

# Remaking Iraq: How Iranian-Backed Militias Captured the Country

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Mar 20, 2023

Also published in *Just Security*

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Articles & Testimony

## The slow-rolling regime change focused on capturing U.S.-supported institutions and turning them against U.S. interests, highlighting the threat that motivated, well-funded groups pose to developing democracies.

The U.S.-led invasion and occupation of Iraq in 2003 brought about a painful and gradual transition from dictatorship to deeply flawed parliamentary democracy. This story is now well known. But two decades later, a new Iranian-backed regime change is underway, employing a radically different model, timeframe, and toolkit in support of a local Iraqi partner force, the self-styled Islamic Resistance in Iraq or *muqawama*.

Today, despite profound setbacks in 2020 and 2021 that left the group on the brink of defeat, the *muqawama* controls the Iraqi state. Through “soft war” and the use (and misuse) of the legal system and courts, the coalition of militias has hit upon a winning combination that largely uses non-kinetic tools to build a trifecta of power that comprises the judiciary, civilian and military sides of the executive branch, as well as the legislature. And so the losers of Iraq’s 2021 election were crowned the winners of its government formation process a year later in October 2022. This is the story of the latest regime change in Iraq.

## Agents of Change: The Iraqi Muqawama

Iraq’s post-2003 history is dominated by Iran and the changing fortunes of the *muqawama*. This alternative coalition arrived not long after U.S. forces, and worked from the outset to ensure that Iraq would not become a secular democracy. Instead they sought to build what they called the “Shiite project”—the Arab world’s first Shiite-controlled state, aimed at preventing the reemergence of a Sunni powerbase from Iraq.

A collection of mostly Shi’ite militia groups, the *muqawama* was supported by Iran’s Islamic Revolutionary Guard Corps [Qods Force \(https://rewardsforjustice.net/rewards/islamic-revolutionary-guard-corps-gods-force-irgc-qi/\)](#) (IRGC-QF) from its inception. The most prolific of its militias are Kata’ib Hezbollah (KH), Asa’ib Ahl al-Haq (AAH), and Harakat Hezbollah al-Nujaba (HN), all designated Foreign Terrorist Organizations sanctioned by the U.S. government. These groups, and other smaller militias, form the core of the *muqawama*, but often compete internally. KH and AAH also participate openly in Iraqi politics through affiliated political parties—Hoquq and Sadiqoun, respectively—and through membership in the [Shi’a Coordination Framework \(https://www.al-monitor.com/originals/2022/08/understanding-iraqs-coordination-framework\)](#) (SCF) umbrella bloc of Shiite parties.

The militias and their antecedents were a persistent opponent of the United States and its partners during the post-2003 occupation. They were also active and eager participants in Iraq’s sectarian civil war. Outlawed by Iraq’s constitution, which prohibits non-state militias under [article 9\(b\) \(https://www.constituteproject.org/constitution/Iraq\\_2005.pdf?lang=en\)](#), these militias were nonetheless allowed to gain prominence in 2011–2014 under then-Prime Minister Nouri al-Maliki, who questioned the loyalty of the official Iraqi military. With the rise of ISIS in 2014, the militias

became necessary reinforcements in the international campaign to defeat the caliphate. In the process, Maliki used executive orders, followed later by a 2016 law, to authorize the militias to bear arms and received government support and funding as a new branch of the Iraqi military known as the **Popular Mobilization Forces** (<https://www.google.com/url?q=https://www.washingtoninstitute.org/media/4125&sa=D&source=docs&ust=1679043376234846&usg=AOvVaw28jtkwnTMImoSu3MX9xER>) (PMF or *al-Hashd al-Sha'abi*).

