



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

ANALYSIS PAPER

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Number 9, July 2006

REBUILDING AND REFORMING  
THE IRAQI SECURITY SECTOR

U.S. POLICY DURING DEMOCRATIC  
TRANSITION

PETER KHALIL



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# ABBREVIATIONS

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CPA	COALITION PROVISIONAL AUTHORITY
DSA	DEFENSE SUPPORT AGENCY
ICDC	IRAQI CIVIL DEFENSE CORPS
ICIF	IRAQI CIVIL INTERVENTION FORCE
IGC	IRAQI GOVERNING COUNCIL
IIG	IRAQI INTERIM GOVERNMENT
ITG	IRAQI TRANSITIONAL GOVERNMENT
ING	IRAQI NATIONAL GUARD
INIS	IRAQI NATIONAL INTELLIGENCE SERVICE
INSA	IRAQI NATIONAL SECURITY ADVISOR
IP	IRAQ POLICE
JIPTC	JORDAN INTERNATIONAL POLICE TRAINING CENTER
MoI	MINISTRY OF THE INTERIOR
MoD	MINISTRY OF DEFENSE
MNF-I	MULTI-NATIONAL FORCE-IRAQ
MNSC	MINISTERIAL NATIONAL SECURITY COUNCIL
NCO	NON-COMMISSIONED OFFICER
NGO	NON-GOVERNMENTAL ORGANIZATION
SWAT	SPECIAL WEAPONS AND TACTICS
TAL	TRANSITIONAL ADMINISTRATIVE LAW
USAID	UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT





## EXECUTIVE SUMMARY

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The critical challenge for the United States and its Coalition partners in Iraq will be to stabilize the security situation in the next two years while simultaneously continuing to maintain and build the underlying structures that are needed to promote stability and security in the long-term. U.S. policymakers must bear in mind that there are three inextricably linked tracks of reform: security sector, political and economic. While improving the overall security conditions and building an Iraqi security sector are necessary elements in ensuring short and ultimately long-term success in Iraq, the process of reforming the security sector cannot proceed in a vacuum. It requires a coordinated effort that goes beyond security strategy, an effort that cannot be separated from political development and economic reconstruction. Continued and successful reforms in all these areas will require more specific and closely tailored efforts at building capacity, enhancing effectiveness, and encouraging genuine democratic practices within security structures.

American strategy in Iraq is designed to achieve two primary goals: first, the withdrawal of most U.S. combat troops during the next few years; and second, a free, democratic, stable, and secure Iraq that is able to defend itself from external threats, without posing a threat to her neighbors or becoming a safe haven for terrorists. Security sector reform is an important means of reaching both of these goals. While it is important that security sector reforms enable the United States to realistically transfer power to the Iraqi authorities, ultimately the rebuilding of the Iraqi security sector cannot be separated from political development and economic reconstruction. The successful transition to

democracy depends upon the state possessing modern, capable security forces, ministries and supporting institutions that are geared to protecting and serving the people and their freely chosen government.

The long-term goal of political stability also requires a security structure that will strengthen democratic institutions and practices so that U.S. troops will not have to return to take over a failed state in Iraq a decade from now. The best way for U.S. policymakers to encourage this process is to ensure that security reform is closely coordinated with the often volatile process of democratic transition and its associated political and economic reforms.

The values of pluralism, transparency, democratic direction of civil-military relations, and state control over the armed forces need to be instilled in Iraq. An indispensable element of a reformed Iraqi security sector is the systematic inculcation of the legal, regulatory, and institutional principles that govern the security sector in liberal democracies. Unfortunately in Iraq, these reforms are incomplete or have suffered ad hoc implementation.

To reach these goals, the United States and its Coalition partners must confront three major challenges of Iraqi security sector reform:

1. *Weakening and defeating the insurgency;*
2. *Training modern, capable new Iraqi security forces (a new Iraqi military and internal security forces), with a focus on the quality rather than the quantity of recruits and units; and,*

3. *Building capable civilian-led security institutions based on underlying democratic principles and practices.*

To overcome these three challenges, the United States and the government of Iraq must pursue three policies. First, they must ensure ethnic and religious pluralism in the security sector. Second, they must establish democratic civilian control over the military (the Iraqi Army, Navy and Air Forces—under the Ministry of Defense) and the internal security forces (the Iraqi Police and high-end internal security forces—under the Ministry of the Interior). Third, they must build up the capacity of Iraq’s civilian security institutions, especially the ministries of defense and interior.

The difficulty for the Coalition and the Iraqi government has been that the environment in Iraq has more often than not hobbled security sector reform. Over the past three years the Iraqi security forces have all largely been recruited and trained from scratch. Most security force members are new, but significant minorities of recruits were former officers, soldiers, and policemen who were supposed to have undergone retraining. The rebuilding of Iraq’s security forces has been dogged by problems at every stage. Recruitment, vetting, training, and operational capabilities have been uneven. Despite the many missteps, it is important to continue to rebuild the entire security apparatus rather than try to rely on Saddam-era force structures. Moreover, it is the quality of the Iraqi security forces—not their quantity—that is critical to a realistic transfer of security responsibility from U.S. forces to Iraqi security forces over the next two years. Within that, a focus on quality will be important as Iraq needs special security forces trained specifically in counterterrorism and counterinsurgency operations, forces that can eventually take on the brunt of the war against the insurgents.

The pace of security sector reform has had to continually adjust to meet the challenge of advancing in parallel with a deadly and evolving insurgency over the past two and a half years. There have been five main periods of reform, following the overthrow of Saddam Hussein’s regime in April 2003:

- *From May to October 2003*, Coalition policy introduced sweeping changes to what was left of the Iraqi security sector, including the still controversial dissolution of the Iraqi military (the old Iraqi Army and other elements of Saddam’s military such as the Republican Guard and Special Republican Guard) and the Ministry of Defense. The Iraqi Police and the Ministry of the Interior were largely reconstituted during this time. This period also ushered in several new Iraqi security entities: in particular, the new Iraqi military began training, and the embryo of a new Ministry of Defense was created;
- *The period from November 2003 to March 2004* was dominated by the Bush Administration’s decision in mid-November 2003 to hand over sovereignty by June 2004. This decision forced an abrupt change of course in the reform process. There was a flurry of activity to push through security reforms and build institutions such as the new Ministry of Defense in a dramatically curtailed time frame. There were also ongoing problems in civil-military relations. The low quality of training given to the new Iraqi security forces was exposed, leading to the subsequent decision to build high-end internal security and Special Forces units to fight the insurgency;
- *The period of reform, from April 2004 to the end of June 2004*, was the sprint towards handing over sovereignty. Key political-security institutions were established, such as the Ministerial National Security Council and the office of the Iraqi National Security Advisor. The Coalition Provisional Authority also took action to standardize the recruitment and training of new Iraqi forces and to rectify some of the worst problems in these areas;
- *From July 2004 to January 2005* Iraqi political and security developments were characterized by the handover to sovereignty, the relationship of the Multi-National Forces-Iraq (the Coalition forces) with the Iraqi Interim Government of Prime Minister Ayad Allawi, and his controversial

attempt to co-opt Ba'athists into the security sector in the hope that this would blunt the edge of the insurgency;

- *The period since the parliamentary elections of January 30, 2005* has been dominated by rapid political changes. The January 2005 elections put Iraq's first democratically elected government in over 50 years into power. They were followed by further parliamentary elections on December 15, 2005. In this most recent period, however, the relative success of democracy in Iraq has been tempered by many obstacles, including the January 2005 electoral boycott by the Sunni Arab community, the halting, but partly-successful, U.S.-led efforts to engage Sunni Arabs in the political process including their increased participation in the October 2005 constitutional referendum and the December 15, 2005 elections, rising levels of violence, and persistent question marks over the ability of Iraqi security forces to take over responsibility for security, particularly given the infiltration of Shi'ah militias into the internal security forces. Underlying issues have also developed regarding the democratic nature of the civil-military relationship, issues that have bearing on Iraq's future command structures and future security relationship with the Coalition.

In terms of future reforms, U.S. policymakers must be aware of the differences between first-generation and second-generation security sector reforms as each have an important role to play in different stages of democratic transition. First-generation reforms involve structural changes that prevent active military interference in political life. Second-generation reforms involve building civilian capacity in the security sector and inculcating democratic principles into the daily running of the security sector. Without the structural changes that flow from first-generation reforms and that prevent the military from active interference in politics, many of the micro-level reforms indicative of genuine 'cultural' change in the security sector will not take hold. Conversely, first-generation structural reforms put in place without the second-generation micro-level reforms that build civilian

capacity and inculcate democratic principles in the daily running of the Iraqi security sector will mean that Iraq is democratic in name only.

The key security sector reforms that the Coalition must emphasize in Iraq in the future include:

- Ensuring an even distribution of power both politically and in terms of the control of key security capabilities so that no one minister can exert dominance over the security forces;
- Focusing training and continuing a range of micro-level reforms in rebuilding the Iraqi military and security forces;
- Building institutional capacity and improving democratic control in Iraq's civilian institutions;
- Assisting the Iraqi parliament in passing a detailed legal framework for "Military Aid to the Civil Authority" and outlining the conditions under which the armed forces can be used domestically; and,
- Providing overall direction and guidance for both political and security sector reform.

A focus on the underlying structural foundations and democratic principles for the security sector should guide U.S. policy in Iraq. The United States must ensure that throughout Iraq's political transition it continues to assist in developing Iraqi security and political institutions according to these guidelines. U.S. policymakers must continue to encourage democratic practices and even apply strong diplomatic and financial coercion when necessary—particularly if critical democratic principles are threatened in the future.

As the process of implementing and guiding security sector reform continues, there will be decreasing levels of U.S. influence. Owing to the delicate nature of the Iraqi political and security structure, the loosening of even one thread of reform could cause the entire system to unravel. Despite the steadily decreasing U.S. and Coalition influence over internal Iraqi policy, these pitfalls can still be averted if the United States and its Coalition partners work vigilantly with the Iraqis.



## THE AUTHOR

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Peter Khalil was a Visiting Research Fellow at the Saban Center for Middle East Policy from October 2004 until May 2005. Previously, he served as an Assistant Director for Iraq Policy at the Australian Department of Foreign Affairs and Trade in Canberra, Australia from June to October 2004. From August 2003 to May 2004, Khalil was a Director of National Security Policy at the Coalition Provisional Authority in Baghdad and served as its representative on the Security Committee of the Iraqi Governing Council. Khalil worked on the establishment of the Ministerial National Security Council of the Iraqi

Cabinet, the National Command Authority Structure and the new Iraqi Ministry of Defense and was involved in the selection of ministerial and Iraqi national security and senior military leadership positions. In addition, Khalil worked on the Sunni Arab and tribal strategy in conjunction with military counterinsurgency plans. Khalil received a Masters in International Law and International Relations from the Australian National University, Canberra and a Bachelor of Law and Bachelor of Arts from the University of Melbourne. Khalil now works at the Eurasia Group in New York City.



# REBUILDING AND REFORMING THE IRAQI SECURITY SECTOR: U.S. POLICY DURING DEMOCRATIC TRANSITION

## INTRODUCTION

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Reforming the security sector is at the heart of the changes occurring in the new Iraq. The security sector is composed of the military (Iraq's armed forces, the Iraqi Army and the very small Navy and Air Forces) and the internal security forces (the Iraqi Police and elite police and interior security forces) as well as the civilian institutions and ministries that guide and support them. Since the fall of Saddam Hussein's regime, the Coalition Provisional Authority (CPA) and subsequent Iraqi governments have implemented specific reforms tailored to the transformation of Iraq's security sector. The successful reform and rebuilding of the Iraqi security sector remain vital Coalition goals despite patchy and inconsistent implementation. It is imperative that U.S. policymakers continue to identify areas for reform, adapt policies to the evolving political environment, and adopt more efficient implementation.

The much-touted maxim that security is the critical element for success only explains a third of the challenge in Iraq. Security is a necessary element in ensuring success in Iraq, but is not alone sufficient. The process of reforming the security sector cannot proceed in a vacuum. It requires a coordinated effort that goes beyond security strategy, an effort that cannot be separated from political development and economic reconstruction. For example, training programs for new Iraqi forces may rightly focus on skill sets and capabilities as measurable targets. Yet the

overall policy for these training programs must also take into account such factors as the economic impact of the training programs and the political sensitivities involved in recruitment and vetting. Therefore, when implementing security sector reforms, policymakers should remember that political, security, and economic considerations must proceed hand in hand.

A successful security strategy in Iraq must enable a realistic transfer of security responsibility from U.S. and Coalition forces to Iraqi security forces in the near-term. Such a strategy entails a shift of emphasis in U.S. and Coalition security assistance away from frontline combat duties towards more technical, logistical, and training assistance, with the goal of allowing for a gradual reduction of the U.S. force level over the next two years. At the same time, U.S. policy must also seek to stabilize the Iraqi transition to a democratic state over the long-term. This long-term goal requires a concerted effort to build a security structure that both supports the currently unstable transition to democracy and strengthens democratic institutions and practices in the future.

Over the next five to ten years, a process of security sector reform that is attuned to political and economic developments can enable Iraqis to rebuild their shattered country and entrench a genuinely democratic political transition. The best way for U.S. policymakers to encourage this process is to ensure that security



sector reform is closely coordinated with the often volatile process of democratic transition and associated political and economic reforms. It is all too easy to lose sight of this broader, long-term goal amidst frequent reassessments of Iraqi security capabilities, declining levels of U.S. influence on Iraqi policy, and the after effects of disjointed past efforts to align political, security, and economic reform.

U.S. policy in Iraq must be based on the tenet that the path to democratic transition in Iraq not only is supported by, but fundamentally depends upon successful security sector reform. Accordingly, the security sector reforms outlined and analyzed in this paper are designed to support both U.S. and Iraqi strategic objectives. A successful transition to democracy depends on the existence of modern, capable security forces, institutions, and ministries, all geared to protecting and serving the people and buttressing a democratic state. Until such forces and institutions are put in place, the very idea of a true democracy in Iraq will remain a distant dream.

During the nine months that I spent in Baghdad from August 2003 to May 2004, I was able to experience at first hand the challenge of reforming the security sector in a volatile country. I learned that successful reform depends on an intimate understanding of which security structures have a reasonable chance of working in Iraq's variegated cultural, political, and religious setting. Just as important, however, was the realization that certain democratic principles and practices need to be very much a part of the Iraqi security sector—not only to assist in Iraq's momentous, but difficult, political transition, but also to ensure that a genuine democracy emerges in the long-term with underlying democratic institutions and practices that run deeper than just elections.

## **U.S. STRATEGIC OBJECTIVES IN IRAQ**

Any strategy for Iraq must aim at simultaneous progress in political transition, security, and economic reconstruction. A successful strategy will achieve two primary goals: first, the withdrawal of most U.S.

combat troops in the next few years; and second, a free, democratic, stable, and secure Iraq that is able to defend itself from external threats, without posing a threat to its neighbors or becoming a haven for terrorists. These two goals need not be mutually exclusive. Indeed, the weakening and eventual defeat of the insurgency through security reform, democratic political transition, and economic reconstruction will lead to the achievement of both objectives.

It is clear that the strategic goal of an independent, secure Iraq with effective governing structures will not be accomplished during the coming twelve months. The continuing insurgency and a seemingly endless number of political and economic setbacks have hindered progress in many areas. Nonetheless, Coalition efforts to lay the groundwork for Iraq's future development have not been in vain. Despite the daily impact of violence and death, crucial reforms and structures have been put in place in both the security and the political sectors. The quiet, and largely unheralded, progress towards durable institutions and services will pay dividends over the next five to ten years if the country can be held together. The critical challenge will be to stabilize security in Iraq in the near-term while simultaneously maintaining and building the underlying structures that are needed to promote stability and security in the long-term.

These U.S. strategic objectives coincide directly with the specific security requirements of the current and future Iraqi governments. For the next two to five years, the newly formed Iraqi military and internal security forces, Coalition forces, and Iraq's growing regional security ties and involvement in multilateral organizations will help to protect the country's external security. During this time, therefore, Iraq's greatest challenge will be establishing internal security. The new Iraqi security forces will have to confront the threats posed by the insurgency, terrorism, and violent extremism in general. To add to this burden, the security forces must be able to contain continuing flare-ups of ethnic or sectarian conflict as well as the activities of various ethnic and sectarian militias.

As the level of Coalition support declines, the Iraqi state must develop the capacity to prevent and respond to acts of extreme violence by neutralizing the groups responsible. This will require the integration of a variety of Iraqi security forces and organizations at the levels of policy, operations, and tactics. Iraq's ability to effectively achieve its specific security objectives very much depends upon the success of reforms in the security sector, which must also synchronize with the political transition over the course of 2006.

It is important to bear in mind that reformed and capable security forces can help create the space or pressure for a political understanding that sustains peace, but they cannot guarantee peace in the long-term if there is no political understanding. If there is a political agreement, security forces can help create an environment that sustains the peace agreement. The Coalition must not make the mistake of thinking that security forces without progress on democracy can ensure sustainable peace.

