

**LOOSE ENDS: IRAQ'S SECURITY FORCES BETWEEN
U.S. DRAWDOWN AND WITHDRAWAL**

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LOOSE ENDS: IRAQ'S SECURITY FORCES BETWEEN U.S. DRAWDOWN AND WITHDRAWAL

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Much is at stake in the never-ending negotiations to form Iraq's government, but perhaps nothing more important than the future of its security forces. In the seven years since the U.S.-led invasion, these have become more effective and professional and appear capable of taming what remains of the insurgency. But what they seem to possess in capacity they lack in cohesion. A symptom of Iraq's fractured polity and deep ethno-sectarian divides, the army and police remain overly fragmented, their loyalties uncertain, their capacity to withstand a prolonged and more intensive power struggle at the top unclear. Prime Minister Nouri al-Maliki has taken worrying steps to assert authority over the security apparatus, notably by creating new bodies accountable to none but himself. A vital task confronting the nation's political leaders is to reach agreement on an accountable, non-political security apparatus subject to effective oversight. A priority for the new cabinet and parliament will be to implement the decision. And a core responsibility facing the international community is to use all its tools to encourage this to happen.

Iraq's security forces are the outcome of a seven-year, U.S.-led effort, which began after it comprehensively uprooted and dismantled remnants of the previous regime. This start-from-scratch approach entailed heavy costs. It left a dangerous security vacuum, produced a large constituency of demoralised, unemployed former soldiers, and fuelled the insurgency. The corollary – a hurried attempt to rebuild forces through rapid recruitment, often without sufficient regard to background or qualifications – brought its own share of problems. Iraq's increasingly fractured, ethno-sectarian post-2003 politics likewise coloured recruitment and promotions. Facing a spiralling insurgency, the U.S. felt it had no choice but to emphasise speed above much else; today, some one in seven Iraqi adult males is under arms. And so, even as they have gained strength in numbers and materiel, the army, police and other security agencies remain burdened by this legacy of expediency.

Considering this backdrop, some indicators are surprisingly positive. Violence, albeit still far above what ought

to be tolerable, has levelled off in the past two years. Iraqi security forces have taken the lead in several important operations. Recently, they have withstood three noteworthy tests: the departure of close to 100,000 U.S. troops since January 2009; the March 2010 parliamentary elections; and, over the past several months, political uncertainty prompted by institutional deadlock. If insurgents remain as weak as they are and find no fresh opportunity to exploit political fractures, security forces operating at less-than-optimal levels still should face no serious difficulty in confronting them. On the regional front, while neighbours are actively involved in Iraqi politics, none has displayed aggressive behaviour that would suggest a serious military peril in the foreseeable future.

Measured by their professionalism and logistical capabilities, and assessed against likely threats, the security forces remain a work in progress, yet are faring relatively well. But strength is only one criterion used to measure their sustainability and not necessarily the most pertinent. The security apparatus was built for the most part in response to a contingency that is no more (a sprawling and deadly insurgency), in conformity to a governing paradigm that has become moot (drawing a relatively clear line between the political system on the one hand and those who contest it on the other) and by a party that, militarily at least, is on its way out (the U.S.). Today, the main threat to the political order does not emanate from an organised insurgency that wishes to topple it and oust the occupiers. Rather, it emanates from within: the fractured nature of society and the political class which in turn promotes the security forces' fragmentation and politicisation.

The structure of Iraq's security forces reflects both the modalities of their creation and the character of the overall polity. Ex-regime elements, militia members, former insurgents and Kurdish forces were fitfully integrated into security institutions which became the prey of competing ethnic, sectarian and political forces. The result is a set of parallel, at times overlapping forces that often fail to coordinate tasks or share intelligence and that, in the main, still lack both a unified vision and a unified sense of mis-

sion. A severe political breakdown – during the current process of government formation, for example, or over future elections – could reverberate throughout state institutions, including the security forces. This is when the second criterion, cohesiveness, will matter most, the question being to whom individual units and their commanders will answer: to the state as a supposedly neutral arbiter of disputes, or to individual political leaders who command authority over political factions, ethnic groups or confessional communities.

The U.S. has both promoted this pattern – by heavily focusing on churning out new security units without sufficient regard to their cohesion and contained it, by virtue of its extensive presence throughout the security apparatus and political system. With the drawdown and impending full withdrawal by the end of 2011, and the resulting weakening of the U.S. role, the risk of a balkanisation of the security forces likely will increase. In this context, the inability to form a government following the 7 March 2010 legislative elections, should it endure, could have serious repercussions on a security apparatus that remains fragile in its structure, composition and capacity.

Another phenomenon further complicates the picture. Since 2008, Maliki has sought to assert greater personal control over the security forces. His main argument related to safety and initially was not without foundation. Iraq had barely begun to emerge from a sectarian war; parliament was unable either to pass laws regulating security agencies or approve nominations to key posts. But his remedy was at least equally dangerous. Without parliamentary oversight or legal basis, the institutions he established are accountable to him alone. Even some Iraqis who originally accepted this as dictated by circumstance argue it has lost any justification. Although regular forces also have been known to engage in unlawful conduct, these new security bodies are believed to carry out extra-judicial operations, uncoordinated with the defence or interior ministries, unmonitored by parliament and unregulated by oversight agencies. Maliki's authoritarian tendencies are widely decried – one reason why some opponents resist granting him a new tenure and others will acquiesce only if his powers are seriously diluted.

Iraq's security forces have improved the safety of their citizens, but these problems present longer-term threats that urgently need to be rectified. The new legislature faces the critical challenge of setting up a transparent framework that clearly defines the role and mandate of various security institutions and imposes accountability and oversight, while ensuring immunity from undue political interference. Agencies that lack a basis in law ought to be either dismantled or properly regulated and overseen. This will be no easy task, considering that parliament has not met for months, that it is itself deeply divided and that it will confront a large, competing list of priorities. But it

will be all the more important as the U.S. military presence winds down. The two countries could yet agree to prolong that presence in some fashion – a decision the new government will have to weigh relatively soon but that in no way would diminish the need to establish more cohesive, accountable and non-partisan Iraqi security institutions.

RECOMMENDATIONS

To the Caretaker Government of Iraq:

1. Take steps to restore confidence in security forces and minimise risks that extrajudicial practices will continue under the next government by in particular:
 - a) dismantling security and intelligence agencies that are without legal basis, including the Office of the Commander in Chief and the Office of Information and Security;
 - b) reintegrating the 56th (Baghdad) Brigade and the Operational Command centres into the regular army, with commanders reporting directly to their superior army officers; and
 - c) presenting a detailed plan to the Council of Representatives ensuring law-based regulation of the Counter-Terrorism Service and Counter-Terrorism Command with proper independent control and oversight.
2. Ensure, pending appropriate legislation, that counterterrorism forces and other security agencies fully coordinate their operations with the interior and defence ministries.
3. Close down any detention centres not operating under the justice ministry or bring them under that ministry's jurisdiction, and end all torture.
4. Continue to integrate former insurgents into security forces or provide them with public sector employment and offer them adequate protection against al-Qaeda in Iraq and other violent groups.
5. Streamline the work of intelligence agencies with a view to improving intelligence-sharing and coordination by clearly delineating responsibilities and strengthening the mandate of coordinating bodies such as the National Intelligence Coordination Council.

To Iraqi Political Parties:

6. Form a broad-based, inclusive coalition government reflecting an arrangement that redistributes power between the prime minister and other senior positions, balancing between the prime minister's need to govern

effectively and the risk that his authority be exercised without effective oversight and control.

To the Iraqi Council of Representatives:

7. Codify in law the power-sharing arrangement described above.
8. Legislate within six months of the government's formation a new security architecture in which roles and responsibilities of all security and intelligence agencies are clearly defined and subject to effective independent oversight, notably through parliamentary committees.
9. Review all extra-parliamentary appointments to senior command positions made by the previous government (including in its caretaker capacity), and approve or reject such appointments on the basis of merit.

To the Next Iraqi Government:

10. Ensure that all security forces are covered by a new law to be passed by parliament.
11. Prosecute officers suspected of human rights violations or corruption.
12. Diversify the ethnic and confessional composition of security forces deployed in specific areas.

To the Kurdistan Regional Government:

13. Integrate party-affiliated security (*asaesh*) and intelligence (*parasten* and *zaniyari*) agencies into a single institution under the Kurdistan regional government's control and the regional parliament's oversight.
14. Initiate discussions with the federal government over the future integration of those agencies and that single institution into the national police under the interior ministry's authority.

To the Governments of Iraq's Neighbours and the United States:

15. Assist Iraqi parties in forming a broad-based, inclusive coalition government based on an arrangement that redistributes and shares power between the prime minister and other senior positions.

To the United States Government:

16. Be more transparent about which parts of the Iraqi security apparatus it works with and how.
17. Use military assistance as leverage to press the next Iraqi government to ensure proper regulation of its army, police, anti-terrorism and other security forces and their respect for human rights and the rule of law.

Baghdad/Washington/Brussels, 26 October 2010

LOOSE ENDS: IRAQ'S SECURITY FORCES BETWEEN U.S. DRAWDOWN AND WITHDRAWAL

I. INTRODUCTION

A. THE U.S. TROOP DRAWDOWN

On 1 September 2010, President Barack Obama declared the U.S. combat mission in Iraq over. Two weeks earlier, the last combat brigade had crossed the border into Kuwait, leaving behind just under 50,000 U.S. troops, whose primary mission would be to “advise and assist” Iraqi security forces until their withdrawal by the end of 2011.¹

The conclusion of the U.S. drawdown marked the start of a transition from a Pentagon-led presence to one led by the Department of State, which was set to have the largest U.S. embassy and diplomatic presence in the world, with its own contracted security protection and an unprecedented and untested mission to train local police forces. Looking forward, the State Department declared its mission would be to implement the Strategic Framework Agreement signed by the Iraqi government and the Bush administration in late 2008, which envisions a long-term partnership between the two countries in a range of sectors, from education to health, to law enforcement and judicial cooperation.

The turning point raised questions about the strength, cohesion and therefore sustainability of Iraq's security forces. U.S. officials and military commanders argued that these forces had withstood the departure of some 94,000 U.S. troops since January 2009 without a return to earlier horrific levels of violence, showed themselves capable of maintaining security during the March 2010 parliamentary elections and were now displaying their professionalism and commitment to the constitution during the fractious

negotiations, still ongoing, over the formation of a new government.² A U.S. military commander in Diyala reported that Iraqi security forces “improve daily and have developed mature intelligence networks; execute time-sensitive, warrant-driven cordon and searches; and routinely defuse improvised explosive devices. They already are conducting a counter-insurgency campaign but still need U.S. help in specialised areas”.³ Likewise, a senior U.S. intelligence official claimed that Iraqi forces showed “steady improvement in their ability to plan and conduct operations”.⁴

On the insurgent front, U.S. officials said al-Qaeda in Iraq's (AQI) impact and strength had dwindled, its leadership decimated and reduced to a mere 10 per cent of the manpower it fielded at its peak.⁵ As illustrated by a string of spectacular attacks both claimed by and attributed to it, the organisation retains lethal capacity and, importantly, the ability to replace detained or killed leaders.⁶ But it no longer can control territory, as it did until 2007, and, as explained by a senior intelligence official, although it will continue to carry out attacks, it cannot threaten the government.⁷ Still, despite the marked reduction in incidents

¹ A Pentagon official stated that the remaining troops' three primary missions would be: “training, equipping, advising, and supporting the Iraqi Security Forces (ISF); partnered counter-terrorism operations; and protecting and enabling U.S. and international civilian partners in their continued capacity-building efforts”. U.S. troops will operate in six “Advise and Assist Brigades” and one “Advise and Assist Task Force”. Colin H. Kahl, “Breaking Dawn: building a long-term strategic partnership with Iraq”, *Foreign Policy Online*, 31 August 2010.

² Crisis Group interviews, U.S. officials, Washington, 31 August 2010.

³ Opinion piece written by Brigadier-General Pat Donahue, *The Washington Times*, 30 August 2010.

⁴ Crisis Group interview, senior intelligence official, Washington, 31 August 2010.

⁵ In February-August 2010, al-Qaeda in Iraq (AQI) reportedly lost 34 of its 42 top leaders, who were either killed or detained in joint U.S.-Iraqi counter-terrorism operations. Kahl, “Breaking Dawn”, op. cit.

⁶ On 18 April 2010, U.S. and Iraqi forces killed Abu Ayoub al-Masri and Abu Omar al-Baghdadi – two AQI leaders near Tikrit. Attacks have continued, however, including ones that by their coordination suggest a degree of organisation that would be difficult to accomplish without central leadership. In May, the group announced it had named new leaders. *The New York Times*, 16 May 2010. On 25 August 2010, AQI claimed responsibility for a series of coordinated attacks across Iraq in at least thirteen towns, involving some ten car bombs and killing over 55 people.

⁷ Crisis Group interview, senior intelligence official, Washington, 31 August 2010.

since 2008, and despite the growth in the security forces, violence remains a factor of daily life.

A report by the UN Assistance Mission in Iraq (UNAMI) suggests that over 2,000 Iraqis died in political violence (insurgent attacks, assassinations) and 5,000 more were injured between January and May 2010.⁸ While this is a sharp reduction compared with the civil war years (2005-2007), it remains significant. Moreover, the combination of almost 1,500 security checkpoints in Baghdad alone,⁹ repetitive and time-consuming body searches at entrances to public buildings, concrete walls sealing off residential areas along confessional lines and night-time curfews prevents a return to normal life.

U.S. officials stress the need for continued security cooperation with Iraq ahead of the final withdrawal, with a focus on further integration of former insurgents into the security forces and other government jobs,¹⁰ and on establishing "police primacy" in security, allowing the army to gradually move out of urban centres and dedicate itself to the more traditional mission of protecting the country from external threat.¹¹ They say they see the development of Iraqi security forces in three stages: reaching the capability to face internal threats, now accomplished; reaching the capability to confront external threats, currently underway; and allowing Iraq to move from being a dependent "security consumer" to becoming a contributor to regional security – an aspiration.¹² Overall, U.S. officials display confidence that Iraq has decisively turned the corner fol-

lowing the 2005-2007 sectarian war and the tortured early years of institution rebuilding.¹³

Iraqi opinions are more mixed. Polls suggest high popular approval for the army and police.¹⁴ Displaying lesser optimism, security officials express concern about the continuing low-level insurgency which, they say, is awaiting the opportunity to bounce back,¹⁵ an enduring threat from neighbouring states that meddle in the country's domestic affairs,¹⁶ and especially a possible political implosion that

¹³ U.S. officials also insist that the troop withdrawal is "conditions-based", ie, that the U.S. will use the remaining time to build up Iraqi forces to the level of self-sustainability. They have given themselves an apparently immutable deadline, however, meaning the withdrawal in fact is time-based: if the U.S.'s self-imposed targets are not met by 31 December 2011, and if there is no bilateral follow-on agreement between the two countries, U.S. forces still would depart. Crisis Group interviews, U.S. officials, Washington, 13 August 2010.

¹⁴ In a June-July 2010 survey among a sample of some 3,000 Iraqis conducted by the International Republican Institute, a think-tank affiliated with the Republican Party in the U.S., 77 per cent of respondents said they approved or somewhat approved of the national army, while 68 per cent said the same of the national police. These figures were somewhat lower in disputed territories (71 per cent in favour of the army, 63 per cent in favour of the police) and significantly lower in the Kurdistan region. There, only 45 per cent said they approved or somewhat approved of the army, but this still exceeded the number who disapproved or somewhat disapproved (32 per cent). The comparable figures for the police in the Kurdistan region were 51 per cent approval and 27 per cent disapproval. "Survey of Iraqi Public Opinion, June 3-July 3, 2010", International Republican Institute, <http://www.iri.org>.

¹⁵ Officials argue that neighbouring states, operating through local agents, retain the capability and perhaps the motivation – to disrupt government operations and the political process. In a statement that served as a reminder of underlying sectarian sentiments, Brigadier-General Basil al-Shuwayli, director of Baghdad's intelligence directorate, warned that "al-Qaeda will continue to pose a threat as long as the regimes of the neighbouring states distrust Iraq's democratic order, especially when it is based on the rule of the majority, the Shiites". Being more specific, he added: "The most serious challenge is the threat of al-Qaeda, whose agenda has a connection with the neighbouring countries, which have concerns regarding the new democracy in Iraq. They spend all their efforts to jeopardise our democracy and destabilise the situation. Al-Qaeda has fertile soil in these neighbouring countries. Saudi Arabia spends about \$2.5 billion to publish and distribute books that promote the radical ideology of the extremist organisations such as al-Qaeda". Crisis Group interview, Brigadier-General Basil al-Shuwayli, director of Baghdad's intelligence directorate (interior ministry), Baghdad, 27 July 2010.

¹⁶ An army officer spoke of the future threat posed by neighbouring states: "On one hand, violence will continue for years to come but, contrary to the black years of 2003-2007, it will not be enough to precipitate the state's collapse. On the other hand, we will not have security forces worthy of the name for

⁸ Speech of the Special Representative of the United Nations Secretary-General for Iraq (SRSG) Ad Melkert, Security Council, 25 May 2010, www.uniraq.org/newsroom/getarticle.asp?ArticleID=1346. For an overview of annual non-combatant Iraq deaths, see www.iraqbodycount.org/analysis/numbers/2009/.

⁹ In October 2010, there were 1,487 security checkpoints in Baghdad. Crisis Group interview, Lt. Colonel Sattar Jaber, police explosive ordnance disposal spokesman, Baghdad, 18 October 2010.

¹⁰ A Pentagon official stated: "Although Iraq's Sunni population has largely embraced the new political order and turned decisively against AQI and other insurgents, there will continue to be a threat of violent recidivism as long as their full integration into state institutions remains incomplete. While the insurgency appears too weak and the state too strong for a wide-scale return to organised violence in the near-term, the long-term concern is real. Therefore, the United States will continue to make issues like Sons of Iraq integration, meaningful Sunni inclusion into governing coalitions and institutions, and non-sectarian behaviour by the [Iraqi] Security Forces top priorities in our engagements with the Iraqi government". Kahl, "Breaking Dawn", op. cit.

¹¹ See *ibid.*

¹² Crisis Group interview, U.S. security official, Washington, 13 August 2010.

could draw in security forces and create conditions for renewed civil war.

As a result, some officials have called for a continued U.S. military presence after the scheduled withdrawal date despite strong opposition for such a step from other quarters in order to help further build up indigenous forces. The army chief of staff, General Babakir Zeibari, identified specific areas of vulnerability and criticised the U.S. for abandoning his country to an uncertain fate:

The army has been trained by the U.S. to fight the armed insurgency and internal terrorism. Today, we have to evolve toward an army of national defence, an army capable of protecting land and coastal borders and equipped with appropriate weapons. Overall, the security apparatus is sufficiently strong. I don't need a million uniformed troops. What I need is means of transportation, communications and efficient civilian and military intelligence services. We still do not have air or naval forces worthy of their names. We are unlikely to have an army capable of assuming its duty to defend the nation before 2020, and then only if we have a budget to do so and provided oil prices do not fall. Our equipment already has been affected by budget cuts. This is why I have come out against this rushed American troop withdrawal.¹⁷

Successful conduct of the March 2010 elections, often mentioned by U.S. officials, is one measure of progress. But the real test will come only once the U.S. has completed its troop withdrawal, at which point much will depend on whether the security forces have acquired not only sufficient strength, but also the requisite level of cohesiveness. The former can be measured, for example, by their professionalism and logistical capabilities as assessed against potential threats. On this score, the picture – although still not optimal – appears promising: Iraqi forces appear capable of repelling any threat from what remains of the insurgency, and neighbours do not present a foreseeable threat. Cohesiveness – the degree to which security forces are non-partisan and loyal to the central government and can withstand a worsening political crisis is another matter.

B. REBUILDING FROM SCRATCH

More than seven years after the invasion and despite the start of its troop withdrawal, the U.S. remains the dominant security actor in Iraq. Its actions have been decisive

several decades. This means Iraq alone will not be able to curb the influence of neighbours as powerful as Turkey or Iran". Crisis Group interview, army staff officer, Baghdad, 10 June 2010.

¹⁷ Crisis Group interview, General Babakir Zeibari, Baghdad, 16 October 2010.

in the security apparatus's destruction and subsequent reconstruction. In May 2003, the U.S. Coalition Provisional Authority (CPA) engineered a tabula rasa by dissolving the Iraqi army, which it regarded as the former regime's tool to suppress internal dissent and engage in foreign military adventures. This decision, which entailed the termination of military service and abrupt dismissal of over 400,000 professional soldiers, was met with broad local condemnation and protest.¹⁸ It created a profound security vacuum in which party-affiliated militias and insurgents vied for control.

The security apparatus's reconstruction has proven a burdensome challenge for the U.S. and its Iraqi partners in a context of spiralling violence. While the former regime's police force retained its basic structure, the army lost its command, infrastructure (including bases) and combat doctrine. The pressing need to restore security led the U.S. military command to adopt an "indigenisation" or "Iraqisation" policy. This took the form of building up security forces through a rapid and massive recruitment of new troops, often without regard to background. The policy reached its apex in 2007 with the wholesale adoption, financing and supervision of tribal militias, known as Awakening councils (*majales al-sahwa*) or Sons of Iraq, to fight and dismantle AQI and other insurgent groups.¹⁹

From its inception, this reconstruction effort was beset with difficulties: a proliferation of overlapping and often rival bodies, many unqualified recruits, high desertion rates, abysmal readiness and infiltration by insurgents, militia members and criminals. As a result, some areas, such as Anbar province, functionally had no security force presence at all. Since the end of sectarian war in 2008, however, the government headed by Prime Minister Maliki has made enormous strides in developing its security forces, with significant U.S. assistance, substantially strengthening size, training and equipment. Discipline and order have improved, along with morale and popular cooperation. Certain elements involved in sectarian fighting were removed, most visibly in a series of Iraqi-led offensives in 2008 focusing on Baghdad, Basra and Diyala.

Comprising more than 650,000 uniformed personnel,²⁰ the national army and police can deploy across the coun-

¹⁸ See Crisis Group Middle East Report N°20, *Iraq: Building a New Security Structure*, 23 December 2003.

¹⁹ See Crisis Group Middle East Report N°74, *Iraq after the Surge I: The New Sunni Landscape*, 30 April 2008.

²⁰ See Walter L. Perry et al, *Withdrawing from Iraq: Alternative Schedules, Associated Risks, and Mitigating Strategies* (Santa Monica, CA, 2009), p. 9. U.S. military sources indicated that in August 2010 the total was 661,000 troops: 246,000 army and 415,000 police. Crisis Group interview, Washington, 12 August 2010. General Babakir Zeibari, the army chief of staff, offered far higher numbers: "The Iraqi army counts 250,000 men under its

try now that no-go zones emerging from past internal conflicts have been eliminated. To these regular forces one should add several thousand Sons of Iraq, in the process of being inducted into the army and police; tens of thousands of fighters (*peshmergas*) of the Kurdistan regional guard and members of other Kurdish security structures, such as the paramilitary police (*zeravani*) and security police (*asaesh*);²¹ as well as a nebulous army of private military companies composed of former soldiers hired around the globe. Overall, although precise figures have proven elusive, some one million men could well be in uniform out of a total population of about 30 million – close to one in seven male adults.

Although Iraqi-led operations largely have been successful since 2008, they also have exposed ongoing problems. In 2004, the U.S.-led coalition established the Multi-National Security Transition Command – Iraq to develop, train and advise local security forces.²² This unit was composed of military and civilian personnel from across the coalition, albeit primarily from the U.S. Much of its effort has been dedicated to generating Iraqi units, principally infantry battalions, for combat operations.²³ While understandable given the security environment, this focus

inevitably meant that security forces remained at best anaemic in other functions, such as training, intelligence gathering and sharing, planning and logistics.

In the short term, and certainly during the 2008 offensives, U.S. troops stepped in to mitigate these shortfalls.²⁴ However, with a complete withdrawal looming, U.S. commanders realised they would need to concentrate more on strengthening capacity in the other functions. Developing these so-called “enablers”, particularly in logistics and intelligence, has been a priority since 2008, yet substantial shortfalls are still evident today.

