



THE SABAN CENTER  
*for* MIDDLE EAST POLICY  
at THE BROOKINGS INSTITUTION

ANALYSIS PAPER

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Number 12, June 2007

# THE CASE FOR SOFT PARTITION IN IRAQ

EDWARD P. JOSEPH

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## ABBREVIATIONS

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IDP	INTERNALLY DISPLACED PERSON
IOM	INTERNATIONAL ORGANIZATION FOR MIGRATION
METT	MISSION-ENEMY-TERRAIN-TACTICS
NIE	NATIONAL INTELLIGENCE ESTIMATE
SIIC	SUPREME ISLAMIC IRAQI COUNCIL (FORMERLY THE SUPREME COUNCIL FOR THE ISLAMIC REVOLUTION IN IRAQ)
UNHCR	UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
UNPROFOR	UNITED NATIONS PROTECTION FORCE

## EXECUTIVE SUMMARY

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The time may be approaching when the only hope for a more stable Iraq is a soft partition of the country. Soft partition would involve the Iraqis, with the assistance of the international community, dividing their country into three main regions. Each would assume primary responsibility for its own security and governance, as Iraqi Kurdistan already does. Creating such a structure could prove difficult and risky. However, when measured against the alternatives—continuing to police an ethno-sectarian war, or withdrawing and allowing the conflict to escalate—the risks of soft partition appear more acceptable. Indeed, soft partition in many ways simply responds to current realities on the ground, particularly since the February 2006 bombing of the Samarra mosque, a major Shi'i shrine, dramatically escalated inter-sectarian violence. If the U.S. troop surge, and the related effort to broker political accommodation through the existing coalition government of Prime Minister Nuri al-Maliki fail, soft partition may be the only means of avoiding an intensification of the civil war and growing threat of a regional conflagration. While most would regret the loss of a multi-ethnic, diverse Iraq, the country has become so violent and so divided along ethno-sectarian lines that such a goal may no longer be achievable.

Soft partition would represent a substantial departure from the current approach of the Bush Administration and that proposed by the Iraq Study Group, both of which envision a unitary Iraq ruled largely from Bagh-

dad. It would require new negotiations, the formation of a revised legal framework for the country, the creation of new institutions at the regional level, and the organized but voluntary movement of populations. For these reasons, we refer to it as a “Plan B” for Iraq. It would require acquiescence from most major Iraqi political factors (though not necessarily all, which is an unrealistic standard in any event). It might best be negotiated outside the current Iraqi political process, perhaps under the auspices of a special representative of the United Nations as suggested by Carlos Pascual of the Brookings Institution.

International mediation could succeed where the current, U.S.-led effort to pry concessions out of al-Maliki's government has failed. Indeed, Kurds and Shi'i Arabs would have far more incentive to cede on the fundamental issue of oil production and revenue-sharing if they knew that their core strategic objectives would be realized through secure, empowered regions. Although it would surely play a facilitating role along with the United Nations, the United States need not bear the burden, nor the stigma, of leading Iraqis towards soft partition. At the outset, it would suffice for the United States simply to cease its insistence on the alternative of an Iraq ruled from Baghdad that at once fails to serve Sunni Arabs while serving as a symbolic threat to Shi'i Arabs—an Iraq that has encouraged the Shi'i Arabs to cement their dominance of the country's power center against any potential Sunni Arab revival.

Soft partition has a number of advantages over other “Plan B” proposals currently under discussion. Most others focus on a U.S. troop withdrawal or on the containment of civil war spillover to other countries, rather than the prevention of a substantial worsening of Iraq’s civil war. Soft partition could allow the United States and its partners to preserve their core strategic goals: an Iraq that lives in peace with its neighbors, opposes terrorism, and gradually progresses towards a more stable future. It would further allow for the possibility over time for the reestablishment of an Iraq increasingly integrated across sectarian lines rather than permanently segregated. If carefully implemented, it would help end the war and the enormous loss of life on all sides.

Such a plan for soft partition (as opposed to hard-partition which involves the outright division of Iraq) is consistent with the plan of Senator Joseph Biden (D-Del) and Leslie Gelb, a former President of the Council on Foreign Relations. Our plan builds upon their proposal, setting out the full rationale for such an approach as well as the means by which this new regionalized political system would be implemented through soft partition. Those means include creating processes to help people voluntarily relocate to parts of Iraq where they would no longer be in the minority, and hence where they should be safer. This is not an appealing prospect to put it mildly. However, if the choice becomes sustaining a failing U.S. troop surge or abandoning Iraq altogether, with all the risks that entails in terms of intensified violence and regional turmoil, then soft partition might soon become the least bad option. The question will then be less whether it is morally and strategically acceptable, and more whether it is achievable. Accordingly, the latter portion of this paper focuses on the mechanisms for implementing a viable soft partition of Iraq.

Sunni and Shi’i Arabs have traditionally opposed partition, whether hard or soft. However, with 50,000 to 100,000 persons being displaced from their homes and several thousand losing their lives every month,

sectarian identities are hardening as ethno-sectarian separation is increasing. In short, Iraq today increasingly resembles Bosnia-Herzegovina (hereafter Bosnia) in the early 1990s, where one of us worked extensively. While Iraq may not yet resemble Bosnia in 1995 in which ethnic separation had progressed to the point where fairly clear regional borders could be established, it is well beyond the Bosnia of 1992 when the separation was just beginning. Moreover, while Bosnia eventually wound up as a reasonably stable federation, as many as 200,000 may have lost their lives before that settlement. A comparable per capita casualty toll in Iraq would imply one million dead. It should be the goal of policymakers to avoid such a calamity by trying to manage the ethnic relocation process, if it becomes unstoppable, rather than allow terrorists and militias to use violence to drive this process to its grim, logical conclusion.

To make soft partition viable, several imposing practical challenges must be addressed. These include sharing oil revenue among the regions, creating reasonably secure boundaries between them, and restructuring the international troop presence. Helping minority populations relocate if they wish requires a plan for providing security to those who are moving as well as those left behind. That means the international troop presence will not decline immediately, although we estimate that it could be reduced substantially within eighteen months or so. Population movements also necessitate housing swaps and job creation programs.

Soft partition cannot be imposed from the outside. Indeed, it need not be. Iraq’s new constitution, approved by plebiscite in October 2005, already permits the creation of “regions.” Still, a framework for soft partition would go much further than Iraq has to date. Among other things, it would involve the organized movement of two million to five million Iraqis, which could only happen safely if influential leaders encouraged their supporters to cooperate, and if there were a modicum of agreement on where to draw borders and how to share oil revenue.

As noted, unless the U.S. troop surge succeeds dramatically, a soft partition model may be the only hope for avoiding an all-out civil war. Indeed, even if the surge achieves some positive results, the resulting political window might best be used to negotiate and implement soft partition. As of writing, it is too soon to know exactly how the current approach will fare. We are highly skeptical of its prospects. But one need not have a final assessment of the surge to begin considering which “Plan B” might succeed it in the event of failure—or even of a partial but insufficient success.

## THE AUTHORS

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**EDWARD P. JOSEPH** is Visiting Scholar and Professorial Lecturer at the Paul H. Nitze School of Advanced International Studies of the Johns Hopkins University as well as a career professional in conflict management, democracy and elections. He served for a decade in the Balkans, including nearly throughout the entire war in Bosnia-Herzegovina as a peacekeeper with the United Nations, on post-war active duty with the Army, as a senior official with the Organization for Security and Cooperation in Europe, and Project Director for the International Crisis Group. In July 1995, contemporaneous with the massacres in Srebrenica, Joseph and one United Nations colleague coordinated the evacuation of Muslim civilians from the neighboring Zepa “safe area.” In the fall of 2004, based in Baghdad’s civilian areas, the “red zone”, Joseph coordinated the United States Agency for International Development-funded governance program for the Interim Iraqi government. He is a frequent commentator on the Balkans and has published articles on both that region and Iraq. He earned a bachelors degree and masters degree in international studies from Johns Hopkins University and from the School of Advanced International Studies of the Johns Hopkins University respectively. Joseph also has a law degree from the University of Virginia. He is a helicopter pilot in the U.S. Army Reserve.

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## THE CASE FOR SOFT PARTITION

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Debates about whether soft partition is stabilizing, incendiary or even immoral go back for decades. Opponents of a partition of Iraq include Iraqi officials, the Bush Administration and the Iraq Study Group headed by former Secretary of State James Baker and former Congressman Lee Hamilton. In general, these opponents of partition argue that the country is still too mixed demographically, with up to a third of marriages across ethno-sectarian lines, and too unified culturally between its Sunni and Shi'i Arabs. Consequently, despite sectarian violence and population separation, they argue that such a proposal cannot work.<sup>1</sup> Opponents also fear the internal and regional implications of partitioning Iraq, bearing in mind the opposition to partition among prominent political factions within the country and among neighbors like Saudi Arabia and Jordan.

These strong reservations present a high hurdle for the advocates of partition. We share some of these concerns and, as a matter of principle and theory, we dislike partition as a solution to ethno-sectarian con-

flict. However, at some point it can become the lesser of a range of possible evils. Iraqi realities are beginning to trump theory. Ethnic killing and cleansing are the most important evidence of this trend. The proof goes further than acts of violence alone. The views and actions of an even larger percentage of the population than the violent minority (or "extremists" as Iraqi officials label them) indicate a drift towards separation. Disproving the notion that Iraqis "want to live together," citizens through their political choices and their movements are actually "voting" for separation. For example, voters twice rejected credible, non-sectarian alternatives to the current governing coalition by an increasing margin in the January and December 2005 legislative elections. Furthermore, in their flight from danger, Iraqis have demonstrated that they seek security not just by gaining distance from the violence—but more importantly by sheltering with members of the same ethno-sectarian group. By doing so they render the remaining minorities within Iraq's emerging regions even more vulnerable, thereby increasing the likelihood that they will even-

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<sup>1</sup> Sudarsan Raghavan, "Marriages Between Sects Come Under Siege in Iraq," *The Washington Post*, March 4, 2007, p. A-16. In the words of the Iraq Study Group, "devolving Iraq into three semiautonomous regions with loose central control [Federalism] ... could result in mass population movements, collapse of the Iraqi security forces, strengthening of militias, ethnic cleansing, destabilization of neighboring states, or attempts by neighboring states to dominate Iraqi regions. [Further], Iraqis, particularly Sunni Arabs, told us that such a division would confirm wider fears across the Arab world that the United States invaded Iraq to weaken a strong Arab state." See the Iraq Study Group (James A. Baker, III and Lee H. Hamilton, Co-Chairs), *The Iraq Study Group* (New York, NY: Vintage, 2006), p. 39.

tually have to leave (a phenomenon known as the “security dilemma”).<sup>2</sup>

Ardent defenders of Iraqi unity, like those of Bosnian unity before them, argue passionately against the notion that “ethnic differences are an insurmountable barrier to national concord.”<sup>3</sup> It is true that (as in Bosnia) there is nothing inherently incompatible about Iraq’s peoples, tribes and sects, particularly, the Sunni Arab and Shi’i Arab communities. Unlike in the Balkans, achieving ethno-sectarian “purity” is not itself a driving ideological imperative for political parties and armed groups in Iraq. However, it is also true that the Sunnis and the Shi’ah have clear identities and long-standing group grievances that are part and parcel of a self-sustaining civil war which U.S. forces are being asked to referee.

Most Iraqis today still do not favor soft partition. Yet the country’s political attitudes on this point are more complex than usually understood. Of course, the Kurds are nearly unanimous in their demands for maximal sovereignty. The deeply splintered Sunni Arabs tend to oppose soft partition, out of fear that it will be a prelude to hard partition, a consequent loss of oil revenues and excessive Iranian influence in Iraq. However, the preferred outcome of many Sunni Arabs is the restoration of their previous dominance in Iraq, an entirely unrealistic goal. They will have to find a new model and as good as any other approach is soft partition involving reliable guarantees for equal sharing of oil revenues. As for the Shi’i Arabs, many oppose the plan for regional autonomy promoted by ‘Abd al-Aziz al-Hakim, the

leader of the most prominent Shi’i Islamist Party, the Supreme Islamic Iraqi Council (SIIC, previously the Supreme Council for the Islamic Revolution in Iraq). Yet they seem less confident in the prospect of maintaining a multi-ethnic, diverse Iraq. Few Shi’i Arabs, other than former Interim Prime Minister Iyad Allawi whose support has dwindled, offer an alternative that is other than a Shi’i Arab-dominated Iraq.

As for the wider ramifications, a carelessly conceived and implemented partition could potentially cause regional destabilization and conflict. Indeed, this is a crucial difference between Iraq and Bosnia. In the latter’s case, its neighbors, Serbia and Croatia, were unified in their ambition to divide Bosnia and achieved a common approach. By contrast in Iraq it is precisely the ongoing civil war that presents the worst risk for regional stability. Rather than mitigating this internal conflict, the current insistence on maintaining the façade of a centralized government in Iraq is fuelling the conflict and perpetuating the security dilemma that each community feels. Given the depth of mistrust between ethno-sectarian groups and the nearly complete polarization of the security forces, exhortations to the government to “reform” and “reconcile” are likely to fail—even if they are worth a final try.

This paper explores how a soft partition plan would be implemented in Iraq. Among other elements it details how voluntary population movements could be executed. This process would require large numbers of U.S. forces, comparable to past levels, for the first twelve to eighteen months. Substantial, albeit

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<sup>2</sup> Drawn from the realist school of international relations, the underlying theory of the security dilemma is that in a state of anarchy, one state’s defensive action makes everyone less secure. Barry Posen of the Massachusetts Institute of Technology applied the concept of security dilemma to ethnic conflict, arguing that as multi-ethnic entities (such as Tito’s Yugoslavia or presumably Saddam’s Iraq) collapse, a situation of anarchy emerges among competing ethnic groups. The search for security then motivates these groups to seek either to control the state or resist it (given that the new state is “biased against them.”) Today’s Iraq evinces examples of both phenomena as Sunni Arabs resist Shi’i Arab domination of the state. In addition, as the displaced seek security through homogeneity, they are unintentionally accelerating inter-communal anxiety and the security dilemma. See Barry Posen, “The Security Dilemma and Ethnic Conflict,” *Survival*, Vol. 35, No. 1, Spring, 1993, pp. 27-47. See also Carter Johnson, University of Maryland, “Sovereignty or Demography? Reconsidering the Evidence on Partition in Ethnic Civil Wars,” DC Area Workshop on Contentious Politics, University of Maryland, Spring 2005, available at <[http://www.bsos.umd.edu/gvpt/davenport/dcawcp/paper/DCAWCP\\_CJohnson\\_Partition.pdf](http://www.bsos.umd.edu/gvpt/davenport/dcawcp/paper/DCAWCP_CJohnson_Partition.pdf)>.

