

Position Paper

Maliki's dilemma: The Crisis of the System of Quotas and Exclusion



The popular movement broke out in the last week of December 2012, in reaction to al-Maliki's move against Dr. Rafi al-Issawi, one of the leaders of the Iraqi List, a coalition of Iraqi political parties, and the current finance minister. The movement quickly became organized since the start of the protests in the Anbar province on 23 December 2012. Maliki, in a repeat of the attack he led a year ago against another leading figure in the Iraqi List, former vice president Tariq al-Hashemi, issued an warrant of arrest for a number of officers and soldiers escorting al-Issawi on charges of committing terrorist acts. Maliki's threats against al-Issawi are not new. The prime minister stressed, during the period of tension that succeeded the attack against al-Hashemi, that Issawi's file was ready. This was the last statement on the issue. Iraqi sources have claimed that Issawi supporters were, as was previously done to Hashemi's supporters, subjected to torture, and that al-Maliki had actually issued a warrant of arrest for al-Issawi under the accusation of aiding terrorism, but the numerous protests that arose from the city of Ramadi led the prime minister to revoke his decision.

During subsequent weeks, the protest movements spread in all provinces of central and northern Iraq, which have a Sunni Arab majority. Friday, 18 January 2012, became the date set for crowding and major demonstrations. With this day, the Iraqi popular protest movement entered its fifth week. Like the Syrians before them, Iraqis also began to give special names for events held on Fridays, for example; Al-Izzah and Al-Karamah (honour and dignity) for Friday, 28 December 2012 and Al-Sumoud (power to resist) for Friday 4 January, Al-Rabat to Friday 11 January, and Laa Tukhadih (do not deceive) for 18 Fri January, and so on. Local coordination committees were formed in the provincial centers, as well as a central coordinating committee for consultation, unification of demands and policy-making.

Did the issue of the Minister Issawi require such a broad and continuous popular movement, or did this movement evolve into something much larger than the spark that launched it? What are the demands of these Iraqis, and to what extent can they be achieved?

The Power of Protesting: Peaceful and Expansionary

It was natural, since Rafi al-Issawi was born in the Anbar province, that the first protests were launched from its two main cities; Ramadi and Fallujah. Even though the demonstrations were in December 2012, the prime minister was surprised that he was prevented from arresting the most prominent minister of his government. It does not seem that al-Maliki initially felt a major threat to his authority. This is what made him describe it as a mere "bubble" in one of his statements, and as "dollar demonstrations" in other statements, referring to his perceived insignificance of the protests. But the prime minister began to recognize the scale of the challenge facing him on Friday, 28 December, when the scope of the popular movement expanded to cities in the central and Northern provinces.

The provinces that became centres the popular movements were; Anbar, Diyala, Salahuddin, Ninawa and Karkuk. These are all Sunni Arab majority provinces. Because the first demonstrations began spontaneously, Ba'athist elements infiltrated them, and most probably raised the flags of the old Iraq. They also probably cried slogans that rang a sectarian bell. All these developments were entirely curtailed in the next few days when organized local youth committees were formed to organize and supervise demonstrations and sit-ins. But al-Maliki and leaders of his list still attempted to besiege the popular movement by accusing the demonstrators of sectarianism, Ba'athist links,

alliances with Turkey, and that its Islamist leadership was seeking to overthrow the new state and its constitution. Even though these accusations did not shatter the strength of the demonstrators, Maliki's long-term goal was to raise alarm among Iraqi Arab Shias, thus preventing the protest movement from turning into a national movement.

