meaningful state, then they are necessarily filling a state vacuum. To some, a healthy civil sector is part and parcel of a modern conception of functioning and stable statehood: the state is not viable without a civil societal layer. There

[32] For example, the Iraqi academic Hosham Dawod in 'The 'State-ization' of the Tribe and the Tribalization of the State: the Case of Iraq' in *'Tribes and Power'*, edited by Faleh A Jabar & Hosham Dawod, Saqi, London 2003

is some evidence for such a layer in Iraq, but it is tentative.[33] It remains doubtful (arguably in any political system), the extent to which self-defined 'independent' MPs can provide a civil voice independent of those who either have state power, or have shadow or alternative authority.[34] The evidence in Iraq suggests that many of those elected in October 2021 as independent MPs are struggling to live up to their label: once you opt to support an attempted new government, or back a rival would-be government, then you will be part of a government apparatus formed with your support, in Iraq at least.

Tribes can in theory provide an intermediate role *vis-a-vis* a would-be strong state, and so the argument goes that this is why Saddam Hussein variously sought to crush, coopt, or semi-obscure them. In the south, and at times in the capital today, tribes are as much a function of Shia Arab as Sunni Arab politics i.e. of both the dominant demographic and political sect and the minority and supposedly weak sect. Two tribal families constitute the superficial two-party system in the KRG, while each of the Hashd militia, according to Badawi[35], has its own tribal bureau. This reflects the need since the Hashd's formation to coordinate with local tribal elements in many differing provinces throughout Iraq, both Shia and Sunni-majority, in the battle against Da'esh.[36]

Coordinating, cooperating and, as far as attainable, coopting tribes is nothing new in Iraq or the wider region. It is a long and continued practise in the Gulf sheikhdoms and monarchies. Even if these tribal entities have now superseded their origin, almost by definition they still apply tribal rule in an arguably modern state setting.[37]

Saddam Hussein's Ba'athist regime was on the one hand a party dictatorship modeled on Stalinist best practise, and on the other rooted in a regional political environment where tribes were 'hunted with' but never successfully mastered.[38] Eradicating tribal names was Saddam Hussein's superficial nod to

[33] One such NGO, 'The Victoria Centre' in Najaf, was visited by the author as part of a meeting held by the Centre's director, Zainab Allawi, with the NCF Election Observers team on October 16 2021. The Victoria Centre offers management training largely to ministry officials and so is in a sense state-dependent. Zainab Al-Allawi criticised ministries that have a training budget but that are not, she said, very willing to spend it on organisations like her own.

[34] A different example of the latter are the shadow Palestinian authority structures that were constituted by 'rival' Palestinian factions operating in the West Bank and Gaza Strip prior to Yasser Arafat's establishment of the Palestinian Authority in Gaza and Jericho in 1994. See Partrick, Neil, *Democracy Under Limited Authority*, Panorama, Jerusalem, 1994.

[35] Badawi, Tamer, 'The Growing Tribal Role In Iraq's Post-Election Shia Politics', May 17 2022, https://carnegieendowment.org/sada/87147

[36] *Ibid.*

[37] See Partrick, Neil, 'Nationalism in the Gulf States', LSE, 2009

[38] *Ibid.*

an Iraqi meritocracy**.** So-called 'Arab socialism' didn't sit well with an Iraqi leader being *sheikh al-shuyukh* (literally 'sheikh of the sheikhs').

Saddam's reworking of the bases of Iraqi state power proved to be more authoritarian, and actually more tribal. Tribes were, at least until state resources and territorial control weakened in the 1990s, an intermediate force that both extended state control and limited it.[39] Tribes or their clan components were expected to be the eyes and ears of the state. This was not tribes as a form of civil societal organisation. It was more like *hamula* (clan) chiefs on the payroll of the intelligence services and thus effectively being the same thing. On the other hand tribes could protect their members and choose to fail to report certain behavior that the local branch of the Mukhabarat would define as 'transgressions'.[40]

Sunni Arabs were in crude terms a favoured community under Saddam Hussein (and arguably had been since Iraq's modern conception). However, in what was an increasingly insecure regime, to remain in favour was increasingly difficult. Those Iraqis who did so were drawn from an increasingly narrow base. Ba'athi ideology, as interpreted by Saddam Hussein, required the nominal eradication of tribe, literally *in name*. That said, the patronage of sheikhs would continue to have its place even if such elders had to tread carefully. The head of the Al-Anbar tribal council, Sheikh Hameed Al-Shuka, had sought to benefit his own (Al-Dulaim) and wider tribes in his provincial tribal leadership capacity, and as an MP, under Saddam.[41] It wasn't an easy exercise, he says, noting that he'd sought funding from Saadoun Hammadi, the head of the Iraqi Parliament and obviously a handpicked figure with limited room for maneuver. Sheikh Al-Shuka[42] remarked that Hammadi would 'cry' whenever we asked for money for the tribes.

Al-Shuka and his cousin Sheikh Hameed Al-Hayes advocate the forming of an official, state-recognised, *majlis Al-Aasha'ir* (Tribal Council). They have had interest for this idea from premiers going back to Nouri Al-Maliki, but nothing has materialised. The sheikhs argue that the collapse of state authority after 2003, and Da'esh rule in Al-Anbar from 2013-17, made their role more

[39] See Blaydes, Lisa, 'State of Repression (Iraq under Saddam Hussein)', Princeton University Press: Princeton & London, 2018; including p122

[40] *Op.Cit*

[41] Interview with Sheikh Hameed Al-Shuka and Sheikh Hameed Al-Hayes, in the former's home, Al-Ramadi, Anbar province, October 2021 (translated and facilitated by a member of the NCF Election Observer team, Khalid Issa Taha)

[42] *Ibid.*

important. Whenever the state is weak then the tribe becomes more important, Al-Shuka asserts. He also argues that after 2003 it was the Anbar tribes, under his direction, who were the ones to protect both state and private property from criminals. This argument parallels comments by Shia politician, Sheikh Dr Humam Al-Hamoudi, leader of ISCI (Islamic Supreme Council of Iraq - formerly SCIRI).[43] Al-Hamoudi insists it was the semi-state militia groups gathered as Hashd Al-Sha'abi (Popular Mobilisation units) who upheld the sovereignty of the state when its official defenders weren't able to.

At one point Sheikh Hameed Al-Hayes promoted the Al-Anbar tribal effort to separate Sunni Arabs from Al-Qaida, and later headed the Al-Anbar Salvation Council. Prior to Sheikh Ahmed Abu Risha's Anbar Sahwa (Awakening) Council, Al-Hayes had promoted the idea of an Anbar Salvation Council, or what Al-Hayes called a 'Save Al-Anbar' council. This was an effort that the US forces on the ground would go on to encourage, as did the Iraqi state leadership**.**

In neighbouring Saleheddin province, which was likewise overwhelmingly Sunni Arab, people also look to the tribe in the absence of the state. Iraq's provincial boundaries are not the boundaries of tribes after all. Salaheddin though proved much more resistant to US or Baghdad-backed tribal leadership and would later even be receptive to Da'esh. These days it is associated with the pragmatism of the so-called 'King of Salaheddin', Abu Mazen.[44] He is a provincial political heavyweight who in effect competes with the would-be Sunni Arab leader, Mohammed Halbousi. Halbousi is arguably still the Al-Anbar 'chief' but a chief who's well-positioned in Baghdad.

Shia militias' use of a tribal power, arguably more significant in the wake of the state's collapse in 2003, extends beyond having organised tribal outreach. Some of the leading Hashd personnel today strongly identify with their tribe and the latter with them. In the case of a leading Hashd commander, in February 2022 this mutual affinity was violently asserted by one tribe against even criticism of one of their own.[45] More indicative of state weakness is the extent to which disputatious Shia groups vying to control the state use tribal affinity to weaken political, and thus patronage, rivals. Throughout the south

[43] Al-Hamoudi, Sheikh Dr Humam, ISCI headquarters, Baghdad, October 2021. Al-Hamoudi's comments were made in response to questions from the author. The context was Al-Hamoudi meeting with members of the Next Century Foundation (NCF) Election Observer team.

[44] See Ali Saleem, Zmakan, 'The King of Salah al-Din: The Power of Iraq's Sunni Elites', LSE Conflict Research Programme, 2001.

[45] Badawi. *Op. Cit.*

and including Baghdad, the Hashd and the Sadrists have each worked tribal fealties to try to build opposition to the other making violence a constant threat. [46]

It's argued that tribal identity was key to those Hashd militia who mobilised on the streets in Baghdad claiming the election had been 'stolen' in October 2021. This runs counter to Al-Amri's claim that the demonstration was the spontaneous anger of defeated candidates' 'friends and supporters'. When these street insurgents were officially stood down it was done by an intra-Shia militia framework with explicit reference to the protestors' tribal organisation.[47] In other words the Hashd want to leverage the power of tribe but, like the Iraqi state of old or neighbouring states today, cannot entirely control it.

Tribal elders cannot control their ostensible 'members' either and have become increasingly removed from them, arguably over decades. In the contemporary era, head of the Anbar tribal council, Sheikh Hameed Al-Shuka and his cousin cannot dictate to fellow tribe members how to behave, but they do have influence.

Tribes, land, and 'state socialism'

When traditional fealty is disrupted by economic and political changes, this is not surprising. Historically it is due to successive shifts in colonial, then state policy under successive regimes, and more recently mobility and technological changes. Al-Shuka noted that in 1958 the state, under Colonel Qassim, took away what Al-Shuka called tribal land in Anbar and neighbouring provinces. Seen as an act of ideology, nominally promoted as agrarian reform, the land was then given to small (i.e. peasant) farmers who were not experienced, Al-Shuka argued, in its management.

