



## **Iraq 2009: a Primer**

*A Background Paper by Osservatorio Iraq ([www.osservatorioiraq.it](http://www.osservatorioiraq.it))*

*For the Iraqi Civil Society Solidarity Initiative*

*Rome, March 2009*



## Population

The population of Iraq is estimated to be 26 – 27 million. An estimated 80 % are Arabs, the rest are Kurds, Turkmen, and various other minorities who mostly inhabit the north and northeastern parts of the country. About 97 % of Iraqis are Muslims. The majority of Arabs are Shias. A significant part of the population is Sunni made up of Arabs, Kurds, and Turkmen. There are also sizeable Christian communities mostly comprising ethnic Assyrians.

## Living conditions and access to basic services

The World Bank remarked that 25 years ago Iraq was widely regarded as the most developed country in the Middle East. People came to Iraq from across the region seeking the best in university education and health care. Iraq ranked toward the top on virtually every indicator of human well-being – infant mortality, school enrollment, family food consumption, wage levels, and rates of employment. The World Bank classified Iraq as an upper-middle-income country.

Since then, Iraq has been the only Middle Eastern country whose living standards has not improved. Years of political repression, wars, sanctions, and instability have undermined social well-being and imposed tragic suffering across the entire social spectrum. Iraq's human development indicators that once ranked at the top have now dropped toward the bottom. In areas such as secondary-school enrollment and child immunization, Iraq now ranks lower than some of the poorest countries in the world.<sup>1</sup>

In July 2007, four years into the US-led invasion of March 2003, a report by OXFAM found that one third of the Iraqi population was in need of humanitarian assistance and that essential services were in ruins<sup>2</sup>.

In March 2008, the International Committee of the Red Cross (ICRC) described the humanitarian situation in Iraq since the US-led invasion of March 2003 as “one of the most critical in the world”.<sup>3</sup>

In April of the same year, John Holmes, the UN Undersecretary General for Humanitarian Affairs, told reporters about the worsening of the humanitarian crisis in the country, with basic services deteriorating in many areas.

According to Holmes, 4 million people did not have enough food, only 40% of the population had reliable access to safe drinking water, and one third of people were cut off from essential health care, life saving medication, and basic immunization.<sup>4</sup>

### *Food security*

The Comprehensive Food Security and Vulnerability Assessment 2007-2008, carried out by the GOI with UN support, found that an estimated 930,000 people – 3% of the total population - were food insecure. An additional 6.4 million (almost 22% of the population) were extremely dependent on the food rations from the Public Distribution System (PDS), without which they could become food insecure. The study also found that 83% of the food insecure belonged to the poorest groups. The survey concluded that should the PDS be discontinued without the establishment of a robust and sustainable safety net, an estimated 25% of the total population would face real difficulties in ensuring their food security.<sup>5</sup>

<sup>1</sup> Iraq Household Socio-Economic Survey - IHSES 2007

<sup>2</sup> “Rising to the Humanitarian Challenge in Iraq”, July 30, 2007

<sup>3</sup> “Iraq, No Let-up in the Humanitarian Crisis”, March 17, 2008

<sup>4</sup> News conference in Amman, April 4, 2008

<sup>5</sup> Comprehensive Food Security and Vulnerability Assessment (CFSVA), released November 12, 2008



Though these figures represent an improvement over the situation in 2005, when an estimated 4 million people were classified as food insecure (15.4% of the population) – with an additional 8.3 million people classified as vulnerable (31.8% of the population), the food insecure and vulnerable people are “still too many for a relatively wealthy country”, said Edward Kellon, World Food Programme Country Director for Iraq. The situation in the country remained highly volatile and any deterioration in security could undermine the whole process, he added.

## *Health Care*

Iraq's health system has collapsed. Medical services, once among the best in the Middle East, but already destroyed by 13 years of comprehensive economic sanctions, have declined to such an extent they can no longer meet the needs of the population. According to the *British Medical Journal*<sup>6</sup>, more than half of those who die in Iraq's hospitals might have been saved if trained staff had been available and hospital conditions up to the task.

Health care in Iraq has been hit hard by the lack of qualified medical staff. Many physicians have left the country due to the security crisis, leaving hospitals under-staffed or staffed with doctors who do not have the proper experience or skills to manage emergency cases.

According to the Iraqi Red Crescent Society, hundreds of doctors have been killed and more than 34,000 have fled the country since 2003. There's a shortage of specialists, particularly for neurosurgery, cardiovascular surgery, orthopedics (knee and hip replacement).

Iraq now has about 16,000 physicians, about a quarter of what it needs to match Jordan's number per capita.

Hospitals and clinics lack basic medical supplies, including equipment and drugs. Kimadia, the State company in charge of providing drugs and supplies to hospitals and health centers is no longer able to do that, because of lack of organization, corruption, and sectarian divisions: so 90% of health facilities in Iraq do not have the basic resources to treat patients. It is quite common for family members of wounded or sick people to be asked in hospitals to buy medicine, intravenous drip, suture material, and even blood for transfusion.

Iraqi hospitals are struggling to keep up with the numbers of sick and the rising numbers of the victims of violence. Cholera, a waterborne disease, remains endemic, with outbreaks common in the summer months.

According to WHO figures:

- Adult male mortality rates rose from 234 (x 1000) in 2000 to 607 (x 1000) in 2006, while adult women mortality rates for the same years rose from 153 (x 1000) to 187 (x 1000), and total mortality rates from 195 (x 1000) to 436 (x 1000).
- Male life expectancy at birth decreased from 65 years in 2000 to 48 in 2006; female expectancy decreased from 70 years to 67, with total life expectancy decreasing from 67 years to 56.
- In 2004, neonatal mortality rate was 63 (x 1000), the highest in the whole Middle East.
- In 2005, maternal mortality rate was in 300 (x1000), the highest in the whole Middle East

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<sup>6</sup> Bassim Irheim Mohammed al Sheibani, Najah R. Hadi and Tariq Hasoon, "Iraq Lacks Facilities and Expertise in Emergency Medicine", *British Medical Journal*, October 21, 2006



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## *Access to Water*

In late October 2008, according to the ICRC, some 40% of Iraqis – mostly people living in suburbs and rural areas - were not connected to a water network. More than 40% Iraqis were relying on poor quality and inadequate water supplies, and millions of people (especially children) were at serious risk of waterborne diseases, including cholera.<sup>7</sup>

A few days earlier, the Iraqi Ministry of Health had reported that at least 17% of its national water supply and some 30% in Baghdad was not fit for human consumption.<sup>8</sup>

UNICEF humanitarian assessments carried out in August and September 2008 showed that access to safe drinking water had fallen to as low as 31% in the poorest subdistricts (including Babel, Qadisiya, and Basra provinces, in the south), and access to sanitation services to as low as 35 per cent.<sup>9</sup>

According to the Special Inspector General for Iraq Reconstruction (SIGIR), key facilities in the water sector continue to operate below full capacity because of operations and maintenance problems.<sup>10</sup>

## *Electricity*

Iraq continues to suffer from chronic shortages of electricity, due to limited generation capacity.

Until 1990, when the UN imposed comprehensive economic sanctions upon the country, following Saddam Hussein invasion of Kuwait, Iraq enjoyed an excellent electricity system where generation capacity exceeded the demand of about 6,000 MW.

Even before the US-led invasion of March 2003, the country's decrepit electrical system, crippled by 13 years of sanctions, could not meet national demand. No province had uninterrupted service, and some areas had far less than 12 hours of power a day.

Despite massive investment<sup>11</sup>, pre-2003 generation capacity of 5,300 MW was only restored in the summer of 2008. Meanwhile, the current peak demand has grown to 10,000-11,000 MW.<sup>12</sup>

As Iraq's electricity grid became overtaxed, this caused frequent breakdowns and shutdowns of the transmission and distribution systems. Additionally, fuel shortages limit the power that can be produced from functioning generation plants.

Also, hydroelectric plants on average are now operating at just 15.4% of their feasible capacity, in part because of recent drought conditions.

Today large numbers of Iraqis have just a few hours a day of publicly provided electricity. In many Baghdad neighbourhoods electricity from the national power grid is less than two hours a day. Those Iraqis who can afford resort to private diesel generators – a both expensive and polluting solution.

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<sup>7</sup> "Iraq: Millions at Risk from Polluted Water", ICRC, October 29, 2008

<sup>8</sup> "Baghdad Water Unsafe, Officials Say", United Press International, October 23, 2008.

<sup>9</sup> Report of the UN Secretary-General pursuant to paragraph 6 of Resolution 1830 (2008), November 6, 2008.

<sup>10</sup> Special Inspector General for Iraq Reconstruction, Quarterly Report and Semiannual Report to the United States Congress, January 30, 2009.

<sup>11</sup> So far the US has allocated more than \$ 5.07 bn, obligated more than \$ 4.92 bn, and expended nearly \$ 4.78 bn to improve Iraq's electricity sector (SIGIR Report above)

<sup>12</sup> UNAMI, UNDP, Overview of Iraq's Electricity, October 2008



Although Iraq achieved a record average daily production (4,997 MW) and a new peak hourly generation record (6,247 MW) in the last quarter (to late December 2008), only about two-thirds of the estimated demand is currently being met, SIGIR reports.<sup>13</sup>

In Spring 2008, 81% of Iraqis reported that they had experienced inadequate electricity the previous month. According to an October 2008 nationwide survey, only 16% of Iraqis were somewhat or very satisfied by the amount of electricity they were receiving, down from 32% who felt satisfied in November 2007.<sup>14</sup>

In December 2008, Iraq's Electricity Minister, Karim Wahid, told Agence France Presse that the country's power grid was not expected to be fully restored until 2011.<sup>15</sup>

In 2004, the UN estimated that \$ 20 bn in reconstruction funds would be needed for a fully operative electrical grid. In Fall 2008, estimates ranged from \$ 40 bn to \$ 80 bn.<sup>16</sup>

## *Education*

In October 2008, in the opening remarks at an international conference held in Paris, UNESCO Director General, Koichiro Matsuura, stressed that over the past two decades the education sector in Iraq was greatly weakened and "access to quality basic education has become a major issue, with low and declining enrolment rates at every level".

Today less than 60% primary school-aged children are attending school, and the ratio for secondary education is below 50%. Girls, particularly in rural areas, are the most affected at both levels, he said.<sup>17</sup>

As a result of two decades of war and 13 years of UN-imposed harsh economic sanctions, Iraqi schools have fallen into disrepair, enrolment has dropped, and literacy levels have stagnated.

The 2003 US-led invasion and occupation of the country and the continuing violence in the recent years have compounded the problem.

In 2007 school attendance had dropped to 53% from 83 % in 2005, according to UNICEF figures.

The Central Organization for Statistics and Information Technology (COSIT), part of the Iraqi Ministry of Planning, reported an increase in the number of illiterate children aged 6 to 11 who are not in school due to security, poverty and homelessness.<sup>18</sup>

Estimates by the Iraqi Ministry of Education showed that only 30% of the country's primary school-aged children (3.5 m) attended classes in 2007 – a sharp decline from 75% in 2006, and 80% in 2005.<sup>19</sup>

Aid agencies estimate that thousands of Iraqi parents do not send their daughters to school for cultural reasons and because of general insecurity.

In 2006, 417 schools were attacked and 300 teachers were killed, according to UN latest figures available, while 70% of schools across Iraq are damaged by war or lack of maintenance.

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<sup>13</sup> SIGIR Report above

<sup>14</sup> Pentagon Report to Congress, "Measuring Stability and Security in Iraq", January 9, 2009

<sup>15</sup> "Iraq Says Power Grid Won't Be Fully Restored until 2011", Agence France Presse, December 23, 2008

<sup>16</sup> Michael Schwartz, "Wrecked Iraq", Tom Dispatch, October 23, 2008

<sup>17</sup> UNAMI Focus, November 2008

<sup>18</sup> US Department of State, 2008 Report on Human Rights – Iraq, February 25, 2009

<sup>19</sup> UNAMI Focus, May 2008



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In November 2008, fewer children were attending school, and dropout rates were rising.<sup>20</sup>

UNICEF assessments for August and September 2008 showed that across parts of al Anbar, Babel and Basra provinces fewer than 60% of children aged 6 to 11 had regularly attended school in the past two school months. In many of those governorates, over 30% of the schools operated two or more shifts per day

According to the latest UN SG report on Iraq, dated February 2009, areas of particular concern include southern Iraq, with high illiteracy rates (24% vs. 17% national average) and a drop out rate from the education system of 10 per cent.<sup>21</sup>

Targeting of educators and professionals has taken an heavy toll on Iraq's education system, already devastated by 13 years of economic sanctions.

Since the 2003 US-led invasion, academics, scientists, intellectuals, doctors, and professionals have been increasingly targeted, kidnapped and assassinated, forcing them to flee the country in large numbers.

