



MEASURING THE BENCHMARKS: AN INTERIM REPORT

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EXECUTIVE SUMMARY

For the past six weeks, the National Security Network has been systematically evaluating the progress that is being made in Iraq on the 18 benchmarks outlined by the President and Congress. Now, as the President prepares an interim report for Congress, NSN is releasing this interim report summarizing progress on key benchmarks.

The policy that the President outlined in January was based on the premise that the security situation had deteriorated to a point where no political progress was possible. His policy was based on improving security through greater troop deployments and traditional counterinsurgency methods. According to his plan, the Iraqi government would assume greater responsibility for providing security and take complete control of security in November 2007. The improved security situation would allow for more political space where deals could be struck on key political benchmarks that would bring about national reconciliation.

Since the President announced his “surge” policy, more than 25,000 troops have been sent to Iraq, approximately 600 have been killed and more than 3,000 have been wounded. Meanwhile, Americans are now spending \$10 billion per month on the war.

Unfortunately, this investment has yielded no real progress. The President’s policies have failed to bring security to Iraq. The country remains mired in multiple civil wars with Sunnis fighting Shi’as, Sunnis fighting each other in Anbar and Diyala, Shi’as fighting each other in the South, and Kurds fighting Sunnis around Kirkuk and Mosul. Iraqi Security Forces, who are supposed to be taking on greater responsibilities, cannot be trusted to enforce the law fairly, and all too often turn on American troops or take part in sectarian violence. Meanwhile, the Iraqi government is teetering on the verge of collapse. One third of the Cabinet, including the major Sunni party as well as the party of Muqtada Al Sadr, is currently boycotting the government. Without the participation of these groups there can be no meaningful progress on any of the key political benchmarks including the oil law, de-Baathification, or amending the constitution.

The President’s “surge” has failed to bring about stability or political reconciliation. The chances of a dramatic shift that might change the situation are extremely unlikely.

Iraqi Security Forces

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| <i>1) Providing three trained and ready Iraqi brigades to support Baghdad operations</i> |
| <i>2) Ensuring that the Iraqi Security Forces are providing even-handed enforcement of the law</i> |
| <i>3) Increasing the number of Iraqi security forces units capable of operating independently</i> |

It has been almost 750 days since President Bush first declared that, “As Iraqis stand up, we will stand down.” Unfortunately, Iraqi security forces are still incapable of providing security. Because of their poor performance and lack of manpower, the President’s Baghdad Security Plan is far behind schedule. The actual number of available-for-duty forces is between one-half and one-third of the total forces cited by the Pentagon. Meanwhile, these forces cannot be trusted to enforce the law fairly. Numerous times, trained Iraqis have turned against American forces or

taken part in sectarian violence. Put simply, on this front the Administration is failing to meet its benchmarks for success and there is little sign that progress is likely.

De-Baathification

4) Enacting and implementing legislation on de-Baathification

In May of 2003, the Bush Administration enacted ill-conceived de-Baathification laws, which alienated the Sunni population, fomented sectarian divisions and established a recruitment pool for insurgents. Repealing the harsh de-Baathification laws is absolutely critical to bringing Sunnis back into the political fold in Iraq and achieving reconciliation. It has been more than a year since President Bush declared progress on this front and yet there is still no agreement. The latest attempt to amend the law was thwarted this spring by Ahmed Chalabi, a former ally of Neoconservatives, who used his position as head of the de-Baathification Commission to build opposition and block the legislation. With Iraq's government still in gridlock, progress in the near future appears unlikely.

Sectarian Violence

- 5) Reducing the level of sectarian violence in Iraq and eliminating militia control of local security.**
- 6) Enacting and implementing legislation establishing a strong militia disarmament program to ensure that such security forces are accountable only to the central government and loyal to the Constitution of Iraq.**

The President's "surge" has had little impact on the overall level of sectarian violence. The recent attack in Northern Iraq, which killed 150 people, is just the latest example of the lack of security. Meanwhile, the Iraqi government has yet to act on its promises to help disarm the Shi'a militias, who have stood down and allowed American forces to take on Sunni insurgents, while they reap the benefits. Even worse, a majority of Baghdad's residents continue to be supportive of the militias. Unless there is a massive and unforeseen change in conditions on the ground, sectarian violence and militia control are likely to remain at unacceptable levels.

