Chaillot Paper

July 2005

n°79

Looking into Iraq

Martin van Bruinessen, Jean-François Daguzan, Andrzej Kapiszewski, Walter Posch and Álvaro de Vasconcelos

Edited by Walter Posch

Institute for Security Studies
Institut d'études de Sécurité
European Union
Union européenne

In January 2002 the **Institute for Security Studies (ISS)** became an autonomous Paris-based agency of the European Union. Following an EU Council Joint Action of 20 July 2001, it is now an integral part of the new structures that will support the further development of the CFSP/ESDP. The Institute's core mission is to provide analyses and recommendations that can be of use and relevance to the formulation of the European security and defence policy. In carrying out that mission, it also acts as an interface between European experts and decision-makers at all levels.

Chaillot Papers are monographs on topical questions written either by a member of the ISS research team or by outside authors chosen and commissioned by the Institute. Early drafts are normally discussed at a seminar or study group of experts convened by the Institute and publication indicates that the paper is considered by the ISS as a useful and authoritative contribution to the debate on CFSP/ESDP. Responsibility for the views expressed in them lies exclusively with authors. *Chaillot Papers* are also accessible via the Institute's Website: **www.iss-eu.org**

Chaillot Paper

July 2005

n°79

Looking into Iraq

Martin van Bruinessen, Jean-François Daguzan,
Andrzej Kapiszewski, Walter Posch and Álvaro de Vasconcelos

Edited by Walter Posch

Institute for Security Studies
European Union
Paris

Institute for Security Studies
European Union
43 avenue du Président Wilson
75775 Paris cedex 16
tel.: +33 (0)1 56 89 19 30
fax: +33 (0)1 56 89 19 31
e-mail: institute@iss-eu.org
www.iss-eu.org

Director: Nicole Gnesotto

© EU Institute for Security Studies 2005. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the EU Institute for Security Studies.
ISSN 1017-7566
ISBN 92-9198-075-7
Published by the EU Institute for Security Studies and printed in Condé-sur-Noireau (France) by Corlet Imprimeur. Graphic design by Claire Mabille (Paris).

Contents

n°79 July 2005

Préface **Nicole Gnesotto** 5

Introduction 7
Walter Posch

1 The Iraqi elections and their consequences. Power-sharing, a key to the country's political future 13
Andrzej Kapiszewski
- *Electoral rules* 13
- *Political groupings' participation in the elections. Security problems* 14
- *Election results* 15
- *Views on the elections* 17
- *Post-election dynamics: the formation of the new government* 19
- *The challenges ahead* 21

2 A majority ignored: the Arabs in Iraq 25
Walter Posch
- *US policy: how to cope with anarchy* 26
- *Political Islam fills the security and policy gap – somehow* 28
- *Shias and Sunnis* 30
- *The insurgency* 35
- *Transforming the insurgency* 41

3 Kurdish challenges 45
Martin van Bruinessen
- *Kurdish autonomy* 45
- *Autonomy, integration into Iraq, or independence?* 47
- *Kirkuk, the Turkmen and Turkey* 49
- *Kirkuk after the war* 56
- *Turkey, Iran, Syria and their proxies* 59
- *The PKK* 62
- *Reopening the Mosul file* 64
- *Who controls the Kurdish region?* 66
- *Maps* 69

Contents

4 Partir sans partir : quelle politique des Etats-Unis à l'égard de l'Irak ? 73
Jean-François Daguzan
· *Quelle constitution pour l'Irak d'après-guerre ?* 74
· *Les options américaines après le référendum* 78
· *Conséquences régionales* 81
· *Le retour du « printemps arabe » et du « printemps américain » ?* 84

5 The EU and Iraq 87
Álvaro de Vasconcelos
· *A common view of the Iraq crisis?* 88

6 Conclusion: a weak state in the making 95
Walter Posch
· *The west Asian crisis* 96
· *Strengthening the state and democracy in Iraq* 98
· *Prospects* 100

Annexes 105
· *About the authors* 105
· *Abbreviations* 106
· *Overview of known insurgent groups* 107
· *Communication from the Commission to the Council and the European Parliament* 114
· *EU-US Declaration of Support for the People of Iraq, 26 June 2004* 129
· *Council Joint Action of 7 March 2005 on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX* 132
· *Iraq International Conference, 22 June 2005* 143

Préface

Nicole Gnesotto

Plus de deux ans après l'intervention américaine contre Saddam Hussein, l'Irak reste l'objet de toutes les inquiétudes : les élections du 30 janvier 2005, la visite du président Bush en Europe quelques semaines plus tard avaient ouvert une fenêtre d'opportunité pour la stabilisation politique intérieure du pays et la mise en sourdine des profondes divergences occidentales issues de l'intervention militaire américaine en Irak. Six mois plus tard, la violence quotidienne, l'inflation du nombre des victimes, les introuvables processus de réconciliation politique, sur fond de reprise des activités terroristes internationales, alimentent les spéculations les plus catastrophiques sur l'avenir irakien. L'évolution de l'ensemble de la région, du Golfe à l'Afghanistan, de l'Iran au conflit israélo-palestinien, ne nourrit guère non plus l'optimisme sur l'avancée de la démocratie, le rétablissement des processus de paix, l'intégration économique et la réconciliation politique à l'échelle régionale. Plus que jamais, cette zone reste celle de toutes les inconnues et d'un risque majeur pour l'avenir de la stabilité internationale. Plus que jamais, les contextes politiques intérieurs, les rapports de force politique et/ou religieux, les héritages historiques nationaux, bref, les spécificités locales de chaque zone de crise doivent être analysées pour tenter de comprendre, et peut-être d'enrayer les différentes dynamiques destructrices à l'œuvre dans la région.

A commencer par l'Irak. Au-delà des stratégies plus ou moins claires décidées par les acteurs extérieurs, l'analyse du terrain irakien, de ses composantes politiques, religieuses, ethniques, démographiques est un défi de plus en plus complexe mais de plus en plus indispensable pour tenter d'évaluer, le plus objectivement possible, les scénarios de développements possibles de la crise irakienne. Et tel est bien l'objet de ce Cahier de Chaillot. *Sous la responsabilité de Walter Posch, chargé de recherche à l'Institut, les meilleurs experts européens ont été sollicités pour tenter cette descente en profondeur dans les ressorts de la société irakienne : le nationalisme est-il plus structurant que les allégeances religieuses ou ethniques ? L'affrontement entre Chiites et Sunnites est-il la grille de lecture principale ? Quelles sont les bases des mouvements d'insurrection politique et/ou criminelle ?*

Que veulent les Kurdes et quels sont les enjeux de la question du Kurdistan ? Comment la présence militaire américaine influence-t-elle cette alchimie irakienne ? Telles sont les questions, difficiles mais essentielles, auxquelles ce Cahier de Chaillot *a choisi de donner la priorité sur les traditionnelles grilles d'analyse stratégiques du conflit irakien.*

L'extrême fluidité des événements sur le terrain, l'imprévisibilité de la violence et de ses effets politiques, dans un contexte régional lui-même emprunt de multiples incertitudes, sont autant de facteurs qui rendent bien évidemment difficile une anticipation à peu près rationnelle de l'évolution de l'Irak. Pour autant, des échéances nationales ont été fixées – notamment l'adoption de la nouvelle Constitution avant le 15 août 2005 ; des engagements ont été pris par la communauté internationale, notamment l'Union européenne, en termes d'aide à la reconstruction politique et économique du pays. Aider les Irakiens à prévenir leur propre chaos est sans doute la seule tâche sensée que l'on puisse se fixer aujourd'hui. Sans illusions certes, mais sans renoncement.

Paris, juillet 2005

Introduction

Walter Posch

The political situation in Iraq continued to be a dominating factor in the international arena throughout the year 2004 and will remain so for the foreseeable future. Two years after George W. Bush declared the end of major combat operations in Iraq, the country is still far from stable and its further transformation towards a 'secured, democratic, unified and prosperous country, at peace with itself, its neighbours and with the wider world', as stated in the EU-US Dromoland Castle declaration[1] (which has been reiterated by the EU on several occasions since), seems far from being accomplished.

A fierce insurgency is still hampering the reconstruction of the country's infrastructure and the development of the political process. It is also engaging Coalition and Iraqi armed forces and terrorising the population. On the other hand, success, however limited, cannot be denied: on 30 January 2005 Iraqis resisted terror threats and cast their ballots to elect a Transitional Assembly in most provinces of the country and a new government was inaugurated by the end of March 2005. The tasks are challenging, though, even without the precarious security situation: the National Assembly has to draft and vote on a constitution no later than 15 August 2005, a referendum on the constitution is scheduled for 15 October 2005 and new elections will follow on 15 December 2005.[2] In all this, international support is important, maybe essential, but Iraq's destiny lies as much with the international community as it does with its people and its leaders' ability to overcome ethnic and sectarian divisions and make Iraq a functioning state.

Looking into Iraq

This *Chaillot Paper* aims to help to formulate a European position on Iraq based on a realistic assessment of the situation on the ground. 'Looking into Iraq' is neither an ethnographic, sociological nor a historical study or a mere policy paper, though aspects of these disciplines are used by authors, depending on their academic back-

1. Council of the European Union, 'EU-US Declaration of Support for the People of Iraq,' Dromoland Castle, 26 June 2004 (10001/04 Presse 187).

2. Nathan J. Brown, 'Post-Election Iraq: Facing the Constitutional Challenge', *Policy Outlook*, February 2005, available at http://www.carnegieendowment.org/files/PO10.brown.final.pdf.

ground. 'Looking into Iraq' focuses rather on those issues whose understanding is key for proper analysis. To achieve this a group of renowned scholars and experts were asked to write short pieces on Iraq, each of them with a different focus, covering:

- the current situation inside the country and possible future developments among the most important driving forces in Iraq; this of course includes an analysis of the most important ethnic/sectarian cleavages in the country;
- the outcome of the elections and the next steps for further democratisation;
- aims and intentions of the United States in Iraq;
- and finally a possible role for the EU.

In the first Chapter Andrzej Kapiszewski analyses the conduct and outcome of the first free elections in Iraq after the end of the monarchy in 1958. With regards to the conduct of the elections, he sees the electoral process as a success in spite of some irregularities, mainly in the Kurdish areas, and the fact that campaigning was random at best, since most candidates feared that their lives would be in danger if their names were published beforehand. With regard to the results, Sunni Arabs are under-represented due to their abstention. Hence the results mirror Iraq's realities: by voting along ethnic and sectarian lines, Iraqis gave a secure majority to the Shia-dominated United Iraqi Alliance. But elections alone are no guarantee of stable and efficient government, as the long and tenuous negotiations on the coalition government have shown, and the country will have no prospects without the participation of the Sunni Arab population and its leaders. Key posts like president, president of parliament and prime minister are already 'ethnified' (there are always two deputies representing the other two ethnoreligious groups) in order to guarantee Sunni representation at the highest level. Kapiszewski compares this formula to the 'gentlemen's agreement of the kind that functioned for years in Lebanon'. However, whether the example of Lebanon augurs well for the future remains to be seen.

Satisfying Sunni grievances is one of the main points Walter Posch makes in the second chapter. Doing so, he argues, could create a chance to neutralise some of the insurgent groups. This seems to be possible with those groups that are run by Former Regime Loyalists, but they are only one segment of the insurgents, most of them being locally based Islamists and die-hard international *jihadis*. The insurgency is better organised than two years ago and several insurgent

groups have made attempts to create a political platform. It has become evident that the influential (Sunni) Association of Muslim Scholars is in loose contact with many of the insurgent groups but also with the movement of Moqtada Sadr. This said, Posch points out that one fault line among Iraqis is often forgotten: the cleavage between 'home-grown' movements (like Moqtada's) and exiled politicians and parties (like the Iran-backed Supreme Council of the Islamic Revolution in Iraq or the parties the United States brought in). Therefore, one does well to think of Moqtada as being both in the insurgents' camp and in the Shias'. Although tensions between the Islamic confessions are mounting, however, Sunni and Shia Islamists share (and to a certain degree already have achieved) main common aims like a thorough Islamisation of society.

Sunni and Shia Arabs alike are opposed to any substantial autonomy being granted to the powerful Kurds. But how realistic is it to suggest that Iraq's entire Kurdish region could become fully integrated into Iraq again? This question is analysed by Martin van Bruinessen in the third chapter. Hinting at the popularity of the 'Referendum Movement' which in an unofficial poll obtained almost two million signatures in favour of an independent Kurdistan, he analyses the fine line that the main political parties (PUK and KDP) are treading between nationalist sentiment and geopolitical realities. Both parties are very much aware of the international community's and their neighbours', in peculiar Turkey's, objections to any form of self-rule. They have, however, made it sufficiently clear that they want at least the same amount of de facto independence as they have enjoyed over the last decade, whether this is called autonomy or federalism. But Kurds do not only want a very substantial amount of autonomy: they also insist on control of multiethnic Kirkuk and its oilfields. Needless to say, as the Turkmens form one of the most important ethnic groups in the city, Turkey feels obliged to be an advocate of Turkmen rights in Iraq. The results of the elections, however, were sobering for Turkey: only 3 out of 13 ethnic Turkmen who were elected to the Transitional National Assembly ran for the Turkey-backed Iraqi Turkmen Front. For Turkey, Northern Iraq remains high on the agenda, even more so as the PKK runs several training camps in the region and has resumed the armed struggle. Nevertheless, van Bruinessen shows that influential circles in Turkey seem to be fostering a more sympathetic approach to Iraq's independent-minded Kurds. If this is the case, south-eastern Anatolia will benefit from economic growth in Iraqi Kurdistan. This might

not remain just wishful thinking but become reality, given that there are in general good working relations between the Kurdish parties of northern Iraq and the Turkish military.

Needless to say, the status of northern Iraq or Kurdistan is the trickiest question of any constitutional arrangement for Iraq. American think tanks have proposed solutions ranging from nothing less than dismembering the country to substantial federation for the Kurds. Hence, Jean-François Daguzan in the fourth chapter cautions that the constitution has to solve other questions too: how big should the dose of autonomy for the Kurds be, how big the influence of Islamic law and, finally, what is left of 'Iraqi-ness', given the fact that a return to a centralised Iraq has become impossible? At the same time, leaders of the region watch with unease the American policy of 'forced democratisation'. For now it is impossible to gauge whether the Iraqi example will trigger off a region-wide shift towards democratisation or whether the fragile equilibrium between authoritarianism in power and Islamism in opposition will continue. According to Daguzan, democratisation is interlinked with the participation (and consequent moderation) of Islamists in power but inevitably it will also lead to 'ethnisation'. That said, he views the future of Iraq's constitution rather as a veritable peace treaty between ethnic groups than a constitution *sensu stricto* for Iraq. Nevertheless, a successful constitutional process is as much in Iraq's interest as it is in that of the United States, because it would be proof that they had accomplished their mission. They could then withdraw their troops to bases in the desert, thus making them invisible to the Iraqi population. However, US bases will pose the thorny question of their status and will have no effect on the die-hard international *jihadis* anyway. The solution for Daguzan lies in 'leaving without leaving' when the US military presence on the ground is terminated (and only the US Navy remains to secure the West's strategic interests in the Gulf) so that a serious political process can begin.

An American retreat, or at least a clear timetable for leaving the country, is 'fundamental . . . for the resolution of the crisis in Iraq', says Álvaro de Vasconcelos in the fifth chapter, though he cautions that the said timetable 'must take into consideration the need to guarantee security in Iraq'. Vasconcelos calls for Europe to have responsibility in helping the United States to leave in an orderly way. According to him, a European contribution to the training of the Iraqi Army should be envisioned. But Europe's main aim should be

to support a sovereign democratic Iraq by aiding political parties, backing the constitutional process with juridical experts and promoting civil society organisations; needless to say the defence of human rights should be a European priority too. But any European task in Iraq must be set in the framework of the UN as the only credible multilateral actor. 'Even NATO', Vasconcelos says, 'lacks sufficient multilateral public legitimacy'. And the overwhelming popular dissatisfaction with the US-led war makes the prioritisation of multilateralism the only acceptable political choice.

Due to a lack of space and time, some important issues have been excluded from this paper: they include key issues like the future of Iraq's hydrocarbon industry and its ramifications for oil-producers as well as for oil-consuming countries, a further analysis of the United States's broader Middle East Initiative and a detailed analysis of the powerful family networks and their relations with Iranian and Western élites. Transatlantic relations, another key issue, are dealt with only briefly in this *Chaillot Paper*, since the EUISS has already published several papers on this topic: as early as December 2002 two *Occasional Papers* analysed main US-EU differences on the possibilities of a war on Iraq (No. 39, 'Iraq: the transatlantic debate', by Philip H. Gordon, and No. 40, 'Iraq: a European point of view', by Martin Ortega); in December 2003 Gustav Lindstrom edited *Shift or Rift. Assessing US-EU relations after Iraq*, which at the same time is the Institute's first transatlantic book, and finally Gustav Lindstrom and Burkard Schmitt edited *Chaillot Paper* 68, 'One year on: lessons from Iraq' in March 2004. In each case, Iraq was analysed from a transatlantic perspective.

The Iraqi elections and their consequences. Power-sharing, a key to the country's political future

1

Andrzej Kapiszewski

On 30 January 2005 the Iraqi people voted in three elections: for a national parliament (Transitional National Assembly), for 18 district councils and, for voters in the three semi-autonomous Kurdish provinces in the north, for an Iraqi Kurdistan National Assembly. The most important for the future of Iraq were, of course, elections for the National Assembly.

Last January was not the first time Iraq witnessed elections. The Hashemite monarchy, which ruled Iraq from 1921 until 1958, adopted a British-style parliamentary system. Opposition parties existed and participated in elections. Then, during Saddam Hussein's rule, elections were also organised, but as Hussein was the only candidate they were in reality merely a referendum on his leadership. Thus, Iraq has no recent experience with democratic elections, a reality that makes the events of earlier this year even more significant and worthy of analysis.

Electoral rules

The rules for the 2005 elections were decided by the Iraqi Transitional Administrative Law ('The interim constitution'), enacted in March 2004, when the US–led Coalition Provisional Authority (CPA) was running Iraq. The elections were organised by the Independent Electoral Commission of Iraq, established by the CPA. UN election specialists provided legal and technical expertise.

With respect to voting rules, any Iraqi citizen of at least 18 years of age could cast a ballot. Voters for the Iraqi Kurdistan National Assembly had to provide proof of residence in one of the Iraq's three northern provinces. The database from the UN's Oil-for-Food Programme was used to prepare the voter registration lists. This caused some problems, however, for instance with regard to the more than 200,000 residents of Fallujah who were displaced

during the US offensive. Some complications with preparing voters' lists occurred also in the Kurdish areas.

To run in the elections, a political entity had to provide a petition in support of its participation signed by at least 500 eligible voters. It had to submit the names of at least twelve candidates, one-third of whom had to be women (given the goal of a National Assembly consisting of 25 per cent women). In order to run in the elections, a candidate had to be more than 30 years of age, have at least secondary school education, and not be a member of the armed forces. A candidate was also required to meet certain criteria regarding past affiliations and have a certain type of background. In particular, Ba'ath Party candidates could not be senior members of that party, and had to renounce their Ba'ath Party membership and disavow all past links with it. Further, a candidate could not be a member of the 'former agencies of repression,' could not have participated in the persecution of the Iraqis, must not have enriched himself or herself in an 'illegitimate manner', and must not have been convicted of a crime involving 'moral turpitude'. Candidates were required to have a 'good reputation' (whatever that might mean).

Political groupings' participation in the elections. Security problems

The lead-up to the elections was fraught with violence and security problems. On 18 January, for instance, two candidates from the Iraqi National Accord were killed in Basra, and the following day, a candidate for the Constitutional Monarchy Movement was killed in Baghdad. Some female candidates were also attacked. What is more, Electoral Commission employees were the target of threats, harassment and violence by insurgents. On 19 December 2004 in central Baghdad, for instance, a gunman shot three Commission employees. One important ramification of this violence was that political parties and individual candidates had little ability to prepare for the contest, and few opportunities to campaign. Very few groups had public meetings before the elections and most did not release the names of the candidates on their lists before polling day (except for the prominent individuals at the top of their lists).

Views on the election held by Iraqi political groups, as well as their willingness to participate, varied widely. In general, Shias and

Kurds wanted to take part in the elections, knowing they would emerge with power. In contrast, many Sunnis, knowing that the elections would ultimately result in the loss of the beneficial position they had enjoyed for decades under the British and Saddam Hussein regimes, decided to boycott the elections. Doing so provided them with an excuse to subsequently question the credibility of the election results. In particular, the influential Muslim Scholars Association, an alliance of some 3,000 Sunni clerics, called for an election boycott to protest against the US occupation of Iraq in general, and the November 2004 assault of on Fallujah in particular. The moderate Iraqi Islamic Party, the main Sunni faction in the post-war government, withdrew from the election, citing security concerns. Iraq's interim President Ghazi al-Yawir and Adnan Pachachi, head of the Independent Democrats, both Sunnis, several times called for the postponement of the elections due to the dramatic instability that Iraq was experiencing.

Further, Kurdish political parties also threatened to boycott the elections in protest against the fact that Kurdish residents who had been expelled from Kirkuk during Saddam Hussein's 'Arabisation' programme in the 1980s and 1990s were forbidden to vote in the provincial elections. They decided to participate in the election only when the Electoral Commission finally allowed them to vote locally for the al-Tamim provincial government. Arab and Turkmen leaders in Kirkuk, fearing that this decision might give Kurds the upper hand in the debate about the future of the area, condemned it and considered boycotting the elections as well.

Finally, radical Islamic groups, such as Ansar al-Sunna, which has links with al-Qaeda, had warned that the elections were 'farcical and un-Islamic' and threatened to punish those who participated.

On the other hand, the leading Shia cleric, Grand Ayatollah Ali al-Sistani, issued an edict that called voting a 'religious duty similar to prayers and fasting', and stated that abstention from voting 'constitutes disobedience of God Almighty'. Sistani and his faction believed that successful elections would be the best way to bring the US occupation of Iraq to an end.

Election results

In the elections, Iraqis voted for 111 entities: 9 multiparty coalitions, 66 single parties and 36 individuals.

The main Shia political parties, including the Islamic Da'wa Party and the Supreme Council for the Islamic Revolution in Iraq (SCIRI), supported by Ayatollah al-Sistani, formed a coalition called the United Iraqi Alliance and presented voters with a list of 228 of their candidates for parliamentary seats. The leaders of these parties, Abd al-Aziz al-Hakim from the SCIRI and Ibrahim al-Jaafari from the Da'wa Party, held the top positions on that list. Ahmad Chalabi's secular Iraqi National Accord, an umbrella organisation of diverse opposition groups (including Kurds, Shias and Sunnis) also joined the alliance.

The main Kurdish parties, the Kurdish Democratic Party and the Patriotic Union of Kurdistan ran on a joint ticket called the Kurdish list. Other multiparty coalitions included the Iraqi Independent Bloc, led by Ghassan al-Attiya, and the Arab Democratic Front. Interim Prime Minister Iyad Allawi and his party, the Iraqi National Front, presented a 240-candidate coalition list. Iraq's Interim President Ghazi al-Yawir and his Iraqi Grouping ran an 80-person slate. Other single party lists included those presented by the Constitutional Monarchy Movement, the Iraqi Communist Party, the Iraqi Turkmen Front and the Islamic Party. Finally, while most Sunni parties did not participate in the elections, some influential individual Sunni candidates did, most notably Adnan Pachachi.

According to the official results, 8,456,266 Iraqis cast their ballots, a total that represents 58 per cent of the registered electorate of more than 14 million people. The International Organisation for Migration arranged for expatriate Iraqis to cast their ballots in some 14 countries.

The elections were monitored by a number of Iraqi organisations. For reasons of security, foreign observers were not present in large numbers, and many tried to monitor the contest from neighbouring Jordan. The elections were generally considered fair. Nevertheless, the release of the final results was delayed for some days because of complaints of some electoral irregularities.

Iraqis voted largely along sectarian and ethnic lines, with all the secular parties having far less success than their religious counterparts. The United Iraqi Alliance received 48.2 per cent of the vote, which translated into 140 seats in the parliament; the Democratic Patriotic Alliance of Kurdistan received 25.7 per cent of the vote and consequently gained 75 seats in the assembly; and the Iraqi List obtained 13.8 per cent of the vote and thus won 40

seats. The remaining 20 seats in the parliament were divided among nine other parties, which together received 12.3 per cent of the vote.

The Shia United Iraqi Alliance was unquestionably the winner, finally translating its demographic weight into political power after decades under Sunni rule. None the less, it failed to achieve the absolute majority that many had predicted.

Kurds swept into second place, thanks to the Sunni boycott, obtaining a higher percentage of votes than one might have expected given the Kurdish share of the Iraqi population (estimated at below 20 per cent). They secured a major parliamentary presence and top government jobs, after decades of struggle against successive Sunni regimes. One of the main reasons for their success was that Massud Barzani, the leader of the Kurdish Democratic Party, and Jalal Talabani, head of the Patriotic Union of Kurdistan, were able to put aside years of rivalry and combine forces on a joint ticket, which facilitated Kurdish success in the contest. In the disputed oil city of Kirkuk, Kurds won an absolute victory in local polls.

With the United Iraqi Alliance mustering less than 50 per cent of the vote, and the Allawi-led Iraqi List coming in a distant third place, the Kurds became a powerbroker in national politics as a potential bridge between Shia religious parties and secular Arabs.

Sunnis largely boycotted the polls. In the Sunni-dominated Anbar province, only 2 per cent of eligible voters cast their ballots, and in Nineveh province, which contains the flash-point city of Mosul, only 17 per cent voted.

Views on the elections

The elections were generally a success. Most importantly, they represented a triumph of the courage of Iraqis who went to the polls despite insurgents' threats and violence. Further, they were a victory for the coalition forces, mostly the US troops, and for the Iraqi police and military, who succeeded in controlling the situation in the country. They were also a success for the United Nations experts and the members of the Iraqi Electoral Commission who managed to organise the event despite all of the problems they faced. Finally, the elections signified a win for the Bush adminis-

tration, which was happy to be able to show the world that at least one of the stated goals of the invasion of Iraq – bringing the democratic process to the country – had been fulfilled. (Indeed, the success of the elections positively affected President Bush's approval rating in the United States)

There were, however, many who criticised the elections, in particular, many of Iraq's Sunnis, and anti-American Arabs in the region. Several Islamist commentators in the media accused the US government of using the elections to legitimise the system it had imposed on the Iraqi people. Al-Qaeda's Ayman al-Zawahiri called the elections a 'sham'. Most of the neighbouring states have been profoundly ambivalent about, if not hostile to, a successful experiment in democracy in Iraq, either because they are concerned about its effect on their own citizens or because they fear the emergence of another Shia-dominated neighbour (a problem for Saudi Arabia, Kuwait and Bahrain, states with significant Shia populations, often opposing the existing regimes) and/or autonomous or quasi-independent Kurdistan (a major problem for Turkey, but also for Iran and Syria, all with a large Kurdish population). Some shared the view that former president of the Soviet Union Mikhail Gorbachev expressed publicly – that the elections were futile: 'I don't think these elections will be of any use. They may even have a negative impact on the country. Democracy cannot be imposed or strengthened with guns and tanks.'[1]

In turn, a well-known US political analyst, Marina Ottaway, wrote that such elections could never be considered 'a triumph of democracy'.[2] According to her, 'never have elections been held under such difficult conditions, with a level of violence so high that the country had to be locked down for several days in order for the vote to be held.' She also expressed the view that, as Iraqis had voted along sectarian lines, the results could only strengthen conflicts and tear the country apart. She believed that elections were grossly premature. 'They were held before major actors had reached any agreement about – indeed before they had even started discussing – the principles that should underlie the future political system of Iraq. And elections without broad agreement about basic issues, experience shows, are dangerous. They deepen rifts. They create winners and losers, making winners more arrogant and losers more resentful.'

1. Interfax News Agency, 31 January 2005.

2. Marina Ottaway, 'Iraq: Without consensus, democracy is not the answer', Carnegie Endowment for International Peace, *Policy Brief*, February 2005.

Post-election dynamics: the formation of the new government

Although such pessimism may eventually prove well-founded, the first weeks after the elections led towards interparty agreements rather than new conflicts. Such agreements were necessary, as the interim constitution requires a two-thirds majority in the parliament to elect the presidential council (composed of the president and his two deputies).[3] Given the election results, such a majority could only be produced through the formation of a coalition of the Shia United Iraqi Alliance and the Democratic Patriotic Alliance of Kurdistan.

Further, all key politicians in these parties have sought means to integrate Sunnis (with no presence in the parliament) into the political process, knowing that otherwise there is no chance for stability in the country. Sunnis, Iraq's second-largest community, were alienated by the collapse of Saddam Hussein's regime and the concomitant loss of the power they had possessed since the establishment of the country; they are widely believed to support the continuing insurgency. Thus, a gentleman's agreement of the kind that has functioned for years in Lebanon is being struck through the creation of an extra-official formula to guarantee proper representation of the three main groups, and to minimise conflict among them.[4]

On 3 April, after lengthy negotiations, the National Assembly voted to appoint a speaker and two deputy speakers, taking the first step, though a largely symbolic one, toward installing a new government. Hajim M. al-Hassani, a prominent Sunni Arab and the Minister of Industry in the old interim government, was elected speaker of the parliament, while Hussain al-Shahristani, a nuclear physicist and leading Shia Arab, and Arab Taifur, a Kurd, became his two deputies. The speaker of the assembly is a high profile but largely ceremonial post. Nevertheless, to elect a Sunni to such a position was an important gesture and required the support of rival groups.

Hassani has a doctorate from the University of Connecticut and lived in Los Angeles for 12 years. He became a member of the interim government as a member of the Iraqi Islamic Party, a religious Sunni group rooted in the Muslim Brotherhood movement. When his party decided to stop supporting the interim government after the American assault on Fallujah, Hassani, who sup-

3. Once formed, the presidential council proposes the prime minister and the cabinet; the vote of confidence to approve these appointments requires only a simple majority to pass.

4. Sami Moubayed, 'A gentleman's agreement in Iraq', *Asia Times*, 5 April 2005. The Iraqi situation resembles the National Pact established in Lebanon in 1943, which gave the presidency to the Maronites, the premiership to the Sunnis and the job of speaker of parliament to the Shias.

ported US goals and strategy in Iraq, left the party (but remained in the government). Thus, he may not be the ideal person to try to persuade disillusioned Sunni Arabs to resist the insurgency and support the new government.

On 6 April 2005, the parliament elected Kurdish leader Jalal Talabani as the country's new Interim President. Shia Adel Abd al-Mahdi (the Finance Minister), and Sunni Arab Ghazi al-Yawer (a former Interim President) were elected to the Vice Presidential posts. The three were agreed upon in interparty negotiations and no other candidates were proposed. Although the post of president is much less important than that of prime minister, Talabani's appointment was a major political victory for Iraq's Kurdish community, which was discriminated against for decades and suffered greatly under Saddam Hussein. Further, it was the first time that a non-Arab became the head of the Arab-majority country.

Talabani, a leader of the Patriotic Union of Kurdistan (one of the two major Kurdish parties) is one of the longest-serving figures in Iraqi Kurdish politics. He is a shrewd politician with a history of changing alliances. Ghazi al-Yawer is a leader of the powerful Shammar tribe. A Georgetown University graduate and long time Saudi Arabia–based businessman, al-Yawer had few noticeable achievements while serving as Iraq's Interim President. Adel Abd al-Mahdi is an Islamist who fled Iraq in 1960, escaping the death penalty to which he was condemned for his political activities. He has a Ph.D. in economics from France and his four children hold French nationality. He is one of the leaders of the SCIRI. He hoped to become prime minister (the most important position in the country) but failed to obtain enough support.

Talabani's presidential appointment in Baghdad made room for his long-time foe, Kurdistan Democratic Party chief Massoud Barzani, to head an autonomous government in Kurdistan, diminishing the possibility of further leadership conflicts between the two.

On 7 April, the Presidential Council, shortly after being sworn in, appointed Shia leader Ibrahim Jaafari as the Prime Minister of the country's new interim government.

Jaafari, a 58-year-old physician, has been one of the leading figures in the Islamic Da'wa Party. That party, one of the oldest Shia Islamist movements in Iraq, fought a bloody campaign against Saddam Hussein's regime in the 1970s. When the rebellion was

crushed, Jaafari went into exile, first in Iran and then in Britain. After returning to Iraq after the fall of Saddam, he was appointed to the mainly ceremonial role of vice-president in the US-appointed interim regime. Nevertheless, he quickly became Iraq's most popular politician; an opinion poll in 2004 suggested Jaafari was third, behind Ayatollah al-Sistani and radical cleric Moqtada Sadr, in the public's esteem.

None the less, it is not completely clear where Jaafari stands on key Iraqi issues, in particular the role that religion should play in the country. When the Iraqi interim government was drafting its basic law, he was one of the champions of Islam as the only source of legislation. Consequently, some of his opponents accuse him of being secretly linked to Iranian hardliners and fear he may now push for a similar theologically based system of government. So far, however, there are no signs of that. Despite his soft-spoken diplomatic charm, he does not appeal to all, especially not to those Iraqis who never accepted the US-appointed interim administrators, or to the so-called outsiders, people who spent the harsh years of Saddam Hussein's rule abroad. In his acceptance speech to the parliament, Jaafari expressed his hopes that sectarian conflicts would not dominate the Iraqi scene in the following months, pledged that he would try to bring Sunni Arabs into the democratic process despite their widespread absence from polling stations, and stated that he would aim to satisfy the Kurds' thirst for autonomy without endangering the integrity of the country.

In an interesting development, former Prime Minister Iyad Allawi's coalition, the Iraqi National Accord, which had earlier been predicted to become a main opposition party in the parliament, decided to join the government. The inclusion of these secular Shia politicians in the Iraqi government may help assuage Sunni fears about a cabinet dominated by Islamist Shia Muslims.

The challenges ahead

With the appointment of a prime minister, the complex process of selecting the first democratic authorities in Iraq has drawn to a close. None the less, this transitional government faces extremely difficult tasks: the drafting of a permanent Iraqi constitution by the quickly approaching mid-August deadline; its approval by more than 50 per cent of the voters in a referendum in October

2005; and the holding of final elections to parliament in December (that is, elections based on a constitution drafted and approved by Iraqis, not by any occupation authority). Moreover, according to the still valid interim constitution, the permanent constitution will fail if rejected by two-thirds of the voters of any three provinces. Kurds and Sunnis have such a majority, which could potentially be directed to reject the new charter, in 'their' three provinces.

In spite of the election, the United States retains a major behind-the-scenes role, not only through direct links to many key Iraqi political players, but also because all parties realise that, at least for the foreseeable future, only American troops will be able to provide even minimal security in the country. Further, most are aware that, without political support from Washington, Iraq will be unable to obtain necessary economic assistance from the international financial community (for example new loans or the reduction of old debts).

In the coming months two issues will be of crucial importance for the newly elected Iraqi parliament: working out the country's federal system and defining the role of religion in the state.[5]

While many mainstream Iraqi politicians agree that a decentralised government is needed, they disagree about how much autonomy can be awarded to Kurds without jeopardising the country's integrity. The two dominant Kurdish parties, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan, are calling for a confederation between an Iraqi Kurdistan and an Arab Iraq. They would like recognition, in the new constitution, that Iraq is made up of separate Arab and Kurdish nations, and guarantees that Kurds will have complete autonomy (implying a great deal of authority for the Kurdish regional government). The majority of Kurds go even further: they overwhelmingly support complete independence. During the January elections, an informal referendum was held in Kurdistan that confirmed general support for the idea. Of course the Arab majority in the country and several minority groups in the Kurdish north resist such an arrangement. The newly emerging Shia majority in particular wants to govern a unified Iraq and will consequently seek to avoid such a division of the country. The Shias and Sunnis also oppose other Kurdish demands, such as the proposal that 25 per cent of Iraq's oil revenues be allocated to Kurds, that Kurds be given veto power in parliament, and that they be allowed to keep their strong militia, the *peshmerga*. (This last request would make it impossible

5. Phebe Marr, 'After the Iraqi Elections: High Stakes', Carnegie *Arab Reform Bulletin*, February 2005.

to disband other militias, like the Mehdi Army of Moqtada al-Sadr or the Badr Brigade of Abd al-Aziz al-Hakim).

