



THE THIRD OPTION IN IRAQ: A RESPONSIBLE EXIT STRATEGY

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The U.S. military occupation of Iraq is the subject of a political stalemate at home, despite its lack of public support. A CNN/USA Today/Gallup Poll survey in mid-June showed that 59 percent said they opposed “the U.S. war with Iraq,” while only 39 percent said they favored it. Even more significant, the percentage opposing war with Iraq had increased by 21 points since mid-March. A Harris Poll taken in June revealed that 63 percent of the sample favored bringing “most of our troops home in the next year,” while only 33 percent favored waiting until a “stable government” had been established in Iraq.

This popular opposition to continued occupation might be dangerous for the administration, but two factors tend to muffle its political impact. First, the divide in the country is highly partisan: Republicans still support the president by a 3-to-1 margin; while Democrats disapprove 7-to-1 and independents 2-to-1. This gives a Republican president plenty of room for maneuver.¹

Movement toward an exit strategy,

moreover, is still resisted by a large majority of the political elite. In the first clear test, on May 26, an amendment calling on President Bush to devise a plan for withdrawal from Iraq was defeated in the House of Representatives 300 to 128. Thus Congress is far more supportive of a long occupation than is the populace. This has enabled the Bush administration to act as though it were immune to the polling data, declaring that it has a “victory strategy” rather than an “exit strategy.”

The wide gap between public opinion and the split in Congress on Iraq is in large part the result of a failed national discourse on Iraq. The political elite now have only two choices: either to set a unilateral timetable for troop withdrawal or to give the administration unlimited time to build adequate Iraqi security forces to replace U.S. troops – and to determine when they are adequate. This stark choice has left even most opponents of the initial invasion willing to tolerate the administration’s policy of indefinite occupation, because of their fear of the unknown consequences of a defeat for U.S. policy in both Iraq and



the United States.

The choice between unilateral withdrawal and indefinite occupation is artificially narrow. It excludes a third option that would limit the period of U.S. occupation but avoid the pitfalls of unilateral withdrawal. The third option would use the political-diplomatic leverage inherent in the U.S. occupation to draw the Shiites and Sunnis into serious negotiations on a comprehensive settlement of political and military issues, or, failing that, to negotiate a military settlement with the leaders of the Sunni insurgency. By actively pursuing a peace policy, the United States can establish a terminal date for its military occupation, help avert a Sunni-Shiite civil war, and deny foreign terrorists the use of Iraq as a training camp for an indefinite period.

It must be acknowledged from the outset, however, that it is impossible to adopt such a policy alternative without a fundamental change in the official definition of the problem. The present understanding of the problem can only lead to worsening violence and the long-term continuation of the foreign terrorist presence in Iraq. Indeed, the Bush administration has explicitly stated that it foresees just such a prolonged war, with increased Shiite participation against the Sunni insurgents, as the objective of its policy. A responsible exit strategy, on the other hand, would call for a shift in the primary purpose of the U.S. presence in Iraq from defeating the Sunni-based resistance organizations to ending the present conflict and heading off a sectarian civil war that has already begun.

REDEFINING THE PROBLEM

Up to now, the political discourse on Iraq has reflected the administration's view

of the policy problem as one of defeating a threat to a democratic regime from an anti-democratic insurgency composed of Saddam loyalists and foreign Islamic terrorists. The administration's definition of the problem has enormous appeal to Americans, who viewed the January 2005 parliamentary elections as an inspirational story of people choosing democracy in the face of terrorist threats. But it has obscured the underlying problem in Iraq, which is a sectarian conflict between Sunnis and Shiites that is already becoming a civil war. Even worse, the administration's policy of backing the Shiite government against the Sunnis rather than promoting reconciliation between the two groups has actually encouraged the emergence of that civil war.

To call the regime produced by the January elections a liberal democratic regime is to confuse elections with the real essence of a liberal democratic regime. The requirements for such a regime are not yet present in Iraq and are unlikely to sprout in the barren soil of a war-torn country divided by sectarian strife. Neither Sunni nor Shiite political and religious leaders have a fundamental commitment to liberal democratic values and institutions, whereas the Kurds do not see themselves as part of Iraq at all.

Given the role that armed force has played over the last few decades in maintaining Sunni minority rule over the Shiite majority, it should not be surprising that the need for political violence is deeply imbedded in Iraqi political culture.² The leaders and followers of the Baath party have viewed political violence as necessary to maintain national unity and stability, but the leadership of the militant brand of Shiite Islam that now holds sway in that commu-



nity is no stranger to the use of violence for political purposes. After the Islamic revolution in Iran, Shiite militants began planning to use force to overthrow what they considered an “infidel” regime in Iraq.³ And in the present struggle for power, both Sunni and Shiite political elites appear to believe that Iraqi politics is a zero-sum game in which maintaining political power depends on actively using state organs of repression against their enemies.⁴

As Ambassador Peter Galbraith has noted, tolerance and willingness to compromise – two key elements of a liberal democratic system – are not apparent in the political culture of either the Sunnis or the Shiites in Iraq.⁵ The Baathist ideology that undoubtedly still strongly influences the Sunni elite is dismissive of liberal democracy, but the two main militant Shiite parties are hardly more committed to liberal ideology. The Dawa party waged armed resistance to Saddam’s regime based on Leninist organizational methods, and the Supreme Council for Islamic Revolution in Iraq (SCIRI) and its armed militia, the Badr Corps, were born on Iranian soil under the tutelage and protection of the Iranian Revolutionary Guards. Even taking into account doctrinal differences between Iraqi Shiite ayatollahs and their Iranian counterparts, the ideology of the Iraqi Shiite political movement has far more in common with that of the clerical establishment in Iran than it does with liberal democracy.⁶

The insistence of Grand Ayatollah Ali al-Sistani and the Shiite political leaders on direct elections in 2003-04 reflected a realistic calculation that those elections would give them the majority in parliament needed to form a Shiite-dominated govern-

ment. They knew that most of the Shiite faithful would vote for the ticket as a religious duty in response to a fatwa from Sistani. The top Shiite religious authority in Iraq, the *marjiya*, is determined to ensure that the new constitution and subsequent law will not violate the highly restrictive *sharia* law.⁷ Its commitment to tolerance of minority beliefs and rights is less clear.

