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**COALITION PROVISIONAL AUTHORITY
BAGHDAD**

Iraq:

Integrated Security Sector Development

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Executive Summary

The immediate focus of the CPA must be upon building Iraqi forces and security institutions to counter the insurgency. At the same time, it is important to design institutions that will not challenge the civilian government, oppress the population or facilitate political fragmentation. We should envisage three phases of operation in transforming the Iraqi security sector. First, the period up to transition when CF forces will have primacy. Second, the period from transition when Iraqi forces will have primacy. Third, the period after the insurgency when the Iraqi security sector can "return" to a stable state.

This paper lays out a vision for the development of the Iraqi security sector to meet both immediate security needs and to lay the foundations for long-term stability. This vision has benefited from detailed input from a range of security sector actors across CPA and CJTF-7 but the paper has not formally been staffed for concurrence. The purpose of the paper is to provide a structured framework within which crucial, and urgent, policy and operational decisions can be made by CPA, CJTF-7, CENTCOM and national capitals.

Security force roles and responsibilities

There are five primary entities that will be employed to achieve internal security: the Iraqi Police Service (IPS), the Iraqi Civil Defense Corps (ICDC) and the New Iraqi Army (NIA); intelligence services; Coalition Forces/MNF.¹

- **IPS.** The IPS should have primacy not just for routine policing but also for internal security. To enable the IPS to deal with the emergency period, we have i) adopted a relatively centralized command structure and ii) are accelerating plans to develop specialist capabilities (e.g. anti-terrorist branch, police intelligence, armed response and public order units). The IPS is being established as a national force with local accountability. Coordination with other security forces needs to be operationalized via regional and local operations centers.
- **ICDC.** Locally recruited and deployed, the ICDC will have 36 battalions by the time of transition. Initially envisioned as auxiliary troops, the ICDC will be able to perform tasks at up to company level. Missions will involve patrolling, cordon and search, fixed-site protection, check points, and convoy escort. Until the IPS develops nation-wide and robust capabilities, the ICDC provide an interface between the IPS and the NIA. The ICDC should come under the NIA command and control structures and transition into an army reserve force. It needs to be made clear that the ICDC is a reserve force that has been mobilized under national authority for the emergency period.
- **NIA.** The NIA will have three divisions by September 2004. It is being designed for external defense but, during the emergency period, needs to help counter internal security threats. It is important to enshrine this role in legislation. The NIA brings two types of capabilities to bear. First, it can rapidly deploy formed units to provide a quick reaction capability. Second, it can bring to the table its C³ and logistics assets.

¹ Though the Department of Border Enforcement will be important for border security and the Facilities Protection Service will be increasingly important for infrastructure protection.

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- **Intelligence.** Intelligence collection, fusion and analysis are critical. Standing up effective and accountable intelligence services is a priority; it is equally important to focus upon intelligence coordination at all levels.
- **Coalition Forces/MNF.** CF/MNF should be able to focus on the most demanding counter-terrorist operations and to back up Iraqi forces should law and order break down. It will also be important for CF/MNF to bolster Iraqi forces with advisers and liaison staff.

Militias

The original CPA objective to demobilize and disarm sub-state militias may no longer be feasible. Offensive actions will continue against non-compliant militias. Compliant militias may however be integrated into the Iraqi security sector. If this approach is adopted, it needs to be on the basis of a clear political-security strategy rather than as an *ad hoc* response to short-term operational requirements.

Actions

In order to achieve the vision laid out in this paper, the following actions will be required by CPA and CJTF-7.

Defeat insurgents and terrorists

Action: Create security architecture to run the COIN campaign.

Action: Deploy other security forces, negotiate cross-border agreements and apply diplomatic pressure to support border control efforts.

Build Iraqi security force capacity

Action: Develop legal framework on the use of NIA for internal security.

Action: Incorporate ICDC into the key actions concerning the NIA.

Action: Manage Iraqi public perceptions of the ICDC and NIA through an Information Operation that makes clear their deployment for internal security is an interim measure.

Action: Ensure the MOI has sufficient resources to build-out the IPS into a professional, nation-wide force.

Action: Build Iraqi intelligence services and oversight mechanisms that balance effectiveness with accountability.

Develop coordinated plans for TOA to Iraqi authorities

Action: Develop detailed TOA plan between CJTF7 and CMATT over disposition of NIA & ICDC.

Action: Define command relationship between Iraqi Contingent Command Authority and Coalition Forces.

Criminal Justice

Action: Institute a workable prisons plan.

Action: Ensure judicial security in the medium to long term.

Resolve disposition of militias

Action: Clarify policy and "red lines" on militias.

Action: Enforce weapons control order.

Action: Implement MOI structures across the country.

Action: Recruit militia personnel into the IPS, DBE and NIA and phase out militia stipends.

Action: Deploy the NIA into the Northern region.

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DECLASSIFIED**Build durable and accountable governance for Iraqi security forces**

Action: Manage risks from TOA of FPS to ministries by funding salaries or offering options for unemployed personnel. Rapidly build ministerial capability to manage devolved FPS.

Action: Build legislative oversight mechanisms into the Fundamental Law.

Action: Build Iraqi capacity for oversight of security issues.

Action: Support community policing capacity building initiatives.

Action: Develop or amend legislation covering the security forces

Adopt holistic approaches to conflict prevention and management

Action: Support civil society conflict prevention initiatives and engagement strategies such as the Sunni and tribal engagement strategies.

Action: Develop and implement a program of regional confidence building measures.

Improve CPA security sector management processes

Action: Designate a 'security sector coordinator' to chair an executive level security sector steering group, to produce an integrated strategy, and pursue an integrated planning process.

