

# BANNING TIES WITH ISRAEL, IRAQ SHAKES FINGER TO INSIDE AND OUTSIDE OF THE COUNTRY



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**Abstract:** Amid Iraq's months-long ongoing government formation crisis since the 1 October 2021 general elections, the Iraqi parliament has recently passed a law that criminalizes relations with Israel. Although the law at first glance seems to have covered up the political dead-lock and gathered all the rival groups in support of the law, it is in fact in closely related to the both domestic and regional relations surrounding Iraq. Therefore, this brief discusses the internal and external motivations for the law and how it will influence the future policies of Iraq's conflicted parties. The law will undoubtedly will be used by Iran and Tehran-allied Iraqi Shiite groups to keep the country in the Iranian axis, while in particular the Kurdistan Region of Iraq (KRI), Sunnis, pro-normalization supporters and regional countries that recently normalized relations with Israel will be negatively affected by the law.

## **Introduction**

On 26 May, the Iraqi Parliament passed a law criminalizing the normalization of diplomatic, political, military, economic, and cultural relations with the "Zionist entity," a reference to Israel.<sup>1</sup> The law was condemned in the West because of the possible call for death sentences for most offenses in the broadly defined category of normalization.<sup>2</sup> Despite the law closely following the 1969 law – which made Iraq one of the strongest opponents of normalization in the Middle East- passed by Saddam Hussein, the need for a new bill came in the aftermath of the Abraham Accords signed in 2020 in which the United Arab Emirates (UAE) and Bahrain charted a new course in the history of Arab-Israeli relations by recognizing Israel and normalizing diplomatic relations. Moreover, it is not a coincidence that the law was drafted at a time when the government formation processes were stuck and tensions high between Erbil and Baghdad.

275 members of 329-seat parliament voted in favor of the law that practically prohibits any possibility of normalization process with Israel. Justifying its opposition to Israel, Iraq highlighted its categorical rejection of normalization with the Jewish State. Although the law was proposed by influential Shia cleric Muqtada al-Sadr who effectively won the October 2021 of parliamentary elections, the biggest gain from the move is expected to come for Iran and Sadr's rivals, the Iran-backed Iraqi groups.

## **Beating the moderating actors in domestic politics**

The motivation for the law banning normalization in Iraq goes back a long history. Iraq has officially been at war with Israel ever since the latter's establishment in 1948. Iraq, which participated in three Arab military operations against Israel, adopted an active anti-Israel sentiment in the Arab world following the peace agreement signed between Israel and Egypt

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in 1979. Therefore, Israel consistently considered the Saddam Hussein regime as a major security threat.<sup>3</sup> Fearing that Iraq would develop nuclear weapons, Israel destroyed the Osirak nuclear facility built by Saddam in 1981 with an air strike.<sup>4</sup> Focusing on the war with Iran, Iraq retaliated in 1991 by dispatching dozens of Scud missiles to bomb Haifa and Tel Aviv.

After the US invasion of Iraq in 2003, the previous prohibitions and strong reactions were loosened, although no official ties were established with Israel. For instance, the regulation that prevents Iraqi passport holders to travel Israel was dismissed after the invasion.<sup>5</sup> Despite various individual contacts being established with Israel, the official reflexes against Israel did not change greatly. Two sons and bodyguard of Mithal al-Alusi, head of the Iraqi Ummah Party, were assassinated a few months after his first visit to Israel in 2004. Furthermore, after attending the “Anti-Terrorism Conference” held in Tel Aviv in 2008, the Iraqi Parliament demanded to lift Alusi’s parliamentary immunity on grounds of treason. Ruling in Alusi’s favor, the Federal Supreme Court overturned the parliamentary decision.<sup>6</sup> The decision pointed out that no legal obstacle existed to visit or establish personal contacts with Israel at that time.