### **THE HARE AND THE TORTOISE: TWO TRACKS OF REFORM**

U.S. policymakers must bear in mind that there are not one but two inextricably linked tracks of reform: security sector and political. More closely coordinated reform in both areas is needed to foster economic reconstruction and to meet U.S. and Iraqi strategic objectives.

At the outset, security sector reform in Iraq took shape at a blistering pace—like a hare. There was a complete upheaval of the security structure and apparatus that had existed for three decades under the Ba'athist regime. The removal of this loathsome security structure occurred rapidly in the physical sense (although it is still an ongoing process in the psychological sense, as decades of conditioning under a totalitarian regime cannot be undone in a few years). The old Iraqi Army and the old Ministry of Defense (MoD) were utterly destroyed. Saddam's gruesome internal security apparatus imploded under the U.S. military onslaught,

although many of its members escaped to participate in the insurgency. These old forces were replaced by a new military force and retrained police forces.

Political reform, on the other hand, proceeded at the pace of a tortoise—slow and plodding. In the months immediately after the end of major combat operations, progress was impeded by the fact that sovereign control resided with the CPA. To slow matters down even more, the Iraqi Governing Council (IGC) appointed by the CPA in July 2003 became entangled in the incessant squabbling of politicians attempting to build constituencies within the emerging political landscape. Politics dominated until the January 2005 elections, because newly emerging and reforming political parties were jostling for exposure in the narrow field of Iraqi politics.

Thus, while the major elements of Iraq's new security structure have been in place for some time, the new political order has taken longer to emerge. During 2005, the tortoise of the political process caught up with the hare of security sector reform. The national parliamentary election of January 30, 2005 was the first step in a crowded political timetable. The rapid political process included the convening of a constitutional committee charged with drafting a new Iraqi constitution by mid-August 2005, a deadline which was only just missed, followed by an October 2005 referendum on the new constitution, and the December 15, 2005 national parliamentary election that installed a legislature and government that is mandated to serve for four years.

It is imperative that U.S. policymakers recognize the need for closer coordination between the twin tracks of security sector and political reform. Many of the larger security structures and the still ongoing reforms of institutions, ministries, and forces put in place since 2003 have gradually—albeit hesitantly and unevenly—taken root after the early whirlwind of changes. Continued reform in these areas will require more specific and closely tailored efforts at capacity building, effectiveness enhancement, and

the encouragement of genuine democratic practices. Such reforms will be vital to complement the extensive political transition throughout 2005 and 2006. Now that the political process is accelerating, U.S. policymakers must guarantee both areas of reform are linked to ensure that the transition to democracy is not merely cosmetic.

Above all, this means not allowing security sector reform to stagnate as the political transition gathers speed. The major structural reforms, such as rebuilding the Iraqi military and establishing a new MoD, have been implemented, albeit unevenly and incompletely. As necessary is the inculcation of the deeper legal, regulatory, and institutional principles that govern the security sector in liberal democracies such as pluralism, transparency, democratic direction of civil-military relations, and state control over the security forces. All of these reforms, which cross over both the security and political structures, have taken place only gradually and haphazardly and are not yet fully complete. They are nonetheless indispensable elements of a reformed Iraqi security sector and by extension of a workable and genuine democratic state.

### UNDERLYING PRINCIPLES OF SECURITY SECTOR REFORM

The reforms needed in the Iraqi security sector are, in essence, the opposite of the standards and practice that have been the norm in most Arab states for decades. In almost all Arab states, the security services have been the backbone of autocratic regimes. Often cruel, mostly inefficient, and unfailingly corrupt, Arab security forces have served as instruments of internal political repression, the oppression of ethnic and religious minorities, and the abuse of human rights in general. Nowhere were these tendencies more pronounced than in Iraq under Saddam Hussein.

By contrast, Iraq's emerging democratic system requires a very different kind of security sector, built along different underlying principles. These are usually principles that liberal democracies take for granted,

as they have grown and have been refined over many centuries. Democracy is not just about elections: the underlying principles, practices, and foundations that make a liberal democracy work need to be enshrined and maintained. Iraqi security sector institutions and services need to employ democratic practices if they are to work effectively within a future democratic state. Such adherence to democratic norms and practices is essential to consolidate political and security reforms and to ensure long-term success in Iraq.

Essential democratic principles and practices that must be implemented and entrenched in Iraq over the long-term include:

- Ensuring an even distribution of power through the separation of judicial, legislative, and executive powers—a fundamental tenet of liberal democracy;
- Establishing appropriate constitutional arrangements and chains of command;
- Establishing democratic civilian control over the military and security forces including the creation of a civilian-led MoD;
- Separating the military from policing functions;
- Instituting a legal framework to govern the use of the military in domestic security contingencies;
- Ensuring ethnic and religious pluralism across the security sector;
- Ensuring merit-based assignment and promotion, competitive pay, and extensive leadership development for both officers and non-commissioned officers (NCOs) to complement ethnic and religious diversity;
- Separating the Iraqi security sector from Iraqi politics by ensuring that Iraqi military and security personnel hold no allegiance to one particular political party or religious leader, and that they serve no other master than the democratically elected government and the Iraqi people as a whole;

- Reforming the legal system to ensure that there are functioning courts and a humane prison system;
- Building up the capacity of Iraq's civilian security institutions, especially the new MoD and the Ministry of the Interior (MoI) and broadening democratic involvement in defense and security planning to include civil society.

Some of these principles entail specific reforms exclusively within the Iraqi security forces and civilian security institutions. For example, this means ensuring that the Iraqi military uses a merit-based promotion system rather than one favoring political, ethnic, or religious affiliation, and that the new MoD implements training and education programs for Iraqi civil servants to learn policy analysis and to enhance their critical reasoning skills. At the same time, there are also broader principles that have implications for political as well as security structures. Such principles imply, for instance, the need to hold the security sector to account and to make it open to scrutiny by establishing parliamentary oversight committees, developing defense and security-oriented think tanks and non-governmental organizations (NGOs) that monitor the security sector.

It is imperative that U.S. policymakers ensure that these fundamental principles continue to be part of the security-political structures of the new Iraq by wielding their considerable diplomatic or, if necessary, financial influence over Iraq's political leadership. Otherwise, security and political reforms will be placed in serious jeopardy, no matter what outward progress has been made toward free elections and majority rule. If these reforms are not properly implemented or coordinated with the political process, then the absence of democratic practices within Iraqi state structures could mean that in the worst case scenarios the United States and its allies might have to remain indefinitely in Iraq. As bad, the United States might be forced to return repeatedly to Iraq to either hold together a weak, fragmented country or to again overthrow a despotic regime that has regained power.

It is vital that U.S. policymakers continue to encourage and guide these principles and practices. They may need to exert strong diplomatic pressure if critical principles are threatened. Even if only one small thread of reform is loosened, this may cause the entire system to unravel. The rapid pace of change and continuing reform in extremely volatile conditions renders the Iraqi political and security structure particularly vulnerable to backpedaling and abuse. After all, the results of Iraqi security sector reform to date have been mixed because this is the first time that such democratic practices have been introduced in Iraq.

In addition to the "shock of the new" for the Iraqis, the United States and its Coalition partners were slow to recognize the importance of Iraqi cultural sensitivities and the need for broader Iraqi participation in developing security sector reforms. This failure was exemplified by the Coalition's reluctance to continue, or build upon, pre-invasion security cooperation with tribal shaykhs and its subsequent exclusion of tribal shaykhs from the Coalition-sponsored political process. Whether this aversion to dealing with the tribes was ideological (such as the belief that tribes were pre-modern and so should not be included in the new Iraqi state), or stemmed from reliance on exile politicians (including some exiled shaykhs) is now an academic question. From a policy perspective, the effect was devastating, fuelling the insurgency and discouraging Iraqi participation in reforms.

A similar refrain was heard in countless meetings that I attended with tribal shaykhs (Sunni Arab, Shi'ah Arab and Kurdish): they had worked with Coalition forces during the war and had convinced their people not to resist the Coalition. On one occasion a particularly agitated Sunni Arab tribal shaykh waved a tattered letter that he had received from a U.S. Special Forces General in my face. The letter congratulated the shaykh for his cooperation with Coalition forces and for his service to the new Iraq. The shaykh went on to complain that the rotation of U.S. commanders in his area occurred without the outgoing U.S. commander properly passing on the relationship and connections

that had been established between the shaykh's tribe and the Coalition forces. The shaykh also said that new commanders were hoodwinked by faulty intelligence, sometimes provided by Ba'thists intent on punishing tribal leaders for cooperating with the Coalition. The inevitable result was Coalition attacks on tribes that the Coalition had once closely cooperated with. Of course, the shaykh went on to explain how this necessitated tribal retaliation and revenge against Coalition forces, actions that expanded the insurgency beyond its initial Ba'thist and foreign *jihadi* core.

Instead of reaching out to the shaykhs and pulling them away from the insurgency, the Coalition pushed them towards the insurgency. Consequently, these Coalition missteps exacerbated the problem that many Sunni Arab tribes, in particular, were already providing support for the insurgents, for their tribal members who had been part of the Ba'thist state's security services, and for foreign *jihadists*. The Coalition only began to rectify these errors as of mid-2005 when U.S. diplomatic efforts focused on

Sunni Arab tribal leaders in an attempt to engage the Sunni Arabs in the political process and secure their approval for the draft constitution.

Iraqi cultural sensitivities are, however, not always the best guide to improved security sector reform. There has been some resistance from Iraqi security personnel who are unused to the changed requirements of an emerging democracy. Much of this resistance has been due to unfamiliarity, fear, and surprise at what are perceived to be radical changes—particularly after years of tyranny and conditioning of security personnel under a totalitarian regime. In the hundreds of interviews conducted with potential Iraqi civil servants for positions in the new MoD, many of which I attended, over half of the candidates had to be rejected because they either did not understand or would not accept that the new minister would be a civilian and not a general. This aversion to civilian leadership and authority was also highlighted by the fact that many of the interviewees refused to take orders from a civilian official.





## CHALLENGES

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Three major challenges confront the U.S. and its Coalition partners in their efforts to reform the Iraqi security sector:

- Weakening and defeating the insurgency;
- Training modern, capable new Iraqi security forces, with a focus on the quality rather than the quantity of recruits and units; and,
- Building capable civilian-led security institutions based on underlying democratic principles and practices.

These challenges are also inextricably linked to Iraq's past. The latter two challenges, in particular, have deep roots in Iraq's history and the past culture of abuse and ineffectiveness continues to have a negative impact on the development of Iraq's security forces and institutions.

### DEFEATING THE INSURGENCY

The weakening and eventual defeat of the insurgency is a key objective for both the United States and the Iraqi government. To this end, it is necessary to understand the nature of the insurgency. Such an understanding will also make it clearer why the reforms outlined in this paper—most importantly, the recommendations for training and embedding democratic principles within the Iraqi security sector—are the best way to defeat the insurgency in the long-term.

There has been much discussion of the number of fighters involved in the insurgency. Estimates from U.S. military and intelligence sources have ranged from about 5,000–7,000 in late 2003 to more recent estimates of up to 40,000. The numbers are difficult to determine precisely as they are constantly in flux. The insurgency's ranks have swelled thanks to foreign *jihadists* and local recruits. In addition, there is continual movement of many of these fighters across the porous borders with neighboring countries such as Syria, Saudi Arabia and Iran. It can, however, be reasonably estimated that there are currently 15,000 to 30,000 hardcore insurgents. There is also another layer of the insurgency—those Iraqis who are actively supporting the fighters by providing them with food and shelter and facilitating the movement of money. This group of active supporters is in the range of 200,000 to 250,000 according to General Muhammad Abdullah Shahwani, the Director General of the Iraqi National Intelligence Service (INIS, the new domestic intelligence service).<sup>1</sup>

Even though U.S. military estimates have suggested recent increases in the number of insurgent fighters, they are still a minority in a country of 26 million. Just as important, the largely Sunni Arab insurgency is also a minority within a minority. While the vast majority of the five to six million Sunni Arabs in Iraq are vehemently opposed to the presence of foreign troops on their soil and consider them as occupiers (a view, incidentally,

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<sup>1</sup> *Agence France-Presse*, "Iraq Battling More Than 200,000 Insurgents: Intelligence Chief," January 3, 2005.



that is shared by most Iraqi Arabs according to opinion polls)—this does not necessarily lead them to participate in the insurgency or its support network.

It is clear that the insurgency is not a monolithic bloc, nor is it even a cohesive nationalist movement with a shared political agenda. The insurgents have disparate (and often fantastic) long-term aims, ranging from restoring the Ba‘thist regime to installing an Islamic fundamentalist autocracy. Assessing how many insurgents are Islamists, how many are Ba‘thist, or how many are foreigners is largely guesswork. However, according to some estimates, the accuracy of which is impossible to judge, around 80 percent of insurgents are former Ba‘thist security, military and paramilitary personnel; veterans of the inner security apparatus charged with protecting Saddam’s regime, such as the Special Security Organization and the Military Intelligence Directorate (as opposed to the outer security apparatus such as the Mukhabbarat). Others are from the elite military forces of Saddam’s regime, such as the Republican Guard and Special Republican Guard, and others come from the regime’s paramilitary groups such as the Saddam Fidayyin. Other former security and military personnel are acting strictly as mercenaries, conducting attacks for pay. There are also gangs of criminals acting on the same motivation, many of whom were released from Iraqi prisons by Saddam in October 2002. To complicate matters, individual Iraqis have joined the insurgency for a variety of reasons, ranging from a nationalist, anti-occupation agenda to anger at the deaths of relatives or fellow tribesmen at the hands of U.S. and Coalition forces.

Several meetings that I attended with a Sunni Arab in late 2003 and early 2004 illustrate the complexity of the Sunni Arab based insurgency. Muhammad (for obvious reasons this is not his real name) explained at length and with great enthusiasm the development of his friendship with United States Agency for International Development (USAID) workers operating in his Baghdad neighborhood. Muhammad displayed a genuine concern for the safety of his USAID friends. This was immensely encouraging as

Muhammad had been a security official in Saddam’s regime. Although he was reluctant to divulge his exact role, one could assume that Muhammad was either a member Saddam’s inner security services or the Republican Guard or the Special Republican Guard. He was supposed to be the classic archetype of a “dead ender” insurgent, a Ba‘thist to the core. Yet here he was before a Coalition official describing a strong and productive working relationship with the supposedly hated American “occupiers” to rebuild his community. This reality seemed to belie the conventional, simplistic wisdom that former Ba‘thists were simply rejectionists and waging a violent insurgency against Coalition forces in the hope that they would remove the occupiers and restore to power the minority ruling Sunni Arab elite.

However, when I asked Muhammad about the progress of security in his neighborhood, he at first railed against the foreign *jihadists*, who were destroying the Iraqi people with their suicide bombings and he insisted that that no Iraqi nationalist could be part of this suicide terrorism. As the conversation wore on, however, his mood changed considerably. After repeated questioning as to his view of U.S. forces, he told me that things were bad. His cousin and many other members of his tribe had been killed in U.S.-led raids that sought to flush out insurgents. His tribe had vowed revenge on the U.S. soldiers that patrolled the area. Each night, Muhammad, armed with his AK-47 and in a group of two or three men, floated through dark alleys or perched on rooftops and took potshots at the U.S. troops. He was trying to “kill” the occupiers and “avenge” the tribal blood that had been spilled. Conscious of the fact that I had to relay these activities to Coalition commanders, and concerned about the safety of the American civilians, I asked if he had attacked the USAID personnel after his cousin was killed. He looked at me with horror, “What do you mean? These are my friends—I will see them tomorrow for lunch.”

In contrast to the Sunni Arabs involved in the insurgency, the much smaller and more extreme element of

foreign *ihadists* and indigenous Islamic extremists, who may, according to some estimates, comprise around 10 to 15 percent of the insurgency, can have no positive relationship with the Coalition. These groups are responsible for the most lethal terrorist attacks, particularly suicide attacks against Iraqi civilians and the new Iraqi security forces. Their fundamental motive is a rejection of democracy and modernity and a long-held aspiration to restore the Islamic caliphate—in essence a Taliban-style theocracy. Their ranks include a mix of hardened foreign *ihadists* with extensive terrorist training and battlefield experience in such places as Afghanistan, Chechnya, Bosnia, and Kosovo, as well as young, inexperienced volunteers fired up by the teachings of extremist clerics in madrassas and mosques. These volunteers have come from across North Africa and the Middle East as well as parts of Asia, with a smaller number from Europe. They serve as the main fodder for suicide attacks, although there is increasing evidence that a smaller group of Iraqi Islamic fundamentalists are also involved in such attacks.

The diverse groups that make up the insurgency have little in common beyond their shared goal of derailing Iraq's democratic transition. Indeed, there is no love lost between different elements of the insurgency. When I met with tribal leaders from Fallujah for ceasefire talks during the April 2004 uprising, the tribal shaykhs pointedly referred to the foreign fighters in their midst as the “destroyers” and were quite happy to have them removed. During the negotiations, both Ambassador L. Paul Bremer III, the Administrator of the CPA, and Ayad Allawi, then a member of the IGC, urged the shaykhs to coordinate security efforts against the insurgency. The shaykhs, however, were extremely reluctant to move against what they called “sons of the tribe” who had been security and military personnel in Saddam's regime and who were now involved in the insurgency, at times alongside the foreign *ihadists*.

