

## Interview with His Royal Highness Prince Hassan of Jordan\*

*His Royal Highness Prince El Hassan bin Talal served as the closest political adviser, confidant and deputy of his brother King Hussein of Jordan until King Hussein's death in 1999. He has founded, and is actively involved in, a number of Jordanian and international institutes, organizations and committees. He is president of the Arab Thought Forum, a former president of the Club of Rome, chairman of the Independent Bureau for Humanitarian Issues and a member of the expert group, appointed by the Secretary-General of the United Nations, to implement the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that was made in Durban, South Africa, in 2001. A graduate of Oxford University, he holds numerous honorary doctorates in law, letters, theology, and oriental and African studies, and has received many awards, including the Abu Bakr Al-Siddique Medal of the Organization of Arab Red Crescent and Red Cross Societies. His most recently published books are *To Be a Muslim* (2003), *Continuity, Innovation and Change: Selected Essays* (2001) and *In Memory of Faisal I: The Iraqi Question* (2003, in Arabic).*

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### ***What is your assessment of the humanitarian consequences of the conflict in Iraq?***

A major problem is the lack of empirical data. Let's take the battle around Fallujah. I am a member of the board of Peace Direct, which conducted the research on which the play, *Fallujah*, was based.<sup>1</sup> In this play, which was performed in London, and featured Imogen Stubbs and other leading actors, over seventy violations of international humanitarian law, committed by all parties, were depicted.

\* The interview was conducted on 2 March 2008 by Toni Pfanner, editor-in-chief of the *International Review of the Red Cross*, and Paul Castella, head of the ICRC delegation in Amman, Jordan.

Curiously, it did not result in any suits being brought against anyone. Much of the death and the suffering that took place in Fallujah was the result of unambiguous violations of humanitarian law. I feel that the case of Iraq necessitates an international code of humanitarian principles. One of the greatest obstacles for humanitarian law is the absence of a reliable database. If we are to have accountability, we must go back to facts.

***Is the establishment of empirical databases practicable in wartime? Having examined the Lancet study and having followed the Iraqi Body Count project on casualties in Iraq, you must be aware that casualty figures are often given a political twist.***

If the parties to a conflict are willing, some form of accountability is a possibility. For instance, Oxford University and Johns Hopkins University and a number of international organizations have monitored the effects of the war. They have made use of a number of different tools for acquiring casualty figures, during and after the main military action (by coalition forces) and during the continuing war of attrition, the suicide bombings and so forth. This is important. Regular armies, with an attorney general at home and a lawyer in each army unit, are, presumably, more capable of calculating loss of life in such circumstances than nascent civil administrations that simply don't have the experience.

***But the figures that have been given are very contradictory.***

Yes. This was made especially clear by the reporting of the Iraq Body Count project, which was founded in 2003 when the invasion seemed imminent. Compare their figure of 2,500 Iraqi deaths, as a consequence of the initial phase of the war, with US estimates of coalition deaths (around 114). This disparity cannot be explained away as collateral damage.

Roberts and Burnham and others in the *Lancet* medical journal in 2004 confirmed suspicions that the United States had downplayed the number of Iraqi deaths. Of course, when I say this, I don't want to get myself into hot water with anyone. As Richard Horton, the editor of the *Lancet*, said, "Whatever figure is quoted for deaths, it seems that the civilian casualties of the war in Iraq run into many thousands and the number is still mounting." This is what I find extremely frustrating, whether it's Palestine, Darfur, Afghanistan or Iraq. We have a saying in Arabic: "Its causes are many, but death is one."

I feel full of admiration for the Open Society Archives – started in Munich and transferred to Budapest – for their detailed information on eastern and central Europe during the period of the Cold War and in the years that followed. The lesson, it seems to me, is that while the people living in the hinterland of the

1 Written and directed by Jonathan Holmes, *Fallujah* draws on research and interviews carried out by the playwright and nominee for the Nobel Prize, Scilla Elworthy. It presents testimony from Iraqi civilians, clerics, members of the US military and US politicians, journalists, medics and aid workers and the British army. None of this testimony has been heard before. Every word of the play is taken, verbatim, from such testimony.

Middle East are of little importance, those who inhabit the hinterland of western Europe are of consequence, because they are, potentially, members of a wider Europe.

***Such data, then, are generally unreliable, exaggerating or minimizing casualties for political reasons?***

When the Iraqi government issues statements of casualties, they are not checked against international estimates. Obviously, an organization like the ICRC would be jeopardizing its ability to function if it were to go public with figures. If you speak out about loss of civilian life, you are immediately suspected of bias or, in the case of Iraq, of being anti-American. The Iraqi war is not a conflict between two parties, between one foreign coalition force here and the Iraqi people there. If one is objective about civilian casualties, one sees that many of them have been attributed to non-state actors and to the “privatizers” of war, such as Blackwater and other mercenary firms.

***Displaced persons seeking refuge inside or outside Iraq: are they affecting people in the whole region?***

The Levant is witnessing major displacements. These affect the whole region and its capacity to recover. Again, there needs to be empirical data that analyse the physical, economic and human aspects of the situation, in order to ascertain how many people are affected. This applies to Palestinians, it applies to Iraqis, it applies to Palestinians within Iraq, and it applies to all the different parties to the various conflicts in progress.

Let me quote what UNHCR has to say: “As of September 2007 there were believed to be well over 4 million displaced Iraqis around the world, including some 2.2 million inside Iraq and a similar number in neighbouring countries, in particular Syria and Jordan. And some 200,000 further afield.” If we want to discuss the situation of displaced persons, let us first recognize that those 4 million fall into a great many different categories.

An important issue is the large number of widows. In Iraq, we estimate that about three million women have been widowed as a result of all the wars. Because of the cultural attitudes of the region, many of them have become “second-class citizens”. They cannot travel abroad in search of a living because they are not legally entitled to be in charge of a family, particularly if they move to another country.

What is happening today is that the cultural capital of Iraq has been bankrupted. Its most skilled citizens have gone abroad. Those who stayed have done so simply because they don’t have skills that can be exported.

***Inside Iraq, the security situation in many areas is still very precarious. And despite being, culturally and ethnically, a very varied place, Baghdad is now a largely divided city. Is there a sectarian logic at work here?***

There is no sectarian logic. I would draw your attention to “Us and them: the enduring power of ethnic nationalism”, an article by Jerry Muller in the March–

April 2008 issue of *Foreign Affairs*. He says: “America generally belittled the role of ethnic nationalism and politics. ... Within two or three generations of immigration, their ethnic identities are attenuated by cultural assimilation and intermarriage. Surely things cannot be so different elsewhere.” This sounds like a simple proposition. I want to make it very clear that the sectarianism in our part of the world has been consistently aggravated by the multifarious, incoherent, disconnected and always combative influences of outside forces. A proxy war, on top of the ethnic conflicts and sectarianism, is being fought in Iraq and, potentially, in Lebanon, not to mention other parts of the region.

***But sectarian divisions are a fact in Baghdad?***

People might be ostensibly Sunni or Shia. But, really, when you talk about Sunnis and Shia, in Mecca or Najaf where such discussions belong, you realize that there are no inevitable antagonisms between Sunnis and Shia. An atomization of groups is taking place and it includes the separating out of ethnicities: Kurd against Arab, Iranian Shia against Arab Shia.

Terrorism fills the vacuum that is then created. And terrorism as a tactic is indiscriminating. It thrives on destruction and on the perpetuation of fear. At the moment, I think that the hatred industry is winning. It's there on the ground, demanding lives. What has all of this got to do with religion? I personally don't know. The conflict is between the local and the foreign, between groups that are fighting for or against both.

***What has been the effect of the large number of civilian casualties?***

Generally, that people who seek change are becoming more and more nihilistic or apathetic. They either do nothing or they become exclusionist. This means that a growing number of people are becoming radicalized, either by actually preparing to lay down their lives or by becoming involved in developing an alternate economy. Look at the planting of opium in Iraq, for example. This is the alternative economy, the economy of despair and the economy of greed.

***Carrying out justice is also an important issue in Iraq. The Iraqi Special Tribunal has charged the former leaders of the Baath regime and there is, in addition, the requirement to grant all detainees a fair trial.***

Under the guise of liberating Iraqis from an autocratic system, the Baath system in this instance, they've finally sentenced the last of the leaders. The question is whether the security and legal agendas are going to be limited to the former Baath leaders, or whether, after the incidents in Abu Ghraib and other Iraqi prisons, they are going to start establishing some standards of civilized behaviour.

In Henri Dunant's time, the great question under discussion was how to lessen the brutality of war. Today we're saying that incarceration in prison should become more humane. The debate in the United States is now centred on the humanity or inhumanity of those detention centres, and, even more, on the technical issue of the forms of torture the United States will permit. The United Kingdom's complicity in the rendition process is well documented. But in the

United Kingdom at least, there are those like Helena Kennedy who protest against this new culture of state-sanctioned infringement of civil rights. In her brilliant book, *Just Wars*, she reiterates that torture is always immoral and that if the United Kingdom resorts to torture, it will lose its moral authority and become ineffectual.

Basically, my question is this: how can we ensure that human rights are protected? Everyone talks about the fundamental rights of all people but in this ongoing, extraordinary, undefined, so-called war on terror, these count for little. After all, the intimidation – we don't call it terror – exercised in the jails that serve that war on terror is not permitted by the codes of moral conduct that we all share. Is there no hope of realizing a common humanitarian order?

***What role do such fundamental rights, as part of international law, particularly of international humanitarian and human rights law, play in your vision of an international humanitarian order?***

We should begin a debate on the idea of violating the law of war, which should be gradually replaced by the idea of violating the law of peace. And, perhaps, instead of making statements about a war on terror, we should be thinking of creating a template for citizenship and developing a law of peace. That might concentrate minds on specific aspects of our global situation that have not yet been discussed.

***What would be the consequences of what you call the “law of peace”?***

Again, I go back to the Open Society Archives. When reporters are “embedded” at the outset of the war and only a few of them dare to leave the safety of the Green Zone, then they are there basically to find stories that are saleable. But when one talks of the law of peace, one is talking of embedding scholars, human rights experts, legal experts and others who will be under no obligation to anything but the truth. That should make for accurate reporting.

***You have referred several times to the Middle East as a “black hole.”***

It's to do with basic security. Why do I call the Middle East a “black hole”? Is there the readiness, the institutional infrastructure to tackle the west Asian region as Carl Bildt did the Balkans, by creating an OSCE [Organization for Security and Co-operation in Europe] mission for this region? Is it for us, the countries of the region, to open up, to widen the parameters? Or is it for the international community, and particularly the Security Council and the Quartet (United States, Russia, the European Union and the United Nations), to recognize that this region is a black hole in the sense that it is not systemically represented when it comes to questions of basic security? Consider this fact: American destroyers are sent to stand off the shores of Lebanon without any explanation and for no purpose other than to demonstrate their mastery of the seas. But what will this lead to? Should we not make possible the creation of a regional treaty organization, a conference for security and co-operation in the region, whereby we tell the countries in the region to shoulder their responsibilities for their collective security?

I would like to refer to a Canadian initiative on human security which replaces the classic concept of safety based on military force with a new approach

that emphasizes the safety of individuals. It stresses that the first duty of the state is to protect the individual and to ensure that human rights can be enjoyed in peace and tranquillity.

***And this would possibly also be a way out of the conflict in Iraq?***

Yes, that is one possible way out. The economy is another. A third way is the creation of a culture of legal rights. And, perhaps, we can then emerge from this black hole to make a major contribution, with the assistance of the international community and of those who have expertise in conflict management, to the development of a new instrument of hope, which is this law of peace.

***Is Iraq in danger of fragmentation or partition?***

Much of the discussion over the last few years has been about what I described as “let’s go federal, let’s go administratively federal”. A divided Iraq would be the end of our own Westphalian system, the end of the Middle Eastern community of states and the beginning of a Balkanization that would lead to a longer and more widespread war.

Let’s look at eastern Europe, for example: ethno-nationalist ideology calls for the oneness of the state and the ethnically defined “nation”. The consequences of this are always explosive. In 1862 the English historian Lord Acton declared that “By making the state and the nation commensurate with each other in theory, [nationalism] reduces practically to a subject condition all other nationalities that may be within the boundary ... According, therefore, to the degree of humanity and civilization in that dominant body which claims all the rights of the community, the inferior races are exterminated or reduced to servitude or outlawed or put in a condition of dependence.” The English writer Aldous Huxley defined nationalism as “a common misunderstanding of history and a common hatred for your neighbour”. Let us not forget the Balkans: the Balkans have contributed an adjective to the political dictionary. This is what is happening in our region today.

In his book, *The Grand Chessboard*, Zbigniew Brzezinski talked about breaking up the Russian Federation, into Siberia, the Baltics and the Caucasus, about the possibilities of China also disaggregating. My view is that progressive co-operation – from the APEC region to south Asia, to west Asia, to the Euro-Atlantic community – is better than inviting Kosovo today, Nagorno-Karabakh tomorrow, and others the day after tomorrow, to be independent states. How many problematic cases are going to announce themselves in the future? We already have almost 200 nations in the United Nations system.

***And Iraq?***

Ernest Gellner’s views on nationalism are not going to be manageable unless we look at the facts. First, the United States forced Al Qaeda out of Afghanistan. Chaos in Iraq provides a richer and more political and salient background: it is the Iraqis who pay the price for this farcical strategic move. I don’t know how we can talk about stability in Iraq in terms of a proxy war that is being fought on their soil and which is based on a flawed human security logic: if Iraq remains a zone of turmoil, then, perhaps, the United States and Europe will remain zones of peace.

When you play Byzantine politics by micromanaging a situation from Washington or from NATO headquarters, you're following Ernest Gellner's thinking, as elucidated by Jerry Muller in his article in *Foreign Affairs*: "Military competition between states create[s] a demand for expanded states resources and hence continual economic growth. Economic growth, in turn, depend[s] on mass literacy and easy communication, spurring policies to promote education and a common language – which led directly to conflicts over language and communal opportunities."

***Religious fervour is fuelling the violence. But can religion also have a positive influence on the situation?***

Islam, Christianity and Judaism are all universal religions. When I talk about the Conference on Security and Co-operation in the region, or the development of a Citizen's Charter, I base my views on the principles of these three faiths. I refer those who are secular to the principles of human dignity and to the Universal Declaration of Human Rights.

Jews, Christians, Muslims are all being terrorized by the privatization of warfare, and the time has come for us to begin to give people some hope. In my opinion there is no war between Islam and the West. To speak of a Western "crusade," or of a battle between a democratic jihad and an Islamic jihad, is simply wrong. Bush's idealism and his universalist fervour mirror Bin Ladin's; their conflict is not to be understood as a conflict between Christianity and Islam. In fact, I think it an aberration that only serves to exacerbate the conflict between the West and Al Qaeda.

***What is the role of Islam in the Iraqi situation?***

What we need to be doing is to recognize that progressive Muslims, liberal Muslims, secular Muslims and the like are all interested in promoting the common good. But how can that be done without developing a systemic approach to health, education, welfare, empowering the poor, developing dialogue at the grass-roots level? This is part of the pacification programme.

It worked in Vietnam. Vietnam was not a Muslim land, but it suffered similar devastation. And progressive, socialist Vietnam today is a prospering member of an Asian community of nations that includes traditional Thailand, a monarchy.

When will religion be raised above politics so that the institutions that can be financed by religious organizations through their ample resources, whether schools or hospitals, are built up and a shared peace corps established? How will oil revenues be distributed? Two years ago, I wrote an open letter to the Iraqi press asking, "Isn't it time that those who have lost mosques and churches, as happened when the black stone of the Kaaba<sup>2</sup> fell, rediscovered a shared commitment in

2 The ancient stone building which Muslims must face when they pray. It is in the centre of Masjid al-Haram, the Grand Mosque, in Mecca.



order to restore not only the places of worship, but also the role of religion in policies for creating, for example, a *Zakat* fund?”<sup>3</sup>

***How would such a fund work?***

I have been calling for the creation of an international *Zakat* fund for over a quarter of a century. Such a fund could also lead to the creation of an international non-denominational peace corps. Many people who were contacted said that they had no professional institutional capacities for bringing this about. They came to see me and said, “Do you have an organization that would supervise such funding?”

My response was, “I can offer you only my name, but I’m not a professional fund or trust manager.” I spoke to Mike Moore, the former prime minister of New Zealand and director-general of the World Trade Organization, and I said to him: “Is there any chance of your heading this?” He thought it was Islamic in character, but I told him that the Islam I was talking about was universal in character. For instance, the British government is accepting loans based on Islamic rules, from Islamic banks. Why is it that we can’t call in the finest minds to work on what Paul Volcker, the former president of the US Federal Reserve Bank, called for: a Middle East Development Bank? This would be an asymmetric development bank: asymmetric from the very beginning, meaning that it would focus only on the needs of the poor. However, 9/11 put an end to this, it put an end to altruism and alms-giving.

At present we are giving legitimacy to an altogether different endeavour, one in which a privatized religion has taken over the expenditure for destruction. Enormous sums have gone to private actors during the war: KBR/Halliburton Co. has received, in single-source contracts for work in Iraq, some US\$19.3 billion! Now consider these figures: one trillion dollars could have paid for eight million housing units or 15 million public school teachers or health care for 530 million for a year or scholarships to universities for 43 million students.

Policymakers should be prepared to consider a strong and coherent response to Iraq. Today, a barrel of oil costs US\$102: individual countries in the Gulf are earning US\$1 billion and more every day. This money should be made available for empowering the population to develop pacification, a stabilization programme that would immediately dampen the nihilism which breeds only confrontation.

***Could this lead eventually to reconciliation in Iraq?***

The general public can’t wake up and decide that Iraq will be fully independent on, say, the 31st of next month. Reconciliation is still unattainable because, clearly, the centrifugal trend is stronger than the trend towards centralization. But breaking the cycle of violence is absolutely essential.

3 *Zakat*, the Islamic concept of tithing and alms, is one of the Five Pillars of Islam. It is required of all those Muslims who have accumulated more than a certain prescribed amount of wealth, and its purpose is to better the condition of the deprived.



The only way to move from confrontation to shared responsibility is to find the means for people to exercise that shared responsibility. My feeling is that the present approach, the allocation by the central government to the new bourgeoisie of the new money, to those who have catered to the international forces, those who have made money out of the current situation, who are keen on laundering their money, is wrong.

We have to build from the bottom up. What is going on today seems to be a conversation between the new middle class and the politicians, whereas what we need is a commitment from the general public to express themselves about their real needs in terms of relocation, reconstruction and reassimilation, whether it's building a house, or adding to one, or moving to a different location. And these reconciliation talks require good listeners.

### ***Who should be involved in it?***

I don't see any good listeners among the international organizations, each of which operates – with all due respect – within their own narrow framework. International figures, particularly those with experience of similar crises, should help leverage this endeavour; they should be invited to monitor the reconstruction process, and to encourage it by listening attentively. In the past I have suggested such names as Suleiman Demirel from Turkey, Mohammed Khatami from Iran, Ahmed Ibrahim from Algeria, Ibrahim Bin Ali Alwazir from Yemen (which is after all a Sunni–Shia country), and your humble servant, people of that ilk.

### ***How do we involve the Iraqis?***

The greatest issue with vulnerable groups is their inability to speak for themselves. That is their real vulnerability. We talk about vulnerable groups patronizingly, as though they were pawns on a chessboard who require our kindness, our largesse, our generosity. We don't talk about them as potential citizens of a new Iraq. There is a basic contradiction between talking about a new, independent, more democratic Iraq, and our inability to communicate with the humblest people.

The Arab Thought Forum is putting together a West Asia and North Africa questionnaire, which we are distributing to Arab medical associations and Arab professional associations (doctors, lawyers, educators and so forth). It asks, for example, about the average weight of an infant at birth, the health of children at the age of five, and why so many of them are dying at such an early age. The aim is to begin to humanize the relationship between the middle classes and those below them, instead of continuing to ignore the people in the name of the people and in the name of peace.

When the sixtieth anniversary of the Universal Declaration of Human Rights falls in December 2008, we hope this west Asian region, particularly with Iraq and Afghanistan in mind, can make an impact by saying, "This is the impact of war, and these are our unbiased recommendations."

***We don't know the direction that events in Iraq will take. A Pandora's box has been opened, releasing all the evils of mankind and leaving behind only hope inside the closed box.***

Absolutely. And as Greek literature tells us, hope exists at the bottom of the barrel.

## A new sectarian threat in the Middle East?

**Joost Hiltermann**

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### **Abstract**

*A Shiite resurgence in Iraq has generated a region-wide Sunni backlash, raising fears of an emerging sectarian rift that is colouring and aggravating local conflicts. After discussing the schism's origins, manifestations and implications, the author concludes that the primary battle in the region is not between Sunnis and Shiites but between the United States and Iran. A US–Iranian rapprochement would do much to reduce sectarian tensions, while the most effective long-term response to sectarianism itself will likely come from systemic restraints that exist in the form of countervailing loyalties that prevent any single allegiance, such as religious adherence, from becoming paramount.*

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### **A growing sectarian rift?**

Much has been made of new and dangerous Sunni–Shiite divisions in the Middle East, a virulent political resurgence of this ancient schism in Islam. It threatens to undermine an atrophying state system that was built on feeble national identities and has been dangerously weakened by the illegitimacy of prolonged autocratic rule. The Shiite ascendance in post-invasion Iraq is seen as having emboldened Shiite populations throughout the region in a Shiite “revival” that feeds on centuries of discrimination and suppression of culture and religious rituals. This has generated a Sunni backlash and is prompting fears of instability in Arab lands (for example Shiite majorities ruling Iraq and seeking power in Bahrain) and actual separatism in the case of the Shiite population of Saudi Arabia’s oil-rich Eastern Province.

While undoubtedly there has been an upsurge in rhetoric about such a rift, and while there have been acts of horrendous sectarian violence in Iraq, recent developments do not suggest an unbridgeable gulf. The rise of Shia Islam as a predominant identity in Iraq and in other countries where Shiites constitute a major portion of the population may be real, but it is moderated constantly and profoundly by rival sources of identity and loyalty. Nation, ethnicity, tribe, clan and family all remain identity markers at least as powerful as religious affiliation. In situations characterized by chaos and uncertainty (as in today's Iraq), where the state has lost a position once dominant in all aspects of society, people's identity has become just as fragmented as the sources of power and violence themselves, and religion is only one of several entities competing for people's allegiance.

Instead, the more significant conflict in the Middle East is between a "Shiite" power professing to be something else – Iran – on one side, and the United States and its disparate band of friends (both Israel and "Sunni" Arab states such as Saudi Arabia, Egypt and Jordan) on the other. An intense rivalry between the United States and Iran for predominance is reshaping alliances and defining, or redefining, conflicts both old and new. Witness the lurch towards civil war in Lebanon, the Hamas "self-coup" in Gaza and the violent battle for power in Iraq.

Portraying this struggle between a global and a regional superpower in sectarian terms serves the interests of political actors hoping to outpace more scrupulous competitors, as well as those of autocratic regimes seeking to win popularity contests in lieu of free elections, and thereby perpetuate themselves in power. Thus political tactics are fuelling the current sectarian rhetoric, which, if not stemmed, could become a self-fulfilling prophecy and create political divisions where previously only social, cultural and religious differences existed.

This means that sectarian-driven outrages (the targeted killing of Shiites and Yazidis in Iraq, for example) and inflammatory rhetoric (employed by the late commander of Al Qaeda in Iraq, Abu Mus'ab al-Zarqawi, a host of Salafi clerics and even regional leaders) should be publicly condemned for the bigotry they represent and the danger they pose. More importantly, a lessening of tensions between the United States and Iran would remove one of the *raisons d'être* for sectarian rhetoric and thereby help dampen a dangerous trend. Yet while an improvement in US–Iranian relations is urgently needed, the most effective long-term solution to a growing sectarian rift in the Middle East most likely lies in an environment that engenders countervailing loyalties and prevents any single one, such as religious adherence, from becoming paramount.

## Antecedents

The past three years have seen an alarming rise in sectarian violence in Iraq, matched by a growing sectarian discourse. Some Sunnis can be heard referring to Shiites as *rawafedh* ("rejectionists", i.e. people who reject the claims of those who trace the prophet's lineage through Omar and claim descent from Ali), while some Shiites have called Sunnis *Umawiyin* (*Umayyads*, or descendants of the dynasty that

consolidated power over the Islamic world following Ali's murder), or Wahhabis or *takfiris*.<sup>1</sup> Sunni insurgent groups such as Al Qaeda in Iraq are killing Shiites (and others they deem apostates),<sup>2</sup> while Shiite militias are murdering Sunnis. Both often take the name appearing on the victim's identity card as proof of that person's religious affiliation.<sup>3</sup> Just as disturbing, escalating sectarianism in Iraq has found echoes in the wider region, opening a fault line that had hitherto remained largely submerged.<sup>4</sup>

What are the sources of this new sectarianism? If Saudi Arabia is the place where "the Message [of Islam] began" in the seventh century, Iraq was the scene of the events that tore the new religion apart shortly after its birth and triggered subsequent conflicts between the two major branches that later emerged. Descendants of the Prophet Muhammad's daughter Fatima and her husband Ali claim that he and their sons were wrongfully deprived of the prophet's mantle in favour of a rival dynasty, the Umayyads, founded by Mu'awiya, who replaced Ali as the fourth caliph. Ali and later his son Hussein were killed in what today is Iraq. Since that time, the leitmotifs of Shia Islam have been exclusion, injustice and martyrdom, and in Iraq's history these have always had a powerful resonance.

Despite this traumatic beginning, Sunnis and Shiites have largely lived together in peace, in part because most Shiites have accepted Sunni rule in anticipation of the return of the twelfth, "hidden" imam, the Mahdi (essentially the Shiite Messiah). In turn, Sunni rulers have tolerated them. If unrest occurred, it was often because political actors used religious fervour to stir up support for their cause.<sup>5</sup> Perceptions mattered, and endured. Thus the rivalry between the Safavid and Ottoman empires was often cast in sectarian terms.

- 1 Wahhabis are followers of Muhammad Ibn Abd-al-Wahhab, a Saudi preacher in the mid-eighteenth century. *Takfiris* are Muslims who declare other Muslims to be unbelievers. Some of the Salafi jihadis, for example, have declared Shiites to be infidels.
- 2 Witness the car-bomb attacks on two Yazidi villages in August 2007, in which hundreds of people were killed. Yazidis are predominantly Kurds who adhere to a pre-Islamic religion that detractors, such as Al Qaeda in Iraq, refer to as devil-worship.
- 3 These observations are based on research conducted in Iraq by, separately, the Brookings Institution and the International Crisis Group. See Ashraf al-Khalidi and Victor Tanner, *Sectarian Violence: Radical Groups Drive Internal Displacement in Iraq*, Brookings Institution, Washington, DC, October 2006, available at [http://brookings.edu/fp/projects/idp/20061018\\_DisplacementinIraq\\_Khalidi-Tanner.pdf](http://brookings.edu/fp/projects/idp/20061018_DisplacementinIraq_Khalidi-Tanner.pdf) (last visited 22 September 2007); and International Crisis Group, *The Next Iraqi War? Sectarianism and Civil Conflict*, Brussels, February 2006, available at <http://www.crisisgroup.org> (last visited 22 September 2007). Many Sunnis and Shiites in Iraq are secular, but this distinction has faded in the new, polarized climate, just as the secular political middle has evaporated. The fact of pervasive Sunni-Shiite intermarriage, especially among the secular elites, has similarly lost its relevance as sectarian-difference-based conflicts now course through whole communities, neighbourhoods and even families. These events are causing problems for persons whose names are now considered to represent one or another branch of Islam. To cite a simple example, persons named Ali (in Iraq) are assumed to be Shiites, while persons named Omar are assumed to be Sunnis – this though there are many Sunni Alis and many Shiite Omars.
- 4 Some of the arguments in this paper derive their inspiration from an article by Adnan Abu Odeh, a former senior advisor to King Hussein and King Abdullah II of Jordan: "Don't make too much of Iran", *Globe and Mail*, 24 July 2006.
- 5 See International Crisis Group, *Understanding Islamism*, Brussels, March 2005, pp. 19–24, available at <http://www.crisisgroup.org> (last visited 22 September 2007). Quoted in Faiza Saleh Ambah, "In legacy of a revered martyr, Saudi Shiites find sustenance", *Washington Post*, 31 January 2007. This seems to be the exception; in most cases Shiites have acquiesced in Sunni rule, oppressive or not.

To understand the most recent example of unrest, we should look at the Islamic revolution in Iran in the late 1970s and the Shiite resurgence it helped promote. The demise of the Shah's hated regime empowered Shiite communities throughout the region, although the new regime's declared aim of exporting the Islamic revolution failed as Iraq dampened Iran's Islamist fervour in eight years of unremitting slaughter. Contrary to commonly expressed fears, the Shiite communities in the fragile Gulf states – while encouraged to press their own claims for fair representation within their respective countries – never embraced the Khomeini brand of politicized Shia Islam that advocated the *wilayet al-faqih*, the rule of the jurispudent.

However, the Iranian clerics' success in gaining power in a country as wealthy and important as Iran provided a model and an inspiration for Islamists worldwide, both Shiite and Sunni. It injected new vigour, for example, into the (Sunni) Muslim Brotherhood. At the same time, the Shiite resurgence provoked a backlash among Sunnis, giving rise to radical forms of Sunni Islam (often groups split off from the Brotherhood), especially a strengthening of Salafism that saw itself as the direct adversary of Shia Islam. Its adherents found a proving ground in Soviet-occupied Afghanistan and emerged emboldened, with an agenda of violent jihad aimed at repressive regimes at home. At the time, Saudi Arabia heavily invested in the Sunni revival, funding study centres, distributing literature and constructing mosques throughout the Muslim world.<sup>6</sup> The violent return of the "Afghan Arabs" it had encouraged to fight against the Soviets was an unintended consequence of this effort, a dangerous and embarrassing form of "blowback".

At first there was no direct conflict between the two strands of radical Islam. This was so because Iran had no significant Sunni population,<sup>7</sup> its Islamic revolution was effectively contained by Iraq and the Arab states, and the sectarianism represented by the revolution was made less significant, in Arab eyes, by the ethnic-national conflict that underlay the war between Persian Iran and Arab Iraq.<sup>8</sup> The main enemy, in other words, was not the Shiite hordes but the *Persian* hordes threatening Iraq's Arab lands in a border dispute between neighbours, even if the young Iranian soldiers' "human wave" attacks were

6 The Saudis promoted their state religion, Wahhabism, for political purposes in order to counter the Islamic revolution in Iran. That this peculiarly Saudi brand of Islam was a powerful mobilizing factor should be no surprise, given its own political, rather than religious, origins. See, for example, Faiza Saleh Ambah, "Saudi writer recasts Kingdom's history", *Washington Post*, 4 February 2007, citing the writings of Saudi scholar Khaled al-Dakhil. Rather than saving the region "from declining faith, polytheism and widespread idolatry ... [Muhammad Ibn Abd-al-] Wahhab's goal was to create a strong State to make up for the disintegrating tribal system", finding in Muhammad bin Saud, the founder of the Saudi dynasty, a "willing sponsor". The rise of the new ideology was accompanied by ostracism (*takfir* or "excommunication") of all those who broke away from or refused to join the new Saudi state.

7 Iran has several Sunni Muslim groups, including Arabs, Baluchis and, especially, Kurds. The latter's conflict with the central state, however, has been dominated by national, not religious, concerns.

8 Needless to say, we have to be very careful with such categories. We should not neglect the multinational character of Iran and Iraq, both of which have significant Turkic and Kurdish communities, in addition to other, smaller, minorities. Iran's supreme leader, Ali Khamenei, for example, is not a "Persian" but an Azeri.

spurred by a Shiite Islamic zeal and by veneration for Khomeini as the supreme Shiite leader. In turn, Iraq's majority Shiite population fought willingly, even valiantly, against Shiite Iran, expressing loyalty first and foremost to Arabism, less so to a brutal but secular regime whose trademark violent streak was not discriminatory repression but equal-opportunity killing of political opponents. (Among those opponents were Shiite Islamist parties, such as Da'wa, which found inspiration in the Iranian revolution, whose leadership the regime decapitated and whose membership it decimated.)

But throughout the Iran–Iraq war one could hear echoes of the sectarianization of the old Safavid–Ottoman struggle, as the leadership of each country used religious references to characterize themselves, their enemies and their battles, unfailingly casting these in sectarian terms. One group of victims of this practice were Fayli Kurds, deported by Saddam Hussein's regime to Iran on the grounds that, supposedly, they were basically Persians. It was no coincidence, however, that Fayli Kurds are also Shiites.<sup>9</sup>

The question of whether Iraq's Baath regime was inherently sectarian or merely prone to pursuing sectarian policies is a matter of debate.<sup>10</sup> The fact is that its oppressive nature triggered an opposition that, aside from the Kurds, had a distinctive religious colouration. The rise of the Islamic Da'wa party, for example, was facilitated by both the regime's oppressiveness and its secularism.<sup>11</sup> The Islamic revolution in Iran then turned Da'wa into a potent internal threat to the Iraqi regime, which explains the fierce repression it faced in the late 1970s and 1980s.<sup>12</sup>

Repression spawned resistance, but only when the opportunity presented itself. That opportunity came in early 1991 when Iraqi forces, having foolishly invaded Kuwait, were expelled by an international coalition and forced to withdraw in disarray. Sensing weakness, a popular rebellion took shape with the aim of removing the regime's presence in the south – and hopefully in Baghdad as well. This revolt assumed a pronouncedly Shiite character when elements of the Badr corps, the militia arm of the Supreme Council of the Islamic Revolution in Iraq (SCIRI), crossed the border from Iran and tried to take command. SCIRI and Badr were Iranian creations, and when they entered the fray, the Iraqi regime was able to cast the rebels as Shiite Islamists intent on establishing a Khomeini-style

9 Fayli Kurds were not the only Iraqi Shiites to be deported to Iran, both during the Iran–Iraq war and before it. The practice affected any Iraqi Shiites who were listed in Iraq's population register as "of Persian origin" (*taba'iya Faresiya*), as opposed to "of Ottoman origin" (*taba'iya Othmaniya*). This designation stemmed from Ottoman times, when citizens who sought to evade extended military service used a Persian ancestor to claim they were not Ottoman subjects. The modern Iraqi state inherited this system in the early 1920s. Post-1958 republican regimes used it as the basis for deportation policies designed to serve political agendas. See Ali Babakhan, "The deportation of Shi'is during the Iran–Iraq war: causes and consequences", in Faleh Abdul-Jabar (ed.), *Ayatollahs, Sufis and Ideologies: State, Religion and Social Movements in Iraq*, Saqi Books, London, 2002, pp. 183–210.

10 For a brief discussion, see International Crisis Group, above note 3, pp. 6–8.

11 The Da'wa party was founded in the late 1950s, before the Baath came to power, in opposition to the popularity of secular parties, such as the Baath and, more importantly, the Iraqi Communist Party.

12 See Abdul-Halim al-Ruhaimi, "The Da'wa Islamic Party: Origins, Actors and Ideology", in Abdul-Jabar, above note 9, pp. 149–61.



theocracy in Iraq. The wave of repression that followed targeted the rebels and those among the population who had aided them (a very elastic concept). But the revolt's dominant Shiite character lent the regime's reprisals anti-Shiite overtones, whoever its targets were. In the event, tens of thousands were killed. To the Shiite Islamist parties that have ruled Iraq since the 2005 elections, and to many other Shiites as well, the 1991 massacres were carried out against Shiites by a Sunni regime (whatever its actual make-up).<sup>13</sup>

His internal credibility in tatters and his repressive apparatus dangerously weakened, Saddam Hussein survived the "sanctions decade" of the 1990s by creating new bases of support. He launched a "faith campaign" (*hamlet imaniya*) to establish his credentials as a man of religion. In the process, he encouraged the Islamization of his largely secular society, an effort that received generous financial support from Saudi Arabia (which was as spooked by the Shiite rebellion as was Saddam's regime itself). Even some Najaf-based Shiite clerics were given slightly freer rein as a way of reducing the influence of Qom, Iran's main Shiite theological centre.<sup>14</sup> For the same purpose (shoring up his internal support), Saddam Hussein reinvigorated the moribund tribal system by paying large sums of money to tribal personalities, whatever their rank, who swore loyalty to him and thus became leaders of their tribe. He also made appointments from the Sunni tribal milieu, especially from his own region of birth, to key positions in the security apparatus.

By 2003 the roots of sectarian conflict lay bare in Iraq, but it took the return of the Islamist parties that had been driven into exile (especially Da'wa and SCIRI) and the arrival of new ones (such as Al Qaeda in Iraq) to bring a latent conflict out into the open and to turn it into a cycle of bloodletting. In this, US administrators – ignorant of Iraq's history, its movements, institutions and personalities – proved unwitting accomplices.

## The Iraq invasion as catalyst

Overthrowing the regime allowed the cauldron to boil over. US failure to restore law and order in the critical first weeks following the regime's ouster, or thereafter, allowed Iraq to become a political and criminal free-for-all in which non-state actors possessing significant means of violence gained the upper hand. These included insurgent groups (which initially comprised members of both Sunni and Shiite communities, many of whom were secular), militias linked to the Shiite Islamist and Kurdish parties, and criminal gangs.

13 The victims included Sunnis as well as Shiites, just as the perpetrators included Shiites in addition to Sunnis. One of the regime's key henchmen, responsible for the bloodbath in the south in 1991–2, was Muhammad Hamza al-Zubaida, a Shiite, who died in US custody in 2005 before he could be put on trial for his crimes.

14 Hence the rise of Muhammad Muhammad Sadeq al-Sadr, the father of Muqtada Sadr, who was killed, along with two other sons, in 1999 after several years of relative freedom.

The militias had a head start, but the sparse distribution of US forces throughout the country allowed the entrance of foreign jihadis whose primary objective was to give the US a black eye by disrupting its efforts to establish a democracy in a country ravaged by misrule and sanctions. Politically, groups returning from exile gained the upper hand in a shattered polity whose citizens, many of them secular, were dazed, confused, inexperienced and in most cases unprepared to organize themselves.<sup>15</sup> These were the two Kurdish parties (the Kurdistan Democratic Party and the Patriotic Union of Kurdistan) and SCIRI and Da'wa. But Da'wa had splintered in exile, while the regime had killed off most of its members inside Iraq.<sup>16</sup> Moreover, in the absence of real politics, certainly in the early months, mosques began playing an inordinate role in mobilizing whole communities and providing services.<sup>17</sup> To the extent that politics existed, it was ethno-sectarian in character in that religious identities were played up, Sunni *and* Shiite (even if, at this point, they were not yet contrasted with opposing identities, for example Sunni *vs.* Shiite).

The Coalition Provisional Authority – the US administration during the first year of occupation – reinforced this tendency by using crude categories of communal identification – Arab/Kurd, Sunni/Shiite – that fitted Iraqis uneasily at best, and by organizing politics along ethno-sectarian lines. The first institutional example of this was the Interim Governing Council, established in July 2003. Based on Lebanon's *muhasasa* system, the proportional apportionment of positions by the presumed size of the community concerned, it was composed of Sunnis, Shiites and Kurds, with a Turkoman and Christian thrown in, to represent the Iraqi mosaic.<sup>18</sup> The governments that followed (the Allawi government in June 2004, the Jaafari government in May 2005 and the Maliki government in June 2006) could not escape this ethno-sectarian logic once it had been set in motion, aggravated by the predominance of parties that were either ethnicity-based (PUK and KDP) or had sectarian agendas (the Shiite Islamist parties and, later, the Sunni Islamist parties as well<sup>19</sup>). The political, and later physical, evaporation of the largely secular middle class did nothing to improve matters.<sup>20</sup>

15 The notable exception was, and until today is, the Sadr movement, the only group outside the Kurdish region that has a genuine popular base, and the only group that has posed a real threat to SCIRI and Da'wa's sway.

16 Technically speaking, the KDP and PUK did not return from exile: They had ruled the Kurdish region since late 1991. But during that period they had no access to the rest of Iraq and eagerly participated in exile politics.

17 Churches played the same role in the very small Christian communities.

18 The Interim Governing Council had two main strikes against it: it became an institutional model for sectarian politics and state-building, and its so-called representative politicians were predominantly Iraqis who, having returned from exile, had no significant roots in Iraqi society.

19 In 2005 a Sunni Islamist coalition emerged, the Iraqi Consensus Front (often mistranslated as "Accordance" or "Accord" Front in the media), which won forty-four seats in the December parliamentary elections that year. One of its key components is the Iraqi Islamic Party, the Iraqi branch of the Muslim Brotherhood, like SCIRI and Da'wa in exile until 2003.

20 This stratum was the main absentee in the two elections in 2005, either not voting or voting for the main Shiite list. When sectarian violence in Baghdad escalated from 2005 on, many of its members fled to Syria or Jordan.

Shiite Islamist parties were the primary beneficiaries of the new order. Coalescing into a single alliance (the United Iraqi Alliance – UIA), which received the blessings of the Shiites' foremost religious authority, Grand Ayatollah Ali al-Sistani, they translated their superior numbers into an electoral victory in January 2005. This enabled the best-funded, best-equipped and most disciplined group, SCIRI, and its Badr militia to take over the Interior Ministry and its security forces. Soon these forces were in the forefront of retaliatory attacks against Sunnis, who stood accused of harbouring insurgent groups such as Al Qaeda in Iraq. The leader of Al Qaeda in Iraq, Abu Mus'ab al-Zarqawi, had openly advocated attacking Shiites, whom he referred to in his speeches as *rawafedh*. Thus suicide-bomb attacks by Sunnis against Shiite crowds and mosques turned into a virulent new vendetta-based sectarian spiral in which militia death squads masquerading as police forces indiscriminately killed Sunnis in retaliation for equally indiscriminate insurgent attacks against Shiites.<sup>21</sup> As the death toll climbed, violence and intimidation forced Sunnis to leave predominantly Shiite neighbourhoods in Baghdad and vice versa. The Samarra shrine bombing in February 2006 played a pivotal role in this escalation by bringing anti-Sunni violence directly into the streets.<sup>22</sup>

SCIRI used its power both within the UIA and as the UIA (vis-à-vis Iraq's other parties) to press for a new Iraqi state structure that, once established, would be based on ethnic and sectarian divisions. Hijacking the constitution-drafting process in August 2005 along with the (equally powerful and disciplined) Kurdish list, it came to an important understanding with the Kurdish parties – a virtual deal in fact – whereby the Kurds would get Kirkuk governorate with its oil resources in exchange for the emergence of a Shiite-dominated federal super-region in the south (turning SCIRI leader Abd-al-Aziz al-Hakim into “the Barzani of the south”, in the words of one Iraqi commentator).<sup>23</sup> Sunni Arabs would be left out, deprived of major resources. This informal agreement was translated into constitutional text and the constitution was approved in a popular referendum two months later.<sup>24</sup> SCIRI's notion of southern federalism has since come under

21 International Crisis Group, above note 3, pp. 14–21.

22 SCIRI-controlled Interior Ministry forces had been in the forefront of retaliatory attacks against Sunnis, operating mostly through death squads. From the shrine bombing on, violence played out openly in the streets, with followers of Muqtada Sadr in the vanguard. Here the Sadrist played brawn to SCIRI's brain.

23 As part of the deal, SCIRI reportedly agreed not to push for the nationwide application of Islamic law, sharia, leaving this instead to the regions to decide.

24 See International Crisis Group, *Unmaking Iraq: A Constitutional Process Gone Awry*, Brussels, September 2005, available at <http://www.crisisgroup.org> (last visited 22 September 2007). While the agreement between SCIRI and the Kurdish parties produced the constitution's language on federalism and Kirkuk, the text was sufficiently vague as to leave room for diverging interpretations. Moreover, to the extent that SCIRI is pursuing a Shiite super region, the constitution may not help. While establishing the principle of regional federalism, it prescribes a bottom-up system based on local referenda, the outcome of which could be quite different from that envisioned by SCIRI. The Kurds arguably did better with the wording on Kirkuk, which gave them the prospect of gaining the area by popular referendum, but here the outcome is made uncertain by massive opposition. For an analysis of the conflict over Kirkuk, see International Crisis Group, *Iraq and the Kurds: The Brewing Battle Over Kirkuk*, Brussels, July 2006, and *Iraq and the Kurds: Resolving the Kirkuk Crisis*, Brussels, April 2007, both available at <http://www.crisisgroup.org> (last visited 22 September 2007).

heavy fire for being a recipe for Iraq's dissolution. Nationalist Iraqis, many of whom are Shiites (including Moqtada al-Sadr's movement and the Fadhila party, which is strong in Basra), vigorously oppose the notion. But they failed to overcome the SCIRI-Kurdish alliance. In October 2006, a law that sets out the mechanism for creating federal regions was passed by a slim majority.<sup>25</sup> Some Western commentators saw in the evolving process a possible solution to the worsening crisis by proposing to partition the country into Kurdistan, a "Shiastan" and a "Sunnistan", claiming historical precedent, current realities and the wishes of the majority of the population. Being wrong on all three counts has not deterred them.<sup>26</sup>

Iraq's future looks more like the total chaos of a failed state than a neat ethno-sectarian division (although the Kurdish region will retain its integrity if the Kurdish leadership manages to negotiate the tricky boundary question, including in Kirkuk). This raises the question of why the United States facilitated the Shiites' rise to power (unless one subscribes to the conspiracy notion, prevalent among Iraqis, that it was the US intention all along to partition Iraq). The answer is that the United States did not mean to – as such. It intended to bring democracy to Iraq, and in the first instance this meant elections. If the logical result of free elections was the Shiites' rise to power, then this was either not recognized or not considered a problem. The Bush administration may have hoped to bring to power a secular regime by pushing forward, and funding, trusted Iraqis such as Ahmed Chalabi and Iyad Allawi. This gambit backfired over these two men's patent unpopularity among ordinary Iraqis, the rise of religious politics, and the United States' growing loss of influence as it made mistake after mistake trying to pacify and rebuild the country. The problem was that it was not the Shiites as such who won the elections but a coalition of Shiite Islamist parties. Regardless of whether Iraq's Shiite population supports any of these parties (beyond voting for them in an election), having gained power the Shiites are not about to let

25 The most interesting work on southern federalism has been done by Reidar Visser. His writings are available from <http://historiae.org> (last visited 22 September 2007). Iraq's break-up is probably not SCIRI's objective but an unintended consequence of its attempt to retain power. Lacking significant popular support, it has used its powerful militia and backing from Iran as its sources of power. Gaining control over a southern super region and its vast oil resources would perpetuate that power and make it self-sustaining. To be fair, SCIRI has justified its push for a southern region as a defensive move against insurgent violence originating in the Sunni Arab community. It is unclear, however, how disowning Sunni Arabs would protect the Shiites from violence.

26 Western proponents of the partition option claim that Iraq is an artificial creation emerging from the Ottoman Empire; that the three Ottoman *vilayets* of Mosul, Baghdad and Basra are a natural basis for three regions today; that Iraqis, by choice or intimidation, have already consolidated themselves in their own regions; and that the majority of the Iraqi people have indicated that they cannot live with members of the other communities. In reality, the notion of Iraq has a long history, including during extended periods of the Ottoman Empire. The three Ottoman *vilayets*, which existed only during the empire's last thirty years, did not reflect ethnic or religious homogeneity. Even today, most of Iraq remains intermingled, despite sectarian "cleansing" campaigns; and in poll after poll a majority of Iraqis have indicated they prefer Iraq to remain unified, with many supporting an administrative federalism based on governorates. The main dissenters are the Kurds, who seek independence. The pro-partition advocates have not proposed a solution for Baghdad, nor have they explained how their solution meshes with the Iraqi constitution, which they claim to support.

themselves be cheated out of this historic opportunity to rule an Arab country, and they will tolerate the Islamist parties for now.

## Sectarian rhetoric and the Iran factor

To Iraq's Arab neighbours (Saudi Arabia, Jordan and the Gulf states), the US strategy in Iraq was utterly bewildering. They could not comprehend why the Bush administration would do Iran the favour of allowing Shiites to take power in an Arab country. This explains the shrill tone of the warnings sounded by Arab leaders in the run-up to the first elections, in January 2005. King Abdullah II of Jordan warned, in an interview with the *Washington Post*, that Iran's growing influence in Iraq could be felt throughout the region and could lead to a "crescent" of dominant Shiite movements or governments stretching from Lebanon to the Gulf.<sup>27</sup> Unsurprisingly, his remarks provoked the Shiites' ire and he soon backtracked, stating that what he had meant was Shiites not as a religious but as a *political* community, backed by Iran.<sup>28</sup> This hardly appeased Shiites, because what the monarch was really saying, then, was that he considered Iraq's Shiite parties to be Iranian proxies. This perspective was confirmed by Egypt's Hosni Mubarak, who in April 2006 declared that "most of the Shiites" living in Arab countries "are loyal to Iran, and not the countries they are living in".<sup>29</sup> In other words, the Arab states saw Iran as advancing its interests through the region's Shiite communities.<sup>30</sup> These alarms had a slightly hysterical edge to them: the crescent included Syria, whose Alawite-led regime is not universally recognized as

27 Quoted in Robin Wright and Peter Baker, "Iraq, Jordan see threat to election from Iran", *Washington Post*, 8 December 2004.

28 *Jordan Times*, 6 January 2005. Jordan has been part of an effort to build an "Arab wall" against Iran's rising power, bringing together Saudi Arabia, Jordan and most of the Gulf states against Iran, Syria, Qatar, Hezbollah and Hamas. Syria's loyalty is contested, and it could prove to be a critical swing state (with a majority Sunni population ruled by a minority-Alawite regime). Casting Qatar, with its large US military base, as being allied with Iran has to do more with Qatar's disputes with Saudi Arabia than any cross-Gulf allegiance.

29 *USA Today*, 13 April 2006. The two leaders' statements were totally self-serving: "See", they appeared to be saying to their ally the United States, "this is what you get when you organize free elections in countries such as ours – Islamists in power and a growing regional role for Iran." Interestingly, these statements were also in tune with the anti-Shiism expounded by *takfiri* Sunnis, such as Al Qaeda in Iraq's Abu Mus'ab al-Zarqawi – an unholy alliance if ever there was one, at least from King Abdullah II's perspective, whose regime has been the target of Zarqawi's violent attacks, most notably in the 9 November 2005 hotel bombings.

30 The Iranian regime struck back with rhetoric of its own. Supreme leader Ali Khamenei: "Those who maliciously use *takfir* [read: Zarqawi] to declare large groups of Muslims to be unbelievers, those who insult the sanctities of various branches of Islam [read: the Samarra shrine bombers], those who betray and put a dagger in the back of the Lebanese youth [read: Hezbollah] who are a source of honour for the Muslim *umma*, those who speak of the fabricated threat of a Shiite crescent so as to please the Americans and the Zionists, those who incite fratricidal hostilities and lawlessness in Iraq to defeat its Islamic and popular government, and those who put pressure on the elected Hamas government in Palestine, whether intentionally or unintentionally, they will be regarded as culprits, detested by history and future generations, and looked upon as mercenaries of the brutal enemy." *Islamic Republic News Agency*, 29 December 2006.