Action: Undertake detailed planning, including gaming, to ensure seamless TOA to Iraqi institutions in the security transition concept and resolution of command and control arrangements.

Action: Coordinate planning and budgeting across the Iraqi security sector.

Action: Re-examine investment priorities for the security sector.

Action: Develop plans for external assistance to the Iraqi security sector that cover both MNF support for Iraqi security and wider security sector reform programs.

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1 Introduction

One of the implications of the November 15 agreement is the requirement to accelerate the building of Iraqi security sector capacity. Although Multi-national Forces (MNF) will remain in support of the sovereign Iraqi government, the CPA intention is to build sustainable Iraqi security capacity as rapidly as possible. This should allow MNF to withdraw to local and regional control stances in the course of 2004.

1.1 The Goal

The CPA has defined the desired end-state for security in Iraq as follows:

- there is a secure environment for people and property that enables citizens to participate fully in political and economic life;
- the Iraqi government has the means, including its own defense and police forces, to assume its responsibility for external and internal security, including policing of its borders;
- relationships with regional states and with the international community have been established;
- the roles and accountabilities of organizations providing security are clearly defined within a legal framework which governs, *inter alia*, the ownership of weapons.

The goal is to help Iraq build legitimate and accountable systems of security to prevent violent conflict. This needs to be done by reforming the Iraqi security sector so that it supports the emergence of a stable, secure and democratic Iraq.

1.2 The Problem

CPA & CJTF-7 activity in the security sector has often been driven by the short-term requirement to address pressing security needs. The current security sector strategy development process has the following weaknesses:

- We have not designed our security sector development program based on a thorough conflict assessment;
- There is no overarching security vision for Iraq that joins up short-term current activities with long term goals;
- We are focusing on building tactical and operational capabilities - the building of Iraqi governance and oversight capacity is proceeding more slowly;
- Local ownership of the security sector reform process and policy is in its infancy;
- We are focusing on "hard" security force development with limited attention being paid to building "soft" Iraqi capacity to prevent or manage conflicts.

1.3 Considerations

The achievement of the security end-state is by no means only a function of the nature, size and shape of the recognized security forces that may be in place when transition to Iraqi sovereign control takes place. Some of the key factors influencing how the security sector develops are:

- The need to ensure Iraqi buy-in to the policy decisions taken and institutional arrangements being constructed to ensure that decisions that pre-date the transfer of authority outlast the CPA.
- These choices will reflect the political distribution of power in Iraq. For June 2004 this should be codified in the arrangements for a transitional national assembly, including a Fundamental Law which sets out the federal arrangement for Iraq and a statement of civilian political control over Iraqi security forces.

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- The security situation, internal and external, at these transitional points will determine the shape of the security sector. We can only make assumptions about how the security situation will evolve, and about the extent to which MNF will continue to help Iraqis to manage the threats to their security.

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2 Security Sector Reform Best Practices

A strategy for the development of Iraq's security sector can draw on the extensive experience gained by the international community in recent years of reforming security sectors in transitional and failed states.

Security Sector Reform describes the transformation of the security system in a manner that is consistent with democratic norms and sound principles of good governance. The need for SSR has been recognized by the international community in three aspects. First, an understanding that security policy must be concerned not just with state stability but also with the well-being of the population. Second, an understanding that security and development are inextricably linked. In particular, it is important to mainstream security as a governance issue, involving greater public scrutiny. Third, a recognition that security problems for the population often stem from the way in which security systems operate and are organized, regulated and resourced.

It is important to note that SSR goes beyond the uniformed services. The "security system includes the armed forces, the police and paramilitary forces, intelligence services judicial and penal institutions, as well as the elected and duly appointed civil authorities responsible for control and oversight."²

In developing countries such as Iraq, the overall objective of SSR is to create a secure environment that is conducive to development. This involves the development of state capacity "through its security policy and the various instruments at its disposal, to prevent, contain or address specific security threats" but also the building of state and societal capacities to generate conditions that mitigate the vulnerabilities to which people are exposed.³

2.1 Lessons for Iraq

International experience with SSR has identified a number of best practice principles. SSR programs need to:

- Be people-centred, locally owned, and based on democratic principles;
- Integrate development & security policies through civilian oversight;
- Enhance institutional capacity;
- Adhere to transparency and accountability;
- Take a whole-of-government approach.

For international organizations or bilateral donors promoting SSR, there are a number of crucial lessons to keep in mind. These include:

- Balance short-term security requirements with long-term development objectives;
- Develop strategic programmatic framework approaches rather than project by project approaches;

² *Security System Reform: Policy and Good Practice*, OECD, Development Assistance Committee, Network on Conflict, Peace and Development Co-operation 1 Oct 2003.

³ This broadens the agenda beyond state security forces to bring in, for instance, non-state organizations such as citizens' groups, tribal councils and religious institutions which may help prevent or manage violence.

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- Focus on building capacity for process issues, such as how governments can formulate and implement security policies more effectively.

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3 Situational Assessment

Iraqis face five types of security threat: foreign invasion; crime (especially organized crime); political violence (terrorism, insurgency and civil unrest); state violence; and corrupt and highly politicized security sector institutions. The new Iraqi security sector needs to be built so that it will protect Iraqis against all of these threats. Whilst the immediate focus of the CPA is to field Iraqi security forces, it is just as important to design new institutions that will not challenge the civilian government, oppress the population or dispense justice and security in a sectarian or corrupt manner.