U.S. military offensives and the actions of Iraqi security forces and institutions alone over the next two years will not defeat the insurgency. Only a combination of security, economic reconstruction, and advances in the

political process will achieve this objective. The political goal that some insurgents have of reasserting elite Sunni Arab and Ba'hist domination over the rest of Iraq's population is misguided and completely unrealistic. Yet despite this, many former Ba'hists in the insurgency have shown a willingness to come to the table. Thus they may yet realize that while they can no longer dominate the political life of Iraq, they can achieve genuine and fair representation within a democratic process rather than suffer complete disenfranchisement.

As the political transition unfolds, it is possible to negotiate with the relatively moderate members of the Sunni community—which is the vast majority of Sunni Arabs—as they begin to establish a genuine, alternative political leadership in the vacuum left by the removal of the Ba'hist regime. Moreover, the more rational elements of the active Sunni Arab resistance—that is, those providing indirect support and some members of the former security personnel—can also be coaxed into the political tent. Much as the radical Shi'ah politician Muqtada as-Sadr learned that he could not achieve his political goals by force of arms and decided to join the political process, so some members of the Sunni Arab resistance are gradually realizing that by resort to violence they will never achieve their political goals and a share of political participation. This tendency should be reinforced as they see moderate Sunni Arab leaders participating in the government and eventually serving in the Iraqi cabinet.

However, no political solution is likely to appease the minority of foreign and local *ihadists*, who are fighting for purely ideological goals and have no intention of negotiating with the United States or its Iraqi allies. There can also be no negotiating with the higher-ranking Ba'hist leadership and lower-level security personnel responsible for war crimes and crimes against humanity under Saddam's regime—these people must be brought to justice. It is clear, however, that the vast majority of Sunni Arab foot soldiers participating in the resistance are motivated less by a coherent ideology than by a mix of personal, political, and even economic and financial grievances as well as

varying degrees of nationalist fervor. They and their leaders do not necessarily expect to achieve outright victory, but see violence as a means of gaining leverage for future negotiations.

A pertinent example from my own experience was a meeting between Coalition officials and the governor and tribal leaders of the restive al-Anbar province in the pro-insurgent town of Ramadi in October 2003. In the convoluted world of post-Saddam Iraqi politics the governor had also invited fifteen or so former security and military personnel who were “representatives” of the insurgency. These men were most likely the same insurgents who were responsible for an assassination attempt on the governor’s life only three days earlier. After four hours of intense discussions, the main grievances they expressed during this meeting were unemployment, along with the loss of prestige once accorded to them as members of the security services.

Ultimately, there should be room to find a political accommodation with these elements of the insurgency, ensuring political participation for their people, employment and the restoration of honor. Their aspirations very much depend upon economic reconstruction and are within the reach of the Coalition and the Iraqi government. Of course this is only possible if the more extremist elements within Shi’ah Islamist parties, and other political leaders such as Ahmed Chalabi, are restrained from pursuing a complete purge of former Ba’th party members from the Iraqi security forces and government sector. There were approximately 2.5 million members of the Ba’th Party before the 2003 war. It is impossible to hold them all guilty for the crimes of the Ba’th party. Many simply joined the party to advance their careers as teachers, engineers or lawyers. To be sure that does entail a degree of moral culpability, but that is different from legal jeopardy that should attach to those who were directly responsible for the many massacres of Shi’ah Arabs and Kurds. Whether this warrants barring them from government jobs, which require the expertise of technocrats to rebuild Iraq, is a complex moral and

political problem which future Iraqi governments will repeatedly face.

What is certain is that preventing the vast majority of former Ba’th Party members from participating in the rebuilding Iraq will have two effects. First, it will block an important pool of technocrats and expertise from being used at a critical time for Iraq over the next decade. Second, it will drive most of the Sunni Arab minority, said to be approximately five to six million strong, into the arms of the insurgency as indirect or even direct supporters. At present, while many Sunni Arabs may passively support the “resistance” to foreign occupation, many have also abhorred the deliberate targeting of fellow Iraqi civilians. However, faced with being shut out of Iraqi political life the majority of Sunni Arabs will have no choice but to embrace violence as the only political tool available to them.

A large part of the challenge of defeating the insurgency is to build security structures that are able to wear down the insurgents and to force them to come to the negotiating table. Too often it can appear that it is the insurgents that are wearing down the new security structures, a process and perception that must be reversed. To achieve the goal of standing up new security structures, the new Iraqi security forces must co-opt former regime Sunni Arab security personnel. At the same time, this would also isolate the foreign *jihadists*. There are some Sunni Arab foot soldiers of the former regime’s security services who are now insurgents for hire, or who fight out of genuine nationalist anti-occupation motives. Some of these men did not participate in the most grievous crimes of the senior Ba’thist leadership. There are Sunni Arab insurgents those who like the ones in the Ramadi meeting are concerned primarily with unemployment and loss of honor rather than an unswerving loyalty to the ideology of the Ba’th—these men also need to be brought back into the state security structures and into government jobs. A strenuous vetting process for future recruitment and a judicial process that also tackles national reconciliation will be needed to sort out which of these low-level Sunni Arab insurgents and

former regime operatives are guilty of crimes against the Iraqi people and those who were merely doing their jobs and remained relatively clean. Both are immensely difficult challenges and both feed into the importance of training and of democratic institution building.

### THE IRAQI SECURITY FORCES: A QUESTIONABLE HISTORY, A DIFFICULT CHALLENGE TO REBUILD

Since 2003, the Iraqi security forces have all largely been recruited and trained from scratch, although a significant minority is former officers, soldiers, and policemen who have undergone retraining. By June 2006, some 265,600 new Iraqi security force members are said to be trained and in uniform, with a stated Coalition goal of 272,566,<sup>2</sup> although how many of these can be judged to be competent is hard to know. Nonetheless, the rebuilding of Iraq's security forces has been dogged by problems at every stage, including unevenness in recruitment, vetting, training, and operational capabilities and general effectiveness.

Despite the many missteps, there were several important reasons for the decision to rebuild the entire security apparatus rather than rely on pre-existing forces. Given the past role of the former security forces as instruments of repression by the Ba'athist regime, a policy of employing intact units from those forces would have been unacceptable to the majority of Iraqis. Such a policy would also have dangerously overlooked the need for security structures that are geared to supporting a democratic state rather than an autocratic regime.

Under Ba'athist rule, repression and abuse was not solely aimed at the civilian populace, but was an integral part

of the internal workings of the security apparatus. A perfect example was the relationship between officers and enlisted men. In numerous meetings and interviews conducted by the author an horrific pattern of abuse in the former military became apparent.<sup>3</sup> Former Iraqi soldiers constantly referred to the frequent humanrights abuses that Iraqi officers had inflicted upon conscripted and enlisted personnel. New recruits being trained at the Kirkush military training base—many of whom were former soldiers—were incredulous to hear that their punishment for deserting or going absent without leave would be limited to having their pay cut or their rank reduced. Many recruits repeatedly asked the instructors to confirm that their ears would not be cut off, that their families would not be threatened or imprisoned, or that they would not be summarily executed—punishments that were the norm in the military culture under Saddam's rule.<sup>4</sup>

Compounding this culture of abuse were the effects of politicization. Even before the Ba'athist period, the largely Sunni Arab officer corps had a long tradition of intervention in politics stretching back to Ottoman times. During his ascent to power in the early 1970s, Saddam Hussein adopted a strategy of dealing with the military's political influence by further politicizing the officer corps with thorough Ba'athification. Thus, Saddam gutted the Iraqi military of its more independent-minded professional officers, and stacked the officer corps with Ba'ath party ideologues or illiterate members of his own Tikriti clan or other favored tribes. According to records captured after the war, the Iraqi military under Saddam had 11,000 general officers in its ranks—compared with no more than 400 general officers in the U.S. military. Although not all Iraqi generals were party hacks, Iraqi military leadership tended to be extremely poor and thoroughly politicized.

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2 Michael O'Hanlon, Nina Kamp, *Iraq Index: Tracking Variables of Reconstruction & Security in Post-Saddam Iraq*, the Brookings Institution November 17, 2003 onwards. Latest report June 22, 2006, available at <<http://www.brookings.edu/iraqindex>>.

3 Author's interviews in Iraq, August 2003 to May 2004.

4 This incident was drawn from training courses undertaken by the 1st Iraqi Army battalion in October 2003.

The damaging historical legacy of former regime security structures casts a long shadow. Not only were the previous security forces unusable after the fall of Saddam because of this pervasive historical culture of abuse, their rotten culture, insidious politicization, and incompetence vastly complicated the task of vetting and retraining.

As outlined by the Bush Administration, U.S. policy on the security and training of Iraqi forces is at the strategic level fundamentally sound: to train Iraqi security forces and have them take over direct responsibility for fighting the insurgency so that U.S. forces can gradually withdraw. The devil, however, is in the detail. At present, most of these forces have not been given the required training and these forces do not have the necessary capabilities to conduct offensive, or even defensive, counterinsurgency operations. At the same time the Iraqi security forces each have a specific role and function, which means that not all of them can be thrown into the front line against the insurgency.

To date, U.S. forces have led the counterinsurgency effort, with Iraqi forces largely in a supporting role. Despite command of the world's most technologically advanced military machine, the United States is having remarkable difficulty defeating or even containing the insurgency. This is because traditional military forces—even those as powerful as the U.S. military—are not geared toward the mainly urban operations needed to defeat small cells of insurgents. Unfortunately, the scale and deadliness of the insurgency has forced the Coalition and the Iraqi authorities to use the fledgling Iraqi Army, Iraqi National Guard (ING), and the less than capable Iraqi Police (IP) against the insurgents.

The IP and the ING—which make up the bulk of Iraq's security forces—have completed only limited training in police academies in Iraq and Jordan and military bases around Iraq. Their capabilities are limited to local policing, and ensuring basic law and order. In the case of the ING, it can also undertake static and route convoy security. Given these skill sets, the IP and the

ING are unable to combat the insurgency effectively as a frontline force. To underscore the difficulties facing the IP, even the best-trained Western police forces would struggle in the face of intense and continuous attacks on them from rocket-propelled grenades, small-arms fire, and suicide bombings.

Effective counterinsurgency operations are not just about raw numbers. It is the quality of the Iraqi security forces—not their quantity—that is critical to a realistic transfer of security responsibilities from U.S. forces to the Iraqi security forces over the next 24 months. A key part of this challenge is to build special security forces trained specifically in counterterrorism and counterinsurgency operations, which can eventually take on the brunt of the war against the insurgents.

### **THE POLITICAL-SECURITY NEXUS: CHALLENGES OF ESTABLISHING DEMOCRATIC PRINCIPLES AND PRACTICES**

Given the daily struggles of the Iraqi people and the Iraqi security forces, the relentless suicide bombings targeting Iraqi civilians and Iraqi security personnel, there is a temptation to regard principles and practices as intangible goals that sit over the horizon and are therefore less critical than such pressing short-term needs as electricity, water, military training and provision of military equipment. Thus, there is a real danger that U.S. policymakers and the Iraqi government will not ensure the long-term promotion of democratic structures and practices within the security sector, but will instead prioritize short-term needs. This would be a terrible mistake. No matter how well the security forces are prepared to take over their security responsibilities, whatever progress has been made with democratic elections will be in serious jeopardy without democratic principles in the security sector. In the long-term, the neglect of democratic principles in the security sector could allow Iraq to slip back into tyranny and could eventually undo any practical advances that have been made towards democracy.

It is possible to identify three main policies for building an effective, democratic political-security framework for Iraq. These are: first, to ensure ethnic and religious pluralism in the security sector; second, to establish democratic civilian control over the military and security forces; and, third, to build up the capacity of Iraq's civilian security institutions, especially the MoD and MoI.

### ***Implementing Pluralism in the Security Sector***

Unlike the other external powers that have subjugated Iraq throughout its history, the United States and its Coalition partners are attempting—with mixed results—to foster a political system in which the country's myriad cultures, ethnicities, and religious groups all have the opportunity to be fairly represented in a federal government with a balanced share of political power. If this new, inclusive political framework is to take root and succeed, these pluralist goals must extend to the security sector. This is particularly true as the elected Iraqi government and security institutions take over more and more responsibility for defense and security policy from Coalition forces.

The United States has been forceful in encouraging pluralism at the political level, but its power to shape Iraqi political and security reform will decrease over time. The United States faces a slowly closing window of opportunity to ensure the durability of pluralism in the political and security system over the next two years. U.S. policymakers must therefore use their influence not only to encourage pluralism at the political level, but also to foster diversity among security and defense personnel, both military and civilian. Above all, U.S. policy cannot allow certain ethnic or sectarian Iraqi groups to dominate any particular security services or ministries while excluding others. Overlooking the importance of this principle within the security sector is a recipe for the eventual unraveling of political pluralism and democracy.

### ***Establishing Democratic Civilian Control***

Civilian control of the military is a fundamental principle of liberal democracy and is of paramount importance in rebuilding the Iraqi security sector. The necessary clear chain of command—leading from the operational Iraqi military and police commanders through to the civilian Ministers of Defense and the Interior, up to the Prime Minister and the Ministerial National Security Council (MNSC, the security cabinet)—is necessary and has already been established in Iraq. More is required and the critical challenge in Iraq is to develop and nurture not just civilian control, but also democratic control over the military and security forces. To do this entails a focus on the quality of the civil-military relationship and its relationship to the broader process of democratization.

Arguably, what is required may not be “civilian control,” which can imply an adversarial relationship, but democratic “civilian direction” which entails a mutual recognition of separate spheres of competence by both civilians and military-security personnel.<sup>5</sup> Thus, the democratically elected civilian leadership must recognize military expertise and refrain from becoming entangled in operational matters—this alone may be an immense challenge, given past abuses of power under civilian Ba‘thist leaders. In turn, the military and security leadership must respect the prerogatives of the civilian leadership. The ultimate responsibility for making decisions in defense policy and strategy must remain in the hands of the civilian authorities—including the legislature as well as the executive.

A final challenge to establishing firm democratic control of the military and security sector is the continued existence of parallel structures, militias and private armies, outside of state control. One of the fundamental principles of the modern states is its monopoly over armed force. This is recognized by article 9, First, (b) of the Iraqi constitution ratified

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5 Douglas L. Bland, “A unified theory of civil-military relations,” *Armed forces and Society*, 26:1, Fall 1999, pp. 7-25.



in October 2005: “forming military militias outside the framework of the armed forces is banned.” In theory, all armed forces aligned with political parties or individuals and not under the control of civil authorities are illegal. The CPA had developed a policy whereby militias and armed forces that agreed to the transition and reintegration process—such as the Badr Brigades (the militia of the Supreme Council for the Islamic Revolution in Iraq, a Shi’ah group closely aligned to Iran) and the *peshmerga* (the security forces associated with the two main Kurdish parties)—would be treated as being in compliance with federal law during the transition. Transition and reintegration programs were designed to support the retirement and work-force re-entry of former militia members. Some of them were also to be integrated into the Iraqi security services as individuals. In other cases, company-sized units might be incorporated into the ING or the local IP. However article 117, Fifth, of the new Iraqi constitution also gives power to regional governments to establish and regulate “internal security forces for the region such as police, security forces and guards of the region.” This provision in effect legalizes militias that are tied to regional governments and could allow for a religious Shi’ah militia in the event that Iraq’s southern provinces form their own regional government. While a full treatment of the problems posed by militias in Iraq is beyond the scope of this paper, this is an added challenge that the United States and the Iraqi authorities must confront as they move ahead with reforms.

### ***Building Civilian Capacity***

To improve the quality of democratic civilian control, the Coalition must develop “institutional depth” through civilian capacity building measures. In other countries that have undergone democratic transitions, the collapse or removal of dictatorships has often left the military in a state of political or military disarray,

creating “broad opportunity structures” that allow civilian leaders to institutionalize civilian control of the military.<sup>6</sup> Under such circumstances, the soundest strategy for ensuring civilian control in the long-term is through civilian institutional capacity building.

Capable civilian security institutions are a necessity within any democratic system. If elected leaders are to direct defense and security policy, they need the support of effective civilian bureaucracies that can implement decisions from above and analyze and formulate policy in their own right. Otherwise, civilian leaders could either become dangerously dependent on the military and security services, or effective policy decisions might not be taken at all.

In the case of Iraq, the removal of the Ba’thist regime opened up an exceptionally large structural gap: the security sector was left in disarray and much of it had to be rebuilt from scratch. In particular, the task of building up the capacity of civilian institutions to fill the vacuum has been an enormous challenge. Iraq has no tradition of an independent civil service with either the ability to take decisions or responsibility for developing policy at the mid- to lower-levels. Under Saddam, the regime’s top-down, authoritarian culture discouraged any initiative or decision-making within the old MoD or the MoI. Moreover, these ministries lacked the personnel to take on a more assertive role even if they had tried. The civilians who worked within the ministries were either high-level Ba’th Party functionaries, or technical personnel with no policy-making skills or responsibilities and a fear of being on the wrong side of a decision. Unsurprisingly, the personnel in these ministries demonstrated little initiative.