The Kurds would also like to enlarge the territory they control to include Kirkuk and some surrounding areas, which they claim have a Kurdish majority. Other Iraqis, however, point out that Kirkuk is also home to a large number of Turkomans, Christians and Arabs. Moreover, whoever ends up representing the Iraqi Arabs in Baghdad (both Shias and Sunnis) will not give up that province easily because of its economically valuable and strategically important oil fields, refineries and pipelines. (In fact, negotiations to elect new Iraqi authorities were prolonged because of disagreements about who – Shia or Sunni – would get the oil ministry).

There are also other problems with creating a federalist Iraq. For such a system to work, strong local governments that reflect each province's religious and ethnic composition must be established.[6] However, strong inter-group conflicts have begun to emerge in many provinces since the elections, weakening local governments. Moreover, deputies to the National Assembly do not represent specific districts or provinces, as they were chosen in a nationwide ballot.

A second major debate in the parliament and in the country in the months to come will probably centre on the role of *Shariah* (Islamic law) in the newly organised state. While it may be that few Iraqis want a theocratic country of the Iranian type with clerics governing, as noted above, Ayatollah al-Sistani stated right after the elections that *Shariah* must be the only source for the constitution and all laws in Iraq, and warned against the danger of changing the Iraqi identity by separating religion and politics.[7] The key Shia parties in the winning United Iraqi Alliance (the SCIRI and Da'wa) will push in that direction. The secular forces among the Kurds and some Western educated Sunnis and Shias in the parliament, however, may try to achieve a compromise. They may get support from women deputies, who compose about one-third of the legislature, and may be worried about the Islamisation of the law, and in particular about the effect that the introduction of *Shariah* laws would have on family law.

Only some compromise on these issues will guarantee the support of different groups within the Iraqi political class that is needed to ratify the constitution. Achieving that consensus would require the revival of a lost sense of Iraqi identity, and a commit-

6. Edmund Sanders, 'Power struggles stall Iraqi provincial councils', *Los Angeles Times*, 6 April 2005.

7. Quoted after Ottaway, 'Iraq'. Earlier, Ayatollah al-Sistani rejected the interim constitution on that ground – because of its secularism.

ment to rebuild their torn country. Many doubt that such cooperation among groups – and perhaps within them – is currently a possibility.

The key to the success of democracy, or indeed any political process in Iraq, is the stability of the country. None the less, to date, insurgents, both local and foreign, continue their attacks on Iraqi and American forces as well as on Iraqi government officials. Despite expectations to the contrary, violence has not diminished following the elections. The insurgents know that the emergence of any strong Iraqi government will further limit their potential for action, and as most of them are Sunnis, their interest in destabilising the new Shia-dominated government is even greater. Thus, they continue to fight hard against the emerging authorities. At the same time, Iraqi citizens are growing increasingly frustrated because of continuing high levels of unemployment, slow progress at rebuilding destroyed infrastructure and continuing power cuts and water shortages. The newly elected government must quickly and successfully deal with all these problems, or Iraq may face civil war on a large scale.

A majority ignored: the Arabs in Iraq

Walter Posch

2

Conventional wisdom tells us that Iraq is neatly divided into three dissimilar 'ethnic' chunks consisting of Sunnis, Shias and Kurds, each of them intrinsically hostile to one another and thus causing a situation prone to ethnic and sectarian strife. The country is therefore permanently at risk of sliding into civil war, or at least serious unrest. Notwithstanding the existence of ethnic and confessional diversity, this conceptualisation has serious flaws: first, it mixes ethnic and religious categories, thus creating 'ethnoreligious' ones; second, it ignores outright the existence of Arabs; and third, it ignores the reality in Iraq of mixed families, like Kurdish-Arab or Sunni-Shia. This is especially true in Baghdad, where approximately 6 of an estimated 25 million Iraqis live and where intermarriage among the middle class is far from unusual. But this is also the case with many other places and sectors of society all over the country, some Arab tribes, for instance, having both Shia and Sunni members. In most cases, an Iraqi's self-identification as a Muslim, an Arab or a Kurd, is more important than his or her identification as a Sunni or Shia Muslim. And finally, this definition of a tripartite Iraqi population ascribes a homogeneity to each of the ethnoreligious groups that does not exist, or at least not to the extent that people seem to presume. In each case, the existence of tribes, powerful family networks and even Sufi orders provide a second layer of identification and ultimately of political power. The main fault line among the Iraqi people remains ethnic between Arabs and Kurds, more precisely between Kurdish and Arab nationalism.

But however misleading this ethnoreligious classification of the Iraqis might be in reality, it dominates the political discourse and has created a reality of its own. Today these affiliations are obviously preferred to political labels. As a bizarre consequence of this, the Marxist Hamid Majid Mousa and the avowedly secularist Ahmed Chalabi, for example, were counted among the 'Shia bloc' in the Iraqi Governing Council (IGC).[1] The 'Coalition Provisional

1. Committee on Foreign Relations, 'The Testimony of Dr Toby Dodge', *The Iraqi Transition: Civil War or Civil Society*, 20 April 2004, p. 7; available at foreign.senate.gov/testimony/ 2004/DodgeTestimony040420.pdf, and http://themoderntribune.com/foreign_relations_committee_hearings_-_richard_perle_-_juan_cole_-_benjamin_dodge.htm.

Authority (CPA)', which in the end was responsible for the Governing Council, apparently attached more importance to sects and ethnicities than to political parties, let alone professional capability. With the elections of 30 January 2005 and the consequent jockeying for posts and influence, it appears that tripartite Iraq has become a political reality and the very framework in which the political discourse takes place in today's Iraq. The view of tripartite Iraq will rather aggravate and pose a serious hindrance to the development and rebuilding of Iraq's civil society, which in any case has been largely destroyed by the Ba'ath regime. Iraqis had to interact with the institutions of the state on an individual basis and no indigenous civil society institution had survived Saddam Hussein's rule. Generally speaking, any other body besides the Ba'ath party that could have fulfilled an intermediate role between society and the government was systematically destroyed, sidelined or coerced into cooperation with the regime.[2] As a last political project, Saddam Hussein tried to woo selected tribes and to utilise the wave of political Islam that had swept the region, beginning in the mid-1980s. He therefore successively 'Islamised' the country, even the staunchly secular Ba'ath Party, from 1991 onwards.[3] By the year 2003, as a result of this policy, the Iraqi population was impoverished and brutalised, and religious sentiments played a much more important role than before.[4] The legacy of Saddam's tyranny included a general inclination towards violence, politicising religion and a variety of professional criminal gangs. This, however, affected mostly the population under his direct control, i.e. the country's Arab majority that came under direct rule of the occupation authorities, whereas most Kurds have experienced a ramshackle democracy over the last decade.

US policy: how to cope with anarchy

It goes without saying that three wars, decades of dictatorship and the hardships of twelve years of sanctions had their negative impact on government institutions too. To make matters worse, the regime squandered government assets to such an extent that state structures were disrupted and public administration had become almost dysfunctional, even in peacetime. This explains why civil servants behaved in much the same way as the Army: they merely disappeared when US troops captured Baghdad. As a con-

2. Toby Dodge, 'A Sovereign Iraq?', *Survival*, vol. 46, no. 3, 2004, pp. 39-58.

3. Walter Posch, *Irak unter Saddam Hussein. Das Ende einer Ära?* (Vienna: Österreichs Bundesheer, 2002), pp. 104-7.

4. Faleh Abd al-Jabar, 'The Worldly Roots of Religiosity in Post Saddam Iraq', *Middle East Report* 227, Summer 2003, pp. 12-18.

sequence there was no state apparatus left to govern or to reign, let alone to police the country. Thus, the coalition did not take over the administrative apparatus of a stable dictatorship but was confronted with the task of nation-building – something, the US administration has declined to do for political or ideological reasons (it took two years to correct this).[5] In our view, the dispatch of an insufficient number of troops to Iraq has to be understood as a consequence of this ideological bias. The troops were of course unable to interfere and restore order when ordinary Iraqis did as their toppled dictator had done and looted and pillaged what was left of the state's infrastructure in an unprecedented wave of violence. This wave was aggravated by the activities of professional criminal gangs, which benefited from the lack of security and were active all over the country,[6] the most important of them in the big cities like Baghdad, Basra and Mosul, where they harassed what remained of Iraq's once numerous middle class.

Another negative factor was the lack of expertise, at all levels, among the Coalition authorities in Iraq. The Office for Reconstruction and Humanitarian Assistance (ORHA) and later CPA could not communicate with the population due to insufficient numbers of qualified translators and the lack of experts on Iraq who had an understanding of Iraqi culture and identity.[7] As a consequence, CPA staff stayed in the 'Green Zone' in Baghdad and became totally isolated.[8] With the looting still going on and rampant insecurity prevailing in the big cities and elsewhere, it was hard to win the population over to US rule, let alone win their hearts and minds. 'Freedom is unruly', Rumsfeld's ironic remark on the damage inflicted on Iraq's National Museum, revealed a very significant misreading of Iraqi and Muslim sentiment and world-views. First, because Muslim theology has for centuries had a well-established legal tradition of preferring order to anarchy, even when order implies the acceptance of tyranny. Unable to uphold law and order and to provide for basic needs, the CPA was viewed by many Iraqis as incapable of ruling the country and providing the minimum of security that even Saddam Hussein had been able to provide. And second, paying no special attention to the nation's cultural heritage was widely regarded as monumental disrespect and only added to the widespread feelings of humiliation, frustration, anger and finally hatred. Needless to say, 'collateral damage', i.e. casualties Iraqi civilians suffered in the course of fighting or at US checkpoints,[9] was an additional source of Iraqi

5. See Condoleezza Rice: 'Campaign 2000: Promoting the National Interest', *Foreign Affairs*, January/February 2000; Howard LaFranchi: 'Nation-building, once scorned is embraced', *The Christian Science Monitor*, 31 March 2005.

6. Saddam Hussein released more than 200,000 criminals before the war. See Ahmad S. Hashim, 'From Insurgency to Civil War?', *Current History*, January 2005, p. 11.

7. For a critical evaluation of US rule in Iraq see Larry Diamond, 'What Went Wrong in Iraq', *Foreign Affairs*, September/October 2004.

8. William Langwiesche, 'Welcome to the Green Zone', *The Atlantic Journal*, November 2004, pp. 60-88.

9. John F. Burns, 'U.S. Checkpoints Raise Ire in Iraq', *New York Times*, 6 March 2005; accidents like these are commonplace though hardly reported in the Western media. A recent inquiry estimates an Iraqi civilian death toll of c. 100,000. For a discussion of this figure see 'Des experts réclament une enquête indépendante sur les civils tués en Irak,', *Le Monde*, 11 March 2005; but see also the much lower numbers at www.iraqbodycount.net.

embitterment, topped only by the bizarre Abu Ghraib scandal, which destroyed what remained of the Americans' reputation.

The rampant insecurity had three major consequences: first, as indicated above, it delegitimised US rule in the eyes of Iraqi citizens. Second, it gave birth to the insurgency because US troops were no longer viewed as those who had defeated Saddam's army, and it emboldened potential insurgents to take up arms against US troops. And third, it facilitated the resurrection of political Islam as an important political current among Iraqi Arabs, Sunnis and Shias alike.

Political Islam fills the security and policy gap – somehow

By ousting Saddam Hussein, the United States created, in a certain sense, a revolutionary situation, where one, to use a phrase of Hannah Ahrendt, just had to 'pick up' power; for the old regime was gone and no new power structure had yet been established.[10] Those who wanted to, who had a vision of their country's future and who were already inside Iraq were therefore easily able to fill the vacuum. Given the country's character only tribal leaders and imams could shoulder this task. Once the Ba'ath Party had dissolved, they rushed to commence activities to provide at least rudimentary security. By the end of the April 2003 religious administration, various committees and ad hoc militias centred on the mosques and set up a rudimentary administration, which was sufficiently efficient compared with the ongoing chaos.

Religious authorities, Sunni and Shia alike, did not shirk what they saw as their responsibility and issued fatwas against looters, called for the organisation of neighbourhood committees, disarmed Ba'athists – in one place, Sadr City, they even fought actively against the Fedayeen Saddam. In the highly religious cities of Najaf, Karbala and Fallujah order was therefore quickly restored and a minimum of security and public services were provided.

> 'In these crucial times and the absence of a central authority to govern the country - leading to widespread anarchy and breakdown in law and order, we urge the active participation of our pious brethren everywhere,'

10. The revolutionary character of the situation and its consequences are analysed by Andrew Arato, 'The occupation of Iraq and the difficult Transition from Dictatorship', *Constellations*, 10 (3), 2003.

said Grand Ayatollah Sistani in his fatwa[11] of 15 April 2003, and he instructed his followers further:

> 'to fill the current vacuum with suitable and devout people. To cooperate in resorting law and order by establishing councils for each province . . . and district whereby well-known spiritual figures and committed older members of the community, heads of tribes and others can assist in organizing the affairs of the country and restore law and order to each area.'

Although valid only for the Shias, Sistani's fatwa mirrors the mind-set of the religious cast of both Islamic confessions. His fatwa is also very patriotic and clear in terms of Iraqi nationalism and sovereignty. It was therefore totally in accordance with the religious-nationalist views of Iraq's Arab population. Another important point of the fatwa was disarmament, the return of looted goods to the owners, the prevention of sectarian strife – Sistani for example personally ordered the return of a Sunni mosque that had been occupied by Shias – and national unity.

In many cases the Islamist-dominated ad hoc administration proved much more efficient than that appointed by the United States. Najaf was a case in point: the population simply ignored any order from the US-imposed administration run by an ex-Ba'athist colonel (whom the United States later had to replace in any event because of his criminal activities in his capacity as mayor).[12] But in Sunni Fallujah, too, the population rallied under the leadership of the imam of the local mosque and expelled the Ba'athist administrators. Today it is ironic to recall that in this initial phase Fallujah's Sunni Islamists did well to prevent chaos, and even managed to build up tenable working relations with US troops.[13] The deterioration of that relationship was therefore neither predictable nor inevitable.

With hindsight, it becomes clear that the efficiency of the improvised religious administration depended very much on the level of sophistication of the surviving prewar structures, like mosque administrations (both Sunni and Shia) or clandestine networks like the Sadr movement. In this initial phase the autonomously acting religious administration easily challenged the administrative bodies introduced by the occupying forces and managed to achieve a thorough Islamisation of society. This Islamisation of public life was what lay behind the warning that

11. www.sistani.org/messages/eng/ir2.htm.

12. William Booth, 'In Najaf, New Mayor is outsider viewed with suspicion', *The Washington Post*, 14 May 2003.

13. 'Iraqis Begin Warming to US Presence', *The Christian Science Monitor*, 1 July 2003. David Teather, 'US begins Iraq crackdown as soldiers found dead', *The Guardian*, 30 June 2003.

Sistani made in another fatwa, saying 'Muslims may not go astray' and that they must follow the principle 'to endorse good and to prohibit evil'. Therefore, the committees tried and finally successfully managed to impose religious rule on the population. In the more religious cities of the country this was hardly a novelty, since the population followed *Shariah*-based rules anyway. Elsewhere, fundamentalist pressure groups used force to impose their views and values upon the population. This resulted mostly in the banning of alcoholic drinks, the wearing of Muslim garments for women and the Islamisation of the school curricula, or at least an attempt to do so. With the exception of Baghdad and the Kurdish regions, there was no way of preventing the ongoing Islamisation of daily life in Iraq. As seen from web-logs, this trend is accelerating more and more and reaching out to the still large but unorganised secular segments of Iraqi society.[14] When the CPA finally replaced the short-lived ORHA and CPA head Paul Bremer promised to 'dominate the scene and continue to impose our will on this country'[15] it was already too late to impose anything upon the Iraqis.

Shias and Sunnis

Although Islamists would like to see it differently, the ongoing Islamisation of Iraqi society has not necessarily been accompanied by an increase of security, partly because the borders between religious militias and criminal gangs are often blurred, even more so when both sides belong to the same tribe. However, in general terms the security situation in Shia-dominated regions of Iraq has been better than in those regions where the majority belonged to the Sunni confession. One obvious reason is that Shias have a very sophisticated clergy who are able to function as a clearing house between various political factions, and that they see a chance to gain power democratically. These clerical structures are one of the major differences between Shia and Sunni Islam, the latter being a merely state-run affair.

The Shia torn between Grand Ayatollah al-Sistani and Moqtada al-Sadr

Iraq hosts the traditional centres of Shia piety and learning. The Hawza Ilmiyya, the theological seminary in Najaf, is the most

14. See Riverbend, 'Baghdad Burning', at http://riverbend-blog.blogspot.com/, 18 February 2005 and earlier blogs. On extremists attacking women see also Babak Dehghanpishe, Eve Conant and Rod Nordland, 'Iraq's Hidden War', *Newsweek*, 7 March 2005, pp. 25-9.

15. Cited at Juan Cole, 'Welcome to the quagmire'; www.salon.com, 19 March 2004.

important of its kind. Iranian-born Grand Ayatollah Sayyid Hussein Ali al-Sistani, one of the most respected Ayatollahs with followers all over the world, heads it.[16] Although internationally oriented, the clerics of Najaf have on occasion interfered in Iraq's politics.[17] Sistani embodies the quietist tradition and heads a financially independent and highly efficient administrative apparatus that enabled him to reach out to all Shia mosques in the country. Moqtada al-Sadr, the scion of a renowned clerical Iraqi family, on the other hand, is a theological lightweight who inherited the clandestine network from his martyred father. His Movement of Sadr Thani includes three components: the clerical core group, his father's charity network and spontaneous mobs of poor disgruntled urban youths.[18] The latter now form the Mahdi Army, Moqtada's ramshackle militia.

Moqtada al-Sadr has challenged Sistani's authority many times and twice he has tried to take over the Imam Ali Mosque in Najaf. He went so far as to threaten Sistani for his 'foreign', i.e. Iranian origins and attempted to expel him from Iraq when he made his first attempt to seize control of the mosque soon after the invasion. Moqtada al-Sadr's second attempt to control Najaf's mosque was made in summer 2004, when he took up arms and sought refuge in this prestigious mosque and the adjacent graveyard. In both cases Sistani was saved by armed forces: in 2003 armed tribesmen came to his rescue, in 2004 US Marines. It seems that Moqtada's eminent military defeat in summer 2004 and the negotiations concerning the retreat of his fighters resulted in a deal struck with Grand Ayatollah Sistani.[19] Whatever the truth, Moqtada did not object to his followers' participation in the elections – a major policy goal of Sistani's – and Sistani's authority in Najaf was reinstated.

Since then Sistani has faced down the United States on matters of concern like the constitution and the elections. It took the United States some months to realise how important Sistani was in reality, and in the end he got his way on many points (return of the UN to Iraq, rejection of the inclusion of the Transitional Administrative Law in UNSCR 1546 elections, etc.).[20] His support for the 30 January 2005 elections and his democratic behaviour come as no surprise: they are perfectly in line with modern Shia theology and political discourse. Circumstances have forced Sistani to enter the political stage and he has done so quite successfully. In order to be able to play a credible role as an arbiter

16. It is worth mentioning that Iran views his rise with suspicion, since he poses a direct challenge to its own aspirations to lead the Shia world. The cleavages between Iranian and Iraqi Shias are scrutinised in Walter Posch, 'La dynamique de la renaissance Chiite en Irak', *Géostratégie*, no. 7, April 2005, pp. 153-75.

17. See the analysis by Faleh Abd al-Jabar, 'The Genesis and Development of Marjaism against the State', in Faleh Abd al-Jabar (eds.), *Ayatollahs, Sufis and Ideologues. State, religion and social Movements in Iraq* (London: Saqi Books, 2002), pp. 61-85.

18. Faleh Abd al-Jabar, *The Shi'ite Movement in Iraq* (London: Saqi Books, 2003), p. 26.

19. Bartle Bull, 'The coming of Shia Iraq', *Prospect*, November 2004, pp. 38-45.

20. See Andrew Arato, 'Sistani v. Bush. Constitutional Politics in Iraq', *Constellations*, vol. 11, no. 2, 2004.

between the various Shia factions, and to keep his distance from both Tehran and Washington, Sistani has had to insist on an apolitical Hawza Ilmiyya. He therefore made clear from the beginning that only minor clerics should engage in politics and run political parties, but those Ayatollahs who were willing to join the Hawza Ilmiyya have had to renounce politics. Thus, Ayatollah Muhammad Baqir al-Hakim (who was killed in August 2003) stepped down from leadership of the Supreme Council of the Islamic Revolution in Iraq (SCIRI) and entered the Hawza, leaving politics to his younger brother Abd al-Aziz al-Hakim. Once this had happened Sistani was able to support cooperation among Shia political parties. The victorious 'United Iraqi Alliance (UIA)' is the result of Sistani's coordination efforts. However, it is still fragile and disagreement among the parties involved has threatened to dissolve the party. But more important is the fact that UIA is dominated by exiles, whereas Moqtada commands a domestic movement.

Sistani is well advised not to seek more in terms of influence and to stay on course for an apolitical clergy, as in most cases the faithful accept Sistani's spiritual and theological superiority, whereas for political leadership many look to Moqtada or other political Shia parties. Moqtada al-Sadr and Grand Ayatollah Sistani are the poles of Shia political tactics, but they disagree more in style than in essence: in the end, both want an Islamic, unified, democratic and sovereign Iraq as much as the Sunnis do.

Now a minority: the Arab Sunnis

The Sunni clergy are much more loosely organised and traditionally less independent from the state than their Shia counterparts. Thus, unified clerical structures had to be created after the fall of the regime. The Association of Muslim Scholars AMS (also Muslim Ulama Council (MUC) or Hay'at al-'Ulama al-Muslimin) based at Baghdad's Umm al-Qurra Mosque, was founded just after the invasion, when the insurgency had already begun. AMS claims the allegiance of 80 per cent of 4,000 of Iraq's Sunni Mosques (that would be roughly all Sunni Arab Mosques). The CPA considered the group 'too radical . . . to deal with comfortably as an organization representing the Sunni community'.[21] This is probably due to the bluntly anti-American statements of the group's Secretary-General Sheikh Harith Sulayman al-Dhari and

21. Kathleen Ridolfo, 'Iraqi Political Groups – Part II', in RFE/RL; see http://www.rferl.org/specials/IraqCrisis/specials-politicalgroups2.asp.

other members of the council, which at the same time proved their relative inexperience in politics and diplomacy as compared to their cautious and patient Shia counterparts. AMS rejects the occupation and the Iraqi Governing Council, and has shown sympathy for the resistance though it has stopped short of calling its followers to arms. The council's relations with the insurgency are mysterious, since the AMS is widely conceived as the only channel through which to get in touch with insurgent groups. Foreign diplomats used to contact the AMS in order to obtain the release of their citizens taken hostage by insurgents.[22]

AMS maintains good relations with the Shia Moqtada al-Sadr, with whom it has many points in common: both opposed the attack on Fallujah, they participated at the council for resistance (see below), both declined to run for election and, most important, both are non-exile Iraqis who wield considerable influence among the population. AMS ruled out its participation at the elections of 30 January from the beginning, though nowadays they claim that the security situation forced them to advise their followers not to vote. Failing to run its own candidates turned out to be a serious mistake and AMS is trying to review its former position and to become involved in the political process, especially in the drafting of the constitution. AMS is a clerical body with political aspirations whereas the Iraqi Islamic Party (IIP), which is ideologically close to the Muslim Brotherhood, is the only Sunni Islamist party as opposed to the Sunni dominated Nationalist or ex-Ba'athist parties. IIP was ready to cooperate with the United States in post-war Iraq. Its leader, Dr Muhsin Abd al-Hamad, served in the Iraqi Governing Council and in Iyad Allawi's government. But the party pulled out of the Allawi government in protest over the onslaught on Fallujah,[23] and in December 2004 withdrew from the January elections, citing security reasons.

AMS and IIP are certainly the most important Sunni Islamist organisations, however, on the political scene the Sunnis remain deeply divided. Unlike the Shia Hawza Ilmiyya, AMS is clearly unable to function as an arbiter between exiles and local parties helping them to focus on core issues and to coordinate. Recent attempts to develop a comprehensive Sunni strategy have failed too,[24] although more and more Sunnis seem to realise that participation in the democratic process would be in their interest.

22. Charles Clover, 'Iraq's dispossessed Sunnis seek new strategy', *Financial Times*, 26/27 February 2005, p. 4.

23. www.juancole.com, 10 November 2004.

24. 'Iraqi Sunni meeting ends in curses', *Khaleej Times*, 5 April 2005.

Tensions and cooperation

There can be no doubt that a section of the insurgents intends to ignite civil war, or at least sectarian strife, between Shia and Sunni Arabs using car bomb attacks and various assassination attempts against ordinary Shia believers and high-ranking clerics. These attacks are mostly ascribed to Sunni extremists with Salafist and Wahhabi backgrounds.[25] For most of them, the enigmatic Jordanian Abu Musab al-Zarqawi, who declared his allegiance to al-Qaeda in an unverified message in October 2004,[26] has claimed responsibility. An air of mystery surrounds Zarqawi, and there is even disagreement as to whether he is still alive.[27] Contradictions concerning his biography, and the vagueness about the organisation(s) he commands or belongs to, lead some to conclude that he is just a media hoax or even a number of individuals.[28] Hence, Zarqawi and the groups affiliated to him are the only proof of al-Qaeda activities in Iraq. This is why the letter of October 2004 is so important: it vindicates earlier assertions of Zarqawi's al-Qaeda allegiance. In February 2003 Colin Powell tried in vain to use the fact of Zarqawi's hospitalisation in Baghdad in summer 2002 as proof of a presumed link of Saddam Hussein to al-Qaeda.[29] Zarqawi was said to be in Fallujah and Prime Minister Iyad Allawi used the Fallujans' refusal to hand him over to justify the campaign against the city.[30]

However, it is impossible that all attacks on Shias during the last two years have been perpetrated by foreign or local Salafists. Ex-Ba'athists, too, have old scores to settle with prominent Shia individuals and organisations like SCIRI, the Dawa party or the al-Hakim family. The assassination of Muhammad Baqir al-Hakim in August 2003, for example, was in all likelihood the work of Ba'athists. Until now, Shias have resisted retaliation against the Sunnis, though some report that tensions between the two confessions are rising. For obvious reasons Iraqis would blame the most horrific and brutal attacks on ordinary citizens and Iraqi national guardsmen on foreign militants. But one has to bear in mind that foreigners – even Arabs – cannot easily blend into the local population and therefore could hardly survive in Iraq without local support and complicity. Therefore the insurgency remains entirely Iraqi, with very few foreigners joining, and enjoys enough support among the population to continue.

However, there are important points that Iraq's Sunni and Shia Islamists have in common: first, both reject the occupation; (the first point of Sistani's fatwa mentioned above is clear enough:

25. On 12 February 2004 CPA published the transcript of a letter allegedly written by Abu Musab Zarqawi where he formulated the necessity to drag the Shias into sectarian war. See http://www.iraqcoalition.org/transcripts/20040212_zarqawi_full.html.

26. 'Zarqawi pledges allegiance to Osama', *Dawn*, 18 October 2004, http://www.dawn.com/2004/10/18/top7.htm; Pepe Escobar, 'Zarqawi and Al-Qaida: Unlikely Bedfellows', *The Asia Times*, 20 October 2004.

27. The Fallujah-based 'Mujahideen Allahu Akbar' brigade distributed leaflets in autumn 2004 claiming that Zarqawi had been killed in an air raid in the mountains of Kurdistan shortly before the invasion in early March 2003. See Kathleen Ridolfo, 'A Survey of Armed Groups in Iraq', in Radio Free Europe/Radio Liberty, *Iraq Report*, vol. 7, no. 20, 4 June 2004.

28. Pepe Escobar, 'Zarqawi – Bush's man for all seasons', *The Asia Times*, 15 October 2004 carefully scrutinises most of the contradictions about Zarqawi; see also 'Hunting Zarqawi', *The Middle East*, no. 335, April 2005, p. 66.

29. Posch, *Irak unter Saddam Hussein*, pp. 130-3.

30. Dan Murphy, 'Going after Iraq's most wanted man', *The Christian Science Monitor*, 21 September 2004; Pepe Escobar: 'Zarqawi and Al-Qaida: Unlikely Bedfellows', *The Asia Times*, 20 October 2004; www.atimes.com.

'Reject any foreign rule in Iraq'); second, both are willing to Islamise society in a first step and the state apparatus in the next step; third, both are ardent Arab and Iraqi nationalists; and fourth, both have two principal Islamist methods at their disposal: an aggressive, violent one, as represented by the Islamist Sunni insurgents and the Sadr movement, and an evolutionary one, as represented by the Shia Islamist parties, Sistani and the Sunni Association of Muslim Scholars. The choice of 'weapons' – whether to proceed in a Gramscian manner in order to gain power democratically or to resist militarily – depending on the means at their disposal. In the Shias' case, the realistic prospect of gaining power by elections, an excellent civilian organisational structure, experienced political cadres (Da'wa Party, SCIRI) and relatively weak militias have made the civilian option a logical choice; in the case of the Sunni Islamists other factors played a role, allowing the situation to deteriorate as it did.

The insurgency

Reliable information on the insurgency in Iraq is hard to obtain, but some authors have gleaned information from various sources providing insight into their motivation, emergence, tactics and even glimpses of the organisations and their structures. Most of this material was produced in 2003 and therefore does not cover in-depth research of recent developments.[31] This is due to the fact that unbiased and independent reporting had for a variety of reasons (tight censorship, deteriorating security situation) become more and more difficult during 2004.[32]

The insurgency erupted in conditions of rampant insecurity and everyday violence caused by organised crime that undermined law and order. The violence had, however, been opportunistic but quickly developed into a fully-fledged revolt during the summer of 2003. Although asserted otherwise,[33] it seems rather doubtful whether Saddam Hussein and the Ba'ath had an elaborate plan for guerrilla warfare in the aftermath of the US-led invasion. They did, however stockpile light weapons and ammunition in a country where ownership of automatic rifles was already normal. It is certainly true that many Sunni Arabs feared the loss of influence and power they had enjoyed under Saddam Hussein, but this alone does not explain the insurgency, since Sunnis – like the people of

31. The most important are Jeffrey B. White and Michael Schmidmayr, 'Resistance in Iraq', *Middle East Quarterly*, Fall 2003, pp. 17-32.

32. Dahr Jamail, 'News about Iraq goes through filters', *Seattle Post-Intelligencer*, 17 February 2005; http://seattlepi.nwsource.com/opinion/212320_jamail17.html.

33. Thomas Shanker, 'Saddam's Secret Service Planned for Insurgency, Pentagon finds', *International Herald Tribune*, 30 April 2004.

Samarra – also figured prominently among the victims of Saddam's rule. The fact that with the invasion the nature of Iraq, which has been perceived as a Sunni Arab country, changed, played a certain role, but the main motivation was and remains Islamist and nationalist.

Humiliating house searching, improper behaviour of US troops, etc. in many cases triggered off hostilities. The situation in Fallujah deteriorated precisely this way: starting with the mishandling of an initially peaceful demonstration it ended up with the destruction of the city, with both sides committing atrocities. Heavy-handed reactions by the occupation forces then provoked revenge attacks, often by whole tribes or even cities. Also in Fallujah, for example, the 50,000 strong Albu Eissa tribe, whose members saw their honour violated by US troops, did much of the fighting.[34] Needless to say, Islamist extremists, many of them foreigners, did their utmost to reinforce and manipulate this vicious circle.

The current situation has been defined as a 'low-level, localized and decentralized insurgency'.[35] The 'low-level' definition refers to the ratio of combat casualties between occupation forces and insurgents during the first months of the insurgency. Hence, the insurgency today[36] is much more sophisticated and effective than two years ago. Some analysts even argue that the occupants lost the initiative as early as July 2003 and have tried to regain it ever since.[37] The ongoing insurgency is not a nation-wide well-connected resistance movement but is still locally organised, centred on mosques. But some insurgent groups attempted to create a political outlet in 2004. As for now, only a certain 'Constituent National Iraqi Conference for Resisting the Occupation' was convened in May 2004, obviously with the aim of becoming a political platform for the insurgents, unifying some thirty nationalist and Islamist political groups.[38] The Association of Muslim Scholars joined this conference and has since then reluctantly admitted its contacts with some insurgent groups, but stresses that they neither direct nor control them.[39] The movement is still rather a collection of insurgent groups of different ideological leanings and sociological backgrounds in the Sunni-Arab regions of the country. There is, however, no guarantee that Shias will not join the insurgency or start a separate one on their own, similar to the one Moqtada al-Sadr began in 2004.

34. See Ahmad S. Hashim, 'From Insurgency to Civil War?', *Current History*, January 2005, p. 13.

35. Ahmed S. Hashim, 'The Sunni Insurgency In Iraq', *Middle East Institute Perspectives*, 15 August 2003; http://www.mideasti.org/articles/doc89.html.

36. For a useful overview of the first phase of the insurgency and its implications for the civilian population see Sarah Graham-Brown, 'Multiplier Effect. War, Occupation and Humanitarian Needs in Iraq', *Middle East Report* 228, Fall 2003, pp. 12-23. For the second phase see Steve Negus, 'The Insurgency Intensifies', *Middle East Report* 232, Fall 2004, pp. 22-7. For coalition casualties see http://icasualties.org.

37. Thomas E. Ricks, 'Army historian cites lack of postwar plan', *The Washington Post*, 25 December 2004; 'Army Report: U.S. lost control in Iraq three months after invasion', *World Tribune.com*, 7 March 2005; http://216.26.163.62/ss_iraq_03_07.html.

38. Kathleen Ridolfo, 'Iraqi Political Groups – Part II', in RFE/RL; see http://www.rferl.org/specials/IraqCrisis/specials-politicalgroups2.asp; Michael Ware, 'Talking with the Enemy', *Time Magazine*, 20 February 2005.

39. Charles Clover, 'Iraq's dispossessed Sunnis seek new strategy', *Financial Times*, 26/27 February 2005.

Political aims

The main political aim the insurgents have in common is to drive the forces of occupation out of the country; an aim in which they are unlikely to succeed. Hence the insurgents hamper efforts to rebuild the country. More constructive and widely shared aims include a greater share in the political scene and a precise timetable for US withdrawal. Another aim is the Taliban-like Islamisation of society, as was evident during the short rule of Moqtada's followers in Najaf or the *Mujaheddin* rule in Fallujah.[40] This is a step beyond what ordinary conservative Muslims would envision for a 'decent' Muslim society, and it was imposed upon the population with brutality.[41] In both cases, the militants owe little to the refined political and theological discourse of the elder generation of clerics as represented by Sistani in the case of the Shias, but they share the experience of war and oppression, and they include an unidentifiable number of Islamists-turned criminals. This is similar to the situation of the young combatants of the Taliban, the Armed Islamic Group in Algeria or other radical groups in the 'crescent of crisis'. Like them, Moqtada and the *Mujaheddin* in Fallujah improvise somewhere between their understanding of *Shariah* and nationalism. Others, like the influential Ansar al-Sunnah, which operates in the Mosul region, have declared similar aims. Ansar's attack on the Kurdish parties has to be seen as an Islamist struggle against secularists, rather than as ethnic strife.[42]

Combatant numbers

Estimates on the numbers of insurgents are almost impossible to verify. White and Schmidmayr concluded that there were a small number of 440 full-time insurgents (for summer 2003),[43] but they also cited US estimates of 4,000 to 5,000 and 9,000 full-time insurgents.[44] However, in mid-2004 more serious estimates made by Coalition officials on the ground in Iraq put the core group at between 12,000 and 16,000,[45] and recent estimates are as high as 20,000.[46] However, in January 2005 new estimates put the insurgents at more than 200,000 fighters and active supporters, or even at 200,000 fighters alone, which is more than the US military in Iraq[47] – this in spite of the fact that the occupation forces claim to have killed hundreds, perhaps thousands, of insurgents and virtually destroyed the insurgent strongholds like Fallujah.