According to UNESCO figures for 2007, over 280 academics had been killed since 2003, including 186 university professors. Some 6,400 educators have fled Iraq, the vast majority of whom have not returned.<sup>22</sup>

Higher figures from the Iraqi Ministry of Human Rights (MOHR) show that 340 university professors were killed between 2005 and 2007. In 2007, the Ministry of Displacement and Migration reported that at least 30% of professors, doctors, pharmacists, and engineers had fled the country since 2003.

Universities have been particularly hard hit, as well as medical facilities, with some reporting less than 20% of needed staff on hand.

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<sup>20</sup> Report of the UN Secretary-General cited, November 6, 2008

<sup>21</sup> Report of the UN Secretary-General pursuant to paragraph 6 of Resolution 1830 (2008), February 20, 2009

<sup>22</sup> UNAMI Focus, November 2008



## Refugees and Internal Displaced People (IDP)

Since 2003, US-led military operations and the continuing violence in the country have led to huge displacement.

According to the UN, more than 200,000 people were forced to leave their homes during the attacks on Falluja alone<sup>23</sup>, in April and November 2004, while attacks on other cities displaced hundreds of thousands more, especially through aerial and ground attacks on urban areas. Many families have been unable to return<sup>24</sup>. Following the wave of sectarian violence triggered by the bombing of a revered Shia shrine in Samarra in February 2006, the number of refugees and internal displaced people (IDPs) soared to a crisis of huge proportions.

The United Nations High Commissioner for Refugees (UNHCR) has described the flight of Iraqis as the biggest movement of refugees in the Middle East since the Palestinian crisis of 1948 - when millions of Palestinians were forced off their land following the establishment of the state of Israel, and "the worst human displacement in Iraq's modern history".

According to the estimates of UNHCR and the International Organization for Migration (IOM), as of end 2008 more than 4.8 million Iraqis were displaced: 2.8 million inside Iraq (more than 1.6 m after the Samarra bombing, according to IOM – 5.5% of the Iraqi population) and 2 million abroad (1 million after the Samarra bombing) – mostly in the neighbouring countries, particularly Syria and Jordan.

Syria has taken in the lion's share of Iraq's refugees, about 1.5m of them. Jordan is thought to account for another 600,000 or so, but no one knows exactly. Tensions have risen, as the growing number of Iraqi refugees put a strain on public services, and restrictions to entry have been introduced.

While refugees outside Iraq continue to suffer harsh living condition in host countries - mostly unable to work and living off their dwindling savings, slipping into poverty, and sometimes into crime and prostitution - within Iraq the situation of IDPs has resulted in a national crisis, which the government is unable to cope with.

The Iraqi Red Crescent Society estimates that 38 % of IDPs are women and children..

Most IDPs have no access to basic services (government food rations, water and sanitation, health care, education).

According to a IOM recent report, dated February 22, 2009, 19% of post-Samarra IDPs in the whole of Iraq do not have any access to the government food rations (PDS), particularly in the 3 northern governorates which constitute the Kurdish semi-autonomous region, as well as in Ta'amim (north) and Basra (south) governorates. Another 44% have only periodic access. Access to health care remains a serious concern for IDPs across the country – with 14% of IDPs having no access at all.<sup>25</sup>

At least 11 out of Iraq's 18 governorates have imposed informal and formal restrictions on IDPs entry and residence.

<sup>23</sup> UN Emergency Working Group – Falluja Crisis, Update Note, November 13, 2004

<sup>24</sup> According to an estimate by the Falluja Reconstruction Project, about 65,000 people from the city were still displaced in early 2006. Cited in "Iraq: Falluja Situation Improving Slowly", IRIN News, March 21, 2006

<sup>25</sup> IOM Emergency Needs Assessment, Three Years of Post-Samarra Displacement in Iraq, February 22, 2009



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Housing remains a big problem. Some 250,000 IDPs are living in public buildings and under the threat of eviction, after the GOI issued a directive in early August 2008 (Order 101) to evict illegal occupants from private homes and government buildings across the country.

So far, returns have been modest. According to UNHCR, a total of 974,496 displaced persons have returned since 2003.

Small numbers of IDPs have begun to move back into their former residences, particularly in Baghdad.



## Iraqi Civilian Deaths

Iraq's death rate has increased significantly since March 2003. Yet an accurate count of Iraqi deaths (particularly civilians) is virtually impossible to obtain, and the level of civilian casualties in Iraq has been a controversial issue ever since the US-led invasion.

No official estimates exist, as no Iraqi or US government office currently releases publically available statistic on Iraqi civilian deaths.

A few studies have sought to measure Iraq's mortality during the US-led occupation.

John Hopkins University's Bloomberg School of Public Health has sponsored two studies on mortality in Iraq, that have been published in *The Lancet*, Britain's most respected medical journal, and therefore are commonly referred to in the press as "the *Lancet* studies".

The first study appeared in November 2004<sup>26</sup>, and estimated about 98,000 "excess deaths" in the 18-month period between March 2003 and September 2004. The report concluded that "violence was the primary cause of death" since the invasion, and "mainly attributed [it] to Coalition forces".

The second study, published in October 2006<sup>27</sup>, estimated that 655,000 "excess deaths" had occurred from March 2003 through June 2006: a staggering high number which has sparked controversy.

The survey was based on a large sample of 1,849 households in 47 different, randomly-selected "clusters" representing all regions of Iraq.

The study's conclusions showed an increase in violent deaths overall, and a proportional shift toward violence by actors other than Coalition forces. However, Coalition violence continued to account for the largest reported known source of violence – 31% of all deaths.

Both John Hopkins studies have been attacked by the White House and the British government. Other critics have questioned the plausibility and methodology of the survey<sup>28</sup>. The authors of the report have defended their study, and have pointed out that the US Department of State had used conflict mortality surveys by the same investigators, using the same methodology.<sup>29</sup>

Many experts in epidemiology, public health, and statistics at leading institutions, including the British Department for International Development, have stated that this survey was well-constructed and reliable, and it's highly credible in spite of difficult circumstances.<sup>30</sup>

The Chief scientific adviser of the British Ministry of Defence, Sir Roy Anderson, defended the study design as "robust", and affirmed the survey's methods were "close to best practice".<sup>31</sup>

<sup>26</sup> Roberts L, Lafta R, Garfield R, Khudhairi J, Burnham G "Mortality Before and After the 2003 Invasion of Iraq: Cluster Sample Survey" *The Lancet* - Vol. 364, Issue 9448, (November 20, 2004) Pages 1857-1864

<sup>27</sup> Burnham G, Lafta R, Doocy S, Roberts L, "Mortality after the 2003 Invasion of Iraq: a Cross-Sectional Cluster Sample Survey" *The Lancet* - Vol. 368, Issue 9545 (October 21, 2006) Pages 1421-1428

<sup>28</sup> Steven E. Moore, "655,000 War Dead?", Wall Street Journal, October 18, 2006

<sup>29</sup> Medialens, *Burying the Lancet – Part 2* (September 6, 2005)

<sup>30</sup> Iraq Analysis Group, *Reactions to the Study: What have scientific experts said about the study?*

<sup>31</sup> "High Toll Death Backed", Newsday, March 27, 2007



Another cluster study of violence-related mortality in Iraq was conducted by a consortium of researchers, many of whom are associated with the World Health Organization (WHO), and so the study is commonly referred to in the press as “the WHO study”.

A team of investigators from the Iraqi Ministry of Health, the Kurdistan Ministry of Health, the Kurdistan Ministry of Planning, COSIT, and WHO produced the Iraq Family Health Survey.<sup>32</sup>

Its figures on Iraq mortality since 2003 are much lower than those of the *Lancet* studies, yet still indicate a massive death toll after the US-led invasion.

The survey concluded that there had been an estimated 151,000 violence-related deaths from March 2003 through June 2006 (the same period covered by the second *Lancet* study), and that violence was the main cause of death for men aged 15 - 59 during the first three years after the 2003 US-led invasion.

According to dr. Naeema al Gasseer – WHO representative in Iraq – this study provides the most reliable estimate of Iraqi deaths since the beginning of the conflict.

Iraq Body Count (IBC), an independent nonprofit group, tracks Iraqi civilian casualties reported in English language news sources.

Its estimates cannot be directly compared to the studies cited above as the group gathers numbers of deaths in a very different way. IBC only tallies non-combatant killed in the fighting and reported in at least two English-language sources, resulting in conservative estimates. A minimum and a maximum estimate are provided.

As of February 17, 2009, the IBC estimated that between 91,070 and 99,445 Iraqi civilians had died as a result of violence.

From August 2005 to March 2007 UNAMI included sections on Iraqi civilian casualties in its reports on Human rights in Iraq. On April 25, 2007 however, the government of Iraq announced its intention to stop providing civilian casualties figures to the United Nations.<sup>33</sup>

According to Ivana Vuco, UNAMI HR officer, Iraqi government officials “had made clear during discussions that they believed releasing high casualty numbers would make it more difficult to quell unrest”.<sup>34</sup>

UNAMI has so far been unable to persuade the GOI to release data on casualties compiled by the Ministry of Health and its other institution.

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<sup>32</sup> Iraq Family Health Study Group, “Violence-related Mortality in Iraq from 2002 to 2006”, *New England Journal of Medicine*, January 31, 2008

<sup>33</sup> Tina Susman, “Iraq Won’t Give Casualty Figure to U.N.”, *Chicago Tribune*, April 26, 2007

<sup>34</sup> *Ibid.*



## Economy

In 1979, Iraq was in the middle range of economic indicators. Oil made the country rich, accounting for 95 % of foreign exchange earnings. Iraq was among the more advanced countries in the Arab world, with a rapidly growing population and economy. After that the economy began to falter and living standards dropped by 90 percent. According to the World Bank, in the '80s, Iraq's per capita income was \$3,600, but by 2002 it had dropped to \$480-\$610.

The first phase of this decline came with Iraq's eight-year-long war with Iran, which has been estimated to have cost Iraq \$450 billion and caused one million deaths on both sides. The second phase was Saddam's invasion of Kuwait in August 1990, and the resulting US-led Gulf War of 1991, which destroyed about \$230 billion of infrastructure. Thirteen years of UN-imposed economic sanctions (1990 – 2003) had a devastating effect on Iraq's economy and society. In 1991, the UN said Iraq had been reduced to a pre-industrial state; later reports described living standards as at subsistence level.

In 1980, Iraq was a net creditor and considered home to one of the region's most advanced economies. By early March 2003, before the US-led invasion, it had become one of the world's poorest and most underdeveloped countries.

### Economic indicators for Iraq:<sup>35</sup>

GDP (purchasing power parity) \$ 113.9 bn (2008 est.)

GDP (official exchange rate) \$ 93.8 bn (2008 est.)

GDP – real growth rate 9.8% (2008 est.)

GDP per capita (PPP) \$ 4,000 (2008 est.)

Inflation rate 12.7% (January 2009)<sup>36</sup>

Iraq's economy is heavily dependent on oil, which accounts for over 90% of State revenues – a serious concern at a time of falling oil prices.

The role of public sector is overwhelming. According to the "Iraq Labour Force Analysis 2003-2008"<sup>37</sup>, public sector has doubled since 2005 and now accounts for 43% of all jobs in Iraq and almost 60% of full-time jobs. Full-time private employment has fallen from 25% in 2003 to 17% in 2008.

Public sector salaries and pensions constitute 35% of the planned expenditure in 2009, and will strain the government budget. Falling oil prices make this level of public employment unsustainable.

<sup>35</sup> Source: CIA World Factbook

<sup>36</sup> Source: Central Bank of Iraq

<sup>37</sup> "Iraq Labour Force Analysis 2003-2008"- January 2009 (released February 15, 2009) is a first analysis of latest labour force data by COSIT



## *Bremer "reforms"*

On May 26, 2003, the US administrator of the Coalition Provisional Authority (CPA), Paul Bremer, declared Iraq "open for business". During the first year of the occupation, Bremer's orders tried to reshape Iraq's State-run economy in adherence to free market principles by implementing a wide-ranging agenda of neo-liberal economic reforms.

On June 20, 2003, writing in the *Wall Street Journal*, Bremer announced a "wholesale reallocation of resources and people from state control to private enterprise".

Makeover list included: revamping Iraq's banking system, modernizing the Stock Exchange, privatizing some 120 State-owned enterprises (SOEs), tax reform, and removal of all restrictions on foreign investment through suspension of all customs duties and tariff.

Order 39, enacted September 19, 2003, in particular, allowed privatization of SOEs (except in the oil sector), including transport, communications, and most manufacturing. It also permitted: 100% foreign ownership of Iraqi businesses, "national treatment" - which means no preferences for local over foreign businesses, 40-year ownership licenses, and the total repatriation of profits outside Iraq.

Bremer's orders also eliminated Iraq's high taxes on corporations, exchanging them for a 15% "flat tax". Previously, Iraqi banks had been closed to foreign ownership. Order No. 40 allowed foreign banks to purchase up to 50% of Iraqi banks.