But, despite the factional and sectarian division plaguing the country, the prime minister's indictment did not succeed significantly, because the worsening political differences between Maliki and his partners in the National Shi'ite Alliance, especially the Sadrists currently on the one hand, and the government of the Kurdistan Region on the other hand. The demonstrators received public support from Muqtada al-Sadr and the parliamentary leaders of the liberal bloc that is subject to his movement, and from the Kurdistan Regional Government. As it appeared, the leaders of the Supreme Council, led by Ammar al-Hakim, tried to view the populace movement in this way. Since the end of December last year, delegations from the Sadrist movement and the Kurdish leadership, as well as prominent Shi'ites from the southern tribes, are flocking to demonstration centres and sit-ins in Ramadi and Mosul to declare their support. Moqtada al-Sadr performed the last Friday prayers of December in the mosque of Abdul Qader al-Jilani, a historical Sunni figure, in the city of Baghdad.

That does not mean that mobilisation has spread to the cities of the provinces having a Shi'ite majority, instead demonstrations remained confined to major cities of Sunni majority. Maliki's supporters also tried to unite Shi'ite public opinion in support of the prime minister, first by organizing limited rallies in southern Shi'ite cities, then on 11 January 2013, by organizing demonstrations at Tahrir Square, in the capital Baghdad and in the Shi'ite city of Najaf, but these attempts could not mobilise effective crowds.

Despite the great tension that taints political life, and the continued activity of groups that are regarded to be Al-Qaeda-affiliated which occur all over the country, the popular movement preserved its peaceful character with an unprecedented rigour.

The demonstrators received support from the prominent Iraqi Sunni scholar Abdul-Malik al-Saadi, who urged the demonstrators to maintain peaceful protests warned (in a statement on 5 January 2012) the government against using force and made the local youth leaders and their supporters aware of the dangers of the outbreak of violence and the country's return to the atmosphere of the civil conflict that threatened the unity of Iraqis during the years between 2005 and 2008. This mindset, as expected, did not prevent groups that are believed to be associated with al-Qaeda from exploiting political tensions and launching sporadic attacks, including those on 16 and 17 January which left dozens of civilians dead and wounded. The peaceful nature of the popular movement, and the support it has received from a wide range of political leaders, have limited Maliki's options for confrontation, and prevented him from implementing his hasty threats of using force to prevent demonstrations, or to break up the sit-in at Anbar, which began on 23 December 2012. Although the prime minister used a relatively low level of violence to confront the demonstrators in the capital Baghdad, and in Iraq's second city, Mosul. In Baghdad, security forces and army units were mobilised on a large scale on Fridays to enforce a ban on demonstrations outside the key Sunni mosques, Abu Hanifa and Abdul Qadir Jilani. In Mosul, army forces loyal to Maliki, and subject to the leadership known as the leadership of the Tigris Area, broke up demonstrators and prevented them from gathering in one location. But the violence of the army and security forces remained limited. It is clear that Maliki will be unable to go beyond these measures as long as the protesters remain peaceful and national support for their activities and demands continues. The prime minister fears that an outbreak of violence could drive Iraq to civil strife and division, perhaps irreversibly.

Roots of Anger: Exclusion and Autocracy

Maliki will soon be governing Iraq for more than six years. At the beginning of his first term, when Iraq was still a hostage to the violence of armed groups, Maliki presented himself as a national leader, and was quick to enter an extreme fight against Shi'ite militia in the province of Basra. But it is clear that these early steps Maliki had taken were designed to strengthen his grip on the government and provide some legitimacy to a larger project of blocking the chaos of armed groups. But in the final two years of his first term, and in the past two years of his second term, after returning to power as the head of a coalition and with support from Iran and America, Maliki has demonstrated an orientation towards sectarianism and autocracy.

Maliki worked to strengthen his absolute power, even at the expense of his allies from the Shi'ite forces, who enabled him to come to power by their votes, both at the central government level or that of local administrations. Because of the real and artificial differences between the political forces, which over the past two years prevented consensus among the interior and defense ministers, the prime minister had included both ministries, which are extremely sensitive to his government. In addition, he has secured full authority over military and intelligence capabilities, as well as indirect and illegal control over the judiciary. In a situation like this, and in spite of the intense Iranian pressure on the Shi'ite National Alliance, which is the guarantor of Maliki remaining in his position, the alliance turned into a sectarian alliance that aims to secure Shi'ite rule, while his own strengths, politically, divide against themselves.