3.1 Priorities

On the assumption that MNF will defend Iraq against external enemies, the threat of foreign invasion is a low priority for Iraq's security sector in the coming several years. Political violence, crime and the design of institutions that will underpin the civil government are the most important short-term issues. This prioritization is not currently reflected in the balance of investment between the NIA and internal security structures.

Action: Re-examine investment priorities for the security sector.

3.2 Countering the Insurgency

At least through the end of 2004, the Iraqi government will be fighting an insurgency that involves domestic insurgents (motivated by a range of grievances), external subversion, and international terrorism, complicated by high levels of organized crime. We shall need to implement emergency measures to restore stability. However, it is important to take these measures only within a framework of laws to ensure that they do not set bad precedents for the future development of the Iraqi security sector.

Emergency measures need to include:

- Rapid build up of the ICDC as a local security force to augment Coalition Forces;
- Use of the NIA in internal security;
- Combined command and control structures at national and regional levels;
- Extra resourcing for specialist police units (e.g. anti-terrorist investigation branch; Special Intervention Unit);
- Rapid build-up of internal security intelligence capabilities;
- Limited security cooperation with "compliant" militias;
- Use of CF/MNF for internal and border security;
- [Emergency powers legislation].

Long-term risks arising from these emergency measures that need to be avoided include:

- *Coups*: the emergence of security sector actors (MOI, MoD, NIA or central intelligence service) that are more powerful and better organized than the civil government.
- *Authoritarian state*: the perpetuation of emergency measures by the transitional or a future elected government. This becomes a greater risk if the state is captured by a political party, religious faction or else comes to treat one community (e.g. Kurds, Sunnis, Shia) as the internal enemy.
- *Fragmentation of central authority*: The empowerment of sub-state militias or tribes to assist with short term security needs, possibly reinforced by a territorially-based ICDC, would undermine central authority and run the risk of promoting warlordism.

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COIN Coordination, Command and Control Structures: We need unity of effort to prosecute the counter insurgency campaign. Overall, we need to build command and control structures that will combine political accountability with command efficiency. During the emergency period, it will be important to reinforce these systems with additional coordination mechanisms between Iraqi security forces, CF/MNF and Iraqi political institutions at the national, provincial and local levels. Ideally, a single Commander should be appointed for all security forces during the emergency period.

At the national level, we need a cabinet-type system or National Security Council, which will be at the apex of a National Command Authority. Strategic guidance would be given to the JFHQ, which translates this into operational direction through a Joint Intelligence/Operations Centre (JIOC). Direction goes down to the NIA HQs at the division/brigade levels who conduct operations in support of the ICDC and IPS. Coalition forces would remain in the background, with links into this chain of command. Likewise, the MoI and national police C2 structure would cascade down direction to local levels. JIOCs that direct operations 24/7, to include police, ICDC, NIA, intelligence services, DBE and CF/MNF would be established at each echelon.

Coordinating policy and establishing priorities at the provincial and local level should be the function of **Provincial and Local Council Security Committees**. Committee members at the provincial level, for example, would include the Governor, members of the Provincial Council, the police chief, local NIA/ICDC commander and representatives of other key services (intelligence, DBE, local FPS, key ministries such as transportation). The local MS commander and (up to the transition period), the Governorate Coordinator would also be members.

Action: Create security architecture to run the COIN campaign.

3.3 A holistic security approach

In addition to the development of the Iraqi security sector to address the symptoms of violent conflict, a holistic security approach would address the causes and motives for conflict. A holistic approach could address both internal and external factors.

Civil society conflict management mechanisms are an important adjunct to "hard security" measures to manage internal security threats. These mechanisms have been proved in other conflict-torn societies; the aim is to empower Iraqis to take responsibility for preventing and managing conflicts. The most important conflict management mechanisms are those institutions that CPA is already pursuing (participatory governance, rule of law, accountable security forces that respect human rights). In addition to these mechanisms, programs targeted to allow society to manage its own conflicts can assist in the short term by damping down violence and in the longer term can help build robust civil society institutions. Examples include:

- Social and economic programs that address the roots of violence (e.g. youth unemployment and gun culture);
- Religious outreach and interfaith dialogue;
- Tribal outreach;
- Neighborhood watch schemes to empower citizens to control crime in their own communities.

In order to craft and implement strategies addressing the roots of violence, it is valuable to undertake a holistic conflict assessment, as outlined in the Annex. This will highlight the fact that

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"hard security" measures address mainly the symptoms of conflict; additional initiatives will be required to address the underlying roots of violence.⁴ Undertaking joined-up political-economic-social and security initiatives along these lines will be especially important in relation to the Sunni communities and in flashpoint areas such as Mosul and Kirkuk.

Action: Support civil society conflict prevention initiatives and engagement strategies such as the Sunni and tribal engagement strategies.

External risks can be addressed by foreign policy and defense diplomacy initiatives. In Iraq's case, in addition to regional foreign policy initiatives and border agreements, these can include military Confidence Building Measures and participation in regional security arrangements.

Action: Develop and implement a program of regional confidence building measures.

⁴ Perhaps analogous to the military concept of the "deep" battle in a COIN campaign.

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4 Elements of the Iraqi Security Sector

The effort to develop a reformed Iraqi security sector has faced two critical challenges. First, decisions were taken in the early post-war period to abolish a substantial portion of the sector (armed forces, defense ministry, security services). These elements of the sector are being built anew. Second, the development program has been undertaken against the backdrop of an escalating insurgent and terrorist threat; this has meant that numerous short-term operational priorities have led to security force programs (e.g. ICDC, accelerated police training) that have not yet been put in the context of an overall vision.