With ISIS declining by 2018, the *muqawama* switched focus to driving the United States out of Iraq and securing control of the Iraqi state. IRGC-QF commander Qasem Soleimani supported Abu Mahdi al-Muhandis—the PMF's de facto commander and a KH veteran—in executing an opportunistic plan to capture the Iraqi state by military, political, and legal means. But this plan was disrupted in 2019, first by an Iraqi grass-roots protest movement (the “**Tishreeni** (<https://reliefweb.int/report/iraq/long-game-iraq-s-tishreen-movement-and-struggle-reform-october-2021>)” movement), and then by a series of escalations against U.S. forces that resulted in the Trump administration's controversial (and most likely **illegal** (<https://www.justsecurity.org/67917/united-states-killed-iraqi-military-official-and-iraqi-military-personnel-in-the-two-recent-attacks/>)) decision to kill Soleimani and al-Muhandis in a January 2020 drone strike at Baghdad airport.

The *muqawama* were thrown off-balance by the protests and leadership strikes, creating a temporary loss of momentum. The *muqawama*-controlled Prime Minister Adel Abd'al-Mahdi resigned, and was replaced in May 2020 by Iraqi Prime Minister Mustafa al-Kadhimi who began a campaign of investigations, arrests, and reported torture of *muqawama* militiamen involved in crimes, including the murder of activists and journalists, attacks on the United States, and corruption.

By 2021, the militias were exhausted. American forces remained in Iraq, and militia-backed candidates performed poorly in national elections held in October 2021, further humiliating the *muqawama*. The SCF and *muqawama* tried to **overthrow** (<https://www.reuters.com/world/middle-east/iraq-supreme-court-rejects-case-filed-by-iran-backed-parties-dispute-oct-vote-2021-12-27/>) the election results **multiple times** (<https://www.washingtoninstitute.org/policy-analysis/muqawama-meltdown-part-1-protesting-election>)—first through legal means, then paramilitary attacks on government zones in Baghdad, and ultimately an **assassination** (<https://www.washingtoninstitute.org/policy-analysis/muqawama-meltdown-part-2-drone-attack-prime-minister>) attempt on al-Kadhimi in November 2021. These efforts failed and the *muqawama* stood on the brink of defeat. Then, everything changed.

## Regime Change Through Lawfare

At the very end of 2022, the *muqawama* abandoned direct challenges to the election's results and hit upon a new and more successful strategy, centered on Iraq's Supreme Judicial Court and its chief, Judge Faiq Zaidan. In a series of legal rulings between January and February 2022, the court **shifted the goalposts** (<https://www.washingtoninstitute.org/policy-analysis/iraqs-two-coups-and-how-us-should-respond>) for government formation, making it almost impossible to form a government without a super-majority, including the militias and the SCF. In a key February 2022 ruling, the Court **effectively raised** (<https://theArabweekly.com/even-when-they-fail-win-irans-iraqi-loyalists-refuse-lose>) the required quorum in parliament to vote to choose a president and form a cabinet—reinterpreting Article 70 of the Iraq constitution which previously was understood to require a two-thirds majority of MPs present for the vote (parliament's usual quorum requirement is a simple majority of total members). This handed the SCF and *muqawama* affiliates (a clear minority holding only 62 of 329 seats) the ability to effectively veto any choice—bringing Iraq to a political standstill. *Muqawama* politicians referred to their newfound power as “the blocking third”—the turning on its head of democracy in Iraq and a return to the minority rule last experienced under Saddam's regime.

*Muqawama* factions then splintered the majority-holding alliance that opposed them. First, the *muqawama* intimidated other political opponents such as the Kurds with legal attacks (including influencing the Supreme Court to dust off an undecided ten-year-old legal case, ruling that the Kurdish government in Erbil must hand over all Kurdish region's oil to the Baghdad government). This was accompanied by bombardments with Iranian and *muqawama* missiles, rockets, and drones. Then, the militias used the blocking third to break the patience of their largest Shiite opponent, populist cleric Moqtada al-Sadr, who **withdrew** (<https://www.middleeastmonitor.com/20220909-iraq-sadr-bans-movements-mps-from-returning-to-parliament/>) his MPs from parliament, resulting in their seats being redistributed—largely in favor of militia-aligned candidates. The redistribution then allowed the SCF to form a super-majority and appoint a new Prime Minister, Mohammed Shia' al-Sudani, thus completing the *muqawama*'s comeback as triumphant winners of the government formation process.

