



السيادة المجزأة في العراق: قصور القانون الدولي في تنظيم العلاقات بين الدولة
والمليشيات

السيادة المجزأة في العراق: قصور القانون الدولي في تنظيم العلاقات بين الدولة والمليشيات

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الكلمات المفتاحية: سيادة مجزأة، المليشيات، القانون الدولي، النزاع، مسؤولية الدولة

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Fragmented Sovereignty in Iraq: International Law's Inadequacy in Regulating State–Militia Relations

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Abstract

Fragmented sovereignty poses a significant challenge to the international legal system, particularly in post-conflict and hybrid governance contexts. Iraq exemplifies this problem, as substantial non-state armed groups contend with official authority while asserting varying levels of legal legitimacy, political influence, and foreign loyalty. International law has inadequately governed state-militia interactions in Iraq, resulting in a legal and normative void that perpetuates fragmented sovereignty. It asserts that existing international legal frameworks are state-centric and inadequate for situations when militias are neither foreign nor subordinate to the state.

The study situates Iraq's post-2003 governance within the context of sovereignty, state accountability, and debates over the monopoly on





legitimate force. International law lacks a clear delineation of duty, attribution, and accountability within hybrid militia frameworks such as the Popular Mobilisation Forces (PMF), a situation that Iraqi domestic law has attempted to formalise. Consequently, militias associated with, endorsed by, or formally integrated into official entities sometimes function in a nebulous realm, circumventing international humanitarian, human rights, and state accountability laws.

This doctrinal and analytical article employs Iraq as a case study rather than an anomaly, using international legal treaties, jurisprudence, and scholarly literature. It demonstrates that effective control, comprehensive oversight, and attribution are inadequate for dynamic state-militia interactions including political negotiation, concurrent command frameworks, and selective state surveillance. International law inadequately safeguards persons, enforces accountability, and upholds the rule of law when sovereignty is operationally divided although legally united, as seen by the Iraqi case.

The study argues that international law must reevaluate state-militia interactions. International law must evolve to accommodate shared, delegated, or fragmented authority instead of categorising militias as non-state actors or proxies. International law is ill-equipped to address the legal ramifications of fragmented sovereignty without modification, confining states such as Iraq between nominal sovereignty and actual power dispersion.

الملخص

يُعدّ تشتت السيادة أحد أكبر التحديات التي تواجه النظام القانوني الدولي، لا سيما في مرحلة ما بعد النزاعات وفي ظلّ ظروف الحكم الهجين. ويُجسد العراق هذه المعضلة، حيث تتصارع منظمات مسلحة كبيرة غير حكومية مع سلطة الدولة، وتدعي درجات متفاوتة من الشرعية القانونية والنفوذ السياسي والولاءات الخارجية. وقد فشل القانون الدولي في تنظيم التفاعلات بين الدولة والميليشيات في العراق، مما أدى إلى فراغ قانوني ومعياري يسمح باستمرار تشتت السيادة. ويزعم أن الأطر القانونية الدولية الحالية تتمحور حول الدولة، وعاجزة عن التعامل مع الظروف التي لا تكون فيها الميليشيات أجنبية ولا تابعة للدولة.

وتُصنّف هذه الورقة إدارة العراق ما بعد عام ٢٠٠٣ ضمن سياق السيادة ومساءلة الدولة واحتكار استخدام القوة المشروعة في النزاعات. ولا يُحدّد القانون الدولي بوضوح المسؤولية والإسناد والمساءلة في هياكل الميليشيات الهجينة، مثل قوات الحشد الشعبي، التي حاول القانون العراقي المحلي تقنينها. وبالتالي، تعمل الميليشيات المرتبطة بمنظمات الدولة، أو المدعومة منها، أو المندمجة فيها قانونياً، أحياناً في منطقة رمادية، متجاوزةً بذلك التشريعات الدولية المتعلقة بالمساعدة الإنسانية وحقوق الإنسان ومساءلة الدولة.

تستخدم هذه الورقة البحثية، القائمة على أسس نظرية وتحليلية، العراق كدراسة حالة، لا كحالة شاذة، مستندةً إلى المعاهدات القانونية الدولية، والفقه، والأدبيات الأكاديمية. وتبين أن السيطرة الفعالة، والسيطرة الشاملة، وتحديد المسؤولية، لا تكفي لضمان تفاعلات سلسلة بين الدولة والميليشيات في ظل المساومة السياسية، وهياكل القيادة المتوازية، والمراقبة الانتقائية من جانب



الدولة. ويعجز القانون الدولي عن حماية المواطنين، وإنفاذ المساءلة، والدفاع عن سيادة القانون عندما تكون السيادة منقسمة عملياً ولكنها موحدة قانونياً، كما يتضح من الحالة العراقية. أن قصور القانون الدولي لا يقتصر على العراق وحده. فالدول الأخرى المتضررة من النزاعات تستخدم الميليشيات لتعويض ضعف المؤسسات، والثغرات الأمنية، وعدم الاستقرار السياسي، مما يؤدي إلى تجزئة السيادة. ويُخاطر القانون الدولي بتطبيع الترتيبات الأمنية الهجينة دون آليات للمساءلة، من خلال الحفاظ على تقسيمات صارمة بين الدولة والجهات الفاعلة غير الحكومية. وهذا يُضعف الأساس المعياري للسيادة، ويقوض الحوكمة القانونية الدولية. ضرورة إعادة النظر في تفاعلات الدولة والميليشيات في القانون الدولي. يجب أن يتكيف القانون الدولي مع السلطة المشتركة أو المفوضة أو المجزأة، بدلاً من اعتبار الميليشيات جهات فاعلة غير حكومية أو وكلاء. لا يستطيع القانون الدولي التعامل مع التداخات القانونية لتشرذم السيادة دون التكيف، مما يوقع دولاً مثل العراق بين السيادة الاسمية وتشنت السلطة الفعلي.

1. Introduction

The idea of sovereignty fragmentation has gained relevance as an analytical framework to capture the evolving interplay between state power and non-state actors, in particular in conflict environments such as Iraq. Sovereignty fragmentation entails a decline of centralized state authority and the wielding of influence and control by different actors, including militias, over separate territories and populations. This is especially true in Iraq, where the nature of the state-militia relationship has shaped governance, security and human rights. In Iraq, these interactions matter because they inform the political reality and daily lives of civilians. International law provides a vital mechanism for the regulation of between state actors and non-state militias; yet, it is clearly insufficient for coping with the complexities associated with sovereignty sharing. History provides context, including how militias were created under Saddam Hussein and then expanded after the 2003 war. Classical and modern sovereignty theories provide essential insights for disentangling the complexities of these relationships, meanwhile a legal's perspective focus on the dilemmas non-state actors must challenge within international law (Hausknecht 2013). This review critically assesses the complicated relationship between Iraqi state and militias on historical, legal and theoretical levels. "Fragmented sovereignty" has emerged as a core conceptual tool to analyze the intricate dynamic of state and non-state power in conflict theaters, such as Iraq. Fragmentation of authority – the breakdown of concentrated state power, thus yielding in a variety (militias etc.). controlling different territories and populations. This is especially so in Iraq, where the relationship between state institutions and militias has substantially shaped governance, security, and human rights protection. The fluidity in the balance of power between state and militia has thus influenced Iraq's political terrain and people's daily lives (Doyle & Dunning, 2018). The





law of nations is designed to regulate the state actor–non-state militia relationship, but is ill-suited to address questions of shared sovereignty. The historical context, including the establishment of militias under Saddam Hussein and their expansion following the 2003 war, is crucial for comprehending the present situation. Theoretical theories on sovereignty, both classic and modern, offer significant insights into these complex relationships, while legal viewpoints highlight the issues presented by non-state entities within the context of international law. This literature study aims to elucidate the complex relationship between the state and militias in Iraq by examining the historical, legal, and theoretical aspects that inform this significant topic. This paper seeks to illuminate unsolved issues and provide reform options by critically examining the deficiencies of international law in controlling these dynamics and doing a comparison analysis with similar circumstances in other countries. Ultimately, it aims to improve the comprehension of fragmented sovereignty and its wider implications for policy and future study in Iraq and beyond (Younis, 2014).