4.1 Overview of the Iraqi security sector

To counter the threats outlined in section 3, Iraq requires the following capabilities:

External defense

- A combined arms force able to contribute to Iraq's defense, operating in conjunction with other national and regional forces
- An external and military intelligence capability able to support national defense

Crime

- Accountable, impartial and effective local police forces
- Specialist national police units able to deal with national and international organized crime
- Citizen trust and cooperation with the police force via community initiatives
- An efficient and fair judicial and penal system
- Public or regulated private guard services
- Effective and comprehensive border control services

Political violence

- Domestic intelligence capabilities
- Capability to deal with armed insurgents and public order
- Border control services

These capabilities can be provided in many different ways. In pre-war Iraq, for instance, the intelligence and security services dealt with political violence and some crimes whilst the military undertook external defense as well as internal security.

The "best practice" in SSR is to separate external defense forces (armed forces) from police-led internal security services and to ensure civilian primacy over security affairs. This is the approach the CPA has sought to follow. However, this does not preclude the external defense forces from being used to augment internal security forces, given a basis in law and regulation for military support to the civil authority.

4.2 New Iraqi Army

Current position: The NIA is at an early stage in its development. It will be the basis for a future Army for the defense of Iraq against external threats. By October 1 2004, 27 battalions, 9 brigades and 3 divisions will have been created. In the intervening period, CJTF-7 will assume operational control of brigade headquarters and battalions as they stand up. The first Brigade HQ will deploy to Mosul in January 2004; it is expected to be used for the command and control of

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ICDC battalions operating in the Mosul area. The 2nd Battalion's employment is subject to decisions on creating a quick reaction force to support Coalition operations. Force generation is as follows: 4 battalions and 1 Brigade HQ by end-Feb 04, 1 Division HQ and 2 Brigade HQs in April 2004, 2 Division HQs, 6 Brigade HQs and 12 more battalions in July 2004, and 11 battalions by end-September 2004. An Iraqi Coastal Defense Force and Iraqi Coastal Defense Regiment will be created for boarding, counter-smuggling and maritime interdiction operations in the littoral up to 12 nautical miles, by October 2004. Additionally, an aviation element for transportation and medevac will be ready by September 2004. A JFHQ is planned to be operational by 1 June 2004. Senior military and civilian leadership is being sought through an Outreach program.

Desired end-state: A three Corps, nine division Army with the capacity for conducting all-arms operations would be necessary to defend Iraqi sovereignty. Developing such a capability would be dependent upon a serious 5-10 year investment program. We have no plans to develop such a capability since this depends upon future Iraqi decisions on investment priorities, the nature of regional threats and its relationship with external allies.

Transitional issues: Although the NIA was originally envisaged for traditional defense-type missions, the key question concerns its role in the current emergency. This has to be enshrined in the 'Defense Force Aid to the Civil Authorities Act', being prepared by the General Counsel. Managed carefully, this should enable the right relationship with the IPS who should be in the lead for internal security. During the transition, MNF would increasingly remain in the background as reaction forces for demanding counter-terrorist operations, or hold the ring should law and order break down. The employment of the 2nd Battalion will likely set the precedent for the use of the NIA in internal security. The second issue is the deployment plan for the NIA in relation to CJTF's TOA to Iraqi forces and whether sufficient command and control will exist to manage 36 ICDC battalions to meet the transition timetable.

Action: Develop legal framework on the use of NIA for internal security.

Action: Develop detailed TOA plan between CJTF7 and CMATT over disposition of NIA & ICDC.

Action: Define command relationship between Iraqi Contingent Command Authority and Coalition Forces.

4.3 Iraqi Civil Defense Corps

Current position: The ICDC is a locally recruited and deployed, lightly equipped force designed to augment Coalition Forces. It should enable Coalition (and Multi-national) Forces to reduce their presence, particularly in urban areas. Under plans for local control, it would mount urban and rural patrols, conduct cordon and search, protect fixed sites, establish check points, escort convoys, maintain public order, and help with emergency and disaster response.⁵ ICDC expansion envisages 36 battalions being formed by end-April 2004.

Desired end-state: Transform the ICDC into an army reserve under control of the NIA. Its employment in the current situation is as an activated reserve, task organized by the JFHQ to augment NIA and coalition forces.

⁵ ICDC tasks currently include public order and disaster response. As ICDC units are thrust into the front-line in urban areas, it is a priority to ensure that they receive appropriate public order training and equipment. This role should be handed to thoroughly trained, specialist IPS units as soon as feasible. Disaster response, meanwhile, should be led by the Civil Defense Organization.

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Transitional issues: The control of the ICDC during and after expansion needs to be synchronized with NIA deployment plans. The ICDC should feature in the TOA plans discussed above and be a component of the security architecture. Its (supporting) relationship to the IPS should be clear and, where possible, it should act as an intermediate force, an alternative to the NIA for basic internal security missions. Insofar as possible, the ICDC should never operate autonomously. It is, and should remain, an augmentation force. Avoiding giving the ICDC too much independence at the local level will also reduce the risk of the force becoming overly subject to factional interests.

Action: Incorporate ICDC into the key actions concerning the NIA.

Action: Manage Iraqi public perceptions of the ICDC and NIA through an Information Operation that makes clear their deployment for internal security is an interim measure.

4.4 Iraqi Police Service

Current position: The IPS was one of the lowest status security forces under the previous regime and performed little in the way of modern policing duties. They had little presence outside urban areas. In the post-war period, they lost most of their personnel and equipment. The IPS are now being rebuilt in the major urban centers; a massive recruitment and training program is now beginning.