<sup>3</sup> Eric Davis, Rutgers University, “Ethnic-Religious Divisions and Prospects for a Democracy in Iraq” at “The Middle East in 2005”, International Conference at the University of California, Los Angeles, May 19-21, 2005, available at <<http://www.international.ucla.edu/article.asp?parentid=24920>>.

reduced, numbers would be needed for several years afterwards. However, the number of expected U.S. fatalities should decline dramatically fairly soon after the beginning of the soft partition process. Some will find the ethics of assisting Iraqis in the segregation of their own country problematic. To be sure, the idea is distasteful. Nonetheless, the mass movement of populations is far preferable to insisting that people at risk stay put or return to their homes to prop up an illusion of political co-existence. As for the propriety of population movements, no less an organization devoted to human dignity than Human Rights Watch stated that the willingness of Arab settlers in Kirkuk to give up their homes to Kurds in return for assistance in finding new homes and livelihoods elsewhere “offered great hope of peacefully resolving the crisis in northern Iraq.”<sup>4</sup>

## IRAQ’S SECTARIAN CIVIL WAR AND THE SECURITY DILEMMA

Iraq’s descent into civil war has had a corrosive effect on the country’s demography. According to January 2007 data from the United Nations High Commissioner for Refugees (UNHCR), there are 2 million refugees (Iraqis fleeing across the international borders), and 1.7 million internally displaced persons (IDPs). Another 50,000 to 100,000 are being driven from their homes each month.<sup>5</sup> UNHCR anticipates a possible increase of one million displaced persons in Iraq over the course of 2007.<sup>6</sup> The displaced are a representative

sample of all of Iraq’s major ethno-sectarian groups, with the exception of the Kurds of whom only modest numbers have been forced to move.<sup>7</sup> Despite repeated appeals from Prime Minister Nuri al-Maliki for all those displaced to return to their homes, particularly in Baghdad, there are scant indications of willingness to do so. To the contrary, rather than any imminent reversal of the ethno-sectarian flight, a recent report of the International Organization for Migration (IOM) concluded that “these large movements will have long-lasting social, political and economic impacts in Iraq.”<sup>8</sup> As of June 2007, there was only a slight reported slowing of the displacement process despite the effort to improve security in Iraq through the new U.S. troop surge strategy.

The IOM monitors the movements of the displaced in fifteen of Iraq’s eighteen governorates (provinces) and confirms that in general, IDPs are moving to *homogenous communities*, sometimes within the same city (such as Baghdad), sometimes to different regions.<sup>9</sup> According to the IOM: “Shias tended to move from the center to the south. Sunnis tended to move from the south to the upper center, especially al-Anbar. Both ethnicities moved from mixed communities to homogenous ones in the same city, especially volatile Baghdad and Baquba. Christians primarily fled to Ninewa and Kurds were usually displaced to Diyala or Tameem/Kirkuk.”<sup>10</sup> Echoing this view, Refugees International explained the consequences of ethno-sectarian flight in this manner: “as Iraqis race to es-

<sup>4</sup> Human Rights Watch, “Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq,” Summary, August 2004, available at <<http://hrw.org/reports/2004/iraq0804/2.htm>>.

<sup>5</sup> UNHCR data cited in Sudarsan Raghavan, “War in Iraq Propelling a Massive Migration,” *The Washington Post*, February 4, 2007, p.A-1, available at <<http://www.washingtonpost.com/wp-dyn/content/article/2007/02/03/AR2007020301604.html>>. The IOM, *infra*, cites a figure of 1.5 million internally displaced, with 200,000 displaced between 2003 and 2005.

<sup>6</sup> Refugees International, *Iraq: The World’s Fastest Growing Displacement Crisis*, March 2007, p. 10, available at <<http://www.refugeesinternational.org/content/issue/detail/9915>>.

<sup>7</sup> By one recent count, the displaced in Iraq are 90 percent Arab, 7 percent Assyrian Christian, 2 percent Kurdish, 1 percent Turkomen, and less than 1 percent Chaldean Christian. Broken down differently, 64 percent were Shi’i Muslim, 28 percent Sunni Muslim, and 7 percent Christian. See IOM, *Iraq Displacement: 2006 Year in Review*, Geneva, Switzerland, January 2007, p. 5, available at <<http://www.iom-iraq.net/library/2006%20Iraq%20Displacement%20Review.pdf>>.

<sup>8</sup> IOM, *op.cit.*, p. 2.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

cape sectarian violence and de facto ethnic cleansing in southern and central areas[,] Iraq is becoming Balkanized as formerly mixed neighborhoods disintegrate into Sunni and Shia redoubts, all afraid of one another.”<sup>11</sup>

The data from refugee experts confirm that the impetus for ethno-sectarian flight comes from the ethno-sectarian nature of the killing, rather than armed conflict *per se*.<sup>12</sup> Put otherwise, those with the best on-the-ground intelligence and the most at stake, Iraqi civilians, are not simply fleeing the violence. Rather they are seeking security and they define security in large part through ethno-sectarian demographics. If they lack the means to escape Iraq or to move to relatively quiet areas such as Kurdistan, Basra or Karbala, then instead they move to nearby locations where they are part of the ethno-sectarian majority, and where militias of their own group tend to be in control. To illustrate, a Shi'i Arab family profiled by *The Washington Post* fled the predominantly Sunni Arab neighborhood of Ghazaliya in western Baghdad after receiving threatening leaflets. They chose to move to the mostly Shi'i Arab Kadhimiyah neighborhood. Although still in Baghdad, vulnerable to violence and facing material hardships, the family now feels a sense of security as explained by one of the daughters: “we were living in constant anxiety [in the old neighborhood.] Here we at least feel comfortable. We are living as one [with our new Shi'i Arab neighbors.]”<sup>13</sup> A Sunni Arab family interviewed by *Time* had a similar experience. Fleeing from Baghdad's mostly Shi'i Arab Shualla neighborhood to Sunni Arab Adhamiya, Ayesha Ubaid stated that, after the move, “she feels as

safe as it is possible to be in Baghdad.”<sup>14</sup> She added that despite the promise to protect their house, their erstwhile Shi'i Arab neighbors did nothing as a Shi'i Arab family quickly moved in to take the place of the displaced Sunni Ubaid family.

The Iraqi government does not approve of such movements, and recently demanded that recent settlers leave occupied housing promptly unless they can prove a legal right to the premises, such as a lease. This demand sparked a furor among Sunni and Shi'i Arab IDPs who insist that it is too dangerous to return home. “The government can say whatever it wants, but if it tells me to leave, I will not,” a Shi'i Arab man who had fled his home in a Sunni Arab neighborhood in Baghdad told *National Public Radio*, “Where can I go?”<sup>15</sup>

U.S. forces have been pulled into the dispute over squatters' rights. In Ghazaliyah in western Baghdad, Sunni Arabs appealed to the U.S. Army to have the Iraqi government suspend its demand to expel those without legal proof of occupancy. U.S. forces have begun to assist IDPs in legalizing their new status and swapping homes. In Bosnia, the international community set up post-war property commissions to regularize the status of the massive number of homes and apartments that changed hands during the war. In the vast majority of cases minorities who recovered the legal right to their property in Bosnia quickly sold it. No such system exists in Baghdad and residents have to attempt to strike deals on their own, or to appeal to U.S. forces for a reprieve. If these approaches fail, they turn to militias and other enforcers to find ways of “convincing” own-

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<sup>11</sup> Refugees International, *op.cit.*, p. 1.

<sup>12</sup> *Ibid.*, p.7. The least likely reason provided by displaced persons for their flight was “armed conflict.”

<sup>13</sup> Joshua Partlow, “For Baghdad's Uprooted Girls, Schools Offers a Hard Haven,” *The Washington Post*, February 17, 2007, p. A-18, available at <<http://www.washingtonpost.com/wp-dyn/content/article/2007/02/16/AR2007021602195.html>>.

<sup>14</sup> Bobby Ghosh, “Behind the Sunni-Shi'ite Divide,” *Time Magazine*, February 22, 2007, p. 40.

<sup>15</sup> The man acknowledged that his home was provided to him by representatives of Muqtada as-Sadr, whose Mahdi Army in all likelihood knew of its availability as they had expelled the Sunni Arab owners. Ann Garrels, “Baghdad Squatters Face Deadline to Leave,” *National Public Radio, Morning Edition*, February 20, 2007, available at <<http://www.npr.org/templates/story/story.php?storyId=7492225>>.

ers to give them the permission that they need to stay in their new-found homes.<sup>16</sup>

As Baghdad has succumbed to the Balkanization of its neighborhoods, the United States has acknowledged the value of ethno-sectarian separation. Segregating communities, according to the U.S. commander in Doura, a south Baghdad neighborhood, is a regrettable but “necessary interim step to allow the situation to calm down.”<sup>17</sup> In the most visible endorsement of separation, U.S. troops have controversially begun to create so-called gated communities in at least ten of Baghdad’s most violent neighborhoods. In Adhamiya, American commanders began erecting a three-mile wall “to break contact between Sunnis and Shiites.”<sup>18</sup> The proposal has been hotly contested and there has been a backlash, particularly from Sunni Arabs in Adhamiya. The Iraqi reaction to the Adhamiya plan illustrates the difficulty of dividing up mixed populations while leaving them essentially in place. Physical separation boosts security, but keeping the communities cheek-by-jowl makes residents angry and resentful. One Sunni Arab resident chafed that the barriers imprisoned him and his fellow Sunni Arabs.<sup>19</sup> At some point soon, U.S. and Iraqi officials may have to reassess the viability of maintaining vulnerable minority populations in their current locations where they are

surrounded by hostile majorities, such as the Sunni Arab communities in Doura or Adhamiya.

To summarize, the manner in which Sunni and Shi’i Arabs seek security is part and parcel of the increasing, accelerating emergence of largely homogenous ethno-sectarian regions in Iraq. The *internal* displacement in Iraq has become an accelerant of the conflict, creating a self-sustaining momentum. The flight of refugees across international borders has also robbed the country of a core, moderate middle class needed for reconciliation. Not only are extremists on both sides making the civil conflict “self-sustaining,” in the words of the National Intelligence Estimate (NIE), the movement of victims is further widening the sectarian divide.<sup>20</sup> It will be very difficult to reverse this, if indeed it is even possible.

Both the Iraq Study Group and the Bush Administration expressly oppose devolving power to semi-autonomous regions. Instead, both advocate maximal support for, as the Iraq Study Group puts it, “central control by governmental authorities in Baghdad.”<sup>21</sup> To stem sectarian violence they logically advocate goading Iraq’s dominant Shi’i Arabs and Kurds to meet a number of “milestones” that will foster “reconciliation.”<sup>22</sup> Resistance to this approach so far has not been surprising, however, given the strong sectarian sympathies

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<sup>16</sup> The National Public Radio report quoted a Shi’i Arab man who fled his house, yet refused to give the Sunni Arab occupants legal rights. He is now worried that relatives of his who are still living in his old neighborhood will be threatened unless he complies. Ann Garrels, *op.cit.* A property commission exists for Kirkuk, but as discussed *infra* has had incomplete results because many of the Kurds expelled from the city by Saddam have no documents to establish their ownership rights.

<sup>17</sup> Colonel Jeff Petersen, commander in the South Dora neighborhood of Baghdad, quoted in Ann Garrels, *op.cit.*

<sup>18</sup> Edward Wong and David S. Cloud, “U.S. Erects Baghdad Wall to Keep Sects Apart,” *The New York Times*, April 21, 2007, available at <<http://www.nytimes.com/2007/04/21/world/middleeast/21iraq.html?ex=133480800&en=b08d5548fc11ec02&ei=5090&partner=rssuserland&emc=rss>>.

<sup>19</sup> Wong and Cloud, *op.cit.* For other Iraqi reactions to the wall, see Alissa J. Rubin, “Outcry Over Wall Shows Depth of Iraqi Resentment,” *The New York Times*, April 23, 2007, available at <<http://www.nytimes.com/2007/04/23/world/middleeast/23cnd-iraq.html?ex=1334980800&en=391a7d54f96691dc&ei=5088&partner=rssnyt&emc=rss>>.

<sup>20</sup> The NIE states that “Extremists—most notably the Sunni jihadist group al-Qa’ida in Iraq (AQI) and Shia oppositionist Jaysh al-Mahdi (JAM) [Muqtada as-Sadr’s Mahdi Army]—continue to act as very effective accelerators for what has become a *self-sustaining inter-sectarian struggle between Shia and Sunnis*” (emphasis added). The NIE adds that “Significant population displacement, both within Iraq and the movement of Iraqis into neighboring countries, indicates the hardening of ethno-sectarian divisions, diminishes Iraq’s professional and entrepreneurial classes, and strains the capacities of the countries to which they have relocated. The UN estimates over a million Iraqis are now in Syria and Jordan.” National Intelligence Council, “Prospects for Iraq’s Stability: A Challenging Road Ahead,” *National Intelligence Estimate*, January 2007, Washington, D.C., p. 7, available at <[http://dni.gov/press\\_releases/20070202\\_release.pdf](http://dni.gov/press_releases/20070202_release.pdf)>.

<sup>21</sup> The Iraq Study Group, *op.cit.*, p. 39.

<sup>22</sup> The main difference between the Iraq Study Group and the Bush Administration is on how to achieve the milestones. The Iraq Study Group advocates a comprehensive regional and international diplomatic approach in conjunction with strict conditionality toward the ruling Iraqis. If the government does not meet the milestones, continued U.S. military and economic support will be cut. The Iraq Study Group also advocates a transition in the U.S. military role from security to training and support, along with a progressive drawdown of forces. The Bush Administration is committed to using U.S. troops in a primary security role while attempting to goad the Iraqis into meeting largely similar milestones. Both approaches envision a unitary Iraq without regions.

and motivations of most in al-Maliki's government.<sup>23</sup> The abject bias of Prime Minister al-Maliki, a Shi'i Arab from the *Da'wa* party, and his government is well documented. This bias was detailed in a leaked memo written by National Security Advisor Stephen Hadley which described "an aggressive push [in government] to consolidate Shia power and influence." Hadley's memo suggested that al-Maliki himself is either ignorant or duplicitous or weak.<sup>24</sup> However, al-Maliki is only the tip of the iceberg. The Iraqi government is split almost wholly along ethno-sectarian lines. Based on the parliamentary seat allocation from the December 2005 election, less than 10 percent of Iraqi parties in the Council of Representatives (the unicameral parliament) are simply "Iraqi"—in the sense that they represent more than one ethno-sectarian group. The Iraqi National List of Iyad Allawi, the main non-sectarian party that ran in the most recent parliamentary elections, holds 13 percent of ministry or leadership positions.<sup>25</sup> All the other ministries have been allocated along ethno-sectarian lines.

The most sensitive function of government, providing security, is also contaminated by ethno-sectarian mistrust at the highest levels. Shi'i Arabs openly admit that Deputy Prime Minister Salam az-Zubayi, a Sunni

Arab whose portfolio includes oversight of security affairs, is deliberately kept in the dark. They say that they "cannot share details about security operations with Sunni leaders [like az-Zubayi] because of fears that the Sunnis will disclose the plans to insurgent groups."<sup>26</sup> For their part, Sunni Arab leaders suspect that the government makes only half-hearted efforts to rein in Shi'i Arab militias, while deploying forces vigorously against the Sunni Arab insurgency. U.S. Army Gen. David Petraeus and other American officials are currently quite focused on this problem, but it is not yet clear how much improvement will be possible.

In other words, the rational Shi'i Arab concern that sensitive information would be leaked to insurgents has reinforced the equally rational Sunni Arab conviction that central government is biased against them.<sup>27</sup> Hadley captured the problem of the systematic anti-Sunni Arab exploitation of the tools of government with this blunt assessment in his memo:

Despite Maliki's reassuring words, repeated reports from our commanders on the ground contributed to our concerns about Maliki's government. Reports of nondelivery of services to Sunni areas, intervention by the

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<sup>23</sup> Two sage Iraqi observers, the former Iraqi Representative to the United States, Rend al-Rahim and Laith Kubba, of the National Endowment for Democracy and a former Spokesman for Transitional Prime Minister Ibrahim Ja'fari, each cite fundamental flaws in the strategy to obtain progress on "benchmarks" or "milestones" through pressure. Writing in *The Washington Post*, al-Rahim argued that "[t]he paramount problem in Iraq is the disagreement among Iraqis themselves and their reluctance to compromise, and what is needed first and foremost is an agreement among Iraqi social and political groups. Only then will regional and international agreements be relevant. Similarly, the attention the United States pays to the legal aspects of national reconciliation puts the cart before the horse: Laws and constitutional revision must be outcomes of a national agreement, not conditions for one." Rend al-Rahim, "A Dayton Process for Iraq," *The Washington Post*, May 10, 2007, p. A-23, available at <<http://www.washingtonpost.com/wp-dyn/content/article/2007/05/09/AR2007050902447.html>>. Kubba, speaking publicly at the United States Institute of Peace on February 6, 2007, maintained that neither the threat of withdrawal, nor cutting back on assistance, would achieve the political accommodation sought by the U.S. for the simple reason that each of three main groups (Shi'i Arabs, Sunni Arabs and Kurds) believes in the main that it can fight on without U.S. help.