Shiite, certainly not by itself, and has given no indication it is intent on participating in a cross-regional Shiite alliance. Yet Syria has had a long-standing interest-based strategic relationship with Iran. And so, to the extent that the principal threat was perceived to emanate from Iran, Syria too was part of it.<sup>31</sup>

Has the genie of sectarianism now been let out of the bottle? Is the Mashreq-spanning Shiite spectre becoming a reality? Such a conclusion would be premature. All evidence points to ethno-nationalism continuing to moderate and dilute sectarian passions – in Iraq as in the region as a whole. The UIA's fracturing over the southern federalism debate shows this. Iran's overweening and condescending attitude towards Iraqi Shiite parties, which these parties strongly resent as racist (anti-Arab) in origin, will similarly undermine any grand international Shiite alliance.<sup>32</sup> The term *rawafedh* may have broad purchase in Sunni quarters to designate the country's Shiites, but a more common term used by both Sunnis and secular Shiites to designate the Shiite Islamist parties and their followers in particular is *Safawiyin* – descendants of Iran's Safavid (Shiite) dynasty, in other words, Iranians.<sup>33</sup> Among ordinary Shiites in Iraq, there is even less sympathy toward Iran, including its system of government.

The same holds true for Iran's role and for intra-Shiite relations elsewhere in the region. Witness the July 2006 war in Lebanon. If it can be said that Iran supported Hezbollah out of Shiite solidarity, it can also be said, with greater evidence, that there was a convergence of interests between Iran and Hezbollah in countering what they perceive as a US–Israeli plan to reshape the region. This is also why Iran supports Hamas, the Palestinian wing of the Muslim Brotherhood and a patently Sunni movement. But while its solidarity with suffering Palestinians is warmly received by many in the occupied territories, Iran's appeal as a regional power finds very little traction.<sup>34</sup> Interestingly, Hezbollah leader Hassan Nasrallah went out of his way during the summer war to downplay his movement's Shiite origins by emphasizing the Arab nationalist character of its fight against Israel: here was a national resistance movement holding out against a colonial and predatory occupying power. For example, Al-Manar, Hezbollah's television station, played Nasserist songs that were popular in Egypt in the 1950s, with a

31 Another reason why Arab regimes resisted the notion of elections in Iraq was that they may have perceived a grand Iranian plan to undermine their regimes throughout the region by supporting Islamist movements that, in a free election, would likely come to power. Said one observer, "Ironically, Iran has been the main supporter of Arab democracy, for the best way to undermine the incumbent regimes is to promote popularly based Islamist movements such as Hizbullah in Lebanon, the Muslim Brotherhood in Egypt, Hamas in Palestine, and the Shiite majority in Iraq." Shlomo Ben-Ami, "Let's consider reaching a grand bargain with Iran", *Daily Star*, 17 September 2007.

32 Yet, if pushed onto the defensive, these same parties may run into Iran's protective embrace.

33 And vice versa, many Shiites now refer to Sunnis simply as *irhabiyin* (terrorists), a political epithet.

34 Iran and its flamboyant president, Mahmoud Ahmelinejad, are able to attract popular support in the Muslim street by espousing pro-Palestinian and anti-US–Israel causes that ordinary people fault their own repressive and pro-American regimes for failing to advocate. But this kind of emotive solidarity is superficial and does not translate into an embrace of Iranian policies. For a sampling of enthusiastic responses to Ahmelinejad's antics, see Jeffrey Fleishman, "Ahmelinejad hailed in Middle East", *Los Angeles Times*, 24 September 2007.

rousing response from ordinary Egyptians. If we look at how Sunni Islamists viewed Hezbollah, we find that the majority unflaggingly supported Hezbollah during the war and that only the fundamentalist Salafi *takfiris* criticized it for advancing Shiite and Iranian interests.<sup>35</sup>

The July war, though, and Iraq's descent into civil strife are both symptoms of a greater malaise in the Middle East that stems from the failure to solve festering problems, such as the Israeli–Palestinian conflict and the illegitimacy of the Arab state system. This brings many dangers, of which a sectarian rift is only one. Chaos in Iraq has led to societal fragmentation, encouraging a siege mentality in communities that have little choice but to seek protection from a growing assortment of non-state actors – militias, insurgent groups, crime mafias – which are thus empowered. From this, many new loyalties and identities arise – at the expense of a national Iraqi one.

Hezbollah's victory (its ability to survive the onslaught of a far superior military force) has had the paradoxical effect of reining in the movement's freedom of manoeuvre. It enjoyed broad popularity in the Arab world at the time, when it successfully played the resistance card, but Hezbollah will not be able to play it so easily again, since this would bring on yet more destruction, possibly depriving the organization of whatever support it still enjoys in Lebanon, even among Shiites. The real winners may well be radical Sunni groups, part of the Al Qaeda franchise, who emerged emboldened from Israel's loss of its deterrent capability and who face none of Hezbollah's constraints.<sup>36</sup> Their main adversaries are Arab regimes whose moral bankruptcy as representatives of their people has long been evident. The July war underscored these states' fragility: after roundly criticizing Hezbollah for reckless adventurism in provoking Israel's disproportionate response, some regimes were soon forced under popular pressure to recant – the Arab street backed Hezbollah 100 per cent, somehow failing to see the Iranian hand that to these regimes was so obvious. While it may not be easy to overthrow these regimes, which are grounded in all-pervasive police states, they can hardly be strengthened by the twin challenges of Western military intervention and widespread popular disaffection.

Hezbollah's aggressive internal stance vis-à-vis the Lebanese government and Hamas's "self-coup" in Gaza reversed some of the popular gains these Islamist parties made throughout the region. Hezbollah has proved with its push for Shiite power in Lebanon that, when all is said and done, it remains a sectarian party. Hamas, too, is sectarian, on top of being nationalist, and has been painfully reminded of this by choruses of "Shiites, Shiites" (this aimed at Sunnis!) sung at Fatah rallies. The (Shiite) "lynching" of (Sunni) Saddam Hussein, in particular, had the dramatic effect of opening the eyes of a public – momentarily dazzled by Hezbollah's nationalist victory – to the Shiite/Iranian impulse behind that victory.

35 Reuven Paz, "Hotwiring the apocalypse: jihadi Salafi attitude towards Hizballah and Iran", *PRISM*, Occasional Papers, Vol. 4 (4) (August 2006).

36 Witness the prolonged battle between Fatah al-Islam, a jihadi group ensconced in the Nahr al-Bared refugee camp in northern Lebanon, and the Lebanese armed forces in 2007.



## Conclusion: countervailing trends

The current reality is one of an as yet undecided battle between conflicting identities, and a public jerked around by regimes engaged in a life-or-death struggle with perceived enemies. Rather than a drift towards a new overarching identity – nationalism or religion – we are seeing a fragmentation of those very identities and a return to older, primordial ones: family, clan, tribe, ethnic group and local leaders living or dead (warlords, clerics, wise men, saints).

It is unclear what will emerge from this battle, but some trends should be noted:

- Iran is pushing to become the pre-eminent power in the Gulf. Its march may prove unstoppable. However, Iran's long-term success might ultimately be determined by how the regime chooses to profile the country: as Shiite, as Persian, or as something that goes beyond that, something more in tune with the mosaic-like quality of its own society – that is, that of a regional power which has transcended such divisive identities and rules over peoples using principles of fairness and equality. Iran's objective is to roll back US–Israeli influence more than it is to propel Hezbollah to power as its proxy ruler of Lebanon. It has a pragmatic interest in forging workable arrangements with its neighbours.
- Two of the key powers in the region, Iran (representing Shiites and Persians) and Saudi Arabia (representing Sunnis and Arabs) have initiated a dialogue that seeks to reduce mutual vilification by creating space for accommodation – in Iraq, Lebanon, Palestine and wherever else these powers find themselves confronting each other and their respective interests. In the end, whatever role is played by outside powers, regional solutions will have to arise, primarily from regional efforts at peace-building.
- The top layers of Iraq's secular middle class may well be living outside Iraq at the moment (both Sunnis and Shiites, although the former are probably in the majority), but that group could still have an important role to play. The silent majority of Iraqis, both inside and outside the country, abhor division, but as long as violence and chaos reign, they will continue to be drawn into communal identities. Ten or 20 years hence, they may face the challenging role of rebuilding Iraq in a non-sectarian fashion.
- Even in sectarian Iraq, there have been significant attempts to forge cross-community alliances and strengthen the notion of "Arab Shiites" (for example, the Sadrist movement, Fadhila and many UIA independents) as opposed to "Iranian Shiites" (SCIRI and Da'wa). Intra-Sunni and intra-Shiite strife will also dampen any Sunni–Shiite conflict.
- Socially, intermarriage between (middle-class) Sunnis and Shiites has been very popular. Although this pattern will be affected by sectarian strife in Iraq, it is unlikely to change the habits of Muslim families in mixed societies untouched by violence.

However encouraging some of these trends may be, to judge by recent developments we are looking at a hugely perilous time in the Middle East (and

therefore the world). The coming years may see Iraq's violent break-up, challenges to all post-Ottoman borders, regional warfare (a replay of the Iran–Iraq war but now directly between Iran, on the one hand, and Iraq's erstwhile patrons, the Arab states, on the other), repression of Shiite communities (in Saudi Arabia, Kuwait and Bahrain), US intervention in Iran, the Palestinians' continued submission to Israeli occupation, expropriation and settlement, and popular uprisings, catalysed by pin-prick, al-Qaeda-type attacks, against Arab regimes.

Whatever one thinks of the United States overthrowing the Iraqi regime and its subsequent disastrous nation-building effort, it is in the international community's interest to prevent even worse events occurring now that the situation is getting dangerously out of hand. All energies should be directed towards stabilizing Iraq by helping its many political actors to forge an overall compromise concerning the principal and intertwined issues of state structure, division of powers and oil-revenue sharing. Such a new national compact could lessen sectarian tensions and reduce violence. The United States should state its clear intention to effect a phased withdrawal from Iraq once the gaping vacuum created by its war has been filled by a durable new state structure. Simultaneously, the peace process in Israel–Palestine needs to be reinvigorated in all its aspects. And the United States and its allies should engage Syria and Iran on the full range of issues that divide them, including first and foremost Iran's nuclear programme. Anything that falls short of these steps could spell disaster.

## Ethnicity, federalism and the idea of sectarian citizenship in Iraq: a critique

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### Abstract

*The article discusses the “ethnic paradigm” that currently prevails in analyses of Iraqi history and politics. While acknowledging the strong forces associated with ethnic and sectarian loyalties in the country, the article points to three important indicators of the surviving Iraqi nationalist sentiment that cut across these ethno-sectarian categories. It highlights the misfit between Western approaches to Iraqi politics and indigenous Iraqi political thinking on ethnicity and sectarianism, and pays special attention to the implications for the debates about federalism and the partitioning – “soft” or “hard” – of Iraq.*

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Since the start of the Iraq war in 2003, analysts of Iraqi politics and society have increasingly navigated using ethno-sectarian charts. This phenomenon is not limited to the United States and commentators associated with its foreign policy establishment; some of the most ardent advocates of an “ethnic” approach to Iraqi politics are to be found in other corners of the Western world, including in non-governmental organizations (NGOs) deeply opposed to the US occupation as such. In fact, it may well be that it is only in Arabic-speaking parts of Iraq itself that some resistance is expressed to this approach to Iraqi history.

Typically, according to this paradigm, Iraqi society is made up of “three major ethnic groups”. In what is described as the “south”, there are Shiites, who have historically been oppressed and who suffered badly during the failed uprising in the wake of the 1991 Gulf War. In the “centre” are the Sunnis, who have always

benefited from being the majority sect in Islamic empires and who in modern times have “ruled ruthlessly” in order to suppress everyone else. To the north are the Kurds, who are seen as having been “fiercely independent” since time immemorial and locked in a perpetual nationalist struggle against outside domination. Finally, Iraqi society is construed as the home of a long list of other “scattered” or “isolated” smaller “minorities”, such as the Assyrians, Turkmen, Faylis and Shabak.<sup>1</sup>

This article challenges the view that ethnic categories are the alpha and omega of Iraqi history and politics. It shows how, historically, centripetal forces have always attracted the interests of Iraqis of all sects and ethnic groups. This can be seen above all in three factors: the endurance of Iraq as a concept of territorial identity, the persistent view of sectarianism as an ugly political force that is imposed from the outside, and the survival of the concept of “national unity” as a paramount aspiration. These factors do not preclude the presence of sectarianism in Iraq. Indeed, sectarian loyalties are a key driver behind some of the worst violence currently witnessed in the country. But the long-established ideals of national unity do play a moderating role that prevents sectarian identities from becoming all-encompassing, and they should be taken seriously in any attempt to create a peaceful and stable democracy in Iraq.

A comparison of Iraqi ideas about territoriality, sectarianism and national unity in the 1920s and after 2003 – two periods that can both be described as reasonably democratic – is a particularly effective way of demonstrating the longevity of Iraqi national identity. While many commentators resort to the cliché that Iraq was “assembled by the British” after the First World War from “three disparate” Ottoman provinces,<sup>2</sup> examples of the remarkable strength and vitality of Iraqi nationalism among such supposedly “marginal” groups as the Iraqi Shiites and Christians in the early 1920s show how important it is to recognize the deep pre-modern roots of the state and the body politic that formally came into being through the Iraqi monarchy in 1921. It is perhaps more unsettling that a similar “archaeological” approach should be needed for the period after 2003, but that is nevertheless the case; by imposing a sectarian master narrative on Iraqi politics, Western journalists consistently overlook aspects of Iraqi political discourse that point in directions other than sectarianism.

The relationship between concepts such as territory, sect and the idea of national unity should be taken seriously by anyone seeking to participate in the process of creating a new democratic Iraq today. In particular, a proper understanding of specifically Iraqi approaches to this nexus is required in order to appreciate how any viable political settlement in Iraq – especially with regard to the implementation of “federalism” – must be radically different from the “ethnic” solutions applied, for instance, in the former Yugoslavia since the 1990s.

1 For a typical example see Sandra Mackey, *The Reckoning: Iraq and the Legacy of Saddam Hussein*, W.W. Norton, New York, 2002, pp. 58–84.

2 See, for instance, Bill Sharp, “Similarities between Iraq, Vietnam growing”, *Honolulu Star Bulletin*, 9 May 2004.

To a certain extent, the articles of the Iraqi Constitution on federalism actually reflect this historical uniqueness (especially with their emphasis on non-ethnic governorates as the building blocks of any new federal regions, and with the provision for governorates to remain within the unitary state framework if they should prefer non-federal solutions), and they would become even “more Iraqi” if some of the proposals for constitutional amendments currently on the table – like stricter criteria for the creation of federal regions – were to be adopted.<sup>3</sup> But many in Western policy-making circles and NGOs choose to ignore altogether the issue of cultural sensitivities related to the definition of ethnic and sectarian categories, instead insisting on operating with “sectarian citizenship” as an ideal for Iraq. The danger is that in so doing they may contribute to the imposition of an unstable political system that has no resonance in Iraqi history and does not enjoy the support of Iraqis themselves – and will, moreover, be rejected by every regional power with the possible exceptions of Iran and Kuwait.

### The endurance of “Iraq” as a territorial concept

Anyone who studies documents from cities such as Mosul, Baghdad and Basra from the 1890s will immediately see the futility of the constructivist thesis that Iraq had no pre-modern roots prior to the First World War. “Iraq” is actually omnipresent in the written materials from that period – not only as the dominant category of territorial identity on a larger scale, but also sometimes as an administrative concept in which Baghdad had a supervisory role over the two other provinces of Basra and Mosul. This in turn reflected the situation in past decades and centuries, when Basra, Baghdad and Mosul were frequently amalgamated into one entity – another legacy routinely overlooked by those bent on construing Iraq as an “artificial” polity.<sup>4</sup>

#### Iraq as one entity

The enduring strength of this territorial concept can be ascertained in source materials from the First World War and immediately after – probably the most tumultuous era the region had experienced for centuries, and one in which any “deep” and suppressed concepts of competing territorial identity could be expected to resurface in spectacular fashion. But in fact, during this period of dramatic upheaval, the people of the region generally held on to the “Iraq” concept. Ottoman defectors from Baghdad and Mosul serving with British and Arab officers in Damascus soon split from their Syrian counterparts to form an

3 Reidar Visser, “Federalism from below in Iraq: some historical reflections”, paper presented to an international workshop on “Iraq after the new government”, Como, Italy, November 2006, available at [www.historiae.org/federalism-from-below.asp](http://www.historiae.org/federalism-from-below.asp).

4 Reidar Visser, “Sentralisme i Irak: en overlevning fra mandatperioden?”, *Babylon* (Oslo), No. 1 (2006), available in English at [www.historiae.org/maliki.asp](http://www.historiae.org/maliki.asp) (last visited 12 December 2007).

“Iraqi” political association.<sup>5</sup> Tribes from Najaf and Karbala who rose in revolt against the British in 1920 referred to the idea of an “Iraqi community”.<sup>6</sup> Even the most subversive players at the time had to pay some lip service to the Iraq concept: a group of wealthy notables of Basra who in 1921 had tried to separate the coastal enclave of Basra from the areas further north (on a non-sectarian basis; the leaders were mostly Sunnis, Christians and Jews) reframed their demands as a confederal formula of “Iraq” and “Basra”, but chose to retain the name “Iraq” for the confederation as a whole in the Arabic version of their separatist petition.<sup>7</sup>

Few territorial changes to the Iraqi state materialized in the critical period of transition in the 1920s – and to the extent that they transpired at all, they were mostly launched on a non-sectarian basis. Basra separatism did play a role for a while, but never changed its original cosmopolitan focus. A distinctly Shiite separatism was contemplated only once – in 1927, when it was floated – but it soon disintegrated owing to lack of support from the higher clergy. Perhaps even more significantly, this ephemeral scheme did not introduce any geographical concepts that could threaten Iraq, tending instead to limit itself to rather hazy calls for undefined forms of decentralization (*lamarkaziyya*).<sup>8</sup> Even Kurdish revolts in this period were seen more as localized tribal uprisings than as full-blown “ethnic” protests. For most of the early 1920s, the “northern question” of Iraqi politics – as far as indigenous protest movements were concerned – was first and foremost about the attachment of the city of Sulaymaniyya to the “rest of Iraq”.<sup>9</sup> Nevertheless, the Kurds did stand out because they were clearly in the process of defining territorial alternatives to the Iraqi state, and the notion of “Kurdistan” is the principal exception to the otherwise dominant Iraq theme in this period.

### The continuing strength of territorial identity in the early twenty-first century

These tendencies re-emerged after 2003. And, once more, examples from areas south of Baghdad are instructive. Despite all the talk about “Shiite federal regions” and “a Shiite super-state”, the endurance of “Iraq” as the dominant concept of territorial identification is quite remarkable. One indication is the tentative nature of the names for new federal regions that have emerged. The most long-standing of these schemes, the project to create a small-scale region in the far south around Basra, possibly including one or two of its neighbouring governorates, has simply

5 UK National Archives, War Office records: WO 158/619, telegram from the commandant at Aqaba to the GHQ of the Egyptian Expeditionary Force dated 16 December 1918; Ghassan R. Attiyah, *Iraq 1908–1921: A Socio-Political Study*, Arab Institute for Research and Publishing, Beirut, 1973, pp. 290–91; Eliezer Tauber, *The Formation of Modern Syria and Iraq*, Frank Cass, London, 1995, pp. 173–84.

6 Ali al-Wardi, *Lamahat ijtimaiyya min ta'rikh al-'iraq al-hadith*, 1992 reprint edn, Baghdad, Vol. VI, pp. 202–3.

7 Reidar Visser, *Basra, the Failed Gulf State: Separatism and Nationalism in Southern Iraq*, Lit Verlag, Berlin, 2005, pp. 159–60.

8 Ibid., pp. 121–5.

9 UK National Archives, Colonial Office files: CO 730/60, press excerpts in Intelligence Report No. 15, 20 July 1924.

been referred to as the “Region of the South” – clearly an indication that it is seen as inextricably linked to a greater Iraqi whole.<sup>10</sup> The same goes for the more recent (and hence even more immature) plan to create a single sectarian Shiite region south of Baghdad, which was launched in the summer of 2005 and has so far struggled to find supporters outside the hard-core electorate of the Islamic Supreme Council of Iraq (ISCI, formerly the Supreme Council of the Islamic Revolution in Iraq, SCIRI).<sup>11</sup> Initially it, too, was named with reference to points on the Iraqi compass: “The Region of the Centre and the South”. Its ideological capriciousness seemed confirmed when in June 2007 one of its principal supporters, Ammar al-Hakim, abruptly changed the name to “The South of Baghdad Region”.<sup>12</sup> The Fadila, which favours the idea of Basra as a uni-governorate federal entity entirely on its own or in union with its two closest neighbours, has also been careful to balance its rhetoric with positive references to Iraqi nationalism.<sup>13</sup> And even the tiny minority of (mostly exiled) Shiites who in cyberspace advocate Shiite separation do so with reference to the concept of “the historical Iraq” – a reference to the somewhat smaller “geographical” Iraq which in the classical Islamic period was seen as extending from Basra north to Tikrit.<sup>14</sup> Only in Kurdistan has there been any real consolidation of an alternative territorial concept.

### No sectarian homeland

In other words, Iraqi sects do not have sectarian homelands. Today, indigenous proponents of territorial devolution see no other alternative than to define their new names in relation to the existing Iraq. Foreigners use terms that are even more artificial, like “Sunnistan” and “Shiistan”, which correspond to no local terms – quite ironic, given the tendency in precisely those circles to dismiss Iraq as an “artificial” creation. The principal reason for this situation is that, historically, competition over territory in Iraq has taken place almost exclusively on a non-sectarian basis. Today, would-be Shiite separatists simply lack clear antecedents that would legitimize any project of Shiite territorial separation.<sup>15</sup> One of the more substantial anti-government revolts of the Ottoman era – that of the Afrasiyabs in Basra in the early seventeenth century – had a localized, cross-sectarian and

10 On this project see Reidar Visser, “Basra crude: the great game of Iraq’s “southern” oil”, NUPI Paper No. 723, 2007, available at [www.historiae.org/oil.asp](http://www.historiae.org/oil.asp) (last visited 12 December 2007).

11 The level of popular support for ISCI is routinely overrated in the Western press. See Reidar Visser, “Beyond SCIRI and Abd al-Aziz al-Hakim: the silent forces of the United Iraqi Alliance”, 20 January 2006, available at [www.historiae.org/uia.asp](http://www.historiae.org/uia.asp) (last visited 12 December 2007).

12 ISCI press release, 22 July 2007.

13 See for instance a press release from the office of the governor of Basra, dated 29 July 2007.

14 Reidar Visser, “Shi’i separatism in Iraq: internet reverie or real constitutional challenge?” NUPI Paper No. 686, August 2005, available at [www.historiae.org/shiseparatism.asp](http://www.historiae.org/shiseparatism.asp) (last visited 12 December 2007).

15 For a typical example of how pro-partition Shiites have problems in finding historical justification for their scheme, see Na’im Marawani, “Qad la yakunu taqsim al-‘iraq aswa’a min wahdatihi”, 2007, available at [www.sotaliraq.com/articles-iraq.php?id=60016](http://www.sotaliraq.com/articles-iraq.php?id=60016) (last visited 12 December 2007). Among other things, the article contains a number of misleading allegations about British policy in southern Iraq in the 1920s.



eminently regionalist character.<sup>16</sup> “The historical Iraq” of the Internet radicals is really too wide: it encompasses much of what outsiders like to call “the Sunni heartland” (again, not a proper name). The sole potential historical point of reference for a Shiite state would be the Mazyadid emirate of Hilla of the late eleventh and early twelfth centuries, but here too there would be obvious limits. Characteristically, the name of this polity was derived from a local tribal dynasty rather than from a permanent political entity, and its connection to Shiism was entirely nominal, with no ideological superstructure to back it up.<sup>17</sup> As yet, the Mazyadid era has not attracted the interest of those Shiites who wish to challenge the Iraqi nationalist mainstream in the community but who have no plausible alternative territorial framework to which to refer.

### Sectarianism as an ugly, retrograde force

A second ingredient missing from the Iraqi mix is a desire to transform sectarianisms into nationalisms. This is another area where unsound *a priori* assumptions by Western academics unfamiliar with Iraqi history form the point of departure for policy recommendations basically alien to Iraqi political thought.

Whereas many sects in the Christian tradition have readily lent themselves to state-building activities, Islamic ideology has never let go of the notion of sectarianism as a somewhat sinful activity – it is even condemned by several Koranic injunctions. True, nation building in the name of sects has taken place at certain historical junctures (most successfully with the Shiite Safavid empire in Persia, the Ibadis of Oman and the Zaydis of Yemen), but especially in the case of the Shiites this has been accompanied by considerable internal controversy and reluctance on the part of the leading clergy to have any connection whatsoever with the emerging sectarian state institutions. Until the Iranian revolution, the dominant trend among the Shiite clergy was not to become associated with any state structures at all – an attitude that survives today among many clerics outside Iran.<sup>18</sup>

### The ideal of anti-sectarianism

Again, this ideal of anti-sectarianism is a historical legacy that was reflected in Iraqi political discourse in the 1920s and 1930s. In Basra in the south, sectarianism and dissent were frequently dismissed as evils that had been “machinated” by the British.<sup>19</sup> In the 1930s a leading Shiite historian wrote about sectarianism in deeply

16 Visser, above note 8, pp. 105–9.

17 On this movement, see Hugh Kennedy, *The Prophet and the Age of the Caliphates*, Longman, New York, 1986, pp. 295–7.

18 An overview of traditions of state building among various Islamic sects is provided in Fuad I. Khuri, *Imams and Emirs: State, Religion and Sect in Islam*, Saqi, London, 1990.

19 UK National Archives, Royal Air Force records: AIR 23/277, Special Service Officer Basra to Air Head Quarters, 28 October 1930.

disparaging terms, titling his chapter on the phenomenon “the sectarian movement and its dangers” (*al-haraka al-ta’ifiyya wa-khataruha*) and describing the experience of sectarian friction in 1927 as “sad” (*alima*).<sup>20</sup> And, in general, there appeared to be a desire, especially on the part of the younger generation, to get rid of sectarian identity altogether. Angry protest letters in Basra newspapers attacked traditionalist scholars who employed the name of their jurisprudential tradition as an honorific,<sup>21</sup> whereas many young people were interested in joining political parties that defined themselves through an explicitly anti-sectarian agenda (such as, for instance, Hizb al-Hurr al-La-Dini).<sup>22</sup> This all reflected a situation in which the dominant categories among the politically active were not “Shiites” and “Sunnis”. Rather, newspaper articles from southern Iraq during the 1920s with titles like “Them and Us” referred to the far more universalistic dichotomy of “Westerners” and “Easterners”.<sup>23</sup> Whereas sectarianism was seen as a step back, the dominant value at the time – the idea of progress – was intimately associated with imagined communities on a larger and less traditional scale.

### The continuing rejection of sectarianism

Since the fall of the Baathist regime in 2003, “sectarianism” has retained its overall negative connotations in the Iraqi context. The people of Baghdad, whose city has been plagued by sectarian killings more than any other locality in Iraq, tend to steer away from blanket accusations against the other community, preferring instead to externalize the atrocities by referring to Shiite death squads as “Safavids” (Iranian Shiites), “Al Qaeda” (mostly non-Iraqi foreign fighters) or “Wahhabis” (associated with Saudi Arabia).<sup>24</sup> From the lowest to the highest ranks of the Shiite confessional community there is unequivocal condemnation of sectarianism as a destructive force. This can be seen in interviews with ordinary citizens and in statements by Grand Ayatollah Ali al-Sistani, who in early 2007 strongly protested against any attempt to deal with sectarian matters outside the “calm framework of scientific study” and, in a riposte to the increasing number of foreigners in favour of building on and elaborating sectarianism in Iraq, specifically rejected efforts that aimed to “enshrine” (*takris*) and “deepen” (*ta’miq*) sectarian differences.<sup>25</sup> Even some political parties whose practices are patently sectarian are at pains to deny any ideological sectarian dimension to their actions – a phenomenon seen perhaps most clearly in the case of ISCI/SCIRI, which has launched an initiative for combining nine Shiite-majority governorates

20 Abd al-Razzaq al-Hasani, *Ta’rikh al-wizarat al-iraqiyya*, Matba’at al-‘Irfan, Sidon, 1933–40, Vol. II, pp. 33–5.

21 Letter to the editor, *Al-Awqat al-Iraqiyya*, 3 October 1926.

22 Baghdad High Commission Files in the National Archives of India: 7/15/3, Abstract of Intelligence, report dated 10 August 1929.

23 *Al-Awqat al-Iraqiyya*, 12 February 1922.

24 For an elaboration of this theme, see Fanar Haddad and Sajjad Rizvi, “Fitting Baghdad in”, in Reidar Visser and Gareth Stansfield (eds.), *An Iraq of Its Regions: Cornerstones of a Federal Democracy?* Hurst, London, 2007.

25 Pronouncement by Sistani’s office in Najaf, dated 14 Muharram 1428/3 February 2007.

into a single federal entity, but which publicly has chosen to focus on a utilitarian justification for its scheme (“security for the Shiites”) rather than creating an elaborate ideological superstructure that would emphasize cultural differences with the Sunnis.<sup>26</sup> If sectarianism is really such a powerful force in Iraq, why do they not go all the way? It is true that sectarian thugs are working on the ground in cities like Baghdad to create sectarian spaces by cleansing areas of members of other sects, but their failure to receive public support from even the most sectarian parties (for instance, in the form of an open call to arms in the name of sectarianism) demonstrates some of the limits to sectarianism as an ideology in Iraq.

### Partition as the worst-case scenario

A related term equally laden with negative connotations in Iraqi political discourse is “partition” – *taqsim*. Again, this phenomenon is evident throughout the history of modern Iraq. In Baghdad newspapers in the 1920s, Iraqi nationalists warned against demands framed in sectarian terms, because they might precipitate the start of a process that could lead to the “partition of Iraq”.<sup>27</sup> During the Saddam Hussein era, even oppositionists would describe partition as the very devil, with writers close to SCIRI devoting considerable amounts of space to dispelling the idea that the Shiites of Iraq had ever sought any partition or even decentralization of the country, and with any idea of decentralization beyond autonomy for the Kurds being consistently rejected.<sup>28</sup> Most significantly, these attitudes survived the watershed of 2003 and the fall of the Baathist regime. In Shiite circles, the primary argument against federalism of any kind has been that such a system might constitute a prelude to partition, and even pro-federal ideologues have generally been careful to avoid sectarian definitions of federalism (often construed as more likely to cause a division of the country than “softer” models in which the demarcation would follow “administrative”, i.e. non-ethnic, criteria).<sup>29</sup> Partition is simply not as attractive to Iraqis as it is to Westerners.<sup>30</sup> Even the few existing Shiite supporters of outright partition admit that among ordinary Iraqi Shiites abhorrence for the idea of sectarian division represents a major obstacle to their own ambitions.<sup>31</sup>

26 See for instance the article on federalism by Hadifa al-Sa’di posted on the old SCIRI website ([www.sciri.ws](http://www.sciri.ws)) on 24 July 2006.

27 CO 730/60, Intelligence Report No. 14, 10 July 1924.

28 Hamid al-Bayati, *Shi’at al-‘Iraq bayna al-ta’ifiyya wa-al-shubhat*, Al-Rafid, London, 1997, especially pp. 229–36.

29 Reidar Visser, “Shi’i perspectives on a federal Iraq: territory, community and ideology in conceptions of a new polity”, in Daniel Heradstveit and Helge Hveem (eds.), *Oil in the Gulf: Obstacles to Democracy and Development*, Ashgate, Aldershot, 2004.

30 Some advocates of an externally imposed partition of Iraq actually admit as much: see for instance Edward P. Joseph and Michael O’Hanlon, “The case for soft partition in Iraq”, Brookings Institution, Washington, D.C., 2007.

31 E-mail communication from an Iraqi journalist-in-exile supportive of the idea of a separate Shiite state, 24 August 2007.

## The survival of national unity as an ideal

Iraqis consistently rebuff ethnic theoreticians on a third score: they persist in referring to Iraqi unity as an ideal, and are far more reluctant to speak about “sectarian unity”.

### Iraqi unity

There is nothing new in this. Shiite writers in the early 1920s wrote about “Iraqi unity” as if it were the most natural thing. In 1923, for example, Muhammad Mahdi al-Basir from Hilla complained bitterly about events that had threatened Iraq’s “progress”, “future” and “reawakening” – including the separatist movement in Basra, which was described as “filled with dangers threatening the country” and something that would have left Iraq as “a body without its head”.<sup>32</sup> Is it really credible to dismiss these statements by an anti-British Shiite intellectual as the result of indoctrination by the infant British-sponsored monarchy? A similar tone is to be found in the writings of yet another 1930s Shiite intellectual, Muhammad Abd al-Husayn, who warned that Iraq should not suffer the fate of the “natural Syria” (which in his view encompassed also “Beirut” and “Palestine”) by becoming subdivided into small statelets.<sup>33</sup> And by the same token, Basra newspapers in the early 1920s hailed the consolidation of political unity from Basra to Mosul as a desirable way forward.<sup>34</sup>

### Nationalist ideology consonant with religious beliefs

These expressions of affection for Iraq by Shiite writers only years after the country had formally come into existence (“concocted”, according to the constructivist paradigm) should be taken seriously by contemporary commentators who automatically dismiss the nationalism of Iraq’s Shiites after 2003 as lacking in profundity. For instance, Shiite leader Muqtada al-Sadr has been at pains to stress all-Iraqi symbolism (such as the use of Iraqi flags) at the expense of sectarian rhetoric that would have had a more exclusive Shiite appeal, and yet he is frequently written off as a sectarian figure with no interest in Iraqi nationalism.<sup>35</sup> Similarly, Muhammad al-Yaqubi and his Fadila party have made elaborate efforts to construct an Iraqi nationalist ideology that is consonant with their religious beliefs – yet their outspoken anti-sectarian views do not appear to be taken seriously by US officials, despite claims by Washington that such anti-sectarianism is precisely what it is looking for in Iraq.<sup>36</sup> Even the supporters of some of the most explicitly sectarian projects in Iraq find it necessary to qualify their statements with

32 Muhammad Mahdi al-Basir, *Ta’rikh al-qadiyya al-‘iraqiyya*, LAAM, London, 1990 reprint, pp. 232–3.

33 Muhammad Abd al-Husayn, *Dhikra faysal al-awwal*, Baghdad, 1933, pp. 9–18.

34 *Al-Awqat al-‘iraqiyya*, 13 March 1923.

35 The demonstrations organized by Sadr in April 2007 on the fourth anniversary of the fall of Baghdad are a good example.

36 For an example of the party’s ideological stance on federalism, see Fadila press release, 3 October 2006.

concessions to Iraqi nationalism: in his August 2005 speech in defence of the idea of a Shiite-dominated federal entity south of Baghdad, SCIRI leader Abd al-Aziz al-Hakim also referred repeatedly to the ideal of Iraqi unity and appealed to the inhabitants of places far beyond what Westerners describe as the “Shiite heartland”, including areas such as Tall Afar (near Mosul) and Halabja (in Kurdistan) – but none of this was noted in Western press coverage of the event, which focused exclusively on the theme of “division”.<sup>37</sup>

Recently, further evidence of the survival of Iraqi unity as an ideal has surfaced in relation to sports and cultural events that have mobilized the entire Iraqi population. In March and April 2007, Iraqis from all over the country and of all sectarian backgrounds united to phone in their votes in support of Shadha Hassun, an Iraqi-Moroccan contestant in the Arab “Star Academy” competition in Beirut. Similarly, in July 2007 Iraqis jubilantly celebrated their victory in the Asian Cup, where the Iraqi squad combined Shiites, Sunnis and Kurds, and where players from localities such as Kirkuk and Sadr City came together in the name of Iraqi nationalism. And contrary to Western media reports to the effect that the Iraqi parliament is hopelessly fractured along sectarian and ethnic lines, nationalist values occasionally surface even in high politics, where opposition to the US-supported government of Nouri al-Maliki frequently features a stronger sense of cross-sectarian unity than the “government of national unity” itself. This has been seen, for instance, in tentative alliances between Sadrists and various Sunni groups and, more recently, in manoeuvres by former premier Ibrahim al-Jaafari.<sup>38</sup>

### Arabism as an enduring value

As far as Shiite–Sunni relations are concerned, the ideal of Iraqi unity is supported by the enduring values of Arabism. A principal impediment to the evolution of a separate Shiite identity among the Iraqis – a “Shiite nation” – is the intimate association between the Shiites of Iraq and myths of Arabian descent. Again, this is not something that was fabricated by the Baathist regime. Standard works on Iraqi tribes based on information collected between the two world wars consistently report myths of descent linking Shiites as well as Sunnis to the great tribal confederations of Arabia.<sup>39</sup> It is commonplace for Iraqi tribal leaders to refer proudly to the mixed sectarian composition of their tribes. In fact, the focus on Arabism (and, often, anti-Persian rhetoric) in writings by Shiite Iraqis can at times be deafening.<sup>40</sup> All of this would have to be erased if Shiite radicals were to construct a non-Arab (or, at any rate non-Arabian) myth of descent for the Shiites that would connect them more specifically and uniquely with pre-Islamic

37 SCIRI press release, 11 August 2005; “Shiites Call for Own state in South”, *Washington Post*, 11 August 2005.

38 *Al-Hayat*, 7 August 2007.

39 See for instance ‘Abbas al-‘Azzawi, *‘Asha’ir al-‘Iraq*, Baghdad, 4 volumes, 1937–1956.

40 For an example of the strong emphasis on the Arab heritage of the Shiite tribes of southern Iraq, see Mustafa Jamal al-Din, *Mihnat al-ahwar wa al-samt al-‘arabi*, Markaz Ahl al-Bayt al-Islami, London, 1993.

civilizations such as the Babylonians or the Sumerians. As long as the ideals of Arabness survive among the Shiites, it will be difficult for them to abandon old preferences for greater national unity on a non-sectarian basis.

Similar trends can be seen among the Christians of Iraq. Today, they are divided between an indigenous element of Chaldeans and a more recently settled (First World War) group of Nestorians, whose original home lay in what is today south-eastern Turkey. Chaldean historiography has always tended to emphasize the harmonious nature of the community's relationship with its Muslim-majority environment; in terms of myths of origin, its leaders have been strong advocates of the theory that Iraq's entire population is of mixed Arab-Aramean extraction, with no genealogical distinctions based on sect.<sup>41</sup> Conversely, the more newly arrived (and far smaller) community of Nestorians early on adopted a "conflict theory", which they also sought to impose on the Chaldeans. Under this view, all Christians of Iraq are the descendants of the ancient Assyrians and therefore should have their own homeland, separate from the Muslims. The mechanisms by which the Nestorian "Assyrians" emerged as the sole representative of the Christians in the new Iraq after 2003 are revealed in unabashedly imperialist, vice-royal style in the memoirs of the former US administrator of Iraq, Paul Bremer:

Iraq's small Christian community, like most sectarian splinters in the country, was fragmented. There were the Chaldeans, who appeared to outnumber the Assyrian Christians, but who were not as well organized and less active politically. In keeping with the objective of the smallest representative body possible, we had room on the Council for only one Christian. We had chosen a representative of the Assyrian Christians and anticipated this would cause unhappiness with the Chaldeans. We were right, for that night the [Chaldean] bishop's heart was not overflowing with Christian love. After grumbling about being left out, he departed in a huff.<sup>42</sup>

### The fateful promotion of minority views

Such were the methods by which the Americans approached the chasm between territorial and non-territorial paradigms of sectarianism in the early years of the occupation – with promotion of the minority view in favour of strong links between sect and territory as the fateful result. The forms of sectarian federalism promoted by certain Iraqi leaders today are attributable to externally influenced processes like these, rather than to any linear development of domestic enthusiasm for sectarian federalism from 2003 onwards.<sup>43</sup>

41 John Joseph, *Muslim-Christian Relations and Inter-Christian Rivalries in the Middle East*, State University of New York Press, Albany, 1983, pp. 13–14.

42 Paul Bremer, *My Year in Iraq*, Threshold Editions, New York, 2006, p. 99.

43 In fact, for most of 2003 and until the middle of January 2004, the word "federalism" was very much in the background in Iraqi political debate generally.

## Conclusion: ethnicity and sectarianism in Iraq's new political system

This article argues not that ethnicities and sectarian groups are non-existent or irrelevant in Iraq, but rather that they are significantly limited in ways that must be better understood by Westerners.

### Geographical federalism as an option

Westerners frequently overlook the fact that, despite its rather extreme emasculation of the central government, the Iraqi Constitution of 2005 actually contains very few overt instances of sectarian language. References to Islam are general so as to appeal to Shiites and Sunnis alike. Federalism is presented as an option rather than a duty, and the demarcation of federal entities follows a geographical rather than a sectarian formula – the sole exception being Kurdistan, the only federal region to receive actual recognition in the constitution. No formal distribution of political posts on the basis of a sectarian formula is laid down.

Similar tendencies can be seen in the drafts for the oil law. Whereas Western journalists never tire of depicting the process of legislation in Iraq as some kind of three-way battle between Shiites, Sunnis and Kurds, the facts are quite different. So far, the main dispute in the negotiations has been between the two biggest Kurdish parties and everybody else.<sup>44</sup> Words like “Shiite” and “Sunni” are nowhere to be found in the draft text – that would have been seen as too much of a descent into murky sectarian waters. And all this is taking place against the backdrop of the constitutional reform process, where at least some serious efforts are being made to revise the constitution in a more balanced direction. For example, there have been suggestions about putting a size limit on federal entities or laying down stricter criteria for winning a referendum for a new federal region (a two-thirds majority instead of a simple majority), either of which would have created a charter better suited to Iraq's historical legacy of anti-sectarianism and communitarian coexistence within a joint political framework.<sup>45</sup>

Unfortunately, many Western participants in the debate about Iraq's future choose to ignore these important aspects of Iraqi political thought. All too often they approach the Iraq situation on the assumption that the Iraqis need assistance in order to secure some kind of magical sectarian balance, perhaps by way of a “Dayton-style” compromise, or a “soft partition” along communal lines, or an “oil-sharing agreement” between what are thought of as “key communities”.<sup>46</sup> There have been repeated suggestions that the search for “sectarian moderates” is the best way forward in Iraq, and divisive demands for territory made by such “moderates” (e.g. Kirkuk) are being entertained uncritically.

44 Telephone interview with Iraqi oil technocrat close to the negotiations, 20 June 2007.

45 Revision proposals by the Tawafuq bloc and by Tariq al-Hashimi.

46 Among the most prominent advocates of this sort of approach are Joseph Biden, Peter Galbraith and Michael O'Hanlon.



## The refusal of sectarian citizenship

The problem with this sort of approach is that most Iraqis want sectarianism to go away rather than become enshrined in their political system. The long lines of history suggest that sectarian citizenship is simply not desired by Iraqis. One very explicit indication is the way in which Iraqis – even in the midst of the horrific violence that is undeniably taking place along sectarian lines – continue to refer contemptuously to the prospect of Iraqi politics becoming “Lebanonized” (with reference to the Lebanese system in which sectarianism is a formal part of the basic political framework).<sup>47</sup> Similarly, while it is considered perfectly legitimate to attack the constitution for allowing too much sectarianism (even though the Iraqi charter is not based on sectarian identities, it does not actively combat them either), very few Iraqis have been standing up to demand explicit safeguards for sectarian rights. Interviews with ordinary Iraqi internal refugees (including Shiites and Christians) almost invariably feature complaints that the peaceful coexistence of the past disappeared at some point after 2003 – an attitude that should give pause to partitionists who claim that these groups lived together merely because of the actions of a repressive regime.<sup>48</sup> While the violence rages in Iraq, it may sound repulsively clinical and academic to dwell on the contrast between atrocities committed in the name of nationalism and those perpetrated on the basis of sectarian ideologies, but it is absolutely crucial to appreciate this distinction and the quantum leap that exists between a diagnosis of “sectarian conflict” and the prescription of a territorial cure. The point is not to deny the existence of sectarian violence but to emphasize that its projection on to maps of formal administrative geography – in the shape of Sunnistan, Shiistan and even Shiite crescents – has been largely a Western operation and today threatens to exacerbate communal relations in Iraq.

## The right to self-determination

All in all, the Western preoccupation with ethnicity as a basis for the new Iraq threatens to create an artificial, externally imposed system that does not resonate with the country’s history and for which Iraq’s people will feel no love. In fact, in many ways, the Western world’s uncritical embrace of “federalism” as a *sine qua non* for the new Iraq could be seen as a serious transgression of the Iraqis’ right to self-determination as such: while most Kurds seem to want rather more independence than that given under a federal system, most other Iraqis seem to want rather less.<sup>49</sup> As

47 *Al-Dustur*, 28 February 2004, p. 4.

48 An example of this kind of standard answer was given in an interview on BBC World News, 30 August 2007, 19.00 GMT.

49 The argument that a majority of Iraqis voted in favour of the constitution is a hollow one. The constitution includes a special provision for a one-off revision to be completed by the Iraqi parliament with a simple majority, and to a considerable extent this arrangement was designed to mollify critics of federalism among Shiites and Sunnis alike. Often forgotten is the fact that the Shiite Grand Ayatollah Ali al-Sistani pointed to the incomplete and imperfect nature of the constitution; see Reidar Visser, “Sistani, the United States and politics in Iraq: from quietism to Machiavellianism?”, NUPI Paper No. 700, March 2006, available at [www.historiae.org/sistani.asp](http://www.historiae.org/sistani.asp) (last visited 12 December 2007).

a first step towards a more balanced approach, Western governments and NGOs should rethink their view of ethnicity in the Iraqi context. In the real world, outside the leafy university campuses of New England, to approach the Iraqi conflict by focusing on “ethnicity” and the creation of discrete ethnic zones is the political science equivalent of attempting to combat a viral infection with antibiotics.

## The Kurds as parties to and victims of conflicts in Iraq

**Inga Rogg and Hans Rimscha**

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### **Abstract**

*After decades of fighting and suffering, the Kurds in Iraq have achieved far-reaching self-rule. Looking at the history of conflicts and alliances between the Kurds and their counterparts inside Iraq and beyond its borders, the authors find that the region faces an uncertain future because major issues like the future status of Kirkuk remain unsolved. A federal and democratic Iraq offers a rare opportunity for a peaceful settlement of the Kurdish question in Iraq – and for national reconciliation. While certain groups and currents in Iraq and the wider Arab world have to overcome the notion that federalism equals partition, the Kurds can only dispel fears about their drive for independence if they fully reintegrate into Iraq and show greater commitment to democratic reforms in the Kurdistan Region.*

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“This is the other Iraq”, says a promotion TV spot regularly broadcast on Al Arrabiyeh TV, “The people of Iraqi Kurdistan invite you to discover their peaceful region, a place that has practised democracy for over a decade, a place where universities, markets, cafés and fairgrounds buzz with progress and prosperity and where people are already sowing the seeds of a brighter future.”<sup>1</sup>

### **A regional government**

After decades of internal and regional conflict, the large-scale destruction and persecution of the Kurdish population, and periods of bitter infighting between

rival factions, it seems that the Kurds are today more at ease and have more influence and power than ever before in modern Iraq. The Kurdistan Region,<sup>2</sup> consisting of Arbil, Dohuk and Sulaimaniya provinces and adjacent areas, enjoys far-reaching self-rule under a regional government and a powerful president, the leader of the Kurdistan Democratic Party (KDP) Masud Barzani. The armed units of the two main Kurdish parties, the *peshmerga*, are a considerable military force with an estimated strength of 70,000 to 120,000 men. Barzani's long-time rival and current ally, Jalal Talabani, the leader of the Patriotic Union of Kurdistan (PUK), was elected in 2005 as Iraq's first post-war president – a post much less powerful than that of his predecessor, but still a position of more than symbolic importance. Representatives of the KDP and PUK hold senior government posts in Baghdad, among others the Ministry of Foreign Affairs and that of Deputy Prime Minister.

### ... with growing problems

The dominant forces of post-Saddam Iraq have accepted the current status quo of Kurdish self-rule. The new Iraqi constitution, adopted by a national referendum on 15 October 2005, recognizes Kurdistan as a federal region with its own institutions (regional government, parliament, presidency and internal security forces) in the framework of a to-be-created federal order. For the lowland areas with a mixed population, such as oil-rich Kirkuk, disputed for decades and subjected to forced demographic changes, the Kurdish parties have succeeded in inserting a formula in the constitution (normalization process, a census and ultimately a referendum) that opens the way to integrating these areas into the Kurdistan Region.

While the central government of Iraq is still working on finalizing a hydrocarbon law on the use and sharing out of Iraq's major source of income, the Kurdistan Regional Government has itself passed an "Oil and Gas Law" for the development and exploitation of its own hydrocarbon resources.

From another viewpoint, today's reality looks less reassuring. The Kurdistan Alliance, formed by the PUK, the KDP and smaller Kurdish parties for the 2005 elections, is part of the coalition government in Baghdad, which has not made any substantial progress on crucial issues such as national reconciliation and the improvement of security. The "Kurdish achievements" are not at all consensual: main Sunni Arab, Arab nationalist and Sunni Arab Islamist forces, and some Shiite Islamist currents such as the Sadr movement, as well as neighbouring states and mainstream Arab public opinion, perceive federalism as a threat to Iraq's unity and are suspicious about the dominant role played by the Kurds in Baghdad. In addition, the Kurdish parties, leaders and armed units are probably

1 See the website of this promotion campaign: [www.theotheriraq.org](http://www.theotheriraq.org) (last visited 22 November 2007); and Rajiv Chandrasekaran, "Kurds cultivating their own bonds with US", *Washington Post*, 23 April 2007.

2 Kurdistan Region (Iqlim Kurdistan) is the official name under the 2005 constitution. Under the Baath government, it was the Kurdish Autonomous Region (Mantiqat Kurdistan lil-Hukm al-dhati).

the closest allies of the US-led Coalition forces in Iraq. This makes them vulnerable to any change of strategy by the United States. Issues considered as achievements by the Kurds are being questioned in the course of a review of US strategy on Iraq. Furthermore, the declared intent of the Kurdish parties to push through the “constitutional road map” for Kirkuk has antagonized Sunni Arab political forces, Turkmen and Christian communities and neighbouring Turkey.

The semi-independent development of the Kurdistan Region and the fact that it attracts students, intellectuals and workers from Kurdish areas of the adjacent states, but also opposition parties and armed groups such as the Kurdistan Workers Party (PKK) from Turkey, have been observed with suspicion by those states. Relations with Ankara have deteriorated, and in October 2007 the Turkish army massed a large military force on its south-eastern border. While the two main Kurdish parties, the KDP and PUK, have officially unified under one regional government, after a bitter internal conflict from 1994 to 1998 and years of a frosty coexistence of two one-party administrations in Arbil (KDP) and Sulaimaniya (PUK), issues such as the reunification of the security services remain unsolved.