40. Pepe Escobar, 'The Islamic Emirate of Fallujah', *The Asia Times*, 15 July 2004.

41. Robert F. Worth, 'Shave and a haircut: A killing matter in Iraq', *International Herald Tribune*, 19-20 March 2005.

42. 'Iraq's new terrorist threat: Ansar al Sunnah', *The Middle East*, no. 353, February 2005, pp. 24-5.

43. White and Schmidmayr, p. 27.

44. Ibid., p. 25.

45. Anthony H. Cordesman, *The Developing Iraqi Insurgency: Status at End of 2004*, CSIS – Centre for Strategic and International Studies, 22 December 2004, p. 2.

46. Eric Schmitt, 'U.S. Commanders See Possible Cut in Troops in Iraq', *The New York Times*, 11 April 2005.

47. Erich Marquard, 'Iraq's perilous election', *The Power and Interest News Report*, 17 January 2005, available at http://www.isn.ch/news/sw/details.cfm?ID=1057 ; Erich Marquard, 'Iraqi polls and exit strategies', Asia Times, 22 January 2005.

Only a limited number of foreign fighters, from other Arab countries and neighbouring states, and European Muslims, joined the resistance: only 350 out of 12,000 insurgents captured or interrogated by 1 November 2003 were foreigners, of which only 25 were suspected of connections to al-Qaeda and only 3-5 of them were still being held as suspects as at 1 December 2003.[48] A year later, the ratio between foreigners and Iraqis in the resistance had increased, but the numbers of non-Iraqis was still insignificant: only 15 out of 1,100 prisoners taken after the Fallujah assault were non-Iraqis.[49] The overall number of foreign fighters possibly does not exceed 5 per cent of the total insurgent force,[50] which could be 1,000 individuals for 2004 and 10,000 for 2005, if we take the highest numbers of insurgents reported; however, there are no indications of such a high number of foreign fighters on the ground in Iraq today. Rather, the total is estimated at 1,500 to 2,000 individuals, most of them originating from the region and a few dozen from Europe.[51]

Foreign fighters fall roughly into two categories: most of them are politically motivated individuals without any combat experience, but a minority belong to the international *jihadism* scene. It is this group of international *jihadis* (most of them Salafists, Sunni radicals) that have had an impact on the insurgency, because they have provided crucial support to their kindred spirits in Iraq. Foreign *jihadis* fought in Fallujah too, where a 'Mujaheddin Council' coordinated the military operations. Their relations with local groups were sometimes tense, since they tried to impose their rigid Salafist or Wahhabi-inspired interpretation of Islam upon the town's residents.[52]

Ideological currents

People of all strata of the Sunni-Arab population oppose the occupation. Ideologically one may distinguish the following currents:

- *Former Regime Loyalists* (FRL) including Ba'athists and others loyal to Saddam's family or his cronies, often connected to tribes and élites of towns favoured by the regime;
- *secularists and nationalists*, among them leftists, Nasserists, pan-Arabist groups and even anti-Saddam Ba'athists; they play a minor role;
- Sunni and Shia *Islamists* of Iraq;
- *criminal gangs*, who join the resistance occasionally;

48. Anthony H. Cordesman, *Iraq and Asymmetric Warfare: The US vs. FRL/Islamist Duel*, CSIS, 6 December 2003, p. 8.

49. Steve Bowman, *Iraq: U.S. Military Operations and Costs*, CRS Report for Congress (Order Code RL31701), 20 November 2004, p. 8.

50. So Cordesman, *Developing Iraqi Insurgency*, p. 8.

51. 'Plusieurs milliers de combatants venus d'Europe', *Le Figaro*, 9 December 2004 (the article belies its headline!).

52. Karl Vick, 'Insurgent Alliance is Fraying in Fallujah. Locals Fearing Invasion, Turn Against Foreign Arabs', *The Washington Post*, 13 October 2004.

- *Jihadists*, most of them foreign Islamists, Salafists and Wahhabis of the international *jihadi* scene, some of them probably connected to al-Qaeda.

These currents share their rejection of the occupation but they do not necessarily cooperate and differ dramatically in methods and tactics, which range from ordinary infantry tactics to terrorism, *inter alia* bizarre beheadings. Toby Dodge and Samir Haddad and Mazin Ghazi have given useful classifications of the various resistance groups,[53] but the insurgency does not entirely rest with ideologically committed insurgents: rather, the dividing lines between fighting tribesmen, criminal gangs, perpetrators of opportunistic attacks, Islamists and nationalists, adventurers and knights of fortune are constantly blurred. Over the last two years, the insurgency has developed in the sophistication and lethality of its attacks. Today, the insurgents are not only more sophisticated, they can also do more than just 'shoot and scoot' – a result of battlefield experience and the fact that only the most capable and most talented have survived.

Former Regime Loyalists (FRL), mostly Ba'athists and members of Saddam's security forces, were among the first to take up arms against the occupation. Ba'athists felt threatened by the CPA's haphazard method of de-Ba'athification, and a wave of assassinations conducted by radical Shia groups caused them to reorganise; their initial motivation was therefore self-defence.[54] In 2003 members of the security forces and the Ba'ath Party formed organisations like al-Awdah, the Fedayeen Saddam formed or the Movement of the Serpent's Head, or melted into the structures of their tribes, criminal networks or Islamist factions. In the south some of them may have joined Moqtada's Mahdi Army. Other Ba'athists organised the initial resistance using their experience and their access to money, weapons and ammunition. Instead of fighting themselves, they preferred to organise and fund various resistance groups or field volunteers, Iraqis and foreigners alike.[55] Sometimes, they also coerced ordinary Iraqis into participating in attacks. Another group of FRLs belonged to the 'shadow state', which consists of flexible networks of patronage based on local and/or tribal bonds. These networks were connected with the ruling clans of Tikrit and continued to function if not to dominate the north-west of the country even after the occupation.[56] The capture of Saddam Hussein in December 2003 was certainly a blow for the Ba'athists but it had only a minor impact on the insur-

53. Dodge, 'A Sovereign Iraq?', pp. 49-52; Samir Haddad and Mazin Ghazi, 'Who kills hostages in Iraq? An Invetory of Iraqi Resistance Groups', *Al-Zawra*, 19 September 2004, (translation); available at http://www.fas.org/irp/news/2004/09/az091904.html.

54. Dodge, 'A Sovereign Iraq?', p. 49.

55. Milan Vesely, 'The Awdah Threat', *The Middle East*, no. 337, August/September 2003, pp. 20-3.

56. 'The Testimony of Dr Toby Dodge', p. 12.

gency at large, because FRLs formed just one segment of it. FRLs are also reported as being the ones to strike a deal with the occupation.

The second layer of resistance might best be described as *nationalist-Islamist* because the main bulk of the insurgency groups consists of *Sunni and Shia Islamists*. The insurgency is still locally based, centred on mosques and motivated by nationalism and Islamism. These groups emerged immediately after the occupation but they became stronger after Saddam's capture. Organisations like the 1920 Revolution Brigades, the Iraqi Resistance Islamic Front (JAMI) and the National Front for the Liberation of Iraq are active all over the Sunni heartland and act independently from the Ba'athist networks but without the divisive personality of Saddam, cooperation between ideologically diverse currents has become more likely. Indeed, some argue that one of the ironic results of Saddam's captures was the fact that many Islamists took up the fight against the occupation forces as soon as they were assured that Saddam was behind bars. Their supporters were drawn from conservative and tribal cities like Fallujah, Ramadi and Samarra, which later became famous as the 'Sunni triangle'.

Moqtada al-Sadr's Mahdi Army, too, belongs in this category. Moqtada is a fervent Iraqi nationalist with outspoken xenophobic leanings, who dislikes Americans and also Iranians. His ramshackle militia – technically speaking it is the military wing of the Sadr Thani movement – is more a social movement, or less politely, an organisation of the urban mob. Moqtada gained national prominence when Paul Bremer declared, in a language that resembled Saddam Hussein's, that he would 'go after him'. His four-month uprising and the siege of Najaf during the summer of 2004, until US troops finally expelled the Mahdi fighters, gained him respect among Sunni insurgents. In return, he showed his open concern for the fate of the city of Fallujah. It was this mutual respect between Moqtada and Sunni insurgents, as well as his excellent relations with the Sunni Association of Muslim Scholars, which led American analysts to conclude that Moqtada would be able to overcome sectarian divisions among the insurgents.[57]

Most authors – clearly with the intention of whitewashing Iraqi insurgents – point out that these regionally born groups respect certain limits: for example, hostage taking and beheadings are said not to be their modus operandi.[58]

57. Kenneth Katzman, *Iraq: U.S. Regime Change Efforts and Post-Saddam Governance*, CRS Report for Congress RL 31339, Washington, 23 February 2004, p. 10.

58. Haddad and Ghazi, 'Who kills hostages in Iraq?'.

Hostage taking is a good example of the blurred borders between *criminal gangs* and ideologically committed terrorism. Kidnapping was started by ordinary criminals, who targeted the children of wealthy and middle-class Iraqi families. In most cases the perpetrators were satisfied with the extortion of ransom money, however sexual assaults against the victims were quite common.[59] Academics and artists suffered most and left the country in scores.[60] Soon, terrorist groups took up hostage taking of their own and a market in hostages developed between criminal gangs and politically motivated groups.[61] The latter focused on kidnapping foreigners in order to extort ransom money, to get the attention of the international media, to force foreign governments to pull out their troops and to thwart any attempt by foreigners to come and assist in the rebuilding of the country.

Foreign and local jihadis added a further element to hostage taking: gruesome and carefully videotaped killings, in most cases beheadings. This was part of a wider media policy enabling some of the insurgents to convey their message to a wider public. The painful footage of victims pleading for their lives shortly before they were executed was directed towards various publics: Iraqis were warned not to cooperate with the occupation forces, foreigners begged their governments to withdraw their troops and international business was warned to cease cooperation.[62] The majority of Iraqis reject hostage taking and hostage killings. However, the video messages showing beheadings of hostages became popular in Iraq and in the region, and groups like Ansar al-Sunnah, the Islamic Army in Iraq or Tawhid wa-'l-Jihad gained popularity thanks to their skilful use of the media, which later served as an excellent aid to recruitment.[63] This implies that more people than merely a tiny minority share the aims of the perpetrators.[64]

Transforming the insurgency

Nobody expects the insurgency to abate anytime soon; at worst it could continue for the next decade.[65] A military solution seems unrealistic, since each side is unable to reach its objectives; the insurgents cannot drive the United States out of Iraq nor will the United States be able to defeat the insurgency. As long as the insurgency is driven by Sunni disgruntlement, a political solution is, however, possible. This is where the elections of 30 January 2005

59. See Mustafa Alani, *Political Kidnapping. An Operational Methodology*, Gulf Research Centre 2004, p. 7.

60. Ed Blanche, 'Exodus from Terror', *The Middle East*, no. 355, April 2005, pp. 29-31.

61. Alani, p. 8; Ibrahim Al-Marashi, 'Iraq's hostage Crisis: Kidnapping, Mass Media and the Iraqi Insurgency', *Middle East Review of International Affairs*, vol. 8/4, December 2004, pp. 1-11.

62. Al-Marashi, pp. 4 f.

63. These videos seem to have an impact on volunteers for suicide missions. See al-Marashi, p. 9.

64. Al-Marashi, pp. 8 f.

65. So Gen. Myers, who estimates 7 to 12 years. See 'Top U.S. General Sees Lasting Insurgency', www.reuters.com, 25 February 2005.

come in, since the abstaining parties and organisations (like Moqtada al-Sadr and the Sunni AMS) now realise that the democratic process will continue with or without their participation. This has left them two choices: either to continue this way and becoming excluded from the political process for a long time – at least for the crucial months to come; or to change policy and cooperate. On the other side, the winning Shia United Iraqi Alliance as well as their Kurdish partners know that they have to get the Sunnis on board i.e. give them some ministerial posts and involve them in the drafting of the constitution. The difference between the parties that participated and those that abstained must not be viewed as an antagonism between Shias and Sunnis but between those parties which returned from exile and those which emerged in Iraq, the latter being part of the Anti-Occupation Patriotic Forces. Therefore, the cooperation of Moqtada al-Sadr and the AMS is key for any viable political solution in the future.

Recent developments indicate a change of mind on behalf of the AMS, auguring a positive trend: The first step toward cooperation was the 'Statement of the Anti-Occupation Patriotic Forces' signed by twenty political groups ranging from Communists and Nasserists to Shia and Sunni fundamentalists – none of them an exile group. They met at AMS headquarters, in Baghdad's Umm al-Qurra Mosque on 15 February 2005,[66] one day after the announcement of the election results. Although still insisting on the illegal nature of the government and calling the election results rigged, they have indicated their willingness to cooperate. The next step was taken by the AMS, which decided to present a fatwa signed by 64 clerics urging fellow Sunnis to join the army and the police forces.[67] This turnaround comes against a background of growing public dissatisfaction, frustration and anger over the insecurity and daily bombings that cost the lives of civilians unconnected to the government or the occupation forces and tarnishes the image of the nationalist insurgency.[68] At the same time, cautious and unauthorised talks between the United States and insurgent groups have started. This was facilitated by a change of mind on the part of the FRLs, who refused to communicate via Jordanian intermediaries in summer 2004. Their tactics have now changed from fighting to fighting and negotiating. The nationalist insurgents' main concern seems to be Tehran's influence in Iraq – a main headache for the United States too.[69]

66. 'Statement of the Anti-Occupation Patriotic Forces Iraq', 6 Muharram 1426/15 February 2005, available at www.juancole.com/2005/03/achcar-allawis-offensive-gilbert.html. This umbrella organisation is probably the continuation of the 'National Iraqi Conference for Resisting the Occupation'.

67. Robert F. Worth, 'Iraqi Sunni clerics stage an about face', *International Herald Tribune*, 2-3 April 2005.

68. Dan Murphy and Nicholas Blanford, 'Arab view dims on Iraqi rebels', *The Christian Science Monitor*, 2 November 2004; Jill Carroll, 'Evolution in Iraq's insurgency', *The Christian Science Monitor*, 7 April 2005.

69. Michael Ware, 'Talking with the Enemy', *Time Magazine*, 20 February 2005.

The AMS proposal could serve three main interests, each shared by the United States:

- *With regards to the insurgency*, it enables those *Mujaheddin* who are willing to switch sides, integrate in society and naturally weaken the insurgency. This especially concerns Jaysh Muhammad and similar organisations, whose experienced cadres are ex-members of Saddam Hussein's security apparatus. They could also provide vital insight into the functioning, funding and organisation of the insurgency.
- *With regards to the integration of Ba'athists*, at the time of writing President Talabani as well as Prime Minister Jaafari initially stressed the need to reach out to ex-Ba'athists, many of whom may have become Islamic fundamentalists by now. (However, the UIA later refused to reach out to ex-Ba'athists.)[70]
- *With regards to Iran's influence*, the integration of ex-Ba'athists or nationalist Islamists in Iraq's security forces would further challenge the influence of Tehran's allies in Baghdad, namely SCIRI and the Badr organisation, which was trained and almost entirely run by Iran's hard-core Revolutionary Guards and which are eager to join the ranks of Iraq's nascent security forces.

Needless to say, the build-up of genuine Iraqi forces is a priority but it will take a long time to create enough able and trustworthy military and security units to enable the Iraqi government to deal with the insurgency on its own.[71] For the moment, insurgents continue to be able to infiltrate the new security forces and the question of the integration of party militias remains unresolved. The rank and file of Iraq's military and the National Guard are drawn from southern Iraqi Shias. Nevertheless, the intelligence community and the higher ranks of the police are ex-Ba'athists. The United States enticed Ba'athist secret service agents back to office soon after the invasion: in July 2003 Ahmed Chalabi, apparently on behalf of the United States, approached members of the 'Turkey' and 'Iran' departments of the *Mukhabarat*, the notorious security apparatus of the Ba'ath Party.[72] In the following months Iyad Allawi recruited more ex-Ba'athist officers into the army and other security forces.[73] Warning the Jaafari government to leave them at their posts was what Rumsfeld intended when he spoke out against political purges during his last visit to Iraq in April 2005,[74] because Shias and Kurds have at times indicated that they would do so once in power.

70. See Ellen Knickmeyer, 'Shiite block plans purge of Saddam-era officials', *The Washington Post*, 18 April 2005.

71. Barak A. Salmoni, 'Iraq's unready Security Forces: An Interim Assessment', *Middle East Review of International Affairs*, 8(3), September 2004, pp. 11-27.

72. Neela Benerjee and Douglas Jehl, 'US helps Iraq rebuild units that monitor Iran', *New York Times*, 22 July 2003. Similar activities were reported from the CIA: see Nir Rosen, 'Unsavory Allies stack CIA's deck', www.post-gazette.com, 24 August 2003.

73. Edward Wong and Eric Eckholm, 'Allawi Presses to Effort to Bring Back Baathists', *New York Times*, 12 October 2004.

74. Charles Aldinger, 'Rumsfeld visits Iraq', *Reuters*, 12 April 2005.

Winning over the remaining influential Ba'athists is therefore a logical step. One can only hope that the AMS-supported edict will convince as many insurgents as possible to give up fighting, and to isolate those *jihadis* who continue to menace the population with terror attacks and are eager to incite sectarian strife. If this happens, the insurgency will be transformed, in the eyes of Iraqis and Arabs in the region, from popular resistance to a mere terrorist menace. To end the insurgency, the political inclusion of more Sunnis and Moqtada al-Sadr is necessary.

Both, AMS and Moqtada have proclaimed that obtaining for a timetable for the withdrawal of foreign troops is their political aim. But now their demands are more astute. AMS leader Harith al-Dhari, for example, has admitted that the Americans cannot leave immediately, but a timetable, so runs the argument, would make it easier for the AMS to convince the fighters to give up (and probably could prevent a new Moqtada uprising, this time coordinated with the Sunnis). On the other hand, Moqtada al-Sadr, who remains popular with the disgruntled masses, staged peaceful rallies in April 2005 to support the demand for withdrawal.[75] This demand is very popular with all Arabs in Iraq – but not so with the Kurds. At the same time tensions with the Kurds are rising, not only between Sunni Arab and Moqtada's followers on one side and the Kurdish parties on the other, but also between the UIA and the Kurdish list in the National Assembly. The issue at the heart of all disagreements is the same as it has been for the last decades: the degree of Kurdish autonomy (including the question of oil-rich Kirkuk) in Iraq.[76] The Kurdish-Arab antagonism in Iraq is likely to worsen whatever the security situation in the country. But the question how far Shia-Sunni antagonism in Iraq will deteriorate or ameliorate may have consequences for the Kurds too, because their political room for manoeuvre depends on the extent to which Sunnis and Shias set aside their confessional differences and stress their Arab identity. A united strong and Islamist Arab bloc in the National Assembly would certainly be a harder partner to deal with than the relatively weak UIA, which is desperately trying to bring the Sunnis on board.

75. Charles Clover, 'Iraq's dispossessed Sunnis seek new strategy', *Financial Times*, 26/27 February 2005; Edmund Sanders, 'Livid Iraq Protesters Tell U.S. to Get Out', *The Los Angeles Times*, 10 April 2005, www.latimes.com; Antonio Castenada, 'Sadr Supporters Demand U.S. Pull Out From Iraq', *The Washington Post*, 9 April 2005.

76. Jill Carroll, 'Opposing Agendas snarl Shiite, Kurd cooperation in Iraq', *The Christian Science Monitor*, 28 February 2005; Dan Murphy and Jill Carroll, 'In Iraq, a Push for Political Momentum', *The Christian Science Monitor*, 13 April 2005.

Kurdish challenges

Martin van Bruinessen

3

Kurdish autonomy

Is a new, stable relationship between the Kurds of Iraq and the rest of that country, short of separation, possible? During the Cold War, the question would not even have been put in that form; the international system took the territorial integrity of existing states for granted (the only exception being Bangladesh's separation from Pakistan). Eritrea's separation from Ethiopia in 1991, the wars in former Yugoslavia and the break-up of the Soviet Union marked the beginning of a period in which ethnicity acquired a higher degree of legitimacy as a relevant factor in the international system. It was an international intervention that created a 'Safe Haven' for the Kurds in northern Iraq in 1991, resulting in a self-governing semi-independent Kurdish entity that year by year became more Kurdish and less Iraqi.[1] A similar international intervention on behalf of ethnic Albanians in 1999 separated Kosovo from Serbia and placed it under an interim UN administration mission. The Kosovars are evidently unwilling ever to revert to Serbian rule, and the status of the territory is likely to remain indeterminate for a long time. The vast majority of Iraqi Kurds adamantly reject the restoration of central, i.e. Arab, control of their region and would opt for full independence if that were an option. The modalities of reintegration of the Kurdish region into Iraq will be renegotiated at every step. Nothing short of a federal system with a high degree of self-government is likely to satisfy the Kurds.

In the early months of 2003, when the American invasion of Iraq was being prepared, it looked as if the Kurds were willing to consider reintegration in a remade, democratic post-Saddam Iraq. The American planners of the invasion and administrators of the occupation had made it clear to the Kurdish leaders that they wished to see a united Iraq with a strong centre, and the Kurds appeared to concur. The two major Kurdish parties, the KDP and the PUK, had continued to plead for autonomy and federalism,

1. Education at all levels, for instance, used Kurdish instead of Arabic as the medium of instruction. A new generation has grown up that speaks little or no Arabic and cannot read that language. The same is true of the press, radio and television: in the Kurdish region these are only in Kurdish (although there are some Arabic-language media directed at other parts of the country).

which they had both written into their party programmes, until weeks before the war. But then, not wishing to antagonise the Americans, the party leaders changed their tune and for a long time avoided even mentioning the words federalism and autonomy. They even appeared willing to accept the American demand that the Kurds' own armed forces, the *peshmerga*, be dissolved and become part of the new Iraqi army.

If the American plan for reconstituting Iraq had been more successful, the party leaders might have found it very difficult to maintain anything resembling the degree of self-rule that had existed for the previous 12 years. This would, however, have cost them the support of much or most of the Kurdish population, who were not at all willing to countenance renewed subjection to Baghdad and less susceptible to American (and Turkish) pressure than the political leaders. A genuine grass-roots movement calling for significant autonomy, and then for a referendum on independence, swept through all of Kurdistan, forcing the leaders to put autonomy back on the agenda. This movement was led by intellectuals critical of the party leadership, but it provided them with a strong argument in negotiations with the Americans and the other Iraqi political forces. In late 2003, both leaders publicly stated that autonomy was not negotiable. Massoud Barzani wrote in the Arabic-language KDP newspaper that the Kurds would not settle for anything less than the measure of self-rule they had enjoyed for the previous twelve years.[2]

The Transitional Administrative Law of mid-2004 explicitly speaks of federalism and local government (but also of unified Iraq), and it recognises the Kurdistan Regional Government as one of the local authorities – a result of tough negotiations. National security policy and border control, however, are to come under the Federal Government, and independent militias will be prohibited, which means that considerable powers will have to be transferred from the Kurdish Regional Government to the Federal Government. The Kurdish *peshmerga* are presently the most experienced and powerful military force in Iraq, and although the Kurdish parties have agreed to the Transitional Administrative Law it is unlikely that they would be willing to allow the *peshmerga* to be demobilised. Their incorporation into the Iraqi Armed Forces and Police, proposed as the solution for at least part of the *peshmerga*, raises the problems of an ethnically divided army. Former *peshmerga* do not appear willing to serve under Arab officers; and the

2. *Al-Ta'akhi*, 21 December 2003; http://www.ikurd.info/kmedia-dec03.htm.

Kurdish population will not easily tolerate an Arab military presence in their region. It is true that Kurdish *peshmerga* have joined the Iraqi Armed Forces and apparently took an active part in operations in Fallujah and Mosul in 2004, but this appears to be more an extension of Kurdish military power into Sunni Arab areas than the absorption of Kurdish forces into all-Iraqi ones.

Autonomy, integration into Iraq, or independence?

The grass-roots movement for independence ran a successful campaign, collecting 1.7 million signatures to demand an internationally supervised referendum on the question of independence or integration into Iraq. On the day of the elections, 30 January 2005, it organised its own unofficial referendum in booths outside the official polling stations. The elections that day may not have been entirely free – parties other than the Kurdish Alliance did not have much of a chance in the districts under Kurdish control – but there can be little doubt that this unofficial referendum allowed the Kurds to express their real feelings on Iraq. The outcome probably surprised even the organisers: almost 2 million people took part, and over 95 per cent of them opted for independence rather than staying in even a federal Iraq.[3] The experienced leaders of the Kurdish parties have always been more pragmatic and diplomatic than the organisers of the referendum and have carefully avoided speaking of independence, limiting their demands to autonomy within Iraq. However, these leaders not only tolerated but also facilitated the referendum (although the initiative came from intellectuals critical of them), probably because it will strengthen their position in the coming negotiations in the National Assembly.[4]

Autonomy for Kurdistan (and democracy for Iraq) has been the rallying-cry of the Iraqi Kurdish movement since the 1960s. (The major Kurdish party in Iran adopted the same slogan: 'autonomy for Kurdistan and democracy for all of Iran'. When journalists visiting KDP-Iran leader Abdul Rahman Ghassemlou during the years when his party controlled a large part of Kurdistan asked him why he did not claim independence, he famously joked that Kurdistan was a small, land-locked country and that he would love to be elected president of all of Iran.) The central element of the March 1970 peace agreement, which ended nine years of guerrilla war, was recognition of autonomy for the entire regions where

3. See the news reports of election day and, e.g., the commentary by observer Peter W. Galbraith, 'As Iraqis celebrate, the Kurds hesitate', *The New York Times*, 1 February 2005. The Democrat Peter Galbraith, former US Ambassador to Croatia, is the strongest supporter of Kurdish claims in the American establishment.

4. An Al-Jazeera report claims that the Kurdish parties paid a subsidy of $150,000 to finance the referendum; see 'Kurdish party says self-rule inevitable', 2 February 2005; http://www.thewe.cc/contents/more/archive2005/february/kurd_independence.htm.

Kurds constituted the majority of the population as well as significant representation of the Kurds in the central government. The agreement spoke of autonomy for Kurdistan; the pragmatic Kurdish negotiators had not insisted on the second part of their slogan, democracy for Iraq.

Subsequent experience has convinced all politically aware Kurds that autonomy per se is no guarantee against severe violations of human rights. The March 1970 agreement was the direct reason for the central government to carry out a wave of deportations of Kurds (and Turkmen) from the Kirkuk, Khaniqin and Sinjar districts designed to prevent these oil-rich and strategically important regions becoming part of the autonomous Kurdish region. Autonomy for part of the Kurdish region (notably excluding Kirkuk, Khaniqin and Sinjar) was formally proclaimed in 1974 and never withdrawn in spite of the renewed Kurdish uprising of 1974-75, in which the Kurds received unprecedented levels of Iranian, Israeli and American covert support.[5]

Following the collapse of the Kurdish movement in March 1975, when Iran ended its support, the regime unilaterally carried out its part of the autonomy agreement.[6] A regional parliament was established — as powerless as the national parliament, and perhaps even more devoid of popular legitimacy, but at least consisting of people from the region. The autonomy had stipulated that military and intelligence forces in the region, as well as border control, were to depend directly on the relevant departments of the central government. The presence of army, and especially the intelligence services, in the region was accordingly stepped up. Border control took the form of the evacuation of a broad zone along the Iranian and Turkish borders and destruction of all villages in this region ('in order to prevent infiltration by insurgents based abroad'). People uprooted from this zone, and from other sensitive areas where demographic changes had been deliberately effected, were partly resettled in the south, partly in resettlement camps in the Kurdish region. Further forced resettlement continued through most of the 1980s, in response to the Iran-Iraq war and low-intensity guerrilla activity by KDP and PUK. During the 1970s and 1980s, some 80 per cent of Kurdish villages were destroyed and their inhabitants resettled. This culminated in the genocidal *Anfal* campaign of 1988, in which at least 50,000, and perhaps even several times that number, were killed.[7] Altogether, close to 4,000 villages in Iraqi Kurdistan (out of an estimated total

5. For a study of this period from a Kurdish point of view, see Ismet Cheriff Vanly, 'Le Kurdistan d'Irak', in Gérard Chaliand (ed.), *Les Kurdes et le Kurdistan*, Paris: Maspéro, 1978, pp. 225-305 (English translation: *A people without a country: the Kurds and Kurdistan* (London: Zed Books, 1980). A study more sympathetic to the government's point of view is Edmund Ghareeb, *The Kurdish question in Iraq* (Syracuse: Syracuse University Press, 1981).

6. For a concise but good discussion of the autonomy law and its implications, see Helena Cook, *The safe haven in northern Iraq: international responsibility for Iraqi Kurdistan* (London: Kurdistan Human Rights Project, 1995), pp. 23-33.

7. The *Anfal* ('Spoils') campaign – named for the eighth chapter of the Koran, which urges the Prophet and his companions not to turn their back on the enemy but continue the struggle – was a series of military offensives, in many cases preceded by shelling with chemical weapons, directed at Kurdish rural districts that had been under control of the Kurdish parties during the Iran-Iraq war. See Martin van Bruinessen, 'Genocide of Kurds', in Israel W. Charny (ed.), *The widening circle of genocide* (New Brunswick, NY: Transaction Publishers, 1994), pp. 165-91; Human Rights Watch/Middle East, *Iraq's crime of genocide: the Anfal campaign against the Kurds* (New Haven, Conn.: Yale University Press, 1995).

of around 5,000) were destroyed during the 1970s and 1980s and their inhabitants deported or killed.[8]

Whatever autonomy and federalism mean to the Iraqi Kurds – and there no doubt exists a wide range of understandings of these key concepts – there appears to be a consensus that the only acceptable arrangement is one that will protect them effectively from a repetition of the *Anfal* campaign and the destruction of villages of the 1980s. The strength of the movement for independence is fed by memories of oppression and genocide under Ba'ath-administered autonomy.

Kirkuk, the Turkmen and Turkey

Most Kurds want independence, and they want control of Kirkuk as well, claiming that the Kurds had constituted the majority in that province before deportations and boundary changes decreased their numbers. Both demands are unacceptable to most Iraqi Arabs and perhaps even more so to Turkey, which fears the impact of such developments on its own Kurds, who are estimated to number 20 per cent of its population. Turkish politicians and generals have repeatedly warned that Kurdish independence or even a significant degree of autonomy is unacceptable to them, and that Kurdish control of Kirkuk is considered a threat to vital Turkish interests. It strengthened its relations with the Turkmen minority and supported Turkmen territorial claims in order to counter those of the Kurds. Before the war, Turkey threatened that it would intervene militarily if the Kurds were to attempt to press their claims. However, since Turkey's parliament refused the United States access to its territory to open a northern front against Saddam, the country has not been in a position to carry out this threat, and its statements in support of the Turkmen minority have been ineffective.[9]

Kurdish claims to Kirkuk and the government's determination to keep this province under central control were perhaps the major reason why the 1970 peace agreement did not hold and a new war broke out in 1974. In those years Mullah Mustafa Barzani insisted that Kirkuk should be the capital of the autonomous Kurdish region, a claim that has recently been repeated by various Kurdish spokespersons. This claim inevitably brings the Kurds into conflict with at least two other claimants to the city and surrounding

8. A detailed list of all destroyed villages, subdistrict by subdistrict, and numbers of families deported, was compiled by Shorsh Mustafa Rasool, 'Forever Kurdish: statistics of atrocities in Iraqi Kurdistan', privately published (distributed by the PUK representation in Europe), 1990.

9. See International Crisis Group, 'Iraq: Allaying Turkey's fears over Kurdish ambitions', *Middle East Report* 35 (Amman/Brussels: International Crisis Group, 26 January 2005).

districts – the Turkmen minority and the central government. Kirkuk lies in a wide zone with an ethnically mixed population, which moreover experienced dramatic demographic changes in the course of the twentieth century. Kurds, Turkmen and Arabs lay conflicting claims to this zone, and all have their historical accounts and memories to buttress their claims.

It is widely accepted that the region that was controlled by the Kurdish Regional Government during the 1990s constitutes only a part of the entire Kurdish region; there is a large zone to the south and west where many Kurds live or used to live, and in parts of that zone they constitute, or once constituted, the majority of the population. This can be illustrated with the first two of the accompanying maps.

Map 1 (from the 2003 edition of the CIA's *World Factbook*) gives a very sketchy impression of a much more complex situation. It shows the regions controlled by the two major Kurdish parties, KDP and PUK (with a smaller area under the control of the Islamic Movement of Kurdistan), and a considerable Kurdish-inhabited zone to the south and west of these regions, which had remained under central government control until 2003. Note that Kirkuk and its surroundings are not indicated as Kurdish on this map (which is based on estimates of actual population distribution before 2003). The large Kurdish area between Kirkuk and Mosul, known as Makhmur, is an extension of the fertile plain of Arbil. The districts to the west of Mosul are not densely inhabited, with the exception of the Sinjar hills, which are largely Kurdish.

Map 2 (taken from the same source) shows some of the other ethnic groups in this region, the Turkmen and the Arabs, and it locates the major Arab and Kurdish tribes. Kirkuk is shown here as mixed Arab, Kurdish and Turkmen; there is a broad Arab corridor north-west of Kirkuk that cuts deep into Kurdish territory — a cartographic rendering of Arabisation policies of the previous decades. The situation on the ground is far more complicated than this map can show: besides Sunni Turkmen there are also Shia Turkmen communities (e.g. in Tel `Afar, west of Mosul and in Tuz Khurmatu, south of Kirkuk) and numerous Shia Arabs (around Kirkuk, who arrived after 1970) as well as Shia Kurds (at Khaniqin, Mandali and further south). There are moreover various groups in the zone between Mosul, Kirkuk and Khaniqin that are neither Kurds nor Turks or Arabs but are claimed by all.

For Kurdish nationalists, most of the population inhabiting

this zone is Kurdish, or was so before the Arabisation policies and deportations of the 1970s and 1980s, and the Hamrin mountain range is conveniently considered as the southern boundary of Kurdistan. This is illustrated in Map 3, which shows current Kurdish claims. The southern boundary circumvents the city of Mosul, which has a large Arab and Christian population, but also some populous Kurdish neighbourhoods (and some Kurdish nationalists would therefore lay claim to part of the city as well).

Turkmen nationalists, supported in this by many Turkish politicians, claim the same zone and even more, including Mosul as well as Arbil and surroundings, for themselves because the towns in this zone have a large Turkish-speaking population (see Map 4). In the early twentieth century, most of this Turkish-speaking population were Turkmen, who claimed descent from the Seljuk Turks, and some were Ottoman officials,[10] but there were also urban families of Kurdish descent who had adopted Turkish, the language of the state, as their first language. Under Ottoman rule, the Turkmen had constituted the predominant element of the urban population in this zone, though never the majority of the population. Under the British mandate and in independent Iraq, they gradually lost their predominance. Arabic replaced Turkish as the first official language, and in education and public life Kurdish was used besides Arabic. The decline of the Turkish language was accompanied by the receding influence of the Turkmen élite, some members of which left the region and settled in Turkey.[11]

In Arbil, Kurdish came to replace Turkish as the dominant language in the first half of the twentieth century, partly due to immigration, partly to the Kurdicisation of Turkish speakers. Kirkuk had always been the centre of Turkmen culture and Turkmen power, and the most important families of notables were all Turkmen. Their family names indicate that they had held high military or bureaucratic office or used to be traders or craftsmen. Here too, the Kurds living in the city were often Turkish speakers. (The same was true much further north, in such cities as Bitlis and Diyarbekir, well before the Republic banned the use of Kurdish.) The British officials who knew these parts best, Edmonds and Lyon, call the Turkmen the predominant population of Kirkuk but add that Kurds constituted the majority of the rural population of Kirkuk. The most influential Kurd in the city was a religious leader, a sheikh of the Naqshbandiyya Sufi order, Ahmad-i Khanaqa, whose power derived from his large rural following.[12]

10. The Seljuks were Turkish-speaking nomadic warriors who invaded Iran from Central Asia in the 1040s and went on to conquer Baghdad and finally Syria and Asia Minor in the 1070s. The Seljuk empire that they established replaced the Abbasid caliphate; it was the first major state established by a Turkic group in West Asia. Several later waves of Turkic migrations followed. The Ottomans belonged to one of these later waves; their empire began as a tiny princedom in western Asia Minor in the fourteenth century, became the last great Muslim empire, and finally collapsed after the First World War.