Bremer reworked Iraq's trademark and copyright laws, eliminated trade barriers, and afforded foreign business the option of circumventing Iraq's legal system and taking any disputes to international tribunals.

## *Foreign investment framework today*

A lot of frameworks for foreign investment set up under Bremer remain in place today.

Article 25 in the Constitution stipulates that "the State guarantees the reform of the Iraqi economy in accordance with modern economic principles to ensure the full investment of its resources, diversification of its sources, and the encouragement and development of the private sector".

Under Article 26, "The State guarantees the encouragement of investments in the various sectors", subject to regulation by law.

The national Investment Law was passed on October 10, 2006.<sup>38</sup>

Iraq's Investment Law covers all areas of investment except oil and gas, banks and insurance companies. It grants investors exemption from taxes and duties for 10 years after the start of business in Iraq (period is renewable), and allows the transfer of profits of foreign companies abroad after payment of all duties within Iraq.

The law mandates the establishment of a National Commission for Investment (NCI), as well as commissions in the regions and governorates (the NCI's role is limited to federal investments only).

Current Minister of Planning Ali Baban is a strong advocate of market economy and privatization, which he has described as "the only alternative" for Iraq<sup>39</sup>, and US-sponsored efforts to privatize SOEs are ongoing.

<sup>38</sup> The Kurdish Regional Government (KRG) had passed its own Investment Law on July 7, 2006

<sup>39</sup> Interview in SIGIR Report to Congress, 30 January 2009



A US Department of Defense “Task Force to Improve Business and Stability Operations” (TFBSO) “has played a primary role in introducing a growing number of international firms to investment opportunities in Iraq and facilitating their entry into this emerging market”<sup>40</sup> and is “currently supporting more negotiations for SOEs rehabilitation and privatizations”.<sup>41</sup>

Every month, TFBSO has hosted investors in Iraq from the Middle East, Europe and the US, and proposals continue to be submitted for review to the NCI.

The role of Basra Development Commission (BDC) in southern Iraq is also worth highlighting.

The brainchild of British Prime Minister Gordon Brown, the BDC was established in early 2008, and is funded by the British government.

"We're involved at the moment with just under 20 individual companies, not just British, but also European and from the Middle East region", its co-chair Michael Wareing<sup>42</sup> told the BBC in November 2008.<sup>43</sup>

As of December 2008, according to Wareing, foreign investors had earmarked more than \$ 9 bn for the oil hub of Basra and the surrounding region<sup>44</sup> for the next 3 years, and up to 3 times as much could be invested in the next 5 to 10 years.<sup>45</sup>

### *Banking sector*

In Iraq there are currently 40 banks with over 700 branches nationwide

According to the Central Bank of Iraq, there are 7 State-owned banks and 33 privately-owned banks. Of the 33 privately-owned banks, 6 are considered foreign-owned (having more than 50% foreign ownership). The Banking Law of 2004 limits the number of foreign-owned banks to 6 until December 31, 2008.

Currently, the two largest State-owned banks, Rafidain and Rasheed, are undergoing a comprehensive restructuring with World Bank and IMF guidance, while TFBSO has focused its efforts on developing the private banking sector.<sup>46</sup>

In March 2009 Iraq will conclude a Stand-By Arrangement (SBA) with the IMF that details economic reforms. The SBA has allowed an 80% reduction of the debt owed to Paris Club creditor nations.

<sup>40</sup> Pentagon Report to Congress cited. Examples include Cummins Engine and Caterpillar.

<sup>41</sup> Pentagon Report to Congress cited. Among the SOEs being considered for rehabilitation and privatization are the Iron and Steel Company in Basra, the Northern Fertilizer Company in Baiji, and the State Company for Electrical Industries in Diyala.

<sup>42</sup> Chief Executive of KPMG International

<sup>43</sup> "Funds Starting to Flow into Iraq", BBC News, 13 November 2008

<sup>44</sup> The southernmost province of Basra contains 70% of Iraq's proven oil reserves and the country's only ports

<sup>45</sup> Interview with Reuters, “Investors Ready for Iraq Business as Troops Pull Out”, December 22, 2008

<sup>46</sup> Pentagon Report to Congress cited



## *Unemployment and poverty*

Iraq today has a high rate of unemployment, though reliable figures are difficult to obtain.

Iraq's Minister of Planning, Ali Baban, recently told SIGIR that the unemployment rate was about 35-40%<sup>47</sup>; the UN SG Latest Report on Iraq said Iraq's labour market currently could not absorb one third of Iraq's job seekers.<sup>48</sup>

According to the Pentagon latest report to Congress on Iraq, the Iraqi Security Forces (now numbering over 600,000 – including MOD and MOI personnel) account for nearly 10% of the entire country's labour force (7.4 m), even if one does not include the Facility Protection Service and the so called "Sons of Iraq". For younger Iraqi males ISF is currently the only source of employment and lasting job creation, the report remarked.<sup>49</sup>

A new "Iraq Labour Force Analysis 2003-2008" puts unemployment at 18%. A further 10% of the labour force is part-time workers wanting to work more hours, it said.

The survey showed that 28% of the male labour force aged 15 to 29 is unemployed, accounting for 57% of all unemployed in Iraq.

Only 17% of women participate in the labour force; of these 23% are unemployed.

Part time workers currently make up nearly a third (29%) of the labour force. Most of them are working in the private sector.

Most of the 450,000 Iraqis entering the job market this year won't find secure jobs "without a concerted effort to boost the private sector", the survey said.<sup>50</sup>

According to a UNDP-supported study, one third of the Iraqi households lives in poverty, with more than 5% of Iraqis living "in extreme poverty".<sup>51</sup>

<sup>47</sup> Interview in SIGIR Report cited

<sup>48</sup> Report of the UN Secretary-General cited, February 20, 2009

<sup>49</sup> Pentagon Report to Congress cited

<sup>50</sup> "Iraq Labour Force Analysis 2003-2008" cited

<sup>51</sup> "Unsatisfied Basic Needs Mapping and Living Standards in Iraq", released February 2007. The survey was conducted by COSIT with UNDP support, using data collected in the Iraqi Living Conditions Survey 2004



## OIL

According to most estimates, Iraq has 115 billion barrels of proven oil reserves, the world's third-largest. Other estimates of the country's potential oil reserves vary. In April 2007, oil industry consultants IHS estimated that Iraq's proven and probable reserves equal 116 billion barrels, with a potential additional 100 billion reserves in largely unexplored western areas. The US Geological Survey's median estimate for additional oil reserves in Iraq is approximately 45 billion barrels. In August 2004, Iraq's then Oil Minister Thamir Ghadban (now a senior oil adviser to Prime Minister Maliki) stated that Iraq had "unconfirmed or potential reserves" of 214 billion barrels.

Iraq's proven reserves are concentrated largely in southern Iraq, particularly in the southernmost province of Basra (70%). Significant proven oil resources are also located in the northern governorate of Ta'amim (capital Kirkuk).<sup>52</sup>

Articles 111 and 112 of the Iraqi Constitution state that Iraq's natural resources are the property of "all the people of Iraq in all regions and governorates", and that "the federal government, with the producing governorates and regional governments shall undertake the management of oil and gas extracted from present fields".

Yet Article 115 provides regional authorities the power to override federal law in the event of conflicts with the national legislation, which has led the KRG to argue for the right to sign oil development deals without national government interference – an interpretation that Baghdad rejects.

The Iraqi oil industry (nationalized in 1972) is in desperate need of development, following decades of wars, neglect, as well as 13 years of economic sanctions.

Dilapidated oil infrastructure is in need of repair and upgrade. Iraq also needs to boost its oil production, which is declining. It currently stands at 2.3 million barrels per day (November 2008 – January 2009: a 4 % drop from the last quarter)<sup>53</sup>, while exports are at 1.7 million barrels per day (a 3% increase over the previous quarter, but a 6% decrease for the same quarter in 2007).<sup>54</sup>

The Iraqi Ministry of Oil estimates that some \$ 75 billions in new investment will be required to increase production from the current level to the goal of 6 million barrels per day by 2017.<sup>55</sup>

An oil and gas law approved by Cabinet in February 2007, and then again in July 2007 (the final version), is stalled in Parliament.

The framework law is part of a package. Companion laws include a revenue law, a law on reorganizing the Oil Ministry, and one on (re)establishing the Iraq National Oil Company (INOC).

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<sup>52</sup> Kirkuk reportedly sits on 10% of Iraq's overall proven oil reserves, if not more. The Kirkuk "super giant" oil field contains as much as 13% of Iraq's proven reserves (ie, 15 billion barrels of 115 billion barrels), though estimates vary. *Platts Oilgram News* and the *Oil and Gas Journal* put the figure at 10 billion barrels, ie, 8-9% of reserves. According to an Iraqi oil expert with specific knowledge about Kirkuk, the field contains more than 15 billion barrels, not including the nearby "giant" Bai Hassan field, and much remains to be explored and developed (International Crisis Group Report, *Oil for Soil: Toward a Grand Bargain on Iraq and the Kurds*, October 28, 2008)

<sup>53</sup> SIGIR Report cited

<sup>54</sup> SIGIR Report cited

<sup>55</sup> Pentagon Report to Congress cited



The 26,000-member Iraqi Federation of Oil Unions (IFOU) has voiced its opposition to the law, while the Kurds strongly oppose some of its provisions.

In Summer 2008, the KRG and the central government set up a “joint commission” to resolve outstanding differences.

In October 2008, a new framework draft law (possibly a new version) was submitted to the Parliament’s Oil and Gas Committee but it was rejected and sent back to the Cabinet for revision.

International investment in Iraq’s oil and gas sector has been assumed to depend on the passage of the hydrocarbons law. However, even in the absence of such a law, the GOI has offered 19 oil and gas fields to International Oil Companies (IOCs) for development in two major bidding rounds – on October 13, 2008 (6 oil fields and 2 gas fields), and December 31, 2008 (10 oil fields and one gas field).

The contracts, which are scheduled to be awarded by June 2009 (for the 1<sup>st</sup> round), end 2009 (for the 2<sup>nd</sup> round), are 20-year Technical Service Contracts (TSCs) and should add 4 to 4.5 million barrels a day to Iraq’s current oil production over the next four to six years. The foreign firms will operate in joint ventures with state-owned Iraqi companies.

The Government of Iraq has also signed a few deals with some foreign oil companies.

In November 2008, the GOI approved a Saddam-era deal (dating back to 1997) with China’s CNPC to develop the Ahdab oil field, located in Wasit province, in the south-east of the country – for an estimated value of \$ 3.5 billions. Its terms were changed from the original Production Sharing Agreement (PSA) to a Technical Service Contract (TSC).

In September 2008, Iraq signed a preliminary agreement with Royal Dutch-Shell that paves the way to establish a joint venture to gather, process, and market associated natural gas in Basra province.

In late February 2009, Iraq’s Oil Ministry and British firm Mesopotamia Petroleum Company (an associate of Aberdeen-based Ramco Energy) signed a joint venture deal for drilling oil wells expected to raise Iraq’s oil production by 120,000 barrels a day within a year. It was the first joint venture agreement of this kind signed with a foreign company since the fall of Saddam Hussein regime in 2003.

A TSC to develop the oil field of Nassiriya (in Dhi Qar province, southern Iraq) is also expected to be awarded by end March 2009. Competing has been limited to three companies: Italy’s ENI, Spain’s Repsol, and Japan’s Nippon Oil.

Several Iraqi lawmakers have questioned the transparency of the deals signed with CNPC and Royal Dutch-Shell and the bidding to develop Nassiriya oil field.

Yet the government is moving forward, and it’s reportedly closer to finalize the deal with Royal Dutch Shell, which now includes also Japan’s Mitsubishi.



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## Cultural Heritage

The US-led occupation of Iraq has been devastating for the country's cultural heritage.

In the immediate aftermath of the fall of Baghdad, in April 2003, amid the chaos that followed, extensive looting took place, which US forces did nothing to prevent, protecting only the buildings housing the Oil and Interior Ministries.

A well-known victim was the Iraqi National Museum, one of the world's most important collections, that was looted in 3 separate occasions between April 10 and 12, 2003. Looting led to the loss of 15,000 artifacts, that have been only partially recovered.

In the same days, the National Library and Archives was destroyed by two fires (on April 10 and 12), suffering extensive damage, with the loss of about a quarter of the total book collection, including rare books and newspapers. Fire consumed as much as 60% of the Ottoman and royal Hashemite documents, and nearly all government archives of more recent vintage went up in smoke.<sup>56</sup> Baghdad's other major libraries suffered as well. Other damaged libraries include the Central Library of the University of Basra and Mosul University Central Library.

International media coverage has mostly focused Iraqi National Museum, neglecting the large-scale plunder of archaeological sites that took place early in the occupation of Iraq, which has led to irreversible damage, with several important sites destroyed beyond recognition since 2003 (ex, the remains of Isin, a Sumerian town located north west of Nassiriya, the capital of Dhi Qar province).