Even though the Kurdish leaders have committed themselves to Iraqi unity under the current conditions, they insist on “a right to dream” of Kurdish independence.<sup>3</sup> Among the Kurdish population this vision is at least very popular, if not dominant.

Today, the Kurds are united and relatively homogenously represented. Still, the Kurdish community is religiously and linguistically diverse and the Kurdish identity has existed alongside, overlapped with or even contradicted other identities. The main and minor Kurdish parties have different political and ideological roots and perspectives, represent different interest groups and have at times even fought against each other. Quite a number of Kurds represent, and are represented in, political currents other than the Kurdish nationalist one: Mohsen Abdel Hamid, the former general secretary of the Iraqi Islamic Party, is a Kurd, as is Ali Baban, an independent Kurd who joined the Sunni block and became Minister of Planning. Kurdish tribes and individuals have sided for a variety of reasons with the central government during different periods of conflict. There are divergent or even conflicting claims concerning the identity of heterodox minorities such as the Shabak or Yezidis: they are considered to be Kurds by Kurdish nationalists but were registered as Arabs by the former government in Baghdad, while representatives of those communities claim a separate identity.<sup>4</sup>

3 Masud Barzani in Amman: “The dream of a Kurdish state is a legitimate right ... and will become reality”, *al-Hayat*, London, 22 March 2007.

4 Martin van Bruinessen, “Iraq: Kurdish challenges”, in Walter Poesch (ed.), *Looking into Iraq*, Institute for Security Studies, European Union, Paris, 2005, pp. 45–72.

## Iraq and the Kurds – a difficult history

### “Autonomy for Kurdistan – democracy for Iraq”

Kurdish tribes rebelling against central rule, as well as urban Kurdish nationalists, have played a role in Iraq since it emerged from the Ottoman Empire after the First World War. The Kurdistan Democratic Party, founded in 1945, united these two elements with a fairly progressive nationalist agenda, following the role model of other national liberation movements after the Second World War. It became one of the opposition forces against the British-backed Iraqi monarchy, together with the National Democratic Party of Kamel al-Chaderchi and the Iraqi Communist Party, two political forces with a somewhat “Iraqi” agenda, as well as pan-Arab forces such as the Baath Party and the Nasserists. The KDP’s programmatic slogan, “Autonomy for Kurdistan, democracy for Iraq”, was coined during that period with the sense of renouncing the idea of an independent state (which nevertheless remained a long-term strategic goal), thus consenting to be part of Iraq and allying with other Iraqi groups for a more pluralistic and democratic order.

To further their cause, Kurdish intellectuals developed the idea of a “symbiosis” between Arab and Kurdish nationalism by drawing a parallel between the (pan-)Arab nation, of which the Iraqi Arabs are part, and the greater Kurdish nation (i.e., the Kurds of Turkey, Iran, Syria and Iraq), to which the Iraqi Kurds belong; while conscious of belonging to two larger nations, these two peoples share a common country and state which cannot be claimed entirely for either of those two nations.<sup>5</sup>

### Military conflicts before the 1975 Algiers Agreement

The overthrow of the monarchy by the free officers led by Abd al-Karim Qasim in July 1958 was followed by the triumphal return to Baghdad from Soviet exile of the Kurdish leader Mustafa Barzani. A new constitution was drawn up for the now Republic of Iraq that confirmed the partnership of the Arab and Kurdish peoples, and other minorities, in one nation-state. The Kurdish movement first allied with, and later broke away from, Qasim, and it first concluded a ceasefire with, and then bitterly fought against, the first Baath regime in 1963. During the latter’s reign the military conflict escalated, with increased attacks on Kurdish civilians, air raids and forced expulsion of Kurdish citizens. When the Baath Party took power for a second time in 1968, it avoided a protracted military conflict with the Kurds, and instead negotiated with Barzani’s KDP. The two sides agreed on 11 March 1970 on a memorandum that stipulated the creation from all areas with a Kurdish majority of an autonomous region, compensation for war damage and a reversal of

5 This approach can be found in the statements and writings of the KDP in the 1960s and 1970s, well documented in Ferhad Ibrahim, *Die kurdische Nationalbewegung*, Berlin, 1983. The most prominent proponent of the symbiosis of Kurdish and Arab nationalism has been Jalal Talabani.

displacement. For Kirkuk, it provided for a census and referendum to decide if that area would be attached to the Autonomous Region.

The implementation of the 1970 memorandum failed. When the government unilaterally drew up an autonomy law in 1974 that fell short of Kurdish expectations, the fighting resumed. Under the specific conditions of regional conflict and the Cold War (interference of the United States, Iran and Israel on the one hand, and the USSR on the other) it turned into full-scale war, with air raids on civilian districts and tens of thousands of civilians fleeing to remote mountainous areas. The 1975 Algiers Agreement brought the war to an end and the Kurdish movement, deprived of Iran's support, was defeated.<sup>6</sup> The Revolutionary Command Council in Baghdad began to implement its version of autonomy. A legislative and executive council with limited powers took office in Arbil, while the central government's security services and the ruling party kept a tight control over the population. The Autonomous Region was limited to Dohuk, Arbil and Sulaimaniya provinces, while disputed areas such as Kirkuk and Khanaqin were subjected to a policy of "Arabization". Along the borders with Iran and Turkey, villages were destroyed and inhabitants forcibly relocated either to southern Iraq or to government-controlled settlements in the Autonomous Region.

### The Iran–Iraq War

Talabani's newly founded PUK and the rival KDP resumed guerrilla activities in the late 1970s.<sup>7</sup> Under the impact of the Iran–Iraq War (1980–8) and the temporary alliance of the Iraqi Kurdish parties with Teheran, Baghdad embarked on brutal repression and forcible resettlement campaigns in the rural areas.<sup>8</sup> These intensified after the breakdown of new negotiations between the central government and the PUK in early 1984, and culminated in the 1988 Anfal campaign. Massive Iraqi armed and security forces took control of major areas that had been declared "forbidden zones" in 1987 and arrested all the inhabitants there, including women and children. At least 50,000, if not 100,000, persons perished either during the operations – partly conducted with chemical weapons – or in mass executions, or due to harsh conditions in detention camps.<sup>9</sup> The most extensive acts of destruction took place in Tamim (Kirkuk) province. By the end of the 1980s, thousands of villages had been destroyed and hundreds of thousands

6 Under the Algiers Agreement, Iraq made concessions to Iran concerning the border demarkation between the two countries in the Shatt al Arab, while Iran ended its support for the Iraqi Kurds.

7 On the inception and development of the PUK see Andrea Fischer-Tahir, *Wir gaben viele Märtyrer: Widerstand und kollektive Identitätsbildung in Irakisch-Kurdistan*, vol. 7, Beiträge zur Kurdologie, Münster, 2003.

8 For an account of this period see Martin van Bruinessen, "The Kurds between Iran and Iraq", *MERIP Middle East Report*, no. 141, July–August 1986, pp. 14–27.

9 "Anfal" means spoils of war, and is the title of the eighth sura of the Qur'an. On the Anfal campaign, see Medico international, *Die Linien eines Völkermordes*, Frankfurt, 1990; Human Rights Watch, *Iraq's Crime of Genocide: The Anfal Campaign against the Kurds*, New York, 1993 / New Haven, 1995. Kurdish sources speak of some 182,000 victims.



of Kurds were massed together in government-controlled resettlement camps near the major cities. Eight years of war left a long-lasting and at times underestimated impact on all social and political players in Iran and Iraq. The Kurdish parties, defeated and pushed back to hideouts in the mountains, had to face the disastrous results of almost a decade of fighting. Except for the chemical weapons attack on Halabja in March 1988, the systematic destruction and persecution by the Iraqi government passed almost unnoticed by the international community; only human rights groups demanded that the government be held accountable. Nor had the Teheran government come to the rescue of its Iraqi-Kurdish allies when Baghdad launched its counter-insurgency campaign. Furthermore, that alliance, according to Kurdish critics and Iraqi opposition observers, had compromised the ethics and practice of the leaders and fighters. Iraqi government propaganda had portrayed the Kurdish parties, if not the Kurds as such, as “traitors” and “collaborators with the enemy”. During the Anfal campaign, this took on a connotation of religious excommunication (*takfir*).<sup>10</sup> Such propaganda, and the fact that the PUK and KDP had sided with Iran, had a considerable impact on the Iraqi population. A whole generation grew up immersed in the discourse of Iraqi heroism vs. the “treason and sabotage” of the opposition groups. Kurdistan was dropped from the official name of the “Autonomous Region”, which was henceforth referred to as “the beloved North” (*al-shimal al-habib*), while the Anfal operations were officially commemorated.<sup>11</sup>

In the mainstream and official Arab media, with the exception of Syria (at the time allied with Iran and opposed to the Baghdad government), the end of the war in 1988 was depicted in line with the official Iraqi version. The Anfal operations or the chemical weapons attack on Halabja were not reported. After Iraq’s invasion of Kuwait, during the build-up to the 1991 Gulf War and during the war itself, there was again a widespread feeling of solidarity with Iraq that in many cases left little space for differentiation or critical questions as to the internal situation in Iraq.

### The uprising after the 1991 Gulf War and the “safe haven”

A few days after the 28 February 1991 ceasefire that ended the war waged by the US-led Coalition for the liberation of Kuwait, a popular uprising erupted in southern and northern Iraq. The Gulf War allies stood by inactive when Iraqi forces and special units loyal to the government in Baghdad brutally crushed the uprising. Hundreds of thousands of Iraqis fled to the northern and eastern borders with Turkey and Iran; an estimated 20,000 lost their lives in the mountains and minefields. The Gulf War allies created a “safe haven” and the UN Security Council, in Resolution 688, gave the green light to humanitarian intervention in

10 See e.g. Declaration 3087 of the General Command of the Iraqi Army, *al-Thawra*, 20 March 1988.

11 E.g. “Al-Anfal put an end to the collaboration of those who (...) rendered service to the foreigner”, *Al-Iraq* newspaper, Baghdad, 18 March 1993.

aid of the fleeing Kurds.<sup>12</sup> The Kurdish parties gradually took control of Dohuk, Arbil and Sulaimaniya – and had to cope not only with the current disaster but also with the consequences of the destruction of villages and forced displacement of the 1980s.<sup>13</sup>

One of the first decisions of the emerging Kurdish administration was to pardon the Kurdish tribal units and individuals that had sided with the government – even during the Anfal campaign. In 1992, parliamentary elections were held, and in October the same year the Regional Parliament in Arbil voted for a ground-breaking resolution: federalism, instead of failed autonomy, as the solution to the Kurdish question in Iraq. During the first years of de facto self-rule an inexperienced Kurdish government, weakened by the one-party-rule mentality of the KDP and PUK, was trying to manage the humanitarian crisis and respond to the demands of international humanitarian agencies. In 1994 a local quarrel on land rights quickly escalated into a bitter conflict between the KDP and the PUK.

This rivalry that dates back to the 1960s left its imprint on Iraqi-Kurdish reality and the wider Iraqi scene for several decades. After a split in the KDP leadership in 1964, the faction led by Ibrahim Ahmed and Jalal Talabani sided for a short period with Baghdad against the Barzani-dominated KDP. In the latter half of the 1970s, the KDP attempted to suppress militarily the efforts of the newly created PUK to restart partisan activities in the (KDP-dominated) Bahdinan region. In the early 1980s KDP–PUK rivalry led to the emergence of two competing fronts of Iraqi opposition groups.<sup>14</sup>

In the inter-Kurdish civil war that broke out in 1994, each of the two parties sided with neighbouring countries in order to defeat its adversary. In 1996 the KDP even called for military support from the Iraqi government to expel the PUK from Arbil. An estimated 3,000 people, both fighters and civilians, lost their lives and tens of thousands were displaced.

Following the 1996 oil-for-food agreement between the United Nations and the Iraqi government, the two Kurdish administrations in Arbil and Sulaimaniya became efficient subcontractors for rehabilitation and infrastructure projects financed by the United Nations.

In 1998 the KDP and PUK ended their conflict and started to cohabit in a “cold peace” relationship, but did not manage either to reunite their two administrations or to repatriate the thousands of citizens displaced during the fighting. In autumn 2002 there were still heavily armed checkpoints in the no-man’s-land between the two areas of influence. Although on a much smaller scale, another confrontation emerged, this time between the PUK and a radical Islamist group called Ansar al-Islam that had established its base in the mountainous area near Halabja on the border with Iran. It consisted of radical Islamists who had split off from other Islamist groups in Kurdistan, and of Kurdish and Arab

12 UN Doc. SC/RES 688/1991, 5 April 1991.

13 See Ralf Bäckler and Ronald Ofteringer, “Republic of Statelessness. Three years of humanitarian intervention in Iraqi Kurdistan”, *Middle East Report* 187/188, March–June 1994, pp. 40–5.

14 See Ahmed Hissou, “Jeder mit jedem gegen jeden: Die irakische Opposition”, *INAMO*, 21 January 1999.

Afghanistan “veterans”. At that time PUK leaders claimed that Ansar al-Islam was getting support not only from Iran but also from Baghdad.

According to Sami Zubaida, the early years of the republic, when Iraq was probably not democratic but was at least pluralist, offered a real opportunity to solve by means of autonomy what he calls the ethnic problem and to allow all Iraqi communities to integrate into national life via citizenship. Social realities changed considerably during decades of one-party rule, repression, wars and sanctions. The Kurds started to look for solutions beyond autonomy, and for international protection. The opposition was divided and in exile, while government-controlled Iraq, progressively crippled by the sanctions, lived through a further phase of social disintegration. “Within Arab Iraq, the regime systematically undermined communities’ integration as citizens, pushing Iraqis towards communalism.”<sup>15</sup>

## The present Iraq war

### The build-up to the war...

When in 2002 the Bush administration’s war option vis-à-vis Iraq became more and more evident, the KDP and PUK leaders were walking a fine line between general support for regime change, and abstention from open approval for a military intervention but participation in the bargaining behind the scenes. Much as the Kurds wished to get rid of Saddam Hussein’s regime, they mistrusted the Arab nationalist and Islamist opposition groups, which had always opted for a unitary, centralist state. From a Kurdish perspective, the regime was at least temporarily contained, and there was a risk that without clear guarantees a new government would again challenge the existing status quo.

The degree of sensitivity became clear at the opposition conference in London in December 2002, when the Kurds snubbed a federalism scheme proposed by Kanaan Makiya. This exiled liberal, an advocate of the recognition of Kurdish rights, had presented a model close to the German one, based on the eighteen Iraqi provinces. This was not enough for the Kurds, who envisaged two federal states in Iraq – one Arab and the other Kurdish, the latter comprising the northern provinces and the disputed territories. The London meeting was an antecedent of all the conflicts that flared later during the post-war constitutional process. The foundation for ethno-sectarian representation was also laid there: the members of the follow-up committee were carefully chosen by ethnic and religious affiliation, and only to a lesser extent by political orientation.

15 Sami Zubaida, “Communalism and thwarted aspirations of citizenship”, in *Middle East Report* 237, Winter 2005, pp. 8–11.

### ... and efforts for a new beginning

During the war the Kurdish leadership maintained a neutral profile, while Kurdish forces were clandestinely serving the US troops as guides in areas such as Kirkuk, Mosul and even Baghdad.

One particular battle took place on the border with Iran, where the combined power of US air strikes and Kurdish ground forces defeated Ansar al-Islam, a Kurdish Sunni Islamist group promoting a radical interpretation of Islam and jihad.<sup>16</sup> When Turkey refused to allow the use of its territory, US plans to open a northern front did not materialize and the US army presence in the north remained limited to some thousand paratroopers. The KDP and PUK took advantage of the power vacuum in northern Iraq by sending their fighters to Mosul and Kirkuk, but eventually agreed to withdraw their forces, in order to foster their battlefield alliance with the United States.

At the political level the Kurdish and the other former opposition leaders were initially less successful. According to Jalal Talabani, they were invited by Lieutenant General Jay Garner, the first US administrator after the fall of Baghdad,<sup>17</sup> to form a government to decide how to run the country and what to do with its assets. The former opposition failed to agree on a joint formula at short notice,<sup>18</sup> and when Paul Bremer suddenly replaced Garner, this opportunity was lost. Instead, Bremer created the Governing Council, with its members chosen according to sectarian and ethnic criteria.<sup>19</sup> He dissolved the security apparatus and the Iraqi army, banned the Baath Party and embarked on a programme of de-Baathification. Controversial though these decisions were, both within and outside Iraq, they were not seriously questioned at that time by the former opposition groups represented in the Governing Council.

In the ensuing process the Kurds emerged as key players in the new Iraq. The Shiite parties still had to adapt after returning from a long exile, and were challenged by the emerging movement of the young radical cleric Muqtada Sadr. The Sunni Arabs who had dominated Iraq's government since the British mandate had to grapple with the loss of power. Meanwhile the Kurds managed to retain high-ranking positions in the ministries and government bodies, the newly established intelligence and security apparatus, and in particular the army. The KDP and PUK nonetheless continued to insist jealously that each side must get an even share. After a while the two parties managed to set partisan interests aside. United, Talabani and Barzani were able to secure some major gains in the

16 This onslaught on Ansar al-Islam probably contributed to the spread of jihadist cells to other areas of Iraq and the emergence of resistance groups such as Ansar al-Sunna and the radical militant Tawhid – later Al Qaeda – organization led by Abu Musab al-Zarqawi. According to Kurdish officials, even before the war Zarqawi had already played a role in channelling Arab fighters through Iran to the Ansar al-Islam mountain bases.

17 Garner was not a newcomer to Iraq. He had already served in the Kurdish north after the 1991 Gulf War. See “General reverses his role”, *San Francisco Chronicle*, 26 February 2003.

18 Jalal Talabani to Chris Kutschera, *Middle East Magazine*, May 2005.

19 The Governing Council was composed of thirteen Shiite Arabs, five Sunni Arabs, five Kurds, one Turkmen and one Christian. See *BBC News*, “Iraq moves towards self-rule”, 13 July 2003.

negotiations on the “Transitional Administrative Law” (TAL) that entered into force in March 2004. Kurdish was recognized as one of the two official languages of Iraq, and it was agreed that “[t]he system of government shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations.”<sup>20</sup> The Kurdistan Regional Government<sup>21</sup> (KRG) in Dohuk, Arbil and Sulaimaniya was officially recognized, and retained control over its police forces and internal security – a decision whereby the *peshmerga* units of the KDP and PUK officially became part of Iraq’s security forces.<sup>22</sup> This full-scale recognition was later confirmed in the constitution, which came into effect after the referendum of 15 October 2005.

### **Building a federal state, dreaming of independence ...**

In May 2006, after several months of internal quarrelling, the KDP and PUK finally reunified their two separate administrations under the Kurdistan Regional Government (KRG). With its forty-two ministers and ministers of state, the KRG mirrors the government of Baghdad, including a “Minister for Natural Resources” who de facto acts as the regional oil minister. To render the political achievements sustainable, it made considerable efforts to attract foreign investors to the Kurdistan Region and gave particular attention to the region’s oil wealth. In August 2007 it adopted an oil-and-gas law, and so far twenty production-sharing agreements with small international oil and gas companies have been signed. There are plans to raise the output from just a few thousand barrels per day to one million in about five years.<sup>23</sup> This move has been highly controversial. It preceded a federal oil law by which Baghdad will set general guidelines for the central and local governments relating to the oil sector and foreign investment; in addition, a projected revenue-sharing law that will eventually define the local governments’ degree of autonomy vis-à-vis Baghdad has not yet reached parliament. Moreover, oil experts in Iraq have strongly opposed production-sharing agreements as concluded by the KRG and preferred by international oil companies. Nationalists argue that these contracts are tantamount to a sell-out of Iraq’s national wealth, while Kurdish representatives claim that they are the best means of utilizing these valuable resources for the good of the people of Iraq.<sup>24</sup> Iraq’s Oil Minister Hussein Shahrastani has repeatedly said that all deals signed by the KRG since February

20 Law of Administration for the State of Iraq for the Transitional Period (TAL), Ch. 1, Art. 4, available at <http://www.cpa-iraq.org/government/TAL.html> (last visited 22 November 2007); the TAL came into effect on 8 March 2004.

21 See the website of the Kurdistan Regional Government, available at [www.krg.org](http://www.krg.org) (last visited 22 November 2007).

22 TAL, above note 20, Ch. 8, Arts. 53, 54.

23 The Kurdistan Regional Government published a final draft oil law, model contract and exploration blocks on 29 June 2007, available at [www.krg.org](http://www.krg.org) (last visited 22 November 2007).

24 Nechirvan Barzani, “Taking the lead on Iraqi oil”, *Wall Street Journal*, 6 October 2007.

2007 were illegal.<sup>25</sup> Both sides refer to relevant articles of the constitution, which are in fact contradictory and leave room for different interpretations. The oil law of the Kurdistan National Assembly<sup>26</sup> has again raised suspicions that the Kurds are preparing for secession. A similar crisis had occurred in 2006, when Barzani gave the order to remove the Iraqi flag, until then displayed together with the Kurdish flag, from public buildings.<sup>27</sup>

After fifteen years of self-rule, and with decades of conflict and persecution within living memory, ordinary Kurds hardly consider themselves Iraqis. A whole generation does not speak Arabic at all. For them, Iraq is a distant place, and they refer first and foremost to their Kurdishness.

When the first free elections were held in Iraq on 30 January 2005, a grass-roots initiative organized – with the blessing of the political parties – a referendum in the Kurdish areas asking voters whether they want the region to remain a part of Iraq or to become independent.

Almost 2 million people, or about 98 per cent of the participants, voted in favour of independence. The referendum was unofficial and irregularities were widespread (even children were allowed to cast ballots), but the results reflect a sentiment which can be felt in all parts of Iraq where Kurds are in the majority. For the KDP and PUK, the referendum was welcome insofar as it demonstrated to their partners in Baghdad what direction things could take if the federalism scheme fails. A few days after the referendum, Masud Barzani stated that “an independent Kurdish state will become true at the right time”.<sup>28</sup> Despite such public statements, Kurdish decision-makers admit, and are well aware, that an independent state is not a realistic option.

## Deficiencies of governance

Many ordinary Kurds complain about poor electricity, water shortages, widespread corruption and cronyism. Western and local businesspeople have complained that representatives of the two parties demand substantial shares in contracts which in turn are handed down to party-affiliated companies. While the big cities are booming, the rural areas are stagnating, and thousands of Anfal victims are still living in despair. The Kurdistan Region is receiving 17 per cent of Iraq’s oil revenue (about US\$5 billion in 2007), but has not done much to create new jobs. Ahead of the 2005 elections, the KDP and PUK had offered thousands of jobs in their respective governments. This fostered patronage and has created an

25 See, e.g., “KRG responds to Dr Shahrastani’s threats to international oil companies”, available at <http://www.krg.org/articles/?smap=02010100&lngnr=12&rn=223> (last visited 22 November 2007).

26 The Kurdistan Oil and Gas Law was approved by the Kurdistan National Assembly, the Region’s parliament, on 6 August 2007. The law entered into force on the assent of President Masoud Barzani on 9 August. Available at <http://www.krg.org/articles/?lngnr=12&rn=107&smap=04030000> (last visited 22 November 2007).

27 Barzani took this decision after the members of the Baker/Hamilton Commission, in their search for a new US strategy to deal with the crisis in Iraq, visited Baghdad but not Arbil.

28 NTV-MSNBC, “A Kurdish state inevitable: Barzani”, 3 February 2005, available at <http://www.ntvmsnbc.com/news/307946.asp> (last visited 20 January 2008).

additional burden for an already not very effective administration. Today, the public sector employs some 80 per cent of the workforce, but access is regulated by the patronage system of the two parties.

The relative security in the region controlled by the Kurdish Regional Government has its price: there are party offices in each neighbourhood, and the KDP and PUK run women's and students' unions along one-party lines that act as informants on discontent, while non-governmental organizations find it hard to keep going. Although several independent and semi-independent newspapers and online news sites have emerged over recent years and provide critical coverage, the media are still dominated by the two major parties. A Committee to Protect Journalists (CPJ) mission to Arbil and Sulaimaniya in October and November 2007 found a growing number of physical attacks on the press, arbitrary detentions of reporters by security forces and use of the courts to harass journalists.<sup>29</sup>

While the state security service (*al-amn al-'am*, or *asayish* in Kurdish) has been dissolved in the rest of Iraq, it is still in place in the Kurdistan Region. According to a recent Human Rights Watch report, the *asayish* has detained hundreds of suspects without trial and often for years, most of whom were allegedly tortured and ill-treated.<sup>30</sup> Almost ten years after the PUK and KDP signed their peace accord, no major steps have yet been taken to depoliticize the security apparatus. Each of the two runs its own army units, *peshmerga*, *asayish* and police forces. This led to the odd situation that the Iraqi Ministry of Defence and the Americans, when they requested Kurdish troops for the Baghdad security plan, had to deal with the KDP and the PUK, although such units are officially part of the Iraqi army. The reunification of the Finance Ministry is also still in limbo. The party coalition in the Regional Government has an overwhelming majority of more than 80 per cent, but parliament members have complained that they have little or no influence in the decision-making. Political leaders admit that the widespread dissatisfaction has to be addressed, in particular as they fear the rise of the moderate Islamists of the Kurdistan Islamic Union, which is intensively campaigning against corruption and nepotism. Within the dominant parties, internal rifts and power struggles have become apparent, and some leaders have acknowledged that they need to develop the government's capacities, fight corruption, loosen their grip on power and pave the way for more civil liberties.<sup>31</sup> Moreover, the currently static but unresolved conflict between the KDP and PUK still looms. It has been contained through a complicated power-sharing mechanism that brought Talabani as the first Kurd ever to the presidency in Baghdad, while Barzani became president of the Kurdistan Region. Any change in

29 "In Iraqi Kurdistan, CPJ delegation highlights press freedom concerns", 5 November 2007, available at <http://www.cpj.org/news/2007/mideast/iraq05nov07na.html> (last visited 22 November 2007).

30 "Caught in the whirlwind: torture and denial of due process by Kurdish security", *Human Rights Watch*, Vol. 19, New York, July 2007.

31 Within the PUK this has led to a split between Talabani's faction and the reformist wing around Nawshirwan Mustafa, deputy secretary-general for many years. Together with Mohammed Tofiq, the PUK's chief diplomat for more than twenty years, Mustafa resigned in early 2007.



this arrangement could have grave consequences both for the reunified Kurdish government and for the balance of power in the Iraqi capital.

## Dealing with the other main groups in Iraq

Kurdish leaders such as Jalal Talabani and Masud Barzani, but also other veterans such as Mahmud Osman, had been in contact since the 1960s with other opposition groups, as well as with high-ranking officials and officers of the Baath government. After the war and during the political process that followed, new forces emerged; new alliances were struck, fell apart and gave way to new and at times surprising constellations. Even before the fall of the regime it was clear that the “natural allies” of the Kurds – non-confessional and secular political groups such as the Iraqi Communist Party, which used to be represented in all Iraqi communities, and exile liberal groups – were no longer or never had been dominant forces on the Iraqi scene. This was confirmed when the Communist Party joined the electoral bloc of Interim Prime Minister Ayad Allawi, which gained no more than 8 per cent of the votes in the December 2005 parliamentary elections.

## Alliance with the Shiite bloc

In the declaration issued by the Iraqi opposition meeting in London in December 2002, there was already reference to the majority status of the Shiite population – for which the Islamist Shiite parties in exile claimed representation. The Kurds bought into this, and supported the Shiite groups’ demand for the office of prime minister. Soon after, they found themselves estranged in inter-Shiite rivalries. Kurdish leaders had not expected the movement of Muqtada Sadr to sustain and gain influence. The PUK had strong links with the Supreme Council for Islamic Revolution in Iraq (SCIRI) – both had been allies of Tehran during the Iran–Iraq War – and therefore supported the candidacy of the Council’s Adel Abdelmehdi as prime minister. This was a strategic alliance of mutual interest, as the Supreme Council supported Kurdish self-rule within a federal framework to rally support for its quest to create a Shiite “super region” in southern and southern-central Iraq as part of the federalism scheme.

As the SCIRI – renamed in 2007 the Islamic Supreme Council of Iraq (ISCI) – failed to muster a majority for its candidate within the Shiite alliance, the Kurds at first unwillingly accepted Ibrahim Jaafari from the Da’wa Party. When Jaafari lost Washington’s backing and did not fulfil their expectations regarding Kirkuk, the Kurds withdrew their support, effectively participating in behind-the-scene manoeuvring that prevented him from gaining a second term and instead propelled Nuri al-Maliki, another senior Da’wa official, into office. The Sadr movement, for its part, differs from the older Shiite Islamist parties like SCIRI/ISCI and Da’wa not only in its sharp anti-occupation rhetoric, but also in its Arab nationalist discourse in which Kurdish demands and federalism are viewed with suspicion.

## Striking a balance with Arab nationalism

Arab nationalism, particularly its Baath version, was on the one hand the main addressee, and on the other hand the main adversary, of the Kurdish movement in Iraq in its search for recognition. From the various periods of negotiations the current Kurdish leadership and the Baath government establishment knew each other well. Even at government level diverse standpoints were adopted, ranging from a certain degree of acceptance and pragmatism to extreme hatred and destructive intent, as represented by Ali Hassan al-Majid, the architect of the Anfal campaign. Some former foes became allies, such as Wafiq al-Samara'i, former head of military intelligence in Baghdad, who was a member of the negotiating team that met with Kurdish leaders after the failed uprising in March 1991. Al-Samara'i defected in 1995, went into exile and later became security advisor to President Talabani.

After the fall of the Baath government and the start of the occupation by the US-led Coalition, the “resistance” or “Sunni insurgency” came into being. The insurgent groups, even those that attracted a number of members and officers from the former armed and security forces, almost exclusively adopted (different brands of) extremist Islamism as their ideology.<sup>32</sup> At least some of these groups, or parts of them, systematically targeted civilians by means of suicide attacks and car and truck bombs, and depicted those taking part in the political process as “traitors” and “collaborators”. Furthermore, the Iraqi branch of Al Qaeda practised the “excommunication” (*takfir*) of entire communities, be they Shiites, Kurds or Yezidis. One of the most violent attacks targeted the headquarters of the KDP and PUK in Arbil in February 2004 and left scores of victims, among them high-ranking officials of the two parties.

Conversely, a number of Arab nationalist and moderate Sunni Islamist groups – either pre-2003 opposition groups such as the Iraqi Islamic Party or more recent ones, such as the Congress of the People of Iraq led by Adnan al-Dulaimi, who officially also heads the Tawafuq (Concordance) Front – were participating in the political process or at least manoeuvring on the sidelines. Depending on the current state of the political process, relations between the Kurdish parties and those representing the Sunni community were tense at times and less so at others. One particularly critical moment came during the constitutional process, which according to Sunni Arab critics was hijacked by a coalition between the Kurdish and the Shiite blocs.

The Association of Muslim Scholars (ASM),<sup>33</sup> an important public voice in support of the insurgency, has adopted an aggressive anti-occupation discourse that resonates extensively in the wider Arab world. The mainstream ASM has refused any kind of national dialogue with the forces represented in the

32 For more details see International Crisis Group, “In their own words: reading the Iraqi insurgency”, *Middle East Report* 50, 16 February 2006.

33 See Roel Meijer, “The Association of Muslim Scholars in Iraq”, *Middle East Report* 237, Winter 2005, available at <http://www.merip.org/mer/mer237/meijer.html> (last visited 22 November 2007).

government, pending the departure of the foreign troops. Although there is no breakthrough in terms of national reconciliation between those involved in the political process and the insurgents, at least some progress has been made. The Sunni Vice-President Tariq al-Hashemi of the Iraqi Islamic Party has announced a “National Contract” of 25 principles, in which he explicitly recognized the special status of the Kurdistan Region. He further called for a “reasonable and agreed-upon amount of federalism or decentralization in the administration of the provinces”.<sup>34</sup>

## All eyes on Kirkuk

For the Kurdish movement the lowland areas of Kirkuk, Khanaqin and Tuz Khurmatu, as well as the northern and eastern parts of Ninive (Mosul) province, Sinjar and Sheikhan, are historically parts of Kurdistan. The population there is mixed and the history of those areas is, as usual, complex, so that the Kurdish claims stand against those of local Arabs, Arab nationalists and representatives of the Turkmen and Assyrian communities.<sup>35</sup> Kirkuk has been at the heart of the conflict between the Kurds and the central government. The Baath Party in particular, during its long rule from 1968 to 2003, embarked on a systematic policy of deportation, resettlement, modification of administrative boundaries and discrimination and persecution vis-à-vis not only the Kurdish but also the Turkmen and Assyrian populations. As the former second in command of the PUK put it, Kirkuk has a highly symbolic value too, since all struggles and negotiations with Baghdad eventually failed because the government did not even accept a compromise.<sup>36</sup>

## The delayed referendum

After the fall of the regime, the KDP and the PUK not only took de facto control of the city and other disputed areas but also used all their weight and bargaining power to press for a “Kurdistani” solution. These efforts resulted in Article 58 of the Transitional Administration Law,<sup>37</sup> which was eventually included in Article 140 of the 2005 constitution and foresees specific measures to reverse the former

34 The Islamic Party’s 25-point project to “unify the vision” of Iraqi leaders, called “The Iraqi National Contract” and made public on 25 September 2007. See Reuters, “Iraq: Sunni party drafts new political principles”, *Reuters*, 26 September 2007; “National pact launched by Islamic party”, *Voices of Iraq*, 26 September 2007.

35 For the history of the various communities, and the diverging claims, see Bruinessen, above note 4, and the related reports of the International Crisis Group, in particular “Iraq and the Kurds: Resolving the Kirkuk crisis”, *Middle East Report* 64, 19 April 2007, available at <http://www.crisisgroup.org/home/index.cfm?l=1&id=4782> (last visited 22 November 2007).

36 Nawshirwan Mustafa, “Again 140”, *Rozhname*, 9 October 2007 (in Kurdish). According to the author, Saddam Hussein had offered the Kurds full recognition of their government in the 1990s if they would give up their claim to Kirkuk.

37 See above note 20.

regime's policy of Arabization, especially in Kirkuk.<sup>38</sup> Like the 11 March 1970 memorandum, Article 140 of the constitution provides for a referendum – with the option of integrating Kirkuk into the Kurdistan Region if it turns out to be an area with a Kurdish majority. While Kurdish leaders adamantly repeat that Kirkuk has been a “Kurdish city” throughout history, Turkmen representatives call Kirkuk the “original homeland” of Iraq's Turkmen minority. Although the local Arab and Turkmen communities in the Kirkuk area acknowledge that Kirkuk's Kurds suffered most under the previous regime, they insist that the region is neither Arab nor Kurdish, and therefore should not become part of the Kurdistan Region. The Turkmen and Arab communities largely boycotted both the national and the provincial elections in December 2005. This was one reason for their marginalization not only in the decision-making process, but also in the local administration. The governor, the head of the provincial council, the chief of the local army division and the heads of the different police departments are all Kurds from either the PUK or the KDP.<sup>39</sup> In the opinion of the other communities, they are abusing their power.<sup>40</sup> On the other hand, armed insurgent groups of former-regime loyalist and radical Islamist leanings have carried out a series of car-bomb and suicide attacks in the Kirkuk region, targeting residential areas, marketplaces, security forces and Kurdish party installations and taking a high toll of civilian casualties.

Tension mounted further when the Kurds started to push for the referendum to be held before the end of 2007. The atmosphere cooled down when the Maliki government recently agreed to pay compensation to Arab citizens who had been displaced by the Baath government and took concrete steps to return them to their home regions. By the end of 2007, about 20,000 Arabs had signed up for resettlement in their places of origin. The Arab bloc ended its boycott and returned to the provincial council after reaching an agreement with the Kurds that gives them high-ranking positions in the local government and provides for an even distribution of government jobs among Kurds, Arabs and Turkmen.<sup>41</sup> In addition, the Kurds agreed to postpone the referendum for at least six months. And probably even more importantly, the Kurdish parties gave up their opposition to a UN involvement in this thorny issue, consenting to a process whereby the implementation of Article 140 would be facilitated with the technical assistance of the UN Assistance Mission for Iraq (UNAMI).<sup>42</sup> With its oil wealth and its mixed population, the new elite often call Kirkuk an “Iraq in miniature”. Whether the city will become a symbol of success for the “New Iraq” – or a symbol

38 For details of Article 140 and its implications, see *Middle East Report* 64, above note 35.

39 “Verhärtung der ethnisch-politischen Fronten in Kirkuk”, *Neue Zürcher Zeitung*, 20 February 2007.

40 “Kurdish officials sanction abductions in Kirkuk”, *Washington Post*, 15 June 2005.

41 “Bewegung im politischen Seilziehen um Kirkuk”, *Neue Zürcher Zeitung*, 10 December 2007. In an interview on 29 October 2007 with *Sharq al-Awsat*, Jalal Talabani said that he envisages a bi-communal status for Kirkuk, like the Belgian capital Brussels.

42 UNAMI, “Implementation of Article 140: Deadline of 31 December 2007”, press release UNAMI/57/2007, 15 December 2007; available at [http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-79YPQH?](http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-79YPQH?OpenDocument) OpenDocument (last visited 22 November 2007).

of failure – depends on the political leaders' ability to find a practicable formula allowing all communities to coexist in peace.

## Uneasy relations with Turkey and Iran

The 2003 US-led war on Iraq turned the regional balance of power upside down and deeply affected the attitudes and politics of the neighbouring states and the wider Arab world, although probably not with the “domino effect” intended by the war’s architects. One of the elements of change was the fact that the Kurds and the Shiite majority, marginalized for decades, have become the dominant factions in Iraq.

### Suspicious relations with Ankara

The relationship between Turkey and the Iraqi Kurds has never been easy, but it has developed considerably since 1991. Ankara helped to ensure the protection of the Kurds in 1991 by allowing the allied forces to use its Incirlik air base to protect the “safe haven”. The KDP and the PUK were permitted to open liaison offices in Ankara. At the same time, Turkey remained wary of the Iraqi Kurds, suspecting them of being inclined towards independence and showing too much tolerance for the outlawed Kurdistan Workers Party (PKK). Since 1991 the Turkish military has intervened repeatedly in the Kurdish region, at times with tens of thousands of troops.<sup>43</sup> After an offensive in 1997 in which KDP fighters supported the Turkish army, the latter established three permanent bases in Dohuk governorate that are currently manned by some 1,500 soldiers. Over time, Turkey has built up and maintained relations with the Kurdish region. Turkish companies are heavily involved in construction and trade, as well as in the oil sector. Thousands of workers, mainly from impoverished south-eastern Turkey, have found jobs there. A ceasefire announced by the PKK in 1999 and the easing of cultural restrictions against the Kurds in Turkey were further conducive to a change of atmosphere.

Since 2003, when Turkey’s parliament refused the US army access to Turkish territory, Ankara has effectively lost some of its influence on developments in Iraq. With US troops present in Iraq, the Kurds have become more confident in their relationship with their strong northern neighbour. However, Ankara’s red lines are clear: an inclusion of Kirkuk in the Kurdistan Region, perceived as a decisive step towards independence, would not be tolerated. In summer 2007, events took yet another turn. When the PKK staged several attacks against Turkish army units north of the border, Ankara’s army threatened to intervene in Iraq.

Kurdish leaders in Arbil saw this as a political manoeuvre of the secularist Turkish army against the moderate Islamist Prime Minister Recep Tayyip

43 Ankara legitimated its action with a “hot-pursuit agreement” signed with Baghdad in the early 1980s, under which it had sent troops into Iraqi Kurdistan as early as 1983.

Erdogan, but also as a response to Kurdish demands for implementation of the constitutional road map in Kirkuk. Inflammatory rhetoric on both sides added fuel to the fire. Turkish media outlets called Barzani a “tribal chief”, while representatives of the KDP made indirect threats of an uprising in the mainly Kurdish south-east of Turkey in response to a possible Turkish military attack. Tensions reached an unprecedented level in October 2007, when Turkey sent tens of thousands of soldiers to the border and ultimately demanded that both the Iraqi authorities and the United States take concrete measures against the PKK. Barzani urged a diplomatic solution and direct talks, but as Ankara had never recognized the Kurdistan Regional Government, it insisted on dealing with Baghdad only. For the KDP leader the PKK was a mere pretext for Ankara to challenge the prosperity and freedom enjoyed by the Iraqi Kurds. He warned that an incursion would mean war. Both the Bush administration and Barzani’s regional government had to give in to Turkish pressure, at least for the time being. Washington agreed with Ankara to deliver intelligence on PKK movements at the border, and the KDP and PUK enforced restrictions on the PKK’s supply lines. When Turkey bombed suspected PKK positions across the border in December 2007, the response from Washington, Baghdad and Arbil to this violation of Iraq’s sovereignty was muted. However, given the internal constellation in Turkey – with the tensions between the army and the government – and Ankara’s red lines for Kirkuk, the issue is far from being resolved.

### Cautious relations with Teheran

Although Iran faces a similar Kurdish insurgency, led by the PJAK (Parti Jiyani Azadi Kurdistan, Party for a Free Life in Kurdistan), an offshoot of the PKK, Teheran did not side with Ankara in the autumn 2007 crisis but instead urged Ankara to find a peaceful solution. Iran’s Foreign Minister and his Syrian counterpart both pledged help to defuse the crisis.<sup>44</sup> Again in contrast to Ankara, the government in Teheran has recognized the Kurdistan Regional Government and in November 2007 even opened consulates in Arbil and Sulaimaniya. There are several reasons for this difference of attitude and approach.

Iraqi Kurdish parties have had links with Iran for several decades, extending from the support of the Shah for Mustafa Barzani, the father of today’s KDP leader, to the war alliance between the PUK, the KDP and Teheran in the 1980s. During the KDP–PUK conflict in the 1990s, Iran alternately backed the KDP, the PUK and radical Islamists. Teheran has been a main supporter of the Shia-dominated government in Baghdad – often at odds with the Americans, who have accused Iran of providing weapons and training to Shiite militias. The Iranians in turn have regularly demanded a timetable for the withdrawal of US troops. When US troops captured seven Iranians in Arbil and Sulaimaniya in 2007, Kurdish leaders in Arbil and Baghdad supported Teheran’s version that the

44 “Syria and Iran pledge help to defuse Turkey-Iraqi crisis”, *Agence France-Presse*, 29 October 2007.

Iranians were diplomats, not members of the elite Quds Force, as the US military claimed.<sup>45</sup>

The relationship between the Kurdistan Regional Government and Teheran remains difficult. Like Turkey, Iran has regularly shelled border areas where the PKK and PJAK have their main bases, and neither country wants a Kurdish state to emerge on its doorstep. Still, Iran shows more flexibility than Turkey on issues such as Kirkuk. Teheran recently demanded the delay in holding the referendum, but not its cancellation. As the Shia-dominated government in Baghdad depends heavily on its Kurdish supporters, Iran keeps a cautious eye on its neighbours in the Kurdistan Region.

### Conclusions: federalism and democracy, or independence?

From the early days of the Iraqi republic until today's "American Iraq", the Kurds have consistently had to deal with three main issues: the relationship with Arab Iraq and the wider Arab world, and particularly the political currents upholding broader identities (pan-Arabism and Islamism); relations with Turkey and to a lesser extent Iran; and issues of democracy and governance.

Iraq's identity, its diversity and its relations with its neighbours have been crucial issues and a source of divergence between political and ideological currents throughout modern Iraq's history. But after decades of covert and overt ethnic and sectarian discrimination, they have become the foundation both of the ethno-sectarian power-sharing and of the conflicts in post-2003 Iraq.

The Kurdish leadership has sought to prevent a repetition of past atrocities like the Anfal campaign by means of constitutional guarantees for a federal system designed to safeguard the de facto status of their region and its existing structure and balance of power.

In Iraq and in the wider Arab world, federalism has often been equated with sectarianism and partition. Yet other voices, such as Iraqi researcher Faleh Jabbar, have argued in favour of a federal solution to the Kurdish demands and a kind of "administrative federalism" to overcome past negligence, but against a Shiite "super region" in the south.<sup>46</sup>

There is a need to overcome the worn-out patterns of suspicion and the rhetoric of "unity", and to acknowledge the failure of past approaches.

The Kurds can and do have a role to play in overcoming sectarianism and preparing the ground for national reconciliation. There are already signs of a reshaping of the political landscape in Iraq and the emergence of alliances across ethno-sectarian lines, as shown by the above-mentioned 25-point memorandum of the Iraqi Islamic Party (IIP) and the December 2007 memorandum of

45 Two of the five Iranians detained on 11 January were released on 9 November 2007. *Neue Zürcher Zeitung*, 10 November 2007.

46 Faleh Abdul-Jabar, interview with Youssef Hijazi, 2006, available at [www.Qantara.de](http://www.Qantara.de) (last visited 22 December 2007).



understanding between the IIP, the PUK and the KDP. These definitely give cause for hope.

If Iraq's main groups agree on a concrete model preserving Kurdish rights within a federal framework and on a "road map" for Kirkuk, the Kurds will eventually have to make an all-important decision: do they want to reintegrate into Iraq and be reconciled with the other groups in a democratic and constitutional framework, or do they want their region to become independent? The two major parties are sending conflicting signals: on the one hand, flexibility, as shown by postponing the Kirkuk referendum; on the other, the Kurdistan Regional Government's unilateral implementation of oil and gas laws and contracts. Given the "virtual independence" of the Region for more than fifteen years past, these deals are seen as a major step towards making independence a reality, and have thus again increased suspicion inside and outside Iraq.

Real opportunities for a peaceful settlement of the Kurdish question have been rare – this is definitively a new one, and it should not be forfeited. Any serious move towards Kurdish independence would trigger armed conflict on several fronts and would mean hardship and renewed suffering for all sides. It is in everyone's interest, including that of the Kurds, to make the most of the present opportunity. A failure would be risky not only for Iraq, but also for the crucial relationship with Turkey and Iran. The Kurdistan Region could become the scene of another round of conflict, in particular if the tensions between the United States and Iran were to turn into open confrontation.

To prevent the recurrence of past frictions and conflict, the KDP and the PUK need to settle their rivalries and to overcome their respective one-party structures.

Many Kurds do not see their region as the shining example of democracy that is being proclaimed in KRG-sponsored TV spots. Only genuine reform of the administration and the security services can address the growing dissatisfaction. Good governance in Arbil would also have its impact in Baghdad, and would help considerably in writing this new chapter of Iraq's history.

# Islam as a point of reference for political and social groups in Iraq

**Pierre-Jean Luizard**

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## Abstract

*Iraq occupies a special position in the general context of re-Islamization of Arab societies because of the US occupation and the absence of a viable state. The attempt to rebuild communities under the aegis of the United States led to a widespread withdrawal back into communities in which Islam plays a vital role. Sectarian identities were intensified, particularly because they built on layers largely secularized by years of a form of political life that had been partly dominated by secular or secularist parties (Communist Party, Baath party). It looks as if a secularized form of Islam, whose vocation is primarily to confer an identity and which has become impervious to any religious code, is likely to fuel the fighting, which is all the more inexpiable because each person believes that he is fighting for survival as a member of his community.*

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The political landscape in Iraq in 2007 might suggest two things – that Islam has a monopoly of the bodies representing political persuasion and allegiances of identity in the Arab region and that the ethnic dimension is the primary concern in the Kurdish region. In the last parliamentary elections, in December 2005, the Shiites voted for the candidates of the United Iraqi Alliance, which brought together the Shiite Islamist parties that had the blessing of Ayatollah Sistani, and the Sunnites for the Sunnite candidates, most of whom belonged to the National Concord Front, which groups together the Sunnite Islamist parties, while the Kurds voted for the Kurdish parties. Thus the representation that was apparently

considered “democratic” was actually no more than a projection, a snapshot, of the demographic balance in Iraq, which comprises 55 per cent Shiites, the vast majority of whom are Arabs, 20 per cent Sunni Arabs, 20 per cent Kurds, who are also Sunnites, and a few minorities which account for no more than 5 per cent of the population. The lists of electoral candidates representing the cross-community parties, such as the Iraqi Communist Party (ICP) or some former members of the Baath party, were defeated. Even worse, in the hope of gaining a seat, the ICP had to join forces with the “CIA agent”, Iyad Allawi, within the Iraqi National List (Allawi, ICP), which gained 8 per cent of the votes. Saleh Mutlaq’s Iraqi National Dialogue Front, which brings together the secular Sunnites, won only 4.1 per cent of the votes.<sup>1</sup> The “democratic” process thus merely aggravated community rivalry as every Iraqi citizen was referred back to his religious and/or ethnic identity. The process also accompanied the eruption of sectarian hatred between Shiites and Sunnites.

## The origins of sectarian hatred

Iraq has experienced horrendous daily carnage and no one has seemed able to stop it. The sectarian war which pitted the Shiite majority against the Sunnites in Iraq assumed apocalyptic proportions after the attack of 22 February 2006. The mosque with the golden dome which contains the tombs of the tenth and eleventh Shiite imams in Samarra, the fourth Shiite holy city in Iraq, was partly destroyed in an attack for which the jihadists close to Al Qaeda claimed responsibility. However, anti-Shiism had been unleashed before that, claiming tens of thousands of lives. The sectarian war actually began on 29 August 2003 with the attack on Najaf which claimed the lives of 89 people, including Ayatollah Mohammed Baqer al-Hakim. The contact areas between the communities became invisible front lines. The response to random attacks took the form of mass abductions, followed by summary executions. Every morning, Baghdad gathered in its gruesome harvest of mutilated bodies. In 2006 that war forced more than half a million people to flee the mixed districts in Baghdad and the regions to the east of the capital, in the province of Diyala, where Arabs, Kurds, Sunnites and Shiites lived side by side. By the end of 2007, estimates put the number of internally displaced persons in Iraq at nearly two million.<sup>2</sup> Baghdad, where there had once been an even balance of Shiites and Sunnites, became 75 per cent Shiite following a violent Shiitization campaign. What was the source of the sectarian hatred? There is not one source but several, which need to be categorized by order of importance.

1 See the certified results of the Independent Electoral Commission of Iraq, available at [http://www.ieciraq.org/English/Frameset\\_english.htm](http://www.ieciraq.org/English/Frameset_english.htm) (last visited 17 December 2007).

2 See Internal Displacement Monitoring Centre, “Total internally displaced population is estimated to be more than 2 million (as of September 2007)”, available at [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/B6C0B024031DFA0F802570B8005A74D6?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/B6C0B024031DFA0F802570B8005A74D6?OpenDocument) (last visited 20 December 2007).