Problems run deeper. In and of itself, the insurgency no longer is a real threat; what is left of it is banking on mounting spectacular attacks in order to alter political dynamics (for example by sparking renewed sectarian warfare), but its failure has proved the precise opposite: that it will take a change in the country's political dynamics in order for their attacks to have any significant effect.²⁵ The corollary is that the key challenge today is not so much to defeat an enemy external to the political order, but rather to overcome divisions *within* that political order.

flag today, while the ministry of interior has between 550,000 and 600,000 troops”. Crisis Group interview, Baghdad, 16 October 2009.

²¹ DJ Elliott suggests there are 200,000 armed Kurdish personnel inside the Kurdistan region, 90,000 of whom are scheduled to be pensioned off. Some 30,000 are in two *zeravani* (paramilitary police) divisions under the Iraqi interior ministry; 29,500 in two Iraqi army divisions (15th and 16th Divisions) under the Iraqi defence ministry; 50,000-70,000 in 21 brigades of regional border guards; and 10,000-12,000 men of the interior ministry's Department of Border Enforcement. DJ Elliott, “Iraqi Security Force Order of Battle 2010”, at www.defenseindustrydaily.com/Iraqi-Security-Forces-Order-of-Battle-2010-0203-06217/. The *zeravani* are a Kurdistan region police force under the authority of the region's interior ministry that guards regional government buildings. According to their commander, General Aziz Weysi, their training is “similar to that of the French gendarmerie, and their sole function is to maintain order and security in the vital centres of the Kurdistan region: the airport, government and main roads”. He indicated the force was 35,000 strong. Crisis Group interview, Erbil, 7 April 2009.

²² In January 2010, the United States Forces – Iraq replaced the Multi-National Force – Iraq, after most troop contributing countries pulled out. Likewise, the Multi-National Security Transition Command – Iraq became the United States Forces – Iraq, Advise and Train. For clarity, Multi-National Security Transition Command – Iraq will be used throughout this report.

²³ In 2010, the Iraqi army had thirteen infantry divisions and was additionally in the process of setting up a mechanised division. Ground forces include 55 combat brigades (51 infantry, three mechanised and one tank brigade), comprising 196 battalions. “Measuring Stability and Security”, U.S. Department of Defense (June 2010), p. 72.

²⁴ See “Measuring Stability and Security in Iraq”, U.S. Department of Defense (December 2008), p. iv.

²⁵ Since August 2009, in particular, violence has manifested itself in a wave of coordinated attacks aimed at discrediting the government and, at the same time, undermining the population's confidence in the government and its security forces. Among their targets were ministries, judicial institutions, the central bank, embassies (of Germany, Egypt, Iran) and hotels mainly inhabited by Western media agencies and businesses. The list of major bombings includes: 19 August 2009 (finance ministry and foreign ministry); 25 October 2009 (justice ministry, municipalities and public works ministry and Baghdad provincial council building); 25 January 2010 (three major hotels in central Baghdad); 4 April 2010 (embassies); 13 June 2010 (Central Bank in Baghdad); 17 August 2010 (Iraqi army recruitment headquarters in Baghdad); 25 August 2010 (police and army buildings, as well as checkpoints across Iraq). There also have been widespread assassinations of political, religious and civil society leaders, as well as security force members. For example, on 18 May 2010, the imam of the Saadiya village mosque in Diyala province was beheaded, and on 24 May 2010, a newly elected member of parliament (Al-Iraqiya) was murdered in Mosul. “Sticky bombs” attached to vehicles' undercarriages have replaced roadside bombs as the killing technique of choice. For a report on a new wave of killings and the use of “sticky bombs”, see *The Los Angeles Times*, 30 August 2010.

II. A DYSFUNCTIONAL ARCHITECTURE

A. THE SECURITY FORCES

In the rush to rebuild the army and other security forces in an environment of growing violence, and hobbled by the dysfunctional U.S. approach to institution-building resulting from lack of knowledge, a debilitatingly rapid turnover of personnel, distrust of Iraqi capabilities and Iraq's constantly shifting political arrangements, Washington and its Iraqi allies never developed a consistent vision.²⁶ A parliamentarian affiliated with Maliki's State of Law observed: "All these forces were established due to the situation at the time. We had to make quick decisions back then. Bad security made us need these kinds of forces".²⁷ Qasem Daoud, a former minister of state for national security, explained:

The creation of our security forces in 2003 was completely focused on quantity, not quality. Secondly, we didn't pay attention to their loyalty – instilling loyalty or asking who is loyal. Finally, the political parties tried to insert their own people. All three of these factors made the security institutions inefficient and very hard to change. We now have more or less one million people who are part of either the ministry of defence or the ministry of interior. Quantity is more than what is needed, and quality is really below average.²⁸

Mowaffak al-Rubaie, a former national security adviser blamed:

... the political and sovereignty vacuum that existed in the first hundred days after the overthrow of Saddam Hussein, as well as subsequent behaviour of American and Iraqi forces. If the Americans had left Iraq to us Iraqis, I think we would have done much better. We were not allowed to develop security forces on our own to deal with internal threats. We were far better suited to fight terrorism, resistance fighters, whatever you call them.²⁹

For their part, Iraqi leaders also failed to address the security sector's disarray. The 2005 constitution left security institutions undefined and their authorities unspecified pending new legislation which has yet to be passed. The overall legacy has been the absence of a coherent structure based on loyalty to the state according to an established chain of command.

The structure set-up is rooted in a 4 April 2004 CPA decision to establish a Ministerial Committee for National Security. Its goal was "to facilitate and coordinate national security policy" among various government branches and "to serve as the primary forum for ministerial-level decision making" on national security.³⁰ The CPA administrator, Paul Bremer, initially headed the body, but the mandate subsequently reverted to the prime minister. Its permanent members included the ministers of defence, interior, foreign affairs, justice and finance, as well as the senior military adviser, the head of the National Intelligence Service (see below) and the national security adviser (a position created by the same CPA order, Order 68). Supported by a small staff, the national security adviser was to act as both the committee's and the prime minister's principal adviser on national security affairs.³¹ The committee's name was changed to National Security Council (Majlis al-Amn al-Watani),³² but its basic structure has remained unaltered and its mandate still is governed by Order 68.

The first national security adviser, appointed by Bremer in 2004, was Mowaffak al-Rubaie, a formerly London-based exile associated with Shiite Islamist movements. Iyad Allawi, the secular prime minister of the CPA-appointed interim government (2004-2005), suspecting him of pro-Iranian leanings, created a rival Ministry of State for National Security Affairs (Wizarat al-Dawla li-Shuoun al-Amn al-Watani). Since then, prime ministers typically have installed allies at the head of this rival institution; the latest to do so, Maliki, in 2006 appointed Sherwan al-Waeli, who significantly increased the institution's size; the ministry, which collects human intelligence on internal and possibly also external threats, reportedly

²⁶ See Crisis Group Report, *Iraq: Building a New Security Structure*, op. cit.

²⁷ Crisis Group interview, Salman Muhsen al-Musawi, Baghdad, 5 October 2010.

²⁸ Crisis Group interview, Baghdad, 1 October 2010.

²⁹ He added: "When we entered into the 15 November 2003 agreement, there was a deadline for handing over sovereignty, and it included a security agreement, a contract, if you like. The Americans implemented the first part of this agreement but not the security agreement. They postponed that until the end of 2008". Crisis Group interview, Baghdad, 2 October 2010. For more on the 2003 agreement, see Crisis Group Middle East Report N°33, *Iraq: Can Local Governance Save Central Government?*, 27 October 2004, p. 11.

³⁰ Order 68 of the Coalition Provisional Authority, at www.iraqcoalition.org/regulations/.

³¹ By CPA Order 68, the agency was not to have more than twenty staff at any given time. Still, the number grew over time and in 2009 reportedly reached over 400. See Agence France-Presse, quoting Sadrist lawmaker Bahaa al-Araji (head of parliament's legal affairs committee), 27 April 2009. An aide at the National Security Council claimed the staff currently numbers 100. Crisis Group email communication, 5 October 2010.

³² The standard translation in Arabic of the U.S. National Security Council is Majlis al-Amn al-Qawmi. Reportedly to put distance between the U.S. and Iraqi institutions, the name of Iraq's NSC was changed from Majlis al-Amn al-Qawmi to Majlis al-Amn al-Watani. (Both *qawmi* and *watani* translate into "national" in English.)

employs between 1,000 and 4,000.³³ Rubaie left his position as head of the National Security Council in May 2009 at the expiration of his five-year appointment.³⁴ Since then, his deputy, Safa al-Sheikh, a technocrat, has been acting national security adviser while awaiting the agency's fate in a restructuring of the security architecture by the new government and parliament.

Over time, ambiguities and inconsistencies in the constitution were exploited by Maliki's government, which became increasingly assertive as it emerged from U.S.-backed military offensives against armed militias in 2008. This assertiveness stemmed from the need to suppress AQI and other violent groups, as it has argued in its own defence, or from Maliki's ambition to accumulate power and feed his autocratic tendencies, as his opponents have alleged. Maliki has assumed sole control over the security portfolio in his triple capacity as prime minister presiding over the Council of Ministers, commander in chief of the armed forces and chairman of the National Security Council. He also exploited parliament's inability to repeal CPA Order 68 and pass a new national security law to clarify matters in the security domain.

The overall legacy of this institution-building period has been the absence of a coherent structure. Iraq has four separate sets of security institutions: those provided for in the overall security architecture design and given a basis in law; those provided for but lacking any form of independent oversight, such as the army's 56th Brigade; those provided for but not yet enjoying a legal basis, such as the counter-terrorism forces; and those not provided for, which report directly to the prime minister as commander in chief rather than to the defence or interior ministers. The latter type include the Office of the Commander in Chief and the Office of Information and Security, agencies that have come under particular criticism for being unregulated and unaccountable.³⁵

The Office of the Commander in Chief plays a central role. Directed by Farouq al-Arraji at the prime minister's behest, it controls security policy, taking decisions over

the heads of established institutions such as the defence and interior ministries and the armed forces chief of staff. Moreover, the office runs its own security forces: although administratively subordinate to the army, the 1st Presidential Brigade, 2nd Presidential Brigade, 56th Brigade and fifteen independent security battalions fall under its direct operational command.³⁶ It also ran a secret detention facility in Baghdad until its discovery in April 2010 (see below).³⁷

Maliki's allies play down the office's controversial role, claiming it merely coordinates between the armed forces and the prime minister.³⁸ His opponents are less charitable. Qasem Daoud, a former minister of state for national security and an independent member of the Iraqi National Alliance, was adamant:

This office simply has to be dissolved. It is unconstitutional. There should be a separation between the armed forces and the prime minister's ceremonial position as armed forces commander in chief. The establishment of this bureau is an abuse of the prime minister's powers, and it influences the loyalty of the armed forces; some of its brigades and divisions may be loyal to him rather than to Iraq.³⁹

Mowaffak al-Rubaie called for regulation rather than outright dissolution:

It was absolutely necessary to have this office, a few years ago, because we were going through a very difficult time, and there was no real central command structure nor a real national security structure or architecture. Now, however, we have to sit down and reassess this. If we need it for the next phase, we would need to officially legislate it, to assign terms and conditions, with official tasks and functions. What does it control? What is its authority? Is it a conduit between the commander in chief and the armed forces or is it a command structure as such?⁴⁰

Among security forces reporting to the prime minister and circumventing the established chain of command, the most notorious is the 56th Brigade, also known as the Baghdad Brigade. Comprising roughly 3,000 personnel, it is responsible for protecting the Green Zone and the government institutions it houses, including the prime minis-

³³ Numbers on the Ministry of State for National Security Affairs are from Crisis Group interview, U.S. adviser, Baghdad, 16 December 2009; *The Los Angeles Times*, 15 April 2007; and a CNN report, www.cnn.com/2007/WORLD/meast/03/07/iraq.intelligence/index.html.

³⁴ A Maliki rival, he joined the Iraqi National Alliance (INA), a coalition of Shiite parties and independents opposed to the prime minister, in anticipation of the 2010 legislative elections.

³⁵ Opponents have further accused the prime minister of abusing his powers by appointing senior commanders in an "acting" capacity in the absence of parliamentary approval. The Office of the Commander in Chief and the 56th Brigade are discussed in this section; the Office of Information and Security, is discussed in the section on the intelligence apparatus below.

³⁶ DJ Elliott, "Iraqi Security Force Order of Battle 2010", at www.defenseindustrydaily.com/Iraqi-Security-Forces-Order-of-Battle-2010-0203-06217/.

³⁷ Crisis Group interview, Western diplomat, London, 24 September 2010.

³⁸ Crisis Group interview, Salman Muhsen al-Musawi, State of Law parliamentarian, Baghdad, 5 October 2010.

³⁹ Crisis Group interview, Baghdad, 1 October 2010.

⁴⁰ Crisis Group interview, Baghdad, 2 October 2010.

try. While part of the army's 6th Division, the brigade reports to the Baghdad Operations Commander (see below) who, in turn, reports directly to the prime minister rather than the army chief of staff or defence minister. Acting as a rival to the U.S.-sponsored counter-terrorism force described below, it has no U.S. military presence and operates without any oversight. It reportedly uses T-72 tanks, and its officers have received training in the operation of M-113 armoured personnel carriers.⁴¹ A police commander in the interior ministry noted:

The Baghdad Brigade and some other units can move without telling us or anyone else where they are going. There are now so many people wearing different uniforms that our soldiers at checkpoints often don't even know who they are letting through. They are afraid to stop these forces because they could get in big trouble if they anger these guys. In Saddam's time, all forces, even the *Amn* [security police], would first tell local police as well as the local *mukhtar* [regime-appointed neighbourhood boss] about an upcoming arrest and would make the arrest accompanied by local police. Now there are people conducting operations all over the place, and both police and army soldiers are afraid of the Baghdad Brigade and other forces, such as the counter-terrorism forces.⁴²

The Baghdad Brigade has carried out arrests well beyond the Green Zone and indeed beyond the capital, in at least one case transferring detainees arrested in Ninewa to a secret holding facility in Baghdad, where many were subjected to torture.⁴³

Other unregulated forces and agencies include the so-called Operational Command centres, although these are not a Maliki creation as such. The principal such centre,

the Baghdad Operational Command (divided into two sub-commands each controlling one side of the Tigris River, Al-Karkh and Al-Rusafa), is in charge of security in the capital, coordinating actions of the defence and interior ministries. It originally was established by Maliki with U.S. coordination as a joint Iraqi/U.S. operations command for the implementation of the Baghdad security plan (*Amaliyat Fard al-Qanoun*, Operation Imposing the Law) on 5 February 2007, shortly after President George W. Bush announced the surge, in direct response to spiralling sectarian conflict.⁴⁴

After the security operation ended, the Baghdad Operational Command remained in place, with replicas in most governorates. The command centres bring all security forces in a given province under the control of a single military chief. They are all managed by a senior officer in Baghdad to whom Maliki has delegated certain prerogatives; the prime minister, or his Office of the Commander in Chief, often contacts commanders in the provinces directly, again bypassing the defence and interior ministers.⁴⁵

Given improved security, there have been calls to assign the police primacy in internal security matters, with the military removed at least from urban centres and the police reporting to the governor who, in turn, would report to the interior ministry. In this spirit, and because they do not fit in the overall security design, Maliki's government has indicated that the time may have come to dismantle these command centres; U.S. officers currently are working with their Iraqi counterparts to find a way to do this.⁴⁶

In April 2009, the Council of Ministers endorsed a draft law cancelling CPA Order 68 and dissolving the National Security Council, transferring its responsibilities to a new ministerial committee for national security. In the absence of parliamentary ratification, the law has not been implemented. Instead, the past parliament was mired in deliberations over three competing draft national security laws,

⁴¹ Elliott, "Iraqi Security Force Order of Battle 2010", op. cit.

⁴² He added: "Besides concerns about general order and a clear chain of command, this is also a security problem. People with military trucks and guns are not searched, as they will threaten checkpoint guards. This could be used for terrorist purposes, and it makes it impossible for us to know who might be responsible". Crisis Group interview, Baghdad, 27 September 2010.

⁴³ In late 2009, the Baghdad Brigade swept through Ninewa, detaining over 400 suspected insurgents and bringing them to a previously undisclosed detention facility near Baghdad's old Muthanna Airport, called Ninewa Wall by Iraqis or Camp Honor by the U.S. The story was first disclosed by Ned Parker in *The Los Angeles Times*, 19 April 2010. This was several weeks after U.S. forces and the Iraqi human rights minister reportedly had intervened privately, compelling Maliki, who claimed ignorance of the facility's existence, to order it closed. In April, control of the prison was transferred to the justice ministry. "Measuring Stability and Security in Iraq", U.S. Department of Defense (June 2010), p. 68. Human Rights Watch detailed cases of torture at the prison. See www.hrw.org/en/news/2010/04/27/iraqi-detainees-describe-torture-secret-jail.

⁴⁴ Its first commander, Lt. General Abboud Qanbar was replaced in December 2009 by Lt. General Ahmed Hashem Sultan, after several bombings killed over 100 people in Baghdad. The Baghdad Operations Command's public face has been General Qasem Ata al-Mousawi, who gives televised details about the latest bombings and operations, presents "confessions" of alleged perpetrators and so on. The Baghdad Operations Command's civilian spokesman has been Dr Tahsin al-Sheikhly.

⁴⁵ Crisis Group email communication, Western diplomat, 27 September 2010.

⁴⁶ Ibid. A State of Law parliamentarian said, "I expect that from now on we will not need these forces anymore. We don't want to militarise society but instead focus on rebuilding the country. We are looking into having the Baghdad Operational Command give at least some of its powers back to the original authorities, be it the defence or interior ministry". Crisis Group interview, Salman Muhsen al-Musawi, Baghdad, 5 October 2010.

which came to a halt when the legislature's term expired in early 2010. The new parliament will have to address the issue afresh.

At the core of the debate lies deep and lingering distrust between those who gained power after 2003 and those who, associated with the past regime, lost out yet include some of the more capable officers. Beneath the tug-of-war over the identity of the next prime minister and shape of his government thus lies a battle over who will control the security apparatus and how it should be reformed. In rough terms, the contest pits Maliki against opponents – most prominently Iyad Allawi, the head of Al-Iraqiya, which includes many associated with the previous political order – who seek to limit the future prime minister's powers, especially on security matters. Fuad Hussein, chief of staff to Kurdistan region President Masoud Barzani, summed up the critics' perspective:

Maliki has established agencies, such as the Office of the Commander in Chief, that give orders to the minister of defence and chief of staff while they should be under the defence minister's jurisdiction. Maliki has created a shadow cabinet in the prime minister's office while the actual cabinet only implements decisions. Maliki has justified this by the security situation – that he must be able to take quick decisions in extraordinary circumstances. But people want guarantees against abuse of power; they want checks and balances. In forming the new government, we now all agree, Maliki included, that power should be shared, but we do not yet agree on how to do it.⁴⁷

Options under discussion include reforming the National Security Council and providing it with enhanced powers; regulating the powers of the Council of Ministers, including the prime minister, via new legislation; creating sub-committees to the Council of Ministers and/or naming several deputy prime ministers with separate key portfolios in order to dilute the prime minister's powers; or reviving a previous informal body, the Coordination Council for National Strategic Policy (see below).⁴⁸

B. THE INTELLIGENCE APPARATUS

What is true for the security forces overall applies equally to one of these forces' principal components, the intelligence apparatus. Saddam Hussein typically used overlapping intelligence agencies to spy on ordinary citizens and, most significantly, on each other. After it ousted the regime and uprooted its security forces and intelligence

networks, the U.S. faced the task of rebuilding civilian and military intelligence agencies almost from scratch.

To date, according to a view widespread within U.S. and Iraqi military circles, as well as within Baghdad's political class, Iraqi forces lack the ability to independently collect, process, share and analyse intelligence data. This is despite, indeed partly due to, the presence of several, often competing national intelligence agencies, in addition to the army's and police's tactical intelligence capabilities. Yet, rather than a symptom of a repressive authoritarian state, today's intra-intelligence rivalries reflect the polity's deep divisions.

The principal intelligence agencies are:

- ❑ The interior ministry's National Information and Investigation Agency (Wikalat al-Maalumat wa al-Tahqiqat al-Wataniya), which is functionally similar to the U.S. Federal Bureau of Investigation, albeit with a greater focus on domestic intelligence. It collects and analyses human intelligence on both security and criminal threats. Its officers have police powers, including arrest.
- ❑ The defence ministry's Directorate General for Intelligence and Security (Al-Mudiriyat al-Aama lil-Istikhbarat wa al-Amn), which collects intelligence both at home and abroad, where it is based in Iraqi diplomatic missions. It also provides security for ministry facilities.
- ❑ The National Intelligence Service (Jihaz al-Mukhabarat al-Watani), attached to the council of ministers,⁴⁹ which is functionally similar to the U.S. Central Intelligence Agency, though with a significant role in domestic intelligence. It collects and analyses human intelligence on internal and external threats and reportedly enjoys close ties to the Central Intelligence Agency.⁵⁰
- ❑ The Ministry of State for National Security Affairs (Wizarat al-Dawla li-Shuoun al-Amn al-Watani), mentioned above, has no close analogue. It collects human intelligence on internal and possibly also external threats. Under its current director, Sherwan al-Waeli, it has become a rival to the National Intelligence Service (see below).⁵¹
- ❑ The Office of Information and Security (Maktab al-Maalumat wa al-Amn), an agency within the prime minister's office, carries out undefined special intelligence and security missions for the prime minister and reports solely to him. It ostensibly pursues senior Baathists, although critics charge that it has targeted political

⁴⁷ Crisis Group interview, Erbil, 22 September 2010.

⁴⁸ Ibid.

⁴⁹ As per Article 84(2) of the 2005 constitution.

⁵⁰ *The Los Angeles Times*, 15 April 2007.

⁵¹ Ibid.

opponents more broadly.⁵² No other individual or agency has oversight of its operations.⁵³

In addition, the military's Joint Headquarters, where the chief of staff resides, has an intelligence section, called M2, as do each of the three military services. The M2 is formally known as the Military Intelligence Directorate (Mudiriyyat al-Istikhbarat al-Askariya). Functionally akin to the U.S. Defence Intelligence Agency, it is responsible for overall intelligence support of the defence ministry, collecting and analysing military intelligence from tactical military units.

In theory, each organisation possesses distinct responsibilities; in practice, there is substantial overlap. Mowafak al-Rubaie, the former national security adviser, complained:

Because the four intelligence agencies were established – or influenced or helped – by different countries or political organisations, they are working under different terms and conditions, completely separately. We still suffer from this, because these agencies don't have well-defined tasks and functions. There is no legislation nor an agreed national security architecture with a clearly defined command and control structure. There is a lot of overlap. They are totally disconnected and disjointed; there is no coordination; and they don't trust each other. Sometimes, they even try to kill each other.⁵⁴

Who controls these various agencies is unclear. Article 84(1) of the 2005 constitution calls for a law “to regulate the work and define the duties and authorities of the secu-

riety institutions and the National Intelligence Service”, but no such legislation has yet to be adopted.

Theoretically, intelligence coordination takes place at two levels. At the top sits the inter-ministerial National Intelligence Coordination Council (al-Hay'at al-Wataniya li al-Tansiq al-Istikhbari). Chaired by the prime minister (with the national security adviser acting as general secretary), it comprises the heads or deputy heads of all intelligence agencies except the prime minister's Office of Information and Security. It was formed to coordinate priorities, share intelligence and avoid having each agency report directly and separately to the prime minister. According to a Western security expert, however, while its work has been transparent, its creation has not prevented heads of individual agencies from going directly to the prime minister, a practice Maliki has allowed and encouraged.⁵⁵

Beneath the National Intelligence Coordination Council is the operational-level National Intelligence Cell (Khaliyat al-Istikhbarat al-Wataniya). Formed in early 2010, it was meant to serve as a clearing house for multiple types of intelligence relevant to ongoing, nationwide operations,⁵⁶ and to disseminate timely, actionable intelligence to all operational commands. It also receives feedback from the commands on the results of intelligence it has provided. Despite its efforts, so far it has been able to produce low-level tactical intelligence only.⁵⁷

Despite these two institutions, effective intelligence coordination and sharing is not the norm. The fact that security agencies gather intelligence outside their area of speciali-

⁵² Crisis Group interview, Western diplomat, London, 24 September 2010.