11. The memoirs of British political officers who served in these districts in the 1920s give an interesting insight into the relations between Turkmen, Kurds and Arabs and in the Turkmen's gradual loss of their predominant position: W. R. Hay, *Two years in Kurdistan. Experiences of a political officer 1918-1920* (London: Sidgwick & Jackson Ltd, 1921); C. J. Edmonds, *Kurds, Turks and Arabs. Politics, travel and research in north-eastern Iraq, 1919-1925* (London: Oxford University Press, 1957); D. K. Fieldhouse (ed.), *Kurds, Arabs & Britons: the memoirs of Wallace Lyon in Iraq 1918-44* (London: I. B. Tauris, 2002).

12. Edmonds, *Kurds, Turks and Arabs*, p. 266; Fieldhouse (ed.), *Kurds, Arabs and Britons*, pp. 172, 220.

Another religious family, affiliated with the Qadiriyya Sufi order, was that of the Talabani, who had settled in the city in the first half of the nineteenth century.[13] The family's prominence gradually increased through the twentieth century; in the 1970s, the incumbent sheikh was said to have some 50,000 followers.

The commercial exploitation of the oil wells of Kirkuk, which began around 1930, caused a rapid urbanisation and attracted workers from other parts of the country. Initially it was in particular Kurds who came to settle in the city; later these were joined by smaller numbers of Arabs. At the same time, large numbers of Kurds from the mountains were settling in the uninhabited but cultivable rural parts of the district of Kirkuk.

Many Turkmen have an understandable fear of being submerged by the Kurds. The claim of (some) Turkmen to the entire zone, however, as opposed to just the town of Kirkuk, is a recent development and probably a response to the establishment of the Kurdish Regional Government in the 1990s. Some Turkmen have begun referring to this zone by the recently coined name of Turkmeneli, 'Turkmen land'.[14] Turkish politicians of various persuasions have spoken out strongly in favour of Turkmen territorial claims in northern Iraq, apparently hoping to prevent the Iraqi Kurds from achieving their objectives.

In the claims for this contested and ethnically heterogeneous zone, all claimants have recourse to statistics from the early twentieth century. There exist Turkish, British and Iraqi statistics of the ethnic composition of Kirkuk as well as the entire vilayet of Mosul (the Ottoman province comprising present northern Iraq). These statistics diverge enormously, which reflects conflicting ambitions towards this region as well as the ambiguous ethnic identity of part of the population. The future political status of the vilayet of Mosul was to be determined by the League of Nations after a consultation of its population, and Turkey, Britain and the British-appointed Arab King Faisal had an understandable interest in influencing the League's decision, and population statistics were adduced to argue in favour of independence (as some Kurds demanded), assignment to Turkey, or to Iraq. Another possible reason for contradictory statistics is the existence in this region of various communities that are not unambiguously Kurdish, Turkish or Arab. Heterodox communities, such as the Kaka'i, Sarli and Shabak, who speak various Gurani dialects (an Iranian language different from but related to Kurdish proper), and even the Kur-

13. The Talabanis are a large family, with branches in various parts of southern Kurdistan. Dr Nouri Talabany, the author of the most forceful justification of Kurdish claims to Kirkuk (*Arabization of the Kirkuk region*), is a descendant of the first sheikhs of this family in Kirkuk. The nationalist politician Jalal Talabani belongs to another branch of the family, based on Koy Sanjaq.

14. It is especially the Iraqi Turkmen Front that puts forward extravagant claims on this Turkmeneli, see e.g. the map and accompanying text on one of its websites, http://www.turkmenfront.org/English/index.htm.

dish-speaking Yezidis, have been counted as Kurds by the Kurds, as Turkmen by the Turkmen, and as Arabs by Arab nationalists.[15] The Christians of the region, mostly Assyrians and Chaldaeans, have been called 'Kurdish Christians' as well as 'Christian Arabs' (whereas in Kirkuk, the Christians spoke Turkish). Disagreement on the ethnic identity of ambiguous communities, however, can hardly explain the low percentage of Kurds and the inflated number of Turks in the statistics presented by the Turkish government:

Population of the vilayet of Mosul:

	A	B	C
Kurds	263,830 (39.2 per cent)	427,720 (54.5)	520,007 (64.9)
Arabs	43,210 (6.4)	185,763 (23.7)	166,941 (20.8)
Turks	146,960 (21.8)	65,895 (8.4)	38,652 (4.8)
Christians and Jews	31,000 (4.6)	62,225 (7.9) 16,865 (2.1)	61,336 (7.7) 11,897 (1.5)
Yezidis	18,000 (2.7)	30,000 (3.8)	26,257 (3.3)
Total settled population	503,000 (74.7)	–	–
Nomads	170,000 (25.3)	–	–
Total population	673,000	785,468	801,000

Sources: A. Turkish statistics produced at the Lausanne conference in 1923
B. Estimates by British officers in 1921
C. Enumeration by the Government of Iraq (1922-24)

(After Mim Kemal Öke, *Musul meselesi kronolojisi* (1918-1926) [A chronology of the Mosul Question, 1918-1926] (Istanbul: Türk Dünyasý Araþtýrmalarý Vakfý,1987), p. 157)

The Mosul Commission of the League of Nations found that the Turkish government had listed various tribes and communities as Turkish that had no discernable Turkish origins and spoke Kurdish or related dialects. Of the Bayat tribe, which is in fact of Turkish ancestry, the Commission noted that it was largely Ara-

15. On the position of two of these communities in recent times, see Michiel Leezenberg, 'Between assimilation and deportation: the Shabak and the Kakais in northern Iraq', in K. Kehl-Bodrogi, B. Kellner-Heinkele and A. Otter-Beaujean (eds.), *Syncretistic religious communities in the Near East* (Leiden: Brill, 1997), pp. 175-94.

bised, through intermarriage and linguistic assimilation.[16] It is probably on the basis of these early Turkish statistics, which were produced to shore up Turkish claims to the province in the course of negotiations at the Lausanne conference, that later extravagant Turkish and Turkmen assertions were made. Turkish politicians such as (former Prime Minister) Bülent Ecevit have repeatedly put forward, and apparently themselves believed, the amazing claim that there are no less than 2.5 million Turkmen in Iraq, the protection of whom is Turkey's natural duty.[17]

The Kurds also refer to the early twentieth century statistics (but for obvious reasons to the British or Iraqi figures) to stake their claim of being the dominant ethnic group in the entire vilayet of Mosul. The most reliable statistics available, however, may be those of the 1957 general census. In that census people were asked for their mother tongue. That is not identical to their ethnic affiliation, of course, but the question was apparently perceived as one of ethnicity rather than of language per se, as the quaint categories 'Hebrew' and 'Chaldaean and Syrian' indicate – Iraqi Jews did not speak Hebrew but Aramaic or Arabic; most Chaldaeans spoke Arabic, those of Kirkuk even Turkish.

Results of the Official General Census of 1957 for Kirkuk Governorate (liva)

	City of Kirkuk	Remainder of the *liva*	Total *liva* of Kirkuk	Percentage of total *liva* pop.
Mother tongue				
Arabic	27,127	82,493	109,620	28.2
Kurdish	40,047	147,546	187,593	48.2
Turkish	45,306	38,065	83,371	21.4
Syriac *	1,509	96	1,605	0.4
Hebrew (sic)	101	22	123	0.03
Total **	120,402	268,437	388,829	

* The census category indicated is not linguistic but religious: 'Chaldaean and Syrian'
** Including speakers of languages not listed here, such as English, Persian, Hindi.

(after: Nouri Talabany, *Arabization of the Kirkuk region* (Uppsala: Kurdistan Studies Press, 2001), p. 103)

16. 'Question of the frontier between Turkey and Iraq', a report submitted to the Council by the commission instituted by the council resolution of September 30th, 1924 (Geneva: League of Nations, 1925), pp. 38-9.

17. A reasoned estimate claiming over 2 million Turkmen in 2002 has been given most recently by Ershad al-Hirmizi, *The Turkmen & Iraqi homeland* (N.p.: Kerkük Vakfý, 2003). This estimate is based entirely on extrapolation from dubious old statistics and 'reasonable' assumptions.

The data of the 1920s, even if reliable, are not really comparable to those of 1957 and of later counts because the Kirkuk *liva* then included Arbil, whose population has a different composition. In the 1970s, the heavily Kurdish districts of Chamchemal and Kalar were detached from Kirkuk province and joined to Sulaymani. Only very rough estimates of the volume of population movements into and from Kirkuk are therefore possible. Turkmen complaints of demographic changes are not unfounded. During the first half of the twentieth century, the plains between Arbil and Kirkuk were gradually settled by Kurdish peasants, a process that had already begun in the nineteenth century. The exploitation of Kirkuk's oil, as said, attracted both Arabs and Kurds to the city in search of work. Kirkuk, which had been a predominantly Turkish city, gradually lost its uniquely Turkish character.

The political mobilisation following the 1958 coup d'état and the prominence of the Iraqi Communist Party among the (Kurdish) oil workers caused increasing tension between Turkmen, who felt they were being submerged, and the mostly Kurdish immigrants. Violent clashes in 1959, variously described as 'communist-Turkmen' or 'Kurdish-Turkmen', left several dozen dead, most of them Turkmen. In the Turkmen exile press in Turkey, supported by Turkish nationalist circles, this event attained almost mythical proportions and has been of lasting importance in defining Turkish perceptions of northern Iraq.[18]

The influx of Kurds into Kirkuk continued through the 1960s. However, soon after the peace agreement of 1970, which opened the door to Kurdish autonomy, the government took measures to strengthen the Arab character of the governorate of Kirkuk (which, after the nationalisation of the Iraq Oil Company in 1972 was renamed Ta'mim, 'Nationalisation'). Kurds were deported to southern Iraq, Arabs from the south (mostly Shia, it seems) were settled in Kirkuk. From the 1980s there are also reports of hundreds of Turkmen families from Kirkuk being resettled in *mujamma` at* in southern Iraq.[19]

In the 1988 Anfal operations, a large part of the Kurdish population of the eastern districts of Kirkuk governorate disappeared.[20] There may not be many male survivors of those operations. In the Kurdish uprising of early 1991, following the liberation of Kuwait, the Kurds and Turkmen of Kirkuk, like the population of other parts of Kurdistan, took control of the city and expelled Iraqi Ba'ath party and intelligence personnel.[21] For a

18. Kadir Mýsýroðlu, *Musul meselesi ve Irak Türkleri* [The Mosul Question and the Turks of Iraq] (Istanbul: Sebil, 1985); Nefi Demirci, *Dünden bugüne Kerkük (Kerkük'ün siyasi tarihi)* [Kirkuk from yesterday till today, the political history of Kirkuk] (Istanbul: privately published, 1990); Pevket Koçsoy, *Irak Türkleri* [The Turks of Iraq] (Istanbul: Boðaziçi Yayýnlarý, 1991); Suphi Saatçý, *Tarihten günümüze Irak Türkmenleri* [The Turkmen of Iraq, from the earliest history to our days] (Ankara: Ötüken, 2003).

19. `Aziz Qadir al- Samanji, *Al-ta'rikh al-siyasi li-Turkman al-`Iraq* [The political history of the Turkmen of Iraq] (Beirut: Dar al-Saqi, 1999), p. 211; Ziyat Köprülü, *Irak'ta Türk varlýðý* [The Turkish presence in Iraq] (Ankara: privately published, 1996), p. 65.

20. Human Rights Watch/Middle East, *Iraq's crime of genocide*. This concerns what the report calls the 'third' and 'fourth Anfal'; see map on p. 16.

21. An excellent description of how the uprisings began and were organised, and of why they failed, is given by Faleh `Abd al-Jabbar, 'Why the Intifada failed', in F. Hazelton (ed.), *Iraq since the Gulf War: Prospects for democracy* (London: Zed Books, 1994), pp. 97-117.

few weeks, the city was under Kurdish control. The élite Republican Guard had, however, not been destroyed in the war as was initially believed. After brutally putting down the Shia rebellion in the south, it moved towards Kurdistan. The Shia Turkmen town of Tuz Khurmatu was razed; the people of Kirkuk fled their city in panic towards the mountains and thence to the Iranian or Turkish borders. The Iraqi troops reoccupied all towns and pushed the fleeing masses towards the borders. Turkey allowed Turkmen to cross into the country and opened a refugee camp for them at Yozgat, but the much more numerous Kurds were not allowed to enter and had to camp in snow and mud on the Iraqi side of the border. This humanitarian disaster – an estimated one to two million had fled their homes, hundreds of thousands were pressed on the Turkish-Iraqi border, exposed to snow, rain and wind – was the reason for the international intervention (Operation *Provide Comfort*) that established a 'safe haven' and ultimately a free Kurdish region in northern Iraq.

Arabisation policies continued after 1991 in the regions under central government control. Kurds, Turkmen and Assyrians were pressured to 'correct' their ethnic identity and register as Arabs, become members of the Ba'ath party and join one of the militia forces. Families who refused were harassed; and many were forced to flee to the Kurdish-controlled region. In the most detailed study made of Arabisation policies of the 1990s, Human Rights Watch concluded that '[s]ince the 1991 Gulf War, an estimated 120,000 Kurds, Turkomans and Assyrians have been expelled to the Kurdish-controlled northern provinces', most of them from Kirkuk and surrounding villages.[22]

Kirkuk after the war

Many of the displaced persons from Kirkuk did not dare to return to their city and remained in the 'free' Kurdish zone, especially in Sulaymani and Arbil, until 2003. Small numbers succeeded in finding their way to Europe. Since the 'conquest' or 'liberation' of Kirkuk by PUK *peshmerga* and US special forces in April 2003, both Kurds and Turkmen who had previously lived in the city and governorate have returned, from Turkey or from the 'free' Kurdish region. Both streams of returnees – the Kurdish no doubt more numerous than the Turkmen – were considered by the others as

22. See the excellent and very detailed report by Human Rights Watch, 'Iraq: forcible expulsion of ethnic minorities', *Human Rights Watch*, vol. 15, no. 3 (E), March 2003.

part of a deliberate effort by the Kurdish parties or the Turkish government to change the demographic balance. On the day after the conquest of Kirkuk, newspapers in Turkey carried stories about Kurds raiding the city's land and population registries in order to wipe out records of the Turkmen presence, and destroying Turkmen graveyards in order to erase proof of the Turkmen past. These allegations, originating with Turkmen exile circles in Ankara, appeared to have no basis in fact and soon disappeared from the Turkish press.[23] They were soon followed by numerous Turkmen complaints of American partiality towards Kurds over Turkmen and Arabs.

In the city council elected in May 2003, Turkmen were severely under-represented, with 6 out of 30 members (against 11 Kurdish, 7 Christian and 6 Arab members). A year later, the council was enlarged by 10 members, of whom 4 were Turkmen and only 2 Kurdish. However, as the most vocal Turkmen party complained, one of the new Turkmen members and a new Arab member were 'pro-Kurdish'. These councils elected Kurds to most of the important positions: the governor, police chief and mayor are Kurds, and so are the vast majority of heads of government offices.[24] Not all Turkmen were equally distressed by the new situation; as the report noted; there were apparently also 'pro-Kurdish' Turkmen. And, one should add, there was a broad range of Turkmen political parties and movements, several of which cooperated closely with the Kurdish parties.

The Iraqi Turkmen Front, established in 1995, is a coalition of over twenty groups, including the Iraqi Turkmen National Party, which had previously been the party most closely allied with Turkish military and intelligence circles (to the extent that it was considered by many as the local front for Turkey's national intelligence organisation). The Front has been receiving Turkish government largesse, and it is the most active Turkmen organisation abroad and in cyberspace. It presents the Turkmen as a numerous and compact nation, whose homeland, Turkmeneli, constitutes a broad zone between the Kurdish and Arab parts of Iraq, of which Kirkuk is the natural capital (see Map 4). It is obvious that this view conflicts with that of the Kurds, who also see Kirkuk as their future capital and claim to be the majority population of the same broad zone. The Front's legitimacy is also contested by many Turkmen who are uneasy about its close relationship with the Turkish state. The very day after the Iraqi Turkmen

23. The claim that the Kurds destroyed or seized all records of the Kirkuk population and deeds and property registries is repeated in a later document by the Iraqi Turkmen Human Rights Research Foundation, which is close to the Iraqi Turkmen Front, 'Attempts to change the demographic structure of Kirkuk city by the American supported Kurds', 17 September 2004. I have not been able to find confirmation or otherwise of this claim.

24. Iraqi Turkmen Human Rights Research Foundation, ' "US-made" Kerkuk City Council decides once again in favor of the Kurds', report dated 28 December 2004. This foundation consists of 'independent' Turkmen intellectuals abroad but appears affiliated to the Iraqi Turkmen Front. Its reports as well as statements by various Turkmen parties are conveniently posted on its website, www.turkmen.nl/.

Front was established, a rival front with largely Shia Turkmen support emerged, the Turkmen Islamic Front, allegedly an Iranian proxy.[25] Its successor, the Turkmen Islamic Union, apparently has good relations with the leading Kurdish party in the region, the PUK. Two other Turkmen parties exist but appear to be small, the Iraqi Turkmen Democratic Party and the Turkmen People's Party.

There is a small but vocal Iraqi Turkmen community in Turkey which has close contacts with Turkish extreme nationalist and intelligence circles; besides, the Iraqi Turkmen Front has established a representation in Washington to press its claims for a greater share in post-Saddam Iraq. It has issued numerous statements about Kurdish violations of Turkmen rights and clashes between Kurds and Turkmen, but most of these appear much exaggerated.

Most observers had expected serious ethnic clashes in Kirkuk, but primarily between Kurds and Arabs when the former returned to reclaim houses and land they had been forced to leave under Arabisation. There have been reports of fights over houses and land, both in the city and in surrounding villages, but the level of conflict proved much less than predicted – for which the PUK, which conquered the city and organised security, claims credit. Many Arabs appear to have fled the region during the war, fearing retribution; where they had stayed behind, negotiations and threats rather than outright expulsions were the rule. An equal sharing of the harvest between original owners and present occupants of the land, proposed by the Americans, was widely observed.[26]

The elections obviously were crucial to the Kurdish and Turkmen claims to Kirkuk, and the question of who was to be allowed to vote there was clearly most contentious. By threatening to pull out of the elections altogether, the KDP and PUK succeeded in persuading the High Election Commission that some 108,000 Kurds who had recently re-entered Kirkuk from elsewhere would be allowed to vote for the Ta'mim governorate council. As a result, the Kurdish united list (which also contained Turkmen candidates) won no less than 58.5 per cent of the votes and 26 out of 41 seats; 9 seats went to Turkmen parties, and 6 to Arab parties. Even before the election results were known, there were predictable protests from the Iraqi Turkmen Front and two Shia parties, al-Da`wa and Moqtada al-Sadr's movement. It was claimed that the latter had withdrawn from the elections in protest. A demonstration on Fri-

25. Kývanç Galip Över, *Vaat edilmiþ topraklarda ölüm kokusu: Kuzey Irak dosyasý* [The smell of death over promised lands: the North Iraq file] (Istanbul: Papirüs, 1999), pp. 42-4.

26. Human Rights Watch, 'Claims in conflict: reversing ethnic cleansing in Northern Iraq', *Human Rights Watch*, vol. 16, no. 4 (E), August 2004. The report notes that 'although sporadic violence and intimidation by *Peshmerga* forces did take place . . . Human Rights Watch is not aware of a single massacre committed against Arab settlers by returning Kurds or other minorities . . . an experience vastly different from that of the Balkans, where bloodshed was routine during the various "ethnic cleansing" campaigns' (p. 28).

day 11 February in Kirkuk (Al-Jazeera spoke of 'hundreds of Arab and Turkmen protestors', indicating that this was not a massive protest movement) called for a new election in Ta'mim. The Turkmen Front protested to the High Election Commission over alleged vote rigging by the Kurdish parties, but their protest was rejected by the council, which admitted that some irregularities had taken place but that contrary to what was asserted, only people who were registered as voters had cast their ballots.

The Iraqi Turkmen Front performed particularly poorly both in Kirkuk and at the national level. In the elections for the Iraqi National Council, the Kurdish Alliance (the united list of KDP and PUK) received just over a quarter of the vote and 75 out of 275 seats. The Iraqi Turkmen Front won 3 seats. Interestingly, more Turkmen candidates were elected on other tickets: 5 entered the Council as members of the (Shia) United Iraqi Alliance, 4 as representatives of the Kurdistan Alliance, and one on Allawi's Iraqi list.

Turkey, Iran, Syria and their proxies

The existence of the two Turkmen fronts just mentioned draws our attention to the non-negligible role of neighbouring countries in northern Iraq. Turkey's role has been quite conspicuous, carrying out military incursions into Iraqi Kurdistan more or less regularly since 1983 and having permanent military missions present as far as Sulaymani. Iran and Syria have been more circumspect, but they too have their close allies among the various political movements in Iraq, and they maintain relations of varying degrees of friendliness with a wider range of forces. In the 1990s Iranian troops made several incursions into the region in (unsuccessful) attempts to destroy the headquarters of the Kurdistan Democratic Party of Iran, located in the region between Sulaymani and Arbil.[27] Syria does not appear to have had a military presence itself in the region, but it has been accused of masterminding the attack by PKK guerrillas on KDP forces just after the US-brokered Drogheda peace agreement between the PUK and KDP in 1995, which recognised Turkey's 'legitimate security interests' in the region.[28]

The Kurdish parties have a relationship with Iran that goes back forty years. From 1964 on, Iran gave some logistical support and weapons to the Iraqi Kurds, evolving into significant cooperation in the early 1970s, until the Shah concluded a favourable

27. There is also a camp with some 4,200 Iranian Kurdish refugees in central Iraq, near Ramadi. The UN issued a press release on 24 November 2004 stating that many of these refugees fled the camp because of the fighting between US troops and Iraqi insurgents.

28. Michiel Leezenberg, 'Irakisch-Kurdistan seit dem Zweiten Golfkrieg', in C. Borck, E. Savelsberg and S. Hajo (eds.), *Ethnizität, Nationalismus, Religion und Politik in Kurdistan* (Münster: Lit, 1997), pp. 45-78, esp. 73-4.

peace agreement with Saddam Hussein in March 1975 and stopped his support of the Kurds. This caused the collapse of the Kurdish insurrection, but some 50,000 refugees were welcomed in Iran. By the end of the decade, Iran was at least conniving in, and probably supporting, a low-intensity guerrilla movement by the revived KDP under Barzani's sons Masud and Idris, and Syria supported Talabani's PUK (which had been established in Damascus and moved its headquarters to the Iraqi-Iranian border in 1976). The Islamic revolution did not bring about any major changes in Iran's attitude towards the Iraqi Kurds: relations with the KDP remained most cordial (to the extent that the KDP helped the Iranian regime militarily against the Iranian Kurds), but both parties were in regular communication with Iranian intelligence organisations. During the Iran-Iraq war, Iran encouraged the Iraqi Kurds to extend their activities and bring parts of the Kurdish region under their control.[29] The Revolutionary Guards established a liaison office (the Qarargah-i Ramazan) that coordinated military actions with the Kurdish parties. The Qarargah-i Ramazan still exists and is presently based in Sulaymani. It is believed to be the centre of Iran's intelligence operations in northern Iraq.[30] Besides, there are also Iranian liaison officers in Barzani's headquarters at Salahuddin.

Iran sees the American occupation as a serious threat to itself and perceives the encirclement of Iran as one of the objectives of America's war on Saddam. Like Turkey, it does not wish to see Iraq dismembered, and it has been using its influence with the Kurdish parties to counsel them a course of moderation and reintegration in Iraq rather than further separation. Iran has been accused of supporting the radical Islamist Kurdish group Ansar al-Islam, allowing them to retreat into Iran when they were almost wiped out by a joint PUK/US operation in March 2003 and to infiltrate Iraq again after the war.[31]

Turkey's covert involvement with the Iraqi Kurds also goes back a long time. It has never actually supported them, but there has been intelligence liaison since the 1960s. In the late 1970s, Turkey and Iraq signed a secret agreement allowing their armed forces to cross into each other's territory up to 30 km in hot pursuit of guerrillas. Iraq never had occasion to use this right, but Turkey frequently did so once the PKK, the radical Kurdish nationalist organisation from Turkey, established a presence in northern Iraq. Since 1983 there have been annual raids into Iraqi

29. On this period, see Martin van Bruinessen, 'The Kurds between Iran and Iraq', *MERIP Middle East Report* 141 (1986), pp. 14-27, reprinted in idem, *Kurdish ethno-nationalism versus nation-building states. Collected articles* (Istanbul: The Isis Press, 2000).

30. International Crisis Group, *Iran in Iraq: how much influence?* (Amman/Brussels: International Crisis Group, 21 March 2005), pp. 20-21.

31. Ibid. The ICG researchers consider it likely, in spite of official Iranian denials of involvement and in spite of ideological differences with the Ansar, that powerful circles in Iran support this radical Sunni group. Otherwise, the report is quite sceptical about the frequent claims of heavy Iranian involvement in Iraqi opposition to the American presence.

Kurdistan by Turkish armed forces that were not particularly effective against the PKK but had the effect of projecting Turkey's influence into the region. Many analysts are convinced that it was not only or not even primarily the PKK that was the objective of these operations but the protection of Turkey's strategic interests in the region – in other words, preventing the Kurds of Iraq from achieving a status resembling independence. In retrospect, Turkey was not very successful in this aim either. Improving the status of the Turkmen in Iraq appears not to have been a high priority objective of Turkey, although the plight and rights of the Turkmen have been prominent in public discourse. They provide Turkey with justification for its involvement but the real objective is to prevent developments that might give the Kurds of Turkey an incentive to work towards separation.

Turkey continues to express a vital interest in developments in northern Iraq, but its decision not to take part in the war on Saddam and its desire to join the EU have acted as brakes on the military's desire to play a more active role. There is an ambiguity in Turkey's relations with the Iraqi Kurds. For ideological reasons, most of the political and military élite consider significant Kurdish autonomy, let alone independence, unacceptable. On the other hand, Turkey has accorded the KDP and PUK a higher degree of recognition than most other countries; both have had high-level representatives in Ankara since the early 1990s. The Khabur border crossing between Turkey and Iraqi Kurdistan has remained open throughout this period (with a brief interruption during the war), and Iraqi Kurds have been able to cross with documents provided by the Kurdish regional administration. In mid-2004, Turkey announced its intention to open a second border crossing. Trade relations have been mutually beneficial. It is not inconceivable that more Turkish policy-makers will gradually come to see, as the late President Turgut Özal apparently did, that close economic and political ties with an autonomous or even an independent Iraqi Kurdistan might well serve Turkey's long-term interests.

Both Syria and Iran have supported the PKK (in the case of Iran, it is not very clear which segments of the establishment have been involved, most likely the Revolutionary Guards and the intelligence organisation Savama). Throughout the 1990s both countries engaged in periodic tripartite consultations with Turkey concerning developments in northern Iraq, but they have watched Turkey's involvement with concern.

All of Iraq's neighbours are highly concerned about the close relationship that has again been developing between the Iraqi Kurdish parties and Israel. Israeli instructors have since late 2003 allegedly been training Kurdish commando units for special operations against Sunni and Shia militants. Israeli intelligence operatives are also said to be using Iraqi Kurdistan as a basis for covert operations in the Kurdish regions of Iran and Syria, supporting opposition movements and electronically monitoring Iran's nuclear programme.[32] Israeli agents can operate relatively easily in Iraqi Kurdistan because of the historically good relations between Kurds and the Jewish communities of Kurdistan which have migrated to Israel but many members of which have been revisiting the region since 1991.

The PKK

The PKK has had base camps in Iraqi Kurdistan since 1982, well before the raids on police and military posts of August 1984 that are commonly considered as the beginning of the guerrilla war in Turkey. The Turkish Army has carried out numerous air strikes and land operations against these bases but has failed to dislodge the PKK. Under Turkish pressure, the KDP (in whose territory most of the base camps were located) and the PUK have attempted to dissuade the PKK from carrying out guerrilla raids inside Turkey from these bases; the KDP has made a sustained effort to expel or destroy the PKK units in its zone. This does not appear to have had much effect on the PKK's ability to carry on the guerrilla struggle. In the mid-1990s, there were tens of thousands of PKK guerrillas, who moved relatively freely between camps in Iraqi Kurdistan and their mountain camps in Turkish Kurdistan. The PKK was then gaining support among young Iraqi Kurds as well, as disaffection with Barzani's and Talabani's leadership was mounting. There are no estimates of its present influence among Iraqi Kurds.

Following the capture of its leader Abdullah Öcalan in early 1999, the PKK renounced the armed struggle and withdrew its fighters from Turkey into Iraq. Several groups gave themselves up to Turkey, in a gesture meant to build trust — without having the desired effect, however. Other fighters may have moved elsewhere – to Iran, Armenia, various European countries – and some five thousand fighters are believed to remain (but there is no reliable

32. Attention was drawn to Israeli intelligence and special operations activities in Kurdistan in an article by Seymour Hersh in *The New Yorker* of 28 June 2004 ('As June 30th approaches, Israel looks to the Kurds'), based on conversations with American and Israeli intelligence officers.

source on their numbers). Their major military camps are in the Khakurk mountains in the 'triangle' where Turkey, Iraq and Iran meet, in the Qandil range further south on the Iranian border, and in a location yet further south, in PUK territory but out of reach of PUK fighters. One American observer saw them near Khakurk in mid-2004, and noticed they appeared comfortably in control of their mountainous hideouts, taxing surrounding villages.[33]

In the prelude to the American invasion, the PKK made conflicting statements, but after the Americans had occupied Iraq, the party's leadership council made several conciliatory statements. It has sought to approach the American authorities in Iraq and apparently hopes for American mediation in the hoped-for negotiations with Turkey. Neither the KDP nor the PUK has managed to dislodge these hardened fighters from their strongholds; the Americans have never even tried and appear to have given them a low priority among issues to be solved.

In the spring of 2004, the PKK leadership in Iraq announced the resumption of the guerrilla struggle in Turkey, and since then there have been a series of minor incidents in south-eastern Turkey and a few bombings in western Turkey attributed to the PKK. This caused a split among the party leadership and several leading members, including Öcalan's brother Osman, left the PKK to found another organisation.[34]

Besides the guerrilla fighters, there is also a contingent of civilian Kurds present in the region who are considered to be close to the PKK. In April-May 1994, several thousand families from districts just north of the Iraqi border, altogether some 12,000-15,000 civilians, took refuge in northern Iraq. Their region was then subjected to extremely brutal counter-insurgency operations, which, they claimed, made ordinary life impossible. They were settled in a camp in Atrush in the Kurdish-controlled zone, under UNHCR supervision. The majority of these refugees appeared to sympathise with the PKK, and PKK activists appeared to be in control of the camp. About half of these refugees returned to Turkey in the course of the next few years. When Turkey announced a major military incursion into northern Iraq in 1997, the camp was moved further south to Makhmur, in a part of Kurdistan under central government control. The UNHCR continued to monitor the camp.[35]

The camp at Makhmur has acquired the symbolic importance of being the only place where a young generation of Turkish Kurds

33. Michael Rubin, 'The PKK factor: Another critical enemy front in the war on terror'. Dated 5 August 2004 and posted at http://www.benadorassociates.com/article/6378. A year earlier a prominent British journalist had visited a PKK camp in the Qandil mountains with an alleged 5,000 women guerrilla fighters: Jason Burke, 'Daughters of the revolution', *The Observer*, 11 May 2003.

34. The PKK has gone through a few confusing name changes during the past years, apparently in an effort to get rid of the stigma of association with terrorism. It first renamed itself KADEK (Kurdish Freedom and Democracy Congress), then Kongra Gel (Nation's Congress), and most recently PKK again. These changes were not accompanied by any noticeable changes in personnel or organisation. The group that broke away from the Kongra Gel in August 2004 (Osman Öcalan and allies) named its new formation the Patriotic Democratic Party (PDP).

35. The story of the camp is told, from the Turkish point of view, in Över, *Vaat edilmiþ topraklarda*, pp. 193-8.

have been educated in the Kurdish language. The camp ran a school where all classes were in Kurdish. Many families in the camp belong to the Goyan tribe, which was divided by the boundary of 1926. Members of this tribe moved easily across the border and back. In the 1970s, Iraq expelled hundreds of Goyan families to Turkey on the grounds that they were of 'foreign' descent. The Goyan probably were culturally closer to north Iraqi Kurdish tribes than many other Turkish Kurds were. The PKK apparently expected that these refugees would play a role in spreading the party's ideological influence to the surrounding Iraqi Kurdish population.

Reopening the Mosul file

In the past decade and a half, both Turkish and Kurdish politicians have suggested that the settlement of the Mosul question might not be definitive after all, and that there might be a basis in international law for reopening the case. This approach should perhaps be distinguished from the irredentist emotions appealed to by traditional nationalist circles in Turkey that have never given up lamenting the loss of Mosul. It will be remembered that the League of Nations had assigned the vilayet of Mosul to Iraq in 1926, following the advice of a commission that had toured the contested province to assess the wishes of its population, and had found Turkey's claims too weak and the Kurds themselves too divided. Mainstream Turkish politics has since renounced all claims to Mosul (and by implication to the oil of Kirkuk). Kurdish nationalists have recognised that the League's decision on Mosul precluded international support for independence. Around 1991, however, the finality of this decision began to be questioned.

Turgut Özal, who dominated Turkish politics through the 1980s until his death in 1993, first as prime minister and then as the president, had a grand vision of solving Turkey's two major international questions (Cyprus and the Kurds) and leading the country into the European Union as well as making it the major interface between Central Asia, the Middle East and the West. Projecting Turkey's 'strategic sphere of influence' into northern Iraq was part of his vision; unlike his contemporaries, he appeared to believe in cooperation with, not domination of the Kurds. In 1991 he persuaded President George Bush Snr to intervene in northern

Iraq on behalf of the Kurds. He called Turkey 'the natural protector of the Kurds' (*Kürtlerin hamisi*). He spoke several times of 'federation', leaving his intentions ambiguous: some read into his words that he was considering a federation of Turkey's Kurdish and Turkish parts, but it is more likely that he was thinking of a federation between the 'Kurdish entity' in northern Iraq and Turkey, something that appeared to make good economic sense.

The first explicit questioning of the Mosul settlement came from a group of important Kurdish tribal chieftains, who called themselves 'The Mosul Vilayet Council'. They were chieftains who had not previously joined the Kurdish nationalist movement but rather had stayed in an uneasy alliance with the central government throughout the 1970s and 1980s and had been pro-government militia commanders. In 1991 it was these chieftains, and not the KDP and PUK, who had started the Kurdish uprising, and the parties could only regain a measure of control by concluding alliances with them. The Mosul Vilayet Council was established in 1992 and called for an act of self-determination, on the basis of the provisions of League of Nations recommendations that had never been carried out. The League had accepted the inclusion of Mosul in Iraq on certain conditions (including Kurdish education and a degree of self-government), but since these had not been met by the Independent Government of Iraq, the Mosul Vilayet Council argued that the UN, as the successor to the League of Nations, had to review the situation. They hired a Swiss law firm to represent their claim in Geneva.[36] These chieftains, whose leader was Aziz Khidr Surchi of the large Surchi tribe, represented a considerable force in Kurdistan. Several of them have joined Surchi in establishing an independent party, the Kurdistan Conservative Party.[37]

In late 2002 the then Foreign Minister of Turkey, Yaþar Yakýþ, announced that he had ordered his legal office to investigate whether there were legal possibilities of reopening the Mosul file. His successor has refrained from any similar suggestion.