## No ethnicization of religious identities

First, we are dealing with a civil war— that is, a war within one and the same society. There is a great difference between the ethnic identities in Iraq, which pit, for example, Arabs and Kurds or Turkmen and Kurds against each other, and the sectarian identities. Kurdistan is a patch that was sown by the former British mandatory authorities on to an Iraqi entity that is undeniably Arab. Entering Kurdistan from the Arab plains is like entering another country: everything is different – the language, the culture, the landscape and the climate. There is nothing of that kind of distinction between Sunnite and Shiite Arabs; with one or two exceptions, they are all Arabs, share the same culture that is permeated with Bedouin values – albeit with specific Shiite and Sunnite differences – and live in the same environment. There is no ethnicization of religious identities in Iraq as was the case in former Yugoslavia. The poorest people may well be Shiite but there are also wealthy Shiites. Nor can the current conflict be explained by reference to a simple economic and social divide as a dominant feature. Sunnites and Shiites speak the same Arab dialects and only their names are an indication of which is which – and even then, that is not always the case. A person called Juburi or Shammar, for example, may be a Shiite or a Sunnite. The Arab tribes that originally came from the Arabian peninsula and settled in the fertile plains of the Tigris and the Euphrates often have a Sunnite and a Shiite branch. In the regions with a Shiite majority, those tribes – which were all originally Sunnite – converted to Shia for reasons of regional solidarity, while others in the regions with a Sunnite majority remained attached to Sunnism.

## A hierarchical tribal system and social divide

Iraq was the last major repository in the world of the nomadic invasions. Most of the Arab population in Iraq comprises newcomers and most of the Shiites were converted fairly recently (the last waves of conversions date back no further than the nineteenth century). Conversion to Shiism was favoured by a tendency to neglect the code of Bedouin values coupled with sedentarization. The men in the sedentarized or semi-sedentarized tribes experienced harsh subservience compared with the tribes which remained nomadic, the large camel-driving tribes, the lords of the desert. Traditional tribal egalitarianism was replaced by a relationship of violent submission in which the sedentary communities had to give the protection due to the nomads. From the moment when title deeds to the vast estates that had until then been common tribal property or belonged to the sultan of Istanbul were allocated to the leading tribal sheikhs, the peasants very quickly became real serfs within a new feudal system, in the European meaning of the word. The Ottomans and then the British were in charge of those policies which aimed to set up strongholds in a tribal world that was largely out of control. Shiism, which extols the struggle against oppression, offered an ideal and values that were in keeping with the sense of injustice of those tribes frequently considered as the personal property of the sheikh, just like agricultural land. The tyranny of the leading

sheikhs forced millions of landless Shiite peasants to emigrate to the large towns in the period from 1930 to 1960. Huge shanty towns took them in on the basis of regional bonds. Sadr City is the prototype of those districts that gave the tribes access to town life (although the old Sunnite and Shiite town centre inhabitants still consider them “outside the town”). There they formed the basis of the Communist Party before “returning” to the Shiite religious movement which led the struggle against European dominance in the early twentieth century. It is therefore a social divide that is characteristic of the hierarchical system of the Arab tribal world which is partly responsible for the opposition of Shiites and Sunnites. Yet that is not the only thing. Sight must not be lost of the fact that, in Iraq, tribal and regional solidarity is of prime importance. Sectarian identity is merely the outcome of regional solidarity. How else can one explain why other tribes that were subject to the same violence associated with sedentarization remained Sunnite in the majority Shiite regions?

### Arab nationalism to exclude Shiites

The fact that for centuries they were a community dominated socially and excluded politically is something that the Shiites in Iraq share with the other Shiites in the Arab world. Their political exclusion did not start with Saddam Hussein. It goes back to the origins of the Iraqi state as it was established by the British mandatory authorities in 1920. The political system that was set up at the time seemed to be modern, and asserted no claim to sectarian shading of any kind, in contrast to the political sectarianism that was institutionalized in Lebanon in 1943. However, it was based on a secularized ethnic ideology – Arab nationalism – which was modelled on European forms of nationalism and used by Sunni elites as a means of excluding the Shiites, for whom – although they were also Arabs – being Arab could not be separated from Islam. At the time, the British mandatory authorities used the former Ottoman elites, which were attached to Sunnism, to assert its power, sanctioning the dominance of the Sunnites over the Shiites in the new state.

### The reversal of alliances in 2003

Half a century later, the Islamic revolution in Iran signalled political and social emancipation for the oppressed Shiite communities in the Arab world. Hezbollah in Lebanon is its most striking manifestation. In Iraq, however, the Shiites’ desire for freedom paradoxically coincided with the US need to rely on an Iraqi stronghold. The year 2003 saw a reversal of alliances that had existed for nearly a century. For the first time a Western power addressed the outsiders under the former system – Shiites and Kurds – to make them the primary beneficiaries – or so they thought – of a new system based on “majority rule”. By pretending to equate democratic majority and demographic majority, the United States actually confirmed a rule: an occupation power in Iraq can only survive if it pits the Iraqis against one another so that communitarianism, linked to the lack of true

sovereignty, then remains the only possible option. Political reconstruction builds on communitarian foundations at every level, locking Iraqi society in a inescapable downward spiral. As the supreme authority was foreign, the Iraqi actors – whether they were political or religious – gave precedence to negotiating with it for the sake of private interests, rather than striving to establish a new coexistence agreement between Iraqis. Moreover, the implosion of Iraqi society which followed went beyond the community divisions and affected both Shiites and Sunnites, who were split into a thousand regional and even district allegiances. Within the political system which keeps collapsing in pools of blood as we watch, the Sunni Arabs are condemned to be merely a minority without power or wealth in their own country – which they will never accept. It is that refusal which allowed the external factor to gain the upper hand in Iraq. The US occupation went hand in hand with the willingness of the international Sunni fundamentalist movement, which is close to Al Qaeda, to turn Iraq into a privileged battlefield in its war against the West. Americans and Al Qaeda are fighting each other in Iraq through interposed Iraqi communities. The war against the Shiites is also a war against the Americans. The emulators of Zarqawi in Iraq have unhoped-for space in that country. Their sole aim is to trap the Americans in that country and to prevent any political stabilization and especially any common front uniting Shiites and Sunnites against the occupation forces. To do so, it was horrifyingly easy to develop a strategy of chaos – a declaration of war against the Shiite “apostates”, drawing on the stock of the traditional anti-Shiite representatives of Sunni fundamentalism and indiscriminate terrorism in the hope of achieving an uncontrollable intermeshing of terror and reprisals. Having lit the fuse of sectarian hatred, the jihadists then only had to watch the blaze. Since 2003 more than 700 kamikazes, most of them Iraqi Sunnites, have given their lives – in many cases to kill fellow Iraqis who were Shiites.

### The reaction of Shiites

The Shiites put up with this carnage for a long time without reacting. Or at least that is what it looked like on the surface. In fact, the murderous, destructive campaigns against the large Sunnite towns of Falluja, Ramadi, Samarra, Mosul and Tal Afar in 2004 and 2005 were carried out by the Coalition forces with the backing of Shiite soldiers. By infiltrating the police force and other security forces, the Shiite militias appropriated stillborn official institutions for their own benefit. At the same time there were calls for their clerics to exercise restraint. However, the principal architect of that restraint in the field, Moqtada al-Sadr, was caught up in the wave of sectarian hatred. With a base that had become the favourite target of the jihadists, he finally rallied the Shiite House in 2005, while his militias went beyond the abuse meted out by the death squads of the (Shiite) interior minister to the Sunnites, who were lumped together as *Takfiris* (“excommunicators”, the name given by the Shiites to the partisans of Zarqawi). On 9 July 2006 militiamen from Muqtada’s Mahdi Army stopped car drivers in the Baghdad district of Al-Jihad. Those with identity papers that sounded as if they were

“Sunnites” were taken away and executed. The same militias were involved in a Shiitization campaign in Baghdad, forcing Sunnites out of districts in which they sometimes represented 40 per cent of the inhabitants, as was the case in Al-Hurriya on the western bank of the Tigris. Given the current number of deaths, the blood price exacted became exorbitant and put a stop to any reconciliation in the short or medium term. However, partition based on sectarian affiliations was also unrealistic. Baghdad provides an apt illustration: despite the population movements, the single-denominational districts remain the exceptions. They are scattered and have no territorial continuity. The wall separating the communities in the district of Dora in south-eastern Baghdad cannot be given general application, even if the capital tends to put up fences.

### Overcoming a taboo

Prior to 2003, the tensions between Sunnites and Shiites were a taboo subject for many Iraqis. To refer to them was considered inappropriate – particularly if a Westerner did so. Of course, censorship was an aspect of the regime of terror inflicted on the nation by Saddam Hussein, but the matter went beyond that. Many Iraqis in exile were also averse to that distinction being made between Iraqis. The occupation aggravated a latent recurrent conflict, lending it the dimension of an inexpiable combat, in which the Iraqis were divided up according to their sectarian and ethnic identity. This illustrates clearly that, in a conducive context, identities – which change by definition – can always crystallize suddenly around a particular aspect. People cannot live without an identity, but that identity can also become a prison and a fearful weapon when forces oppose each other and are all the more impossible to placate because each of them believes it is fighting for survival. Between the impossibility of reconciliation and the impossibility of partition, Iraq ran the risk of continuing its descent into hell, while the international community looked on in a powerless state of paralysis.

### Salafism in Iraq – a newcomer?

That extreme sectarian polarization corresponded to the “return” to Islam – more especially in its Salafist form – of the Sunni Arabs in Iraq. Salafism in Iraq goes back a long way. Abu al-Thana al-Alusi (1802–54), Nu'man al-Alusi (1836–99) and Mahmud Shukri al-Alusi (1857–1924) – all members of a famous family of Sunni *sayyid* from Baghdad which opposed the Ottomans – were the first to demonstrate a local allegiance to reformist Islam. They took a stance on behalf of the Wahhabites who braved the situation in the Arabian Peninsula. Having initially given a warm welcome to the Young Turks in the name of the struggle against despotism, the family swiftly turned against them. The positive approach of the forerunners of Kemalite secularism, who also turned out to be easily offended Turkish nationalists, made it difficult for them to find common ground with the partisans of a “return” to the Islam of their pious Muslim ancestors



(*salaf*), a new credo put forward by the Muslim reform movement. In Baghdad Muhammad Bahjat al-Athari (1902–96) then became the herald of that religious and political trend through his numerous publications, particularly those on the Alusi. Sheikh Muhammad al-Alusi, head of the current Islamic Bloc, is the great-grandson of Abu al-Thana al-Alusi. Another Alusi, Mithal al-Alusi, advocates reconciliation with the Shiites.

### A recent movement with ancient roots

In the late 1940s Iraq imported the Egyptian model, establishing the Iraqi branch of the Muslim Brotherhood. However, Iraqi Salafism evolved along more intellectual and more elitist routes, that were less directly political than in Egypt. Its influence in Iraq remained weak. Aware of their minority situation in that country, the Sunni Arabs actually avoided dividing themselves into religious and secular groups and concentrated their efforts on safeguarding their hold on the state established in 1920 by the British mandatory authorities.

Therefore, despite its ancient roots, Salafism is a late movement in Iraq compared with Egyptian, Syrian, Palestinian or Saudi Salafism. Movements such as the Muslim Brotherhood or the Islamic Liberation Party have never had significant support from the Sunni Arabs in Iraq. For nearly a century, the Sunni Arab elites were more the bearers of ideals that were secularist (military reform) or distinctly secular (Baath). Taken up as a result of a sectarian reflex of self-defence, their position did not favour the emergence of a strong fundamentalist movement similar to what was happening elsewhere in the region. Under the regime of Saddam Hussein, the small fundamentalist movement among the Sunni Arabs had strong links to Saudi Arabia. That was the case of the Islamic Bloc of Sheikh Muhammad al-Alusi, which was founded in 1970 and is close to the pro-Saudi Muslim Brotherhood. Another wing of the Muslim Brotherhood – the Iraqi Islamic Party, which tended to view Saudi Arabia with hostility – had privileged connections with Sudan. Among the Kurds, Salafism developed as a result of the victory of the Islamic revolution in Iran. Although it was Sunnite, the movement maintained links with Iran. That initial marginalization of Salafism did not prevent the emergence of a new religious language among all the leaders of the Sunni Arab community in Iraq. Why?

### The exclusion of the Sunni Arabs

The cause is to be found in the exclusion of the Sunni Arabs. The collapse of the regime of Saddam Hussein was a traumatic experience for Sunni Arabs in Iraq. Not that they had been unshakeable in their love for a regime which had severely repressed them in turn during its final years. However, there was huge fear of retaliation by those who had been excluded from power: the Kurds and especially the Shiites. Finally, the end of Saddam was not merely the end of a regime and a government. It was also the end of the Iraqi state, which had been established by the British in 1920 and which the Sunni Arab elites had always considered as their

own exclusive property. It should be recalled that in 2003 the United States had been uncertain what course to take. Was it to recycle the existing political and military elites and rebuild the political system, placing power exclusively in the hands of the Sunni Arabs? Or should it choose the former opposition to the regime of Saddam Hussein – in a word, the Shiites and the Kurds who had been excluded from power under the former political system? Orphaned by a state that had always defined their horizons, the Sunni Arabs in Iraq found themselves in the previously unknown situation of a terrifying void – as there was no longer a state to uphold, where were they to turn?

Nonetheless, it seems that a large number of the Sunni Arabs in Iraq were ready to mourn a system which had always served them but which they clearly saw as having run its course. There were a few weeks of uncertainty in May 2003. However, the vicious circle of mistakes made by the occupation army followed by reprisals took on a new guise in June; the Sunni Arabs felt that they were not being represented in the political reconstruction of the country. That feeling grew further when the Iraqi Governing Council was formed on 13 July 2003.<sup>3</sup> The Sunni Arabs had four representatives on the Council: Adnan Pachechi, Naser Chaderchi, who had just returned from the United States, Ghazi al-Yawer, one of the Shammar sheikhs, and Muhsin Abd al-Hamid of the small Iraqi Islamic Party. None of them could take advantage of. On 1 September an outsider, Kamil al-Gaylani, became Finance Minister in the first government cabinet, meaning that the Sunni Arabs had gained hold of the most important ministry. It was of little importance, as the Sunni Arab community in Iraq was already falling apart.

### The entry of external players

Here and there focal points for the expression of grievances began to be identified – Ba'quba, Falluja, Tikrit, Balad and Mosul, where clashes multiplied. The provinces of Al-Anbar and Salah al-Din had lost the most when Saddam's regime collapsed and the army was dismantled. Deprived of the state that they had dominated for nearly a century, the Sunni Arabs were also deprived of the Arab nationalist ideologies of which the Iraqi regime was one of the last bastions before it finally collapsed. In the local areas, only the imams in the mosques were left, with the tribes, to take control of towns and districts. The dismantling of the Iraqi army had sent tens of thousands of officers home and they placed their knowledge at the service of the guerrilla forces. The resistance movement was local, which was its strength.

That context allowed new external players to take the stage. Contrary to US accusations, under the regime of Saddam Hussein the only real link with Al Qaeda in Iraq was Ansar al-Islam (Partisans of Islam), which emerged in Kurdistan in 2002. Ansar al-Islam stemmed from the merger of Jund al-Islam (Soldiers of Islam), a group that had broken away from the Islamic Movement in

3 See Coalition Provisional Authority, Iraqi Governing Council, available at [http://www.cpa-iraq.org/government/governing\\_council.html](http://www.cpa-iraq.org/government/governing_council.html) (last visited 20 December 2007).

Kurdistan (IMK), with the armed group led by Mullah Krekar, a former IMK military commander and a veteran of Afghanistan. The emergence of a fundamentalist movement in Kurdistan is linked to the traditional leadership crisis as expressed through the two main Kurdish parties. Those parties represent families which also derive their legitimacy from their link with a brotherhood form of Sufism that shapes Kurdish society. However, the emergence of mini-states, the one under the aegis of the Kurdish Democratic Party (KDP), and the other under the Patriotic Union of Kurdistan (PUK), changed the situation – from then on, those who had been excluded from the Kurdish political system had no choice other than to adopt a position opposed to the local authorities, which were becoming more and more strongly territorialized. It was therefore not a war between “secular” and religious Kurdish parties but rather the violent restructuring of societies set against emerging tribal states. The brutality of the PUK’s campaigns against Jund al-Islam in 2001 finally convinced a good number of combatants that no peace could be attained with the Talaban’s militias. That is how Ansar al-Islam came into being. A large number of its members had left for Afghanistan in 1999. When they returned in 2002, they were accompanied by several hundreds of combatants of all nationalities who had been forced out of Afghanistan by the collapse of the Talaban regime. They settled in the Hawraman mountains, to the east of Halabja, on both sides of the border with Iran. When war broke out in 2003, joint operations by the US special forces and the PUK *peshmergas* put an end to that safe haven. Evicted from their mountain hideaway, the combatants of Ansar al-Islam scattered throughout the country. In the Arab-Sunni region they quickly found fresh support. Finally, there were those whom the Iraqis called the “guests of the regime” of Saddam Hussein. The secular left-wing and Arab nationalist opponents had gradually been replaced by Islamists hunted down in their country. In 2003 a number of recruits joined them in the name of a worldwide jihad against the United States.

### The “return to Islam” by Sunni Arabs

The current “return to Islam” by Sunni Arabs, and particularly to its Salafist variant, had been preceded by the return of Saddam and a number of Sunnites to Islam as a result of the war between Iran and Iraq and the sectarian war within Iraq, of which it was the extension. At that point in time, the Baath party was no more than an empty shell, put to death by Saddam himself. From being a cross-sectarian party, it had turned into a Sunni party, then into an ideological cover for Saddam Hussein’s ruling clan. In the name of Sunni solidarity, the Muslim Brotherhood gave their backing to the “secular” Saddam against Ayatollah Ruhollah Khomeini, the supreme leader of Islamic Iran. Saddam went through a transformation during the war with Iran. Going back on his professions of Baath secular faith, from then on the Iraqi leader stressed “his” Islam as opposed to that of Khomeini. Saddam declared himself a believer, sporting a genealogy which made him a descendent of the Prophet, adding *Allahu akbar* to the colours of Arab nationalism in the Iraqi flag, and multiplying gestures indicating a re-Islamization

of society (prohibition of alcohol in public places, a decree reversing certain rights obtained by women).

The evolution of the Sunni Arab community, like that of Saddam Hussein in the 1980s, raises a question – are we not witnessing the end of nearly a century during which secularizing ideologies were predominant in that community? Just as Sati' al-Husri (1880–1969), the theoretician of pan-Arab nationalism, transferred to Arab nationalism in the 1910s without encountering any opposition from Ottomanism, did not Saddam Hussein change from secular Baathism to a form of Islam that was being called for more and more? That would be evidence of a permanent situation in Iraq – in order to escape from their minority status, the Arab-Sunni elites in that country always have referred to the predominant ideologies in an Arab world that was mainly Sunni. By exchanging their Arab nationalism for Islam, the Sunni Arabs in Iraq are demonstrating a belated alignment with the other Arab countries. When Arab nationalism was at its height, it was their point of reference. Today, when it has been succeeded by a fundamentalist form of Islam, the Arab-Sunni Iraqis are ultimately merely pursuing a course that has always been theirs by now taking Islam as their point of reference. In the context of Iraq, the “conversion” of the Sunni Arabs to Islam is also the outcome of the rise of sectarian tension. For a long time the Islamic movement was synonymous with Shiism in Iraq. From now on, there were to be two Islamist movements at war with each other.

## **The Sunni guerrilla movement and Islam**

The Sunni guerrilla movement is taken to mean the armed resistance of various groups (Baathists, nationalists, anti-Shiite Sunnites, Sunni or Salafist Islamists of Ansar al-Islam, foreign combatants associated with Al Qaeda, criminal gangs). The guerrilla movement emerged in opposition to the US occupation and the current political process with a dimension that is increasingly sectarian. The “Iraqi resistance”, as it calls itself, or “anti-Iraqi forces”, as the majority Shiite government and the Americans call it, takes every possible course of action open to it – assassination attempts, ambushes, snipers, rockets, sabotage, aircraft attacks, kamikazes, killings, kidnappings and beheading. A 140-page report by Human Rights Watch denounced the numerous violations of human rights of which the movement is guilty.<sup>4</sup> The United States accused Syria, Iran and some Muslim non-governmental organizations of providing the movement with logistical support.

### **From Iraqi to Islamic and sectarian resistance**

In this insurrection movement, the Baathists were soon outdone by the Islamists. However, to the north and the west of Baghdad the activities of Saddam's former

4 Human Rights Watch, “Iraq: Insurgent groups responsible for war crimes”, report, 3 October 2005, available at <http://hrw.org/english/docs/2005/10/03/iraq11804.htm> (last visited 20 December 2007).

*fedayeen*, the former Republican Guard and the former Baathist intelligence services continued. On 13 January 2007 the Interior Minister, a Shiite, warned against the Return Party (Hizb al-'Awda), a revival of the former Baath party, after the executions of Saddam and Barzan. Izzat Ibrahim al-Douri, the last surviving dignitary of the fallen regime, who is still on the run and is presumed to have taken refuge in Syria, is said to be the inspirational force behind it.

However, most of the former Baathists have "converted" to Islam. In other words, while preserving their structures, they have adopted a religious language, that being all the more easy to do since Saddam Hussein had inaugurated that re-Islamization in the early 1980s as a result of the war against Iran. They may be classified as Islamo-Sunni insofar as their language is primarily sectarian and characterized by a virulent anti-Shiism. As members of that movement, reference may be made to Jaysh al-Taifa al-Mansura (the Army of the Victorious Sect), Saray al-Jihad (Jihad Brigade), Kata'ib al-Ghuraba' (Brigades of the Exiles), Kata'ib al-Ahwal (Brigades of the Apocalypse), the Brigades of Monotheism, Jaysh Muhammad (Army of Mohammed) and Jaysh al-Rafidayn (Army of Mesopotamia). The Islamic Army in Iraq, which also groups together former members of the Baath party, must be added to that list. That group, which is close to the Muslim Brotherhood but not Salafist, initially used language similar to that of Al Qaeda before distinguishing itself from that group by an Iraqi approach to the conflict, which was not in line with the internationalist vision of the "foreign combatants". Ishmael Jubouri, one of its leaders, said that he welcomed all Iraqis without distinction. The Islamic Army in Iraq, which is responsible for numerous kidnappings, in particular that of the French journalists Malbrunot and Chesneau, has executed some of its hostages. It called for people to vote against the Constitution.

The Islamic Sunni movement brings together the Brigades of the 1920 Revolution, close to the Sunnite clergy, as well as other groups such as Al-Raya al-Soda (Black Flag). The Committee of the Ulama, which is headed by Harith al-Dari and is firmly established in the province of Al-Anbar, is their religious point of reference, even if that organization does not call for armed combat.

Finally, there is the jihadist movement linked to Al Qaeda. The Majlis Shûra al-Mujahidin (Mujahidin Shura Council), established on 15 January 2006, became the "Islamic State in Iraq" in October 2006. It is an umbrella association of six organizations, in which Al Qaeda in Iraq rubs shoulders with Jaysh Ansar al-Sunna (Army of the Partisans of the Sunna). The latter organization, which is well established in northern and central Iraq, includes Kurds and has direct links to the "foreign combatants", Al Qaeda and what remains of the Kurdish group Ansar al-Islam, which held sway in Halabaja before being dislodged from there by the militias of Talabani's Patriotic Union of Kurdistan (PUK). It is one of the three groups to have kidnapped foreigners and beheaded them in front of a video camera. In Falluja, Omar Hadeed, an Iraqi citizen who had connections with international Islamism, was the local representative of Al Qaeda before he was killed by the united tribes of the al-Anbar Salvation Council in 2007.

Let us recall that the Sunni Islamists also have seats in the government – the Concord Front, established on 20 October 2005 for the elections, is a coalition of Adnan Dulaymi's General Congress of the Iraqi People, the Iraqi Islamic Party of Tariq al-Hashimi, the vice-president who succeeded Muhsin Abd al-Hamid in 2004 (he called for people to vote against the Constitution before being won over to it), well-established in Mosul, and the Iraqi National Dialogue Council of Khalaf al-Ulayyan. The Front won 44 seats out of 275, with 15.1 per cent of the votes.<sup>5</sup>

### Localism first

What distinguishes the Sunni insurgents from one another? The Baath party has ceased to exist as a single-party state, but has maintained networks of supporters. Those networks have been placed at the service of the “resistance” by using an Islamic vocabulary. Is there a difference between Baathist resistance and Islamic resistance? Is not the Islamic Army in Iraq merely a cover for the Baathists?

In fact, all of them are former members of the Baath party, which explains the ongoing use of Baathist vocabulary (“Arab unity”, etc.). However, drawing on Islam is not opportunistic. It is illustrative of the conversion to Islam of elites that were previously secularized and non-religious, a phenomenon which is, moreover, not unique to the Sunnites. It is the establishment in the local environment that is the main distinguishing criterion. The “resistance” would thus be more Muslim in Al-Anbar and Diyala, and more Baathist in Salah ad-Din (Tikrit) and Mosul.

However, another dividing line has assumed a growing importance – the evident clash between the internationalist objective of Al Qaeda in Iraq and the Iraqi objective of the Sunni insurgents. The Iraqi insurgents and the “foreign combatants” have become divided – the indiscriminate anti-Shiite terrorism directed against civilians, the imposition of Islamic standards and, in particular, the bloodshed against members of breakaway tribes under Al Qaeda orders are matters that have led to widespread resentment. The statement in which Zarqawi anathematized the Shiites and which was then broadcast on 14 September 2005 in a verbal message on a jihadist website – “in retaliation”, he said, “for the massacres in Tal Afar”<sup>6</sup> – was accompanied by murderous attacks on Shiites. As the first signs of a split, in December 2005 the Iraqi Sunni insurgents warned Al Qaeda not to attack the polling stations during the elections. In early 2006 Zarqawi fled to Diyala, where he was killed in June that year. In 2006 the tribes began to fight Al Qaeda in Falluja and in Al-Qa'im, close to the Syrian border. In liaison with the tribes, the networks of former Baath adherents mobilized against Al Qaeda in Al-Anbar. The United States then intervened in order to turn this split to its advantage; it was the policy of the Awakening Movements (Harakât saḥwa) and the Salvation Movement (Harakat inqadh) in Al-Anbar, then the Sunni districts of Baghdad, of Salah al-Din, and ultimately of Diyala. The same logic applied

<sup>5</sup> For the results see above, note 1.

<sup>6</sup> Tal Afar was portrayed as an “Al Qaeda stronghold” under the leadership of Musab Al Zarqawi.

everywhere: as the United States does not have the capacity to control the Sunni areas, why not give power to the Sunni tribal militias by providing them with the logistical support needed to flush Al Qaeda out of their areas? The new US strategy with regard to the Sunni Arabs has paid off in the short term – Al Qaeda saw itself driven out of the most densely populated areas and there was a marked reduction in the violence. The language of the united tribal sheikhs set out to be more Iraqi nationalist than Islamist. However, it is known that calling on tribal affiliations has never been able to save a political system in Iraq – no more in the Ottoman era than under the British mandate; the tribes were not the bearers of a political aim and their propensity for reversals is proverbial.

## Conclusion

It can be seen that in the general context of the re-Islamization of Arab societies, Iraq is in an exceptional position because of the US occupation and the absence of a viable state. The attempt to rebuild communities under the aegis of the United States led to a widespread withdrawal into communities in which Islam plays an essential role. The implosion of Iraqi society conferred on the local actors a previously unparalleled importance that was illustrated in Shiite circles by a growing number of allegiances (Supreme Islamic Council of Iraq (SICI), the Dawa party, the Sadrist movement, which was in turn divided into the supporters of Muqtada, the Virtue Party and others) and in Sunni circles by the numerous guerrilla groups which were established primarily in local areas. Sectarian identities were intensified, particularly because they built on layers largely secularized by years of a form of political life that had been partly dominated by secular or secularist parties (Communist Party, Baath). Many elites became secularized in imitation of the Iraqi Shiite Vice-President, Adel Abd al-Mahdi. Today a representative on the Supreme Islamic Council of Iraq, close to Tehran, al-Mahdi is a former Arab nationalist who converted to Marxism and then to Islamism. It looks as if a secularized form of Islam, whose vocation is primarily to confer an identity and which has become impervious to any religious code, is likely to fuel the fighting, which is all the more inexplicable because each person believes that he is fighting for survival as a member of his community.



# The strategic importance of the Internet for armed insurgent groups in modern warfare

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We are creating a world where anyone, anywhere may express his or her beliefs, no matter how singular, without fear of being coerced into silence of conformity.

John Perry Barlow, "Declaration of the Independence of Cyberspace" (1996).

## Abstract

*In modern times the Internet has become the only tool which can be used to spread information instantaneously and free of charge to anyone in the world who has an Internet connection. The ability to spread information is vital for any party engaged in an armed conflict. This article will show that groups engaged in a jihad have made the Internet their main outlet to the world. It will further examine the content of Islamic and jihadi websites, their main objectives and the communication strategies used. However, and with a particular focus on Iraq, the author will argue that the Internet does not serve as a platform of recruitment for jihad but is rather the most effective way for armed insurgent groups to win the "hearts and minds" of Muslims worldwide.*

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## Introduction

In the aftermath of the 11 September 2001 terrorist attacks on the United States (9/11), the threat of being attacked by Islamic groups declaring *jihad* became the

primary security concern of most Western countries. This threat was personified in Al Qaeda, “led” by the Saudi Osama Bin Laden and his “deputy”, the Egyptian doctor Ayman Al Zawahiri.<sup>1</sup> Through different types of measures (financial restrictions, military operations), the US-led “global war on terror” sought to destroy Al Qaeda and its affiliates. In its efforts to dismantle Al Qaeda, the United States launched military operations against the Taliban in Afghanistan in October 2001. In March 2003, it invaded Iraq and ousted the government there led by Saddam Hussein. While many experts believe that the military operations against the Taliban had severely damaged Al Qaeda (many important members were either killed or arrested),<sup>2</sup> the US-led invasion of Iraq gave the network a new haven from which it could reorganize its struggle against the “Crusader” Western forces. Indeed, the quick fall of the Iraqi Baathist government, the internal strife that ensued to secure power and the security vacuum that emerged provided an ideal ground for any *jihadī*<sup>3</sup> who wanted to confront the US forces and their allies on Muslim soil.

### *The information war*

This struggle against the “Crusaders” in Iraq is too often reduced by international media (especially Western) to its military aspect, thus neglecting the information “battle”, of the utmost importance, that is taking place. Every day news bulletins report on suicide attacks or road bombs that are causing casualties among Iraqi civilians and Western, mostly US, troops. Many Western think tanks have extensively discussed the operational resources of different groups in Iraq and their ability to fight the technologically far superior US military.<sup>4</sup> However, the means used to make known the political outlook and operational achievements of these groups have been less thoroughly studied.<sup>5</sup> In that respect, the Internet has

1 The author does not share the views that currently portray Al Qaeda as a pyramidal organization, with a leader (Bin Laden), a deputy leader (Al Zawahiri) and so on. He understands Al Qaeda as a reference for global *jihad*, materialized in the grievances and requests that Bin Laden has addressed to the world since the mid-1990s: the departure of US and Western troops from Muslim soil; the termination of US support for Arab “apostate” regimes; and the termination of support for Israel, which is oppressing the Palestinian people. However, we shall refer in this article to the “Al Qaeda network” to designate in a general way those individuals, groups and cells supporting the global *jihad* – against both the “infidel Crusader-Zionist” alliance (the Western world in general) and the “apostate” Muslim rulers – and claiming to be part of “Al Qaeda”.

2 Alain Chouet, former head of security intelligence of the French Secret Services (DGSE), claimed that Al Qaeda as an operational group had “died” with the fall of the Taliban regime in Afghanistan. His full interview with the French magazine *Le Point* of March 2004 is available at <http://alain.chouet.free.fr/documents/faq03.htm> (last visited 7 December 2007).

3 The term “*jihadī*” is used in this article to denote any individual or group that has declared *jihad*, i.e. war, on occupiers of Muslim land, Muslim or non-Muslim rulers, or any “unbelievers”. The declared war may comply with the strict criteria of Islamic law or it may be an individual interpretation of that law.

4 For instance, the US think tank Stratfor has published many articles related to that particular aspect.

5 A notable exception is the report of Daniel Kimmage and Kathleen Ridolfo, “The war of images and ideas: how Sunni insurgents in Iraq and their supporters worldwide are using the media”, RadioFreeEurope/RadioLiberty, Washington DC, 2007.

become a tool of primary importance. The freedom of expression offered by it remains unequalled. Even if some governments keep its use under strict surveillance – for instance, by banning access to certain websites – the Internet remains the largest available platform of expression throughout the world. Any material can be found today on the Internet, and the diverse servers hosting websites have a hard time filtering the enormous amount of information present. This has allowed groups engaged in a *jihad* to post on various websites their video footages, audio recordings and written statements. Furthermore, at a time when there is a strict surveillance of these armed groups, the security concerns for their members have considerably increased. The groups must use safe channels to communicate with the outside world. The Internet offers extended protection to its users when it comes to anonymity and traceability, especially when these users are professionals in the use of modern technologies.<sup>6</sup>

For these reasons and others that we shall examine more closely, the use of the Internet by armed groups confronting the Western forces in Iraq and their local allies is constantly growing. It has become virtually impossible to count the number of websites dedicated to the *jihad* cause against US troops in the Muslim world, especially in Iraq. All these websites are a key to understanding the political, social and economic reasons that have drawn many Muslims from around the world to fight the foreign troops in Iraq. The subjects discussed in *jihadi* forums<sup>7</sup> cover a broad spectrum of issues, from the religious justification of fighting foreign troops in Iraq to the assured rewards awaiting every “martyr” of this fight in the afterlife. The anger of Muslims is freely expressed on these websites, giving anyone studying such forums a front-row view of the motives inspiring the global *jihad* universe.

This article will show why has the Internet become a substantial part of the armed (and especially *jihadi*) groups’ arsenal. The article will focus on Sunni *jihadi* groups in Iraq for two reasons. First, as myriad groups are engaged in an armed struggle against the American troops and their allies in Iraq, the focus on Sunni *jihadi* groups offers clarity and simplicity to the study. Second, these groups are the most active on the Internet today. In order to grasp fully the importance the Internet has assumed for them, we shall first study the content of these *jihadi* websites; this will be followed by an analysis of their communication strategies. Finally, we shall show that these websites target specific audiences in the dissemination of their grievances. We shall begin with a preliminary study of the availability of the Internet in the Muslim world, and more specifically in the Middle East and North Africa region (MENA). This will allow us to provide factual data highlighting the growing base of Internet users in the Arab world, who constitute the primary targets of the global *jihad* rhetoric.

6 Sometimes *jihadis* have hacked into other websites to spread certain messages without being traced by the authorities. This can only be done by people with in-depth knowledge of modern technologies.

7 The expression “*jihadi* forum” or “*jihadi* website” designates any forum or website where *jihad* is advocated against what is perceived as an enemy of the *Umma* (Muslim Nation).

## The presence of the Internet in the Middle East and North Africa region

The presence of the Internet in the Arab world is a relatively new phenomenon. In 1991, Tunisia became the first Arab country to provide Internet services. It was followed by Kuwait, which logged on in 1992 after the Iraqi invasion. Egypt, Turkey and the United Arab Emirates (UAE) followed in 1993, while Jordan linked to the net in 1994. Public access to the Internet was available last in Syria and Saudi Arabia (late 1990s).<sup>8</sup>

Since 2000 Internet usage has grown considerably in countries of the Middle East region. According to Internet World Stats, a website specializing in the study of Internet usage and world statistics, the number of Internet users in the MENA region in December 2000 was 3,284,800.<sup>9</sup> Seven years later, it appeared that the number of Internet users in the same region had reached 33,510,500. As of September 2007, the countries with the greatest and fastest increase in Internet users are Iran (from 250,000 users in 2000 to 18 million in 2007), Saudi Arabia (from 200,000 in the year 2000 to 4.7 million in 2007), and Syria (from 30,000 in 2000 to 1.5 million users in 2007). This increase in Internet users in the Middle East is an ongoing phenomenon, as the UAE-based research centre Madar Research has forecast that by the end of 2008 the number of Internet users will have risen to 52 million.<sup>10</sup> In North Africa, the same boom in Internet use is observed. The total number of Internet users in Morocco, Algeria, Tunisia, Libya and Egypt was 710,000 in December 2000. By late September 2007 this number had risen to over 16 million individuals, with Morocco having the highest growth rate (from 100,000 users in 2000 to 6.1 million in 2007). The number of Internet users in Egypt is almost the same (6 million).<sup>11</sup> Conversely, Iraq is the country with the lowest number of Internet users in the MENA region, with 36,000 users registered in September 2007, and is the only country in the region that has witnessed a decrease in the number of Internet users in the last years. The main reason for this development is, without any doubt, the war in Iraq.

Although access to the Internet is closely monitored by the governments in the region,<sup>12</sup> which operate complete bans on numerous websites considered as threatening internal security, the people in the Arab world continue to show an increased interest. While many might use the Internet for primarily social reasons (chats, use of social networks, etc.), people wanting to convey a message to the

8 Deborah L. Wheeler, "The Internet in the Arab world: digital divides and cultural connections", Royal Institute for Inter-faith Studies, Amman, Jordan, 16 June 2004.

9 The study included the following countries: Bahrain, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Palestine (West Bank), Qatar, Saudi Arabia, Syria, UAE and Yemen. It is available at <http://www.internetworldstats.com/stats5.htm> (last visited 29 November 2007).

10 Internet World Stats published the results of the Madar Research forecast at <http://www.internetworldstats.com/me/reports.htm> (last visited 29 November 2007).

11 These results are available at <http://www.internetworldstats.com/stats1.htm> (last visited 29 November 2007).

12 Gamal Eid, "The Internet in the Arab world: a new space of repression?", Arabic Network for Human Rights Information, 2004.

Arab masses have understood that the Internet is becoming ever more present in their daily lives. This has led many religious leaders and institutions to establish their own websites. Some websites discuss Islam and its teachings in a broad way ("Islamic websites"). Among these, a distinction must be made between websites portraying the armed opposition in Iraq as a resistance to occupation ("mainstream Islamic websites") and those referring to the struggle of the Iraqi insurgents as a legitimate *jihad*. The latter are usually administered by scholars or groups opposed to Muslim governments. A third category of websites, which we will refer to as "*jihadi* websites", not only justify acts of violence and indiscriminate attacks against the "enemies of Islam", but are also active in broadcasting video and audio footages of the fighters, as well as official communiqués of the armed opposition groups in Iraq.

### The content: from Islamic to *jihadi* websites

Like all academic bodies, religious institutions or figures have developed their presence on the Internet. The Islamic websites, generally supervised by Sunni institutions or religious leaders, explain Islamic morals, principles and teachings to the public. These websites also display an impressive "*fatwa* bank",<sup>13</sup> where scholars answer numerous questions from Muslims all over the world. While these are usually personal queries from Muslims wishing to live in compliance with their religion, topics such as *jihad* and relations with non-Muslims are also often discussed. Unlike the *jihadi* websites, such topics are explained from a strict doctrinal point of view. The scholars explain their meaning as presented in the Qur'an, the Sharia (Islamic law) or the Hadith (the sayings of the Prophet Muhammad), without showing video footage, audio messages or other communiqués of *jihadi* groups designed to give form to the concept of armed *jihad*.

The *fatwa* delivered depends on the school of thought to which the scholar supervising the website adheres, as *jihad* or relations with non-Muslims have been subject to different interpretations on these websites. There are websites run by scholars close to Muslim governments (the so-called "official" religious establishment, because they are officially recognized by the governments) and those supervised by religious figures hostile to Muslim rulers and/or advocates of violent means (if necessary) to build a pious Muslim society. One thing both types of Islamic websites have in common, however, is their support for the resistance against foreign troops in Iraq.

13 "A *fatwa* is a considered opinion embodying an interpretation of the Sharia, the Islamic Law." John L. Esposito (ed.-in-chief), *Oxford Encyclopaedia of the Modern Islamic World*, Vol. 2, Oxford University Press, Oxford, 1995, p. 10.

## The mainstream Islamic websites

The Islamic websites run by members of the “official” religious establishment can be labelled as mainstream Islamic websites. Sunni authorities recognized worldwide, such as Youssouf Al Qaradawi<sup>14</sup> or Salman Al Awda,<sup>15</sup> have websites where they primarily express their views on religious matters, but also on political issues affecting the Muslim world. On his website, Al Awda, for example, has stated, “Islam prohibits targeting innocent people such as women, children, and others like them even when there is actually a war being waged between the Muslims and the disbelievers. Disbelief, in and of itself, is not a justification to kill someone.”<sup>16</sup>

Concerning Iraq, he also told his followers, “we certainly do not call for clashes between Sunnis and Shiites whether in Iraq or elsewhere, because clashes are not even destined to the infidel, but we call for mutual understanding and dialogue”.<sup>17</sup> One can thus argue that scholars like him have taken a clear stance against sectarian violence in Iraq. However, at the same time both the aforesaid scholars adopt positions and issue statements inciting Muslim anger against the US troops and their allies in Iraq. During his visit to London, Al Qaradawi supported “the right of Iraqi people to resist foreign invasion”. His choice of words is significant. Even if he does not use the word *jihad*, Islamic law and tradition view foreign invasion of a Muslim land (in this case Iraq) as a clear justification for *jihad*.<sup>18</sup> Al Qaradawi’s rhetoric points out that there is foreign aggression on Muslim land, and regardless of whether he calls it a *jihad*, his followers will perceive it as their “religious duty” to support the Iraqis fighting against the “aggressors”. Al Awda has written many articles on the situation in Iraq. In 2003, in an article entitled “After Iraq: Part II” published on his website, the Saudi scholar wrote,

14 Born in Egypt, Al Qaradawi was a follower of Hassan al-Banna (the founder of the Muslim Brotherhood) in his youth and was imprisoned three times in Egypt in the first half of the twentieth century for his involvement in Islamist activism there. Although he is a member of the Muslim Brotherhood (MB), Qaradawi has several times turned down offers to lead the organization. After relocating to Qatar, he was appointed dean of the Islamic Department at the Faculties of Sharia and Education in Qatar and was also made chairman of a council overseeing Islamic education in Algeria. He is also the chairman of the European Council for Fatwa and Research. During a visit to London in July 2004, Al Qaradawi clearly opposed suicide operations in Iraq.

15 Al Awda was born to a rich and respected Saudi family. He first joined the Faculty of Arabic at the University Ibn Saud in Riyadh, then enrolled two years later in the Faculty of Sharia of the same university and got his degree there. He continued his studies at the Al Buraida University Institute, before being transferred to the Sharia section of the “Ousoul al Dine” (Principles of Religion) Faculty of the Ibn Saud University. He obtained his Ph.D. from this faculty.

16 This information is available at [http://www.islamtoday.com/show\\_detail\\_section.cfm?q\\_id=310&main\\_cat\\_id=15](http://www.islamtoday.com/show_detail_section.cfm?q_id=310&main_cat_id=15) (last visited 1 December 2007).

17 Ibid.

18 A number of Qur’anic verses can be quoted that expressly justify armed struggle against the “unbelievers” on the grounds of aggression. For instance, “Fight in the cause of God those who fight you, but do not transgress limits; For God loveth not transgressors” (Sura *Al Baqara* (The Heifer), Verse 190).

Those in America who proclaim freedom are making vicious attacks against Islam and its Prophet (peace be upon him), accusing him of bloodlust, violence, and terrorism. We, however, can challenge them with the fact that the number of people killed during the lifetime of the Prophet (peace be upon him) was fewer than the number killed by the allied forces during a single day of their unjust war against Iraq.<sup>19</sup>

Such statements, issued on these websites, have a considerable impact on Muslims worldwide, as they give voice to the theory of an ongoing “war on Islam”; the websites have become a major vector of this grievance, even those supervised by clerics affiliated with Arab regimes close to the United States. These clerics do not openly support suicide operations or groups in Iraq labelled by the United States and its allies as “terrorists” (such as Al Qaeda or the Islamic Army in Iraq, etc.), but their constant reference on their websites to the “foreign invasion of Iraq” or to the “aggression against Muslims and Islam” swells the ranks of those providing moral support to the groups fighting the foreign troops in Iraq. Al Qaradawi and Al Awda can express these opinions freely on the Internet, knowing that their sermons are closely followed by the authorities of their country of residence. Moreover, as their websites are available in English, their ideas will reach a far greater number of Muslims than would have been possible through local sermons. The Internet is used as a communication tool by these scholars, enabling them to address Muslims throughout the world and escape strict government restrictions. As stated on islamonline.net, during 2006 alone visitors from 213 countries visited 159 million pages on the website.<sup>20</sup>

### The Islamic websites opposed to Muslim governments

Another type of Islamic website exists, supervised by scholars tagged as “fundamentalists”, “radicals”, “extremists”, and all sorts of other denominations. We qualify these scholars as those who are strongly opposed to the Muslim governments in power, as they believe that they are not fully implementing the Qur’an or Islamic law (Sharia) which they see as the indisputable pillar of any pious Muslim society. They have also proclaimed their support for violent attacks against both these Muslim governments and their foreign allies (mainly the United States). Some of them, like the Kuwaiti Hamed Al Ali,<sup>21</sup> supervise popular websites where they freely express their support for the Iraqi armed insurgents and their

19 This article is available at [http://www.islamtoday.com/showme\\_weekly\\_2003.cfm?cat\\_id=30&sub\\_cat\\_id=541](http://www.islamtoday.com/showme_weekly_2003.cfm?cat_id=30&sub_cat_id=541) (last visited 7 October 2007).

20 Information available at <http://www.islamonline.net/english/mediakit/Index.shtml> (last visited 26 November 2007).

21 He was born in Kuwait around 1940 and is a graduate of the Medina University, Saudi Arabia. From 1998 to 2001 he was secretary-general of the Scientific Salafi Movement in Kuwait (*Harakat al Salafiya al Ilmiya fil Kuwait*). This movement is criticized by other Islamic parties in Kuwait as being “extremist and dangerous”. The secretary-general of the Islamic Constitutional Movement (the political front of the Muslim Brotherhood in Kuwait and the biggest Sunni political force) has stated that the Scientific Salafi Movement is “a parallel to the Wahhabis and the Taliban”.



fight against the US-led troops. The popularity of these websites is clear from the large number of questions addressed to such scholars by Muslims all over the world.<sup>22</sup> Al Ali, who runs the [www.h-alali.net](http://www.h-alali.net) website, repeatedly claims that there is a plot by the Shiites and the United States to oppress the Iraqi Sunni population. He calls upon all Muslims to support the mujahideen in Iraq, and describes the perpetrators of suicide operations in Iraq as “martyrs” and “fighters of Islam”. The “*fatwa* bank” of his website contains a multitude of religious rulings. Al Ali refers to the “mujahideen in Iraq” in his latest *fatwa*, “Statement to the Islamic Nation and to the Mujahideen in the occasion of the month of Ramadan 1428 (September 2007)”. He calls them “the armed free men who are standing with utmost dignity, the fighters of justice, the defenders of their Umma (Islamic Nation) who are pushing away the forces of oppression”. As a scholar with known religious credentials (Medina Islamic University in Saudi Arabia), Hamed Al Ali’s support for the armed Sunni insurgency in Iraq offers these groups a religious backup that will help enlist additional popular support from Muslims.

Scholars such as Al Ali cannot be labelled as “marginal”, especially when it comes to the situation in Iraq. The US-led offensive of March 2003 has drawn near-unanimous opposition in the Muslim world. The majority of Muslims around the world perceived that war as being unjust and serving US oil interests.<sup>23</sup> As the “official” religious establishment could not openly and vigorously condemn US activities in Iraq because of the pressure applied by local US-allied governments, many Muslims found echoes of their frustration in the words of outspoken scholars such as Al Ali. Today these scholars have a growing popularity base because of the various crises between the Western and the Islamic world, the most concrete examples being Iraq and Palestine. However, the activism of these Islamic websites in supporting the Sunni insurgency in Iraq does not have the same impact on Muslims who visit them and take part in the forums as that of *jihadi* websites. This is due to the lack of operational “proof” that the *jihad* is being “victoriously” waged, especially video footages of *jihadi* operations. This element distinguishes *jihadi* websites from Islamic websites.

### The *jihadi* websites

The *jihadi* websites are a phenomenon that has developed considerably in the post-9/11 era. According to Gabriel Weimann, whereas in 1998 the US Department of State counted no more than fifteen websites maintained by groups labelled by the US government as “terrorists”, in 2005 there were more than 4,000

22 The *fatwa* bank on Al Ali’s website runs for dozens of pages. It is impossible to know precisely how many *fatwas* are available, but there are several hundred displayed in the *fatwa* bank alone. Most of them are a reply to a direct question addressed to Al Ali.

23 “Muslim public opinion on US policy, attacks on civilians and al Qaeda”, World Public Opinion, Program on International Policy Attitudes of the University of Maryland, Maryland, 24 April 2007.

such websites supporting terrorist activities.<sup>24</sup> In the post-March 2003 era, Iraq has become the main subject of discussion on these websites.

### *The “graphic” activism of jihadi websites*

Day by day videotapes are posted on protected forums that show roadside bombings of US military convoys, the training of *jihadi* operatives and even direct confrontation between the US military and the *jihadis*.<sup>25</sup> However, these websites are not only intended to show the *jihadi* groups’ military operations against the foreign forces in Iraq. They also include much video footage destined solely to provoke Muslim anger around the world. For instance, in November 2006 the *jihadi* website [www.tajdeed.org.uk](http://www.tajdeed.org.uk) released a videotape (allegedly filmed by the Islamic Army in Iraq) of an air raid on a mosque on the outskirts of Baghdad. The video showed a missile striking the mosque and completely destroying it. For the same purpose, videotapes showing excessive and unnecessary use of force by US soldiers against Iraqi civilians (including women and children) are posted. As the Iraqi population’s daily suffering due to the war is causing frustration in the Islamic world, such images have a considerable impact on Muslims. That suffering provides strong arguments for the *jihadis* claiming that the US-led offensive in Iraq is a “war on Islam and Muslims”, thus rallying additional popular support for the Iraqi Sunni insurgency that is perceived as “resisting” foreign occupation. These videos are available only on *jihadi* websites, as they would not be aired by conventional mainstream media outlets or by the Islamic websites, because of their focus on more religious than “operational” issues.

### *Jihadi messages through operational videos*

The distinction between “ideological *jihadi* websites” and what can graphically be referred to as “Rambo” websites (showing only operational videos) is obsolete. The *jihadi* websites are active both in disseminating *jihadi* rhetoric and in advertising the operational effectiveness of the Iraqi Sunni insurgency: while they offer the possibility of reading *fatwas* praising violent *jihad*,<sup>26</sup> video footage of military operations conducted by *jihadis* is also always present on them, and not always in protected forums. The administrators of these websites have understood a vital element, namely that in order to be spread, the *jihad* theories need illustrations and “proof” of their application on the ground. For instance, throughout the summer of 2006 and until late October, *jihadi* websites were actively reporting news from “Juba”, a sniper in Baghdad who allegedly killed

24 Gabriel Weimann, “Terror on the Internet: the new arena, the new challenges”, United States Institute of Peace Press, Washington, DC, 2006, p. 15.

25 The Islamic Army in Iraq has been very active in this respect. The group is thought to be the largest militant Sunni organization in Iraq. Its ideology is a mix of Islamism and nationalism, as the group is composed of many former Baathists. The Islamic Army in Iraq has posted numerous small videotapes on various *jihadi* websites showing the group’s military activities against the foreign forces in Iraq.