⁵³ Although it has no U.S. liaison or advisory support, its director, Abu Ali al-Basri (a nom de guerre), a close Maliki ally, is said to routinely receive visits from U.S. military officers. Crisis Group interview, Western security expert, Baghdad, August 2010.

⁵⁴ He added: “I will give you a simple anecdote concerning this dysfunctionality. During the killing of Christians in east Mosul two years ago, we asked one of the intelligence agencies to give us a report on the perpetrators. I won't tell you which agency, but I will tell you this: the officer on site in Mosul told us that al-Qaeda was behind the killing. From the same agency in Baghdad, however, we learned that the [Kurdish] Asaesh was behind it. This came from the same agency. So the coordination and cooperation problem is not only between but even within intelligence agencies”. Crisis Group interview, Baghdad, 2 October 2010. For background on the Mosul events, see Crisis Group Middle East Report N°90, *Iraq's New Battlefield: The Struggle over Ninewa*, 29 September 2009; and “On Vulnerable Ground: Violence against Minority Communities in Nineveh's Disputed Territories”, Human Rights Watch, New York, November 2009.

⁵⁵ Crisis Group interview, Western security expert, Baghdad, August 2010. A U.S. intelligence analyst said that the council was only used by intelligence agencies when they lacked the ability to take action on their own and that it has not produced significant improvements in intelligence coordination. Crisis Group interview, Washington, 6 October 2010.

⁵⁶ See comments of Benjamin Lukefahr, Multi-National Security Transition Command – Iraq Intelligence Transition Team, 4 March 2009, at www.defense.gov/DODCMSShare/BloggerAssets/2009-03/03050916362520090304Lukefahrtranscript.pdf; and “Aziz: Anbar Operations Command Effective Because of Strong Iraqi-U.S. Partnership”, at www.army.mil/-news/2009/12/28/32345-aziz-anbar-operations-command-effective-because-of-strong-iraqi-us-partnership/.

⁵⁷ Crisis Group email communication, U.S. adviser, Baghdad, 11 September 2010. The National Intelligence Cell is headed by a major general from the Ministry of State for National Security Affairs. U.S. liaison and advisory teams provide it with real-time input from U.S. military forces. It is overseen by the minister of state for national security affairs on behalf of the National Intelligence Coordination Council, to which it reports.

sation has confused roles and led to loss or non-use of critical information.⁵⁸ A brigade commander said:

There is no centralised database. In every brigade or division, there should be a joint operational centre supplied with communication devices with internet access to receive and exchange intelligence data. Units in the south should have data on all suspects wanted in the northern or central regions, and vice versa. However, unfortunately, this does not exist. For example, terrorists wanted in Mosul can move freely in Baghdad or in the south because their data are available in Mosul only. If there were coordination among the intelligence agencies, the security situation would improve significantly.⁵⁹

Moreover, agencies rely on their own favourite networks for sources, and when their information conflicts with that collected by a rival agency there is no reconciliation mechanism. As a U.S. adviser put it, “there is no combined assessment of information, or fused intelligence”.⁶⁰ The minister of state for national security affairs, Sherwan al-Waeli, publicly criticised security agencies for ignoring information provided daily by the National Intelligence Cell.⁶¹ A security official summed it up:

There is too much information and too many tips circulating among the different intelligence organisations without any coordination. They all compete with each other. There is no classification of intelligence according to degree of urgency. The flood of information as well as poor coordination causes difficulties in compiling data and deciding which is important and which is not. Both the interpretation of and response to the information is poor. With every terror operation, we find out later that one of the intelligence agencies, such as the Mukhabarat or the National Security Council or the intelligence directorates, had received a tip or a warning some days prior to the attack. The only time there is a good response is when the tip comes from the Americans.⁶²

The end result of inadequate coordination, according to al-Rubaie, is that intelligence agencies are ill prepared to stamp out remnants of groups such as AQI.⁶³

There are multiple reasons for this situation. Safa al-Sheikh, the acting national security adviser, blamed the absence of a law regulating the various agencies' work, which encourages each of them to “cover all of the important areas”. At the same time, “they are conservative in sharing information because they want credit for success”.⁶⁴

The absence of a law is symptom rather than cause. As in the case of the overarching security architecture, it reflects deep mistrust between, on the one hand, intelligence officers with experience from the Saddam era who have been brought into the new structure and, on the other, officers who either were associated with the former opposition such as the Kurdish parties and the (Shiite) Islamic Supreme Council of Iraq – and learned their trade while combating the Baathist regime or lack the required expertise.

The National Intelligence Service, which employs a substantial number of former-regime intelligence officers, is eyed with suspicion by many in the government despite its greater expertise. One of the officers explained: “The relationship between the government and the National Intelligence Service is very bad, partly because it was set up by the U.S., and they are still close to us, but mostly because there are a lot of officers who were in the former regime's Mukhabarat [intelligence service]”.⁶⁵ Even within this agency, frictions exist between military officers depending on whether they served in the old intelligence services.⁶⁶

⁵⁸ A U.S. adviser described this as “gaps and overlaps”. Crisis Group interview, Baghdad, 28 May 2010.

⁵⁹ Crisis Group interview, brigade commander in the Baghdad area, Baghdad, 15 July 2010. A U.S. intelligence analyst echoed the concern about poor data sharing. Crisis Group interview, Washington, 7 October 2010.

⁶⁰ Crisis Group interview, Baghdad, 28 May 2010.

⁶¹ Interviewed on the *Al-Sumeria News* website, *alsumerianews.com*, 29 August 2010.

⁶² Crisis Group interview, Baghdad, 21 July 2010.

⁶³ He said, “this is one of the key problems in chasing al-Qaeda. Counter-insurgency is winning people's hearts and minds and working with them against insurgents. Counter-terrorism is intelligence-based war. We have moved from counter-insurgency to counter-terrorism, and we still have a total lack of trust between intelligence agencies”. Crisis Group interview, Baghdad, 2 October 2010.

⁶⁴ Crisis Group interview, Baghdad, 16 December 2009. A military officer said, “coordination between the various security services exists but is very poor. The flaw is that all of them are working as counter-terrorism forces. When any one of them gets any information or a tip, it does not share it with the others, because everyone wants the credit for their own organisation”. Crisis Group interview, Baghdad, 25 July 2010. Others confirmed this perspective. Crisis Group interview, Tahsin al-Sheikhly, Baghdad security plan spokesman, Baghdad, 16 December 2009; and Crisis Group interview, Major General Jihad al-Jabbouri, police explosive ordnance disposal director, Baghdad, 17 December 2009.

⁶⁵ Crisis Group interview, Baghdad, 11 October 2010.

⁶⁶ Crisis Group interview, Safa al-Sheikh, acting national security adviser, Baghdad, 16 December 2009; Crisis Group interview, U.S. officer, Multi-National Security Transition Com-

Further contaminating the work atmosphere, and thus the agency's effectiveness, the threat of arrest and expulsion under the 2008 Accountability and Justice Law⁶⁷ continues to hang over the heads of intelligence officers who worked under the old regime. Expressing fear of government efforts to "hunt down" his colleagues, the same intelligence officer commented: "We are nervous about this, especially those who were in the old Mukhabarat, but even those who were not".⁶⁸ One result is that those most qualified to collect intelligence are the least trusted to do so.⁶⁹

Politics and sectarianism inevitably enter the mix. The Maliki government's tenure saw an intense struggle between the minister of state for national security affairs, Sherwan al-Waeli, and the director of the National Intelligence Service, Mohammed al-Shahwani, against the background of regional politics: critics of Waeli (and of Maliki) saw him as pro-Iranian, while Shiite Islamist parties saw Shahwani as pro-U.S.⁷⁰ The struggle culminated

in Shahwani's August 2009 resignation, after which Waeli appeared ascendant.⁷¹ An Anbar Awakening leader put matters in sectarian terms:

The Shiites' intelligence-gathering capacity largely surpasses the Sunnis', as the population has increased cooperation with state agents. The ministry of national security also is becoming more effective. The Shiites completely dominate their own regions and have been stepping up incursions into our [Sunni] territory, starting to develop reliable intelligence networks using the state's resources. They clearly attach a lot of importance to this, as they never share information with their Sunni counterparts. General Shahwani has been in charge of the Mukhabarat since 2003 and everyone acknowledges his seriousness and efficiency. Saddam Hussein executed two of his sons. He has collaborated with the Americans since the invasion, but in the eyes of the government he remains a Sunni. They declared war on him and finally obtained his resignation.⁷²

mand – Iraq, Baghdad, 14 December 2009; Crisis Group interview, U.S. intelligence analyst, Baghdad, 14 December 2009; Crisis Group interview, Tahsin al-Sheikhly, Baghdad security plan spokesman, Baghdad, 16 December 2009.

⁶⁷ In January 2008, parliament passed the Accountability and Justice Law, which entitled senior Baath Party members to retirement and a pension; allowed Baath Party mid-level "Group" (*firqa*) members to return to work in the public sector; threatened those suspected of crimes with prosecution; and ordered the replacement of the de-Baathification commission established by the U.S. Coalition Provisional Authority by a new commission according to the new law's terms. It also sent into compulsory retirement former party members above a certain rank, especially those who used to hold senior public sector positions, as well as all employees of the former regime's security agencies, regardless of past conduct. In the event, parliament failed to replace the de-Baathification commission with a new one under its own control and oversight, thus in effect allowing the old one to continue. This led to the spate of rampant disqualifications of accused Baathists during the 2009 provincial and 2010 parliamentary elections. See Crisis Group Middle East Report N°94, *Iraq's Uncertain Future: Elections and Beyond*, 25 February 2010, pp. 27-32.

⁶⁸ Crisis Group interview, Baghdad, 11 October 2010.

⁶⁹ An intelligence officer said, "people who are most qualified to do intelligence work are often the ones who are thrown out. This is both because, as former Mukhabarat officers, they are seen as Baathists but also precisely because they are the most qualified to do intelligence work. If everyone is new, they are more easily kept under control. Moreover, the government knows that we have a lot of evidence against its officials for involvement in crimes or scandals, and they very much want to get control of this information. It would be risky for the government if we were to remain independent". Crisis Group interview, Baghdad, 11 October 2010.

⁷⁰ An intelligence officer in the National Intelligence Service said, "Al-Waeli's organisation is very close to Iran, and they are working closely with the government. Both the government and Iran see us as pro-American or pro-Baathist. Either way,

Shahwani's departure did not prompt significantly enhanced intelligence coordination, suggesting problems run deeper.⁷³ Iraqi officers point to the mistrust that has characterised U.S.-Iraqi relations from the outset. They say that because the U.S. deemed its Iraqi partners unreliable and untrustworthy, it encouraged duplication and juxta-

unlike them we are not for Iran, and for this reason neither Waeli nor Maliki wants us to succeed". Crisis Group interview, Baghdad, 11 October 2010. A former Iraqi security official said, "the Americans do not trust the ministry of state for national security, because they believe it was controlled by the Iranians from the beginning. Over time it began conducting 'extracurricular' activities. It was not just collecting information but starting to assume certain executive powers – executing things, you understand?" Crisis Group interview, Baghdad, 5 September 2010. A senior advisor to the prime minister suggested that the National Intelligence Service be thoroughly revamped: "Although there is a place for an agency like this, it raises both a security and a sovereignty issue. Why would we trust an agency that comprises members of the former Mukhabarat and that reports to the Americans? Whatever people think about [CPA chief Paul] Bremer firing the old army, we know it is absolutely necessary to replace Saddam's Mukhabarat". Crisis Group interview, Baghdad, 20 October 2010.

⁷¹ Crisis Group interview, U.S. official, Washington, 3 November 2009; and United Press International, 4 November 2009.

⁷² Crisis Group interview, Baghdad, 15 December 2009.

⁷³ The Mukhabarat's failures may in part be grounded in the country's past. An Awakening leader said, "Arabs, and in particular Iraqis, have a mental taboo with regard to intelligence agencies. They see them solely as the instrument of a totalitarian state that does not shrink back from spying even within your immediate family circle. After all it has endured, the population does not want to hear the word Mukhabarat again, and that is fair enough". Crisis Group interview, Abu Azzam, Ramadi Awakening leader, Baghdad, 8 October 2009.

position of structures as a divide-and-rule tactic, particularly regarding intelligence. An army officer suggested:

The U.S. is the strongest in terms of intelligence in Iraq but is often reluctant to share information or give us adequate surveillance equipment. They do not trust us. Fragmentation serves their interests. Like many other ISF [Iraqi Security Forces] officers, I am a pure American product. I went to the U.S. several times to attend special training. In spite of this, we have yet to overcome the problem of mutual distrust that exists between us.⁷⁴

Some Shiite political groups feel threatened and spied upon by the U.S. for their supposed association with Iran. A politician with the (Shiite) Iraqi National Alliance said, "our National Intelligence Service is fully controlled by the CIA and directed at the U.S.'s obsession, Iran".⁷⁵

The domestic and regional dimensions of the problem were summed up a former intelligence officer:

Prior to 2003, we had intelligence officers capable of carrying out reconnaissance missions throughout the territory and society and supplying information to the right security agencies in a timely fashion. After 2003, the Americans have had tactical superiority in intelligence gathering. In addition to their state-of-the-art surveillance capability, they also built an important network of informants whom they remunerate with small cash payments.⁷⁶ In response, all of Iraq's political forces, both in and out of power, as well as their regional sponsors, are developing their own networks of informants and agents. Iraq has become an arena in

which regional and international actors fight by proxy in a war without name.⁷⁷

Not all Iraqi officials consider duplication and competition a liability. Some see it as the inevitable by-product of early-stage development. Al-Waeli pointed to the nation's transition out of a repressive, authoritarian regime: "It is normal to have several intelligence agencies in the current phase of our existence. We keep an eye on each other and divide the prerogatives, even if each agency and the political group that controls it tries to sabotage the others' security achievements because of political competition".⁷⁸ Still, even if lack of coordination and competition are seen in this light, the risk is that divisions within the intelligence apparatus would intensify in a context of political crisis and follow party, ethnic and confessional lines. The next government, therefore, should place regulation and streamlining of intelligence efforts at the top of its agenda.

C. THE CONTROVERSIAL COUNTER-TERRORISM FORCE

No example more clearly typifies the problem of agencies operating without regulation or parliamentary oversight than that of the counter-terrorism force, an outfit that has worked in close collaboration with the U.S. military but outside the purview of the defence and interior ministries. Officially called the Counter-Terrorism Command (Qiyadat Mukafahat al-Irhab),⁷⁹ it operates under a civilian control office, the Counter-Terrorism Service (Jihaz Mukafahat al-Irhab). The latter fell under defence ministry purview during the U.S.-appointed Allawi government in 2004 but, in April 2007, Prime Minister Maliki moved it to a separate Counter-Terrorism Bureau,⁸⁰ soon re-baptised Counter-Terrorism Service (CTS), which reports directly to him and is funded by his office. The Counter-Terrorism Command (CTC), by contrast, is funded by the defence ministry while remaining under the CTS's and therefore the prime minister's authority.

The CTC comprises two brigades, the 1st and 2nd Special Operations Brigades, as well as assorted support units. The training of its 4,000 men has been entirely overseen by the U.S. Special Operations Command,⁸¹ and the U.S. rates

⁷⁴ Crisis Group interview, Baghdad, October 2009.

⁷⁵ Crisis Group interview, leading INA-affiliated Shiite politician, Baghdad, 16 December 2009.

⁷⁶ Iraq's internal human-intelligence gathering largely is based on an informal network of secret informants (*al-mukhbir al-sirri*). Scattered among the population, these informants receive financial compensation in exchange for information. When the information leads to an arrest or trial, the informant is placed in a witness-protection scheme to prevent reprisals. Even if these informants have played a major role in hunting down criminals and discovering hidden weapons caches or explosives' labs, the network's informality and secrecy have encouraged false accusations and engendered a cycle of violence when victims seek retribution. Given its lack of transparency, it is distrusted by the population, which still bears the trauma of the former regime's police methods. A cadre of the Sadrist movement's Mahdi Army militia in Baghdad's Al-Hurriya neighbourhood said proudly: "We have eliminated most of the spies [*al-mukhbir al-sirri*] who worked for the Americans. There are only some women left, whom we have more trouble tracking down. We try to identify all the spies through their telephone calls; we monitor mobile network antennae at different locations in Baghdad and then trace calls back to their source". Crisis Group interview, Baghdad, 11 December 2009.

⁷⁷ Crisis Group interview, Baghdad, 2 July 2010.

⁷⁸ Crisis Group interview, Sherwan al-Waeli, minister of state for national security affairs, Baghdad, 19 December 2009.

⁷⁹ In the U.S. it is known as the Iraqi Special Operations Force (ISOF).

⁸⁰ In April 2007, Maliki signed Prime Ministerial Order 61, which set up the Counter-Terrorism Bureau.

⁸¹ Crisis Group interview, security officer, Baghdad, 16 December 2009.

it as “highly trained and effective”.⁸² Its primary mission is to combat violent non-state actors. It maintains surveillance of AQI as well as of the so-called special groups (*al-majaamee al-khaasa*), a term designating various armed Shiite militias allegedly funded by Iran and loosely affiliated with the Sadrist movement's Mahdi Army militia, such as the Liwaa Yawm al-Maw'oud (Promised-Day Brigades), the Kataeb Hezbollah and the Asaeb Ahl al-Haq. It operates its own detention centre and intelligence-gathering unit, as well as surveillance cells in each governorate. Its presence is strongest in areas considered “hot”, such as Baghdad, Ninewa, Basra and Diyala.

The Counter-Terrorism Command takes obvious pride in its accomplishments. An officer said:

Nowadays I can enter Sadr City [a vast Shiite slum in Baghdad] and arrest anyone. Our men retook Basra from the Mahdi Army and cleansed the city of all armed militias and marauding criminals [in March 2008]. The government also has entrusted us with tracking down Awakening members against whom arrest warrants have been issued.⁸³

That said, its proximity to U.S. special operations forces has rendered it suspect in the eyes of many Iraqis, army officers included.⁸⁴ Moreover, CTC operations are secretive and rarely coordinated with the army. This has fuelled accusations of misbehaviour. Tensions are reflected in the attitudes of officers on the ground. An army battalion commander in Sadr City noted in 2009: “Sometimes we are surprised when the special forces enter Bad things happen. Some people steal, and some abuse women. They don't know the people on the streets like we do. They just go after their target. We have suffered from this problem”.⁸⁵ As a result, CTC brigades often are nick-

named “the dirty brigades” by other branches of the security apparatus and Iraqis more generally.⁸⁶

Some of the accusations likely are ill-founded. CTC brigades can be blamed for operations carried out by other forces, such as the Baghdad Brigade or the so-called Police Emergency Response Units.⁸⁷ An interior ministry operations commander complained:

Sometimes even we do not know who made the arrests. All uniforms look similar, and markings are not always visible to others during operations. People ask us about their detained family members, thinking we carried out the arrest and are hiding them. This hinders cooperation with the population, because they stop trusting us. They blame us for improper arrests, believing all security forces work hand in hand.⁸⁸

The counter-terrorism branches' uncertain legal status and the fact that they are deeply distrusted by both the security ministries and Maliki's political opponents could undermine their long-term sustainability and effectiveness. A prime ministerial directive brought the force under his jurisdiction in April 2007 but – in the face of strong disagreement between Maliki supporters and legislators who suspected he was seeking to carve out an independent power base – parliament failed to approve a draft counter-terrorism law (introduced in September 2008) before the end of its term.⁸⁹ The result is that, like the Ministry of State for National Security Affairs and the Operational Command centres, the CTS/CTC remains unregulated and in effect accountable to the prime minister

⁸² Crisis Group interview, U.S. officer, Multi-National Security Transition Command – Iraq, Baghdad, December 2009. The 2007 U.S. Independent Commission on the Security Forces of Iraq provided similar assessment: “The Iraqi Special Operations Forces are the most capable element of the Iraqi armed forces and are well-trained in both individual and collective skills”. Jones, et al, “Report of the Independent Commission on the Security Forces of Iraq”, p. 63.

⁸³ Crisis Group interview, security officer, Baghdad, 23 December 2009.

⁸⁴ A military commander said, “the counter-terrorism force acts without any coordination with the defence and interior ministries, and even threatens soldiers under both ministries. It cooperates with American special forces more than with the Iraqi command, and this doubles the problem”. Crisis Group interview, Samarra, 26 September 2010. See also, Shane Bauer, “Iraq's New Death Squad”, *The Nation*, 3 June 2009.

⁸⁵ Quoted in Bauer, “Iraq's New Death Squad”, *ibid.*

⁸⁶ For example, Crisis Group interview, Wael Abd-al-Latif, independent parliamentarian in 2006-2010, Baghdad, 27 August 2010.

⁸⁷ A U.S. official noted that the proliferation of special units within both the defence and interior ministries made it difficult for witnesses to identify who conducted a given operation. Crisis Group interview, Baghdad, 14 December 2009. One frequently cited case allegedly involving CTC Special Forces was the August 2008 raid on Diyala's provincial government, in which the governor's secretary was killed and the provincial security committee's chairman arrested. The Diyala governor accused members of the counter-terrorism unit, when in reality the operation was carried out by the province's Emergency Response Unit. See *The Los Angeles Times*, 20 August 2008; *McClatchy Newspapers*, 20 August 2008. Present in most if not all provinces, the Emergency Response Unit comprises Special Weapons and Tactics (SWAT) teams that operate at the behest of the provincial police chief and ultimately fall under the interior ministry's jurisdiction.

⁸⁸ Crisis Group interview, Baghdad, 27 September 2010.

⁸⁹ The draft law would have incorporated the Counter-Terrorism Service into a separate ministry for counter-terrorism with its own independent funding from the national budget. “Measuring Stability and Security in Iraq”, U.S. Department of Defense (June 2010), p. 79.

alone. An independent lawmaker in the 2006-2010 parliament recalled:

The only thing we know about this counter-terrorism force is that it used to be funded by the U.S. After that, the Americans wanted to include it in the state budget, but there was not enough money in the defence ministry's budget. Then they asked us to pass a special law to legalise this force. When it was discussed, some parliament members brought up other examples, including the Baghdad Brigade. The discussion ended without any decision.⁹⁰

Maliki's critics accuse him of using the CTS/CTC as his private force directed against political enemies.⁹¹ To begin, they point to parliament's lack of oversight. Abd-al-Karim al-Samarraie, a Sunni Arab member of the security and defence committee, complained that parliament had no control over the force:

In 2008, parliament decided to suspend the budget for the Counter-Terrorism Service because of its frightening nature; it is omnipotent and answers only to the prime minister without any transparency. Parliament has no control over it or over appointments at commander level; we are not even allowed to conduct on-site inspections and never receive satisfactory answers to our questions.⁹²

Maliki has made appointments to the counter-terrorism force without parliamentary approval.⁹³ In theory the appointees are serving on an "acting" basis, but over time they have taken on the semblance of permanency. A former officer charged that some senior commanders were chosen "based on party affiliation",⁹⁴ an accusation strongly denied by the CTC. A counter-terrorism officer said, "officers and officials in the CTC and CTS are professionals from different backgrounds and all spectrums of society. For example, the former CTS vice president, Shaker Kittab, won a seat in parliament on the Al-Iraqiya list. Every year, we recruit junior officers from the military academy after they pass the test that we and the Americans established. The criterion is competency, not their political affiliation".⁹⁵

Echoing a widespread view, Wael Abd-al-Latif, an independent secular lawmaker in the outgoing parliament, outlined what he considered the main threats posed by an unaccountable counter-terrorism force:

We believe in establishing forces that can enforce the law and restore security in and outside the cities, but it would be very dangerous to establish forces that are loyal to this or that party or this or that bloc. We fear that the security forces might abandon nationalism to represent partisan or sectarian interests unsuitable to the military. The military must be concerned with defending the country and nothing else. Whatever party or bloc that is governing today might be weak or gone tomorrow. The prime minister [Maliki] was in his position for four years, and he has a chance to be there for another four. But the question is, even if he gets a second round, what will happen afterward? For sure, there will be a new prime minister and new defence and interior ministers, so what will be the fate of the security forces later on? Maliki's successor would have to remove whatever he created. At the very least, this is a waste of time, money, effort and qualified people.⁹⁶

Whether the prime minister is using the counter-terrorism force for political ends is highly controversial. Maliki's detractors say he is, as do those who have been at the receiving end of its operations. One of the prime minister's most outspoken critics, Al-Iraqiya's Saleh al-Mutlaq, whom the Accountability and Justice Commission prevented from running in the 2010 parliamentary elections,⁹⁷ decried what he described as the prime minister's blatantly political manoeuvres:

If we look at the huge number of operations carried out by these forces, we see that they targeted countless ordinary people and politicians, including parliamentarians. They catch the people they want first and then go to a judge and order him to write a warrant. Maliki is preparing files on almost all politicians, sometimes even those who have worked with him. There is a fear among most politicians. They don't know whether or on which day their file will be pulled out and they will be arrested by Maliki's forces.⁹⁸

⁹⁰ Crisis Group interview, Wael Abd-al-Latif, independent parliamentarian in 2006-2010, Baghdad, 27 August 2010.