Desired end-state: A single, nation-wide police service that combines centralized standards and policies with local accountability. The IPS will be the lead internal security and anti-crime capability and will serve all Iraqi citizens equitably. The IPS will operate as a modern, professional force according to international standards of human rights. Its 85,000 officers will be well-trained through a combination of basic mandate training, mentoring and specialist and leadership training.

Transitional issues: The CPA is engaged in an ambitious program to rebuild and enhance the IPS infrastructure and equipment base, to retrain existing officers, to recruit and train afresh new officers and to inculcate modern policing practices and procedures into the force. This program is being undertaken at a time when the IPS finds itself in the front-line of the insurgency campaign. The rate at which the IPS can be transformed into the leading security agency, can operate effectively against crime and political violence and can win the trust of the Iraqi people will be critical to the development of the Iraqi security sector.

Action: Ensure the MOI has sufficient resources to build-out the IPS into a professional, nation-wide force.

4.5 Department of Border Enforcement

Current position: The DBE was created by combining relevant capacities from a variety of government departments. Most border control functions are currently undertaken by Coalition Forces but they are being transferred to the DBE as the department recruits staff, acquires equipment and refurbishes border facilities. The intention is to transfer authority for border points of entry to DBE during the first quarter of 2004.

Desired end-state: A professional, fully-manned border protection agency that combines border policing, customs, passports and immigration. The DBE, assisted by cross-border agreements and visa regimes, that the MFA will negotiate, will be able to control flows of people and goods across Iraq's borders.

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Transitional issues. Currently, there is limited control over Iraq's borders, allowing unacceptable cross-border flows of people and goods, including criminals, terrorists and smuggled goods. Additional assistance will be required from MNF, the NIA and possibly the ICDC in the transitional period.

Action: Deploy other security forces, negotiate cross-border agreements and apply diplomatic pressure to support border control efforts.

4.6 Facilities Protection Service

Current position: Assorted FPS units have been stood up across the country by the MSCs and are now being transferred to the operational and budgetary control of ministries and other public authorities. The ongoing TOA is not proceeding smoothly due to differences in manning levels and budgetary restrictions and the inability of the ministries to fully accept and understand the magnitude associated with the security aspects incorporated into their positions. Furthermore without a full time, permanent and dedicated individual in each ministry, or government entity, they become negligent in their delegated duties. Unless this becomes a high priority for the ministries throughout the governorates this will become a failed first line of defense against civil and criminal lawlessness in Iraq.

Desired end-state: The FPS will be constituted as a professional, well-managed guard force, complemented by a well-regulated private security sector, which provides comprehensive protection to important public facilities and personnel. Each Iraqi ministry and local authority will fund and manage its FPS force, within a framework of standards provided by the MOI.

Transitional issues: TOA of FPS to Iraqi entities will complete early in 2004 but decisions need to be made regarding funding scales and ministerial management of FPS, with oversight by MOI and CPA due to the inability of some ministries to take on their own security responsibilities.

Action: Manage risks from TOA of FPS to ministries by funding salaries or offering options for unemployed personnel. Rapidly build ministerial capability to manage devolved FPS.

4.7 Intelligence

Current position: The former Iraqi intelligence services have been disbanded and their personnel disqualified from government service. The Coalition has created a number of tactical and operational intelligence units to counter security threats. The IPS is developing basic criminal intelligence capabilities in Baghdad and a national criminal intelligence unit is planned by the MOI. Oversight capabilities at the executive level are planned in the MOD and MOI structures. Training opportunities for senior officials as future intelligence consumers and oversight providers are being looked at. The legal framework for subordination, coordination and oversight of the Intelligence community has yet to be developed.

Desired end-state: Iraq will have a criminal intelligence [and security intelligence] capability within the police service, one or more apolitical, civilian intelligence services dealing with internal and external intelligence and a tactical and operational Military Intelligence capability. The exact structures and roles remain to be determined. There will be a legislative oversight committee and executive oversight functions at relevant ministries. There will be civil service capacity to provide a central intelligence coordination function, perhaps in the form of a Joint Intelligence Committee. At least during the insurgency period, intelligence coordination needs to cascade down to provincial and local levels via Joint Intelligence/Operations Centers.

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Transitional issues: Iraq never had intelligence services in the contemporary Western sense but rather had suppressive apparatuses that spied on its own citizens. Iraq never had a strong Military Intelligence capacity either. Consequently, there is a lack of personnel trained for Intelligence oversight and/or intelligence collection and analysis. There are no intelligence officers with democratic experience. It is a concern for the Coalition to select and train suitable personnel for management posts in the new services. There is no political tradition of a apolitical, civilian Intelligence services in Iraq. Iraqi political leaders need to be educated in the basic principles of how Intelligence services are run in a democracy.

There is an urgent need to improve coalition and Iraqi intelligence capabilities to counter insurgents and terrorists. This is being met at the tactical and operational level, including by limited cooperation with party intelligence services. Equally important, however, is long term planning for Iraqi intelligence capacity and the building of oversight mechanisms and legal frameworks to ensure the protection of human rights and to avoid future political misuse of the intelligence services.

Action: Build Iraqi intelligence services and oversight mechanisms that balance effectiveness with accountability.

4.8 Criminal Justice

Current position: Courts are back up and running nationwide, albeit at below their pre-war capacity. Special security courts have been abolished. Fundamental revisions to the penal code and procedures have been implemented, including suspension of the crime of "insulting the President" and a right to criminal defense counsel at every stage of investigation. Judges are being removed for past corruption, close ties to the Baath Party or the former regime, or complicity in atrocities. A Central Criminal Court, staffed with judges and prosecutors reputed for integrity, has been established to hear cases of national moment. Prisons, left decrepit by former-regime neglect and postwar looting, are being repaired or reconstructed.