26 Hamed Al Ali is often cited on these websites; see note 22 above.

more than 600 US soldiers in that short period. Each time a “Juba” video was to be released, there was increased activity on the *jihadi* forums: many people logged on (some forums even hosted over 50 participants) just to see the new “achievements” of their favourite sniper. On 24 October 2006, the *jihadi* website [www.minbar-sos.com](http://www.minbar-sos.com) hosted a large forum offering great praise of “Juba”, who, according to the website, had killed 668 US soldiers in Iraq since July 2006. The forum showed pictures of the sniper, his face invisible, writing a letter to the Muslim nation and preparing his rifle. A series of other video footages showed US soldiers walking around Baghdad before being gunned down by the sniper. Statements were also made in Arabic, such as “Participate in financial support for the *jihad*, don’t be late!” and “Juba’s successes were achieved using an old sniper rifle. Imagine what he could do to the Crusaders with a new rifle. Support Juba!”<sup>27</sup> According to Abdul Hameed Bakier,<sup>28</sup> a counter-terrorism expert writing for the Jamestown Foundation, “the most effective *jihadi* propaganda videos are currently the two clips of Baghdad’s sniper, nicknamed Juba”.<sup>29</sup>

### *The advantages of the web for transmitting jihadi speeches*

The Internet offers greater advantages to the supporters of armed *jihad* than do mainstream media operators, even those like Al Jazeera that have not hesitated to broadcast speeches of Osama Bin Laden or Ayman Al Zawahiri. First, mainstream media operators work to a precise schedule that does not allow them to broadcast *jihadi* messages in full (such messages often last more than 30 minutes). Furthermore Al Jazeera, owned by the Qatari Prince, cannot air messages that would be threatening to the government. In that regard there have been accusations on behalf of the *jihadis* that Al Jazeera broadcasts messages in a way that best suits its own agenda. With reference to Bin Laden’s audio speech of 22 October 2007, the following criticism on a *jihadi* website was levelled against Al Jazeera:

We have seen how Al Jazeera has manipulated the speech of our Sheikh Osama Bin Laden, may God protect him, and the way they distorted his message from its original meaning ... The directors of Al Jazeera have chosen to support the Crusaders, the defenders of the Hypocrites and the thugs and traitors of Iraq ... The directors of Al Jazeera presented wrong facts making the speech seem as if it was focused solely on the brothers and sons inside the Al Qaeda organization. This happened as if the speech was admitting the group’s errors, as if it was renouncing their *jihad* and their loyalty towards it ... We strongly ask from all journalists, media experts, satellite TV networks, new media and especially those in Arabic to adhere to the principle of

27 My translation.

28 Abdul Hameed Bakier is an intelligence expert on counter-terrorism, crisis management and terrorist-hostage negotiations. He is based in Jordan.

29 Abdul Hameed Bakier, “Islamist websites succeed in recruiting Muslims for *jihad*”, Jamestown Foundation, 28 November 2006.

neutrality by publishing messages as they are delivered with no omissions ... We also ask from our supporters and sympathizers to be patient and cautious, and to not accept media releases unless they come from a credible source which will not change their content according to its desires.<sup>30</sup>

These constraints do not exist on the Internet, where the running time of a video or audio message does not matter. The *jihadi* websites pass on the full message, which allows the viewer to grasp the “true meaning” of the *jihadis* words.

### The objectives of the *jihadi* websites

To grasp fully the importance of the Internet for the Iraqi Sunni insurgency, it is necessary to consider the ultimate goal of the *jihadi* websites. It has been said on various occasions, in media reports or in think-tank analyses, that the *jihadi* websites have been successful in recruiting a large number of volunteers to fight in Iraq. According to Michael Doran, the US Deputy Assistant Secretary of Defence, networks such as al Qaeda use the Internet for a variety of organizational purposes, including recruitment and fund raising.<sup>31</sup>

### Recruitment

We do not share this viewpoint. When reports cite recruitment by “Al Qaeda in Iraq”, they are usually referring to non-Iraqi fighters joining the ranks of Al Qaeda in that country (or Tanzim Al Qaeda fi balad al Rafidayn – Al Qaeda Organization in the Land of the Two Rivers (as Iraq is sometimes called)). Even if Al Qaeda is supposedly still an active operational group, such recruitment, especially on the Internet, does not make any sense security-wise. Indeed, at a time where there is tight surveillance of the al-Qaeda “group” all over the world, the “leaders” of Al Qaeda will not jeopardize their safety or their operations by recruiting *jihadis* on the basis of their participation on websites. Security services, especially Western ones, are actively trying to infiltrate *jihadi* groups and these groups are fully aware of it. Such websites issue multiple warnings that the forums are being “watched”. When Al Qaeda emerged in the late 1980s,<sup>32</sup> the “group” was composed of veterans of the Afghan *jihad* against the Soviet occupation. Al Qaeda’s recruitment was extremely selective and *jihadis* joining the network were accepted because of strong personal ties with Al Qaeda veterans, family links, tribal guarantees and so on. There was no recruitment based solely on the person’s motivation and

30 This information was found on the protected forums of [www.minbar-sos.com](http://www.minbar-sos.com) on 5 November 2007.

31 Michael S. Doran, untitled statement, Committee on Homeland Security and Governmental Affairs, US Senate, 3 May 2007.

32 It is believed that Al Qaeda emerged from the Peshawar-based Maktab Al Khidamat (Services Bureau), founded by Abdallah Azzam (the main ideologue of the Afghan “*jihad*” of the 1980s). However, the term “Al Qaeda” was first used to describe Bin Laden’s *jihadi* followers in a report compiled by the US State Department in 1998. See Jason Burke, *Al-Qaeda: Casting a Shadow of Terror*, I.B. Tauris, London, 2003.

declared support for the *jihadi* cause. The Iraqi *jihadi* groups were very wary of accepting unknown Muslims, especially those based in the Western world and willing to fight in Iraq, and suspected them of being agents working for foreign intelligence. Recruitment on the Internet carries high risks that the *jihadi* groups in Iraq will seek to avoid. However, the Web is used as an integral part of these groups' confrontation strategies.

### *The jihadi websites as media outlets for armed insurgent groups in Iraq*

The armed insurgent groups in Iraq (and elsewhere) use the *jihadi* websites as vectors for their struggle, since the Internet constitutes their only means of communication with the outside world. It is, in a certain sense, their media outlet – with minimal censorship – to communicate with Muslims around the world. The videos portraying military “accomplishments” of the *jihadi* groups are presented to gather popular support for the Iraqi Sunni insurgency. But their aim is *not*, as is said in various media and reports, to gain support by recruiting future *jihadis* and suicide bombers. The insurgent groups, in addition to popular “moral” support, seek financial aid. As the Internet hosts video footages, audiotapes or communiqués on a daily basis showing the vulnerability of the US army faced with the guerrilla-style warfare of insurgent groups in Iraq, the *jihadi* websites constitute the latter's main “weapon” in their communication policies, which are in line with specific strategic concerns.

### *Adjusting the balance in an asymmetric war*

The main goal of *jihadi* websites is to create a parallel universe where *jihadi* groups are able to communicate – through relatively safe channels – with the Muslim world. Wars are usually conducted on two main fronts: the battlefield and the sphere of information or propaganda. The Sunni *jihadis* in Iraq, well aware of US military superiority, have sought to adjust the balance of power in the conflict. The use of guerrilla-style warfare, to which the US conventional army finds it difficult to respond, has enabled the Sunni insurgency to sabotage reconstruction efforts and any plans to establish and maintain security in Iraq, as well as any post-Saddam normalization of a political process there.

However, the use of the Internet is what has transformed the apparently asymmetric conflict into a symmetric “battle”. As *jihadi* groups, by their very nature, work underground, they do not have access to mainstream media operators, which would in any case censor most of their messages. The websites offer these groups the opportunity to divulge information and send out messages at a speed and on a scale that only powerful states would have been able to achieve before the Internet era.

The worldwide dissemination of messages on these websites has yet another significant advantage. Not only are the groups' military successes “proved”, but the *jihadi* websites allow every Muslim around the world who sympathizes with the struggle of the Iraqi Sunni insurgency to feel part of the

“*jihad*”. Indeed, and contrary to what might be believed, most *jihadi* websites are not run or supervised by the Sunni Iraqi groups, even if it is safe to say that some websites have established links with the insurgency. There are many hundreds of websites administered by individuals who support the “*jihad*” in Iraq, probably without ever having met a single Iraqi insurgent. In the Internet era, these individuals are just as important as any *jihadi* fighting the foreign troops. Indeed, by actively helping to propagate those groups’ videos or audio statements, the people behind the *jihadi* websites are making a substantial contribution to their struggle in two ways.

First, they make sure that the message gets through to the Muslim people. As security services are constantly shutting down websites suspected of being *jihadi*, the distribution of messages from Iraq to a maximum number of forums and sites makes their work much harder. In that regard, administrators of *jihadi* websites have shown their impressive skills at adaptation. When a *jihadi* website is shut down, it often reappears (after a variable period of time) under another address or via another server. If the administrators do not use the same Internet address for the site, other *jihadi* forums refer to its new address. In any case, “*jihadi* material” always remains available on the Internet, due to the work of the “cyber-*jihadis*” behind these websites.

Their second major contribution to the struggle in Iraq is their perpetuation of the *jihadi* ideal. As stated above, these websites spread certain information with the sole aim of arousing anger and frustration in the hearts of Muslims worldwide. The Iraqi war is a strong case in point. Scandals such as Abu Ghraib, the Mahmudiya massacres<sup>33</sup> and so on are still resonating throughout the Muslim world. The *jihadi* websites post almost daily reports of such scandals and other atrocities committed against Iraqi civilians. As this helps local Iraqi Sunni groups, especially in terms of financial support, individuals such as Ayman Al Zawahiri who advocate a broader international *jihad* are also benefiting from this activism. The perpetuation of the theory of a “war on Islam” and of the *jihadi* rhetoric creates a base of angry Muslims perceiving it as their religious duty to defend their Nation (*Umma*, the Islamic world) against foreign “aggressors”. Some of them might decide to carry out violent attacks, either against Arab regimes allied with the United States and deemed incapable of defending Muslims (in Iraq or elsewhere) or against Western powers accused of causing suffering to Muslims. These individuals will act as independent cells, with no operational ties to “Al Qaeda”. The attacks of 11 March 2004 in Madrid are a good illustration: to this day there is no solid evidence linking the perpetrators of that terrorist attack to “Al Qaeda”, but their goal seems clear. Influenced by the theory of global *jihad* and frustrated by the situation in Iraq, the attackers wanted to “punish” Spain for its involvement in that country. A few days later, the Spanish governing party was

33 On 12 March 2006, Abeer Qassim al-Janabi, a 14-year-old Iraqi girl, was raped and then killed by four US soldiers as her parents and sister were shot in the other room of her house. The attack took place in Mahmudiya, about 20 miles south of Baghdad. All soldiers were convicted by US courts and sentenced to prison terms of up to 110 years.

defeated in elections and the country's politics in Iraq changed. The ideology that drove these individuals to commit mass murder is the same ideology widely disseminated, almost entirely without censorship thanks to the Internet, by *jihadi* websites.

### The specific audience targeted by *jihadi* websites

Two prominent examples of websites actively involved in the dissemination and presentation of news from Iraq and other “*jihad* fronts” will serve to illustrate the audiences targeted.

#### *Websites targeting Arabic-speaking Middle Eastern Muslims*

One such website is [www.tajdeed.org.uk](http://www.tajdeed.org.uk). This is a UK-based website that is exclusively in Arabic. “*Tajdeed*” means renewal, and the official name of the website is Al Tajdeed Al Islami, meaning “the Islamic renewal”. The website is up to date on news of the Iraqi Sunni insurgency, but also has close links with other “*jihad* fronts” such as Afghanistan, Sudan and Somalia. Muslims participating in the forums are considered as being adherents to the Wahhabi trend of Islam.<sup>34</sup>

The person behind this website is Mohammad al Masaari.<sup>35</sup> It is a platform for criticism of Arab regimes and the fact that they are governed by “apostate” rulers, with a special focus on Saudi Arabia. Many videos of the Iraqi insurgency can be found on it, like the one previously mentioned showing the destruction of the mosque in Iraq. Under each video or audio reference a brief discussion between members of the website follows, in which *jihad* is advocated. In these discussions senior members of the website give an analysis of the general situation in the Muslim world. They are blaming the suffering of Muslims worldwide on the “Zionist–Crusader” alliance, but also on the ineffectiveness of Muslim regimes when it comes to defending their people. Given that the website is in Arabic and contains strong criticism of Middle Eastern governments, the targeted audience is primarily Arabic-speaking Middle Eastern Muslims (living both in the Middle East and elsewhere). Furthermore, since many anti-Shiite items are posted on its forums, the website clearly wishes to attract Sunni Muslims.

34 Founded by Mohammad Ibn Abdel Wahhab in the eighteenth century, the Wahhabi movement is a conservative branch of Islam which is also the “official” Islamic tradition in Saudi Arabia. Wahhabism advocates the strict application of Sharia and Qur’anic principles as non-negotiable elements for the establishment of a Muslim society. It is close to the Salafi ideology, as it refuses innovation (*bidah*) in Islam and believes that the true Islam is the one practised by the *salaf*, i.e. the Prophet and his close companions.

35 Al Masaari is a Saudi scholar in exile well known for his opposition to the Saud regime, and is the leader of the Committee for the Defence of Legitimate Rights in Saudi Arabia (Lajnat al Difaa aan Al Huquq al Shari’ya). The group was founded in 1992 in Saudi Arabia and consists largely of academics and lower-level Muslim clergy. It considers itself a pressure group for peaceful reform and for improving human rights in Saudi Arabia, but also agitates against what it perceives as the political corruption of the Saudi government and ruling family. In 1994, after experiencing government repression, the group moved its headquarters to London. Al Masaari still lives in London.



### *Websites targeting Muslim immigrants in the Western world*

On the other hand, there are *jihadi* websites exclusively targeting Muslims living in specific parts of the Western world. One example is the website [www.minbar-sos.com](http://www.minbar-sos.com), which is exclusively in French and actively concentrates on North African affairs. It therefore primarily appeals to French-speaking European Muslims of North African origin. The website is run by Malika El Aroud,<sup>36</sup> who issued a statement in one of the forums explaining why journalists are being killed in Iraq. In it she claimed that “there are only two explanations: either they are spies, and therefore their killing is blessed; or they are being killed by American forces who are scared of what they might reveal. Either way, the mujahideen in Iraq are not to blame, and they are not doing anything that is contrary to Islamic rules”. The website displays a lot of similar rhetoric, but unlike the one supervised by Al Masaari, there is no significant emphasis on the religious arguments justifying the global *jihad*. As the “Minbar” website first and foremost addresses European French-speaking Muslims of North African descent, the arguments used on it to justify global *jihad* are focused more on the poor social status of the Muslims in Europe, many of whom belong to the working class, live in “ghetto” neighbourhoods and therefore feel marginalized by European society. The website’s explanation is that European governments are rejecting them because of their Muslim identity. In addition, the website constantly shows videos from Iraq with heartbreaking images of suffering Iraqi women and children. This undeniably spurs Muslim anger and supports the theory of a “war on Islam”.

### **Conclusion**

The Internet, in its everyday use, has made the worldwide *Umma* or Islamic Nation a sort of village, in the sense that everything seems within reach. Geographical distances are no longer a major obstacle to communication and information sharing. This “village” is portrayed today as being under attack. The accusations of a “war on Islam”, fuelled by many scandals (especially in Iraq), are widespread on many websites. The *jihadi* websites capitalize on the frustration caused by these events and provide graphic proof of what they call the “evil nature of the West”. By performing this work of “counter-information”, the *jihadi* websites have made it possible to readjust the balance of power in an asymmetric conflict. The Internet helps the *jihadis* to counter the international Western media and their perception of groups such as Al Qaeda. In other words, the Net offers *jihadis* the opportunity to show “their side of the story”. In times of war the importance of communicating messages is paramount. While many entities

36 Malika El Aroud is no stranger to *jihadi* circles. Born in Tangier (Morocco) in 1959, she lived in Belgium, where she married Abdessattar Dahmane in 1999. Her husband is one of the two men disguised as journalists who killed the anti-Taliban Afghan leader Ahmed Shah Massoud in September 2001, two days before the 9/11 attacks.

engaged in a conflict have the ambition and the means to create their own conventional channels of communication (such as television), they often seem to be confronted by legislation that does not permit them to do so.<sup>37</sup> The Internet definitely does not pose that kind of problem. No special licence is required, and even if cyberspace remains under supervision by every country in the world, *jihadi* websites are always finding new servers to host their pages.

In addition, *jihadi* websites offer a level of interaction between sympathizers that makes everyone feel part of the “*jihad*” without participating in the actual fighting; it is no longer necessary to be physically in Iraq in order to become a *jihadi*. The websites help the “brothers” by spreading their messages and by attracting maximum popular support, which may lead to financial aid. There is no doubt that, to this extent, the *jihadis* have succeeded in making the Internet the vector for their voice, which is now heard throughout the world instantly and free of charge. The battle for the “hearts and minds of the Muslims” is definitely raging, and cyberspace is the main battlefield.

37 For instance, the ban on Hezbollah airing its “Al Manar” television channel in France in 2004 (as well as in other European countries and the United States).





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Countless Iraqis have died since the beginning of the war there in 2003. They have fallen victim to military operations, terrorist or criminal acts or clashes between armed groups. It is very difficult to determine their exact numbers.



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The “Samarra bombing” of 22 February 2006 caused severe damage to the al-Askari Mosque, also called Golden Mosque – one of the holiest Shia shrines. This has led to retaliation and a spiral of violence between Iraq’s Sunni and Shia communities.



09/04/2003 © ICRC/Benoît Schaeffer

The fall of the Saddam regime put an end to years of dictatorship. At the same time, it created a political vacuum, causing the different ethnic and religious groups to engage in a violent struggle for power in post-Saddam Iraq.



Najaf, site of the Imam Ali Holy Shrine, lies 160 km south of Baghdad and is one of the holiest cities of Shia Islam and the center of Shia political power in Iraq. It has been the scene of heavy combat on various occasions.





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In the Iraq conflict, hostage-taking has unfortunately become a method of warfare, although it is a crime under international law. The goal is either to put political pressure on the parties to the conflict or to obtain money. In some cases, hostages have even been killed in front of a camera.



Many Islamist groups from all over oppose, either violently or non-violently, the presence and influence of foreign troops and organizations in Iraq. They use the internet to support their cause and to spread their religious message. But the internet also serves as an open forum for discussion on the Iraqi conflict and hosts moderate websites that condemn violence.



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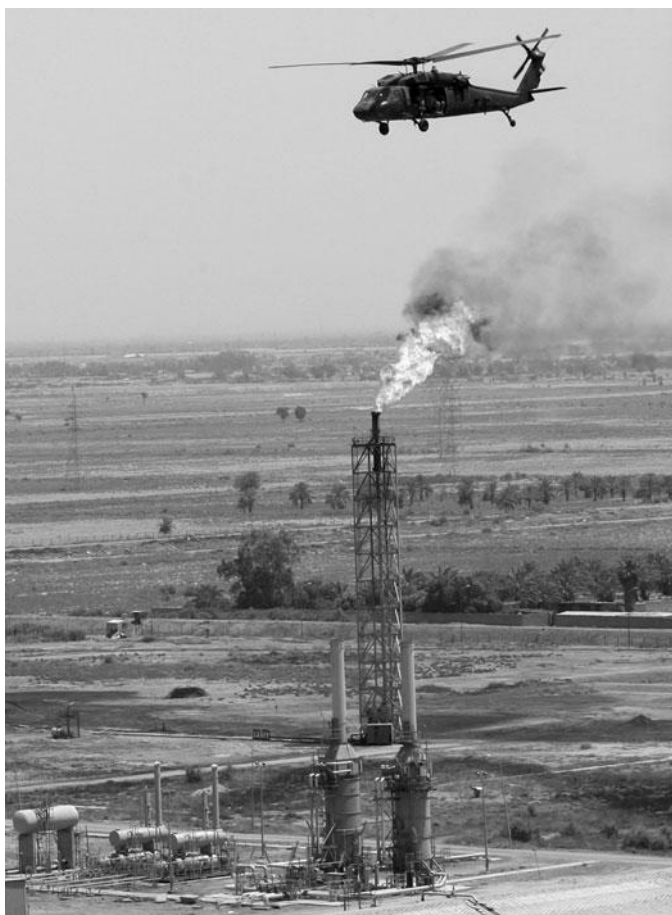
During the invasion and in its aftermath, reporting on the events in Iraq was a very dangerous occupation. Journalists, particularly those who were not “embedded” in military units, had to take great risks to carry out their work and were often targeted. Despite the new-found freedom of expression, journalists are still frequently attacked. According to Reporters Without Borders, there have been about 200 killings of media employees in Iraq since March 2003.



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The development of a democratic political system after the formal end of occupation in June 2004 turned out to be very difficult. After the adoption of an Iraqi Constitution on 15 October 2005, the 275-member Council of Representatives met for the first time on 16 March 2006. Some of the most controversial questions in parliament are the distribution of income from oil, regional autonomy and constitutional reform.





Iraq has the world's second largest proven oil reserves. According to the IMF, in 2006 crude-oil export earnings represented around 60 percent of the country's GDP and 89 percent of government revenue. It is a matter of dispute how the revenues can be distributed fairly among Iraqis and what the legal framework should be for the involvement of foreign firms in the exploitation of this resource.

# The media and Iraq: a blood bath for and gross dehumanization of Iraqis

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## Abstract

*The war in Iraq has been accompanied by the highest ever number of casualties among members of the Iraqi and foreign press. While the end of the Saddam Hussein regime has reopened the way for vibrant media activity, the absence of security for members of the media has had a high human cost. The US-led war on Iraq, which was aimed at liberating its people from authoritarian rule, has not seen any serious attempt by the Western or even Arab media to focus on the human side of Iraq. Iraqi civilian death tolls are treated as nothing more than statistics.*

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Wars and conflicts have been fought in the minds and hearts of people as much as on the battlefield. The Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO) makes the connection between the two. In its preamble, the worldwide body states, “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”.<sup>1</sup>

While the need to win this mind battle has been an integral part of the war machine in the past, it is even more crucial in today’s digital revolution. In Iraq and in other parts of the world the battle for the mind, often fought on the pages of newspapers and on television screens, has been decisively won by warmongers and lost to those men and women initially trying to avoid it and seeking its end ever since.

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A closer look at armed conflicts and everything that surrounds them reveals that while a lot has been said (and to a lesser degree done) to regulate what happens in the war zone, little effort has been made to deal with the issue of war reporting, the protection of journalists from mental or physical harm, or the hate, racism and dehumanization that reporting about conflicts produces, even in some of the world's most professional journalists and media outlets.

## The role of the media in armed conflicts

Before looking at the fate of journalists in the Iraqi conflict, it is useful to determine in more general terms what role the media play in armed conflicts. Perhaps the most impressive contribution that journalists have made in the area of public accountability can be seen in the publication *Crimes of War. What the Public Should Know*,<sup>2</sup> which is a guide to help journalists discern war crimes and distinguish them from other outcomes of war. In the foreword to the book, Richard Goldstone points out that war reporting can be a success story: "Reporters and other observers at the frontline of conflict often voice frustration that their reports and efforts hardly dent the public consciousness and do little to change an intolerable situation; but the fact is that accurate, timely, and thoughtful coverage of war crimes can have an impact far beyond any immediate calculation."<sup>3</sup> Goldstone sees the establishment by the United Nations of the International Criminal Tribunal for the former Yugoslavia as the most dramatic recent example of the impact of that kind of reporting. "Visual and written reports of the plight of the victims of ethnic cleansing in Bosnia jolted the Security Council into taking the unprecedented step of creating a court as its own sub-organ. Never before had it even been contemplated or suggested that it should use its peacekeeping powers to that end. That ethnic cleansing was happening in Europe, and that the Cold War had come to an end was crucial to the endeavor. There can be no doubt, however, that it was media exposure that triggered the decision."<sup>4</sup>

## The media in Iraq before the invasion

In Iraq, the press even preceded the existence of the state. The first edition of the *Al Zora'a* daily was issued on 15 June 1869. Consecutive constitutions and press laws were relatively liberal, allowing for a vibrant Iraqi press and publications atmosphere. But after the Baath Party gained power in 1963, the situation started

1 Constitution of the United Nations Educational, Scientific and Cultural Organization, adopted on 16 November 1945.

2 Roy Gutman and David Rieff (eds.), *Crimes of War: What the Public Should Know*, WW Norton, 1999. Available at <http://www.crimesofwar.org/thebook/book.html> (last visited on 30 November 2007).

3 Ibid., foreword by Richard Goldstone.

4 Ibid.

to deteriorate. Whereas Article 29 of the 1964 Constitution<sup>5</sup> grants everyone the right to express his opinion, five years later Saddam Hussein seized power in his own Baath Party, imposed limits on that guaranteed freedom of expression and made violations of those limits punishable. Article 225 of the 1969 Criminal Code No.11 placed two major restrictions on the press: first, the press had to reflect the ideology of the ruling Baath Party as expressed in the annual Baath conference; second, defaming the president or the Baath Party was punishable by up to seven years' imprisonment.<sup>6</sup> In 1986 the sentence was increased to life imprisonment, or capital punishment if the attack was malicious and aimed at changing public opinion against the ruling authority. A press publication issued on 26 December 1968 nullified all previous media licences, thus forcing all to reapply.<sup>7</sup> It banned writing about twelve different subjects (clause 16) and required prior approval for writing in seven different areas (clause 17), and banned the foreign press from writing in eight areas (clause 19). In 1981 a law was passed assigning responsibility for the working of the press to the Ministry of Culture and Press, with the specific function of using the media to disseminate the ideology of the ruling party. Following the withdrawal of all opposition candidates, Saddam Hussein's son Uday Hussein took over as head of the journalists' union; absolute loyalty to President Saddam Hussein and his family became paramount, taking precedence over loyalty to the party or the country.

## Violence against journalists during the armed conflict in Iraq

Although international humanitarian law offers some protection to journalists,<sup>8</sup> covering war makes the profession of journalism very dangerous. In the past four years more journalists have been killed and injured in Iraq than in any other part of the world. International organizations monitoring the status of journalists have repeatedly identified Iraq as the world's most deadly region for members of the media. While the chances of injury or death for a foreign journalist working in Iraq are high, the situation of their Iraqi counterparts is much worse.

According to the New York-based Committee to Protect Journalists (CPJ), of the confirmed 242 deaths of journalists in the period 2003 to September 2007, 124 occurred in Iraq. Of those 124 journalists, 102 were Iraqi citizens.<sup>9</sup> Add to that the tens of Iraqis killed who were media support personnel and the figure rises sharply. To put these figures in context, it is important to look at the much

5 Available in Arabic at <http://nahrain.com/d/dstr/1964.html> (last visited 27 November 2007).

6 For the full background, see the detailed report of the APFW, "Working with Iraqi journalists – towards a free and independent media", Final Report of its Fact-Finding Mission to Iraq, 10–17 June 2003, London, 2 July 2003, available at <http://www.apfw.org/data/report/english/2004/spe1100.pdf> (last visited 27 November 2007).

7 Ibid.

8 See in particular Art. 79 of Additional Protocol I (1977) to the Geneva Conventions of 12 August 1949, and William A. Orne Jr., "Protection of journalists", in Gutman and Rieff, above note 2.

9 Committee to Protect Journalists (CPJ), "Statistical profile of journalists killed on duty since 2003", available at [http://www.cpj.org/Briefings/Iraq/Iraq\\_danger.html](http://www.cpj.org/Briefings/Iraq/Iraq_danger.html) (last visited 26 November 2007).

lower fatalities in previous wars.<sup>10</sup> The number of journalists who were killed in the line of duty is even starker when compared with earlier wars.<sup>11</sup>

### US military relations with journalists during the armed conflict

In spring 2003, the US army made it clear that they were not responsible for the fate of freelance journalists who were not embedded with the US army or one of its allies. Attempts to inform the US military exactly where the journalists were and the fact that they gathered together in a particular location did little to protect them. Televised reports, often broadcast live from the collective presence of non-embedded Arab and foreign crews, were reportedly seen by the US Central Command, based in nearby Qatar.<sup>12</sup> Nevertheless, the Palestine Hotel, where the journalists were based, was shelled. This incident has repeatedly been used by media organizations and non-governmental organizations (NGOs) dedicated to the defence of journalists as circumstantial evidence that the Americans intended to “scare” the non-embedded press and deter them from continuing their work.

### *The legality of attacking television and radio stations*

At the height of the US-led war against Iraq in March 2003, US forces attacked Iraq’s main television station in Baghdad, destroying its above-ground structures. The television channel was soon broadcasting again, suggesting that the Iraqis, too, had anticipated an attack and prepared alternative ways of getting their signal out. Many see the frequent attacks on television and radio stations as a tribute to the importance in modern warfare of controlling the way in which a conflict is perceived. People often try to justify attacks on broadcasting studios by claiming that they are being used to rally the enemy population or transmit propaganda helpful to the enemy’s cause. Such arguments do not provide a valid reason for attacking. According to Article 52 of Additional Protocol I to the Geneva Conventions, which is generally recognized as reflecting customary international law, media organizations cannot generally be attacked unless they constitute military objectives.<sup>13</sup> The legal definition of military objective, insofar as objects

10 Ibid. CPJ staff published the following figures for previous conflicts: Algeria (1993–6), 58; Colombia (1986–), 54; Balkans (1991–5), 36; Philippines (1983–7), 36; Turkey (1984–99), 22; Tajikistan (1992–6), 16; Sierra Leone (1997–2000), 15; Afghanistan (2001–4), 9; Somalia (1993–5), 9; Kosovo (1999–2001), 7; Iraq war (1991), 4 (all were killed after the official end of the war but died in the hostilities in the immediate aftermath.)

11 Ibid. Central American conflicts: 89 journalists killed in the years 1979–89; Argentina: 98 killed in 1976–83; Vietnam: 66 killed covering the conflict there from 1955–75 (deaths listed by Freedom Forum, a non-partisan foundation dedicated to free press and free speech for all people). The Foreign Correspondents Club of Japan, which surveyed the years 1962–75, lists 71 journalists killed. For the Korean War, Freedom Forum lists 17 journalists killed; it lists 68 killed in the Second World War, and 2 killed in the First World War.

12 The documentary film *Control Room* shows that the US Central Command was following up what was being broadcast on Arab and foreign television coming out of Iraq.

13 See Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, ICRC/Cambridge University Press, Geneva and Cambridge, 2005, pp. 115 ff.

are concerned, is that they are objects which “by their nature, location, purpose or use, make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage”.<sup>14</sup>

According to the CPJ investigation, US military fire is the next leading cause of death, accounting for those of nine journalists, or 22 per cent of the overall toll. Journalists have died in US bomb, rocket and aerial attacks; they have been killed by US fire at or near checkpoints and roadblocks. The CPJ states that while

there is no evidence to conclude that the US military has deliberately targeted the press in Iraq, the record does show that US forces do not take adequate precautions to ensure that journalists can work safely. And when journalists are killed, the US military is often unwilling to launch an adequate investigation or take steps to mitigate risk. Official investigations have been conducted in only three cases in which journalists were killed by US forces.<sup>15</sup>

As to that preceding the fall of Baghdad, the US military did investigate an April 2003 incident in which a US tank had fired on Baghdad’s Palestine Hotel, killing two journalists and wounding three others. The military’s report shed light on some details but failed to answer a crucial question: why did US commanders, who knew that the hotel was filled with journalists, not relay this information to the troops who attacked the upper floors with a high-incendiary rocket? Finally the CPJ draws the following conclusion: “the killing of the journalists, while not deliberate, was avoidable”.<sup>16</sup>

A further troubling concern is that the attacks on “enemy media” are seen as aimed at deterring independent journalists from filming and reporting on the other side. If an invading army is able to control the images coming out of a war, they will reflect its respect for humanitarian law and the conduct of clean and sanitized operations. If, to the contrary, reporters are able to reach and reflect on the suffering that the bombs cause, especially to civilians, the credibility of the invading army’s narrative is shattered. As the Iraqi capital was about to fall to the US military in early April, it seemed that the United States wanted a particular image to be burnt in the minds of people around the world. In the two days preceding the 9 April 2003 fall of Baghdad, five foreign journalists died; Spanish print journalist Julio Parrado and camera operator Jose Couso, Jordanian/Palestinian Al Jazeera reporter Tareq Ayoub, German reporter Christian Liebeg and camera operator Taras Protsyuk were killed on 7 and 8 April by the occupying

14 Protocol I, Art. 52(2). See also Marco Sassòli, “Legitimate targets of attacks under international humanitarian law”, background paper prepared for the Informal High-Level Expert Meeting on the Reaffirmation and Development of International Humanitarian Law, Cambridge, 27–29 January 2003, Program on Humanitarian Policy and Conflict Research at Harvard University.

15 CPJ, Report of 2005, available at [www.cpj.org/news/2005/Qatar23may05na\\_report.html](http://www.cpj.org/news/2005/Qatar23may05na_report.html) (last visited 27 November 2007).

16 See Joel Campagna and Rhonda Roumani, “Permission to fire”, Committee to Protect Journalists, New York, May 27, 2003, available at [http://www.cpj.org/Briefings/2003/palestine\\_hotel/palestine\\_hotel.html](http://www.cpj.org/Briefings/2003/palestine_hotel/palestine_hotel.html) (last visited 12 January 2008).

army. Much has been written about whether these journalists were victims of an accident of war or whether there was any deliberate act by the US army.<sup>17</sup> In a 2005 investigation by the CPJ, the army was criticized for not carrying out a serious investigation into these killings. The report stated that “No fewer than 41 journalists have been killed in Iraq since hostilities began in March 2003. Insurgent actions are responsible for 56 per cent of the deaths of journalists in Iraq to date. Insurgent forces have killed journalists in suicide bombings, crossfire incidents, and in targeted killings.”<sup>18</sup>

## **Iraqi media after the invasion**

The fall of the Iraqi regime as a result of the US-led offensive had far-reaching internal effects for the Iraqi press.

### **The Bremer Press Order**

Shortly after the occupation of Iraq, Paul Bremer, the US Administrator of the Coalition Provisional Authority, issued a seven-clause Order (No.14)<sup>19</sup> on 10 June 2003, which banned the media from publishing or republishing (and broadcasting) material that dealt with five different areas. The order banned media content that incited violence, civil disorder, or violence against the Coalition forces, or advocated the alteration of Iraq’s borders or the return of the Baath Party. Order No. 14 also gave the United States and its allies the right to arrest violators (up to one year’s imprisonment), to withdraw media licences and to “seal the premises of any media organization found to be in breach of this order”. By December 2003 Orders No. 65 and No. 66 were issued, dealing with the broadcast media.<sup>20</sup> Order No. 65 established a regulatory body for all broadcasters, while Order No. 66 established the Iraqi Media Network as the public service broadcaster for Iraq. Although Order No. 14 appears to be restrictive, in general the new situation caused the Iraqi media to boom.

According to the Arab Press Freedom Watch (APFW), within nine weeks of the fall of the administration of Saddam Hussein ninety newspapers were established.<sup>21</sup> These newspapers fit roughly into three categories:

- newspapers that had been established outside Iraq until 9 April 2003;
- newspapers that were established and funded by the US-led alliance; and

17 See Committee to Protect Journalists, “13 confirmed cases of journalists killed by US forces (March 2002–August 2005)”, available at [http://www.cpj.org/Briefings/Iraq/Is\\_killed\\_by\\_US\\_13sept05.html](http://www.cpj.org/Briefings/Iraq/Is_killed_by_US_13sept05.html) (last visited 27 November 2007).

18 See Committee to Protect Journalists, “US military consistently fails to probe journalist killings in Iraq”, available at <http://www.cpj.org/news/2005/iraq14sept05na.html> (last visited 27 November 2007).

19 Available at <http://www.iraqcoalition.org/regulations/index.html#Regulations> (last visited 27 November 2007).

20 Ibid.

21 APFW, above note 6.



- newspapers that were established by the tens of new parties and powers that had emerged since the war.

Media reflecting ethnic or sectarian groupings, independent media outlets and new local, regional and satellite television stations quickly followed, often with similar legal and financial support to those above.

The fact-finding mission by the APFW was the first effort by an independent Arab organization to visit Iraq after the fall of Saddam's regime. It was in Iraq from 10 to 17 June 2003, and issued a detailed report on the situation of the Iraqi press. The report reveals a chaotic media landscape in which many media outlets are literally bought by governments, political groups and parties and have a clear agenda.<sup>22</sup> As the occupying US military became entrenched in Iraq and as the insurgency became more potent, the safety of Iraqi and other journalists was again in question. Acts of terror, intimidation and outright kidnapping, injury and killing of Iraqi and Arab journalists because of their profession grew as the Iraqi war continued. The major pan-Arab satellite stations Al Jazeera and Al Arrabiyeh were initially the focus of attacks and intimidation; their offices were closed and their journalists and crews assaulted. With time the closure of Al Jazeera's offices became permanent, while the office of Al Arrabiyeh television, which was temporarily closed, was reopened. Yet journalists for Al Arrabiyeh continued to suffer intimidation and death. In the years 2003–7, six journalists working for this pro-Saudi television network were killed. The CPJ says that by mid-2007 the network that had suffered the most deaths was the US-sponsored Iraq Media Network (which includes Al-Iraqiya TV, its affiliates, and the *Sabah* newspaper), thirteen of whose journalists were killed.<sup>23</sup>

### The influence of the United States on the Iraqi press

While incidents of death and injury of members of the press (caused by the army or insurgents) were widely reported, US army officers were involved in a much less talked-about operation. It took a few years for the public to learn that US military personnel were paying Iraqi newspapers to publish articles that made the US military effort in Iraq look good. According to the *Los Angeles Times*, articles written by US military "information operations" troops are translated into Arabic and placed in Baghdad newspapers with the help of a defence contractor. Many of the articles "one-sidedly trumpet the work of US and Iraqi troops, denounce insurgents and tout US-led efforts to rebuild the country".<sup>24</sup>

22 Ibid.

23 This is followed by Baghdad TV, where 7 journalists were killed; Al-Arabiya, 6; Al-Shaabiya, 5; Reuters, 5; and Kurdistan TV, 4. See Committee to Protect Journalists, "Statistical profile of journalists killed on duty since 2003", available at [http://www.cpj.org/Briefings/Iraq/Iraq\\_danger.html](http://www.cpj.org/Briefings/Iraq/Iraq_danger.html) (last visited 26 November 2007).

24 Mark Mazzetti and Borzou Daragahi, "US military covertly pays company to place stories in Iraqi press", *Los Angeles Times*, 30 November 2005.

The *Los Angeles Times*, in a dispatch from Washington in December 2005, said that the operation is designed to mask any connection with the US military.

The Pentagon has a contract with a small Washington-based firm called Lincoln Group, which helps translate and place the stories. The Lincoln Group's Iraqi staff, or its subcontractors, sometimes pose as freelance reporters or advertising executives when they deliver the stories to Baghdad media outlets.<sup>25</sup>

The military's effort to disseminate propaganda in the Iraqi media is taking place even as US officials are vowing to promote democratic principles, political transparency and freedom of speech in Iraq, and are training Iraqi reporters. Former US Defence Secretary Donald Rumsfeld described the proliferation of news organizations in Iraq as one of the country's great successes since the ouster of Saddam Hussein. Once these methods became public knowledge, the US army stated that it had stopped the operation.

### The dehumanization of the Iraqis

Although the publicly declared mission of the war in Iraq is to liberate the Iraqis from the shackles of dictatorship, little has been done actually to introduce Iraqis as human beings to the American public. In fact, keeping a tally of Iraqi deaths has not even been on the radar screen of US and other Western media. For its part, the US-led Coalition did not help much either. Soon after the Iraq war began, the commander of the US forces, General Tommy Franks, made it clear that the Americans have no intention of quantifying the results of their actions: "We don't do body counts", he said.<sup>26</sup> During the Vietnam War, the body count was served up every day on the evening news. While Americans ate dinner, they watched a graphic visual scorecard: how many Americans had died that day, how many South Vietnamese and how many communists. Ira Chernus, a professor of religious studies at the University of Colorado in Boulder, who was one of the first to deal with this issue,<sup>27</sup> criticized the army's decision. "At the time, it seemed the height of dehumanized violence", he said in reference to the decision to publish the Vietnam figures. However, "Compared to Tommy Franks' new way of war, though, the old way looks very humane indeed", he argued. Chernus continues,

[T]rue, the body count turned human beings into abstract numbers. But it required soldiers to say to the world, "Look everyone. I killed human beings today. This is exactly how many I killed. I am obliged to count each and every one." It demanded that the killers look at what they had done, think about it (however briefly), and acknowledge their deed. It was a way of taking responsibility.

25 Ibid.

26 Quoted in Ira Chernus, "Bring back the body count", April 2003, available at <http://www.common-dreams.org/views03/0401-12.htm> (last visited 27 November 2007).

27 Ibid.

Chernus concludes by saying

[T]oday's killers avoid that responsibility. They perpetuate the fiction so many Americans want to believe – that no real people die in war, that it's just an exciting video game. It's not merely the dead who disappear; it's the act of killing itself. When the victim's family holds up a picture, US soldiers or journalists can simply reply "Who's that? We have no record of such a person. In fact, we have no records at all. We kill and move on. No time to keep records. No inclination. No reason".<sup>28</sup>

The problem was not solely the military but also the US media, that blindly followed the US army rather than continue in their usual posture of questioning their government. A former Time Warner chief executive officer admitted the presence of what he termed "patriotic police" in most US newsrooms.<sup>29</sup> A report of the Seventh Annual Aspen Institute Conference on Journalism and Society held in Queenstown, Maryland, on 18–20 June 2003 documents this. "Walter Isaacson, who headed CNN during the first months of the war on terrorism, said he felt constantly whipsawed between what he called the "Patriotism Police", who complained that CNN's coverage did not eagerly back the administration and the "Lap Dog Police" who complained it did."<sup>30</sup> A year after the war, the *New York Times* also made an internal critique of their war coverage, but none of this changed the dehumanization process for which the US media (especially television) were responsible. The same "patriotic police" terminology was repeated in another Aspen Institute conference.<sup>31</sup> American editors there echoed Isaacson's remarks and explained the pressures that they faced in their newsrooms.

Nowhere was this dehumanization more evident than in the absence of an actual counting of Iraqi casualties. While US and international press covering the Palestinian–Israeli conflict regularly end each story with a tabulation of how many Israelis and Palestinians have been killed, for instance since the beginning of the Palestinian intifada, no such practice has been manifested by the US or the world press at the end of stories on Iraq.

### Debate on the human toll of the war for Iraqis

While the establishment US press has shown no interest in calculating, reporting or inquiring about the number of Iraqi deaths, it is ironic that President Bush was willing to deal with this issue when asked about it by a member of the public. At the close of a public event on 12 December 2005 Bush was asked if he knew the approximate total of Iraqis who have been killed, including civilians, military

28 Ibid.

29 See <http://www.commondreams.org/archive/2007/08/27/3438/> (last visited 27 November 2007).

30 See Adam Clymer, *Journalism, Security and the Public Interest*, Aspen Institute, Washington, DC, 2003, p. 6.

31 Aspen Institute Conference, "Covering the other: intolerance and bigotry in the American and Arab media", Aspen Wye River Conference Center, Queenstown, MD, 7–9 June 2006.

police, insurgents and translators. Bush responded by saying: “I would say 30,000, more or less, have died as a result of the initial incursion and the ongoing violence against Iraqis.”<sup>32</sup> Suddenly, major newspapers and broadcast outlets were unexpectedly engaged in a discussion about the human toll of the war for Iraqis. Reporters began to cite the tally of civilian deaths kept by the organization Iraq Body Count as a possible source for Bush’s claim.<sup>33</sup>

The New York-based Fairness and Accuracy in Reporting (FAIR) voiced the following reflection following the Bush statement: “The mainstream media have shown little interest in documenting or quantifying the suffering of Iraqis. But a recent comment by George W. Bush provoked an unexpected round of discussion of the topic.” FAIR continued by saying, “Often overlooked was the fact that Iraq Body Count’s research is limited to civilian deaths – not including insurgents or security forces, as asked by the questioner – and only those civilian deaths that were reported by the media.” The resulting total, as the group acknowledges on its website, is therefore a low estimate: “It is likely that many if not most civilian casualties will go unreported by the media.”<sup>34</sup> Another scientific survey of total civilian deaths in Iraq that was published in the British medical journal, *The Lancet*, suggested in 2004 and 2006 a much higher death toll, of at least 100,000.<sup>35</sup>

But even this sudden press interest in Iraqi civilians was soon to fizzle out, and the press would once again fail to mention Iraqi deaths consistently. Marking the anniversary of the war in Iraq, George Stephanopoulos reported on 18 March 2007 that more than 3,200 US military were dead<sup>36</sup> and at least 24,000 had been wounded, and about 60,000 Iraqis had been killed.<sup>37</sup> It is very likely that these figures came from Iraq Body Count. FAIR considers the use of Iraq Body Count’s figures as an overall estimate of how many Iraqis have died in the war to be “sloppy reporting”.<sup>38</sup> For one thing, it is explicitly a count of civilian deaths, ignoring Iraqi combatants who died either resisting the US invasion and occupation or defending the US-backed government. Estimates for the number of Iraqi combatants killed in the initial invasion range from 7,600–10,800, according to the Project on Defense Alternatives,<sup>39</sup> to 13,500–45,000 according to the

32 Quoted from Associated Press in the *Seattle Times*, 30 December 2005, See [http://seattletimes.nwsources.com/html/nationworld/2002679454\\_webbush12.html](http://seattletimes.nwsources.com/html/nationworld/2002679454_webbush12.html) (last visited 27 November 2007).

33 See for instance “Counting Iraqi casualties”, 16 December 2005, available at <http://www.fair.org/index.php?page=2778> (last visited 27 November 2007).

34 Ibid.

35 L. Roberts, R. Lafta, R. Garfield, J. Khudhairi and G. Burnham, “Mortality before and after the 2003 invasion of Iraq: cluster sample survey”, *Lancet*, Vol. 364, no. 9448 (2004), pp. 1857–64; and G. Burnham, R. Lafta, S. Doocy and L. Roberts, “Mortality after the 2003 invasion of Iraq: A cross-sectional cluster sample survey”, *The Lancet*, Vol. 368, no. 9545 (2006), pp. 1421–8.

36 On 13 December 2007 the US Department of Defence confirmed 3,891 US soldiers killed. See <http://icasualties.org/oif/> (last visited 13 December 2007).

37 Diane Sawyer, also from ABC, mentioned almost the same figures: 3,218 US military fatalities, not to mention the 60,000 Iraqis who have been killed. See FAIR, “ABC (under)counting Iraqi dead”, 21 March 2007, available at <http://www.fair.org/index.php?page=3064> (last visited 27 November 2007).

38 Ibid.

39 Project on Defense Alternatives, 20 October 2003, available at <http://www.comw.org/pda/0310rm8ap1.html> (last visited 27 November).

London *Guardian*.<sup>40</sup> The total of Iraqis killed fighting the United States has surely increased substantially in the four years that followed. As for Iraqi forces allied with the United States, the Iraq Coalition Casualty Count website has counted 7,774 deaths of Iraqi police and military up to 20 March 2007, based on news reports.<sup>41</sup> It is striking that even these allied deaths – nearly twice the number of US forces killed – is often ignored in US press accounts.

Any total based on official record-keeping or news reports is almost certainly going to be incomplete – particularly in a country like Iraq, where reporters' well founded fear of being attacked by either side results in their seldom venturing out of Baghdad (or into most neighbourhoods in Baghdad, for that matter). As Iraq Body Count itself notes on its website, "It is likely that many if not most civilian casualties will go unreported."<sup>42</sup>

For what it is worth, the United Nations reviewed government records and death certificates and reported a civilian death toll of 34,000 for 2006 alone.<sup>43</sup> Iraqi Health Minister Ali al-Shamari also estimated in November 2006 that 100,000 to 150,000 Iraqis had been killed by violent acts since early 2004.<sup>44</sup>

It took a university professor to try to reopen the topic more than a year later. Andrew J. Bacevich, who teaches history and international relations at Boston University, restarted this discussion in an article entitled "What counts in Iraq",<sup>45</sup> in which he wrote about the absence of an accounting of civilian deaths in Iraq, touching not only on the high-profile Haditha and Mahmudiyah incidents but also on the more common accidental killings at checkpoints, such as the one that took place in Samarra in early 2006. Bacevich points out in his piece that the military was criticized for the Vietnam body counts and, as a result, has not publicly counted civilian wartime deaths since then.

*Vanity Fair* contributor James Wolcott points to Bacevich's piece as an "important piece ... about the callow attitude towards civilian casualties that has helped make enemies of those we boast about having liberated". He notes that the attitude, as described by Bacevich, is nothing new and "at least American policy is consistent, because we've been making the same mortal mistakes in Afghanistan, perhaps with even more roaring disregard".<sup>46</sup>

## Dehumanization by the Arab media

The US media have not been alone in the systematic dehumanization of Iraqis. Arab media outlets have not done much better. Major events that have caused

40 *Guardian*, 28 May 2003.

41 See <http://icasualties.org/oif/> (last visited 13 December 2007).

42 See <http://www.iraqbodycount.org/> (last visited 27 November 2007).

43 *New York Times*, 17 January 2007; FAIR, above note 37.

44 BBC News, 10 November 2006; see [http://news.bbc.co.uk/1/hi/world/middle\\_east/6135526.stm](http://news.bbc.co.uk/1/hi/world/middle_east/6135526.stm) (last visited 27 November 2007).

45 Andrew Bacevich, "What counts in Iraq", *Washington Post*, 10 July 2006.

46 See [http://www.vanityfair.com/politics/blogs/wolcott/2006/07/blowback\\_can\\_be.html](http://www.vanityfair.com/politics/blogs/wolcott/2006/07/blowback_can_be.html) (last visited 27 November 2007).

large numbers of Iraqi victims have been reported in a routine manner by Arab newspapers and television stations. Compare the coverage of Iraqi and Palestinian deaths in any Arab media outlet, and it becomes clear that Palestinian lives (if assessed simply by the time and space allotted to them) are much more valuable than those of Iraqis. The difference will also be obvious even in a comparison of the coverage of a car-bombing in Lebanon (most likely by a fellow Arab) and a car-bombing in Iraq. Arab media often reflect the apathy that Arab leaders are displaying towards the situation in Iraq. Some argue that many opponents to the US-led invasion simply translate their opposition to the war into a lack of interest in the daily casualties that are the direct or indirect result of it, whereas others argue that the Arab media's handling of the Iraqi situation is not unique to them. Faisal Qassem, the anchor of one of the leading talk shows on Al Jazeera television, has taken issue with the way in which the Arab media have been guilty of a large-scale dehumanization campaign. Qassem, whose show *Al Itijah al Mu'akes* (The Opposite Direction) introduces representatives of diametrically opposed points of views and lets them fight it out in front of tens of millions of Arab viewers, is well respected throughout the Arab world. In a syndicated article published in Arabic in mid-June 2005, he attacks Arab regimes and the Arab press for their dehumanization of their own citizens, as well as fellow Arabs for the way in which they deal with general issues and ignore the human element. After outlining the history of how Arab dictators have used the media to stay in power and to focus on external and regional problems, he calls for an immediate change towards more humane media: "It is time that Arab media gives more attention to human beings rather than public issues. It is time that we begin from the bottom up and not from top down, as has been the hallmark of Arab media since its inception."<sup>47</sup> Qassem ends by saying,

Believe me that once we deal with our small problems, that our bigger problems will be solved automatically. The marginalized person will not be able to face up to the large problems unless he is relieved of his small worries. Will our media serve the individual or do we need to first place the individual at the top of the agenda of our dehumanized politicians through a democratic process. Once we do that the rest will follow.<sup>48</sup>

In the article Qassem, who has never publicly attacked his Syrian mother country, fails to admit that the station where he presents his own programme has done little to show the human face of Iraqis and is guilty of disproportionate coverage of Palestinian victims compared with that of Iraqi victims.