On the other hand, Maliki strove in earnest to exclude Iraqi Sunnis from all positions of state and effective governance, except those imposed by the political quota system. He totally removed Sunni officers from leading military units, and from his effective brigades, as the Sunni intelligence leader was ousted. Civil and military educational missions to the outside remain limited almost exclusively to the Prime Minister's sect, while the process of building an air force continues in one sectarian fashion. Organized purging of Sunni staff continue by Shi'ite ministers and administrators in all the government departments that they lead. These purges are parallel to those against Sunni professors in Iraq's various universities. The security services also undertake extensive arrest campaigns in Sunni areas, which have affected tens of thousands since Maliki's rule began.

In the beginning, steps towards sectarian control over government and state organs were gradual. But the continuity of the Syrian revolution, and the growing fear in Baghdad and Tehran regarding the fall of the Syrian regime and change of the geo-political climate in the region have pushed Maliki to speed up the scheme for overall control, even if he is compelled to adopt harsh procedures, as in the cases of al-Hashimi and Issawi.

The main tools used by Maliki to achieve overall control are, in some way, constitutional and legal, the most important of which are; the Justice and Interrogation Law, which is a slightly modified version of the de-Ba'athification law, established by the occupation authority, and the Anti-Terrorism Act. Awareness of this fact, and awareness of the far-reaching consequences of the sectarian control policy on overall politics, has actually shaped the demands of the popular movement.

The demonstrators ultimately compiled a list of fourteen key demands, upon which all centers of the popular movement agree. . The most important of these demands are; annulling the Justice and Accountability/Interrogation Law, amending the Anti-Terrorism Law - especially getting rid of Article IV in the law relating to secret informers, which was

used to justify ugly arrest campaigns and override leaders even of some Sunni groups. They have also demanded the release of thousands of those detained without trial or who have completed their sentences - particularly the hundreds of women who are subjected to degrading, illegal or unethical practices by various government, security and military agents - disclosure of the different detention centers, especially the secret ones, which are managed by various government, security and military agencies - and to create a balance in the building of the state structure and government among all sections of the Iraqi population. They have also called for a departure of the current government and the formation of a neutral government that would oversee new elections.

Initiatives less than the Extent of Claims

Serious political acknowledgement of the demonstrations did not begin until it became clear that the popular movement showed no signs of tiring or quitting, which is what the rulers were counting on. Politicians then realised that they would have to make some concessions. Three initiatives for a political approach could be spoken about:

- The formation of the ministerial committee by al-Maliki, and chaired by the deputy minister of the energy sector, Hussain al-Shahristani, is considered the most important tool for political action. The committee began its communication with the representatives of the popular movement and with local and tribal leaders in the Sunni-majority provinces since mid-January 2013, to identify the protesters' demands. At the same time, Shahristani confirmed in press statements that the review of the file of the detainees, both men and women, had already begun and that several hundred have already been released before the start of events on Friday, 18 January 2013. But the powers conferred to the committee of ministers are unclear. It is also unclear whether the committee is empowered to negotiate with representatives of the popular movement or whether their mandate is limited to making recommendations to the prime minister.
- An initiative to meet the political forces, as called for by the former prime minister and head of the National Shi'ite Alliance, Ibrahim al-Jafari. Jafari, after several attempts, succeeded in convening a meeting of the main political forces at his office on 16 January 2013, at which the representatives agreed in general to respond to the demands of the demonstrators, and to form a joint committee to follow up on these demands with all state institutions, which would submit its report within three days. The committee would be composed of al-Jafari, Al-Qiyadi of the Iraqi List, vice president of the National Alliance, Saleh al-Mutlaq, head of the Badr Organization, Hadi al-Amiri and a member of the Kurdistan Alliance, Mohsen Saadoun.
- Shi'ite religious authority Shi'ite, Ayatollah Ali al-Sistani said he sent a letter on 15 January 2013 to the main political parties and to Maliki, which is designated as the road map to exit the crisis. Although the letter has not been published, Iraqi sources said it expressed an understanding of the demonstrators' demands, particularly with regard to the files of the detainees and standards of "de-Ba'athification".