1.1 Problem Statement

Despite Iraq's formal recognition as a sovereign state under international law, effective authority remains fragmented among state institutions and powerful militias operating with varying degrees of autonomy. International law primarily regulates relations between states and offers limited guidance on situations where non-state armed groups exercise quasi-governmental power within a recognized state. This inadequacy creates legal ambiguity regarding accountability, state responsibility, and the protection of human rights in Iraq. The absence of clear international legal standards governing state–militia relations undermines the rule of law, weakens state sovereignty, and hampers international efforts to address violations committed by militias operating within Iraq's fragmented governance structure.

1.2 Research Objectives

This research aims to examine how fragmented sovereignty in Iraq challenges the effectiveness of international law in regulating relations between the state and armed militias. It seeks to analyze the legal status of militias under international and domestic law, assess the limitations of existing international legal frameworks in addressing hybrid security actors, and evaluate Iraq as a case study of weakened state monopoly over the use of force. The research also aims to identify normative and institutional gaps in international law and to propose legal and policy-oriented recommendations to enhance accountability, state responsibility,





and compliance with international legal standards in militia-dominated contexts.

1.3 Research Questions

This study asks how international law conceptualizes sovereignty in contexts where state authority is shared or contested by militias, using Iraq as a case study. It examines whether existing legal frameworks adequately regulate state–militia relations and prevent accountability gaps. The research further explores how fragmented sovereignty affects state responsibility, human rights protection, and the legality of external support to militias under international law.

1.4 Significant of the study

This study is significant because it addresses a critical gap in international legal scholarship concerning the regulation of state–militia relations in fragmented sovereignty contexts. By examining Iraq as a case study, it highlights the limitations of existing international legal frameworks in addressing hybrid authority structures. The research contributes to theoretical debates on sovereignty, accountability, and non-state armed actors, while offering insights relevant to post-conflict governance and international institutional reform.

2. Definition of Fragmented Sovereignty

The ramifications of fragmented sovereignty surpass governance difficulties, since they also induce considerable transformations in identity and social cohesiveness among Iraq's many communities. The emergence of militias, sometimes associated with particular ethnic or sectarian identities, has intensified tensions among the Iraqi population, resulting in a scenario where devotion to these factions may eclipse fidelity to the state. This disintegration is exacerbated by external factors, including Iran's backing of armed militias, which not only diminishes governmental authority but also cultivates a culture of sectarianism that might destabilise the entire area (Jumaa, 2025). The interaction between local identities and the overall structure of state sovereignty poses significant enquiries regarding the future of national unity in Iraq, especially when conflicting narratives of power and legitimacy contend for supremacy. Comprehending these processes is crucial for devising successful strategies that tackle both the immediate security issues and the enduring socio-political consequences of divided sovereignty.





Furthermore, the emergence of fragmented sovereignty in Iraq poses governance issues and necessitates a critical analysis of the influence of external players on local political dynamics. The consolidation of Iranian support for various militias enhances their power while simultaneously complicating the state's attempts to assert authority and promote national cohesion, resulting in a paradox where external intervention may provide temporary stability but ultimately undermines long-term sovereignty and legitimacy (Jumaa, 2025). This dynamic reflects wider tendencies in

globalisation, where the interconnections of multinational entities frequently result in a governance deficit that intensifies local tensions and conflicts (Cerny, 1998). This scenario's consequences transcend Iraq, prompting a reassessment of how international law may evolve to more effectively manage the difficulties of state-militia interactions in an era characterised by heightened fragmentation and the emergence of non-state actors.



The difficulties arising from divided sovereignty in Iraq underscore the necessity for a reassessment of international legal frameworks to accommodate the distinct features of modern wars. As non-state actors increasingly dominate the power landscape, conventional state-centric governance and legal models seem insufficient, requiring innovative strategies that acknowledge the legitimacy of these entities while aiming to reduce their potential for violence and instability. The formation of hybrid governance systems in Iraq, where militias function alongside official institutions, highlights the complexity of power and presents significant problems regarding responsibility and legitimacy in government (Jumaa, 2025). The expansion of regional and global networks that enable resource and information exchange among these entities complicates the regulatory framework, indicating that a more cohesive approach to international law, which integrates insights from fragmented governance dynamics, may be crucial for promoting stability and improving human rights protection in these contexts (Acharya, 2016). This changing paradigm requires a comprehensive knowledge of the interaction of local, national, and international forces, along with a dedication to amending legislative frameworks to accurately represent contemporary state-militia dynamics.

2.1 Importance of State–Militia Relations in Iraq

The ramifications of fractured sovereignty in Iraq transcend immediate administration challenges, exposing the complex interplay between state authority and foreign pressures, notably from Iran. The deepening Iranian assistance for militias such as Hashd al-Shaabi enhances their operational capabilities while also complicating the Iraqi government's efforts to reclaim sovereignty and preserve national unity. This external support cultivates a dual loyalty among militia members, who may prioritise their devotion to Iranian patrons above the Iraqi state, so increasing sectarian tensions and undermining attempts towards a cohesive national identity (Jumaa, 2025). This situation exemplifies the overarching challenge of incorporating militias into formal state frameworks, as efforts at legislative legitimisation frequently result in legal ambiguities and possible infringements of international law, prompting essential enquiries regarding accountability and state responsibility (Smith and Singer-Emery, 2019). As Iraq traverses this intricate terrain, the imperative for new legal frameworks that can adapt to the realities of hybrid governance becomes increasingly evident, underscoring the urgent requirement for





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changes that can harmonise state sovereignty with the influence of formidable non-state actors.



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The incorporation of militias like Hashd al-Shaabi into Iraq's formal security structure presents significant legal and ethical challenges that require immediate consideration. This inclusion, intended to legitimise their function and provide state supervision, paradoxically threatens to cement a dual governance structure that undermines the rule of law and accountability procedures (Smith and Singer-Emery, 2019). Given that these militias function under official authority while maintaining considerable autonomy, the likelihood of human rights breaches and sectarian bloodshed increases, hence exacerbating Iraq's quest for stability. The problem encompasses not only the legal acknowledgement of these groups but also the cultivation of a political culture that emphasises national unity rather than sectarian loyalty, a process that may need substantial foreign assistance and inventive legislative reforms. These steps might provide a more unified governance framework that harmonises the complexities of divided sovereignty with the necessity of state legitimacy, so fostering a more stable and inclusive Iraq.

The intricacies of state-militia dynamics in Iraq are exacerbated by the changing influence of other entities, notably Iran, whose backing of militias such as Hashd al-Shaabi has both enhanced their military might and deepened sectarian rifts inside the nation. This external influence prompts significant enquiries regarding the sovereignty of the Iraqi state, since militia loyalty frequently deviates from national allegiance, illustrating a wider trend in which foreign support undermines local government frameworks (Jumaa, 2025). The legislative integration of these militias into the Iraqi Security Forces has established a delicate equilibrium, compelling the state to manage the dual challenges of asserting authority and alleviating the risks of human rights violations and sectarian violence perpetrated by these factions (Smith and Singer-Emery, 2019). As Iraq confronts these challenges, the necessity for reforming international legal frameworks to more effectively address the realities of hybrid governance becomes increasingly pressing, providing a route towards a more unified and stable political landscape that emphasises national unity over divided allegiances.