Law and the courts played a core part in the rise, fall, and rise again of the *muqawama*. This cannot be explained without understanding the militias' obsession with *al-harb an-nā'ima* (“soft war”) and *al-harb al-qānūniyya* (“legal warfare”). While kinetic rocket, drone, and IED attacks against US forces receive the most Western attention, the use and misuse of law and the courts is a core militia strategy, decisive in state capture efforts over the last half-decade.

Alongside our colleague Hamdi Malik, we **highlighted** (<https://www.justsecurity.org/75723/team-of-legal-gladiators-iraqi-militias-tortured-relationship-with-law/>) this use of lawfare **two years ago** (<https://ctc.westpoint.edu/discordance-in-the-iran-threat-network-in-iraq-militia-competition-and-rivalry/>), noting the time and effort the *muqawama* expends to broadcast their interest in law and their role as its defenders. This stems from militia awareness of the possibilities of using domestic and international legal institutions to constrain and discredit their militarily stronger opponents. In 2021, we noted that:

“[m]uqawama legalism extend[ed] beyond mere talking points, and [was] becoming a core part of the groups' strategy for achieving their goals. Legal conferences [were] held to raise awareness in Iraq of *Muqawama* legal positions and scholarship. Litigation [was] regularly threatened against *Muqawama* opponents. And legal arguments [were] a growing part of militia information operations and propaganda.”

Soft war has proven far more successful than kinetic efforts. Through capture of the courts, then the legislature, and finally the Prime Minister's office, the *muqawama* have returned to rule without ever gaining anything close to an elected majority. And now, the militias are remaking the law to ensure they maintain their grip on power.

## Consolidating State Capture: The Struggle for Legitimacy

The *muqawama* and their affiliated political movements are open about their influence on the new Iraqi administration that Prime Minister Mohammed Shia al-Sudani leads. In December, Qais al-Khazali (leader of US-designated terrorist organization AAH) [described](https://www.washingtoninstitute.org/policy-analysis/sudani-general-manager-how-militias-view-iraqs-new-prime-minister) (https://www.washingtoninstitute.org/policy-analysis/sudani-general-manager-how-militias-view-iraqs-new-prime-minister) PM al-Sudani as a “general manager,” continuing that “a differentiation between decisions of the state and managing the government was made...The prime minister must not monopolize the state’s decisions; rather, [he must] refer to the [militia aligned] Coordination Framework...for strategic decisions, whether political, economic, or security.”

Meanwhile, in January, AAH parliamentarian Ali Turki described the al-Sudani’s government as a “ [muqawama government](https://www.washingtoninstitute.org/node/17868) (https://www.washingtoninstitute.org/node/17868),” adding that “the *muqawama* has come to represent the official view of Iraq, and it is the one running affairs today.” No government official corrected his statement. In fact, al-Sudani even [appointed](https://www.washingtoninstitute.org/policy-analysis/militia-journalist-head-new-prime-ministers-communications-team) (https://www.washingtoninstitute.org/policy-analysis/militia-journalist-head-new-prime-ministers-communications-team) an AAH affiliate as director of his press office. It is therefore clear that the *muqawama* believes it has gained a decisive say in Iraqi government decision-making, a stark reversal from their waning influence just twelve months ago.

Having captured the state, the militias are now seeking to consolidate their gains, but this will require them to overcome a severe legitimacy deficit. The *muqawama* has learned (first from the *Tishreeni* protests in 2019 and then from clashes with the Sadrist movement through 2022) that they do not enjoy majority support even among Iraqi Shiites. They also learned during the al-Kadhimi administration that the state and its laws can be used against the *muqawama* project. Today, they cannot point to an electoral win as their source of legitimacy. As a result, the militias are using their new powers to revise laws and re-staff agencies to silence critics, reduce the risks that democratic elections pose, and strengthen the *muqawama*’s parallel security organs and confer upon them full legal status.