Amending the Constitution

7) Forming a Constitutional Review Committee and then completing the constitutional review

Three years ago, the United States handed over power to a sovereign Iraqi government. Today, there is still no agreement on what this government's constitution should look like. While some progress has been made, Sunnis, Shi'a, and Kurds still cannot agree on key elements of their constitution. The committee established to look into these matters has missed numerous deadlines and is in gridlock. An inability to come to an agreement could lead to the eventual collapse of the government and an increase in violence in areas that have, to date, remained relatively peaceful—most notably the oil-rich city of Kirkuk.

The Oil Law

- 8) *Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shi'a Arabs, Kurds, and other Iraqi citizens in an equitable manner*

Agreeing on a system for fairly dividing oil revenues between Shi'a, Kurds, and Sunnis is crucial to national reconciliation. Unfortunately, the oil law—which was recently approved by the Cabinet and awaits passage through Parliament—does not accomplish this goal. Instead, the law has the potential to harden sectarian divisions and further exacerbate the ongoing civil wars. Sunni leaders have come out against the law, including an influential group of clerics who issued a religious edict condemning it. The largest Shi'a bloc in parliament opposes the law, and the leaders of the Kurdistan Regional Government have not agreed to the final version. Ramming through a major law that is opposed by key minority groups is not a recipe for reconciliation.

Even if the oil law were to pass, it still does not address many key questions on implementation. Moreover, oil production remains below prewar levels and corruption is causing massive losses. Unless these problems are addressed, the law itself is irrelevant.

Iraqi Security Forces

Initially Issued 6/7/07

“As Iraqis Stand Up, We Will Stand Down” – President Bush, [6/28/05](#)

THE BENCHMARKS [H.R. 2206]

- *Providing three trained and ready Iraqi brigades to support Baghdad operations.*
- *Ensuring that the Iraqi Security Forces are providing even handed enforcement of the law.*

Providing Iraqi Security Forces to Support Baghdad Operations

A House Armed Services Committee report issued in June found that the ability of Iraqi Security Forces to Provide Security was Questionable. According to the report the Pentagon “cannot report in detail how many of the 346,500 Iraqi military and police personnel that the coalition trained are operational today.” This, despite the fact that the U.S. has invested \$19 billion in training security forces. [Washington Post, [6/27/07](#)]

The President’s escalation is failing to meet its security targets partly due to a lack of Iraqi Security Forces. Three months after the start of the Baghdad Security Plan, American and Iraqi forces controlled less than one-third of the city’s neighborhoods, far short of the initial goal. Brig. Gen. Vincent K. Brooks said that while military planners had expected to make greater gains by now, that has not been possible in large part because Iraqi police and army units — which were expected to handle basic security tasks like manning checkpoints and conducting patrols — have not provided all the forces promised, and in some cases have performed poorly. [NY Times, [6/4/07](#)]

The number of available-for-duty security forces (including police) is only about one-half to two-thirds of the 330,000 Iraqis that is cited by the military. The discrepancy is due to the fact that many troops have gone AWOL, quit the military, or are on leave. [DOD, [3/2/07](#)]

Training Iraqi Security Forces was the core element of the Bush Administration policy in 2005 and 2006, but it went so badly it had to be scrapped. Military leaders in Baghdad planned to train 330,000 Iraqis for the Iraqi Security Forces. Once that was accomplished, those forces were to take control. Throughout 2006, Casey and top Bush Administration leaders touted the training as a success, asserting that eight of Iraq's 10 divisions had taken the lead in confronting insurgents. But in January of 2007 they acknowledged that the plan had failed and completely recalibrated the strategy. [McClatchy, [4/19/07](#)]

Evenhanded Enforcement of the Law

Iraqi Security Forces are often fighting for both sides. This past February soldiers killed a man setting a roadside bomb. When they searched the bomber’s body, they found identification showing him to be a sergeant in the Iraqi Army. “I thought, what are we doing here? Why are we still here?” said Sergeant Safstrom, a member of Delta Company of the First Battalion, 325th