<sup>24</sup> Hadley's memo states (with added emphasis): "While there does seem to be an aggressive push to consolidate Shia power and influence, it is less clear whether Maliki is a witting participant. The information he receives is undoubtedly skewed by his small circle of *Da'wa* advisers, coloring his actions and interpretation of reality. His intentions seem good when he talks with Americans, and sensitive reporting suggests he is trying to stand up to the Shia hierarchy and force positive change. But the reality on the streets of Baghdad suggests Maliki is either ignorant of what is going on, misrepresenting his intentions, or that his capabilities are not yet sufficient to turn his good intentions into action." Michael R. Gordon, "Bush Adviser's Memo Cites Doubts About Iraqi Leader," *The New York Times*, November 29, 2006, p. A-1.

<sup>25</sup> Phebe Marr, "Iraq's New Political Map," *USIP Special Report*, January 2007, p. 23, available at <<http://www.usip.org/pubs/specialreports/sr179.html>>. Allawi's nationalist slate did only marginally better in the January 2005 elections, getting 13.82 percent of the vote.

<sup>26</sup> Ernesto Londono, "For Eminent Sunni, Lessons in Weakness: Maliki Deputy Describes Marginalization," *The Washington Post*, February 10, 2007, p. A-1, available at <<http://www.washingtonpost.com/wp-dyn/content/article/2007/02/09/AR2007020902344.html>>.

<sup>27</sup> Partition theorists maintain that this perceived "biased nature of the state," drives groups in divided societies to seek to mobilize either to control the state or wage a violent secession (or insurgency.) See Johnson, op.cit., pp. 6-7.

prime minister's office to stop military action against Shi'i targets and to encourage them against Sunni ones, removal of Iraq's most effective commanders on a sectarian basis and efforts to ensure Shi'i majorities in all ministries—when combined with the escalation of Jaish al-Mahdi's [Muqtada as-Sadr's Mahdi Army] killings—all suggest a campaign to consolidate Shia power in Baghdad.<sup>28</sup>

The disparity in services afforded Sunni Arabs in Baghdad cited by Hadley plays into the hands of Sunni Arab insurgents. According to Maj. Guy Parmeter, the operations officer for the U.S. battalion that operates in the Sunni Arab areas of west Baghdad: "When the government is denying services to Sunnis, they are pushing them toward the Sunni extremists who attack the Shiite-dominated security forces ... [making] it harder to deliver services in those areas."<sup>29</sup>

The anti-Sunni Arab bias in the security forces has not been lost on the Sunni Arab public, 56 percent of which, according to a recent *ABC News*-led poll, reported experiencing violence from the Iraqi Police or Iraqi Army forces. By contrast, only 7 to 8 percent of Shi'i Arabs reported similar experiences. Virtually no Kurds were on the receiving end of security force violence. According to *ABC News*:

As in many of these measures, there's a *night-and-day difference between Sunni Arabs and other Iraqis* in their trust in institutions—the national government, the Iraqi Army and po-

lice, local leaders and local militias alike. And while most Shiites and Kurds think members of Iraq's National Assembly are willing to make needed compromises for peace, 90 percent of Sunni Arabs don't buy it [Emphasis added].<sup>30</sup>

If Sunni Arabs needed more evidence of the intrinsic government bias against them, it came on December 30, 2006 with Saddam Hussein's execution. Bending to the palpable eagerness of Shi'i Arabs to hasten Saddam's demise, the U.S. handed the former dictator over to al-Maliki's government which promptly carried out the execution on the day that Sunnis began the Id al-Adha holiday. The rushed selection of the date, which was one day before the Sh'iah begin Id al-Adha, reinforced Sunni Arab conviction that Shi'i Arab political dominance means constant humiliation. As media analyst Kadhim al-Mukhdadi said, "It was their way of telling us [Sunnis], 'We're in charge now, and you are so weak that even your holy days have no meaning anymore.'"<sup>31</sup> Not surprisingly, according to the Brookings Iraq Index, 85 percent of Sunni Arabs express dislike for al-Maliki.<sup>32</sup>

## IS PARTITION THE SOLUTION?

Many commentators oppose the soft partition of Iraq because there is no longstanding enmity between Sunni and Shi'i Arabs.<sup>33</sup> Democracy advocates cite polls taken in Iraq showing that despite the violence and separation, Sunni and Shi'i Arab populations continue to have a strong "Iraqi national identity" and oppose

<sup>28</sup> Hadley memo quoted in National Public Radio, "Hadley's Memo on Maliki Reveals U.S. Analysis," *All Things Considered*, November 29, 2006, available at <<http://www.npr.org/templates/story/story.php?storyId=6556440>>. See also Michael R. Gordon, op.cit., p. A-1.

<sup>29</sup> Alissa J. Rubin, "Sunni Baghdad Becomes Land of Silent Ruins: Strife and Neglect Cut Access to Life's Basics," *The New York Times*, March 26, 2007, p. A1.

<sup>30</sup> Poll conducted on March 5, 2007. See ABC News-USA Today-BBC-ARD, "Iraq: Where Things Stand," March 19, 2007, p. 10, available at <<http://abcnews.go.com/images/US/1033aIraqpoll.pdf>>.

<sup>31</sup> Kadhim Al-Mukhdadi quoted in Ghosh, op.cit., p. 39. In addition, the harassment of a seemingly dignified Saddam on the gallows (principally by supporters of Muqtada as-Sadr) was photographed and sent around the world, further outraging Sunnis. See Anthony Shadid, "Across the Arab World, a Widening Rift; Sunni-Shiite Tension Called Region's 'Most Dangerous Problem,'" *The Washington Post*, February 12, 2007, p. A-1.

<sup>32</sup> Jason Campbell and Michael E. O'Hanlon, *The Iraq Index*, Brookings Institution, June 4, 2007, p. 50, available at <<http://www.brookings.edu/iraqindex>>.

<sup>33</sup> Phebe Marr quoted in Peter Beinart, "We Broke It," *The New Republic*, December 18, 2006, available at <<http://www.tnr.com/doc.mhtml?i=20061218&s=trb121806>>. See also Rend al-Rahim, op.cit.

partition.<sup>34</sup> Despite this, there is strong evidence that violence is steadily eroding national unity.<sup>35</sup> In addition, there are demonstrable roots to Sunni-Shi'i tension, such as the longstanding Sunni Arab dominance of the oppressive Ba'ath Party, common scorn among Sunnis for Shi'ah whom they view as "Persian" and lower in class standing, and Saddam's pogroms against the Shi'i Arabs in the early 1990s.<sup>36</sup> According to Vali Nasr of the Naval Postgraduate School: "When [Saddam] killed a Sunni, it was personal—because of something that person had done; when it came to killing Shi'ites, he was indiscriminate. He didn't need a specific reason. Their being Shi'ite was enough."<sup>37</sup> Although Shi'i Arabs profess support for an Iraqi national identity, they also have a shared memory of oppression and a widespread feeling of an entitlement to rule. This has left Iraq in the grips of an insidious form of "identity politics."<sup>38</sup>

The most recent *ABC News* survey provides important evidence for the growing acceptance of regionalism. Although all polling in Iraq must be read with caution, the figures are striking. The poll shows that a solid majority of Shi'ah (59 percent) believe that Iraq *should* either be reconstituted into regions or divided outright into separate states. An even larger majority (73 per-

cent) believes that Iraq *will* be divided in one of these two manners at some point in the future—the personal preference of the respondents notwithstanding. The number of Iraqis now saying that the country should remain unified has dropped from 79 percent in February 2004 to 58 percent in March 2007. Almost the exact same number (57 percent) also says that regardless of their personal preferences Iraq *will* be divided either into regions or separate states.<sup>39</sup>

In any event, whatever Iraqis say in surveys about rejecting division of the country, what they do at elections suggests they are embracing it and hastening its arrival. Secular and religious Shi'ah alike heeded Ayatollah Ali al-Sistani's *fatwa* and streamed to the polls in December 2005 propelling heavily sectarian, religious-oriented parties into power. The parade of Shi'i Arabs wagging their purple fingers at the polls elicited deep-set Sunni Arab anxieties. For the Sunni Arabs, "the officially sanctioned emergence of the Shiites as the ruling element in Iraq was a massive psychological blow [confirming their] worst fears about [the Shi'ah.]"<sup>40</sup> When Sunni Arabs decided to participate in the second parliamentary election of the year they emulated their Shi'i Arab counterparts and voted overwhelmingly for sectarian parties. At the December 2005 poll,

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<sup>34</sup> International Republican Institute Executive President Judy Van Rest said, referring to her organization's June 2006 poll, "Through everything that's gone on, there's a strong feeling that the country should stay together," quoted in David R. Sands, "Iraqis Dismiss Split, Approve of al-Maliki," *The Washington Times*, July 19, 2006. The poll reported 78 percent of respondents disagreeing with the suggestion that Iraqis should be segregated according to religion or sect. *Survey of Iraqi Public Opinion*, International Republican Institute, July 19, 2006. Poll material cited in *The Three-State Solution: Examining the Option of Partitioning Iraq*, Angela Stephens, January, 2007, unpublished paper, Johns Hopkins School of Advanced International Studies.

<sup>35</sup> "The complex webs of tribal affiliations and social status that rule everyday life in Iraq do not always line up as simply Shi'ite against Sunni. But increasingly, despite the urging of some Shi'ite religious leaders and Sunni politicians, the attacks have been." Sabrina Tavernise, "Sectarian Hatred Pulls Apart Iraq's Mixed Towns," *The New York Times*, November 20, 2005 cited in Chaim Kaufmann, "Living Together After Ethnic Killing: in Theory, in History, and in Iraq Today" paper presented at "Iraq: The Approaching Endgame," conference organized by the Mortara Center for International Studies, Department of Government, Institute for the Study of Diplomacy, Center for Peace and Security Studies, Georgetown University, February 16, 2007, p. 39, available at <<http://mortara.georgetown.edu/includes/20050901/TextFiles/Kaufmann1.pdf>>.

<sup>36</sup> Yitzhak Nakash, *The Shi'is of Iraq* (Princeton, NJ; Princeton University Press, 1994), p. 76; and Vali Nasr, "When the Shiites Rise," *Foreign Policy*, July/August 2006.

<sup>37</sup> Vali Nasr quoted in Ghosh, op.cit., p. 35.

<sup>38</sup> Iraqi-American academic Kanan Makiya, an erstwhile fervent supporter of the U.S. invasion, in an interview broadcast by National Public Radio on April 18, 2007. Makiya, a Shi'i Arab, lamented that beginning in the immediate wake of the invasion even enlightened, exiled Iraqis "began thinking of themselves of Shiites first and Iraqis second." Makiya believes that the country's majority Shi'i Arabs "are trapped in their victim-hood. The abused has become the abuser." See Kanan Makiya, "Changing Assumptions on Iraq," National Public Radio, *Morning Edition*, April 18, 2007, available at <<http://www.npr.org/templates/story/story.php?storyId=9635035>>.

<sup>39</sup> Respondents were offered a choice of "One unified Iraq with central government in Baghdad", or "A group of regional states with their own regional governments and a federal government in Baghdad", or "Dividing the country into separate independent states." ABC News et al, op.cit., pp.23-4.

<sup>40</sup> Ahmed S. Hashim, "Iraq's Civil War", *Current History*, January 2007, p. 7.

voters from all sides rejected the option of national unity by an even greater margin than they had twelve months previously.<sup>41</sup>

To summarize, as in the former Yugoslavia, elections in Iraq have been less a transition point to democracy than an exercise in ethno-sectarian politics and the pursuit of group self-interest. As Shi'i Arab voters in particular have asserted their dominance by voting *en bloc*, they have provoked further sectarian responses from the Sunni Arabs. As each side has responded (by dividing the government along sectarian lines, by forming militias, by launching reprisal attacks), ethno-sectarian identities, which have deep roots in each group's historical experience, have hardened.

A new political and security architecture for Iraq that would devolve most power and governance to the regions would be a major change from the current approach. Yet it is consistent with the Iraqi constitution ratified in August 2005. Though Sunnis overwhelmingly opposed it, over 78 percent of Iraqis voted in favor of a constitution that licenses an autonomous Kurdish region and allows for creation of other similar regions.

The constitution acknowledges the stark reality of Iraq's identity politics in other ways. Incorporating provisions from the Transitional Administrative Law (the interim constitution adopted during the reign

of U.S. pro-consul L. Paul Bremer), the constitution speaks of rectifying "the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk."<sup>42</sup> The constitution sets out an end-2007 deadline to hold a referendum on Kirkuk. The Kurdish position on maximal autonomy (up to and including sovereignty) has the backing of almost 90 percent of Kurdish voters responding to a January 2005 referendum question. Kurdish politics have long revolved around the struggle for an independent Kurdistan with Kirkuk ("our Jerusalem," as Kurds like to say) at its center.<sup>43</sup>

With respect to aspirations among some Shi'ah to form a nine-governorate autonomous region in southern Iraq, the constitution imposes a six-month deadline from the first session of the newly convened parliament that was elected in December 2005 to elaborate the procedures for forming such "regions." Only 10 percent support among voters in each of the affected governorates is needed to seek a referendum to create an autonomous region.<sup>44</sup> SIIC leaders have made no secret of their determination to achieve their goal of forming a Shi'i region in southern Iraq, but they vigorously reject the allegation that it is simply a partisan project. After meeting with President Bush in Washington on December 4, 2006, al-Hakim gave an impassioned public defense of such an enhanced federalism. He dismissed the charge that it was a first-step towards formal partition of the country. Al-Hakim explicitly

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<sup>41</sup> Even a staunch opponent of partition, the Iraq historian Phebe Marr, has conceded that the moderate, non-sectarian, Iraqi-in-identity Iraqi National List was the big "loser" in the latest elections. The Iraqi National List won barely 9 per cent of the vote, whereas non-sectarian parties, including Allawi's, had gained around 18 percent during the January 30, 2005 elections. See Iraqi election results in Marr, *op.cit.*, pp. 22-3. Polls taken by the University of Michigan and Eastern Michigan University purportedly reveal a strengthening in the Iraqi identity from 2004 to 2006. University of Michigan News Service, "Iraqi Attitudes: Survey Documents Big Changes," June 14, 2006.

<sup>42</sup> See Article 136, Second and Article 138 of the Iraqi Constitution. The latter incorporates by reference Articles 53(A) and 58 from the Transitional Administrative Law, each of which accommodates the strong Kurdish interest in Kirkuk. The International Crisis Group warns of a "looming crisis" over the Kirkuk referendum. International Crisis Group, *Iraq and the Kurds: Resolving the Kirkuk Crisis*, April 19, 2007, available at <<http://www.crisisgroup.org/home/index.cfm?id=4782&l=1>>.