However, after a high-level delegation consisting of 15 Iraqi Shiites and Sunnis made a series of visits to Tel Aviv in January 2019,<sup>7</sup> discussions on relations with Israel became one of the prominent agendas in the Iraqi political scene. Some pro-Iranian groups reacted to the visit by arguing that the participants’ identities should be disclosed and punished, Hassan al-Kaabi, pro-Sadr Deputy Speaker of the Iraqi Parliament, expressed that the delegation members should be investigated especially if they were deputies.<sup>8</sup> Taken against this backdrop, the recent law was proposed by Sadr’s Sairoon parliamentary bloc, and Sadr’s rival, the Iran-backed Shiite Coordination Framework -a coalition that brings together most Shiite factions- voluntarily supported the legislation move. What is surprising is that the Sunni Arab allies of Sadr, Parliament Speaker Mohammed al-Halbousi, and the Kurdistan Democrat Party (KDP) present also voted in favor of the law. Iran and Iran-backed Iraqi groups usually point to the existence of relations with Israel among the KDP and some Sunnis. Addressing the Iran-backed groups that hold the most fiercely anti-Israeli sentiment in the country, the firebrand Shiite cleric Sadr gave the message that he is the biggest

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patriot. Also, with the legislation move he may aim to curb criticism of his political allies' alleged relations with Israel.

Some of the Kurds -particularly the KDP- aimed to create a perception of distance from Israel by voting in favor of the recent law. The first Israeli Prime Minister, David Ben-Gurion, aimed to improve relations with non-Arab countries such as Iran, Turkey and Ethiopia, while supporting separatist movements in Arab societies, which he considered Israel as surrounded by during the Cold War.<sup>9</sup> In this context, Israel supported the Iraqi Kurdish movement against the Baath regime.<sup>10</sup> In 2008, at a conference attended by then-Iraqi President and Kurdistan Patriotic Union (PUK) leader Jalal Talabani in Greece, his handshake with then-Israeli Defense Minister Ehud Barak was harshly criticized in the Iraqi political scene. Talabani was ultimately forced to state that he had only attended the meeting in his capacity as leader of the PUK.<sup>11</sup> Also, the mass protests in October 2019 are believed to have relatively strengthened voices calling for normalization with Israel. Talal Al-Hariri, who established a political party called the October 25 Movement in reference to the protests, declared that his party believes in establishing comprehensive peace with Israel.<sup>12</sup>

Although the KRI does not maintain official diplomatic relations with Israel, it is no secret that they maintain economic and political relations and even security cooperation. Israel purchased 24 percent of its oil from the KRI in 2021, and was indeed the only country to openly support the Kurdish independence referendum in 2017.<sup>13</sup> Despite the reactions to these tacit relations, the KRI allowed the New York-based Center for Peace and Communication to hold a meeting<sup>14</sup> that about 300 Iraqis -including Sunni and Shiite tribal leaders- attended in Erbil that called for normalization of relations with Israel. The meeting angered Iraqi Shiite politicians in September 2021, and since then, Iraqi Kurds have been more intensely on the radar of Iran and Iran-backed Iraqi political and militia groups. For instance, a Kurdish oil tycoon, Baz Karim, was accused of secretly selling oil to Israel.<sup>15</sup> Iran used ballistic missiles to attack an alleged Israeli Mossad base located on Karim's residence, which was then followed by a series of other attacks targeting the offices and interests of a number of KDP leaders in Baghdad and Erbil. Furthermore, the Islamic Revolutionary Guard Corps (IRGC) have increasingly targeted Iranian Kurdish insurgents

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operating in the KRI with artillery. The anti-normalization law came just over two months after Iran ballistic missile attacks in the KRI.<sup>16</sup> The Kurds' votes in favor of the law do not mean that the KRI was joining the chorus against Israel. Rather, the law will likely further deepen the rift between Baghdad and Erbil, particularly in a future government where pro-Iranians are strong.

Having different motivations to vote "yes" to Sadr's anti-normalization law, it might be thought that the Kurds and Sunnis had no choice to reject it. Otherwise, both seem to be aware that they could have come under serious pressure by the Shiites, particularly by pro-Iranians. As a defense mechanism, the Kurds and Sunnis supported the law to hinder harming their political position and saving their future political life in Baghdad. However, the countries in the region, especially some of the Gulf Cooperation Council members, who have normalized with Israel are Sunnis and support the Kurds and Sunnis in Iraq. For instance, it is no secret that Halbousi has close relations with the UAE. Therefore, Kurds and Sunnis would take the lead in the possibility of normalization between Iraq and Israel in the future. The legislation move, however, blocked all possible attempts to normalize.

