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IRAQ AFTER THE SURGE

HEARINGS

BEFORE THE

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I want to cite, as one of you did, testimony yesterday at the Armed Services Committee in which General Cody gave a historic assessment—as reported in today's Washington Post, General Cody said that "heavy deployments are inflicting "incredible stress" on soldiers and families, and that they pose a "significant risk" to the Nation's All-Volunteer Army." And Cody said—he said, "that even if five brigades are pulled out by July, as planned, it would take some time before the Army could return to 12-month tours."

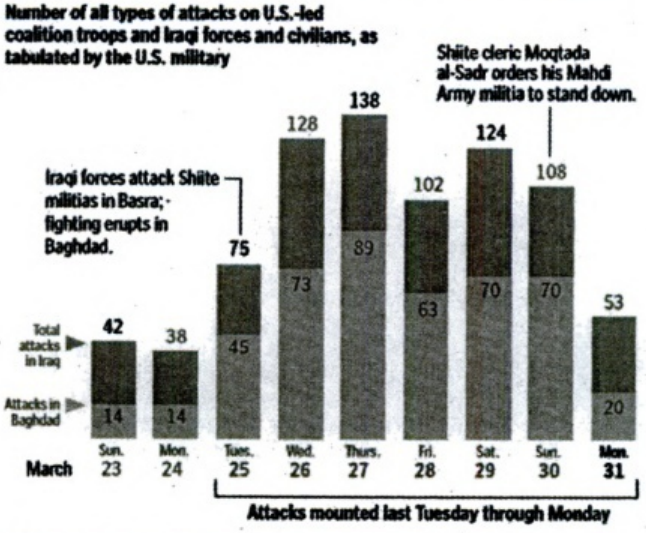
Again quoting General Cody, "I have never seen our lack of strategic depth to be where it is today," said Cody, who has been senior American official in charge of operations readiness for the past 6 years.

Now, that, some of you have reiterated in various ways, but I want to couple that with a graph that appears in the Washington Post, this morning, entitled "Spike in Attacks," that I would like to make a part of the record.

[The graph referred to follows:]

Spike in Attacks

The Iraqi offensive against Shiite militias in Basra last week sparked fierce fighting in Baghdad and elsewhere. Attacks also increased in Baghdad and other parts of the country.



430 attacks in Baghdad — the highest since last June, when the weekly average was 326.
728 attacks in Iraq — the highest since last September, when the weekly average was 858.

SOURCE: Staff reports | GRAPHIC: By Dita Smith - The Washington Post - April 2, 2006

Senator LUGAR. And it points out, as you do, General Scales, that this surge has bought us time and brought us to a culminating point, but the past week had rather startling developments. For example, the total attacks on Americans on March 23, a Sunday, was 42 in the whole country; on Monday, down to 38. But then the Maliki government commenced its offensive operation in Basra, and attacks on Americans went, on Tuesday, to 75; on Wednesday, to 128; on Thursday, to 138, and so forth, until the truce that the

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Ethnic segregation in Baghdad before and after 2006 (source: BBC.co.uk).

Much less susceptible to quantification is the public backlash against the excesses committed by almost all parties during 2006. The backlash is not limited to the extremist versions of Islam propagated by al-Qaeda or some Shia clerics. It is also aimed at some of the sweeping changes which coalition authorities and their Iraqi allies sought to push through over the past 5 years. The backlash is forcing most religious leaders, politicians, and warlords to distance themselves from the sectarian, fundamentalists, or radical change rhetoric.

The violence of 2006 seems to have provoked a sense of defiance among Iraqis who felt dragged into a civil war against their will and better judgement. The backlash was propagated through formal and informal civil society networks which survived despite the violence and the chaos. Baghdad University, Iraqi Women's Network, Web sites and blogs like the mysterious Shalsh Al-Iraqi who poked fun at everyone from the Sadrists to the Marines all played a role in affirming the public consensus against the extremism and chaos of the past 5 years.

