Iraq: Whither after Withdrawal?

Summary: The rate of Iraqi civilian deaths is dramatically down, 7% of the civil war high. However it has been stuck in a plateau since 2009. Indeed it slightly increased in 2011 over the preceding year by some calculations. This plateau is the result of changing trends in violence on the eve of the U.S. withdrawal from Iraq, some positive and others different but equally negative and dangerous. Flashpoints for conflict in the post-withdrawal environment include the foreign-origin questions of the Turkish and Iranian bombing of Iraqi Kurdistan, Camp Ashraf, and overflow of the Syrian crisis into Iraq. The main threat to Iraqi stability in 2012 however is not from without but rather from within, notably the still weak checks and balances in Baghdad.
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Introduction

The rate of Iraqi civilian deaths is dramatically down, 7% of the civil war high. However it has been stuck in a plateau since 2009. Indeed it slightly increased in 2011 over the preceding year by some calculations. This plateau is the result of changing trends in violence on the eve of the U.S. withdrawal from Iraq, some positive and others different but equally negative and dangerous. Flashpoints for conflict in the post-withdrawal environment include the foreign-origin questions of the Turkish and Iranian bombing of Iraqi Kurdistan, Camp Ashraf, and overflow of the Syrian crisis into Iraq. The main threat to Iraqi stability in 2012 however is not from without but rather from within, notably the still weak checks and balances in Baghdad.

Changing Nature of Domestic Violence

The full-fledged insurgency appears to be over. In 2007 3,800 individuals were being killed monthly. At the formal completion of the mission of U.S. troops in December 2011 the rate was less than a tenth of that figure. Nevertheless the killing of over 300 civilians a month is hardly stability. Moreover high profile targeted assassinations are on the rise.

Assassinations particularly target security officers, government officials, journalists and some protest organizers. The parties carrying out the attacks may be divided into two primary categories. The first are groups outside the parliamentary process attacking government targets. The second are members of various political parties within the parliamentary process either carrying out assassinations against members of other parties in the parliamentary process or independent non-violent critics from civil society.

Violence against journalists and protest organizers increased notably during the last year, despite the dramatic drop in the killing of Iraqi civilians in general since 2007. Indeed the assassination and attack rates increased by 50% and 80% respectively in the first half of 2011 over the monthly averages of the previous year. The rise in violence corresponded precisely with the period of the Iraqi Spring which sought peaceful reform of the government in general and the ruling coalition in particular. Practitioners of non-violent political criticism are also the particular targets of legal harassment by leading government figures using Saddam-era legislation, new legislation with troubling loopholes passed in the last two years, and executive orders. Legal harassment includes crippling fines for the ‘insult’ of leading politicians, the closure of publishing houses, and the non-issuing of permits to protest.

This timing and targeting therefore point to a worrying trend in Iraqi politics where members of government rather than random civil war violence are becoming the primary threat to freedom of speech and organization in Iraq. Moreover the three provinces under the semi-autonomous rule of the Kurdish Regional Government (KRG) witnessed rates of physical and legal harassment of practitioners of freedom of expression and organization just as high as the other 15 under Baghdad’s direct control. This fact casts doubt on the frequently made assumption that the KRG’s far lower rates of overall violence than the rest of the country have led to far higher rates of respect for civil and political rights.

The clear assistance of government insiders at all levels of security breaches indicates the limits of much-improved state control, geographically and institutionally. Monthly prison breaks of
high-value terrorists carried out with insider assistance are one example. The heavy use of
government-issued IDs and silencer weapons, are among the continuing evidence of the
assistance of ranking members of government in the wave of assassinations as well. Public
evidence reached the level of provoking frank acknowledgement of the problem by officials
ranging from the head of the Baghdad Operations Command, up to the Prime Minister himself
in late Summer 2011. Indeed, in August, the Baghdad Operations Command formally
announced that it had issued orders for all guards and police in Baghdad to turn in their Glocks
because most of the assassinations in the capital had been carried out using government-issued
guns. A crackdown in Baghdad following the scandalous revelations showed some signs of
success. But it also pushed many of the assassinations outside the capital into neighboring
provinces.