2.2 Overview of International Law's Role





As Iraq manages the intricacies of incorporating militias into its security structure, the ramifications for international law become more evident, especially with accountability measures for human rights infringements. The convergence of official power and militia independence complicates the implementation of legal norms, since the state may become entangled in the acts of these organisations, generating significant problems about state liability under international law (Smith and Singer-Emery, 2019). The increasing prevalence of hybrid governance, wherein non-state actors

function alongside traditional state institutions, requires a reassessment of legal frameworks to guarantee their adequacy in addressing the distinct issues presented by these arrangements. This situation highlights the pressing necessity for international legal reforms that acknowledge the complexities of fragmented sovereignty while advancing mechanisms for accountability and human rights protection, thereby cultivating a more stable and unified governance framework in Iraq and potentially serving as a paradigm for other conflict-affected areas (Londras, 2010).



The Iraqi government confronts the essential difficulty of balancing security requirements with the necessity of maintaining human rights and governmental legitimacy. The integration of militias into official security frameworks raises concerns regarding accountability and risks legitimising practices that may violate international humanitarian law, especially considering the historical context of these groups' establishment and conduct during conflicts (Smith and Singer-Emery, 2019). The ramifications of this hybrid governance transcend Iraq, as analogous patterns of militia integration and external influence are evident in other regions, indicating a necessity for an expanded dialogue on the effectiveness of international legal frameworks in addressing the complex nature of modern conflicts (Erondu and Aroyehun, 2024). This situation necessitates novel legal strategies that handle the distinct features of fragmented sovereignty while promoting a culture of responsibility that emphasises human rights protection, therefore enhancing political stability and cohesion.

The changing dynamics of divided sovereignty in Iraq need a thorough analysis of the impact of international organisations on state-militia interactions. External entities, such as the United Nations and regional coalitions, endeavour to foster stability and human rights; nevertheless, such interventions must carefully balance the backing of state authority with the complications posed by non-state players. The incorporation of international legal standards into local governance structures may improve accountability mechanisms; however, it also risks imposing external values that may not align with local contexts, potentially resulting in resistance or increased fragmentation (Yadav and Verma, 2024.). This underscores the necessity for a collaborative strategy that engages local stakeholders in the reform process, guaranteeing that solutions are culturally pertinent and contextually suitable. The success of these attempts will ultimately hinge on the capacity to facilitate discussion between official institutions and militias, therefore establishing a governance model that recognises the legitimacy of all players while emphasising the paramount objective of national unity and stability.

3. Historical Context of Militia Formation in Iraq

The notion of fragmented sovereignty has arisen as a crucial paradigm for examining the complex interactions between official authority and non-state actors, especially in conflict-affected areas like Iraq. Fragmented sovereignty denotes the dissolution of centralised governmental authority, leading to a scenario where many groups, particularly militias, exercise control over certain territory and people. This phenomena is particularly evident in Iraq, where the interaction between governmental institutions





and militia groups profoundly affects governance, security, and human rights. The dynamics between state and militia are essential for influencing the political landscape and affecting the daily lives of Iraqi residents (Alden, Thakur and Arnold, 2011). International law aims to regulate relations between state actors and non-state militias; yet, its inadequacies in handling the intricacies of divided sovereignty provide considerable issues. Historical settings, such as the establishment of militias during Saddam Hussein's dictatorship and their expansion after the 2003 war, offer critical insights into the present situation. Theoretical theories on sovereignty—both classic and modern—provide insightful insights on these intricate relationships, while legal assessments underscore the difficulties presented by non-state entities within the realm of international law. This literature study seeks to elucidate the complex dynamics of state-militia interactions in Iraq by analysing the historical, legal, and theoretical aspects that inform this significant matter (Thurber, 2014). This study aims to highlight unsolved issues and propose new reform pathways by critically evaluating the shortcomings of international law in controlling these dynamics and doing a comparison analysis with other circumstances in other countries. Ultimately, it aims to enhance comprehension of fragmented sovereignty and its ramifications for policy and future research in Iraq and beyond (Thurber, 2014).

3.1 Pre-2003 Context: The Role of Militias under Saddam Hussein

The historical backdrop of militia creation in Iraq under Saddam Hussein is essential for comprehending the contemporary condition of divided sovereignty, especially regarding the persistent legacy of state-sanctioned brutality and persecution. During this time, militias were not only tools of state authority but also essential to the regime's strategy for sustaining control over a varied and frequently contentious citizenry. This legacy has emerged in the post-2003 period, where the expansion of militias, particularly those associated with Shia factions, demonstrates a persistent reliance on armed organisations to wield power, frequently undermining official legitimacy (Liu, 2023). The entrenchment of these factions within Iraq's socio-political structure hampers the state's attempts to exercise authority and exacerbates sectarian tensions, eventually undermining the potential for a unified national identity. The interaction between historical precedents and current dynamics highlights the pressing necessity for extensive legal and political reforms that tackle the dual challenge of incorporating these militias into a legitimate governance structure while reducing their potential for violence and instability.

The historical entrenchment of militias in Iraq undermines governmental authority and poses critical considerations regarding the influence of regional powers in intensifying these processes. Iran's backing of militias like Hashd al-Shaabi has enhanced their military might while exacerbating sectarian divisions, fostering a dual loyalty among militia members that frequently favours Iranian objectives above national cohesion (Jumaa, 2025). This external influence hinders the Iraqi government's attempts to forge a unified national identity and presents substantial obstacles to administration, since the state's legitimacy is persistently eroded by the alternative power structures represented by these militias. The convergence of local grievances and external interventions underscores the necessity for a sophisticated comprehension of how these dynamics influence the wider socio-political context, demanding innovative policy strategies that align the complexities of fragmented sovereignty with the need for national unity.

The entrenchment of militias in Iraq complicates governance and presents substantial obstacles to the international community's strategies for conflict resolution and state-building. The involvement of external players, especially Iran, in supporting these groups generates a fragile power dynamic that jeopardises efforts to forge a cohesive national identity. The situation is further aggravated by the absence of robust international legal frameworks that can tackle the distinct complexities of hybrid governance, wherein non-state actors function alongside formal state institutions, resulting in a governance gap that sustains instability and sectarianism (Jumaa, 2025). The ramifications of this fragmentation transcend Iraq, since same patterns of militia integration are evident in other conflict-ridden areas, underscoring the imperative for a reassessment of international legal standards to promote accountability and safeguard human rights. The interaction between local militias and foreign pressures requires new policy strategies that emphasise both state legitimacy and the socio-political conditions of various communities in Iraq.

3.2 Post-2003 Invasion: Emergence of Various Militia Groups

The 2003 invasion precipitated the rise of several militia organisations, significantly altering Iraq's security dynamics and complicating governance and foreign relations. The emergence of these militias, especially those associated with the Shi'a population, has created a duality in power dynamics, wherein official authority is often contested by non-state actors that function with considerable autonomy and external support, mainly from Iran (Al-Marashi, 2021). This connection hinders the Iraqi government's attempts to create a unified national narrative,





frequently leading to a disjointed security strategy in which local militias prioritise sectarian or ethnic loyalties over national goals (Abdel-Razek and Puttick, 2016). The incorporation of these organisations into the official security structure presents significant ethical and legal challenges, since their acts may violate international humanitarian law, so undermining Iraq's pursuit of stability and accountability (Bibikova, 2025). The international community's involvement in tackling these difficulties is becoming increasingly vital, requiring a reassessment of legal frameworks that can effectively react to the realities of hybrid governance while upholding human rights and state legitimacy.