In 1970, in the Ba'athist era, there was an attempt at further land 'redistribution'. From the late 1950s the Iraqi state, like several contemporary Arab majority states with self-styled 'revolutionary' republican regimes such as Nasserite Egypt, seized land at the expense of larger landholders in order to mobilise popular support. In the early Russian revolutionary period the Bolsheviks had likewise used loyal gangs to seize produce from those they

[46] *Ibid.*
[47] *Ibid.*

labelled wealthy peasants in order to 'feed' the state and to try and prop up the Communist Party's flimsy revolutionary legitimacy.[48] This Russian 'revolutionary' expropriation was especially rife in Ukraine in 1919 as an ideological, Russo-centric, attack on a fledgling Ukrainian state.[49]

In Iraq poorer peasants became abstract ideological cannon fodder for a Baghdad regime that equated state power with that of a new ruling elite from the 1950s onwards. Having overthrown the Iraqi monarchy, state power was in the hands of Qassim's new military clique. After a similar regime style under the Aref brothers, the Ba'ath Party asserted its hold on the Iraqi state from 1968 before it then became a Soviet-style gutted party elite. This in turn became Saddam Hussein's increasingly narrowly-based personal elite.

The descendants of tribal land-holders in today's Iraq do constitute a form of intermediate power between tribal members and the state, but lack the resources their forefathers had to adequately perform the function. Furthermore, in today's Iraq it is as likely to be a militia that funds a tribal chief as the state *per se*. In either scenario, he who pays the piper can at least try to call the tune.

Land and border defence: Who's in control?

It is Iraqi militia who have a major role in the country's territorial defence. Militia are operating in the hotly-contested territory around (mostly Yazidi-populated) Sinjar, south of the Kurdistan Regional Government's (KRG) official domain, and at different points on Iraq's long border with Syria. This situation doesn't equate with a functioning state. On or across Iraq's western border, security is an interplay between official Iraqi state forces, the Kurdish Peshmerga, Turkey, and Hashd Al-Sha'abi. Rather than the maintenance of state security, this is actually a contest for authority between a weak state, an alternative state, a foreign state and a state within a state.

[48] From 1929 the Soviet Communists nationalised the peasants' land throughout the former Russian Empire, having originally encouraged peasant holdings after the flight and/or dispossession of the landed aristocracy and other large landowners.

[49] The equation between competing nationalisms and agriculturally-rich land was played out again in Ukraine from February 2022 with, this time, global consequences.

In January 2022 the Iraqi state was promoting the idea that the lead actor in the security of Iraq's entire land borders was the MoI's Border Guard.[50] Iraq analyst and Hashd observer, Fanar Haddad, says that Iran's IRGC has a 'known' role on the Iraqi side of its border with Syria, and he presumed that this was also so on the Syrian side. Haddad noted too that on the Iraqi side of the border, control was managed in 'partnership' with various Hashd militia groups.[51] In all of these cases the notion of an Iraqi border with Syria is taken to exclude that part of the border that's policed by the KRG. The latter's state-recognised *official* role on this border is actually limited to a small strip in the far north-west of Iraq, where Iraq meets Turkey and Syria. According to Amberin Zaman, the 'Iraqi authorities' (implying the state's security forces) have erected 4km of a concrete wall that is planned to run along a stretch of the Syrian border, starting from the meeting point of the three countries (at the Fish Khabur crossing) and reaching the southernmost edge of Sinjar in Nineweh province.[52] This under construction wall would suggest that the KRG's remit on external (border) security is in part subject to the authority of Baghdad. The view of Shia leader, Sheikh Humam Al-Hamoudi of ISCI, is that Kurdish authority over *any* part of Iraq's borders is a fundamental contravention of Iraq state sovereignty.[53]

Sinjar is claimed by the KRG. However, at present the struggle for control of the city and its wider environs is partly being conducted between Iraqi state security forces (under the MoI) and a Yazidi militia, the Sinjar Resistance Units (SRU). The SRU are alleged by Turkey to be in league with the PKK, and alleged by the US[54] to be working with Iran, via a dedicated Iraqi militia unit, against the Turkish troop presence in Sinjar.[55] The SRU, and presumably its Shingal

[50] This is presented unquestioningly by Faris Omran in the Iraq-orientated bilingual Iraqi news-site *Al-Mashareq* , 'Iraqi border guard takes over security of frontier with Syria', https://almashareq.com/en_GB/articles/cnmi_am/features/2022/01/20/feature-03

[51] April 28, 2022, online meeting on Iranian foreign policy hosted by CIRS, Georgetown University Qatar. Haddad's comments, made in response to a question from the author on control over the Iraqi side of the border with Syria, are understood to have not included reference to the border crossings policed by Iraqi Kurdish groups further north.

[52] Zaman, Amberin, May 4 2022, 'Yazidi militia says Iraqi Army attacks are linked to Turkey's anti PKK campaign', Al-Monitor.

[53] Al-Hamoudi. *Op.Cit.*

[54] According to Szuba, Jared, 'Pentagon: Iran-backed militias, PKK coordinated vs. Turkish troops in Iraq', *Al-Monitor,* May 23 2022

[55] The Shingal Resistance Units (also known as YBŞ) reportedly agreed to merge with the Hashd in 2020. See https://kirkuknow.com/en/news/64272 and https://english.alaraby.co.uk/news/sinjar-residents-suspicious-iraqi-army-deployment

militia counterpart, are opposed by the KDP, the leading Iraqi Kurdish party in the KRG.

On Iraq's border with Iran (south of the KRG) security is both an official MoI Border Guard function, with official Army 'support', and a Hashd function. Ongoing oil smuggling suggests that the latter's role is significant; an issue considered in relation to security later.

Internal security

The Iraqi Mukhabarat (INIS), the MoI's 'Defence Forces', the NSC and other internal security and intelligence forces have an overlapping if not duplicating and competing role in the day-to-day security of Iraq, alongside the regular armed forces such as the Army, Air Force and, as appropriate, Special Forces, Rapid Response units and the CTF. The overlapping role in border security, as noted, includes both the MoI Border Guard and Hashd militia operating on the borders with Syria and Iran. Other MoI bodies, like the Facilities Protection Force and the VIP Security Force, have a more specifically defined and self-explanatory role.

As noted, the Joint Operations Command (*Qiyadat Al-Amaliyat Al-Mushtaraka*) is the official coordinating body for the disparate organs involved in Iraqi security. This includes the semi-state and regular armed forces. Its purpose is to coordinate the actions of all relevant agencies in Iraqi security: within the boundaries of the state and at its borders. The JOC's *de facto* day to day chief is its deputy commander, Staff Lt. Gen. Abdulamir Al-Shammari. He is a Sunni Arab, like the defence minister himself usually is, and was appointed by the PM, the official JOC head, in 2020.

Al-Shammari views JOC in terms of its founding purpose – saving the Iraqi state in the face of Da'esh. He seeks to coordinate the disparate security arms, including Hashd, who were central to the anti-Da'esh drive, with attention to both internal and border security. Speaking in May 2021,[56] Al-Shammari emphasised hi-tech border security coordination in the absence of a unified Syrian state security function on the other side of their shared border. He suggested that the Iraqi regular armed forces, from which he is drawn, are in a lead position on Iraqi internal security. However, Al-Shammari emphasised

[56] 'The challenges of joint commands', May 10, 2022, interview with Staff Lt Gen. Abdulamir Al-Shammari. See https://unipath-magazine.com/the-challenges-of-joint-commands/

that he is seeking to make this properly the work of Iraqi internal security forces once again. This is an aspiration that is supposed to be happening at all of Iraq's borders too. The complicated role of coordination, as presented by JOC, and the more informal situation on the Iraqi side of the Syrian border, where Hashd remains significant, doesn't fit with Al-Shammari's portrayal of the situation.

Kirkuk face-off mirrors intra-state struggle

As in other states, and aspirant states, in the region, a multiplicity of competing internal security forces is not unusual and is designed to make the regime's political leadership immune from direct challenge. In an indication of how this competitive intra-Iraqi power struggle can play out, observing the Iraqi election in October 2021 brought the author almost literally into the crossfire as two leading internal security forces challenged each other's right to manage the presence of international election observers.

Members of the Kirkuk (Tamim) province branch of the Mukhabarat and the MOI Defence Forces (DF) unit accompanying the NCF team of election observers, engaged in an extended stand-off outside a 'voter centre' (polling station) in the city, before eventually taking their row to the street.[57] The head of the MoI DF unit had antagonised a Mukhabarat officer who disputed the former's right to take charge of the security of the NCF election observers. A clash of personalities and an ingrained sense of their, and their organisation's, respective power made each security force unwilling to submit to the other's authority. This was a microcosm of the dichotomy between, on the one hand, a supposed electoral democracy, and, on the other, an incoherent state riven with a welter of nationally and locally competing security forces, some state, some semi-detached.[58] Seemingly both the Mukhabarat and the MoI's various security branches are themselves answerable to the *Qiyada Al-Amaliyat Al-*

[57] NCF had organised its security with the MoI's 'Defence Forces' in Baghdad; a unit of which accompanied the NCF election observer team to Kirkuk and around the city (or at least had begun to). The account contained in this paper of the NCF's experience in Kirkuk is also included in the NCF Election Observers' report ("Statement By The Next Century Foundation: International Observers Of The 2021 Iraq Parliamentary Elections", November 30 2021). It is accessible via https://nextcenturyfoundation.org/our-work/reports/

[58] NCF Election Observers' report. *Ibid*

Wataniya (sometimes translated as the Higher National Organisation or, more accurately, the National Operations Command).[59]

To whom this 'Higher National Organisation' meaningfully answers is unclear. Nominally, at least, ultimate authority resides with an Iraqi prime minister, just as the latter would have authority over the MoI (by officially appointing its minister at least). In theory a PM has the ability to change the leadership of MOI and non-MoI state security and intelligence bodies (as occurred with some senior MoI personnel after Kadhemi came into office). In practice though it seems that, while an Iraqi PM can exercise some authority over the INSC, a PM's power over organisations like the Mukhabarat and other MoI bodies is much less clear. (Even if, as noted, after the Tishreen protests some leading Mukhabarat personnel were removed). Real power over and within these organisations is determined by the division of spoils under the *muhasasa* system.