Ironically, the Bush administration had not even intended to hold national elections when it invaded Iraq. Instead it had planned to set up a hand-picked government and postpone direct elections indefinitely, fearing that the Shiite parties, which they viewed as much too close to Iran, would use them to gain power. The administration’s plan was derailed only because the Shiites proved that they were capable of mobilizing a very large opposition to the U.S. occupation if it refused direct elections.⁸ It was only after the elections became a *fait accompli* that the administration cast them as a strategic part of an offensive against Islamic terrorism and for democracy throughout the Arab world.

The administration has also refused to recognize that the Sunni insurgency was not organized against an existing democratic state but against a foreign occupation that had excluded all those Sunnis who had even remote ties to the previous Iraqi state. Although the initial organization of an armed resistance was planned in advance by Saddam’s security services, the insurgency almost immediately swelled to much larger proportions because of a combination of Sunni anger at the tactics used by the U.S. occupation forces in the Sunni region and a fear of marginalization and revenge at the hands of the Shiites.⁹ Adnan al-Janabi, a leading Sunni tribal



leader and a minister of state until January 2005, estimates that more than 80 percent of the insurgency is based on generalized Sunni fears of the Shiites in power and their experience of repression at the hands of the Americans.¹⁰

Perhaps the most egregious feature of the administration's Manichean definition of the problem is the practice of referring to the Iraqi insurgents as "anti-Iraqi forces," as though they were somehow alien rather than representing broader Sunni interests. Administration officials insisted through most of 2004 that there were only 5,000 men active in the insurgency; only in October did it raise the official estimate to 8,000 to 12,000, with another 10,000 "sympathizers." That was too much for the head of the U.S.-sponsored Iraqi intelligence service, General Mohammed Abdullah Shawhani. He contradicted the administration by making public his estimate that the insurgents had at least 40,000 full-time volunteers and another 200,000 men actively involved on at least a part-time basis – twelve times more men than the administration was then admitting, at least publicly. Shawhani asserted, moreover, that they had close links with the major Sunni tribes and enjoyed widespread support in the Sunni provinces.¹¹

Given these realities, holding national elections for a new government before any political accommodation had taken place between Sunnis and Shiites could only deepen the political divide and further strengthen popular Sunni support for the insurgency. Given the virtual certainty that the Shiites would dominate the voting, such early elections could only be interpreted by Sunnis as a U.S. decision to ally with the Shiites to punish them. As Leslie Gelb and

Peter W. Galbraith wrote in late 2004, "National elections will make Iraq's Sunni center less governable, not more."¹²

That is exactly what happened. In late 2004 and the first weeks of 2005, the U.S. military occupied key Sunni urban strongholds such as Mosul and Ramadi and carried out intensive sweeps, aiming to ensure that the majority of Sunnis in those areas would be able to vote.¹³ Instead, the armed resistance organizations mounted a devastatingly effective demonstration of their unchallenged authority in the Sunni community. Reporting from journalists on the scene suggests that the level of voting by Sunnis was about one percent or even less of the adult population in one Sunni stronghold after another.¹⁴

While the administration has continued since those elections to portray the conflict in Iraq as part of a global struggle between the forces of democracy and terrorism, the Shiite government and the Sunni opposition have been sliding into sectarian civil war. Before the elections, the Shiites had held their own use of violence in check. Once they had control of the interior ministry, however, violence between the two communities began to spiral out of control. One cause of the vastly increased tensions has been the seizure of Sunni mosques, especially in Baghdad, by Shiites who claim they were taken from them during the Saddam regime.¹⁵

But the escalation of politically motivated violence by police and paramilitary units against each others' leaders and political and paramilitary agents has been an even more direct cause of the descent into sectarian strife. Before the handover of power to the new government in May, the strongly U.S.-influenced interim government was forced to admit that its



police had tortured and killed three Shiite militiamen while they were in custody. Upon taking office, Shiite leaders reportedly purged Sunnis from middle- and high-level positions in the Interior Ministry and the military and replaced them with officials loyal to the two leading Shiite parties. Within days of the takeover of the Interior Ministry by a Shiite appointee, Sunni clerics accused Shiite militia, the Badr Brigade, of killing some of their number. Now the Badr Brigade and the Wolf Brigade – a 2,000-strong force mostly poor Shiites under the command of a militant Shiite member of SCIRI – have become key paramilitary elements deployed in Sunni zones. There is now credible evidence that such paramilitary operations have involved mass arrests, torture and in many cases, killing of Sunnis, all outside any legal framework.¹⁶