**Efforts to keep Iraq on the Iranian axis**

Despite the fact that the law was proposed by Sadr, the biggest gain from the move seems to be on the horizon for Iran and Iran-backed Iraqi groups. Additionally, Iran opposes Iraq, as well as the other countries it has influence in, from developing relation with Israel, particularly due to concerns of border security. Alleged Israeli air strikes were carried out against Iran-backed militia groups in Iraq in August 2019.<sup>17</sup> If true, the attacks were the first Israeli attacks in Iraq since the Osirak bombing of 1981. In this context, when Iranian pressure is added to the traditional anti-Israel opposition in Iraqi politics, a tenser atmosphere is created for normalization.

One of Iraq's prominent Islamic leaders, with whom the author of this brief spoke recently, said that while, due to the sensitivity of the issue in the Iraqi public and politics, all parties had to vote in favor of the recent law, the timing was quite interesting. Stating that Sadr took a step of introducing legislation in favor of Iran and Iran-backed groups, he said that after Sadr allied with Sunni leader Halbousi and the KDP, Iran-backed forces accused the

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“Tripartite Alliance” of leaning towards Turkey and the Gulf countries. Indeed, Iran-backed groups that have tense relations with Sadr can take this anti-Israel law as an opportunity to normalize relations with Sadr. It is crucial to state that all of the Iran-backed groups and militias were not comfortable with the law overall, as they attempted to draft law with a tougher tone and penalties but those drafts were revised and changed. Several of them considered the existing law as containing loopholes allowing normalization through pilgrimage trips. For instance, despite approving the law, the Iran-backed group, Kata’ib Hezbollah criticized several of its provisions.

Despite continued Iranian influence in Lebanon and Iraq, the recent elections in both countries were not favorable to Iranian interests. Lebanese Hezbollah and its allies could not gain a majority in the recent election in May, as Iran-backed groups were completely defeated in the Iraqi election of October 2021.<sup>18</sup> By supporting the move, Tehran is trying to protect its image by drawing a red line on Israel, despite its losses at the ballot box. Iran does not want Iraq to be included in this cluster. As a matter of the fact, while the United States, the United Kingdom, and Israel condemned the law, Tehran’s new ambassador to Iraq, Mohammad Kazem Al-e Sadeq, called the act “historic.”<sup>19</sup>

The legislation move makes Iraq an outlier in the Arab world, where the UAE, Sudan, Bahrain, and Morocco established diplomatic relations with Israel in 2020. Shortly after the Abraham Accords, Iraqi Government Spokesperson Ahmad Mullah Talal stated that Iraqi laws prohibit normalization with Israel.<sup>20</sup> Despite the statements, the discussions have not ended in the country. As the US pushed the countries of the region to take sides due to its opposition to Iran, Iraq tried to get rid of its axis policies through regional diplomacy initiatives. Iraqi Prime Minister Mustafa al-Kadhimi, after taking office in May 2020, entered into intense diplomatic traffic and visited neighboring countries, including Turkey, Egypt and Jordan. Turkey was the first Muslim country to recognize Israel in 1949, with Egypt and Jordan also normalizing relations with the Jewish state in 1980 and 1994, respectively. Despite Kadhimi’s statement regarding the UAE’s normalization with Israel that “This is the UAE’s decision and we should not interfere in it,”<sup>21</sup> Iran-backed groups targeted Kadhimi as a locus of criticism, fearing that his close contacts with the US and distant tendencies towards Iran could lead him to impose normalization with Israel.

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With the move, Sadr and Iran-backed groups gave the message to both the regional states and the US that future Iraqi governments and leaders will not take a step back on the Israel issue. Shortly after the anti-Israel law in Iraq, the Iran-backed Houthi movement passed a similar law in Yemen.<sup>22</sup> Ahead of US President Joe Biden's trip to Israel, Saudi Arabia and some Arab countries, Iran-backed groups sought to undermine diplomatic efforts to expand the Abraham Accords. While nuclear negotiations with Iran and Israel's pursuit of normalization with the countries of the region continue, Iran's keeping Iraq in its own orbit with the law can be read as a side move that strengthens Iran's hand in negotiations with the US and the West. Additionally, election winner Sadr suddenly directed all the members of his political movement to resign from the Iraqi parliament.<sup>23</sup> After Sadr's withdrawal from parliamentary politics, if the new government is led by pro-Iranians, the anti-Israel sentiment will take on greater visibility in Iraq.