The events of 2006 and the near collapse of the Iraqi state seem to have also shocked Iraq's neighbours who have either condoned or actively supported many of the combatants over the past 5 years. MNFI and Iraqi Government reports point to a dramatic decline in the flow of fighters and weapons from Syria and Iran during 2007.

A combination of these factors and the strategy adopted by the Multi-National Force under the command of General Petraeus led to the current improvement in the security situation.

The improvement is fragile and fleeting. It could be best described as a truce—an informal complex arrangement bringing together (1) most Iraqi insurgent groups particularly those drawn from former military, security structures and Baathists; (2) the Sadrists and the affiliated Mahdi Army; (3) Iraqi security forces particularly the National Police and affiliated Badr militia; and (4) the MNFI who are also acting as broker and guarantor.

Today, MNFI has more substantive control over the situation in Iraq than at any other time since the beginning of the invasion. This was not achieved by dominating the battlefield, where the troops remain just one of many actors, but by brokering a complex web of alliances and arrangements that put them at the centre.

The first element of the truce began to emerge in mid-2006 long before the surge. The Anbar Awakening Council—a coalition of Sunni Arab tribal leaders declared a campaign to expel al-Qaeda from the province. The Awakening "movement" originated in rivalries between tribes which aligned themselves with al-Qaeda in Iraq, on one side, and those who felt threatened by the group, on the other. What started as isolated skirmishes over illicit revenues, gradually evolved into an anti-al-Qaeda "uprising" uniting the bulk of the insurgency in the Sunni areas. The movement grew out of rising alienation and fear caused by the al-Qaeda and the foreign ideology it represented to most Iraqis, particularly, to the relatively secular former military and security personnel forming the backbone of the insurgency.

Al-Qaeda and the regime it attempted to establish through the Islamic Emirate of Iraq gradually displaced the occupation as the most immediate threat perceived by most insurgents in Sunni areas. This was as much a result of the group's own actions as the reactions they provoked across the country. Al-Qaeda violence was seen as providing a pretext for both Shia sectarian violence and greater Iranian in-

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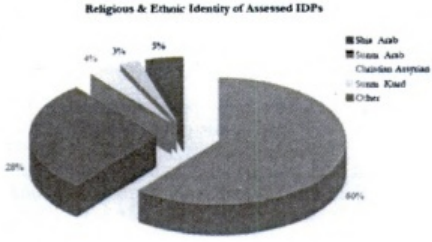
fluence, seen by many as an existential threat. Large-scale spectacular attacks and day-to-day identity killings, attributed to al-Qaeda, culminating in the bombing of the Askariya Shrine in Samarra in February 2006, unleashed a cycle of sectarian reprisals that threatened to decimate society.

The ensuing civil war involved uneasy and, ultimately, unsustainable alliances along sectarian lines between al-Qaeda and relatively secular and nationalist Sunni insurgents, on one side, and between the Mahdi Army of Muqtada al-Sadr and the new state security services dominated by its arch rival the Islamic Supreme Council and its Badr Organization, on the other.

Both the insurgents and Sadrists condoned and engaged in sectarian violence in the name of protecting their respective communities. Both risked losing their legitimacy and nationalist credentials in the process. The violence, at the end, caused only more pain and suffering to the communities in the name of which, it was allegedly perpetrated. The numbers of displaced people indicate that the suffering was roughly proportionate to all of Iraq's communities (with the exception of Kurdistan).

Religion and Ethnicity	% of Assessed IDPs
Shia Arab	60.9%
Sunni Arab	28.2%
Christian Assyrian	3.6%
Sunni Kurd	2.6%
Christian Chaldean	1.6%
Shia Turkmen	1.2%
Shia Kurd	0.9%
Sunni Turkmen	0.8%
Other	0.2%



Source: IOM.

The Multi-National Force in Iraq (MNF–I) seized on the opportunity provided by the Anbar Awakening Council, not only by refraining from prosecuting armed groups engaged in the fight against al-Qaeda, but also by providing them with cash and weapons. Coalition forces and Iraqi Army units working under their command provided fire support to the armed groups against the better equipped al-Qaeda. This amounted to an outright alliance and established a relationship of trust among the former adversaries that was to prove invaluable in other parts of Iraq.