Kirkuk remains a contested territory between the state leadership in Baghdad and the KRG. The KRG in the form of the Peshmerga took Kirkuk in the wake of their successful battles against Da'esh, motivated by Kurdish ethno-irredentism and the area's energy assets. The KRG eventually had to let the city and the province go, in favor of that version of the Iraqi state represented by forces ultimately led from Baghdad. Its Kurdish leadership ceded governance to the current Sunni Arab leadership and Kirkuk remains volatile. From the point of view of Kurds in Kirkuk city, the already difficult communal relations became worse under Rakkan Saeed Al-Jabouri, the Sunni Arab governor appointed by the PM in Baghdad.[60]

Badr boys on the beat

For long periods since 2003 the MoI has been under the *de facto* dominance but not wholesale control of the Badr Brigade/Organisation. It is not necessary that a Badr official occupies the post of interior minister for Badr militia to be well represented within the MoI, although from 2005 until 2018 a Badr official

[59] The four-person NCF team observing the election in Kirkuk was told by the province's most senior Mukhabarat officer that '[It] could not come into an area that was his responsibility without a clear and authorising letter from another security body, Qiyada Al-Amaliyat Al-Wataniya (literally translatable as the 'Higher National Organisation' (*SIC*)), outlining our plans and our security detail, who in turn, he said, would have informed the Mukhabarat.' Quoting from the NCF Election Observers' report. *Op.Cit.*

[60] Responding to a question from the author. The context was an informal meeting with NCF election observers, Kirkuk, October 2021

often was interior minister. From July 2019, and up to and including the time of writing (August 2022), the interior minister was General Othman Al-Ghanimi, who had formerly been the Iraqi Army Chief of Staff. (Senior official armed forces positions are typically given to Sunni Arabs, while senior armed and interior forces personnel within provinces tend to reflect the demographic dominance on the ground). The MoI's senior figures, in terms of those running national or province-wide security bodies and agencies, often overlap with militia roles, with Badr significantly featuring in some of these.[61] In this sense a key *siyada* (so-called 'sovereign') ministry is less an expression of state power and functionality, than a platform for a major militia and political movement, along with other such movements who also enjoy access to state power, to feed-off for power, patronage and protection of their sub-state networks.

Badr is the Shia militia and political organisation over which Hadi Al-Amri holds an almost total sway and which forms the dominant part of the election-contesting 'Fateh Coalition'.[62] Al-Amri's Baghdad headquarters were described by a senior aide to Al-Amri as belonging to Badr/the Fateh Coalition.[63] Badr's militia role is expressed via the Hashd, and, without being officially attributed as such, Badr runs several different Hashd brigades. Through these militia overlapping with formal MoI security jobs, as much as its loyal ministry placemen, Badr has great leverage over a ministry where major state power has historically resided in Iraq. A Badr man, Qassim Al-Awaji, is also the PM's official National Security Advisor (and thus heads the Iraqi National Security Council (see also INSC, below >)).

De facto leading Hashd political representative, Hadi Al-Amri, was angry about the October 2021 election outcome. Whatever the veracity of the allegations he made about the election's conduct[64], it was surely its particular outcome that aggravated him the most, given how much it seemed to weaken his and his faction's claims to the spoils of sovereignty. He disingenuously stated that none of the Hashd militia who sometimes clashed violently with (MoI-controlled) Iraqi police, whether connected to Fateh or outside of the Hashd's formal control (see below) had any relationship to the post-election protests and sit-ins.[65] Al-Amri would only admit that 'There are demonstrations from

[61] Several examples of this have been noted by Dr Renad Mansour in his Chatham House paper, 'Networks of Power - The Popular Mobilization Forces and the state in Iraq', February 10, 2021.

[62] Al-Amri was meeting at his Badr/Fateh HQ with the NCF election observer team, October 19 2022

[63] *Ibid.*

[64] *Ibid.*

[65] Al-Amri was in this instance responding to a question from the author. *Ibid.*

candidates and their supporters who are concerned about the results.' These demonstrations, whoever instigated them, failed to alter the result. Having failed in the court house, Al-Amri then sought a way back via the political front of the Shia House to what he'd lost at the ballot box.

His colleague in the Fateh Coalition and fellow leading Hashd figure, Qais Khazali, head of Asaib Ahl Al-Haq (originally founded as a breakaway faction from the Sadrist movement) was accused by some of being behind a more assertive challenge to the election results than that of Al-Amri. In January 2022 a drone attack on the Green Zone, allegedly launched from a part of Baghdad associated with Hashd forces, hit the PM's private residence. That it did so in an area that the author was told was protected by US air defences given the proximate US embassy, was shocking enough. Khazali didn't condemn the missile strike and emphasised that the PM must account for his role - as commander-in-chief - in the Iraqi police's shooting dead of some of the street protesters angry at the conduct of the election. An undeclared truce then applied: neither the militants who had attacked the PM's residence (perhaps with the knowledge that he wasn't home), nor those who might have been found responsible for the fatal shooting of the election protesters, have faced any legal action. Similarly, the promised enquiry into the violence surrounding the Tishreen protests of 2019-20 seems to have come to naught. For all the ambition professed by a range of Iraqi political actors, including Nouri Al-Maliki's eponymous political alliance[66], a 'state of law' Iraq is not.

The Hashd Al-Sha'abi ('Popular Mobilisation' Units; or 'Hashd')

The organisation of the state's security is not of the ideal, transparently hierarchical and accountable, type associated with Weberian notions of the state and of rule-bound state leadership. Iraq's security structure is diffuse. There are a wide variety of often competing formal state forces and a range of semi-state militia, of which the Hashd are the most renowned but by no means the only examples. In other words, factionalism is rife but its exclusivity doesn't preclude cross state/sub-state membership, nor, within the wholly state

[66] The 'State of Law' electoral front is well over a decade old and is dominated by Maliki's version of the historic Iraqi Shia Islamist political party, Al-Da'wa (founded by Moqtada Al-Sadr's uncle, Mohammed Baqr Al-Sadr). It is perceived by some that in recent years Maliki has made Al-Da'wa less Islamist, even if it isn't in any sense less Shia. The demographics of Iraq, and the presentational desire to appeal beyond a particular version of Shia Islamism, is arguably what has really happened to Al-Da'wa, as opposed to any definite change in the party's beliefs or core identity. A similar factor was at work in SCIRI's name change to ISCI, or the Badr Brigade becoming the 'Badr Organisation'. Personalities are key too; hence why Maliki continues to lead the Da'wa Party after it effectively fractured into two.

apparatus, does it prevent the recruitment of different sects. That said, the Hashd, to the extent that they are cohesive, are a Shia bloc in terms of where the weight of authority, power and force lies, internally and in its relationship to the Iraqi state. The Hashd *are* partly state-ised in that they have been on the state's payroll since 2017. However they are semi or sub-state in that the 40-plus paramilitary 'units', to which 60-140,000 Hashd fighters[67] belong, mostly answer in practise to their unit's leadership rather than to Faleh Fayyad, let alone to INSC chief Qassim Awaji or, via him, to the PM. Membership between Iraqi state security bodies and the Hashd often overlaps – for example between the INSC and the Hashd. As noted, the INSC is supposed to 'oversee' the Hashd, but Awaji's Badr affiliation suggests a conflict of interests. Any subjection of the Hashd to the sovereignty of the state is essentially an intra-elite negotiation and understanding.

Extrapolating from the analysis of Aymenn Jawad Al-Tamimi, as of April 2020 there were 311 Hashd brigades affiliated to the official Hashd Commission (*hiya'*).[68] Given that the Hashd are an amalgam of militia groupings with different, and often rival, political affiliations largely represented in the *muhasasa* version of government, then they cannot in practise be subject to the direct control of the state security apparatus. They therefore cannot be considered as a kind of state praetorian guard, or an embryonic National Guard, of the kind that exists in other Arab majority states such as Saudi Arabia's National Guard (SANG) or indeed Iraq's Republican, or Special Republican, Guard under Saddam Hussein. Notably the US saw the need for a kind of regime security force in Iraq back in 2005 when they oversaw an attempt to set up a supposedly very different Iraqi national guard to Saddam's creations.

When the Hashd are discussed by Iraqis, the idea that they *could* become an Iraqi National Guard is often raised. The argument that, in effect, they already are is heard too. After all they are on the state payroll and are officially reporting, via Fayyad, to the Iraq PM, the designated Iraqi commander-in-chief. Bayan Jabr argues[69] that it should be possible to establish the Hashd as a distinct, but wholly state-controlled armed body like a national guard. Those

[67] Estimates wildly vary, and I've included the wild variation albeit that they are all from seemingly 'good' sources.

[68] 'Hashd Brigade Numbers Index', Aymenn Jawad Al-Tamimi, (from the eponymous Blog), original online article published 1 October 2017. See https://www.aymennjawad.org/2017/10/hashd-brigade-numbers-index

[69] Jabr. *Op.Cit.*

defending its role and its claims of internal reform, most evidently the Hashd ex-commander see below), already see the Hashd as the nascent new Iraqi national guard. In neighbouring Saudi Arabia and Kuwait the National Guard are wholly of the state, even if in Saudi Arabia they have previously represented a political as well as military rival to the regular armed forces. However, it is currently hard to put the Iraqi Hashd in this category.

It's more accurate to see the Hashd as a part of what disempowers the Commander-in-Chief from exercising his supposed role as the embodiment of state sovereignty. Of course, the very nature of *muhasasa*, has politically-neutered all post-2003 premiers, rendering them at least partly dependent on crude factional alliances in parliament that are focused on divvying up the financial spoils. The Hashd are an inherent part of the Iraqi political game that divides power so that everyone wins even if they have lost; a practice that likewise divides the exercise of sovereignty between unaccountable patrons. The functionality of the state and of sovereignty can only be weak in such a context, even if there is an agreed parliamentary speaker, state president, and an executive headed by an agreed PM.