Looting of archaeological sites mostly took place in the south. With the fall of the Ba'athist regime, hundreds of poor farmers and villagers were turning to archaeological plunder. In some towns in Dhi Qar province, the black market trade in antiquities was accounting for upward of 80% of the local economy in May 2003.

Elizabeth Stone, an archaeologist at State University of New York at Stony Brook, estimates that the total extent of the recent (ie, post-April 2003) looting is many times greater than all the archaeological investigations ever conducted in southern Iraq.<sup>57</sup>

Her studies – based on satellite images – showed that heavy looting has been mainly confined to a sizeable but well defined swath of territory around north-west Dhi Qar and the borderlands of its neighbouring provinces.

Satellite images also make clear that the first big wave of looting actually occurred before the arrival of US-led forces. Yet looting seems to have accelerated greatly (and in more organized fashion) after the looting of Baghdad, in April and May 2003.

On February 25, 2009, at a news conference in Rome, dr. Bahaa al Mayah, an adviser to Iraq's Minister of State for Tourism and Antiquities, said that an estimated 180,000 artifacts had disappeared from Iraq's 12,000 archaeological sites, with many sold abroad.

Donny George, a well-known archaeologist and former President of the Iraqi State Board of Antiquities and Director of the Iraqi National Museum, who fled Iraq in August 2006 after receiving death threats, described as "intolerable" the ongoing failure of both Iraqi leaders and the US military to protect archaeological sites.

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<sup>56</sup> Saad Eskander, "The Tale of Iraq's 'Cemetery of Books'", Information Today, December 2004

<sup>57</sup> Elizabeth C. Stone, "Patterns of Looting in Southern Iraq", Antiquity, vol. 82, Spring 2008, pp.125-138



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Today there are signs that the worst looting may be over, yet some of the damage to Iraq's heritage sites has been the result not of looting but of the conduct of US-led occupation forces, that have built military bases and defensive positions close to sites of huge historical importance – the most famous ones being Babylonia and Ur.

The case of Babylonia has been extensively documented by experts at the British Museum – with John Curtis, the keeper of the Near East Department, issuing a scathing report on the overall damage. Curtis concluded that the archaeological site suffered “substantial damage” as a result of its occupation by “Coalition forces”.<sup>58</sup>

Recent reports indicate that US forces may soon vacate the archaeological site of Ur, near the city of Nassiriya, in southern Iraq, which was damaged<sup>59</sup> by the proximity of military facilities.

In Baghdad, the cultural administration has also suffered from larger power struggles within the Iraqi government.

In 2006, the State Board of Antiquities was subsumed into a new Ministry of Tourism and Antiquities, which was initially controlled by the Sadrist bloc in Parliament. The ministry has since then shown little interest in providing resources for the protection of archaeological sites. The task now falls on the current Minister of State for Tourism and Antiquities, Qahtan al Jubouri, appointed in July 2008.

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<sup>58</sup> John Curtis, “Report on Meeting at Babylon 11-13 December 2004”, British Museum (2005). See also Rory McCarthy and Maev Kennedy, “Babylon Wrecked by War”, *Guardian*, January 15, 2005. Polish troops camped at Babylon from September 2003 to January 2005

<sup>59</sup> Simon Jenkins, “In Iraq's Four-Year Looting Frenzy, the Allies Have Become the Vandals”, *Guardian*, June 8, 2007



## Environment

In late October 2008, minister of Environment Nermeen Othman, in an interview with Reuters, referred to "the environmental catastrophe" in Iraq, adding it was "even worse than it sounds".<sup>60</sup>

In September 2004, UNEP estimated that more than 300 sites in Iraq were considered to be contaminated to various levels with a range of pollutants, after the US-led invasion of March 2003.

In June 2005, Pekka Haavisto, Iraq Task force Chairman at UNEP, referring to the country's environmental problems, described Iraq as "the worst case we have assessed".<sup>61</sup>

According to minister Othman, there are 105 contaminated areas (by chemical weapons and Depleted uranium munitions), and more than 60% of Iraq's fresh water is polluted.

### *Water resources*

Water shortages, salination, and pollution have increased because of upriver dams built by Syria, Turkey and Iran, that have worsened the damage caused by neglect of Iraq's infrastructure, compounded by 13 years of UN-imposed economic sanctions.

The wrecking of an already decaying underground sewage systems has resulted in thorough contamination of the Tigris and Euphrates rivers.

Underperforming water treatment plants have proven insufficient to handle this massive flow of contamination, while inadequate electric supplies ensure that the few functioning water purification systems are less than effective.

Iraq is currently experiencing one of the most serious droughts in 10 years.

According to UNEP expert Hassan Partow, the 2007-2008 season was one of the worst droughts on record, and "all predictions are that drought will continue over the 2008-2209 winter, with rainfalls well below average".<sup>62</sup>

This is having a serious impact on agriculture – which produces about 85 % of the GDP and employs about 25% of the labour force, making it the second largest source of GDP and the largest source of private-sector employment in Iraq. Wheat and barley production are expected to drop 51% below average.<sup>63</sup>

### *Landmines, unexploded ordinance, and Depleted Uranium contamination*

Iraq is one of the most landmine and ERW (explosives remnants of war) contaminated areas in the world.

According to Environment minister Othman, there are 25 million landmines across the country. More than 55 million cluster sub-munitions were also dropped during the last two wars (the 1991 Gulf war and the 2003 US-led invasion). Although the entire country is affected, 3,000 hazardous areas have been identified in the Kurdistan region alone (766 kmq).

<sup>60</sup> "Iraqi Environment Scarred by Deadly Waste of War", Reuters, October 24, 2008

<sup>61</sup> "Postwar Iraq Paying Heavy Environmental Price", Reuters, June 2, 2005

<sup>62</sup> BBC News, February 24, 2009

<sup>63</sup> SIGIR Report cited



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Children account for 1/4 of landmine victims and 1/3 of the victims of ERWs.<sup>64</sup>

No records or maps of mines and ERWs remain. With the current capacity and equipment, it is estimated that it will take more than a century to clean the KRG area alone.

The situation of Basra province, in the south, is of particular concern, due to the combined effects of three devastating wars.

UN estimates in 2003 suggested that more than 10 million landmines and unexploded ordnance littered the western desert regions and the area east of Basra city along the Shatt al Arab waterway toward Iran. Landmine clearance organizations working in the south say this figure has more than tripled since the US-led war of March 2003.

Basra and the surrounding region had already experienced a huge contamination by Depleted Uranium weapons during the 1991 Gulf War.

According to the *Guardian*, experts have calculated that Coalition forces used between 1,000 and 2,000 tons of depleted uranium anti-tank shells during the March 2003 invasion and the immediately subsequent fighting.<sup>65</sup> A United Nations Environment Program report tallies with this assessment.<sup>66</sup>

In 2005, the UN Environment Program released a report stating that Iraq has 311 sites contaminated with DU.<sup>67</sup>

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<sup>64</sup> Office of the UN Secretary General Special Representative for Children and Armed Conflict, Report, Visit to Iraq and the Region, 13-25 April 2008

<sup>65</sup> Paul Brown, "Uranium Hazard Prompts Cancer Check on Troops" *Guardian*, April 25, 2003

<sup>66</sup> United Nations Environment Programme, *Assessment of Environmental "Hot Spots" in Iraq*, November 2005

<sup>67</sup> Ibid.



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## HUMAN RIGHTS

Though Iraq's Constitution provide a strong framework for the free exercise of human rights, the current situation in the country remains a source of grave concern, as documented by both the United Nations Mission of Assistance for Iraq (UNAMI) and the US Department of State, among others.

UNAMI reports on Human Rights continue to paint a grim picture, where civilians are the prime victims of both the violence and the US-led (and now Iraqi-led) military operations.

UN reports said armed operations by US-led forces have restricted the enjoyment of human rights and caused severe suffering to the population.

In its latest report on Human Rights in Iraq (covering the period from January 1 to June 30, 2008) UNAMI said that civilians were a large proportions of the casualties in targeted attacks. UNAMI remained "concerned about civilian deaths reportedly from MNF-I [Multinational Force Iraq] air strikes, military ground operations or checkpoint confrontations", the report said.<sup>68</sup>

The UN Secretary General's latest report on Iraq pointed to "targeted killings or other types of attacks against journalists, educators, parliamentarians, humanitarian workers, judges, lawyers, and members of minorities" remaining "a worrying feature of the situation in Iraq".<sup>69</sup>

The US Department of State, in its 2008 report on Human Rights, has a long list of "significant human rights problems" reported during the year in Iraq. Among those: a climate of violence; misappropriation of official authority by sectarian, criminal, and extremist groups; arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; impunity; poor conditions in pretrial detention and prison facilities; denial of fair public trials; arbitrary arrest and detention; limitations on freedoms of speech, press, assembly, and association due to sectarianism and extremist threats and violence; restrictions on religious freedom; restrictions on freedom of movement; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women, and ethnic and religious minorities; societal discrimination and violence against individuals based on sexual orientation.<sup>70</sup>

In particular, although Iraq's Constitution prohibits "unlawful detention" and mandates that preliminary investigative documents be submitted to an investigative judge within 24 hours from time of arrest (a period which can be extended only by one day), law enforcement authorities reportedly continued to detain and search individuals without an arrest warrant after the state of emergency expired in April 2007<sup>71</sup>, although there were no reliable statistics available on such incidents.

Moreover, police across the country continued to use coerced confessions and abuse as methods of investigation.

The Iraqi MOHR attempted to monitor human rights abuses and advocate for and assist victims, and issued public reports on prisons and detention centers, minorities, and victims of terrorism, but limited resources and poor cooperation from other ministries limit its effectiveness, the US Department of State said.

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<sup>68</sup> UNAMI Human Rights Report, 1 January – 30 June 2008

<sup>69</sup> Report of the UN Secretary-General cited, February 20, 2009

<sup>70</sup> US Department of State, 2008 Report on Human Rights cited

<sup>71</sup> Under a state of emergency, the PM has the authority - under "extreme exigent circumstances"- to provide authorization for suspects to be detained and searched without an arrest warrant.



On November 16, 2008, the Iraqi Parliament approved the law establishing the constitutionally-mandated High Commission for Human Rights. On December 14, the legislation was ratified.

The Iraqi government's cooperation with NGOs and with the UN and its agencies on human rights issues has so far been minimal, generally citing varied security restrictions, and all nongovernmental investigations of alleged human rights violations continue to be highly restricted.<sup>72</sup>

### *Detainees*

Detainee population under Iraqi government control is estimated at more than 40,000, due to mass arrests carried out in the many security and military operations.

Despite a law mandating that detention facilities be under the sole control of the Ministry of Justice (MOJ), detention facilities are operated by four separate Ministries: Ministry of Justice (MOJ), Ministry of Interior (MOI), Ministry of Defense (MOD), and Ministry of Labour and Social Affairs (MOLSA) for juvenile detention.

Additionally, the Ministry of Labor and Social Welfare of the Kurdistan region (MOLSW) operates prisons in the area of the Kurdistan Regional Government (KRG), and the KRG MOI operates pretrial detention facilities. The KRG internal security forces (*Asayish*) and the KRG intelligence services operate separate detention facilities as well.

At the end of 2008 there were 10 MOJ prisons and 6 pretrial detention facilities. The total number of MOI detention facilities was estimated to be 6 National Police facilities and 294 Iraqi Police facilities. There were estimated to be more than 1,200 official MOI detention locations, including police holding stations. The MOD operated 51 Iraqi Army pretrial detention centers for detainees captured during military raids and operations.

Additionally, there were reports of unofficial detention centers throughout the country.

KRG authorities operated 8 detention facilities that combined pretrial and post conviction housing and an additional 8 internal security pretrial detention facilities.<sup>73</sup>

#### **Numbers of detainees in Iraqi custody as of end 2008:**

MOJ: 19,766

MOI: unverified but estimated at 19,000

MOD: 2,388

MOLSA: about 800

The KRG total number of detainees was approximately 2,200, not including central government facilities located in the Kurdish region or *Asayish* and KRG intelligence service facilities.

Source: US Department of State, 2008 Report on Human Rights

<sup>72</sup> US Department of State, 2008 Report on Human Rights cited

<sup>73</sup> US Department of State, 2008 Report on Human Rights cited



Treatment of detainees under government authority is reported to be generally poor.

Most detention facilities under MOI and MOD control do not meet international standards. Overcrowding remains endemic. Many inmates lack adequate food, exercise facilities, medical care, and family visitation. Limited infrastructure or aging physical plants in some facilities result in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MOI and MOD detention facilities is not provided consistently, and rape, torture, and abuse, sometimes leading to death, have been reported in some facilities.

National detention facilities permit visits by representatives of the national MOHR, and KRG detention facilities permit visits by the KRG MOHR.