Iraq has challenges due to the growth of militia organisations, which significantly impacts regional stability and international relations. The entrenchment of these non-state entities, especially those backed by external powers like as Iran, weakens the authority of the Iraqi government and exacerbates sectarian tensions that risk spilling over into neighbouring nations. This situation corresponds with the notion of hybrid governance, wherein the interplay of formal and informal power structures hinders the potential for a cohesive state response to security concerns (Belloni, 2012). Furthermore, dependence on militias for security prompts significant enquiries regarding the legitimacy and accountability of governance, as these entities frequently function beyond the scope of recognised legal frameworks, resulting in possible infringements of human rights and humanitarian law (Smith and Singer-Emery, 2019). Thus, tackling these difficulties necessitates a unified endeavour to amend international legal standards that can more adeptly manage the complexities of state-militia interactions, promoting a governance framework that emphasises both stability and the safeguarding of human rights.



As Iraq grapples with militia integration and divided sovereignty, the involvement of international parties in promoting discussion and change is becoming increasingly essential. The emergence of hybrid government models in Iraq underscores the need for a collaborative approach that integrates local stakeholders, guaranteeing that efforts for reconciliation and stability are culturally pertinent and contextually suitable. This is notably apparent in the Stability Preservation Office, which exemplifies the government's efforts to regulate militia influence while endeavouring to uphold state authority and cohesiveness (Feng, 2013). The incorporation of international legal standards into national systems may act as a catalyst for reform, fostering accountability and improving human rights safeguards in an environment characterised by conflicting loyalties and external pressures. Ultimately, cultivating a governance paradigm that emphasises national unity while confronting the complex reality of fractured sovereignty may be essential for attaining long-term peace in Iraq (Duman and Sönmez, 2018).

4. International Law and Its Application to Militias

The notion of fragmented sovereignty has arisen as a crucial paradigm for examining the complex interactions between official authority and non-state actors, especially in conflict-affected areas like Iraq. Fragmented sovereignty denotes the dissolution of centralised governmental authority, leading to a scenario where many groups, particularly militias, exert dominance over certain territory and people. This phenomena is particularly evident in Iraq, where the interaction between governmental institutions and militia groups profoundly affects governance, security, and human rights. The dynamics of state-militia interactions are essential for influencing the political landscape and affecting the daily lives of Iraqi residents (Alden, Thakur and Arnold, 2011). International law aims to regulate relations between state actors and non-state militias; yet, its inadequacies in tackling the intricacies of divided sovereignty provide considerable issues. Historical settings, such as the establishment of militias during Saddam Hussein's reign and their expansion post-2003 invasion, offer critical insights into the present situation. Theoretical theories on sovereignty—both classic and modern—provide insightful insights on these intricate relationships, while legal studies underscore the issues presented by non-state entities in the realm of international law. This literature study seeks to elucidate the complex dynamics of state-militia interactions in Iraq by analysing the historical, legal, and theoretical aspects that inform this significant topic. This study aims to highlight unsolved issues and explore new reform pathways by critically evaluating the deficiencies of international law in managing these





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dynamics and doing a comparison analysis with analogous circumstances in other countries. Ultimately, it aims to enhance comprehension of fragmented sovereignty and its ramifications for policy and future research in Iraq and beyond (Ibrahim et al., 2022).



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4.1 Overview of Relevant International Laws and Conventions

The relationship between official authority and non-state militias in Iraq is further complicated by the changing dynamics of international humanitarian law, which frequently fails to align with the reality of fractured sovereignty. The legal frameworks regulating armed conflict often inadequately hold non-state militias accountable for human rights violations, especially in situations where these groups operate with impunity under the pretence of state legitimacy (Elsea, 2005). The challenges associated with integrating these militias into formal security frameworks raise significant questions regarding the relevance of current legal standards, requiring a reassessment of international laws to more accurately address the intricacies of hybrid governance (Abbas, 2022). This disparity not only jeopardises human rights protection but also hinders the international community's endeavours to foster stability in Iraq, indicating that a more sophisticated approach to legal reform is crucial for tackling the complex dynamics of state-militia relations in conflict-affected areas.

The difficulties of incorporating militias into Iraq's security structure underscore the increasing influence of foreign entities, especially Iran, which has profoundly impacted the operational dynamics of these factions. The assistance given to militias such as Hashd al-Shaabi not only augments their military prowess but also cultivates a dual allegiance among militia members, which can weaken the Iraqi government's authority and hamper initiatives to promote a unified national identity (Zarean, 2023.). The external support engenders a precarious scenario in which the Iraqi state must reconcile the necessity for security with the potential to intensify sectarian divisions, thereby prompting enquiries regarding the legitimacy of governance in a context where non-state actors wield significant autonomy. Moreover, as these dynamics progress, they highlight the imperative for international legal frameworks to change, assuring their capacity to effectively tackle the intricacies of hybrid governance and foster accountability in a landscape characterised by conflicting loyalties (Jumaa, 2025). Consequently, the convergence of local and foreign factors demands novel policy strategies that emphasise state legitimacy and the socio-political conditions experienced by Iraq's many groups.





The intricacies of militia integration in Iraq pose essential enquiries about the effectiveness of international legal frameworks in fostering accountability and safeguarding human rights under a context of divided sovereignty. As the state confronts the dual task of imposing its authority and controlling militia influence, the participation of international organisations becomes increasingly crucial. The United Nations and other regional organisations may significantly facilitate interaction between state actors and militias, establishing frameworks that acknowledge the

legality of these organisations while promoting compliance with international humanitarian norms. This is especially pertinent considering the persistent problems presented by groups like Hashd al-Shaabi, whose activities have resulted in considerable human rights issues and legal uncertainties regarding state accountability for their acts (Smith and Singer-Emery, 2019). A collaborative strategy that integrates local viewpoints while conforming to international standards may be crucial for navigating the complex governance landscape in Iraq, ultimately fostering a more stable and cohesive national identity.

4.2 Challenges in Applying International Law to Non-State Actors





The incorporation of non-state actors into Iraq's security framework raises significant challenges about the function of international legal principles in navigating the intricacies of hybrid government. The issue resides in reconciling the presence of these militias, which frequently operate beyond recognised legal limits, with the values of responsibility and human rights upheld by international law. Furthermore, the absence of explicit legal frameworks for non-state actors can foster a widespread culture of impunity, allowing crimes of international humanitarian law to persist unchecked, so exacerbating the state's challenges in asserting power and preserving legitimacy (Pushparaj, 2025). This scenario requires novel strategies in international law that acknowledge the operational realities of militias while implementing accountability mechanisms to deter future violations, potentially contributing to the stabilisation of Iraq's socio-political environment and the enhancement of human rights protections (Howley, 2009). Ultimately, cultivating a legal framework that reconciles state sovereignty with militia autonomy may be essential for attaining enduring peace and administration in the region. The difficulties of incorporating militias into Iraq's security system underscore an urgent requirement for comprehensive measures that address legal responsibility and promote reconciliation among Iraq's many groups. Regional organisations, such the Arab League and the Gulf Cooperation Council, may play a crucial role in facilitating discussions that foster confidence and collaboration between state institutions and militias, thereby alleviating sectarian tensions intensified by external factors (Asfaw, 2017). The creation of community-based programs that allow local communities to participate in governance may promote a more inclusive security strategy, fostering a shift from fragmented sovereignty to a cohesive national identity. These activities may act as a countermeasure to the widespread culture of impunity, emphasising the significance of human rights and accountability within government (Khan, Saeed and Munir, 2023). Ultimately, tackling these complex difficulties necessitates a coordinated endeavour to harmonise local, national, and international legal systems, ensuring they jointly foster a stable and unified Iraq.