Former interim Prime Minister Iyad Allawi warned in July that Iraq is “practically in stage-one of a civil war as we speak.”¹⁷ The emergence of an unacknowledged war by Shiite paramilitary forces against Sunnis alongside the officially sanctioned war against the insurgency waged by U.S. forces means that American troops are fighting on behalf of one side in a sectarian civil war. The last time the United States committed such a strategic blunder in the Middle East was when U.S. troops were drawn into the conflict between the Christian-led government in Lebanon and the Shiite Hezbollah guerrillas fighting the Israelis there in 1983. The consequences of that policy – the killing of hundreds of U.S. marines in the suicide bombing of their base and the U.S. military withdrawal from Lebanon – should be a warning signal about the present policy in Iraq.¹⁸

Thus the official definition of the problem in Iraq as a conflict between a democratic nation and an anti-democratic insurgency is a dangerous fiction. In fact, it is a struggle between two rival sectarian communities over the distribution of power in post-Saddam Iraq. Each side is using the means available to it to defend its interests in that power struggle. The more the United States insists on ignoring that central fact and treats the insurgency as an enemy allied with the forces of global Islamic terrorism, the more it alienates the Sunni population, widens the rift between the two communities and accelerates the momentum toward a Sunni-Shiite civil war.

By redefining the problem to respond to the stubborn realities in Iraq, the United States could open the way to a new policy option of negotiating on the withdrawal of the U.S. military presence in order to end the Iraqi insurgency and lay the basis for a more comprehensive settlement of the Sunni-Shiite conflict. At a minimum, that policy would avoid involving U.S. troops in an Iraqi sectarian war, but its purpose would be to leave in place arrangements that would enable the two sides to live in peace with one another.

NEGOTIATING WITH THE INSURGENTS

The idea of peace negotiations with Iraqi insurgents, which seemed all but unthinkable until a few months ago, must now be considered a central element in any exit strategy for Iraq. That option has emerged because of a series of approaches to U.S. officials from resistance groups, usually through local Sunni Arab religious or tribal leaders with close ties to them. Abdul Salaam Kubaysi, a leading member of the Muslim Scholars Associa-



tion, has said he knows of at least three such approaches to the U.S. embassy for the specific purpose of negotiating a peace agreement. The insurgents have communicated not only a willingness to negotiate but their general political and military conditions for ending their resistance.¹⁹ A former minister in the interim government, Aiham al-Sammarae, who also runs a consulting firm in the United States, reports that he has talked with leaders of Iraqi insurgent groups, and that four major organizations – Army of Muhammad, Army of Freedom Fighters, the Islamic Army and Ansar al-Sunnah – representing a large proportion of the insurgency as a whole, have given him their conditions for ending their armed resistance. The primary condition is a timetable for U.S. military withdrawal from Iraq, but al-Sammarae reported that they wanted U.S. troops to remain for at least one year, but not more than three, to ensure an orderly transition from war to a peaceful political system.²⁰

Although Iraqi officials have expressed skepticism that the individuals with whom al-Sammarae and other intermediaries had met were genuine resistance leaders, one of the most independent and respected journalists in Iraq, newspaper editor Ismail Zayer, says he is certain that the individuals in question are indeed leaders of the resistance and that the identities of some of them have been confirmed by U.S. intelligence. General George Casey, the top U.S. commander in Iraq, indirectly confirmed that U.S. intelligence takes the approaches very seriously when he commented that the “preliminary talks” could lead to actual negotiations with leaders of the insurgency.²¹

The internal situation in these insurgent organizations regarding peace talks is

undoubtedly more complex than this, with at least some in those organizations violently opposed to negotiating. Nevertheless, the information from Sunni intermediaries represents a potential opening for peace that the United States should put to the test.

The main question about peace negotiations with the insurgents is not whether they are feasible but whether the Bush administration is willing to negotiate seriously. Contradicting General Casey, U.S. embassy officials have made a point of saying the United States will not negotiate with the insurgents and that U.S. representatives have told the intermediaries the insurgents should “go talk to the Iraqi government.” U.S. officials know very well that taking that position would eliminate any possibility of a negotiated settlement with the insurgents.

Many Americans who oppose the occupation have assumed that the militant Shiite leaders merely wanted to use the occupation to gain power through elections and that they would not countenance a prolonged U.S. occupation once they had formed a national government. But that has not turned out to be the case. Although they have state power in theory, the Shiites know they lack the military means to dominate the Sunnis. What they want above all else at this stage is to build an Iraqi state structure that will assure Shiite rule against all contingencies. For that they believe they need at least a few more years of reliance on U.S. occupation forces.

Thus an agreement in the short-run on both U.S. withdrawal and an end to the insurgency would not serve the interests of the Shiite leadership as they now define them. Hussain Sharistani, one of the



founders of the winning United Iraqi Alliance slate and one of Grand Ayatollah Sistani's closest political aides, declared in mid-April, "I don't think the insurgency can be beaten by negotiations.... We think it's surrender, and the Iraqi people will not accept surrender."²²

To get peace negotiations started and to ensure they produce a meaningful agreement, the United States will have to use the considerable leverage on the Shiites inherent in the new government's dependence on U.S. occupation forces. Washington can exert that leverage by informing government and political leaders that they have a limited period – measured in months, not years – in which to enter into peace negotiations with legitimate Sunni leaders, including the leaders of the nationalist Iraqi insurgency, on a serious proposal for a broad political-military settlement, including provisions for an end to the insurgency and the withdrawal of U.S. forces on a timetable. If no serious negotiations were forthcoming within the time specified, the United States would go ahead and make a separate deal with the insurgents on a timetable for mutual disengagement from the war. In the latter case, the timetable would be far shorter than one adjusted to the course of peace negotiations.