## Addressing the Hashd al-Sha’abi’s Legality Problem

Questions about the legal status of the Hashd al-Sha’abi or PMF have been raised since it was first established in a 2014 call to arms to resist ISIS. Those questions, which included whether a militia outside of the control of the Iraqi armed forces was legal under the Constitution, were only [partially settled](https://www.justsecurity.org/68271/after-soleimani-strike-iran-backed-militias-threaten-iraqs-stability-an-explainer/) (https://www.justsecurity.org/68271/after-soleimani-strike-iran-backed-militias-threaten-iraqs-stability-an-explainer/) with the passage of Law Number 40 of the year 2016: the Law of the Hashd al-Sha’abi Committee (<http://nyujilp.org/wp-content/uploads/2020/01/NYI103.pdf>). In particular, the government [lacked control](https://www.justsecurity.org/69273/its-time-iraq-accepts-legal-responsibility-for-its-iran-backed-militias/) (https://www.justsecurity.org/69273/its-time-iraq-accepts-legal-responsibility-for-its-iran-backed-militias/) over these armed units, which were often more likely to answer to Iran or internationally sanctioned militias like KH than to the Iraqi government. This resulted in frequent rumors, particularly among the militias themselves, that the government planned PMF reform or even disbandment.

Today, the opposite is true. The PMF increasingly resembles the Islamic Revolutionary Guard Corps model, as Iran intended. In one of its first acts, the new Sudani government gave the PMF the right to form a contracting company named Muhandis, after the slain terrorist leader. This obvious mirroring of the IRGC’s own (UN-, U.S.- and EU-sanctioned) Khatam ol-Anbia construction arm was previously blocked twice, once by each of the two prior Iraqi prime ministers. New implementing legislation is also [being introduced](https://www.aljazeera.net/politics/2023/2/16/%D9%8A%D8%B4%D9%85%D9%84-%D8%AA%D8%A3%D8%B3%D9%8A%D8%B3-%D8%A3%D9%83%D8%A7%D8%AF%D9%8A%D9%85%D9%8A%D8%A9-%D8%B9%D8%B3%D9%83%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D8%AC%D8%B2%D9%8A%D8%B1%D8%A9-%D9%86%D8%AA) (https://www.aljazeera.net/politics/2023/2/16/%D9%8A%D8%B4%D9%85%D9%84-%D8%AA%D8%A3%D8%B3%D9%8A%D8%B3-%D8%A3%D9%83%D8%A7%D8%AF%D9%8A%D9%85%D9%8A%D8%A9-%D8%B9%D8%B3%D9%83%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D8%AC%D8%B2%D9%8A%D8%B1%D8%A9-%D9%86%D8%AA) to bolster the 2016 law on the PMF in areas such as professional military education and rank structure, to allow PMF generals to lead traditional Iraqi military formations in the same manner that the IRGC generals are able to command Iran’s pre-Revolution army, navy, and air force.

Today, the PMF can even deploy to Syria as part of earthquake relief efforts in the country; previously, PMF units had [deployed](https://www.justsecurity.org/68271/after-soleimani-strike-iran-backed-militias-threaten-iraqs-stability-an-explainer/) (https://www.justsecurity.org/68271/after-soleimani-strike-iran-backed-militias-threaten-iraqs-stability-an-explainer/) to Syria in support of *muqawama* and Iranian efforts [without the permission](https://ctc.usma.edu/irans-expanding-militia-army-iraq-new-special-groups/) (https://ctc.usma.edu/irans-expanding-militia-army-iraq-new-special-groups/) of the formal Iraqi chain of command. In February, the PMF was [legally ordered](https://www.washingtoninstitute.org/policy-analysis/how-popular-mobilization-forces-exploited-syrias-earthquake) (https://www.washingtoninstitute.org/policy-analysis/how-popular-mobilization-forces-exploited-syrias-earthquake) into Syria alongside its two most senior leaders—Faleh al-Fayyad, PMF chairman and U.S.-designated human rights abuser, and the PMF’s chief of staff and U.S.-designated terrorist Abdul-Aziz al-Mohammadawi (Abu Fadak). The formalization of the PMF’s extra-territorial deployment will almost certainly improve their cross-border coordination with the Syrian Assad government, Lebanese Hezbollah, and Iranian facilitation networks.

