

A PATHWAY TO LEGITIMACY

Toward an international presence in Southern Iraq

SUBMISSION TO THE UK'S IRAQ COMMISSION

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1. Over eighteen months ago, the Oxford Research Group report *Iraqi Liberation: Toward an Integrated Strategy* brought together a high-level international consultative panel, including British, Iraqi, Middle Eastern and American experts from the military, foreign service, intelligence community and civil society, to produce recommendations for a change of course in Iraq. It has already been submitted to the Iraq Commission. As the rapporteur of that prior process and principal author of the report, I want to highlight a couple of points which remain salient, before making one new recommendation for the course the UK should now follow: **to introduce a new, more constructive reality by helping to midwife a genuinely international stability presence in Southern Iraq.**

The stories of liberation, occupation and civil war

2. Our analysis eighteen months ago emphasised the centrality in a “war among the people” of the war between stories. This may sound like fluff. It is not: it is the most basic reality of any theatre of conflict today. How the people of Iraq perceive what is going on in their country is a major determinant of their actions. Those framing stories also significantly determine the level of consent or assistance they lend to their own government, to foreign forces, or indeed to insurgents and militias.
3. The story of liberation was definitively lost within weeks or months at most. The dearth of international legitimacy for military action, the failure to plan for the aftermath and deliver day-to-day security, the dismantlement of Iraqi institutions and the establishment of a new occupation in the heart of the Middle East made certain of that.
4. The story and reality which took root from 2004 was one of occupation, and popular consent rapidly plummeted. This then incubated and intertwined with a story and a reality of civil strife – as Kofi Annan said, a crisis perhaps even worse and more complex than civil war.
5. Foreign policy officials with whom we engaged in late 2005 seemed determined to use the growing civil strife as a substitute for the story of occupation, and as a justification for the latter’s persistence. This endeavour was doomed to fail because the two realities – of civil strife and occupation – are intimately related, and have progressively spiralled into each other. Iraq is now in a hallucinatory state of stalemate and collapse. All too many of its people are prepared to give credence to multiple, contradictory, fantastical and dangerous ideas – for instance, that the US is allying with al-Qaeda to blow up Shia shrines.

6. There is a desperate need to develop an alternative pathway. Most analysts can see none. This briefing sketches how such a horizon might be opened, and how a new story of Iraqi national reconciliation and liberation (first from Saddam, now from occupation and civil strife) could be created. Such a story would have a powerful attractive force.

Eighteen months on, a worsening situation

7. Annex 1 provides a somewhat impressionistic assessment of progress against over thirty recommendations made in *Iraqi Liberation*. Four proposals were central:
 - a) Answer Iraqi calls for withdrawal with a framework which delivers rapid momentum toward change and the credible prospect of a post-Coalition order.
 - b) Establish a genuinely inclusive political process enabling a negotiated end to the nationalist insurgency.
 - c) Begin discussions between Iraq and UN members on a post-Coalition system of international security guarantees to be agreed by all Iraqi communities, potentially including a rapid response capability and a medium-sized 'human security' stabilisation presence.
 - d) Take steps toward more far-reaching regional dialogue that can include Iran.
8. The second recommendation – for national reconciliation – was particularly dependent on the first and third, on which no progress has been made. Both Sunni and Shia insurgents have consistently demanded a framework for coalition withdrawals as a condition for more fully engaging in the political process. Government forces have tended to make only token gestures in this direction so far, in part because the coalition has been propping them up, fighting their battles and shedding its blood for them. The current government is very far from being representative or from providing a framework for functional power-sharing.
9. Meanwhile, regional diplomacy has been pursued in a fashion which is too halting, reluctant and prescriptive to have a real hope of success. The Baghdad talks now opened between the US and Iran promise little, because of their overly-narrow scope, low level and fundamental divergences in the positions of the two sides. There are forces in Iran whose main goal is to see US defeat, and who will be happy to see the process of bloodshed spun out yet further before withdrawal. There are elements in the US and in the West who appear incapable of engaging on a serious and reciprocal basis with Iran on the wider range of issues, and who are devaluing perceptions of the international community in that country.
10. The stalemate continues; the horror of the conflict deepens. Looked at systemically and across the whole of Iraq, the US military surge is clearly failing to bring increased security, or to open sufficient political space for reconciliation.
11. There are reports that the US may be preparing to return to the United Nations in September to seek international support for a new strategy (*The Guardian*, 23 May 2007: excerpt included in Annex 2). But for reasons of US policy as well as

harsh practicalities, such a strategy is unlikely to propose a military sea-change, be it withdrawals or genuine handover of the main US command in central Iraq. The most that seems likely to be proposed in September by the US is active UN involvement in overseeing efforts at Iraqi reconciliation, regional political dialogue and humanitarian reconstruction; a Status of Forces Agreement between the coalition and the Iraqi government, for which SIIC leader Abdel Aziz al-Hakim has been calling; and possibly, some kind of parallel UN force (which is unlikely to be easy to raise if it will need to operate in the US zone).