Airborne Infantry, 82nd Airborne Division. "We're helping guys that are trying to kill us. We help them in the day. They turn around at night and try to kill us." [NY Times, [5/27/07](#)]

The sectarian nature of Iraqi forces is making it impossible to use them effectively. U.S. commanders say sectarian agendas have hurt the reliability of Iraqi security forces in some cases. Distrust of the predominantly Shi'a Iraqi police is so high in some Sunni districts of Baghdad that they cannot set foot in the areas except under U.S. military escort. [Washington Post, [6/4/07](#)]

Shi'a police officers have been implicated in sectarian killings. Shi'a policemen killed 70 Sunnis in Tal Afar as revenge for a bombing in a Shi'a neighborhood. In Diyala province, one Iraqi Army officer, a Shi'a, had been ridding the area of Sunnis, telling them, "If you don't leave this area, we'll come back and kill you." [CNN, [3/29/07](#). NY Times, [3/31/07](#)]

American forces videotaped Iraqi policemen helping plant an IED. Angered by the attacks on his soldiers, Colonel Patrick Frank ordered a video camera hidden near an area where patrols had been hit repeatedly. When the video was examined after another attack, it showed two Iraqi policemen talking with companions, who were heard off-camera, apparently laying an explosive device. Minutes after the policemen were seen driving away, the camera showed a powerful bomb detonating as an American Humvee came into view. [NY Times, [6/4/07](#)]

Iraqi Police are spied on within their own headquarters. "When Colonel Frank went to the Ameel police station recently accompanied by a reporter and asked for help in capturing a local Shi'a sheik believed to be behind the bombings, the police official he was meeting with spoke in a whisper. "They listen to us," he said, pointing to a ventilation grill on his wall. "I am in danger just by meeting with you." [NY Times, [6/4/07](#)]

De-Baathification

Initially Issued 6/14/07

“Earlier this month, Iraqi leaders announced they had reached an agreement on the need to address critical issues such as de-Baathification in the operation of security ministries, and the distribution of oil revenues in the spirit of national unity.” – [President Bush, [3/30/06](#)]

THE BENCHMARKS [H.R. 2206]

- *Enacting and implementing legislation on de-Baathification.*

Current Progress on the De-Baathification Law

A new de-Baathification law introduced in March was derailed by Shi'a lawmakers. On March 26, a draft law titled the Reconciliation and Accountability Law was circulated by Prime Minister Maliki's office. It put a three-month limit on the ability of people to bring lawsuits against former members of the regime after which they would be immune from prosecution, eligible for work in the public sector and would receive pension benefits. The law also weakened the power of the de-Baathification commission which had been used as a platform by the Shi'a government to exact revenge on Sunnis for past wrongs. The law was derailed by Muqtada Al Sadr's block in parliament and by Ahmed Chalabi. [NY Times, [6/13/07](#). [United Nations](#)]

Ahmed Chalabi, the former American ally supported by the Neoconservatives, was the main force in derailing the law. “[T]he law was stymied by Ahmad Chalabi, who headed Iraq's de-Baathification commission. Mr. Chalabi, the former Pentagon protégé, relies on the commission for an official role in Iraq's government. Having just renovated a spacious office in the Green Zone, he has strongly opposed any effort to weaken his position or the country's policy on former Baathists. According to a senior official with the commission, Mr. Chalabi and members of his organization sabotaged the American-backed plan by rallying opposition among Shi'a government officials in southern Iraq, then taking their complaints to Grand Ayatollah Ali al-Sistani, Iraq's most powerful Shi'a cleric. On April 1, Mr. Chalabi visited the Ayatollah's office in Najaf. He later appeared at a news conference, declaring that Ayatollah Sistani told him the law was incomplete and that ‘there would be other drafts.’” [NY Times, [6/13/07](#). [United Nations](#)]