In accordance with a prime ministerial directive, the national MOHR has an inspection program where it inspects every detention facility monthly, apart from those run by the KRG. It published its second annual report on the state of detention facilities, which was generally critical of prison standards across the country. It reported 112 confirmed cases of torture or abuse within the MOI, 69 cases within the MOD, 107 cases in KRG facilities.

The KRG Ministry for Human Rights visited several KRG MOLSA detention facilities during 2008, but did not publish a report at year's end.

The KRG intelligence services reportedly maintain separate detention facilities where no access by independent organizations is allowed.

On August 2, 2008 the Kurdish independent newspaper *Hawlati* reported that prisoners and detainees face sexual abuse, lengthy detentions without trial, and risks of disappearing in KRG detention facilities.

Domestic and international human rights NGOs and intergovernmental organizations do not generally have access to national MOI detention and pretrial facilities or to similar facilities of the KRG internal security (*Asayish*) and intelligence forces.

A prime ministerial order declared that only the International Committee of the Red Cross and MOHR had unrestricted access to all detention facilities in the country except those run by the KRG.

The ICRC inspected several detention facilities and prisons under the MOI, MOD, and MOJ around the country<sup>74</sup> and had access to KRG detainees, some of whom were held in *Asayish* facilities.<sup>75</sup>

During the first half of 2008, UNAMI reported visits to four prison and detention facilities in Baghdad and al Anbar, and 17 facilities in the KRG area.

A General Amnesty Law was passed by the Council of Representatives on February 13, 2008, and came into effect on March 3<sup>76</sup>. It does not cover detainees sentenced to death, and excludes some specific crimes, such as murder and terrorism. Yet its implementation has been slow: of 17,000 approved for release (mostly Sunnis and Sadrist Shiites), only a few hundreds have been released.<sup>77</sup>

<sup>74</sup> On May 4, 2008, the GOI signed an agreement with the ICRC, granting it legal status and permanent representation in the country. ICRC also has increased access to visit detainees at central government detention facilities due to verbal agreements it has with several ministries that grant it unrestricted access to all detention facilities

<sup>75</sup> ICRC has a separate agreement with the KRG for unrestricted access to KRG detention facilities

<sup>76</sup> KRG has its own Amnesty Law, passed by the Kurdistan National Assembly in April 2007

<sup>77</sup> Congressional Research Service Report, "Iraq: Politics, Elections, and Benchmarks", February 17, 2009



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## *Detainees in US Custody*

Since the early days of the occupation, the US military have taken thousands of Iraqis into custody for “security” reasons. A total of 100,000 prisoners have passed through the US-run detention system since the US-led invasion of March 2003.

In March 2006, Amnesty International reported that “tens of thousands of internees” had been held in arbitrary and extrajudicial detention.<sup>78</sup> The vast majority of detainees in US custody are in an unclear legal status, and the US military have never allowed independent monitors access to its detention facilities in Iraq.

US commanders have refused requests by UN HR experts to visit “Coalition” prisons. In March 2008, the UN Special Rapporteur on Torture, Manfred Nowak told reporters in Geneva, on the sidelines of the UN Human Rights Council four-week session, that the US officials had rejected his request to visit US-run detention facilities in Iraq.<sup>79</sup>

In Fall 2007, the number of detainees held by the US Military in Iraq<sup>80</sup> peaked at 26,000.

Though as of June 30, 2008, the number was down to 21,881, UNAMI, in its latest Report on Human Rights in Iraq, said it remained concerned about “the internment of suspects for prolonged period, without judicial review of their cases, and administrative review procedures that do not fulfill the requirements to grant detainees due process in accordance with internationally recognized norms”.<sup>81</sup>

As of December 17, 2008, the number of detainees in US-run detention facilities had dropped to some 15,000.

The main US-run detention facilities in Iraq are currently Camp Cropper, near Baghdad International Airport, (best known for holding the so-called “high value prisoners”, mainly top political and military leaders of the former regime), and Camp Bucca, in the southern desert, near the city of Umm Qasr – the biggest US-run detention facility, which, as of March 2007, housed 13,800 inmates.

Other detention facilities, including the infamous Abu Ghraib prison, west of Baghdad, have been handed over to the Iraqi authorities.

Under the new “security agreement” (SOFA), in force since January 1, 2009, all detainees currently in US custody must either be transferred to Iraqi custody – under arrest warrants from Iraqi judges – or freed “in a safe and orderly manner”.<sup>82</sup>

As of March 3, 2009, the number of detainees in its custody had dropped to 13,832, and the US military said it had been releasing an average of 50 detainees a day since February 2009.<sup>83</sup>

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<sup>78</sup> Amnesty International, *Beyond Abu Ghraib*, March 2006

<sup>79</sup> “UN Torture Envoy Says U.S. Deny Access to Iraq Jails”, Reuters, March 11, 2008

<sup>80</sup> “Security Internment” by the “Multinational Force” was authorized by UNSCR 1546 (2004), and further extended by the other resolutions that followed, enabling “Coalition forces” to intern people for “imperative reasons of security”.

<sup>81</sup> UNAMI Human Rights Report, 1 January – 30 June 2008

<sup>82</sup> US-Iraq Security Agreement, Article 22

<sup>83</sup> Multinational Force-Iraq, Press Release, March 3, 2009



## Freedoms and rights

Iraq's Constitution broadly provides for the right of free expression, provided it does not violate public order and morality.<sup>84</sup>

Yet, the Iraqi law provides, if authorized by the Prime Minister, for fines or a term of imprisonment not exceeding 7 years for any person who publicly insults the COR, the government, or public authorities.

### *Non-governmental organizations*

At the end of 2008 more than 6,000 NGOs were registered in Iraq, although according to the director of the NGO Office, only approximately 1,800 were operational, including 235 human rights NGOs and 181 women's rights NGOs.<sup>85</sup> The vast majority of human rights NGOs are affiliated with political parties or with a particular sect and frequently focus human rights efforts along sectarian lines.

Despite these large numbers, their activity remains weak overall.

The Council of Ministers Secretariat's (COMSEC) NGO Assistance Office continued to impede the activities of NGOs through onerous registration processes and excessive documentary requirements. Only one office in the country, located in Baghdad, accepts registrations for NGOs. Yet, unlike the previous year, in 2008 NGOs did not have their assets frozen arbitrarily by the government<sup>86</sup>, according to two well-established NGOs.<sup>87</sup>

Women's rights NGOs appeared especially vulnerable to this disruption, which many attributed to disapproval of their activities and services.

During 2008, unannounced and intimidating visits to some NGOs by representatives of the COMSEC NGO Assistance Office demanding photographs, passport details, names, and addresses of all staff and their family members continued to occur.

Terrorist organizations frequently targeted human rights organizations, and the poor security situation severely limited the work of NGOs.

In the Kurdish region, which has been largely autonomous since 1991, a stronger NGO community exists, although many Kurdish NGOs are closely linked to the two main Kurdish political parties: the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP).

### *Labour rights*

Iraq's Constitution provides the right to form and join unions and professional associations, subject to regulating law - which has not yet been enacted.

Labor Law 150 of 1987, dating back to the era of the Saddam Hussein rule, declared virtually all public sector workers to be government "executives," and therefore legally ineligible to form or to join unions - a move that, in effect, eliminated unions and the right of association from the public sector.

<sup>84</sup> Section 2 – "Rights and Liberties" – covers civil and political rights as well as economic, social, and cultural liberties.

<sup>85</sup> US Department of State, 2008 Report on Human Rights cited

<sup>86</sup> As a standard practice, the Central Bank of Iraq freezes the assets of organizations, including both international and domestic NGOs, contractors, and unions if the government determined that the organization held a significant amount of funds from an unknown source. This practice has affected NGOs that were not registered or have not held elections that the Ministry of State for Civil Society Affairs (MOSCA) has judged to be fair.

<sup>87</sup> US Department of State, 2008 Report on Human Rights cited



In the private sector, the 1987 Trade Union Organization Law allowed employees to form workers' committees, with limited rights of association, but only in private sector worksites employing more than 50 workers.

Unlike much legislation enacted by the Ba'athist regime, these laws have not been repealed either by the CPA or the successor Iraqi governments, and in effect rule out the existence of labour unions able to carry out any free and independent labor union activity, therefore effectively prohibiting independent organizing and collective bargaining in the public and private sectors.

Decree 8750, passed in 2005 by Iraq's transitional government led by Prime Minister Ibrahim al Ja'afari, cancelled unions' leadership boards, froze their assets, and formed an inter-ministerial committee to administer unions' assets and assess their capacity to resume activity, also inhibiting union activity.

During 2008, MOLSA worked with the International Labor Organization (ILO) to prepare modern labor legislation that was expected to supersede the 1987 laws and the 2005 decree, and conform to international statutes. The legislation was under constitutional review at the end of 2008.<sup>88</sup>

Wages are set by contract in the private sector and set by the government in the public sector. The national minimum wage for a skilled worker is less than 10,500 dinars (approximately \$7) per day, and for an unskilled worker less than 5,250 dinars (\$3.50) per day. The standard workday is eight hours with one or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required.

The average salary is approximately 1.875 million dinars (\$1,250) per year. These earnings are barely above poverty level (\$2 or 3,000 dinars per day) and do not provide a decent standard of living for a worker and family.

However, the absence of collective bargaining and collective contracts at national and local levels significantly diminish unions' power to defend workers' rights.

Despite some progress made by MOLSA in 2008 toward reforming and removing some the limitations the Saddam regime had imposed on workers' rights, public sector unions are still not permitted in practice, while private sector unions enjoy the right to seek government arbitration for labor disputes, but not the right to strike.

Currently MOLSA recognizes and deal with only with unions belonging to the General Federation of Iraqi Workers (GFIW).<sup>89</sup>

There are also independent unions, which are officially registered with the government but will not be formally recognized unless the new ILO-compatible legislation is enacted.

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<sup>88</sup> US Department of State, 2008 Report on Human Rights cited

<sup>89</sup> The GFIW formed in 2005 when the Iraqi Federation of Trade Unions, the General Federation of Trade Unions, and General Federation of Iraqi Trade Unions merged.



## IRAQI TRADE UNIONS FEDERATIONS

### General Federation of Iraqi Workers (GFIW)

Born in September 2005 from the merging of IFTU, GFTU and GFITU<sup>90</sup>, it is the only officially recognised trade union in Iraq. The GFIW covers 15 provinces of Iraq and does not operate in the three governorates forming the semi-autonomous Kurdish region (Dohuk, Irbil, and Sulaimaniya).

Member of ICATU (International Confederation of Arab Trade Unions)

<http://www.iraqitradeunions.org/en>

### Iraqi Federation of Oil Unions (IFOU)

Established in October 2005 connecting all unions in the oil sector. First organized in the General Union of Oil Employees (GUOE)

Member of ICATU (International Confederation of Arab Trade Unions)

<http://www.basraoilunion.org>

### Federation of Workers Councils and Unions in Iraq (FWCUI)

Established after the US-led invasion by members of the Union of the Unemployed of Iraq, is linked to the Workers Communist Party of Iraq

Member of ICATU (International Confederation of Arab Trade Unions)

<http://fwcui.org/>

### General Union of Councils And Trade Unions in Iraq (GUCTUI)

It's a split from FWCUI

Two confederations are currently operating in the Kurdish region. Both are called **Kurdistan General Workers Syndicate Union (KGWSU)**; one has its headquarters in Irbil, the other in Sulaimaniya.

<sup>90</sup> IFTU - Iraqi Federation of Trade Unions. Established in May 2003 in the aftermath of the US occupation by several groups and parties, most prominently from the Iraqi Communist Party. Recognized in 2004 by the US-appointed Iraqi Governing Council as the “legitimate and legal representatives of the labour movement in Iraq”. Now merged in the GFIW.

GFTU - General Federation of Trade Unions It was the only Iraqi Trade Union legally recognised under the 1987 legislation. After the US-led occupation it has changed its cadres and reorganised itself. Now merged in the GFIW.

GFITU – General Federation of Iraqi Trade Unions. Once a split of the GFTU, it has now merged in the GFIW.



## Women

Under the secular Ba'athist regime, Iraqi women enjoyed considerable rights. The government enacted laws to equalize women's rights in divorce, land ownership, and suffrage. Women made significant strides in education: attendance in schools went up from 34 to 95 % between 1970 and 1980. Women also had better job opportunities, and in 2002 comprised 20 % of the labour force, some working in medicine, engineering, academia, and the civil service. After the US-led invasion of March 2003 those gains are threatened by the resurgence of conservative cultural and religious groups and the general lawlessness.

On December 29, 2003, the US-appointed Iraqi Governing Council (IGC) passed Resolution 137, which would have overruled the Iraqi Family Law that has been in effect since 1959. Resolution 137 would have placed several aspects of family law, including matters of marriage, divorce, and inheritance, under *shari'a* - the Islamic law.

Following protests by women's group, pressure by Paul Bremer - then the US administrator of the US-led Coalition Provisional Authority (CPA) - led to the cancellation of the IGC order.