⁹¹ Ordinary Iraqis are extremely reluctant to criticise the counter-terrorism force on the record, which is unusual in today's Iraq and therefore telling.

⁹² Crisis Group interview, Abd-al-Karim al-Samarraie, politician with Al-Iraqiya, Baghdad, 13 December 2009.

⁹³ The prime minister reportedly has made roughly 140 appointments to senior intelligence and security positions without parliamentary approval. *The New York Times*, 10 September 2010.

⁹⁴ Crisis Group interview, Amman, 21 December 2009.

⁹⁵ Crisis Group interview, Baghdad, 16 September 2010.

⁹⁶ Crisis Group interview, Baghdad, 27 August 2010. Wael Abd-al-Latif was elected to parliament on Iyad Allawi's Al-Iraqiya list in December 2005 but subsequently declared himself independent. In the March 2010 elections, he stood as an independent on the Iraqi National Alliance list but lost.

⁹⁷ See Crisis Group Report, *Iraq's Uncertain Future*, op. cit., pp. 27-32.

⁹⁸ Crisis Group interview, Saleh al-Mutlaq, Amman, 27 August 2010.

Such statements are hardly surprising in a highly charged environment still recovering from a sectarian war, with weak institutions, including the judiciary, that are subject to political manipulation and offer little protection against abuse of power. A senior figure in Maliki's State of Law coalition, Abd-al-Hadi al-Hassani, made two points in the prime minister's defence. One is that parliament's inability to approve nominees for senior security positions leaves a dangerous vacuum; Maliki, therefore, could not afford to delay key appointments. Secondly, he said, the matter of extra-legal security institutions is a non-issue; they are no different from other security forces which all fall under Maliki's authority as prime minister and commander in chief.⁹⁹

The CTC itself strongly rejects criticism that it has become a political tool, or that it has detained parliamentarians. A CTC officer said:

We are not politicised or a group of thugs. We are professionals; our mission is to fight terror. We are not involved in any political contest. We have never gone after a single parliamentarian. We determine our targets on the basis of our own intelligence and information we receive from the defence ministry, the intelligence service, the national security ministry and other intelligence institutions. We don't arrest a suspect unless we have an arrest warrant from a judge at the Central Court. We don't have a prison, only a detention centre for detainees before they are seen by a judge, and we don't keep them for more than 48 hours.¹⁰⁰

⁹⁹ Hassani said, "right now, there is no Council of Representatives to make appointments to senior security positions, and the previous Council of Representatives could never reach political agreement about this. This has made it difficult to approve the nominees for these senior posts. Still, we need to continue all security efforts to attack terrorism. It is very dangerous to have a vacuum in security at this time. It could be used by terrorists to gain an advantage. We have a unified national security system. Different bodies may have different names, but under the constitution there is only one establishment which directs everything. The head of our security forces is the prime minister. This is where many people get mixed up regarding the Counter-Terrorism Force, as if it is a private guard or some special force. No, all the interior ministry's security forces and even the defence ministry's security troops all fall under the prime minister's office". Crisis Group interview, Abd-al-Hadi al-Hassani, deputy chairman of the former parliament's oil and gas committee (2006-2010) for State of Law (Daawa Party – Iraq Organisation), London, 27 August 2010.

¹⁰⁰ Crisis Group interview, Baghdad, 16 September 2010. However, a U.S. Department of Defense report stated that the counter-terrorism force used a facility near Muthanna Airport in Baghdad that was exposed as a torture centre in April 2010 (see above). The report said, "a large portion of this facility was dedicated to the CTS and was the facility with the most human rights com-

plaints". "Measuring Stability and Security in Iraq", U.S. Department of Defense (June 2010), p. 68.

U.S. officials, although not dismissing the possibility that the force could be used against Maliki's opponents, tend to downplay the risk. One official suggested that close and continuing ties with U.S. special operations forces had precluded widespread abuse – a reassurance that raises concerns about what will occur after U.S. forces depart. Moreover, the strong U.S. presence in the counter-terrorism force may be what induced Maliki to set up the rival 56th (Baghdad) Brigade, which he fully controls without external interference and oversight. Another U.S. official noted that even if Maliki were using the force this way, he was being "careful not to kill or detain too many" members of any one specific group – again, an only mildly comforting thought.¹⁰¹

Operations in the long-troubled Diyala governorate, in particular, have raised alarms that the prime minister might be using the counter-terrorism force to advance his political agenda. In May 2009, following the January provincial elections in which Maliki's State of Law coalition fared comparatively poorly there,¹⁰² special forces carried out a number of arrests, including of newly elected provincial council members.¹⁰³ A representative of the Iraqi Islamic Party, the Iraqi branch of the Sunni Muslim Brotherhood, which won most seats in the provincial council, charged:

These arrests have no security justification. Apart from the Awakening leaders, the special forces have targeted provincial council members elected during the January 2009 elections. Of our nine elected representatives, four are now in prison. As soon as someone criticises such matters or attempts to tell the truth on television, the government unleashes its special forces and uses the Anti-Terrorism Law.¹⁰⁴

plaints". "Measuring Stability and Security in Iraq", U.S. Department of Defense (June 2010), p. 68.

¹⁰¹ Crisis Group interview, Washington, 3 November 2009.

¹⁰² Maliki's State of Law coalition won only 6 per cent of the votes in Diyala, which earned it two of the governorate's 29 seats. By comparison, State of Law collected 15 per cent of the vote nationwide.

¹⁰³ On 18 May 2009, Abd-al-Jabar al-Khazraji, a member of the Iraqi Islamic Party and Tawafuq (a Sunni Islamist bloc) on the Diyala provincial council, was arrested, as was a Diyala Awakening leader, Sheikh Riyadh al-Mujami. On 23 November 2009, Mohammed al-Jabouri (also known as Abu Mujahid) was arrested. He was the Diyala governor's 2nd deputy. Formerly an Iraqi Islamic Party leader, at the time of his arrest he was an independent member of Tawafuq. Crisis Group interview, Raad Dahlaki, Al-Iraqiya parliament member and former chairman of the Baaquba city council, Baaquba, 15 September 2010.

¹⁰⁴ Crisis Group interview, Baaquba, 12 December 2009.

A local representative of Saleh al-Mutlaq's party, which has been a strong critic of Maliki's government, said the same:

The arrests are completely arbitrary. The forces sent by Baghdad are guided by a sectarian ideology: they carry lists with names of people considered dangerous to the hegemony of the religious parties in power. They circulate rumours to terrorise certain individuals and thus force them to leave the governorate. This is the best recipe for a resumption of sectarian war in Diyala.¹⁰⁵

A second episode in Diyala took place just ahead of the March 2010 parliamentary elections. In February, security forces arrested a leading candidate there from Al-Iraqiya, Allawi's non-sectarian, secular list, reportedly on suspicion of involvement in a homicide; this came shortly after he criticised the security forces in a recorded debate.¹⁰⁶ After a judge ordered him released for lack of evidence, an anti-terrorism force arrived from Baghdad and whisked him off to incommunicado detention in the capital, claiming terrorism charges were pending against him. The candidate, Najm Abdullah al-Harbi, ended up winning 28,000 votes, earning him the second spot on Al-Iraqiya's victorious Diyala slate. In early October 2010, however, he was still in a Baghdad jail awaiting trial on terror charges.¹⁰⁷ Three other Al-Iraqiya candidates in Di-

yala went into hiding when security forces came looking for them around the same time;¹⁰⁸ they emerged only after the elections when, having won, they enjoyed parliamentary immunity. Raad Dahlaki, a lawyer and one of the three men who had gone into hiding, said:

This is how they work. They open a file against you and then try to control you by threatening that they can arrest you at any time – in case they want to bargain about politics in the future. Everything is related to politics. If you go against the ruling parties, they might fabricate a new accusation against you. I was arrested a long time ago, before the elections, but they checked my background and then let me go. Now where do these new charges come from? Who is the secret witness?¹⁰⁹

A CTC officer rejected the allegations regarding al-Harbi:

Our forces arrested Najm Abdullah al-Harbi, a politician and the mayor of al-Muqadadiya town, on the basis of an arrest warrant issued by a judge. He used his house, which is next door to his office, as a safe heaven for foreign fighters of al-Qaeda. He used his position to facilitate al-Qaeda terrorist fighters. He was involved in planning some terrorist activities carried out by al-Qaeda and former Baath party members. The judge referred him to court. As with everyone, we did not arrest him because of his political affiliation but because of his al-Qaeda affiliation.¹¹⁰

Ultimately, the prime minister's motivations aside, a broader problem is at issue: the absence of a clear legal framework governing security agencies. Rafea al-Issawi, the deputy prime minister in Maliki's government who ran on Allawi's list in the 2010 elections, put it as follows:

There are unconstitutional agencies like the counter-terrorism force, and there is also micromanagement of other institutions by the commander in chief [the prime minister]. The question is what exactly are the constitutional powers of the prime minister, his office, the defence minister, the interior minister, their deputies, etc? This has not been detailed. No one has explained exactly what they are all responsible for and what the prime minister really is supposed to be doing. I am not saying that the counter-terrorism force is a special army just for him [Maliki], but like others I am afraid that the security forces might be politicised. The Ministry of State for Security Affairs, the Counter-Terrorism

¹⁰⁵ Ibid. For some, tensions in Diyala reflected the prime minister's attempt to press the Iraqi Islamic Party to change its behaviour on the national stage. One of its leaders, Iyad al-Samarraie, was elected parliament speaker in April 2009, after the previous speaker, Mahmoud al-Mashhadani, a Maliki ally, had been forced out. According to this interpretation, Maliki ordered the arrest of local party representatives in order to dampen Samarraie's hopes of giving parliament a stronger oversight role. A local activist said, "the arrests in Diyala targeted members of the Iraqi Islamic Party and Awakening members close to the party. They doubled in intensity when Iyad al-Samarraie tried to reactivate parliament's oversight role, notably when he sought to question Hussain al-Shahristani, the oil minister, who is a close ally of Maliki's. In the end, Maliki and the party reached a compromise: both camps agreed to bury the parliamentary inquiry on management of the oil ministry, and arrests of party members in Diyala stopped immediately afterward". Crisis Group interview, activist with a civil society organisation, Baaquba, 12 December 2009. Although there is no evidence to substantiate this allegation, the perception that Maliki used the counter-terrorism force for political ends exists and is significant.

¹⁰⁶ *The New York Times*, 11 February 2010.

¹⁰⁷ A person close to Harbi said he faced fourteen charges based on Article 4 of the anti-terrorism law, stemming from events alleged to have taken place in 2006. The charges included murder and inciting sectarianism. In September 2010, he said, Harbi was being held in a prison run by the counter-terrorism forces near the prime ministry inside the Green Zone. Crisis Group interview, Baaquba, 14 September 2010. Crisis Group could not verify these claims.

¹⁰⁸ *McClatchy Newspapers*, 29 March 2010.

¹⁰⁹ Crisis Group interview, Raad Dahlaki, Al-Iraqiya parliament member and former chairman of the Baaquba city council, Baaquba, 11 September 2010.

¹¹⁰ Crisis Group interview, Baghdad, 16 September 2010.

Service and many other offices under the prime minister – these are all unconstitutional and are part of what has to be reformed in reviewing the constitution. We do want a counter-terrorism force, but we will not accept a politicised one.

The problem is determining what exactly the limits are, and this is not explained in the constitution. The prime minister is the commander in chief, but no one knows what this job entails exactly. Does it involve micro-management? No, but in practice the commander in chief is micromanaging the affairs of the defence and interior ministries. This is unacceptable and I don't think it will be accepted by the next government.¹¹¹

Others assert that while they agree with the criticism, the question is less whether these institutions beholden to Maliki are unconstitutional than whether and how they fit into the overall security architecture. The key issue, in other words, is to regulate them according to law. In that sense, "unconstitutional" is political shorthand for "unregulated, unmonitored and unaccountable".¹¹²

The belief of many Iraqis that the counter-terrorism force is the prime minister's political tool undermines its effectiveness and threatens its sustainability. The solution to both the technical/legal and political challenges is passage of a new national security law that would both legalise it and specify its mission. As noted above, this issue, which goes to the heart of the struggle over the prime minister's powers that the 2005 constitution left unresolved, has become a critical point in negotiations over a new government.¹¹³ Tellingly, in September 2010, the U.S. was trying to broker a deal pursuant to which Maliki would stay on, but his powers would be curtailed through new legislation.¹¹⁴

¹¹¹ Crisis Group interview, Baghdad, 25 August 2010.

¹¹² Masoud Barzani's chief of staff said, "these institutions may not be unconstitutional, but they are unaccountable, and at least they go against the spirit of the constitution". Crisis Group interview, Erbil, 22 September 2010.

¹¹³ A Shiite politician affiliated with the Iraqi National Alliance, which has opposed what it sees as Maliki's power grab, called for a law limiting the prime minister's powers (even if Maliki fails to extend his tenure) as part of the agreement to establish a new government. Crisis Group interview, Humam Hamoudi, chairman of parliament's foreign affairs committee (and member of the Islamic Supreme Council of Iraq), Baghdad, 27 May 2010.

¹¹⁴ The U.S. did not explicitly seek Maliki's appointment, though this particular deal was premised on his staying in office. Crisis Group interviews, U.S. officials, Washington, August 2010; and *The New York Times*, 10 September 2010.

III. UNCERTAIN LOYALTIES

A. A TROUBLED TRANSITION FROM OLD TO NEW

The loyalty of the security apparatus remains a source of profound anxiety to many Iraqis. Various political factions and their leaders fear it may fall under the sole control of their rivals. Mutual distrust is palpable in the Green Zone, which houses the executive and legislative branches: the area is divided among different security outfits guarding various institutions, including private security firms employing foreign workers to carry out vehicle and body searches. All political parties and leading political personalities have bodyguards, hired by them or provided by the state, who at times get into confrontations in shared spaces such as parliament.

These fears stem from Iraq's uneasy transition. Two related trends stand out: the fragmentation that occurred in the immediate aftermath of the 2003 U.S. invasion, which took the lid off a cauldron of competing claims and set in motion an ethno-sectarian dynamic; and the attempt by Shiite Islamist and Kurdish parties, in power since 2005, to place security forces under the control of their loyalists at the expense of more experienced officers associated with the former regime. These dynamics are visible – in different ways – in the post-2003 development of both the army and police.

1. The army

In dismantling and then seeking to rebuild the army in May 2003, the U.S. faced two challenges. One was to strike a balance between installing freshly minted officers drawn from militias attached to former exile-based opposition parties (some of whom also had served in the Baathist regime's army at some point during their career) and bringing back experienced officers from the former army whose loyalty to the new order was questionable. The other challenge was to find a balance among officers drawn from the first group, since the militias to which they belonged and the parties to which the militias were linked were and continue to be based primarily on ethnic and confessional identities. Whether U.S. military commanders saw their task through this dual prism is unclear; indeed, the army's rebuilding looked mostly like an exercise in expediency. Regardless, as the process unfolded, these two struggles proceeded in parallel and became sources of deep tension. The result has been the army's balkanisation and politicisation.

Competing sectarian claims drove the 2005-2007 civil war and remain alive today, even if the fighting has ended. They are expressed throughout society and institutions and at the very least affect how people perceive these in-

stitutions' loyalty, or that of its individual members, to the state. Khalaf al-Ulayan, a Sunni politician and former military officer, claimed: "The security forces are not independent. They are loyal to different parties and are not working for the sake of all".¹¹⁵ Major General Najim Abed al-Jabouri, the former police chief and mayor of Tel Afar, noted:

The ISF [Iraqi security forces] itself is the battleground in the larger communal struggle for power and survival. Middle Eastern concepts of civil-military relations are fundamentally different than Western concepts. Western militaries have developed a culture of political control over armed forces. While this may have been a tool for the development of Western democracies, this is not the established culture in either Iraq or the greater Middle East. In Iraq, there is a culture of "he who owns the security forces, owns the politics".¹¹⁶

He then offered his view of the breakdown in political affiliation and loyalty of the leadership of various army divisions:

The majority of these divisions are under the patronage of a political party. For example, the 8th IA [Iraqi Army] division in Kut and Diwaniya is heavily influenced by the Daawa party; the 4th IA Division in Salahideen is influenced by President Jalal Talabani's Patriotic Union of Kurdistan; the 7th IA Division in Anbar is influenced by the Iraqi Awakening Party, and the 5th IA Division in Diyala is heavily influenced by the Islamic Supreme Council of Iraq.¹¹⁷

¹¹⁵ Crisis Group interview, Baghdad, 15 December 2009. Ulayan is a former member of the Iraqi Islamic Party, who was elected to parliament in 2005 on the Tawafuq list. In 2009 he founded his own party, the Iraqi People's Conference, which contested the March 2010 elections on Jawad Bolani's slate, the National Unity List.

¹¹⁶ Najim Abed al-Jabouri, "An Iraqi ISF Assessment after U.S. Troop Withdrawal", National Defense University paper (July 2009), p. 7.

¹¹⁷ *Ibid.*, p. 11. While there is no such thing as the "Iraqi Awakening Party", Anbar saw the rise of a loose amalgam of Awakening groups from late 2006 onward, some of which organised themselves into political parties but all of which are generally referred to as the Awakening movement. Building on Al-Jabouri's comments, a former army officer living in Jordan claimed that the 2nd and 3rd Divisions are controlled by the Kurdistan Democratic Party (KDP), while the 6th, 9th, 11th and 17th Divisions' leadership owe their loyalty to Maliki's branch of the Daawa Party, as does, to a lesser extent, the 12th Division. The 10th and 14th Divisions, he said, were controlled by Sadrist and the Fadhila Party until 2009. Finally, in his view, the 1st and 7th Divisions were under the control of the U.S. Marines. Crisis Group interview, former army officer, Amman, 21 December 2009. While an overstatement, the notion that the 1st and

To the extent such identifications are correct – which arguably is the case at the leadership level, even as rank and file loyalties remain largely opaque¹¹⁸ – they suggest a degree of balkanisation that, while not costly today, could be far more problematic in the event of a prolonged political crisis or breakdown.¹¹⁹ Thus, should a conflict erupt between Baghdad and Erbil (whether over Kirkuk or other matters), Kurdish personnel likely would look for guidance to the Kurdistan region's leadership. The recently deployed 15th and 16th Divisions consist entirely of Kurds and operate almost exclusively in the Kurdistan region, while most of the 2nd, 3rd and 4th Divisions, which have high numbers of Kurds and are strongly influenced by Kurdish political parties, also might well side with the Kurdistan regional government. Many leading Arab politicians, such as Usama al-Nujayfi, share this view:

The Iraqi army contains personnel who are loyal to the Kurdish parties. Some are commanders of divisions, battalions or brigades, and they have access to weapons. Some Arabs don't accept this fact. The government is in disarray, and if a conflict is going to break out, this army will split. We are going to have battles within military units. This is a dangerous matter. The army should stay far from politics and sectarianism.¹²⁰

The ascent of Shiite Islamist and Kurdish parties in the January 2005 elections also deepened the army's politicisation and slowed the integration of former army officers initiated by Allawi's U.S.-appointed interim government (2004-2005). This took two forms: the appointment of officers loyal to these parties and – especially after 2008 – to Prime Minister Maliki on the one hand, and through the de-Baathification process, an effort to remove officers these parties deemed suspect on the other.

The Shiite Islamist parties, in particular, appear to have acted out of fear that the former regime somehow might

7th Divisions fell under U.S. Marine Corps control reflects the close relationship between these two Anbari units and the U.S., which advised and trained them virtually since their formation.

¹¹⁸ This area would require further research, which is difficult to conduct, as many members of the armed forces likely would be wary of freely expressing loyalty to anyone but the army and the state.

¹¹⁹ A senior U.S. intelligence official acknowledged the possibility of an implosion of the security forces following political stalemate, commenting that Iraqi security forces "might begin to unravel over an extended time". However, he added, "Iraqis have shown some resilience and institutional patience" so far during the process of government formation. Crisis Group interview, Washington, 31 August 2010.

¹²⁰ Crisis Group interview, Usama al-Nujayfi, parliament member on Iyad Allawi's Al-Iraqiya list, Baghdad, 26 July 2009. Nujayfi was one of the nation's highest vote-getters in the March 2010 parliamentary elections.

seek to return to power by creating a “fifth column” in the post-2003 army. Indeed, the leadership of many current divisions had prior experience in the former regime’s army, a logical and almost indispensable qualification.¹²¹ Moreover, much of their formational experience came during the war with Iran, an existential and defining moment for many, who see today’s Shiite Islamist parties as Iranian proxies.

In some instances, ruling Shiite parties used de-Baathification to remove officers on charges of belonging to the banned Baath Party.¹²² The policy began with the de-Baathification decree issued by the U.S. Coalition Provisional Authority in May 2003 and has continued in waves ever since, with officers living under the shadow of a potential purge.¹²³ The most recent such wave came in early 2010 as Iraqis prepared to go to the polls.¹²⁴ The head of the Accountability and Justice Commission, Ali Feisal al-Lami, stated at the time that he had a long list of potential targets for de-Baathification, including in the security forces.¹²⁵

¹²¹ Parliamentarian Abbas al-Bayati said, “50-60 per cent of the former army of Saddam Hussein has been absorbed into the new security apparatus. In 2008, as part of national reconciliation, the government opened reintegration offices in several Arab capitals – Sanaa, Amman, Damascus, Cairo – to handle requests for reinstatement or retirement. Many senior officers benefited from this”. Crisis Group could not verify these figures, but the perception itself is significant. Crisis Group interview, Abbas al-Bayati, member of parliament’s defence and security committee (Turkoman Islamic Union, close to the Daawa Party), Baghdad, 11 December 2009.

¹²² The other tool used was to create security branches outside the defence ministry’s authority, as described above.

¹²³ Their fears are fuelled by threats, usually from unofficial quarters. Several officers interviewed in Baghdad claimed to regularly receive text messages on their mobile phones threatening to denounce them if they do not leave their positions. Many said they suspect the messages are from colleagues jealous of their promotion or from rival political blocs. Crisis Group interviews, Baghdad, October and December 2009.

¹²⁴ See Crisis Group Report, *Iraq’s Uncertain Future*, op. cit., pp. 27-32.