Particularly lacking under Saddam were the skilled mid-level policymakers who research and formulate policy options for leaders at the ministerial level. The CPA’s MoD reforms created an enormous demand for

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6 Harold A. Trinkunas, “Crafting civilian control in emerging democracies: Argentina and Venezuela” *Journal of Interamerican Studies and World Affairs* 42:3, Fall 2000, pp.77-109. The examples used are Argentina post-1983 and Venezuela post-1958.

civilians to fill such roles in the new ministry. Finding Iraqis with the requisite skills and experience was difficult. Building civilian capacity is therefore both a political and an educational challenge.

Given the immense political pressures in an emerging democracy such as Iraq, it can be extremely difficult to maintain the necessary focus on civilian capacity building and democratic practices. In the immediate term, elected governments could be tempted to enforce the wholesale de-Ba'athification of the civil service, the purging of ministries along ethnic or religious lines, or the stacking of ministries and senior military positions with personnel aligned with the parties or individuals in power. Such decisions, however, would undermine the crucial long-term effort to build an effective military and security sector under authentic democratic direction. U.S. political influence, technical and expert assistance, mentoring, the provision of equipment and hardware, and overall funding and aid packages must play a role in ensuring that Iraq's civil authorities do not lose sight of that long-term vision of truly democratic control.





## UNDERSTANDING HISTORICAL DEVELOPMENTS: THE KEY TO FUTURE SUCCESS

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The development of the Iraqi security sector over the past two and a half years has been a difficult and uneven process. Security sector reform has advanced parallel to a deadly and evolving insurgency, forcing the pace of reform to continually adjust to meet this and other challenges. To identify the range of security reforms that require maintenance, implementation or adjustment, it is vital to understand the historical development of reforms from May 2003 onwards.

The history of the new Iraqi security sector following the overthrow of Saddam Hussein's regime in April 2003 can be divided into five main periods of reform:

- *From May 2003 to mid-November 2003, Coalition policy brought about sweeping changes to what survived of the Iraqi security sector after the war, including the still controversial dissolution of the Iraqi military (the old army and other elements of Saddam's military, the Republican and Special Republican Guards) and the MoD. The Iraqi police forces and MoI were largely reconstituted during these months. This period also ushered in several new Iraqi security entities. In particular, the new Iraqi military began training, and the embryo of a new MoD was established;*
- *The Bush Administration's decision in mid-November 2003 to hand over sovereignty to the Iraqis by the end of June 2004 forced an abrupt change of course. There was a flurry of activity to push through security reforms and build institutions such as the new MoD in an extremely curtailed time frame. The rushed, and consequently low quality of the training given to the new Iraqi security forces, was exposed, leading to the subsequent decision to build high-end internal security and Special Forces units to fight the insurgency. From November 2003 to March 2004 there were also ongoing problems with civil-military relations;*
- *The third period of reform, from April 2004 to the end of June 2004, saw an acceleration in the reform process in the run up to the handover of sovereignty. Key political-security institutions were established, such as the MNSC and the office of the Iraqi National Security Advisor (INSA). The CPA acted to standardize the recruitment and training of new Iraqi forces and to rectify some of the worst problems in that area;*
- *From July 2004 to April 2005, the fourth period of reform, involved the handover to Iraqi sovereignty. This period was dominated by the issues of the relationship of the Multi-National Force-Iraq (MNF-I, as the Coalition force was now formally known) with the Iraqi Interim Government (IIG) of Prime Minister Ayad Allawi, and his controversial attempt to blunt the insurgency by bringing in former Ba'athists;*
- *The fifth period of reform began in April 2005 when the government, elected in the January 30, 2005 parliamentary elections, was formed. Although this government is to be succeeded by another government in 2006, this time frame is dominated by the relative success of Iraq's first democratically elected governments in over 50 years, a success tempered by many*

obstacles, including the initial January 2005 electoral boycott by the Sunni Arab community. Among the other obstacles have been the halting efforts to engage Sunni Arabs in the political process, rising levels of violence, and persistent worries about the ability of the Iraqi security forces to take over security responsibilities. Underlying issues have also developed regarding the democratic nature of the civil-military relationship, which has bearing on Iraq's future command structures and security relationship with the Coalition.

### **PART I: TEARING DOWN AND STARTING OVER—MAY TO OCTOBER 2003**

On May 23, 2003, Iraq's new administrator L. Paul Bremer signed CPA order no. 2, formally dissolving the bulk of Iraq's old security sector: the MoD, the Ministry of State for Military Affairs, and military organizations such as the Army, the Republican Guard, and the Special Republican Guard. There has been relentless criticism of the decision to dissolve the military and the subsequent effort to rebuild the Iraqi military from scratch from the moment the order was signed.

The decision to rebuild the Iraqi security sector was not the dire mistake that its many critics have claimed. The glaring error in the immediate post-war phase was the failure to deploy sufficient numbers of Coalition troops, who were desperately needed to establish basic law and order and prevent the widespread looting that followed the fall of Saddam's odious regime during the months in which there were no credible local forces to fill the gap. The grace period in which the Iraqi people welcomed U.S. and other Coalition forces as liberators quickly vanished as they observed the Coalition's inability to provide basic security in Iraqi cities. There were certainly enough troops to win the war, but clearly not enough to ensure the peace.

On the other hand, the persistent idea that the United States could have filled the post-war security vacuum by retaining the old security apparatus is unfounded.

The old Iraqi military dissolved during and after the war. The core elements disintegrated in the face of the Coalition assault, and the 400,000, largely Shi'ah conscripts of the regular Army deserted *en masse*. Iraq's MoD and military facilities, equipment, and installations were destroyed by Coalition bombing and post-invasion looting. There were no barracks or workable infrastructure for Iraqi troops to return to. What little survived required major repairs and reconstruction to make it usable.

More importantly, those Iraqi forces that might have been called upon to impose order in April/May 2003 were completely unacceptable to the vast majority of Iraqis as they had undergone Ba'hist politicization and had been used as tools of internal repression to protect Saddam's regime. What is more, these forces, largely politically unacceptable elements of the Sunni Arab officer class from the regular Army, Republican Guard, and Special Republican Guard, were at best incomplete units, with no logistical or administrative infrastructure. Furthermore, their organizational structures and culture made them wholly unsuited to the kind of modern, capable, and non-political defensive force required in an emerging democracy. The old military was not a foundation on which worthwhile new Iraqi security forces could be built.

All in all, there is little reason to rue the disappearance of the old Iraqi military. Throughout the twentieth century, the Iraqi military's performance was consistently abysmal, characterized by inadequate and largely politicized leadership, tactical incompetence, a plethora of structural problems, and a history of being used to attack Iraqis—the litany of massacres against Assyro-Chaldean Christians, Kurds, and Shi'ah stretches all the way back to the 1930s. U.S. policymakers were thus aware of the need to develop a very different type of force capable of supporting a democratic state. This was particularly relevant in guaranteeing that safeguards were put into place to ensure that the new military forces would not return to “business as usual.”

### ***Rebuilding the Iraqi Army***

CPA Order no. 22 (“Creation of a New Iraqi Army,” August 7, 2003) established a military force for the national self-defense of Iraq. The initial vision, formulated well before the onset of the insurgency, was that Coalition forces would defend Iraq against external aggression and perform general internal security duties—implying that there would be time in which to build new Iraqi forces. A fundamental tenet of the decision to rebuild from scratch was that the new Iraq required a military that could contribute to and assume the nation’s military defense. In contrast to the past, the new Iraqi Army would be professional, non-political, and representative of the population as a whole and committed to defense against external threats rather than used for external aggression or internal repression. The new Iraqi Army would also come under the law-based control of an elected civilian government.

The Coalition began creating the new Iraqi Army in early August 2003 when over 800 recruits entered training for the first light infantry battalion at the refurbished Kirkush military training base in eastern Iraq. That battalion was scheduled to “graduate” by entering active service at the beginning of October 2003. Successive battalions were to be trained during the next two years. These Iraqi Army battalions would consist of ground forces, including motorized infantry and an operational mechanized brigade. The Iraqi Air Force would eventually be given limited transport capabilities. The Iraqi Navy (or Coastal Defense Force) was to be limited to a battalion of Marines, five coastal patrol boats based in Umm Qasr, and several river patrol boats on the Shatt al-Arab waterway separating Iraq from Iran. All of these military forces were to be built from scratch. In October 2003 Coalition planners set a target of around 27 battalions or three divisions by mid-2005. As an interim goal, five battalions of about 4,000 soldiers would be operational by May 2004. These modest goals were quickly and completely overtaken by events.

The long-term aim was for a modest, but capable, well-trained force that would be interoperable with Coalition

forces. The final size of the Iraqi force was a matter for Iraq’s future sovereign government to determine. Unlike the old Iraqi military, the Coalition expected that the new Iraq military would not be bloated, inefficient, and ineffective. At the same time, it was envisioned that some form of regional security structure would emerge to assist with Iraq’s external security, along with security alliances with members of the Coalition and growing involvement in global and regional multilateral organizations and groups. Internal CPA memos at the time expressed a hope that at some point in the distant future the new Iraqi military might be able to deploy abroad for multilateral peacekeeping and humanitarian operations and that the Iraqi Army would be used for domestic security purposes only as a last resort and under tight civilian control.

While the defining mission of the Iraqi Army was to be the external defense of Iraq, it was assumed to be unlikely that Iraq would face a conventional military threat in the foreseeable future. Both Iran and Syria, for instance, posed threats to Iraqi security that were not necessarily of a conventional nature. Instead, in the period from May 2003 to October 2003, both Syria and Iran used “asymmetric” interference to weaken and destabilize Iraq, such as the pervasive presence of Syrian and Iranian intelligence operatives in Iraq and the active facilitation of, or turning a blind eye to, foreign  *jihadists* entering Iraq from their territory. Elements of the Syrian regime also failed to clamp down on Ba’thist financing arrangements for networks within Syria that were supporting the Iraqi insurgents.

Despite the variety of these asymmetric threats, the Coalition’s military and civilian planners deemed that Iraq still required a capable, modern army to defend itself against the possibility of conventional external aggression. The idea was that this army could be developed within two to five years. Yet in the summer of 2003 it was evident that external aggression towards Iraq in the foreseeable future would come in the shape of asymmetric warfare and the external sponsorship of Iraqi internal unrest. Even before the insurgency exploded, this assumption posed a problem for deciding

the nature of the new Iraqi force structure, as to whether it should have an internal security or an external, conventional security focus. The growing need to meet the internal challenge of the insurgency led to an overemphasis on the use of the then wholly inadequate police force. The problem of what focus the new force should have developed into a security force crisis in 2004 when Iraqi forces were shown to be inadequate to the task of suppressing domestic armed rebellions.

Part of the problem was that in the summer of 2003 Coalition planners expected a sovereign Iraqi government to be established in early 2005, and so thought that they had eighteen months to stand up the new Iraqi Army. Coalition planners also assumed that the incoming Iraqi government in early 2005 would make the basic required decisions on such issues as Iraq's long-term national security strategy, security relations with Coalition members and states in the region, basic national security institutions, mechanisms for deciding on resources for defense, the structure of a new MoD, a military staff organization, the military's future force structure, and the constitutional and legal framework for these institutions as well as parliamentary and public accountability. The Coalition would provide technical advice and assistance, but it was assumed that these decisions were for Iraqis to make. Instead, the burgeoning insurgency and the drastically shortened political timetable forced the CPA to take decisions on many of these issues before the handover of sovereignty at the end of June 2004.

### ***An Embryonic Ministry of Defense: The Defense Support Agency***

As of early August 2003, the CPA's strategic plan envisaged setting up a new Iraqi MoD in early 2005. The first Iraqi army battalion was due to graduate on October 4, 2003, and there was clearly no way that a new MoD could be established by then. There was thus a need for a limited civilian-led Iraqi agency that could provide basic administrative support for the new Iraqi forces.

One of the strange inconsistencies within the CPA was that despite the lack of communication with its Coalition military counterparts it was still able to develop and implement some policies in record time. One such example was the establishment of the Defense Support Agency (DSA), a body created to provide the logistics and administrative support for the new Iraqi military. Planning for the DSA began in early August 2003 and CPA Order No. 42, "Creation of the Defense Support Agency," officially established the new agency on September 19, 2003. The order was implemented by October 1, 2003 when 30 civilian Iraqi employees took up positions in the new organization.

The initial role of the DSA was to enable a staggered transfer of key defense executive functions from the Coalition to Iraqi operational control. The DSA also employed a core group of qualified and properly vetted Iraqi civil servants in posts that would make up the backbone of the civil service in the future MoD following the transfer of sovereignty.

The DSA's key functions initially included acquisition and logistical support, contracting, personnel, finance, medical services, legal affairs, and facilities and administration. Advisors from the CPA continued to supervise these functions in the initial integration and transitional phases. However it was decided that the main political and military functions, strategic policy, operations and plans, information services, and public affairs, would be reserved for the CPA. The IGC was to be consulted on these and other security-related policy issues, but the CPA retained effective control over what would be the core functions of any recognizable MoD.

The DSA was important because many of the processes used in its establishment were later repeated on a grander scale during the establishment of the new MoD. Great care was taken to develop and implement fundamental processes for properly identifying, vetting, and selecting qualified candidates for positions in the DSA. The CPA used Iraqi media outlets to advertise and publicize these positions, targeting unemployed former civil servants and ex-military officers. The CPA also used

campus recruitment centers to target talented university graduates and to elicit responses from academia and the private sector. The latter was particularly important as many of the proposed DSA functions were well-suited to Iraqis who had experience and proven decision-making capacity as accountants, personnel managers, and contractors in the private sector.

Candidates were vetted on a case-by-case basis, using several techniques to weed out unqualified or similarly inappropriate candidates, such as former high-ranking Ba'athists. The Iraqi military database, secured from the old MoD, served as a key tool for checking candidates' backgrounds. The CPA supplemented this resource by establishing appropriate selection criteria; background qualifications and academic checks; written psychological, aptitude, and intelligence tests; and a combination of final security and job suitability interviews. Finally, selection boards comprising senior CPA security policy staff and eminent Iraqis drawn from the IGC or the Baghdad city council were the last gateway to be cleared in the selection process. Overall, these measures were seen as crucial to ensuring that the DSA would have qualified, vetted, and suitable Iraqi personnel. In addition, it was correctly envisaged that this thorough process could serve as a template for selecting civil servants for the future MoD or indeed other Iraqi interim ministries that were having trouble with personnel policy, such as the MoI.

Part of the plan that was not implemented was the idea of an integration phase, during which successful Iraqi candidates would be embedded within the appropriate CPA offices responsible for security policy until a new site was ready for the DSA. This would have allowed them to gain familiarity with civil service processes and receive briefings on current issues falling within their purview. More importantly, it would have permitted CPA security officials and civilian supervisors to spend time identifying those quality Iraqi candidates who displayed independent decision-making skills and the capacity to assume responsibility, and to recommend their transfer to the new DSA. Furthermore, it would

have allowed Iraqis and Coalition personnel to gain experience working side by side, particularly in the field of defense policy.

Instead, the DSA moved straight into the transitional phase skipping the integration phase. In the period leading up to full Iraqi sovereignty, the CPA bureaucracy restricted the number of Iraqis working directly in Coalition offices—particularly those overseeing national security policy and in defense executive functions. Meanwhile, Iraqi personnel worked with various degrees of independence at a new DSA site within the CPA compound, but separate from Coalition offices. The DSA was expected to form the core of the new Iraqi MoD after the transition to sovereignty.

Over the following months, the DSA worked effectively to support the new battalions of the Iraqi military as they graduated from training. The DSA became the nucleus of the new MoD and was eventually subsumed under the ministry when it became operational in late March 2004. The DSA established important principles of transparency and accountability in the vetting and selection processes. Unfortunately, these practices were not always repeated in other Iraqi ministries and they soon fell by the wayside as the Iraqi MoD succumbed to politicization.

### ***A Reconstituted Ministry of the Interior Ministry and Police Force***

Unlike the MoD, the MoI and the police forces under its control continued to function after the fall of Saddam's regime. The MoI was largely reconstituted, although key officials from the Ba'ath Party were replaced and there were frequent purges and rehiring of senior personnel. These policies were largely subject to the whims of Iraq's various Ministers of the Interior (under the IGC, the IIG and the Iraqi Transitional Government, the ITG). The MoI lacked the transparent, merit-based personnel policies of the DSA and there were shortages of good quality administrative and policy staff, as well as of Coalition advisors to guide and mentor Iraqi personnel.



Like the MoI, the IP suffered from the lack of a fresh start. Many of the problems apparent in the quality of the IP to this day have their root in the initially decentralized, regional training and vetting of forces that were already nominally under the MoI's control. Other obstacles that hampered and continue to hamper the development of the IP include shortages of equipment, communications gear, and weaponry, an inability to look beyond Baghdad, nepotism, and the less than desirable performance of Iraq's Ministers of the Interior.