<sup>43</sup> See Articles 114 [118] and 115 [119] of Iraqi Constitution. The Constitution forbids only Baghdad from merging with a region, however, in a change from the Transitional Administrative Law, Baghdad is no longer expressly proscribed from forming its own region. See also Jonathan Morrow, "Weak Viability: The Iraqi Federal State and the Constitutional Amendment Process," USIP Special Report 168, July 2006, p. 12, available at <<http://www.usip.org/pubs/specialreports/sr168.html>>. For the Iraqi constitution, see Associated Press, Full Text of the Iraqi Constitution, October 16, 2005 available at <<http://www.msnbc.msn.com/id/9719734/>>.

<sup>44</sup> *Ibid.*

linked the pursuit of such a regional autonomy concept with the Shi'i narrative of oppression at the hands of Baghdad which had imposed an "artificial unity" on the country.<sup>45</sup>

Al-Hakim is not necessarily representative of most Shi'i political thinking on soft partition, and his own views have been in flux. The fact remains that realities on the ground are supporting the argument for dividing Iraq up whatever the theoretical and constitutional arguments might be.

Moreover, it is hard to know if the opposition of other Shi'i leaders to federalism has arisen primarily out of ideology or out of simple rivalry with al-Hakim. Establishing a "region" would consolidate SIIC's power in the central-southern governorates such as Babil, Najaf and Karbala, as well as provide it with control over fractious Basra governorate's oil. This would threaten Muqtada as-Sadr, whose strongholds are in the poor neighborhoods of Baghdad (the constitution excludes Baghdad from any autonomous region) and the southern provinces of Maysan and Dhi Qar.<sup>46</sup> Yet few of SIIC's principal opponents on the matter of federalism, most notably Prime Minister al-Maliki and as-Sadr, have demonstrated serious commitment to an alternative that cedes Sunni Arabs a meaningful place in government. To the contrary, aside from former Prime Minister Allawi and a few others, Shi'i politicians largely seem to share the objective of preserving a Shi'i-dominated ruling structure. A soft partition arrangement that did not consolidate SIIC's power might find favor among Shi'ah opposed to the concept at present.<sup>47</sup> To make soft partition more attractive the

constitution might need to be modified to allow Baghdad, in whole or part, to join autonomous regions.

Iraq's Sunni Arabs bitterly and categorically reject soft partition. However, it is not clear what they want, since they have withheld strong support for the new Iraqi political system. The Sunni Arab insurgency reflects a widely shared Sunni Arab hostility to a constitution stacked in favor of the Shi'ah and Kurds and to *any order that will not restore Sunni Arab primacy*. U.S. Ambassador Zalmay Khalilzad learned this lesson firsthand. Remembered for his signature efforts to bring disenfranchised Sunni Arabs into the political process during the fall of 2005, Khalilzad was "never able to find people who could reduce the violence."<sup>48</sup> So while it is hard to argue that enhanced regionalism would find any initial Sunni Arab support, there is no viable alternative for this large group of embittered Iraqis. A credible commitment by other Iraqis and the international community to share oil revenues equally across all communities, to maintain the capital in Baghdad, rule out hard partition or secession by any group, and to retain a significantly smaller U.S. troop presence to assist such a process might soften Sunni Arab opposition to soft partition. Admittedly, winning Sunni Arab acquiescence for such a plan—without which it could not be safely implemented—will be difficult. However, if no other solution becomes apparent in the coming months, many Sunni Arabs may conclude there is no alternative.

Several key countries in the region oppose soft partition. As the Iraq Study Group noted, there are conspiracy theories in the wider Sunni Arab world (that the

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<sup>45</sup> 'Abd al-Aziz al-Hakim speech at the United States Institute of Peace, December 4, 2006, available at <[http://www.usip.org/events/2006/Alhakim\\_speech.pdf](http://www.usip.org/events/2006/Alhakim_speech.pdf)>.

<sup>46</sup> Marr, *op.cit.*, p. 9.

<sup>47</sup> As Iraq Constitutional expert Jonathan Morrow states: "Yet there has been no concrete formulation of an Iraqi nationalist or centralist constitutional position within the Shia camp, perhaps because Shia leaders know how hard such a position will be to sustain. A 'Sadrist' constitutional position has not been articulated, and no meaningful alliances have been forged to date, as some international commentators predicted, between the nationalist agendas of the Shiite Sadrist and the Sunni Arab parties." Morrow, *op.cit.*, p.8.

<sup>48</sup> Edward Wong, "Departing U.S. Envoy Says He Met With Iraq Rebels," *The New York Times*, March 26, 2007, p. A10, available at <<http://www.nytimes.com/2007/03/26/world/middleeast/26zal.html?ex=1332561600&en=69714bf2c7bb95be&ei=5090&partner=rssuserland&emc=rss>>.

Iraq Study Group fears would spread under a partition of Iraq) that the United States invaded Iraq “to weaken a strong Arab state.”<sup>49</sup> However, the main reason Iraq is weak is because of its own internal chaos. To a considerable extent, measures to mitigate the violence should make Iraq stronger, not weaker, in comparison to its current state. The most pressing problem for Iraq’s neighbors, apart from the specter of a worsening Iraqi civil war, is the enormous and potentially destabilizing refugee flow stemming from the escalating violence within the country.<sup>50</sup>

To some it is immoral to contemplate even the voluntary, organized departure of populations. However, insisting that people remain in danger to prop up an illusion of political co-existence presents an even larger moral problem. If offered reasonable alternatives and secure passage, there are indications that many Iraqis, currently living in fear as vulnerable minorities, would willingly leave their homes. Baghdad is the main place where this holds true, but it is not the only such location. Kirkuk is the site of deeply contentious claims between Kurds, expelled *en masse* by Saddam Hussein, and Arabs who were settled into the Kurds’ homes by Saddam and his predecessors. Human Rights Watch conducted interviews which revealed that “many of the Arab settlers [in Kirkuk] ... recognized Kurdish claims to their properties [and] ... many [stated] that they were willing to give up their homes in Arabized villages in return for humanitarian assistance in finding new homes and livelihoods for their families.”<sup>51</sup> Human Rights Watch stated that the willingness of Arab

settlers in Kirkuk to give up their homes to Kurds and move out meant that the crisis over the city could be settled in a peaceful manner.<sup>52</sup>

The Balkan wars of the 1990s revealed that warring parties, even amidst brutal ethnic cleansing campaigns, can sometimes agree on population movements. The mass exodus of Serbs from Croatia in 1995, though triggered by a Croat military assault, was actually part of a tacit deal between Zagreb and Belgrade. The population movement and expulsions created conditions for the final recognition of Croatia’s borders, but happened well before there was any overt Croat-Serb agreement. Although certainly not free from violence (the Croat commander of the operation is now on trial in the Hague for alleged war crimes), the forced movements of Serbs from Croatia in 1995 was nevertheless far less traumatizing and ultimately more stabilizing than the ferocious, unagreed ethnic cleansing meted out by the Serbs in Bosnia during 1992-5.

It may be difficult to talk about trading territory in Iraq anytime soon. However, it might be possible for leaders to agree to limited population movements, perhaps starting in parts of Baghdad and Kirkuk.<sup>53</sup> This would have to be handled carefully, to be sure. Attempts to implement such population movements in the absence of agreements on core political issues could also stoke conflict—for example by increasing the stakes of holding onto land where oil is drilled, if there is no prior agreement on oil revenue sharing. Under such an approach, Iraqi officials would set up a mechanism that

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<sup>49</sup> The Iraq Study Group, *op.cit.*, p. 31.

<sup>50</sup> Sudarsan Raghavan, “War in Iraq Propelling A Massive Migration,” *op.cit.*; Shadid, *op.cit.*

<sup>51</sup> Human Rights Watch, *op.cit.* According to the International Crisis Group, some 8,000 mainly Shi’i Arab settlers or “wafadin” (newcomers) have departed Kirkuk voluntarily, even transferring their residency registration to their new governorates (vital for Kurdish aims to consolidate control of Kirkuk). Rather than express bitterness at the Kurds for forcing them out, the former Shi’i Arab residents expressed sympathy and criticized the presumably Sunni Arab and other “wafadin” who remain. International Crisis Group, *op.cit.*, p. 7.

<sup>52</sup> Human Rights Watch Report, *op.cit.*

<sup>53</sup> As noted above, the U.S. tactic of erecting barriers around “gated communities” reflects increasing belief in the merits of a form of ethno-sectarian separation. In Kirkuk the International Crisis Group, *op.cit.*, has warned of a “looming crisis” caused by Kurdish determination to move forward with the Constitutionally-mandated referendum on the future of the city and has called for a “new mechanism prioritizing consensus” instead of the provocative referendum. Although not cited as a recommendation, facilitating the voluntary departure of Arabs settled in Kirkuk under the Ba’thist regime could help to achieve such a consensus.

would allow property swaps to be negotiated and then recorded legally (which U.S. troops are already being asked to do in isolated cases). Mixed Iraqi and U.S. security units could, if requested, provide security. Iraqi government officials would assist those whose employment is affected by the relocation to obtain work. Subsidies and stipends could be provided as well (discussed further below). At a minimum such an informal, localized, gradual option should be retained.

In summarizing the state of Iraq today, we cannot do better than the authors of the January 2007 NIE. They write of a “hardening of ethno-sectarian identities, a sea change in the character of the violence, ethno-sectarian mobilization, and population displacements.” The NIE also states that:

Decades of subordination to Sunni political, social, and economic domination have made the Shia deeply insecure about their hold on power. This insecurity leads the Shia to mistrust US efforts to reconcile Iraqi sects and reinforces their unwillingness to engage with the Sunnis on a variety of issues, including adjusting the structure of Iraq’s federal system, reining in Shia militias, and easing de-Baathification...Many Sunni Arabs remain unwilling to accept their minority status, believe the central government is illegitimate and incompetent, and are convinced that Shia dominance will increase Iranian influence over Iraq, in ways that erode the state’s Arab character and increase Sunni repression...The Kurds are moving systematically to increase their control of Kirkuk to guarantee annexation of all or most of the city and province into the Kurdistan Regional Government (KRG) after the constitutionally mandated referendum scheduled to occur no

later than 31 December 2007. Arab groups in Kirkuk continue to resist violently what they see as Kurdish encroachment.<sup>54</sup>

Perhaps the most persuasive argument for soft partition, or regionalism, is to consider the alternatives:

- The U.S. troop surge may soon fail, at least given current and likely future constraints on American resources;
- A complete withdrawal of U.S. troops from the country could lead to genocide within Iraq and perhaps even outside intervention by regional parties;
- A partial withdrawal of U.S. troops (leaving behind trainers) along with redeployment of the rest to Iraq’s borders, might reduce the risks of regional war resulting from the Iraqi civil war, but would do little to prevent a radical worsening of civil strife within Iraq.

Some argue that such an *all-out civil war* is needed to produce stable internal borders and to convince Iraqi players that peace is preferable. Whether or not they are right, this option would nonetheless be a stark humanitarian tragedy and an utter failure for the overall U.S. effort in Iraq. Moreover, there is no guarantee a peace would emerge from such a civil war anytime soon. Just as likely there would be a period of genocide followed by warlordism and ongoing civil strife, with some Iraqi actors welcoming al-Qa’ida and Iran into their areas to provide assistance.

Strategies focused as much on Iraqi politics as U.S. military options have a better chance of avoiding the necessity for soft partition, yet they also have important downsides. A regional peace process could help if regional states truly want peace. However, Iran in

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<sup>54</sup> National Intelligence Council, op.cit., p. 5.

particular may be more intent on dealing the United States and its partners a decisive defeat, which is best accomplished by sustaining the violence within Iraq. Another approach is a “Musharraf option” in which a secular Iraqi leader like former Prime Minister Iyad Allawi and a small junta of others rules by decree and martial law for several years. This could dictate the resolution of some key political issues. However, it is unclear how such a junta could enforce its decisions or create security on Iraq’s streets given the degree of chaos and sectarianism in the country (and the chaos and sectarianism within the security forces). Finally, *outright partition* of Iraq into three separate states, as some advocate, could indeed produce the regional conflagration that critics like the Iraq Study Group are so worried about.<sup>55</sup>

All of this implies that soft partition may soon become the best option available for Iraq. Soft partition is also consistent with core American strategic interests in the region. The question is, can soft partition really work? Reportedly, officials in the U.S. government who have examined the idea have doubted its practicality. Alas, their assessments were made largely in the fall of 2006, and since then another extended period of ethnic cleansing has made a form of enhanced federalism in the shape of soft partition more feasible. Nonetheless, many questions remain. To address the doubts of those who might countenance soft partition in theory, but doubt its practical viability, we now examine several concrete questions that would need to be answered for a soft partition plan to be adopted and implemented.

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<sup>55</sup> Among the neighbors most neuralgic to outright partition is Turkey. However uneasy relations between Kurdistan and Turkey are, experts agree that Ankara clearly sees a difference between an autonomous Kurdish region and sovereign, independent Kurdistan.

## IMPLEMENTING SOFT PARTITION

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The advocates of soft partition must answer a series of significant questions. Where should the boundaries between the new Iraqi regions be drawn and who should draw them? How can security and services, such as new houses and jobs, be provided for those relocated by soft partition? Will the new regional institutions be able to carry out responsibilities previously assumed by Baghdad? How should oil revenues be shared? How will electricity and other utilities be provided and shared? How can extremists seeking to thwart the plan be identified and stopped? Finally, what military missions would remain for the U.S.-led coalition forces to perform? Each of these matters requires voluminous implementation plans. Our goal here is not to write such an operational manual but to address the broad questions and key challenges.

The core element of our plan is the proposal to allow and facilitate the voluntary relocation of populations, to help those who feel unsafe where they are now to move. Mechanisms would have to be developed to help them relocate to parts of the country where they would feel safer and where they could start over. It is important to note that this ambitious idea might be tested on a “pilot basis” first, if that proves more appealing to Iraq’s political leaders. Housing swaps and facilitated population movements could be arranged for some neighborhoods as a trial run. As in the Balkans, this idea could respond pragmatically to the realities of Iraq—and keep more people alive, and help those relocating to ensure they have a roof over their

heads—without requiring an elaborate new political arrangement to be negotiated in advance. Depending upon the future course of events, the new political arrangement could then be negotiated on a more comprehensive and formal level. Most of this section assumes such an official accord, including a revised legal and constitutional framework for the country, but does not prejudge the means of reaching these goals.

### DRAWING REGIONAL BOUNDARIES

In an Iraq of autonomous regions, it is natural that one largely autonomous region would be primarily Shi’i, one primarily Sunni Arab, and one Kurdish. Creating regions is more advantageous than working through the 18 existing provincial governorates because it simplifies the security challenge and creates a smaller number of internal borders between different sectarian groups that need to be patrolled. It would also allow for larger entities to be the chief governing structures in Iraq, which should translate into greater capacity for creating strong bureaucracies and security forces and finding talented politicians to lead.

In any case, these new regions will not and cannot be ethnically pure zones. The number of inter-sectarian marriages alone precludes it. The fact that some people will want to stay where they are, even while remaining in the minority, should also be respected. Some Iraqis presently displaced may wish in the future to return to their original homes—almost half of those recently

displaced say they hope to do so—and there is no reason to rule out that possibility.<sup>56</sup> The existence of other minorities in Iraq such as Turkomen and Assyro-Chaldean Christians is another reason why ethno-sectarian separation will never produce ethno-sectarian homogeneity. Minority rights will have to be a concern of all the new regional governments regardless of where lines are drawn. For all these reasons, and to avoid exacerbating ethno-sectarian divisions, it would be best to define three new autonomous regions as much by geography as ethnicity. That will also allow inter-sectarian boundaries to follow natural geographic barriers such as rivers as much as possible, thereby easing the problem of monitoring and enforcement (as discussed below).