In Baghdad and some of the surrounding countryside, coalition forces under Petraeus's command had to break up the complex cycle of violence into its various components in order to allow for the mobilization of efforts by all sides against the extremists in their midst. They achieved this by brokering localised cease-fires and alliances with all but the most extremist groups, be they al-Qaeda, "special groups" or "death squads."

A combination of nuanced rhetoric and the threat of force on the part of the MNFI, for example, allowed the Sadrists to distance themselves from the so-called "special groups" (bands attributed to the Sadrist Mahdi Army which have been carrying out lethal attacks on coalition forces, sectarian and vigilante atrocities) and led, ultimately, to the Mahdi Army cease-fire in August 2007, which was recently extended for another 6 months. Coalition officials and officers go to great lengths to distinguish between the "special groups" and the rank and file of al-Sadr's Mahdi Army.

A similar approach is used with Sunni insurgents, rechristened by the MNFI as Concerned Local Citizens (CLC) and Neighbourhood Militias, and distinguished from the foreign led, if majority Iraqi al-Qaeda. This is quite a significant shift, if one takes into account that the insurgents have, for most of the past 5 years, allied themselves with al-Qaeda, and that both they and the Mahdi Army are responsible for the bulk of U.S. casualties.

Coalition forces also pressured the Government in Baghdad to curtail the "death squads" associated with the National Police. Heavy and highly visible coalition presence in the most vulnerable areas provided added assurance to communities and militias, who purported to act on their behalf.

The multinational forces succeeded in gaining the trust of communities by changing the focus of the mission from the prosecution of insurgents to protection of civilians. This is a significant departure from past practices and is a reflection of Petraeus's counterinsurgency philosophy.

U.S. troops were taken out of their fortified basis and placed literally "in harm's way," as evidenced by the spike in U.S. casualties in the initial months of the surge. This was done with the explicit aim of providing protection and assurance to civilians. The troops were often based at Iraqi police stations and carried out police

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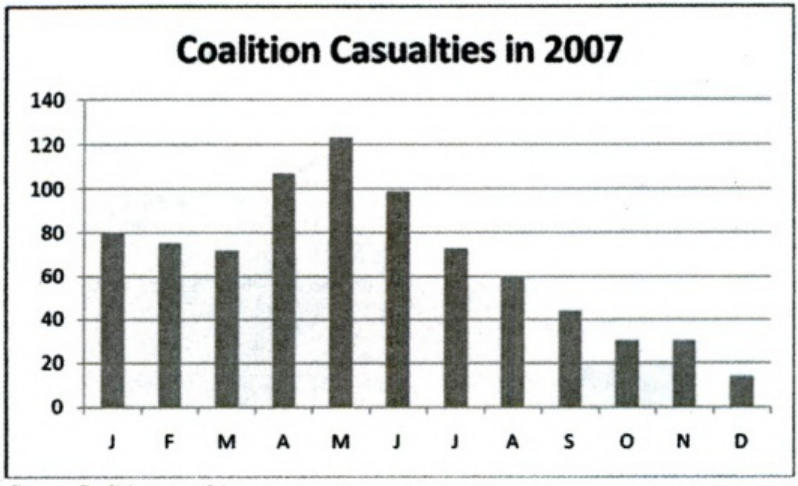
duties along with Iraqi Army units, which are relatively more trusted by the restive communities than the police. They often brought with them services and reconstruction relief to areas long ignored by the government.



Source: Coalition casualties.

This approach, together with the good will established through cooperation in Anbar, allowed both communities and insurgents to provide the coalition with the main weapon they need to fight al-Qaeda and other extremists—information.

Acting on supplied intelligence, coalition forces are devoting more care than in the past to minimising collateral damage to civilians by relying on skilled Special Operations Forces to carry out pinpoint raids.

This approach, while clearly effective, has its limitations and pitfalls. This is particularly visible in Diyala and Ninawa provinces, where the Awakening model can not be replicated. Unlike Baghdad and surrounding areas, these provinces, in addition to Salah al-Din and Kirkuk have the added complication of the "disputed territories"—areas contested by the various communities. The Kurds have made inroads into these provinces, provoking a hostile reaction by other communities.