¹²⁵ On 25 February 2010, the Accountability and Justice Commission announced a sweeping purge of Iraq’s security forces. Ali Feisal al-Lami, the head of the commission, said he had sent the names of 580 members to the defence, interior and national intelligence ministries. *The Los Angeles Times*, 26 February 2010. To date, no action has been taken on these cases, whose announcement came as part of a pre-election campaign apparently intended to intimidate certain parties and candidates and their supporters. Al-Lami subsequently blamed this inaction for security breaches leading to successful insurgent attacks: “The main reason for these breaches is the fact that neither the defence ministry nor the interior ministry carried out the Accountability and Justice Commission’s decisions to exclude those officers included in the commission’s procedures. More

From the beginning, critics and victims have alleged political and sectarian criteria in the implementation of de-Baathification, claiming selective vetting against Sunni Arabs. A former police commander, who lost his position in 2005 when the interior ministry fell under the Islamic Supreme Council of Iraq’s control, alleged that – their rhetorical moderation ahead of the 2009 provincial elections notwithstanding Shiite Islamist parties remained deeply sectarian: “They applied de-Baathification to the Sunnis while relaxing it for the Shiites or not applying it at all, even though the majority [of Shiite officers who had served in the former army] were Baath Party members before 2003, some at senior levels”.¹²⁶

More broadly, however, and rather than shunning these officers and thus potentially driving them into insurgency or exile, the Shiite Islamist parties sought to dilute their influence by incorporating into the army members of Shiite militias such as ISCI’s Badr Corps, rapidly promoting them over veteran army officers.¹²⁷ This gave rise to accusations that they were acting at Iran’s behest and were seizing control of the security apparatus. Sunni politicians and former army officers, in particular, have been quick to allege and denounce Shiite dominance: “Shiite hegemony is undeniable in the officer corps. We even have seen Sunni officers pretending to be Shiites in order not to lose their job. They change their last name, erasing any reference to a regional or tribal affiliation perceived as Sunni [such as Samarraie, Tikriti or Jubouri]”.¹²⁸

than 3,000 officers who were members of the security forces in the former regime are interior ministry employees. Some of them are generals The main reasons that the interior ministry refused to carry out the commission’s procedures were favouritism, nepotism and financial and managerial corruption. The commission demanded that the Integrity Commission intervene to force the interior ministry to carry out the commission’s procedures. However, it appears that the Integrity Commission lacks integrity”. Quoted in *Al-Muraqeb al-Iraqi*, 1 September 2010.
¹²⁶ Crisis Group interview, Amman, 16 April 2009. Senior officers in the former army were required to be Baath Party members. Membership did not necessarily imply loyalty to the Baath Party, its ideology or the regime, although true loyalty was rewarded with promotion.

¹²⁷ See Crisis Group Middle East Report N°52, *The Next Iraqi War? Sectarianism and Civil Conflict*, 27 February 2006, p. 20.

¹²⁸ Crisis Group interview, army colonel, Baghdad, 20 June 2010. In reality, names based on a city (Samarra, Tikrit) or tribe (the Jubour) are not the best indicators of religious adherence. Many tribes comprise both Sunnis and Shiites, as do cities and regions, even if Sunnis may predominate in some and Shiites in another. Samarra and Tikrit are known as predominantly Sunni towns (indeed it would not be easy to find a Shiite or a Kurd called “Tikriti” or “Samarraie”), and most Jubouris appear to be Sunnis (there are several Shiite Jubour tribes in the South, notably the Jubour Wawi).

Maliki extended the practice of appointments to include senior commanders whose nomination, by law, required parliamentary approval.¹²⁹ As seen, Maliki's government has invoked security imperatives to make interim appointments as a means of by-passing parliament when the legislature has rejected its appointments or proved unable to move.

2. The police

Developments in the national police have been somewhat different. Fewer former officers were brought into the new force, which was rebuilt from scratch after its collapse in 2003. However, politicisation of the interior ministry's security forces has raised similar concerns. From 2003 onward, militias infiltrated their men into these forces; after Shiite Islamist parties gained government control in May 2005, their fighters were more formally incorporated. Moreover, tribal and sectarian loyalties have driven police recruitment in some geographic areas, for example in Anbar following the establishment of Awakening councils after 2006.¹³⁰

After disbanding the security forces in May 2003, the U.S. initially focused on the army and intelligence services, leaving the police until much later. In all cases, however, the need to stand up viable forces in the context of militia rule and a growing insurgency led to an almost blind recruitment drive that failed to adequately filter new recruits for professional qualification or political allegiance. In the first two years after the invasion, the U.S. feared that the national police, whose numbers kept growing, would fall under the control of a single political bloc. To minimise the risk, it multiplied structures and command centres within the interior ministry, prompting confusion and paralysis.¹³¹

The ministry became the arena of choice for political competition and factionalism. As ministers from different par-

ties replaced each other in quick succession,¹³² all leading parties (the Kurdistan Democratic Party and Patriotic Union of Kurdistan, the Islamic Supreme Council of Iraq and, to a lesser degree, the Sadrist movement)¹³³ received their "portion" of the ministry and built patronage networks. The ministry became an amalgam of oligarchies controlled by rival militias mercilessly fighting each other. At various times during this secret war, senior officers did not dare move inside the ministry without a heavily armed escort for fear of being murdered.¹³⁴

After the January 2005 parliamentary elections, the interior ministry was given to the Islamic Supreme Council of Iraq (then still known as the Supreme Council for the Islamic Revolution in Iraq), which appointed Bayan Jaber Solagh as its head. During his one-year tenure, security forces, reporting to different factional leaders, engaged in a vicious sectarian war, acting as death squads at the service of one or another faction.¹³⁵ The creation of two deputy-ministerial positions – one entrusted to the Daawa Party, the other to Masoud Barzani's Kurdistan Democratic Party – changed little in practice. The minister in the 2006-2010 Maliki government, Jawad al-Bolani, worked hard to recentralise power. Appointed in June 2006 following heavy U.S. pressure, and considered an independent technocrat, he capitalised on his status as a mutually acceptable consensus candidate and the public's intense hostility toward militias to purge the ministry and fight corruption.¹³⁶ Still, forces under his authority engaged in some of the worst excesses during the sectarian war.

Since then, however, the police have become more professional. Bolani also cleaned up ministry finances, notably by establishing the Central Contracting Directorate to manage procurement. Throughout this restructuring process, he progressively gained autonomy from the prime minister.¹³⁷ Nonetheless, the police have far to go before

¹²⁹ Although, according to the constitution, the prime minister is the commander in chief of the armed forces, parliament nonetheless must approve appointments at commander level and above. Article 80(5) of the constitution states that the Council of Ministers has the power "to recommend to the Council of Representatives that it approve the appointment of deputy ministers, ambassadors, senior state officials, the army chief-of-staff and his deputies, division commanders and higher [ranks], the head of the National Intelligence Service and the heads of the security agencies".

¹³⁰ See Crisis Group Report, *Iraq after the Surge I*, op. cit.; and Jones, et al, "The Report of the Independent Commission on the Security Forces of Iraq", op. cit., pp. 44-45; and Austin Long, "The Anbar Awakening", op. cit.

¹³¹ See Andrew Rathmell, *Fixing Iraq's internal security forces: Why is reform of the Ministry of Interior so hard* (Washington, November 2007), pp. 7-8.

¹³² They included Nouri al-Badran, Samir al-Sumaidaie and Falah al-Naqib, all allies of Iyad Allawi. Naqib opened the way for the reinstatement of former Baathist officers during Allawi's interim premiership in 2004-2005.

¹³³ For a brief description of these parties, see Appendix B below.

¹³⁴ *The Los Angeles Times*, 30 July 2007. This was confirmed by Jones, et al, "The Report of the Independent Commission on the Security Forces of Iraq", op. cit.

¹³⁵ See Crisis Group Report, *The Next Iraqi War?*, op. cit., pp. 17-21.

¹³⁶ Bolani was an army engineer under the Baathist regime forced into retirement in 2001. Previously unknown on the political scene, his lack of factional support made him the ideal consensus candidate.

¹³⁷ This was not enough for him to garner popular support and secure a political future: in the March 2010 elections, his non-sectarian coalition, which gathered various Sunni tribal figures and clerics, won only three seats. Bolani lost in his own constituency, Baghdad.

fully overcoming their chaotic start and division into political fiefdoms. Lower ranks remain filled with officers who are little trained, underpaid and of suspect loyalty. This has serious security implications. The wave of spectacular attacks in Baghdad that began in August 2009 raised the question whether insurgents had infiltrated the security apparatus either directly or through bribes. An intelligence official said:

If I were head of the Baghdad Operations Command, I would remove 75 per cent of the city's checkpoints, which snarl traffic for no reason. They are infiltrated by all kinds of players who buy the silence of soldiers and police with a handful of dollars. Oftentimes, trucks loaded with explosives are escorted by "hired" police vehicles, a fact that prevents them from being searched".¹³⁸

The charge is difficult to substantiate, though suspicions run high. This is the case especially in light of the series of attacks attributed to AQI despite it having been significantly degraded by U.S. and Iraqi forces since 2007. Its ability to exploit vulnerabilities in the security forces' defence of the capital, most notably checkpoints, fuels scepticism about police officers' trustworthiness. The government regularly alleges that insurgents have penetrated security forces and just as regularly claims to have arrested the perpetrators. However, its evidence so far has been flimsy. More likely, insurgents exploit corrupt police officers or lax implementation of police controls, especially at checkpoints.

Lower ranks in Baghdad and Basra also reportedly are staffed with sympathisers of the movement led by Muqtada al-Sadr, including current or former members of its militia, the Mahdi Army. Mahdi Army commanders boast that their supporters are present in the heart of the security apparatus:

They supply us with information on decisions taken at the highest level. At the entrance of Al-Hurriya neighbourhood, police officers and soldiers often ask us what they should do in the event of a problem. They listen to us. On several occasions, we have told them to go inspect cars that looked suspicious. Iraq is not one state but several that are waging war on each other. I don't mean foreign actors but Iraqi factions themselves.¹³⁹

B. CHALLENGES ON THE HORIZON

Rebuilding security institutions remains a work in progress. As Maliki acquired greater decision-making powers beginning in 2008, several incidents convinced his critics that he was manipulating security forces to further cement his authority and ensure continuation of his tenure following the 2010 parliamentary elections. Detractors cite the following episodes:

- ❑ In August 2008, Diyala governorate's Emergency Response Unit, a provincial police force operating under the interior ministry, carried out a raid on the provincial government, killing the governor's secretary and arresting the provincial security committee's chairman. Separately, it also arrested the president of Diyala University, accusing both men of involvements in killings. The action was condemned by the provincial council chairman, the Iraqi Islamic Party and the commanding U.S. military officer in the north, Brigadier General James Boozer, who publicly described it as "a rogue operation".¹⁴⁰
- ❑ In December 2008, one month before provincial elections, the interior ministry's internal affairs unit, apparently acting on Maliki's orders and without Minister Jawad al-Bolani's authorisation or knowledge, arrested two dozen ministry security officers on suspicion of belonging to an offshoot of the banned Baath Party and of planning a coup. They were released a couple of days later, after Bolani returned from travel abroad, and the matter was defused.¹⁴¹
- ❑ In January 2010, Maliki ordered the army's 4th Division to occupy Salah al-Din governorate's provincial council building in an apparent effort to reverse the council's decision to dismiss the sitting governor on charges of negligence. Maliki reportedly acted to defend the dismissed governor, whose political support he needed in the March 2010 elections.¹⁴²
- ❑ The incident in Diyala in January 2010 mentioned above.

Such incidents could be seen as inevitable hiccups in the difficult process of rebuilding the security sector. But they are worrisome nonetheless, especially given Iraq's still-embryonic political institutions and enduring concern about the partisan utilisation of purportedly national bodies. In a worse-case scenario, they raise the spectre of competing security branches being used by rival parties to further their ends. Concern over the security forces' balkanisa-

¹³⁸ Crisis Group interview, officer, National Intelligence Service, Baghdad, 21 June 2010.

¹³⁹ Crisis Group interview, Mahdi Army militia commander, Sadr City (Baghdad), 22 December 2009.

¹⁴⁰ Quoted in *McClatchy Newspapers*, 20 August 2008. See also *USA Today*, 19 August 2008.

¹⁴¹ *The Los Angeles Times*, 20 December 2008.

¹⁴² *The New York Times*, 11 February 2010.

tion and politicisation will be all the more acute after 2011, once U.S. military forces have left and, with it, their purported ability to contain violence (either through sheer physical presence or by persuading politicians to negotiate rather than fight).¹⁴³ Opinions vary as to the likelihood of a breakdown in the security forces' loyalty, and some have taken comfort in the fact that they so far have survived difficult challenges.¹⁴⁴ Regardless, the next government will need to make a priority of further regulating the security sector and strengthening checks and balances.

At the heart of the problem are deep social and political schisms regarding the identity of both internal and external enemies. Those deemed terrorists by some Iraqis are heroes to others; neighbouring states seen to be allied to certain parties are viewed by other Iraqis as adversaries. This makes it difficult for security forces to develop what an army general called a "unifying ideology"¹⁴⁵ and pro-

duces uncertainty regarding the army's central mission. Should it devote itself, as it does today, primarily to internal policing in a situation of insurgency and political instability? If so, should it work hand-in-hand with the police inside urban areas?¹⁴⁶ Or should it focus on defending the country from external attack – and, if so, emanating from where? If internal policing is to remain one of its principal responsibilities, how strong should the army be when weighed against the risk it might nurture its own political ambitions?¹⁴⁷

¹⁴³ The 2005 civil war admittedly broke out notwithstanding a significant U.S. military presence. Poor understanding of the factors driving the conflict, a single-minded preoccupation with fighting AQI and other insurgent groups as well as a host of other factors kept the U.S. from attempting to halt the fighting. This changed in 2007, when a fresh look at the situation and the role of U.S. forces led to a revised policy, of which the military surge was the main component. For an analysis of these developments, see Crisis Group Middle East Report N°72, *Iraq's Civil War: The Sadrists and the Surge*, 7 February 2008; Crisis Group Report, *Iraq after the Surge I*, op. cit.; and Crisis Group Middle East Report N°75, *Iraq after the Surge II: The Need for a New Political Strategy*, 30 April 2008.

¹⁴⁴ A senior Iraqi security official offered a pessimistic outlook: "We have a concern about soldiers' loyalty. Many in the security forces are more loyal to political parties than to the homeland". Crisis Group interview, Baghdad, 25 July 2010. Another struck a relatively positive tone, saying that since Maliki's 2008 forays in Basra and Baghdad and the decision to work with the Awakening movement, "sectarian and political influences among soldiers and officers have decreased and units have become more cohesive". Crisis Group interview, Baghdad, 21 July 2010. A U.S. official agreed, saying that the army "is developing its capacities and a sense of nationalism every day. It remained and remains loyal to the government of Iraq, not to particular individuals or coalitions. It has taken on extremists of all stripes [ie, both Sunni Sons of Iraq and Shiite Sadrists]. There still is a need to better integrate the Sons of Iraq and the *peshmergas*, so it is not yet fully a national army, but the process is going forward". Crisis Group interview, Washington, September 2010.

¹⁴⁵ "Iraqi security forces are strong in numbers but lack a unifying ideology. Today, we have several competing ideologies within even the security apparatus's highest echelons. A Shiite ideology is trying to consolidate itself in the face of a historically dominant but now waning Sunni militarism. These ideologies share the perception of the security forces as instruments at the mercy of sectarianism and both are seeking to balance out regional blocs' interests, namely Iran versus the Sunni Arab world. Moreover, partisan ideologies are trying to infiltrate the army,

which still is widely seen as the most effective tool to seize power and eliminate opponents". Crisis Group interview, army general, Baghdad, 20 June 2010. A U.S. official presented a more nuanced picture: "There are no signs of overt factionalisation or of the army doing the bidding of one country or another. Though things can change, we are witnessing a rise of nationalism: Iraqis have developed healthy antibodies against all foreign interference, from Iran but also from the U.S." Crisis Group interview, Washington, September 2010.

¹⁴⁶ The army is deployed only in two cities, Mosul and Baghdad; elsewhere the national police is in charge of maintaining order. In Kirkuk, the army is stationed either in "hot" areas outside the city or integrated into joint patrols alongside U.S. and Kurdish forces inside the city.

¹⁴⁷ The possibility of a coup repeatedly is raised, reflecting the nation's history of military take-overs. Former National Security Adviser (2004-2009) Mowaffak al-Rubaie (an independent politician currently affiliated with the Iraqi National Alliance) takes it seriously: "I asked an officer in the Baghdad Operational Command what he thought of the possibility of a coup. He told me: 'It's easy, sir. I can do it if you appoint me minister of defence'. I asked him how he would go about doing it. His answer came swiftly: 'I would lock everybody up in the Green Zone by placing tanks at each entry point and deploying security forces in parliament and buildings attached to the prime minister's cabinet. Outside the Green Zone, I would encircle the Karrada neighbourhood where the Badr Brigades and ISCI leadership are based'". Crisis Group interview, Baghdad, 13 December 2009. Another former security official saw the threat as becoming acute only after the U.S. troop withdrawal: "As long as American troops remain in Iraq, no one will dare think about a coup d'état. As soon as they leave, however, the countdown for conspirators will begin. There will almost certainly be a security vacuum which a multitude of actors will try to fill. If Iran succeeds in filling this void, regionally and internationally, it would be the equivalent of a hundred atomic bombs exploding at the same time". Crisis Group interview, Qasem Daoud, former minister of state for security affairs (2004-20005) and an independent politician currently affiliated with the Iraqi National Alliance, Baghdad, 15 October 2009. For now, however, the risk of a coup appears remote, if only given the army's lack of cohesiveness, with various groups competing and none appearing dominant. An army officer emphasised this point: "The divisions within the army's high command are very deep, and it is unlikely that its various different interests will end up converging". He added that in his view "no senior officer commands enough respect and authority in the eyes of his peers to be obeyed

Indeed, defining the army's mission has implications for its size and armament. The current emphasis on light weaponry means the army – able to hold back party militias – would find it difficult to repel an outside attack. In turn, any potential quest to acquire heavy weaponry or develop an air force would be opposed by Kurds as well as some of Iraq's neighbours, including Iran, who fear a resurgent military could turn against them. Some other domestic actors, afraid that it might fall under the control of a political rival, also would prefer a lightly-equipped army remaining outside urban centres.¹⁴⁸ Some political leaders have spoken of the need to reduce the army's size, with one defence ministry official going so far as to evoke a plan to cut it by half by 2020, from fourteen to seven divisions; under this scenario, some former soldiers could be added to the police.¹⁴⁹

There are differences even among those backing a size reduction. In the words of a military officer, "the plan is to get rid of uneducated soldiers and replace them with technology – to rely on machines more than on humans. This is why we are buying sophisticated equipment such as American tanks and jets".¹⁵⁰ But these armaments are no less upsetting to many, such as the Kurds, who fear a powerful army.¹⁵¹

and followed on a putschist path". Crisis Group interview, Baghdad, 20 December 2009.

¹⁴⁸ A defence ministry official said the idea of a small army "is supported by the Shiite parties. The same goes for the Kurds, who still fear that the army can again be used against them in the future". Crisis Group interview, Baghdad, 17 September 2010.

¹⁴⁹ Crisis Group interview, defence ministry official, Baghdad, 17 September 2010. In talks on government formation and the possibility of a power-sharing arrangement, Maliki reportedly called for a reduction in the size of the army from 245,000 to 200,000. His Daawa party ally, Ali al-Adeeb, defended the notion by saying that increasing the size of the army would "make the country aggressive and looking for any excuse to use these forces. It might even try to provoke the neighbouring countries". By contrast, an Al-Iraqiya politician, Iskander Watout, said, "reducing the armed forces to 200,000 will not leave enough men to protect the country, especially since all the neighbouring countries have their sights set on Iraq". (Both quoted in *Al-Aalam*, 29 August 2010). Interior Minister Jawad Bolani, an opponent of Maliki's, even called for an increase from 245,000 to 370,000, citing studies conducted by military experts, *Al-Aalam*, 1 September 2010.

¹⁵⁰ He added: "The Americans were putting a lot of pressure on the government to accept these deals. It seemed odd for them to be pushing this, because they have always thought that equipment in Iraq might be smuggled to Iran. Now, though, they feel that Iraqis will be able to retain what they have". Crisis Group interview, high-ranking military commander, Samarra, 26 September 2010.

¹⁵¹ The Kurds, for example, are known to adamantly oppose the acquisition of F-16 fighter jets. In this context, a high-ranking

Also militating against the army's national integration has been the tendency to deploy units comprising natives of a given region to that region. Despite exceptions, Sunni Arabs have tended to be dispatched to Anbar and predominantly Arab areas of Ninewa as well as Mosul city, whereas Shiites tend to be located in southern governorates and the capital's Shiite neighbourhoods.¹⁵² Allowing ethnically or confessionally homogenous units to protect "their own" areas arguably made sense as an interim measure to build popular trust in the army. Over time, however, it has become an obstacle to the forces' national integration. To this day, some Iraqi officers refuse to serve outside their home areas for reasons of personal safety, reflecting the mental geography of their fears. This has been coupled with a growing desire at the local level to entrust security responsibility to "sons of the region" rather than "outsiders" dispatched by the central government.

In the Kurdistan region, the army has deployed two Kurds-only divisions. In Mosul, which boasts a strong military tradition, local preference led to demands for an army brigade composed exclusively of "Mosulians", codeword for Sunni Arab. Nationally, this action was criticised by some, including Sunni Arabs, as defying the logic of a national army. A Sunni politician said:

Until 2006-2007, Sunnis were reluctant to join the security apparatus. They were afraid of retaliation and sympathetic to the insurgents. Since then, we have moved to the opposite extreme. In Mosul, the local authority wants an army division that is composed entirely of soldiers from the province. We cannot form a truly national army on the basis of such regionalism. Although this does not pose a problem at the local police level, the army simply cannot afford to become

military commander pointed to differences between Kurdish and Shiite perspectives: "We have always known that Kurdish parties are the most opposed to a strong military. Even Shiite parties that oppose a huge army still want a strong Iraq. That's why the Kurds always reject the idea of the army getting good equipment, like tanks and jets. That's also why they pushed for the deployment of two entire army divisions in Kurdistan, funded and equipped by the defence ministry and acknowledged to be part of the [national] army, but made up solely of Kurdish soldiers. The ministry said it would fund these divisions only if they were mixed – Kurdish, Arab and Turkoman – but the Kurds refused, insisting they all be Kurdish". Crisis Group interview, Samarra, 26 September 2010. In September, these divisions were present in the Kurdistan region and were said to be Kurdish in composition. Crisis Group interview, Suleimaniya, 19 September 2010.

¹⁵² Among the exceptions, Shiites are deployed in the Sunni area along the main highway between Baghdad and Tikrit.

a regionalised force (*jaysh manatiqi*). And the constitution does not allow it.¹⁵³

Pro-regionalisation sentiments based on sectarian inclinations appear particularly strong in mixed-population areas, such as the capital. Operation “Imposing the Law” (the Baghdad Security Plan) in 2007, for example, reflected a sectarian division of labour, with predominantly Sunni army units patrolling predominantly Sunni neighbourhoods and police units, comprising mainly Shiites, being assigned to Shiite areas.¹⁵⁴ Again, while this might have been understandable in the midst of the sectarian fighting, such patterns should subside as the situation stabilises.

The army chief of staff, General Babakir Zeibari, suggested an interim remedy:

We should not apply the principle of “people of the region in the region” (*ahl al-mantaqa fil mantaqa*) in a radical way, because it is incompatible with the idea of a national army. I am for an intermediate solution: we need, in every governorate, a certain balance between locally recruited personnel and those who come from other regions in order to ensure a balance between centre and periphery.¹⁵⁵

In the end, much will depend on whether a unified national identity can emerge and whether elite consensus on the need to resolve political conflict through peaceful negotiations can be sustained. So far, lack of agreement on basic issues – regarding the allocation of power, territory and resources – has not imperilled the willingness of all parties to keep talking. After more than seven months of negotiations, there is no government, but neither are there indications that one or more political constituencies is readying to bolt from the table or, worse, rally loyalists within the security forces to their side. That is a good sign, but not a reason for complacency. A former senior intelligence official put it this way:

By law it is prohibited for any member of the security forces to also be a member of a political party. For this reason, soldiers and officers must quit their party membership before joining the security forces. However, the fact is that they still are loyal to these parties and their ideologies. When asked to define themselves, Iraqi citizens will say: “Kurd” or “Shiite” or “Sunni” well before they say “Iraqi”. As long as the political process is sustained, the division along sectarian and ethnic lines can be reduced. We therefore need to improve the political process, and we need more time and efforts

to gain confidence that anyone in any position is serving Iraq regardless of his sect or ethnicity. As long as there is consensus, military-related issues will be dealt with steadily and smoothly.¹⁵⁶

The longer negotiations over the next government drag on, the more hazardous the picture. Fuad Hussein, chief of staff to Kurdistan regional President Masoud Barzani, echoed a widespread concern: “Security will deteriorate. Whatever trust there is will suffer. Discipline may disappear if officers don’t know what their future will be. There could be a security vacuum, and there could be a fracturing of security forces along ethno-sectarian lines”.¹⁵⁷

¹⁵³ Crisis Group interview, Sunni Arab parliamentarian (Al-Iraqiya), Baghdad, 11 October 2009.