Given this choice, the government would certainly come up with an offer to start negotiations with its Sunni rivals on such a settlement, in which the United States would necessarily play a key role. That role would be to continue to use the possibility of a shorter timetable for withdrawal as leverage on the Shiites, while letting the Sunnis know that any foot-dragging on their part would have the opposite effect.

Although the Bush administration may argue that pushing an unwilling government into serious peace negotiations would undermine its political legitimacy, it has shown little regard for that government's claim to independence in the past. U.S. Secretary of Defense Donald Rumsfeld publicly warned the Shiite leadership last April not to purge ex-Baathists from military-security organs of the government, and the administration later let it be known to the media that it had pressed the Shiite leadership to add Sunni delegates to the commission writing a new constitution. The real problem appears to be that the administration lacks interest in playing a central role in forging an agreement that would bring the insurgency to an early end.

The administration's lack of interest in peace negotiations with leaders of the insurgency is paralleled by its lack of motivation to avert a civil war between Sunnis and Shiites. Even former interim Prime Minister Allawi, who is well known to have been a client of the CIA for many years, has criticized the U.S. attitude toward that imminent danger. The problem is," Allawi lamented in July, "that Americans have no vision and no clear policy" on helping to prevent the further downward spiral of Sunni-Shiite violence.²³

The United States could demonstrate vision in Iraq only by abandoning its partisan role in the Sunni-Shiite struggle and drawing both sides into serious negotiations on a peace settlement. The centerpiece of that settlement would be an agreement to end the present counterinsurgency war and the violent resistance movement by the Sunni insurgents. This would open the door for a U.S. military exit. But it would also have to include a serious process of conflict



resolution to achieve agreement on the most sensitive political issues dividing the two groups.

ROLLING MUTUAL DISENGAGEMENT

The main task in negotiating a military settlement would be to devise arrangements that would provide each side with assurances that the other would carry out its military commitments. Such an agreement would consist of a timetable in which the processes of phased disengagement from the war by the two sides are closely linked both in time and space. One process would be the withdrawal of U.S. troops from a series of agreed urban areas or larger regions. The other process would be the public return of insurgent leaders and their fighters to participation in the legal political system in the same series of cities or regions.

These two processes of phased disengagement could begin, for example, in Ramadi, one of the Sunni cities where U.S. troop presence has been unable to root out the insurgency, despite one "cordon and search" operation after another. The first step would be the withdrawal of U.S. forces and any other security forces not indigenous to the city from bases used to operate in Ramadi to a more distant location, from which they would eventually be moved to the airbases for their return to the United States. This U.S. withdrawal would be followed immediately by the movement of insurgents out of their hideouts to a designated public space. The end of their resistance could be marked by a ceremony symbolizing the return of all the insurgent forces in the city to a legal status. This would also allow their Sunni supporters to recognize their service in the

anti-occupation cause. The insurgents might also be required to bring with them the information on the locations of safehouses and bomb-making facilities.

Once the surrender of the insurgents known to be operating in the area is verified and the cessation of insurgent attacks continues for an agreed period of time, the agreement could call for the contingent of U.S. combat troops previously engaged in the area, along with an appropriate unit of support, to return to the United States. The same sequence of interrelated mutual steps toward disengagement and peace would then be undertaken in a new location. The processes of phased withdrawal from war could be reversed at any time by either side, if it felt that the other side had not carried out the agreement in good faith.

The primary problem in such a military settlement with a decentralized set of organizations such as the insurgency in Iraq is that some Iraqi resistance groups can be expected to refuse to participate in the settlement. These holdouts could step up their own attacks after most of the insurgents in the area have ended their armed resistance. However, the rolling-disengagement approach would help to minimize the problem of holdout violence in various ways. If a critical mass of insurgent groups were to go ahead with the settlement, it would increase the pressure on holdouts to go along with the agreement, both through formal public statements as well as informal communications. As the public mood in each Sunni area in which the agreement was implemented shifted in favor of peace, those who refuse to participate in the settlement would be increasingly isolated and find it more difficult to justify continuing to carry out



violent resistance. Furthermore, those leaving the resistance to enter into legal political life would have considerable knowledge of the mode of operations of any holdouts, so anyone who rejected the agreement would have good reason to reevaluate that decision. As news of the implementation of the initial phases of implementation reaches other Sunni communities, it would change the political atmosphere throughout the Sunni Triangle. That would increase the pressures on those holding out to join in the implementation of later phases of the process.

In short, the “bandwagon” phenomenon could reduce the number of resistance groups that refuse to end their attacks and deprive violent organizations of the popular support that the insurgency now enjoys in Sunni strongholds. That would be far more than the present policy has been able to accomplish in more than two years of U.S. military operations in the Sunni zone.

The foreign jihadists aligned with al-Qaeda, who would not be involved in any peace negotiations, represent a special holdout problem. Although they are a very small proportion of the insurgency – perhaps 2 to 5 percent – they have accounted for a much larger proportion of the car-bombings and other high-profile actions against U.S. troops and Iraqi security personnel. In addition, their leaders in Iraq and outside are using the Sunni zone as an al-Qaeda training camp for new recruits from all over the Arab world, the role previously played by the war in Afghanistan in the 1980s.