It is interesting to note that all initiatives for political action came from Shi'ite parties; the prime minister, the president of the National Alliance, and the premier Shi'ite religious authority in Iraq, thus reflecting that the reins of power and governance are in fact in the hands of Shi'ite forces, who finds themselves in confrontation with the popular movement that represents the oppressed Sunnis. There is no absolute denial of the protesters' demands, as Maliki initially did in the popular movement's first weeks, but it is also true that there is no sign indicating to a full acceptance of the demonstrators' demands either.

Potential Consequences of the Crisis

Sources from among the protesters announced on 18 January that the members of the ministerial committee who arrived the previous day at the two cities, Ramadi and Samarra, to negotiate with the leadership of the popular movement and tribal leaders, were unsuccessful in their mission. This was the first official attempt to discuss the demands of the popular movement, which came after Iraqi political circles deliberated upon a number of ideas to deal with the crisis, ranging from the dissolution of parliament, to Maliki abdicating from his office and allowing the National Alliance to nominate a new head of government, none of these suggestions making any progress worth mentioning.

Under pressure from his allies in the Shi'ite forces, and from the circles of Shi'ite clerics, and because of his realization of the protesters' commitment to continuing their mobilization, it becomes possible to understand why Maliki backtracked from mocking the demonstrations to his attempts to contain it by negotiating with their leaders. The important question now is whether Maliki is serious about responding to the demands of the popular movement, or whether he is trying to gain time. But within the prime minister's offices, most believe that conceding to the demands of the movement will pose a substantial threat to the project for overall control of the resources of the state and government. In the light of the challenges faced by the Maliki's government in its relationship with the Kurdistan region, conceding to the popular movement in Sunni-majority provinces could mean an effective end to the reign of the prime minister, even if he continues to retain his position for another two years.

In the early days of the popular movement, slogans were raised calling for an overthrow of the regime, but the demands, just as quickly as they became more threatening, offered the opportunity to negotiate. Most probably, the leaders of the movement were pushed to limit their demands once they became aware that targeting the regime as a whole may raise fears among Shi'ite political forces and could lead to the loss of voices that rose among those forces to support of the popular movement. There is no doubt that the motives of the Sadrist movement, which rose the Shi'ite vote in favor of the popular movement, were more concerned with an agenda against Maliki, rather than agreeing to all the protesters' demands. On the other hand, the movement's leaders recognised that going beyond the limited demands that were already announced would call for what is perhaps more than a popular protest movement.

In any case, it is obvious that the movement's demands relate to the rebuilding of the country after the invasion and occupation, and dealing with the sectarian vulnerability of this state, the quota system upon which it is based, and its factional character. Since the fate of Iraq is closely related to Iran in the east and Syria in the west, it is unlikely that this move would provide a concrete solution for the crisis or establish a new and acceptable relationship between the state and the format of government with all sectors of the Iraqi people, particularly the Sunni Arabs.

The on-going protests revealed the extent of injustice suffered by the Sunni Arabs in particular and most Iraqis in general, but it also revealed the protesters' ability to overcome sectarian alignments upon which the Iraqi political system was established, and to expand their mobilization across the various components of Iraq, including the Shi'ite component. While responding to the demands of the Sunni class would help stabilize Iraq and grant it cohesion, it would only be a partial treatment of a long-manifested and fragile sectarian balance. It will not be a comprehensive treatment unless the social dimension of the protests became political and returned the political

structure to a foundation on the basis of Iraqi citizenship, regardless of linguistic, sectarian or religious affiliation.

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