On the inside

Bayan Jabr was interior minister when the Badr Brigade's controversial control of this key, *siyada* ministry was ostensibly exercised via SCIRI, Badr's then political arm. Jabr commented that the extent to which Hashd militia have autonomy over any part of the MoI's activity, 'does not fit with a state that has full integrity over its own affairs'.[70]

Jabr assesses the Hashd as consisting of a broad militia with wide-ranging loyalties. He says that some are totally controlled by the Hashd command - as represented by Faleh Fayyad – and are thus '*rasmi*' (translatable as 'official' in this context), while others are loyal and controlled by being *marjaiyat* i.e. those Hashd brigades who are, says Jabr, 'fully incorporated' under the MoD.[71] Of course, as their Arabic description implies, they are also totally subservient, at least in religious terms, to the Marjaiya, the highest Shia religious authority (or Hawza) in Najaf. They are, perhaps paradoxically, loyal to the state in part

[70] Jabr. *Op.Cit.*
[71] *Ibid.*

because Grand Ayatollah Sistani's *fatwa*[72], which arguably founded the Hashd, made it clear that Iraqis should volunteer to fight in state security forces.

Ali Al-Mamouri, as advisor to the PM, puts it a little differently, that the *marjaiyat* militia are 'soft' (non-problematic in terms of state sovereignty) because of their loyalty to the *marja'* i.e. the pre-eminent grand ayatollah (currently Ali Sistani).[73]

Then there are those militia who are commonly referred to as *fasa'il* or *fasa'il musalah* ('armed factions'), whom Bayan Jabr implied were highly autonomous from the official Hashd command structure headed by Fayyad. The term *fas'ail* is often used to differentiate Hashd armed militia who are supposedly under the formal Hashd structure from those who are not. The *fas'ail*, says Dr Ahmed Al-Rushdi, include Iraqi Hizbollah,[74] referring to a local militia not the Lebanese organisation. It seems that the *fas'ail* are often *wilaya* (as in *wilayat e-faqih;* the Iranian politico-Islamic construct[75]), but not all *wilaya* are outside of Hashd control. These terms, like much else when there is discussion of the subservience of Hashd militia to state control, are flexible, and are often as much pejorative as they are necessarily accurate.

Jabr says that of those *rasmi* militia (whom he implied are the majority of the brigades), 70-80% are 'following' Faleh Fayyad 'the supreme leader of the (Hashd) security forces'. They are thus, he said, under the authority of the Government. (The Hashd are formally part of the overall ISF but the Hashd's official line of direct accountability, after Fayyad, is to his ostensible boss, the PM). Jabr says this leaves 20-30% of the *rasmi* brigades' actions that are potentially dangerous in terms of their autonomous military involvement or direction. If the majority of the Hashd, or at least the majority of the actions of its 'official' elements, are under the PM's control via Fayyad, this is on the face of it a reflection of the Hashd being largely a part of a functioning state that controls the gun. Sheikh Al-Hayes's dictum about where real power lies in Iraq suggests otherwise. Given that Fayyad is also a factional politician, the leader of a pro-Hashd political group with seats in parliament (Aqd Al-Watani), and

[72] 'Holy Mobilisation..'. *Op.Cit.*

[73] Al-Mamouri, Dr Ali, advisor to Prime Minister Kadhemi, Baghdad, October 2021. Al-Mamouri was speaking in response to some questions from the author. This was in the context of a wider meeting between Dr Al-Mamouri and the NCF Election Observer team.

[74] Al-Rushdi. *Op.Cit.*

[75] The construct that underpins the rule of the Supreme Guide (*rahba*), currently Ayatollah Ali Khamanei, successor of Ayatollah Ruhollah Khomeini

part of the partisan CF, his subjection of the Hashd to the direction of the PM is likely to be limited.

A view from within the Hashd

A former Hashd Al-Sha'abi militia commander (brigade-level), a veteran of the anti-Da'esh struggle with an ongoing oversight role, stated that Fayyad has been undertaking the reform of the Hashd to ensure that no political faction can organise among its ranks.[76] This had followed formal directives from the prime minister outlawing such politicisation of the Hashd. Brigade numbers, not political names, are now officially *de rigeur*. The ex-Hashd commander provided the name and number of his particular militia. Ironically, given his emphasis on the de-politicisation of the Hashd, this moniker suggested[77] that his militia is associated with a political faction in Iraq.[78] Sceptical voices argue that political organisation may no longer be in name but it certainly remains very present.[79] The policy arguably has echoes of Saddam Hussein outlawing tribal names, which did little to reduce the strength of tribes. More politically explicit of course than this unnamed factional presence in the Hashd, is the role of Hadi Al-Amri, whose Badr Brigade (known as Badr Organisation since its rebranding) and Fateh Coalition publicly associate with the Hashd. Badr has some of the most powerful Hashd militia and was of course a long-standing militia itself before Hashd's formation.

Al-Amri claims that Badr does not have any weapons because it disarmed itself under the terms of a 2005 directive from the US' Iraq supremo, Paul Bremmer.[80] Presumably this was Al-Amri's attempt to argue that political factions (like Badr) are just political factions and cannot, and do not, organise within the Hashd. This would, if true, fit with the depoliticisation that the Hashd ex-commander[81] said was happening. Few however would take Al-Amri's assertion at face value.

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[76] Interview with retired Hashd Al-Sha'abi commander (and currently in an 'oversight' role), Iraq, October 2021. The ex-commander was speaking in response to questions put to him by the author in the context of a wider meeting between the ex-commander and the NCF Election Observer team.

[77] Using Aymenn Jawad Al-Tamimi's typology. *Op.Cit.*

[78] In order to preserve this interviewee's anonymity I have left out his specific brigade number and its political faction association.

[79] Conversations with an Iraqi businessman and politics watcher, Baghdad, October 10 2021.

[80] Al-Amri. A response to a question from the author. *Ibid*

[81] Former Hashd commander. *Op.Cit.*

The ex-Hashd brigade commander conceded that there is still re-organisational work to be completed under the supreme leader Fayyad. He noted that there is still a problem in that the fight against Da'esh necessarily brought together different Shia militia under the Hashd banner who were united solely on the 'ideological' basis of fighting Da'esh. These differing Shia militias were, in his analysis, meeting like for like, in that Da'esh's totalising political *salafi* ideology was matched with an equally total Shia determination to repress them. The ex-Hashd commander argued that this was fine when Da'esh was very strongly present on the ground in Iraq, but that this is not appropriate now. Faleh Fayyad, he said, is undertaking the removal from Hashd of those militia whose ideological focus or interests do not fit with the contemporary role of the Hashd, adding that the role of the Hashd intelligence department is particularly important in this. In this respect the ex-commander also noted that some within Hashd ranks are in effect interlopers, trading on the Hashd name for credibility, including political enemies of Hashd and 'corrupt people'. It was not clear if this latter allegation was an attempt to offset criticism of aspects of Hashd behavior, although there are accounts elsewhere of these 'interlopers' sometimes being those whose political opinions the Hashd leadership does not like.[82] The ex-commander conceded that some within Iraq do not like what Hashd does. However he argued that overwhelmingly the Hashd are still popularly valued for their role in fighting Da'esh. While not that significant anymore, he said that Da'esh still has a presence in parts of western Iraq, and from there down to the south, although Hashd militia are present on the ground to counter them.

Sadr supporters circa 2021/2022. Copyright Getty Photographs

[82] For example, Al-Tamimi's eponymous blog. *Op.Cit.* Al-Tamimi writes of the decrees being used in February 2019 to expel a Baghdad militia led by Awas Khafaji. Khafaji had criticised Iranian influence over some other Hashd militia.

The challenge of majority government

The challenger to the political system: the proposed Tripartite Alliance (TA) of Sadr's bloc, the Sunni Arab 'Sovereignty' bloc, and the leading Kurdish party, the KDP (implicitly with the PUK on board), was based on the notion of sovereignty being held in one place. That is within the official leadership of the state – most obviously exercised by the PM – and being supposedly the body that will hold 'the gun'. This proposal is attractive in theory, including to a claimed plurality of Iraqi voters (a majority if you count all the votes accrued by members of the three-way alliance that Sadr was proposing).

Sadr has militia both within Hashd – the Saraya Al-Salam brigades are on the payroll but certainly do not answer in any way to Faleh Fayyad – and without. Sadr's non-Hashd militia, the Mehdi Army, who were part of sectarian blood-letting in Iraq's civil war, remain for him a subterranean option. It is a fiction that Al-Sadr gave up his guns when he agreed to subsume his militia under the Hashd Commission. One, because his Hashd militia are not subsumed by anything other than state-funded wages; and two, because the Mehdi Army has only been dissolved in terms of its overt public profile.

At the same time Sadr, via the planned TA, was also intent on nominating a new PM, just as Sadr's bloc had played a key role in nominating Al-Kadhemi as premier in 2020. This would be the prerogative of a political party holding the plurality of seats in a western parliamentary democracy. The proposed TA would by definition have required a majority of seats to determine the PM. Removing the so-called 'blocking third' – the TA didn't have two thirds of the seats in parliament – therefore required an accommodation with those MPs Sadr expected to be in the parliamentary 'opposition'. Otherwise, it would have required an expansion of the TA's base with sufficient a number of other MPs promised their own patronage power i.e. a job with largesse to distribute.