The State of Iraq's Government

With almost one-third of the Iraqi government boycotting parliament, the Maliki government does not have consensus support to bring about effective political change. In April, Muqtada Al Sadr withdrew his 6 ministers from the cabinet and has since begun forming stronger ties with nationalist Sunni parties. With the second largest bloc in parliament, Sadr's party has the power to thwart initiatives supported by Maliki and the Bush Administration. The Sunni Iraqi Accordance Front is boycotting cabinet meetings because of disagreements with Prime Minister Maliki. One of Iraq's two vice presidents, Tarek al-Hashemi, a Sunni, remarked, “We haven't achieved anything after a year of participating in the government. We are depressed

and sidelined, especially in terms of decision-making.” [Washington Post, [5/19/07](#). Reuters, [7/02/07](#)]

The Iraqi Parliament remains in chaos. The speaker of the Iraqi Parliament, Mahmoud al-Mashhadani, was recently removed. He had previously gotten into a shouting match with a Shi'a Turkoman lawmaker, who then complained to fellow legislators that he was also assaulted by al-Mashhadani's guards. He also accused the Iraqi Parliament of supporting sectarian violence stating “Three-quarters of those sitting here are responsible for the displacements and the sectarian killings, and now you're calling yourselves patriots?” Washington Post, [6/11/07](#). NPR, [5/15/07](#)]

The Maliki Government has made no progress on any of the key political benchmarks. “The Maliki government has made insufficient progress on reversing de-Baathification, scheduling provincial elections, drafting a plan for national reconciliation, amending the constitution, or reaching a political agreement on disbanding the militias. The only progress to date has been a draft oil law that passed through the Iraqi Cabinet but has not yet been voted on by parliament and still faces significant opposition. [National Security Network & Center for American Progress, [5/17/07](#)]

The Origin of the De-Baathification Problem

The de-Baathification laws were one of the crucial policy mistakes that have gotten Iraq to where it is today. In May 2003, Paul Bremer, Bush's then-appointed administrator of Iraq, enacted a sweeping and ill-conceived set of de-Baathification laws to purge Iraqi society of the Baath party. Little consideration was given to whether a former Baathist was complicit in committing atrocities during the Saddam era, or whether they just joined the party to gain access to education and job opportunities (which were largely off-limits to non-party members). This has alienated the most educated, skilled, and politically connected members of Iraqi society from the political process; created a security vacuum which allowed for the fomenting of sectarian divisions; and established a large supply of angry, armed men for recruitment by insurgent and militia groups.

The de-Baathification policy was devised by a small group of political appointees in the Office of the Secretary of Defense and implemented by Paul Bremer, despite the objections of professionals on the ground. Experts on the ground objected to the de-Baathification decree and argued that it would instantly turn a large portion of the best educated and skilled members of the population against the United States. In fact, the initial pre-war plan agreed to by the White House, Defense Department, and State Department called for an extraordinarily limited purge of former Baathists. It was ignored by Bremer and DoD. [*Imperial Life in the Emerald City*]

The Bush Administration’s blanket process of de-Baathification failed to differentiate between Saddam loyalists and ordinary Iraqis who had no ideological ties to the party. This purge eliminated nearly all professionals and educated citizens from Iraqi society, regardless of whether they committed any criminal acts or only pledged allegiance in order to go to school or get a job. By removing Baathists from all levels of society, Bremer “crippled Iraq’s

institutions of governance and security and created half a million angry and jobless people in the process.” [Washington Post, 2/03/05]

The de-Baathification and the disbanding of the Iraqi security and intelligence services have, as one Special Forces soldier stated, “Uequivocally fueled the insurgency.” Many troops on the ground were shocked at the order to disband the army, asking their commanding officers “Does Bremer realize there are over 400,000 thousand of these guys out there and they all have guns? They all have to feed their families...” [The New Yorker, 11/4/04]

Sectarian Violence and Local Militias

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“The new government has a responsibility to deploy the growing strength of the Iraqi security forces to defeat the terrorists and insurgents and establish control over the militias.”