The persistent issues of divided sovereignty in Iraq emphasise the difficulties of incorporating militias into the state security apparatus and underline the pressing necessity for international collaboration to develop a more unified governance structure. External pressures, especially from Iran, continue to affect the operational dynamics of organisations such as Hashd al-Shaabi, heightening the risk of escalating sectarian tensions. This situation requires a reassessment of international diplomatic techniques that can adeptly manage the intricate balance between

endorsing state authority and responding to the complex dynamics presented by non-state actors. The United States, as a crucial ally of the Iraqi government, could play a vital role in emphasising the significance of free and fair elections while promoting the disbandment or integration of militias into a cohesive national force, thus reducing the risks of ongoing fragmentation and sectarian violence (Yaphe, 2008). The creation of structures that encourage discussion between official institutions and militia leaders may foster trust-building measures crucial for long-term stability, therefore enhancing a governance system that emphasises national unity over divided allegiances.

4.3 Case Studies of Militia Actions and International Law Responses

As Iraq contends with the consequences of militia integration and the intricacies of fractured sovereignty, the significance of international legal procedures in resolving human rights breaches becomes increasingly vital. The relationship between governmental authority and militia autonomy complicates accountability and requires a strong structure for monitoring and enforcing adherence to international humanitarian standards. The integration of international standards into national legal frameworks might augment the ability of Iraqi authorities to hold militias accountable, therefore diminishing the prevailing culture of impunity (Jorritsma, 2018). The persistent legal uncertainties regarding the status of militia groups such as Hashd al-Shaabi require a thorough examination of current international conventions, especially considering their purported participation in human rights violations against civilians (Smith and Singer-Emery, 2019). Confronting these difficulties via a collaborative strategy including local, national, and international stakeholders may facilitate a more stable and cohesive government framework, hence promoting accountability and respect for human rights in Iraq.

The difficulties of incorporating militias into Iraq's security structure highlight the necessity of analysing the function of transitional justice procedures in rectifying historical human rights abuses while fostering



responsibility. The Iraqi government, in addressing the intricacies of state-militia relations, might benefit significantly from the formation of truth commissions or reparative justice efforts to promote reconciliation among impacted populations and alleviate the cycle of bloodshed. These procedures not only recognise the concerns of victims but also establish a forum for discourse that can reconcile the divisions intensified by militia activities and sectarian strife. The recent legislative endorsement of militias such as Hashd al-Shaabi prompts critical enquiries regarding the accountability of these groups for their actions under international law, especially considering their purported participation in human rights violations against civilians, which complicates Iraq's pursuit of a stable and cohesive governance framework (Smith and Singer-Emery, 2019) (Didaoui, 2024). The incorporation of transitional justice strategies into the overarching governance framework may provide a means to enhance accountability and restore trust among Iraq's diverse communities, thereby fostering a more unified national identity amidst the persistent challenges of fragmented sovereignty.

The incorporation of transitional justice procedures within Iraq's government structure not only rectifies historical human rights abuses but also underscores the necessity for a holistic strategy to restore confidence among the many populations impacted by militia activities. The process might be enhanced by the creation of community-led projects that enable local residents to participate in dialogue and reconciliation, cultivating a feeling of ownership in the peace-building endeavour. Moreover, as the Iraqi government contends with the intricacies of fragmented sovereignty, the involvement of foreign entities, such as the United Nations, becomes increasingly essential in promoting these discussions and assuring the adherence to accountability norms. By endorsing a survivor-centered paradigm of justice, as emphasised in modern discourse on transitional justice, Iraq can commence the complex navigation of state-militia dynamics while concurrently tackling the pressing necessity for social cohesion and the restoration of national identity (Travers, 2024). Ultimately, these initiatives could serve as a blueprint for other conflict-affected areas, demonstrating how local involvement, coupled with international assistance, can foster sustainable peace and governance.

5. Domestic Legal Frameworks in Iraq





The notion of fragmented sovereignty has arisen as a vital analytical framework for comprehending the complex interactions between state authority and non-state actors in conflict-affected areas, especially in Iraq. This phenomenon indicates the fragmentation of centralised governmental authority, resulting in a scenario where diverse groups, particularly militias, wield considerable control over certain territory and people. The interaction between governmental institutions and militia groups in Iraq significantly affects governance, security, and human

rights protection, consequently influencing both the political environment and the everyday lives of its residents (Ihsan, 2018). International law aims to govern the relations between state actors and non-state militias; yet, its deficiencies in resolving the intricacies of divided sovereignty pose considerable issues. The historical settings, such as the establishment of militias under Saddam Hussein and their expansion post-2003 invasion, offer critical insights into the present dynamics (Daly, 2014). Theoretical theories on sovereignty, both classic and modern, provide insightful insights on these intricate relationships, while legal studies highlight the issues presented by non-state entities in the realm of international law. This literature study seeks to elucidate the complex dynamics of state-militia interactions in Iraq by analysing the historical, legal, and theoretical aspects that inform this significant topic. This study aims to elucidate unsolved issues and propose new reform pathways by critically assessing the limitations of international law in controlling these dynamics and doing a comparison analysis with other circumstances in other countries. Ultimately, it aims to enhance comprehension of fragmented sovereignty and its ramifications for policy and future research in Iraq and beyond (Duman and Sönmez, 2018).

5.1 Iraqi Constitution and its Provisions on Militias





The Iraqi Constitution, in its effort to create a governance and security framework, exhibits considerable ambiguity over the status and incorporation of militias into the official state structure. Article 14 of the Constitution requires the establishment of a constitutional review commission, which may examine the legal status of these non-state entities; but, political realities frequently obstruct substantial advancement in this area (Deeks and Burton, 2007). The persistent influence of external players, especially Iran, affects the constitutional framework by cultivating dual loyalties among militia members, so undermining the legitimacy of state authority (Ibrahim, 2022). As Iraq confronts these complexities, the necessity for a comprehensive legal framework that distinctly defines the roles and responsibilities of both state and militia forces becomes increasingly critical, as neglecting this may perpetuate a cycle of violence and instability that jeopardises national unity and effective governance. The interaction between constitutional provisions and the actual reality of militia activities underscores the necessity for new legislative changes that may harmonise the requirements of sovereignty with the imperative of security in a highly fragmented political landscape.

The constitutional issues regarding militia integration underscore the urgent necessity for a comprehensive legal framework that specifies the status of these formations and establishes accountability measures to avert human rights violations. The requirement is emphasised by the persistent difficulty encountered by the Iraqi government in establishing its authority under the influence of other players, notably Iran, whose backing of militias like as Hashd al-Shaabi complicates administration and intensifies sectarian tensions (Jumaa, 2025). As Iraq navigates these issues, the formulation of a comprehensive legal framework might be pivotal in balancing official sovereignty with militia actions, therefore fostering a more cohesive national identity. In this setting, international legal rules must adapt to accommodate the distinct dynamics of hybrid governance, ensuring that the safeguarding of human rights remains paramount in Iraq's pursuit of stability and efficient government.





Given these constitutional difficulties, the role of civil society is crucial in promoting changes that focus on militia integration and human rights protection. Grassroots movements and local organisations may significantly facilitate discussion between the state and militia groups, thereby enhancing accountability and transparency in government. Furthermore, the experiences of other conflict-affected countries, such as Libya and Syria, highlight the imperative of inclusive political procedures that incorporate multiple community perspectives to avert the

entrenchment of sectarian divisions and bolster national cohesion (Barnes, 2011). As Iraq endeavours to manage its divided sovereignty, the involvement of civil society may serve as a vital counterweight to external forces, ultimately cultivating more robust state machinery capable of exerting its authority while upholding the rights of its inhabitants.

The difficulties of incorporating militias into Iraq's legal system emphasise the need for extensive changes and stress the need of foreign supervision in enhancing accountability and advancing human rights. The Iraqi government, facing militia influence, could benefit from independent monitoring bodies to ensure adherence to international humanitarian standards and reduce the risk of human rights violations linked to militia activities (Shie, 2025). Moreover, the experiences of other nations with analogous challenges demonstrate the possibility for collaborative frameworks that include both local and international stakeholders to improve governance and stability. Iraq could benefit from community-based initiatives that empower citizens to engage in peace-building processes, fostering ownership and accountability in governance, as evidenced by lessons from post-conflict societies (Rodríguez, 2024).