The Shia Coordination Framework (CF) is in effect headed by Nouri Al-Maliki – he of the 'State of Law' coalition. The CF could marshal enough seats to ensure a repetition of the 'national' coalition of the *status quo ante*. Offering self-identifying 'independent' MPs the chance to choose an 'independent' PM –a tactic Mr Maliki deployed in June 2022 - might appeal to some, but it obviously would not enable them to form a government of independent technocrats. The bought votes of MPs, whether independent or not, will not deliver sovereign authority for the resultant PM. Possibly Kadhemi will be re-nominated as the next PM by the CF and by any 'independent' bloc that joins with it. As

observed, Kadhemi is himself independent in the sense that he isn't an MP and thus doesn't have his own parliamentary leverage. Being an MP obviously doesn't ensure that either, as all his predecessors as PM since 2003 can attest. Notably, some of the self-identifying independent MPs elected in 2021 are Hashd, according to an ex-commander.[83]

Sunni Arab politics

The most powerful or influential Sunni Arab politicians are Mohammed Halbousi, Muthana Sammarai, 'Abu Mazen' (Ahmed Jabouri) and Jamal Karboli, all of whom are competing to maximise their patronage of the Sunni Arab communal interest. If, (and it is very much an *if*) Halbousi could function as the *primus inter pares* and leverage the potential patronage power of a Sunni Arab 'Gang of 4'[84], this ethno-sectarian interest could be in its strongest position since pre-2003. It seems more likely though that the temporary Sunni Arab alliances that facilitated the attempted TA will loosen as the two Shia-led government alternatives – TA or 'national' government – draw in different Sunni Arab leaders. Even if Halbousi's attempted leadership of a cooperative Sunni Arab front could hold and enhance Sunni Arab leverage, it would be a long way from statecraft. It would be indicative of an instrumental communalism that has been characteristic of Iraqi politics since the founding of the modern state. Ghassan Atiyyah sees the historic British role in Iraqi state formation as useful in itself, but notes that this ingrained feature, compounded since the events of 2003, had been based on an assumed Sunni Arab hegemony.[85]

The Sunni Arab political leadership today is obviously a victim of a 'majoritarian' shift due to the Iraqi political system having an element of democratic politics built in. Minorities can no longer dominate majorities. However this simplification of Iraqi political history disguises the complex interplay of members of different communities in Iraqi political life, especially before the polarising impact of the 1980s Iran-Iraq War. In contemporary Iraq identity politics are more pronounced than ever. National belonging is

[83] Retired Hashd commander. *Op.Cit.*

[84] With apologies both to the erstwhile 'Gang of 4', the four senior Communists, including 'Madame Mao', who were found guilty of 'counter-revolutionary' conspiracy by a court in the People's Republic of China at the fag end of the Cultural Revolution; AND to the still extant UK 'post-punk' band, 'Gang of 4' who were, I assume, named in the former's honour. Any assumed allusion to the eponymous social democratic faction that broke away from the UK Labour Party in 1981 is wholly unintended.

[85] Atiyyah, Ghassan. Interview, London, May 13 2022. Atiyyah is an Iraqi writer and commentator.

something felt but weakened by the effective political institutionalisation of sectarian belonging. In a perhaps surprising contrast with the efforts and partial success, albeit state-led, of younger states in the Gulf[86], Iraqi national identity (*haweeya Al-Watani*) has weakened as Iraq has grown older.

At the time of writing Halbousi was leading the amalgamation of two Sunni Arab blocs, the Siyada (Sovereignty) Alliance, which together had the second biggest grouping of seats in parliament. The Tawafuq bloc of Halbousi, and Al-Azm, the Qatari-funded bloc[87] led by his renowned Anbari rival, businessman Khamis Khanjar (and including Muthana Al-Sammarai), competed fiercely to capture the Sunni Arab vote in the October 2021 election. The ongoing Iraqi parliamentary practice of amalgamating to compound bargaining strength in a future government drove their attempted post-election stitch-up.

The Kurds did not do the same thing (see also below). However the PUK could not ignore the KDP's role in the proposed TA Government. Set against this was the role of incumbent Iraqi president Burhan Saleh (PUK) in undermining the TA's chances of forming that Government in order to preserve his own job, rather than allowing the KDP to, for the first time, capture the presidency. This source of Iraqi national patronage and influence has since 2005 been held by a PUK Kurd. The nomination of the figurehead Iraqi president is the first step in the constitutional formalities needed to begin the long hoped for appointment of all of the top posts: President (and his deputies), Speaker of Parliament, and the Prime Minister (and, more discreetly, his cabinet).

The leading position of Halbousi in Iraqi Sunni Arab politics is recognised by Sunni Arab observers and viewed with some scorn too. Halbousi's position as caretaker speaker, pending the agreement of a new government of which he aspired to be kingmaker, and trying to draw in his putative Sunni Arab Gang of 4, may yet be his high-water mark. Influential and a great operator, he has been as adept at gaining support from a wide range of foreign actors, including those in contradiction with each other. Ultimately though Halbousi has struggled to maintain his would-be Sunni Arab leadership alliance. To counter him the CF's leading players helped release jailed competitors from Halbousi's Sunni Islamist right. In turn Halbousi attempted to keep Sunni Arab politicians

[86] See Partrick, Neil, 'Nationalism in the Gulf' (2009), an online LSE Kuwait Programme publication

[87] Al-Azm includes the remnants of Iraq's Muslim Brotherhood, the Iraqi Islamic Party. Khanjar's Qatari support was noted by two sources interviewed for this chapter.

united under his direction with promises of key jobs in a government he sought to influence the formation of.[88]

Iran's role in Iraqi Sunni Arab politics is not as pronounced as in Iraqi Shia politics, but it is still significant. In April 2022 Halbousi visited Tehran when Iran had just appointed a new ambassador to Baghdad. The new ambassador was widely seen as an attempt to extend the IRGC's, and specifically the Quds Force, influence in the Iraqi political sphere at a time when Sadr looked as if he might pull off his TA Government. Only two weeks earlier Iran had conducted an air strike on the KRG capital Irbil, an unusual case of a direct hit by Iran rather than via proxies. It occurred at a time when Iran was being vocal about the Kurds' relationship to Israel (a pro 'Israel-Arab Normalisation' event had been held on the territory of the KRG in September 2021 involving some Sunni Arab tribal personalities who later claimed to have been duped into attending). However it is more likely that the Iranian airstrike on Irbil was warning the KDP (in its *de facto* capital) not to enter into a majority government with Sadr and Halbousi (while also a reminder of ongoing Iranian 'messaging' against the KRG and KDP specifically, for allowing Peyak, the Iranian-Kurdish, PKK-associated, Peshmerga militia, to be based in Irbil).[89]

Iran's weight was also reflected in the appearance of Ketaib Hizbollah (KH) militiamen on the streets of Anbar to side with one of Halbousi's Anbar Sunni rivals, the tribal figure Sattam Abu Risha. He is the son of the Awakening Council leader Abdel-Sattar,[90] and one of those 'sprung' from jail by Maliki and Co. KH are very much one of the *wilaya* groups within the Hashd (see Hashd typography above). The KH are also one of the Hashd groups involved in the province's border control. Their presence within Anbar was therefore likely and probably did not need Iran's approval.

Halbousi exploited a tribal fissure among the Abu Risha in a bid to outmaneuver Sattam Abu Risha and KH. Halbousi sided with Ahmed Abu Risha, an uncle of Sattam and himself an Awakening Council figure too.[91] Ghassan Atiyyah notes that former colonial power, the British, used the Al-Dulaim (pre-eminent Sunni tribe of whom the Ramadi sheikhs are members) as leverage.

[88] Al-Rushdi. *Op.Cit.*

[89] Jabr. *Op.Cit.* He argued that Irbil is the focus of Iranian-related attacks on Iraqi territory these days.

[90] Badawi. *Op. Cit.*

[91] *Ibid.*

The preeminent foreign actor in Iraq today - Iran – likewise uses Sunni Arab tribal leaders[92] to undermine Halbousi.[93]

Ironically, according to Dr Ahmed Al-Rushdi (adviser to two Sunni Arab parliamentary speakers), it was Iran's political influence among Sunni Arabs that actually enabled Halbousi to go from being Governor of Anbar, to heading Parliament's finance committee, and then become Speaker. In a reflection of Mohammed Halbousi's well-connected economic interests, it was noted by Anbar tribal leader Sheikh Hameed Al-Shuka that Halbousi's brother Haybat was the head of the parliamentary energy committee**.**[94] Notably Halbousi does not directly control a militia, nor does his Salaheddin rival Abu Mazen (Ahmed Jabouri). That said, Sunni Arab leaders' ability to access the gun in any organised sense is these days usually mediated through their relations with semi-official militia i.e. the Hashd (as opposed to those Shia militia outside Hashd's supposed confines), and previously through their relationship with the US and the formal Iraqi state leadership. Mohammed Halbousi, it is stated, owes his power to the deal he negotiated whereby the Hashd in effect became a major power in Anbar.[95] Halbousi would no doubt argue that he facilitated this in case of residual Da'esh fighters in Anbar given the Hashd's success in defeating them by 2017. (Sheikh Al-Hayes was criticised in late 2015 for not opposing the Hashd presence in Anbar[96] but Da'esh were a major force in Anbar then).

The proposed three-way majority government (TA) involving his Sunni Arab bloc may have failed, but Halbousi remained speaker.[97] As *de facto* parliamentary leader of the Sunni Arabs, in a context where politics remains sectarian but Sunni Islamism is on the wane, Halbousi seems entrenched. Sheikh Al-Shuka is sceptical about how much Halbousi's importance can deliver for Anbar beyond some admitted financial leverage. Al-Shuka recounts that despite his importance as speaker of parliament Halbousi was unable to travel freely to meet him in Anbar because he couldn't pass through the Hashd Al-Sha'abi roadblocks. Al-Shuka's frustration with the power of the Hashd in

[92] In addition to Sattam Abu Risha, Iran has used other tribal figures for this purposes, including Ali Hatem Suleiman, a former militant who headed the Al-Dulaim and revolted against Maliki. See https://www.al-monitor.com/originals/2014/08/us-shun-iraq-tribal-leaders-sunni-isis-spies.html

[93] Atiyyah, Ghassan. *Op.Cit.*

[94] As of October 2021 at least, and presumably in a caretaker role since.

[95] Al-Rushdi. *Op.Cit.*

[96] Interview on an Iraqi TV programme entitled *hashem Al-Akhbari*, dated 'November 30 2015' and posted on *You Tube*

[97] He was re-elected in January 2022. According to Anbar tribal chief Sheikh Hameed Al-Shuka, speaking in October 2021, the job of speaker parliament should pass to someone from another (Sunni Arab identifying) province.