– [President Bush, [4/22/06](#)]

THE BENCHMARKS [H.R. 2206]

- *Reducing the level of sectarian violence in Iraq and eliminating militia control of local security.*

Reducing the Level of Sectarian Violence

Sectarian violence has remained constant despite the “surge.” Although sectarian violence in Baghdad dropped in the first two months of the surge, civilian casualties nationwide rose slightly and are now averaging more than 100 per day. Despite the early drop in sectarian killings, data from the Baghdad morgue gathered by *The Washington Post* shows the violence returning to pre-surge levels in May. [Washington Post, [6/13/07](#). Brookings Institution, [Iraq Index](#). Department of Defense, [6/07](#)]

Some of the ugliest instances of sectarian violence have occurred during the “surge”. In late March, a truck bomb in a Shi'a neighborhood killed 150 people. Shi'a controlled police units responded by systematically kidnapping and murdering 70 Sunnis. Just this past week, a suicide truck bombing in a remote village in northern Iraq claimed a death toll around 150, making it one of the deadliest single bombings, if not the deadliest, since the 2003 invasion. [CNN, [3/29/07](#). Atlanta Journal Constitution, [4/7/07](#), New York Times, [7/09/07](#)]

In response to an attack last weekend, the Sunni Vice President of Iraq called for arming citizens for self-defense at government expense. In response to a set of attacks this weekend Vice President Tariq al-Hashimi stated that, “The citizen has the right to be protected by the government and the security apparatus... but when there are failures there is no alternative or there is no escape but for people to defend themselves.” [Washington Post, [7/9/07](#)]

Eliminating Sunni Militia Control of Local Security

As the U.S. tries to establish greater control of local security, it is simultaneously working with Sunni groups in Anbar who have a history of fighting against American forces. With the increase in American troops showing only modest success in curbing insurgent attacks, American commanders are turning to a risky strategy: arming Sunni Arab groups promising to fight militants linked with Al Qaeda. American commanders acknowledge that the Sunni groups are suspected of involvement in past attacks on American troops or of having links to such groups. Some of these groups, they say, have been provided, usually through Iraqi military units allied with the Americans, with arms, ammunition, cash, fuel, and supplies. [NY Times, [6/11/07](#)]

The U.S. is giving local Sunni groups, who used to fight American troops, only eight days of training and letting them keep their guns. “In Iraq’s Anbar province, west of Baghdad, thousands of men have signed up to become police. But there aren’t enough academies to train them... A lot of these trainees were in the police or the army under Saddam Hussein. Some were part of Sunni tribal militias that until recently were linked to insurgent groups fighting U.S. forces... For now, these men get only eight days of training and at the end of it, they get to keep their gun and their uniform.” [NPR, [6/21/07](#)]

Eliminating Shi'a Militia Control of Local Security

Prime Minister Maliki promised to implement a program to eliminate the militias, but thus far, there has been no substantive progress. “The approval of a militia demobilization, disarmament, and reintegration (DDR) program may produce results in the future, but has not produced results to date. A DDR policy has only been verbally agreed to by Prime Minister Maliki and is not close to being executed.” [Department of Defense, [6/7/07](#). CSIS, [6/20/07](#)]

There has been little disarmament of Shi'a militias. While the “surge” has focused primarily on rooting out Sunni groups such as Al Qaeda in Iraq, Shi'a militia groups have been left largely untouched. The Shi'a militias will likely reemerge once U.S. force levels decrease. As CSIS expert Tony Cordesman explains, “Saying Coalition-reported murders in Baghdad ‘dropped 51% as militia activity was disrupted by security operations’ ignores the fact that the militias have simply stood aside while Coalition and Iraqi Security Forces have struck at Sunni extremist groups, and the militias can easily exploit such victories once the Coalition is not present.” [CSIS, [6/20/07](#)]

The majority of people in Baghdad are in favor of militias. “Militia will remain a problem as long as the public lacks confidence in the ability of the Iraqi Army and Police to adequately perform the protective role that militia claim in many communities... Establishing an effective DDR program will probably require technical assistance from the international community as well as broad support from within Iraq. In addition, the extent of the Iraqi public’s commitment to such a program is unclear. In Baghdad, a majority of residents report that militias act in the best interest of the Iraqi people. On a positive note, only 20% of respondents held this view nationwide.” [Department of Defense, [6/7/07](#).]

Amending the Constitution

Initially Issued 6/28/07

"Iraqis now have a fully constitutional government, marking the end of a democratic transitional process in Iraq that has been both difficult and inspiring. This broadly representative unity government offers a new opportunity for progress in Iraq."