Desired end-state: A court system that is fair, impartial, and expeditious, that honors due process and basic human rights, and that is so regarded by the public. A prison system with humane prisons that seeks to rehabilitate, and does not abuse, inmates.

Transitional issues: The holistic reform of the criminal justice sector is vital to the building of durable security capacity. It is important to ensure that the justice and policing systems develop together and are mutually reinforcing. Progress is interdependent. There are four critical dependencies that will affect progress.

- As coalition troops withdraw from supporting courts and prisons, it is vital to have in place civilian (contractor) personnel to operate the system and to build Iraqi capacity.
- The judiciary is extremely vulnerable to violence, which will undermine the whole judicial process. Judicial personnel and courthouses are dependent on police protection.
- The justice system requires a high level of skill in the investigation and preparation of cases for trial according to international standards. This is a joint police-judicial capability that needs to be developed early in 2004.
- Judicial authority and credibility comes from the evenhanded administration of justice. This entails the fair application of the rule of law to free the innocent and appropriately punish the guilty. It also requires proper treatment of those persons held pending trial, the prompt resolution of the allegations made against them, and humane and rehabilitative treatment of those incarcerated after conviction. A considerable problem is

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the availability of sufficient numbers of secure prison spaces and properly trained correctional supervisors and guards.

Action: Institute a workable prisons plan.

Action: Ensure judicial security in the medium to long term.

4.9 Militias

Current position: Militias outside the scope of national control are a destabilizing force ultimately detrimental to a secure and stable Iraq. Up until now the thinking within CJTF-7/CPA has been to implement the Demobilization, Demilitarization and Reintegration (DDR) of all militias through a series of confidence building measures which include; new security forces subject to the rule of law, engagement, phased disarmament, economic development, peaceful and legitimate political empowerment and the transition from parochial political and security structures to a modern national security structure with in built safeguards. There are over 30 known militias active in Iraq and it is estimated that there are between 30,000-60,000 militia personnel.

Desired end-state: The long term goal of CPA is for armed militias to disappear or to be transformed into political parties. Militia personnel will be absorbed into state security forces as individuals, not as formed units. This may no longer be a viable objective.

Transitional issues: An integrated DDR process has not been instituted but does inform a range of CPA policies (e.g. stipends, weapons control order, and targeted recruiting campaigns for new security forces). An integrated DDR strategy would require a concerted military effort by CJTF-7 to force DDR of some militias, and for MOI to have sufficient trained IPS to fill the vacuums created by the removal of militias. A primary task would be enforcement of the weapons control order. Any re-integration process would require a concerted effort on behalf of many ministries. Notably, MoTrade & MoLSA (create jobs), MoEdn (to provide schooling), MoI and MoD for integration of militia personnel into the security sector. One important step will be the deployment of the NIA in the north and the opening of the Suleymaniya and Zakho NIA training centers. This must however be accompanied by a cut in peshmerga stipends or an increase in NIA salaries to make employment in the NIA attractive.

Since the November 15 Agreement, there has been a tendency amongst the political parties to hold onto their militias to protect their interests during a volatile transition period. The creation of an ICDC "special battalion" and CT company from G-5 militias is a departure from the previous CPA policy of seeking to disband militias but may provide an alternative means of integrating the party militias.

Action: Clarify policy and "red lines" on militias.

Action: Enforce weapons control order.

Action: Implement MOI structures across the country.

Action: Recruit militia personnel into the IPS, DBE and NIA and phase out militia stipends.

Action: Deploy the NIA into the Northern region.

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5 Governance & Accountability

Establishing effective and durable civil governance of the Iraqi security sector is fundamental to ensuring the transition to a stable democracy and a durable peace. It would be too easy for Iraq to revert to past models in which the military or other security agencies subvert civil government, where they become instruments of repression wielded by an undemocratic government or where sub-state militias lead to the weakening of central authority.

The rapid build-up of fielded Iraqi security forces must not come at the expense of establishing robust governance frameworks within which these forces will work. At present, the institutionalization of CPA/Iraqi civil governance mechanisms is falling behind the development of fielded forces.

5.1 National oversight & civilian control

On the national level, the institutionalization of civil governance is beginning with the MOI, MOJ, GC sub-committees and the OSA senior leadership program. It is not yet clear that these efforts will succeed in institutionalizing durable civil governance mechanisms.

Political Oversight: National political oversight mechanisms are being developed in the form of the GC sub-committees on national security and foreign affairs but the Fundamental Law will have to go much further in creating legislative oversight mechanisms to hold the security ministries and forces to account. In addition to laying down the legal framework, CPA will have to support capacity building by educating Iraqi political leaders.

Action: Build legislative oversight mechanisms into the Fundamental Law.

Action: Build Iraqi capacity for oversight of security issues.

National Command Authority: [NSC or other structures]

MoD and JFHQ: A MoD will be created by 1 July 2004. Its main function will be strategic policy-making and planning. It will be a civilian-led organization but will include civilians and military personnel. It will also disseminate strategic direction to the JFHQ, planned to operate by 1 June 04. It should link into the NSC and establish good liaison with the MoI. The JFHQ will serve two main functions: managing the capabilities of the New Iraqi Armed Forces and directing the conduct of operations. It is planned to combine the MoD and JFHQ Staffs. The challenge will be sourcing strong Iraqi leadership and good staff principals in time to start operating post-June 1st.