In "disputed areas" it has been more difficult to mobilise insurgents to fight al-Qaeda since they perceive the threat from Kurdish expansion as a higher priority. Moreover, the chaotic environment in these areas, pitting the various communities against each other, has produced a level of anonymity in which terrorists have thrived. Al-Qaeda historically dominated these areas even when it used the Anbar as "base camp."

Other limitations of the surge approach emanate from the continued use of indiscriminate measures which affect large sections of the population. The numbers of administrative detainees have soared to an estimated 40,000, in both Iraqi Government and coalition custody (there are 23,000 in coalition custody as of March 2008; source: MNFI). Estimates for those in Iraq Government custody range from 15,000–20,000 thousands (source: Brookings Index). Many have been held for years without charge or trial. There are still numerous incidents of civilian casualties as a result of MNFI actions and those of their contractors. The use of high concrete barriers has turned many neighbourhoods into disjointed enclaves limiting freedom of movement and economic activity.

The mobilization of the insurgents under the Concerned Local Citizens (CLC) banner as well as the permissive attitude toward the Mahdi Army, key ingredients of the prevailing cease-fire, are problematic in the medium and long term. They detract from the already tarnished legitimacy of the official security forces. The use of "neighborhood watch" and militias amounts to a vote of no confidence in the National Police, in particular. With no realistic prospects or any real efforts at demobilization and reintegration, these militias and paramilitary formations undermine the prospects for establishing a state monopoly on the legitimate use of force.

The surge is also creating tensions with erstwhile allies in the Iraqi Government who feel threatened by the new groups, particularly the CLCs. Many CLC commanders are drawn from the ranks of the military and former security services and

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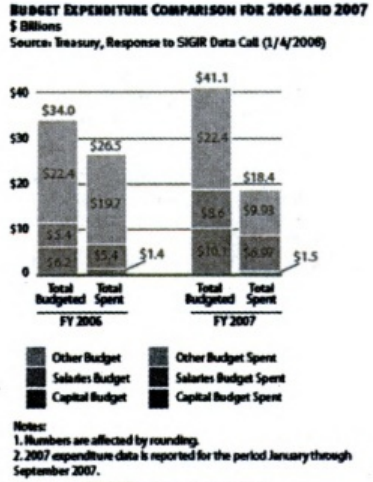
the necessary power to support existing or future refineries. Likewise, the MoO is focused on increasing exports and production of refined products for consumption and refuses to take MoE needs into account in its investment plans. It will never voluntarily cede the prerogative of producing and transporting natural gas to another ministry. To make matters worse, whatever energy and fuel are produced (or imported) are prevented from being efficiently shared by competing regions and Governorates. Refusal by the Governorates to share power is often credited with unnecessary outages affecting all users. Border regions and Governorates often commandeer fuel shipments transiting their territory.

Neither the line Ministries nor the Ministry of Finance (MoF) inherited policy planning and coordination capabilities from the previous regime. Economic and planning functions at the line Ministries were, in reality, accounting and engineering functions. Ministries received detailed instruction from MoPDC which they duly carried out. The MoF was the Government's cashier, releasing funds and ensuring proper accounting but had no analytical or policy planning capabilities.

Within this context, it is no wonder that the budget, now mostly controlled by the MoF, is closer to a cash distribution formula than to a monetary embodiment of a coherent economic policy. The National Development Strategy, meant to serve as the basis for the investment budget is compiled with diminishing rigour by MoPDC and is only taken seriously by foreign donors, if at all. The power to approve donor financing (through the Iraq Strategic Review Board (ISRB)) is one of few residual competencies of MoPDC. Its role has thus been reduced to "donor coordination," a function it is less and less capable of carrying out due to its declining domestic policy coordination role.