### ***The Iraqi Civil Defense Corps: Problems with Training and Vetting***

In the immediate pre-war and early post-war phase, the Pentagon did not expect an intense and deadly insurgency. U.S. defense officials assumed that Iraqis would welcome the liberation, leading to a speedy defeat of what were considered isolated "dead-enders" loyal to Saddam's regime. Consequently, initial Coalition plans to train all the Iraqi security forces were based upon having large numbers of recruits with very basic training in policing and conventional military operations. One of the results of the then-prevalent Pentagon view that Iraq's security needs could be met through sheer quantity rather than quality was the Iraqi Civil Defense Corps (ICDC), established by CPA Order no. 28 on September 7, 2003. Following the handover to Iraqi sovereignty at the end of June 2004, the ICDC was renamed the Iraqi National Guard (ING).

The ICDC was recruited and trained at a much faster pace than the new army and given basic static or route-convoy security tasks alongside Coalition personnel. When the security crisis began to worsen in late 2003, the accepted conventional answer was to put more Iraqi "boots on the ground" and an "Iraqi face" on security. Consequently, military commanders, under pressure from the Pentagon, obsessively worked to rapidly build up the number of ICDC battalions.

Local Coalition military commanders in each of Iraqi provinces were given the responsibility to raise ICDC units, but unlike the training of the new Iraqi Army

the training and vetting of recruits for the ICDC were largely decentralized. As a result, there was a lack of standardization in training and uneven vetting of ICDC recruits across the country. Although the ICDC recruits received only minimal levels of basic training, they were expected to serve as the bulk of the Iraqi force facing the insurgents from November 2003 through to early 2004. Given these inherent structural weaknesses and the scattered build up of the force, it was no surprise that ICDC performance continually fell short and desertion was a frequent problem.

## **PART 2: A ROCKY TRANSITION—NOVEMBER 2003 TO MARCH 2004**

The first battalion of the new Iraqi Army graduated on October 4, 2003. The spontaneous celebration of the new Iraqi recruits at their graduation masked obstacles that loomed menacingly over the horizon. These problems worsened with new developments in civil-military relations and the political transition into 2004.

The role and mission of the growing Iraqi Army, especially its deployment on internal security missions in what was fast becoming a state of emergency, complicated the development of democratic civilian control over the military. For instance, there was a clear breakdown in command when Iraqi Army battalions refused to fight in either Fallujah or Sadr City in April 2004. This breakdown was a direct result of thrusting the Iraqi Army into internal security operations for which it was not prepared. Many of the Iraqi soldiers refused to serve in action because they asserted that they did not join up to fight fellow Iraqis but to defend their country from external aggression. In addition, the balance of power between the civil and military sectors in Iraq was very different in the spring of 2004 to what it had been in other cases of countries undergoing democratic transition. In Iraq, unlike what had been the case in emerging democracies in the recent past in Latin America, the balance of power was too much in the favor of the civilians. New policies specific to Iraq were required to guide the civil-military relationship, to build institutional depth and civilian capacity, and

set parameters for internal security roles, but such policies were not yet in place.

While Coalition officials building the new Iraqi military understood that a professionalized military focused on external defense rather than internal missions was the key to democratic civilian control of the military, circumstances conspired against this. The Coalition was forced to use the Iraqi Army at the forefront of the internal security mission, a short-term solution that creates potential long-term problems as there is ample evidence that civil-military friction and an erosion of civilian control are linked to the expansion of the military into internal security operations.<sup>7</sup> As Coalition officials knew, militaries that are geared towards external defense are more likely to focus on their professional mission and less likely to meddle in the kind of policy decisions that should be left to the democratically elected authorities.

Unfortunately, the growing security crisis in Iraq, and the inadequacy of the internal security forces such as the IP, forced the Coalition to use the fledgling Iraqi Army against the insurgency as of November 2003. Given these trying security conditions, the CPA and its Iraqi counterparts in this period had to develop a policy authorizing and controlling the domestic use of the Iraqi Army, which in Iraq is an extremely sensitive issue. Iraqis, particularly the Kurds and the Shi'ah Arabs, suffered decades of repression at the hands of the old regime's army and air force. Early on in the CPA mandate many of them argued that there should be no army at all. Similarly, many members of the IGC called for a complete ban on the internal use of the Iraqi Army and other military forces. The need for capable, well-trained, and professional armed forces to defend Iraq against external aggression and to support internal security forces during emergencies and disasters eventually prevailed over the wishes of these Iraqi politicians.

CPA and Iraqi lawyers did complete work on a draft "Military Aid to the Civil Authority" law as a basis for future Iraqi legislation. However, it was not put into place as a CPA Order because Coalition military commanders on the ground, and Pentagon officials, feared that it would seriously constrain the operational freedom of the Iraqi military against the insurgency.

At the time, the overuse of the Iraqi military in internal security was not an irresolvable problem. Many Coalition officials assumed that policies to prevent possible future Iraqi military abuse by of Iraqi civilians would depend upon future legal frameworks that would be put in place by the National Assembly elected on January 30, 2005 and the ITG which the new parliament would select. The legal and regulatory frameworks would have to delineate the internal use of the Iraqi military particularly if the initial CPA-drafted security arrangements were to be significantly altered. Iraq's interim constitution, the Transitional Administrative Law (TAL), agreed in March 2004 and in force until the new Iraqi constitution was adopted in October 2005, did set out the security arrangements allowing for the domestic use of the Iraqi military and endorsed the assignment of the Iraqi military to the Coalition forces under UN Security Council Resolutions 1511 (2003), 1546 (2004) and 1637 (2005). However, the TAL also called rather generally for the permanent constitution to ensure that Iraq's military never again be used to oppress the Iraqi people.

### ***Quality over Quantity: a Shift in Training Strategy***

Throughout 2003 and early 2004 both the IP and the ICDC received decentralized training and vetting under local Coalition military commanders. Many local police were simply "reconstituted"—former police officers were re-employed without having to go through the required police academy training. Most ICDC recruits were given only cursory training to

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7 Charles T. Call, "War Transitions and the New Civilian Security in Latin America," *Comparative Politics*, 35:1, October 2002, pp.1-20.



complete very basic static and route-convoy security tasks, usually in tandem with Coalition forces. Pressing the IP and the ICDC into counterinsurgency duties such as sweeps of urban areas or set-piece offensive operations against insurgent strongholds misused this inadequate training and led to failed operations and casualties. The problem was that most of the regular Iraqi Army battalions were largely being trained for conventional military defense against external threats and so could not be relied on to play a prominent internal security role.

By mid-October 2003, a sizable minority of Coalition personnel, including the author, believed that the emphasis on the sheer quantity of Iraqi forces could not contain the insurgency. A policy paper was therefore drawn up on the future ICDC force structure in mid-November 2003. The question that the paper ostensibly addressed was whether to turn the ICDC into a National Guard (a paramilitary force), a Federal Police Force (a police force under central command), or a Territorial Reserve (rather like the U.S. National Guard). In reality, the CPA paper was an attempt to force the Pentagon to change course on the ICDC. The Pentagon was pushing the expansion of the ICDC and had scaled up the minimum force level of the ICDC from 25,000 effectives to 40,000. By contrast, the CPA proposal was to transform the ICDC, or at least the best performing parts of the ICDC, into higher-quality and better-trained internal security units.

CPA officials held several rounds of meetings with United States Central Command and Pentagon officials in an attempt to sell their ICDC proposals. In the circumstances, the ideal solution would have been to re-train the better performing units of the ICDC into a national élite police force with high-end internal security training and light infantry counterterrorism skills along the lines of the paramilitary, Gendarmerie forces found elsewhere. Unfortunately, the Pentagon policy to put as many armed Iraqis into the field continued unchanged, despite many warnings from within the Coalition. The decision on the future ICDC

force structure was deferred until after the new MoD was established in late March 2004. After the MoD started operating, it was finally decided that the ICDC should become the ING under the authority of the new MoD, not the MoI, and should be part of the military, not the internal security forces. In addition, ICDC numbers were added in with those of the better-trained and relatively higher quality Iraqi Army battalions, thereby giving the misleading impression that there were larger numbers of capable Iraqi Army battalions trained than was the case.

Despite the refusal to change tack on the ICDC in November 2003, it was clear that there was a growing security crisis which needed to be addressed and which could not be tackled with large numbers of poorly trained ICDC troops that required constant Coalition supervision. The key to a realistic transfer of security responsibilities from the Coalition to the Iraqis was to drastically increase Iraqi force quality. Many Coalition officials understood that a true transfer of security responsibility from Coalition to the Iraqis could only happen by building up Iraqi military Special Forces and commando units as well as specialized Iraqi internal security forces.

The decision to hand over sovereignty after the November 15, 2003 agreement was another fundamental change of course in the political process. In particular, the decision to hand over Iraqi sovereignty at the end of June 2004 reduced the period of official Coalition control by more than a year from what had initially been anticipated. The Pentagon's role in directing Iraq policy was also downgraded, with the White House, and National Security Advisor Condoleezza Rice, taking firmer policy control. These changes gave considerable impetus to the need to create quality internal security forces that could take on the insurgency in the long-term without the support of U.S. and Coalition forces. If the Pentagon resisted the transformation of the ICDC, the only answer was to sidestep both and instead train new, high-end internal security forces from scratch under the control of the MoI.

Consequently, the IGC and the CPA instituted a policy to form specialized internal security forces with intensive counterinsurgency and counterterrorism training. By January 2004, police special units were undergoing intensive and longer training (16-24 weeks instead of the normal two weeks for the ICDC), so there was a base on which these new, high-end, specialized police forces could be built. The specialized police were to be nationally based, unlike the more local focus of the IP. Most of these high-end internal security forces came to be known as the Iraqi Civil Intervention Force (ICIF), a label that included several types of specialized police forces:

- the Iraqi Police Service Emergency Response Unit, a Special Weapons and Tactics (SWAT) capability comprising an élite 270-man team trained to respond to national-level law enforcement emergencies;
- the 8th Mechanized Police Brigade. A paramilitary, counterinsurgency police unit, eventually comprising three battalions; and,
- the Special Police Commando Battalions (SPCB) to provide the MoI with a strike-force capability. The SPCB, which ultimately numbered six full battalions, were to be highly vetted Iraqi officers and rank-and-file servicemen largely made up of Iraqi Army Special Forces veterans.<sup>8</sup>

In January 2004, the Coalition had a goal of training just over 30 ICIF and Iraqi Army Special Forces battalions, a complement of some 25,000 men by mid-2005. To achieve this goal over the following 18 months, the Coalition authorities planned to deploy additional U.S. training brigades and several hundred more police trainers from the FBI, NATO, and European police services.

Although the development of these ICIF units was positive overall, the long-term danger remains that they might become too powerful and be tempted to

interfere in the democratic process. U.S. policymakers were aware of the political danger that these forces and the MoI could pose, particularly if they were under the exclusive control of the Prime Minister or Minister of the Interior. The fear of an overly powerful MoI and highly-trained interior ministry troops, along with widespread incompetence and endemic corruption, was one reason for the high turnover of Ministers of the Interior in 2004 and 2005. The CPA also attempted to ensure that there was a balance of power in the interim cabinet and that the Minister of the Interior was not aligned too closely with other centers of power such as the Prime Minister or the Minister of Defense. Despite these efforts, the main complaint as of late 2005 was that the MoI had become too powerful and that by integrating militiamen from the Badr Brigades was in effect operating Shi'ah Arab death squads targeting Sunni Arabs.

The importance of the high-end internal security forces increased the value of efforts to build civilian and institutional capacity in the MoI because the ministry was responsible for providing policy direction, administrative, and logistics support for the IP and the ICIF. The problem was that the MoI was inadequate to these tasks, a weakness that was masked by the fact that most of these responsibilities such as manning, training and equipping of police forces were being handled by Coalition forces. These nominal MoI functions were being carried out by the Coalition Police Assistance Training Team under the command of U.S. Army Lieutenant General David Petraeus.

### ***The Ministry of Defense: Further Developments***

The November 15, 2003 decision to hand over sovereignty also effected the rebuilding of security sector institutions. Incredibly, CPA Order no. 67 established the MoD on time on March 22, 2004. The task of building the new MoD from scratch had been reduced from an initial plan of almost two years down to just four months, severely limiting the fledgling

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8 Multi-National Security Transition Command - Iraq, *Troops Facts Sheet*, available at <[http://www.mnstci.iraq.centcom.mil/facts\\_troops.htm](http://www.mnstci.iraq.centcom.mil/facts_troops.htm)>.

ministry's capacity to fulfill basic administrative and logistical functions.

The new MoD's primary role was to provide strategic, administrative, and logistical oversight for the Iraqi military. There was also a grander, political vision at work. The new MoD was supposed to represent the whole of Iraq and to defend its sovereignty, to serve all Iraqis regardless of religious or political affiliation. Furthermore, a framework needed to be established to ensure that the new MoD, headed by a civilian minister, would be accountable to the government and thus to the Iraqi people. The work of rebuilding an entire ministry in four months, however, was immense. This included the initial design, consultation with a broad range of Iraqi political groups, personnel appointments, and the embedding of fundamental democratic principles that would give effect to the strategic vision.

The first step in the process was to design an organizational structure in consultation with Iraqis that would fit with the future Iraq democratic state and Iraq's unique and complex cultural parameters. It was important that it not be a carbon copy of a Western MoD. Thus, political leaders in the IGC, tribal leaders, religious leaders, and academics were all widely consulted.

A major practical problem was the need to appoint key personnel before the handover, including to the important posts of Secretary-General (the chief civilian administrator) and Chief of the Defense Staff (the Commanding General who would also act as a senior military advisor to the MNSC). Both these positions were to be insulated from political change. Coalition staff carried out an exhaustive interview and selection process across Iraq to staff the entire ministry.

The personnel selection process was extremely difficult. In Iraq under Saddam, the area of security and defense expertise, policy development and decision-making

had been reserved solely for a few members of the Ba'ath Party's Revolutionary Command Council and other high-ranking party members. The majority of the almost 5,000 civilians employed in the old MoD were technical experts such as engineers, logisticians, accountants and administrative staff. The old MoD was top heavy, with uniformed Ba'ath party ideologues controlling the vast base of civilian employees below them. There were almost no civil servants whose task it was to develop defense or strategic policy. Indeed many of the lower-level civilian employees worked in an atmosphere of overwhelming fear and were petrified of making a decision of any weight whatsoever.<sup>9</sup>

The new MoD required policy analysts and civilian decision makers as well as technical expertise. Former policy decision makers from the old MoD, who had belonged to the highest echelons of the Ba'athist regime, and had been responsible for many of its criminal policies and human rights abuses, were discounted as possible recruits. The CPA therefore turned to younger Iraqis, university graduates, women, and policy experts from other ministries to populate the new MoD.

There was also a small behind-the-scenes battle over the nature of the new Iraqi civil service. Given the nepotism rife in many of the other Iraqi ministries, it was necessary to establish an independent civil service for the new MoD that was free of any system of political appointments. Despite initial resistance from some U.S. colleagues, who were used to the political appointee system, Bremer recognized the importance of an independent civil service. The next problem to be faced was that for there to be an effective independent civil service, the MoD had to have an independent personnel department which would in effect bar future Iraqi Ministers of Defense from bringing their cronies in. That strenuous vetting and selection process worked to a significant extent and recruited professional and objective Iraqi civil servants.

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<sup>9</sup> Interviews with former Iraqi civilian personnel in Baghdad, August 2003 to May 2004.

Finding and recruiting qualified and appropriate candidates willing to accept such professionalism and independence was a difficult task. Half of the hundreds of potential recruits interviewed for civilian positions ranging from Deputy Secretary down to graduate recruits had to be discounted because they would not accept the basic concept of a civilian Minister of Defense. Many former military personnel applying for civilian positions also had difficulty accepting the idea that uniformed personnel should take strategic and policy guidance from civilian analysts in the new MoD.

By far the most important development from November 2003 to March 2004 was that the new MoD was built on fundamental democratic principles, in part because it was constructed on the foundation of the DSA. The new MoD was to be civilian-controlled, and the civilian and military staffs were to be accountable for matters including the use of force, use of resources, senior positions and promotions, compensation, deployment and force structure.

It was also critical to have a degree of transparency in MoD operations so that Iraqis and their elected representatives could exercise their right to know about defense policies, organizations, financial matters, and conduct of operations. This extended to a policy of zero tolerance of corruption, which was particularly relevant as allegations about other Iraqi ministries were surfacing at this time. Rules and regulations were established to eliminate waste, fraud, and abuse and to avoid employee conflicts of interest. This included rules clarifying employee non-involvement in business and political affairs, whether defense-related or not. Rules articulating financial accountability were also built into the new MoD. The ministry was organized so that it would also be transparent in its international affairs, including active participation in international security institutions and the development of cooperative security relations.

The policy shaping the new MoD highlighted that its culture and character should reflect a number of overarching values: professionalism, technical competence, non-interference in political affairs, merit, national allegiance, and respect for individual rights and the rule of law. The ministry was to be especially sensitive to respecting Iraqi civil society. It was also to be a merit-based organization, broadly representative of the Iraqi people and reinforcing national unity. Despite Iraqi sensitivities over the return of military officers from the Saddam regime, CPA officials nevertheless decided that retired Iraqi military officers who had been thoroughly vetted could serve in some civilian roles. On an exceptional basis, some uniformed officers from the previous regime would be allowed to occupy official military positions that reported to civilians.