## Silencing the Critics

Iraqi government agencies are also now being used to silence critics. In 2022, AAH and other militias exerted pressure over the Communications and Media Commission, effectively taking control of its six-person board. Since then, the CMC has [increasingly](https://www.washingtoninstitute.org/policy-analysis/iraqs-muqawama-government-drives-out-prominent-lgbtq-advocate) (https://www.washingtoninstitute.org/policy-analysis/iraqs-muqawama-government-drives-out-prominent-lgbtq-advocate) attempted to

silence opponents of the *muqawama* by imposing restrictions and other controls on media channels and presenters.

The *muqawama* increasingly employs lawfare techniques, particularly defamation lawsuits. In December, a *muqawama*-linked lawyer [filed suit \(https://www.washingtoninstitute.org/policy-analysis/iraqs-muqawama-government-drives-out-prominent-lgbtq-advocate\)](https://www.washingtoninstitute.org/policy-analysis/iraqs-muqawama-government-drives-out-prominent-lgbtq-advocate) in Iraqi court against a television host known for covering social taboos on his talk show, requesting that the judiciary bar him from entering the country. The same lawyer, in conjunction with a *muqawama* official, filed a joint lawsuit against Ahmed Albasheer, a political satirist known as “the John Stewart of Iraq” who frequently takes on Iraqi political extremists.

Perhaps the most ambitious way the *muqawama* seeks to silence their critics is by invalidating as many of their votes as possible. The October 2021 election was a humiliating blow to many militias. Both AAH and KH backed-candidates performed poorly, leaving the Iranian-aligned bloc in parliament depleted; only the Supreme Court’s intervention saved the militias from being completely left out of government formation. To improve their performance in future elections, the SCF has [introduced legislation \(https://www.washingtoninstitute.org/policy-analysis/iraqs-endless-electoral-law-debate\)](https://www.washingtoninstitute.org/policy-analysis/iraqs-endless-electoral-law-debate) designed to amend Iraq’s election law. The amendment passed its first parliamentary reading in February, and, [if enacted \(https://www.al-monitor.com/originals/2023/02/iraqi-parliaments-attempt-amend-electoral-law-met-anger\)](https://www.al-monitor.com/originals/2023/02/iraqi-parliaments-attempt-amend-electoral-law-met-anger), would re-adopt the Sainte-Lague electoral method of allocating seats among the political parties based on a party-list proportional representation system. This system greatly benefits established parties, like those of the SCF, over independent candidates.

Iraq’s current election system, a rejection of Sainte-Lague, was introduced in response to the 2019 *Tishreen* protests, and was designed to encourage independents and small parties in an effort to improve enfranchisement and political expression in the country. Attempts to amend this law are almost certainly designed to strengthen the SCF’s hold on power, with al-Sudani promising early elections once the electoral law is passed.

## Expelling the Occupiers?

For as long as the Iraqi *muqawama* has existed, its prime stated objective was the expulsion of U.S. forces from Iraq. Though the United States re-entered Iraq in 2014 to assist with combating ISIS, American forces have been engaged in a grey zone conflict with IRGC and *muqawama* forces in Iraq and Syria since at least 2018. Washington’s legal status in Iraq [rests primarily on the consent \(https://www.justsecurity.org/81556/still-at-war-the-united-states-in-iraq/\)](https://www.justsecurity.org/81556/still-at-war-the-united-states-in-iraq/) of the Iraqi government. In 2021, the al-Kadhimi administration [agreed \(https://www.state.gov/joint-statement-on-the-u-s-iraq-strategic-dialogue-2/\)](https://www.state.gov/joint-statement-on-the-u-s-iraq-strategic-dialogue-2/) to a “transition to a training, advising, assisting, and intelligence-sharing role, [with] no US forces with a combat role in Iraq by December 31, 2021.”