It might be argued that this kind of mutual disengagement would allow foreign terrorists to operate freely and al-Qaeda to have a “terrorist haven” in Iraq. But such

an agreement should be far more effective than present administration policy in ending the jihadist violence and the terrorist haven itself in Iraq. The foreign jihadists operate with impunity because of an alliance of convenience between Iraqi Sunni insurgents and Abu Musab al-Zarqawi’s network of foreign Islamic extremists, based on their common aim of forcing the end of the U.S. occupation. But that alliance has been under severe stress across the Sunni zone from multiple conflicts between the Iraqi nationalists and the foreign jihadists.

The extremist Wahhabi Islamic views of the jihadists, which they have imposed on whole towns and urban neighborhoods in which they have operated; their bombing of Shiite mosques, and their other terrorist tactics have all deeply alienated the secular ex-Baathist leaders of the resistance as well as the Sunni clerics who have supported it and many in the Sunni population. In early 2005, anti-occupation fighters in Ramadi distributed fliers denouncing the foreign extremists’ tactics and even threatening them. Iraqi tribal insurgents actually attacked foreign followers of Zarqawi in a former al-Qaeda stronghold on the Syrian border in early July.²⁴

This broad Sunni antagonism toward the foreign terrorists – eclipsed up to now only by their desire to be rid of the U.S. occupation – would give most Sunni resistance leaders and fighters ample motivation to help track down the foreign jihadists, once the U.S. occupation forces are indeed on their way out of Iraq. An internet posting by a pro-al-Qaeda group in the wake of reports of contacts between insurgents and U.S. officials expressed concern that Iraqi insurgents would “exploit their knowledge of the mujahideen and their methods and their supply routes and



the way they maneuver” if they ended their resistance.²⁵ Negotiators for the insurgents might well be willing to agree to share their knowledge of the foreign terrorists’ operations with the government under a broader settlement between Sunnis and Shiites. Knowing that their welcome among Iraqi Sunnis would quickly come to an end in the event of such an agreement, the foreign jihadists are unlikely to wait for the agreement to go into effect before beginning their exit from Iraq. A negotiated peace and withdrawal strategy thus offers the best chance of shutting down the present “terrorist haven” in Iraq.

The present policy, on the other hand, offers no prospect of forcing the jihadists out of Iraq. The U.S. military has made no progress in reducing the level of operations by foreign jihadists or in the use of Iraq as an al-Qaeda training ground. Nor is there any reason to expect that a primarily Shiite counterinsurgency force under U.S. military protection and guidance would be any more successful in the next few years, as the present war continues to morph into a U.S.-sponsored civil war. In a little-noticed public statement in June, Brig. Gen. Donald Alston, the chief U.S. military spokesman in Iraq, conceded that “this insurgency is not going to be settled, the terrorists and terrorism in Iraq is [sic] not going to be settled, through military options or military operations.” It could only be settled, he said, through political agreement.²⁶

This conclusion puts in sharper relief the question of whether the administration has essentially conceded al-Qaeda its terrorist haven in Iraq for many more years to come. In this regard, Secretary of Defense Rumsfeld made a highly revealing statement in a late June press briefing that

“insurgencies tend to go on five, six, eight, ten, twelve years”²⁷ It can reasonably be inferred that Rumsfeld and other key policy makers have decided to accept continued war and a “terrorist haven” in Iraq for the indefinite future.

IS DECENTRALIZATION AN EXIT STRATEGY?

Although a stand-alone military agreement with a rapid timetable for U.S. withdrawal would be a last resort if U.S. efforts to facilitate a broader peace settlement failed, both the United States and the Sunni insurgents have reason to link negotiations on military and political issues. The insurgents themselves will certainly demand at least some political concessions from the government, apart from amnesty for themselves, in return for an end to their armed resistance to the government. According to Sunni intermediaries, the leaders of armed groups have mentioned the release of Sunni detainees who are not charged with a crime, assurances against paramilitary abuses of Sunnis and limits on the pro-Iranian bias in foreign policy.

Equally important, however, such linkage is probably the only way the Sunni and Shiite leaders are going to negotiate on the real issues dividing them. The Bush administration has touted negotiations within the Iraqi constitutional committee, enlarged by the addition of 25 more Sunni representatives chosen by leaders of the Sunni community, as the way to bring peace between Sunnis and Shiites. But even under an extremely optimistic scenario, those negotiations are not likely to settle the deeper political conflicts that have already led to the early stage of a sectarian civil war.



For one thing, neither Bush administration officials nor their Kurdish and Shiite allies have viewed the constitutional negotiations as a mechanism for building trust between the two communities. Kurdish and Shiite leaders have seen the constitutional committee as an opportunity to press the advantages each of them has in the national parliament, thanks to the results of the January election, to achieve their respective power goals. The Bush administration, on the other hand, has treated the committee as a way to demonstrate to the insurgents – and to the American people – that the political process is on track and on schedule. Rumsfeld has insisted that the new constitution be adopted by the August 15 deadline, despite warnings from a broad range of Sunnis that a constitution written under war and occupation would not have legitimacy in their community.²⁸ Whether the outcome will be regarded by the Sunni community as legitimate or not appears to be a secondary concern, at best.

The Sunnis have seized the opportunity to be full partners in constitutional negotiations, but most Sunni leaders remain unconvinced that they should adopt any constitution as long as the U.S. occupation continues. They refused to join the committee except on terms that would give them an effective veto over the text, which finally led to the compromise in mid-June that added the 25 Shiites to the committee and, more important, stipulated that it would operate by consensus. The Sunnis regard as illegitimate the rules imposed by the interim constitution of 2004, written in secret by a small group picked by the Americans from exile groups and widely regarded by Iraqi Arabs as favoring the Kurds. They are unsympathetic, therefore,

to the haste urged on the committee by Rumsfeld and U.S. allies on the committee to meet the deadline of August 15 imposed by the interim constitution. Nor do they honor the one-time extension of up to six months under the same document.²⁹ In fact, the Sunni representatives on the committee have every incentive to hold out against pressures on them to agree to a new constitution immediately. Their bargaining position in the constitutional negotiations would obviously be strengthened if they could link the agreement on a constitution with the ending of the military resistance by nationalist Iraqis.