12. These are useful ideas, but only to a point. UN brokering of talks can go only so far to break the stalemate, and the time is long past when a Status of Forces Agreement could have broken the story of occupation. What is more, any proposal first made by the US will automatically be discredited.
13. Something more serious is needed to produce a new story and reality in Iraq. Full withdrawal of coalition troops would fulfil that criterion, but could lead to terrible bloodshed, and is in any case not an option the US appears presently to be considering. Meanwhile, the Coalition presence is destabilised by the recent Iraqi Parliament vote requiring the Prime Minister to submit any renewed mandate for its approval. The British have a zone of authority in the south. What could we do?

Creating the space for an international presence in southern Iraq

14. Rapid, full withdrawal of UK troops appears an attractive option to many commentators. A few thousand troops sitting in their base near Basra are doing little to secure southern Iraq, and are acting as a magnet for shadowy Iranian efforts. The security guarantees they provide to the population are at the very least cancelled out by the systemic insecurity their “occupying” presence sows. The so-called “special relationship” is insufficient reason for this presence to continue.
15. However, the realpolitik of the situation is that UK troops are securing a key supply line for central Iraq. Precipitate withdrawal would most likely lead to their being replaced by the US in Basra. This might leave the British people feeling cleansed, but it would very likely light more fires of insurgency and civil strife in the south.
16. There is an alternative. The new British government could state its desire and intention to hand over the south jointly to the Iraqi government and **to a new UN command which would have the legitimacy and capability to support stabilisation, reconstruction and security efforts there**, working with the provincial governments as well as with Baghdad.
17. Simply by opening up the space for a different order with international and local legitimacy to be tried out in the south, Britain could midwife the emergence of a new and attractive story of Iraqi liberation, reconciliation and collaborative reconstruction. Very different security orders already prevail in Kurdistan, in Baghdad, in Anbar and the other central provinces, and in the South, so the accusation of splitting Iraq up further cannot be levelled. Rather, such a regime could provide a pilot for the longer-term stabilisation of Iraq as a whole (the model might be extended first to the sectarian flashpoint of Kirkuk).

18. Such a command would require a joint mandate from the United Nations and the Organisation of the Islamic Conference. It would need the approval of the provincial governments and key factions, as well as of the national government. A referendum could even be held to establish whether it would receive popular consent. (Popular votes have most likely become impossible in central Iraq, but may still be achievable in the South.) Perhaps most importantly, it would require coordination with Moqtada al-Sadr and the government of Iran.
19. These are not inconsiderable hurdles to surmount. But there are good reasons for thinking that each of these players might have an interest in such a transition (with the militias currently extracting value from smuggling oil and goods being the greatest challenge). Should such a transition be successful, it could begin to offer the alternative pathway toward stabilisation and legitimacy, the different story and reality which Iraq so sorely needs.
20. The question of who might provide troops for such a command in a heavily armed and majority-Shia area will require further exploration and consultation. It may not be out of the question that Britain could assist. The security challenges facing a UN force there would be considerably less than those facing the US in the centre of the country, and if coordinated with and endorsed by local leaders, it should also not suffer from the systemic insecurities of the Coalition "occupation".
21. At minimum, the UN command would guarantee the supply routes. But a larger and more supportive, albeit more subtle presence than the British one might be envisaged, if that would be accepted. At least half of it could then be composed of civilian experts in reconstruction, humanitarian and governance issues, as outlined more generally in the proposals of the EU's Study Group on human security capabilities, and (briefly) in *Iraqi Liberation*.
22. Gordon Brown has rightly spoken of taking Britain's responsibility to the UN and the Iraqi people seriously. Discharging that responsibility entails more than sitting still in the midst of chaos and stalemate. A courageous and creative act of leadership, such as the one proposed here, could begin to atone for the original failure to win international or local legitimacy, and to establish a context in which the world can help deliver the practical support which has too often been missing. It may take six months to a year to work out the details of any such transition. The UK will need to hold the south in the interim. But we should bring this proposal with a modest alacrity and in the appropriate sequence to our partners in the UN, in Europe, and in the Middle East.
23. A diplomatic surge will meanwhile be needed for Iraq and the wider region, and the UN and its major powers must lead the way. The US is not capable of brokering such a process. But no diplomatic process can succeed unless a pathway to a post-Coalition order starts to become clear. It could start in the South.
24. This outline concept is now being road-tested and developed with a small group of expert practitioners, former officials and serving policymakers. We will keep the Iraq Commission's Secretariat informed about any progress.