<sup>47</sup> See <http://www.ahewar.org/debat/show.art.asp?aid=39439> (last visited 27 November 2007).

<sup>48</sup> Ibid.

## Conclusion

UNESCO's preamble stating that "wars are fought in the minds of men [and women]" is as true today as it was when its constitution was written shortly after the Second World War. The proliferation of the media, especially with the digital information revolution, requires the international community to take another look at what needs to be done about this important element, especially during times of war. Even though journalists can now beam words, photographs and moving pictures in real time from any spot in the world, little has changed since those words were spoken on the eve of the First World War.

Article 19 of the Universal Declaration of Human Rights states clearly the right of journalists and the public at large to information and ideas. It reads,

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Despite the strong words in this all-encompassing article, little has been done to translate them into laws, whether domestic or international. The war in Iraq has resulted in a bloodbath for journalists and a high level of injuries, kidnappings and deaths, and the suffering of Iraqi journalists has been far greater than that of their non-Iraqi colleagues. It is an accepted ideal that the job of journalists and the media they work for is to seek out and publish or broadcast the truth. This commodity, however, is often badly lacking in the media, and much more so in time of war. The effort to obtain the decision to go to war and to placate critics when the war started has resulted in wilful disregard for the truth and, more sadly, has led to a process of dehumanization of the very people that the war was allegedly fought to liberate.



# The crisis of professional responsibility in Iraqi journalism: avoiding incitement to violence and armed conflict

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## **Abstract**

*This article proposes that the current journalistic challenges in Iraq necessitate, inter alia, a commitment by journalists to their professional responsibility, since this will guarantee the avoidance of the danger of sliding into the implications that usually result from armed sectarian conflicts. This responsibility should be exercised to assist the victims and promote a spirit of tolerance and reconciliation through the principles of professional ethics based on balance, equity, accuracy and objectivity. It might not be possible to achieve this without a code, agreed upon by all, which persons working in the journalistic profession would apply in a manner consistent with the fundamental principles of professional journalism, which require emotional detachment when formulating the content of news reports. The author proposes a preliminary theory or vision that could be modified or discussed in order to achieve this purpose in a country that is suffering, and will continue to suffer, from merciless bloodshed.*

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The political earthquake that struck Iraq on 9 April 2003 entailed dramatic developments at all levels, and the implications of the invasion of Iraq cast a shadow on the journalism and media sector in the same way as its direct and

indirect consequences affected all sections of the people. These included those working in the field of journalism and public information who became part of the driftwood resulting from the dissolution of their institutions, reducing a large number of their families to a life of vagrancy, at least for a few months.

While acts of theft, pillage and arson at government and non-government buildings were rampant, journalists could only observe their own and their country's cultural heritage being subjected to a deliberate assault designed, *inter alia*, to obliterate Iraqi social identity and replace it with sectarian and vindictive masks that engendered unprecedented violence and vendettas that have been characterized as "imported".<sup>1</sup>

In the midst of political chaos and administrative anarchy, new trends and concepts were born and proliferated under the cover of parties and associations that rapidly permeated the country, using the media to promote their ideas and programmes and broaden the scope of their activities in the new environment. Some sources estimated that about seventy political parties with differing ideologies and philosophies became active after the fall of the regime of Saddam Hussein,<sup>2</sup> and most of them were said to have been established on a sectarian or ethnic basis and to have rapidly acquired their own armed militias. As the rule of force, rather than law, prevailed in the midst of chaos, hundreds of journalists fell victim to acts of aggression that gave a clear illustration of the international networks that take shape when the forces of local militants and other groups unite, in spite of their totally differing interests,<sup>3</sup> agreeing on the single non-humanitarian principle of revenge and unfair retaliation against the proponents of free speech, not for any crime that they have committed but solely for being apostles bearing on their shoulders the crosses of truth – that truth of which Almighty God said in the Holy Qur'an "and most of them hate the truth".<sup>4</sup> As a result of increasing regional involvement in Iraqi affairs, according to official statistics the escalating spiral of violence led to the death of up to 650,000 Iraqis.<sup>5</sup> Competition among political movements and forces for a share of the "Iraqi cake" does not seem to have ended and may continue for years. Herein lies the disaster.

The crisis of journalistic professional responsibility constitutes one facet, and even a front-line bulwark, of this struggle in which concerted efforts must be

1 Iraqi politicians often use this term in order to emphasize involvement by the intelligence services of neighbouring States in the country's public affairs.

2 *Al-Zaman*, no. 1608, 13 September 2003.

3 Toni Pfanner, "Asymmetrical warfare from the perspective of humanitarian law and humanitarian action", *Selections from the International Review of the Red Cross* 2005, Cairo, 2006, p. 73.

4 Holy Qur'an, verse 70 of the chapter entitled "The believers".

5 One study put the number of Iraqi civilians killed at more than 655,000, including 1,640 killed in June 2007, according to the Associated Press Agency. According to US army estimates, the number of Iraqi civilians killed since the beginning of the military intervention in Iraq exceeded 66,000. The victims of sectarian violence and the number of corpses found since the security plan was put into effect in Baghdad in mid-February 2007 amounted to more than 531 in June, 747 in May and 439 in April. The number of academics assassinated in Iraq amounted to 326. The number of internally displaced persons and refugees inside Iraq amounted to about 2 million by 5 June of the same year, while the number of migrants outside Iraq increased from about half a million before the war to more than 2 million after the war. *Al-Mashriq*, Baghdad, no. 1009, 8 July 2007.

made to find solutions and assist journalists in order to prevent them from being involved in any way in its escalation or from being used in any settling of accounts in Iraq. To this end, this article will endeavour, through three factual studies, to propose a theoretical or draft code that would enable everyone working in the journalistic profession to overcome the difficulties and avoid falling into the dangers or pitfalls of the armed struggle currently taking place in Iraq. The first part takes a look at the first stage of the journalistic trends struggling for truth after April 2003, when the shackles of restrictions were removed, leaving free scope for unregulated publication. The second part deals with the crisis of professional responsibility and the consequent violation of public and personal freedoms, with examples of the manner in which some journalists showed little regard for professional traditions and codes of honour.<sup>6</sup> The third part provides an overview of elements of a draft code which aims at promoting professional responsibility in the light of the challenges facing an independent press in Iraq, and at preventing persons working in all the information media from falling into the danger of involvement in incitement to violence and armed conflict.

### The Iraqi press: from cloister to chaos

The political circumstances ensuing after the overthrow of the regime on 9 April 2003 had a distinctive influence on the Iraqi press, insofar as journalism entered a phase of unprecedented chaos. After decades of state-controlled information, which excluded any form of competition from the private sector or political parties, and after strict censorship and full government ownership of the audio-visual media institutions, journalism was unleashed and burst out of its fetters in a manner that can be illustrated by the following.

1. There was a horizontal and vertical proliferation of all types of publications. Individuals and groups began to publish, taking advantage of the absence of rules and laws which should have regulated or helped to regulate the mechanisms of this industry aiming to influence public opinion. According to conflicting statistics, the number of publications issued in the wake of the invasion of Iraq amounted to about 200 newspapers and magazines<sup>7</sup> distributed in the capital Baghdad and in most of Iraq's governorates, especially those such as Basra, Mosul and Najaf, that had printing presses.

6 The implications of this can be found in the report on press freedoms in the Arab World for the year 2006, prepared by the Standing Committee on Freedoms of the Federation of Arab Journalists, Cairo. Iraq ranked highest in regard to infringements of standards of freedom (p. 19).

7 Some sources indicate that the number of newspapers published in post-war Iraq amounted to about 180–200 during the first six months, 235 after one year and 346 after two years, some being published daily and others semi-weekly, weekly, bi-monthly or monthly. Other sources affirm that about 700 newspapers were published in all the Iraqi governorates. I have reservations concerning the exaggerated nature of the latter figure since, during that chaotic period, I was monitoring their publication on a daily basis in my capacity as editor-in-chief of the Iraqi edition of *Al-Zaman* newspaper.

2. Following the dissolution of the Ministry of Information and its institutions, there were numerous bodies supervising the constitutional legitimacy of the Iraqi press and its compliance with internationally recognized standards. On 23 April 2003 Paul Bremer, the Civil Administrator of Iraq, issued a decree dissolving that ministry, dismissing its staff and closing down all the newspapers that had been published under the previous regime. He also issued new instructions prohibiting all the media institutions in Iraq from inciting violence, promoting ethnic or religious hatred or publishing false information designed to promote resistance to the Coalition Authority forces.<sup>8</sup>

The chaos deepened during the first months of this phase, due to the absence of legislation regulating the activities of the press and the decline in the role of effective trade union and professional organizations capable of performing their task of regulating journalistic work, clearly defining the rules of the profession and protecting the rights of journalists. Following the dissolution of their institutions, thousands of Iraqi journalists found themselves in the street, unemployed and anxious about their uncertain future, in spite of the initiatives taken by some independent publications such as *Al-Zaman International*,<sup>9</sup> which was the first newspaper to publish a Basra edition, and subsequently a Baghdad edition, a few days after the change that struck Iraq. It recruited numerous former journalists without regard for their earlier links or affiliations, making their appointment at its offices in Iraq conditional solely on their observance of professional standards.

After the formation of the Interim Governing Council, it assumed formal responsibility for supervising all the media, although direct supervision was exercised by the Coalition Authority, which adopted a fairly harsh attitude towards some newspapers, particularly by closing the *Al-Hawza* newspaper, the mouth-piece of the Sadrist movement, thereby provoking a crisis that led to bloodshed in Najaf, where the government of Iyad Allawi used military force to impose its authority in that city. The Coalition Authority had previously been instrumental in the closure of the *Al-Sa'a* newspaper, published by the Islamic proselytizer Ahmad Al-Kubaisi.<sup>10</sup>

During the first six months after the fall of the regime, there was a proliferation in all forms of the information media. Their diversity and horizontal multiplication led to their infiltration by hundreds of self-styled journalists and

8 Washington Post wire service, *Al-Sharq al-Awsat*, 20 August 2003.

9 An international Arab political daily newspaper first published in London on 10 April 1997 with Saad Al-Bazzaz, a well-known journalist, as its editor-in-chief. It published a Basra edition on 9 April 2003, followed by a Baghdad edition on 29 April 2003, and it has been reported that these are currently being amalgamated into a single edition called the Iraqi edition.

10 An Islamic proselytizer who, after April 2003, founded the Unified National Movement and published a newspaper licensed by the Coalition Authority on 12 June 2003. He was obliged to close it as a result of the deteriorating security situation and left Iraq to take up residence in Dubai in the United Arab Emirates. Some of its staff began to publish a newspaper bearing the same name, which prompted Al-Kubaisi to issue a statement declaring that he had terminated his association with them and accusing them of tampering with the publication and bringing the movement and its leader into disrepute.

persons seeking employment opportunities.<sup>11</sup> This process was furthered by the manner in which the propaganda offices of the US forces and Bremer's Authority encouraged semi-talented persons to seek employment in the CPIC (Combined Press Information Center) office, based in the conference centre. It was responsible for organizing press conferences in which US field commanders, officials and diplomats could present their views in a largely theatrical setting. Other journalists were motivated to participate in these theatricals either in order to earn a living or because of financial or other inducements of which they were in dire need. The US press revealed the methods of dissemination of the news reports and articles that the US army prepared for publication in some local Iraqi newspapers in return for cash handouts or as paid advertisements.<sup>12</sup> Such a situation obviously led to a proliferation of individuals, companies and institutions providing information services. The absence of stable forms of ownership in accordance with rules and regulations approved by constitutional authorities naturally gave rise to the establishment of information media that were linked, in various degrees, to bodies that could provide the financial support needed to ensure their survival. As expected, they exceeded the number of the independent media, which are dependent on remuneration for their services and/or advertisements and, due to the unstable security situation, placed in an untenable position.<sup>13</sup> Some Iraqi press publications disregard their professional responsibilities, lack professional skill and awareness of the needs of the democratization project, and face a number of problems:

1. The emergence of new political systems, concepts and visions with newfangled communication functions that are unfamiliar in a society that has only recently been opened up to communication space and freedom of expression (Iraq was previously a village totally isolated from the world, without satellite dishes, the Internet or mobile telephone services).<sup>14</sup>
2. The emergence of a foreign media force of a local nature that has infiltrated, and is exercising hegemony over, non-government institutions and organizations and actively influencing some spheres of public opinion.<sup>15</sup> This force might be responsible for the myth-making press coverage of Iraqi affairs by persons working for international media.<sup>16</sup>

11 In his book *The Ethics and Deontology of Journalism*, Marc-François Bernier distinguished between journalists and other persons working in the field of communication. See the book review in the Baghdad newspaper *Al-Mu'tamar*, no. 925, 21 September 2005.

12 *Agence France-Presse*, 3 December 2005.

13 Iraqi Media Development Paper, presented by the League of Arab States to the International Conference on Freedom of Expression and Media Development in Iraq, organized by the Communications and Media Commission and held in Paris on 8–10 January 2007.

14 Nouri al-Maliki, address delivered at the meeting of representatives of ministerial information offices, *Al-Sabah* newspaper, Baghdad, no. 1122, 26 May 2007.

15 For further details see Sabah Yasin, *The Media as a System of Values and Potent Hegemony*, Centre for Arab Unity Studies, Beirut, 2006.

16 Dante Chinni, "The Iraq war and myth-making media coverage", *Al-Mu'tamar*, no. 1360, 5 June 2007.

3. The close involvement of all the media in the ideological conflicts of political movements. This takes the form of an open information war<sup>17</sup> waged between opposing media without regard for professional principles or procedures that should be observed in any attempt to influence public opinion. As John Stuart Mill aptly noted, political life cannot be conducted on a sound basis unless two opposing elements combine: the element of maintenance of order and the element of progress and reform. Competition between these two elements is the best guarantee of the preservation of what is useful in the existing system and the introduction of the means of continuous progress required for inevitable reform.<sup>18</sup> Most of the Iraqi media have become involved in the broad function of tampering with, or deliberately influencing, the political process<sup>19</sup> at the expense of their traditional functions (monitoring the external environment, commenting on events and engaging in the task of political education).<sup>20</sup>

### The origins of the professional responsibility of the Iraqi press

Having become aware of the proliferation of undesirable, inexperienced and unethical elements, journalists have frequently sought to protect their profession by what they regard as legitimate means in order to halt the further infiltration of freeloaders whose continued presence discredits the profession and prevents it from playing its proper role. The codes of practice, which have come to be known as media ethics, constitute the principal legal instruments, formulated at the request of journalists and other persons concerned with the profession, which have been publicized as agreed practical guidelines designed to deter those who regard journalism merely as an activity conducive to the furtherance of their own interests by hoodwinking or misleading the public or achieving benefits for their employers. Rulers and persons in quest of prestige and power sought to win fame through the press, and budding autocrats attempted to convert journalism from its nature as a force for freedom into an influential servant, while various groups, parties and social organizations tried to establish, or enter into association with, media instruments in order to further their own ends.

### The concept of professional responsibility

The journalistic profession, like other professions that preceded the rise of journalism or the invention of printing,<sup>21</sup> has codes and rules of conduct

17 Jayan Al-Urayyid, "The Iraqi information media and their effect in bringing about change after 2003", *Thaqafatuna*, 3rd edn, Iraqi Ministry of Culture, Baghdad, 2007, p. 10.

18 Abdul Fattah Ibrahim, *Freedom of Opinion and Thought*, compiled and published by Shihab Ahmad Al-Hamid, Al-Asr al-Hadith, Baghdad, 2004, p. 106.

19 Doris A. Garber, "Media and American politics", *Washington Congressional Quarterly Press*, 2nd edn, 1984, p.5.

20 Aziz Al-Sayyid Jassim, *Principles of Journalism in a Changing World*, Dar Afaq Arabiyya, Baghdad, 1985, p. 7.

21 For further information on journalism prior to the invention of printing, see Abdul Salam Ahmad et al., *The History of Journalism in Iraq*, Faculty of Information, Dara Agency, Baghdad, 2002, pp. 10, 14.

regulating relations between its practitioners, between them and the public, and between them and the society to which they belong. These codes and standard principles of conduct might be universally recognized or they might be principles and standards set by the profession's trade union organization.<sup>22</sup> The Hippocratic oath can be said to be the first code of ethics to save the life of another human being by regulating the profession of medical practitioners and surgeons.<sup>23</sup>

Samia Muhammad Jabir defines professional values or media ethics as a term referring to the clear principles of professional conduct in media institutions, as well as the most effective and appropriate approaches and procedures in working methods. Professional values are exemplified by commitment to objectivity in the presentation of news, the technological medium most appropriate to the performance of communication assignments of a special nature and the setting of good standards for televised serials.<sup>24</sup>

As far as journalism is concerned, media specialists and sociologists have defined basic ethics and values for journalistic activity which constitute ethical codes and standards of conduct stemming from the profession itself. Success in professional activity requires commitment by the practitioner to this explicitly agreed ethical code or professional constitution.<sup>25</sup>

Persons working in this field need to comply with a code of journalistic honour or ethics not only for their activities but also for their professional conduct. It is the conduct of the person exercising the profession that allows journalism to play its role successfully in social change. Professional considerations are an important element that ensures cohesion among journalists employed by the mass media, and all the staff of a newspaper must meet the basic conditions in accordance with the nature of their journalistic work. If persons merely seek to earn a living or benefit from the fruits of journalism, the inevitable result is a decline in the quality of journalistic work, the spread of corruption and loss of the traditions needed to develop an influential newspaper.<sup>26</sup> This issue requires additional endeavours in the wake of the political changes that occurred in Iraq after 9 April 2003, in keeping with the promotion of democracy that has become even more important after a historic interregnum. In the opinion of Abdul Sattar Jawad, Iraq had always been a democratic country, otherwise Hammurabi would never have promulgated his code regulating human relations. Today, we need a more profound joint concept of democracy.

22 Muhammad Al-Bawi, "The pedagogical framework of the question of professional ethics in the mass communication media", *Egyptian Media Research Magazine*, Cairo University, 1st edn, 1997, p. 208.

23 The Hippocratic oath requires the practitioner to provide humanitarian care, speak truthfully, maintain confidentiality and refrain from deceiving the patient.

24 Samia Muhammad Jabir, *Mass Communication and the Modern Society*, Dar al-Ma'rifa al-Jamahiryya, Alexandria, 1984, p. 275.

25 Muhammad Sayyid Fahmi, *Information from the Social Perspective*, Dar al-Ma'arif, Alexandria, 1984, p. 82.

26 Jassim, above note 20, p. 12.



### *Freedom of expression or freedom of practice?*<sup>27</sup>

The journalistic profession and the ethics of its practitioners are obviously affected by occurrences and their consequences, which might induce journalists to adopt reprehensible practices. It is the journalist who embodies the mission and responsibilities of his newspaper through his intelligence, his efforts and his contacts, as a result of which some journalists believe that there is an organic linkage between the changing circumstances of a journalist and those of the newspaper for which he works.<sup>28</sup>

Unlike other professions, journalism has a special characteristic insofar as it addresses all levels of intelligence. The printed word has an influence and a fascination of its own and the journalistic profession, in particular, performs a significant social service. Its principal prerequisites and particularities are as follows:<sup>29</sup>

1. It should encompass social objectives and derive its legitimacy from the people's awareness of the need for a specific activity to be undertaken to satisfy their needs.
2. It should be based on a scientific method that keeps pace with developments.
3. It should be based on facts.
4. The profession should be exercised by competent and capable specialists.
5. Its professional activities should be regulated by ethics and values.
6. The journalistic profession should be recognized as a partner sharing the responsibilities of members of society.

Although schools of thought and concepts concerning journalism and its various functions differ from place to place depending on the political system and the degree of cultural advancement,<sup>30</sup> its codes and rules throughout the world share general ethical principles, which have been designated as the five spheres of ethical variables,<sup>31</sup> within the bounds of which journalists operate. Ethics constitute an important component of the concept of education and thereby acquire an additional social dimension. Anyone who controls the press has significant control over public opinion in society. Journalists often describe themselves as public guardians protecting the masses from any abuse of power.<sup>32</sup> In this sense, journalism is a vocation rather than a profession. Journalism has always formed part of the state's political struggle while at the same time being an

27 "Iraqi democratic practice", seminar organized by the Al-Bazzaz Centre for Culture and Opinion, Baghdad, 2004, p. 11. For further information on this subject, see Khairuddin Haseeb, *The Future of Iraq, Occupation, Resistance, Freedom and Democracy*, Centre for Arab Unity Studies, Beirut, 2004, p. 209 et seq.

28 Thomas Berry, *Journalism Today*, trans. Marwan Al-Jabiri, Badran Foundation, Beirut, 1964, p. 20.

29 Fahmi, above note 25, p. 82.

30 In this connection see Farouq Abu Zaid, *Introduction to the Art of Journalism*, Alam al-Kutub, Cairo, 1998, p. 6.

31 Al-Bawi, above note 22, p. 218.

32 Michael Haralambos, *New Trends in Sociology*, trans. Ihsan Muhammad Al-Hassan et al., Beit al-Hikma, Baghdad, 2001, p. 542.

important instrument for the social development of all nations, a national cultural yardstick and a mirror of national activity in all fields.<sup>33</sup>

### Sources of the professional responsibility of the Iraqi press

The sources of journalistic responsibility in Iraq can be found in two main categories:

1. Penal legislation under which journalists or their institutions can be punished for violating the regulations governing the publication of printed matter. The principal legislative instrument in this regard is the Iraqi Penal Code, Act No. 111 of 1969, which stipulates that a journalist bears criminal liability for any violation of the provisions of the Press Law or the laws regulating governmental institutions.

We are obliged to disregard this type of legislation which is no longer in force following the promulgation by Paul Bremer, the US Civil Administrator in Iraq, of a special law stipulating that publication-related complaints could no longer be heard by the courts without his permission.<sup>34</sup>

2. Codes of honour of the journalistic profession, constituting a consensus of journalists represented by their local and national organizations. In this context, the Statutes of the Union of Iraqi Journalists, Act No. 178 of 1969, as amended in 1972, contain an article specifying the profession's ethical principles. The Code of Practice for Arab Journalists and the Statutes of the Cairo-based Federation of Arab Journalists<sup>35</sup> also contain other basic principles.<sup>36</sup>

The above do not significantly supplement or contradict the content of Article (b) of the set of principles contained in the Statutes of the Federation of Arab Journalists adopted on 21 February 1969.<sup>37</sup> It is noteworthy that neither these Statutes nor the Code of Practice for Journalists adopted at the Baghdad meeting in 1972 make provision for specific penalties, unlike the Statutes of the Union of Iraqi Journalists, which empowered the Union's disciplinary board to impose

33 Abdul Latif Hamza, *The Crisis of Journalistic Conscience*, Dar al-Fikr al-Arabi, Cairo, 1960, p. 24.

34 See the Statutes of the Union of Iraqi Journalists, typewritten and preserved in the Union's archives. They can be found in Wail Izzat Al-Bakri, *Development of the Press Regulations in Iraq 1958–1980*, Dar al-Shu'un al-Thaqafiyya, Baghdad, 1994, p. 259.

35 The Code of Practice for Arab Journalists was adopted by the Third Conference of the Federation of Arab Journalists held in Baghdad on 17–25 April 1972. *Press Freedoms*, 1981, p. 107.

36 According to Article 25 of the Statutes of the Union of Iraqi Journalists, above note 34, it is forbidden for journalists to (1) use any method or means to gain illicit profit; (2) bring the journalistic profession into disrepute or breach its confidentiality; (3) defame members of the journalistic profession; (4) threaten citizens by any journalistic method or means; (5) make statements or allusions likely to assist a hostile body; (6) undermine confidence in the country (this is a flexible concept that might mean causing alarm or reporting examples of governmental repression); (7) exploit the information media to defame, denounce or accuse citizens; (8) privately exploit written or graphic means of expression for personal benefit; (9) provoke public disorder; (10) violate personal or public freedoms; (11) mislead the public with incorrect information; (12) publish unconfirmed reports; (13) favour one party in legal proceedings in which an official judgment has not been handed down; (14) publish false information or statements; and (15) cite any work by a third party without mentioning the latter's name.

37 Salih Khalil Abu Isba, *Communication and the Media in Contemporary Societies*, Aram Research, Distribution and Publishing House, Amman, 1995, p. 265.

penalties including reprimands, warnings and suspension from work. However, the above-mentioned Code of Practice linked the journalist's freedom to his responsibility in keeping with the Federation's motto "Freedom and Responsibility".

Wilbur Schramm has already written that, if society stipulates that persons looking after its affairs in the medical and legal fields should obtain professional training and abide by professional rules, its indulgence towards persons who, by publishing information, are consequently responsible for society's knowledge and opinions is one of the greatest and most dangerous acts characterizing the twentieth century.<sup>38</sup>

Until the beginning of the twentieth century, specialization in journalism was an obscure and undefined concept and the profession was open to politicians, artists, persons without a profession or seeking employment and anyone else who wished to enter it. Many owed their celebrity in journalism and politics to the newspapers that they published.

The first sign of a feeling of journalistic responsibility emerged in the second quarter of the twentieth century. The concept began to appear in literature and came into vogue in the 1930s and 1940s, when people working in the field of journalism met to organize their profession. The foundations of academic specialization were laid in 1869 at Washington University and were subsequently extended to all countries of the world. In Iraq, the first Department of Journalism was opened in the Faculty of Arts at Baghdad University in 1964 and the first Faculty of Information was established in 2002.

Journalistic responsibility, which constitutes the backbone of journalism, became the major subject of study and concern. Conferences and seminars were held on this subject and committees were formed, including, in particular, the special committee established by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1947 to study the technical and technological requirements of journalism. In its report, the special committee recommended that journalists should receive professional training which should include the teaching of professional responsibility and the need to put it into practice, since journalism cannot fulfil its lofty mission and play its role in the proper transmission of news and opinion unless the persons working therein are adequately qualified from the professional, practical and ethical standpoints.<sup>39</sup>

In fact, many countries have begun to impose severe conditions, including university education and adequate professional qualifications, on new applicants for a career in journalism, while other countries are endeavouring to liberate the press from the financial constraints of advertising. According to Fuad Matar, although it is true that talent and training are primary requirements for a journalist and might be more important than a university degree, a combination of talent, training and university studies puts a journalist well on the way to the summit.<sup>40</sup>

38 John Hohenberg, *The Professional Journalist*, Ahli Foundation, Beirut, n.d., p. 14.

39 Robert Samuel, *Press Responsibility*, trans. Alfred Usfour, Jordanian Book Centre, 1990, p. 13; Hohenberg, above note 38, p. 15.

40 Khalil Ahmad Khalil, *The Concerns of Arab Rulers and their Subjects, 1963–2003*, Vol. 1, Arab Research and Publishing Foundation, Beirut, 2004, p. 502.

The Iraqi press has sometimes suffered from inadequate technical resources and printing facilities and has lacked sufficient staff to carry out journalistic assignments, while at other times it has suffered from the phenomenon of hot-headed penmanship including defamatory vilification, obscene invective, base insinuations and personal abuse.<sup>41</sup>

### **Disregard for professional responsibility in the Iraqi press as a source of violations of freedom**

The aim of this part is to review the problem of journalists' lack of professional responsibility in their writings and their dereliction of duty to act as gatekeepers with an obligation to turn away press articles that constitute a blatant illustration of the level to which the Iraqi press has sunk in regard to violation of the personal freedoms of citizens and calumny and defamation of public personalities without any cogent evidence or proof.

Although this problem has been addressed by press laws and principles of professional responsibility, the political circumstances, together with the chaos in the media<sup>42</sup> caused by the infiltration of newcomers and the failure of newspapers to meet fundamental standards, helped to aggravate the problem and prompted some newspapers to make random defamatory accusations that amounted to incitement to murder. They coincided with the breakdown in security in the country and an increase in the number of victims of blind violence.

#### **The press in crisis**

In autumn 2003 a US force raided the offices of the *Al-Hawza al-Natiqa* newspaper (the mouthpiece of the Sadrist movement), placed seals on the doors and closed the premises for sixty days, claiming that the newspaper had published unconfirmed reports. Two or more other newspapers also suffered the same fate.<sup>43</sup>

If this event proved anything, it proved that words have a more powerful and far-reaching effect than bullets. While a bomb might kill a small or large group of innocent persons, in certain circumstances and conditions words can undermine the security of an entire country, threaten the stability of its population and cause bloodshed. As a result of the closure of the newspaper, this is

41 Adnan Abdul Muneim Abu Saad, *Development of Methods of News Reporting and Editing in the Iraqi Press from its Birth to 1917*, Ministry of Culture and Information, Baghdad, 1983, p. 20.

42 On this subject, see Saad ed-Din Khidr, "The Iraqi press after 10 April 2003, adaptation and documentation – Mosul, 2006", and Muayyad Al-Khaffaf, "The Iraqi press in the two-year period from 9 April 2003 to April 2005", *The Media Researcher*, 2nd edn, Faculty of Information, Baghdad University, Baghdad, June 2006, pp. 43 et. seq.

43 The Coalition Authority closed down the *Al-Mustaqilla* newspaper for publishing, on 13 July 2003, an article advocating the murder of anyone collaborating with the Americans. The Authority subsequently relented and allowed the newspaper to continue publication.

what actually happened during the armed clashes in Najaf and Sadr City, when hundreds of innocent lives were lost.<sup>44</sup>

Napoleon Bonaparte expressed the power of words when he said, “I fear the scratching of the pen more than the roar of cannons.” He believed so firmly in the effect of words that he wrote to Paris in August 1796 when he was commander-in-chief of the army in Italy, “It would be preferable for the press not to refer to the King of Sardinia or publish unrealistic and silly things about him. Some writers engage in extravagant fantasies based on false rumours that harm us and create enemies where we do not want them.”<sup>45</sup>

The question that arises in this connection is: who controls the strike force represented by the press? In democratic countries the press is, in principle, free and enjoys constitutionally guaranteed freedom of expression and publication within the limits of the laws in force, which protect the freedoms of other citizens. Without a free press, the responsibility for informing the people and ensuring their welfare falls solely on the government, and the lack of such public participation can undermine the country’s security and economic development.<sup>46</sup> It is certain that, in the absence of such laws, some journalists have disregarded the public guidance mission of the press and have become bearers of news based on false rumours that actually cause public harm. As the journalist Horace Greeley has said, “A journalist must be a saintly missionary and a truthful informer”. While believing that many changes have taken place in the function of the press following its transformation into mass media institutions of an industrial-commercial nature, we find that the statutes of most press organizations still uphold the ideals and ethics referred to by Napoleon and Greeley.

With regard to the Iraqi press, one of the main shortcomings in its current performance is its employees’ lack of the professional training required by press responsibility. This has aggravated the situation and deepened the bleeding national wound.<sup>47</sup> Until the early part of the twentieth century specialization in journalism was an obscure and undefined concept and, oddly enough, it is still widely believed that journalism is “a profession for those without a profession”<sup>48</sup> and that it can be exercised by teachers, doctors, businessmen and pastry sellers, which is inconsistent with journalism’s nature as an authority under all

44 See the press coverage of the events in Najaf during the period 9 May–1 August 2004, when Sayyid Muqtada Al-Sadr agreed to a plan proposed by the religious authority Sayyid Ali Al-Sistani that ended the sit-in by Al-Sadr’s supporters in the Haidari Sanctuary and halted the bombardment by the joint US/Iraqi forces.

45 Hohenberg, above note 38, p. 5.

46 Ellen Hume, “Press freedom in democratic systems”, *Al-Mu’tamar*, no. 1372, 25 June 2007.

47 Leading Iraqi media personalities have blamed the government and political blocs for assassinations of Iraqi journalists in acts of violence that have occurred during the last four years. Although unknown persons have been officially blamed for all these incidents, an organization calling itself The Observatory of Press Freedoms holds US forces responsible for the killing of seventeen journalists and Iraqi forces responsible for the killing of two journalists by mistake (report on *International Press Day*, 2 May 2006, containing the names of 109 journalists who died under fire).

48 This is often said by journalists who previously held posts in the Union of Iraqi Journalists.

circumstances, regardless of whether it is licensed, censored or repressed, provided that it is genuine, bold and combative.

The expansion of this authority has been furthered by the establishment of university faculties and institutes from which highly specialized professionals graduate.<sup>49</sup> The inadequacy or total lack of training of some of its employees is a problem that has long been faced by the Iraqi press.<sup>50</sup> Although sincere efforts have been made by the Union of Iraqi Journalists in collaboration with the Federation of Arab Journalists or international organizations, these efforts have been isolated or timid and concerned solely with the formal aspect rather than the essence and substance. There was also a time when participation by favoured journalists in training courses abroad was a reward granted to protégés and journalists with the least merit.

### Press responsibility and information

The amplitude and diversity of information and the multiplicity of its sources highlight the importance of press responsibility and professional ethics. For human society repeated reference to ethical principles is important, since they involve many rights and responsibilities as well as social and economic issues such as the free flow of information, the right to know, freedom of the press, the limits of censorship, the social obligations and responsibilities of journalists, the right to equality, the right to privacy, property rights and copyright.<sup>51</sup> This applies to sensitive information and the way in which other persons should be treated, as stated in the Holy Bible (“Love thy neighbour as thyself”<sup>52</sup>), which eloquently summarizes the principle that forms the basis on which we should treat and address others. The term “thy neighbour” obviously applies to all mankind and, therefore, should definitely apply to fellow citizens of the same country.

I recall an eye-catching report transmitted by Reuters news agency on the imposition by the Romanian Anti-discrimination Council of a fine on the mayor of Craiova because of declarations that he made concerning the town’s team playing in a Premier League football match in which he accused the black players of being responsible for the team’s poor performance. In its statement, the Council said that the rights of the team’s African players had been violated.<sup>53</sup>

That decision to impose a fine came against a background of events involving racist insults in Romanian football. If concern was shown for this matter in a country which, a decade and a half earlier, had witnessed a political

49 Ibrahim Al-Daqui, *Media Law: a new theory in modern media studies*, Ministry of Higher Education and Scientific Research, Baghdad University, undated, p. 9.

50 See Yas Khudeir Al-Bayati, *The International and Arab Media*, Faculty of Arts, University of Baghdad, 1993. Reference can also be made to the endeavours of UNESCO in the field of creative cultural diversity in a book published in Cairo in 1979 by the Higher Council for Culture, with an introduction by Jabir Asfour.

51 For further information see Wail Izzat Al-Bakri, “Press laws in Iraq, visions and prospects”, *The Media Researcher*, Faculty of Information, Baghdad University, 2nd edn, June 2006.

52 Luke 10:27.

53 *Reuters*, 27 April 2005.

transformation similar to what happened in Iraq, there is all the more reason why concern should be shown for the incidents of calumny and defamation in the Iraqi press, in which individuals and public personalities have been insulted and subjected to inflammatory calls for their dismissal from office, their political and social marginalization and their physical liquidation.<sup>54</sup>

### Publication challenges within the Iraqi press

This unprecedented lack of restraint and the absence of press regulatory authorities pose the following question: who protects the Iraqi press from some of the material published in it? The greatest threat to press freedom today is the possibility that press offences will be taken as justification for imposing restrictions on journalists, limiting the extent of the freedom that they enjoy and curtailing the expansion of the press, which is an important manifestation of nascent democratic life. If journalists fail to exercise their professional responsibilities and fail to abide by the press ethics contained in statutes and codes of honour, an increasing number of voices will be calling for restrictions on the press.<sup>55</sup> The material that some newspapers publish without examination, revision, editing or ethical scruples will be used to refute the arguments of the advocates of freedom of expression, opinion and publication.<sup>56</sup> This will have dire consequences.<sup>57</sup>

The phenomenon of the large number of breaches of professional ethics in the present-day press can be attributed to the following:

1. The disappearance of the media regulatory body, the lack of a clear understanding of its functions and duties by persons working in the media and the press, its use of unfamiliar job titles and the withdrawal of its senior officials from the broad Iraqi media scene, some having fled abroad under the pressure of fear or threats.
2. The incapacitation of the Union of Iraqi Journalists as a result of the chaos that accompanied the fall of the previous regime and the emergence of

54 Paul Bremer suspended the enforcement of the Penal Code in regard to press-related offences. See the *Iraqi Official Gazette*, No. 3978, 6 October 2003, 7th term.

55 In this connection, I would draw attention to the crisis provoked by the closure of the satellite channel Sharqiyya and the international newspaper *Al-Zaman* at the demand of four members of parliament. Reference can be made to the text of the memorandum sent to the Speaker of Parliament, the *Parliamentary statement No. 96* of 16 October 2006 concerning the press coverage of those two institutions and the recommendation that sanctions should be imposed on them, Agence France-Presse, 17 October 2006, and the statement of the Iraqi Observatory of Press Freedoms which considered the parliamentary warnings to be contrary to the law, Reuters, 18 October 2006.

56 The Iraqi House of Representatives (parliament) has not yet debated the bill of law regulating the media in Iraq, in spite of increasing demands from various quarters.

57 According to Ismail Zayir, editor-in-chief of the newspaper *Al-Sabah al-Jadid*, press coverage is not permitted in 90 per cent of the parliamentary sessions and newspaper distribution is controlled by local armed groups which decide which newspapers should be distributed or prohibited in the area under their domination. He added that about eighteen newspaper distributors had been assassinated and many others abducted by armed groups. See *Aswat al-Iraq*, 18 June 2007.



- individuals who split its ranks by establishing parallel organizations with a similar structure and aims.<sup>58</sup>
3. Journalists' lack of legal training in regard to press offences, and particularly violations of the personal freedoms of citizens.
  4. Unclear understanding by citizens of the procedures to be followed and applied when they are subjected to calumny and defamation in the press. The Coalition Authority's order No. 7 of 10/6/2003, stipulating that authorization must be obtained from its head, Paul Bremer, before a criminal action could be brought in respect of press offences, helped to give some journalists the impression that they could not be held accountable for breaching press regulations, violating professional ethics or engaging in calumny and defamation of citizens without substantiation or material evidence.<sup>59</sup>
  5. The extent of the security threats and the multiplicity of their sources prevented victims of press offences from bringing legal proceedings against the newspapers publishing material detrimental to their dignity, interests and freedoms. However, the judgment handed down by the court of first instance at Karkh in late March 2006 imposing a fine of 750,000 dinars on the *Al-Sabah* newspaper, and the judgment handed down by the court of first instance at A'dhamiyya against the *Al-Bayyina al-Jadida* newspaper ordering it to pay 7 million dinars in damages to Adnan Al-Dulaimi, the former leader of the Tawafuq (Concordance) Front parliamentary bloc,<sup>60</sup> helped to achieve two objectives:
    - (a) More careful editing of what these newspapers publish.
    - (b) Encouragement of victims of similar abuse by other newspapers to institute legal proceedings with a view to obtaining redress or acknowledgement that they had been subjected to abuse.
  6. Most journalists, and particularly those working for recently established newspapers, are unfamiliar with the profession's standards and principles of ethical conduct, the so-called ethics for the exercise of the journalistic profession, laid down in the Federation of Arab Journalists' code of honour and in some articles of the Statutes of the Union of Iraqi Journalists.

58 A group of exiled journalists who returned to Iraq after April 2003 attempted to establish a rival trade union organization as an alternative to that established in 1959, which they claimed was controlled by journalists who had worked for the previous regime. This attempt led to the appearance of the Federation of Iraqi Journalists, which has been organizationally and operationally paralysed since its president left the country.

59 Tariq Harb, *The Iraqi Constitution of 2005 in Research Works and Articles*, Dar al-Hanash, Baghdad, 2007, pp. 288, 379.

60 More than seventeen complaints against a number of journalists and their institutions have been lodged with the Iraqi courts by government and security officials. Four of these cases have so far been closed and the others are awaiting adjudication (*Observatory of Press Freedoms*, 28 May 2007). Reference can be made to the case brought by Haidar Al-Abbadi, former Minister of Communications, and the Southern Oil Company against the *Al-Zaman* newspaper and the case brought by Karim Wahid, Minister of Electricity, against the *Al-Mada* newspaper in Baghdad.

7. Although media instruments and platforms have been developed, some of them fail to abide by the principles of professional ethics, particularly with regard to the Internet, insofar as they exploit this useful means of communication to propagate a spirit of revenge or to defame others by casting aspersions on their personal or family history. This has been facilitated by the fact that Iraqi law does not penalize electronic media offences since this is a relatively new field, in existence only since the beginning of the last decade. In fact, the Iraqi press is currently facing an unprecedented influx of news reports containing statements by unknown bodies and fictitious personalities, as well as false information designed to embarrass or discredit the media.
8. Lack of financial resources, as well as strong competition in the distribution sector, force most Iraqi newspapers to adopt demagogic and alarmist tactics without considering the adverse effects and consequences of this on the reputation of the press and on the minds of citizens. It is inconsistent with the motto “Freedom and Responsibility” and with the constitutions of democratic states which emphasize the social responsibility of the press. In fact, fiery debates took place between intellectuals, politicians and journalists throughout the world on the question of this freedom and whether it is a personal freedom like freedom of belief or whether it is associated with political rights. Finally, the proclamation of the Universal Declaration of Human Rights settled the question in favour of political rights.<sup>61</sup>

From the outset it was not difficult for journalists to realize that the Iraqi press was facing a severe moral and material crisis, the price of which was being paid by the public at large and by journalists who lost their lives due to the effects that the media chaos was having on daily life.<sup>62</sup> A tremendous joint effort combining the fruits of all ideologies, views and tendencies without discrimination or exception is needed to overcome this crisis, the resolution of which is beyond the capacities of a single individual or organization. Fortunately, the Iraqi press has a long history and a glorious heritage of defending freedom of the press, as well as public and personal freedoms, which no one can expunge or sully through calumny, defamation or wilful vilification.

### **A draft code to promote professional responsibility and avoid the dangers of journalistic involvement in incitement to violence and armed conflict**

The present situation in Iraq obliges persons working in institutions, particularly private institutions, that shape public opinion to formulate a draft press code

61 See *Mobilization of Public Opinion for the Promotion of Human Rights and National Reconciliation*, Iraqi Centre for Development and International Dialogue, Baghdad, July 2006, pp. 4–24.

62 According to the statistics of the Union of Iraqi Journalists, 227 journalists and media employees have been killed since April 2003 and the fate of 15 others is still unknown, *Agence France-Presse*, 12 June 2007.

based on a national vision that shows understanding of the dimensions of the crisis and the need to halt the progression of its long-term consequences. In actual fact, this code represents a new theory or vision of the professional responsibility of the press, supplements the previous codes that have failed to influence Iraqi journalists and aims to bring about a national reconciliation among their institutions by reviewing all their previous axioms and strict traditions.<sup>63</sup>

Such a code could be supplemented and modified in order eventually to meet the requirements of the largest number of components of the press and constitute a common denominator between them. We also believe that the drafting of such a code should not, under any circumstances, be confined solely to journalists since the media sector, having witnessed new technological developments, has now expanded to encompass aspects of social, economic, political and cultural activity in and outside the country.

The proposed draft code comprises four sections:

I. An occupational section designed to develop the tools, titles and human resources of the press in a manner consistent with national realities and lifestyles, and to impose professional rules of practice based on equity, balance, accuracy and objectivity.<sup>64</sup> The principal requirement is emotional detachment when writing news reports. This association of concepts is possibly attributable to what has happened in Iraq, which has been systematically subjected to overwhelming coercion, supported by the power of armed militias, aimed at ensuring that the sectarian press prevails over the patriotic press of a country which is suffering from daily bloodshed and the horrors of a humanitarian disaster.

The magnitude of this disaster assumes an even larger dimension if we look beyond the borders at the tragedy suffered by more than 2 million migrants who left Iraq in search of a safe refuge from the blind sanguinary violence. The Iraqi press must be held responsible for neglecting this broad section of the population either by disregarding its sufferings or by failing to keep it in touch with its homeland. Our draft is based on a firm belief in the sacrosanct nature of the journalist's mission to bring about a reconciliation between those living in and outside the country and to adopt a tolerant and moderate approach<sup>65</sup> instead of the culture of violence and marginalization, which most Iraqis regard as an imported culture promoted by the occupation, the external media and the influx of international correspondents who shattered the aspirations nurtured by Iraqi journalists expecting to be able to propagate optimism, hope and national peace throughout Iraq. If despair and incessant misleading propaganda have led some peoples down the wrong path under the pressure of harsh living conditions, the

63 The *Iraqi Media Network* organized a forum to formulate a media code of honour which was boycotted by some newspapers run by political parties. At the beginning of 2006 this forum adopted a draft document aimed at ensuring the success of the national reconciliation initiative, but it was not binding.

64 These basic elements were expressed by Cheryl Halpern, chair of the US Corporation for Public Broadcasting, who was in charge of the programmes to promote media ethics and combat rumours during the presidencies of George Bush the elder, his successor Bill Clinton and George Bush the younger (interview on *Inside Washington*, broadcast by the Al-Hurra channel, 7 July 2007).

65 The Baghdad newspaper *Al-Dustur*, no. 1107, 5 June 2007.

Iraqi press must make rapid and sincere endeavours to ensure that the tragedy of civil war is not repeated in other parts of our world. We therefore call upon the press to abandon its negative attitudes and enter the great battle against its own shortcomings in order to be able to play the positive role imposed on it by the close relationship between the history of the press and the struggle and advancement of peoples.<sup>66</sup>

Accordingly, we propose the following in the professional field in order to overcome the dangers threatening the independent press and meet the demands of the forthcoming stage:

1. There is a need to adopt a calm professional approach and bear in mind the journalistic codes of honour when addressing any Iraqi issue.
2. A co-operative attitude is required when discussing possible future options, and especially the need to ensure that priority is attached to the national interest and social responsibility, without derogating from public and personal freedoms.
3. The press regulations laid down in international media codes should be complied with, and calumny, defamation and the incitement of animosity and bigotry of any form or origin, particularly of a sectarian nature, should be avoided. Competent newspaper managements should also be chosen, since managerial shortcomings, however slight, have a direct impact on the printed pages.<sup>67</sup>

II. The second section, of a political nature, emphasizes widely accepted national concepts and principles, which it seeks to consolidate in order to counter attempts to obliterate identity for the furtherance of other objectives. In this regard, we propose the following:

1. Iraq's interests should be the main objective and priority. National identity should take pride of place, without detracting from other identities or disparaging the cultural particularities of any individual, group or ethnic or confessional community.
2. Any form of tutelage, by any political party or governmental authority, over the press and other media instruments should be rejected.
3. The highest degree of alertness should be exercised to expose any attempts to manipulate, falsify or leak news reports likely to harm political or social bodies or defame their leaders for self-serving and non-objective considerations.
4. Persons working in the press should enjoy guaranteed freedom of action and access to information solely for purposes of their journalistic activity. The press and journalists should not be used to further the aims of intelligence agencies working against the interests of Iraq. A distinction should be made

<sup>66</sup> Mukhtar Al-Tihami, *The Press and World Peace*, Dar al-Ma'arif, Egypt, 1968, p. 251.

<sup>67</sup> A. Tsukasov, *Newspaper Management*, trans. Iman Ahmad, Tadamun School for the Training of Journalists, Baghdad, 1985, p. 3.

between the integrity of the press and preconceived bias in favour of adoption of the views and positions of political or intelligence organizations seeking to manipulate this profession.

5. Sources of funding should be revealed and endeavours should be made to enhance the status of the press by rejecting its subjection to financial bartering.<sup>68</sup>

III. In the third section of the code, dealing with security matters, we propose the following in the light of our belief that the press, by virtue of its conscience and its role, is capable of contributing to the stability of Iraq and the security of its citizens.

1. The use of violence to achieve political ends should be rejected and care should be taken to avoid falling into the traps set by persons involved in the use of any type of violence, regardless of its origin, such as assassination, bombing or sabotage, on the pretext of access to information.
2. Every endeavour should be made to protect citizens from attempts to harm them. Actions detrimental to society should be thwarted and politicians involved in political assassination and the planning of bombings should be exposed.
3. Care should be exercised when publishing news reports in order to avoid the dissemination of falsified, fictitious, fabricated or inaccurate reports and statements.<sup>69</sup>

IV. In the fourth section of the code, at government level we propose the following.

1. A declaration of the government's commitment to refrain from using government media against the independent national press and independent journalists,<sup>70</sup> considering this to be a form of state terrorism. To this end,
  - (a) A media/press consortium should be formed to obtain advertisements from governmental ministries and departments by legitimate means, thereby excluding the mafias that exploit entrenched administrative corruption in order to monopolize sources of funding, including advertisements.
  - (b) There is a need to combat corruption in government ministries and departments with regard to advertising and its use as a means of illicit gain, extortion or settlement of accounts. The Probity

68 See Ahmad Abdel Majid, "The funding crisis in the Iraqi press: independent newspapers depending on advertising for their survival", *Al-Adab*, Baghdad, no. 73, 2006.

69 The Lebanese writer Hassan Ajami views the concept of violence in the light of science and technology, believing that it is equivalent to backwardness insofar as a backward people is one that engages in violence and terrorism. See Hassan Ajami, *Super Backwardness*, Arab Scientific Publishing House, Beirut, 2007, p. 13.

70 Senior Arab and foreign journalists have expressed the essence of their experience and their principles in this field. In this regard, useful reference can be made to the experience of the well-known journalist Fuad Matar in Khalil, above note 40.

Commission and the audit offices in ministries and departments in general should be urged to monitor compliance by these ministries and departments with the legal rules concerning the publication of advertisements.