Although the Turkish foreign affairs establishment finds it extremely difficult to even think of a different relationship between Turkey and the Iraqi Kurds, the facts on the ground have changed and have already had an effect on behaviour, if not ideas. The economic development of Iraqi Kurdistan has had a significant positive impact on the economy of eastern Turkey – which became especially clear when the border was temporarily closed at the time of the war. Although the Kurdish Regional Government

36. Relevant documents can be found on the law firm's website, http://www.solami.com/a31.htm.

37. The Surchi tribe controls a large and prosperous area to the north of Arbil, in the region over which the KDP claims control. The Surchi, long-time rivals of the Barzani, tried to maintain a degree of independence by cultivating relations with the PUK, for which they were severely punished in 1996, when the KDP overran their central village and killed the head of the leading family. The Kurdistan Conservative Party was then no longer tolerated in the KDP region and had to operate from the PUK region. It had one minister in the Regional Government at Sulaymani. In February 2005 a ceremony of reconciliation of the KCP and KDP took place prior to talks between the KDP and PUK leaders on the formation of a new joint Kurdish government.

is not recognised, the two parties, KDP and PUK, had liaison offices in Ankara throughout the 1990s, and their representatives have had high-level contacts with the Ministry of Foreign Affairs. The Turkish Army's General Staff was involved in setting up Barzani's Kurd TV satellite station (in an effort to lessen the impact of PKK-affiliated Medya TV). Some influential and well-connected journalists and businessmen in Turkey are pleading for a different analysis of the situation and different policies vis-à-vis northern Iraq. Ilnur Çevik, once one of the movers and shakers of conservative-liberal politics, recently spoke out in favour of 'a Kurdish state umbilically bound to Turkey', which he believed to be in the country's ultimate interest.[38]

Who controls the Kurdish region?

Kurdish party spokesmen like to present Iraqi Kurdistan as a haven of democracy but that should be taken with a grain of salt. The KDP and PUK exert a degree of control of social, political and economic life as well as security that is not unlike that of the Ba'ath party under Saddam Hussein. There is not much of an independent associational life, nor is there a vibrant public sphere. The only significant independent medium is the weekly newspaper *Hawlati*;[39] the daily press and television are almost completely controlled by the parties. There is somewhat more pluralism in PUK-controlled Sulaymani than elsewhere; a number of small parties of different ideological orientations, from Marxism to Islam, are allowed to exist there and engage in various activities.

Between 1994 and 1997, the KDP and PUK fought a civil war, resulting in a strict separation of territory between them (see Map 1). Where prior to the civil war both parties had existed throughout the Kurdish region, though each with a strong regional concentration, after the war each controlled one zone and did not allow the other's activities there. Arbil had been the joint capital, where the Kurdistan National Assembly (parliament) and the Kurdish Regional Government had their seats; in 1996 the KDP, with some help from Saddam's army, dislodged the PUK from Arbil. The deputies and ministers of the Kurdistan Regional Government (KRG) who were affiliated with the PUK henceforth met in Sulaymani, so that to all purposes there were two regional parliaments and two regional administrations. The PUK complemented

38. Interviewed in *Tempo* Magazine, 11 November 2004.

39. Available online, with brief English summaries, at www.hawlati.com.

its administration with some representatives of other currents, including the Islamic Movement of Iraqi Kurdistan (IMIK) and the Kurdistan Conservative Party. IMIK, a non-violent Islamic party influenced by Muslim Brotherhood ideology, also has a strong regional concentration around Halabja. It contested the first free Kurdish elections in 1992 but then remained slightly below the 7 per cent threshold, so that it was not represented in the original Arbil parliament.[40]

The parties appear to have lost considerable popularity among the population at large, in part because of the fratricidal war that they fought, in part because of the flourishing corruption and favouritism, and the incompetence of many officials who owed their appointments to tribal or party affiliation only. Several months before the elections, 46 per cent of respondents in an opinion poll indicated that they would prefer to vote for independent candidates rather than the established parties. When the time to do so arrived, however, few people actually voted (although there were independent candidates). The KDP and PUK had, prior to the elections, reunited their parliaments and regional governments and they took part in the 30 January elections with a combined list that collected virtually all votes.

Electors in the Kurdish-controlled region voted in three separate elections simultaneously (besides the unofficial referendum on independence, which can be considered a fourth poll): for the Iraqi National Assembly, for the governorate council (Duhok, Arbil, or Sulaymani), and for the Kurdistan Regional Assembly. The usefulness of a united Kurdish list in the election for the National Assembly – useful not only to the Kurds themselves but also to their American patrons – was self-evident for it gave them a major influence in the formation of the new Iraqi government. With slightly over 25 per cent of all votes cast and 75 out of 275 seats in the Assembly, the Kurds became the one significant check on Shia power in Iraq and are perhaps in a position to impose the conditions under which they will reintegrate their region into Iraq.

The parties also came out with a joint list for the Regional Assembly, and their control of the media had ensured that hardly anybody knew about alternatives to this list, which received some 90 per cent of the votes. The electorate has had no say in the composition of this list, and by implication in the composition of the Kurdistan Regional Assembly. The parties divided the seats

40. The Islamic Movement of Iraqi Kurdistan should not be confused with the more militant Ansar al-Islam and Jund al-Islam groups, in which some former IMIK members are involved, along with 'Afghan Arabs' who fled Afghanistan after the American attack. On the various Islamist groups in the region, see Michiel Leezenberg, 'Politischer Islam bei den Kurden', *Kurdische Studien* 1/2, 2001, pp. 5-38; International Crisis Group, *Radical Islam in Iraqi Kurdistan: the mouse that roared?* (Amman/Brussels: International Crisis Group, 7 February 2003).

equally among themselves, allotting a few seats to minorities. In the new Kurdish regional government, both parties will hold an equal number of ministries, with an additional three ministers representing Islamist parties, one communist, one Assyrian and one Turkmen.[41]

By the end of April, the new Regional Assembly had not yet been convened, suggesting disagreement between the parties about unification of the Kurdish region. Negotiations about the composition of the Regional Government were also continuing. The KDP and PUK had earlier agreed to one major division of effort between them: the presidency of the Kurdish region would fall to Nechirvan Barzani (Massoud's nephew and 'crown prince', who also controls much of the region's economy), and Jalal Talabani was to be the Kurds' candidate for president of the country. This made good sense: Arab Iraqis have long considered Talabani as the one Kurdish leader who was willing to 'discuss the Kurdish question in terms of Iraqi politics and not as a purely Kurdish one'.[42] Talabani also made efforts to reassure Turkey that the Iraqi Kurds, in spite of their desire for autonomy and a federal Iraq, knew and respected Turkey's concerns and were eager to improve bilateral relations.

Talabani's inauguration as Iraq's president was a major symbolic event, even though the position is largely ceremonial and entails little real power. A Kurdish nationalist has become the head of state in a country that used to vie for leadership of the Arab world. Another Kurd was confirmed as the country's foreign minister: Hoshyar Zebari, who also held this position in the interim government. Zebari is a close relative of the Barzanis, so that both parties have senior-level representatives in Iraq's new leadership. This may persuade the Kurdish political élite that reintegration into Iraq is a rewarding option – as long as it is in the American interest to let the Kurds hold the balance in Baghdad. The widespread desire among the Kurdish population for independence, however, is unlikely to be silenced by such apparent Kurdish gains at the central level.

41. *Hawlati*, 20 April 2005. The Islamist parties joining the regional government are the Islamic Union of Kurdistan (2 positions) and Komal, both of which have come out of the Islamic Movement of Iraqi Kurdistan and both of which have good relations with the PUK and KDP.

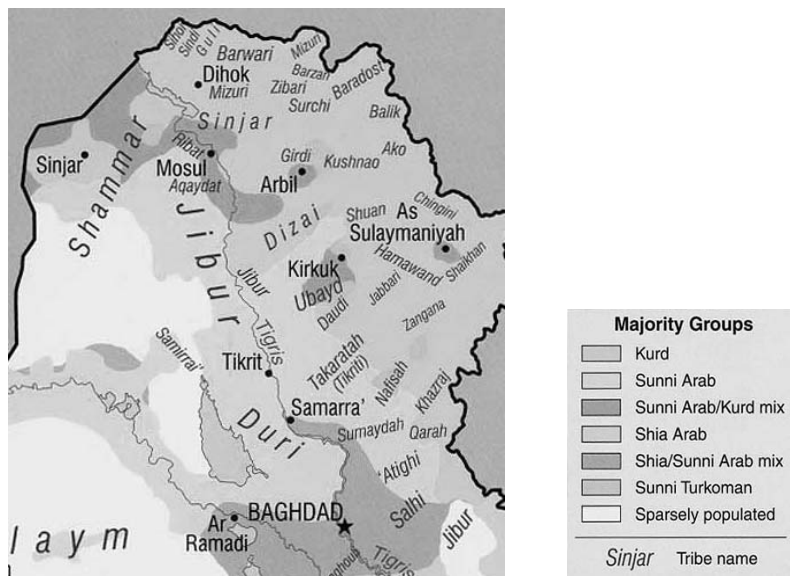
42. Thus the comments of a high Ba'ath official who negotiated with the Kurds as early as 1963, quoted in Sa`ad Jawad, *Iraq and the Kurdish question, 1958-1970* (London: Ithaca Press, 1981), p. 111.

Maps

Map 1: Kurdish areas in northern Iraq
(CIA, *The World Factbook*, 2003)

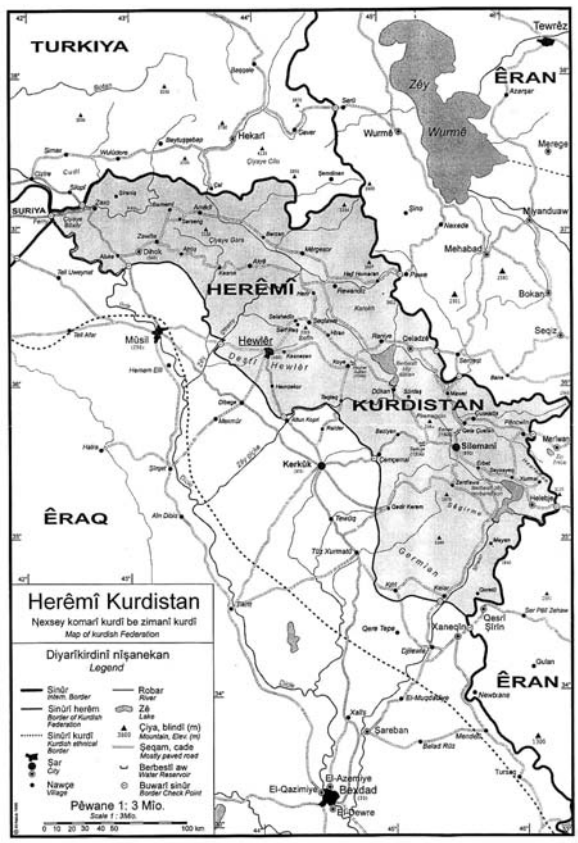
(no longer online at the CIA website, but cached at http://xoomer.virgilio.it/orwell1984/archiviomappe/iraq_kurdish_areas_2003.jpg)

Map 2. Ethnic groups in northern Iraq: Kurds, Arabs, Turkmen (CIA, *The World Factbook*, 2003)

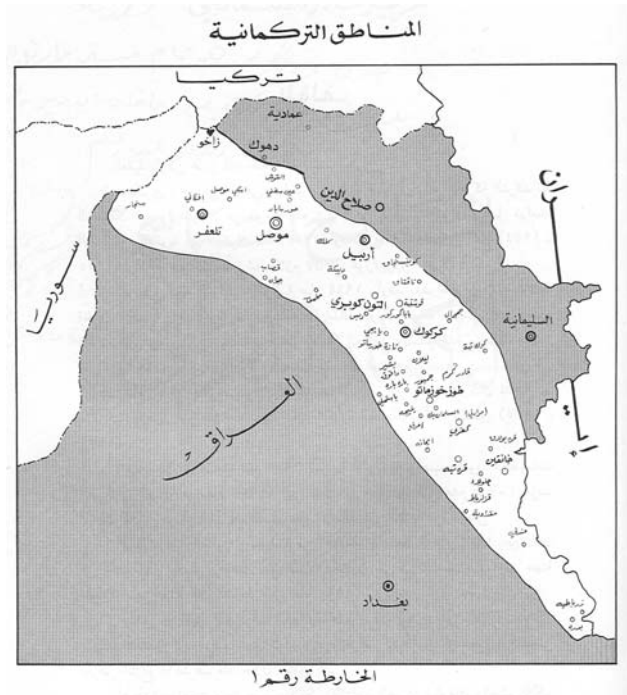


http://xoomer.virgilio.it/orwell1984/archiviomappe/iraq_ethno_2003.jpg

Map 3: Kurdish map of Kurdish areas in northern Iraq, claiming a much larger region as Kurdish



Map 4. Turkmen territorial claims (`Aziz Qadir al-Samanji, *Al-ta'rikh al-siyasi li-Turkman al-`Iraq* (Beirut: Dar al-Saqi, 1999)).



Partir sans partir : quelle politique des Etats-Unis à l'égard de l'Irak ?

Jean-François Daguzan

4

> « Nous avons pris l'engagement de vaincre le terrorisme à travers le monde. Nous avons pris l'engagement de remodeler le Moyen-Orient pour que la région cesse d'être le foyer du terrorisme, de l'extrémisme, de l'anti-américanisme et des armes de destruction massive. Les deux premières batailles de cette nouvelle ère sont aujourd'hui terminées. En Afghanistan comme en Irak, nous avons remporté une victoire décisive et honorable. Mais ce ne sont que deux batailles. La guerre contre la terreur et les États terroristes ne fait que commencer. »[1]

Ce communiqué de victoire, publié à la mi-2003 par William Kristol et Lawrence Kaplan, est en droit de laisser sceptique l'observateur européen, même si ses auteurs laissent l'avenir pour le moins ouvert. Ces clameurs de succès ont réapparu avec les élections irakiennes autour de ce « Bagdad année zéro », selon les termes de Hakim Ben Hammouda[2]. La route a bien commencé à Bagdad pour paraphraser Kristol et Kaplan, mais vers où se dirige-t-elle pour ce pays et pour les Etats-Unis[3] ? Cette « victoire de la démocratie » n'est-elle qu'une victoire à la Pyrrhus et quelles conséquences peut-elle avoir sur les positions américaines dans ce pays et au Moyen-Orient ? Plus largement, quel impact ces élections et l'attitude américaine qui en découlera auront-elles pour les Etats et la stabilité du Moyen-Orient au sens large ? Derrière le succès (apparent ?) des élections législatives irakiennes quelle voix avons-nous vraiment entendue en Irak à l'occasion des élections du 30 janvier 2005 ? N'est-ce qu'un écho déformé de la réalité ou une distorsion volontaire du son ?

Dans un pays où l'on enlève et assassine les journalistes et où l'information quelle qu'elle soit est d'abord un exercice de manipulation, il faut essayer d'appréhender la réalité sans œillère et savoir ce que l'on peut comprendre des succès (relatifs) de l'administration et des forces de la coalition ainsi que des conséquences que cela entraîne pour l'avenir des Etats-Unis en Irak et, plus largement, au

1. William Kristol et Lawrence Kaplan, *Notre route commence à Bagdad*, éditions Saint-Simon, Paris, 2003, p. 166.

2. Hakim Ben Hammouda, *Bagdad année zéro : au lendemain de la seconde guerre*, Maisonneuve et Larose, Paris, 2003.

3. Kristol et Kaplan, op. cit.

Moyen-Orient. De ce difficile état des lieux, il semble ressortir pour les observateurs optimistes que :

- la tenue des élections a été un vrai pari gagné (même aux Etats-Unis, des voix s'élevaient pour leur report) ;
- les Etats-Unis assurent une gestion satisfaisante de la violence (1 300 morts en janvier, 1 500 fin avril 2005 ne représentent pas des pertes significatives pour l'instant au regard du drame vietnamien, par exemple, 58 000 en 12 ans) ;
- le nettoyage des villes sunnites de la rébellion (Falouja, Samara, Takrit, etc.) a été réussi ;
- en dépit des attentats, des attaques de convoi, de la professionnalisation de la guérilla, la situation tactique est considérée comme acceptable ou gérable voire en amélioration même si elle est aussi vue comme non stabilisée par certains analystes[4].

Mais, derrière les communiqués de victoire, le succès affiché ne tient-il pas d'une approche superficielle ? En réalité, une victoire définitive des Américains est liée à la gestion positive de plusieurs paramètres :

- la définition d'une constitution consensuelle (mais n'est-ce pas le mariage de la carpe et du lapin ?) ;
- la façon de « partir sans partir », c'est-à-dire d'effectuer un retrait officiel sans perdre les positions stratégiques acquises chèrement sur place ;
- la relation avec la périphérie (Golfe, Iran, Syrie, Turquie) ;
- l'enjeu démocratique global.

Quelle constitution pour l'Irak d'après-guerre ?

Les propositions des think tanks

Depuis la fin des opérations militaires, les centres de recherche américains et les experts rivalisent d'imagination pour donner un nouvel habillage juridique à l'Irak post-guerre et rétablir la stabilité institutionnelle de ce pays.

- L'option radicale, la partition : elle est défendue par des analystes de haut vol comme Leslie H. Gelb (Council on Foreign Relations et de l'International Crisis Group)[5]. Pour cet auteur, reconstituer l'Irak unitaire d'autrefois est une fiction. Il faut entériner la partition de fait entre trois entités : les Chiites, les Sunnites et

4. Voir le dossier « Iraq into the unknown », *The Middle East*, January 2005, pp. 6-13. Thomas X. Hames, « War isn't fought in the headlines : The Iraqi insurgency », *The New York Times*, Friday, 22 April 2005. Tout le monde ne partage pas cet optimisme pour une analyse lucide d'un spécialiste peu suspect d'anti-américanisme ; voir Anthony Cordesmann, *The Developing Iraqi Insurgency: State at end 2004*, CSIS, 22 December 2004, updated, 23 p.

5. Cité par Hosham Dawod, « Irak, l'hypothèque chiite », *Libération* du 1er février 2005. Depuis, Leslie Gelb, président émérite du CFR, a démissionné de la coprésidence de l'IGC.

les Kurdes. C'est la « Three States Option ». Elle schématise les rapports de force et nie une identité « républicaine » irakienne qui pourtant s'est manifestée dans les dernières guerres.

- L'option fédérale : cette hypothèse est assez communément défendue chez les chercheurs américains. Heritage Foundation s'en est faite le héraut[6]. La partition de fait est contrebalancée par un état fédéral de type américain. La complication vient de l'équilibre des pouvoirs fédéraux et surtout du partage des zones géographiques respectives[7]. Brancanti préconise le rattachement de Kirkourk au Kurdistan par exemple. Mais la question de Mossoul peut se révéler plus explosive encore. Antoine Sfeir voit une « libanisation » à grande échelle : c'est-à-dire la communautarisation de la démocratie sous couvert d'une unité factice. « A l'instar du Liban d'après-guerre, plusieurs mois après l'intervention des forces alliées, on observe en Irak le même type de mouvement de population et un éclatement communautaire provisoire, sinon définitif. Se pose alors la question de savoir si les Etats-Unis ne chercheraient pas à remodeler le Moyen-Orient en créant plusieurs Etats croupions fondés sur l'appartenance ethnique »[8].

Constatons qu'un retour à l'Etat unitaire sur le modèle d'autrefois n'est défendu par personne ! Par ailleurs, l'application d'une démocratie majoritaire intégrale conduirait inéluctablement à la victoire de la majorité chiite. Cette « réserve » pose d'emblée les limites affectées à la démocratie représentative par les observateurs occidentaux en général et américains en particulier à l'exercice plein et entier de la démocratie. Cette « menace » (la « démocratie déstabilisante » brandie par Hosni Moubarak) des effets dévastateurs et déstabilisants d'une transposition directe du mode démocratique occidental au Moyen-Orient et, plus largement, dans le monde arabo-musulman est pragmatiquement agitée par les pouvoirs en place (l'Egypte au premier chef, mais elle n'est pas le seul pays à le faire).

Un modèle intermédiaire, mais lequel ?

Ce n'est certes pas un des modèles théoriques cités plus haut qui va émerger des discussions (très difficiles) entre Irakiens et avec les Américains. Un modèle intermédiaire devrait surgir du débat constitutionnel mais, pour savoir quelle forme il peut prendre, il faut tenir compte de trois paramètres :

6. James Phillips, « Sabilizing Iraq after the elections », *Executive Memorandum* n°957, 28 January 2005, The Heritage Foundation, p. 2.

7. Dawn Brancati, « Can Federalism stabilize Iraq ? », *The Washington Quarterly*, Spring 2004, pp. 7-21.

8. Antoine Sfeir, « Le Moyen-Orient dans tous ses états », *Revue internationale et stratégique*, n°53, printemps 2004, p. 122.

- Quelle dose d'autonomie et de pouvoir pour chaque groupe ? Le Kurdistan vit de façon quasi indépendante depuis la guerre du Koweït, il est pour ainsi dire impossible de le réinsérer brutalement dans un système trop unitaire. Le rattachement, demandé par certains, des villes de Kirkourk et même de Mossoul peut être également une revendication à haut risque.
- Quelle dose de Charia dans la Constitution ? Si nul ne doute que la future constitution sera islamique, le problème se pose du niveau de rattachement de ce texte aux préceptes du Coran. Les marges se trouvent entre, d'une part, la constitution algérienne et, d'autre part, la constitution iranienne. Quelle influence aura l'ayatollah al-Sîstânî, sous la bannière duquel le groupe chiite principal a conduit les élections, et à l'autorité morale indiscutable ?
- Quel niveau « d'irakité » dans le texte ? Les observateurs, notamment américains, ont tendance à éliminer un peu rapidement le fait irakien[9]. Huit ans de guerre contre l'Irak, la guerre du Koweït, l'embargo ont créé un sentiment national qui ne disparaît pas d'un claquement de doigts. Les rédacteurs de la constitution sauront-ils préserver cet acquis important, existant même chez les Chiites – (communauté qui subit le plus durement la guerre contre l'Iran sans fléchir) ?

Ces questions posées, d'autres incertitudes viennent peser sur la rédaction de la constitution et l'organisation politico-institutionnelle du futur Irak.

Les incertitudes

- Quel poids les Américains peuvent-ils mettre dans la balance ? Face aux intérêts divergents des groupes irakiens, les Etats-Unis doivent trouver un équilibre entre des desiderata contradictoires et le maintien durable de leur influence (qu'elle soit physique ou politique).
- Quel sort pour les communautés minoritaires ? Le groupe sunnite a perdu un pouvoir qu'il avait acquis avec la fin de l'empire ottoman et la monarchie sunnite imposée par les Britanniques. Cette communauté montre en permanence son pouvoir de nuisance par la poursuite d'une guérilla à l'efficacité redoutable. Elle applique une forme de « négociation par la terreur ». De leur côté, les Kurdes, qui sont les grands vainqueurs de la guerre et le

9. Nous nous rallions à la thèse défendue par des auteurs comme Hosham Dawod ou Pierre-Jean Luizard pour lesquels une véritable identité irakienne existe. Cette « irakité » est niée par l'information américaine qui défend la thèse d'un communautarisme inéluctable et les relais occidentaux aux comportements souvent peu enclins à chercher au-delà de la doxa. Voir, entre autres, l'interview de Pierre-Jean Luizard : « L'Irak est devenu un chaudron infernal », *Les Echos*, 31 janvier 2005.

meilleur soutien des Etats-Unis, doivent trouver un équilibre subtil entre l'envie de grand large (l'indépendance et l'annexion de Kirkourk et Mossoul) et la raison. Qui plus est, le sort fait aux Kurdes et la part que ceux-ci se tailleront dans l'architecture du futur pouvoir irakien intéressent le voisin turc et, plus secondairement, la Syrie et l'Iran. La place kurde dans la constitution n'est pas qu'un problème irakien interne.

Le référendum entérinant le texte constitutionnel sera l'arbitre de l'équilibre acquis ou non. En effet, la constitution ne pourra être appliquée si trois provinces votent contre. Autrement dit, les Kurdes et les Sunnites disposent d'un droit de veto de fait sur le contenu constitutionnel. Tout devra donc être accepté par l'ensemble des acteurs avant que ce texte ne soit approuvé officiellement.

- Le rôle de l'ayatollah al-Sîstânî ne peut être sous-estimé. Cette autorité morale, de la part d'un non-Irakien (d'origine iranienne, il n'a toujours pas de passeport irakien) peut sembler surprenante. Elle tient à la durée de sa présence dans le pays et du rayonnement théologique dans son équilibre et son « quiétisme » considérable que ce Marja (source d'imitation et de référence) donna à la ville de Najaf, sa patrie d'adoption depuis l'âge de 21 ans. Malgré les années de guerre, la communauté chiite lui reconnaît un rôle de conscience qu'il prend à son compte lui-même en se plaçant au-delà du politique dans ses fatwas[10]. Cependant, le fait qu'il n'ait pas refusé de laisser le groupe chiite dominant se placer sous son autorité morale pendant les élections montre bien qu'il souhaite, d'une manière ou d'une autre, participer au débat politique. Al-Sîstânî va influencer la politique en imposant dans la constitution un niveau, à son sens raisonné, de religion – fixant ainsi les limites d'action du religieux dans la gestion du politique. De ce point de vue, il est à l'opposé de Muqtada al-Sadr, qui s'est voulu le bras armé de la communauté en engageant les hostilités contre les forces de la coalition, mais avec les limites tactiques et l'échec qui en ont résulté (défaite militaire, mais survie négociée par les représentants de Al-Sîstânî).

Au final, il ne peut y avoir de résultat constitutionnel opératoire que dans ce que Noha Feldman nomme un véritable « traité de paix », c'est-à-dire un modus vivendi acceptable par tous ou du moins par le plus grand nombre[11].

10. Pierre-Jean Luizard, « Les fatwas « politiques » de l'Ayatollah Al-Sîstânî (septembre 2002-octobre 2003) », *Maghreb-Machrek* n°178, hiver 2003-2004, pp. 109-121.

11. Noha Feldman, « Building out of disorder in Iraq », *Financial Times*, 31 January 2005.

Les Irakiens ont eu le plus grand mal à se mettre d'accord sur un gouvernement intérimaire. Un difficile équilibre des forces a été partiellement trouvé : un Kurde, Jalal Talabani, est président de l'Irak ; un Chiite religieux modéré, Ibrahim Al Jafaari, est Premier ministre. Mais tout reste à faire, car de la rédaction de la constitution dépend l'enjeu définitif – c'est-à-dire un modus operandi et un modus vivendi pour l'ensemble des Irakiens et la fin de la violence. Les délais annoncés pourront-ils être tenus et, surtout, un accord de toutes les parties (y compris la guérilla baasiste) pourra-t-il être trouvé – condition sine qua non d'un retour à la stabilité ? Talabani ne s'y est pas trompé qui a déjà proposé l'amnistie à la guérilla qui n'a pas de « sang civil » sur les mains[12]. Ce but atteint, se posera alors la question cruciale pour les Etats-Unis de savoir comment partir sans partir. Autrement dit, comment garantir la victoire stratégique dans la durée.

Les options américaines après le référendum

L'option de base : Partir sans partir ou résoudre la quadrature du cercle

Le processus électoral et constitutionnel irakien doit permettre aux Etats-Unis de démontrer qu'un gouvernement et des institutions stables et responsables ont été établies et que le « boulot » a été achevé, pour paraphraser l'aphorisme en vogue avant la guerre outre-atlantique : « We have to finish the job ! », en référence à la guerre du Koweït, au père de l'actuel président et à une tâche jugée inachevée. Cette phase devrait naturellement déboucher sur le départ des forces de la coalition.

En effet, d'une part, la présence des forces d'occupation est un des facteurs principaux de la poursuite de la violence et, d'autre part, il est évident pour tous que les Etats-Unis s'épuisent à maintenir le corps expéditionnaire sur place. Cette présence de longue durée affecte considérablement les capacités militaires même des Etats-Unis puisque, pour 150 000 hommes environ sur place, il faut compter également ceux qui se reposent de leur rotation, et ceux qui se préparent à partir. Autrement dit, c'est presque toute la capacité opérationnelle des Etats-Unis qui est sollicitée, alors que les vocations à l'engagement ou à la réserve se font de plus en plus rares. Un problème qui concerne aussi les Britanniques.

12. Ellen Knickmeyer, « Talabani offers amnesty to insurgents », *The Washington Post*, Friday, 8 April 2005, p. A22.

Mais, il y a bien évidemment un autre aspect tout aussi important stratégiquement parlant : les Etats-Unis n'ont pas fait cette guerre pour abandonner l'Irak une fois la guerre finie. L'enjeu à la fois politique (faire évoluer la région dans le sens souhaité par les Etats-Unis) et économique (piloter le pétrole irakien) est trop important. Obligée symboliquement de disparaître, la puissance américaine ne le peut réellement.

Cette aporie est au cœur de la stabilité future de l'Irak et de la région. C'est pour cela que des bases américaines (16 selon Saad Jawad[13]) sont en construction dans le désert irakien. Quitter les villes au plus tôt, dès que la situation le permet et se replier « à la campagne » dans une espèce de statut de Guantanamo[14] ou des bases créées dans le cadre d'accords de coopération plus classiques (comme avec le Maroc ou l'Espagne autrefois) semble la solution choisie par les stratèges américains. Mais ce faux départ est-il vraiment acceptable à la fois pour le gouvernement irakien et pour la guérilla ? Bien entendu, de telles situations existent au Koweït, au Bahreïn et au Qatar. Cependant, ce qui est acceptable (avec des difficultés) pour de petits Etats, l'est beaucoup moins pour les grands. On se souviendra que l'émergence de Ben Laden et d'Al-Qaida a été liée à l'installation des Etats-Unis en Arabie saoudite après la guerre du Koweït. La présence américaine crée donc un abcès de fixation durable et d'instabilité. L'Irak ne saurait échapper à cette logique.

Pour Zarkawi et les troupes d'Al-Qaida, cette situation ne changerait rien. Le Jihad ne ferait que changer de cible. Pour la guérilla baasiste, la situation n'est pas plus acceptable : remplacer une occupation visible par une présence plus discrète n'altère pas au fond la nature de leur combat. Seule une négociation avec le pouvoir en place peut faire évoluer leur position. Enfin, le gouvernement irakien, quel qu'il soit, sera placé en porte-à-faux. Comment justifier de sa propre souveraineté si le premier acte gouvernemental est d'entériner l'état de fait créé par la guerre ? Un accord signé en bonne et due forme n'y changera rien. Il sera perçu par tous comme léonin[15].

William Pfaff affirmait que « The United States is already unable to govern Iraq », l'Irak est ingouvernable par les Etats-Unis[16] alors même que James Dobbins et Michael O'Hanlon considèrent que le retrait est irresponsable[17] « ou pire »[18].

Au bout du compte, l'option « partir sans partir » est-elle tenable ? Edward Luttwack lui-même, peu soupçonnable de mollesse,

13. Saad Jawad, « The real issues in Iraq's premature elections », *Financial Times*, 26 January 2005.

14. Les Etats-Unis occupent un très grand terrain près de la ville de Guantanamo suite à un bail léonin passé avec le gouvernement cubain en 1903. De leurs côté, les Britanniques ont négocié des « bases de souveraineté » (c'est-à-dire sans limite de temps ni d'action) lors de l'indépendance de Chypre.

15. « It is also clear that even the segments of Iraqi Society that tolerate Coalition forces as a necessity today want them out as quickly as is practical. » Anthony Cordesmann, op. cit., p. 20.

16. William Pfaff, « The only option for Iraq », *International Herald Tribune*, Monday 31 January 2005.

17. Michael O'Hanlon, « A sunni role is essential in new Iraq », *Financial Times*, 17 January 2005.

18. James Dobbins, « Iraq: Winning the unwinnable war », *Foreign Affairs*, January/February 2005, vol. 84, n° 1, p. 18.

mais historien et stratège lucide, paraît en douter[19]. Alors comment partir au mieux ?

Comment partir ? (Un peu, beaucoup....)

- Les conditions et les critères d'un retrait américain ont été posées par des acteurs ou des observateurs : l'International Crisis Group suggère la « distanciation » (éloignement physique par le départ des forces américaines et la distance politique en donnant au gouvernement irakien une véritable indépendance perçue à la fois à l'intérieur et à l'extérieur de l'Irak)[20].
- « L'irakisation » est la formule préconisée par Donald Rumsfeld. Ce concept implique la remise de la poursuite de la guerre à une armée irakienne (dès qu'elle sera opérationnelle) et l'autonomie des services de renseignements. Cette notion d'irakisation rappelle douloureusement la « vietnamisation » de la guerre, qui a servi, il y a trente ans, à couvrir le départ des forces américaines du Vietnam avec au bout, la défaite.
- La Rand Corporation, James Dobbins et l'ICG préconisent la mise en place d'un « envoyé spécial »[21], d'un « tiers de bonne foi » ou d'un « senior official », connu pour ses capacités de négociation et qui, accepté par les deux parties, assurerait, dans la meilleure des neutralités possibles, le suivi du retrait et l'exécution de ses conditions. Le retrait se ferait sur la base de deux souverainetés égales ; enfin, Dobbins verrait bien la réinsertion des Nations unies dans le jeu politique et diplomatique qui mettrait en place un « Groupe consultatif spécial » chargé du suivi du retrait.
- D'autres proposent d'annoncer un calendrier et les conditions politiques accompagnant ledit retrait ainsi que celles de l'après-retrait. (Henri Kissinger et George Schultz verraient en outre un retrait « basé sur des performances »[22], c'est-à-dire lié aux succès de la lutte contre la guérilla, à la réduction des factions, à la réalité de la prise en charge du pouvoir par les Irakiens, etc.).

Au final, c'est un processus sur le fil du rasoir qui pourrait être mis en œuvre. Il n'est possible que si de véritables avancées politiques et militaires sont réalisées dans les mois qui viennent. Ce qui ne semble pas pour l'heure évident, tout du moins concernant la partie militaire et policière de la question[23] et ce, même si les sirènes de l'optimisme se sont remises à retentir[24] .

19. Edward Luttwack, « Iraq: The logic of Disengagement », ibid., pp. 33-34.

20. « What can the U.S. do in Iraq ? », *Crisis Group Middle East Report* n°34 Amman/Brussels, 22 December 2004, pp. 15-18.

21. James Dobbins, « L'Amérique ne peut pas gagner cette guerre », *Le Monde*, 29 janvier 2005.

22. Henri Kissinger et George Schultz, « Election in Iraq: A rout is not an exit strategy », *International Herald Tribune*, Wednesday, 26 January 2005.

23. « The threat may not be quantifiable in net assessment terms, but it is also clear that Iraqi forces will remain a fraction of what is needed through at least mid-2005 and probably deep into 2006 ». Anthony Cordesmann, op. cit., p. 20.

24. « We have to support it with a mass force as long as necessary, and then to withdraw at as rapid a pace as is prudent. We can never totally abandon it and if the government fall we'll have to go back in. Because we never, ever, ever again allow any area to become a sanctuary for Islamist, organized Islamist terror. (...) I don't believe we have the option of a rapid, complete disengagement from Iraq. » John Lehman, Transcript of event (remarks and panel discussion) to celebrate the 2005 re-issue of *Every War must end*, by Dr Fred C. Iklé, CSIS, 1 March 2005, pp. 16-17.

Cette situation ambiguë, qui a toutes les chances de perdurer, ne peut qu'avoir des conséquences fortes sur l'ensemble de la région.

Conséquences régionales

L'impact sur la stabilité

Les analystes américains et, plus largement, occidentaux, ont profité de la guerre d'Irak pour proposer le remodelage stratégique du Moyen-Orient. Ces propositions peuvent prendre parfois les formes les plus inattendues.