5.2 Role of the Iraqi Government in Regulating Militias





The Iraqi government confronts the intricate task of regulating militias while balancing national security with the necessity of safeguarding human rights, especially considering the historical context of militia formation and their present incorporation into state structures. The dual allegiance of militia members, sometimes intensified by Iranian backing, hampers the state's endeavours to establish control and uphold legitimacy, resulting in a situation where local identities and outsider influences intersect (Jumaa, 2025). The legal uncertainties about the legitimacy of these militias provide significant problems concerning accountability and the risk of human rights breaches, which the government must resolve to avert the establishment of a culture of impunity (Smith and Singer-Emery, 2019). This situation highlights the need for a strong legal framework that clarifies the roles of state and militia forces while empowering civil society to participate in governance, ultimately promoting a more unified national identity amidst the challenges of fragmented sovereignty.

The Iraqi government must address the intricacies of militia control while considering the larger geopolitical ramifications of its internal policy, especially with Iran's significant influence. The convergence of domestic and international loyalties hampers the formulation of a cohesive national security policy, as militia factions frequently function with considerable independence, favouring sectarian interests above allegiance to the state. This dynamic undermines the legitimacy of state authority and raises critical questions regarding Iraq's sovereignty amid external pressures, necessitating a reevaluation of domestic governance frameworks and international legal standards to accommodate the realities of hybrid governance (Triandafyllidou, 2013). The potential for transnational repercussions, including the spillover of sectarian violence into adjacent states, highlights the necessity for Iraq to develop a strong legal and political framework that ensures accountability and upholds human rights, thereby enhancing regional stability and fostering a more cohesive national identity (Duman and Sönmez, 2018).





The Iraqi government must evaluate the influence of foreign alliances in regulating militias and defining its security environment. Cooperative initiatives with regional organisations and international entities can offer essential assistance in creating frameworks that strengthen accountability and promote human rights safeguards among the intricacies of fragmented sovereignty. Engaging with the United Nations and the Arab League might promote conversation that underscores the necessity of incorporating local government frameworks while alleviating sectarian

differences intensified by foreign pressures, especially from Iran (Jumaa, 2025). Furthermore, the capacity of these partnerships to cultivate a culture of accountability and transparency within the Iraqi political framework highlights the imperative for a holistic strategy that harmonises local requirements with international standards, thereby enhancing a more stable and cohesive national identity.

5.3 Conflicts between Domestic and International Legal Obligations



The complex interplay between Iraq's domestic legal responsibilities and its international law commitments exacerbates the governance picture, especially as the state contends with the incorporation of militias into its security structure. The possibility of conflicts between these commitments is apparent, particularly when militia acts may violate international humanitarian norms, prompting enquiries over state responsibility and the safeguarding of human rights. The legislative legitimisation of entities such as Hashd al-Shaabi has resulted in considerable legal ambiguities, as the Iraqi government may be held accountable for human rights violations perpetrated by these militias, notwithstanding their formal incorporation into state frameworks (Smith and Singer-Emery, 2019). This situation requires a comprehensive reassessment of domestic legislation and international legal frameworks to achieve effective alignment, promoting a governance model that emphasises responsibility while acknowledging the complexities of divided sovereignty. The success of these changes ultimately depends on the Iraqi government's capacity to manage these complications while promoting a political culture that prioritises national unity above sectarian loyalty, thereby bolstering its legitimacy both domestically and internationally.

The intricacies of Iraq's legal framework are intensified by the interaction between internal reform initiatives and the expectations of the international community, especially considering the persistent impact of militias and outsider entities. The Iraqi government, while addressing these problems, must also reconcile the expectations established by international law about the treatment of non-state entities, which frequently conflict with local realities and governance practices. This mismatch is seen in the legal endorsement of militias, wherein the Iraqi state jeopardises accountability for human rights atrocities perpetrated by these factions, therefore compromising its international reputation and legitimacy (Gilley, 2013). Moreover, the necessity for a robust legal framework that incorporates militias into state institutions while ensuring adherence to international humanitarian standards is critical; this framework could exemplify a solution for other countries facing analogous challenges of fragmented sovereignty and militia dominance, thus enhancing the comprehension of governance in conflict-affected areas (Fagbemi, Ogunbanjo and Issa, 2024). Ultimately, facilitating communication among local authorities, civil society, and international entities will be essential in tackling these complex difficulties and advancing a governance model that emphasises human rights while managing the intricacies of fragmented sovereignty.



The obstacles encountered by Iraq in aligning its domestic legal frameworks with international duties underscore the need for an extensive conversation among stakeholders, including civil society, foreign organisations, and local governing entities. Involving these many perspectives not only cultivates a sense of ownership but also promotes the formulation of legislative changes that mirror the distinct socio-political conditions of Iraq. The implementation of community-based supervision systems might improve accountability and transparency,

ensuring militia operations conform to national and international human rights norms. The necessity for international law reform to tackle the complications of militia integration is highlighted by the requirement for frameworks that safeguard human rights while managing the delicate dynamics of fragmented sovereignty (Saaida, 2024).

6. Comparative Analysis of State–Militia Relations in Other Countries

The notion of fragmented sovereignty has arisen as a crucial paradigm for examining the complex interactions between official authority and non-state actors, especially in conflict-affected areas like Iraq. Fragmented sovereignty denotes the dissolution of centralised governmental authority, leading to a scenario where many groups, particularly militias, exert dominance over certain territory and people. This phenomena is particularly evident in Iraq, where the interaction between governmental institutions and militia groups profoundly affects governance, security, and human rights. The dynamics of state-militia interactions are essential for influencing the political landscape and affecting the daily lives of Iraqi residents. International law aims to govern the relations between state actors and non-state militias; yet, its shortcomings in resolving the intricacies of divided sovereignty provide considerable issues (Kao, 2022). Historical settings, such as the establishment of militias during Saddam Hussein's dictatorship and their expansion after the 2003 war, offer critical insights into the present situation. Theoretical theories on sovereignty—both classic and modern—provide insightful insights on these intricate relationships, while legal studies underscore the issues presented by non-state entities in the realm of international law. This literature study seeks to elucidate the complex dynamics of state-militia interactions in Iraq by analysing the historical, legal, and theoretical aspects that inform this significant topic. This study aims to highlight unsolved issues and offer new reform pathways





by critically assessing the deficiencies of international law in controlling these dynamics and doing a comparison analysis with analogous circumstances in other countries. Ultimately, it aims to enhance comprehension of fragmented sovereignty and its ramifications for policy and future research in Iraq and beyond (Thurber, 2014).





6.1 Case Studies from the Middle East

When analysing the larger consequences of fragmented sovereignty, it is crucial to assess the influence of regional dynamics on state-militia interactions in Iraq. The participation of neighbouring nations, especially Iran, complicates the domestic governance framework and affects the strategic considerations of several militia organisations, who frequently operate as extensions of foreign policy interests rather than solely local institutions. This external support can engender a cycle of reliance that erodes the authority of the Iraqi state, exemplified by militias such as Hashd al-Shaabi, whose activities often coincide with Iranian interests, so undermining Iraq's sovereignty and national unity (Jumaa, 2025). The comparative examination of analogous circumstances in the Middle East indicates that external pressures can intensify sectarian divisions, rendering the pursuit of a cohesive national identity increasingly elusive in a region characterised by historical grievances and geopolitical rivalry. As Iraq navigates these challenges, the necessity for a sophisticated strategy that integrates regional stability into the discussion of fractured sovereignty becomes increasingly imperative.