Now, with a friendly Prime Minister in al-Sudani, the SCF and militias may at last have the power to withdraw consent, as well as the legal basis, for any ongoing U.S. presence—something the militias have called for since the January 2020 killings of Soleimani and Muhandis. For now, al-Sudani has [indicated \(https://www.youtube.com/watch?v=mUJ4noYsyvo\)](https://www.youtube.com/watch?v=mUJ4noYsyvo) a willingness to [maintain the status quo \(https://www.wsj.com/articles/iraqi-prime-minister-supports-indefinite-u-s-troop-presence-11673785302\)](https://www.wsj.com/articles/iraqi-prime-minister-supports-indefinite-u-s-troop-presence-11673785302), a position [cautiously supported \(https://www.wsj.com/articles/iraqi-prime-minister-supports-indefinite-u-s-troop-presence-11673785302\)](https://www.wsj.com/articles/iraqi-prime-minister-supports-indefinite-u-s-troop-presence-11673785302) by militia-affiliated political parties. But even without a move for complete expulsion, the United States’ freedom of action in-country is almost certainly constrained.

## Lessons Going Forward

Twenty years ago the United States and its allies swept the Ba’ath party from power. Since then, Tehran and its proxies worked to usurp the flawed democracy that replaced Saddam Hussein. Despite decades of western investment and training, Iranian-backed Iraqi militias have succeeded in state capture.

This new regime change shows that regimes can be usurped through careful exploitation of legal and political institutions that the United States helped develop after 2003. In other words, U.S.-supported institutions such as the post-2003 judiciary and anti-corruption bodies were captured and then turned against U.S. interests.

Meanwhile, the demonstrated capacity of the *muqawama* and the IRGC’s ability to engage in irregular and unconventional warfare demonstrates the power of intelligently applied non-traditional, non-kinetic effects. *Muqawama* intent was—for years—to capture the Iraqi state through coordinated military, social, and political means. That they have realized this goal, despite setbacks, highlights the threat posed by motivated, savvy, politically subversive groups within fragile or developing democracies. Having tasted success, the militias will likely continue to leverage judicial and political systems to further entrench their power.

Militia success poses a threat to Iraq’s flawed and nascent democracy, as well as to U.S. interests in the region. Going forward, Washington will have to navigate a difficult balancing act between countering this threat and respecting Iraqi sovereignty. To that end, the United States should take the following steps:

**Keep information flowing.** To help Iraqi democrats turn the wheel again the United States first needs to keep a clear-eyed view of Iraq. As 2003 showed, faulty intelligence can result in policies made on an unsound basis. To keep accurate information flowing, the United States must keep pressure on Iraq to ensure journalists and investigative officials are protected from groups who now hold the reins of power and who have previously targeted those who expose militia corruption or wrongdoing. Washington should also fund, train, and support those journalists and investigators wherever possible, since it is their efforts that will now provide much of the information needed by Iraqis to hold their government (and the militias) accountable.

**Understand state capture efforts.** The United States should also tailor its open source and classified intelligence collection in Iraq—which remains

significant—towards understanding the militia methods of state capture. This means tracking efforts to establish control over specific government departments of industries, as well as activities including judicial capture, design of legislative reforms, and efforts to rehabilitate convicted criminals or internationally sanctioned individuals or organizations.

**Resist rehabilitating rights abusers.** Such rehabilitation efforts should be particularly resisted in the absence of genuine commitment to democratic processes and the rule of law. There must be limits on what the United States will accept: most sanctioned individuals were sanctioned for gross human rights violations or for killing U.S. personnel. They should not be given a pass—doing so is likely only to increase their power and influence—and it insults the victims while reducing any deterrent effect of sanctions.

**Scrutinize possible lawfare.** Finally, judicial rulings and proposed legislation should be scrutinized with particular care at every opportunity and specialized programs should receive U.S. support in order to monitor Iraq’s corrupted judiciary. Efforts to entrench militia power, or to damage Iraq’s democratic institutions must be publicized widely to prevent the current regime—a minority-rule government—from cementing a permanent grip on Iraqi life.

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