

Iraq's Political Crisis: Challenges for U.S. Policy

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Brief Analysis

In responding to the political crisis in Iraq, Washington should encourage constitutional processes and respect for political and human rights rather than any particular outcome.

On the eve of U.S. withdrawal, just hours after the December 15 end-of-mission ceremony, the Iraqi government cracked down on senior Sunni Arab politicians, bringing the country to the brink of a new crisis. Potential outcomes range from a return to the status quo -- with major political issues kicked a few months down the road -- to a vote of no confidence in Prime Minister Nouri al-Maliki's government. In either case, violence is likely to increase. The lesson for Washington is that unqualified support for Maliki actually makes him less amenable to U.S. influence. Going forward, the Obama administration should avoid the temptation of short-term fixes and focus on reinforcing constitutional processes and human rights.

The Crackdown

On the evening of December 15, armored vehicles of the Baghdad Brigade (a regime security unit that controls the International Zone and government center) surrounded the residence of Vice President Tariq al-Hashimi, a senior Sunni Arab politician from the Iraqiya bloc. Three of his guards were arrested, one of whom subsequently provided a televised confession allegedly implicating Hashimi in a November 28 car bomb attack on the parliament, which Maliki's supporters claim was an attempt on the prime minister's life. That same night, the brigade placed two other Sunni Arab Iraqiya politicians under house arrest: Finance Minister Rafi al-Issawi and Deputy Prime Minister Salih al-Mutlaq. Although both leaders eventually regained their freedom of movement, Maliki's bloc has upped the pressure on Sunni Arabs in other ways:

- *Terrorism investigation.* Hashimi is under investigation by the Higher Judicial Council for complicity in the November 28 car bombing and has been warned not to leave Iraq. He has fled to Irbil, however, where the

Kurdish parties are serving as mediators in the unfolding crisis. The Baghdad Operations Center has issued an arrest warrant and asked Kurdish security forces to hand him over.

- *Attempted removal of deputy prime minister.* Maliki's bloc has pushed for Mutlaq's removal from office following a December 13 CNN interview in which he accused the prime minister of building "a dictatorship" and prophesied a democratic collapse in Iraq. Mutlaq has also fled to Irbil, along with other senior Iraqiya politicians.
- *Quashing regional separatism.* Recently, the provincial councils of two Sunni-majority governorates -- Salah al-Din and Diyala -- requested a referendum on forming separate regional entities akin to the Kurdistan Regional Government, with their own constitutions, ministries, and budgets. In the case of Salah al-Din, the federal government missed the deadline to begin the process of organizing the referendum, citing obscure legal obstacles. And in Diyala, federal forces raided the provincial council and governor's offices, driving Sunni officials into exile in the Kurdish-controlled northern parts of the governorate. On December 20, Anbar province, also Sunni-majority, threatened to form an autonomous region if its list of twenty demands was not met within fourteen days.

The Kurds and Iraqiya have apparently delayed the effort to unseat Mutlaq by withdrawing their legislators from parliament, making it impossible to reach a quorum (163 seats) until they return. A new session of parliament is scheduled for January 3, creating a tentative deadline for negotiations between Iraqiya and Maliki's bloc. Meanwhile, a legal advisor to the prime minister announced that Maliki had removed Mutlaq from his post by executive order as of yesterday. And Iraqiya has withdrawn its ministers from the cabinet, although this move could be reversed -- assuming Maliki does not use executive authority to make replacement appointments. The prime minister has played hardball thus far and may continue to escalate the situation.

The crisis is rooted in a series of events that have formed a negative feedback loop, with key actors compounding the problem at each turn. The U.S. withdrawal created a moment of uncertainty that put all factions on edge, and intelligence reports from either Syria or Libya appear to have deepened Maliki's fears of a Sunni coup backed by Saudi Arabia and Kuwait. To Maliki's inner circle, the November 28 attack seemed to confirm that threat. Subsequent purges of Sunni Arab professors in -- initiated by members of Maliki's ruling Islamic Dawa Party -- ignited the calls to form a federal region in that governorate, with Diyala soon following suit. Mutlaq's December 13 comments appear to have been the last straw, prompting Maliki's security forces to move against Hashimi and Mutlaq -- a decision perhaps emboldened by the White House's uncritical embrace of the prime minister during his December 12 visit to Washington.

Outlook

Three broad outcomes are feasible at the moment:

- *Status quo.* The Kurds -- prodded by Washington -- could mediate a truce without substantial sacrifices by any party. Maliki might offer minor concessions on new de-Baathification legislation, federal relations with the Sunni Arab provinces, or a power-sharing mechanism that would broaden control over the security forces. And the Kurds might be satisfied by a renewed public commitment from Maliki to work toward the nineteen core demands they submitted last year. Although any such commitments would presumably be enshrined in an agreement brokered in Irbil, the process could easily falter at the implementation stage, prompting a renewed crisis within a few months.
- *Kurds capitalize.* The Kurdish parties could use the current crisis to increase pressure on Maliki, threatening him with a no-confidence vote in order to gain near-term concessions (particularly regarding ExxonMobil's

contract to develop six Kurdish-administered oil fields). The Kurds would then likely break with Iraqiyah, leaving the Sunni Arabs on their own once again. This scenario would probably further alienate the Sunni Arabs from both Baghdad and the Kurds, setting the scene for greater violence in northern and central Iraq.

- *Attempt to remove Maliki.* Iraqiyah called for a no-confidence vote on Monday, specifying Ibrahim Jafari as their alternative candidate. Jafari is a Shiite leader who might be acceptable to a sufficient number of blocs. If Iraqiyah, the Kurds, and some Shiite parties cooperate, Maliki could potentially be removed by a parliamentary vote. This could in turn lead to a constitutional crisis if Maliki were to block the vote or ignore its outcome by refusing to surrender power.

At present, the first scenario is the most likely, though the second is by no means improbable. A vote of no confidence is an outside possibility. In any case, all of the outcomes suggest a period of heightened tension and violence.

Policy Implications

Although none of the above outcomes are optimal, Washington must be prepared for any of them. A return to the status quo might seem attractive, but it would not resolve any of the underlying issues facing Iraq's political blocs. Moreover, Sunni Arab and Kurdish leaders may lose patience if Maliki makes new promises and then reneges on them once again. To help avert a new crisis down the road, Washington should use any time gained to visibly demonstrate U.S. leverage over Maliki. In particular, it should publicly respond to any major escalation (e.g., replacement of Iraqiyah ministers, or new arrest warrants that seem politically motivated) by freezing security assistance and warning U.S. travelers against visiting Iraq via State Department advisories -- which would be an additional constraint on foreign investment.

As mentioned previously, the second scenario -- a narrow ethnosectarian deal in which the Kurdish parties sell out the Sunni Arabs in return for parochial concessions -- could further destabilize central and northern Iraq. Accordingly, Washington should continue to steer the Kurds away from that option.

Finally, a no-confidence vote holds significant potential for violent escalation or, at best, political paralysis while a new government is formed. At the same time, such a demonstration of parliament's ability to remove the prime minister could ultimately be the saving grace for Iraq's fledgling democracy, rebalancing a system in which executive power is rapidly and disastrously eclipsing the legislature, judiciary, and constitution. Under such circumstances, the United States should back the parliament's right to hold such a vote and throw its full weight behind the appointment of any legal successor.

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