Yet personal status issues remain unclear under the new Constitution.

The condition of Iraqi women has continued to deteriorate with the erosion of their basic rights and freedoms. Overall, threats and attacks against women have increased. Women are sidelined, discriminated against, and excluded from public life. Insecurity, and especially the actual and the perceived dangers of sexual violence, have created a climate of fear that prevents women and girls from participating in public life - going to school, going to work, seeking medical treatment, or even leaving their homes.

Illiteracy rate is twice as high among Iraqi women compared to that of men (24% vs. 11%); 70% of all illiterate Iraqis are women.<sup>91</sup>

Literacy rates vary considerably between urban and rural areas, with less than half the women in rural areas literate compared to 80% of women in metropolitan areas and 72% in other urban areas.

A March 2008 report by the US-based "Women for Women International" said the state of Iraqi women since the US-led invasion of March 2003 had become a "national crisis".<sup>92</sup>

The US Department of State 2008 report on Human Rights stressed that the general lack of security in Iraq and increasingly conservative societal tendencies had a serious negative impact on women.

Although Iraq's Constitution forbids discrimination on the basis of gender, in practice conservative societal standards impede women's abilities to exercise their rights. Throughout the country women reported pressure to wear veils. They are targeted for undertaking normal activities, such as driving a car, and wearing trousers.

The Passport Office of the Ministry of Interior maintains a national policy requiring women to obtain the approval of a close male relative before receiving a passport.<sup>93</sup>

According to the latest UNAMI report on HR in Iraq, cases involving violence against women continue to be reported in various parts of the country, including in Baghdad.

<sup>91</sup> WFP, Vulnerability Analysis and Mapping (VAM) 2007

<sup>92</sup> "Stronger Women Stronger Nations - 2008 Iraq Report", Women for Women International

<sup>93</sup> US Department of State, 2008 Report on Human Rights cited



The Iraqi Ministry of Human Rights (MOHR) reported that 580 women were killed and 1,940 wounded in various acts of violence in 2008.

According to UNAMI, kidnapping of young women increased in the second quarter of 2008.

Islamic extremists reportedly continued to target women in a number of cities, demanding they stop wearing Western-style clothing and cover their heads while in public. On April 30, 2008, according to international press reports, Basra police acknowledged that 15 women a month were killed for breaching Islamic dress codes. In December 2007, Basra's then police chief Major General Abdul Jalil Khalaf confirmed that police documented that 57 women were killed and their bodies dumped in the streets of Basra since mid 2007 for behavior deemed un-Islamic.

On June 23, 2008 the NGO "Iraqi Women's Network" reported that violence against women increased in the first half of 2008. Throughout the year 72 women were reportedly killed in Basra for various reasons, according to local statistics.

Women's rights activists continue to be targeted.

On November 24, 2008, the UN Secretary General's Special Representative in Iraq, Staffan de Mistura, called for the urgent establishment of a national legal framework guaranteeing the protection of women, warning that continuing gender violence threatened to undermine the country's families and society.

Domestic violence is also of concern. In 2008, NGOs reported that domestic violence against women increased, although no reliable statistics exist. Anecdotal evidence from local NGOs and media reporting indicate that domestic violence often goes unreported and unpunished by Iraq's judicial system.

The country has no specific laws that concern domestic violence. Under the Iraqi Penal Code, a husband is legally entitled to punish his wife "within certain limits prescribed by law or custom."

According to some recent UN-released figures, one in five married women has been a victim of physical domestic violence, while one in 3 has been subject to emotional violence. Of the women victims of physical violence, 14% were subject to violence during pregnancy.

Of particular concern is the situation in the Kurdistan region, where so called "honour killings" are widespread.

The KRG Ministry of Human Rights (KRG MOHR) reported that between January and August 2008, 77 women were killed in honour killings. The KRG reported that there were 528 honor killings in 2007; civil society observers and UNAMI - in its human rights report – considered the number to err on the low side. According to the UN Secretary General's latest report on Iraq, almost daily murders, alleged suicides and other suspect "honour crimes" were reported in the Kurdistan region.<sup>94</sup>

On the workplace, weak labour laws and the lack of an equal opportunity employment law leave women vulnerable to arbitrary dismissal. The deteriorating security situation disproportionately affects women's ability to work outside the home.

Only 17% of women participate in the labour force (compared to 81% of men). In 39 of Iraq's 115 districts women's labour force participation is significantly lower than the national average (below 11% in 28 districts; below 6% in 11 districts).<sup>95</sup>

<sup>94</sup> Report of the UN Secretary-General cited, February 20, 2009

<sup>95</sup> WFP, VAM 2007



A serious problem is the condition of widows, in a country that has been devastated by decades of wars.

Although no official figures on their exact number exist, estimates range between 740,000 and 2 millions, of a total of 8.5 million women.

According to recent UN figures, one in 10 Iraqi households are headed by women, more than 80% of whom are widows.

Current stipend government for widows is about \$ 50 a month with an additional \$ 12 per child. According to GOI figures, only about 120,000 widows (roughly 1 in 6) receive any state aid.

In politics, Iraq's Constitution stipulates that 25% of the members of the COR should be women. There are currently 75 female MPs, out of a total of 275 lawmakers. They chair only two of the 37 Parliament's standing committees. Five of the 37 Cabinet ministers are women: Minister of Human Rights, Environment, Housing and construction, Ministers of State for Women's Affairs and for Provincial Affairs.

A recently released survey by Oxfam International (with data collected by the Iraqi partner organization "al Amal" on a sample of 1,700 women in 5 of the 18 provinces of Iraq) revealed that everyday lives had worsened in many cases for Iraqi women, despite the improved overall situation in the country.

A large proportion said access to basic services had worsened, they had become more impoverished, and their own personal safety remained a pressing concern.<sup>96</sup>

## *Children*

Almost half the population of Iraq is younger than 18. Even before the US-led invasion of March 2003, many children were highly vulnerable to disease and malnutrition, and 13 years of UN-imposed sanctions had taken a heavy toll on them.

In late April 2008, following a six-day visit to Iraq, the UN Secretary General Special Representative for Children and Armed conflict, Radhika Coomaraswamy, described the situation of children in Iraq as "quite intolerable", especially in the centre and south of the country.<sup>97</sup>

Quoting figures from UNICEF, WHO, and other UN agencies, she said that:

- ü 30% of children showed signs of high stress due to violence and armed conflict
- ü 80% of children in Basra and other places showed psychological symptoms
- ü 1% of children were orphaned by both parents and 6% by one parent<sup>98</sup>

Coomaraswamy also reported that as of April 2008 some 1,500 children (aged below 18) were known to be in detention facilities, both by the Government of Iraq (1,088) and the so-called "Multinational Force" – in fact, in US custody - (500, then reduced to 360 by the time the report was released, in August 2008).

<sup>96</sup> "In Her Own Words: Iraqi Women Talk about Their Greatest Concerns and Challenges", March 8, 2009

<sup>97</sup> News conference at UN Headquarters, April 30, 2008

<sup>98</sup> Office of the UN Secretary General Special Representative for Children and Armed Conflict, Report, Visit to Iraq and the Region, 13-25 April 2008



Iraqi children are heavily affected by violence. According to the MOHR, 376 children were killed and 1,594 wounded from various acts of violence during 2008.<sup>99</sup>

In April 2008, the UN Undersecretary General for Humanitarian Affairs, John Holmes, said 4% to 9% of Iraqi children suffered from acute malnutrition.<sup>100</sup> About 21.8% of children are stunted, reflecting a poor level of chronic malnutrition, according to the CFSVA.<sup>101</sup>

Despite laws against child labour, children often work illegally on farms or in street commerce. Children from poor families often work as seasonal labourers in rural areas or beg or peddle in urban settings. In 2008 there were anecdotal reports of children working in hazardous family-owned automobile shops or on construction sites.

NGOs and international organizations noted increasing numbers of street children since mid-2007.

There are also reports of children trafficking. On January 29, 2008, the local press reported that two Swedish journalists discovered a market for selling children in Baghdad. On February 26, 2008, Tariq Al Tai'e, chairman of the Baghdad-based NGO "Iraqi Human Rights Justice Centre", stated his centre was following 16 cases of missing children.

Anecdotal evidence and media reports suggested that some victims of trafficking were taken from orphanages and other charitable institutions by employees of these organizations. The Iraqi Ministry of Labour and Social Affairs (MOLSA) and the Minister of State for Women's Affairs continue to accuse private orphanages of involvement in these activities.<sup>102</sup>

## *Media*

The overthrow of Ba'athist regime which followed the US-led invasion of March 2003 opened up the country's media. Hundreds of newspapers, radio, and television stations have mushroomed since 2003. Usage and access to the Internet has also considerably increased.

Yet, this is just a semblance of freedom.

Many – if not most of - newspapers, radio, and television stations belong to or are associated with Iraq's many political parties and groups.

The law restricts media organizations from incitement to violence and civil disorder, and expressing support for the banned Ba'ath Party, or for "alterations to Iraq's borders by violent means." It also prohibits reporters from publishing stories that defame public officials. Many in the media complain of widespread self-censorship.

The rulers of the "new Iraq" have a long story of imposing restrictions on the media and hampering the work of journalists. They've closed down media organizations on charges of "inciting violence" or "stirring up religious and ethnic passions".

In November 2003, Jalal Talabani, then holding the rotating presidency of the Iraq Governing Council, temporarily banned the Arab satellite TV *al Arabiya* from broadcasting footage from Baghdad, after it aired an audiotape said to be from the former Iraqi president Saddam Hussein, who was still at large then.

<sup>99</sup> US Department of State, 2008 Report on Human Rights cited

<sup>100</sup> News Conference in Amman, April 4, 2008

<sup>101</sup> CFSVA cited

<sup>102</sup> US Department of State, 2008 Report on Human Rights cited



In July 2004, the interim Prime Minister Iyad Allawi established a new "Media Higher Commission" to impose restrictions on print and broadcast media.

In August 2004, Allawi's interim government closed down the Baghdad offices of al Jazeera TV, claiming its reporting of insurgent activities contributed to the instability in the country.

In September 2006, the current government ordered al Arabiya TV to shut down its Baghdad operations for one month (the order came apparently from the office of Prime Minister Nouri al Maliki), because it was "inciting sectarian violence".

In 2006, the government also briefly banned journalists from parliament and the international press centre in Baghdad's Green Zone.

In November 2006, the Interior Ministry announced the establishment of a special unit to monitor news coverage, and vowed to take legal action against journalists who failed to correct stories the ministry deemed to be incorrect.

In May 2007, the Interior Ministry decided to bar photographs and cameramen from the scenes of bomb attacks.

According to UNAMI reports on Human Rights in Iraq, journalists and media workers remain one of the most vulnerable professional groups throughout the country (including Kurdistan), being subjected to threats, targeted violence, kidnapping and assassination.

Iraq is considered the deadliest place in the world for journalists. According to the New York-based Committee to Protect Journalists, 136 journalists have been killed in Iraq since the US-led invasion in 2003 – 114 of them Iraqis. Another 51 media support workers have been killed during the same period.

According to the Journalistic Freedom Observatory (JFO) - an Iraqi NGO, violence against journalists rose by 60% in the year beginning May 2007. There were 88 violent incidents, harassment and threats by the Iraqi Security Forces; 30 arrests, and 9 criminal defamation lawsuits by government officials.

Hundreds of Iraqi journalists have been forced into exile in recent years. Most fled to Jordan or Syria, after receiving threats or surviving murder attempts. Iraqi journalists face the unique danger of being targeted by multiple groups: Sunni and Shiite militias, al Qaeda in Iraq, Iraqi police and security forces, and US forces, said a 2008 report by Reporters sans frontières (RSF).

According to RSF estimates, 200 Iraqi journalists have fled to Jordan, while the precise numbers of those who have escaped to other countries – including Europe and North America – are still not known precisely.

In June 2008 the CPJ reported that at least 82 journalists had fled their countries in the last 12 months – more than half from Iraq (22 journalists) and Somalia – the world's deadliest countries for the press in 2007.

The situation shows no signs of improving.

According to the US Dept of State annual Human Rights Report, in 2008 there were numerous accounts of intimidation, threats and harassment of the media by government officials. Media workers often reported that politicians pressured them not to publish articles criticizing the government. The threat of legal action was used actively against media workers.



On January 27, 2008 the editor-in-chief of the state-owned *al-Sabah* newspaper fired several editors on requests from Members of Parliament after the newspaper published several articles criticizing MPs salaries and other financial benefits. On February 20, 2008 journalists in Basra reported that the governor threatened a journalist for criticizing conditions in the province.

Security forces frequently harassed local journalists. On October 9, 2008 35 journalists were detained inside the COR for one hour after they filmed an argument between lawmakers.<sup>103</sup>

Nor is the situation better in the area under the Kurdistan Regional Government (KRG).