The difficult security circumstances in Iraq meant that several requirements otherwise common to all defense ministries were magnified in the Iraqi case. In particular, a critical requirement of the new MoD was its provision of support to the civil authority and the MoI. This support was to be provided when essential and in accordance with the direction of the national command authority (which until the end of June 2004 was the Coalition military command) and in compliance with national laws. The challenge for the new MoD was that the legal or regulatory framework had yet to be put in place that could guide its operations in this area.

The Coalition achievement in creating structures and rules to prevent corruption and abuse and to change the culture of the Iraqi security sector did not survive the handover of sovereignty to the IIG in June 2004. Instead, the Coalition-crafted structure collapsed and the previous, pervasive culture of nepotism and corruption again reared its ugly head and continues to be a problem. The quick reversion to bad habits illustrated how fragile security sector reform is and how much more effort needs to be invested in deeper reforms and long-term processes. The rapid standing up of the new MoD was an achievement, but its foundations were not sufficiently deep.

### **PART 3: ESTABLISHING A POLITICAL-SECURITY FRAMEWORK—APRIL TO JUNE 2004**

A critical element in the reconstruction of the security sector is the establishment of a robust political-security framework, including government command arrangements and political-security institutions. These are key institutions, which cross over as political-security mechanisms and therefore require the special attention of U.S. policymakers. They are particularly relevant to the development of the Iraqi political-security and civil-military relationships over the next few years.

The creation of the MNSC in March 2004 was an important step in the process that was taken in the period before the handover of sovereignty. This entity functions as an Iraqi version of the U.S. National Security Council and heads up the national security architecture. The MNSC includes the office of the INSA as well as various security ministries and agencies. All of these political and security entities play a role in the relationship with Coalition forces—a complex interaction, which determines the command and control of Iraq’s security forces. More broadly, the relationship between Coalition forces and the Iraqi political-security framework under various UN Security Council Resolutions preserves Iraqi sovereignty. The MNSC also facilitates and coordinates national security policy among the Iraqi ministries and agencies with national security functions. It is also the primary forum for ministerial-level decision making on the full range of security priorities.

In the period just before the handover of sovereignty, Bremer, the CPA administrator, acted as a proxy Prime Minister and so chaired the MNSC. The MNSC meetings in this period also included the Ministers of Defense, the Interior, Foreign Affairs, Justice and Finance. Plans envisioned that the Iraqi Prime Minister would call in other relevant ministers for particular meetings as needed. The Iraqi Chief of Defense Staff (a four-star general), the Director General of the INIS (a military officer), and the INSA (a civilian), were also made permanent advisory members.

An important component of the MNSC is the INSA’s office and the MNSC staff. The INSA position was established in April 2004 to act as the primary advisor to the head of government and to the MNSC on national security matters. The INSA has three roles: first, to provide balanced, impartial advice to the MNSC and the Prime Minister; second, to facilitate a continual process of interagency coordination; and, third, to manage and supervise the National Security Advisory Staff. There is also a separate MNSC staff of a few dozen Iraqi civil servants, drawn from all of the participating ministries, whose task is solely to support the meetings of this key entity.

#### ***Involvement of Iraqis in Military Decisions***

Before the handover of sovereignty, Iraqi ministers in the early MNSC meetings raised the issue of Iraqi involvement in military decision-making. The Coalition looked for a way to give Iraqis a voice in the use of Coalition forces. The creation of the MNSC and the Fallujah and Sadr rising crises of April 2004 brought to the surface the difficult questions of Iraqi input into decisions concerning the use of force and the involvement of the Iraqi military in suppressing domestic unrest. To be able to operate effectively after the handover of sovereignty, both militarily and politically, Coalition officials knew they had to tackle these issues in the short time frame from April to June 2004. They also knew that if they tried to limit Iraqi decision-making on such matters, efforts to form a genuine security partnership for the long-term could fail. Coalition officials were adamant that proper coordination would placate Iraqi concerns while ensuring military operational freedom and unity of command.

The pivotal question in Coalition planning was how to give the Iraqis the opportunity to participate in decisions about the use of force in their own country, without limiting or degrading unity of command and Coalition forces’ operational freedom. In effect, this meant ensuring that there were no operational restraints on Coalition forces. The CPA initially considered an arrangement whereby the Coalition commander would discuss these issues with the MNSC, but concluded that

the MNSC would be the wrong setting, because it was designed to make policy and executive decisions and was ill-suited for operational coordination.

The CPA decided to create a new Coalition-Iraqi force coordinating mechanism for the months following the handover of sovereignty. The mechanism consisted of a separate “contact group” that included the Coalition commander and key IIG officials. The Coalition commander would convene the “contact group” as required. The functions of the “contact group” as initially defined were:

- to give the Coalition commander the opportunity to bring needs and concerns to the attention of Iraqi officials;
- to give the Iraqi leadership timely information about planned operations, and the chance to influence decisions about them;
- to coordinate the internal security forces and the military.

However, there were several problems with this initial framework. The Iraqis involved immediately questioned their role in the group, since it seemed that the Coalition commander was informing the Iraqis of decisions that he had taken without consultation. Given the sensitivity over the legitimacy of the incoming sovereign IIG, the last thing that was needed was criticism of the “contact group” from its Iraqi members.<sup>10</sup>

Consequently, the “contact group” structure was modified. The Iraqi officials were made responsible for funding, staffing, training and equipping military forces, while the Coalition commander were to state force requirements. The Coalition commander was to be responsible for planning and carrying out military operations—but the Iraqi officials were to be given

timely and full information about operations and the opportunity to consult about and influence them, especially sensitive operations such as the use of the Iraqi military in urban areas. The Iraqis were to be responsible for operating the police and other internal security forces, and the Coalition commander for operating the Iraqi military. Both sides were therefore obliged to ensure tight coordination. In practice, political considerations and the genuine control sought by the IIG made it imperative for the Coalition commander to seek Iraqi consent before using the Iraqi military in sensitive operations during this interim period.<sup>11</sup> For instance the decision to mount offensive operations in Fallujah in November 2004 was made publicly by Prime Minister Ayad Allawi after lengthy consultations with U.S. Army General George Casey in the modified “contact group.” Gen. Casey was careful to fully inform and seek the consent of Allawi on all of the Coalition military plans.

### ***Rectification of training problems***

From April to June 2004, the training and vetting problems that dogged the IP and the ICDC were to a certain extent rectified. This was achieved by centralizing the recruitment and equipment of both services, first under U.S. Army Major General Paul Eaton, from spring 2004 until June 2004 (and then under his successor, Lt.-Gen. David Petraeus). This made sense not only from an organizational point of view. The additional reason for these rectifications was that Iraqi Army battalions had a centralized recruiting and vetting structure from their inception (unlike the ICDC and IP). As a result, the Iraqi Army attracted higher quality recruits who had to undergo thorough and standardized vetting, while the training itself was of a higher standard. The basic eight week army “boot camp” was supplemented by additional training for recruits moving into the Iraqi Army’s Special Forces.

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10 Peter Khalil, “Iraqi Security Strategy: a complex challenge,” *Australian Strategic Policy Institute*, Strategic Insight 13, April 5, 2005, p.6.

11 Ibid, p.7.



## **PART 4: INTERIM SOVEREIGNTY—JULY 2004 TO JANUARY 2005**

On June 28, 2004, Bremer handed over sovereignty to Iraqi Interim Prime Minister Ayad Allawi. During the following seven months, Allawi and the MNSC were central to the development of counterterrorism and counterinsurgency strategies. Allawi was certainly no puppet of the Coalition, as some have intimated, nor was his government, given the effectiveness of the MNSC under his chairmanship. In his first few months as Prime Minister, Allawi declared several new security initiatives and made it clear to Iraqis that he was directing Iraqi security forces diligently. Indeed, it was Allawi who pushed for and gave final authority for the military operations in late 2004 to retake Samarra, Fallujah, Ramadi, and other towns in the “Sunni Triangle” from the insurgents, and bring them back under government control.

A problem for Allawi’s interim government was that the handover of sovereignty had proceeded faster than initially expected and so forced the Coalition to accelerate the rebuilding of fundamental elements of the security sector. For instance, the need to create an entire new MoD from scratch in months rather than years meant that much work was left undone or rushed. Indeed, many of the problems facing Iraq today such as the weak interoperability between Iraqi and Coalition forces would have been addressed had there been more time for the Coalition to establish strong command structures, develop the new Joint Coalition Headquarters (a Coalition-Iraqi structure) and robust information networks between Coalition and Iraqi forces.

As of the end of June 2004, Coalition forces (now including the Iraqi Army and ICDC) were mandated to operate in support of the continually besieged forces of the MoI, including the IP. The MoI nonetheless retained primary responsibility for Iraqi internal security. In effect, Coalition forces continued to carry the main burden of internal security operations against the insurgency,

covering for the inadequately prepared and ill-equipped IP because communications and interoperability were severely lacking. During this interim period, the IP and other internal security forces did begin to coordinate with the Coalition and Iraqi military and a network of local, regional and national command and control structures gradually emerged. For example, Coalition forces began coordinating with IP and MoI at the provincial level through Joint Coordination Centers, which provided a much needed command-and-control capability until the IP’s own command-and-control centers were established. Throughout this period, the Coalition forces continued to slowly, and warily, transfer responsibility for security to the appropriate Iraqi civil authorities as they developed their capacity and as security conditions permitted.

### ***Relationship of the Coalition forces to the Iraqi Interim Government***

One of the complications of the interim government period was determining how exactly the requirement for “unity of command” of the Coalition forces would square with the IIG’s exercise of sovereignty. How much say would the Iraqis have over Coalition operations on Iraqi soil? What level of command and control would the IIG have over the growing Iraqi security forces, as compared to the limited control exercised by the IGC?

There was a degree of confusion over the nature of the security structures in place in Iraq during the IIG period. The IIG was a fully sovereign government but was engaged in a complex security partnership with Coalition forces. The arrangement was designed to enable Iraqi power, authority, and responsibility for security to grow in tandem with the expanding capacity of the Iraqi security sector. Allawi viewed security as the number-one priority for his government. The former chairman of the IGC’s Security Committee had worked closely with the CPA to build the capacity and to determine the direction of the Iraq’s newly formed security institutions. He had contributed to the policies that established the MNSC, the reconstituted MoI and the national police and internal security forces, and the Iraqi military and new MoD.

The solution to this problem of the IIG-Coalition relationship was found by going back to the United Nations. The Coalition-Iraqi security relationship was reaffirmed and redefined by UN Security Council Resolution 1546 adopted on June 8, 2004. The resolution noted that the Coalition forces were in Iraq at the request of the IIG. In calling for the resolution, Allawi asked the international community to reaffirm the Coalition forces' mandate to provide internal and external security until Iraqi forces were able to take over responsibility. The Coalition forces' main task, however, was gradually shifting from supporting Iraqi security forces in internal security operations to an increased emphasis on training and mentoring Iraqi forces.

While UN Security Council Resolution 1546 (2004) broadly outlined these relationships, the more immediate questions facing the Coalition-Iraqi partnership were how Iraqi forces fitted into the MNF-I's command and control structure and how MNF-I would involve the IIG in its military decision-making. In theory, military command authority in the future Iraqi state would flow from the Prime Minister to the Defense Minister, then to the Chief of the Defense Staff, and then to the operational commander. The Iraqi military's relationship to the MNF-I was rather different to this simple arrangement. After the transition to sovereignty on June 28, 2004, Iraqi units were assigned to the Coalition forces as Iraq's contribution to the MNF-I, making Iraq a fully-fledged Coalition member. The difficulty was that the security framework underpinning the Coalition force presence and activities complicated the exercise of the IIG's sovereign power and responsibilities.

Some of the complexities arose from the blurring of lines between external and internal Iraqi security. Allawi stated publicly on several occasions that many domestic security threats resulted from neighboring countries' interference in Iraq's internal affairs through intelligence operations, turning a blind eye to foreign extremists crossing their borders into Iraq, or failing to monitor their borders. Coalition forces, including the Iraqi

military, provided support for this internal/external security needs through internal patrolling and border enforcement.

## **PART 5: DEMOCRATIC ELECTIONS AND BEYOND—JANUARY 2005 TO THE PRESENT**

After the January 30, 2005 parliamentary elections, an Iraqi Transitional Government (ITG) was eventually installed which attempted to assume far greater security responsibility. After a brief lull in insurgent attacks in the months following the January 2005 elections, insurgent attacks picked up again—and again Coalition forces shouldered the bulk of the counterinsurgency. The Iraqi military, and in particular several Iraqi Special Forces battalions, began to play a more prominent role. While their contribution was useful, they remained mostly unable to operate independently of Coalition support. Gen. George Casey stated in October 2005 that the number of Iraqi battalions able to operate completely free of any U.S. logistical or combat support was just one. Even after the December 2005 parliamentary elections and after sustained effort by the Coalition and Iraqis alike, very few Iraqi units were able to engage in independent operations.

### ***Future Iraqi Command Structures***

Despite these shortcomings in Iraqi capabilities, the security concept for future Iraqi command structures developed under the IIG remains fundamentally sound. If the IP cannot handle a threat, then the Prime Minister and Minister of the Interior must ask the Minister of Defense to assign the required military capabilities to address the threat. These military units will then operate under the MoI's command and control. If the threat is so severe that the MoI cannot provide effective command and control for its own and for military forces assigned to it, then the Prime Minister will ask the MoD to take charge of command and control. The assumption is that when Iraq's internal security forces have grown in strength and capability and the security situation is more stable, then taking the first step will be rare and the second step even rarer.



Such an assumption does not apply under the current conditions of insurgency and terrorism. As and when the security situation allows, however, the Iraqi government that is now serving for a four year term following the December 15, 2005 elections is likely to adopt this two-step procedure.

For the moment, only the Coalition forces have adequate operational capability in Iraq. In addition, until May 2006 Iraqi law meant that until both the permanent constitution had been ratified (which occurred in October 2005) and the permanent, four-year government was installed (which took until May 2006), neither the MoI nor the MoD could direct the domestic use of the Iraqi military. The permanent constitution makes fleeting reference to the Iraqi military being under the command of “under the command of the civil authority,”<sup>12</sup> which gives the Iraqi government legal power over the Iraqi military. Although Iraqi authority over Iraqi forces was activated when Nuri al-Maliki succeeded Ibrahim al-Ja’fari as Iraqi prime minister in May 2006, in practice the weakness of the Iraqi security sector means that the Iraqi government prefers not to control its own security and military forces and instead commits them to the operational control of the Coalition commander.

### ***Security relationships***

Compounding Iraq’s security sector problems are some of the short-term measures adopted to confront the insurgency. These have the potential to pervert Iraqi civil-military relations in exactly the manner that the Coalition planners have sought to avoid. For the moment, Coalition control provides some check on the misuse of the Iraqi security sector by Iraqi politicians. Difficulties will arise once UN Security Council Resolution 1637 (2005) no longer applies, or is not renewed, and the Iraqi government acquires direct command of the Iraqi security sector. It is at

that point that Iraq will need a robust legal framework to control the use of the Iraqi military in domestic security operations.

While the current use of the Iraqi military and internal security forces in counterinsurgency operations does not necessarily erode civilian control of the military, the risk is latent. If Iraqi civilian leaders are “able to set out clear objectives establish limits, exert oversight and call off operations when they are completed and no longer effective,”<sup>13</sup> then elected control of the military will be ensured. The challenge here is that many of Iraq’s civilian leaders have little expertise in counterinsurgency operations<sup>14</sup> which might make them opt to take a “hands off” attitude and not make the necessary determinations that would place important restraints on such operations. In such an eventuality, the armed forces will become politically autonomous and might again start to develop political ambitions, which would mean Iraq reverting to its past practice of military coups.

The use of the military in domestic security is not necessarily always detrimental to civilian control. In Iraq’s current condition, where there is no civilian organization that can perform a security role, using the military is a necessity. While the Coalition and the Iraqi military take the strain, the Iraqi authorities are building up adequate high-end internal security forces. Once these forces are ready, the Iraqi military should be willing to give up control of internal security operations. It is imperative that the Iraqi government be focused on this eventuality ahead of time by preventing the military from feeling that it has permanent ownership over domestic security.

There is therefore a second handover happening in addition to the Coalition passing on security responsibilities to Iraqi forces, a handover between

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12 Article 9, Iraqi Constitution, 2005.

13 David Pion-Berlin and Craig Arceneaux, “Decision-makers or decision-takers?, Military missions and civilian control in democratic South America”, *Armed Forces and Society*, 26:3, Spring 2000, pp. 413-436.

14 As in past democratic transitions in South America, for instance.

the Iraqi military and the Iraqi internal security forces. The use of the Iraqi military for internal security missions is acceptable only as a temporary measure. In the long-run, the Iraqi military will have to step aside and allow the internal security forces to take over the domestic mission with the MoI firmly in command. For as long, however, as the MoI and IP continue to use poor vetting and recruitment processes, leading to infiltration of sectarian based militiamen, this second handover will be delayed.