Iraq's struggle with fractured sovereignty reveals that foreign forces affect not just governance issues but also regional stability. The establishment of Iranian-backed militias complicates Iraq's internal dynamics and offers substantial threats to neighbouring countries, where analogous militia influence may incite cross-border sectarian tensions and violence. This phenomenon highlights the imperative for a unified regional security strategy that acknowledges the interrelation of these conflicts; for instance, the emergence of armed factions in Syria has illustrated how local instability can resonate throughout the region, affecting Iraq's security environment (Werner, 2004). The inability to adequately handle these militia dynamics may perpetuate a cycle of violence, further eroding the legitimacy of the Iraqi state and hampering international initiatives to foster peace and stability in the Middle East (Jumaa, 2025). The task involves not just managing internal militia relations but also promoting regional cooperation that emphasises collective security and tackles the underlying reasons of fragmentation.

As Iraq confronts these complex difficulties, the involvement of foreign organisations becomes essential in facilitating discourse and creating frameworks that enhance stability and accountability. The United Nations may significantly facilitate discussions between the Iraqi government and militia organisations, therefore eliminating the dual loyalty that frequently weakens official authority and complicates governance. This collaborative strategy is crucial for alleviating sectarian tensions and fortifying the values of human rights and accountability within the framework of hybrid government (Peter, 2023). The insights gained from other conflict-affected areas, where external interventions have either intensified or mitigated tensions highlight the necessity of customising international responses to Iraq's distinct socio-political context, thereby improving the likelihood of a unified national identity and enduring stability (Duman and Sönmez, 2018). Ultimately, cultivating a governance model that incorporates local perspectives and addresses the intricacies of fractured sovereignty may provide a route to a more cohesive and resilient Iraq.





Iraq's pursuit of government stabilisation, amid militia integration and foreign influences, underscores the critical importance of civil society in fostering a robust democratic environment. Grassroots movements and local organisations can act as essential intermediates, facilitating communication between state authorities and militia groups while promoting accountability and the preservation of human rights. This interaction is essential, especially considering the historical backdrop in which sectarian divides have frequently been intensified by external

influences, particularly Iran, whose backing of militias like as Hashd al-Shaabi hampers national unity and government (Ashti and Suhail, 2025). By empowering local voices and incorporating community-led initiatives into the governance framework, Iraq can foster a more inclusive political culture that emphasises national unity, thereby addressing the fundamental causes of fragmentation and improving the prospects for sustainable peace (Ducote, 2012).

The changing role of civil society in Iraq underscores the necessity for grassroots involvement and illustrates the capacity of community-led efforts to counteract the impact of external players and militias. Such programs can cultivate a feeling of ownership among local communities, empowering them to engage actively in governance processes and enhance accountability within governmental structures. Furthermore, including local viewpoints into policy-making may alleviate the sectarian rifts intensified by foreign interventions, as seen in other conflict-affected areas where inclusive governance has resulted in more stable outcomes (Zhyvko and Zastavnyy, 2023). The experiences of Lebanon and Libya underscore the necessity of empowering civil society to address the intricacies of fragmented sovereignty, indicating that a collaborative strategy involving local and international stakeholders is vital for cultivating a unified national identity and improving Iraq's potential for enduring peace (Knappe and Nanes, 2024) (Petersen, 2024).

6.2 Lessons from Other Regions: Latin America, Africa, and Asia



The experiences of other places facing comparable challenges of fragmented sovereignty and militia influence highlight the necessity of customised strategies for governance and conflict resolution. In Latin America, the incorporation of former guerrilla factions into democratic frameworks has frequently been followed by extensive peace accords that emphasise discussion, accountability, and community involvement, exemplifying a viable model for Iraq to contemplate within its own circumstances. In Africa, countries such as South Sudan have the combined challenges of militia integration and foreign influence, requiring comprehensive frameworks that manage security issues while fostering reconciliation among many populations (Hipsher, 2020). These comparative lessons underscore the imperative for Iraq to implement a multidimensional approach that incorporates local dynamics while promoting regional collaboration, eventually striving to establish a governance model that bolsters national unity and stability in the face of persistent obstacles.

The intricacies of divided sovereignty in Iraq require an analysis of the function of international legal frameworks in confronting the distinct problems presented by non-state entities. The ongoing expansion of militias is progressively undermining government, highlighting the necessity for international law to adapt to the complexities of hybrid governance, as the interactions between states and militias obscure conventional legal distinctions. The deficiencies in existing international humanitarian law regarding the accountability of non-state actors for human rights violations underscore a significant gap that necessitates rectification to promote stability and safeguard civilian populations (Wahab and Zaifullah, 2025). Moreover, the experiences of other places, particularly in Latin America, where former militias have been effectively assimilated into political institutions via robust legal frameworks, provide significant insights for Iraq. By tailoring these strategies to local situations, Iraq may discover avenues to improve governance, foster accountability, and eventually reinforce its national identity amid the persistent constraints of divided sovereignty (Djamal, 2023).





The persistent issues of divided sovereignty in Iraq need a thorough analysis of local government institutions and their ability to balance official authority with militia influence. Community-led projects have frequently arisen as essential venues for discourse, allowing residents to connect directly with state authorities and militia leaders, thereby cultivating a feeling of ownership in the government process. Grassroots initiatives may reconcile conflicting loyalties and enhance accountability, as seen in other conflict-affected areas where local involvement has

resulted in more stable solutions (Kao, 2022). The potential for decentralised governance models to empower local communities may offer Iraq a means to manage the difficulties of hybrid government, therefore improving national unity while confronting the challenges of divided sovereignty (Triandafyllidou, 2013). By emphasising local viewpoints and incorporating them into comprehensive policy frameworks, Iraq might develop a more robust state machinery capable of exerting its authority in the face of persistent foreign pressures and militia assaults.

Iraq faces the problems of militia integration and fragmented sovereignty, presenting community-led governance models as a possible approach to enhance stability and accountability. These methods, emphasising local participation and decision-making, can allow residents to actively participate in developing their governing structures, therefore reducing the influence of external players and sectarian divides that have traditionally afflicted the nation. Initiatives that promote interaction between local communities and state officials can foster a more inclusive approach to security and governance, enabling the reconciliation of varied interests and identities within Iraq's complex society.

7. Recent Developments and Future Directions

The notion of fragmented sovereignty has become a crucial paradigm for examining the complex interactions between official authority and non-state actors, especially in conflict-affected areas like Iraq. This phenomena indicates the fragmentation of centralised governmental authority, leading to a scenario where various groups, particularly militias, exert control over certain territory and people. The interaction between governmental institutions and militia groups in Iraq significantly impacts governance, security, and human rights, affecting both the political environment and the everyday lives of its residents (Hausknecht, 2013). The dynamics between state and militia are essential for comprehending the wider consequences of governance in a system

where conventional state authority is undermined by the rise of influential non-state actors. International law aims to govern relations between state actors and non-state militias; yet, its shortcomings in resolving the intricacies of divided sovereignty provide considerable issues. The historical settings, such as the establishment of militias during Saddam Hussein's dictatorship and their expansion post-2003 invasion, offer critical insights into the present dynamics. Theoretical theories on sovereignty—both classic and modern—provide insightful insights on these intricate relationships, while legal studies underscore the issues presented by non-state entities within the realm of international law. This literature study seeks to elucidate the complex dynamics of state-militia interactions in Iraq by analysing the historical, legal, and theoretical aspects that inform this significant topic. This study aims to elucidate unsolved issues and propose new reform pathways by critically assessing the limitations of international law in controlling these dynamics and doing a comparison analysis with other circumstances in other countries. Ultimately, it aims to enhance comprehension of fragmented sovereignty and its ramifications for policy and future research in Iraq and abroad (Jumaa, 2025).