— President Bush, [5/20/2006](#)

THE BENCHMARKS [H.R. 2206]

- *Forming a Constitutional Review Committee and then completing the constitutional review.*

Progress on Constitutional Reform

The initial version of the constitution drafted in 2005 was viewed as unfair by the Sunnis, who only accepted it after a clause was added to allow them to amend it later. The key issues regarding the constitution are: federalism, or the right of provinces to attain "regional" status with more power than one province alone, the future of a referendum on the status of the oil-rich city of Kirkuk, whether Iraq should be considered an Arab country, and the reduction of the power of the Prime Minister while granting more power to the President. The way the Constitution is currently structured, Sunnis are put at a significant disadvantage on all of these fronts. [NY Times, [6/13/2007](#). Iraq Slogger, [5/17/07](#)]

The Constitutional Review Committee has been slow to show progress. The Committee was originally scheduled to complete its work by May 15. Instead, it delivered a draft that did not address many of the key issues, and tried to pass the responsibility off to the political leadership. The deadline has been extended multiple times because of a failure to come to an agreement. A new draft is due at the end of July. One of the leaders of the Committee, Sheik Humam Hamoudi, believes that it might take even longer, stating that "We have not committed to doing it by September... Maybe the American Congress has made such a commitment, but we have not." [Washington Post, [6/27/07](#). NY Times, [6/13/07](#).]

Even if the Constitutional Committee came to an agreement on step one, actually getting the amendments passed would be extraordinarily complicated. The parliament must vote on the amendments after they make it out of committee. If they pass parliament, the amendments must then win a majority from the public in a nationwide referendum. As an additional hurdle, at least three of Iraq's eighteen provinces would have to register two-thirds approval. [Council on Foreign Relations, [05/15/07](#)]

The State of Iraq's Government

In the past, Shi'a politicians have made clear that they would be unwilling to compromise on the Constitution. One of the most powerful Shi'a politicians in Iraq, Abdul Aziz Hakim, said soon after the constitution had been approved that, "he would not allow a new government to 'change the essence' of the country's constitution, despite a promise made to Sunni Arabs that it would be opened to major revision." [Washington Post, [1/11/06](#)]

The Maliki government is losing the support of many of its own members, who have become frustrated with the lack of progress. Iraqi Vice President Abel Abdul Mahdi, a Shi'a politician, offered his resignation in June. "Other senior Iraqi officials have considered resigning over the failures of their government to make progress after more than a year in power, according to Iraqi and U.S. officials...A growing number of Iraqi leaders, including several fellow Shi'a, are expressing discontent with Maliki's ability to stanch the bloodshed, contain civil war, make progress on economic fronts, and share power with the minority Sunnis." Meanwhile, Sunni leaders are already boycotting the government. [Washington Post, [6/20/07](#)]

Equitable Distribution of Iraq's Oil Resources

Initially Issued 7/5/07

"The oil revenues of that country could bring between \$50 and \$100 billion over the course of the next two or three years. Now, there are a lot of claims on that money, but... We are dealing with a country that can really finance its own reconstruction and relatively soon."

- Paul Wolfowitz, [3/23/03](#)

THE BENCHMARKS [H.R. 2206]

- *Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shi'a Arabs, Kurds, and other Iraqi citizens in an equitable manner.*

The Current State of the Iraqi Oil Law

The Iraqi cabinet approved an amended draft oil law, but the law does not address most of the key issues. The law, which is unlikely to make it through Parliament, would create a federal oil and gas council that would review all contracts and determine how oil fields are explored and developed. However, it does not address key areas of contention such as how the revenues would be divided between Shi'a, Kurds and Sunnis or what role the Iraqi National Oil Company would play. [NY Times, [7/3/07](#). UPI, [7/6/07](#)]

The Iraqi cabinet approved an amended draft oil law, but the law was pushed through without the support of Sunnis or the Kurdistan Regional Government and faces major opposition in parliament. The oil law is important because it could help bring about national reconciliation by guaranteeing a fair division of oil revenues for Shi'a, Sunnis, and Kurds. Unfortunately, the law was approved by the cabinet while the Sunnis were boycotting the meetings. Muqtada Al Sadr's party, which represents the largest group of Shi'a, has also objected to the law and the leaders of the Kurdistan Regional Government have not yet seen the final draft. [LA Times, [7/5/07](#). AP, [7/4/07](#)]