Provincial Level: Governors and Provincial Councils will not be in the NIA/ICDC/intelligence service chains of command. They will however have oversight responsibilities for the IPS and Civil Defense Organization.⁶ Governors will have responsibility for coordinating regional public safety mutual aid plans which, during the emergency period, will involve a leading role in the coordination of provincial security committees.

Action: Create security architecture to run the COIN campaign.

⁶ The naming of the ICDC CPA/CJTF-7 has confused both CPA staff and Iraqis. The Civil Defense Organization refers to the nation-wide fire and rescue service operating under the MOI, not to the ICDC.

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Ministry of Interior: The MoI has established a structure in which there is civilian control at all levels. Civilian politicians and officials will hold all policy offices but professional officers will have a degree of autonomy. The outstanding issue is the question of the structure of the national police service and the relationships of local police services with Governors and Provincial Councils. The model currently being proposed involves a higher degree of central control than initially envisaged; this has been deemed necessary in the emergency period. However, it will be important to educate and train Iraqi police officers and empower local oversight bodies so that democratic oversight is strengthened.

Action: Support community policing capacity building initiatives.

5.3 Legal Framework

A clear legal framework is required to govern the roles and relationships of Iraqi security forces. Existing CPA Orders covering the NIA (Order 22 and Order 23), the FPS (Order 27) and the ICDC (Order 28) can be translated into the Fundamental Law and future Iraqi legislation. We assume the NIA orders can be extended to cover the ICDC. Additional work is needed to:

- develop legislation covering the role of the armed forces in support of the civil power;
- clarify the legal framework for policing to ensure consistency of Iraqi legislation with international human rights standards;
- develop legislation covering the establishment of intelligence services;
- develop or amend legislation covering the operations of intelligence and investigative services (e.g. surveillance, wiretapping, emergency detention).

Action: Develop or amend legislation covering the security forces.

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6 External Assistance

What should be the nature and extent of external assistance to the Iraqi security sector? The Security Agreement that will be completed by March 31 2004 will govern the roles and rights of MNF in support of the Iraqi government for external and internal defense. Other agreements will be put in place to support activities such as police training and judicial reform. However, it is important to define a broader level of engagement to ensure that international political, development and technical assistance supports holistic reform of the security sector and its governance capacity.

[NB: this section requires additional development by CENTCOM/CJTF7, OSA/CMATT, MOI, MOJ & MFA]

Action: Develop plans for external assistance to the Iraqi security sector that cover both MNF support for Iraqi security and wider security sector reform programs.

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7 The Way Ahead

The CPA security sector has revised plans for the development of Iraqi security capacity by July 2004. However, CPA still lacks an organizational mechanism for delivering joined-up policy direction on the security sector.

Action: Designate a 'security sector coordinator' to chair an executive level security sector steering group, to produce an integrated strategy, and pursue an integrated planning process.

In implementing the revised plans, there are four overarching factors that CPA, CJTF-7 and Iraqis will have to focus upon.

7.1 Timetables and transition points

The security transition concept lays down a conditions based schedule for building Iraqi security capacity and transitioning to Iraqi control. The concept involves moving to full local control (i.e. Iraqi capacity to police urban areas) by March 2004 and to regional control (i.e. Iraqi capacity to police provinces) by September 2004. Implementing the security transition concept will require detailed planning for hand-offs. Questions that need to be resolved include: what will be the respective roles of NIA/ICDC and IPS and how will they be integrated into CF/MNF command and control structures and how will Governorate Teams and Iraqi Local Government Institutions institutionalize control over security forces in the regions.

Action: Undertake detailed planning, including gaming, to ensure seamless TOA to Iraqi institutions in the security transition concept and resolution of command and control arrangements.

7.2 Budgeting and Investment

Integrated planning and budgeting across the Iraqi security sector is not yet in place. The problems are now becoming evident as transfers of authority take place from CJTF-7 to ministries, notably in relation to the FPS.⁷ Better integration of planning and budgeting activities would help avoid such problems.

Action: Coordinate planning and budgeting across the Iraqi security sector.

⁷ It is probable, once TOA is complete, that thousands of FPS personnel will be laid off by ministries since MSCs hired more guards than were catered for in ministry budgets. Lay-offs are likely to be concentrated in the November-January timeframe. There will also be significant salary cuts for FPS personnel after TOA as a result of new pay scales. This is leading to demoralization and possible security risks.

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ANNEX Conflict Assessment⁸

Conflict is a normal and healthy part of any political process. The conflict that is of concern here is that which finds expression as large-scale violence. The aim of a country conflict assessment is to identify and prioritize the most important causes of violent conflict to allow effective intervention by national institutions or by international partners. A systematic conflict assessment would ensure that CPA and Iraqi policies are addressing not just the symptoms but also some of the root causes of violent conflict in Iraq.

One model that may be useful in Iraq is that developed for USAID's conflict assessment process. This model seeks to help decision makers address conflicts at four levels.

Motive (root causes)

Most individuals do not engage in or support large-scale violence. Many may however have latent motives for supporting or engaging in violence.

Grievances are those underlying factors that make people angry and willing to engage in violence. They can include ethnic and religious divisions, poverty, environmental scarcity, disputes over land or other resources.

Greed is another type of motive. Violent conflict can be beneficial for conflict entrepreneurs who constitute a war economy. These entrepreneurs have a vested interest in instability from which they can profit (banditry, crime, smuggling, drugs, control of natural resources, protection rackets).

Means (factors that facilitate mobilization & expansion of violence)

An intention to commit large-scale violence remains latent unless the means are available. These include money, weapons, recruits, organizational networks and external backing. Without some combination of these means, then latent grievances will remain unexpressed.