Annex 1

Progress report on Iraqi Liberation's recommendations

1 Build legitimacy in the Iraqi political process

- Answer calls for withdrawal with a framework which delivers rapid momentum toward change and the credible prospect of a post-Coalition order.

NOT ATTEMPTED. US CURRENTLY UNLIKELY TO ADOPT THIS STRATEGY.

- Reach agreement among the communities on key constitutional provisions, in particular on the equitable distribution of future oil reserves.

A RANGE OF CONSTITUTIONAL PROBLEMS REMAIN.

FUTURE OIL RESERVES MAY BE CLAIMED BY REGIONS, WHICH ADDS FURTHER TO THE SYSTEMIC THREAT TO SECURITY.

NEW OIL LAW CONTAINS FLAWS, AND FAILS TO DELIVER ON EQUITABLE DISTRIBUTION OF REVENUES.

- Establish a genuinely inclusive political process enabling a negotiated end to the nationalist insurgency.

SIGNIFICANT COALITION EFFORTS, BUT QUITE MINIMAL EFFORTS BY IRAQI GOVERNMENT AND INSURGENCY. NO REAL NEGOTIATIONS – CIVIL STRIFE THE MAIN FORM OF ENGAGEMENT.

- Empower locally legitimate leaderships to emerge and take control in the 'Sunni' areas – giving key insurgent elements a stake, making funds available, and experimenting with community-designed polls or referendums.

SOME EFFORTS IN ANBAR BUT MUCH MORE COULD BE DONE IN THIS RESPECT.

2 Support from honest brokers in the international community

- Consider appointing a heavyweight troika mission to lead on brokering with cultural affinities and connections to the communities, jointly endorsed by the UN, the Arab League and the Organisation of the Islamic Conference.

NOT ATTEMPTED. NO HEAVYWEIGHT BROKERS IN PLACE. NEITHER US AMBASSADOR NOR UN SPECIAL REPRESENTATIVE FITS THE BILL.

- Develop a major UNAMI programme of Iraqi-led mediation and reconciliation right down to village level.

SOME ATTEMPTS MADE, LARGELY OVERRIDEN BY SECURITY AND POLITICAL SITUATION.

3 Iraqi assumption of security responsibilities and the counter-insurgency lead

- Cease major joint US-Iraqi operations in general, shifting to advisers, training, logistics, intelligence and counter-terrorism support.

NOT ATTEMPTED: OPERATIONAL ARGUMENTS FOR US INVOLVEMENT HAVE PREVAILED OVER STRATEGIC LOGIC OF US DISENGAGEMENT FROM OPERATIONAL COMBAT.

- Move to a more Iraqi-led counter-insurgency strategy that can be implemented in a decentralised way through track II dialogue – 'include, incentivise, build and isolate' rather than 'clear, hold and build'. TOO FEW EFFORTS MADE IN THIS DIRECTION – CLEAR, HOLD AND BUILD REMAINED THE PARADIGM, AND LITTLE BUILDING WAS ACHIEVED. HOWEVER, THIS IS UNSURPRISING. SUCH A STRATEGY WOULD DEPEND FOR ITS APPEAL ON A POLITICAL HORIZON FOR END OF OCCUPATION.

- Establish a simple set of agreed minimum conditions of security, order and legitimacy with

incentives and safeguards attached, which can be enforced by different local groups – in particular, majority-Sunni security forces for majority-Sunni areas.
NOT PURSUED, AND REPEATEDLY SABOTAGED BY IRAQI GOVERNMENT. BUT SUNNI FORCES NOW TAKING HOLD IN THE VACUUM.

4 Coalition force withdrawals

- Publish a transparent ‘contract’ between Iraq, the UN and the Coalition, circumscribing the latter’s role, clarifying US and UK intentions, and codifying Iraqi oversight.
REMARKABLY, THERE IS STILL NO SUCH CONTRACT OR “STATUS OF FORCES AGREEMENT”. HOWEVER, IT IS UNLIKELY TO BE SUFFICIENT ON ITS OWN.

- Rapidly agree and implement a framework for force withdrawals to erode the narrative of occupation: milestone-driven, conditions-responsive, pursued in a decentralised fashion, and ultimately to be complete.

SOME EFFORTS IN THIS DIRECTION, BUT GENERALLY NOT SUCCESSFUL. SENSE OF HAPHAZARD WITHDRAWAL UNDER FIRE.

5 Economic development and diversification

- Retender key no-bid contracts competitively and encourage normal company operations and neighbours’ engagement, while suspending decision on long-term production sharing agreements until the security premium falls.