- (c) Since advertising is the principal source of funding for independent newspapers, their exclusion therefrom would affect their development and growth and deprive their staff of salaries and wages appropriate to their social status and commensurate with the dangers that they face in the discharge of their media mission in an honest, honourable and responsible manner. Hence there is a need to denounce the practices of some government agents who illicitly exploit advertisements by distributing them among political parties, ministers, favourites and middlemen working for the benefit of officials using them as a cover.
2. The government should be urged to strengthen the authority of the press by calling to account individuals and bodies who attempt to discredit the press media and prevent them from playing their role as monitors and critics.<sup>71</sup>
3. The government should be urged to assist media institutions to obtain their technological and material requirements by granting them customs and tax exemptions, as is the practice in some European countries.
4. The government should be called upon to ensure more training opportunities in and outside Iraq for persons working in press institutions, particularly in the field of telematics.<sup>72</sup>
5. Rules should be established to regulate competition between the state-funded Iraqi Media Network, media institutions owned by the private sector and charitable organs.
6. The media should be given opportunities for their staff to accompany governmental delegations and benefit from various types of governmental subsidies in this regard.
7. Press institutions that do not own private presses should be allowed to benefit from the subsidies granted to the presses of the Iraqi Media Network to enable them to compete with private presses.<sup>73</sup>
8. A study should be made of the possibility of giving promising press institutions opportunities to use the facilities of the dissolved Ministry of

71 The Al-Maliki government undertook to respect a number of basic principles in its political programme presented at the Sharm el-Sheikh Conference in Egypt, which was incorporated in the document setting forth the International Compact with Iraq. See the International Compact with Iraq, a Shared Vision and Mutual Commitments, Annex I, containing what can be regarded as commitments to respect freedom of expression, opinion and belief.

72 A new concept expressing the increasing close interrelationship between computers and communications. See Armand and Michele Mattelart, *History of Theories of Communication*, trans. Nasreddin Al-Ayyad and Al-Sadiq Rabih, vol. 3, Arab Translation Organization, Beirut, 2005, p. 143.

73 In this connection reference can be made to the developments in printing technology in some Iraqi press institutions in spite of the deteriorating situation: "Iraq: newspapers escape the effects of the violence", *Al-Tiba'*, Dubai, Vol. 4, no. 37, July/August 2007, pp. 63–4.

Information through usufruct contracts on easy terms and to make use of the technical engineering personnel reassigned to the Ministry of Culture, on which they have become a burden due to the lack of job grades commensurate with their qualifications.

9. A law should be promulgated making it an offence to violate the freedom of journalists, harass them or threaten them in any physical or security-related manner. In this context, journalists often say that the attacks, assassinations, threats and harassment to which they are subjected in Iraq are attributable not only to terrorist groups and armed gangs but also to members of some political parties, officials of civil and military authorities and sectarian groups.
10. Journalists who are currently detained by US or Iraqi forces on any publication-related grounds should be released and deemed to be covered by international humanitarian law in order to protect them from harm.<sup>74</sup>
11. Newspaper correspondents in the provinces should be provided with the requisite assistance and means of protection to enable them to accomplish their mission and report citizens' views in an honest and accurate manner.<sup>75</sup>
12. The Ministry of Culture and the Iraqi Media Network should be required to include media institutions belonging to the private sector among their priority concerns with regard to training opportunities, funding and participation in foreign fairs and forums.
13. An association should be established to safeguard the interests of the independent press institutions in Iraq, monitor the latest media technologies, sponsor relevant working groups, train specialists in journalism and develop relations with counterpart organizations in the Middle East and elsewhere.<sup>76</sup>

74 Although the Iraqi Prime Minister Nouri Al-Maliki promised to promulgate legislation to protect journalists, who were increasingly being targeted and assassinated, nothing has been done in this regard.

75 Journalists are subjected to forms of harassment including legal proceedings against them, as happened to Ali Al-Allaq the *Al-Zaman* correspondent in Kut, Abdul Battat, its correspondent in Basra, and Basim Al-Rikabi, its correspondent in Nasiriyya, on the pretext that they had published news reports prejudicial to a tribe, a political grouping or a government institution.

76 The Information and Communications Authority submitted proposals concerning Iraq's information policy, which the Stanhope Centre had been commissioned to prepare, and these proposals were circulated at an international conference organized in collaboration with UNESCO at Paris on 8–10 January 2007. They contained some useful recommendations, particularly in the field of institutional and human resources capacity building, including the establishment of an association of media professionals to ensure more effective consultations between the Authority and persons working in the media (p. 58).



## Assessing the human tragedy in Iraq

**Ekmeleddin İhsanoğlu**

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### Abstract

*Before a framework can be set for efforts centred on human security to combat chaos, instability and insecurity in conflict areas, the human tragedy in those areas must be understood and discussed. This article analyses the human tragedy in Iraq and shows that it extends beyond our current perception of the situation. The war has led to the loss of lives and social capital, and has destroyed the Iraqi infrastructure. This substantially lowers the quality of life, leads to the inability to provide essential services and renders state-building activities even more difficult. In line with the policy of the Organisation of the Islamic Conference, the article also emphasizes the need for reconciliation between the various groups in Iraq, an end to sectarian tensions and the preservation of the country's territorial unity as the ultimate resolution of the Iraqi question.*

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The less discussed, if not totally ignored, aspect of the Iraqi crisis is the human tragedy that is unfolding amidst conflict and war in that country. It is a cliché to say that war is the cause of serious human losses and suffering. Furthermore, the perception of human tragedy in terms of the numbers of dead and wounded transforms it into a mechanical issue, ignoring its “human” dimension. Seen thus, human tragedy is interpreted as war losses. There is also the view that if the war is a just one, a certain degree of tolerance towards war losses is required. The widespread media coverage of the day-to-day violence in Iraq and other parts of the world also helps make this human tragedy an ordinary event, a mere news item.

Many instances could be cited in which human tragedy is treated as a sad but almost commonplace issue. This approach is problematic and should be critically evaluated, especially in the case of Iraq. The lack of insight into the nature and severity of the human tragedy in Iraq leads to an underestimation of its seriousness. The agenda is entirely taken over by the conflict, and the inadequate attention given to the human dimension may also result in failures in the provision of security in Iraq. A shift from a state-centric understanding of security to the provision of security at the human level is essential.

In this article I shall assess the human tragedy in Iraq. The following analysis is not limited to Iraq alone and may be applied to other war and conflict areas. Efforts to bring about a better world would best be served by establishing a framework in which the struggle against chaos, instability and insecurity in conflict areas is focused on human security. To build such a framework it is first essential to understand and discuss the human tragedy in conflict zones. My analysis will be organized in four parts. First, I shall deal with the human losses in Iraq; this is necessary to comprehend the nature and severity of the human tragedy there. Second, I shall deal with the loss of social capital in Iraq, so as to have a qualified discussion on one particular aspect of the human tragedy. Third, I shall elaborate on the destruction of the Iraqi infrastructure, which has a direct bearing on the daily needs of the Iraqi people; in the case of Iraq, recovery from human tragedy is also related to reconstruction activities there. Fourth, I shall emphasize the need for reconciliation between the various groups in Iraq, an end to sectarian tensions and the preservation of Iraq's territorial unity as the ultimate resolution of the Iraqi question. My analysis will be developed from the bottom up, namely from individual to state, while trying to cover human tragedy in a comprehensive way.

## **From state-centric security to a human-level understanding of security**

Human tragedy is not only the tragedy of the individual or the society to which he or she belongs, but also a deep pain which leaves a lasting mark on future generations. Legitimacy is of concern for the future of humanity, as it is shaped around the idea of justice for and fair treatment of individuals and communities. What is best for the future of humanity is to pursue these relations in a way that would minimize human suffering. In this sense, alleviating the pain of one single individual is a huge responsibility. The more this requirement is placed in jeopardy, the more problems there will be awaiting us.

### **A bottom-up approach**

Building a stable and secure future is related to solving current conflicts. This does not mean that no attempt is being made to put an end to ongoing wars and conflicts. What I wish to underline is the need to rethink security in conflict areas

by taking approaches with a stronger human orientation. The point of reference should be human tragedy, which will bring to the fore the pain and suffering at the individual level. This bottom-up approach to conflicts would lead to a more sensitive treatment of human suffering, as well as guaranteeing societal and state security. There is no dilemma of choice between comprehensive security measures and thinking of security provision in terms of human security. In addition, such a new approach will fill the gaps in security management and will set out a new framework designed to bring emancipation from human tragedy.

## Human losses

What we have seen in Iraq since the invasion of 2003 is the worst human tragedy of the early twenty-first century. The invasion took place with the aim of freeing and democratizing Iraq; instead, what has unfolded in Iraq is enormous human loss and suffering. Each day we hear of many people being killed or injured. Death has been a part of daily life. Children playing with toy guns anywhere in the world are considered to be doing something normal. But the children in Iraq have seen guns more than any other children in the world. What they see is that guns are ending human lives indiscriminately, the victims ranging in age from newborn babies to the elderly. Although these children may find it hard to understand whether the gunfire is real or only a game, the human tragedy they have been part of is very real indeed.

## Denial of human tragedy

When we watch, with a sense of irony, reports showing Iraqi children playing with toy guns, we are also witnessing a widespread denial of the human tragedy in Iraq. I would like to stress that media symbolism of that kind is an attempt to present snapshots of that tragedy. Although those attempts merit appreciation, we need to go beyond such symbolism and understand the issue as a whole. We should draw another picture giving the fullest possible portrayal of the human tragedy and losses in Iraq. Nor should that tragedy be presented as being specific to Iraq alone. As we can see from the attacks on New York, the London and Madrid bombings, the twin terrorist attacks in Istanbul and the attacks in Mumbai and Bali, human tragedy may strike at any moment. We live in a world of profound insecurity. The absence of reliable statistics on the Iraqi casualties in the first year of the war gives the impression that the real casualty numbers could be much higher than generally assumed. Table 1 shows an overall increase in human losses in Iraq. It can also be observed that of the total number of Iraqi deaths, the percentage of Iraqi civilian deaths is much higher than that of Iraqi Security Forces deaths and has been steadily rising since 2005, although the number of persons killed decreased in the second half of 2007.

It may be held that Iraq was responsible for the new insecurity in the region and that the foreign powers came to Iraq to contain the threat of “terror

and weapons of mass destruction” that the country presented. In other words, they were invading Iraq to put an end to terror at its very source. This view clearly has serious pitfalls, as we now look at the consequences of the invasion. First, whatever the mistakes of the Iraqi government before invasion may have been, they do not justify the worst human tragedy of the twenty-first century. In addition, the foreign powers in Iraq failed to find any connection to an international terror network, nor did they discover any weapons of mass destruction there.

**Table 1.** *Iraqi deaths, 2005–2007, by month*

Year	Jan.	Feb.	Mar.	Apr.	May.	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
<b>2005</b>												
<i>Civilians</i>	n/a	n/a	257	301	573	469	518	1,524	645	463	598	344
<i>Security forces</i>	109	103	176	199	270	296	304	295	235	215	179	193
<i>Total deaths</i>	109	103	433	500	843	765	822	1,819	880	678	777	537
<b>2006</b>												
<i>Civilians</i>	594	707	930	823	970	755	1,066	2,733	3,393	1,315	1,742	1,629
<i>Security forces</i>	189	158	191	215	150	133	221	233	150	226	123	123
<i>Total deaths</i>	783	865	1,121	1,038	1,120	888	1,287	2,966	3,543	1,541	1,865	1,752
<b>2007</b>												
<i>Civilians</i>	1,711	2,864	2,769	1,525	1,789	1,148	1,511	1,998	753	571	99*	–
<i>Security forces</i>	91	150	215	301	198	197	237	76	96	114	19*	–
<i>Total deaths</i>	1,802	3,014	2,984	1,826	1,987	1,345	1,748	2,074	849	685	118*	–

Source: *Iraq Coalition Casualty Count*, available at <http://icasualties.org/oif/IraqiDeathsByYear.aspx> (last visited 7 November 2007).

Note: \*As of 7 Nov 2007.

## The expansion of terrorist activities

There is another issue that adds insult to injury. It was only after the invasion that international terror networks found fertile ground and a safe haven in Iraq. Neither the Iraqi government nor foreign powers are capable of preventing the mushrooming terror activities in Iraq. In the age of the so-called “war against terror”, the foreign powers created a suitable environment for terror networks to harm the Iraqi people and other neighbouring countries and to undermine international security. The Iraqi branch of Al Qaeda has struck out at Jordan, one of the region’s stable and secure countries, and the Kurdish PKK terror organization attacks civilian and military targets in Turkey from the mountainous territory of northern Iraq. The existence of terror organizations in Iraq not only aggravates the human tragedy there but also poses the threat of smaller-scale tragedies elsewhere in that region and probably worldwide, since terror can now reach out globally.

Iraqi people are paying too high a cost and are not responsible for the form taken by those exactions. We should recognize this fact and always consciously strive to be just to the Iraqi people. We must do so to avoid placing international legitimacy and law in jeopardy. The Iraqi human tragedy is likely to have a long-lasting impact on the international and regional order. It has now become a litmus test for the sensitivity of international society to an ongoing human tragedy and the capability of addressing it. If the human being is still at the heart of modern society's concept of humanity, it is high time to demonstrate those values, norms and ethical considerations vis-à-vis the human tragedy in Iraq.

### Adopting a holistic approach

We certainly do not need media presence and symbolism to understand the Iraqi human tragedy. The sufferings in Iraq express themselves more loudly than any story written about them. There is nothing more universal than a mother's cry, the pain in the face of a wounded person or fear in the midst of gunfire. What is needed here is a holistic approach. We are living in an age of interdependence. We are a small part of each other. If we are to have justice in this new world, we need to feel the pain of the Iraqis, since we all have something in common with them. Anything short of this holistic approach will fail to assess the true nature of the human tragedy in Iraq, but will instead breed a conflict-based philosophy that will operate destructively at the expense of others.

### The destruction of social capital

There is no hierarchy for consideration of individual suffering. However, the loss of social capital is an important issue and should be analysed on its own. It is likely to create long-term challenges that will complicate the task of ending the human tragedy in Iraq. The destruction of social capital paves the way for a substantially diminished quality of life and imposes an additional burden on state-building activities.

In terms of social capital, Iraq was one of the richest Arab countries. It has always been characterized by a high level of literacy and numerous university graduates and professionals such as teachers, doctors, civil servants and artists. In the present circumstances there can be no further talk of such a wealth of human resources. The Iraqi quagmire quickly eroded the base of social capital and the tough conditions forced such people to migrate to other countries. Those still in Iraq are working under enormous strain and threats and deserve genuine appreciation. It should likewise not be overlooked that more than 2 million Iraqis are estimated to have been displaced within Iraq (table 2). As table 3 shows, 40 per cent of those who have fled Iraq are from the professional class.

The traditional role of women in Iraq has begun to disappear. Iraqi women used to have a high level of literacy and were active in almost all areas of professional life. In the present conditions they are afraid of going out into the

street, let alone taking their well-deserved place in professional life. In terms of social capital Iraq is now one of the worst countries in the Arab world. This is an extremely sad situation and shows how quickly and easily war and conflict can destroy the social capital of a country.

**Table 2.** *Iraqi refugees living abroad, September 2007*

<b>Iraqi refugees living abroad</b>	2.2–2.4 million
<b>Iraqi refugees in Syria</b>	1.4–1.5 million
<b>Iraqi refugees in Jordan</b>	700,000–750,000
<b>Iraqi refugees in Egypt, Lebanon, Iran</b>	175,000–200,000
<b>Iraqi refugees in the Gulf states</b>	200,000
<b>Iraqi asylum applications in industrialized countries (2006)</b>	22,155

Source: Brookings Institution, "Iraq Index tracking variables of reconstruction and security post-Saddam Iraq", 29 October 2007, p. 29, available at [www.brookings.edu/iraqindex](http://www.brookings.edu/iraqindex) (last visited 30 November 2007).

**Table 3.** *Migration indicators, May/June 2006*

<b>New passports issued since August 2005</b>	More than 2 million
<b>Letters issued by Ministry of Education to release academic records to other countries</b>	39,554
<b>Percentage of professional class that has left since 2003</b>	40%

Source: Brookings Institution, "Iraq Index tracking variables of reconstruction and security post-Saddam Iraq", 29 October 2007, p. 53, available at [www.brookings.edu/iraqindex](http://www.brookings.edu/iraqindex) (last visited 30 November 2007).

## The absence of civil society

The Iraqi state is unable to cater to people's daily needs. A serious consequence is that people may give up working for their future. There is cause for concern about how the Iraqi state treats its citizens in the current circumstances – and how individuals are treating each other, considering the chaos, fear and lack of hope in the country. Given these conditions, can we expect the development of freedom of thought, a civil society and the constructive engagement of people in state-building activities?

The answer is unfortunately not a positive one. The domestic struggle for power in Iraq does not allow the emergence of a functional and operational civil society, so at the moment there is virtually none. The media operate under strict scrutiny (table 5) and at considerable risk, for journalists have been one of the most targeted groups in Iraq. The existence of civil society institutions does not automatically mean that they are working. There is an enormous need for civil society activities in Iraq to build trust throughout Iraqi society.

**Table 4.** *Doctors in Iraq*

<b>Iraqi physicians registered before the 2003 invasion</b>	34,000
<b>Iraqi physicians who have left Iraq since the 2003 invasion</b>	17,000 (approx.)
<b>Iraqi physicians murdered since the 2003 invasion</b>	2,000
<b>Iraqi physicians kidnapped</b>	250
<b>Average salary of an Iraqi physician</b>	7.5 million Iraqi dinars (US\$ 5,100) per annum
<b>Annual graduates from Iraqi medical schools</b>	2,250
<b>Percentage of above who will work outside of Iraq</b>	20%

Source: Brookings Institution, "Iraq Index tracking variables of reconstruction and security post-Saddam Iraq", 29 October 2007, p. 43, available at [www.brookings.edu/iraqindex](http://www.brookings.edu/iraqindex) (last visited 30 November 2007).

## Survival strategies

The fabric of society has unravelled. A societal structure is important for shaping a country's norms, values and daily course of life. In Iraq, it has been replaced by despair and fear: the ethical code of conduct in societal interaction and state-society relations has given way in Iraq to survival strategies. The most negative impact of such a situation is the loss of individual integrity and self-esteem.

**Table 5.** *Index of press freedom 2007*

<b>156</b>	Sri Lanka	67.8
<b>157</b>	Iraq	67.8
<b>158</b>	Palestine	69.8
<b>159</b>	Somalia	71.5

Source: Brookings Institution, "Iraq Index tracking variables of reconstruction and security post-Saddam Iraq", 29 October 2007, p. 35, available at [www.brookings.edu/iraqindex](http://www.brookings.edu/iraqindex) (last visited 30 November 2007). The Index rated 169 countries on the basis of a questionnaire with 50 criteria for assessing the degree of press freedom in each country. It includes every kind of violation directly affecting journalists (such as murders, imprisonment, physical attacks and threats) and news media (censorship, confiscation issues, searches and harassment). In addition to abuses attributable to the state, those carried out by armed militias, clandestine organizations or pressure groups are also taken into account. The lower the score attained, the higher the degree of press freedom in the respective country. Although no specific information is given on how the overall score was compiled, the top-rated countries (Finland, Iceland, Ireland and the Netherlands) received an overall score of 0.75, with those in the middle (Cambodia and Liberia) receiving a score of 25.3. The overall average score for the Index was 31.5. Iraq is among the 20 countries with the lowest degree of press freedom, due among other things to the dangerous environment in which journalists have to work.

Of course, we should not forget that the suffering and psychological trauma of the Iraqi people did not start with the last war. The crimes of a repressive regime, coupled with the detrimental effects of the Iraq-Iran War, the Gulf War and the ensuing international sanctions, had already badly damaged the social fabric of the nation.



## The destruction of the infrastructure

Another Iraqi dilemma is the transformation from an urban society to a weak society with little or no remaining infrastructure. The loss of economic and industrial infrastructure can easily be identified, but in Iraq it goes further, for the educational, health, cultural and artistic infrastructures have also been destroyed. In the ordeal of the ongoing human tragedy, the richest nation in terms of artistic and cultural events in the Arab world has left these qualities behind. It is indeed not a transformation but a deterioration of the quality of life that has taken place in Iraq. This weak society has to contend with the constraints of a destroyed urban environment. The disappearance of urban life poses a long-term challenge for state-building and societal security in Iraq.

## The school system

Iraq's school system used to be seen as a model of Arab education. It has, however, been in continuous decline after twenty-five years of dictatorship, wars and sanctions. The international aid provided for education since 2004 has been unable to change this sharp decline and indicators show a precipitous decrease in quality since 2003.<sup>1</sup> In December 2006, groups such as the Iraq Students and Youth League estimated an attendance rate of only 6 per cent at Baghdad University.<sup>2</sup> The reason for this low attendance is the danger of violence to and kidnapping of students, faculty and even Education Ministry staff. During the same period, schools at every level in Anbar and Diyala provinces were shut down because of widespread insecurity. Moreover, international human rights groups and Iraqi officials estimate that between 169 and 300 academics were assassinated between 2003 and 2006.<sup>3</sup>

According to the UN Children's Fund (UNICEF), approximately 50 per cent of the displaced are children under 18 – that is, over half a million children. And at least 220,000 of them are of school-going age. Claire Hajaj, Communications Officer with UNICEF in Iraq, has pointed out that "Many schools are being overwhelmed by an influx of displaced students. Often, there's simply not enough space to accommodate them all."<sup>4</sup>

1 Online NewsHour, "Iraqi education system caught in crossfire of continued conflict", 12 February 2007, available at [http://www.pbs.org/newshour/indepth\\_coverage/middle\\_east/iraq/jan-june07/infrastructure\\_02-12.html](http://www.pbs.org/newshour/indepth_coverage/middle_east/iraq/jan-june07/infrastructure_02-12.html) (last visited 7 January, 2008).

2 Ibid.

3 Ibid.

4 IRIN, Humanitarian News and Analysis, "Iraq: Aid agencies struggle to support over two million displaced Iraqis", available at <http://www.irinnews.org/Report.aspx?ReportId=75246> (last visited 2 December, 2007).

**Table 6.** *Education indicators*

<b>Percentage of Iraqi boys of high school age enrolled in 2004</b>	50%
<b>Percentage of Iraqi girls of high school age enrolled in 2004</b>	35%
<b>Percentage of Iraq's 3.5 million students attending class in April 2007</b>	30%

Source: Brookings Institution, "Iraq Index tracking variables of reconstruction and security post-Saddam Iraq", 29 October 2007, p. 44, available at [www.brookings.edu/iraqindex](http://www.brookings.edu/iraqindex) (last visited 2 December 2007). The education statistics do not include the Kurdish regions, which are administratively separate.

## Deindustrialization

Iraq has now become one of the least developed countries in the region. The lack of electricity and energy resources, the scarcity of water, the pollution and serious problems in municipal services, among other things, are negatively influencing the quality of life. There is hardly any economic activity other than providing logistic support to Iraqi military and foreign powers. The road network is not safe and is badly damaged after almost five years of conflict. The deindustrialization of Iraq is also a major problem.

It is the duty of a state to provide the necessary infrastructure for economic activity and other realms of life. However, the Iraqi state is in a dual dilemma: it is neither able to reconstruct the country's infrastructure, nor is it capable of providing the services needed by society there. Thus besides directly hurting the Iraqi people, the lack of infrastructure is also a major obstacle to providing vital services for them. Current resources are mostly allocated to meet immediate needs; this is not a sustainable project without planning long-term investments in reconstruction of the infrastructure. Iraq's high rate of inflation is the biggest challenge to economic stability. Inflation in 2006 averaged 50 per cent, well above the International Monetary Fund (IMF) revised 2006 target of 30 per cent.<sup>5</sup> Estimates of unemployment vary from 13.4 per cent to 60 per cent. International organizations are trying to provide food aid to more than 3.7 million malnourished children and other family members.<sup>6</sup>

## Prioritizing security

In the absence of infrastructure, the most efficient public bodies have been prisons and detention centres. One aspect of the human tragedy in Iraq is mass detention.

5 "Measuring Stability and Security in Iraq, March 2007", Report to Congress, in accordance with the Department of Defense Appropriations Act 2007 (Public Law 109-289, Section 9010), available at [http://www.defenselink.mil/home/pdf/9010\\_March\\_2007\\_Final\\_Signed.pdf](http://www.defenselink.mil/home/pdf/9010_March_2007_Final_Signed.pdf) (last visited 7 January 2008).

6 Ibid.

**Table 7.** *Detentions in Iraq*

	Held by the Coalition	Held by the Iraqi government	Total
	(numbers rounded to nearest hundred)		
Jan. 2004	8,500	–	8,500
June 2004	6,400	–	6,400
Nov. 2004	8,300	–	8,300
Apr. 2005	10,000	–	10,00
June 2005	10,000	5,000	15,000
Oct. 2005	11,600	11,800	23,400
Dec. 2005	14,000	12,000	26,000
Feb. 2006	14,200	15,300	29,500
Apr. 2006	15,400	13,300	28,700
June 2006	12,600	15,200	27,800
Aug. 2006	13,600	22,000	35,600
Oct. 2006	13,600	15,700	29,300
Dec. 2006	14,500	15,200	29,700
Mar. 2007	17,900	19,800	37,700

Source: Global Policy Forum, "War and occupation in Iraq June 2007", ch. 4, on unlawful detention, p. 39, available at <http://www.globalpolicy.org/security/issues/iraq/occupation/report/full.pdf> (last visited 2 December 2007).

As table 7 shows, the number of prisoners held by the Iraqi forces and the Multinational Forces was 37,700 in March 2007. Without exception, the UN institutions and the international civil society organizations all underscored the unacceptable conditions in Iraq, which may be characterized as the growing number of detainees without access to lawyers. If attention is given to the reports on serious human rights violations in Iraqi prisons and detention centres, the legacy of the Abu Ghraib prison scandal seems to be still with us. One of the most salient features of the Iraq war has been the cruel and utterly inhuman methods used in dealing with Iraqi civilians, including women and children, when raiding homes or when targeting locations for bombardment without considering the human cost involved.

Iraq's public finances are largely spent on security – that is, to finance the Iraqi army and police forces. The priority is given to state security. This is a fair and wise idea. However, state security should be handled together with societal security, namely by investing in reconstruction of the infrastructure – building facilities such as schools and hospitals – in order to alleviate the people's suffering and address their needs to some extent. The absence of the necessary infrastructure also entails losses in social capital. The crucial point is that no one is in a position to decide on the "value of life" in Iraq. Insecurity should therefore not be tolerated, either for the state or for the people.

## What future for Iraq?

The human tragedy described above is a serious issue in today's world. The only way forward is to mobilize all possible support to end it. While no one can completely assess such a far-reaching tragedy, our analysis does show that the human tragedy in Iraq extends beyond our current perception of the situation there and may get even worse. The various statistics all underline this serious situation, and progress to date in addressing it is not promising.

In retrospect, it is clear that the decision to establish the sectarian-based "Governing Council" designed and imposed by Paul Bremer, the first new ruler of Iraq in the aftermath of the war, fuelled the sectarian differences and paved the way for the ensuing sectarian violence. The current situation is not the fault of the Iraqi people. It is problematic to determine who is responsible for such a human tragedy.

The human being is at the centre of the universe, for as the Holy Qur'an states, the life of an individual is as valuable as the whole of humanity. If we accept this as a universal principle, we will have no hesitation in helping Iraqis in the name of humanity. Anything that falls short of such an attitude will lead to serious questioning of the ethical values of our contemporary world vis-à-vis the human being.

Large-scale internal and external displacement of Iraqi civilians, sectarian and ethnic violence, death threats, killings, abductions and problems of housing, food, water, education and health problems are urgent issues that must be resolved to alleviate the distress and suffering of the Iraqi people. It is in our hands to stop this human tragedy by joining together in our hearts and uniting our efforts to assist the people of Iraq, regardless of their religion, sect or ethnic origin. The noble burden of building a stable, secure and united Iraq rests on the shoulders of both Iraqis and those who feel that human tragedy and suffering must not shape the twenty-first century.

## The contribution of the Organisation of the Islamic Conference

While some improvements in the security situation in some regions now give cause for hope, the overall situation in Iraq continues to be a major concern for the Organisation of the Islamic Conference (OIC), which is deeply committed to helping the people of Iraq. For this purpose, an OIC Ministerial Contact Group was recently established to create a task force to follow very closely the developments in Iraq and suggest practical measures conducive to assisting the government of Iraq to face the daunting challenges. The first meeting of the Contact Group was held in New York in September 2007 alongside the Annual Co-ordination Meeting of the Foreign Ministers of OIC member states. This body at ministerial level should visibly increase the Organisation's contribution to the establishment of lasting peace and security in Iraq.

In the OIC's view, the situation in Iraq needs an intermeshed range of measures to achieve security, stability and development. These measures should help above all to stop violence and sectarian infighting and achieve national reconciliation. The OIC tackled one of the main obstacles to the national reconciliation process, namely the sectarian violence, by bringing together thirty high-ranking representatives of Iraq's major Sunni and Shiite religious authorities in October last year in Mecca, Saudi Arabia, where they signed an important document known as the "Mecca Declaration".<sup>7</sup> The initiative, based on the principles inherent in the tolerant and noble values of Islam which prohibit killings, displacements, destruction of houses of worship and any other similar acts, was aimed at ensuring the sanctity of human life and putting an end to the bloodshed in Iraq. These efforts by the Organisation of the Islamic Conference and the scholars who worked together to produce the document, and the Mecca Declaration itself, met with a resounding welcome from Islamic authorities and leaders the world over. Sunni and Shiite religious leaders in Iraq and elsewhere expressed their full support for the call to ban bloodshed and the violation of property and the sacred principles of Islam.

The OIC General Secretariat will soon reactivate this process. It is conducting consultations with stakeholders, including the government of Iraq, on how to build on the Mecca Declaration, and envisages convening another meeting to help promote national reconciliation in Iraq. At the same time, the OIC General Secretariat is now completing the final preparations to open an OIC office in Baghdad. It has already appointed an ambassador from an OIC member state. With this presence in the field, the Secretariat will be able to increase direct contacts, extend services and follow up initiatives. It also plans to dispatch a high-level OIC delegation, comprising representatives of the OIC General Secretariat, specialized and affiliated OIC institutions and the OIC Contact Group, to Iraq in order to discuss with the authorities the urgent needs of Iraq in different domains as part of our share in implementing the International Compact.<sup>8</sup> This will be followed by my official visit to Iraq in the near future.

A major element in the growing optimism of the OIC is based on the premise of a stronger role of the United Nations in Iraq, supported by the international community within the framework of the new mandate stipulated in Security Council Resolution 1770.<sup>9</sup> We have been also very much reassured and encouraged by the International Compact drawn up by the government of Iraq and the United Nations. Meanwhile, the OIC continues to emphasize the need to

7 Declaration available at <http://www.oic-oci.org/oicnew/english/conf/iraq-meeting/mekka-doc.htm> (last visited 2 December 2007).

8 The International Compact is an initiative of the government of Iraq for a new partnership with the international community. Its purpose is to achieve a national vision for Iraq which aims to consolidate peace and pursue political, economic and social development over the next five years. See <http://www.iraqcompact.org/en/about.asp> (last visited on 2 December 2007).

9 UN Security Council Resolution 1770 (2007), UN Doc. S/RES/1770 (2007), expanding the UN role in Iraq and UNAMI's mandate by twelve months.

respect the sovereignty of Iraq and its territorial integrity and people's unity, and rejects any call for its division.

The Organisation of the Islamic Conference, with all its institutions, will continue its co-operation and efforts at all levels with a view to bringing lasting peace and well-being to Iraq. We have no choice but to continue our endeavours to bring about a peaceful, stable and prosperous Iraq and to end the human tragedy in that country.

# Humanitarian implications of the wars in Iraq

**Nasir Ahmed Al Samaraie**

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## Abstract

*The current situation in Iraq could be described as a “war on civilians”, for it mainly affects the livelihood and well-being of the civilian population, while serious security problems prevent the Iraqi people from leading a normal life. Going beyond the direct victims of the conflict, this article deals with the daily problems faced by Iraqi society, namely the lack of security in terms of housing, education and health care, as well as protection for the more vulnerable such as women and children. The forcible eviction of many Iraqis is, however, the main problem threatening the basic cohesion of Iraqi society.*

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## A country of rich diversity

Iraq is a country of rich diversity that goes far back in history. Its current social and political structure has its roots in Mesopotamia, a land of tribal, religious and evolving cultural interaction for more than seven thousand years. Settlement in Mesopotamia began around 6500 BC and represents the nucleus of the present Iraqi nation.<sup>1</sup> Naturally those settlements were first established on the banks of rivers or close to other natural resources, where people had easy access to water and open land that provided food for them and their animals. The eventual growth of these settlements into primitive communities coincided with the emergence of a number of ruling powers in that area, ranging from local to regional and continental dynasties. Locally developed civilizations, such as those of



the Babylonians, Sumerians, Akkadians, Hittites and Assyrians, together with regional and continental ones such as the Hellenic, Sasanian, Turk–Mongol, Persian and Ottoman civilizations, have all played a role in influencing or shaping significant aspects of Iraqi history and the population's social characteristics.

The advent of Islam in the area of present-day Iraq and the establishment of an Islamic empire in the seventh century introduced a new, decisive dimension of belief and loyalty among the local communities. The already existing mixture of ethnic and other groups lived together with various tribes that emigrated north from the Arabian Peninsula and largely adopted the new religion they brought with them. As these tribes became the forefront of the Islamic empire in its drive towards the neighbouring empires of Persia to the east and Byzantium to the west and north-west, more and more tribes were encouraged to immigrate and settle in the area, forming one large community of which Islamic Arabism began to be the dominant feature. The regional powers used Islamic governance and authority to rule the country; the population's overwhelming acceptance of and support for Islam made their presence and task relatively easy and they too were accepted by broad sections of society. The spirit of Islam, with its principles of goodwill, peace and social justice, created the social harmony, cohesion and environment that enabled the population to overcome the problems and friction associated with rival entities and ethnicities.

However, changes in the form of the Islamic empire, together with the development of diverse religious schools of thought and the struggle for power that subsequently took place, gave rise to renewed ethical and patriotic sensibilities among the population and created competitiveness and friction within the area of present-day Iraq. The iron grip of the state, regardless of its identity and nature, always meant *inter alia* oppression and deprivation of freedom for the population. It created "winners" and "losers" among the ruling parties, who avidly sought local support for their religious or sectarian ideas.

The end of the First World War and the collapse of the Ottoman Empire launched the country into a new phase of self-governance, and the "oil age" seemed to promise wealth and prosperity to the nation. Unfortunately, this was not achieved. Nine decades of self-governance, four as the Iraqi Kingdom and five as the Republic of Iraq, did very little to put human needs first and to give the utmost priority to what the Iraqi people themselves or future generations deserved. The search for political and national unity was beset by strife and bloodshed and, regardless of the authority installed, struggles of an anti-authoritarian nature occurred, particularly after Iraq was declared a republic in 1958. Under the slogan "revolution rather than evolution", Iraq was wrecked by several military coups and four forced handovers of power in the ten years from 1958 to 1968. The average level of state education, health and social welfare programmes has always been below the standard of a nation endowed with such a wealth of natural resources and a human aptitude for development and progress.

1 Edmund Ghareeb, *Historical Dictionary of Iraq*, Scarecrow Press, United States, 2004, p. xvii.

## Two decades and three wars

Within two decades, from 1980 to 2003, Iraq went through three wars: the horrific Iran–Iraq War in 1980–8; the 1990–1 Gulf War, followed by thirteen devastating years of embargo and international sanctions; and the 2003 Iraq War, with its ongoing ripples of new conflicts.

The humanitarian implications of these wars are immense and tragic: traces are visible in every aspect of the structure and cohesion of Iraqi society. Millions are reported to be victims of them, including 1 million widows and 5 million orphans.<sup>2</sup> Young men and women born during the eighties were enrolled in the *Qadisia* army – an Iraqi name given to the Iran–Iraq War in reference to the historic Battle of Qadisiya in AD 637 between a Muslim Arab force and the army of the Persian Empire. Like the teenagers born during the harsh years of the sanctions, their personalities and behaviour still bear the scars and trauma of that time.

### The Iran–Iraq War

The Iran–Iraq War took a very heavy toll: at least 1 million Iraqis were killed, wounded or held as prisoners of war, and hundreds of thousands remain unaccounted for to this very day.<sup>3</sup> Around 5 million Iraqis were thus directly affected as parents, brothers, sisters, wives, sons or daughters.<sup>4</sup> Iraq suffered deep and devastating wounds at every level of society: no ethnic or religious group, no sectarian or regional element, was spared. These wounds inflicted on one third of the population left a lasting mark on the ethics and values of the nation for generations to come.

The enormous scale of the social devastation that resulted from deaths, injuries and displacement, and the bereavement of widows and orphans is without precedent in the memory of contemporary Iraqi society. The scene of coffins being transported on top of vehicles travelling individually or in convoys to the burial grounds became a standard feature of traffic in large cities. The burials were followed by three days of funeral rites and gatherings organized by families and tribes of the deceased to pay their respects. Provinces bordering on Iran, such as Basra, Meesana, Diyala and Wassit, became part of the battleground, and shelling or combat activities were part of urban daily life. Civilians paid the price of the militarization of the cities in various ways, while people left vast areas of those and other provinces along the Iraq–Iran border. They were replaced by minefields and mass graves of unidentified soldiers. The infrastructure of major cities in the

2 Statement by the Deputy President of the Iraqi Red Crescent Society on the suffering of Iraqi women and children as part of the social implications of Iraqi society in general, due to the recent situation. Press conference, October 2007.

3 See Global Security, “Iran–Iraq War (1980–1988)”, available at [www.globalsecurity.org/military/world/war/iran-iraq.htm](http://www.globalsecurity.org/military/world/war/iran-iraq.htm) (last visited 11 February 2008).

4 This figure does not include cousins and other close relatives who are considered as brothers and sisters in a society of close ties and relationships.

southern provinces – Basra, Umara, Baquba and Kut – was severely damaged, a loss compounded by the emigration of the professional class. Male civilians were enlisted to serve in the military as army reservists or to join the militias as part of the national mobilization, thus depriving the civilian population of normal professional services and facilities to an even greater extent. Around 1 million people had to be called in from Arab countries, mainly Egypt and Morocco, to compensate for the labour shortage, particularly in the service sector.<sup>5</sup>

The period between 1982 and 1988 was marked by the diversion of all funds to defence of the national territory. The hysterical celebrations in the streets of Iraq's cities and towns when the ceasefire was declared in August 1988 were a clear sign of the enormous burden the war had been for the population. But the stirrings of hope, with its dreams of reconstruction, were short-lived.

### The Iraqi invasion of Kuwait and the UN economic sanctions

The Iraqi invasion of Kuwait startled and shocked the nation. The overwhelming majority of the Iraqi people found the morality of invading an Arab country difficult to understand, as did some officials, who tried indirectly to distance themselves from it, despite the continuous propaganda coming from all directions.<sup>6</sup> The Iraqi army's crushing defeat by the US-led international forces in a 43-day military campaign was a tremendous blow to the already exhausted nation. The level of anger and humiliation resulted in a backlash of social and community revulsion, especially in the Shiite- and Kurdish-populated areas. The subsequent prolonged years of economical sanctions overrode these feelings as society faced the challenge to survive in the midst of an international embargo. The collective destruction of the infrastructure and services severely diminished the quality of life, and the Iraqis' basic requirements could no longer be covered. Destroyed power plants, oil refineries, communication and transport networks and sewage treatment plants disrupted the people's normal living conditions.<sup>7</sup> Hundreds of thousands of Iraqi children and members of other age groups died due to malnutrition and a lack of health services or elementary medical facilities.<sup>8</sup> Hospitals were understaffed and under-equipped; the efforts of doctors and nurses were hampered by the lack of equipment such as X-ray and lung and heart machines.<sup>9</sup> Drugs thought potentially liable to dual use or deliberate misuse were

5 Iraqi Ministry of Planning, Annual report of the Central Statistical Directorate, 1989.

6 There are privately circulated stories among Iraqi senior and intermediate government employees about the Defence Minister, Saadi Tauma Al Jiboori, claiming that he only knew of the Iraqi invasion of neighbouring Kuwait the morning after, on hearing the national broadcast as he was driven to his office at the Defence Ministry.

7 Peter Sluglett and Marion Farouq Sluglett, "Iraq", in Joel Krieger (ed.), *Oxford Companion to Politics of the World*, Oxford University Press, New York, 1993, p. 435.

8 Quoted in Barton Gellman, "Allied air war struck broadly in Iraq: Officials acknowledge strategy went beyond purely military targets", *Washington Post*, 23 June 1991. See also Thomas J. Nagy, "The secret behind the sanctions: how the US intentionally destroyed Iraq's water supply", *The Progressive*, September 2001.

9 John Pilger, *Iraq: Paying the Price, Impact of Sanctions*, available at [www.johnpilger.com](http://www.johnpilger.com) (last visited 11 February 2008).

delivered with delays and were often unavailable.<sup>10</sup> In order to meet their basic needs and continue a life in dignity, many people had to sell their belongings and personal heritage. The impact of sanctions on the Iraqi population was growing perceptibly. Global concern about the situation resulted in the Oil-for-Food Programme, which aimed at alleviating some of this suffering. However, the short-lived programme did not tackle the deep humanitarian problems, but created grey areas, corruption and political manipulation at the expense of human distress.

## The impact of the war since 2003

Without giving Iraqi society time to recover, a new episode of war started after 2003. Security again became the most important issue in contemporary Iraq, which explains the intense publicity and coverage it receives. The growing and ever-present danger led to massive displacement, social and political instability and human suffering.<sup>11</sup> Despite the media reports of dozens of people killed every single day<sup>12</sup> and that Iraq has the world's highest ratio of security personnel to citizens,<sup>13</sup> the lack of accurate and credible information on civilian casualties clearly demonstrates the uniqueness and complexity of this issue. It will not, however, be considered here. Instead, the focus will be on some of the daily problems with which the Iraqis have to contend – in education and health care, as well as protection for the more vulnerable groups such as women and children – owing to their far-reaching effects and future implications. The lack of security and the inability to meet basic needs are further reasons why Iraqis are on the move, both within and outside the country.

## Education

More than a decade of international sanctions and total embargo on Iraq ended in 2003, leaving the educational system severely affected at all levels. Various international bodies alerted the world to this rapid decline in educational institutions, and with it the inability to meet basic requirements and continue providing the necessary competent graduates to serve in important professions in the country. The brain drain accompanying the sanctions contributed significantly to the weakness of these institutions.<sup>14</sup> Under pressure to fill some of the gaps, the Iraqi authorities responded by creating a postgraduate programme that capitalizes

10 "Iraq sanctions: humanitarian implications and options for the future", *Global Policy Forum*, 6 August 2002, ch. 4, available at [www.globalpolicy.org](http://www.globalpolicy.org) (last visited 11 February 2008).

11 Social and political security is such a complex issue that to deal with it would go way beyond the scope of this article. Despite its importance, any consideration of it is therefore deliberately avoided here.

12 See Beth Osborne Daponte, "Wartime estimates of Iraqi civilian casualties", in this issue.

13 Abbas Al-Bayati, a member of the Iraqi parliament and the Defence and Security Committee, interviewed by *Al Khaleeg* Arabic newspaper, December 2007.

14 See, e.g., UNICEF, "Iraq Watching Briefs – Overview Report", July 2003, available at [www.unicef.org/french/evaldatabase/index\\_29697.html](http://www.unicef.org/french/evaldatabase/index_29697.html) (last visited 20 February 2008).

on the highly qualified professors left in the country in order to produce academics for duties requiring a high level of education, including medical professionals. Needless to say, under the conditions prevailing in Iraq it was an uphill struggle.

### *Higher-level education*

After 2003 another massive brain drain began when the lives of Iraqi academics were pervaded by a constant fear of being murdered. This fear of imminent death has become a widespread phenomenon in academic circles: in a recent survey, it was voiced by 91 per cent of respondents.<sup>15</sup> The Iraqi Minister of Higher Education has stated that 296 academic staff members were killed in 2005 alone,<sup>16</sup> while according to international agencies for humanitarian affairs, 180 teachers have been killed since 2006, 100 have been kidnapped and over 3,250 have fled the country.<sup>17</sup> This is yet another loss, in addition to the damage inflicted on the academic institutions burned and looted after April 2003. The obvious result is that the young generation of Iraqis, more than half of whom are under 30, are robbed of their teachers, doctors and future opportunities. Students are now not taught by tenured professors but by teaching assistants.<sup>18</sup>

### *Primary and secondary education*

Furthermore, the Iraqi Ministry of Education has stated that only 30 per cent of the 3.5 million children of school age are attending classes, compared with 75 per cent for the previous year.<sup>19</sup> At least 110 children were killed and 95 injured in 2005 in attacks on schools. This number does not include those killed or injured on their way to or from school.<sup>20</sup> An international agency reports that the number of teachers in Baghdad has fallen by 30 per cent, while another estimates that 22 per cent of Iraq's student population (about 1 million children of primary school age) are not attending school, of whom 74 per cent are females.<sup>21</sup> Only 79 per cent

15 Ismail Jalili, *Iraq's Lost Generation: Impact and Implications*, 2007, available at [www.naba.org.uk/content/articles/HR/IraqHRM/Jalili\\_Report2007\\_Iraq\\_LostGeneration.pdf](http://www.naba.org.uk/content/articles/HR/IraqHRM/Jalili_Report2007_Iraq_LostGeneration.pdf) (last visited 11 February 2008).

16 Dirk Adriaenssens, *Iraq's Education System In on the verge of Collapse*, available at <http://uslaboragainstawar.org/article.php?id=13364> (last visited 11 February 2008).

17 UN Office for Co-ordination of Humanitarian Affairs, cited in *ibid*.

18 Stephen Glain, "The quiet exodus from Iraq", *Newsweek International*, 16 April 2007, available at [www.stephenglain.com/Articles.htm](http://www.stephenglain.com/Articles.htm) (last visited 11 February 2008).

19 "Iraqi academics at grave risk", *Education International*, 1 January 2007, available at [www.ei-ie.org/en/article/show.php?id=56&theme=statusofteachers](http://www.ei-ie.org/en/article/show.php?id=56&theme=statusofteachers) (last visited 11 February 2008).

20 According to Mohamed Abdul Aziz, a statistician at the Ministry of Education, cited in IRIN, "Iraq: Children's education gravely affected by conflict", available at [www.irinnews.org/Report.aspx?ReportId=70697](http://www.irinnews.org/Report.aspx?ReportId=70697) (last visited 11 February 2008).

21 Report released by Save the Children in 2006, available at [www.irinnews.org/Report.aspx?ReportId=70697](http://www.irinnews.org/Report.aspx?ReportId=70697), and a joint study by the Ministry of Education and the UNICEF in 2007, available at [www.irinnews.org/Report.aspx?ReportId=70697](http://www.irinnews.org/Report.aspx?ReportId=70697) (last visited 11 February 2008). See also United Nations Assistance Mission for Iraq (UNAMI), UN-Iraq Reconstruction and Development Update, January–April 2007, available at [www.uniraq.org/documents/UN\\_Iraq%20Reconstruction%20&%20Development%20Update%20January-April%202007.pdf](http://www.uniraq.org/documents/UN_Iraq%20Reconstruction%20&%20Development%20Update%20January-April%202007.pdf) (last visited 20 February 2008).

of all Iraqis of primary school age are now officially enrolled in school, compared with 93 per cent in Jordan and 96 per cent in Syria. This is especially shocking when compared with the figures of 1980 – before the Iran-Iraq War – when school enrolment stood at 99 per cent.<sup>22</sup>

International assessments say that around 90 per cent of children in Iraq are suffering from learning impediments related to the atmosphere of fear they are living in.<sup>23</sup> Many schools have closed down because of security problems, such as the targeting of teachers, bombings, and kidnappings.

## Health

Reports indicate that the Iraqi health system used to be the best in the region.<sup>24</sup> Currently, violence threatens health in Iraq and the country has some of the worst statistics for diarrhoea, measles, respiratory infections, malaria and under-nutrition affecting 30 per cent of children under five, contributing to excessive rates of infant and child mortality.<sup>25</sup> Even tuberculosis and cholera have re-emerged after having long disappeared.<sup>26</sup> Despite the fact that health spending rose from US\$16 million in 2002 to US\$1 billion in 2005, in some areas dirty water and diarrhoea still claim children's lives. One in ten Iraqi children suffers from a chronic disease, and 50 per cent of the children are malnourished.<sup>27</sup> There are reported to be one million cripples and disabled people in Iraq, an increase of 30 per cent since 2003.<sup>28</sup> Drug usage is on the increase; the Iraqi Ministry of Health has warned that drug abuse is rising steadily among men and women of all ages in Iraq, especially in the capital, Baghdad, where numbers have doubled in the past year, and in the south of the country, where they have tripled.<sup>29</sup> According to the Iraqi Medical Association, which licenses practitioners, about 10 per cent of Baghdad's total force of 32,000 registered doctors – Sunnis, Shiites and Christians

22 Ibid.

23 A study by the Association of Psychologists in Iraq in 2006 found that 92 per cent of children had learning impediments. See: "Rising to the humanitarian challenge in Iraq", Joint report of Oxfam International and the NGO Coordination Committee in Iraq (NCCI), released on 30 July 2007, available at [www.oxfam.org.uk/resources/policy/conflict\\_disasters/downloads/bp105\\_iraq.pdf](http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/bp105_iraq.pdf) (last visited 11 February 2008).

24 USAID report quoted by Eli Stephens, *Health Care in Iraq, Then and Now*, 3 April 2006, available at [www.lookingglassnews.org/viewstory.php?storyid=5613](http://www.lookingglassnews.org/viewstory.php?storyid=5613) (last visited 11 February 2008).

25 Ibid.

26 Ibid.

27 American Friends Service Committee, "Iraq living the nightmare", December 2006, available at [www.afsc.org/iraq/documents/living-the-nightmare.pdf](http://www.afsc.org/iraq/documents/living-the-nightmare.pdf) (last visited 11 February 2008).

28 Hussain Ali, "One million handicapped in need for assistance", 9 July 2007, available at [www.daralhayat.com](http://www.daralhayat.com) (last visited 12 February 2008).

29 IRIN, "Iraq: Traumatized young Iraqis turn increasingly to hard drugs", 11 October 2005, available at [www.irinnews.org/Report.aspx?ReportId=25576](http://www.irinnews.org/Report.aspx?ReportId=25576) (last visited 11 February 2008). For drug dealers, business is booming as heroin and cocaine is freely flowing through neighbouring countries using a network of gangsters for smuggling. Unfortunately, very limited resources are available for treatments and medications to help those already hooked; only four out of sixteen planned specialized clinics to handle the addiction problems in Iraq are actually being built; none are open yet. Only less than a handful among the thousands of NGO's in Iraq are functioning on this line of activity.

– left or were driven from work in 2005.<sup>30</sup> Similarly, 30,000 physicians were registered in Iraq's main medical syndicate, or union, before the war. In 2007 there were 8,000.<sup>31</sup> With the departure of so many, it will take years to rebuild the Iraqi health system.