Conceptualizing a Kurdish region is for the most part straightforward, except for the Kirkuk issue (which will also be dealt with below). Creating the other two main regions is harder but hardly impossible once it is accepted that this will be an imperfect enterprise. Most regions south of the greater Baghdad area would be in the new, mainly Shi'i Arab region. Most regions north and west of Baghdad, up to Kurdistan, would be in the primarily Sunni Arab region.

The difficult issues concern Baghdad, Mosul, Kirkuk, and most of the territory within twenty-five to fifty miles of Baghdad (see maps). The Biden-Gelb plan for a federal Iraq would have Baghdad administered as an international city.<sup>57</sup> On its own, such a proposal is probably not stabilizing as it would maintain the unacceptable *status quo*. Some two-thirds of population displacements at the moment are occurring in Baghdad, with some Baghdadis leaving the city and some relocating inside it. The capital therefore needs to be part of the soft partitioning of Iraq.<sup>58</sup> In theory, Baghdad could be its own special, separate region, a fourth major region of Iraq. Indeed, the present constitution precludes Baghdad from joining any region—although the major

changes proposed here would probably imply important constitutional revisions. Whether Baghdad remains as one region, or is split into Sunni and Shi'i Arab subparts, population transfers there would likely be a critical and central element of any successful new approach.

We advocate where possible dividing major cities along natural boundaries. In Baghdad and Mosul the Tigris River represents a natural border. There are various possibilities for the mixed Sunni-Shi'i Arab areas around Baghdad. Most land to the north of Baghdad could be allocated to the Sunni Arab region, while land to the south could go to the Shi'i Arab region. Or the dividing line could run along the Tigris River (with areas to the east given to the Shi'i Arabs and to the west to the Sunni Arabs). Or a combination of these approaches could be used, with the goal being to minimize the necessary population relocations while also creating simple and defensible borders. Any framework that Sunni and Shi'i Arabs found acceptable would be consistent with the enhanced federalism that underpins our soft partition model.

The actual drawing of boundaries would have to be done very carefully. A strong outside, non-U.S. role would be essential to avoid the perception and reality of bias. Indeed, the United Nations (with possible Arab League involvement) should probably take the lead. Unlike the Dayton process for Bosnia, during which Ambassador Richard Holbrooke was the lead player for the United States, the Iraq case would present a situation in which Washington would probably lack the necessary credibility to steer the process. In any event, all three major Iraqi ethno-sectarian groups would need to be represented in a roughly equal manner—the Shi'ah should not have more influence in the border demarcation process simply because they are the most numerous. Locally strong political actors would presumably be chosen to deal with a given part

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<sup>56</sup> IOM, *op.cit.*, p. 9.

<sup>57</sup> Joseph Biden, "Iraq: A Way Forward," October 6, 2006, available at <<http://www.planforiraq.com/plan>>, with press release available at <<http://biden.senate.gov/newsroom/details.cfm?id=264509>>.

<sup>58</sup> IOM, *op.cit.*, p. 4.

of the country as well. For example, the Turkomen would have some role in decisions affecting the north.

Several principles would guide efforts to create the new regions. First, borders could not affect oil revenue distribution as all Iraqis would have to share equally in their country's petroleum wealth. Second, any person who felt the need to relocate would have to be compensated fairly and assisted in finding a new life elsewhere. Third, minorities would require protections for their rights in the new regions. The regional governments, as well as the federal system, would provide individuals with legal review procedures, backed up by advice and help from the international community, to address individual grievances promptly and fairly.

### PROTECTING POPULATIONS DURING RELOCATION: GENERAL PRINCIPLES AND LESSONS FROM BOSNIA

In a polarized environment like Iraq, once people of a given ethno-sectarian group decide to move, their neighbors from other groups ought presumably to let them go. In reality, it may not be so simple or safe. U.S.-led Coalition forces and Iraqi security units should plan for population movements that are fraught with danger. Those relocating might be targeted by hateful neighbors seeking a final chance to settle scores and to ensure that those departing never return. The displaced individuals themselves might be tempted to take revenge on their oppressors, with parting shots and burning of the homes of their enemies. Furthermore, as some members of a local minority relocate, those minority members remaining behind might feel particularly vulnerable and might be targeted for expulsion by thugs from the local majority. Finally, even after moving out of their neighborhoods, convoys of relocating individuals might be attacked along their

departure route. Nothing about the relocation process would necessarily be easy.

Addressing these dangers is vital. Most countries do not have good doctrine or training for their armed forces on how to protect civilians in general. The specific task of convoy escort creates its own additional challenges.<sup>59</sup>

Several principles should guide the convoy escort mission. One is to use substantial combat capability with any convoy, involving units trained in proper convoy escort tactics. A second is to develop a broad strategy that goes beyond just the tactical movement of populations. Security forces should gradually build up around a given neighborhood in the days before a major population movement is due to occur, patrolling to discourage and detect any ambush preparations. On the actual day of the relocation operation, Iraqi and U.S.-led Coalition forces would deploy in sufficient numbers to look for snipers, cover the flanks of the civilian convoys, inspect suspicious vehicles for explosives, and conduct similar tasks. Convoy routes would ideally be made at least somewhat unpredictable to further complicate any terrorist, militia or insurgent ambush plans. After the convoy's departure, some forces would then have to remain in place in larger than usual strength for least several days to help the neighborhood stabilize.

We might not want U.S. forces to participate directly in what some might see as sanctioning a form of segregation, even though it would be more accurately described as protecting people as they started new lives. However, U.S. troops would have to, if for no other reason than the difficulty and sheer magnitude of the task. Already U.S. troops are being pulled into the fray, sought after to assist persons in Baghdad find new housing or avoid eviction in the first place.

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<sup>59</sup> Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq* (New York: Penguin Press, 2006), pp. 115-332; Victoria K. Holt and Tobias C. Berkman, *The Impossible Mandate?: Military Preparedness, the Responsibility to Protect and Modern Peace Operations* (Washington, D.C.: Henry L. Stimson Center, 2006), pp. 188-96; and Lt. Gen. David H. Petraeus and Lt. Gen. James F. Amos, *Counterinsurgency*, Field Manual 3-24 (Washington, D.C.: Headquarters, U.S. Army, December 2006), available at <<http://www.us.army.mil>>.

U.S. forces would have to remain involved for the mission to succeed. Select Iraqi units could assist in certain population relocation operations. The composition of these Iraqi Army units would reflect the ethnic mix of the areas where movements would occur. Since most operations would be small scale, units could be of relatively small size. U.S. and British officers would only call upon those Iraqi units that had proven their fidelity in combat. For example, in the movement of Sunni Arabs from a Shi'i Arab neighborhood, a select Shi'i-dominated army unit would provide perimeter security, while a Sunni Arab unit would provide close protection for those Sunni Arabs leaving. The reverse would be the case in movements from Sunni Arab to Shi'i Arab neighborhoods.

Once a movement from a given neighborhood had begun, it might take on a life of its own and accelerate. Those from a minority population who had planned to stay put might find this harder to do than they had imagined. Majority population militia fighters might try to pressure them to leave. Indeed, this moral hazard is perhaps the single strongest argument against a population relocation program—although in the end it has to be balanced against the fact that such behavior is already occurring on a widespread basis. Security forces will need to remain after relocation operations to counter such thugs to the extent possible. However, they also might need to escort more people out of the neighborhood than originally expected.

Timing is also important. People should not be promised help in moving safely until Iraqi and U.S.-led Coalition forces are ready to assist them. Population transfers will have to be carefully scheduled and sequenced. If possible, the schedules should not be made public until shortly before they are implemented. Iraqi and U.S.-led Coalition forces will have to be diligent to ensure they do not commit themselves to more than

they can safely handle. This will require some flexibility as the aggregate scale of this effort will be much larger than anything attempted on an organized basis by the international community in the recent past. These operations should be feasible, however, with some experiences from Bosnia and elsewhere informing the planning.

For example, although the vast majority of Muslim civilians were brutally expelled by the Serbs, there were exceptions. The United Nations Protection Force (UNPROFOR, the UN peacekeepers) evacuated approximately seven to eight thousand Muslims (mostly women and children) from the Zepa "safe area", thereby saving their lives, while a similar number (nearly all men) were being massacred in nearby Srebrenica. The UNPROFOR decision to evacuate Zepa was so controversial that the UNHCR refused to participate. However, UNHCR's officials did not witness the shrieks of terror from the huddled Muslim women as Serb jeeps rolled by—a sound that erased any qualms that one of the authors, Edward P. Joseph, had about the propriety of the mission. Although still traumatic for the families of victims and survivors, the United Nations acknowledged in its widely-respected report on Srebrenica and Zepa that the loss of these two enclaves helped pave the way for the territorial settlement that ended the war.<sup>60</sup>

The key is to have the parties in Iraq accept the relocation policy at least informally—again, with the caveat that it will be essential to strike an agreement on the over-arching issues of oil production and revenue-sharing. With an informal understanding among the belligerents, ethnic relocation can be less traumatic and destabilizing. As noted above, the vast majority of Croatia's Serbs were expelled during two military operations (in May and August 1995) that had at least tacit acquiescence from Belgrade. Likewise, thousands of Serbs left western Bosnia *after* the war was over,

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<sup>60</sup> As the United Nations stated in its seminal report on Srebrenica, "there is no doubt that the capture of Srebrenica and Zepa by the Serbs made it easier for the Bosniacs and Serbs to agree on the territorial basis for a peace settlement." See Report of the Secretary-General pursuant to General Assembly resolution 53/35, "The fall of Srebrenica," November 15, 1999, para. 485, p. 104, available at <<http://www.un.org/peace/srebrenica.pdf>>.

without violence, as part of a process of land swaps agreed between Croats and Serbs at Dayton.

Of course, the Balkans are not the only place that partition, hard or soft, and population relocations, have been attempted. Critics of dividing up countries into smaller entities often invoke other cases, such as the Levant in which the effort to create a Jewish state alongside an Arab one has clearly not worked to date. They also cite the Indian subcontinent in the late 1940s. The former case underscores the need for political agreement among all major parties. If only one side wants partition and the associated population relocation, then it will probably not work. The Indian subcontinent case underscores the need for proper preparation and security. The lack of preparation was exacerbated by Britain's rather late decision to bring forward the withdrawal date. The departing British created a boundary force made up of Indian and Pakistani troops, led by British, Indian, and Pakistani officers, but it was overwhelmed by the massive population movement for which there had been no preparation. The boundary force also failed because there were so many ex-servicemen who had been demobilized on both sides of the line. These ex-servicemen included Muslims, Hindus, and Sikhs (who were interested in a separate Sikh state), and many resorted to violence. There was also greed at work, with various partisans keen to push out the Muslims (or Hindus or Sikhs) and grab their property. Individuals were slaughtered in trains, in their homes, and in the streets. Many also died of disease or privation while trying to find refuge. The overall death toll reached well into the many hundreds of thousands if not the low millions.<sup>61</sup> This was partition done badly, and it would be essential to avoid such dynamics in Iraq.

Obtaining agreement in Iraq will require rapprochement among some key Sunni and Shi'i Arab leaders, and as well a constructive role by the Kurds, who al-

ready have relative security in their own territory. The Kurds see the oil-rich, multi-ethnic town of Kirkuk as both the capital of their longed-for state and a symbol of their oppression at the hands of Saddam Hussein (who engineered mass Sunni Arab migration to Kirkuk while expelling Kurds). Thousands of Kurds have already returned to Kirkuk, heightening tensions in anticipation of a vote on Kirkuk's political status scheduled for later this year. U.S. pressure on the Kurds, whose territory has been used as a base for Kurdish separatists in Turkey, could encourage them to cut a deal on Kirkuk's oil while earning greater Sunni Arab cooperation on property swaps in the town. Progress on ethnic movements in Baghdad and Kirkuk could establish the basis for more ambitious land swaps similar to those in Sarajevo and western Bosnia that were a crucial prerequisite for attaining peace in Bosnia.

How many people might ultimately move nationwide, if soft partition policy were adopted in Iraq in the coming months? More than two million probably already have, in the time since Saddam's regime fell in April 2003. The largest flows have occurred since the Samarra mosque bombing of February 22, 2006 initiated what most now describe as a civil war. Most of Iraq's mixed populations live in and around Baghdad, Mosul, Erbil, and Kirkuk, four of Iraq's five largest cities. Their populations total about nine million (nearly six million for Baghdad, close to two million for Mosul, and almost one million each for the other two). Counting surrounding areas, these areas account for about half of Iraq's overall population or twelve to fourteen million persons. In general, only those who were in the local minority would choose to move under this new framework. Some people would not choose to move even if they were local minorities. As noted above, unlike the Balkans, achieving ethnic purity is not in and of itself a driving ideological imperative in Iraq. On balance, the safest estimate would seem to be that somewhere between two million and five million

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<sup>61</sup> Stanley Wolpert, *Shameful Flight: The Last Years of the British Empire in India* (Oxford, England: Oxford University Press, 2006), pp. 129-182; and Stephen Philip Cohen, *The Idea of Pakistan* (Washington, D.C.: Brookings Institution Press, 2004), pp. 39-51.

people might choose to relocate under our proposal, if it were fully implemented on a national scale.<sup>62</sup>

While these numbers are huge, the lowest is comparable to what has already happened in Iraq since the invasion of 2003. This rebuts the argument of those who say Iraq is too mixed ethnically for soft partition. The Iraq they are referring to is already disappearing. Tragically, but unmistakably, the unmixing of populations is already well underway, and the question may soon be whether the process continues via violence or in an organized and humane manner.

### HELPING PEOPLE START OVER AFTER RELOCATION

For individuals who fear for their lives and their families, relocation can be an entirely welcome prospect despite all the attendant difficulties. Refugees International recounted that despite the grave hardships that a woman who had fled Baghdad for Kurdistan had endured, she was grateful, because: “Here at least, we are safe.”<sup>63</sup> Any plan that seeks to be humane, and to create the basis for long-term stability, must do better than that. It must exceed the essential tasks of protecting people as they relocate. It must help them to start new lives, meaning access to services such as health care, government food assistance and education for their children. Such a package of relocation assistance also requires providing housing and jobs.

Job creation is the more difficult of these two tasks. Ideally, a vibrant private sector should create the necessary jobs. However, Iraq lacks a sufficiently dynamic, growing private sector. Nor is such a private sector likely to emerge anytime soon, especially given the current levels of violence and the resulting paucity of investment coming in from Iraqis or foreigners. In the short-term, therefore, an official jobs creation

program is necessary to assist with relocation. Such a program has long been a good idea for Iraq as a means of lowering the high unemployment rate and thereby reducing the pool of possible recruits for insurgent or militia groups. In the context of relocation, the state should offer modest-paying employment to individuals who are willing to move. The economic value of many of these jobs would admittedly be quite limited. However, the purpose of such employment is more to enhance security and to facilitate the relocation process than to act as a form of economic stimulus. The cost of an Iraq-wide job creation program might be \$2 billion to \$3 billion a year (2 million to 3 million jobs with a \$1,000 annual salary), with only a fraction of that paying to create jobs for the relocated.

Housing is a daunting task, but is easier to address. One method is to create a federal housing swap program that would involve a registry of homes. This swap program would have to be managed by a body that represented all ethno-sectarian groups and was under strong UN oversight. The current Shi'i leadership of the Ministry of Housing should not manage the process. The program would create different price categories of housing. The goal of the program would be to assist families obtain new homes with comparable value to those they had felt the need to evacuate. An alternative approach would be to assign a simple dinar value to each home in an assessment process, with individuals relocating given a corresponding number of credits (or cash) to acquire a new home elsewhere.