Ministries used only to carrying out clearly detailed instructions are simply not equipped to budget and spend multibillion investment allocations. Without proper costing, commercial or even technical justification, the projects underpinning allocations, for example, to MoE and MoO over the past 3 years, were simply declarations by the government of its intent to alleviate fuel and electricity shortages. The situation is even more challenging at the Governorate level, which never had any spending let alone policy planning functions. The doubling of their investment budgets is driven primarily by politics as explained elsewhere in this paper.

Faced with an extremely low level of investment budget execution, estimated at 22 percent in 2006, the past year saw concerted efforts by various actors to address this problem.



Source: SIGIR, January 2008.

Spearheaded by a number of mid- and high-level technocrats, efforts are under way to improve budget execution at various institutions, including the Council of Ministers Secretariat (CoMSec), the National Security Council (NSC), the Prime Minister's Advisory Council (PMAC), Supreme Economic Council (SEC), Parliament and the provinces.

In all these cases, efforts are aimed at building cross-departmental, multidisciplinary and in some cases interregional policy planning, coordination, and review

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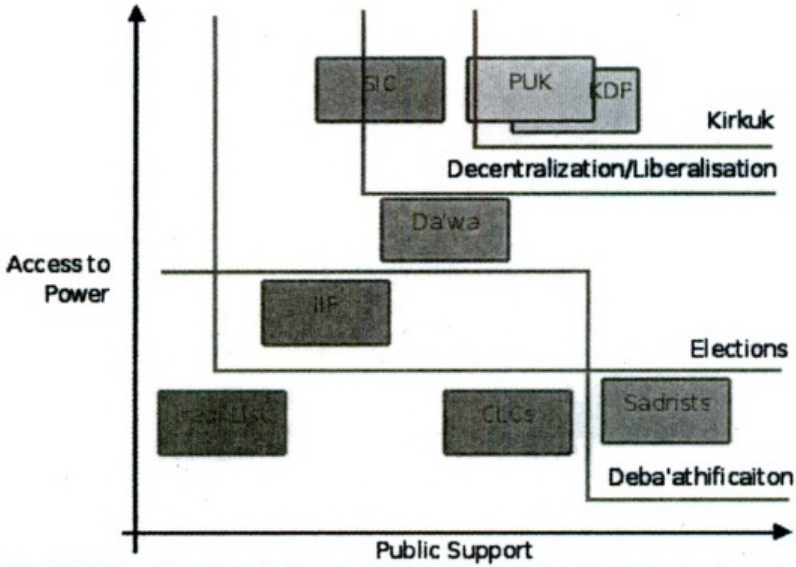

Simplified illustration of tension between position of power and public support for the various groups and the cross-cutting divisions and alignments on slected issues.

It is misleading to interpret the passage of key legislation, such as the Amnesty Law as a sign of compromise. Rather than addressing the key political questions the passed laws either paper over them or reflect the position of the ruling parties.

This is not to say that compromise is impossible but that the search is hampered by the mechanisms and personalities which dominated the political process over the past 5 years.

The recent passage of the budget, amnesty, and provincial powers laws is a case in point. The three laws were passed as a package. Some, including Sheikh Khalid al-Atiya, the respected First Deputy Speaker of Parliament, say that this was done in violation of the Constitution and Council of Representatives Procedures. The laws had to be passed in a package not because all those who voted agreed with each law, but because each of those who voted only agreed with one of the three laws (or even just parts thereof).

The most discussed issue on the budget was not how accurately it reflected agreed-upon policies and priorities but rather the amount allocated to Kurdistan. At the end, an important component of this issue, the allocation to the Kurdish Peshmarga (regional guards), was left to the Prime Minister to decide in consultation with the Kurdistan Regional Government.

There was little discussion about the relevance of an Amnesty Law which excludes most charges related to the insurgency (e.g., terrorism, murder). The Kurdistan Regional Government who's members of Parliament voted for the law has declared that it is not applicable to the region. The Sadrists supported the Governorates' Powers Law, only because it opened the way for provincial elections, which they hope to win.

The laws were passed despite a boycott by all opposition Members of Parliament except the Sadrists with the Speaker casting the tie-breaking vote. The Presidency Council then vetoed the Governorates' Powers Law. This amounted to a breach of trust for the Sadrists who made the passage of the whole package possible by breaking rank with other opposition groups in the hope of getting the regional elections expedited. Later the Presidency was forced to rescind its veto.