Kenneth Pollack, qui fut dix années durant, un des plus acharnés des analystes américains à la destruction de Saddam Hussein, défend désormais l'idée d'un « condominium de sécurité » associant sous la houlette américaine les différents pays intéressés à la sécurité du Golfe arabo-persique, dont les Iraniens – qui feraient ainsi la démonstration de leur bonne volonté de coopération[25]. De son côté, Yitzhak Nakash prône désormais une alliance des Etats-Unis avec les Chiites irakiens pour contrer la menace saoudienne[26]. Quant à Alexandre Adler, il voit parmi les six puissances d'un monde à venir (Amérique, Chine, Europe, Iran et Turquie, Amérique du Sud, Cœur islamo-arabe) l'émergence d'un « califat sunnite » ou « bloc sunnite » qui s'articulerait autour du Pakistan, de l'Arabie saoudite et de l'Egypte (et qui assurerait la tutelle d'un futur Etat palestinien) – ceci représentant la « victoire posthume de Ben Laden »[27]. Enfin, le roi Abdallah de Jordanie met l'accent sur la menace latente que représenterait le « Croissant chiite »[28].

Depuis le 11 septembre et ses 11 kamikazes saoudiens, l'Arabie saoudite est le pays qui a subi l'onde de choc la plus forte. A cette date, déjà, des voix s'étaient élevées pour demander le châtiment de ce pays – Laurent Murawiec, Français travaillant pour les think tanks radicaux américains, allant jusqu'à suggérer la partition en cinq entités distinctes[29]. Le départ des Américains, la fermeture des bases et le redéploiement en Irak a sans doute été, en partie, une réponse à la crise de confiance saoudienne. Mais il semble aussi évident que les Etats-Unis n'ont pas voulu aller plus loin dans la déstabilisation de ce pays. Trop d'intérêts sont en jeu. Désormais, les deux pays semblent vouloir étouffer les ressentiments. L'Arabie saoudite, qui paye comptant le prix de la lutte contre Al-Qaida et

25. Kenneth Pollack, « Securing the Gulf », *Foreign Affairs*, July/August 2003, vol. 82, n° 4, pp. 24-26.

26. Yitzakh Nakash, « The Shi'ites and the future of Iraq », ibid., pp. 27-41.

27. Alexandre Adler, *L'Odyssée Américaine*, Grasset, Paris, 2004, pp. 194-195.

28. Sibylle Rizk, « Les régimes arabes inquiets de la percée chiite », *Le Figaro*, 31 janvier 2005.

29. Laurent Murawiec, *La guerre d'après*, Albin Michel, Paris, 2003.

subit les effets négatifs de la crise irakienne, s'engage dans un modeste mais réel processus démocratique.

La Syrie et l'Iran, qui étaient les cibles suivantes, du moins sous l'angle diplomatique des faucons, ont été les grands bénéficiaires du chaos irakien. Certes, les opérations militaires à peine terminées, la pression s'est exercée sur ces deux pays, mais les difficultés en Irak n'ont pas permis aux Etats-Unis de les maintenir au niveau initialement souhaité. Demeurent pour Damas l'injonction de quitter le Liban, pour Téhéran la pression internationale pour l'abandon de tout programme nucléaire militaire, et pour les deux pays celle de cesser tout soutien au Hezbollah. L'assassinat de Rafik Hariri en mars 2005 a été l'occasion pour les Etats-Unis et la France de pousser les forces syriennes hors du pays du Cèdre. Même si la capacité d'influence (et surtout de nuisance) syrienne demeure forte, il n'en demeure pas moins que cette affaire (l'assassinat puis le retrait) est le signe d'une désagrégation notable du pouvoir alaouite. Le choc irakien peut-il produire un choc syrien en retour, qui conduirait à l'éclatement du pouvoir et au grand retour des Frères musulmans ? Si les Etats-Unis se satisfont d'une Syrie faible, peuvent-ils se payer le luxe d'une implosion de type irakien alors même que la situation en Irak est loin d'être stabilisée à cours et, peut-être, moyen terme ?

Les relations entre l'Iran et les Etats-Unis se caractérisent par une situation où chacun souffle le chaud puis le froid : le chaud quand l'Iran a tout intérêt a maintenir l'Irak dans la déstabilisation pour bloquer les velléités américaines à son endroit et lui interdire d'affermir sa position dans le Golfe ; le chaud quand les Etats-Unis mettent la pression sur le nucléaire iranien, initiative européenne ou pas ; le froid quand l'Iran verrait bien au bout du compte un Irak plus chiite et donc plus disposé au compromis ou, du moins, la fin d'une menace stratégique ; le froid quand les lobbies du pétrole américains veulent revenir dans le jeu iranien. Au bout du compte, en dépit des discours maximalistes de part et d'autre, se profile peut-être à terme l'hypothèse d'un retournement d'alliances, mais cela prendra du temps. D'un point de vue purement tactique, la situation irakienne gèle les relations entre les deux pays pour une durée indéterminée. La suite sera déterminée par le mode de sortie de crise (et d'Irak) choisi par les Américains ou imposé par les circonstances.

D'autres analystes voient dans les soubresauts de l'après-guerre un risque « d'ethnisation » du Moyen-Orient. Volontairement ou

non, la politique ou la non-politique américaine conduirait à un repli identitaire des communautés des différents pays. Chacun se regroupant autour de sa bannière (Chrétiens, Chiites, Sunnites, Druzes, Alaouites, Kurdes, etc.). Les Etats-Unis, au final, créeraient un « Liban » à l'échelle du Moyen-Orient, suggère avec inquiétude Antoine Sfeir[30].

Dans tous les cas, avant l'avènement du scénario le plus noir, la division devrait demeurer la règle entre les différents Etats arabes quant à la conduite à tenir vis-à-vis de la guerre et de ses conséquences. Le sommet avorté puis raté de la Ligue arabe à Tunis en 2004 a montré plus que jamais des positions divergentes voire antagoniques. Ahmed Taheri distingue trois groupes en conflit : un groupe formé de l'Algérie, du Maroc et de la Jordanie appuyant le nouvel Irak et les réformes démocratiques, un groupe composé de l'Egypte et de l'Arabie saoudite défendant des mesures « cosmétiques » et, enfin, un groupe comprenant la Syrie et le Soudan arc-bouté sur le Panarabisme et les valeurs islamiques pour faire pièce à la domination occidentale[31]. La fragmentation demeure la règle, tant dans la perception des choses au plan international qu'au sein des sociétés et des Etats.

L'enjeu démocratique

Les régimes arabo-musulmans et surtout arabes ont vu la campagne d'Irak avec inquiétude. Les intentions américaines affichées de « démocratisation coercitive » refroidissaient les ardeurs des plus farouches défenseurs des Américains. Par ailleurs, si les difficultés et les pertes de la coalition en Irak n'ont pu que nourrir la discrète satisfaction de certains, il n'en demeurait pas moins que tous appréhendaient les effets de cette crise majeure sur leur devenir personnel. De fait, la guerre d'Irak pose plusieurs questions de fond aux pays arabo-musulmans.

La première est celle de la démocratie. A cet égard, le résultat de l'Irak, en fin de compte, peut donner le rythme de l'évolution démocratique de la région moyen-orientale. Ou le pari américain est gagné et un cercle vertueux peut, le cas échéant, s'enclencher ou alors la région poursuivra sa route dans l'équilibre instable autoritarisme/islamisme déjà en mouvement mais plombé des ressentiments de l'affaire irakienne. « Dire que le futur de l'Irak est incertain n'est que formuler des évidences », affirme Ahmed Taheri ; « ce qui demeure moins évident est le futur pouvoir d'exemple de l'Irak

30. Antoine Sfeir, op. cit.

31. Ahmed Taheri, « Thinking to Liberation », *The National Interest*, n° 76, Summer 2004, p. 29.

sur le reste du Moyen-Orient. Si la démocratie ne parvient pas à s'implanter, elle échouera presque certainement dans le reste de la région. Sommes-nous prêts à accepter cela ? »[32].

L'autre question, corrélative à la première est que, globalement, les opinions publiques sont largement gagnées par l'islamisme politique (on ne parle pas ici d'islamisme spécifiquement radical), mais ce courant politique tend à s'imposer actuellement comme la seule alternative à des régimes à bout de souffle. De ce point de vue, les victoires politiques écrasantes des islamistes en Turquie sont là pour le démontrer. Les États arabes demeurent donc confrontés à cette aporie décrite, entre autres, par Henry Laurens : la démocratie favorise l'islamisme politique – l'autoritarisme, l'islamisme radical[33]. Avant même le départ des Américains d'Irak, cette question est déjà posée dans ce pays.

Ainsi la guerre et l'après-guerre d'Irak posent la question de la survivabilité des régimes autoritaires et de leur transformation politique. L'enjeu se trouve dans le niveau de dialogue que ces États seront capables de produire avec leurs opinions publiques et dans la relation que les gouvernements seront capables d'avoir avec les Etats-Unis. Déjà, dans certains pays comme en Égypte, les espaces de liberté laissés aux islamistes se renforcent discrètement. « La reconstruction des États avec des sociétés civiles et non pas contre est finalement le défi »[34], note Jean Leca. L'État néo-patrimonial vivrait-il ses dernières années ou montrerait-il une fois de plus sa capacité de résistance et de mutation – de « résilience » pourrait-on dire ?

Le retour du « printemps arabe » et du « printemps américain » ?

Après une période de doute sévère, les politiques américains et les néo-conservateurs semblent voir réapparaître leur « printemps » (comme on avait pu parler en son temps d'un « printemps arabe »).

De fait, les néo-conservateurs relèvent aujourd'hui la tête. Les tenants de l'interventionnisme ont vu dans la tenue d'élections consécutivement en Palestine, en Afghanistan et en Irak, la confirmation de la victoire de la « démocratie coercitive ». Plus récemment encore, les premières élections municipales (exclusivement masculines) en Arabie saoudite (21 avril 2005) ont renforcé ce sentiment de ce que quelque chose était en train de bouger dans le

32. Ibid. p.29.

33. « Il n'en existe pas moins, dans l'immédiat de forts obstacles à la démocratisation. Si elle paraît imposée à l'extérieur, elle se heurtera à un nationalisme actif qu'il soit ethnique – régional ou arabe – ou islamique. Au-delà, en raison de la nature anthropologique de la société – dite segmentaire – et de la répartition sociale des biens, la démocratisation s'accompagnera certainement d'un développement de clientélisme effréné, mené par des chefs, et tempéré, si l'on peut dire, par l'apparition par période de mouvements radicaux dans leurs programmes comme dans leurs actions. On voit ce type d'évolution se dessiner actuellement à l'intérieur même des systèmes autoritaires en place. » ; Henry Laurens, *L'Orient arabe à l'heure américaine : de la guerre du Golfe à la guerre d'Irak*, Armand Colin, Paris, 2004, p. 291.

34. Jean Leca, « Récits et contre-récits de représentations politiques, sociales et religieuses au Moyen-Orient », Fondation pour la recherche stratégique, *Annuaire stratégique et militaire 2003*, Odile Jacob, Paris, p. 120.

monde arabo-musulman. Un « printemps américain » suivrait donc le printemps arabe !

La démocratisation des Etats autoritaires, et désormais « la quête de la liberté », telle que l'exprime George W. Bush dans le dernier discours sur l'état de l'Union[35], semble être aussi un objectif maintenu. La version du Greater Middle East, endossée par les chefs d'Etat du G8 au sommet de Sea Island (Géorgie – USA) sous le nom de « Broader Middle East », fait néanmoins l'impasse sur la notion de démocratie imposée, peut-être en raison de la présence de la France[36]. Cependant, cette vision du monde demeure dans l'esprit des Américains, notamment après le « succès » des élections en Irak. Avec l'avènement de l'administration W. Bush II, Condoleeza Rice semblait vouloir annoncer une ère moins marquée par les rapports de force (discours de Paris) ; reste à savoir quel degré d'idéologie est celui de la nouvelle et puissante chef du département d'Etat. Reste aussi à savoir si l'Europe sera également à même de peser sur ces processus.

La région demeurera-t-elle sous hégémonie américaine ? Cette hégémonie, au sens d'une présence non légitime de la puissance extérieure, Jean Leca la voit dans la durée[37]. Mais, même s'il s'agit d'une hégémonie relative. Tout va dépendre du « partir sans partir ». Ou les Etats-Unis parviennent à comprendre que le succès de leur entreprise dépend finalement de la fin de la présence militaire terrestre au Moyen-Orient (la flotte américaine devrait pouvoir assurer une sécurité globale satisfaisante) et une véritable évolution politique et stratégique peut devenir possible ; ou bien ce pays s'installe dans le rôle de pompier-pyromane (dont on il a déjà été qualifié) et ce, sur le long terme. De ce point de vue, la façon dont les Etats-Unis vont gérer la crise irakienne et leur mode de sortie « du chaudron infernal » décrit par Pierre-Jean Luizard[38] seront déterminants pour évaluer leur politique à moyen terme pour toute la région et, en miroir, celle de l'ensemble des Etats parties prenantes.

35. George W. Bush, discours du 20 janvier 2005; « Mais c'est le but à long terme qui est vital (...) et c'est de propager la liberté. » Conférence de presse du 26 janvier 2005, *Le Monde*, vendredi 28 janvier 2005, p. 6.

36. G8, « Partnership for Progress and a Common Future with the Region of the Broader Middle East and North Africa », Sea Island, Georgia, June 9, 2004.

37. Jean Leca, op. cit. p.120.

38. Pierre-Jean Luizard, « L'Irak est devenu un chaudron infernal », *Les Echos*, 31 janvier 2005.

The EU and Iraq

Álvaro de Vasconcelos

5

The US intervention in Iraq revealed the enormous difficulty that the EU faces in its attempt to forge a common foreign policy in a context of serious divergences with the United States. The Iraq crisis encouraged many groups to believe that the EU should stay out of Iraq: for some, keeping a distance was necessary because it was deemed impossible to define a common stance on postwar Iraq; others wanted to avoid helping Bush in any way and thereby contribute to his re-election. With President Bush's electoral victory the latter argument is no longer valid, and what is more, the gravity of the crisis in Iraq imposes a duty on the EU to define a policy for solving it. President Bush's visit to Brussels in February 2005 did not do away with existing divergences over Iraq, although there is a clearer consensus that the Union should be involved in the resolution of the crisis using its soft power instruments. This is what the US president sought to gain from his visit to Europe. For some time now, various American analysts have noted the importance that the United States attaches to European soft power, with a view to establishing a division of labour in which the United States continues to hold a monopoly on hard power. Andrew Moravcsik, for example, argues that the European Union should abandon any attempt at transcending the civil power role, which it would be well advised to perform as a supplement to the exercise of US military power: 'Rather than criticising US military power, or hankering after it, Europe would do better to invest its political and budgetary capital in a distinctive complement to it. European civilian power, if wielded shrewdly and more coherently, could be an effective and credible instrument of modern European statecraft, not just to compel compliance by smaller countries but perhaps even to induce greater American understanding. Europe might get its way more often – and without a bigger army.'[1] This seems to reflect the view of the Bush administration today. But there is no evidence to suggest that Europeans are disposed to accept such a division of labour, nor that they have agreed on the future of Iraq. Conse-

1. Andrew Moravcsik, 'How Europe can win without an army', *Financial Times*, 3 April 2003.

quently, the fundamental questions remain unresolved: what kind of involvement – economic, civilian or military or all of the former; what degree of European commitment; should there be a direct alliance with the United States, or should the framework be multilateral? Although the member states of the EU presented a united front during the visit of the US president, they have still to find satisfactory answers to these questions; nor have they overcome the divergences with the United States that emerged after the latter's military intervention. There is awareness not only of the need to normalise relations with the United States, but also of the fact that the resolution of the Iraq crisis is in the interests of the European Union for a number of reasons, notably:

- the suffering of many Iraqis in the current situation;
- the regional repercussions of disintegration or the triumph of an authoritarian outcome, particularly for Iraq's neighbours, and especially for Turkey, a candidate for EU membership;
- the impact of the crisis on public opinion in the Arab countries, which are important EU partners.

A common view of the Iraq crisis?

A democratic domino effect from Iraq is highly unlikely, given the way in which the current process of change was initiated and given the rejection of so-called 'democratic interventionism' by large segments of society in neighbouring countries. The 30 January elections did not solve the crisis, and many issues central to the process of political transition remain unresolved. Further, the security of the civilian population has of course yet to be assured. A significant number of Iraqis from Kurdistan and the mostly Shia south turned out to vote – a fact worth noting in light of the reigning climate of insecurity. However, this does not automatically guarantee peace, as the examples of Angola and Haiti, where violence and war broke out again after the first free elections, show. The Sunni dominated central part of Iraq saw much lower levels of electoral participation, and this is where support for armed resistance against US forces is strongest. The Sunnis are not involved in the political process. The results of the elections in the north showed a resounding victory for the Kurdish coalition, which gained more than 90 per cent of the vote (25 per cent of the total votes). In the south the Unified Iraqi Alliance, backed by Ayatollah Ali al-Sistani, also garnered 90

per cent of the votes (48.1 per cent of the total votes).[2] There was no real electoral pluralism in any of these areas of the country, however, despite the large number of competing parties and high voter turnout. The larger national political questions have yet to be addressed, be it the shape of the Iraqi state – a matter on which there is little consensus – or the protection of citizens' rights. The future constitution, which will have to emerge as a result of a consensus among all the relevant political currents in the country, should resolve these foundational issues, but this can only happen if there is a real desire to discuss a democratic Iraq or indeed an Iraqi state.[3]

European policy must be built on an analysis of the situation on the ground, and should avoid any triumphalism: the difficulties faced by the United States should teach us that such attitudes only lead to a repetition of past mistakes. It is equally essential to realise that external actors can be part of the solution to the crisis, even if they are today also part of the problem. A deepening of the crisis and the possibility of civil war would have dramatic effects on the Middle East as a whole, and Iraq could become even more of a focus for the mobilisation of violent Islamic extremists, as well as a centre of recruitment for the launching of campaigns of violence in other countries. The central aim of a European policy on Iraq cannot be to normalise transatlantic relations but rather to contribute to the resolution of the problems that Iraqis are facing. In the absence of a clear political outlook, the role that the Union may have in Iraq will be seen as supportive of US policy or, alternatively, will reinforce the perception of a division of labour between a 'hard power' United States that makes full use of its military might without much thought for the day after, and a 'soft power' EU that comes to the rescue of the Americans, putting out their fires.

Taking this as the starting point, it is possible to highlight eight fundamental guidelines for EU policy in this domain:

I. *Supporting a sovereign democratic Iraq*. The vision of a sovereign Iraq should be based on a commitment to a democratic Iraq, able to reconcile national aspirations and the need for political liberty, which shows that democracy is not simply an external imposition but rather the best way to ensure the independence of the country. But sovereignty means guaranteeing that the people are able to express their will and command their own destiny. In Iraq, as in other countries of the region, real freedom of choice may well mean the coming to power of forces with which

2. The Independent Electoral Commission of Iraq.

3. On this, see Marina Ottaway, 'Iraq: Without Consensus, Democracy is not the Answer', *Policy Brief* 36, March 2005.

Europeans do not identify. As in other regions of the world, the Union should get involved in the political process, by:

- Supporting political parties in a spirit of pluralism, and backing their consolidation as essential forces in a transition process. A source of inspiration in this instance could be the role played by the German foundations in Southern and Eastern Europe.
- Backing the constitutional process with European juridical expertise, taking advantage of the experience developed in the EU member states in that domain. Law faculties, for instance those of France and Portugal, have been particularly active in Africa.
- Promoting civil society organisations and making them privileged partners in any EU initiatives. A good example might be the initiatives undertaken by the Euro-Mediterranean Partnership.

II. *Prioritising community instruments*. In light of intra-European divisions, the Council ended up delegating the leadership of European policy to the Commission, as it was unable to define a common stance on Iraq. Given the nature of the Union, Commission policy is characterised by the use of the instruments of a civil power. The Commission has participated from Jordan in the humanitarian aid effort, and has supported the political transition within the framework of the UN, budgeting €320 million from 2003 onwards to invest in services, energy and trade. The role played by the Commission in conducting EU policy in Iraq should not only be maintained but also deepened. The Commission has not just worked on humanitarian assistance, but also contributed, as it should, to the political process, supporting the elections with €31.5 million and sending European election specialists and training around 170 local electoral observers. In fact, this is the significance of the next International Conference on Iraq, which will be held as a result of Bush's European visit. That event should serve to define the priorities of the international community's support for the political process. Maintaining the Community dimension of European policy towards Iraq should not mean avoiding the establishment of a clear political orientation; rather, it should serve to ensure the EU's capacity to act on the ground, where international aid is most necessary and where Europe is most wanted

and efficient. Again, if the EU does not define a clear political orientation the International Conference is likely to fail. Over the medium to long term, European relations with Iraq should lead to a bilateral trade agreement, but it does not make sense to propose that Iraq join the Euro-Mediterranean Partnership. Iraq is not a country with a Mediterranean – and therefore a European – vocation as are the countries of North Africa; it is, rather, a Gulf state, which should become a part of European relations with the countries of that region.

III. *Defending human rights and curbing violence against civilians*. One of the main concerns of the EU in Iraq should be the protection of civilians who have been the main victims of violence, originating with groups or political movements that target civilians in terrorist actions, or resulting from so-called 'collateral damage' caused by the action of coalition forces. According to the project Iraq Body Count, the number of Iraqi civilian deaths since the start of the war is between 17,316 and 19,696.[4] The Human Rights Organisation in Iraq estimates the death toll as more than 30,000.[5] In this context, it is obvious that the Union must give special attention to the protection of basic rights and should therefore support the activities of the UN and those of Iraqi non-governmental organisations working to protect human rights and promote the rule of law, the creation of an effective judicial system, and even police forces that are able to protect fundamental rights.

IV. *Prioritising multilateralism*. If there is a crisis that justifies the EU preference for multilateral over bilateral action, it is that of Iraq. Multilateralism in this case clearly means the UN. Even NATO lacks sufficient multilateral public legitimacy to garner support for intervention in the country, given the circumstances surrounding the US intervention and the opposition to the unilateral policy of the Bush administration expressed by a large majority of the European public. The polls clearly show the level of that opposition – 68 per cent of European citizens felt that the intervention was not justified and in only one country (Denmark) among the then 15 EU members was there a majority in favour of intervention.[6] This does not reflect systematic European opposition to war or militant pacifism: it will be recalled that 55 per cent of Europeans favoured EU intervention in for-

4. Iraq Body Count (http://www.iraqboycount.net), 4 April 2005.

5. Bassem Mroue, 'AP: Thousands of Iraqis Estimated Killed', Associated Press, 8 September 2004.

6. 'Iraq and peace in the World', *Eurobarometer* 151, October 2003.

mer Yugoslavia during the conflict in the Balkans.[7] On 15 February 2003, millions of Europeans demonstrated in major cities in Europe, particularly in the countries that supported the intervention, including London, Rome, Madrid and Barcelona. These simultaneous demonstrations – considered the largest since the Second World War – led philosophers Jacques Derrida and Jürgen Habermas to state that the demonstrations 'may well retrospectively enter the history books as a sign of the birth of a European public arena'.[8] Europeans signalled that they wanted a Union able to shape the international order, but in a way that is faithful to its founding values, one that delegitimates power politics and war as a normal instrument of politics in relations between states, not just among the member states of the Union but elsewhere. As the two philosophers say, the Union is not just the fruit of the conscience of the tragedy of two world wars that started in Europe, but also of the experience of loss of Empire and self-criticism regarding the colonial past. Thus, Europeans consider the use of force to be a last resort and prefer international law and multilateral action. In the case of Iraq, and as the polls demonstrate, only multilateral action will be seen as legitimate: when asked who they trusted to rebuild Iraq, 58 per cent of Europeans said they trusted the UN,[9] and only 18 per cent the United States. In the United Kingdom, the numbers are 72 and 20 per cent respectively.[10] All this leads one to conclude that EU action in Iraq must be clearly situated within a UN framework. This also means that there has to be a serious debate about the effectiveness of the United Nations, and of the conditions that will make it possible to establish an efficacious multilateral system. This is particularly crucial when one considers the whole controversy surrounding previous UN interventions in Iraq, namely the management of the sanctions policy.

V. *Supporting parties and civil society structures, and adopting a clear position on political Islam*. Political movements are central to any political transition, and Iraq is no exception. The Union should play an important role in consolidating political forces and civil society organisations, using Commission programmes or private and public institutions of EU member states to that end. For it to do so effectively, it cannot relate only to movements that are similar to those that exist in Europe. The Union must accept that in Iraq, as in the majority of the countries on the southern

7. *Eurobarometer* 39, June 1993.

8. Derrida Jacques and Habermas Jurgen, 'Europe : plaidoyer pour une politique extérieure commune', *Libération*, 31 May 2003.

9. 'Iraq and peace in the World', *Eurobarometer* 151, October 2003.

10. Ibid.

shore of the Mediterranean or in the Gulf, Islamism – be it in the form of political movements or civil organisations – is an unavoidable force, and that there can be no successful transitions that do not integrate non-violent Islamic forces. Such forces should be Union partners and interlocutors just like other political forces that have popular support.

VI. *Helping the United States to withdraw in an orderly fashion*. As emphasised by various analysts and civic figures in the Middle East, including the few that supported the US intervention, it is essential that the United States announce a date for its departure, which might contribute to resolution of the crisis in Iraq. The timetable to be established, however, must take into consideration the need to guarantee security in Iraq. This is what has been referred to as an exit strategy or, to use the term preferred by Saad Eddin Ibrahim, the noted Egyptian human rights activist, an 'exit without panic'. The future stability of Iraq would not be well served by the maintenance of US bases in the country. These would be a cause of nationalist polarisation and would encourage the mobilisation of radical groups. The decision taken by the United States to leave Saudi Arabia in light of the fact that its military presence would be a strong focus of tension and radicalisation should serve as an example for policy in Iraq. Helping US forces to leave means that Europeans must – if necessary – contribute to the formation of the Iraqi Army, and that they must be ready to participate in a UN peace mission in the country, once all the forces that participated in the war have gone home.

VII. *Involving Turkey in Iraq related CFSP decision-making*. Turkey has a key interest in Iraq's stability and is deeply knowledgeable about the region. Turkey's role in Iraq cannot be seen from the perspective of its past interventions in Kurdistan. Today, Turkey shows much greater respect for the rights of minorities and is more at ease with the Kurdish question, it is a country where democracy is being consolidated and it is also a candidate for EU membership. Further, it should be noted that Turkey opposed the military intervention in Iraq, refusing to allow US ground forces access to Iraq via Turkey, and Turkish public opinion was very similar to that in other European countries. Even before it becomes a member, Turkey should be involved in CFSP where Iraqi and Mediterranean issues are concerned. Portugal and

Spain were involved in European political cooperation with Latin America and participated in the San José Group before their accession to the Community, given their ties with the region, an initiative that contributed decisively to the creation of a peaceful alternative to the conflicts in Nicaragua and El Salvador in Central America.

VIII. *Establishing appropriate links with the Palestinian and Gulf issues*. Iran and the Palestinian question have an impact on the resolution of the Iraqi crisis, albeit in different ways. According to most analysts in the region, Iran is the regional actor that can have the most weight in the evolution of the situation in Iraq. As regards the Palestinian question, the military intervention in Iraq aggravated the sense among significant sectors of the population in the Middle East that external actors apply double standards, and that the Palestinians have been left to fend for themselves. Arab governments will not find popular backing for participation in resolving the Iraqi crisis if there is no parallel effort to establish a Palestinian state. It was an awareness of this fact that led President George Bush Snr and James Baker to push forward the Middle East peace process in the wake of the 1990-91 Gulf War. The issue is not one of making the fate of the Iraqis depend on that of the Palestinians, or vice versa, but rather of recognising that there is a political link between the two problems, and that if that linkage is not made then any efforts by external actors in Iraq will lose credibility and support within the Arab countries. Iran is a separate issue, and the European Union is well placed to reach an understanding with the authorities in Teheran, which can lead the country to play a positive role in transition in Iraq, the success of which is certainly in its interest as well. During his visit to Europe, President George W. Bush repeatedly acknowledged the importance of the Palestinian question; more specifically, he referred to the need for Israel to 'freeze settlement activity, help Palestinians build a thriving economy, and ensure that a new Palestinian state is truly viable, with contiguous territory on the West Bank. A state of scattered territories will not work'.[11] Bush's declaration implies acceptance of a viable Palestinian state on the terms that the EU has long urged the parties to commit to. To date, though, there are no signs that the United States is implementing any such policy.

11. George W. Bush, speech in Brussels, 21 February 2005.

Conclusion: a weak state in the making

Walter Posch

6

Instability and violence continue to dominate the situation in Iraq and the country's future remains unpredictable. In 'Looking into Iraq' the authors have tried to analyse the main trends and challenges in post-Saddam Iraq and to identify those trends and factors that in all likelihood will shape Iraq's future. Most authors have in one way or another touched on the issue of 'ethnification', the emergence of Islamism as a political power and the insurgency. Some of these trends and factors became manifest only after the toppling of the regime, others predate it. In general, the contributors have achieved agreement on the post-Saddam trends as follows:

(1) 'ethnification' (also 'Lebanisation'), i.e. the ethnoreligious or ethnosectarian structuring of Iraqi society that is wanted, will rather aggravate, and already has ramifications for the political landscape of the country;
(2) the beginnings of democracy in Iraq as manifested by the elections;
(3) the relative weakness of state institutions; and
(4) the ongoing insurgency as the main obstacle to further development.

Two other challenges, which predate the Saddam regime and which are in varying degrees interrelated with the new trends, have to be added:

(5) the question of Kurdish autonomy; and
(6) Islam-society and Islam-state relations.

All of the above-mentioned trends and factors are together enough of a challenge for any Iraqi government or occupation force, as they are for the region as a whole (and for that matter for Europe too). The full scale of the risk they pose only becomes clear when they are viewed against the background of the west Asian crisis.

The west Asian crisis

There are two ways to define crisis in west Asia, the vast region stretching from Afghanistan to Lebanon. One is the Bush administration's definition, which identified a lack of democracy as the main security risk. As a consequence, the region became subject to coercive democratisation, and regime change in Iraq would be only a first step, with others (maybe Syria, maybe Iran) to follow.[1] Fred Halliday, however, sees the state per se in the region as being in crisis. He has characterised the 'West Asian crisis' as 'a weakening, if not collapse of the state . . . where significant areas are free of government control or where the government seeks to conciliate autonomous armed groups . . . that a culture of violence and religious demagogy [thrives].'[2] This is already true for Baluchistan, where Afghanistan, Pakistan and Iran share common borders and where the state authority (perhaps with the exception of Iran) is extremely weak. And all of this fits in one way or another for Iraq: the state broke down the day US troops entered Baghdad and state control, be it by the United States and its allies or the Iraqi government, is not effective or simply absent in the better part of the country. And indeed the government conciliates autonomous armed groups, be they Kurdish parties, Shia militias or, for some time, the Islamist 'emirate' of Fallujah. This all justifies categorising Iraq as a weak state,[3] but could the situation in Iraq pose a direct security threat for Europe?

Needless to say, any further deterioration of the situation in Iraq would affect Iraq's neighbours negatively. The more so since external and internal pressure on them fails to have a positive impact on the democratic transformation of states like Syria and Lebanon, or Iran and Saudi Arabia. In each case, the states and their regimes could become further destabilised or weakened and this could give rise to the reappearance of dormant conflicts, be they ethnic (Syria, Turkey, Pakistan and Iran), sectarian (Lebanon, Saudi Arabia, Yemen, Pakistan and to a lesser degree Iran) or political in nature, like the conflict between Islamists and élites (Lebanon, Jordan, Syria). An awakening of these conflicts would be the worst-case scenario for west Asia, creating a crescent of instability from Afghanistan to Lebanon. The ongoing insurgency in Iraq would be at its centre, and hitherto separate and independent conflicts would easily become connected (which is, according to Halliday, another characteristic of the west Asian crisis). The

1. Lawrence F. Kaplan and William Kristol, *The War Over Iraq: Saddam's Tyranny and America's Mission*, 2003. For a critical assessment of the administration's accomplishments see Louis J. Cantori and Augustus Richard Norton (eds.), 'Evaluating the Bush Menu for Change in the Middle East', *Middle East Policy*, XII/1 Spring 2005, pp. 97-121.

2. Fred Halliday, *Two Hours that shook the world. September 11: Causes & Consequences* (London: Saqi Books, 2002), p. 31.

3. For a discussion on state failure and weak states and when they pose a security threat see Dov Lynch and Judy Batt, 'What is a "Failing State", and when is it a security threat?', think piece for an EU Institute for Security Studies seminar, 8 November 2004; available at http://www.iss-eu.org/activ/content/rep04-12.pdf.

connection of conflict happens in theory and practice. In political theory, which in this case means the political discourse among Islamists, the war in Iraq vindicates their earlier assertions of a general Western hostility to Islam, thus bolstering their argumentation against pro-Westerners in the public debate. However, the consequences on the practical level are more serious: thanks to the country's geographic position, Iraq will be bound to become a hub of free-floating radical elements throughout the region, thus facilitating operations of global terror networks and easing the freedom of movement of transnational criminal gangs, as is already the case with al-Qaeda and drug-traffickers.

The consequences of Iraq's insurgency for the region could be serious: Sunni Arabs from the region are already joining the *jihad* and pose a security threat when they return to their home countries. This concerns mainly Saudi Arabia, Syria and Jordan, and to a lesser degree some Maghreb countries. Iran also seems to be affected by Iraq in the border provinces like Kurdistan and Khuzistan, although in the latter case it is rather difficult to estimate how serious recent ethnic unrest in this Arab-speaking province was and whether this was related to the situation in Iraq at all. However, serious as these consequences for the countries in the region are, none of them touches vital strategic interests of the EU, but rather remain domestic problems.

The case will be different of course if the security situation in Iraq affects Turkey. A spillover of the situation in Iraq to neighbouring Turkey would extend the west Asian crisis to the gates of Europe. Turkey suffered a crisis in the late 1970s when ideological violence was rife in the country, and again in the late 1980s and early 1990s when the Turkish state was unable to exert full control over some parts of its territory due to ethnic conflict. But Turkey's European vocation and its steady Europeanisation programme, as well as its indigenously developed politics, have successfully distanced the country from many of its neighbours' problems. Hence, it is a well-known fact that Turkey has inherited a volatile legacy in the underdeveloped region of south-eastern Anatolia, and Turkish Islamist terrorists have already joined the *jihad* in Iraq. As a subregion, south-eastern Anatolia is therefore the most likely to be affected, with unforeseen consequences for Turkey's big cities and by virtue of its huge expatriate communities there, also for Europe. The most likely outcome of a spillover of the Iraqi situation to Turkey would be a slow-down or even a halt to the country's EU-

backed reform process by a distraction of the focus of Turkish politics away from the reform agenda and towards urgent security concerns. In any case, given Turkey's very close relations with Europe and its deep entrenchment in the EU it is clear that Turkey's own interest in keeping the west Asian crisis off its borders is a net contribution to European security. Needless to say, good working relations between the Kurdish and Turkish authorities in northern Iraq would be bound to help in the fight against transnational crime and international terrorism. Nevertheless, Turkey's resolve to fight terrorism is a necessity, but preventing Iraq from further weakening or state failure must be a priority.