Some new construction would of course be needed under this plan to ensure an adequate stock of housing, as some homes would have been destroyed in the warfare and violence. Even if the assumption is that a new home costs \$10,000 and that 100,000 to 250,000 dwellings for 500,000 to 2 million persons are required, the costs would be bearable at around \$1 billion to \$2.5

<sup>62</sup> For good demographic information and maps on Iraq, see the University of Texas Perry-Castaneda Library Map Collection, available at <<http://www.lib.utexas.edu/maps/iraq.html>>.

<sup>63</sup> Refugees International, op.cit., p. 2.

billion. Put otherwise, these homes could be built for the equivalent cost of around three to ten days of U.S. military operations in Iraq.<sup>64</sup>

### SHARING OIL REVENUE AND SHARING UTILITIES

In an Iraq composed of autonomous regions, resources will have to be shared in a manner seen as fair by all. Otherwise, the civil war could worsen rather than abate. Indeed, Iraq's civil war began in earnest *after* the August 2005 referendum on the constitution, and its ambiguous stance on resource allocation issues. It is clear that many Iraqis voted their ethno-sectarian in-

terests rather than national interests—and that many viewed the constitution as exacerbating worries about regional schisms, including competition for resources, rather than healing them.

The largest question here is oil. Most Iraqi oil is found in the mainly Shi'i Arab regions, followed by the Kurdish zones. A disproportionately small share, relative to population, is located under land on which Sunni Arabs are the majority population. Making exact estimates is difficult, but it appears in broad terms that Iraq's Sunni Arabs, while constituting nearly 20 percent of the population, control land with only roughly 10 percent of Iraq's oil resources.

### IRAQI OIL RESERVES BY PROVINCE

GOVERNORATE	ETHNO-SECTARIAN MIX	PERCENT OF ESTIMATED OIL RESERVES
Basra	Shi'i Arab	59
Maysan	Shi'i Arab	8
Dhi Qar	Shi'i Arab	5
Muthanna	Shi'i Arab	0
Qadisiyyah	Shi'i Arab	0
Najaf	Shi'i Arab	0
Karbala	Shi'i Arab	0
Babil	Shi'i Arab/Sunni Arab	0
Wasit	Shi'i Arab/Sunni Arab	1
Anbar	Sunni Arab	0
Baghdad	Shi'i Arab/Sunni Arab	6
Salah ad-Din	Sunni Arab	3
Diyala	Shi'i Arab/Sunni Arab/Kurd	1 (three gas fields)
Tamim	Kurd/Sunni Arab	12
Sulaimaniyyah	Kurd	0 (two gas fields)
Erbil	Kurd	3
Dahuk	Kurd	0
Ninawa	Sunni Arab/Kurd	3

Note: Numbers may not add due to rounding.

Source: Kamil al-Mehaidi, "Geographical Distribution of Iraqi Oil Fields and Its Relation with the New Constitution," *Iraq Revenue Watch Institute*, New York, NY, May 2006, p.14, available at <<http://www.iraqrevenuewatch.org/reports/052706.pdf>>.

<sup>64</sup> While prices of course vary enormously from neighborhood to neighborhood and city to city, Iraqi houses typically cost \$2,000 to \$20,000. See International Medical Corps, "Iraqis on the Move: Sectarian Displacement in Baghdad," Santa Monica, California, January 2007, pp. 9-10, available at <<http://www.imcworldwide.org/content/article/detail/994/>>.

In recent years, the Kurds in particular have been aiming to develop oil interests on their territory that would produce revenue they would keep for themselves. An oil law now being written may reverse this trend, but it is not yet clear.

A successful soft partition of Iraq must be based upon the fair distribution of oil revenue. The simplest approach in theory would guarantee an equal amount of oil revenue to every Iraqi. In practical terms this is difficult to achieve. Some money could be sent directly to individuals (as in Alaska), making it possible for Iraqis to verify they were all receiving equal payments (provided that there was a reliable system of establishing identity and distributing the money). However, oil is the main source of financing for the regional governments and the federal government. It would therefore be important to direct some oil revenue to these tiers of government as well as directly to the population. The best means of spreading the oil revenue throughout Iraq to the regions would be on a capitation basis. The difficulty with this approach is that it requires accurate and trusted census data. Even if such figures are available, it is unclear that regions with lower birthrates will welcome a capitation-based oil revenue sharing scheme, as it will over time reward regions with higher birthrates (unless measures are taken to prevent this). Similarly, another concern that such a revenue-sharing approach should address is the need to retain some money at the federal government level in Baghdad. The federal government will sometimes focus more on one region than another, meaning that resources going to the central government will not necessarily be spent in a manner that all will regard as fair.

To address these concerns, several pots of oil revenue should be created.<sup>65</sup> Some fraction of oil revenue, perhaps 25 percent, could be allocated directly to individ-

uals (this will require hard and rapid work to provide identity cards even to those who have been displaced and now lack a permanent address). Perhaps 35 percent might go to the regions based on a capitation basis (possibly with a stipulation ensuring that a region growing relatively slowly would retain most of its future share of oil revenue anyway, even as its share of the total population diminished). Another 20 percent might go to the federal government in Baghdad. A further 10 percent might be used to maintain, modernize, and protect oil facilities. A small exception to the overall philosophy of equal sharing might be to give the final 10 percent of oil revenue to the region in which the oil was produced to act as an incentive to help it protect the oil wells and to work hard to entice investors to improve and develop oil resources.

Although it receives virtually all of the attention, oil is not the sole issue of this type in Iraq. A soft partition arrangement also needs to allocate utilities and state-supplied consumer goods, such as electricity, gasoline, heating oil, water and sewerage services. There has been an effort to do so since Saddam was overthrown, but the results have not been impressive.

Sharing oil revenues directly with Iraqi citizens can help with this problem. If revenue sharing occurs, consumer subsidies—still way too high in Iraq, despite progress in reducing them over the last two years—can be further reduced.<sup>66</sup> The subsidy reduction should be more politically feasible if executed in conjunction with introduction of a direct payment to each individual from a share of Iraq's oil revenue. It should also help make the economy function more efficiently. With the government playing less of a role in artificially suppressing prices, the black market would become less important and government's role in selecting where, and which, goods are most easily available would naturally decline.

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<sup>65</sup> For a similar argument, see Kenneth M. Pollack and the Iraq Strategy Working Group of the Saban Center for Middle East Policy, *A Switch in Time: A New Strategy for America in Iraq* (Washington, DC: The Brookings Institution, 2006), pp. 71-5, available at <[http://www.brookings.edu/fp/saban/analysis/20060215\\_iraqreport.htm](http://www.brookings.edu/fp/saban/analysis/20060215_iraqreport.htm)>.

<sup>66</sup> Government Accountability Office, "Securing, Stabilizing, and Rebuilding Iraq: Key Issues for Congressional Oversight," GAO-07-308SP, January 2007, p. 62, available at <<http://www.gao.gov/new.items/d07308sp.pdf>>.

An additional measure that would make sense would be the installation of meters on individual homes using electricity, gas, and water.<sup>67</sup> Much of the reason would be to encourage efficiency and conservation, and to ensure supplies were not wasted. A utilities oversight board would also be a sensible addition, to ensure fairness across regions. It should include representatives of the international community to build Iraqi confidence in the integrity of the process.

### TRACKING PEOPLE: CHECKPOINTS AND IDENTITY CARDS

Carrying out a soft partition of Iraq to create three autonomous regions and helping people relocate will not alone guarantee stability. There will be numerous other potential challenges and problems. Some minorities will stay behind regardless (indeed, given mixed marriages and other considerations, that is not only inevitable but desirable), allowing for the possibility of ongoing ethno-sectarian strife. Some extremists, including certainly al-Qa'ida, will attempt to challenge any arrangement that promises greater stability in Iraq. Some insurgents and militia members will also likely challenge an accord that would codify their loss of given neighborhoods and regions to other ethno-sectarian groups. They will fight militias from other groups and their own ethno-sectarian groups. In short, there will be systematic and serious efforts to sustain the violence, even after a deal is reached and largely implemented.

This reality is not a fatal blow to the soft partition proposal. For two main reasons the levels of violence should be less than they are today in any event. First, there will be less reason for Iraqis to kill and cleanse members of other ethno-sectarian groups out of paranoia and fear, since if afraid they can relocate. Second, uncertainty about the future nature of Iraq's political system will be reduced, giving major sectarian groups less reason to fight to improve their position and their

leverage in subsequent negotiations over power sharing and resource allocation.

Additional steps could reinforce the sense of security that comes from separation and soft partition. The main goal should be to make it hard for dangerous individuals to cross internal borders. This runs the risk of punishing innocents of course, but the only punishment that is being proposed here is a restriction on a person's movements. This is a significant risk to be sure, but it does not imply imprisonment or physical harm to the person in question. It is a price worth paying for improved security.

Valuable lessons to help citizens in transition are already available from the experience of IDPs and from the U.S. military's increased efforts to control access to volatile neighborhoods in Baghdad. As Refugees International has reported, many IDPs are struggling to obtain vitally-needed government assistance because they do not have ration cards. Iraqi ration cards have a political significance as they serve as the basis for the voter registration system, which is why some Iraqi towns make it difficult to transfer the cards. Many displaced families also lack other important documents, such as school records, complicating the entry of their children into new education systems. The record of the Ministry of Displaced and Migration on assisting IDPs is not good.<sup>68</sup> But specific problems can by now be identified, making it easier to address some of them.

The rapid issuance of identity cards and the setting up of checkpoints, linked together by computer systems, are vital measures for a system of autonomous regions. (The computer systems should use wireless communications and have their own dedicated power sources to minimize dependence on vulnerable infrastructure and grids.) Identity cards have shown themselves to be an important contributor towards achieving greater security and stability in violence-plagued states.<sup>69</sup> Stu-

<sup>67</sup> Government Accountability Office, *op.cit.*, p. 77.

<sup>68</sup> Refugees International, *op.cit.*, pp. 5-6.

dents of counterinsurgency have recommended their use in Iraq, but this advice has not been taken up. For one thing, this policy is expensive; a national identity card system in Iraq might cost \$1 billion. However, a soft partitioned Iraq would have a strong incentive to introduce such a system to improve security.<sup>70</sup> The new ethno-sectarian borders could be monitored more effectively with identity cards and with checkpoints in place. Biometrics are already assisting U.S. military and Iraqi security forces in controlling access to neighborhoods that militants have targeted locally; the policy could be broadened throughout Iraq.<sup>71</sup>

This control system would place some burdens on Iraq's internal trade and other aspects of its economy. It would complicate the efforts of individuals to cross from one region to another to visit family and friends. For the most part these burdens would be bearable. For individuals or businesses that need to make frequent crossings across Iraq's new internal borders, or those willing to pay for the privilege, an EZ pass system might be developed to expedite movements for those with important and regular business to conduct.

Certainly, some infiltration of dangerous individuals into the security forces manning the checkpoints could occur, resulting in illicit crossings. Still, this problem could be mitigated by having the Shi'i Arab sides of checkpoints manned by Shi'i Arabs, the Sunni Arab sides mostly by Sunni Arabs, and the checkpoints on the Kurdish zones by Kurds.

## REDUCING AND REDEFINING THE FOREIGN MILITARY ROLE

As noted above, the process of soft partitioning Iraq into three autonomous regions would be demanding.

The challenges would begin with trying to convince major political leaders to accept the essential notion of soft partition, working out arrangements on internal borders, and figuring out how to compensate those who relocated.

There would also be major operational challenges. These would include protecting people as they relocated from one region to another, as well as protecting those who chose to stay put. U.S. and other Coalition forces might have to pay particular short-term attention to towns and neighborhoods that remained heavily mixed ethnically, out of fear that such places would continue to remain the most vulnerable to the ethnic cleansing that is today so prevalent in Iraq's diverse areas. In addition, Iraq's security forces, weak as they are, would temporarily become even weaker as they were reconstituted into regional police and paramilitary organizations. These realities, together with the ongoing challenges of training Iraqi forces, would surely preclude any major reductions in U.S. force levels during the first twelve to eighteen months that would be needed to implement soft partition.

After soft partition is enforced, the situation should improve considerably. Forces levels can be gauged relative to the population and the strength of the Iraqi security establishment. Iraq, with a population of twenty-five million, would need almost 500,000 police or peacekeepers if one insisted on applying one-size-fits-all force planning rules and using the Balkans experiences as models. Even if one optimistically assumed that all Iraqi regional security forces could be counted towards this goal, and that their total is the 350,000 personnel in current Iraqi Army and Police units, that would imply a requirement for 150,000 foreign peacekeepers. That in turn would likely necessitate over 100,000 U.S.

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<sup>69</sup> David Galula, *Counterinsurgency Warfare: Theory and Practice* (New York: Praeger, 2005), pp. 116-121.

<sup>70</sup> Kenneth M. Pollack et al., op.cit., p. 41.

<sup>71</sup> "In some sealed-off areas, troops armed with biometric scanning devices will compile a neighborhood census by recording residents' fingerprints and eye patterns and will perhaps issue special badges, military officials said." Karin Brulliard, "'Gated Communities' For the War-Ravaged: U.S. Tries High Walls and High Tech To Bring Safety to Parts of Baghdad," *The Washington Post*, April 23, 2007, p. A-1, available at <<http://www.washingtonpost.com/wp-dyn/content/article/2007/04/22/AR2007042201419.html>>.

troops (U.S. forces currently account for over 90 percent of foreign forces in Iraq).

However this arithmetic is not necessarily correct. Force levels are not simply a function of the size of the civilian population, but of the mission that the forces will execute.

In addition to the Balkan deployments, other missions can serve as admittedly unscientific guides to force requirements. In post-war Japan, the United States deployed 360,000 troops to occupy a country of 70 million.<sup>72</sup> Using post-war Japan as a template, it might appear that the Bush Administration initially deployed adequate forces to post-Saddam Iraq except for the fact that the mission is so radically different. In certain, relatively successful UN peacekeeping missions in recent years, such as Mozambique and Cambodia, deployed force levels never approached what they have been in Iraq. Fewer than 20,000 peacekeepers helped keep order in Cambodia with its more than 7 million inhabitants, while less than 10,000 were needed for 15 million Mozambicans.<sup>73</sup> The point is not that the U.S. presence in Iraq has been adequate, but that a simple analogy with Bosnia and Kosovo is not necessarily correct. Of course, the Mozambique and Cambodia missions were peacekeeping, designed to shore up a negotiated agreement rather than to impose a new political order. Our proposal for a soft partitioning of Iraq would also require a negotiated accord, which means that while some foreign troops would be needed, they might not need to be as many as the Balkans examples imply.

Still, on balance this is an issue where it is better to err on the side of too many troops, not too few. The nightmare scenario in implementing soft partition is trying to control a process neighborhood by neighbor-

hood and city by city, but then unleashing a nationwide reign of terror that begins to resemble the Indian subcontinent in 1947. For example, if one began the managed relocation process in parts of Baghdad, other parts of the city and perhaps Mosul or Kirkuk might then erupt in violence. Sectarian warlords could foment violence against members of other ethnic groups in their neighborhoods, trying to ensure that those minorities would choose to flee, and if the dynamic escalated it could lead to a worsening war. At a minimum, therefore, the international community would need to maintain enough forces in Iraq so that *it did not scale back deployments in some places while helping to protect relocating populations elsewhere*. It might actually take somewhat more troops to implement the soft partition plan than are in Iraq at present. It would certainly require at least as many for the first twelve to eighteen months or so. However, it must be recognized that we are beyond the point of having good options in Iraq, or of being able to fully resource any options (except withdrawal). A plan for soft partition needs to be prudent, and minimize the odds of violence spiraling out of control. But it need not guarantee tranquility in order to be our best option. On balance, sustaining U.S. forces for a year to a year and a half at their current size would be an imperfect approach, but probably not an imprudent one in comparison with alternatives.