¹⁵⁴ See Crisis Group Report, *Iraq after the Surge I*, op. cit.

¹⁵⁵ Crisis Group interview, Baghdad, 16 October 2009.

¹⁵⁶ Crisis Group interview, Baghdad, 15 July 2010.

¹⁵⁷ Crisis Group interview, Erbil, 22 September 2010.

IV. INTEGRATING THE SONS OF IRAQ

In 2007, the U.S. established the Sons of Iraq program, building on Awakening councils that had emerged in response to AQI atrocities.¹⁵⁸ The focus – particularly at the outset – was on Anbar and Baghdad, principal targets of the U.S. surge.¹⁵⁹ In order to bring erstwhile insurgents into the political order, the U.S. paid local fighters, mostly Sunni Arabs, to provide security in their own neighbourhoods and gather intelligence on AQI. The exact number of these fighters is disputed. U.S. officials estimate there were approximately 95,000 by early 2009, roughly half in Baghdad;¹⁶⁰ an Iraqi government count found only 56,000.¹⁶¹

As part of the planned phased U.S. troop withdrawal, Washington transferred the Sons of Iraq program to the Iraqi government in late 2008 and early 2009. The objective was to integrate about 20 per cent of the fighters into regular security forces, with the remainder to receive government ministry jobs. In the meantime, the Iraqi government would continue to pay their salaries.¹⁶² Implementation began in Baghdad, where many former fighters were taken into security forces or civilian ministries, and continued elsewhere in 2010. Some remained members of paramilitary Awakening militias while receiving a government pay check.

The integration program has encountered difficulties, notably due to limits on state institutions' absorptive capacity.¹⁶³ Security forces are saturated given the considerable

personnel increase and in any event do not have the capacity to attract new recruits because of bottlenecks in training. Job creation in civil administration has been complicated by budgetary restrictions following a drop in oil revenues. Looking back, the joint forces vice chief of staff, General Nasir al-Abadi, said he felt the process had gone relatively smoothly.¹⁶⁴ In contrast, Abu Azzam, one of a few Sons of Iraq leaders who favoured the proposed transition from its inception, criticised the process as "very slow, with problems".¹⁶⁵ Others agreed. For example, a Sons of Iraq leader in Baghdad's Adhamiya neighbourhood complained that he and his men were underpaid and regularly subjected to harassment:

We have many problems. Awakening members are mistreated all the time by soldiers. Just this morning they beat one of my guys, telling him "not to walk in this street anymore" and "to stop coming here". I get 354,000 dinar monthly. This is the pay of a regular Awakening member, not of a leader [like me]. The last time I was paid was six months ago, so now I'm working for free. Also, we are targeted by al-Qaeda, who have started to employ new tactics to take out the good Awakening leaders.¹⁶⁶

In practice, the reintegration's nature and pace as well as the overall relationship between the Sons of Iraq and the government have been problematic. Many former fighters who received government jobs are unhappy with their new positions, which are often menial and far from their Baghdad homes. Many deemed it a loss of status to go from carrying a weapon in defence of one's place of residence to sweeping at a ministry across town, and some viewed it as a sign of the government's disregard for their well-being.¹⁶⁷ A tribal leader unaffiliated with the Sons of Iraq presented a mixed picture: "When these men are hired into ministries, they probably are poorly treated. They are given a hard time. There is no flexibility. If they are

¹⁵⁸ See Crisis Group Report, *Iraq after the Surge I*, op. cit.

¹⁵⁹ See Austin Long, "The Anbar Awakening", *Survival*, vol. 50, no. 2 (April 2008); and John A. McCarty, "The Anbar Awakening: An Alliance of Incentives", *The Washington Quarterly*, vol. 32, no. 1 (January 2009).

¹⁶⁰ Crisis Group interview, U.S. officer, Force Strategic Engagement Cell, Baghdad, 14 December 2009; and *The New York Times*, 23 March 2009. The mission of the Force Strategic Engagement Cell, an element within Multi-National Force – Iraq, is to forge relationships and negotiate with prominent Iraqis. It is staffed by military and civilian personnel.

¹⁶¹ According to a government official, the discrepancy "reflects corruption, false declarations and the fact that Awakening leaders inflated numbers to receive more money, as they are the ones responsible for distributing salaries to their men". Crisis group interview, Tahsin al-Sheikhly, civilian spokesperson for the Baghdad security plan, Baghdad, 16 December 2009. On the other hand, Maliki's government has an interest in presenting lower figures, given its distrust of former insurgents and reluctance to integrate them.

¹⁶² Crisis Group interview, U.S. officer, Force Strategic Engagement Cell, Baghdad, 14 December 2009; and *The New York Times*, 23 March 2009.

¹⁶³ As of early October 2010, 38,000 of the 50,000 Sons of Iraq fighters in Baghdad had transitioned to either the security

forces (13,000) or the public sector (25,000); the remaining 12,000 are on the army payroll until they receive public sector jobs. Crisis Group interview, U.S. intelligence analyst, Washington, 5 October 2010. Reliable transition figures are not available for Sons of Iraq outside Baghdad, where the program has yet to be implemented.

¹⁶⁴ Crisis Group interview, Baghdad, 13 December 2009.

¹⁶⁵ Crisis Group interview, Baghdad, 17 December 2009.

¹⁶⁶ Crisis Group interview, Mazen Fahmi Kadhem al-Dulaimi, Baghdad, 12 October 2010.

¹⁶⁷ Few fighters were particularly well-educated, so many would not have qualified for higher-status public-sector jobs in any event. Crisis Group interview, U.S. official, Washington, 3 November 2009; Crisis Group interview, U.S. official, Baghdad, 14 December 2009; and Crisis Group interview, U.S. officer, Force Strategic Engagement Cell, Baghdad, 14 December 2009.

late, they might be listed as absent, and they don't receive their salaries on time".¹⁶⁸

These problems reflect broader political tensions deriving from the 2005-2007 sectarian war. The government was sceptical of the program from the outset, given the fighters' background in the insurgency and, not infrequently, in the former regime's security forces. It viewed many of them as thugs at best and Sunni terrorists at worst, a potential fifth column ensconced in state security forces. Those feelings were mutual: many former insurgents regarded the Shiite-led government as an Iranian proxy intent on delivering the country and its vast hydrocarbons reserves to Tehran.¹⁶⁹ Sadiq al-Rikabi, a senior Maliki adviser, placed the responsibility for the troubled program on the U.S.:

Granting judicial immunity to Awakening members is out of the question. They are citizens like any other, and there are terrorists and corrupt people among them. We should blame the U.S. They left us with a security apparatus comprising hundreds of criminals and executioners, because their recruitment policy was anarchic and failed to investigate recruits' prior history.¹⁷⁰

If the rank-and-file faced integration problems, leaders hardly fared better. Not only have they been victims of an assassination campaign attributed to AQI, which killed some 212 among them in 2007-2009,¹⁷¹ but they also feel

that the government has not protected¹⁷² and may even be targeting them in some areas. In 2009, security forces arrested some 40 Sons of Iraq leaders (out of about 800) on charges ranging from terrorism to illegal weapons possession.¹⁷³ One, Adel Mashhadani, subsequently was sentenced to death for terrorist activity – a charge and a sentence that were disputed.¹⁷⁴ Arrests continued in 2010, including during a sweep in Diyala in May.¹⁷⁵

The government has acknowledged AQI's campaign against the Sons of Iraq¹⁷⁶ and, according to U.S. officers, has "put some protections in place".¹⁷⁷ This included keeping the Sons of Iraq on the payroll of a government agency, the Implementation and Follow-Up Committee for National Reconciliation¹⁷⁸ – allowing them to draw a paycheck without taking jobs where they might be vulnerable, like driving a taxi – and providing leaders with a two-to-three-man personal security detail in exchange for information about the situation in their home areas.¹⁷⁹ It has shown less sympathy to those arrested, however, referring to them as criminals.¹⁸⁰ Many who stood trial were found guilty of a variety of crimes and abuses. Indeed, a large number broke the law when they were insurgents and now live under the shadow of potential arrest. In response, a government official said that, in the mind of many Iraqis,

¹⁶⁸ Crisis Group interview, leader of a tribal "support" (*isnad*) council, Baghdad, 12 December 2009. The support councils were created by Maliki's government under the Implementation and Follow-Up Committee for National Reconciliation to support local leaders in community development and provide local intelligence. Critics have alleged that Maliki chiefly established the councils, which are mostly but not exclusively in Shiite areas, to serve his political purposes during the January 2009 provincial elections. See Crisis Group Middle East Report N°82, *Iraq's Provincial Elections: The Stakes*, 27 January 2009. A former U.S. military officer travelling in Iraq in early October 2010 reported that Iraqi army commanders and Awakening leaders had told him that on average between 15 and 20 per cent of the Sons of Iraq have been absorbed into the security forces and that bureaucratic problems have caused two-to-three-month delays in payments in some cases. While this has caused frustration, few have quit the program because government payment is their only source of income. Crisis Group interview, New York, 19 October 2010.

¹⁶⁹ According to one Awakening leader, "our country hardly belongs to us anymore. Our capital is Tehran. The Persians are killing our children and elderly. We don't even control our oil anymore. We are under attack from the east, and our government is not going to do anything about it". Crisis Group interview, Habbaniya, December 2007.

¹⁷⁰ Crisis Group interview, Baghdad, 12 October 2009.

¹⁷¹ Associated Press, 26 December 2009.

¹⁷² Sheikh Ali al-Hatem, head of the Support and Salvation Councils in Anbar, asserted: "Regrettably, the government has failed to find a solution to the Awakening councils' problems, alleging it lacks funds". He warned that the situation would get worse and that the movement was therefore urging its members "to carry unlicensed arms to fight al-Qaeda anew without any support from the Americans or the government". Al-Arabiya (TV), 18 July 2010.

¹⁷³ Crisis Group interview, U.S. officer, Force Strategic Engagement Cell, Baghdad, 14 December 2009.

¹⁷⁴ Despite his insurgent past, Mashhadani was considered by some residents of the East Baghdad neighbourhood of Fadhil as an important contributor to the area's security. *The New York Times*, 19 November 2009. In October 2010, he reportedly was still in prison.

¹⁷⁵ In June 2010, the army withdrew the right to carry arms from 10,000 Awakening members in Diyala. Reuters, 5 June 2010.

¹⁷⁶ Acting National Security Adviser Safa al-Sheikh noted that AQI was carrying out "organised revenge" against Sons of Iraq leaders. Crisis Group interview, Baghdad, 16 December 2009.

¹⁷⁷ Crisis Group interview, U.S. officer, Force Strategic Engagement Cell, Baghdad, 14 December 2009.

¹⁷⁸ The Implementation and Follow-Up Committee for National Reconciliation was formed by Prime Minister Maliki in June 2007 to serve as the government's lead organisation for reconciliation during the U.S. military surge in Baghdad and elsewhere.

¹⁷⁹ This was confirmed in subsequent Crisis Group interviews, though there is wide variation across regions in the protection extended to Sons of Iraq fighters. Crisis Group interview, U.S. intelligence analyst, Washington, 5 October 2010.

¹⁸⁰ Crisis Group interview, Tahsin al-Sheikhly, Baghdad Security Plan spokesman, Baghdad, 16 December 2009.

“reconciliation does not simply mean forgiveness”.¹⁸¹ Still, reconciliation requires some clear and final resolution of former insurgents’ status, without which they will have little incentive to support the political order.

Uncertainty over the next government’s shape adds to the anxieties of many Sons of Iraq leaders and rank and file in a year in which those based outside Baghdad are scheduled to be integrated as well. There are fewer government jobs in the provinces than in Baghdad, particularly in some rural areas where former insurgents are prominent, such as along the Diyala River valley. The density of security forces also is much lower outside Baghdad, with the exception of a few large cities such as Mosul, further limiting their absorptive capacity.¹⁸² If an inclusive government is not formed, and Al-Iraqiya politicians from Anbar, Diyala or Ninewa are not represented, the willingness to create new jobs for Sons of Iraq fighters might wane. A Diyala parliamentarian said:

Awakening groups, especially those in Diyala, are deeply worried about intimidation and arrests. They are looking very carefully at political developments with an eye toward how they will be affected. They have said again and again that if things continue the way they are, their future will be very dark. We chose to support Al-Iraqiya. If Al-Iraqiya will have no representation in government and have no influence here, there is nothing that will compel the government to cooperate with the Awakening. In that case, I would not be surprised if the Awakening chose to go its own way. We know they have weapons. They could do anything. We hope, of course, that they will never go outside legality or the national interest. We want them to be patient in pursuit of their demands, and they have been very patient already.¹⁸³

Diyala, which borders Iran, is more important to the Shiite-led government than Anbar with its mostly Sunni population. Many Awakening leaders believe that the government’s priorities are to gain full control over armed forces deployed in the capital and protect Shiites in mixed population regions close to Baghdad such as Diyala, by eliminating the threat of well-armed and experienced Sunni combatants. Echoing a widespread view among Awakening leaders, one said:

The government has good relations with Awakening groups located far outside Baghdad. Compared to fighters who expelled al-Qaeda from the capital, Ahmed Abu Risha [a tribal leader from Anbar] has never been accused of being a terrorist or ringleader. The government could not care less about Anbar, which is a poor and exclusively Sunni governorate and distant from Baghdad. By contrast, Diyala is a sensitive governorate because of its proximity to the capital, the presence of a Shiite minority, and above all its border with Iran, an entry point for pilgrims and goods from our “big Shiite brother”.¹⁸⁴

Some of the same geographic and demographic conditions apply in the area immediately south of Baghdad. There, Awakening groups face hostility from both the local Shiite population and a significant proportion of Sunnis, especially urbanites, who look down on tribes and distrust them given their past participation in the insurgency. They have come under severe pressure, including assassinations and violent attacks.¹⁸⁵ As an Awakening leader put it, “we are caught between state terrorism and al-Qaeda’s revenge, all in the context of an American troop withdrawal and the population’s general hostility toward us”.¹⁸⁶ Even in Anbar, trouble is brewing. In September 2010, the interior ministry ordered over 400 police officers to leave the provincial force or accept a lower rank.¹⁸⁷

¹⁸¹ Ibid.

¹⁸² Baghdad has roughly 1,500 checkpoints, and security forces are ubiquitous along main roads. Crisis Group interview, Major General Jihad al-Jabbouri, police explosive ordnance disposal director, Baghdad, 17 December 2009; and information provided by Major General Ali Hadi al-Yasiri, Baghdad, December 2009. During a typical 30-minute drive of a few kilometres along a central artery in the Karada neighbourhood, one is likely to encounter at least three checkpoints and nineteen different security force “gun trucks” either driving or parked along the road. The same is true in most Baghdad neighbourhoods. Crisis Group observations, September-October 2010. “Gun truck” is the generic term for a wheeled vehicle, generally a pick-up truck or a Humvee, on which is mounted a crew-served weapon, such as a medium or heavy machine gun.

¹⁸³ Crisis Group interview, Raad Dahlaki, Al-Iraqiya parliament member and former chairman of the Baaquba city council, Baaquba, 14 October 2010. Fears of government reprisal also are strong. An Awakening leader in Diyala said, “the Shiites who dominate the government today are counting on time to get rid

of us. They also will resort to tricks, such as turning combatants into night guards as a way of limiting the number of Sunnis in the security apparatus. The government uses the anti-terrorism law to arrest our colleagues and intimidate others, forcing some to go into exile or hiding. When tensions rise and we resist them, the government blames the Americans who created us and says it’s not its job to fix the problem!” Crisis Group interview, Baaquba, 12 December 2009.

¹⁸⁴ Crisis Group interview, Awakening leader, Baghdad, 18 December 2009.

¹⁸⁵ On 3 April 2010, 25 people, including women and children, were killed in Sufiya, a Sunni village south of Baghdad. The victims belonged to Awakening families that had previously been fighting AQI before switching allegiance to the government.

¹⁸⁶ Crisis Group interview, Awakening leader in Baghdad’s Fadhel neighbourhood, 4 June 2010.

¹⁸⁷ A ministry official justified the move, claiming the officers were unqualified. However, an Anbar police official said the

Successful integration of former insurgents is important to enhance the sense of inclusiveness and thus of the national force's impartiality and also to dissuade them from reverting to anti-government violence. Groups such as AQI almost certainly are biding their time, banking on fertile recruiting ground should Sunni Arabs feel both excluded from government and deprived of U.S. protection. As early as March 2009, a U.S. military officer noted: "You have to realise the Iraqi government may have an S.O.I. [Sons of Iraq] transition program, but al-Qaeda and all those groups have their own S.O.I. transition program as well".¹⁸⁸

Even a return to violence by a fraction of the Sons of Iraq, while adding substantially to the pool of violent actors, is unlikely to alter the balance of power. A high-ranking Iraqi military officer expressed confidence in this regard: "Nobody cares about the Awakening groups. The population hates them, and from the government's point of view, they only carry light weapons. The army has enough men, means and discipline to crush them militarily on any given day!"¹⁸⁹ U.S. military officers also believe Iraqi security forces can deal with recidivist insurgents, having good biometric and other personal data on each Sons of Iraq participant. The fact that the Sons of Iraq program targets fragmented groups rather than a coherent organisation, coupled with deep divisions among various Sunni political groups further limits their overall potential.¹⁹⁰ That said, alienating the Sons of Iraq would have a significant political impact, conveying the message that ruling parties are resisting genuine reconciliation.

In a positive sign, in September 2010 Iraq's National Security Council issued a directive allowing the army to incorporate Awakening units. In addition to providing intelligence, these units might reassure the Sons of Iraq/Awakening movement, although much will depend on how army commanders respond to the directive and how they treat former insurgents entering their forces.¹⁹¹

force needed the men given lack of sufficient numbers and because their dismissal would feed the insurgency. *The Washington Post*, 27 September 2010.

¹⁸⁸ Quoted in *The New York Times*, 23 March 2009. See also reports of Diyala Awakening members rejoining al-Qaeda, *The New York Times*, 16 October 2010.

¹⁸⁹ Crisis Group interview, staff brigadier, Baghdad, 4 June 2010.

¹⁹⁰ As a U.S. military officer noted: "There are a lot of Sunni parties of one". Crisis Group interview, U.S. official, Baghdad, 14 December 2009. His perspective was shared by other U.S. personnel. Crisis Group interviews, U.S. officer, Force Strategic Engagement Cell, Baghdad, 14 December 2009; and U.S. intelligence analyst, Washington, 3 November 2009.

¹⁹¹ Crisis Group interview, U.S. intelligence analyst, Washington, 6 October 2010.

V. QUESTIONS ABOUT STRENGTH

As violence has declined, the army and security police show increasing signs of professionalism. But questions remain about the conduct of soldiers and police at checkpoints and during raids, which could undermine popular support for their deployment; about logistics capabilities that are critical to mobility and the ability to fight across national territory; and about corruption, which weakens the security forces in numerous ways, from "ghost soldiers" who appear on payrolls but not for duty, to procurement kickbacks that lead to the acquisition of inferior or non-functional equipment, to theft and bribery.

A. A GROWING PROFESSIONALISM

Although armed violence persists in some parts of the country, especially in areas of mixed Arab and Kurdish (Ninewa and Kirkuk) as well as Sunni and Shiite populations (Baghdad and Diyala), elsewhere the decrease has been considerable. Maliki has claimed credit for this success, praising the 2007 Baghdad Security Plan and 2008 Baghdad and Basra offensives as examples of the state imposing its will on lawless elements regardless of ethnicity or confession. He also asserts that successive army purges reinforced its professionalism by excluding corrupt officers as well as those involved in sectarian strife. A chief Maliki adviser, Sadiq al-Rikabi, said:

We have managed to restore the authority of part of the state and its institutions. The prime minister prioritised professionalism in his determination to de-politicise the security apparatus. Soldiers who refused to carry out their commanders' orders in the Sadr City or Basra operations [both in 2008] were expelled from army and police ranks. We must have the political courage to prevent a reproduction of the patterns of Lebanese society.¹⁹²

Tahsin al-Sheikhly, civilian spokesman for the February 2007 Baghdad security plan, added: "The Maliki government re-established the people's trust in army uniforms by showing courage in excluding 64,000 troops from the ranks. Officers who had been fighting on confessional grounds were replaced".¹⁹³

Although Maliki relied heavily on U.S. military support during these operations, taking advantage of the 2007 surge,¹⁹⁴ he can legitimately point to the role played by

¹⁹² Crisis Group interview, Baghdad, 12 October 2009.

¹⁹³ Crisis Group interview, Baghdad, 9 October 2009.

¹⁹⁴ Al-Sheikhly conceded that forces in the capital "remained strongly dependent on the American presence, which applied positive pressure and provided military back-up to make sure

Iraqi security forces in repelling armed groups and integrating young men who otherwise might have been tempted to join the insurgency. Public-sector pay raises, especially in the security sector, were the main draw for many new recruits during a period of high unemployment. Moreover, considerably improved living conditions for soldiers heightened the appeal of a military career. As a member of a unit charged with protecting Mecca-bound pilgrims in the border town of Ar'ar put it:

In addition to my salary, which provides a very decent income for me to start off in life, marry and have children, the food that soldiers receive has become much better. Things have changed compared to Saddam Hussein's army, when we had to bring along our own food. Our uniforms and equipment are of good quality, and the officers treat us with much more respect than before. I must admit that my initial motivation for enlisting was solely financial. If the situation were to change, I would immediately look for a less dangerous profession.¹⁹⁵

Progress in professionalism has been most evident in the past two years. Among enlisted junior officers, observations in the Baghdad region suggest significant strides in discipline and equipment maintenance.¹⁹⁶ Likewise, security personnel more generally appear to conduct themselves competently at both vehicle and personnel checkpoints throughout Baghdad, for example at the Green Zone. Although castigated by the public for impeding traffic while failing to stop bombings, security personnel follow standard procedures in a calm, expert manner. Checkpoints also appear to be sufficiently staffed, and there are few overt signs of guards shirking duty. Their uniforms, weapons and equipment appear, on cursory inspection, to

things moved in the right direction". Ibid. This was all the more so in Basra in March of the next year, when Maliki's unannounced offensive almost foundered on stiff resistance, a severe logistics shortfall and desertions and was bailed out by U.S. forces. Ibid. See also Crisis Group Report, *Iraq's Civil War*, op. cit.

¹⁹⁵ Crisis Group interview, Baghdad, 20 December 2009. In some army and police units, the government has linked salaries to a mission's degree of danger in order to reinforce combat motivation and morale.

¹⁹⁶ In a small but nonetheless telling example, crew-served medium and heavy machine guns mounted on vehicles appeared reasonably well-maintained; in several instances, unmanned weapons on static vehicles were covered with a tarp or sleeve to keep them clean. While this is basic, it nonetheless is critical to preventive maintenance and an important measure of discipline; as such it is generally recognised by professional militaries as a particularly useful indicator of a security force's degree of professionalism. Crisis Group observations, Baghdad, December 2009 and July 2010. This should be compared to descriptions of security forces' weapons handling during 2004 in Eric Navarro, *God Willing: My Wild Ride with the New Iraqi Army* (Dulles, VA, 2008), pp. 64-65, 79-81 and 168-169.

be in good order. As with weapons handling and maintenance, these are basic indicators of growing professionalism.¹⁹⁷ Some U.S. personnel conducting patrols in remote areas said they were "impressed with the discipline at various checkpoints in what many would consider the middle of nowhere".¹⁹⁸

Not all is as promising, of course. Examples of at times significant lack of discipline remain. A senior defence ministry official confirmed the presence of what he termed uneducated soldiers, who he said should be removed from the army:

There are many soldiers with no military understanding at all. This is why we are acting to cut the soldiers' numbers by half. It is not just to have fewer of them; it is to remove the ones who are uneducated – and by uneducated I mean the ones who cannot learn or refuse to learn or cooperate, who do not show up for their shifts or try to make extra money from the people they are supposed to be protecting. These men have no place in the security forces; they create an environment that encourages other soldiers to ask why they should be working hard if not every soldier has to. It is damaging to morale and discipline.¹⁹⁹

Moreover, despite considerable progress, security forces still are viewed with much suspicion by a public that at times faces humiliation, abuse, extortion, arbitrary arrest and torture at checkpoints, during raids or in detention

¹⁹⁷ Crisis Group observations, Baghdad, December 2009-October 2010. Compare to discussion of discipline in Navarro, *God Willing*, op. cit., pp. 73-86. A Crisis Group observation in Baghdad in September 2010: Soldiers display a more professional appearance, with uniforms, weaponry and vehicles generally seeming to be in good condition. There are fewer soldiers visibly sleeping and fewer AK-47s placed against the sides of buildings and trucks, where anyone could grab them. What has not changed is that many soldiers still talk on their mobile phones constantly. Phone cards are a common bribe to soldiers for petty things such as passing through inconveniently closed streets or, in the case of a photographer, taking photos on the street.