Anbar, was in Halbousi's analysis[98], offset by what he had done to develop the province, including via the 'Sunduq' (shorthand for the Sunduq Al-Amera, the national (state) 'restoration' fund for rebuilding post-Da'esh). On a drive through Ramadi some of it was visible first-hand, as were some Turkish-funded buildings.[99]

The well-resourced 'Sunduq', and Halbousi's proud emphasis on his influence on its works, underlines that it is part and parcel of how *muhasasa* operates. Al-Shuka acknowledges the work that the *Sunduq Al-Amera* has done but also argues that it includes rake-offs for all those involved.

The two sheikhs, Al-Shuka and Al-Hayes, enjoyed discussing the efforts of Halbousi to position himself as the *de facto* Sunni Arab leader, in and outside of parliament. Al-Shuka recalled that Halbousi invited them and a number of other senior Anbar tribal chiefs to be his guests at a restaurant in the province. He said this was a totally inappropriate way of receiving them, but typical of the young pretender's way of trying to do business with himself supposedly at the helm. On arrival at the restaurant, the sheikhs refused to sit with Halbousi. Al-Shuka then recalled a phone call from Halbousi's brother Haybat, in which Al-Shuka was informed that 'the *rais* was upset' with them. Halbousi apparently likes to be known (and addressed) as 'Sayeed Rais'. Translating as 'Mr President', this title doesn't go down well at all with Sheikh Al-Shuka or his fellow tribal leaders. The sheikh replied that he relayed the following advice to them both: 'Don't use ex-regime phrases, be sad, and don't talk to me anymore.' There was much laughter between Al-Shuka and Al-Hayes in the retelling of this story.

[98] Al-Shuka, *Ibid.*

[99] Author's impressions

Sheikh Hameed Al-Shuka (right) and Sheikh Hameed Al-Hayes, Ramadi, October 2021

The sheikhs' accounts of what they consider to be the pretensions and presumptions of the aspirant Sunni Arab leader reflect their sense of their own status. Older men, they are an embodiment of a form of authority that, while still powerful, is not what it was in Iraq and to an extent is challenged by men like Halbousi. The sheikhs in effect acknowledge that they can no longer dictate – if they ever could – what their people do. They still adjudicate, in partnership with other tribal elders, in specific and sometimes very serious incidents involving members of different tribes. In this respect it is these tribal elders, and not the state, whose writ runs in Anbar (as in many other provinces). When it came to the voting in Ramadi in October 2021 the sheikhs say this was not something that they sought to control. Al-Shuka says that they told their people that the choice (between the blocs of Halbousi and Khanjar) was their own. The sheikhs didn't instruct them how to vote. That said, if one of their own tribe was standing, they probably didn't need to, but even that is no guarantee of success. Sheikh Al-Hayes noted that his cousin didn't get elected and that candidates from Halbousi's bloc had been successful in Ramadi. The two sheikhs laughed at the outcome, noting that they knew for a fact that their cousin had marshaled a lot of support from their tribe and a lot more than the successful candidate. 'When it came to voting day, were they all

sleeping?' asked Al-Shuka rhetorically. He joked that maybe some of them were but not enough to explain their cousin's failure.

Obviously there are a number of other Iraqi locations where Sunni Arabs are populous and have a complex relationship with the Hashd presence. Mosul for example is one of Iraq's pre-eminent cities, the mixed but Sunni Arab majority capital of Nineweh province, which, like Anbar, borders Syria. Mosul continues to be a strong focus of Sunni Arab identification and leadership. It is governed by Najim Al-Jabouri, a former army general whose name, like many senior Iraqi brass, indicates his Sunni Arab heritage. Notably the KRG continues to provide a safe haven for Moslawi Sunni Arabs, as well as Yazidis, who fled Da'esh, and movement of people and goods between the two areas is significant.[100]

Iraqi Kurds

Secession from the Iraqi state remains a Kurdish option and, from the perspective of the leading actors within the KRG, a Kurdish prerogative. The Iraqi constitution's commitment to federalism enables self-government for just one province, should it opt for it, let alone the three that currently make up the KRG's formal territorial domain. Self-government was also championed by SCIRI / ISCI before and after Saddam's overthrow. They rejected the idea that this was just ethno-sectarianism via federalism. In the latter 1990s SCIRI and other autonomy enthusiasts argued that, if widely adopted, it could be a way of ensuring protection for the Shia, the Kurds and, some argued, for the Sunni Arab minority too.

Now deceased, the then SCIRI leader Abdulaziz Al-Hakim[101] resumed attention to the issue when SCIRI and its then Badr Brigade armed wing were lead actors in the post-Saddam era Iraq. Atiyyah notes that Abdulaziz was talking about this in the depth of Iraq's civil war, although Abdulaziz denied that his proposal was for what detractors characterised as a 'Shia-stan'.[102] Atiyyah is derisory about what he, being of the Arab nationalist tradition, considers *'iqlimi'* (i.e.

[100] Al-Oraibi, Mina, *Foreign Policy*, July 9 2022, 'Five Years After Liberation, There Is New Hope Among Mosul's Ruins'

[101] Father of Ammar, who's the head of Al-Hikme, and a relatively small player in Shia politics. However Ammar is aligned with ex-premier Haidar Abadi and is a player in the Shia House and in the CF

[102] Atiyyah. *Op.Cit.*

'regionalist' or petit-nationalist as opposed to Arab nationalist) impulses,[103] whether Shia, Kurdish, or, less popularly advocated, Sunni Arab.[104]

This self-rule concept never sat neatly with the centrist impulses of Al-Hakim's Shia Islamist, and thus state-centrist, ambitions. However it's arguable that Abdulaziz Al-Hakim understood that in practice the majority could not totally impose their ethno-sectarian or ideological will on Iraq, as arguably Nasrallah has understood in Lebanon. Thus federalism - devolving power to those provinces and amalgams of provinces that are largely Shia, Kurdish or Sunni Arab - suggested a flexible Iraq in which power was being shared. It also suggested that Al-Hakim could be the one to rule a nine province mini-state. Thus what Abdulaziz endorsed in the mid-Noughties, with seemingly the encouragement of Iran, was paradoxically a decentralised expression of federalism in a super (Shia) region of the centre and south (where most of the oil is).

The nominal, ostensible version of this idea – a flexible modern state able to look beyond money and ethno-sectarian politics in favour of law and more accountable, devolved administration – was obviously not all that was being discussed. In another apparent paradox, but one grounded in political practice and philosophy, federalism needs a strong centre. In Iraq in the Noughties Hakim's alleged 'Shia-stan' version of federalism, and in Iraq today the Kurds' ongoing ethno-sectarian ambitions in Kirkuk and over its oil, further weaken the centre and threaten state break-up. The latter may yet suit the Kurds; it wasn't what SCIRI/ISCI actually wanted, not least as Baghdad is largely a Shia city. In truth the Al-Hakim interest in federalism melted away as rivals in the Shia camp held more weight and Baghdad (even for the Kurds) remained the key focal point for accessing power, money and influence. That said, the gulf between formal state politics - however much they reflect narrow, sectional interests conducted among rival interests in Baghdad - and what literally is happening on or even below the ground, remains enormous. In the south, and especially in the hydrocarbon-rich province of Basra, there is suspicion of the formal conduct of politics in Baghdad (as there was of the past mooted 'Shia-stan'). There is also suspicion of what nationally-linked militia may be up to in Basra province too.

[103] *Ibid.*

[104] In 2015 Khamis Khanjar supported the idea as part of his bid for Iraqi Sunni Arab leadership.

For all Barzani's Kurdish statehood dreams, however, the Kurds, wisely perhaps, have kept their feet in both camps (KRG and Baghdad). Giving up on Baghdad is inconceivable short of an expanded and sovereign Kurdistan. The last time full-blown Kurdish secession was tried the KDP sought to combine popular pressure (Kurdish youth living in the KRG's domain typically do not speak Arabic nor identify as Arab or even Iraqi) with the KRG's territorial expansion into Kirkuk and presence in Mosul when the Peshmerga were battling Da'esh. Hoping that an essentially ethno-sectarian enclave could become a sovereign and separate state, a contentious independence referendum held in 2017 produced a firm 'Yes' vote. However the Kurds' misreading of Turkey's perspectives, US preferences, and the outright hostility of Baghdad (on which Shia and Sunni Arab 'unionists' could unite) led to Masoud Barzani postponing his bid for Kurdish independence. It is not by any means off the agenda though for the Iraqi Kurdish leader or many Iraqi Kurds. However the politics of oil patronage are key to ongoing Kurdish national aspirations, and to the likelihood of them finding representation in either a separate sovereign state or remaining as a federal expression of Kurdistan within Iraq.

In March 2022 the Iraqi Federal Court (the highest court within Iraqi state borders) pronounced on the long-running power struggle between Baghdad and Irbil (the KRG capital) over management of, and revenue from, oil produced within KRG territory. The court declared that KRG decisions governing the operation and revenue from these assets were unconstitutional. Unsurprisingly the KRG rejected the legal basis of this judicial assertion of Iraqi state authority over its federally-devolved authority. The KRG accused the Iraqi federal court of disregarding the constitutional guarantees that apply to the Kurdish self-rule area.

This issue might perhaps be fudged in practice. It would need to be for a new Iraq government to be formed because the cross-sect/cross-party agreement on the appointment of a (Kurdish) Iraqi state president is the first step of the semi-constitutional choreography leading to a new government. However the struggle for Iraq's oil and gas - and where sovereignty lies in terms of its ownership, revenue, and decision-making - goes to the heart of state functionality in Iraq.

In theory Iraq's sovereign authority over a 'national' i.e. Iraqi resource would be managed from Baghdad without any complicity in its theft by groups in

effect represented in the government and security apparatus. The UK's 1980s experience of how an energy resource in one of the component parts of the 'united' Kingdom can encourage separatist ambitions and opposition toward the central state, is relevant to Iraq. The UK's North Sea oil is no longer the resource it was. However at a time of straitened energy and fiscal resources globally, it still relates to the intra-UK power struggle.