Geographically, the brunt of violence overall will remain in the provinces with the heaviest
ethno-sectarian mix and those containing the disputed territories. The last year’s distribution
of violence and current political tensions support this contention. During the last year and into
2012 the nine provinces farthest north and south, half the country, represented a mere 4% of
national violence. The three northernmost provinces making up the semi-autonomous KRG
(Erbil, Dohuk and Sulaymaniya) represented 1% of national violence. The southernmost six
provinces (Basrah, Dhi Qar, Muthanna, Maysan, Najaf, Qadissiya) represented a mere 3% of
national violence. Much publicized Iranian and Turkish attacks into the KRG have been limited to
a slim strip of land by the borders themselves, which is mostly rural, leading to comparatively
few deaths in reference to the rest of the country. By contrast the central provinces (the most
heavily mixed provinces plus Sunni-dominated Anbar and the Shiite religious center of Karbala)
continued to bear the brunt of national violence. The provinces of Ninawa and Kirkuk alone
accounted for 25%; Anbar, Babil, Diyala, Karbala, Salahaddin and Wasit 34%; and Baghdad 37%.
A look at the domestic and transnational political factors indicate why the above enumerated
trends in violence are likely to continue into the near future.

Sectarian Questions

The Prime Minister’s apparent disregard for the repercussions of measures easily read in a
sectarian light – the recent crisis following his threat to remove all 9 MPs of the Sunni-
dominated Iraqiya Bloc (which won the plurality of parliamentary seats in the last election)
including the two highest ranking Sunnis in government from cabinet (personally undertaken by
the Prime Minister), the continuation of a politicized de-Ba’athification process and arbitrary
detentions (more generally undertaken by Baghdad) – is worrying given the continuing fragility
of the democratic process in general. In specific, it is of concern given the importance of the
return of Sunnis in particular to the polls after a 2005 boycott leading into the height of the civil

A notable intensification of large-scale al-Qaeda type attacks immediately followed the
provocative maneuvers. These were among the deadliest coordinated attacks in Iraq of the past
year. This indicates the dangers of the violent alternatives when a large sector of society feels
disenfranchised from the democratic process.

However if such measures are often given a sectarian reading in both popular Iraqi and
international analyses, and by virtue of this perception alone can give rise to sectarian violence,
the roots of the ‘sectarian’ provocations are as, if not more, justly seen as a piece of a larger pattern of equal concern -- the broken checks and balances in the federal government in Baghdad.

**Broken Checks and Balances in Baghdad**

In 2011, for the first time in several years, Iraq moved in a positive direction on international transparency indexes. Regardless of the improvement from 4th to 8th most corrupt country in the world, such a title remains a highly negative indicator of Iraqi governance.

Interior and defense ministers remain un-appointed 22 months after elections. Instead these key ministries are headed by temporary personal appointees, and loyalists to, the Prime Minister. These appointments entirely circumvent the parliamentary process since all ministers according to the Constitution should be confirmed by a parliamentary vote. Likewise, the Integrity Commission, a key check on government corruption, recently lost its latest head, who like all his predecessors, was either fired for investigating too deeply, or quit as a result of parties’ stone-wall-ing of the Commission’s attempts at prosecuting well-connected members of government.

Federalization attempts, like the more extreme example of explosions, may be considered outcroppings of protest against the failings of the central government. Protesters and Provincial Council representatives in favor of federalization in Sunni-dominated provinces have frequently cited in particular patterns of arbitrary detention by federal security forces, in addition to feelings of disenfranchisement from a meaningful role in politics at the national level as reasons for desiring the status of region for their provinces. But provinces dominated by populations of the same Shiite Arab background as the core of the ruling coalition in Baghdad have also at various times put forward federalization proposals, many for the first time in Iraqi history. This indicates that the intense frustration with the central government is hardly limited to a single sect.

The sub-party level also indicates problems in the balances of power. Despite fierce interparty competition in the political (and indeed at times physical) realm, intra-party democracy is still greatly lacking. The law can and has allowed voters to modify the order of parties’ seat allocations, but cannot force the removal of leader. Intra-party disputes end more frequently in a splinter group than a vote.

**The Disputed Territories and Erbil-Baghdad Relations**

At the core of the dispute between the regional administration of the semi-autonomous Kurdish Regional Government (the KRG) and the federal government at Baghdad, is the lack of a final division of legal authority over people and resources. Currently negotiations on the status of the disputed territories, a hydrocarbons law, a revenue-sharing law, provincial elections in Kirkuk and a national census are all suspended, leaving a legal vacuum regarding chains of authority on a range of political, legal and military aspects of conflict between Erbil and Baghdad.
The physical location where tensions between Erbil and Baghdad are most explosively played out on the ground is the Disputed Territories. These are the territories in the provinces of Kirkuk, Ninewa, Salah ad-Din and Diyala with substantial or historic Kurdish populations, authority over whom is disputed between Erbil and Baghdad. Many, notably Kirkuk, also contain the KRG’s only hope of meaningful hydrocarbon reserves. For the last three years, the four provinces which contain disputed territories have quite simply been the four provinces with the highest levels of violence per capita of all eighteen.