The UN Secretary General's latest report on Iraq noted that in the Kurdistan region journalists continued to be subject to violent attacks, threats and lawsuits, despite the entry into force of a liberal media law, passed by the Kurdistan National Assembly (Kurdish Parliament) on September 22, 2008.<sup>104</sup>

Among the provisions of the law, which came into force in October 2008, is the abolition of jail terms for defamation. However, libel remains a criminal offense in the Kurdish region, and judges have issued arrest order for journalists on this basis. In 2008, journalists were sometimes imprisoned while police investigated the veracity of the information they published.<sup>105</sup>

A few notable independent media outlets – including the newspapers *Hawlati* and *Awene*, *Lvin* magazine, and Radio Nawa – make a good job of covering government and party corruption.

According to the US Dept of State annual Human Rights Report, in 2008 there was a marked increase in intimidation of independent journalists by extrajudicial means in the KRG region. Local security forces harassed and jailed editors of major independent publications for publishing articles that were critical of the KRG or Kurdish party officials, especially for alleged corruption.

For example, on January 29, 2008, President Talabani filed a criminal defamation lawsuit against the editor-in-chief of *Hawlati* for printing an article originally published abroad that criticized the president. On July 20, 2008, a journalist, Sherzad Shakhani, was sentenced to one month in prison reportedly because of a disagreement with the Irbil governor.

On July 3, 2008, the Kurdistan Journalists' Syndicate published a report accusing KRG security forces of routinely using violence against journalists. On August 4, 2008, the CPJ issued an open letter to KRG President Barzani condemning the July 22 killing of *Lvin* magazine reporter Soran Hama and several other attacks against journalists. *Lvin* Editor-in-Chief Ahmed Mira claimed that the killing was likely a result of *Lvin*'s critical stance toward the Kurdish parties operating in Kirkuk. The KRG took no action to help solve the Soran Hama case, claiming that it lacked jurisdiction because the killing happened outside the area currently under the jurisdiction of the KRG.<sup>106</sup>

UNAMI latest report on HR in Iraq devotes a full section to “Freedom of expression in Kurdistan Region” detailing numerous cases of intimidation and/or arrest of media professionals, particularly those who had reported on issues of public interest.<sup>107</sup>

<sup>103</sup> US Department of State, 2008 Report on Human Rights cited

<sup>104</sup> Report of the UN Secretary-General cited, February 20, 2009

<sup>105</sup> US Department of State, 2008 Report on Human Rights cited

<sup>106</sup> US Department of State, 2008 Report on Human Rights cited

<sup>107</sup> UNAMI Human Rights Report, 1 January-30 June 2008



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Following a two-week fact-finding mission in 2007 to Irbil and Sulaimaniya, in May 2008 the CPJ released a report highlighting the challenges facing journalists in the Kurdistan region, and called upon the KRG to publicly condemn violence against and intimidation of the media.

Yet “many newspapers continue to practice self-censorship, and independent journalists are dissuaded by their editors from reporting misconduct by influential politicians ... Intelligence apparatus ... have been implicated in intimidating and threatening journalists with injury and death”, UNAMI said.<sup>108</sup>

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<sup>108</sup> Ibid.



## Iraq's Major Media Organizations

### Newspapers

#### *Independent:*

Azzaman	Al Dustur
Al Mada	Al Mashriq
Al Sabah al Jadid	

#### *Kurdish Independent:*

Hawlati	Awene
Lvin (Magazine);	

#### *State-controlled:*

al Sabah <sup>109</sup>	
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#### *Party-affiliated:*

Al Adala (ISCI)	Al Bayan, al Da'wa (Da'wa)
Dar al Salam (Iraqi Islamic Party)	Al Basair (Association of Muslim Scholars)
Al Bayyina (Iraqi Hezbollah)	Khabat (KDP – in Kurdish)
Al Taakhi (KDP – in Arabic)	Kurdistan Nuwe (PUK – in Kurdish)
Al Ittihad (PUK – in Arabic)	

### Broadcast media

#### *State-controlled TV:*

Al Iraqiya <sup>110</sup>	
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#### *Independent, private TV channels:*

Al Sharqiya	Al Diyar
Al Baghdadiya	Al Fayha
Al Sumariya	

#### *Kurdish Independent:*

Radio Nawa	
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#### *Party-affiliated:*

Al Furat TV (ISCI)	Rafidain TV, Baghdad (IAF)
Kurdistan Satellite Channel (KDP)	Kurd Sat TV (PUK)

<sup>109</sup> Part of the Iraq Media Network, established by CPA Order 66, March 20, 2004

<sup>110</sup> Part of the Iraq Media Network



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## *Minorities*

Iraq is home to several minorities, some of the oldest communities in the world, now threatened with extinction.

According to a report by the London-based Minority Rights Group International (MRGI), released in February 2007, half of the minority communities in Iraq, once 10% of the total population, have fled.<sup>111</sup>

Christians, Yazidis, Assyrians, Mandeans, to name just a few, have all been targeted since the US-led invasion of March 2003, and their number is dwindling. According to UNHCR, 30% of the some 2 million Iraqis who have fled to Jordan, Syria and elsewhere come from the minorities.

Though Western media mostly focus on violence against Christians, the other minority communities are also suffering.

The Sabean-Mandeans, a very old community, had dwindled from 13,500 in 2001 to roughly 4,000 in 2006.<sup>112</sup>

As of late 2006, half of the 1.5 million Assyrians living in Iraq before 2003 had left the country.<sup>113</sup>

Of particular concern is the situation in Niniveh – a northern province once a real mosaic of Iraq's diversity, now one of the most violent places in the country. Members of minority communities continue to flee to the Kurdish semi-autonomous region to escape targeted violence, particularly against Christians.

Starting October 2008, after 14 people were killed, some 2,400 families – mostly Christians - were displaced from Mosul, the provincial capital, and the surrounding areas following what appeared to be a well-planned and systematic campaign of violence and intimidation, "with a political rather than criminal motivation", according to the UN SG latest report on Iraq.<sup>114</sup> Approximately half of them have returned, following decline of violence, according to UNHCR.

Yet even before the latest wave of violence in Mosul, more than 100,000 Christians had left Iraq since the fall of Saddam Hussein regime in April 2003. Many have fled to Syria and Jordan, and a significant number has sought refuge in the Kurdish region. Today Christians make up less than 4% of Iraq's population, and 40% of Iraqi refugees, according to UNHCR.

UNAMI reports that during the first half of 2008 minorities have continued to be targeted by organized armed groups, militias, and insurgents.<sup>115</sup>

The situation of Shabaks, Yazidis, Christians, and Turkmen in Niniveh and Ta'amim provinces is described as "particularly worrying", with attacks on minority groups being conducted with total impunity.

The situation of the 4,000 Sabean-Mandeans remains of serious concern. The Mandaean Human Rights Group (MHRG) recorded 42 killings, including of women and children, 46 kidnappings, 10 reported threats and 21 attacks between January 2007 and February 2008. MHRG reported that since 2003 more than 80% of the Mandaean community has fled Iraq.<sup>116</sup>

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<sup>111</sup> Preti Taneja, "Assimilation, Exodus, Eradication: Iraq's Minority Communities since 2003", Minority Rights Group International, February 2007

<sup>112</sup> UNAMI Human Rights Report, September-October 2006

<sup>113</sup> UNAMI Human Rights Report, November-December 2006

<sup>114</sup> Report of the UN Secretary-General cited, February 20, 2009

<sup>115</sup> UNAMI Human Rights Report, 1 January-30 June 2008

<sup>116</sup> UNAMI Human Rights Report above



Members of the Yazidi community also reported that they continued to be targeted by Islamists and discriminated against by the KRG throughout 2008. UNAMI reported that at least five Yazidis were killed in the first half of the year. A prominent Yazidi leader reported that Yazidis are restricted from entering the KRG and have to get KRG approval for finding jobs in Niniveh Province.

### *Palestinians*

Among other groups at risk are those refugees who were perceived to have been privileged by the former regime.

During Saddam Hussein's rule, Iraq was home to a large number of refugees, especially from Palestine and Syria, as well as some Iranians. Since 2003, these refugee communities are left without protection and receive no assistance.

Palestinians - who had settled in Iraq after 1948 - are the most vulnerable.

Only 15,000 out of an estimated 34,000 Palestinians refugees<sup>117</sup> now remain in Iraq, facing very difficult living conditions and subjected to repeated threats and attacks.

In early 2007 Palestinian media sources reported that there had been over 655 attacks against Palestinians killing at least 186.<sup>118</sup> Palestinians in Baghdad – in particular - fear for their lives and wish to leave. Baladiyah compound in Baghdad, the largest settlement of Palestinians in Iraq, with an estimated population of 4,000 to 7,000 – has been the target of several attacks. Many Palestinians have already left, though they have no valid travel documents and nowhere to go.

Some 3,000 Palestinians who have fled the violence in Iraq are stranded in inhumane conditions in two UN tent-camps (al Waleed and al Tanf) on the Iraq-Syria border, refusing to return to Iraq and refused entry by the Syrian authorities. According to UNHCR, they are in urgent need of resettlement.<sup>119</sup>

Despite the general reduction in violence, UNHCR reports that hundreds of Palestinians left Baghdad to seek refuge in Jordan and Syria during 2008.

Reportedly, Palestinians still experience arrest, detention, harassment and abuse by police, by individuals pretending to be police, and by the general public.<sup>120</sup>

A 2006 citizenship law prevents Palestinians from obtaining Iraqi citizenship. UNHCR is working with the Ministry of Displacement and Migration to provide ID cards to the 15,000 Palestinians remaining in Iraq.

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<sup>117</sup> UNHCR, 2003

<sup>118</sup> UNHCR: "UNHCR Deeply Disturbed by Security Forces Raid in Palestinian Area", March 16, 2007

<sup>119</sup> UNHCR: "Urgent Appeal for Resettlement of ex-Iraq Palestinians", October 14, 2008

<sup>120</sup> US Department of State, 2008 Report on Human Rights cited.



## Foreign military presence

In December 2008, Prime Minister Maliki of Iraq and US President George W. Bush signed a formal “Status of Forces Agreement” (SOFA), usually referred to as “security agreement”, reached after months of negotiations.

The agreement – which came into force on January 1, 2009, replacing UN resolutions authorizing the so-called “Multinational Force” - sets a timetable for the withdrawal of US military from Iraq, and stipulates that US “combat forces” must exit Iraqi cities, towns, and villages no later than June 30, 2009. All US troops must leave Iraq by December 31, 2009.

The security agreement, approved by Iraq’s COR on November 27, 2008,<sup>121</sup> should be voted on in a national referendum to be held by end July 2009 (as mandated by a resolution approved by the COR), which could trigger a termination of the agreement within a year, should the pact be rejected.

There are currently some 140,000 US troops in Iraq.

Non-US forces, once part of the so-called “Coalition” – 4,100 of them from Britain, now inside an air base near Basra International Airport, in the south – are due to leave Iraq by end July 2009, under separate agreements signed between Iraq and the governments of Britain, Australia, Romania, Estonia in late December 2008.

On February 20, 2009, US new president Barack Obama announced his plan to end the Iraq war. Under the plan, “combat operations” will officially end by August 2010 and combat troops will leave Iraq, while a “residual force” of 35,000 to 50,000 will remain, he said. All US troops will leave Iraq by end 2011, in accordance with the provisions of the “security agreement”.

On March 8, 2009, the US military announced that 12,000 troops are to be withdrawn by September 2009. No further major withdrawals are scheduled this year, it said.

The “security agreement” also changes the way the US military operates in Iraq.

Under its provisions:

- ü All US military operations must be carried out in agreement with the GOI and coordinated with Iraqi authorities
- ü US forces cannot detain or arrest an Iraqi except in accord with Iraqi laws and with a warrant signed by an Iraqi judge
- ü US forces cannot search Iraqi homes unless they have a valid warrant, except in the context of combat operations
- ü US forces personnel who commit felonies outside US bases while off-duty could be subject to prosecution under Iraqi laws.

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<sup>121</sup> The Bush Administration did not submit the agreement to Congress for approval



Currently, 13 of the 18 provinces of Iraq have been transitioned to the so called “Provincial Iraqi Control”:

- ü Muthanna (July 13, 2006)
- ü Dhi Qar (September 21, 2006)
- ü Najaf (December 20, 2006)
- ü Maysan (April 18, 2007)
- ü Irbil, Sulaimaniya, and Dohuk (May 30, 2007)
- ü Karbala (October 29, 2007)
- ü Basra (December 16, 2007)
- ü Qadissiya (July 16, 2008)
- ü Al Anbar (September 1, 2008)
- ü Babel (October 23, 2008)
- ü Wasit (October 29, 2008)

Planned transitions in 2009 include Salahuddin, Ta’amim (Kirkuk), Diyala, and Niniveh, culminating with the planned transition of Baghdad in June 2009.<sup>122</sup>

### *US Military bases*

As of November 9, 2008, the “Multinational Force – Iraq” had a total of 54 tracked bases (called “Contingency Operating Bases” and “Contingency Operating Sites”) and some 232 “Contingency Operating Locations”.