Despite warning signals of a failure of the constitutional talks, the Bush administration appears to believe that Sunni representatives can be induced to accept Shiite control over the relatively weak central government the constitution provides for, and a Sunni-controlled federal state embracing the Sunni triangle. That is the solution proposed by David Phillips, a former adviser to the Coalition Provisional Authority, in a paper for the Council on Foreign Relations. Phillips rejects a “three-state solution,” arguing that it would “intensify ethnic and sectarian divisions.” Instead, he proposes five or six federal states, one of which would be Baghdad and two or three of which would be carved out of Shiite-dominated southern and central provinces. The Kurds would get a Kurdistan and the Sunnis would get a state encompassing the three provinces of the Sunni heartland.³⁰ Phillips’s proposal leaves a number of powers, such as fiscal and tax policy, commercial regulations and management of energy resources, in the hands of the central government. It was translated into Arabic for circulation among Iraqi government officials and parliamen-



tarians, obviously with the administration's approval and therefore to be taken as reasonably close to the administration's thinking.³¹

Critics of administration policy have advanced alternative proposals for an Iraqi constitution that would go much farther toward complete autonomy for Kurdish, Shiite and Sunni states. Separate versions of a "three-state solution" were proposed by Leslie Gelb and by Peter Galbraith in 2004, both based on interpretations of the post-Tito Yugoslav confederal model, in which three republics would control their own natural resources, whereas the central government would control only foreign and defense affairs, the sharing of oil wealth and such matters as health.³² Ivan Eland, who believes even these confederal schemes are not likely to be viable in Iraq, takes the decentralization solution to its ultimate conclusion. He proposes either three autonomous states that would control even foreign and defense policies or an outright partition of the country into three fully independent states.³³

These proposals for decentralization of power in Iraq are all based on the assumption that the actual separation of Sunni and Shiite authorities and military-paramilitary forces would reduce the likelihood of armed conflict as the United States withdraws. They also assume that both communities would be willing to sacrifice their interests in wider geographical power in return for the security of control over their respective heartlands. But the carving up of Iraq into three to six states on ethnic and religious lines will certainly evoke powerful Sunni Iraqi memories of the division of the Arab Middle East into just such mini-states after the collapse of the Ottoman Empire, which the Baath

party always portrayed as a particularly painful and even humiliating experience for Arabs.³⁴ Salih al-Mutlak, one of the fifteen Sunnis added to the constitutional committee, has already objected to Kurdish demands for federalism as "the beginning of dividing Iraq."³⁵

Another problem with decentralization of power as an approach to the Sunni-Shiite conflict is that it fails to resolve the central problem of metropolitan Baghdad. The capital area has roughly 4 million Sunnis and 2.2 million Shiites living in close proximity to one another.³⁶ It is also the primary cockpit of organized violence by Sunnis and Shiites against one another, because of the presence of Sunni and Shiite political leaders and organizations, contested mosques, and the militias and other paramilitary forces of both groups. Shiite religious and political leaders would certainly find it unacceptable that millions of their followers should fall outside the authority of the central government. They also assume that the Sunnis retain the ambition to seize power in the capital. This has reinforced the Shiite government's determination to retain a monopoly on the means of violence in the area. So giving the Baghdad region special status as a separate federal state in a decentralization plan would not help stabilize the tense and violent atmosphere in the city.

Nor would decentralization help resolve the conflict over control of Iraq's oil wealth. Whether the management of oil resources resides in the central government, as in the Phillips plan, or with the autonomous states, decentralization would not reduce the Sunni need for assurances that they could protect their interests at the national level. The central problem is that the Sunni heartland has no oil resources,



unlike both the Shiite and the Kurdish zones. The constitutional committee might therefore negotiate a formula for sharing the revenues from Iraq's oil reserves. But in the absence of special arrangements for joint control over oil resources in national politics, the Sunnis would be completely dependent on the good will of the Shiites and Kurds for carrying out that constitutional agreement – something no Sunni politician could accept.

Thus a constitutional formula for decentralization of power to federal or autonomous states is not the antidote to the burgeoning Sunni-Shiite violence. Furthermore, the constitutional negotiations, at least in their present form, cannot be expected to address the deeper causes of the violence, since they are being conducted amid continuing U.S. military operations against Sunni areas on behalf of the predominantly Shiite government. A peace settlement between the two can only be reached in conjunction with an end to the insurgency and a timetable for U.S. withdrawal.

MINORITY RIGHTS AND PARAMILITARY VIOLENCE

Two central political challenges would have to be addressed directly in any negotiations on a political settlement: minority rights and the threat of paramilitary violence by both sides. Sunnis are unlikely to accept Shiite control of the central government unless the rule of the Shiite majority in parliament and the executive is diluted to protect their interests. This would require a mechanism for joint control over policy making and administration on certain particularly sensitive issues, such as natural resources, internal security and foreign and defense

policy. In effect, such special arrangements would require consensus in order to make decisions on certain subjects. Shiite leaders are unlikely to agree to this kind of compromise unless the United States makes it clear that it cannot maintain troops for a transition period without Shiite willingness to offer a reasonable formula on minority rights.