The ruling parties continue to pursue decentralization as a way of preempting challenges by existing and new opposition groups, establishing hard to reverse facts on the ground in the process.

The law on the Formation of Regions which comes into effect shortly—May 2008—will make it easy and irreversible to form a Federal Region. If new regions adopt a similar attitude to federalism as the Kurds the state could be hollowed out.

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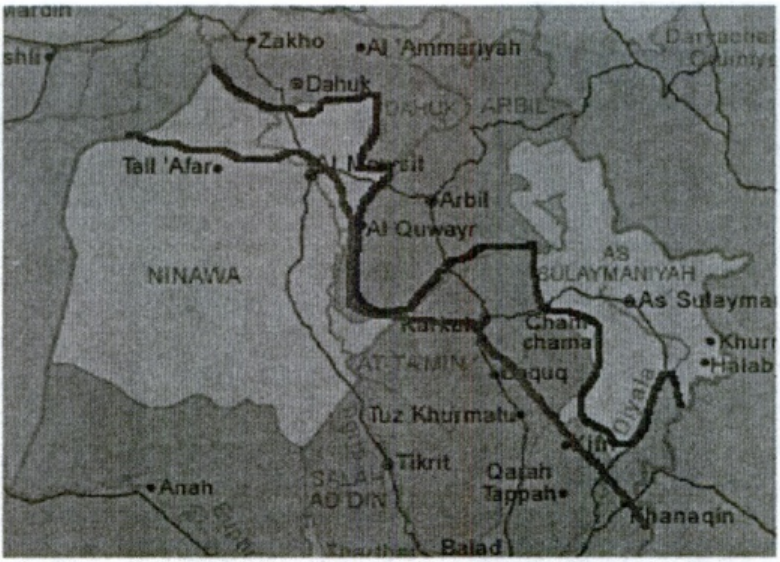
ment on this issue, though barely articulated, is fueling all other disputes. It is increasingly becoming a harbinger of violent conflict.



Approximate map of the disputed territories—between the red and green lines, source: geology.com.

Many Kurds deported forcibly from Kirkuk under Saddam's policy of Arabisation have been allowed to return. There is little evidence of forcible removal of non-Kurdish residents from the disputed areas but the Kurds do not hide their desire to see a transfer of those who were brought in by Saddam back to where they came from.

Article 140 of the constitution was essentially meant to formalize Kurdish control over the "disputed territories," first through a process of "normalization"—population transfer and compensation—and then through referenda to determine which parts of the disputed Governorates will be included in the Kurdistan Region.

Without officially reneging on the agreed upon formula, the government allowed article 140 to lapse at the end of 2007, largely through inaction. The status of the article is unclear, though most including the Kurdish parties are working under the assumption that it has been extended for 6 months.

The issue is so explosive and the differences among erstwhile allies so deep that there has not been a real discussion on it since the drafting of the Transitional Administrative Law (TAL) under Paul Bremer in 2004. Article 140 of the constitution is almost a verbatim copy of article 58 in the TAL.

Arab-Kurdish confrontations over other less explosive issues have been more overt, acting as both proxies for Kirkuk and being exacerbated by it. There were several occasions over the past 18 months where Iraq's fractious Arab political class, including Shia and Sunni parties in government and opposition united against the Kurdish parties. The issues ranged from the relatively harmless ban on the Iraqi flag, imposed by the Kurdistan Regional Government in September 2006, to the dispute over the allocation to the Kurdistan Regional Government in the 2008 budget and the oil contracts. Almost all parties objected to the allocation of 17 percent to the KRG although the same percentage was awarded to the region in the previous two budgets. The subdued reaction by most Arab politicians to the Turkish incursion in pursuit of the PKK is the clearest indication yet of the rising tension.

Together these tensions are creating a new schism which is contributing to government paralysis and threatening Iraq's territorial integrity. If neglected they may very well escalate into a new conflict.

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