7.1 Recent Trends in Militia Activity in Iraq

Recent developments in militia activity in Iraq indicate a troubling enhancement in their operational capabilities, especially as these organisations increasingly participate in regional conflicts that transcend national boundaries. The increasing assertiveness of Iranian-backed militias, such as Hashd al-Shaabi, has not only strengthened their military presence in Iraq but has also resulted in targeted operations against perceived adversaries, including Israel, thereby complicating Iraq's geopolitical landscape (Duman and Sönmez, 2018). This behavioural trend prompts significant enquiries over the Iraqi government's capacity to uphold sovereignty and territorial control, as these militias frequently operate autonomously from state directions, favouring sectarian or foreign interests above national cohesion. Moreover, the capacity of these militias to capitalise on internal discord and external conflicts presents substantial threats to Iraq's stability, requiring immediate international focus and a reassessment of strategies designed to diminish the impact of non-state actors in the region (Jumaa, 2025). As Iraq navigates these complexities, the necessity for extensive legal and political reforms becomes increasingly





السيادة المجزأة في العراق: قصور القانون الدولي في تنظيم العلاقات بين الدولة
والمليشيات

evident, seeking to harmonise the reality of divided sovereignty
with the requirement for a unified national identity.



مجلة مركز بابل للدراسات الإنسانية ٢٠٢٦ المجلد ١٦ / العدد ٣



The Iraqi government must consider the increasing strength of militias and their impact on national sovereignty, while simultaneously addressing the wider socio-economic conditions that facilitate militia recruitment and influence. The absence of economic prospects, especially in marginalised areas, frequently compels individuals to align with militias for survival and identity. This situation is exacerbated by a historical backdrop of governmental neglect and persistent political fragmentation, resulting in several groups experiencing disenfranchisement and susceptibility to outsider influence (Bahman and Köse, 2025). Thus, addressing these fundamental economic concerns via comprehensive development programs may be a pivotal method for diminishing militia influence and promoting national unity. By emphasising economic stability and inclusive governance, Iraq may reduce the allure of militias and foster a more robust and unified state structure capable of maintaining its sovereignty in the face of persistent external challenges.

To tackle the complex difficulties presented by militia influence, it is crucial to examine the impact of international players on Iraq's governance framework. As external entities, notably Iran, persist in supporting these militias, the Iraqi government is compelled to manoeuvre through a convoluted network of alliances and antagonisms that undermines its sovereignty and national unity. This scenario reflects previous instances of fragmented sovereignty, wherein external assistance to non-state actors frequently weakens local government, as seen in places like as Lebanon and Syria, where foreign interventions have intensified internal differences and instability (Jumaa, 2025). The incorporation of international legal standards into local systems may act as a catalyst for change, fostering accountability and improving human rights safeguards within the intricacies of militia operations (Ситник & Polyakov, 2024). A coordinated strategy that prioritises local involvement and international assistance may establish the essential groundwork for Iraq to regain its sovereignty and cultivate a cohesive national identity, thus tackling the fundamental causes of fragmentation that presently jeopardise its stability.

7.2 Potential Reforms in International and Domestic Legal Frameworks

As Iraq grapples with the complex difficulties of militia influence, the significance of international law reform intensifies in cultivating a government paradigm that enhances accountability and human rights. The deficiencies of existing international frameworks in tackling the intricacies of militia integration require a reassessment of legal norms to ensure they reflect the reality of hybrid governance, where state and non-





state actors function simultaneously. The implementation of effective monitoring procedures for militia actions, similar to those suggested by international organisations like the United Nations, might improve adherence to humanitarian norms and reduce the likelihood of human rights breaches (Chatinakrob, 2025). Moreover, collaborating with regional organisations to create customised legal frameworks that align with local contexts may promote a more unified governance strategy, thereby enhancing Iraq's enduring stability and national cohesion in the face of persistent challenges to its fragmented sovereignty (Gomathy et al., 2024).

Alongside legislative reforms, cultivating a vigorous civil society is crucial for improving government and reducing militia influence in Iraq. By enabling local populations to participate in conversation and decision-making, the state can foster a feeling of ownership and accountability that mitigates the widespread culture of impunity linked to militia activities. Experiences from other conflict-affected regions, such as the influence of grassroots movements in post-conflict Colombia, demonstrate how community-led initiatives can effectively facilitate reconciliation and stability by addressing local grievances and cultivating trust among diverse groups (Kinsella and Kinsella, 2018). Furthermore, including local viewpoints into policy-Creation not only fortifies national identity but also aligns government with the socio-political realities of Iraq's diverse community, eventually fostering a more cohesive and resilient state adept at managing the intricacies of divided sovereignty.

Given these complications, the involvement of foreign organisations in mediating the relationship between the Iraqi government and militias is becoming increasingly vital, especially as the demand for efficient governance institutions escalates. The United Nations might promote talks that underscore the significance of national sovereignty while integrating local governance systems that reflect Iraq's distinct socio-political conditions. This approach facilitates a nuanced comprehension of hybrid governance, recognising the validity of non-state actors while concurrently strengthening accountability measures to reduce human rights breaches. Moreover, as observed in other areas facing analogous challenges, a collaborative initiative that involves local communities in governance can enable citizens to regain control over their political environment, thus promoting a more unified national identity amidst the persistent difficulties of fragmented sovereignty (Fjäder, 2014) (Pospisil and Kuehn, 2016).

8. Conclusion and Recommendation

Conclusion

The literature study on fragmented sovereignty in Iraq underscores the complex and varied interactions between official authority and non-state actors, especially militias, within a conflict-affected environment. The notion of fragmented sovereignty denotes the dissolution of centralised state authority, leading to a multifaceted environment in which many institutions wield influence over government, security, and the everyday lives of residents. This phenomenon is especially evident in Iraq, where the historical context of militia creation under Saddam Hussein and their expansion following the 2003 war have established a difficult landscape for official authority. International law, intended to govern relations between state actors and non-state militias, encounters substantial deficiencies in handling the complexities of fragmented sovereignty, hence presenting urgent issues regarding accountability and the protection of human rights. This paper seeks to analyse the historical, legal, and theoretical aspects that influence state-militia interactions in Iraq, highlighting the necessity for extensive legislative changes and novel governance strategies that acknowledge the intricacies of hybrid governance frameworks. This research aims to clarify unsolved issues and propose viable reform routes that might foster a more stable and unified Iraq by analysing the interaction between local dynamics and external influences, especially from Iran. This literature study aims to improve comprehension of fragmented sovereignty and its ramifications for policy and future research, applicable not only to Iraq but also to other regions facing analogous difficulties.

Recommendation

Iraq's struggle with fractured sovereignty need enhanced regional collaboration to effectively tackle the diverse difficulties arising from militia influence and outsider interference. Collaborative frameworks including neighbouring governments can strengthen security and stimulate economic growth, therefore mitigating the socio-economic grievances that drive militia membership. Initiatives designed to promote commerce and investment in border regions might counteract the appeal of militia connections, therefore strengthening national identity and cohesiveness across varied groups. The creation of regional dialogues that emphasise collective security and shared interests could serve as a mechanism for alleviating sectarian tensions and promoting a cohesive governance framework, thereby enhancing Iraq's stability and resilience amid persistent challenges.

Alongside promoting regional collaboration, the incorporation of effective community engagement initiatives is crucial for tackling the issues presented by militia influence in Iraq. By enabling local residents





to engage actively in governance, the state can foster a feeling of ownership and accountability that mitigates the widespread culture of impunity linked to militia activities. This strategy reflects successful programs in other conflict-affected areas, where community-driven conversations have demonstrated efficacy in closing divides and fostering reconciliation.

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