### ***The Civil-Military Relationship***

Although Iraq's politicians may not be able to assert sufficient operational control over the Iraqi military, these forces are nonetheless still relatively weak. The Iraqi military is unable to be a law unto itself as it depends upon civilian infrastructure for support services and logistics arrangements. For instance, the military transportation and health services, both critical combat support services, are contracted out to the Ministries of Transport and Health respectively. While the legal framework for the use of the military in internal security operations may be weak, there is therefore an implicit civilian constraint on the military. Any decision to use the Iraqi military in sensitive internal security operations for more than a few days will require the overwhelming support of the cabinet and in particular of the civilian ministers who control the military's logistics lifeline. In addition, the pluralism of Iraqi governments, which need a two-thirds majority in parliament to attain office, means that any attempt to use the Iraqi military against a particular ethnic, political or sectarian group or in a coup would be quickly blocked.

The weakness of the Iraqi military also means that there is unlikely to be the sort of conflict seen in other examples of democratic transition where the

civilian and military leadership struggle for control of the military. The main concern of the emerging democratic civilian leadership in many countries in Eastern European and South American has been to ensure civilian supremacy and maintain control over pre-existing, powerful military and security establishments.<sup>15</sup> Enhancing military effectiveness was not a great concern. In these countries, there was a tendency to define civil-military relations as “a struggle for power between irreconcilable adversaries” or civilian control “as dominance over and the restraint of a potentially dangerous opponent.”<sup>16</sup>

In the past, Iraqi military and security personnel believed that they had a divine right to rule over the Iraqi people and that they could not be held to account for their behavior. Such ingrained conditioning can only change over time, through education, accumulated experience, a genuine belief in the virtues of democracy, and the requisite focus on professionalism.<sup>17</sup> While there are signs that Iraqi military personnel are changing their attitudes (this is particularly the case with new recruits who have not had previous military experience), it would be foolish for the Coalition to assume that such a change has already occurred within the new Iraqi military. Iraq is not like a Western democracy where civilian control exists because of the military freely accepts civilian command, an attitude that stems from the Western tradition of the rule of law and the military's own professionalism. Instead in Iraq there is acceptance of civil control by proxy. Iraqi military and security personnel, both civilian and uniformed, do not necessarily have a “deeply embedded fidelity to the concept of civil control.” Rather, many have accepted civilian control because they are relatively weaker. During this period of relative weakness, attitudes might change because of education and experience. At the same time, the attitudes of some Iraqi political leaders

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15 In Russia this did not happen. The triumvirate of security institutions (the Ministry of the Interior, the intelligence services and the military) have in essence ambushed and degraded Russia's fledgling democracy over the past decade.

16 Douglas L. Bland, op.cit.

17 Ibid., p.2.

are far from enlightened. They view the Iraqi military with great suspicion because of its past behavior. Some Iraqi politicians have even suggested that they could do without a military, while others have decided to rely upon sectarian or ethnic militias—a recipe for civil war.

These twin challenges of security sector weakness and the undefined security-political relationship make building up the capacity of civilian security institutions and clearly defining their relationship with the military and security leadership critical. There is a ready-made mechanism for this in the shape of the U.S. Embassy's Office of Security Cooperation. This office is currently responsible for recruiting, training, and equipping the Iraqi military and will function for as long as the Iraqi government wants. The U.S. and its non-Iraqi Coalition partners can therefore use the coming two years to ensure that specific principles and practices are entrenched and maintained in the Iraqi security sector.

Continuing to promote reform is vital, because while the Coalition is bequeathing a system of checks and balances that look good on the surface, given the Iraqi context this system needs deeper foundations. The political and institutional weakness of the Iraqi military means that for the moment they are unable to seriously challenge Iraq's emerging political

democratic leadership. That weakness, especially when it comes to institutions and capabilities, could prove to be temporary. Unless the underlying attitudes and culture that have for so long held sway in the Iraqi military tradition undergo fundamental change, there will always remain the risk of a coup or the abuse of the military power.

Changing this culture requires time and resources that are currently being diverted to understandably more pressing short-term needs such as equipment and logistics. U.S. policymakers are faced with a dilemma. They cannot allow the need to fight the insurgency and Iraqi military capacity building to interfere with the process of culture change, but they cannot allow cultural change to absorb resources needed to fight the insurgents and the terrorists. To an extent the Coalition has already succumbed to the pressure of the short-term. For instance, in late 2003 the Coalition shortened ICDC training cycles and brought back police officers into the IP, allowing them to skip human rights training at the new Iraqi police academies in order to get a maximum number of "Iraqi boots" on the ground to confront the growing insurgency. The result was a large body of under-trained, ill-equipped ICDC and IP units that were ineffective against the insurgents and terrorists and which because they were still mired in the old culture of abuse were responsible for committing human rights abuses.





## RECOMMENDATIONS FOR REFORM

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Faced with a pressing short-term security crisis in Iraq and the long-term need to ensure a stable Iraq that will not require an open-ended U.S. commitment, U.S. policymakers must juggle a number of priorities. First, U.S. policymakers must understand the difference between first-generation and second-generation security sector reforms. Each has an important role to play in different stages of democratic transition. Without both generations of reform, Iraq will be democratic in name only.

The concepts of first-generation and second-generation reforms largely derive from the experience of democratization in Latin America and Eastern Europe. There the fall of authoritarian regimes led first to democratic elections and a transfer of power to elected civilian leaders, followed by a longer process of consolidating democratic institutions and practices. Corresponding to these two phases of democratization—transition to democracy and the consolidation of democracy—were two separate stages of security sector reform:

- First-generation reforms are the major structural reforms that are most important in the first stages of democratic transition. These reforms aim to prevent active military interference in the political sphere. Such reforms entail, for example, establishing appropriate constitutional arrangements and chains of command; creating

civilian-led ministries of defense; separating the military from policing functions; and instituting a legal framework to govern the military;

- Second-generation reforms are the micro-level reforms necessary for the longer-term process of democratic consolidation.<sup>18</sup> Such reforms aim chiefly to build civilian capacity in the security sector and to broaden democratic involvement in defense and security planning. These latter second-generation reforms are crucial to establishing true democratic control over defense and security policy.

Without the political-security architecture that ensures civilian control, many of the second-generation micro-level reforms that change the mindset of those in the security sector, the “culture” changes, will not take hold. Second-generation reforms, such as building civilian capacity in the security sector and inculcating democratic principles into the daily running of the security sector are of little value if the first-generation structural reforms have not been put in place.

In post-Saddam Iraq, there has been an uneven application of both generations of reforms. In particular, an important first-generation reform, the creation of appropriate constitutional arrangements for the use of the military in domestic security remains incomplete. Although the TAL provided an appropriate interim framework, the process of filling in the gaps

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18 T.P. Edmunds, A.W. Forster, and A.Cottey, “The Armed Forces and Society: A Framework for Analysis”, *The Transformation of Civil-Military Relations in Comparative Context*, May 2002, available at < <http://www.bris.ac.uk/Depts/GRC/CMR/TCMR%20Papers/TCMR%201.13.htm>>.

remains unfinished. At the same time, certain reforms, which are usually implemented as second-generation measures were put in place within two years of the fall of Saddam. One such example is the civilian capacity-building effort for the new MoD, the mentoring and training programs for the new Iraqi civil service that began remarkably early on.

The disjointed nature of first-generation and second-generation security sector reforms is not an intractable problem. There was no harm in implementing some second-generation micro-level reforms in the new Iraqi military (human rights classes, merit-based promotion, and an all-volunteer force) six months before the first-generation structural reform of a civilian-led MoD. Nonetheless, U.S. policymakers must remain aware of the first- and second-generation differences so that the reform process in the remainder of 2006 and 2007 is better coordinated. This is particularly important in view of the very different paces of political and security sector reform. U.S. policymakers must sustain the reforms that have already been implemented and ensure that future reforms in both the security and political sectors are coordinated. These reform processes are intertwined and a lack of progress in one area (such as an inadequate legal regime for the security sector ) could undermine progress in others.

The following recommendations for reform will demonstrate that democratic principles and practices are an integral part of a successful transition to democracy. Democratic principles and practices must be the foundation of the rebuilding of the security sector. The focus of policy should be where and how they can be applied and maintained over the long-term.

### **STRUCTURAL REFORMS: ENSURING AN EVEN DISTRIBUTION OF POWER**

The separation of judicial, legislative, and executive powers is a fundamental tenet of liberal democracy. There has to be a balance of power among these different branches of government with checks and balances built into the operation of each of them. Within the

executive branch, an internal system of checks and balances is needed to encourage and delineate an even distribution of power.

Such legal and constitutional restraints might include the requirement that the domestic use of military force be approved by a two-thirds majority in the legislature or by a unanimous decision of the cabinet and with the approval of the President of Iraq. Executive decisions must be transparent. Currently, the domestic use of the Iraqi military is in essence a decision taken by the Coalition commander (after consultation with the Iraqi Prime Minister and the MNSC) who retains operational control of the Iraqi military. This will not always be the case. The Maliki government now running Iraq for four years following the December 15, 2005 elections is likely to seek to assume direct operational control over the Iraqi internal security forces and military. To ensure that control is not abused, parliament must establish oversight committees for defense, foreign policy, and security strategy if it is to fulfill its constitutional role as a check on the executive.

An important structural reform must be a thoroughgoing reform of the MoI. The ministry has not been properly reformed or restructured and has been easily abused by interior ministers. Experience in other countries demonstrates that even if more money and effort is put into police training, the police will soon revert back to old practices if they are subordinated to an unreformed structure. The Maliki government in Iraq has said that it wants to tackle the issue of militias. To show that it is serious it will have to weed out militias from the MoI. Along with reforming the MoI, the Maliki government will have to ensure that newly-trained police are deployed in units that do not include untrained, old-style police. Again, experience demonstrates that mixing newly-trained police and unreformed police allows the latter to prevail in terms of policing habits and practices.

In addition, an even distribution of power among the key security ministries is particularly important so that no one minister can exert dominance over the

security forces. For example, one key check already present in the Iraqi system is that logistics and combat support functions for the new Iraqi military are not concentrated in the new MoD. Instead, they are located within civilian ministries: of Health, of Transportation, and of Telecommunications. As noted earlier, this logistical arrangement can prevent a Prime Minister or Minister of Defense from deploying the military on any sustained campaign without the support of key civilian ministers.

These measures have also the positive effect of allowing the Iraqi armed forces to focus on becoming a modern, capable military force dedicated to defending Iraq from external aggression. By contrast, under the Ba'thist regime, the woefully ineffective military, whose main accomplishments were in the field of domestic repression and human rights abuses, was sustained by a vast and bloated military-industrial enterprises, engineering, logistics, and support services sectors.

So while the key reform of evenly distributing power is already underway, more needs to be done to ensure that it cannot be reversed by future military leaders or elected Iraqi officials seeking to concentrate power in their own hands. U.S. policymakers must therefore encourage the even spread of assets, resources, and support services for the military throughout the civilian infrastructure. It is imperative that U.S. policymakers resist any moves that allow the military to regain control of these support services and become self-sufficient.

### **THE ARMY AND SECURITY FORCES: FOCUSED TRAINING AND CONTINUING MICRO-REFORMS**

Despite the pressure to field more Iraqi forces, U.S. policymakers must reject all discussion of “accelerating” the training of Iraqi security forces. Such proposals are misinformed and dangerous. Accelerating training is another way of saying training times and standards will be cut. The result is to create less than capable Iraqi forces that suffer heavy casualties, as happened with the IP in 2003. Moreover, accelerating training destroys

efforts to create a new Iraqi security culture. To rush recruits through the training cycles, trainers usually sacrifice key second-generation micro-level reforms, such as classes in human rights, rules of engagement, and military law. While it may be tempting to cut corners on training in order to put more forces into the field, the collapse of the IP in Mosul and Fallujah in 2004 demonstrates that the cost of accelerating training is operational disaster.

There is a better approach to the problem of training. Rather than pump out large numbers of low-quality IP and Iraqi Army troops, Coalition forces should focus their resources on training high-end security forces that can best deal with the insurgency. It is precisely the growth of these high-end security forces that will ultimately take the pressure off Coalition troops. Such high-end security forces have already conducted effective counterinsurgency operations, operations that have involved a considerable degree of autonomy (there has been some U.S. logistical support) and some very effective Iraqi-Coalition intelligence coordination.

These high-end units include the Iraqi Army's Special Forces units (such as the dedicated counterterrorism force, the Iraqi Intervention Force) and specially trained units controlled by the MoI. The MoI's special units include mobile counterterrorism units, light-infantry police battalions, and SWAT teams. These MoI forces have performed remarkably well fighting alongside Coalition troops in Ramadi, Fallujah, and Samarra during 2004 and 2005. These internal security forces are important because they have specialized training and skill sets and are able to combine intelligence, law enforcement, and light infantry capabilities. Furthermore, because they are internal security forces under the control of the MoI, these forces limit the government's need to call upon the new Iraqi Army to engage in domestic security operations.

While the U.S military and Iraqi Army units are capable of retaking cities in the “Sunni Triangle”, it is the high-end MoI forces that will be needed to hold and eventually stabilize these urban areas in the long-term.



These elite MoI units are well-suited to this task as they are specifically trained in urban operations. Such high-end units, however, currently only account for around five to ten percent of total Iraqi strength. Coalition forces are, rightly, working to train more such internal security troops. Supporting the high-end security forces, who are the tip of the spear, will be the rest of the Iraqi internal security forces and military. Less well-trained and equipped, the remainder of the security sector can initially be given the less demanding, but equally important, supporting role of providing static security (such as guarding government buildings) and basic route convoy security. Once the high-end forces have secured an urban area, then the other security forces can move in and take on daily security duties in the pacified urban areas.

Micro-level reforms in the rebuilding of the Iraqi military require more than just courses on human rights and military law. Rather, practice must supplement theory if there is to be a genuine change in the prevailing, historic culture of abuse and repression. To promote a culture of service and professionalism within an all-volunteer military force, Iraq needs to ensure merit-based assignment and promotions, competitive pay, ethnic and religious diversity, and extensive leadership development for both officers and NCOs.

The changes in the security sector can already be seen in greater professionalism but also a fundamental change of composition. For instance, the new Iraqi Army contains many ethnically mixed units and there is ethnic and sectarian diversity at both at the levels of officers, NCOs and enlisted men. In contrast to the old army, with its predominantly Sunni Arab officer class and largely Shi'ah Arab conscripts, recruits to all ranks include Sunni Arabs, Shi'ah Arabs, Kurds, Assyro-Chaldean Christians and Yezidis. As a result, the pattern of recruitment into new Iraqi Army battalions is a remarkably accurate reflection of Iraq's demographic diversity. What is more, the diverse ethnic and sectarian composition of the new Iraqi army has facilitated a cultural change. It has conditioned Iraqi

military personnel to accept that officers can command mixed units based on their merit and competence not on their ethnic, sectarian or political affiliation.

While new Iraqi Army officers and soldiers are allowed to vote, they are in effect banned from active membership or active work in political parties while employed by the military. Some have criticized this decision, but given the historical context it is absolutely critical to separate the Iraqi military from Iraqi politics.

A key reform that can be built upon has been the leadership development program. The leadership development program has given Iraqi officers extensive training at the Kirkush base in eastern Iraq, at bases in Jordan, and at the newly established Iraqi military academy. In addition, there is an exchange program for Iraqi officers with military academies in the United States, Australia, Britain and Italy. In the old Iraqi Army, officers led from behind and were fearful of being too effective lest they attract attention. Officers in turn instilled fear, not respect in their men. Changing that culture is vital. The leadership development program therefore emphasizes skills that were severely lacking in the past and which are critical to the army of any democratic state:

- *Initiative.* Iraqi officers are encouraged to innovate, use their skills and act decisively, often without guidance, to achieve their mission;
- *Subordination to civilian authorities.* Officers must strictly observe the principle that the military is subject to civilian control and they must not involve themselves in domestic politics or policy;
- *Discipline.* Officers are required to obey all legal orders in peace or war, but they must not carry out illegal orders that undermine democracy or the Iraqi constitution;
- *Competence.* A continual pursuit of excellence, knowledge and education is encouraged throughout an officer's career; and,

- *Loyalty.* Officers must show loyalty both up and down the chain of command—upwards to the democratically-elected government and downwards to their subordinates and men through respect.

Another important priority in Iraqi leadership development is training capable and effective NCOs. One of the strengths of the U.S. and other Western militaries is effective leadership at the lowest levels of the chain of command, particularly the NCO level. By contrast, the old Iraqi army, like many Arab armies, did not have a strong NCO tradition. Indeed, NCOs were a neglected group, which compounded the terrible leadership performance of the bloated and politicized officer corps which repeatedly demonstrated no innovation, no initiative, no motivation and little if any independent and critical thought under pressure. It is this ineffective leadership from the officers and NCOs that has historically caused incompetence at the tactical level.

In addition, the new military justice system has also been designed to rely heavily on the civilian justice system for serious offenses, with civilian judges sitting in courts-martial. The use of civilian judges in military justice is in line with the general reform principle of spreading the load of military support to the civil infrastructure to prevent the Iraqi armed forces from becoming a law unto themselves.