It's not just a matter of economics, but without sufficient patronage potential, the officially semi-retired Masoud Barzani[105] may have to forego a lifetime's ambition. The KRG's *de facto* writ in the Kurds' 'Jerusalem'[106], Kirkuk, was ended by the intervention of Hashd forces operating alongside fully official Iraqi armed forces and, allegedly, with the back-up of IRGC elements. Without controlling the province of Kirkuk (i.e. Tamim), and without being confident of retaining control of energy resources within the province, then another secessionist bid is unlikely. Practical politics frustrate irredentist ambition.

The Kurds', and therefore potentially Iraq's, problem, in terms of national self-identification and coherent statehood, is not limited to competing claims over Kirkuk though. The Iraqi Kurds' irredentism has long defined their territorial claim (the 'Kurdistan southern limit') as not just Kirkuk (i.e. the whole province as traditional defined) in the north-east of Iraq, but down to just north of the 36th Parallel on the north-west side of Iraq (including Sinjar). This is not that far north of Baquba, located in the central western territorial belt of Iraq (just south of the Khanaqin Dam).

A Kurdistan that seceded with a portion of Kirkuk – something that Baghdad, Ankara, Washington and Tehran conspired to prevent in 2017 – could still become a revisionist power. This obviously relates in the minds of the neighbouring states and international powers to Kurdish 'national' aspirations in contiguous territory across extant state lines. This essentially means present-day north-east Syria and north-west Iran. The KRG's relationship with the PKK-associated neighbouring 'regime' to its west (inside Syria), is fractious and periodically one of indirect confrontation. This is a tension encouraged by the generally good KDP-Turkish relationship. Inside Irbil, and to the KRG's east, on its mountainous border with Iran, the aspirations of Peyak are akin to PKK leader Abdallah Ocalan's supposed compromise re Turkey of aspiring to

[105] Masoud Barzani, like Chairman Mao was, is inextricably identified with his country's national 'liberation', and has, like the Chinese leader did, gone on to hold no formal governmental post. Instead Barzani hovers, Mao-like, above the KRG political leadership whilst exercising *de facto* overall control.

[106] This parallel was made to the author by an Iraqi Kurdish political figure speaking in the mid-2000s

cultural autonomy. For Iran this reads simply as regime change. Peyak's more modest 'socialist' would-be competitor, the KNPI, ensconced in the lawless, 'stateless', Qandil mountains, professes the same federal goal inside Iran. Despite, or because, the exiled Iranian-Kurdish militia often operate in the eastern KRG province of Suleimaniya, run by the Iran-sympathetic PUK, the different Kurdish armed groups' well-established game of flexible friendships for short term survival/financial pay off, continues.

Subterranean struggle

There have been allegations over several years that armed militia are informally expropriating oil in the south via illicit pipelines in order to smuggle it to Iran. The supposed sophistication of contemporary oil smuggling in the south[107] might suggest Hashd Al-Sha'abi militia involvement. However in Iraq's divided polity the intensity of the formal and informal struggle for power makes allegations about who is responsible for theft of state assets a highly contested issue. Accused and accuser are part of the sub-state struggle, or aligned from abroad on either side. If it is true that Hashd Al-Sha'abi militia have been involved in this illicit trade, then this means that those whom Sheikh Humam Al-Hamoudi argues uphold Iraqi state sovereignty are also directly acting to undermine it. This paradox of Iraqi statehood is nothing new and its transgression is not confined to Hashd Al-Sha'abi. Allegations about the Hashd in this respect have also been rife for many years. Their accusers have included an obvious rival - a senior Sadrist politician speaking just before the parliamentary pullout[108] - and some Kurdish MPs who were no doubt defensive of the Kurds' loss of control over parts of the north-west following the Hashd militias' defeat of Da'esh.[109]

What is fairly clear, however, is that a lot of so-called Iraqi oil 'product' (fuel oil as opposed to crude) has been sold without the revenue accruing to state coffers. Part of the oil product trucked in the south, and it seems quite a lot of that trucked from and/or through Kurdish-controlled parts of the north, has been illicit since 2003 and quite a lot continues to be.[110] Much of the illicit

[107] Such as the account in the historically Emirati-connected *Al-Arab* (UK) June 7 2022 الميليشيات-الموالية-لإيران-تستحوذ-على-نصف-ثروة-العراق-من-النفط (i.e. (pejoratively) '*Militiayat* (sic) Loyal to Iran take half of Iraq's oil wealth')

[108] *Ibid.*

[109] See for example: https://diyaruna.com/en_GB/articles/cnmi_di/features/2019/02/13/feature-01

[110] Telephone interview with respected oil industry analyst, July 15 2022.

trucking in the south is being conducted by different Shia armed militia. These include pro-Iranian militia groups as well as those who are not, others some who are loyal to 'Najaf' (i.e. the *marjaiya*/Sistani), and Sadrists.[111] In other words Hashd and Sadrist militia (albeit that Sadrists are Hashd too) are involved in illegal trucking in the south that finds its way across the long Iraqi border with Iran. In 2018, control of southern ports by militia groups forming part of Hashd, led an oil tanker that came from Jebel Ali (Dubai) to ship its cargo all the way around the Arabian Peninsula to Turkey, and back via the official Ceyhan pipeline into KRG-controlled territory in northern Iraq. This was done to avoid being subject to militia seizure/extortion in Basra, given that day to day *de facto* control over Iraq's southern ports was then, and it seems likely remains, in Hashd hands.[112]

This is far from just an alleged Hashd practice however. Circa 2015, the half-Kurdish manager of the northern branch of the Iraqi state-owned North Oil Company (NOC), Bashir Mohammed Murad, was allegedly involved in illicit crude oil smuggling from the Kurdish areas of north-east Syria through to KRG territory.[113] In February 2020 Murad was made deputy director general of NOC, and *de facto* NOC head, for which he was personally and publicly congratulated by an Iraqi MP aligned with the Badr Organisation,[114] the political faction and Hashd militia led by Hadi Al-Amri.

A private Kurdish trading company, Qaiwan, was for several years moving 'Iraqi' oil to Iran and from there to the UAE, and allegedly did so illegally given the international sanctions on doing business with Iran that were in operation until January 2016.[115] The licit profits of any private Iraqi company, KRG-based or otherwise, would not normally be transferred to either the federally-devolved KRG authority or to that version of the Iraqi state administered from Baghdad. However any such profits would normally be taxable, unlike illicit earnings. The trucking of oil product in the north, including areas either formerly under KRG control or proximate to KRG-run territory, has allegedly been widespread. It has allegedly involved oil from the Baghdad-controlled Beiji refinery in Salaheddin, going across the KRG border to small independent

[111] *Ibid.*

[112] *Ibid.*

[113] *Ibid.*

[114] According to 'Likely next NOC chief versed in northern Iraq complexities', *Iraq Oil Report*, (by Staff of *Iraq Oil Report*), February 20, 2020

[115] See 'Kurdish Oil Looks East as Iran Sanctions End', *Energy Intelligence*, January 5 2022, by Amena Bakr, Dubai; Rafiq Latta, Nicosia; and Emily Meredith, Washington.

'teapot' refineries that have proliferated in these areas. Much of this oil product went to Iran by road but some has seemingly entered Turkey too. The KRG has reportedly cracked down on a number of them.[116] However, it can be assumed that a lot of the illicit trucking of refined goods from such small refineries continues.[117]

Confirming the cross-sect, cross-regional, cross-federal authority nature of the business conducted outside of the control of the Iraqi state, and in direct contradiction of Iraqi foreign relations managed from Baghdad**,** is the alleged role of a senior member of the Barzani clan in trading oil from a *de facto* Syrian Kurdish entity enjoying US support in north-east Syria. The Barzanis obviously run the KDP and lead the KRG. Mansour Barzani, brother of the current KRG PM Masrour, and head of the Kurdish Peshmerga's Special Forces, was allegedly part of oil trading from (Kurdish-led) north-east Syria that was conducted outside of the KRG's official coffers but presumably with his brother's and the KRG's connivance. Iraq's healthy relationship with the Iranian-supported Damascus leadership in Syria would, on the face of it, make such trade highly unwelcome in Baghdad. Mansour Barzani owns the Lanaz refinery in the KRG area, and this trade involved, and quite possibly still involves him) receiving oil trucked from fields inside the PKK-controlled Kurdish area of N.E. Syria, then pumped across the Syrian-Iraqi (KRG) border just south of Zakho (on the Iraq/KRG's Turkish border) and to either Ceyhan in Turkey, or to Lanaz.[118] This has been done in competition with a US company, Delta, which was given an official US Syria sanctions waiver by the US Administration and reportedly offered the Syrian Kurds a cheaper deal.[119] There is presumably no *official* US waiver for the KRG or any ostensibly private Barzani company/refinery operating from within KRG territory, to trade with Syria whether that Syrian territory is under Kurdish control or not. However, it seems there is some history of the US military operation on the ground in Iraqi Kurdistan (connected to its role in the Kurdish-led N.E. Syrian entity), benefitting from these illicit Kurdish oil trading arrangements.[120] Mansour

[116] *Ibid.*

[117] Oil analyst telephone interview. *Op.Cit.*

[118] Latta, Rafiq, 'Details Emerge on Syria-KRG Oil Trade' June 16, 2021, Energy Intelligence Group.