In a federal, soft partitioned Iraq, after the initial transition period, U.S. troops would generally not have their current responsibility for street by street and neighborhood by neighborhood security. Rather, their missions would include activities such as patrolling Iraq's internal borders and helping man checkpoints to make it hard for Sunni Arab suicide bombers or Shi'i Arab militia extremists to attack members of other ethno-sectarian groups. In addition they would train

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<sup>72</sup> James Dobbins, John G. McGinn, Keith Crane, Seth G. Jones, Rollie Lal, Andrew Rathmell, Rachel Swanger, and Anga Timilsina, *America's Role in Nation-Building from Germany to Iraq* (Santa Monica, CA: RAND, 2003), pp. 25-8.

<sup>73</sup> See United Nations, "Cambodia – UNTAC, Facts and Figures," available at <[http://www.un.org/Depts/dpko/dpko/co\\_mission/untacfacts.html](http://www.un.org/Depts/dpko/dpko/co_mission/untacfacts.html)> and United Nations, "Mozambique – ONUMOZ, Facts and Figures," available at <[http://www.un.org/Depts/dpko/dpko/co\\_mission/onumozF.html](http://www.un.org/Depts/dpko/dpko/co_mission/onumozF.html)>.

Iraqi regional security forces, maintain rapid strike capabilities to help in attacks on any al-Qa'ida cells that were uncovered, and help protect the Green Zone (or whichever part of Baghdad became the protected federal and diplomatic neighborhood).

Such an approach certainly entails risks. Even if it succeeded in quelling most of the civil violence across ethno-sectarian lines, it would by design do little to foster reconciliation within ethno-sectarian groups. The militia conflicts that have been prevalent in Basra and elsewhere even within a largely homogeneous population (the Shi'ah in Basra) demonstrate the dangers of such an approach. Furthermore, in an optimal world it would probably be best to have enough forces to intercede frequently in such fighting—with the goal of forcing militias to disband and allowing time for regional security structures to become established. Unfortunately, U.S. Iraq policy is no longer made in anything like an optimal world of resource availability. Low-to-medium grade violence, in the context of a broad political architecture for the country that is generally acceptable to major political forces, has become an acceptable outcome. The United States and its foreign partners will need some rapid-response forces to help deter militias from becoming too strong and to be capable, along with local Iraqi forces, of tackling them should they stray badly out of line. However, policing and patrolling the streets of Iraq, within homogenous ethno-sectarian zones, would no longer be the main mission of U.S. forces, with consequences that would have to be recognized and accepted from the beginning. Again, soft partition is not an ideal or risk-free solution; it is simply becoming the only option we may have left, short of abandoning Iraq to an all-out civil war.

So returning to the question of troop sizing, and trying to be more precise, how many U.S. forces would such missions require? This list of tasks would be more demanding than what NATO troops performed in Bosnia, even if it would be easier than what U.S.-led Coalition forces are presently attempting in Iraq. By that logic, 300,000 troops might be needed in Iraq in the early years after soft partition (as the Bosnia de-

ployment began with 60,000 NATO troops for a country of 5 million). This simple extrapolation from the Bosnia experience assumes too much about the degree of scientific and military precision with which that deployment was drawn up. In fact, one of the reasons why these missions used so many troops was because NATO, at that relatively quiet moment in its history, had many to offer. While it would be imprudent to go to the extremes that former Secretary of Defense Donald Rumsfeld went and discard previous missions as possible guides for force strength requirements, it is not axiomatic that a future Iraq deployment would need to achieve similar ratios of peacekeepers to population.

Rigorously determining proper troop requirements to stabilize an Iraq of autonomous regions is difficult. The U.S. military has method for doing such calculations based on “mission-enemy-terrain-tactics” (METT) procedures. These METT guidelines essentially build force requirements from the ground up. For example, one postulates a certain number of checkpoints each manned by a certain number of U.S. soldiers, and then allows for troop rotations and logistical support and military backup. That leads to an estimate of how many troops are needed for this job.

In the case of force requirements for soft partition, we take a simpler and more approximate approach. Imagine that the task of U.S. troops in Baghdad after soft partition will largely consist of patrolling the area on either side of the Tigris River, the presumed line of demarcation. Doing so would require manning checkpoints and so forth, and patrolling throughout a security perimeter extending out at least several hundred meters in each direction from the border separating the two main Sunni and Shi'i Arab regions from each other. Notionally speaking, once coverage of the Green Zone was included, and allowance made for backup capabilities, the United States might in effect share responsibility for roughly 20 to 30 percent of the city. If 100,000 forces were needed for all of Baghdad, that would then imply 20,000 to 30,000 U.S. troops for the reduced area. With U.S. forces in other parts of Iraq after soft partition concentrated mostly in areas where

different ethno-sectarian groups were in contact—around Baghdad, and in northern parts of the country near Kirkuk and Kurdistan—the Baghdad requirement might be roughly half of the Iraq-wide deployment.

Put in broad terms, about 50,000 American troops might be needed for the first several years after soft partition was implemented. That would follow, as noted above, the transition period of 12 to 18 months when forces would not decline at all from current levels of roughly 150,000 Americans.

### BUILDING REGIONAL INSTITUTIONS

If Iraq's central government is ill-equipped to handle the enormous challenges of securing and rebuilding the country, how can three autonomous regions possibly do so? It would seem that they would necessarily lack the requisite manpower and expertise. This is especially problematic in a country from which perhaps a quarter to half of its professional class has fled during the last four years of violence—and that had been unable to develop a strong civil society during decades of Ba'thist rule before that.<sup>74</sup>

Despite these challenges, there are many reasons to hope, and indeed expect, that an Iraq of autonomous regions would work better than today's state. Much of the reason has to do with legitimacy. Local governments may have less expertise, but they can have much higher standing with their own people. That in turn can allow them to govern more effectively. Moreover, regions would be reasonably large, with some four to five million in Kurdistan, four to five million in the Sunni Arab zone, and twelve to fifteen million in the Shi'i Arab region. That would provide a reasonable population base from which to draw leaders.

A number of developing countries around the world, some of them much smaller than Iraq and no better equipped with experienced personnel, have demonstrated that they can be successful. Small size is clearly not inconsistent with achieving some measure of stability and growth. Iraqi Kurdistan has been successful in creating such capacity, particularly in the period since 1991. While largely a testament to the entrepreneurial abilities and commitment of the Kurdish people, it also shows how legitimacy can be a powerful spur to action.<sup>75</sup>

The last four years give reason to hope that this dynamic can prevail in Iraq. There have been local successes. Gen. Petraeus and the 101st Airborne Division (Air Assault) were relatively successful around Mosul in 2003-4. The Shi'i heartland north of Basra and south of the Baghdad area has made some progress since Saddam's downfall.

The advantages of regionalization and devolution seem strongest with regard to security. The main problem with Iraqi security forces today is not lack of technical capacity *per se*, but lack of dependability and lack of independence from the ethno-sectarian conflicts that are tearing the country apart. There is no doubt that in a regional system, local police forces might be corrupt because it could prove difficult to replace their commanders (as there would be fewer potential alternative candidates than at the national level). However, this argument is trumped by the fact that Iraq's security forces today are unable or unwilling to prevent widespread militia and insurgent activity, largely because of their ethno-sectarian affiliations.<sup>76</sup> In addition, as the January 2007 NIE observes, taking a "bottom up approach" to security through neighborhood watch groups and the like may help restore frayed relationships between

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<sup>74</sup> See Toby Dodge, *Inventing Iraq: The Failure of Nation Building and a History Denied* (New York: Columbia University Press, 2003), p. 157; Kanan Makiya, *Republic of Fear: The Politics of Modern Iraq*, updated edition (Berkeley, CA: University of California Press, 1998), pp. 46-146; Campbell and O'Hanlon, *op.cit.*, March 1, 2007.

<sup>75</sup> Peter W. Galbraith, *The End of Iraq: How American Incompetence Created a War Without End* (New York: Simon and Schuster, 2006), pp. 147-72.

<sup>76</sup> On the importance of working at the local level to improve policing and the rule of law more generally, see Seth G. Jones, Jeremy M. Wilson, Andrew Rathmell, and K. Jack Riley, *Establishing Law and Order After Conflict* (Santa Monica, CA: RAND, 2005), p. 220.

tribal and religious groups.<sup>77</sup> It is also at this local level when protecting their own people, that security forces are most prepared to do their jobs. For example, in late 2006 Iraqi Army units fighting principally near their home bases had absent without leave rates of under 10 percent, whereas rates often exceed 50 percent when the units were deployed to other areas.<sup>78</sup> More recently, in Anbar province many Sunni Arab fighters are now joining regional security forces and fighting al-Qa'ida in their own neighborhoods. A similar plan for allowing certain militia fighters to join new regional security forces, as part of a militia demobilization plan, would make sense as part of a soft partition plan.

Some would argue that allowing justice to be delivered only at the local level will allow many individuals who have attacked innocents from other ethno-sectarian groups to get off scot-free. For example, many Sunni Arab police and courts would likely not consider an individual who had attacked U.S.-led Coalition forces or even the Iraqi government to be guilty of a prosecutable crime. Indeed, we know from public opinion polling by the University of Maryland's Program on International Policy Attitudes as well as the International Republican Institute that the overwhelming majority of Sunni Arabs have condoned attacks on Americans and that they disapprove strongly of the al-Maliki government.<sup>79</sup>

At one level this is a highly regrettable result. However, in any post-conflict environment, such as in Iraq, far more crimes have been committed than the police and courts are capable of handling. This is not just a matter of capacity; it also concerns the political strength of governmental institutions and the need to ensure the personal security of state officials.<sup>80</sup> In addition, amnesty provisions are often needed to make peace

settlements work.<sup>81</sup> Put otherwise, a strict demand that every crime be fully prosecuted and punished is not generally realistic in post-conflict environments. On balance, therefore, soft partition may improve the prospects for peace in Iraq by creating a *de facto* amnesty. To be sure, there may need to be some basis for ensuring federal prosecution of particularly heinous crimes of the past, but it will not be practical to hold individuals accountable for all of their transgressions.

Moving to an approach with three autonomous regions could also help simplify the international community's role in Iraq. There might be a natural division of labor if one imagines Sunni-majority states such as Morocco and Jordan and Saudi Arabia providing help for the Sunni Arab region, the United States helping the Kurds, and a combined international mission working with the Shi'ah.

Going beyond security issues, there are reasons to think soft partition might ameliorate the situation in other ways. A number of government activities are inherently dependent on the person performing a job at the local level—the teacher, the clerk, the nurse. There is little reason to think such people will perform worse if regulated and supervised at the regional rather than the national level. In addition, a basic approach that takes power and money from Baghdad and reallocates it to the regions will help address a persistent problem in contemporary Iraq—that through inertia, incompetence, corruption, or ethno-sectarian bias, funds often do not flow to the regions that need them in a timely fashion.<sup>82</sup> That should change under the framework we propose. Clerks and aides and nurses may in fact work better under the new arrangement if it means that they are paid more reliably.

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<sup>77</sup> National Intelligence Council, *op.cit.*, p. 7.

<sup>78</sup> Department of Defense, "Measuring Stability and Security in Iraq," Report to Congress, Washington, D.C., November 2006, p. 48, available at <<http://www.defenselink.mil/pubs/pdfs/9010Quarterly-Report-20061216.pdf>>.

<sup>79</sup> Campbell and O'Hanlon, *op.cit.*, June 4, 2007, p. 50.

<sup>80</sup> Department of Defense, *op.cit.*, p. 8.

<sup>81</sup> Tonya L. Putnam, "Human Rights and Sustainable Peace," in Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (eds.), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, Col.: Lynne Rienner Publishers, 2002), pp. 248-51.

<sup>82</sup> See for example, Senator Jack Reed, "Trip Report: Pakistan, Afghanistan, and Iraq," Washington, D.C., October 2006, p. 37.

Some aspects of governance are complex enough that federal resources are helpful. Whether it is a matter of building modern hospitals or universities, writing laws to protect and encourage investment, developing a sophisticated infrastructure plan, or luring investors from abroad, central governments are often best prepared for the task. In today's Iraq, widespread violence means that hospitals and universities are unable to function properly, infrastructure is sabotaged even if it is being built to conform with a carefully designed plan, and investors have little reason to put their money at risk. This is not an argument to retain Iraq's current system of government. Rather, the logic of this argument is that Baghdad will still have to play an important role, albeit a more limited and targeted one, in a structure based on regional autonomy.

Rules on foreign investment will presumably need to be overseen by Baghdad, as will procedures for carrying out international banking and trade. Many training institutes for judges, prosecutors, administrators, physicians, and others might be retained in the capital. Border police and customs will need to be conducted, or at least overseen, by the federal government. A small Iraqi national army will presumably be needed for territorial security even if most police and paramilitary functions devolve to the regions. Diplomatic activities will be conducted most efficiently out of the capital as well.

On balance, however, under this soft partition model, the overall assumption will be that, if the regions can do it, they should do it. At least 75 percent of government activity and spending should occur at the regional level.

For this reason, Iraq's best and most ambitious politicians will often prefer to pursue regional positions

rather than federal ones. There will have to be at least one parliamentary body in a new federal government in Baghdad composed of members of regional governments to ensure a certain level of competence, and cooperation between ethno-sectarian groups. The same applies to members of the cabinet and probably the posts of prime minister and president. Bosnia provides a model here, if not of great efficiency, then at least of a system that can preserve peace.

Of course, civil war is not Iraq's only problem. There are battles within ethno-sectarian groups. The Kurds have faced a serious problem in the past, but their two major groupings have cooperated in recent years. However, the Sunni and Shi'i Arab communities each have many centers of power that have often been willing to fight for their interests against each other.<sup>83</sup> In the words of the January 2007 NIE: "The absence of unifying leaders among the Arab Sunni or Shia with the capacity to speak for or exert control over their confessional groups limits prospects for reconciliation."<sup>84</sup> It also increases the prospects for violence.

This problem will not be easy to solve. But it also needs to be kept in perspective. As bad as the violence within Iraq's individual ethno-sectarian groups has been, it has been far less severe than violence between ethno-sectarian groups. It is for this reason that, despite the reports of ongoing problems in places such as largely Shi'i Arab Basra, 96 percent of Iraqis in the south of the country (including Basra) report feeling safe in their neighborhood—in contrast to only 26 percent in Baghdad and 40 to 45 percent in most other mixed areas of Iraq.<sup>85</sup> Polls can be deceptive, but these numbers are nonetheless striking.

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<sup>83</sup> Daniel L. Byman and Kenneth M. Pollack, *Things Fall Apart: Containing the Spillover from an Iraqi Civil War*, Saban Center for Middle East Policy at the Brookings Institution (Washington, DC: The Brookings Institution, 2007), p. 16, available at <[http://www.brook.edu/fp/saban/analysis/jan2007/iraq\\_civilwar.htm](http://www.brook.edu/fp/saban/analysis/jan2007/iraq_civilwar.htm)>.

<sup>84</sup> National Intelligence Council, op.cit., p. 5.

<sup>85</sup> Department of Defense, op.cit., p. 25.

## CONCLUSION

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There is a strong case that regional governments will do better than the federal government has been doing in Iraq. Whether or not they will function well enough to hold the country together under a system of regional autonomy is less clear. For this reason, and for all of its virtues, the soft partition of Iraq could fail during its implementation. However, just as in Bosnia, there are powerful reasons to think that such a scheme will work—at least well enough for the United States to reduce its force levels substantially after a transition period, reduce its casualties dramatically, and work toward the day when a relatively stable country can emerge from the current conflagration.