¹⁹⁸ Crisis Group email communication, U.S. military officer, 8 March 2010.

¹⁹⁹ Crisis Group interview, Baghdad, 4 October 2010. A U.S. military officer who served on an advisory team in 2009-2010 offered a particularly harsh assessment: "Cronyism, bribery, kickbacks, extortion, and even the threat and use of physical intimidation and violence within the [Iraqi security forces] is commonplace and is getting worse. Commanders are not chosen for their ability, but rather based on whether or not they have paid the Division Commander the fee he demands. Falsification of patrol reports, theft of government supplies for sale on the black market, and imprisonment of anyone who stands up to such crimes essentially crushes individual initiative and any desire to do the right thing". Crisis Group email communication, U.S. military officer, 7 September 2010.

centres.²⁰⁰ This attitude of contempt and impunity is deeply entrenched in Iraq's political culture, a legacy of decades of dictatorship and arbitrary rule, and rooted in the enduring absence of genuine accountability. In fairness, young soldiers and policemen at checkpoints operate under constant pressure and risk to their lives, a condition that can easily translate into peremptory behaviour toward ordinary citizens.

The problem lies deeper. Security forces reflect a juxtaposition of very different cultures. Integration of personnel schooled under Saddam and recruits trained under U.S. supervision has been difficult. In the army, where the U.S. has tried to impose its own model, training and motivation vary greatly. As a result, the army focuses on new forms of internal organisation, manifested in hitherto unheard of bureaucratic procedures, as well as new relationships, both between officers and soldiers and between soldiers and citizens, in theory designed to end the old regime's authoritarian, brutalising culture and instil greater respect for human rights and rule of law.²⁰¹ Many officers who served in the former army perceive these changes as incompatible with their military traditions.²⁰² A member of the old parliament's security and defence committee and Maliki ally said, "all police officers and soldiers re-

ceive human rights training. The situation is improving but it is not like pushing a button. A lot of time is needed to change the mindset and mentality of a society barely re-awakening after 35 years of absolute dictatorship".²⁰³

Despite repeated government denials, secret prisons where torture is widespread have been proven to exist. In April 2010, news emerged of a detention centre in the heart of the capital that operated under the direct jurisdiction of the prime minister's office and was being used to interrogate hundreds of Sunni Arabs from Ninewa.²⁰⁴ Resort to torture including forced confessions reflects a tradition of authoritarianism and impunity; competition between security branches; and ongoing security pressures. A high-ranking human rights ministry official explained:

Security forces consider torture to be standard practice. They view it as a legitimate means of making suspects talk. They have no problem in resorting to backward methods that violate the presumption of innocence, such as forcing suspected terrorists to make sham confessions on television after each terrorist attack, even though we recently set up a police tribunal and signed the UN torture convention.²⁰⁵

B. A LOGISTICS GAP

Logistics – supply, transport and maintenance activities also have considerably improved. U.S. officials who once characterised them as "ramshackle" – a legacy of thirteen years of devastating UN sanctions – by 2009 took a more positive view.²⁰⁶ The main future challenge is whether the system will continue to function as well in the absence of U.S. support.²⁰⁷ A U.S. officer noted there is no system-

²⁰⁰ The professional conduct of individual troops is assessed based on two criteria: respect for human rights and adherence to standard operating procedures. They could fail in one (for example, through verbal abuse) while performing optimally in the other (for example, by carrying out a thorough vehicle inspection).

²⁰¹ The effectiveness of U.S. human rights awareness training on Iraqi forces remains to be seen, if only because of excesses committed by U.S. troops themselves since 2003, but also because of the lack of enforcement mechanisms. On human rights abuses by U.S. troops, see "Off the Record: U.S. Responsibility for Enforced Disappearances in the 'War on Terror'", Human Rights Watch, New York, 2007; and "'No Blood, No Foul': Soldiers' Accounts of Detainee Abuse in Iraq", Human Rights Watch, New York, 2006.

²⁰² Crisis Group interviews, officers who were part of the former army, Baghdad, October-December 2009. A U.S. military officer who served on an advisory team in 2009-2010 noted: "Over the course of my tour, it was clear to me that what USF [U.S. Forces] had taught the Iraqis was not 'taking' – in fact, as 1 September [drawdown deadline] drew nearer, ISF [Iraqi Security Forces] began chucking what we had tried to get them to do all these years and started reverting to 'their' way of doing things. Just a few examples of this include such things as refusing to use the automation equipment USF had purchased for them (computers/software/printers/networks, etc), refusing to use NVDs [Night Vision Devices] during operations (again purchased by USF), and refusing to use radios (also USF-purchased). Instead, such equipment was gradually 'lost' – meaning stolen and sold. This in turn had a secondary effect wherein the ISF went back to their cumbersome, paper-based system of endless memorandums". Crisis Group email communication, U.S. military officer, 7 September 2010.

²⁰³ Crisis Group interview, Abbas al-Bayati, Baghdad, 11 December 2009.

²⁰⁴ *The Los Angeles Times*, 19 April 2010; and Human Rights Watch press release, 27 April 2010.

²⁰⁵ Crisis Group interview, Baghdad, 12 October 2009. In a troubling sign of arbitrary conduct, a Crisis Group analyst carrying out research in Baghdad in October 2009 was sequestered for five hours at the defence ministry after its spokesman, who had agreed to a meeting, accused the analyst of entering the country illegally and belonging to AQI, and proceeded to threaten and intimidate the analyst, who finally was released without an explanation.

²⁰⁶ Crisis Group interviews, Washington, 3 November 2009.

²⁰⁷ Writing a year ago, a U.S. army logistician noted: "If U.S. forces are going to leave Iraq in the near future, the Iraqi Army must improve its long-term force sustainment operations. Coalition force assistance has significantly improved the Iraqi Army's non-kinetic [non-combat] and kinetic operations. However, no metric exists to determine the level of U.S. logistics support during joint operations, so we do not have a true sense of the Iraqi Army's sustainment abilities". Tacildayus Andrews, "Con-

atic knowledge of unit readiness and logistics capability below the division level and that units' self-reported readiness frequently is so high as to be highly questionable.²⁰⁸

Suspicion is further fuelled by the security forces' tendency to drive vehicles until they break down and then cannibalise them for parts to keep other vehicles running. Little appears to be performed in the way of diagnostic and preventive maintenance. While this can work in the short run and Iraqis have demonstrated resourcefulness in this regard, problems inevitably will arise in the longer term.²⁰⁹ A unit might be listed as having 50 vehicles, of which only twenty are functional, with others kept on the books to remain a source for parts and fuel. Without regular preventive maintenance, even functional vehicles operate in a substandard way. Moreover, the Iraqi environment, which encompasses everything from intense sand storms in Anbar to high humidity in Basra, heightens maintenance requirements.²¹⁰ This problem will be compounded if and when Iraqi security forces acquire more advanced systems such as the M1A1 tank or the F-16 fighter aircraft.

This maintenance pattern itself reflects several problems. The first is the centralised nature of Iraqi logistics, a pre-2003 legacy that has at least partially resisted U.S. reform attempts. In army divisions, for example, supply is centralised at a fixed set of facilities called Location Command, which distributes supplies to subordinate units based pri-

tracted Logistics: The Way Ahead for Iraqi Sustainment Operations", *Army Sustainment*, vol. 41, no. 5 (September/October 2009).²⁰⁸ One unit with 35,000 pieces of equipment reported a 90-per cent readiness, a figure that would be impressive for even a long-established and highly professional army. More broadly, the overall reported readiness rates for non-tactical vehicles (for example, Ford F-350 trucks) are considered to be inaccurate, which is significant, considering that Iraqi security forces have thousands of them. Crisis Group interview, U.S. officer, Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009. As of October 2010, there appears to have been no improvement in Iraqi logistics capabilities. Crisis Group interview, U.S. intelligence analyst, Washington, 7 October 2010. An August 2010 U.S. Department of Defense report bluntly noted: "An assessment prepared by the ISF Strategic Logistics team and independently verified by the Department of Defense Inspector General found that, without additional resourcing to develop an Iraqi National Logistics System, there is a risk that gains in ISF development over the last seven years will be lost to insufficient maintenance and sustainment". "Measuring Stability and Security in Iraq", U.S. Department of Defense (August 2010), p. x.

²⁰⁹ Crisis Group interview, U.S. intelligence analyst, Washington, 6 October 2010; and "Measuring Stability and Security in Iraq", U.S. Department of Defense (August 2010), pp. 68-71.

²¹⁰ Crisis Group email communication, U.S. military officer, 8 March 2010.

marily on historical trends, not current requirements.²¹¹ Depot commanders, expected to keep their facilities stocked, reportedly are not proactive in providing units with fresh supplies.²¹² This problem is compounded by reluctance of senior officers to delegate decision-making.²¹³ As a result, units in the field often lack what they need, including spare parts, giving further cause to cannibalise other vehicles. Moreover, the army has a shortage of trained personnel. General Nasir al-Abadi, the joint forces vice chief of staff, noted that this in part is because many current logisticians are drawn from whatever specialties can be spared, such as air defence, but lack logistics expertise.²¹⁴

The challenge is all the greater given the significant diversity in vehicles and equipment, with over 160 vehicle types.²¹⁵ Security forces likewise use both U.S./NATO and Soviet/Warsaw Pact small arms. All this makes it virtually impossible to standardise training for maintenance and requisitioning spare parts and ammunition.

²¹¹ "Location Commands Increase Iraqi Army Command & Control Abilities (An Numaniyah)". Multi-National Security Transition Command – Iraq press release, 29 April 2009; and "Measuring Stability and Security in Iraq", U.S. Department of Defense (August 2010), p. 74. Logistics problems are not unique to the army. The interior ministry's logistics system is similarly centralised. Only in mid-2010 did the ministry begin "a concerted effort to train 418 mechanics throughout Iraq on the repair of modern patrol vehicles". "Measuring Stability and Security in Iraq", U.S. Department of Defense (August 2010), p. 56. While this is progress, it is indicative of the low base from which the ministry is beginning.

²¹² Crisis Group interview, U.S. officer, Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009. Serious bottlenecks occur at key nodal points, such as the Taji National Supply Depot north of Baghdad, where orders are hand delivered and where fear of corruption forces "reliance on stringent original documentation and signature requirements, thus further exacerbating the extended timeframe to issue supplies and equipment". "Measuring Stability and Security in Iraq", U.S. Department of Defense (August 2010), p. 71.

²¹³ Crisis Group email communication, U.S. military officer, 8 March 2010.

²¹⁴ Crisis Group interview, Baghdad, 13 December 2009. Shortage of maintenance personnel remained a problem as of August 2010. "Measuring Stability and Security in Iraq", U.S. Department of Defense (August 2010), p. 70. The problem is especially acute in the area of non-commissioned and warrant officers, the corps of technical experts who perform maintenance. Andrews, "Contracted Logistics", op. cit.

²¹⁵ Crisis Group interview, U.S. intelligence analyst, Washington, 3 November 2009. The Pentagon's quarterly report on Iraq for late 2009 underscored this point: maintaining Iraqi army vehicles is "made more difficult by the large variety of vehicle manufacturers and types and the reluctance of the Iraqi system managers to distribute repair parts". "Measuring Stability and Security in Iraq", U.S. Department of Defense (September 2009), p. 56. Efforts to shrink this number to 71 had begun as of August 2010 but will take time. Ibid, August 2010, p. 70.

Perennial lack of funding is another issue, limiting the ability of even conscientious personnel to perform maintenance. In the interior and defence ministries, non-discretionary spending on salaries and life support (food, water, etc) reportedly absorbs 70-80 per cent of budgets. Much of the remainder is consumed by procurement of major items and systems. This leaves very little for spare parts or preventive and diagnostic maintenance. In one example, 4,000 non-tactical vehicles were purchased from a foreign vendor without spare parts, which were left out of the contract.²¹⁶ A brigade commander complained: "We don't have enough workshops capable of maintaining our vehicles and supplying us with spare parts. This has nothing to do with the American withdrawal. It is the problem of our defence ministry. Why do they make deals to import vehicles without enough spare parts or maintenance workshops?"²¹⁷ The army vice chief of staff acknowledged that most equipment procurement contracts lacked a spare-parts clause, adding that this at some point would create "a huge budget gap".²¹⁸

This predicament likely will be magnified by the planned acquisition of advanced systems such as the M1A1 (Abrams) tank, which has a powerful but maintenance-intensive turbine engine and sophisticated targeting systems. While the U.S. Foreign Military Sales (FMS) program includes a spare-parts clause, it does not include maintenance by the manufacturer or other technicians. A U.S. official noted that without budgeting for maintenance, the M1A1s would be "good for nothing but static display in front of government buildings".²¹⁹ The same will be true of F-16 jets, which the air force would like to acquire and the Maliki government has requested from the U.S.²²⁰

Widespread corruption, discussed further below, poses yet another logistics challenge. This is the case even when neither the supplier nor the person issuing the request is corrupt in that corruption undermines trust in the end user.

²¹⁶ Crisis Group interview, U.S. officer Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009.

²¹⁷ Crisis Group interview, brigade commander in the Baghdad area, Baghdad, 15 July 2010.

²¹⁸ Crisis Group interview, General Nasir al-Abadi, Baghdad, 31 May 2010. The U.S. Department of Defense noted that improvements in maintenance were hampered by "an inability to fund and maintain a trained workforce, and a lack of long-term contracts at the national level for repair parts could detrimentally affect critical equipment readiness". "Measuring Stability and Security in Iraq", U.S. Department of Defense (August 2010), p. 70.

²¹⁹ Crisis Group interview, U.S. officer, Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009.

²²⁰ Crisis Group interview, General Nasir al-Abadi, Baghdad, 13 December 2009. The problem is compounded by Iraq's insecure environment, which drives up the cost of foreign contractors.

Aware that supplies might be sold off or otherwise misused by units that receive them, and fearful of being charged with complicity should malfeasance occur, logistics officers tend to treat unanticipated requests sceptically.²²¹

Experts have raised concern about the fixed-location of various army divisions' logistics, which reduces strategic mobility outside their immediate area of operations.²²² While not an immediate problem insofar as the U.S. presently can make up for deficits in Iraqi logistics – this might not be the case after the withdrawal. At that point, the army could face major challenges in shifting large units away from their location commands in response to an internal crisis or major border incident.

C. THE SPREAD OF CORRUPTION

Iraq is no stranger to corruption. During the 1990s "sanctions decade", it became the primary economic driver, both a symptom of a collapsing middle class and the direct result of leadership efforts to encourage alternative sources of income. Corruption persisted after the 2003 invasion, albeit in different forms, promoted by a rapid and massive influx of funds and the absence of both a regulatory system and governmental capacity to enforce one. In 2009, the international watchdog organisation Transparency International ranked Iraq number 176 (out of 180) on its global corruption perceptions index.²²³

Iraqi and U.S. officials openly acknowledge the scope of the problem. In May 2009, Maliki referred to corruption as a threat equal to sectarian violence.²²⁴ A U.S. military

²²¹ Crisis Group interview, U.S. officer, Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009. See also "Measuring Stability and Security in Iraq", U.S. Department of Defense (September 2009), p. 56.

²²² Crisis Group interview, U.S. officer, Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009. A U.S. army logistics officer, writing in late 2008, summed up this problem: "Right now, the Iraqi Army has a unique supply system. At face value, it looks like a system set up for peacetime. It certainly is not set up for rapid movement in the field Unlike the U.S. Army, the Iraqi Army has no field supply units to run supplies to tactical units. Internal support platoons have nothing to hook into if their unit is in the field for a long time or out of their usual operating area". Thomas M. Magee, "Fostering Iraqi Army Logistics Success", *Army Logistician*, vol. 40, no. 4 (July/August 2008). This system does not appear to have fundamentally changed since, other than via the creation of location commands, which further centralised logistics.

²²³ Transparency International's Corruption Perceptions Index "measures the perceived level of public-sector corruption in 180 countries and territories around the world. The CPI is a 'survey of surveys', based on thirteen different expert and business surveys".

²²⁴ *The Washington Post*, 10 May 2009.

officer warned that “corruption is more of a threat than insurgency”.²²⁵ The senior U.S. commander in Iraq, General Raymond Odierno, said in 2009 that “endemic corruption within the Iraqi system ... is still probably the biggest problem facing Iraq”.²²⁶ The phenomenon, both systemic and pervasive, has not subsided since.

The impact on security forces has been visible.²²⁷ Corruption in procurement, for example, consumes a substantial portion of the budget. Military or police officers routinely purchase substandard or even non-functioning products from a specific vendor in exchange for substantial kick-backs.²²⁸ One of the most notorious examples was the government's purchase of 1,500 supposed explosives detectors, the ADE-651 (total cost: approximately \$85 million), which it deployed at checkpoints throughout Baghdad. The device theoretically ought to have sped up traffic flow through checkpoints significantly by obviating the need for time-consuming vehicle searches. However, scientific testing in both the UK and the U.S. proved the devices to be non-functioning.²²⁹

Iraqi security personnel were not immediately convinced, although scepticism has grown. In September 2010, they

still could be seen using the ADE-651 at Baghdad checkpoints, but with a good deal less conviction than even a few months earlier. While on its face this case appears to have been brought about by a number of factors, Iraqi and U.S. observers alike blamed corruption. An Iraqi lawmaker said, “it's all about making deals and getting a few million as a commission”.²³⁰ A U.S. officer blamed the purchase on an interior ministry official, whom he described as having “ties to unsavoury individuals”.²³¹ Though the most prominent, the ADE-651 case merely is one of many.²³²

Corruption affects food and fuel allowances for military and police units. Fuel allocations often are sold off by a unit's officers, which helps explain why units keep defective vehicles on the books to justify continued allocations.²³³ Likewise, a police officer claimed that his “brigade commander steals \$34,000 of the \$41,000 allocated monthly

²²⁵ Crisis Group interview, U.S. officer, Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009.

²²⁶ BBC News interview, 15 September 2009, at http://news.bbc.co.uk/2/hi/middle_east/8256134.stm.

²²⁷ For a useful summary of the extent and types of corruption prevalent in the security forces, see “Corruption within the ISF”, U.S. Department of Defense, Human Terrain Analysis Team – Center, 23 July 2010.

²²⁸ Crisis Group interview, Sheikh Khalaf al-Ulayan, former military officer and head of the Iraqi People's Conference, Baghdad, 15 December 2009. A senior defence ministry official said that despite improvements, this kind of corruption remained “a significant problem”. “Deals are often done with known people, regardless of quality. Without more resources, it will be very difficult to check every deal. Whoever makes money will cover up the low-grade products. Sometimes, there is no product at all”. Crisis Group interview, Baghdad, 4 October 2010.

²²⁹ *The New York Times*, 3 November 2009, first gave international coverage to the scandal. In January 2010, the company's managing director was arrested by British authorities, who banned the device's sale. BBC News report, 23 January 2010. He told the BBC that he had been selling products like the ADE-651 for over a decade and had sold 6,000 of them to around twenty countries. Scientific testing showed that the device performed “no better than a random selection process”. BBC News report, 22 January 2010, at <http://news.bbc.co.uk/2/hi/programmes/newsnight/8471187.stm>. The ADE-651 also was conspicuous in the aftermath of the hotel bombings in Jordan in November 2005, deployed by private security personnel to check vehicles approaching major hotels and supermarkets in Amman. Crisis Group observations, Amman, 2005-2007. A U.S. officer referred to the ADE-651 as “a bogus piece of equipment”. Crisis Group interview, Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009.

²³⁰ Crisis Group interview, Sheikh Khalaf al-Ulayan, head of the Iraqi People's Conference, Baghdad, 15 December 2009. A security officer echoed the view: “the Sonar [name given by Iraqis to the device] is technically useless, as it never detects anything. The only justification for its use is the percentage-based fee pocketed by the interior ministry officials who imported it”. Crisis Group interview, special forces officer, Baghdad, December 2009.

²³¹ Crisis Group interview, U.S. officer, Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009. The Iraqi officer involved vehemently denied that the device did not work or that its acquisition involved corruption. He argued that the many stages of approval involved in the ministry's contracting procedures ruled out corruption. Crisis Group interview, interior ministry official, Baghdad, 17 December 2009; and *The New York Times*, 3 November 2009.

²³² In 2008, the interior ministry led other ministries in the number of corruption cases against its employees initiated by the public integrity commission, Iraq's principal anti-corruption authority. These included, in addition to procurement fraud, numerous cases of outright theft of ministry property (including weapons and vehicles), as well as forgery of identification and official documents. *The New York Times*, 5 May 2009. Iraqi acquisition through the U.S. Foreign Military Sales program, which allows use of the U.S. Defence Security Cooperation Agency as purchasing agent, has provided some good news. The program began in 2005. It initially focused on smaller items (such as personal equipment), then scaled up to include light aircraft and other such items, and now includes equipment as major as the M1A1 tank. From 2009 to 2010, Iraq's Foreign Military Sales acquisitions increased by about \$1 billion-\$1.5 billion. Under the program's terms, the partner nation sends in its specifications for goods and services as the basis for a transparent bidding process that discourages corruption. Both Iraqi and U.S. officials have expressed satisfaction with the Foreign Military Sales program, although U.S. military sales to Iraq constitute roughly only one-quarter of all Iraqi military purchases. See “Measuring Stability and Security in Iraq”, U.S. Department of Defense (June 2010), p. 50.

²³³ Crisis Group interview, U.S. official, Baghdad, 14 December 2009.

for food”.²³⁴ The interior ministry’s inspector general found that over \$122 million had been stolen this way in the first half of 2009 and acknowledged that this was a small fraction of the total that had disappeared in that period.²³⁵ A subsequent U.S. assessment produced similar findings.²³⁶

One of the most widespread forms of corruption is the “ghost soldiers” phenomenon (known in Iraq as *fidhaiyeen*²³⁷ – those who exist in a void – or *tayyara* – those who fly in and out). This refers to personnel who are kept on the payroll but either do not exist yet draw a salary or exist but show up only part of the time or only on payday. In the latter case, ghost soldiers give part of their salary to their superiors as a kickback; in the former, commanding officers simply pocket the phantom subordinates’ pay.²³⁸ A security official provided a graphic example of what might happen when soldiers exist in name only: “After a large bomb attack in Baghdad’s Al-Sadriya neighbourhood in 2007, we interrogated the commander of the brigade deployed there. We found that only seven out of 28 checkpoints really existed; the others had ghost soldiers”.²³⁹

The phenomenon is particularly damaging in that it undermines morale, unit cohesion and training of security forces. A unit cannot be expected to be effective, its members defending each other, when half are present only sporadically. It also is difficult to conduct training when a substantial portion of the unit is missing. A brigade commander said, “the problem of absenteeism in the military is that it makes soldiers who are present lazy, and it promotes feelings of injustice. Soldiers’ morale is damaged

when they see their peers spending their service at home, while they are fighting in the field, facing death”.²⁴⁰

Finally, bribery and extortion also are widespread. Almost all aspects of security force operations, from detention to appointments to manning checkpoints, are liable to manipulation for a monetary incentive. A lawyer said:

It is possible to pay and get someone released from jail, unless it is a very high-profile or political case. Money can be paid as soon as a person is arrested, before the case goes to court, or afterward. It is common. Soldiers and officials make a lot of money this way. They often extort several thousand dollars from the family members of the detainee, who could be guilty or totally innocent.²⁴¹

But a bribe must be paid at the right time and to the right person. A doctor said:

One day in April, at three in the morning, the army came to arrest my cousin, along with twenty others from the neighbourhood. I immediately called a colonel from the same brigade whom I knew about; he listened briefly but was not responsive. Less than 30 minutes later, someone from the battalion called me back, indicating he was aware of my conversation with the colonel. He told me that my cousin had been arrested for placing an IED [improvised explosive device], and that he was being considered either a criminal or a terrorist. He told me that if he received \$4,000 immediately, they would let him go. If I waited, he said, the charge would become terrorism, and it would be very difficult to get him out. I tried to do something through connections with high-level government figures, but it did not work. My cousin is now being held on terrorism charges, and I feel bad we didn’t try to find the money.²⁴²

²³⁴ *The New York Times*, 28 October 2009.