Strengthening the state and democracy in Iraq

Nothing less than a 'secure, stable and democratic Iraq . . . at peace with its neighbours and integrated in the international community,' which has 'an open, sustainable and diversified Iraqi market economy' are the objectives for the development of EU-Iraq relations, as noted in the Commission's communication 'The European Union and Iraq – a Framework of Engagement', dated 9 June 2004.[4] This paper, which is the EU's mid-term strategy on Iraq, also suggested 'supporting institutional capacity building in the justice and security sectors' as immediate action. Two weeks later, on 26 June 2004 at Dromoland Castle, the EU and the United States agreed that the EU would 'consider further support for the rule of law and civil administration in Iraq'.[5] Since then, the EU has supported and continues to support reconstruction in Iraq[6] in almost all areas. The EU:

- hosted the first donors' conference in Madrid in October 2003 and promoted the establishment of the International Reconstruction Facility for Iraq (IRFFI);
- provided electoral support amounting to €31.5 million;
- provides funds for the UN Protection Force, underlining the UN's central role in long-term reconstruction and stabilisation of Iraq;
- supports Iraq's candidacy for WTO membership;
- budgeted €200 million in the Commission's Assistance Programme for Iraq 2005 for provision of essential services and jobs, education and health services, employment opportunities and administrative capacity;

4. 'The European Union and Iraq, A Framework of Engagement', COM(2004), 417, Brussels, 9 June 2004.

5. 'EU-US Declaration of Support for the People of Iraq', Council of the European Union 10001/04 (Presse 187), Dromoland Castle, 26 June 2004.

6. See the Fact Sheet attached to the 'Remarks by EU HR Javier Solana on the occasion of the first-ever EU Ministerial Troika visit to Iraq', S211/05, Baghdad, 9 June 2005.

- supports the political process and the development of a civil society;
- promotes Iraq's integration in the region;
- offers support and expertise in drafting the new constitution;
- prepared the integrated rule of law mission EUJUST LEX; and
- organised and hosted an international conference.

In response to a request by the Iraqi Transitional Government (ITG), the EU hosted an international conference on 22 June 2005,[7] at which the Iraqi government had the opportunity to present its vision for the transition period and where international support for the ITG and its institutions was mobilised. At the same time, with more than 80 nations invited, the conference provided a vehicle for the Iraqi government to engage with the international community. Iraq led the discussion in all themes of the conference, which was organised according to the issues outlined in UN Security Council Resolution 1546:

- political process;
- economic challenges and reconstruction;
- public order and rule of law.

In the conference's final statement[8] the importance of international support for Iraq was once again underscored. Participants especially welcomed progress on 'the training of security, judicial and corrections personnel'.[9] In this regard the EU High Representative for CFSP, Javier Solana pointed at EUJUST LEX, the EU's 'Integrated Rule of Law Mission to Iraq', saying that he hoped '[it] will turn out to be an important contribution to enhancing rule of law in Iraq'.[10]

EUJUST LEX

Preparations for EUJUST LEX started as early as 2004. In the months following Dromoland Castle, after intensive contacts with the Iraqi government, the EU sent an explanatory mission to Iraq to examine activities the EU could engage in, in the police, rule of law and civilian administration. The European Council considered the report of the 'Fact Finding Mission for a possible integrated Police and Rule of Law operation of Iraq' on 4/5 November 2004.[11] Finally, at the end of the month the Council adopted a Joint Action on establishing an expert team to make contact with the Iraqi

7. Information on the conference including video statements and documents is available at http://ue.eu.int/showPage.asp?id=920&lang=en.

8. 'Iraq International Conference Statement', Brussels, 22 June 2005, available at http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/misc/85408.pdf.

9. Ibid.

10. 'Remarks by EU HR Javier Solana on the occasion of the Iraq International Conference', Brussels, 22 June 2005.

11. See Annex II to the Presidency Conclusions, Brussels European Council, 1492/04 Concl 3, Brussels, 4/5 November 2004.

authorities and to start planning on a possible EU mission.[12] The mission was launched at the Council on 21 February 2005, in the run-up to President Bush's visit to the EU:

> The Council has decided to launch an Integrated Rule of Law Mission for Iraq, EUJUST LEX, which should be operational as soon as possible. The EU started planning the operation following consultations with the Iraqi interim authorities and on the basis of the report by the team of experts. The Mission falls under the scope of the ESDP. It will consist of integrated training in the fields of management and criminal investigation, to be given to a representative group of senior officials and executive staff, mainly from the judicial, police and prison sectors. The Council agreed that training activities would take place in the EU or in the region and that the Mission should have a liaison office in Baghdad. Depending on developments in the security conditions in Iraq and on the availability of appropriate infrastructure, the Council will be called upon to examine the possibility of training within Iraq and, if necessary, will amend the relevant joint action accordingly. The arrangements for the Mission, which is to complement international efforts under way, will be determined in consultation with the Iraqi authorities.[13]

On 7 March 2005 Council Joint Action 2005/190/CFSP established EUJUST LEX, the 'European Union Integrated Rule of Law Mission for Iraq'.[14] The mission is to begin no later than 1 July 2005 and is scheduled to last one year. It will train some 770 Iraqi officials from the higher echelons of the police, judiciary and penitentiary sectors. The mission will consist of training in the fields of management and criminal investigation. According to one source training will be conducted in Arabic and Kurdish, using interpreters.[15] Javier Solana underscored the importance of the mission on the occasion of a Troika visit to Baghdad on 9 June 2005 and again at the Iraq conference of 22 June 2005.

Prospects

EU support for Iraq is, however, critical, but it is the Iraqis who will have the final say in their country's destiny. Positively, one has to remark that a political process has started in spite of the cata-

12. Joint Action 2004/909/CFSP of 26 November 2004, published in the *Official Journal of the European Communities*, L381.

13. GAERC 6420/05 Presse 34, Brussels, 21 February 2005.

14. Joint Action 2005/190/CFSP of 7 March 2005, published in *OJ*, L62/37; see also Catriona Gourlay and Annalisa Monaco, 'Training civilians and soldiers to improve security in Iraq', in: *European Security Review* 25, March 2005, pp. 1 f.

15. Ibid.

strophic security situation. From now on, democratic elections will be part of the political life of the Iraqis: the next elections are already scheduled for 15 December 2005 and this time, many suppose, the Sunni parties will participate.

Constitution

However, the main task for the time being is the drafting of a new constitution. Whether the EU will be asked for support or not, one of the outcomes seems to be clear: to succeed it must be a compromise between Islamist and secularist demands on the one hand, and between Arab and Kurdish demands on the other. Needless to say, given the new ethnoreligious framework of Iraqi politics it will also have to satisfy Sunni Arabs. The Iraqis themselves are best placed to negotiate the question of how big the dose of Islam in the constitution will be.[16] Since Iraq's constitution will most certainly be innovative in many respects, one only can hope that it will reflect the ongoing 'marriage' between Islam and democracy. Needless to say, the EU will hardly be able to offer advice with regards to Islam-state relations, which differ significantly from the Western church-state dichotomy, simply because there is no 'church' in Islam.

Only recently some have spoken out in favour of delaying the constitutional process and extending the Transitional Administrative Law for six more months, to 15 February 2006.[17] Six more months would gain time in which to win over more Sunnis and muster public support. However, it is unlikely that majority support in the referendum will only be gained by extending the TAL's validity. The main questions are clear anyway and, as already mentioned, on Kirkuk there will only be losers and winners, and it is precisely this question which has to be dealt with. At the same time, a one-time extension of the TAL's validity is not a guarantee for the success of the draft constitution in a popular referendum. Hence, each extension of the TAL's validity would make it less 'transitional' and more 'permanent'. (This may well have been the drafters' intention, given the fact that it already has a preamble as an integral part of the text.[18]) There is therefore no good alternative to continuing with the process of drafting the constitution. The sooner the Iraqis define the status of Kurdish autonomy and Islam, the better. The EU can only maintain its offer of support and continue its cooperation with the UN in this regard.

16. According to the London-based Daily *Al-Sharq al-Awsat*, Sunni and Shia Islamist parties have already set up an 'Islamic consultation committee' from Sunni and Shia religious parties and boards 'to discuss some constitutional issues before proposing them to the parliamentary committee charged with drafting the permanent constitution. The committee includes the Iraqi Islamic Party, the Sunni Pious Endowments Board, the Supreme Council for Islamic Revolution in Iraq, the Dawa Party, and the Badr Organization.' Cited at www.juancole.com, 10 June 2005.

17. International Crisis Group, 'Iraq: Don't Rush the Constitution', (*Middle East Report* 42), Amman and Brussels, 8 June 2005.

18. See the comment of Nathan J. Brown, in Walter Posch and Nathan J. Brown, Kurdische Unabhängigkeitsbestrebungen und die irakische Verfassung', *Schriftenreihe der Landesverteidigungsakademie* 3 (Vienna: Landesverteidigungsakademie, 2004), p. 183.

Kurds and Turkey

Another issue that the constitution will have to clarify is Kurdish autonomy. Here the EU rightfully points at the wide range of autonomy statuses and guidelines for minority rights among its member states. On the other hand, it is becoming increasingly clear that Kurdish autonomy is rather a question of whether the Kurds will 'win' Kirkuk and its oilfields, incorporating them into Kurdistan, or not. Either case will lead to embitterment of the 'losing' side and could trigger ethnic strife, temporary unrest at least, which in due course will ring alarm bells in Ankara. Whatever the outcome of the Kirkuk dispute, the EU has a vested interest in preventing any deterioration in relations between Ankara and the Iraqi Kurds, since Turkey as a candidate country will certainly insist on EU support for its own position (and until recently the EU has accepted Turkey's *droit de regard* in northern Iraq). In any case: regarding the fact of increasing EU involvement in Iraq, it could be useful to ask whether the EU should have an opinion on what the media call the 'Kurdish issue' and whether the EU should think ahead, and what the consequences of the increasing self-confidence of the de facto independent Kurdish entity in Northern Iraq might be for the region. Considering Turkey's candidate status and the country's importance for the EU, it would be necessary for Turkey and the EU to develop a common view on the Kurdish issue in order to avoid tensions if a crisis arises.

Sunnis and Shias

The final question concerns of course the insurgency. It goes without saying that unless it abates in a significant manner a successful stabilisation of the country will simply be impossible. Ways to positively engage insurgents and transform them into political actors have been discussed in one of the chapters of this paper. However, the final question lies with the Shia community: two years of indiscriminate bomb attacks against the Shia majority, their religious leaders and civilians have not sufficed to draw them into open hostilities with the Sunnis. This cannot be ascribed to the moderating influence of the religious authorities alone, though their prudent behaviour has certainly been crucial; rather, one has to conclude that the population still distinguishes between 'terrorist Ba'athis' and members of the Sunni community.[19] This may change over time, though, but until now Iraq's Shias have shown impressive

19. For such a view see Grand Ayatollah Sadiq Husseini Shirazi's statement of 5 May 2005 where he accuses foreign countries for supporting terrorism and seeks remedy against terrorism in the 'strict implementation anti-Baath laws', available at http://www.shirazi.ir/.

restraint. A deterioration in Sunni-Shia relations would destroy the fragile equilibrium and render any attempt at rebuilding the country futile. In this case Iraq would certainly become the beating heart of the west Asian crisis, where Sunni *jihadis* will fight the Shia crescent and neighbouring states become increasingly involved. Iraq's only chance is to keep the sectarian balance and try to rebuild the country – which will be a weak state in any event for the foreseeable future, but not a security threat to its neighbours and the international community.

About the authors

Andrzej Kapiszewski is professor of sociology and political science at the Jagiellonian University, Cracow, Poland; Director of the Department of Middle East and Far East Studies; former Polish ambassador to the United Arab Emirates and Qatar. He is the author of six books and numerous articles devoted to ethnic and national problems, especially in the Middle East.

Walter Posch is Research Fellow at the EU Institute for Security Studies. He was formerly Middle East analyst at the National Defence Academy in Vienna. He has published various studies on Iraq, among them *Kurdische Unabhängigkeitsbewegungen und die Irakische Verfassung* (Vienna 2004, with Nathan J. Brown).

Martin van Bruinessen is a professor of comparative studies of Muslim societies at Utrecht University and the International Institute for the Study of Islam in the Modern World (ISIM). He is the author of *Agha, Shaikh and State: The Social and Political Structures of Kurdistan* (London 1992) and numerous articles on the Kurds.

Jean-Francois Daguzan is *maître de recherche* at the Fondation pour la recherche stratégique (FRS) in Paris and a specialist on strategic issues in the Mediterranean and the Middle East, proliferation and terrorism. He is also associate professor at the University of Paris II (Panthéon-Assas) and editor of the revue *Maghreb/Machrek*. He is the author of many articles and studies, including *L'Asie centrale après la guerre contre la terreur* (Paris 2004, with Olivier Lepick).

Álvaro de Vasconcelos is Director of the Institute for Strategic and International Studies (IEEI), Lisbon, and a member of the EuroMeSCo Steering Committee. He has published on international affairs and both regional and interregional integration, European and Portuguese foreign policy, and security and defence issues. He is a member of the editorial board of *The Journal of North African Studies*, *The International Spectator* and *Human Rights & Human Welfare*.

Abbreviations

AMS	Association of Muslim Scholars
CFSP	Common Foreign and Security Policy
CIA	Central Intelligence Agency
CPA	Coalition Provisional Authority
EU	European Union
FRL	Former Regime Loyalists
IGC	Iraqi Governing Council
IIP	Iraqi Islamic Party
IMIK	Islamic Movement of Iraqi Kurdistan
IRFFI	International Reconstruction Facility for Iraq
ITG	Iraqi Transitional Government
JAMI	Iraqi Resistance Islamic Front
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
MUC	Muslim Ulama Council
OJ	Official Journal of the European Communities
ORHA	Office for Reconstruction and Humanitarian Assistance
PKK	Kurdistan Workers' Party
PUK	Patriotic Union of Kurdistan
SCIRI	Supreme Council for the Islamic Revolution in Iraq
TAL	Transitional Administrative Law
UIA	United Iraqi Alliance
UN	United Nations
UNHCR	UN High Commissioner for Refugees
UNSCR	UN Security Council Resolution
US	United States

Overview of known insurgent groups*

Only a few groups have been reported in the Western media. The real number could be significantly higher.

Name	*Ideology*	*Date*	*Leaders, members and subgroups*	*Region*	*Remarks/Aims*
1. Predominantly Sunni					
Al-'Awdah/ The Return [of the Ba'ath party]	Ba'athist		Party members, security services, intelligence apparatus	Samarra, Tikrit, Dur, Mosul, Ramadi, Baghdad	Perhaps renamed for the Ba'ath Party
Ba'ath Arab Socialist Party	Ba'athist				Unclear whether Syrian or Iraq Ba'ath
Jihaz al-i'lam li-l-hizb al-Ba'ath	Ba'athist		Ba'ath Party media outlet		(information warfare?)
Harakat Ra's al-Afa (Serpent's Head Movement)	Ba'athist		Ex-Fedayin		
Al-Qiyadah al-'Ammah li Jaysh al-Iraq (General Command of the Iraqi Army)	Nationalist (?)	16 February 2004 (Al-Zaman)	Leader: Gen. Qaysar Jasim Hamid al-Ajjaj al-Qaysi Members: Members of the disbanded Iraqi Army		Supports explicitly democracy

* Established by Walter Posch

The 1920 Revolution Brigade *also* The Iraqi National Islamic Resistance	Nationalist -Islamist	16 July 2003	2 'Brigades' • Al-Zubayr bin al-Awwam (Abu Ghurayb) • Shahid Nur al-Din (Fallujah)	West of Baghdad (Abu-Ghurayb, Khan Dari, Fallujah, Niniwah, Diyala, Al-Anbar	The same like the 'Resistance Front' mentioned at Ridolfo, 'Survey of Armed groups in Iraq', RFE/RL, *Iraq Report*, 7/20, 4 June 2004
National Front for the Liberation of Iraq	Nationalist Islamist (?)		Umbrella organisation for 10 resistance groups	Fallujah, Samarrah, Tikrit, Basra, Babil, Diyala, Arbil, Kirkuk	
The Iraqi Resistance Islamic Front (JAMI)	Islamist-Nationalist			Niniwah, Diyala, Mosul	
Hamza Faction	Islamist or tribal			Fallujah	Supporters of a certain Shaikh Jamal Nidal
Iraqi Liberation Army	Nationalist (?)	15 July 2003			Focus on foreign troops
Awakening and Holy War	Islamist	~ 7 July 2003		Fallujah	
White Banners	Islamist				
Al-Haqq Army					
Jaysh Muhammad (Muhammad's Army*)	Ba'ath		Members of Saddam's secret services and military		Negotiating with the US

Islamic Jihad Brigades of Muhammad's Army* (* It is unclear whether these are the same organisations)	Nationalist Islamist the names of the subgroups indicate that they include Sunni and Shias alike.	~ August 2003	Umbrella organisation Leader: Abu Islam Subgroups ('brigades'): • Abdallah bin Iyad • Al-Husayn: assigned for the safety of the Hawza in Najaf • Al-Abbas • Bani-Hashim Moon • Abdallah bin Jahsh bin Rikab al-Asadi • Umar al-Faruq • Al-Mahdi al-Muntazar • Walid bin al-Mughirah: assigned for the destruction of embassies • Ja'far at-Tayyar		
Mujahedin Allahu Akbar (God is Great-Mujaheddin)	Sunni Islamist (?)	March 2004	Umbrella organisation of at least ten independent groups	Fallujah	Only group that insists Zarqawi being dead.
Kata'ib Salah ad-Din (Salah ad-Din Brigades)	Ba'athist	January 2004		Ramadi	Negotiating with the US

2. Jihadis					These groups deliberately support abdication and killing of foreigners
Asadullah Brigade		~ July 2004		Baghdad	
Kata'ib al-Zilzal al-Mujahidah (Jihadist Earthquake Brigade)		28 February 2004		Ramadi	
Islamic Retaliation Movement		19 July 2004			
Islamic Anger Brigades		June 2004			
Khalid bin Walid and Iraq's Martyr Brigades		August 2004		Ramadi?	Related to the Khalid ibn Walid Mosque in Ramadi (?)
Black Banners Group	Salafist?				Fights foreign companies
Kata'ib al-Mujahidin		February 2004	Arabs?	Kirkuk	Fights Iraqi Army and police, collaborators and Kurdish parties
The Zarqawi complex:					

Jaysh Ansar al-Sunnah (The Army of the Defenders of the [Prophet's] Tradition)	Salafists	20 September 2003	Members: Iraqis (Kurds and Arabs), International Jihadists and local clerics, tribal sheikhs and former military. • Al-Shahid Aziz Taha Squad • Al-Tawhid Bataillon • Sa'd bin Abi Waqqas Group • As'ad al-Islam Brigade • Abdallah bin al-Zubyar Squad	Mosul region in Northern Iraq including Kurdish regions	Affiliated to Al-Qaeda (?)
Al-Tawhid wa-l-Jihad (Monotheism and Holy War)	Salafist		Leader: Abu Mus'ab Zarqawi		Affiliated to Al-Qaeda (?)
Jund al-Sham	Salafist	15 February 2004	Leader: Abu Mus'ab Zarqawi		Affiliated to Al-Qaida (?)
Tandhim Qa'idat Jihad fi Bilad al-Rafidayn (Organisation 'Base of Holy War' in the Lands of the two Rivers			Leader: Abu Mus'ab Zarqawi		Said to be Al-Qaeda in Iraq

The Islamic Army in Iraq	Salafist				
3. Shia					
Jaysh al-Mahdi (Mahdi Army) Armed wing of the Sadr Thani movement.	Shia-fundamentalist, nationalist	July 2003	Leader: Moqtada Sadr Members: 10,000 core group, can mobilise up to 50,000 most of them poor, disenfranchised Shias from the slums but also some Sunni members Subgroups: • Usbat al-Huda (League of Guidance) aims at 'foreign agents' • Bint Al-Huda group of women fighters, threatened suicide attacks against US-forces	Baghdad, Sadr City and al-Shu'lah, Maysam Province	
Kata'ib al-Mujahidin (Mujaheddin Brigades)					
Imam Ali bin Abi Talib Jihadi Brigade		12 October 2003		Najaf, Karbala	

Tha'r Allah (God's Wrath)	Shia	March 2004		Basra	Fought British troops.
Mafariz al-Intiqam (Vengeanance Detachment)	Shia fundament alist	1 November 2004	Membership 'comes from all the factions of Iraqi society' and the 'sons of the mass graves'.	Tikrit, Baghdad	Hunts down and executes members of Saddam's security apparatus.
Shahid al-Sadr[1] Force	Shia fundament alist	Est. 1979	Secretive Armed Wing of the Da'wa-Party		
Al-Taff Martyrs Brigade	Shia fundament alist	10 May 2004		Basra	Threatened to kidnap and kill all who work for Arab and foreign companies.
Faylaq Badr[2] Military wing of the SCIRI	Shia fundament alist	1983	10,000 activists in Iraq on the eve of operation Iraqi Freedom		Cooperates with Ministry of Interior; trained by Iranian Pasdaran.

Sources:
Ahmad H. Hashim, 'The Sunni Insurgency in Iraq', *Middle East Institute Perspectives*, 15 August 2003; http://www.mideasti.org/articles/doc89.html.
Kenneth Katzman, *Iraq: U.S. Regime Change Efforts and Post-Saddam Governance*, CRS Report for Congress RL31339, 23 February 2004.
Kathleen Ridolfo, 'A Survey of Armed Groups in Iraq', Radio Free Europe/Radio Liberty, *Iraq Report*, vol. 7, no. 20, 4 June 2004.
Milan Vesely, 'The Awdah Threat', *The Middle East* 337, August/September 2003, pp. 20-3.
Jeffrey B. White and Michael Schmidmayr, 'Resistance in Iraq', *Middle East Quarterly*, Fall 2003, pp. 17-32.
'Iraq's new terrorist threat: Ansar al Sunnah', *The Middle East* 353, February 2005, pp. 24-5.

1. This is Sadr I, Muhammad Baqir as-Sadr, brother of Bint al-Huda and Muhammad Sadiq Sadr, uncle of Moqtada Sadr.
2. See http://www.sciri.brinternet.co.uk.

Commission of the European Communities

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

The European Union and Iraq

A Framework for Engagement

I. INTRODUCTION

This Communication responds to the 16-17 October 2003 European Council's request for a strategy for the European Union's relations with Iraq and contributes to the EU Strategic Partnership with the Mediterranean and Middle East. It aims to provide a basis for discussions with the incoming sovereign Iraqi government and broader Iraqi society. It seeks to convey to the Iraqi people, who have suffered from years of successive wars, sanctions and brutal authoritarian rule, the European Union's desire to see the emergence of a secure, stable and prosperous Iraq, at peace with its neighbors and integrated into the international community.

The Communication is being adopted against the background of acute insecurity since the 2003 war, which continues to afflict the Iraqi population in their day-to-day lives and hamper progress in the country's political, economic and social recovery. Nevertheless, the appointment of a new Iraqi Interim Government and the adoption of UN Security Council Resolution 1546 on 8 June 2004 confirming the full transfer of responsibility and authority to Iraqis as of 30 June 2004 and reinforcing the central role of the United Nations offers an opportunity for the EU to support Iraqi efforts to bring a new direction to their country. The Communication analyses the EU's fundamental interest in seeking greater engagement with Iraq and sets out medium-term objectives for the development of EU-Iraq relations. It argues that the European Union should offer a framework, which allows for progressively closer EU-Iraq relations, at a pace determined by progress in the

political transition and the security climate. In the light of the evolution of the situation on the ground, the EU should be ready to review its approach.

II. THE EUROPEAN UNION AND IRAQ

Under Saddam Hussein's 24-year regime, the EU had no political or contractual relations with Iraq and its role was limited to implementing United Nations Security Council (UNSC) sanctions. The EU has, however, been an important actor in the humanitarian field. From 1992 onwards, the European Community (EC) was the largest single donor of humanitarian assistance to Iraq after the United Nations (UN). EU-Iraq trade relations were also significant, particularly with respect to energy. In addition to the involvement of a number of EU Member States in providing security in Iraq, the Em's efforts since the war in 2003 have focused on providing humanitarian relief and political and financial support to launch the reconstruction process. In early 2003, the EC set aside €100 million for the European Community Humanitarian Office (ECHO) to provide humanitarian aid to Iraq; EU Member States pledged more than €731 million. Following adoption of UNSC Resolution 1483 on 22 May 2003, the EU lifted its sanctions against Iraq.

The Madrid donors conference held on 23-24 October 2003 launched the multilateral effort to assist Iraq's reconstruction. At the conference the EU as a whole pledged over €1.25 billion, including the EC contribution. The conference also welcomed the UN and World Bank's intention to establish a multi donor trust fund for Iraq – the International Reconstruction Fund Facility for Iraq.

Since October 2003, EU assistance for Iraq has widened in scope. While the humanitarian needs of the population are declining, resources for reconstruction are supplementing humanitarian work to rehabilitate core public services, and expanding to include the provision of employment, poverty reduction and the strengthening of Iraq's institutions and administration. EC assistance has also been directed to supporting the UN role in the political process and the development of Iraqi civil society and democratic institutions. Since 2003 the EU has provided assistance amounting to €305 million from the EC budget to Iraq[1].

1. €100 million was committed for humanitarian activities in 2003, €200 million pledged for reconstruction in 2003-04 and an additional €2 million provided in 2003 for mine action. ECHO has reduced its initial estimates for Iraq in 2004 to €3 million. However, additional funds can be mobilized for new emergency humanitarian needs. See http://europa.eu.int/comm/world/iraqsit/reconstruct/index.htm for further details of the sources and destination of EC assistance for Iraq in 2003-2004.

EU interest in a secure, stable, democratic and prosperous Iraq

The EU has substantial interests in working with Iraq to re-build its political and legal institutions, reform its economy and revitalize civil society. These include:

- A fundamental interest in a successful political transition to establish a stable, pluralistic democracy, underpinned by a constitution which guarantees respect for the rule of law, human rights and fundamental freedoms. This will offer hope to the people of Iraq and help to ensure Iraq's territorial integrity and internal security.
- An equal interest in helping to promote economic growth and diversification, reduce poverty and unemployment and improved living standards for the Iraqi population. A functioning, competitive and diversified market economy, the reconstruction of Iraq's infrastructure, particularly the inter-connection of Iraq's transport network with the pan-European transport corridors, and Iraq's economic integration into its region will help improve the distribution of wealth in the country, reduce Iraq's susceptibility to external shocks and develop the potential for mutually beneficial EU-Iraq trade and investment, human and cultural ties. Stability and greater prosperity should also facilitate the voluntary return of Iraqi refugees in Europe, strengthening social and professional ties between EU countries and Iraq.
- A further interest in Iraq's potential contribution to security and stability in the region. The end of Saddam Hussein's regime creates an opportunity for overcoming regional tensions. An Iraq at peace with its neighbors and its region will also contribute to the realization of the objectives set out in the European Security Strategy. Turkey, and EU candidate country, also stands to gain from the emergence of a stable and democratic Iraq.
- A strong interest in the establishment of a fair, transparent and non-discriminatory legal framework in Iraq. Predictability and legal certainty are preconditions for the very substantive investments required in the country, not least in the energy sector. Given Iraq's significant contribution to the Union's security of energy supply and the potential for the EU and Iraq to mutually benefit from increased Iraqi production of oil and natural gas, a level playing field for investment and regulatory convergence in the energy sector is of strong interest to both the EU and Iraq.

III. OBJECTIVES FOR THE DEVELOPMENT OF EU-IRAQ RELATIONS

The stability and prosperity of Iraq will require not only the support of the EU, but also the combined efforts of the international community and, above all, of the Iraqis themselves. The EU should therefore engage with the new Iraqi administration and Iraqi society to discuss the role they see the EU playing in Iraq and develop its presence and engagement with Iraq progressively as the transition process evolves. The aim should be to lay the foundations for broad-based and mutually beneficial relations over the medium-term. In its dialogue with Iraq, the EU could propose to focus its strategy towards Iraq on the following medium-term objectives:

- The development of a secure, stable and democratic Iraq, with a parliament and a government, elected on the basis of a constitution that guarantees respect for human rights and fundamental freedoms of the Iraqi population as a whole.
- The establishment of an open, stable, sustainable and diversified market economy and society as a basis for human security, economic growth, employment generation and poverty reduction, with resources used to promote equitable economic and social development.
- Iraq's economic and political integration into its region and the open international system.

A secure, stable and democratic Iraq

There is now an opportunity for Iraq to set aside its history of authoritarian control and to build stable democratic institutions that guarantee the rights of all Iraqis, including women and ethnic, religious and tribal minorities. The resolution of issues such as the role of religion in the state, an effective and democratically controlled security sector and the organization of relations between provincial and central administrations will be central to the success of the political process. Equally, the establishment of democratic institutions will require a process of national reconciliation and consensus building.

As confirmed by UNSCR 1546, the UN will draw on its considerable experience in Iraq before the war and on the work begun by UN Special Envoy Sergio De Mello before the tragic attack on UN

headquarters in Baghdad last year and continued by Special Envoy Lakhdar Brahimi, to play a key role in helping the Iraqis to move through their political transition The EU should therefore continue to support the UN in playing this leading role and ensure that its actions to assist Iraq are well coordinated with that organization.

Given the EU's own successful experience in supporting processes of transition from authoritarian systems of government to systems based on democracy, as well as EU Member States diverse experience with federalism and decentralization, the EU could:

- Welcome UNSC Resolution 1546 confirming the sovereign status of the Iraqi interim government from 30 June 2004 and support its implementation.
- Enter into dialogue with the incoming Iraqi authorities to demonstrate EU support for the political and constitutional processes.
- Prioritize EU assistance for elections, good governance, the development of Iraqi civil society and the protection and promotion of human rights.
- Consider expanding its assistance to include measures to support security, in particular to implement the rule of law, justice and security sector reform.

An open, sustainable and diversified Iraqi market economy

Until 2003 the Iraqi economy was characterized by extensive government intervention, both directly through state owned enterprises (SOEs) and indirectly through heavy regulation, price restrictions and subsidies. The government-dominated oil sector has been the most important engine of the economy and, in the short-term, will need to expand rapidly to finance reconstruction. Over the medium-term, however, Iraq faces a triple economic transition to an economy based on peaceful development, a functioning market economy and more diversified and sustainable sources of domestic income.

Poverty and unemployment are widespread in Iraq, creating political and social tension. Measures to mitigate the social effects of the reforms that are required to raise living standards over the medium-term are essential, particularly in relation to price liberal-

ization, SOE restructuring and public services. In the short-term, the creation of effective social safety nets, efforts to increase employment using local skills for reconstruction projects[2] and rectify regional imbalances in the distribution of resources will all be necessary. In the medium-term, the question of a constitutional framework for the distribution of Iraqi oil revenues needs to be addressed.

Resolving the issue of Iraq's external debt obligations, currently estimated at $120 billion,[3] is a pre-condition for Iraq's return to financial viability and sustained economic and social recovery and the content of an eventual Paris Club agreement is likely to have a broad impact on all aspects of economic activity in Iraq. The Paris Club group of creditor nations have committed themselves to work towards a solution in the course of 2004 but comparable treatment will be needed from non-Paris club official creditors and private lenders. Reducing Iraq's financial overhang also requires steps to address the status of the claims granted by the UN Compensation Commission after the first Gulf war, and those that are still pending.

The EU has a substantial record of working with the transition economies as well as expertise from its own experience of combining social cohesion with building strong market institutions, liberalization and integration. It also has a large internal market ready to receive flows of Iraqi goods and services. In this context, the EU could:

- Promote resolution of Iraq's external debt by developing a common view and recommendations on economic policy conditionality.
- Continue EC assistance to build the capacity of Iraqi administrative and economic institutions in transition issues, in particular the creation of a functioning customs administration, which would allow for the Generalized System of Preferences (GSP) to be applied.
- Help Iraq develop judicial capabilities and regulatory and legal frameworks to encourage economic activity and international investment, including in the energy sector, and deter corruption, organized crime and criminality.
- Emphasize the need to address issues related to unemployment and poverty, help to put in place effective safety nets

2. E.g. the rehabilitation of electricity and other essential infrastructure.

3. Excluding claims granted by the UN Compensation Commission.

and address regional imbalances in the distribution of resources.

- Stress that Iraq's significant mineral wealth should be used to support these goals, to diversify Iraq's economy, generate employment, build the necessary physical, institutional and human capital and reduce income disparities.

An Iraq at peace with its neighbors and integrated into the international community

Iraq's transformation offers an opportunity to address the legitimate security concerns of the different actors in the region and to ensure that the emergence of a new political order in Iraq is perceived positively by neighboring states. It also gives scope for Iraq, the Gulf Cooperation Council (GCC) and Iran to foster a community of views on how the region should tackle common economic challenges. In addition, progress in the transition process should pave the way for Iraq to assume a greater role in international political and economic affairs and increase its participation in international fora.

The decision of Iraq's neighbors to organize a common forum - the Neighbors' Meetings - after the 2003 war, to discuss Iraq's situation demonstrates a shared recognition of the opportunity for increased intra-regional cooperation. Over the long-term, the progressive establishment of a regional politico-economic cooperative framework, reducing tensions and moving gradually to involve security cooperation, could provide a mechanism for improving stability in the broader region and tackling the legacy of unresolved regional disputes.

Through its close relations with Iraq's neighbors, its own history of post-conflict reconciliation, as well as its efforts to promote regional integration, the EU has acquired a breadth of contacts, experience and expertise that could benefit Iraq and the broader region. In line with the principles set out in the EU Strategic Partnership with the Mediterranean and the Middle East and the support the EU has already given for Iraq's application for observer status at the World Trade Organization (WTO), the EU could:

- Use its influence and existing dialogues with the countries of the region, particularly Iraq's neighbors, to encourage

constructive engagement with Iraq and increased intra-regional cooperation.

- Invite Iraq to participate in the EU Strategic Partnership for the Mediterranean and the Middle East.
- Consider Iraq's future membership of the WTO in a positive light, once the necessary conditions are met in line with the EU position on applications from other countries, including in the region and encourage its participation in other international fora.

V. A FRAMEWORK FOR PROGRESSIVE ENGAGEMENT

The realization of the objectives set out in Section III will depend on the degree to which they are shared by a future Iraqi government and the evolution of the security and political situation in Iraq. The following proposals for action are therefore options, structured to reflect the three distinct phases anticipated by UNSCR 1546, and to be developed further in consultation with the future Iraqi government.

It will also be especially important to ensure that, in implementing actions, the EU Member States, the European Commission and High Representative work together, and in full coordination with the United Nations, both on the ground and in international fora. Close coordination with the World Bank, the IMF and other international financial institutions will also be essential.

Phase I - Immediate Actions

On 30 June 2004, the Iraqi interim government will assume sovereignty and the Coalition Provisional Authority will be dissolved. In addition to the on-going provision of assistance for reconstruction, in the period leading up to elections for a Transitional National Assembly, the EU could consider the following initiatives:

EU support for elections: Elections for a Transitional National Assembly, which will form a new government and draft a new constitution, a referendum to approve a new constitution and general elections are all due to take place before 31 December 2005. The EU should be prepared to play a significant role in the

preparation of elections in Iraq, if a request is made by the interim government or the UN. The EU will also need to assess whether further efforts are needed, and whether conditions on the ground particularly security, are such as to make deployment of a EU Election Observation Missions advisable.

Informal political dialogue: The EU should aim to engage with the sovereign Iraqi interim government as early as possible. If security conditions permit, a political dialogue meeting in Troika format at ministerial level could be held in Baghdad or in the margins of the UN General Assembly in September 2004. Ad hoc meetings at senior officials level could also take place.

EU Missions could play an important role in preparing these contacts, and in canvassing the views of the Iraqi authorities. Building on the financial support for human rights, civil society development, voter education and the constitutional process being provided, EU Missions could also be asked to launch informal dialogue with broader Iraqi civil society, including NGOs, religious groupings, trade unions, and nascent political parties.

Rule of law and civil administration. Efficient institutions and effective rule of law are of paramount importance to realize and sustain a secure environment in Iraq. The EU has experience in other regions of the world of supporting institutional capacity-building in the justice and security sectors and has also experience in areas critical to post-conflict stabilization such as training, monitoring and mentoring of police. In this context, and if deemed necessary, the European Commission and the EU Member States could reflect on whether the mechanisms offered by the EU's civilian crisis management capabilities might be employed in Iraq, alongside EC instruments.