### *Poverty and health*

Poverty influences health in more ways than one. An estimated 60 per cent of the Iraqi population are unemployed. It is also estimated that one third of Iraqis are living at or below the poverty line, with 5 per cent suffering from extreme poverty and around 69 per cent of Iraqi families affected by non-availability of food.<sup>32</sup> Only 20 per cent of households said they had any savings. Around 70 per cent of the population lack regular access to clean water, and only 60 per cent have access to the public food distribution system<sup>33</sup> that provides about 80 per cent of the recommended daily calorie intake in the form of wheat, rice and beans. No meat, vegetables or fruit are included. The Iraqi Red Crescent Society report in December 2006 stated that malnutrition in Iraq has risen to 16 per cent, compared with 12 per cent in 2005.<sup>34</sup> Other reports put chronic child malnutrition at 21 per cent.<sup>35</sup>

### *Women*

Women are the hardest hit by the situation in Iraq. Apart from being directly targeted or accidentally affected, there is a third dimension to their suffering, rooted in the social position of women in society. It is very widely accepted and recognized in Iraqi society that the man is the family breadwinner, or is at least the person responsible for the family. For every man killed in the conflict there is a mother, a sister and possibly a wife and daughter to grieve and have to cope with the effects of his absence on her livelihood and the loss of the assurance provided by his presence in her life. For every man injured, crippled or maimed, the woman in the family has to bear the responsibility of taking care of him and tending to his needs.

The generation of women who felt the direct impact of the Iraq–Iran War are still suffering from its after-effects. For the hundreds of thousands of young males killed during that war, a similar number of girls within the same age group were left unmarried and now have to endure the social and personal consequences

30 Sabrina Tavernise, "Facing chaos, Iraqi doctors are quitting", *New York Times*, 30 May 2005.

31 Glain, above note 18.

32 Humam Al Shamaa, Professor of Economics at Baghdad University, *Iraq File*, Issue 140, May 2005.

33 WHO, "Violence threatens health in Iraq", press release, 17 April 2007, as reported on [www.uslaboragainstawar.org/article.php?id=13361](http://www.uslaboragainstawar.org/article.php?id=13361) (last visited 10 January 2008). Only 19 per cent of the population has access to a good sewage system, some 60 per cent of Anbar and Baghdad suburbs are using river water. The output of nationwide water projects in early 2007 was less than half of pre-war levels.

34 Iraqi Red Crescent Society report on malnutrition in Iraq, December 2005.

35 Ibid.



in a society that worships marriage. Much the same number of widows have to struggle to earn a living and to look after the children. The maternal mortality ratio among women in Iraq is five times higher than in neighbouring Jordan, a ratio that has increased by 65 per cent since 2003, although it was already strikingly high as a result of the international sanctions.<sup>36</sup> Hundreds of thousands of women have to live with the tremendous social consequences and long uncertainties associated with missing persons and prisoners of war. In addition, at least half of those displaced or seeking refuge are women and have to put up with that burden, aggravated by further suffering in a male-centric society.

In Iraq today, threats and violence are often directed against women, for armed groups find them easy targets when seeking to score against an opposition group, while women in detention have to face the risk of torture or ill-treatment, including sexual abuse.<sup>37</sup> Iraqi women, who are particularly affected by the atmosphere of fear and violence, have been unable to play their normal part in education, employment and civil society or political decision-making. Attacks on women political leaders and activists have forced some of them to avoid public appearances and to wear bulletproof vests.<sup>38</sup> Sexual violence and rape increased sharply after 2003, but reporting on it declined at a later stage for fear of reprisals against women or their families.<sup>39</sup>

Two thousand kidnappings of women have been reported since 2003,<sup>40</sup> and in view of the stigma surrounding the rape of women, it can be assumed that the real number is far higher. These incidents lead to the withdrawal of women from the public scene to such an extent that very few women are found driving cars in Baghdad, whereas before a woman driving a car was a common feature of traffic in Iraq. Prior to the occupation, women accounted for 79 per cent of employees in the service sector and 44 per cent in the professional and technical sectors. At present only 14 per cent of women are employed, compared with 68 per cent of men, and 11 per cent of households are headed by women.<sup>41</sup>

Women have to wear headscarves and Islamic dress as a protective measure to reduce exposure and conform to the general religious trend in society. This also applies to non-Muslim communities. Failure to do so can leave them open to accusations of non-conformity with Islamic law, which normally means that they are killed and dumped in the streets. The reverse trend, demanding women's rights and social equality and justice, has continued to make itself heard, albeit confined to very few cases and a specific political content. "Religious" values have tremendously influenced codes of conduct in society and in public life, and

36 "Iraq living the nightmare", above note 27.

37 Henia Dakkak, "Confronting sexual violence and abuse of Iraqi girls and women", *Forced Migration Review*, special edition on Iraq, June 2007, pp. 39–40, available at [www.fmreview.org/FMRpdfs/Iraq/full.pdf](http://www.fmreview.org/FMRpdfs/Iraq/full.pdf) (last visited 12 February 2008).

38 Amnesty International, "Iraq: Decades of suffering, Now women deserve better", 1 March 2005.

39 Fadhil Mishaal reporting from Baghdad, [www.iraq-ina.com](http://www.iraq-ina.com), 7 October 2007, and Katherine Zoepf, "Iraqi refugees turn to the sex trade in Syria", *New York Times*, 29 May 2007.

40 Zoepf, above note 39.

41 Ibid.

have rapidly gained ground in what used to be a distinctly liberal society in the region. “Crimes of honour” have claimed the lives of hundreds of women in Kurdistan and other parts of Iraq that enjoy relative peace and security. Only recently a women’s rights organization reported victims of this kind of crimes in Kurdistan and similar numbers of suicide attempts.<sup>42</sup> Official reports from Basra gave an average of eight women a month being killed in the past five months for the same reason: for “disobeying” the Islamic dress code.<sup>43</sup> Academic institutions, where girls are forbidden to attend classes unless dressed in the Islamic way, leave a clear field for these kinds of practice.<sup>44</sup>

## Children

Several generations of Iraqi children have gone through three wars and devastating sanctions since 1980. One-eighth of these children face death before reaching the age of five and one-ninth suffer malnutrition, twice the recorded figure for pre-2003.<sup>45</sup> At present, fewer than one third of all Iraqi children have access to safe water, while fewer than 75 per cent of them are regularly attending schools, and enrolment has dropped to as low as 30 per cent.<sup>46</sup> Thousands of children are roaming the garbage dumps trying to glean a living; thousands more are begging or stealing for the same purpose. In major Iraqi cities such as Baghdad and Basra there are particularly numerous children deprived of their basic rights and prey to despair.<sup>47</sup> The young men and women currently involved in gangster crimes or other vicious and violent activities are the children of the Iran–Iraq War or the sanction years. The atmosphere of insecurity and violence that surrounds the daily lives of these children negatively influences their current and future behaviour and psychological development.<sup>48</sup>

## Displacement

Iraq had already experienced several waves of expulsion and displacement, varying in nature and scale, before 2003. The biggest wave of people leaving Iraq occurred during and after 1991, due to the terror inspired by the military operations or the

42 As reported on [www.iraq-ina.com](http://www.iraq-ina.com) and [www.iraq4allnews.com](http://www.iraq4allnews.com), October 2007 (last visited 20 February 2008).

43 Nadia Al-Ali, “Iraqi woman and the pressures she is facing”, *Forced Migration Review*, above note 36, pp. 40–2.

44 Ibid.

45 Leila Beling, “Iraqi children are paying the price of war”, *Forced Migration Review*, above note 36, pp. 42–4.

46 UNICEF appeals to help Iraqi children, 23 May 2007, available at [www.un.org/apps/news/story.asp?NewsID=22660](http://www.un.org/apps/news/story.asp?NewsID=22660) (last visited 12 February 2008).

47 Special report on the suffering of Iraqi children in Basra, published in Arabic on [www.akhbaar.org](http://www.akhbaar.org), 25 July, 2007.

48 Through their search for a job, children as young as eight years old are exposed to involvement in illegal activities, exploitation, sex and pornography, or trading in arms and alcohol.

acute hardships of life under the subsequent sanctions imposed on Iraq from 1991 until 2003. Hundreds of thousands of Iraqis had to leave, seeking a better life or political refuge in various countries around the world, especially the industrialized countries.<sup>49</sup> The resulting brain drain had particularly serious repercussions for academic and technical circles in Iraq. For patriotic and political reasons, this problem could not be acknowledged. Signs of it were clearly visible, however, in the quality of the public health services and university output.

After 2003 the deteriorating security situation again forced Iraqis to move. Since the very early days of the occupation the international community had expected the ensuing human catastrophe,<sup>50</sup> but used off-the-shelf plans to handle it, not understanding or anticipating its nature, extent and momentum. Some of the international agencies and humanitarian organizations, for example, installed camps that failed to attract any attendant staff because of bad planning and logistical miscalculations. Although local authorities and non-governmental organizations (NGOs) tried to register the number of refugees and internally displaced persons, they failed to show the true size of the problem. A large proportion of those people did not register but preferred to stay with their extended family or relatives, or make their own arrangements to find shelter. Politicization of the displacement issue is becoming the main reason for the lack of that basic assessment, which is needed to determine the nature and scale of the problem and then take the requisite steps to diminish human suffering.

The Samara shrine bombing in February 2006 was eventually the political earthquake that unleashed the sectarian violence which in turn started a massive human tsunami. People were either forcibly evicted at gunpoint or took their own consciously “forced” decision to leave, under the shadow of the same gun. Nowadays, “accepted” figures of around 4.5 million (2 million outside Iraq<sup>51</sup> and 2.5 million inside<sup>52</sup>) are quoted by various Iraqi and international bodies. Considering that family, community and tribal links in Iraq are among the most significant components of its social structure, this displacement has an extreme impact on society, for it affects many more millions of people than those who have actually left.

49 Adel Murad, Iraqi ambassador to Romania, Report presented to UNHCR conference in Bucharest, 17 October 2007.

50 Various humanitarian organizations concerned with preparations for the anticipated outbreak of war on Iraq between January and May 2003. They expected people to flood out of the main cities, Baghdad in particular, to avoid air raids and other attacks, as was the case in 1991 when hundreds of thousands of civilians had to leave their cities and seek temporary shelter with relatives and other members of their tribe in nearby safe, untargeted cities and towns. These masses of people used their common sense in judging the risks associated with certain cities or areas within a particular city, according to the presence of key government targets or vital military or industrial installations there.

51 UNHCR report 2007; International Federation of Red Cross and Red Crescent Societies (IRCS) report, September 2007.

52 IRCS report to UNHCR's International Conference on Iraqi refugees and displaced persons, Geneva, 17–18 April 2007.

Various players and stakeholders, both inside and outside Iraq, have been unable to come up with any real, sound and durable humanitarian solution. The worst approach is that of politicizing it in a way that evades or misrepresents the main problem, namely the human aspect. Even the names assigned to these millions of individuals have become part of the world of legal terminology because of the implications of their displacement for the host countries outside Iraq or for internal political interests inside Iraq. Appellations such as “displaced”, “migrants”, “immigrants”, “refugees”, “guests”, “settlers”, and many others that sometimes carry harsh connotations have been used to describe these “evictees”, a term the author of this article finds more appropriate. Naturally, each one of these terms has legal implications that serve a particular political aim or understanding of the situation.

### Internally displaced persons (IDPs)

Individuals and families forced to leave their homes and neighbourhoods and find alternative accommodation elsewhere in the same city or in other cities within the country normally choose their place of refuge according to ethnic or religious and sectarian considerations. To begin with, these evictions are largely a temporary phenomenon. Most statistics take the Samara shrine bombing in February 2006 as the starting point for this process of internal displacement, but there is more than one indication that it began as early as the fall of the regime in 2003.<sup>53</sup> The great majority of the evictees come from mixed ethnic and mixed sectarian areas like the centre of the country<sup>54</sup> and in particular Baghdad.

The eviction of Shiites or Sunnis<sup>55</sup> from mixed areas and communities where they are a minority deprived of protection leads to the establishment of separate ghettos and cantons that destroy the cohesion of Iraqi society, linked as it is to ethnic and religious ties between tribes and clans and groups or families. These social relations are the glue that binds together these groups and communities to form a nation. The suffering of such evictees thus affects their communities and social structures at “home” and is never confined to the individual.

53 Nir Rosen, “Anatomy of a Civil War – Iraq’s descent into chaos”, *Boston Review*, November/December 2006, available at <http://bostonreview.net/BR31.6/rosen.php> (last visited 12 February 2008).

54 Ibid.

55 Religious minorities like the Christians were also severely harmed; many of these communities have been on the move, especially the professionals and the most enlightened among them. Eviction of Christians has reduced their numbers tremendously. Their population percentage has slid down, placing them on the third rank of religious groups in Iraq after the Muslims and Yazidi in the past three years. Before that, they ranked second. Throughout history, these religious communities have represented the “salt and pepper” of social harmony in Iraq and were an essential element of social cohesion, particularly in some cities and communities.

## Refugees

The exodus of Iraqis to Syria and Jordan is one of the biggest movements of civilians since the Second World War.<sup>56</sup> About 2.5 million Iraqis currently reside outside Iraq.<sup>57</sup> Despite the fact that they are commonly called “refugees”, many of them are not treated as such within the meaning of the 1951 Refugee Convention, for most of the host countries do not have refugee legislation and are not party to the relevant international treaties. Indeed, some are going so far as to obstruct or restrict the already limited facilities and services offered to these people by international organizations.<sup>58</sup>

The majority of Iraqi political entities and figures seem to adopt a stance of keeping these millions where they are until security improves and seem to discourage finding any long-term solutions. This is said to be justified by the need for them to rebuild the country.<sup>59</sup> They may also be considered as potential voters to give their support at the appropriate time. The latest episode of returnees to Iraq is another example of politics benefiting through a media exercise from the relative security improvement, but without any real interest in the future of those people once they are back in Iraq. Most of them are thereby changing from “refugee” to “IDP” status; both terms come within the wider concept of evictees.<sup>60</sup>

The host communities raise concerns and express displeasure, to say the least. They fear that these friendly intruders will be a burden on their already endangered resources, job opportunities and social fabric. The rejection by communities in Iraq of these millions goes against ethical principles and is detrimental to relations with the host communities. The constant drain on their already scarce resources and job opportunities is a ticking bomb that can only do more harm and create more suffering.

56 Jose Riera and Andrew Harper, “Iraq: looking for solutions”, *Forced Migration Review*, above note 36, pp. 10–14.

57 A figure widely cited in international institutions, reports and studies. It is accepted and used without any challenge to its accuracy, despite the fact that no individual country/countries have conducted any survey for this purpose.

58 Amnesty International, “Millions in flight: the Iraqi refugee crisis”, 24 September 2007, available at <http://archive.amnesty.org/library/Index/ENGMD140412007?open&of=ENG-369> (last visited 12 February 2008). See also Human Rights Watch, “Iraq: from a flood to a trickle. neighboring states stop Iraqis fleeing war and persecution”, April 2007, available at <http://hrw.org/backgrounder/refugees/iraq0407/> (last visited 12 February 2008).

59 Laith Kubba, former spokesman for the Iraqi government and now a senior director at the National Endowment for Democracy in Washington, as quoted in Glain, above note 18.

60 Interviews with a number of Iraqi returnees from abroad to Iraq – to Baghdad – who would like, but are unable, to return to their homes and have to take shelter with friends and families, i.e. change from refugee to IDP status. Reasons given ranged from the fact that their houses were occupied by people displaced from other areas to the lack of assurances of improved security in their mostly mixed sectarian neighbourhoods.

## Conclusion

The political dimension of the conflict puts a tremendous burden on the civilian population in terms of human suffering, the lack of understanding of it and the price they have to pay. Medical services, food supplies, emergency shelters and other emergency measures that can be offered to the victims of the conflict are subject to political manipulation at different levels by all the groups involved. The suffering is used in various ways to place opponents at a disadvantage, but without alleviating the victims' actual distress. Media coverage falls short of reflecting the real picture of events in Iraq. This is the result of a deliberately created vacuum in the actual presence of news and media agencies on the ground; it is also the consequence of the abduction and killing of hundreds of reporters and journalists for that purpose. In the same way, international humanitarian organizations have been targeted by acts of violence and terror campaigns in order to drive them out of the country. Awareness of the nature and magnitude of the problem has subsequently become blurred and sensitivity to it has diminished and is now subject to third-party reporting, which may come with biased, compromised or questionable deliverables.

Iraqi society today seems to be in danger of losing its basic structure of social justice and harmony, as the pillars of education, health services and caring for the weak and vulnerable are gradually undermined. The resulting misfortunes are widespread across all ethnic, sectarian and religious groups. The eviction phenomenon, however, is the worst crime perpetrated against Iraqi society. All key players inside Iraq strongly condemn it and distance themselves from it, despite clear evidence that some of them are directly or indirectly responsible for it.

Historically speaking, suffering is not new for Iraqi civilians. Nevertheless, this latest phase is unprecedented in the country's memory. Within the brief space of only a few years, the recent conflict has created far-reaching implications and deep divisions that seriously endanger the basic cohesion and unity of society and may leave it beyond repair. It is extremely difficult to predict how much time will be necessary to rehabilitate the damaged infrastructure and service facilities and to restore social harmony. While the first may take years or even decades, the second will definitely take generations and above all a firm commitment and dedication to steering society on to the appropriate track.

## Wartime estimates of Iraqi civilian casualties

**Beth Osborne Daponte\***

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### Abstract

*Challenges exist when making reliable and valid estimates of civilian mortality due to war. This article first discusses a framework used to examine war's impact on civilians and then considers challenges common to each statistical approach taken to estimate civilian casualties. It examines the different approaches that have been used to estimate civilian casualties associated with the recent fighting in Iraq to date and compares the results of different approaches. The author concludes by proposing that after fighting has ceased, other approaches to estimating Iraqi civilian mortality, such as post-war retrospective surveys and demographic analysis, should be employed.*

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During wartime, the public and policymakers legitimately thirst for figures on the war's civilian death toll due to the war's direct violent and indirect health effects on a population. In real time, the public wants to know "How many have died?" However, with few exceptions until relatively recently, demographers and epidemiologists have not applied their expertise to making rigorous, credible estimates of the mortality and morbidity impacts of conflict on populations during wartime. Sometimes a lack of professional freedom prevents those who are perhaps most familiar with data on the suffering population (e.g., analysts whose livelihoods depend on the government(s) directly involved in the conflict) from becoming engaged in the discussion of the conflict's impact. But barring professional freedom issues, wartime circumstances pose other challenges to making civilian casualty estimates.

\* The author thanks William Arkin and other participants in the February 2006 Conference on Casualties and Warfare, held by the Triangle Institute for Security Studies at Duke University, for comments on a previous version of this paper, as well as Anthony Smith, Jr, for his comments on an earlier draft.



This article discusses challenges in making reliable and valid estimates of civilian mortality (hereinafter referred to as casualties) due to war. It first discusses a framework used to examine war's impact on civilians, and then considers challenges common to every statistical approach taken to estimate civilian casualties. After examining the different approaches that have been used to estimate civilian casualties in Iraq, the article finally recommends another approach that could be taken – a post-war survey. The approaches considered – tallying, a statistical sampling approach in the midst of war, and a post-war survey, show that every approach to estimating casualties provides imperfect statistics and users must consider the shortfalls of each approach when considering the veracity of estimates that arise from each.

## **A framework for estimating war's short-term impact on populations**

In 1993, Daponte proposed a framework for estimating the short-term impact of a war on a population.<sup>1</sup> She disaggregated the mortality impact of war, using the 1991 Persian Gulf War as a case study, into five categories:

- deaths of military personnel during the war;
- civilian deaths caused by the war's direct effects;
- civilian deaths from the war's indirect effects on the civilian population;
- civilian deaths due to post-war violence and upheaval; and
- military deaths due to post-war violence and upheaval.

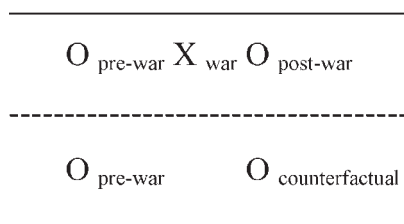
By disaggregating the problem, one could arrive at a methodology and data sources appropriate for the particular category of mortality.

Considering the mortality category of civilian deaths due to the war's indirect effects on the civilian population, Daponte argued that this category of mortality could be deduced by examining the number of deaths that result from population projections run under two scenarios – a no war scenario where the population continues on the demographic trajectory that it was on prior to the war, and a war scenario, where one takes into account the increased mortality mostly due to the damage to the infrastructure and unplanned population movements.

In the field of programme evaluation, one estimates the impact of an intervention on a unit of analysis by analysing data both before and after the intervention, and compares that either to a control group or to counterfactual information on the unit of analysis. The quasi-experimental design<sup>2</sup> typically used, applied to a war situation, would be:

1 Beth Osborne Daponte, "A case study in estimating casualties from war and its aftermath: The 1991 Persian Gulf War", *PSR Quarterly* 3 (2) (1993), pp. 57–66.

2 Thomas Cook and Donald Campbell, *Quasi-Experimentation: Design and Analysis Issues for Field Settings*, Boston, Houghton Mifflin Company, 1979.



where O represents observations or outcomes and X represents the intervention of the war. One would deduce the impact of the war by using neighbouring countries as a “control” group or by making statements about what the population characteristics of the country at war would have been had the war not occurred.

The first challenge in applying such a framework is in clearly defining the intervention of “war”. In the current Iraq case, the war began on 19 March 2003. However, on 14 April 2003 the US military declared “major fighting” over, and on 1 May 2003 the United States declared an end to major combat operations. On 22 May 2003 the UN Security Council approved a resolution lifting economic sanctions, so up until that point the “intervention” included war plus sanctions. Thus in making estimates on wartime mortality, one must be careful and explicit as to exactly how one defines the “war” period. The framework that Daponte proposed may not be cleanly applied when the “war” period and the “post-war” period cannot be clearly delineated. Second, in the quasi-experimental design above, the intervention is the only intervention applied to the population. But in reality, there can be many interventions that occur concurrently. In Iraq, disentangling the impact of war from sanctions can be impossible. For example, the UN Development Programme (UNDP) wrote on the topic of infrastructure and sufficiency issues that

Extensive use for more than twenty years, sanctions during the 1990s, misguided economic policies and three wars in Iraq have contributed to the deterioration, damage and negligence of both the development and maintenance of infrastructure and services. After the most recent war, the situation worsened due to looting, destruction of public property, and general insecurity.<sup>3</sup>

Thus disentangling deaths due to the war from those due to other factors can be impossible and beyond expertise of most statisticians and demographers. Perhaps the best that the statisticians and demographers can do is to provide estimates of the mortality levels of civilians at different time periods, and let the political scientists argue about the proportion of the increase in mortality that should be attributed to different parties and policies.

3 *Iraq Living Conditions Survey 2004*, United Nations Development Programme and Central Organization for Statistics and Information Technology, Ministry of Development Cooperation, Baghdad, Iraq, April 2005, available at <http://www.iq.undp.org/Default.aspx> (last visited 4 February 2008), Vol. II, *Analytical Report*, p. 16.

Third, the high-quality population data needed to make credible estimates or to put estimates in perspective may be lacking – data may not be available due to its new “sensitive nature”, may never have been collected (sometimes the case in developing nations), or the war may have made the data that do exist obsolete (e.g. due to refugee movements).

In spite of these challenges, analysts have made estimates of the impact of the war on civilians using two approaches: tallies and demographic surveys on a sample of the population. Each of these approaches is considered in turn.

### **Tallies of civilian deaths**

Theoretically, one can obtain an estimate of the number of deaths from violence or the direct effects of the war (e.g. bombings, violence, but excluding war’s indirect health effects) by adding up the number of deaths that occur in incidents of violence. This approach is susceptible to error from both double-counting and undercounting incidents of violence, and also by mis-estimating the number of people who died in each incident. Further, while the number of immediate deaths from an incident might be known, it may be difficult to follow people injured in the incident to determine how many later died from injuries suffered in the incident. Without follow-up, only the civilians who died immediately from the incident will be included in such a data set and the data set will yield an underestimate of deaths from incidents.

A reliable and valid tally depends on having a reliable source of information. Such a source of information cannot have double-counts of incidents, must not omit any incidents, and must accurately count the number of deaths associated with each incident. In practice, such a data source is unobtainable in times of war. However, the lack of a perfect data source has not prevented analysts from using a tallying approach.

Perhaps the best known example of the tally approach being used in Iraq today is Iraq Body Count’s work.<sup>4</sup> Iraq Body Count (hereinafter IBC) aims to tally civilian deaths from violence that have occurred during the current war in Iraq. IBC has created a data set of wartime deaths, based on incidents of violence and mortality reported by a wide range of media outlets. Thus their data set essentially reflects the accuracy and comprehensiveness of media reports. If there is no double-counting and if the facts of the incidents included in the data set are reported correctly, then since the media reports may not be comprehensive, the tally from the data set represents a minimum number of deaths. However, given the constraints that wartime presents, their data set is likely to provide the best available estimate based on a tallying approach.

The Multi-National Force–Iraq has also estimated civilian deaths from violence by tallying incidents of civilian death that have been reported by Coalition

4 Available at [www.iraqbodycount.org](http://www.iraqbodycount.org) (last visited 2 February 2008).

forces, then supplementing the tally with data on deaths collected from administrative data from morgues and police reports. This “supplementing” methodology was first applied to Iraq in 1993 by Daponte.

For the 1991 Persian Gulf War, Daponte used a tallying approach to estimate civilian deaths.<sup>5</sup> There, she created a data base of incidents of civilian deaths from violence or “collateral damage”. The base data sources used were reports of incidents from Human Rights Watch and other human rights sources, which were based on media and eyewitness accounts. However, she “supplemented” the data set with information from the Iraqi Ministry of Health, which also had compiled unintended civilian casualties from direct war effects. In provinces where the Ministry of Health’s tally exceeded the tally from her data base, she added the difference to her own tally, knowing that her data base was likely based on an incomplete universe of reports. She did not subtract cases from the data base in provinces where the data base tally exceeded the Iraqi Ministry of Health’s tally for that province, believing that either source could have undercounted the number of deaths. (This method yielded an estimate of civilian deaths from the direct effects of the 1991 war that amounted to 3,500 people.)

The IBC reports a range of civilian deaths from violence since the start of the war until 1 January 2008 of 81,174 to 88,585.<sup>6</sup> The range results from uncertainty in the number of people killed in incidents. Generally, figures from the IBC exceed those from the Multi-National Force–Iraq.<sup>7</sup> Relying on different data sources accounts for much of the discrepancy, though differences in the classification of the type of person killed (combatant vs. civilian) may also contribute to the discrepancy. In any case, if the data source assuredly provides figures on deaths that actually occurred and if incidents are de-duplicated and if the number killed per incident is generally accurate, then a tallying approach will generally yield an underestimate of the true number of deaths. It makes sense to supplement with administrative data (e.g., data from morgues), as long as the administrative data set provides the information on the place and circumstances of the death.

## Sample surveys

Another approach taken to estimate civilian casualties due to war first estimates the change in the civilian mortality rate (including deaths due to both direct and indirect effects of war) by calculating the change in the death rate during wartime as opposed to a pre-war period. Unlike the tally approach that usually only applies to deaths due to violence, this approach can be used to estimate the increase in

5 See Daponte, above note 1, pp. 57–66.

6 See Iraq Body Count, above note 4.

7 Michael Dobbs, “Counting civilian deaths in Iraq”, *Washington Post*, 1 October 2007, available at [http://blog.washingtonpost.com/fact-checker/2007/10/counting\\_civilian\\_deaths\\_in\\_ir.html](http://blog.washingtonpost.com/fact-checker/2007/10/counting_civilian_deaths_in_ir.html) (last visited 28 November 2007).

mortality from all causes of death, as well as by cause (assuming one has accurate information on cause at the individual level). This approach requires data upon which to base the rise in mortality, usually derived by conducting a household survey on a sample of the population. It also requires current population figures to which to apply the change in mortality.

Usually, the current figures are a projection of the population obtained from the most recent census. However, these population figures ought to be, but usually are not, based on a methodology called “Bayesian Demography”.<sup>8</sup> This methodology takes into consideration that since the true population and its components of change (e.g. patterns and rates of fertility, mortality and migration) are never precisely known, an appropriate approach to estimating the population is to use probability distribution functions in estimating all of the population parameters. The rates obtained from the household survey are applied to population estimates that are associated with their place on a probability distribution function. The probability distribution function of the population estimate explicitly expresses the demographer’s modelling of the uncertainty associated with base population and its components of change. Daponte, Kadane and Wolfson introduced this approach and as a case study applied it to the Iraqi Kurdish population.<sup>9</sup>

In household surveys, typically, interviewers ask the head of the household, or someone in the household who would know about the condition of others in the household, questions on the following topics:

- the number and demographic characteristics of pre-war and wartime household members;
- whether any of the people in the pre-war household have died between the pre-war period and the time of the survey;
- the date and cause of any household member’s death;
- the combatant status of each person in the household, to determine whether any of the deaths were of non-combatants.

If done properly, to estimate the number of excess deaths during the wartime period within a range of statistical uncertainty, one could apply the difference between the wartime and pre-war mortality rates to appropriate population data.

When using a sample survey approach during wartime, many potential problems can arise. To create the sample of households to be included in the survey, one needs an accurate list of the population from which to draw the samples. Such a list is usually based on the most recent census. By using the past census, one assumes that the geographic distribution of the population has not changed substantially since the census was conducted. Census data is also used

8 Beth Osborne Daponte, Joseph B. Kadane and Lara Wolfson, “Bayesian demography: Projecting the Iraqi Kurdish population, 1977–1990”, *Journal of the American Statistical Association*, 92 (440) (December 1997), pp. 1256–67.

9 Ibid.

after the survey data is analysed to extrapolate results from the survey to the general population. In a population experiencing a great amount of both internal and international migration, census data quickly become obsolete. Without reliable census data, the sampling and survey approach cannot accurately yield reliable estimates of war's impact on civilians.

To reduce the expense of gathering a random sample throughout the entire country, a cluster approach is often used. Clusters are geographic areas into which researchers have divided the country. In this approach, first a cluster is randomly selected and then households within the cluster are randomly selected.

When using a household survey approach, one must consider whether the households that were ultimately interviewed were truly representative of the sample drawn or whether they are a select subsample in some sense. Extrapolating the survey results to the general population requires that those who were actually surveyed truly represent the desired sample. If the desired sample was drawn to be random, any violation of the assumption that being included in the sample is due only to random factors would make the results less likely to represent the true situation. Of course, households where all members have left and households where all members were killed will not be included in the achieved sample. Households where members refuse to respond will also not be included in the achieved sample. If interviewers do not actually go to some households because of inconvenience or insurmountable logistical considerations, then the interviewers are violating the assumption of randomness.

Another issue to consider is the validity and reliability of questions on the survey instrument. A valid question measures what the survey designers intended to measure. Reliable questions will always elicit the same response from people in like situations. Survey results can only be accurate to the degree that respondents answer valid and reliable questions accurately and without bias.

Depending on the sample size used, the sample may produce estimates with a confidence interval (CI) so large as to not be meaningful. In any sample survey, one estimates the true propensity of a phenomenon in a population. The degree to which the estimate accurately reflects the prevalence of the phenomenon in the population is a function of the sample size, the representativeness of the sample that responded to the survey, and the reliability of the questions that were asked. The smaller the sample size, the larger the standard errors of the estimate from the survey. Unreliable questions also increase standard errors.

For all of the above reasons, collecting data using a survey is in the best of circumstances a difficult and costly procedure. One needs to think through all possible sources of bias to the results. During wartime, the difficulties of conducting surveys mount, but, in spite of the difficulties, researchers have used this approach.

### The *Lancet* studies

Two studies, known as “The *Lancet* studies” after the British medical journal in which they were published, were conducted in 2004 and 2006 by a group of

researchers primarily based at Johns Hopkins University.<sup>10</sup> The estimates from these students have been lauded but also questioned, partially because the researchers have misinterpreted their own figures but also because of fundamental questions about the representativeness of the achieved survey sample.

For example, in the abstract of the 2004 study they write, “Making conservative assumptions we think that about 100,000 excess deaths, or more, have happened since the 2003 invasion of Iraq”. In fact, that study yielded very wide confidence intervals of the number of deaths. The authors misinterpreted the analysis of the data they had interviewers collect when they reported “at least 100,000” – the 95 per cent confidence interval reflects that the accurate statement should have been “we can say with 95 per cent certainty that between 8,000 and 194,000 excess deaths occurred to Iraqis during the period”.<sup>11</sup> Such a wide confidence interval makes one question the usefulness of the information.

The standard errors of the estimates were affected by the numbers of clusters sampled and the number of households per cluster interviewed. The 2004 study was based on 33 clusters in which persons from 988 households were interviewed.

Aware of the problem of wide confidence intervals and wanting to update their estimates, the group in 2006 essentially repeated the study using a larger sample size. They increased the number of clusters to 47 and the number of persons in households interviewed to 1,849. Again, the researchers had interviewers administer a survey that resembled a typical household health/demographic survey to what was to be a random sample of households. Appropriately, the authors at the end of the article discuss research processes that may have yielded a non-random sample, including: not following up with households where no one was home when an interviewer went to it; not including households where everyone in it was killed or where all the members of the household had migrated out of Iraq; and the misreporting of the number of deaths, the cause and circumstances of death, and the combatant status of the deceased.<sup>12</sup>

Problems with the analysis of the data also plagued the second effort. The authors used crude death rates (CDRs), which reflect the number of deaths per thousand population, to show the rise in mortality. Demographers rarely use crude death rates because these rates are affected by the age structure of a population, and thus CDRs do not accurately represent the mortality schedule in a population. Instead, demographers think in terms of age- and sex-specific mortality rates, usually summarized in terms of “life expectancy”. That being said, Burnham et al. report that the CDR increased from 5.5 per thousand population

10 L. Roberts, R. Lafta, R. Garfield, J. Khudhairi and G. Burnham, “Mortality before and after the 2003 invasion of Iraq: Cluster sample survey”, *The Lancet*, Vol. 364, Issue 9448 (2004), pp. 1857–64; and G. Burnham, R. Lafta, S. Doocy, L. Roberts, “Mortality after the 2003 invasion of Iraq: A cross-sectional cluster sample survey”, *The Lancet*, Vol. 368 (9,545) (2006), pp. 1421–8.

11 The complexity added to their analysis by dealing with data on Falluja is not reflected in the above statement, but the authors do not present confidence intervals for the Falluja data.

12 Burnham et al., above note 10, p. 1427.



in 2002 to 13.3 per thousand population in the post-invasion (March 2003–June 2006) period.

In conducting any survey, the moment of trepidation comes when an analyst compares results from the survey with other data sources. Usually, analysts take some comfort in finding that some of the results compare with what is already known about the population. In this case, one should find that the pre-war CDR falls comfortably within the range of CDRs that one would expect for pre-war Iraq. (The authors did not report other, more robust measures of mortality in their article, so that one can only examine the crude death rates they report.) Instead, Iraq's pre-war CDR of 5.5 estimated by the Johns Hopkins team seems beyond what seems reasonable.

To put the pre-invasion figure that results from the sample in perspective, consider UN Population Division figures, generally deemed to be of very high quality. The United Nations estimates that Iraq's pre-invasion CDR was 10 per thousand, not the 5.5 per thousand estimated from the two *Lancet* studies. Comparing internationally, the UN reports that Iran's CDR in the 2000–5 period was 5.3. Prior to the war, most thought that the situation in Iraq was considerably worse than in Iran, mostly due to the impact of sanctions.

The pre-war CDR that the two *Lancet* studies yield seems too low. That is not to say that it is wrong, but the authors should provide a credible explanation as to why their pre-war CDR is nearly half that of what the UN Population Division estimates for pre-war Iraq. Since Burnham et al. arrive at their estimate of Iraqi "excess deaths" by taking the difference in the pre-war and wartime crude death rates and applying it to a population, if the pre-war mortality rate was too low and/or if the population estimates are too high (e.g., do not take into account the refugee movement out of Iraq), then the resulting number of "excess deaths" would be too high, yielding inflated estimates. Unfortunately, the authors have not adequately addressed these issues.

Another issue with conducting surveys during wartime is the process used to arrive at estimates. In social science research one should not put any interviewers at risk of bodily harm. Burnham et al. sent interviewers to the field to ask respondents for information, knowing that this could put interviewers' lives at risk. In doing so, the research team was professionally irresponsible. Further, in an effort to "protect interviewers" (even though they had already put them in danger), they sacrificed the scientific randomization that the research relies upon. Burnham et al. write that "Calling back to households not available on the initial visit was felt to be too dangerous",<sup>13</sup> and in the 2004 study Roberts et al. write "to lessen risks to investigators ...".<sup>14</sup> Certainly, risks to investigators needed to be "lessened", perhaps by waiting to conduct the survey until after fighting ceases. Both references show how they violated the random household selection process that is statistically required for credible estimates.

13 Ibid., pp. 1421–8.

14 Roberts et al., above note 10, p. 1859.

Further, one should question how a proposal to conduct this research made it through the Institutional Review Board at a US university. One role of institutional review boards is to ensure that the research being conducted at or through universities is ethical. However, in deciding whether to approve a research agenda, institutional review boards at universities often consider only the risks of harm to research subjects. In determining whether to approve research, guidelines often disregard the risk to those collecting data, certainly an ethical oversight. In this case, the utility of the additional data on the population was probably not worth the risk to interviewers' lives, so that the proposal to carry out such research should not have been approved.

### Iraq Living Conditions Survey and Iraq Family Health Survey

Two large-scale sample surveys have been conducted on the Iraqi population: the Iraq Living Conditions Survey and the Iraq Family Health Survey. The UNDP carried out the Iraq Living Conditions Survey (ILCS) using a two-stage cluster design.<sup>15</sup> The selection of the sample for non-Kurdish areas was based on the 1997 census and for Kurdish areas was based on local lists. In each governorate of Iraq 1,100 households were selected to be included in the survey, with the exception of Baghdad, where 3,300 households were selected. The number of households actually interviewed amounted to 21,668 households, which represents a 98 per cent response rate.

Based on the data collected, UNDP calculated that between the start of the war and the data collection date, which was in 2004, approximately 24,000 people died due to warfare, with a 95 per cent confidence interval of 18,000 to 29,000 deaths.<sup>16</sup> This figure is on the lower end of the 95 per cent confidence interval of 8,000–194,000 that Roberts et al.<sup>17</sup> calculated for the 18 months post-invasion.

The Iraq Family Health Survey (IFHS),<sup>18</sup> conducted in 2006–7 by collaboration between various Iraqi ministries and the World Health Organization, used a design nearly identical to that of the ILCS. The survey's purpose was to estimate mortality between January 2002 and June 2006. A member from a total of 9,345 households in 56 unique strata in Iraq was interviewed.<sup>19</sup> Data from the IFHS yield excess mortality estimates of 151,000 violent deaths since the 2003 invasion and until the survey date, with a 95 per cent confidence interval of 104,000–223,000.<sup>20</sup>

15 *Iraq Living Conditions Survey 2004*, above note 3, Vol. I, *Tabulation Report*, Appendix 2.

16 *Ibid.*, Vol. II, *Analytical Report*, p. 55.

17 Roberts et al., above note 10, pp. 1857–64.

18 *Republic of Iraq: Iraq Family Health Survey Report*, 2007, World Health Organization and Republic of Iraq (Ministry of Health in Iraq, Central Organization for Biostatistics and Information Technology, Ministry of Health Kurdistan, Kurdistan Regional Biostatistics Office), available at [www.who.int/mediacentre/news/releases/2008/pr02/2008\\_iraq\\_family\\_health\\_survey\\_report.pdf](http://www.who.int/mediacentre/news/releases/2008/pr02/2008_iraq_family_health_survey_report.pdf) (last visited 5 February 2008).

19 *Ibid.*, p. 4.

20 Amer Alkhuzai et al., "Violence-related mortality in Iraq from 2002 to 2006", *New England Journal of Medicine*, Vol. 358 (5) (31 January 2008), p. 484.

One way of considering the reliability of the data collected by the ILCS and IFHS is to compare pre-war levels of mortality based on these data with the level of pre-war mortality based on other sources. Although the ILCS and IFHS both had a much larger sample size than that of the *Lancet* studies, their results on infant mortality in pre-war Iraq seemed substantially lower than other estimates. The ILCS results show a pre-war infant mortality rate (IMR) of 35 deaths per thousand births for males and 29 for females.<sup>21</sup> The IFHS yields a 2001 IMR of 34,<sup>22</sup> consistent with the ILCS. However, one can contrast these estimates with the 1995–2000 IMR of 94 for Iraq estimated by the UN Population Division,<sup>23</sup> the 1994–9 IMR of 108 IMR estimated by Ali and Shah,<sup>24</sup> the 1999 IMR of 102 estimated by one source at UNICEF,<sup>25</sup> or a 2000 IMR of 38 estimated by another part of UNICEF in 2007.<sup>26</sup> Thus even before the war there existed uncertainty about the level of mortality in Iraq. If results from the IFHS are internally consistent, then one would conclude a substantial rise in the IMR from 34 in 2001 to 41 in 2005.<sup>27</sup>

Similar to the *Lancet* studies, the ILCS and IFHS surveyed households during wartime. However, unlike the *Lancet* studies, the ILCS was careful in its attribution of the root causes of civilian casualties in Iraq. Because of the confounding of other factors at the time of the war, UNDP wrote,

While the child mortality rate has been reduced in most countries of the world over the last decade, it has increased in Iraq. Exactly how many excess deaths should be attributed to the sanctions and wars is a matter of controversy. Lack of good empirical evidence, combined with discrepancies in the estimates, has produced some confusion. There is, however, no disagreement that the steady decline in child mortality rates in Iraq in the 1970s and 1980s was sharply interrupted at the time of the Gulf War in 1991.<sup>28</sup>

The authors of the IFHS also provide words of caution in their report, writing that

Rapid small-scale surveys of households are likely to yield unreliable estimates. Surveys of a large number of respondents with carefully prepared households interviews and multiple methods for collecting data on mortality still run into reporting problems because of the insecurity, instability, and migration associated with the conflict situation.<sup>29</sup>

21 *Iraq Living Conditions Survey 2004*, above note 3, Vol. II, *Analytical Report*, p. 50.

22 *Iraq Family Health Survey Report*, above note 18, Table 25.

23 United Nations Population Division, *World Population Prospects: The 2006 Revision Population Database*, available at <http://esa.un.org/unpp/p2k0data.asp> (last visited 4 February 2008).

24 Mohamed Ali and Iqbal Shah, "Sanctions and childhood mortality in Iraq", *The Lancet*, Vol. 335, Issue 9218 (2000), pp. 1851–7.

25 See [http://www.unicef.org/infobycountry/iraq\\_statistics.html#27](http://www.unicef.org/infobycountry/iraq_statistics.html#27) (last visited 8 January 2008).

26 *UNICEF Statistics*, UNICEF, October 2007, available at <http://www.childinfo.org/areas/childmortality/infantdata.php> (last visited 30 November 2007).

27 *Iraq Family Health Survey Report*, above note 18, Table 25.

28 *Iraq Living Conditions Survey 2004*, above note 3, Vol. II, *Analytical Report*, p. 57.

29 Alkhuzai et al., above note 20, p. 492.

## Other approaches possible at a later date

Both approaches that have been used to date – tallying and conducting sample surveys – have their challenges. Two other approaches could be used – doing household surveys at a later date, and demographic analysis.

One could wait until after the war has truly ended and the country has returned to a peaceful and stable situation, and conduct surveys on the health and demographics of the Iraqi population. However, asking people retrospectively about occurrences some years prior also has its pitfalls. Generally, responses to survey questions about the past become less reliable as the past becomes more distant. While one would thus suspect that questions about the circumstances of a death may become less certain, the death of a family member may be so traumatic and memorable that the exact date of the death will be accurately remembered by family members, even if responses on the circumstances around the death become less reliable.

Demographic analysis is a tool used by demographers usually to determine the accuracy of a census. However, it can also be used to derive broad estimates of the impact of a war on a population. After fighting has ceased, a census of the population could be taken. If one takes results of the most recent pre-war census and projects the pre-war population forward to the date of the post-war census, taking into account fertility and mortality rates that would have prevailed had the war not occurred and the accuracy rates of the two censuses, then one can arrive at broad estimates of excess mortality by comparing the projected population with the population included in the post-war census. The censuses do not have to be accurate or complete, but the likely degree of their inaccuracy and incompleteness must be known. This approach can yield broad estimates for the country, but usually does not provide trustworthy figures for smaller units of analysis.<sup>30</sup>

## Discussion

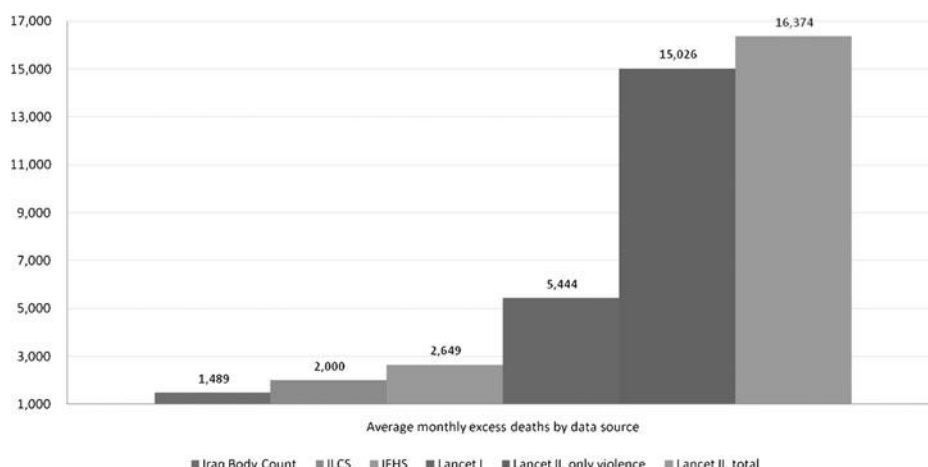
This paper has presented the different approaches used to arrive at the number of civilian casualties. Table 1 summarizes mortality results from all of the surveys discussed above. The table shows that not only do the data sources differ in their definitions of excess mortality, but they arrive at substantially different estimates of excess mortality. Because the sources apply to different time periods, comparison is made easier by creating an estimate of average monthly excess deaths, by source. But it should be noted that these figures are not perfectly comparable because of the difference in definitions of excess mortality. Figure 1 graphs the estimate of average monthly excess deaths. The figure demarcates

30 See Margo Anderson, Beth Osborne Daponte, Stephen Fienberg, Joseph Kadane, Bruce Spencer, and Duane Steffey, “Sampling-based adjustment of the 2000 census: A balanced perspective”, *Jurimetrics* 40 (3) (Spring 2000), pp. 341–56.

**Table 1.** Excess mortality estimate by data source

Source	Methodology	Data source	Estimate	Unit estimated	Period: start of war to	
<b>Iraq Body Count</b>	Tally	Accounts from media sources	81,174– 88,585	Civilian deaths from violence	1 January 2008	1,489
<b>Roberts et al., 2004 (<i>Lancet</i>)</b>	Cluster sample survey	Sample of 988 households from 33 clusters	98,000 (95% CI 8,000–194,000)	Excess Iraq deaths as a consequence of war, excluding Falluja	September 2004	5,444
<b>Burnham et al., 2006 (<i>Lancet</i>)</b>	Cluster sample survey	Sample of 1849 households from 47 clusters	654,965 (95% CI 392,979–942,636) 601,027 (95% CI 426,369–793,663)	Excess Iraqi deaths as a consequence of war Iraqi deaths due to the violence of war	July 2006	16,374
<b>Iraq Living Conditions Survey (UNDP)</b>	Cluster sample survey	Sample of 21,668 households from 2,193 clusters	24,000 (95% CI 18,000–29,000)	“The number of deaths of civilians and military personnel in Iraq in the aftermath of the 2003 invasion” (p. 55)	March 2004	2,000
<b>Iraq Family Health Survey (WHO)</b>	Cluster sample survey	Sample of 9,345 households from 971 clusters	151,000 (95% CI 104,000–223,000)	Violent deaths in Iraq	June 2006	2,649

\* The average number of excess deaths per month was calculated by taking either the midpoint or mean of the estimate and dividing by the number of months in the estimation period. Because definition of excess death is not comparable between all categories, the average monthly excess deaths are not directly comparable.



**Figure 1.** Average Monthly Excess Deaths by Data Source. Note: The average number of excess deaths per month was calculate by taking either the midpoint or mean of the estimate and dividing by the number of moths in the estimation period. Because definition of excess death is not comparable between all categories, the average monthly excess deaths are not directly comparable. Source: Calculations by B. Daponte

essentially two groups of estimates – one that includes those from the Iraq Body Count, ILCS, and IFHS, and another based on the *Lancet* studies.

While each approach has its drawbacks and advantages, this author<sup>31</sup> puts the most credence on the work that the Iraq Body Count has done for a lower-bound estimate of the mortality impact of the war on civilians. The data base created by IBC seems exceptional in its transparency and timeliness. Creating such a data base carefully is an incredibly time-consuming exercise. The transparency of IBC’s work allows one to see whether incidents of mortality have been included. The constant updating of the data base allows one to have current figures.

The consistency between the ILCS and IBC suggests that those estimates might also be quite credible. However, if they are, then one must reconsider what the pre-war mortality rate must have been. If one accepts that pre-war, the IMR in Iraq was in the low 30s, then one should also accept the estimates provided by these surveys.

Household surveys allow for a variety of questions to be asked and information gleaned. Even in times of peace, results from household surveys are fraught with uncertainty. In times of war, the information becomes even more susceptible to all of the potential sources of error and bias explicated above. The conclusion of the 2004 *Lancet* study that “the lack of precision does not hinder the clear identification of the major public-health problem in Iraq – violence”

31 The author has no connections with the staff of the Iraq Body Count. To date, she has not met any of the staff members and has never received any payment or solicitation from the organization.

demonstrates that the most one could reliably draw from the survey's results is that the Iraqi population has suffered from the violence associated with the war.<sup>32</sup> However, this was certainly already known to those both inside and outside Iraq, if not from eyewitness accounts and the day-to-day media reports, then from the compilation of the media reports by IBC.

The richness of the data collected by the Iraq Living Conditions Survey and the Iraq Family Health Survey allow one to consider correlations between different socio-economic conditions and adverse outcomes, and to deduce which parts of society have been the most affected and are the most vulnerable to war's adverse effects. These surveys are useful for considering the texture of the war's impact on civilians.

Those who demand statistics on civilian mortality during wartime must understand the limitations of data collected during wartime. Surveys that yield estimates of the war's toll on civilians that have a high degree of uncertainty may be of little practical worth, depending on the purpose such statistics are to serve. Certainly, no lives should be put at risk because the public is impatient for reliable statistics. Given the issues surrounding the conduct of household surveys during a war, one should question the purpose such numbers truly serve. Surely, after the dust has settled, numbers play a role in evaluating the costs, and benefits (if any), of the war. But, during the war, do the numbers really add to the debate on the legitimacy of the war? Do they really provide more information than the Iraq Body Count figures provide? Does one have the appropriate context to interpret the numbers?

Perhaps the best that the public can be given is exactly what IBC provides – a running tally of deaths derived from knowledge about incidents. While imperfect, that knowledge, supplemented by the wealth of data of the Iraq Living Conditions Survey and Iraq Family Health Survey (which have their own limitations), provides enough information in the light of the circumstances. At a later date, additional surveys can be conducted to determine the impact and/or do demographic analysis. But for now, the Iraq Body Count's imperfect figures combined with the data of the ILCS and IFHS may suffice.

32 Roberts et al., above note 10, p. 1861.