Sunni leaders are opposed to the law, including a group of influential religious leaders who issued a religious decree against it. An influential group of Sunni Muslim clerics, the Association of Muslim Scholars, issued a religious edict declaring that whoever supports the law "will be exposed to God's wrath and will have committed the crime of collaboration with the enemy." A leader of the largest Sunni bloc in parliament warned that "Any draft law that is approved in the absence of the Iraqi Accordance Front only represents the groups that approved it...If there are some who want to cancel the voices of half of the Iraqi people then they take the responsibility." [LA Times, [7/5/07](#). AP, [7/4/07](#)]

One of the most influential Shi'a parties in parliament has already rejected the law. The head of the Sadrists bloc in parliament, Nassar al-Rubaie, said, "We reject this copy of the oil and gas draft law because it left nothing of Iraq's unity." [AP, [7/4/07](#)]

The leaders of the Kurdistan Regional Government are opposed to the law. While the Kurdish Ministers in the Iraqi Cabinet voted for the law, the regional government in Northern Iraq has yet to see a new version. Without its support the law is unlikely to pass. [AP, [7/4/07](#)]

The Iraqi government is in disarray. More than one-third of the 37 cabinet members were absent for the oil vote because of a boycott. BBC's Jim Muir, in Baghdad, says that, "Iraqi politics is in greater disarray than at any time since the 2003 invasion, and the bill's progress is unlikely to be smooth." The Sunni Iraqi Accordance Front, along with the Shi'a Sadr movement, is boycotting cabinet meetings due to disagreements with Prime Minister Maliki. One of Iraq's two vice presidents, Tarek al-Hashemi, a Sunni, remarked, "We haven't achieved anything after a year of participating in the government. We are depressed and sidelined, especially in terms of decision-making." [Washington Post, [7/03/07](#). Reuters, [7/02/07](#)]

Flaws with the Oil Law

Iraq's oil law will mean little if the government cannot secure the pipelines and improve the infrastructure. Current oil production is still only at 2 million barrels/day, down 20% from prewar levels. Sabotage of pipelines is still prevalent and there has been an inadequate amount of infrastructure investment. [Brookings Institution, [7/2/07](#)]

Corruption is still siphoning off a huge portion of Iraqi oil revenues. The head of Iraq's Public Integrity Commission, an Iraqi anti-corruption commission, said that Iraq has lost more than \$8 billion through corruption and mismanagement in the last three years. Additionally, "between 100,000 and 300,000 barrels a day of Iraq's declared oil production over the past four years is unaccounted for and could have been siphoned off through corruption or smuggling, according to a draft GAO Report. Using an average of \$50 a barrel, the report said the discrepancy was valued at \$5 million to \$15 million daily." The report also acknowledges that part of the discrepancy may be due to misstated numbers, sabotage, and other factors. [Center for American Progress, [6/07](#). NY Times, [5/12/07](#)]

The passage of a hydrocarbon law would only constitute a framework for managing Iraq's oil industry, but would not address many of the most difficult issues. "The draft law was expected to clearly assign roles, decentralize the development of oil and gas fields, centralize control of revenues, and grant regions and regional oil companies the right to draw up contracts with foreign companies for exploration and development of new oil fields... However, according to State Department officials, although the draft oil and gas law provides a necessary framework, some vital provisions, which will be in four annexes and companion legislation, have yet to be prepared." the GAO reported. [Washington Post, [7/01/07](#). GAO, [5/07](#)]

The oil law gives foreign companies access to the Iraqi oil fields but does require them to invest their earnings in the Iraqi economy, partner with Iraqi companies, hire Iraqi workers or share new technologies. The Iraq National Oil Company would have exclusive control of just 17 of Iraq's 80 known oil fields, leaving two-thirds of known — and all of its as yet undiscovered — fields open to foreign control. [International Herald Tribune, [3/13/07](#)]