MANY NO-BID CONTRACTORS HAVE WITHDRAWN. MANY HAVE FAILED TO FULFIL THEIR OBLIGATIONS. NEIGHBOURS – IN PARTICULAR IRAN – HAVE ENGAGED ECONOMICALLY, ALTHOUGH THE PROCESS HAS BEEN FAR FROM TRANSPARENT. VARIANTS OF PRODUCTION-SHARING AGREEMENTS REMAIN ON THE TABLE IN THE NEW OIL LAW, TO LAST UP TO 30 YEARS.

- Crack down on the corruption around oil revenues and reach an interim agreement enabling substantial funds to be distributed to local authorities, giving Sunni province leaders a stake in raising production levels.

NO PROGRESS. SUCH DISTRIBUTIONS TO LEGITIMATE LOCAL AUTHORITIES NOT TAKING PLACE. LOCAL MILITIA CORRUPTION – E.G. IN BASRA – SKYROCKETING.

- Agree a moratorium on or forgiveness of all debt and reparations burdens and establish substantial compensation and reconciliation funds.

SOME PROGRESS ON DEBT AND REPARATIONS. ALMOST NONE ON COMPENSATION OR RECONCILIATION FUNDS.

- Create employment for a temporary stabilisation period through a massive programme of Iraqi-led rebuilding and redevelopment.

LITTLE PROGRESS.

6 Rebuilding human security

- Systematically train any international forces remaining in the country to show respect for Iraqi culture and sovereignty.

AWARENESS HAS IMPROVED, RULES OF ENGAGEMENT LESS SO (THERE IS IN ANY CASE A LIMIT TO HOW MUCH THIS CAN HELP.)

- Pay compensation now for civilian deaths, injuries and destroyed property, and take measures to prevent tens of thousands of people being left in limbo in prisons or displaced from their homes by security operations.

SOME AD-HOC COMPENSATION PAID. TENS OF THOUSANDS STILL IN ADMINISTRATIVE DETENTION UNDER BOTH US AND IRAQI JURISDICTION. NOW UPWARDS OF 2 MILLION INTERNALLY DISPLACED, THANKS TO SECURITY OPERATIONS AS WELL AS CIVIL STRIFE.

- Support and provide training for civil society organisations and establish Centres of Listening and Documentation with UNAMI assistance across Iraq.

NO SIGNIFICANT PROGRESS.

7 International security guarantees and footprint

- Begin discussions between Iraq and UN members on a post-Coalition system of international security guarantees to be agreed by all Iraqi communities, potentially including a rapid response capability and a medium-sized 'human security' stabilisation presence.

NOT ATTEMPTED.

- Establish a legitimate international mandate for any bases remaining in Iraq instead of US control, potentially including Iraqi civilian monitoring.

NOT ATTEMPTED.

- Take steps toward more far-reaching regional dialogue that can include Iran.

RELUCTANT EFFORTS UNLIKELY TO DELIVER MUCH IN THE WAY OF DIVIDENDS.

Annex 2

Excerpt from “Bush may turn to UN in search for Iraq solution”

Simon Tisdall

The Guardian, 23 May 2007

The US plan is expected to call for:

- Expanded UN involvement in overseeing Iraq's full transition to a "normal" democratic state, including an enhanced role for UN humanitarian agencies, the creation of a UN command, and possibly a Muslim-led peacekeeping force
- Increased involvement in Iraq policymaking of UN security council permanent members, Japan and EU countries - in particular, the new conservative government of French president Nicolas Sarkozy
- A bigger support role for regional countries, notably Sunni Arab Gulf states such as Saudi Arabia, and international institutions such as the World Bank and IMF
- Renewed efforts to promote Iraqi government self-reliance, including attainment of national reconciliation "benchmarks"
- The accelerated removal of US troops from frontline combat duties as the handover to Iraqi security forces, backed by an increased number of US advisers, proceeds.

"The administration's plan calls for moving on several fronts," the former official said. "Firstly, there is the international plan to win political, economic and military support for the Iraqi government and state, not least by going to the UN and asking for a UN command and flag to supplant the US coalition command.

"Regionally, there is diplomacy aimed at mobilising more Arab neighbours to understand that there is no Sunni leader coming back to Baghdad and that countries like Saudi Arabia should support Maliki [Nouri al-Maliki, Iraq's Shia prime minister] before he has no choice but to fully align with Iran," the official said.

"Internally, the plan is for US forces to help isolate takfirists (fundamentalist Salafi jihadis), peel off Sunnis from the insurgency, contain hardcore elements of Moqtada al-Sadr's Mahdi army, and halt Iranian and trans-Syrian infiltration of troops and materiel."

If all else failed, the US might seek an arrangement with Mr Sadr, if only to secure an orderly transition, the official claimed. "Cutting a deal with the Mahdi army is [vice-president] Dick Cheney's deep fallback option."