Encourage positive engagement on the part of Iraq's neighbors. The EU should support the Neighbor's Meetings and any resulting cooperation initiatives and invite Iraq to participate in the implementation of the EU Strategic Partnership with the Mediterranean and the Middle East. In addition, the EU could discuss the future of Iraq regularly with Iran, Syria, Turkey, Jordan and the GCC countries. EU Missions in these countries could be invited to ensure continuity. The EU could offer to extend this support to

include concrete confidence-building measures for Iraq and its neighbors, for example in border management and customs administration.

A coordinated view on debt and related economic policy conditionality. While a final decision on the terms of such an arrangement is for the creditor countries themselves, several EU Member States are involved in the current Paris Club negotiations on the rescheduling/forgiveness of Iraq's debt. Since the likely use of the new Paris Club "Evian" approach, developed for intermediate income countries, will have implications for the Em's future relations with Iraq, efforts could be made to coordinate views on the appropriate economic conditionality to be attached to an agreement. A regular dialogue between the European Commission, IMF, World Bank and European Investment Bank could also help coordinate views and activities on this issue.

GSP trade preferences. Iraq is a beneficiary of the European Community Generalized System of Preferences (GSP) but the system has not been applied in practice since the first Gulf War due to sanctions and subsequent conflict. As soon as conditions allow, the European Commission should work together with the Iraqi administration to set up the administrative cooperation system, which is a requirement for the system to operate.

On-going implementation of humanitarian and reconstruction assistance. The EC assistance strategy in 2003/04 focuses on monitoring the situation in Iraq, responding to new emergency humanitarian needs as they arise, providing rapid additional resources for Iraq's reconstruction, with a particular emphasis on creating employment, and supporting the development of a multilateral framework under the auspices of the United Nations and the International Financial Institutions. As a consequence, the €200 million pledged from the EC budget at the Madrid Conference for Iraq's reconstruction in 2003-04 has been transferred to UN agencies and the International Reconstruction Fund Facility for Iraq and disbursement should accelerate in this phase.

EC office: The opening of a full European Commission delegation in Iraq depends on the security situation and on the availability of Community resources. However, as a first step, the Commission is

establishing an office covering Iraq in the premises of its delegation in Amman to help prepare political representation and ensure local coordination of reconstruction assistance with EU Member States. The office will also provide for liaison with the United Nations Assistance Mission for Iraq and the International Reconstruction Fund Facility for Iraq. When conditions permit, this office could move to Baghdad.

Phase II – Post Elections

The elections for a Transitional National Assembly should lead to the formation of a Provisional Government and see an intensification of work to draft a new constitution, to be ratified by referendum later in 2005. This phase will therefore open the way for further cooperation and dialogue with Iraq in a number of fields. In addition to activities launched in Phase I, initiatives could include the following:

EU contribution to rehabilitation and reconstruction. The European Commission has proposed a further €200 million EU contribution to Iraq's reconstruction in 2005[4] and expects that a similar amount could be required in 2006, subject to budgetary constraints and the ability to spend committed funds during 2005. The majority of funds will continue to be directed to the International Reconstruction Fund Facility for Iraq, however a portion could be reserved for the direct provision of technical assistance programmes and capacity building support.

Such programmes could support institution-building in a number of sectors, depending on Iraqi interests. In the political and security sphere, in full coordination with the UN, the EU could provide advice for the constitutional process as well as further assistance for democratization, civilian law enforcement, the rule of law and the justice sector and human rights. Focal sectors in the social and economic field could include: policy formulation and good governance, including fiscal and monetary issues, the development of national statistics; the creation of a functioning trade, customs and investment regime; energy and transport; environmental remediation and protection; the promotion of the private sector, small and medium sized enterprise development and a non-discriminatory public procurement system.

4. €190 million on budget line 19 08 07 – 'Aid for the rehabilitation and reconstruction of Iraq' and €10 million earmarked on budget line 19 04 03 – 'Development and consolidation of democracy and the rule of law – respect for human rights and fundamental freedoms'.

In addition to reconstruction assistance, the use of other instruments could be envisaged from this phase onwards to help alleviate external financing needs resulting from the transition, and to support reform. This would be subject to progress on external debt relief and Iraq's agreement on a comprehensive macro-economic programme supported by the IMF.

Formal political dialogue. The EU could propose to agree an EU-Iraq Joint Political Declaration in order to institutionalise political dialogue. This might encompass discussion of human rights, regional stability, the fight against terrorism and non-proliferation. The European Parliament and EU Member State parliaments could also be encouraged to pursue contacts with the Transitional National Assembly.

Joint working groups in sectors of mutual interest. EU/Iraq working groups could be set up to discuss cooperation in areas such as economic, statistics and trade issues, energy (including electricity), transport, technical regulations and standards, information society, human rights and rule of law, migration and counter-terrorism. An informal EU/Iraq energy dialogue could be rapidly established and the EU could support Iraq's participation in other regional energy and transport fora. Bilateral dialogue could lead to future regional dialogues.

Phase III – Medium Term

The appointment of a democratically elected government and the adoption by Iraq of a new constitution and elections for an executive and legislature should allow for the EU to normalize relations with Iraq. In this phase, the EU could take the following additional steps:

Negotiations for a bilateral agreement. A bilateral agreement between the EU and Iraq would reflect the mutual interest in developing a partnership and support Iraq's political, economic and social reforms. A trade and cooperation agreement, similar to those in place with other countries east of Jordan would be an appropriate first step. A more wide-ranging agreement could be considered subsequently.

Assistance for economic diversification and poverty reduction. As Iraq's own sources of revenue increase, in particular through higher oil production levels, its requirements for external donor assistance should decline. The EU could target EC assistance on technical and capacity building programmes, and promoting economic diversification and poverty reduction/livelihoods.

Creation of a regional framework. The EU could explore ways in which the Barcelona Process experience in promoting cooperation in sectors such as energy, transport, environment, science and technology, education, dialogue of cultures and support for civil society, might contributing to enriching regional cooperation between Iraq and its neighbors. The EU could also consider ways in which Iraq can be associated with the EU's dialogue with other partners in the region, particularly with those East of Jordan.

Sustained assistance for the rule of law, democratization and human rights. The process of democratization in Iraq will not end with general elections. The EU should therefore continue to prioritize assistance over the medium-term which helps increase the capacity of the Iraqi government and civil society to strengthen democracy, ensure respect for human rights, including the rights of women and minorities, the rule of law, combat corruption and promote transparency, accountability and good governance.

European Investment Bank lending. As the focus of external assistance shifts away from grant contributions, European Investment Bank (EIB) loans could help bridge the period between grants and private sector involvement following resolution of Iraq's external debt, starting with capital-intensive projects such as infrastructure. A mandate for the EIB to lend to Iraq could be considered in the context of the new Financial Perspectives, possibly as part of a regional mandate to include countries east of Jordan.

European Commission delegation. The opening of a delegation in Baghdad could be considered.

V. CONCLUSION

This Communication sets out initial reflections on how the EU might advance its relations with Iraq, based on a policy of progressive engagement which lays the foundation for a more substantial and sustained relationship in the medium-term. Its recommendations will need to be kept under constant review and adapted to the circumstances as the situation evolves on the ground. The Council of Ministers is invited to consider these recommendations with a view to the European Council sending a clear signal concerning the EU's commitment to strengthening its relations with Iraq in the framework of UNSCR 1546 and to help lay the foundations for a secure, stable, democratic and prosperous Iraq, at peace with its neighbors and its region, and a full and active member of the international community.

Annex I Summary of Proposals

PHASE I - IMMEDIATE ACTIONS	PHASE II - POST ELECTIONS	PHASE III - MEDIUM-TERM
Support for elections, including assistance for civil society development, rule of law and voter education	On going assistance for democratization and human rights	Sustained assistance for democratization and human rights and rule of law
Troika visit and launch of EU/ Iraq informal political dialogue including HoMs dialogue with interim government and Iraqi civil society	Launch of a formal political dialogue with the Provisional Government including an EU/ Iraq joint Declaration Creation of working groups in sectors of mutual interest	Open negotiations for EU/Iraq contractual relations
Encourage positive engagement on the part of Iraq's neighbours, including launching possible confidence-building measures	Continued support for regional dialogue and confidence-building measures	Support creation of a regional framework
Administrative cooperation towards application of GSP preferences, as circumstances permit. Consultation and coordination on debt forgiveness/restructuring and related economic policy conditionally	Potential use of other EC instruments to alleviate external financial needs and implement reform	EIB lending
On-going implementation of € 305 million package of humanitarian and reconstruction assistance	Additional EC contribution to reconstruction, including expansion of bilateral technical assistance and capacity building programmes	Assistance for economic diversification and poverty reduction
Opening of European Commission office		Opening of European Commission delegation

Council of the European Union

EU-US DECLARATION OF SUPPORT FOR THE PEOPLE OF IRAQ DROMOLAND CASTLE, 26 JUNE 2004

10001/04 (Presse 187)

The European Union and the United States share a common commitment in our support for the Iraqi people and the fully sovereign Iraqi Interim Government as they build a free, secure, democratic, unified and prosperous country, at peace with itself, its neighbors and with the wider world. Iraq needs and deserves the strong support of the international community to realize its potential. We applaud the unanimous approval of United Nations Security Council Resolution 1546 on Iraq, endorsing the formation of the fully sovereign Iraqi Interim Government and the political process that will lead to a democratic Iraq, and recognize it as a new basis for the international community to support the goals of the Iraqi people.

- We welcome the establishment of the Iraqi Interim Government and offer our full and sustained support for its assumption of full sovereignty and for its mission to guide Iraq with the advice and support of the United Nations toward elections no later than 31 January 2005.
- We express our shared commitment, and urge others, including international organizations, to support the economic and political reconstruction of Iraq, focusing on priority projects identified by the Iraqi Interim Government.
- We support the continued and expansive engagement of the United Nations in Iraq after the transfer of sovereignty, as circumstances permit, with a leading role in the electoral process and the reconstruction of Iraq.
- Recognizing the vital need to combat terrorism and maintain security and stability in Iraq, we support the mission of the Multinational Force for Iraq, including protection of the United Nations' presence, in accordance with the UNSCR 1546 and the

invitation of the Iraqi Interim Government. We stress the need for full respect of the Geneva Conventions. We also support the training and equipping of professional Iraqi security forces, capable of assuming increasing responsibility for the country's security, as requested by Prime Minister Allawi.

- The U.S. will use its substantial assistance to support the Iraqi people, including through critical essential services like electricity, oil industry, water resources and sanitation, health care, transportation and telecommunications. In addition, the U.S. will focus on continuing economic and technical assistance and establishing formal bilateral relations with Iraq.
- The EU is providing assistance for the delivery of key public services, employment and poverty reduction and strengthening governance, civil society and human rights. The EU will launch dialogue with the Iraqi Interim Government and society and stands ready to prioritize support for the political process and elections, consider further support for the rule of law and civil administration in Iraq, use its relations with Iraq's neighbors to encourage positive engagement and regional support for political and economic reconstruction, play a positive role in discussions of Iraq's external debt and on trade issues and work to enhance its representation in Iraq.
- We welcome the success of the recent donors' conference in Doha of the International Reconstruction Fund Facility for Iraq, and will work together and with key governments and organizations before the next conference in Tokyo later this year to identify ways in which the international community can continue to effectively contribute to the reconstruction of Iraq.
- We pledge to provide support and assistance for the process leading to national elections for the Transitional National Assembly no later than 31 January 2005. To that end, the United States and European Union will work together, with other donors, with the Iraqi Interim Government, and in response to requests for assistance from the United Nations, which plays a leading role in the electoral process. This assistance will be fully coordinated with the Iraqi Interim Government.
- We will continue to support the provision of international assistance on a bilateral basis and through the United Nations and other international organizations, with a view to responding to the needs of the Iraqi population.
- We shall promote reduction of Iraq's external debt burden, as

debt reduction is critical if the Iraqi people are to have the opportunity to build a free and prosperous nation. This reduction should be provided in connection with an IMF program, and sufficient to ensure sustainability taking into account the recent IMF analysis. We encourage governments within the Paris Club, and non-Paris Club creditors, to achieve that objective in 2004.

- We will support Iraq's efforts to build a prosperous economy with a thriving private sector and an efficient public sector, attractive and open to investment, that reintegrates the country into the regional and international community, and provides for economic opportunities for all Iraqis.
- To help re-establish the ties that link Iraq to the world, we will explore ways of reaching out directly to the Iraqi people as they emerge from decades of dictatorship to launch the political, social and economic reconstruction of their nation. We will work with the Iraqi Interim Government and Iraqi civil society to strengthen democracy and respect for human rights, the rule of law, transparency and good government.
- We will encourage positive engagement and regional support from Iraq's neighbors for the political and reconstruction process in Iraq.
- If the Iraqi Interim Government decides that an international conference would support Iraqi political transition and Iraqi recovery to the benefit of the Iraqi people and the interest of stability in the region, we would welcome such a meeting.

L 62/38 EN
Official Journal of the European Union
9.3.2005

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL JOINT ACTION 2005/190/CFSP of 7 March 2005 on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14, Article 25, third paragraph, Article 26 and Article 28 (3) thereof,

Whereas:

1. The European Union is committed to a secure, stable, unified, prosperous and democratic Iraq that will make a positive contribution to the stability of the region. The EU supports the people of Iraq and the Iraqi Interim Government in their efforts towards the economic, social and political reconstruction of Iraq in the framework of the implementation of United Nations Security Council Resolution 1546 of 8 June 2004.

2. The European Council on 5 November 2004 welcomed the Joint Fact Finding Mission for a possible integrated police, rule of law and civilian administration mission for Iraq and considered its report. The European Council recognised the importance of strengthening the criminal justice system, consistent with the respect for the rule of law, human rights and fundamental freedoms. It noted the wish of the Iraqi authorities for the EU to become more actively involved in Iraq and that strengthening the criminal justice sector would respond to Iraqi needs and priorities.

3. The European Council agreed that the EU could usefully contribute to the reconstruction and the emergence of a stable, secure and democratic Iraq through an integrated mission, which could *inter alia* promote closer collaboration between the different actors across the criminal justice system and strengthen the management capacity of senior and high-potential officials from the police, judiciary and penitentiary and improve skills and procedures in criminal investigation in full respect for the rule of law and human rights.

4. As agreed by the European Council, by Joint Action 2004/909/CFSP[1] (1) the Council decided to send an expert team to continue the dialogue with the Iraqi authorities, to start initial planning for a possible integrated police, rule of law and civilian administration mission to be launched after the elections, and in particular assess the urgent security needs for such a mission.

5. The Council decided on 21 February 2005 to launch an integrated rule of law mission for Iraq, which would become operational as soon as possible, subject to an official invitation from the Iraqi authorities.

6. The success of the mission will depend on an effective strategic and technical partnership with the Iraqis throughout the operation, in the framework of European Security and Defense Policy and in complementarity with the United Nations.

7. The EU will use its dialogue with Iraq and its neighbours to encourage continuous regional engagement and support for improved security and for the political and reconstruction process in Iraq based on inclusiveness, democratic principles, respect for human rights and the rule of law, as well as support for security and cooperation in the region.

8. EUJUST LEX will implement its mandate in the context of a situation posing a threat to law and order, the security and safety of individuals, and to the stability of Iraq and which could harm the objectives of the common Foreign and Security Policy as set out in Article 11 of the Treaty.

1. Council Joint Action 2004/909/CFSP of 26 November 2004 on establishing an expert team with a view to possible European Union integrated police, rule of law and civilian administration mission for Iraq (OJ L 381, 28.12.2004, p.84).

9. In conformity with the guidelines of the European Council meeting in Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary General/High Representative, hereinafter referred to as 'SG/HR', in accordance with Articles 18 and 26 of the Treaty.

10. Article 14(1) of the Treaty calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action. The indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year. EUJUST LEX will also receive contributions in kind from Member States,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union hereby establishes an European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX, comprising a planning phase beginning no later than 9 March 2005 and an operational phase beginning no later than 1 July 2005.

2. EUJUST LEX shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 2.

Article 2

Mission statement

1 EUJUST LEX shall address the urgent needs in the Iraqi criminal justice system through providing training for high and mid level officials in senior management and criminal investigation. This training shall aim to improve the capacity, coordination and collaboration of the different components of the Iraqi criminal justice system.

2 EUJUST LEX shall promote closer collaboration between the different actors across the Iraqi criminal justice system and strengthen the management capacity of senior and high-potential officials primarily from the police, judiciary and penitentiary and improve skills and procedures in criminal investigation in full respect for the rule of law and human rights.

3 The training activities shall take place in the EU or in the region and EUJUST LEX shall have a liaison office in Baghdad. Depending on developments in the security conditions in Iraq and on the availability of appropriate infrastructure, the Council shall examine the possibility of training within Iraq and, if necessary, shall amend this Joint Action accordingly.

4 An effective strategic and technical partnership with the Iraqi counterparts shall be developed throughout the mission, particularly in relation to the design of the curricula during the planning phase. Coordination will also be needed for the selection, vetting, evaluation, follow-up and coordination of personnel attending the training with the aim of rapid appropriation by the Iraqis. There shall also be a need for close coordination during the planning and operational phases between EUJUST LEX and the Member States providing training. This shall include the involvement of the relevant Member States diplomatic missions in Iraq and liaison with those Member States with current experience in providing training relevant for the mission.

5 EUJUST LEX shall be secure, independent and distinct but shall be complementary and bring added value to ongoing international efforts, in particular of the United Nations, as well as develop synergies with ongoing Community and Member States efforts. In this context, EUJUST LEX shall liaise with Member States who presently conduct training projects.

Article 3

Structure

EUJUST LEX shall, in principle, be structured as follows:

(a) the Head of Mission;
(b) a Coordinating Office in Brussels;
(c) a Liaison Office in Baghdad;
(d) Training Facilities and trainers provided by the Member States and coordinated by EUJUST LEX.

These elements shall be developed in the Concept of Operations (CONOPS) and the Operation Plan (OPLAN).

Article 4

Head of Mission

1. The Head of Mission shall assume the day-to-day management and coordination of EUJUST LEX activities and shall be responsible for staff and disciplinary matters.

2. The Head of Mission shall sign a contract with the Commission.

Article 5

Planning phase

1. During the preparatory phase of the mission, a planning team shall be established and shall comprise the Head of Mission, who shall lead the planning team, and the necessary staff to deal with functions ensuing from established needs of the mission.

2. A comprehensive risk assessment shall be carried out as a priority in the planning process and shall be updated as necessary.

3. The planning team shall draw up an OPLAN and develop all technical instruments necessary to execute the mission including the common curricula taking into account current training projects of Member States. The CONOPS and the OPLAN shall take into account the comprehensive risk assessment. The OPLAN shall contain the common EU curricula for the courses, which will be designed by the planning team in consultation with the Iraqis and Member States, including those providing training relevant for the mission. The Council shall approve the CONOPS and the OPLAN.

4. The planning team shall work in close coordination with relevant international actors, in particular the United Nations.

Article 6

Staff

1. The numbers and competence of EUJUST LEX staff shall be consistent with the mission statement set out in Article 2 and the structure set out in Article 3.

2. EUJUST LEX staff shall be seconded by EU Member States or institutions. Each Member State shall bear the costs related to EUJUST LEX staff seconded by it, including salaries, medical coverage, allowances other than *per diems* and travel expenses as defined in the financial statement.

3. International staff and local staff shall be recruited on a contractual basis by EUJUST LEX as required. 4. All staff shall remain under the authority of the appropriate EU Member State or institution and shall carry out their duties and act in the interest of the mission. Both during and after the mission, they shall exercise the greatest discretion with regard to all facts and information relating to the mission. The staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations.[2]

Article 7

Status of staff

1. Where required, the status of EUJUST LEX staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUJUST LEX shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty. The SG/HR, assisting the Presidency, may negotiate such an agreement on its behalf.

2. The EU Member State or institution having seconded a staff member shall be responsible for answering any claims linked to

2. OJ L 101, 11.4.2001, p. 1. Decision amended by Decision 2004/194/EC (OJ L 63, 28.2. 2004, p. 48).

the secondment, from or concerning the staff member. The EU Member State or institution in question shall be responsible for bringing any action against the secondee.

Article 8

Chain of command

1. The structure of EUJUST LEX shall have a unified chain of command as a crisis management operation,

2. The Political and Security Committee (hereinafter referred to as 'PSC') shall provide the political control and strategic direction.

3. The Head of Mission shall lead the Mission and assume its coordination and day-to-day management.

4. The Head of Mission shall report to the SG/HR.

5. The SG/HR shall give guidance to the Head of Mission.

Article 9

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the mission. The Council hereby authorizes the PSC to take the relevant decisions in accordance with Article 25 of the Treaty. This authorization shall include the powers to appoint, upon a proposal by the SG/HR, a Head of Mission, and to amend the CONOPS and the OPLAN and the chain of command. The powers of decision with respect to the objectives and termination of the operation shall remain vested in the Council, assisted by the SG/HR.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive reports by the Head of Mission regarding contributions to and the conduct of the mission, at regular intervals. The PSC may invite the Head of Mission to its meetings as appropriate.

Article 10

Security

1. The Head of Mission shall be responsible for the security of EUJUST LEX and shall, in consultation with the Security Office of the General Secretariat of the Council (hereinafter referred to as 'GSC Security Office'), be responsible for ensuring compliance with minimum security requirements applicable to the mission.

2. For the elements of the mission which shall be carried out in Member States, the host Member State shall take all necessary and appropriate measures to ensure the security of the participants and the trainers on its territory.

3. For the Coordinating Office in Brussels, the necessary and appropriate measures shall be organized by the GSC Security Office in collaboration with the host Member State authorities.

4. Should the training take place in a third State, the EU, with the involvement of the Member States concerned, shall ask third States authorities to make the appropriate arrangements regarding the security of the participants and the trainers on its territory.

5. EUJUST LEX shall have a dedicated mission Security Officer reporting to the Head of Mission.

6. The Head of Mission shall consult with the PSC on security issues affecting the deployment of the Mission as directed by the SG/HR.

7. EUJUST LEX staff members shall undergo mandatory security training organized by the GSC Security Office and medical checks prior to any deployment or travel to Iraq.

8. Member States shall endeavour to provide EUJUST LEX, in particular the Liaison Office, secure accommodation, body armour and close protection within Iraq.

Article 11

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the mission shall be EUR 10 000 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community. Should a part of the training be conducted in third States, nationals of third States shall be allowed to tender for contracts. In this case, goods and services procured for EUJUST LEX may also have their origin in third States.

3. Given the particular security situation in Iraq, services in Baghdad shall be provided through the existing agreements entered into by the United Kingdom with the companies listed in the Annex. The budget of EUJUST LEX shall cover these expenses up to a maximum of EUR 2 340 000. The United Kingdom shall, in consultation with the Head of Mission, report regularly with adequate information to the Council on these expenses.

4. The Head of Mission shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

5. The financial arrangements shall respect the operational requirements of EUJUST LEX, including compatibility of equipment.

6. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

7. The equipment and supplies for the Coordination Office in Brussels shall be purchased and rented on behalf of the EU.

Article 12

Community action

1. The Council notes the intention of the Commission to direct its action towards achieving the objectives of this Joint Action in all phases of the proposed operation, including in view of the elaboration by the Commission of potential follow-on actions to the European Security and Defense Policy operation under Community programs.

2. The Council also notes that coordination arrangements are required in Brussels as well as, as appropriate, in Baghdad.

Article 13

Release of classified information

The SG/HR is authorised to release to the host State and the United Nations, as appropriate and in accordance with the operational needs of the mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the operation, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.

Article 14

Entry into force

This Joint Action shall enter into force on the date of its adoption. It shall expire on 30 June 2006.

Article 15

Publication

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 7 March 2005.

For the Council
The President
J. KRECKÉ

ANNEX

List of companies referred to in Article 11(3)

- Control Risks Group: mobile security
  Cottons Centre
  Cottons Lane
  London SE1 2QG
  (Limited company)

- Frontier Medical: basic medical services
  Mitcheldean
  Gloucestershire
  GL17 ODD
  (a division of Exploration Logistics Group plc)

- Crown Agents for Oversea Governments & Administrations Limited: life support including food, water, laundry and cleaning
  St Nicholas House
  St Nicholas Road
  Sutton
  Surrey SM1 1EL

- Armorgroup Services Limited: perimeter security
  25 Buckingham Gate
  London
  SW1E 6LD

Iraq International Conference
Conference Statement
Brussels, 22 June 2005

More than 80 countries and organisations gathered in Brussels on 22 June, 2005 at the invitation of the EU and the US, building a renewed international partnership with Iraq, to support Iraq's political transition process, to encourage its economic recovery and reconstruction, and to help establish the rule of law and public order in the country. They resolved to support the democratically-elected Iraqi Transitional Government (ITG) in accordance with United Nations Security Council Resolution (UNSCR) 1546. They welcomed the vision and strategy set out by the Iraqi Transitional Government. The ITG presented a comprehensive review of its political, economic, and public order programs, stressing areas that required priority action.

Participants expressed support for Iraqi efforts to achieve a democratic, pluralist, federal and unified Iraq, reflecting the will of the Iraqi people, in which there is full respect for political and human rights. They reaffirmed their commitment to the independence, sovereignty, unity and territorial integrity of Iraq as well as to the right of the Iraqi people to freely determine their political future through democratic means and to exercise full authority and control over their financial and natural resources. They also reiterated the importance of applying due process of justice to members of the previous Iraqi regime who have committed war crimes and crimes against humanity.

Participants congratulated the Iraqi people on successfully holding the January 2005 elections with the support of the United Nations (UN) and underscored support for Iraq's continuing political transition based on UNSCR 1546 and following the timeline outlined in the Transitional Administrative Law (TAL). Participants welcomed the representation of women in the Transitional National Assembly (TNA) and encouraged their further participation in governance. They urged all Iraqis to participate in the political process and called on the ITG, including the TNA, to continue and intensify efforts to engage all parties renouncing violence in the political process, thereby promoting

national reconciliation. Participants strongly condemned all acts of terrorism, including kidnapping and assassination, as well as violence directed against innocent civilians, religious leaders and holy shrines, Iraqi authorities, and those helping to establish stability in Iraq, and called for the cessation of all those acts. They called on all parties to work with the Iraqi authorities to bring an end to the violence.

Participants welcomed the constructive cooperation and positive engagement embodied in the Initiative of the Neighbouring Countries and expressed their appreciation to Egypt for convening the 2004 Sharm el Sheikh Meeting. Participants called on Iraq and regional states, consistent with obligations under UNSCR 1546 and with commitments they made at the Meeting of Neighbouring Countries in Istanbul on 30 April, 2005, to cooperate with each other to prevent cross-border transit and support for terrorists, to strengthen good neighbourly relations and to improve regional security. They welcomed the decision reached in Teheran to hold a second meeting of Interior Ministers of the Neighbouring countries in Turkey. Participants urged all countries to, as the case may be, re-establish or strengthen diplomatic relations with Iraq at the earliest possibility.

Iraq pledged its commitment to the political process outlined in the TAL and endorsed in UNSCR 1546: a constitution to be drafted by 15 August, 2005 and approved through a national referendum by 15 October, 2005, leading to a constitutionally elected government by 31 December, 2005.

Participants strongly supported efforts by the ITG to ensure that this process is inclusive and transparent, and that the outcome guarantees the protection of human rights and fundamental freedoms, including women's rights and rights of minorities, and promotes the active involvement of civil society, with the objective of building a nationwide consensus. They endorsed the leading role of the UN in supporting the political process per its mandate in UNSCR 1546 and confirmed their commitment to assist its efforts to that end. They expressed their support to the UN Secretary General and his Special Representative for Iraq (SRSG), as well as to the United Nations Assistance Mission to Iraq (UNAMI). They recognised the UN's significant support to

the drafting of a permanent constitution and elections thereafter and agreed to coordinate their contributions to the political and constitutional process with the UN.

Iraq outlined its priorities for the reconstruction and development of Iraq's infrastructure, the better provision of basic services to the population, and economic recovery. Participants welcomed the Iraqi vision for economic recovery and reaffirmed the importance of creating the conditions for a socio-economic development that can benefit all Iraqis. Hence they pledged to continue supporting the provision of basic services and the strengthening of Iraqi national and regional administrations accountable to citizens. They recalled commitments made to reduce Iraq's debt and called on other creditors to provide debt relief on generous terms comparable to those agreed by the members of the Paris Club. They agreed to support Iraq's integration into the relevant international economic organisations, such as the World Trade Organization (WTO). Furthermore participants urged the ITG to meet its commitments to the International Monetary Fund (IMF) with a view to reaching a stand-by arrangement by the end of 2005. They called on all partners to complete the transfer of Iraqi assets to the Development Fund for Iraq (DFI). Participants underscored the importance of transparency and called on Iraq to follow the recommendations of the International Advisory and Monitoring Board (IAMB).

They engaged to actively follow up on the 2003 Madrid Conference and the consecutive 2004 Tokyo Donor Meeting by further expediting disbursement of the US$ 32 billion pledges and by providing further contributions to Iraq's reconstruction including through the International Reconstruction Fund Facility for Iraq (IRFFI). They also invited countries that have not yet pledged to join the international efforts supporting the reconstruction process in Iraq. They encouraged the ITG to develop further its priorities for external assistance in advance of the Donors Meeting in Amman on 18-19 July, 2005, building upon the National Development Strategy (NDS).

Participants warmly welcomed the ITG's decision to establish a donor co-ordination mechanism under Iraqi leadership with the

support of the UN, based in Baghdad with links to the donors' community in Amman and elsewhere. They agreed to determine by the Amman Meeting ways in which to boost coordination of their assistance to Iraq. They reaffirmed the need for continued humanitarian, reconstruction, development, institutional and human rights assistance in line with Iraqi priorities set out in the NDS, by the implementation of programmes and technical advice delivered bilaterally, through international financial institutions and through the UN.

Iraq pledged to strengthen the legal and institutional framework for the rule of law and public order in Iraq, and to accelerate the build up of its armed forces so that they can assume responsibility for Iraq's national security, as soon as possible. Participants welcomed the UN Security Council's press statement in support of the continuation of the mandate of the Multinational Force in Iraq (MNF-I) in accordance with paragraphs 4 and 12 of UNSCR 1546 and at the request of the newly elected Iraqi Government. Participants fully recognised the importance of the consent of the sovereign Government of Iraq to the presence of multinational forces and that these forces have indicated the commitment to act in accordance with international law, including obligations under international humanitarian law. Participants welcomed progress on reconstituting institutions of public order and the training of security, judicial and corrections personnel reflecting the diversity of the Iraqi society. They commended international efforts supporting the ITG in assuming responsibility for Iraq's national security as soon as possible. They underlined the importance of other members of the international community joining ongoing regional and multilateral efforts to support the ITG in this endeavour and pledged to further support the improvement of the Iraqi investigative, judicial and penal bodies.

The Conference recognised the essential interdependence of the political, security and economic dimensions of Iraq's transition process as described in UNSCR 1546 and underlined the need for a comprehensive approach to supporting Iraq. Participants committed to ensure an effective follow up through existing mechanisms of the international community.

Chaillot Papers

All *Institute publications*
can be accessed via the Institute's website:
www.iss-eu.org

n°78 The European Union and the United Nations – Partners in effective multilateralism — **June 2005**
Sven Biscop, Francesco Francioni, Kennedy Graham with Tânia Felício, Jeffrey Laurenti and Thierry Tardy; foreword by Jean-Marie Guéhenno; edited by Martin Ortega

n°77 Effective non-proliferation – The European Union and the 2005 NPT Review Conference — **April 2005**
Darryl Howlett & John Simpson, Harald Müller and Bruno Tertrais; edited by Burkard Schmitt

n°76 Information security — a new challenge for the EU — **March 2005**
Alain Esterle, Hanno Ranck and Burkard Schmitt; edited by Burkard Schmitt

n°75 EU security and defence. Core documents 2004 — **February 2005**
Volume V

n°74 What Russia sees — **January 2005**
Dmitry Danilov, Sergei Karaganov, Dov Lynch, Alexey Pushkov, Dmitri Trenin and Andrei Zagorski; edited by Dov Lynch

n°73 Afghanistan : la difficile reconstruction d'un Etat — **Décembre 2004**
Olivier Roy

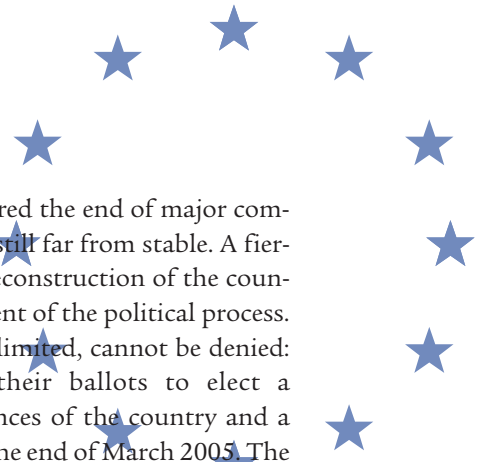
n°72 Global views on the European Union — **November 2004**
Amitav Acharya, Marcel F. Biato, Babacar Diallo, Francisco E. González, Toshiya Hoshino, Terence O'Brien, Gerrit Olivier and Yi Wang; edited by Martin Ortega

Books

Defence procurement in the European Union – The current debate Report of an EUISS Task Force — **2005**
Chairman and Rapporteur: Burkard Schmitt

EU Security and Defence Policy — the first five years (1999-2004) — **2004**
Martti Ahtisaari, Michel Barnier, Carl Bildt, Elmar Brok & Norbert Gresch, Robert Cooper, Judy Dempsey, Lamberto Dini, Jean-Louis Gergorin & Jean Bétermier, Philip H. Gordon, Jean-Yves Haine, Gustav Lindstrom, Antonio Missiroli, Alberto Navarro, Martin Ortega, Ferdinando Riccardi, Alexander Rondos, Burkard Schmitt, Rainer Schuwirth, Theo Sommer and Laurent Zecchini; edited by Nicole Gnesotto; preface by Javier Solana

European defence — a proposal for a White Paper — **2004**
André Dumoulin, Jan Foghelin, François Heisbourg, William Hopkinson, Marc Otte, Tomas Ries, Lothar Rühl, Stefano Silvestri, Hans-Bernhard Weisserth, Rob de Wijk; Chair: Nicole Gnesotto, Rapporteur: Jean-Yves Haine



Two years after George W. Bush declared the end of major combat operations in Iraq, the country is still far from stable. A fierce insurgency is still hampering the reconstruction of the country's infrastructure and the development of the political process. On the other hand, success, however limited, cannot be denied: on 30 January 2005 Iraqis cast their ballots to elect a Transitional Assembly in most provinces of the country and a new government was inaugurated by the end of March 2005. The tasks are challenging, though, even without the precarious security situation: the National Assembly has to draft and vote on a constitution no later than 15 August 2005, a referendum on the constitution is scheduled for 15 October 2005 and new elections will follow on 15 December 2005. In all this, international support is important, maybe essential, but Iraq's destiny lies as much with the international community as it does with its people and its leaders' ability to overcome ethnic and sectarian divisions and make Iraq a functioning state.

This *Chaillot Paper* aims to help to formulate a European position on Iraq based on a realistic assessment of the situation on the ground. 'Looking into Iraq' is neither an ethnographic, sociological nor a historical study or a mere policy paper, though aspects of these disciplines are used by authors, depending on their academic background. The paper focuses rather on those issues whose understanding is key to proper analysis. To achieve this a group of renowned scholars and experts were asked to write short pieces on Iraq, each of them with a different focus, covering:

- the current situation inside the country and possible future developments among the most important driving forces in Iraq; this of course includes an analysis of the most important ethnic/sectarian cleavages in the country;
- the outcome of the elections and the next steps for further democratisation;
- aims and intentions of the United States in Iraq;
- and finally a possible role for the EU.

published by
the European Union
Institute for Security Studies
43 avenue du
Président Wilson
F-75775 Paris cedex 16
phone: +33 (0)1 56 89 19 30
fax: +33 (0)1 56 89 19 31
e-mail: institute@iss-eu.org
www.iss-eu.org
€ 10