[119] *Ibid.* For a more caustic critique of such practise as part of an analysis of allegedly corrupt Kurdish oil trading from, or to, KRG-territory with alleged US knowledge, see Zack Kopplin's article 'How Taxpayer Dollars May Have Bought a Kurdish Strongman's Beverly Hills Mansions', *The New Republic*, July 24, 2020; and Glioti, Andrea, 'Deciphering the competition for Syrian oil (Parts one and two)', *Syria Untold*, October 2021 & March 25th 2022 (translated by Pascal Menassa from Glioti's original Arabic version as published July 2021 on the Arabic version of the same website, *Haka'eea ma' Anhakt).*

[120] Kopplin. *Ibid.*

Barzani is reportedly connected to a US logistics company that allegedly co-operated with that illicit trade precisely in order to supply the US military.[121]

Illicit oil trading, including to Syria, involves parts of the north-west of Iraq that are no longer formally under KRG control, such as in the oil fields west of Mosul and around Kirkuk. The illegal oil trade is part and parcel of different factional militias', and sometimes a tribal, struggle for control of this valuable territory, whatever the formal authority of the NOC for instance. This includes Sunni Arab participation in these networks. In the early 2010s, Misha'an Jabouri, a tribal chief in Tikrit (Salaheddin province), was a big player in the illicit oil trade before fleeing to the country he was moving oil to: Syria. He then returned to Iraq and won election to the Iraqi parliament. In 2016 he stated publicly that he had acted illegally with, in so many words, the state's property, adding: 'Everybody is corrupt, from the top of society to the bottom. Everyone. Including me'.[122]

It is not clear if the criminal depriving of the Iraqi state or of the Kurdish authority of revenues is at the level it was. However there is little to indicate that it is being properly controlled. In the KRG area, and in territory proximate to it, this illegal activity seems to have involved leading figures closely connected to the official Kurdish authorities and to an extent within the Baghdad Ministry of Oil (MoO). Stakes in Kurdish oil companies have allegedly been given to friends and allies.[123] It often reflects the way that the KRG Government operates, even if these networks are not formally part of the KRG governmental operations: the 'shadow state' within the semi-sovereign Kurdish authority. In the south this illicit activity involves Shia militia factions represented in the central government and even in MoO itself. As noted, it also involves sub-state collaboration across ostensible territorial and sectarian political divides. As *muhasasa* is deeply sectarian and para-sectarian at the same time – all are 'in the tent'– then it seems unlikely that these networks have been fully cleaned up.

It is also big business in security terms – the guarding, or not, of official facilities is a lucrative earner for militias paid by the different Iraqi oil companies – state (Baghdad-based), KRG-based, and ostensibly 'private'.

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[121] *Ibid.*

[122] Chulov, Martin, 19 February 2016, *The Guardian*, 'Post-war Iraq: 'Everybody is corrupt, from top to bottom. Including me''

[123] Oil analyst. *Op.Cit.*

Security, and the state's inability to ensure it, is key to the oil corruption and in turn compounds the state's weakness over oil and much else.

Arguably, when it comes to Hashd militia this need for oil security justified their being on the state payroll as part of their statisation (as above). However it would seem that some of their activity is both subsidised by the state and by state-related oil companies, and denies the state vital revenue whilst facilitating sub-state patronage networks for political factions that have captured parts of the state. The Ministry of Oil (MoO) has since 2003 typically been led by Shia faction-aligned ministers. However, different parts of the ministry's oil business can be captured by different factions; Sadrist and Kurdish figures among them. The deputy oil minister (in MoO) with responsibility for oil products, Mu'tasim Akram, a Kurd, is likely to be aligned with a PUK leading figure, Kosrat Rasul[124]. As a general principle, having people on the inside is a good way for Iraqi factions to protect illicit networks. If this sounds like leaching-off of the state and the public purse for the sake of sub- or para-state factions loyal to the power that money and weapons afford, that is because it is.

Conclusion

Iraq remains a struggling state, and this research paper has shown that there is little that is likely to make it a more coherent, functioning entity. The formation of a new government would make *muhasasa* operate more smoothly. However *muhasasa* functions in the absence of any formal government. Ministerial post-holders – whether 'caretakers' or not – utilise their position to serve their interests and that of their faction and its popular base. The assumed inclusion of all significant political factions, from across the main ethno-sectarian groups, in a new government would enable business as usual. For this to be remotely stable the Sadrists would need to be rewarded by means other than the parliamentary road to patronage that they have, for now, abandoned. Perhaps budgets in the hands of non-elected Sadrist officials in ministries or the Baghdad and Basra governorates would help. If the Sadrists are not somehow accommodated in a new 'national government', then Sadr,

[124] Telephone interview. *Op.Cit.* Mu'tasim Akram was made deputy minister for gas affairs in mid-February 2019, having previously been deputy minister for distribution affairs (at MoO); *Arab News*, February 19 2019

who wanted to end the politics of the militia, will increasingly publicly assert his own militia's strength on the street. Another 'Battle of the Knights'[125], like the last Maliki-Sadr face-off, would as likely follow.

Sadr's electoral success of holding a plurality of parliamentary seats, and his attempted Tripartite Alliance government with a Sunni Arab alignment and the leading Kurdish faction, reflected Sadr's greater skill than most of his Shia rivals at playing the new constituency-based electoral system. It also reflected a weakening of Iranian influence in Iraq. This is contrary of course to Nouri Al-Maliki allegedly privately accusing Iran of having supported Sadr's past ambitions.[126] The Sadrists in turn believe that Iran (and its 'High Commissioner', IRGC Qods Force chief Esmail Qani) encouraged Maliki to propose an 'anti-Sadrist' PM in July 2022.[127] Rhetorical spinning aside, the reassertion of the 'national' government option by Maliki and his Shia allies reflected the fact that the dominant actors in the Shia House were never going to surrender power easily, and were now the plurality in parliament. Maliki and Co. also knew that they could count on discreet Iranian backing, even if Tehran is not the player in Iraq it was under Qassim Suleimani. In this context a continued Kadhemi premiership could be the preference of the Iraqi Shia political plurality and Iran, as well of the Sunni Arabs and the Kurds. Kadhemi, after all, has no political base, enjoys good relations with 'the enemy' (the US), and is unable to seriously restructure the Hashd Al-Sha'abi. The leading Hashd militias may not be Iranian tools but they are not nationalist enemies of Iran either. Then there is the dreaded option of another election. In which case we will have entered Groundhog Day in Iraq.

As long as the rhetoric of militia reconstruction does little to alter the Hashd's shadow role as the armed wing of leading Shia political forces, whether Maliki's Da'wa, Hadi Al-Amri's Badr, Qais Khazali's Asaib Ahl Al-Haq, and others of an even more overt *wilaya* hue, then Iran will be content and Iraqi sovereignty will remain an oxymoron. The US will seek to persuade whomever the nominal Iraqi 'Commander-in-Chief' is, that loosening the Iranian lines of political and militia influence would be an important part of a wider regional

[125] The 'Battle of the Knights' (*Saulat Al-Fursan*; AKA the 'Battle of Basra') in April 2008 was the last major armed Maliki-Sadr confrontation when PM Al-Maliki sent state forces into the southern port city to put down Sadr's Mehdi Army.
[126] According to some regionally-focused news-sites and social media accounts in late July 2022, e.g. *Al-Arab* (UK), بين منهاج حزب الدعوة الإسلاميّة وتسريبات المالكي 'Between the platform of the Islamic Da'wa Party and Al-Maliki's leaks'); and alleged leaked Maliki accusations against Sadr's foreign supporters were referenced by *Amwaj Media*, August 1 2022, 'Sadr urges Iraqis to back 'revolution' as Shiite rivals mobilise supporters'
[127] *Amwaj*. *Ibid.*

realignment in which pre-eminent Sunni Arab-led states Saudi Arabia, UAE and Egypt (together with Jordan) are hoping to include Iraq. Iraq will probably be a member of any Arab club that is going, as long as Israel isn't visibly present[128]. Iraq's foreign minister will sit in any *fora* that may encourage Baghdad's 'normalisation' with Iraq's former Arab brethren. That foreign minister is and will be a cypher for the wider internal and regional Iraqi status quo in which Baghdad isn't master of its own house.

In the north, Baghdad will contest with Irbil for Kirkuk and the control of oil (court decisions do not affect practice, it seems). However the Baghdad Government will let other Iraqis fight Turkey, which constrains 'foreign' Kurds in Iraq and makes a nonsense of either Iraqi or would-be 'Iraqi' Kurdish sovereignty. As Turkey bombs parts of the Iraqi north, so too does Iran assault Iraqi territory indirectly, or even directly. The US' reconfigured military role inside Iraq remains contested and controversial, even though many Iraqi factions (Shia, Sunni Arab and Kurd) do not wish the US' infringement of Iraqi sovereignty to end just yet.

Outside of the machinations of formal executive power, sub-state identities, and to an extent para-state identities, look set to continue to run counter to state coherence and strength. A state that does not function properly always enables default space for identities and social formations to garner popular support and even some political weight. This remains the case among Sunni Arabs in Iraq even though 'tribe' is neither the state-incorporated construct nor the intermediate force it once was. Among the Shia, tribe is likewise a platform for social and political support and, for Hashd Al-Sha'abi militias especially, influence.

Iraq's regional and international 'allies' continue to make a nonsense of Iraqi statehood, often assisted by Iraqi clients pursuing sub-state interests concomitant with those of their external sponsors. A truly national government, whose component parts are not calculating their political decisions based on sub and/or para-state interests, remains elusive in Iraq, if it ever existed. Iraqi state functionality does exist, but in sovereign security or economic terms it is often by accident rather than design.

[128] See Partrick, Neil, blog article: https://www.neilpartrick.com/blog/jeddah-summit-a-us-backed-regional-pact-against-iran-passes-under-the-radar

Sovereign authority isn't lent to the Iraqi state by Iraqi citizens equally capable of withdrawing this consent. It is a painfully negotiated compromise between powerful armed political groups asserting state writ when that fits with their own sectional interests, and equally withdrawing approval for state action if that does not accord with factional considerations. The literal security of the state and thus of the citizenry is determined, or directly undermined, by competing state, sub-state, para-state and even anti-state actors. Iraqi state sovereignty is an awkward by-product of armed groups, not the supposed outcome of popular sovereign will.

Neil Partrick. 9.9.22.

www.neilpartrick.org