Opportunity (causes due to political or social institutions)

Political and social institutions filter grievances and can serve either to provide or deny the opportunity for violence. *Poor institutions* may fuel discontent through repression, corruption and poor governance; they can fail to limit flows of recruits and arms or even provide resources to opposing factions; they can facilitate the emergence of violence-prone elites. *Good institutions*, in contrast, can address grievances in a responsive manner, they can block access to arms and funds and find alternative employment for potential recruits and they can constrain opportunistic elites.

Regional & international causes

Overt or covert military intervention by other states poses the threat of violence. Transnational networks are an important factor in sustaining internal conflicts; these may be economic networks (e.g. smuggling), ethnic or religious networks or criminal or terrorist networks. External state actors can also fuel a conflict directly or indirectly.

Conflict Triggers

Windows of vulnerability – events that threaten to fundamentally change the balance of economic or political power:

⁸ *Conflict Assessment Framework*, USAID January 7, 2002

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- Elections
- Changes in distribution of power (e.g. decentralization)
- Economic shocks
- Assassinations, riots, etc

Changes in the balance of political or economic power are particularly likely to be triggers of conflict when political power is the main route to economic power or where established monopolies are upset at local or national levels. The problem is the mobilization by elites of violence to preserve or to compete for power.

Implications for Iraq

Identify one or two of the most important root causes & bring resources to bear as that cause manifests itself along the causal chain (motive-means-opportunity-external).

Motive

There are many motives for violent conflict in Iraq. These include political and economic grievances and the interests of conflict entrepreneurs. One of the motives clearly present is relative poverty (especially amongst men employed by the previous regime). This overlaps with a youth bulge – i.e. a disproportionate share of 15-25 year olds in the population. At the same time, identity (e.g. tribal or religious) may provide a motive for violence as political leaders exploit fears of losing out in the new political dispensation.

Means

In order for violence to be any other than sporadic or localised, leaders need to be able to recruit, arm, finance and organize fighters. Organizational structures include networks of former regime military or intelligence personnel; tribal structures; religious structures (e.g. the Wahhabi movement) or political parties. Studies have shown that a very high level of ethnic fragmentation corresponds to a lower level of violence due to the difficulties in coordinating action even on shared grievances across groups – perhaps reflecting the validity of the old imperial concept of divide and rule. The other means (arms, finance, recruits and warfighters) are in ample supply in Iraq.

Opportunity

State and societal institutions can address or exacerbate root causes; they can block access to conflict resources; they can constrain elite behavior; and they can manage international pressures. Unfortunately, Iraq has been left with very weak state institutions in this phase of political transition. Of 152 countries studied over 50 years, partial democracies are four times more prone to civil war than democracies. The main issue driving recent civil conflicts has been contention for state power in the aftermath of efforts to democratize autocracies. Most violence has been by entrenched political elites seeking to hold onto power, often by inciting violence on ethnic lines. These types of conflicts have been associated with 50% more deaths and refugees than conflicts based on demands for autonomy or secession.

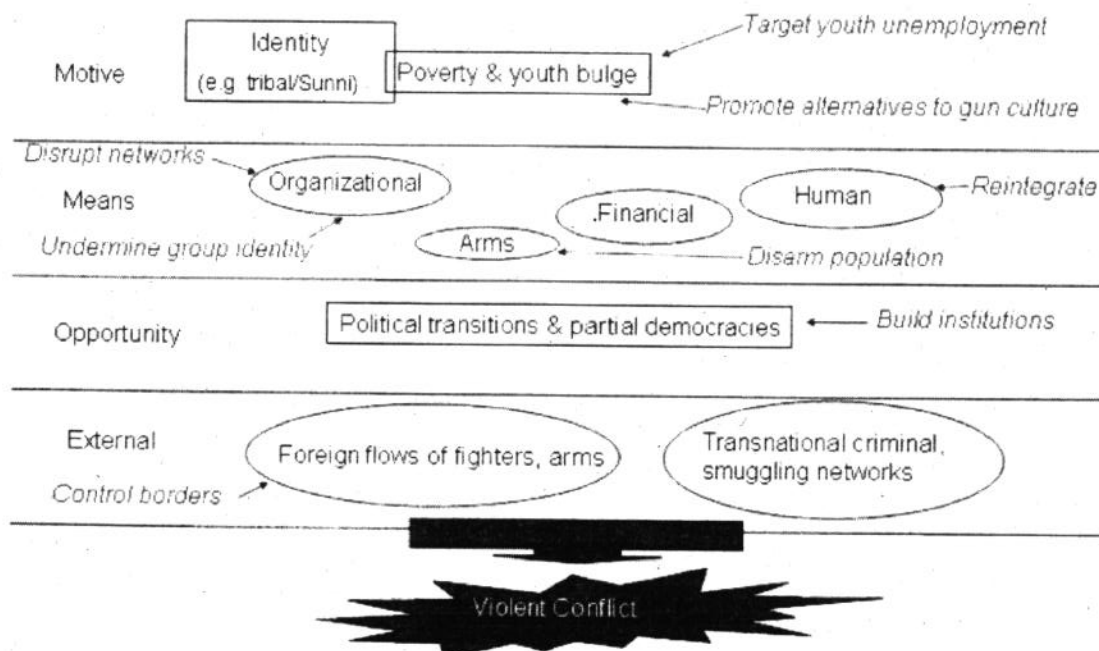
External

In addition to the obvious problem of external state intervention (in Iraq's case this would include covert Iranian intervention), Iraq suffers from being in a bad neighborhood, with porous borders.

Dec 04, 2003



iraq conflict assessment



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