The U.S. military withdrawal has a genuine chance of destabilizing the situation further because of this military’s particular and now discontinued role in the security frameworks in these territories, namely the trilateral patrols. Forces made up of elements of the federal Iraqi army, the local police forces and Kurdish peshmerga were assembled into joint patrols in 2009-2010 in the Disputed Territories with the aim of facilitating communications and providing early-warning between parties to the conflict. Such units have undertaken raids targeting insurgents’ hideouts and are deployed at 22 checkpoints across the Territories. They have widely been considered effective, and have witnessed nearly no internal conflicts in carrying out their coordinated missions. However their numbers are a fraction of the overall forces deployed in the disputed territories — only about 1,200 persons overall. By comparison, the Iraqi security forces there number more than 600,000, and the peshmerga 100,000 under their respective, separate, command structures. Both political backing and even funding for the continuation of the joint patrols and their expansion are already suffering. Moreover there is little prospect of the acquisition of a comparatively neutral armed third party, such as NATO or a U.N. force, to serve as a monitor in joint patrols in the wake of U.S. withdrawal since both have already quite clearly declared they are uninterested in partaking in such missions.

**Status of Forces: Statistics, Soldiers, and Contractors**

Months of debate have indicated that while the Iraqi public was and continues to be strongly pro-withdrawal, many in the governing coalition had concluded that some U.S. and/or NATO troops should remain, though under a more diplomatic title such as ‘trainers’. Without being able to convince foreign governments, notably the U.S., to concede the immunity of their forces however, no agreement could be reached.

Nevertheless a considerable number of foreign security forces will remain, mostly as contractors. The U.S. Department of State demands at least 5,000 security personnel to guard the 16,000 civilians remaining as part of the U.S. mission in Iraq, the largest American diplomatic mission in the world. This is only 3% of the size of peak levels of foreign security personnel in the country since the invasion of 2003. Yet their indeterminate status is certain to cause controversy, if not violence. Security contractors are not regular troops (although the Geneva Conventions do have some provisions for ‘mercenaries’ as they are anyway termed in popular Iraqi political parlance). Their subjugation to a diplomatic mission makes little difference, legally or popularly. The massacre and ensuing scandal which made the security contracting firm formerly known as Blackwater, and the contracting business in general, household words were committed while that firm was working in precisely the capacity of diplomatic protection. Indeed Blackwater itself, having gone through a series of name changes seems set to return to win such contracts in Iraq personally.
Moreover figures such as Muqtada al-Sadr, the leader of one of the most important ‘resistance’ militias in the country, have at various times declared that their forces will consider all private security contractors, like regular uniformed military, occupying forces and therefore valid targets for violent attacks.

At the same time contractors are limited from the more useful aspects of the former mandate of the army, notably the participation in trilateral patrols in the Disputed Territories, where security contractors will have no role.

**Syria, Rebels and Refugees**

With the death-toll of the Syrian Spring already over 5,000 individuals in a matter of months, the Syrian question has become a concern for Iraq on a geo-strategic as well as humanitarian level. The heads of the ruling coalitions in Iraq are nearly to a man heads of former underground resistance organizations to oppressive rule. They are therefore less than thrilled to be seen as directly supporting another oppressive regime. However geo-strategic considerations of the effect of attempts at regime change in Syria on the stability of Iraq have taken precedence in their actions.

Syria was not long ago a major transit point for insurgents into Iraq. It took both the political will and organization of the Syrian government to decrease the phenomenon. Iraqi politicians reasonably believe that any attempt at regime change (internally or externally forced) in Syria would increase the chance of ensuing chaos or even civil war in Iraq. This could arise as the result of deliberate the Syrian government action against Iraq for pushing for regime change in Syria. Alternatively it could be a natural result of the Syrian government’s loss of control. Whatever its origin, the return of the Iraqi-Syrian border to the previous porous condition by which it was characterized at the height of the Iraqi insurgency and civil war is considered a serious threat by the Iraqi government.

Refugees are a second fear. The Iraqi Government does not want to deal with a sudden return of the vast numbers of Iraqis currently residing in Syria, the host country to the largest number of Iraqi refugees in the world. They want far less to deal with a flood of Syrian nationals looking for refuge. A few have already arrived in Camp Walid in al-Anbar, but agencies such as the UNHCR are monitoring the situation without recording a significant jump in their numbers to date.

For a combination of these geostrategic reasons Iraq abstained from both the 12th of November 2011 Arab League vote to suspend Syria from the League and the 27th of November 2011 vote for sanctions against Syria, and then proposed itself as a mediator between the Syrian government and the opposition. It is simultaneously currently trying to push through legislation mandating much harsher punishments of illegal immigrants into the country, the manner in which most refugees cross borders. The Iraqi government’s conservative position regarding Syria therefore seems likely both to continue and cushion Iraq for the time being from major negative domestic repercussions of the Syrian crisis.