The core elements of soft partition, beyond those already usefully articulated by Senator Joseph Biden, Leslie Gelb, and others, should feature a mechanism to help people relocate to places where they would feel safer. This is actually a complex task, involving security for those leaving as well as those left behind, and help for the displaced with new housing and jobs. Yet it has been successfully carried out in the recent past in Bosnia, and it might begin on a small scale in Iraq with “pilot programs.” Soft partition also requires better checkpoints along the internal borders that will be drawn between ethno-sectarian groups, and major efforts to build up regional governance capacity. Most importantly it requires a system that will fairly share Iraq’s oil wealth equally among all of its peoples and disburse most oil revenue directly to the people and the regions.

Soft partition could fail. It could fail because Iraqis simply refuse to consider it or change their minds after they have initially decided to adopt it. It could fail through poor implementation, with violence accelerating as populations start to relocate. It could come too late to save many lives, and it would require the creation of major Iraqi institutions largely from scratch. Leaving aside the unsavory aspects of having the international community help relocate people based on their ethnicity or confession, soft partition is not an option to turn to lightly or happily. But it may soon be all we have left.

Ultimately, only Iraqis can choose this new political architecture for their country. However, the United States has an important role to play in any such decision. The U.S. political system may soon reach a point where it is unwilling to sustain the current strategy. At that point, not as an ultimatum but as an expression of political and strategic reality, a U.S. President may have to inform Iraqi leaders that they have two choices: try to sustain the current strategy on their own, or adopt a “Plan B” such as soft partition that the United States would be willing to help support, albeit with GIs playing a more limited role than at present. Regional players will certainly be critical in the implementation of any plan as will European Union states and the United Nations and its various agencies. The key players, however, are in the United States and Iraq. It is in these two countries where a new policy for trying to build a stable Iraq may soon have to be fashioned.

### A SYNOPSIS OF THE HISTORICAL AND THEORETICAL DEBATE OVER PARTITION

Partition has a long history, and has been tried many times. Many cases were the consequence of the era of colonialism and world wars, such as Treaty of Versailles following the First World War that carved up much of the Middle East (including Iraq) and the Balkans, the Greco-Turkish population transfers, and the British departure from the Indian subcontinent after the Second World War. Most recently, questions of autonomy, federalism, and partition have focused on the Balkans. Other modern cases have been important as well, ranging from Nigeria to the Horn of Africa to the Indian subcontinent to Indonesia, including the new state of East Timor.

The international community has traditionally opposed partition when it would lead to multiple independent states. This opposition has been rooted in the very nature of the United Nations system, based on a compact among sovereign states that have an interest in preserving their own prerogatives, powers, and territories. However, this normative objection largely faded after the fall of the Berlin wall and the wars it unleashed between the ethnic groups of former Yugoslavia. As one scholar put it, “before Bosnia, the con-

ventional wisdom was that multi-communal states that had torn themselves apart by war should be put back together by means such as power-sharing between communities ... electoral reform ... and third-party party aid or intervention to assist these efforts.”<sup>86</sup> However, after three and a half years of war, U.S. and Western officials gradually realized that “pre-Bosnia prescriptions like state-building and power-sharing would not work. Peace for Bosnia required engaging seriously on the logic of communal wars themselves – especially .... population geography and hardening of identities. [In Bosnia’s case], this meant accepting a very loose federal arrangement that amounted to de facto partition.”<sup>87</sup> Americans also seemed to realize that the moral imperative to stop the Bosnian war trumped concerns about the unrealistic goal of restoring a truly multi-ethnic society.<sup>88</sup>

Put otherwise, the case of Bosnia, as well as the related ethnic conflict in neighboring Croatia, widened acceptance of mass population movements and partition as a means of managing conflict. In Bosnia, massive ethnic flight was codified in a territorial and constitutional settlement known as the Dayton

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<sup>86</sup> Chaim Kaufmann, “What We Have Learned About Ethnic Conflict? What Can We Do In Iraq” paper presented at “Iraq: The Approaching Endgame,” conference organized by the Mortara Center for International Studies, Department of Government, Institute for the Study of Diplomacy, Center for Peace and Security Studies, Georgetown University, February 16, 2007, p. 1, available at <<http://mortara.georgetown.edu/includes/20050901/TextFiles/Kaufmann2.pdf>>.

<sup>87</sup> Ibid, p. 3.

<sup>88</sup> Ivo H. Daalder, *Getting to Dayton: The Making of America’s Bosnia Policy* (Washington, D.C.: Brookings Institution Press, 2000), pp. 173-8.

Agreement.<sup>89</sup> Paradoxically, the agreement succeeded in keeping Bosnia as a single (though highly decentralized and federal) state, with nominal right of all refugees to return.<sup>90</sup> Driving the belief in the utility of partition for Bosnia and other similarly afflicted countries, according to the political scientist Chaim Kaufmann of Lehigh University, was “a new theory centered on ‘security dilemmas.’”<sup>91</sup> The theory explained Bosnia’s, as well as Croatia’s, relentless spiral of violence as the consequence of a divided society’s breakdown in order. With groups vying either to dominate the new order or to secede from it, the result is a situation in which no ethnic community can provide for its own security without threatening the security of others. In this context, isolated minorities (or even vulnerable majorities) are expelled or flee, further separating communities and hardening their separate identities. Partition theorists conclude that when an ethnic civil war has crossed

a threshold of mutual mistrust and ethnic flight, a durable peace can come only from separating the parties into homogenous regions capable of self-defense and partitioning the state.<sup>92</sup>

A number of thinkers have challenged this approach, arguing that it ignores other explanations of ethnic conflict (such as opportunistic élites manipulating the masses) and other means of resolving mutual mistrust besides partition (like power-sharing guarantees). Furthermore, they argue that the historical record shows that partitions fail to resolve “underlying grievances” and therefore do not prevent later conflict between the newly formed states.<sup>93</sup> While it certainly did fail or has failed in places such as the Levant and the Indian subcontinent, it has achieved at least a measured success in much of the Balkans in recent times.

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<sup>89</sup> The Framework Agreement for Peace negotiated at Dayton and signed formally in Paris in December 1995 “gives” the Serbs their ethnically predominant “entity” (the Republika Srpska) while “giving” the capital Sarajevo to effective Muslim control in the Croat-Muslim Federation. At the same time, the Dayton Agreement created a new, federated, highly decentralized state of Bosnia-Herzegovina, with full rights of return to all refugees. Implementation of an accord that creates few incentives for the secessionist Serbs to cooperate with the central government has unsurprisingly been difficult. However, there has been no serious outbreak of violence since its signing.

<sup>90</sup> In the event, only Muslims have returned in substantial numbers to their former residences in “foreign” territory, and then only with great difficulty that still leaves a majority of formerly displaced living in new homes. Both Serbs and Croats have overwhelmingly elected to settle in their new, homogenous locations.

<sup>91</sup> Kaufmann, “What We Have Learned About Ethnic Conflict?” op.cit., p.1.

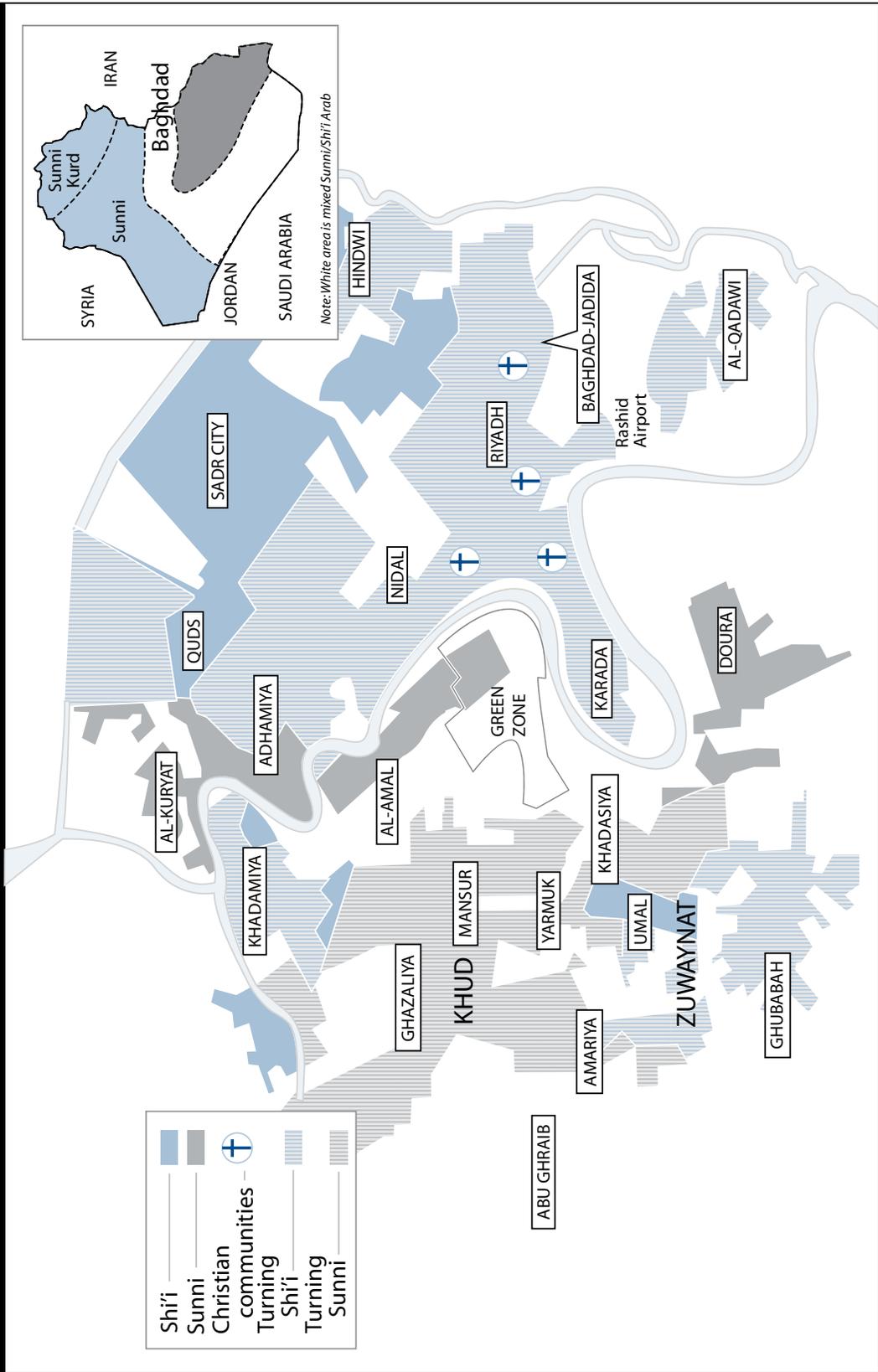
<sup>92</sup> See Johnson, op.cit., p. 7. Chaim Kaufmann stresses that both separation of populations and formal political separation are both essential. “At one time I believed that separation of warring populations into defensible regions was a nearly sufficient condition for reducing inter-communal security dilemmas and suggested that so long as this was done, minor differences in governing arrangements between loose autonomy, de facto partition, and de jure partition would not matter much. . . . I was wrong: sovereign states receive a variety of advantages in international law and practice that make them less vulnerable to future revanchism, thus further reducing future inter-communal security dilemmas.” Chaim Kaufmann, “Living Together After Ethnic Killing,” op.cit., p.7.

<sup>93</sup> Among the leading skeptics on partition is the Yale political scientist Nicholas Sambanis. See Nicholas Sambanis, “Partition and Civil War Recurrence”, paper presented at “Iraq: The Approaching Endgame,” conference organized by the Mortara Center for International Studies, Department of Government, Institute for the Study of Diplomacy, Center for Peace and Security Studies, Georgetown University, February 16, 2007, available at <<http://pantheon.yale.edu/~ns237/index/research/Partition2.pdf>>. See also Nicholas Sambanis, “Partition as a solution to ethnic war: an empirical critique of the theoretical literature,” *World Politics*, Vol. 52, No. 4, pp. 437-83. Johnson provides a compelling rebuttal to Sambanis’ claims about the empirical record, arguing that in his data Sambanis also included partitions that did not result in ethnic separation. “While Sambanis does look at partitions, he does not test the claims set forth by partition theorists [in that his data does not address the issue of demographic separation.]” Johnson, op.cit., p. 16. Johnson reviews Sambanis’s empirical data anew, concluding that “the results here are unequivocal: *partitions that have separated warring ethnic groups have terminated low-level violence for at least five years. . . .* The numbers suggest that a ‘good partition’ is the best choice, if the goal is to prevent low-level violence.” Johnson, op.cit., p. 27 [emphasis in original].





# SECTARIAN MAP OF BAGHDAD, CIRCA 2006



## THE SABAN CENTER FOR MIDDLE EAST POLICY

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The Saban Center for Middle East Policy was established on May 13, 2002 with an inaugural address by His Majesty King Abdullah II of Jordan. The creation of the Saban Center reflects the Brookings Institution's commitment to expand dramatically its research and analysis of Middle East policy issues at a time when the region has come to dominate the U.S. foreign policy agenda.

The Saban Center provides Washington policymakers with balanced, objective, in-depth and timely research and policy analysis from experienced and knowledgeable scholars who can bring fresh perspectives to bear on the critical problems of the Middle East. The center upholds the Brookings tradition of being open to a broad range of views. The Saban Center's central objective is to advance understanding of developments in the Middle East through policy-relevant scholarship and debate.

The center's foundation was made possible by a generous grant from Haim and Cheryl Saban of Los Angeles. Ambassador Martin S. Indyk, Senior Fellow in Foreign Policy Studies, is the Director of the Saban Center. Kenneth M. Pollack is the center's Director of Research. Joining them is a core group of Middle East experts who conduct original research and develop innovative programs to promote a better understanding of the policy choices facing American decision makers in the Middle East. They include Tamara Cofman Wittes, a specialist on political reform in the Arab world who directs the Middle East Democracy and Development Project; Bruce Riedel, who served as a senior advisor to three Presidents on the Middle East and South Asia at the National Security Council during a 29 year career in the CIA, a specialist on counterterrorism; Suzanne Maloney, a former senior State Department official who focuses on Iran and

economic development; Shibley Telhami, who holds the Sadat Chair at the University of Maryland; Daniel Byman, a Middle East terrorism expert from Georgetown University; Steven Heydemann, a specialist on Middle East democratization issues from Georgetown University; and Ammar Abdulhamid, a Syrian dissident and specialist on Syrian politics. The center is located in the Foreign Policy Studies Program at Brookings, led by Carlos Pascual, its Director and a Brookings vice president.

The Saban Center is undertaking path breaking research in five areas: the implications of regime change in Iraq, including post-war nation-building and Persian Gulf security; the dynamics of Iranian domestic politics and the threat of nuclear proliferation; mechanisms and requirements for a two-state solution to the Israeli-Palestinian conflict; policy for the war against terrorism, including the continuing challenge of state-sponsorship of terrorism; and political and economic change in the Arab world, in particular in Syria and Lebanon, and the methods required to promote democratization.

The center also houses the ongoing Brookings Project on U.S. Relations with the Islamic World, which is directed by Stephen Grand. The project focuses on analyzing the problems in the relationship between the United States and Muslim states and communities around the globe, with the objective of developing effective policy responses. The project's activities includes a task force of experts, a global conference series bringing together American and Muslim world leaders, a visiting fellows program for specialists from the Islamic world, initiatives in science and the arts, and a monograph and book series. As part of the project, a center has been opened in Doha, Qatar under the directorship of Hady Amr.



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