**Historical trauma revisited**

One should remember that Jews played an active role in the political, economic and cultural life of Iraq in the past. For instance, Iraqi Jew, Sassoon Eskell served five terms as finance minister during the country's royal reign before his death in 1932. Also, names such as Salima Murad, one of the most important singers of the country at that time, were also Jewish. Iraq's ancient Jewish population, which accounted for 40 percent of Baghdad in the mid-20<sup>th</sup> century, almost disappeared with only 4 people living in the county and a few dozen in Iraqi Kurdistan. Over 200,000 Jews of Iraqi descent live in Israel. The familial and cultural connections of this population could facilitate rapprochement of relations between the two countries.<sup>24</sup> Apart from completely cutting off these people's relations with their ancestral lands, the recent law is also a punishing card for many actors in Iraq who are anti-Iranian, pro-Western, and supporters of normalization with Israel.

Israel is attempting to normalize with Iraq as well as other countries in the region. The Israeli Ministry of Foreign Affairs conducted digital diplomacy in May 2018 by launching an Arabic Facebook page called "Israel in Iraqi dialect," which is now followed by almost 700-thousand people.<sup>25</sup> However, considering the historical and political realities regarding the anti-Israel sentiment, Iraq has always been consistent in its pro-Palestinian stance. The Iraqi government might also consider Erbil's deep ties with Israel. Shortly after former US President Donald Trump declared Jerusalem to be the capital of Israel, Palestinian President Mahmoud Abbas

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met with his Iraqi counterpart, Barham Saleh, in Baghdad. Despite Israel's strong relations with Iraqi Kurds, Saleh, who is an ethnic Kurd, emphasized the need "to exert efforts to achieve the hopes of the brotherly Palestinian people for peace and stability as well as to realize their full legitimate rights."<sup>26</sup>

Unlike Gulf Arab countries such as the UAE, Bahrain and Qatar, Iraq has played a central role in the Arab-Israeli wars. The heavy defeat inflicted on the Arab states by Israel in 1967 is the living trauma of the state and partly of Iraqi society. In Iraq, historical traumas and Iran's hegemonic influence in the country are obstacles to rapprochement with Israel. Furthermore, considering the statements of top Iraqi Shiite cleric Ayatollah Sistani, "It will not change the fact that Jerusalem is an occupied land,"<sup>27</sup> religious authority-based obstacles also create barriers for possible normalization with Israel. In addition to the supporters and opponents of normalization with Israel, there are also those who argue that normalization is not an urgent agenda due to the geographical distance between the two countries and that Iraq should focus primarily on its own agenda which is rebuilding its physical-social infrastructure and institutions that were destroyed due to the endemic conflict since 2003<sup>28</sup>. Parliamentary elections were held in October 2021, but still, no government has been formed due to the row between Sadr and Iran-backed groups. The legislation move is like an effort to cover up the problems related to forming a government.

It is likely that the anti-Israeli discourse will continue in Iraq due to Iranian influence, which is reinforced by the presence of the Shiite bloc, as well as the historical motivation for refusing to engage with Israel. Therefore, in addition to all the other constraints, it will be very difficult to normalize relations with Israel if Iranian influence over Iraq is not diminished. It can be understood that with the law, normalization-motivated steps will be prevented by punishment, and possible notions of normalization will be ended before they are born.

### **Conclusion**

The approval of the Iraqi law that criminalizes relations with Israel should be understood as a move to keep the country in the Iranian bloc and prevent Baghdad from joining the



normalization trend with the Jewish state that some of Arab countries have initiated over the last two years. Bearing in mind the repeated accusations by Iran-backed Iraqi groups towards the Kurdistan Region of Iraq (KRI), because of its alleged close ties with Israel and harboring of Mossad bases, the law may also provide legal grounds for future campaigns against the Kurds. Furthermore, the law may also offer Iran-backed groups an opportunity to criminalize the political, economic and cultural policies of the Gulf states in Iraq and significantly in the KRI. The law proposed by the Shiite leader Muqtada al-Sadr, who has come to the fore with his Iraqi nationalism and anti-Iran approach, aims partially to block the accusations that the Kurds and to some extent Sunnis, who allied during the government formation, have relations with Israel. While the extent to which the law is actually enforceable is a matter of debate, it will undoubtedly be decisive in Iraq's domestic and foreign policy. In particular, it can be evaluated that the law will strengthen Tehran's hand in the regional political sphere and negotiations.

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