“Contingency Operating Bases” is the new term adopted by the Pentagon (in 2005) to refer to the “enduring bases” – huge facilities located in different areas of Iraq, which had been chosen for long-term development.

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<sup>122</sup> Pentagon Report to Congress cited



## Key US facilities in Iraq:

Balad Air Base (also known as Camp Anaconda) located 68 miles north of Baghdad
Al Asad Air Base (also known as Camp al Asad) located about 120 miles west of Baghdad, near the Euphrates town of Khan al Baghdadi
Al Qayyara Air Base (also known as Forward Operating Base Endurance) located about 50 miles west of Mosul, in the north
Tallil Air Base (also known as Camp Adder), located 14 miles south west of Nassiriya, in the south.
Camp Victory/Camp Liberty, a complex near Baghdad International Airport, where the US military command has its headquarters.



Base map source: UN Cartographic Section, Vmap0.  
Data source: War and Occupation in Iraq, Global Policy Forum and Partners (2007).  
Projection: Lambert azimuthal equal-area, Central meridian 40E, Latitude of origin 40N.  
Created by: Akiko Harayama, 27 April 2007.  
Contact: Global Policy Forum, [gpf@globalpolicy.org](mailto:gpf@globalpolicy.org).

The boundaries and names shown and the designations used on this map do not imply endorsement by Global Policy Forum.



Under the new “security agreement”, Iraq owns all the “agreed facilities and areas” (this is the term defining US military bases) provided for the use of US combat forces. These must be returned to the Government of Iraq by US forces “upon their withdrawal”, including those built, altered, or improved by the US forces. The return of bases by the US forces is to be implemented according to mechanisms and priorities set forth by an Iraqi-US joint committee.

### *Contractors*

As of November 2008, over 170,000 *contractors* were working for the military and other US agencies in Iraq, providing various services – more than the total number of US troops in the country.

According to US Administration figures, only 17% of them were Americans, about half were Iraqis, and a third were workers from third countries.<sup>123</sup>

The number of the so-called “security contractors” – those employed in Iraq’s private security industries (in fact, mostly mercenaries) – was close to 30,000, according to Lawrence Peter, director of the Private Security Company Association of Iraq.<sup>124</sup>

Of these, some 3,000-5,000 were expatriates, mainly from the US, Britain, and Australia. Some 5,000-10,000 were third-country nationals, and around 15,000 were Iraqis.

All contractors had so far been granted immunity from Iraqi law.

Under the new “security agreement” between Iraq and the US, “Iraq shall have the primary right to exercise jurisdiction over United States contractors and United States contractor employees” – which means that “contractors” could now be prosecuted under the Iraqi law should they commit any crime.

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<sup>123</sup> New York Times, December 1, 2008

<sup>124</sup> Financial Times, December 30, 2008



## POLITICAL PROCESS

On January 30, 2005 Iraq held its first elections - for a transitional National Assembly leading to a Transitional government charged with drafting the new Constitution. Elections were also held on the same day for the 18 Provincial councils and the Kurdistan National Assembly (Kurdish parliament).

Sunni Arabs mostly boycotted the poll, resulting in Shiite-Kurdish domination at both national and local levels.

Iraq adopted a new Constitution in October 2005.

On December 15, 2005 new elections were held for a full four-year term government under the new Constitution. This time some Sunni Arabs fielded electoral slates – the main ones being the Iraqi Accord Front (IAF), a coalition of religious, fundamentalist forces, and the Iraqi Front for National Dialogue (IFND), a coalition of nationalist, neo-ba'athist groups. Yet Shiite and Kurdish sectarian parties still won a plurality of votes.

The Constitution provides for an executive branch made up of the Presidency Council (President and two vice-presidents), for the first legislature only; and a Cabinet, headed by a Prime Minister.

The main body of the legislative branch is the Council of Representatives (COR), elected every four years. The COR elects the president and his two deputies. The Prime Minister, who wields executive power, is selected from the largest block in parliament.

The Presidency Council, in office since April 22, 2006, includes President Jalal Talabani – a Kurd and leader of the Patriotic Union of Kurdistan (PUK), one of the two main Kurdish parties - and vice presidents: Adel Abdel Mahdi (a Shia, and prominent member of the Islamic Supreme Council of Iraq - ISCI) and Tariq al Hashimi (a Sunni Arab, leader of the Iraqi Islamic Party).

On May 20, 2006, Parliament voted confidence to the Cabinet led by Prime Minister Nouri al Maliki (a leader of al Da'wa, Iraq's oldest Shia religious party).

The current government of Iraq is basically a Shiite-Kurdish coalition government. The major players are the two leading Shia parties (al Da'wa and ISCI – formerly the Supreme Council for the Islamic Revolution in Iraq – SCIRI ) and the two main Kurdish parties – the Kurdistan Democratic Party and the Patriotic Union of Kurdistan.

There are 40 government positions in total, including 2 deputy prime ministers (one is a Kurd, Barham Salih, and one a Sunni Arab, Rafie al Issawi), and 37 Cabinet ministers – 26 ministers and 11 ministers of State. Five ministers are women (Environment, Housing and Construction, Human Rights, and the Ministers of State for Women's Affairs and Provincial Affairs).

In April 2007 the six ministers from the bloc loyal to Shiite leader Muqtada al Sadr withdrew from the Cabinet, followed by the six ministers from IAF (one of them a deputy Prime Minister), on August 1 of the same year.

On July 19, 2008 the IAF rejoined the government, with 6 ministers, including a deputy Prime Minister.

The Iraqi Parliament (Council of Representatives – COR), elected in December 2005, held its first session on March 16, 2006.



## Parliament Blocs

Total: 275 seats

### Shia

United Iraqi Alliance\*: 81 seats (originally 128)

\*Shiite coalition of religious parties including Da'wa, ISCI, and other minor groups

Sadrists: 32 seats (originally part of UIA – left on Sept. 15, 2007)

Fadhila: 15 seats (originally part of UIA – left on March 7, 2007)

Risaliun\*: 2 seats\*a pro-Sadr list

### Kurdish

Kurdistan Alliance\*: 53 seats

\*A coalition including the two main Kurdish parties (PUK and KDP) and other minor Kurdish parties

Kurdistan Islamic Union: 5 seats

### Secular, Nationalist

Iraqi National List\*: 25 seats

\* A coalition of various nationalist forces led by former Prime Minister Iyad Allawi

Mithal al Alusi List: 1 seat

Reconciliation and Liberation Front\*: 3 seats

\*Group led by Misha'an al Juburi

### Sunni Arab

Iraqi Accord Front\*: 44 seats

\* Originally a coalition of 3 religious forces: Iraqi Islamic Party, Iraqi National Dialogue Council, General Conference for the People of Iraq

Iraqi Front for National Dialogue \*: 11 seats

\* A coalition of nationalist, neo-ba'athist forces, led by Salah al Mutlak

Since late 2008, the IAF has split, with the Iraqi National Dialogue Council leaving the coalition.

In February 2008, IFND leader Salah al Mutlak announced a new bloc – the "Arab Bloc for National Dialogue" - after merging his group with some independents who used to be part of IAF.

The current situation regard the two Sunni Arab blocs is unclear: In total, they have 55 seats.

### Minorities

Rafidain List (Christian): 1 seat

Turkmen: 1 seat

Yazidis: 1 seat



## The Kurdistan Regional Government

The semi-autonomous region of Kurdistan, made up of the three northern governorates of Dohuk, Irbil, and Sulaimaniya, has enjoyed de facto self-rule since 1991, following the Gulf War.

It is now recognized as a federal region under Iraq' Constitution, with its own executive (the Kurdistan Regional Government – KRG), president (Mas'ud Barzani, elected on June 12, 2005), and a 111-seat legislature (the Kurdistan National Assembly – KNA), elected on January 30, 2005.

Prime Minister is Nechirvan Barzani – Mas'ud Barzani's nephew.

New parliamentary elections are scheduled for May 19, 2009.

The Kurdish region also has its own militia – the 100,000-strong *Peshmerga*, in charge of security in the KRG-controlled territory.

At a national level, the Kurds remain fully engaged in the political structure in Baghdad, but they're increasingly at odds with Prime Minister Maliki over the lack of progress in resolving the status of Kirkuk and other so-called "disputed territories".

On Kirkuk and disputed areas, the Kurds insist on eventual implementation of article 140 of the Constitution that mandated a referendum on whether Ta'amim province (of which Kirkuk is the capital) and other disputed territories (currently part of Ninive, Salahuddin, Diyala, and Wasit provinces) will join the KRG.

The referendum, constitutionally mandated to be held by December 31, 2007, was initially delayed by 6 months (until June 2008) at the urging of the United Nations – with the active support of the Bush administration. No new date has been set, while UNAMI is working on a "grand deal" for all disputed areas, including oil-rich Kirkuk<sup>125</sup>, to be submitted to the Iraqi government, who has the final say.

Another hotly debated issue between Baghdad and the KRG is control over oil revenue and development of oil and gas resources.

Iraq's central government opposes the KRG decision to move forward on oil and development deals (following the approval of its regional Oil and gas Law in August 2007), in advance of a national hydrocarbon law.

As of September 2008, KRG had signed more than 20 deals with International Oil Companies, including Genel (Turkey), Hunt Oil (US), Dana Gas (UAE), DNO Asa (Norway), and SK (South Korea).

Oil Minister Hussein al Shahrstani has called the deals "illegal" and threatened to blacklist the foreign companies that signed them, preventing them to work in the rest of Iraq.

The Kurdish region receives 17% of the national budget, despite Iraqi Arabs attempts to cut the allocation to 13%. Kurds, on their part, agreed to abide by a revenue share determined by a national census to be held.

Kurdistan is currently the only federal region in Iraq. The law on the formation of federal regions was passed by COR in October 2006, by a narrow margin – on condition that its implementation be postponed by 18 months (until April 2008).

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<sup>125</sup> Kirkuk reportedly sits on at least 10% of Iraq's total proven oil reserves



Though some Iraqi political forces support a loose federation of regions (with ISCI advocating a Shia "mega-region" including the 9 provinces of central-southern Iraq), so far there has been only one attempt to establish regions on the model of Kurdistan.

A petition introduced on December 15, 2008 to trigger a referendum that might have turned Basra province into a federal region failed to collect the required number of signatures (10% of the province's voters).

### *Amendments to the Constitution*

Iraq's Constitution was approved in a national referendum on October 15, 2005, and passed by a narrow margin – coming close to being defeated in the three Sunni provinces of al Anbar, Ninive and Salahuddin.

The final text contained an article that promised a special constitutional amendment process, within a 6-month deadline, intended to mollify Sunni Arabs, who opposed several aspects of the new Constitution, and prevent them from boycotting the referendum.

A Constitution Review Committee (CRC) made up of 29 members representing the political blocs in Parliament, was established in late 2006. It was supposed to submit a set of recommended amendments within a 4-month deadline to be voted as a package in a national referendum within 2 months of approval by the COR.

The CRC submitted its first report to COR in May 2007. Second report came in mid-July 2008, but no consensus was reached on a number of issues that remained contested, among these, federalism and the management of oil and gas resources.

Deadlines for final recommendations were repeatedly extended, and deadlock remains over 50 amendments covering fundamental issues. These include the powers of the President of the Republic, the Prime Minister and the ministers; provisions related to oil and gas regulation; the respective powers of regions and governorates, articles 140 (Kirkuk and "disputed territories" ) and 41 (Personal status law).<sup>126</sup>

### *2009: a year of elections*

On January 31, 2009 elections were held in 14 of Iraq's 18 provinces (vote was postponed in Ta'amim province, with capital Kirkuk, while the three Kurdish provinces organized in a region – Dohuk, Irbil, and Sulaimaniya – are due to hold elections later).

Election results saw a strong showing of Prime Minister Maliki's coalition - the "Rule of Law" alliance - that won in 10 out of 14 provinces, including Baghdad, where it displaced ISCI as the ruling force, with 38% of votes.

Overall, the provincial elections appear to have strengthened nationalist forces committed to a unified Iraq with a strong central government in Baghdad.

The poll also saw a remarkable participation by Sunni Arabs (who had largely boycotted previous elections). Though national turnout was 51%, it reached 65% in Salahuddin – a predominantly Sunni province.

This resulted in reversing Kurdish control of local governments in some provinces – particularly Niniveh and Diyala.

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<sup>126</sup> Report of the UN Secretary-General cited, November 6, 2009



Further elections which could shape Iraq's future are scheduled in 2009:

- ü National elections for a new COR should be held later this year, or in early 2010.
- ü Elections for the Kurdistan National Assembly are scheduled for May 19
- ü District and sub-district elections across Iraq should take place by end July.
- ü End July 2009 is also the deadline for a national referendum on the SOFA.