²³⁵ *Ibid.*

²³⁶ “Measuring Stability and Security in Iraq”, U.S. Department of Defense (June 2010), p. 64.

²³⁷ Use of the term *fidhaiyeen* for ghost soldiers is also a play on the word *fidaiyeen*, “those who sacrifice themselves”, or freedom fighters.

²³⁸ One officer deployed on Iraq’s southern border spent the bulk of his time driving a taxi in Baghdad. In exchange for spending only one week each month at his post, he received half his salary, with the remainder going to his superior. Crisis Group interview, army officer driving a Baghdad taxi, Baghdad, 13 December 2009. Another soldier said, “a colonel in my unit pockets the pay of hundreds of fictitious troops with last names that reflect his own place of origin and tribe. He was denounced but went unpunished because he bribed military inspectors by paying them five million dinars and inviting them for lunch in a nice restaurant. Thus they found a friendly solution. Everyone is corrupt. From the simple soldier to the high-ranking officer, everyone wants to exploit the current chaos and get rich quickly. Why deprive yourself when corrupt people in the Green Zone know no limits?” Crisis Group interview, Baghdad, 13 December 2009.

²³⁹ Crisis Group interview, security official, Baghdad, 21 July 2010.

²⁴⁰ Crisis Group interview, brigade commander, Baghdad, 15 July 2010. He argued for the reinstatement of the military draft as a way of ensuring full deployment levels, claiming that absenteeism and casualties combined had reduced his brigade by 20 per cent. In general, he said, “units are working at 75 per cent of full fighting capacity because of lack of troops”. Some U.S. military officers said they felt the situation was improving, with the ghost soldier problem becoming less endemic. Crisis Group email communication, U.S. military officer, 8 March 2010. However, another U.S. intelligence analyst was less sanguine, reporting that the phenomenon remains widespread. Crisis Group interview, Washington, 7 October 2010.

²⁴¹ Crisis Group interview, Baghdad, 13 September 2010.

²⁴² Crisis Group interview, Baghdad, 15 May 2010. The cousin was detained in the prison facility of the 56th “Baghdad” Brigade (see above).

Bribery at checkpoints appears endemic. A police officer in Baghdad explained how the system works:

Bribing checkpoint guards is common. It depends on the officer and also on the checkpoint. At some checkpoints, it happens a lot. It takes place at important checkpoints on highways, between provinces, and even on the borders with neighbouring countries. If you want a quick and easy search, you have to pay something. If you don't, the guards will search a lot and delay you. Some guards make \$500 every day that way. Sometimes, when the shift is over, higher-ranking guards do not want to leave their shift [in order] to continue earning money. Then they tell their replacement, "if you want to take my shift, pay me". If police officers are providing security at a gas station and you don't want to wait in line, you pay them and go to the front.²⁴³

Ordinary Iraqis appear convinced that bribery at checkpoints is a key reason why bombings still take place in Baghdad. An interior ministry official who denied the possibility of corruption in contracting due to internal safeguards said he was "deeply concerned" about bribery at checkpoints. He attributed this to the poverty of lower-level commanders and lack of adequate compensation for checkpoint guards.²⁴⁴

Qais al-Amiri, a parliament member, blamed the political system:

The Iraqi people are no more corrupt than any other. But the national unity system of government has been at the root of the problem since 2003. If every political force represented in parliament controls a portion of the government, state administrations – both central and provincial – and the security apparatus, then everyone will turn a blind eye to abuse and the wholesale theft of public resources.²⁴⁵

While evincing little sympathy for, and continued concern about corruption, U.S. military officers nonetheless express some understanding. One noted that the retirement system for security officers was both uncertain and inadequate, with pensions constituting only a small fraction of active-duty salaries. This helped produce a mindset of "I need to get what I can" while still in active service.²⁴⁶

VI. SECURITY AND THE CURRENT INSTITUTIONAL CRISIS

The March 2010 elections, it was hoped, would help break the legislative logjam and begin the process of building stronger institutions and, notably, better regulating the security sector. That was not to be. Instead, the sense of paralysis that gripped much of the outgoing legislature has been further exacerbated. Fundamental questions that have vexed the Iraqi political order since 2003 remain unresolved, perpetuating deep rifts and maintaining the elites' pervasive fear and mutual distrust. Should negotiations over formation of a new government break down, or yield a cabinet deemed unrepresentative by important constituencies, the security forces' cohesiveness could be at risk. In a worst-case scenario, the army, police, counter-terrorism forces and other agencies, riddled with conflicting loyalties, could begin to show signs of fracturing just as their primary bonding agent, the U.S. military presence, is in the process of being removed.

The current stalemate results not only from the March elections' remarkably close outcome but also from deep distrust engendered by Maliki's attempt to tighten his grip on security institutions without effective parliamentary oversight. In August, seeing opportunity in crisis while concerned about potentially destabilising delays in government formation, the U.S. pushed the two largest lists in the new parliament, Iyad Allawi's Al-Iraqiya (91 seats) and Maliki's State of Law (89), toward a power-sharing arrangement. Its plan entailed the creation of a new institution²⁴⁷ aimed at diluting the prime minister's powers and thus preventing him from continuing to circumvent the president, his own council of ministers and parliament in security-related and other decisions. This new institution, variously called the Political Council for National Security or the Coordinating Council for National Strategic Policy, was supposed to review security, budget and oil export policy, although its exact powers were not fully defined.²⁴⁸

²⁴³ Crisis Group interview, Baghdad, 15 September 2010.

²⁴⁴ Crisis Group interview, Major General Jihad al-Jubouri, police explosive-ordnance disposal director, Baghdad, 17 December 2009.

²⁴⁵ Crisis Group interview, Qais al-Amiri, former parliament member from Najaf (2006-2010) for the United Iraqi Alliance, Baghdad, 8 October 2009.

²⁴⁶ Crisis Group interview, U.S. officer, Multi-National Security Transition Command – Iraq, Baghdad, 14 December 2009.

²⁴⁷ In 2008, Maliki's opponents in government, concerned over the lack of effective checks to his increasing power, tried in various ways to limit it or even force him to resign via a parliamentary no-confidence vote. One proposal, which never really took off, was to create a new council of Iraqi leaders (the three presidency council members, the prime minister, the speaker of parliament, the president of the Kurdistan region, senior ministers and others) that would take consensus-based decisions, leaving the prime minister as implementer in chief.

²⁴⁸ *The New York Times*, 9 September 2010. The Political Council for National Security is the name given to this proposed body in Western media. In Iraq, it has been called by different names, including the Coordinating Council for National Strategic Policy (Al-Majlis al-Tansiqi li al-Siyasat al-Wataniya al-Istratejiya).

By late September, the initiative appeared to have fizzled, though it could yet be revived in some form. Alternatively, other proposals to dilute the prime minister's powers could be accepted, including naming deputy prime ministers in charge of important portfolios.²⁴⁹

Specifics notwithstanding, what all these ideas have in common is a focus on introducing important checks and balances that were left out of the 2005 constitution to counterbalance the prime minister's powers.²⁵⁰ The outcome of current negotiations could well determine whether the process of security consolidation, or quasi-monopolisation, initiated by Maliki continues or whether control over the security forces and intelligence agencies will become more diffuse and regulated.

VII. CONCLUSION: THE U.S. AND IRAQI SECURITY FORCES IN 2011 AND AFTER

According to the Status-of-Forces Agreement (SOFA) signed by Iraq and the U.S. in late 2008, all U.S. troops must be withdrawn by the end of 2011, unless the two countries negotiate a new agreement by then. Regardless, cooperation between Baghdad and Washington will continue. The Strategic Framework Agreement, also signed at the end of 2008, provides an overarching vision for a long-term strategic partnership in sectors ranging from education to health to law enforcement and judicial cooperation. Indeed, even if Iraq does not request an extension in the U.S. military presence, it still will have to negotiate the establishment of the U.S. Embassy-based Office of Security Cooperation to manage the defence relationship.²⁵¹

A prolonged military presence is another matter, however. Whether Iraq will want it – and U.S. officials have made it abundantly clear that the initiative would have to come from them – will depend on a number of factors: the nature and composition of the next government; its vision for the country's security architecture and mission; its perception of future internal and external threats; and its appraisal of gaps in the security forces' capabilities. Politics and public opinion will matter as well. The Sadrist movement, for instance, which appears poised to join a new government coalition, has fiercely opposed and actively fought the U.S. military presence. Its officials have indicated they reject the SOFA and want to see U.S. forces depart sooner rather than later,²⁵² despite some apparent flexibility regarding the timetable.²⁵³

²⁴⁹ A political rival to Maliki, Qasem Daoud, said he supported restrictions on the prime minister but opposed the idea of a new council: "It is against the constitution. The basic authorities of the prime minister are well identified in the constitution. I think if we want to deal with the issue of power sharing, it could be done lawfully by establishing three or four deputy prime ministers, to whom the prime minister would give some of his authority". Crisis Group interview, Qasem Daoud, independent member of the Iraqi National Alliance, Baghdad, 1 October 2010.
²⁵⁰ The outcome would have to be codified by law, though U.S. officials take the view that this should not be done through constitutional amendment. Crisis Group interview, U.S. official, Washington, September 2010; *The New York Times*, 9 September 2010. A constitutional review process already exists that is supposed to culminate in a single sweeping package of changes, including on nettlesome issues such as the relationship between the federal government and the Kurdistan regional government; however, because consensus has been elusive, the process has been delayed indefinitely beyond its four-month deadline in 2006. See Crisis Group Report, *Iraq after the Surge II*, op. cit., pp. 24-28.

²⁵¹ The Office of Security Cooperation is staffed by diplomats (even if they wear military uniforms) who report to the ambassador. Common to many U.S. diplomatic missions abroad, this office conducts all defense department interactions with host governments, including management of weapons transfers under the Foreign Military Sales program. Typically, it incorporates both a defence attaché office and a security assistance organisation that liaises with and provides military advice as well as assistance to host nations. The Iraqi version of this office almost surely will dwarf its equivalents at U.S. embassies worldwide in size and responsibilities. For example, it will be the only one charged with maintaining control of its host nation's airspace, given the absence of Iraqi capability. Moreover, the volume of foreign military sales transactions likely will also exceed that in most other countries. Iraq may have little more than a year to plan for and negotiate the details of the office's structure and mission, a fact that is causing some anxiety among U.S. military planners and policymakers. Crisis Group interviews, Baghdad, June 2010; and Washington, August 2010.

²⁵² A leading Sadrist lawmaker said, "it is very simple: American forces must leave Iraqi soil. We need them to withdraw completely for there to be stability, both within Iraq and be-

Assuming Iraqi readiness for an extension, the Obama administration, too, would have to make important calculations. Would it be prepared to keep boots on the ground given its oft-repeated commitment to withdraw all troops? What sort of ongoing military presence would be palatable politically? How much longer would it be prepared to stay, and would the duration depend on a fixed timetable or be conditions-based?

Should a decision be made to extend the U.S. troop presence in some capacity, discussions would need to begin without much delay. As illustrated by the 2008 negotiations, it could take months to reach a detailed agreement; this clock soon would run up against steps the U.S. will be required to take in order to complete an orderly withdrawal by the end of 2011.²⁵⁴ Working back, this means that the new Iraqi government ought to launch an internal discussion about the nature of Iraq's post-2011 relationship with the U.S. as soon as it takes office.

Ultimately, the most critical question is whether a prolonged U.S. troop presence will be necessary to preserve stability. From a technical viewpoint, Iraq's security forces clearly still will fall short in several respects post-2011.²⁵⁵ They will be unable to protect the country's airspace until

tween Iraq and its neighbours. If we say that neighbouring countries support terrorists and criminals in Iraq, then American forces leaving Iraq will improve that situation". Crisis Group interview, Nassar al-Rubaie, Baghdad, 4 October 2010.

²⁵³ A Sadrist lawmaker who received more votes than Maliki in a post-election straw poll over who should be the country's next prime minister said, "we totally reject the strategic agreement with the Americans. We are unequal partners, occupied versus occupier. We don't want an immediate U.S. withdrawal, however. It has to be done according to a reasonable timetable. Our conditions: Iraq should be removed from [UN Charter] Chapter VII and Iraqis should control the timetable, ie, in relation to standing up capable Iraqi forces. The terrorists are very well equipped against our AK-47s". Crisis Group interview, Qusay al-Suheil, Baghdad, 30 May 2010.

²⁵⁴ A timely, orderly U.S. withdrawal would have to start no later than mid-2011. Withdrawing roughly 40,000 troops took four months (from May to September 2010).

²⁵⁵ It is worth noting that Iraq currently has an extensive shopping list with the U.S., which includes 140 M1A1 (Abrams) battle tanks and ships, with a total price tag of \$13 billion. It has requested eighteen F-16 (Falcon) fighter jets as part of a \$3 billion program that includes training and maintenance and requires Congressional approval. See *USA Today*, 3 September 2010. Any new equipment will necessitate extensive training, support and maintenance. According to the defence minister, Abd-al-Qader al-Obeidi, this means a U.S. military presence (in the form of trainers, advisers and troops to protect them) will be required until 2016, and even 2020 in the case of the air force. Quoted in *The Los Angeles Times*, 8 September 2010. The earliest date by which the F-16s could arrive in Iraq, if the current request is approved, would be 2013.

mid-2014 at the earliest, since they lack both an effective air-defence system and a genuine air force.²⁵⁶ Security forces will continue to depend on the U.S. for airborne intelligence, surveillance and reconnaissance.²⁵⁷ Iraq also likely will find it hard to make up for the eventual loss of U.S. combat-related transport and signals intelligence, which provides the ability to intercept, monitor and in some cases locate the source of electronic communications.²⁵⁸ All this likely will result in a serious shortfall in areas deemed important for combat operations after the withdrawal.²⁵⁹

²⁵⁶ General Nasir al-Abadi, the joint forces vice chief of staff, said, "it takes a long time to build up an air force. We need aircraft, pilots, a maintenance system, engineers, infrastructure, air traffic controllers, a radar system and communications. In 2003 a decision was taken [by the U.S.] to scrap everything [from the former regime's air force]. Nothing viable remained". Crisis Group interview, Baghdad, 31 May 2010. Iraq's air force was wiped out in 1990, when Saddam Hussein ordered his fighter jets to fly to Iran in anticipation of a U.S. attack aimed at forcing Iraq's withdrawal from Kuwait. Iran never returned the planes, and because of the imposition of both international sanctions and no-fly zones covering most of the country, Iraq had neither the resources nor a strong incentive to rebuild its air force. The U.S. removed whatever remained of Iraq's air force, its infrastructure and personnel, in 2003, as it dismantled the security apparatus generally. A U.S. official largely echoed the assessment. Crisis Group interview, Baghdad, 1 June 2010. Iraq has no ground-to-air missiles either, and there are additional concerns about its ability to protect its two oil platforms in the Gulf.

²⁵⁷ Iraq's own airborne reconnaissance capabilities are nascent, based around a few squadrons with a total of about twenty dedicated, fixed-wing manned aircraft as of late 2009. "Measuring Stability and Security in Iraq", U.S. Department of Defense (September 2009), p. 75, n. 35. A massive expansion of this capability is unlikely before the end of 2011.

²⁵⁸ Collection can be ground-based or airborne. The U.S. has invested heavily in establishing robust signals-intelligence capabilities down to the brigade/regiment level, thereby greatly expanding the ability to locate and target insurgents. Raymond T. Odierno, et al, "ISR Evolution in the Iraqi Theater", *Joint Forces Quarterly*, no. 50 (Summer 2008), p. 54. See also, Michael T. Flynn, et al, "Employing ISR: SOF Best Practices", *Joint Forces Quarterly*, no. 50 (Summer 2008); and Barry Harris, "Intelligence Transition in the United States Army: Are we on the Right Path?", Senior Service College Fellows paper, 2009. While the U.S. classifies sources and methods, it has worked out a way to share at least some of its intelligence with Iraqis via special reports, called "tear lines", that provide the gist of the intelligence information without revealing how it was obtained. McClatchy Baghdad Bureau Blog, 18 July 2009; at <http://blogs.mcclatchydc.com/baghdad/2009/07/the-command-post-of-the-future.html>.

²⁵⁹ An Iraqi general said, "the Americans have very sophisticated reconnaissance and surveillance networks, including satellites and ground equipment. So it is not difficult for them to locate a target once they intercept his cell phone calls even without coordination with the cell phone company. Our security forces

The next Iraqi government will have to decide whether it wishes to fill these gaps and, if so, whether the best way is through a continued U.S. military presence or some alternative mechanism.²⁶⁰ That said, as this report has shown, Iraqi security forces have made considerable strides in the past seven years, rising from the ashes of their 2003 dismantlement. Once mere auxiliaries in U.S. counter-insurgency operations, they began taking the lead under U.S. military tutelage and over time became increasingly independent. Professionalism has grown commensurately. The once formidable threat posed by the insurgency largely has subsided. Iraq's army appears to be in a position to repel what remains of insurgent groups. No external threat appears on the horizon, despite probable continued meddling by neighbouring states.²⁶¹

Iraq's main deficits are of a non-technical nature. They relate instead to questions of political stability and the army's loyalty, cohesion, politicisation and balkanisation; they will arise not from domestic insurgents or foreign invasion but from possible continued institutional stalemate and intensified ethno-sectarian polarisation.

In this sense, security forces can only be as strong and cohesive as the state itself, and Iraq still has a long way to go, as best evidenced by protracted post-election wran-

cannot do this. They might be able to locate the area of the target but not his exact coordinates. We therefore rely on the Americans to locate the targets. Iraq does not have this network, because we do not have satellites. Nor do we have a sustainable communications network. We use cell phones to communicate with each other. Although we have IDN [Iraqi Defence Network] and I2N [Iraqi Intelligence Network] capabilities [computer-based communications systems – internet and internet phones – for, respectively, the defence ministry and the intelligence community], these do not cover all bases or areas, and they need regular maintenance. Until now the Americans have handled maintenance; after their withdrawal, however, there will be no one to maintain these networks". Crisis Group interview, Baghdad, 25 July 2010.

²⁶⁰ In some cases, private contractors theoretically could provide training and maintenance and be protected by private security companies.

²⁶¹ Crisis Group interview, General Nasir al-Abadi, joint forces vice chief of staff, Baghdad, 31 May 2010. An intelligence official said, "there is no threat from the neighbouring countries. The U.S., according to the [2008] security agreement, has committed to protecting our borders. The threats we face are internal, not external. This means we do not need heavy weapons like an air force or artillery or tanks. What we need is technical assistance and skill training, as well as serious intelligence. American support will go down after their withdrawal. But as an official, I ask that the U.S. continue to support and cooperate with Iraqi intelligence organisations even after the withdrawal and until these organisations have been fully rebuilt". Crisis Group interview, Brigadier-General Basil al-Shuwayli, director of Baghdad's intelligence directorate (interior ministry), Baghdad, 27 July 2010.

gling over a new government. Maliki's tenure as prime minister, for all the progress in the security sector, perpetuated and entrenched a haphazard set-up of security and intelligence institutions, with unclear mandates and roles, overlapping tasks, lack of coordination and – too often – outright rivalry.

For four years, parliament had the opportunity to regulate ad hoc institutions created to meet the pressing challenge of the time – a hydra-headed insurgency and a sectarian war in urban areas – but failed to act. Instead, not only did such institutions gain more power, but Maliki also established new agencies accountable to none but himself. In the process, he appointed scores of senior commanders without parliamentary approval.

A key challenge for the next government, it follows, will be to determine the country's future security architecture – notably the prime minister's role and powers – which makes it all the more important for Iraqi politicians to address the issue now, as part of talks over the formation of the cabinet. Getting this right will require, in turn, a broadly inclusive coalition government. This is not without its own drawbacks, as the need for consensus could stymie decision-making. But it is the best way to forge a common understanding on Iraq's institutions – security forces, but also parliament, an independent judiciary and key oversight agencies – and improve their cohesiveness.

In this effort Iraq definitely will need external assistance – from its neighbours as well as the U.S., with the UN mission (UNAMI) providing technical support. The goal ought to be a power-sharing coalition that balances the requirement of a strong prime minister enjoying sufficient authority to govern against the imperative of avoiding excessive concentration of power in his hands. Of particular importance, control of the security apparatus needs to be insulated from the political power struggle and its individual components regulated by law and overseen by empowered agencies.

A prolonged U.S. troop presence might or might not help. That debate will need to be joined once a new government is in place but it will be of dubious utility if core political issues are left to fester and if more professional, non-partisan, cohesive security forces fail to emerge. Iraq's main challenges, in other words, are not of the sort that superior military hardware or greater intelligence-gathering capability can address. They nonetheless are challenges that third-parties, U.S. and otherwise, can and should play a role in addressing, if only by conditioning support and supplies on the establishment of a credible regulatory framework for the security sector.

Baghdad/Washington/Brussels, 26 October 2010

APPENDIX A

MAP OF IRAQ



APPENDIX B

GLOSSARY OF NAMES AND ACRONYMS

Al-Iraqiya	Political bloc headed by Iyad Allawi, who served as U.S.-appointed prime minister in the 2004-2005 interim government
Daawa Party	A Shiite Islamist party created in the 1960s with Prime Minister Nouri al-Maliki as its current leader
FMS	Foreign Military Sales
IIP	Iraqi Islamic Party, a Sunni Arab party, the political expression of the Muslim Brotherhood in Iraq
INA	Iraqi National Alliance, a coalition of Shiite parties including ISCI and the Sadrist movement, as well as independents
ISCI	Islamic Supreme Council of Iraq, a Shiite Islamist party created in Tehran in 1982 (then known as the Supreme Council for the Islamic Revolution in Iraq)
ISF	Iraqi Security Forces
ISOF	Iraqi Special Operations Force
KDP	Kurdistan Democratic Party, the party of the president of the Kurdistan region, Masoud Barzani
KRG	Kurdistan Regional Government
NATO	North Atlantic Treaty Organisation
PUK	Patriotic Union of Kurdistan, the party of the Iraqi president, Jalal Talabani
Sadrist Movement	Followers of Muqtada al-Sadr, a cleric who has tried to mobilise the Shiite urban poor since 2003
State of Law	Political bloc headed by Nouri al-Maliki, the current prime minister
Tawafuq	A Sunni Islamist bloc
UNAMI	United Nations Assistance Mission in Iraq

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

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Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in fourteen additional locations (Baku, Bangkok, Beirut, Bujumbura, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Port-au-Prince, Pretoria, Sarajevo and Seoul). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh,

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Matthew McHugh

Nobuo Matsunaga

Miklós Németh

Christine Ockrent

Timothy Ong

Olara Otunnu

Shimon Peres

Victor Pinchuk

Surin Pitsuwan

Cyril Ramaphosa

Fidel V. Ramos

George Robertson

Michel Rocard

Volker Rühle

Mohamed Sahnoun

Salim A. Salim

Douglas Schoen

Christian Schwarz-Schilling

Michael Sohlman

Thorvald Stoltenberg

William O. Taylor

Leo Tindemans

Ed van Thijn

Simone Veil

Shirley Williams

Grigory Yavlinski

Uta Zapf

Ernesto Zedillo