**Turkey and Iran’s Bombings of Iraqi Kurdistan**
Cross-border bombardments by Turkey and Iran into Iraqi Kurdistan, in pursuit of their respective armed Kurdish opposition groups, have left at least twelve Iraqi civilian dead and thousands of persons displaced in the past year. The coincidence of the bombardments with the short harvesting season, destruction of dunums of land and hundreds of heads of livestock, have led to accusations that the bombardments specifically target civilians to clear the mountainous border areas where such armed groups find a safe-haven. As such they are roughly consistent with years past and likely to continue at similar levels into the coming year.

However the direction of the attack has changed, increasing from the Turkish side and decreasing from the Iranian one. This is the result of the domestic policies of Iran and Turkey. Since its rise in 2002, the ruling Turkish Justice and Development Party (JDP) has seen a more diplomatic approach to their Kurdish question as a desirable policy. First, a diplomatic tact allowed the JDP to win nearly half of Kurdish votes in domestic election cycles. Second, it was understood as necessary for E.U. entry negotiations. But in recent years the political benefit of diplomacy with the Kurdish opposition in Turkey has decreased for the JDP. E.U. entry negotiations have ground to a halt and negotiations with the Kurds have themselves witnessed numerous setbacks. As a result the JDP now faces the need to court more strongly the ultranationalist Turkish vote, and a traditional popular base that is demanding a ‘hard’ response to increases in tit-for-tat violence between Turkish and Kurdish forces. The jump in Turkish state violence against Kurdish civilians and military targets at the borders with Iraq at the end of 2011 and beginning of 2012 has sustained this trend. By contrast, the frequency of the bombardment of the Iraqi Kurdish North originating from Iran has decreased dramatically since early September 2011. At that time an agreement was rumored to have been reached between the KRG and Iranian authorities to tighten KRG border security in return for a lightening of Iranian bombardments. The pact was said to have been reinforced by a formal cease-fire reached between Iran and the PJAK, the Iranian armed Kurdish opposition organization counterpart of the PKK in Turkey. The durability of the PJAK ceasefire with Iran, and therefore the notable decrease in Iranian bombardment of their mountainous safe-haven straddling the Iraqi border, is unclear. However, the annual intensification from the Turkish side is unlikely to reverse, indicating that this will be the origin of the main of cross-border bombing violence against the Iraqi North into the foreseeable future.

**Camp Ashraf**

The fate of the 3,000 inhabitants of Camp Ashraf has come directly into question with the U.S. withdrawal. International law stipulates that refugees whose lives could be in danger as a result of being returned to their country of origin should not be forcibly returned. The dissolution of the camp housing members of an until recently armed Iranian opposition group (the Mojahedin-e Khalq or MEK) present in Iraq since the 1980s, is a desire of Iran which the current Iraqi government has so far appeared more than willing to fulfill.

Residents and the UNHCR have called for extending the closure deadline to allow for the full processing of asylum claims and hoped-for resettlement of all former inhabitants. The Iraqi government has so far shown lukewarm compliance. On December 21st, 2011, Prime Minister Nuri al-Maliki announced that the closing of Camp Ashraf would be delayed for six months if the MEK agrees to a Memorandum of Understanding for the relocation of the Camp Ashraf residents. However, a December 20th statement from the spokesperson of the camp, which also
agreed to the transfer in principle, set out conditions that have not been agreed upon. Because of the impasse, the prospect still looms that force could be employed to close the camp.

Even without immediate closure many questions about the treatment of the camp’s inhabitants at the hands of the current Iraqi administration remain. Since the return of authority for guarding the camp from U.S. troops to Iraqi ones in June 2009, two violent incidents involving Iraqi security forces, in July 2009 and April 2011, have led to the deaths of more than 40 Camp Ashraf residents. Likewise allegations of torture have followed questioning of camp residents by Iraqi authorities.

Conclusions

Following the U.S. withdrawal, insurgency is far down. Bombardments from the Iranian side are at least for the mid-term comparatively quiet. State policy towards Syria seems to effectively be keeping Iraq out of the way of negative repercussion of the Syrian crisis for the time being. Turkey’s internal policy, over which Iraqi has little influence, is causing and looks to continue to cause an upward swing in cross-border bombings causing the killing and displacement of KRG civilians. The large and increasing force of foreign security contractors in the country is certain to cause controversy.

However overall international questions are for the time being far less pressing and less dangerous than internal ones. It is the domestic questions, notably the strengthening of checks and balances in Baghdad, and implementation of a final settlement with Erbil, that will be required to move Iraq out of the security plateau in which it has been muddling through for the last three years and the dangerous jump in violence in the first month after withdrawal.