Second, extraordinary legal and administrative controls must be imposed to prevent the use of government organs of repression against political rivals, as well as to crack down on violence by paramilitary groups. Particularly important in allaying Sunni fears would be an agreement to neutralize the *mukhabarat* (secret police) and other military and paramilitary agencies, so that they could not be used by a Shiite majority government to physically repress Sunni political figures, organizations and movements. But the Shiites also need to be reassured that they need not maintain exclusive control over those same agencies in order to keep the Sunnis from being able to use paramilitary force to plot against the government.

Unfortunately, Bush administration policy has added fuel to that fire rather than damping it down. The fundamental issue underlying the Sunni-Shiite (and U.S.-Shiite) contention over “de-Baathification” has been who is to control the means of violence in the Iraqi state structure. Militant Shiites have insisted on complete de-Baathification, primarily to exclude veterans of the Saddam regime from security positions in the government that would give them control over the means of violence. But the CIA reintroduced veterans of Saddam's secret police and military services into high positions in the Interior Ministry and a new secret-police



organization. By mid-2004, the staff of the National Intelligence Service was reported to be two-thirds Sunni and only one-fourth Shiite.³⁷

The political implications of a secret-police network staffed and controlled by ex-Baathists would have been far reaching. Despite a formal CPA order that the intelligence service and secret police were not to carry out covert activities against any “legal” political party, some American officials acknowledged privately that, if the new spy agency were dominated by either Sunnis or Shiites, it could be used as a political tool against the other group.³⁸ The administration’s motive in staffing the agency with ex-Baathists was to have reliable allies in the Iraqi state structure with whom it could collaborate against Iran – a state with which the Shiite government clearly intended to have friendly relations.³⁹

This issue of paramilitary forces is not on the agenda of the constitutional committee. If it is to be addressed at all, the United States will have to work with both sides to devise creative ways to curb the power of government agencies to carry out extralegal repression and to bring all Sunni and Shiite militias (as well as Kurdish *peshmerga* units in non-Kurdish areas) under government control. For example, all police and paramilitary units could be placed under joint Sunni-Shiite command from the local level up to the top of the interior ministry in a process vetted by a joint committee. Military units could similarly operate under special arrangements that would make it impossible for a unit to be deployed without both sides agreeing. Special laws to punish extralegal violence by both official and unofficial paramilitary groups would be needed, along

with carefully balanced legal and judicial institutions geared to adjudicating such issues.

No settlement of the problem of sectarian paramilitary violence is feasible, however, without an end to the existing war to suppress Sunni insurgents. The routine killing by U.S. forces, Iraqi government units, the insurgents and international terrorists in Iraq encourages secretarian vendettas and would inevitably undermine any agreement on the constraining of paramilitary forces. Linking these sensitive Sunni-Shiite issues with a military settlement would enhance the ability of the United States to push both sides to make major concessions for peace. The declared willingness of the United States to withdraw its forces much more rapidly if the two sides continue to head toward a sectarian civil war, balanced by a willingness to maintain the U.S. presence longer in the context of real progress toward a peace settlement, would be critical to any possibility of a successful political deal.

There is no guarantee that a negotiated withdrawal strategy would succeed in leaving behind a stable and peaceful Iraq. The depth of mutual fear, suspicion and hostility between Sunnis and Shiites should temper optimism about the possibility of a peace settlement. If such a diplomatic effort were to fail and the two sides continued to descend into civil war, however, it should be clear that the United States would not continue to leave its troops to fight on behalf of one side in a sectarian struggle. It could withdraw its forces to safety in the knowledge that the civil war was not the result of the withdrawal but precisely the opposite. Nevertheless, the negotiated-withdrawal approach is the only one that offers realistic



hope for achieving all three main elements of a responsible exit strategy: an end date for the U.S. occupation, avoidance of a sectarian civil war, and the elimination of the foreign-terrorist haven in the country.

¹ For the results of these and other polls taken in 2005 and the trends going back to the beginning of the occupation, see <http://pollingreport.com/iraq.htm>.

² See Ofra Bengio, *Saddam's Word: Political Discourse in Iraq* (Oxford University Press, 1998), pp. 14, 33.

³ See Amatzia Baram, *Culture, History and Ideology in the Formation of Baathist Iraq, 1968-89* (Macmillan, 1991), p. 89; Phebe Marr, *The Modern History of Iraq* (Westview and Longman, 1985), p. 237.

⁴ Commenting on reports of police commandoes seizing, torturing and killing people, government spokesman Laith Kubba has said, "I'm sorry to say that we are living in a society where the culture now accepts these violations." Mariam Karouny, "Iraqi government admits abuses by security forces," Reuters, July 3, 2005.

⁵ Peter Galbraith, "How to Get Out of Iraq," *New York Review of Books*, 51, May 13, 2004.

⁶ Graham E. Fuller, *Islamist Politics in Iraq after Saddam Hussein*, United States Institute of Peace Special Report No. 108, August 2003, pp. 3-4; Mahan Abedin, "Dossier: The Supreme Council for Islamic Revolution in Iraq (SCIRI)," *Middle East Intelligence Bulletin*, Vol. 5, no. 10, October 2003; Reuel Marc Gerecht, *The Islamic Paradox: Shiite Clerics, Sunni Fundamentalists and the Coming of Arab Democracy* (Washington, D.C.: AEI Press, 2004), pp. 25-26. After meeting Shiite political leaders in January 2004, a team of American specialists on democratic institutions visiting Iraq at the invitation of the Coalition Provisional Authority concluded, "It is fair to say that the two largest [Shiite] parties, Dawa and the Supreme Council for Islamic Revolution in Iraq, do not at present share a fundamental commitment to the kind of political system that would be defined as 'democratic' in the West." Michael Rubin, "Exit Poll," *The New Republic*, May 3, 2004.