Finally, better training coordination is vital. The opportunity for non-standardized training is enormous given the scale of the training program. Recruits from different Iraqi armed forces and internal security forces are being trained at military bases and police academies across Iraq by Coalition personnel and Iraqi officers. The Iraqi officers involved have undergone “train the trainer” courses. In addition, some military officers are receiving leadership instruction in military colleges in the United States, Australia, Britain and Italy. Police recruits are also being given intensive counterinsurgency training abroad, such as in Jordan. Multiple locations and trainers should not lead to the creation of different, non-standard trained security forces.

## CIVILIAN INSTITUTIONS: BUILDING CAPACITY AND IMPROVING DEMOCRATIC CONTROL

A key area where existing efforts can be usefully intensified is capacity building within civilian-led security institutions such as the MoD and the MoI. Civilian capacity building is an important element of the institutional depth characteristic of security institutions in genuine democracies. A strong, fully functioning, and civilian-led MoD is especially important in light of the troubled history of civil-military relations in Iraq. Unfortunately, Iraq after Saddam has quickly fallen back into patterns of nepotism and corruption that are undermining this goal. There have been serious allegations of corruption against former interim Minister of Defense Hazem Shaalan and 27 other MoD officials. Under the IIG, the MoI was seemingly staffed with relatives of the minister and other personal favorites in senior leadership positions. Such practices must not be allowed to take root and a concerted effort is needed to root them out.

In addition to clearing out corrupt officials, the Coalition can help to educate and train the civil service in the new MoD so that it can articulate and develop strategic defense policy. Such capacity building will help to ensure transparency and to offset the behavior of wayward Ministers of Defense. It is therefore essential that the United States and its Coalition partners—particularly Australia and Britain—continue to provide training, mentoring, and technical assistance to the new MoD’s civil service.

Capacity building inside the new MoD means giving the ministry institutional depth by filling the gaps in civil servants’ defense and security knowledge. The culture of new MoD civil servants also has to change so that it favors more individual initiative and less rigid control from above, thereby ensuring that civilian control of defense and security is a concrete reality and not merely an abstraction. To achieve these goals, the United States and its Coalition partners can encourage:

- *Lateral recruitment.* The new MoD can build its civilian capacity by recruiting skilled civil

servants from civilian non-security ministries such as the Ministries of Education, Health, and Transportation. Under the Ba'athist regime these ministries were viewed as less politically sensitive and so were less subject to stifling control from above. As a result, civilians working in these ministries were less constrained in their ability to develop policy-making skills and many have the decision-making and policy-development skills that are in short supply in the new MoD. Once recruited, such individuals would need to go through a broad supplemental training program including courses in defense and security policy, international relations, and political science;

- *Recruitment of recent university graduates and women.* In Iraq, as in most Arab states, positions of power traditionally have been reserved for a middle-aged, male-dominated elite. One of the noticeable changes in the new MoD is the large number of Iraqi civilians under the age of 45 in positions of responsibility. This is an important shift since younger Iraqis, particularly new university graduates, tend to be more amenable to the new, responsible bureaucratic culture and the concept of democratic control of the military. Similarly, the new MoD also contains a very high number of female civil servants—in striking contrast with the rest of the Arab world, where security and defense institutions are typically male strongholds. In the old MoD, women were restricted mainly to secretarial and administrative positions. The new MoD has many women in more senior positions that influence policymaking;
- *Exchange and educational programs.* It is crucial to create and fund training programs for civil servants, both in Iraq and abroad, given the relatively low levels of defense and security expertise within the Iraqi civil service. These programs serve the dual purpose of imparting policy knowledge and inculcating an understanding of the new cultural norms that should govern the new MoD and the Iraqi

armed forces. Areas of instruction should include the basic tenets of civil service in democratic states; leadership skills; defense strategy and policymaking; logistics and administration; military law; procurement policy; and personnel policy. It is important that instruction in these areas continue beyond the induction stage and become a continual process for civil servants during their careers;

- *On-site mentoring.* On-site mentoring by Coalition advisors and experts in the new MoD has been extremely effective and important. While Iraqi defense officials are wholly independent in their decision-making, they have benefited immeasurably from the presence of Coalition advisors and experts seconded to the new MoD. Particularly crucial has been the presence of Coalition advisors sitting side by side with key senior defense officials, such as the ministry's Secretary-General, Deputy Secretary, Assistant Secretaries, and Deputy Assistant Secretaries. Mentoring as well as technical assistance has been provided at all levels and is aimed specifically at expanding the capacity of civil servants to function professionally and democratically.

Similar capacity building measures must be applied in the MoI, including programs to supply training, mentoring, and technical assistance to the civil service. In addition, U.S. military and civilian advisors must encourage the MoI to continue to follow procedures and frameworks specific to that ministry that have been laid down since May 2003, including:

- *Coordination between the IP and other internal security personnel with Coalition and Iraqi armed forces through local, regional, and national coordination structures.* These command and control centers and joint headquarters are being established across Iraq to ensure that different force elements coordinate operations more efficiently;
- *Control over high-end internal security forces.* At present, the MoI's Director General has to approve the deployment of the ICIF following a request from a local police chief. The provincial governor

of the area where the ICIF is to be deployed and the Minister of the Interior must be informed. If the provincial governor seeks to prevent the deployment of the ICIF, then the Minister of the Interior must obtain the unanimous agreement of the MNSC to use the ICIF over the objections of the provincial governor.

Another often overlooked civilian capacity building initiative that should be pursued is the promotion of civil society engagement. The practice of the rule of law and new found political and civil rights will open up the public debate on national security issues to a variety of Iraqi civil society institutions such as think tanks, the independent media and NGOs. The participation of these bodies in the debate makes the government more accountable and acts to a degree to limit the executive's control over the security and armed forces. More important, however, is the ability of such organizations to give greater depth to the security debate and the development of security policy through the healthy injection of new perspectives and ideas.

### **MILITARY AID TO THE CIVIL AUTHORITY: THE NEED FOR A LEGAL FRAMEWORK**

Finally, there is an urgent need for a legislative framework to guide the domestic use of the Iraqi military in the future, when UN Security Council Resolutions 1511 (2003), 1546 (2004) and 1637 (2005) no longer apply. Such legislation on "Military Aid to the Civil Authority" will delineate when and how the civil authority can call on the military to serve in internal security roles and will provide legal guidance for the civil authority's relationship with other security services. The legislation must be consistent with the principle of the primacy of the civil power.

The widespread concern that the Iraqi armed forces might again be used to repress the population is valid and is based on a track record of past abuses. Yet this concern must be balanced with the fact that most armed forces around the world are often used to augment their civil authorities in a domestic security role, particularly

when the police are unable to cope. This domestic role is very different to their function in Iraq in the past. For example, countries have called upon their armed forces to play domestic security roles during high profile events such as the Olympic Games, international summit meetings, and large social, cultural, and political events. In addition, the armed forces are sometimes used for domestic counterterrorism operations. These operations generally have a legal foundation based on "Military Aid to the Civil Authority" doctrine which defines the domestic situations in which use of the military can be contemplated. Democracies around the world are characterized by having a solid legislative underpinning that regulates "Military Aid to the Civil Authority" and ensures accountability of such operations to parliament and the people. Other domestic uses of the military, which do not consist of the use of force, are typically conducted under a legislative framework based on the "Military Aid to the Civil Community" doctrine for humanitarian activities such as disaster relief.

Such legislation and doctrines are an innovation in Iraq, which had no such body of law and regulations in the past. For the moment there is no such legal and regulatory framework because the Iraqi military operates under the control of Coalition forces, which in effect act as a constraint against abuse. Such legislation and doctrines are vital because of the strong possibility that the Iraqi military will continue to be used intensively in domestic security operations well after the Coalition has handed over security responsibility. As the Iraqi military grows, and as the prime minister Nuri al-Maliki's permanent government elected in the December 15, 2005 poll flexes its muscles, such legislation and doctrines become ever more imperative to ensure the correct democratic balance in Iraqi civil-military relations.

### **COSTS AND TIMELINES**

Over three years into the reconstruction of Iraq, and faced with a bill of over \$300bn for military and reconstruction operations, it is important to have some sense of the scale and cost of security sector reform. Historical precedents from prior counterinsurgency

and stability operations argue that Iraq will require roughly 20 security personnel per 1,000 of population to impose security effectively across the country. Iraq's fifteen majority Arab provinces have a population of about 22 million, which suggest the need for roughly 440,000 security personnel (Iraqi Kurdistan is excluded from this calculation and cost assessment as it already has ample security).<sup>19</sup> Security force strength in June 2006 was 265,600,<sup>20</sup> Thus, Iraq needs to train and equip at least a further 174,500 recruits to enter the security forces. Given that an important element of security sector reform is the gradual handover of responsibility from the new Iraqi Army to the IP, most of these new personnel will have to be policemen.

The challenge is, however, greater than the figures imply. Many existing security personnel need to be retrained and re-equipped—the damaging effects of the early stress on quantity over quality continue to be felt. Moreover, assembling a comprehensive cost estimate and timeline is fraught with difficulties given the uncertain political and security environment in Iraq. Still, lessons have been learned from earlier mistakes and the U.S. Departments of State and Defense have performed a detailed evaluation of police training.<sup>21</sup>

While the next six to twelve months will be critical in Iraq,<sup>22</sup> the reform of the security sector will have to be a long-term effort to succeed. To augment the security forces by 174,500 while preserving proper vetting procedures, preventing leakage of personnel between training and deployment, and ensuring quality of training will take at least three years. By contrast, between June 2005 and June 2006 Iraqi security force strength grew by 96,926<sup>23</sup>—arguably too many in such a short time frame to ensure any quality control.

The requirements for facilities are even more difficult to come to grips with, as are the cost implications. According to the joint State Department–Department of Defense Inspectors General report, the cost of training 32,000 Iraqi policemen at the Jordan International Police Training Center (JIPTC, near Amman, the capital of Jordan) would have been \$6,364 per capita.<sup>24</sup> This figure provides a useful baseline, and with a force requirement of an additional 174,500 effectives, yields a cost estimate of \$1.1bn. This may, however, be an underestimate of what the cost of continued security sector reform will be. Iraq war costs have tended to come in higher than initial estimates. Moreover, the Iraqi authorities have shown a preference for training forces in Iraq rather than abroad, with a clear desire to have police training in Iraq rather than at the JIPTC. The difficulty with this Iraqi preference is that the security environment in Iraq remains so poor that recreating a similar facility with a similar level of security in Iraq will be more expensive. Consequently, it is fair to assume that the cost of simply adding 174,500 more effectives to the Iraqi security forces will be at least three times what it would have been to train Iraqi policemen in Jordan, a price tag of at least \$3.3bn over at least three years.

This \$3.3bn figure is a minimum cost. The Bush Administration has already asked Congress during FY 2006 for \$3.7bn “to continue moving the Iraqi security forces towards successful stand-alone operational capacity,”<sup>25</sup> which largely covers building up Iraqi logistics and support capacities. That it may cost as much again simply to increase numbers to required levels, without taking into account the cost of equipment, maintenance and operations, should give policymakers an idea of just how much remains to be done over three years after the fall of Saddam's regime.

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19 See Kenneth M. Pollack and the Iraq Policy Working Group, Saban Center for Middle East Policy, The Brookings Institution, *A Switch in Time: A New Strategy for America in Iraq*, Saban Center Analysis, Number 7, February 15, 2006, p. 25, available at <[http://www.brookings.edu/fp/saban/analysis/20060215\\_iraqreport.htm](http://www.brookings.edu/fp/saban/analysis/20060215_iraqreport.htm)>.

20 O'Hanlon and Kamp, op.cit.

21 Inspectors General U.S. Department of State and U.S. Department of Defense, Interagency Assessment of Iraqi Police Training, July 15, 2005, Department of State Report No. ISP-IQO-05-72, Department of Defense Report No. IE-2005-002, available at <[http://www.dodig.osd.mil/IGInformation/IGInformationReleases/Iraq\\_Report\\_071905.pdf](http://www.dodig.osd.mil/IGInformation/IGInformationReleases/Iraq_Report_071905.pdf)> and at <<http://oig.state.gov/documents/organization/50309.pdf>>.

22 Pollack, op. cit.

23 O'Hanlon and Kamp, op.cit.

24 Inspectors General U.S. Department of State and U.S. Department of Defense, op.cit., p. 40.

25 White House, “President Requests \$72.4 Billion for the Global War on Terror”, February 16, 2006, available at <<http://www.whitehouse.gov/news/releases/2006/02/20060216-11.html>> and at <[http://www.whitehouse.gov/omb/pubpress/2006/fact\\_sheet\\_global\\_war.pdf](http://www.whitehouse.gov/omb/pubpress/2006/fact_sheet_global_war.pdf)>.





## CONCLUSION: GUIDING POLITICAL AND SECURITY SECTOR REFORM

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In the business of implementing and guiding security sector reform there will be decreasing levels of U.S. influence over time. How then do U.S. policymakers influence and encourage the ongoing practice and implementation of reforms? While many elements of reform in Iraq are time-sensitive, the establishment of large-scale structural reforms and institutions, first-generation reforms, is largely complete. However, the work of “cultural” change, the second-generation micro-level reforms, is still ongoing. U.S. policy makers must therefore continue to encourage democratic practices and must even apply strong diplomatic and financial coercion when necessary, particularly if critical democratic principles are threatened in the future. The delicate nature of the Iraqi political and security structure means that the loosening of even one thread of reform could cause the entire system to unravel.

The danger exists, however, that many first-generation legal and institutional political reforms, and the still fragile frameworks established in the constitution, may unravel during the next few years. The problem is that the volatility of Iraqi politics and the requirement that to change the constitution requires a two-thirds majority in parliament may lead to an erosion of some important democratic principles such as the rule of law, the separation of powers, and basic political and civil rights. The cumbersome nature of the Iraqi political system may encourage Iraqi politicians, and possibly Iraqi military commanders, to short-circuit the processes laid down by law and in the constitution. This would undermine first-generation institutional changes that have already been implemented in the security sector and would also threaten many second-

generation security reforms, which require genuine democratic institutions to take root. Despite steadily decreasing Coalition influence over internal Iraqi policy, these dangers can still be averted if the U.S. and its Coalition partners work vigilantly with the Iraqis to implement and maintain reforms while they still have political and financial influence.

The Iraqi constitutional referendum of October 15, 2005 and the parliamentary elections of December 15, 2005 will not by themselves defeat the insurgency in Iraq, nor are they the sole foundations of a future democratic state. The next two years of Iraqi political development will put in place several founding elements of the Iraq democratic state. Despite many pitfalls, Iraqis have drafted a new permanent constitution, have held a referendum on the constitution and have held parliamentary elections just two months later. These key elements on the busy political transition schedule will have an effect on the security requirements of the future democratic state.

Future Iraqi governments will have the power to strip away some crucial reforms and principles. In such a scenario, the United States can take some mitigating actions in response, ranging from tough diplomacy to selective withholding of reconstruction funds. Such open backtracking on reforms is unlikely in the near future as Iraqi governments will be wary, given their dependence on the United States, to be seen to consciously tear down important U.S.-sponsored political and security reforms. What is more likely is an insidious process of backsliding and falling into old habits, with democratic controls and practices



informally but increasingly frequently violated. The United States must therefore keep a watchful eye on the progress and implementation of security sector reform. In most cases, technical and expert assistance, educational and exchange programs, and gentle reminders through back channels will be the best means of ensuring that key principles and practices are protected. In the event that these efforts fail to stop backsliding, the United States has the option of strong diplomatic and financial pressure to ensure that Iraq does not sacrifice the political and security reforms required for long-term democratic stability.

At the same time as encouraging the practice of democratic principles in governance in the security and political spheres, the United States must also forego the temptation to interfere in the process by backing individual political personalities. U.S. policymakers must resist the temptation to try to control the Iraqi political process because the legitimacy of the newly elected parliament, the Council of Representatives, and the government that it selects are key to accomplishing the long-term goal of a free and democratic Iraq. Instead, the United States should encourage general principles. For example, the United States has been correct, if slow off the mark, to encourage political inclusiveness

by pushing the Shi'ah Arab and Kurdish leaderships to include Sunni Arabs in the drafting of the permanent constitution in 2005 and in the formation of the Maliki cabinet in 2006. As Iraq develops, therefore, the United States should focus on maintaining sound structural foundations and underlying principles and not on supporting or opposing specific personalities.

A democratically elected Iraqi government in which Sunni Arabs, Shi'ah Arabs, Kurds, Turkomans, Assyro-Chaldean Christians, Yezidis, Communists, Islamists and others are represented may not be a government that the United States particularly likes, especially if Sunni Arab former Ba'athists or radical Islamist clerics hold key cabinet posts. Nonetheless, such a government will be legitimate as it will have the support of most Iraqis and will hold Iraq together. As long as future Iraqi governments do not attempt to erode the important security sector reforms and democratic practices that buttress a pluralist, democratic state, and as long as the United States and its Coalition partners continue to promote these reforms, then United States still has the opportunity to achieve a modicum of success in Iraq. At the very least, such an outcome will ensure that U.S. troops will not have to return to Iraq ten years from now to deal with another dictatorship or a failed state.





## 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, who is a specialist on political reform in the Arab world; Shibley Telhami, who holds the Sadat Chair at the

University of Maryland; and Daniel Byman, a Middle East terrorism expert from Georgetown University. 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 Steve 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 Islamic World 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.





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