⁷ Rory McCarthy, *The Guardian*, December 1, 2004; Mohamad Bazzi, "The al-Sistani factor in Iraq's Election," *Newsday*, January 30, 2005; Jill Carroll, "United and Divided," *Salon*, February 8, 2005. For a contrary view, portraying Sistani and the Shiite clerical establishment in Iraq as essentially pro-democratic, see Gerecht, *The Islamic Paradox*. Gerecht's view of the Shiite clerical elite, which is presented in the context of an argument for the Bush administration's view that democracy is "on the march" in the Arab world, is based on little more than their approval of elections and democracy in the abstract and their rejection of Khomeini's theocratic rule. Gerecht does not deal systematically with Shiite clerics' views of issues of tolerance of minority rights and other features of liberal democracy, but does concede that they are "often vague about how they see democracy intersecting with *Shari'a*." (p. 38).

⁸ Rajiv Chandrasekaran, "How Cleric Trumped U.S. Plan for Iraq," *The Washington Post*, November 26, 2003.

⁹ On the role of anti-American nationalism and hatred of the occupation's tactics in fueling the insurgency, see Carl Conetta, *Vicious Circle: The Dynamics of Occupation and Resistance in Iraq*, Cambridge, MA: Commonwealth Institute Project on Defense Alternatives, Research Monograph #10, 18 May 2005.

¹⁰ Ghaith Abdul-Ahad, "'The US is Behaving As If Every Sunni Is a Terrorist'," *The Guardian* (London), January 26, 2005.

¹¹ "Iraq Index: Tracking Variables of Reconstruction and Security in Post-Saddam Iraq," June 20, 2005, Brookings Institution, www.polity.org.za/pdf/index20050620.pdf; Eric Schmitt and Thom Shanker, "Estimates by U.S. See More Rebels with More Funds," *The New York Times*, October 22, 2004; "Iraq Battling More Than 200,000 Insurgents: Intelligence Chief," Agence France-Presse, January 3, 2005; Johanna McGeary, "Mission Still Not Accomplished," *Time Magazine*, September 2, 2004.

¹² Peter W. Galbraith and Leslie H. Gelb, "Why Jan. 30 Won't Work," *Los Angeles Times*, December 3, 2004.

¹³ "Elections promised for Falluah, Ramadi, But Details Secret," Agence France-Presse, January 18, 2005; Anne Bernard, "Fear Clouding Elections in Sunni Areas," *Boston Globe*, January 27, 2005; "Fighting Rages in Iraq's Rebel-held Ramadi," Reuters, December 8, 2004.

¹⁴ On evidence of rates of Sunni voting in Ramadi, Tikrit, Baqubah, Samarra, Fallujah, West Baghdad and the Sunni section of Mosul, see "Iraqis Vote as Attacks Kill 33," *The Guardian* (UK), January 30, 2005; Ibon Villebaeitia, "In Samarra, Fear Keeps Voters Away," Reuters, January 30, 2005; Steve Fainaru, "Despite Troops' Pleas, Fear Keeps Many Away from the Polls," *The Washington Post*, January 31, 2005; Tom Lasseter, "Iraqi Voters Not Intimidated," Knight-Ridder Newspapers, January 31, 2005; Dexter Filkins, "Low Voting Rate Risks Isolation for Sunni Iraqis," *The New York Times*, February 3, 2005.



¹⁵ Yasser Salihee, "Sunnis, Shiites in Struggle for Control of Mosques in Iraq," Knight Ridder News Service, May 20, 2005.

¹⁶ Anne Barnard, "In Iraq, 3 Deaths Spur Calls to Revamp Police," *Boston Globe*, April 1, 2005; Bassem Mroue, "Iraqi Office Weeding Out Ex-ists," Associated Press, May 9, 2005; Hannah Allam and Warren P. Strohbel, "US Afraid of Iran-Friendly Iraq," Knight-Ridder News Service, May 9, 2005; Hamzah Hendawi, "Iraq Denies Shiites Killing Sunni Clerics," Associated Press, June 2, 2005; Patrick Cockburn, "Zarqawi's Pledge to Target Shia Militia Fuels Tension," *The Independent* (London), July 7, 2005; "Profile: Iraq's Wolf Brigade," BBC News, June 11, 2005; Peter Beaumont, "Revealed: Grim World of New Iraqi Torture Camps," *The Observer*, July 3, 2005.

¹⁷ Hala Jaber, "Allawi: This is the Start of Civil War," *Sunday Times* (London), July 10, 2005.

¹⁸ For the background to that blunder, see Robin Wright, *Sacred Rage: the Wrath of Militant Islam* (Touchstone Books, 1985 reo.ed., 2001), pp. 75-79.

¹⁹ For reports on meetings at which intermediaries passed on these conditions, see "U.S. Embassy Holds Indirect Talks with Iraqi Insurgents," *Los Angeles Times*, June 9, 2005; "Amnesty in Iraq?" June 14, 2005; Jill Carroll, *Christian Science Monitor*, March 24, 2005; "Iraq Insurgents 'Ready in Disarm'," BBC News, June 7, 2005.

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²⁹ International Crisis Group, *Iraq: Don't Rush the Constitution*.

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